

TO CONFIRM CERTAIN LAND CLAIMS IN THE TERRITORY OF NEW MEXICO.

[To accompany Bill H. R. No. 195.]

APRIL 2, 1860.

Mr. KENYON, from the Committee on Private Land Claims, made the following

REPORT.

The Committee on Private Land Claims, to whom was referred certain private land claims in the Territory of New Mexico, made the following report:

That those claims were, at the last Congress, investigated by the Committee on Private Land Claims, and a favorable report made.

This committee adopt such report, and recommend the passage of the accompanying bill.

IN THE HOUSE OF REPRESENTATIVES, *May* 29, 1858.

Mr. SANDIDGE, from the Committee on Private Land Claims, submitted the following report.

The Committee on Private Land Claims, to whom was referred a large mass of documents relative to private land claims in the Territory of New Mexico, instruct me to make the following report:

It appears that a number of these claims were before the Committee on Public Lands of the last Congress; but, from some cause, no action was taken thereon by the committee, nor by Congress. Those claims, with others, since forwarded by the surveyor general of the Territory, have received the most careful attention your committee could give them; but, in justice to the committee, I must say this examination has been confined entirely to what seemed to be the principal papers in each case; having no time to scrutinize the evidence and the application as made by the surveyor general of the Spanish and Mexican laws and usages to each of them in detail. Nor will it ever be in the power hereafter of any committee of this House to make such an examination as will be entirely satisfactory, should these claims be allowed to accumulate before Congress. It is now ten years since the

Territory of New Mexico was acquired, and nearly four years since the surveyor general of the Territory was authorized to examine and report to us the private land claims of its people; and although protected, as is supposed, by treaty, in the enjoyment of their property, no man in that Territory, without some action of Congress, can say that his title, however acquired, would hold against any claimant who might purchase his lands from the government.

Heretofore, and from the same cause which has embarrassed your committee, Congress has been compelled, in passing upon similar claims in Louisiana, Florida, and Missouri, to rely upon the report of the several boards of land commissioners, and to confirm or reject, by whole classes, as recommended by the commissioners.

In view of such action, the people of New Mexico are not at all pleased to be compelled by law to submit their muniments of title to one man, whose fitness for surveying is not supposed to qualify him particularly for discharging the duties of a judge, and yet whose opinions are expected to control, to a great extent, the final action of Congress upon their claims.

Because of this, and that Congress, if it shall reserve the right to itself of passing judgment, *must* rely upon the report of an examining commission, your committee believed it very important that such a board should consist of at least three persons, whose recommendations, whether to Congress or a judicial tribunal, would be entitled to and command more respect than your committee or the House can award to the report of the surveyor general alone.

But as Congress may not create such a board, and as it is due to the parties interested that the titles by which their lands are held should not be passed over to be settled by another generation, your committee have authorized me to report favorably (with one or two modifications) upon all the claims recommended for confirmation by the surveyor general; with the understanding that should the action of Congress conform to the views of the committee as to this board, the claims may be finally determined under the new law.

But for the gross injustice to the people of New Mexico, of delaying for an indefinite period action upon their claims, and the certainty that under existing arrangements Congress can never consider them under more favorable circumstances than at this time, your committee would not have been willing to report upon any of these individual claims for the reason first stated—want of time to examine fully, and the unknown quantity of land claimed by most of the parties.

This last difficulty cannot be obviated without a survey of the lands, and that, it is presumed, will not be ordered by Congress, in advance of a recognition of title.

Of the fourteen claims proposed to be confirmed by the bill here reported, the area of but five of them is either stated or estimated. They are for one league, four leagues, five leagues, seven thousand six hundred acres, and about twenty thousand acres.

Whether the other claims embrace a less or greater amount is not and cannot be made known from the documentary evidence of title forwarded by the surveyor general.

The grant in each case refers to some stream, hill, mountain top, valley, or other known natural object for boundary.

LAND CLAIMS—NEW MEXICO.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Transcripts of three land claims in New Mexico.

FEBRUARY 12, 1857.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
February 11, 1857.

SIR: I have the honor to transmit herewith, for the action of Congress, contemplated by the 8th section of the act of 22d of July, 1854, the transcripts of three land claims in New Mexico, designed for the House of Representatives, as per letter from the Commissioner of the General Land Office of the 10th instant, a copy of which is enclosed. Similar documents, submitted by the Commissioner in the same letter, for the Senate of the United States, have been appropriately disposed of.

With great respect, your obedient servant,
R. McCLELLAND, *Secretary.*

Hon. N. P. BANKS,
Speaker of the House of Representatives.

GENERAL LAND OFFICE,
February 10, 1857.

SIR: I have the honor to submit to the department the following documents, transmitted to this office by the surveyor general of New Mexico, with his letter dated 31st December, 1856, to wit:

Claim No. 14, of Charles Beaubien—Transcripts for the House of Representatives, embracing copies of grant, (original;) translation of grant; order of prefect's court; notice of claim; deed of administrator; testimony, and report.

Also similar documents for the United States Senate, with the exception of another transcript of the original grant, which has not been received from the surveyor general.

Claim No. 29, Casa Colorado.—Transcripts for the House of Representatives, embracing copies of grant, (original;) translation of grant; notice; testimony, and report.

Also similar documents for the United States Senate, with the exception of another copy of original grant, which has not been received from the surveyor general.

Claim No. 32, of Hugh Stevenson et al.—Transcripts for the House of Representatives, embracing copies of grant, (original;) translation of grant; testimony; map of the Bracito tract of land; deed of Francisco Gracia y San Juan to Hugh Stevenson et al.; deed of Hugh Stevenson et al. to Francisco Gracia y San Juan; notice; brief, and report.

Also similar documents for the United States Senate, with the exception of other original copies of grant and map of the Bracito tract of land, which have not been received from the surveyor general.

The foregoing three claims have been examined and approved by the surveyor general of New Mexico, who, in transmitting the above mentioned copies of the documents, requested that the same may be submitted to Congress at their present session, for their action upon the claims, and they are therefore accordingly herewith submitted that purpose.

With great respect, your obedient servant,

THOS. A. HENDRICKS,
Commissioner

Hon. R. McCLELLAND,
Secretary of the Interior.

CLAIM NO 14 OF CHARLES BEAUBIEN.

SEAL FOURTH [SEAL.] TWO RIALS.

For the years one thousand eight hundred and forty-two and forty-three.

Most Excellent Governor Don Manuel Armijo:

Luis Lee, a naturalized citizen and resident of the first demarcation of Taos, and Narciso Beaubien, a citizen and also a resident of the above named place, appear before your excellency in the manner and form best provided by law, and most convenient to us, and state: That desiring to encourage the agriculture of the country and place it in a flourishing condition, and being restricted in lands wherewith to accomplish said purpose, we have seen and examined with great care that embraced within the Costilla, Culebra, and Trincheras rivers, including the Rito of the Indians, and the Sangre de Christo, to its junction with the Del Norte river, and finding in it the qualities of fruitfulness, fertile lands for cultivation, and abundance of pasture and water, and all that is required for its settlement, and the raising of horned and woollen cattle; and being satisfied with it, and knowing that it is public land, we have not hesitated to apply to your excellency

lency, praying you, as an act of justice, to grant to us the possession of a tract of land to each one within the aforementioned boundaries, promising to commence the settlement of the same within the time prescribed by law, until the colony shall be established and permanently fixed, provided your excellency be pleased to grant it to us. Such is the offer we make and swear it is not done in malice.

LUIS LEE.

NARCISO BEAUBIEN.

SANTA FÉ, *December 27, 1843.*

SANTA FÉ, *December 30, 1843.*

Referred to the prefect, in order that if the land petitioned for be not otherwise disposed of, he cause the possession referred to by the petitioners to be given.

ARMIJO. [Rubric.]

MACIANO VIGIL, [Rubric.]

Acting Secretary.

RIO ARRIBA, *January 7, 1844.*

The justice of the peace to whose jurisdiction belongs the land petitioned for, which I believe should be the third demarcation, having before him the superior degree of the most excellent governor of the 30th of December last, will proceed to the land and place the petitioners in possession, provided it is not to the injury of third parties.

ARCHULETA. [Rubric.]

To Don Miguel Sanchez, justice of the peace of the third demarcation:

The undersigned, Mexican citizens and residents of this precinct, in the most approved manner provided by law, appear before you and state that the public land contained in the foregoing statement having been granted to us by the government of the department, as will be seen by the superior degree entered on the margin, and lacking the certificate of possession which will insure to us our legal title thereto and prevent any one from disturbing us, we pray you to consider us as having presented ourselves, after which we will enlarge this for such ends as our rights may require. Therefore, we pray you to grant our request, justice being what we ask for. We swear that it is not done in malice, and in whatever may be necessary, &c.

LUIS LEE.

NARCISO BEAUBIEN.

Taos, *January 8, 1844.*

JANUARY 8, 1844.

Considered as presented and received as far as required by law, I, the present justice, proceeding with my attending and instrumental witnesses to the place designated in the foregoing documents, and let the possession selected by the petitioners to be given so that they, their heirs and successors may hold the same by a just title. The citizen Miguel Sanchez, justice of the peace of the third jurisdiction of Taos,

so provided, ordered and signed, with those in his attendance. To which I certify.

JOSÉ MIGUEL SANCHEZ. [Rubric.]

Attending—

JUAN RAMON VALDEZ. [Rubric.]

PEDRO VALDEZ. [Rubric.]

In the pueblo of Taos, on the twelfth day of January, one thousand eight hundred and forty-four, I, the citizen Miguel Sanchez, justice of the peace of this demarcation, by virtue of the direction contained in the foregoing decree, proceeded to the land referred to by Don Luis Lee and Don Narciso Beaubien in the foregoing instrument, and being then there with my attending and instrumental witnesses for that purpose appointed, the landmarks of the boundaries were then established according to the manner in which the land is described in the preceding petition, and corresponding with the plat which I rubricated and commencing on the east side of the Del Norte river, a mound was erected at one league distance from its junction with the Costilla river, thence following up the Rio Del Norte, on the same eastern bank, to one league above the junction of the Trinchera river, where another mound was erected, and continuing from west to northeast, following up the current of Trinchera river to the summit of the mountain, where another mound was established, and following the summit of the mountain to the boundary of the lands of Miranda and Beaubien, the fourth mound was established, and continuing on the summit of the Sierra Madre, and following the boundary of the aforementioned lands to opposite the first mound erected, on the Del Norte river, where the fifth and last mound was erected, and from thence in a direct line to the first one erected on the north, and being registered, I took them by the hand, walked with them and caused them to throw earth, up weeds, and other evidences of possession, whereupon the proceedings were concluded, the boundaries determined, without any conflict or claim of any third party, as I, the aforesaid justice, in the name of the sovereignty of the nation, (may God preserve it,) gave to the aforementioned Don Luis Lee and Don N. Beaubien the personal and perfect possession which they solicit, serving as a title for them, their children and successors, in which I will protect and defend them, and I order them not to be deprived thereof without being first heard, and sentence given against them according to law and evidence.

In testimony whereof I sign with my attending and instrumental witnesses, who were Messrs. Ceran St. Vrain, Manuel Martin, and Juan Ortega, at present residents of this precinct. To which I certify.

JOSÉ MIGUEL SANCHEZ

Instrumental—

CERAN ST. VRAIN.

MANUEL ANTONIO MARTIN.

JUAN ORTEGA.

Fees \$30.

NOTE.—The words interlined are valid.

[Rubric.]

Attending—

JUAN RAMON VALDEZ.

PEDRO VALDEZ.

SURVEYOR GENERAL'S OFFICE,
Translator's Department, June 18, 1856.

I, David V. Whiting, translator, certify the foregoing to be a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, December 30, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico.

May Term, 1847.

DON FERNANDO DE TAOS,
May 3, 1847.

"This being the regular May term of the prefect's court, it met and was opened according to law." And among other proceedings, the following were held: And the said Joseph Pley, administrator as aforesaid, presented the following petition to the court, in letters and figures as follows, to wit:

To the honorable judge of the prefect court for the county of Taos, Territory of New Mexico.

Your petitioner, Joseph Pley, administrator of the estate of Stephen L. Lee, deceased, respectfully represents that the personal estate of the said Stephen L. Lee, deceased, is insufficient to pay the debts of the estate, as will appear by the account of your petitioner's administration. The list of debts due to, and by the deceased remaining unpaid, and there being no other assets in the hands of your petitioner whereby to enable him to meet the demands against said estate, your petitioner, therefore, prays that so much of the real estate of the said deceased may be sold, by order of the court, as will be sufficient to pay the debts of the deceased, and that your honor will make an order, ordering your petitioner to proceed to sell all or a part of said real estate, at either private or public sale, and upon such terms as to your petitioner, under the instructions of the court, may seem most beneficial to the interest of all concerned.

JOSEPH PLEY,
Administrator of S. L. Lee, deceased.

DON FERNANDO DE TAOS,
May 3, 1847.

To Joseph Pley, administrator of the estate of Stephen L. Lee, deceased:

Your petition to the prefect court within and for the county of Taos, Territory of New Mexico, praying to said court to sell the real

estate of Stephen L. Lee, deceased, or so much thereof as will satisfy such claims as may be presented. The court as aforesaid grants the request contained in said petition, and that you are hereby permitted to sell said real estate at private sale, at not less than the value appraised.

Witnesses Robert Cary, clerk of the prefect court for said county, at Don Fernando de Taos, this third day of May, A. D. 1847.

Approved :

ROBERT CARY, *Clerk.*

VINCENTE MARTINEZ, *Prefecto.*

I hereby certify that the foregoing is a true copy of the record of the prefect court on file in my office of the May term of said court, held in the town of Don Fernando de Taos, on the first Monday of May, A. D. 1847, at which time Vincent Martinez was prefect and Robert Cary clerk.

Witness Pedro Valdez, clerk of the prefect's court of the county of Taos and Territory of New Mexico, and my private seal, the [L. s.] being no seal for said county, August 1, 1855.

PEDRO VALDEZ, *Clerk.*

TERRITORY OF NEW MEXICO, }
County of Taos. }

I, José Benito Martinez, judge of the probate or prefect's court within and for the county of Taos, do hereby certify that Pedro Valdez, who signed the foregoing certificate; and whose signature there is genuine, was at the time of so doing clerk of said court.

Given under my hand this sixth day of August, A. D. 1855.

JOSÉ BENITO MARTINEZ,
Judge of Probate.

UNITED STATES OF AMERICA, }
Territory of New Mexico. } ss :

I, W. W. H. Davis, secretary of the Territory of New Mexico do hereby certify that José Benita Martinez, whose certificate is herein annexed, and who has thereto subscribed his name, was at the time of so doing a judge of probate in and for the county of Taos and Territory aforesaid, duly elected and qualified to act as such, and that the signature purporting to be his is genuine.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my seal of office the 11th day of August, A. D. 1855.

W. W. H. DAVIS,
Secretary Territory of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, December 30, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico.

This indenture, made this 4th day of May, in the year of our Lord one thousand eight hundred and forty-eight, between Joseph Pley, administrator of Stephen L. Lee, deceased, of the county of Taos, and Territory of New Mexico, of the first part, and Charles Beaubien, of the same county and Territory, of the second part, witnesseth: That whereas an order was entered at the January term of the prefect's court of the county of Taos, commanding the said José Pley to sell, as administrator of said estate, all the real estate of said deceased for the payment of debts allowed against said estate. Now, therefore, by virtue of said order, the said party of the first part, for and in consideration of the sum of one hundred dollars to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, doth hereby give, grant, bargain, sell, convey, transfer, and make over unto the said party of the second part, his heirs and assigns forever, all the right, title, and interest of the said Stephen L. Lee, in and to the following described tract, lot, or parcel of land, all that certain tract of land known as the Sangre Christi claim, and which was granted by the Mexican government to Stephen L. Lee and Narciso Beaubien, and described as follows: Beginning from a point one league below the confluence of the Rio de Castillo and the Rio del Norte, thence up the Rio del Norte on the eastern bank to a point one league above the mouth of the Trinchera; thence north-northeast to a point on the mountain; thence along the mountain southeast-east to an established point on the top of the mountain; thence south along the line of the poniente claim of Miranda and Beaubien; thence to a point about a league south of the Rio Castillo; thence west to the place of beginning, and number of acres not known; to have and to hold the afore granted premises unto the said Charles Beaubien, his heirs and assigns, forever.

In testimony whereof the party of the first part has hereunto set his hand and affixed his seal the day and year above written.

[L. s.]

JOSEPH PLEY,

Administrator of the estate of Stephen L. Lee.

In presence of—

VIDAL TRUGILLO.

TERRITORY OF NEW MEXICO, *County of Taos, ss:*

Be it remembered that, on this eleventh day of May, in the year eighteen hundred and forty-eight, Joseph Pley, administrator of the estate of Stephen L. Lee, who is personally known to the undersigned, clerk of the circuit court for said county, to be the same person whose name is subscribed to the foregoing instrument in writing, and acknowledged the same to be his act and deed as administrator as aforesaid, for the purposes therein mentioned.

Taken and certified the day and year above written.

ROBERT CARY, [SEAL.]

Clerk of the Circuit Court.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, December 30, 1847

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico

To General William Pelham, surveyor general of the Territory of New Mexico:

Charles Beaubien, a citizen of the United States, and a resident of the Territory of New Mexico, represents that he is the legal owner in fee of a certain tract of land lying and being situate in the county of Taos, in said Territory of New Mexico, known as the Sangre de Cristo grant described as follows: Beginning from a point one Spanish league below the confluence of the Rio de Costillos and the Rio de Norte; thence up the Del Norte, on the eastern bank, to a point one league above the mouth of the Rio Trinchera; thence northeast to a point on the mountain; thence along said mountain southeast to a point established on the top of the said mountain; thence south to the boundary of the lands of Miranda and Beaubien; thence along said boundary to a point about one league south of the Rio Costilla; and thence west to the place of beginning; all of which points and boundaries are well known landmarks, and monuments were placed at the same at the time of giving possession of the same to the original grantees. The said Charles Beaubien, the present claimant and actual owner, claims a perfect title to said lands by virtue of a grant made on thirtieth day of December, A. D. 1843, by Manuel Armijo, governor of the department of New Mexico, and perfected according to law by possession being given by the alcalde, José Miguel Sanchez, on the 12th day of January, A. D. 1844. Said grant was made according to the usages and laws and customs of the republic of Mexico to Luis and Narciso Beaubien, as will appear by reference to said laws and usages at that time in force, and the Spanish laws, so far as recognized by the government of the republic of Mexico.

The said Charles Beaubien further states that he cannot show the quantity of land claimed by him, only so far as set forth by the foregoing description of points and bounds, nor can he furnish a plat of the survey of the same, as no survey has ever been made. The claimant further states that the said Luis Lee and Narciso Beaubien, after having been put in lawful possession of said grant, conformed to all the laws and regulations in regard to the same as required at that time, and held possession thereof until January 19, 1847, when both were slain in the massacre of Taos of that date; that Narciso Beaubien was the son of the claimant and, according to law, all the interest of the said Narciso Beaubien, deceased, descends to the present claimant, and that he claims all the right, title, and interest of the said Luis Lee, deceased, by virtue of a deed made by the administrator of the said Luis Lee, the 4th day of May, 1848. Said original grant is

Herewith filed marked (A;) deed from Joseph Pley, administrator of Luis Lee, to the claimant, marked (B;) also certified copy of the record of the court of probate for said county of Taos, authorizing the administrator to sell said right, title, and interest, marked (C.)

Claimant further states that he is prepared to prove that the Luis Lee, whose name appears in the original grant, and the Stephen L. Lee, whose name appears in the administrator's deed to the claimant, are one and the same person.

Claimant is prepared further to prove, if deemed necessary, that since the said grant came into his possession he has had made extensive settlements on the same, and that it is becoming under his ownership rapidly populated. The claimant therefore respectfully asks a speedy acknowledgment of his claim.

SMITH & HOUGHTON,
Attorneys for claimant.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, December 30, 1856.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General of New Mexico.

CHARLES BEAUBIEN, *Sangre de Cristo.*

DONACIANO VIGIL being duly sworn, was interrogated in the following manner:

Question. What office did you hold in the year 1843, under the Mexican government?

Answer. Acting secretary of the department of New Mexico.

Question. What office did Manuel Armijo hold at that time?

Answer. He was political governor and military commander of the department.

Question. Is his signature on the grant made to Narciso Beaubien Luis Lee to the Sangre de Cristo, and your own signature to said document, genuine?

Answer. They are.

Question. What office did Juan Andres Archuleta hold at that time?

Answer. He was prefect of the northern district, and the land granted was within his district.

Question. Do you know the signature of Archuleta, and is the one attached to said grant genuine?

Answer. I do; and it is genuine.

Question. Have you seen the governor and prefect sign their name?

Answer. I have.

Question. Are Stephen L. Lee and Luis Lee one and the same person, and was he as well known by one name as by the other?

Answer. He was the same person, and was as well known by one name as by the other.

Question. Did you know Narciso Beaubien, the son of the present claimant?

Answer. I did ; and he and Lee were both killed at the massacre of Taos, in the year 1847.

Question. Did Narciso Beaubien have any children ?

Answer. He did not ; he was sixteen years old when he was killed.

Question. Have you any interest in this claim ?

Answer. I have not.

Question. Do you know who was the prefect of Taos county in the year 1847, after the massacre ?

Answer. I was acting governor and secretary at that time, and Vicente Martinez was appointed by me to fill that office.

Question. Is your signature to the registry of said document genuine, and in what capacity did you sign ?

Answer. It is ; and signed as secretary and recorder of land titles under the Kearney code.

DONACIANO VIGIL.

Sworn and subscribed before me this 3d day of December, 1856.

WILLIAM PELHAM.

JOAB HOUGHTON SWORN :

Question. State if you knew Narciso Beaubien ?

Answer. I did.

Question. State if he was the son of Charles Beaubien, the present claimant ?

Answer. He was so considered by his father and mother.

Question. Did you know Stephen L. Lee, and how long did you know him ?

Answer. I knew him from 1843 up to the time of his death.

Question. State what the L in his name stood for ?

Answer. It stood for Louis, and sometimes he signed Stephen Louis Lee, but generally Stephen L. Lee ; and he was as often known among the Mexicans by Louis Lee as Stephen L. Lee.

Question. Are Lee and Narciso Beaubien alive now ?

Answer. They are both dead.

Question. How did they come to their death ?

Answer. They were killed in the massacre of Taos, on the 19th of January, 1847.

Question. Do you know if Narciso Beaubien had any children at the time of his death ?

Answer. He had not ; he was a minor, and could not have been more than about sixteen years of age at the time of his death.

Question. Do you know the signature of Pedro Valdez, attached to the transcript of the record of the court, and is it genuine ?

Answer. I do ; he was clerk of the probate court, and saw him sign the transcript referred to.

Question. Do you know the signature of José Benito Martinez attached to the document mentioned ?

Answer. I do ; and saw him sign the certificate certifying that Pedro Valdez was clerk of his court.

Question. Do you know the signature of Joseph Pley, administrator of Stephen L. Lee, attached to the conveyance to Charles Beaubien ?

Answer. I do, and have been long acquainted with his signature, and have often seen him sign.

Question. Do you know the residence of Vidal Trujillo, subscribing witness to said conveyance?

Answer. I understand he resides at Ruyado, over one hundred miles from this place, (Santa Fé.)

Question. Do you know the signature of Robert Carey, appended to the same document?

Answer. I do; it is his signature, and I know he was clerk of the circuit court at that date.

Question. Were you at that time chief justice of this Territory?

Answer. I was.

J. HOUGHTON.

Sworn to and subscribed before me this 3d day of December, 1856.
WM. PELHAM.

MANUEL MARTINEZ sworn :

Question. Do you know José Miguel Sanchez, the justice of the peace whose signature is affixed to the certificate of possession in this case?

Answer. I have known him since I have had the use of reason.

Question. Do you know his signature, and have you seen him sign?

Answer. I know his signature, and have seen him sign frequently.

Question. Is his signature appended to the foregoing document genuine?

Answer. It is.

Question. Is José Miguel Sanchez dead, and when did he die?

Answer. He died in the month of June of the present year.

MANUEL MARTINEZ.

Sworn to and subscribed before me this 4th day of December, 1856.
WH. PELHAM, *Surveyor General.*

SURVEYOR GENERAL'S OFFICE,
Santa Fe, December 30, 1856.

The foregoing is a true copy of the original on file in this office.
WM. PELHAM, *Surveyor General.*

CHARLES BEAUBIEN, assignee of STEPHEN L. LEE
and NARCISO BEAUBIEN, deceased,
vs.

THE UNITED STATES.

} *Sangre de Cristo grant.*

The above case was set for trial on the 3d day of December, 1856. On the 27th day of December, 1843, Luis Lee and Narciso Beaubien petitioned Manuel Armijo, civil and military governor of New Mexico, for a grant of land in what is now the county of Taos, "em-

bracing the Costilla, Culebra, and Trinchera rivers, including the Rito of the Indians, and the Sangre de Cristo to its junction with the Del Norte river." This petition was referred, on the 30th day of December, 1843, by Manuel Armijo, the civil and military governor, aforementioned, to the prefect, with instructions to give the possession asked for by the petitioners in case there was no impediment.

On the 7th of January, 1844, Juan Andres Archuleta, the prefect, directed the justice of the peace of the demarcation wherein the land was situated to place the parties in possession in accordance with the decree of the civil and military governor, by virtue of which the justice of the peace, José Miguel Sanchez, placed the parties in possession of the land, with the boundaries contained in the petition, vesting in them, their children and successors, a title in fee to said lands.

Narciso Beaubien, one of the grantees, was killed at the massacre of Taos in the year 1847, and, dying without issue, his father, Charles Beaubien, the present claimant, became the heir of one undivided half of the land granted, and purchased the remaining undivided half from Joseph Pley, administrator of the estate of Stephen L. Lee, who was killed at the same time and place as Narciso Beaubien.

The genuineness of the signatures of the granting officers, and the signature of Joseph Pley, administrator of the estate of Stephen L. Lee, are proven by the testimony of competent witnesses; the signature of the clerk of the probate court, attached to a transcript of the record of the court ordering the sale of the property of Stephen L. Lee, deceased, is also proven to be genuine. It is also proven that Stephen L. Lee and Luis Lee, as signed in the original petition, were one and the same individual, and that Narciso Beaubien, the son of Charles Beaubien, the present claimant, died without issue. The testimony also shows that the land has been occupied from the time the grant was made up to the present day.

The supreme authorities of the remote provinces of New Spain afterwards the republic of Mexico, exercised from time immemorial certain prerogatives and powers which, although not positively sanctioned by congressional enactments, were universally conceded by the Spanish and Mexican governments; and, there being no evidence that these prerogatives and powers were revoked or repealed by the supreme authorities, it is to be presumed that the exercise of them was lawful. The subordinate authorities of the provinces implicitly obeyed the orders of the governors, which were continued for so long a period, until they became the universal custom or unwritten law of the land, wherein they did not conflict with any subsequent congressional enactment. Such is the principle sanctioned by the Supreme Court of the United States, as expressed in the case of *Frémont vs. The United States*, (17 Howard, page 542,) which decision now governs all cases of a similar nature.

The grant being a positive one, without any subsequent condition attached, and made by a competent authority, and having been in the possession and occupancy of the grantees and their assigns from the time the grant was made, it is the opinion of this office that the grant is a good and valid one, and that a legal title vests in Charles Beau-

bien to the land embraced within the limits contained in the petition. The grant is therefore approved by this office, and transmitted to the proper department, with the recommendation that it be confirmed by the Congress of the United States.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. M., December 30, 1856.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. M., December 31, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

BELLO CUARTO—DOS REALES.—AÑOS DE MIL OCHOCIENTOS CUARENTA Y DOS Y MIL OCHOCIENTOS CUARENTA Y TRES.

Ezmo. Señor Gobor. Don Manuel Armijo:

El C. naturalizado Luis Lee y vecino de la 1^o. demarcacion de Taos y Narciso Beaubien c. y vecino de la misma, ante V. E. en la via y forma que mejor haya lugar en derecho y al nuestro conbenga parecemos y decimos que deseando fomentar la agricultura del pais en terrenos que se vea en estado floreciente y encontrandonos con terrenos buenos en que verificardo he mus visto y reconocido con bastante mencion el vue comprendea los rios de la Costilla de la Culebra y Trinchera comprendido el rito de los indios y Sangre de Cristo hasto su confluencia con el Rio del Norte y encontrando en el las coalidades de menosidad tierras feraces para el cultivo abundantes pastos y aguas y todo lo que se requiere para sa establecimiento y crias de ganados mayor y lanar satisfechos de todo y de que esta valdio no hemos vacilado para ocurrir á V. E. suplicandole se sirva por un efecto de justicia concedernos en el referido terreno la posesion de un citio de tierras á cada uno protestando que dentro del termino de la ley daremos principio á establecernos en ella hasta quedar radicados y establecida colonia siempre que V. E. se digne concedernosla. Así lo ofrecemos y juramos no ser de malicia.

Santa Fé, Decembre 27, de 1843. Entre reglones vale.

LUIS LEE.
NARCISO BEAUBIEN.

SANTA FÉ, Decembre 30, 1843.

Pase al prefecto para que si el terreno que se solicita no tiene embaraço haga que se dé la posesion á que se refieren los presentantes.

ARMIJO.

DONACIANO VIGIL, *So. Into.*

RIO ARRIBA, *Enero 7, de 1844.*

El juez de paz á que correspon el terreno que solicitan los presentantes que cres debe ser el de la 3ª demarcacion teniendo ala vista el superior decreto del Exmo. Señor Gobor. de Fha, 30 del pasado Diciembre, pasará á dicho terreno y pondrá en posesion alos que lo solicitan siempre que no sea con perjuicio detercero.

ARCHULETA.

Señor Juez de Paz de la 3a Demarcacion, Don Miguel Sanchez:

Los que subscriben ciudadanos Mejicanos residentes en este partido ante V. en la mejor forma que haya lugar en derecho parecemos decimos que habiendosenos donado por el gobierno de departmento el terreno valdío que demarca la adjunta instancia como se ve por el superior decreto sentado al margen y careciendo del titulo de posesion que nos asegure utra. legal propiedad y ninguna pueda turbarnos en ella suplicamos á V. se sirva havernos por presentados y desde luego ampliarnos esta pa. los usos de nro. dro. Por tanto á V. pedimos se sirva acceder á ntra. solicitud pr. ser justicia que impetramos. Jura- mos so ser de malicia y lo necesario, &c.

Taos, Enero 8de, 1844.

LUIS LEE.
NARCISO BEAUBIEN.

Enero 8, de 1844.

Por presentado y adonitido en cuanto haya lugar en dro paese por mi el presente juez con los de asistencia é instrumentales al lugar que citan los documentos adjuntos y dese á los petentes la posesion que solicitan para que por si y por sus herederos y susesores sea habido con derecho. El ciudadano Miguel Sanches, juez de paz da la 3a. demarcacion de Taos asi lo proveyó mandó y firmó con los de assa. doy fé.

JOSÉ MIGUEL SANCHES

Assa.: JUAN RAMON BALDEZ,
PEDRO VALDEZ.

En el pueblo de Taos á los dose dias del mes de Enero de mil ochocientos cuarenta y cuatro yo el C. Miguel Sanches, juez de paz de esta demarcacion, en virtud de lo mandado en el decreto que antecede pasé al terreno que refieren Don Luis Lee y Don Narciso Beaubien en el antecedente decreto y estando en el con los de mi asistencia é instrumentales que al fin se nombraron se procedio á señalar las mohoneras de los limites conforme se describe el terreno en la preinserta peticion y corresponde al mapa que rubrico; y empesando por la bando del est del Rio del Norte á una legua de la confluencia del rio de la Costilla con aquel se puso una mohonera donde siguiendo el mismo Rio del Norte por arriva siempre de la bando oriental hasta llegar á una legua arriva de la confluencia del Rio de la Trinchera donde se puso otra mohonera y continuando como de poniente á nordeste por el rumbo de dho. de la Trinchera para arriva hasta la cumbre de la tierra donde se puso otra mohonera y siguiendo la cumbre de la tierra hasta encontrar los limites de la posesion de Miranda y Beaubien se

puso la 4a. mahonera y continuando siempre en la sima de la Sierra Madre y siguiendo los limites de la misma posesion hasta llegar en frente de la primera mahonera que se puso en el Rio del Norte se hizo la 5a. y la ultima mahonera, y de hoy sigue una linea recta hasta la primera que se puso en el norte; y registrado los tomé de la mano los pasee é hise tirar tierra, arrancar yerbas y otras demostraciones de propiedad con lo quo se concluyó el acto, quedando determinados los linderos, sin que hubiese aparecido reclamo alguno de perjuicio de tercero, porque yo el referido juez, á nombre de la soberania de la nacion (q. D. g.) les di á los mencionados Don L. Lee y Don N. Beaubien la posesion personal y perfecta que solicitan para que les sirva de titulo á ellos, sus hijos y susesores por la cual les amparo y defendiendo, y mando que de ello no sean despojados sin ser primero citados y por fuera y derecho vencidos; en fé de la cual lo firmé con los de mi asistencia y los instrumentales que lo fueron los C. C. Ceran St. Vrain, Manuel Martin y Juan Ortega, presentes y vecinos de este partido de que doy fe.

JOSÉ MIGUEL SANCHES.

Instrumental: CERAN ST. VRAIN.
MANUEL ANTO. MARTIN.
JUAN ORTEGA.

NOTA.—Lo que se puso entre renglones es valida.

Asa.: JUAN RAMON BALDEZ,
PEDRO VALDEZ.

Este titulo es registrado en el libro A., paginas 116, 117 y 118 en mi oficina, lo q. certifico firmo y sello para constancia. Santa Fé, Abril 10 de 1848.

DONACIANO VIGIL,
Actual Gobor.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 28, 1856.

The foregoing is a true copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of the signing of the same, the translator of this office.

WM. PELHAM,
Surveyor General.

[*Settlers of Casa Colorado* — José Maria Perea, Rafael Perea, Antonio Torres, Dionisio Maldonado, Eugenio Brela, Domingo Lucero, Vincente Torres, Juan Cruz Thuirret, Julian Sanchez, Aban Sanchez, Miguel Archuleta, Gregorio Cedillo, José de Jesus Maldonado, José Cedillo, Miguel Lucero, Rafael Cedillo, Guadalupe Pesea, (widow,) Matilde Montoya, (widow,) Cristobal Jaramillo, Rafael Torres, Buenaventura Sanchez, Manuel Baca, Julián Baca, Juan Antonia Serna, José Antonia Benavides, Carlos Baca, Juan Augustine Barela, Vincente Moya, Antonio Torres, sr., Julian Benavides, Tomas Benavides, José Gallego, José Maria Cedillo, Antonio Torres, jr., Joaquin Sanchez, Mariano Pino, Esteban Baca, Andrés Zamoro, José Antonio Cedillo, Juan Castillo, Tomas Sanchez.]

To the most illustrious corporation of Tomé :

The citizen José Maria Perea, for himself, and in the name of the settlers of Manzano, who are set forth in the margin, with due respect, represent to your excellencies that the most excellent provincial deputation of this Territory, in compliance with the provision of article sixteenth of the decree of the 23d of June, 1813, having ordered that the inhabitants who are scattered over the hills and valleys shall be reduced to settlements, in conformity with the provisions of the laws ; and your excellencies having complied with the requirements of its excellency, and in order that we may hold the lands given to us for cultivation and settlement in fee, we pray your excellencies to place us in the full possession thereof, specifying the boundaries of the land we are occupying at the point called Casa Colorado, fixing our boundaries from north to south, from the boundary of the jurisdiction of Tomé to the ruins of what is known as the settlement of Las Nutrias, and on the east, the commons which may be necessary for pastures and other common purposes, highways, and rights necessary to every settlement established upon the solid principles of common and private property, and actual settlements ; praying that any one of those herein subscribed, or any other person without injury to those who may be admitted to the new settlement of Casa Colorado, may acquire a title in fee upon the construction of a covered house of adobe, and the removal thereto of all his property, contributing to the common labor, encouraging the increase and progress of the settlement, defending the homes of his townsmen with arms at all hazards and against any enemy from within or from the exterior ; and lastly, that any one who does not reside in said town, with all his proper family, or residing in any other settlement, he shall forfeit the right he has acquired to said property ; in view of all which, we jointly and severally pray your excellencies, through a committee from your body, to direct that the boundaries be established at the points herein referred to, which being done, that we be compelled to establish the landmarks required for the guidance of all settlements and towns in the province, granting us said lands in the name of the supreme government of the Mexican nation, to which the individuals herein represented belong. Forwarding the proceedings thereon had to the most excellent provincial deputation, in order that its excellency may issue the proper approval thereof, costs, protests, and whatever may be necessary. Tomé, July 12, 1823, third of the independence and second of liberty.

JOSÉ MARIA PEREA.

HALL OF THE CORPORATION OF TOMÉ,
July 15, 1823.

As requested by petitioners, this corporation has directed that a committee from its midst shall point out to them the boundaries they ask to their lands which have been given to them in the name of the supreme government of the nation, forwarding the same officially to the most excellent provincial deputation of this Territory for its customary approval.

BARTOLOME BACA.

Office of the secretary of the provincial deputation of New Mexico.

In session of the 30th of July last, this deputation approved the foregoing proceedings relative to the grant of land made by the corporation of Tomé to the residents of Manzana, at the place known as Casa Colorado. Given at Santa Fé, on the 15th day of the month of September, 1823, 3d and 2d, I certify.

JUAN BAUTISTA VIGIL,
Acting Secretary.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 5, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a correct copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

UNITED STATES OF AMERICA, }
 Territory of New Mexico. }

To the Surveyor General of New Mexico:

Rafael Gutierrez, Mariano Pino, Francisco Baca, Bartolo Garcia, and José Sais, citizens of the United States and residents of the Territory of New Mexico, for themselves, and in behalf of the poblacion of Casa Colorado, its inhabitants and owners, represent, that the people and their predecessors of the said poblacion of Casa Colorado became

possessed of a piece of land by virtue of a grant made to them by the ayuntamiento de Tomé, on the 19th day of July, 1823, which was confirmed on the 19th day of September, 1823, by the provision of the deputation of the department of New Mexico, under authority of a decree of the cortez of Spain, bearing date the 23d day of June, 1813. Said grant of land is situated in the county of Valencia, on the east bank of the Rio Grande del Norte, and extends southerly on said river from the south line of the jurisdiction of Tomé to the ruins of what was known as the ancient poblacion of Las Nutrias, and on the east, including the necessary commons for pasturage and other common uses. The said Rafael Gutieres, Mariano Pino, Francisco Baca, Bartolo Garcia, and José Sais, claiming in behalf of themselves and the poblacion of Casa Colorado, further state that they cannot show the quantity of land claimed, except as set forth in the said grant, as contained in the above well known metes and bounds, nor can they furnish a plot or survey of the same, as no survey has ever been executed.

The deed of grant herewith presented is referred to for proof of all particulars relating to said claim; and the claimants further state that they have been in peaceable and continued possession since the date of said grant, 19th September, 1823, up to this time, and their predecessors and themselves, the inhabitants of the said poblacion have in all particulars conformed to the stipulations of said grant, and to all the laws and customs of the governments of Spain and Mexico, and therefore pray that said title be confirmed.

J. HOUGHTON,
Attorney for Plaintiff

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The above is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General

TOWN OF CASA COLORADO.

FRANCISCO BACA Y ORTEZ sworn :

Question. Did you know Juan Bautista Vigil?

Answer. I did.

Question. What office did Juan Bautista Vigil hold in the department assembly in the year 1823?

Answer. He was the secretary of the assembly.

Question. Do you know his signature, and have you seen him sign?

Answer. I do know his signature, and have seen him sign.

Question. Is his signature appended to the grant confirmed by the departments assembly to the town of Casa Colorado genuine?

Answer. It is.

Question. For how many years have you known the settlement of Casa Colorado?

Answer. I have known the place for many years before it was settled.

Question. Do you know any of the original settlers of said town?

Answer. I know José Pino, who was one of the original settlers, and who still resides there.

Question. Do you know if the town was built before the cession of the country to the United States?

Answer. Yes; many years before; I believe about the year 1822 or 1823.

FRANCISCO BACA Y ORTIZ.

Sworn to and subscribed before me this 5th day of December, 1856.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 30, 1856.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

TOWN OF CASA COLORADO }
vs. } *Grant.*
THE UNITED STATES. }

The above case was set for trial on the 5th day of December, 1856.

On the 12th day of July, 1823, José Maria Perea, for himself, and in the name of certain settlers of Manzano therein contained, petitioned the corporation of Tomé, under whose jurisdiction the land was, for a grant of land for a settlement, with the boundaries set forth in said petition.

On the 19th day of July, 1823, the corporation of the said town of Tomé appointed a committee of its members to place the petitioners in possession of the land under the boundaries set forth in the petition, and transmitting the proceedings in the case for the approval of the provincial deputation, which approval was made by the provincial deputation of the Territory of New Mexico on the 30th day of July, 1823.

The papers acted upon by this office are the testimonios or certified copies of the original papers, given by direction of the provincial deputation, and certified to by the secretary thereof.

The signature of the said secretary is duly proven by testimony, and, upon comparison with the records in this office bearing his signature, is believed to be genuine. It is also proven by testimony that the town was in existence at the time the United States took possession of the Territory. The above grant is, in the opinion of this

office, a good and valid one, and is, therefore, approved and transmitted to the proper department at Washington for the action of Congress in the premises.

WM. PELHAM,
Surveyor General

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 24, 1856.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General

POBLADORES DE LA CASA COLORADO.

[José Maria Perea, Rafael C. Perea, Antonio Torres, Dionicio Maldonado, Eugenio Varela, Domingo Lucero, Vicente Torres, Juan Cruz Yturrieta, Julian Sanchez, Aban Sanchez, Miguel Archuleta, Gregorio Sedillo, José de Jesus Maldonado, José Sedillo, Miguel Lucero, Rafael Sedillo, Guadalupe Perea Vuida, Matilde Montoya Ydem, Cristoval Jaramillo, Antonio Torres, Buenaventura Sanchez, Manuel Baca, José Baca, Juan Antonio Serna, José Antonio Benavides, Carlos Baca, Juan Augustin Barela, Vicente Moya, Antonio Torres 1st, Julián Benavides, Tomas Benavides, José Gallego, José Ma. Sedillo, Antonio Torres 2d, Joaquín Sanchez, Mariano Pino, José Pino, Estevan Baca, A. V. S., Andres Samora, José Antonio Sedio, Juan Castio, Tomas Sanchez.]

M. Ylustre Ayuntamiento de Tomé:

En ciudadano José Maria Perea por si y á nombre de los pobladores del Manzano que constan anotados al margen, con el debido respeto hacen presente á V. S. que habiendo acordado la exma. diputación provincial de este Territorio en cumplimiento de lo que previene el articulo diez y seis del decreto de 23 de Junio de 1813, de que estos habitantes dispersos en los valles y Montez, se reduzcan á vivir en poblado, en conformidad de lo dispuesto por las leyes; y habiendo ejecutado por V. S. la disposicion de S. E. recurrimos á V. S. á fin de que las tierras que se nos han facilitado para cultivar, poblar, y poseer con propiedad litigiosa, se sirva V. S. ponernos en plena posesion señalando los limites de terreno que estamos poseando en el punto conocido de la Casa Colorado, poniendonos por linderos de Norte á Sur desde el lindero de la jurisdiccion de Tomé hasta la ruina de la conosciada por la antigua poblacion de las Nutrias; y por el oriente los ejidos necesarios para pasteos y damas usos comunes, trabesias y sertis dumbres necesarias á toda poblacion construida sobre todos los solidos fundamentos de propiedad comun, particular, y habitada por los mismos; pidiendo en circunstancia que para que cualesquier individuo de los anotados, ú otros que en lo subsecivo sin perjuicio de estos se admitieren en la nueva poblacion de la Casa Colorado pueda adquirir legitima propiedad, ha de fabricar casa formal de terrado

adobe, y hacer introduccion de sus bienes de toda clase contribuyendo en todas las obras de comunidad, procuranda el ingreso y adelanto de la poblacion, defendiendo con las armas los hogares de su pueblo en todo su termino, contra cualquier enemigo interior y exterior, y ultimamente que el que no habitase en dicha poblacion con toda la familia que la corresponda, pierda habitante en otra el derecho y propiedad que habia adquirido, por todo lo espuesto, pedimos todos y cada uno se sirva V. S. por medio de una comision de su seno mandar se nos señale los terminos de la poblacion en los puntos que llevamos referidos, y verificado, se nos obligue á poner las mohoneras correspondientes para gobierno de los pobladores y publico de toda la provincia, mandando dicho terreno á nombre del supremo gobierno de la nacion mejicana á cuya masa pertenecen los individuos que representan; pasandola en seguida á la exma. diputacion provincial de este territorio para que de S. E. emane la aprobacion correspondiente; costas, protestas, y lo necesario. Tomé 12 de Julio de 1823, tercero de la yndependencia, y segundo de la libertad.

JOSÉ MARIA PEREA.

SALA CAPITULAR DEL AYUNTAMIENTO DE TOMÉ,
19 de Julio de 1823.

Como lo piden los interesados ha acordado esta corporacion, que por una comision de su seño se les señalen los puntos que piden por linderos del terreno, en que se les ha dado á nombre del supremo gobierno de la nacion pasandolo diligenciado á la excelentisima diputacion provincial de este Territorio para la aprobacion de ditilo.

BARTOLOME BACA.

MIGUEL DE OLONA,
Secretario de Cabildo.

En sesion de 30 del pasado Julio acordado esta diputacion aprobar presente diligencia que es sobre posesion de terreno á los vecinos Manzano dio el ayuntamiento de Tomé en el paraje conosido con el nombre de la Casa Colorado. Dado en Santa Fé, á los 15 dias del mes de Setiembre de 1823, 3° y 2° doy fé.

JUAN BAUTISTA VIGIL,
Dip^o. Srio.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 26, 1856.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, New Mexico, December 30, 1856.

David V. Whiting, whose signature appears subscribed to the foregoing certificate, is, and was at the time of the signing of the same, the translator of this office.

WM. PELHAM,
Surveyor General.

CLAIM No. 32—HUGH STEPHENSON ET AL.

SANTA FÉ, August 6, 1856.

Enclosed you will find the petition of Mr. Hugh Stephenson and the heirs at law of Juan Antonio Garcia, for a confirmation of their title to what is called the "Braceto grant of land," situated on the Rio Grande, in Doña Ana county; you will find, from an examination of the exhibits, the following facts are proved:

1. The occupancy of said grant from 1805 with claim of title, and general recognition of title of Juan Antonio Garcia and his heirs up to the present time, being over fifty years.

2. That a grant was duly made in 1822 or 1823, by José Ordaz, lieutenant governor of El Paso; that said grant existed in the archives of El Paso, and possession was duly given under said grant to Juan Antonio Garcia; but that, in 1846, during the war between the United States and the republic of Mexico, said grant was destroyed.

3. That the boundaries of said land are duly ascertained by actual survey, and the amount of land in acres estimated.

4. That the heirs of Juan Garcia are the owners of one-third of said land, and Hugh Stephenson two-thirds, according to the survey and division made between them and the titles connected.

5. The records of your office will perhaps show that two or three donation claims have been filed to portions of land situated within the limits of said grant, but as the eighth section of the act of 22d July, 1854, does not permit donation claims on Mexican grants until final action of Congress on such grants, it is unnecessary to allude to them further than to state, should it be necessary, there is abundant proof to show that the persons claiming said donations went into possession under the petitioners with a full knowledge of their title and with their license, and that they cannot now set up title in opposition to their landlord. With these suggestions, the case is now submitted to you for your confirmation and report.

Yours, &c.,

JOHN S. WATTS,
Attorney for Claimant

Hon. WILLIAM PELHAM,
Surveyor General, New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, New Mexico, December 31, 1856:

The foregoing is a correct copy of the original on file in this office
WM. PELHAM,
Surveyor General

TERRITORY OF NEW MEXICO, }
 County of Santa Fé. }

To the honorable William Pelham, Surveyor General of the Territory of New Mexico, under the act of Congress approved July 22, 1854 :

Your petitioners, the heirs at law of Juan Antonio Garcia, deceased, and Hugh Stephenson, a vendee of said heirs, would respectfully state to you that, in the lifetime of the said Juan Antonio Garcia he went into the possession of a tract of land now situated in Doña Ana county in the year 1805, and him and his heirs continued to occupy and possess the said tract of land until the year 1851, when the said heirs sold a one-third interest in the said land to the said Hugh Stephenson who went into the possession of the whole of said tract of land, and so continued in said possession until the same was surveyed and divided between the said heirs and said Stephenson, under the direction of the United States district court for the third judicial district, Doña Ana county. Your petitioners further state, that the said tract of land is bounded as follows: "Beginning at a point on the Rio Grande known as the mouth of the Bracito acequia, and running south along the said river a distance of three leagues to a lake known as the Trujillo lake, and thence extending back towards the east from said river to a range of sandy hills, varying in distance from two to four and a half miles, thence in a northerly direction along said sandy hills, varying from two to four and a half miles from the river to a point due east of the place of beginning, and thence to the place of beginning." Your petitioners further state, that since the occupancy of the said Juan Antonio Garcia up to the present time the right and title of your petitioners to the land above mentioned has never been disputed by any one known to your petitioners. Your petitioners further state, that the said grant was not made to the said Juan Antonio Garcia until the year 1822 or 1823, notwithstanding he had continued to occupy said lands since the year 1805. Your petitioners further state, that said grant was duly made by Don José Ordas, lieutenant governor of El Paso, then being within the jurisdiction of the State of Durango, Mexico, and possession was duly given and taken of the lands aforesaid, but in consequence of the partial destruction of the archives of El Paso by American troops in the year 1846, during the war with Mexico, the original grant has been lost or destroyed. Your petitioners would further state that, in a suit in the United States district court for the third judicial district, Doña Ana county, between the said heirs of Juan Antonio Garcia and the said Hugh Stephenson, the existence of the said grant was duly proven and its loss, and the possession of Juan Antonio Garcia and his heirs from 1805 to the time of said suit, and under the direction, order, and decree of said court said tract of land was surveyed and divided between the said Hugh Stephenson, and the heirs of Juan Antonio Garcia, and deeds executed accordingly, by which the title to 4,482 acres of said land became vested in the said Hugh Stephenson, and (6,730) remained still in the heirs of Juan Antonio Garcia. Your petitioners would further state, that all the facts aforesaid will fully and at large appear by reference to a certified copy of the pro-

ceedings in the said case of the heirs of Juan Antonio Garcia and Hugh Stephenson, which said proceedings are hereby made a part of this petition, marked as exhibit (W) herein, also the said deeds marked X and Y herein, and the map of said tract of land hereby made a part of said petition, marked as exhibit (O) herein. Your petitioners therefore ask that such steps may be taken in the premises, under said act of Congress, as will confirm to the said heirs of Juan Antonio Garcia the part belonging to them, and to the said Hugh Stephenson the part belonging to him, and as in duty bound they will ever pray, &c.

JOHN S. WATTS,
Attorney for claimant

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original now on file in my office.
WM. PELHAM,
Surveyor General of New Mexico

THE STATE OF TEXAS, }
County of El Paso, } ss :

Know all men by these presents, that I, Hugh Stephenson, of said county and State, in consideration of the concession and transfer by deed to me, of the date hereof, by Francisco Garcia y San Juan, of the town of El Paso, in the State of Chihuahua, in the republic of Mexico, of two-thirds of the "Bracita tract of land," in conformity with previous agreement, and in compliance with a decree of the honorable district court of the United States for the county of Doña Ana, in the Territory of New Mexico, made at the spring term of said court in the year A. D. 1854, and in accordance therewith the survey and division of said tract of land, as made by Stephenson Archer, specially appointed by said court thereunto, have and thereby do relinquish and release unto the said Francisco Garcia y San Juan all my right, interest, and claim, in and to all that remaining one-third of said "Bracita tract of land," as represented in the plat of said tract in the survey aforesaid, and bounded as follows, to wit:

Beginning at a stake on the left bank of the Rio Grande in said county of Doña Ana, ten thousand (10,000) varas from the mouth of the Bracita acequia, set for the southwest corner of the two-thirds of said Bracita tract conveyed as aforesaid by said Francisco, and is also the northwest corner of this tract; thence down said Rio Grande with its meanders five thousand (5,000) varas to a stake on the bank of said river, set for the southwest corner of said Bracita tract, from which a cottonwood tree, 14 inches in diameter, bears north 31° east, 21 varas; thence east one hundred (100) varas to Trujilla lake, seven thousand five hundred (7,500) varas to a stake set in the sand hills for the southeast corner of said Bracita, and the southeast corner of this tract; thence in a northerly direction with said hills elevated

Thousand five hundred and twenty (11,520) varas to a stake set for the southeast corner of the tract conveyed by said Francisco as afore-said, and is also the northeast corner of this tract; thence west with "division line" and the south line of said two-thirds tract to the place of beginning, containing six thousand seven hundred and thirty-one (6,731) acres, more or less, to the said Francisco and unto his heirs and legal representatives; to have and to hold the same, together with all and singular the rights, privileges and appurtenances thereunto belonging, forever, and against me, my heirs, and legal representatives, and against all persons whomsoever claiming or to claim of, under, through or by me or them, or either of them.

In testimony whereof, I have hereunto set my hand and scroll for seal, this sixteenth day of November, in the year one thousand eight hundred and fifty-four.

HUGH STEPHENSON. [SEAL.]

Witnesses:

C. J. McBRIDE.

HORACE F. STEPHENSON.

STATE OF TEXAS, }
County of El Paso. }

Personally appeared before me, J. Hubbell, a duly commissioned Notary public in and for the above county, Hugh Stephenson, to me known, and acknowledged that he signed the foregoing instrument for the purposes and intentions therein expressed.

In testimony whereof, I hereby sign my name and affix my official seal, this seventeenth day of November, 1854.

J. HUBBELL,
Notary Public.

TERRITORY OF NEW MEXICO, }
County of Doña Ana. }

I hereby certify that the foregoing instrument was filed in my office on the 12th day of March, A. D. 1855, and that the same is duly recorded in book B, page 187, of the county records.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Las Cruces, this 12th day of March, A. D. 1855.

JAMES A. LUCAS,
Probate Clerk.

SURVEYOR'S OFFICE,
Santa Fe, New Mexico, December 31, 1856.

The foregoing is a faithful copy of the original document on file in this office.

WM. PELHAM,
Surveyor General.

THE STATE OF TEXAS, }
 County of El Paso, } ss:

Know all men by these presents, that I, Francisco Garcia y San Juan, of the town of El Paso, in the State of Chihuahua, in the republic of Mexico, for and in consideration of one thousand (\$1,000) dollars to me in hand paid, the receipt whereof is hereby acknowledged, have this day bargained, sold and released, conveyed and confirmed, and by these presents do bargain, sell, release, convey and confirm, unto Hugh Stephenson, of the county of El Paso, in the State of Texas, by virtue of former agreement and in accordance with a decree of the honorable the United States court for the county of Doña Ana, in the Territory of New Mexico, in the United States, made and decreed at the spring term of the said court in the year A. D. 1854, in a cause wherein Francisco Garcia y San Juan was complainant, and said Hugh Stephenson was defendant, all my right, title, interest, claim and demand in and to all that certain parcel or tract of land, situate, lying and being on the left bank of the Rio Grande in said county of Doña Ana, in said Territory, known as *two-thirds* of the "Bracito tract of land," so called and known, and bounded and described by the field notes and plat of the tract aforesaid, as made by Stephen Archer, in conformity with the decree aforesaid, as by reference thereunto will more fully appear. Beginning at a stake set on the left bank of the Rio Grande aforesaid, at the mouth of the acequia known as the Bracito acequia; thence down said Rio Grande with its meanders ten thousand (10,000) varas to a stake on the bank of said river, set for the southwest corner of the two-thirds of said Bracito tract, by said decree ordered to be set apart by "division line" running from said river to the sandy hills, in conformity with said agreement, and denominated on said plat the "division line;" thence east with said "division line" to a stake in said sandy hills, set for the southeast corner of said two-thirds tract; thence with said sand hills in a northerly direction eleven thousand five hundred and twenty (11,520) varas to a stake set for the north corner of said tract; thence west with the north boundary line of said Bracito tract three thousand eight hundred (3,800) varas to the place of beginning, containing thirteen thousand four hundred and sixty two (13,462) acres of land, more or less, unto the said Hugh Stephenson, together with all and singular the rights, privileges and appurtenances, of whatsoever nature thereunto belonging, and unto his heirs and legal representatives, to have and to hold forever, hereby warranting the same unto him and them against me, my heirs and legal representatives, and against all persons claiming or to claim by or through me or them, or either of them, and against all lawful claims or claims of all persons whomsoever.

In testimony whereof, I have hereunto set my hand and scroll for seal, this sixteenth day of November, in the year one thousand eight hundred and fifty-four.

FRANCISCO GARCIA Y SAN JUAN.

Witness:

C. J. McBRIDE.

HORACE F. STEPHENSON.

STATE OF TEXAS, }
 County of El Paso. }

Personally appeared before me, Jarvis Hubbell, duly commissioned Notary public, Francisco Garcia y San Juan, who acknowledged that he signed the foregoing instrument for the purposes and intentions therein expressed.

In testimony whereof, I hereby sign my name and affix my official [L. S.] seal, this seventeenth day of November, 1854.

J. HUBBELL,
 Notary Public.

TERRITORY OF NEW MEXICO, }
 County of Doña Ana. }

I hereby certify that the foregoing instrument was filed in my office for record on the 12th day of March, A. D. 1855, and the same is duly recorded in book B, page 1855, of the county record.

In witness whereof, I have hereunto set my hand and affixed my [L. S.] seal of office, at Las Cruces, this twelfth day of March, A. D. 1855.

JAMES A. LUCAS,
 Probate Clerk.

SURVEYOR GENERAL'S OFFICE,
 Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in my office.

WM. PELHAM,
 Surveyor General.

HUGH STEPHENSON *et al.* }
 vs. } Grant.
 THE UNITED STATES. }

The above case was set for trial on the 1st day of December, 1856.

In the year 1805, Juan Antonio Garcia petitioned Joaquin Real de Alencaster, the governor of the province of New Mexico, for a grant of land in what is now the county of Doña Ana, to extend from the Bracito, on the Rio Grande, to the marsh or lake of Trujillo, promising to build a house, erect enclosures, and cultivate the soil; maintaining fifteen men there at his own expense, for the purpose of protection, until travel and the benefits to be derived from working the mines in the adjoining mountains should attract a sufficient number of persons to form a permanent settlement.

On the 4th day of August, 1805, Joaquin Real de Alencaster, the governor of the province to whom the petition was addressed, decreed that the grant would be made whenever settlement should be established in the vicinity of the land petitioned for. On the 29th of No-

venber, 1816, Juan Antonio Garcia again petitioned Bernardo Bonavia, the commandant general of the State of Durango, for a grant of the land, of which he had been in possession since the year 1805, and containing the same boundaries set forth in the petition made by him in that year, stating that there were several individuals of El Paso who had volunteered to accompany him in the formation of a settlement, and also promising to plant certain lands for the Apache Indians, and furnish them with provisions from the crops he might raise at the above-mentioned place, for the purpose of keeping them at peace.

On the 14th of April, 1817, the commandant general referred the petition to the lieutenant governor of El Paso, requiring him to report thereon. On the 29th of June, 1819, José Ordas, the lieutenant governor of El Paso, reported in favor of the petition.

On the 17th of July, 1817, the commandant general of Durango returned the petition to the lieutenant governor of El Paso, requiring him to enclose the list of persons who were desirous of accompanying Juan Antonio Garcia in the formation of the settlement referred to in his petition, and to state the extent of the land petitioned for, its distance from the nearest settlement, its resources, &c., and if the settlement and residence of the judicial and ecclesiastical officers could be formed in the centre of the land petitioned for. On the 30th of August the lieutenant governor of El Paso reported that the land contained in length about three leagues, and in width from one-fourth to over one league; that there was an abundance of water and pasture, and offered every facility for cultivation; that there was difficulty in establishing the settlement and residence of the officers in the centre of the land asked for, and that it was about fifteen leagues distant from the last houses of the town of El Paso, and enclosing the list of those persons who had volunteered to accompany Garcia in the formation of the settlement.

On the 12th of September, 1817, Juan A. Garcia addressed a petition to the lieutenant governor of El Paso, stating that, as the circumstances which existed at the time he applied for a grant to the land in question had changed, he prayed that no further action should be taken in the premises until requested by him.

On the 18th of February, 1820, the said Garcia again petitioned the governor of New Mexico, stating that those who had volunteered to accompany him in the formation of the settlement had given up the idea of going, on account of the many restrictions placed upon the grant, and that, as he had been occupying the land for eleven years, he hoped that this circumstance would be no reason why the grant should not be made to him alone, and still promising to maintain a small number of armed men at his own expense, and build houses, erect enclosures, and cultivate the land which was not occupied by the Indians, concluding his petition by praying that the grant be made to him, if convenient to the service of the king.

On the 18th of August, 1820, Facundo Melgares, the governor of New Mexico, declined making the grant, on a supposed want of authority in the premises, and referred the petitioner to the proper authorities in the case.

On the 28th of July, 1821, the said Garcia again petitioned the commandant general of Durango for a grant of the Bracito tract, recapitulating all the steps he had taken in the premises, and the action of the authorities from 1805 up to that date.

Immediately following this petition is to be found a statement, made by a comptroller of the State of Durango, recommending that the grant be made, and that the testimony of witnesses be taken in order to ascertain whether the land petitioned for was severed or not from the public domain, and, in case it was not, that an attorney general be appointed to superintend the interests of the public revenue; and that a report be subsequently made, in order to ascertain the resources of the land, and its adaptation to the raising of stock and cultivation.

On the 17th of January, 1822, the above proceedings were transmitted to the first justice of the town of El Paso, with instructions to comply with the request contained in the statements of the comptroller.

On the 18th of April, 1822, the justice of El Paso proceeded to take the testimony of witnesses as to whether the land was public domain or not, and it was proven by said testimony that the land in question had not been severed from the public domain, but was public land. The above proceedings were then transmitted by George Guereña, the justice aforesaid, to Don José Maria Cordova, of the vicinity of El Paso, who, on the 19th of April of the same year, reported the extent, locality, resources, &c., of the land petitioned for. In order to comply with all requirements contained in the statement of the comptroller, George Guereña, the justice aforesaid, appointed Julian Bernal as attorney to superintend the interests of the public revenue, and, transmitting all the proceedings to him, requiring him to report on such matters as appertained to his duties as such attorney. The report of the attorney aforesaid does not appear in full in the documents filed in this office, having been torn off at some period unknown to the claimants.

A certificate, given by the second justice of the cantonment Bravos, follows the above, certifying that they are true copies of all the papers which could be found in the archives of El Paso relative to the Bracito grant of land, and which remained after the destruction of the archives by the United States troops, in the year 1846.

On the 30th day of March, 1829, Francisco Garcia y San Juan, son of Juan Antonio Garcia, who departed this life in the year 1828, pressed a petition to the prefect or justice of the opposite side of the river Bravo, requesting him, after reviewing the testimony presented to him, showing the occupancy of his father from the commencement of the present century up to the time of his death, in the year 1828, and that a grant was made to him according to law, that he declare him a legitimate owner of the Bracito tract of land.

On the 13th of February, 1849, Francisco Garcia y San Juan petitioned the justice of El Paso to cause certain individuals, therein named, to appear before him to answer the interrogatories contained in the petition, as to whether the witnesses were acquainted with his deceased father, and if he resided at the Bracito from the commence-

ment of the present century up to the time of his death ; if they knew that at his own expense he cultivated the lands of El Bracito during his lifetime, and if he was lawfully placed in possession of the land by the competent authorities of the country ; and that if he (the son) abandoned the land on account of indolence, or on account of the invasions of the Indians.

The answer to these interrogatories show that Juan Antonio Garcia occupied the Bracito lands during the time mentioned ; that he cultivated the same at his own expense ; that he was lawfully placed in possession by the competent authorities of the land ; that some of the witnesses had the original documents granting the possession in their own hands ; and that Francisco Garcia y San Juan abandoned the land on account of the constant attacks of the Indians, and the hourly exposure of his life.

On the 17th of March, 1849, Juan Maria Ponce de Leon, political chief of the cantonment Bravos, at the request of Francisco Garcia y San Juan, certified that Juan Antonio Garcia, deceased, petitioned for a grant of land at the Bracito ; that he resided there for many years, cultivating the soil and raising stock ; that, almost at his own expense, he kept the neighboring Indians at peace, and rendered many important services to travellers, and even to the entire nation, until the hostilities and incursions of the Indians drove him away ; that, at a subsequent period, a grant of land was made to one John Gill, in the vicinity of El Bracito, and that the limits of Garcia's lands were always excepted from being granted to others ; and that he knew all the above facts, having been appointed a commissioner by the Mexican government to examine the land petitioned for.

Further interrogatories were taken in the year 1849, showing that a grant was actually made to Juan Antonio Garcia, by José Ordas, who was at the time lieutenant governor of El Paso, and testified as to the boundaries of the grant.

It is also proven, at the request of Francisco Garcia y San Juan, that the United States troops, during the war with Mexico, in the year 1846, when they took possession of the town, destroyed a large portion of the public archives of El Paso, where the originals of all grants were required to be deposited, thereby preventing the claimants from procuring all the documents necessary to the establishment of their claim.

On the 15th day of September, 1851, the remaining heirs of Juan Antonio Garcia executed powers of attorney to Francisco Garcia y San Juan, authorizing him, in their name, to establish before the government of the United States any claim they may have had in the said Bracito tract of land, with full power of substitution or revocation ; and by virtue of said powers of attorney, on the 16th of September, 1851, the said Francisco Garcia y San Juan substituted Hugh Stephenson, of the county of Doña Ana, in this Territory, to prosecute said claim before the authorities of the United States, vesting in said Stephenson all the rights and privileges he himself had derived from the heirs of the said Juan A. Garcia.

In the same year, 1851, those purporting to be heirs of Juan Antonio Garcia, sold the undivided two-thirds of said tract of land to Hugh

Stephenson, the present claimant, with the condition that they would obtain and perpetuate the testimony of the possession of the land by the authorities of the Spanish and Mexican governments to their ancestor, the said Juan Antonio Garcia.

At the May term of the United States district court, a petition was filed in chancery by the supposed heirs of Juan Antonio Garcia against Hugh Stephenson, for the compliance with the terms of the sale to him made. During the progress of said suit witnesses were examined by order of the court, who proved that said Juan A. Garcia was lawfully seized of the land in dispute; whereupon a survey of the land was ordered to be made by said court, and a decree entered "that the defendant pay, or cause to be paid, the sum of one thousand dollars, or its equivalent, to the said complainants, as the purchase-money of a two-third interest in the tract of land in said bill mentioned, known as the Bracito tract of land; beginning at a point on the Rio Grande known as the mouth of the Bracito acequia, and running south along the said river a distance of three leagues, to a lake known as the Arujillo lake, and thence extending back towards the east from said river to a range of sand hills, varying in distance from two to four and a half miles; thence in a northerly direction along said sand hills, varying from two to four and a half miles from the river to a point due east from the place of beginning, and thence to the place of beginning. It is further ordered, judged, and decreed, that upon the payment of the said purchase money as in said bill specified, the said Stephen Archer be directed to survey and divide said tract of land between said complainants and the said Hugh Stephenson, according to the agreement in said bill stated and in said answer confessed to, giving to the said complainants one-third of the said tract of land, and the said Hugh Stephenson two-thirds, and report said survey and division to the next term of this court. It is further ordered, adjudged, and decreed, that said complainants deed to said defendant, after said survey and division, two-thirds of said tract of land in said bill mentioned, and that said Hugh Stephenson deed to said complainants his right, title, and claim to one-third of said tract of land in said bill mentioned, &c.

The deeds ordered by the court were duly executed, and are filed with the documents presented by the claimants; the survey was also executed, and the plat made by Stephenson Archer is also filed in support of the claim.

The papers acted upon by this office, with the exception of the deeds and plat ordered by the court, are copies of the proceedings had in the United States district court, and duly certified by the clerk thereof.

It is not necessary for this office to examine into the validity of the testimony taken by the claimants in support of their claim, or whether it is taken in accordance with the requirements of the usage in taking testimony in a foreign country to be used within the United States, there being no instructions to this office other than to receive the testimony presented by claimants, and the question is, therefore, submitted for the deliberations of Congress.

From the facts set forth in the testimony presented, it appears that Juan Antonio Garcia was in possession of the Bracito tract of land in the year 1805, and that he and those purporting to be his heirs and

their assigns have continued in possession of the same up to the present day.

The testimony also shows that a grant was made to Juan Antonio Garcia in the year 1822 or 1823, by José Ordas, the lieutenant-governor of El Paso; that owing to the destruction of the public archives, where such documents were ordered to be kept, at that place in the year 1846, by the American troops, it was impossible for the grant itself or a copy thereof to be presented by the claimants, although diligent search was made for it without success.

The claimants have not presented any testimony to prove that the present claimants are the legal heirs and assignees of Juan Antonio Garcia, deceased. It is the opinion of this office that the case is one covered by the treaty of Guadalupe Hidalgo of 1848, and sustained by the decision of the Supreme Court of the United States in the premises, and that therefore the grant made to Juan Antonio Garcia by the authorities of the Mexican government, in the year 1822 or 1823, is a good and valid grant; and as no claim of title is presented to show that the present claimants are the legal heirs and assigns of said Juan Antonio Garcia, it is the opinion of this office that the grant should be confirmed to Juan Antonio Garcia alone.

The case is, therefore, transmitted to the proper department at Washington, for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico

UNITED STATES DISTRICT COURT, TERRITORY OF NEW MEXICO.

3d Judicial District, County of Doña Ana.—May term, 1853.

Pleas begun and held before the honorable John S. Watts, one of the associate justices of the supreme court of the Territory of New Mexico, on Monday, the 16th day of May, A. D. 1853, at the court-house in the town of Las Cruces, in and for the county of Doña Ana, in the third judicial district of said Territory of New Mexico.

Be it remembered, that heretofore, to wit, on the 9th day of May, 1853, the following bill in chancery was filed in the clerk's office of said district court, in the words and figures following to wit:

DISTRICT COURT OF THE UNITED STATES, } In the said county, May term,
County of Doña Ana. } A. D. 1853. In chancery.

*To the honorable Horace Mower, presiding judge of said district court,
 sitting in chancery:*

Your orators and oratrixes, Francisco Garcia y San Juan, Josefa Garcia, Mariano Garcia, Josefa Bernal, Manuela Bernal, Mariano Bernal, Jesus Bernal, Nicholas Bernal, Miguel Cordoba, Jesus Cordoba, Trinidad Cordoba, Guadalupe Cordoba, Blasa Cordoba, and Josefa Cordoba, in their own right and behalf; and Camillo Alvarez, on part of and in behalf of his children, Santos and Maria Alvarez, minors, descendants and legal heirs of Marta Orcasitas, deceased; and Pablo Melendres, on the part of and in behalf of his children, Jesus, Trinidad, Pablo, Josefa, Antonio, and Libreato Melendres, descendants and legal heirs of Guadalupe Orcasitas, deceased, the last named Melendres being residents of the county of Doña Ana, the said Alvarezs residents of the same county, and the remainder of said complainants residents of the State of Chihuahua, humbly complaining, show unto your honor that their common ancestor, Juan Antonio Garcia, died in the year eighteen hundred and twenty-eight, leaving as his legal heirs Francisco Garcia y San Juan, Mariano Garcia, Ramon Garcia, Anastacio Garcia, Nestora Garcia, and Josefa Garcia; the two first mentioned of said heirs and complainants in this bill are now living; the said Ramon Garcia has since died, leaving as his legal heir your oratrix, Josefa Garcia; the said Anastacio Garcia having intermarried with ——— Orcasitas, died, leaving as her legal heirs Guadalupe and Marta Orcasitas, who have also since deceased; the said Guadalupe having intermarried with Pablo Melendres, left as her legal heirs the above named Jesus, Trinidad, Pablo, Josefa, Antonio, and Libreato Melendres; the said Marta Orcasitas intermarried Camito Alvarez, and left as her legal heirs, at her death, the said Santos and Maria Alvarez; the said Nestora Garcia, having intermarried with Tomas Bernal, died, leaving as her legal heirs the above named Josefa, Manuela, Mariano, Jesus, and Nicolas Bernal; and the said Garcia, having intermarried with José Maria Cordova, deceased, leaving as her legal heirs the above named Miguel, Jesus, Trinidad, Guadalupe, Blasa, and Josefa Cordova; and they, your said orators and oratrixes, humbly complaining, show unto your honor, that their common ancestor, Juan Antonio Garcia, in the year one thousand eight hundred and five, made a petition to the governor of the department of New Mexico, as will appear by said true copy of the petition, marked exhibit (A.) and filed herewith, wherein he, the said Juan Antonio, prayed a grant of the tract of the land situated in the now county of Doña Ana, and known as the Bracito tract, extending in length from the point in the Rio Grande known as the mouth of the Bracito acequia, and running south along the said river a distance of three leagues (or nine miles) to a lake known as the Trujillo lake, and extending back towards the east from said river to a range of sandy hills, varying in distance from said river from two to four miles and a half.

That the said petition (exhibit A) was not granted by the said governor, but was deferred from further consideration until there should be a settlement near the said Bracito tract; and the said Juan Antonio, being at that time, in the said year of eighteen hundred and five, in the possession of said tract, continued in the occupancy of the same, cultivated the ground, constructed a large acequia at immense cost, and during and for the term of fourteen years, or more, maintained in his employment from fifteen to twenty armed men, for the purpose of keeping in awe and checking the incursions and outbreaks of a band of Apache Indians, who lived in the immediate vicinity of and part of said tract of land, the said Juan Antonio having stipulated in his petition to the governor of New Mexico, that if the said grant should be made to him, he would maintain fifteen armed men at the said point.

That the said Juan Antonio, being in the possession of the aforesaid tract of land in or about the year eighteen hundred and fifteen or sixteen, desired some residents of El Paso, a town situated about forty-five or fifty miles distant from said tract of land, to become occupants of said land in connexion with himself, and to aid him in obtaining a grant of the same; and in the year eighteen hundred and sixteen the said Juan Antonio Garcia made a petition to the governor and commanding general of Durango, Don Bernardo Borraño, praying a grant of said land to him, Juan Antonio Garcia, and others who were desirous of accompanying him in the occupation of said tract, which will more fully appear by exhibit (B) filed herewith, which is a true copy of the originals; that, as will more fully appear by said exhibits B and C, true copies of the originals, filed herewith, the said petition last aforesaid was referred by the said commanding general of Durango to the lieutenant governor of the town of El Paso, then appertaining to the jurisdiction of the said state of Durango, and directed the said lieutenant governor to ascertain the boundaries and establish the same; also to ascertain the distance of said tract of land from the nearest settlement; and in the case that it should be adjudged to the parties, (meaning the said Juan Antonio and eleven others who desired to occupy with him,) that they, the said parties, should be required to build the houses of the ecclesiastic and of all the judges or authorities, and should establish their residences in the centre of said tract of land; and that the settlement should appertain to the jurisdiction of the town of El Paso for judicial and ecclesiastical purposes, and other conditions which would have made the grant generous to the parties praying for the same, as will more fully appear by reference to exhibit (C.)

That the said Juan Antonio and the other parties to the petition, not desiring to comply with the conditions with which said grant was directed to be encumbered, withdrew their application for the grant, and requested that all further proceedings in regard to the same should be suspended; which will more fully appear by reference to exhibit (D) filed herewith, which is a true copy of the original.

The said Juan Antonio Garcia remained alone in the occupancy of said tract, and in the year one thousand eight hundred and twenty, as will appear by exhibit (E) filed herein, a true copy of the original.

nal, made a second petition to the governor of the department of New Mexico for the grant of said tract of land ; which was referred by the governor, on account of a want of authority to make the grant.

That afterwards, in the year eighteen hundred and twenty-one, the said Juan Antonio Garcia, being in the continued possession of said tract of land, again petitioned the governor of Durango, as will appear by exhibit (F) filed herewith, true copies of the originals, was referred by the governor of Durango to the comptroller of the State, and by him referred to the lieutenant governor of El Paso, Don José Ordos, with instructions to take the affidavits of witnesses as to whether the said Bracito tract of land was public domain or not ; and also to ascertain its resources, its advantages for cultivation, and its adaptation to stock raising, upon which the affidavits of several witnesses were taken under the direction of said Governor Ordos, copies of which affidavits are filed herewith, and marked exhibit (K) and are true copies of the originals.

That the said Don José Ordos, in the year twenty-two or three, made a grant of the said tract of land to the said Juan Antonio Garcia, founded upon the last aforesaid petition of the said Juan Antonio Garcia and upon the proceedings had in the case, and your orators' and oratrixes' said ancestor was formally put in possession of said Bracito tract of land by the authorities of El Paso by order of José Ordos, then lieutenant governor of that jurisdiction.

Your orators and oratrixes would further represent, that the said original grant, and all the said petitions, papers, and proceedings relating to the said claim or grant of said Bracito tract of land were filed and placed for safe-keeping among the public archives of the said town of El Paso, as required by law, the said tract of land known as Bracito being under the jurisdiction of El Paso.

They further show unto your honor, that in the year one thousand eight hundred and forty-six the government of the United States of America and the republic of Mexico, being at war with each other, the troops of the government of the United States having conquered and taken possession of the said town of El Paso, they, the troops, took possession of and occupied the chambers of the ayuntamiento (or common council) of said town of El Paso, in which chambers the originals, all grants, deeds, and public documents were deposited for safe-keeping, as required by law, and the troops destroyed a large portion of the public documents that were deposited in the public archives. Many deeds and original grants were afterwards found to be missing, and many others found scattered in the streets and about the said chambers which were used as aforesaid by the said troops as quarters ; and that, among others, some papers belonging to the, and relating to the, said grant of the Bracito tract were entirely lost, and among them the grant of the said lieutenant governor to Juan Antonio Garcia.

Your orators and oratrixes further represent, that they have searched and caused diligent search to be made among said archives for the said papers and original grant, but were only able to obtain those heretofore referred to, and filed as exhibits in this cause.

That the said Juan Antonio Garcia was in continued possession of

said described tract of land from the said year eighteen hundred and five to the year eighteen hundred and twenty-eight, when he departed this life, leaving in possession Francisco Garcia y San Juan, his son. That in the year 1851 your orators and oratrixes, being seized in fee simple, and also entitled in equity to the said tract of land, entered into an agreement to sell to Hugh Stephenson, a resident of the county of Doña Ana, and to make him a legal title to an undivided two-thirds interest of the said tract of land, he, the said Stephenson, agreeing to pay to your orators and oratrixes the purchase money for the same, to wit: the sum of one thousand dollars, or its equivalent, and forever defend and pay all costs that might accrue in the defence of your orators' and oratrixes' title to the remaining one undivided third of said tract of land as soon as and from and after such time as your orators and oratrixes have perpetuated the testimony of the witnesses to the fact of the said original grant from José Ordos, lieutenant governor of El Paso, to the said ancestor, Juan Antonio Garcia, having existed; and that the said ancestor was placed in formal possession by order of the said Ordos; and as to the fact of the said original grant and papers having been destroyed or lost; and as to the fact of possession, by the said ancestor, from the year eighteen hundred and five to the time of his decease.

Your orators and oratrixes further represent that, immediately upon the making of said agreement to sell said land, the said Hugh Stephenson (defendant) entered into, and is now in possession of, the whole of said tract of land, and sometimes pretends that no original grant, as aforesaid, existed; that your orators' and oratrixes' said ancestor was not put in possession as aforesaid; that if said grant existed it was not destroyed as aforesaid, and that the said ancestor was not in possession from the said year of eighteen hundred and five until his decease; also pretends that, being in possession, he has a better right to said land than your orators and oratrixes, where your orators and oratrixes charge that the contrary is true.

Your orators and oratrixes further show unto your honor that the said witnesses, to wit: Bentura Lopez, José Jacquez Ynocente Herrera, Tomas Yrigoyren, Francisco Orcacitas, Juan Antonio Drobencia, are all them residents of the republic of Mexico, and out of the jurisdiction of the court, but now temporarily residing within the same; that many of them are over age of fifty years, and that their residence is likely to be lost by death or departure of said witnesses from the Territory and out of the jurisdiction of this court.

That your orators and oratrixes are not in a situation to prove at law the facts which can only be proven by said witnesses, and are desirous that said testimony of said witnesses to the said fact may be perpetuated and preserved. May it therefore please your honor that the said defendant, Hugh Stephenson, may answer the several matters aforesaid, and that the said witnesses to prove the facts of the existence of said original grant, by the said Ordos, to your orators' and oratrixes' ancestor. The fact of the said ancestor being put in formal possession as aforesaid; the fact of possession, by said ancestor, from the year eighteen hundred and five as aforesaid, and the fact of the loss or destruction of the original and other papers as

resaid, may be recorded and perpetuated in the court for the benefit of your orators and oratrixes, respectively, and that one or more commissioner or commissioners may issue under the seal of the honorable court for the examination of said witnesses.

May it please your honor to grant unto your orators and oratrixes a writ of subpoena directed to the said defendant, Hugh Stephenson, thereby commanding him to be and appear before your honor in this court at the next May term, A. D. one thousand eight hundred and fifty-three, and on the first day of said term of the court in said county of Doña Ana, and then and there answer the premises; and that the said defendant, being served with a copy of the bill, may be bound by all the proceedings in this cause, and as in duty bound will ever pray, &c.

M. F. TULLY,
Solicitor for Complainants.

TERRITORY OF NEW MEXICO, }
County of Doña Ana. }

Personally appeared before the clerk of the district court, county of Doña Ana, Pablo Melendres, guardian of certain minors mentioned in the above petition, who, being duly sworn, on oath, says that the facts set forth in the foregoing bill, in regard to the loss or destruction of the papers and grant herein referred as being lost or destroyed, and the facts in regard to the danger of said testimony of said witnesses in said bill mentioned in regard to the facts therein stated of being lost, are true.

PABLO MELENDRES.

Subscribed and sworn before me this 17th day of May, A. D. 1853.
FRANCIS J. THOMAS, *Clerk.*

And afterwards, to wit, on the second day of court of the May term, A. D. 1853, of said court, the following proceedings were had in said cause, to wit:

FRANCISCO GARCIA Y SAN JUAN *et al.* }
vs. }
HUGH STEPHENSON. }

“On motion of Mr. Tully, Mr. Esler Hendrie is now appointed a commissioner to take the depositions of the witnesses in this cause in the presence of the parties, on ten days’ notice to the parties of the time and place of taking the depositions; said commissioner is directed to first swear said witnesses, then carefully write down their evidence, and then have them sign the same and certify to said facts, then seal up said depositions, direct the same to the clerk of the third judicial district, and cause the same to be filed in his office, and this cause is now continued until the next term of court.”

And afterwards, to wit, on the 19th day of May, A. D. 1853, the following answer was filed, which is in the words and figures following:

FRANCISCO GARCIA Y SAN JUAN *et al.* } Bill to perpetuate testimony.
vs. } (In chancery.)
 HUGH STEPHENSON.

Hugh Stephenson, defendant in the above cause, for his answer as defendant to said bill of complaint of said plaintiff's complainants.

That as to the fact of the original grant, he is informed and believed the same to be true that, that is, that the said original grant was made as set forth in petition, and that the same and other papers were lost or destroyed, as therein stated, and the said ancestor of said complainants being in possession as therein stated, he is informed and believes them to be true. That as to the fact of said agreement of this defendant to purchase the said undivided two-thirds interest to the said lands, that the same is true, and that the said defendant did promise to pay what he considers to be an equivalent to the amount set forth by complainants as the purchase money. That as to the fact that this defendant being in possession of the whole tract of land as described and set forth, he admits the same to be true, and that he took possession of said land under said agreement to purchase, and to pay the said purchase money when the said testimony of the said witnesses should be perpetuated; as is by the complainants alleged and set forth. That the defendant is willing at any time to give said complainants possession of their said undivided third interest on said tract of land, and to comply with his said agreement when the said testimony shall be perpetuated; and the said defendant says that without this that there is any other matter, cause, or thing, in said complainants' said bill of complaint contained material or necessary for this defendant to make answer to, and not herein and hereby well and sufficiently answered, conferred towards, or denied, is true to the knowledge and belief of this defendant, and this defendant humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

HUGH STEPHENSON.

Subscribed and sworn to before me this 19th day of May, A. D. 1853.

FRA'S J. THOMAS,

Clerk 3d Judicial District of the Territory of New Mexico.

Be it remembered, that on the second day of the November term for Doña Ana county, A. D. 1853, the following entry was made:

FRANCISCO GARCIA Y SAN JUAN *et al.* } In chancery.—Bill to perpetuate
vs. } testimony.
 HUGH STEPHENSON.

And now on this comes the defendant, by his counsel, S. A. Hubbell and suggests the death of the commissioner, Esler Hendrie, appointed at the last term of this court, and moves the court to appoint a new commissioner. It is therefore ordered by the court that Lewis Flotte be appointed as said commissioner, and that he obey, conform, and execute, in all respects, the decree made in this case at the last term of this court, and thereupon Lewis Flotte appeared and was duly sworn as said commissioner.

Be it remembered, that on the fifth day of the May term, 1854, in

Doña Ana county, the following entry in the foregoing cause was made, in the words and figures following, to wit:

FRANCISCO GARCIO Y SAN JUAN *et al.* }
vs. }
 HUGH STEPHENSON.

Now comes the complainants, by John S. Watts, their solicitor, and the defendant in his own proper name, and the commissioner, Lewis Flotte, heretofore appointed to take the evidence in this case; and now said commissioner files in court the depositions of Tomas Yrigoyen, Juan Agaton Herrera, Tomas Rivera, Richard Campbell, Samuel G. Bean, and James A. Lucas, taken before him, and this cause, by the agreement of the parties, is now submitted to the court for a decree herein, and the court being sufficiently advised in the premises, do decree as follows:

It is now ordered that the defendant pay, or cause to be paid, the sum of one thousand dollars, or its equivalent, to the said complainants as the purchase money of a two of one of an interest in the tract of land in said bill mentioned, known as the Bracito tract of land, beginning at a point on the Rio Grande, known as the mouth of the Bracito acequia, and running south, along the said river, a distance of three leagues, to a lake known as the Trujillo lake, and thence extending back towards the east from said river to a range of sandy hills, varying in distance from two to four and a half miles; thence in northerly direction along said sandy hills, varying from two to four and a half miles from the river, to a point due east of the place of beginning, and thence to the place of beginning. It is further ordered, adjudged, and decreed, that upon the payment of the said purchase money, as in said bill specified, that said Stephen Archer be directed to survey and divide said tract of land between said complainants and the said Hugh Stephenson, according to the agreement in said bill stated and in said answer confessed, giving to the said complainants one-third of the said tract of land, and the said Hugh Stephenson two-thirds, and report said survey and division to the next term of this court. It is further ordered, adjudged, and decreed, that said complainants deed to said defendant, after said survey and division, two-thirds of said tract of land in said bill mentioned, and that said Hugh Stephenson deed to said complainants his right, title, and claim to one-third of said tract of land in said bill mentioned, and that said deeds be reported to this court at the next term thereof, for the inspection and approval of this court. It is further ordered, that this case be continued until the next term of this court.

