

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Reports of surveyors-general of New Mexico on private land claim Cañada de Santa Clara, No. 138.

JANUARY 27, 1887.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1887.

SIR: Pursuant to the requirement of the 8th section of the act of Congress approved July 22, 1854 (10 Stat., 308), I have the honor to transmit herewith, for the consideration of Congress, the reports of Surveyors-General Pullen and Julian, dated respectively May 14 and October 10, 1885, in the matter of the private land claim known as the Cañada de Santa Clara, No. 138, New Mexico, with the accompanying communication from the Commissioner of the General Land Office.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 21, 1887.

SIR: I have the honor to transmit herewith, for submission to Congress, two reports, in duplicate—one by Surveyor-General Pullen and one by Surveyor-General Julian—upon the private land claim in the Territory of New Mexico, known as the "Cañada de Santa Clara claim," No. 138.

Surveyor-General Pullen in his report recommends the confirmation of this claim to the Indian or native inhabitants of the Pueblo of Santa Clara.

Surveyor-General Julian in his report approves the claim, and suggests that the United States secure for a fair consideration a release from the Indians of the land embraced in the petition, thereby saving to the public domain and opening to actual settlement a large tract of land that settlers seem anxious to enter.

Agent Romero, of the Pueblo Agency, under date of November 28, 1885, in a letter to the Commissioner of Indian Affairs, protests against the purchase of said lands by the United States, and gives his reasons therefor. Triplicate copies of Agent Romero's letter and letters from the Indian Office and the Department are herewith inclosed.

The grant appearing to be a valid one, I respectfully recommend the confirmation of the same to the Indian inhabitants of the Pueblo of Santa Clara of all that portion of the Santa Clara Valley along the stream of that name, lying west of the former grant to said pueblo, and confirmed December 22, 1858, as letter "K," and extending westward as far as the mountains, and extending at no point more than one and one-half leagues upon each side of said river.

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

WM. A. J. SPARKS,
Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1885.

SIR: I have the honor to transmit herewith for the information of the Department a copy of a letter dated November 28, 1885, from Agent Romero, of the Pueblo Agency, New Mexico, earnestly protesting against the proposed sale of a portion of the lands belonging to the Indians of the Pueblo of Saint Claire (Santa Clara), New Mexico, which he is informed has been recommended by the surveyor-general of the Territory, Hon. G. W. Julian. His reasons for protesting against such action are fully stated.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *Washington, December 10, 1885.*

SIR: I transmit herewith for your information a copy of letter of the 8th instant from the Commissioner of Indian Affairs, inclosing copy of a communication from Agent Romero, of Pueblo Agency, New Mexico, earnestly protesting against the proposed sale of a portion of the lands of the Pueblo of Santa Clara, which the agent is informed has been recommended by the surveyor-general of the Territory.

Very respectfully,

G. A. JENKS,
Assistant Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

UNITED STATES INDIAN SERVICE, PUEBLO AGENCY,
Santa Fé, November 28, 1885.

SIR: I am informed that the surveyor-general of this Territory, the Hon. G. W. Julian, has officially recommended to the Department of the Interior that the Government purchase a certain part of the land belonging to the Saint Clare Pueblo Indians and sell it to settlers. I would most respectfully and earnestly protest against such action.

The land proposed to be purchased and sold by the Government affords the only water available for irrigation, and upon it the only timber they have. If this action is taken it is only a question of short time when the Indians will be dispossessed of the whole. The part recommended to be purchased and sold by the Government is a key to all containing the water and timber.

It is much better for the Indians to own the land than to have the money it would bring. The land is a perpetual source of living; the money, the price of the lands, would soon be spent and wasted.

I hope the Department will be slow to act upon the advice referred to.

I have the honor to be your obedient servant,

DOLOROS ROMERO,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., October 10, 1885.

[In the matter of the private land claim of the Indians of the pueblo of Santa Clara.—File No. 193. Reported No. 138.]

In accordance with a suggestion made by the Commissioner of the General Land Office in a letter to my predecessor, bearing date June 24, 1885, and returning to him without action, contract No. 221, for the survey of private land claims Nos. 113, 138, and 139., I have examined into the above-named claim of the Indians of the pueblo of Santa Clara, and now submit the following report:

This claim is presented to the surveyor-general of New Mexico under the provisions of the eighth section of the act of Congress of July 22, 1854, establishing and defining the duties of this office, with the view of carrying out the provisions of the treaty of Guadalupe Hidalgo.

The petition is presented and filed on behalf of the Indians of the pueblo of Santa Clara, located in the county of Rio Arriba in the Territory of New Mexico, asking for the confirmation of an additional grant to said pueblo, claimed to have been made by the Spanish government in the year 1763.

By reference to page 405 of a volume published by authority of Congress, and entitled "The Public Domain, with Statistics, 1883," it will be seen that there has been confirmed and patented to the Indians and pueblo now presenting this claim 17,368.52 acres of land, which was confirmed by act of Congress on December 22, 1858, and which grant is referred to in the petition and proceedings in the present claim.

By the eighth section of the act of Congress of July, 1854, establishing this office and defining the duties of the surveyor-general, it is provided: "And shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in said pueblos respectively, and the nature of their titles to the land."

In certain instructions issued by the Commissioner of the General Land Office to the surveyor-general of this Territory, bearing date August 21, 1854, the said Commissioner, in speaking of the duty of the surveyor-general relative to private land claims, says:

"It is obligatory on the Government of the United States to deal with the private land titles and the 'pueblos' precisely as Mexico would have done had the sovereignty not changed. We are bound to recognize all titles as she would have done—to act that far and no further. This is the principle which you will bear in mind in acting upon these important concerns."

By an act of the Territorial legislature of New Mexico, passed in 1847, it is provided that the inhabitants within the Territory, known by the name of Pueblo Indians, and living in towns or villages built on lands granted to such Indians by the laws of Spain or Mexico, and conceding to such inhabitants certain land and privileges, to be used for the common benefit, are severally created and constituted bodies, politic and corporate, and they and their successors shall have perpetual succession, and may sue and be sued, &c.

The petition filed in this case described the land claimed as follows:

"A tract of land in Rio Arriba County, New Mexico, adjoining the grant of that pueblo (Santa Clara) (confirmed as letter "K") on the west, and extending to the head of the Rio Santa Clara, and embracing one and a half (1½) leagues on the north side and one and a half (1½) leagues on the south side of said stream; making a tract about eighteen (18) miles long east and west, and three (3) leagues wide north and south, or about 90,000 acres."

In support of this claim said Indians file documents in the Spanish language, which seem to be authentic, a portion of the same being complete, and others being much torn and mutilated, while in some cases portions are entirely missing.

These documents cover a period from 1724 to 1783. A translation of such papers made by the official translator of this office discloses a state of facts substantially as follows:

At some period prior to 1757 the lands now claimed by the petitioners herein were granted by Juan Domingo de Bustamante, as governor and captain-general of the

province of New Mexico, which was at that time one of the ultramarine possessions of the Spanish Crown, to two brothers, named Juan and Antonio Tafoya, said grant being made upon the condition that said lands should only be used for grazing purposes, and not for cultivation.

In 1757 complaints were made by the Indians of the pueblo of Santa Clara that the Tafoyas, or their heirs or representatives, were injuring and damaging them by the cultivation of said lands, and by cutting off said Indians from the water in the stream called Santa Clara, that runs through the said lands, and it was then ordered and decreed by the governor and captain-general, Don Francisco Antonio Marin del Valle, that the occupants of said lands should only have the privilege of pasturing their herds on said lands as was the intention of the predecessors of said governor in the making of said grant, and that in order to secure the performance of said order and decree it was also ordered that the papers held by said Tafoyas or their representatives be left with said Indians. This decree was executed by Captain Francisco Gomez del Castillo, chief magistrate of Santa Cruz, and it appears that the said occupants submitted to said decree.

In 1763 Prudencia Gonzales, as the widow of Antonio Tafoya, presented her petition to señor alcalde, mayor and captain of the town of Santa Cruz, praying for leave to prove and ascertain for and on behalf of herself and her children the title held by her late father-in-law, Christobal Tafoya, in a ranch called the Cañada de Santa Clara, which he held by grant from Don Jn. Domingo de Bustamente. Under this petition evidence was taken, and it was shown that said Tafoyas occupied the lands until the time of Señor Marin, when they abandoned the same.

Afterward—the date not being given—Mariano Rodriguez de la Torre, missionary minister and priest of the village and mission of Santa Clara, and seemingly, in answer to the petition of said widow, and on behalf of the inhabitants of the pueblo of Santa Clara, presented a petition to Tomas Velez Cachupin, then governor and captain-general of New Mexico, praying that the said Indians and inhabitants of said pueblo be granted more lands, and setting forth that the lands then possessed by them were all arable lands, and that while said lands were being cultivated the stock of said inhabitants could not get to the river Del Norte (Rio Grande) for water, and he prayed that the said governor would make to said pueblo a free grant to the valley (cañada) and stream of the Santa Clara.

Upon this petition, in the town of Santa Fé, on the 19th day of July, 1763, it was found and decreed by the said Velez Cachupin, governor and captain-general, that the grant of said lands to the Tafoyas had been forfeited and was of no effect, and that the said Indians and inhabitants of the pueblo of Santa Clara did not have the necessary quantity of lands to enable them to support themselves, flocks and herds, and which ought to be allowed according to law, and the royal will of His Majesty, the said governor and captain-general ordered and decreed as follows:

“I decree, all the foregoing being considered, that the whole of the valley (cañada) of Santa Clara which runs westward as far as the mountain, and in which was situated the tract (sitio) granted to Juan and Antonio Tafoya, with manifest damage and prejudice to the Indians, natives of the pueblo of Santa Clara, shall be for cultivable and common lands of the said Pueblo for their flocks and horses, with all its pastures and waters. Inasmuch as it does not appear that they have the said common lands in it no settler shall be admitted, nor any grant made, giving as I do give, as lost, the right alleged by the heirs of Juan and Antonio Tafoya in order that they shall not be heard in this suit. And I order that the certified copy presented by the Indians of Santa Clara be adjoined to these proceedings and be delivered to them to protect them in their right, this my definitive decree to be made known to the parties, the said Indians and Prudencia Gonzales, which shall be done by the alcalde mayor of the cañada.

“And by this decree, thus I approved, ordered, and signed, deciding definitively with two assisting witnesses in the absence of notaries, of which there are none in this government.

“THOMAS VELEZ CACHUPIN.”

It is not shown that there was any formal delivery of possession of this land to the Indians, but it appears that they occupied and used it as is stated further on.

It further appears from said documents that in the years 1780 and in 1788, upon the application and representation to the Government authorities by said Indians, the authorities in the pueblo of Santa Clara were ordered and directed to remove all intruders and settlers upon the lands granted to said Indians as set forth and described in the above decree of Thomas Velez Cachupin.

The oral evidence taken by the petitioners in support of their claim is the testimony of Indians from forty to eighty years of age, who were born and have resided during all of their lives in the town or pueblo of Santa Clara. None of them can either read or

write, and all they know relative to the grant or its boundaries is what they have been told by their ancestry and what is traditional amongst the inhabitants of the pueblo.

By this character of evidence it is shown that said Indians have claimed to possess and own, by virtue of a grant from the Spanish Crown, the entire valley (cañada) of the Santa Clara, extending from the Rio Grande on the east to the headwaters of the Santa Clara River, or the mountain top on the west, and being one and one-half leagues wide upon each side of said Santa Clara River. Said evidence further shows that said Indians have possessed and used said lands for obtaining timber and wood, and for grazing and farming purposes, since the same was decreed to them by Velez Cachupin, as above shown, except when temporarily prohibited from doing so by hostile tribes of Indians.

By a report made by James S. Calhoun, Indian agent, to the Commissioner of Indian Affairs, bearing date October 4, 1849, the number of Indians in the pueblo of Santa Clara is placed at 500.

The evidence taken in the investigation of this claim shows that there are not now more than 200 Indians in said pueblo. Said evidence further shows that the entire live stock, or animals of said Indians, do not exceed 150 head. It is also shown that but one Indian family resides upon the lands now petitioned for, and said family has resided there but five or six years.

Some settlers have located upon said lands in the last few years, and the Indians have complained about it, and in some cases have caused such settlers to leave and abandon their claims. The decree, or grant, made by the Spanish authorities under which the petitioners herein claim the lands described in their petition, does not specify the length or breadth of the lands granted, but describes it as follows:

"The whole of the valley (cañada) of Santa Clara which runs westward as far as the mountains."

In the petition presented by the claimants, and also in the map accompanying the same, the claimants ask that their title be confirmed to all lands lying west of the grant heretofore made to them, and extending to the head of the Santa Clara River, and one and one-half leagues upon each side of said river, said tract being about eighteen miles long, and three leagues, or a little more than seven and one-half miles, wide.

I am not informed as to the width of the Santa Clara Valley and have no means at hand from which to ascertain the fact, as it perhaps can only be learned by a survey.

I am of the opinion that there was a grant made by the governor of New Mexico to the pueblo of Santa Clara to all that portion of the Santa Clara Valley along the stream of that name lying west of the former grant to said pueblo above referred to and confirmed December 22, 1858, as letter "K," and extending westward as far as the mountain, but recommend that if such grant is confirmed care be taken to confine the limits thereof to the valley of said Santa Clara River, and extending at no point more than one and one-half leagues upon each side of said river.

It perhaps may not be inappropriate in this connection to call attention to the fact that the Indians of the Santa Clara pueblo, the claimants in this case, are steadily and surely decreasing in numbers. According to the report of the Indian agent above referred to, made in 1849, there were then 500 in the pueblo, while the evidence taken in this case discloses the fact that there are now between 150 and 200 residing there. As before stated, a grant has been confirmed to them of over 17,000 acres of land, which they now occupy. They now ask for confirmation of an additional grant estimated to contain about 90,000 acres.

It is shown by the evidence that there are some Mexicans residing within said pueblo, one of whom appears to have a considerable degree of shrewdness and possesses quite an influence over the Indians and in whom they place considerable confidence, and while it is not directly shown, yet enough has been developed in the investigation of this case to warrant the belief that this person is encouraging said Indians to prosecute this claim. It is directly shown that he encouraged and assisted the Indians in causing persons who desired to settle upon these lands to leave and abandon their claims. It requires no vivid imagination to foresee the time when the Indian inhabitants of this pueblo will be almost extinct, and in the mean time how some designing person might obtain from them or the corporate authorities of the pueblo a release for a nominal consideration of their claims upon the lands that they now seek to have confirmed to them. The suggestion is therefore made that it would be good policy upon the part of the United States to secure for a fair consideration a release by said pueblo of all the claim of said Indians upon the lands described in the petition herein, and thereby save to the public domain and for actual settlement a large tract of land that settlers seem anxious to be allowed to enter. It is believed that such a policy would prove beneficial to both the Indians and the General Government, and unless something of this kind is done nothing seems more absolutely certain than that some scheming person will at no distant time obtain from the Indians a release of their claims, and thereby obtain control of

this large body of land. Indeed, I am informed that such a plan is now being formed for this very purpose.

Triplicate copies of this opinion are forwarded to the Commissioner of the General Land Office, copies in triplicate of the other papers in the case having been forwarded by my predecessor, with his opinion in favor of the confirmation of said grant, on the 14th day of May, 1885.

Respectfully submitted.

GEORGE W. JULIAN,
Surveyor-General of New Mexico.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., October 14, 1885.

I hereby certify that the above is a full, true, and correct copy of its original on file in this office.

GEORGE W. JULIAN,
Surveyor-General of New Mexico.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., May-14, 1885.

I, Clarence Pullen, surveyor-general of the United States land office of New Mexico, do hereby certify that the annexed copies of the following described papers are a true and literal exemplification from the original papers on file in this office in private land claim known as the Cañada de Santa Clara; file No. 193; reported No. 138, viz: (1) Claimants' petition to surveyor-general; (2) original Spanish papers; (3) official translation of Spanish papers; (4) sketch map; (5) letter of Indian Agent Howard; (6 and 7) testimony of witnesses; (8) letter of Indian Agent Pedro Sanchez; (9) opinion of Clarence Pullen, surveyor-general.

Approved May 5, 1885.

In witness whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the City of Santa Fé, on the day and year above written.

