

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

5-29-1874

Letter from the acting Secretary of the Interior, transmitting the report of the Surveyor-General of New Mexico on land-grant, being private land-claim No. 87

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 258, 43d Cong., 1st Sess. (1874)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

PRIVATE LAND-CLAIM No. 87 IN NEW MEXICO.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING

The report of the surveyor-general of New Mexico on land-grant, being private land-claim No. 87.

MAY 13, 1874.—Referred to the Committee on Private Land-Claims.
MAY 29, 1874.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 11, 1874.

SIR: I have the honor, pursuant to the 8th section of the act approved 22d July, 1854, (10 Stat., 308,) to submit herewith, for the consideration of Congress, the report of the surveyor-general of New Mexico on "Land-grant to Gaspar Ortiz, being private land-claim reported as No. 87, dated October 20, 1806, Santa Fé County, New Mexico."

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

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

Transcript. Land-grant to Gaspar Ortiz, being private land-claim reported as No. 87, dated October 20, 1806. Land in Santa Fé County, New Mexico. Reported by the United States surveyor-general April 22, 1874

Present claimants' petition.

UNITED STATES OF AMERICA,
Territory of New Mexico:

To the Hon. Surveyor-General of the Territory of New Mexico:

Your petitioners, José Manuel Ortiz, Maria Ygnice Ortiz, Pablo Ortiz, and José Gabriel Ortiz, and all citizens of the United States residents of the county of Santa Fé, Territory aforesaid, and legal heirs of Gaspar Ortiz, sr., respectfully represent that they and the other legal heirs of the said Gaspar Ortiz, sr., are the claimants and legal owners in fee of a certain tract of land, situate, lying, and being in the county of Santa Fé, Territory aforesaid, and known as the grant originally made to Vicente Duran de Armijo, and afterward confirmed by the

proper authorities of the province of New Mexico to the said Gaspar Ortiz, sr., and bounded as follows, to wit: On the north, a dry run Arroyo Seco) for his land-marks to the mountain de la Mosca; on the south, by lands of Bernardino de Sena and lands of the pueblo of Tesuque; on the east, by the mountain; and on the west, by the lands of the pueblo of Nambe and by lands exchanged by Vicente Duran de Armijo with the Indians of Nambe.

And your petitioners, for themselves and the other descendants and legal heirs of the said Gaspar Ortiz, sr., of whom there are many, claim a perfect title to said lands, by virtue of a purchase by said Gaspar Ortiz, sr., and a subsequent grant to him by the proper authorities of said province of New Mexico, in the year one thousand eight hundred and six. The heirs of the said Vicente Duran de Armijo then making no claim to said grant of lands, but fully recognizing the right of said Gaspar Ortiz, sr., by reason of his said purchase.

Said original grant to the said Gaspar Ortiz, sr., together with a correct translation thereof, is herewith filed as evidence of the right and title of your petitioners to said tract of land, which said grant was made as aforesaid, by authority of the laws, usages, and customs of the then Spanish province of New Mexico, for which power and authority see collections of the decrees and orders of the Cortes of Spain, published in Mexico by Martin [Mariano?] Galvan, in 1829, pages 56, and from 91 to 101; also, 8 Peters's United States Supreme Court Reports, 436; 15 Peters, 130; 6 Peters, 691; and 1 Howard, 24.

Your petitioners further state that they herewith file the original contract of compromise, together with a correct translation thereof, made by said Vicente Duran de Armijo with the said Indians of the pueblo of Nambe, by and with the consent and authority of the then competent authorities of the province of New Mexico, which said contract of compromise was made in the month of July, A. D. 1742, and delivered by the said Vicente Duran de Armijo or his heirs to the said Gaspar Ortiz, sr., upon the sale and transfer of said tract of land to said Ortiz as evidence of his right and title to the same; and they claim that by reason of said contract of compromise and the subsequent confirmation and grant by the proper authorities to the said Gaspar Ortiz, sr., his title became perfect and complete to said tract of land.