And on the same of said court, the following depositions were filed in the clerk's office of said district court, in the words and figures following, to wit:

The undersigned, Lewis Flotte, in virtue of being appointed a commissioner by the district court of the United States for the third judicial district of the Territory of New Mexico, county of Doña Ana, May term, 1853, to take depositions of the witnesses in the cause of Francisco Garcia y San Juan and others *vs.* Hugh Stephenson, (in chancery,) in virtue of said appointment, do take the present declara-

tion of Tomas Rivera, who appears personally, and being duly sworn, declares as follows: That he is a witness that Don Juan Antonio Garcia was put in possession of a tract of land called El Bracito, which land was measured in his presence, and the documents and titles of said land given by José Ordas, who was lieutenant governor at that time; that he saw the titles of said land, and had them in his possession, or his hands; that the line of said land commences at the "Boca acequia," and extends to some ponds of water called Trujillo; that said Garcia lived on the land a long time, and raised corn, wheat, &c., until the Indians compelled him to retire to El Paso; that it is notorious and public that said Garcia is the owner, legally and lawfully, of said land, and that if any of the documents of said land are missing it is because the United States forces destroyed part of the archives when they took possession of El Paso, in the last war; to all of which herein declared he doth swear to be the truth, and in testimony of which doth sign it.

LEWIS FLOTTE
TOMAS RIVERA.

CONCORDIA, *February* 19, 1854.

The undersigned, Lewis Flotte, in virtue of being appointed a commissioner by the district court of the United States for the 3d judicial district of the Territory of New Mexico, county of Doña Ana, May term, 1853, to take the deposition in the cause of Francisco Garcia y San Juan and others vs. Hugh Stephenson, (in chancery,) and in virtue of said appointment there appeared in person before me Don Juan Agaton Herera, who, being duly sworn, declares as follows: That on the 29th of March, 1849, he gave his declaration before the judge of El Paso, lawyer Robbs, to the following effect: that he had known Don Juan Antonio Garcia, father of Don Francisco, who lived on the land of El Bracito from the year 1801 until 1828; that he was a witness that said Don Juan Antonio titled said land, and was put in possession of it by Don José Ordas, lieutenant governor at that time of El Paso, and when he retired from said land it was because he was forced to do so on account of the Indians, and not by his own consent; and I, the undersigned, having read to him his said declaration given in Spanish as before said, on the 29th of March, 1849, he declares it to be the same. I, the undersigned, having also sworn said Juan Agaton Herera to state whether he knew anything more in relation to said land, in answer he declares: That if he did not declare on the 29th of March, 1849, all he knew about, he said that it was because he was not questioned, but he now declares that he saw the document of said possession, and that he was present when the land was measured; that the line extends from the mouth of Bracito acequia to Trujillo ponds; that it is notorious and public that said lands belong to Juan Antonio Garcia; and that if the documents are missing in the archives of El Paso it is because the United States forces destroyed them, with great many other documents, when they took possession of El Paso in the last war; to all of which stated in the present he does declare and swear to be the truth, in testimony of which he does sign the present, in Concordia. February 21, 1854.

LEWIS FLOTTE.
JUAN AGATON HERERA.

The undersigned, Lewis Flotte, in virtue of being appointed a commissioner by the district court of the United States for the 3d judicial district of the Territory of New Mexico, county of Doña Ana, May term, 1853, to take deposition of the witnesses in the cause of Francisco Garcia y San Juan and others *vs.* Hugh Stephenson, (in chancery,) in virtue of said appointment there appeared before me Don Tomas Yrigoyen, who, being duly sworn, declares as follows: That on the 21st of September, 1849, he gave his declaration before the alcalde of El Paso, Lorenzo de Barrio, to the effect that he had not seen the papers of possession made out, but that he had said documents in his hands, which documents were made out and given by Don José Ordas, who was at the time lieutenant governor of El Paso; that also he declared the boundary line of said land was as follows: from the — of the Boca acequia of El Bracito to the ponds of water called Trujillo; that from north to the south he was not certain which was boundary line. And the undersigned having made to him his said declaration given in Spanish, as before mentioned, on the 21st of September, 1849, also sworn said Yrigoyen to state whether he knew anything more in relation to said land, he said that, respecting said land, it is notorious and public that said land belonged to Juan Antonio Garcia, and that he was in like possession of said land; and that if any documents are missing, it is because they were destroyed by the American forces in the last war; it is notorious and public, and he, the said Yrigoyen was an eye-witness, that the troops destroyed a great many documents when they took possession of El Paso; to all of which the said Yrigoyen doth swear to be true, and in testimony of all declared in the present does sign. Concordia. February 20, 1854.

LEWIS FLOTTE.

TOMAS YRIGOYEN.

TERITORY OF NEW MEXICO, }
 County of Doña Ana. }

I, Lewis Flotte, commissioner appointed by the district court of the United States, for the third judicial district of the Territory of New Mexico, county of Doña Ana, at the May term, 1853, to take the depositions of witnesses in the cause of Francisco Garcia San Juan *et al.* *vs.* Hugh Stevenson, (in chancery,) do hereby certify that the deposition of Tomas Yrigoyen, Juan Agaton Herrera, and Thomas Rivera, were taken before me on the 19th, 20th, and 21st days of February, 1854, at my chambers, in Concordia; that said witnesses were first duly sworn by me, and that their evidence was then carefully written down before me, and read to said witnesses, and was then subscribed by them. Witness my hand and private seal, having no official seal, this 21st day of February, 1854.

LEWIS FLOTTE,
 Commissioner.

FRANCISCO GARCIA Y SAN JUAN *et al.* }
vs. } *Chancery.*
 HUGH STEPHENSON.

Be it remembered that on the 18th day of May, 1854, personally appeared before me, Lewis Flotte, a commissioner appointed by the district court of the United States, for the third judicial district of the Territory of New Mexico, county of Doña Ana, May term, 1853, to take the depositions of witnesses in the above entitled cause—

RICHARD CAMPBELL, competent witness, who, being first duly sworn, upon his oath, stated as follows, to wit:

Question 1st. Were you acquainted with Juan Antonio Garcia in his lifetime?

Answer. I was acquainted with him.

Question 2d. Was he the grandfather or the father of all the complainants in this bill?

Answer. He was either the father or the grandfather of said complainants.

Question 3d. When and where did you first become acquainted with Juan Antonio Garcia?

Answer. I first become acquainted with him in May or June of the year 1825?

Question 4th. Where was he then living?

Answer. He was then living in a good house with his family and servants, at a place called the Bracito, on a large and extensive ranch, with a large quantity of land in cultivation, and a good acequia from the Rio Grande.

Question 5th. How long did he continue to live there?

Answer. I saw him still there in the years 1826 and 1827, and my impression is, that, in the latter part of the year 1827, the old man was sick and infirm, and had gone to El Paso, but his stock and servants were still on his ranch at the Bracito.

Question 6th. Who has claimed and occupied said ranch since then?

Answer. It has never been in the actual occupancy of any person since Juan Antonio Garcia died and left it, but has always remained unoccupied until Hugh Stephenson went into possession under the heirs of said Juan Antonio Garcia and his heirs, who have always been and recognized as the owners of said ranch.

Question 7th. What were the boundaries of said ranch, as claimed and pointed out to you by Juan Antonio Garcia?

Answer. The boundaries I do not know, but they were pointed out to me as extending from the head of the ditch to some ponds below, known as the ponds of Trujillo, the river being on the west, and the hills on the east of said ranch; and further sayeth not.

R. CAMPBELL

SAMUEL G. BEAN, being of lawful age, and now duly sworn, upon oath, states as follows:

Question 1st. Do you know anything about the destruction of the public records, or any part of them, at El Paso? and if so, state it.

Answer. I do know that in December, 1846, the United States troops went into El Paso, and were quartered in the rooms where the public records were kept, and it was very common to light the candles and kindle the fires with the papers in the rooms; we were quartered in El Paso about two months, and I frequently saw leaves of the records taken whenever any paper was wanted for any purpose; and further sayeth not.

SAMUEL G. BEAN.

JAMES A. LUCAS, of lawful age, being first duly sworn, on oath, states as follows:

Question 1st. Do you know anything about the destruction of the public records, or any part of them, at El Paso? and if so, state it.

Answer. I do know that about the 27th of December, 1846, the United States troops went into El Paso, and were quartered in the court-house and rooms where the archives were kept, and remained quartered there about two months, during which time the papers and public documents were taken, and used frequently by the soldiers without the knowledge of what they were or their value, whenever they had use for paper; and further sayeth not.

JAMES A. LUCAS.

TERRITORY OF NEW MEXICO, }
County of Doña Ana. }

I, Lewis Flotte, having been appointed commissioner by the district court of the United States for the third judicial district in the Territory of New Mexico and for the county of Doña Ana, at the May term, 1853, in the case of Francisco Garcia y San Juan *et al. vs. H. Benson*, (in chancery,) do hereby certify that the above-named persons, Richard Campbell, Samuel G. Bean, and James A. Lucas, are personally known to me; that they personally appeared before me, at my chambers, in the town of Las Cruces, Doña Ana county, on the 18th day of May, 1854; that said persons were first duly sworn by me, and that their evidence was then given in my presence and before me, and under my direction reduced to writing; and I do further certify that, after the evidence of said witnesses was thus reduced to writing, it was carefully read to them each, and by each of them subscribed in my presence before me.

In witness whereof I have hereunto set my hand and private seal, and the other seal provided, this 18th day of May, 1854, at Las Cruces, Doña Ana county.

LEWIS FLOTTE, *Commissioner.*

Be it remembered that on the 5th day of the November term, 1854, for Doña Ana county, the following entries were made in the record of said court in the following case, to wit:

FRANCISCO GARCIA Y SAN JUAN *et al.* }
vs. } *Chancery.*
 HUGH STEPHENSON.

“Now come the complainants by their attorney, John S. Watts, and the defendant in his own proper person; and it appearing to the court that in the decree rendered at the last term of this court the boundary of said tract of land south to north on the east was accidentally omitted, it is now ordered to be entered, as if then, as follows: ‘Thence in a northerly direction along said sand hills, varying from two to four and a half miles from the river, to a point due east of the place of beginning.’ ”

FRANCISCO GARCIA Y SAN JUAN *et al.* }
vs. } *Chancery.*
 HUGH STEPHENSON.

And now comes into court Stephen Archer, the surveyor appointed and directed to make the survey and partition of the tract of land in said bill mentioned, and makes his report herein of said survey, which report is now approved by the court, and is ordered to be spread upon the record, and is in the words and figures following, to wit:

TERRITORY OF NEW MEXICO, }
 County of Doña Ana. }

Field notes of a survey made for Hugh Stephenson, in conformity with an order of the United States court for the county aforesaid, made at the spring term thereof in the year 1854, eighteen hundred and fifty-four, known as the Bracito tract, situated in said county:

Beginning at a stake set on the banks of the Rio Grande, at the mouth of an acequia, known as the Bracito acequia; thence down the Rio Grande with its meanders to a stake set on the banks of said river, three leagues from which a cottonwood, fourteen inches in diameter, north 31 degrees, east 21 varas; thence east 100 varas, to a lake known as the Trujillo lake, 7,500 varas, to a range of sand hills at a stake, the southeast corner of said tract; thence with said range of sand hills in a northerly direction 21,520 varas, to a stake, the northeast corner of said tract; thence west 3,800 varas to the place of beginning, containing 20,195 acres.

Bearings marked thus,



Chain bearers,

JOSÉ MARIA MONTOYA,
 GRINEO CAMACHO.

I, Stephenson Archer, district surveyor of El Paso and Presidio land district, do hereby certify that I have made the foregoing survey.

by order of the court of Doña Ana county, and that the above are true field notes and plats thereof.
 Surveyed September, 1854.

STEPHENSON ARCHER,
District Surveyor of El Paso and Presidio Land District.

Accompanying said report is also a plat of said tract of land which has been ordered spread of record, and is in the words and figures following, to wit :

FRANCISCO GARCIA Y SAN JUAN *et. al.* }
vs. } Ghancery.
 HUGH STEPHENSON.

It is now ordered, adjudged, and decreed herein, that the complainants recover of the defendant their costs and charges in this behalf paid out and expended, taxed at twenty-four dollars and thirty-one cents.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General of New Mexico.

PASO, *February 8, 1820.*

Don Antonio Garcia, resident of this jurisdiction, in the most approved manner provided by law, and most convenient to him, appeared before you and states: That becoming necessary for him to make or renew his application for the settlement of the place called Bracito, the settlement of which was asked for by him, for which purpose steps were taken in the matter, and documents were written and which are in the archives of the government under your charge, and a reference to them becoming necessary, and desiring to make such use of them as he deems proper, he requests that you deliver them to him, and that they be looked for in the package for the year 1817, which date is referred to in order to save trouble, or prevent the necessity of drawing your attention from other matters; therefore, he humbly prays you to be pleased to grant his request by which he will receive grace and justice, and he swears according to law.

JUAN ANTONIO GARCIA.

ACTING LIEUTENANT GOVERNOR.

Decree.—As presented and admitted, and in view of what this party requests, let copies be given to him immediately of such documents as may be in favor of the party interested; and by this decree, I, Thomas Bernal, acting lieutenant and political governor of this town, did so

decree and sign with my attending witnesses, acting by appointment in the absence of any public or royal notary, there being none in these parts, according to the terms of the law, to which I certify.

THOMAS BERNAL.

Attending :

THOMAS PONCE DE LEON.

ALEJANDRO CASTRO.

Paso, November 29, 1816.

Don Juan Antonio Garcia de Noriega, resident of El Paso, retired lieutenant of dragoons of the provincial militia of said town, with the greatest respect and submission known in law, and convenient to me, appear before the superiority of your excellency, stating: That about eleven years since I opened a ditch (acequia) at the place called El Bracito, as will more fully appear to your excellency by the accompanying petition which I presented to the governor of the province, and during last year a little corn was planted for the Apaches on the borders of said ditch, and as these are never established in any one place, and this year considering the epidemic and contagion of locusts which existed in this aforementioned town falling upon all the fields and destroying them completely, I determined to settle upon the aforementioned tract of El Bracito, placing upon it the stock of sheep I have on shares, with which I poorly support myself and family; I broke up lands at the aforementioned place, leaving those that were planted for the Apaches, and those that were recently broken up planted in corn and beans; and having gathered the small crop which God gave me, I have been releasing my little stock with it and some wheat which I planted, the water, pastures and conveniences being abundant at said place and considering that several residents of the town are without lands, they have informed me that they are ready to accompany me for the purpose of establishing a small settlement. Therefore, I pray your excellency that having received information of the aforementioned place from Lieutenant Colonel Don Pedro R. de Larramande, and Lieutenant Colonel Don Alberto Maynes, and having acquainted yourself with all the conveniences which are present for a good settlement, and deeming it convenient that your excellency be pleased through your kind charity to allow me, together with the residents who may desire to accompany me, to establish my residence and stock farm at the aforementioned place of El Bracito; I also ask from the high penetration of your excellency that those of us who are now settlers may receive the gracious boon of being exempted, for the time your excellency may see proper, from the contributions and taxes which are levied in this town as well as tithes we would have to pay from the fruits of the little crops we may gather. The intention of the grant I ask for is for the purpose of maintaining the place which I have heretofore maintained with the Apaches by giving them grain, and the little that I may acquire, excepting the portion before mentioned, shall be for the purpose of contributing towards the gift of grain before mentioned, and which I will give them. The chiefs of the Apaches have told me that next year they desired to have the

lands planted, and if said settlement is established, aided by the citizens of the town of El Paso and the new settlers, I will plant their lands so as to keep them more quiet, therefore I pray and request your excellency to be pleased to decree as you may deem convenient, by which I will receive grace and favor.

JUAN N. GARCIA.

COMMANDANT GENERAL.

BOOK SIXTH 27.—*Decree.*

DURANGO, APRIL 24, 1817.

Report of Bonavia, Lieutenant Governor of El Paso.

PASO, June 29, 1817.

SIR COMMANDANT GENERAL: Your excellency well knows how much the king our sovereign has recommended the formation and protection of new settlements in these provinces, it is my opinion that the settlement which Don Juan A. Garcia intends to establish at the place known as El Bracito del Rio del Norte, near Roblero, accompanied by several residents and heads of families, as appears by the accompanying list, at his own cost, should be encouraged. The quiet condition of the Indians, affording time to make the settlement and commence cultivation, the said settlement to be administered from the curacy of El Paso, and requiring them to have horses, saddles and arms, and to be owners of the lots, houses and enclosures which they may erect, and the lands they cultivate, the commons, water and timber to be unappropriated (realengo.) Your excellency being pleased to give the instructions which may be necessary for the good government of the settlement, advising me as you may deem proper on the premises, such is all the information I can give your excellency in compliance with your superior decree of the 24th of April last.

JOSE ORDAS.

DURANGO, July 17, 1818.

Decree.—Let it be returned to the lieutenant governor of El Paso, in order that forwarding the list which he refers to, and which he is permitted to enclose, of the residents who, in company with Don Juan A. Garcia, solicit permission to settle upon the land referred to, he report the distance of the land from the more immediate settlements, the facilities offered for establishing another on account of the abundance of water and pasture, and in case it is granted to the parties interested, if the town and the residence of the minister who is to administer to them and the justice, and others who are to compose the neighborhood can be established in the centre of said land.

BONAVIA.

PASO, August 30, 1817.

SIR COMMANDANT GENERAL: The land which the individual concerned in the foregoing proceeding desires to cultivate, in company with the persons contained in the accompanying list, which I invol-

untarily omitted to enclose when I forwarded these proceedings to your excellency, is in length about three leagues, in width on the western side about one-fourth of a league, beyond which it is a little over one league, and continues of that width to where it terminates on the east. There is an abundance of water, being bounded on the south by a river which runs through this jurisdiction. It also has an abundance of pasture, and offers the greatest inducement in case the settlement is established, and there is no impediment against the construction of the town, and the residence of the minister who is to administer to them, of the justice and others who are to compose the neighborhood, in the centre thereof. It is, more or less, about fifteen leagues distant from the first houses of this jurisdiction.

The wealth of the neighborhood within this jurisdiction, and the timber which is annually cut for the traffic of their crops on both sides of the river, will not allow the new settlers to cut timber on that land, neither will the people of this town be injured on that account, as above that place they have it in abundance; such is all the information I can give your excellency in compliance with your superior decree of the 17th July last, seeing which your excellency may provide according to your superior pleasure.

JOSÉ ORDAS.

List of the individuals who desire to accompany Don Juan Antonio Garcia in the settlement of El Bracito, viz: Don Juan A. Garcia with 14 servants, Don José Barrios with 2, Don Juan Barrios and two brothers, Patrizcio Lucera, Miguel de Herrera with two men, Simeon Talmante, Don Ramon Garcia with two brothers, Antonio Provenza, Mateo Telles, Vicente Quaron, Mathias Valencia, Don José Garcia with one man.

Note.—Beside the above there are others who intend going and are only awaiting the action of that superiority.

PASO, August 30, 1817.

SIR GOVERNOR: Don Juan A. Garcia, a Spaniard and native resident of the town of El Paso, the termination of your excellency's jurisdiction, retired lieutenant of the urban militia of said pueblo, with the greatest respect and veneration with which I should present myself before the high penetration of your excellency, I appear and state, that being informed by the repeated orders of his Majesty of his desire that all the convenient places on both sides of the river del Norte be settled, for the greater security against the enemy who constantly ravaging this province, and that its settlements should enjoy the abundance of water contained in said river, the cultivated plains suitable for cultivation, as well as the registered mineral productions, which promise great resources to the country, such as the Organos and San Andres mountains, the metal from which has been assayed; those of Roblero and San Diego, which are so superior; the pastures for cattle, the raising of horses, and the cultivation of the soil, with an abundance of water, which, to the patricians, is undeniable; being one of those myself, and having children who can sue

tain and advance them, I pray your excellency to be pleased to grant me, in the royal name of the King our sovereign, those portions of land from the Bracito to the marsh. (estero) of Trujillo, at which place I promise to build a house, put up enclosures, and open cultivation in the vacant and uncultivated lands, and maintain there the small number (at present) of fifteen men, until travel and interest will attract a larger number of permanent settlers, for the benefit of the country and their own proper interest, with the pecuniary view of registering and working, in company with intelligent men, the mines which we have already examined, and whose example will not fail to attract others for the same object, and in this manner carry out the intentions of his Majesty, which have been recommended for so many years. Do not deem it strange, your excellency, that I have made this petition without consulting the lieutenant governor of my place of residence; but considering and being certain that this gentleman does not exercise the precious authority to grant the same, I have come to your superior tribunal, incurring risks and costs and time, to the end that your excellency may be pleased to approve, do, and direct as I request, provided your excellency may deem it advantageous to the state of the country and the public good. In view of which, I pray and request your excellency to be pleased to determine as you may deem most convenient, by which I will receive grace, which I impetrate and stand in need of. I swear, according to all forms, that I do not act in malice; costs, protests, and whatever may be necessary, &c.

JUAN A. GARCIA.

SANTA FÉ, *August 4, 1805.*

Decree.—This petition will be considered so soon as a settlement is established in the vicinity of the place referred to.

REAL ALENCASTER.

PETITION.

PASO, *September 12, 1817.*

SIR LIEUTENANT GOVERNOR: Don Juan A. Garcia de Noriega, resident of this jurisdiction, using the most proper means, reserving the most competent, as best provided by law, I appear before you, and state, that the circumstances having changed which impelled me to desire to see the formation of a settlement, which would be of benefit to the religion of the King our sovereign, and to the public, at the place and deserted fields, which are known by the name of El Bracito, the petition which I presented to the commandant general should also be changed, which superior communication, his last act, provided that you should report on the points mentioned in his decree, intending, therefore, to suspend, for the present, any further judicial proceedings in the premises, as it is not calculated to do me justice;

intervening which, I humbly pray your excellency to suspend any further proceedings in the matter, until further application be made by your petitioner. I swear, &c.

JUAN A. GARCIA.

Moreover, in order that all may appear on record, that this, my petition, be attached to the proceedings.

The above is a copy of the original documents that in official proceedings exist on file in the archives under my charge, which are faithfully and legally copied; and being in the condition requested by the party, let it be delivered to him for such purposes as he may deem convenient; and in order that it may be duly legalized, I affixed this certificate, to which I attached my rubric.

Fees, six dollars.

BERNAL.

PETITION.

To his excellency the Governor:

Don Juan Antonio Garcia de Noriega, resident of the town of El Paso del Rio del Norte, the termination of the jurisdiction of that province under your command, retired lieutenant of the Urban militia of this town, with the greatest respect and veneration due to the high penetration of your excellency, I appear before you, and state, that, having made repeated applications during the last fourteen years, the first being made in the year one thousand eight hundred and five, to his excellency Governor Don Joaquin Real de Alencaster, who held that office at that time, and the second in the year 1816, to the commandant general, Don Bernardo Conavia, as will appear by the accompanying documents, which I humbly transmit to your excellency, soliciting the settlement of the place known as El Bracito, situate in this jurisdiction, and distant about 15 leagues from this town, the views which the foregoing documents present, at sight, having had no other effect. The first part of my petition shows that there were certain individuals, residents of this said town, who voluntarily desired to accompany me for the purpose of establishing said town; but now I am persuaded that they have become lukewarm, the cause of which, notwithstanding that in the first report made by Lieutenant Governor Don José Ordas to the commandant general he states: "It is my opinion that it should be encouraged the quiet condition of the Indians affording time to make the settlement and commence cultivation, the said settlement to be administered from the curacy of El Paso," and it is set forth in the decrees themselves; and in the second, in the last paragraph, he adds a note, and states: "The wealth of the neighborhood within this jurisdiction, and the timber which is annually cut for the traffic of their crops on both sides of the river, will not allow the new settlers to cut timber on that land for this town, neither will they be injured on

that account, as above that place they have it in abundance;" which is the cause, as I stated to your excellency, that those who voluntarily offered to accompany me for the purpose of establishing said settlement have declined doing so.

It is evident, sir, and not unknown to your excellency, that even should my just application be carried into effect, (which I desire,) this jurisdiction will not be injured in any manner, the cutting of timber being held in common with those of the new settlement, the land being so extensive that these facilities all afforded, not only on this side but also on the opposite side of the river Del Norte, at Doña Ana. So many and such just motives impel me to disturb the attention of your excellency, not being, in my opinion, opposed to the service of both of their Majesties; but, on the contrary, the re-settlement of the deserted and uncultivated places being recommended by our sovereign for the encouragement of agriculture and the prosperity of his subjects. Nevertheless, sir, as stated, that those who voluntarily desired to accompany me, as principal settlers, have changed their opinion for the reasons, I pray your excellency that this be no cause why respectful petition should not have the effect I desire, as, although those persons may not accomplish the object, there are many others who have no legitimate property, who hire themselves out, and with the small salaries they receive fulfil their obligations and support their families.

Although your excellency may not consider all that I have stated to be just, I expect from your kind piety that, deeming it, I may receive a grant, in the name of his Majesty, of the aforesaid land from El Bracito to the marsh (estero) of Trujillo, as asked for in my aforesaid first petition, which is included in the foregoing proceedings, offering to comply with the same conditions contained in said petition, such as the building of a house, erection of enclosures, commencing cultivation, and supporting a small number of men at my own expense. I trust, from your accredited benevolence, that all I have stated in reference to this matter will not be troublesome to your excellency; on the contrary, that you be much pleased to approve, do, and direct as I request, provided your excellency deem it convenient to the interest of the country, and for the public good. Therefore, I pray and request your excellency to be pleased to determine as you may deem most convenient by which I will receive the favor I impetrate, and stand in need of. I swear, according to all form, that I do not act in malice; costs, protests, and whatever may be necessary, &c.

JUAN A. GARCIA, [one rubric.]

PASO, *February* 18, 1820.

Decree.

SANTA FÉ, *August* 28, 1820.

His excellency Don Joaquin del Rial Alencaster, governor of this province, in a decree of the 4th of August, 1805, conditionally refused to grant the request of the petitioner; and now, this government not having (as it believes) as much authority as that chief, although it is

convinced by its topographical knowledge that the re-settlement be made, has resolved that the party interested apply to the proper source.

MELGARES.

One Cuartillo. Seal fourth for the year one thousand eight hundred and twenty-one. Qualified, the Constitution sworn to by the King, on the ninth day of March, 1820. One rubric.

Petition.—Don Juan A. Garcia de Noriego, resident of El Paso, retired lieutenant of the Urban militia of the proper jurisdiction, appears before your excellency with all due respect, and states: That during the previous year, 1817, I presented a petition to Don Bernar Bonavia, the immediate predecessor of your excellency, asking that, in view of having maintained my stock for eleven years at the place called El Bracito, when, at my expense, I opened a ditch, (acequia,) broke up lands, and cultivated a small field of corn, which crop I divided among the Apaches that were at peace in the aforementioned town, I might be permitted, in company with other residents of the same jurisdiction who were destitute of lands of their own, to establish a settlement at the aforementioned place of El Bracito, which, on account of the abundance of water, pasture, and other conveniences to be found there, would be very useful; and the mineral mountains containing gold and copper mines, which are not worked on account of their isolated position, would probably attract other individuals; at the same time requesting said superior chief that, being now settlers, we should be exempt for such period as he saw proper from the taxes that might be imposed upon us in the aforesaid town of El Paso, and also from the payment of tithes. The aforesaid chief, in a decree on the 24th of April, 1817, saw proper to require a report from the lieutenant governor of this town, who, in compliance therewith, stated that the establishment of new settlements in this province being so much recommended by the King, our sovereign, many benefits would result from the granting of the petition made by me, with such other remarks as he saw proper to add, and which appear in full in the proceedings herewith accompanying, from pages 1 to 4. In consequence of said report, the aforementioned Mr. Bonavia directed, in a decree of the 17th July, 1817, that the aforementioned lieutenant governor should state the extent of the land contained in El Bracito, its distance from the more immediate settlements, the inducements it offered for the establishment of a settlement on account of the abundance of water and pasture; and in case the grant was made to the parties interested, the residence of the clergy, justice, and other individuals composing the settlements, could be erected in the centre thereof. On pages 4 and 5 of the same proceedings will be found a petition which I presented to Don Joaquin del Rial Alcazar, governor of New Mexico, in which, stating in detail the many advantages offered at El Bracito to the marsh known by the name of Trujillo, I asked that the said land be granted to me in the name of the King, promising to build a house, erect enclosures, break up land, and maintain fifteen or twenty men at my own expense, until, at my request, and attracted by interest, with the primary object of working together, the views of his Majesty for the establishment of settlements in these

provinces wherever the locality would allow, so often recommended, could be carried into effect. The aforesaid governor of New Mexico decreed, on the 4th of August, 1805, that my petition would be considered whenever there were settlements in the immediate vicinity of El Bracito. On the 12th of September, 1817, I presented to the lieutenant governor of this jurisdiction the petition contained on the reverse of page 5, in which, after stating the reasons why at that period I abandoned the request, I asked that in the meanwhile all judicial proceedings in the matter should be suspended until renewed by me; in consequence, the matter remained in the condition it was previously. The cause which compelled me to desist being removed, I presented the petition contained in the aforesaid proceedings, from pages 7 to 9, to the present acting governor of the province of New Mexico, asking that the aforesaid land of El Bracito to the marsh (estero) of Trujillo, be granted to me in the name of his Majesty, as I requested in the petition to be found on pages 4 and 5 of the aforesaid proceeding; but said governor, satisfied that he did not have sufficient authority to grant my request, provided, on the 28th day of August, 1820, that, notwithstanding he was satisfied by his topographical knowledge that it would be proper to re-establish the aforementioned place of El Bracito, I should apply to the proper source. In consequence of which, and desiring that the land of El Bracito to the marsh of Trujillo be granted to me as aforesaid, with the pasture and timber thereto annexed, I humbly pray your excellency, that, in view of all I have stated and the little merit I deserve, your excellency be pleased, with the previous formalities required, to direct that the aforementioned place of El Bracito to the marsh (estero) called Trujillo, be assigned to me, by which I will receive grace.

Town of our Lady of Guadalupe del El Paso, July 28, 1821.

Most excellent sir,

JUAN A. GARCIA.

Opinion of the Intendant of Durango.

DURANGO, *January 9, 1822.*

INTENDANT: The attorney general of the public revenue states, that since the year 1805, D. Juan A. Garcia, resident of the town of El Paso, presented himself, registering the land of El Bracito, situate within that same territory, and offering to settle upon the same with his stock and the necessary hands for its security and care; but the governor of that province, probably on the account of the risks arising from the invasions of the savages at that period, decreed that the petition would be considered when settlements were established in the vicinity of said place. Afterwards, in the year 1817, he renewed his petition, asking further that he be permitted to settle upon said place; in view of which, proceedings were instituted at the office of the commandant general, as far as to indicate the number of families and residents who were ready to remove to the new settlements and engage in its improvement; but, for the reasons indicated by the said Garcia, the further progress of the petition was suspended until the

year previous, 1820, as appears by the record of the proceedings had before the governor, and requiring him to apply to the proper authority. He made application to the commandant general of these provinces, who forwarded the petition to this intendancy. So much for the proceedings. There is no doubt that the increase of the population, especially in that remote province, is to be preferred to the raising of stock and the cultivation of the soil, which branches will receive a strong impulse by the mere fact of increasing the population. The laws and last decrees concerning their establishment provided that the suitable lands which are adapted to settlements should not be granted to individuals for the purpose of raising stock or cultivating the soil; but the land which may be registered, and containing the requisites prescribed, of good climate, fertility, and abundance of water, and other qualities referred to in said decrees, shall be reported to the supreme government, together with the proceedings, for the purpose of there determining whatever may be deemed convenient.

The one before me represents, at first sight, the lands of El Braci as being *useful and convenient for settlement*, as several residents of El Paso interested to settle upon them at a former period, as I have intimated. It is not yet known if they belong to the nation or not; and, therefore, I ask that, before any other action is taken, the testimony of these witnesses be taken, who shall state distinctly if they are national or not, or without any determined owner; that after other testimony be taken to prove the locality, extent, and resources of the land in question, its climate, rivers, streams or springs which water or surround it, its fertility or sterility; that this being done, the report be transmitted to this intendancy, from whence the proceedings will be forwarded, in order to carry into effect what has been asked for, to the sub-delegate of justice of first vote of El Paso, requiring him to report if the several residents who so offered in the year 1817, or others, yet intend to settle upon said land; and that in order to report if they are national or not, to appoint an attorney general to supervise the interests of the public revenue; which is the opinion of the undersigned in the premises.

LICENCIATE RAMAS.

Fees, with opinion, seven dollars.

DURANGO, *January 17, 1822.*

Decree. Let it be transmitted to the first justice of the town of El Paso, to proceed to the compliance of the requirements asked for by the attorney general of the public revenue, reporting with all possible despatch.

D. HERRERA.

Writ of the First Justice of El Paso.

PASO, *April 18, 1822.*

The foregoing proceedings, remitted to me by the intendant, Don D. Mariano Herrera, on the 17th of January of the present year, is received, to the effect that, being seen, this justice should proceed to give due compliance with what has been asserted by the attorney general.

of the public revenue in Durango contained therein ; and the first step to be taken, being that proof be received from three witnesses concerning the points mentioned in said proceedings, I should order, and did order, that Don Ventura Caravajal and D. Je. Ma. Velarde, and Citizen D. Je. Ma. Garcia, alderman of this illustrious corporation, be summoned to appear to-morrow. Which being concluded, to proceed to the other matters therein contained ; and by this writ, I, D. George Guarena, justice of first appointment, have so provided, ordered, and signed with those in my attendance, with whom I act by appointment, and on the present paper, there being none of any seal ; to which I certify.

GEORGE GUERENA.

Attending :

JUAN MA. PONCE.

GAUDALUPE VENAVIDES.

Testimony of first witness.—In the town of El Paso, on the 19th day of April, 1822, second of the independence of this empire, before me, D. George Guarena, justice of the first appointment of said town, appeared before this court, D. Ventura Carabajal, for the purpose of verifying if the lands of El Bracito, asked for by D. Juan A. Garcia, or this vicinity, for settlement, belong or not to the nation or to any private individual, as directed by the attorney general of the public revenue of Durango ; and having understood what he was required to state, he said that it is apparent, and that from his infancy he has known the said land is national and has no individual owner ; but that the residents of this place, although distant from here about 15 leagues, make use of it for the purpose of cutting timber and wood, and for pastures and cattle as well as sheep ; and if they are deprived of this privilege, he considers it will cause the ruin of the town ; that he certainly knows and answers to the questions propounded to him ; and in order that it may so appear, he signed with me, said justice, and attending witnesses, with whom I act by appointment, to which I certify.

GEORGE GUERENA.

Attending :

JUAN MA. PONCE DE LEON.

VENTURA CARAVAJAL.

MARIANO ORCASITAS.

Testimony of second witness.—Immediately and before me, the aforesaid justice, I caused D. Jose Ma. Valarde, alderman of this illustrious corporation, to appear, as required by the attorney general of Durango, who stated that he has always known that said place is national and without owner ; but that the residents of this town, although distant from said place about 15 leagues, make use of it for the purpose of cutting timber and wood and to pasture cattle ; and

that if they are deprived of this privilege he considers that it is impossible for the town to submit; that he certainly knows and answers to the questions propounded to him; and in order that it may so appear, he signed with me, the aforesaid justice, and attending witness with whom I act by appointment, in the absence of a notary; there being none within the terms prescribed by law. I certify.

GEORGE GUERENA.

Attending:

JO. MA. VELARDE.
JN. MA. PONCE DE LEON.
MARIANO ORCASITAS.

Testimony of third witness.—Incontinently and before the said justice in the presence of those of my attendance, I caused to appear D. José Ma. Garcia, resident of this place, for the purpose of stating if the lands of El Bracito, asked for by D. J. A. Garcia for settlement belong or not to the nation or to any private individual, as directed by the attorney general; and having been informed, he stated that he is aware and knows that said place is national and without any individual owner; but that the residents of this town, although distant from said place about 15 leagues, make use of it for the purpose of cutting timber and to pasture cattle; and that if they are deprived of this privilege he considers that it will be impossible for them to subsist. That he certainly knows and answers to the interrogations propounded to him; and in order that it may appear, he signed with me, the said justice, and those in my attendance, with whom I act by appointment. I certify.

GEORGE GUERENA.
J. A. GARCIA.

Attending:

JUAN MA. PONCE DE LEON.
MARIANO ORCASITAS.

Writ.—In the town of El Paso del Rio del Norte, on the 20th day of the month of April, 1822, second of the independence of this empire, I, D. George Guerena, justice of the first appointment, in view of the demands made by the attorney general, contained on page 13 of these proceedings, should order, and do order, that, in order to procure the information concerning the quality, extent and resources of the land at El Bracito, that these, in their present state, be transmitted to D. José Ma. Cordova, of this vicinity, in order that, seeing them, he may give them the direction required, returning them to me with his report in order to proceed as further required; and by this writ, I, the said justice, so provided, ordered, and signed with my attending witnesses; to which I certify.

GEORGE GUERENA.

Attending:

J. M. PONCE.
MARIANO ORCASITAS.

Report of citizen José Maria Cordova.

D. George Guereña, justice of first vote :

SIR: Don José Maria Cordova, resident of this jurisdiction, in compliance with your directions, by which you transmit these proceedings, requiring me to report in the same act concerning the land of El Bracito, I know that its extent from the marsh (estero) of Trujillo to the place known as El Bracito is about three leagues in length, and from the banks of the river to the side of the Organos mountains, in some places where it is susceptible of cultivation, over one-half league in width; it has the advantage of all the land in the valleys on the river, being level, and has no other timber than a few scattering cottonwoods, the balance being covered with brush, thorns, and other brambles, except on the banks of the river, which are well covered with large and small cottonwood, willow, and thyme, (Tomillo.) The climate is almost equal to that of this town, except it is colder, on account of being towards the north. There is no other water but that of this river of El Paso, upon whose banks it is established; there are no springs or permanent streams of water; these only run when it rains.

I believe the land to be rich and fertile for agricultural purposes, the same as that of this town, and will yield the same crops, as it is protected from the north winds by the Organos mountains, which, on their northern side, abound in pine and oak timber. It is true that I can report in conformity with what has been directed.

PASO, *April* 19, 1822.

PASO, *April* 23, 1822.

Writ.—The foregoing proceedings are received with the report therein set forth by D. José Maria Cordova, of this vicinity, on the 19th instant, as required by the foregoing writ; and the appointment of an individual of this place to supervise the interest of the public revenue being wanted to complete the requirements of the attorney of El Paso, I appoint for that purpose D. Julian Bernal, to whom these proceedings will be transmitted in the condition in which they may be found, in order that, in view of the same, he may proceed to report what he is required; which being done, he will return them to me for the purpose of doing therein whatever may be necessary, and by this decree, I, D. George Guereña, justice of first appointment, with attending witnesses, to which I certify.

GEORGE GUERENA.

Attending:

JUAN MARIA PONCE.

JUAN JOSÉ GARCIA.

Opinion of the Attorney General.

TOWN OF EL PASO, October 8, 1852.

SIR: Justice first appointed, D. Julian Bernal, of this jurisdiction, under your charge, and attorney general, appointed by your direction, which, on the date of the 23d instant, was entered in these proceedings; in consequence thereof, he infers that he accepts said appointment, and in order to avoid any difficulty which may arise in so important a matter for the want of any formality in the premises, he seems in duty bound to faithfully discharge the duty devolving upon him by said appointment to the best of his limited knowledge. In virtue of which, there being no doubt of the testimony of the witnesses that the land of El Bracito belongs to the public revenue, whose interests I defend, I pray you that, having issued the summons, the licentiate and attorney, citizen Ventura Lopez, second substitute, civis justice of the Cantonment Bravos, certifies that the foregoing copy documents which could be procured, belonging to the original possession of the lands of El Bracito, is faithfully and legally from the originals on ten written pages, as will appear. Also, that they were not copied to the end, because only a portion of the proceedings which are copied can be found, which have been copied, and found after the destruction of the archives of this town by the troops of the United States in the year 1846.

BENTURA LOPEZ.

Attending:

JOSÉ BEANES.

FRANCISCO BARROW.

Fees for the certificate and authentication of the ten foregoing written pages, twenty-two rials. I swear it to the prefect or justice of the opposite side of the Rio Bravo.

Francisco Garcia y San Juan, resident of the town of El Paso, presents himself before you, and states that, since the commencement of the present century, my deceased father, D. Juan A. Garcia, removed to El Bracito, a deserted place, where he remained until the year 1828, when he terminated his days cultivating that soil, supporting and making presents at his own expense to the savage Apache tribe; by the death of my father all influence was lost over the enemy, and his children from that time commenced experiencing misfortunes, and loss of the property which they held, to such a degree that they were compelled to abandon that delightful country in which we subsisted in our youth by the bounty of our honored and hard-working father; and beyond what has been stated, the undersigned has suffered, by the vicissitudes of time, the loss of the documents which legitimize the land referred to. I cannot do less than to address myself to you, stating the right I have to this land, and to prove that such documents of possession were in existence at the same time that the originals have disappeared. The judicial proceedings, in nine written pages, herewith accompanying, are entitled to credit; they also express the reasons why I abandon the land referred to; but as, at present, steps are being taken

in the matter, I cannot remain as a silent spectator without making use of my rights. Therefore, I pray and request you to be pleased to consider my petition to be well and sufficiently substantiated, in order to declare that I am a *legitimate owner of the lands of El Bracito*, distant from this town about 18 leagues, which area was asked for by my deceased father since the 30th of August, 1817, as will appear by a proper report, which I also accompany, of the lieutenant governor of this town during those times, to the commandant general of Chihuahua, and which is all that could be found; certainly it is a precedent to know that my father interested himself in settling that land in company with those persons contained at the foot of the petition.

I swear not to act in malice, and in whatever may be necessary, &c. It is made on the present common paper, there being none of the proper seal, promising to pay the proper cost.

FRANCISCO GARCIA SAN JUAN.

TOWN OF EL PASO, *March*, 30, 1829.

TOWN OF EL PASO, *February* 13, 1849.

SIR JUSTICE OF THE PEACE: Francisco Garcia y San Juan, of this vicinity, in the most approved manner, appears before you, and states that it is convenient to my rights that you cause citizens Joaq'n Vardarte, José Ma. Maese, and Antonio Gonzalez to appear before your court, who, being sworn according to the interrogatory I present, that you will be pleased to return to me the judicial testimony which may be taken, in order following my petition.

1st. If they knew my deceased father, Don Juan A. Garcia; and if it is certain that he was residing at the place of the Bracito, distant about 18 leagues from this town, about the commencement of the present century up to the year 1828, in which he terminated his days.

2d. If they knew that he worked a portion of those lands at his own expense, during his lifetime; and if they know that he was placed in possession of those lands by the proper authorities of those times.

3d. To declare if, when I left the lands of the Bracito to which I refer, was it through idleness, or abandonment on account of the invasions of the savages.

These are the questions; therefore, I pray and request you to be pleased to do as I have requested. I swear that I do not act through malice, and in whatever may be necessary, &c. It is made on common paper, there being none of the proper seal, with the protest that I will pay its value.

FRANCISCO GARCIA Y SAN JUAN.

PASO, *February* 13, 1849.

As requested by the party, let the information he requires be obtained.

The justice of the peace of the district decreed and signed it with those in his attendance.

LICENCIATE ROBLES.

Sending:

FRANCISCO BARRON.

JOSÉ SAMBRANO.

Don Francisco Garcia San Juan, being notified of the foregoing decree on the same date, said that he hears it, and signed with the justice in his attendance.

FRANCISCO GARCIA SAN JUAN,
LICENCIATE ROBLES.

Attending:

FRANCISCO BARRON,
JOSÉ SAMBRANO.

On the 15th of February, 1849, in order to obtain the information solicited by the party interested, he presented José A. Gonzalez as a witness, who, under the oath which he took by God our Father, and sign of the cross, he offered to state the truth in what he knew and was interrogated, and he stated that his name was as aforesaid married, aged 52 years, resident of this town.

Interrogated. In accordance with the foregoing interrogator he answered to the first, that he did know Don Juan A. Garcia, father of D. Francisco G. San Juan, and that it is true he resided at the place called Bracito, distant about 18 leagues from this town, from the commencement of this century up to the year 1828, when he died.

To the second he answered, that all its contents are true, because the deceased, Antonio Garcia, worked and cultivated fields on the lands of the Bracito at his own expense; and he knows that he was placed in possession of those lands by the legal authorities of that time; that it contained three leagues in length and one in width.

To the third he answered, that D. Francisco San Juan left the land of the Bracito on the account of the invasions of the barbarous Indians, and that he did not abandon it. That the above is what he can testify by the oath which he has taken, and he did not sign not knowing how. The justice and those in his attendance signed.

FRANCISCO ROBLES.

Attending:

FRANCISCO BARRON.
JOSÉ SAMBRANO.

Whereupon D. Joaquin Velarde was sworn, who offered to state the truth in what he knew and was interrogated, and he stated that his name is as above stated, married, aged 48 years, competent to testify, and of this vicinity.

Interrogated in accordance with the foregoing interrogator he answered the first question by stating that all of its contents are true, having seen for himself. To the second he answered, that he positively knew that the deceased, D. Juan Antonio A. Garcia, worked a portion of the lands mentioned at his own expense, as it was public and well known that he applied to the supreme authorities, praying for a grant to said land on account of having obtained them by occupying them the time he did in the utmost good faith by permission of the authorities themselves, and that he heard it stated that the possession aforesaid had been granted to him, the aforesaid lands containing three leagues in length and one in width.

To the third he answered, that the reason why the petitioner with

draw from the lands of the Bracito and abandoned his lands, was the most daily inroads made upon him by the savages ; and that the force he had to repel them with amounted to nothing, neither was any assistance rendered to him from the town, on account of the great distance ; had there not been so just a reason, nothing less than the loss of his life, from one moment to another, the deponent asserts, without equivocation, that Mr. Don Juan never would have left his lands acquired by legal means, as the fruits thereof were sufficient for his support, and every passenger who trod those lands was assisted. The foregoing is the true reason why he left them, as there was no violence or abandonment, or even apathy. That what is stated is the truth under the oath he has taken, which he affirmed and ratified upon the testimony being read to him, which he signed with the justice and attending witnesses.

ROBLES.
JOAQUIN VELARDE.

Attending :

FRANCISCO BARRON.
J. SAMBRANO.

On the 16th instant, Don José Maria Mease was sworn, who offered to state what he knew, and was interrogated ; and having offered to do so, he says his name is as afore stated, married, aged 35 years, resident of this town, and competent to testify. Interrogated in accordance with the foregoing interrogatories, to the first he answered that all its contents are true. To the second, he answered that its contents are also true, because the deceased, Antonio Garcia, worked for many years, and cultivated fields at his own expense on the lands of the Bracito, and that he knows he was placed in possession of them by the legal authorities of those times ; that the aforementioned lands contained three leagues in length and one in width.

To the third, he answered that Don Francisco Garcia San Juan drew from the lands of the Bracito on account of the invasions of the barbarous Indians, but not on account of idleness or abandonment ; that what is stated is the truth under the oath which he has taken, which he affirmed and ratified upon the testimony being read to him, and signed with the justice and those in attendance.

FRANCISCO ROBLES.
JOSÉ MARIA MEASE.

Attending :

FRANCISCO BARRON.
JOSÉ SAMBRANO.

This information being concluded, it is returned to the party interested, on three written pages, on common paper, binding himself to replace it whenever there is any.

Paso, February 16, 1849.

Fees, without the paper, \$4 7 rials.

PASO, August 30, 1817.

SIR COMMANDANT GENERAL : The land solicited for settlement by individual contained in this petition, in company with the individuals contained in the accompanying list, the same which I involuntarily neglected to enclose, (I forwarded said proceedings to that superior) contains in length about three leagues, in width, towards the west, about one-fourth, immediately after, a little over one league, which width it contains to where it terminates on the east. It has an abundance of water, being bounded on the south by the river passing by this jurisdiction ; it also abounds in pastures, and offers the greatest facilities in case its settlement is effected ; and there is no obstacle to the building of the settlement and residence of the minister who is to administer to them, and that of the justice and others who are to form the neighborhood in the centre thereof ; it is distant about fifteen leagues, more or less, from the first house of this jurisdiction.

The opulence of the neighborhood of this jurisdiction, and the timber which is annually cut in the traffic of their crops, on both sides of the river, will not present the new settlers to cut that which is on those lands for the town ; neither will they be injured for this reason because from them, upwards, it is to be found in the greatest abundance. The above is all I can report to your excellency in compliance with your foregoing decree, dated the 17th of July last, in order that, in view thereof, you may use your superior pleasure.

List of the individuals of this jurisdiction who request to accompany Don Juan A. Garcia in the settlement of the Bracito, to wit :

Don Juan A. Garcia, with 14 servants.....	15
Don José Barrios, with two servants.....	3
Don Juan Barrio and his two brothers.....	3
Don Patricio Lucero.....	1
Don Miguel de Herr'a, with two men.....	3
Don Simon Talamante.....	1
Don Ramon Garcia, with 2 men.....	3
Don Antonia Provencio.....	1
Don Mateo Telles.....	1
Don Vicente Quarron.....	1
Don Martias Valencia.....	1
Don José Garcia, with 1 man.....	2
Total.....	35

Note.—That, besides those contained in this, there are several who propose to go, who are only waiting for the decision of that superiority.
PASO, August 30, 1817.

TOWN OF EL PASO, *March 17, 1849.**Political chief of this district :*

SIR: Citizen Francisco Garcia San Juan presents himself before your excellency with due respect, and states: That whereas authorities of the United States are exercising jurisdiction on the opposite side of the Bravo river, and these are ignorant of my right to a certain quantity of land at the place called El Bracito, I present your excellency the accompanying documents, in order that you may be satisfied of my legal right to said land, as it is well known to your excellency, and all the rest of the neighborhood; and that your excellency be pleased to give me a certificate, setting forth my right thereto with it, to prevent my claim to the authorities of the opposite side; therefore I pray and request your excellency to do as I request, by which I will receive favor. Writing this on common paper, there being none of the proper seal, I swear, &c.

FRANCISCO GARCIA SAN JUAN.

CITIZEN JUAN MARIA PONCE DE LEON,

Political chief of the Brabos district :

I certify, as far as the law allows, that D. Juan N. Garcia, deceased, the father of the petitioner, asked for the possession of the land called El Bracito; that he lived there for many years, cultivating the land and raising stock of all descriptions; that almost at his own expense he entirely kept the Apaches at peace, and rendered other very useful services to travellers, and even to the entire nation, until the savages by their insurrections and hostilities forced him to withdraw from said place; the land itself proves that it has been cultivated, as it is crossed by acequias, (acequias;) some of the land is ridged, and the ruins of the house still exist. I also know, not remembering the year, that an individual of the United States, named John Gill, asked for and received a grant of land at the same place from the Mexican authorities, requesting those of Don Juan A. Garcia: this he affirms, having been one of the commissioners in the measurement of the land asked for, and at the request of the party interested; and for the purpose which he may deem necessary, I give him these presents, which I sign at El Paso, on the seventeenth day of March, one thousand eight hundred and forty-nine.

JUAN M. PONCE DE LEON.

FAUSTIANO MONTES,

*Secretary.*TOWN OF EL PASO, *March 28, 1849.*

SIR: Francisco Garcia y San Juan, of this town, appears before your court and states: That in order to add more strength to my right, that you be pleased to cause the citizens Inocento Herrera, Agaton Herrera, and Mateo Telles, to appear before you, who, being sworn

according to law, and in accordance with the interrogatory herewith presented, that you be pleased to return me the original of all that may be done in continuation of this.

First. If they knew my deceased father, D. Juan A. Garcia; and if it is true that he resided at El Bracito, distant about 18 leagues from this town, from the commencement of the present century up to the year 1828, when he terminated his days.

Second. If they knew that he worked a portion of these lands during his life at his own expense; and if they saw that he was placed in possession of them by the proper authorities of those times.

Third. To state if I withdrew from the land of the Bracito referred to on account of indolence or abandonment, or on account of the invasions of the savages. These are the interrogatories; therefore I pray and request you to do as I have requested. I swear not to act through malice, and in whatever may be necessary. It is written on common paper, there being none of the proper seal, promising to pay its value.

FRANCISCO GARCIA SAN JUAN.

JUSTICE OF THE PEACE OF THE DISTRICT.

PASO, *March 29, 1849.*

Let the information required be obtained. The justice of the peace of the district decreed and signed it with those in attendance.

LICENCIATE ROBLES

Attending:

FRANCISCO BARRON.
LEWIS ORTEGA.

The foregoing decree was made known to D. Francisco San Juan on the same date, and he stated that he heard it, and signed with the justice and those in attendance.

LICENCIATE ROBLES.

FRANCISCO GARCIA SAN JUAN.

Attending:

FRANCISCO BARRON.
LEWIS ORTEGA.

Whereupon, Vicente Herrera was sworn, who promised to state the truth in what he knew and was interrogated, which being done according to the foregoing interrogations, he answered:

To the first, that he knew Don Juan A. Garcia, whom he served for many years at El Bracito, distant about 18 leagues from this town, more or less, and that the deceased, Juan A. Garcia, resided at this place from the commencement of the present century up to the year 1828, when he died.

To the second he answered that he saw and worked a portion of those during his lifetime at his own expense; that he also saw that possession was given to him by Mr. D. José Ordas, who was at that time lieutenant governor of this town.

To the third he answered that D. Francisco San Juan withdrew from that place, broken down by the inroads of the savages, who robbed him

of all his property, but not on account of indolence or abandonment; that what he has stated is true, under the oath which he has taken; adding that he is married, aged 48 years, competent to testify, and did sign, not knowing how. The justice and those in his attendance

Francisco Robles.

Attending:

Lewis Ortega.

Juan Agaton Herrera was sworn on the same date, who promised to state the truth in what he knew and was interrogated, which being done in accordance with the foregoing interrogatories—

He answered to the first that he knew Don J. Antonio Garcia, brother of Don Francisco, and that it is true that he resided at El Bracito from the commencement of the present century up to the year 1828, when he died.

To the second he answered that he saw that Don Juan A. Garcia worked those lands at his own expense, and he also saw that he was placed in possession of them by Mr. José Ordas, who was at that time lieutenant governor of the town.

To the third he answered that Don Francisco Garcia San Juan withdrew from the aforementioned lands, being compelled to do so on account of the savages, who daily made war upon him, but he did not leave on account of indolence or abandonment; that the above is what [he] can state under the oath he has taken; adding he is a widower, aged sixty years, and did not sign, not knowing how. The justice and those in attendance signed.

Francisco Robles.

Attending:

Francisco Barrow.

Lewis Ortega.

Paso, March 29, 1849.

The testimony of Mateo Telles was not taken, being a non-resident of this town, and being absent, which is stated for reference.

His [this] testimony being concluded, with two witnesses that it has been taken, it is returned to the party on two pages.

Fees, without paper, \$4 1 rial.

Town of El Paso, September 21, 1849.

To the second constitutional justice of this town:

Citizen Francisco Garcia San Juan appears before you and states: that for the purpose of establishing my rights, you cause citizens José A. Prob'o, Tomas Yrigoyen, and Francisco Horcasistas, to appear before your court to testify under oath—

First. If they saw that possession was given to my deceased father, Don Juan A. Garcia, of the lands of El Bracito, and state who was the justice who gave said documents.

Second. To state which are the boundaries by which these lands

have been divided, stating the dividing points by which it has always been known, which being done, you will please to return all the proceedings to me; therefore I pray and request to do as I ask. I swear not to act in malice, and whatever may be necessary, &c., binding myself to replace the paper, there being none of the proper seal.

FRANCISCO GARCIA SAN JUAN.

Let the testimony asked for be taken. Citizen Lorenzo Barrio, second constitutional justice, so decreed and signed with those in his attendance.

LORENZO BARRIO.

Attending :

FRANCISCO BARROW.

NICOLAS BARELA.

In the present act and sworn according to form I, Antonio Probo, promised to state the truth in what he knew and was interrogated. He stated that his name was as above, widower, resident of this town, aged 55 years, laborer, and C. A. R.

Interrogated concerning the first question in these interrogatories and having been informed thereof, stated that he had the title deeds to the lands called El Bracito in his hands, issued in favor of Don J. A. Garcia, and that these were given by Don José Ordas, at that time lieutenant governor of these places.

The second being read to him he answered that at that time the boundaries known were one from the mouth of the ditch (acequia) of the Bracito to the marshes called Trujillo, and from the extreme of these two points, commencing at the river, one league and one-half towards the north; that what he has stated is the truth under the oath which he has taken, which testimony he affirmed and ratified upon its being read to him. He did not sign, not knowing how. The justice and those in attendance did so.

LORENZO DEL BARRIO.

Attending :

FRANCISCO BARROW.

NICOLAS BARELA.

Don Thomas Yrigoyen, being present, was sworn, and he promised to state the truth in what he knew and was interrogated. He said his name was as above stated, resident of this town, carpenter, aged forty years, and C. A. R.

Interrogated concerning the first question found in the foregoing interrogatories, and having been informed thereof, he stated that he did not see the possession given, but had the title deeds in his hands; that it purports to be given by Don José Ordas, who appeared to have been at that time lieutenant governor of this country.

The second having been read to him, he answered that he is certain that, commencing above and coming down, the boundary was the mouth of the ditch (acequia) of El Bracito to the marshes called Trujillo; but he is not certain which is the fixed boundary from north to south.

That the above is what he can state under the oath which he has taken, which he ratified and confirmed, and signed with justice and those in attendance.

LORENZO DEL BARRIO.
THOMAS YRIGROYEN.

Attending :

FRANCISCO BARROW.
NICOLAS BARELA.

Don Francisco Orcasitas was then sworn, who proposed to state the truth in what he knew and was interrogated. He said his name was as above stated, married, aged 49 years, resident of this town, industrious, and C. A. R.

Interrogated to the tenor of the first question to be found in the foregoing interrogatories, he answered that he knew that possession was given to Don José A. Garcia of the lands called Bracito, and that this was issued by Don José Ordas, lieutenant governor of this town; and that he knows this, having had the aforesaid possession in his hands. Being informed of the second, he answered that the boundaries contained in the possession were, commencing above, and coming down from the mouth of the ditch (acequia) of El Bracito to the marshes called Trujillo, and from the river, towards the north, a league and one-half in each direction; that what is above stated is the truth under the oath which he has taken, which he ratified and confirmed upon the testimony being read to him, which he did not sign on account of a nervous affection under which he labors. The justice and those in attendance signed.

LORENZO DEL BARRIO.

Attending :

FRANCISCO BARROW.
NICOLAS BARELA.

PASO, *September 21, 1849.*

The taking of this testimony being concluded, let it be returned to the party for the purposes he may deem convenient. The sitting justice decreed, and signed with those in attendance.

LORENZO DEL BARRIO.

Attending :

FRANCISCO BARROW.
NICOLAS BARELA.

Pablo Melendrez, resident of Doña Ana, as head of a family, and representing the right my sons and daughters may have, as descendants of Doña Guadalupe Orcasitas, deceased, to the land of El Bracito, which is in dispute, and that perhaps my uncle, by marriage, Don Francisco Garcia San Juan, may obtain something in favor of my progeny, and for my part I give him sufficient authority for all that may be necessary to favor my interests, the same as I could do if personally present; and in testimony thereof, I grant these letters in the town of El Paso, this 11th day of August, 1851.

PABLO MELENDREZ.

Doña Marta Orcasitas, resident of Doña Ana: And for the right I may have to the lands of El Bracito, which are in dispute, and that perhaps my uncle, Don Francisco Garcia y San Juan, may obtain something in our favor, for my part I give him sufficient for all that may be necessary to favor my interests, the same as I could do if personally present; and in testimony thereof, I grant these letters in the town of El Paso, on the 11th of August, 1851. At the request of Doña Marta Orcasitas, Juan Herrera, Don Thomas Ignacio Bernal, for the right which my children, Mariano, Jesus, Josefa, Manuela, and Nicolas, may have, Josefa Garcia for herself, and Mariano Garcia, royal soldiers of the town of El Paso, Pablo Melendrez in the name of his minor children, and Marta Orcasitas for herself, the last named residents of Doña Ana, do grant our full authority, as is required and may be necessary, to Don Francisco Garcia y San Juan to assert before the government of the United States of North America the right which we have to the lands of El Bracito, and for that purpose may present himself before the judges and justices, before whom he can and shall ask and demand answer, and deny, collect, contest, and protest; take out deeds, copies, and other papers appertaining to us, and present the same; file exceptions, decline jurisdiction, ask for benefits of restitution, present witnesses, deeds, and proofs; question and contradict opposing testimony; reject judges, counsellors, and clerks; give reasons for refusals if necessary, and swear to the same; prove and decline proof; cause oaths to be taken by the opposite parties of slanders and conclusions, and others that may be proper; make executions, sequestrations; consent to releases; dissolve injunctions; make sales or disposals of property; accept conveyances; take possession and protection; conclude and ask for hear writs and sentences, agreements and decisions, and consent to what is favorable; and to the contrary appeal and pray, and pray continue appeals and prayers where he can, and shall legally do so; obtain provisions, decrees, requisitions, and orders, and present the same, and cause to be intimated where and to whom they are directed; and for all and everything and part, and whatever may be incident thereto and dependent thereupon, we give him such ample authority, that for the want of it, he shall leave nothing undone wherever it may be necessary to all interests and purposes, as if we were personally present, with full and general administration and authority, to prepare suits for judgment and to substitute and revoke substitutions, and appoint others; we all declare in form, and for its validity we bind ourselves and our persons, our property acquired or to be acquired. In testimony whereof, we grant these presents in the town of El Paso, on the thirteenth day of September, one thousand eight hundred and fifty-one, on this common paper for the want of the proper, those who sign being responsible for the proper amount.

TOMAS BERNAL.
 MARIANO GARCIA.
 JOSEPH GARCIA.

Don Francisco Garcia y San Juan, resident of the town of El Paso, for himself and as attorney of the persons contained in the foregoing power of attorney, given to him for the purpose of ascertaining before the government of the United States of North America the right they have to the lands of El Bracito, states: That he is embarrassed in the compliance of his duty on account of not knowing the language, and also the lands which may favor his principals, and for this purpose I cannot do less than transfer this power in favor of D. Hugh Stephenson, with the same clauses and authority granted to me; and in testimony thereof I signed in the town of El Paso, on the 16th of September, 1851.

FRANCISCO GARCIA Y SAN JUAN.

To the second justice of this town, Francisco Garcia y San Juan, of this neighborhood, presents himself before you, and states: That having to assert his claim to the land called El Bracito before the authorities of the United States, claiming under a just and legal title from time immemorial, being situate within the boundaries of that government, and being necessary for him to show the legal causes for non-production of the judicial title which established his right to the aforementioned land of El Bracito, you will be pleased to cause citizens Juan José Sanchez and Luis Jaques to appear before your court and declare under oath:

First. If they knew that the American troops, when they invaded this town in December of the year 1846, took all the houses in the plaza for quarters, as also the halls of the illustrious corporation, where the public archives were deposited.

Second. To declare what they positively know the same troops did with the archives, stating in detail all they know and saw in reference to the matter, which being done you will please return the proceedings to me to be used as I may deem proper. Therefore I pray you to do as I request. I swear not to act through malice, and in whatever may be necessary, &c.

FRANCISCO GARCIA Y SAN JUAN.

TOWN OF EL PASO, *October 27, 1852.*

PASO, *October 28, 1852.*

As presented let the testimony asked for be taken.

The second civil justice so decreed and signed with those in attendance, which I certify.

BENTURA LOPEZ.

Attending:

FRANCISCO BARROW.

JOSÉ BEANES.

Immediately presented Mr. D. José Jaques, who being sworn according to law, promised to state the truth in what he knew and was interrogated, which being done, and he competent to testify, he answered that his name was as above stated, married, aged 39 years, a merchant, and competent to testify. To the first question in the foregoing interrogatories, which was read to him, he answered that it is

true that in December of the year 1846, when the troops of the United States of North America invaded this town they took possession of all the houses on this square (plaza) for quarters, as well as the hall of the illustrious corporation where the public archives were deposited.

To the second he answered that it was publicly said that the same American troops destroyed the greater portion of the archives; that what he has stated is the truth under the oath he has taken, which he affirmed and ratified upon the testimony being read to him, which he signed with the justice and those in attendance. I certify.

BENT'A LOPEZ,

Attending :

FRANCISCO BARROW.

JOSÉ JAQUES.

JOSÉ BEANES.

Wherefore, I presented Mr. D. J. J. Sanchez, he was sworn according to law and offered to state the truth in what he knew, and was interrogated, which being done, and being competent to testify, he said his name was as above stated, married, aged 46 years, occupation a laborer, resident of this town, and competent to testify. To the first question in the foregoing interrogatories he answered, upon its being read to him, that he knows that the American army, which came under the command of Colonel Dffa, (Doniphan,) in the year mentioned in the interrogatory, occupied the town hall of this place, and that the archives of the corporation and justices' courts were deposited there; that the deponent was first justice at that time, and that as such Captain Waldo, doctor of medicine, and belonging to the said army, informed him that the soldiers were entirely destroying the archives, and that for that reason he went there immediately, with several others, and collected the few public papers they had left, the greater portion having been already burned and thrown in the streets, and even some time after there were important public papers found scattered in the streets; that with what he has stated he answers the two questions read to him from the foregoing interrogatories; that what he has stated is the truth under the oath which he has taken, which he affirmed and ratified upon the testimony being read to him, which he signed with the justice and those in attendance. I certify.

BENT'A LOPEZ.

J. J. SANCHEZ.

Attending :

FRANCISCO BARROW.

JOSÉ BEANES.

TOWN OF EL PASO, *October 21, 1852.*

The foregoing proceedings having been concluded, let them be returned to the party interested for the purposes he may deem proper. The second substitute justice so decreed and signed with those in attendance. I certify.

BENT'A LOPEZ.

Attending :

FRANCISCO BARROW.

JOSÉ BEANES.

Fees for those proceedings without the paper, \$2 4 rials.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 28, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SANTA FÉ, *New Mexico, December 31, 1856.*

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico.

GRANT (ORIGINAL)—ESCRITO 1820.

Señor Teniente Gobernador Interimo:

Don Antonio Garcia, vecino de esta jurisdiccion, como mejor haya lugar en derecho y al mio combenga ante V. parezco y digo: Que necesitando para hacer ó seguir de nuebo mi ynstancia sobre la poblacion del paraje nombrado el Bracito, que solicité se hiciere á cuyo fin practicarán diligencias en la materia y documentados se hayan en el libro de este gobierno de su cargo y debiendo necesitar tenerlas á la vista y hacer de ellos el eso que me convenga he de merecer á V. se me entreguen dichos documentos y solo se busquen en el legajo del año 1817, cuyo fecha cito para no ser molesto y quitar á V. la atencion de otros negocios, por tanto, A V. suplico rendidamente se sirva hacer como pido que en ello recibire merced justicia y gracia y piro en toda forma, Paso 8 de Febrero de 1820.

JUAN ANTONIO GARCIA.

Paso, *Febrero 9, de 1820.*

Auto.—Por presentado y admitido y en atencion á lo que esta parte solicita proceda desde luego a darse testimonio de los documentos hablen en favor del interesado. Y por este auto yo, Don Tomas Bernal, teniente gobernador politico interino de este pueblo asi lo decreto y firmé con los testigos de mi asistencia actuando por recept^a. por falta de todo escribano publico ni real que no lo hoy en estas partes en los terminos prevenidos por la ley, de que certifico.

TOMAS BERNAL.

Asistencias: Jⁿ. M^a. PONCE DE LEON.
 ALEJANDRO CASTRO.

Escrto.—Señor commandante general: Don Juan Antonio Garcia de Nariaga, vecino del Paso, teniente retirado de las milicias provinciales de dragones de dicho pueblo, con el mas respecto y sumicion haya lugar en derecho y al mio combenga paresco y digo ante la prioridad de V. S. diciendo: Que hace como once años que saqué

una acequia en el paraje que nombran el Bracito, como se lo hago ver á V. S. en el adjunto escrito que presenté al señor gobernador de esta provincia, y el año pasado para la enunciada acequia se les sembró á los Apaches un poco de mais y como estos nunca se establecen en una sola parte en este año mirando en la epoca presente la ganado epidemia y contagio que habia en este espresado pueblo de Langosto que cuyo en todos los sembrados que los digo aniguilados me amimé á sentarme en el nominado paraje del Bracito poniendo mi rancho de ganado menor que tengo á redito con el que pobrememente me mantengo y sostengo mi pobre familia hallandome en dicho rancho del Bracito habré tierras dejandolas que estaban abiertas en que sembraran dichos Apaches y las que nuevamente habré las sembré de maiz y frijol y habiendo levantado mi corta cosecha que Dios me dió me he estado quitando de mis bienecitos y de un poco de trego que tengo sembrado por ser tan abundantes las aguas pastos y comodidades que ofrece en dicho paraje en vista de que varios vecinos que en este dicho pueblo se haya sin tierras, me comunicado que estan prontos á acompañarme á que se haga una corta poblacion, por lo que suplico á V. S. que serciore del citado paraje por Teniente Coronel Don Pedro R. de Lara mandá y el Teniente Coronel Don Alverto Maines, será V. S. impuesto de todas las comodidades que promete para una buena poblacion, y que hayandole por conbeniente se sirba V. S. por su bondadosa piedad se me permita en conjunto de los vecinos que quisieren á acompañarme á poner mi resinto y rancho en el mencionado Bracito; como tambien pido á la alta penetracion de V. S. que los que fuésemos nuevos pobladores nos haya la graciosa merced de excetuarnos de las contribuciones y pensiones que en este pueblo se hayan de signar y del diezmo que podamos dar de los frutos de nuestras cortas cosechas que levantamos por el tiempo que V. S. fuere gustoso. Esta merced que impetres es motivado á que para mantener como he mantenido la tranquilidad de la paz con los Apaches á cido gratificandolos con semillas y lo poco que adquiero y excetuandonos de lo que espreso será para ayuda de la gratificacion que espreso y que les daré. Los capitancillos de los Apaches me han dicho que este año entrante quieren que se les siembren sus tierras y siempre que se berifique dicha poblacion anciliada del vecindario del pueblo del Paso y con los nuevos pobladores les sembrare para tranquilizarlos mas. Por tanto a V. S. rendidame pido y suplica se sirba decretar como lo hayare por conbeniente en lo que recibire merced y gracia. Quado. 6°, 27.

JUAN A. GARCIA.

PASO, *Noviembre 29, de 1816.*

Ymfl. el Teniente Gobernador del Paso.—Decreto informe del Teniente Gobernador del Paso, Benavia.

DURANGO, *24 de Abril, de 1817.*

Sr. COMANDANTE G'RAL: Vien sabe V. S. cuan recomendado esta por el Rey N. S. el que se formen y amparen los nuebas poblaciones en estas provincias lo que pretende hacer Don Juan A. Garcia acompañando de varios individuos vecinos y cabesas de familia seg^{na}. la lista adjunta en el paraje del Bracito del Rio del Norte serca de Robledos á sus espensas.

parece se debe facilitar por el tiempo pacifico de los Gentiles da lugar establecer la poblacion y labor siendo administrada del Curata del Paso y advertidos que teniendo cavallos silla y armas seran dueños de solares que fabriquen y de las tierras que cultiven y simbren siendo los egidos aguas y bosques realengos sirbiendose V. S. mandar instruccion conbeniente para los buena principios del establecimientò y preñirme lo que tenga á bien sobre todo. Es cuanto puedo informar á V. S. en cuplimento á su superior decreto de 24 de Abril ultimo. Paso, Junio 29, de 1817.

JOSÉ ORDAS.

DURANGO, 17 de Julio de 1817.

Decreto C.—Debuevas el teniente gov^{or}. del Paso para que acomañado la lista que cita y dejo de incluir de los vecinos que en union Don Juan A. Garcia solicitan poblar en terreno que se espresa informe la estansion que tiene la distancia á que se haya de las poblaciones mas inmediatas las proporciones que ofrece para fundar otro por la abundancia de aguas y pastos y si en el caso de adjudicars á los interesados podrá establecerse en el sentro del mismo terreno la poblacion y habitaciones del ecclesiastico que ha de administrarlos del juez y demas que haga de componer el vecindario.

BONAVIA.

C.—*Distancia del Teniente Gobernador del Paso.*

SEÑOR COMANDANTE GENERAL: El terreno que solicita poblar el condio en esta instancia en compañia de los individuos que comprende adjunta lista misma que por un equiboco inboluntario dejo de incluir ando pase dicha instancia á esa superioridad tiene de largo cosa de tres leguas de ancho al lado del poniente como un quarto de legua á su inmediacion poco mas de legua con cuyo ambito signa hasta donde finalis por la parte del oriente. Es abundante de aguas pues por el lado del sur linda con el rio que pasa por esta jurisdiccion. Lo es al mismo tiempo de pastos y ofrece las mayores proporciones en caso que se verifique su herecion y no hay embaraso para que en su sentro se vigne la poblacion y habitaciones del ecclesiastico que ha de administrarlos del juez y demas que hayan de componer el vecindario. Se haya distante de las primeras casas de esta jurisdiccion cosa de quince leguas pocomas ó menos. La opulencia del vecindario de esta jurisdiccion y cortes de leña que anualmente hacen para el trafico de sus flechas por una y otra vanda del rio no permitera que los nuevos colonizadores usen pe cortar la que hay en aquel terreno pero tampoco se mandican los de esto pueblo por esta causa mediante agua de ayi para que sea la tenien demasiado abundante. Es cuanto puedo informar á V. S. en cumplimiento á su superior decreto fecha 17 de Julio ultimo, para que en su vista dispoqa lo que fuera de su superior agrado.

JOSÉ ORDAS.

PASO, 30 de Agosto, de 1817.

Lista de los individuos pobladores.

Lista de los individuos que solicitan á compoña á Don Juan Antonio Garcia en la poblacion del Bracito, á saber : Don Juan A. Garcia con 14 sirbientes, Don José Barrios con 2, Don Juan Barrios y dos hermanos suyos, Patricio Lucero, Miguel de Herrera con dos hombres, Simon Talamante, Don Ramon Garcia con dos hermanos, Antonio Provencio, Mateo Telles, Vincente Quaron, Matias Valencia, Don José Garcia con un hombre. *Nota* : Que amas de los anotados ha varios animados que solo aguarden la resolucion de esa superioridad.

Paso, 30 de Agosto, de 1817.

SEÑOR GOBERNADOR : Don Juan A. Garcia, Español vecino natural del pueblo del paso termino de la jurisdiccion de V. S., teniente retirado de las milicias hurbanas de dicho pueblo con el mayor respecto y beneracion que debo ante la alta penetracion de V. S. paresco y digo : Que estando intelligenciado en las repetidas ordenes de S. M. sobre que pueblen los recintos y parajes comodoss de una y orta banda del Rio del Norte á fin del mayor seguro de los enemigos que constantam~~ente~~ estan hostilizando esta provincia y que sus poblaciones disfruten plauciblemente asi de las abundantes aguas de dicho rio de los planes incult~~os~~ para laborios como de las producciones minerales registradas que prometen grandes proporciones á la patria como son los serros de los Organos y San Andres cuyos metales tenemos ensayados, los de Roble~~s~~ y San Diego (que son tan optimos) la pasturacion de ganados mayor~~es~~ crias de cavallada y laborio con abundantes aguas cuyas ventajas para los patricios son innegablas siendo yo uno de estos y tener hijos que en mi favor pueden sostenerlas y adelantarlas suplico á V. S. se sirba *mercenarme en el real nombre del Rey nuestro señor*, las porciones de tierra desde el Bracito hasta el estero de Trujillo en el cual citio prometo hacer casa para corrales y abrir laborios en las tierras airasas é incultas y mantener ayi á mi costa y mencion el numero (para á hora) de quince hombres mientras la ambulacion é interes atrae mayor numero de habitantes pobladores en bein de la patria y de su propio conoci~~miento~~ interes con la mira primaria de registrar y trabajar con consorcio de hombres inteligentes los minerales que ya tenemos reconocidas y que a ejemplo de esto no falten otros que se encarguen de hacer lo mismo y de este modo llegue á tener efecto la mente de su magestad de tantos años recommendada. No estrañe V. S. que yo haya hecho este pedimento dejando de practicarlo ante el señor teniente gobernador de mi residencia pero considerando y estando cierto en que en este señor no residen las precisas facultades para su adguicicion he venido á su superior jusdago emprendiendo riesgos y gastos y tiempo á fin de que V. S. sea muy serbido de aprobar hacer y mandar como solicito siempre que V. S. lo estime conbeniente al estado á la patria y al bien publico. Por toda lo cual, A. V. S. pido y suplico se sirba determinar como mejor hayave conbeniente en lo que recibiré merced que impetro y he menester. Juro en toda forma no proceder de malicia costas protest~~as~~ y en lo necesario, &^a.

JN. ANTO. GARCIA.

la poblacion y labor y que deve ser administrado por el curato del Paso y se manifiesta en los mismos autos y en el 2°. en el ultimo parrafo pone el agregado y dice la opulencia del vecindario de esta jurisdiccion y corte de lena que anualmente hacen para el trafico de sus cosechas de una y otro banda del rio no permiten que los nuebos pobladores vien de cortar lo que haze en aquel terneno para este pueblo pero que tampoco se perjudican estas por esta causa mediante que de ayi para arriba la tenien demasiado abundante." Causa como digo á V. S. se hagan desanimados los que antes voluntarios se prestaban en mi union al fomento de la referida poblacion, "Es constante senor y nado lejos del conocimiento de V. S. que aun cuando llegue á tener efecto esta mi justa solicitud (como deseo) en nada se perjudica esta jurisdiccion teniendo comunes los cortes de lena non la nuevo poblacion por ser el terreno tan ampleo que no solo da lugar para esta y si á otra á la banda opuesto del rio por el lado del norte en el Doña Ana tantos y tan justificados motivos me mueben á molestar la atencion de V. S. por paracerme nada o questo al serb°. de ambos majestades y antes recomendables por nuestro soberano el repueble de los parajes desierto y baldidos para el aumento de la agricultura y el mejor bien de sus vasayos. Sin embargo senor de que como digo que los vecinos que voluntariamente querian acompanarme haciendo cabezas de pobladores se hagan de otro parecer por los motivos espuestos suplico á V. S. no sea obstaculo este para pue esta mi reverente question tenga el efecto que desea pues cuando estas no lo verifiquen hay otros muchos mas que no tienen propiedad legitima mantenindose solo acomodades para con el corto salario mantener sus obligaciones y la subcistencia de sus familias." Aun cuando en parte no estime por justo todo cuanto lleba dicho espero de su bondadosa piedad hallandolo por conbeniente seme mercede á nombre de su magestad en el referido terreno desde el Bracito hasta el estero de Trujillo como solicito en mi citada 1°. presentacion y se comprende en los precitados autos ofreciendo cumplir lo mismo que ofrecé hacer en dicho pedimento como es fabricando casa para corrales y abrir laborios y mantener un corto n°. de hombres a mi costa. Espero de su acreditada venevolencia no le sea molestoso tanto cuanto en el particular espongo antes si sea muy serbido aprovar hacer y mandar como solicito siempre que V. S. lo estime conbeniente al estado á la patria y al bien publico, por tanto." "A. V. S. pido y suplico se sirba determinar como mejar hagave por cobenient en lo que impetro y é menester. Juro en toda forma, no proceder de malicia, costas protesto y en lo necesario, &ª.

JUAN A. GARCIA.
[Una rubrica.]

PASO, 18 de Febrero, de 1820.

SANTA FÉ, Agosto 28, de 1820.

Decreto.—El Señor Gobernador de esta Provincia, Don Joaquin del Real Alencaster en decreto de 4 de Agosto de 1805 se negó á conceder la solicitud del suplicante conditionalmente y á hora esta gov°. no tan autorizado (se gun se cree) como aquel gefe no obstante de la presun-

cion en que esta por sus conocimientos topograficos de que conviene se pueble ha resuelto ocurra el interesado a donde corresponda.

MELGARES.

Un cuartillo, sello cuarto, año de mil ochocientos veinte y uno, habilitado jurado la constitucion por el Rey en 9 de Marzo de 1820.

[Una rubrica.]

Escrito.—Don Juan A. Garcia de Noriega, vecino del Paso, teniente retirado de las milicias urbanas de la propia jurisdiccion, ante V. E. con el debido respecto paresco y digo : Que en el año pasado de 1817, presenté escrito al Excm^o. Señor Don Bernardo Bonavia inmediato antecesor de V. E. pediendole que la virtud de que hacia once años que mantenía mis ganados en el paraje nombrado el Bracito en donde amispensas abré una asequia rompé tierras é hice una corta siembra de mais cuya cosecha emberté entre los Apaches establecidos de paz en el citado pueblo se sirbiese permitirme que en union de otros vecinos de la misma jurisdiccion que carecian de tierras propias fundar una nueva poblacion en el referida paraje del Bracito que por la abundancia de aguas pastos y demas proporciones que en el se disfrutan seria muy util y tal ves llamaria la atencion de otros individuos los cerros minerales de plata y cobre que existen en sus cercanias y no se trabajan por hayarse en desierto suplicando é igualmente á dicho superior gefe que á como nuevos pobladores se nos excimiere por el tiempo que fuera de su agrado de las pensiones que en el pueblo del Paso de nos asignaren y del pago de diesmos. El nominado gefe en decreto de 24 de Abril de 1817, tubo á bien pedir informe ál teniente gobernador de este pueblo que en su cumplimiento espreso que estando tan recomendadas por el Rey N. S. el establecimiento de nuevas poblaciones en estas provincias resultaria muchas en ventajas accederse á la solicitud hecha por mi con todo lo demas que le parecio conbeniente y circunstanciado consta en los folios No. 1, á 4 del esped^{to}. que debidam^{te}. acompaño. A consecuencia de dicho informe despues el mencionado Señor Bonavia por decreto de 17 de Julio, de 1817, que el nominado teniente gobernador espuciere las estencion de los terrenos que comprende la estencion del paraje de Bracito, distancia á que se haya de poblaciones mas inmediata las proporciones que ofrece para ubicar poblacion por abundancia de aguas y pastos y si en el caso de adjudicarse á los interesados podrian establecer en el centro del mismo terreno las habitaciones para el ecclesiastico juez y demas individuos que compuciesen el vecindario. En el mismo á los folios 4 y 5 se haya un escrito que presente al Señor Gobernador de Nuevo Mejico Don Joaquin Real Alencaster, en que refiriendo menudamente los buenas proporciones del paraje del Bracito hasta el estero conocido con el nombre de Trujillo pedi que en nombre del Rey se me adjudicase dicho terreno prometiendo construir casa parrar corrales abri tierras y mantener a mi costa quince ó veinte hombres mientras que á imitacion mia y movidos del interes con la mira primaria de trabajar en consorcio habia teniendo ofecto la mira de su magistad tan repetidamente recomendada de que se establecen poblaciones en estas provincias que prestan proporciones para ello. El citado gobernador del Nuevo Mejico decreto en 4 de Agosto de 1805, que mi solicitud seria atendida

luego que hubiese poblacion en las inmediaciones del nominado paraje del Bracito. Con fecha 12 de Setiembre de 1817, presente al teniente gobernador de esta jurisdiccion el escrito de foxas 5 buelta en que despues de manifestar las causas que en aquella epoca me asistian para desistir de la solicitud pedi que suspendiese por entonces todo procedimiento judicial hasta que fuese nuebamente promovido por mi: en cuya consecuencia quedo el asunto en el estado en que antes tenia. Habiendo sesado los motivos que me obligaron á tal desistimiento presente al actual gobernador interino de la provincia de Nuevo Mejico, el escrito que corre del folio 7 al 9 del espediente citado pidiendo que se mercenare á nombre su magestad el referido terreno del Bracito hasta el estero de Trujillo como solicite en escrito que se haya á folios 4 y 5 del ya enunciado espediente pero dicho gobernador persuadido de que carecia de facultades para conbenir en mi solicitud dispuso en 28 de Agosto de 1820 que sin embargo de estar penetrado por sus conocimientos topograficos de que conbiene se pueble el nominado punto del Bracito occuviere á donde corresponde. En cuya consecuencia y combinendome segun dejo manifestado el que se me adjudique el terreno del Bracito hasta el estero de Trujillo con los pastos y montes que le son anexsos, A. V. E. rendidamente suplico que en atencion á cuanto dejo espresado y al corto merito que me asiste se sirba V. E. disponer que prebias las formalidades requicitas se me adjudique dicho puesto del Bracito hasta el estero que llaman de Trujillo en lo cual recibire merced.

JUAN A. GARCIA.

EXMO SEÑOR.

Pueblo de Nuestra Senora de Guadalupe del Paso, 28 de Julio, de 1821.

Dictamen de la Yntendente de Durango.

Yntendente.—El promotor fiscal de hacienda publica dice que desde el año de 805 se presente Don Juan A. Garcia vecino del pueblo del Paso registrando las tierras del Bracito cituadas en aquel mismo Territorio y ofreciendo poblarles con sus ganados y los correspondientes brazos para su custodia y seguridad, pero el gobernador de aquella provincia acaso por los riesgos que presentarian las incursiones de los barbaros en aquella epoca decreto que se admitiria la instancia cuando se cituare poblacion en las inmediaciones de dicho paraje. Posteriormente en el año de 817 repetió su solicitud estiendola á que se le permitiese poblar el enunciado paraje y se instruyó con tal motibo espediente en la comandante general hasta indicarse el numero de familias y vecinos que estaban prontos a trasladarse á la nueva poblacion y ocuparse en su fomento mas por las causas que indicó el mismo Garcia se suspendió en curso de su solicitud hasta el año pasado de 820 que incistió en el registro por ante el gobernador de aquella provincia y previniendosele que ocurriese ala autoridad correspondiente se dirigió al exmo. señor comandante general de estas provincias que emitió instancia á esta Yntendencia, y es lo que resulta del espediente. No hay duda que el aumento de poblacion y particularmente en aquella remota probincia es de preferente atencion ala cria de ganados y cul-

tivo de terrenos cuyos ramos recibiran un fuerte impulso por solo el hecho de fomento de poblaciones. Las leyes y ultimos decretos tra-
 do de proteger el establecimiento de estas prescriben que los terrenos
 acomodades y a proposito para poblaciones no se merceden a los parti-
 culares para criaderos de ganados ó laborios de siembra sino que re-
 mitiendo los terrenos que se registrasen con las calidades que se pre-
 scribian de buen temperamento, fertilidad, abundancia de aguas y
 otras que se refieren en dichos decretos se diera cta. al govbierno su-
 premo con los espedientes para que allé se resolviere lo mas conbeni-
 niente. El que tenga a la vista presenta en su primer aspecto a las
 tierras del Bracito como utiles y acomodades para poblacion pues que
 ya en otra epoca trataron de poplarlas, varios vecinos del Paso segun
 he insinuado aun no se sabe si ellos partenenecen ó no a la nacion y de
 consiguiente pido que ante todas cosas se reciba una informacion de tres
 testigos que declaren en el particular de si son ó no nacionales y sin
 dueño determinado que en seguida se reciba otra informacion de tres
 dta la localidad extension y circunstancias del mismo terreno su tem-
 peratura, rios, arroyos ó fuentes que lo riegan ó circundan y de su
 calidad ó esterilidad que hecho asi con lo que resultarese de cuenta
 á esta Yntendencia que remitirá el espediente para la practica de lo
 pedido al subdelegado ó alcalde de 1^{er} voto del Paso previniendosele
 que informe si aun existen dispuesto á poblar dicho terreno varios ve-
 cinos que á ello se ofrecieron en el año de 17 si otros y que para la in-
 formacion de si son ó no nacionales nombre un promotor fiscal que
 tenga los derechos de la hacienda publica, que es lo que concluye el
 que aqui llebo la vos por la misma.