[SEAL.]

CLARENCE PULLEN,
Surveyor-General.

[File No. 193—Reported No. 138.]

OFFICE OF PUEBLO INDIAN AGENCY,
Santa Fé, N. Mex., December 13, 1882.

SIR: I have the honor to present herewith the claim of the pueblo of Santa Clara to a tract of land in Rio Arriba County, New Mexico, adjoining the grant of that pueblo (confirmed as letter "K") on the west and extending to the head of Rio Santa Clara; and embracing one and a half ($1\frac{1}{2}$) leagues on the north side and one and a half ($1\frac{1}{2}$) leagues on the south side of said stream, making a tract about eighteen (18) miles long, east and west, and three (3) leagues wide, north and south, or about ninety thousand (90,000) acres.

This claim is supported by various old Spanish documents, more or less incomplete, filed herewith in three several packages marked respectively "A," "B," and "C," with English translations, and a rough map of the claim. These documents date from 1763 to 1788, and Don Juan Bapto Anza, governor-general, &c. of New Mexico, in his confirmation dated April 24, 1780, document "C," refers to "successive decrees" of his predecessors giving the Indians the right to "The small river of Santa Clara since the year 1727."

The original grantees were the brothers Juan and Antonio Tafoya, and the grant to them was declared null and void by the decree of Governor-General Don Thomas Velez Cachupin, dated July 19, 1763, and the land granted to the pueblo of Santa Clara. (See document "A.")

The power and authority of the Spanish governor-general to make such grants is conceded, I believe, by the United States.

As far as I have been able to learn there are no conflicting claims.

Very respectfully, your obedient servant,

BEN. M. THOMAS,
United States Indian Agent.

Hon. H. M. ATKINSON,
Surveyor-General for New Mexico, Santa Fé, N. Mex.

(Leaf 5.)

tendiendo en mi visita Grál. Se presentaron el Govor. ofiziales y demas Yndios principales de esto dho. pueblo representandome recebian grandes perxuzios de los bezinos de la Cañada de dho. pueblo que son los herederos de Juan Tafoya y Antonio Tafoya assi enserrandolos sus reses como ataxandoles el agua de el pequeño rio por culla agua se fundo el dho. pueblo en su antigüedad y presentando assi mismo Vn. testimonio otorgado a su favor por el Grál. Dn. Juan Domingo de Bustamenta, corroborado por el Thte. Coronel Dn. Gazpar Domingo de Mendoza, una carta orden de el Señor Coronel Dn. Gervasio Cruzat y Gongora con otro representacion hecha por dhos. Yndios ante el zitado Coronel Dn. Gazpar Domingo de Mendoza que en todos los zitados ynstrumentos y sus notificaciones se perzive claramente el abuso con que los zitados vezinos se han manexado monstrandose desobedientes a los superiores mandatos en cuya atenzion. Condono a estas partes en la multa de sesenta pasos los que desde luego aplico para la fabrica del templo material de la Yglesia de dho. pueblo, y en caso de contumacia se aplicaran á los transgresores se les aplicara todo el rigor que hubiere lugar en derecho y para ello mando se acumule la segunda merced de dhos. Tafoyas a los ynstrumentos ya zitados por reconocerse en ella dolo malizioso y que todo quede en-poder de los dhos. Yndios para enguarda de su derecho y si los zitados bezinos pidieren testimonio se les entregara yntegro de todo lo acumulado, y solo les quede la auccion de pastar sus ganados asi como fue la mente de mis antezesores dexando de haora para siempre eriazas todas las tierras que subrectiziamente tienen laboreadas y esta mi determinacion y mandamiento ordeno y mando a Dn. Franco. Gomez del Castillo Thte. alce. Mor. de esta jurisdizcion juntos los Yndios que aqui an representado con el resto que se hallare en el pueblo de los demas Yndios y concurrencia de Juan de Tafoya y los herederos de Antonio Tafoya les notificara todo lo expresado poniendo a el pie la fee de su notificacion y obedezimiento firmado de las partes que lo representaran y assi lo determine mande y firme en dho. dia refrendado de mi secretario de visita que de [torn].

DN. FRANZCO. ANTONIO MARIN DEL VALLE.

Por mandado de el señ. [torn]

JOSEPH LOBATO,
Secretario de Visita.

En este pueblo de Sta. Clara; en beinte y seis dias del mes de agosto de mill settezien tos cinquenta y siete años, yó el Capn. Franzco. Gomez del Castillo Justicia, mayor de la villa nueva de Sta. Cruz y su jurisdizcion, en virtud del auto que antezede expidido por el Señor Govor. y Capn. Grál. Dn. Franzco. Antonio Marin del Valle, para y en cumplimto. de mi obedezimiento y lo mandado por dho. señor hize comparezer ante mi a Juan de Tafoya Altamirano que para ello despache carta a el juez de la jurisdizcion donde se hallaba y hallandose el dho. en este mi juzgado en presencia mia y los testigos de mi asistencia con junto con la persona de Dn. Carlos de Mirabal su yerno como bendedores de la parte del rancho de la cañada de Santa Clara como asimismo Dn. Vizonte Ginzaron y Tobar en nombre de su muger y una menor de Antonio Tafoya, difunto, Juachin de Mestas como erederero del expresado Antonio Tafoya Xtobal Tafoya como ayxo y erederero del dho. Juan de Tafoya asimismo hixo y erederero del expresado difunto, y Thomas Padilla como erederero asimismo del dho. estando, todos en presencia mia y testigos de mi asistencia como referido, llevo les hize saver y notifique el autode. su señoria el señor govor. quienes entendidos de su contenido dixerón que obedezan y que tienen que representar por escrito y piden asimismo se les de el testimonio de todas las diligencias para enguarda de su derecho como lo manda su señoria esto dieron por su respuesta que firmaron conmigo los que supieron y testigos de mi asistencia con quienes autuo como juez receptor á falta de escribano publico ni real que no lo ay en este reyno doy fee.

FRANZCO. GOMEZ DEL CASTILLO,

Juez Receptor.

JUAN DE TAFOYA ALTAMIRANO.

CARLOS JOSEPH PEREZ DE MIRABAL.

Por mi muger y una menor:

VIZENTE GINZO RON Y THOBAR.

A rruengo de los demas herederos de Antonio Tafoya:

VIZENTE GINZO RON Y THOBAR.

Testigos de asistencia:

JUAN DE PRADO.

JUAN JPH. DE YCUZA Y ELIZONDO.

En esta villa nueva de Santa Cruz de la Cañada, en seis dias del mes de Marzo del año de mill settezien tos zinquenta y siete ante mi el Thte. de Alce. Mor. Franzco.

Gomez del castillo parizio Dn. Carlos Joseph Perez de Mirabal, vezino de la espresada villa diziendo que bendio y como de facto bendio a Joachin Mestas un zitio es de al [torn] tir con una caza grande y barios pedazos de tierra de labor con mas vna [torn] les de albaricoques asi por el como en nombre de su suegro J [torn] gozaba por derecho.

[Here follow what purport to be the seal of the probate court of Rio Arriba County and the signature of Fernando Salazar, clerk.]

(Leaf 6.)

de lexitima que el mencionada Señor le dio en la Cañada nombrada de Sta. Clara cuyo sitio es alquerido por merzed real la que abrazada con esta escriptura entriega y entrego al dho. comprador albirriendo que la merced esta pedida en cabeza de dos hermanos que lo son al mencionada Juan de Tafoya y Antonio Tafoya que de Dios goza pero solo se le bendio la parte que le toca a Juan de Tafoya que son sus linderos por el oriente el badito que haze y llaman antes de llegar á la casa de dho bendedor, por el poniente el nazimiento del rio de Sta. Clara; por el norte la orilla del mencionada rirto que es el que divide linderos entre los dos Hermanos por el sur vna Cañada que llaman del Oxo de Agua que baxa a la mesilla de San Yldefonso y dhos. sitio se le bendio por prezio y cantidad de mill pesos y vn caballo razonable lo que confiesa aver rezivido a todo su satisfazion y dize que si mas bale ó baler pueda le aze grazia y donazion de ello pura mera perfectta y yreocable que el derecho llama entre vibos para que lo pueda gozar con libre y grál. administrazn. por si sus hijos herederos y subseores y pueda canbiarlo benderlo y enaxenarlo y para ello renunzia las leyes de la mancomunidad *la de vsoribus rex debendi* y la de autentica [indecipherable] con las del ordenamiento real fechas en cortes por el Catholico Rey Don Alonzo en Alcalá de Heneres sobre que no le pararan pleyto demanda ni contradicion por si ni por ynterposita persona y que si se lo pusieren tornara el dho. bendedor la boz y cauzion asta dexarlo en paz y da Poder a las Reales Justicias de Su Mazestad para que a todo lo dho. le apremien. y compelan como si fuera por sentenzia definitiva de Juez competente consentida y no apilada renunziando como renunzia su propio fuero y domicilio y bezindad con la ley si combenerit y la general del derecho y para su mayor balidacion y firmesa a pédimento de las partes ynterpuse mi persona yo dho. Thte. con la facultad que para ello me es conferida de mi alce. mor. que en la autualidad lo es el alferaz Don Antonio de Beytia actuando doy fee conozca. el otorgante y que ante mi Paso esta Real escriptura y firmela yo con el bendedor y los infraescritos testigos de mi asistencia por no haver escribanos publica ni Real en las distanzias pefinidas en derecho y en el presente papel ordinario por no correr el sellado en este Reyno y fueron testigos ynstrumentales Christobal Tafoya y Anttonio Gutierrez, vezinos de dha. Cañada de Sta. Clara endonde es fecho vt supra que de todo doy fee.

FRANZCO. GÓMEZ DEL CASTILLO.

JUEZ [torn.]

CARLOS JOSEPH PEREZ DE MIRABAL.

BARTHOLOME TRUJILLO.

[Torn.]

Señor Govor. y Capitan Grál. Juachin Mestas, vezino del [torn] jurisdizion de la villa nueba de Sta. Cruz de la Cañada :

Parezco ante vsia en la mejor forma que haya lugar en derecho y al mio combenga y digo que hallandome con algun ganado mayor y caballada y tener alguna escasez de tierra asi para apazentar dho. ganado y caballada como para senbrar determine comprar la mitad del rancho que esta en la cañada de Sta. Clara con conozimto. de que dho. rancho no perxudicaba a los Yndios del pueblo de Sta. Clara respecto de que ha mas de diez y siete anos ò diez y ocho que se ha estado sembrando sin oposizion ninguna cuyo motivo me hizo el comprarlo como de facto lo compre a Dn. Carlos de Mirabal y Juan de Tafoya como dueños que eran de dha. parte y lo poseyian por merzed que en nombre de Su Magestad (que Dios guarde) les hizo el Coronel Dn. Gaspar Domingo de Mendoza, gobernador y capn. grál. que fue de este reyne ante quien se otorgo la venta la qual hizo el Thte. Dn. Franzco. Gomez del Castillo y habiendo llegado el señor govor. y Capn. grál. de este reyno Dn. Franzo. Antonie Marin del valle a dho. pueblo de Sta. Clara en persecucion de su visita grál. salieron pidiendo los Yndios de dho. pueblo que por quanto se queria poblar el referido rancho fuese sin sembrar sus tierras porque se les perxudicaba en el agua lo qual es subrectizia malicia de los dhos. Yndios la que es vien probada y se puede ber y si tienen la perxudicacion en el agua como expresan como en tantos años que se ha sembrado no han experimentado el perxuizio que haora expresan y si lo experimentaban como en tanto tpo. no lo han demandado prueba de conozida malizia de los Yndios y a saber que se mi havia de ympedir el agua para la siembra no vbierra dado mill pesos y vn caballo bueno por el como consta por la carta de benta y asi suplico a vsia que respecto aber

mandado que no se siembre que los bendedores me lo aseguren como me lo vendieron de seguro de siembra y rancho y de no hazer lo que se me debuelva lo que di por ello y en los mismos efectos que lo di sin que en ningun tiempo assi yo como mis hijos tengan contradiccion por los dhos. Yndios.

Por todo lo qual, a vsia pido y suplico se sirva mandar como llevo pedido que en ello rezivire bien con justisia y juro en devida forma este mi escripto no ser de malizia y en lo nezesario, &c.

JUACHIN MESTAS.

En la villa de Santa Féé del Nuevo, Mexico, en veynte y quatro dias del mes de abril de mill setezientos zinquenta y ocho años, ante mi, Dn. Franzo. Anttonio Marin del Valle, govor. y capn. grál. de este reyno, se presento la antezedente petizion por el contenido en ella la que por mi vista la vbe y di por [torn] enqto. a lugar en derecho y atento a lo que esta parte bien expres [torn] ynstrumentos a favor de los yndios del pueblo de Sta. Clara [torn] de mandar y mando.

(Leaf 12.)

Señor alce. maior y cappn. a guerra de esta villa de Sta. Cruz:

Prudensia Gonsales, vesina del puesto de Chamas jurisdision del pueblo de Sta. Clara, viuda de Antto. Tafaya, paresco ante vmd. en toda forma de dro. por mi y en nombre de todos mis hijos' y digo por mi y por dhos. mis hijos que a nro dro. conbiene el probar y aberiguar la propiedad que tubo, Xristobal de Tafaya, mi difunto suegro a vn. rancho que communmt. llaman la Cañada de Sta. Clara, del que tubo med. por Dn. Jul. Domingo de Bustamante, govr. que fue de este reino, y habiendo dho. difunto poblado, e [torn] rancho y bibido en el los años que vmd. constara por el escripto que junto, con este presento a vmd. pra. que en vista de el y del decreto del sr. govor. y cappn. grál. de ese dho. reino, Dn. Thomas Veles cabupin, bea vmd. que no podemos dar a su señoria otros documentos mas que vmd. como alce. maior, se sirva de resibir ynformasion de dha. propiedad que tenemos a dho. rancho, como lejitimos herederos del lla. dho. difunto. Y esto que sea examenndo los testigos que se allan vivos en dha. jurisdision, y son los siguientes primeramente, el Cappn. Domingo Vejil ya sitado en el dho. escripto, y a Luis de Archuleta, y Jul. de Archuleta, y a Roque Jaramillo, todos vesinos de dha. villa estos como viejos podran saber y declarar la verdad a el tenor de nro. pedido en el sitado escripto presentado a el sr. govr. por cuio tenor podran ser examinados los dhos. sitados ttos. y los demas que vmd. allare por conbenientes y concluida por [torn] dha. informasion suplicamos yo y dhos. mis hijos nos la debuelva orijsnal para con ella ocurrir a el sr. govr. para los efectos que nos conbengan que en aser vmd. como llevamos pedido recibiremos merced con justisia que pido y juro yo y los dhos. mis hijos no ser de malisia solo si par dejar de padecer lo que hastala presente hemos padecido por haber despoblado dho. rancho, &c.

PRUDENSIA GONZALES. [RUBRIC.]

En este partido de La Soledad del Rio Arriba, juron. de la villa de Sta. Cruz a fin de recibir la ynformacion q. esta parte pide se presento ante mi dho. alde. mayor por testigo Domingo Vigil zitado de quien recibí jurto. que lo hizo por Dios n. s. y la Sta. Cruz bajo del cual prometio decir verdad en lo que supiere y fuere preguntado y siendolo ad tenor del escripto presentado, dixo, que lo que sabe sobre este asunto es que en tiempo que gobernaba este reino Dn. Juan Domingo de Bustamante, fue Juan Estevan Garzia de Noriega y puso rancho de ganado menor cerca de la casa de Christoval Tafoya en el rancho de la Cañada de

(Leaf 13.)

Sta. Clara y que el dho. Tafoya lo repugno dicienda lo hiciere mas arriba o mas abajo y no tan cerca sobre lo qual se presente dho. Juan Estehan ante dho. sr. govor. ; quien mando prender a Antonio Tafoya, hijo de Christoval y recojer la merced q. este tenia de dho. rancho y que el que declara que en la ocasion era thete. de alcalde mayor. Se la entrego a dho. sr. govr. y que en tiempo del Sr. Codallos lo volvio a poblar y senbrar asta el tiempo del Sr. Marin, que, a pedimento de los Yndios de Sta. Clara, lo mando despoblar, y que esta es la verdad y lo que sabe so cargo del jurto. que fecho tiene en lo que se a firmo y ratifico y dijo ser de edad de setenta as., y lo firmo con migó y los testigos de asistencia de que doi fee.

