

PRIVATE LAND CLAIMS IN NEW MEXICO.

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LETTER

FROM

THE ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING

*A transcript of certain private land claims in New Mexico.*

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JANUARY 12, 1861.—Referred to the Committee on Private Land Claims, and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
January 11, 1861.

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 transcript of five 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 29th ultimo, a copy of which is enclosed herewith.

Very respectfully, your obedient servant,  
MOSES KELLY,  
*Acting Secretary.*

Hon. WILLIAM PENNINGTON,  
*Speaker of the House of Representatives.*

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GENERAL LAND OFFICE,  
December 29, 1860.

SIR: I have the honor to transmit herewith the documents in relation to private land claims, numbered, respectively, 9, 70, 41, 42, and 43, in New Mexico.

A designation of the various documents accompanying each claim will be found in exhibit A herewith transmitted.

I have the honor to be, respectfully, your obedient servant,  
JOS. S. WILSON,  
*Commissioner.*

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

## EXHIBIT A.

*Private land claims in New Mexico, as approved by the surveyor general of said Territory, submitted for consideration of Congress—(See letter to the Secretary of the Interior, December 29, 1860.)*

No. of claim.	Name of claimant.	No. of accompanying docs.	Description of documents describing each claim.	Remarks.
9	Gervacio Noland.....	12	No. 1. Petition for a grant—Spanish translation; 2. Ditto—English translation; 3. Copy of original grant—Spanish; 4. Translation of grant; 5. Spanish copy of conveyance of grant from Antonio Maria; 6. English copy of conveyance ditto; 7. Conveyance from Juan Antonio Aragon ditto—Spanish copy; 8. English copy ditto; 9. Lawyer's petition in behalf of Noland's heirs; 10. Testimony by Thos. Benito Lalanda; 11. Lawyer's brief; and 12. Decision of surveyor general.	Accompanied by surveyor general's letter, Sept. 15, 1860.
70	Serafin Ramirez.....	6	No. 1. Memorial of Jose Serafin Ramirez, and grant thereof; 2. Translation of the same; 3. Notice in Spanish to surveyor general relative to certain land; 4. Translation of said notice; 5. Interrogatories by William Pelham, late surveyor general, to Antonio Sena and Santiago Amijo; and 6. Opinion of late surveyor general in this case.	.....do.....
41	Heirs of Pablo Montoya.	6	1. Grant—Spanish; 2. Grant—translation; 3. Petition to surveyor general; 4. Amendment of petition; 5. Testimony; 6. Report.	Accompanied by surveyor general's letter, dated Nov. 29, 1860.
42	Heirs of Antonio Ortiz.	6	1. Grant—Spanish; 2. Grant—translation; 3. Petition to surveyor general; 4. Testimony—translation; and 6. Report.	.....do.....
43	N. M. Mining Co.....	9	1. Grant—Spanish; 2. Grant—translation; 3. Conveyance—Montoya to Cano; 4. Conveyance—Greiner to N. M. Mining Co.; 5. Petition to surveyor general; 6. Brief of Attorney; 7. Synopsis and tabular statement of grant; 8. Testimony; 9. Report.	.....do.....

## CLAIM No 9.

*Schedule of the papers in the case of Gervacio Noland.*

- No. 1. Petition for a grant, situated on the Ocaté and Red rivers, by Gervacio Noland. Spanish translation—copy.
- No. 2. Petition for a grant, situated on the Ocaté and Red rivers, by Gervacio Noland. English copy of petition for grant.
- No. 3. Copy of original grant in the case of Gervacio Noland. Spanish.
- No. 4. Translation of grant in the case of Gervacio Noland. Copy from the translation.
- No. 5. Spanish copy of the conveyance of grant from Antonio Maria Lucero to Gervacio Noland.
- No. 6. English copy of the conveyance of grant from Antonio Maria Lucero to Gervacio Noland.
- No. 7. Conveyance of grant from Juan Antonio Aragon to Gervacio Noland. Spanish copy.
- No. 8. Conveyance of grant from Juan Antonio Aragon to Gervacio Noland. English copy.
- No. 9. Lawyer's petition to the surveyor general of New Mexico, in the case of Gervacio Noland, in behalf of the heirs of Noland.

- No. 10. Testimony by Thomas Benito Lalanda in the case of Gervasio Noland.  
 No. 11. Lawyer's brief in the case of Gervasio Noland.  
 No. 12. Decision of the surveyor general in the case of Gervasio Noland.

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No. 1.

Sello cuarto.—Dos reales.

Años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres. Reabilitado para los años de mil ochocientos cuarenta y cinco, y mil ochocientos cuarenta y seis.

AGUSTIN DURAN, *Adm'or.*

Gobernador MAN'L ARMIJO.

En este punto del Valle de Santa Gertrudis de lo Demora, á los veinte y tres dias del mes de Febrero de mil ochocientos cuarenta y seis años: Yo el juez de paz de dicho partido, y testigos de mi asistencia con quienes actue, por receptoria, á falta de escribano publico, que aqui no lo hay de ninguna clase, en los terminos prevenidos por derecho: Dijo, que por cuanto, á que Dn. Gervacio Nolan con naturalizado en este departamento del Nuevo Mejico: tiene solisitado posesion de terreno su los linderos del Rito que llaman de Ocaté.

Y por tocar alguna parte de la merced original; de los ejidos de esta Demarcacion de lo Demora, he venido en solicitar de los agraciados en ella, para mereser el buen concepto, como en efecto, consiguio de su espontanea voluntad: de los habitantes de este punto, que acsedieran hacerle esta gracia de previo con sentimiento, del linderero que se le asignó, por el sor. gobernador y gefe politico, Dn. Manuel Amijo, fecha 18 de Nove. de 1845.

Y para que tenga la mayor fuerza y validacion, lo firmaron con migo, los principales pobladores del mencionado punto, que condesdieron, y los de mi asistencia, de todo doy fé.

MANUEL LUJAN.

Asistencia:

JOSÉ LUJAN.

ANDRES LUJAN.

Sigue las firmas de los primeros pobladores de estos habitantes de lo Demora: primero—

JOSÉ MANUEL SANDOVAL.

Arruego, JOSÉ MIGUEL PACHECO.

Arruego, MIGUEL MASCAREÑAS.

Arruego, JUAN LORENZO ALIRE.

Arruego, JOSÉ DE LA CRUZ MEDINA.

JOSE FRANCISCO SANDOVAL.

Arruego, RAMON ARCHULETA.

Arruego, JOSÉ ESTRADA.

Arruego, ENCARNACION GARCIA.

CRESTINO TAPIA.

TOMAS BENITO LALANDA.

Derechos 12 pesos lo juro.

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

I certify that the above is a true copy of the original on file in this office.

JOHN W. DUNN, *Translator.*

No. 2.

Seal fourth.—Two rials.

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

Qualified for the years one thousand eight hundred and forty-five and eight hundred and forty-six.

AUGUSTIN DURAN, *Administrator.*

[Rubric.]

MANUEL ARMIJO, *Governor.* [Rubric.]

In this place of Santa Gertrudis de lo Demora, on the twenty-third day of the month of February, in the year one thousand eight hundred and forty-six, I, the justice of the peace of said district, and my attending witnesses, with whom I acted by appointment in the absence of a notary public, there being none of any description, in the terms provided by law, state that whereas Don Gervace Noland, naturalized in this department of New Mexico, has solicited a grant of land on the boundaries of the Rito, called the Ocaté; and whereas a portion of the watering places of this precinct of De lo de Mora is included in the original grant, he has solicited from the grantees to the said precinct, in order to deserve their good opinion; and in fact, he obtained by the free will of the inhabitants of this place, who accredit that they made him this grant by previous consent, of the boundary assigned to him by the governor and political chief, Don Manuel Armijo, dated the 18th of November of 1845. And in order that it may have greater force and validity, the principal settlers of the aforementioned point who agreed to the above boundary sign with me and those in my assistance. To all of which I certify.

MANUEL LUJAN.

Attending:

ANDRES LUJAN. [Rubric.]

JOSÉ LUJAN.

Here follow the signatures of the first settlers of these inhabitants of De lo de Mora : first—

JOSÉ MANUEL SANDOVAL.

At his request, JOSÉ MIGUEL PACHECO.

[Rubric.]

At his request, MIGUEL MASCARENAS.

[Rubric.]

At his request, JUAN LORENZO ALIRE.

At his request, JOSÉ DE LA CRUZ MEDINA.

JOSÉ FRANCISCO SANDOVAL.

[Rubric.]

At his request, RAMON ARCHULETA.

At his request, ENCARNACION GARCIA.

At his request, JOSÉ ESTRADA.

CRESTINO TAPIA.

[Rubric.]

TOMAS BENITO LALANDA.

[Rubric.]

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

I certify that the above is a true copy of the original on file in this office.

JOHN W. DUNN, *Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR, *Surveyor General.*

No. 3.

Sello tercero. [SELLO.] Un peso.

Años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

EXMO. SR. GOBOR.: El c. Gervacio Nolan y socios, oriundo del Canadá, casado de religion Cristiana (A. y R.) vecino del real del oro en San Francisco del tuerto ante la venevolencia de V. E. como mas en derecho haya lugar y al nuestro convenir pueda salvando las protestas utiles y necesarias comparezco y digo : Sor. Que por cuanto he observado en este departamento muchos terrenos valdios y á manos muertas que con su cultura pudieran ser provechosos á los habitantes del pais y deceando tener en que ocupar una numerosa familia que tengo he encostrado en el cañonsito del Rio Colorado, un terreno valdio, yerto, y despoblado, y sin perjuicio de tercero el que esta

situada hacia al sur de la posesion de los Señores Miranda y Beaubien el que en nombre de nuestros supremos poderes de la nacion Mejicana impetramos de la benignidad de V. E. se sirva el con cedernos la gracia de darnos por posesion dicho terreno, demarcandosenos por limites, por el norte la posesion de los Señores dichos Miranda y Beaubien, por el sur una legua en linea recta quedando dentro del Rio del Sapello segun su Cordillera, por el oeste otra legua del mismo Rio Colorado y su corrillera, y por el sud este los serrita de Santa Clara con su corrillera hasta el cañonsito de Ocaté es de advertir que el dicho terréno tiene muy poco de labranza, pero lo que interesa mas de el, es poner cria de ganados mayores y menores y de caballada, y para que S. E. se penetre mas de mis intenciones que son sanas, dare una corta relacion respecto á mi conducta que es claro y evidente que haciendo merito puede haserse esta gracia pues que hace veinte y tres años que residuo en este pais, y en el he prestado cuantos servicios he sido ocupado en veneficio de la patria como son campañas, correderias contribuciones y demas; y por lo tanto imploro el auxilio de V. E. para que se sirva favorecernos con esta concepcion. Por todo lo cual.

A. S. E. Rendidamente pedimos y suplicamos sea bien servido acseder á esta nuestra solisitud en lo que recibiremos merced y gracia que impetramos, juramos la buena fé, protestando constas y lo necesario &°.

Real de San Francisco en el Tuerto, Nov°. 15 de 1845.

GERVACIO NOLAN.

JUAN ANTONIO ARALGON.

ANTONIO MARIA LUCERO.

SANTA FÉ, *Noviembre 18 de 1845.*

En vista de la carrera de meritos tan analogos que manifiesta el suplicante y socios, he tenido á bien consederle el terreno que solisita en nombre del supremo gob<sup>no</sup>. de la nacion Mejicana, y haciendo merito este gob<sup>no</sup>. de todo lo referido y servicios que ha hecho á la patria el mismo, he venido en consederle segun las facultades se me confieren por las leyes, el sitado terreno con los limites y egidos que pide; libre de senso y franco de pension, por lo cual, pase el suplicante al juez de paz de lo Demora para que lo ponga en posesion y haga la escritura correspondiente.

MANUEL ARMIJO.

En el puesto de lo Demora á los treinta dias del mes Noviembre de mil ochocientos cuarenta y cinco años: Yo el juez de paz, ciud°. Tomas Benito Lalanda; y los testigos de mi asistencia con quienes actué por receptoría á falta de escribano publico que no lo hay segun dro. en justo obedesimiento al superior decreto del exmo. sor. gob<sup>er</sup>. puesto al margen fecha 18 de Noviembre del corriente año, de la presentacion que hizo el ciud°. Gervacio Nolan; y socios: y á virtud de la concepcion del terreno que se solisita pase acompañado con los testigos mencionados y estando presente el interesado le hize ver la peticion que hacia, y á las reglas y condiciones á que se debia de sugetar segun la constumbre del pais con respecto á la colonizacion, por lo que habiendo quedado entendido en todo lo que se le propuso, le tomé

por la mano y lo pasie por dichas tierras, en donde arranco sacates, tiro piedras dando voces de alegría diciendo: viva el soberano congreso: constitucional de le union, tomando posesion del mercionado terreno quieta y pacificamente, y sin perjuicio de tercero, ni del nacional haber de la nacion Mejicana; igualmente se le señalaron los linderos de la dicha posesion: Son por el norte con el sitio de D. Guadalupe Miranda y D<sup>na</sup>. Carlos Bobian: por el sur; una legua al sur del Rio del Sapelló; siguiendo la misma Cordillera; por el oriente una legua al oriente del Rio Colorado con la misma Cordillera del rio; y por el poniente, el cañonsito de Ocaté; y al poniente quinientas varas, de los serritos de Santa Clara á linea recta.

Advirtiendole que los pastos y abrevaderos son comunes para todos los peticionarios, atendiendo que dicha: se da en los mismos terminos que se pide, siendo libre y franca de toda pension, tambien de todo senso, tributo hipoteca, ú otra enagenacion, para que librem<sup>te</sup>. gozen el terreno ellos, sus hijos, herederos y subsesores, sin que haiga quien les ponga embarazo alguno, en ningun tiempo, y si alguna persona se lo puciere, que no sea oido en juicio ni fuera de él siendo esto como sentencia pasada consentida ni apelada; y asi mismo se les dá la presente posesion al *litem*, para todos sus usos; y para que el presente documento de merced, tenga la fuerza y validacion que el derecho previene, interpongo la autoridad que me es conferida, firmando para su constancia con los de asistencia de que doy fé.

TOMAS BENITO LALANDA.

Asistencia:

CRESTINO TAPIA.

SEVERIANO GOMES.

Derechos sin el papel 25 pesos, lo juro.

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

No. 4.

Seal third.—One dollar.

Years eighteen hundred and forty-four and eighteen hundred and forty-five.

[SEAL.]

SANTA FÉ, *November 18, 1845.*

By virtue of the career of merit, so analogous as represented by the petitioner and his associates, I have seen proper to grant the land petitioned for in the name of the supreme government of the Mexican nation ; and this government, in consideration of the above, and the services he himself has rendered to the nation, I have seen proper to grant unto him the aforesaid land, with the boundaries and limits he asks for, by virtue of the authority in me vested according to law, free from all tax and tribute ; therefore the petitioner will present himself to the justice of the peace of De Mora, that he may put him in possession and execute the necessary documents.

MANUEL ARMIJO.

[Rubric.]

**MOST EXCELLENT GOVERNOR:** The citizen Gervace Noland, and associates, native of Cañada, married, of the Christian religion, (R. & A.,) resident of the Real del Oro, in San Francisco del Fuerto, before the benevolence of your excellency, in the best manner provided by law, and most convenient to us, reserving such protests as may be useful and necessary, appears and states, sir, that whereas I have observed in this department there is a great deal of vacant land, and under mortmain, that being cultivated would be beneficial to the inhabitants of the country, and desiring to furnish occupation for a large family I have, I have found a piece of land, in the little cañon of Red river, vacant, unpopulated, and uncultivated, and without damage to any third party, being situated to the south of the possession of Messrs. Miranda and Beaubien, which, in the name of our supreme powers of the Mexican nation, we solicit from the benignity of your excellency to be pleased to grant us the favor of giving us the possession of said land, marking out to us, as its boundaries, on the north, the possession of said Messrs. Miranda and Beaubien ; on the south, one league in a direct line, including the Sapello river, according to its current, (cordillera;) on the west, another league from Red river, and its current; and on the southeast, the little hills of Santa Clara, with their range, to the little cañon of Ocaté. It is to be observed that a very small portion of said land is susceptible of cultivation ; but what is more important, is to establish the raising of horned cattle, sheep, horses. And in order that your excellency be more fully informed of my intentions, that they are pure, I will make a short report of my conduct, which, being plain and evident, its merits may secure this grant to me, as I have resided in this country for twenty-three years, and I



have rendered service, whenever called upon, for the benefit of the nation, such as campaigns, express contributions, &c. I therefore implore the assistance of your excellency that you be pleased to favor us with this grant. In view of all which, we humbly pray and request your excellency to grant our petition, by which we will receive the grant and favor we impetrate; we swear to our good faith, protesting costs and whatever may be necessary, &c.

Rial de San Francisco en el Fuerto, November 15, 1825.

GERVACIO NOLAN.

[Rubric.]

JUAN ANTONIO ARAGON.

[Rubric.]

ANTONIO MARIA LUCERO.

[Rubric.]

In this place of Lo de Mora, on the thirtieth of the month of November, in the year one thousand eight hundred and forty-five, I, the justice of the peace, citizen Thomas Benito Lalanda, and my attending witnesses, with whom I acted by appointment, in the absence of a notary public, there being none, according to law, and in obedience to the supreme decree of the most excellent governor, as contained in the margin, dated the 18th of November of the present year, in reference to the petition made by citizen Gervace Nolan and associates, and, by virtue of the grant of land which he solicits, I proceeded in company with the aforesaid witnesses, and the party interested being present, I showed him the petition made by him, and the rules and conditions to which he should conform, according to the custom of the country, in regard to colonization, and, having informed himself of all that was proposed to him, I took him by the hand and walked him over said land, where he pulled up grass, threw stones, and cried with joy, Long life to the sovereign constitutional congress of the Union, taking possession of said land quietly and peacefully, without injury to any third party, or to the national credit of the Mexican nation. He was, at the same time, pointed out the boundaries of said possessions; they are, on the north, the lands of Don Guadalupe Miranda and Don Carlos Beaubien; on the south, one south of the Sapello river, following the same range to the east, one league east of Red river, in the same range; and on the west, the little cañon of Ocaté, and five hundred varas west of the little hills of Santa Clara, in a direct line.

It being understood that the pastures and watering places are for all the petitioners in common, and that the said grant is made in conformity to the petition, being free from all pension, also from all tax, tribute, and mortgage, or other incumbrance, that they, their children, heirs, and successors may enjoy said lands without being in anywise molested by any person at any time; and if they should be disturbed by any person, that he be not heard in court or out of it, this being equal to a judgment rendered, agreed to, and not appealed, and the possession is in like manner given to him *ad litem*, for all purposes; and, in order that the present deed of grant may have all the force and validity the law requires, I interpose the authority conferred upon

me, signed, in order that it may appear with those in my attendance; to all of which I certify.

THOMAS BENITO LALANDA.  
[Rubric.]

Attending :

CRESTINO TAPIA. [Rubric.]

SEVERIANO GOMES. [Rubric.]

Fees, without the paper, twenty-five dollars. I swear it.  
[Rubric.]

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

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No. 5.