Honorario con vista siete pesos.

LICDO. RAMOS.

DURANGO, 9 de Enero, de 1822.

DURANGO, 17 de Enero, de 1822.

Decreto.—Remitase al alcalde 1^o. del pueblo del Paso para que pro-
 cedá á la practica de las diligencias que se piden por el promotor fiscal
 de la hacienda publica donde citada con la posible vrebidad.

DON HERRERA.

[Una rubrica.]

Auto del Alcalde 1^o. del Paso.

PASO, Abril 18, de 1822.

Por recibido el presente espediente que el Señor Intendente Don D.
 Mariano Herrera, me remitió con fecha 17 de Enero del corriente año
 á efecto de que en su vista se procediese por este juzgado á darle el
 curso correspondiente segun lo dispuesto por el señor promotor fiscal
 de la hacienda publica en Durango constante en el y siendolo 1^o. que
 pide en este se reciba informacion de tres testigos segun lo que re-
 mita de lo diligenciado en dicho espediente. Debia de mander y
 mando que para esta fin se citen para el de mañana á los tres repdores
 de esta y lustra corporacion, Don Bentura Carbajal y Don José Maria
 Velarde, y el vecino Don José Maria Garcia para que concluido esto

se proceda á lo demas que haya lugar, y por esto auto y Don George Guereña, alcalde de 1^{er} nominacion asi lo, provei mande y firmé con los de mi asistencia con quienes actuo por recepta. y en el presente papel por no haber de ningun sello, de que certifico.

GEORGE GUEREÑA.

Assistencia: JUAN MA. PONCE.

GUADALUPE VENERIDES.

Declaracion del 1^o. testigo.—“En el pueblo del Paso a los 19 dias del mes de Abril de 1822, segundo de la independenciam de este imperio. ante mi Don George Guereña alcalde de 1^{er}. nominacion de dicho pueblo compareció á este juzgado Don Ventura Carbajal á efecto de que informe si los terrenos del Bracito que pretende Don Juan A. Garcia de esta vecindad para poblacion pertenecen ó no a la nacion ó algun particular segun lo mandado por el señor promotor fiscal de la hacienda de Durango, y entendido de lo que se le pregunta dijo: que le consta y desde su infancia sabe que dicho paraje es nacional y sin dueño particular, pero que los vecinos de este pueblo aunque de él al dicho paraje dista como 15 leguas hacon uso de él para la saca de madera, leña y pastorias de caballada y ganados asi mayores como menores y que si priban á esos de esta gracia considera se proporcionará la ruina de este pueblo: que es ct^o. sabe y responde á lo que se le pregunta. Y para su constancia lo firmó con migo dicho señor juez y los testigos de mi assta. con quienes actuo por recepta. de que certifico.

GEORGE GUEREÑA.

VENTURA CARBAJAL.

Assistencia: JUAN MA. PONCE DE LEON.

MARIANO ORCASITAS.”

Declaracion del 2^o. testigo.—“Ynmediatamente y ante mi dicho señor juez mande comparecer segun lo mandado á Don José Maria Velarde, regidor de ylustre corporacion segun lo pide el promotor fiscal de Durango dijo: que siempre ha sabido que dicho paraje es nacional y sin dueño pero que los vecinos de este pueblo aunque de él a dicho paraje disto como 15 leguas hacen uso de él para la saca de madera leña, pastorias de ganados y que si se privan á estos de esta gracia consid^o. incapaz de que subsista este pueblo que es ct^o. sabe y responde á lo que se le pregunta. Y para su constancia lo firmó con migo dicho señor juez y los testigos de ast^a. con quienes actuo por recepta. por falt^o de escribano que no lo hay en los terminos preveindos por lay doy fé.

GEORGE GUEREÑA.

JOSÉ MARIA VELARDE.

Assta. : J. M. PONCE DE LEON.

MARIANO ORCASITAS.”

Declaracion del 3^o. testigo.—“Yncontente y ante mi dicho Señor juez presentes los de mi asistencia mande comparecer al vecino de este pueblo Don José Maria Garcia á efecto de que si los terrenos del Bracito que pretende poblar Don Juan A. Garcia preteneen ó no la nacion ó á posesion de algun particular segun lo mandado por el promotor fiscal y entendido dijo: que conoce y sabe que dicho paraje es

nacional y sin dueño particular pero que los vecinos de este pueblo aunque de él á dicho paraje dista como 15 leguas hacen uso de el para la saca de madera pastorias de ganados y que si se privan de esta gracia á estos se considera sea incapaz de que puedan subsistir que es ct°. sabe y responde a lo que se le pregunta y para constancia lo firmo con migo dicho Señor juez y los de mi ast°. con quienes acuto por recept°. doy fee.

GEORGE GUEREÑA.
JOSÉ MARIA GARCIA.

Asst°. : J. M. PONCE DE LEON.
MARIANO ORCASITAS."

Auto.—“En el pueblo del Paso del Rio del Norte a los veinte dias del mes de Abril de 1822, segundo de la independencia de este imperio, yo Don George Guereña, alcalde de 1°. nominacion en virtud de lo pedido por el Señor promotor fiscal constante en estas diligencias á las 13 debia de mandar y mando que para la practica del informe de la localidad estension y circunstancias del terreno del Bracito se poseen estas en el estado que se hayan á Don José Maria Cordova de esta vecindad para que en su vista les de el curso que ellas piden de biendomelas con su informe para proseder a lo de mas que haya lugar y por este auto yo dicho Señor juez asi lo provei mande y firme con los testigos de ast°. de que certifico.

GEORGE GUEREÑA.

Asst°. : J. M. PONCE.
MARIANO ORCASITAS.

Dictamen del C. José Maria Cordova.

SEÑOR ALCALDE DE 1°. VOTO DON GEORGE GUEREÑA: El vecino de esta jurisdiccion, Don José Maria Cordova, en cumpl°. a la providencia de que me pasa este espediente para que informe en el mismo acto en comision al terreno del Bracito si se que la estencion desde los linderos de Trujillo hasta el paraje nombrado el Bracito habra de largo tres leguas y de ancho desde la orilla del rio hasta las lomas de la sierra de los Organas como mas de media legua en partes que pueda ser utiles para tierras de lavor tiene la circunstancia de que toda es tierra llana los ancones del rio y no tiene arboleda mas que uno que otro alamo y lo demas esta lleno de abrajos espinas y demas especies de malera excito la orilla del rio que esta bien poblada de alameda grande y pequeña sons y tornilla el temperamento es casi igual al de este pueblo que solo puede ser algo mas frio por estar mas abajo del norte aguas no tiene ningunas mas de las de este rio del Paso en cuya origa esta cituada no tiene fuente ninguna ni arroyo de agua permanente por que estos solo la tienen de la que llueve el suelo soy de sentir que es util y fuertil a la agricultura lo mismo que el de este pueblo y que podra dar las mismas producciones pues esta resguardando del viento norte con la sierra de los Organas y esta por la parte del norte tiene abundantes maderas de pinos y encinos. Es ct°. puedo formar en cumplimiento de lo mandado.

JOSÉ MARIA CORDOVA.

Paso, Abril 19 de 1822."

PASO, Abril 23, de 1822.

Auto.—Por recibido el presente espediente con el informe sentado en el por Don José Maria Cordova de esta vicinadad en 19 del corriente segun se le pide en auto anterior y faltando para dar cumplimiento a lo pedido por el Señor fiscal de Durango el nombramiento en este suelo para que sostenga los derechos de la hacienda publica nombrada para tal fin á Don Julian Bernal, á quien se le pasara dicho espediente en el estado que resulte para que en su vista proseda á esponer lo que á su cargo corresponde y concluido me lo debolbera á fin de que él se practique lo demas necesario y por esta auto yo Don George Guereña, alcalde 1º nombrado asi lo provey mande y firme actuan por receptª. con testigos de assistª. de que certifico.

GEORGE GUEREÑA.

Astª.: J. M. PONCE.
JOSÉ GARCIA.

Dictamen del Promotor Fiscal.

Señor Alcalde 1º nombrado Don Julian Bernal de esta jurisdicción del cargo de V. y promotor fiscal nombrado por su providencia que con fecha 23 del corriente asentó en esta espediente deduse en consecuencia de ella que acepta el tal nombramiento y para ebitar cualesquiera nobedad que en asunto de tanta gravedad pueda resultar para falta de requisito en el asunto jura en devida forma desempeñar legalmente hasta donde lo permite su corto juicio los deneres á que constituye el nombramiento en cuya virtud no resultando hasta á hora oposicion por los declarantes que el terreno del Bracito deje de pertenecer a la hacienda publica de quien defiende sus derechos suplico V. que evacuados la citas que el Señor Licenciado y Pro—.

El C. Bentura Lopes, juez 2º. supº. de lo civil del Canton Bracito certifico: que la anterior copia de los documentos que se han podido adquirir pertenecientes a la posesicion original de los terrenos del Bracito es sacada fiel y legalmente de sus originales en las dies foxas utiles que aparecen. Asi mismo no se concluyó de sacar hasta el fin por haber solo aparecido el troso del espediente que se ha copiado y hayado despues del despilforro del archivo de esta villa causado por las tropas de Estados Unidos en el año de 1846.

BENTURA LOPEZ.

Astª.: JOSÉ BEANES.
FRANCISCO BARROW.

Derechos de esta certificado y autorisacion de las 10 fojas utiles anteriores 22 rs., lo juro.

Señor Prefecto ó Juez de la otro banda del Rio Brabo :

Francisco Garcia y San Juan vecino de la villa del Paso ante V. se presenta y dice: que desde el principio del siglo en que vivimos mi difº. padre Don Juan A Garcia se trasportó al Bracito lugar desierto en donde permaneció hasta el año de 28 en que concluyó sus dias elaborando aquellas terrenos sosteniendo y gratificando á sus espensas ala tribú Apache salbajes, mas como de la muerte de mi padre con-

cuyo todo influjo para con el enemigo desde luego los hijos comensamos á experimentar desastres y perdidas de bienes que disfrutabamos hasta el grado de abandonar aquel terreno delicioso en el que nos comieron en nuestra juventud en el bien estar de mi padre honrrado y laborioso pero siendo que amas de lo espuesto se le ha seguido al que habla haber desaparecido por las vicisitudes de los tiempos la perdida de los documentos de legitimidad del terreno que menciono ; no puedo menos que dirigirme á V. manifestando el derecho que tengo á este y para probar que hubie tales documentos de posesion ala vez que han desaparecido los primordiales las merito las disposiciones juridicas que adjunto en nueve fojas utiles cuyos tambien espresan el causal del por que me separé del terreno que refiero pero ya que en la presente toca á su deliberacion no puedo quedarme de un expectador frio sin hacer uso de mi derecho, y por lo tanto, A. V. pido y suplico se sirba el dar por bastante y bien documentada mi peticion para declarar que soy un dueño legitimo del terreno en el Bracito distante de esta villa cosa de 18 leguas cuya area pidió mi difunto padre Don Juan A. Garcia desde el 30 de Agosto de 1817, segun aparece por un borrador informe que tambien acompaño y que solo he pedido encontrar del presente gobernador de aquellos tiempos en esta villa dirigido al comandante general de Chihuahua, por supuesto es un antecedente de cuando mi padre se interesó poblar aquel terreno en comp^a. de las personas que se anotan al pie del informe. Juro no obrar de malicia y no neces^o., &^a. Va en el presente papel comun por no haber del sello que corresponde con la protesta de pagar los derechos correspondientes.

FRANCISCO GARCIA SAN JUAN.

VILLA DEL PASO, *Marzo 30, de 1829.*

SEÑOR JUEZ LETRADO: Francisco Garcia de esta vecindad ante Vd. como mejor proceda parece y dise: que conbiene á mi derecho se sirba hacer comparecer á su juzgado á los ciudadanos Joaquin Velarde, José Maria Maese, y Antonio Gonzales quien juramentados conforme al interrogat^o. que presento se serbira debolberme las declaraciones juridicas que se practiquen á continuacion de me pedido.

1^a. Si conocieron á mi difunto padre Don Juan A. Garcia, y si es cierto que estubo vibiendo en el paraje del Bracito distante como 18 leguas de esta villa desde principios del siglo en que vibimos hasta el ano de 28 en que concluyo sus dias.

2^a. Si saben si laborió á sus espensas parte de aquellos terrenos en el tiempo de su vida y si saben se pociónare de estos por las autoridades respectivas de aquellos tiempos.

3^a. Declaren si cuando me retiré de los terrenos del Bracito que refiero fue por desidia ó abandono ó fue por las incursiones de los Indios barbaros. Estas son las preguntas: por tanto,

A. V. pido y suplico se sirba hacer como llebo pedido. Juro no obrar de malicia y lo necesario &^a. Va en el comun por no haber del sello que corresponde, con la protesta de pagar su valor.

FRANCISCO GARCIA Y SAN JUAN.

VILLA DEL PASO, *Febrero 13, de 1849.*

PASO, *Febrero 13, de 1839.*

Como lo pide la parte practiquese la informacion que solicita. El juez de letras del distrito lo decreto y firmó con los de asist^a.

LIC. ROBLES.

Asist^a. : FRANCISCO BARROW.
JOSÉ SOMBRANO.

Notificado en la misma fecha á Don Francisco Garcia San Juan del decreto que antecede dijo : que lo oyo y lo firmo con el juez y los de asist^a.—Francisco Garcia San Juan—Lic. Robles—de asist^a. Francisco Barrow—de asist^a.—José Sombrano.

En 15 de Febrero de 1849, para practicar la informacion pedido por el interesado presentó por testigo á José A. Gonzales quien bajo de juramento que hizo por Dios Nuestro Señor y una senal de cruz, ofrecio decir verdad en lo que supiere y fuese preguntado y digo llamarse como queda derecho casado edad 52 anos vecino de esta villa.

Preguntado—Con arreglo al interior interrogat^a. y dijo á la 1^a. que conoció á Don Juan Antonio Garcia padre de Don Francisco G. San Juan y que es cierto estuvo bibiendo en el paraje que le llaman el Bracito distante como 18 leguas de esta villa desde principios de este siglo hasta el ano de 28 en que murió. A la 2^a. dijo : que es cierto todo su contenido por que el defunto Ant^o. Garcia mucho años trabajo é hizo labores á sos espensas en los terrenos del Bracito y sabe que se posesionó de aquellos terrenos por las autoridades lexitimas de aquel tiempo que tenia 3 leguas de largo y una de ancho. A la 3^a. dijo : que Don Francisco San Juan se retiro del terreno del Bracito por las incuraciones de los Yndios barbaros y no abandono que es lo que puedo declarar por el juramento que ha prestado y no firmó por no saver lo hizo el juez y los de asst^a.—Francisco Robles—de asist^a. Francisco Barrow—de asist^a. José Sambrano.

Luego se juramento á Don Joaquin Velarde que ofrecio decir verdad en lo que supiere y fuese preguntado y dijo llamarse como queda dicho estado casado edad 48 años sin grales y de esta vecindad. Preguntado con arreglo al anterior interrogatorio y dijo á la primera pregunta que es cierto todo su contenido pues le consta de vista. A la 2^a. dijo que á ciencia cierta le consta que el finado Don Juan Antonio Garcia laboró á sus espensas parte de los terrenos que se mencionar pues esto fue publico y notario y que tambien sabe que ocurrio solicitando ante las autoridades supremas se le diera posesion de ellas en razon de haberles ganado por el tiempo que dela mejor buena fee las habia poseido con permiso de las mismas autoridades y que oyo decir se le habian dado las posesiones referidas constando los espresados terrenos de 3 leguas de largo y una de ancho. A la 3^a. dijo : que la causa que tubo el solicitante para retirarse del Bracito y abandonar sus terrenos fué la persecucion casi diaria que le hacian los barbaros y que la fuerza que él tenia para repararlos era ninguna ni menos se le daba de esta villa ningun ancilio en razon de la larga distancia que hay pues á no haber habido tan poderosas causa nada menos que espuesto á perder la vida de un momento á otro á segura el que declara sin equivocacion que jamas se hubiera retirado el Señor Don Juan de sus terrenos justamente adquiridos por los medios legales pues los frutos de aquellos le propor-

habian suficientemente su subsistencia y tambien se alibiara todo pasajero que pribaba aquellos terrenos. Lo esquesto fué la verdadera causa de que se retirara de ellos pues no hubo nada de desidia ni abandono ni menos apatia y que lo dicho es la verdad por el juramento que ha prestado en el que se afirmó y ratifico leida que le fué su declaracion y firmo con el juez y los testigos de asist^a.—Robles—Joaquin Verde—de ast^a. Francisco Barrow—de ast^a. José Sombrano.

En 16 del corriente se juramenta a Don José Maria Maese que ofrecio decir verdad en lo que supiese y fuese preguntado y habiendo ofrecido hacerlo dijo llamarse como queda dicho estado casado edad 35 años vecino de esta villa sin generales R. C. A. R. Perguntado con arreglo al interior interrogatorio a la primera dijo que todo su contenido es cierto. A la 2^a dijo que tambien es cierto su contenido porque el defuncto Ant^o. Garcia muchos años trabajo é hizo labores a sus espensas en los terrenos del Bracito y sabe que se posesiono de aquellos por las autoridades lejitimas de aquellos tiempos que los mencionados terrenos tenian 3 leguas de largo y una de ancho. A la 3^a. dijo que Don Francisco Garcia San Juan se retiro de los terrenos del Bracito las incursiones de los Yndios barbaros mas no por desidia ni abandono que lo dicho es la verdad por el juramento que ha prestado en el que se afirmo y ratifico leida que le fue su declaracion y firmo con el juez y los de asist^a.—Francisco Robles—José Maria Maese—de ast^a. Francisco Barrow—de ast^a. José Sombrano.

Estando concluida esta informacion se le debuelve al interesado en tres fojas utiles en papel comun que dando obligado a reponerlo cuando lo haya. Derechos sin el papel 4 pesos 7 rials.

PASO, *Febrero 16, de 1849.*

SEÑOR COMMANDANTE GENERAL: El torreno que solicita polar en contenido en esta instancia en compania de los individuos que comprende la adjunta lista misma que por un equiboco inboluntario dexé de incluir cuando pase dicha instancia á esa superioridad tiene de largo cosa de tres leguas de ancho á el lado del poniente como un cuarto á su inmediacion poco mas de legua con cuyo ambito signe hasta á donde finalisa por la parte del oriente es abundante de aguas pues por el lado del sur linda con el rio que para por esta jurisdiccion lo es al mismo tiempo de pastos y ofrece las mayores proporciones en casos que se verifique su herecion y no hay embaraso para que en su sentro se hubique la poblacion y habitaciones del ecclesiastico que ha de administrarles del juez y demas que hayan de componer el vecindario se haya distante de las primeras casas de esta jurisdiccion cosa de quince leguas poco mas ó menos. La opulencia del vecindario esta jurisdiccion y cortes de lena que anualmente hacen para el trafico de sus cosechas por uno y otro banda del rio no permitira que los nuevos pobladores usen de cortar la que haya de aquel terreno para esta pueblo pero tampoco se perjudican estos por esta causa mediante á que de ayi para arriba la tienen demasiado abundante. Es cuanto puedo informar á V. S. en cumplimiento á su superior decreto que antecede fecha de Julio ultimo para que en su vista disponga lo que sea de su mayor agrado.

PASO, *30 de Agosto, de 1817.*

Lista de los individuos de esta jurisdiccion que solicitan á compania Don Juan A. Garcia en la poblacion del Bracito, á saver :

Don Juan A. Garcia, con 14 sirbientes.....	15
Don José Barrios, con 2 sirbientes.....	3
Don Juan Barrio y sus 2 hermanos.....	3
Don Patricio Lucero.....	1
Don Miguel de Herr'a, con 2 hombres.....	3
Don Simon Talamante.....	1
Don Ramon Garcia, con 2 hombres.....	3
Don Antonio Provencio.....	1
Don Mateo Telles.....	1
Don Vicente Quarron.....	1
Don Matias Valencia.....	1
Don José Garcia, con un hombre.....	2
Total.....	35

Nota.—Que amas de los anotados en esta hay vaicos animados que solo á guardan la resolucion de esa superioridad.

PASO, 30 de Agosto, de 1817.

SEÑOR GEFÉ POLITICO DE ESTA CANTON: El ciudadano Francisco Garcia y San Juan ante V. S. con el debido respeto se presenta diciendole que en atencion á que de la otra banda del Rio Brabo estan rigiendo autoridades de los Estados Unidos y estos desconocen el derecho que tengo sobre cierta cantidad de terrenos en el paraje nombrado del Bracito presente á V. S. los adjunto documentos para que sersiorado de la legitima propiedad que tengo sobre los mencionados terrinos como á V. S. y á todo vecindario le es constante se sirba estenderme un certificado del derecho que me asiste para con el representar mi accion a la citado autoridad de la otra banda ; por tanto, A. V. S. pido y suplico haya como solicito en que recibira gracia haciendo esta en papel comun por no haber del sello correspondiente. Juro &ª., Villa del Paso, Marzo 17, de 1849.

FRANCISCO GARCIA SAN JUAN.

El ciudadano Juan Maria Ponce de Leon, Gefe Politico del Canton Brabos, certifico en cuanto el derecho me permite que el padre del suplicante finado Don Juan A. Garcia, pidio posesion del terreno nombrado el Bracito que vibio en él bastantes años laboriando la tierra creando animales de todas especies que á sus espensas casi mantenia á los Apaches de paz y prestaba otros serbicios demasiado utiles a los tramitantes y aun a la nacion entera hasta que los barbaros por su alsamiento y hostilidades le hicieron retiarse de derecho punto el testimonio de haber cultivado el expresado terreno lo manifiesta el mismo pues se haya todo atravesado de acequias algunas tierras abordades y la ruina de la casa tambien me consta sin acordarme que año pidio un individuo de los Estados Unidos nombrado Don Juan Gid terrino en aquel punto y se le comedió por las autoridades Migicanas respetandome

los del espresado Don Juan A. Garcia esto afirma por haber sido uno de los comicionados en la medida del terreno que se pretendia y á pimento del interesado y para los fines que le seau necesarios le doy la presente que firmo en el Paso á diez y siete de Marzo de mil ochocientos cuarenta y nueve.

JUAN MARIA PONCE DE LEON.

FAUSTINO MONTES, *Secretario.*

SEÑOR JUEZ LETRADO DEL CANTON: Francisco Garcia y San Juan de esta villa ante su juzgado paresco y digo que para mas robustesar mi derecho se sirba hacer presente ante V. á los ciudadanos Ynocente Herrera, Agaton Herrera y Mateo Telles quienes juramentados segun derecho conforme al interrogatorio que presento se sirba devolverme original todo lo que se practique á continuacion de esta: 1^a. Si conocieron á mi difunto padre Don Juan A. Garcia, y si es cierto que estuvo viviendo en el paraje de Bracito distante como 18 leguas de esta villa desde principios del siglo en que bivismos hasta el año de 28 en que concluyó sus dias. 2^a. Si saver que laborió á sus espensas parte de aquellos terrenos en el tiempo de su vida y si vieron que se posesionare de estos por las autoridades respectivas de aquellos tiempos. 3^a. Declaren si cuando me retire de los terrenos del Bracito que refiero fué por desidia ó abandono ó fué por las incurziones de los Yndios barbaros. Estos son las preguntas; por tanto, A V. pido y suplico se sirba hacer como llebo perdido. Juro no obrar de malicia y lo necesario. Va en el comun por no haber del sello que correponde con el protestar de pagar su valor.

FRANCISCO GARCIA SAN JUAN.

VILLA DEL PASO, *Marzo de 28, de 1849.*

PASO, *Marzo 29, de 1849.*

Notifiquese la informacion que solicita el Juez de Letras del Distrito. Lo decretó y firmó con los de ast^a.

LIC. ROBLES.

Ast^a.: FRANCISCO BARROW.

LUIS ORTEGA.

En la misma fecha se lo notificó a Don Francisco San Juan el anterior decreto y dijo que lo oye y firmo con el juez y los de ast^a.—Lic. Francisco San Juan—de ast^a. Francisco Barron—de ast^a. Luis Ortega.

Y luego se juramento á Ynocente Herrera que ofrecio decir verdad en lo que supiere y fuese preguntado y siendolo conforme al interrogatorio que antecede. A la primera dijo, que conocio á Don Juan A. Garcia á quien sirbio muchos años en el paraje de Bracito distante de esta villa como 18 leguas mas ó menos y que en este punto estuvo viviendo el finado Juan A. Garcia desde principios del presente siglo hasta el ano de 28 que murió. A la 2^a. dijo, que vió é laborió á sus espensas parte de aquellos terrenos en el tiempo de su vida y tambien vió que se le dio posesion por el Señor Don José Ordas, teniente gobernador que fue en ese tiempo de esta villa. A la 3^a. dijo, que Don Francisco San Juan se retiro de aquel punto agobiado de las incur-

siones de los barbaros que le robaron todos sus bienes mas no por desidia ni abandono que lo derecho, es la verdad por el juramento que ha prestado agregando ser casado edad 48 años de esta vecindad sin generales y no firmo por no saber lo hizo el juez de asst^a.—Francisco Robles—de asst^a. Francisco Barron—de assist^a. Luis Ortega.

En la misma fecha se juramento a Juan Agaton Herrera que ofrecio decir verdad en lo que supiere y fuese preguntado y siendolo con arreglo al interrogatorio que antecede. A la 1^a. dijo, que conoció á Don J. Anto. Garcia, padre de Don Francisco, y que es verdad estuvo bibiendo en el punto del Bracito desde principios de esta siglo hasta el ano de 28 que murió. A la 2^a. dijo, que vio que á sus espensas el difunto Don Juan A. Garcia é laborió aquellos terrenos é igualmente vio que fué posesionado de ellos por el Sr. Don José Ordas, teniente gobernador que fue in el aquel tiempo de esta villa. A la 3^a. dijo, que Don Francisco Garcia San Juan se retiro de los mencionados terrenos obligado de los barbaros que le hacian diariamente la guerra mas no por desidia ni abandono que es lo que puede declarar por el juramente que ha prestado agregando ser viudo edad 60 años, y firmo por no saber lo hizo el juez y los de assista.—Francisco Robles de asst^a. Francisco Barrow—de assista. Luis Ortega.

No se le tomó declaracion á Mateo Telles por no pertenecer á esta y estar ausente y se anota para constancia.

Estando terminaha esta informacion con los dos testigos que se han esaminado se le debuelve á la parte en dos fojos. Derechos sin papel 4 pesos 1 real.

PASO, *Marzo 29, de 1849.*

SEÑOR JUEZ 2^o. CONSTITUCIONAL DE ESTA VILLA: El ciudadano Franco. Garcia y San Juan ante V. compareco y digo: Que para el uso de mi derecho se ha de servir hacer presente á su juzgado a los ciudadanos José A. Probo. Tomas Yrigoyen y Francisco Horcasitas, quienes juramentados en forma declaren:

1^o. Si bieron que á mi difunto padre Don Juan A. Garcia, se le dió posesion de los terrenos del Bracito manifestando quien fué el juez que dio tales documentos.

2^o. Digan cuales son los linderos con que siempre se han dividido estos terrenos declarando los puntos debisorios con que siempre se han conocido; dicho lo que pido V. se sirbira debolverme todo lo actuado. Por lo tanto, A V. suplico se sirba hacer como pido. Juro no obrar de malicia y lo necesario, &^a., obligandome a al repocicion del papel por no haber del sallo correspondente.

FRANCISCO GARCIA SAN JUAN.

VILLA DEL PASO, *Setiembre 21, de 1849.*

VILLA DEL PASO, *Setiembre 21, de 1849.*

Tomese la informacion que se solicita. El ciudadano Lorenzo Barrio, alcalde 2^a. constitucional asi lo decreto y firmo con los de assista. Lorenzo Barrio—de assista. Barrow—de asst^a. Nicolas Barela.

En el acto presente y juramentado en forma J. Ant^o. Probo. ofrecio decir verdad en lo que supiere y fuese preguntado digo llamarse como se ha dicho viudo vecino de esta villa edad 55 anos labrador y C. A. B.

Preguntado sobre la primera que se encuentra en este interrogatorio puesto de ella dijo, que tubo en sus manos las posesiones del terreno llamado del Bracito espedidas á favor de Don J. A. Garcia y que estas fueron dadas por Don José Ordas, teniente gobernador en aquella época de estos puntos. A la 2.^a leyda que le fué dijo, que en aquel tiempo los linderos connosidos eran uno de la boca asequia del Bracito a los esteros llamados de Trujillo y de los extremos de estos dos puntos partiendo desde el rio legua y media asi al norte que lo dicho es la verdad por el juramento que ha prestado en él que se afirmó y ratificó leyda que le fué su declaracion no firmó por no saber lo hizo el juez y los de asist.^a.—Lorenzo Barrio—de asist.^a. Francisco Barrow—de asist.^a. Nicolas Barela.

Y luego prevenido Don Tomas Yrigoyen se juramento y ofrecio decir verdad en lo que supiere y fuese preguntado dijo llamarse como se ha dicho casado vecino de esta villa carpintero edad cuarenta años y C. A. R. Preguntado sobre la primera pregunta que se encuentra en el anterior interrogatorio é impuesto de ella dijo, que no vió estender la posesion pero si tubo en sus manos la posesion que se cita estendida por Don José Ordas que segun aparece en aquella época era teniente gobernador de este suelo. A la 2.^a leyda que le fué contestó, que esta cierto que partiendo de arriba abajo el lindero era de la boca asequia del Bracito hasta los esteros denominados de Trujillo mas de sur á norte no esta cierto cual es el lindero fijo que es lo que puede declarar por el juramento que ha prestado en que se afirmó y ratificó firme con el juez y los de asistencia.—Lorenzo del Barrio—Tomas Yrigoyen—de asistencia Francisco Barrow—de asistencia Nicolas Barela.

En seguida se juramentó á Don Francisco Orcasitas que ofreció decir verdad en ct.^o sepa y sea preguntado dijo: llamarse como se ha dicho casado edad 49 años vecino de esta villa laborioso y C. A. R. Preguntado al tenor de la primera pregunta que se encuentra en el anterior interrogatorio dijo: Que sabe que á Don Juan Antonio Garcia se le dió posesion de los terrenos denominados del Bracito y que esta fue estendida por Don José Ordas teniente gobernador que era de esta villa y que esto le consta por haber tenido en sus manos la espresada posesion. A la 2.^a impuesto de ella dijo: que los linderos que en la posesion se espresaba eran, de arriba abajo partie.ⁿ. de la boca asequia del Bracito hasta los esteros de Trujillo denominados y del rio al norte legua y media por cada viento que lo dicho es la verdad por el juramento que ha prestado en lo que se afirmó y ratificó leyda que le fué su declaracion que no firmó por la conbulcion de nerbios de que esta acabado lo hizo el juez y los de asistencia.—Lorenzo del Barrio—de asista. Francisco Barrow—de asista. Nicolas Barela.

Estando concluida esta informacion debuelvase a la parte para los usos que le conbengan. El alcalde actuante asi lo decreto y firmó con los de asistencia.

LORENZO DEL BARRIO.

Asta.: FRANCISCO BARROW.
NICOLAS BARELA.

Pablo Melendres vecino de Doña Ana como cabeza de familia y por el derecho que puedan tener mis hijos é hijas como procedentes de la

finada Doña Guadalupe Orcasitas en el terreno del Bracito en cuestion y que tal vez mi tio politico Don Francisco Garria S. Juan pueda sacar á salvo alguno cosa en favor de mi prole y por mi parte lo faculto suficientemente para todo aquello que sea necesario en favor de mi accion y como si yo lo hiciere presente siendo. Y para su constancia doy estas letras en la villa del Paso hoy 11 de Agosto de 1851.

PABLO MELENDEZ.

Doña Marta Orcasitas vecina de Doña Ana y por el derecho que puedo tener en el terreno del Bracito en cuestion y que tal vez mi tio Don Francisco Garcia y San Juan pueda sacar á salvo alguna cosa en favor nuestro, por mi parte lo faculto suficientemente para todo aquello que sea necesario en favor de me accion y como si yo lo hiriera presente siendo, y para constancia doy estas letras en la villa del Paso á 11 de Agosto de 1851. Por ruego de Doña Marta Orcasitas, Juan J. Cartera, Don Tomas Ygn^o. Bernal por el derecho que puedan tener sus hijos Mariano, Jesus, Josefa, Manuela y Nicolas, Josefa Garcia, por sé y Mariano Garcia soldados reales de la villa del Paso, Pablo Melendrez á nombre sus hijos menores y Marta Orcasitas por sé, los ultimos vecinos de Doña Ana otorgamos nuestro poder rumplido como se requiere y es necesario á Don Francisco Garcia y San Juan para que puede hacer valer ante el gov^o. de los E. V. N. A. el derecho que tenemos al terreno del Bracito y por lo mismo pueda presentarse ante los jueces y justicias que con derecho pueda y deba pida y demandar responda y niegue, renuncie quereye y proteste saque escrituras testimonios y otros papeles que nos pertenescan y los presente oponga excepciones decline jurisd^o. pida beneficios de restitution presente testigos escritos y provamos tache y contradiga lo en contrario reusen jueces letrados y escribanos espresre las causas de las recusaciones si lo necesitaren y lat jure, pruebe y se aparte de ella haya y pida se haya por las partes contrarias los juramentos de la calumnia y desisorio y otros que conbengan haga ejecuciones secuestros de consentimiento de soltura alse embargos haga rentas ó ramates de bienes acepta traspasos tome posesiones y amparos concluya pida y oigo autos y sentencias interlocutorias y definitivas y consienta lo favorable y de lo contrario apele y suplique y siga las apelaciones y suplicaciones donde con derecho pueda y deva gane proviciones bulcres requisitorias y mandamientos y lo presente y haga intimar donde y á quien se dirijieren que para todo ello y cada cosa y parte y lo incidente y dependiente le damos poder tan cumplido que por falta de él no ha de dejar cosa alguna por obrar en todo lo que se ofreciese como nosotros mismos lo haríamos presentes siendo con libre y general administracion y facultad de enjuiciar y subsistir rebocar los substitutos y nombrar otros y si todos reclamamos en forma y asu firmesa obligamos nuestras personas y bienes habidos y por haber en cuyo testimonio otorgamos la presente en la villa del Paso a los quince dias del mes de Setiembre de mil ochocientos cinquenta y uno en este papel comun por falta del correspondiente que dando los que firme afectos al reitegro de lo que sea.

TOMAS BERNAL.

MARIANO GARCIA.

JOSEFA GARCIA.

Don Francisco Garcia y San Juan vecino de la villa del Paso por si y como apoderado de las personas que se empresan en el antecedente poder que se le otorgó para hacer valer ante el gobierno de los Estados Unidos N. A. el derecho que tienen al terreno del Bracito dice que para cumplir con este encargo se encuentra en escoyos tanto por no saber el idioma como las leyes que puedan favorecer a mi poderdantes y para cuya circunstancias no puedo menos que substituir este poder á favor de Don Hugh Stephenson con las mismas clausulas y firmesas que ami me considieron y para su validacion la firmé en la villa del Paso á 16 de Setiembre de 1851.

FRANCISCO GARCIA Y SAN JUAN.

Señor Alcalde 2º de esta Villa:

Francisco Garcia y San Juan de esta vecindad ante V. se presenta y dice que teniendo que hacer valer ante las autoridades de los Estados Unidos el derecho que tiene al terreno nombrado el Bracito como poseedor con justo y legal titulo desde tiempo inmemorial por haber heredado este dentro de los agidos de aquella potencia y serle preciso demostrar las causas legales que meritan la falta de las posesiones juridicas que establecieron su propiedad en el mencionado terreno del Bracito se sirbirá V. hacer presente á su juzgado á los ciudadanos Juan José Sanchez y José de la Luz Jaques quienes juramentados en forma declaren:

1º. Si saben si las fuerzas Americanas en Diciembre del año de 846 cuando inbadieron á esta villa tomaron para cuarteles todas las casas de la plaza asi como tambien las salas capitulares del y lustre ayuntamiento en donde existia el archivo publico.

2º. Declaren que fué lo que á ciencia cierta saben hicieron con el archivo las mismas tropas espresando minusiosamente todo lo que el particular vieron y supieron hecho lo que pido se sirbira de armelo actuado para los usos que me fueron conbenientes. Por tanto, á V. suplica se sirba hacer como solícito juro no obrar de malicia y lo necesario, &ª.

FRANCISCO SAN JUAN.

VILLA DEL PASO, *Octubre 27, de 1852.*

PASO, Octubre 28, de 1852.

Por presentado tomense las declaraciones que se peden. El Señor juez 2º. imfe. de lo civil asi lo decreto y firmó con los asistencia doy fé.

BENTURA LOPEZ.

Asistª.: FRANCISCO BARROW.
JOSÉ BEANES.

Ymediatamente presente al S. D. José Jaques se juramentó en forma de derecho y ofreció decir verdad en lo que supiere y fuese preguntado y siendolo por sus gralª. dijo llamarse como se ha dicho estado casado edad 39 años oficio comerciante vecino de esta villa y sin generales. A la 1ª. pregunta del anterior interrogatorio leida que le fue dijo es efectivo que en Diciembre del año de 846 que invadieron á esta villa las tropas de los E. V. N. A. tomaron para cuarteles todas las

casas de esta plaza lo mismo que las salas capitulares del ylustre ayuntamiento en donde existia el archivo publico. A la 2ª. dijo que á von publica se dijo que las mismas tropas Americanos destrosaron lo mas de ese archivo, que lo dicho es la verdad por el juramento que ha prestado en lo que se afirmó y ratificó leida que la fué su declaracion que firmó con el juez y los de asistencia doy feé.—Bentura Lopez—de astª. Francisco Barron—de astª. José Jaques—de astª. José Beanes

En seguida presenté el Señor D. J. J. Sanchez se juramentó en forma y ofreció decir verdad en lo que supiere y fuese preguntado y siendolo por sus generales dijo llamarse como se ha dicho estado casado edad 46 años oficio labrador vecino de esta villa y sin generales. A la 1ª. pregunta del anterior interrogatorio leyda que le fue dijo, que sabe que el ejercito Americano que vino al mando del Coronel Dña, en el año que se le pregunta ocuparon las casas capitulares de esta villa y que en ella se hayaba el archivo del ayuntamiento y juzgados que él que habla era juez 1º. en ese tiempo y que como tal el Capitan Waldo, Dor. en medicina y del mismo ejercito le abisó que que los soldados estaban destruyendo enteramente los archivos y que por lo mismo ocurrio inmediatamente con algunos personas y recojió los pocos papels publicos que habian dejado pues los mas ya los habian quemado y hechado a la calle de suerte que pasado algun tiempo aun se encontraban tirados por las calles papeles de bastante importancia que con lo espuesto deja contestadas las dos preguntas que se la han leydo del interrogatorio anterior que lo espuesto es la verdad bajo el juramento que ha prestado en lo que se afirmó y ratificó leyda que lo fué su declaracion que firmó con el juez y los de asistencia, doy feé.—Bentura Lopes—J. J. Sanches—de astª. Francisco Barron—de astª. J. Beanes.

VILLA DEL PASO, Octubre 28, de 1852.

Por estar y concluidas las anteriores diligencias debuelvme al interesado para los vios que le conbengan. Senor juez 2º. supª. asi lo decreto y firmó con los asistencia, doy feé.

BENTURA LOPEZ.

Asistª.: FRANCISCO BARROW.

JOSÉ BEANES.

Derechos de estos diligencias sin papel 2 pesos 4 rials.

Clerk's fees for copy of the record, &c., \$28 75.

THE TERRITORY OF NEW MEXICO, }
County of Socorro. }

I, Vincent St. Vrain, clerk of the United States district court for third judicial district of said Territory, do hereby certify that the above is a true and complete transcript of the record and proceedings in the above cause. Witness my hand and private seal, no official seal having yet been provided by law, this 15th day of December, A. D. 1855.

VINCENT ST. VRAIN, Clerk.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 24, 1856.

The foregoing is a correct copy of the original document now on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

David V. Whiting, whose signature is attached to the above certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

NEW MEXICO PRIVATE LAND CLAIMS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Papers in reference to certain private land claims in New Mexico.

February 9, 1858.—Referred to the Committee on Private Land Claims.

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1858.

SIR: I have the honor to transmit herewith, for the action of Congress, contemplated by the 8th section of the act of July 22, 1854, the transcripts of thirteen private land claims in New Mexico, designed for the House of Representatives, as indicated in the letter of the Commissioner of the General Land Office, of the 21st November last, a copy of which is herewith enclosed.

Similar documents, submitted by the Commissioner in the same letter, for the Senate of the United States, have been this day transmitted to the proper officer of that body.

Very respectfully, your obedient servant,

J. THOMPSON,
Secretary.

HON. JAMES L. ORR,
Speaker of the U. S. House of Representatives.

GENERAL LAND OFFICE,
November 21, 1857.

SIR: I have the honor to transmit herewith, in duplicate, the papers in reference to thirteen private land claims in New Mexico, with the request that the same may be laid before Congress. These claims have been examined and approved by the surveyor general of New Mexico and were sent to this office with his annual report, dated the 30th September last, with a view to submission for legislative confirmation.

The documents in support of these private land claims are put up in two separate packages, embracing numbers 8, 11, 16, 25, 39, 40, 41, 43, 44, 48, 50, 53, and 54, and marked "House of Representatives" and "United States Senate;" each of which claims is accompanied by a schedule of documents, as follows:

Private land claims in New Mexico.

No. of claim.	Name.	No. of documents accompanying.	Description of documents accompanying each claim.
8	Town of Tecolote.....	4	No. 1. Grants, original, in Spanish. 2. Grant, translation. 3. Notice. 4. Decision.
11	Donacion Vigil.....	9	No. 1. Grant, original, in Spanish. 2. Grant, translation. 3. Contestants' deeds, original. 4 and 5. Contestants' deeds, translation. 6. Notice, claimants. 7. Notice, contestants. 8. Testimony. 9. Decision.
16	E. W. Eaton.....	9	No. 1. Grant, original, in Spanish. 2. Grant, translation. 3. Deed from Domingo Fernandez to Reynolds & Eaton, (original.) 4. Deed from same to same, (translation.) 5. Sheriff's deed to E. W. Eaton. 6. Quit claim deed, Reynolds to Eaton. 7. Notice. 8. Testimony. 9. Decision.
25	John Lamy	6	No. 1. Petition, original. 2. Petition, translation. 3. Quit claim deed, F. D. Herrero. 4. Notice. 5. Testimony. 6. Decision.
39	John Scholly, <i>et al.</i>	6	No. 1. Grant, original. 2. Grant, translation. 3. Notice. 4. Testimony. 5. Testimony. 6. Decision.
40	Town of Chillili	6	No. 1. Grant, original. 2. Grant, translation. 3. Notice, original. 4. Notice, translation. 5. Testimony. 6. Decision.
41	Antonio Sandoval	5	No. 1. Grant, original. 2. Grant, translation. 3. Notice. 4. Testimony. 5. Decision.
43	Town of Belen.....	5	No. 1. Grant, original. 2. Grant, translation. 3. Notice. 4. Testimony. 5. Decision.
44	José S. Ramirez	6	No. 1. Grant, original. 2. Conveyance, original. 3. Grant and conveyance, translation. 4. Testimony. 5. Notice. 6. Decision.
48	Charles Beaubien and G. Miranda.	5	No. 1. Grant, original. 2. Grant, translation. 3. Notice. 4. Testimony. 5. Decision.
50	José L. Perea	7	No. 1. Grant, original. 2. Grant, translation. 3. Deed of gifts, original. 4. Deed of gifts, translation. 5. Testimony. 6. Notice. 7. Decision.
53	Cornelio Vigil C. St. Vrain.	5	No. 1. Grant, original. 2. Grant, translation. 3. Notice. 4. Testimony. 5. Decision.
54	Alexander Vallé.....	11	No. 1. Grant, original. 2. Grant, translation. 3. Conveyance from Juan de D' Peña to Juan Estevan Pino, (original.) 4. Same to same, (translation.) 5. Conveyance from Pedro Ortiz to Juan E. Pino, (original.) 6. Same to same, (translation.) 7. Conveyance from Justo P. Pino to Alexander Vallé, (original.) 8. Same to same, (translation.) 9. Notice. 10. Testimony. 11. Decision.

I have the honor to be, very respectfully, your obedient servant.

THOS. A. HENDRICKS, *Commissioner.*

Hon. JACOB THOMPSON, *Secretary of the Interior.*

Schedule of documents accompanying claim No. 8.

- No. 1.—Grant ; original Spanish.
 No. 2.—Grant ; translation.
 No. 3.—Notice.
 No. 4.—Decision.

No. 1.

CLAIM No. 8.—TECOLOTE.

Grant.—Original.

TESIMONIO.

*Secretaria de la Exma. Deputacion del Territorio de Santa Fé, del
 Nueva Mejico:*

Certifico yo el infrascripto Secretario de la Exma. Deputacion de este Territorio, que en el archivo de esta oficina que es á mi cargo se haya un expediente formado a solicitud de D. Salvador Montoya cinco individuos vecinos del Bado, cuyo tenor literal copiado a la orden de la misma Exma. Diputacion es como sigue:

“Al Sor. Alcalde Constitucional con el Y¹ cuerpo de Ayuntamiento el ciudadano Salvador Montoya, residente en esta jurisdiccion de San Miguel del Bado se presenta ante V. S. como mas haya lugar y digo, Señores que por los mucha necesidad que me ocurre de no tener tierras en donde troar unas matas de mais y otras semillas para mi sostencion y de la cuantiosa familia que me asiste hago presente se digne V. S. et posesionarme en nombre del soberano Congreso Constituyente Mejicano, un pedaso de tierra para labor que le llaman el Tecolotito, pidiendo por linderos por el norte la Cueva, por el sur el puertecino de las Galinas, por el oriente el pueblo, por el poniente la Cañada de Tres Hermanos; no comprendiendo las aguas pastos y abrebaderos comunes solo si lo que pueda cultivar en fomento de la agricultura comprendiendo a cinco individuos que les ocurre la misma necesidad que ante V. S. hago presente y bajo de mi necesidad suplico se digne decretar y dirigirla á donde combenga sin demora ninguna, por lo que á V. S. suplico vendida mente de lo que recibiré merced y gracia, &c., San Miguel del Bado 8 de Octubre de 1824, 4° de la Independencia, 3° de la Libertad, Salvador Montoya San Miguel del Bado, 9 de Octubre, de 1824.

Hecho a cargo de la antecedente presentacion es de rigorosa justicia lo solicita el suplicante, pase esta instancia ala Exma. Diputacion para que V.E determine lo que alle por conbeniente Diego Padilla Seccion del dia 19 de Noviembre, de 1824. Diputacion Territorial del Nuevo Mejico 19 de Noviembre de 1824. Pase esta instancia al Señor Gefe Superior Politico para que a continuacion informe lo que sobre la peticion que hace esta parte le ocurra: particularmente si la solicitud es ó puede ser en perjuicio de tercero segun los puntos que señala y

vide de linderos, no pudiendo darseles por el oriente el pueblo de pecos á menos que otro punto tenga esta Denominacion. Bartolomé Baca, Presidente, Antonio Ortiz, Pedro José Perea, Pedro Bautista Pino, Matias Ortiz, Juan Bautista Vigil, Secretario." Exmo. Señor La solicitud del vecino D. Salvador Montoya y los cuatro ó cinco individuos á cuyo nombre tambien representa es en mi concepto la que mas debo recomendar a V.E. por dirigirse al fomento de la agricultura cuya decadencia en este territorio no estriba en la falta de terrenos sino en la de manos laboriosas, asi considero las de Montoya y socios capeto de su solicitud; y por lo mismo es de mi deber manifestar a V.E. que no hay un obstaculo insuperable á conceder el terreno que para la industria agricola piden los supplicantes el senalamiento de linderos que hace en su peticion Montoya cuyo corte obvise se salba dirigiendo el testimonio del expediente a los supplicantes por conducto del Alcalde Constitucional del Bado quien al ponerlos en posesion les senale los linderos sin perjuicio á los propietarios ni egidios de los comuneros, pues de cualquier modo que dicho Alcalde les distribuya este terreno sexa en plena propiedad y en clase de acotado para que sus dueños puedan sacarlos sin perjuicio de los Cañadas travecias abredados y servidumbres disfrutarles libre y esclusivamente y destinarlo al uso ó cultivo que mas les acomode, pero no podran jamas vincularlos ni pasarlos en ningun tiempo ni per titulo alguno a manos muertas. Esto es lo que me ocurre informar a V.E. a efecto de que pareciendole justo y arreglado se sirba acceder a la solicitud de que se trata Santa Fé, 19 de Noviembre de 1824. Bartolomé Baca—Sesion del dia 19 de Noviembre de 1824—Parrafo 5° de la misma a foxas 34 vuelta—En seguida se legó una solicitud de D. Salvador Montoya y cinco individuos que piden tierras para labor en el punto llamado el Tecolotito, se resolbio despues de hoido el informe del Senor Gefe Politico se les conceda sin perjuicio de ninguno otro propietario—documentandose como esta proveido. Bartolomé Baca, Presidente, Antonio Ortiz, Pedro José Perea, Pedro Bautista Pino, Matias Ortiz, Juan Bautista Vigil, Secretario.

Es copia que concuerda fiel y legalmente con los originales de que es autentico. Santa Fé, 20 de Noviembre de 1824, 4° 3° y 2°.

JUAN BAUTISTO VIGIL, *Srio.*

Derechos del presente testimonio veinte pesos, &c.

Título de tierras pa. labor á favor de Dn. Salvador Montoya y cinco individuos mas.

Concedo y he reintregado a D. Salvador con los individuos que le acompañan a su posesion en el Tecolotito pues no apone su solicitud a ningun perjuicio da tercero y gorazan de ella como legitimas parcioneros de dho. terreno sin que haga quen le ponga embarazo ninguno.

BADO, 23 de Abril de 1825.

TOMAS LENA,
Alcalde Constitucl.

Ante mi,

JOSE MIGUEL SANCHEZ,
Srio de Ayuntamiento.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé New Mexico, July 14, 1857.

The foregoing is a correct copy of the original document on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, July 15, 1857.

David V. Whiting, whose name appears to the above, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Grant—Translation.

OFFICE OF THE SECRETARY OF THE MOST EXCELLENT DEPUTATION OF THE
 TERRITORY OF SANTA FÉ, IN NEW MEXICO.

I, the undersigned, secretary of the most excellent deputation of this Territory, certify that in the archives of this office, under my charge, are to be found the proceedings had on the petition of Don Salvador Montoya and five individuals, residents of El Bado, the tenor of which, literally copied by order of the said most excellent deputation, is as follows: "To the constitutional justice, together with the most illustrious body corporate: The citizen Salvador Montoya, resident of this jurisdiction of San Miguel del Bado, presents himself before your excellencies in the most approved manner, and states, gentlemen, that having no lands wherein to scatter a few grains of corn and other seed for my support, and that of the large family I have, I pray you to be pleased to grant me, in the name of the sovereign constitutional Mexican Congress, a piece of land for cultivation, called El Tecolito, with the following boundaries: On the north, la Cueva; on the south, the puertecito de las Gallinas; on the east, the Pueblo; and on the west, the Cañon of Tres Hermanos, not including the common streams, pastures, and watering places—only what I can cultivate for the advancement of agriculture, including five individuals who are in the same condition I represent myself to be in to your excellencies; and, in consideration of my wants, I pray you to be pleased to decree and direct, as you may deem proper, without delay. Fer-
 vently praying your excellencies to comply with my request, by which I will receive grace and mercy," &c.

SAN MIGUEL DEL BADO, *October 8, 1824.*

Fourth of the Independence and Third of Liberty.
 SALVADOR MONTOYA.

SAN MIGUEL DEL BADO, *October 9, 1824.*

Being informed of the contents of the foregoing petition, the request of the petitioner is rigorously just, and let this petition be forwarded to the most excellent deputation, for his excellency to determine whatever may be deemed proper.

DIEGO PADILLA.

SESSION OF THE NINETEENTH DAY OF NOVEMBER, 1834.

Territorial Deputation of New Mexico, November 19, 1824.

Let this petition be laid before the Honorable Superior Political Chief, in order that he may make such remarks at the foot of the proceedings as may occur to him, particularly if the granting of his request would injure any third party or not within the limits set forth in his petition, it being impossible to give him the Pueblo of Pecos on the east, unless there is another place of the same name.

BARTOLOMÉ BACA, *President.*

ANTONIO ORTIZ.

PEDRO JOSÉ PEREA.

PEDRO BAUTISTA PINO,

MATIAS ORTIZ.

JUAN BAUTISTA VIGIL, *Secretary.*

SANTA FÉ, *November 19, 1824.*

MOST EXCELLENT SIR: The petition of the citizen Salvador Montoya and the four or five individuals whom he represents should, in my opinion, be most earnestly recommended to your excellency, being conducive to the progress of agriculture, the decline of which in this Territory is not for the want of lands, but of laboring hands, in which light I consider Montoya and his associates, and therefore it is my duty to inform your excellencies that there are no obstacles whatsoever to grant the land they solicit for agricultural purposes; the establishment of the boundaries set forth in the petition of Montoya, the trivial objection to which can be avoided by directing the copy of the proceedings in the case to the petitioners through the Constitutional Justice of El Bado, who, when he places them in possession, will establish the boundaries without interfering with proprietors, nor the common pasture grounds. Notwithstanding whatever manner in which the justice may distribute the land, it shall be in fee simple, and within limits, so that its owners can fence it in without obstructing the cañons, highways, watering places, and customs, to enjoy the same freely and exclusively, and devoting it to the use or cultivation which they may deem proper; but they cannot, under any condition, entail the same, nor transfer it at any time by title of mortmain. This is what occurs to me to report to your excellencies in that if you consider them just and proper, that you accede to the foregoing petition.

BARTOLOMÉ BACA.

SESSION OF THE NINETEENTH OF NOVEMBER, 1824.

Paragraph 5th of the same on the reverse of page 34: Whereupon a petition of Salvador Montoya and five individuals who ask for lands for cultivation at the place called Tecolotito was read; it was resolved, after having heard the report of the Honorable Political Chief, the land was granted to them without injury to any other proprietor, as is provided.

BARTOLOMÉ BACA, *President*,
 ANTONIO ORTIZ,
 PEDRO JOSÉ PEREA,
 PEDRO BAUTISTA PINO,
 MATIAS ORTIZ,
 JUAN BAUTISTA VIGIL,
Secretary.

The above is a copy which agrees perfectly and legally with the originals to which I certify.

Fees for the present copy twenty dollars.

JUAN BAUTISTA VIGIL, *Secretary*.

SANTA FÉ, *November 20, 1824, 4th, 3d and 2d.*

I grant and restore to Don Salvador Montoya and the individuals who accompany him their possession at Tecolotito, as their request is not injurious to any third party, and they shall enjoy the same as legitimate participants in said land, no person being authorized to place any obstacle whatever in their way.

THOMAS SENA,
Constitutional Justice.

Before me:

JOSÉ MIG'L SANCHEZ,
Secretary of Corporation.

BADO, *April 23, 1825.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 10, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in this office.
 WM. PELHAM, *Surveyor General.*

No. 3.

*Notice.*UNITED STATES OF AMERICA, }
Territory of New Mexico. }

JULY 26, 1856.

The heirs of Salvador Montoya, deceased, for themselves, and on behalf of the inhabitants of the town of Tecolote, respectfully represent that they claim a certain piece of land lying in San Miguel county, in the Territory of New Mexico; that said grant was made by the acting governor and provincial deputation of New Mexico on the 19th day of November, A. D. 1824, to Salvador Montoya and five other persons, and they were placed in judicial possession of the same on the 23d of April, A. D. 1825; that they possessed and cultivated on said tract for three or four years, and until they were driven off by the Indians, and several of their servants were killed; that said grant lies about half-way between the towns of San Miguel and Las Vegas, and is bounded north by the Cueva, south by the Puertecito de las Gallinas, east by the Pueblo, and west by the Cañada de Tres Hermanos, all of which are well known land marks. Said grant has never been surveyed, and no plat of the same can therefore be finished, but they think that said grant is about three miles from north to south, and about four miles from east to west; that after said settlers had been driven from said grant, to wit, some time about the years A. D. 1838 or 1839, the said Salvador Montoya and his sons, with many other persons whom he induced to go there with him for protection, settled upon said grant, and have founded a town, containing, with its suburbs, about six hundred persons, who have all acquired and possessed their lands with the consent of the original grantees; that said town and settlement existed, and was about the same as at present in August, A. D. 1846, "when possession was taken of New Mexico by the authorities of the United States." The town of Tecolote is not an incorporated town, but the heirs of the original grantees and the present *lot holders* know of no adverse claim to them, and they respectfully pray to be confirmed in their present possessions and enjoyments. The said claimants say that the grantors had full power and authority to make said grant by virtue of the laws, customs, and usages in force at the time of said grant, and by authority of the colonization act of the Mexican Congress of August 18, 1824.

All of which is respectfully submitted.

H. N. SMITH,
*Attorney for the inhabitants of Tecolote.*WILLIAM PELHAM,
*Surveyor General of New Mexico.*SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General of New Mexico.

No. 4.

Decision.

TOWN OF TECOLOTE, }
vs. } Grant.
 THE UNITED STATES. }

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 21, 1856.

The above case was set for trial on the 20th of December, 1856.

On the eighth day of October, 1824, Salvador Montoya, for himself and five other individuals, petitioned the constitutional justice and corporation of El Bado for a grant of land in what is now the county of San Miguel, with the following boundaries: on the north the Cueva, on the south the Puertecito de las Gallinas, on the east the Pueblo, and on the west the Cañada de Tres Hermanos, not including the common watering places, pastures, and streams. On the ninth day of October, 1824, the above petition was referred by the corporation of El Bado to the most excellent deputation for its action in the premises.

On the 19th day of November, 1824, the above proceedings were referred by the territorial deputation to the political chief to report upon the expediency or in expediency of making the grant.

On the 19th day of November, 1824, Bartolomé Baca, the political chief, reported in favor of the grant, which was accordingly made by the deputation on the same date in accordance with the recommendation of the political chief.

On the 23d day of April, 1825, Thomas Sena, the constitutional justice of El Bado, placed the parties in judicial possession of the aforesaid land according to law.

The papers acted upon by this office in the above case are the testimonies or certified copies given to the parties by order of the territorial deputation, with the exception of the judicial possession given by the justice, which is original. The copies are duly certified to by Juan Bautista Vigil, the secretary of the territorial deputation, whose signature attached to the certificate of copy upon comparison with other documents bearing his signature, on file in this office, is believed to be genuine.

It is a well known fact that the town of Tecolote was in existence for some time previous to the cession of the country to the United States, and has continued in existence up to the present date. The possession being complete, and there being no contest in the case, it is believed to be a good and valid grant. The claim is therefore approved, and transmitted to the proper department at Washington for the action of Congress in the premises.

WM. PELHAM, *Surveyor General.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, December 31, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM, *Surveyor General.*

Schedule of documents to accompany claim No. 11.

- No. 1.—Grant ; original Spanish.
 No. 2.—Grant ; translation.
 No. 3.—Contestant's deeds ; original Spanish.
 Nos. 4 and 5.—Contestant's deeds ; translation.
 No. 6.—Notice claimants.
 No. 7.—Notice contestants.
 No. 8.—Testimony.
 No. 9.—Decision.

No. 1.

CLAIM No. 11.—DONACION VIGIL.

GRANT ORIGINAL.

Valga por sello cuarto en el corriente Bienio de 1814 y 815.

SEÑOR GOVR D. JOSÉ MANRIQUE :

Francisco Trujillo en voz y nombre de Diego Padilla y Bartolomé Marquez vecinos de esta ciudad, con el mayor respecto y veneracion, que corresponde ante la conosida piedad de V. parecidos en toda forma y decimos Señor. Que habiendonos presentado ante V. suplicándole con todo rendimiento fuese V. muy servido de mercenarnos en el Real nombre de S. M. (Q. D. G.) un sitio eriaso, sita en el paraje que llaman de los Trigos hasta el Gusano, independiente de la legua de los Yndios del Pueblo de Pecos para que sin dañar, ni á estos ni á ninguna tercera persona podamos poner nuestros Ranchitos de animales, para pasturarlos con algun adelantamiento á nuestra presisa existencia, abrir y romper algunos pedazos de tierra para sembrar ya sea trigo ó mais con el bien entendido que no daremos perjuicio alguno á los inmediatos pues no llevamos mas interes, que tener donde verificar nuestros espresados Ranchitos por que en estas inmediaciones no tenemos recurso alguno para lograrlo en cuyo concepto suplicamos á V. que sirviendose de ver nuestro espresado pedimento que hicimos el año procesimo pasado y penetrado V. de sir son justas las causas que debidamente terremos espuestas y las que ahora espresamos tenga V. la vendad de concedernos el citado sitio mercenado que solicitamos por tanto.

Á V. humilde y sumisamente pedimos y suplicamos sea muy servido de hacer y mandar como impetramos cuyo patrocinio imploramos y en el que recibiremos grande y conosida gracia.

FRAN'CO TRUJILLO.

SANTA FÉ, 26 de Mayo, de 1814.

SANTA FÉ, 26 de Mayo, de 1814.

Pase esta instancia al Ylustre Ayuntamiento de esta capital para que impuestos de su contenido proseda sobre el asunto de esta trata

on areglo al Bando espedido por Exmo. Sor. Birrey de estos Reynos en 23 de Agosto del año procismo pasado con insercion de Real orden de 4 de Enero del mismo año á que por el Arto. 11 de la referida Rl. orden se les confie el desempeño y de lo que trata la concevid^a instancia advirtien do que la que presentaron el año anterior, y citan en esta se pasó á la superioridad del Sor. Comandte. General y hasta la fecha no ha habido resulta ninguna.

MANRIQUE.

SANTA FE, 30 de Julio, de 1814.

Este Ylustre ayuntamiento en vista de la anterior presentacion por los sujetos que en la misma se subscriben, y decreto del Sor. Govor. de fecha 26 de Mayo del presente hemos venido en conceder las sobras de uno y otro punto: es á saber lo que no sea perteneciente á los naturales del Pueblo de Pecos ni á los vecinos del puesto del Bado siendo adven^ttencia que en ningun caso, han de perjudicar á unos ni á otros para cuyo efecto se sitaran á estos interesados cuando se tenga por oportuno para ponerlos en posesion senalandose juridicamente en toda forma los limites á que sean destinados como solicitan. Asi se acordó mando y firmo por estos señores presente el Secreto. fecha ret supra,

MATIAS ORTIZ.

ANTONIO ORTIZ.

MAN'L + GALLEGO.

JUAN DE DIOS + PEÑA.

YGNACIO ORTIZ.

MAN'L DELGADO, ausente.

FRAN'CO MONTOYA.

JUAN ESTEVAN PINO.

FRAN'CO ORTIZ, ausente.

FELIPE SANDOVAL.

FRAN'CO ORTIZ, 2º.

JOSEF FRAN'CO ORTIZ, ausente.

Anti mi,

CRISTOVAL MA. LARRAÑAGA,

Secret'o.

SANTA FE, 22 de Junio, de 1815.

Puede el suplicante y sus compañeros pastear sus garrados en el paraje que esta entre Pecos y el Bado, como suelo realengo, y como pueden hacerlo, otros vecinos que les acomode; entendidos, que propiedad de merced Real solo la deben entender en la tierra que siembran, labren y cerquen, para no cobrar daños; entendiendose tambien la misma merced en el solar que tengan para casa y corrales.

MAYNEZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fe, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,

Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM.
Surveyor General.

Balga por el Sello, 2º Año de 1814.

FRANCISCO ORTIZ: En esta villa de Santa Fé en veinte dias mes Octubre de mil ochocientos quince años por haberse presentado Don Francisco Trujillo en voz y nombre de Don Diego Padia y de Don Estolomé Marques á el Señor Gobernador Ynterino Don José Manrique pidiendole en nombre de su Magestad que Dios guarde un sitio eriaso sita en el paraje que llaman los Trigos hasta el Gusano y habiendo pasado esta instancia el dia 26 de Mayo de 1814, el Sor. Gobernador á el cuerpo de cabildo para que impuestos de su contenido procedan sobre el asunto de que trata admitiendo su presentacion los Señores que componian el cuerpo de cabildo y habiendose hecho á cargo del decreto del Sor. Gobernador que consta del dia 26 de Mayo de 1814, y conociendo la real orden que sita en su decreto dijeron todos á una voz que les concedien su peticion como de efecto se les dio en nombre de su magestad que Dios guarde para que gozen de dicho sitio los tres pretendientes con sus hijos rompiendo los unconsitos que hay en el distrito de sus linderos que sun de los Trigos á el Gusano y asi mismo se les concedio con avertencia de no perjudica á los Yndios ni á los del Bado y á el mismo tiempo no estorbando los pastos ni brevaderos á nadie pues viene á ser comun y á el mismo tiempo cercando sus labores para no cobrar daños y habiendo passado yo el Alcalde Mayor de Santa Fé y su jurisdiccion Don Matias Ortiz por orden del Sor. Gobernador Don Alberto Maynes á darles á reconocer dicho sitio sin perjuicio de los Yndios del Pueblo, pasé á el pueblo de Pecos y medi un cordel de cincuenta varas y se los entregue á los mismos Yndios para que midieran á su satisfaccion y habiendo medido cien pordeles á toda su satisfaccion les puse su lindero el que reconosen unos y otros para si, y para que esta merce sea acreditada en todo tiempo la hize yo el Alcalde Mayor de Santa Fé y su jurrisdiccion agregando á ella las diligencias aprobadas por el Sor. Gobernador Don José Manrique y por los que componian el cuerpo de cabildo y la firmé hoy cinco de Diciembre de mil ochocientos quince, y de todo doy fé.

MATIAS ORTIZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT.
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING.

Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

En este puesto de San Miguel del Bado á 9 de Marzo, de 1823.

A pedimento de D. Francisco Trujillo y D. Diego Padia y D. Bartolo Marquez pase á la posesion de los Trigos donado por el Señor Alcalde de Santa Fé D. Matias Ortiz en nombre de S. M. Q. D. G. Yo y el Señor Alcade constitucional de dicho partido y el 4º. regidor del mismo y siendo su peticion que se les repartiera lo que les correspondia de su Merced á cada uno de labor á lo que en presencia mia se convino cada uno en lo que sigue. D. Diego Padia por la parte de arriba el primer ancon con su misma presa y otros dos ancones que es el del ojito y el de Pajarito los que deberá contar por suyos para labor, y Don Bartolo Marquez el ancon que sale de lo presa y otro ancon nombrado de la casita dejando de este ancon un pedazo un pedazo que pertenece á D. Francisco Trujillo que ambos dos saben el lindero y otro ancon que llaman el largo los que deberá nombrar por suyos para labor y D. Francisco Trujillo ese pedazo en compañía de Don Bartolo Marquez y otro ancon desde su preso hasta á donde dividen las mercedes que es el abrevadero antiguo del Gusano pues los demas ancones de su posesion quedan á favor de ambos tres, y esto haber sido delante de dos testigos que lo son D. Domingo Benavides y Señor Juan Yncencio Archuleta y firmados por mi y mi srio de cabildo de que doy fé.

MANUEL ANTONIO BACA.

Ante mi,

JOSE MIGUEL SANCHEZ, *Srion*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.
 DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE.
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM, *Surveyor General.*

No. 2.

Grant—Translation.

Equivalent to seal fourth for the present biennial term of 1814 and 1815.

SANTA FÉ, *May 26, 1814.*

SIR GOVERNOR DON JOSÉ MANRIQUE; Francisco Trujillo, in the name and by the authority of Diego Padilla and Bartolome Marquez, residents of this city, with the greatest respect and veneration corresponding to your known piety, we appear in due form and state, sir, that having presented ourselves before you praying with all humility that you be much pleased to grant unto us in the royal name of His Majesty (whom may God have in his keeping,) a tract of uncultivated land situate in the place called Los Trigos, as far as El Gusano, independent of the league of the Indians of the Pueblo of Pecos, in order that, without doing any damage to these or any third party, we may be enabled to locate our herds of animals to pasture them with some advancement to our necessary support, to open and break up certain pieces of land to cultivate wheat or corn, being understood that we will do no injury to any one adjoining us, as we have no other object than to locate our afore mentioned herds, there being no resources in this vicinity to enable us to accomplish such object, in view of which we pray you that being pleased to see our aforesaid petition made by us during the year last past, and certain that the reasons then and now assigned are just, you be pleased to bestow upon us the afore granted tract which we solicit.

Therefore, we humbly and submissively pray and request you to be much pleased to do and direct as we impetrate, which patronage we implore, and by which we will receive a great and known benefaction.

FRANCISCO TRUJILLO, [Rubric.]

SANTA FÉ, *May 26, 1814.*

Let this petition be presented to the illustrious corporation of this capital, in order that being informed of its contents it may proceed in the matter according to the decree issued by the most excellent viceroy of these kingdoms on the 23d of August of the year last past, with the addition of the royal order of the 4th of January of the same year; the 11th article of which confers upon it the duty and what is referred to in the foregoing petition, taking notice that the one presented by them last year, and to which they refer in this, was transmitted to the superiority of the general commandant, and up to this date no result has been had therefrom.

MANRIQUE, [Rubric.]

SANTA FÉ, *July 30, 1814.*

This illustrious corporation, in view of the foregoing petition, presented by the individuals thereto subscribed, and of the decree of the governor, dated 26th of May, in the present year, has granted the

remnants of both places, that is to say, that which may not belong to the natives of the town of Pecos, or to the residents of the Point El Bado; provided, that in no case whatsoever they will do any damage to each other; for which purpose the individuals interested will be summoned whenever it may be deemed convenient to place them in possession, setting forth judicially, in all due form, the boundaries which may be assigned to them as they solicit. It was so agreed upon, ordered, and signed by these gentlemen, the secretary being present. Date at

Matias Ortiz,
Antonio Ortiz,
Man'l X Gallegos,
Juan de Dios + Sena,
Ignasio Ortiz,
Manuel Delgado, (absent,)

Juan Esteban Pino,
Francisco Ortiz, (absent,)
Felipe Sandobal,
Francisco Ortiz, jr.,
Josef Fran'co Ortiz, (absent,)
Fco. Montoya.

Before me,

CRISTOBAL MA. LARRAÑGA,
Secretary

Equivalent to seal fourth for the present biennial of 1814 and 1815.

(Rubric.)

SANTA FÉ, June 22, 1815

The petitioner and his associates may pasture their animals at the place to which he refers, between Pecos and El Bado, being unoccupied soil, as well as other residents who may think proper so to do, provided, that a royal grant to property is only to be considered to be upon lands which they mark, cultivate, and fence in, so as not to claim damages, including also in the same grant the lots they may have for houses and yards. (Corrals.)

MAYNE,
(Rubric.)

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, August 30, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 20, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

Equivalent to seal 2d year 1814.

FRANCISCO ORTIZ,
(Rubric.)

In this town of Santa Fé, on the twentieth day of the month of October, in the year one thousand eight hundred and fifteen, Don Pedro Trujillo, in the name and representing the persons of Don Diego Padilla and Don Bartolome Marquez, having presented himself to his excellency the acting governor Don José Manrique, asking, in the name of his Majesty, whom may God have in his keeping, for a stock farm, situated at the place called "Los Trigos," and extending as far as the Gusano, and his excellency the governor having referred this petition on the 26th of May, 1814, to the corporation, &c., that, informed of its contents, it might act in the premises, the gentlemen composing the body of the corporation having admitted it, and having taken charge of the decree of the governor dated the 26th of May, 1814, and recognizing the royal order referred to in his decree, they all unanimously declared that they would, as in effect they did, grant their petition in the name of his Majesty, whom may God have in his keeping, that the said three petitioners, with their children, may enjoy the said possession, cultivating (rompiendo) the alleys (ancones) within the limits of their boundaries, which are from the Trigos to the Gusano, granting to them, with the condition that they shall not interfere with the Indians nor the inhabitants of El Bado, and the further condition that they shall not disturb any one in the pastures or watering places which are common, and at the same time enclosing their fields to avoid claiming damages; and I, Don Matias Ortiz, the aforementioned senior justice of Santa Fé and its jurisdiction, by direction of the governor, Don Alberto Maynes, having proceeded to point out their lands to them, without injury to the Indians of the Pueblo of Pecos, I measured a cord of fifty varas and delivered it to the Indians themselves, in order that they should measure to their satisfaction; and having measured one hundred cords to their entire satisfaction, I fixed the boundary, which was agreed to by all the parties; and in order that this grant be valid in all time to come, I, the aforesaid senior justice of Santa Fé and its jurisdiction, executed it, attaching thereto the proceedings approved by the governor, Don José Manrique, and by those composing the body of the corporation, and I sign the same this fifth day of December, one thousand eight hundred and fifteen, and to all which I certify.

MATIAS ORTIZ,
(Rubric.)

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 1, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 20, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General

At this place of San Miguel del Bado on the 9th day of March, 1823.

At the request of Don Francisco Trujillo, and Don Diego Padilla and Don Bartolo Marquez, I proceeded to the property (possession) the Trigos granted by the justice of Santa Fé, Don Matias Ortiz, in the name of his Majesty, whom may God have in his keeping, I, the aforesaid constitutional justice of said precinct (partido) and the 4th magistrate of the same, and the petition being that the arable land should be divided between them according to the provisions of the grant to which, in my presence, they all agreed, in the following terms: To Diego Padilla, on the upper side the first valley, (ancon) including the source of the same, and the two other valleys (ancon) of the Ojito and Pajarito, which are to be considered his arable land; and to Don Bartolo Marquez, the valley (ancon) commencing at the dam and another valley (ancon) called the Casita, leaving a portion of this valley (ancon) which belongs to Don Francisco Trujillo, both of whom are acquainted with the boundaries, and another valley (ancon) called "El Largo," which are to be considered as his for cultivation; and to Don Francisco Trujillo, a piece in company with Don Bartolo Marquez, and another valley (ancon) from its source to the boundary of the grants, which is the old watering place of El Gusano; the remaining valleys (ancones) included in the grant being in favor of all three, and this being declared before two witnesses, who are Don Domingo Benavides and Señor Juan Inocencio Archuleta, and signed by me and my secretary of corporation, to which I certify.

MANUEL ANTO. BACA. (Rubric.)

Before me,

JOSÉ MIGUEL SANCHES, (Rubric.)
Secretary

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT.
Santa Fé, New Mexico, August 28, 1857.

The foregoing is a correct translation of the original, on file in this office.

DAVID V. WHITING,
Translator

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.
 WM. PELHAM,
Surveyor General

No. 3.

CONTESTANT'S DEEDS.—ORIGINAL.

Abitado para los años de 840 y 841.

En el partido 1° de San Miguel del Bado á los doce dias del mes de Marzo de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario, parecio presenta el C. Encarnacion Gonzales, de Santa Fé á quien doy fé conosco y dijo: que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse Caldio un terreno en al punto de Pajarito, se le mercenase a nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le correspondiera, y usando de las facultades que son conferidas convine y lo posecioné en ciento diez y siete varas de tierra y con mas un anconsito sin variar esto es de una y otra vanda del rio en el punto espresado, para que la goze guardando todos los requisitos que la ley de colonizacion previene, y verificados que sean hará uso de ella como mejor le corresponda sin que haiga quien le meta pleito ni dicion alguna, y si alguno lo hiciere no seo oido en juicio ni fuera de el, y son sus linderos por el Norte el rio por el Surcon tierras de José Gonzales, por el oriente y poniente dro. comun con las circunstancias que por ningun motivo tienen que cobrar daños por ser ejidos de este Demarcacion del Bado.

Asi le otorgue y le concedi, y me suplico el referido Gonzales hiciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferida firmandola con testigos de asistencia con quienes actuo por receptoria á falta de todo escribano que no lo hay en los terminos prevenidos por dro. en dicho dia mes y año de que doy fé.

MAN'L ANTO. BACA.

De Ass'a: ANTONIO NIETO.

JOSÉ MA VIGIL.

Sello tercero dos reales.—Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

En el partido primero de San Miguel del Bado á los doce dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el Ciudadano Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presenta el C. Juan Benavides de esta de mi cargo á quien doy fé conosco, y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y que teniendo visto unos pedazos de tierra baldios se los mercenase en nombre de los supremos poderes de la nacion Mejicana, y vistolos lo puse en posecion de ellos en el punto del Gusano y usando de las facultades que son conferidas convine y lo posecioné en dos anconsitos sin variar

en el punto espresado de una y otra banda del rio para que los goze guardando todas los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le corresponda. Vendiendolos enagenados en la persona ó personas que fuere su voluntad, sin que haiga quien la meta pleito ni dición alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él, y son sus linderos de una y otra banda del rio por el poniente un ojito atasco por el Norte las lomas, por el sur las lomas, y por el oriente con tierras de Patrico Benavides; con las circunstancias que no tiene que cobrar daños por ser ejidos de este Demarcacion del Bado.

Asi le otorgué y la concedi y me suplico el predicho Benavides puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferida y la firmo con los testigos de mi asistencia con quienes actuo por rectoria á falta de todo escribano que no lo hay en los terminos prevenidos por dro. en dicho dia mes y año de que doy fé.

MAN'L ANT'O BACA.

De Ass'a: ANTONIO NIETO.
GERONIMO TRUJILLO.

En el partido 1^o de San Miguel del Bado á los doce dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente el C. José Gonzales, de Santa Fé á quien doy fé, conosco y dijo: Que por cuanto no tiene un pedazo de tierra para subsistencia de su familia y hallerse baldio un terreno en el punto de Pajarito, se le mercenase á nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le corresponden y usando de las facultades que son conferidas convine y lo posei en ciento diez y siete varas de tierra con mas la mitad de un ancon sin variar en el punto espresado para que las goze guardando todos los requisitos que la ley da colonizacion previene y verificados que sean hará uso de ellos como mejor le correspondia, vendiendola enagenandola en la persona ó personas que su voluntad sea sin que haiga quien la meta pleito ni dición alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él, y son sus linderos por el Norte con tierras de Encarnacion Gonzales, por el sur con tierras de Rafael Gonzales por el poniente el rio y por el oriente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta demarcacion del Bado.

Asi la otorgue y le concedi y me suplicó el espresado Gonzales puciera mi autoridad y decreto judicial, é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferida firmandola con los testigos de asistencia con quienes actuo por rectoria á falta de todo escribano que no lo hay en los terminos prevenidos por dro. en dicho dia mes y año de que doy fé.

MAN'L ANT'O BACA.

De Ass'a,
ANT'O NIETO.

De Ass'a,
GERONIMO TRUJILLO.

En el partido 1° de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el Sr. Dado Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente José Martin, de Santa Fé á quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivo en el punto del ojito de Pajarito para el Norte hasta el ojito de las ruedas se le mercenase á nombre de los supremos poderes de la nacion Mejicana, la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas convine y lo posecioné en dos ancones y medio de tierra sin variar para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le corresponda sin que haiga quien le meta pleito ni embaraso alguno y si alguno lo hiciere no sea oido en juicio ni fuera de el, y son sus linderos por el Norte con tierras de Miguel Martin por el sur la punta del Ancon donde descuelga la agua de Pajarito al rio por oriente y poniente dro. comun con la circunferencia que no tiene que cobrar daños por ser ejidos de esta demarcacion del Bado, esto es de una y otra banda del rio.

Asi le otorgue y la concedi y me suplicó el espresado Martin puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por derecho me es concedida firmandola con los testigos de asistencia con quienes actuo por testatoria á falta de todo escribano que no le hay en los terminos preteridos por dro. en dicho dia mes y año que de todo doy fé.

MAN'L ANT'O BACA.

De Assa.,
ANT'O NIETO.

De Assa.,
GERONIMO TRUJILLO.

En este partido 1° de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el Sr. C. Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente Miguel Martin de Santa Fé á quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivo entre medio de la agua de Pajarito y el ojito de las ruedas se le mercenase á nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas convine y lo posecioné en dos ancones y medio de tierra sin variar en el punto espresado para que los goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le corresponda sin que haiga quien le meta pleito ni embaraso alguno y si alguno lo hiciere no sea oido en juicio ni fuera de él y son sus linderos por el Norte el rio y un peñasco asulejo, por el sur con tierras de José Martin por el oriente y poniente dro. comun esto es de una y otra banda del rio con las circunferencias que no tiene que cobrar daños por ser ejidos de esta Demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó el espresado Martin puciera

mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferido, firmandola con los testigos de asistencia con quienes actuo por receptoria á falta de todo escribano que no le hay en los terminos prevenidos por dro. en dicho dia mes y año de todo doy fé.

MAN'L ANTO. BACA.

De Ass^a.: ANTO. NIETO.
GERONIMO TRUJILLO.

Por la presente traspaso todo mi derecho que yo tengo en este documento en mi hermano José Francisco Martin por haberme dado por la cantidad de veinte y cinco pesos fuertes de lo que me di por contenido y satisfecho de su valor quedando dicho mi hermano á cumplir con las leyes de colonizacion, y para que este traspaso tenga todo efecto suplicamos al Sor. Juez puciera su decreto judicial. Yo el Juez accidental la interpuse cuanto por derecho me es conferida y nó firmé vendedor por no saber, pero hizo una señal de Cruz.

MIGUEL ANTO. MARTIN.

MAN'L ANTO. BACA.

En el partido 1° de San Miguel del Bado á los dose dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Man^o Ant^o. Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente Pablo Pacheco de esta de mi cargo á quien doy fé conozco y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivado en el punto de Pajarito se le mercenase á nombre de los superiores poderes de la nacion Mejicana la tierra que sus proposiciones le corresponden y usando de las facultades que son conferidas convine y lo poseo en cuatro anconsitos de tierra sin variar en el punto espresado por lo que goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le correspondan vendiendolos enagenandolos en la persona ó personas que fueren su voluntad sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él, dichos anconsitos son de una y otra banda del rio y son sus linderos por el Norte tien^{do} de Antonio Baca por el sur un peñasco que pega el rio á la loma, por el oriente y poniente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta Demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó el espresado Pacheco puciera mi autoridad y decreto judicial é yo el nominado Juez accidental dije que la interponia é interpuse tanto cuanto por derecho me es conferida y la firmé con los testigos de asistencia con quienes actuo por receptoria á falta de todo escribano que no le hay en los terminos prevenidos por dro. en dicho dia mes y año que de todo doy fé.

MAN'L ANTO. BACA.

De Ass^a.: ANTO NIETO.
GERONIMO TRUJILLO.

Sello quinto medio real.—Años de mil ochocientos cuarenta y mil ochocientos cuarenta y cinco.

En esta demarcacion primera de San Miguel del Bado á los diez y seis dias del mes de Noviembre de mil ochocientos cuarenta y cuatro; ante mi Gregorio Vigil, Juez de Paz, por ministerio de la ley en dicha demarcacion comparecio presente ante mi y los de mi asistencia: Tomas Ensinas residente de esta de mi cargo á que le formara hijuela de la colonizacion de tierras que desde el mes de Mayo proximo pasado solisito ante este Juzgado que á nombre de dios y de los Mexicanos poderes Mejicanos se le favoreciera con ellas por carecer de tierras para la subsistencia de su abundante familia informandome que habian solarias y sin reconocerseles dueño las que concedi á nombre de quien las pide bajo las condiciones de las leyes de colonizacion viiendo cierta su informacion lo que puse en obra averiguarla con los habitantes de alli que son Juan Cristoval Venavides, Patricio Venavides, y Tulian Garcia los que unanimes dijeron ser como Ensinas me habia informado y que ha muchos años que viven alli y siempre las han reconocido solarias y infrutificas; por lo que efectivamente se las concedo sin mediarle otras condiciones que las espresadas arriba y las que tengan sus colonizados conlindantes dichas tierras se hallan en el cañon del rio de esta demarcacion arribita del poblado que comunmente llaman el Gusano son sus linderos por el oriente la mesa que recoge al rio por el poniente lo mismo por el sur con tierras de Juan Cristoval Venavides y por el Norte con tierras de Pablo Pacheco, no se variaron por lo aspero y breñoso del cañon.

Y para que esta merced tenga la fuerza y balidacion que por derecho se requiere le doy al interesado esta que firmo con los de mi asistencia en dicho mes dia y año por falta de escribano publico que agui no lo hay de que doy fé.

GREGORIO VIGIL.

Ass'a.: MANL. ANTO. BACA.
FRANCO. DE CASTRO.

Sello cuarto un real.—Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.

En esta demarcacion primera de San Miguel de Bado á los veinte y siete dias del mes de Agosto de mil ochocientos cuarenta y seis, ante mi Gregorio Vigil, Juez Paz, de dicha demarcacion por ministerio de la ley comparecio ante mi Pablo Garcia vecino de Santa Fé haciendome saber que por cuanto carecia de tierras de labor para sus susistencia le hiciera la gracia de donarle dos anconsitos de tierra que se hallan baldios en esta de mi cargo. Y como nuestras leyes recomiendan tanto el fomento de agricultura y viiendo que estos estan infrutificos se los concedo á nombre de dios y de la nacion sujeto á las leyes de colonizacion cuyos anconsitos se hallan en esta rio de Pecos en donde baja el arroyo de las ruedas para arriba donde están las tierras de José Angel y un anconsito que actual se la ha donade á Miguel Ortiz con el que lindan per la parte del sur, y por el norte lindan con tierras de

Pumoceno Archuleta y de Miguel Sandoval, y por oriente y poniente derecho comun. Y para que esta gracia y donacion se haga constar en todo tiempo que es pura mera perfecta y irrevocable me suplico el interesado antepuciera mi autoridad y judicial decreto y yo dicho juez dije que la interponia é interpongo cuanto por derecho me es conferido firmandola con los de mi asistencia á falta de escribano nacional que no le hay en los terminos del derecho ; en dicho dia mes y año de que doy fé.

Ass'a,
PABLO URIOSTE.

GREGORIO VIGIL.
Ass'a,
RUMUALDO APODACA.

Derechos sin el papel 3 ps.

Sello cuarto un real.—Años de mil ochocientos y seis y mil ochocientos cuarenta y siete.

En esta demarcacion primera de San Miguel del Bado á los veinte y siete dias del mes de Agosto de este año de mil ochocientos cuarenta y seis ; ante mi Gregorio Vigil, Juez de Paz, de dicha demarcacion por ministerio de la ley comparecio presente Miguel Ortiz vecino de Santa Fé haciendome ver que por cuanto carecia de tierras de labor para su susistencia le hiciera la gracia de donarle un anconsito de tierra que se halla baldio en esta de mi cargo, y como nuestras leyes recomienzan tanto el fomento de agricultura viendo que este está infrutifico se lo concedo á nombre de Dios y de la nacion sugetandolo á las leyes de colonizacion cuyo anconsito se halla en este rio de Pecos en el punto donde baja el arroyo de las Ruedas para arriba de las tierras de José Angel el que conlinda por la parte del sur con las mismas tierras del dicho José Angel y por el Norte con tierras de Pablo Garcia que actualmente se le donaron y por oriente y poniente derecho comun.

Y para que esta gracia y donacion se haga constar en todo tiempo que es pura mera perfecta y irrevocable me suplicó el interesado antepuciera mi authority y judicial decreto ; y yo dicho Juez dije que la interponia é interpongo cuanto por derecho me es conferido firmandola con los de mi asistencia á falta de escribano nacional que no le hay en los terminos del derecho en dicho dia mes y año de que doy fé.

Ass'a,
PABLO URIOSTE.

GREGORIO VIGIL.
Ass'a,
RUMUALDO APODACA.