DÓMINGO VGIL. [RUBRIC.]
JUL. DOM. LOVATO. [RUBRIC.]

CARLOS FERNANDEZ. [RUBRIC.]
FRANCO. SANCHES. [RUBRIC.]

En dho. partido en diez dias del mes de mayo de mil setecientos sesenta y tres años, ante mi dho. alde. mayor, se presento por testigo Luis de Archuleta, a quien tome jurto. que lo hizo en tota forma de dro. bajo del qual prometio decir verdad en. lo que supiere y fuere preguntado y siendolo al tenor de la peticion dixo que lo que sabe sobre lo que es preguntado es que en tiempo de el Sr. Dn. Juan Domingo de Bustamante, govor. que fue de este reino, le dio de merced a Christoval Tafoya el rancho que llaman La Cañada de Sta. Clara, y que le dio posesion Franco. Montes Vijil y que lo poblo y sempro en el asta, el tiempo en que se sublebaron los yutas y aun en este tiempo los hombres no lo desampararon asta en tiempo del Sr. Dn. Franco. Antto. Marin del Valle, govor. que fue de este reino, en cuiu tiempo lo despoblaron a pedimento de los Yndios de Sta. Clara, y que lo que lleva dicho es la verdad, y lo q. sabe so cargo del jurto. que fecho tiene y siendolo leida esta su declaracion en ella se afirmo y ratifico y dijo ser de edad de sesenta y cinco años no firmo por no saver firmelo yo dho. Alde. Mayor con los testigos atuando como dho. es de que doi fe.

JUL. DOM. LOVATO. [RUBRIC.]

CARLOS FERNANDES. [RUBRIC.]

FRANCO. SANCHES. [RUBRIC.]

En dho. partido dho. dia, mes y año, ante mi dho. alde mayor, se presento por testigo Juan de Archuleta, a quien tome juramento que lo hizo por Dios y la S'ta Cruz so cuiu cargo prometio decir verdad en lo que supiere y fuere preguntado y siendolo al tenor del zitado pedimento dijo: que lo sabe es que el año de veinté y cuatro le consta q. ya estaba poblado el rancho de la Cañada de S'ta Clara por Christoval Tafoya y que el año de treinta y uno andando el declarante recojiendo el diezmo de granos lo recibio de lo sembrado en dho. rancho, y que despues en otra ocasion y en el mismo exerzizio los bolbio a rrecibir de orden del S'r Vicario, y sus herederos asta en tiempo, del S'r Marin, que se despoblo y que lo q. lleva dicho es la verdad y lo que sabe so cargo del jur'to q. fecho tiene en el que so afirmo y ratifico y dijo ser de edad de cincuenta y tres años, no firmo por no saber firmelo, yo dho. al'de mayor con los testigos atuando como dho. es de que doi fee.

JUL. DOM. LOVATO. [RUBRIC.]

CARLOS FERNANDEZ. [RUBRIC.]

FRAN'CO SANCHES. [RUBRIC.]

VILLA de S'TA FEE, 1 de Julio de 1763.

Pasen estas diligencias a la republica de los Yndios del pueblo de Santa Clara y su ministro doctrinero para que en su vista representen el dro. que puedo tener dicho. pueblo segun las leyes de S. M., asi lo provei, mande y firmé, yo Dn. Thomas Velez Cachupin, govor. y capn. genl. de este reyno del Nuebo Mexico.

VELEZ CACHUPIN. [RUBRIC.]

(Leaf 14.)

Fr. Mariano Rodriguez de la Torre de la regular observancia de N. S. P. Sn. Franco. Predr. Appo. Int. y ministro misionero de esta doctrina, y misn. de ntrã Me. Sta. Clara paresco ante V. S. en la mejor forma que puedo, y devo q. el derecho me permite, y digo que en atencion a los antos y decreto q. V. S. me manda, para qe. en vista de ellos como ministro doctrinero, sea en la presente ocasion defensor de dhos. Neofitos; digo qe. en atencion a no tener dicho pueblo la tierra sufisiente de labor, que el Rey nro. Sr. (que Ds. gue.) por cada viento da a los naturales, para su nessesaria annual manutencion, pues en estas partes, no se siembra dos vesses al año, sino una, por tanto pide a V. S. el comun del pueblo, se sirva de administrarles las tierras necessarias, para su labor quienes se han presentado en juicio ante mi, mostrando su needd. por qe. que importa que por el poniente tengan siete mil, y seiscientas varas, que tanta hai medidas, hasta el rancho de la parte contraria; si por el norte tienen mil ciento y cincuenta varas; por el oriente, hay seiscientas veinte y cinco varas, y tres cuartas, y por el sur aunq. tengan la legua, esta es toda de labor, en la que los ganados en el tiempo de la sementera ni puedan pastearse ni menós veber agua en el Rio del Norte por que si esso permitieran experimentar danos, en la Siembra; y aunq. la parte contraria alude, que quando sembraban sus tierras en dho. rancho y las regavan, no hazia falta dicha agua al pueblo, por tener el corriente derramadero violento al rio, pero dice el pueblo que no se ha de negar, que en el riego de dhãs. tierras naturalmte. mucha agua havia de consumirse, y por ser el rito corto de presiaa razon aguella agua consumida, en el rancho de los Españoles, ha de hazer falta a la labor del pueblo. Por el tanto atendiendo á este perjuicio, ha pleiteado el pueblo tener libre dicha Cañada de Sta. Clara; y tanto que me remito a la foxa teisera de estos autos, en que debajo de Juramento anuncia el Capitan Domingo Veguil, theniente de ale. mâr, que entonces era de estas partes, que gobernando este reyno el Sr. Juan Domingo de Bustamante, mando prender á Ant. Tafoya, y recojer la merced, de dho. rancho; y aun que en tiempo del Sr. Codaiois se bolbio a poblar, y sembrar, hasta

el tiempo del Sr. Marin, pero a pedimento de los Yndios, mando fuertemente. dicho Caballero se despoblase; con que saco en consecuencia, que supuesto que los ss. govns. antecesores de V. S. han impedido la vivienda, y simul recojer la merced, motivos tendrian para ordenar, decretar y mandar, no portasen por semejantes partes atento tambien a que por dicha Cañada, es endonde, en toda ella, tiene el pueblo el descuido de desparramar sus animales, en donde pastean, y beven agua, y de mantenerse hay rancho, resultan quejas de los Españoles, contra el pueblo, de que los animales se comen los sembrados; y se ha verificado, que los Españoles que havitan en dho. rancho tenen alma para mantener enserradas las bacas dos, y tres dias, y es imposible que

(Leaf 15.)

Los Yndios salgan a cuidar no hagan daño en los sembrados por ser lexos:

Por lo que pide á V. S. esta parte conceda libre, dicho rito, y Cañada, para sus alibios; y a mas de estos derechos alegatos; remito a V. S. los inclusos papeles y providencias, que ha logrado dho. pueblo, de los señores gov's sus antecesores de V. S. dando difinición á ello para el qualesquier tiempo que las contrarias partes pidan, tengan dichos Neofitos sus, instrumentos con q. favoreserse.

Por todo lo qual, y demas al derecho de mi parte conforme a V. S. pido, y suplico sea mui servido de mandar que la expresada Cañada de Sta. Clara quede excepta. de ranchos y libre á el usso de los Yndios de este pueblo, sobre lo qual pido justicia, y juro en denida forma, y en anima de mis partes no ser de malicia costas protesto y en lo necesario, &c.

FR. MARIANO RODRIGUEZ DE LA TORRE, mntro. [RUBRIC.]

[Here follow what purport to be the seal of the probate court of Rio Arriba County and the signature of Fernando Salazar, clerk.]

AUTO DE SENTENCIA.

En la villa de Santa Fé, en diez y nueve dias del mes de julio de mil setecientos sesenta y tres años: Yo, Dn. Thomas Velaz Cachupin, governador-general de este reyno del Nuevo Mexico y castellano comandante del real presidio de Santa Fee por su magestad, visto el escripto que antecede del Reverendo Pl. Fr. Mariano Rodriguez de la Torre, miñero, misionero y doctrinero del pueblo de Santa Clara, presentado a nombre de los Yndios de dho. pueblo, en uista y respnesta de los autos que se le pasaron sobre la demanda que hace prudencia Gonzalez del rancho de la Cañada de Santa Clara, para que Su. Reva. en defensa del drō. que, sus Yndios prudiesen tener representase y alegase comió conviniese. Y atento asimismo al testimonio de las diligencias que con dicho escripto presento, de las que se reconoce deducido el drō. de los referidos Yndios en comun de dho. pueblo de Santa Clara, siempre apuesto a la merced que se concedio a Antonio y Juan Tafoya del sitio de tierras en la referida Cañada, restringida para solo pastos, por los perjuicios que representaron los Yndios se les originaria de hacerse siembras en el mercenado parage en el que se excedieron a ejecutarlas los dhos. Tafoyas no obstante estarles prohibido por las providencias de justicia que por reclamo y peticion de los Yndios dieron los sres. gobernadores mis antecesores, y constan en el dho. testimonio de las diligencias ya citadas; y ultimamente por la de Dn. Francisco Marin del Valle, de que resulto multarlos; y en consideracion asi mismo de que el mencionado Pueblo de Santo Clara no tiene toda la estension de tierras de labor que necesita y deve considerarse segun derecho y es la real voluntad de su magestad, y asi mismo la legua de egido que se man la por sus Soberanos Reales Leyes deva tener cada reducion; y á que el sitio concedido a los Tafoyas para Pastos de Ganado mor. y cavalladas en la Cañada susodicha de San a Clara consta de siete mil y seiscientos varas de distancia del mencionado Pueblo deve ser nula y de ningun efecto, por ser contrario a la Ley 20 de la recopilacion de estos Yndios, que manda que los sitios para ganados maiores an de estar apartados legua y media de las antiguas reducciones de los Yndios sin perjuicio de estos: Fallo atento a todo lo referido, que todo la Cañada de Santa Clara que corre al Poniente hasta la Sierra, y en la que se allava el sitio mercenado á Juan y Antonio.

[Here follow seal and signature of Fernando Salazar, as described.]

(Leaf 16.)

Tafoya, con manifesto perjuicio y agravio de los Yndios naturales del pueblo de Santa Clara, sea, para labor de siembra y egido de dho. pueblo para sus ganados y cavallados con todos sus pastos y aguas, respecto a no constartener dho. egido; sin que en ella se pueda yntroducir ningun vecino ni dar de merced; dan docomo doy por perdido el dro. que alegan los erederos de Juan y Antonio Tafoya para que no sean oydos en este Juicio.

Y mando que el testimonio que an presentado los Yndios de Santa Clara se acumule a estos Autos, y se les entregue para enguarda de se dró. haciendos antes notorio esta mi difinitiva sentencia a las partes de dhos. Yndios, y de Prudencia Gonzales lo que egecutara el Alcalde mor. de la Cañada.

Y por este Auto asi lo probe hi mandé y firmé Juzgando definitivamente con dos testigos de asistencia a falta de escribanos que no las ay en esta Governacion.

THOMAS VELEZ GACHUPIN. [RUBRIC.]

JOSEPH MALDONADO. [RUBRIC.]

DOMINGO LABADIA. [RUBRIC.]

[Here follow seal and signature of Fernando Salazar, as described.]

* * * * *

[The numbering on the following leaves is indecipherable.]

* * * * *

[torn] arzo de 176 [torn].

Esta parte instruia su relacion, y dró. con Documentos que lo califiquen; asi lo decrete, mandé, y firmé yo Dn. Thomas Velez Cachupin, gov'or y capitan genl. de este reyno.

VELEZ CACHUPIN. [RUBRIC.]

[The above is on the detached lower half of a page, and does not belong to any of the preceding or following papers.]

Dn. Juan Bapta. Anza, The. Coron. de Cavalleria, govor. y Comte, propietario del Reyno del Nuevo Mexico é Ynspor. Grál. Ynterino de sus milicias, &c.:

Por quanto por parte, y a nombre del pueblo y republica de Santa Clara, me ha hecho presente su A. P. Misionero F. Sebastian Anton lo contenido en la presedente carta cuyas quejas han corroborado ante mi el gov'or justizias, y ancianos del mismo pueblo, verbal'mte presentandome al mismo tiempo el antecedente testimonio de Autos seguidos sobre el dró. que tienen á impedir las entradas, á pastos y siembras del pequeno rio de Santa Clara por el que constan las sentencias abtenidas á su favor desde el año de mil setecientos veinte y siete dadas devidamte. por mis antecesores en este gobierno, y con particularidad la definitiva ultima del gov'or Dn. Thomas Velez Cachupin, á foxas "5" y "6" conforme en todo a Justizia como á las Reales Leyes de Yndias.

Por tanto reiterando en todos sus puntos y partes la indicada ultima sentencia la fallo por mi añadiendole por la contumacia rebeldia y ningun respecto á las Providencias Superiores que siempre se persibe de los mencionados autos han tenido los pretensos usurpadores del terreno que se litiga, que para aora y para siempre sean expulsos á Legua y media del, en el termino de ocho dias contados despues de la notificacion de este auto, y no obediendo puntualmte. que sean tratados con. el rigor que impone la citada Ley 20 del Libro 6, Título 3, de Recopilacion de Yndias, que es la de perder la estancia ó hacienda que tengan á Legua y media con la mitad del Ganado que en ella huviere, imponiendo asi mismo al alcalde, y theniente. de la jurisdiccion del precitado pueblo la multa de cien pesos si asi no lo hizieren verificar, como si dan lugar á que nuevamte. se haga recurso sobre este assumpto, pues como juezes inmediatos de los Yndios deven zelar é imponerze de la posecion de sus tierras y goze de sus pribilegios por los que no devian haver premitido el actual á este superior govno. respecto á qe. los causantes del consta de la ultima sentencia estan privados se ser aydos en justizia, lo que para lo subceviso queda en su mismo rigor, y fuerza y á efecto de que todo lo anterior tenga-su devido puntual cumplimiento el actual alcalde Dn. Salvador Garzia con tres testigos que mencionara por sus nombres y apellidos á mas de los de su ass. notificara este auto como el de difinitiva sentencia anterior de Dn. Thomas Velez Cachupin á Diego Borrego que me informan los Ympetrantes ser el que los perjudica á precencia del actual govor., justizias, y ancianos del propeo pueblo de Sta. Clara, y poniendo á continuacion de este auto la notificacion autorizada como dho. es me lo debilbera con la razon de su obdecimiento otorgado por el referido Borrego á intento de constame todo, y de entregalo con el testimonio á que ba incluso á los interezados en el para mayor resguardo de su dro.

Asi lo decrete, mande y firme, yo el mencionado govor. y comte. de este reyno ante los infrascriptos testigos de mi assa. con quienes actuo por receptoria con la facultad que me es conferida en esta villa de Sta. Fee, en diez y nueve dias del mes de abril de mil setecientos ochenta años de que doy fee. Entre renglones siete vale.

JUAN BAPTA. DE ANZA. [RUBRIC.]

Gratis.

Assa.:

BERNARDO DE MIERA y PACHECO. [RUBRIC.]

Assa.:

Vizte. TRONCOSO. [RUBRIC.]

En este puesto de San Gregorio por quanto me a recomendado el sor. alcalde mayor^r Dn. Salvador García Noriega el decreto que antese de se le ysiera notorio a Dn. Diego Basques Borrego, para que respondiera y pusiera el obedesimiento de dho. asunto el que le yse publico delante de tres testigo y los de mi asistencia que son Christobal Duran y Bartolome Bejil y Antonio Martin, a lo que respondio dho. Borego que obedese a lo mandado y decretado por vsa. el que puse por diligencia, yo, Dn. José Garcia de la Mora, thete. de alcalde mayor, con los dos testigos de mi asistencia con quienes avtuo en veinte y cuatro de abril de mil setesientos y ochento años; de que doy fee (*at supra*).

JOSÉ GARCIA DE LA MORA. [RUBRIC.]

JOACHIN GARZA. DE NORIEGA. [RUBRIC.]