En la ciudad de Santa Fé á los veinte y siete dias del mes de Mayo de mil ochocientos cuarenta y ocho, ante mi Francisco Ortiz y Delgado, prefecto en y por el mismo condado comparecio presente Ant<sup>o</sup>. M<sup>a</sup>. Lucero vecino de lo Demora á quien doy fé conozco y dijo: que vendia y con efecto vendio á D. Gervacio Nolan, la auccion de terreno que le pertenesce en el punto del cañon del Rio Colorado segun lo acredita el titulo de merced que hay, la que vendio por el precio y cantidad de cincuenta pesos todo lo que confiesa dicho Lucero haber recibido de mano del espresado Gervacio Nolan á toda su satisfaccion con lo que se dio por contento satisfecho y pagado del valor de dicha auccion de terreno y que si algo mas vale ó valer pueda de la demasia y mas valor le hace gracia y donacion pura, mera perfecta irrevocable que el dro. llama inter vivos y que escede y traspasa á favor de dicho comprador todo el derecho auccion y señorío que en dicha auccion tenia para que como propia use de ella vendiendola y enagenandolas á la persona que quiere que ni por si sus hijos herederos y subseores le será puesto pleito ni demanda alguna y si alguno se lo pusiere que no sean oidos en juicio ni fuera de el, y que saldrá á la defenza hasta dejarlo en quieta y pacifica posesion para cuyo saneamiento obliga su persona bienes habidos y por haber raises y muebles el ser sierta estable y valedera esta dicha escritura, y que no apellidará ley alguna que á su favor hable.

Todo lo cual otorgó ante mí y me suplico que para su validacion y firmeza mayor de esta escritura interpuciera mi autoridad y judicial decreto la que interpuse é interpongo la que por derecho me es conferida doy fé conozco al otorgante quien no firmo por no saber pero hizo un signo de cruz fha, *Uspra.* doy fé.

ANTONIO MA. LUCERO.

Witnesses :

JAMES R. REYNOLDS.

WOLLE HAMPTON.

TERRITORY OF NEW MEXICO,  
*County of Santa Fé:*

Be it remembered that Antonio Ma. Lucero, who is personally known to the undersigned, clerk of the circuit court, to be the same person whose name is subscribed to the foregoing deed as a party thereto, this day appeared before me, at the county of Santa Fé aforesaid, and acknowledged that he executed the said deed voluntarily, for the uses and purposes therein expressed.

In testimony whereof, I have hereunto set my hand and seal this 31st day of August, one thousand eight hundred and forty-eight.

J. M. GIDDINGS, *Clerk.*

[L. s.]

By J. B. GIDDINGS, *D. C.*

Registrado en el libra letra B, folio 168, lo que certifico para constancia. Santa Fé, Noviembre 16 de 1849.

DONACIANO VIGIL,  
*Registrador.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

No. 6.

On the twenty-seventh day of May, in the year one thousand eight hundred and forty-eight, before me, Francisco Ortis y Delgado, prefect in and for the county of Santa Fé, personally appeared Antonio Maria Lucero, of the county of Mora, known to me, and said that he hath sold, and in effect doth sell, to Gervasio Noland, the right of a piece of land owned by him, as per title in his possession, situated

in the cañon del Rio Colorado, which he sold for the sum of fifty dollars, to him paid in hand by said Noland, the receipt whereof is hereby acknowledged; with which sum he, said Lucero, was contented, satisfied, and paid for the value of said piece of land; and that if it was or might be worth any more, he made a pure, mere, perfect, and irrevocable donation of the excess to the buyer, (what in law is called "inter vivos;") that he transfers and grants unto the said Noland the full right, action, and dominion that he had in said piece of land, so that, as his own, said Noland may use it, selling and alienating it to whomsoever he may wish; that no claim or lawsuit shall be instituted against said buyer either by him or his heirs, and if any is instituted not to be heard in any court of justice, or outside of it; that he and his heirs shall defend the above-granted premises in the quiet and peaceable possession of the buyer; for the fulfilment of which, and of all aforesaid in this instrument, he binds his person and real and personal property; and that he renounces all laws that may be in his favor.

All of which he agreed to before me, and requested me that, for greater force and validity of this instrument, I should interpose all the authority and judicial decree conferred to me by law; which I did and do interpose.

I certify to know the grantor, who, by not knowing how to write, did not sign, but made his mark.

ANTONIO <sup>his</sup>  $\dagger$  MARIA LUCERO.  
mark.

Witnesses:

JAS. K. REYNOLDS.  
W. HAMPTON.

TERRITORY OF NEW MEXICO,  
County of Santa Fé:

Be it remembered that Antonio Maria Lucero, who is personally known to the undersigned, clerk of the circuit court, to be the same person whose name is subscribed to the foregoing deed as a party thereto, this day appeared before me, at the county of Santa Fé aforesaid, and acknowledged that he executed the said deed voluntarily for the purposes therein expressed.

In testimony whereof, I have hereunto set my hand and seal this  
[L. S.] 31st day of August, one thousand eight hundred and forty-eight.

J. M. GIDDINGS, *Clerk.*

By T. B. GIDDINGS, *Deputy Clerk.*

Registered in book B, page 168.

DONACIANO VIGIL, [Rubric,] *Register.*  
SANTA FÉ, N. M., November 16, 1849.

SURVEYOR GENERAL'S OFFICE,  
Santa Fé, N. M., September 12, 1860.

I certify that the above is a true copy of the original on file in this office.

JOHN W. DUNN, *Translator.*

SURVEYOR GENERAL'S OFFICE.  
*Santa Fé, N. M., September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

No. 7.

En la ciudad de Santa Fé á los veinte y siete dias del mes de Mayo de mil ochocientos cuarenta y ocho, ante mi, Francisco Ortiz y Delgado, prefecto del distrito del centro, comparecio presente en su propia persona Juan Antonio Aragon, alguacil 1º del condado de Bernalillo á quien doy fé conosco y dijo: que era su voluntad dar y con efecto dió en venta legal á D. Gervacio Nolan vesino de esta ciudad, la pertenencia de terreno que tiene en al cañon del Rio Colorado segun lo acredita el titulo de merced la que vendió por el precio y cantidad de cincuenta pesos lo que confiesa dicho Aragon haber recibido de mano del espresado Nolan á toda su satisfaccion con lo que se dio por contento satisfecho y pagado del valor de dicha pertenencia de terreno, y que si algo mas vale ó valer pueda de la demasia ó mas valor le hace gracia y donacion pura mera perfecta irrevocable que el derecho llama inter vivos y que escede y traspasa en favor de dicho comprador todo el derecho auccion y señorio que en dicha parte tenia para que como propia use de ella á su advitrio vendiendola y enagenandola á la persona que quiera que ni por el sus hijos herederos y subseores le será puesto pleito ni embarazo alguno, y si alguno se lo puciere que no sean oidos en juicio ni fuera de él y que saldra á la defenza hasta dejarlo en quieta y pacifica posesion, y que da poder á las justicias nacionales para que con todo rigor de derecho lo compelen y apremien al cumplimiento de esta escritura, y que renuncia todas las leyes que á su favor hablen.

Todo lo cual otorgó ante mi, y me suplicó que para la mayor fuerza y validacion de esta escritura interpuciera mi autoridad y judicial decreto, y yo dicho prefecto interpuse é interpongo la que por derecho me es conferida firmando con migo el otorgante y los testigos de mi asistencia doy fé.

JUAN ANTONIO ARAGON.

TERRITORY OF NEW MEXICO,  
*County of Santa Fé:*

Be it remembered that Juan Antonio Aragon personally appeared, and who is personally known to the undersigned, clerk of the circuit court, to be the person whose name is above subscribed, and acknowl-

edges that the foregoing document is his act and deed, for the purpose therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed [L. s.] my seal this 27th day of May, A. D. 1848.

J. M. GIDDINGS, *Clerk.*

Registrado en el folio 168 del libro letra B, lo que certifico para constancia.

DONACIANO VIGIL,  
*Registrador.*

SANTA FÉ, *Noviembre 16 de 1849.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, N. M., September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, N. M., September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

No. 8.

On the twenty-seventh day of May, in the year one thousand eight hundred and forty-eight, in the city of Santa Fé, before me, Francisco Ortiz y Delgado, prefect of the centre district, personally appeared Juan Antonio Aragon, sheriff of the county of Bernalillo, known to me, and said: That it was his will to make, and in effect had made, legal sale to Gervasio Nolan, of said city of Santa Fé, of the right of a piece of land owned by him, as per title in his possession, situated in the cañon of Rio Colorado, which he sold for the sum of fifty dollars, to him paid in hand by said Nolan, the receipt whereof is hereby acknowledged, with which sum he, said Aragon, was contented, satisfied and paid for the value of said piece of land, and that if it was, or might be worth any more, he hereby made a pure, mere, perfect and irrevocable donation of the excess to the buyer, (what in law is called "*inter vivos*;" ) that he transfers and grants unto the said Nolan the full right, action, and dominion that he had in said piece of land, so that, as his own, said Nolan may use it at his free and uncontrolled will, selling or alienating it to whomsoever he may wish; that neither by him or his heirs any suit or impediment shall be brought against said buyer, and if any is brought, not to be heard in any court of justice, or outside of it; that he and his heirs shall defend the above granted premises in the quiet and peaceable possession

of the buyer; that he gives power to the national justices to compel and urge, with all the rigor of the law, the complement of this instrument, and that he renounces all laws that may be in his favor. All of which he agreed to before me, and supplicated me, that for greater force and validity of this instrument I should interpose my legal authority and judicial decree, which I, the said prefect, did, and do interpose.

In witness whereof, the said grantee has hereunto set his hand and seal.

JUAN ANTONIO ARAGON. [Rubric.]

TERRITORY OF NEW MEXICO,  
*County of Santa Fé:*

Be it remembered, that Juan Antonio Aragon personally appeared, and who is personally known to the undersigned, clerk of the circuit court, to be the person whose name is subscribed and acknowledged, that the foregoing document is his act and deed for the purpose therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed my [L. s.] seal this 27th day of May, A. D. 1848.

J. M. GIDDINGS, *Clerk.*

Registered in book B, page 168.

DONACIANO VIGIL, *Register.* [Rubric.]

SANTA FÉ, *November 16, 1849.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN, *Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR, *Surveyor General.*

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No. 9.

TERRITORY OF NEW MEXICO,  
*County of Santa Fé:*

The undersigned, Hernando Nolan, Eugenio Nolan, Maria Leonor Nolan and her husband, ——— Aberta, Maria Martina Delgado and Maria Ereña Delgado, minors, under the age of twenty-one, (by their guardian, Pablo Delgado,) Antonio Nolan and Francisco Nolan, also minors, (by their guardian, Maria de los Dolores Lalanda,) heirs of Gervasio Nolan, late of the county of Taos, in said Territory, deceased, and Maria de los Dolores Lalanda, in her own right as widow of said Gervasio Nolan, would respectfully represent to the surveyor

general of New Mexico that under the act of the Congress of the United States of America, approved July 22, A. D. 1854, establishing the office of surveyor general of New Mexico, &c., they herewith file for adjudication and confirmation in the office of the said surveyor general a grant to a certain tract of land situate, lying and being in the county of Mora, in said Territory, and made and conceded to said Gervasio Nolan by Manuel Armijo, formerly governor of said Territory, dated at Santa Fé on the eighteenth day of November, A. D. 1845, by virtue of the authority then vested in him as such governor by the supreme government of Mexico, and by the laws of that republic giving power to the governors of departments to make grants of land to individuals, the evidence of which is to be found in the General Recopilation of the Indies, the collection of decrees of the Mexican government, and original communications from the officers of the supreme government of Spain and Mexico to the executive officers of the Territory, which communications are on file in the archives of the said Territory, and to which reference is here made. The said tract or parcel of land is bounded as follows: On the north, by lands granted to Guadalupe Miranda and Charles Beaubien; on the south, one league east of the river Sapello, following said stream one league to the east; on the east, following the hills on the eastern side of the stream of the Rio Colorado one league; and on the west, by a line from the northern boundary running southerly through the cañoncito of Ocaté; and from thence to a point five hundred varas west of the little hills of Santa Clara in a direct line.

The undersigned would further represent that said tract of land was duly granted to said Gervasio Nolan and two others; that at the time of the making of said grant said Gervasio was a naturalized citizen of the Mexican republic, duly naturalized according to the laws of said republic; that his naturalization papers, duly authenticated, were consumed in a conflagration at Marysville, California, but that proof of their existence will be produced if deemed necessary.

That said Gervasio Nolan has been dead some two years, and that he died intestate, and the undersigned are his sole heirs-at-law; that previous to his decease he purchased all the right, title, and interest of his said two associates, as will appear by their deeds of sale, to be produced whenever required; that said tract of land is situated in said county of Mora, in said Territory, and they are not aware of any conflicting claims to the possession of the same; and that they cannot furnish a formal plat of survey, because no survey was made at the time of the delivery of possession of said grant to said Gervasio Nolan, nor has any since been made to their knowledge.

THEODORE D. WHEATON,

*Attorney for the above-named heirs.*

SANTA FÉ, *New Mexico*, February 27, 1860.

SURVEYOR GENERAL'S OFFICE,  
Santa Fé, *New Mexico*, September 12, 1860.

I certify that the above is a true copy of the original on file in this office.

JOHN W. DUNN, *Translator.*



SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR, *Surveyor General.*

No. 10.

*Heirs of Gervacio Noland.*

Thomas Benito Lalanda sworn:

Question. Have you any interest in this claim?

Answer. I have none.

Question. State what you know in regard to the possession of the claim filed by Noland in this office.

Answer. In November, 1845, I was alcalde of Mora, when Mr. Noland called upon me to place him in possession of the Santa Clara grant, which I refused to do until I received an order from the governor to do so. He then presented the grant made by General Armijo, which is the same now shown to me, and by virtue of which I placed him in possession of the land as stated in the certificate of possession attached to the grant, which is my act and deed. I do not know if Mr. Noland ever lived upon the land or made any improvements there; I know that he had stock on the land.

THOMAS BENITO LALANDA.

Sworn and subscribed before me this 4th day of April, 1860.

WM. PELHAM,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

No. 11.

GERVASIO NOLAN'S HEIRS *vs.* UNITED STATES.

*Claim to land on Ocate and Red rivers.*

*To the honorable surveyor general of New Mexico for the United States of America:*

Plaintiffs, by their counsel, would respectfully urge in favor of their claim: That the same is an unqualified grant made by the governor of the territory, under the Mexican republic, and for a valuable con-

sideration therein expressed, to wit: the military services of the grantees. And for authority to sustain their position, they refer to the decision of the Supreme Court of the United States in the case of the Mariposa grant, (17 Howard,) and the authorities there cited, and the reasons there set forth.

WHEATON,  
*For Claimants.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

No. 12.

*Claim of the heirs of Gervace Noland.*

This case was set for trial on the 4th day of April, 1860, and the parties appearing, the evidence presented by them was taken, and the case duly investigated.

On the 15th November, 1845, Noland, in company with Juan Antonio Aragon and Antonio Maria Lucero, petitioned the governor of the department of New Mexico for a grant to a tract of land situate in what is now the county of Mora, embraced within the boundaries set forth in the petition. After setting forth that he is a naturalized citizen of the republic, and entitled to all its privileges and benefits, he refers to the services he has rendered the country in expeditions against the Indians, &c.

On the 18th of November of the same year, Manuel Armijo, the civil and military governor of New Mexico, vested with extraordinary powers by the supreme government, as a recompense for the services he had rendered to his adopted country, granted him the land asked for, with the boundaries set forth in the petition, and directs him to apply to the proper officers to be placed in legal possession of the land so granted as provided by law. This was done on the 30th day of the same month and year, by Tomas Benito Lalanda, a justice of the peace of the precinct of Mora, as appears by his certificate attached to the original, as well as by his testimony, which is filed with the papers in the case. After possession was given to Noland and his associates, it was found that a portion of the land granted to him was

covered by the grant made in 1835 to the town of Mora, and upon application to the town authority, the land so covered was surrendered, by the consent of the residents of the town, to the said Noland, as will appear by the written statement to that effect, also filed with the papers in the case.

The claimants also file deeds of conveyance from Juan Antonio Aragon and Antonio Maria Lucero to the said Noland, of all their rights, title, and interest in said grant, for the consideration therein mentioned.

The papers filed in the case are all originals, and, upon comparison with others of a like nature in this office, are believed to be genuine.

The grant purports to have been made as a remuneration or recompense for services rendered to the country in time of need, which is believed, and is so held by the courts of the country, to be a sufficient consideration to sever the lands from the public domain and vest the title in the claimant.

It is fully sustained by the decision of the Supreme Court of the United States in similar cases, as well as by the precedent established by Congress in the ratification or confirmation of other cases acted upon by this office, and is fully covered by the stipulation of the treaty of Guadalupe Hidalgo of February, 1848.

Deeming it to be a good and valid grant, and that the land embraced within the boundaries set forth in the petition, and judicial possession to be severed from the public domain, and the title therefor vested in the heirs and legal representatives of Gervace Noland, it is hereby approved and transmitted for the action of Congress in the premises.

WM. PELHAM,  
*Surveyor General.*

SURVEYOR'S OFFICE,  
*Santa Fé, New Mexico, July 10, 1860.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

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

JOHN W. DUNN, *Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, September 12, 1860.*

There being no translator for this office, John W. Dunn, esq., was appointed to translate the papers in this case.