Derechos sin el papel 3 ps.

En el partido 1º de San Miguel del Bado á los veinte y ocho dias del mes Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Antonio Baca, Juez de Paz accidental por imposibilidad del propietario parecio presente José Vruno Balencia de Santa Fé á quien doy fé conosco y dijo : Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivar en el punto del ojito de las Ruedas se le mercenase á nombre de los supremos poderes de la nacion Mejicana, la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas convien-

y lo posecioné en doscientos veinte y siete varas de tierra en el punto expresado con mas medio ancon de tierra que está sin variar contigo á las tierras de Rafael Balencia para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean para uso de ellas como mejor le corresponda sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea oido en juicio ni fuera de el y son sus linderos per el Norte con tierras de Rafael Balencia por el sur con tierras de Nepomuceno Archuleta por el oriente el rio y por el poniente dro. comun con la circunstancia que no tiene que cobrar donas por ser ejidos de esta demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó el espresado Balencia puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto quanto per dro. me conferido y la firmé con los testigos de asistencia con quienes actuo receptoría á falta de todo escribano que no le hay en los terminos señalados por dro. en dicho dia mes y año que de todo doy fé.

MAN'L ANT'O BACA.

De Ass'a.

ANT'O NIETO,

De Ass'a,

GERONIMO TRUJILLO.

En el partido 1° de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Jefe de Partido Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente Rafael Balencia de Santa Fé á quien doy fe y conosco y dijo: Que por quanto no tener un pedazo de tierra para asistencia de su familia y hallarse un terreno baldio y sin cultivo en el punto del ojito de las ruedas se le mercenase á nombre de los señores poderes de la nacion Mejicana, la tierra que sus proposiciones le respondeira y usando de las facultades que son conferidas conviene y lo posecioné en doscientos veinte y siete varas de tierra en el dicho ojito con mas medio ancon sin variar para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean para uso de ellas como mejor le corresponda sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él y son sus linderos por el Norte el rio por el sur con tierras de José Vruno Balencia por el oriente el rio y por el poniente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta Demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó el espresado Balencia puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto quanto por derecho me es conferido, firmandola con los testigos de asistencia con quienes actuo receptoría á falta de todo escribano que no le hay en los terminos señalados por derecho en dicho dia mes y año que todo doy fé.

MAN'L ANT'O BACA.

De Ass'a,

ANTO NIETO,

De Ass'a,

GERONIMO TRUJILLO.

En el partido 1° de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante

mi el C. Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente Antonio Maria Archuleta de Santa Fé á quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivo en el punto de entre medio de la agua de Parajito y las ruedas se le mercenase á nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas conviene y lo posecioné en dos ancones de tierra sin variar con mas otro anconsito que está al frente de la otra banda del rio el oriente en el punto espresado para que los goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le corresponda sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él y son sus linderos por el norte el cañonsito que baja de las ruedas al rio por el sur tierras de Juan de Dios Balencia por el oriente el rio y lo restante á la otra banda y por el poniente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta Demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó el espresado Archuleta pusiera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferido firmandola con los testigos de asistencia con quienes actuo por receptoria á falta de todo escribano que no le hay en los terminos prevenidos por dro. en dicho dia mes y año que de todo doy fé.

MANUEL ANTONIO BACA.

De Ass^a: ANTONIO NIETO.

GEROMINO TRUJILLO.

En el partido 1° de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Antonio Baca, Juez de Paz accidental, por imposibilidad del propietario parecio presente Nepomuseno Archuleta de Santa Fé á quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio y sin cultivo en el ojito de las ruedas se le mercenase á nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas conviene y lo posecioné en doscietas veinte y seis varas de tierra en el punto espresado con mas otro ancon mas sin variar de la banda del rio al poniente para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellas como mejor le corresponda, sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea oido en juicio ni fuera de él y son sus linderos por el norte con tierras de José Vruno Balencia por el sur el rio por el oriente la mesa y por el poniente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta Demarcacion de Bado.

Asi le otorgue y la concedi y me suplicó el espresado Archuleta pusiera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuanto por dro. me es conferido, y la firmé con los testigos de asistencia con quienes actuo

receptoría á falta de todo escribano que no le hay en los terminos
venidos por dro. en dicho dia mes y año que de todo doy fé.

MANUEL ANTONIO BACA.

De ass^a. ANTONIO NIETO.

GERONIMO TRUJILLO.

Derechos 3 pesos.

*Bello quinto medio real.—Años de mil ochocientos cuarenta y dos y mil
ochocientos cuarenta y tres.*

En S. Miguel del Bado Demarcacion primera á los trece dias del
mes de Sept., de mil ochocientos cuarenta y tres. Ante mi el C.
Santiago Ulibarri, Juez de Paz constitucional por ministerio de la ley
parecio presente por su propia persona el cuido. José Angel vecino de
Santa Fé; y dijo: Que habiendo registrado en el rio de Pecos terreno
para sembrar se ha encontrado con cuatro anconsitos muy pequeños
cultos y breñosos de donde desemboca el arroyo de las ruedas al rio
de Pecos los cuales pide á nombre de los Sagrados poderes Mejicanos
y conociendole que carece de tierras propias lo proseccioné de d'hos
anconsitos pudiendo cercarlos sin perjuicio de Caña das atrabesias y
verdaderos comunes guardando todos los requisitos que las leyes
previenen y cumplidos estos usará de ellas como mejor le paresca sin
que haya persona que le ponga embarazo y si alguna lo hiciere no sea
oido en juicio ni fuera de él. Siendo sus linderos por el Norte con la
agostura del Cañon del Rio por el sur con tierras del C. Anto. Maria
Archuleta y por el Oriente y Poniente la orilla del Cañon del Rio.

Asi le otorgue la presente hijuela y me suplico puciera mi auteridad
y Decreto judicial é yo el nomiendo Juez dije que la interponia é
interpuse tanto cuanto por dro. me es conferido y la firmo con los de
mi asistencia á falta de Escribano que no le hay en los terminos del
dro. de que doy fé Otro si.—Norte entre renglon vale.

SANTIAGO ULIBARRI.

De Ass'a,

JOSÉ MIG'L SANCHEZ.

De Ass'a,

JOSÉ FELIZ SANCHEZ.

SAN JUCAN, 1º de 1845.

Digo yo José Angel que le he vendido Anto. Maria Archuleta las
rueltas de rio que componen cuatro ancones con el sur con tierras del
mismo comprador y por el norte con tierras de Miguel Ortiz ql. le he
vendido facultad y derecho de toda mi propiedad por el importe de 24
ps. fuertes en buen dinero habiendo quedado satisfecho y contento de
doy fé y José Martin.

JOSÉ ANGEL.

JUAN DE JESUS ARCHULETA.

On el partido 1º de San Miguel del Bado á los dose dias del mes de
Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C.
Manuel Antonio Baca, Juez de Paz acidental, por imposibilidad del
propietario parecio presente el C. Alejandro Montoya de Santa Fé a
quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de

tierra para subsistencia de su familia, y hallarse un terreno baldio en la nacion Mejicana la tierra que sus proposiciones le corresponden y usando de las facultades que son conferidas conviene y lo posecion en ciento diez y siete varas de tierra con mas un anconsito sin variar que está en la otra banda del rio al sur en el punto espresado para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hara uso de ella como mejor le correspondiendola enagenandola en la persona ó personas que su voluntad sea sin que haiga quien le meta pleito ni dicion alguna y si alguno lo hiciere no sea ordo en juicio ni fuera de él y son sus linderos por el norte con tierras de Rafael Gonzales por el poniente el rio y por el oriente dro. comun con la circunstancia que no tendrá que cobrar daños por ser ejidos de esta demarcacion del Bado.

Asi le otorgue y la concedi y me suplico el espresado Montoya puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia interpuse tanto quanto por dro. me es conferido firmandola con los testigos de asistencia con quienes actuo por receptoria á falta de todo escribano que no le hay en los terminos prevenidos per dro. en dicho dia mes y año de que doy fé.

MAN'L ANT'O BACA.

De Ass'a.,
ANT'O NIETO.

De Ass'a.,
GERONIMO TRUJILLO.

Como doy fé con comparencia del Sor. conserbador del partido he reunido mi posecion con la compra que le hize á mi hermano Antonio Montoya y son mis linderos del cañonsito de las cuevitas per la banda de la sierrita hasta el punto espresado de la Cañada de Pajarito, como testigo doy fé.

PEDRO MARTIN.

Doy fé como Testigo.
JUAN DE JESUS ARCHULETA.
Doy fé como Testigo,
SANTIAGO SANCHEZ.

On el partido 1° de San Miguel del Bado á los dose dias mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Antonio Baca, Juez de Paz accidental por imposibilidad del propietario parecio presente el C. Antonio Montoya de Santa Fé á quien doy fé conosco y dijo: Que por quanto no tener un pedazo de tierra para subsistencia de su familia y hallarse un terreno baldio en el punto de Pajarito le mercenase á nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le corresponden y usando de las facultades que son conferidas conviene y lo posecion en ciento diez siete varas de tierra con mas medio anconsito sin variar que está contiguo á tierras de José Gonzales y medio contiguo á tierras de Rafael Gonzales en la otra banda del Rio al sur en el punto espresado para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ella como mejor le corresponda vendiendola enagenandola en la persona ó personas que su voluntad sea sin que haiga quien le meta pleito ni dicion

alguna y si alguno lo hiciere no sea oído en juicio ni fuera de él, y son sus linderos por el Norte con tierras de Andres Gonzales por el sur el rio por el poniente el rio y por el oriente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos de esta Demarcacion del Bado.

Asi la concedi y la otorgue y me suplicó el espresado Montoya puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuante por dro. me es conferido firmandola con los testigos de mi asistencia con quienes actuo receptoria á falta de todo escribano que no le hay en los terminos prevenidos por dro. en dicho dia mes y año de que doy fé.

MANL. ANTO. BACA.

De Ass'a.
ANTO. NIETO.

De Ass'a.
GERONIMO TRUJILLO.

Sello cuarto una quartilla. — Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

On el partido 1º de San Miguel del Bado á los veinte y ocho dias del mes de Marzo del año de mil ochocientos cuarenta y dos. Ante mi el C. Manuel Anto. Baca, Juez de Paz accidental, por imposibilidad del propietario, parecio presente Juan de Dios Balencia de Santa Fé á quien doy fé conosco y dijo: Que por cuanto no tener un pedazo de tierra para susistencia de su familia y hallarse un terreno baldio y sin cultivo en el punto del ojito de pajarito para el norte hosta el ojito de las ruedas se le mercenase en nombre de los supremos poderes de la nacion Mejicana la tierra que sus proposiciones le correspondiera y usando de las facultades que son conferidas convine y lo posecioné en dos ancones de tierra sin variar en le punto espresado para que las goze guardando todos los requisitos que la ley de colonizacion previene y verificados que sean hará uso de ellos como mejor le corresponda sin que haiga quien le meta pleito ni embarazo alguna y si alguno lo hiciere no sea oído en juicio no fuera de el y son sus linderos por el norte tierras de Anto. Ma. Archuleta por el sur el rio y un peñasco asulejo por el oriente el rio y por el poniente dro. comun con la circunstancia que no tiene que cobrar daños por ser ejidos y abreladeros de esta demarcacion del Bado.

Asi le otorgue y la concedi y me suplicó espresa do Balencia puciera mi autoridad y decreto judicial é yo el nominado Juez de Paz accidental dije que la interponia é interpuse tanto cuante por dro. me es conferido firmandolo con los testigos de asistencia con quienes actuo receptoria á falta de todo escribano que no le hay en los terminos prevenidos por dro. en dicho dia mes y año que de todo doy fé.

MANL. ANTO. BACA.

De Ass'a.
ANTO. NIETO.

De Ass'a.
GERONIMO TRUJILLO.

SANTA FÉ, NEW MEXICO,
September 25, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM, *Surveyor General.*

No. 4.

Contestant's deeds.—Translation.

Seal Third. [SEAL.] Two rials. For the year one thousand eight hundred and thirty-eight and eight hundred and thirty-nine. Revaluated for the years '840 and '841.

In the first precinct of Don Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Encarnacion Gonzales, of Santa Fé, which I certify to be known to me, and stated that as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed to his request, and placed him in possession of one hundred and seventeen varas of land and also a small valley, (ancon,) without being measured, that is on both sides of the river at the above mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, the river; on the south, lands of José Gonzales; on the east and west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Gonzales requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none according to the terms provided by law, to which I certify.

MANUEL ANTONIO BACA.

Attending:

ANTONIO NIETO.

JOSÉ MARIA VIGIL.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

Seal third. [Seal.] Two rials. For the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one.

In the first precinct of San Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Juan Benavides, resident of this, my judicial district, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and, using the authority which is conferred, I agreed to his request, and placed him in possession of two small valleys, without measuring the same, on both sides of the river at the above-mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries on both sides of the river are: on the west, a miry spring; on the north, the hills; on the south, the hills; and on the east, the lands of Patricio Benavides, with the condition that in no case is he to claim damages, the land being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Benavides requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did, interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none according to the terms provided by law, on said day, month, and year. To which I certify.

MANUEL ANTONIO BACA.

Attending:

ANTONIO NIETO.

JOSÉ MARIA VIGIL.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

In the first precinct of San Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen José Gonzales, of Santa Fé,

which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme power of the Mexican nation; and using the authority which is conferred, I agreed to his request, and placed him in possession of one hundred and seventeen varas of land and also of the half of a small valley, (ancon,) without being measured at the above-mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are: on the north, the lands of Encarnacion Gonzales; on the south, the lands of Rafael Gonzales; on the west, the river; and on the east, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Gonzales requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did, interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none according to the terms provided by law, on said day, month, and year. To which I certify.

MANUEL ANTONIO BACA.

Attending:

ANTONIO NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

In the first precinct of San Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen José Martin, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being on the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and, using the authority which is conferred, I agreed to his request, and placed him in possession of two small valleys and the half part of another small valley, (ancon,) without being measured, in order that he may enjoy the same, complying with the conditions provided in

the colonization law, and having complied with them, he can dispose of said land as he may deem proper without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, the lands of Miguel Martin; on the south, that point of the valley where the water from Pajarito runs into the river; on the east and west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said José Martin requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending:

ANTONIO NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original, on file in this office.

DAVID V. WHITING, *Translator.*

In the first precinct of San Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Miguel Martin, of Santa Fé, which I certify to be known to me, and stated that as he had not a piece of land with which to support his family, and a piece of vacant land being at a point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed to his request, and placed him in possession of two small valleys, and of the half of another small valley, (incon,) without being measured, at the above mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, the river and a bluish rock; on the south, with lands of José Martin; on the east and west, a right in common; that is, on both sides of the river, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Martin requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending:
ANTO. NIETO.

Attending:
GERONIMO TRUJILLO.

I hereby transfer all my right to the within document in favor of my brother Francisco Martin, he having given me the sum of twenty-five silver dollars for it, with which I am satisfied and content, my said brother obligating himself to comply with the colonization laws; and in order that his conveyance may be entirely legal, we prayed the justice to interpose his judicial authority; and I, the acting justice, did interpose it as far as the law allows, and the conveyor did not sign, not knowing how to make a sign of the cross.

MANUEL ANTONIO BACA.

MIGUEL ANTONIO MARTIN.

In the first precinct of San Miguel del Bado, on the twelfth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace on account of the disability of the incumbent, personally appeared citizen Pablo Pacheco, resident of this precinct, which I certify to be known to me, and stated that as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed to his request, and placed him in possession of four small valleys at the above place, without being measured, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are on both sides of the river; on the north, the lands of Antonio Baca; on the south, a rock at the foot of the hill close to the river; on the east and west, a right in common with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted; and the said Pacheco requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any

notary, there being none according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending ;

GERONIMO TRUJILLO.

ANT' O NIETO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

Seal fifth.

Half rial.

For the years one thousand eight hundred and forty-four and eighteen hundred and forty-five.

[SEAL.] In this first precinct of San Miguel del Bado, on the sixteenth day of the month of November, 1844, before me, Gregorio Vigil, by authority of the law a justice of the peace in said precinct, personally appeared before me, and those in my attendance, Encinas, a resident of this precinct under my charge, in order that I should execute to him a certificate of the colonization of the land which he petitioned this court for in the month of May last, in the name of God and the sovereign Mexican powers, being in want of land to support his large family with ; and having informed me that the land was vacant and without any recognized owner, I granted the same to the person who asked for it, under the conditions prescribed by the colonization laws, provided his statement be true, which I ascertained from the persons residing there, who are Juan Cristobal Benavides, Patricio Benavides, and Julian Garcia, who unanimously affirmed the statement of Encinas to be true, that they have resided there for many years, and that they have always recognized the land to be vacant and unfruitful. I therefore grant it to him without any other condition than the one above expressed and those imposed upon his colonized neighbors. Said land is situated in the cañon of the river of this precinct, a short distance above the settlement called "Gusano;" its boundaries are, on the east and west, the table land through which the river runs ; on the south, by lands of Juan Cristobal Benavides ; and on the north, by lands of Pablo Pacheco. The land was not measured on account of the roughness and asperity of the region. And in order that this grant may have the force and validity required by law, I execute the foregoing, signing it with those in my attendance, on said month, day, and year, in the absence of a notary public, there being none, to which I certify.

GREGORIO VIGIL.

Attending :

MAN' L ANT' O BACA.

FRAN' CO DE CASTRO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

Seal fourth. [SEAL.] One rial.

Years one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven.

In the first precinct of San Miguel del Bado, on the twenty-seventh day of the month of August, one thousand eight hundred and forty-six, before me, Gregorio Vigil, by legal authority a justice of the peace in said precinct, appeared Pablo Garcia, resident of Santa Fé, and stated that, being in want of arable land to support himself, he prayed that two small valleys, which are vacant, and in this precinct under my charge, be given to him; and as our laws so much recommend the encouragement of agriculture, and being aware of the unfruitfulness of said land, I gave it to him in the name of God and the nation, and subject to the colonization laws. Said valleys are situated on the Pecos river, where the Arroyo de los Ruedas descends; from there, upwards to the lands of José Angel, and to a small valley which has just been given to Miguel Ortiz, forming its southern boundary; and on the north they are bounded by the lands of Pomocerio Archuleta and Miguel Sandoval; and on the east and west by a right in common. In order to show at all times the legality of this grant and donation, and so as to make the same perfect and irrevocable, the party interested requested me to interpose my authority and judicial decree; and I, the said justice, said that I would, and did interpose it so far as the law allows, signing this with those in my attendance, in default of a notary, as the law provides, on said day, month, and year, to which I certify.

GREGORIO VIGIL.

Attendance:

PABLO URIOSTE.
 RAMALDO APODACA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM, *Surveyor General.*

No. 5.

Contestants' Deeds—Translation.

Seal fourth.

[SEAL.]

One rial.

Years one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven.

In this precinct of San Miguel del Bado, on the twenty-seventh day of the month of August, of this year, one thousand eight hundred and forty-six, before me, Gregorio Vigil, by legal authority a justice of the peace in said precinct, personally appeared Miguel Ortiz, resident of Santa Fé, and giving to understand that he is in want of arable land for his support, prayed that a small valley in this precinct, under my charge, which is vacant, be given to him; and as our laws recommend so much the encouragement of agriculture, and being aware of its unfruitfulness, I gave him the same in the name of God and the Nation, subject to the colonization laws; said small valley is situated on this Pecos river, at the point where the Arroyo de las Ruedas descends, above the lands of José Angel; said valley is bounded on the south with the same lands of said José Angel; on the north by lands of Pablo Garcia, which just now are given to him; on the east and west by a right in common. And in order to show at any time the legality of this grant or donation, and to render the same perfect and irrevocable, the party interested requested me to interpose my authority and judicial decree; and I, the above-named justice, said that I would, and did interpose it as much as the law allows, signing this, with those in my attendance, in default of a notary, as the law provides, on said day, month, and year, to which I certify.

GREGORIO VIGIL.

Attending.

PABLO URIOSTE.

RAMALDO APODACA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 21, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

In the first precinct of San Miguel del Bado, on the twenty-eighth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared José Bruno Balencia, of Santa Fé, which I certify to be known to me, and stated that he had not a piece of land with which to support his family, and there being a piece of vacant and uncultivated land at the point called "Ojito de las Ruedas," he prayed that such portion thereof as his means would allow him to cultivate might be granted to him in the name of the

supreme powers of the Mexican nation ; and using the authority which is conferred, I agreed and placed him in possession of two hundred and twenty-five even varas of land, at the said place, and of the half part of a small valley, not measured, joining the lands of Rafael Balencia, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever ; and if any one should so do, that he be not heard in court or out of court ; and the boundaries are, on the north, the lands of Rafael Balencia ; on the south, the lands of Nepomoceno Archuleta : on the east, the river ; and on the west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture land of this precinct of El Bado.

I so executed and granted, and the said Balencia requested me to interpose my authority and judicial decree ; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTO. BACA.

Attending :

ANTONIO NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 20, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

In the first precinct of San Miguel del Bado, on the twenty-eighth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appears Rafael Balencia, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant and uncultivated land being at the point called "Ojito de la Ruedas," he prays that such portion thereof as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation ; and using the authority which is conferred, I agreed to his request, and placed him in possession of two hundred and twenty-seven varas of land at the said place, and also of one-half of a small valley, not measured, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper without being sued or disturbed by any person whatsoever ; and if any one should so do, that he be not heard in court or out of court ; and the boundaries are, on the north, the river ; on the south, the lands of José Bruno Balencia ; on the east, the river ; and

on the west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado. I so executed and granted, and the said Balencia requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending:

ANT'O NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 23, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

In the first precinct of San Miguel del Bado, on the twenty-eighth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared Antonio Maria Archuleta, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant and not cultivated land being at the point called "El Ojito de las Mesas," he prayed that such portion thereof as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed and placed him in possession of two hundred and twenty-six varas of land at the said place, and also of a small valley on the western side of the river, without measuring the same, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, lands of José Bruno Balencia; on the south, the river; on the east, the table land, (la mesa;) and on the west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Archuleta requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the

absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending :

ANT' O NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 23, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

In the first precinct of San Miguel del Bado, on the twenty-eighth day of the month of March, 1842, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Nepomoceno Archuleta, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of uncultivated vacant land being at the point called "El Ojito de la Ruedas," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed and placed him in possession of two hundred and twenty-six varas of land at said place, and also of a small valley on the western side of the river, without measuring it, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, the lands of José Bruno Balencia; on the south, the river; on the east, the table land (mesa;) and on the west, a right in common with the condition that in no case is he to claim damages, the land being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Archuleta requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending :

ANTONIO NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

Seal fifth. [SEAL.] Half rial.

Years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three.

In the first precinct of San Miguel del Bado, on the 13th day of September, 1843, before me, citizen Santiago Ulibari, by legal authority a constitutional justice of the peace, personally appeared José Angel, resident of Santa Fé, and stated that, having been on the Pecos river in search of some arable land, he found four very small, wild, and uncultivated valleys, where the Arroyo de las Ruedas empties into the Pecos river; he now prays that the same be granted to him in the name of the sacred Mexican nation; and knowing that he has no land of his own, I placed him in possession of the said valleys, in order that he might fence them in without obstructing cañons, highways, and common watering places, observing all the requisites provided by law, and having complied with them, he may then enjoy the same as he thinks proper, without being disturbed by any person whatsoever; and if any one should attempt it, that he be not heard in or out of court. The boundaries are: on the north, the narrows of the cañon of the river; on the south, the lands of Antonio Maria Archuleta; and on the east and west, by the edge of the cañon through which the river runs.

I so executed to him the present certificate of possession (hijula,) and he requests me to interpose my authority and judicial decree; and I, the said justice, said that I would interpose, and did interpose it, inasmuch as the law confers upon me, signing this with those in my attendance, in absence of a notary, according to the terms provided by law. To this I certify.

SANTIAGO ULIVARI.

Attending:

JOSÉ MIGUEL SANCHES.

JOSÉ FELIS SANCHES.

SAN JUAN, ——— 1, 1847.

I, José Angel, do hereby certify that I have sold to Antonio Maria Archuleta four bends of the river, which form four valleys, bounded on the south by lands of the purchaser, on the north by lands of Miguel Ortiz; having conveyed to them all my right, title, and interest therein for the sum of twenty-four silver dollars in cash, to my full satisfaction and content, to which I certify.

JOSÉ ANGEL.

JOSÉ MARLIN.

JUAN DE JESUS ARCHULETA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

In the first precinct of San Miguel del Bado, on the twelfth day of March, in the year one thousand eight hundred and forty-two, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Alejandro Montoya, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed and placed him in possession of one hundred and seventeen varas of land, and also a small valley, (ancon,) without being measured, and situated on the other side of the river, towards the south, at the above-mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, selling or conveying the same at his will to any person or persons whatsoever, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in or out of court; and the boundaries are, on the north, the land of Rafael Gonzales; on the south, the lands of Andres Gonzales; on the west, the river; and on the east, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Montoya requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending:

ANTONIO NIETO.

GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 23, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

In this first precinct of San Miguel del Bado, on the twelfth day of the month of March, eighteen hundred and forty-two, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared citizen Antonio Montoya, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "Pajarito," he prayed that such portion as his means would allow him to

cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed and placed him in possession of one hundred and seventeen varas of land, and also of the half of a small valley, joining the lands of José Gonzales, and partly joining the lands of Rafael Gonzales, on the other side of the river, towards the south, and without measuring, at the above-mentioned place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, selling or conveying the same at his will to any person or persons whatsoever, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in or out of court; and the boundaries are, on the north, the lands of Andres Gonzales; on the south, the river; on the west, the river; and on the east, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of the pre-act of El Bado.

I so executed and granted, and the said Montoya requested me to propose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BACA.

Attending :
ANTO. NIETO.

Attending :
GERONIMO TRUJILLO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

Seal fourth. [Seal.] One-fourth rial. For the years one thousand eight hundred and forty and one thousand eight hundred and forty-one. In this first precinct of San Miguel del Bado, on the twenty-eighth day of March, of the year one thousand eight hundred and forty-two, before me, citizen Manuel Antonio Baca, accidental justice of the peace, on account of the disability of the incumbent, personally appeared Juan de Dios Balencia, of Santa Fé, which I certify to be known to me, and stated that, as he had not a piece of land with which to support his family, and a piece of vacant land being at the point called "El Ojito del Pajarito," and from there northward to the Ojito de las Ruedas" he prayed that such portion thereof as his means would allow him to cultivate might be granted to him in the name of the supreme powers of the Mexican nation; and using the authority which is conferred, I agreed and placed him in possession of two small valleys, without being measured, at the above-mentioned

place, in order that he may enjoy the same, complying with the conditions provided in the colonization law, and having complied with them, he can dispose of said land as he may deem proper, without being sued or disturbed by any person whatsoever; and if any one should so do, that he be not heard in court or out of court; and the boundaries are, on the north, the lands of Antonio Maria Archuleta; on the south, the river and a bluish rock; on the east, the river; and on the west, a right in common, with the condition that in no case is he to claim damages, the lands being commons or pasture lands of this precinct of El Bado.

I so executed and granted, and the said Balencia requested me to interpose my authority and judicial decree; and I, the aforesaid accidental justice of the peace, said that I would, and did interpose it as far as the authority is conferred upon me by law, signing the same with attending witnesses, with whom I act by appointment in the absence of any notary, there being none, according to the terms provided by law, on said day, month, and year, to which I certify.

MANUEL ANTONIO BAC

Attending:
ANTONIO NIETO.

Attending:
GERONIMO TRUJILLO

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 21, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 6.

Notice of Claimants.

UNITED STATES OF AMERICA, }
Territory of New Mexico, } ss:

To William Pelham, esq., surveyor general of the Territory of New Mexico:

Donaciano Vigil, a citizen of the United States and resident of the Territory of New Mexico, for himself and the legal representatives of Francisco Trujillo, Diego Padilla, and Bartalome Marquez, represent to you that said legal representatives are claimants and legal owners in fee of a certain tract of land lying and being situate in the county of San Miguel, in said Territory of New Mexico, known as the gran

of "Los Trigos," lying on both sides of the river Pecos, and extending from the point on the same called the Trigos, and the eastern boundary of the league of the Pueblo of Pecos, to the point known as the Gusano, and to the line of the jurisdiction of San Miguel del Bado, including all the valleys (ancones) and arable lands in the valley of said river Pecos, within the limits aforementioned, to be subsequently assigned in separate parts to the said grantees, and the woods, waters, and pasture lands to be held in common, according to the laws and usages of Spain at that time in force. Said assignment of lands was made in conformity to such law and usage, as will appear from document C, which is herewith filed and prayed to be made a part of this petition.

Petitioner claims a perfect title to said land by virtue of a grant made on the 26th day of May, 1814, by José Manrique, acting governor of the province of New Mexico, and the act of the corporation of the city of Santa Fé, capital of the province aforesaid, of the 30th of July, 1814, and further confirmed by the order of Alberto Maynes, governor of the province aforesaid, bearing date June 22, 1815, which original documents are herewith filed and asked to be made a part of this petition, and marked A and B, which said grant was made as aforesaid by authority of the laws, and usages, and customs of the government of Spain, and which subsequently were confirmed in full force by the government of Mexico in regard to the granting of lands, and the powers and authorities are set forth in the decrees and orders of the cortes of Spain, and of the government of Mexico, which authorities will be duly cited and filed in a brief, with the testimony to be given in this case.

Petitioner further states that he cannot show the quantity of land claimed for the said legal representatives, as no survey has been made, and can only describe it by the above well-known points and bounds. He further states that sundry persons, whose names will be made known to you at the proper time, have located upon the said grant without a just title from any person, power, or authority, and with a full knowledge of the existence of the claim now presented. But your petitioner is able to show that in all things the said original grantees and their said legal representatives have complied with the conditions of said grant, and the laws and usages in such cases made and provided, and therefore the petitioner prays a full confirmation of said grant to the legal representatives of said original grantees.

WATTS, SMITH & HOUGHTON,
For petitioners.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 20, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 7.

Notice of Contestants.

To William Pelham, surveyor general of New Mexico :

Rafael Gonzales, on behalf of himself and twenty-four other heads of families, actual settlers upon the lands known as Los Trigos, situated in the county of San Miguel, Territory of New Mexico, lying on both sides of the river Pecos, and extending from the point on the same called the Trigos and the eastern boundary of the league of the Pueblo of Pecos to the point known as the Gusano, and to the line of the jurisdiction of San Miguel del Bado, contests the right of Don Donaciano Vigil and the legal representatives of Francisco Trujillo, Diego Padilla, and Bartholome Marques to said tract of land, on the ground that the original grants of said land to Trujillo and the other original grantees were only to such lands as were by said grantees put in cultivation and built upon ; that said grantees never cultivated or built upon the lands now claimed by contestants ; on the further ground that said grant was by the original grantees abandoned ; that contestants were put in possession by authority of the Mexican government as wild and public lands, and have opened, cultivated, and continued in possession of said lands for more than ten years last past, all of which will appear by documents herewith filed, and proof tendered to your honor.

M. ASHURST,
R. H. TOMPKINS,
Atty's for Contestants

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. M., September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 8.

Testimony.

DONACIANO VIGIL, present claimant of Los Trigos.

DOMINGO FERNANDEZ sworn :

Question. Did you know José Manrique in the year 1814, and what office did he hold at that time ?

Answer. I did ; he was acting governor at that time.

Question. Do you know his signature ?

Answer. I do.

Question. Have you seen him write his signature ?

Answer. I have.

Question. Is his signature attached to document "A" genuine?

Answer. It is.

Question. Do you know who were members of the corporation (ayuntamiento) of Santa Fé at that time?

Answer. Cristobal Maria Larrañaga was its secretary at that time; the two justices of the peace, Juan Esteban Pino and Matias Ortiz; the two prosecuting attorneys, Manuel Delgado and Francisco Montoya, and others.

Question. Do you know the signature of Juan Esteban Pino, and have you ever seen him write?

Answer. I have.

Question. Is his signature, attached to document "A," and is that of Cristobal Maria Larrañaga, to the same document, genuine?

Answer. That of Juan Esteban Pino is genuine, as well as that of Cristobal Maria Larrañaga, who was the secretary of the corporation at that time.

Question. Did you know Alberto Maynez in the year 1815, and what position did he occupy?

Answer. I did. He was acting governor of New Mexico.

Question. Do you know his handwriting, and have you ever seen him write?

Answer. I have.

Question. Is his signature on document "A" genuine?

Answer. It is.

Question. Did you know Matias Ortiz in the year 1815?

Answer. I did.

Question. What office did he hold at that time?

Answer. He was a justice of the peace.

Question. Do you know his signature, and have you seen him write?

Answer. I have.

Question. Is his signature to document "B" genuine?

Answer. It is.

Question. Do you know the signature of Manuel Antonio Baca, and have you seen him write; and is his signature to document "C" genuine?

Answer. I do; have seen him write, and his signature thereto is genuine. He was a justice of the peace (alcalde) at the time.

Question. Do you know the lands known as Los Trigos?

Answer. I do.

Question. How long have you known them?

Answer. In the year 1822 I stopped there, returning from San Miguel, and slept there at the edge of the lands.

Question. Were there any settlers on it at that time?

Answer. It was; there were some fields under cultivation in the vicinity of a little house.

Question. Who were the settlers?

Answer. The Marquezes and the Padillas; the Padillas were taking care of their flocks at the time I passed; Francisco Trujillo resided below at Gusano.

Question. Up to what time did they continue at the settlement and for what cause did they abandon it?

Answer. Up to the time of the death of a little Indian, who was taking care of the flocks; they left there on that account. The Indian was killed by the Apaches.

Question. About what year was the Indian killed?

Answer. I do not recollect.

Question. Were not the Indians troublesome at that time; and was it not dangerous to live there?

Answer. The Indians were troublesome, and it was dangerous to live there.

Question. Have you any interest in this claim?

Answer. I have none.

Cross-examined by counsel for contestants.

Question. How often were you at Los Trigos while it was occupied by the persons mentioned by you?

Answer. Only at that time; I have passed there afterwards.

Question. How many of them had residences there at that time; and how much land did they have under cultivation?

Answer. There was only one small house there at the time; they had about two hundred varas, more or less; it was late when I arrived there, and did not go over all the land.

Question. Have you ever been on those lands since these claimants abandoned them?

Answer. I have passed there after they were settled by the men now on the land.

Question. How do you know these men abandoned the land? Were you there and saw them, or did you hear it only?

Answer. I heard that they had abandoned it?

Question. Is the field or house you saw now occupied by any of the persons claiming this land?

Answer. I have heard say it was.

Question. When the Indians were so bad, did you hear of any other person being killed besides the Indian you spoke of?

Answer. I do not know that they did. They separated and killed Don Vicente Villanueva at one place, and some other person in another direction.

Re-examined by claimants.

Question. At the time the little Indian and the other persons were killed, was it not notoriously known, and was it not the cause of the abandonment of the settlement?

Answer. It was notoriously known; it was abandoned at that time; the one was very old, the other blind, and the other remained in possession.

DOMINGO FERNANDEZ.

Sworn and subscribed before me this 27th day of July, 1857.

WILLIAM PELHAM.

Surveyor General.

RAFAEL VIGIL, sworn :

Question. Have you any interest in this claim?

Answer. I have none.

Question. Do you know the lands of Los Trigos, and how long have you known them?

Answer. I do. Have known them since the year 1815.

Question. Who were the first settlers on this land?

Answer. Bartolo Marquez and Diego Padilla.

Question. How long were these lands occupied by Bartolo Marquez and Diego Padilla, more or less?

Answer. Seven years, more or less.

Question. Do you know the cause of their having abandoned the settlement?

Answer. On account of the Indians being troublesome. They killed the little Indian, Vincente Villanneva, and another person, whose name I do not recollect.

Question. Do you recollect in what year this little Indian and other persons were killed?

Answer. I do not remember the date; it will appear on the parish register; I was coming from San Miguel, and brought the body to Santa Fé; it was about the year 1829.

Question. Did you see Bartolome Marquez and Diego Padilla on the land?

Answer. I did.

Question. At how many different times?

Answer. I was there four or five times.

Cross-examination by counsel for contestants.

Question. What relationship do you bear to Donaciano Vigil?

Answer. A relation in the third or fourth degree.

Question. How many houses, and who occupied them, and how much land was under cultivation when you were there?

Answer. There was only one little house occupied by them all; there were also other shepherds there who had come down from the mesa, running away from the Indians. There were three little valleys under cultivation at the time the little Indian was killed, about 200 varas, more or less.

Question. What year were you first there, and saw these settlements?

Answer. In the year 1815.

Question. Was the house there, and the land under cultivation at that time?

Answer. They were building the house, and had commenced the cultivation of the land.

Question. In what year were you there last time before they abandoned it?

Answer. In the year 1818.

Question. Were those three persons you mentioned as having been killed, all killed at Los Trigos, or at other places?

Answer. The Indian was killed at Los Trigos; Villanneva and the ranchman were killed at the Cañon de los Soldados; the Indians also killed some oxen, and another man at Tesuque, at the same time.

Question. Were the towns of Pecos and Gusano settled at that time, and have they been settled ever since?

Answer. They were settled at that time and have been up to this date.

Question. What is the distance between Pecos and Gusano, and does not Los Trigos lie between the two places?

Answer. About three or four leagues; Los Trigos lies between them.

Re-examined by claimants.

Question. What relationship do you bear to Rafael Gonzales and Matias Alarid, two of the defendants?

Answer. Rafael Gonzales is my nephew, and Matias Alarid is my first cousin.

Question. Was not the settlement there when you brought the Indian from there, and did you see the settlement there at that time?

Answer. The settlement was there until the month of October; they all abandoned it at that time, except Marquez, who remained there until the following year.

RAFAEL ^{his} + VIGIL.
mark.

Sworn and subscribed before me this 27th day of October, 1857,
WM. PELHAM, *Surveyor General*

MANUEL ANTONIO BACA, for contestants, sworn:

Question. Are you interested in this claim?

Answer. I have none.

Question. Do you know the lands situated in San Miguel county, known as Los Trigos?

Answer. I do.

Question. When did you first know them?

Answer. When I was very small; my father was a justice of the peace; I knew the whole country when very small, from Pecos to El Bado.

Question. Were those lands settled when you first knew them?

Answer. They were not.

Question. When were the first settlements made on those lands?

Answer. About 1842. I am not certain.

Question. Look at documents 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 15, 16, 17, and are they genuine?

Answer. My signature on all of them is genuine.

Question. Did you hold any office under the Mexican government; and if so, what office did you hold?

Answer. At that time Santiago Ulibarra was the justice of the peace. I was his substitute, and was sent by him to divide the land.

Question. Did you divide out to the individuals therein named the lands contained in those documents?

Answer. I divided the lands, and believe they are the same as contained in the documents.

Question. Look at the dates on those documents, and state if they are dated at the time you made the distribution of the lands?

Answer. I believe they were; I do not recollect.

Question. Were the lands you distributed wild and uncultivated, or had they been under cultivation?

Answer. When I commenced the distribution of the lands, I found a small patch of land under cultivation, and a small hut. I asked who they belonged to, and was answered that they belonged to a man named Marquez. I have left 2,000 varas of vacant land between this land and where I commenced making the distribution.

Question. Were the lands you divided out timbered lands or open lands?

Answer. It was all timbered.

Question. Had any person cultivated, built upon, or enclosed any of the land distributed by you previous to its distribution?

Answer. I never saw any other improvement besides the small patch above mentioned; it was all timbered, wild and uncultivated.

Question. Did you ever know that Diego Padilla, Francisco Trujillo, or their heirs, ever lived upon or cultivated those lands?

Answer. I do not.

Question. Do you recognize document C?

Answer. I do recognize it. When this grant was made, it was not to be conveyed by mortmain and on the condition of cultivating it within five years; the five years had expired in this case, and the land was yet wild and uncultivated.

Cross-examined by claimants.

Question. Were you a justice of the peace (alcalde) when you executed the documents and made the distribution of the land?

Answer. I was alcalde, or deputized by the justice of the peace to execute the documents and claim the fees.

Question. Who was the justice of the peace who deputized you?

Answer. Santiago Ulibarri.

Question. Were you a justice of the peace in 1823, when you executed document C?

Answer. I do not remember whether I was or not.

Question. Did you have any other authority than that of the justice of the peace to distribute the lands you distributed?

Answer. Don Santiago gave me the authority to distribute the lands and execute the deeds. I do not remember if I had any other authority.

Question. When you measured the 2,000 varas, did you measure them up or down the river?

Answer. The land was not measured, but was left down the river, and was, in my opinion, from 1,000 to 2,000 varas.

Question. How far are these lands from the point called Gusano?

Answer. I do not know.

Question. Do you know Francisco Trujillo?

Answer. I knew him well; I believe he is dead.

Question. Where did he live when he was alive?

Answer. In Santa Fé.

Question. Did he own any property on the Pecos river within this grant, or without it?

Answer. They said that the small patch at Pajarito belonged to Marquez and Trujillo.

Question. When you made the distribution of these lands were you not warned by Diego Padilla, Francisco Trujillo, or Bartoloma Marquez, to respect their rights?

Answer. No one appeared at the time, and they made no claim for it until six or eight years after.

Question. Did not some of these parties mention the subject afterwards?

Answer. They did not.

Re-examined by counsel for contestants.

Question. Was the distribution of those lands a public matter, or was it done privately or secretly?

Answer. It was publicly done; notice was sent to Trujillo and Marquez and others, but they did not appear, or the notice was not delivered to them.

MAN'L ANTONIO BACA

Sworn and subscribed before me this 27th July, 1857.

WM. PELHAM

ANTONIO NIETO sworn :

Question. Have you any interest in this claim?

Answer. I have none.

Question. Did you hold any office under the Mexican government in the year 1842?

Answer. I was clerk of Don Santiago Ulibarri, who was a justice of the peace of San Miguel. He deputed Manuel Antonio Baca to distribute the lands at Pajarito, and I went with him.

Question. Were those lands under the jurisdiction of Santiago Ulibarri?

Answer. They were.

Question. In what condition were those lands when you went with Baca to divide them out?

Answer. We commenced from a valley on this side, and continued down the river until we came out at Gusano?

Question. Did you know Francisco Trujillo, and where did he live in 1842?

Answer. I have heard his name mentioned, but was not acquainted with him.

Question. Do you know the handwriting of Gregorio Vigil?

Answer. I do, and his signatures on documents 7, 8, and 9, are genuine.

Question. Do you know the handwriting of Santiago Ulibarri?

Answer. He does not know how to write. I know his rubric, and his rubric is genuine on document No. 14. Ulibarri was justice of the peace in San Miguel from 1839 to 1843, and Gregorio Vigil for 1844 to 1846.

Question. Did the men named in those documents enter into possession under the authority of Manuel Antonio Baca?

Answer. They did.

Cross-examined by claimants.

Question. How far does this land extend down the river from the point of commencement?

Answer. I do not know.

Question. How far above the house of José Ulibarri, at Gusano, more or less?

Answer. I cannot say.

Question. Do you know if Francisco Trujillo, or any of his heirs, had lands at Gusano or on this grant?

Answer. I heard that he had; I do not know whether by grant or purchase.

Question. Do you know if any of this land measured belonged to Francisco Trujillo?

Answer. I do not know.

ANTONIO NIETO.

Sworn and subscribed before me this 27th July, 1857.

WM. PELHAM,
Surveyor General.

MANUEL RODRIGUEZ, witness for contestants, sworn:

Question. Have you any interest in this claim?

Answer. I have not.

Question. Are you acquainted with the lands called Los Trigos, and how long have you known them?

Answer. I have known the lands since the year 1818.

Question. Is the land opened and cultivated, and by whom has it been done?

Answer. It is cultivated by Rafael Gonzales, Matias Alarid, and others, since 1842.

Question. Mention as many of the present occupants as you know.

Answer. Matias Alarid, Rafael Gonzales, Antonio Marin Archuleta, Tomoceno Archuleta, Miguel Sena Alexandro Montoya, Antonio Montoya, heirs of Juan de Dias Valencia; Mariano Casados, Salvador [?], heirs of Juan Miguel Santillanes; Miguel Antonio Gutierrez, Juan Santillanes, Luis Rael, Miguel Ortiz, heirs of Pablo Garcia.

Question. How long have you known these persons to have been living there, and are they the same persons who opened and cultivated the land, as stated above?

Answer. Since the year 1842; they are the persons who opened and commenced the cultivation of the land.

Question. Are any of these persons on the land opened and cultivated by Marquez?

Answer. They are not. Marquez broke up no land only a small piece at El Torreon.

Question. Do you know if Marquez ever lived on the land; and if so, when and how long?

Answer. He did not live there except a few days after they commenced disputing about the lands.

Question. When was that?

Answer. In the year 1842.

Question. Did Padilla or Marquez ever occupy the lands with flocks or herds; and if so, when?

Answer. They did not.

Question. Where do you live, and how long have you lived there?

Answer. I have lived in the Pecos cañon since the year 1818.

Question. Have you frequently seen the lands in dispute, from 1818 to this date, and have you had an opportunity of knowing who occupied them?

Answer. I have seen the land often, and it has only been in the occupation of the persons I have before mentioned.

Question. Do you know anything about the Indian of Bartolo Marquez having been killed by the Indians; and if so, at what time was he killed?

Answer. I know nothing about it.

Cross-examined by claimants.

Question. In what part of the cañon do you live?

Answer. At the Puerta de Arriba; my house is there; but I now live at Los Temporales.

Question. Where did you live in 1818?

Answer. In the cañon of Jemez; in that same year I moved to Pecos, and have lived there since.

Question. Were you on the Trigos lands at any time during the year 1818?

Answer. I was there in the month of March.

Question. Did you not see the same piece of land, with the little house on it, that was there in 1842?

Answer. No; I saw it the next year.

Question. Who were disputing the lands in the year 1842?

Answer. I do not remember.

Question. Do you remember that there was a dispute about the lands?

Answer. I scarcely remember it.

Question. Do you know what was the extent of the Trigos lands when you first knew them?

Answer. From the Cañon de las Buedas. I do not know if it extended from the boundary of the Pecos Pueblo to Gusano.

Question. Do you know who first broke up and cultivated any land at Los Trigos?

Answer. My son-in-law, Mariano Casados.

Question. Does he live there yet?

Answer. He does.

Question. Where and when did he first commence breaking up?

Answer. Below Los Trigos; I do not remember in what year.

Question. Where does Los Trigos commence?

Answer. At El Arroyo del Pueblo.

Question. How far down is it known as Los Trigos?

Answer. From the boundary of the Pueblo to las Ruedas was given to my son-in-law. It is known as Los Trigos to the Ancon de la Cruz.

Question. Have you ever lived with your son-in-law on this land?

Answer. I have not.

Question. Has the little field by the house been cultivated since 1819?

Answer. It is now cultivated by Miguel Antonio Gutierrez, and it has been in cultivation from the time the grant was made.

Question. When was the grant made, and by whom?

Answer. It was made by Santiago Ulibarri. I do not remember in what year.

his
MANUEL + RODRIGUEZ.
mark.

Sworn and subscribed before me this 28th day of July, 1857.

WM. PELHAM,
Surveyor General.

Witness: M. ASHURST.

JULIAN SOLANO, for contestants, sworn:

Question. Have you any interest in this claim?

Answer. I have not.

Question. Do you know the lands of Los Trigos, on the Pecos river; when did you first know them?

Answer. I do. I was there once in the year 1823 with a herd.

Question. Were there any persons living on those lands at that time, and who were they?

Answer. There was no one living there.

Question. Whose herd had you there?

Answer. That of Felipe Romera, deceased.

Question. Did you see a small house or any lands opened at Los Trigos; and if so, how much?

Answer. I saw a small stone house there, and the ruins of some enclosures for sheep. There was no land broken up at that time.

Question. Did you know how far the boundaries of Los Trigos extended?

Answer. I did not. I merely knew that the lands belonged to Francisco Trujillo, but I did not see that they were improved in any manner.

his
JULIAN + SOLANO.
mark.

Sworn and subscribed before me this 28th day of July, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 9.

Decision.

DONACIANO VIGIL, and the legal representatives of FRANCISCO TRUJILLO, DIEGO PADILLA, and BARTOLOMÉ MARQUEZ, }
vs.
 RAFAEL GONZALES and twenty-four others. }

This case was filed in this office by Donaciano Vigil, and the legal representatives of Francisco Trujillo, Diego Padilla, and Bartolomé Marquez, on the 17th of July, 1855.

On the 26th day of May, 1814, Francisco Trujillo, for himself and Diego Padilla and Bartolomé Marquez, petitioned the governor, José Manrique, for a grant to an uncultivated tract of land, situate at the place called Trigoso, extending as far as Gusano, independent of the league of the Indian Pueblo of Pecos, for the purpose of pasturing their animals and cultivating certain valleys within the land asked for.

On the same day the governor, José Manrique, referred the above petition to the corporation or town council of Santa Fé, referring them to the decree of the viceroy of New Spain of the 23d of August, 1813, as well as the royal order of the 4th of January of the same year, calling the special attention of the corporation to the 11th article of the latter order, wherein the matters contained in the petition are placed under their jurisdiction; also, stating that a petition had been made by the same parties the year previous, and which had been transmitted to the chief military officer of the district, from whom no answer had been received concerning the matter.

On the 30th day of July, 1814, the corporation of Santa Fé granted to the petitioners the portions of land not included in either place, that is to say, whatever land did not belong to the natives of the Pueblo of Pecos, nor the residents of the settlements of El Bado, on the condition that in no case were they to injure each other.

On the 22d of June, 1815, a decree was written on the reverse of the document containing the grant made by the corporation, by Alberto Maynez, governor of the department, authorizing the petitioner and his associates to pasture their stock on the land referred to in their petition, between Pecos and El Bado, as unoccupied land, granting the same privilege to all other residents who thought proper to go there, informing them at the same time that a royal grant was only intended to cover such lands as they might plant, cultivate, and fence in, so as not to claim any damages.

On the 5th day of December, 1815, Matias Ortiz, the senior justice of Santa Fé and its jurisdiction, and president of the town council, certifies that, on the 20th day of October, Francisco Trujillo appeared before him, demanding to be placed in judicial possession of the land granted to him and his associates the year previous; that he, the said senior justice, by virtue of the grant so made, and by order of Alberto Maynez, governor, proceeded to measure the land belonging to the Indians of Pecos, and established their boundary, and con-

cludes by declaring the grant made to said Trujillo and associates as good and valid in all time to come.

On the 9th day of March, 1823, at the request of the grantees, Manuel Antonio Baca, a justice of the peace of the town of San Miguel, placed the parties in judicial possession of the land granted by the corporation in 1814, and confirmed by its president in 1815.

The case was argued by Messrs. Smith and Houghton for claimants, and Messrs. Tompkins and Ashurst for contestants.

The following are the principal objections made by counsel for contestants against the confirmation of the grant to the claimants :

1st. That the grant was made by the ayuntamiento (town council) of Santa Fé, and was never referred to or approved by the provincial diputacion, as required by law.

2d. That the grant was only to such portions of the land as should be enclosed, built upon, and cultivated, and the right to pasture upon other portions of the land within the prescribed limits.

3d. That the proofs show conclusively that the grantees built upon, enclosed, and cultivated only a very small portion of the lands included within the limits, and that contestants were put in possession of wild lands by the Mexican authorities, and that the presumption of law is, that the authority that placed contestants in possession acted within the scope of his authority and duty.

4th. That the proof shows that contestants were put in possession publicly, as a public act, and that grantees imposed no objections, though living in the vicinity of the lands.

5th. That there are no definite and fixed boundaries to said grant, nor is there any specified quantity of land, the boundaries being too vague and indefinite, and no survey can ever be made, as there are no definite and fixed landmarks, or any well-known or fixed points determining the boundaries.

6th. That if the grant is confirmed to claimants, the very conditions expressed in the terms of the grant (that all other persons should have the right to pasture their animals on the grant) would be taken from the community, as the grant would be absolute, and the claimants could and would have the right to enclose all the lands conceded for.

7th. That the claimants ask for a joint confirmation of the grant to them, when, if any joint interest existed, it had been severed by the alcalde in the year 1823.

8th. That the evidence shows that contestants are from one to two thousand varas below where grantees had ever cultivated or enclosed, and that they cultivated and built upon and put under cultivation the lands claimed by them, without notice of any adverse claim.

9th. That Vigil, the present claimant, shows no interest in himself, either by deed, inheritance, or any other manner.

Oral testimony was presented by both claimants and contestants in support of their respective claims.

The law of the 4th of January, 1813, under which the grant was made to the claimants, in article 11 states that "the apportionment of these lands shall be made by the constitutional town councils (ayuntamientos) of the town to which the lands correspond, so soon

as the parties interested present the documents proving their good service and retirement, hearing the Attorneys General in all cases briefly and officially, and without demanding any costs or fees whatsoever. Afterwards the proceedings will be transmitted to the provincial deputation, in order to be approved by them, and that any injury committed be remedied."—(Coleccion de las Decretas y Ordenes de las Cortes de España, by Mariano Galvan, Mexico, 1829.)

This article of the law above mentioned refers more particularly to the bounty allowed to officers and soldiers serving in the defence of the country, and these grants are called "*premio patriotico.*"

Article 15 of the same law provides that from the remaining public and vacant lands those most suitable for cultivation shall be selected, and to every resident of the respective towns who may apply, and who may not have any other suitable land, shall be given gratuitously by lot, and at once, a tract in proportion to the lands, (remaining.)

Article 17 provides that the proceedings in the last-mentioned cases shall be made by the town council, without costs, and shall be approved by the provincial deputations.

The grant under consideration was made according to the provisions of law, as far as the town council, or ayuntamiento, was concerned; the approval of the provincial deputation was a condition subsequent. The law required the corporations or town councils to transmit their communications to the provincial deputation, through the governor or political chief; and it has been decided by the Supreme Court of the United States, in the case of *Frémont vs. The United States*, "that the omission or inability of the public authorities to perform their duty cannot, upon any sound principle of law or equity, forfeit the property of the individual to the State."—(17 Howard, p. 563.)

From the data accessible to this office and the records of the country, relating to land titles in this Territory, it appears that at the time this grant was made there was no provincial deputation in the province of New Mexico, the first existence of a provincial deputation appearing only after the severance of the country from the sovereignty of Spain in the year 1821. Therefore, if no deputation existed, of course its approval could not be obtained.

The law under which this grant was made, that of January 1813, above referred to, in article 2, states: "In any manner in which these lands shall be distributed it shall be in full property, (fee-simple,) and with fixed limits, in order that their owners may fence them in, enjoy them freely and exclusively, and devote them to such use or cultivation as they may deem most proper; but they can never entail them, nor transfer them at any time, or by any title whatsoever in mortmain."

Article 18, of the same law, provides: "That the lands which may be granted according to articles 9, 10, 12, 13, and 15, shall also be in full property (fee-simple) to the grantees and their successors in the terms and on the conditions expressed in article 2; but the owners of these tracts cannot dispose of them under four years from the time at which they were granted." The law vested in the town council full power and authority to make these grants, and imposed no further conditions than the disposal of them until after four years, and the prohibition of entail or conveying by title of mortmain. The grant

made by the town council in this case is an absolute one, and the provisions of the law require it to go into effect immediately. The second article of the law required the limits of the respective tracts to be specified, "in order that their owners *may* enclose or fence them in." This is a matter left to the option of the owner, and not a condition imposed upon him by the law. Therefore, the interpretation of the law by a subsequent governor, made after the grant had been made, according to law by the town council, was not binding on the parties, and was therefore null and void, as the law vested in him no authority to impose conditions; and any part taken by him in the premises, with the exception of being the medium between the town council and the grantees, was an assumption of power on his part for which he had no authority of law.

Therefore it was optional with the parties whether they should cultivate a portion only or the whole of the land granted. They could only claim damages for trespass by the animals that were pastured on the land for such portions as were enclosed; and they were advised by the justice of the peace by whom they were placed in possession, as well as by the president of the town council, that they should enclose lands they might cultivate, so as to prevent the constant disputes and difficulties arising from claiming damages done to their crops. It is presumed that the condition of cultivation, under the Spanish laws, although there were no such conditions in the present case, whenever it did exist, was similar to that of our own government in donation and pre-emption claims; the land is required to be cultivated upon in order to acquire a title, but the law certainly does not require every foot of the land to be cultivated and enclosed.

The contestants claim a possessory title to said land by virtue of being placed in possession by Manuel Antonio Baca, a person deputized by the justice of the peace of San Miguel, on the second day of March, 1842, to perform that duty, as will appear by the testimony of said Baca.

Under the laws of the republic of Mexico, no justice of the peace was authorized to dispose of the public land, except by virtue of a decree of the governor or departmental assembly of the Territory; and the law of January 18, 1812, still supposed to be in force in the Mexican republic, as there is no evidence to the contrary, provides, in section 1st, that no office or employment in which the personal attendance of the officer is required can be filled by a substitute; therefore any act performed by said Manuel Antonio Baca, as the substitute of the justice of the peace of San Miguel, is null and void. In the year 1842, at the time the contestants claim they were placed in possession, certain formalities were required in order to obtain a grant of land. No evidence is shown to prove that the contestants complied with any of the formalities required, and therefore they cannot claim under any just or legal title derived from the proper authorities of the country at that time; and it is supposed that the claimants would not oppose any objection to an act which was illegal and could be annulled at any moment.

The boundaries of the grant are proven to be fixed and permanent landmarks, known to all persons familiar with the locality.

The sixth, seventh, and eighth objections of the contestants are of minor importance, and are not of sufficient weight to require any discussion.

The instructions to this office provide that when a claim may be presented by a party as "present claimant," in right of another, and where the derangement of title is not complete, the entry and decision should be in favor of the legal representatives of the original grantees.

The testimony proves that the claimants occupied the land until some time in the year 1829, when two of them abandoned it on account of the hostility of the Indians. The testimony also shows that the grantees went upon the land, cultivated it in good faith, and the land was always recognized as the property of the grantees.

The treaty of Guadalupe Hidalgo, of February 2, 1848, and the decisions of the Supreme Court of the United States in cases arising in Florida, Louisiana, and California of a similar nature, give, in the opinion of this office, a full and perfect title to the land contained within the boundaries of the grant made by the ayuntamiento or town council of Santa Fé. The grant is, therefore, confirmed to the legal representatives of Francisco Trujillo, Diego Padilla, and Bartholomew Marquez, and the case transmitted to the proper department for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 17, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

Schedule of documents accompanying claim No. 25.

- No. 1. Petition—original Spanish.
- No. 2. Petition—translation.
- No. 3. Quit-claim deed—F. de Herrera.
- No. 4. Notice.
- No. 5. Testimony.
- No. 6. Decision.

CLAIM NO. 25.—JOHN LAMY.

No. 1.

Petition.—Original.

Balga por el sello 3°. para este año de 1820.

JOSÉ FRANCISCO ORTIZ.

SEÑOR GOVERNOR: Domingo Fernandez vecino de este Villa de Santa Fé con el mas profundo y sumiso respeto me presento ante

la superioridad de V. S. y digo: que en atencion y confianza que sin ningun merito mio se ha servido el Señor Cura Vicario y Juez Ecco. de esta Villa D. Francisco Ygnacio de Madariaga, por hallarse sumamente agitado en el continuo desempeño. con grave responsabilidad, le tray consigo las funciones de su cargo, el darne poder llano y franco para que cobre y apersiva de los sugetos, que son deudores á la Yltre. Confraternidad de Ntra. Madre y Señora Maria Santisima de la Luz, como asimismo y demas bienes que pertenezcan á dicha, como tierras ó posesiones y para dar el lleno necesario, se sirva Su Señora de atenderme en justicia, compeliendo á los individuos que son deudores segun consta por sus obligaciones al integro cumplimiento como tambien comparezcan con sus documtos. Josefá Arias y el Ynterpite Cristoval Tenorio, por hallar documtos. á favor en que consta tener fabricado, en tierra de ntra. Señora, asimismo ordenarle á Francisco Herrera, pase á dar conocimiento de los linderos del Rancho que su Padre dejó en pago citado, en su testamento por ser deudor de ochocientas ovejas, aunque esta ya resivido por esta segun consta por la cuenta del año de 1807.—Por todo lo cual. A. V. S. pido y suplico se sirva atenderme en justicia que es lo que impetro, en lo que recibiré merced y gracia.

DOMINGO FERNANDEZ.

SANTA FÉ, *Julio 14 de 1820.*

SANTA FÉ, *Agosto 20 de 1820.*

Al Alcalde constitucional de 1ª eleccion para que obre con arreglo de la ley por lo respectivo á los del fuero ordinario diryiendo nota de los del fuero de guerra á esta gobierno con los documentos correspondientes para obrar como corresponda.

MELGARES.

SANTA FÉ, *Agosto 22 de 1820.*

Consecuente á lo provenido por el Señor Gobernador de esta Provª. que obra por principio de asunto sobre que instruye esta presentacion, y atento al merito del reclamo, el presentante hará denominacion formal de los individuos que adeudan á la cofradia de que es apoderada, demarcando el estado de sus deudas, cantidad que se les cobra, origen de donde las han contraido, lugar de su residencia, con todo lo demas que le parezca de necesidad para aclarar sin equívocos el asunto devolviendo sele los documentos que ha presentado para que insertandolos por justificantes á la noticia espresada, tengan el lugar que merezcan en justicia.

JUAN ESTEVAN PINO.

SANTA FÉ, *Agosto 22 de 1820.*

En obediencia al superior decreto de V. que antecede y hecho á cargo de su contenido, en que se me ordena nomine los individuos que son deudores á la Ylustre Confraternidad de N. S. de la Luz digo que Carlos de Herrera, ya difunto vecino de esta ciudad, tomo á partido segun consta de la escritura que otorgó en el año 98, quinientas ovejas las que perdio, y en pago de ellas dejó en su testamento un rancho en

que llaman el cañon. Josef Ant^o. Ulibarri vecino del Bado recibió quinientas cincuenta ovejas al partido de las que tuvo perdidas y salió restando setenta y una oveja de vientre y treinta y cinco carneros de los que tiene en abandono diez, y solo se le deberán veinticinco car^a. y las ovejas, segun consta de las obligaciones y libro de cuentas á que me refiero. Juan José Santillanes adeuda á dicha Hermandad 438, ovejas de vientre, y 92 carneros y dos r^a. segun consta del libro ya citado, y digo que por haber muerto este se le debe hacer el cargo á su hijo Miguel Estevan Santillanes que salio de fiador de su padre el dicho Santillanes es vecino del Sabinal, tambien el frontal de piedra Blanca del Altar que se halla en la portada el mandar vuelva á su lugar, incluyo para mayor inteligencia las escrituras de donaciones B^a. con que pruevo ser de N. S. el sitio en donde tienen fabricado casas Josefa Arias y el Ynterprete Cristoval Tenorio. Tambien el libro de cuentas y escrituras y obligaciones de los arriba mencionados, es cuanto tengo que espresar por hora me ratifico ser cierto lo que llevo presentado asi en este como.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 21, 1857.

The foregoing is a true copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 21, 1857.

David V. Whiting, whose signature appears subscribed to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Petition.—Translation.

Equivalent to seal third for this year, 1820.

JOSÉ FRANCO. ORTIZ.

To his excellency the Governor:

Domingo Fernandez, resident of this town of Santa Fé, with the most profound and humble respect, I present myself before the goodness of your excellency, and state that, in view of, and in the confidence that, without any merit of my own, the vicar curate and ecclesiastical judge of this city, Don Francisco Ygnacio de Madariaga, finding himself extremely agitated in the constant discharge of the duties of his office, which are attended with great responsibility, has been pleased to give me full and ample power to collect and receive from individuals who are indebted to the most illustrious fraternity of

our Mother and Lady, Holy Mary of the Light, as well as the property belonging to her, such as lands or partitions; and in order to comply therewith, I require that your excellency be pleased to attend to me in justice, compelling the individuals who are indebted, as appears by their obligations, to the full payment thereof, as well as to cause Josefa Arias to appear with her documents, and the interpreter, Cristobal Tenorio, having found documents in her favor, by which it appears that he has built upon lands belonging to our Lady; also to direct Francisco de Herrera to present himself, and give information concerning the boundaries of the farm which his father left in payment, referred to in his will; being indebted the amount of eight hundred sheep; although they have been received by her, as appears by the account of 1807. In view of all which, I pray and request your excellency to attend to me in justice, which I implore, and by which I will receive grace and justice.

DOMINGO FERNANDEZ.

SANTA FE, *July 14, 1820.*

SANTA FE, *August 20, 1820.*

To the constitutional justice of first election, who will act according to law in reference to ordinary privileges, transmitting to this government a note of those entitled to privileges of war, together with the corresponding documents, in order that the necessary steps be taken.

MELGARES.

SANTA FE, *August 22, 1820.*

In consequence of what has been provided by his excellency, the governor of this province in the [torn,] which acts as the commencement of the affair, upon which the petition is based, and considering the merits of the case, the petitioner will make a formal statement of the individuals who are indebted to the confraternity, for which he is agent, specifying the condition of their debts, quantity claimed from them, their origin, place of residence, with whatever may be deemed necessary to explain the matter, without any error, returning the documents which he has presented, in order that, inserting them as vouchers to the aforesaid notice, they may have the attention their justice calls for.

JUAN ESTEBAN PINO.

SANTA FE, *August 20, 1820.*

In compliance with your foregoing superior decree, and informed of its contents, wherein I am directed to specify the individuals who are indebted to the illustrious confraternity of our Lady of the Light, I state that Carlos de Herrera, deceased, resident of this town, took on shares, as is shown in the obligation made by him in the year '18, five hundred sheep, which he lost; and in payment thereof he left by his will a farm called El Cañon. José Antonio Ulibarra, resident of El Bado, received five hundred and fifty ewes, on shares, which he lost, and he owes [torn] ewes and thirty-five sheep, of which he has paid ten, leaving him indebted twenty-five and the ewes, as will appear

by the obligations and account books, to which I refer. Juan José Santillanes is indebted to the fraternity 438 ewes and 92 sheep, and two heads of cattle, as will appear by the aforementioned books; and I state that, he having died, the claim should be made against his son, Miguel Esteban Santillanes, who was security for his father. Santillanes is a resident of Sabrual; also the white stone for the front of the altar, which is in the entrance, to be ordered to be returned to its place. I accompany, in explanation, the title deeds of royal grant by which I prove that the place upon which Josefa Arias and the interpreter, Cristobal Tenorio, have built, belong to our Lady; also the account books and documents, and obligations of the above mentioned. The above is all I have to state; and I now confirm the truth of what I have stated, as well in this—[the balance is torn.]

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, July 17, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 3.

Quit-claim Deed.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Know all men by these presents that I, Francisco de Herrera, for and in consideration of the sum of eight hundred dollars to me in hand paid, the receipt of which is hereby acknowledged, as well as in confirmation of a grant previously made by my deceased father, Charles de Herrera, in his lifetime, hath granted, bargained, sold, and released, and confirmed, and by these presents doth grant, bargain, sell, release, and confirm, unto John Lamy, bishop of New Mexico, and to his successors and assigns, forever, all that certain tract or parcel of land lying and being situate in the county of Santa Fé, Territory of New Mexico, in the cañon of Pecos, known and called as El Rancho de Nuestra Señora de la Luz, and bounded as follows, to wit: On the north by the road leading from Santa Fé to Pecos, the lands of Loreiyo Marquez, deceased, and El Cerro del Divisidera; on the east by the Cañoncito de Los Apaches, including the water of said cañon; on the south by the road leading from Galisteo, which is

called La Cañada Colorado, to where the bridle path de Los Soldados crosses it; and on the west by the bridle path de Los Soldados and the Cerro Colorado, including said cerro, together with the exclusive use of water of the said cañon de Los Apaches, which always has and now appertains to said ranch, as also the hereditaments and appurtenances whatsoever to the same belonging or appertaining, and the reversion and reversions, remainder and remainders, issues, rents, and profits thereof, and every part and parcel thereof; and also all the estate, right, title, interest, trust, property, claim, and demand whatsoever, both in law and equity, of me, the said Francisco de Herrera, into or out of the said lands, tenements, hereditaments, and premises: to have and to hold the said land, tenements, and hereditaments, and all and singular other the premises hereinbefore mentioned, with their appurtenances, unto the said John Lamy, bishop of the diocese of New Mexico, and to his successors and assigns, and to his and their only proper use and behoof. And the said Francisco de Herrera doth hereby, for himself, his heirs, executors, and administrators, covenant and promise to and with the said John Lamy, his successors and assigns, in manner and form following, that is to say: That the said John Lamy, his successors and assigns, shall and may peaceably have, hold, and enjoy the said lands, tenements, and hereditaments, and every part and parcel thereof, without disturbance or hindrance of the said Francisco de Herrera, his heirs or assigns, or of or by any other person lawfully claiming or to claim from, by, or under or in trust for him, them, or any of them, and that all and singular the aforesaid lands, tenements, and hereditaments, and every part and parcel thereof, unto the said John Lamy, bishop of the diocese of New Mexico, his successors and assigns, against him, the said Francisco de Herrera, his heirs and assigns, shall and will forever warrant and defend by these presents. In testimony whereof, I have hereunto set my hand and seal this 20th day of February, 1856.

FRANCISCO DE ^{his} + HERRERA. [L. s.]
mark

Signed, sealed, and delivered in presence of Vicente Sena, Francisco Buen y Ortiz, Manuel Alvarez, José Maria Baca, José Francisco Sena, Pablo Delgado.

TERRITORY OF NEW MEXICO,
County of Santa Fé.

This day personally appeared before me, the undersigned clerk of the United States district court for the first judicial district, Francisco de Herrera, who is personally known to me to be the person who signed the foregoing deed of conveyance, and acknowledged the same to be his voluntary act.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this 20th day of February, A. D. 1856.

A. DE MARLE, *Clerk.*

TERRITORIO DE NUEVO MEJICO,
Condado de Santa Fé.

Yo Facundo Pino escribo no de la corte de pruebus del condad de Santa Fé certifico que el antesedente documento se hull enregist en el lebro letra (B) de registras de titulos y otros documentos en las paginus cieñto cuarenta, curenta y una y cuarenta y dos. En testimonio de lo cual pongo mi nombre y el sello de la corte de pruebus de dicho condado en Santa Fé hoy el dia 27 de Febrero de 1856.

FACUNDO PINO,
Esbo. de la corte de Prueb

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office,
WM. PELHAM,
Surveyor General

No. 4.

Notice

TERRITORY OF NEW MEXICO,
County of Santa Fé.

Your petitioner, John Lamy, bishop of the diocese of New Mexico states to your honor that he is the owner, for the use of the Catholic church of the diocese of New Mexico, of a certain tract of land lying and being situate in the county of Santa Fé, Territory of New Mexico, known and described as the Rancho de Nuestra Señora de la Luz, and bounded on the north by the road leading from Santa Fé to Pecos, the lands of Loreiyo Marquez, deceased, and El Cerro del Divisadero; on the east by the cañoncite de los Apaches, including the water of said cañon; on the south by the road leading from Galisteo, which is called La Cañada Colorado, to where the bridle path de Los Soldados crosses it; and on the west by the bridle path de Los Soldados and the cerro Colorado, including said cerro, together with the exclusive right to the water of the said cañon de los Apaches; that the church is the owner of the same under and by virtue of a purchase and deed from Francisco de Herrera to your petitioner, herewith filed. Your petitioner knows of no adverse claim to said claim; he therefore prays your honor to have the said tract of land surveyed and set apart as the private property of said church, and for such other rights and benefits as to him may appertain under and by virtue of the act of Congress authorizing the survey of the public lands of New Mexico. Your petitioner further states that said rancho and lands were bequeathed by Carlos de Errera by will to the church, which appears by reference to documents herewith appended, authenticated and marked "exhibit A," and approved by Melgares, then governor of the province of New Mexico, said will or testament being lost or mislaid.

M. ASHURST,
Attorney pro petitione

Hon. WM. PELHAM,
Surveyor General of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Testimony.

DOMINGO FERNANDEZ sworn :

Question. Have you any interest in this claim?

Answer. None.

Question. Where did you live in the year 1820?

Answer. I lived in Santa Fé.

Question. Did you know the farm of Nuestra Señora de la Luz?

Answer. I did.

Question. Who did it formerly belong to prior to 1820?

Answer. It was granted to my godfather, Diego Antonio Baca, in exchange for a house and lots used for the purpose of constructing the government barracks for the troops in Santa Fé.

Question. Who was the next possessor of these lands?

Answer. They were purchased from my godfather by Carlos Herrera.

Question. Who possessed them after him?

Answer. Carlos de Herrera had five hundred sheep belonging to the society of our Lady of Light, (Nuestra Señora de la Luz,) and having lost them he paid for them with this land.

Question. Who was the vicar and ecclesiastical judge at Santa Fé in the year 1820?

Answer. Francisco Ygnacio de Madariago.

Question. Of what denomination was the vicar at that time?

Answer. Of the Catholic church.

Question. Did the vicar take possession of the land at that time, or at any time afterwards?

Answer. The land was taken possession by Fernando Chacon, the chief brother of the society, with the knowledge of the vicar. It was in the charge of an overseer, but was not cultivated or used for many years after.

Question. Who succeeded Madariago as vicar of the Catholic church here?

Answer. Juan Tomas Jerrasas.

Question. And who after him?

Answer. Juan Felipe Ortiz.

Question. Who took charge of the church property in this territory after Juan Felipe Ortiz?

Answer. Rev. John Lamy, bishop of Santa Fé.

Question. Do you know the signatures on document A?

Answer. I do. They are all genuine.

Question. Do you know Francisco de Herrera?

Answer. I do.

Question. Whose son and heir is he?

Answer. Carlos de Herrera was his father, and he was his heir.

DOMINGO ^{his} + FERNANDEZ
mark.

Sworn and subscribed before me this 6th day of August, 1857.

WM. PELHAM,
Surveyor General

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a correct copy of the original on file in this office,
WM. PELHAM,
Surveyor General

No. 6.

Decision.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 29, 1857.

John Lamy, bishop of New Mexico, in trust for the Catholic church

This case was filed April 1, 1856, and taken up for investigation on the 6th day of April, 1857.

The only documentary evidence in this case is a petition of Domingo Fernandez, the collector of the rents of the fraternity of Nuestra Señora de la Luz, addressed to Facundo Melgares, the governor of the Territory, requesting him to issue execution against all those persons indebted to said fraternity. This petition was referred to the constitutional justice of Santa Fé to report thereon. The constitutional justice, Juan E. Pino, then required the collector to state who were indebted to the fraternity, their residence, &c., which Fernandez complied with. In this statement it appears that one Carlos de Herrera, deceased, had five hundred sheep, on shares, belonging to the fraternity of Nuestra Señora de la Luz, which he lost, and in payment thereof he left by his will a farm called "El Cañon." The balance of the document is torn off. The other document is a quit claim deed from Jose Francisco de Herrera, son of Carlos de Herrera, to John Lamy, for the above mentioned farm of "El Cañon."

The evidence of Domingo Fernandez shows that Carlos de Herrera purchased the land claimed from one Diego Antonio Baca, by whom it was acquired from the government, in exchange for a house and lot situate in Santa Fé, and which was required for the purpose of erecting barracks for the government troops.

The testimony also shows that the property has been in the possession of the church since the year 1820, without any claim being set up against it by any person whatsoever.

The laws of Spain, in force in this Territory at the time the church became the holder of the property, granted the right of prescription

After ten years occupancy, if held in good faith; this law was also in force in the year 1830, not having been repealed by the Mexican government. Therefore, the church having acquired the land in payment of a debt and by the authority and knowledge of the governor of the province, the highest granting power in the land, the claim is deemed a good and valid one, and is confirmed to the legal representatives of Carlos de Herrera, the chain of title from original grantee to present claimant being shown only by oral testimony, and transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 29, 1857.

The foregoing is a true copy of the original on file in this office.
WILLIAM PELHAM,
Surveyor General.

Schedule of Documents Accompanying Claim No. 39.

- No. 1. Grant; original Spanish.
- No. 2. Grant; translation.
- No. 3. Notice.
- No. 4. Testimony.
- No. 5. Testimony.
- No. 6. Decision.

CLAIM NO. 39—JOHN SCOLLY ET AL.

No. 1.

Grant—original.

Bello cuarto, dos reales; años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.

EXMO. SR. GOBR.: Los que subscribimos esta solicitud ante la rectificación de V. E. sumisa y respetuosam^{te}. hacemos presente: que en días pasados pasamos á reconocer el punto de la Junta de los Rios Pelló y Mora que esta propio por que la feracidad de su terreno conlleva al empresario de agricultura para que lo cultivo; reconocida que es por nosotros encontramos en su campo terreno capaz para hacer sombra y una regular poblacion señalamos una parte del terreno con presencia del Juez de Paz de las Vegas para cultivo pero no siendo constante esto para todos los gozes y empresas de una basta poblacion que con el tiempo se formará pedimes á V. E. se sirva concedernos el terreno que comprendan diez lagunas cuadradas sin perjuicio de los derechos de los pobladores que ya hay en el mismo terreno partiendo su dentro del ancon donde tienen su confluencia los Rios de Mora y

Sapelló para que tenga esta nueva poblacion maderas y leña y terrenos para la cria de ganados que nos proponemos sus mejoras traer carne merinos y para afinar la lana en los lugares que los Rios lo permitan establecer molinos maquinas para Tejidos de lana y Algodon, y otras artes utiles y necesarias para procurar su riqueza engrandecimiento pues que una poblacion de hombres ocupados y empresarios alejarán sus familias la calamidad de la miseria y necesidad mal que aflige en nuestro pais á los Pueblos y pone en disturbios al grado que lo atociga : con este laudable objeto de estender la poblacion por terrenos feraces que produzcan en recompensa al trabajo y se impulse la industria solicitamos el terreno que demarcamos.

Los peticionarios nos acojemos á la justicia con que hacemos nuestro pedido al amparo de las leyes de colonizacion y el Sup^m. Decreto posteriormente circulado en que se concede libertad á los Estrangeros para adquirir bienes raices en la Republica.

A. V. E. : Suplicamos se sirva ascender á nuestra solicitud. Juramos no ser de malisia y lo necesario, &c.

SANTA FÉ, *Marzo 27, de 1843.*

(Firmado)
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 (Firmado)
 (Firmado)

JUAN SCOLLY,
 SANTIAGO C. GIDDINGS,
 GUILLERMO SMITH,
 GEORGE H. ESTER,
 YGNO. ORTIZ,
 FRANCO. ROMERO,
 GREGORIO TRUJILLO,
 AGUSTIN DURAN,
 GABRIEL ALLEN,
 MATEO SANDOVAL,
 VICENTE LOPEZ.

SANTA FÉ, *Marzo 29, de 1843.*

Se concede á los solicitantes el que han registrado con advertencia de que los pastos y abrevaderos será comunes, en cuya virtud podrá pasar los Jueces Vegas y Mora á determinar los linderos de dicho terreno y poner en posesion á los interesados quienes dentro de diez y ocho meses contados desde esta fecha comenzarán su cultivo, y si no cumplido este termino prescribira su dro.

(Firmado)
 (Firmado)

MIRANDA.
 ARMIJO.

EXMO. SOR. GOBR. : Los que subscriben esta solicitud vecinos de esta ciudad ante V. E. en el mas bastante forma hacemos presente ; que en el año procsimo pasado obtuvimos del antecesor de V. E. el Decreto favorable en que nos concedio un terreno en posesion en la Junta de los Rios Sapelló y Mora constante de diez leguas cuadradas ; desde aquella fecha nos propusimos ir á romper terreno abriendo cementera y aun emprendiendo hacer casas, no obstante que no se nos ha posesiondo conforme el espiritu del decreto que acompañamos á V. E. en causa de las ocurrencias de Tejanos que hubo en todo el año referi-

en el presente ya estabamos despachando los utiles de labranza, cuando superior decreto de V. E. se suspendio la posesion del Poñil y Rio Colorado y por supuesto los representantes entramos en temor y dejamos la empresa hasta la fecha en que fenecido el plaso de diez y ocho meses que se nos concedio necesitamos nueva concepcion de V. E. que nos habilite aquella ó nos la done como de un principio con las solemnidades prescritas; para el caso hacemos presente á V. E. que tres de los impetrantes somos estrangeros por nacimiento pero naturalizados en la republica con familias Mejicanas y los demas Mejicanos. Hemos Exmo. Sor. un empeño tal en que la agricultura adelante su progreso, hasta mejorar la condicion del Pais; el terreno que solicitamos presenta á la vista una idea lisonjera de corresponder á la empresa con abundantes cosechas; combida al hombre á la cria de animales con sus abundantes pastos y hermosa clima y á mas, acometeremos la empresa de plantear una fabrica de tejidos de lana de que tanto necesita el departamento, sin embargo de la abundancia de ganado que produce la lana que su mayor parte se pierde. Con vista pues Exmo. Sor. de las razones en que fundamos este pedido de los beneficios que deben resultar que la agricultura se fomente con brazos laboriosos, y acogidos á la proteccion que nos dispensa el reglamento de 21 Noviembre, de 1828, no hemos vasilado en ocurrir á V. E. manifestandole que protestamos arreglados al referido decreto y á las demas formalidades que se nos ecsijan establecer nuestra poblacion; presentando al efecto el diseño del terreno que hemos reconocido que se halla eriaso libre y sin perjuicio de tercero á quien le haya sido legalmente concedido, protestamos que dentro del termino que se nos señale serán las doce familias que la ley previene cituadas en aquel lugar y ciertas las cementeras necesarias para siembra.

El terreno que solicitamos no es solo con el de cultivar en la agricultura, sinos tambien para crias de ganado mayor y lanar, pues que sobre uno y otro ramo tenemos especulaciones; y asi es que, siendo presente á V. E. estos fundamentos no dudamos en creer que no parecerá remaciado grande la estencion de diez leguas cuadradas en que hacemos este pedido.

Como por el Decreto superior antes referido, ya estabamos en la posesion de obtener la posesion; desde el año pasado, y en el presente llegamos á los Estados Unidos, Arados de nueva invencion y otros utiles propios para la labranza, los cuales están llegando en la actualidad con costos considerables por su venta y transporte, y esperamos para el año que entra Merinos y Bacas para mejorar la raza.

Por todo lo cual, y en merito de justicia ella mediante á V. E. respetuosamente suplicamos, se digne acceder por un acto de su justificacion en concedernos la posesion que solicitamos siasi lo juzgare conveniente que de ello recibiremos la gracia que impetramos.

(Firmado)

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(Firmado)

(Firmado)

(Firmado)

GREGORIO TRUJILLO.

AGUSTIN DURAN.

YGNACIO ORTIZ.

FRAN'CO ROMERO.

JOHN SCOLLY.

SANTIAGO GIDDINGS.

GUILLERMO SMITH.

SANTA FÉ, *Diciembre 9, de 1844.*

Pase esta instancia con los documentos que la acompañan al Señor Prefecto del Distrito de esta capital para los efectos que señala el artículo 3° del reglamento espedido sobre colonisacion espedido en 21 de Noviembre, de 1828.

(Firmado)

MARTINEZ

(Firmado)

ZUBIA, *Srio.*

EXMO. SEÑOR: Los individuos que subscriben la antecedente instancia solicitan del Superior Gobierno Departamental que conforme á ley de 18 de Agosto, de 1824, se les mercenen los terrenos valdios cituados el paraje llamado el Sapello en que hacen espresa mencion descrito en un diseño que acompañan y V. E. se sirvió pasar el expediente á esta Prefectura para los objetos que espresa el artículo 3° del Reglamento sobre colonisacion espedido en 21 de Noviembre, de 1828.

Bajo tales antecedentes debo decir á V. E. que los interesados ocurrieron á su antecesor el Sor. Armijo desde el día 27 de Marzo, de 1843, quien de luego á y sin tramite alguno, proveyó de conformidad el pedido ecsigiendoles el cumplimiento con la condicion que les impuso de cultivar los terrenos dentro de diez y ocho meses bajo la pena de que prescribiera el derecho que pudieran tener á los terrenos solicitados como faltaron á él en un todo por las causas que espresan, solicitan de nuevo se les revalide la concesion que se les habia hecho.

En inteligencia pues de todo lo espuesto esta Prefectura aunque por ser nuevo creacion carece de antesedentes creida de que los terrenos insinuados están baldios pues no ha oido decir ni sabe lo contrario, opina por que no hay ningun reparo q. hacer para la concesion respectiva de ellos, en razon de que se llenan por los mismos interesados en su solicitud las calidades que requiere la sitada ley de 18 de Agosto de 1824. No obstante V. E. con su acreditado tino se servirá resolver como mejor le paresca.

SANTA FÉ, *Diciembre 18, de 1844.*

(Firmado)

ANTONIO SENA.

EXMO. SR. GOB^R.: Los ciudadanos que abajo subscriben por si y nombre de sus compañeros que firmaron la peticion de terreno en la Junta de los Rios que V. E. les concedio en el año de 1843 habiendo estado llemos de dificultades para poder establecer su poblacion á V. E. hacemos presente. Que hallandonos á la vez en el caso de que se nos dé la posesion respectiva para abrir nuestras cementeras y dar impulso á lo que terremos ya adelantado de trabajos hemos de merecer á V. E. se sirba abilitarnos de nuevo el periodo que se nos señaló para que hubiesemos obtenido el dro de propiedad y librar su orden al Jefe de las Vegas para que baya á hacer el deslinde y mesuracion del terreno que tenemos pedido esponiendo á V. E. que para no entrar en dificultades con los vecinos de las poblaciones de Mora y Vegas nos señim á pedir solamente cinco leguas cuadradas que partirán para los cuatros vientos desde el monton de Alamos como centro esto pedimos á V. E. en merito de justicia mas en su vista se servirá resolver de conformidad

con lo que dejamos pedido si su alta justificacion asi lo considera arreglado y conveniente.

(Firmado)

(Firmado)

(Firmado)

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(Firmado)

(Firmado)

SANTA FE, Mayo 7, de 1846.

AGUSTIN DURAN.

JUAN SCOLLY.

GUILLERMO SMITH.

GREG'O TRUJILLO.

SANTIAGO GIDDINGS.

FRAN'CO ROMERO.

SANTA FE, Mayo 7, de 1846.

Al Alcalde de las Vegas para que pase á poner en procesion á los petentes, señalandoles terreno para siembra segun lo que ellos crean para an sembrar mercenandose los y diciendoles que si dentro de cinco años contados desde esta fecha no lo siembran lo podrá poseer otro, poniendo por condicion que pastos y abrevaderos son comunes menos en el centro de la labor, ni tampoco podrá entrar ganado menor ninguno desde una legua para el centro de la labor, y solo si podrán pasar por el camino de paso, es nula toda procesion que se haiga dado en este terreno, ende la fecha concedida á los petentes.

(Firmado) ARMIJO.

(Firmado) N. QUINTANA,

Off'l lo.

