

LETTER
FROM THE
SECRETARY OF THE INTERIOR,
COMMUNICATING

Reports of the surveyor-general of New Mexico on the private land-claims under grants to Felipe Gutierrez and Juan José Gallegos, No. 83 and No. 84.

MARCH 25, 1874.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 25, 1874.

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

1st. Town of Bernalillo, being private land-claim reported as No. 83, under grant to Felipe Gutierrez.

2d. Land-grant to Juan José Gallegos, being private land-claim reported as No. 84, known as the Angostura tract, in Santa Aña County, New Mexico.

Very respectfully,

C. DELANO,
Secretary.

Hon. M. H. CARPENTER,
President of the Senate pro tempore.

Transcript of land-grant to the town of Bernalillo, being private land-claim reported as No. 83, under grant to Felipe Gutierrez, dated December 3, 1701; land situated in Bernalillo County, New Mexico claim; reported by the United States surveyor-general, February 20, 1874.

[Received with surveyor-general's letter, March 10, 1874.]

PRESENT CLAIMANT'S PETITION.

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

Your petitioner, one of the heirs and legal representatives of Luis Garcia, deceased, all of whose names, on account of the great number of your said petitioners, are too numerous to mention herein, respectfully represent that heretofore, to wit, about the year 1742, the then

duly-constituted Spanish authorities 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 said authorities vested, did make and grant unto said Luis Garcia, in accordance with the laws then in force in said Territory, a full, complete, and perfect title to a certain tract of land lying and being situate in the county of Bernalillo, in said Territory, and upon which the town of Bernalillo, in said county, in part now stands, bounded and described as follows, to wit: On the north by a sandy hill, this being the boundary of Captain Juan Gonzales; on the south by a little forest, (bosquecito;) on the east by some high hills; and on the west by the Río del Norte, the same now being held in common by all the people of the said town of Bernalillo, who are the aforesaid heirs and legal representatives of the said Luis Garcia; That after said grant was made as aforesaid, to wit, about the year 1742 aforesaid, the said Luis Garcia was placed in possession of the land hereinbefore described, in pursuance of said grant and by order of the said Spanish authorities; said possession having been given, in all respects, in accordance with the laws then in force.

An official copy of the original grant-papers is herewith presented, accompanied by a translation of the same.

Your petitioners further represent that the land granted, as above set forth, to the said Luis Garcia has ever since been in the possession of the said Luis Garcia and those claiming under him, without any objection, opposition, or interruption from any other claimants or parties whatsoever, and that they now are in the quiet and peaceable possession of the same.

Your petitioners would further represent that they are desirous of bringing before you, for your examination, documentary proof of the matters herein alleged, and witnesses to establish the continuous possession of the land claimed, and such other matters and things concerning said grant and claim as the rules of your office may require.

Your petitioners further represent that they assert and claim a good and valid title to said land under the grant aforesaid; and that they now present the same for your examination and approval, and ask that the same be confirmed unto them under the law of Congress of the 22d of July, A. D. 1854.

Very respectfully, &c.,

J. L. PEREA,
By H. L. WALDO,
Attorney for Petitioners.

MUNIMENTS OF TITLE.

Un quartillo.

[SELLO.]

Sello quarto. Un quartillo. Años de mil ochocientos diez y ochocientos once.

Habilitado por el estado de Jalisco, para el bienio de mil ochocientos veinte y cuatro y ochocientos veinte y cinco.

Valga por el sello 3º para los años de 1826 y 27.

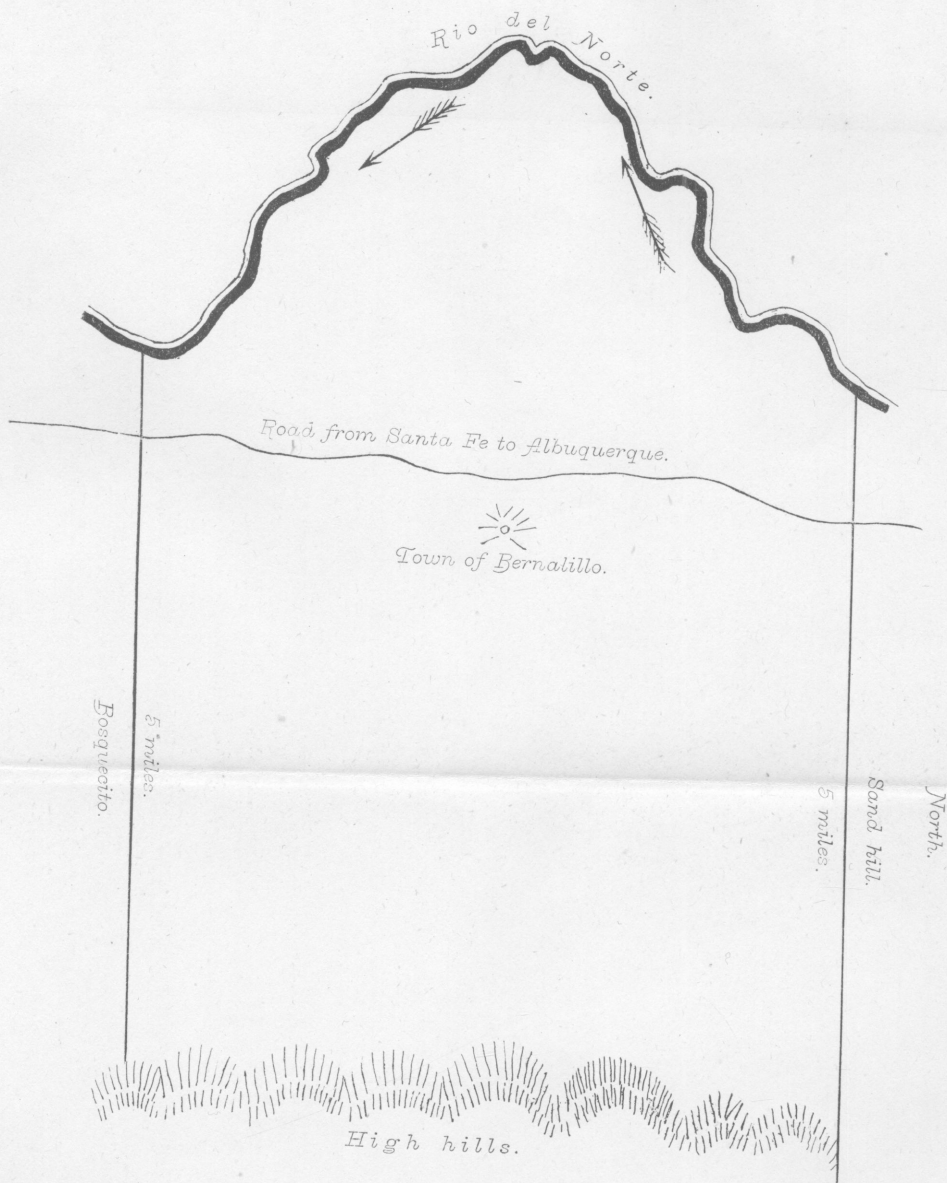
[SELLO.]

