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Letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, certain papers relative to the pueblo of Santa Ana of New Mexico.

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PUEBLO OF SANTA ANA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In compliance with the act of July 22, 1854, certain papers relative to the pueblo of Santa Ana of New Mexico.

MARCH 29, 1867.—Referred to the Committee on the Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 28, 1867.

SIR: Pursuant to the 8th section of the act of Congress, approved July 22, 1854, entitled "An act to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," (Statutes at Large, vol 10, page 309,) I have the honor to transmit herewith, for the consideration of Congress, copies of the following papers:

1. A letter addressed to this department by the Commissioner of the General Land Office, on the 25th instant, in relation to the pueblo of Santa Ana of New Mexico.

2. A letter addressed to the Commissioner of the General Land Office by the surveyor general of New Mexico, on the 5th of January last.

3. The record of the testimony taken by the surveyor general in relation to said pueblo.

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

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,

Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

March 25, 1867.

SIR: I have the honor to transmit herewith a document, reported by the surveyor general of New Mexico, in relation to the pueblo of Santa Ana in New Mexico, with the request that it be laid before Congress for consideration, under the 8th section of the act of July 22, 1854, (Statutes at Large, vol. 10, page 309.)

I also enclose the letter of the surveyor general, dated January 5, 1867, transmitting the document above mentioned.

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

JOS. S. WILSON, *Commissioner.*

Hon. O. H. BROWNING,

Secretary of the Interior.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, January 5, 1867.

SIR: In his annual report from this office of 30th September, 1855, the surveyor general reports that "the grants made by the government of Spain to the pueblos of Silla, Santa Ana, San Juan, Jemez, and Pecos have been filed, examined, and approved by this office." In his subsequent reports and correspondence I can find no mention of the pueblo of Santa Ana, and probably in consequence of this omission the claim of that pueblo has not been confirmed by Congress.

The Indians of Santa Ana, not understanding the reason why the title to the lands claimed by other pueblos should have been confirmed, their grants surveyed and patents issued to them, and theirs ignored, have applied to me, through their agent, to investigate the matter. In compliance with their request I have examined the files of this office very thoroughly, and have been unable to find any record of a grant to the pueblo of Santa Ana, or any evidence, except the report above referred to, that any has ever been filed or acted upon by the surveyor general.

For the purpose of placing on file evidence of the existence of the pueblo, and the grounds upon which the inhabitants base their claim to the lands possessed by them. I have taken the testimony in writing of the governor and lieutenant governor of the pueblo, and of four reputable and disinterested citizens, (a copy of which is herewith transmitted,) from which I am satisfied that they have a valid claim to a tract of land two leagues square, the church in the pueblo being the centre.

Discovering no reason why Surveyor General Pelham should have dropped this pueblo from the list of pueblo claims given in his annual report of 30th September, 1856, and in his letter of January 12, 1858, after having approved it as above, I respectfully recommend that it be confirmed and designated in the list of pueblo grants by the letter T.

It may be proper to state, as evidence of the existence of this pueblo from a very remote period, that among the files of this office I find it frequently mentioned. The governor of New Mexico in 1734 annulled by decree a conveyance of lands to the pueblo on the Rio Grande. In 1763 the governor by decree approved the conveyance of certain lands on the Rio Grande to the inhabitants of Santa Ana, which I believe they still hold. There are also on file records of proceedings before the governor, dated 1813 and 1819; in a matter between said pueblo and the pueblo of San Felipe, concerning the title and boundaries of lands on the Rio Grande.

Respectfully, your obedient servant,

JOHN A. CLARK,
Surveyor General.

Hon. JOSEPH S. WILSON,
*Commissioner of the General Land Office,
Washington, D. C.*

Depositions taken before the surveyor general of New Mexico in the matter of the claim of the pueblo of Santa Ana to lands possessed by said pueblo.