En San Agustin de Sapelló y Mora Junta de ambos Rios á los trece dias del mes de Mayo de mil ochocientos cuarenta y seis, jurisdiccion de Vegas y Mora. Yo el C. Jesus Maria Montoya, Juez de Paz competente y actual por ministerio de la ley, funsionando en la primera como tal Juez y pasado á dicho punto á procesionar á los individuos que constan en la lista general que acompaño á esta merced hize el reparto de tierras conforme con lo prevenido por el Exmo. Senor Gobernador Don Manuel Armijo su fha. siete del corriente en el que por el mismo decreto se le confiere á este juzgado: y habiendo pasado á dar el debido cumplimiento al ya citado decreto tomé las medidas anexas á la concesion hecha á los individuos petentes que es las cinco leguas cuadradas, y habiendo tomado por centro el monton de Alamos que se halla situado á la orilla del Sapelló cerca de la Junta en donde quedó señalado para la formacion de la referida poblacion medi por el rumbo del Norte dos y media leguas haciendo lo mismo por el Sur, Oriente y poniente, quedando por el primero de lindero el pie de la Sierra de la Gallina, por el sur la cejita dulce, por el oriente la Manilla, y por el poniente la Canada de la Jara, previniendoles á los poseedores que en el lugar que les dejé puestos los linderos formarán unas mojoneras y observando escrupulosamente con cuanto se me previene por el espresado Exmo. Sor. Gobernador haciendoles entender que aquella garcia y donacion se les habia hecho en nombre de la nacion Mejicana á la que tenemos el honer de pertenecer, como así mismo el que no cultivare—dentro de cinco años el terreno que se les ha donado podrá procesionarse á otro individuo para que el Ramo de Agricultura tome la prosperidad necesaria y que se desea: á mas que si cualesquiera de los agraciados cultivare la tierra que se les ha

medido, y necesitare mas para su labranza lo podran hacer tomando y dando aviso al Juzgado que corresponda sin tener ningun otro de los agraciados que estorbarselos, y solo si, pedirá al Juez á que pertenesca pedirle que en su escritura de donacion se sirba anotar el documento de terreno que se le ha hecho nuevamente quedando advertidos que las Aguas y pastos fuera de una legua por cada rumbo fuera de la labor son comunes, y si pasaren por el centro tomarán el camino á su destino hasta pasado la legua sitada, y les hice las demas advertencias que por las leyes de posesion esta determinado como es de no bender el terreno hasta no estar—cultivado por ellos mismos dando á cada uno el numero de varas que constan en la lista ya sitada, y concluido el reparto todos á una voz gritaron viva la nacion Mejicana y el Exmo. Sor. Govr. Dn. Manl. Armijo, Arrancaron llerbas y tiraron piedras dandome las gracias en nombre de los soberanos poderes y para su constancia y fuerza asi en lo presente como en lo futuro á cada uno su hijuela ó escritura firmada de mi puno como con los testigos de mi asistencia por falta de escribano publico que no lo hay en este Departamento, y de todo doy fé, firmando esta merced en los mismos terminos quedando protecolada una copia de ella y el original queda en poder de las partes.

(Firmado) JESUS MA. MONTOYA.

(Firmado) ANTO. SAENZ, Ass.

(Firmado) J. A. DE BALDISAN, Ass.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, July 25, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, July 31, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM, *Surveyor General.*

No. 2.

Grant—translation.

MOST EXCELLENT SIR GOVERNOR: The subscribers to this petition before the upright justification of your excellency, humbly and respectfully represent, that in days past we proceeded to examine the point of the junction of the Sapeyó and Mora rivers, which is well adapted to the purpose, as the fertility of the soil invites the energies of the farmer, and we find in the land examined by us sufficient capacity for cultivation and for the formation of a sufficient settlement. We set apart a portion of the land, in the presence of the justice of

the peace of Las Vegas, for cultivation, but not being sufficiently ample for all the improvements and enterprises of an extensive settlement which will be formed in time, we pray your excellency to be pleased to grant us the land contained within ten square leagues, without injury to the rights of the settlers already established upon the said land, taking for its centre the valley formed by the junction of the Mora and Sapeyó rivers, in order that this new settlement may have timber and wood, and lands for the raising of stock, which we propose to improve by the introduction of Merino sheep, and, in this manner, improve the quality of the wool, and erect mills at such points where the river will permit, and machinery for weaving wool and cotton, and other useful and necessary arts for the purpose of increasing its growth and wealth, as a population composed of laborious and enterprising men will remove want and misery from their families, an evil which afflicts our country, and prevent serious disturbances by the laudable plan of establishing settlements on fertile lands, which will yield a return for the labor bestowed upon it, and for this purpose we petition for the land above described. Your petitioners rely upon the justice of their request, as also the colonization law, and the supreme decree subsequently published, allowing foreigners to acquire real estate in the republic. We pray your excellency to grant our petition, which we swear not to be done in malice, and whatever may be necessary. Santa Fé, March the twenty-seventh, one thousand eight hundred and forty-three. John Scolly, James Giddings, William Smith, George H. Estes, Ygnacio Ortiz, Francisco Romero, Gregorio Mujillo, Augustin Duran, Gabriel Allen, Mateo Sandoval, Vicente Lopez.

Santa Fé, March the twenty-seventh, one thousand eight hundred and forty-three.

The land solicited by the petitioners is granted to them on condition that the pastures and watering places shall be common, therefore the justices of Las Vegas and Mora may proceed to determine the boundaries of said land, and place the parties interested in possession, who, within eighteen months from this date, shall commence cultivation, and if they do not do so within that time they shall forfeit their right thereto.

ARMIJO,
MIRANDA, *Secretary.*

MOST EXCELLENT SIR GOVERNOR : The undersigned, residents of this city, appear before your excellency according to law, and state that in the year last past we obtained from your predecessor a favorable decree, by which the land situate at the junction of the Mora and Sapeyó rivers, containing ten square leagues, was granted to us in fee, from that time we had determined to break up land, commence cultivation, and even construct houses, notwithstanding we have not been placed in possession according to the spirit of the decree, herewith transmitted to your excellency, on account of the Texas troubles, which continued during the whole year referred to. Now, while we were conveying the necessary implements of husbandry, the possession of the Poñi and Red river was suspended by your excellency's superior decree, and, consequently, your petitioners entertained some

fears, and abandoned the enterprise until the completion of the period of eighteen months, the time limited, and we require a new grant from your excellency confirming the former one, or giving us a new grant with all the formalities required in the premises. We represent to your excellency that three of the petitioners are foreigners by birth, but naturalized in the republic and having Mexican families, the balance are Mexicans. We heartily desire, your excellency, that agriculture may improve sufficiently to improve the condition of the country. The land we solicit presents flattering prospects of an abundant return for our labors. It invites men to the raising of stock, on account of the abundance of pasture and splendid climate, and, further, we desire to establish a factory for weaving wool, which is so much required in the department, in which, although there is an abundance of animals to produce the wool, the greater portion is lost. In view of the reasons upon which our petition is based, of the benefits which are to result from the cultivation of the soil, which will be conducted by laborious hands, and relying upon the protection granted by the regulation of the twenty-first of November, one thousand eight hundred and twenty-eight, we have not hesitated in applying to your excellency, promising to comply with that decree and the other conditions required of us in the formation of our settlement; accompanying for that purpose a draught of the land which we have examined, which is uncultivated, free, and without injury to any third party who may have received a legal grant, protesting that within the time prescribed the twelve families required by law shall be established on said land, and the necessary land for cultivation prepared. The land we petition for is not only for the purposes of cultivation, but also for raising stock, as we intend to speculate in both branches. Therefore, having laid our plans before your excellency, we have no doubt that the extent of ten square leagues asked for will not be considered too much. According to the superior decree referred to we were certain of obtaining the grant from last year, and during the present year we have ordered from the United States ploughs of a new invention, and other necessary implements, which are now on the road, and costing a considerable amount for their purchase and transportation; and during next year we expect merinos and cows to improve the race. In view of all which, and the justice of our cause, if your excellency deems it just, we pray you to grant our request by an act of confirmation, by which we will receive the grace we impetrate. Santa Fé, December fourth, one thousand eight hundred and forty-four. John Scolly, Augustin Duran, Ygnacio Ortiz, Gregorio Trujillo, James Giddings, William Smith.

SANTA FE, *December 9, 1844.*

Let these proceedings, with the accompanying documents, be transmitted to the prefect of the district of this capital for the purposes contained in article third of the regulation issued on the twenty-first of December, one thousand eight hundred and twenty-eight, concerning colonization.

MARTINEZ.
ZUBIRIA, *Secretary.*

MOST EXCELLENT SIR : The individuals subscribed to the foregoing petition, solicit from the superior government of the department, that in conformity with the law of the eighteenth of August, one thousand eight hundred and twenty-four, the vacant land be granted to them, situate at the place called Sapeyó, which they expressly refer to, describing the same in the accompanying plat. And your excellency saw proper to transmit the proceedings to this prefecture, for the purposes contained in the third article of the regulation concerning colonization, issued on the twenty-first of November, one thousand eight hundred and twenty-eight. Under the circumstances, I have to state to your excellency that the parties interested applied to your predecessor, Mr. Armijo, on the twenty-seventh day of March, one thousand eight hundred and forty-three, who immediately, and without any further proceedings in the premises, provided according, in conformity with the request of the petitioners, and requiring them to comply with the condition imposed, of cultivating the land within eighteen months, under the penalty of an entire forfeiture of the right they may have acquired to the land ; but as they failed entirely to comply, for the reasons given, they solicit again a revalidation of the grant then made to them. In view, therefore, of all the facts, this prefecture, although newly created and wanting in precedents, believing that the land solicited is vacant, not knowing or having heard to the contrary, is of opinion that there are no objections against granting their request, as they embrace the qualifications required by the aforesaid law of the eighteenth of August, one thousand eight hundred and twenty-four. However, your excellency, with your accustomed tact, will be pleased to resolve as you may deem proper. Santa Fé, December the eighteenth, one thousand eight hundred and forty-four.

ANTONIO SENA.

MOST EXCELLENT SIR GOVERNOR : The undersigned, citizens for themselves, and in the name of their associates who signed the petition for land at the junction of the rivers, which your excellency was pleased to grant in the year one thousand eight hundred and forty-three, and having insurmountable difficulties in the establishment of the settlement, represent to your excellency that, finding ourselves at present in condition to receive the corresponding grant, in order to commence cultivation, and give an impulse to what we have already done, we request your excellency to renew the time which was given to us in which to obtain the right of property, and issue your decree to the Justice of Las Vegas, in order that he may establish the boundaries, and have the land we petitioned for measured, stating to your excellency, that in order to avoid difficulties with the residents of the towns of Mora and Vegas, we reduce our boundaries to five square leagues, in the direction of the four points of the compass, from the grove of cottonwoods as the centre. We make this request to your excellency with justice, but upon seeing the same your excellency may resolve as we have requested, if you consider it proper and convenient. Santa Fé, May the seventh, one thousand eight hundred and forty-six. John Scolly, William Smith, Gregorio Trujillo, Augustin Duran, James Giddings, Francisco Romero.

Santa Fé, May seventh, one thousand eight hundred and forty-six.

To the justice of Las Vegas, that he may proceed to place the petitioners in possession, setting apart such lands for cultivation as they may be able to cultivate, granting it to them and notifying them that if within five years from this date they do not cultivate the same, it may be possessed by others, making the condition that the pasture and watering places shall be held in common, excepting in the centre of their fields; neither shall any flocks of sheep be allowed within one league from the centre of the fields except in passing along the road. Any grant given for said from the date of the grant to the present is null and void.

ARMIJO.
NICOLAS QUINTANA,
Chief Clerk.

At San Augustin de Sapeyó and Mora, junction of both rivers, on the thirteenth day of the month of May, one thousand eight hundred and forty-six, jurisdiction of Las Vegas and Mora, citizen Jesus Maria Montoya, supernumerary justice of the peace, and acting under the authority of law, acting as such justice in the first-mentioned place, proceeded to said place for the purpose of placing the individuals contained in the general list, which I attach to this grant, in possession, I distributed the land, as provided by the most excellent governor, Don Manuel Armijo, on the seventh instant, by which in the same decree (*authority*) is conferred upon this office, and having proceeded to give due compliance with said decree, I took the measurement stated in the grant made to the petitioners, which contains five square leagues, and having taken the grove of cottonwood, which is situate on the banks of the Sapeyó, near the junction, as the centre, where the selection was made for the settlement, I measured two and one-half leagues towards the north, doing the same towards the east and west, establishing as the boundary of the first the foot of the Gallinas mountain, on the south the cejita dulce, on the west the cañon of La Jara, requiring the grantees to erect mounds where the boundaries were established, and strictly complying with what was required of me by the aforesaid most excellent governor, giving them to understand that the grant and donation was made to them in the name of the Mexican nation, to which we have the honor to belong, and also that if the land is not cultivated within five years the land which is granted to them may be given to another person in order that the branch of agriculture may advance to due prosperity, and also that if any individual requires more land than that which has been given to him, and which he cultivates, he may take the same, informing the proper justice thereof, no other grantee being allowed to disturb him, requiring the justice, whose duty it shall be to extend the title to said grant, to specify the amount of land newly acquired by him, being informed that the water and pastures beyond one league from the fields in each direction shall be free, and if they go through the centre they shall proceed along the road to their destination until they arrive beyond the league referred to; and I made known to them the other conditions required by the laws of possession, such as being forbidden to dispose

of the land until it was cultivated by themselves, giving to each one the number of varas contained in the list referred to, and having completed the distribution they all in one voice exclaimed, "Long life to the Mexican nation and to the most excellent governor Don Manuel Armijo;" they pulled up weeds and threw stones, giving thanks to the name of the sovereign powers; and for its validity and force now and in the future, I gave to each one a certificate or deed signed with my hand and by my attending witnesses, in the absence of a notary public, there being none in this department. To all of which I certify, signing this grant in the same manner, recording a copy thereof and giving the original to the parties.

JESUS MARIA MONTOYA.

Attending:

ANTONIO SUENS.

J. A. DE BALDISAU.

The above is a true and legal copy of the original which is recorded in book A, pages 70, 71, 72, 73, 74, 75, and 76, to which I certify and affix my private signature, there being no seal of office.

Santa Fé, January 25, 1851.

DONACIANO VIGIL, *Recorder.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, March 11, 1857.

The foregoing is a correct translation of the original Spanish on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 3.

Notice.

UNITED STATES OF AMERICA, }
Territory of New Mexico, } *ss.*

The petition of John Scolly, William Smith, Gregorio Trujillo, Augustin Duran, James Giddings, Francisco Romero, and their heirs and representatives, respectfully states: That on the seventh day of May, in the year one thousand eight hundred and forty-six, the said John Scolly, William Smith, Gregorio Trujillo, Augustin Duran, James Giddings, Francisco Romero, presented a petition in due form of law to Don Manuel Armijo, governor of New Mexico, praying for a certain grant of land lying on the Sapeyo and Mora rivers in said Territory of New Mexico, the same being five leagues square, measur-

ing from known cottonwood trees on the Sapeyo near its junction with the Mora as a centre ; the said governor, on the same date, made a decree granting the prayer of the petitioners, and decreeing to them full title to said land, and issued an order to the alcalde of Las Vegas to put the said petitioner in full possession of said grant, and the said alcalde, on the 13th day of the same month, did place the said petitioner in legal possession of said land according to the forms and solemnities of the law ; and your petitioners further say, that the original petition, decree, and act of judicial possession, are not now in the hands of your petitioners, but are lost and cannot be filed ; but that copies of the same, taken from the records now in the surveyor general's office are herewith filed and made a part of this petition ; that the said land in the act of judicial possession is described as follows, to wit : taking a certain cluster of cottonwood trees on the Sapeyo as a centre, and running north two and a half leagues to the foot of the Gallinas mountain, south from said centre two and a half leagues to the Cejita Dulce, west two and a half leagues to Cañada de la Jara, and two and a half leagues on the east ; that said points are well known land-marks in that section of country ; that said grant was made and said possession given by authority of the colonization laws of Mexico in force at that time ; that said grantees entered upon and cultivated said land immediately after they were placed in possession of the same ; and the said grantees having in all things conformed to law, ask that said grant may be confirmed to them. No plat or survey has been made, and cannot, therefore, be filed.

J. HOUGHTON,
M. ASHURST.

T. D. WHEATON,
H. N. SMITH,

Attorneys for Petitioners.

To the SURVEYOR GENERAL OF THE TERRITORY OF NEW MEXICO.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 4.

Testimony.

JOAB HOUGHTON, sworn :

Question. Did you know John Scolly, William Smith, Gregorio Trujillo, Augustin Duran, Francisco Romero and James Giddings ?

Answer. I did.

Question. Did you know of a tract of land, situated on the Sapello and Moro rivers, being occupied by these persons or any of them? and if so, state.

Answer. In the month of November, 1843, when I first came to the country, I found a ditch cut out from the Sapello, not far from the present crossing of the main road, and a small piece of land had been planted. I saw Gabriel Allen on the spot, and one whose name appears on the original grant, which was subsequently annulled. He told me he was employed by John Scolly and others to break up the ground, sow, and commence a settlement. I found also on the premises granted, on the Moro river, a house occupied by James Bone; there were small patches of ground near the house broken up, (ploughed,) and appeared as if they had been planted. This house is a short distance above the present site of what is known as Barclay's Fort, about six hundred yards above. In a conversation with Bone and Scolly in the same year, in which I understood from his conversation that Bone occupied the property by the permission and under the sufferance of the then grantees. That same winter I sent to the Junta de los Rios, (Sapello and Moro,) to be grazed and wintered, about three hundred head of cattle, to do which I obtained the permission of John Scolly and William T. Smith, who were the proper owners at the time. The herders went there, built huts, and remained there during the winter. I think, in the spring of 1847, William T. Smith, with one John Wells as his agent, erected a house on the Sapello, about midway between the present crossing of the old road to the United States and to the junction of the rivers Sapello and Moro, and cultivated lands to some extent. This house continued to be occupied, and the lands cultivated, until about 1849. In 1849, Alexander Barclay acquired certain rights by deed from the original grantees, two of which deeds were written by myself, one from Robert T. Brent, who held under William T. Smith, and one from James M. Biddings, one of the original grantees. Barclay proceeded to erect a fort on the Moro river and to cultivate ground. The fort is still standing, and occupied and known as Barclay's Fort. There is at present cultivation by various persons about Barclay's Fort at the junction of the rivers and above the junction on the Sapello. I have seen under cultivation, I think, from seventy-five to one hundred acres—the balance is used as grazing ground for stock owned by the present occupants. The cultivation is made under the permission of the grantees, and by virtue of the grant made to them. The present site of Fort Union was taken possession of in 1851, and is still in existence, and was leased from the claimants under the original grantees. I am not interested in any way whatever in this grant. The government is paying rent to the grantees for the site of Fort Union, and has obtained a lease from them.

J. HOUGHTON.

Sworn and subscribed before me, this 3d day of April, 1857.

WM. PELHAM,
Surveyor General.

LEVI J. KEITHLEY, sworn :

Question. Are you interested in this case?

Answer. I am not in any way whatever.

Question. What do you know about the cultivation and settlement of this grant?

Answer. I think in the summer of 1843 I was on the grant ; saw James Giddings and Gabriel Allen ; they had cut a deep dam, which cost them a great deal of trouble, on the Sapello. Below the dam there were patches of ground under cultivation, and the corn was then about four or six inches high. As far as I could understand, all this was within the grant of the Junta de los Rios. The dam was 10 or 12 feet high, and its erection was attended with a great deal of expense and hard labor ; the ditch was also very deep until it reached out from the river. I saw a part of Judge Houghton's stock on the land within the grant ; the hut of the shepherd pasturing this stock was built about 800 yards from the junction of the rivers ; I done some carpenter's work for a house built there by Carter and Smith ; I was never at the house after it was erected ; Carter told me at the time that he was building the house for Smith. I saw Barclay's fort under process of erection in 1849.

LEVI J. KEITHLEY.

Sworn and subscribed before me, this 3d day of April, 1857.

WM. PELHAM, *Surveyor General.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the originals on file in this office.

WM. PELHAM, *Surveyor General.*

No. 5.

TESTIMONY.

John Scolly et al.—Junta de los Rios, Taos, and San Miguel counties.

DONACIANO VIGIL, sworn :

Question. Do you know that a grant was made to John Scolly, William Smith, Gregorio Trujillo, Agustin Duran, James Giddings and Francisco Romero, and in what year was the grant made, and to whom?

Answer. I do not know in what year the grant was made by Governor Armijo.

Question. Was not the grant made in the spring of the same year in which the Americans took possession of the country?

Answer. It was confirmed in the year 1846.

Question. Do the papers herewith presented contain all the proceedings in reference to the grant and its final confirmation by the governor and judicial possession given to the parties by his direction?

Answer. They do.

Question. What office did you hold under the Mexican government when that grant was made?

Answer. I was secretary in the office of the commandant general.

Question. What position did you occupy under the government of General Kearney, civil and military governor of New Mexico?

Answer. Secretary of the Territory and recorder of land titles.

Question. Did you register the title deeds of John Scolly and others to the Junta de los Rios from the originals, and is the record of the same in book A of the records of land titles made by the secretary of the Territory by directions of General Kearney, and made in your own handwriting as such secretary, a true copy of the said original title deeds?

Answer. I did; and the copy contained in said record book is a true copy of the originals.

Question. Was it customary under the Mexican government to retain the original title deeds to any grant made by the government in the archives of the government, and to give to the parties interested a certified copy of the original grant, which copy was called a "Testimonio"?

Answer. It was not only a custom, but a law requiring it so to be retained.

DONACIANO VIGIL.

Sworn and subscribed before me this 23d day of March, 1857.

W. PELHAM,
Surveyor General.

JOHN SCOLLY *et al.*

Since taking the previous testimony in this case, the original title deeds to the grant made to them has been found and filed with the other papers in the case.

Donaciano Vigil, one of the former witnesses, being recalled, he answered the following questions, viz:

Question. Are you acquainted with the handwriting of General Manuel Armijo?

Answer. I am.

Question. Is the signature on this document (showing him the same) the original signature of General Armijo?

Answer. It is his handwriting and rubric.

Question. What office did he hold in this Territory in the year 1843?

Answer. He was political governor and military commander of the Territory.

Question. Is the signature attached to the certificate at the foot of this document genuine; and if it is, what office did you hold at the time?

Answer. I was in charge of the acting governorship of the Territory and secretary of the Territory and recorder of land titles under the Kearney code. My signature to said certificate is genuine.

Question. Were you acquainted with the mode and practice of measuring lands under the Mexican government at the time this grant was made?

Answer. I was.

Question. In case a document called for *cinco leguas cuadradas*, what was the customary mode of measuring it?

Answer. The custom under the Spanish and Mexican laws was to select a common centre; from the centre the measurement was made in each direction, an equal portion towards the north, south, east, and west. Two and one-half leagues were measured in each direction from the common centre.

Question. Under the Mexican government and practice, what is meant by *cinco leguas cuadradas*?

Answer. The custom was to measure two and one-half leagues from the centre, and afterwards to draw parallel lines north and south, east and west; this was the custom and the law in determining the boundary of lands under the Mexican government, and was the universal custom in the whole country.

Question. What is your age, and what were your opportunities of knowing the custom and practice in measuring lands?

Answer. Fifty-four years of age; I have seen the customs practiced all my lifetime; I have been a public officer, among the highest in the Territory, for one-half of my life; I was civil and military secretary under the Mexican government, and acting governor under the government of the United States.

Question. Under the Mexican government, what is the difference between "*cinco leguas cuadradas*" and *cinco leguas encuadro*?"

Answer. The two terms are synonymous; practice has shown us that, in the case of the Pueblo Indian lands, where a league is mentioned, the measurement is made one league in each direction from a common centre; such was the intention of the grantor when those grants were made, and such has been the continued custom in measuring lands from that date up to the time of the change of government.

DONACIANO VIGIL

Sworn to and subscribed before me this 12th day of May, 1857.

WM. PELHAM.

DOMINGO FERNANDEZ, being duly sworn, answered the following questions:

Question. Were you acquainted with the mode and practice of measuring lands under the Mexican government in the year 1846, when this grant was made?

Answer. I was. The custom in Santa Fé has always been, in measuring lands, especially the pueblos, to measure from the centre of the tract towards the four cardinal points: north, south, east, and west.

Question. In case a document called for "*cinco leguas cuadradas*," what was the customary mode of measuring it at that time?

Answer. The mode was, as I stated before, in the centre of the

cemetery of every pueblo there is a cross, from which the measurement was made in each direction, as the document called for.

Question. If a document called for "*cinco leguas cuadradas*," starting from the centre, what would be the distance to the boundary in a direct line, north, south, east, and west?

Answer. In former times it was contended that the limits of the grant should be round, but it is a well received custom that the boundaries should be square, and within the lines are to be contained the five leagues.

Question. Under the Mexican custom, what is the difference between "*cinco leguas cuadradas*" and "*cinco leguas encuadro*?"

Answer. There is no difference. The square contains the distance measured in the document.

Question. How old are you, and what office have you held under the Mexican government?

Answer. Seventy-four years old, by the grace of God. I was a justice of the peace under the Spanish and Mexican governments, and member of the town council under the Mexican government, circuit attorney and keeper of the archives under the government of the United States.

DOMINGO FERNANDEZ.

Sworn and subscribed before me this 13th day of May, 1857.

WILLIAM PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the originals on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 6.

Decision.

JOHN SCOLLY *et al.*

This case was filed on the 26th December, 1856, and came on to be heard on the 3d day of April, 1857.

On the 27th March, 1843, John Scolly, Gregorio Trujillo, Santiago Biddings, Agustin Duran, Guillermo Smith, Gabriel Allen, George H. Estes, Mateo Sandoval, Ygnacio Ortiz, VICENTE LOPEZ, and FRANCISCO ROMERO petitioned Manuel Armijo, civil and military governor of New Mexico, for ten square leagues of land, situated at the junction of the Sapelló and Moro rivers, in what is now the county of Taos. On the 29th March, 1843, Manuel Armijo, the governor aforesaid, granted to the petitioners the land they solicited, and directed the justice of the peace of Moro and Vegas to establish the boundaries and

place the parties in judicial possession of the land, on condition of forfeiture if the cultivation thereof was not commenced within eighteen months from the date of the grant.

On the 4th December, 1844, John Scolly, Gregorio Trujillo, Santiago Giddings, Agustin Duran, Guillermo Smith, Ygnacio Ortiz, and Francisco Romero petitioned Governor Martinez, who succeeded Armijo in the government of the Territory, for a confirmation of the grant made by Armijo, or that a new grant be made to them, the period fixed for the commencement of the settlement having expired without complying with the conditions imposed, on account of the Texas invasion with which the country was threatened during the entire year previous; and also that, on account of an order issued by said Governor Martinez, suspending grants of a similar nature made to other individuals by Armijo, they were afraid to undertake any labor on the land after the Texas trouble had ceased, and that therefore the period limited in the grant had expired.

This petition was referred by Governor Martinez, on the 9th of December of the same year, to the prefect of the district of Santa Fé, for the purposes provided in the colonization law of November 21, 1828.

On the 18th of December, Antonio Sena, the prefect of the district, returned the proceedings in the case, and recommended that the grant be revalidated.

No further action appears to have been taken in the case until the 7th May, 1846, when the same parties, with the exception of Ygnacio Ortiz, petitioned Manuel Armijo, who, in the meantime, had been re-appointed governor of the department, for an extension of the time originally fixed by him, and asked that five square leagues only be given them, instead of ten, as originally asked for.

On the same day Governor Armijo directed the justice of the peace of Las Vegas to place the parties in possession of *as much arable land as in their* (the grantees) *opinion* they could cultivate; that the pastures and watering places should be common, and that they should settle upon the land within five years.

On the 13th May, 1846, the justice of the peace of Las Vegas, by virtue of the order of the governor, placed the parties in possession of *five leagues square* of land, and returned the documents, with an official map of the measurement made, and a certificate of the possession given, to the governor of the department.

The papers acted upon by this office are the originals, duly authenticated by the testimony of witnesses.

At the period when this grant was made the laws of the republic of Mexico concerning colonization, and the reduction of the public lands to private property, vested in the governors of the distant provinces of the republic, such as New Mexico and California, full powers to grant such petitions for land as they, in their judgment, and in accordance with reports from subordinate officers, should deem just; and such grants, after having passed through the official forms provided by law, and established by custom, were acknowledged as good and valid grants, and the land so donated was consequently completely

recovered from the public domain, and vested in the grantees a present and absolute title to the land so granted.

This principle is fully sustained by the edicts of the Kings of Spain; the usages and customs of the country prior to its separation from the parent government; the laws and decrees of the Mexican government, as well as the decisions of the Supreme Court of the United States in similar cases arising in Florida, Louisiana, and California, especially in the latter, wherein the Supreme Court, in the case of *Frémont vs. The United States*, 17 Howard, page 557, declares that "there can be no question as to the power of the governor of California to make the grant."

It will be seen that the first petition asked for a grant of *ten square leagues*; in the third the quantity is reduced to *five square leagues*; whereas the parties are put in possession of *five leagues square*, which at first sight appears to be giving the parties more than they asked for or expected to receive.

Testimony has been introduced by the claimants to show that the terms *cinco leagues cuadradas* (five square leagues) and *cinco leagues cuadrado* (five leagues square) are synonymous, and demanded that the official translation, made by the translator of the office, be changed so as to correspond with the amount of land the parties were placed in possession of. The terms above quoted may be synonymous in this country, where the people were not educated, and therefore had no knowledge of technical or mathematical expressions; and, indeed, in our own country, where a good education is within the reach of every one, many persons are ignorant of the great difference between the terms. They are far from being considered synonymous in the laws of the country in force at the time the grant was made, as will appear by a single instance, among many others which occur, in the "Orde-nanzas de Tierras y Aguas," published in Mexico by Mariano Galvan in 1844. In giving the dimensions of a range for pasturing sheep, "Sitio de Ganado Menor," on page 72, it is stated that a "Criadero de Ganado Menor" is equal to one-fourth part of a "Sitio de Ganado Mayor," measuring on each side one thousand six hundred and sixty-six and two-thirds varas, and its area contains two millions seven hundred and seventy-seven thousand seven hundred and seventy-seven *varas cuadradas*, (square varas,) and seven-ninths of a *vara cuadrada*, (square vara.) The only difference between the law and the petition is, that in the first the word *vara* is used, and in the petition the word *leagua*. The translation made in the office is there-fore sustained, and the objection of the claimants overruled.

This point, however, is not material in deciding upon the case, as it will be seen, by reference to the grant made in 1846, that the justice of the peace is required to place the parties in possession of as much land "as, in their opinion, they could cultivate," leaving the amount of land they were to receive entirely to their own option. The justice of the peace, in accordance with the above order, measured off and placed the parties in possession of five leagues square of land, and made an official map of the land measured, which was returned, with the other papers in the case, to the granting officer, with the certificate of possession attached; and as there is no evidence to show that

any objection was made, it is to be presumed that the action of the justice of the peace was approved, and that it was the intention to grant them five leagues square.

It is also proven in testimony that the grant has been in the undisturbed and peaceful possession and occupancy of the grantees and their representatives from the time the grant was made up to the present date.

Believing the grant to have been made in accordance with the laws of the country at the time, and legally severed from the public domain, and the parties fully protected in their claim by the treaty of Guadalupe Hidalgo of 1848, as well as the decisions of the Supreme Court of the United States, the case is therefore confirmed and transmitted for the action of Congress in the premises, requesting that it be confirmed to John Scolly, Agustin Duran, Guillermo Smith, Santiago Giddings, Gregorio Trujillo, and Francisco Romero.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, August 15, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

CLAIM No. 40.—TOWN OF CHILILI.

No. 1.

Grant—Original.

Exmo. Señor Gobernador Politico y Militar, D. Manuel Armijo Alameda, Marzo 8 de 1841. Los C. C. Santiago Padia, Juan Manuel Padia, Julian Padia, Francisco Pacheco, Agustin Padia, Rafael Gallegos, y Luis Salazar, por si y á nombre de 20 individuos ciudadanos de este departamento del 3er. distrito judicial todos cabezas de familias ante la superioridad de V. E. en la forma que mejor alla lugar en derecho y al nuestro convenga parecemos dicéndo que hallandonos en la estrema necesidad de la falta de no tener tierras de lavor donde poder sembrar para adquirir el sustento necesario y que nuestros hijos tengan en que ocuparse; y teniendo reconosido en el pueblo de Chilili un terreno desocupado, valdillo, solo y sin dueño; y por tanto á V. E. pedimos y suplicamos se digne á nombre del supremo gobierno de la nacion Mejicana, y de la ley mandar se nos conceda y penga en posesion segun ipedimos dicha merced, se nos adjudique para nos, nuestros hijos herederos y sucesores; cuya posesion solisitamos desde los ojos de que llaman los ajos de los casos que quedan al poniente y del oste á sud las cumbres de las cuchillas de la Cañada de Chilili esperando de la piedad de V. E. se nos conceda, que en hacerlo asi

recibiremos merced ; gracia y justicia.—Santiago Padia, José Manuel Padia, Julian Padia, Francisco Pacheco, Agustin Padia, Rafael Allegos, Luis Salazar, por si y á nombre de 20 individuos. Santa Fe, Marzo 20 de 1841. Al Sor. Juez de 1a. instancia del 3er. distrito judicial D. Ant. Sandoval, para que en atencion á la pobreza que es notoria tienen los solicitantes y que este gobierno esta bien informado, y dicho juez pendrá en posesion segura á los solisistantes del terreno que solisitan señalandoles por limites o linderos los mismos que ellos han señalado, previniendoles que como unos colonizadores han de permanecer en ella sin poderla vender en los 4 años que la ley previene. Manuel Armijo, Guadalupe Miranda, Secro. Barelás, Marzo 20 de 1841. En atencion del superior decreto del Exmo. Sor. Gobernador y comandante general del departamento D. Manuel Armijo y para darle su devido cumplimiento, pasará Don Antonio No. Ruis con la comision de poner en posesion segura á los solisistantes del pueblo de Chilili ; a quienes con total arreglo del superior decreto de su E. y la presentacion de los interesados señalará los linderos poniendo mojoneras de Piedra y repartiendoles á cada uno segun su providencia la tierra para su pan llebar, previniendoles que los ojos artientes y cabezas de agua los cuiden como propios ensu posesion, que no los pisen los ganados menores, y haciendoles á cada uno su documento para su constancia entodo tiempo ; y despues de corridas todas las diligencias que sonnecesarias, para una verdadera y legal posesion los pondrá en cuvierta y las traerá á este archivo donde permanecerán para costancia en todo tiempo.

ANTO. SANDOVAL,
Juez de 1a. Instancia.

Yo Miguel Anto. Lobato escrivo. de la corte de pruebas registrador y archivero del condado de Bernalillo Territorio de No. Mejico certifico que el documento de arriba es una verdadera copia sacada de su original, este dia 20 de Enero de 1855, asi lo certifico.

MIGL. ANTO. LOBATO, *Escriv'o.*

Yo Juilan Tenorio abajo firmado como escrivo. del H. Manl. Armijo Juez de Pruebas del condado de Bernalillo certifico como tal que el documento de adentro es una copia sacada del Libro A. de registros como consta ser fiel en su verdadero trascrito en los folios 207 y 208 á que me refiero en testimonio de este dia 25 de Noviembre, A. D. 1856, en que se ve mi mano y sello de oficina por no haberlo de oficio por mandado del H. dicho Juez de Pruebas.

JULIAN TENORIO, [SELLO.]
Escrivano.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General

No. 2.

Grant—Translation.

ALEMADA, *March 8, 1841.*

Citizens Santiago Padilla, Juan Manuel Padilla, Julian Padilla, Francisco Pacheco, Agustin Padilla, Rafael Gallegos, and Luis Salazar, for themselves and in the name of twenty individuals, residents of the third judicial district of this department, all of whom are heads of families, appear before your excellency in the manner best provided in law and convenient to us, and state that finding ourselves in the most abject necessity for the want of lands to cultivate in order to obtain our necessary subsistence, and that our sons may have some occupation, and having registered a vacant and unoccupied tract of land at the town of Chilili, abandoned and without any owner, we therefore pray and request your excellency to be pleased to direct, in the name of the supreme government of the Mexican nation and of the law, that a grant be made to us, and that we be placed in possession of the land we petition for, for ourselves, our children, heirs, and successors, which possession we solicit from the upper springs called the springs of Los Casos, which are towards the west, to the brow of the Cibolo, on the east, and from west to south the summit of the sharp-edged hills of the cañon of Chilili, trusting to the generosity of your excellency that the grant be made to us, by which we will receive grace, favor, and justice.

SANTIAGO PADIA,
JOSE MA. PADIA,
JULIAN PADIA,
FRAN'CO PACHECO,
AGUSTIN PADIA,
RAFAEL GALLEGOS,
LUIS SALAZAR,

For themselves and in the name of twenty individuals.

Most Excellent MANUEL ARMIJO,
Civil and Military Governor.

SANTA FE, *March 20, 1841.*

To Don Antonio Sandoval, justice of first appointment of the third judicial district: That taking into consideration the well known poverty of the petitioners, and that this government is well informed of the fact, said justice will place the petitioners in secure possession of the

land they ask for, giving them such boundaries or limits as are set forth by them, informing them that as colonists they are to remain there without disposing of the land for four years, as required by law.

MANUEL ARMIJO.
GUADALUPE MIRANDA,
Secretary.

BARELAS, *March 29, 1841.*

In view of the superior decree of Don Manuel Armijo, the most excellent governor and general commanding the department, and in due compliance therewith, Don Antonio No. Ruiz is hereby commissioned to proceed and place the petitioners for the pueblo of Chilili in secure possession thereof; to whom, in full compliance with the directions of His excellency and the petition of the parties interested, he will establish the boundaries and erect mounds of stone, giving to each one lands according to his means for cultivation, informing them that the running springs and heads of streams are to be well taken care of, as belonging to them, that they be not trodden by sheep and goats, giving to each one a certificate as evidence of his right, title, and interest hereto in all time to come; and after having executed all acts necessary for a true and legal possession, he will put them under cover and will bring them to these archives, where they will remain as evidence in all time to come.

ANTONIO SANDOVAL,
Justice of First Appointment.

I, Miguel Antonio Lobato, clerk of the probate court, recorder and keeper of the archives of the county of Bernalillo, Territory of New Mexico, certify that the above document is a true copy of the original, taken on this 20th day of January, 1855, to which I certify.

MIGUEL ANTONIO LOBATO, *Clerk.*

I, the undersigned, Julian Tenorio, clerk of the honorable Manuel Armijo, probate judge of the county of Bernalillo, certify that the within document is a copy taken from book A of the records, correctly and truly copied from pages 207 and 208, to which reference is made, this 25th day of November, 1856. Witness my hand and private seal, there being none official.

JULIAN TENORIO, *Clerk.* [L. s.]

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.
WM. PELHAM, *Surveyor General.*

(No. 3.)

Aviso.

Al agrimensor general de Nuevo Mejico, se le avisa por el presente que bajo de las prevenciones de la 8.^a seccion del decreto del Congreso aprobado el dia 22 de Julio de 1854, titulado un decreto para crear los destinos de agrimensor general del Nuevo Mejico, Kansas, y Nebraska, para conceder donaciones á los pobladores actuales en dichos Territorios y para otros fines.

Yo Ynes Armenta del condado de Bernalillo en al Territorio de Nuevo Mejico per si y á nombre de Salvador Tafoya, Marcelo Gurel, Gabriel Molla, José M.^a Lucero, José Padilla, Sabino Gonzales, José Gallego, Juan Montoya, Jesus M.^a Gallego, Pablo Gallego, Dionicio Gallego, Bacilio Abans, Juan Lucero, Damacio Gallego, Francisco Medina, M.^a Molla, Jesus Tafolla, Jesus Molla, Manuel Bachich, Jesus Garcia, Dionicio Baca, Jesus Gutierrez, Luis Gonzales, Atanacio Arias, Juan Griego, Antonio Aban Peña, Antonio Aban Gallego, M.^a Casillas, Tomas Fresquez, Mateo Renquillo, Julianita Montoya, Juan Montoya, 2.^o, Bicente Fresquez, José Romero, Secilio Romero, Bicente Sanchez, Romualdo Gallego, Juan Antonio Candelaria, José Torres, Miguel Montaña, José Fierros, Alfonso Ysais, Juan Domingo Ysais, Manuel Perea, Simon Griego, José Antonio Zamora, Luis Mares, Mariano Martin, José Armenta, Encarnacion Martin, y Juan Rafael Serna, herederos y pobladores actuales, reclamamos un sitio de labor y otro de pastos, comprendidos en una merced hecha por el gobierno de Mejico el dia 20 de Marzo de 1841, segun consta del titulo que acompaña dicho abiso dicha poblacion actual umbrada la plaza de Chilili, la cual ha sido ocupada por los pobladores actuales, per mas de quince años y á mas ecsistia al tiempo de la ocupacion y posesion por los E. U. en este territorio segun el tratado de Guadalupe Hidalgo son originales á dicho reclamo, los mismos reclamantes actuales; la naturaleza del reclamo, es per una donacion del gobierno Mejicano, y el dicho titulo lo creemos completo é inchoante con otro, su fecha 20 de Mzo. de 1841, bajo la autoridad del Gobernador y Comandante General Don Manuel Armijo, y el prefecto del tercer distrito, D. Antonio Sandoval en aquella fecha departamento del gobierno Mejicano este territorio bajo la autoridad de la ley de dicho gobierno de Mejico aprobadas Agosto 18 de 1824, y Enero 4 de 1813, sobre repartimiento de terrenos baldios, y las leyes anteriores de España, y posteriores de la misma republica de Mejico las cuales leyes les daban autoridad á dichos oficiales para tales repartimientos, la area de terreno reclamado, pos los reclamantes de la poblacion de Chilili es de cuatro leguas cuadradas, poco mas ó menos, siendo los limites de dicha donacion, al Norte, las cumbres de la cuchilla, al sur, las propias cumbres al oriente el ojo del sibulo al poniente los ojos de los casos, entendido que en esta donacion no hay ningunos reclamos que choquen, por lo cual apollamos nuestro reclamo en el titulo que acompañamos, y prometemos evidancias si fuere necesario á la confirmacion de la dicha posesion que ocupamos, como agraciados originales. Diciembre 17, A. D. de 1856.

YNES ARMENTA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fe, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WILLIAM PELHAM,
Surveyor General.

No. 4.

Notice—Translation.

The surveyor general of New Mexico is hereby notified that under the provisions of the 8th section of the act of Congress, approved 22d July, 1854, entitled "An act to establish the offices of surveyors general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes,"

I, Ynes Armenta, of the county of Bernalillo, in the Territory of New Mexico, for myself, and in the name of Salvador Tafoya, Marcelo Guralé, Gabriel Moya, José Maria Lucero, José Padilla, Sabino Gonzales, José Gallego, Juan Montoya, Jesus Maria Gallego, Pablo Gallego, Francisco Medina, Maria Moya, Jesus Tafoya, Jesus Moya, Manuel Bachica, Jesus Garcia, Dionisio Baca, Jesus Gutierrez, Luis Gonzales, Anatasio Añas, Juan Griego, Antonio Abad Peña, Antonio Abad Gallego, Maria Casillas, Tomas Fresquis, Mateo Ronquillo, Julianita Montoya, Juan Montoya, jr., Vicente Fresquis, José Romero, Sicilio Romero, Vicente Sanchez, Romualdo Gallego, Juan Antonio Mendelaria, José Torres, Miguel Montaña, José Fierros, Alfonso Ysais, Juan Domingo Ysais, Manuel Pared, Simon Griego, José Antonio Zamora, Luis Mares, Mariano Martin, José Armenta, Encarnacion Martin and Juan Rafael Serna, heirs and actual settlers, claim a tract for cultivation and one for pasture, contained within a grant made by the government of Mexico on the 20th day of March, 1841, as will appear by the deed herewith accompanied; the settlement is called the town of Chilili, which has been occupied by the actual settlers for more than fifteen years, and was also in existence at the time of the occupation and possession of the territory by the United States under the treaty of Guadalupe Hidalgo; the present claimants are also the original grantees; the nature of the claim is by a grant from the Mexican government, and we believe said title to be complete and undisputed, its date is the 20th March, 1841, under the authority of

Manuel Armijo, governor and commanding general, and Don Antonio Sandoval, prefect of the third district. This Territory being at that time a department of the Mexican government, under the authority of the laws of said government of Mexico, approved August 18, 1824, and January 4, 1813, concerning the distribution of public lands, and the laws of Spain and those subsequently enacted by the government of Mexico, which laws gave the said officers authority to make such distribution. The area claimed by the settlers of the town of Chililí is four square leagues, more or less, the boundaries of the grant being on the north and with the summits of the ridge; on the east the Cibolo spring; on the west the springs of the Casos, it being understood that there are no conflicting claims; we therefore rely in support of our claims upon the deed we accompany, and will furnish oral testimony, if necessary, to the confirmation of said grant, which we occupy as original grantees.

YNES ARMENTA.

DECEMBER 17, A. D. 1856.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, May 10, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Testimony.

SERAFIN RAMIREZ, upon being duly sworn, answered to the following interrogatories propounded to him in the following manner, to wit:

Question. How many years have you resided in the Territory of New Mexico?

Answer. Seventeen years.

Question. How old are you?

Answer. Thirty-eight years.

Question. Do you know the town of Chililí, and was it settled prior to August, 1846?

Answer. I do; it was settled prior to that time.

Question. Do you know if a grant was made to the town of Chililí and by whom?

Answer. I do; it was made by Manuel Armijo, civil and military governor of New Mexico.

Question. Do you know the signature of Julian Tenorio, and is his signature attached to the certificate of copy of the grant to Chililí genuine?

Answer. I do ; it is his genuine signature.

Question. Do you know Santiago Padilla, Juan Manuel Padilla, Julian Padilla, Francisco Pacheco, Agustin Padilla, Rafael Gallegos, and Luis Salazar ; and are they and their legal representatives the actual settlers and original grantees of the town of Chililí?

Answer. I know all but two, and they and their heirs are the legal settlers of the town of Chililí.

Question. Are the persons mentioned in the notice filed in this office with the copy of the grant of Chililí the legal heirs and representatives of the original grantees to said town?

Answer. They are.

Question. Do you know if a written grant was made to said town, do you know where it is?

Answer. I know that a written grant was made, and have seen it. It has been searched for in the archives of the county, but could not be found, and I believe it to have been lost in the frequent changes made of the accountable officers of that county.

J. SERAFIN RAMIREZ.

Sworn and subscribed before me this 16th day of March, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

MARTIN ESPINOSA :

Question. Do you know the town of Chililí?

Answer. I do.

Question. How long have you known it?

Answer. Since 1843.

Question. Do you know if a grant was made to the town, by whom, when?

Answer. I do ; but do not know by whom nor when.

Question. Was the town in existence in August, 1846?

Answer. It was.

Question. Do you know if the heirs and legal representatives of the original grantees of the town are the present occupants?

Answer. They are.

his
MARTIN × ESPINOSA.
mark.

Sworn and subscribed before me this 16th day of March, 1857.

WM. PELHAM.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 6.

Decision.

This case was filed on the 3d day of January, 1857, and set for trial on the 16th day of March, 1857.

On the 8th day of March, 1841, Santiago Padilla, Juan Manuel Padilla, Julian Padilla, Francisco Pacheco, Agustin Padilla, Rafael Gallegos, and Luis Salazar, for themselves and twenty others, petitioned Manuel Armijo, civil and military governor of New Mexico, for the site known as Chililí, for the purpose of establishing there a permanent settlement. On the 20th March this petition was referred to Antonio Sandoval, senior justice of the third judicial district, with directions to cause the parties to be securely placed in possession of the land petitioned for, with the boundaries therein contained. On the 29th March, 1841, Antonio Sandoval, senior justice, as aforesaid, directed Antonio N. Ruiz to place the parties in possession.

The document acted upon by this office is a certified copy taken from the register's office for the county of Bernalillo, duly certified by the clerk of the probate court, who is by law the register of the county, and the loss of the original is duly accounted for.

The grant is made in conformity with the laws, usage, and customs of the government of Mexico, in force at that time, and the original settlers, and their heirs and legal representatives, have been in the continuous possession of the land from the time the grant was made up to the present day. It is also proven that the town was in existence when the Territory became severed from the government of Mexico and attached to the government of the United States.

The instructions to this office provide "that, the fact being proven of the existence of such city, town, or village, at the period when the United States took possession, may be considered as *prima facie* evidence of a grant to such corporation, or to the individuals under whom the lot holders claim."

Believing the grant made in the year 1841 by Manuel Armijo, the governor of the Territory, to be a good and valid one, and being covered also by the instructions above quoted, the claim is, therefore, confirmed to the town of Chililí, and is transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 1, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 29, 1857.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

Schedule of documents accompanying claim No. 41.

1. Grant ; original Spanish.
2. Grant ; translation.
3. Notice.
4. Testimony.
5. Decision.

CLAIM No. 41—ANTONIO SANDOVAL.

No. 1.

Grant—Original.

NOTA.—Ba en el presente papel comun por no haber en tado este territorio, del sello correspondiente.

Secretario de la Diputacion Territorial del Nueva Mejico :

Certifico yo el infrascripto Secretario de la Exma. Diputacion Territorial Nuevo Mejico que on Libro de Actas de los acuerdos de S. E. A. las 34 fojas se halla una en que consta haberse presentado (sesion del dia 19 de Nove. de 1824) una solicitud de Da Ursula Chavez á nombre y por la auiciencia de su legitimo Esposo D. Antonio Sandoval, cuyo tenor a la Letra es como sigue. Exmo. Sor: Da Ursula Chavez vecina y residente en la Plaza de los Padillas en la jurisdiccion de la Yleta ; a V. E. hace presente: Que mi Esposo D. Antonio Sandoval en el corriente año por medio de una representacion solicitó ante el Señor Gefe, Politico un terreno en la Agua Negra con el objeto de que permanesca en dicho sitio la Hacienda que hace años tiene alli ; mas viendo llegado el tiempo de que indispensablemente debia verificar su marcha mi sitado esposo para la ciudad de Durango, y viendo que nada se habia resuelto sobre su solicitud me previno ocurriese á V. E. como lo verifico. A nombre de mi sitado Esposo como dejo referido ; suplico á V. E. se digne mandar siempre que para ello, no haya dificultad se done á mi Esposo D. Antonio Sandoval en el paraje nombrado de la Agua Negra, una propiedad que conste de una lequa por cada rumbo ; pues las perdidas que mi sitado Esposo está sufriendo solo dimanen de haber caresido hasta ahora de una propiedad en que suficientem^{te} puedan encontrarse reunidos los principales intereses de que consta su corto giro ; á mas de que jamas molestaria á V. E. mi sitado esposo con semejante peticion si no estuviero convensido de que el paraje que solicita no reconoce dueño legitimo ni mucho menos resulta por esta donacion el menor perjuicio á la Prov^a pues este terreno ignoro reconosca alguna Alcaldia de la Prov^a y por lo mismo suplico á V. E. que esta posesion me sea dada por el individuo que V. E.

tenga á bien. San Andres de los Padillas, Noviembre 5, de 1824. Por mandado de Da Ursula Chavez, Francisco Sarracino.

Diputacion Territorial del Nuevo Mejico, 19 de Noviembre, de 1824. Pase esta instancia al Señor Gefe, Superior Politico para que á continuacion de ella informe si conviene ó no accederse á la solicitud á que se refiere, ó si hay impedimento justo y legal para negarsele el terreno que solicita. Bartolomé Baca, Presidente: Antonio Ortiz, Pedro José Perea, Pedro Bautista Pino, Matias Ortiz, Juan Bautista Vigil, Secretario. Exmo. Señor: El ciudadano Bartolomé Baca, Gefe Superior Politico de Nuevo Mejico y Presidente de su Diputacion Territorial A. V. E. hace presente: Que á virtud de la solicitud presentada por Da Ursula Chavez á nombre y representacion de su Esposo legitimo en la sesion de este dia paso en el mismo á manifestar en favor del asunto lo siguiente: Nada, Señor Exmo., puedo interesar mas, á la felicidad de los habitantes de este suelo, como la propagacion de la industria progresiva de la cria de ganados de hasta lanar y caballada, siendo sin comparacion mas anexa cuando esta por los particulares y á costa de esponer sus intereses con ellos mismos, ban cubriendo las fronteras que sirven de obstaculo á la propia industria; mas allanado un paso que hasta la fecha aun al mismo Gobierno le ha sido insuperable resulta un veneficio incalculable á este Territorio con la incomparable providencia de dar propiedad de terrenos para criaderos de ganados mayores y menores en las fronteras de mas consideracion para el resguardo de las poblaciones que conserban un terror panico sus moradores por las hostilidades que con tanta repeticion de sucesos lastimosos sufren sin poder contar por parte del gobierno con la remora de su defensa. Los habitantes de este Territorio aun no conocen todavia las ventajas que les resultan de que los propietarios de rancho en el estado de intereses movientes, sean los que con ellos mismos manifiesten á las tribus de Yndios barbaros que nos rodean, que el poderoso auge de nuestras armas se estiende á ocupar los terrenos que no ha mucho tiempo consideraban como un patrimonio suyo, haciendo respetar solamente el temor, á sus deviles y despresiables armas asegurando á V. E. sin el menor reiso de equivocarme, que las generaciones venideras vendecirán esta tan laudable providencia dada por V. E. en el tiempo de la desolacion y de la miseria en que la tribu Nabajó y otros barbaros creian haber dejado á este presioso suelo. No molestaria á V. E. haciendo estas reflexiones si no las considerara tan oportunas como necesarias para quitar las trabas que por ignorancia ó por malicia se quieren oponer á una providencia tan venefisiosa como necesaria para el fomento de los intereses de estos habitantes, sobre todo de alegar perjuicios imaginarios contra su mismo veneficio e intereses tanto mas recomendables, cuanto que hace muy poco tiempo, que los intereses de este Territorio estaban reconcentrados en uno que otro individuo de no muy aventajadas proporciones; no sucede á la presente E. S. tal desventaja pues por mas que se decante la pobreza de nuestros ciudadanos, tiene este suelo numero considerable de hombres de proporciones de industria y de caudal, que, con la proteccion de veneficas providencias serán el ornamento, y el foco de la riqueza de este continente. Tengo manifestado á V. E. en el informe que estendi (provocado por V. E.) en la solicitud del basto terreno que en el Rio de las Gallinas pidió, y se le concedio, al ciudadano Juan

Estevan Pino, las miras del Supremo Gobierno en la repoblacion de este suelo, y por lo mismo omito su repeticion; contrayendome unicamente á recomendar á V.E. el buen despacho de la solicitud que D^a. Ursula Chavez hace á nombre de su esposo D. Antonio Sandoval quien solam^{te}. pide, en el punto conosido por el Agua Negra, una legua cuadrada, para tener en ella los bienes de campo que poseé: Sube de punto el merito de mi recomendacion, cuanto mas distante se halla dicho terreno de las poblaciones, y del que tengo manifestado á V.E. conviene reser varse en el centro de los Rios Pecos y del Norte; asi por la cortedad de sus aguas como por lo inmediato á todos los pueblos de este Territorio que comunalm^{te}. lo necesitan muy á menudo, y para el tiempo de la intemperie del frio é inbaciones de Indios barbaros y salvajes que le acometen temporalmente. Por todas estas razones, é innumerables que omito por no molestar á V.E. es muy conveniente que con la mayor diferencia vea V.E. la solicitud de D. Antonio Sandoval, y sin perdida de momento se le conceda el terreno que solicita, el que hallandose tan distante de todas las jurisdicciones de este suelo, no se puede ordenar á ninguna de sus autoridades ponga á dicho Sandoval en posesion del terreno que ha solicitado, y por lo mismo puede V.E. comisionar al efecto á Don Francisco Sarracino para que de orden de V.E. asi lo verifique; ó como á V.E. mejor parecerle pueda. Santa Fé, del Nuevo Mejico, 19 de Noviembre de 1824. Bartolomé Baca. Sesion del dia 19 de Noviembre de 1824, libro 2º, fojas 34, parrafo 4º. Se presentó una solicitud pidiendo en ella D^a. Ursula Chavez por au ciencia de su Esposo Don Antonio Sandoval se le conceda en el punto conosido por el Agua Negra, una legua de terreno en cuadro, para que teniendo en ella la propiedad correspondiente, pueda introducir sus intereses ó bienes de campo como lo solicita. Se resolvió despues de haberse oido con agrado el informe que á continuacion estendio el Señor Gefé Politico, se conceda á D. Antonio Sandoval la legua de terreno que solicita en el paraje de la Agua Negra y sin perjuicio de tercero; y que por la Secretarie de esta diputacion se le dé á el interesado el testimonio correspondiente que le servirá de titulo, y con el mismo, y de orden de esta junta pasará Don Francisco Sarracino á dicho punto del Agua Negra y arreglado á lo que ha acordado S.E. pondrá en posesion al referido D. Antonio Sandoval. Bartolomé Baca, presidente; Antonio Ortiz; Pedro José Perea; Matias Ortiz; Juan Bautista Vigil, secretario.

Concuerda fiel y legalmente con los originales de que ha sido sacado el presente testimonio que de orden de S.E. doy á Don Antonio Sandoval vecino de la Plaza de San Andres de los Padillas Jurisdiccion del Ayuntamiento de San Agustin de la Ysleta. Es copia. Santa Fé, del Nuevo Mejico, 21 de Noviembre de 1824.

JUAN BAUTISTA VIGIL, *Srio.*

Derechos del testimonio de estos documentos 20 pesos.

JURISDICCION DE LA YSLETA EN PAJARITO,
Decembre 1º, de 1824.

Ampliando con el antesedente mandato por S. E. la diputacion ter-
 cial de Nº. Mexico, Franº. Sarracino por este auto ordeno á D^a.

Antº. Sandoval se presente para el dia 5 del corriente mes en el ojo de la Agua Negra, cerca del Rio de Pecos para ponerlo en la plena posesion que se le ha concedido. Hagasele saber asi al dicho Dº. Antº. Sandoval para su cumplimiento.

Fº. SARRACINO, *Comisionado*

CAMPO SOBRE EL OJO DE LA AGUA SERCA DEL RIO DE PECOS,
Decembre 5, de 1834.

Franº. Sarracino, Juez Comisionado por S. E. la Diputacion de este Territorio á virtud del Decreto arriba escrito, estando sobre la cabeza del ojo del Agua Negra y no habiendo encontrado impedimento alguno en perjuicio de tercero que pudiera conbarazar la dicha posesion, por en plena y pacifica posesion de dicho sitio á Dº. Antº. Sandoval como suyo propio, señalandole y dandole todo Señoria de una legua por cada rumbo de 5,000 varas castellanas tomando una linea recta desde el dicho ojo al oriente de 5,000 varas, otra igual al Poniente de la misma manera, otra linea recta al Norte de 5,000 varas y otra igual al sur de 5,000 varas que formarán el cuadro correspondiente á la posesion que serán los linderos fijos del dicho sitio de la Agua Negra que en este dia entrego á D. Antº. Sandoval para que use de él como suyo propio siroiendole estos documentos de justo titulo y para toda constancia lo firmé, siendo testigos, Mateo Lopez y Roque Chavez, que por no saber escribir no firmaron.

Fº. SARRACINO, *Comisionado*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office
 DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM, *Surveyor General*

No. 2.

Grant.—Translation.

[NOTE.—The following is written on common paper, there being none of the former seal in all this Territory.]

OFFICE OF SECRETARY OF TERRITORIAL DEPUTATION OF NEW MEXICO.

I, the undersigned, secretary of the most excellent territorial deputation of New Mexico, do hereby certify that at page 34 of the book of proceedings of its excellency, there appears a petition presented by Doña Ursula Chaves, (at the session of the 19th day of November,

1824,) in the name and during the absence of her legitimate husband, Don Antonio Sandoval, the literal tenor of which is as follows: Most excellent sir: Doña Ursula Chaves, native and resident of the town of Los Padillas, in the jurisdiction of Ysleta, represents to your excellency that my husband, Don Antonio Sandoval, during the present year solicited from the honorable political chief, by petition, a tract of land, at the Agua Negra, for the purpose of keeping permanently at that place the stock he has had there for many years; but the time having arrived for my husband to make an unavoidable journey to the city of Durango, and seeing that nothing has been done with his petition, it occurred to me to apply to your excellency, as I now do, in the name of my said husband, as above mentioned, praying your excellency to be pleased to order (provided there is no obstacle in so doing) that a tract containing one league in each direction be donated to my husband, at the place called Agua Negra; the losses my husband is now suffering are occasioned only by not having a sufficient piece of property in which to keep together the principal stock which composes his business. Further, my husband would not trouble your excellency with such a petition were he not satisfied that the land he solicits is not claimed by any legal owner, and no injury whatever will result to this province, as I am not aware that this land is claimed to be under any justice's jurisdiction in the province; and therefore I pray your excellency that the possession thereof be given to me by the individual your excellency may be pleased to designate. San Andres de los Padillas, November 5, 1824. By direction of Doña Ursula Chaves. Francisco Saracino.

Territorial Deputation of New Mexico, November 19, 1824. Let this petition be transmitted to the superior political chief, in order he may report immediately following, if it is convenient or not to grant the petition referred to, or if there is any just or legal impediment to deny him the land that he petitions for. Bartolomé Baca, president; Antonio Ortiz; Pedro José Perea; Pedro Bautista Pino; Matias Ortiz; Juan Bautista Vigil, secretary. Most excellent sir: Citizen Bartolomé Baca, superior political chief of New Mexico, and president of its territorial deputation, represents to your excellency that, in view of the petition presented by Doña Ursula Chaves, in the name of and representing her legitimate husband, Don Antonio Sandoval, and in complying with the directions of your excellency, made in session of to-day, I proceed to report in favor of the matter as follows: Nothing, most excellent sir, can be more interesting to the inhabitants of this land than the propagation of the progressive industry of the raising of horned and woollen cattle and horses, being, without comparison, more important when it is considered that individuals, at the risk of the loss of their property, are covering the frontiers which are an obstacle to that branch; but the overcoming of one obstacle which, up to the present time, the government has not been able to overcome, an incalculable benefit results to the Territory with the incomparable measure of granting land for the raising of stock and sheep on the most favorable frontiers for the protection of the settlements, the inhabitants of which are in constant terror on account of the hostilities

which are so often repeated, attended with so many painful circumstances, without being able to receive any protection from the government. The inhabitants of this Territory are not yet aware of the benefits resulting from the wealthy proprietors with their stock, showing the tribes of barbarous Indians who surround us that the powerful renown of our arm is extended to the occupation of the lands which, not long since, were claimed by them as their inheritance, the fear of their weak and despicable arms alone making them respected. Assuring your excellency, without the least fear of being mistaken, that future generations will bless this laudable step, taken by your excellency at the time when the Navajo and other wild tribes considered that they had laid waste this precious land, I would not trouble your excellency with these remarks did I not consider them appropriate and necessary to remove the prejudices which, through ignorance or malice, are being brought to bear against such beneficent and necessary measures for the welfare of the interests of these inhabitants, under the pretext of urging imaginary obstacles against their own interest and benefit, much more to be recommended when it is considered that not long since the wealth of this Territory was confined to a few individuals without extensive means. Such is not the case at present, your excellency; as although the poverty of our fellow-citizens is always set forth, this Territory contains a considerable number of persons with capital, industry, and means, who, receiving the protection of beneficent measures, would be the ornament and the source of wealth of this continent. I have already stated to your excellency in the report made (by your direction) in reference to the petition of Don Juan Estevan Pino, who asked for and received the large tract of land on the Galinas river, and the views of the supreme government in reference to the re-settlement of this country, which I will not here repeat. Restricting myself only to recommend to your excellency the favorable consideration of the petition made by Doña Ursula Chaves, in the name of her husband, Don Antonio Sandoval, who only asks for one league square at the place known by the name of Agua Negra, for the purpose of keeping his herds there, my recommendation is apparent when it is considered that this land is very far from the settlements, and which, as already stated to your excellency, it is proper to reserve in the centre of the Pecos and Del Norte rivers, on account of the scarcity of water, as well as its immediate vicinity to all the settlements in this Territory, who commonly require it very often on account of the inclemency of the weather and the occasional attacks of the savage and wild Indians.

For all these reasons, and many others with which I will not trouble your excellency, it is very proper that you consider the petition of Don Antonio Sandoval with the greatest deference, and that the land asked for by him be granted without any loss of time, which being situated so far from any jurisdiction in this Territory, none of its authorities can be directed to place said Sandoval in possession of the land he has petitioned for; for which reason your excellency can commission Don Francisco Sarracino to place him in possession, under your direction, or as your excellency may deem most proper.—Sante

Fé, New Mexico, November 19, 1824.—Bartolomé Baca.—Session of the 19th of December, 1824, book 2d, page 34, paragraph 4: A petition was presented by Doña Ursula Chaves, in the absence of her husband, Don Antonio Sandoval, asking for a grant of one league square of land at the place called Agua Negra, in order that, having the proper title thereto, he may take his property and stock there, as he states. It was resolved, after having heard with pleasure the report of the political chief attached thereto, that the grant of one league of land petitioned for by Don Antonio Sandoval at Agua Negra be granted to him without injury to any third party, and that, through the office of the secretary of this deputation, the proper copy be given to the party interested, which shall answer as a title there, and with the same, and by the direction of this body, Don Francisco Sarracino will proceed to the point of Agua Negra, and, according to the directions of its excellency, will place the aforesaid Don Antonio Sandoval in possession.—Bartolomé Baca, president.—Antonio Ortiz.—Pedro José Perea.—Matias Ortiz.—Juan Bautista Vigil, secretary.

The above agrees faithfully and legally with the originals from whence the present copy has been taken, which is given to Don Antonio Sandoval, resident of the town of San Andres de los Padillas, jurisdiction of the corporation of San Austin de la Ysleta, by order of its excellency.—Copy.—Santa Fé, New Mexico, November 21, 1824.

JUAN BAUTISTA VIGIL,
Secretary.

Fees for copying these documents, twenty dollars.

JURISDICTION OF YSLETA,
Pajarito, December 1, 1824.

In compliance with the foregoing mandate of its excellency the territorial deputation of New Mexico, I, Francisco Sarracino, do hereby order Don Antonio Sandoval to present himself on the 5th day of the present month at the spring of the Agua Negra, near the Pecos river, to place him in the full possession granted to him. Let the above be made known to the said Don Antonio Sandoval for his compliance therewith.

FRANCO. SARRACINO,
Commissioner.

CAMP ON THE AGUA SPRING,
Near the Pecos river, December 5, 1824.

Francisco Sarracino, justice commissioned by its excellency the deputation of this Territory, by virtue of the above written decree, being at the head of the Agua Negra spring, and having found no impediment, to the injury of any third party, for granting said possession, I place Don Antonio Sandoval in full and quiet possession of said land, pointing out and giving him full control over one league of 5,000 Castilian varas, in each direction, drawing a direct line from the spring 5,000 varas towards the east, one of the same length towards the west, another direct line of 5,000 varas towards the north, and another of 5,000 varas towards the south, which forms the proper

square to the possession, which are to be the fixed boundaries of the tract of the Agua Negra, which I this day deliver to Don Antonio Sandoval, to be used by him as his own property, this document being a just title to him; and, in testimony thereof, I signed, Mateo Lopes and Roque Chaves being witnesses, who, not knowing how to write, did not sign.

FRANCO. SARRACINO,
Commissioner.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December, 8, 1856.

The foregoing is a translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 19, 1857.

David V. Whiting, whose signature is subscribed to the foregoing certificate, is, and was at the time of subscribing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 3.

Notice.

UNITED STATES OF AMERICA, }
Territory of New Mexico. }

TO THE SURVEYOR GENERAL OF NEW MEXICO: Antonio Sandoval, a citizen of the United States and resident of the county of Bernalillo, Territory of New Mexico, represents to your honor that he is the owner in fee and claimant of a certain tract of land lying and being situate in the county of San Miguel, Territory of New Mexico, and known as the Hacienda de Agua Negra, and bounded on each side, north, south, east, and west, by public lands, and described in the grant as being a square—the spring known as the Agua Negra spring, near the river Pecos, being the centre—and the said grant containing five thousand varas of land in each direction from said spring. And the said Antonio Sandoval, the present and only claimant to said lands, claims the same by virtue of a grant made to him by Bartolomé Baca, governor and political chief of the Territory of New Mexico, of date the 19th day of November, A. D. 1824; and which said grant was, on said 19th day of November, A. D. 1824, confirmed and approved by the provincial deputation of the Territory of New Mexico, and was in conformity to the laws, usages, and customs of Mexico in force at the time of making said grant. Reference is made to the document accompanying this petition, and for authority see Collection of the Decrees and Orders of the Cortes of Spain, published in Mexico,

by Mariano Galvan, in 1829, page 56, and from page 91 to 101; see also Decrees of Mexico of June 4 and September 18, 1823, pages 123 and 180, 2d vol. Coll. of Decrees; see also Ordenanzas de Tierras y Aguas, page —, and Decisions of the Supreme Court of the United States. Your petitioner states that the quantity of land is set forth in said grant, but that he is unable to furnish a plat of survey, as no survey has ever been made, and that he knows of no adverse claimant to said lands; that your petitioner went into possession of said lands, built upon them, cultivated and kept possession of them until he was driven off by the hostilities of the Indians.

He therefore respectfully asks for a confirmation of said grant.

M. ASHURST,
S. M. BAIRD,
Attorneys for Sandoval.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 18, 1857.

The foregoing is a true copy of the original now on file in this office.

WM. PELHAM,
Surveyor General.

No. 4.

Testimony.

DONACIANO VIGIL, being duly sworn, answered to the interrogatories put to him in the above case:

Question. Did you know Bartolomé Baca, and what office did he hold in this Territory in the year 1824?

Answer. I did know him; he was political chief of the Territory.

Question. Did you know Juan Bautista Vigil, and what office did he hold in November, 1824?

Answer. I did know him; at that time he was secretary of the territorial deputation.

Question. Were you acquainted with his handwriting; and how did you become acquainted with it?

Answer. I did know his handwriting; I have often seen him write and sign his name.

Question. Look at the signature affixed to this document, and is it the writing and signature of Juan Bautista Vigil?

Answer. It is the handwriting and signature of that individual.

Question. Did you know Francisco Sarracino at that time?

Answer. I did know him at that time.

Question. Do you know his handwriting and signature affixed to said document?

Answer. I do; and that on said document is his handwriting, and the signatures attached thereto are genuine.

DONACIANO VIGIL.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 19, 1857.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Decision.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 17, 1857.

This case was filed on the 21st October, 1856, and set for trial on 3d day of December, 1856.

On the 5th day of November, 1824, Ursula Chaves, the wife of Antonio Sandoval, in his name, petitioned the political chief for a grant to a tract of land containing one league square, at the place called Agua Negra. The territorial deputation referred the petition to the political chief for his report, which was done on the 19th November of the same year, recommending the grant to be made, which was accordingly done by the territorial deputation on the same day.

The document acted on by this office is a certified copy of the petition and grant made by the secretary of the territorial deputation. The possession given by Francisco Sarracino, by order of the territorial deputation, is original. The signatures are proven to be genuine; and, as the grant is made in conformity to law, and was in the occupancy of the grantee at the time, it is therefore confirmed, and transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 19, 1857.

The foregoing is a correct copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

Schedule of documents accompanying claim No. 43.

- No. 1. Grant—original Spanish.
- No. 2. Grant—translation.
- No. 3. Notice.
- No. 4. Testimony.
- No. 5. Decision.

CLAIM No. 43.—TOWN OF BELEN.

No. 1.

GRANT—ORIGINAL.

S'or Gov'or y Cap'n Gen'l: El Capitan Diego de Torres y Antonio de Salazar, y los demas que abajo firmamos, ante la gradeza de V. S. con el mayor rendimiento devido decimos: que por quanto nos hallamos con cresidas familias y no tenemos tierras comodas para podernos mantener, y tener visto un sitio yermo despoblado, y como tal realengo en el puesto del Rio Abajo, le registramos y pedimos de merced en el real nombre de S. Magestad (Q. D. G.) para poblarnos en él, abriendo tierras de labores las que fueren comodas para ello, y en las que no, poder tener en que pastear nuestros ganados mayores y menores; el que ofrecemos mantener y poblar, segun reales ordenanzas previenan: cuyos linderos son, por la parte del oriente, la Sierra de Landia; y por el poniente el Rio puerco: Por el Norte de una y otra banda del Rio, son lind'os las tierras de Nicolas de Chavez, y las de los vecinos pobladores de N. S. de la concepcion sitio de Tomé; y por el sur, el paraje que llaman de Phpe. Romero, linea vecta hasta tropesar con los linderos que dejo espesados de oriente á Poniente. Lo que siendo V. S. servido de hacernos la merced que pedimos, sin perjuicio de tercero que pueda tener mejor derecho poblaremos cunado dicho es; pues para todo lo cual á V. S. pedimos y suplicamos vendidamente sea muy servido de proveér y mandar como llevamos pedido que en ello recibiremos merced y buena obra. Y juramos en devida forma que este nuestro escrito no es de malisia alguna sino por socorrer nuestras bejaciones. Diego de Torres, Ant'ó de Salazar, Pedro Vigil, Miguel Salazar, Juana Teresa Romero, Lugardo Romero, Juan Ant'ó Salazar, Miguel Salazar, Pablo Salazar, Nicolas Salazar, Manuel Antonio Trujillo, M'a Torres, Salvador Torres, José Antonio Torres, Tadeo Torres, Cayetano, Christoval Torres, Diego Torres, Barb'a Romero, Gabriel Romero, M'a Vigil, José Trujillo, Fran'co Martin, Nicolas Martiniano, Ygn'ó Barrera, Juan Domingo Torres, José Romero, José Tenorio, Juan José de Sandoval, Fran'co Trujillo, Fran'co Kiron, Christoval Naranjo, José Antonio Naranjo, Bme. Torres, Pedro Romero. Merced Real. En la villa de Santa Fé á los quince dias del mes de 9be. de mil setec'tos cuarenta. Yo el Th'e Coronel Gov'r y Cap'n General de este Reyno de la Nueva Mejico, Don Gaspar Domingo de Mendoza, visto el presente escrito por los mencionados en él, devia mandar y mandé se les diese la merced del sitio que piden en nombre del Rey N. S. (Q. D. G.) para que lo Puelben, cultiven y Beneficien para si, sus hijos, herederos, subseores en quien mas derecho tengan sin perjuicio de terceros como lo prometen en su mismo escrito; por lo que ordeno y mando al Alcalde Mayor de la Villa de Alburq'ue. Don Nicolas de Chavez les de la posesion mencionada con las circunstancias y calidades que en tales casos se requieren; con persivimiento q' e como no puede dejar de haber en aquellas inme-naciones otras mercedes reales en que es necesario que á la data y

señalamiento de esta nueva merced se lleben los instrumentos y papeles de los que pudiesen alindar con esta ; para que con mayor claridad se pueda hacer el reparto de ello y diviciones á fin de que en lo presente ni en lo futuro se formen pleitos in discordias : por lo que me parece muy conveniente se observe la forma que se previene. Asi lo provei, mandé y firmé con los testigos de mi asistencia actuando por receptor, á falta de Escribano Real que no lo hay, y en papel comun por no correr otro en este Reyno. D. Gaspar Domingo de Mendoza, Ant'o de Herrero, José Terrus. Queda anotada en mi libro de govno. que para en el archibo de esta capital á fojas 68 v'ta. Santa Fé, y Enero 25, de 1742. Mendoza. En este puesto de N. S. de Belem, jurisdiccion de la Villa de Albuquerque en diez y nueve dias del mes de Dic'e del año de mil selet'os cuarenta yo el Capitan Don Nicolas Duran y Chavez, Alcalde Mayor y Capitan a guerra de dicha villa y Jurisdiccion en virtud del auto del S'or Th'e Coronel Don Gaspar Domingo de Mendoza, Gov'r y Cap'n Gen'l de este Reyno pronunciado el quince del pp'do Nob'e del mismo año en que me manda pase y de Real posesion al capitan diego de Torres en cabeza de todos los mencionados y firmados en el escrito que antecede, por el tenor de su pedimento se les concede en nombre de su Magestad cuyo auto fue intimado por mi orden, á los vecinos y circunvecinos de dichas tierras en las que no hallando ninguna contradiccion sobre lo que pide, pasé á dar la posesion lindando dichas tierras por la parte del Norte con las del capitan Don Nicolas Duran y Chavez, por la del sur afrontado á las ruinas de la casa de Fhpe. Romero : Por el Poniente el Rio Puerco, por lo que mira á la otra banda del Rio del Norte, con el lind'o de los pobladores de la Pura y limpia Concepcion y por el oriente con la Sierra de Santa dia y por el sur con paderes y ruinas de dicha casa del espresado Felipe Pumero y habiendo reconocido dichos linderos con tres testigos de asistencia é instrumentales segun derecho, tomé de lo mano al referido Torres, lo pasie por sus tierras y dio voces, arrancó sacat' tiró piedras é hizo otras demostraciones que en semejantes casos se requieren persiviendo esta posesion en nombre de su Mag'd quieta y pacificamente con los mismos linderos que espresa su peticion en los cuales mandé se pusiesen perpetuas mohoneras, dandosele dichas tierras libres y generalmente con pastos, aguas, abrevaderos, montes resos y costumbres para que las goze, por si sus hijos herederos y sucesores sin perjuicio ninguno y esta real posesion, le sea de bastante titulo, y por ella las goze como dicho es ; puez para que conste lo puse por diligencia siendo testigos instrumentales Bernabé Baca y Baltazar Baca, y los de mi asistencia que lo firmaron con migo actuando como Juez receptor en el presente papel comun por no correr en estas partes el sellado. Ante mi, y como Juez receptor, Nicolas de Chavez. De ass'a, J'n Mig'l Albares del Castillo. De ass'a, Guillermo Sabedra. En la villa de Santa Fé, capital de este Reyno de Nuevo Mejico, a los veinte dias del mes de Julio de mil setecientos cuarenta y dos, yo el Th'e Coronel D. Gaspar Domingo de Mendoza, Gov'r y Cap'n Gen'l de este dicho Reyno por su Mag'd (Q. D. G.) digo que hallandome informado que diferentes vecinos que se incluyen en la presente Merced que se les hizo por mi dicho Th'e Coronel en nombre del Rey N. S. y por cabeza de ella el Capitan Diego Torres devia mandar y

mande que todas las personas que no han ocupado dicha merced y puesto, ni fuesen á ocuparla en el termino de treinta dias que deberan contarse desde el dia de la fecha se les dá or escluidos á la merced y tierras que pudieran tener derecho á ellas si las hubiesen habitado: y que los pertenecientes de tierras á estos que se escluyan si no cumplen con lo ordenado se darán por realengas ó se repartirán en las personas que las habitan debiendo cumplir con lo que sitan las leyes reales sobre poblar y cultivar las tierras: y asi lo provei, mandé y firmé con los de mi asistensia en la forma acostumbrada, y en el presente papel por no haber otro de que doy fé. Don Gaspar Domingo de Mendoza. Festigos, Salvador Martinez y Ant'o Giole.

Es sacado de una copia legalizada de la original que se halla en el archivo de Santa Fé en un libro de Gobierno para los años de 1740, arriba a su fojas sesenta y ocho v'ta.

LUIS DIAS DE LEYAN.

BELEN Y Octubre 4, de 1834.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Grant.—Translation.

TERRITORY OF NEW MEXICO, }
County of Valencia. }

TO HIS EXCELLENCY THE GOVERNOR AND CAPTAIN GENERAL: Captain Diego de Torres and Antonio de Salazar, and the other signers hereto, before the greatness of your excellency with the greatest proper submission state that, whereas we have large families, and having no convenient lands wherewith to support them, and having examined an uncultivated and vacant tract of land at the point of the Rio Abajo, and being unappropriated, we register the same, and petition for a grant in the royal name of his Majesty, (whom may God preserve,) for the purpose of settling thereupon, there being suitable lands for cultivation, and such as is not will answer for pasture grounds for our herds and flocks, which we promise to occupy and settle as required by the royal ordinances. The boundaries of which are: on the east

the Sandia mountain, and on the west, the Puerco river ; on the north, on both sides of the river, the boundary is the lands of Nicolas de Chaves, and those of the adjoining settlers of our Lady of the Concepcion, tract of Tomé ; and on the south, the place called Phelipe Romero, in a direct line until it intersects the boundaries above mentioned, from east to west. Which your excellency being pleased to grant to us as requested, without injury to any third party having a better right, we will settle thereupon, as aforesaid. In view of all which, we humbly pray and request your excellency to be pleased to provide and direct as we request, by doing which we will receive grace and favor ; and we swear in due form that this our petition is not done in malice but for the purpose of overcoming our difficulties.

Diego Torres de Salazar,	Gabriel Romero,
Pedro Vigil,	Maria Vigil,
Mig'l Salazar,	José Trujillo,
Juana Teresa Romero,	Francisco Martin,
Lugarda Romero,	Nicolas Martiniano,
Juan Antonio Salazar,	Ygnacio Barrera,
Miguel Salazar,	Juan Domingo Torres,
Pablo Salazar,	José Romero,
Nicolas Salazar,	José Tenorio,
Manuel Antonio Trugillo,	Juan José de Sandoval,
Maria Torres,	Francisco Trujillo,
Salvadore Torres,	Franco. Hiron,
José Antonio Torres,	Cristoval Naranjo,
Tadeo Torres,	José Antonio Naranjo,
Cayetano Cristobal Torres,	Bartolomé Torres,
Diego Torres,	Pedro Romero.
Barbara Romero,	

ROYAL GRANT.—In the town of Santa Fé, on the fifteenth day of November, one thousand seven hundred and forty, I the lieutenant colonel, governor and captain general of this kingdom of New Mexico Don Domingo Gaspar de Mendoza, having seen the present petition made by the persons therein referred to, should order, and did order, that a grant be made to them of the tract they ask for, in the name of the king, our sovereign, (whom may God preserve,) in order that they may settle, cultivate, and improve the same for the benefit of themselves, their children, heirs, and successors who may have a better right thereto, without injury to any third party, as they promise in their said petition. Therefore, I order and direct the senior justice of the town of Albuquerque, Don Nicolas de Chaves, to give them the possession referred to, under the condition and terms required in such cases ; and there being no doubt of the existence of other royal grants in the vicinity, the deeds and titles of those who adjoin said lands are required to be presented for the fulfilment of this new grant, in order that it may be divided with more propriety, for the purpose of avoiding suits and difficulties at the present time as well as in the future, I deem it proper to conform to the forms which are provided. I have so provided, ordered and signed, with my attending witnesses,

acting by appointment in the absence of a royal notary, there being none, and on common paper, there being none other in this kingdom.

DON GASPAR DOMINGO DE MENDOZA.

ANTONIO DE HERRERA.

JOSE TERRUS.

It is noted in my book of government, on file in the archives of this Capitol, on the reverse of page 68.

MENDOZA.

SANTA FE, *January 25, 1742.*

At this place of our Lady of Belen, jurisdiction of the town of Albuquerque, on the ninth day of the month of December, of the year one thousand seven hundred and forty, I, Captain Don Nicolas Duran y Chaves, senior justice and war captain of said town and jurisdiction, by virtue of the decree of Lieutenant Colonel Don Gaspar Domingo de Mendoza, governor and captain general of this kingdom, promulgated on the fifteenth of November last past, wherein I am directed to proceed to give royal possession to Captain Diego de Torres, as the representative of all the persons mentioned and signed in the foregoing petition; according to the tenor of their petition, a grant is made to them in the name of his Majesty, which decree was published to those adjoining said lands by my order, and there being no objection made to the petition, I proceeded to give possession. Said lands being bounded on the north by those of Captain Don Nicolas Duran y Chaves; on the south, fronting the foundation of the house of Phelipe Romero; on the west, the Puerco river; that portion on the opposite side of the river, with the boundary of the settlers of the pure and limpid conception, and on the east by the Sandia mountains, and on the south by the ruins and walls of the house of the aforesaid Phelipe Romero; and having examined said boundaries with three attending and instrumental witnesses, according to law, I took the aforesaid Torres by the hand and walked with him over the lands, and he cried in a loud voice, pulled up grass, threw stones, and gave other manifestations which are made and provided in such cases, receiving this possession in the name of his Majesty, quietly and peaceably, with the same boundaries contained in his petition; whereon I directed perpetual landmarks to be established, giving him said lands free and with general pastures, water, watering places, timber, uses and customs, in order that he, his children, heirs and successors, may enjoy the same without opposition, and this royal possession to be evidence of a sufficient title, and by virtue of which he shall enjoy the same as aforesaid, and in order that it may so appear, I placed it on record. Bernabi Baca, Ballazar Baca, and those in my attendance being instrumental witnesses, who signed with me as acting judge, on the present common paper, there being none stamped in these parts. Before me, and as acting judge.

NICOLAS DE CHAVES.

Attending:

JOSE MIGUEL ALVAREZ DE CASTILLO.

GUILLERMO SAAVEDRA.

In the town of Santa Fé, one thousand seven hundred and forty two, I, Lieutenant Colonel Don Gaspar Domingo de Mendoza, governor and captain general of this said kingdom, by his Majesty, (whom God preserve,) state that, having been informed that several residents included in this grant, which was made by me, said lieutenant colonel in the name of the king, our sovereign, Captain Diego Torres, being their representative, I should and did order that all such persons who have not occupied such grant and tract, or who shall not occupy the same within the space of thirty days, to be counted from the day of the date hereof, shall be considered as having forfeited their right to the grant and lands to which they would have a right had they occupied the same, and that the holders of land that are hereby forfeited if they do not comply with what has been ordered, their lands shall be considered as vacant, or they shall be given to such persons as occupy them, in compliance with the royal decrees in reference to the settlement and cultivation of lands; and I have so provided, ordered and signed with those in my attendance, in the customary manner, and on the present paper, there being none other, to which I certify.

DON GASPAR DOMINGO DE MENDOZA.

Witnesses:

SALVADOR MANUEL.

ANTONIO GIOLE.

The above is a true, legal copy from the original on file in the archives at Santa Fé, in a government book for the year 1740 and upwards, on the reverse of page 68.

LUIS DIAZ Y LUJAN.

BELÉN, *October 4, 1834.*

TERRITORY OF NEW MEXICO, }
County of Valencia. }

I, J. A. Bazan, a justice of the peace within and for the county of Valencia, certify in due form that the foregoing document, purporting to be the grant of Belén, was found in the records of this office of the precinct of Belén, on this 12th day of January, A. D. 1857; and in testimony thereof, copies alike to the grant of Belén are, one at Manzana and the other at Sabinal.

In testimony whereof, I have hereunto affixed my hand and rubric, in my office, at the precinct of Belén, on said day, month, and year.

J. A. BAZAN, [RUBRIC.]

Justice of the Peace.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, March 7, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 27, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 3.

Notice.

UNITED STATES OF AMERICA, }
 Territory of New Mexico. }

Joachim A. Bassan, Juan Cruz Baca, Antonio José Castillo, and Antonio Chaves, citizens of the United States, and residents of the county of Valencia, Territory of New Mexico, on behalf of themselves and the settlers and residents of the town of Belen, represent that the original settlers of said town, under whom your petitioners hold, became possessed of the said lands appertaining to said town by virtue of a grant made to Diego de Torres de Salazar, Pedro Vigil, and Miguel Salazar, and thirty-two other persons, as original settlers, by Gaspar Domingo de Mendoza, governor and captain general of the Department of New Mexico, on the 15th day of ———, A. D. 1740, which will more fully appear by reference to copy of documents, herewith filed. Said land, as appears by said deed of grant, is bounded as follows: On the east, by the edge of the mountain of Sandia; on the west, by the river Puecco; on the north, on each side of the Rio del Norte, by the lands of Nicolas de Chaves and the lands of the settlers of Tomé; and on the south, the place called ——— Romero, running in a straight line until it crosses the line from east to west.

Your petitioners further state that they cannot show the quantity of land claimed, except so far as the same is set forth in the well-known landmarks bounding said land, nor can they furnish a map or plot of survey of the same, as no survey has ever been made. Your petitioners state that they, and those under whom they hold, have been in peaceable possession after since the execution of said deed of grant, and the time they were put in possession, which will appear by said copies herewith filed; and that your petitioners know of no adverse claims to said lands. For confirmation of the grant, they refer your honor to the laws, usages, and customs of Spain and Mexico in force at the date of said grant.