Your petitioners further state that a petition was presented to the surveyor-general of said Territory by Gaspar Ortiz, in June, A. D. 1859, as claim No. 31, claiming the same lands herein described as heir to the said Gaspar Ortiz, sr., but then failed to produce the documents herein described and filed. By reason thereof the surveyor-general of said Territory, on the 2d day of July A. D. 1859, approved said grant in favor of the legal representatives of the said Vicente Duran de Armijo, without specifying in said approval any definite limits or bounds, as the title or transfer to the same from Vicente Duran de Armijo to the said Gaspar Ortiz, sr., was not then satisfactorily shown upon said investigation, the said two documents now presented being then represented as lost or destroyed. And subsequently, by act of Congress passed on the 21st day of June, A. D. 1860, the said approval of the said surveyor-general was confirmed, but also without describing the metes and bounds thereof. That your petitioners further state that they have been informed and believe that recently a pretended grant to one Juan Luis Ortiz, the son and heir of said Gaspar Ortiz, sr., dated some time in the year 1846, has been presented to this office for approval, and has been approved by this office. They here state that if any such grant as that contended for by the representatives of Juan Luis Ortiz was ever made

it was obtained secretly, and without the knowledge of your petitioners, and in fraud of their rights, and that the said Juan Luis Ortiz and his representatives have no more right or title to said tract of land than your petitioners have, as one of the heirs and representatives of the said Gaspar Ortiz, sr.

Your petitioners, who claim for themselves and the other legal heirs of the said Gaspar Ortiz, sr., state that they cannot show the exact quantity of land embraced in their said claim, except as therein set forth within the above well-known metes and bounds, supposed to be about twelve miles each way, nor can they furnish a correct plat, as no survey thereof has ever been made.

Your petitioners file this their said claim under the act of Congress approved 22d July, 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;" and respectfully ask the approval and confirmation by you to them, the heirs and legal representatives of the said Gaspar Ortiz, sr., with the proper metes and bounds as therein described.

R. H. TOMPKINS,
Attorney for Claimants.

Attorney's brief.

In the case of the petition of the heirs of Gaspar Ortiz y Paiz, for the approval and confirmation of a grant of land to Gaspar Ortiz y Paiz, east of the pueblo of Nambe, Santa Fé County, N. M.

The authority given to governors under the Spanish law to grant lands is to be found in 8 Peters U. S. Rep'ts, 451 to 467. Customs and usages have equal weight with law, and, when clearly proven, control the general law. (*United States vs. Arridando*, 6 Peters, 714.)

Grants made by a governor professing to grant by authority from the General Government is *prima-facie* evidence that he had such authority. (*Ib.*, 726; and 8 Peters 452.)

Change of sovereignty is no change of property of private individuals. (*United States vs. Percheman*, 7 Peters, 86.)

The laws of nations nor the faith of the United States would justify the annulling of pre-existing titles. (*United States vs. Clark*, 8 Peters, 444.)

The papers filed in this office of the above-entitled cause show that the lands in question were originally granted to one Vicente Duran de Armijo, upon the condition that he, Armijo, should satisfy the Indians of the pueblo of Nambe, and one of the papers filed with the present petition shows that said Duran de Armijo did, with the consent and approval of the then governor of the province of New Mexico, comply with the condition so imposed by reconciling and satisfying said Indians.