[Rúbrica.]

Habiéndoseme presentado por los porcioneros de Bernalillo el documento de merced con el fin de sacar testimonio legal, por hallarse sumamente

[SKETCH MAP.]

Sketch of Bernalillo Grant, in the County of Bernalillo, Territory of New Mexico. Containing about 18,000 acres.



maltratado á causa del tiempo y poco guardado, hago la copia testimoniada de dho. documto., y es como sigue.

[SELLO.]

[SELLO.] SOR. GOVOR. Y CAPT. GRAL. : Felipe Gutierrez, soldado de este presidio, pareisco ante V. S. en la mejor via y forma que haya lugar á mi derecho, combenga y digo : que por quanto me hallo con hijos y mujer, y alguna punta de ganado, y no tener endonde poder tenerlo ni vivir, le suplico á V. S. se sirva de hacerme merced en nombre del rey N. Snr., de un sitio que sí halla de esta banda del Rio del Norte, en frente de la casa del Capn. Diego Montoya, que llaman el Ancon del Tejedor, que coje legua y media de distrito con sus entradas y salidas, pastos y abrevaderos.

Por todo lo cual á V. S. pido y suplico se sirva de prober esta mi peticion, que en ello recibiré bien y justicia; que pido y juro este mi pedimto. á la señal de la cruz no ser de malicia, y en lo necesario &c.

FELIPE GUTIERREZ.

PRESENTACION.

En la villa de Santa Fé, en tres dias del mes de Dbre. de mil setecientos y un años, por parte de Felipe Gutierrez, se presentó esta peticion, y vista por mí, el Govor. y Captn. Gral. Dn. Pedro Rodrigz. Cubero, la hube por presentada y por mí vista. Auto en nombre de su mjd. le hago la merced de las tierras que el dho. Felipe Gutierrez pide, con sus entradas y salidas, y sin perjuicio de otra merced que antes de esta alla, porqué en este caso prescribe esta de las cuales tierrs. El alce. mayor del puesto de Bernalillo le dará la posesion en la forma acostumbrada, sirbiéndole este dcreto y merced de título en forma pa. el dho. y sus sucesores, de suerte qe. dhos. pastos sean comunes. Que así lo probeí, mandé y firmé.

PEDRO RODRIGS. CUBERO.

Ante mí.

PEDRO DE MORALES,

Secretario de Govr. y Guerra.

Sin derechos.

REBALIDACION.

En esta villa de Santa Fé, en veinte y un dias del mes de Enero de mil setecientos y cuatro años, ante el Marquez de las Navas de Bracinas, gov. y capn. gral. de este reino y prova. de la Nua. Mco., hizo presentacion de la merced en nombre de su M., q. le hizo mi antecesor el Castellano Dn. Pedro Rodrigz. Cubero, suplicándome que le hiciése revalidacion de dha. merced, y visto por mí, dho. gov. y capt. gral., ser justo lo que mi pide y representa, por el presente le revalido la dha. merced de tierrs. que dho. me antecesor le hizo y ahora le ago de nuevo, para qe. ni su uso dho. las goze y posee como cosa suya propia, su muger, hijos, herederos y sucesores, y qe. no pueda venderlas, ni trocarlas, ni donarlas, ni cambiar, ni desponer de ellas, ni á su voluntad suya, pa. cuya validacion mandé al alce. mayor de Bernalillo le dé la posesion real en nombre de su M., q. proniendi y señalando linderos y mojoneros, y le sirba este de título. Y para que conste lo firmé con el secretario de gobernacion y guerra.

MARQUEZ DE LAS NAVAS DE BRACINA.

Ante mí.

ALFONZO RAEL DE AGUILAR,

Secretario de Gobernacion y Guerra.

AUTO DE POSESION.

En este puesto de Bernalillo, en dos dias del mes de Enero del año de mil setecientos ocho, hizo presentacion ante mí Martin Urtado, alcd. mayor y captn. á guerra, Felipe Gutierrz., diciendo qe. ha siete años que tiene concedida esta merced hecha por el Castellano Dn. Pedro Rodriguez Cubero, y que en este tiempo no le avia dado posesion real, y reconociendo yo ser justo lo que representa pasé á darle la posesion real en nombre de su Mg., q. Ds. ge., he hize las ceremonias acostumbradas; y corren los linderos por la parte del norte con una loma de arena, que es el lindero del Capn. Juan Gonz., y por la parte del sur con un bosquecito, y por el oriente con unas lomas altas, y pr. el poniente el Río del Norte. Y pa. qe. conste lo firmé con dos testigos de mi asistencia, que lo fueron José de Quintana, Ignacio de Aragon, quienes conmigo lo firmaron en dho. dia, mes y año, pra.

Testigo de asistencia :

JOSÉ DE QUINTANA.

Testigo de asistencia :

IGNACIO DE ARAGON.

Ante mí como juez receptor :

MARTIN URTADO.

Fée, Setiembre 8 de 1742 años haga [roto] firmacion, por el alce mayor de la jurisdiccion de Albuqque. con la legalidad que corrésponde en justicia, para ver si la posesion y merced hecha el año de mil setecientos y uno se ha sido despoblado ó habitada en ella, y que tiempo habitue; y corridas estas diligs. por actuacion se dará traslado á el Captn. Luis Gara., á quien nuevamte. se le ha hecho esta nueva merced, pide sus descargos como así le otorgé, mandé y firmé, con los de mi asistencia, y lo necesario.