A. P. WILBAR,  
*Surveyor General.*

## CLAIM NO. 41.

## No. 1.

## TESTIMONIO.

*Senoria de la Exma. Diputacion del Territorio de Santa Fé del Nuevo Mejico.*

Certifico yo el infrascrito secretario de la exma. diputacion de este territorio de Santa Fé del Nuevo Mejico: que en el archivo de esta oficina que es á mi cargo, se halla un expediente formado á solicitud de D. Pablo Montoya, cuyo tenor literal copiado á la letra de orden de la misma exma. diputacion es como sigue. Exmo. Señor: Don Pablo Montoya, residente en la cienega sumisamente ante V. E. se presente y manifiesta, que hallandose con algunos bienes de campo como son ganados mayores, menores, y caballada, y tener necesidad de sus pasteos y extencion para sus progresos; teniendo registrado un terreno sin dominio propio, ni de comunidad con sus disposiciones necesarias de aguas, pastos, y montes distantes de todo poblado, que de ninguna suerte perjudique; cuya situacion es en el Rio Colorado del rincon de la sinta á la Trinchera, en cuyo ambito ningun individuo del territorio matiene bienes que por su distancia ni alcanzan: siendo toda su extension por los otros dos rumbos desde el arroyo del cuervo á el ojo de la mula, y hallandose en V. E. todas las atribuciones para conceder segun las necesidades ocurren en que resulten beneficio á el territorio, y á todo ciudadano; y teniendo en consideracion la alta comprension de V. E. al bien que de esto me resulta, como el que por este medio se vayan ocupando los inmensos terrenos de que abunde este dilatado territorio, y de que los barbaros conozcan el poder y la fuerza de nuestra poderosa nacion; por tales motivos tan justos como racionales. A V. E. suplico se digne acceder á mi solicitud de lo que recibire bien y merced, jurando en debida forma no proceder de malicia. Santa Fé, 8 de Noviembre de 1824. Pablo Montoya. Otro sé. Que siendo tan distante de todo poblado, y particularmente de la capital, se digne V. E. decretarme la gracia fuere de su superior agrado, para excusar molestia á su respectiva entrega. Ve. Montoya. Sesion publica. Diputacion Territorial del Nuevo Mejico, 19 de Noviembre de 1824. Pase esta instancia al Señor Gefe superior politico, para que á continuacion informe si conviene ó no accederse á la solicitud á que se refiere: ó si hay impedimiento justo y legal para negarsele el terreno que solicita. Bartolome Baca, presidente. Antonio Ortiz. Pedro José Perea. Pedro Bautista Pino. Matias Ortiz. Juan Bautista Vigil, secretario. Exmo. Señor: No ignora V. E. que la reduccion de los terrenos comunes á dominio particular, es una de las providencias que mas imperiosamente, demanda y reclama el bien de los pueblos, y el fomento de la agricultura é industria; siendo un socorro á los ciudadanos no indolentes, y sin propiedades suficientes para su progreso—tampoco se puede ocultar á V. E. que en este territorio el retraso de su agricultura é industria particularmente en la

cria de ganados mayores y menores ha sido esencialmente por el imbecilizado abuso de que todos los terrenos sean comunes por cuya causa ninguno se fomento; y así se vé de un solo golpe que cesando semejante perjudicial corruptela, prosperaran en este territorio los ganados de asta, lanar, y caballada, y podra contar este suelo con algunos hacenderos de considerables proporciones; y esto mismo servira de estímulo para los demas individuos que hasta el dia solo se conforman con mantenerse escasamente. Que siendo tanto el número de vagos y mal entretenidos, que hay en este territorio, y no habiendo en todo el, ningun establecimiento publico de correccion, resulta que á causa de no haber á donde destinar á los agresores, por esta falta quedan los delitos impunes y las autoridades atropelladas. Que erigidos los terrenos comunes, y mas como el que solicita el interesado en esta instancia, y se halla en una tan enorme distancia de las poblaciones, á dominio particular, resulta un auxilio á los fondos publicos, un recurso cierto á las autoridades, y lo que es mas, la extension de la poblacion á costo de un solo particular. Por lo expuesto y no resultando en perjuicio de terreno, activo ó pasivo, puede V. E. segun, si lo tuviese á bien, las reflexiones que dejo sentadas, conceder la merced que solicita el interesado, pues en hacerlo acreditara V. E. que promueba la felicidad de los moradores de este territorio, y quita las trabas que diametralmente se oponen á los principales ramos de la industria con que unica y exclusivamente se cuenta en este suelo, y que yace aletargada por solo la preocupacion de sus mismos habitantes; advirtiendo que el solicitante tiene bienes suficientes para ocupar el terreno que solicita. Santa Fé del Nuevo Mejico, 19 de Noviembre de 1824. Bartolome Baca. Parrafo 6° de la misma. Se presento una instancia de Don Pablo Montoya pidiendo un sitio para criadero de ganado mayor, menor, y caballada, en el Rio Colorado, y con los linderos que en ella señala: se resolvió se le conceder bajo los requisitos ya expresados para los demas individuos á quienes se ha merced dado terrenos que estan fronterizos con las tribus de gentiles. Bartolome Baca, presidente. Antonio Ortiz. Pedro José Perea. Pedro Bautista Pino. Matias Ortiz Juan Bautista Vigil, secretario.

Concuenda fiel y legalmente con los originales de que (de acuerdo de S. E.) he sacado la presente copia, que le servir de titulo á Don Pablo Montoya, y que por ella puede tomar posesion del terreno que se le hay concedido, que firmo en Santa Fé del Nuevo Mejico, á 20 de Noviembre de 1824.

JUAN BAUTISTA VIGIL, *Scricio.*

SURVEYOR GENERAL'S OFFICE, SANTA FÉ, N. M.,  
*Translator's Department, November 24, 1860.*

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

J. HOWE WATTS, *Translator.*

## No. 2.

*Office of the secretary of the most excellent provincial deputation of the Territory of Santa Fé, of New Mexico.*

I, the undersigned, secretary of the most excellent deputation of this Territory of Santa Fé, New Mexico, certify that in the archives of this office, under my charge, are to be found the proceedings formed at the request of Don Pablo Montoya, the literal tenor of which, correctly copied by order of the said most excellent deputation, is as follows: "Most Excellent Sir: Don Pablo Montoya, resident of the cienaga, most humbly presents himself before your excellency, and states, that being the owner of a certain amount of stock, such as cattle, sheep, and horses, and requiring pastures and capacity for its increase, having registered a piece of land without any individual owner, or belonging to any community, with the necessary supply of water, pastures, and timber, removed from any settlement which could in any manner be injured; the location of which is on Red river, from the Rincon de la Sinta to the Trinchera, within which limits no individual of the Territory pastures any stock, not reaching that far on account of its distance, its entire extent in the other two directions being from the Arroyo del Cuervo to the Mule Spring; and your excellency possessing all the authority to make grants according to the wants of the people, and which will result to the benefit of the Territory and to every citizen, and in consideration of the superior intelligence of your excellency, which will perceive the benefits which will result to me, as well as by this means the immense tracts of land in which our Territory abounds will be occupied, and the savages will be made to know the strength and force of this our powerful nation. In view of such just and rational motives, I pray your excellency to condescend to accede to my petition, by doing which I will be benefited and receive grace, swearing, in due form, that I do not act through malice. Santa Fé, November 8, 1824. Further: that being so distant from any settlement, and particularly from the capital, your excellency will please decree in my favor, as your superior pleasure may suggest, in order to avoid any obstacle against its proper delivery. Ve. Montoya.

Public session, territorial deputation of New Mexico, November 19, 1824. Let this petition be transmitted to the superior political chief, in order that he may report immediately hereafter, if it is proper or not to accede to the petition referred to, or if there is any just or legal impediment against granting the land petitioned for. Bartolome Baca, president. Antonio Ortiz. Pedro José Perea. Pedro Bautiste Pino. Matias Ortiz. Juan Bautista Vigil, secretary.

Most Excellent Sir: Your excellency does not ignore that the reduction of the public lands to private ownership is one of the steps which the public good imperiously demands and calls for, as well as for the encouragement of industry and agriculture, being a relief afforded to the citizens who are not idle, and who are without sufficient property to prosper with. Neither can it be unknown to your

excellency that the decline in the agriculture and industry of the country, especially in the raising of cattle and sheep, has been essentially caused by the inveterate abuse that all the lands are public, for which reason none are improved; and it therefore may be seen at a single glance that if such injurious corruption ceases, horned cattle, sheep, and horses, would prosper in this Territory, and this country would contain cattle holders of considerable means, and this would be an incentive to others, who, up to the present time, are satisfied with a meagre support; that the number of vagrants and those occupied in doing wrong in this Territory being so great, and there being no public establishment of correction wherein aggressors can be placed, the consequence is that crimes are unpunished and the authorities are abused; that the public lands, especially such as are asked for by the petitioner in the present case, and which are at so great a distance from the settlements, being reduced to private property, additions would be made to the public revenue, a certain aid would be afforded to the authorities, and, what is more, the increase of the population at the expense of a single individual. For the reasons given, and no injury being done to any third party, either active or passive, your excellency may, if you see proper in view of the remarks made, grant the land solicited by the party interested, as in so doing your excellency will demonstrate that you are promoting the happiness of the residents of this Territory, and removing the obstacles that are so diametrically opposed to the principal branches of industry exclusively and principally relied upon in this country, and which remains in a lethargic condition on account of the prejudices existing among its inhabitants, remarking that the petitioner has sufficient stock to occupy the lands he solicits. Santa Fé, New Mexico, November 19, 1824. Bartolome Baca.

Session of the 19th day of November, 1824, paragraph 6th of the same. A petition of Don Pablo Montoya was presented, asking for a site upon which to raise cattle, sheep, and horses, on Red river, and with the boundaries therein contained. It was resolved that the same be granted to him under the conditions heretofore imposed upon other persons receiving grants upon the frontiers of the Indian tribes. Bartolome Baca, president. Antonio Ortiz. Pedro José Perea. Pedro Bautista Pino. Matias Ortiz. Juan Bautista Vigil, secretary.

The above agrees faithfully and legally with the originals, from which (with the consent of its excellency) I have taken the present copy, which will answer as a title to D. Pablo Montoya, and by virtue of which he may take possession of the land granted to him, which I sign at Santa Fé, New Mexico, on the 20th day of November, 1824.

JUAN BAUTISTA VIGIL, *Secretary.*

SURVEYOR GENERAL'S OFFICE,  
Santa Fé, N. M., *Translator's Department, Nov. 24, 1860.*

I certify the foregoing to be a correct translation of the original Spanish on file in this office.

J. HOWE WATTS, *Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

The foregoing is a correct copy of the original on file in this office.  
A. P. WILBAR, *Surveyor General.*

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No. 3.

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 approved July 22, A. D. 1854:*

Your petitioners, residents of the Territory of New Mexico, and heirs at law of one Pablo Montoya, deceased, would respectfully state that on the 19th of November, 1824, the provincial deputation of the Territory of New Mexico, upon the petition of the said Pablo Montoya, made to him an absolute grant of certain lands, then unoccupied and subject to the grant of said provincial deputation, according to the laws and usages of the Mexican government, as will more fully appear by reference to the original petition and grant thereon now in the hands of the surveyor general, No. 618, and a copy of the same hereby made a part of this petition and marked as exhibit A herein. Your petitioners further state that said grant has for its boundaries the land lying between a bend in the river Colorado and the Trinchera, and on the other sides from "Arroyo Cuervo" to the Mule Spring. Your petitioners further state that they do not know the quantity of land included within said boundaries, as no survey of the same has ever been made, but said land has for its boundaries permanent landmarks, well known and easily found and proven. Your petitioners further state that after said grant was so made to the said Pablo Montoya he took possession of it and continued in its possession and occupancy for several years, until the hostility of the Indians compelled him to abandon the possession and occupancy of the same. Your petitioners would further state that they do not know whether any adverse title or claim exists to said land or not, but if any such should be found in existence it is of a later date than the grant to the said Pablo Montoya; and the said lands once having been granted to the said Pablo Montoya by a valid document under the laws of the Mexican government, no subsequent grant of the said lands could be made which could defeat or invalidate the claim of your petitioners. Your petitioners further state that the death of the said Pablo, the infancy of many of your petitioners, the hostility of the Indians, the war with Texas and Mexico, and with Mexico and the United States, have all conspired to prevent your petitioners from reoccupying said lands; but your petitioners have never sold, relinquished, or in any manner forfeited their title to said lands so granted to said Pablo Montoya in the year



1824. Your petitioners further state that of the children of the said Pablo Montoya the following are now living, to wit: Pablo Montoya, José Maria Montoya, and José Alvaro Montoya; and the following children of the said Pablo Montoya are dead, to wit: Antonio Montoya, Francisco Montoya, Juan Montoya, and Bentura Montoya. Your petitioners further state that the said Antonio Montoya at his death left him surviving the following children and heirs at law, to wit: Nestor Montoya, Teodosio Montoya, Nestora Montoya, Paula Montoya, and Juana Montoya. Francisco Montoya at his death left him surviving the following children and heirs, to wit: Juan José Montoya, Ramon Montoya, Maria Montoya, and Guadalupe Montoya. Juan Montoya at his death left him surviving one child and heir named Elario Montoya; and Bentura Montoya died without issue. Your petitioners further state that the foregoing list contains the names of all the living heirs or descendants of the said Pablo Montoya, deceased, and they ask that such steps be taken in their case as will produce for them a legal title to said lands under the act of Congress passed July 22, 1854, and, as in duty, they will ever pray, &c.

JOHN S. WATTS,  
*Attorney for Petitioners.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

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No. 4.

*Amendment of petition.*

*To the Hon. A. P. Wilbar, surveyor general of the Terr. of N. Mexico:*

Your petitioners, the heirs at law of Pablo Montoya, deceased, would most respectfully state to you that since the filing of the original petition in this case on the 11th of April, 1856, Pablo Montoya, one of said heirs, has departed this life, leaving him surviving the following children and heirs, to wit: Julian Montoya, Antonio Montoya, Teodora Montoya, Maria Montoya, Guadalupe Montoya, Inez Montoya, and Leonardo Montoya. Your petitioners further state that the said Francisco Montoya, deceased, had also two children and heirs, whose names were omitted in the original petition, to wit: Juana Montoya and Adolphus Montoya. Your petitioners ask that the names of the above persons be considered as before you also in this case.

All of which is respectfully submitted.

JOHN S. WATTS, *Attorney.*

SANTA FÉ, *November 6, 1860.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

No. 5.

THE HEIRS OF PABLO MONTOYA *vs.* THE UNITED STATES.

*Depositions.*

Rafael Romero, being first duly sworn upon his oath, states:

Question 1. Were you acquainted with Pablo Montoya in his lifetime?

Answer. I did; we lived close together.

Question 2. Are you acquainted with a place situated on Red river, in New Mexico, claimed and occupied by him?

Answer. I am.

Question 3. Are the boundaries alluded to by you correctly set forth in exhibit marked No. 1?

Answer. They are.

Question 4. How many years did Pablo Montoya, more or less, occupy the place in his lifetime with his stock?

Answer. About 14 or 15 years.

Question 5. From what cause was he compelled to abandon the grant?

Answer. He occupied it himself until his death.

Question 6. What prevented his children from occupying it after his death?

Answer. It was far from any settlement, and exposed to danger from incursions of the Indians.

Question 7. Are you acquainted with the heirs of Pablo Montoya?

Answer. I am.

Question 8. Listen to the list of the heirs now read to you from the petition, and state if it is correct?

Answer. It is a correct list of the living children and heirs of those that are dead.

RAFAEL <sup>his</sup> + ROMERO.  
mark.

Witness:

J. HOWE WATTS.

THOS. MEANS.

Sworn to and subscribed before me this seventh day of November,  
 A. D. 1860.

A. P. WILBAR,  
*Surveyor General.*

Juan Bautista Vigil y Alarid, being first duly sworn, upon his oath, states:

Question 1. What office did you hold in New Mexico in November, 1824?

Answer. Secretary of the territorial deputation.

Question 2. Is the paper now presented to you, marked exhibit No. 1, a true copy of the original title to Pablo Montoya?

Answer. It is my handwriting, and is a correct copy of the said title, and was made at the time it bears date, in November, 1824.

JUAN BAUTISTA VIGIL Y ALARID.

Sworn to and subscribed before me this seventh day of November, A. D. 1860.

A. P. WILBAR,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

No. 6.

*Decision.—Grant to Pablo Montoya.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 20, 1860.*

This grant, filed April 11, 1860, was called up for investigation, November 6, 1860, in this office. Don Pablo Montoya, deceased, original claimant, petitioned the provincial deputation of the Territory of New Mexico for a grant of land lying on Red river, in the county of Taos, the boundaries being from the bend of the Cinta to the Trincheras creeks, and from the *Arroyo del Cuervo* to the Mule Spring.

On the 19th of November, 1824, the provincial deputation answered in due form the petition of the said Don Pablo Montoya, and granted the lands petitioned for according to the laws and usages of the Mexican government. The original grant to Don Pablo Montoya now being in the archives of this office, the verbal testimony which was taken here, proving the signatures to the papers, and the occupancy of the land up to the death of Montoya, some fourteen years, and the hostility of the Indians after that time, which forced his family to return, prove the validity of the claim, and the right of his heirs to the full enjoyment of this property.

Therefore, in view of these clearly defined points in this case, this office approves of this claim, and to the fullest extent recommends to the Congress of the United States the final confirmation of this claim to the petitioners, the children and grandchildren, the heirs at law of Don Pablo Montoya, deceased.

A. P. WILBAR,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fe, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

CLAIM NO. 70.

*Schedule of the papers in José Serafin Ramirez, claim.*

*Exhibit A.*—Memorial of José Serafin Ramirez, in Spanish, for a certain tract of land, and the grant of same by Mariano Martinez.

*Exhibit B.*—Translation of the memorial of José Serafin Ramirez for a certain tract of land, and grant of same by Mariano Martinez.

*Exhibit C.*—Notice, in Spanish, to the surveyor general of New Mexico, by José Serafin Ramirez, relative to a certain tract of land.

*Exhibit D.*—Translation of the notice, in Spanish, to the surveyor general, by José Serafin Ramirez, relative to a certain tract of land.

*Exhibit E.*—Interrogatories by William Pelham, esq., late surveyor general of New Mexico, to Antonio Sena and Santiago Amijo.

*Exhibit F.*—Opinion of the late surveyor general, William Pelham, in the case of Serafin Ramirez vs. United States.

A.

Sello cuarto. [SEAL.] Una cuartilla.

*Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno, y cuarenta y dos.*

ABILITADO PARA LOS AÑOS DE 1843 Y 1844.

*Exmo. Señor Gobernador del Departamento de Nuevo Mejico:*

EXMO. SEÑOR: El que suscribo José Serafin Ramires y Casanoba oficial 1<sup>o</sup> contador de la tesorería departamental de Nuevo Mejico y teniente de auxiliares de caballería; con el mayor respecto ante V. E. parece y dice que teniendo derecho tanto como un ciudadano como al mismo tiempo el ser actualmente considerado un empleado de la nacion en actual servicio por algunos años debiendoseme crecidas sumas; por lo tanto á V. E. ocurro a nombre de las leyes de donaciones de terrenos "L. L. de 4 de Enero de 1813 y 18 de Agosto de 1824," y á nombre de la nacion Mejicana; solicitando un terreno baldio conosido "el Cañon de la Agua" serca del Placer de San Francisco, nombrado el placer del Tuerto, distara de esta plaza cosa de una legua poco mas ó menos, el terreno que solicito es baldio y sin dueño el cual solicito por no tener ninguna posesion ni propiedad para a

sostencion de mi familia, los linderos que solicito son por el Norte el Camino que del placer baja al Palo Amarillo ; por el Sur el lindero del Norte de la merced de San Pedro ; por el oriente el Ojo del Cañon de la Agua ; por el poniente la cumbre del Serro de la mina conocida por de mi propiedad segun el documento adjunto N°. (1) del cual pido su ratificacion y la de la asamblea departamental segun hube por herencia de mi Vis-Abuelo Don Francisco Dias de Moradillos ; y pido sea ratificado este titulo segun la ordenanza de Miñas fechada el año de 1813, titulo 5° articulo 1° de todo lo cual.

A. V. E. pido y suplico se me conceda la pertenencia de la mina para trabajarla, y el terreno abrasado que será una legua para labrar y pasteos de mis bienes, y fundir y moler metales : Juro &c. Santa Fé 12 de Febrero de 1844.

JOSÉ SERAFIN RAMIRES.

GOBIERNO POLITICO Y MILITAR DEL DEPARTAMENTO DE N. M.

Dada cuenta con su memorial en el cual me incluye el titulo del derecho que V. tiene en una mina en el placer de San Francisco como heredero del finado su Vis-Abuelo Don Francisco Dias Moradillos la cual como apoderado de este registro, y trabajo el año de 1876 Don José Casildo Lopes de viera la asamblea departamental con presencia de su peticion y de la consulta dirigida por este Gobierno al Tesorero de rentas de la nacion en este departamento resuelve lo siguiente, hoy.

