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**Letter from the Secretary of the Interior, accompanying reports of the Surveyor-General of New Mexico on private land-claims Nos. 71 and 72.**

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

ACCOMPANYING

*Reports of the surveyor-general of New Mexico on private land-claims  
Nos. 71 and 72.*

FEBRUARY 14, 1873.— Referred to the Committee on Private Land-Claims and ordered  
to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., February 14, 1873.*

SIR: Pursuant to the eighth section of the act of 22d July, 1854, (10 Stat., 308,) I have the honor to transmit herewith, for the consideration of Congress, two reports of the surveyor-general of New Mexico; one on the "land-grant to Francisco Salazar *et al.*, being private land-claim reported as No. 71, for the Cañon de Chama tract, in Rio Arriba County, in New Mexico," and the other on the "land-grant to Ventura Trujillo, being private land-claim reported as No. 72, for the Apache Spring tract, in San Miguel County, New Mexico."

Very respectfully,

C. DELANO,  
*Secretary.*

Hon. SCHUYLER COLFAX,  
*Vice-President, and President of the Senate.*

*Transcript of land-grant to Francisco Salazar et al., being private land-claim reported as  
No. 71, for the Cañon de Chama tract, in Rio Arriba County, New Mexico. Date of grant,  
August 1, 1806. Reported by the United States surveyor-general December 17, 1872.*

*Notice to surveyor-general.*

TERRITORY OF NEW MEXICO:

*To the Hon. James K. Proudfit, surveyor-general of the Territory of New Mexico:*

Your petitioners, the heirs and legal representatives of Francisco Salazar, deceased, and of his brothers and other grantees of that certain grant of land situated in the county of Rio Arriba, in the Territory of New Mexico, and known as the Cañon del Rio de Chama grant, called San Juaquin del Rio de Chama, bounded on the north by the Sitio de la Seboya, on the south by the Capulin, on the east by the boundary of the Martinez, and on the west by the Sejita Blanca, most respectfully represent that on the 1st day of August, A. D. 1806, Joaquin Alencaster, then governor of the province of New Mexico, made to the ancestors of your petitioners, Francisco Salazar, his sons and thirty-nine others, a grant to the above-mentioned and described land. That the said

grantees were thereupon, in accordance with the laws and customs then in force in New Mexico, given juridical possession of the same, and entered thereon, and they and their heirs and legal representatives have ever since then lived thereon, and occupied, cultivated, and improved the same up to the present time. That the number of the heirs of said grantees who at present occupy and hold possession of said grant of land amount to at least four hundred persons. For a more particular description of the said grant and grantees reference is hereby made to the original petition, grant, and acts of juridical possession now on file in the surveyor general's office, which are asked to be made a part of this petition, as also a sketch map of the same which shows the estimated number of acres thereof, which is filed herewith.

Your petitioners therefore ask that the said grant of land may be confirmed to the said original grantees and their heirs and assigns.

SAMUEL ELLISON,  
*Attorney for Petitioners.*

*Original title-papers.*

*Sor. Gobernador :*

Franco. Salazar, alfeý de la milicia de Abiquiu, en compa. de mis hermanos y otros, biente y ocho besinos pobres y desacomodados, paresemos ante la piedad de V. S., que tengo reconocido un sitio llermo y despoblado llamado el Cañon del Rio de Chama, que se halla situado á la distancia de esta partido como cuatro leguas, el que pedimos á V. S., á nombre del rey, sin perjuicio de tersero, por hallarnos sin tierras en donde poder-nos mantener á causa de haver muerto nuestra madre que hera en el rancho endonde nos sostenia, y habiendose hoy descuartisado entre nueve herederos, que bivian en otras jurisdicciones, nos hemos quedado enteramente. recortados para poder haser nuestra siembra y dar diesmos y primicias.

Por lo que á V. S. pedimos y suplicamos rendidamente atienda esta nuestra petision, lo que esperamos del caritativo pecho de V. S. nos verá con toda benignidad. Juramos no ser de malicia nuestra peticion en lo nesceario.

FRANCO. SALAZAR.

VILLA DE SANTA CRUZ DE LA CAÑADA,  
6 de Julio de 1806.

Informe el alcalde sobre esta presentacion con toda claridad, expresando la extension en terreno en que se trata, sus linderos, proporcion de reigo, y quando le ocurra para determinar el numero de vecignos que devan pularlo, y hecha notoria la pretension diga si se podra causar prejuicios á qualesquiera de los circumbesignos ya sea por pastos, aguas ó abrebaderos; todo lo que examinará personalmte. para con dho. informe resolver evitando recursos.

JOAQUIN ALENCASTER.

RIO ARRIVA, y Julio catorse de mil ochocientos y seis años.

En obediencia al decreto que antesede pasé yo, el alcalde mallor, D. Manuel Garsia de la Mora, personalmte. á reconocer y examinar al rio que llaman cañon del rio de Chama, todo lo que pasé con todo cuidado, y refleja hasí el terreno como presas para asequia, pastos y abrebaderos, y digo que tiene una legua de la ultima merse, que está de los Martinez, para pastos, sin labor, para que no aiga ningun perjuicio al laço dionde sale el sol, y de hay hta. el lindero del poniente, que es á onde divide dho. cañon del rio de Chama con el rio de la Gallina hai como dos leguas poco mas ó menos, de lavor, que puesta la poblazon en medio, se pueden acomodar las treinta y una familias que lo piden, y quedar terreno para sus hanmentos que puedan tener de hijos y llernos, y es el territorio muy bueno, que podrán sus moradores progresar con sus bastimentos; y los otros dos linderos de norte y sur se les dá una legua de pastos, pues por estos dos vientos no hay ningun perjuicio por no aver ni pueblo ni merse que se aiga dognado, ni se puedan dognar presa de sequia; en la distansia de la tierra de lavor hay cinco ó seis, con todo lo que dejo cumplido con la orden de V. S. con toda verdad y claridad leido que le fué á todo el vecindario, dijeron que no tiene nadie que representar sobre dho. pedimto. y que no les perjudica á nadie, por ser sitio llermo y despoblado; y tiene de Abiquiu á dho. cañon de distansia como cinco leguas. Todo lo que firmé en dho. dia, mes y año.

MANUEL GARSIA DE LA MORA.

*Auto.*

SANTA FÉ, 1 de Agosto de 1806.

En consecuencia del informe antesedente, el citado alcalde podrá proceder al señalamto. de veinte y seis suertes de tierra capaces de otra siembra correspondiente á tres cuartiyas de trigo, una de mais ó tres almudes, otras tres de frijol, una pequeña casa y

huerta cada una, las que se repartirán dos suertes unidas al Alférez D. Franco Salazar, y las veinte y cuatro restantes á los individuos que mediante memorial informado por dho. alcalde obtengan mi decreto que se les dé haciendo dho. señalamiento en términos que queden tierras por los cuatrocientos igualmente. ó al menos por los dos en que poder consider nuevas mercedes en lo sucesivo, señalándose los linderos con los colindantes, de modo que quede claro el derecho de pastos y abredaderos á dhas. tierras unidas de veinte y cinco vesignos: se dará nombre del Rancho de San Joaquin del rio de Chama, y revividos por dho. alcalde los 24 indicados decretos de pobladores, pasará á dar y repartir con posesion y merse en nombre de S. M. á los 24 indicados pobladores, y nombrandose de justicia al referido Alférez Salazar y verificado todo pasará á mis manos el documto. de merse para autorizarlo como corresponde de el correspondiente testimonio á los interesados y vuelva para el devido deposito en este archibo.

JOAQUIN ALENCASTRE.

En primero de Marzo de este año de mil ochosientos y ocho años, pasé yo, D. Manuel Garsilla de la Mora, alcalde mayor de la villa de la Cañada, al Rancho de San Joaquin, y en vista del decreto que antecede del sor. teniente coronel y gobernador de este reino, D. Joaquin del Real Alencastre, y á su obedesimto. pasé yo, el mencionado alcalde, al cañon del rio de Chama, llamados San Joaquin, en compañía de los veinte y cinco pobladores, y habiendose aprontado otros catorce vesignos desacomodados y en vista de haberme dado orden verbal su señoría verbal que se avia otros que meter para aumentar la poblazon se les diera con el mismo dro. que á los otros, y estando con todos juntos les fuí repartiendo la tierra segun constan sus cantidades, que van en listas las, que van firmadas de mi mano, á los que metí en posesion, tomándolos de la mano y pasándolos á cada uno de por sí en sus posesiones, y metiéndolos en posesion en nombre del Rey, que Dios guarde, los que de gusto corrieron por ellas, arrancaron yerbas y tiraron piedras, diciendo á voces, Viva el Rey que nos ampara y favorece, con lo que quedaron metidos en posesion, dándole por nombre á la plaza que señalé de San Joaquin del Rio de Chama, con lo que dejoldo cumplimto. al anterior decreto, todo lo que autorizé con dos testigos instrumentales, dándoles por linderos por el norte el rito de la Seboya, por el sur el Capulin, y por el oriente el lindero de los Martínez y por el poniente la segita blanca, para pastos, abredaderos, y por si se ofrese nuevos colonos y aumento de familias de hijos. Todo lo que firmé con dos testigos instrumentales y los de asistencia, que son con los que autno por resetoria la falta de escribano real ni publico, que no lo hay de ninguna clase en este reino; de que doi fée.

MANUEL GARSILLA.

As. : JUAN SIMON GARSILLA.  
As. : JOSÉ MARTIN.  
Tsg. : BALTESAR QUINTANA.