M. ASHURST,
Pro Petitioners.

The SURVEYOR GENERAL OF NEW MEXICO.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 27, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No 4.

Testimony.

JOSÉ ANNIJO, being duly sworn, answered to the following interrogatories propounded to him :

Question. Where do you reside ?

Answer. In the town of Sabinal, county of Socorro.

Question. Do you know the town of Belen ?

Answer. I do.

Question. How many years do you know the town of Belen to have been in existence ?

Answer. Since I was born.

Question. How old are you ?

Answer. I am sixty-six years of age.

Question. Was the town in existence prior to the 6th of August, 1846 ?

Answer. It was in existence when the United States assumed possession of New Mexico ?

Question. Do you know the petitioners to application to the grant of the town of Belen ?

Answer. They all reside at Belen.

his
 JOSÉ + ANNIJO.
 mark.

Sworn and subscribed before me this 8th day of March, 1857.

WM. PELHAM,
Surveyor General.

LONJINAS DIAZ sworn :

Question Where do you reside ?

Answer. At Belen, in the county of Valencia.

Question. Do you know the town of Belen ?

Answer. I do.

Question. How many years do you know the town of Belen to have been in existence ?

Answer. For 26 years.

Question. Was it settled in the year 1846, when the American troops came into the country ?

Answer. It was.

Question. Do you know Joaquin Buzan, Juan Cruz Baca, Antonio José Castillo, and Antonio Chaves ; and where do they reside ?

Answer. I do ; they reside in Belen.

Question. Are these men the heirs and legal representatives of the original grantees ?

Answer. They are.

Question. How many are the settlers of Belen ?

Answer. Three hundred heads of families, more or less.

LONJINAS DIAZ.

Sworn and subscribed before me, this 8th day of March, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 27, 1857.

The foregoing is a true copy from the original, on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Decision.

TOWN OF BELEN.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, March 8, 1857.

This case was filed on the day of and set for trial on the 8th day of March, 1857.

In the year 1740, Captain Diego de Torres and Antonio de Salazar, for themselves, and in the name of others, petitioned Gaspar Domingo de Mendoza, governor and captain general of New Mexico, for a grant to a tract of land, in what is now the county of Valencia, with the boundaries therein set forth.

On the 9th day of November, 1740, Gaspar Domingo de Mendoza, governor and captain general aforesaid, granted the land in conformity with the request of the petitioners, and directed Nicolas Duran Chaves, senior justice and war captain of the town of Albuquerque and its jurisdiction, to place the parties in possession of the land petitioned for, in accordance with the provisions of the royal ordinances in such cases made and provided, which was accordingly done on the 9th December, 1740.

The documents acted upon by this office are copies of the originals deposited in the archives at Santa Fé, and duly certified by the proper officer.

The testimony taken in the case proves the town to have been in existence when the United States obtained possession of the Territory, and the grant and proceedings had thereon, being in conformity with the laws, usages and customs of the government of Spain in force at that time, the grant to the aforesaid town of Belen is confirmed, and transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 26, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

Schedule of documents accompanying Claim No. 44.

- No. 1.—Grant ; original Spanish.
- No. 2.—Conveyances ; original Spanish.
- No. 3.—Grant and conveyances ; translation.
- No. 4.—Testimony.
- No. 5.—Notice.
- No. 6.—Decision.

CLAIM No. 44.—JOSÉ S. RAMIREZ.

No. 1.

Grant—original.

Sello tercero.

Dos reales.

Para los años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.

Documentos credenciales de los terrenos pertenecientes á los legales pobladores vecinos de Sn. Pedro, en donde constan los pedimtos. de dichos terrenos y concepcion q. se les hizo pr. decreto del Perfecto, al Sor. Juez de Bernalillo Dn. Pedro José Perea, y posesion dada por dicho Juez.—y aprobada por el Govno. en el año de 1840.

Con total arreglo á la Ley 7 tit°. 15°. Parte. 6 corresponden estos Documentos á Dn. Serafin Ram'z por ser el poseedor de mayor propiedad, como lo espresa la Ley citada.

Merc'do en el año de 1839.

Sor. Prefecto de este seg' do Distrito, D. Antonio Sandoval :

Los ciudadanos que abajo se subscriben por si y á nombre de veintinueve individuos, como mas haya lugar á derecho y á nosotros convenga declararnos y patentizamos á V. S. Que no teniendo terreno alguno de tierra de pan llebar, por la mucha escases q. hay en las margenes del Rio Norte por estar cultivadas por los vecindarios ; “ y hallandose vacante y poseionado por mas de cuarenta años el punto nombrado de San Pedro q. segun recibo oficial del Señor Gov'r. D. Facundo Melgarejo fecho de 26 de Febrero de 820, acredita se halla en el Protocolo de archivo del Gobierno de este Departam'to el docum'to testimonial que estaba en nuestro poder, el cual fue reclamado por dicho Sor. en oficio de 24 del mismo Febrero. Y hallandonos necesitados de terreno para la subsistencia de nuestras familias, ocurrimos á la piedad de V. S. como propio de sus atribuciones se nos conceda la nueva poblacion en el punto señalado eceptionando las cualidades de los perversos que perturben el buen orden y otros que se requieren para tales casos de punto á poblacion de nueva radicacion.

En el citado testimonio se demarcan sus linderos por el Norte donde alcanza la legua de San Felipe : al Sur el cañon del Agua ; al oriente el ojo del tuerto y sus ejidos y al poniente las orillas del Rio Norte y siendo q. esta nueva dicha queda en el centro de los ejidos re-

referidos pedimos se nos conceda quedando demarcados con las citas siguientes: por el Norte donde desemboca el arrollo del chimal: por el Sur donde desemboca el arroyo de San Antonito: por el oriente la Sierrita linea del mismo Tuerto: y al poniente la q. corresponde y nombran de Sandia: pidiendo la nominada poblacion los desendientes y ramas de los antiguos pobladores de las Huertas por hallarse desahuyados de terreno como se espresa y que en las aguas, pastos y montes se advierte demasida utilidad: por lo espuesto.

A. V. S. pedimos y suplicamos se sirva tomar en la mayor consideracion todo lo dicho protestando agregar á esta solicitud la lista nominal al tiempo q. se efectue la peticion que á V. S. dirijimos, de lo que recibiremos merced, gracia y justicia. Juramos, &c. Algodones Ag'to 16 de 1839.

RAMON GURULÉ.

JESUS DE MIERA.

BARELAS, Ag'to 17, 1839.

Pase esta instancia al Juez de Paz de Bernalillo agregando á ella la lista nominal de todos los interesados para que en su vista informe circunstanciadamente á esta Prefectura, tanto sobre las cualidades de los solicitantes como si el terreno es comun la distancia de uno á otro terreno, y la comodidad que puede facilitar á los interesados sin perjuicio de tercero, para que en su vista dicta las ulteriores disposiciones de esta Prefectura.

SANDOVAL.

Recibida la instancia en este Juzgado el Sor. Prefecto de este Segundo Distrito D. Antonia Sandoval, Segun decreto de fecha 17 de Mayo q. corre en el cual se me dice por SS'a informe por la solicitud que hacen los interesados á el punto de San Pedro el que se halla contiguo á la ribera de la Sierra que nombran de Sandia distando de este punto de Bernalillo asial oriente la citada cuatro leguas.

Los anotados en la lista que tengo el honor de acompañará V. S'a son de reglada conducta, la distancia de los puntos á que se sugetan segun los nuevos ejidos q. sitan de Sur a Norte legua y media, pocas ó menos de largo y de ancho de oriente á poniente una legua. Las comodidades q. ofrece el espresado terreno son suficientes: Agua, pa. el regadio: tierra de pan llebar sin romper lu necesaria pa. para los anotados, Montes, Maderas y Pastos muy abundantes.

Los referidos en la nominada es efectibo, no tienen ni en donde tirar un grano de mais, varios de ellos tienen numerosa familia, esta causa les obliga á poseer propiedad para la sostencion de lo q. les es á su deber, sujetandose á no desamparar el terreno á menos de que por las autoridades legitimas y competentes sean llamados por invaciones q. ocurran de enemigos.

Todo lo relacionado en el presente. * * * *

Años por los conocimientos q. me acompañan: con lo que queda obsequiado el citado Decreto de V. Sa. en cumplimiento de lo que se me previene. Bernalillo, Agosto 22 de 1839.

PEDRO JOSÉ PEREA.

BARELAS, Agosto 23, de 1839.

Al Juez de paz D. Pedro José Perea para que ponga en posesion á los agraciados en la intelig^a que se les puede dar torreno p^a labrar sin perjuicio de tercero.

SANDOVAL.

En Bernalillo jurisdiccion del mismo á los veinte y siete dias del mes de Noviembre de mil ochocientos cuarenta y cuatro. Ante mi el ciudadano Pedro José Perea, Juez de Paz por el Ministerio de la Ley en la misma jurisdiccion y por ante los testigos de mi asistencia comparecieron por sus propias personas los ciudadanos Juan Nepomuceno Gutierrez, Juan Arce y Antonio Ramirez vecinos de esta de mi cargo doy fé y conosco y dijeron, q. hacian presente á este Juzgado que por cuanto q. se finó el litis que bersaban con Don Juan Armijo en este mismo Juzgado del terreno de San Pedro el dia de ayer veinte y siete del corriente mes segun el juicio consiliatorio que al efecto se formó auto en la fecha ultima ya dicha, me han pedido los interesados me sirviese rebalidarles el documento que por mi antecesor el Juez de Paz cesanta Don Antonio Montoya seles hizo su mil y ochocientos cuarenta por haber tendido el litis que queda referido, con dicho Armijo y por este titulo las otorgo el presente documento con las facultades que me son conferidas por las Leyes, cuya posesion que por mi el Juez actual les fué reintegrada sin perjuicio de tercero (Y por Merced) que se halla autentica por instrumento feaciente, por lo que resulto queda sen en quieta y pacifica posesion los interesados en el mismo terreno y ser la menor de Nuestro Supremo gobierno de la nacion Mejicana que usa de sus propiedades los ciudadanos para al fomento de agricultura, para que sus disenos puedan cercarlos sin perjuicio de los cañadales, trabesias, abrebaderos y serbidumbres, disfrutarlos libre y exclusivamente, y destinarlos al uso ó cultivo que mas les acomode y no podrá famas vincularlos ni pasarlos en ningun tiempo ni por titulo alguno manos muertas ni tampoco podran enagenarlas antes de cinco años quedando demarcados los linderos en los mismos puntos de San Antonio al Chimal de Sur a Norte; y del Serro del Tuerto á la Sierra que llaman de Sandia de oriente á poniente; y para evitar todo disturbio, dudas y contraciones los nominados interesados dentro de un mes ó termino de un año fabricaran sus habitaciones y de no dar este cumplimiento se dará la suerte que se abandonare á otro mas laborioso ó a veneficio de los alli residentes en cumplimiento de las Superiores ordenes en todas sus partes y Decreto de 4 Enero de 1813, vigente en nuestra Republica Mejicana, haciendoseles saver á todos los interesados segun consta en la adjunta lista para que no aleguen ninguna ignorancia; y me suplicaron como Juez de Paz de la ya nominada jurisdiccion autorizara el presente documento con las facultades que por las leyes me son conferidas por derecho, y yo el presente Juez autorizo y firmo con los testigos de mi asistencia con los que actúan por receptoría á notoria falta de escribano Nacional que de ninguna clase lo hay en este Departamento de que di fé.

PEDRO JOSE PEREA.

De assa.,
JULIAN PERIA.

De assa.,
JOSÉ FR'CO MUNIS.

Derechos sin el papel posos lo juro.

Lista de los individuos que deben de poseér el punto de San Pedro.

Tierras para Pastos.				Para Labor.
Criado.	5,000 S.	Criado.	Juan Nepomuceno Guerres.....1	300 vs.
	0. 5,000.		Labor 2,400.	Juan Arce.....1
Antonio Ramirez.....1		300 vs.		
Santiago Ramirez.....1		300 vs.		
Gabriel Gutierrez.....1		300 vs.		
Filomeno Santiesteban.....1		300 vs.		
Criado.	N. 4,000.	Criado.	Ramon Gurulé.....1 son 6	300 vs.
			Josefa Gurulé.....1 2	300 vs.
			Total..... 2 8	2,400 vs.
Total.....21,400 varas.				

BERNALILLO, 27 de 9bre de 1844.

En Bernalillo y jurisdiccion del mismo en veinte y seis dias de Noviembre de mil ochocientos cuarenta y cuatro. Ante mi el ciudadano Pedro José Perea, Juez de Paz actuante por el ministerio de la ley, y ante los de mi asistencia, se presentaron en este Juzgado los ciudadanos Juan Nepomuceno Gutierrez, Juan Arce y Antonio Ramirez vecinos de esta de mi cargo, y el tambien ciudadano Juan Armijo residente en de placer y esponiendo los primeros su demanda verbál sobre el terreno de San Pedro que poseaba dicho Señor Armijo, dijo este que era verdad se hallaba en el y que los documentos que obraban en su favor estaban en poder de D^a. Julian Tenrio y manifestando los repetidos primeros los Suyos quedó muy satisfecho de ellos el Señor Amijo, á lo que este Juzgado obrando con arreglo á la Ley de la materia, les mandé tubieran conciliacion la que verificaron los Señores citados Ramires y Armijo siendo con las ecepciones siguienter : despues de varios puntos con que debatieron el asunto, y son de que el Señor de Armijo solo tiene que esponer de lo que tiene en el repetido punto de San Pedro de las materias que tiene cortadas y que todo el terreno queda en favor de los ya espresados, no tiendo ya el suso dicho Señor Armijo que susitar ni ahora nien ningun tiempo litis alguno sobre lo relacionado ni por si ni otra persona y ante mi el Juez de Paz ya espresado y los testigos de mi asistencia que para el efecto nombre, lo firma con migo el Señor Armijo y los espresados de mi asistencia con los que actuo por recepcion á notoria falta de Escribano Nacional que de ninguna clase lo hay en este departamento en los terminos prevenidos por derecho de que di fé. Pedro José Perea. Juan Armijo. De asistencia, Romanragon. De asistencia, José Emeterio Perea.

Es copia testimoniada sacada del original que queda en el Archivo

de la jurisdiccion de mi cargo y al verla sacar, corregir y enmendar, fueron testigos los repetitos de mi asistencia segun derecho con los que actuo y firmo por la notable falta de escribano como queda referido. Y á pedimento de los interesados di el presente en este Juzgado de Bernalillo á los veinte y siete dias de Noviembre de mil ochocientos cuarenta y cuatro di fé.

PEDRO JOSÉ PEREA.

De Ass'a:
JOSE EMETERIO PEREA.

De Ass'a:
ROMAN ARAGON.

Derechos sin el papel 3 p^a. 6 r^a. lo juro.

Juzgado de Sandia: Habiendo presentado ante este juzgado los ciudadanos Juan N. Gutierrez y Juan Arce han hecho saber á el espresado que teniendo que litigar el terreno de San Pedro con el C. Juan Armijo, me dicen hay varios compañeros y que para saber la certeza de los que alli tienen tierras si los acompañan en los gastos que hubiere en dicho litigio se ballan subscribiendo como asi mismo los que cedan el derecho que alli tenian, para lo que doy esta orden para su verificativo. Bernalillo, D'bre 14, de 1844.

JOSÉ MARIA GUTIERRES.

Concurren con munerario.

Los que ceden.

Contribuyó, Juan Gutierrez.	Cedio, Jesus Mie ^a .
Contrib ^o ., Antonio Ramirez.	Cedio, Juan de los S. S. Lobato.
Contrib ^o ., Y su hijo Sant ^o .	Cedio, José Eucebio Lobato.
Contrib ^o ., Juan Arce.	Contribuyó, Ramon Gurulé.
Contrib ^o ., Filomena Santiestevan.	Contribuyó, Josefa Gurulé.
Contrib ^o ., Y Gabriel Gutierrez.	

Ahabilitado para los años de 1844 y 1845.

SANTA FE, Nobre 29 de 1845.

EXMO. SOR. GOVOR.: José Serafin Ramirez y Casanova repetuosa^l menta, ante la superioridad de V. E. en toda forma de derecho se presenta diciendo: Que por cuanto me hallo legalmte. apoderado por los legales pobladores del citio y punto donado de San Pedro (y como interesado en el relacionado punto) me presento manifestando los documentos de donacion y merced que se hizo Nacionalmte. á mis poderdantes con el objeto de que se sirba V. E. de acuerdo con la Honorable Asamblea rebalidar la aprobacion que con feche del mes de Marzo de 1840 hizo V. E. de la citada donacion la que por un descuido del Juez de Paz D. Anto. Montoya no se agrego testimonio al expediente: Por lo tanto, consecuente á la misma merced, solicitud y LL. de colonizacion (Ley de 4 de Enero de 1813, y 18 de Agosto de 1824,) pedimos se nos aumente por la parte del sur un criadero de ganado mayor que es una legua de 5,000 varas para dentro de ella pastear esclusivamente los animalitos de los vecinos y poceedores por ser esta gracia conforme á las leyes de la materia, como le es muy constante á V. E. de que no pedimos cosas imposibles, siendo sus linderos por el Poniente, Norte y Oriente como se espresa en nuestra solicitud ya Mercenada, por el Sur Las Lagunitas de las Yndies y Sejal

de los facunditos, quedando dentro de dicha donacion las Lagunitas virtientes del Chimal, Alamitos, Madera y San Pedro como espresa nuestra solicitud Mercenada en 1840. Es justicia que impetramos. Juramos no proceder de malicia y lo necesario &c.

JOSÉ SERAFIN RAMIREZ.

SRIA. DE LA JUNTA DEPARTAMTAL. DE N. Mco.,
Santa Fé, Nove. 26, de 1845.

En acuerdo de esta fecha se ha dispuesto por la Exmo. Junta Departamtal. lo siguiente. "Tomada en consideracion la peticion de los pobladores de San Pedro devuelven á S. Excia. el Sr. Gobernador para los fines que ellos solicitan. Rubricado."

TOMAS ORTIZ, *Sr'o.*

GOVNO. POLITICO DEL DEPTO.,
Santa Fé, Nobre. 29 de 1845.

Consecuente á la solicitud por ser conforme á las L. L. de la materia, con acuerdo de la H. Asamblea, queda aprobada y revalidada la Merced y donacion que el Prefecto hizo en 1839, y Peseccion Judicial en 1840. Como tambien es concedida en todas sus clausulas su solicitud.

ARMIJO.
NICOLAS QUINTANA,
Of. 1o.

En el Archibo de este gobierno se halla un borrador de oficio pasada el Alcalde de la Alameda cuyo tenor es el sigte.

Consecuente á decreto del supremo gobierno que ecsiste en el Archibo del gobierno de esta provincia que es á mi cargo relativo á disponer que se reunan al cuerpo de las publicaciones cituadas á las margenes del Rio del Norte, las poblaciones dispersas en los Valles y Montes; y ecsijiendolo en el dia las circunstancias para que se verifique en esta provincia; prevengo á V. que sin perdida de momento nombre una comision del Ayuntamiento. de su jurisdiccion para zue esta en virtud de esta orden haga que los habitantes residentes en las Huertas se bajen á esa jurisdiccion disponiendo V. de acuerdo con dicha corporacion se les proporcione tierras para que verifiquen su cultivo de que cuidará dicho Ayuntamiento avisando me de su recibo y cumplimiento. Dios Abril 23, de 1823. Sr. Alcalde de la Alameda.

Es copia del Borrador original q. obra en esta Sria de mi cargo, lo que certifico. Santa Fé, Mayo 15, de 1847.

DONACIANO VIGIL,
Gobr. Ynto.

En cumplimiento á la orden de V. S. su fha. 23 del corriente Abril acompañado de este cuerpo de Ayuntamiento jurisdiccion de San Carlos de la Alameda el dia 25 del mismo pasé el paraje de los Algodones en donde con anticipacion pasé con todos los pobladores de las Huertas y en comun les hice ver la orden de V. S. á loque todos á una dijeron la obediencia y les comenze á repartir desde el lindero de la

Angostura hasta el arroyo que llaman de Maria Chavez, en donde alcanzó la legua del pueblo de San Filipe advirtiendoles á dichos pobladores fueran redicando sus casas remplazados en dicha tierra para que ballan cultivando la que les corresponde. Al mismo tiempo con acuerdo de este Ayuntamiento participo á V. S. que en este suelo de Bernalillo Corrales y lameda hay mucha gente y con realidad la mas sin tierras y habiendo medido la que hay airiasa en el Pueblo de Sandia se midieron por cordel dos mil docientas y cincuenta varas á mas de la legua del Pueblo de Sandia y presentados los vecinos de Bernalillo que no tienen tierras, á que les dieran este pedazo airiaso y con acuerdo de este Ayuntamiento. participo á V. S. si podré darles dicha tierra, al mismo tiempo hay mas tierra airiasa en el centro del Bosque de dicho Pueblo dicho Bosque es pasteo y leñadero de dicho Pueblo, esto es hablando del Pueblo de Sandia para Bernalillo y del Pueblo para abajo tambien hay tierras airiasas del mismo Pueblo fuera de la Legua que compondrá otro tanto de terreno poco mas ó menos por lo que participo á V. S. si podré si podré repartirlas ó nó. Dios guarde á V. S. muchos años. Bernalillo, 28 de Abril de 1823. Pedro José Perea. Sr. Gobor. D. José Antonio Viscarra.

Otra: Quedo intenido de su oficio de V. de 28 del corriente, y está bien cuanto ha hecho en el repartimiento de las tierras airiasas dandolos á los que nó tienen donde sembrar, y respecto de que aun todavia hay sobrantes de las tierras de la Legua de los de Sandia puede V. darlas á los individuos de que habla en su citado oficio en el concepto de que si la que hay en el Bosque considera se signe perjuicio á los de Sandia por ser donde hace leño puede V. omitir la donacion. Dios Abril 30, de 1823.

Son copias del original y borrador que obran en esta oficina de mi cargo lo que certifico. Santa Fé, Mayo 15, de 1847.

DONICIANO VIGIL,
Gobr. Into.

IN THE CIRCUIT COURT,
June Term, 1847.

JOSÉ MA. MIERA }
vs. } *Ejectment.*
SERAFIN RAMIREZ. }

And now comes into court the plaintiff, and with counsel and the defendant in his own right, and as agent for the other owners of San Pedro, and with counsel issue joined; whereupon comes a jury of jurors, to wit: Benito Larregote, José M^a. Sanchez, Miguel Pino, Nicolas Quintano, Felix Garcia, Ygnacio Guevara, Miguel Lucero, Lewis Constant, Ygnacio Sylva, Joseph Punling, Jesus M^a. Baca, and Herbert Goslan, who, being duly sworn, do on oath say: El jurado procedier á la veccion de presidente y de ello resultado electo Don Benito Larregote. En seguida discutio al asunto y formado votacion y resolvio por una generalada en favor de Don Serafin Ramirez.

BENITO LARREGOTE,
President.

SANTA FÉ, *January 1, 1849.*

I certify the above is a true copy from the original.

[L. S.]

J. M. GIDDINGS, *Clerk.*
By T. B. GIDDINGS, *D. C.*

SURVEYOR GENERAL'S OFFICE,
Translator's Department, Santa Fé, New Mexico,
September 24, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Conveyances—Original.

En la ciudad de Santa Fé capital del Departam'to de Nuevo Mexico á los nueve dias del mes de Septiembre de mil ochocientos cuarenta y seis años ante mi el ciudadano Tomas Ribera, alcalde segundo del nuestro ayuntamiento y Juez de primera instancia del Distrito ambos por ministerio de la Ley con los instrumentales que al fin se dominarán y los de asistencia con quienes actuo por rectoria comparecieron presentes el S'or D'n Santiago Ramirez y Don Serafin Ramirez el primero vecino de la jurisdiccion del Placer y el segundo de esta de mi cargo y dijo el primero S'or Ramirez que por cuanto tiene recibido del S'or Ramirez y casanova la cantidad de ochenta pesos por ella le ha vendido toda la accion que tiene en el Rancho de San Pedro que ha adquirido por donacion y posecion adquerida legalmente con total arreglo á las leyes de colonizacion no haciendo la entrega al referido S'or Ramirez y Casanova de traspasos y documentos ni de derechos del terreno y propiedad que le he vendido en razon de no haberse acabado de repartir pero que desde hora le hace entrega formal de todas las tierras abiertas de Pan llebar y de las que no lo estan de que me hallo ya en posecion pues como llebo dicho desde ahora pertenece al S'or Ramirez y Casanova cuanto á mi pertenescas pertenecer pueda concluido el reparto de las tierras de pan citios y ejidos del Rancho de San Pedro quedando por esta escritura autorizado para reclamar concluido el reparto tanto los documentos que deben entenderse (á él á mi nombre por pertenecerle como legitimo dueño y comprador) como todo lo demas conserniente á la pacifica posecion de su

propiedad no quedandome á mi un palmo de tierra ni derecho que antes tenia como accionista del Rancho de San Pedro quedando por esta escritura traspasado todo mi derecho en el comprador las acciones del Rancho de San Pedro son seis cuyos accionistas D'n Juan Gutierrez, Da. Filomena Santiestevan, D'n Gabriel Gutierrez, D'n Juan Arce su Padre del vendedor, D'n José Antonio Ramirez y el vendedor de su accion Santiago Ramirez son los unicos accionistas que hay, entrando en lugar del ultimo el comprador, diciendo el vendedor que teniendo recibido el valor de su accion á su satisfaccion y contento de todo le hace entrega formal con sus derechos usos y costumbres sin que nadie pueda interrumpirle su posesion ni alegarle derecho alguno á ella es libre de hipoteca como de cualesquiera otro grabamen y sus herederos no podran alegar derecho alguno á ella por que de su valor esta recibido y que si mas vale ó valer pueda le hace gracia y donacion ; otorgandole la presente escritura en el presente papel comun por no haber del que corresponde obligandose la parte compradora tan luego como lo haiga agregarlo asiado y para la debida constancia con migo el Juez referido firmaron el otorgante instrumentales que lo fueron los ciudadanos Manuel Baca y Delgado, José Maria Vrangá y Eugenio Lobato, y los de mi asistencia con los que doy fé.

TOMAS RIBERA.
SANTIAGO RAMIREZ.

Ynst'l.
JUAN ARCE.

Ynst'l.
JOSE DEL BALLE.

Ynst'l.
EUGENIO LOBATO.

Derechos sin el papel tres pesos lo juro.

Por el presente documento conste que le he vendido á Don Serafin Ramires docientas varas de tierra de pan llevar en el punto de San Pedro y demas tierras iriasas que me corresponden á una accion que tengo como poseedor con titulo y buena fé y conforme la ley de colonizacion de 4 de Enero, de 1813, dicha posesion y accion que tengo de propiedad en dicho punto para enagenarla se la he vendido al S'or Ramirez por el precio de noventa y ocho pesos en plata acuñada que tengo ya recibida á toda mi satisfaccion y contento y si mas vale ó valer pueda le hago gracia y donacion, pura, mera, perfecta é irrevocable, pues por este documento le doy todo Señorío regalías, usos y costumbres que yo disfructaba en dicha terreno. Y para que este terreno y Escritura quede legalmente autorizada la firmo con dos testigos presentes que lo fueron Don Juan Arce y Don José del Valle, a los viente y nueve dias del mes de Septiembre de mil ochocientos cuarenta y seis.

GABRIEL GUTIERRES.

Test'o.
JOSE DEL VALLE.

Test'o.
JUAN ARCE.

Le rebibo Juram'to este dia 22 de N'bre, del A. D. de 1850.

FRAN'CO ARANDA, *Alcalde.*

1° Territ°. de N. M. Condado de Santa Fé.

[SELLO.]

En el real de San Francisco á los seis dias del mes de Sepbre. de mil ochocientos cuarenta y seis. Por ante mi y los de mi asistencia, yo el Juez de Paz de esta jurisdiccion ciudadano Julian Tenorio fueron presentes en este mi juzgado los ciudadanos Juan Gutierrez y Leonardo Ramirez y Casanova de quienes doy fé y conosco diciendo el primero que por convenirle asi á su derecho vendia y vende en venta Nacional al Sr. Ramirez la accion que tiene en el Rancho llamado de San Pedro como uno de los seis accionistas que solo se reconocen en dicho Rancho los que deben ser considerados con iguales partes siendo tierra labrantias ya de pan llebar doscientas varas y lo demas iriaso ; para que el referido Sr. Ramirez tenga el justo titulo de legitima propiedad le estiende el Sr. Gutierrez la presente escritura para que use de la accion de le pertenece y que le ha vendido por la cantidad de ciento diez pesos los que ha recibido á su satisfaccion y contento, manifestando ante este juzgado que si mas vale ó valer pueda la relacionada—tierra le hace gracia y donacion de la demasia pura, mera, perfecta é irrevocable que el derecho llama intervivos dejando sin derecho por esta Escritura al relacionado terreno á sus hijos y subse- res, y para la debida constancia firmó con migo y los testigos de mi asistencia instrumentales que lo fueron los ciudadanos Juan Arce, Antonio Ramirez, y Gabriel Gutierrez de todo doy fé. Septiembre amendado vale.

JULIAN TENORIO.

JUAN NEP'NO. GUTIERRES.

Ynstrum'l: JUAN ARCE, assa.
ANTONIO MONTOYO.
JOSÉ DEL BALLE, assa.

Otro si: Se aumenta en esta escritura cuarenta pesos que por un equivoco involuntario dejaron de espresarse que recibí mas de la compra siendo la total suma ciento cincuenta pesos lo que importó la accion ante dicha, doy fé.

JULIAN TENORIO.

JUAN NEP'NO. GUTIERRES.

Ynstrum'l: JUAN ARCE.
A. MONTOYA.
JOSÉ DEL BALLE.

Derechos quedando oblig'do á la reposicion de papel que corresponde tres pesos lo juro.

SAN PEDRO, Enero 3, de 1847.

Traspaso esta escritura en favor de D'a Maria Antonio Sandoval por razon de tener recibido su valor del importe del Terreno incluido el de Filomena Santiestevan que era.

LEONARDO RAM'S.

Test'o: JOSE CHAVEZ.
JUAN BAROS.

En el punto de San Pedro á los viente y cinco dias del mes de Enero de mil ochocientos cuarenta y nueve. Digo yo Ramon Gurulé

ante tres testigos que lo son Juan Arce, Leonardo Ramirez y José Chavez que he vendido al Sr. Don Serafin Ramirez dos acciones en el rancho de San Pedro que tubimos por donacion en el citado rancho mi hija M'a Josefa y yo en el año de 1839 dichas acciones de tierra y sitio del espresado punto como se espresa en la Merced que se nos hizo hemos vendido con nuestra entera voluntad sin apremiados de ninguna manera y por el precio y cantidad de doscientos pesos que tenemos recibidos á nuestra satisfaccion y contento siendo nuestra unanime voluntad de los vendedores que si mas valen ó valer puedan dhas. dos acciones le hacemos gracia y donacion pura, mera, perfecta e irrevocable que el derecho llama intervivos, espresando que estas dos acciones son distribuidas en proporcion de ocho agraciados que solo quedamos en el espresado—terreno del que constan sus linderos en la Merced que se cita y posecion judicial, siendo unicos poseedores el vendedor y vendedora, Antonio Ramirez, Gabriel Gutierrez, Juan Gutierrez y Filomena Santiestevan pues tambien hay que advertir que el vendedor y vendedora quedan esconerados de toda denda con D. Serafin Ramirez y para Const'a lo firmamos en el citado punto hoy dia, mes, y año citados con intervencion judicial.

M'A JOSEFA GURULÉ.
RAMON GURULÉ.
JUAN ARCE.

Testigo: LEONARDO RAMIREZ.
JOSE CHAVEZ.

Testigo: JUAN BAROS.

Territorio de N. M., Condo. de Santa Fé, Les recibí juramento esto dia 22, de Nbre. del A. D. de 1850.

FRANCISCO ARANDA, [SELLO.]
Alcalde.

En San Pedro, yo Juan Arce, en union de mi Esposa Ma. del Refugio Garcia conste por la presente Escritura que hemos vendido al Señor D. Serafin Ramirez Casanova todas las tierras usos, costumbres acciones y derechos que teniamos por Nacional donacion que se nos hizo en este punto con arreglo á las Leyes de colonizacion, dicha posecion latubinos concedida en el año de 1839 la que hemos vendido como dho. es, por el precio y cantidad de ciento quince pesos en dinero usual y corriente, la espresada cantidad la recibimos á nuestra satisfaccion y contento y si dha. propiedad vendida vale mas, ó valer pueda la hacemos gracia y donacion de ella al citado Sor. Ramirez, pues desde hoy traspasamos nuestra propiedad que teniamos en este punto en favor del Sor. Ramirez para que pueda gozarle perpetuamte. por si, sus herederos y subesores, pues se le damos libre da censo é hipoteca como de cualesquiera otro grabamen: Y para la debida seguridad suplicamos al Sor. Alcalde interpuciera su autoridad para mas fuerza y balidacion de la presente Escritura la que firmamos con él y dos testigos presentes en San Pedro á los veinte y tres dias del mes de Diciembre de mil ochocientos cuarenta y ocho.

JUAN ARCE.
REFUGIO GARCIA.

Testigos: JUAN BAROS, +
JOSE CHAVEZ. +

Territo. de N. M., Condo. de Santa Fé, Les tomé juramto, este dia 22 de Nbre. del Año de D. de 1850.

FRANCISCO ARANDA, [SELLO.]
Alcalde.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM, *Surveyor General.*

No. 3.

Conveyances.—Translation.

GRANT TO SAN PEDRO.

Title deeds to the lands belonging to the legal settlers, residents of San Pedro, containing the petitions for said lands, and the grant made to them by decree of the prefect to the justice of Bernalillo, Don Pedro José Perea, and possession given by said justice, and approved by the government in the year 1840. In entire conformity with the law, the 15th title, 15th paragraph 6. These documents belong to Don Serafin Ramirez, as the owner of the largest amount of property, as provided in the law above mentioned. Granted in the year 1839.

ALGODONES, *August 16, 1839.*

The undersigned citizens, for themselves, and in the name of twenty individuals, in the manner most conformable to law, and most convenient to us, represent and state to your excellency, that having no land suitable for the cultivation of corn, on account of its scarcity on the banks of the Rio del Norte river, which is all cultivated by the residents there. The site called San Pedro being vacant, and having been possessed for more than forty years, which, according to the official certificate of Governor Don Facundo Melgare, dated February 26, 1820, showing the certified copy of the original, which was in our possession, to be on file in the archives of the government of this department, which was claimed from us by said governor, in a communication, the 24th of said February, and requiring lands for the support of our families, we apply to the piety of your excellency, and as within the scope of your authority to grant us the new settlement at the place above mentioned, excluding all such evil minded persons as disturb

the peace, and others, in such cases provided in reference to newly established settlements.

In the aforesaid certified copy, the boundaries set forth are: on the north, the terminus of the league of San Felipe; on the south, the cañon del Agua; on the east, the Ojo del Tuerto, and its commons; and on the west, the banks of the Del Norte river; and as this new grant will be in the centre of the aforesaid commons, we pray that the grant be made to us with the following boundaries: on the north, to the outlet of the arroyo (gully) of Chimal; on the south, to the outlet of the arroyo (gully) of San Antonio; on the east, the little mountain on a line with the said Tuerto; and on the west, the one belonging and styled Sandia. The petitioners for said grant being the descendants of the actual settlers of Las Huertas, who are without lands as aforesaid, and great benefits being derived from the pasture, water, and timber.

Therefore, we pray and request your excellency to take under your serious consideration what has been herein stated; binding ourselves to attach hereto the list of settlers, so soon as the petition addressed to your excellency shall have been completed, by which we will receive grace, favor, and justice. We swear, &c.

JESUS DE MIERA,
RAMON GURULÉ.

To DON ANTONIO SANDOVAL,
Prefect of this Second District.

BARELAS, August 17, 1839.

This petition is referred to the justice of the peace of Bernalillo, who will attach thereto the list of all the parties interested, in order that they may make a full report to this prefecture concerning the character of the petitioners, as well as if the land is public, the distance from one boundary to the other, and the conveniences it may offer to the parties interested, without injury to any third party in order; that seeing the same, this prefecture may issue such instructions as may be necessary.

SANDOVAL.

BERNALILLO, August 22, 1839.

The petition referred to this office by the prefect of this second district, according to the decree of the 17th instant, has been received at this office; in which I am required by his excellency to report on the petition of the parties interested for a grant at San Pedro, which is situated on the edge of the mountain called Sandia, distant from Bernalillo four leagues to the east.

The individuals contained in the list which herewith I have the honor to transmit to your excellency are well behaved; the distance from point to point, according to the new commons to which they refer, is, from south to north one and one-half leagues, more or less, in length; from east to west one league. The conveniences to be found on said lands are sufficient. Water for irrigation; lands for the cultivation of corn, without trespassing upon those required for the above mentioned; wood, timber, and pasture in great abundance.

It is true that the persons contained in the list have not wherein to throw a grain of corn ; many of them have large families ; this cause compels them to own property for those which duty requires them to support ; obligating themselves not to vacate the land unless they are required by the competent and lawful authorities to repel invasions of the enemy.

All contained in the within (two) years, by the experience which I have acquired, with which your excellency's aforementioned decree, the requirements of which are complied with.

PEDRO JOSÉ PEREA.

BARELAS, *August 23, 1839.*

To Don Pedro José Perea, justice of the peace, who is required to place the grantees in possession, on condition that lands may be given to them for cultivation, without injury to any third party.

SANDOVAL.

In Bernalillo and the jurisdiction thereof, on the 27th day of the month of November, one thousand eight hundred and forty-four, before me, citizen Pedro José Perea, justice of the peace, according to law, within said jurisdiction, and before my attending witnesses, personally appeared citizens Juan Nepomuceno Gutierrez, Juan Arce, and Antonio Ramirez, residents of this jurisdiction under my charge, whom I certify to be known to me, and they stated that they represented to this court that the suit they had against Don Juan Armijo in the court for the lands of San Pedro having terminated yesterday, the 26th instant, according to the compromise which was effected, and sentence given accordingly on the date last above mentioned. The parties interested have requested me to revalidate the document extended to them by my predecessor, the late justice of the peace, Don Antonio Montoya, in the year one thousand eight hundred and forty, on account of the above-mentioned suit with the said Armijo, and by this title I do execute this document by virtue of the authority conferred upon me by law, the possession of which was guaranteed to them by me, the acting justice, without injury to any third party, (and by grant,) as will appear by authenticated documents, by which it was declared that the parties interested should retain quiet and peaceable possession of said lands ; and our sovereign government of the Mexican nation being desirous that the citizens should make use of their property for the advancement of agriculture, and that their owners be enabled to enclose them without obstructing the cañons, highways, watering places, and servitudes ; and that they enjoy the same freely and exclusively, and make such use or cultivation of them as they may deem most convenient, and they are forever prohibited from entailing the same, or conveying them under title of mortmain ; neither can they dispose of them before the expiration of five years, the boundaries being established at the same points, from San Antonio to Chimal, from south to north, and from the Tuerto mountains to the mountain called Sandia, from east to west ; and in order to avoid all disturbance, doubt, and disputes, the parties interested, within the exact period of one year, shall construct their habitations ; and, failing to comply herewith, the portion which is

abandoned shall be given to another more industrious, or shall remain for the benefit of those residing there, in compliance with the superior orders, in all their parts, and the decree of January 4, 1813, in force in our Mexican republic, making it known to all the parties interested as contained in the adjoining list, so that they may not plead ignorance; and, as justice of the peace of the aforementioned jurisdiction they prayed me to authenticate this document, by virtue of the authority legally conferred upon me by law; and I, the present justice, authenticate the same, and sign with my attending witnesses, with whom I act by appointment in the absence of a national notary, there being none of any description in this department, to which I certify.

PEDRO JOSÉ PEREA.

Attending: JULIAN PEREA.

Attending: JOSÉ FRANCISCO MUÑIZ.

Fees, without the paper, five dollars.

I swear it. (Rubric.)

List of the individuals who are to possess the place of San Pedro.

Lands for pasture.	Names.	For cultivation.
5,000		
5,000		
4,000		
Total...21,400 varas		
5,000	Juan Nepomuceno Gutierrez..... 1	300 varas.
5,000	Juan Arce..... 1	300 "
5,000	Antonio Ramirez..... 1	300 "
5,000	Santiago Ramirez..... 1	300 "
5,000	Filomena Santiesteban..... 1	300 "
5,000	Gabriel Gutierrez..... 1	300 "
5,000	Ramon Gurule..... 1 are 6	300 "
5,000	Joseph Gurule..... + 1/2 + 2	300 "
5,000	Total..... 8	2,400 "

BERNALILLO, November 27, 1844.

(Rubric.)

(Rubric.)

At Bernalillo and the jurisdiction thereof, on the twenty-sixth day of November, one thousand eight hundred and forty-four, before me, citizen Pedro José Perea, justice of the peace, acting by virtue of law, and before those in my attendance, appeared before this court citizens Juan Nepomuceno Gutierrez, Juan Arce, and Antonio Ramirez, residents of this jurisdiction under my charge; also citizen Juan Armijo, resident of the Places; and the first parties having stated their verbal suit for the land of San Pedro, which was in the possession of the said Mr. Armijo, the latter stated that it was true that he was in possession of it, and that the documents in his favor were in the hands of Don Julian Tenorio, and the parties of the first part having shown theirs, Mr.

Armijo was perfectly satisfied with them ; whereupon, this court acting in conformity with the law upon the subject, I directed them to effect a compromise, which was effected by the aforesaid Messrs. Ramirez and Armijo, with the following exceptions, which were discussed on several points, which are, that Mr. Armijo can only dispose of certain timbers which he has cut at the aforesaid place of San Pedro, and that all the lands shall remain for the benefit of the parties aforementioned, Mr. Armijo having no right for himself or other person now or hereafter to institute suit for what is hereinbefore stated, and before me, the Justice of the peace aforesaid, and the witnesses in my attendance, which for the purpose were appointed. Mr Armijo signed with me and those in my attendance, with whom I act by appointment in the well-known absence of a national notary, there being none of any description in this department within the terms provided by law, to which I certify.

PEDRO JOSÉ PEREA.
JUAN ARMIJO.

Attending: ROMAN ARAGON.
Attending: JOSÉ EMITERIO PEREA.

The above is a certified copy taken from the original on file in the archives of the jurisdiction under my charge ; and those who were present when it was made, corrected, and amended, were the aforesaid witnesses in my attendance according to law, with whom I act and sign in the known absence of a notary, as above stated, and at the request of the parties interested. I give this at the justices' court at Bernalillo, on the twenty-seventh day of November, one thousand eight hundred and forty-four. I certify.

PEDRO JOSÉ PEREA.

Attending: JOSÉ EMITERIO PEREA.
Attending: ROMAN ARAGON.

JUSTICES' COURT OF SANDIA :

Citizens Juan N. Gutierrez and Juan Arce having presented themselves before this court, stating that, being compelled to institute suit for the lands of San Pedro against citizen Juan Armijo, informing me that there are several associates, and in order to ascertain who are the owners of land there, and if they will contribute in paying the expenses which may be incurred in said suit, that they subscribe for that purpose, and also to ascertain those who relinquish their rights hereto, whereupon this order is issued for the purpose of ascertaining the same.

JOSÉ MA. GUTIERREZ.

BERNALILLO, October 14, 1841.

Those who contributed with money :

Contributed, Juan N. Gutierrez.
Contributed, Antonio Ramirez.
Contributed, and his son Santos.
Contributed, Juan Arce.
Contributed, Filomena Santiesteban.

Contributed, Gabriel Gutierrez.

Contributed, Ramon Gurulé.

Contributed, Josefa Gurulé.

Those who relinquished their rights :

Relinquished, Jesus Miera.

Relinquished, Juan de los S. S. Lobato.

Relinquished, José Eusebio Lobato.

José Serafin Ramirez y Casanova respectfully appears before your excellency, in due form of law, and states : That whereas I am legally appointed attorney by the lawful settlers of the site and place of San Pedro, which has been granted, (and as a party interested in said site,) I present myself, exhibiting the title deeds of the grant and donation, which were nationally made and executed to my clients, in order that your excellency, in conjunction with the honorable assembly, may revalidate the approval of the grant given by your excellency in the month of March, 1840, which, through the neglect of Don Antonio Montoya, justice of the peace, a certified copy thereof was not attached to the proceedings. Therefore, in accordance with said grant, petition, and colonization laws, (laws of January 4, 1813, and August 18, 1824,) we ask that it be increased on the south, for a stock range, one league, containing 5,000 varas, in order to pasture exclusively the few animals of the residents and holders of land, which is in conformity with the laws governing the case, as it is well known to your excellency that we do not ask impossibilities ; the boundaries on the north, west, and east being the same as those set forth in the aforementioned petition which has been granted ; on the south, "Las Lagunitas de los Yndios" and the "Ceja de las Fecunditas," the lagunitas, flowings of the Chimal, Alamitos, Madera, and San Pedro, being within the grant as expressed in our petition granted in 1840. Justice is what we impetrate. We swear not to act in malice, and in whatever may be necessary, &c.

JOSÉ SERAFIN RAMIREZ.

SANTA FE, *November 29, 1845.*

POLITICAL GOVERNMENT OF THE DEPARTMENT,
Santa Fé, November 29, 1845.

In accordance with the petition, which is conformable to the laws governing the case, with the consent of the honorable assembly, the donation and grant made by the prefect in 1839, and judicial possession in 1840, are approved and revalidated, the clauses in the petition being also granted in all their parts.

ARMIJO.

NICOLAS QUINTANA,

Secretary.

OFFICE OF THE SECRETARY OF THE

DEPARTMENTAL ASSEMBLY OF NEW MEXICO,

Santa Fé, November 26, 1845.

The most excellent departmental assembly, in session of to-day, has provided as follows :

The petition of the settlers of San Pedro having been taken into consideration, let it be returned to his excellency the governor for the purpose which they petition for.

Rubricked.

THOMAS ORTIZ,
Secretary.

In the archives of this government is to be found the rough copy of an official communication addressed to the alcalde of Alameda, the contents of which are as follows :

By virtue of a decree of the supreme government, on file in the archives of the government of this province under my charge, relative to requiring the settlements scattered through the mountains and valleys to attach themselves to the body of settlements situate on the Rio del Norte, and the present circumstances requiring the order to be carried into effect, I direct that, without loss of time, you appoint a committee of the corporation of your jurisdiction, who, by virtue of this order, will cause the inhabitants residing at Las Huertas to remove to your jurisdiction ; and, in conjunction with the corporation, you will provide lands for them to cultivate, which said corporation will see is done, informing me of its receipt and execution.

God, &c., April 23, 1823.

To the Alcalde of Alameda :

The above is a copy of the original which is on file in this secretary's office under my charge, to which I certify.

DONACIANO VIGIL,
Acting Governor.

SANTA FE, May 15, 1847.

To his excellency Governor Don José Antonio Visearrar :

In obedience to your excellency's order of the 23d inst., in company with the body corporate of this jurisdiction of San Carlos de la Alameda, I proceeded on the 25th instant to the place of Los Algonos, when, according to previous notice, I proceeded to inform all the settlers of Las Huertas, collectively, of the contents of your excellency's order, to which they all in one voice answered that they would obey ; and I commenced to distribute to them from the boundary of Angostura to the gulch (arroyo) called Maria Chavez, which is the terminus of the league of the pueblo of San Felipe, notifying said settlers to commence the erection of their buildings on the lands which have been substituted, in order that they might proceed with the cultivation of such as belonged to them. At the same time, in conjunction with this corporation, I inform your excellency that a great many persons reside at Bernalillo, Corrales, and Alameda, the most of whom are in fact without lands, and having measured that which is vacant at the Pueblo of Sandia, two thousand and fifty varas were measured by cordel, (a cord containing fifty or one hundred varas,) beyond the league of the Pueblo of Sandia, and the residents of Bernalillo who own no lands, having presented themselves asking for this vacant

land, and in conjunction of this corporation your excellency is requested to state if it can be given to them. At the same time there is more vacant land in the centre of the grove (bosque) of said pueblo; this grove is used for purposes of pasture and obtaining wood for said pueblo, that is to say, from the Pueblo of Sandia to Bernalillo; and below the pueblo there is vacant land of the pueblo, beyond their league, which contains the same amount, more or less, which I request your excellency to inform me if it can be distributed or not. God preserve your excellency many years.

PEDRO JOSÉ PEREA.

BERNALILLO, *April* 28, 1823.

Another.—I am informed of the contents of your communication of the 28th inst., and you have done well in regard to the distribution of the vacant lands, giving them to those who have no place to cultivate; and in regard to there being yet more land beyond the lands of the league of Sandia, you can give them to the individuals mentioned in your communication, on the condition that if, in regard to the grove, it is considered that any damage will accrue to those of Sandia, being where they obtain their wood, you may omit making the grant.

The above is a copy of the original and rough copy which are on file in this office under my charge, to which I certify.

DONACIANO VIGIL,
Acting Governor.

SANTA FE, *May* 15, 1847.

IN THE CIRCUIT COURT, JUNE TERM, 1847.

JOSE MA. MIERA }
vs. } *Ejectment.*
SERAFIN RAMIREZ. }

And now comes into court the plaintiff, and with counsel, and the defendant in his own right and as agent for the other owners of San Pedro, and with counsel, issue joined; whereupon comes a jury of jurors, to wit: Benito Larrigrita, José Ma. Sanchez, Miguel Pino, Nicolas Quintana, Felis Garcia, Ygnacio Guevara, Miguel Lucero, Lewis Constant, Ygnacio Silva, Joseph Pauling, Jesus Ma. Baca, and Herbert Goslan, who, being duly sworn, do on oath say: The jury proceeded to the election of a foreman, from which Don Benito Larragrita resulted elected; thereupon the matter was discussed, and the vote was taken and resolved by a majority in favor of Don Serafin Ramirez.

BENITO LARRAGRITA,
Foreman.

I certify the above is a true copy from the original.

J. M. GIDDINGS, *Clerk.*
By S. B. GIDDINGS, *D. C.*

[L. s.]

SANTA FE, *January* 1, 1849.

In the city of Santa Fé, capital of the department of New Mexico, on the ninth day of the month of September, one thousand eight hundred and fifty-six, before me, citizen Thomas Rivera, second justice of the illustrious corporation and justice of first appointment of the district, both of which appointments are held according to law, with the instrumental witnesses which will be appointed at the conclusion hereof and those in my attendance, with whom I act by appointment, personally appeared Don Santiago Ramirez and Don Serafin Ramirez, the first a resident of the jurisdiction of Placer, and the second of this under my charge ; and the first, Mr. Ramirez, stated that, whereas he had received from Mr. Ramirez y Casanova the sum of eighty dollars, he transfers to him for that amount his interest in the farm (rancho) of San Pedro, which he has acquired by grand and legal possession obtained in full accordance with the colonization laws, without delivering to Mr. Ramirez y Casanova the transfers and deeds nor the boundaries of the land and property sold to him, for the reason that its distribution is not yet completed ; but that from this time he makes a formal delivery to him of all the lands that are open for the cultivation of corn, as well as those that are not, of which he is now in possession, what is in his possession belonging, as before stated, from this time, to Mr. Ramirez y Casanova, as well as what I may be entitled to, upon the distribution of the lands, for corn, pastures, and commons of the farm (rancho) of San Pedro, being hereby authorized, upon the termination of the distribution, to claim the deeds which are to be executed in my favor, (to him in my name, he being the legitimate owner and purchaser,) as well as all others appertaining to the peaceable enjoyment of his property, not retaining for myself a foot of land by virtue of the rights which I formerly held as a share-holder in the farm (rancho) of San Pedro, all my right in the farm of San Pedro being transferred by this deed to the purchaser, the share-holders being six, as follows: Don Juan Gutierrez, Doña Filomena Santiesteban, Don Gabriel Gutierrez, and Don Juan Arce, the father of the conveyor, Don José Antonio Ramirez, and the conveyor of his own interest, Santiago Ramirez, who are the only share-holders, the purchaser assuming the rights of the last, the conveyor stating that having received the value of his share to his satisfaction, and being content therewith, he makes a formal delivery of his right, title, and interest, by which no one is authorized to interrupt him in his possession or set up any claim thereto ; it is free from mortgage or any other incumbrance, and his heirs cannot set up any claim thereto, as its value has been received ; and if it is or should be of more value, he grants and donates the excess to him. Executing this deed on this common paper, there being none of the proper kind, the purchasing party binding himself to attach hereto whenever it can be obtained.

In testimony whereof, the conveyor, instrumental witnesses, who were citizens Manuel Baca y Delgado, José Maria Uranga, and Eugenio Lobato, and those in my attendance, signed with me, to which I certify.

Instrumental :
Instrumental :
Instrumental :

SANTIAGO RAMIREZ.
THOMAS RIVERA.
JUAN ARCE.
JOSÉ DEL BALLE.
EUGENIO LOBATO.

This indenture witnesseth that I have sold to Don Serafin Ramirez two hundred varas of land, for the cultivation of corn, at the place called San Pedro, together with the remaining uncultivated land to which I may be entitled, being one share which I hold as owner by deed and in good faith, and in accordance with the colonization law of the 4th of January, 1813; said possession and share which I hold at the above mentioned place, which I hereby alienate, has been by me sold to Mr. Ramirez for the sum of ninety-eight dollars, in coined silver, which I have already received, and with which I am satisfied and content; and if it is or should be of more value, I grant and donate the same to him in good faith, completely, perfectly, and irrevocably, as by this deed I transfer to him all the right, title, and interest which I possessed to said land; and, in order that this land and deed may have their full force and virtue, I signed with two witnesses who are present, and who were Don Juan Arce and Don José del Balle, on the twenty-ninth day of the month of September, one thousand eight hundred and forty-six.

GABRIEL GUTIERREZ.

Witnesses:

JOSE DEL BALLE.

JUAN ARCE.

Sworn to this 22d of November, A. D. 1850.

FRANCISCO ARANDA, [SEAL.]

Justice of the Peace.

TERRITORY OF NEW MEXICO,

County of Santa Fé.

At the Real de San Francisco, on the sixth day of the month of September, one thousand eight hundred and forty-six, before me, citizen Julian Tenorio, justice of the peace of this jurisdiction, personally appeared at my office citizen Juan Gutierrez and Leonardo Ramirez y Casanova, whom I certify to be known to me, the first party stating that, being convenient to his interests, he sold and does sell, by national sale, to Mr. Ramirez, his share in the farm (rancho) called San Pedro, he being one of the six share-holders who are recognized as the only share-holders in the said farm, (rancho,) which is to be divided into equal portions, two hundred varas of which is arable land, suitable for the cultivation of corn, and the balance uncultivated; and, in order that the aforesaid Mr. Ramirez may have a legal title of legitimate ownership, Mr. Gutierrez executes to him this conveyance, in order that he may use the share to which he may be entitled, and which he has sold to him for the sum of one hundred and ten dollars, to him in hand paid to his satisfaction and content, stating before this court, that, if said land is or should be of greater value, he grants and donates the surplus to him in good faith, completely, perfectly, and irrevocably, which in law is termed *inter vivos*, leaving his children and successors, by this deed, without any claim whatsoever to said land; and in testimony thereof, he signed with me and my attending and instrumental witnesses, who

were citizens Juan Arce, Antonio Ramirez, and Gabriel Gutierrez. To all which I certify.

JUAN NEP'NO GUTIERREZ.
JULIAN TENORIO.

Instrumental :

JUAN ARCE.
ANTONIO MONTOYA.

Attending :

JOSÉ DEL BALLE.

Addenda.—The sum of forty dollars is increased in this deed, which by an involuntary omission was not included, which I received for the sale—making the entire sum of one hundred and fifty dollars to which the said share amounts. I certify.

JUAN NEPNO. GUTIERREZ.
JULIAN TENORIO.

Instrumental :

JUAN ARCE.
A. MONTOYA.
JOSE DEL BALLE.

SAN PEDRO, *January 3, 1847.*

I transfer this deed in favor of Doña Ma. Antonio Sandoval, for the reason of having received the amount of the value of the land, including that of Filomena Santiesteban, who was.

LEONARDO RAMIREZ.

Witnesses :

JOSÉ CHAVES.
JUAN BAROS.

Nos. 5 and 6.—At the place of San Pedro, on the twenty-fifth day of the month of January, one thousand eight hundred and forty-nine, before three witnesses, who are Juan Arce, Leonardo Ramirez, and José Chaves, I, Ramon Gurulé, state that I have sold to Don Serafin Ramirez two shares in the farm (rancho) of San Pedro, which my daughter, Ma. Josefa, and myself obtained by grant in the year 1839. Said shares of land and farm at the aforesaid place referred to in the grant made to us, we have sold with our entire free will, without being induced to do so in any manner, and for the sum and amount of two hundred dollars, which we have received to our entire satisfaction and content ; the purchasers having unanimously agreed, that if said two shares are or should be of more value, we grant and donate the same to them, in good faith, completely, perfectly, and irrevocably, which is termed in law *inter vivos*—stating that these two shares are distributed in proportion among eight grantees, which alone remain upon said land, the boundaries of which are contained in the above-mentioned grant and in the judicial possession, the only owners being the conveyers, Antonio Ramirez, Juan Arce, Santiago Ramirez, Gabriel Gutierrez, Juan Gutierrez, and Filomena Santiesteban ; and it is also understood that the conveyers are released from all debts due by them to Don Serafin Ramirez ; and in testimony thereof, we sign

at the above-mentioned place, on the day, month, and year above mentioned, with judicial intervention.

RAMON GURULÉ.
MA. JOSEFA GURULÉ.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Sworn to this 22d day of November, A. D. 1850.

FRANCO. ARANDA, [SEAL.]
Justice of the Peace.

Witnesses :

JUAN ARCE.
LEONARDO RAMIREZ.
JOSE CHAVES.
JUAN BAROS.

By this indenture, made at San Pedro, I, Juan Arce, in company with my wife, Maria del Refugio Garcia, have sold to Mr. Serafin Ramirez y Casanova all the lands, shares, right, title, and interest, which we held by a national grant made to us at this place in accordance with the colonization laws ; said possession was granted to us in the year 1839, which we have sold, as afore stated, for the sum and amount of one hundred and fifteen dollars in current and ordinary money, which sum we have received to our satisfaction and content ; and if said property so sold is or should be of more value, we grant and donate the surplus to said Mr. Ramirez, as from this day we convey the property which we held at that place in favor of Mr. Ramirez, that he may enjoy the same perpetually for himself, his heirs and successors ; and we convey it to him free from mortgage, tax, or other incumbrance. And in testimony thereof, we request the justice to interpose his authority for the better enforcement and validity of the deed, which we sign with him and two attending witnesses, at San Pedro, on the twenty-third day of December, one thousand eight hundred and forty-eight.

JUAN ARCE.
REFUJIO GARCIA.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Sworn to this 22d day of November, 1850.

FRANCO. ARANDO, [SEAL.]
Justice of the Peace.

Witnesses :

JUAN BAROS.
JOSE CHAVES.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, May 21, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 23, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 4.

Testimony.

Serafin Ramirez, present claimant.—San Pedro, Bernalillo county.

FRANCISCO ORTIZ Y DELGADO, sworn :

Question. Do you know Serafin Ramirez, the present claimant to San Pedro, and for how long, and where has he resided since you knew him?

Answer. I have known him for about twenty years ; at first he resided in Santa Fé, about eight or ten years ago ; he then removed to San Pedro, where he has continued to reside up to this time.

Question. Are you acquainted with the signature of Antonio Sandoval, and is his signature on document A genuine?

Answer. I do ; and his signature as well as the order above the signature are his handwriting.

Question. Do you know the signature of Thomas Ortiz, and what office did he hold in 1845, and is his signature to the action of the departmental assembly on document D genuine?

Answer. I do ; he was my half brother ; he was clerk in the departmental assembly in 1845, and his signature on document D, as shown to me, is genuine.

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

Answer. None.

FRANCISCO ORTIZ Y DELGADO.

Sworn and subscribed before me, this 24th of July, 1857.

WM. PELHAM.

JOAQUIN PEREA, sworn :

Question. Look at the signatures on documents B, C, and E, and state if you know the signature of Pedro José Perea on them, and are they genuine?

Answer. I do know them, and they are genuine ; Pedro José Perea was my grandfather.

JOAQUIN PEREA.

Sworn and subscribed before me, this 23d day of July, 1857.

WM. PELHAM.
Surveyor General.

NICOLAS QUINTANA, sworn :

Question. What office did you hold in the year 1845, in the government of New Mexico?

Answer. I was chief clerk in the executive office.

Question. Who was the governor at that time?

Answer. Manuel Armijo.

Question. Do you know the signature of Manuel Armijo, and is his signature and your own on document D genuine?

Answer. I know his signature, and his and mine are genuine.

NICOLAS QUINTANA.

Sworn and subscribed before me, this 23d July, 1857.

WM. PELHAM,
Surveyor General.

DAVID V. WHITING, sworn :

Question. Do you know the rancho of San Pedro, and do you know Serafin Ramirez, and how long has he resided there?

Answer. I do; I have known Serafin Ramirez since 1850, and, to the best of my knowledge, he has resided there from that time up to the present.

DAVID V. WHITING.

Sworn and subscribed before me, this 23d July, 1857.

WM. PELHAM,
Surveyor General.

JOAB HOUGHTON, sworn :

Question. Do you know Serafin Ramirez, and for how long, and where has he resided since you knew him?

Answer. I have known him since 1843, a portion of which time he resided at Santa Fé as an officer of the Mexican government; since 1848 I have known him to reside at the rancho of San Pedro, near the Placer del Tuerto.

J. HOUGHTON.

Sworn and subscribed before me, this 23d July, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Notice.

UNITED STATES OF AMERICA,
Territory of New Mexico.

José Serafino Ramirez, a citizen of the United States and resident of the Territory of New Mexico, respectfully represents to you that he is the claimant and legal owner in fee of a certain tract of land lying and being situate in the county of Bernalillo, in said Territory of New Mexico, and known as the rancho of San Pedro, bounded on the north by the line to which extends the league of the pueblo of San Felipe; on the south by the cañon del Agua, on the east by the "Ojo del Puerto," with its commons, and on the west by the banks of the Rio Norte.

The said petitioner claims a perfect title to all the said described tract of land, with the exception of a small parcel of the same included within the boundaries above set forth, which is now in the possession of Antonio Ramirez, and has not been deeded by him to your petitioner or otherwise.

Your petitioner claims by virtue of a grant made by Antonio Sandoval, prefect of the southern prefecture of the department of New Mexico, A. D. 1839, August the 17th, in conformity to a petition signed by Jesus Miera and Ramon Gurulé, bearing date the 16th day of August, A. D. 1839, as will appear from document marked (A,) herewith presented, and document marked (B and C,) the acts of the Alcalde, Pedro José Perea, giving the said lands into the possession of the petitioners and others, under the order of said prefect, bearing date August 22, 1839, which said grant, at the instance of the petition of the said José Serafino Ramirez, as attorney for the then occupants of said land, was ratified and confirmed by the acts of Manuel Armijo, political governor and commanding general of the department of New Mexico, and the provincial deputation, under dates of the 26th and 27th of November, 1845, as will appear from document marked (D.) As will appear from deeds numbered 1, 2, 3, 4, 5, and 6, all the persons who *received* lands under the apportionment made by Alcalde Pedro José Perea aforesaid, in document marked (E,) with the exception of Antonio Ramirez aforesaid, deed their lands to the present claimant as follows:

No. 1. Deed of Santiago Ramirez, bearing date 9th day of February, A. D. 1846.

No. 2. Deed of Juan Arce, dated the 27th day of September, 1846.

No. 3. Deed of Juan N. Gutierrez, dated the 6th day of September, A. D. 1846, to Leonardo Ramirez, and by him assigned to Maria Antonio Sandoval for the benefit of the present claimant.

Deed of Ramon Gurulé and wife, marked Nos. 5 and 6, bearing date the 5th day of January, A. D. 1849.

No. 4. Deed of Juan Arce and wife, bearing date the 23d day of December, A. D. 1848.

Your petitioner respectfully represents that said original grant was made and ratified and confirmed in accordance with the laws, usages, and customs of Mexico in force at that time, and of the Spanish laws and regulations which were declared and recognized by the government of Mexico to be in full force and effect.

The said José Serafino Ramirez, the claimant, further states that he cannot show the quantity of land claimed by him, except as set forth in said grant as contained in the metes and boundaries above mentioned, which are well-known points and lines, nor can he furnish a plat of the same, as no survey has ever been made.

Your petitioner, feeling assured that in all things pertaining to said grant that the laws have been fully complied with, and that he is at present legally seized of the same, asks that said grant be confirmed to him; and, as in duty bound, will ever pray, &c.

ASHURST & HOUGHTON,
Atty's for Petitioner.

Hon. WILLIAM PELHAM,
Surveyor General of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 6.

Decision.

This case was filed on the 27th January, and came on to be heard on the 23d July, 1857.

On the 16th August, 1839, Jesus de Miera and Ramon Gurulé, for themselves and in the name of twenty others, petitioned Antonio Sandoval, prefect of the second district in the department, for a re-grant of certain lands situate at San Pedro, which had been granted to them in the year 1820, by Governor Facundo Melgares, which they had been ordered to abandon and join the settlements on the Rio Grande, on account of the disturbances of the Indians, as will appear by the order attached to the papers in the case.

On the 17th August of the same year the prefect transmitted the petition to the justice of the peace of Albuquerque, requiring him to report upon the matters in the order mentioned.

On the 22d August the justice of the peace made the report required of him, and recommended that the land be granted to the parties petitioning. On the 23d of August the prefect directed the justice of the peace to place the parties in possession.

One or two suits were instituted by certain of the grantees against others, which are not material to the validity of the original grant, and are therefore not noticed.

On the 29th of November, 1845, José Serafin Ramirez, the present claimant and attorney for the remaining grantees, petitioned the governor and the departmental assembly for a confirmation of the grant made to them by the prefect in 1839, which was done on the 26th and 29th of November, 1845.

José Serafin Ramirez purchased the right, title and interest of Santiago Ramirez, Gabriel Gutierrez, Juan Nepomuceno Gutierrez, Ration Gurulé, and Juan Arce, thereby becoming the sole possessor of the lands originally granted to the parties petitioning.

The grant was made according to the laws, usages and customs of the government of the republic of Mexico at the time, which are more fully referred to in other cases herewith transmitted. There is also a verdict of a jury in a suit brought against Ramirez in the United States circuit court, which is decided in his favor.

In the opinion of this office this is a good and valid grant, and is therefore confirmed to José Serafin Ramirez, the present claimant, and is transmitted for the action of Congress in the premises.

WM. PELHAM,

Surveyor General.

SURVEYOR GENERAL'S OFFICE,

August 28, 1857.

SURVEYOR GENERAL'S OFFICE,

Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,

Surveyor General.

Schedule of documents accompanying claim No. 43.

No. 1. Grant—original Spanish.

No. 2. Grant—translation.

No. 3. Notice.

No. 4. Testimony.

No. 5. Decision.

CLAIM NO. 48.—CHARLES BEAUBIEN AND GUADALUPE MIRANDA.

No. 1.

Grant.—Original.

SELLO TERCERO [SELLO] DOS REALES.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

E. S.: Los que subscriben ciudadanos Mejicanos y residentes en este en la mejor forma que haya lugar en derecho, dicen que de todos los

departamentos de la republica, á excepcion de las Californias, Nuevo Mejico es uno de los mas atrasados en ilustracion, industria, manufacturas, &c.; y seguramente pocos otros ofrecen las ventajas naturales que en él se encuentran, tanto por la abundancia de sus aguas, bosques montes y maderas utiles, como por la fertilidad de su terreno que encierra en su seno ricos y preciosos minerales, hasta ahora inutilés, por falta de emprendedores que los conviertan al provecho de los demas hombres, siendo susceptibles todas estas producciones de la naturaleza de ser invertidas en veneficio de la sociedad del departamento y de toda la republica, si estuviesen en posesion de individuos que los laborarian, y mejorarian, un adagio tan antiguo como verdadero, dice, "lo que es negocio de todos, no es negocio de ninguno." Asi es que mientras los hermosos terrenos valdios de Nuevo Mejico y que son los donde sin contestacion, la naturaleza se ha mostrado mas generosa, estar sin dueños particulares que en ellos se interesen nunca seran de provecho al departamento que abunda en gente ociosa y que por falta de ocupacion es onerosa á la parte bien ocupada de la sociedad cuando podia con su trabajo contribuir al engrandecimiento de esta, y sostener asi honestamente sus obligaciones. Lo ocioso madre de los vicios es la causa que se multipliquen los delitos que se cometen todos los dias, sin que baste para minorarlos la sobre vigilancia y severidad de las leyes, plagandose, en extremo los pueblos de ladrones y asesinos que solo de este medio quieren vivir. Creemos seria dificultoso reformar enteramente la generacion presente acostumbrada á la ociosidad y endurecida en los vicios; pero la futura recibiendo nuevas impresiones seguira facilmente los principios de una moral mas pura. El bien estar de una nacion consiste en la posesion de un terreno, que produzca todos los necesarios de la vida, sin haber menester para ellos de las otras naciones; y no se puede negar que el N. Mejico poseé esta grande ventaja, y no necesita mas que de brazos industriosos para ser el domicilio de un pueblo feliz. Este es el siglo de los adelantos y marcha de los progresos, y es tan rapida que podemos asperar que no es muy distante el dia que llegue hasta nosotros. Bajo la conviccion de todo lo espuesto solisitamos ambos que se serva V. E. tener la bondad de donarnos un pedazo de tierra, con el proposito de veneficiarlo, sin perjuicio de tercero, particularmente con el objeto de cultivar la lectarraga para azucar que juzgamos se produce buena y en abundancia y con el tiempo establecer manufacturas de algodón y lana, y crear animales de toda clase. El espacio de terreno que solisitamos para ambos por igualdad total, empieza abajo de la junta del rio del rayado con el Rio Colorado, y á linea derecha por el *est* hasta las primeras lomas y de alli siguiendo paralelo el dicho Rio Colorado para el norte hasta enfrente de la junta de la uña de gato con el mismo Rio Colorado, donde siguiendo siempre las mismas tomas continuará al *est* del citado rio de la uña de gato hasta la cumbre de la mesa donde volteando al noruest seguirá dicha cumbre hasta tocar la cima de la sierra, que separa las aguas de los rios que corren al *est* de los que bajan para el *ouest* y de hai seguirá la misma cima de dicha sierra para el sur hasta donde se encuentra la primera ceja al sur del rio del rayado, cuya cumbre seguirá para el *est*

hasta el punto donde se empezó. Por lo espuesto y la razon de que somos unos ciudadanos de numerosa familia.

A V E. suplicamos encarecidamente se sirva tomar en consideracion nuestra justa solisitud y tenga á bien concedernos el terreno que pedimos de lo que recibiremos gracia. Juramos no ser de malicia, protestamos, la buena fé y lo necessario, &a.

GUADALUPE MIRANDA.
CARLOS BEAUBIEN.

SANTA FÉ, *Enero 8, de 1841.*

SANTA FÉ, *Enero 11, de 1841.*

En vista de la solisitud que hacen los presentantes y siendo constante lo que esponen, este gobierno de conformidad con las leyes ha tenido á bien acceder y dona á los individuos que subscriben el terreno demarcado para que hagan el uso propio que por dereco les compete.

ARMIJO.

SELLO CUARTO, DOS REALES.

Años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.

SR. JUEZ DE PAZ D. CORNELIO VIGIL: Los que subscriben ciudadanos Mejicanos y residentes en este departamento ante V. en la mejor forma que haya lugar en derecho parecemos y decemos: Que habiendosenos donado per el gobierno del departamento el terreno valdido que demarca la ajunta instancia como se vé por el superior decreto letado al margen y caresiendo del titulo de posesion que nos asegure nuestra legal propiedad y ninguno pueda turbarnos en ella, suplicamos á V. se sirva habernos por presentados y desde luego ampliarnos esta, para los resos de nuestro derecho. Por tanto.

A. V. Pedinos se sirva acceder á nuestra solisitud, por ser justicia que impetramos, juramos no ser de malicia y lo necesario, &a.

GUADALUPE MIRANDA.
CARLOS BEAUBIEN.

TAOS, *Febrero 12, de 1843.*

TAOS, *Febrero 13, de 1843.*

Por presentado y admitido en cuanto haya lugar en derecho, pasese por mi el presente juec con los de asistencia é instrumentales al lugar que sitan los documentos adjuntos, y dese á los petentes la posecion que solisitan para que por si y por sus herederos y sucesores sea habido con derecho. El ciudadano Cornelio Vigil, Juez de Paz, de la 1^a, Demarcacion de Taos asi lo proveyó mando y firmó con los de asistencia doy fé.

Ass'a,

BUENV^a. VALDEZ,
JUAN MANUEL LUCERO.

CORNELIO VIGIL.

En el pueblo de Taos á los viente y do dias del mes de Febrero de mil ochocientos cuarenta y tres yo el Cornelio Vigil, Juez de Paz, de esta demarcacion, en virtud de lo mandado en el decreto que antecede pasé

al terreno que refieren D. Guadalupe Miranda y D. Carlos Beaubien en el antecedente escrito, y estando en él con los de mi asistencia é instrumentales que al fin se nombrarán, se procedió á señalar las mohoneras de los limites confirme se describe el terreno en el preinserta petición y corresponde al mapa que rubrico, y empezando por la banda del est del rio Colorado, se puso una mohonera, donde siguiendo derecho por el mismo oriente hasta las primeras lomas se puso otra mohonera en la punta de ellas, y continuando como de sur á norte en linea cuasi paralela con el rio Colorado, se puso la tercera mohonera en la orilla del norte, de la mesa Chicorica ó Chacuaco; de hay volteando para el poniente y siguiendo siempre la dicha orilla de la mesa del Chacuaco hasta la cumbre de la Sierra Madre donde se puso la cuarta mohonera; continuando de alli de norte á sur y siguiendo la misma cuna de la Sierra Madre hasta la cuesta del oshá, cien varas al norte del camino de Fernandez á la Laguna Negra, se puso la quinta mohonera; de hay volteando de nuevo al est para el Rio Colorado y siguiendo la orilla del sur de las mesas del rayado y de los Gonzalitos en la punta oriental de estas se puso la sexta mohonera; donde siguiendo como para el norte, llegue otra vez al rio Colorado á la vanda del poniente donde se puso la septima y ultima mohonera á frente de la primera que se puso por la banda del oriente; y registrado, los tomé de la mano, los pasie, é luze tirar tierra, arrancar yerbas y otras demostraciones de propiedad con lo que se concluyo el acto quedando determinados los linderos, sin que hubiese aparecido reclamo alguno de perjuicio de tercero; por que yo el referido juez, á nombre de la Soberania de la nacion (Q. D. G.) les di á los mencionados D. G. Miranda y D. C. Beaubien la posesion personal y perfecta que solisitan para que les sirva de titulo á ellos, sus hijos y sucesores, por la cual les amparo y defiendo, y mando que de ella no sean despojados sin ser primero oidos y por fuero y derecho vensidos, en fé de lo cual lo firmé con los de mi asistencia y los instrumentales que lo fueron los C. C. José Maria Valdez. Pablo Taramillo y Pedro Valdez, presentes y vecinos de esta Demarcacion de que doy fé.

Ynstrum^l.
JOSE MA. VALDEZ.

Ass^a.

BUENAVA. VALDEZ.

Derechos sin el papel treinta pesos lo juro.

Ynstrum^l.
PABLO XARAMILLO.

CORNELIO VIGIL.

Ynstrum^l.

PEDRO ANTO. VALDEZ.

Ass^a.

JUAN MANUEL LUCERO.

SELLO CUARTO [SELLO] DOS REALES.

Años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

E. S.: El C. Carlos Beaubien procedente de canada ya naturalizado y avecindado en este Departamento en la jurisdiccion de San Fernando de Taos por si y á nombre de su Socio D. Guadalupe Miranda hijo de la Republica Mejicana, ante V.E. con los respectos devidos, y como mejor haya lugar en derecho y al nuestro convenga paresco y digo; que

estando en actitud de emprender el cultivo de los terrenos que á consecuencia de una peticion que elevamos al Gobierno local de este Departamento con fecha 8 de Enero del año de 1841, para que se nos adjudicaran como terrenos valdios el punto del rincon del rio Colorado que contiene los rios del rayado, ponil, &c., por cuya solisitud y atendido á que no reflua en perjuicio de tercero nos fué obsequiada nuestra solisitud, segun podra verse el decreta espedito con fecha 11 de Enero del mismo año del Exmo. Sr. Gobernador y Comandante General D. Manuel Armijo que consta al margen de nuestras escrituras, he venido á ser interceptado de aquellos trabajos por virtud del decreto que con fecha 27 de Febrero pasado se sirvio V. E. espedir y que por el conducto de su Secretario fué comunicado á la Prefectura del 1^{er} distrito para que obsequiando la presentacion que el Sr. Cura Martinez y Socios elevaron á la respectable autoridad de V. E. sobre mercenacion de terrenos que se le hicieron al C. de los E. U. D. Carlos Bent, y quedase suspenso cualesquiera uso que se quisiese hacer de ellos, vengo en decir á V. E. en defenza de los ya sitados puntos de que estamos en posesion segun nuestras credenciales y que obran en nuestro poder; que la instacia dirigida a V. E. por el Sr. Cura Martinez y Socios ha sido fundada bajo un equivocado principio por que el espresado Sr. Bent no tiene adquirido derecho alguno a los presitados terrenos. Asi que me es muy estraño que el Sr. Cura Martinez y Socios pretendan confundir nuestras propiedades siendo que no tienen ninguna coneccion con las de aquel individuo, de que debe inferirse ú sacarse por consecuencia recta que los Sr. Cura y Socios no estan bien enterados á que individuos pertenecen aquellos terrenos, asi como de su estencion, pues habla de haberse mercenado un gran numero de leguas, cuando no puede pasar de quince á diez y ocho lo que queda verificado con los certificados judiciales que acompaño. Mas dicen en su referida instancia segun estoy informado, reconocerse por ejidos donde pastean los bienes de aquellos pueblos: aqui un error, cuando siente tambien el mismo Sr. Cura ser el lugar donde se hace la caza de Cibolo, incurriendo de consiguiente en una notable contradiccion. Tambien dice en su celebre esposicion dirigida al alto gobierno para reparar que los hijos del pais no salgan á hacer la caza de aquel abundantisimo cuadrupedo en todas estaciones por temor de que baya á estinguirse la especie á consecuencia de les grandes mortandades que de el se hace en tiempo inoportuno y se ha retirado á tanta distancia que tienen que invertir varios meses para poder encontrarlo; y siendo asi que está á tan larga distancia; podrá creerse sea el casadero un lugar á donde caminando bajo una marcha regular solo habrá de invertirse un dia ó dos de camino. Por est principio es à mi juicio, capsioso el derecho que alegan aquellos Señores sobre los terrenos mercenados, ó sera mejor dicho adjudicados á D. Carlos Brent; y supuesto que el reclamo es contra aquel C. no me parece de justicia seamos nosotros los que hallamos de reportar el perjuicio de no aprovechar sus producciones poniendo los en cultivo que es nuestro objeto: pues á mas de ser para nosotros los propietarios muy perjudicial la suspension del trabajo de aquellos terrenos á causa de los preparativos costosos que tenemos hechos, se hace trascendental á un numero considerable de familias y de hombres laboristas que estan dispuestos y preparados para ir

avecindarse á aquellos sitados terrenos, y á quienes hemos cedido cedido gratuita y ampliamente labores; de cuyos individuos respetuosamente acompaño una lista para que de su numero pueda V. E. hacer el juicio prudente, si aun seria veneficio á todo el departamento el que se ocupe y previendo el caso de que se quiera por aquellos utinuar una cuestion sobre el asunto, para que V. E. juzque si será con justicia ú sin ella, le acompaño los documentos que robustecen nuestro derecho, suplicandole su devolucion. Por tanto.

Pido se sirva mandar se nos deje en el libre uso de nuestra propiedad, pues que de ello recibiré gracia y justicia que impetro, juro no ser de malicia, &c.

SANTA FE, *Abril 13 de 1844.*

CARLOS BEAUBIN .

Derecho entre renglon vale.

SANTA FE, *Abril 15 de 1844.*

Agregandose per la secretaria de este gobierno, todos los anteceden-tes que haya sobre el particular, dirijase este expediente á la Exma. Asamblea Departamental para que esponga su dictamen.

SENA.

JOSE F. ZURIA, *Srio.*

EXMO. SOR.

En seccion de este dia acordó esta Exma. Junta obsequiando el Decreto de V. E. esponer el dictamen siguiente.

Ympuesta esta Exma junta de la solisitud que hace el Senor D. Carlos Bobian en la que patentiza per si y á nombre de su Compañia Miranda que por una orden que dictó el Exmo. Sor. Gobernador E. Mariano Chavez se les impidio el libre uso y aprovechamiento de su posesion y que esto fué á virtud de peticion que hizo el Padre Martinez y los cabesillas del Pueblo de Taos esponiendo falsamente que esta posesion habia sidio concedida á D. Carlos Bent y á otros estrangeros careciendo de verdad la espresada solisitud del Padre Martinez y socios esta junta es de dictamen que habiendo sido dictada la orden de suspension en virtud de esa querella falsa con presencia de los Documentos que acreditan la legitima posesion de Miranda y Bobian; y los deceos que tiene de que su colonia progrese en poblacion é industria para lo cual presenta una gran lista de individuos á quienes les han ofrecido terreno para sus siembras y que gozaran los mismos derechos que los mismos duenos del terreno, que siendo dictada la medida del Gobierno solo con el fin de investigar la verdad aparesida esta y el derecho de la parte opina que quede sin efecto la referida superior orden y se ampare y . . . de Miranda y Bobian como solisitada y concedida por las vias legales: Este es nuestro dictamen. mas V. E. se serviva disponer lo que mejor convenga.

AGUSTIN DURAN.

FELIPE SENA.

ANTONIO SENA.

DONACIANO VIGIL,
Vocal Srio.

SANTA FÉ, *Abril 18 de 1844.*

Con vista del antecedente dictamen de la E. Asamblea de la justicia del representante per si y su compañera Miranda de la concepcion que hizo el E. S. Gobernador General D. Manuel Armijo y de la ilegitimidad de la solisitud del Cura D. Antº. José Martínez y socios en que esponen que la terreno del Rincon del Rio Colorado dado en posesion á los estrangeros queda derogada la orden de 27 de Febrero que dicto este Gobierno para embarazar el libre uso del terreno en cuestion y entera libertad los Sres. Miranda y Bobian, para establacer su colonia conforme con la oferta que hicieron al solisitar la posesion que se les tiene concedida, pase al Sr. Prefecto para que libre sus ordenes confirme á lo dispuesto en este Decreto.

Por auiciencia del Srio. y encargo del E. S. Gobernador.

Sena.

DONACIANO VIGIL,

Srio. Into.

RIO ARRIBA, *Abril 18 de 1844.*

Pase la instancia que antecede en la que se halla estampado el superior decreto del E. S. Gobernador de este Departamento fecha 18 del corriente al interesado ó interesados al terreno de que habla haciendo manifestacion de los documentos y Decretos al Juez á donde corresponda que sea el uras inmediato al terreno pare que dé libre á los solisitantes para que pasen á posear el terreno á que han sido agraciados pues la prefectura cumpliendo con dicho superior Decreto, de sita á los Jueces para que no pongan embarazo á los interesados á dicho terreno.

ARCHULETA.

Sello quinto [Sello.] medio real.

Años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Los infrascriptos certificamos en cuanto es debido el derecho nos permite y esté al alcance de nuestro conosimiento que no hay objeccion para que se posesione y se pueblo el sitio llamado del Rio Colorado que contiene los rios del rayado poñil, &c. Siendo verdad tan conosita como autentica que nunca ha servido de pastaderos para los ganados y que desde muchos años no ha sido lugar donde se caza el cibulo; al contrario, si se habitara ese lugar seria á provecho de las poblaciones de adentro, ofreciendo á estas un resguardo contra los enemigos de ese rumbo, ocupando muchos ociosos que notienen oficio, m'tierras para cultivar y desahogandose este partido de la multitud de gente que en el superabundan, se evitarian las dificultades interminables que esperimentamos todos los años, sobre la distribucion de las escasas aguas que hay para regar, pero la mayor ventaja que resultaria al Departamento entero, seria que en caso de guerra con la nacion Nabajo, se pudieran pastear con seguridad ios animales el año entero á las cercanias de esas nuevas poblaciones protegidas per ellos. Tambien es cierto que de aqui al Rio del Napeste no pasa de seis á siete dias de Camino an-

dando á paso regular con cargas, de aqui al rayado un dia y medio, y de la cabeza del Rio Colorado al Napeste de tres dias á cuatrodias.

Para que este certificado tenga la fueza y vasidacion devidas supli camos al Señor Juez de Paz de esta 1^a. Demarcacion de partidq lo autorizara y puciera su judicial decreto en Taos á 14 de Marzo de 1844.

Buenav'a Valdez,
Blas Trujillo,
Juan Manl. Lucero,
José Ygnacio de Luna,
José Gabriel Montañó,
Juan Benito Baldez,

Pablo Lucero,
Gregorio Lucero,
José Miguel Sanchez,
José Maria Valdez,
Tomas Romero,
José Gregorio Martinez.

Por ante mi pasó y á ruego de los otorgantes autorizo con la facultad que per derecho me es conferida el presente certificado siendo constante lo que en el esponen y per constancia lo firmé con los de mi asistencia de que doy té, en Taos á 18 de Marzo de 1844.

Ass'a,
RAFAEL CORDOVA.

TOMAS LUCERO.
Ass'a
JUAN JOSE GONZALES.

Los infrascriptos certificamos en cuanto es devido es derecho nos permite y este alcance de nuestro conosimiento que no hay objeccion para que se posesione y se pueblo el sitio llamado del Rio Colorado que contiene los Rios del Rayado, Poñil, &c. Seindo verdad tan cono siderada como autentica que nunca ha servido de pasteadoros para los ganados y que desde muchos años no ha sido lugar donde se coje el *Cibulo*: al contrario, si se habitara, ese lugar seria á provecho de las poblaciones de adentro, ofreciendo á estas un resguardo contra los enemigos de ese rumbo, ocupando muchos vecinos que no tienen oficio ni tierras que cultivar y desahogandose este partido de la multitud de gente que el superabundan, se evitarián las dificultades interminables que esperimentamos todos los años sobre la distribucion de las escasas aguas que hay para regar: pere la mayor ventaja que resultaria al departamento entero, seria que en caso de guerra con la nacion Navajó, se pudieran pastear con seguridad los animales el año entero á las cercanias de esas nuevas poblaciones, protegidas por ellos. Tambien es cierto que de aqui al Rio del Napeiste no pasa de seis á siete dias de camino andando á paso regular con cargas, de aqui al rayada un dia y medio y de la Cabeza del Rio Colorado al Napeiste de tres á cuatro dias.

Para que este certificado tenga la fuerza y validacion de vidas supli camos al Sr. Juez de Paz de esta segunda Demarcacion del partido Don Juan Antonio Lobato, lo autorizara y puciera su judicial decreto en Taos á 16 de Marzo, 1844.