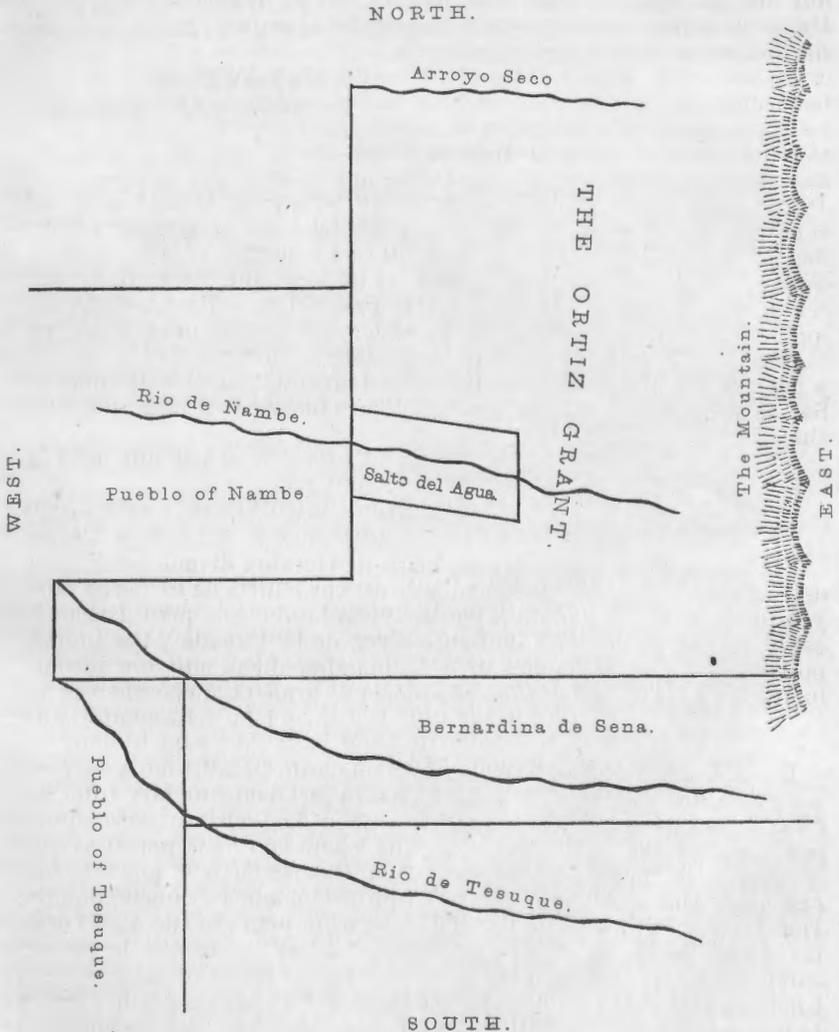
The other paper, the petition of Ortiz y Paiz to the then governor, Alencaster, shows that he, Ortiz, had purchased said property from the legal heirs of said Duran de Armijo, and was then in possession of all the original documents for the same, which had been issued to said Duran de Armijo, and praying for a confirmation of said grant to him in consequence of such purchase and possession, which confirmation the said governor then conceded, confirming said lands to the said Ortiz, who was then put in judicial possession thereof. And the testimony in the case shows that said Ortiz and his legal heirs have continued in the possession thereof ever since, up to the present time. The testimony also shows that, subsequently, and after the change of the government from the Spanish dominion to the Mexican Republic, an application by

other parties was made to the then governor of the province of New Mexico, Archuleta, for a grant to the same lands, which application, upon examination and reference, was refused, upon the ground that said lands had already been granted, and were then private property; thus recognizing the authority by which they had been granted.

The Mexican government having thus recognized the severance of said lands from the public domain, before this country was ceded to the United States, the United States Government is bound thereby, and the grant should therefore be confirmed to the said applicants, with boundaries set forth in said grant.

R. H. TOMPKINS,
Attorney for Petitioners.

[SKETCH MAP.]



[Muniments of title.]

EXHIBIT A

Petición pedieno revalidación de merced.

SOR. GOVOR. :

El teniente Gaspar Ortíz, besino del pueblo de Nambe, me presento ante la grandesa de VS., el mejor forma que alla derecho y al mio conbenga digo sor. que me allo con bastante necesidad de suplicarle á VS., en nombre de su majesta, que Dios guarde, de revalidarme la merced segun la reconosido por la merced, ante perteneciente á Vicente Duran de Armijo, dada por el governador Don Gaspar Domingo de Mendoso, y entregada la posesion por el alcalde mayor de la via de Santa Cruz de la Cañada Don Juan Garcia de la Mora, en cinco dias del mes de Octubre del año ne mil setesientos veinte y nuebey por allarme hoy dudoso segun las compras que les yse á las erederas de Vicente Duran de Armijo solamente con el derecho al pedaso de tierra de conedio qe. yso el dho. Visente Duran de Armijo con las Yndias del puesto de Nambe y qe. dho. Manuel de Armijo y otros herederos como riales bendedores me bendieron y me traspasaron todo el derecho que á dichas tierras tennia y me entregaron el merced y las documentas y la retificacion del cambio y reflexionando en dicha merced que las Yndios estan enteramente conformes con el cambio que ysieron con el dho. Visente Duran de Armijo y que dho. Duran de Armijo es dehaso á el mense conforme su petision á VS. pido y suplico redidamente en nombre de su majesta, que Dios guarde, de mandarle al alcalde mallor de Santa Cruz de la Cañada de fijarme las linderas que llo soy posesionado segun vesa la merced del petisionario antes Visente Duran de Armijo y que sean los linderos segun los he reconocido por las majoneras segun lo resa, la merced para pasitiar mi ganado mallor y menor y caballada y por que ono atalan algunas personas dentro del dicho lugar pase á V. Sa., se sirba atenderme en justisia y juro no ser de malisia por lo referido, &c.