Blas Madrid y sus dos hijos se les dió un ancon de arrollo para lastos; y sigue José Trujillo, con otro pedaso, lindando con Pedro Gonsales; y sigue Pedro Gonsales, á lindar con Gabriel Olivias; y sigue este con Diego Duran; y sigue este á lindar con su hijo, sientto y sincenta vs. cada uno; y sigue Juan Pedro Duran, con sientto y sincenta vs., á lindar con el Teniente D. Franco Salazar; y sigue dho. teniente con trescientas vs., á lindar con Felipe Gonsales; y sigue este con otras trescientas, á lindar con Santiago Salazar; y sigue este con sientto y cincuenta vs., á lindar Andres Beita; y sigue este con otras sientto y sincenta, á lindar con José Migl. Beita; y sigue este con sientto y cincuenta vs., á lindar con Anto. José Martin; y sigue este con sientto y cincuenta vs., á lindar con José Anto. Martin; y sigue este con sientto y sincenta vs., á lindar con Pedro Chacon; y sigue este con otras sientto y sincenta, á lindar con el tereno de la plaza; y sigue del otro lado del tereno de la plaza Juan de Olivias, con otras sientto y sincenta, á lindar con Manuel Salazar, quien sigue con otras sientto y cincuenta vs., á lindar con Salvador Salazar, quien sigue con sientto y cincuenta, á lindar con José Pablo, su hijo, quien sigue con otras sientto y sincenta, á lindar con su hermano Franco Antonio, que sigue con otras sientto y sincenta vs., á lindar con Juan Antonio Baldes, quien sigue quien sigue con otras sientto y sincenta vs., á lindar con Mateo Garsilla, quien sigue con otras sientto y sincenta vs., á lindar con Gaspar Lucero, quien sigue con otras sientto y sincenta vs., á lindar con Anto. Molina, quien sigue con otras sientto y sincenta vs. á lindar con Manuel Lujan, quien sigue con otra ciento y sincenta vs., á lindar con José Antonio Chacon, quien sigue con otras sientto y sincenta vs., á lindar con Antonio José Trujillo, quien sigue con sientto y sincenta vs., á lindar con una majonera que mandé poner; y de hay pasé á un ancon del vado de los pinavetes y le entregué doscientas vs. á Domingo Martin, por ser mas angosto, y dos, entas á su hijo; y de hay pasé á la otra vanda y le di á Christobal Martin otro ancon que estará por separado; y por la misma vanda, desde el lindero de Manuel Salazar hta. la presa está un ancon que se le dió á José Manuel Velarde, su muger, su llerno y su hijo; y de hay pasé á otro ancon que es en la otra vanda, el que está arriba de la presa, y le señalé á Pablo Martin; y siguiendo para abajo por la misma banda para abajo le señalé

á Juan Anto. Baldes un ancon, sito que linda con el arrollo que es el que los va sugetando; y del otro lado del arrollo signe Juan Anto. Moya, con otras pedasitos hta. el linderero de Manuel Salazar, y de hay sigue Manuel Salazar con siento y sin cuenta vs. hta. topar con el arroyo que hace lindar con Blas Madril; con lo que con este repartimiento de yrs. el que autorise con cuanta facultad me es conferida por dro. y la firmé con dos testigos instrumentales y los de mi asistencia á autuando por restoria, ha falta de escrivano real ni publico que no los hay de ninguna clase en este; de que doi fé.

MANUEL GARSILLA.

As.:

JUAN SIMON GARSILLA.

As.:

JOSÉ MARTIN.

Testigo:

BALTAZAR QUINTANA.

ABIQUIU, 4 de Abril del año de 1832.

En vista del auto del señor the. coronel y gobernador del Territorio de Nuevo Mexico, D. Juaquin del Rial Alencastre, dije que en cuanto haverse presentado con el original el C. José Pablo Salazar muy manido me rogo lo copiara y hatorisara; haviendolo copiado con todos sus autos y registros fiel y legal, dije que lo autorizaba y hatorisé en dho. dia, mes y año; de que doi fé.

PEDRO YGNO. GALLEGO.

Es copia del original que firmé el dia de la fecha.

ANTONIO ABAD DURAN,  
*Secretario de Cabildo.*

Lus del Castillo linda con Migl. Martines .....	1
Este linda con José Migl. Beita .....	2
Este ba á lindar con Andres Beita .....	3
Este linda con Gavriel Olibas .....	4
Este linda con José Ma. Chaves .....	5
Este linda con Salvador Salazar .....	6
Este linda con Franco. Salazar .....	7
Este linda con Migl. Belarde .....	8
Este ba á lindar con José Manl. Belarde .....	9
Este linda con Anto. Madrid .....	10
Este va á lindar con Santiago Salazar .....	11
Este linda con Diego Anto. Duran .....	12
Este linda con los hijos del difunto Franco. Salazar .....	12
Este linda con Gabriel Olibas .....	13
Este linda con Christobal Madril .....	14
Este linda con Patrocionio Martines .....	15
Este ba lindar con Blas Madril .....	16

Estas suertes de tierras se compone cada una 50 vs., dejando caminos libres de carretas; uno ba á la Barba del rrio de Chama, el otro á la orilla de la loma, y siguen en el segundo reparto de tierra airasa, tocandole á cada uno 100 vas.

Lus del Castillo linda con Migl. Martines .....	1
Este linda con Migl. Martines .....	2
Este linda con José Migl. Beita .....	3
Este linda con Andres Beita .....	4
Este linda con Santiago Salazar .....	6
Este linda con José Ma. Chaves .....	7
Este linda con Salvador Salazar .....	8
Este linda con Franco. Anto. Salazar .....	9
Este linda con Migl. Belarde .....	10
Este linda con José Manl. Belarde .....	11
Este linda con Anto. Madrid .....	12
Este linda con tierras de Franco. Salazar .....	13
Este linda con José Antonio Duran .....	14
Este linda con Diego Antonio Duran .....	15
Este linda con Olibas .....	16
Este linda con Christobal Madril .....	17
Este linda con Patrocinio Martinez .....	18
Este linda con Blas Madril .....	19

Concluido este repartimto. quedó separado un anconcito en el rio de Chama de vosqe. lemita y alamo, los poseedores qe. por ser los mas de ellos pobres no tenian con qe. pagar los derechos justicia y quedará el ancon á favor del alce. por sus derechos qe. por todos

importaba la suma de 51 ps. en rs., y dho. alce. dijo qe. aunque no necesitaba el ancon de tierra qe. le señalaban les hacia el beneficio de tomarlo pr. sus derechos, y el qe. se interesara de los erederos le diera mitad de lo dros., qe. le correspondian, qe. son 25 ps., y se quedará dueño de la tierra, en que se dió por concluido el repartimto.; firmando con los de mi asistencia y dos testigos; de qe. doi fé.

PEDRO YGNO. GALLEGO.

JOSÉ MANL. BALDES.  
 Assa.: BALTASAR BELARDE.  
 Assa.: RAMON RUIBALL.  
 JOSÉ MARIA CHAVES.

ABICHIU, 12 de Decimbre del año de 1832.

Es copia original sacada fiel y legal del hespediente formado que hace relacion de tierras del rio de la Gallina, y quedó colocado en el archibo de Santa Fé, asta que las partes lo saquen de aquel depósito y se coloque aonde corresponde, y para costancia lo hautorisé con los de mi as.; de que doi fé.

PEDRO YGNO. GALLEGO.

RAMON ORIBALI.  
 ANTONIO DURAN,  
*Escrretario de Cabildo.*

[Translations.]

*His Excellency the Governor :*

I, Francisco Salazar, ensign in the militia of Abiquiu, together with my brothers [hermanos] and twenty-eight other poor and needy citizens, appear before your excellency, [and state] that I have examined a tract of land, unappropriated and unsettled, called the Chama River Cañon, situated about four leagues distant from this place, and for which we petition to your excellency in the name of the King, and without injury to any third party, as we find ourselves without any land wherefrom to support ourselves, owing to the decease of our mother at the rancho off of which she supported us, and as the latter has this day been divided among nine heirs residing in other jurisdictions, we find ourselves absolutely deprived of any place to plant, and to enable us to pay tithes and first-fruits.

We therefore humbly ask and pray your excellency to heed this our petition, and we trust from the charitable heart of your excellency you will consider the same favorably; and we protest our petition not to be made in dissimulation and whatever be necessary, &c.

FRANCISCO SALAZAR.

TOWN OF SANTA CRUZ DE LA CAÑADA,  
 6th of July, 1806.

The alcalde will report fully on this petition, giving the extent of the land in question, its boundaries, the proportion of irrigable land, and when he comes to say how many settlers it will accommodate, and the application being made public, he will report whether any damage may result to any of the surrounding settlers, either in regard to pasturage, water, or watering-places, and he will make personal examination respecting all these matters, to the end that action may be had in accordance with his report, and subsequent questions avoided.

JOAQUIN ALENCASTER.

RIO ARRIBA, July 14, 1806.

I, Manuel Garcia de la Mora, chief alcalde, in obedience to the foregoing decree, proceeded personally to visit and examine the spot [rio] called the Chama River Cañon, over all of which I passed with the greatest care and observation, as well the land itself as the places for taking out the heads of irrigating canals and the pastures and watering-places, and I report that, for pastures without fields, and without any resulting damage, there is one league from the last grant, (that of the Martinezes) to the side on which the sun rises, and that thence to the western boundary, which divides the said Chama River Cañon from the Gallina River, there are about two leagues, somewhat more or less, of cultivable land, and, the town being placed in the center, the thirty-one families applying for it may be accommodated, and land enough remain for the increase they may have in the way of children and sons-in-law, [hijos y llernos,] and the section of country is a very desirable one, and the settlers may therefore proceed with their building, and for the other two boundaries, there is assigned them on the north and on the south one league for pastures, for on these two sides no injury can result, as there is neither a settlement nor a grant now made, or that might be made,

and of heads of acequias along the length of the planting-land, there are five or six of them.

With all the foregoing I have fulfilled your excellency's order, and the same having been read faithfully and quite audibly to all the community, they replied that they had nothing to represent in regard to the said petition, and that no one of them was injured, the land being uncultivated and unsettled, and the said cañon is distant from Abiquin about five leagues.

All of which I signed on said day, month, and year.

MANUEL GARCIA DE LA MORA.

*Decree.*

SANTA FÉ, August 1, 1806.