“Asamblea Departamental de Nuevo Mejico.—En sesion de este dia la Asamblea Departamental decreta que el Contador de la Tesoreria Departamental Don Serafin Ramires y demas herederos del finado Don Francisco Dias de Moradillos tienen derecho como Vis-Nietos á la mina que espresa su peticion y titulo de posesion y propiedad segun y como esta espresado en las leyes de mineria ; y mas decreta que S. E. el Señor Gobernador del Departamento con consulta de las leyes de colonizacion le conceda el sitio de terreno que solicita.”—Martinez Presidente.—Tomas Ortiz Secretario.

Y en contestacion a su peticion le concedo el sitio solicitado y la rebalidacion al titulo de la mina los cuales le incluyo.

Dios y Libertad, Santa Fé, 13 de Febrero de 1844.

MARIANO MARTINEZ.

Señor Don SERAFIN RAMIRES,

*Contador de la Tesoreria Departamental Santa Fé.*

TESORERIA DEPARTAMENTAL DE NUEVO MEJICO.

EXMO. SEÑOR: Es mis manos la nota de V. E. en la cual me dice informe sobre la solicitud de terreno que hace el oficial 1° contador de esta oficina Don José Serafin Ramires relativo dicho informe á si es conforme el conceder terrenos á los empleados del gobierno igualmente como á cualesquiera otro ciudadano. Y en contestacion dego á V. E. que como empleado del gobierno general es mas privilegiado segun las leyes y particularmente estoy informado de la ley de 4 de Enero

de 1813, y la de 18 de Agosto de 1824, todo lo que pongo en el superior conocimiento de V. E. para informacion y conocimiento de la honorable asamblea departamental.

Ofresco á V. E. las consideraciones de mi aprecio y respecto.  
Dios y libertad. Santa Fé, Febrero 13 de 1844.

AMBROSIO ARMIJO.

Exmo. Sor. Gobernador del Departamento. Don MARIANO MARTINEZ,  
*Santa Fé.*

Sello tercero. [SELLO.] • Dos reales.

*Para los años de mil ochocientos cuarenta y dos y mil ochocientos cuarenta y tres.*

Govr.—Abitado para los años de 1844, y 1845.

JOSÉ ANTONIO CHAVEZ, *Adm'or.*

Mariano Martinez de legarza general graduado de brigada, gobernador y comandante general é ynspector del departamento de Nuevo Mejico.

Certifico en cuanto puedo y debo conocer á Don José Serafin Rami-res y Casanoba, contador de la tesoreria departamental, y actualmente tesorero in terino de la misma, por lo que me consta es cierto y certisimo la irrepreensible conducta que este ha observado en su manejo como tal empleado, como asi mismo la que obserba en todos sus demas negocios particulares, como tambien adhesion al gobierno y demas supremas autoridades, hombre muy pacifico, y de demasiada capacidad en el destino que ejerce y para cualesquier asunto de interes que se le confia para su desempeño, demasiada aplicacion, con lo que promete esperanzas muy lisonjeras de adelantos en el servicio de la nacion in que este se halla ocupado: con esto que he extractado en un anterior certificado me parece bastante para que á la penetracion de las autoridades á quien este interesado haga sus solicitudes no se oscurescan los meritos que este posee por lo que a su pedimento le estiendo el presente en la capital de Santa Fé á los ocho dias del mes de Febrero de mil ochocientos cuarenta y cuatro.

MARIANO MARTINEZ.

JUSGADO DE PRIMERA YNSTANCIA Y DE HACIENDA PUBLICA.

Santa Fé, Febrero 15 de 1844.—En cumplimiento de un decreto del Exmo. Sor. Gobernador y Comandante General de este Departamento Don Mariano Martinez debia decretar como en efecto decreto yo Santiago Flores, alcalde 1° del ylustre ayuntamiento de la ciudad de Santa Fé, y juez de 1ª ynstancia y de hacienda de este departamento de Nuevo Mejico, y dicho juez en virtud de la peticion y decreto oficial de S. E. debia de dar como en efecto doy á nombre de la nacion Mejicana al oficial 1° contador de la tesoreria departamental la posesion judicial en el terreno conocido en el cañon de la Agua en el placer de San

Francisco con los linderos que se espresan en la peticion como sigue, por el norte el camino del Palo Amarillo, por el sur el lindero del rancho de San Pedro, por el oriente el Ojo del cañon de la Agua, por el poniente, la cumbre mas alta de la Sierrita del Tuerto tocando el lindero de la mina conocida por propiedad, y entra desde esta fecha segun con las leyes de colonizacion de la republica, y yo dicho juez autorizo este condos testigos que lo fueron Tomas Ribera y José Aguilar de que doy fe segun derecho.

SANTIAGO FLORES.

JOSÉ AGUILAR.

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

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

DAVID V. WHITING,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

I certify that David V. Whiting is, and was at the date of the signing of the above certificate, the translator of this office.

WM. PELHAM,  
*Surveyor General.*

B.

Seal fourth. [SEAL.] One cuartillo.

*For the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one.*

REVALIDATED FOR THE YEARS 1843 AND 1844.

[Rubric.]

*Most Excellent Governor of the Department of New Mexico.*

MOST EXCELLENT SIR: The undersigned, José Serafin Ramires y Casanoba, first auditing officer of the departmental treasury of New Mexico, and lieutenant of the auxiliary cavalry, with great respect appears before your excellency, and states, that having a right to do so, not only as a citizen, but at the same time as being considered as an employé of the nation in actual service for some years, and a creditor to the government to a large amount, therefore I apply to your excellency in the name of the donation laws of the 4th of January, 1813, and 18th of August, 1824, and in the name of the Mexican nation, asking for a tract of vacant land known as the "Cañon del Agua," near the Placer of San Francisco, called the Placer del Tuerto,

and distant from that town about one league, more or less. The land I ask for is vacant and without owner, and I solicit it because I have no possession or property by which I can support my family. The boundaries solicited are, on the north, the road leading from the Placer to the Palo Amarilla; on the south, the northern boundary of the grant of San Pedro; on the east, the spring of the Cañon de la Agua; on the west, the summit of the mountain of the mine known as my own, as will appear by the accompanying document No. 1, for which I ask your ratification, and that of the departmental assembly, in the manner that I received it as an inheritance from my grandfather, Don Francisco Dias de Moradillos; and I ask that this title be ratified according to the mining ordinances dated in the year 1813, title 5, article 1; in view of all which I pray and request your excellency to grant me the possession of the mine to work it, and the land which it embraces, which is about one league, for cultivation and pasturing my animals, and for grinding ore and smelting metal.

JOSÉ SERAFIN RAMIRES.

SANTA FÉ, *February* 12, 1844.

POLITICAL AND MILITARY GOVERNMENT OF THE  
DEPARTMENT OF NEW MEXICO.

Having reported your memorial, with which you accompany the evidence of the title which you have in a mine at the Placer of San Francisco, as heir of your deceased grandfather, Don Francisco Dias Moradillos, which was worked and registered by Don José Casildo Lopes de Viera, as his agent, in the year 1876, (1776?) the departmental assembly having your petition before them, and the advice addressed by this government to the treasurer of the revenues of the nation in this department, has this day resolved as follows:

“DEPARTMENTAL ASSEMBLY OF NEW MEXICO.

“In session of to day the departmental assembly decrees that Don Serafin Ramires, auditor of the departmental treasury, and the other heirs of Don Francisco Dias de Moradillos, deceased, have a right, as grandchildren, to the mine referred to in the petition, and title of possession and property as expressed in the mining laws; and further decrees that his excellency, the governor of the department, in conformity with the colonization laws, shall grant the tract of land prayed for.

MARTINEZ, *President.*

THOMAS ORTIZ, *Secretary.*

And in answer to your petition I grant you the tract asked for, and revalidation of the title to the mine, which are enclosed herewith.  
God and liberty, Santa Fé, February 13, 1844.

MARIANO MARTINEZ.

To Don SERAFIN RAMIRES,  
*Auditor of the Departmental Treasury, Santa Fé.*



## DEPARTMENTAL TREASURY OF NEW MEXICO.

MOST EXCELLENT SIR: The note of your excellency requiring me to report upon the petition for lands made by Don José Serafin Ramirez, first auditor of this office, and to state if it is proper to grant lands to the employés of the government, as well as to any other citizen, is at hand; and, in reply, I state to your excellency that, as an employé of the general government, he is more entitled to it according to the laws, and, as I am informed, particularly so by the law of January 4, 1813, and that of August 18, 1824, all of which is laid before the superior cognizance of your excellency for your information and that of the honorable departmental assembly.

I present to your excellency the consideration of my respect and esteem.

God and liberty. Santa Fé, February 13, 1844.

AMBROSIO ARMIJO.

His Excellency Don MARIANO MARTINEZ,  
*Governor of the Department, Santa Fé.*

*Mariano Martinez de Legarza, brevet brigadier general, governor and general commander, and inspector of the department of New Mexico:*

I certify, as far as I should and can, that I am acquainted with Don José Serafin Ramirez y Casanoba, auditor of the departmental treasury, and at present acting treasurer of the same, whom I know for a certainty to have maintained an irreproachable character in the discharge of his duties as such officer, which he also maintains in all his other private affairs, as also his loyalty to the government and other superior authorities; that he is a peaceable man, and fully qualified to discharge the duties required now of him, or any other matter confided to his care—great industry—giving flattering hopes of advancement in the service of the nation, in whose employment he is. The above, which is extracted from another certificate, is deemed sufficient for the authorities to whom the party interested may apply to be informed of the qualifications he possesses. Therefore this certificate is extended, at the capital, Santa Fé, on the 8th February, 1844.

MARIANO MARTINEZ.

OFFICE OF THE FIRST COURT OF JUSTICE AND PUBLIC REVENUE,  
*Santa Fé, September 15, 1844.*

In compliance with a decree of his excellency Mariano Martinez, governor and general commander of this department, I, Santiago Flores, first justice of the illustrious corporation of the city of Santa Fé, and judge of original jurisdiction and of revenue of this department of New Mexico, should decree, and in effect do decree, and said justice, by virtue of the petition and official decree of his excellency, should give, as in effect I do give, to the first auditor of the departmental treasury the judicial possession, in the name of the Mexican nation, of the land known as the Cañon de la Agua, in the Placer of San Francisco, with the boundaries set forth in the petition, which are as fol-

lows : on the north, the road of the Palo Amarillo ; on the south, the boundary of the rancho of San Pedro ; on the east, the spring of the Cañon del Agua ; on the west, the highest summit of the little mountain of El Tuerto, joining the boundary of the mine known as inherited property, from this date, according to the colonization laws of the republic ; and I, the said justice, certify this with two witnesses, who were Thomas Ribera and José Aguilar, to which I certify, according to law.

SANTIAGO FLORES.

JOSÉ AGUILAR.

TRANSLATOR'S DEPARTMENT, SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, N. M., January 20, 1860.*

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, May 15, 1860.*

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

WM. PELHAM,  
*Surveyor General.*

C.

*Aviso.*

ESTADOS UNIDOS DE AMERICA,  
*Territorio de Nuevo Mejico.*

Al agrimensor general de Nuevo Mejico se le avisa por el presente que el abajo suscrito, José Serafin Ramirez, residente en el condado de Bernalillo, Territorio de Nuevo Mejico, y ciudadano de los Estados Unidos, bajo el tratado de paz de 1848, entre los Estados Unidos de America y la republica de Mejico, reclama originalmente un pedazo de terreno, que le fue donado por las autoridades legitimamente constituidas y autorizadas para hacer tales donaciones por las leyes y el gobierno Mejicano en el año de 1844, el dia 12 de Febrero, de dicho año, segun la autoridad concedida á los gobernadores y juntas departamentales. El dicho reclamo segun su titulo es completo. Dicha donacion de terreno fue hecha y confirmada por el gobernador y comandante general, Don Mariano Martínez, bajo la autoridad de aquel gobierno, el dia 13 de Febrero, de 1844, y posesion judicial el dia 15 del mismo mes, dichos oficiales concesionarios lo hicieron bajo la autoridad de las leyes de colonizacion del gobierno de Mejico, y leyes de España, vigentes sobre la materia al tiempo de ser concedido este terreno. La cantidad de terreno reclamado son cinco mil varas en cuadro, que hacen una legua Castellana, siendo sus linderos por el norte, le

camino del Placer que baja al Palo Amarillo; por el sur, el lindero del norte de la merced de San Pedro; por el oriente, el Ojo del Cañon de la Agua; por el poniente, la cumbre del serro de la mina conocida por de la propiedad de vuestro peticionario, como consta de los titulos que respetuosamente se acompañan á este aviso originales marcados con los numeros, (1, 2, 3, 4, y 5.) Pues el terreno que se reclama no choca con ningun otro terreno mercenado por dichos gobiernos de España y Mejico, parã cuyo fin ofrece la evidencia necesaria para probar su reclamo, el reclamante es el agraciado original.

Soy con el mayor respecto,

JOSÉ SERAFIN RAMIREZ.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, May 15, 1860.*

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

DAVID V. WHITING,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

I certify that David V. Whiting is, and was at the date of the signing of the foregoing certificate, the translator of this office.

A. P. WILBAR,  
*Surveyor General.*

D.

*Notice.*

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

The surveyor general of New Mexico is hereby notified that the undersigned, José Serafin Ramirez, a resident of the county of Bernalillo, Territory of New Mexico, and a citizen of the United States under the treaty of 1848 between the United States of America and the republic of Mexico, claims originally a tract of land that was donated by the authorities legitimately constituted and authorized to make such donations by the laws and government of Mexico on the 12th day of February, 1844, by virtue of the authority vested in the governors and departmental assemblies. Said claim, as will be seen by reference to the documents, is complete. Said grant of land was made and confirmed by General Mariano Martinez, governor and commander-in-chief, under the authority of that government, on the 13th of February, 1844, and judicial possession given on the 15th of the same month; said granting officers granted the same under the authority of the colonization laws of the government of Mexico, and the laws of Spain, in force at the time the land was granted. The quantity of land claimed

is five thousand varas square. making one Castilian league, and bounded on the north by the Placer road that goes down to the Yellow Timber; on the south, the northern boundary of the San Pedro grant; on the east, the spring of the Cañon de la Agua; on the west, the summit of the mountain of the mine known as the property of your petitioner, as appears by the original title deeds accompanying this notice, numbered 1, 2, 3, 4, 5. The land claimed does not conflict with any other lands granted by the said governments of Spain and Mexico; to prove which he offers the evidence necessary to prove his claim, the claimant to which is the original grantee.

Very respectfully,

JOSÉ SERAFIN RAMIREZ.

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

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

WM. PELHAM,  
*Surveyor General.*

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E.

*Serafin Ramirez's claim.*

ANTONIO SENA and SANTIAGO ARMIJO SWORN.

Question. Have you, or either of you, any interest in the claim now under consideration?

Answer. We have not.

Question. What office did Mariano Martinez hold in 1844?

Answer. He was governor and commanding general of the department of New Mexico.

Question. Have you, or either of you, seen him write, and do you know his signature?

Answer. We have, and know his signature.

Question. Did you know Santiago Flores in 1844; and what office did he hold?

Answer. A justice of the peace, with the powers of a judge of first instance.

Question. Are the signatures of Mariano Martinez and Santiago Flores, on this document, genuine?

Answer. They are their genuine signatures.

ANTONIO SENA.  
SANTIAGO ARMIJO.

Sworn and subscribed before me this 10th day of January, 1860.

WM. PELHAM,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

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

WM. PELHAM,  
*Surveyor General.*

F.

SERAFIN RAMIREZ }  
 vs. }  
 UNITED STATES. }

This case was set for trial on the 10th January, 1860, and the witnesses being present were duly sworn and their evidence recorded.

On the 12th day of February, 1844, José Serafin Ramirez petitioned Mariano Martinez, the political and military governor of New Mexico, for a tract of land at the place known as the Cañon del Agua, situate in what is now the county of Bernalillo, with the boundaries therein set forth.

On the 13th of February, of the same year, the grant was confirmed to him by the departmental assembly of the province of New Mexico, and possession given on the 15th of February by Santiago Flores, justice of the peace.

The claimant also files with the papers in this grant a grant made to his great grandfather, and of which himself and brothers are declared, by the departmental assembly, in the same decree granting the land to him, to be the legal and proper heirs thereto; but as no authority is vested in this office to adjudicate upon claims to mines within the Territory, no action has been had by this office in the premises.

The grant to the land situate at the Cañon del Agua is made according to the laws in existence at the time it was made, and is proven to have been in the quiet and undisturbed possession of the applicant from that date up to the present time, and is fully covered by the treaty of Guadalupe Hidalgo of 1848; it is therefore approved, and respectfully transmitted for the action of Congress in the premises.

WM. PELHAM,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, January 20, 1860.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, May 15, 1860.*

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

WM. PELHAM,  
*Surveyor General.*

## CLAIM No. 42.

## No. 1.

Valga por el sello 3° p<sup>a</sup> el año de 1818.

FRANCO. ORTIZ.

N. 33 f. 46<sup>ta</sup>. No. 533.

SOR GOBERNADOR: Dn. Antonio Ortiz vecino de esta villa de Santa Fé, ante Vmd. con el mas rendido respecto me presento y digo que hallandome con una numerosa familia que mantener, me es indispensable para su sustencia, buscar y solicitar los medios que me sean posibles, y bajo este concepto, suplico á V. si lo tuviere á bien y hallare de justicia concederme en nombre de S. M. (Q. D. G.) un sitio en el Rio de las Gallinas que llaman, en donde hace una rinconada de una mesa y son los linderos, de norte á sur la Cañada de Aguilar, y el camino que pasa para las Conchas, y de oriente á poniente las me-sitas de las Conchas y Cañada de Lauriana, en donde pienso, siempre que V. se sirva darme el merced, po-er con mis cortos bienes de campo. Pr. todo lo cual. A V. Pido me atienda en justicia si la tubiere, de lo que recibire gracia.

ANTONIO ORTIZ.

SANTA FÉ, 18 de Diciembre de 1818.

El alcalde del Bado informará sobre el particular.

MELGARES.

SANTA FÉ, 24 de Diciembre de 1818.

La posesion que por esta presentacion se solicita, en cuanto á los linderos que cita, no me parece hay inconveniente para que se conceda segun lo pide el interesado. Mas advirtiendole que ha un año que los bienes de campo del referido interesado se estan pasteando en el mismo sitio que pretende haber por merced, sin que nadie se lo halla embarazado, esto mismo da á conocer (aunque no lo explica) que la pretende con algun privilegio ó privacion de pastos; y siempre que sea asi resultará no solamente en perjuicio de los vecinos de esta frontera, sino tambien de la provincia. De los de esta frontera porque cuando se fundó la poblacion puramente eran treinta familias yertas sin ningunos bienes; hoy dia que se han aumentado tanto el vecindario como los bienes, necesitan de mas extension que la que por merced pidieron los primeros, y por consiguiente se extiende á pastear al sitio que se pretende. A lo restante de la provincia porque siempre que haya riesgo como en la presente lo hay por la parte del poniente, todas las haciendas pasan á ponerse en salvo á esta parte, y siendo el terreno mas oportuno para bienes de campo siempre que se los prive por algun derecho es hacerlos daño. Esto es lo que tengo que informar acerca de la solicitud que antecede, y V.E. determinará lo que hallare por justo.

VICENTE VILLANUEBA. [Rubrico.]

BADO, 29 de Diciembre de 1818.

SANTA FÉ, 21 de Abril de 1819.