JOACHIN MESTAS. [RUBRIC.]

VILLA DE STA. FEE,
27 de Abril de 1780.

Guarduse y conservese con limpieza y cuidado este documto. para conserva'con, de su dro. en el pueblo y republica de Sta. Clara.

ANZA. [RUBRIC.]

Dn. Frndo. de la Concha, cavo. comte. de Mora, en el Orn de Santiago, tene. core. de los rs. exercitos goror. politico. y militar de esta prova, &c.:

Por quanto se me ha presentado instancia por parte de los hijos del pueblo de Sta. Clara haciendome ver el perjuicio que les causan en los terrenos que poseen, los vecinos de Sta. Cruz de la Cañada, sin consideracion alguna, al ningun derecho que para ello tienen dichos vecinos, mando á las justicias de aquellas jurisdicciones vigilen con la mayor exactitud, no se concedan, ni introduzjan con sus ganados los referidos vecinos en los terminos que justamente han asignado á aquellos los sres. gobernadores mio antecesores; multando y castigando con el mayor rigor las faltas, y voluntariedades que noten en este assumpto; y para que las enunpeidas justicias puedan proceder con el devido conocimiento, leeran, y se actuaran de los documentos que de legitima posesion tienen los referidos Yndios y a los cuales se devera insertar esta providencia.

Dada en Sta. Fé a siete de agosto de 1788.

FRANDE DE LA CONCHA. [RUBRIC.]

En qunplimto. y obediemto. de lo mandado por vsa. pase a hel pueblo de dhos Yndios ley lo mandado y luego me presentaron las pertenencias y lejuitima posesion qe. dhos. Yndios tienen de sus terminos por los sores. goves. antezessores de vsa. los que hecho á cargo les bolbi y se qe. daron con hellos y dhos. encuentre en fogas diez y seis buelta una sentencia dada por el Sor. Govor. Dn. Thomas Belez Gachupin, que dize ser de los hijos del pueblo de Sta. Clara hasta las faldas de la sierra y tambien otras de los demas sres. goves. despues de la dha. y atras anteriores y mas otras primero de los dhos. Ses. Goves. por lo qe. puse en devido efecto y ize sav. [torn] a los nunciados vzs. de la cañada y dems. comprendidos por la mancomunidad sacaran sus Ganados fuera de los helejuidos de dhos. Yndios pena de toda multa por las antezesores de vsa. y lo mismo qe. se me ordena; y manda [torn] en quinze dias, de hel mes de agto. de mil [torn] tezs. y ochenta y ocho años; de que doy fee; y lo firme con los de mi assa. á falta de essno.

[Here follow seal and signature of Fernando Salazar at bottom of page, as described.]

[Copies in Spanish are omitted, as English translation follows.]

[File No. 193. Cañada de Santa Clara grant. Translation of Spanish documents.]

(Leaf 5.)

* * * * *
[part of word] during my general visit the Governor, officials and other principal Indians of this said Pueblo representing to me that they received great damage from the occupants of the valley (cañada) of said Pueblo who are the heirs of Juan Tafuya and Antonio Tafuya shutting up their cattle and cutting off the water of the little river on account of which water the said town was founded at the beginning and also presented a certified copy given in their favor by General Don Francisco Domingo de Bustamante, corroborated by Lieutenant-Colonel Don Gasper Domingo de Mendoza, an order by letter of Colonel Don Gervasio Cruzat y Gongora with another representation made by the said Indians before the said Colonel Don Gaspar Domingo de Mendoza that in all the said instruments and their notifications the abuse committed by the said residents is clearly seen showing that they are disobedient to superior orders in view of which I

condemn these parties to [pay] a fine of sixty dollars to be applied to the building of the church of said Pueblo, and in case of contumacy there shall be applied to the transgressors there shall be applied to them all the rigor of the law and for it I order that the second grant papers (*merced*) of the said Tafoyas be attached to the said instruments because it shows of itself deliberate fraud and that the whole shall remain in the possession of the Indians as a safeguard of their right and if the said residents should ask for a certified copy it shall be given them entire with all the adjoined papers and they shall only have the privilege to pasture their herds as was the intention of my predecessors leaving now and forever uncultivated all the lands which surreptitiously they have cultivated and this my decision and order, I order and direct Don Francisco Gomez del Castillo Lieutenant of the Alcalde Mayor of this Jurisdiction the Indians who are represented here with the remainder who may be in the Pueblo of the other Indians being assembled and with the attendance of Juan de Tafoya and the heirs of Antonio Tafoya to notify them of all that has been expressed placing in continuation the certificate of his notification and obedience signed by the parties present and thus I decided, ordered and signed it on the said day endorsed by my visiting secretary [torn] Don Franco Antonio Marin del Valle. By order of the [torn] Joseph Lobato visiting Secretary.

In this Pueblo of Santa Clara on the twenty-sixth day of the month of August of the year one thousand seven hundred and fifty-seven, I Captain Francisco Gomez del Castillo Chief Magistrate of the new town of Santa Cruz and its jurisdiction by virtue of the foregoing order issued by the Governor and Captain-General Don Francisco Antonio Marin del Valle for and in fulfilment of my obedience and that which is ordered by the same gentleman I caused to appear before me Juan de Tafoya Altamirano for which object I sent a letter to the Judge of the Jurisdiction in which he was and the said person being in this my office in my presence and in that of my assisting witnesses together with the person of Don Carlos de Mirabal his son-in-law, as venders of the part of the Rancho de la Canada de Santa Clara and also Don Vincente Ginzarron y Tobar in the name of his wife and a minor of Antonio Tafoya deceased Juachin de Mestas as heir of the said Antonio Tafoya Cristobal Tafoya as son (*ayxco*) and heir of the aforesaid; Juan de Tafoya also son and heir of the said deceased and Thomas Padilla also as heir of the aforesaid all being in my presence and in that of my assisting witnesses as aforesaid I informed them and notified them of the decree of his Lordship the Governor and they understanding its contents said that they obey and that they have to make a representation in writing, and they also ask that they be given the certified copy of all the proceedings to serve as a safeguard to their right as his Lordship directs, this they gave as their answer which those who knew how signed with me and my assisting witnesses with whom I act as delegate judge in the absence of any notaries public or royal of which there is none in this kingdom I certify.

Fran^{co} GOMEZ del CASTILLO

Delegate Judge

JUAN Tafoya Allamirano,
CARLOS Joseph Perez de Mirabal,
for my wife and a minor,
VICENTE GINZO Ron y Thobar
By request of the other heirs of Antonio Tafoya,
VICENTE GINZO Ron y Thobar
Assisting witnesses:
JUAN de PRADO
JUAN JPH de YCNZA y ELIZONDO.

In this new town of Santa Cruz de la Canada on the sixth day of the month of March of the year one thousand seven hundred and fifty-seven before me the Lieutenant of the Alcalde Mayor Francisco Gomez del Castillo appeared Don Carlos Joseph Perez de Mirabal resident of the said town saying that he sold and in fact did sell to Joachin Mestas a tract (*sitio*) it is [torn] with a large house and several pieces of cultivated land and also a [torn] of apricot trees for himself as well as in the name of his father-in-law, I [torn] which he held. [Here follow a seal purporting to be that of the Probate Court of the county of Rio Arriba, New Mexico, and a signature thus: "Fernando Salazar, Escri-

(Leaf 6)

bano") as a share of the paternal estate which the said gentleman gave him in the valley [*cañada*] called Santa Clara, which tract (*sitio*) is acquired by royal grant which included in this investment he delivers and delivered to said purchaser with the notification that the grant is asked for in the name of two brothers who are the said Juan de Tafoya and Antonio Tafoya who is now with God but he only sold him the part which belongs to Juan de Tafoya and that the boundaries are on the east the little

ford which there is and which is called before arriving at the house of the said vendor; on the west the source of the river Santa Clara; on the north the bank of the said river which is the dividing line between the two brothers; on the South a valley (*Cañada*) called Ojo de Agua which descends to the small table land (*mesilla*) of San Ildefonso and said tract (*sitio*) he sold him for the price and sum of one thousand dollars and a good horse, which he acknowledges to have received to his full satisfaction and he says that if it is worth more, or may be worth more he makes him a present and a donation of it pure mere perfect and irrevocable which the law calls *inter vivos* in order that he may enjoy it with free and general administration for himself, his children heirs and successors and he may exchange it sell it and alienate it and to that end he renounces the laws relating to property held in common that of *usoribus rex debendi* and that of *antentica* [illegible] and those of the royal ordinance made in the Cortes by the Catholic King Don Alonzo in Alcalá de Henares, that in this matter neither, suit, action, nor contest shall be brought up by himself or any other person, and that if any should be brought the said vendor will furnish counsel and bond until he [the purchaser] shall be left in peaceable possession and he [the vendor] gives power to the Royal Justices of His Majesty to compel and oblige him to do all the aforesaid as if it were by definite decree of a competent judge agreed to and not appealed renouncing as he does renounce his own right domicile and residence with the law *si convenerit* and the general law and for its more complete validity and stability at the request of the parties in interest I interposed my person, I, the said lieutenant, with the authority which for the purpose is conferred upon me by my alcalde mayor, who at present is the Ensign Don Antonio de Beytia, acting I certify I know the grantor and that before me was executed this royal instrument and I signed it with the vendor and the undersigned assisting witnesses there being no public or royal notaries within the distance prescribed by law and on the present blank paper because the stamped paper is not current in this kingdom and Cristobal Tafoya and Antonio Gutierrez residents of the said Cañada de Santa Clara, where it was made on the date above written, were instrumental witnesses, of all of which I certify,

Fran^{co} Gomez del Castillo, Judge [torn] Carlos Joseph Perez de Mirabal
Bartolome Trujillo,
P [torn]

Señor Governor and Captain-General:—Jochain Mestas resident of the [torn] Jurisdiction of the new town of Santa Cruz de la Cañada.

I appear before your lordship asking that I may have the benefit of all the privileges allowed by law and I say that possessing some neat cattle and horses and needing land to pasture said stock and for farming I decided to purchase one half of the rancho which is in the Cañada de Santa Clara with the knowledge that the said rancho was not to the prejudice of the Indians of the Pueblo of Santa Clara in view of the fact that for seventeen or eighteen years it has been cultivated without any opposition which reason made me purchase it as in fact I have purchased it from Don Carlos de Mirabal y Juan de Tafoya as owners which they were of said part, and they possessed it by grant which in the name of His Majesty (whom may God preserve) was made to them by Colonel Don Gaspar Domingo de Mendoza who was Governor and captain-general of this Kingdom before whom the sale was made; which the Lieutenant Don Francisco Gomez del Castillo made, and the Governor and captain-general of this Kingdom Don Francisco Antonio Marin del Valle having arrived at the said town of Santa Clara in the prosecution of his general visit the Indians of said pueblo said that inasmuch as it was desired to occupy the said ranch that it should be without cultivation of the lands because it damaged the water supply, which is malicious dissimulation on the part of said Indians which is well proven and can be seen and if there is damage to the water supply as they say how is it that in so many years of cultivation they have not felt the damage which they now set forth, and if they felt it [the damage] how is it that in so long a time they have not claimed it, a proof of the known dissimulation of the Indians? And with the knowledge that I would be deprived of the water for cultivation I would not have given a thousand dollars and a good horse for it, as is shown by the letter of sale; and so I beg your lordship, in view of it having been ordered that no cultivation be made, that the vendors may secure me, as they sold it to me with security of cultivation and pasturage; and if not, that they return to me that which I gave for it, and in the same effects which I gave; so that neither I nor my children may ever be interfered with by the said Indians. For all of which I ask and beg that your lordship will be pleased to order that which I have asked, in which I will receive benefit and justice; and I swear in due form that this my petition is in good faith and in that which is necessary, &c.

JUACHIN MESTAS.

In the town of Santa Fé, of New Mexico, on the twenty-fourth day of the month of April of the year one thousand seven hundred and fifty-eight, before me, Don Fran^{co}

Antonio Marin del Valle, governor and captain-general of this kingdom, the foregoing petition was presented by him mentioned in it which, examined by me, I held [torn], as far as permitted by law and in view of what this party sets forth [torn], instruments in favor of the Indians of the pueblo of Santa Clara [torn] to order, and I do order.

* * * * *

[The foregoing is a portion of a certified copy, the first and last parts of which are wanting.]

Señor alcalde and war captain of the town of Santa Cruz:

I, Prudencia Gonsales, resident of the town of Chama, jurisdiction of the pueblo of Santa Clara, widow of Antonio Tafoya, appears before your honor in due legal form, and in the name of all of my children, and I say for myself and for my said children, that it is to our interest to prove and ascertain the title which my late father-in-law, Cristobal de Tafoya, had in a rancho, commonly called the Ca ada de Santa Clara, which he held by grant from Don Ju. Domingo de Bustamante, who was then governor of this kingdom, and said deceased having settled said rancho and lived on it during the years which will be shown to you by the document which hereto annexed I present to you, that in view thereof, and of the decree of his excellency the governor and captain-general of this said kingdom, Don Tomas Velez Cachupin, you will see that we cannot give his lordship any other documents, and that you, as alcalde mayor, may be pleased to take testimony relative to said title which we have in said rancho, as legitimate heirs of the said deceased. That this title be done by examining the witnesses who are now living in this jurisdiction, and they are, the following first, Captain Domingo Vijil, mentioned in the said writing, and Luis de Archuleta, and Ju. de Archuleta, and Roque Jaramillo, all residents of said town. They, as old men, know and can testify to the truth with regard to the contents of our petition in said document presented to the señor governor, in regard to the tenor of which the said mentioned witnesses and such others as you may deem proper may be examined, and the said testimony having been taken by you, we beg, I and my said children, that you return us the original that we may present the same to his excellency the governor for the purposes which we have in view.

By your doing that which we have asked we will receive grace with justice, which I ask, and swear, I and my said children, to be in good faith, and only to avoid the inconveniences which up to the present we have suffered on account of having abandoned the said rancho, &c.

[Rubric.]

PRUDENCIA GONZALES.

In this district of La Soledad del Rio Arriba, jurisdiction of the town of Santa Cruz, in order to give the testimony which this party asks, appeared before me, the said alcalde mayor, as witness said Domingo Vijil, who made oath in the name of God our Lord and by the holy cross, under which he promised to tell the truth as to what he might know, and as to what he might be asked, and being asked concerning the contents of the document presented, he said, that what he knows in this matter is that in the time that this kingdom was governed by Don Juan Domingo de Bustamante, Juan Estevan Garcia de Noriega went and established a sheep ranch [*rancho do granado menor*] near the house of Cristobal Tafoya on the ranch [leaf 13] of the Cañada de Santa Clara, and that the said Tafoya opposed him, telling him to make it further above or below and not so near, upon which the said Juan Estervan presented himself before the said governor, who ordered the arrest of Antonio Tafoya, son of Cristobal, and the forfeiture of the grant which the latter had to said ranch; and the deponent states that on that occasion he was the lieutenant of the alcade mayor. It was delivered to the said señor governor, and that in the time of Señor Codallos he again settled and cultivated it up to the time of Señor Marin, who, on petition of the Indians of Santa Clara, ordered it to be abandoned, and that is the truth, and that which he knows under the oath which he has made and which he affirmed and ratified, and said that he was seventy years old, and he signed the same with me, and the assisting witnesses of which I certify.

DOMINGO VIJIL (rubric).

CARLOS FERNANDEZ (rubric)

JU. DOM'O. LOVATO (rubric)

FRANCISCO SANCHES (rubric).

In said district, the tenth day of May, one thousand seven hundred and sixty-three, before me, the said chief justice, appeared as witness Luis de Archuleta, who made oath, which I administered in due form of law, under which he promised to tell the truth as to what he might know and might be asked; and being asked in regard to the contents of the petition, he said that what he knows concerning that which is asked him is that at the time

Don Juan Domingo de Bustamante was governor of this kingdom he gave as a grant to Christobal Tafoya the ranch called La Cañada de Santa Clara, and that Francisco Montes Vigil gave him possession, and that he settled and cultivated it up to the time that the Utes went on the warpath, and that even during this time the men did not abandon it until the time of Don Francisco Antonio Marin del Valle, who was governor of this kingdom in which time they abandoned it on the petition of the Indians of Santa Clara, and that what he has said is the truth, and what he knows under the oath he has made, and this, his declaration, being read to him, he affirmed and ratified it, and said that he was sixty-five years old. He did not sign not knowing how I signed it, I, the said alcalde mayor, with the witnesses acting as aforesaid, of which I certify.