GASPAR ORTIZ.

AUTO.

Via Santa Fé y Setiembre en beite de Octubre de mil ochosientos y seis ante mi, el capitan, governador de este provincia de la Nueva Mejico, y la presente el con tenido y por mi vista la ube por presentada el alcalde mallor de la villa de Santa Cruz de la Cañada pasara á dar la posesion que pide el suplicante revalidandole dicha mense y fijarle sus linderos y dara en toda forma posesion y lo firme en dicho dia mes i año.

RL. ALENCASTER.

En este punto de Nambe en beinte y nueve de Octubre de mil ochocientos y seis años, el alcalde mallor de esta juridision de la via de Santa Cruz de la Cañada, en cumplimiento y obedesimiento de auto probeido por el sor. capitan governador en que me manda de la pocesion real en nombre de su majesta al teniente Don Gaspar Ortiz y poniendolo por execusion bine á este dho. punto y caje de la mano á suasodicho teniente Don Gaspar Ortiz y pasie por el dho. sitio que esta situado asi al oriente del dicho pueblo de Nambe y juntamente en las tierras lo yso aranando llerva tierando piedras y yso las demas seremonias que se acostumbran aser segun de derecho señalandole los linderos segun lo espresa la merced. del dho. teniente Gaspar Ortiz dandole por linderos por el

norte con nu arolla seco asi por sus mojoneros á la sierra de la Masca, y por el sur con tierras de Bernardino de Sena y tierra del pueblo de Tesuque, por el oriente con la sierra por el poniente con tierras del pueblo de Nambe y con tierra del cambio que yeso Vicente Duran de Armijo con las Yndios de Nambe en todo la cual la aposesione en nombre de su majestad, que Dios guarde, y despues de las dhas. seremonias como va espresado pasiandose como cosa ya suella y dada en nombre del rey, nuestro señor, que Dios guarde, para que asi conste lo firme con las testigos instrumentales que son José campas redondo y Bartolome Trujio y las de mi asistencia que son con las qe. ante á falta de escribano real ni publico que no ay de ninguna clase en este reyno de que doi fe.

MANUEL GARCIA DE LA MORA,
Jues resetor.

Assa. : MANUEL ROMERO.

Assa. : PIEDRO ORTEGA.

EXHIBIT B.

En este pueblo de San Franco. de Nambe jurisdizn. de la villa nueva de Sta. Cruz en beinte un dias de el mes de Julio de mill seteztos. y quarenta y dos años, ante mi Jn. Jph. Lovatto, alcade mayor dé dha. jurisdizn, comparecio Vicente Armijo, vezino de la villa de Sta. Fé é hizo representacion por ante mi como dho. es de una merzd. de tierras que en nombre de su magd., qe. Do. gue., le hizo el sr. the. coronel de las rs. exs. Dn. Gaspar Domo. de Mendosa, govr. y capn. gral. de este rno., yudusa la posezn. que de orden de su Señoria le dió el capn. Don Jua. Garcia de Mora, alcede. mayor que lo era en aquel tiempo y dixo que por qto. las Yndios de dho. pueblo havien queyadose de que haviendole dado ante su señoria una parte de las tierras qe. gasa dho. pueblo se havia tomado otra y esto por combenio de que á las dhas. se les otorgo las tierras del salto del agua que era lo que lexitimante. se le havia otorgado á dho. Vicente de Armijo como consta de sus originalis á que me remito y que para que le conste á dho. Sr. Gr. lo siniestro de la queja me pedía y pedio ynterpusiese mi autoridad judicial que doi fee ynterpuse sobre la materia y para sacar á luz la verdad hise parecer ante mi á Domo Casique del mencionado pueblo á Xptobal, Govr. Jua. Diego, the. Miguel Alguazil, con las demas viejas q. suponen Miguel el ynterprete Jua. Chabes Roque, Seta. Jua. Xuca Onofre Sallo, Franco. Duegi Diego, el carpintero Diego Provique, Antto. Jayola y junto este conclave represantando el comun de el pueblo, les hise manifesta la pozn. arriva citada que todos alleron y entendieron y confesaron cer cierta y verdadera y que pose lo en ella narrado ante ellos y con su entero contentimiento beneplacito y qe. lo qe. habian pedido ante su señoria hera por ynfuencia de Jua. Xuca qu. á firmama que. las tierras que el referido Vicente de Armijo havia sembrado de prestado el passado año de treinta y nuebe se las havia otorgado en posezn. Don Jph. de Horcasitas y hallando nula su propasion por conjetura de el tiempo claudico ya con que fue el Capn. Diego de Torres ó Dn. Pedro de Leon y sin embrago de lo verifco de la petzn. de dho. Vicente de Armijo el decreto de dho. Sr. the. Coronel y pocezn. de el referido Dn. Jua. Garcia de Mora le pide yo el mencionado alcede. mayr al dho. Jua. Xuca manifestare ó declarase ynstrumento juridico de aquel tiempo ó testigos qe. para ello se hubieran citado respondio que no havia ni uno ni otro sobre que biene entendieron dhos. Yndios su deprobada malicia y dijeron todos los mencionados de man comuno y cada uno de por se qe. gasara y