Pase al Señor Asesor B. Don Francisco Ygnacio de Madariaga Cura de esta villa.

MELGARES.

Valga por el sello 3° para el año de 1818.

FRANCISCO ORTIZ.

SOR GOBERNADOR: Impuesto de la solicitacion del sitio de las Galinas que en la anterior presentacion hace el vecino de esta villa Don Antonio Ortiz, y el informe que sobre el particular da el alcalde del Bado, Don Vicente Villanueva debo decir á V. que siendo (como es) muy vasta la extension de esta provincia y la mayor parte desierta, no me parece fuera de orden el que al solicitante se le concede la gracia que impetra para que de este modo se vaya aumentando tanto en la poblacion como en la agricultura, y en la cria de ganados que es de donde subsiste, y el ramo principal de todo su giro; sin que obste lo que el mencionado alcalde informa de que pretende el tal sitio con privilegio, pues en el mismo hecho de darse posesion, y por consiguiente transferirse el dominio, claro está que queda señor de él sin que ninguno pueda molestarle, ni mucho menos inferirle perjuicio; no apartandome tampoco de manifestar al mismo tiempo el que, siempre que por riesgo ó por mayor utilidad de toda ó la mayor parte de la provincia sea necesario el que se me dé aquel sitio como en las presentes circunstancias, en que se han pasado á aquella parte todos los ganados por el peligro que amenazaba en el poniente, se da el impetrante su derecho por aquel tiempo que fuere necesario, y corra igual suerte que los demas.

Este es en justicia mi parecer (salvo el mejor de V.) para que provea como lo hallare conveniente.

FRANCISCO YGNACIO DE MADARIAGA.

[Rubrico.]

SANTA FÉ, Abril 27 de 1819.

SANTA FÉ, Abril 30 de 1819.

Como parece al Señor Bachiller Don Francisco Ygnacio de Madariaga y mercenese al suplicante lo que pide formando á continuacion el espidiente correspondiente que vendrá á este archivo, de donde se le dará testimonio de ijuela.

MELGARES. [Rubrico.]

En el puesto de San Miguel del Vado á los ocho dias del mes de Junio y año corriente de mil ochocientos diez y nueve; yo, Don Francisco Ortiz encargado del mando de este partido en obediencia del superior decreto que antecede del señor gobernador de esta provincia Teniente Coronel Don Facundo Melgares, notifiqué á Don Antonio Ortiz vecino y del comercio de la villa de Santa Fé la disposicion que ha recaido sobre la solicitud que tiene hecha, y consta en estas actuaciones á lo cual fué conforme, y en su consecuencia hize citacion de su persona para el dia veinte y ocho del mismo, en cuya fecha no

habiendo comparecido personalmente y solo se haber mandado un apoderado el cual fué Don Tomas Maese, con derecho individuo procedi á evacur el asunto en cuya virtud, acompañado de este y los testigos de mi asistencia pasé al sitio que llaman el Rio de las Gallinas y reconocida la rinconada de una mesa que se halla en sus inmediaciones, bajo todos los requisitas de derecho, y ceremonias acostumbadas sin omitir formalidad ninguna de las que se requieren para la validacion de una posesion lejitima, siendo presentes los testigos referidos.

Valga por el sello 3° para el año de 1819.

JOSÉ FRANCISCO ORTIZ. [Rubrico.]

Tomé de la mano á dicho Don Tomas Maese apoderado de Don Antonio Ortiz, y habiendole paseado por el expresado terreno para el conocimiento del favor que anombre de S. M. (que Dios guarde) se le ha concedido por el señor gobernador de esta provincia ya arriba mencionado, demarqué sus linderos con arreglo á su peticion, los cuales son por el norte, la Cañada de Aguilar; por el sur, el camino que pasa para Las Conchas; por el oriente, las mesitas de Las Conchas; y por el poniente, la Cañada de Lauriano, prevenido el interesado de que debe anunciar, proponer, é intimar á su poderdante Don Antonio Ortiz de que para escusar reclamos debe conservar las mohoneras que se han puesto en el demarco de su posesion en los rumbos respectivos estando pronto al reparo de estas siempre que por el tiempo tengan algun demérito, de todo lo cual impuesto el interesado, como tambien de que segun la orden del Señor Gobernador Teniente Coronel Don Facundo Melgares, debe ocurrir por un testimonio de hijuela para que en su poder obre como documento necesario para su resguardo; dé por concluida esta diligencia haciendo remision de los autos constantes de tres fojas irtiles y una blanca al espresado gobernador para que siempre que mis procedimientos merezcan su aprobacion, se serva disponer sobre et asunto lo que le parezca mas conveniente fimando esta conclusion con los testigos de mi asistencia con quienes actuo á falta de todo escribano, de que doy fé.

FRANCISCO ORTIZ.

Assistencia :

RAFAEL SARACINO.

MANUEL BACA.

SURVEYOR GENERAL'S OFFICE, SANTA FÉ, N. M.,  
*Translator's Department, November 24, 1860.*

The foregoing is a true copy of the original on file in this office.  
J. HOWE WATTS, *Translator.*



## No. 2.

Equivalent to seal 3d, for the year 1818.

FRANCISCO ORTIZ. [Rubric.]

SIR GOVERNOR: Don Antonio Ortiz, resident of this town of Santa Fé, before you, with the most humble respect, appears and represents that, finding myself with a large family to support, it becomes indispensable for me, in order to support it, to seek and solicit the means of which I can avail myself; and under these circumstances I pray you, if you deem it proper, and consider it just, to grant me, in the name of his Majesty, (whom may God have in His keeping,) a farm on the so-called Gallinas river, where it makes a corner of a table land, and its boundaries are from north to south the cañon of Aguilar, and the road going to Las Conchas; and from east to west the small table lands of Las Conchas and the Cañon of Lauriana, where I intend, provided you see proper to bestow me the grant, to settle with my small amount of stock; in view of all which, I pray you to hearken to me in justice, if I am entitled to it, by which a favor will be conferred upon me.

ANTONIO ORTIZ. [Rubric.]

SANTA FÉ, *December 18, 1818.*

SANTA FÉ, *December 24, 1818.*

The justice (alcalde) of El Bado will report on the matter.

MELGARES. [Rubric.]

The possession which is solicited in this petition, as far as the boundaries set forth are concerned, I do not think there is any objection to its being granted as the party interested solicits. Remarking, however, that for the last year the stock of the aforesaid party interested are being pastured on the same land he is endeavoring to have granted to him, without being molested by any one; this fact shows, (although it does not explain it,) that he solicits it with privileges or prohibition of pasture; and, whenever such may be the case, it will not only be an injury to the residents of this jurisdiction, but also to the province. To those of this province, because when the settlement was made there were only thirty families, and these owned no property; the population, as well as the amount of stock, being much increased at the present day, they require more capacity than what was asked for in the grant by the first settlers, and consequently they extend their pasture grounds as far as the land asked for. To the remainder of the province, because whenever there is danger, as at the present time, in the west, all the stock is driven to this place to keep it out of danger; and this being a suitable and secure place for stock, it is doing an injury to deprive them from so doing by any claim.

This is what I have to state in regard to the foregoing petition, and I. E. will determine whatever may be just.

VICENTA VILLANUEBA. [Rubric.]

BADO, *December 29, 1818.*

SANTA FÉ, *April 21, 1819.*

Let it pass to the assessor Ser Bor. Don Francisco Ygnacio de Mandriaga, curate of this town.

MELGARES. [Rubric.]

SIR GOVERNOR: Informed of the contents of the request for the Galinas grant, made in the foregoing petition, by the resident of this town, Don Antonio Ortiz, and the report of the justice (alcalde) of El Bado, Don Vicente Villanueva, in reference to the matter, I have to state to you that the extent of this territory being (as it is) very large, and the greater portion uninhabited, I do not consider it improper to grant the request of the petitioner as he impetrates, in order that by this means it may increase in population as well as in agriculture and the raising of stock, from which it derives its support, and which is the principal branch of its commerce; notwithstanding the objections reported by the aforesaid justice, (alcalde,) that he endeavors to procure the aforesaid farm, with privileges; as the mere fact of giving him possession, and thereby transferring the dominion to him, is evidence that he becomes the owner, without being molested by any person, and much less to cause him any injury, remarking, at the same time, that whenever there may be any danger, or for the greater benefit of all, or a greater portion of the province, it becomes necessary to make use of the aforementioned place, as under the present circumstances, all the stock being moved to that place on account of the threatened danger in the west, that the impetrant surrender his right for the time that may be necessary and incur the same risk as others.

This is, in justice, my opinion, (saving your better one,) in order that you may act as you may deem convenient.

FRANCISCO YGNACIO MANDRIAGA.

Fees, three dollars.

[Rubric.]

SANTA FÉ, *April 27, 1859*

SANTA FÉ, *April 30, 1819.*

As the Sir Bachellor Don Francisco Ygnacio de Mandriaga reports, and let the request of the petitioner be granted, and the proper provisions be made immediately following the decree, which will return to this archive, from whence a schedule copy will be given him.

MELGARES. [Rubric.]

In this place of San Miguel del Bado, on the eighth day of the month of June, in the present year, one thousand eight hundred and nineteen, I, Don Francisco Ortiz, in charge of the command of this district, in obedience to the foregoing superior decree from H. E. the governor of this province, Colonel Don Facundo Melgares, informed Don Antonio Ortiz, resident and merchant of the town of Santa Fé, of the action taken upon the petition made by him, as they appear in these proceedings, with which he was satisfied; and in consequence

thereof, I summoned him to appear on the twenty-eighth of the same, at which time, not having appeared in person, but having sent an agent, who was Don Thomas Maese, with said individual I proceeded to dispose of the matter; by virtue of which, accompanied by him and my attending witnesses, I proceeded to the place called "Rio de las Gallinas," and recognized the corner of a table land, found in its vicinity, with all the requirements of law and accustomed ceremonies, without omitting any of the formalities required for the validity of a legitimate possession; the aforesaid witnesses being present, I took said Don Thomas Maese, agent for Don Antonio Ortiz, by the hand, and having walked over the aforementioned ground, for the purpose of making known to him the favor which, in the name of his Majesty, (whom may God have in His keeping.) had been granted to him by H. E. the governor of this province aforementioned, I marked out the boundaries as set forth in his petition, which are, on the north the cañon of Aguilar, on the south the road going to Las Conchas, and on the east the small table lands (mesitas) of the Conchas, and on the west the canon of Lauriano, notifying the party interested that he should announce, propose, and intimate to his principal, Don Antonio Ortiz, that, in order to avoid disputes (reclamos) he should preserve the signs which had been placed on the limits of his property in the respective directions, being ready to repair the same whenever they should decay by time; the party being informed of all which, as also the order of H. E. the governor, Lieutenant Colonel Don Facundo Melgares, that he should apply for a schedule copy, to remain in his possession a necessary document for his protection. I stated the matter to be finished, forwarding the proceedings, contained in three written and one blank page, to H. E. the governor, so that he might direct whatever he may deem proper in the premises, provided he approves the steps taken by me; signing this conclusion with my attending witnesses, with whom I act, in the absence of any notary. To all which I certify.

FRANCISCO ORTIZ. [Rubric.]

Attending:

RAFAEL SARRACINO. [Rubric.]

MANUEL BACA. [Rubric.]

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, N. M., May 25, 1855.*

I certify the foregoing to be a translation of document *C* in claim No. 2, filed by Preston Beck, jr.

DAVID V. WHITING,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

## No. 3.

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

Your petitioners, Ramon Ortiz, Ana Maria Ortiz, Rosario Ortiz, and Refugio Ortiz, residents of El Paso, in the State of Chihuahua and republic of Mexico; Josefa Ortiz, a resident of the county of San Miguel, in the Territory of New Mexico, children and heirs-at-law of Antonio Ortiz, deceased, and Ramon Sanchez and Antonio Sanchez, children of Barbarita Ortiz, deceased, who was a daughter of Antonio Ortiz, deceased; the former of whom resides in Santa Tomas, New Mexico, and the latter in Peña Blanca, New Mexico, would respectfully state to you that they are the only surviving heirs-at-law and legal representatives of the said Antonio Ortiz, deceased. Your petitioners further state that on the 18th of December, 1818, he petitioned the governor of the province of New Mexico, Melgares, for a grant of land situate on the Gallinas river, in the said province of New Mexico, and said petition was by said governor referred to the justice of the peace of El Bado for his report on the matter, and on the 29th of December, 1818, said justice reported in the matter, and thereupon, April 21, 1819, referred said matter to Francisco Ygnacio de Madriaga, curate of Santa Fé, who on the 27th April, 1819, reported upon said petition to said governor; and thereupon the said governor, Melgares, on the 30th of April, 1819, granted the request of said petition, directed possession to be given of the land asked for and the proper title executed; and afterwards, to wit, on the 8th day of June, 1819, Francisco Ortiz, in obedience to the decree of the governor of said province, Don Facundo Melgares, undertook the business of placing the said Antonio Ortiz in the possession of the lands granted to him; and for that purpose summoned him to appear on the 28th day of June, 1819, at which time the said Antonio Ortiz appeared by his agent, Tomas Maese; and thereupon said justice of the peace placed the said Antonio Ortiz in possession under said grant of the following tract of land on the Gallinas river, the boundaries of which are as follows: North, the cañon of Aguilar; south, the road going to Las Conchas; east, the small table lands of the Conchas; and on the west the cañon of Lauriano, which lands are situate in the county of San Miguel, New Mexico. Your petitioners further state that said Antonio Ortiz took possession of said tract of land and occupied it for many years with his cattle, flocks, and herds, and continued to occupy it until it became dangerous to do so, on account of the hostilities of the Indians, for which cause alone it was not occupied continuously up to the present time. Your petitioners state that said lands have never been surveyed, and they know not the quantity of acres included within said boundaries, but aver that said boundaries are permanent and visible landmarks, universally known and easily found and identified. Your petitioners aver that said Antonio Ortiz, at his death, was the owner in fee of said lands under a valid grant, which grant is now on file in the archives of the Territory of New Mexico,

No. 727, a copy of which original grant is hereby made a part of this petition, marked as Exhibit A, herein. Your petitioners aver that as the heirs-at-law of said Antonio Ortiz, deceased, the lands now belong to them in fee simple. Your petitioners further state that they know of no conflicting grant to said lands, but believe and are informed that several persons without any right or title whatever are settled upon the lands within the limits of said grant.

Your petitioners, therefore, ask the honorable surveyor general to take such steps under the act of Congress approved July 22, 1854, as will protect their legal rights, and enable them to procure from the government of the United States a patent for said lands. All of which is respectfully submitted.

JOHN S. WATTS,  
*Attorney for Claimants.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

No. 4.

Sello tercero.—Cuatro reales.

Años de mil ochocientos cincuenta y seis y cincuenta y siete.

REPUBLICA MEJICANA,  
*Estado de Chihuahua, Villa del Paso.*

La declaracion del testigo, D. Francisco San Juan tomada ante mi el C. Sisto Yrigoyen, alcalde 1° y juez de 1ª ynstancia de esta villa del Paso en el Estado de Chihuahua, republica Mejicana, para que sea bida como credencial ante el honorable Wm. Pelham, agrimensor general del Territorio del Nuevo Mejico, en conocimiento de un reclamo hecho por los herederos de D. Antonio Ortiz, sobre una concesion de tierra en el Rio de Gallinas en el Territorio de Nuevo Mejico. Un veraz y competente testigo ahora ha comparecido, y ha sido juramentado y depuso sobre su piramento lo siguiente :

1ª Pregunta : Conoce V. á los herederos de D. Antonio Ortiz? Dijo: que si los conoce.

2ª Pregunta : Llame ó diga los nombres de estos, y el lugar de sus residencias: Dijo: que se llaman Ramon Ortiz, Barbara Ortiz, Ana Mª Ortiz, Rosario Ortiz, Refugio Ortiz, y Josefa Ortiz, los cuales residen en la villa del Paso ya referida, exceptuando á Doña Josefa Ortiz, que reside en Santa Fé de N. M., y Dª. Barbara Ortiz, que es muerta.

3ª Pregunta : Sabe V. alguna cosa respeto á la ocupacion de Don Antonio Ortiz cuando vivia, ó si estuvo sitiado en el Rio de las Galli-

nas en el N. M., sirvase manifestarlo? Dijo: que sabe que tuvo rancho, propiedades, y bienes, y que lo poseó.

4ª Pregunta: Si sabe la causa ó porque D. Antonio Ortiz dejó dicho sitio, que lo diga así como la razón ó motivo que lo indujo á dejarlo? Dijo: que lo dejó compelido de las incursiones de los enemigos bárbaros. Sisto Yrigoyen, alcalde 1º y juez de 1ª ynstancia, arriba mencionado, por el presente certifico que la antecedente declaracion ha sido tomada por mi y en mi oficina, hoy dia 13 de Julio de 1857, que el referido testigo firmo la antecedente declaracion en mi presencia, y fué legalmento juramentado para la verdad de lo mismo, conmigo el presente juez, y los de mi asistencia. Doy fé.

SISTO YRIGOYEN. [Rubrica.]  
FRANCISCO GARCIA Y SN. JUAN. [Rubrica.]

Asistencia:

FRANCISCO BARRON.  
MAQUINO CASTAÑEDA. [Rubrica.]

La declaracion del testigo D. Francisco Rascon tomada ante mi el C. Sisto Yrigoyen, alcalde 1º y juez de 1ª instancia de esta villa del Paso en el Estado de Chihuahua, republica Mejicana, para que sea bida ante el honorable Wm. Pelham, agrimensor general del Territorio de Nuevo Mejico, en conocimiento de un reclamo hecho por los herederos de D. Antonio Ortiz, sobre una concesion de tierra en el Rio de Gallinas en el Territorio de Nuevo Mejico. Un veraz y competente testigo ahora ha comparecido, y ha sido juramentado y depuso sobre su juramento lo siguiente:

1ª Pregunta: Conoce V. á los herederos de D. Antonio Ortiz? Dijo: que si los conoce.

2ª Pregunta: Llame ó diga los nombres de estos, y el lugar de su residencia? Dijo: que se llaman Ramon Ortiz, Barbara Ortiz, Ana Mª Ortiz, Rosario Ortiz, Refugio Ortiz, y Josefa Ortiz, los cuales residen en la villa del Paso referida, esceptuando á Doña Josefa Ortiz, que reside en Santa Fé de N. M., y Doña Barbara Ortiz, que es muerta.

3ª Pregunta: Si sabe V. alguna cosa respeto á la ocupacion de D. Antonio Ortiz, cuando vivia, ó si estuvo situado en el Rio de las Gallinas en el Nuevo Mejico, sirvase manifestarlo? Dijo: que sabe que tuvo rancho, propiedades, y bienes, y que lo poseyó.

4ª Pregunta: Si sabe la causa ó porque D. Antonio Ortiz dejó dicho sitio, que lo diga, así como la razón ó motivo que lo condujo á dejarlo? Dijo: que lo dejó compelido de las incursiones de los enemigos bárbaros. Sisto Yrigoyen, alcalde 1º y juez de 1ª instancia, arriba mencionado por el presente certifico, que la antecedente declaracion ha sido tomada por mi y en mi oficina hoy dia 13 de Julio de 1857; que el referido testigo firmó la antecedente declaracion en mi presencia, y fué legalmente juramentado para la verdad de lo mismo, conmigo el presente juez y los de mi asistencia. Doy fé.