CARLOS FERNANDEZ (rubric).

FRANCISCO SANCHEZ (rubric).

JU. DOM' O DOVATO (rubric).

In the said district, said day month and year, before me, said alcalde mayor, appeared as witness, Juan de Archuleta, to whom I administered oath, which he made by God and the holy cross under which obligation he promised to tell the truth as to what he might know and might be asked, and being asked in regard to the subject-matter of the said petition he said: That what he knows is, that in the year twenty-four he knew that the ranch of La Cañada de Santa Clara was already settled by Christobal Tafoya, and that in the year thirty-one, while he (the affiant) was going to gather the tithe of grain he received it of the crops of said ranch, and that afterwards on another occasion, and on the same duty, he again received it by order of the Señor Vicar, and that said Tafoya and his heirs occupied it continuously until the time of Señor Marin, when it was abandoned, and that which he has said is the truth, and that which he knows under his oath which he has made which he affirmed and ratified, and said that he was fifty-three years; old he did not sign not knowing how. I signed it, I, the said Alcalde Mayor, with the witnesses acting as aforesaid, of which I certify.

CARLOS FERNANDEZ (rubric).

FRANCISCO SANCHEZ (rubric).

JU' DOM' O LOBATO (rubric).

TOWN OF SANTA FE, *July first, 1763.*

Forward these proceedings to the Republic of the Indians of the pueblo of Santa Clara and to their parish priest, in order that upon examination they may show the right the said pueblo may have according to the laws of his Majesty, so I provided, ordered, and signed it, I, Don Thomas Velez Cachupin, governor and captain-general of this kingdom of New Mexico.

VELEZ CACHUPIN (rubric).

(Leaf 14.)

I, Brother Mariano Rodriguez de la Torre, of the regular order of Our Holy Father Saint Francis, apostolic preacher *ad interim* and missionary minister of this newly-consecrated village and of the mission of our mother Saint Clara, appear before your excellency asking that I may have the benefit of all the privileges allowed by law, and I say that in obedience to the acts and decrees which your lordship sends me, in order that in view of them I may as parish priest be on the present occasion defender of the said neophytes; I say as the said pueblo has not sufficient arable land which the King Our Lord (whom may God preserve) gives in square form to the natives for their necessary annual support, as in these parts they cannot plant twice a year, but only once, wherefore the community of the pueblo asks your lordship to be pleased to grant them the lands necessary to fill their need, they have appeared before me showing their need, because what does it matter that on the west they have 7,600 *varas* which is the distance to the ranch of the contrary party; if on the north they have 1,150 *varas*, and on the east 625 $\frac{1}{2}$ *varas*, and on the south they have the league. This is all arable land in which the herds during the farming season can neither be pastured nor drink water in the Del Norte River, because if this were permitted they would suffer damage in their crops. And although the contrary party brings up the fact that when they planted their lands in said ranch and irrigated them the pueblo did not need said water, because they had the strong current flowing toward the river, but the pueblo says that it can not be denied that with the irrigating of said lands naturally much water had to be consumed, and because the stream being short necessarily the water consumed at the ranch of the Spaniards was needed for the fields of the pueblo. Therefore in connection with this damage the pueblo has striven to have the free use of the said cañada of Santa Clara. Therefore I refer to the third leaf of these proceedings in which under oath Captain Do-

mingo Vegaie, lieutenant of the alcade mayor, states that he then lived in that neighborhood, that Don Juan Domingo de Bustamente, being governor of this kingdom, ordered Antonio Tafoya to be arrested and the grant to the said ranch to be taken back. And although in the time of Señor Codaos it was again settled and cultivated until the time of Señor Marin, but on petition of the Indians the said gentleman ordered strongly that it be abandoned.

Wherefore I conclude that since the governors, your predecessors, prevented the settlement, and at the same time (*simul**) took back the grant, they must have had reasons to order, decree, and direct that no persons should go there; considering also that in the said valley (*cañada*) it is where, in all of it, the pueblo is accustomed to turn out its animals where they graze and drink water and to keep up a ranch there, complaints are made by the Spaniards that the animals eat the crops; and it has been proved that the Spaniards who live on said ranch have the spirit to keep the cows shut up for two or

(Leaf 15.)

three days, and it is impossible for the Indians to go to take care that they do not damage the crops because it is too far.

Wherefore this party asks your lordship to make a free grant of the said stream and valley (*cañada*) for their relief.

And in addition to the rights set forth I transmit to your lordship the enclosed papers and decrees which the said pueblo has obtained from the said governors, predecessors of your lordship's, defining it in order that at any time that the opposing party may ask the said neophytes may have their instruments to support their interests.

For all of which and also in accordance with the right of my party, I ask and beg of your lordship will be pleased to order that the said Santa Clara valley (*cañada*) shall be kept clear of ranches and free for the use of the Indians of this pueblo, in which I ask justice, and I swear in due form and in the name of my party that I act in good faith. I will pay costs, and in that which is necessary, &c.

FR. MARIDNO RODRIGUEZ DE LA TORRE, *Minister* [rubric].

[Here follow at bottom of page, seal and signature of "Fernando Salazar, Escribano," &c., as before described.]

DECREE.

In the town of Santa Fé, on the nineteenth day of the month of July of the year one thousand seven hundred and sixty-three, I, Don Thomas Velez Cachupin governor-general of this kingdom of New Mexico and Castellan commandant of the royal fortress of Santa Fé by His Majesty: In view of the foregoing writing of the Reverend Father Brother Mariano Rodriguez de la Torre, missionary minister and parish priest of the pueblo of Santa Clara, presented in the name of the Indians of said pueblo, in respect and in answer to the papers which were referred to him concerning the demand which Prudencia Gonzales makes for the ranch of the Cañada de Santa Clara, in order that his reverence, in defense of the right which his Indians might have, might represent and set forth what he saw fit. And considering also the certified copy of the proceedings which he presents with the said writing, by which is made clear the right of the said Indians in common to the said pueblo de Santa Clara, always opposed to the grant which was made to Antonio and Juan Tafoya of the tract (*sitio*) of land in the said valley (*cañada*) restricted to pasturage only, for the damage which the Indians represented would be caused by cultivation of the tract granted in which the said Tafoyas exceeded their privilege in so doing, notwithstanding it was prohibited by the provisions of the decrees of the governors, my predecessors, made because of a claim and petition of the Indians, and they appear in the said certified copy of the said proceedings; and finally in that [the decree] of Don Francisco Marin del Valle by which they were mulcted. And considering also that the said pueblo of Santa Clara has not all the area of cultivable lands which it needs and which ought to be allowed according to law, and the royal will of His Majesty, and also the league of common land which by his royal sovereign laws he directs that each pueblo of converted Indians shall have; and that the tract (*sitio*) granted to the Tafoyas for pasture for neat cattle and horses in the said valley (*cañada*) of Santa Clara is seven thousand six hundred *varas* distant from the said pueblo should be null and of no effect, because it is contrary to law II of the Recapilacion of these Indias, which directs that tracts (*sitios*) for neat cattle shall be distant one league and a half from the old settlements of converted Indians without prejudice to them, I decree, all the foregoing being considered, that the whole of the valley (*cañada*) of Santa Clara which runs westward as far as the mountain, and in which was situated

**Simul* at the same time."—Latin. The writer being a priest, I infer, must have used this Latin word inadvertently, as otherwise there can be no sense made of the text.—Translator.

the tract (*sitio*) granted to Juan and Antonio [Here follow at bottom of page seal and signature of Fernando Salazar as described above] Tafoya, with manifest damage and

(Leaf 16.)

prejudice to the Indians natives of the pueblo of Sant a Clara shall be for cultivable and common lands of the said pueblo for their flocks and horses with all its pastures and waters inasmuch as it does not appear that they have the said common lands, in it no settler shall be admitted nor any grant made; giving as I do give, as lost, the right alleged by the heirs of Juan and Antonio Tafoya in order that they shall not be heard in this suit. And I order that the certified copy presented by the Indians of Santa Clara be adjoined to these proceedings and be delivered to them to protect them in their right, this my definite decree to be made known to the parties the said Indians and Prudencia Gonzales, which shall be done by the alcalde mayor of the cañada. And by this decree thus I approved ordered and signed deciding definitively with two assisting witnesses, in the absence of notaries, of which there are none in this government.

THOMAS VELEZ CACHUPIN [Rubric.]

Witness:

JOSEPH MALDONADO [Rubric].

Witness:

DOMINGO LABADIA [Rubric].

[Here follow seal and signature of "Fernando Salazar," &c., as described above.]

(End of leaf 16.)

[The numbering on the following leaves of the original is illegible.]

* * * * *

[torn] March 176 [torn].

Let this party present his memorial and right with documents that may prove it, thus I decreed, ordered and signed it, I, Don Thomas Velez Cachupin, governor and captain-general of this kingdom.

VELEZ CACHUPIN. [Rubric.]

[The above is on the detached lower half of a page and does not belong to any of the preceding or following papers.]

Don Juan Bautista de Auza, lieutenant colonel of cavalry, governor and proprietary commandant of the kingdom of New Mexico, and inspector general *ad interim* of its forces, &c.

Whereas in behalf and in the name of the pueblo and republic of Santa Clara, its apostolic father missionary, Brother Sebastian Anton, has set forth that which is contained in the foregoing letter, which complaints have been orally corroborated before me by the governor, justices, and old men of the said pueblo, at the same time laying before me the foregoing certified copy of proceedings had in the matter of the right which they have to prevent entries for the pasturage and cultivation of the small river of Santa Clara, in which are shown the decrees obtained in their favor since the year one thousand seven hundred and twenty-seven, duly issued by my predecessors in this government, and particularly the definitive last one of the Governor Don Thomas Velez Cachupin, on leaves 5 and 6, in all in accordance with justice as with the royal laws of the Indias. Wherefore repeating the said last decree in all its points and parts, I make it my decision, adding to it for the contumacy, disobedience, and want of respect to the superior decrees, which it is always seen by the said proceedings the usurping claimants of the land in litigation have shown, that now and forever they shall be expelled to [a distance of] a league and a half from it, within the term of eight days counting from the notification of this decree, and not obeying it punctually they shall be treated with all the rigor imposed by the said law 20, Book 6th, title 3rd, of the Recopilacion of the Indias, which is that of losing the farm or plantation which they may have within a league and a half with half of the stock which they may have on it, imposing also on the alcalde and lieutenant of the jurisdiction of the said pueblo a fine of one hundred dollars if they do not so execute it, and also if they give opportunity for a new application in this matter since as judges near to the Indians they should be watchful and inform themselves concerning the possession of their lands and the enjoyment of their privileges for which they should not have permitted the present to this superior government, because; in regard to the movers in it, it is shown by the last decree that they are not permitted to be heard in court, which hereafter remains in the same vigor and force; and in order that all of the foregoing shall be fully and punctually carried out the present alcalde, Don Salvador

Garcia, with three witnesses whom he shall mention by name and surname in addition to his assisting witnesses, will notify in the presence of the present governor, justices and old men of the pueblo of Santa Clara, Diego Borrego, who the petitioners inform me is he who is causing them damage of this decree as that of a previous final decree of Don Tomas Vilez Cachupin, and placing the authorized notification in continuation of this decree as aforesaid he will return it to me with the acknowledgement of his obedience made by the said Borrego in order that I may have proof of all, and to give it with the enclosed certified copy to the parties interested for the better preservation of their right. Thus I decreed ordered and signed it, I, the said governor and commandant of this kingdom, before the undersigned assisting witnesses with whom I act as delegate judge with the power conferred upon me in this town of Santa Fé, on the nineteenth day of the month of April of the year one thousand seven hundred and eighty, of which I certify: interlined seven good.

Gratis.

JUAN BAPTA DE AUZA. [Rubric.]

Assisting witness:

BERNDO DE MIERA Y PACHECO. [Rubric.]

Assisting witness:

VIZTE FRONCOSE. [Rubric.]

In this post of San Gregorio, inasmuch as the Señor Alcalde Mayor, Don Salvador Garcia Moriega, has directed that the foregoing decree shall be made known to Don Diego Basquez Borrego, in order that he might make answer and signify his obedience in the said matter, I did the same in public in the presence of three witnesses and my assisting witnesses, who are Cristoval Duran, Bartolome Bejal, and Antonio Martin, to which the said Borrego replied that he obeys that which was ordered and decreed by your lordship, which I made part of the proceedings, I, Don José Garcia de la Mora, Lieutenant of the Alcalde Mayor, with the two assisting witnesses with whom I act, on the twenty-fourth of April of the year one thousand seven hundred and eighty, of which I certify as above (*ut supra*).

JOSÉ GARCIA DE LA MORA [rubric].

Witness:

JOACHIN GARZA DE NORIEGA [rubric].

Witness:

JOACHIN MESTAS [rubric].

TOWN OF SANTA FÉ, April 27, 1780.

Let this document be kept and preserved in a clean condition and with care for the preservation of their right in the pueblo and republic of Santa Clara.

ANZA [rubric].

Don Fernando de la Concha, Knight Comendador de Mora of the Order of Santiago, Lieutenant Colonel of the Royal Armies, Political and Military Governor of this Province, &c.

Whereas there has been presented to me a memorial on the part of the natives of the pueblo of Santa Clara, showing the damage caused them in the lands which they own by the residents of Santa Cruz de la Cañada, without any consideration of the lack of right which the said residents have to the same, I order that the justices of the said jurisdiction observe with the greatest care that the said residents do not exceed their privilege nor enter with their herds the limits which the governors my predecessors have assigned to them, fining and punishing with the greatest rigor the violations and excesses which they may note in this matter; and in order that the said justices may proceed with due knowledge, they will read and proceed in accordance with the documents of legitimate title which the said Indians hold, to which this decree should be adjoined.

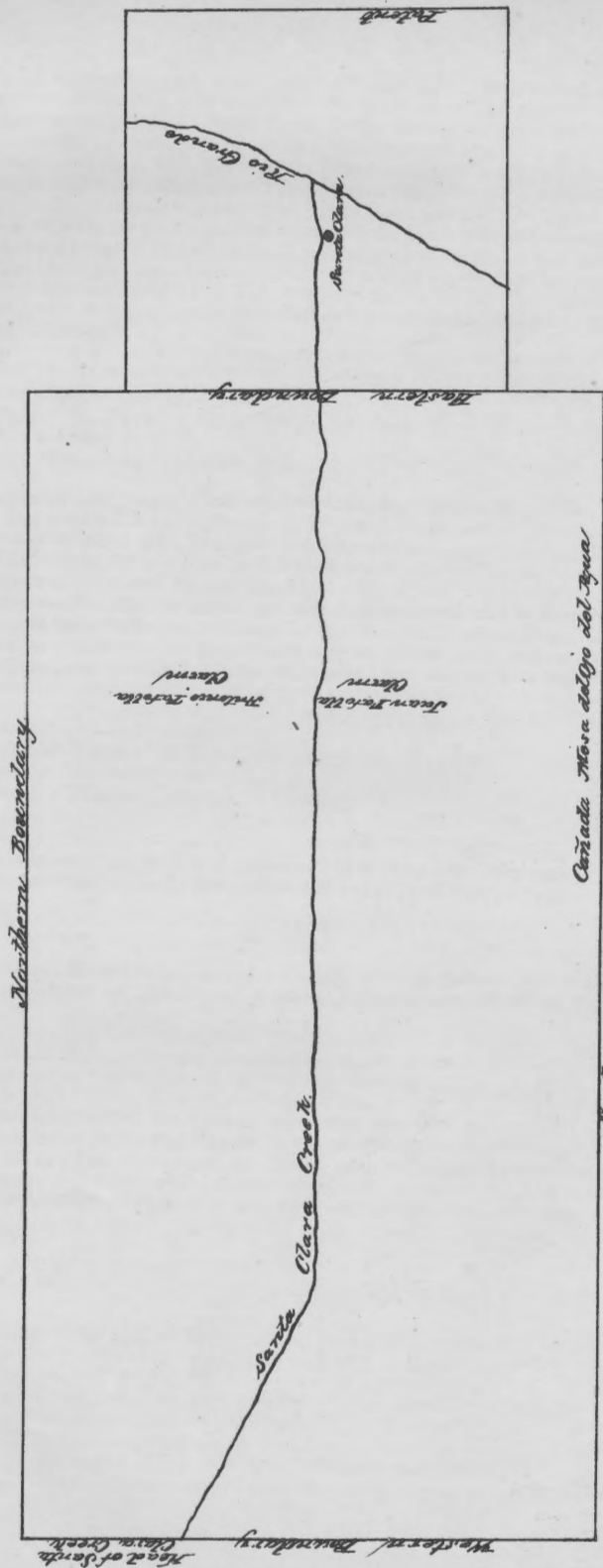
Given in Santa Fé, August 7, 1788.