DIEGO DE OGARTE.

JOSÉ TERUZ.

DN. GASPARD DOMINGO DE MENDOZA.

Concuerto este listemo. con su original al que me remito, donde yo el Captn. Antonio Ulibarri hize traspuntar á la letra por pedimto. de partes va cierto y verdadero corregido y enmendado, y al verla sacar fueron testigos instrumentales Domingo Valdez y Felipe Tamarez, ambos vecinos de esta villa de Santa Fée. Así lo autuo por receptoría, á falta de escribano publico y real que no lo hay en este reyno, y lo firmé con dos testigos de mi asistencia en el presente papel, por no correr de ningun sello en esta parte. De qe. doy fée.

En testimo. de verdad ago mi firma y rúbrica acostumbrada.

ANTONIO BULIBARRI,

Juez Receptor.

GREGORIO GARDUÑO.

La presente merced documentada es copia legal de su original, siendo testigos á verla sacar el regidor de cano Dn. Franco. de Miera y Pacheco, y el segundo regidor Dn. José de los Santos Ramon Gutierrez, quienes la firmaron conmigo en diez y ocho de Julio de mil ochocientos veinty y seis.

En testimonio de verdad hago mi firma acostumbrada.

BALTAZAR PEREA.

Assa. : FRANCO. DE MIERA Y PACHECO.

Assa. : JOSÉ DE LOS SANTO. RAMON GUTIERREZ.

ANTONIO LUCRECIO MUÑIZ,

Secretario.

[Translation.]

ONE QUARTILLO.

[SEAL.] Seal fourth, one quartillo for the years eighteen hundred and
 [SEAL.] ten and eighteen hundred and eleven.

Habilitated for the state of Jalisco for the bienium of one thousand eight hundred and twenty-four and eight hundred and twenty-five.

Will serve as seal second for the years eighteen hundred and twenty-six and twenty-seven.

[Rubric.]

The document of grant having been presented to me by the landholders of Bernalillo for the purpose of taking a legal copy thereof, for the reason that it is very much damaged by time and bad preservation, I do make the certified copy of said document, and it is as follows :

[SEAL.] His excellency the governor and captain-general: I, Felipe
 [SEAL.] Gutierrez, a soldier of this garrison, appear before your excellency in due form of law, and state that, whereas I have children, and a wife, and some live stock, and not possessing a place to keep them nor where to live, I request your excellency to be pleased to make me a grant in the name of His Majesty our Sovereign for a tract of land situated on this side of the Rio del Norte, in front of the house of Captain Diego Montoya, which is called the Weaver's Bend, containing a league and a half in area, with its entrances and exits, pastures and watering-places, wherefore I ask and pray your excellency to grant my petition, whereby I will receive favor and justice, which I ask; and I declare on the sign of the cross that this my request is not through dissimulation, and as necessary, &c.

FELIPE GUTIERRES.

PRESENTATION.

At the village of Santa Fé, on the 3d day of December in the year one thousand seven hundred and one, this petition was presented by Felipe Gutierrez, and, having been examined by me, Pedro Rodriguez Cubero, governor and captain-general, the same was taken and presented, and being by me considered:

DECREE.

I do, in the name of His Majesty, make to the said Felipe Gutierrez the grant to the lands he asks for, with their entrances and exits, without prejudice to any other grant there may be prior to this—for in this case the present one ceases—of which lands the chief alcalde of the place Bernalillo will execute to him the possession in the customary form, this decree and grant serving him as a title in form for himself and his successors, and the said pastures to be common, for thus I provided, ordered, and signed.

PEDRO RODRIGUEZ CUBERO.

Before me :

PEDRO DE MORALES.

Secretary of Government and War.

No fees.

REHABILITATION.

At the villa of Santa Fé, on the 21st day of the month of January, in the year of thousand seven hundred and four, before the Marques de la N de Brazinas, governor and captain-general of this king-

dom and province of New Mexico, there was presented the grant made in the name of His Majesty by my predecessor, the Castellan, Pedro Rodriguez Cubero, requesting me to rehabilitate the said grant; and what he asks and represents, appearing to me, said governor and captain-general to be just, I do hereby revalidate the said grant to the land, which my said predecessor made him, and do now make it to him anew in order that he may thereunder use and enjoy and possess said lands for himself and his wife, children, heirs, and successors, and he cannot sell, barter, donate, exchange, or dispose of the same voluntarily. For the validity of which I order the chief alcalde of Bernalillo to execute to him royal possession in the name of His Majesty, by placing and designating boundaries and land-marks; and this will serve him as a title.

And that it may so appear, I sign this, with secretary of government and war.

MARQUES DE LA NAVA DE BRACINA.

Before me :

ALFONZO RAEI DE AGUILAR,
Secretary of Government and War.

ACT OF POSSESSION.

At this place, Bernalillo, on the second day of the month of January, in the year one thousand seven hundred and eight, appeared Felipe Gutierrez before me, Martin Urtado, chief alcalde and war-captain, stating that it has been seven years since this grant was made to him by the Castellan, Pedro Rodriguez Cubero, and that during that time royal possession has not been given him; and I, finding to be true what he states, proceeded to give him royal possession in the name of His Majesty, (whom may God preserve,) by observing the customary ceremonies; and the boundaries are, on the north a sand-hill, which is the boundary-line of Capt. Juan Gonzales, and on the south a small grove, and on the east some high hills, and on the west the Del Norte River; and in testimony whereof I signed this, with my two attending witnesses, who were José de Quintana and Ygnacio de Aragon, who signed the same with me on said day, month, and year as above.

Attending witness:

JOSÉ DE QUINTANA.

Attending witness:

YGNACIO DE ARAGON.

Before me as special justice :

MARTIN URTADO.

FÉ, September 8, in the year 1742.