In pursuance of the foregoing report the said alcalde may proceed to the assignment of twenty-six lots of land, capable of being planted with the equivalent of three *cuartillas* of wheat, one ditto, or three *almudes* of corn, another three of beans, and of having erected on each of them a small house, with a garden, and of these lots two of them, adjoining one another, will be assigned to the Ensign Francisco Salazar, and the remaining twenty-four to the individuals who, upon report made by the said alcalde, may obtain my decree, that they be assigned lands, the said assignments to be made in such a manner that lands may remain unassigned equally on the four sides, or at least on two of them, so that new assignments may be made in the future, and the lines bounding with the adjoining lands to be described, in order that the rights to pastures and watering-places may clearly appear. To the said parcel of lots held by the twenty-five settlers will be given the name "San Joaquin del Rio de Chama," and the said alcalde, having received the said twenty-four titles to settlers, will proceed to deliver and distribute, give possession and make grant, in the name of His Majesty, to the twenty-four settlers aforesaid, and the said Ensign Salazar being appointed justice, and all the foregoing provisions being verified, the granting document will be remitted to me, to be legalized as required, the proper duplicates [*testimonios*] to be given the parties interested, and then the original to be returned, to be duly deposited among the archives of this office.

JOAQUIN ALENCASTER.

On the first of March, in this year one thousand eight hundred and eight, I, Mannel Garcia de la Mora, chief alcalde of the town of La Cañada, proceeded to the rancho of San Joaquin, and in view of and in obedience to the foregoing decree of Lieutenant-Colonel Joaquin del Real Alencaster, governor of this royal province, I, said chief alcalde, proceeded to the Chama River Cañon, called the San Joaquin Cañon, accompanied by the twenty-five settlers, and there appearing also fourteen other citizens without land, and his excellency having given me verbal instructions to the effect that, should other persons come forward to increase the settlement, land should also be assigned to them, with the same rights as the others enjoy, and all the settlers being assembled, I proceeded with the distribution of the land to them, as appears from the quantities of land they received, noted in the list and certified by me, and into the possession of which I placed them, taking them by the hand and leading each settler over his own piece of land, and placing him in possession in the name of the King, whom may God preserve! And they ran joyfully over the land, plucking up weeds and casting stones, and shouting aloud, "Long live the King that protects and helps us!" with which they remain in possession, naming the town whose site I pointed out to them San Joaquin del Rio de Chama, and with which I have executed the foregoing decree, and all of which I authenticated with two instrumental witnesses, designating to the settlers as boundaries: On the north the Ceballa Valley, on the south the Capulin, on the east, the boundary of the Martinezes, and on the west the Little White Hill, [*Segita Blanca*], for their pastures and watering-places, and with a view to the coming of other settlers and the increase of families and descendants, all of which I signed, with two instrumental witnesses, and with the witnesses in my attendance, with whom I act by appointment for lack of a royal or public notary, there being none of any kind in this royal province, to which I certify.

MANUEL GARSILLA.

Attending: JUAN SIMON GARSILLA.

Attending: JOSÉ MARTIN.

Witness: BALTAZAR QUINTANA.

To Blas Madrid and his two sons was assigned a bend of an arroyo for pasture-land, (lastos,) and José Trugillo follows him with a piece adjoining Pedro Gonzalas; and Pedro Gonzalas follows adjoining Gabriel Olivas; and he follows adjoining Diego Duran; and he follows adjoining his son, one hundred and fifty varas each one of them; and Juan Pedro Duran, with one hundred and fifty varas, follows adjoining Lieutenant Francisco Salazar; and the said lieutenant, with three hundred varas, follows adjoining Felipe Gonzales, and he with another three hundred follows adjoining

Santiago Salazar, and he with one hundred and fifty varas follows adjoining Andres Beita, and he with another one hundred and fifty follows adjoining José Miguel Beita, and he with one hundred and fifty varas follows adjoining Antonio José Martin, and he with one hundred and fifty varas follows adjoining José Antonio Martin, and he with one hundred and fifty varas follows adjoining Pedro Chacon, and he with another hundred and fifty follows adjoining the spot for the plaza; and on the other side of the spot for the plaza Juan de Olivas, with another hundred and fifty, follows adjoining Manuel Salazar, and he with another hundred and fifty varas follows adjoining Salvador Salazar, who with one hundred and fifty follows adjoining his son, José Pablo, who with another hundred and fifty follows adjoining his brother Francisco Antonio; who with another hundred and fifty varas follows adjoining Juan Antonio Baldes; who with another hundred and fifty varas follows adjoining Mateo Garsilla; who with another hundred and fifty varas follows adjoining Gaspar Lucero; who with another hundred and fifty varas follows adjoining Antonio Molina; who with another hundred and fifty varas follows adjoining Manuel Lujan; who with another hundred and fifty varas follows adjoining José Antonio Chacon; who with another hundred and fifty varas follows, adjoining Antonio José Trujillo; who with one hundred and fifty varas follows adjoining a land-mark that I caused to be erected, and I thence proceeded to a bend at the Spruce Pine Ford and assigned two hundred varas to Domingo Martin, it being more narrow, and two hundred varas to his son; and I proceeded thence to the other side of the stream and assigned to Christoval Martin another bend which was isolated, and on the same side, from the boundary of Manuel Salazar to the head of the acequia, there is a bend which was assigned José Manuel Valarde, his wife, his son-in-law, and his son; and I proceeded thence to another bend on the other side of the stream and above the head of the acequia, which I assigned to Pablo Martin, and following down stream on the same side I assigned to Juan Antonio Baldes a small bend adjoining the creek, the same that bounds them [*que es el que los sugetando*] and on the other side of the creek, Juan Antonio follows, with some other small pieces of land to the boundary of Manuel Salazar; and thence Manuel Salazar, with one hundred and fifty varas, follows up to the creek adjoining Blas Madril, with which this distribution of land [was concluded,] which distribution I authenticated with all the authority conferred on me by law, and I signed this with two instrumental witnesses and with those in my attendance, acting by appointment for the known lack of a royal or public notary, there being none of any kind in this [province,] to which I certify.

MANUEL GARSILLA.

Attending: JUAN SIMON GARSILLA.  
 Attending: JOSÉ MARTIN.  
 Witness: BALTAZAR QUINTANA.

ALBIQUIN, 4th April, A. D. 1832.

In pursuance of the decree of Lieutenant-Colonel Joaquin del Real Alencasti, governor of the Territory of New Mexico, I do certify that the citizen José Pablo Salazar, having presented to me the original, very much handled, (manido,) requesting me to make and certify to a transcript thereof, and having copied the same, with all the decrees and registries, truly and faithfully, I declared that I would authenticate it, and I did authenticate it, on said day, month, and year, to which I certify.

PEDRO IGNACIO GALLEGO.

The above is a copy from its original, and which I signed this day.

ANTONIO ABAD DURAN,  
*Corporation Secretary.*

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
 Santa Fé, New Mexico, December 5, 1863.

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

DAV. J. MILLER, *Translator.*

Luz del Castillo adjoins Miguel Martinez .....	1
He adjoins José Miguel Beita .....	2
He will adjoin Andres Beita .....	3
He adjoins Gabriel Olibas .....	4
He adjoins José Maria Chavez .....	5
He adjoins Salvador Salazar .....	6
He adjoins Francisco Salazar .....	7
He adjoins Miguel Belarde .....	8
He will adjoin José Manuel Velarde .....	9
He adjoins Antonio Madrid .....	10
He will adjoin Santiago Salazar .....	11



He adjoins Diego Antonio Duran .....	12
He adjoins the children of Francisco Salazar, deceased .....	12
He adjoins Gabriel Olibas .....	13
He adjoins Cristoval Madril .....	14
He adjoins Patrocinio Martinez .....	15
He will adjoin Blas Madril .....	16

These lots of land comprise, each of them, 50 varas, leaving the wagon-roads free, one of which goes to the Chama River bank, (*barba del rio de Chama*), and the other to the foot of the hill, and the second distribution of the public domain is continued, each person receiving 100 varas:

Luz del Castillo adjoins Miguel Martinez .....	1
He adjoins Miguel Martinez .....	2
He adjoins José Miguel Beita .....	3
He adjoins Andres Beita .....	4
He adjoins Santiago Salazar .....	6
He adjoins José Maria Chavez .....	7
He adjoins Salvador Salazar .....	8
He adjoins Francisco Antonio Salazar .....	9
He adjoins Miguel Belarde .....	10
He adjoins José Manuel Belarde .....	11
He adjoins Antonio Madril .....	12
He adjoins lands of Francisco Salazar .....	13
He adjoins José Antonio Duran .....	14
He adjoins Diego Antonio Duran .....	15
He adjoins Olibas .....	16
He adjoins Cristoval Madril .....	17
He adjoins Patrocinio Martinez .....	18
He adjoins Blas Madril .....	19

This distribution being concluded, there remained separate a small bend in the Chama River containing a grove of lemita and cotton-woods. Most of the settlers being poor, they did not have the means to pay the justice's fee, and the bend will remain to the alcalde for his fees, which amounted altogether to the sum of \$51 in hard cash; and the said alcalde stated that, although he did not desire the land in the bend that had been assigned him, he would do them the favor to receive it for his fees, and that to him who among the settlers may feel interest enough to pay him one-half of the fees due him, \$25, should belong the land.

With which the distribution of the land was concluded, I signing with my attending witnesses, and two other witnesses, to which I certify.

PEDRO IGNACIO GALLEGO.

JOSÉ MANUEL BALDES.  
 Attending: BALLAZAR BELARDE.  
 Attending: RAMON RUIBALL.  
 JOSÉ MARIA CHAVES.

ABIQUIU, December 12, A. D. 1832.

The foregoing is a faithful and valid original copy taken from the document relative to lands on the Gallina River, on file among the archives at Santa Fé, there to remain until the parties withdraw it from that depository and place it where it belongs. And in testimony thereof I signed this with my attending witnesses, to which I certify.

PEDRO IGNACIO GALLEGO.

RAMON ORIBALL.  
 ANTONIO DURAN, Corporation Secretary.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
 Santa Fé, New Mexico, December 5, 1863.