Antonio Esculla, being first duly sworn, declares and says: I am about sixty years of age; was born in and have always lived at the pueblo of Santa Ana, where I was baptized in the Catholic church. I am the governor of that pueblo, elected by the pueblo at the last annual election of its officers on Christmas

night, which election is always verified by the cacique, first a few days before calling together the principal men of the pueblo, who, among themselves, select individuals to be submitted to the people for confirmation or rejection, though the nominations so made are very rarely or never rejected. All the male inhabitants of the pueblo, old and young, are then, after the religious services on Christmas night at the church are concluded, convened at the residence of the cacique, and he then and there makes known the nominations, and puts the vote whether the same be confirmed. When I first knew the pueblo it was a very old pueblo, and is situated now where it was then. The boundaries of the pueblo are on the west the lands of the pueblo of Zia; on the north the Borigo spring; on the east a stone monument near the head of the Venado Arroyo; and on the south the Duran Hill. The original grant to the pueblo of Santa Ana we know nothing about in regard to its existence, though it has been searched for diligently for a long time, though without success. A grant according to our tradition was made by the king of Spain to the pueblo of Santa Ana the same as to the other pueblos in the country. I am, as governor of the pueblo, the legal custodian of the papers belonging to the pueblo, but the grant referred to is not among them, and has never been in my possession.

his
ANTONIO X ESCULLA.
mark

Sworn to and subscribed before me this third day of October, 1866.

JOHN A. CLARK,
Surveyor General.

José Sarracino, being duly sworn, deposes and says:

I am about fifty years of age; was born in, and have always lived at, the pueblo of Santa Ana. I am lieutenant governor of the pueblo; elected at the same time and in the same manner as the present governor, Antonio Esculla. The old men of the pueblo say that the grant the pueblo once held to the land was once in the possession of the pueblo, but that, as it was frequently necessary to produce it in settling questions or disputes, it at length got mislaid, and has not since been found. The boundaries of the pueblo grant I understand to be the Borrigo spring, thence Faja Hill, thence the Grulla Hill, thence Chimaja Hill, thence Tecolote Hill, thence Teocuteo Hill, thence Duran Hill, thence the Standing Stone, thence Venado Arroyo. The lands of the pueblo of Santa Ana adjoin those of the pueblo of Zia.

his
JOSÉ + SARRACINO.
mark.

Sworn to and subscribed before me this October 3, 1866.

JOHN A. CLARK, *Surveyor General.*

John Ward, being duly sworn, on his oath declares, in answer to questions put to him by the surveyor general:

Q. What is your name, age, occupation, and residence?

A. My name is John Ward; my age forty-five years; my occupation is special agent of the government for the pueblos; and my residence Santa Fé.

Q. Were you present yesterday when Antonio Esculla and José Sarracino were examined in regard to the Santa Ana pueblo private land claim?

A. I was present.

Q. Do you know personally the parties named as having been examined yesterday?

A. I do know them, both as being Santa Ana Indians, and have good reason to believe they are the officers of the pueblo they represent themselves to be.

Q. From your knowledge of the customs of the pueblos, do you know whether their governors are their legal custodians of the papers belonging to the pueblo?

A. I know them to be such custodians as a general rule. I entered the Indian superintendency of this Territory in 1851, as interpreter, and continued there as such for about two years; was then appointed clerk, and continued to act in that capacity till 1861, when I was appointed pueblo Indian agent, and continued such until November, 1865, and was reappointed such agent in July, 1866.

Q. Have you ever visited the pueblo of Santa Ana; and, if so, when; and what was its appearance at the time?

A. I have, and was first there in 1853 or 1854, and frequently since then; and when I first visited it it presented the appearance of a very ancient pueblo.

Q. Have you any knowledge of the extent of the claim to land of the pueblo?

A. I have; and have gathered from them, by conversing with the principal men, that they claim one league in each direction from the pueblo church.

Q. Have you ever examined the records and papers belonging to and in possession of the Indians of Santa Ana pueblo with the view of ascertaining whether they have any grant to the pueblo land; and, if so, did you find any written grant or title, and what have you understood from the Indians themselves concerning their claim to the land?

A. I have so examined, but have never been able to discover the original grant, and have always understood from them that it has been for many years lost or mislaid; and there is a tradition of these Indians that there was a grant made to the pueblo of Santa Ana for a like quantity of land and in the same manner as to the other Indian pueblos in the country, the grant emanating from the Spanish government, as in the case of the other pueblos.

Q. Do you know about the number of inhabitants the pueblo of Santa Ana contains? If you do, state what it is.

A. I took a census of that pueblo in 1864, and the whole number of souls in the pueblo then was 298.

Q. Where is the pueblo of Santa Ana situated?

A. It lies in the county of Santa Ana in this Territory, on the east bank of the Jernez river, about six miles below the pueblo of Zia.

