

PRIVATE LAND-CLAIMS IN NEW MEXICO.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING

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

JANUARY 25, 1873.—Referred to the Committee on Private Land-Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 24, 1873.

SIR: Pursuant to the eighth section of the act of July 22, 1854, (10 Stat. 308,) I have the honor to transmit herewith, for the consideration of Congress, the reports of the surveyor-general of New Mexico on the following claims to lands in said Territory, "under the laws, usages, and customs of Spain and Mexico," viz:

- No. 63. The Caja del Rio tract.
- No. 64. The Mesita de Juana Lopez tract.
- No. 65. The Cajon del Rio de Tesuque tract.
- No. 66. The San Joaquin del Nacimiento.
- No. 67. The San Clemente tract, and
- The Indian Pueblo of Laguna reported as Pueblo claim S.

I am, sir, very respectfully, your obedient servant,
B. R. COWEN,
Acting Secretary.

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

Excerpt of land-grant to Nicolas Ortiz, being private land-claim reported as No. 63, for the Caja del Rio tract, in the Territory of New Mexico. Date of grant May 30, 1742. Granted by the United States surveyor-general November 21, 1872.

NICOLAS ORTIZ, DECEASED—CAJA DEL RIO GRANT.

Present claimants' notice to surveyor-general.

UNITED STATES OF AMERICA,
Territory of New Mexico, County of Santa Fé.

To the Hon. T. RUSH SPENCER,
*Surveyor-General in and for the Territory of New Mexico,
at Santa Fé, New Mexico:*

Your petitioners would respectfully state that, as long ago as the 18th day of June, 1742, one Captain Nicolas Ortiz Niño Ladron Guebara petitioned Governor Don Gaspar

Domingo de Mendoza for a grant of land at a place called La Caja del Rio, in Santa Fé County, New Mexico, and bounded as follows, to wit: on the east by the wide cañada west by Rio Grande, (called Del Norte at that time,) north by the large table-land standing in front of the cultivated lands of San Ildefonso, and south by the drainings of Santa Cruz. Your petitioners would further state that on the 30th of May, 1742, the said land was duly granted according to the laws, usages, and customs of Spain for the granting of lands in the province of New Mexico, to your petitioner's ancestor, Captain Nicolas Ortiz, and he was then and there put into the actual possession of said lands, in pursuance of said grant, by the justice of the peace of the vicinity, in conformity with his title and by order of the governor of said province. Your petitioners would further state that said land has never been surveyed and the quantity cannot be ascertained until surveyed; but the quantity is no more than the governor of said province was authorized by law to grant and Captain Nicolas Ortiz to receive and take possession. Your petitioners would further state that a small portion of said land, situated on the banks of the Rio Grande, is susceptible of cultivation, and the residue is only suited to the pasturage of flocks and herds of animals. Your petitioners would further state that ever since the original grant was made the said Captain Nicolas Ortiz and his descendants have lived upon and cultivated portions of said grant when the hostile Indians in the vicinity were sufficiently peaceable to justify, without great danger, its occupancy. Your petitioners would further state that said property has been recognized, claimed, and occupied by the said Nicolas Ortiz and his descendants for the space of one hundred and twenty-nine years without any adverse claim; and is not now occupied by any one under any title adverse to that of the descendants of Nicolas Ortiz, the original grantee, one of whose descendants now resides upon and cultivates said land. Your petitioners would further state that the boundaries of said grant are well known natural objects, easily found and identified; and in order to conform to the rules established, they herewith file a rough map of said grant, without undertaking to assert that or say it will be found entirely accurate. Your petitioners would further state that in proof of this grant they refer to the original grant on file in the office of the surveyor-general, No. 1078, 1742; and a sworn translated copy of said grant is herewith filed with this petition, numbered as exhibit A herein.

Your petitioners, Manuel Baca y Ortiz, Faustín Baca, Pablo Baca, Severano Baca, Dolores Baca, and Justo Baca, children of Guadalupe Ortiz, would state that they are descendants of the said Nicolas Ortiz, and reside in Las Vegas, San Miguel County, New Mexico, and with others are the present legal representatives of the said Nicolas Ortiz, the original grantee to said land. Your petitioners would further state that one Antonio Ortiz also is a descendant and legal representative of the said Nicolas Ortiz, and resides in the county of San Miguel, New Mexico. Your petitioners further state that one José Maria Ortiz was also a descendant and legal representative of said Nicolas Ortiz, but is now dead, leaving some heirs residing at San Ildefonso, Santa Fé County, whose names are at present unknown, but whose names, as soon as they can be obtained, are asked to be inserted in the record of this case as petitioners also. Your petitioners would further state that Ysidro Ortiz was an heir and legal representative of said Nicolas Ortiz, but he is dead, and left him surviving in Mora County, New Mexico, certain heirs whose names are at present unknown, but whose names, as soon as they can be ascertained, are asked to be inserted in the record of this case as petitioners. Your petitioners would further state that Alfonso Ortiz was also an heir and legal representative of said Nicolas Ortiz, and died at San Ildefonso, in Santa Fé County, New Mexico, leaving him surviving as his legal representative, Jesus Maria Sorano, now residing near San Ildefonso, in said county of Santa Fé, Territory of New Mexico, on the said grant. Your petitioners would further state that one Josefa Ortiz, a resident of Chihuahua, Mexico, is also a legal heir and representative of said Nicolas Ortiz, being a sister of Guadalupe Ortiz, who was a daughter of Francisco Ortiz, the son of José Ortiz, who was a son of Nicolas Ortiz, the original grantee to said tract of land.

Your petitioners would further state that they have here set forth all the heirs and legal representatives of the said Nicolas Ortiz, the original grantee, so far as known to them; and if others should be found to exist, and their names have been omitted, your petitioners ask that their names be inserted in this petition, prior to the final hearing of this case by the surveyor-general, as heirs and representatives also.

Your petitioners ask that the surveyor-general of New Mexico proceed to the investigation of this title, and if found legal, *bona fide*, and genuine, to confirm this grant to the legal heirs and representatives of Nicolas Ortiz, the original grantee, and forward it to the Commissioner of the General Land-Office, with a recommendation that it be confirmed by Congress.

Your petitioners would further state that this grant was made to Nicolas Ortiz, for long and faithful services as a soldier, and there being no notary within two hundred leagues of New Mexico, the governor made out the title himself, as appears by examination of the original title in the handwriting of the governor; it will also be seen that

all persons residing in the vicinity of this grant were called on in person, and made no objection to the grant.

Your petitioners would further state that, on the 17th of September, 1742, the said Nicolas Ortiz made his will in due form of law, in which he states that he was married to Juana Baca, and had three children, called Francisco Ortiz, Nicolas Ortiz, and Toribio Ortiz, to whom he left his property equally, this grant being mentioned and described in said will as his, and the will itself will be found, No. 647, in the archives of the province of New Mexico, now in the custody of the surveyor-general of New Mexico. Your petitioners would further state that it will appear that the legal heirs and representatives of Francisco Ortiz, Nicolas Ortiz, and Toribio Ortiz, are the rightful heirs of Nicolas Ortiz, to whom said grant was originally made; all of which is respectfully submitted.

JOHN S. WATTS,
For Claimants.

PETITION.

For confirmation of grant of land situated on the Rio Grande, south of San Ildefonso, Santa Fé County, made to Captain Nicolas Ortiz, 30th of May, 1742, title No. 1078, 1742, now claimed by the heirs and legal representatives of said Nicolas Ortiz, the original grantee, to wit: Manuel Baca y Ortiz, Faustín Baca y Ortiz, Pablo Baca y Ortiz, Severano Baca y Ortiz, Dolores Baca y Ortiz, Justo Baca y Ortiz, children of Guadalupe Ortiz, daughter of Francisco Ortiz, the son of José Ortiz, who was the son of Nicolas Ortiz, the original grantee; Antonio Ortiz, unknown heir of José Maria Ortiz, San Ildefonso; unknown heirs of Ysidro Ortiz, Mora; Jesus Maria Sevano, son of ——— Ortiz, San Ildefonso; Josefa Ortiz, Chihuahua.

JOHN S. WATTS,
Attorney for Claimants.

AMENDED PETITION.

UNITED STATES OF AMERICA, Territory of New Mexico, County of Santa Fé:

To the Hon. James K. Proudfit, surveyor-general of the Territory of New Mexico, holding session at Santa Fé, New Mexico, for the investigation of and report upon private land-claims in the Territory of New Mexico, under the 8th section of the act of Congress July 22, 1854, (vol. 13; Statutes at Large, page 309):

Your petitioners, by way of amendments to the original petition filed herein in the case of the heirs and legal representatives of Nicolas Ortiz, would respectfully state to the Hon. James K. Proudfit, surveyor-general of the Territory of New Mexico, that the said Nicolas Ortiz prior to his death, to wit, on the 2d day of August, A. D. 1810, made his last will and testament, in which he stated and declared that he had been married to one Maria Alberta Mase for forty-five years, during which time they had two sons, Antonio José, who died at the age of thirteen years, and Francisco Jabier was then living. Your petitioners would further state that the said wife and the said Francisco Jabier Ortiz, son, became and were made heirs and legal representatives of the said Nicolas Ortiz, deceased, to said tract of land, known as the Caja del Rio, the boundaries being set forth in the original petition herein in the original document of title, marked exhibit B, herein. Your petitioners would further state that the said Francisco Jabier Ortiz at the date of his death left him surviving the following children and heirs, to wit: Antonio José Ortiz, now a resident of Culebra, in the Territory of Colorado; Juan Antonio Ortiz, deceased, who left him surviving, as his children and heirs, Belin Ortiz, now wife of Diego Abeita, a resident of Santa Fé, New Mexico; Barbara Ortiz, the wife of José Abeita, a resident of Las Vegas, San Miguel County, Territory of New Mexico, and José Matias Ortiz, now deceased, who left at his death the following heirs and legal representatives, to wit: Demaso Ortiz, Juana Ortiz, and Ramon Ortiz, all minors and residents of Santa Fé, New Mexico, and Deonicio Ortiz, husband of Reyes Tenorio, residents of Las Vegas, San Miguel County, Territory of New Mexico; your petitioners would further state that the above-named petitioners are all the legal heirs and representatives known to your petitioners of the said Nicolas Ortiz, deceased, but if others exist they ask that they may be made petitioners herein, with their names and residences inserted herein.

Your petitioners would further state that the said Nicolas Ortiz, after the death of the said Nicolas Ortiz, deceased, the original grantee, the said Nicolas Ortiz Jabier, his son, went into the sole and exclusive possession, use, and occupancy of said grant of land, and to peaceably and quietly possess and enjoy the same up to the present time, without any adverse claim or title having been set up to said grant of land, so far as known to your petitioners; and the said petitioners say that the long period of time

(more than twenty years) during which the said Nicolas Ortiz, and his heirs and legal representatives, have occupied and enjoyed said grant, vest in your petitioners a valid and perfect title to said land as such legal heirs and representatives of the said Nicolas Ortiz, deceased; your petitioners ask that upon the original title being found *bona fide* and valid that it be confirmed, and that it be recommended to be confirmed to your petitioners as the legal heirs and representatives of the said Nicolas Ortiz, deceased; all of which is respectfully submitted to the action of the surveyor-general of New Mexico, in the premises.

JOHN S. WATTS and
SAMUEL ELLISON,
Attorneys for Heirs of Nicolas Ortiz.

EXHIBIT B.

In the name of Almighty God and the holy Virgin Mary, who was conceived without stain of original sin.

Know all men that I, Nicolas Ortiz, a resident of this village of Santa Fé, being sick in bed, suffering from a disease which God our Lord has been pleased to afflict me with, but in my entire and sound mind and natural understanding, do make and ordain this my testamentary disposition, and it is my last will and testament, in the following form:

I declare, first, that I believe in and confess the mystery of the Holy Trinity, Father, Son, and Holy Ghost, all in common and each one in particular, in which faith and belief I have lived and hope to die, as a Christian Catholic, and I commend my soul to the Lord our God, who created and redeemed it with the sacred price of His precious blood and that of His divine body of which He was formed.

I declare, and it is my will, should our Lord God be pleased to call me from the present to a future life, that one dollar of the currency of the country be set apart for the payment of each one of the forced church tributes.

I declare to have been married to Maria Alberta Mase for forty-five years, during which time we had born to us two sons. Antonio José died at the age of thirteen years, and that Francisco Jabier is yet living.

I leave as my property, my house, consisting of seven rooms, and further five hundred varas of land.

Further, the part of the ranch of the Caja del Rio.

I declare that my wife brought into the marriage community one cow and one young heifer calf, one bull, and one horse. The land, excepting a field my wife purchased by her own labor, shall be delivered to a little girl we raised, as also a building comprising twelve varas, and the remainder thereof, as also the household furniture, one clock, complete except one peine, one pair cards, one cart complete, one adz, one chisel, shall remain to my wife and son, and that my remains be interred as my executors, who are my wife and son, may deem best. And I request the authorities of His Majesty to approve at all times this my last will and testament, that my body be buried at pastoral rates, and one mass of condolence be said.

NICOLAS ORTIZ.

SANTA FÉ, August 2, 1810.

13.

ORIGINAL TITLE-PAPERS.

Sor. Teniente Coronel Don GASPARD DOMINGO DE MENDOZA,

Gobernador y Capn. General deste reino y probinsias de la Nueva Mexico, & ra.:

El capn. Nicolas Ortiz Niño Ladron de Gebara, besino de la villa de Santa Fé, parece hante la grandesa de Vria. en la mas bastante via y forma de derecha que halla lugar y hal mio conbenga y digo, Sr., q. abiendo tiempo de cuarenta y nuebe años q. bine con mis padres á la reconquista y pasificasion deste dicho reino por poblador del hinbiado por el excelentissimo sr. virey y conde de Galbes, culla dignida nos prometio dar tierras q. labrar y en q. vivir por cuenta del rey mi amo, las q. me an dado á mi, por aberme ocupado y dibertido en cuantas campañas y correrias se an echo desde aql. tiempo asta la presente, sin aserle de gasto á Su Magesta una carga de polbora siempre a mi costa abiado con todas armas y caballos, como consta por los ynstrumentos q. tengo á mi favor dados por mis superiores, en culla virta suplico á la grandesa de Vria. se sirba de darne merced de hun sitio llamado la Caja del Rio y potrero, señalandome por linderos de la parte del oriente la Cañada Hanchi por la del poniente el Rio del Norte, por la parte del norte una mesa grande q. esta antes de la simentera de San Ildefonso, por la del sur las virtientes de Santa Cruz; lo

qual suplico á la grandesa de Vria. me dé en nombre de Su Majesta para mi y mis hijos, q. unos y otros asemas cuatro familias; q. asi lo esperamos del catolico pecho de Vria. en quien hinploro la justificacion de mi pedimento, mandando ha la justicia q. Vria. fuere serbido me dé la posesion de dicho sitio en nombre de Su Majesta, Dios le qu' ms. as.; y juro en debida forma de derecho todo lo nesario.

NICOLAS ORTIZ NIÑO LADRON DE GUEBARA.

PROBISION.

En la villa de Sta. Fé, capital deste regno de Nvebo Mexico, en treinta dias del mes de Mayo del año de mil setes. cuarenta y dos años, yo, el thente. coronel de los reales exercitos, Dn. Gaspar Domo. de Mendosa, governor y cappn. generl. de dho. reyno, bisto presente escrito, le ube por presendo. por lo que devia mandar y mande á el cappn. Dn. de Ulibarri, alcalde maior de dha. billa, ponga en poseson de dhas tierras y sitio que pide en este escrito al cappn. Nicolas Ortiz, obserbando en su data todas las circunstançias y rsequisitos que se requieren, con las que citan las reales lèyes, y en particular la de sin perjuicio de tercero, debiendo practicar que en las mercedes reales deven ser los puestos y abribaderos communes, á escepcion de las tierras de laborio y en este supuesto le ago merced de dho. puesto en nombre de (S. Mag.: Dios le gue.) para que la aya para si, sus hijos y herederos, á mayor derecho; asi lo probey, mandé y firmé con los de mi asistencia autuando por receptoria por no aber escribano real ni pubco. y en el presente papel, por no correr el sellado. De q. doy fé. &a.

“Te. Coronl.” entre renglornes—vale.

DN. GASPAR DOMO. DE MENDOSA.

To. BERN'DO BUSTANTE.
To. JOSEPH DE TERRUS.