FERN^{do} DE LA CONCHA [rubric].

In compliance with and in obedience to that which is ordered by your lordship, I proceeded to the pueblo of the said Indians; I read to them that which was ordered, and presently they showed me the documents and title papers which the said Indians hold of their lands from the governors predecessors of your lordship, which, having examined, I returned, and they remained with them, and [in the] said [papers] I found on the reverse of leaf sixteen a decree given by Don Tomas Velez Gachupin, which says that [the land] as far as the slopes of the mountain belongs to the natives of the pueblo of Santa Clara, and also other [documents] of the other governors after the aforesaid, and others

Claim of the Pueblo of Santa Clara County of Rio Arriba,

New Mexico



S Ex 56.49 2

Measures 10 miles long approximately

9 " wide

Scale 3 miles to an inch

anterior, and still others first of the said governors, which I duly noted, and I informed the said residents of the valley (*cañada*) and lands held by the community that they should remove their herds from the common lands of the said Indians [under] penalty of all the fines by your lordship's predecessors [torn], and the same which I am ordered; and [part of word] on the fifteenth day of the month of August of the year one thousand [torn] hundred and eighty-eight, of which I certify; and I signed it with my assisting witnesses in the absence of a notary.

[Here follow seal and signature of "Fernando Salazar, Escribano," &c., as before described.]

[United States Surveyor-General's Office for the District of New Mexico, Translator's Department.]

SANTA FÉ, *April 18, 1885.*

I hereby certify that the foregoing on thirty-three pages is a true and correct translation to the best of my knowledge of original Spanish documents, consisting of ten leaves and one half leaf, now on file in this office, in the matter of the private land claim of the Indians of the pueblo of Santa Clara.

CLARENCE KEY, *Translator.*

[File No. 193.—Reported No. 138.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE UNITED STATES INDIAN INSPECTOR,
Santa Fé, March 8, 1883.

SIR: Having learned at your office this day that, in the matter of the Santa Clara grant and claim for timber cut by the Texas, Santa Fé and Northern Railroad Company, the papers filed with you some time ago are not in a condition to be acted upon by you by reason of the imperfection of translation, I have the honor to request that the said papers be returned to the Pueblo agency as soon as convenient, in order that a correct translation may be made.

Very respectfully,

C. H. HOWARD,
United States Indian Inspector.

General H. M. ATKINSON,
Surveyor-General, New Mexico.

Testimony taken March 21, 1885.

In the matter of the investigation of the Santa Clara Indian pueblo to the Cañada de Santa Clara, situate in Rio Arriba County, Territory of New Mexico.

Present: Clarence Pullen, surveyor-general; Pedro Sanchez, Pueblo Indian Agent, appeared on behalf of the Indians, and W. H. Patterson, clerk.

M. F. SENA was sworn in as interpreter by Surveyor General.

FELIZ FELARDO, being duly sworn, deposes as follows:

Questions by Pedro Sanchez:

1. Question. What is your name, age, and place of residence?—Answer. My name is Feliz Felardo; my age is 46 years; reside in Santa Clara Pueblo.

2. Q. Have you always lived there?—A. Yes.

3. Q. Are you one of the Indians of that pueblo?—A. Yes.

4. Q. Do you know the lands donated to that pueblo by the Government of Spain?—A. Yes, sir.

5. Q. Has the pueblo one or two grants made by the government of Spain?—A. It has two.

6. Q. Which is the first?—A. The first is from the pueblo to the house of Tafoyas, which is called the pueblo league.

7. Q. Which is the second one?—A. The second one is from the end of the league of the pueblo of Santa Clara to the height of the mountain where the river rises.

8. Q. Do you know the boundaries to the N. and S. of that donation—the second one?—A. I do not know the boundaries, they are a league and a half to each side.

9. Q. How long have you known that land as land of the pueblo of Santa Clara?—A. As long as I have known anything.

10. Q. Did your father and the old people claim that land?—A. Yes; they always claimed it.

11. Q. Did your parents and the old people of the pueblo occupy that land?—A. Yes, sir.

12. Q. In what manner did they occupy it?—A. They were farming and pasturing their stock.

13. Q. Who did that land belong to before it was yours?—A. It belonged to the Tafoyas at first.

14. Q. How did that land come into your possession?—A. The land was taken away from the Tafoyas because of the damage done to the Indians, their stock, &c., and the land was then given the Indians by the Government.

Questions by the Surveyor-General:

1. Q. In what year was this land taken from the Tafoyas and given to the Indians?—A. As we cannot read we can tell nothing about dates.

2. Q. Have you any interest in the pueblo?—A. Yes, sir.

3. Q. How do you know that two grants were made to the pueblo?—A. The old people used to say so.

4. Q. Did any one else besides the old folks tell you there were two grants made?—A. Yes, sir.

5. Q. Who were they?—A. A certain Santiago Cajete, one of the governors of the old people.

6. Q. When did you talk with him about the grant?—A. I talked with him about twenty years ago; the man is now dead.

7. Q. Did this Indian show you any grant papers at that time or name any boundaries?—A. He did not show any papers, but said the papers were in the archives of the pueblo. He did not name the boundaries, but said they were a league and a half to the north and a league and a half to the south—to the west the height of the mountains, to the east the Rio Grande.

8. Q. How far is it from the Rio Grande to where the Santa Clara River rises?—A. Twenty-two or three miles; cannot say exactly.

9. Q. Have you ever seen the grant papers for the second grant, and when?—A. Yes; when Thomas was our agent; saw them at the Indian office here in Santa Fé. I did not read them. They were read to me.

10. Q. Do you remember the date this grant was made?—A. No, sir; I do not.

11. Q. How do you know that this land belonged to the Tafoyas?—A. I know it because that same old man, Santiago Cajete, told me.

12. Q. Do you remember when you heard these grant papers read by Agent Thomas if it was mentioned about the Tafoyas having this land?—A. No, sir; I do not remember.

13. Q. Do you remember whether the boundaries were mentioned in those grant papers?—A. I do not remember.

14. Q. Do you remember anything that was mentioned in the grant papers?—A. I remember that the papers mention that the Tafoyas were doing damage to the Indians.

15. Q. Do you know these were the papers (showing him, witness, the original papers)?—A. Yes.

16. Q. Do you know the year the Government took the land from the Tafoyas?—A. No, sir.

17. Q. Are the Indians cultivating and using this tract now?—A. They used to, but do not now, because the Navajoes stole their stock and drove them off the tract.

18. Q. When did the Navajoes drive you off?—A. About ten years ago.

19. Q. Are your people using the water of the Rio Santa Clara?—A. Yes; they are using it for the use of the pueblo and for irrigating the land.

20. Q. Are there any settlers on the land claimed?—A. Yes; four that I know of.

21. Q. How many Indians are there in your pueblo?—A. I do not know; about 150 I think.

22. Q. Have you many cattle?—A. Yes; very few.

23. Q. What is the character of the pueblo land now?—A. It is composed of mesas, cañadas, and hills. It has water in some parts, and good grass, and timber.

24. Q. Do you know how many acres there are in this tract claimed by the pueblo?—A. I do not know.

FELIZ (his + mark) FELARDO.

Sworn and subscribed before me this 21st day of March, 1885.

CLARENCE PULLEN,
Surveyor-General.

PASCUAL NARANJO, being duly sworn, deposes as follows:

Question. What is your name, age, and residence?—Answer. Pascual Naranjo; eighty-two years; residence, Santa Clara pueblo.

Q. What is your occupation?—A. Farmer.

Q. Have you lived there all your lifetime?—A. Yes, I am a native of that pueblo.

- Q. Is that pueblo owner of some lands?—A. Yes, sir.
- Q. Who donated these lands which the pueblo claims to this pueblo?—A. The King of Spain.
- Q. Did the king give you two donations or one?—A. He gave us two.
- Q. What are these donations?—A. The first is from the pueblo to where the Tafoyas lived. The second from where the Tafoyas lived to the source of the Rio Santa Clara.
- Q. Whom did the second donation belong to before the Indians possessed it?—A. To the Tafoyas.
- Q. What was the name of the first Tafoya?—A. Do not remember. I remember the names of the sons—one Juan, the other Antonio Tafoya.
- Q. Has the pueblo of Santa Clara occupied that land?—A. They have occupied it all the time.
- Q. In what way did they occupy the land?—A. Farming, cutting timber, and pasturing stock.
- Q. How did you know that land was given to the pueblo of Santa Clara? Who told you?—A. Our ancestors told us this land was donated to the pueblo.
- Q. Do any of the Pueblo Indians live up the Santa Clara cañon?—A. Yes, sir; only one, José Jesus Naranjo.
- Q. Does he have a family?—A. Yes.
- Q. How many children has he?—A. Three boys and his wife.
- Q. Does he farm there?—A. Yes, sir; been farming there for forty years.
- Q. Is the pueblo of Santa Clara using the water of the Santa Clara River for irrigation?—A. Yes, sir.
- Q. How long have you known that this land belongs to the Santa Clara pueblo?—A. Since I was able to know anything.
- Q. Have all the Indians of that pueblo since you remember recognized this land as theirs?—A. Yes, sir.
- Q. Have any Mexicans lived near the pueblo since you can remember?—A. Yes, sir; many.
- Q. Have these Mexicans recognized these lands as belonging to the pueblo?—A. Yes, sir.
- Q. Did you ever see the papers for the second grant?—A. Yes, sir.
- Q. Who showed these papers to you?—A. I saw those papers at Mr. Thomas's.
- Q. Who was this Thomas?—A. One of our agents.
- Q. Have you any interest in that land?—A. Yes, sir; I have.
- Q. The last time you saw the papers did you see them in Mr. Thomas's hands?—A. First time I saw the papers Thomas was out to San Ildefonso, and Thomas sent to the Pueblo Indians to come there and bring their title papers, and we brought them, the papers, down to San Ildefonso, and Mr. Thomas brought the papers to Santa Fé for the purpose of having the claim settled.
- Q. Did Mr. Thomas tell you he was going to bring these papers to this office that they might be approved?—A. Yes, sir.
- Q. Do you remember the date of the second donation?—A. No, sir; I do not.
- Q. Do you remember the western boundary of that grant?—A. The boundary is the top of the Gallina Mountain, the source of the Santa Clara River.
- Q. What are the north and south boundaries?—A. I don't remember any boundaries, but it was a league and a half to the north and south.
- Q. Where do you commence your measurement?—A. From the center of the Santa Clara River.

Questions by the surveyor-general:

- Q. Can you read and write?—A. No, sir.
- Q. When did you see these grant papers?—A. Saw them the 13th of June, five or six years ago.
- Q. How do you know the papers you saw were the grant papers?—A. Because Vicente Archuleta read them.
- Q. Did you hear them read?—A. Yes, sir.
- Q. Do you remember if the paper stated the date the grant was made?—A. No, sir.
- Q. Do you remember anything contained in the papers?—A. Yes; the papers stated the boundaries.
- Q. Do you know when the Government took the land from the Tafoyas and gave it to the pueblo?—A. Do not remember; but know the papers stated when it was done, and had the name of the governor appended thereto.
- Q. How many Mexicans live near your pueblo?—A. There is a little town on the north called Guichipango.
- Q. How do you know that these Mexicans recognized this land which you claim as belonging to you?—A. Because they told me so.

Q. Are there any Mexicans living on this claim or any Americans, and how many?—
A. No, sir. At first there were only two Americans, but now there are quite a number
of both Mexicans and Americans.

Q. Do these Indians use their lands for grazing purposes?—A. Yes, sir.

Q. How far is it from the pueblo to the mountain where the river rises?—A. I cannot
tell you.

Q. Have the Indians always used these lands for grazing?—A. Yes, sir; also for
farming.

PASCUL (his + mark) NARANJO.

Subscribed and sworn to before me this 21st day of March, 1885.

CLARENCE PULLEN,
Surveyor-General.

PEDRO IGNACIO GUITIERREZ, being duly sworn, deposes as follows:

Question. State your name, age, and residence.—Answer. My name is Pedro Ignacio
Guitierrez; age seventy-two.

Q. Are you a resident of the pueblo of Santa Clara?—A. Yes.

Q. Were you born in that pueblo?—A. Yes, sir.

Q. Does your pueblo own any land?—A. Yes.

Q. Who gave that land to the pueblo?—A. The King of Spain.

Q. Do you know the river of Santa Clara?—A. Yes.

Q. Whom does that river belong to?—A. It belongs to us.

Q. Who gave you that river?—A. The King of Spain.

Q. Who had possession of the land before it was given to the pueblo?—A. The Ta-
foyas.

Q. Did the Government of Spain take it from the Tafoyas to give it to you?—A. Yes.

Q. How do you know the Government of Spain took it from the Tafoyas to give it to
you?—A. Because our ancestors and old people have told us so.

Q. Have there always been Mexicans living near the pueblo of Santa Clara?—A. Yes.

Q. Have these people recognized and told you that these lands belong to you?—A.
Yes, sir.

Q. Have you seen a grant to that land?—A. Yes, sir.

Q. Where did you see those papers, and at what time?—A. I saw them when Mr.
Thomas was agent.

Q. Who took those papers to Mr. Thomas?—A. The officers of the pueblo of Santa
Clara.

Q. Why did they take them to Agent Thomas?—A. They were taken to him in order
to get their approval.

Q. Did you ever hear those papers read?—A. Yes, sir.

Q. Who read them?—A. Marcelino Garcia read them, who was interpreter for Thomas.

Q. What is the western boundary?—A. The top of the mountain where the river Santa
Clara rises.

Q. Do you know the other boundaries, north and south, and what are they?—A.
There is a league and a half to each side of the river. I do not know the exact point.

Q. How long have you known this land to be yours, in the manner in which you claim
it?—A. Since I was able to know anything.

Q. Have the people of that pueblo since you remember occupied that land?—A. Yes,
sir.

Q. In what way have they occupied it?—A. Farming, pasturing their stock, cutting
timber, and for the use of fire-wood.

Q. Does any person of your pueblo live up the cañon of Santa Clara at present?—A.
Yes, sir.

Q. What is the name of the man that lives there?—A. José Jesus Naranjo.

Q. Is he the head of the family?—A. Yes, sir.

Q. Does he do any farming there?—A. He built a fence round his farm and has his
family there.

Q. Has any one been settling on the land lately?—A. Yes, sir; Mexicans and Amer-
icans.

Questions by surveyor-general:

Q. Do you remember why the land was taken away from the Tafoyas and given to
the Indians?—A. Because the Tafoyas were doing damage to the pueblos.

Q. Do you know what year this grant was made?—A. No, sir; I do not remember
the year.

Q. How do you know there is a league and a half each side of the cañon?—A. Be-
cause that is the way the grant reads.

Q. Did you ever have any talk with the Mexicans in which they told you they recognized the land as belonging to the pueblo?—A. Yes.

Q. When and with whom had you this conversation?—A. Do not remember with whom, but have heard Mexicans so state.

Q. Where did the Mexicans live that said this?—A. Do not remember.

Q. Did you hear it at the pueblo or outside?—A. Outside of the pueblo.

Q. How came the Mexicans to tell you this land belonged to the pueblos?—A. Do not remember.

Q. How did the Mexicans know there were grants to the pueblos?—A. I do not know.

Q. How many people live on this land?—A. I do not remember.

Q. Are the Indians at present using this land, and for what purpose?—A. Yes, sir; farming, pasturing, cutting timber.

Q. Have the Indians had any trouble with the settlers on the land?—A. No.

Q. Did not the Indians notify some of the settlers that they must leave this land, as it belonged to the pueblo, and did they not drive them off the land?—A. Yes, sir; we notified them to leave, but they will not. We did not drive them off, and they are there yet.