The chief alcade of the jurisdiction of Albuquerque will report with the corresponding legality and justice whether the possession and grant made in the year one thousand seven hundred and one has been abandoned or is settled upon, and how long occupied, and these proceedings being had officially a copy thereof will be furnished Captain Luis Garcia, to whom this new grant has been lately made, and who will make his reply. Thus I provided, ordered, and signed with those of my attendance and as necessary.

GASPAR DOMINGO DE MENDOZA.
DIEGO DE OGARTE.
JOSÉ TERUZ.

This testimonio agrees with its original, to which I refer, and which I, Antonio Urribari, had copied to the letter, at the request of the parties. It is correct and true, corrected and amended, and those who saw the copy taken were the instrumental witnesses, Domingo Baldez and Felipe Tamarias, both residents of this village of Santa Fé. Thus I acted as special justice for lack of a public or royal notary, there being none in this province, and I signed this with my two attending witnesses on this paper, there being none of any stamp in these parts; to which I certify:

In testimony of truth I sign my name and place, customary rubric.

ANTONIO BULIBARRI,
Special Justice.

GREGORIO GARDUÑO.

The foregoing documented grant is a legal copy of its original, the witnesses who saw it taken being the first alderman Francisco de Miera y Pacheco, and the second alderman José de los Santos Ramon Gutierrez, who signed this with me on the eighteenth day of July, one thousand eight hundred and twenty-six.

In testimony of truth I sign with my customary signature.

BALTAZAR PEREA.

Attending:

FRANCISCO DE MIERA Y PACHECO.

Attending:

JOSE DE LOS SANTOS RAMON GUTIERRES.

ANTONIO LUCRECIO MUÑIZ,
Secretary.

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

SAML ELLISON.

Subscribed and sworn to before me this February 19, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, N. Mex., February 19, 1874.

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

DAV. J. MILLER,
Translator.

TESTIMONY.

Luis Garcia, or town of Bernalillo.

TOMAS C. DE BACA, being by the surveyor-general duly sworn to depose in this claim, on his oath declares:

Question by Samuel Ellison, attorney for Mr. Waldo, attorney for claimants. What is your name, age, occupation, and place of residence?—Answer. My name is Tomas Cabeza de Baca; my age is sixty-four years; my occupation is farmer; and my residence Peña Blanca, Santa Aña County, N. Mex., where I have resided all my life.

Q. Are you acquainted with the town of Bernalillo? If so, please state

how long you have known it, and where it is situated.—A. I know the place named. It lies to the south of Santa Aña County, in the county of Bernalillo, and I have known the place all my life, some of my ancestors having resided there. It lies in the northern portion of Bernalillo County.

Q. Have you ever seen a grant for the land at said town? And, if so, please state all you know about it.—A. I have seen such a grant several times, different portions of it in different times, at my house. I saw a portion of the grant as a portion of an expediente or record of legal proceedings had before and by Nerio Montoya, constitutional alcalde, some time in the last century, and which expediente was in my possession from the year 1831 to 1849. In the expediente the boundaries of the Bernalillo grant were mentioned, but I do not exactly remember them now, as therein stated. The town of Bernalillo is now on the east or hither side of the Rio Grande del Norte, though at the time of the grant it was on the western or further side of that river. The town of Bernalillo was an existing town in the month of August, 1846, the time of the American occupation of the Territory, and was existing at the date of the treaty of Guadalupe Hidalgo of 2d February, 1848, and from documents I have seen, and from tradition it existed in the last century.

Question by surveyor-general. Have you any interest in this claim?—Answer. I have none whatever.

Q. Does this Bernalillo grant embrace pastoral as well as agricultural lands?—A. It includes both classes of land. The land is bounded on the east by the crest of the high hills. I have no personal knowledge of any mines or minerals on the grant. The average distance between the River del Norte and the hills to the east of it is about eight or nine miles.

Q. What do you estimate the length of this grant from north to south?—A. It is about four or five American miles, as I estimate it.

TOMAS C. DE BACA.

Sworn and subscribed before me this February 19, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

FELIPE DELGADO being by the surveyor-general duly sworn, on his oath declares:

Question by Mr. Ellison, for Mr. Waldo. What is your name, age, occupation and residence?—Answer. My name is Felipe Delgado; my age is forty-four years; my occupation is merchant; and my residence is here at Santa Fé.

Q. Do you know the land known as the Bernalillo grant? And, if so, please state where it is, and how long you have known the place, and all you know about the land and the grant.—A. I know the land mentioned. It lies in the county of Bernalillo, in this Territory, on the east side of the River del Norte. I have known the town of Bernalillo since the year 1844 or 1845, when it was, and since which time it has continued, in existence as a town. I do not know the boundaries of the Bernalillo grant.

Question by the surveyor-general. Have you any interest in this claim?—Answer. I have no interest whatever in the claim.

FELIPE DELGADO.

Sworn to and subscribed before me this February 19, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

DECISION.

Town of Bernalillo—Opinion of the surveyor-general.

This claim for land by the village or community of Bernalillo is presented for approval 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 presented that a grant of land was made to Felipe Gutierrez in the year 1701 by Pedro Rodriguez Cubero, then governor and captain-general of New Mexico, which was at that time one of the possessions of the Spanish Crown.

In January, 1704, the grant was revalidated and made anew by the Marques de la Nava de Bracina, then governor and captain-general, and possession given to Gutierrez by Alcalde Martin Urtado, in usual form, in 1708. This revalidation was doubtless made in consequence of the death of Gov. Cubero, which occurred soon after 1701.

Upon this land many people settled, holding under the original grantee, constituting a well-established village for the past 100 years or thereabouts.

Under the instructions to this office by the Commissioner of the General Land-Office, of date of August 21, 1854, relating to such villages as this of Bernalillo, as follows: * * * "The fact being proved to you of the existence of such city, town, or village at the period when the United States took possession, may be considered by you as *prima-facie* evidence of a grant to such corporation or to the individuals under whom the lot-holders claim," I consider such proof sufficient, and so respectfully recommend to Congress that this claim for lands be confirmed to the present owners and people of the village of Bernalillo according to the boundaries set forth in the act of possession, executed in January, 1708, to Gutierrez, by the alcalde, Urtado, which is a part of this record.