En la villa de Sta. Fé, en dies y ocho dias del mes de Junio de mil setesientos y cuarenta y dos años, yo, el capn. Anto. de Ulibarri, alcalde maior desta dha. villa, en cumplimiento de lo mandado por el señor teniente coronel Dn. Gaspar Domingo de Mendoza, govor. y capn. gl. deste reino, por mersed que le yso á el Capn. Nicolas Ortiz el dia treinta de maio deste presente año, en que me hordena, pasé á darle posesion de el puesto y sitio de la Caja del Rio, pasé oi, dho. alcalde maior, en compañía del dho. Nicolas Hortiz, á el puesto de Jacona á ber á el Capn. D. Ignacio de Roibal, á quien le mostre la dicha merced á ber si tenia que contradecir; á lo que me respondió no tener ni haber otra persona alguna tubiese merced anterior, i luego yncontinente pasé á el rancho de Juana Luxan, á quien le yse la misma pregunta y me responde su esposo no haber ni tener noticia que alguna persona tubiese merced de dha. Caja del Rio, y abiendo allado á todo el pueblo de San Ildefonso gunto en dho. rancho llamé á su governadador y otros tres yndios biejos y les di á entender á lo que yba á darle posesion á el referido Nicolas Ortiz y respondieron que no tenian que contradecir; por lo qual pasé yo, dho. alcalde maior, á el puesto de la Caja del Rio, y en presensia de Nicolas Balberde, de Juan Antto. Rodrigues y de Franco. Xabiel Rodrigues coxi de la mano á el referido Nicolas Hortis i lo pasé por las tierras que pide, aranco sacate, tiro piedras, dió boses, diciendo: Viva el rey N. S., Dn. Phelipe Quinto, que Dios guarde ms. as., en señal de real posesion, señalandole los linderos que son por la parte del horiente la cañada ancha, por el poniente el Rio del Norte, por el norte la punta de la mesa que esta en la misma Caja del Rio, por el sur las birtientes de Santa Cruz, adbirtriendole que los pastos montes y abrevaderos son communes. Y para que coste de dha. rl. posesion lo firmé, yo, dho. alcalde maior, autuando por recetoria á falta de escrivano publico y rl. que no lo ai en estas partes ni en dosientas leguas en contorno, en el presente papel por no correr de ningun sello en estas partes con los testigos de mi asistencia. De q. doi fee.

ANTO. DE ULIBARRI,

Juez receptor.

To.: GREGORIO GARDUÑO.

To.: ANTONIO FELIX SANCHES.

[TRANSLATION OF ORIGINAL TITLE-PAPERS.]

EXHIBIT A.

Tenant-Colonel GASPAR DOMINGO DE MENDOZA.

Governor and Captain-General of this province and jurisdiction of New Mexico, &c. :

Captain Nicolas Ortiz Niño Ladron de Guebara, a resident of the city of Santa Fé, appears before your excellency in due legal form, and states: That it is now forty-nine

years since I came with my parents to the reconquest and pacification of this said province, as a settler therein, sent by the most excellent viceroy the Count de Galves, which dignitary promised to supply us with land to cultivate and live upon, by authority of the King himself, which land has not been given me because I was engaged and occupied with all the campaigns and incursions that have taken place from that to the present time, without causing any cost to His Majesty for a load of powder which I furnished at my own expense, as well as all kinds of arms and horses, as appears from the documents which I hold in my favor from my superiors.

Therefore, I ask that your excellency be pleased to make me a grant for a tract of land called the Caja del Rio, including the grazing ground, (patrero,) designating to me as boundaries on the east the wide cañada, on the west the Rio del Norte, on the north a large table-land, standing in front of the cultivated land of San Ildefonso, and on the south the drainings (virtientes) of Santa Cruz; which land I pray your excellency to concede me in the name of His Majesty, for myself and my children, there being among the one and the other of us four families, and we trust in the Catholic bosom of your excellency, from whom I implore the granting of my petition, your excellency directing whatever officer you may select to place me in possession of the said tract in the name of His Majesty. God preserve him many years.

And I declare, in due legal form, all that is necessary.

NICOLAS ORTIZ NIÑO LADRON DE GUEBAR

DECREE.

At the city of Santa Fé, capital of this province of New Mexico, on the 13th day of the month of May, in the year one thousand seven hundred and forty-two, I, lieutenant-colonel in the royal army, Gaspar Domingo de Mendoza, governor and captain general of the said province, having examined this petition, treated the same as before me.

And I should command and do command Captain Antonio de Ulibarri, chief alcalde of the said city, to place Captain Nicolas Ortiz in possession of the land and tract for which he prays in this petition, observing in his proceedings all the circumstances, conditions, and requisites that are necessary as well as those specified in the royal laws, and especially that requiring that no injury be done to any third party, and expressing that according to the royal grants the pasturage and watering places shall be in common, excepting the cultivated land; with this understanding, I do, in the name of His Majesty, God preserve him, make the party a grant for the said spot for the benefit of himself and his children, and heirs of first degree.

Thus I provided, commanded, and signed, with my attending witnesses, I acting especially as there is no royal or public notary, and on this paper, as there is no stamped paper; to which I certify, &c.

"Lieutenant-colonel" interlined; valid.

GASPAR DOMINGO DE MENDOZA

Witness:

BERNARDO BUSTAMANTE.

Witness:

JOSEPH DE TERRUS.

At the city of Santa Fé, on the eighteenth day of the month of June, in the year one thousand seven hundred and forty-two, I, Captain Antonio de Ualibarri, chief alcalde of this city, in execution of the commands of Lieutenant-Colonel Gaspar Domingo de Mendoza, governor and captain-general of this province, appearing in a land-grant made by him to Captain Nicolas Ortiz, on the 13th day of May, of the present year, and in which he directs me to proceed to give royal possession of the place or tract of the Caja del Rio, I, said chief alcalde, accompanied by the said Nicolas Ortiz, proceeded to the place Gacona to see Captain Ignacio Roibal, to whom I exhibited the said grant, with the object of ascertaining whether he has any objection to make, and to which he answered he had none, and knew of no other person who had a prior grant, and immediately thereafter I proceeded to the ranch of Juana Luxan, to whom I put the same question, and her husband answered that he did not know, and had never heard of any person holding a grant to the said Caja del Rio, and having found all the pueblo of San Ildefonso assembled at the said ranch, I called upon their governor, and three other aged Indians, and gave them to understand that I was going to place the aforesaid Nicolas Ortiz in possession, and they answered that they had no objection to interpose.

Therefore, I, the said chief alcalde, proceeded to the place Caja del Rio, and in the presence of Nico as Balberde, of Juan Antonio Rodriguez, and of Francisco Javier

Rodriguez, I took the said Nicolas Ortiz by the hand, and led him over the land he applies for, and he plucked up grass, cast stones, and shouted aloud, saying, "Long live our lord the King, Felipe Fifth, and may God preserve him many years," in sign of royal possession, the boundaries of the land being designated to him, the same being on the east the wide cañada, on the west the Rio del Norte, on the north the point of the mesa, situated in the same Caja del Rio, and on the south the drainers of Santa Cruz, and notifying him that the pastures, woods, and watering-places are in common. And that the said royal possession may appear, I, the said chief alcalde, signed this, acting as special justice, for want of a public or royal notary, there being none in this section or within two hundred leagues around, and on this paper, as there is no stamped paper of any kind in this section, with my attending witnesses, to which I certify.

ANTONIO DE UALEBARRI,
Special Justice.

Witness:

REGORIO GARDUÑO.

Witness:

ANTONIO FELIX SANCHEZ.

I do solemnly swear that the foregoing is a correct and true translation of its original Spanish, to the best of my knowledge and belief.

J. H. WATTS.

Sworn to and subscribed before me this April 10, 1872.

T. RUSH SPENCER,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 20, 1872.

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

DAV. J. MILLER, *Translator.*

TESTIMONY OF WITNESSES.

Nicolas Ortiz, deceased.

NICOLAS ORTIZ'S HEIRS }
vs. } Caja del Rio tract of land.
THE UNITED STATES. }

AGUSTIN DURAN sworn by surveyor-general to depose in the case.

Question by Judge John S. Watts, attorney for the claimants. What is your name, and residence?

Answer. My name is Agustin Duran. My age is eighty-one years; and my residence is here at Santa Fé.

Q. Do you know the tract of land known as the Caja del Rio grant?

A. I do not know its precise location, but there is such a tract on the Rio Grande River, in the county of Santa Fé, below the Indian pueblo of San Ildefonso, and the place is known as the Caja del Rio, which formerly belonged to Nicolas Ortiz, commonly called Chino Ortiz.

Q. Please state, if you know, what was the blood relation of Francisco Javier Ortiz to the aforesaid Nicolas Ortiz?

A. He was a son.

Q. Please state, if you know, who were the heirs of said Francisco Javier Ortiz?

A. They were his children, Antonio José Ortiz, Juan Antonio Ortiz, Josefa Ortiz, and I do not remember any others.

Q. Who have been the recognized owners of the Caja del Rio tract since you knew it?

A. I cannot say.

Q. Have you any interest in this claim?

A. I have none.

AGUSTIN DURAN.

Sworn to and subscribed before me this November 1, 1872.

JAMES K. PROUDFIT,
Surveyor-General.

RAMON CORIZ sworn by the surveyor-general.

Question by Judge John S. Watts. What is your name, occupation, age, and residence?

Answer. My name is Ramon Coriz. My occupation is laborer; age is seventy-one years; and my residence here at Santa Fé.

Q. Do you know the tract of land known as the Caja del Rio; and if so, please state where it is situated?

A. I know the land; and it is situated in the county of Santa Fé, on this side of the Rio Grande.

Q. In whose possession has this tract of land been, according to your knowledge in the case?

A. It was in possession of Nicolas Ortiz, the Chino, who, to my knowledge, lived upon the land until the Indians got to harassing him so that he removed to Santa Fé; and when Nicolas Ortiz died, his son Francisco Javier Ortiz entered into possession of the land; and when Francisco Javier died the place remained in possession of his children.

Q. How long ago is it that Nicolas Ortiz was in possession of the land when the Indians drove him from it?

A. It was many years ago; when I was a small boy.

Q. Have you any interest in this claim?

A. I have none whatever.

his
RAMON + CORIZ
mark.

Sworn and subscribed before me this November 1, 1872.

JAMES K. PROUDFIT,
Surveyor-General

DONACIANO VIGIL, being by the surveyor-general duly sworn, on his oath declares:

Question by Judge Watts. What is your name, age, and residence?

Answer. My name is Donaciano Vigil. My age is seventy-one years; and I reside at Pecos, in the county of San Miguel.

Q. Did you know Francisco Xavier Ortiz in his life-time?

A. I knew Francisco Ortiz, but do not know whether his middle name was Xavier.

Q. Do you know where this Francisco Ortiz resided; and have you been at his residence?

A. I have been at his home. He resided at Santa Fé formerly, and if my memory serves, he moved thence in the year 1814 to live upon the Caja del Rio tract of land, where he continued to reside until, I think, the year 1818, when he removed to the Pueblo of San Ildefonso, where he died.

Q. What was the relationship, if you know it, between Francisco Ortiz and Nicolas Ortiz?

A. I did not know Nicolas Ortiz, but I believe Nicolas was the grandfather of Francisco Ortiz.

Q. Please state, if you know, the place where the tract of land known as the Caja del Rio is situated.

A. I know the place, and know where the ruins of the houses are on the place on the east bank of the Rio del Norte. The land lies west of Santa Fé City on the said Rio del Norte, and north of the Santa Fé Creek, no doubt nearly all in Santa Fé County, though it may be that a portion lies also in Santa Aña County. As long ago as I can remember I heard this property spoken of as the Ortiz property.

Q. Do you know the reason why Francisco Ortiz moved from the tract in 1818?

A. I do, and the reason was the hostility of the Navajo Indians. I do not know that any of the Ortiz family ever returned to live upon the tract.

Q. Have you any interest, direct or indirect, in this claim of the Caja del Rio?

A. I have no interest whatever, and I know of nothing additional I could say which might be of use either to the Government or the claimants concerning this land.

DONACIANO VIGIL.

Sworn to and subscribed before me this November 19, 1872.

JAMES K. PROUDFIT,
Surveyor-General

SURVEYOR-GENERAL'S DECISION.

Nicolas Ortiz, deceased.—Caja del Rio tract.

This land was granted, as appears from the record before me, to Nicolas Ortiz, Niño Ladrón de Guevara, the 13th May, 1742, by Lieutenant-Colonel Gaspar Domingo de Mendoza, governor and captain-general of New Mexico, at that time one of the ultrama-

possessions of the Spanish empire. He commanded Captain Antonio de Ulibarri, alcalde of the city of Santa Fé, to place Captain Nicolas Ortiz in possession of the land granted. Captain Ulibarri, on the 18th day of June, 1742, went to the vicinity of the grant, and calling upon divers persons, including the people of the pueblo of San Pedro de San Juan, inquired if they had any objection to Captain Nicolas Ortiz being placed in possession of said grant, and, hearing no objection, he placed said Ortiz in possession, according to the laws and customs of the country in such matters, with the following boundaries:

"On the east, the wide cañada; on the west, the Rio del Norte; on the north, the point of the mesa, situated in the same Caja del Rio, and on the south, the drainers of Santa Cruz."

The claim was filed in this office May 8, 1871, by J. S. Watts, attorney for the heirs and legal representatives of Nicolas Ortiz, deceased.

On the 1st day of November, 1872, the attorney brought the case before me for hearing. Augustin Duran and Ramon Coriz, witnesses, were that day examined, and on the 15th November, 1872, Donaciano Virgil, a witness, was examined, all before me.

The grant appears to have been made absolutely and without condition as a reward for services performed and moneys expended on behalf of the Spanish Crown by Captain Nicolas Ortiz, in the reconquest and pacification of the country after the Indian rebellion and expulsion of the Spaniards in 1680.

I have no reason to doubt the genuineness of the original grant and possession papers, which have been in the archives of this office ever since it was established, having been among the Mexican archives on deposit in this city at the time of the occupation by the United States troops in 1846, nor do I doubt, from the testimony, that the heirs and legal representatives of Nicolas Ortiz, deceased, were in undisputed possession of the property in question at the time of the American occupation in 1846, and that either they or Ortiz himself had held it continuously and without dispute from the date of the act of possession in 1742, as before recited.

Under the treaty of Guadalupe Hidalgo and the act of the United States Congress of July 22, 1854, establishing this office, I approve this claim for lands, and recommend that the same be confirmed by Congress to the heirs and legal representatives of Nicolas Ortiz, deceased.

Copies of all the papers, together with translations of those in Spanish, as well as the testimony accompany this decision.

JAMES K. PROUDFIT,
Surveyor-General.

ATTORNEY-GENERAL'S OFFICE, Santa Fé, New Mexico, November 21, 1872.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 30, 1872.

The foregoing is a correct transcript of the papers on file in this office in private claim reported as No. 63, in the name of Nicolas Ortiz, deceased.

JAMES K. PROUDFIT,
Surveyor-General.

Transcript of land grant to Domingo Romero et al., being private land claim reported as No. 64, for the Mesita de Juana Lopez tract, in the Territory of New Mexico.—Date of grant, January 18, 1782.—Decided by the United States surveyor-general, November 29, 1872.

DOMINGO ROMERO ET AL.—MESITA DE JUANA LOPEZ TRACT.

Present claimants' notice.

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

Your petitioners, the heirs of Domingo Romero, Miguel Ortiz, and Manuel Ortiz, and those holding under them, respectfully represent that heretofore, to wit, on the 18th day of January, A. D. 1782, Juan Bautista de Anza, then governor of the Territory of New Mexico, at that time a province belonging to the kingdom of Spain, under and by virtue of the power and authority in him vested as such governor, did make and grant unto said Domingo Romero, Miguel Ortiz, and Manuel Ortiz, in accordance with the laws then in force in said Territory, a full, complete, and perfect title to a certain piece or lot of land lying and being situated in the county of Santa Fé, in said Territory, and about eighteen miles south of the city of Santa Fé, known as the "Mesita de Juana Lopez grant," bounded and described as follows, to wit: On the north by the Aguilla grant, on the south by a rugged rock, (peña escarpada,) on the west by the

foot of the table-land known as Juana Lopez and the door or entrance of the cañon called Las Bocas, and on the east by a point or line a short distance from the lands of Bernardo de Sena.

That after said grant was made as aforesaid, to wit, on the said 18th day of January, A. D. 1782, said Domingo Romero, Miguel Ortiz, and Manuel Ortiz were placed in legal possession of said grant by one Carlos Fernandez by order of said governor, said possession having been given, in all respects, in accordance with the laws then in force.

A translated copy of the petition made by said grantees, the grant made by said governor, and the act of possession by said Carlos Fernandez accompany this petition and marked "A."

Your petitioners further state that said Domingo Romero, Miguel Ortiz, and Manuel Ortiz, their heirs and those holding under them, have constantly held and enjoyed the quiet and peaceable possession of said grant, at times cultivating portions thereof, and continually pasturing their animals thereon; that said grant has never been surveyed, but your petitioners are informed that it is about six miles from east to west and about fifteen from north to south.

Your petitioners ask, in view of the premises, that said grant be confirmed unto them, under the laws of Congress, &c.

S. B. ELKINS and
T. B. CALVON,
For Petitioners

SANTA FÉ, September 30, 1872.

ORIGINAL TITLE-PAPERS.

Señor GOVERNADOR [roto] GENERAL :

Domingo Romero, Miguel Ortiz y Manuel Ortiz, ambos hermanos manimes y conformes vecinos de la Sienegilla, puestos á las plantas de V. S. con el mayor rendimiento de nuestra obligacion, amparandonos del real patrocinio de V. S. y ehristiano pecho de donde esperamos ser auxiliados y favorecidos en la mejor forma que lugar haya y al nuestro convenga, y decimos, señor, que tenemos visto y registrado citio para pastear y aumentar nuestros animales bacunos y obejunos en nuestras sercanias, aunque encajonados por eso yerno y realengo sin perjudicar á persona alguna ni quitar derecho, y el citio es [roto] el que ambos hermanos pedimos de merced, en nombre de Su Magestad que Dios guarde, desde el lindero de Juan Antonio Fernandes, que es á la parte del poniente hasta el lindero de los Ortegog, que está al oriente, y por el sur lo sobranste, desde el lindero de la cañada de Juana Lopez, para la parte del norte que linda con la seja de la mesa, sn las propias bocas : poniendo presente que en dicho citio de oriente á poniente esta el camino real de entrantes y salientes, el que por ningun motivo podremos estorvar ahora ni en ningun tiempo ni defender los pastos á ningun pasajero de la clase que sea, sujetandonos solo al beneficio que en nombre de Su Magestad se nos conciedere. Por todo lo cual y demas á nuestro favor, á V. S. pedimos se [roto] hacer prover y determinar como llevamos pedido que [roto] merced; y juramos no ser de malicia.