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

DAV. J. MILLER, Translator.

*Testimony of witnesses.*

CAÑON DE CHAMA.

Geronimo Gallegos, being by the surveyor-general duly sworn, on his oath declares:

Question by Samuel Ellison, attorney for present claimants. What is your name, age, and residence?—Answer. Geronimo Gallagos; my age is upward of sixty-seven years,

and was born and have always resided at the town of Abiquiu. I was formerly, for sixteen years, alcalde at that place, but am not in office now.

Q. Are you acquainted with the tract of land known as the Cañon de Chama or San Joaquin grant? and, if so, state its locality and its boundaries.—A. I know the tract, and it lies in the county of Rio Arriba, to the west of the town of Abiquiu, on both sides of the Chama River. It is bounded on the north by the Rio de la Ceballa, on the west the Cueltcecita Blanca, also called the Cejita Blanca; on the south the Capulin, and on the west the Martinez land. The tract is situated about fifteen or sixteen miles west of Abiquiu.

Q. Has the land been occupied since you have known it, and by whom, and who are the reputed owners thereof?—A. Since I have known the place it has been occupied by Francisco Salazar and his descendants, and they have been reputed the owners. They have been driven off on various occasions by the wild Indians, but always returned, and are now in possession of the land. Among the original grantees in the grant I can mention Madril, Chacon, Olivas, Velarde, Gonzales, whom I remember as well as said Salazar; and their descendants, as well as those of Salazar, have held and occupied the tract the time I have known it.

Q. Have you any interest in this claim for land?—A. I have none at all.

Question by the surveyor-general. What is the general character of the land in this claim?—A. The tract is grazing and agricultural and timber land. The agricultural portion is that along the river, and is narrow, being in the cañon, and irrigated with acequias from the river. The timber is out among the hills.

Q. Do you know of any mines, mineral deposits, or coal upon this land?—A. I do not. I have never lived upon the tract, but have often been upon it and am familiar with it.

GERONIMO GALLEGOS.

Sworn and subscribed before me this December 11, 1872.

JAMES K. PROUDFIT,  
*Surveyor-General.*

JUAN DE JESUS TRUJILLO, being also sworn by the surveyor-general, on his oath declares:

Question by attorney for present claimants. What is your name, age, and residence?—Answer. My name is Juan de Jesus Trujillo; my age is sixty-six years; and my residence is at the town of Abiquiu, in the county of Rio Arriba.

Q. Do you know the tract of land known as the Cañon de Chama grant? and, if so, state where it is situated, and who are the reputed owners of the land.—A. I know the tract. It lies fifteen or sixteen miles to the west of Abiquiu, on the Chama River, which runs through the land in said Rio Arriba County. The reputed owners are the heirs and descendants of the original grantees, Francisco Salazar, Blas Madril, Gabriel Olivas, and others. They have always been in possession, except when, at times, they were driven off by the wild Indians; but they always returned to occupy the place, and are there now.

Q. Have you any interest in this claim?—A. I have no interest in it.

Question by the surveyor-general. Do you know whether there is upon the land any coal or mineral lands or mines?—A. I know of none. I have never resided upon the land, but have all my life known it, and am familiar with it. I am not a relative to the Trujillo who was one of the original grantees.

J. J. <sup>his</sup> + TRUJILLO.  
mark.

Sworn to and subscribed before me, this December 11, 1872.

JAMES K. PROUDFIT,  
*Surveyor-General.*

*Surveyor-general's decision.*

FRANCISCO SALAZAR ET AL.—CAÑON DE CHAMA TRACT.

OPINION OF SURVEYOR-GENERAL.

This is a community grant, and the present claimants ask for approval and confirmation under the act of Congress of July 22, 1854, establishing this office, and the eighth and ninth articles of the treaty of Guadalupe Hidalgo.

The record shows that the grant was made to Francisco Salazar and others, in 1806, by Lieutenant-Colonel Joaquin Alencaster, then governor and captain-general of New Mexico, which was then one of the ultra-marine possessions of the kingdom of Spain. Salazar petitioned for the grant on behalf of himself, his brothers, and twenty-eight other poor and needy citizens, the land being desired for agricultural and grazing purposes.

The petition of Salazar is without date; but Governor Alencaster, under date of July 6, 1806, directs the alcalde to make investigation as to the propriety of making the grant. The alcalde, Don Manuel Garcia de la Mora, under date of July 14, 1806, reports favorably; whereupon the governor, under date 1st August, 1806, made the concession, and directed the alcalde to distribute to the different parties each a share of the tillable land in the cañon, in form of a village, with clearly-defined common rights of pasture and water.

On the 1st March, 1808, the alcalde placed Salazar and twenty-four other settlers in possession of the land, as ordered by the governor, and also fourteen other persons, who, being landless, desired to join the community, the last being placed in possession of portions of the land, as the alcalde recites, in accordance with verbal orders of Governor Alencaster. The village was named "San Joaquin del Rio de Chama, by order of the governor, and the alcalde designated to the settlers as out-boundaries of their timber, pasture-lands, and watering-places, the following: On the north, the Cebolla Valley; on the south, the Capulin; on the east, the boundary of the Martinezes; and on the west, the little white hill, [*segita blanca*."] The distribution and partition of the arable lands is set forth by the alcalde in detail in the papers.

The Spanish papers are certified copies of the originals made in 1832 by Pedro Ignacio Gallego, at request of José Pablo Salazar, the originals having been very much handled, [manido,] and their correctness is certified by Antonio Abad Duran, corporation secretary of Abiquiu, on the 4th April, 1832.

The grant contains about 184,320 acres, and is now claimed and occupied by hundreds of the descendants of the original grantees, and said grantees and their descendants have possessed it ever since the grant was made and possession given in 1808, except when driven off by hostile Indians.

I approve this grant, and recommend that it be confirmed by Congress to the heirs and legal representatives of Francisco Salazar and the other persons who were placed in possession of the land by the alcalde, Don Manuel Garcia de la Mora; on the 1st day of March, 1808, in pursuance of the decree making the grant executed by Governor Joaquin Alencaster, and dated August 1, 1806, as set forth in the papers in this case, and according to the boundaries above recited.

A transcript of all papers in the record is respectfully transmitted herewith.

JAMES K. PROUDFIT,  
*Surveyor-General.*

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

SURVEYOR-GENERAL'S OFFICE,  
*Santa Fé, New Mexico, January 27, 1873.*

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 71, in the name of Francisco Salazar *et al.*, for the Cañon de Chama tract of land, in this Territory.

JAMES K. PROUDFIT,  
*Surveyor-General.*

*Transcript of land-grant to Ventura Trujillo, being private land-claim reported as No. 72, for the Apache Spring tract, in San Miguel County, New Mexico. Date of grant, July 2, 1842. Reported by the United States surveyor-general December 19, 1872.*

TERRITORY OF NEW MEXICO, County of San Miguel:

*To the Hon. James K. Proudfit, surveyor-general of the Territory of New Mexico, County of Santa Fé, sitting at Santa Fé, New Mexico, for the hearing of private land-claims, under the eighth section of an act of Congress passed July 22, 1854, (see volume 10, Statutes at Large, p. 309.)*

Your petitioner, John L. Taylor, a resident of Apache Springs, San Miguel County, Territory of New Mexico, most respectfully represents to the honorable surveyor-general that he is the owner of a certain tract or parcel of land situate in the said county of San Miguel, and bounded as follows, to wit, on the north, by La Mesa; on the south, by the old road of Las Chupainas; on the east, by the La Mesa de Las Chupainas; on the west, by the hills bordering on the Cañoncito de la Lagunita.

Your petitioner would further state that said grant of land was duly made according to law and the usage and customs of the laws of Mexico, on the 2d day of July, 1842, by one Demasio Salazar, a justice of the peace in the said county of San Miguel del Bado, to one J. C. Bentura Trujillo, a resident of said county of San Miguel del Bado.

Your petitioner would further state that the said J. C. Bentura Trujillo, after the making of said grant, and the execution and delivery of said title to him by the said

Demacio Salazar, went into the quiet, peaceful, and lawful possession, use, and occupation of said lands, and so continued to use, cultivate, reside upon, and occupy said lands so granted to him until his death, and on the 2d day of February, 1848, the said J. C. Bentura Trujillo was residing on said lands with his family, and claiming the same as his under said grant.

Your petitioner would state that at the date of said grant of said lands they were the vacant public lands of the republic of Mexico, situate within the local jurisdiction of the said justice of the peace of San Miguel del Bado, Demacio Salazar.

Your petitioner would further state that after the death of the said J. C. Bentura Trujillo, to wit, on the 21st day of September, 1855, the widow and heirs of the said J. C. Bentura Trujillo, deceased, by Juan Nepomocena Lopez, their duly authorized attorney, sold, transferred, and conveyed said lands, houses, and improvements thereon situate, to one Juan B. Lucero, then and there a citizen of the United States, and domiciled within said jurisdiction of San Miguel del Bado, and the said Juan B. Lucero was then and there placed in the lawful, peaceful, and quiet possession of said premises, and so continued until the 24th day of March, 1866, when the said Juan B. Lucero bargained, sold, and conveyed said lands to the said petitioner, John L. Taylor, and Henry D. Gorham, and placed the said John L. Taylor and Henry D. Gorham in the like quiet, peaceful, and lawful possession, use, and occupancy of said lands, with the houses and improvements thereon situate.

Your petitioner would further state that during all the time, from the date of said purchase and possession of said lands, he, the said petitioner, has continued to live upon, use, cultivate, and enjoy said lands, and make said lands his home and permanent residence for himself and family.

Your petitioner would further state that he knows of no conflicting claim of title to said lands, nor does he believe that the lands within the boundaries above set forth as his will in any manner encroach upon the lands of any adjacent owners.

Your petitioner would further state that the long-continued occupancy, use, cultivation, residence, and claim to said lands vested in the original grantee a perfect title to said lands, and creates such title as was protected by the treaty of Guadalupe Hidalgo, eighth and ninth articles, and by law entitled to be confirmed to your petitioner as the *bona-fide* holder of said original title to said lands and actual occupants and claimant ever since his purchase of said lands from the said Juan B. Lucero.