Q. How far is it from the pueblo to the mountain where the Rio de Santa Clara rises?—A. About 20 miles, more or less.

Q. What is your position in the pueblo?—A. I am governor.

Q. How long have you been governor?—A. Two terms.

Q. How long are the terms?—A. One year.

Q. How many people are there in the pueblo?—A. Do not remember.

Q. How many acres are there in this grant?—A. I do not know; have never been a surveyor.

his
PEDRO + IGNACIO GUTIERREZ.
mark.

Subscribed and sworn to before me this 21st day of March, 1885.

CLARENCE PULLEN,
Surveyor-General.

Testimony taken April 16, 1885, in the matter of the claim of the Santa Clara Indian Pueblo to the Cañada de Santa Clara.

Present, Clarence Pullen, surveyor-general.

Pedro Sanchez, Pueblo Indian agent, appeared on behalf of the Indians.

Clarence Key acted as interpreter.

W. H. Paterson, clerk.

RAFAEL VIGIL, being duly sworn, deposes and says:

Question (by Pedro Sanchez). What is your name?—Answer. Rafael Vigil.

Q. How old are you?—A. Fifty-eight years.

Q. Where do you live?—A. In the pueblo of Santa Clara.

Q. Are you a native of that pueblo?—A. I am.

Q. In what county is that pueblo situated?—A. In Rio Arriba County, Territory of New Mexico.

Q. Have you occupied any official position or positions in that pueblo?—A. I have. I was war captain, *fiscal* (person charged with taking people to church), and lieutenant-governor.

Q. Do you know whether the Government of Spain made a grant of lands to that pueblo other than the league first given?—A. I do.

Q. Where is that second donation situated?—A. In the forest along Santa Clara River.

Q. Do you know the boundaries of that grant?—A. Yes.

Q. What is the east boundary?—A. The Rio del Norte.

Q. What is the west boundary?—A. The source of the Santa Clara River at the summit of the mountain.

Q. What are the northern and southern boundaries?—A. A league and a half from the Santa Clara River on each side.

Q. How do you know of all that which you have testified?—A. From my forefathers.

Q. Have you not seen the grant of this land?—A. I have.

Q. Did you hear it read?—A. I did.

Q. Who read it?—A. When Dr. Thomas was agent Marcelimo Garcia read it. He was the interpreter.

Q. Do you know the date of that grant?—A. I do not.

Q. Do you know how many acres that grant contained?—A. I do not.

- Q. Do you know how many miles long it is?—A. I do not know what a mile is.
 Q. Have you not heard it said how many miles it is?—A. I have heard it said that it is about 20 miles long.
 Q. Are you interested in this grant?—A. I am.
 Q. That which you have testified to here, is it because you are interested, or why?—
 A. I have so testified because it is true.

Questions by the surveyor-general:

- Q. Do you know the nature of an oath?—A. I do.
 Q. What is it?—A. He who swears falsely God will punish him:
 Q. Did you talk to any one before coming here about what you were to testify to?—
 A. I did not.
 Q. Do you know who made this grant?—A. I do know it.
 Q. Who?—A. Bautista Auza.
 Q. How do you know he made the grant?—A. I know it by the grant.
 Q. Do you know when it was made?—A. He does not know.
 Q. Can you read and write Spanish?—A. I cannot.
 Q. When did you hear the grant papers read?—A. Last year I heard it read in this office (surveyor-general's).
 Q. How did you come to hear it read?—A. I came to inquire if the grant was here.
 Q. Was this the first time you heard the grant papers read?—A. I heard it read when Dr. Thomas had it.
 Q. When was that?—A. I do not remember.
 Q. Do you remember whether the boundary calls of the grant were mentioned in the grant papers?—A. Yes, they were mentioned.
 Q. Were they the same as you have stated?—A. Yes.
 Q. Do you recollect whether the grant papers mentioned about other parties being in possession of this land before it was given to the Indians?—A. Yes, the Tafoyas; they caused much damage to the Indians by interfering with their stock, and they were put out by the Mexican Government.
 Q. Did the Indians occupy and cultivate this land?—A. They did. They do not cultivate it now, they have their stock on it.
 Q. Are there any Indians living upon the tract now?—A. Yes. José de Jesus Naranjo with his family; he is the only one. He has been there some five or six years.
 Q. How many Indians are there in your pueblo?—A. About two hundred.
 Q. Are there any Mexicans or Americans upon this tract?—A. Within the last two weeks three Mexicans and their families have gone there and they are planting and making fences, but there are no Americans.
 Q. What is the character of this land?—A. There is wood land, pasture, and a little irrigable agricultural.
 Q. What relation has the two Vigil brothers who live in Guadupango with your pueblo?—A. I do not know.
 Q. Do you know these two brothers?—A. I do know them.
 Q. Do you not know that these brothers have been the cause of all the trouble that the Indians have had with settlers in that part of the country?—A. No; they have not.
 Q. Is Guadupango on the pueblo grant?—A. It is on the old grant.
 Q. Do you not know that the Indians have promised the Vigil brothers, in case they have this claim approved, a large piece of this tract if they will assist them in keeping the settlers away?
 Mr. Sanchez objects as the question is irrelevant.
 A. He knows of nothing of the sort.
 Q. Do the Vigils trade with the Indians and help cultivate their lands?—A. They do not.

his
 RAFAEL + VIGIL,
 mark.

Subscribed and sworn to before me this 16th day of April, 1885.

CLARENCE PULLEN,
Surveyor-General.

Adjourned until 1 o'clock p. m.

JOSÉ DE JESUS NARANJO, being duly sworn, deposes and says:

Question (by PEDRO SANCHEZ). What is your name, age, and place of residence?—
 Answer. My name is José de Jesus Naranjo; age 55 years; and place of residence the pueblo of Santa Clara, Rio Arriba County, Territory of New Mexico.

Q. What official position have you occupied and do you occupy?—A. I have been chief war captain, and am now one of the principal men of the tribe.

Q. Do you know whether the Spanish Government made a second grant to the pueblo?—A. I do.

Q. Do you know the boundaries of that second grant?—A. I do not.

Q. In what place is that second grant?—A. On the river Santa Clara.

Q. How do you know that a second grant was made?—A. I know from my forefathers that the Spanish Government made us that grant.

Q. Have you seen the grant papers?—A. I have seen them.

Q. Where have you seen them?—A. In the office of Mr. Thomas, when he was agent.

Q. Did you hear those papers read?—A. I did.

Q. Who read them?—A. Marcellino Garcia.

Q. Was Marcellino Garcia an employé of Mr. Thomas?—A. He was.

Q. Do you remember what boundaries were mentioned in those papers when you read them over?—A. From the center of the Santa Clara River one league and a half each way, and on the other sides the source of the river at the top of the mountain, and the Rio Grande.

Q. Have you occupied that land since you remember?—A. We have.

Q. How did you occupy it?—A. We occupied it for farming, for pasture; we cut firewood and timber, and we also cut grass.

Q. Does any one of you live there now?—A. I live there.

Q. For how many years have you lived there permanently?—A. I lived there for five years up to February last, and I still live there.

Q. Was your family there with you during that time?—A. It was.

Q. Have you cultivated much land there?—A. I have.

Q. What buildings and fences have you there?—A. Two mills for wheat and corn, a frame dwelling-house, and about a thousand varas of fencing.

Q. Do you know how many acres are in the grant?—A. I do not know what an acre is.

Question by surveyor general:

Q. Do you live upon the tract claimed by this grant?—A. I do.

Q. Where did you live before you moved upon this tract?—A. In Santa Clara pueblo.

Q. Do you know when this grant was made and who made it?—A. I do not know when it was made. It was made by the Spanish Government.

Q. How often have you heard the grant papers read?—A. Once only.

Q. When did you hear them read?—A. I do not remember how many years ago.

Q. How do you know that the papers you heard read were these grant papers?—A. Because the person who read it told me so, and because it was so stated in the paper.

Q. Do you remember what those papers stated in relation to this grant?—A. The paper stated that the land was for the Indians of Santa Clara, and there was a petition which set forth that some parties by the name of Tafoyas were causing great damage to the Indians, because at that time there was a great deal of stock there, and the Tafoyas shut up their cattle sometimes for four or five days, and the Indians petitioned to the Spanish Government, through their parish priest, and the land was given to the Indians alone.

Q. You stated in direct examination that you did not know what the boundaries were, and then you gave boundary calls which you say are the boundaries of this claim. How can you reconcile the statements?—A. I did not understand the question when it was first asked me.

Q. Do you know who occupied this land before it was given to your pueblo?—A. The Tafoyas.

Q. How do you know?—A. I know it from my forefathers.

Q. Do you know if the grant papers say anything about the Tafoyas occupying this land before it was given to the Indians?—A. Yes; they do.

Q. Are you the only Indian now living upon this claim?—A. At present I am the only one.

Q. Do you know if any other Indians have ever lived upon this tract?—A. Yes; there were three men with their families who lived further up the cañon, and they cultivated the land there. I think this must be a hundred years ago, because my grandfather who died about twenty years ago, and who was a very old man, told me about it.

Q. Why have not the Indians been living upon this tract for the last fifty years?—A. At first, on account of the Navajos, and afterwards because it did not occur to them.

Q. What is the distance from the Rio Grande to the summit of the mountain where the Rio Santa Clara rises?—A. A long day's walk.

Q. What is the character of that country?—A. Table lands (*mesas*), valleys, cañons, and very high mountains, and caves, and stones on which the Indians who lived in the caves ground their corn (*metates*).

Q. Are there any Mexican or American settlers upon this tract?—A. Three Mexicans with their families. I know of no Americans.

Q. Did not the Indians drive some American settlers off this tract within the past few years?—A. Yes; this spring we drove off two.

Q. Do you know two brothers named Vigil?—A. I do know them.

Q. Where do they live?—A. They live in the pueblo of Santa Clara.

Q. What are their first names?—A. Bernardo and Rafael.

Q. Are they natives of the pueblo?—A. These two are natives of the pueblo.

Q. Are there any other persons in Pueblo named Vigil?—A. I know one Cerilo Vigil, a Mexican, who lives at Guachipango; that is the only one I know.

Q. Is Guachipango within the limits of the Santa Clara pueblo grant?—A. It is.

Q. Is the Mexican married; and, if so, is he married to an Indian woman?—A. He is married to a Mexican woman.

Q. Do you know by what right or authority he is allowed to live upon the pueblo land?—A. I do not know.

Q. Do you not know that this man Vigil has a great deal of influence with your Pueblo Indians?—A. I do not.

Q. Do you not know that this man Vigil assisted the Indians in driving some American settlers off this tract claimed by your pueblo?—A. The Vigil I mentioned never helped the Indians to drive off settlers.

Q. Did not another man by the name of Vigil advise the Indians to drive off these American settlers?—A. He did not. There was a man named Apolonio Vigil whom the Indians asked to read them the grant which they then had in their possession, and learning by the tenor of the grant that the land was theirs, the Indians determined of their own accord to drive away the settlers; it was not by the advice of Apolonio Vigil.

Q. When did you drive the settlers off the land?—A. It was within a year.

Q. Have the Indians a copy of the grant papers filed in this office?—A. They have.

Q. Do you know when that copy was made?—A. I do not know, but they have a copy which was made at the county-seat of Rio Arriba County.

Q. Did not the Indians promise Apolonio Vigil if he would assist them in getting their claim approved by the surveyor-general and keeping the settlers off the tract, that they would give him part of this grant?—A. They never made any such promise.

Q. How do you know?—A. I have been continually in the governor's office, and I hear what is going on, and I know that such a promise was never made.

Q. Were you with the party when they drove the American settlers off the tract?—A. I was.

Q. Were any of the Vigils in the party?—A. Rafael Vigil was in the party.

Q. Was Apolonio Vigil in the party?—A. He was.

Q. Did the Vigils assist in driving the settlers off?—A. He went to accompany them, but only as a friend.

Q. Were not the Indians armed?—A. They did carry arms.

Q. Was not Apolonio Vigil armed?—A. He carried no arms that I saw.

Q. Did the Indians, at the time they drove these American settlers off, read a copy of the grant papers to them?—A. They did not.

Q. Did they read any other papers; if so, what were they?—A. They did; they read them a paper which they took from Santa Fé, from the office of the agent.

Q. Who read that paper?—A. The paper was given to them, and they read it themselves.

Q. What did it contain?—A. I do not know; it was in English.

Q. Have you any interest in this grant?—A. I have my house, my farm, my mills, crop, stock, and family.

Q. How many Indians are there in your pueblo?—A. I do not know the exact number.

Q. How many cattle have you in the pueblo?—A. There may be a little more than twenty head.

Q. Are there any goats or sheep?—A. I am the only one who has goats, of which I have about twenty-five, but no sheep.

Q. How many varas or acres of land do the Indians cultivate upon their present grant?—A. They have a great deal of land cultivated, and raise enough from year to year to support themselves.

Q. Do you know if the pueblo in former years contained more inhabitants than at present?—A. I do not know.

JOSÉ DE JESUS (his + mark) NARANJO.

Subscribed and sworn to before me this 16th day of April, 1885.

CLARENCE PULLEN,
Surveyor-General

Adjourned to Friday, April 17, 1885, at 9 o'clock a. m.

Pursuant to adjournment investigation was resumed.

Present: Clarence Pullen, United States Surveyor-General; Pedro Sanchez, Indian agent; Clarence Key, interpreter; W. H. Patterson, clerk.

JOSÉ DE LA CRUZ ABEYTA, being duly sworn, deposes as follows:

Question (by PEDRO SANCHEZ). What is your name, age, and place of residence?—Answer My name is José de la Cruz Abeyta; my age is seventy-five years, and I live in the pueblo of Santa Clara.

Q. Have you ever occupied any official positions in said pueblo, and, if so, state them?—A. I was governor three years; I was war captain, constable, and I am now one of the counsel.

Q. Do you know whether the Government of Spain donated to your pueblo a second tract of land after the first tract was donated?—A. I do know that there was such a grant.

Q. Where was that grant situated?—A. On the Santa Clara River, Rio Arriba County, Territory of New Mexico.

Q. Do you know the boundaries of that tract?—A. I do know the boundaries; they are: On the east, the Rio Grande; on the west, the source of the Santa Clara River at the summit of the mountain; north and south, one league and a half each way from the river.

Q. How do you know what you have stated?—A. I know it from my forefathers.

Q. Have you ever seen any written document of the grant?—A. I have.

Q. Where did you see it?—A. Here in Santa Fé, when Thomas was our agent.

Q. Did you not see such a paper in your own pueblo?—A. I did. It was the same paper I saw in Santa Fé.

Q. Did you hear it read?—A. I heard it read in Santa Fé and in the pueblo of Santa Clara.

Q. Who read it here in Santa Fé?—A. Marcellino Garcia.

Q. Did he read it in Spanish?—A. He did.

Q. Who read it in your pueblo?—A. One José Ramos, a native of the pueblo.

Q. Have the natives of the pueblo occupied the lands in question since you can remember?—A. They have.

Q. How have they occupied it?—A. In pasturing their stock and in farming in certain places.

Q. Does any one of your pueblo live upon that land now?—A. Yes.

Q. Who lives there?—A. José de Jesus Naranjo.

Q. Does he live there alone, or with his family?—A. He lives there with his family.

Q. Has he any improvements there, and, if so, what are they?—A. He has; they consist of two frame houses, two mills, fences, and cultivated lands.

Q. Have the natives of the pueblo always taken care to prevent the occupation of these lands by outside parties?—A. They have.

Q. Do you know where the original Spanish grant papers are now?—A. I do.

Q. Where are they?—A. Here in the Surveyor-General's office.

Q. Who brought them here?—A. Thomas, the agent.

Questions by the Surveyor-General:

Q. Can you read and write?—A. I cannot.

Q. When did you hear this grant paper read in Santa Fé?—A. When Mr. Thomas was agent.

Q. Do you know when this grant was made, and by whom?—A. No, sir; I do not know when it was made, but it was made by the Spanish Government.