Miguel Anto. Vigil,
Miguel Mascareñas,
Rumaldo Bargas,
José Manuel Martinez,
Pablo Vargas, +

Anto José Mondragon,
Manuel Fernandez,
José Ygnacio Gonzales,
Juan de Jesus Medina,
Buenav'ra Lobato.

A ruego de los arriba firmados presentes en su propia persona autorizo el presente certificado y me consta ser cierto lo que en al esta dispuesto, y per constancia lo firmé con los de mi asistencia de que doy fé. S. Franco. de Taos, Marzo 16 de 1844.

JUAN ANT. LOBATO.

De ass'a,

JUAN DE LOS REYES ROMERO.

De ass'a,

JOSÉ MATEO CASIAS.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Grant—Translation.

SEAL THIRD—TWO REALS.

For the years one thousand eight hundred and forty and one thousand [L. S.] sand eight hundred and forty-one.

MOST EXCELLENT SIR: The undersigned, Mexican citizens and residents of this place, in the most approved manner required by law, state: That of all the departments in the republic, with the exception of the Californias, New Mexico is one of the most backward in intelligence, industry, manufactories, &c, and surely few others present the natural advantages to be found therein, not only on account of its abundance of water, forests, wood, and useful timber, but also on account of the fertility of the soil, containing within its bosom rich and precious metals, which, up to this time, are useless for the want of enterprising men who will convert them to the advantage of other men, all of which productions of nature are susceptible of being used for the benefit of society in the department as well as in the entire republic, if they were in the hands of individuals who would work and improve them. An old and true adage says, that "what is the business of all is the business of none;" therefore, while the fertile lands in New Mexico, where, without contradiction, nature has proven herself more generous, are not reduced to private property, where it will be improved, it will be of no benefit to the department, which abounds in idle people, who, for the want of occupation, are a burden to the industrious portion of society, while with their labor they

could contribute to its welfare, and honestly comply with their obligations. Idleness, the mother of vice, is the cause of the increase of crimes which are daily being committed, notwithstanding the severity of the laws and their rigid execution; the towns are overrun with thieves and murderers, who, by this means alone, desire to procure their subsistence. We think it a difficult task to reform the present generation, accustomed to idleness and hardened in vice. But the rising one, receiving new impressions, will easily be guided by the principles of a purer morality. The welfare of a nation consists in the possession of lands which produce all the necessaries of life without requiring those of other nations; and it cannot be denied that New Mexico possesses this great advantage, and only requires industrious hands to make it a happy residence. This is the age of progress and the march of intellect, and they are so rapid that we may expect, at a day not far distant, that they will reach even us. Under the above conviction we both request your excellency to be pleased to grant us a tract of land for the purpose of improving it, without injury to any third party, and raising sugar beets, which we believe will grow well and produce an abundant crop, and in time to establish manufactories of cotton and wool, and raising stock of every description. The tract of land we petition for to be divided equally between us commences below the junction of the Rayado river with the Colorado, and in a direct line towards the east to the first hills, and from there running parallel with said river Colorado in a northerly direction to opposite the point of the Uña de Gato, following the same river along the same hills to continue to the east of said Uña de Gato river to the summit of the table land, (mesa;) from whence, turning northwest, to follow along said summit until it reaches the top of the mountain which divides the waters of the rivers running towards the east from those running towards the west, and from thence following the line of said mountain in a southwardly direction until it intersects the first hill south of the Rayado river, and following the summit of said hill towards the east to the place of beginning. For the reasons above expressed, and being the heads of large families, we humbly pray your excellency to take our joint petition under consideration, and be pleased to grant us the land we petition for, by doing which we will receive grace and justice. We swear it is not done in malice; we protest good faith, and whatever may be necessary, &c.

GUADALUPE MIRANDA.
CARLOS BEAUBIEN.

SANTA FE, *January 8, 1841.*

SANTA FE, *January 11, 1841.*

In view of the request of the petitioners, and what they state therein being apparent, this government, in conformity with law, has seen proper to grant and donate to the individuals subscribed the land therein expressed, in order that they may make the proper use of it which the law allows.

ARMIJO.

TAOS, *February 12, 1843.*

The undersigned, Mexican citizens and residents of this department, appear before you in the most proper manner provided by law, and state: That having received from the government of the department a grant to the public land set forth in the accompanying plat, as will be seen by the superior decree attached to the margin, and having no title of possession which will secure our legal property and prevent any one from disturbing us in it, we request you to consider us as having presented ourselves, and without delay execute the same, to be used according to our rights.

We therefore request you to comply with our request, justice being what we impetrate. We swear not to act with malice, and in whatever may be necessary, &c.

GUADALUPE MIRANDA.
CARLOS BEAUBIEN.

Don CORNELIO VIGIL,
Justice of the Peace.

TAOS, *February 13, 1843.*

Considered as presented and received as far as the law allows, I, the present justice, with those in my attendance and instrumental, will proceed to the place mentioned in the accompanying documents, and let the possession solicited be given to the petitioners, in order that it may be held by them, their heirs and successors, according to law. Citizen Cornelio Vigil, justice of the peace of the first demarcation of Taos, so provided, ordered, and signed with those in attendance. I certify.

CORNELIO VIGIL.

Attending: BUENAV'A VALDEZ.
JUAN MANUEL LUCEROS.

In the town of Taos, on the twenty-second day of February, one thousand eight hundred and forty-three, I, citizen Cornelio Vigil, justice of the peace of this precinct, by virtue of what has been ordered in the foregoing decree, proceeded to the land referred to by Don Guadalupe Miranda and Don Carlos Beaubien in the foregoing petition, and being there with those in my attendance and instrumental witnesses, which for that purpose were appointed, we proceeded to erect the mounds according as the land is described in the accompanying petition, and which corresponds with the plat, to which I attach my rubric; and commencing on the east of Red river, a mound was erected; from whence, following in a direct line in an easterly direction to the first hills, another mound was erected at the point thereof; and continuing from south to north on a line nearly parallel with Red river, a third mound was erected on the north side of the Chico Rica, or Chacuaco mesa, (table land;) thence turning towards the west, and following along the side of the said table land of the Chacuaco to the summit of the mountain, where the fourth mound was erected; from thence following along the summit of said main ridge from north to south to the Cuesta del Osha, one hundred

varas north of the road from Fernandez to the Laguna Regra, where the fifth mound was erected; from thence turning again to the east, towards Red river, and following along the southern side of the table lands of the Rayado and those of Gonyalitos, on the eastern point of which the sixth mound was erected; from thence following in a northerly direction, I again reached river on its western side, where the seventh and last mound was erected, opposite to the first, which was erected on the eastern side; and being registered, I took them by the hand, walked with them, caused them to throw earth, pull up weeds, and show other evidences of possession, with which the act was concluded, the boundaries being determined without any claim whatsoever to the injury of any third party, as I, the aforesaid justice, in the name of the sovereignty of the nation, (which may God preserve.) I gave to the aforesaid Don G. Miranda and Don C. Beaubien the perfect and personal possession asked for by them, in order that it may answer as a sufficient title for them, their children, and successors, in which I will protect and defend them; and I direct that they be not deprived of said land without having been first heard, and judgment rendered according to law. In testimony whereof, I signed with those in my attendance and instrumental, (witnesses,) who were citizens José Maria Valdez, Pablo Jaramillo, and Pedro Valdez, who were present, and residents of this precinct. To which I certify.

CORNELIO VIGIL.

Instrumental:

JOSE MARIA VALDEZ.
 PABLO JARAMILLO.
 PEDRO ANTONIO VALDEZ.

Attending:

BUENAV'A VALDEZ.
 JUAN MANUEL LUCERO.

Seal Fourth.

Two Rials.

Years one thousand eight hundred and forty-four and one thousand eight hundred and forty-five.

SANTA FÉ, *April* 13, 1844.

MOST EXCELLENT SIR: Citizen Charles Beaubien, native of Canada, but naturalized, and resident of this department, in the jurisdiction of San Fernandez de Taos, for himself, and in the name of his associate, D. Guadalupe Miranda, native of the Mexican republic, appears before you with due respect, and in the most approved manner provided by law and convenient to him, and states, that being about to undertake the cultivation of the lands which by virtue of a petition which we presented to the local government of this department on the 8th day of January, 1841, asking that the public lands at the place of "El Rincon del Rio Colorado" be granted to us, including the Rayado and Poñil rivers, &c.; and as there was no injury done to any third party, our petition was acceded to, as may be seen by the decree issued on the 11th day of January, in the same year, by the most excellent governor and commandant general, Don Manuel

Armijo, which is contained on the margin of our deeds. I have been prevented from carrying those projects into effect on account of the decree of the 27th February last, issued by your excellency, and which, through your secretary, was communicated to the prefecture of the first district, in order that paying attention to the petition addressed to your excellency by the curate Martinez and others, in reference to a grant of lands made to the citizen of the United States, Mr. Charles Bent, and that all use made of them be suspended, I have to state to your excellency in defence of those lands which are in our possession, according to the titles thereto which are in our possession, that the petition addressed to your excellency by the curate Martinez and others is founded upon an erroneous principle, as the aforesaid Mr. Bent has not acquired any right to the said lands. It is therefore very strange that the curate Martinez and others pretend to involve our property, as it has no connexion with that of that individual; therefore, it is to be presumed, or the necessary consequence must be, that the curate Martinez and his associates do not know to whom those lands belong, nor their extent, as he states that a large number of leagues were granted, when the grant does not exceed fifteen or eighteen, which will be seen by the accompanying judicial certificates. They also state in the petition referred to, as I am informed, that those lands are recognized as commons, where the stock of those towns is pastured. Here is another error when the same curate states that it is the place where buffaloes are hunted, very evidently making a palpable contradiction. He also states in his celebrated petition to the supreme government praying that the natives be not allowed to hunt that most abundant game, for fear that the race would be extinguished on account of their unnecessary catchery at improper seasons, and it has removed so far that it takes several months to reach it; and being at so great a distance, can it be supposed that travelling at a moderate gait it can be reached in one or two days? Therefore, I believe their claim to the lands granted or assigned to Mr. Charles Bent is a fraudulent one; and as the claims made against that individual, I do not see that we should be deprived of its productions, our object being to place it under cultivation; and not only does the suspension of labor on those lands injure us, for the reason of having incurred heavy expenses, but also a considerable number of families and industrious men, who are willing and ready to settle upon those lands, and to whom we have given lands, a list of which individuals I accompany in order that your excellency seeing their number may determine what may be proper; and even if they were beneficial to the entire department that * * [torn] * * in order that your excellency may determine if it is just or not, I accompany the documents which attest our title, requesting that they be returned. Therefore I pray your excellency that we be allowed to remain in the free use of our property, by which I will receive grace and justice, which I impetrate. I swear it is not done in malice, &c.

CHARLES BEAUBIEN.

SANTA FÉ, *April 15, 1844.*

This office, collecting all the precedents in reference to the matter, will refer these proceedings to the most excellent departmental assembly in order that it may give its opinion.

SENA.

JOSÉ J. ZUBIA.

MOST EXCELLENT SIR : In session of to-day this most excellent assembly, in consideration of your excellency's decree, has resolved upon the following opinion :

This most excellent assembly being informed of the petition of Mr. Charles Beaubien, in which he states for himself and in the name of his associate Miranda, that in consequence of an order issued by the most excellent governor Don Mariano Chavez, the free use and benefit of their possession was forbidden them, and that this was done on account of a petition made by the priest Martinez and the chiefs of the pueblo of Taos, falsely stating that this land was granted to Mr. Charles Bent and other foreigners, the aforesaid statement of the priest Martinez and associates being untrue, this assembly believing that the order of suspension having been based upon that false statement, and in view of the documents which accredit the legitimate possession of Miranda and Beaubien, and their desires that their colony shall increase in prosperity and industry, for which purpose he has presented a long list of persons to whom they have offered land for cultivation, and who shall enjoy the same rights as the owners of the land ; that the government having dictated the step for the sole object of ascertaining the truth ; that the truth having been ascertained, and the right of the party established, is of the opinion that the aforesaid superior decree be declared null and void, and that Miranda and Beaubien be protected in their property, as having been asked for and obtained according to law. This is our opinion ; but your excellency may determine what you may deem most proper.

FELIPE SENA.

AUGUSTIN DURAN.

ANTONIO SENA.

DONACIANO VIGIL,
Secretary.

SANTA FÉ, *April 18, 1844.*

In view of the foregoing opinion of the most excellent assembly of the justice of the cause of the petitioner for himself and his associate Miranda, concerning the grant made to them by Governor General Manuel Armijo, and the illegal petition of the curate Antonio José Martinez and associates, in which they state that the lands of the Rincon del Rio Colorado was granted to foreigners, the order of the 27th of February, issued by this government, forbidding the free use of the land in question is repealed, and Messrs. Beaubien and Miranda are fully authorized to establish their colony according to the offers made by them when they petitioned for the land which has been

granted to them. Let this be transmitted to the prefect, in order that he may issue his orders in accordance with this decree.

In the absence of the secretary and by direction of his excellency the governor.

SENA.

DONACIANO VIGIL,
Acting Secretary.

RIO ARRIBA, *April 18, 1844.*

Let the foregoing proceedings, in which is to be found the superior decree of his excellency the governor of this department, dated the 18th instant, be transmitted to the party or parties interested in the land referred to, showing the documents to the justice nearest to the land, who is the proper one, in order that he may give ample authority to the petitioners to occupy the land which has been granted to them. The prefect, in compliance with said decree, informs the justices that they are forbidden from hindering the parties interested in said lands.

ARCHULETA.

The undersigned certify, as far as the law allows, and to the best of our knowledge and belief, that there is no objection made to the settlement of the place called Red river, which embraces the Rayado and Poñil rivers, &c., it being well known and certain that it has never been used as pasture grounds for cattle, and that for a long time it has not been used for hunting buffaloes; on the contrary, the settlement of that place would be a benefit to the interior settlements, affording them protection from the enemy in that direction; occupying a great number of idlers who have no occupation in the cultivation of the soil, and relieving this vicinity from a large number of persons who crowd us. The endless difficulties we experience every year on account of the scarcity of water for irrigation would be avoided. But the greatest advantage to the entire department would be, that in case of a war with the Navejo Indians, the stock could be pastured during the entire year in the vicinity of these new settlements, and be protected by them. It is also certain that from here to the Arkansas river there are not more than six or seven days' journey travelling with packs at a moderate pace: from here to Rayado one and one-half day's journey; from the head of Red river to the Arkansas, from three to four days.

In order that this certificate may have due force and effect, we pray the justice of the peace of this first precinct to authorize this certificate, and attach his judicial decree thereto, at Taos, the 14th day of March, 1844.

Pablo Lucero,
Buenav'a Valdez,
Blas Trujillo,
Gregorio Lucero,
José Miguel Sanches,
Juan Manuel Lucero,

José Maria Valdez,
José Ignacio de Luna,
Tomas Romero,
Juan Benito Valdez,
José Gregorio Martinez.

It passed before me, and at the request of the subscribers thereto, by the authority which is conferred upon me by law, I authorize the

present certificate, the contents thereof being true; and in order that it may appear, I sign with those in my attendance, to which I certify, in Taos, on the 18th March, 1844.

TOMAS LUCERO.

Attending: RAFAEL CORDOVA.

JUAN JOSE GONZALES.

Duplicate of the above certificate on the 16th March, 1844, signed by Miguel Antonio Vigil, Antonio José Mondragon, Miguel Mascareñas, Manuel Fernandez, Rinaldo Vargas, José Ignacio Gonzalez, José Manuel Martinez, Pabelo Vargas, Juan de Jesus Medina Buenav'a Lobato.

At request of the above signed, personally present, I authorize the present certificate, and I know the contents thereof to be true; and in order that it may so appear, I signed with those in my attendance, to which I certify.

JUAN ANTONIO LOBATO.

Attending: JUAN DE LOS REYES ROMERO.

JOSE MATIAS CURIAS.

S. FERNANDEZ DE TAOS, *March* 16, 1844.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM, *Surveyor General.*

No. 3.

Notice.

Your petitioners, Charles Beaubien and Guadalupe Miranda, original and present claimants of a certain tract of land hereinafter described, would respectfully state, that heretofore, to wit, in the year of our Lord one thousand eight hundred and forty-one, Manuel Armijo, then governor of said territory under the Mexican republic, by virtue of his authority as such governor, and of the consent and approval of the departmental assembly of said territory, did grant and concede unto your said petitioners a full and complete right and title to a certain tract of land situated in the county of Taos, in the northeastern part of said territory, and of which legal possession was judicially given to your petitioners according to the laws and customs of the Mexican republic, on the twenty-second day of February, A. D. 1843, (see exhibit of grant in this case, marked A,) and bounded and described as follows: Commencing on the east of Red river, a mound was erected; from whence, following in a direct line in an easterly direction to the first hills, another monument was erected at the point thereof, and continuing from south to north, on a line nearly parallel with Red

river, a mound was erected on the north side of the Chacuaco mesa, (table land;) thence turning towards the west and following along the side of the said table land of the Chacuaco to the summit of the mountains, where the fourth mound was erected; from thence, following along the summit of the main ridge from north to south, to the "Cuesta del Osha," one hundred varas north of the road from Fernandez to the Laguna Negra, where the fifth mound was erected; from thence turning again to the east towards Red river, and following along the southern side of the table lands of the Rayado and those of Gonzalitos, on the eastern point of which the sixth mound was erected; from thence following in a northerly direction again to Red river on its western side, where the seventh and last mound was erected opposite to the first, which was erected on the eastern side of said river.

The manner and form in which the possession of said tract was given to your petitioners will fully appear by the documentary evidence herewith filed, (marked A,) and prayed to be made a part of this petition.

Your petitioners further state, that they have cultivated and improved portions of said land for the last twelve years, whereby it has become of great value, and that they are still cultivating and improving the same, by the cultivation of land and erection of houses.

That said tract has never been surveyed, and they cannot, therefore, furnish any certain estimate of its contents. That a small portion only is fit for cultivation, and the balance, owing to its mountainous character and scarcity of water, being useless for any other purpose than that of pasturage.

That they do not know of any person or persons contesting or intending to contest their right or title to the said lands, or any part of them: and your petitioners therefore pray that said grant may be confirmed to them under the laws of the United States, and will ever pray, &c.

HOUGHTON, WHEATON & SMITH,
For Petitioners.

HON. WILLIAM PELHAM,
Surveyor General of the Territory of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 4.

Testimony.

CHRISTOPHER CARSON sworn:

Question. Have you any interest in this claim?

Answer. I have not.

Question. How long have you known the Rayado grant, and do you know the principal points in it?

Answer. I have known it since 1845, and know its principal point well.

Question. When was the first settlement made on that grant, and where was it made?

Answer. I passed there in 1844 with Lucien B. Maxwell, and saw large fields of corn, beans, pumpkins, &c., and a great deal of land cultivated, and several houses built on the big Cimmarron, one of the small streams on the grant.

Question. When did you see the next settlement there?

Answer. I went there and settled myself with Richard Owens and others in 1845; we built houses, and I alone had fifteen acres under cultivation. I left in August of the same year for California.

Question. Do you know what became of the settlement?

Answer. I believe it has been occupied from 1844 up to this time every year.

Question. What other settlement is there on the grant?

Answer. Lucien B. Maxwell settled on the Rayado, a stream within the grant, in 1849, and has been there up to this time, and is there now.

Question. What is the extent of the improvements on the grant?

Answer. There are about 200 acres of land under cultivation, about \$15,000 in buildings, and about 15,000 head of stock on the grant.

Question. Did you make this first settlement with the knowledge and consent of St. Vrain and Vigil?

Answer. I did; I knew they had a grant.

Question. What relation is Lucien B. Maxwell to Charles Beaubien?

Answer. His son-in-law; he holds the land under the right of Beaubien.

C. CARSON.

Sworn and subscribed before me this 28th of July, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 28, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

AGUSTIN DURAN sworn:

Question. Have you any interest in this claim?

Answer. I have none.

Question. Did you know Manuel Armijo; and what office did he hold in 1841 and 1843?

Answer. I did. In 1841 he was civil and military governor; in 1843 he still held the same office.

Question. Have you ever seen him write; and do you know his signature?

Answer. I have ; and do know his signature and handwriting. His signature on the document shown me is genuine.

Question. Who was the president, and who were members of the departmental assembly in 1844 ?

Answer. I was a member, and also José Chaves ; Felipe Sena was the president ; Donaciano Vigil was secretary *pro tempore* in the absence of the secretary elect.

Question. Do you know the signatures of Felipe Sena, Antonio Sena, Donaciano Vigil, and Agustin Duran ?

Answer. I do know them. Their signatures on the document shown me are genuine ; the signature of Juan Andres Archuleta is also genuine.

AGUSTIN DURAN.

Sworn to and subscribed before me this 8th day of August, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

FRANCISCO ORTEGA sworn :

Question. Have you any interest in this claim ?

Answer. I have none.

Question. Do you know the position of the grant of Beaubien and Miranda, and known as the Rayado grant ?

Answer. I do ; I was there the first year it was settled.

Question. Where was the first settlement made on this grant, and who made it ?

Answer. On the Cimmarron river ; my uncle, Cornelio Vigil, and Carlos Beaubien were the first settlers. They went there in 1843.

Question. Did you go to the Cimmarron for these men ?

Answer. I went there for my uncle.

Question. Did your uncle go there at the request of Don Carlos Beaubien ?

Answer. I believe he did.

Question. When did they leave there, and for what cause ?

Answer. They have not left it ; it has been in the occupation of his hands from 1843 up to this time.

Question. Do you know of a settlement on this grant called Rayado ?

Answer. I do.

Question. How many houses are in the settlement, and how much land is under cultivation ?

Answer. There are many houses there now ; there is a great deal under cultivation, and many heads of cattle are pastured there.

Question. Who was the first settler at Rayado ?

Answer. Lucien B. Maxwell, a son-in-law of Chas. Beaubien. It

was settled after the Cimarron, about one year after the American troops came to the Territory.

JOSE FRA'CO ORTEGA.

Sworn and subscribed before me this 12th day of August, 1857.

DAVID V. WHITING,
Notary Public.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Decision.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 17, 1857.

This case was filed on the 23d of February, 1857, and set for trial on the 28th of July.

On the 8th day of January, 1841, Charles Beaubien and Guadalupe Miranda petitioned Manuel Armijo, the civil and military governor of New Mexico, for a grant of land in the now county of Taos, commencing below the junction of the Rayado and Red river; from thence in a direct line to the east to the first hills; from thence following the course of Red river in a northerly direction to the junction of Uña de Gato with Red river; from whence, following along said hills to the east of the Uña de Gata river, to the summit of the table land (mesa;) from whence, turning northwest, following said summit to the summit of the mountain which separates the waters of the rivers which run towards the east from those which run to the west; from thence, following the summit of said mountain in a southerly direction, to the first hill east of the Rayado river; from thence, following along the brow of said hill, to the place of beginning.

On the 11th day of January, 1841, Manuel Armijo, the governor aforesaid, "in conformity with the laws," granted the land to the petitioners to make such use of it as they saw proper.

On the 22d day of February, 1843, the parties were placed in possession of the land granted, by Cornelio Vigil, a justice of the peace of the first precinct of Taos, with all the solemnities required by law and custom.

On the 27th of February, 1844, this grant was suspended by a subsequent governor, upon complaint made by one priest, Martinez, of Taos, for several reasons contained in the statement made by Beaubien on the 13th of April, 1844, to Armijo, who, in the meanwhile, had been re-appointed to the office of civil and military governor of the department.

On the 18th day of April Armijo referred the statement of Beaubien,

as well as the original petition, grant, and judicial possession to the departmental assembly for its action in the premises. This body reversed the order of February 27, and approved the grant made by Armijo in 1841, which is referred to the prefect of the first district, by the governor, to issue his directions to cause the parties to be reinstated in their possession, which order was issued by the prefect on the 18th April, 1844.

The papers acted upon in this case are the originals, duly authenticated by the testimony of competent witnesses.

The grant having been confirmed by the departmental assembly and been in the constant occupation of the grantees from the date of the grant until the present time, as is proven by the testimony of witnesses, it is the opinion of this office that it is a good and valid grant according to the laws and customs of the government of the republic of Mexico and the decisions of the Supreme Court of the United States, as well as the treaty of Guadalupe Hidalgo, of February 2, 1848; and is therefore confirmed to Charles Beaubien and Guadalupe Miranda, and is transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

Schedule of documents accompanying claim No. 50.

- No. 1. Petition and grant—Spanish copy.
2. Petition and grant—translation.
3. Deed of gift—Spanish copy.
4. Deed of gift—translation.
5. Testimony.
6. Notice.
7. Decision.

CLAIM No. 50.—JOSÉ L. PEREA.—No. 1.

Grant—Original.

SECRETARIA DE LA EXMA. DIPUTACION TERRITORIAL DEL NUEVO MEJICO.
SESION PUBLICA.

Nota.—Ba este testimonio estendido en el presente papel comun por no haber en todo este Territorio del sello correspondiente.

Testimonio 3 de Marzo de 1825.

Certifico yo el infrascripto Secretario de la Exma. Diputacion Ter-
H. Rep. Com. 321—17

itorio del Nuevo Mejico, que en libro segundo, donde constan sentadas las actas de las sesiones de S. E. á las cuarenta y tres fojas de su foliatura, consta haberse dado cuenta á dicha honorable corporación con un expediente cuyo tenor copiado á la letra, es como sigue: Exmo. Sor.: El ciudadano Pedro José Perea vecino de la jurisdiccion de Sandia, ante V. E. se presenta manifestando: Que hace el tiempo de nueve años que poseé oficiosamente, y como comunero, un rancho cuya situacion lo es en el rio de Pecos á la vanda opuesta abajo de los Esteros: y en virtud de que V. E. está concediendo posesiones en el mismo punto ó sus inmediaciones, sé vé en la imperiosa necesidad de pedir á V. E. se sirva, en virtud de lo que le favorecen las leyes de posesion, mandar se le declare la legitima propiedad en los mismos terminos que se ha concedido á D. Antonio Sandoval vecino de los Padillas, esto es señalándose una legua por cada rumbo, comenzando per el del Norte de donde junta el arroyo de los Esteros con el rio de pecos y del sentro donde alcance esta legua se me señalen las de los otros tres rumbos que siguen, y en los cuales á ningun individuo se le ha declarado propiedad, ni el derecho de posesion á que me refiero por lo espuesta. A. V. E. pide y suplice se le adjudique el referido rancho que ha poseado en los terminos mas legales, y sin reclamo de ninguna auctoridad ó individue particular; y en lo que recibirá gracia.

PEDRO JOSÉ PEREA.

SANTA FÉ, 30 de Noviembre, de 1824.—Sesion del dia 20 de Diciembre de 1824.

Pase esta instancia al Sor. Gefe Politico de esto Territorio para que á continuacion informe sobre la solicitud de terreno que D. Pedro José Perea solisita en el centro de los rios Colorado y de Pecos teniendo presente lo que sobre posesiones ha acordado esta Diputacion en sesion de 19 de Noviembre ppo. pasado. Bartolome Baca *Presidente*, Antonio Ortiz, Pedro Garcia, José Franco. Baca, José Franco. Ortiz, Pedro Bautista Pino, Matias Ortiz, Juan Bautista Vigil, *Secretario*. Exmo Sor. Enterado de lo acordado por V. E. en la resolucion que antecede, y teniendo presente lo acordado por V. E. en la sesion de 19, del pasado, Noviembre al parrafo 5º del referido acuerdo que V. E. me manda tener presente, debo informar á V. E. lo siguiente. Segun lo que V. E. tiene resuelto en la referida sesion del dia 19 de Noviembre ultimo, y el haber donado al ciudadano Antonio Sandoval una legua por cada viento en el punto llamado el Agua Negra; creo debe estar á derecho el ciudadano Pedro José Perea, para que se le conceda un terreno, que á mas de estar á la vanda opuesta del rio de Pecos, tiene la legal circunstancia de haberlo poseido por el tiempo de los nueve años que refiere en su solisitud; demarcando en ella que solo se le conceda una legua de terreno por cada viento; de cuya cuota, se V. E. en lo subsesivo se separase aumentando terreno que otros pidan, á mas de la legua por cada rumbo, no hará V. E. otra cosa que abrir la puerta á reclamaciones compendiosas y mas cuando V. E. tiene resuelto que á ningun individuo se le declare propiedad en el sentro de los rios de Pecos y el norte; en obvio de no perjudicar, á el todo de los habitantes, para que en los tiempos de guerra de las Naciones Barbaras, tengano los de este Territorio en donde paster

sus ganados. De todo esto debe resultar Sor. Exmo. que cualesquiera falta de penetracion, ú olvido de antecedentes, en una materia tan del Interes de la comidad de estos habitantes, debe precisamente producir efectos fatales y de trascendencia, contra el honor y decoro que merecen los acuerdos de V. E.. Por tales motivos, y no haber obstaculo, para que á D. Pedro José Perea se le adjudique el terreno que solisita y ha poseido por la serie de años que indica en su solisitud, puede V. E. desde luego, si fuere de su aprobacion este informe, declarararle la Propiedad que solisita, Documentandole en los terminos que se ha sistemado por V. E. los demas individuos, á quienes se les han donado terrenos entre los rios Colorado y el de Peços. Dios que á V. E. muchos Años. Santa Fé, 25 de Febrero de 1825. Bartolomé Baca, Exma. Diputacion Territorial. "Sesion del dia 3 de Marzo, de 1825. Libro 2.º de las actas de la Exma. Diputacion Territorial del Nuevo Mejico á las cuarenta y tres fojas de su foliatura dice: Se procedio á la lectura de dos informes que de solisitud de terrenos, por D. Antonio Chavez y D. Pedro José Perea presento en seguida el Sor. Gefe Politico, presidente; de los cuales enterado S. E. resolvió. Que se les adjudique á los dos individuos los terrenos que solisitan archibandose en la secretaria de S. E. los expediente originales, como está prevenido, acordado y sistemado para iguales casos, dandose á los interesados el testimonio correspondiente que les servirá de titulo; con el cual se presentara D. Antonio Chavez á el Alcalde del Socorro para que lo ponga en posesion, y D. Pedro José Perea á D. Juan Estevan Pino para igual operacion."

Concuerta fiel y legamente con el original, del cual, y para la devida Instancia y por disposicion de la Exma. Diputacion Territorial del Nueva Mejico, he sacado la presente copia, y del que les ha dado á los Interesados el correspondiente testimonio que les servira de titulo. Santa Fé, 5 de Marzo, de 1825.

JUAN BAUTISTA VIGIL, *Srio.*

Derecho de todo lo practicado 20 pesos.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original document on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

David V. Whiting, whose name appears to the above, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General of New Mexico.

No. 2.

Grant.—Translation.

OFFICE OF THE SECRETARY OF THE MOST EXCELLENT TERRITORIAL DEPUTATION OF NEW MEXICO, PUBLIC SESSION, MARCH 3, 1825.

I, the undersigned, secretary of the most excellent territorial deputation of New Mexico, certify that on the forty-third page of book second, wherein are recorded the journals of the session of its excellency, appears a report made to said honorable body, upon a petition, the tenor of which, literally copied, is as follows:

“MOST EXCELLENT SIR: Citizen Pedro José Perea, a resident of the jurisdiction of Sandia, appears before your excellency, stating that for the period of nine years he has occupied officiously, (?) and as a commoner, a farm situate on the opposite side of Pecos river, below Los Esteros, and as your excellency is granting land at the same place, or in its vicinity, he is necessarily compelled to request your excellency, by virtue of the authority conferred upon you by law to grant possessions, to be pleased to order that it be declared as legitimate property on the same terms as have been granted to Don Antonio Sandoval, resident of Los Padillas—that is, marking out one league in each direction, commencing on the north at the junction of the Arroyo de los Esteros with the Pecos river, and from the termination of this league as a centre, the distance in the remaining three directions be marked out the land therein embraced, not having been declared to be the property of any one, nor the right of possession to which I refer having been given; for the reason given, he prays and requests your excellency to grant to him the aforesaid tract, having possessed it in the most legal manner, and not having been claimed by any authority or private individual, by which he will receive grace.

“PEDRO JOSÉ PEREA.”

“SANTA FÉ, *November 30, 1824.*”

SESSION OF THE 20TH DAY OF DECEMBER, 1824.

This petition is referred to the political chief of this Territory to report immediately hereafter upon the petition of Don Pedro José Perea, asking for lands in the centre of the Colorado and Pecos rivers, bearing in mind the action taken by this deputation on the 19th of November last past, in regard to grants. Bartolomé Baca, president; Antonio Ortiz, Pedro Garcia, José Francisco Baca, José Francisco Ortiz, Pedro Bautista Pino, Matias Ortiz, Juan Bautista Vigil, secretary.

MOST EXCELLENT SIR: Informed of the action of your excellency contained in the foregoing resolution, and having before me the action taken by your excellency, in session of the 19th November last, in paragraph 5 of the aforesaid action, which your excellency requires me to bear in mind, I have to report to your excellency as follows: According to the resolution of your excellency, passed at the session

of the 19th of November last, and having granted to citizen Antonio Bandoval one league in each direction, at the point called "Agua Negra," I think citizen Pedro José Perea has the right to expect a grant of the land, which besides being on the opposite side of the Pecos river, has been legally occupied by him for the period of nine years, as mentioned in his petition, specifying that only one league towards each of the cardinal points of the compass be granted to him, and if your excellency changes this policy in the future, increasing the amount of lands, others may ask far beyond one league in each direction, your excellency will not do otherwise than open a door for innumerable claims; and further, when your excellency has resolved that no grants will be made to individuals between the Pecos and Del Norte rivers, so as by this means to avoid injuring the entire population, by depriving them of a locality wherein to pasture their herds and flocks in time of war with the barbarous Indians.

The result, most excellent sir, will be, that any want of penetration, or forgetfulness of precedents, in a matter of so much importance to the convenience of the inhabitants, will produce fatal results, and will operate against the honor and decorum which the acts of your excellency are entitled to. For these reasons, and there being no objections against granting to Don Pedro José Perea the land he solicits, and which he has occupied for the number of years mentioned in his petition, your excellency may proceed, if this report meets with your approval, to grant to him the land he solicits, executing to him a deed therefor in like manner as has been customary for your excellency to do with other individuals to whom lands have been granted between the Colorado and Pecos rivers. God preserve your excellencies many years.

BARTOLOMÉ BACA.

SANTA FÉ, *February* 25, 1825.

Most excellent territorial deputation, session of the 3d of March, 1825:

On the forty-third page of book 2d of the proceedings of the most excellent territorial deputation of the Territory of New Mexico will be found the following: "The deputation proceeded to the reading of two reports made by the political chief presiding upon application for land made by Don Antonio Chavez and Don Pedro José Perea, upon being informed of which, its excellency resolved that the lands be granted to the parties petitioning for the same, depositing the original proceedings in the office of the secretary of its excellency, as is in such cases provided, agreed upon, and ordered, giving to the parties interested the proper copies, which are to answer as title deeds, with which Don Antonio Chavez will present himself to the justice of Socorro, who will place him in possession, and Don Pedro José Perea to Don Juan Esteban Pino for the same purpose."

The above is a true and legal copy of the original from which, and in testimony thereof, and by direction of the most excellent territorial deputation of New Mexico, the present copy is taken, and from

which I have given to the parties interested the proper certified copy, which will serve them as a title.

JUAN BAUTISTA VIGIL,
Secretary.

SANTA FE, *March 5, 1825.*

NOTE.—This copy is made on common paper, there being none of the proper stamp in all the Territory.

Fees for all the proceedings, twenty dollars.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, July 13, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 3.

Deed of gift.—Original.

Esta escritura hecha el dia quince de Diciembre del año de mil ochocientos cincuenta y seis, entre Pedro José Perea del pueblo de Bernalillo, Condado de Bernalillo y Territorio de Nuevo Mejico, por una parte, y José Leandro Perea del mismo pueblo, condado y Territorio por la otra parte, certifica, que el dicho Pedro José Perea por y en consideracion del amor natural y cariño que el, el dicho Pedro José Perea siente hacia su hijo el dicho José Leandro Perea, como tambien para la mejor mantencion, sostenimiento y modo de viver del dicho José Leandro Perea le ha dado, concedido y confirmado y por estas presentes dá, concede y confirma el dicho José Leandro Perea, sus herederos y asignantes toda aquella porcion de terreno situado entre el Rio de Pecos y el Rio Colorado en este Territorio, con los siguientes linderos ; por el norte, de donde junta el arroyo de los Esteros con el Rio de Pecos, y del controdonde alcance esta legua se medirá una legua por los otros tres rumbos, cuyo terreno fue donado al dicho Pedro José Perea par la diputacion territorial del Nuevo Mejico el dia tres de Mayo del año de mil ochocientos veinte y cinco y por estas presentes se refiere al testimonio de la merced hecha por la dicha diputacion territorial, cuyo testimonio se halla en posesion del dicho José Leandro Perea, para una descripcion mas completa de dicha propiedad junta con toda y cada una de las herencias y pertenencias que le pertenecan ó que de alguna manera sean parte de el, y la reversion ó rever-

sioners, residuo y residuos, rentas, procederes y ganacias de él, y todo el derecho, titulo, interes, propiedad, y reclamo, de cualquiera naturaleza del dicho Pedro José Perea á las dichas premias y á todas partes y porciones de ellas, con las pertenencias. Para que él dicho José Leandro Perea tenga y goze de todas y cada una de las premias concedidas y confirmadas por estas presentes, ó menciona ó que fue la intencion de mencionar, con todas las pertencias, para él, sus herederos y asignantes para su propio uso y beneficio para siempre. Y el dicho Pedro José Perea para si sus herederos, albaceas y administradores, conviene con el dicho José Leandro Perea, sus herederos y asignantes que quarantizará y para siempre, por estas presentes defenderá, las dichas premias en la quieta y pacífica posesion del dicho José Leandro Perea sus herederos y asignantes, contra el dicho Pedro José Perea y sus herederos, y contra toda y cualesquiera persona que las reclame legalmente.

En fe de lo cual el dicho Pedro José Perea ha puesto su firma y sello el dia y año primeramente referidos.

PEDRO JOSÉ PEREA.

Firmando y entregado en presentia de—

AGUSTIN DEL VALLE,
NARSIZO SANTI ESTEVAN.

TERRITORIO DE NUEVO MEJICO,
Condado de Bernalillo.

Personalmente comparecio ante mi un Juez de paz dentro y para el Condado y Territorio referidos, Pedro José Perea á quien certifico que conozco, y quien declaró que el antesedente traspaso fue hecho y firmado por el para los fines que en el se espresan.

En fe de lo cual he puesto mi firma en Bernalillo el dia veinte y siete de Diciembre, de mil ochocientos cuarenta y seis.

BICENTE PEREA,
Juez de Paz.

UNITED STATES OF AMERICA,
Territory of New Mexico.

I, W. W. H. Davis, secretary of the Territory of New Mexico, do hereby certify that Bicente Perea, before whom the foregoing acknowledgment was made, and who has thereto subscribed his name, was at the time of so doing a justice of the peace in and for the county of Bernalillo, and Territory of New Mexico, duly elected and qualified to act as such, and that the signature purporting to be his is genuine.

In testimony whereof, I have hereunto set my hand and affixed my seal of office this 17th day of August, A. D. 1857.

W. W. H. DAVIS,
Secretary Territory New Mexico.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original document on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

David V. Whiting, whose name appears to the above, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General of New Mexico.

No. 4.

Deed of Gift.—Translation.

This indenture, made this fifteenth day of December, in the year one thousand eight hundred and fifty-six, between Pedro José Perea, of the town of Bernalillo, county of Bernalillo, and territory of New Mexico, on the one part, and José Leandro Perea, of the same town, county, and Territory aforesaid, witnesseth: That the said Pedro José Perea, for and in consideration of the natural love and affection which he the said Pedro José Perea bears toward his son, the said José Leandro Perea, as also for the better maintenance, support, and livelihood of him, the said José Leandro Perea, hath given, granted, and confirmed, and by these presents does give grant and confirm unto the said José Leandro Perea, his heirs and assigns, all that certain parcel of land, situate between the Pecos and Colorado rivers, in this territory, with the following boundaries: on the north from the junction of the arroyo de los Esteros with the Pecos river, and from the place of termination of this league as a centre, one league in the remaining three directions, which land was granted to the aforesaid Pedro José Perea by the territorial deputation of New Mexico, on the third day of March, in the year one thousand eight hundred and twenty-five; and reference is hereby made to the certified copy of the grant made by said territorial deputation, which copy is in the possession of the said José Leandro Perea, for a more complete description of said property, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the right, title, interest, property, and claim whatsoever, of him, the said Pedro José Perea, of, in, and to the said premises, and every part and parcel thereof with the appurtenances: to have and to hold all and singular the premises hereby granted and confirmed, or mentioned, or intended so to be, with the appurtenances, unto the said José Leandro Perea, his heirs and assigns, to the only proper use and behoof of him, the said José Leandro Perea, his heirs and assigns forever; and the said Pedro José Perea for himself, his heirs, executors, and administrators, doth covenant and agree with the said José Leandro Perea, his heirs and assigns, the said premises in the quiet and peaceable possession of the said José Leandro Perea, his heirs and assigns, against the said party of the first part, his heirs and assigns, against the said party of the

first part and his heirs, and against all and every person whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In testimony whereof the said Pedro José Perea has hereunto set his hand and seal on the day and date first above mentioned.

PEDRO JOSÉ PEREA. [SEAL.]

Signed and delivered in presence of Augustin del Valle.

NARCISO SANTIESTEBAN.

TERRITORY OF NEW MEXICO, }
County of Bernalillo. }

Personally appeared before me, a justice of the peace within and for the county and Territory aforesaid, Pedro José Perea, personally known to me, who declared that the foregoing conveyance was made and signed by him for the purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal this twenty-seventh day of December, one thousand eight hundred and fifty-six.

VICENTE PEREA,
Justice of the Peace.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, July 16, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Testimony.

JOSÉ LEANDRO PEREA.

AUGUSTIN DURAN sworn :

Question. Have you any interest in this case ?

Answer. I have none.

Question. Did you live here in the year 1825, under the Mexican government ?

Answer. I did, and was appointed inspector of the customs in that year.

Question. Did you know Juan Bautista Vigil, and what office did he hold at that time ?

Answer. I did. He was a sub-commissary. He was also secretary of the territorial deputation.

Question. Have you ever seen him write, and do you know his signature?

Answer. I have, and do know it. The signature on document A and his rubric also are genuine.

AUGUSTIN DURAN.

Sworn and subscribed before me this 8th day of August, 1857.

WM. PELHAM,
Surveyor General.

José Leandro Perea, claim of Los Esteros, on the river Pecos.

MIGUEL ANTONIO GONZALES, being duly sworn, declares that:

Question. Do you know the rancho known as Los Esteros, on the Pecos river, in the county of San Miguel?

Answer. I do. Have known it since the year 1836 as the property, at that time, of Pedro José Perea.

Question. Do you know that the land of this grant was occupied by Pedro José Perea, and for what purposes?

Answer. As a grazing farm for horses, cattle, mules, and sheep, the herders (pastores) had several houses for their protection in 1836 when I was there, and the whole tract seemed to have been used for years as a permanent grazing ground.

Question. Have you any interest in this claim?

Answer. I have not.

MIGUEL ANTONIO GONZALES.

Sworn and subscribed before me this 31st day of August, 1857.

[L. S.]

DAVID V. WHITING,
Notary Public.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 6.

Notice.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Your petitioner, José Leandro Perea, a resident of the county of Bernalillo, in the Territory of New Mexico, would respectfully state to you that, on the 3d day of March, A. D. 1825, there was granted to one Pedro José Perea, by the territorial deputation of New Mexico, a tract of land situate in the Territory of New Mexico, on the river

Pecos, described as follows, to wit: Commencing at the junction of the Arroya de los Esteros and the Rio Pecos, and running thence one league to the south as a centre, and from the said centre one league to the three remaining cardinal points, as will more fully appear by reference to his title, dated 5th of March, 1825, being a copy of the grant signed by Juan Bautista Vigil, secretary of said deputation, and marked as Exhibit A. Herein your petitioner further states that said Pedro José Perea, the father of your petitioner, conveyed to your petitioner the premises aforesaid on the 15th day of December, A. D. 1856, as will appear by reference to a deed of that date, hereby made a part of said petition, marked as Exhibit B. Herein your petitioner further states that said tract of land has no other claimant known to your petitioner, and has remained in the occupancy of the said Pedro José Perea and your petitioner, from the time of said grant up to the present time, having been used for grazing purposes when it could be done with safety from the Indians. Your petitioner further states that said land has never been surveyed; but the starting point is a permanent place, well known, and easily found, and the measurement of said land can be easily made, and the exact number of acres correctly ascertained. *Your petitioner asks the consideration of his case,* and that such steps be taken in the premises as will insure him a valid title to said land, under the act of Congress passed for such purpose, and as in duty bound he will ever pray, &c.

JOSÉ LEANDRO PEREA.

By JOHN S. WATTS, *his Attorney.*

General WM. PELHAM,
Surveyor General of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

No. 7.

Decision.

José Leandro Perea, present claimant, by virtue of a transfer from Pedro José Perea, original grantee.

This case was filed in this office on the 15th of May, 1857, and set for trial on the 8th day of August, 1857, and continued until August 31.

On the 30th day of November, 1824, Pedro José Perea petitioned the political chief, or acting governor, for a tract of land situate on the Pecos river, with the following boundaries: commencing on the north at the junction of the Arroya de los Esteros with the Pecos river, and from the termination of one league as a centre, one league to be marked out towards the remaining three points of the compass, basing his claim to the land petitioned for upon the peaceful and

quiet occupancy of the same for a period of nine years previous to the date of the petition.

On the 20th day of December, 1824, the above mentioned petition was referred by the territorial deputation to Bartolomé Baca, the political chief, requiring him to report on the expediency of complying with the request of the petitioner.

On the 25th of February, 1825, Bartolomé Baca, in a lengthy report setting forth the condition of the province, and the advantages to be derived from reducing the public lands to private property, recommends that the grant solicited by the petitioner be made, which was done by the territorial deputation on the 3d day of March, 1825, ordering the grantee to present himself to Juan Esteban Pino, a justice of the peace, to be placed in judicial possession of the land so granted.

On the 15th day of December, 1856, Pedro José Perea executed a deed of gift of the aforementioned land to José Leandro Perea, his son, the present claimant.

The 11th article of the decree of the 4th of January, 1813, (vide Coleccion de los Decretos y Ordenes de las Cortes de España, by Mariano (Galvin,) vests in the provincial deputation the authority to approve all grants to land made within their respective provinces, which requisite is fully complied with in the case under consideration. The grant is also an absolute one, there being no conditions required from the grantee.

The oral testimony taken in the case shows the land to have been actually occupied by the grantee, whenever the Indians would allow it, for a period of twenty-one years.

The documents acted upon by this office are the originals, with the exception of the petition and grant, which are "testimonios," or copies of the originals on file in this office, certified by the secretary of the territorial deputation.

The grant is, therefore, confirmed to José Leandro Perea, and transmitted to the proper department for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 15, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General.

Schedule of documents accompanying claim No. 53.

- No. 1. Grant—original Spanish.
- No. 2. Grant—translation.
- No. 3. Notice.
- No. 4. Testimony.
- No. 5. Decision.

CLAIM NO. 53—CORNELIO VIGIL AND CERAN ST. VRAIN.

No. 1.

Grant—Original.

SELLO CUARTO, DOS REALES.

Años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.

EXMO. SR. GOBR.: Cornelio Vigil vecino de la 1a. demarcacion de Taos y Seran Herram ciudo. naturalizado y vecino de la misma ante convenga parecemos y desimos: Que deseando fomentar la agricultura del pais en terminos que se vea en estado floreciente y encontrados con terrenos reducidos en que verificarlo hemos visto y reconocido con toda detencion el que comprende los vios del Huerfano, Pisipa y cucharas hasta su confluencia con el Napeste y de las Animas y encontrando en él las cualidades de amenidad tierras ferases para el cultivo abundante pastos y aguas y toda lo que se requiere para un establecimiento frutuoso y crias de ganado mayor y lunar satisfechos de todo y de que esta valdío no hemos vasilado para ocurrir á V. E. suplicandole se sirva por un efecto de justicia concedernos en el referido terrena la posecion de un sitio de tierras a cada uno protestando que en la primavera inmediata daremos principio a establecernos en ella hosta quedar redicados y establecida la colonia siempre que V. E. se digne concedernosla, así lo ofrecemos y juramos no ser de malisia.— Santa Fé, Dbre, 8 de 1843.

CORNELIO VIGIL Y SERAN ST. VRAIN.

SANTA FÉ, Dbre. 9, 1843.

Al Juez de Paz a que corresponde para que de la posecion a que se refieren los presentantes pues este Gobno. desea que se fomente la agricultura y las artes.

ARMIJO.

DONACIANO VIGIL, *So. into.**Señor Juez de Paz de la 3a. demarcacion D. Miguel Sanchez.*

Los que subscriben ciudadanos Mejicanos y residentes en este Departamento, ante V. en la mejor forma que haya lugar en derecho parecemos y decimos: que habiendosenos donado por el gobno. del Departamto. el terreno valdío que demarca la adjunta instancia, como se vé por el superior decreto sentade al margen, y careciendo del titulo de posesion que nos asegura nuestra legal propiedad y ninguno pueda turbarnos en ella, suplicamos á V. se sina habernos por presentados, y desde luego ampliarnos este para los usos de nuestro derecho. Por tanto.

A. V. pedimos se sirva acceder á nuestra solisitud por ser justicia que impetramos, juramos no ser de malisia y lo necesario, &a.

Taos, Diciembre 25, de 1843.

CORNELIO VIGIL.
CERAN ST. VRAIN.

DICIEMBRE 26, de 1843.

Por presentado y admitido en cuanto haya lugar en derecho pasese por mi el presente Juez con los de asistencia é instrumentales al lugre que sitan los documentos adjuntos, y dese á los petentes la posesion que solisitan para por si y por sus derederos y sucesores sea habido con derecho. El ciudadano Miguel Sanchez, Juez de Paz de la 3a. demarcacion de Taos, asi lo proveyó mandó y firmó con los de asistencia doy fé.

JOSÉ MIGUEL SANCHEZ.

Assa.

JUAN RAMON BALDEZ,
PEDRO VALDEZ.

En este partido de Taos á los dos dias del mes de Enero de mil ochocientos cuarenta y cuatro, yo el C. Miguel Sanchez, Juez de Paz de esta demarcacion en virtud de lo mandado en el decreto que antecede, pasé al terreno que refieren D. Cornelio Vigil y D. Ceran St. Vrain en el antecedente escrito y es tando en el con los de mi asistencia é instrumentales que al fin se nombraron se procedio á señalar las mohoneras de los limites conforme se describe en la preinserta peticion, y corresponde al mapa que rubrico; y empesando por la linea (del norte de la posesion de (Miranda y Beaubien) á una legua al Este del rio de las Animas se puso una mohonera, y de hay siguiendo una linea recta hasta el rio de Napeste una abajo de la confluensia de las Animas con el mismo Napeste, se puso la 2a. mohonera en la orilla del rio de Napeste, y continuando á seguir el mismo Napeste para arriba hasta una legua y media abajo de la confluensia del rio San Carlos, se puso la 3a. mohonera siguiendo despues una linea recta para el sur hasta llegar al pie de la primer Sierra á dos leguas de distancia al oreste del rio huerfano, se puso la 4a. mohonera, y continuando en linea rectua hasta arriba del la Sierra donde nace el sitado huerfano, se puso la 5a. mohonera y siguiendo la cumbre de dicha Sierra para el este hasta encontrar la linea de posesion de Miranda y Beaubien, se puso la 6a. mohonera, y de hay continuando á seguir la linea de los limites de la misma posesion de Miranda y Beaubien por el este, llegué á la primera mohonera que se puso, cerrando hay los linderos de la presente posesion; y registrado lo pasie de la mano é hize tarar tierra; arrancar yerbas y otras demostraciones de propiedad con lo que se concluyo el acto quedando determinado los linderos, sin que hubiese aparesido reclamo alguno de perjuicio de tercero; por que yo el referido Juez á nombre de la Soberania de la nacion Mejicana (Q. D. G.) les di á los mencionados D. Cornelio Vigil y D. Ceran St. Vrain la posesion personal y perfecta que solisitan para que les sirva de titulo a ellos sus hijos y sucesores, por la cual les amparo y defiendo, y mando que de ella no sean despojados sin ser primero oidos y por fuero y derecho vensidos, en fé de la cual lo firmé con los de mi asistencia y los instrumentales que lo fue-

ron los C. C. Luis Lee, Manuel Martin, y Juan Ortega, presentes y
vesinos de este partido, de que doy fé.

JOSÉ MIGUEL SANCHEZ.

Instruml.

LUIS LEE.

Instruml.

JUAN ORTEGA.

Assa.

JUAN RAMON BALDEZ.

Assa.

PEDRO VALDEZ.

Instruml.

MANUEL ANTO. MARTINEZ.

Derechos, 30 pesos.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING,
Translator.

SURVEYOR'S GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing
certificate, is, and was at the time of signing the same, the translator
of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Grant.—Translation.

[Seal.]

Seal fourth, two rials.

Years of one thousand eight hundred and forty-two and one thousand
eight hundred and forty-three.

SANTA FÉ, *December 8, 1843.*

MOST EXCELLENT GOVERNOR :

Cornelio Vigil, a resident of the demarcation of Taos, and Ceran
St. Vrain, a naturalized citizen and resident of the same, appear be-
fore your excellency in the manner and form best required by law and
convenient to us, and state: That desiring to encourage the agricul-
ture of the country to such a degree as to establish its flourishing con-
dition, and finding ourselves with but little land to accomplish the
object, we have examined and registered with great care the land em-
braced within the Huerfano, Pisipa, and Cucharas rivers to their
junction with the Arkansas and Animas, and finding sufficient fertile
land for cultivation, an abundance of pasture and water, and all that
is required for a flourishing establishment, and for raising cattle and
sheep, and being satisfied therewith, and certain that it is public land,
we have not hesitated to apply to your excellency, praying you to be

pleased, by an act of justice, to grant to each one of us a tract of land in the above mentioned locality, protesting that in the coming spring we will commence operations, which will be continued until the colors shall be established and settled, provided your excellency be pleased to grant it to us, we so request, and swear that we do not act in malice.

CORNELIO VIGIL,
CERAN ST. VRAIN.

SANTA FÉ, December 9, 1843.

To the justice of the peace of the proper jurisdiction, who will give the possession referred to by the petitioners, as this government desires to encourage agriculture and the arts.

ARMIJO.
DONACIANO VIGIL,
Secretary.

TAOS, December 25, 1843.

To Don Miguel Sanchez, justice of the peace of the third demarcation:

The undersigned, Mexican citizens and residents of this department, appear before you in the manner best provided by law, and state, that his excellency, the governor, having granted to us the public land contained in the accompanying petition, as will be seen by the decree written on the margin, and not having the title deed which will insure to us our legal ownership, and that no one may disturb us in our property, we pray you to be pleased to consider us as having presented ourselves, and immediately execute the above for the purposes which we may require; therefore we pray your excellency to be pleased to accede to our request, as we impetrate justice, we swear not to act through malice; and whatever may be necessary, &c.

CORNELIO VIGIL,
CERAN ST. VRAIN.

DECEMBER 26, 1843.

As presented, and admitted as far as the law requires. The present justice of the peace will proceed with those in his attendance, and instrumental witnesses, to the place mentioned in the accompanying documents, and the possession asked for by the petitioners will be given, in order that they, their heirs and successors, may hold the same in fee. Citizen Manuel Sanchez, justice of the peace of the 3d demarcation of Taos, so provided, ordered and signed, with those in his attendance. I certify.

JOSÉ MIGUEL SANCHEZ.

Attending:

JUAN RAMON VALDEZ,
PEDRO VALDEZ.

In this district of Taos, on the second day of January, one thousand eight hundred and forty-four, I, citizen Miguel Sanchez, justice of the peace of this demarcation, by virtue of what is ordered in the foregoing decree, proceeded to the land referred to by citizens Cornelio Vigil and Ceran St. Vrain, in the foregoing petition, and being on the spot with those in my attendance and instrumental witnesses appointed for the

purpose, we proceeded to the establishment of the mounds (mohonerias) for the boundaries as described in said foregoing petition and corresponding with the plat, to which I attached my rubric; and commencing on the line (north of the lands of Beaubien and Miranda,) at one league east of the Animas river a mound was erected; thence following in a direct line to the Arkansas river, one league below the junction of the Animas and the Arkansas, the second mound was erected on the banks of said Arkansas river; and following up the Arkansas to one and one-half league below the junction of the San Carlos river, the third mound was erected; thence following in a direct line to the south, until it reaches the foot of the first mountain, two leagues west of the Huerfano river, the fourth mound was erected; and continuing in a direct line to the top of the mountain to the source of the aforementioned Huerfano, the fifth mound was erected; and following the summit of said mountain in an easterly direction until it intersects the line of the lands of Miranda and Beaubien, the sixth mound was erected; from thence following the dividing line of the lands of Miranda and Beaubien in an easterly direction, I came to the first mound which was erected. Closing here the boundaries of this grant, and having recorded the same, I took them by the hand and walked with them, and caused them to throw earth and pull up weeds, and make other demonstrations of possession, with which the ceremony was concluded; the boundaries being established without any claim being presented injuring any third party, as I, the aforementioned justice, in the name of the sovereignty of the Mexican nation, (which may God preserve,) gave to the aforementioned Cornelio Vigil and Ceran St. Vrain, the personal and perfect possession which they solicit as a title to them, their children, and successors, by which they are protected and defended, and I direct that they be not disposed without first being heard and vanquished according to law. In testimony whereof, I signed with those in my attendance and instrumental witnesses, who were citizens Louis Lee, Manuel Martin, and Juan Ortega, who were present and are residents of this district, to which I certify.

JOSÉ MIGUEL SANCHEZ.

Instrumental: LUIS LEE.

MANUEL ANTO. MARTINEZ.

JUAN ORTEGA.

Attending: JUAN RAMON VALDEZ.

PEDRO VALDEZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, July 13, 1857.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 29, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM, *Surveyor General.*

No. 3.

Notice.

UNITED STATES OF AMERICA, }
 Territory of New Mexico. }

To William Pelham, esq., *surveyor general of the Territory of New Mexico:*

Ceran St. Vrain, for himself, as one of the original grantees, and in behalf of the heirs of Cornelio Vigil, deceased, a citizen of the United States and a resident of the Territory aforesaid, (as was also Cornelio Vigil at the time of his death, in the insurrection at Taos, New Mexico, on the 19th January, 1847,) respectfully represents that he and the said heirs of Cornelio Vigil are claimants and legal owners in fee of a certain tract of land lying in and north of the county of Taos, in the Territory of New Mexico, known as the grant of the Rios las Animas and Huerfano, and bounded and described as follows: Commencing at a landmark, No. 1, (mohonera,) one league east of the Rio de las Animas, on the north line of the possession of Miranda and Beaubien; thence running in a straight line to a point on the Arkansas river, one league below the confluence of the Rio de las Animas with the said river, where is placed landmark No. 2, on the bank of the river; thence following up the said Arkansas river to within one league and a half of the confluence of the Rio San Carlos with the same, where is placed landmark No. 3; thence running a directly south course to the foot of the first mountain, two leagues west of the Rio Huerfano, where is placed landmark No. 4; thence running a straight line up said mountain to the source of the said Rio Huerfano, where is placed landmark No. 5; thence following the summit of said mountain towards the east to the line of Miranda and Beaubien, where is placed landmark No. 6; and thence following the west line of the possession of Miranda and Beaubien in a direct line to landmark No. 1, or the place of beginning; all of which points and boundaries are designated and well known. And the said Ceran St. Vrain and the heirs of Cornelio Vigil aforesaid claim a perfect title to said tract of land by virtue of a grant made on the ninth day of December, A. D. 1843, by General Manuel Armijo, governor and commanding general of the Territory of New Mexico, according to the laws and customs of the government of the republic of Mexico, and the possession thereof given in conformity to the said laws and customs by José Miguel Sanchez, justice of the peace of that district, on the second day of January, A. D. 1844, in the presence of witnesses; for proof of all which proceedings, the documentary evidence herewith filed, marked "A," is respectfully referred to and prayed to be made a part of this petition. Your petitioners would further state that they occupied said tract of land at intervals and when safe to do so, on account of the Indians, principally as grazing ground for different kinds of stock, for which purposes, on account of the general scarcity of water, it is better adapted than for cultivation. They would further represent

that the said tract of land has never been surveyed, and that therefore no estimate can be made of its contents, and its boundaries better described than as set forth in the accompanying document, marked "A," and the pen sketch thereto attached. That they know of no person or person contesting or intending to contest their right and title to said land, and they therefore pray that the said grant be confirmed to them under the laws of the United States; and your petitioners will ever pray, &c.

SMITH & HOUGHTON,
For Petitioners.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 29, 1857.

The foregoing is a true copy of the originals on file in this office.

WM. PELHAM,
Surveyor General.

No. 4.

Testimony.

CHRISTOPHER CARSON sworn:

Question. Have you any interest in this claim?

Answer. I have not.

Question. How long have you known this grant?

Answer. For some time. In the year 1847, when I went from California to the States, I found Mr. William Bent on the Purgatoire. He had built a house and was breaking up land, and I understood he intended to establish a farm.

Question. In what relation was William Bent with St. Vrain at that time?

Answer. I believe he was a partner of St. Vrain's in a trading post at that time.

Question. Do you know if the cattle at Bent and St. Vrain's fort was grazed on this land?

Answer. It was. They had stock on several portions of the grant at various times.

Question. Has it not been dangerous to farm on the Arkansas Purgatoire and San Carlos river on account of the Indians?

Answer. It was. A great deal of farming was done on the San Carlos every year, but the Utahs would generally come and destroy the crops.

Question. Do you know if this land was used as a grazing farm by St. Vrain previous to 1847?

Answer. He grazed his stock at several places within the grant two or three years prior to 1847.

C. CARSON.

Sworn and subscribed before me this 28th July, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General

AGUSTIN DURAN sworn :

Question. Have you any interest in this claim ?

Answer. I have not.

Question. Did you know Manuel Armijo and Donaciano Vigil, and what offices did they hold in 1843 ?

Answer. I did. The one was governor and commanding general and the other public secretary. The signatures shown in document A of these individuals are genuine.

AGUSTIN DURAN

Sworn and subscribed before me this 8th day of August, 1857.

WM. PELHAM,
Surveyor General

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor General

WILLIAM A. BRANSFORD, being duly sworn according to law, declares :

Question. Have you any interest in the land claim of Ceran St. Vrain and the heirs of Cornelio Vigil, now before the surveyor general's court ?

Answer. I have not.

Question. What do you know of the settlement, occupation, and general use made of said grant, and at about what times ?

Answer. From 1844 till 1847 the tract of land was used as a general grazing ground for all kinds of stock by Bent and St. Vrain, who then had a fort or trading post on the Arkansas river, opposite to the grant ; the present claimant, Ceran St. Vrain, was one of the partners in said post. In 1847 a settlement was formed on said grant on a stream, known in Spanish as the "Rio de las Animas," and called by Americans Purgatoire, by Bent and St. Vrain and their employes who erected several houses, and broke up a large quantity of land and planted a considerable portion of it. Before completing the crop for that season they were compelled to abandon the site on account of the aggressions of the Indians, who commenced running off the stock and threatened the settlers that if they did not leave they would kill them all. About the fall of 1852, Richings L. Wooten, Charles Williams, and others, formed a settlement, on and near Huerfano river, on the grant, by permission of the claimant, Ceran St. Vrain ; the settle

ment continued in a flourishing condition till about spring or summer of 1854, when the Indians attacked the settlement, killed seven or eight of the settlers, and run off most of the stock; shortly after which event the settlement was abandoned.

In 1847 witness had charge of about 1,500 or 1,600 head of cattle, grazing on said grant on account of Bent and St. Vrain.

Question. Where did you reside in 1844 and since?

Answer. From 1844 to 1849 I was at and near Bent's fort, and at other places between the Arkansas river and Taos; since 1849 I have resided mostly at the town of Moro, in the county of Taos.

The facts above stated in regard to the forming and breaking up of settlements are of my own knowledge, as I was in the vicinity where they occurred, and personally knew the settlers, and all the circumstances in connexion with the settlements, and was in the employment of Bent and St. Vrain at the time.

WILLIAM A. BRANSFORD.

Sworn to and subscribed before me, this 24th day of August, 1857.
Witness my hand and seal of office.

A. DE MARLE, *Clerk.*

SURVEYOR GENERAL'S OFFICE,
Santa Fe, New Mexico, September 29, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 5.

Decision.

This claim was filed in this office on the 4th day of June, and set for trial on the 8th day of August, 1857.

On the 8th day of December, 1843, Cornelio Vigil and Ceran St. Vrain petitioned Manuel Armijo, the governor of New Mexico, for a grant to a tract of land situate in the new county of Taos, and embraced within the Huerfano, Piripa, and Cucharas rivers, to their junction with the Arkansas and the Animas rivers.

On the 9th day of December, 1842, Manuel Armijo, civil and military governor of New Mexico, directed the justice of the peace of the proper jurisdiction to place the parties in possession of the land asked for by the petitioners, which was accordingly done on the second day of January, 1844.

The papers filed in this office are the originals, duly authenticated by the testimony of witnesses.

It is also proven in evidence that the land has been in occupation from the time the grant was made up to the present, whenever the condition of the Indians would allow it to be cultivated and settled upon.

At the period when this grant was made the province of New Mexico had just emerged from a series of revolutions and civil commotions, which had caused the general government of the republic to confer upon the governor of the province extraordinary and almost absolute power in all things relating to the domestic affairs and internal government of the province. Under this authority and the extraordinary powers so vested in him, this grant is purported to have been made, and it is to be presumed that he acted within the scope of his authority, as it has never been contested or contradicted. The treaty of Guadalupe Hidalgo, of February 2, 1848, between the United States and the republic of Mexico, provides expressly for the protection of the property of the residents of the country at the time the sovereignty was changed, and, as no contest has been filed against the claim, it is hereby confirmed and transmitted for the action of Congress in the premises.

WILLIAM PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 17, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September —, 1857.

The foregoing is a true copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

Schedule and documents accompanying claim No. 54.

- No. 1. Grant—original Spanish.
- No. 2. Grant—translation.
- No. 3. Conveyance from Juan de D. Peña to Juan Estevan Pino—original Spanish.
- No. 4. Conveyance from Juan de D. Peña to Juan Estevan Pino—translation.
- No. 5. Conveyance from Pedro Ortiz to Juan E. Pino—original Spanish.
- No. 6. Conveyance from Pedro Ortiz to Juan E. Pino—translation.
- No. 7. Conveyance from Justo P. Pino to Alexander Vallé—original Spanish.
- No. 8. Conveyance from Justo P. Pino to Alexander Vallé—translation.
- No. 9. Notice.
- No. 10. Testimony.
- No. 11. Decision.

CLAIM No. 54.—ALEXANDER VALLÉ.

No. 1.

Grant.—Original.

Valga para el sello tercero del año de 1815.

FRANCISCO ORTIZ.

Sor. Thl. Coron'l y Gov'r. Interino:

Juan de Dios Peña alferez retirado de este real presidio por si, y a nombre de Don Francisco Ortiz 2º y de Don Juan de Agilar recinos de esta capital parezco ante la superioridad de V. S. con la mas reverente atencion y debido respecto que por dro. es conferido y dice Sor. Que allandonos con crecidas familiar y algunos bienes de campo y no tener sitio suficiente para mantener nros. bienes y labran suficiente tierra para las precisa susistencia de nras. personas y familias heonos hecho registro de un sitio que se alla oy llermo y despoblado y cual se alla en las ynmediaciones del pueblo de Pecos acial poniente fuera de la pertenencias del pueblo como consta al Protector de Indios al Alcl. de aquella jurisdicción guient. podran informan el no ser nra. solicitud en daño de tercera personas ni a los Indios de aquella republica por cuga causa hacemos la solicitud que teniendolo a bien y siendo del superior agrado de V. S. pedimos rendidamte. se nos conceda por merced a nombre (de S. M. q. Ds. ql.) obligandonos á poblarlo y cultivarlo con el esfuerso pocible y mantener armas y cavallos y montura y demas aprestos para nro. resguardo y defensa de la patria—por lo ql.

A. V. S. dido y suplico rendidamte. se sirva mandar hacer como lo pido que en aserlo asi reciveré merced y gracia ql. impetro.

JUAN DE DIOS PEÑA.

STA. FÉ Y MARZO 28, DE 1815.

Ynforme el protector de Yndios.

MAYNEZ.

SANTA FE, 27 de Marzo, de 1815.

En puntual cumplimiento alo mandado por V. S. y en bista de la solicitud ql. hacen los solicitates del sitio espresado digo Sor. que el citado sitio esta ynde pendiente de la legua y labor de los naturales de aquel pueblo en distancia regula y muy separado de la posecion del citado pueblo y ql. tampoco es perjudicable á terceras personas por lo ql. puede V. S. aceder y conceder la merced siendo de su superior agrado pues la mente del Reg as que se ballan poblando los sitios ó parajes deciertos teniendo los residentes pobladores armas cavallos montura y demas aprestos para su defensa como lo prometen.

En cuyo concecto podra aceder á su solicitud ó como se sirva determinar lo que siempre sera lo mejor.

FELIPE SANDOVAL.

SANTA FE, Marzo 28, de 1815.

SANTA FE, 27 de Marzo, de 1815.

Exponga el Alc^l. de 1^r. Voto de esta capital lo que le conste por ci o por informes sobre esta solicit^d.

MAYNEZ.

Sor. GOBERNADOR DE ESTA PROBINSIA.

SANTA FE, 28 de Marzo, de 1815.

En vista de lo que espone el Protector digo Sor. que cuanto espone es la berdad y puede Vsia determinar como lo allare por de su mallo agrado pues á nadie se perjudica en la solicitud que asen los interados.

MATIAS ORTIZ.

SANTA FE, 29 de Marzo, de 1815.

Como lo pide conociendo del arreglo del establecim^{to}. el alc^l. de 1^r. Voto D. Matias Ortiz quien me dira las suertes de tierra de labor limitando las mercedes a solo la tierra ql. rompan y siembren con obligacion de cercarla para no cobrar daños por que el terreno hadese egidos y comederos realengos del comun de Yndios y vecinos a quien corresponda.

MAYNEZ.

SANTA FE, trein de Junio, de 1815.

En devido cumplimiento á el decreto del Sor. Gobernador de esta Probinsia Don Alberto Maynez con fecha de beinte nueve de Marzo de mil ochocientos quinse pase yo el Alcalde mallor de la villa de Santa Fè y jurisdiccion Don Matias Ortiz á poner en posesion a Don Juan de Dios Peña alfez retirado como principal solicitante de esta merced y a el mismo tiempo Don Francisco Ortiz y a Don Juan de Agilar como acompañados de Tho. Alfez y abiendo llegado a el pueblo de Pecos media la legua comensando de la cruz del seminterio rio arriba y abiendoles dado entero cumplimiento de su legua a los Yndios en lo sobrante agarré a Don Juan de Dios de la mano y a el mismo tiempo á sus acompañados como parsioneros en dha. posesion y los posie por la tierra poniendolos en posesion real con mas otros individuos que entraron con la misma ausion y a si mismo les entreg en nombre de Su Majestad que Dios guarde arrancaron sacates tiraron piedras dieron boces diciendo Biba el Reg de Espana mi Señor Don Fernando Septimo por la gracia de Dios y a si mismo les fué entregando las suertes de tierra que le correspondia á cada individuo y aciendoles ber que en las suertes de tierra que seles entregue con mas solares de casa y corrales les favorecia esta merced que de lo demas de pastos y abrebaderos es comun realengo y a si mismo esta posesion la recibieron sin oposicion alguna y a el mismo tiempo se les a echo ber que sus casas sean de areglar reunidas por lo que pueda suceder en el distrito del tiempo an de tener armas cavallos para su defensa an de cercar sus labores para no cobrar daños y a si mismo an de cultivar su tierra por el tiempo de cinco años para alquerir todo derecho a poderla vender a otra persona y a si mismo el que dejare la tierra sin cultivar

por un año se le quite y se le de a otro y por tanto asi lo aprrobe mande y firme con los testigos de mi asistencia con los que actuo á falta de Escrivano ni Real ni Publico que de ninguna clace lo ai en este Gobierno de todo doy fé.

MATIAS ORTIZ.

JOSE SILVA.
YGNACIO ORTIZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

David V. Whiting, whose signature is subscribed to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

GRANT.—TRANSLATION.

To the lieutenant colonel and acting governor, Juan de Dios Peña, a retired ensign of his royal garrison, for himself and in the name of Don Francisco Ortiz, 2d, and Don Juan de Aquilar, resident of this capital, appear before your excellency with the greatest attention and due respect that by law is conferred, and saith: Sir, that having large families and owners of some stock, and not owning sufficient pasture ground for our animals, nor sufficient tillable land for the very necessary maintenance of ourselves and families, we have recorded a tract of land at this time, wild and unsettled, which is situate in the vicinity of the Pecos Pueblo, to the west, beyond the limits of the Pueblo, as is well known by the protector of the Indians and the alcalde of that jurisdiction, both of whom are aware that our petition is not in prejudice to a third person nor to the Indians of that district, for which reason we present this petition that if your excellency may deem it proper, and being your pleasure, respectfully ask that you will grant the same to us in the name of H. M., (whom may God preserve,) (de S. M. Q. D. G.,) obligating ourselves to settle and cultivate the same with the greatest possible exertions, and will keep arms, horses, horse equipage, and all other necessaries for our protection and the defence of the country. Therefore we respectfully ask and request your excellency to be pleased to order to be done as we petition, that in so doing we will receive the mercy and grace we petition for.

JUAN DE DIOS PEÑA.

SANTA FÉ, *March 28, 1815.*

SANTA FE, *March 27, 1815.*

Let the protector of the Indians report.

MAYNES.

In exact compliance to instructions from H. E., and in view of the solicitude of the petitioners of the said tract of land, I answer: Sir, that the said tract of land is independent of the league and labor of the natives of that pueblo, at regular distance and entirely separated from the possession of said pueblo, nor is it in injury to a third person. Your excellency can, therefore, accede and concede the grant, it being your pleasure to do so, because the wish of the king is that the desert tracts and places shall be settled, permanent settlers having arms, horses, horse equipage, and all other necessaries for their defence, as they promise to keep. In which view you may grant their petition, or as you may please to determine which will be best.

FELIPE SANDOVAL.

SANTA FE, *March 28, 1815.*

SANTA FE, *March 28, 1815.*

The first alcalde of this capital will make a report of what he knows of himself or by the reports of others relative to their petition.

MAYNES.

SANTA FE, *March 28, 1815.*

To the governor of this province :

In view of the protector's report, I would say: Sir, that everything therein set forth is true, and your excellency may determine as you may deem proper, for the petition presented by the parties does not injure any person.

MATIAS ORTIZ.

SANTA FE, *March 29, 1815.*

The first alcalde, Don Matias Ortiz, being acquainted with the order of the establishment, will comply with the petition, who will measure the pieces (suertes) of tillable land, limiting the grants solely to the land they plough and plant, with the obligation that they shall enclose the same to prevent the recovery of damages, because the grounds must be common and public pastures for the Indians and citizens that have a right therein.

MAYNES.

SANTA FE, *June 30, 1815.*

In due compliance with the decree of the governor of this province, Don Alberto Maynes, under date of the 29th of March, one thousand eight hundred and fifteen, I, Don Matias Ortiz, first alcalde of the town of Santa Fé and its jurisdiction, proceeded to put in possession Don Juan de Dios Peña, retired ensign, as principal petitioner of this grant, and, at the same time, Don Francisco Ortiz and Don Juan de Aguilar, as companions of said ensign; and, having arrived at the

Pueblo of Pecos, I measured the league commencing at the cross of the cemetery up the river, and having measured the entire league of the Indians on the residue, I took Juan de Dios by the hand, and at the same time his companions as partners in the said possession, and conducted them over the ground, placing them in legal possession, together with other individuals who entered in the same possession; whereupon I delivered the same to them in the name of his Majesty, (whom may God preserve;) they pulled up grass, threw stones, and cried out, saying long live the King of Spain, my lord, Don Fernando Seventh, by the grace of God; I then proceeded to deliver to each individual the pieces (suertes) of land that he was entitled to, giving them to understand that this grant protected them in the possession of the (suertes) land that I had delivered to them, as also to lots for houses and building pens on, and that the other land should remain common pasture ground and watering places; whereupon they received possession without any opposition. I directed them at the same time that their houses should be built close together for their own security in future; that they should keep horses and arms for their defence; that they should enclose their fields, in order not to claim damages; and, also, that they must cultivate their lands for the term of five years, in order to acquire a good title thereto, and be able to sell the same to any other person; and, further, that any person who should abandon the land and not cultivate the same for one year, the land should be taken from him and given to another; and therefore thus I approved, ordered, and signed, with the witness in my presence, with whom I acted in the absence of a royal notary public, there being none of any class in this government: to all of which I hereby certify.

MATIAS ORTIZ.

Witnesses:

JOSE SILVA.

YGNACIO ORTIZ.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office, filed by the claimants.

WM. PELHAM,
Surveyor General.

No. 3.

Conveyance.—Original.

En la ciudad de Santa Fé, capital del Nuevo Mexico, á los diez y siete dias del mes de Marzo de mil ochocientos beinte y seis, ante mi el ciudadano Mauricio de Arze, Alcalde Constitucional 2º nombrado de dicha ciudad comparecieron presentes las personas de D. Juan de Dios Peña, alférez retirado, y D. Juan Estevan Pino del Comº. de esta capital, y espuso el primero que teniendo por posesion segun escritura que presentó un terreno en el cañon de San Antonio del Rio de Pecos,

cuyos limites constan del oriente á poniente de loma á loma, por el sur hasta el peñasco donde boltea, el Rio, y por el norte con tierras de D. Pedro Ortiz, cuyo terreno espresó bendia y en efecto bendió al susodicho D. Juan Estevan Pino por la cantidad de trescientos pesos fuertes en moneda, los cuales tiene percibidos á su satisfaccion y contento, y en cuya virtud es la espresada tierra de la priedad de Pino, pues si algo mas vale ó valer pueda le hace entera gracia y donacion de la demacia pura, mera é irrevocable que el derecho llama inter vivos, para lo cual anula y detesta cuantes leyes obren y puedan obrar en su favor por el cual no será oido ante nignun tribunal ni en juicio ni fuera de él, susediendo lo mismo con sus herederos y sabesores, añadiendo que en caso de ql. estos ó cualquiera otra persona intente inquietar a Pino de esta su propiedad, se obliga, con sus bienes habidos y por haber á llevar á su costa el litis hasta ponerlo en pacifica posesion : esto espuso y profirió el otorgante Peña añadiendo que para ello no ha sido violentado y que lo depuesto lo ha hecho en su entero y sano juicio afirmandose y ratificandose por mas de tres veces, y en testimonis de lo cual firmó esta conmigo y los testigos de mi asistencia con quienes actuo por receptoria á falta de todo Escribano que de ninguna clase lo hay en este Territorio, de que doy fé.

MAURICIO ANTO. DE ARZE.

JUAN DE DIOS PEÑA.

Ass'a,
DOMINGO FERNANDEZ,
RAMON ABREU.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 30, 1857,

The foregoing is a true copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

D. V. Whiting, whose signature appears subscribed to the above certificate is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 4.

Conveyance.—Translation.

In the city of Santa Fé, capital of New Mexico, March seventeenth, eighteen hundred and twenty-six, before me, the citizen Mauricio de Arze, constitutional alcalde, second appointment of said city, personally appeared Juan de Dios Peña, retired ensign, and Don Juan Esteban Pino, of the commerce of this capital; whereupon the first stated that, holding by possession, according to the deed that we pre-

sented a piece of land, situate in the cañon of San Antonio, of the river Pecos, the limits thereof from east to west are from hill to hill; on the south is bounded by the Pefiasco, where the river turns; and on the north by lands of Pedro Ortiz; which land he saith that he sold, and in effect did sell, to the aforesaid Don Juan Esteban Pino, for the sum of three hundred hard dollars, which he acknowledges to have received to his satisfaction and content, and in virtue whereof the said land is the property of Pino; and if the value thereof be more or should be greater, he grants and concedes unto him the excess, purely, fully, and irrevocably, which the law styles *inter vivos*, for which purpose he annuls and renounces all laws that act or may act in his favor; therefore, himself, his heirs, or successors shall not be heard before any tribunal on or out of trial, adding that in case any one of these or any other person shall attempt to molest Pino in this his property, he pledges all his present estate, and that which he may acquire, to carry on the suit at his own cost until its final adjustment; and the stipulator Peña further saith, that he had not been compelled, and that he executed this deed in his entire and sound mind, affirming and ratifying the same over three times. And in testimony whereof, he signed the same with me and the witnesses in my presence, with whom I acted as delegate judge in the absence of a notary public, there being none of any class in this Territory, to which I certify.

MAURICIO ANTO. DE ARZE.
JUAN DE DIAS PEÑA.

Witnesses:

DOMINGO FERNANDEZ.
RAMON ABREU.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office as filed by claimants.

WM. PELHAM,
Surveyor General.

No. 5.

Conveyance.—Original.

SELLO CUARTO—UN CUARTILLO.

Años de mil ochocientos diez y ochocientos once.
Volgo para el sello 3° para los años de 1826 y 1827.

En la ciudad de Santa Fé, capital del Territorio del N. Mexico, á los veinte y tres dias del mes de Septiembre de mil ochocientos veinte y seis: ante mi D. Mauricio Antonio de Arze, alcalde constitucional, segundo nombrado de dha. ciudad comparecieron presentes las personas de D. Pedro Ortiz y D. Juan Estevan Pino ambos vecinos y residentes en esta ciudad y dixo el primero q'l p'r quanto posee un pedaso de tierra en el cañon de San Antonio del Río de Pecos jurisdiccion del

Bado es sa voluntad vendersela al referido D. Juan Estevan Pino el enunciado pedaso de tierra constante de trescientas cincuenta varas de norte á sur y de oriente á poniente desde el pie de la Cuchilla que es por á donde ba el camino para adentro del cañon hasta la hotra banda del Rio al pie del Serro cullos linderos son por el norte con tierras de D. Salvador Martin, por el sur con tierras del mismo comprador y de oriente á poniente de la Cuchilla al Serro como ba dhe. arriba por el precio y cantidad de doscientos pesos en rr's los cuales tiene recibidos a toda sa satisfaccion y contento diciendo que si dicha tierra algo mas vale ó valer pueda de la demacia le hace gracia y donacion, pura, mera, perfecta é irrevocable que el dro. llama inter vivos, y que todo lo da libre de senso tribato hipoteca ú otra enagenacion para que libremente pueda usar de toda ella en la manera que sea sa voluntad sin que para ello halla quien se lo impida, ni por si, sus hijos, errederos ni subseores, y que si acaso alguno se hopusiere ó fuera de estos otra persona suplica á las justicias nacionales no sean oidos ni hatendidos en suicio ni fuera dél obligandose desde ahora el saneamento hasta ponerlo en quieta y pacifica posesion sobre que renuncia todas y cualesquiera leyes que hagan á su favor y da poder alas mismas justicias para que en todo vigor le compelan y apremiea el cumplimiento de esta escritura como si fuera por sentencia difinitiva dada por juez competente comensida y no apelada, y que solo quiere sea esta estable y valedera, pues si algunas circunstancias ó requisitos le faltan para su validacion y firmesa las da por acentadas, suplicandome que para que esta escritura tenga la fuersa y validacion que por dro. se requiere interpuciera mi auctoridad y decreto judicial, y yo el mencionado alcalde constitucional segundo nombrado dixé que la interponia é interpuce tanto cuanto pro dro. me es conferida y necesario fuere, doy fee, conozco á ambos individuos, y presencie el combenio que tubieron ambos manifestando su conformidad. En testimonio de lo cual lo firme yo con los testigos de mi asistencia con quienes actuo á falta de todo Escribano que de ninguna clace lo hay en este Territorio de que doy fee.

MAURICIO ANTONIO DE ARZE.
PEDRO ORTIZ.

Asistencia: JOSÉ DE LA PEÑA.
ANTONIO GRIEGO.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

David V. Whiting, whose signature is subscribed to the foregoing certificate, is, and was at the time of signing the same, translator of this office

WM. PELHAM,
Surveyor General.

No. 6.

Conveyance.—Translation.

In the city of Santa Fé, capital of the Territory of New Mexico, September 23d, one thousand eight hundred and twenty-six, before me, Mauricio Antonio de Arze, constitutional alcalde, second appointment of said city, personally appeared Don Pedro Ortiz and Don Juan Esteban Pino, both citizens and residents of this city; whereupon the first said, that whereas he held by possession a piece of land situate in the cañon of San Antonio of the river Pecos, jurisdiction of the Bado, and that it is his will to sell the same to the aforesaid Don Juan Esteban Pino, the said piece of land containing three hundred and fifty varas from north to south, and from east to west from the foot of the Cuchilla, (which is the point where the road passes within the cañon to the foot of the mountain on the other side of the river,) and bounded on the north by lands belonging to Don Salvador Martin, on the south by lands of the said purchaser, and on the east and west by the Cuchilla to the mountain as aforesaid, for the price and sum of two hundred dollars in reales, which he has received to his satisfaction and content, saying that, if said land be worth more, or be of greater value, he concedes and grants to him the excess, purely, solely, perfectly, and irrevocably, which the law styles *inter vivos*; all of which he grants free of quit rent, tax, mortgage, or in any other manner alienated, in order that he may freely make use of all the lands in any manner he may deem proper, without any person molesting him, nor by himself, his children, heirs, or successors; and in case any person should oppose, or should any person other than these interfere, I request the legal authorities not to hear them, on or out of trial, obligating himself from this time as surely until he be placed into quiet and peaceable possession thereof, renouncing all and any laws that are in his favor; and he empowers the said authorities to compel and oblige him, with the entire rigor of the law, to comply with this deed, as though it were by final sentence given by a competent judge, confessed and not appealed, and that he wishes this only to be durable and valid; and if any circumstances or requisites should be wanting for its validity and firmness, he acknowledges them as set forth, requesting me, that in order this deed may have the force and validity required by law, to interpose my authority and judicial decree; and I, the said constitutional alcalde, second appointment, said that I would interpose, and did interpose it as far as is to me conferred by law, and could be necessary. I certify that I am acquainted with both individuals, and witnessed the agreement entered into by both, to which they manifested their conformity thereto. In testimony whereof, I signed the same, with the witnesses in my presence, with whom I acted in the absence of any notary public, there being none of any class in this Territory, to which I certify.

MAURICIO ANTONIO DE ARZE.
PEDRO ORTIZ.

Witnesses:

JOSÉ DE LA PEÑA.
ANTONIO GRIEGO.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office as filed by claimants.

WM. PELHAM,
Surveyor General.

No. 7.

Conveyance.—Original.