Your petitioner would further state that but little of said land is suitable for cultivation, and the grant does not contain a large quantity of land, but until the same is properly surveyed, the quantity of land will be a matter of mere supposition and opinion.

Your petitioner would further state that he herewith presents a rough and imperfect sketch or plat of the said grant indicating the out-boundaries of said grant.

Your petitioner would further state that the said boundaries of said grant are well known, visible, and permanent landmarks, well known in the vicinity, and readily and certainly identified.

Your petitioner would further state that the original title-papers and transfer and conveyance to the said Juan B. Lucero were duly recorded on the 10th day of May, 1866, in book 3, pages 36 and 37 of the records of titles in and for San Miguel County, Territory of New Mexico, in which county said lands are situate. Your petitioner hereby presents to the honorable surveyor-general of New Mexico the original title herein to J. C. Bentura Trujillo, and the transfer of his widow and heirs to said lands, and asks that it may be filed with this petition, and made a part of the same, marked as Exhibit A herein, and that a duly certified copy be furnished your petitioner.

Your petitioner would further state that he hereby presents the original deed of Juan B. Lucero to your said petitioner and the said Henry D. Gorham for the sale, conveyance, and transfer of said lands to your said petitioner, by the said Juan B. Lucero, and asks that it may be filed with this petition, and made a part of the same, marked as Exhibit B herein, and that a duly certified copy of the same be furnished your petitioner herein.

Your petitioner would further state that he also files herein a correct and duly certified copy, translated from the original Spanish into English, of the said grant and transfer deed and conveyance from Juan B. Lucero, marked as Exhibit C herein, and asks it to be made a part of this petition.

Your petitioner would further state that he also now files as a part of this petition a duly certified copy in English of the original Spanish deed of conveyance to the said petitioner by the said Juan B. Lucero, and asks that it be made a part of this petition, marked as Exhibit D herein.

Your petitioner would further state that under and by virtue of the organic law of September 9, 1850, the Congress of the United States, by said act, vested the legislative assembly of the Territory of New Mexico with power to pass laws upon all rightful subjects of legislation not in conflict with the constitution and laws of the United States, and made all such laws of the legislative assembly of the Territory of New

Mexico binding, effective, and in full force, unless disapproved by the Congress of the United States.

Your petitioner would further state that on the 1st day of February, A. D. 1858, the said legislative assembly of the Territory of New Mexico passed an act for the protection of the rights and titles of the citizens of New Mexico "having had possession for ten years of any lands, tenements, or hereditaments which have been granted by the governments of Spain, Mexico, or the United States, or by whatsoever authority empowered by said governments to make grants to lands holding or claiming the same by virtue of a deed or deeds of conveyance, devise, grant, or other assurance purporting to convey an estate in fee-simple, and no claim by suit in law or equity effectually prosecuted shall have been set up or made to the said lands, tenements, or hereditaments within the aforesaid time of ten years, then and in that case the person or persons, their heirs or assigns, so holding possession as aforesaid, shall be entitled to keep and hold in possession such quantity of lands as shall be specified and described in his, her, or their deed of conveyance, devise, grant, or other assurance as aforesaid in preference to old, and against all and all manner of person or persons whatsoever."

Your petitioner would further state that he now is and always has been a loyal citizen of the United States, and he and his family, and those under whom he claims, have resided upon, used, occupied, and claimed said grant of land ever since the 2d day of July, A. D. 1842, now more than twenty years, without any suit in law or equity having been instituted or prosecuted effectually against him or those under whom he claims, and the said petitioner asks that the protection given by said act of limitations of the legislative assembly of the Territory of New Mexico, found on page 516 of the compiled laws of New Mexico, be enforced and applied to entitle the said petitioner to keep and hold in his possession the quantity of land in said grant and deed of conveyance mentioned.

Your petitioner would further ask that the honorable surveyor-general of the Territory of New Mexico take jurisdiction of this claim under the said act of Congress of July 22, 1854, and upon the premises being found true and satisfactorily proven, your petitioner asks that said title of your petitioner be recognized and confirmed as a *bona-fide* grant and perfect title, and that said claim may be reported to the Secretary of the Interior with the view to its being sent to Congress to be confirmed as a valid title to said lands entitled to recognition and protection as a *bona-fide* grant, and entitled to confirmation under the treaty of Guadalupe Hidalgo, made the 2d day of February, A. D. 1848, between the United States and Mexico.

Your petitioner would further state that he herewith presents a rude and imperfect sketch map or plat of the boundaries of said grant, and the form of the grant, without undertaking to state that on actual survey the said sketch map or plat will be accurate or correct, which could only result from actual survey of the said boundaries called for in said grant and title-papers in the case. Your petitioner asks that this rude sketch or map of the boundaries of said grant be made a part of this petition, and marked as Exhibit O herein.

Your petitioner would further state that one Henry D. Gorham was a partner of the said petitioner in said ranch, and the deed of Juan B. Lucero, under date of 24th March, 1866, is executed to your petitioner and the said Henry D. Gorham jointly, and this will more fully appear by reference to said deed, hereby made a part of this petition, marked as Exhibit B herein.

Your petitioner would further state that, as surviving partner of the firm of Taylor & Gorham, and as administrator of the estate of said Henry D. Gorham, deceased, the said petitioner, under authority of the probate court of San Miguel County, sold and conveyed to May Hays, of Las Vegas, New Mexico, said interest of said Henry D. Gorham and executed to him a deed for the same on the 22d day of July, 1869, a certified copy of which deed is made a part of this petition, marked as Exhibit L herein.

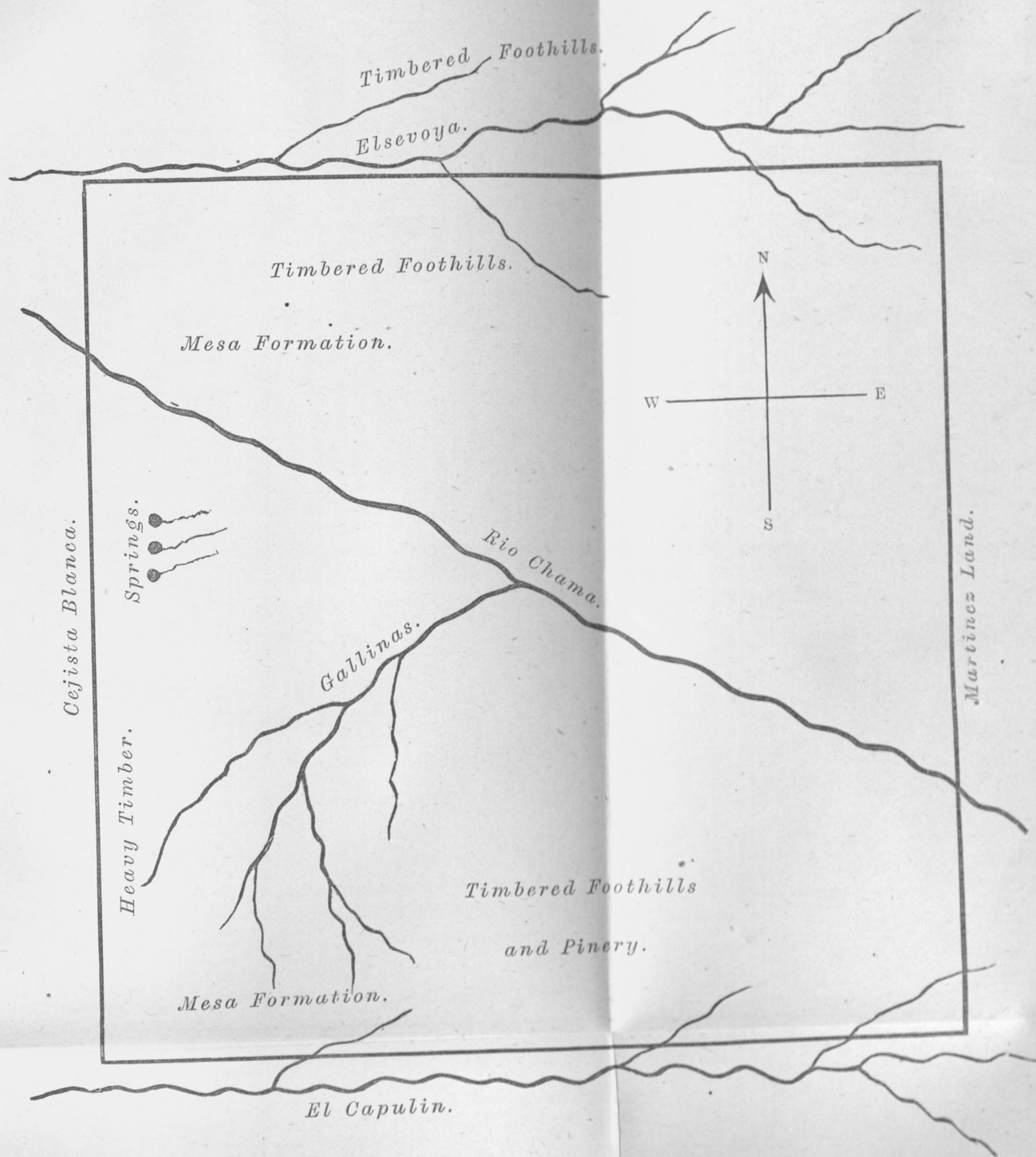
Your petitioner would further state that the conveyance and transfer of the said May Hays to said petitioner was made 22d July, 1869, and a certified copy of said transfer and deed of the said May Hays to your petitioner, marked as Exhibit M herein, is now filed with this petition.

Your petitioner further asks that upon the investigation of this title, if found valid and *bona fide*, and entitled to confirmation by Congress, that its confirmation be made to the said John L. Taylor, the present owner, by regular chain of title from the original grantee herein.

All of which is most respectfully submitted to the action and consideration of the honorable surveyor-general in and for the Territory of New Mexico.