gase dho. Armijo las tierras qe. en posezn. gosa por si sus hijas herederos y subresores con libre y pasifica administrazn. devajo de las terminas y linderos que dha. posezn. cita á la qe. en todo me remito y qe. aora ni en tiempo ninguno le pondran pleito demanda ni contradizn. mayormente teniendo recevida parezso. dhas Yndios en las tierras de el Salto del Agua ya menzionado defenza qe. en todo tiempo con lo demas á su favor pueda alegar y alegue el referido Vicente de Armijo todo lo cual passo ante mi dho. alcede. mayor presentes y por testigos Nicolas Ortis, el maso Tomas Madrid, Anto. Truxillo y Juan Manl. Mestas, Españoles, y para qe. de ello conste en todo tiempo y pr. no saber firmar las referidas Yndios lo firme yo dho. alcede. mayr. con los testigos de mi assa. actuando como juez reseptor pr. la notoria falta de esno. publico y rl. qe. no lo ay en este rno. y en el presente papel por no correr el sedo. en estas partes y es fho. en dho pueblo dho. dia mes y año de qe. doi fe.

JNO. JPH. LAVATTO,
Jues Receptor.

Assa. : JUAN DE BEITIA.

Testigo de assa. : JOSEPH TENEORIO.

[Translation.]

At this pueblo of San Francisco de Nambé, jurisdiction of the new village of Santa Cruz, on the twenty-first day of the month of July, in the year one thousand seven hundred and forty-two, before me, Juan José Lavato, chief alcalde of said jurisdiction, appeared Vicente Armijo, a resident of the village of Santa Fé, and before me, as aforesaid, made exhibition of a grant of lands made to him in the name of his majesty, (whom may God preserve,) by the lieutenant-colonel of the royal forces, Don Gaspar Domingo de Mendosa, governor and captain-general of this province, embracing the possession, which by order of his excellency was given him by Captain Don Juan Garcia de Mora, who was at that time chief alcalde, and stated that, whereas the Indians of said Pueblo had complained that they having given him, in the presence of his excellency, a part of the lands which said pueblo enjoyed, he had taken another piece, and this by agreement; that there were given to said Indians the lands of the Salto del Agua, which were the same that had been legitimately granted to the said Vicente de Armijo, as shown by his original documents, to which I refer; and in order that his excellency the governor, aforesaid might see the malice of the complaint, he asked me to interpose my judicial authority, and I certify that I did interpose it in the matter; and to ascertain the truth, I caused to appear before me Domingo, the casique of said pueblo; Christoval, the governor; Juan Diego, Lieutenant Miguel, sheriff, together with the other old men considered such; Miguel, the interpreter; Juan Chaves, Roque Seter, Juan Xuca, Onoofre Sallo, Francisco Ducigi Diego, the carpenter, Diego Paviquenes, and Antonio Jojala, and this conclave being assembled, who represented the community of the pueblo, I showed them the possession above mentioned, which all heard and understood, and acknowledged to be correct and true, and declared that all set forth therein took place in their presence and to their entire consent and satisfaction, and that their complaint to his excellency was made through the influence of Juan Xuca, who declares that the land which the said Vicente de Armijo had planted the past year, thirty-nine, as loaned land, the possession thereof had been given him by Don José Harcasitas. Finding their statement untrue from the erroneous calculation of the