DOMINGO ROMERO.
MIGUEL ORTIZ.
MANUEL ORTIZ.

En la villa de Santa Fé, en [roto] mes de enero de mil setecientos ochenta [roto] ante mi, el Teniente Coronel Don Juan Bautista de Anza, governador y commandante propietario de este reyno del Nuevo Mexico, e inspector general interino de sus milicias, &c., se presentó la antesedente peticion, por los contenidos en ella la que hube por presentada y atento á lo que en ella se contiene, como á lo condusente, que es al mayor fomento de las inmediaciones de esta capital, les concedo en nombre de Su Magestad (que Dios guarde,) el sitio que inpetran para solo pastear ganados, con las calidades que proponen de no perjudicar en ningun incidente á los traficantes pastos y demas pertenencias del camino real ni ahora ni nunca. Para lo cual comociono y doy facultad quanto de derecho se requiere á Don Carlos Fernandes, quien, en su virtud, citando á los partes colindantes y no resultando perjuicio á ninguna clase de personas que se hara constar toda claridad procederá á darles posecion real y personal del enunciado citio, precediendo y expresando las medidas que comprenda á los cuatro rumbos, haciendo que á las remates pongan majoneras estables. Todo lo cual concluido [roto] por diligencia se me hara remicion de los originales para que se tome razon en el libro [roto] cual providencia y comocion amplia [roto] limitada para lo que dicho es. Asi lo proveyo, mandé y firmé en el referido dia mes y año ante los infrascritos testigos de mi acistencia con quienes actuo con la facultad que me es conferida. De que doy fé.

JUAN BAUTISTA DE ANZA.

Asa. :
VICENTE TRONCOSO.
CRISTOVAL LARRAÑAGA.

En dies y ocho dias del mes de Enero del corriente año de mil setecientos ochenta y dos, yo, Don Carlos Fernandez, en virtud de la comision que antecede y estando en el sitio de tierras pedidas por los suplicantes y mercenadas por el Señor Teniente Coronel Don Juan Bautista de Anza, governador, commandante general é inspector de las armas de este reyno, abiendo citado á los colindantes y vistas las escrituras de las Ortegas y la de Bernardo de Sena, colindantes por el oriente con las medidas por los suplicantes; allé que todas citan por su lindero por el poniente el pie de la mesa que llaman de Juana Lopez y la puerta ó entrada del cañon que llaman Las Bocas, por lo qual queda dicha mesita realenga por el poniente, y habiendo visto y reconocido los documentos de las poseedores de la sieneguilla colindantes, por el norte [roto] lindero señalado por dicho rumbo en la peticion en ninguna [roto] perjudica por ser el filo ó reles de la mesa que forma el cañon de Las Bocas, y no allandose [roto] el reyno Don Juan Antonio Fernandez, colindante [roto] niente ni quien haya presentes sus escrituras ni informado de que su lindero por el oriente es el Peñasco Blanco, que está en el extremo del citado cañon, para el poniente, que tampoco perjudica á lo pedido y mersenado, respecto que en todas tiempos quedan los dichos suplicantes [roto] lindero del poniente, el mismo que aquellos documentos citaron, por el oriente; por el sur ni hay colindante alguno por ser todo realengo, y abiendo visto y reconocido dicha mesa de Juana Lopez, que es la que por el sur forma el Cañon de Los Vacas, advierto que la misma naturaleza puso linderos inmuebles; pues por la parte que mira al poniente se acaba con el referido cañon, por el oriente tambien se acaba á corta distancia de las tierras de Bernardo de Sena, y por el sur es Peña Escarpada, y abiendo medido dicha mesa de Juana Lopez, por el oriente á poniente, que es á lo largo tubo seis mil quinientas varas. No medi de norte á sur por no poderse dar menzura cierta respecto á que por la parte que mira al sur tiene innumerables volsas ya enanchan y ya enangostan conforme lo escarpado ó se interna al sur ó se recaje al norte, y en vista de no haver oposicion alguna tomé de la mano á Domingo Romero, Miguel Ortiz, y Manuel Ortiz, y paseandalos por el sitio tiraron piedras, trancaron sacate y dieron voces, diciendo. Viva el Rey; y les di la posesion real y personal, la tomaron quieta y pacificamente. Y sus linderos son los mismos señalados en la peticion y por [roto] y para que conste lo firmé en dicho di, á mes y año, con dos testigos de asistencia, á falta de escribanos, de ninguna clase los hay en esta governacion. De todo doy fé.

"Recoje" corrado—vale.

CARLOS FERNANDEZ.

PEDRO BAUTISTA PINO.
JOSEPH MARIA MONTOLLA.

TRANSLATION.

A.

To his Excellency, GOV [torn] GENERAL:

We, Domingo Romero and Miguel Ortiz, and Manuel Ortiz, both brothers, severally and jointly, residents of the Cieneguilla, at the feet of your excellency, with the greatest respect, as is our duty, confiding in your royal patronage and Christian heart, from whence we hope for aid and favor, in due form of law, appear and state, sir, that we have seen and registered a tract of land on which to pasture and increase our animals, horned cattle, and sheep in our vicinity, although inclosed, and therefore vacant and royal domain, and without injury to any person whatever, nor taking away any right; and said tract being [torn] that which both brothers ask in grant, in the name of His Majesty—whom may God preserve—from the boundary-line of Juan Antonio Fernandez, which is on the west, to the boundary-line of the Ortegas, on the east, and on the south the surplus land, from the boundary-line of the Cañada de Juana Lopez on the north, which is bounded by the brow of the mesa at the proper bocas, setting forth that over said tract the highway passes from east to west for comers and goes, over which we cannot, under any pretext, neither at present nor at any other time, obstruct or cut off the grazing from any kind of traveler whatever, but will conform ourselves to such privileges as may be granted to us in the name of His Majesty. Wherefore, and whatever may be our benefit, we ask your excellency [torn] to provide and determine as we have solicited [torn] in grace, and we declare that this is not through dissimulation.

DOMINGO RO [torn.]
[Torn] EL ORTIZ.
MANUEL ORTIZ.

In the village of Santa Fé, on [torn] month of January, one thousand seven hundred and eighty [torn], before me, Lieutenant-Colonel Juan Bapt [torn] za, governor and actual commandant of this kingdom of New Mexico, and acting inspector-general

of the militia thereof, &c., was presented the foregoing petition by the persons therein mentioned, which was taken as presented, and in attention to the contents thereof, as well as to its effects, which are the greater protection of the vicinity of this capital, I grant to them in the name of His Majesty, (whom may God preserve,) the tract of land they apply for, for the sole purpose of pasturing stock under the conditions they propose, not to prejudice in any manner against parties the pasturage and other privileges of the principal highway, neither now nor at any time. For which purpose I commission and authorize, as fully as the law requires, Carlos Fernandez, who, by virtue thereof, will summons the contiguous parties, and there not resulting injury to any class of persons, which he will set forth with all clearness, he will proceed to place them in royal and personal possession of said tract, first taking and setting forth the measurements comprising the same to the four directions, making them put up permanent landmarks at the termination of each; all of which being concluded [torn] in writing, the originals shall be forwarded to me, [torn,] which will be entered in the book, [torn,] which decree and full commission [torn] limited as aforesaid. Thua I provided, commanded, and signed on said day, month, and year, in the presence of the undersigned witnesses of my attendance, with whom I act by virtue of the power on me conferred, to which I certify.

JUAN BAP'TA DE ANZA.

Attending:

VICENTE TRONCOSO.
CRISTOBAL LARRAÑAGA.

On the eighteenth day of the month of January, of the current year one thousand seven hundred and eighty-two, I, Carlos Fernandez, by virtue of the foregoing commission, and being on the tract of land applied for by the petitioners and granted by his excellency, Lieutenant-Colonel Juan Bautista de Anza, governor, commanding general, and inspector of the arms of this kingdom, having cited the contiguous owners, and seen the documents of the Ortegas, and that of Bernardo de Sena, adjoining owners on the east of the lands applied for by the petitioners, I find that all designate as their boundary on the west, the foot of the mesita, called Juana Lopez, and the mouth or entrance of the cañon, called the bocas; wherefore the said mesita remain royal domain, on the west, and, having seen and examined the documents of the possessors of the Cieniguilla, adjoining on the north, I find [torn] 'dary designate in said direction, in the petition in no [torn] injures, for the reason that the summit or side of the mesa, which [torn] forms the cañon of the Bocas, and Juan Antonio Fernandez, adjoining owner [torn] 'st not being found in this kingdom [torn], and there being no person to present his document, I was informed his boundary on the east was the Peñascal Blanco, which is at the extremity of the said cañon on the west, which does not prejudice the land applied for and granted; therefore, at all times, the said grantees remain [torn] to the boundary on the west the same that the documents cited on the east. On the south there is no adjoining party, for the reason that it is all royal domain, and, having seen and examined the said mesa of Juana Lopez, which forms on the south the cañon of the Bocas, I remark that Nature herself has placed immovable landmarks, as on the west it terminates with the said cañon, also on the east it terminates at a short distance from the lands of Bernardo de Sena, and on the south it is a rugged rock, and having measured said mesa of Juana Lopez, from east to west, which is its length, it contained six thousand five hundred varas. I did not measure from north to south, because no correct measurement could be made, for the reason that on the south there are innumerable gulches which widen and narrow according to the ruggedness which either extends to the south or to the north, and in view of there being no opposition whatever, I took by the hand Domingo Romero, Miguel Ortiz, and Manuel Ortiz, and conducting them over the tract, they threw stones, pulled up grass, and shouted "Long live the King," and I gave them the royal and personal possession, which they took quietly and peacefully, and the boundaries thereof are the same designated in the petition and for [torn] which [torn] to them [torn], and in testimony whereof I signed the same on said day, month, and year, with two attending witnesses, in the absence of a notary, there being none of any class in this government, to all of which I certify.

"Recoje" erased—valid.

CARLOS FERNANDEZ.

PEDRO BAUTISTA PINO.
JOSEPH MARIA MONTOLLA.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this October 31, 1872.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 28, 1872.

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

DAV. J. MILLER,
Translator.

TESTIMONY OF WITNESSES.

Domingo Romero et al.

GASPAR MONTOYA, being by the surveyor-general duly sworn on his oath, declares:

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

Answer. My name is Gaspar Montoya; my age is fifty-one years, and my residence is at the Cieneguilla, in the county of Santa Fé.

Q. Do you know the property known as the Juana Lopez grant, and, if so, state the boundaries so far as you know them?

A. I know the property mentioned; and the property lies to the south of the edge of the mesa of Juana Lopez, to the east of the Peñasco Blanco, to the north of the Peña Alpada, to the west of the property formerly belonging to Bernardo de Sena and the Regas, all within the county of Santa Fé, and about five leagues and a half southwesterly from the city of Santa Fé, and on the south side of the Santa Fé River.

Q. How long have you known this property, and who have been reputed the owners thereof while you have known it?

A. I have known it since I was about fifteen years of age; and the heirs of Domingo Romero have been the reputed owners, who have occupied it since and while I have known it.

Q. Do you know if Domingo Romero had any brothers and sisters?

A. I know by reputation that he had two brothers, Miguel Ortiz and Manuel Ortiz, born of the same mother, but by different fathers, neither of whom had any descendants; and I understand Domingo Romero inherited from them.

Q. Have you any interest in this claim?

A. I have none.

Question by the surveyor general. What do you think is the extent of this claim?

Answer. It is about fifteen to eighteen miles from north to south, and from east to west, about four to five miles.

his
GASPAR+MONTOYA.
mark

Sworn to and subscribed before me this November 21, 1872.

JAMES K. PROUDFIT,
Surveyor General.

JUAN JOSÉ ROMERO Y TENORIO, being by the surveyor-general sworn on his oath, declares:

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

Answer. My name is Juan José Romero y Tenorio; my age is 53 years, and I reside at the Cienega, in the county of Santa Fé.

Q. Do you know the property called the Juana Lopez grant?

A. I know the property.

Q. State if you know who were the grantees for the property.

A. They were Domingo Romero, Miguel Ortiz, and Manuel Ortiz, three brothers by the same mother, but by different fathers, and Domingo Romero was my grandfather.

Q. How long have you known this property?

A. I have known it all my life, having been born upon the tract, and still living upon it.

Q. Who have been reputed always the owners of this property, and who have always occupied it?

A. The descendants of said Domingo Romero.

Q. Have you any interest in this land?

A. I have none whatever, having sold the interest I formerly had in it, and having been paid in full therefor.

Q. State if you know if Miguel and Manuel Ortiz had any descendants.

A. They had none. Miguel was married, but had no children, and Domingo Romero finally inherited the whole property.

his
J. J. ROMERO+Y TENORIO.
mark

Sworn and subscribed before me this November 22, 1872.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S DECISION.

Domingo Romero, deceased, et al.—Mesita de Juana Lopez tract.

This claim for confirmation of a grant of land is brought before me by attorneys for the heirs and legal representatives of Domingo Romero, Miguel Ortiz, and Manuel Ortiz, deceased, under the treaty of Guadalupe Hidalgo, and the eighth section of the act of Congress of July 22, 1854, establishing this office.

It appears from the record and evidence produced that in the month of January, 1782, Lieutenant-Colonel Juan Bautista de Anza, civil and military governor of New Mexico at that time an ultramarine possession of the Crown of Spain, granted to Domingo Romero, Miguel Ortiz, and Manuel Ortiz a tract of land which they had petitioned for previously "by virtue of the power on me conferred," as he recites, and "in the name of His Majesty."

The original paper containing the petition, the concession, and the act of possession is badly torn, especially the latter, in that part which sets forth the boundaries, they are set forth in the petition, as follows: "From the boundary-line of Juana Lopez, which is on the west, to the boundary-line of the Ortegas on the east, and on the south the surplus land, from the boundary-line of the Cañada de Juana Lopez on the north, which is bounded by the brow of the mesa at the proper Bocas," and the governor granted the lands according to those boundaries as set forth in the petition.

The grantees were placed in peaceable possession, according to the laws and usage of the times, on the 18th day of January, 1782, by Carlos Fernandez, who was commissioned to perform that duty by Governor de Anza in the act of concession, and they or their legal representatives have so remained to the present time apparently.

The grant is estimated to contain about 69,000 acres.

I have no doubt of the genuineness of original papers, nor of the honesty and good faith of the parties asking this confirmation; I therefore approve the same, and recommend that Congress confirm the said grant of lands to Domingo Romero, Miguel Ortiz, and Manuel Ortiz, and their legal representatives.

A complete transcript of the record in the case is herewith transmitted.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, Santa Fé, New Mexico, November 29, 1872.

AUTHENTICATION OF TRANSCRIPT.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 30, 1872.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 64, in the name of Domingo Romero et al.

JAMES K. PROUDFIT,
Surveyor-General.

Transcript of land-grant to Juan de Gabaldon, being private land-claim reported as No. 65, for the Cajon del Rio de Tesuque tract, in the Territory of New Mexico. Date of grant, June 17, 1752. Decided by the United States Surveyor-General November 22, 1872.

JUAN GABALDON, DECEASED.

Present claimant's notice.

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

Your petitioner, Pablo Dominguez, one of the owners of the Juan de Gabaldon grant of land, situate, lying, and being in the county of Santa Fé, in the Territory of New Mexico, which land was originally granted to the said Juan de Gabaldon, in the year 1752, it was regularly received in possession by him and has since that time remained in his possession and enjoyment, and in the possession and enjoyment of his legal representatives, without any objection or hinderance from any claimants or parties.

Your petitioner is informed that the original grant is now on file in your office, and asks that the same be filed with this petition and the accompanying translation duly made and sworn to as correct, the same being from the Spanish into the English language, and he also presents to be filed with said original and translation a sketch map

of said land, showing the locality of the same so far as the same can be made known about a previous survey of the land, said map showing the boundaries of said grant designated therein, which boundaries are well known land-marks, easily found and established as the true ones of and for said grant.

Your petitioner would further represent that said land has been in the possession and use of the grantee and his legal successors from the date of said grant, and your petitioners are now in the quiet and peaceable possession and enjoyment of the same.

Your petitioner would further represent that he is desirous of bringing before your honor for examination witnesses to prove the continuous possession of the land claimed, and such other matters and things as your honor may require evidence concerning said grant and claim.

Your petitioner further states that he and those he represents assert and claim a perfect title to said land under the grant aforesaid, made in good faith under the laws, usages, and customs of the kingdom of Spain, and guaranteed under the treaty of Guadalupe Hidalgo, and that he now presents the same for examination, approval, and confirmation by the Government of the United States, under the law of Congress of the 22d of July, A. D. 1854, for the investigation of land-grants in the Territory of New Mexico, and asks of your honor an early investigation of his title under said law of Congress.

S. B. ELKINS,
Attorney for Petitioner.

OCTOBER 14, 1872.

Sketch map of the land.

ORIGINAL TITLE-PAPERS.

AÑO DE 1752.

Merced de tierras concedidas a Dn. Juan Gavaldon, vecino de esta villa, á quien ce le dio testimonio.