Complete copies of the record, in triplicate, are herewith transmitted.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex. February 20, 1874.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N Mex., March 10, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim, reported as No. 83, in the name of the town of Bernalillo, Felipe Gutierrez original grantee.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Juan José Gallegos, being private land-claim reported as No. 84, known as the Angostura tract, in Santa Aña County, New Mexico; date of grant, November 4, 1745; reported by the United States surveyor-general February 28, 1874.

[Received with surveyor-general's letter March 10, 1874.]

PRESENT CLAIMANT'S PETITION.

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

Your petitioners, the assignees and legal representatives of Juan José Gallegos, deceased, whose names, on account of the great number of your said petitioners, are too numerous to insert herein, and therefore beg leave to omit, respectfully represent that heretofore, to wit, on the fourth day of November, in the year of our Lord seventeen hundred and forty-one, Joachin Codallos y Roibal, governor and captain-general of what is now the Territory of New Mexico, but then was a province belonging to the Kingdom of Spain, under and by virtue of the power and authority in him vested as such governor and captain-general, did make and grant unto Juan José Gallegos, in accordance with the laws then in force in said Territory, a full, perfect, and complete title to a certain tract of land lying and being situate in the county of Bernalillo, Territory of New Mexico, known as the Angostura, bounded and described as follows, to wit: On the east by the Rio del Norte; on the west by the Arroya del Cuerdo; on the north by the lands of the pueblo of San Felipe; and on the south by the boundary-line of the lands of the pueblo of Santa Aña.

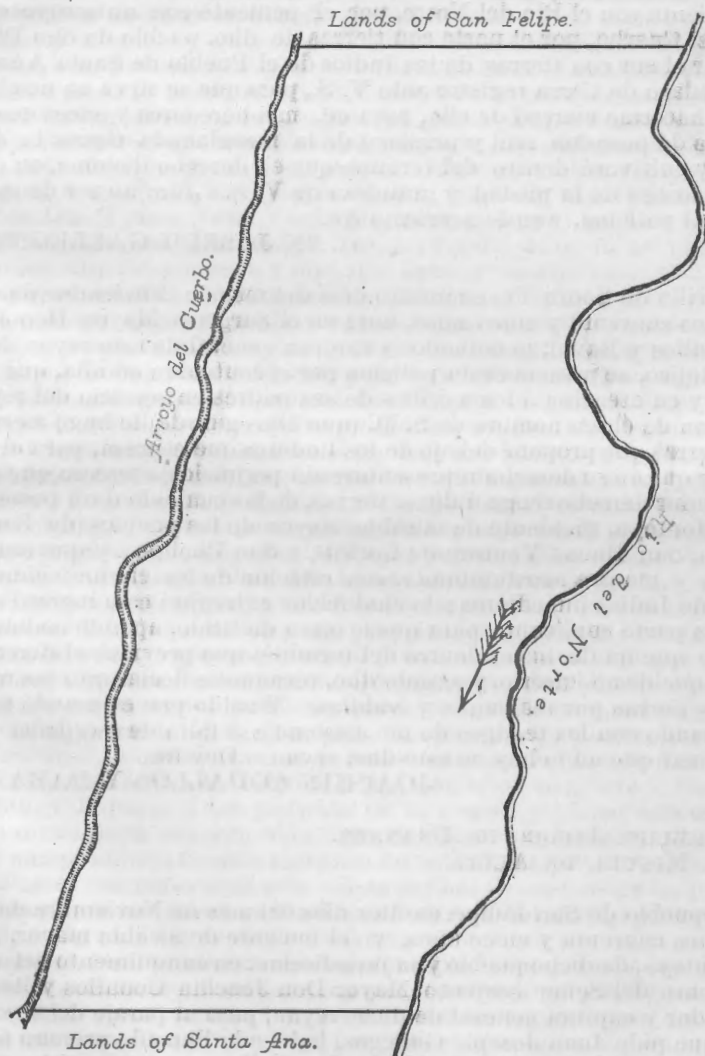
That after said grant was made as aforesaid, to wit, on the tenth day of November, in the year of our Lord seventeen hundred and forty-five, the said Juan José Gallegos was placed in legal possession of said grant, pursuant to the decree of the said governor and captain-general, by one Andres Montoya, lieutenant, chief alcalde, &c., to whom said order was directed, by whom all legal forms and customary ceremonies were duly complied with in the execution of said decree and order; that the said Juan José Gallegos remained in the quiet and peaceable possession of said land, having in all respects complied with the laws then in force, until about the year seventeen hundred and fifty-two, at which time, to wit, on the fifth day of December, in the year of our Lord seventeen hundred and fifty-two, before one Captain Juan Vigil, chief alcalde of the pueblo of San Felipe and its jurisdiction, for a valuable consideration, made a legal transfer and conveyance of all of the said lands hereinbefore described, so granted as aforesaid, to the community of the town of San Felipe, whom your petitioners now represent. A translated copy of the petition of the said Juan José Gallegos, of the grant made by the said governor and captain-general Joachin Codallos y Roibal, and of the act of possession by said Andres Montoya, and of the conveyance of said lands by the said Juan José Gallegos to the said town of San Felipe, are presented along with this petition. And your petitioners further represent that they and those under whom they hold have, ever since the date of the said conveyance of the said lands above set forth, been in the quiet and peaceable possession of said lands, and so remain to this day, and that they have kept a large portion thereof under cultivation almost continuously, and have pastured their stock on said lands as occasion required, and that no right or claim antagonistic has ever been presented or set up. Wherefore, in view of the premises, your petitioners ask for an examination by you of the matters herein alleged, and to introduce such other testimony as may be neces-

sary to establish their said claim, which is not contained in the documentary evidence herewith submitted, and ask that said grant may be confirmed unto them under the laws of Congress, &c.

JOSÉ L. PEREA AND OTHERS,
By HENRY L. WALDO,
Attorney for Petitioners.

[SKETCH MAP.]

Sketch of the Angostura Grant, situate in the Counties of Santa Ana and Bernalillo, in the Territory of New Mexico. Containing about 6,400 acres.



Extends from East to West about 2 miles.

" " North to South about 5 miles.