SISTO YRIGOYEN. [Rubrica.]  
FRANCISCO RASCON. [Rubrica.]

Asistencia:

F. BARRON.  
MAQUINO CASTAÑEDA. [Rubrica.]

PASO, *Julio 13 de 1857.*

Estando tomadas las antecedentes declaraciones, entre que sele originales al que las solicitó D. Ramon Ortiz para los usos que crea necesario, en defensa de sus derechos, y el de sus hermanos. El 1° juez 1° ya mencionado asi lo decretó y firmó contestigos de asistencia, con quienes actua por falta de escribano publico segun la ley. Doy fé.

SISTO YRIGOYEN. [Rubrica ]

Asistencia :

F. BARRON.

MAQUINO CASTAÑEDA. [Rubrica.]

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No. 9.

CONSULATE OF THE UNITED STATES,  
*Paso del Norte, Mexico, July 13, 1859.*

I, the undersigned, consul of the United States of America, residing at Paso del Norte, republic of Mexico, do hereby certi y that the foregoing are the true and genuine signatures of Sisto Yrigoyen, justice of the peace of this place, and as such entitled to full faith and credit.

Given under my hand and the seal of my consulate, at Paso del Norte, this 13th day of July, A. D. 1859, and of the independence of the United States the eighty-first.

DAVID R. DIFFENDERFFER,  
*Consul.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, November 24, 1860.*

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

J. HOWE WATTS,  
*Translator.*

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No. 5.

Seal third.—Four reals.

Years of one thousand eight hundred and fifty-six and fifty-seven.

REPUBLIC OF MEXICO,  
*State of Chihuahua, City of El Paso.*

The deposition of the witness Don Francisco San Juan, taken before me, Sisto Yrigoyen, citizen, first alcalde and judge of original jurisdiction of this town of El Paso, in the State of Chihuahua, republic of Mexico, to be read as legal evidence before the honorable William

Pelham, surveyor general of the Territory of New Mexico, in cognizance of a claim made by the heirs of Don Antonio Ortiz to a grant of land on the Rio Gallinas, in the Territory of New Mexico. A true and competent witness has now been sworn, and, upon his oath, deposes as follows:

Question 1. Are you acquainted with the heirs of Don Antonio Ortiz?

He replied: I do know them.

Question 2. Call over and state their names and place of residence.

He replied: Ramon Ortiz, Barbara Ortiz, Ana Ma. Ortiz, Rosario Ortiz, Refugio Ortiz, and Josefa Ortiz, who reside in the town of El Paso aforesaid, except Doña Josefa Ortiz, who resides in Santa Fé, and Doña Barbara Ortiz, who is dead.

Question 3. If you know anything in regard to the occupation by Don Antonio Ortiz during his lifetime, or if he was established upon the Gallinas river, in New Mexico, please state it.

He replied: That he had a rancho, property and goods, and that he possessed it.

Question 4. If you know the cause or reason why Don Antonio Ortiz abandoned said grant, please so state it, as the reason or motive which induced him to abandon it.

He replied: That he abandoned it, being compelled by the incursions of the barbarous enemies.

I, Sisto Yrigoyen, the above-mentioned first alcalde and judge of original jurisdiction, hereby certify that the foregoing deposition was taken before me, and in my office, this 13th day of July, A. D. 1857; that the said witness signed the foregoing deposition in my presence, and was duly sworn to tell the truth in the same, with me, the present judge, and those of my assistance.

SISTO YRIGOYEN. [Rubric.]  
FRANCISCO GARCIA Y SAN JUAN.

Assisting:

FRANCO. BARRON.

MARQUINO CASTAÑEDA. [Rubric.]

The deposition of the witness Don Francisco Rascon, taken before me, Sisto Yrigoyen, citizen, first alcalde and judge of original jurisdiction of this town of El Paso, in the State of Chihuahua, republic of Mexico, to be read as legal evidence before the honorable William Pelham, surveyor general of the Territory of New Mexico, in cognizance of a claim made by the heirs of Don Antonio Ortiz to a grant of land upon the Gallinas river, in the Territory of New Mexico. A true and competent witness now appears, and having been sworn, upon his oath, deposes as follows:

Question 1. Are you acquainted with the heirs of D. Antonio Ortiz?

He replied: I do know them.

Question 2. Call them over and state their names and their residences.

He replied: Their names are Ramon Ortiz, Barbara Ortiz, Ana Ma. Ortiz, Rosario Ortiz, Refugio Ortiz, and Josefa Ortiz, who reside



in the town of El Paso aforesaid, excepting Josefa Ortiz, who resides in Santa Fé, New Mexico, and Doña Barbara Ortiz, who is dead.

Question 3. If you know anything in regard to the occupation by Don Antonio Ortiz during his lifetime, or if he was established upon the Gallinas river in New Mexico, please state it.

He replied: I know that he had a ranch, property and goods, and possessed it.

Question 4. If you know the cause or reason why Don Antonio Ortiz abandoned said grant, so state it, as the reason or motive which induced him to abandon it.

He replied: That he left it, being compelled by the incursions of the barbarous enemies.

I, Sisto Yrigoyen, the above-mentioned first alcalde and judge of original jurisdiction, hereby certify that the foregoing deposition was taken before me, and in my office, this 13th day of July, A. D. 1857; that the said witness was legally sworn to tell the truth in the same, and signed the foregoing deposition in my presence, with me, the present judge, and those of my assistance. I testify.

SISTO YRIGOYEN.

[Rubric.]

FRANCISCO RASCON.

[Rubric.]

Assisting:

F. BARRON.

[Rubric.]

MAQUINO CASTAÑEDA.

[Rubric.]

PASO, July 13, 1857.

The foregoing depositions having been taken, the originals are delivered to Don Ramon Ortiz, who solicited them, for the uses he may think necessary in the defence of his own and his brothers' rights. I, first judge aforesaid, so have decreed, and signed with my assisting witnesses, with whom I act, in the absence of a notary public, according to law. I certify.

SISTO YRIGOYEN. [Rubric.]

Assisting:

F. BARRON.

[Rubric.]

MAQUINO CASTAÑEDA.

[Rubric.]

CONSULATE OF THE UNITED STATES,  
*Paso del Norte, Mexico, July 13, 1857.*

I, the undersigned, consul of the United States of America, residing at Paso del Norte, republic of Mexico, do hereby certify that the foregoing are the true and genuine signatures of Sisto Yrigoyen, justice of the peace of this place, and as such entitled to full faith and credit.

Given under my hand and the seal of my consulate, at Paso del Norte, this 13th day of July, A. D. 1857, and of the independence of the United States the eighty-first.

DAVID R. DIFFENDERFFER,

*Consul.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, N. M., November 24, 1860.*

I certify the foregoing to be a translation of the original Spanish on file in this office.

J. HOWE WATTS,  
*Translator*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

No. 6

DECISION.

*Grant to Antonio Ortiz.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 21, 1860.*

This grant, filed June 19, 1857, the original grant being in the archives of this office, was called up for investigation November 8, 1860. Antonio Ortiz, December, 1818, petitioned the governor of the province of New Mexico, Melgares, for a grant of land, situate on the Gallinas, bounded as follows: On the north, the cañon of Aguilar; on the south, the road going to Las Conchas; on the east, the small tablelands of Las Conchas; and on the west, the cañon of Lauriano, which lands are in the county of San Miguel. The petition of said Antonio Ortiz having passed the usual forms of law, the governor, Melgares, on the 28th of June, 1819, issued his decree, placing Ortiz in possession of the land, with all the formalities to give legitimate and valid possession to the grant.

From the testimony taken in relation to this grant, it is fully established that the original claimant, Antonio Ortiz, occupied, with his stock, and did business upon the lands specified in the grant, and continued the occupancy of said lands until compelled to leave in consequence of the hostilities of the Indians.

The nature of this grant is perfect, in the opinion of this office, there being no discrepancy in the action of any of the functionaries who executed the same. The authority of the granting power is unquestionable; the governor, under the usages of the Mexican government, was vested with full authority to execute grants of land. Under the treaty of Guadalupe Hidalgo, between the United States and Mexico, articles VIII and IX, every Mexican citizen is guaranteed his rights, civil and religious, and the protection of his property is made inviolably sacred.

Therefore, viewing this case in all its points, this office is of opinion that this grant is a *perfect one*, and that the children and heirs-at-law of Antonio Ortiz, deceased, original claimant, are entitled to the full possession and enjoyment of the lands petitioned for; and this office would most respectfully recommend to the Congress of the United States the confirmation of this grant.

A. P. WILBAR,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

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CLAIM No. 43.

No. 1.

Sello tercero. [SEAL.] Dos reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

Ciudadano alcalde primero. Los C. C. José Francisco Ortiz, é Ygnacio Cano, residentes en este real, ante V. en debida forma, se presentan y dicen; que en el nombre de la nacion Mejicana que Dios guarde registran una veta nueva, está en la Sierra del Oso, á espaldas de la mina del compromiso al poniente; su rumbo de Sur á Norte transversal á lo que ponemos por nombre Santa Rosalia, y ofrecemos trabajar por plata, oro, cobre, ó lo que Dios fuere servido darnos, y suplicamos á V. se sirva este pedimiento presentacion con arreglo á las ordenanzas de Minería. Juramos no ser de malicia y lo necesario etc., Real de Dolores, Noviembre 15 de 1833. José Francisco Ortiz. Ygnacio Cano.

Santa Fé, Noviembre 29 de 1833. Los presentantes arreglandose al articulo 4° del tit. 6° de la ordenanza de minería darán á la mina que registran el poso de una y media varas de boca, y diez de profundidad, y avisaran inmediatamente para pasar á darles la posesion y titulo que ordena dicho articulo, recibiendo por de todo valor, el registro que á dicha mina hacen en forma por la presente instancia. Baca y Ortiz. Señor alcalde constitucional. José Francisco Ortiz é Ignacio Cano, ambos residentes en el Real de los Dolores, y descubridores de la mina Santa Rosalia, ante V. en toda forma se presentan y dicen; que habiendo dado entero cumplimiento al de creto de V. de 29 del pasado, y cumplido con lo que se previene á los trabajadores de minas en el articulo 4° del tit. 6° de la ordenanza de minería, pedimos como se nos ordena, se sirva V. pasar á dicha mina y darnos la posesion correspondiente conforme á la citada ordenanza, Juramos, &c. Real de los Dolores, 16 de Diciembre de 1833. José Francisco Ortiz.

Ignacio Cano. Santa Fé, Diciembre 18 de 1833. De conformidad con la anterior instancia, con lo dispuesto en el arto. 4° del tit. 6° de la ordenanza de minería, y lo que se previene en el artículo primero de dicho título, y los demas que hablan de posesion, nombrese por carecerse en este Territorio, á los testigos y Perito de entre los que pueden con mas aptitud desempeñar tales empleos, para pasar yo acompañado de ellos á dar la posesion que se solicita, en los terminos que previene el título octavo de la citada ordenanza en sus artículos 2°, 3°, 4°, y 6°. Asi lo prover, mandé, y firmé, con los de mi asistencia con quienes actuo por rectoria á falta de escribano público de que carece este lugar. Doy fé. Francisco Baca y Ortiz. Ass<sup>a</sup> Manuel Delgado. Ass<sup>a</sup> Dolores Jalomo. Real de los Dolores, Diciembre 18 de 1833 Cumpliendo con que se previene en el anterior decreto se nombra por mi el expresado alcalde 1° de la ciudad de Santa Fé y sus partidos, para Perito al Señor D. Damaso Lopez, para que haciendo lo que se previene en el artículo 4° del tit. 6° de la ordenanza de Minería, referida, cumpla con su deber conforme á la citada ley, asi lo provee, mandé, y firmé, por ante los de mi asistencia, de que doy fé. Francisco Baca Ortiz. Manuel Delgado. Ass<sup>a</sup> Dolores Jalomo. Inmediatamente mandé comparacer ante mi en cumplimiento del anterior decreto á D. Demaso Lopez, á quien le hizese saber el nombramiento que se hace de su persona, para Perito en la presente posesion, y habiendolo oido, dijo, que aceptaba y acepta, el expresado nombramiento, que protestaba desempeñar, hasta donde sus facultades le permitieran, firmandolo conmigo y los de mi asistencia, de que doy fé. Francisco Baca y Ortiz. Damaso Lopez. Ass<sup>a</sup> Manuel Delgado. Ass<sup>a</sup> Dolores Jalomo. In continente y por carecer de Escribano Publico en este Territorio, y para dar mas y mejor lleno á la ley de la materia, nombré como lo previene la última parte del artículo 4° del título 6°, para mis testigos de asistencia á los C. C. Marcelino Abreu y Nestor Armijo. Haciendo el 1° igualmente las veces de Escribano, y habiendolos comparecer al mismo tiempo para hacerles saber esta providencia despues de aceptar el referido nombramiento protestaron desempeñarlo del mejor modo posible, firmandolo conmigo los provisionales de mi asistencia. Francisco Baca Ortiz. Ass<sup>a</sup> Manuel Delgado. Ass<sup>a</sup> Dolores Jalomo. Ass<sup>a</sup> Marcelin Abreu. Ass<sup>a</sup> Nestor Armijo. Inmediatamente y en cumplimiento de todo lo practicado, y hallandonos presentes, yo el referido alcalde, los de mi asistencia, Perito é instrumentales, con el objeto de dar cumplimiento á la última parte del artículo 4° tit. 6° de la Ordenanza de Minería, hize al Perito nombrado D. Damaso Lopez reconocer y registrar la mina Santa Rosalia, que á nombre de la nacion Mejicana estaban pronto á poseer los C. C. José Francisco Ortiz é Ignacio Cano, y habiendolo hecho, resulto tener esta de poso, diez varas de hondo, vara y media de ancho ó diametro en la boca, una y siete ochavas el dechado ó recuesto en las diez varas al cual correspondieron conforme á la tarifa del artículo 7° tit. 8° de la misma ordenanza, siento dos varas de cuadra, que le dieron en la forma siguiente; para el bajo de la veta, rumbo al oriente en la ladera del arroyo, quince varas, y para el alto de la misma, rumbo al poniente, ochenta y siete varas, inmediatamente se pas poró mi, los de mi asistencia y el perito á posecionar á los interesados que les concede el artículo 1° del tit. 6° referido midiendoles para la parte del Norte desde la boca de la misma, ochenta

varas, que alcanzaron á formar lindero en la testera del Sur de la mina del Santo Niño que trabajan Dolores Jalomo y Compañía, y por la parte del Sur quinientas veinte varas, que unidas á las ochenta ya citadas hacen las seiscientas de las tres pertenencias que les toca como descubridores; concluido este acto hizieron presente los interesados, que como es de derecho y previenen las leyes, solicitaban en forma se les diera con arreglo á ellas mismas, las aguas y ejidas necesarias para el movimiento de las maquinas, y pasteo de los animales que han de trabajar en la hacienda ó haciendas de la mina de que han sido poseionados, siendo esta posesion como era regular, y de justicia, sin perjuicio de tercero, y solamente para evitar en ella la tola que pudieran hacer los ganados menores y mayores de los hacenderos de este Territorio ó cuales quier otro. Oida la justicia con que pedian los egidos y aguas ya citadas, y viendo que las leyes mismas se los conceden, como se vé por el artículo 3º del tit. 13º de la Ordenanza de Minería, en cumplimiento del cual se les dió por mi el espresado alcalde, y á nombre de la adgusta nacion Mejicana, para aguajes con que mover las maquinas, el ojo del oso, Contiguo á la casa de D. José Francisco Ortiz, y los demas que encierren los ejides que se les donen al rumbo del oriente, y para ejides de pasteos dos leguas por cada uno de los qualro rumbos de la mina. Concedida esta gracia, y dada la posesion que se refiere, se paseó por el patio de la mina á los interesados, les hize tirar piedras por todos rumbos en seña de posesion, se clavaron estacas, se pusieron las mojoneras correspondientes, y se les estendió copia de las presentas diligencias, que les servirán de patente para su resguardo, como lo previene la ley segun la ordenanza; firmando esta conmigo los de mi asistencia, Perito é interesados de que doy fé. Francisco Baca Ortiz. Ass<sup>a</sup> Marcelino Abreu. Ass<sup>a</sup> Nestor Armijo. Perito. Damaso López. José Francisco Ortiz e Ignacio Cano Real de los Dolores, Diciembre 18 de 1833. De conformidad con la última parte de la diligencia anterior dese copia legalizada, autorizada, fiel y legalmente sacada, de todo lo actuado á los C. C. José Francisco Ortiz é Ignacio Cano, para su satisfaccion y resguardo. Asi lo decreté, mandé, y firmé, por ante los de mi asistencia, de que doy fé. Francisco Baca Ortiz. Ass<sup>a</sup> Marcelino Abreu. Ass<sup>a</sup> Nestor Armijo. Razon. Se dan por concluidas las presentes diligencias en cuatro y media fojas útiles, las que se archiverán en el juzgado 1º de mi cargo, y para la debida constancia, puse esta razon que rubiqué. Rubricado. Derechos, por los de posesion, patente, y escrito; veinte y cinco pesos. I dem los de papel, cuatro reales nueve granos. Viático de ida y vuelta, el Señor Alcalde 1º, veinte pesos. I dem los del perito y testigos de asistencia, nueve pesos. Total derechos, cincuenta y cuatro pesos. Lo juro. Rubricado.

Es copia de su original fiel y legalmente sacada, legalizada, autorizada, y revisada, por ante mi y los de mi asistencia de que doy fé. Real de los Dolores, Diciembre 19, de 1833.

FRANCISCO BACA Y ORTIZ.

[Rubrica.]

Derechos con papel escrito y firmas, 6 pesos. Lo juro. [Rubrica.]

TERRITORY OF NEW MEXICO, *County of Santa Fé:*

I, John Henry Mink, clerk of the probate court, in and for this county of Santa Fé, certify that the foregoing copies and certificate are registered in the book of record kept for such purpose in this office.

In testimony whereof, not having a seal of office, my hand and [SCROLL.] scroll, in Santa Fé, this 29th day of December, 1853.

J. H. MINK, *Clerk.*

Conste por el presente documento haber vendido á D. José Francisco Ortiz teniente de milicia activa y encargado de este mineral, y Don Ignacio Cano residente en este Territorio, una veta de oro que que queda en el centro de la sierra á espaldas de este mismo mineral, por la cual se me entrego en moneda contante la cantidad de cien pesos, y para que puedan hacer use de ella como legitimos compradores y tengan la citada veta el derecho y fuerza debido en todo y cualesquier tiempo, doy el presente papel de venta, en el referido mineral de Dolores, á los diez y ocho dias del mes de Setiembre de 1833.

Á ruego de los otorgantes, José de Jesus Garcia y Rafael Alejo firmé como testigo, poniendo ellos su señal de cruz.

JOSÉ DE JESUS GARCIA.  
RAFAEL ALEJO.

Como testigo.

JOAQU'N SOMOHANO.

TERRITORIO DE NUEVO MÉJICO, *Condado de Santa Fé:*

Yo, Juan Enrique Mink, escribano de la corte de pruebas en y por el condado de Santa Fé, certifico que este papel de venta es copiado en el registro de tierras pagina 264, tenido por este fin en esta oficina.