SEÑOR GOBERNADOR Y CAPPTN. GENERAL: Jn. de Gabaldon, vezino de esta villa de Sta. Fé. púesto á los piez de V. Sa. en la mas bastante forma que en qto. á derecho alla lugar y al mio conbenga, digo, Sr. Gl. registro unos pedazos de tierra yermas y despobladas, qe. estan por una y otra banda del Cajon del Rio de Tesuque, jurizdizion desta villa. siendo sus linderos, por el oriente por donde baxa el dicho rio la siera, por el poniente con el lindero del pueblo de Tezuque, y por el norte unas lomas qe. lindan con los linderos del rancho del cabo de esquadra, Jn. de Venavides, y por el zur con tieras de Jn. de Ledezma, vizino de esta villa, y le registro con todas sus entradas y salidas, pastos y abrebaderos, uzos y constumbres, para mi, mis hijos y herederos, perzona, perzonas que fueren de nuestro util y voluntad, para poder zembrar dichas tieras, para mantener mi familia, por no tener en esta villa forma de poder ograr lo que se ziembra por la mucha escasez de la agua y no tener por otra parte fuera de esta villa, sitio propio en que poder zembrar para mantener la crezida familia que N. Sr. ha sido servido de darme, y prometo poblar dicho sitio segun la mte. de Su Magestad y lo dispuesto por sus reales ordenanzas.

Por todo lo qual á V. S. pido y suplico con el rendimiento devido se sirvá de hacerme dicha merced en nombre de Su Magestad, que Ds. gue., atendiendome en esto V. S. con su grande justifizion provera lo que mas por conbeniente hallare el rl. auxilio de V. S. Imploro y juro, en toda forma, no zer esta ini petizion y escrito de malizia sino motibado lo que lleo referido en este mi escrito, y que ha el tiempo de veintyun as. que soy vezino de esta villa y no se me á hecho merced de ningun pedazo de tierra, y pero justizia mediante me hara V. S. este bien y en lo nezezario, &c.

JUAN DE GABALDON.

SANTA FÉE, 5 de Junio de 1752.

Atento la ynstancia de esta parte, el alcalde maior de esta villa y su jurisdicion, Dn. Joseph de Bustamante, pasará á reconocer el sitio que aquí se menciona, citando á los Indios ó sus justicias del pueblo de Tesuque y demas partes lindantes enterandolos de esta instancia para que con su vista y el propio reconocimientó me esponga si se juzga ó no en conceder dha. mrd.

VELEZ CACHUPIN.

RIO DE TESUQUE y Junio 7, 1752.

Yo, Dn. Joseph de Bustamante. Tagle, alcalde mor. de esta villa, en virtud del auto que precede del sor. govr. y capitan general de el reyno, y' en obedezimto. de lo mandado pasé á el púesto de San Ysidro y rancho de el Cavo Juan de Venabides, en cuyo púesto

parezieron ante mi el dho. Cavo Jn. de Lédema y Franco. Casados, Españoles y los Indios prinzipales de el pueblo de Thesque, y estando todos juntos les haze la relación por estenso á lo que hera yo ynbiado, y juntamte. mandé á dhos. vezinos manifestar sus mercedes y ventas, las que me manifestaron y abiendo reconocido sus tierras con sus linderos; allé no aver ningun impedimto. para la posesion de el referido suplicante, por que dar el pueblo de Thesque muy atrasmano, y dichos vezinos y Cavo Venavides no ser perjudicados con el pueblo de el referido suplicante, que aunque dize dho. Venavides que poblándose el cajon no le pasara gota de agua para su simentera certifico que aunque no se puelle ninguno no le podra llegar gota por la presente por estar todo muy á los prinzipios, y dice el dho. suplicante que si lo posesionan de dho. punta se obliga á no darles perjuicio en ningun tpo. antes sí, que pondra todo. esfuerso afin de hacer un buen tanqe. coperando los dhos. á su consecusion; por donde conosco siendo asi les pueda ser á todos de mucho util por el golpe de agua que sale arriba y rebalsada puedan regar con mas comodidad todos; V. Sa. puede determinar lo que mejor conbenga.

Río de Thesque, Junio siete de mil septes. cinquenta y dos años.

JPH. DE BASTAMTE. TAGLE.

Tt., PHE. TAFOYA.

Tt., JULIAN DE ARMIJO.

AUTO.

En la villa de Santa Fé, en diez y seis dias del mes de Junio de mil setezientos cinquenta y dos años yo, Dn. Thomas Velez Cachupin, gov. y capn. genl. de este reyno de la Nueva Mexco. y sus provincias, su real presidio por Su Magd., &c., visto el ynforme que precede del alcl. mor. y capn. desta villa y su jurisdizion, Dn. Joseph de Bustamante, y atento á otros reserbados, en que se halla no ser perjudicados los Indios de el pueblo de Sn. Diego de Tesuque, en que no se contraviene á las leyes de la recopilación destas Indias, y constar ser realengo el sitio para labor que se pide y cita, y siendo la real voluntad de Su Magd. el que los parajes realengos que sin perjuicio de parte se pueda dar de merzed á sus vasallos los posean y cultiben para que no se hallen irrazos y despoblados, arreglado á sus reales leyes le hago merzed á D'n Juan Gavaldon en nombre de Su Magestad (Dios le guarde) del expresado sitio que pide y cita en su ynstancia, con los linderos siguientes: Por el oriente la falda de la sierra que corre de norte á sur. Por el poniente hasta los linderos de el rancho de el cavo de escuadra Juan Venavides. Por el norte, hasta el prinzipio de la cañada que llaman de el Intierno. Por el sur, hasta donde prinzipia el cajonzito linderos de el rancho de Juan de Ledema, cuyos linderos el alcaldo mor. y captn. á guerra de esta villa, Don Joseph de Bustamante (cuya posesion se comete,) lo señalará, medirá y hará que en el termino de ocho dias perentorias los amoje, con mojoneras permanentes el referido Dn. Juan Gavaldon, para evitar en lo sucesivo confusion y pleitas entre partes, y dho. alcl. mor. citará, para la posesion de este sitio de labor á los vezinos indantes, y les ará exivir sus mercedes escrituras de compra y ventas que tubieren de sus tierras para comprehension de los linderos, y los que la parte de Dn. Juan Gavaldon pide por el norte y sur, con calidad de no poderlo vender ni enagenar asta el tiempo de posesion y pueblo, que la ley de recopilacion de estas Indias previene, y despues á monasterio ni á persona eclesiástica, y con la de no perjudicar á sus vezinos en pastos y aguas por ser comunes, ni haziendo dho. paraje de lavor estanzia de ganado mayor, como ni tanquear é ympedir el curso de las aguas que puedan ser utiles al venefizio de el cultivo y riego de las tierras de los dos ranchos lindantes de sur y norte, y quando sea preciso, tanquear la vertiente de algunos ojos de agua que estén dentro de sus linderos, y que con ellos pueda regar algun vezino que no tenga otras aguas. Concurriendo al venefizio de represarias no le embarazará, con cordandose entre si el que pueda regar con ellas, y fecha que sea la posesion por el expresado alce. mor. como es costumbre, asentando sus diligencias al pie de este auto de merzed, las debolvera á este juzgado de mi governazion para tomar razon en los libros en que corresponde.

Y lo firmé, antuando con dos testigos, de mi asistencia, á falta de esno. publico ni real, que no los ayen esta provincia. Doy fé.

BERNDO. DE MIERA Y PACHECO.
NICOLAS ORTIZ.

THOMAS VELEZ CACHUPIN.

NOTIFICACION AL CAVO JN. BENAVIDES.

En la villa de Sta. Fé, en diez y seis dias del mes de Junio de mil setezientos y cinco, y dos años, en cumplimto. del auto que prezedo y en virtud de lo mandado en el por el sr. gov. y capn. gral., de el reyno, yo, Dn. Jph. de Bustamte, Tagle, alce. mor. de esta dicha villa y su jurisdizion, notifiqué al cavo de escuadra Jn. de Venavides

des. Estubiese el dia diez y siete de el presente mes y año en el puesto del cajon de el rio de Thesuque, con todos los instrumentos de mercedes y escrituras de ventas y compras. para reconocer sus linderos y á posesionar de la merzed dada á Dn. Juan Gabaldon contenida en este auto, y para que conste en todo tpo., aberse notificado á dho. Cayo Juan de Benabides zerré la diligencia, la que firmé con los testigos de mi asistencia. De que doy féé.

JPH. DE BUSTAMTE. TAGLE.

Tto.: PHE. TAFOYA.

Tto.: JULIAN DE ARMIJO.

CAJON DEL RIO DE THESUQUE y Junio 17, 1752.

Yo, dho. alcede. mor., en prosecucion de estas diligencias y husando de la facultad que me es concedida, mandé venir á mi presencia á Jn. de Ledesma y á Franco. Casados, vezo. de esta villa de Santa Féé, residentes en el rio de Thesuque, á quienes aviendo sido les notifique me manifestasen todas las mercedes, compras y bentas rs., á cuyo momento. respondiera Franco. Casados no tenia instrumto. ninguno que poderme manifestar, porque aunque esta poseando un pedazo de tierra en dho. rio es perteneziente á su señor Anto. Trujillo, y que si le consta ser de dho. su señor por haverse lo comprado á Dn. Jn. Fernandez de la Pedrera en compañía de el Cayo de escuadra Jn. de Benabides, á quien ha bisto en varias ocasiones el referido Casados, á fin de que la haya un seguro de venta rl. y no lo ha podido conseguir de el dho. Jn. Benabides y Juan de Ledesma confinante á Dn. Juan de Gabaldon me manifesto una merzed dada en nombre de Su Magd. á Hurbano Montañó por el The. de Coronel Dn. Gaspar Domingo de Mendoza, govr. que fue de este reyno, su data dos de Octubre de el año de mil septezs. noventa y tres, á cuja posesion fué el Capn. Anto. de Ulibarri, alcede. mor. que lo hera de esta villa, y no abiendo allado en los referidos instrumentos, ni en los susosdhos. vezs. contradiccion ninguna, pasé á dar la posesion rl., segun se me manda al referido Dn. Jn. de Gavaldon y zerré la diligencia, firmandola con los de mi asistencia. De que doy féé.

JPH. DE BUSTAMTE. TAGLE.

Tto.: PHE. TAFOYA,

Tto.: JULIAN DE ARMIJO.

Puesto de el rio de Thesuque y diez y siete de junio de mil septezs. cinqta. y dos años, yo, Dn. Jph. de Bustamte. Tagle, alcede. mor. de esta villa de Santa Féé y su jurisdiccion, en cumplimto. de el mandado por el sor. governador y capn. genl. de el reyno, Dn. Thomas Velez Cachupin, pasé á el puesto de el cajon de el rio de Thesuque á meter en posesion rl. á Dn. Jn. de Gabaldon, vezo. de esta villa de Santa Féé, á quien coji de la mano y lo pasie por dho. sitio arrancó zacate, tiro piedras, dio voces, diziendo, Viba el rey de España, mi señor, Dn. Fernando el Sesto, que Ds. guarde, tomando dha. posesion quieta y pazificamente; y le señaló los linderos, que son por el oriente la falda de la Sierra Madre que corre de norte á sur; por el poniente una loma alta que esta entre los dos rios que dévide las tierras de el Cayo Benabides, en cuyo lindero quedaron echas tres mojones de piedra, y todo con una cruz alta; por el norte una cuchilla que corre asta la cañada que llaman de el Infierno, á la falda de dha. Sierra Madre; por el sur otra cuchilla que corre asta la falda de dha. sierra, prinsipio de el cajonito lindero de Jn. de Ledesma, en cuyo sitio mandé al referido suplicante pusiese mojones por todos los puntos dentro de el termino de ocho dias, prebiendole el que no lo pueda vender asta el tpo. que las leyes de la nueba recopilazion de estas Indias previenen, que es el de quatro años, y que cumplido el termino, si quiesiese enajenarlo pueda, abriendolo poblado anualmente con casa y labor menos á monasterio, ni á persona eclesiastica; y que si no lo vendiese lo goze libre y francamente el dho. Dn. Jn. Gabaldon, sus hijos, herederos y sucesores, adbirriendole tambien que las aguas y pastos son comunes y que no deva perjudicar á ninguno de sus vecinos, atajandoles el agua que corre por dho. rio el tpo. les pueda serbir ni menos á los Indios de el pueblo de San Diego de Thesuque. Y si prevengo á el sor. govr. cappn. general que es ó fuere de este reyno como abiendo me mandado zitar á las partes inmediatas á dhas. tierras lo pratiqué así, y certifico aber asistido todos con sus instrumentos menos el Cayo de escuadra Jn. de Benabides, que no fué teniendo previa lizenzia de el sor. govr. para la hasistencia y manifestazion de instrumentos ante mi, con que es consecuencia probable que si hubiera tenido algun instrumto para hebitar el pueblo de el mencionado Dn. Jn. Gabaldon lo hubiera manifestado, como me manifestó el dia siete de Junio de este presente mes y año, quando fui á reconocer el referido sitio, mercedes y ventas reales un bale dado por Pedro Vivil, vezo. de la jurisdiccion de la Cañada, en que se obliga á hazer escritura de venta rl. á favor de el Capn. Anto. Montoya como albacea testamentario qe. fue de Sallador Montoia, su hermano, fecho en quatro de Agosto de el año de treynta y dos, y una declarazion tomada al mencionado Pedro Vivil por Dn. Juachin Codallos y Rabal, govr. que fué de este reyno, su fecha onze de Agosto de el año de mil septezs. y quarenta

y quatro y una escritura de venta á favor de el susodho. Benavides, su fecha veinte y cinco de el mes de Nobiembre de el año de quarenta y quatro, y una posesion dada por Anto. de Hulibarrí, alce. mor. que fué de esta villa, su fecha quinze de Mayo, año de quarenta y siete; los que bistos y reconozidos por mí, dho. alce. mor. como lleva espresado en el auto que prezedo de el día siete de dho mes no recibir ningun perjuicio el referido Venabides di la posesion en nombre de Su Magd., que Dios gue., segun se me hordeña, á Dn. Jn. de Gabaldon quieta y pacificamente.

Y para que en todo tpo. conste lo firme con los que supieron firmar. De que doy fee.

JPH. DE BUSTAMTE. TAGLE.

Tto.: PHE. FAFOYA.

Tto.: JULIAN D. ARMIJO.

[Translation.]

YEAR 1752.

Concession of land granted to Juan Gavaldon, a resident of this city, to whom a duplicate was furnished.

His Excellency the Governor and Captain-General :

I, Juan de Gavaldon, a resident of this city of Santa Fé, appear at the feet of your excellency in due legal form, and represent—

SIR: I enter some pieces of uncultivated and vacant land, lying on both sides of the Tesuque River Valley, in the jurisdiction of this city, and the boundaries of which are: on the east where the river comes down the mountain; on the west the boundary of the pueblo of Tesuque; on the north some hills adjoining the boundaries of the ranch of the squadron corporal, Juan de Venavides; and on the south by the land of Juan de Ledesma, resident of this city.

And I enter this land to include all its entrances and exits, pastures and watering places, uses and rights of way, for myself and my children and heirs, or such person or persons as it may be to our interest and our will, in order to enable me to cultivate it for the support of my family, as I have not in this city the means for procuring land for cultivation, owing to the great scarcity of water, and as, on the other hand, I have not, outside of the city, any place of my own to cultivate for the support of the large family which God our Father has been pleased to give me, and I promise to settle said tract conformably to the will of His Majesty and the provisions of his royal ordinances.

In consideration of all which I ask and pray in all due humility that your excellency be pleased to make me the said grant in the name of His Majesty, God preserve him.

Your excellency, viewing my case with your great generosity in the premises, will provide as shall appear most proper. I implore the royal favor through your excellency.

And I declare in due form that this my petition and application are not made in dissimulation, but for the purposes I have set forth therein, and that it is now twenty-one years that I am a resident of this city, and there has been no grant made to me for any piece of land, and I hope for justice by your excellency's doing me this benefit, and further declare as may be necessary, &c.

JUAN DE GAVALDON

SANTA FÉ, June 5, 1752.

In consideration of the prayer of the petitioner, the chief alcalde of this city and its jurisdiction, José de Bustamante, will proceed to examine the tract here referred to, citing the Indians of the pueblo of Tesuque, or their authorities, and the other parties adjoining, and informing them of this application, so that, in view of the same, and after the proper examination, he may advise me whether or not it would be injurious to make the said grant.

VELES CACHUPI

TESEQUE RIVER, June 7, 1752.

I, José de Bustamante Tagle, chief alcalde of this city, by virtue of and in obedience to the foregoing decree of his excellency the governor and captain-general of this province, proceeded to the place San Ysidro, and the ranch of the corporal Juan de Benavides, at which place there appeared before me the said corporal, Juan de Ledesma, and Francisco Casados, Spaniards, and the principal Indians of the pueblo of Tesuque, and all being assembled I explained to them fully the object with which I had been sent, and I at the same time required the said adjoining settlers to exhibit their grants and conveyances, which they there exhibited to me.

And having examined their land, with their boundaries, I ascertained there was no impediment to make the grant to the said petitioner, as the pueblo of Tesuque laid quite beyond, and as the said settlers and Corporal Benavides would not be injured by the settlement of the said petitioner, for, although the said Benavides claims that if the cañon be settled not a drop of water would reach him for his fields, I certify that

although no settlement whatever be made not a drop could reach him at this time, as it is all very near the head, and the said petitioner states that if he is placed in possession of the said place he obligates himself never to occasion the settlers any injury, but will rather use all his efforts to construct a good reservoir, the said parties aiding in its realization, by doing which they will, I am sure, receive great advantage from the stream of water originating above, which, if dammed up, will enable them to irrigate with increased advantages. Your excellency can determine as he shall deem best.