MUNIMENTS OF TITLE.

SEÑOR GOVOR. Y CAPN. GRAL.: Juan Joseph Gallegos, vecino del puesto de la Cieneguilla, puesto á los pies de V. S., y como mas aya lugar en derecho, digo: Que me hallo con crecida familia que mantener, y aun que soy desciente de pobladores y conquistadores de este reyno por parte paterna y materna; por ser de genio corto y vergonzoso no hé pedido ni se me ha dado tierra alguna valdia ni realenga de las que S. M. (que Dios gue.) manda en sus reales leyes se den á los que son pobres y benemeritos, por todo lo cual y con el mayor rendimiento que debo á V. S. pido y suplico se sirva de adjudicarme un pedaso de tierra realenga y valdia que se halla á distancia larga de las que pertenesen á el pueblo de Indios de San Felipe, que llaman la Angustura, cuyos linderos son, por el oriente con el Rio del Norte, por el poniente con un arroyo que llaman del Cuerbo, por el norte con tierras de dho. pueblo de San Phelipe, y por el sur con tierras de los Indios de el Pueblo de Santa Anna; el cual pedaso de tierra registro ante V. S., para que se sirva en nombre de S. M. hacerme merced de ella, para mí, mis herederos y sucesores, y que se me dé posesion real y personal de la mencionada tierra, la que poblaré y cultivaré dentro del termino que el derecho dispone, en que recibiré merced de la piedad y grandeza de V. S. Juro no ser de malicia esta mi peticion, y en lo necesario &c.

JUAN JOSEPH GALLEGOS.

En la villa de Santa Fé, en cuatro dias del mes de Noviembre de mil setecientos cuarenta y cinco años, ante mí el Sargente Mayor Don Joachin Codallos y Raval, gobernador y capitan general de este reyno de la Nueva Méjico, se presentó esta peticion por el contenido en ella, que por mi vista y en atencion á los méritos de sus padres en servicio del reyno y poblazon de él, en nombre de S. M. (que Dios guarde) le hago merced de las tierras que propone debajo de los linderos que espresa, para el su- so dho., y que en su derecho representare sin perjuicio de tercero que mejor ó anterior derecho tenga á dhas. tierras, de las cuales le dará posesion Andre Montoya, theniente de alcalde mayor de los pueblos de Santo Domingo, San Buena Ventura de Cochití, y San Phelipe; y que sea en la forma y maníra acostumbrada, con citacion de los circumvicinos y pueblos de Indios inmediatos; lo cual fecho entregará esta merced original á la parte suplicante, para que le sirva de título, apercibiéndole de el pueblo que ha de hacer dentro del termino que previene el derecho, pena de que de no hacerlo, y pasado dho. término se declararán las mencionadas tierras por realengas y valdias. Y así lo prevei, mandé y firmé, actuando con los testigos de mi asistencia á falta de escribano público ni real que no lo hay en este dho. reyno. Doy fé.

JOACHIN CODALLOS Y RABAL.

Testigo:

PHELIPE JACOBO DE UNANAES.

T. MIGUEL DE ALIRE.

En el pueblo de San Felipe, en diez dias del mes de Noviembre de mil setecientos cuarenta y cinco años, yo el teniente de alcalde mayor, Andres Montoya, de dicho pueblo y su jurisdiccion, en cumplimiento del auto anteseidente del Señor Sarjento Mayor Don Joachin Codallos y Raval, gobernador y capitan general de dicho reyno, pasé al paraje del sitio de tierras que pide Juan Joseph Gallegos, habiendo llamado primero á los Indios principales de dicho pueblo de San Felipe, y tambien á los vecinos mas inmediatos, por si tubieren que alegar algun derecho, y así di-

chos Indios como los vecinos respondieron que dichas tierras son realengas y que no se sigue perjuicio alguno á los Indios ni á otra persona por [rota] que en nombre de su magestad, que Dios guarde, le dió posesion real y personal á Juan Joseph Gallegos de las tierras espresadas en su peticion, en forma de derecho, con las ceremonias acostumbradas, y si li señalaron los mismos linderos que menciona en dicha peticion, que son, por el oriente con el Rio del Norte, por el poniente con el Arroyo del Cuerbo, por el norte con las tierras de dicho pueblo, y por el sur con el lindero de las tierras del pueblo de Santa Aña, y en todos los linderos mandé poner mojoneras, para su memoria del tiempo venidero. Y para que conste lo firmé como juez receptor, con dos testigos de asistencia, por la falta de escribano que no lo hay en este reyno, y dichos testigos que lo fuéron Juan Gutierrez y Diego Gallegos, no firmaron porqué dijéron no saben escribir, firmolo yo dicho teniente.

ANDRES MONTOYA,
Juez Receptor.