JOHN L. TAYLOR,  
By JOHN S. WATTS,  
Attorney.

Sketch of map of the San Joaquin del Rio de Chama grant, Rio Arriba County, New Mexico; from north to south, 16 miles; from east to west, 18 miles; containing about 184,320 acres.



## EXHIBIT A.

SELLO CUARTO—[SÉLLO.]—UNA CUARTILLA.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

En esta 2a. demarcacion de Sn. Migl. del Bado, á los dos dias del mes de Julio de este presente año de mil ochocientos cuarenta y dos.

Hante mf, el C. Damasio Salazar, juez de pas de dho. partido, compareció presente pr. su propia persona el C. Bentura Truxillo, vesino y residente en la primera demarcacion de esta, solisitando el punto y terreno qe. comunmente llaman el Ojito del Apache, pa. poner una finca de lavor en conpa. de sus hijos; en lo qe. considerará tener los sustensilios nesarios pa. el abasto de una familia cuantiosa y dar ha diezmo [ilegible] y la sta. iglesia la parte qe. le toca, y llo, dho. alcalde, mirando el que es una solitud justa y arreglandome á los supremos decretos le he agrasiado dha. dona há nombre de Dios y de la suprema nasion mexicana, pa. qe. como buen compatriota haga uso á ellas, guardando los requisitos qe. nuestras leyes previenen, bajo la condicion y límites de que si no pone resguardo par ebitar los daños qe. le puedan sobrevenir está en la obligasion de sufragarlos pr. ser unos exidos y pasteos de los abitantes de esta demarcacion, y son sus correspondientes linderos de dha. posesion pr. el norte la mesa el camino viejo de los Chupaines, pr. el sur el oriente la mesa de los Chupaine, y par el poniente las lomas qe. besindan con el cañonito de la Lagunita, y pa. qe. esta predicha escritura tenga la fuersa y balidasion qe. en dro. se requiere me suplicó el referido Truxillo interpusiera mi autoridad y judicial decreto, y llo el nominado juez dije qe. la interponia é interpuso cuanto pr. dro. mees conferido, firmando conmigo los de mi asistencia, con quienes acto per recetoria á notoria falta de escribano publico qe. de ninguna clase lo hay en este departamto. en la forma del dro., qe. de todo doy fé.

DAMASO SALAZAR.

De assa.: RAFL. ARAGON.

Assa.: SALBADOR GONSALES.

Y ba en el presente papel pasado pr. no aber del sello qe. corresponde.

SALASAR.

El anterior domento, de dona en esta vez es traspasado por los herederos y la logima ques la viuda del finado Trujillo que fué donado esta en venta legal, se le traspasa al Ciudadano Juan Lusero, para que la gose de buena fé, bendiendola, enagenandola en la persona ó personas que mas sea su boluntad; dicho terreno es y fué adquirido en dona y el Sor. Lusero puede enregistrar el documento. Dicha benta ha sido con toda ntra. boluntad, sobre que no habrá quien le ponga pleito ni demanda alguna por la viuda, herederos ni susesores, y si alguno se lo pusiere no sea oido en juicio ni fuera del, arreglandose dho. Lucero á las circunstancias y requisitos que el mismo documento menciona, pues solo quedamos en saniar la venta cuando por las partes sea presentado; en todo lo demas queda á responsabilidad y cuidada pues solo le bendemos el documento con ntra. derecho, domicilio y vecindad que á el teniamos; para todo lo cual lo firmamos extrajudicial solo con tres testigos, pero queremos que sea baledero como sí judicial fuese, y Juan Lopes apoderado por su madre y ermanos los 21 de 7bre de 1855, en Sn. Miguel del Bado.

JUAN NEPOMUSENO LOPES.

Testigo: ANTO. ARMIJO.†

Testigo: JOSÉ ANTO. CASAUS.

Testigo: MARCELINO MOYA.

Certifico yo, el abajo firmado, escribano de la corte de pruebas, que el antecedente documento y trazpaso quedan enregistrados en el libro 3º de traspasos de documentos pagn. 36 y 37, este dia 10 de Mayo, A. D. 1866.

[SELLO.]

JOSÉ L. RIVERA,

*Escribano.*

## EXHIBIT B.

Sean todos los hombres por estas presentes que yo, Juan B. Lucero, del condado de San Miguel y Territorio de Nuevo Mexico, por y en consideracion de trescientos pesos á mí pagados por John L. Taylor y Henry D. Gorham, del condado y territorio antedicho, el recibo de los cuales por el presente es debidamente reconocido, he traspasado, renunciado y hecho dimision á los dichos señores John L. Taylor y Henry D. Gorham, sus herederos y asignantes, todo el título, derecho y propiedad que tengo en aquella por-

cion ó suerte de tierra conocido por nombre de Ojo de Apache, situado en el condado y territorio antedicho, lindado y receñado como sigue, A. S. B., por el norte la mesa hasta donde forma punta; por el sur, el camino viejo á los Chupaines; por el oriente la mesa de los Chupaines; por el poniente las lomas que resindan con el cañon de la Lagunita, con todos sus privilegios y apertencias que á ella pertenece. De haver y tener los arriba traspasado premissos á los dichos John L. Taylor y Henry D. Gorham, sus herederos y asignantes, para el uso y beneficios de ellos para siempre, y para que consta firmo y sello el presente documento á los 24 dias de Mazo, A. D. 1866.

JUAN B. LUCERO. <sup>su</sup> + [SELLO.]  
firma.

Firmado y sellado en la presencia de—  
LEVI J. KEITHLY.

TERRITORIO DE NUEVO MEXICO,  
*Condado de San Miguel:*

Sea tenido en acuerdo que Juan B. Lucero, quien es personalmente conocido por mí, uno de los jueces de paz en y para el condado y territorio antedicho, de ser la misma persona cuyo nombre está suscrito al documento á la buelta como otorgante de el, hoy mismo compareció ante mí, en el dicho condado, y confesó que ejecutó el dicho documento voluntariamente para los usos y fines en él mencionados.

Dado bajo mi mano hoy 24 de Mazo, A. D. 1866.

RUMADO LUSERO,  
*Jues de Paz.*

[10 estampas de a 5 ctvos. canceladas.]

Yo, el abajo firmado escribano de la corte de pruebas, certifico que el antecedente documento fué registrado en el libro 3º de registros de documentos, pag. 23 y 24. En testimonio lo cual pongo mi nombre y el sello usado en la corte de pruebas.

Vegas, N. M., Mayo 10, 1866.

JOSÉ L. RIVERA,  
*Escribano de la Crte. de Pbas.*

EXHIBIT A.

SEAL FOURTH.—[SEAL.]—ONE-FOURTH REAL.

For the years eighteen hundred and forty and eighteen hundred and forty-one.

In this second demarkation, San Miguel del Bado, on the second day of the month of July of the present year, eighteen hundred and forty-two, before me, citizen Damasio Salazar, justice of the peace of said precinct, personally present appeared citizen ~~\_\_\_\_\_~~ tura Truxillo, citizen and resident of the first demarkation, soliciting the place and land commonly called the Ojito del Apache, to establish, in company with his children, a farm on which he believes he will have the means necessary for the support of a large family, and to give tithes, (illegible,) and the holy church their corresponding portions, and I, said alcalde, finding the petition to be a just one, and acting in conformity with the supreme decrees, have made him said donation in the name of God and the supreme Mexican nation, so that as a good compatriot he may make use of it, observing the requirements which our laws provide, under the condition and restrictions that if he does not provide a protection to prevent the damages which may result to him, he is under obligation to bear them, it being commons and pasture grounds of the inhabitants of this precinct. And the boundaries corresponding to said grant are on the north the Mesa; on the south the old road to los Chupaines; on the east the Mesa de los Chupaines; and on the west the hills bordering on the cañoncito de la Lagunita. And in order that this foregoing instrument may have the force and validity by law required, the aforesaid Truxillo requested me to interpose my authority and judicial decree; and I, the said justice, declared that I would interpose, and did interpose, as far as I am authorized by law, those of my attendants signing with me, with whom I act by appointment for the notorious lack of a notary public, there being none of any kind in this department. In form of law, to all of which I certify.

DAMASO SALAZAR.

Attending: RAFAL ARAGON.  
Attending: SALVADOR GONZALES.

And it is given on this ante-stamped paper, there being none of the proper stamp.

SALAZAR.



The foregoing document of donation is now transferred by the heirs and by Legima, who is the widow of Trujillo, deceased, the donee, the same being in legal sale conveyed to citizen Juan Lucero, that he may in good faith possess, sell, and alienate the same to any person or persons according to his pleasure. The said land is and was acquired by donation, and Mr. Lucero can register the document, said sale having been made of our entire free will; and further, no person shall bring suit, or make any complaint, upon the part of the widow, heirs, or successors, and if any one should do so, let him not be heard either in court or out of it, the said Lucero conforming himself to the circumstances and requirements in said document mentioned, for we only agree to make good the sale whenever required by the parties; in all else it remains at his responsibility and care, as we only sell him the document with our right, domicile, and occupancy which we have therein. In witness whereof we have signed this extrajudicially with only three witnesses, but desire this to be as valid as if done judicially, and Juan Lopez, attorney for his mother and brothers and sisters, this 21st of September, 1855, at San Miguel del Bado.

Witness: ANTO. ARMILJO.  
Witness: JOSÉ ANTO. CASAOS.  
Witness: MARCELINO MOYA.

JUAN NEPOMUSENO LOPEZ.

I, the undersigned, clerk of the probate court, certify that the foregoing document and conveyance are registered in Book 3 of documents of conveyance, pages 36 and 37, this 10th day of May, A. D. 1866.

[SEAL]

JOSÉ L. RIVERA,  
Clerk.

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

J. H. WATTS,  
Translator.

Subscribed to and to before me at Santa Fé, New Mexico, this 16th day of September, A. D. 1872. Witness my hand and official seal.

[SEAL]

JOHN WATTS,  
Notary Public.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
Santa Fé, New Mexico, September 30, 1872.