Dado bajo mi mano y firma, no habiendo sello, hoy el día 28 de [SCROLL.] Diciembre de 1853.

J. H. MINK, *Escribano.*

## C. Alcalde 1° Constitucional.

José Francisco Ortiz é Ygnacio Cano, ambos conderecho bastante á la mina de oro que descubrieron y denunciaron en forma legal en el paraje del ojo del oso, ante V. como recuse oportuno se presentan y dicen ; que hallandose dicha mina con las diez varas de profundidad que previene el arreglamiento de mineria, y a mas haber cumplido con todos y cada uno de los requisitos que el mismo previene, se ha de servir V. prévias las formalidades necesarias, ponerlos en legal posesion, pues de hacerlo asi se obsequian las leyes y se cumple con la justicia que impetramos.

Juramos, &c.—Santa Fé, Noviembre 14 de 1833.

Otro sé. Acompañmos las piedras conforme al mismo reglamento.

TERRITORIO DE NUEVO MÉJICO, *Condado de Santa Fé:*

Yo, Juan Enrique Mink, escribano de la corte de pruebas del condado de Santa Fé, certifico haber copiado el antecedente documento en el registro de tierras, pagina 264 y 265, tenido por este fin en esta oficina de mi cargo.

En testimonio de lo cual, no habiendo sello, mi nombre y firma, hoy Santa Fé el dia 28 de Diciembre de 1853.

J. H. MINK, *Escribano.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, November 24, 1860.*

The foregoing is a correct copy of the original on file in this office.  
J. HOWE WATTS, *Translator.*

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No. 2.

CITIZEN FIRST ALCALDE: The citizens José Francisco Ortiz and Ignacio Cano, residents of this mining town, appear before you in due form, and say: That in the name of the Mexican nation, which may God preserve, they register a new vein, which is in the Oso mountain, in the rear of the compromise mine, to the west, its direction running across from north to south, to which we give the name of Santa Rosalia, and we promise to work it for silver, gold, copper, or whatever God may be pleased to grant us, and we pray that you may please to provide for this petition in accordance with the ordinances on mining. We swear that this is not done in fraud, but is what is necessary, &c., &c. Real de Dolores, November 15, 1833. José Francisco Ortiz, Ignacio Cano. Santa Fé, November 29, 1833. The appearers, in compliance with article 4th of title 6th of the mining ordinance, shall give to the mine a shaft of one and a half vara at the orifice by ten varas in depth, and furnish immediate notice of the fact, in order that I may proceed to give them the possession and title prescribed by said article; the registry which they make of said mine, in due form by the present application, being admitted as of full validity. Baca y Ortiz. To the constitutional alcalde: José Francisco Ortiz and Ignacio Cano, both residents of Real de los Dolores, and discoverers of the mine Santa Rosalia, before you in due form appear and say: That having fully complied with your decree of the 29th of the past, and also complied with the provisions set down for the workers of mines, in the 4th article of the 6th title of the mining ordinance, we request, as therein directed, that you be pleased to repair to said mine and give us due possession in accordance with said ordinance. We swear, &c., &c. Real de los Dolores, December 16, 1833. José Francisco Ortiz, Ignacio Cano. Santa Fé, December 18, 1833. In conformity with the foregoing application, and the provisions of article 11, title 6, of the mining ordinance, as well as those of article 1 of said title, and of all others that treat of possession, let witnesses and an expert (none existing officially in this Territory) be appointed from among those who may, with greater fitness, discharge such duties, in order that, accompanied by

them, I may proceed to give the possession solicited, in the manner provided by title 8 of the said ordinance, in its 2d, 3d, 4th, and 6th articles. Thus have I provided, ordered, and signed, with my assistants, with whom I act as receiver, and in default of a notary public, there being none in this place. I certify, Francisco Baca y Ortiz. Assistant, Manuel Delgado. Assistant, Dolores Jalomo. Real de los Dolores, December 18, 1833. In furtherance of the provisions of the preceding decree, I, the aforesaid first alcalde of the city of Santa Fé and its jurisdiction, do appoint, as expert for the present possession, Señor Don Damaso Lopez, in order that, acting up to the provision of article 4, of title 6, of the mining ordinance referred to, he may discharge his duty in accordance with said law. Thus have I provided, ordered, and signed, in presence of my assistants, which I hereby certify. Francisco Baca Ortiz. Manuel Delgado. Assistant, Dolores Jalomo. Thereupon, in furtherance of the forementioned decree, I directed D. Damaso Lopez to appear before me, and acquainted him with his appointment as expert in the present possession; and upon hearing thereof he said that he accepted, and does accept, the said appointment, of which he declared he would discharge the duties to the extent of his ability, signing this with me and my assistants, which I certify. Francisco Baca y Ortiz. Damaso Lopez. Assistant, Manuel Delgado. Assistant, Dolores Jalomo. There being no public notary in this Territory, and in order to give greater and fuller effect to the law in the premises I appointed, in compliance with the last clause of article 4 of title 6, the citizens Marcelino Abreu and Nestor Armijo as my assistant witnesses. Having made them at the same time appear before me, the former acting in the capacity of scribe, to acquaint them with this provision, they, after accepting the said appointment, declared that they would discharge its duties in the best possible manner, subscribing with me and with those procured for my assistance. Francisco Baca Ortiz. Assistant, Manuel Delgado. Assistant, Dolores Jalomo. Assistant, Marcelino Abreu. Nestor Armijo. Immediately and in furtherance of the foregone proceedings, I, the aforesaid alcalde, the witnesses, the expert, and the assistants being present for the purpose of carrying out the last clause of article 4, of title 6, of the mining ordinance, caused said appointee, expert, D. Damaso Lopez, to identify and examine the mine, Santa Rosalia, of which citizens José Francisco Ortiz and Ignacio Cano were ready to take possession in the name of the Mexican nation; and he having so done, it appeared that the shaft of said mine was ten varas in depth, a yard and a half in width or diameter at the orifice, one and seven-eighths vara in the declivity, or slope, of the ten varas, with which, in conformity with the standard of article 7th, title 8th, of said ordinance, tallied one hundred and two varas square, which were distributed in the manner following: for the bottom of the vein to the east, on the slope of the creek, fifteen varas, and for the top of the same, to the west, eighty-seven varas. Thereupon I, with my assistants and the expert, proceeded to put the parties interested in possession of the three continuous dependencies conceded to them by article 1st of the 6th title referred to, measuring out to them on the north, from the orifice of the mine, eighty varas, sufficient to



form a boundary fronting the south, from the mine of Santo Niño, which Dolores Jalomo & Co. are working, and in the southern direction five hundred and twenty varas, which, added to the eighty already mentioned, make up the six hundred of the three dependencies which accrue to them as discoverers. This formality being closed, the parties represented that, in virtue of their right and the provisions of law, they formally asked to be invested, in conformity with those laws, with the privilege of necessary water supplies and issues, for the working of machinery and the pasturage of the cattle that are to work on the farm or farms of the mine, of which they have been put in possession, this possession being, as it should be, according to law and justice, without any detriment to third persons, and for the purpose only of avoiding the injury which might be caused to the mine by the stock, sheep or cattle, of the farmers of this or any other Territory. Considering the justice of their claim to the commons and waters already mentioned, and seeing that they are granted to them by the laws themselves as appears by article 3d of title 13th of the mining ordinance, I, the aforesaid alcalde, in compliance therewith, and in the name of the august Mexican nation, granted to them, as water-supply to work their machinery, the Oso spring, contiguous to D. Jose Francisco Ortiz's dwelling, as well as other springs, which may be included within the limits of the commons, which may be granted to them in the direction of the east, and as pasture commons, two leagues for each of the four cardinal points of the mine. This grant being made and possession given as aforesaid, we walked through the open space of the mine, and I caused the parties interested to throw stones in every direction, in token of possession; stakes were driven down, and the necessary landmarks set up; a copy of the present proceedings was furnished to them, to serve as a title for their immunity, as is provided by law, according to the ordinance; my assistants, the expert, and the parties subscribing this with me, which I hereby certify. Francisco Baca Ortiz. Assistant, Marcelino Abreu. Assistant, Nestor Armijo. Expert, Damaso Lopez. José Francisco Ortiz, and Ignacio Cano. Real de los Dolores, December 18, 1833. In compliance with the last portion of the foregoing proceeding, let an exemplified and authenticated copy of all that has been done, faithfully and lawfully made out, be furnished to citizens José Francisco Ortiz and Ignacio Cano, for their satisfaction and security. Thus did I decree, order, and subscribe, in presence of my assistants, which I certify. Francisco Baca Ortiz. Assistant, Marcelino Abreu. Assistant, Nestor Armijo. Note: the present proceedings are concluded on four and a half lawful pages, which shall be filed in the first justice's office, under my charge, and in due testimony thereof I appended this note with my rubric attached. Rubric fees, for those of possession, patent, and writings, twenty-five dollars. Charge for paper, four rials and nine grains. Travelling expenses of the alcalde, going and returning, twenty dollars. Those of the expert and of the assisting witnesses, nine dollars. Total of fees four and fifty dollars. I swear to it. Rubric. The foregoing is a copy of the original, faithfully and lawfully drawn up, legalized,

authenticated, and revised, in the presence of myself and of my assistants, which I certify.

FRANCISCO BACA Y ORTIZ.

[Rubric.]

Fees, written paper and signatures, six dollars. I swear.

TERRITORY OF NEW MEXICO, *County of Santa Fé*:

I, John Henry Mink, clerk of the probate court in and for this county of Santa Fé, certify that the foregoing copies and certificate are registered in the book of record kept for such purpose in this office. In testimony whereof, not having a seal of office, my hand and scroll in Santa Fé this 29th day of December, 1853.

J. H. MINK, *Clerk*.

Be it known by the present document to have sold, to Don José Francisco Ortiz, a lieutenant of the active militia in charge of this mining town, and to D. Ignacio Cano, a resident of this Territory, a vein of gold, which lies in the centre of the mountain, in the rear of said town, in consideration of which was delivered to me, in cash, the sum of one hundred dollars; and in order that they may use it, as its lawful purchasers, and possess over said vein their rights and due power, I give the present document of sale, at the aforesaid mining town of Dolores, on the 18th day of the month of September, 1833.

At the request of the venders, José de Jesus Garcia and Rafael Alejo, I subscribed as witness, they affixing their sign of the cross.

JOSÉ DE JESUS <sup>his</sup> + GARCIA.  
mark.

RAFAEL <sup>his</sup> + ALEJO.  
mark.

As witness:

JOAQUIN SOMOHANO.

TERRITORY OF NEW MEXICO, *County of Santa Fé*:

I, John Henry Mink, clerk of the court of probate, in and for the county of Santa Fé, certify that this deed of sale is copied in the registry of lands, page 264, kept for the purpose in this office.

Given under my hand and signature, not having a seal of office, [SCROLL.] this twenty-eighth day of December, 1853.

J. H. MINK, *Clerk*.

*To the citizen first constitutional justice:*

José Francisco Ortiz and Ignacio Cano, both with ample right to the gold mine which they have discovered within the precincts of the Oso, and which they have in legal form denounced, appear before you as the proper authority and say: that said mine being ten varas in depth as prescribed by the mining regulation, and they having, moreover, complied with each and all of the requirements laid down in said regulation, you will be pleased, after the necessary formalities, to put them in legal possession of said mine and its dependencies,

since thus doing is in subservience of the laws and fulfilment of that justice for which we apply.

We swear, &c., Santa Fé, 14th of November, 1833.

*Further proceeding.*

We transmit herewith the specimen stones in conformity with said regulation.

TERRITORY OF NEW MEXICO, *County of Santa Fé :*

I, John Henry Mink, clerk of the probate court of Santa Fé county, certify that I have copied the foregoing document in the land record, pages 264 and 265, kept for that purpose in this office.

In testimony whereof, having no seal of office, witness my name and sign manual, Santa Fé, the 28th day of December, 1853.

J. H. MINK, *Clerk.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, November 24, 1860.*

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

J. HOWE WATTS,  
*Translator.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

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No. 3.

Know all men by these presents, that I, Maraquita Montoya, widow and sole heir of José Francisco Ortiz, deceased, of the county of Santa Fé, Territory of New Mexico, in consideration of the sum of one thousand one hundred dollars, to me paid by John Greiner, of the county and Territory aforesaid, the receipt whereof I do hereby acknowledge, do by these presents give, grant, bargain, sell, and convey unto the said John Greiner, his heirs and assigns, a certain parcel of land, on which is a gold mine, known by the name of Santa Rosalia, situated in the Real de Dolores, in the county of Santa Fé aforesaid; the vein of said mine traversing from north to south the mountain called Oso, and bounded and described as follows, to wit: measuring from east to west, under the said vein, 15 varas; measuring south from the mouth of the mine 80 varas, to the southern boundary of the mine formerly known by the name of Santa Niño, and now owned by said John Greiner and others, and measuring five hundred and twenty varas; also a certain house situated near said mine, now occupied by Juan

Ortiz as tenant at will ; also the Oso spring, situated near said house, with all the privileges of the water for watering place, and use of machinery in the working of said mine, and also right of commons and pasture for the distance of two leagues, measuring from the mine to all the cardinal points of the compass ; being the same right, title, interest, and privileges conveyed, according to the mining laws of the republic of Mexico, by Francisco Baca y Ortiz, alcalde of the district of Santa Fé, to said José Francisco Ortiz and Ignacio Cano, under date of the 19th day of December, A. D. 1833 ; and the right, title, and interest of the said Ignacio Cano was conveyed by him to the said José Francisco Ortiz, under date of the eighteenth day of September, A. D. 1833, to which documents reference is hereby made for a more full description of the property herein conveyed, together with all the privileges and appurtenances to the said land in anywise appertaining and belonging : to have and hold the above granted premises to the said John Greiner, his heirs and assigns, to his and their use and behoof forever. And I, the said Maraquita Montoya, for myself, my heirs, executors, and administrators, do covenant with the said John Greiner, his heirs and assigns, that I am lawfully seized in fee of the aforegranted premises, and they are free from all incumbrances ; that I have good right to sell and convey the same to the said John Greiner as aforesaid, and that I will, and my heirs and executors shall, warrant and defend the same to the said John Greiner, his heirs and assigns forever, against whatsoever.

In testimony whereof, I have hereunto set my hand and seal this twenty-sixth day of December, A. D. 1853.

MARAQUITA <sup>her</sup> + MONTROYA. [L. s.]  
mark.

Signed, sealed, and delivered in the presence of—

J. HOUGHTON.

RAFAEL ROMERO.

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, Maraquita Montoya, who is personally known to me to be the person whose name appears signed to the foregoing deed of conveyance, and acknowledged the same to be her voluntary act for the purposes therein mentioned.

[L. s.] In testimony whereof, I have hereto set my hand and seal of office this 26th day of December, A. D. 1853.

L. D. SHEETZ, *Clerk.*

TERRITORY OF NEW MEXICO, *County of Santa Fé :*

I, John Henry Mink, clerk of the probate court in and for the county of Santa Fé, certify that the foregoing deed of conveyance is this day registered on the pages 272, 273, and 274 of the book of records kept for such purpose in the office of said court.

In testimony whereof, and not having a seal of office, I have hereunto set my hand and scroll this 29th day of December,  
[SCROLL.] 1853.

J. H. MINK, *Clerk.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, N. M., November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

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No. 4.

This indenture, made the nineteenth day of August, in the year one thousand eight hundred and fifty-four, between John Greiner, late of the Territory of New Mexico, but at present in Columbus, Ohio, and Laura, his wife, of the first part, and Elisha Whittlesey, Charles E. Sherman, Joseph J. Walker, and Ferdinand W. Risque, all of the city of Washington, in the District of Columbia, Abraham Rencher, of North Carolina, Nathaniel N. Miller, of the State of Virginia, and Andrew J. O'Bannon, of the same State, of the second part:

Whereas the said John Greiner, under an agreement dated the 23d day of August, eighteen hundred and fifty-three, purchased and acquired the lands, mines, and hereditaments in said Territory of New Mexico hereinafter mentioned and described, in trust for the said parties hereto of the second part, and also for Sam'l F. Vinton and himself, he and they being each interested in one undivided ninth part thereof, and the same have been conveyed to him individually, and are now held by him in trust for them, as aforesaid; and whereas the said Vinton hath sold his ninth in said premises unto the said Abraham Rencher, and said John Greiner hath also sold one undivided moiety of the one-ninth to which he was entitled under said agreement to said Abraham Rencher, and the other moiety of his said ninth to said A. J. O'Bannon, so that said Rencher is now interested in and entitled to two-ninths and one-half of another ninth, and said O'Bannon in and to one-ninth and one-half of another ninth: Now, in order to vest the said lands, mines, and hereditaments in the said parties hereto of the second part, this indenture witnesseth: That, in consideration of the sum of one dollar, current money of the United States, to the said parties hereto of the first part in hand paid by the said parties hereto of the second part, at or before the execution of these presents, (the receipt whereof is hereby acknowledged,) they, the said parties hereto of the first part, have given, granted, bargained, sold, and conveyed, and by these presents do give, grant, bargain, sell, and convey, unto the said parties hereto of the second part, their heirs and assigns, as tenants in common, and not as joint tenants, a certain parcel of land, on which is situated a gold mine, known by the name of Santa Rosalia, being in the Real de los Dolores, in the county of Santa Fé, in the said Territory of New Mexico, the vein of the said mine traversing from north to south the mountain called Oso, and bounded and described as follows, to wit: measuring from east to west, under the said

vein, fifteen varas; measuring south (north?) from the mouth of the mine eighty varas, to the southern boundary of the mine, formerly known by the name of Santo Niño, and now owned by said John Greiner and others, and measuring five hundred and twenty varas; also a certain house situated near said mine, now occupied by Juan Ortiz, as tenant at will; also the Oso spring, situated near said house, with all the privileges of the water for watering place, and use of machinery in the working of said mine, and also right of commons and pasture for the distance of two leagues, measuring from the mine to all the cardinal points of the compass, (being the same premises which were conveyed to said John Greiner by Maraquita Montoya, widow and heir of José Francisco Ortiz, by deed dated the twenty-sixth day of December last, and recorded in the book of records of the probate court for said Territory, at pages 272, 273, and 274;) and also the undivided fourth part of the following described real estate lying and being in the said county of Santa Fé and Territory aforesaid, and near El Placer Viejo, being a gold mine, with the following described piece or parcel of land, to wit: bounded on the south by the mines of Francisco Ortiz; on the east by a deep hollow or run; on the north and west by high mountains, being the premises sold and conveyed (the undivided half part) by Thomas Biggs to A. W. Reynolds and Thomas S. J. Johnson, by deed dated the 16th day of April, A. D. 1850, and which said deed is recorded in the office of the secretary of the Territory, book B of deeds, page 239, and one-fourth part of said mine was conveyed by said Reynolds and Johnson to Francis J. Thomas, by deed bearing date the 29th day of November, A. D. 1850, which said deed is also recorded in the office of the secretary of the Territory, book B, page 259, and to which deeds reference is hereby made for a more full description of said premises, (being the same fourth which said Thomas, by his deed dated the 13th day of December last, conveyed to said John Greiner, and which deed is recorded in the book of records for said probate court, at pages 259-262;) and also the undivided fourth part of a certain piece or parcel of land situate at the Real de los Dolores, in the said county of Santa Fé, on which is a gold mine known as the mine of "Polvedera," or "Oro Menuda," at the mouth of the cañon in the Real de los Dolores aforesaid, together with all the rights, privileges, and appurtenances to the one-fourth part of said land and gold mine belonging, the said described premises being the same of which an undivided half part was conveyed by Stephen Davenport to A. W. Reynolds and said Thomas, by deed dated the 16th of July, A. D. 1850, which deed is recorded in the office of the secretary of said Territory, book B of deeds, page 244, and to which reference is hereby made for a more full description of said property, (and being the same which said Thomas, by his attorney, J. Houghton, conveyed to said Greiner by deed dated the twenty-ninth of December last, recorded in the book of records of said probate court, at pages 277, 278, and 279;) and also all the right, title, and interest, under any law of the United States, or of New Mexico, or otherwise, of the said John Greiner in and to that parcel of land containing one hundred and sixty acres, near the village of Las Truches, in the county of Rio Arriba, in the said Territory of New Mexico, taken possession