Tesuque River, June 7, year 1752.

JOSÉ DE BUSTAMANTE TAGLE.

Witness: JULIAN DE ARMILJO.

Witness: FELIPE TAFOYA.

DECREE.

At the city of Santa Fé, on the 16th day of the month of June, in the year 1752: I, Tomas Velez Cachupin, governor and captain-general of this province of New Mexico and its districts, and His Majesty's castellan of the royal garrisons therein, &c., having examined the foregoing report of the chief alcalde and captain of this city and its jurisdiction, José de Bustamante, and in consideration of other private reports, from which it appears that the Indians of the pueblo of San Diego de Tesuque will not be injured, and no violation of the collection of laws of these Indians will result, and it being the royal pleasure of His Majesty that such royal land as can be granted away to his subjects without prejudice to parties should be occupied and cultivated by them, in order that the same do not remain uncultivated and unsettled, do, in conformity with the royal law, make a grant to Juan Gavaldon, in the name of His Majesty—God preserve him—for the said tract of land cited and applied for by him in his petition, with the following boundaries:

On the east, the side of the mountain extending from north to south; on the west, up to the boundaries of the ranch of the squadron corporal, Juan Venavides; on the north, up to the commencement of the valley called the Cañada del Infierno, and on the south up to where commences the little cañon, the boundary of the ranch of Juan de Ledesma, which boundaries the chief alcalde and war-captain of this city, José de Bustamante (the possession of which is intrusted to him) will designate and measure, and will cause the said Juan Gavaldon, within the term of precisely eight days, to mark out with permanent landmarks, so as to avoid in future confusion and suits between parties.

And the said chief alcalde will, in order to execute possession of this tract of planting-land, cite the adjoining settlers, and will cause them to exhibit such grants or such purchase and sales as they may hold for their lands, so as to understand their boundaries, and those applied for by the party Juan Gavaldon on the north and the south, with the condition that he shall not have power to sell or alienate the land until the time for possession and settlement prescribed by the collection of laws of these Indies, and thereafter not to any monastery or ecclesiastical person, and with the condition that he shall not injure his neighbors in the pasture or the water, they being in common, or make of the said planting-land a stock-farm; nor shall he dam up or impede the course of the water that may be necessary in the cultivation and irrigation of the land of the two ranches adjoining on the south and on the north; and that when it shall become necessary to dam the stream from the springs of water that may be within his limits, the water from which may serve for purposes of irrigation, some one of his neighbors who has no other water, and it being agreed that it would be beneficial to have it collected, he shall not embarrass its being done, the settlers agreeing among themselves who may use the water; and the said chief alcalde having executed the act of possession, as is customary, recording his proceedings, at the close of this warrant of grant will return the same to this office of my government, so that entry thereof may be made in the proper books.

And I sign this, acting with two attending witnesses, for lack of a public or royal notary, there being none in this province, to which I certify.

TOMAS VELEZ CACHUPIN.

BERNARDO DE MEIRA Y PACHECO.

NICOLAS ORTEZ.

NOTICE TO CORPORAL JUAN BENAVIDES.

At the city of Santa Fé, on the sixteenth day of the month of June, year seventeen hundred and fifty-two, I, José de Bustamante Tagle, chief alcalde of said city and its jurisdiction, did, in pursuance of the foregoing decree, and the order therein, by the governor and captain-general of the province, notify Squadron Corporal Juan de

Venabides to be at the place, Cajon del Rio de Tesuque, on the seventeenth day of the present month, with all documents of grant and of sale and purchase, so as to recognize his boundaries, and to place Juan Gavaldon in possession of the grant contained in this document. And that it may in all time appear that Corporal Juan de Benavides was notified. I closed the record, which I signed with my attending witnesses, to which I certify.

JOSÉ DE BUSTAMANTE TAGLE.

Witness: FELIPE TAFOYA.

Witness: JULIAN DE ARMIJO.

TESUQUE RIVER VALLEY, June 17, 1752.

I, said chief alcalde, in continuation of these proceedings, and in exercise of the authority conferred on me, called into my presence Juan de Ledesma and Francisco Casados, citizens of this city of Santa Fé, residents at the Tesuque River, whom, they having appeared, I notified to exhibit to me all the grants, purchases, and sales. To which requirement Francisco Casados answered, that he had no documents whatever to show me, for that, though he was occupying a piece of land on said river, it was land belonging to his employer, Antonio Trujillo, who he was aware was of right the owner thereof, he having purchased the same from Juan Fernandez de la Pedraza, in company with Squadron-Corporal Juan de Benabides, whom he, the said Casados, has seen on sundry occasions, with the object that he execute to him a deed of sale, and has not been able to obtain from the said Juan de Benabides the same; and Juan de Ledesma, adjoining Juan de Gabaldon, exhibited a grant made in the name of His Majesty to Hurbano Montañón, by Lieutenant-Colonel Gaspar Domingo de Mendoza, formerly governor of this province, dated the second of October, in the year seven hundred and forty-three, in the possessioning of which Captain Antonio de Ulibarri, who was chief alcalde of the city, acted; and not having found in said document, nor in the said citizens, any objection, I proceeded to execute the royal possession to the said Juan de Gabaldon, as I am directed; and I closed this record, signing the same with my attending witnesses; to which I certify.

JOSÉ DE BUSTAMANTE TAGLE.

Witness: FELIPE TAFOYA.

Witness: JULIAN DE ARMIJO.

At this place, Rio de Tesuque, June 17, year 1752, I, José de Bustamante Tagle, chief alcalde of this city of Santa Fé and its jurisdiction, in pursuance of the command of his excellency Tomas Velez Cachupin, governor and captain-general of the province, proceeded to the place, the valley of the Tesuque River, to place Juan Gabaldon, resident of this city of Santa Fé, in royal possession, whom I took by the hand and led over the aforesaid tract, and he plucked up grass, cast stones, and shouted aloud, saying, "Long live my lord the king of Spain, Fernando Sixth, and may God preserve him," entering into possession aforesaid quietly and peaceably, and I pointed out to him the boundaries, the same being, on the east, the side of the main mountain extending from north to south; on the west, a high hill situated between the two rivers, and dividing the land of the Squadron-Corporal Benavides, upon which boundary there were erected three landmarks, of stone and mud, with a high cross; on the north, a ridge extending to the valley called the Cañada de Inferno, at the foot of the said main mountain, and on the south, another ridge extending to the foot of the said mountain, the commencement of the cajoncito, the boundary of Juan de Ledesma.

Upon which tract I directed the said petitioner to erect landmarks on each corner within the time of eight days, notifying him that he may not sell till the time prescribed by the laws in the new collection of laws of these Indies, that is to say, the term of four years; and that after the completion of that time, if he shall desire to alienate the same he may do so, having annually occupied the place by residence and cultivation, except to a monastery or ecclesiastical person; and that should he, the said Juan Gavaldon, not sell the property, he and his children, heirs, and successors, may enjoy the same freely and fully; and notifying him also that the water and pastures are in common, and that he should not injure any of his neighbors by cutting off from them the water running in said river during the time they require it, nor especially from the Indians of the pueblo of San Diego, of Tesuque, and I report to his excellency the governor and captain-general, who is now, or may be such, of this province, who directed me to cite the adjoining parties to said land, that I did so, and certify that they all attended, with their documents, except Squadron-Corporal Juan de Benavides, who did not attend, he having previous permission from his excellency the governor to attend and exhibit his documents to me, from which it is a reasonable deduction that if he had had any document to prevent the settlement of the said Juan de Gavaldon, he would have produced the same, as he did exhibit to me, on the 7th day of June of the present month and year, when I went to inspect the said tract and the grants and deeds

of conveyance, a bond executed by Pedro Vigil, a resident of the jurisdiction of Cañada, in which he obligates himself to execute a deed of conveyance to Captain Antonio Montoya, testamentary executor, as he was of his brother, Salvador Montoya, dated the 4th of August, of the year 32, and a declaration made by Pedro Vigil, before Jaquin Codallos y Rabal, then governor of this province, dated the 11th of August, in the year 1744, and a deed of conveyance made to the above-mentioned Benavides, its date the 25th of the month of November, of the year 44, and an act of possession executed by Antonio de Ulibarri, then chief alcalde of this city, its date 15th of May, year 47, which being seen and examined by me, said chief alcalde, as mentioned by me in the foregoing decree of the 7th day of said month, and finding that the said Benavides would not suffer any damage I did, in the name of His Majesty, (God preserve him,) and according as I was directed, quietly and peacefully place Juan de Gavaldon in possession.

And that it may in all time so appear, I sign this with such as know how to write, to which I certify.

JOSÉ DE BUSTAMANTE TAGLE.

Witness: FELIPE TAFOYA.

Witness: JULIAN DE ARMIJO.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this October 31, 1872.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 31, 1872.

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

DAV. J. MILLER, *Translator.*

TESTIMONY OF WITNESSES.

Juan Gabaldon, deceased.

JULIAN BENAVIDES, being by the surveyor-general duly sworn, on his oath declares:

By the attorney for the claimants:

Question. What is your name, age, and residence?

Answer. My name is Julian Benavides; my age is seventy-two years, and I reside on the Tesuque River.

Q. Do you know the property known as the Juan Gabaldon grant, now in investigation?

A. I know the tract of land referred to, and have known it all my life. I have always lived at the Tesuque River.

Q. Where is the said grant of land situated?

A. It lies upon the Tesuque River, in the county of Santa Fé, about one league and a half northward from the city of Santa Fé.

Q. To whom has the land been reputed to belong since you have known it?

A. It has always, since I have known it, been reputed to belong to Pedro Dominguez, deceased, and his brother, and their heirs; and it has been occupied by the children of Pedro Dominguez, deceased, and sundry other persons, purchasers from them.

Q. Have you any interest in this claim?

A. I have none.

his
JULIAN + BENAVIDES.
mark.

Sworn to and subscribed before me this November 19, 1872.

JAMES K. PROUDFIT,
Surveyor-General.

ANTONIO SENA, being by the surveyor-general duly sworn, on his oath declares:

By attorney for claimants:

Question. What is your name, age, and residence?

Answer. My name is Antonio Sena; my age is sixty-one years, and my residence Santa Fé.

Q. Do you know the land known as the Juan Gabaldon grant?

A. I know the land, and have known it all my life; it is situated on the Tesuque River, about a league and a half from the city of Santa Fé, to the northward.

Q. Who have been the reputed owners of the land?

A. I have always known it as belonging to Pedro Dominguez, deceased, and his heirs, who have always occupied the land, together with some other persons, purchasers upon the grant.

Q. Whom did said Pedro Dominguez receive the land from?

A. I have always understood that he inherited it from his parents, Juan Dominguez and Petrona Ortega. Pedro Dominguez was the father of Pablo Dominguez, who represents the claimants in this case.

Q. Have you any interest in this case?

A. I have no interest in it.

ANTONIO SENA.

Sworn to and subscribed before me this November 19, 1872.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S DECISION.

Juan Gabaldon, deceased.

This claim comes before me under the eighth and ninth articles of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, and the eighth section of the act of Congress of July 22, 1854, creating this office.

It appears from the original documents on file in this office, and which were taken from the Mexican archives and placed here in 1855, that in 1752 Juan Gabaldon made application to Tomas Velez Cachupin, who was the governor and captain-general of New Mexico, at that time an ultramarine possession of the Crown of Spain, for a tract of land, in usual form then in vogue.

On the 5th of June, 1752, Governor Cachupin ordered José de Bustamante, alcalde of the city of Santa Fé, to make investigation in the vicinity of the lands, and especially to inquire of the Indians of the adjoining pueblo of Tesuque and report whether it would be advisable to make the concession.

The alcalde, judging from his report, dated June 7, 1752, made a conscientious and honest examination of the matter, and reported to the governor that no damage would be done by the concession to any third parties.

On June 16, 1752, Governor Cachupin, by decree, made the grant to said Gabaldon, with the following boundaries:

"On the east, the side of the mountain extending from north to south; on the west, up to the boundaries of the ranch of the Squadron-Corporal Juan Venavides; on the north, up to the commencement of the valley called the Cañada del Infierno; and on the south, up to where commences the little cañon, the boundary of the ranch of Juan de Ledesma."

He directed Alcalde Bustamante to place Gabaldon in possession of the land in the customary manner, with some special instructions as to marking the boundaries and other matters.

The alcalde performed this duty, according to his report, 17th June, 1752.

The proceedings in regard to this grant, as shown by these old records, seem to have been conducted with unusual care and propriety. The approximate amount of land within the boundaries is sixty thousand acres.

The testimony of two witnesses, examined before me, goes to show that Pablo Dominguez and his ancestors have long owned and occupied the land.

The papers in the case are the original petition, the concession and act of possession, together with instructions by Governor Cachupin, and reports by Alcalde Bustamante, all in Spanish, translations of the same into English, petition of legal representatives of Gabaldon, filed in this office 14th October, 1872, testimony of two witnesses, sworn to before me 19th November, 1872, and an approximate plat of the lands.

A transcript of the record is transmitted herewith, and as I entertain no doubt in regard to the validity of the grant, and the good faith of the parties applying for its confirmation, I respectfully recommend that the said grant of lands be confirmed by Congress to the legal representatives of Juan Gabaldon, to whom the concession was made by the government of Spain in 1752.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, Santa Fé, New Mexico, November 22, 1872.

AUTHENTICATION OF TRANSCRIPT.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 11, 1872.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 65, in the name of Juan de Gabaldon, deceased.

JAMES K. PROUDFIT,
Surveyor-General.

Transcript of land-grant to Joaquin de Luna et al., being private land-claim reported as No. 66, for the San Joaquin del Nacimiento, in the Territory of New Mexico. Date of grant July 20, 1769. Decided by the United States surveyor-general November 30, 1872.

JOAQUIN DE LUNA ET AL., SAN JOAQUIN DEL NACIMIENTO TRACT.

Present claimant's notice.

SANTA FÉ, NEW MEXICO, April 22, 1871.

To General T. RUSH SPENCER, Surveyor-General, New Mexico:

Your petitioners, the heirs and legal representatives of the thirty-six original grantees to the tract of land known as the San Joaquin del Nacimiento grant, respectfully represent that in the year 1769, one Joaquin de Luna, for himself and for thirty-five other persons, whose names appear in the original title-papers accompanying this petition, applied for by petition, made to his excellency Pedro Fermin de Mendinueta, of the Order of Santiago, colonel in the royal armies of his Majesty the King, and governor and captain-general of this province of New Mexico, for a grant of land, lying and being situated upon the head-waters of the Rio Puerco, within the limits of the county of Rio Arriba, or Santa Aña, in this the Territory of New Mexico, being about eighty miles, more or less, westerly or northwesterly from this city of Santa Fé, and called and known by the name of San Joaquin del Nacimiento, which petition was received and considered by said governor and captain-general at this said city of Santa Fé on the 20th day of the month of July, in said year, and on which date said governor did concede and grant unto said thirty-six petitioners, their heirs and successors, in the name of His Majesty the King, the tract of land they petitioned for, stating in his decree the conditions which were to be complied with by the settlers, and empowering Bartholome Fernandez, chief alcalde, with authority to place the said grantees in full and complete royal possession of the same, which appears to have been done by said chief alcalde in good faith and in strict accordance with the stipulations of said decree, as is evidenced by the act of possession, given, certified to, and signed by said Fernandez on the 23th day of said month of July in said year 1769.

Your petitioners respectfully call your earnest attention to the perfectness of these original title-deeds, their regularity in form, &c., and as a proof of the authority of said governor to make the grant, reference is made to the laws and decrees of the Crown of Spain, which were in force in this province of New Mexico at that time. The genuineness of the signatures appended by said governor and chief alcalde to the titles in this case are fully proven and evidenced by a comparison of the same with their signatures in original titles to other grants made about the same time in this province by the same governor, and which titles are now in the files in the custody of your office, numbered respectively 43, 44, 421, 581, 582, 583, and 584, and which were found among the ancient archives of this Territory, in the custody of the Mexican government, at the time of the acquisition of the same by the United States; that the grantees mentioned in the original papers in this case did erect buildings, establish a town, and lived upon, occupied, and cultivated the tract of land granted, with their families, herds, &c.; and during the existence of a whole generation, as a fact notorious, and which is not questioned by the oldest living inhabitants and settlers of this country, and that they there remained until by the fortunes of war they were finally overpowered by the combined frontier Indian tribes, their men bound with cords and imprisoned, and their women subjected to the most brutal of savage insults and violence, and many of their children carried into captivity, and which tract has been in continued (though frequently interrupted) occupation of said grantees and their heirs as a pasturing-place for their numerous herds of stock since the date of the abandonment thereof by their families and up to the present date; and which tract was fully recognized and respected by the former Spanish and Mexican governments as the bona-fide grant and property of said thirty-six original grantees, their heirs and successors.

It is also evidenced in the original title-deeds in this case that they are written and certified upon the same sheet of paper, and that each transcript thereof shows equal and unmistakable evidence of very great age; that said tract has never been surveyed, hence the exact contents of the same cannot now be accurately stated, but it is believed to contain an area of about thirteen square leagues of land; that the public surveys of the United States never have been extended over or near the same; it is

impossible to connect its boundaries with the lines of the public surveys, but that the accompanying map shows, as accurately as can be stated without an actual survey, the well-known boundaries and visible landmarks and location of the same, and special reference is made to the original act of possession made to said grantees for an accurate statement and proofs of the boundaries thereof.