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

DAV. J. MILLER,  
Translator.

EXHIBIT B.

Know all men by these presents that I, Juan B. Lucero, of the county of San Miguel, and Territory of New Mexico, for and in consideration of three hundred dollars, to me paid by John L. Taylor and Henry D. Gorham, of the county and Territory aforesaid, the receipt of which is hereby duly acknowledged, have conveyed, renounced, and demitted to the said gentlemen, John L. Taylor and Henry D. Gorham, their heirs and assigns, all the title, right, and property which I have in that part or parcel of land known by the name of the Ojo de Apache, situated in the county and Territory aforesaid, bounded and described as follows, to wit: On the north the Mesa, to where it forms a point; on the south the old road to the Chupaines; on the east the Mesa of the Chupaines; on the west the hills bordering on the cañon de la Lagunita, with all its privileges and appurtenances to it appertaining; to have and to hold the above-described premises to the said John L. Taylor and Henry D. Gorham, their heirs and assigns, for their use and benefit forever. And in witness thereof I sign and seal the present document on the 24th day of May, A. D. 1866.

JUAN B. LUCERO, + [SEAL.]  
his mark.

Signed and sealed in presence of—  
LEVI J. KEITHLEY.

[10 five-cent revenue-stamps.]

TERRITORY OF NEW MEXICO,  
*County of San Miguel :*

Be it remembered that Juan B. Lucero, who is personally known to me, one of the justices of the peace in and for the county and Territory aforesaid, to be the same person whose name is subscribed to the foregoing document as executing the same, this day appeared before me in said county, and acknowledged that he executed the said document voluntarily for the uses and purposes therein mentioned.

Given under my hand this 24th of May, A. D. 1866.

RUMALDO LUSERO,  
*Justice of the Peace.*

I, the undersigned, clerk of the probate court, certify that the foregoing document was registered in Book 3 of register of documents, pages 23 and 24.

In testimony whereof, I set my hand and the seal used by the probate court.

Vegas, New Mexico, May 10, 1866.

[SEAL.]

JOSÉ L. RIVERA,  
*Clerk of the Probate Court.*

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

J. H. WATTS.

Sworn to and subscribed before me this 16th day of September, A. D. 1872. Witness my hand and official seal.

[SEAL.]

JOHN WATTS,  
*Notary Public.*

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, September 30, 1872.*

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

DAV. J. MILLER,  
*Translator.*

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EXHIBIT L.

*H. D. Gorham, deceased, May Hays.—Transfer.*

Public notice of the intended sales by printing notification thereof eight weeks successively in the newspaper called the Santa Fé Gazette, printed in the city of Santa Fé, in the Territory of New Mexico, agreeably to the order and direction of said court, and having given the bond and taken the oath by law in such cases required by (of?) me as an administrator of the said Henry D. Gorham, deceased, did, on the 10th day of July, A. D. 1869, pursuant to the permits and notice aforesaid, sell by public action (auction?) the undivided half of real estate of said Henry D. Gorham, deceased, hereinafter described, to May, Hays, of Las Vegas, in the county of San Miguel, Territory of New Mexico, for the sum of two hundred and fifty dollars, he being the highest bidder thereof, (therefor?)

Now, therefore, know ye, that I, the said John L. Taylor, by virtue of the power and authority in me vested as aforesaid, and in consideration of the aforesaid sum of (two?) hundred and fifty (\$250) dollars, to me on (in?) hand, paid by the said May Hays, do hereby grant, bargain, sell, and convey unto the said May Hays, his heirs and assigns, all that tract or parcel of land situated and being on (in?) the county of San Miguel, Territory of New Mexico, and known as the ranch of Taylor and Gorham, at the Apache Spring, and that part of the said ranch pertaining to the said Henry D. Gorham, deceased, bounded and described as follows, viz: on the north by the mesa until said mesa comes to a point; on the south by the old road to the Chupaines; on the west by the hills which are joining with the cañon of Lagunita. To have and to hold the aforesaid undivided half of the within-described premises to the said May Hays, his heirs and assigns, to his and their use and behoof forever. And I, the said John L. Taylor, for myself and my heirs, executors, and administrators, do hereby covenant with the said May Hays, his heirs and assigns, that in pursuance of the permit aforesaid, I do hereby warrant and defend the granted premises, with all the appurtenances pertaining to the said described undivided half of said property to the said May Hays, against any lawful claims and demands, and all persons claiming the same, by, through, or under them or either (either?) of them.

In testimony whereof, I have hereunto affixed my name and seal, on this the twenty-second day of July, A. D. one thousand eight hundred and sixty-nine.

JOHN L. TAYLOR,  
*Administrator.*

Signed and delivered in the presence of—

F. KNOWER.  
A. MORRISON.

Recorded this 24th day [of July ?] A. D. 1869.

DEMETRIO PEREZ, *Clerk.*  
By JOSÉ L. RIVERA, *Deputy.*

EXHIBIT M.

*May Hays to John (L?) Taylor.—Transfer.*

For and in consideration of the sum of one dollar, to me on (in?) hand paid, I do hereby barter, sell, and transfer unto John L. Taylor, his heirs and assigns, forever, all my right, title, claim, and interest, into the within deed: To have and to hold the same with all the appurtenances pertaining thereto, for his use and benefit, for him, his heirs and assigns, forever.

Witness my hand and seal this the twenty-second day of July, A. D. 1869, one thousand eight hundred and sixty-nine.

MAY HAYS.

In presence of—  
A. MORRISON.  
FRANCISCO LOPEZ.

Recorded this 24th day of July, 1869.

DEMETRIO PETREZ, *Clerk,*  
By JOSÉ L. RIVERA, *Deputy.*

TERRITORIO DE NUEBO MEJICO,  
*Condado de San Miguel :*

Certifico yo, el abajo firmado escribano de la corte de pruebas en y para dicho condado, que los antesedentes documentos son copias fielmente sacadas del libro de registros tenido en esta oficina con tal objeto de las paginas 172, 173.

En testimonio de lo cual pongo mi nombre oficial y el Sello de la corte de pbas, en Las Vegas, N. M. hoi 14 de Agosto de 1872.

[SELLO.]

B. JESUS MARQUES,  
*E. de la Corte de Pbas.*  
Por S. BACA, *Dipdo.*

VENTURA TRUJILLO, DECEASED.—APACHE SPRING TRACT.

JUAN BAUTISTA LUCERO, being by the surveyor-general duly sworn, on his oath declares :

Question by John S. Watts, attorney for present claimant. What is your name, age, and residence?—Answer. My name is Juan Bautista Lucero; my age is sixty-two years, and I reside at Anton Chico.

Q. Do you know the Apache Spring tract of land? if so, please state how long you have known it and where it is situated.—A. I know the tract mentioned, and have known it more than twenty years, and it lies in the county of San Miguel, in this Territory, about six miles north of the town of Anton Chico, and I think about fifteen miles south of the town of Las Vegas.

Q. State, if you know, who first went to the Apache Spring place to occupy and cultivate it.—A. It was Ventura Trujillo, now deceased. When I first knew Trujillo he was living at the place, which was perhaps about the year 1855. I do not know how long he lived there, but it was a considerable time. He moved away from there, and died at the town of San Miguel.

Q. When Trujillo died who went to the place to reside, if any one?—A. I did. Trujillo having died, I purchased the place from his heirs, and I occupied the place four or five, very nearly five years, when I sold out the place to John L. Taylor, who so far as I know had no partner in the purchase, and thenceforward it has been occupied by Mr. Taylor and his friend or partner Mr. Henry; that is, I knew him only by the name of Henry. Mr. Taylor is now occupying the place.

Q. Is the paper marked Exhibit B the deed you executed to Taylor when you sold him the property?—A. I cannot read, but upon looking at the paper mentioned I am of opinion it is the same.

Q. Have you any interest in this property now?—A. I have none now.

Question by the surveyor-general. When did you purchase the property from the

heirs of Trujillo and go into possession of it?—A. I do not remember, but the deed will show. I took possession the year after the date of the deed. I paid the heirs twelve dollars for the land.

Q. How much did you sell the land for, and have you been paid in full for it?—A. I sold the land for one hundred dollars cash and fifteen head of cattle, to Mr. Taylor, and have been paid in full by him.

Q. Do you know how much land the tract of the Apache Spring contains?—A. I do not know.

Q. Do you know its boundaries? and, if so, state them.—A. I do know them; they are, on the north, the point of the Mesa, on the east the Mesa, or table-land, on the south the old road of the Comanche traders, and on the west the hills adjoining the little cañon of the Lagunitas. The tract contains both grazing and cultivable land. The tract does not, to my knowledge, contain any mines, minerals, or coal.

Q. State, if you can, the cause of Trujillo's moving away from the place.—A. He moved away on account of the hostility of the Indians, who were at that time very bad.

his  
JUAN B. + LUCERO.  
mark.

Sworn to and subscribed before me this December 2, 1872.

JAMES K. PROUDFIT,  
Surveyor-General.

### OJO DEL APACHE TRACT.

*Ventura Trujillo or Bentura Truxillo, original grantee; John L. Taylor, claimant.*

#### OPINION OF SURVEYOR-GENERAL.

The petitioner, John L. Taylor, by John S. Watts, his attorney, brings his claim before me and asks approval of his alleged title to the Ojo del Apache or Apache Springs tract of land, in the county of San Miguel, under the act of the territorial legislature of New Mexico, approved February 1, 1858, entitled "Act of limitation," the treaty of Guadalupe Hidalgo, and the act of Congress of July 22, 1854, establishing this office.

The petition sets forth that Demasio Salazar, a justice of the peace, granted the tract of land in question to Bentura Trujillo on 2d July, 1842; that afterward Trujillo went into possession; that he lived there February 2, 1848; that September 21, 1855, Juan Nepomocena Lopez, attorney for the widow and heirs of Trujillo, deceased, sold and conveyed the land to Juan B. Lucero, (see grant paper and Exhibit D;); that Lucero took possession and held it until 24th March 1866, when he sold and conveyed it to John L. Taylor and Henry D. Gorham, (see Exhibit B;); that John L. Taylor, as administrator of the estate of Gorman, deceased, sold and conveyed the interest of Gorham to May Hays, July 22, 1869, (see Exhibit L;); and on same day Hays deeded the same share to Taylor, the petitioner, (see Exhibit M.) Much other matter is contained in the petition, but the above synopsis sufficiently sets forth the points to be considered.