of by said John Greiner, and enclosed and built on, and now in the possession of Juan Dario Corrales, under an agreement with said Greiner, dated the tenth of December last, and being the same premises which are referred to in an official declaration made by Juan de la Cruz Montaga, Manuel Vigil, and José Ignacio Cruz, before Nicholas Montoya, together with all the rights, members, and appurtenances to the said several tracts of land, mines, and hereditaments belonging or appertaining. To have and to hold the same, and every of them, and every part thereof, unto the said parties hereto of the second part as aforesaid, in the shares and proportions following, that is to say: as to one undivided ninth part thereof, unto and to the use of Elisha Whittlesey, his heirs and assigns, forever; as to two undivided ninth parts, and one undivided moiety of another ninth part thereof, unto and to the use of the said Abraham Rencher, his heirs and assigns, forever; as to one other undivided ninth part thereof, unto and for the use of Ferdinand W. Risque, his heirs and assigns, forever; as to one other undivided ninth part thereof, unto and to the use of Nathaniel M. Miller, his heirs and assigns, forever; as to one other undivided ninth part thereof, unto and to the use of the said Joseph J. Walker, his heirs and assigns, forever; as to one other undivided ninth part thereof, unto and to the use of the said Charles E. Sherman, his heirs and assigns, forever; and as to the remaining one undivided ninth part thereof, and one undivided moiety of another ninth part thereof, unto and to the use of the said Andrew J. O'Bannon, his heirs and assigns, forever. And the said John Greiner doth hereby, for himself, his heirs, executors, and administrators, covenant and agree with the said parties hereto of the second part, their heirs and assigns, to warrant and forever defend the said lands, mines, and premises, and every of them, and every part thereof, with the appurtenances, by these presents, unto the said parties hereto of the second part, their heirs and assigns, against all persons whomsoever claiming or to claim by, from, through, or under him; and that he and his said wife, and all such persons shall and will, at all times hereafter, at the request and cost of the said parties hereto of the second part, their heirs or assigns, make, do, and execute all such further and other acts and deeds as shall be deemed necessary, the better and more effectually to convey the said lands, mines, and premises unto them as aforesaid. In witness whereof, the said parties hereto of the first part have hereunto set their hands and seals the day and year first above written.

JOHN GREINER. [L. s.]

LAURA GREINER. [L. s.]

Signed, sealed, and delivered, by the said John Greiner, in the presence of—(the date in the 13th line of the first page, and the words "widow and heir of José Francisco Ortiz," between the 27th and 28th lines of the 2d page, being previously made and altered).

WM. MINER,  
LEVERETT MINER.

Signed, sealed, and delivered, by the said Laura Greiner, in the presence of—

SALLY SMITH.

MARIA WILLEY.

Be it remembered that on this nineteenth day of August, in the year one thousand eight hundred and fifty-four, personally appears Laura, the wife of John Greiner, party to the foregoing deed, before me, William Miner, clerk of the circuit court of the United States, 7th circuit and district of Ohio, personally known to me to be the person whose name appears signed to the said deed, and acknowledged the same to be her act and deed, and being by me privately examined apart from and out of the presence and hearing of her husband, "whether she doth make her acknowledgment of the same willingly and freely, and without being induced thereto by fear or threats of, or ill usage by, her husband, or fear of his displeasure," acknowledges that she doth act freely; and the said John Greiner also acknowledged the same to be his act and deed for the purposes therein mentioned.

Taken and certified by and before me, at the city of Columbus, in the district of Ohio aforesaid, on the day and year above named.

In testimony whereof, I have hereunto set my name and affixed the [L. s.] seal of said court at the time and place mentioned.

WM. MINER, *Clerk.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,

*Surveyor General.*

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No. 5.

SANTA FÉ, *November 8, 1860.*

Your petitioners would most respectfully state to you, that during the year 1855, they filed in the office of the surveyor general of New Mexico, a statement, dated at Washington city, August 27, 1855, setting forth their names, the description of the lands granted, the area of the grant, and the nature of the claim, as will appear by reference to said paper, now on file and marked as exhibit D. Your petitioners further state, that at the same time they also filed, as evidence of their title, the original grant, marked as exhibit A; also a deed of conveyance from Maraquita Montoya to John Greiner, for the lands aforesaid, marked as exhibit B herein, and also a deed of conveyance from the said John Greiner to your petitioners to the lands aforesaid, marked as exhibit C herein. Your petitioners further state, that under and by virtue of an act of the legislative assembly of New Mexico, approved February 1, 1858, the said petitioners were made and constituted a corporation and body politic under the name and



style of the "New Mexico Mining Company," and as such are entitled to sue and be sued. Your petitioners further state that the grant now claimed by them, and set forth in document A, was made as far back as the year 1833; was made, as stated in said document, to José Francisco Ortiz and Ignacio Cano. Your petitioners further state that, on the 19th day of September, 1833, the said José Francisco Ortiz and Ignacio Cano purchased, upon the same tract of land, a mine of José de Jesus Garcia and Rafael Alejo, as will appear by reference to said document A. Your petitioners further state that, after going into the possession of, and working said mines for a short time, the said Ignacio Cano became dissatisfied, and sold all his interest in the said mines and land to the said José Francisco Ortiz, and was paid in full for the same, and said land and mines continued in the possession and occupancy of the said José Francisco Ortiz until his death. Your petitioners further state that the said José Francisco Ortiz, at his death, left no issue or collateral relatives, and the said property was inherited by his wife, the said Maraquita Montoya, who deeded the same to John Greiner, who deeded the same to your petitioners. Your petitioners further state that there was a written transfer by Ignacio Cano to José Francisco Ortiz of the right, title, and interest of the said Cano to the grant of lands and mines in document A mentioned, but by some accident said transfer has been lost or mislaid. Your petitioners further state that since the year 1833 the said property has remained in the quiet and peaceable possession of the said José Francisco Ortiz, the said Maraquita Montoya, and your petitioners, and no adverse title exists to said lands and mines known to your petitioners. Your petitioners further state that the lands and mines were purchased by them with the view of working them extensively, and to develop the mineral resources of the country, and they have gone to an expense of some twenty thousand dollars in the purchase and erection of the machinery requisite for successful mining; and your petitioners, in order that they may not be disturbed or molested in the prosecution of their business, ask that their title be examined and approved, and forwarded to Congress for final confirmation. Your petitioners further state that said lands and mines are situate in Santa Fé county. Your petitioners further state that at the date of the treaty of Guadalupe Hidalgo the said grant was held, occupied, and claimed by the said vendors of your petitioners as property; and whether the title was perfect or imperfect, legal or equitable, the right to a recognition and confirmation of the rights of your petitioners is clear and undoubted. All of which is respectfully submitted.

JOHN S. WATTS,  
*Attorney for Petitioners.*

Hon. A. P. WILBAR,  
*Surveyor General of the Territory of New Mexico.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

The foregoing is a true copy of the original on file in this office.  
A. P. WILBAR, *Surveyor General.*

No. 6.

THE NEW MEXICO MINING COMPANY }  
*vs.* } Petition for confirmation of title.  
 THE UNITED STATES.

*Brief of claimants.*

The vendors of the present claimants to the property set forth in document A went into the possession and enjoyment of the property therein mentioned on the 19th day of December, 1833. The title extended at that time was publicly made, paid for, and possession taken under it; valuable work and labor done on the property, and the peaceable and quiet possession under said title has continued without interruption from that date up to the present, being a period of twenty-seven years. It is to be presumed, in the absence of proof to the contrary, that the grant was made in due form, and by the proper person. In the capital of New Mexico under the eye of the public authorities, and relating to property within thirty miles of the capital, it is not natural to suppose that such acts were done by a public officer who had no right or authority to do them; and that his acts were legal and binding is clear and undoubted. But if the title had been invalid—which we deny—in its original inception, time, under the law of prescription, has vested in the claimants a perfect title.—(See Land Laws of California, vol. 2, pp. 734, 739. *Ib.*, vol. 1, p. 95.) Ignacio Cano and his heirs are without title to the grant, even if no sale had ever been made or transfer executed by him to Ortiz, for the simple reason that, after ten years' abandonment, any rights which he might have originally acquired became lost and void. To entitle the claimants to a confirmation of their title, all that is requisite for them to show is, that at the date of the treaty of Guadalupe Hidalgo a legal or equitable interest remained vested in the property in question; and if so, the United States are bound in good faith to uphold and protect it.—(Fremont *vs.* The United States, 17 Howard, p. 557.) That such equitable and legal interest both existed at the date of said treaty there can be no question. The title in this case is valid, should be confirmed, and recommended to Congress for confirmation. All of which is respectfully submitted.

J. S. WATTS,

*Attorney for Claimants.*

SURVEYOR GENERAL'S OFFICE,  
 Santa Fé, New Mexico, November 24, 1860.

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

A. P. WILBAR,

*Surveyor General.*

No. 7.

WASHINGTON, *August 27, 1855.*

SIR: The present claimants of the Ortiz grant submit for your consideration and decision the accompanying synopsis of that grant, giving the names of the original claimants, names of present claimants, description of the land, area and nature of claim, &c., all of which is briefly shown in the within tabular statement.

As this claim is clear and full, and all the formalities required by law have been strictly complied with, we request for it your early and favorable consideration.

With great respect, your obedient servants,

A. RENCHER.

ELISHA WHITTLESEY.

FERDINAND W. RISQUE.

ANDREW J. O'BANNON.

CHARLES E. SHERMAN.

N. M. MILLER,

By C. E. SHERMAN, *Attorney in fact.*

DAVID WALKER,

*Attorney and representative for Jos. T. Walker.*

WILLIAM PELHAM, Esq.,

*Surveyor General, Santa Fe, New Mexico.*

Names of original claimants.	Names of present claimants.	Description of land.	Area of grant.	Nature of claim.
José Francisco Ortiz and Ignacio Cano.	Elisha Whittlesey, Abraham Rencher, Ferdinand W. Risque, Nathaniel M. Miller, Joseph T. Walker, (rep.,) Charles E. Sherman, and Andrew J. O'Bannon.	Four leagues square; the mine being in the centre, and the boundaries running to the cardinal points.	Sixteen square leagues, or about 92,160 acres.	A mining and pastoral grant, and also a grant for water and agricultural purposes.

SURVEYOR GENERAL'S OFFICE,  
Santa Fé, New Mexico, November 24, 1860.

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

A. P. WILBAR,  
Surveyor General.

No. 8.

THE NEW MEXICO MINING COMPANY }  
vs. } Claim No. 43.  
THE UNITED STATES. }

*Depositions.*

JOAB HOUGHTON, being first duly sworn, upon his oath states :

Question 1. Please examine document "A," and state in whose possession you found it, and what examination you made of it.

Answer. I found this in possession of Maraquita Montoya, widow of José Francisco Ortiz, at the time of the negotiation which resulted in the purchase of said title from her by John Greiner. Being employed as attorney by John Greiner to examine into the sufficiency of the title, I examined these papers with the view of ascertaining the validity of the title.

Question 2. State if any other paper or document accompanied said title which is not now with them ; and if so, state what it was.

Answer. There was another paper in addition to these. It was a transfer, written upon one side of a sheet of paper, of Ignacio Cano, conveying all his right, title, and interest in the mine referred to in these documents to José Francisco Ortiz.

Question 3. Please state if document "B" was executed, as it purports to have been, and witnessed by you.

Answer. It was. The document is in my handwriting, and I obtained the acknowledgment as attorney.

Question 4. Is the said Maraquita Montoya, executing said deed "B," the same person in whose possession title papers "A" were found ?

Answer. She is.

Question 5. Are you acquainted with the handwriting of John Greiner ; and if so, is the signature to deed "C," now shown you, his genuine signature ?

Answer. I am acquainted with his handwriting, and have often seen him write, and this is his signature.

Question 6. Where is the property alluded to in these titles situated ?

Answer. It is situated in the Placer de Dolores, Santa Fé county, twenty-seven miles, in a southerly direction, from Santa Fé, generally known by the name of the "Old Placer."

Question 7. Since the execution of deed "B," in whose possession have the premises mentioned in said deed remained ?

Answer. First in the possession of John Greiner, and subsequently in the possession of the New Mexico Mining Company.

Question 8. Please state what improvements the New Mexico Mining Company have made upon the premises, and what arrangements they have made for working them.

Answer. They have placed upon the premises a quartz mill or crushing machine, driven by steam, and other machinery, for the purpose of crushing the ore and extracting the gold, at a cost of eighteen to twenty thousand dollars, including cost of labor, &c.

Question 9. Have you any interest in this case?

Answer. None.

J. HOUGHTON.

Subscribed and sworn to before me this ninth day of November, A. D. 1860.

A. P. WILBAR,  
*Surveyor General.*

FRANCISCO BACA Y ORTIZ sworn.

Question 1. Please examine document "A," and state if you are the same Francisco Baca y Ortiz who was alcalde in 1833, and executed and delivered document "A."

Answer. I am the same; I executed and delivered the copy which is paper "A," and went to the mines and put the parties in possession at the time referred to.

Question 2. Who was then governor?

Answer. Manuel Armijo was then military and political chief.

Question 3. Were these proceedings transacted by you with the knowledge and approbation of the governor?

Answer. It was done with his knowledge and approbation, and by his order.

FRANCO. BACA Y ORTIZ. [Rubric.]

Sworn to and subscribed before me this ninth day of November, A. D. 1860.

A. P. WILBAR,  
*Surveyor General.*

SAMUEL ELLISON sworn.

Question 1. Examine paper marked "A," now presented to you, and state when it was first shown to you, and what examination you made of it?

Answer. I first saw them in 1852 or 1853, and translated them for John Greiner during the negotiation for the purchase of the property mentioned in said documents.

Question 2. Was there with said papers an additional document not now found with them; and if so, state what it was.

Answer. There was a document of transfer from Cano to Ortiz along with said papers, transferring Cano's interest in said property to Ortiz.

SAMUEL ELLISON.

Sworn to and subscribed before me this ninth day of November, A. D. 1860.

A. P. WILBAR,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*

No. 9.

DECISION.

*Grant—Ortiz mine.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

This case was called up for examination on the 10th instant by counsel for present claimants, was carefully investigated by this office, and arguments heard from counsel. This grant of a mine is situate about twenty-five miles south of this city, in the Oso (Bear) mountain, and called "Santa Rosalia."

The original claimants, José Francisco Ortiz and Ignacio Cano, petitioned the first *alcalde* (magistrate) of Santa Fé, Territory of New Mexico, for a grant of registration to this mine, and on the 18th December, 1833, received possession in due course and form of law, according to article 4, title 6, Mining Ordinance, and the possession was given in the manner provided by title 8, said ordinance, 2d, 3d, 4th, and 6th articles, (Rockwell, p. 57,) and said grantees obligating themselves to "work it for silver, gold, copper, or anything else that God may be pleased to grant them."

The parties then, in legal form, and in accordance with the provisions of the laws, solicited a grant in accordance with the laws of the waters and the commons for the machinery and pastures. On this petition the *alcalde*, in the name of the Mexican nation, granted to said petitioners the *Oso* spring, and all the commons and pasture grounds within *two leagues*, measured from the mine to the four cardinal points.

There is a certificate of sale by José de Jesus Garcia and Rafael Alejo to José Francisco Ortiz and Ignacio Cano of a vein of gold which lies in the centre of the mountain, for the sum of one hundred dollars in hand paid. This is a complete statement of the case, the validity of which is to be now determined. Was the land of a character to be granted or not? This is clear; the land was public domain, and granted under the several ordinances on the question of mines.—(Rockwell, vol. 1.)

Had the grantor the power to make the grant? Francisco Baca Ortiz was first *alcalde*, and therefore had the power to make the

grant, this being a judicial matter.—(See Rockwell, page 177.) Registry is the basis of a title to a mine.—(Rockwell, vol. 1, p. 173.)

This office considers this to be a complete title, and falls under the treaty of Guadalupe Hidalgo of 2d February, 1848—complete because granted by the proper officer, as above stated, and in strict compliance to the Mining Ordinances and law on the subject. In the case of the United States *vs.* Perchman, Peters' Reports, it is held that "the people change their allegiance; their relations to their ancient sovereign are dissolved; but their relations to each other and their rights of property remain undisturbed." These principles are fully sustained in the decision of the Supreme Court, reported in 17 Howard, pages 525, 576.

The present claimants, A. Rencher, Elisha Whittlesey, Ferdinand W. Risque, Andrew J. O'Bannon, Charles E. Sherman, N. M. Miller, and Thomas J. Walker, received possession by deed from John Greiner and his wife Laura, and by deed bearing date the 26th December, 1853, the whole of this grant was conveyed to John Greiner.

This office is of opinion that the present claimants have a full and complete title, and therefore approves of this grant, and recommends its final confirmation to the Congress of the United States.

The testimony taken in this case goes to prove the continued occupancy of the land and the authenticity of the documents relative to the grant.

A. P. WILBAR,  
*Surveyor General.*

SURVEYOR GENERAL'S OFFICE,  
*Santa Fé, New Mexico, November 24, 1860.*

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

A. P. WILBAR,  
*Surveyor General.*



*Schedule, synoptical exhibit, and brief, to accompany report on private land claims in New Mexico.*

No.	Names of claimants.	No. of docs.	Documents composing claim.	When confirmed.	When transmitted.	Remarks.
41	Heirs of Pablo Montoya.....	6	1, grant—Spanish; 2, grant—translation; 3, petition to surveyor general; 4, amendment of petition; 5, testimony; 6, report.	November 20, 1860, ....	November 29, 1860.....	Filed April 11, 1856.
42	Heirs of Antonio Ortiz.....	6	1, grant—Spanish; 2, grant—translation; 3, petition to surveyor general; 4, testimony—Spanish; 5, testimony—translation; 6, report.	November 21, 1860.....	November 29, 1860.....	Filed June 19, 1857.
43	New Mexico Mining Company, (original claimants, Jose F. Ortiz and Ygnacio Cano.)	9	1, grant—Spanish; 2, grant—translation; 3, conveyance—Montoya to Cano; 4, conveyance—Greiner to New Mexico Mining Company; 5, petition to surveyor general; 6, brief of attorney; 7, synopsis and tabular statement of grant; 8, testimony; 9, report.	November 24, 1860.....	November 29, 1860.....	Received March 24, 1856.

A. P. WILBAR, *Surveyor General.*