En este pueblo de San Phelipe, en cinco dias del mes de Diciembre del presente año de mil setecientos cinquenta y dos años, ante mí el Cappn. Juan Vigil, alce. mayor de dho. pueblo y su jurisdiccion, por el Señor Dn. Tomas Valez Cachupin, govr. y cappn. gral. de este reyno, parició Juan Gallegos, soldado del rl. presidio de la villa de Santa Fé, á quien doy fé conosco, y dijo, que daba y dió en venta rl. á los hijos naturales del dho. pueblo de San Phelipe, un sitio ó rancho de tierras de panllevar que está en la Angostura, por el precio y cantia de trescientos pesos, cuya cantidad persibió el dho. Jun. Gallegos del comun de dho. pueblo á su satisfaccion; cuyos linderos son por el oriente el Rio del Norte, por el poniente con el Cuerbillo, por el norte el lindero de dho. pueblo, y por el sur con tierras del pueblo de los Indios de Santa Aña, de cuya cantidad se da el dho. Jun. Gallegos [roto] tento, pagado, y satisfecho, y que si [roto] rras mas valen ó valer puedan le h[roto] cia y donacion á dhos. indios de la [roto] pura, mera, perfecta é irrocab[roto] derecho llama inter vivos sobre q[roto] cia las leyes de la mon numerata y [roto] prueba y paga, las de duobus re, de [roto] iatentica, per fide insoribus las d[roto] comunidad, que hablan sobre la mit[roto] el justo precio y de todas las de m[roto] que dhos. tierras se las da á dhos. i[roto] libres de senso, tributo y otra hip[roto] para que las gosen con libre franc[roto] administracion, y que puedan [roto] cambiarlas y enagenarlas á la p[roto] ó personas que les pareciere, y [roto] y traspasa á dhos. Indios la pro [roto] d[roto] derecho, accion y señorío que á [roto] rras tenia, sobre que no les pon[roto] pleito ní él, ní su muger, ní sus hijos, herederos, ní susesores, ní demanda, y que si acaso se lo pusieren no sean oidos en juicio ní fuera del, y que saldrá á la defenza hasta dejarlos en quieta y pacífica posesion, y da poder á las justicias de su magd., y en particular á las de este reyno, para que con todo rigor de derecho le compelan y apremien á el cumplimiento de esta escritura como si fuera por sentencia definitiva de juez competente pasada con autoridad de cosa juzgada, para cuyo sameamiento obliga su persona y bienes havidos y por haber, renuncia la ley antigua, *fecho nombu* [roto] á su propio fuero, domisillo y vecindad la ley si convenerit de iuriditione ori un in dicion y todas las demás de su favor y defenza; todo lo cual otorgó el dho. Juan Gallegos ante mí y testigos de [roto] cia, que interpuso mi autoridad [roto] cial decreto. Y para que conste lo q[roto] como juez receptor, á falta de [roto] público ó real, que no lo hay en [roto] no firmó el otorgante por no [roto] firmó á su

ruego un testigo, y [roto] presente papel por no correr el [roto] estas partes. De todo doy fé.

JUAN VIGIL.

Á ruego de Gallegos:

MANUEL VIGIL.

TRANSLATION OF MUNIMENTS.

His Excellency the Governor and Captain-General :

I, Juan Jose Gallegos, resident of the place Cieneguilla, appear before the feet of your excellency in due form of law, and state that I have a large family to support, and, although I am a descendant of the settlers and conquerors of this province on the paternal and maternal side, being of a limited understanding and reserved, I have not applied for, nor has there been given me, any vacant nor royal domain of which His Majesty (God preserve him!) commands in his royal laws there shall be given to those who are poor and worthy; in consideration of all which, and with the greatest humility proper in me, I ask and pray that your excellency be pleased to adjudge to me a tract of vacant royal domain which is situated a long distance from the lands belonging to the pueblo and Indians of San Felipe, and which is called the Angostura, the boundaries of which are, on the east the Rio del Norte, on the west an arroyo called the Cuerdo Arroyo, on the north the lands of said pueblo of San Felipe, and on the south lands of the Indians of the pueblo of Santa Aña, which piece of land I register before your excellency, in order that you may be pleased to make me, in the name of His Majesty, a grant for the same for myself and my heirs and successors, and that I be placed in royal and personal possession of said land, which I will settle and cultivate within the time prescribed by law; whereby I will receive grace through the goodness and greatness of your excellency. I declare that this my petition is not through dissimulation, and as is necessary, &c.

JUAN JOSÉ GALLEGOS.

At the village of Santa Fé, on the fourth day of the month of November, in the year one thousand seven hundred and forty-five, before me, Sergeant-Major Joaquin Codallos y Rabal, governor and captain-general of this province of New Mexico, this petition was presented by the party therein named, which being by me considered, I do, in view of the merits of his parents in the service of the province, and settlement thereof, and in the name of His Majesty, (God preserve him!) make to him a grant for the lands he refers to, with the boundaries he mentions, for him, the said petitioner, and his legal representatives, without prejudice to any third party having a better or prior right to said lands; of which lands Andres Montoya, lieutenant, chief alcalde of the pueblos of Santo Domingo, San Buenaventura de Cochiti, and San Felipe, will give him possession, which shall be done in the customary form and manner, by citation to the contiguous residents and pueblo Indians in the vicinity; which being done, he will deliver this original grant to the party applicant, which shall serve him as a title, notifying him of the settlement he has to make within the time prescribed by law, under the penalty that if he does not make it, and said time having expired, said lands will be declared royal domain and vacant.

And thus I provided, ordered, and signed, acting with my attending witnesses, for want of a public or royal notary, there being none in this said province. I certify:

JOAQUIN CODALLOS Y RABAL.

Witness: FELIPE JACOBO DE UNANUES.

Witness: MIGUEL DE ALIRE.

At the pueblo of San Felipe, on the tenth day of the month of November, in the year onethousand seven hundred and forty-five, I, Andres Montoya, lieutenant, chief alcalde of said pueblo and its jurisdiction, in compliance with the foregoing decree of Sergeant-Major Joaquin Coddallos y Rabal, governor and captain-general of said province, proceeded to the place of the tract of land applied for by Juan José Gallegos, having first summoned the principal Indians of said pueblo of San Felipe, and also the nearest residents, in order to ascertain whether they had any claim to allege, and the said Indians, as well as the citizens, answered that said lands were royal domain, and no injury would result to the Indians or any other person; wherefore, in the name of His Majesty, (God preserve him!) I gave royal and personal possession to Juan José Gallegos of the lands described in his petition in legal form, and with the customary ceremonies; and there were designated to him the same boundaries that he mentions in his said petition, which are, on the east the Rio del Norte, on the west the Arroyo del Cuerdo, on the north the lands of the said pueblo, and on the south the boundary-line of the lands of the pueblo of Santa Aña; and on all the boundaries I ordered landmarks to be placed, as a memorial for all future time; and that it may so appear, I signed this as special justice, with two attending witnesses, for want of a notary, there being none in this province, and said witnesses were Juan Gutierrez and Diego Gallegos. They did not sign, as they stated they did not know how to write.

I, said lieutenant, signed.

ANDRES MONTOYA,
Special Justice.