The tract of land claimed is large, containing not less than 2,500 acres, and very likely much more than that. The petition recites that, previous to the occupation by Trujillo, the lands in question were "vacant public lands of the republic of Mexico," and upon this point there is no dispute.

I have not been referred to or shown any Mexican law or regulation, in force in this Territory in July, 1842, or at any other time, which conferred upon justices of the peace, or upon any officer, except the governor and captain-general, the power and authority to make gifts, concessions, or sales of the "vacant public lands of the republic of Mexico." This office is not supplied with any laws or reports of law decisions, either Spanish, Mexican, or American, except the United States Statutes at Large, nor is counsel provided for the United States in the investigation of private land-claims in this office. I have not been able to find, and have never seen the act said to have been passed by the Mexican congress August 18, 1824, or the regulations said to have been made under it, and dated November 21, 1828, relating to grants of lands in this and other territories then belonging to the republic of Mexico.

In a borrowed book, however, (20 Howard,) I find in opinion of the court in United States *vs.* Cambustan, 59, and following this abstract: "the regulations for the colonization of territories of the government of Mexico, made 21st November, 1828, in pursuance of the act of the general congress August 18, 1824, provided:

"1st. That the governors of the territories should be empowered to grant vacant lands, among others to private persons who may ask for them, for the purpose of cultivating and inhabiting the same.

"2d. That every person soliciting lands shall address to the governor a petition, expressing his name, country, and religion, and describing as distinctly as possible by means of a map, the land asked for.

"3d. The governor shall proceed to obtain the necessary information, whether the petition contains the proper conditions required by the law of 18th August, 1824, both as regards the land and the petitioner, in order that the application may be at once attended to, or, if preferred, the municipal authority may be consulted, whether there be any objection to the making of the grant.

"4th. This being done, the governor will accede or not to such petition, in conformity to the laws upon the subject.

"5th. The definitive grant asked for being made, a document signed by the governor shall be given, to serve as a title to the party interested, wherein it must be stated that the grant it made in exact conformity with the provisions of the law in virtue of which possession shall be given.

"6th. The necessary record shall be kept in a book provided for the purpose of all the petitions presented and grants made, with maps of the lands granted, and a circumstantial report shall be forwarded quarterly to the supreme government."

The court mentions other regulations not deemed essential to recite in the case before it. In that case Cambuston claimed lands under a grant by Pico, then governor of California, a territory of Mexico, on the 23d May, 1846, and the court held that because it was not shown in the record that Governor Pico had complied substantially with the requirements of the regulations recited, the grant to Cambuston could not be confirmed to him. In regard to matters of custom, the court in that case says: "The question here is not whether the fact of the habitual grant of lands by Mexican governors of the territory of California to settlers, and also, whether the customary mode and manner of making grants do not furnish presumptive evidence, both of the existence of the power, and of a compliance with the forms of law in the execution. We agree that the affirmative of these questions has been frequently determined by this court, in cases involving Spanish titles in the Territories of Louisiana and Florida; but no such presumptions are necessary or admissible in respect to Mexican titles granted since the act of 18th August, 1824, and the regulations of 21st November, 1828. Authority to make the grants is there expressly conferred on the governors, as well as the terms and conditions prescribed upon which they shall be made. The court must look to these laws for both the power to make the grant and for the mode and manner of its exercise, and they are to be substantially complied with, except so far as modified by the usages and customs of the government under which the titles are derived, the principles of equity, and the decisions of this court."

It seems to me that the law laid down by the Supreme Court of the United States, in the case just cited, is fatal to the claim under consideration, for the claim of Cambuston appears to have been stronger than the one before me, because, in that case, the grant was made by the governor of the territory, who might have made it legally, but failed by omitting to follow and execute a part of the prescribed regulations, while in this case the grant was made by a justice of the peace, who, so far as I can learn, was not empowered, either by law or custom, under any circumstances whatever, to make donations of the "vacant public lands of the republic of Mexico." It does not appear that any attempt was ever made to comply with any single one of the regulations of 1828, or the law of 1824, in making this grant.

There is no evidence before me that the land was occupied and possessed by any person at the date of the treaty of Guadalupe Hidalgo, February 2, 1848, or before that date, or after it, until 1855. Lucero, a witness, swears that when he first knew Trujillo he was living at the place, which was perhaps about the year 1855; that he does not know how long he lived there, but that it was a considerable time; that Trujillo moved away from there and died at the town of San Miguel; that he, the witness, bought the land after the death of Trujillo, for twelve dollars, and moved upon it, lived there about five years, and sold it to Taylor, who now lives upon it. This is all the evidence of occupation. It will be seen that only five years of the time is definitely accounted for between the date of the grant in 1842 and the occupation by Taylor in 1866, a period of twenty-four years, and the five years was long subsequent to the treaty of Guadalupe Hidalgo and the American occupation of the country. The witness, Lucero, swears that he first knew Trujillo in 1855; that he knew Trujillo occupied the land a considerable time, and yet the deed in evidence from Lopez, claiming to represent the widow and heirs of Trujillo, deceased, to Lucero, is dated September 21, 1855. Lucero further swears to living on the property about five years, and then selling to Taylor, and his deed to Taylor, in evidence, is dated May 24, 1866. So, although he owned the place eleven years, there was six years of the time that he did not occupy it.

The testimony of this single witness is contradictory, is opposed by the official written record, and is generally unsatisfactory and proves nothing. It does not appear that Lopez had any legal right to sell the property as representative of the widow and heirs of Trujillo, deceased, nor that Trujillo was dead at that time, but the testimony of Lucero would go to show, if it showed anything, that Trujillo was living on the land in 1855, and for a considerable time afterward. I think that there are other defects in the chain of title from Trujillo to Taylor, and that the whole matter of derangement of title and of possession is very badly muddled, to say the least.

I do not think that the "act of limitation" of the territorial legislature, approved February 1, 1858, has any bearing upon this title; and if it has, I have no jurisdiction under it. This office only has power to report to Congress, for confirmation or rejection, such original Spanish or Mexican grants of land as may be submitted to it, under the eighth section of the act of Congress of July 22, 1854, establishing this office, as directed by the Commissioner of the General Land-Office, and following the decisions of the Supreme Court of the United States. If, in any case, I am satisfied that the grant is legal, and chain of title perfect, from original grantee to present claimant, I may approve the grant to the latter, but not then can my action prejudice the legal rights or equities of any unknown or adverse parties in interest. All disputes between parties claiming to hold under the original grantee, or by prescription or otherwise; in fact, all matters connected with adverse interests, possession, or color of title, must be adjudicated in the courts of the country. I have no jurisdiction or power over them, and ordinarily, in cases of valid grants, can only recommend confirmation to legal representatives of original grantee. If the claimant's theory on this point is correct it would be only necessary for a party to live ten years on the public domain undisturbed to hold any boundless quantity that he might choose to claim. The absurdity of such law is apparent to the dullest comprehension, and I do not think it would hold water worth a cent. Besides, that act as recited in the petition in this case refers only to parties holding under "the governments of Spain, Mexico, or the United States, or by whatsoever authority empowered by said governments to make grants to lands," and so would not apply here, as the grant in this case was not made by either of said governments, or by any authority by either of them "empowered \* \* \* to make grants to lands."

Counsel for the petitioner, in support of the proposition that a justice of the peace might donate public lands under the laws of Mexico, refers me to *Reynolds vs. West*, 1 California, 322, where it was held "that a grant of land made by a Mexican alcalde, before the war, will be presumed to have been made in the course of his ordinary and accustomed duties, and within the scope of his legitimate authority, and the burden of proof lies on him who controverts the validity of such a grant, to show that it is not made by a competent officer or in the forms prescribed by law." The quotation is from 1 California Digest, 570, section 477.

This decision is classified under the head of pueblo lands, and undoubtedly refers to such lands, belonging to the municipality, as the alcalde may have had the legal right in California to grant for the good of the community and by its direction. Setting aside the question of the distinction between the powers and duties of an alcalde and a justice of the peace under the Mexican laws and customs, and also the difference in local law in the two territories, which might be important if we only knew it, I think that as the land in controversy in that case was not, at the time of granting, "vacant public lands of the republic of Mexico," but pueblo lands, the decision is of no possible authority in this case. I have not seen the report of the case in full, but if the alcalde made a grant of the "vacant public lands of the republic of Mexico" after August 18, 1824, it was illegal and void, according to the decision of the Supreme Court of the United States in *United States vs. Cambuston*, 20 Howard, 59, before cited; and if made previous to that date the case is not parallel to the one before me. This is the only decision of any of the courts which has been referred to by counsel on this point.

Following the line of argument and reasoning pursued, and the ruling of the Supreme Court of the United States, as cited, and there being no evidence of such continued, actual occupation as would bring this claim within the law of prescription, I conclude that the claimant, Taylor, has not established any legal or equitable title to the lands claimed by him, in those under whom he holds, either previous to or at the date of the treaty of Guadalupe Hidalgo, February 2, 1848, and that said lands belong, of right, to the public domain of the United States.

I therefore recommend that Congress do not confirm this grant of lands, and transmit herewith a complete transcript of the record.

JAMES K. PROUDFIT,  
*Surveyor-General.*

UNITED STATES SURVEYOR-GENERAL'S OFFICE,  
*Santa Fé, New Mexico, December 19, 1872.*

SURVEYOR-GENERAL'S OFFICE,  
*Santa Fé, New Mexico, January 28, 1873.*

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 72, in the name of Ventura Trujillo, deceased, for the Apache Spring tract of land, in this Territory.

JAMES K. PROUDFIT,  
*United States Surveyor-General.*