TERRITORIO DE NUEVO MEJICO, }
 Condado de San Miguel. }

Sea notorio á todos por las presentes como nosotros Justo Pastor Pino y Gertrudis Rascon por y en consideracion de la suma de cinco mil doscientos setenta y cinco pesos á nosotros entregados por Alejandro Valley, es por esto reconocido haber dado y convenido, vendido y traspasado, y por estas presentes hacemos, damos, vendemos, convenimos y traspasamos á dicho Alejandro Valley la siguiente delineado propiedad rustica situada en el condado de San Miguel, paraje de Pecos, en el Territorio de Nuevo Mejico, á saver: Todo aquel trecho ó pieza de terreno concido con el nombre de Cañon de Pecos entre la poblacion del mismo Pecos, comenzando en la punta del Peñasco al sur de donde esta ubicada la casa principal, linea recta tirada al norte por el pie de las cuchillas, linea recta hasta rematar en el norte en la ysla que esta mas arriba del Ojo de Lisboa, y entonces tirando una linea recta al oriente hasta rematar en la cordillera de las cuchillas, y de aqui siguiendo la linea al sur corre hasta rematar con el peñasco de donde partió; las dichas tierras con tres casas ubicadas adentro de ellas incluyendo la tierra adentro de los limites antes espresadas son á tener y poseerlas el dicho Alejandro Valley como propiedad rustica junta con todas las pertenencias y demas cosas que le son adherentes y con los privilegios, derechos y acciones á ella perteneciendo con que las gozaban los vendedores segun los cuatro titulos que le entregamos como testimonio de ser legal su propiedad para que el Señor Alejandro Valley y sus herederos y asignantes puedan gozarlas para siempre ó de cualesquiera manera, cambiarlas ó enagenarlas en quien y como mejor bisto le fuere; y nosotros Justo Pastor Pino y Gertrudis Rascon mi esposa protestamos que somos quienes gozabamos la propiedad vendida antes referida la cual hubimos por herencia de nuestro finado Padre Juan Estevan Pino, que ella esta libre le todo impedimento ni embarzo y que garantizaremos y defenderemos el titulo á las premisas de la mismo al dicho Alejandro Valley, sus herederos y asignantes contra todos los reclamos ó demandas legales de cualquier persona ó personas que intentarla puedan. En testimonio de lo cual ponemos nuestras firmas y sellos particulares en este puesto del cañon de Pecos, este dia treinta y uno de Mayo de mil ochocientos cincuenta y dos.

JUSTO P. PINO.
 GERTRUDIS RASCON.

Testigos: MIGUEL MAESE,
 JUAN RAFAEL MAESE.

Otro si: Decimos que adentro de los limites hantes referidos hay un pequeño ancon que corre en la banda del poniente en frente de la propiedad del Ojo de Lisboa que corresponde a Cristobal Lucero y á Refugio Ribera, la cual propiedad queda exep tuada del titulo anterior, y como constancia la firmamos en los terminos que la anterior escritura fecha *ut supra*.

JUSTO P. PINO.
GERTRUDIS RASCON.

Testigos: MIGUEL MAESE.
JUAN RAFAEL MAESE.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 30, 1837.

The foregoing is a true copy of the original on file in this office.
DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

David V. Whiting, whose signature is subscribed to the above certificate, is, and was at the time of signing the same, translator of this office.

WM. PELHAM,
Surveyor General.

No. 8.

Conveyance.—Translation.

TERRITORY OF NEW MEXICO, {
County of San Miguel. }

Know all men by these presents that we, Justo Pastor Pino and Gertrudis Rascon, for and in consideration of the sum of five thousand two hundred and seventy-five dollars, to us in hand paid by Alexander Valley, the receipt whereof is hereby acknowledged, hath bargained, conveyed, sold, and transferred, and, by these presents, doth grant, sell, convey, and transfer to the said Alexander Valley the following described real estate, situate in the county of San Miguel, town of Pecos, in the Territory of New Mexico, to wit: All that tract or piece of land known by the name of the Cañon of Pecos, in the settlement of said Pecos, commencing at the point of the *Peñasco* to the south, where the principal house stands, in a direct line to the north, passing by the foot of the Cuchilla, in a straight line to the north, to an island above the *Lisboa* Spring; and from thence running in a straight line to the east until it reaches the chain of the Cuchillas; and from thence following the line to the south until it terminates at the *Peñasco*, the point of commencement; the said lands with three houses built thereon,

including the land within the limits aforesaid, to have and possess the said Alexander Valley as real estate, together with all the appurtenances and hereditaments thereunto belonging, and with the privileges, rights, and estate thereto as the venders thereof did enjoy, according to the four titles delivered to him, in proof of the legality of the ownership, in order that Mr. Alexander Valley, his heirs, and assigns may enjoy the same forever, or in any manner dispose of the same, or alienate to any person he may deem proper; and we, Justo Pastor Pino and Gertrudis Rascon, my wife, certify that we are the persons who enjoyed the aforesaid conveyed property, which we acquired by inheritance from our deceased father, Juan Esteban Pino; that the same is free from all impediments and embarrassments, and that we will warrant and defend the title to the premises to the said Alexander Valley, his heirs, and assigns, against all claims and legal demands, against any person or persons that may molest him in his possession.

In witness whereof, we hereunto set our hands and private seals, in the town of Cañon de Pecos, this thirty-first day of May, one thousand and eight hundred and fifty-two.

JUSTO PASTOR PINO.
GERTRUDIS RASCON.

Witnesses: MIGUEL MAESE.
JUAN RAFAEL MAESE.

Otro si.—We declare that within the limits aforesaid there is a small valley, (*Ancon*,) situate on the west side, in front of the *Lisboa Spring* property that belong to Cristoval Lucero and Refugio Rivera, which property is not included in the foregoing deed.

In testimony whereof, we hereunto set our hands in the same manner as to the foregoing deed. Date *ut supra*.

JUSTO PASTOR PINO.
GERTRUDIS RASCON.

Witnesses: MIGUEL MAESE.
JUAN RAFAEL MAESE.

TERRITORY OF NEW MEXICO,
Secretary's Office, Santa Fé, June 3, 1852.

The foregoing deed was this day received for record in this office and is recorded in book D, page 3.

In testimony whereof, I have hereunto set my hand and affixed the seal of this office; this 3d day of June, A. D. 1852.

CHARLES BLUMNER,
Acting Secretary for the Territory of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original on file in this office, as filed by claimants.

WM. PELHAM,
Surveyor General.

No. 9.

Notice.

UNITED STATES OF AMERICA, }
Territory of New Mexico. }

Alexander Vallé, a citizen of the United States and a resident of the Territory of New Mexico, respectfully represents that he is the claimant and legal owner of a certain tract of land, lying and being situate in the county of San Miguel, Territory of New Mexico, on the Pecos river, and known as the rancho of Alexander Vallé, (formerly Pino's,) of the Cañon of the Pecos river, and bounded and described as follows: Commencing at the point of rocks to the south of the tract where the principal house stands; thence in a direct line to the north, passing along the foot of the "Cuchillas" to an island above the Lisboa Spring, and from thence running a straight line to the east until it reaches the chain of the "Cuchillas," and from thence following the line of the same to the south until it terminates at the point of rocks, the place of beginning. The said Alexander Vallé claims a perfect title to the said lands by virtue of a grant made by lieutenant colonel and acting governor of the province of New Mexico, Don Alberto Maynez, bearing date the 29th day of March, 1815, to Juan de Dios Peña, and Francisco Ortiz, jr., and Juan de Aguilar, which grant was made by the authority of the laws and customs and regulation of the government of Spain, which have since been recognized and held in full force and effect both at the time said grant was made and subsequently under the government of Mexico.—(See Collection of Decrees of the Cortes of Spain, published in Mexico by Mariano Galvan in 1829, page 50, and from page 91 to 101. See also Decrees of Mexico of June 4th and September 18th, 1823, pages 123 and 180, 2 vol. Collection of Decrees, and other authorities known to you.) The petitioner further states that he cannot show the quantity of land claimed by him, except as set forth in said grant as within the above described well known metes and bounds, nor can he furnish a plat of survey of the same, as no survey has ever been made.

Petitioner further states that, by virtue of said grant, the said Juan de Dios Peña and his companions, Francisco Ortiz, 2d, and Juan de Aguilar, settled upon said grant, cultivated and held in possession the same from June 30, 1815, to the 17th March, 1826, at which last date Juan de Dios Peña conveyed his right and interest to one Juan Estevan Pino, that, in place of said Francisco Ortiz, 2d, and Juan de Aguilar, the possession of their interest came into the hands of one Pedro Ortiz, under the conditions of the said grant, or "merced," in regard to failure to occupy the same. There being no documentary evidence of said possession by said Pedro Ortiz, petitioner asks permission to present oral proof of the same. Said Pedro Ortiz conveyed his said right, title, and interest to said Juan Estevan Pino by deed bearing date the 23d day of September, 1826, that, upon the death of said Juan Estevan Pino, said tract of land was inherited by Justo Pastor Pino as sole heir of said property; and the present claimant, the said Alexander Vallé, claims his title by virtue of a deed

from the said Justo Pastor Pino and his wife, Gertrudis Rascon, bearing date the 31st day of May, 1852, conveying to the present claimant the whole of said grant, as herein before bounded and described. All of said original documents, herein before mentioned, are herewith presented, marked A, B, C, and D, and asked to be made a part of this petition.

Petitioner knows of no person or persons contesting said claim, and therefore prays that the same be confirmed to him under the laws of the United States, and will ever pray, &c.

SMITH & HOUGHTON,
For Claimant.

WM. PELHAM, Esq.,
Surveyor General of the Territory of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original document on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 10.

Testimony.

ALEXANDER VALLÉ.—PECOS, SAN MIGUEL COUNTY.

ANTONIO ORTIZ sworn :

Question. Do you know the rancho called the Cañon of Pecos ?

Answer. I know it well.

Question. In whose possession was it from the year 1815 to 1826 ?

Answer. It was granted in the year 1815 to Don Pedro Ortiz, my father, Juan de Dios Peña, Mauricio de Arce, and I believe, also, Salvador Martin, and in the year 1816 it was planted for the benefit of my father.

Question. Did your father then hold possession, instead of the persons above named ?

Answer. He did.

Question. To whom did your father sell ?

Answer. To Juan Estevan Pino.

Question. Do you have any interest in this grant ?

Answer. I have not the slightest.

ANTO. M. ORTIZ.

Sworn and subscribed before me this 25th day of July, 1857.

WILLIAM PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1857.

The foregoing is a true copy of the original now on file in this office.

WILLIAM PELHAM, *Surveyor General.*

No. 11.

Decision.

ALEXANDER VALLÉ.

This case was filed on the 10th day of June, and set for trial on the 25th day of July, 1857.

On the 28th day of March, 1815, Juan de Dios Peña, for himself, and in the name of Francisco Ortiz, jr., and Juan de Aguilar, petitioned Acting Governor Maynez for a tract of land situate in the vicinity and beyond the limits of the Pueblo of Pecos, in what is now San Miguel county, with the boundaries in said petition mentioned.

On the 27th day of March, 1815, this petition is referred by the acting governor to the Indian agent (protector de los Yndios) for his report in the premises. This report is made on the 28th of March, and is referred by the governor to the senior justice of the peace of Santa Fé for his report, which is also made on the 28th of March. In view of the reports, the grant is made by the governor to the petitioners, with the boundaries in their petition mentioned, and Matias Ortiz, justice of the peace, is directed to place the parties in judicial possession, according to law.

On the 17th of March, 1826, Juan de Dios Peña conveyed all his right, title, and interest in the within grant to Juan Estevan Pino.

On the 23d of September, 1826, one Pedro Ortiz transfers all his right, title, and interest to certain lands situate on the Pecos river, within the boundaries therein set forth, to Juan Estevan Pino.

On the 31st of May, 1852, Justo Pastor Pino and Gertrudis Rascon convey all their right, title, and interest to certain lands situate on the Pecos river, within the boundaries in said conveyance mentioned, to Alexander Vallé, the present claimant.

The documents acted upon by this office bear upon their face the evidence of being originals, although no evidence has been presented to prove their authenticity.

The grant made to Juan de Dios Peña and his associates was undoubtedly made by virtue of the decree of January 4, 1813, as well as the customs and usage of the government of Spain, which authorized the governors of the ultramarine provinces to make concessions of lands in the absence of the authorities constituted by law. Under the act of January 4, 1813, all grants to lands were required to be ratified by the provincial deputation of the district wherein the land was situated. As no provincial deputation existed at that time, the authority was given to the governor to make grants of land, as will appear by the recopilation of the Indies, as well as the edicts of the king of Spain and viceroy of New Spain.

It will be perceived that there is some discrepancy in the dates of the petition and proceedings had on the grant; the petition being dated March 28, and the orders of the governor, requiring reports from the Indian agent and the justice of the peace of Santa Fé, being

dated on the 27th. This discrepancy, however, has no direct bearing on the merits of the case, and is therefore unimportant.

The chain of title from the original, as well as that between Juan Estevan Pino and Justo Pastor Pino.

The law of 1813, under which it is presumed the grant was made, attached no conditions thereto; and, as it is not shown in evidence that the governor had any authority to attach conditions to a grant made by virtue of said law, or any other in force at the time, the grant is to be considered an absolute one, and as such is confirmed by this office to the legal representatives of Juan Estevan Pino, as the conveyee from Juan de Dios Peña, and to the legal representatives of Francisco Ortiz, jr., and Juan de Aguilar, and is transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 10, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 19, 1857.

The foregoing is a true copy of the original decision now on file in this office.

WM. PELHAM,
Surveyor General.

Schedule of documents to accompany claim No. 16.

- No 1. Grant—original Spanish.
- No. 2. Grant—translation.
- No. 3. Deed from Domingo Fernandez to Reynolds & Eaton—original Spanish.
- No. 4. Deed from Domingo Fernandez to Reynolds & Eaton—translation.
- No. 5. Sheriff's deed to E. W. Eaton.
- No. 6. Quit-claim deed, Reynolds to Eaton.
- No. 7. Notice.
- No. 8. Testimony.
- No. 9. Decision.

CLAIM NO. 16—E. W. EATON.

[This case is confirmed, but does not appear in the corrected list.]

No. 1.

Grant.—Original.

Señor Gov^r. : Domingo Fernandez vecino y oriundo de esta ciudad de Santa Fé hijo y decendiente de los conquistadores y pacificadores de este Reyno de la Nuevo Mejico. Ante el recto y justificado tribunal

de V. S. parezco, en cuanto haya lugar en derecho y á mi convenga y digo Señor que por cuanto tengo registrado el sitio que comunmente nombran el Pueblo de S. Cristoval en donde á la verdad se manifiesta las ruinas del Pueblo y las paredes de un Sto. Templo todo derocado, y casi yá en el suelo que es lo que me llama la atencion hablando con ingenuidad pues al ver aquel sagrado lugar en donde tantas ocaciones se ofrerceria el sacrosanto y tremendo sacrificio de la Misa y se consagraria el augustisimo sacramento segun se considera ha ciento y mas años que le despoblaron los naturales que le habitaban y parece que la omnipotencia divina cada dia se esmera en darnos á conocer sostiene los fundamentos de este Smo. lugar el que está sufriendo el ultraje de ser habitacion de Bestias, pecebre de Ovejas, y establo de Bacas y Becerros y para decirlo de una vez posilga de Brutos pues sabe solo su divina Mag^a. si por un solo efecto de su gran poder y altisima providencia ha movido mi animo para fin tan grande, y por que tal vez se pueda pensar que solicito ese terreno por codicia hagase la prueba deseme licencia para comenzarle á reparar lo que prometo hacer segun mis cortas fuerzas cuidando yo de dar noticia á N. Ylmo. Diosesano á fin de que se pueda en el celebrar aunque la carta Pastoral nos franqueé esa gracia pues este es el principal objeto á que se encamina mi pretencion, es verdad como llebo dicho arriba le tengo registrado, y espero de lo vondadoso y caritativo de su pecho dará lugar á estos humildes ruegos desvaneciendo las espesas nubes que se pueden levantar pues si es por lo que dice á la caballada nunca se le pondrá embarazo y de consiguiente se cuidará el conserbar la union y fraternidad procurando la tranquilidad, dicho sitio está baldio yermo sin esperanzas de que sus primeros dueños le vuelvan á poblar suplico á V. S. se digne el donarme el espresadia sitio en N. D. S. M. G. asi para mi como mi hijo y otras personas que deban la reparacion de aquel Sto. Templo asignando por linderos. Por el oriente á donde comienza á esparcer el cañon para el Ojo de la Baca. El del Poniente el puertesito que asigna la donacion de los de Galisteo por el norte la bajada del Pueblito. Por el sur la subida que llaman de los Comanchez, cuyos linderos son los que asigno sin que quede dentro de sus guecos cosa alguna que no le comprenda ejecutando en todo las calidades prevenidas en la ley 3^a. y la 11, del titulo 1^o, libro 4^o. de la recopilacion y soberanos decretos que hablan de la materia mandando se les guarden esenciones á los nuevos pobladores espero de este noble vecindario no me pondrá embarazo ó temerá mayor perjuicio pues deberán acordarse que de mi sitio sacan leña para su abasto abreban sus animales y hasta la caballada con mas en tiempo de guerra se tiene el situdito para auxilio llebado de aquel amor patriotico lo llebo á bien. No se puede esconder á la alta penetracion de V.S. la cortedad de aguas que tenemos en esta ciudad lo que nos hace el molestar su atencion buscando de este modo nuestro alivio y de nuestras familias fomentando en lo posible la agricultura llebando aquel celo cristiano de redificar el año. Templo V. S. dispensará lo molesto que he sido en mi esposicion como en mis cortos terminos elebando por los conductos que V. S. sea servids—pues lo que solicito es corto y sin perjuicio pues queda terreno por los cuatro rumbos para ejidios estensisimo no me estiando á pedir me den la propiedad general de todos si

como uno de ellos me atiendan en justicia que esto solicito. Ciudad de Santa Fé, 26 de Abril de 1822, 2º. de N. Yndepª.

DOMINGO FERNANDEZ.

SANTA FÉ, *Abril 27, de 1822.*

El Ylustre Ayuntamiento instruirá la materia por que el Gobierno sin Asesor no puede allanar las consideraciones siguientes.

El ciudadano que no tenga tierras que cultivar para su sustento solo puede aspirar por donacion al necesario, y que sea bastante á mantener una familia.

Para grandes denuncias, debe sur tal que pueda comprar.

Para comprar, á mas de la autoridad de vender se necesitan facultativos que justiprecien, y se ponga en publica subasta ; ó que anteceda una contrata.

MELGARES.

SANTA FÉ, *Junio 13, de 1822.*

El Ylustre cuerpo de esta capital en la acta de hoy dictó lo siguiente.

Que por los antecedentes que ecsisten [torn] al inculto terreno que solicita no [torn] y que informe cuanta es la agua de San Cristoval, y cuanto el terreno que por ella se puede cultivar, y cuantas las personas y quienes lo solicitan, para con arreglo á lo dispuesto por el Gobierno mercenarle á cada uno, el terreno de pan llevar necesario para su subsistencia con su familia.

ARMENDARIS.

Ante mi.

JOSÉ MARIA BACA, *Srio.*

Auto de obedecimiento é informe.

En cumplimiento al superior decreto que antecede en que se me ordena informe sobre las aguas de S. Cristoval cuanto el terreno que por ellas se puede cultivar cuantas las personas quienes lo solicitan para con arreglo á lo dispuesto por el gobierno mercenarle á cada individuo lo necesario para su subsistencia en cuya virtud pasé al paraje enunsiado llebando en mi compañía á Don José Luis Lobato vecino de la poblacion de Galisteo y despues de haber reconosido el sitio de abajo arriba comenzé á contar las aguas. Por principio el ojo que llaman del caballo, cuyo ojo estando sin ningun aseos ni limpieza en tanto abandono por los pisos de los ganados se manifiesta su fertilidad ser dos tantos mayor que vemos produce este ojo que llamamos del Tanque en esta ciudad y á continuacion del cañon de numeran dose (dose) ojos todos fertiles, y de utilidad consida con mas echo pozos los á tiempo corren con mas la lagunita que aun con la seca presente está llena de agua la que tapandole la compuerta es un tanque que ayuda mucho á la utilidad del riego con mas otra laguna seca su estencion dilatada favorable para recojer las aguas llovedizas la que no es mas de tapar la compuerta y queda sirviendo en la misma forma que los naturales la tenian de antes en cuya circunstancia siendo el objeto principal el agua es presiso que para que esta dé el fruto necesario y nosotros nos utilizemos de su producto sea la mercenacion su comienzo

desde los tres canonsitos abajo dela cueva á efecto de guardar las aguas con cuya diligencia considero su aumento a unque algunos pueden sembrar alli cuidando de no perjudicar los ojos, mas desde las cuevitas abajo hasta el ultimo pozo toda la agua que mantienen los ojos y los pozos sirbe á los animales sueltos, y con esta circunstancia considero ver correr el cañon y aumentada el agua para el cultivo de la sementera que se pretende formar por lo que dice al terreno que se puede cultivar asi con las aguas virtientes y la ayuda de la lagunita y la que se recoja llovediza en la [torn] y la que baja de las cañadas en tiempo de lubias que es un recojimiento, que por cuya causa los naturales de aquel tiempo formaron sus sementeras [torn] la cañada de la casita donde se muestran las ruinas de las [torn] donde cuidaban su labor por lo que hace al terreno consideró [torn] ser el que senalé desde el fin del Pueblo por el lado de abajo arreglandome en todo al decreto que dice en el Artículo 1º, *procurando á lo menos si es posible cada suerto sea tal que regularmente cultivada baste para la manutencion de unda individuo*, y consiando á la verdad la propersion de baldio tan estensisimo como el que hay en esta provincia como es desde las cercanias de las Huertas hasta el Bado y desde la otra parte de las Gallinas á la sierra Blanca ó mas allá como sigue el terreno con mas el tecolote, Rio de la Baca las Gallinas &a. y otros sitios que sirben para la sostencion de los ganados menores en todos tiempos me parece salvo el mejor y mas prudente dictamen que no puede ser tan corta la asignacion á cada individuo sin que le quede lugar de enterrar de las semillas que se dan en esta Prova. lo suficiente á mantener cada uno á su familia pues de negar este auxilio á los pobres puede resultar el ir á buscar á pais estraño terreno por que es dolor que las fatigas cansansios funciones de guerra perdidas de vidas heridas lo sostencion á su costa de nuestros mayores y como cosa hereditaria á nosotros el seguir las mismas huellas, no se tenga presente á efecto de algun favor. Por tanto supliqué el año pasado en otro informe que como procurador Sindico de esta ciudad di, se atendiesen tanto pobre servidor ambas Magdes. con un pedazo de tierra en las aguas mas productibles de este terreno si con el presiso requisito de sercar su labor y las aguas y los pastos quedasen comunes para todos los animales. No se pue de esconder á los ojos la necesidad que se padece en esta ciudad el motivo—que nos mueve á solicitar esta gracia por lo que hace á los individuos que unanimes con migo son los siguientes. D. Francisco Fernandez, Don Antonio Sena, Don Juan de Jesus Ribera, Don Miguel Ribera, Don Josef M. Ribera, Don Ygnacio Ortiz, Don José Ortiz, Don Miguel Lobato, Don Pablo Ortiz, Don Florentino Ortiz, Josef Trujillo, Don Vitorino Baca, Don Miguel Rodriguez, Don José de Jesus Chavez, naturales de esta ciudad de buen proceder y sanas costumbres segun mi sano sentir, no pretendemos el mencionado sitio por ambicion ni para venderle sino que en todo tiempo sea un auxilio á nuestras familias la que esperamos recibir si hubiere lugar con el veneficio que advierte el articulo 17 del citado decreto que di á las diligs. *para estas consiciones se hará tambien sin costo alguno por los ayuntamientos, &a.* Es cuanto puedo decir por la presente y por ser verdad lo que llebo dicho sobre lo que se me pregunta lo firmé hoy veinte y cinco de Junio de mil ochocientos veinte y dos.

DOMINGO FERNANDEZ.

Nota.—Siglos esps. Ysidro Lora Miguel Sandoval.

CIUDAD DE SANTA FÉ, *Junio 27, 1822.*

En consecuencia á lo acordado por el Ylustre Ayuntamiento de esta ciudad, mando que D. Julian Lucero Teniente de Galisteo D. Miguel Baca vecino de la Sienega D. Rafael Sarracino Regidor de dicho cuerpo, presisamente reunidos, el seis del procimo Julio venidero en Galisteo pasarán en la misma forma á formar ecsamen de lo espuesto por D. Domingo Fernandez y á continuacion estenderan su informe con toda claridad.

ARMENDARIS.

Ante mi:

JOSÉ MARIA BACA, *Srio.*

En cumplimiento lo dispuesto por el Ylustre Ayuntamiento, los espresados Lucero Baca y Sarracino pasamos al sitio de San Cristoval y habiendolo reconnosido de arriba abajo en cumplimiento de nuestro encargo decimos lo que sigue.

Dice D'n Domingo Fernandez que el ojo del cabello es dos tantos mayor que el ojo que llamamos del Tanque; Es poco menos; dice que á continuacion del cañon se numeran dose ojos; solo hay dos el uno está á distancia de dose varas del, del caballo, de un virtiente muy corto, y el otro á distancia de docientas varas, que este es mayor su virtiente, (aunque se resume á corta distancia,) que el que llamamos del Tanque en esta ciudad; llebamos en nuestra compañia al mismo D'n José Luis Lobato que llebó D'n Domingo Fernandez el que nos fué enseñando todos los pozos que contaba por ojos el dicho D'n Domingo Fernandez; de la Lagunita y laguna seca están en los mismos terminos que lo dice el Sor. Fernandez; la comision es de sentir que los naturales en aquellos tiempos, se manejaban lo mismo que dice dicho Fernandez y que si los solicitantes trabajan con el mismo empeño que se advierte lo hacian aquellos veránlogrado su trabajo socorriendolos Dios Ntro. Sor. con agua del cielo para llemar sus tanques, por que á la verdad con los virtientes que hay se logrará poco Galisteo y Julio 8, de 1822. *lo tachado no vale.*

JULIAN LUCERO.

JOSÉ MIG'L BACA.

RAFAEL SARRACINO.

En la ciudad de Santa Fé y casas consistoriales reunido el Ylustre Ayuntamiento en sesion ordinaria del Domingo 14 de Febrero de 1824 4^o y 3^o Presidida por el Alcalde 1^o D. Santiago Abreu, la que se principio con la lectura de la acta antecedente, y aprobada esta dio materia á la discucion que en la misma se dejó pendiente sobre la representacion del ciudadano Domingo Fernandez la cual es la misma que se sirvio decretar esta corporacion en sesion ordinaria de 18 de Enero popo. y á continuacion pide Fernandez se le libre informe por este cuerpo para pasar á la Exma. Deputacion Prov'al segun su señoria lo orena en su sitado Decreto y despues de descuido el asunto esta corporacion se sirvio resolver se libre á Fernandez el informe que solisita lo que se verificó en los terminos siguientes." En virtud de la peticion que antecede esta corporacion siempre no hay un inconveniente

para poder dar en el sitio donde solisita el ciudadano Domingo Fernandez, y otros con él, una Donacion que puedan cultivar cada uno de ellos, sin perjuicio de los pastos y aguajes pues de ninguna manera deben reconocerse por de los suplicantes, ni menos embarazar á los ciudadanos que allí quieran pastear, se nombraron los rejidores de turno, D. Clemente Esquibel y Don Mariano Romero. El Presidente hizo presente que el maestro de escuela Antonio Belasquez que tiene hecha su renuncia á la cual su Señoría resolvió se mantuviese en su destino hasta encontrar sugeto que desempeñe, y que desde esta resolucion no se ha tomado mas paso sobre el asunto y el mencionado Belasquez reclama se verifique lo resuelto por esta corporacion, y que creé seria bien se nombrase una comision para que esta solisite de un individuo que se encargue del destino renunciado: se admitio esta proposicion y al efecto se comisionó al regidor D. Juan Garcia. Propuso el Presidente que las masas de esta corporacion aun se hallon con las insignias del Gobierno anterior á causa de no encontrarse en esta ciudad un Platero util que las reforme, y que si este cuerpo lo tiene á bien se nombre una comision para que solicite de un Platero que desempeñe este asunto: se admitio por justa esta proposicion y se comisionaron al efecto al regidor D. Mauricio de Arce y al sindico procurador D. Juan Alarid. Presente la comision encargada para recojer la limosna de los presos, una lista de lo que habian colectado, y en la que espresan la distribucion de lo consumido en los mismos presos hasta la fecha, y de lo ecistente se recibio el Regidor D. Juan Diego Sena para que esto entienda con las su ministraciones que en lo subse-sibo se hagan llebando de todo una esacta cuenta. Se lebantó la sesion Santiago Abreu. Ante mi Ramon Abreu, Secretario.

Es copia de su original que eciste en el Libro de actas del Ayuntamiento de donde la mandé trasuntar á peticion de la parte incurrida la vue no la firmó por ser Secretario del propio Ayuntamiento ba fiel y legal [torn] original á que ne remito y para que conste firmé yo dicho Alcalde en esta ciudad de Santa Fé á los 23 dias del mes de Julio de 1827.

JUAN GARCIA.

Balga por el sello 3º para los años de 1827 y 1828.

EXMO. SR.: El ciudadano Domingo Fernandez por si y en nombre de treinta ciudadanos que son los que me acompañan, Ante V. E. comparesemas con el respecto que deben y dicen que habiendo registrado un terreno de pan sembrar en el paraje que comunmente llaman San Cristoval con agua y segun noticia tengo por un natural C. llamado Ramon del Pueblo de Pojoaque quien en preciencia de dos testigos ha dichome que las aguas del dicho terreno son abundantes y que están tapados como tambien los ornamentos y vasos sagrados están enterrados los que me quedó á enseñar y descubrir juntamente con el agua igual noticia me dá Fran'co el ojos blancos de los ornamentos sin haber sido apremiados ni rogados ni forzados en manera alguna solo de su voluntad me lo declaran y aparecio lo dicho á causa de haber ido á trabajar en los ojos por saber su producto por orden del exe Alcalde D'n Fran'co Trujillo me acompañó el Teniente D. Julian

Lucero quien llebó dos hombres por testigos los que vieron las piedras estacas y cuipas que sacamos cuyo informe entregue al dicho Alcalde dieron fé del aumento de agua y hallandose dicho terreno llermo baldio despoblado sin dueno alguno suplicamos á V. E. tenga la vondad de concedernos dicho terreno mencionado en nombre de la Nacion Mejicana y de N. actual Presidente Don Guadalupe Victoria obligandonos á no perjudicar á nadie por los linderos escuso el repetirlos por haberlo hecho en la presentacion anterior la que aunque á mi favor se provio no he podido conseguir pues con varios pretestos de que se han balido no me han devuelto y yo siempre reclamando y con que se buscará entretienen y siendo tan encargado en los Soberanos Decretos y leyes vigentes del dia el fomento de la Agricultura siendo una y la mayor atribucion de [torn] como del Ylustre Ayuntamiento en promover este presioso ramo desvanesiendo todo obstaculo y trabar que se opongán á su mejora y progreso atendiendonos en nuestra justa solicitud como se ha hecho con otros de nuestros compatriotas atendiendoles y no siendo nosotros de peor calidad y menos atencion tendrá V. E. vondad de que se nos adjudique el terreno indicado para nos y nuestros hijos y sucesores, en lo que recibiremos Merced y gracia &a.

A los pies de V. E.

DOMINGO FERNANDEZ.

CIUDAD DE SAN FRAN'CO DE SANTA FÉ, 16 Junio de 1827.

SECRETARIA DE LA DIPUTACION, TERRTL. DEL N. M.,

Sesion del dia 25 de Junio de 1827.

El Ylustre Ayuntamiento de esta ciudad por disposicion de S. E. informará sobre el asunto de que trata la presente instancia.

FRANCO. PEREZ SERRANO, *Dipdo. Secreto.*

CIUDAD DE SAN FRANCISCO DE SANTA FÉ,

26 de Julio de 1827.

En obedesimiento al Superior decreto de V. E. que acompaña esta, de 25 de Junio de pp^{oo} en que manda el Ylustre Ayuntamiento informe sobre la solisitud del Secretario Don Domingo Fernandez y sus acompañados sobre el terreno que solisita de San Cristoval Pueblo antiguo de Yndios y al presente yermo despoblado y sin dueño alguno ha como doscientos años despues de haber tomado el asunto con la consideracion que demande se hizo comparecer los documentos que sita Fernandez por los que aparece registrado el terreno por orden del Ayuntamiento por dos regidores que fueron Don Rafael Sarracino y Don Miguel Baca y el Teniente de Galisteo, Don Julian Lucero los que informaron á favor de Fernandez año de 1822, Se leyó la acta de 15 de Febrero de 1824, precedida por el Alcalde 1º Don Santiago Abreu la que sita nuestro decreto dado á favor de dicho Fernandez en el año de 1823, y el que continuo el sitado Alcalde en el año de 1824, á favor del mismo Fernandez por lo que esta corporacion en virtud de los antecedentes que hay á favor de Fernandez no pulsa inconveniente en que se le conceda el sitado terreno advirtiendole los aguajes y pastos sean comunes por lo que en virtud de los anteriores pasos de nuestros antecesores y la asistencia actual del Sindico Procurador no es necesario dar mas pasos vuelva esta á V. E. para que como estime de justicia haga lo que sea de su superior agrado fecha ut ra supra.

JOSÉ MA. MARTINEZ.

SANTA FÉ, 9 de Agosto de 1827.

En sesion del dia de ayer ha acordado la Exmo. Diputacion de este Territorio se conceda la donacion solisitado en esta sugetando á los impetrantes á lo mismo que ofrecen esto es de no hacer otro uso del terreno que sembrar con advertencia de que si en cualquiera tiempo se justifica que de el se hace otro uso, se contemplará como decierto y á los agraciados sin derecho alguno á su posecion y que estos tienen derecho como los demas del publico á pastear animales en las inmediaciones de ella.

De orden de S. E. se transcribe al Alcalde constitucional 1^{er} nombrado de esta capital para su intelligencia y efectos consiguientes.

ARMIJO.

RAMON ABREU, *Srio.*

En este Pueblo de San Cristoval á los viente y un dias del mes de Agosto de mil ochocientos viente y siete en cumplimiento del decreto de la exma. diputacion provincial de nueve de Agosto del presente mes en que se sirvio S. E. concederle el terreno conosido por el Pueblo antiguo de San Cristoval al ciudadano Domingo Fernandez y á treinta hombres que solisito para que le acompañen en el sitado paraje guardando estos el requisito de que la han de gozar por si sus herederos y subsesores solo advertidos que si se les ofreciere hacer venta la han de verificar en los mismos posecionados y á precios corrientes de la tierra y si acaso alguno quisiere meterles algun perjuicio por venderle alguna otra persona fuera de los agraciados en consideracion de ser persona poderosa de donde resulte perjuicio á los pobres posecionados á cuyo requisito acsedieron y dijeron que en todo tiempo se guardaria esta circunstancia y el que faltare á estas circunstancias se declare por sin derecho siendo como á las once del dia hallandome este sitio yo el alcalde constitucional primer nombrado de la Ciudad de Santa Fé, Dn. José Maria Martinez me requirio Dn. Domingo Ferdinandez pidiendome le pusiese en proseccion á el y á sus acompañados y dicho alcalde pasé en cumplimiento del ya sitado decreto S. E. pasé á ponerle en verdadera corporal y real posecion habiendole tomado la mano entró y poseó el dicho Fernandez [torn] acompañados por dicho sitio arrancó yerbas esparcio puña dos de tierra rompio ramas de los arboles dieron voces de alegria jubilo y contento diciendo viva nuestro actual Presidente Dn. Guadalupe Vitoria viva la nacion Mejicana, é hicieron otras ceremonias y autos de posecion en señal de la que dijeron que tomaban de dicho sitio quieta pacifica y sin contradicion alguna para si y sus hijos y subsesores lo que me consta y pasé á señalarle los linderos por el oriente el Ojo de la Baca por el Poniente el frente del creston de enmedio por el sur la Cajada de los Comanchez por el Norte la ceja del creston cuyos linderos son los que encierra la sitada merced quedandole ó dicho Fernandez el cañon de la cueva al Ojo de la Baca repartiendose para labor lo demas del plan y sitio de la cañada de la casita quedando para pastear por los otros rumbos libres hasta donde hablan los sitados linderos y para que conste en todo tiempo la firmé con Fernandez y los testigos de mi asistencia con quienes actuo á falta de escribano nacoinal que no lo hay en este Territorio que dando encargado dicho Fernandez á formar el reconocimiento de las varas de

tierra de labor se le asigne á cada individuo para por el formar las correspondientes hijuelas archibando para su constancia en todo tiempo librandole al espresado Fernandez las correspondientes copias de todo lo espuesto doy fé.

JOSÉ MARIA MARTINEZ.
DOMINGO FERNANDEZ.
FILIPE SENA.
VITORINO PADILLA.

Assa : MIGL. SENA.

Assa : GREGORIA GARCIA.

Habiendo verificadose el haber puesto en posesion á los agrasiados en el paraje de San Cristoval como consta de la donacion fecha veinte y uno de Agosto de mil ochocientos veinte y siete y habiendose procedido al reparto de tierras de labor se le señaló de la mesita de la Lagunita para arriba hasta el Ojo de la Baca bajo de los linderos de la donacion á D'n Domingo Fernandez á su continuacion se hechó la medida desde la sitada mesita y se les señalaron cien varas á D'n Juan Mares de Oriente á Poiente, cien varas á D'n Luis Lobato, cien varas á Bartolo Lobato, cien varas á Antonio Sena, cien varas á Fran'co Sena, cien varas á Miguel Sena, cien varas á Felipe Sena, cien varas á Salvador Ortiz, cien varas á Miguel Antonio, cien á Vitorino Padia, cien varas Juan Diego Sena, cien varas Jesus Lujan, cien varas Jesus Ribera, cien varas Antonio Anaya, cien varas Juan Anaya, cien varas Ygnacio Ortiz, cien varas José Ortiz, cien varas José Chavez, cien varas Fran'co Chavez, cien varas Joaquin Chavez, cien varas Gregorio Garcia, cien varas Antonio Sena, cien varas Enrique Sena, cien varas Ygnacio Armenta, cien varas Lorenzo Baca, todos los espresados arriba recibieron lo espresado arriba quietos y pacificos sin contracion alguna comprometiendose unanimes á verificar cada uno su casa y las maniobras de Yglesia acequias y tanques y para que todo lo espuesto tenga la fuerza y vigor que por derecho se requiere me suplicaron los posesionados sitados en esta interpuciera mi autoridad y Decreto judicial y yo dicho Alcaldé dije que la interponia é interpuse cuanta por derecho me es conferida doy fé ser cierto legal y verdadero este reparto los linderos espresados en la donacion [torn] espresada la que firmaron con migo y los de mi asistencia con los que actuo por receptoria á falta de escribano nacional que no lo hay en este Territorio presencio el Sindico Procurador Don Juan José Lujan este reparto de que doy fé.

JOSÉ MARIA MARTINEZ.

Assistants :

MIGUEL SENA,
Juan Mares,
Felipe Sena,
Joaquin Chavez,
Josef Ortiz,
Bitorino Padilla,
Josef Chavez,
Fran'co Chavez,
José de la Cruz Alire,
José Antonio Sena,
Juan Josef Lujan,

GREGORIO GARCIA.
Domingo Fernandez,
Luis Lobato,
Bartolomé Lobato,
Ygnacio Ortiz,
Ygnacio Armenta,
Jesus Ribera,
Antonio Anaya,
Juan Anaya,
Antonio Sena.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.
 DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

Sor. Gefe politico.

SANTA FÉ, 2 de Fbre. de 1829.

El ciudadano Domingo Fernandez ante la superioridad de V. S. me presento en toda forma de derecho, al mio covenga y digo Señor que por cuanto, solisitud mia fue servida la Exma. Diputacion Provincial de este Territorio se sirvio aprobar, de tierras que pedi en el paraje S. Cristoval y varios individuos que me acompañaron cuya lista para conosimiento no acompaño por estor del Alcalde Franco. Trujillo á quien reclamé á fin de que se escijiese a los dichos a que concurriesen ayudar á las maniobras de aceos de ojos, formacion de tangues y demas como consta su comprometimiento en la donacion y reparto á que me remito pues Señor como llebõ dicho el Alcalde les requirio que fuesen y muy unanimes y al parecer conformes verdaderos en lo que decian señalaron el dia que saliamos de aqui el tiempo que nos debiamos estar todo con eficacia al parecer, llegó el dia, me fui, los aguardé asi en Galisteo como en San Cristoval, trabajé en los ojos y demas pero no parecieron por lo tanto me veo en la estrecha apretura de ocurrir á V. S. para que con su superior decreto el sitado alcalde les intime y oblique á que comparescan á las maniobras que de voluntad se comprometieron hacer pues de no querer ir no les obligo pero que renuncien para en ese caso darla á los mismos que quedaren ó á otros pobres de sacomedad que yo conosca ser de manos laborissas. Señor me parece no será justo que yo ponga toda mi solicitud en lo posible y que los demas sin hacer nada asi que yo tenga todo hecho tengan de ir y ser iguales en derecho no me parece razon, ni tampoco que con vana confianza de que irán por esperarlos no tome yo providencia en trabajar me perjudico y para evitarme estos daños recurro con tiempo para evitarlos en su totalidad. Por tanto.

A. V. S. Pido y suplico sea muy servido de decretar de conformidad con lo pedido devolviendome esta para lo que me convenga justicia que impetro. Juro, &a.

DOMINGO FERNANDEZ.

SANTA FÉ, 7bre. 2, 1829.

El alcalde constitucional de esta ciudad impuesto del reclamo que hace el C. Domingo Fernandez haga comparecer á los individuos con-

tra quien representa y en el caso de que no pasen á cultivar la tierra desde luego escluyanse de la lista é incluyanse en ella individuos laboriosos y que tengan necesidad de terreno que cultivar.

CHAVEZ.

For value received, I transfer all my right, title, and interest to the within document to A. W. Reynolds and Ethan W. Eaton. Done this 20th day of January, 1851.

DOMINGO FERNANDEZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 25, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 25, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 2.

Grant.—Translation.

SANTA FÉ, *April 26, 1822,*
2d of our Independence.

SIR GOVERNOR: Domingo Fernandez, resident and native of Santa Fé, son and descendant of the conquerors and pacifiers of this kingdom of New Mexico, appears before the upright and just tribunal of your excellency, as far as the law allows and is convenient to me, and states, sir, that whereas I have registered the site commonly called *El Pueblo de San Cristobal*, where in truth the ruins of the pueblo may be seen, and the walls of a sacred temple in a dilapidated condition and almost entirely razed to the ground, which calls my attention, speaking with ingenuity, as upon seeing that sacred place where upon so many occasions the sacred and awful sacrifice of the mass has been offered, and where the most august sacrament was consecrated; considering that it is more than one hundred years since the natives who inhabited it have abandoned it, and it appears that Divine Omnipotence each day endeavors to make known to us that it sustains the foundations of this holy place, which is suffering under the disgrace of being a habitation for beasts, stable for sheep, and a manger for cows and calves, and, in a word, a lodging for brutes. His Divine Majesty knows that by the sole efforts of His great power and inscrutable providence He

has moved my spirit for so great a purpose, and that it may not be possibly thought that I solicit said land through avarice, let the proof be made, let permission be given to me to commence repairing it, which I promise to do as my curtailed means will allow, and I will be careful to give notice to our most illustrious bishop, in order that ceremonies may be performed therein, although the pastoral letter granted us that privilege, this being the principal object I have in view in my petition. It is true, as I have stated above, that I have registered it, and I expect, from the kindness and charity of your bosom, that you will consider these humble prayers, dispersing the dense clouds that may intervene. As far as stock is concerned, no obstacle will be thrown in the way, and consequently care will be taken to preserve union and fraternity and procure tranquillity. Said site is unoccupied and uncultivated, without any hopes of its first owners ever occupying it. I pray your excellency to be pleased to grant me the aforesaid tract in the name of his Majesty for myself, as well as my son, and other persons who may desire the repair of that sacred temple, assigning as boundaries: On the east, where the cañon in the direction of the Vaca spring commences to disappear; on the west, the Puertesito, which designates the boundary of Galisteo; on the north, the descent of the Pueblito; on the south, the ascent called Los Comanches, which are the boundaries which I assign, without embracing within their limits anything not belonging to it; strictly complying with the provisions of law, 3d and 11 of title 12, book 4, of the Recopilation and sovereign decrees concerning the matter, ordering that new settlers be exempt. I trust this noble neighborhood will place no obstacle in my way, or fear any greater injury, as they should remember that they obtain wood from my site for their use, water for their animals, and even horses; much more in time of war, if they have the means of rendering assistance; impelled by love for my country, I have no objection to their doing so. It cannot be unknown to the high penetration of your excellency that water is very scarce at this place, which can set us to molest your attention, seeking by this means * * * [torn] * * and of our families encouraging agriculture, as far as possible impelled by that Christian zeal in repairing the sacred temple. Your excellency will excuse the trouble which I have given you in my statement, made according to my limited knowledge, elevating * * * [torn] * * by the means your excellency may deem proper, as what I ask for is little, and without injury * * * [torn] * * towards the four cardinal points, for very extensive commons I do not extend myself * * * [torn] * * give me the general property of all, if, as one of them, I am attended to in justice, which is what I seek for.

DOMINGO FERNANDEZ.

SANTA FE, *April* 27, 1822.

The illustrious corporation will report concerning the matter, as this government, without an assessor, cannot determine the following conditions:

The citizen who has no lands to cultivate can only aspire by dona-

tion to such an amount as may be necessary and sufficient to support his family.

For great undertaking, the person should be able to purchase.

In order to purchase, besides the authority to sell, assessors are required to assess the value, and that it be offered at public sale, or a previous contract.

MELGARES.

SANTA FE, June 13, 1822.

The illustrious body of this capital, in to-day's session, determined as follows: That, according to the antecedents that exist * * [torn] * * to the uncultivated land solicited, * * [torn] * * and report how much water there is at San Cristobal, and how much land can be cultivated with it, and who are the petitioners, in order to grant to each one the necessary land for raising wheat for the support of their families, in accordance with the determination of the government.

ARMENDARIS.

Before me.

JOSE MARIA BACA,
Secretary.

In compliance with the foregoing superior decree, in which I am ordered to report concerning the water at San Cristobal, how much land can be cultivated with it, how many persons petition for it, in order to grant to each individual whatever may be necessary for his support; in view of which I proceeded to the aforementioned place, taking with me Don José Luis Lovato, resident of the town of Galisteo, and having examined the site from its lower to its upper boundary, I commenced to count the water from the spring called El Cavallo, which spring, without any cleanliness, is neglected and trodden by cattle, appears to be twice as abundant as the one called Del Tanque, in this city; and in the continuation of the cañon there are twelve springs, more abounding with water, and of known utility, besides eight ponds, which occasionally run further than the Lagunita, which at this dry season is full of water, and which, by closing up the outlet, will aid materially in irrigating; besides another dry lake, its great extent being favorable to the collection of rain water, which will remain by closing the outlet, and will then be in the same condition in which it was used by the natives in former times. The principal object being the water, it is necessary, in order to obtain a sufficient supply, and to receive any benefit therefrom, that the boundaries commence from the Tres Cañoncitos, below the Cuera, in order to economize the water, by which means I consider that it will increase, although some may be able to plant there, taking care not to injure the springs further than from the Cuebitas down to the last pond. All the water from the springs and ponds should be allowed for loose animals; and by this circumstance I consider that I will see the water run in the cañon and increase the water for the purposes of irrigating the land which it is proposed to

cultivate, concerning the land which can be cultivated with the running water and the aid of the Lagunita and the rain water which may be collected * * [torn] * * and that coming down the cañons during the rainy season, which is an irrigation, * * [torn] * * which reason the natives in those times had their fields in the cañon of La Casita, where the ruins can be seen of the houses in which they watched their fields. As far as the land is concerned, I consider it may be, from the outside of the pueblo on the lower side, * * [torn] * * in all to the decree which states, in article 10: *Endeavoring at least, if possible, that each field which, when regularly cultivated, will be sufficient to support one individual*; and knowing, in truth, the immense amount of public land existing in the province, which extends from the vicinity of Las Huertas to El Vada, and from the opposite side of Las Gallinas to the White mountains, or beyond, extending further to Tecolote, Cow river, Las Gallinas, &c., and other locations suitable for the support of sheep at all times, I think, excepting the better and most prudent opinion, that the amount assigned to each individual cannot be so small, without having room to plant the seed given to him in this province for the purpose of supporting, each one, his family, as denying this; and to the poor it may result in driving them to a strange country for lands. It is a pity that the labor, weariness, services in war, loss of life, wounds, and support, although small, of our ancestors, and as hereditary to us to be compelled to follow in their footsteps, should not be considered with some indulgence. Therefore I requested, in another report made the year previous, as prosecuting attorney of this city, that some attention be shown to so many poor servants of both their Majesties by giving them lands on the most fertile streams, with the necessary condition that they should enclose their fields, and that the water and pasture should be common for all animals. The indigence that is suffered in this city cannot be hidden, which is a motive to induce me to seek this favor. The persons who will unanimously accompany me are the following:

Don Francisco Fernandez,	Don Miguel Lobato,
Don Antonio Sena,	Don Pablo Ortiz,
Don Juan de Jesus Rivera,	Don Florentino Ortiz,
Don Miguel Rivera,	Don José Tragillo,
Don José Maria Rivera,	Don Mariano Baca,
Don Ignacio Ortega,	Don Miguel Rodriguez,
Don José Ortiz,	Don José de Jesus Chaves,

natives of this city, of good behavior and sound habits, according to my sound judgment. We do not ask for the aforementioned site through ambition, for the purpose of selling it, but that it may at all times be an assistance to our families, which we expect to receive if there is any room for it, with the benefits contained in article 17 of the aforementioned decree, which says: *The proceedings for these concessions shall also be made without any charges by the corporations, &c.* The above is all I can state for the present. And in testimony of the truth of what I have stated, I sign on this twenty-fifth day of June, one thousand eight hundred and twenty-two.

DOMINGO FERNANDEZ.

CITY OF SANTA FÉ, *June 27, 1822.*

In consequence of what has been agreed upon by the illustrious * * [torn] * * of this city, I direct that Don Julian Lucero, lieutenant of Galisteo, Don Miguel Baca, resident of the Cienega, and Don Rafael Sarracino, aldermen of said body, shall positively together proceed, in the same manner, on the 6th of July next, to make an examination of what has been stated by Don Domingo Fernandez, and will make out their report immediately after this with all possible clearness.

ARMENDARIS.

Before me.

JOSÉ MARIA BACA, *Secretary.*

In compliance with the directions of the illustrious corporation, the aforesaid Lucero, Baca, and Sarracino, proceeded to the site of San Cristobal, and having examined from the upper to the lower part, in compliance with our duty, we state as follows: Don Domingo Fernandez states that the spring of El Cavallo is twice as large as the spring we call El Tanque; it is a little less. He states that at the continuation of the cañon there are twelve springs; there are only two; one is distant twelve varas from the one of El Cavallo from a very small outlet, and the other at a distance of two hundred varas; that the outlet of this is larger (although it sinks at a short distance) than the one we call El Tanque, in this city. We took with us the same Don José Luis Lovato, who accompanied Don Domingo Fernandez, who showed us all the ponds set down as springs by Don Domingo Fernandez. The Lagunita and Laguna Seca are in the condition stated by Mr. Fernandez. The committee is of opinion that the natives in those times managed in the manner stated by said Fernandez; and if the petitioners labor with as much perseverance as it is seen those did, they will be rewarded for their labor if they are aided by God our father with water from heaven to fill their tank, as, in truth, from the existing springs they will reap very little benefit.

JULIAN LUCERO.

JOSÉ MIGUEL BACA.

RAFAEL SARRACINO.

GALISTEO, *July 8, 1822.*

In the city of Santa Fé, and in the town-house, the illustrious corporation being assembled in ordinary session of Sunday, February 14, 1824, 4th and 3d, the senior justice, Don Santiago Abreú presiding, which was opened by the reading of the previous journal; and this being approved, it gave room for the discussion, which in the same was left unfinished, concerning the representation of citizen Domingo Fernandez, which is the same this corporation was pleased to decree in ordinary session of the 18th of January last; and in continuation Fernandez asked that a report be given him by this body in order that it may proceed to the most excellent provincial deputation, as its excellency directs in its aforesaid decree; and after having discussed the matter, this corporation was pleased to resolve that the report asked for by Fernandez be given to him, which was done in the following

terms: In view of the foregoing petition, this corporation provided there is no obstacle to make a grant on the site asked for by citizen Domingo Fernandez and others, sufficient for each one of them to cultivate without injury to pastures and watering places, as they should not by any means be recognized as the property of the petitioners, nor much less embarrass those citizens who desire to pasture. Don Clement Esquibel and Don Moriano Romero were appointed aldermen in turn.

* * * * *

The above is a copy of the original contained in the book of journals of the corporation, from whence * * [torn] * * copied at the request of the party interested, which he did not sign on account of being the secretary of the corporation; it is truly and legally taken from the original, to which reference is made; and in testimony whereof, I, the aforesaid justice, signed, in the city of Santa Fé, on the 23d day of the month of July, 1827.

JUAN GARCIA.

[SEAL.] Equivalent to 3d seal for the years 1827 and 1828.

MOST EXCELLENT SIR: Citizen Domingo Fernandez, for himself, and [SEAL.] in the name of thirty citizens who accompany me, appear before your excellency with due respect, and state that, having registered a piece of land for sowing wheat, at the place commonly called San Cristobal, with water, and according to information received by me from a native citizen named Ramon, of the pueblo of Pojoaque, who, in the presence of two witnesses, told me that the water on said land is abundant, and that it is covered up, also that the ornaments and sacred vessels are buried, which he promised to show me and discover, together with the water. I have received the same information in reference to the ornaments from Francisco, the White Eyed, without having been rewarded, or requested, or compelled in any way, but told me of their own free accord, and I can corroborate the same, having worked the springs in order to ascertain their yield, by order of the honorable justice Don Francisco Trugillo. The lieutenant, Don Julian Lucero, accompanied me with two men he took with him as witnesses, who saw the stones, stakes, and bark which we took out, which report I delivered to the justice, and they certified to the amount of water; and said land being vacant, unoccupied, and deserted, and without any owner whatsoever, we pray your excellency to have the kindness to cede us said land, granting it to us in the name of the Mexican nation and the actual president, Don Guadalupe Victoria, binding ourselves to injure no one. I dispense with repeating the boundaries, having mentioned them in the previous petition, which, although decided in my favor, I have never been able to obtain, having given several pretexts for not returning it. I have continued to claim it, and have been put off under the pretext that they are looking for it; and the encouragement of agriculture being so much recommended in the sovereign decrees and laws in force at the present, and being the highest attribute of the illustrious corporation to provide for this important branch, removing all obstacles and impediments which may oppose its improvement and

advancement; attending to this our just petition, as has been done to several of our countrymen, and as are not worse or deserving of less attention, your excellency will be pleased to assign the land indicated to us, our children and successors, by which we will receive grace and favor, &c. City of San Francisco, of Santa Fé, June 25, 1827.

At the feet of your excellency.

DOMINGO FERNANDEZ.

OFFICE OF THE SECRETARY OF THE PROVINCIAL DEPUTATION OF NEW MEXICO,
Session of the 20th June, 1827.

The illustrious corporation of this city, by direction of its excellency, will report concerning the matters contained in the foregoing petition.

FRANCISCO PEREZ SARRACINO,
Deputy Secretary.

CITY OF SAN FRANCISCO, OF SANTA FÉ,
July 26, 1827.

In compliance with the superior decree of your excellency, accompanying this of the 25th of June last, in which the illustrious corporation is directed to report concerning the petition of the secretary, Domingo Fernandez, and his companions, for the land he solicits at San Cristobal, an ancient Indian pueblo, and at present uncultivated, abandoned, and without any owner whatsoever for more than one hundred years; after having given the matter the attention it deserves, the documents referred to by Fernandez were caused to be presented, by which it appears that the land was examined, by order of the corporation, by two aldermen, Don Rafael Sarracino and Don Miguel Baca, and the lieutenant of Galisteo, Don Julian Lucero, who reported favorably to Fernandez in the year 1822. The journal of the 15th February, 1824, was read, at which time the first justice, Don Santiago Abreú, presided, which refers to a decision given in favor of said Fernandez in the year 1823, and which was continued by said justice in 1824 in favor of the said Fernandez; therefore, this corporation, in view of the precedents existing in favor of Fernandez, sees no inconvenience in granting the aforesaid land on condition that the water and pastures shall be common, for which, in consideration of the former steps taken by our ancestors, and the actual assistance of the attorney general, it is not necessary to take any further steps. Let this be returned to its excellency, in order that it may use its superior pleasure wherein it considers it just. *Date ut supra.*

JOSÉ MARIA MARTINEZ.

SANTA FÉ, *August 9, 1827.*

In session of yesterday the most excellent deputation of this Territory has disposed that the grant herein solicited be granted, holding the petitioners to what they offer, which is, that no other use will be made of the land but for cultivation, on condition that if at any time they make any other use of it, it shall be considered as abandoned, and the grantees without any right to its possession, and that these have the same right with the rest of the public to pasture their animals in the vicinity thereof.

By order of its excellency it is transmitted to the first appointed constitutional justice of this capital for his information, and for the proper purposes.

ARMIJO.

RAMON ABREÚ, *Secretary.*

Equivalent to seal 3d, for the years 1827 and 1828.

In this town of San Cristoval, on the twenty-first day of the month of August, one thousand eight hundred and twenty-seven, in compliance with the decree of the most excellent provincial deputation of the 9th of August of the present month, in which his excellency was pleased to grant the land known as the Old Pueblo of San Cristobal to citizen Domingo Fernandez and thirty men, he requested me to accompany him at the aforesaid place, upon complying with the condition that they shall enjoy it for themselves, their heirs, and successors, remarking only that if they have occasion to make a sale, they are to dispose of it to those in possession, and at the market price, and in case any of them should desire to do any injury to them by selling to any other person except the grantees, in consideration of his being a wealthy person, from whence any injury would result to the poor persons in possession; to which proposition they assented, and said that at all times the condition would be complied with, and the persons failing to comply therewith should be declared without any right; being about eleven o'clock in the day, I, Don José Maria Martinez, the first appointed constitutional justice of the city of Santa Fe, being at this place, Don Domingo Fernandez demanded of me to place him in possession, together with those accompanying him. I, the aforesaid justice, in compliance with the aforesaid decree of its excellency, proceeded to place him in legal, personal, and royal possession; having taken the said Fernandez by the hand, he entered upon and walked over the said land, he pulled up weeds, scattered handfulls of earth, broke off branches from the trees, and uttered loud exclamations of joy and pleasure, and they answered, "Long life to our actual president, Don Guadalupe Victoria! long life to the Mexican nation!" and performed other ceremonies and acts of possession; in testimony of which, they stated that they took possession of it quietly and peacefully, and without any contradiction whatsoever, for themselves, their children, and successors, which is apparent; and I proceeded to point out the boundaries to them: On the east, the spring of La Baca; on the west, opposite the middle creston; on the south, the Bajada de los Comanches; on the north, the summit of the creston, which are the boundaries enclosing said grant; the said Fernandez receiving from the Cañon de la Cueva to the spring of La Vaca, the balance of the plain, and the Cañon de la Cueva being divided out for cultivation, the pasture lands remaining free in the other directions up to the aforesaid boundaries; and in order that it may so appear in all time to come, I signed, with Fernandez and my attending witnesses, with whom I act in the absence of a national notary, there being none in this Territory, the said Fernandez being required to ascertain the number of varas of arable land assigned to each individual, in order to make out the proper certificates, placing this in

the archives as evidence in all time to come, giving unto the aforesaid Fernandez the corresponding copies of all that has been done.

JOSÉ MARIA MARTINEZ.
DOMINGO FERNANDEZ.
VITORINO PADILLA.
FELIPE SENA.

Attending :

MIGUEL SENA.
GREGORIO GARCIA.

Having concluded the ceremony of placing the grantees in possession of the land of San Cristoval, as appears by the donation made on the twenty-first day of August, one thousand eight hundred and twenty-seven, and having proceeded to the distribution of the arable lands, from the Mesita of the Lagunitas upwards, as far as the spring of La Vaca, under the boundaries of the grant, was assigned to Domingo Fernandez, adjoining which the measure was taken from the aforesaid Mesita, and one hundred varas were given to Don Juan to Mares, from east to west ; one hundred varas to Don Luis Lovato ; one hundred varas to Don Bartolo Lovato ; one hundred varas to Antonio Sena ; one hundred varas to Francisco Sena ; one hundred varas to Miguel Sena ; one hundred varas to Felipe Sena ; one hundred varas to Salvador Ortiz ; one hundred varas to ——— ——— ; one hundred varas to Vitorino Padia ; one hundred varas to Juan Diego Sena ; one hundred varas to Jesus Lujan ; one hundred varas to Jesus Rivera ; one hundred varas to Antonio Analla ; one hundred varas to Juan Analla ; one hundred varas to Ygnacio Ortiz ; one hundred varas to José Ortiz ; one hundred varas to José Chaves ; one hundred varas to Francisco Chaves ; one hundred varas to Joaquin Chaves ; one hundred varas to Gregorio Garcia ; one hundred varas to Antonio Sena ; one hundred varas to Enrique Sena ; one hundred varas to Ygnacio Armenta ; one hundred varas to Lorenzo Baca. All the above mentioned received the portion above stated, peacefully and quietly, without any contradiction whatsoever, unanimously binding themselves to erect each one a house, and in the work of the church, ditch [acequia] and tank ; and in order that all the above may have the force and validity required by law, the parties placed in possession, as above, requested me to interpose my authority and judicial decree ; and I, the said justice, said that I would, and did interpose it as far as it is conferred upon me by law. I certify that this distribution is made truly, legally, and correctly, according to the boundaries contained in the grant * * [torn] * * expressed, which they signed with me and those in my attendance, with whom I act in the absence of a national notary, there being none in this Territory. The attorney general, Don Juan José Lujan, saw this distribution, to which I certify.

JOSÉ MARIA MARTINEZ.

Attending :

Miguel Sena,
Domingo Fernandez,
Juan Josef Lujan,
Gregorio Garcia,

Ygnacio Armenta,
Bitorino Padia,
Jesus Rivera,
Antonio Analla,

Juan Mares,
Felipe Sena,
Luis Lovato,
Bartolomé Lovato,
Joaquin Chaves,
Ygnacio Ortiz,
Josef Ortiz,

Juan Analla,
Josef Chaves,
Francisco Chaves,
José de la Cruz Alire,
Antonic Sena,
José Antonio Sena.

Equivalent to seal third * * [torn] * *

SIR POLITICAL CHIEF: Citizen Domingo Fernandez presents himself before the superiority of your excellency, in due form of law, and convenient to me, and states, sir, that, by virtue of a petition by me made, the most excellent provincial deputation of this Territory saw proper to approve the possession of lands I asked for at the place called San Cristoval, together with several individuals who accompanied me, a list of which I do not accompany for your information on account of its being in the possession of the justice (Don Francisco Trujillo) to which I presented a claim for the purpose of compelling them to aid in the clearing out of the springs, construction of ponds, and other works, as appears by their promises contained in the grant and distribution to which I refer. Well, sir, as I have stated, the justice required them to go, and to all appearance they were unanimous and truthful in what they said, and appointed the day on which we were to leave here and the length of time we were to remain to all appearance effectually. The day arrived. I went and waited for them at Galisteo as well as at San Cristoval. I worked on the springs and other places, but they did not appear; therefore, I find myself compelled to apply to your excellency in order that, by your superior decree to the justice, he compel and bind them to engage in the labor they voluntarily offered to do; but if they are not disposed to go, I do not compel them to do so, but that they in this case resign in favor of those who remain, or other poor persons having no occupation whom I may know to be industrious. Sir, I do not think it is just that I use all possible exertions, and that the balance, without doing anything, after I have done all, should enjoy the same right. I do not believe it to be reasonable, nor that, in the vain confidence of their going, I should wait and take no steps nor do any work, which would be an injury to me; and, in order to avoid these damages, I apply in time, in order to avoid them entirely. Therefore, I pray your excellency to decree in conformity with my petition, returning this to me for the purpose I may deem proper. Justice is what I impetrate. I swear, &c.

DOMINGO FERNANDEZ.

SANTA FÉ, *September 2, 1829.*

SANTA FÉ, *September 2, 1829.*

The constitutional justice of this city, upon being informed of the claim made by citizen Domingo Fernandez, will cause the individuals of whom he complains to present themselves, and in case they do not proceed to cultivate the land they will be immediately excluded from

the list, and industrious individuals will be substituted in their place who may require lands for cultivation.

CHAVEZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct translation of the original Spanish on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

David V. Whiting, whose name appears subscribed to the above certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 3.

Conveyance—Original.

TERRITORIO DE NUEVO MEJICO, }
Condado de Santa Fé. }

Sean todos por las presentes que yo Domingo Fernandez por, y en consideracion de la suma de quinientos pesos á mi pagados por Alejandro W. Reynolds y Eathan W. Eaton, el recibo de la cual, es por esto reconocido haber dado y convenido, vendido y traspasado, y por estas presentes hago por esto doy convenio y vendo, y traspaso á dichos Reynolds y Eaton la siguiente delineada propiedad rustica cituada en el condado de Santa Fé en el Territorio de Nuevo Mejico : á saber : todo aquell trecho ó pieza de terreno conosido por las tierras del Pueblo de San Cristoval cerca de la villa de Galisteo, comenzando en la Lagunita linea recta al ojo de la Baca, y de alli al sur y oeste á la Bajada de los Comanchez y entonces de la Lagunita á una Peña de Piedra conosida por el Creston, por el Norte, y de dicha piedra al Ojo de la Baca, incluyendo dicho Ojo de la Baca, tirando una linea á la bajada de los Comanchez hasta el intercepto una linea de Norte á sur sobre una linea con la Lagunita. Las dichas tierras cedo por este documento incluyendo todas las tierras adentro de los limites arriba espresados eceptuando una porcion pequeña hecha por Domingo Fernandez á Luis Griego de fecha 8 de Octubre, de 1843, á tener y poseer la arriba delineada propiedad rustica junta con todas las pertenencias y privilegios á ella pertenesiendo á el dicho Alejandro W. Reynolds y Eathan W. Eaton sus herederos y asignantes para siempre y yo hago por esto protesta que yo soy quien poseo por si solo la arriba vendida y espresada propiedad que ella está libre de todo impedimento ni embarazo y que yo garantizaré y defenderé el titulo á la misma á

dicho Reynolds y Eaton y á sus herederos y asignantes contra todos reclamos ó demandas legales de cualesquiera persona ó personas que fueren.

En testimonio de lo cual he puesto mi firma y sello hoy 20 de Enero de mil ochocientos cincuenta y uno.

DOMINGO FERNANDEZ.

Testigo: DONACIANO VIGIL.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 24, 1857.

The foregoing is a correct copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 24, 1857.

David V. Whiting, whose signature is attached to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General.

No. 4.

Conveyance—Translation.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Know all men by these presents, that I, Domingo Fernandez, for and in consideration of the sum of five hundred dollars to me paid by Alexander W. Reynolds and Ethan W. Eaton, the receipt of which is hereby acknowledged, have given and bargained, sold and conveyed, and by these presents make, and hereby give, bargain and sell, and convey to said Reynolds and Eaton the following described rustic property, situate in the county of Santa Fé, in the Territory of New Mexico, to wit: All that tract or parcel of land known as the lands of the pueblo of San Cristobal, near the town of Galisteo, commencing at the Lagunita in a direct line to the spring of La Vaca; and from thence to the south and west to the Bajada de los Comanches; and then from the Lagunita to a stone rock known as the Creston, on the north; and from said rock to the spring of La Baca, including said spring of La Baca, drawing a direct line to the Bajada de los Comanches, to where it intersects a line from north to south on a line with the Lagunita; said lands are ceded by this document, including all the lands contained within the foregoing boundaries, excepting a small portion given by Domingo Fernandez to Luis Griego, on the date of the 8th of October, 1843: to have and to hold the above described property, together with all the appurtenances and privileges thereunto belonging, to the said Alexander W. Reynolds and Ethan W. Eaton, their heirs and assigns forever; and I hereby protest that I am the only

owner of the above sold and mentioned property ; that it is free from all incumbrance or obstacle, and that I will guarantee and defend the title to the same to the said Reynolds and Eaton, and their heirs and assigns, against any legal claims or demands of any person or persons whomsoever.

In testimony whereof, I have affixed my hand and seal, on this 20th day of January, one thousand eight hundred and fifty-one.

DOMINGO FERNANDEZ.

Witness: DONACIANO VIGIL.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct translation of the original Spanish on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original translation on file in this office.

WM. PELHAM,
Surveyor General.

No. 5.

Sheriff's Deed.

This indenture, made this 20th day of June, A. D. 1853, between R. M. Stephens, esq., sheriff of the county of Santa Fé, Territory of New Mexico, of the first part, and Ethan W. Eaton, of the county of Santa Fé, Territory of New Mexico, of the second part.

Whereas, by virtue [of] a certain execution issued out of and under the seal of the district court for the second judicial district of the Territory of New Mexico, tested on the 14th day of March, A. D. 1853, at the suit of Lucien B. Maxwell and James H. Quinn, against Robert Cary, Ceran St. Vrain, and Alexander W. Reynolds, directed and delivered to the said sheriff, commanding him that of the goods and chattels of the said defendants he should cause to be made certain moneys in said writ specified ; and if sufficient goods and chattels could not be found, that then he should cause the amount so specified to be made of the real estate which the said defendants had, in whose hands soever the same might be ; the said sheriff did levy on and seize all the estate, right, title, and interest which the defendants, or either of them, so had of, in, and to the premises hereinafter conveyed and described, and, on the day of the date of this indenture, sold the said premises at public vendue, at the court-house, in the county and city of Santa Fé, in the first judicial district, in which the said property is situated, during the June term of said district court for the year 1853, having first given public notice of the time and place of sale by ad-

vertising the same according to law; at which sale the said premises were struck off to Ethan W. Eaton for the sum of two hundred and sixty-two dollars, he being the highest bidder, and that being the highest sum bidden therefor.

Now, this indenture witnesseth, that the said party of the first part, by virtue of said writ, and in pursuance of the law in such case made and provided, and in consideration of the sum of money so bidden as aforesaid to him duly paid, hath sold, and by these presents doth convey and grant unto the said party of the second part all the estate, right, title and interest which the said defendants, Robert Cary, Ceran St. Vrain, and Alexander W. Reynolds, or either of them, had at the time of the levy of said writ, or at any time afterwards, in and to all the following described real estate, (viz:) A certain ranch lying and being in the county of Santa Fé, Territory of New Mexico, about five miles east of the town of Galisteo, containing about 2,500 acres, more or less, with about 50 acres of the same in good cultivation, the same as bought by Alexander W. Reynolds and E. W. Eaton, as tenants in common, from Domingo Fernandez, in the month of January, 1851, together with all the houses, buildings, rights, privileges and appurtenances thereunto belonging unto either of the said defendants, and particularly unto Alexander W. Reynolds. To have and to hold the said above-mentioned premises unto the said party of the second part, his heirs, and assigns forever, as fully and absolutely as the said party of the first part, as sheriff aforesaid, can or ought to by virtue of said writ and the law relating thereto. In witness whereof, the said party of the first part hath set his hand and seal the day and year above written.

R. M. STEPHENS, *Sheriff*.

Signed, sealed, and delivered in the presence of—

JOHN G. JONES.

LEVI J. KEITHLY.

TERRITORY OF NEW MEXICO, }
County of Santa Fé. }

Before me, the undersigned, clerk of the United States for the first district of said Territory, this day appeared the above-named R. M. Stephens, personally known to me to be the identical person who signed the foregoing deed, and acknowledged that he signed, sealed, and delivered the same, on the day and year and for the purposes therein mentioned, as his voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this 21st day of June, A. D. 1853.

[L. S.]

R. H. TOMPKINS, *Clerk*.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1853.

The foregoing is a correct copy of the original conveyance now on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 6.

Quit-claim.

Know all men by these presents, that I, Alexander W. Reynolds, captain in the army of the United States, for and in consideration of the sum of one dollar to me paid by E. W. Eaton, of the county of Santa Fé, Territory of New Mexico, the receipt whereof I do hereby acknowledge, have remised, released, and forever quit-claimed, and by these presents do remise, release, and forever quit-claim unto the said E. W. Eaton, his heirs and assigns, all my right, title, and interest in a certain messuage now in the seizure and possession of the said E. W. Eaton, situate near the town of Galisteo, in the county of Santa Fé, aforesaid, and known as the rancho of San Cristoval: To have and to hold the aforesaid premises, with all the privileges and appurtenances to the said messuage belonging or appertaining unto the said E. W. Eaton, his heirs and assigns, to his and their sole use forever, so that neither I, the said Alexander W. Reynolds, nor my heirs, nor any person or persons claiming under me or them, shall at any time hereafter, by any way or means, have, claim, or demand any right or title to the aforesaid premises or appurtenances, or to any part or parcel thereof forever. In testimony whereof, I have hereunto put my hand and seal this third day of January, A. D. 1854.

A. W. REYNOLDS. [L. s.]

In the presence of—
 CARY H. FRY.
 J. HOUGHTON.

This day personally appeared before me, Lewis D. Sheetz, clerk of the United States district court for the first judicial district of the Territory of New Mexico and county of Santa Fé, Alexander W. Reynolds, who is personally known to me to be the person whose signature appears to the foregoing deed, and acknowledged the same to be his voluntary act for the purposes therein mentioned. In testimony whereof, I have hereunto set my hand and the seal of said court this 16th day of January, A. D. 1854.

[SEAL.]

L. D. SHEETZ, *Clerk.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original document on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 7.

Notice.

UNITED STATES OF AMERICA,

Territory of New Mexico, County of Santa Fé.

To the Hon. William Pelham, surveyor general of the Territory of New Mexico, under the act of Congress of 22d July, 1854:

Your petitioner, Ethan W. Eaton, a resident of Santa Fé county, in the Territory of New Mexico, respectfully states to you, that he is the owner and now in the possession of, and has been possessing, living upon, and cultivating the rancho of the pueblo of San Cristobal ever since the 20th of January, A. D. 1851. Your petitioner further states that said rancho is situate in the county of Santa Fé, not far from the town of Galisteo, bounded as follows: On the east by the spring of La Yaca, on the west opposite the middle Creston, on the south by the Bajada de los Comanches, and on the north by the summit of the Creston. Petitioner is not able to state the contents of said grant, as no survey has ever been made of the same, and he can only describe it by the above well known marks and bounds. Your petitioner further states that he has never heard nor has he any knowledge of any adverse claim or title to said land. Your petitioner further states that the papers herewith filed show that said rancho was granted legally to Domingo Fernandez, and in the year 1827 he was duly put in the possession of the same, in accordance with the laws, forms, and customs then in force in the province of New Mexico, as will more fully appear by reference to the petition of said Domingo Fernandez, and the proceedings thereon, until the title was executed and possession given, all of which are hereby made a part of this petition, marked

Your petitioner further states that on the 20th day of January, 1851, the said Domingo Fernandez conveyed his interest and title to said land to Alexander W. Reynolds and your petitioner, as will appear by his deed, hereby made a part of this petition, marked as exhibit O. Your petitioner further states that on the 20th day of June, 1853, he became invested with the title and interest of the said Alexander W. Reynolds to said land, by purchase at sheriff's sale, as will appear by reference to the deed of Richard M. Stephens, sheriff of Santa Fé county, hereby made a part of this petition, marked as exhibit P, herein. Your petitioner further states that on the 3d day of January, 1854, the said Alexander W. Reynolds executed to your petitioner a quit-claim deed for his interest in said land, as will appear by reference to said deed, hereby made a part of this petition, marked as exhibit R, herein. Your petitioner further states that he is the owner absolutely and in fee of the property above mentioned, and asks that such proceedings be had in the premises as will confirm to him his title to said land, under said act of Congress above mentioned. All of which is respectfully submitted.

ETHAN W. EATON,

By JOHN S. WATTS, *his attorney.*
J. HOUGHTON.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original on file in this office.

WILLIAM PELHAM,
Surveyor General.

No. 8.

Testimony.

JOSÉ MARIA MARTINEZ sworn :

Question. Have you any interest in this claim ?

Answer. I have not.

Question. Did you know Facundo Melgares in the year 1822 ; what office did he hold, and are you acquainted with his signature ?

Answer. I did ; he was civil governor. I do not know if the offices of civil and military governor were united at that time. I do not know his signature.

Question. Did you know Manuel Armijo in the year 1827, and what office did he hold ?

Answer. I did ; he was political chief.

Question. Do you know the land known as the grant of San Cristoval ?

Answer. I know it well.

Question. What office did you hold in August, 1827 ?

Answer. I was senior justice [Alcalde Primero.]

Question. Whom did you place in possession of the grant of San Cristoval in that year ?

Answer. Domingo Fernandez, and, I believe, some twenty-two others, with the consent of Fernandez.

Question. By whose authority did you place them in possession ?

Answer. The president of the republic of Mexico, by an order sent to me by him.

Question. Did that order authorize you to place more than Fernandez in possession ?

Answer. Fernandez only.

Question. Is the act of possession purporting to be yours genuine (as seen on document A) ?

Answer. It is.

JOSÉ MA. MARTINEZ.

Sworn and subscribed before me this 10th day of August, 1857.

WILLIAM PELHAM,
Surveyor General.

FRANCISCO BACA sworn :

Question. Have you any interest in this claim ?

Answer. I have none.

Question. Did you know Facundo Melgares in 1822, and what office did he hold?

Answer. I did; he was governor of New Mexico.

Question. Do you know his signature, and is that on document A genuine?

Answer. I do; it is genuine.

Question. Did you know Manuel Armijo and Ramon Abreu, and what offices did they hold in 1827?

Answer. I did; the one was governor and the other secretary.

Question. Do you know their signatures, and are those on document A genuine?

Answer. I do; they are.

FRANCO. BACA Y ORTIZ.

Sworn and subscribed before me this 10th day of August, 1857.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original now on file in this office.

WM. PELHAM,
Surveyor General.

No. 9.

Decision.

This case was filed on the 11th day of October, 1855, and set for trial on the 10th day of August, 1857.

On the 26th day of April, 1822, Domingo Fernandez petitioned Facundo Melgares, the governor of New Mexico, for the land embraced within the abandoned Pueblo of San Cristoval.

This petition was referred by Melgares to the corporation of Santa Fé, requiring them to report on certain points mentioned in the order. After the appointment of several committees, and a thorough investigation of the matter, the corporation, on the application of Fernandez, reports in favor of conceding the request of the petitioner, provided there is no other impediment in the way.

On the 27th of February, 1827, Domingo Fernandez, for himself, and in the name of thirty others, petitions the provincial deputation for action to be taken on the report of the corporation, which petition is referred by the provincial deputation again to the corporation of Santa Fé, requiring it to report on the matters set forth in the last petition of Fernandez.

On the 26th of July, 1827, the corporation again reports in favor of making the grant to Fernandez.

On the 9th day of August, 1827, the provincial deputation granted to Fernandez and his associates the land petitioned for, on condition that it shall not be used for any other purpose than that of cultivation, and is transmitted to the first constitutional justice of Santa Fé to place the parties in possession, which was done on the 21st day of August, 1827.

On the 20th day of January, 1851, the said Domingo Fernandez conveyed all his right, title, and interest in the above grant to A. W. Reynolds and E. W. Eaton.

On the 20th day of June, 1853, the right, title, and interest of said A. W. Reynolds of, in, and to the above-mentioned purchase from Fernandez was sold by R. M. Stephens, sheriff of Santa Fé county, by virtue of a judgment rendered against said Reynolds to E. W. Eaton, to whom Reynolds executed a quit-claim deed on the 3d of January, 1854.

The documents acted upon by this office are original and duly authenticated by the testimony of witnesses.

The grant was made according to the provisions of the royal edict of the 4th of January, 1813, in force at the time the grant was made, and also bears the approval of the provincial deputation of the Territory, which was authorized by the subsequent enactments of the government of Mexico after its severance from Spain to make grants of land.

The grant is therefore deemed a good and valid one, and confirmed to E. W. Eaton as the assignee and legal representative of Domingo Fernandez, and to the remaining original grantees who had not forfeited their right to the land by a non-compliance with the conditions of the grant, and is transmitted for the action of Congress in the premises.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 18, 1857.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, September 22, 1857.

The foregoing is a correct copy of the original decision now on file in this office.

WM. PELHAM,
Surveyor General.

NEW MEXICO, PUEBLO, AND PRIVATE LAND CLAIMS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

New schedules of pueblo and private land claims in New Mexico.

MARCH 25, 1858.—Referred to the Committee on Private Land Claims.

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1858.

SIR: Referring to my letter addressed to you on the 5th ultimo, accompanying transcripts of certain land claims in New Mexico, I have the honor now to submit a copy of a communication from the Commissioner of the General Land Office, dated the 2d instant, explanatory of a change in the schedules of all the pueblo and private land claims in New Mexico heretofore reported to Congress, which has been proposed by the surveyor general and adopted in the General Land Office.

Very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

Hon. JAMES L. ORR,

*Speaker of the U. S. House of Representatives.*GENERAL LAND OFFICE,
March 2, 1858.

SIR: On the 6th January and 10th February and November 21, 1857, this office transmitted to the Department of the Interior certain documents forwarded by the surveyor general of New Mexico, being claims for the final confirmation by Congress; while, according to his designation of the same, the pueblo grants were numbered from No. 1 upwards, and the citizen private land claims numbered as they were filed in his office and entered on the docket.

On an examination of these documents, made by this office, it was discovered that the system adopted in numbering these claims by the surveyor general would lead to a mixture of numbers calculated to produce confusion in legislating on the subject by Congress. On the 19th of November last this office addressed a letter to the surveyor general, drawing his attention to the subject, enumerating a variety of instances in which his mode of numbering these claims would lead to confusion, and inquiring of him whether he had adopted one series of numbers for both the confirmed private claims and confirmed pueblo claims; and he was also requested to inform this office of the series

and order of his numbering of approved claims of pueblos and those of private claims, so that if any inadvertence or error was made the same may be corrected before the claims are finally confirmed by Congress.

The copy of the enclosed letter from the surveyor general of New Mexico is in reply to the letter of this office of the 19th November last, in which he acknowledges that some confusion has arisen in the enumeration of the several claims transmitted by him as referred to above, and proposes to change the system heretofore adopted, by numbering the approved claims of citizens from No. 1 up, and to distinguish the pueblo claims by alphabetical signs, commencing with the letter A, as exhibited severally on the *schedules*, copies herewith enclosed.

The designation of these claims, upon triplicate copies on file in this office, has been corrected and made to correspond to the designation proposed by him in the schedules, and I would respectfully request that you would transmit the same to the Committee on Private Land Claims of the respective houses of Congress, to prevent any confusion that might occur in future legislation on the subject, and thus insure a proper designation of the claims which may be confirmed by Congress.

I have the honor to be, very respectfully, your obedient servant,
 THOMAS A. HENDRICKS,
Commissioner.

Hon. J. THOMPSON,
Secretary of the Interior.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, January 12, 1857.

SIR: In transmitting claims which have been approved for their final confirmation by Congress, it was the intention of this office that the public grants should be numbered from No. 1 up, and that the citizen private land claims should be numbered as they were filed in this office and entered on the dockets; hence some confusion has arisen in the enumeration of the several claims transmitted. Upon reflection, and after the receipt of your letter of November 19, 1857, I have thought it advisable to change the system heretofore adopted, by numbering the approved claims of citizens from No. 1 up, and that the public grants be distinguished by alphabetical signs, commencing with the letter A. As there are but twenty-one pueblos in all, there will be no danger of a repetition of the letters.

I herewith enclose a schedule of the pueblo grants and private land claims approved and transmitted, lettered and numbered as above stated, with the request that the alteration be made on the claims before their final confirmation by Congress.

Very respectfully, your obedient servant,
 WM. PELHAM,
Surveyor General.

THOMAS A. HENDRICKS, Esq.,
Commissioner of the Gen'l Land Office, Washington, D. C.

Schedule of pueblo grants examined and approved by the surveyor general of New Mexico, and transmitted for the final action of Congress in the premises, viz :

A. Gomez.
B. Acoma.
C. San Juan.
D. Picoris.
E. San Felipe.
F. Pecos.
G. Cochiti.
H. Santo Domingo.

I. Taos.
K. Santa Clara.
L. Tesuque.
M. San Ildefonso.
N. Pojoaque.
O. Zia.
P. Sandia.
Q. Isleta.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, January 12, 1858.

Schedule of private land claims examined and approved by the surveyor general of New Mexico, and transmitted for the final action of Congress in the premises :

1. Preston Beck, jr., assignee, San Miguel county.
2. Town of Tomé, Valencia county.
3. Manuel Martinez, Rio Arriba county.
4. Charles Beaubien, Taos county.
5. Town of Casa Colorado, Valencia county.
6. Hugh Stephenson *et al.*, Doña Ana county.
7. Town of Tecolote, San Miguel county.
8. Donaciono Vigil, San Miguel county.
9. John Scolly *et al.*, Taos county.
10. John Lamy, Santa Fé county.
11. Town of Chilili, Bernalillo county.
12. Antonio Sandoval, San Miguel county.
13. Town of Belen, Valencia county.
14. Serafin Ramirez, Bernalillo county.
15. { Charles Beaubien, }
{ Guadalupe Miranda, } Taos county.
16. José Leandro Perea, San Miguel county.
17. Ceran St. Vrain *et al.*, Taos county.
18. Alexander Vallé, San Miguel county.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, January 12, 1858.

Abstract of private claims filed in the office of the surveyor general of New Mexico, approved by him and transmitted to the General Land Office with his annual reports, dated September 30, 1856, and September 30, 1857, for the final action of Congress.

Numbers.			Names of claimants.	Remarks.
Original as filed and entered in docketts.	According to abstracts R and B accompanying S. G.'s reports 1856-57.	Finally corrected by the S. G. Jan. 12, 1858, and submitted as governing designations.		
1	7	⊙1	Preston Beck, jr.-----	Approved by surveyor general and transmitted with his report September 30, 1856. Sent to department November 29, 1856.
2	30	⊙2	Town of Tomé-----	Do. do.
3	32	⊙3	Francisco Martinez-----	Do. do.
14	18	⊙4	Charles Beaubien-----	Approved by surveyor general and transmitted with his report September 30, 1856.—(See surveyor general's letter Dec. 31, 1856.) Sent to department February 10, 1857.
29	38	†5	Town of Casa Colorado.	Approved by surveyor general and transmitted with his report December 31, 1856. Sent to department February 10, 1857.
32	31	⊙6	Hugh Stephenson <i>et al.</i> —	Do. do.
8	8	⊙7	Town of Tecoloté-----	Approved by surveyor general and transmitted with his report September 30, 1857. Sent to department November 21, 1857.
11	4	⊙8	Donaciano Vigil-----	Do. do.
39	42	†9	John Scolly <i>et al.</i> -----	Do. do.
25	34	†10	John Lamy-----	Do. do.
40	43	†11	Town of Chililé-----	Do. do.
41	44	†12	Antonio Sandoval-----	Do. do.
43	46	†13	Town of Belen-----	Do. do.
44	47	†14	José Serefin Ramirez---	Do. do.
48	15	†15	Charles Beaubien and Guadalupe Miranda.	Do. do.
50	51	†16	José L. Perea-----	Do. do.
53	53	†17	Cornelio Vigil and Ceran St. Vrain.	Do. do.
54	5	⊙18	Alexander Vallé-----	Do. do.
16	9	⊙?	E. W. Eaton-----	Do. do.

⊙ In surveyor general's abstract, accompanying his report, dated September 30, 1856.

† In surveyor general's abstract, accompanying his report, dated September 30, 1857.

‡ Not designated by the surveyor general; his attention called to it March 4, 1858.