Your petitioners claiming, as they do in this case, to be possessed of a perfect and absolute title to a grant of land in accordance with the laws, usages, and customs of the former Spanish and Mexican governments, respectfully submit their original title-papers with this petition for your consideration and action in the premises, and ask your approval of the same as a perfect and absolute grant, and its transmission to the Congress of the United States for confirmation.

JOHN GWYN, JR.,
Attorney for Claimant

ORIGINAL TITLE-PAPERS.

ANO DE 1769.

Merced de tierras hecha á los pobladores del nacimiento del Rio Puerco.

SOR. GYOR. Y CAPPN. GL. :

Juachin de Luna, teniente del partido del Sor. Sn. Juachin del Nacimiento del Rio Puerco, Joachin Romero, por si y en nombre de su hermana Maria Rosalia Romero, Pedro Varela, Juan Pedro Cisneros, Diego Bazquez Borrego, Bernardo Ballejo, Joseph de Luna, Antto. Lucero, Andrez Manzanares, Franco. Lovera, Gaspar Gonzales, Jph. Romero, Juan Ygnacio Romero, Antto. Mrn., Juan Lorenzo Autencio, Andra Mrn., Pablo Mrn., Mathias Salazar, Miguel Romero, Juan Diego Truxillo, Alejandro Lespinosa, Matteo Salavar, Salvador Truxillo, Pedro Guilar, Juan Gonzales, Franco. Vorego, Jph. Miguel Fagardo, Franco Jivon, Santiago Saez, Antto. Romero, Marcelino Manzanares, Thomas Antto. Romero, Alonzo Gonzales, Antto. Lucero, Juan de Atencio, todos vecinos del espresado partido ante V. S. parecemos en toda forma de dro. que aya lugar y á nosotros con venga y decimos que por quanto ha tres años que estamos situados viviendo en el referido sitio y tenerlo vien registrado y ser suficiente para que se puedan mantener las ya expresadas familias con todas sus haciendas de campo y asimismo sus labores, pues á la presente se hallan en el referido sitio como diez mil cabezas de ganado mayor y menor, con abundancia de algunos cavalladas, las que se dedican al servicio del rey nro. sor., que Ds. gue., en cuyo nombre suplicamos, á V. S. se sirva de concedernos merced del referido sitio para formar poblazon, y concedido que sea serán sus linderos por la parte del norte arroyuelo que comunmente llaman el rio de la Tortua; por el sur la punta de una mesa que la llaman el Arroyo Ondo; por el oriente con la sierra que corre de James á la Piedra Lumbré; por el poniente por ser todo merced no se puede señalar menos que no sea por el que diere la posesian por tanto.

A V. S. suplicamos rendidamente se sirva de atendernos en justicia que es lo que pedimos y el real ansilio que imploramos; y juramos en devida forma no ser de malicia &c., y por no saber firmar los suplicante por todos y á su ruego lo firme.

JOACHIN LAIN.

En esta villa de Sta. Fé, en veinte dias del mes de Julio de mil setecientos sesenta y nueve años, se preventó la antecedente peticion por los nominados en ella, y en su vista la hube por presentada y en atencion, á que el considerable numero de treinta y seis familias forma un pueblo repectable que sirbe de frontera á las naciones Yuta y Nabaxo, y ser el termino que piden de merced realengo y cómodo, así para siembras de todas semillas, como para crias de ganados mayores y menores y caballadas, lo necesario, todo para la subsistencia y aumento de este reyno y comodidad de sus habitantes, yo, Dn. Pedro Fermín de Mendinueta, del Orden de Santiago, coronel de los reales exercitos, governador y capitán general de este reyno de la Nueva Mexico, dixé que concedia y concedo de merced en nombre de Su Magestad (Dios le guarde) á las treinta y seis familias nominadas en la peticion las tierras que señalan bajo los linderos que citan para ellos, sus hijos y subesores, bajo la condicion de que han de situarse en plaza con casás de adobes y bien apretiladas y tronçadas, para que sea defensible esta frontera, la que conserbará el nombre de el Sor. S. Joachin del Nacimiento, y como tal pueblo se le señalarán á cada uno de los pobladores correspondientes tierras de panllebar, y todo lo restante del sitio son y serán ejidos del mencionado pueblo y comunes á todos los mencionados, y no á otros, para pastos de sus ganados y demas usos necesario á sus moradores, y así mismo bajo la condicion de que hayan el pueblo dentro del termino prebendido en las reales leyes, y que ninguno de los mercenados ni sus subesores pueda vender su pertenencia á persona eclesiastica, pena de nulidad, y para que tomen la posesion de lo mercenado y se cumpla lo por mi mandado, doy comision bastante y quanta se requiere en derecho á Dn. Bartholomé Fernandez,

Alcalde maior y capitán á guerra de los pueblos de la nacion Queres y sus adyacentes, para que pase al mencionado sitio del Sor. Sn. Joachin del Nacimiento, y elija el lugar mas cómodo para la formacion del pueblo, y señale á cada uno de los mercenados solar de casa, en forma de plaza, con la maior union que sea posible, y en la misma conformidad les señalará tierras de labor, todas anidas, si el terreno lo permite, para que les sea mas fácil cercarlas y por este medio obviar los daños, y dhos. solares de casas y tierras de labor deberán ser medidas y constará en la deligencia el numero que á cada uno se le señalaré, como tanbien las distancias que hai de lindero á lindero, y sus rumbos, de modo que unos y otros esten tan claros que no ocasionen dudas en lo subsesivo y en sus remates mandará dho. alcalde maior poner majoneras estables y fijas y con sittacion de colindantes (si los hubiere) y sin perjuicio de tercero que mejor derecho tenga, los pondrá en possession bajo las condiciones dhas. y debolberá todo original, para que conste, en este archivo de gobierno: y si el comun del mencionado pueblo le pidiere testimonio se lo dará para su resguardo, cuiá expresion deberá constar en la diligencia de posesion. Y así lo probéhi, mandé y firmé con los infraescritos testigos de mi asistencia, con quienes actuo, á falta de escribanos que de ninguna clase los hai en esta governacion.

PEDRO FIRMN. DE MENDINUETA.

MATHEO PEÑAREDONDA.

ANTONIO MORETO.

En este pueblo de Señor Sn. Joaquin del Nacimiento del Rio Puerco, en veinte y ocho dias del mes de Julio de mil cetesientos sesenta y nueve años, yo, Dn: Bartholome Fernandez, alcd. myor. y cappn. á guerra de los pueblos de la nacion gueres, juez comisionado por el Señor Dn. Pedro Fermin Mendinueta, del Orden de Santiago, coronel de los reales exercitos de Su Mgd., gov. y cappn. gl. deste reino del Nuevo Mexico, hallandome en el expresado paraja, yse juntar á todos los vezinos mencionados en dho. escrito para la fundacion del expresado pueblo; y hallandose todos juntos, y sin sition de colindantes por que no los ai pasé á reconocer el sitio y les señalé por linderos por la parte del norte un harrohhulo que comunmente llaman el Arrolle de la Tortuga, por el sur la punta de una mesa que esta pasado de un arrollo que comunmente llaman el Arrollo, entendiendose la punta de dha. mesa que está para la parte del sur, que en frente para la parte del poniente con la punta de una seja corta que esta habajo de la mesa grande; por la parte del poniente, por el oriente la falda de la sierra que corre de Xemes á la Piedra Lumbre que mira al espresado pueblo, por el poniente un arrollo que comunmente llaman el arroyo de en medio, que comprendera en el centro de norte á sur poco mas de quatro leguas y de oriente ha poniente comprendera menos de tres leguas; y haviendole mandado poner majonera de piedra y lodo, y adbertidoles todas las condiciones arriba espresadas dexeron todos que quedaran entendidos de ellas y prontos ha su ejecucion, en cuiá asistencia los coxi de la mano los pasié por dha. tierra, harrancaron sacate, tiraron piedras ha los quatro bientos, dieron boses, diciendo tres beses en alta boz, Viva el rey nuestro señor, que Dios guarde, y conservando en dho. pueblo el nombre de Señor San Joaquin del Nacimiento, todo lo qual ejecutaron en señal de verdadera possession, la que les dé y hapyendieron quieta y pacifica sin contradision halguna. Y para que en todo tiempo coste lo puse por diligencia que firmé á uno con los testigos de mi asistencia con quienes actuo á falta de escribanos que de ninguna clase los ai en este mo., en dho. dia, mes y año. Doi fee.

BARTOLOME FRNZ.

Tto.: SANTIAGO FRNZ.

Tto.: MIGUEL THENORIO DE ALVA.

Luego yncontinenten en dho. dia, mes y año, yo, Dn. Bartolome Fernandez, alcd. myor. y cappn. á guerra de los pueblos de la nacion Queres, pra. la conclusion desta diligencias y fundacion deste pueblo pase á reconocer el terreno mas cómodo, y haviendole señalado la plaza le medí á cada uno de las pobladores un cordel de ochenta varas de bellanas para que tengan campo onde formar sus casas con caballerisas y pajar, dexando solas dos puertas para salidas y entradas, que hasi le ympidí el terreno por entrar un horrolluelo por en medio de la plaza y haviendoles mandado formasen las casas con petril y troncadas pase hasimismo ha reconocer las tierras de panllevar y les señale á todos en un cuerpo dos sientos varas á cada uno, las que les mandé cercasen de mancomun por permitirlo hasi el terreno quedando todas adbertidos como harria se espresa, de que lo restante de la tierra queda para ejido comun del mencionado pueblo; y haviendo pedido testimonio destas diligencias los lla dhos. pobladores se les entregó y les mandé fabrica sus casas dentro del termino que prebienen las soberanas leyes. Y para que hasi coste lo firmé con dos testigos de asistencia. Doi fee.

BARTOLOME FRNZ.

Tto.: SANTIAGO FRNZ.

Tto.: MIGUEL THENORIO DE ALVA.

TRANSLATION.

YEAR 1769.

Land-grant made to settlers of the Nacimiento del Rio Puerco.

His Excellency the GOVERNOR AND CAPTAIN-GENERAL :

We, Joaquin de Luna, district lieutenant, justice of San Joaquin del Nacimiento del Rio Puerco, Joaquin Romero, for himself and in the name of his sister Maria Rosalia Romero, Pedro Varela, Juan Pedro Sisneros, Diego Basquez Borrego, Bernardo Ballejo, José de Luna, Antonio Lucero, Andres Manzanares, Francisco Lovera, Gaspar Gonzales, José Romero, Juan Ignacio Romero, Antonio Martin, Juan Lorenzo Atencio, Antonio Martin, Pablo Martin, Matias Salazar, Miguel Romero, Juan Diego Trujillo, Alejandro Espinosa, Mateo Salazar, Salvador Trujillo, Pedro Aguilar, Juan Gonzales, Francisco Borrego, José Miguel Tagardo, Francisco Jivon, Santiago Saez, Antonio Romero, Marcelino Manzanares, Tomas Antonio Romero, Alonzo Gonzales, Antonio Lucero, and Juan de Atencio, all residents of the said district, appear before your excellency in full legal form and manner proper in us and state, that whereas it is now three years that we are settled and residing on the said tract, and have duly entered the same, and that it being sufficient for the support of the families mentioned, with all their live stock, and its cultivable land being also sufficient, there being at the present time upon the said tract about 10,000 head of cattle and sheep and an abundance of horses employed in the service of our lord, the king, whom may God preserve, in whose name we pray that your excellency be pleased to make us a grant to the said tract for the formation of a settlement, and when granted its boundaries will be—on the north, a small arroyo, commonly called the Rio de la Tortuga; on the south, the point of a mesa called the Arroyo Hondo; on the east, the mountain extending from Jemez to the Piedra Lumbre; and on the west no boundary can be stated unless it be done by the party who may place us in possession.

Therefore we humbly pray that your excellency be pleased to hear us in justice, which is what we ask, and the royal favor we implore; and we declare in due form that our petition is not in dissimulation, &c. And the petitioners not knowing how to write, I sign this for all at their request.

JOAQUIN SAIN.

At the city of Santa Fé, on the 20th day of the month of July, year seventeen hundred and sixty-nine, the foregoing petition was presented to me by the parties therein named, and in view of the same, I admitted the petition, and considering that the considerable number of thirty-six families form a respectable settlement, which serves as a barrier to the Utah and Navajo tribes, and the territory they ask in concession being royal domain, and adapted as well for the planting of all kinds of seeds as for the raising of live stock, the whole so necessary for the support and increase of this province, and welfare of its inhabitants, I, Pedro Fermin de Mendinueta, of the Order of Santiago, colonel in the royal army, and governor and captain-general of this province of New Mexico, declared, that I did concede, and I do concede in grant, in the name of His Majesty, (God preserve him,) to the thirty-six families named in the petition, the lands they describe under the boundaries stated by them, for them and their children and successors, under the condition that they shall locate themselves in a town, with well roofed and regulated adobe houses, that the place may be rendered defensible, which will have the name San Joaquin del Nacimiento; and as such settlement to each of the settlers there shall be designated the corresponding irrigable land, and all the remainder of the tract shall be lands of the said settlement, common to all the grantees, and to none others, for pasture grounds of their animals, and for other uses of the residents, and likewise under the conditions that they make the settlement within the time prescribed in the royal laws, and that none of the said parties or their successors shall sell their land to any ecclesiastical person under the penalty of forfeiture; and that they may enter into possession of what is granted; and that what I have ordained may be carried out, I confer sufficient authority, and such as required by law, to Bartholome Fernandez, chief alcalde and war-captain of the pueblos of the Queres tribe, and adjacent pueblos, that he may proceed to the said tract of San Joaquin del Nacimiento and select the most eligible spot for the formation of the town, and designate to each of the grantees a house-lot in form for a town, with the greatest possible union, and he will designate to them lands for fields, all adjoining if the territory permits, so that it may be more convenient for them to fence the land, and thereby obviate danger, and the said lots for houses, and for fields, shall be measured, and in the record of proceedings, the number designated to each, and also the distances, and the courses from boundary to boundary, so that both may be clear, and not occasion doubt in the future, and at the limits the said chief alcalde do direct to be placed firm and fixed landmarks, and citing the adjoining settlers, (should any there be,) and without injury to any third

by, having a better right, will place the parties in possession under the aforesaid conditions, and will return the original entry that it may remain among the archives of this government; and should the body of said settlers request a duplicate he will furnish the same for their security, which statement shall appear in the act of possession. Thus I provided, commanded, and signed, with the undersigned, my attending witnesses, with whom I act, for want of a notary, of which there is none of any kind in this jurisdiction.

PEDRO FERMIN DE MENDENUETA.

MATEO DE PEÑAREDONDA.

ANTONIO MORETO.

At the town of San Joaquin del Nacimiento del Rio Puerco, on the 28th day of the month of July, in the year 1769, I, Bartholome Fernandez, chief alcalde and war-captain of the pueblos of the Queros tribe, justice commissioned by his excellency Pedro Fermín de Mendinueta, of the Order of Santiago, colonel in the royal armies of His Majesty, and governor and captain-general of this province of New Mexico, finding myself at the above mentioned place, caused all the individuals mentioned in the said petition to assemble for the founding of the said town, and all of them being assembled, and without citation to adjoining settlers, there being none, I proceeded to designate the tract, and I pointed out to them for boundaries on the north a small arroyo, commonly called the Tortuga Arroyo; on the south the point of a mesa, through which runs an arroyo, commonly called the Arroyo Hondo, this being understood as the point of said mesa toward the south, which points on the west toward a small hill under the large mesa on the west; on the east the side of the mountain extending from Jemez to the Piedra Lumbre, and looking toward said Pueblo; and on the west an arroyo, commonly called the Arroyo de en Medio, which includes from north to south in the center somewhat more than four leagues; and from east to west including somewhat less than three leagues; and having directed them to erect landmarks of stone and mud, and reminded them of all the conditions above stated, they all declared that they understood the same, and were ready to comply therewith, wherefore I took them by the hand and led them over the said land, and they plucked up grass, cast stones to the four points of the compass, and shouted aloud, three times, "Long live the King our sovereign and God preserve him," applying to the said settlement the name of San Joaquin del Nacimiento, all of which they performed in the sign of true possession which I gave them, and into which they entered quietly and peacefully, and without any opposition; and that the same may for all time so appear, I reduced this to writing, which I sign, together with my attending witnesses, with whom I act for want of a notary, there being none of any kind in this province, on said day, month, and year, to which I certify.

BARTHOLOME FERNANDEZ.

Witness:

SANTIAGO FERNANDEZ.

Witness:

MIGUEL TENORIO, DE ALBA.

Immediately afterward on the said day, month, and year, I, Bartolome Fernandez, chief alcalde and war-captain for the pueblos of the Queros tribe, for the conclusion of these proceedings and for the foundation of the settlement, proceeded to select the most suitable location, and having designated the town-site, I measured off to each one of the settlers one cordel of eighty Castilian varas, that they may have a place where to build their houses, and also stables and barns, leaving but two openings for exits and entrances, the ground so restricting, owing to a small arroyo running through the middle of the plaza; and having directed them to erect their houses with sidewalks and passage-ways, I also proceeded to examine the cultivable land, and I designated to the whole in one body to each two hundred varas, which I directed them all in conjunction to inclose, as the tract so permitted, all of them being notified as above expressed, that the rest of the land remains as a pasture-ground, common to the said settlement; and the said settlers having requested a duplicate of these proceedings, the same was delivered to them, and I commanded them to erect their houses within the time prescribed by the sovereign laws, and that it may so appear I signed with two attending witnesses, I certify.

BARTOLOME FERNANDEZ.