At this pueblo of San Felipe, on this fifth day of the month of December, in the present year, one thousand seven hundred and fifty-two, before me, Captain Juan Vigil, chief alcalde of said pueblo and its jurisdiction for his excellency Tomas Velez Cachupin, governor and captain-general of this province, appeared Juan Gallegos, a soldier of the royal garrison of the village of Santa Fé, whom I certify that I know, and declared that he would give, and did give, in royal sale to the native inhabitants of said pueblo of San Felipe, a tract or ranch of agricultural land situate at the Angostura, for the price and sum of three hundred dollars, which sum the said Juan Gallegos received from the community of said pueblo to his satisfaction, the boundaries of which are, on the east the Rio del Norte, on the west the Cuerbillo, on the north the boundary-line of said pueblo, and on the south the lands of the Indian pueblo of Santa Aña, for which sum the said Juan Gallegos expressed himself content; paid, and satisfied; and if said lands were worth more or should be of greater value, he gives and makes donation to said Indians of San Felipe, pure, full, perfect, and irrevocable, which the law terms *intervivos*, and renounces the laws of *non numerata* [torn], proof, and payment, those of *duobus re* of [torn], *iattentica per fide insoribus*, those of [torn] community, that treat of the [torn] the just price, and all those of [torn], for he cedes said lands to said [torn], free from tax, tribute, or other [torn], for them to enjoy with free, frank [torn], administration, and they may [torn] exchange or alienate the same to the [torn] or persons they may deem proper and [torn] and conveys to said Indians the [torn] he had; wherefore, neither himself nor his wife, nor his children, heirs, nor successors, shall bring suit or demand against them, and in case they should do so let them not be heard in nor out of court, and that he will defend until he leaves them in quiet and peaceable possession; and he empowers the justices of His Majesty, and particu-

larly those of this province, to the end that with all the rigor of law they compel and oblige him to comply with this instrument, as if by final judgment of a competent judge, rendered in a matter adjudicated; and for security he binds his person and estate, present and future. He renounces the ancient law made *nomba*, his proper privilege, domicile, and residence. The law *si conuerit de iuriditione oni un indiseo* and all others in his favor and defence; all of which he, the said Juan Gallegos declared before me and attending witnesses, and I interposed my authority and judicial decree; and in testimony whereof, I signed this as special justice for lack of [torn] public or royal, there being now in [torn] the conveyor did not sign for the [torn,] at his request a witness signed and [torn] this paper, there being none stamped in these parts.

To all of which I certify.

JUAN VIGIL.

By request of Gallegos :

MANUEL VIGIL.

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

SAML. ELLISON.

Sworn to and subscribed before me this February 19, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, N. Mex., February 19, 1874.

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

DAV. J. MILLER,
Translator.

TESTIMONY OF WITNESSES.

Juan José Gallegos, town of Angostura.

TOMAS C. DE BACA, having been by the surveyor-general duly sworn to depose in this private land-claim, on his oath declares :

Question by Samuel Ellison, attorney for Henry L. Waldo, attorney for claimants. What is your name, age, occupation, and residence?— Answer. My name is Tomas Cabeza de Baca; my age is sixty-four years; my occupation is farmer; and my residence is at the town of Peña Blanca, in the county of Santa Aña, in this Territory.

Q. Do you know the place called La Angostura? and, if so, please state where it is situated, and whether the town so called and now referred to was settled and known as such at the time of the occupation of New Mexico by the American military forces, in the year 1846?—

A. I know the place referred to, called Angostura. It is a town situated in the county of Santa Aña, on the east bank of the Rio Grande del Norte, and between the Indian pueblo of San Felipe on the north and the lands of the Indians of the pueblo of Santa Aña on the south, the town of Algodones standing about one mile to the north of said Angostura. The place Angostura was in existence as a town at the

time of the American occupation of New Mexico, in 1846. There are a large number of persons living at Angostura, but the principal owner of the lands there is José Leandro Perea, from whom most of the people there residing rent lands.

Question by surveyor-general. Have you any personal interest in this claim?—Answer. I have none whatever.

TOMAS C. DE BACA.

Subscribed and sworn to before me this February 20, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

ANASTACIO SANDOVAL, being also sworn by the surveyor general, on his oath declares:

Question by Mr. Ellison, for Mr. Waldo. What is your name, your age, your occupation, and your residence?—Answer. My name is Anastacio Sandoval; my age is fifty-eight years; my occupation is farmer and merchant; and my residence is here, at Santa Fé.

Q. Are you acquainted with the place called the town of Angostura? and, if so, please state its locality, and whether the place was occupied as a town in the year 1846, when the American military forces took formal possession of New Mexico.—A. I know the town named, and it is situated in the county of Santa Aña, in this Territory, on the left bank of the Rio Grande, at a place where the river runs westwardly. The town, as such, was in existence when the American troops entered and took possession of New Mexico, in the year 1846, and still exists.

Question by surveyor-general. Have you any interest in this claim?—Answer. I know of none that I have.

ANASTACIO SANDOVAL.

Subscribed and sworn to before me this February 20, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

DECISION.

Juan José Gallegos, town of Angostura—Opinion of surveyor-general.

OFFICE OF THE UNITED STATES SURVEYOR-GENERAL,
Santa Fé, N. Mex., February 28, 1874.

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

It appears from the record before me that in the month November, 1745, Don Joaquin Codallos y Rabal, governor and captain-general of New Mexico, which was then an ultramarine dependency of the Crown of Spain, granted to one Juan José Gallegos the lands in question; and that Lieut. Andres Montoya, chief alcalde having jurisdiction, placed said Gallegos in juridical possession in the same month and year, being directed so to do by Governor Codallos y Rabal, in his decree making the grant; and that in the month December, 1752, said Gallegos sold and conveyed said lands to the Indians of the pueblo of San Felipe for the consideration of \$300; and that the lands are now occupied by the inhabitants of the village of Angostura; and that said village was in existence at and before the American conquest of the country in 1846.

Believing that the original Spanish papers in this case are genuine, and that present claimants are holding under the grant in good faith,

I recommend to Congress that this grant of lands be confirmed to the Indian or native inhabitants of the pueblo of San Felipe and their legal representatives, according to the boundaries set forth in the act of possession executed by Alcalde Andres Montoya in the month November, 1745, which act of possession is a part of this record.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., March 10, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land claim reported as No. 84 in the name of Juan José Gallegos, deceased.

JAMES K. PROUDFIT,
United States Surveyor-General.