Q. When you heard the grant papers read do you recollect what the boundaries were as stated in the papers?—A. In the papers the boundaries stated were from the source of the river at the summit of the mountains to the mesa *ojo de agua*, and from the river Santa Clara north and south one league and a half each way.

Q. How do you know that these are the boundaries of the grant?—A. By my forefathers.

Q. Do you know whether the grant papers you heard read stated who had possession of this land before it was given to the Indians?—A. I do not know.

Q. Do you know whether from tradition or otherwise people by the name of Tafoya occupied this land before the Indians?—A. I know they did from what I have been told.

Q. Why was the land taken away from the Tafoyas?—A. It was because they caused much damage to the Indians by shutting up their stock and in other ways.

Q. Have the Indians always occupied this tract of land?—A. They have.

Q. Do they occupy it now?—A. We occupy it now in pasturing our stock, and in cutting fire-wood and timber.

Q. How many Indians live upon this tract?—A. José de Jesus Narahjo, and his family, five persons in all.

Q. Do you know the distance from the Rio Grande to the source of the Rio Santa Clara in the summit of the mountain?—A. Leaving the pueblo of Santa Clara at day-break you can arrive at the river source at nightfall.

Q. What is the character of the country along the Santa Clara?—A. It is good land; there is agricultural land and timber land; there are valleys, cañons, ravines, cliffs, rocks, and precipices.

Q. Are there any settlers upon this tract now?—A. There are three Mexicans; their names are Juan Luis Garcia, Bartolo Sanchez, Cirilo Vigil.

Q. Did not the Indians drive away some American settlers within the past year or two?—A. They did drive away some settlers, but they were not Americans; they were Jews.

Q. When did you drive these settlers off?—A. The spring of last year.

Q. Do you know two brothers named Vigil?—A. I do; their names are Apolonio Vigil and Cornelio Vigil; they live at Guadupango.

Q. Is Guadapango within the pueblo grant?—A. It is.

Q. Do you know by what authority they are allowed to live within the grant?—A. I think my ancestors must have permitted them to live there, but I do not know under what circumstances.

Q. Do you not know that these two brothers named Vigil have great influence in your pueblo?—A. Apolonio Vigil is very friendly with the Indians. He reads us all the papers which we receive, and writes for us when we have anything to be written.

Q. Did not the Vigils advise the Indians to drive the settlers off this land claimed by you?—A. They did not; it was the idea of the Indians to drive them off.

Q. Were not the Vigils present when the settlers were driven off?—A. I do not know; I was not present.

Q. Do you not know that the Indians have promised the Vigils a part of this land if they would assist them in getting it approved and keep the settlers off?—A. Not even a piece of flint-stone.

Q. Do you know how many families of Indians are in your pueblo at present?—A. I do not know exactly.

Q. What amount of stock have your people in their pueblo?—A. There are about thirty head of neat cattle, twenty head of goats, about forty horses, and a large number of burros.

Questions by Mr. Sanches:

Q. Do you know whether your forefathers were richer than you are now in neat cattle and horses, &c.?—A. They were much better off in that respect; they had large herds of stock.

Q. When you were a child did you see flocks of sheep, and herds of neat cattle, and horses on the grant?—A. I did.

Q. Were there more people in the pueblo then than now?—A. There were many more.

JOSE DE LA (his + mark) CRUZ ABEYTA.

Subscribed and sworn to before me this 17th day of April, 1885.

CLARENCE PULLEN,
Surveyor-General.

CHARLES H. PROBST, being duly sworn, deposes and says:

Questions by surveyor-general:

Q. What is your name, age, occupation, and place of residence?—A. My name is Charles H. Probst; my age thirty-five; occupation, saloon-keeper; and place of residence, Santa Fé.

Q. Do you know anything about a grant to the pueblo of Santa Clara, on the Rio Santa Clara?—A. I know nothing of the grant except that the Baca grant crosses the line at the headwaters of the Santa Clara.

Q. Have you ever seen grant papers of the Santa Clara Indians?—A. No; I have not.

Q. Did you ever live on the Rio Santa Clara?—A. Yes; I lived there a short time.

Q. When did you live there?—A. About a year ago.

Q. Did you take up land there as a homestead under the law?—A. I took up 160 acres as a homestead.

Q. When you took up this land did you know you were on land claimed as a grant?—A. I did not.

Q. When did you first hear that you were on land claimed as a grant?—A. I heard it through a letter from Mr. Sanchez about the 17th or 18th April, 1884. He told me that I was on Indian land, and that I had better vacate it and avoid further trouble.

Q. What action did you take?—A. I vacated it as he directed.

Q. Did the Indians attempt to drive you off the land?—A. They came to drive me off, but did not do it because I would not go.

Q. How many were in the party who came?—A. About eight Indians and two Mexicans.

Q. What did the Indians say to you when they came there?—A. They said I was trespassing upon their pueblo.

Q. When you refused to go what did the Indians do?—A. They told me I would have to go, but I did not leave at that time.

Q. Do you know the names of the Mexicans who were with the Indians?—A. I know the name of one; it is Apolonio Vigil; the other I do not know. They told me that the Indians claimed this whole cañon and that it was Indian land.

Q. How many settlers were there upon this tract when you were there?—A. There were three of us.

Q. What improvements did you make?—A. We started to clear a place to build a house; we felled trees about there and gathered rock for foundation, and then had to leave.

Q. How long were you there?—A. I was there about 14 days; the others were there about 3 weeks, when they left.

Q. Name the settlers who were with you.—A. Joseph Ackerman and Bernado Gonzales.

Q. (by Mr. SANCHEZ) Were you born in the United States?—A. I was.

Q. How long have you lived in the Territory?—A. About twelve years.

Q. Did you take possession of land in the Santa Clara cañada?—A. I did.

Q. Is that the same Santa Clara land grant which is now under investigation?—A. It is.

Q. What part of the river did you take up land?—A. About 14 miles from the Indian pueblo of Santa Clara.

Q. How long were you there?—A. About fourteen days.

Q. You mean to say that you do not live there now?—A. I do not.

Q. Why did you leave that place?—A. I left it by your advice (Pedro Sanchez).

Q. Did I write you any official letters about it?—A. There were two written to me.

Q. What did I say to you in the letters?—A. The first letter stated that you thought the Indians had no claim there. The second letter stated that you had been to the United States surveyor-general's office and had found papers there saying that it was Indian land, and advised me to vacate it.

Q. And in that case you admitted I was right and left the place?—A. I do not admit that you were right, but I left the place because I thought it best to avoid trouble.

Q. Do you intend to return there?—A. I do intend to take it up again just as soon as this grant question is settled.

Q. To what grant do you refer?—A. I refer to this grant that the Santa Clara people claim.

Q. Do you know if there is such a grant?—A. I do not.

Q. If you do not know that there is such a grant, why do you refer to a grant in connection with this matter?—A. Because I have heard it mentioned in this office.

Q. Do you know whether there is any grant filed in this office by the Indians of Santa Clara for approval?—A. I do not.

Q. If you don't know of any grant filed in this office by the Santa Clara Indians, to what grant do you refer in connection with this land?—A. I refer to the Santa Clara grant spoken of in this office.

Q. Have you read the Santa Clara grant.—A. I have not.

Q. Have you heard it spoken of?—A. I have.

Q. Have you heard the boundaries of the grant mentioned?—A. I have not.

Q. Do you know the source of the Santa Clara River?—A. I do.

Q. Is the place where you settled nearer to the source of the river than it is to the pueblo of Santa Clara?—A. It is about midway.

Q. It is on the river Santa Clara, is it not?—A. It is in the cañon of the Santa Clara River.

Q. Do you know this person (here Mr. Sanchez points to an Indian)?—A. I don't know him, but have seen him.

Q. Do you not know his name?—A. No, sir.

Q. But you know he is an Indian of the pueblo of Santa Clara?—A. I do.

Adjourned to 1 o'clock p. m.

Investigation resumed.

Q. Do you know the house in which he lives?—A. I do.

Q. Where is his house situated; is it in the cañon of Santa Clara?—A. It is about 6 miles from the Rio Grande.

Q. Is it the same cañon upon which you have taken up land?—A. It is.

Q. Has he any improvements there?—A. He has a couple of grist-mills and a log-house, and about 35 acres under fence.

Q. Do you know Apolonio Vigil?—A. I do.

Q. What color of man is he?—A. He is a light-complexioned Mexican.

Q. Do you think he is a pretty smart man?—A. In my judgment he is a pretty smart rascal.

Q. Do you think he is of much service to the people of Santa Clara?—A. I do not; I think he is an injury.

Q. Have you seen these papers (showing original papers of the grant to the Indians of Santa Clara, marked "File-No. 193")?—A. No; I have never seen them.

Q. Examining them now, can you tell what papers they are?—A. No; I cannot read Spanish well enough.

Questions by surveyor-general:

Q. Did this man Vigil make any threats to you when you were on your claim?—A. He did not make any threats, but told me I would have to leave.

Q. You left there because Mr. Sanchez wrote you that the Indians of Santa Clara claimed to have a grant covering that country on the Rio Santa Clara, did you not?—A. I did.

Q. Did not the Indians at the time they told you to go away say that they had a grant covering this same land?—A. They told me that they had papers in the surveyor-general's office covering that land.

Q. Did you have a letter from the Commissioner of the General Land Office in relation to this land?—A. I did, and I desire to file his letter with the papers and my testimony in this case.

CHAS. H. PROBST.

Subscribed and sworn to before me this 17th day of April, 1885.

CLARENCE PULLEN,
Surveyor-General.

JOSEPH ACKERMAN, being duly sworn, deposes and says:

Question (by Surveyor-General). What is your name, age, occupation, and place of residence?—Answer. My name is Joseph Ackerman; I am fifty-four years old; live in Santa Fé, and my occupation is mason.

Q. How long have you been in this Territory?—A. About four and one-half years.

Q. Do you know a grant under which the Santa Clara Indians claim the land on the Rio Santa Clara west of their present pueblo?—A. A year ago, or a little more, I went up there to take up a homestead, and I know they claimed the lands then.

Q. Did they claim it under a grant?—A. They said they did.

Q. Did you take up a homestead on the Rio Santa Clara?—A. I was getting ready to put up a log-house, and a number of Indians and two Mexicans came up there and showed a paper forbidding us to trespass upon the land; the paper was in English and Spanish, and signed by Pedro Sanchez. We asked them where their land run, and they said it run to the head of the river.

Q. When was it you took up this homestead?—A. I think it was about the 7th or 10th of April, 1884.

Q. How long did you remain there?—A. I was there about seventeen or eighteen days.

Q. Why did you leave?—A. We told them we would give them four days to show their title to the land, but they did not come back, so we left about a week after this.

Q. Do you intend to return there again?—A. I intend to if we can get title to the land.

Q. Do you know the names of the Mexicans who were with the Indians?—A. I heard them called Vigil; one of them I knew.

Q. Do you know whether these Vigils have much influence with the Indians?—A. I do not know, but I have heard that they were worse than the Indians.

Q. Were the Mexicans and Indians armed when they came up to see you?—A. The Indians were armed, and one of the Mexicans had a Winchester.

Q. Did they make any threats?—A. I do not understand Spanish very well, and do not know.

Q. How many settlers were there in your party?—A. There were three of us.

Q. Are any of your party living there now?—A. No, sir.

Q. Do you know if there are any other settlers on this land?—A. I do not know; there were none there last November.

Q. Have you ever seen the alleged grant papers?—A. No, sir.

Q. Then you do not know the boundaries of the alleged grant?—A. No, sir.

Question by Mr. SANCHEZ.

After you left that place have you become convinced that the Indians hold a grant to that land?—A. No, sir.

Q. Do you know what grant it is that is being investigated now?—A. I suppose it is the land on the Santa Clara Creek.

Q. Do you mean to say by that that there is a grant on the Santa Clara River?—A. I suppose there is none.

Q. When the Indians went there to tell you to leave did they tell you that they had a grant?—A. They told us that it was their land and wanted us to leave.

Q. Did the Indians drive you away from there by force?—A. No, sir.

JOSEPH ACKERMAN.

Subscribed and sworn to before me this 17th day of April, 1885.

CLARENCE PULLEN,
Surveyor-General.

UNITED STATES INDIAN SERVICE,
THE PUEBLO AGENCY,
Santa Fé, N. Mex., April 17, 1885.

DEAR SIR: Having learned that the translations in the matter of the claim of the Santa Clara Indians filed in your office by my predecessor, and marked A, B, and C, are defective, I hereby request that the same be withdrawn, and its official translation to remain in its place.

Respectfully,

PEDRO SANCHEZ,
U. S. Indian Agent.

CLARENCE PULLER, Esq.,
United States Surveyor-General, Santa Fé, N. Mex.

[File No. 133.—Reported No. 138. The Indians of the Pueblo of Santa Clara v. The United States. Before the United States surveyor-general of the Territory of New Mexico.]

OPINION.

This case comes before me under the eighth article of the treaty of Guadalupe Hidalgo and the act of Congress, approved July 22, 1854, establishing this office.

The claim is filed by the Indians of the pueblo of Santa Clara for a tract of land called the Cañada Santa Clara, situated in Rio Arriba County, Territory of New Mexico. The said tract adjoins their present pueblo grant on the west. From the original Spanish papers filed in the case, it appears that in 1724 a grant was made by Juan Domingo de Bustamante, then governor and captain-general of the province of New Mexico, at that time one of the ultramarine possessions of the Spanish crown, to two brothers named Juan and Antonio Tafoya, of the tract of land called the Cañada de Santa Clara, with the condition that the said land should only be used for grazing purposes, and not for cultivation. For not complying with the condition named, the grant was taken away from the Tafoyas; but when Joaquin Cadollas was the governor and captain-general of New Mexico the Tafoyas resettled the land and occupied and cultivated it until the time Francisco Antonio Marin del Valle was the governor and captain-general of New Mexico, when the land was abandoned by the said Tafoyas on an order issued by the said governor and captain-general. This shows the status of the title to the land in question up to the time the said Indians of Santa Clara, through their priest, Mariano Rodriguez de la Toove, petitioned Tomas Velez Cachupin, then governor and captain-general of New Mexico, for a grant to the stream and valley of Santa Clara (petition without date).

On July 19, 1763, the governor and captain-general, Tomas Velez Cachupin, made a grant giving the said Indians of the pueblo of Santa Clara "the whole of the valley of Santa Clara which runs westward as far as the mountain and in which is situated the tract of land granted to Juan and Antonio Tafoya, and in it no settler shall be allowed or any grant made." The alcalde was instructed to notify the said Indians of this decree. There is no paper filed to show that the Indians were placed in possession of the grant, but it is evident from other original Spanish papers filed in the case that the In-

dians thereafter assumed the possession of the land granted. In 1780 the Indians petitioned Don Juan Bautista de Anza, then the civil and military governor of New Mexico, to have the settlers removed from the Cañada de Santa Clara, and the said governor on April 24, 1780, ordered the settlers to be removed. Again, on August 7, 1788, the said Indians petitioned Fernando de la Concha, then the civil and military governor of New Mexico, to have the residents of Santa Cruz de la Cañada removed on account of the damage done them (the Indians), and the said governor thereupon ordered the alcalde of that jurisdiction to remove the said residents, which order was carried into effect on August 15, 1788.

The testimony taken before me in this investigation shows that the Indians have claimed this tract, though by reason of the attacks of hostile Indians they have not continually occupied it ever since the grant was made to them.

The grant of the original Pueblo lands was made in 1689, and has been confirmed by Congress and patented. This second grant was made in accordance with the decrees of the Spanish Government giving to Pueblo Indians a second grant when the first grant was not sufficient for them. Believing that the muniments of title presented in this case are genuine and that the present claimants have a valid grant, I recommend that this grant of land be confirmed to the Indian or native inhabitants of the pueblo of Santa Clara and their legal representatives according to the boundaries set forth in the decree of Governor Tomas Velez Cachupin, dated July 19, 1763, which is one of the muniments of title presented. The right to all minerals in this said land is excepted from this approval, and is reserved to the Government for its further disposition.

A transcript in triplicate of all the papers in the case will be transmitted to Congress for its action in the premises.

CLARENCE PULLEN,
Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fe, N. Mex., May 5, 1885.

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