Witness:

SANTIAGO FERNANDEZ.

Witness:

MIGUEL TENERIO DE ALBA.

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

I, John Gwyn, jr., upon my oath state that the foregoing transcript is a true and correct translation of the original in the Spanish language, to the best of my knowledge and belief.

JOHN GWYN, JR.

Subscribed and sworn to before me this 27th day of April, A. D. 1871.

[SEAL.]

WM. BREEDEN,

Clerk of the United States District Court, First District New Mexico

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, April 25, 1872.

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

DAV. J. MILLER,
Translator.

SURVEYOR-GENERAL'S DECISION.

Joaquin de Luna et al.—San Joaquin del Nacimiento grant.

The original muniment in this case was deposited in this office by Manuel Garcia July 3, 1870, and was formally filed April 22, 1871, by John Gwyn as attorney for claimants, the heirs and legal representatives of thirty-six original grantees, together with a power of attorney to him, and a notice by him to the surveyor-general, stating and presenting the claim, a sworn translation of the original title-papers, and a plat of the land claimed.

The case, it appears, was taken up and acted upon by my predecessor shortly before his death, in June last, and from a rough draught of decision left by him unsigned, it appears that he had approved the claim. I find in the case no reason for arriving myself at a different opinion, and submit as my own the decision prepared as above stated.

The said muniment, a single document on which this claim is based, is a document in original manuscript in Spanish, bearing original signatures, and contains:

1. The petition to the governor and captain-general praying for a grant to the land;
2. The granting decree of the governor and captain-general, dated July 20, 1769;
3. The act of possession of the chief alcalde, dated July 28, 1769, for the general grant to the community; and
4. The act of possession by the same for the building and farming lots to each settler.

The tract in question lies in the county of Rio Arriba, upon the head-waters of the Puerco River, and contains about twelve square leagues of land.

The thirty-six applicants for this land set forth in their petition to the governor and captain-general that whereas they had already been settled and residing upon the tract during the previous three years, and had then about ten thousand head of live stock there, they now applied for the land for the formation of a settlement thereon, stating the general boundaries asked.

The governor and captain-general, on the 20th day of July, 1769, reciting in his decree that the applicants had presented to him their petition, and he deeming their number, thirty-six families, a number sufficient for the formation of a settlement, the land asked being royal domain adapted to agriculture and stock-raising, made to them and their children and successors, in the name of His Majesty the King a grant for the land with the general boundaries requested, under the condition that the settlers should for their protection locate themselves in a town or community, the town so formed to be called San Joaquin del Nacimiento, and that there should be designated to each settler in severally the corresponding quantity of agricultural land, the balance to be held and enjoyed by them and them only in coparcenary for pastures or commons, and under the condition also that the settlement be formed within the time prescribed by the royal laws, and that none of the grantees should alienate the land into ecclesiastical hands or proprietorship under penalty of forfeiture of title; and for the purpose of executing the grant he appointed and commissioned the chief alcalde of the jurisdiction to proceed to the spot, and first citing adjoining settlers, if any, to ascertain whether they had any objection to interpose to the grant, and selecting an eligible town-site to designate and measure to the respective grantees a house-lot and an adjoining farming-lot, and thereupon make return of his proceedings under said

decreed, stating therein the land assigned each settler and the boundaries of the general tract.

The act of possession executed by the chief alcalde under this decree bears date at the new town of San Joaquin del Nacimiento July 28, 1769, and recites that he caused all the petitioners to assemble for the forming of the town, and that they all being upon the ground and there being no adjoining settlers to consult, he pointed out the general boundaries of the tract, to wit: On the north, the Tortugas Creek; on the south, the southern point of a mesa, contiguous to the Hondo Creek; on the east, the side of the mountain extending from Jemez to the Piedra Lumbre, looking toward said Jemez pueblo; and on the west, the Arroyo de en Medio, or Middle Arroyo.

The chief alcalde in this act states the size of the tract as being through the center north and south somewhat more than four leagues, and east and west somewhat less than three leagues, and that without any opposition he placed the parties in full and absolute possession of the land with the customary ceremonies of formality, applying and proclaiming for the settlement the name of San Joaquin del Nacimiento, immediately thereafter proceeding to the selection and designation of a suitable site for the new town and to the laying off of the town-lots, assigning to each settler a lot, a lot of eighty varas for a residence, and then a tract of two hundred varas for cultivation, declaring the portion of the general tract not thus distributed to be for the common use of all the grantees.

The grant in this case is full and complete in substance and form, and is an absolute grant. The officers officiating are known from the old records to have been in the year 1769, and the signature of Governor and Captain-General Mendinueta, and of Chief Alcalde Fernandez, are both known in this office and are both believed to be genuine. The conditions in the grant were all conditions-subsequent, and in the act of possession appear as but directions to the settlers to be subsequently carried out. The claim is deemed to be a good and valid one under the provisions and principles of the treaty of Guadalupe Hidalgo and the laws and judicial decisions of the United States, and is therefore approved to—

- | | |
|---------------------------|----------------------------|
| 1. Joaquin de Luna, | 19. Matias Salazar, |
| 2. Joaquin Romero, | 20. Miguel Romero, |
| 3. Maria Rosalia Romero, | 21. Juan Diego Trujillo, |
| 4. Pedro Varela, | 22. Alejandro Espinosa, |
| 5. Juan Pedro Sisneros, | 23. Mateo Salazar, |
| 6. Diego Basquez Borrego, | 24. Salvador Trujillo, |
| 7. Bernardo Ballejo, | 25. Pedro Aguilar, |
| 8. Jose de Luna, | 26. Juan Gonzales, |
| 9. Antonio Lucero, | 27. Francisco Borrego, |
| 10. Andres Manzanares, | 28. Jose Miguel Fogardo, |
| 11. Francisco Lovera, | 29. Francisco Jiron, |
| 12. Gaspar Gonzales, | 30. Santiago Saez, |
| 13. Jose Romero, | 31. Antonio Romero, |
| 14. Juan Ignacio Romero, | 32. Marcelino Manzanares, |
| 15. Antonio Martin, | 33. Thomas Antonio Romero, |
| 16. Juan Lorenzo Atencio, | 34. Alonzo Gonzales, |
| 17. Andres Martin, | 35. Antonio Lucero, and |
| 18. Pablo Martin, | 36. Juan de Atencio, |

the thirty-six original grantees, and their heirs and legal representatives, and is recommended to the Congress of the United States for confirmation, and the transcript of all the papers in the case is herewith transmitted for the action of Congress in the premises.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 30, 1872.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 17, 1872.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number sixty-six, in the name of Joaquin de Luna *et al.*, for the San Joaquin del Nacimiento tract.

JAMES K. PROUDFIT,
Surveyor-General.

Transcript of private land-claim reported as No. 67, in the name of Aña de Sandoval y Manzanares, for the San Clemente tract, in the Territory of New Mexico. Date of grant, July 13, 1716. Decided by the United States surveyor-general November 18, 1871.

AÑA DE SANDOVAL.

Notice to surveyor-general.

UNITED STATES OF AMERICA,
Territory of New Mexico:

To the Hon. T. RUSH SPENCER, *Surveyor-General of New Mexico:*

Your petitioners, residents of the towns of Valencia, Los Lunas, Los Lentos, Peralta, and the heirs of Mariano Chavez, deceased; residents of the counties of Valencia and Bernalillo, in the said Territory of New Mexico, respectfully represent that, as the legal representatives of Aña de Sandoval y Manzanares, they are the claimants and owners in fee of a certain tract of land lying and being situated in the counties of Valencia and Bernalillo, in said Territory, and bounded and described as follows, to wit: The boundaries assigned by Antonio Gutierrez, justice of the peace and captain of war of the town of San Felipe de Albuquerque, in the province of New Mexico, who placed mounds to designate the boundaries as follows: on the north, by a ruin a short distance above the town of San Clemente; on the south, by the house of Toma Dominguez; on the east, by the Rio del Norte, which then ran where it is designated in the plat accompanying this petition, marked A, and designated "old dry bed of Rio Grande del Norte;" and on the west, by the Rio Puerco, all of which points and boundaries are well-known land-marks in the said counties of Valencia and Bernalillo; and the said petitioners claim a perfect title to said lands, as descendants' purchase, and representatives of Aña de Sandoval y Manzanares, to whom the original grant was made, in the year seventeen hundred and sixteen, on the thirteenth day of July, by Phelix Martinez, governor and captain-general of the province of New Mexico, which said grant was made as aforesaid by authority of the laws, usages, and customs of the then Spanish provinces at that time in force. For which power and authority see colonization laws of Spain.

The said claimants and petitioners cannot state with accuracy the quantity of land contained; it is supposed to contain about ninety thousand acres. Nor can they furnish an accurate plat of survey, as no survey has been executed, but herewith append a plat of said grant as accurate as can possibly be obtained from the maps and well-known metes and bounds above described, and which is supposed to be accurate enough to be placed upon the general map.

The petitioners and claimants know of no other claimants to said grant. The said grantee was legally put in possession of said lands, and that the same has been by her, her descendants and legal representatives, occupied from the date of said grant down to the present time; that the original claim, as claim No. 3, was filed at the office of the surveyor-general of New Mexico on the 30th day of May, A. D. 1855, and now accompanies this petition, and is begged to be considered a part thereof, to be referred to whenever necessary, as also a certified translation of said grant.

Claimants file this their said claim before you under the eighth section of the act of Congress approved the 22d day of July, A. D. 1854, entitled "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska; to grant donations to actual settlers therein, and for other purposes," and respectfully ask confirmation by you of this their said claim.

J. BONIFACIO CHAVES,

Attorney for Claimants, and one of the Heirs.

ORIGINAL TITLE-PAPERS.

Mrd. del sitio de San Clemente, hecha á Aña de Sandoval y Manzanares.

Sr. Gov. y Capn. Gel.:

Ana de Sandoval y Manzanares, vecina de este reino de la Nueva Mexico, puesta á las plantas de Vrsa. paresco en la mas bastante forma de derecho qe. aylla lugar y á el mio conbenga y digo, Señor, qe. por quanto el Marques de la Nava de Brasinco, que Dios haya en gloria, governador y capitan general que fué deste dho. reino, nos conduxo á el año de noventa y dos para su poblason, en culla atension y en nombre del rey mi Señor (Dios le gue,) nos prometio de dar á cada uno de los vecinos naturales deste dho. reino qe. entraron á la poblason y pasificacion del de darnos los sitios qe. de tierras y de labores y criansas de ganodos y caballadas que dejamos perdidas el año de ochenta por

su inconsta sublemación, en culla virtud de habernos rrestituido á dicho reino, esperi-
 entando en el innumerables trabajos, y realmente allarme pobre y viuda de Blas de la
 Candelaria, qe. Dios aylla, y cargada de ijos, motivo digno de suplicar a Vsia. se sirba
 de darme en nombre de Su Magestad (Dios le gue.) un sitio de tierras titulado San
 Clemente, el cual hube de erencia de mi padre, que Dios aylla, Mateo de Sandoval y
 Manzanares, qen. me dexo la merced de dho. rancho con linderos que son los siguientes:
 Por la parte del norte las tierras de Cristobal de Tapia, y por la parte del sur, con
 tierras y paderes de la casa de Tomé Dominges; por la parte del oriente con el Rio del
 Norte, por la del poniento el Rio Puerco, lo cual á Veia. pido y suplico con el mas pro-
 fundo rendimiento se ha de servir de mandar á la persona que mas fuere de su agrado
 me de posesion real de dho. sitio con la nueva merced del para poder yo y mis ijos,
 nietos, erederos y sucesores, usar de dho. sitio, y gozarlo libremente; y juro en debida
 forma lo nesasario, etca.

ANA DE SANDOVAL Y MANZANARES.

PRESEN'N.

En la villa de Santa Féé, en tres dias del mes de Julio del año de mil setecientos y
 dies y seis, ante mi, el Capn. Don Phelix Martinez, que lo soi vitalicio deste real presidio
 de la villa de Santa Féé, govr. y cappn. genl. deste reino, y castellano de sus fuersas y
 presidios, por Su Magd., la presentó la contenida y por mi vista la hube por presentada
 en quanto a lugar en dro. y atendiendo á lo justo de su pedimento y ser segun su rela-
 cion dhas. tierras de su padre y haberlo despoblado por la sublebazion del año de
 ochenta.

AUTO.

Le concedo la merced que pide en nombre de Su Magd. par la susodha., sus hijos,
 erederos y subsesores, para que le gose y posea, entendiendose sin perjuicio de tercero
 que mejor dro. tenga, y ha de poblarlo dentro de seis meses por atender á la mucha
 ocupacion del tiempo; y mando al Cpn. Antonio Gutierrez le dé la real posesion en
 nombre de Su Magd., con todas las seremonias de dro.; y este auto le sirva de bastante
 titulo y luego que dé dha. posesion que se debuelva este original á este archivo para
 que se saque testimonio. Y para que conste lo firmé con mi secretario de gobn. y guerra
 en dicho dia ut supra.

PHELIX MARTINES.

Ante mi,

MIGUEL THENORIO DE ALVA,
Serio. de Govn. y Guerra.

En esta villa de San Felipe de Alburquerque, en biente y tres dias del mes de Julio de
 mil setecientos y dies y seis as., io, el Capn. Anto. Gutierrez, alcalde maior y capitán á
 guerra de la dicha billa y su jurisdiccion, en complemento del auto arriba proberido
 por el señor gor. y capitán general Dn. Felix Martenes, fui al dho. sitio y tierras que
 dho. auto me manda, i en el dí la real posesion en nombre de Su Magtd., Dios le ge., á
 Felix de la Candelaria en cabeza de su madre Ana de Manzanares y Sandoval, en forma
 de derecho, con las seremonias acostumbradas que el derecho dispone, pasiadolo de
 la mano, quien arancó sacate, tiró pedras y grito, y se la di por los mismos linderos
 que señala en su peticion, como asi mismo corren sus linderos: Por el oriente con el
 Rio del Norte, por el poniente con el Rio Puerco, por el sur con la casa de Tomé Domín-
 gues, por el norte con una ruina que esta poco mas arriba del po. de San Clemente, i
 en los dichos linderos mandé poner mojoneras habiendolos primero reconocido y lo
 firmé con dos testigos de mi asistencia. Y para que así conste lo firmé, yo, dho. alcalde
 maior, capitán á guerra, con dos testigos de mi asistencia en dicho dia, mes y año ut
 supra.

Ante mi como juez resetor.

ANTO. GUTIERRAS.

Testigo de asistencia:

ANTO. DE CHABES.

Testigo de asistencia:

BALTAZAR ROMERO.

TRANSLATION OF TITLE-PAPERS.

Grant of the tract of San Clemente, made to Ana de Sandoval y Manzanares.

To the GOVERNOR AND CAPTAIN-GENERAL:

I, Ana de Sandoval y Manzanares, a resident of this province of New Mexico, placed
 at the feet of your excellency, appear in due legal form, and state, sir, that when the

Marquis de la Nava de Brasinás, who may God have in glory, who was governor and captain-general of this said province, brought us hither in the year ninety-two for its settlement; in the view of which, and in the name of my lord the king, God preserve him, promised to give to each one of the native citizens of this province, who might come to settle and pacify the same, the tracts of land and fields, and stock-raising ranches, that we abandoned in the year eighty on account of the powerful insurrection. By virtue of having been restored to said province, suffering thereby a great many hardships and finding myself really poor, and a widow of Blas de la Candelaria, deceased, and burdened with children, a good reason to supplicate your excellency, that you grant me, in the name of His Majesty, whom may God preserve, a tract of land called San Clemente, which I inherited from my father, deceased, Mateo de Sandoval y Manzanares, who left me the grant of said rancho, with its boundaries, as follows: On the northern part with the lands of Christobal de Papia, and on the southern part with the lands and walls of the house of Tomé Domingues; on the eastern part with the Del Norte River; on the part of the west with the Río Puerco; which I ask of your excellency, and pray with the profoundest respect that you may send the person whom it may be your pleasure, that the same may place me in the royal session of said tract, together with the new grant, that I, my children, grandchildren, and heirs and successors, may use and enjoy the same freely; and I declare in form whatever may be necessary.

ANA DE SANDOVAL Y MANZANARES

PRESENTATION.

In the city of Santa Fé, on the thirteenth day of the month of July, in the year seventeen hundred and sixteen, before me, Don Phelix Martines, captain for life of this royal garrison of the city of Santa Fé, governor and captain-general of this province, and castellan of its forces and garrison for His Majesty, the petition was presented by the petitioner. I treated the same as before me in due legal form, and in view of the justness of her petition, and said lands belonging to her father, according to her petition, and the same having been abandoned by him on account of the insurrection of the year eighty.

DECREE.

I concede to her the grant she asks, in the name of His Majesty, to the aforesaid her children, heirs, and successors, that she may enjoy and hold the same; provided that it be without injury to any third party who may have a better right; and she must settle the said grant within six months on account of the many occupations of the time, and I hereby command Captain Antonio Gutierrez to place her in royal possession in the name of His Majesty in all due form legal, and that this decree shall be for her a sufficient title; and as soon as said possession is given her that this original may be returned to this office that duplicate may be made, and that it may so appear I have signed this with my secretary of government and war on said day as above.

PHELIX MARTINES,

Before me,

MIGUEL THENORIO DE ALVA,
Secretary of Government and War.