Q. What is the character of the land claimed by the pueblo of Santa Ana?

A. There is a very small quantity of cultivable land on the tract, the most of it consisting of hills and mesas. The Jernez river sinks before reaching the pueblo in most seasons, so as to deprive the pueblo of water for irrigation, for which reason, and on account of the inconsiderable quantity of cultivable land at the pueblo, the Indians were obliged to acquire by purchase lands on the Rio Grande, some fifteen miles distant, which lands they cultivate for their subsistence.

JOHN WARD.

Sworn to and subscribed before me this October 4, 1866.

JOHN A. CLARK,
Surveyor General.

Gaspar, Oiz y Silva, being first duly sworn, deposes and says: I am over sixty years of age; was born, and now reside, as hitherto, at Santa Fé. I know the pueblo of Santa Ana, though I have never been exactly at the pueblo,

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but in sight of it, some time between the years 1835 and 1840. I have often heard my father, who died three years ago at the age of ninety-five years, speak of the pueblo of Santa Ana as an old Indian pueblo. It lies in the county of Santa Ana, and upon the Jernez river. I have frequently seen Indians in the settlements who were called Santa Ana Indians.

GASPAR OITIZ Y SILVA.

Subscribed and sworn to before me, this October 3, 1866.

JOHN A. CLARK,
Surveyor General.

Simon Delgado sworn, and declares: My age is fifty years, and I reside at Santa Fé, and have lived in this county of Santa Fé all my life. I know the pueblo of Santa Ana, and was there in the year 1843 or 1844. When I was there the pueblo had the appearance of being an ancient pueblo. I had known of the existence of the pueblo long before I saw it, and have always heard from the oldest inhabitants that the pueblo of Santa Ana was among the oldest of the Territory, and is known to have existed since before the conquest. The county of Santa Ana, in which the pueblo of that name is situated, was named after that pueblo. The pueblo lies on the Jernez river, as do those of Jernez and Zia. The pueblo of Santa Ana lies about three leagues from that of Zia, both being in Santa Ana county. I have always understood that the land granted Santa Ana by the Spanish government was two leagues square, as was the case with the other Indian pueblos.

SIMON DELGADO.

Sworn to and subscribed before me this October 3, 1866.

JOHN A. CLARK,
Surveyor General.

Vicente Montoya, being sworn by the surveyor general, testifies, answering as follows:

Q. What is your name and your age, and where do you reside?

A. My name is Vicente Montoya; am fifty-two years of age, and reside now at Santa Fé.

Q. Have you ever been at the Indian pueblo of Santa Ana; and if so, when?

A. I have, and have known the pueblo since I first visited it some thirty one years ago.

Q. What was the appearance of the pueblo when you first saw it?

A. It appeared in some of its buildings quite ancient, though there were also some buildings of apparently modern erection. I have always understood that the pueblo of Santa Ana was an ancient one, being in existence at the time of the conquest, and since, till the present day.

Q. Do you know the boundaries of the pueblo of Santa Ana? and if so, state them.

A. I do not know the boundaries, except from analogy with the cases of the other pueblos in New Mexico. Most of these, I am aware, had one league in each direction granted them by the king, and it was always considered and conceded that the pueblo of Santa Ana had the same boundaries as the other pueblos.

Q. What is the character of the land embraced in the tract belonging to the pueblo?

A. The land is all bleak and sterile, producing nothing except when rains are seasonable, and then only in very limited and inconsiderable degree.

Q. Is there any timbered land or mineral land on the tract to your knowledge or belief?

A. There is not. The Indians bring the firewood about half a league, and from beyond the limit of their grant, and I have never heard of the discovery of any mineral deposits, placers, or mines in that section.

Q. Where is the pueblo of Santa Ana situate—on what stream does it lie, if any, and which is the nearest adjoining pueblo?

A. It is in the Territory of New Mexico, upon the Jernez or Santa Ana river, and the puebla of Zia, situated some five miles above, on the same stream, is the nearest adjoining one.

Q. Have you any interest in the Santa Ana pueblo land?

A. I have none whatever.

VICENTE MONTOYA.

Sworn to and subscribed before me, this 31st December, 1866.

JOHN A. CLARK,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, January 5, 1867.

I hereby certify that the foregoing is a true and complete copy of the original depositions of Antonio Eseculla, José Sarracino, John Ward, Gaspar Oitiz y Silva, Simon Delgado, and Vicente Montoya, remaining on file in this office.

JOHN A. CLARK,
Surveyor General.