In this city of San Felipe de Albuquerque, on the twenty-third day of the month of July, seventeen hundred and sixteen, I, Captain Antonio Gutierrez, chief alcalde and war-captain of the said city and its jurisdiction, in compliance to the decree above named, by his excellency, the governor and captain-general, Don Phelix Martines, I went to the said tract and lands that in said decree I am commanded, and there I gave royal possession in the name of His Majesty, whom may God preserve, to Felix de la Candelaria, in the name of his mother Ana de Manzanares y Sandoval, in legal form with the accustomed ceremonies that the law prescribes, leading him by the hand and he tore up grass, threw stones, and shouted, and I now give said possession with the boundaries that are designated in her petition, and therefore the same are its boundaries: on the east by the Río del Norte, on the west by the Río Puerco, on the south by the house of Tomé Domingues, and on the north by a ruin that is a little above the pueblo of San Clemente; and in the said boundaries I ordered mounds to be made, having first examined them, and I signed it with two attending witnesses; and that it may so appear I have signed, I, the said chief alcalde and war-captain, with two attending witnesses, on the said day, month, and year, as above.

Before me, a special justice,

ANTONIO GUTIERRES.

Attending witness:

ANTONIO DE CHABES.

Attending witness:

BALTAZAR ROMERO.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 8, 1870.

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

DAV. J. MILLER, *Translator.*

DECISION.

Aña de Sandoval, deceased.

This claim was filed and placed upon the docket of the surveyor-general, May 30 1856, and was called up before the surveyor-general for his investigation and decision December 8, 1870, by J. Bonifacio Chaves, as one of the heirs and as the attorney for the present claimants of the land.

The document acted upon by this office is a single paper, an original muniment, embracing the petition of the grantee for the land, the decree of concession of the governor and captain-general, and the act of possession executed by his order.

The decree of concession was made on the 13th day of the month of July, 1716, to the petitioner, one Ana de Sandoval y Manzanares, by the governor and captain-general of the province of New Mexico, then one of the ultramarine possessions of the Crown of Spain. It appears from the petition and the decree that a former grant had been made by the same authority to Mateo de Sandoval, father of the said grantee, Ana de Sandoval, and that he was compelled to abandon the possession at the time of the formidable Indian insurrection of 1680, when the Spaniards were driven out of the province. This grantee, it appears, returned in 1692; and as there appears to have existed a law or regulation requiring persons thus leaving and returning to claim and copy their possessions, to obtain from the government a recognition and renewal of their titles before they could repossess them, this was accordingly done by this grantee in July, 1716, as the heir of her then deceased father, Mateo de Sandoval, the governor and captain-general, on her petition, recognizing the former grant and renewing it in her name, with the sole condition that she should settle the land within six months thereafter; and she was placed in formal legal possession during the same month and year.

The grant was made unquestionably by authority competent for the purpose, and seems to be genuine and complete. The only condition it imposes is believed to have been fulfilled in the execution of the act of possession within the six months prescribed and required, whereby the title in the grantee became unconditional and absolute.

It is a well-known fact that this tract has been occupied and extensively cultivated from an early period in the history of the Territory. A number of small towns have been settled upon it for very many years, and it is believed there are at least three thousand inhabitants upon the grant.

The land embraced in the grant is known as the San Clemente tract, is situated in the counties of Bernalillo and Valencia, and is as definitely described by the plat presented by the claimants as is practicable without an actual survey, and sufficiently so to admit of its being laid down on the connected map of the district.

The grant in this case being held by this office to have been made by competent authority, and to be absolute and complete, the same is hereby approved to the legal representatives of Ana de Sandoval y Manzanares, as a good and valid grant under the laws, usages, and customs of Spain and Mexico, under the treaty of Guadalupe Hidalgo, and under the law of the Congress of the United States of July 22, 1854, and the case is hereby transmitted for the action of Congress in the premises.

T. RUSH SPENCER,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 18, 1871.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 17, 1872.

The foregoing is a correct transcript of the papers on file in this office, constituting a private land-claim reported as No. 67, in the name of Ana de Sandoval, deceased.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of grant of land to the Indian pueblo of Laguna, reported as pueblo claim 8, in the Territory of New Mexico.—Date of grant September 25, 1639.—Decided by the United States surveyor-general November 22, 1872.

THE PUEBLO OF LAGUNA.

Notice to the surveyor-general.

TERRITORY OF NEW MEXICO, County of Santa Fe:

To the Hon. T. RUSH SPENCER, *Surveyor-General of New Mexico* :

Your petitioners, the pueblo of Laguna, situate in Valencia County, in the Territory of New Mexico, would respectfully state to you that a title to the lands upon which their pueblo is located was given to them on the 25th day of September, 1639, [1639?] There was made to said pueblo of Laguna, in common with the other pueblos of New Mexico, a grant of land, by his Excellency Don Domingo Jironza Petroz de Cruzata, governor and captain-general of the province of New Mexico, a grant of land upon which was then situate the pueblo of Laguna, with the following boundaries, to wit:

On the north, to the Agua Fria spring, and that spring is called Paguaste, and to the east the Sierrita Colorada, toward the rising sun, and to the little table-land of Piedras de Amolar, and that toward the west they have to the Cañada Ancha, which empties toward the north when it rains, and on the south to a water which is under a rock.

Your petitioners further state that said pueblo of Laguna, that in addition to said original grant, the said pueblo of Laguna, in conformity with law, presented through their attorney a petition for the confirmation of said tracts of land, six in number, which purchases were duly proved by the title-papers in the case, and said lands so purchased were, after investigation by the surveyor-general, found valid and *bona fide* titles, and he recommended that Congress [confirm] to said pueblo of Laguna certain tracts of land known as the ranch of Paguaste, ranch of El Rito, the tract known as Gigante Cañon, and the ranch of San Juan and Santa Ana; and the same were duly confirmed by act of Congress, June 21, 1860, but have never been surveyed, nor the boundaries marked out, or the quantity of land ascertained.

Your petitioners would further state that said claim, so confirmed, is No. 30, on pages 152-157, in Executive Document No. 14, House of Representatives, Thirty-sixth Congress, first session, and it will be seen by reference to the report of the surveyor-general that the title for the original grant to said pueblo of Laguna was before the surveyor-general, and was supposed to have been confirmed to said pueblo of Laguna, along with the confirmation of the other lands purchased by said pueblo, but as the original title-paper of the original grant is not set forth or copied in the case, nor any special mention made of it, notwithstanding it was on file before the surveyor-general in said case, and still is on file in said case, and in order to remove any doubts as to the title to the original grant, said pueblo of Laguna, it is asked that the surveyor-general of New Mexico take notice of the original grant in his office, and that he consider a certified copy of the same, herewith filed and made a part of this petition, and confirm the same to said pueblo of Laguna. (See the official translation.)

Your petitioners would further state that as all the other nineteen pueblos have had their lands surveyed at the expense of the United States, that in the event of confirmation, it be declared that the survey of said lands of said pueblo of Laguna be made at the expense of the United States, and that a patent issue therefor to said pueblo for said lands.

Your petitioners further state that under the provision of the treaty of Guadalupe Hidalgo the said pueblo of Laguna is entitled to the same right to a survey and patent at the expense of the United States as the other pueblos in New Mexico who have had their lands surveyed and patented at the expense of the United States, all of which is respectfully submitted for consideration.

PUEBLO OF LAGUNA,
By JOHN S. WATTS, *Attorney.*

ORIGINAL GRANT.

AÑO de 1639.

En el pueblo de Nuestra Señora de Guadalupe, del Paso del Rio del Norte, en veinte y cinco dias del mes de Septiembre, de mil seiscientos y ochenta y nueve años, ante mi, el señor gobernador y capitán general Don Domingo Jironza Petroz de Cruzata, dijo que por cuanto en el alcaze de su facultad que tiene en el de la Nueva Mejico y el poder en los Yndios Queres y los apostatas y los Tegunas y de la nacion Thanas, y que depues de haber peleado con todos los demas yndios de todos pueblos un yndio llamado Bartolomé de Ojeda, que fué el que mas se señaló en la batalla acudiendo á todas partes se rindio.

andose herido de un balazo y un flechazo, y ya baldado le mandaron prender ó hizo le parasen con mucho cuidado para que sea examinado y diga en su confesion el estado en que se halla el pueblo de la Laguna y los demas apóstatas de aquel reyno, y por que yndio es ladino en lengua castellana y capás, y que sabe leer y escribir, y que fué el que entrado en aquel pueblo el General Don Pedro Renero de Possada y viniendo ya de vuelta para este paraje y estando en la casa del Mro. de campo Baninguas Mendoza, ya viniendo de regreso del pueblo lo alcanzó Bartolomé de Ojeda, pues ya dicho yndio es puesto en mi presencia y que debajo de juramento declare como se llama.

Preguntado. Que si esta en disposicion de confesar la verdad en lo que supiere y le fuere preguntado.

Preguntado. Como se llama; de donde es natural; que edad y oficio tiene, y que diga como se halla la Laguna; y dijo el confesante que se llama Bartolomé de Ojeda, y que es natural de la provincia de la Nueva Mexico en el pueblo de Zia, y que tendrá de edad veinte y uno ó veinte y dos años, poco mas poco menos, y que no ha tenido mas oficio que el ejercicio de la guerra y que sabe como se halla la Laguna, y que fué y que fué apóstata en el reyno de la Nueva Mejico; y esto responde.

Preguntado, que de habonde eran los Lagunas, que vecinas del pueblo de Acoma se hallan, y que compromiso tubieron, y dice el confesante que eran de todos pueblos; pero que la mayor parte eran de la nacion Queres, y que en el alsamiento ya hácia algunos años que estaba poblándose, pero que el pueblo de Acoma (torn out) mucho poblado primero que la Laguna, y esto responde.

Preguntado, que si este pueblo volverá en algun tiempo á apostatarse como ha sido el estambre entre ellos, y dice el confesante que nó, que ya muy metido en temor; que aunque estaban los yndios muy abilitados, y habia sido un pueblo muy revelde; pero que con lo que les habia sucedido en el pueblo de Zia el año pasado, juzgaba que era imposible que no dieran la obediencia, y esto responde.

Preguntado, si tiene mas que decir del pueblo de la Laguna, que vecino se halla del pueblo de Acoma, y dice el confesante que tiene dicho es la verdad, que á el mismo se le habian contado ambos dos pueblos el de Acoma y el de la Laguna, y que todo el manejo y constumbre no lo ignoraba, y esto responde.

Preguntado, cuales son los linderos que consta tener la Laguna y á honde se sugata á los yndios cuando se agregaron al pueblo de Acoma, y dice el confesante que la Laguna quedó sugeto al norte el ojo de la agua fria, y que á ese ojo le llamaban Paguate, y al oriente la mesita colorada que da vista á honde el sol sale, y á la mesita piedras de Amolar, y que al poniente tiene la Cañada Ancha que redama al norte cuando llueve, y al sur la agua que queda debajo de una pena, y esto responde.

Preguntado, que si sabe mas de lo que ha dicho, y dice el confesante que no, que lo que tiene dicho es la verdad por el juramento que tiene hecho, en que se afirmó y ratificó por muchas veces y siendole leida y dada á entender esta merced, y lo firmó ante mi, el presente secretario de govor. y guerra, que de ello doy fé.

DOMINGO JIRONZA PETROZ DE CRUZATE.
BARTOLOMÉ DE OJEDA.

Ante mi,

DN. PEDRO LADRON DE GUITARA,
Ser. de Gn. y Guerra.

TRANSLATION.

YEAR 1689.

At the town of our Lady of Guadalupe del Paso del Rio del Norte, on the twenty-fifth day of the month of September, one thousand six hundred and eighty-nine, before me, Don Domingo Jironza y Petroz de Cruzate, governor and captain-general, stated that, whereas, by virtue of the authority vested in him over New Mexico and power of the Queres Indians and the apostates, and the Tegnans and those of the Thanos nation, and that after having fought with all the other Indians of all the pueblos, an Indian named Bartolome de Ojeda, who distinguished himself the most in battle, lending his aid everywhere, surrendered, having been wounded with a ball and an arrow, and after being wounded, he was ordered to be seized, and I caused him to be healed with much care so that he could be examined and could state in his confession the condition [torn] and other apostates of that kingdom, and because the Indian is well versed in the Spanish language and apt, and understands how to read and write, and the same who conducted General Don Pedro Venero de Possada to that place, who being on his return to this place, and having stopped at the house of the Marshal Baninguas Mendoza, Bartolome de Ojeda overtook him. Said Indian having now been brought before me, he was ordered to state under oath what his name was.

Questioned. If he is disposed to confess the truth in what he knows, and should be asked.

Questioned. What is his name; where he is a native of; what age and what is his occupation, and to state what is the condition of Laguna, and the deponent answered that his name is Bartolome de Ojeda, that he is a native of the pueblo of Zia in the province of New Mexico, that he is twenty-one or twenty-two years of age, that he has never had any other occupation than that of a warrior; that he knows the condition of Laguna, that apostatized, in the Kingdom of New Mexico, and this is his answer.

Questioned. Where the Lagunas came from; who are the neighbors of the Acomas, and what compromise took place between them, and the deponent answered that they were from all pueblos, but that the greater portion were of the Queres nation, and that in the rebellion which occurred several years previous, that it was becoming habitated, but that the pueblo of Acoma had settled upon it some time before, and this is his answer.

Questioned. If this pueblo will at any future time rebel again, as it was customary for them to do; the deponent answered that they would not; that they are very much intimidated; that although they were a very haughty people, and had been a very rebellious people, but that with what had happened to the pueblo of Zia during the year previous, he judged that it would be impossible for them to fail in giving in their allegiance, and this is his answer.

Questioned. If he has anything further to say in regard to Laguna, which is near the pueblo of Acoma, and the deponent answered that what he stated was the truth, that he himself had been so informed by both pueblos, those of Acoma as well as those of Laguna, and that he was not ignorant of the arrangement and the custom, and this is his answer.

Questioned. Which are the known boundaries of Laguna, and what bounds did they retain when they joined the pueblo of Acoma; and the deponent answered that Laguna was restricted on the north to the agua fria spring, and that spring is called Paguaste; and to the east the Mesita Colorado, toward the rising of the sun, and to the little table-land of Piedras de Amolar; and that toward the west they have to the Cañada Ancha, which empties toward the north when it rains; and on the south to a water which is under a rock, and this is his answer.

Questioned. If he knows more than what he has stated; and the deponent answered that he did not, that what he has stated is the truth under the oath which he has taken, which he affirmed and ratified several times, and this grant having been read and explained to him [torn] me, the present secretary of government and war, to which I certify.

DOMINGO JIRONZA PETROZ DE CRUZATE.
BARTOLOME DE OJEDA.

Before me,

DN. PEDRO LADRON DE GUITARA,
Secretary of Government and War.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, August 1, 1859.

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

DAVID V. WHITING,
Translator.

SURVEYOR-GENERAL'S DECISION.

The pueblo of Laguna, in Valencia County.

This claim was brought to the notice of this office by John S. Watts, as attorney for the pueblo, in April last, under the treaty of Guadalupe Hidalgo, and the eighth section of the act of Congress of July 22, 1854, establishing this office. No action having been taken upon the case by my predecessor, previous to his death in June, the attorney, in a second petition to the surveyor-general on the 31st ultimo, asked an investigation of the claim.

The original grant in Spanish manuscript, dated at El Paso, September 25, 1689, is on file in the office, and the surveyor-general, in his annual report of September 1, 1859, seems then to have acted upon and approved the claim. If he did so, however—while it is not clear—it must have been in connection with the claim then reported by him as No. 30, which was for different lands acquired by purchase adjoining and surrounding the pueblo, and of which the pueblo land proper was not a part, and had no connec-

tion *per se*. There is no evidence in any of the confirming statutes that the land held under this pueblo grant was contemplated; wherefore it appears that the claim for it has not yet been recognized and specifically confirmed by Congress.

It appears from the ancient muniment mentioned, that Domingo Jironza Petros de Azate, at that time governor and captain-general of New Mexico, one of the ultra-marine provinces of Spain pertaining to the viceroyalty of Mexico, legally granted to the Indian pueblo of Laguna, in New Mexico, a tract of land bounded as follows, as stated in the official translation, made in 1859, of said grant:

" * * * * That Laguna was restricted on the north to the Agua Fria spring, and that spring is called Paguaste, and to the east the Mesita Colorada, toward the rising of the sun, and to the little table-land of Piedras de Amolar, and that toward the west they have to the Cañada Ancha, which empties toward the north when it rains, and on the south to a water which is under a rock."

As stated in a recent rendering by the present translator, which I adopt, made by me in direction for this decision, as follows:

" * * * * That Laguna was confined on the north to the spring of cold water, called the Paguaste Spring; on the east, the little red table-land looking eastward, and the little table-land of Piedras de Amolar; on the west, the wide ravine emptying toward the north when it rains; and on the south, the water under a rock."

It is historically, and by common repute notorious, that this pueblo of Laguna is, and has been, from time immemorial, doubtless from a long time anterior to the tenure under which that community here claims, in existence, and its inhabitants in the possession and enjoyment of this land. And having investigated the case, I approve the claim therefor, under said grant of September 25, 1689, with the boundaries in the latter hereinbefore stated and adopted, and recommend that the Congress of the United States recognize and confirm the same to the inhabitants of the Pueblo of Laguna, and their successors and assigns, and herewith forward a transcript of all the papers in the case, pueblo claim S, for the action of Congress in the premises.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 22, 1872.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 17, 1872.

The foregoing is a correct transcript of the papers on file in this office, constituting pueblo claim S, in the name of the pueblo of Laguna.

JAMES K. PROUDFIT,
United States Surveyor-General.