time, inasmuch as it was Captain Diego de Torres or Don Pedro de Leon, and notwithstanding the truthfulness of the petition of the said Vicente de Armijo, the decree of the said lieutenant-colonel, and the permission of the said Juan Garcia de Mora, I, the said chief alcalde, asked the said Juan Xuca to show me some judicial document of that time, or mention some witnesses who might be cited for that purpose. He answered there was neither the one nor the other, from which I saw, and the said Indians understood his depraved malice, and all of said Indians jointly, and each for himself, declared that the said Armijo might, and may, enjoy the lands he has in possession for himself, his children, his heirs and successors, with free and peaceable administration thereof, according to the limits and boundaries set forth in said possession, to which I refer in the premises, and that neither at this nor at any time shall any suit, demand, or litigation be by them commenced against him therefor, particularly as the said Indians have received possession of the land of the Salto del Agua aforesaid, a defense as well as others in his favor, which the said Vicente de Armijo may make at all times. All of which took place before me, said chief alcalde; there being present, and as witnesses, the youth Nicholas Ortiz, Tomas Madrid, Antonio Trugilles, and Juan Manuel Mestas, Spaniards; and in perpetual testimony thereof, and the said Indians not knowing how to sign, I, said chief alcalde, signed the same with my attending witnesses, I acting special justice in the well-known absence of a public royal notary, there being none in this province, and on this paper, there being none of the stamped in these parts; dated in said pueblo on said day, month, and year, to which I certify.

JUAN JOSÉ LAVATTO,
Special Justice.

Attending, JUAN DE BEITA:

Attending witness, JOSÉ TENEORIO.

Petition asking the confirmation of a grant.

His excellency the GOVERNOR:

I, Lieut. Gasper Ortiz, resident of the pueblo of Harnbe, appear before your excellency in due form of law, and state, sir, that I find myself greatly necessitated to supplicate your excellency in the name of his majesty (whom may God preserve) to confirm to me the grant, according as I have known it under the grant formerly belonging to Vicente Durano de Armijo, made by Governor Don Gaspar Domingo de Mendose and the possession delivered by the chief alcalde of the town of Santa Cruz de la Cañada, Don Juan Garcia de la Mora, on the fifth day of the month of October, in the year one thousand eight hundred and thirty-nine, and finding myself now doubtful according to the purchases I made from the heirs of Vicente Duran de Armijo, with only the right to the piece of land had by an exchange which said Vicente Duran de Armijo made with the Indians of the pueblo of Nambe, and as said Manuel de Armijo and other heirs, as legal vendors, sold and transferred to me all the right they had to said land, and delivered to me the grant and the documents and the ratification of the exchange, and observing in said grant that the Indians are entirely satisfied with the exchange they made with said Vicente Duran Armijo, and that said Duran de Armijo is entitled to the grant in conformity with his petition, I humbly ask and supplicate your

excellency, in the name of his majesty, (whom may God preserve,) to direct the chief alcalde of Santa Cruz de la Cañada to fix for me the boundaries that I am in possession of, according as recited in the grant of the former petitioner Vicente Duran de Armijo, and that the boundaries be according as I have recognized them by the landmarks the grant mentions, in order to pasture my cattle, sheep, and horses; and inasmuch as some persons use my pasture in said place, I apply to your excellency that you be pleased to hear me in justice; and I declare that I act not in dissimulation in the foregoing.

GASPAR ORTIZ.

Decree.

Village of Santa Fé, and September, on the twentieth of October, one thousand eight hundred and six, before me the captain and governor of this province of New Mexico, this petition was presented by the party therein, and having been by me examined, I treated the same as before me. The chief alcalde of the town of Santa Cruz de la Cañadas will proceed to execute the possession that the petitioner asks, I confirming to him said grant, and to fix for him its boundaries, and he will give to him in due form possession, and I signed this on said day, month, and year.

R'L ALENCASTÉR.

At this place, Nambe, on the twenty-ninth of October, in the year one thousand eight hundred and six, I, the chief alcalde for this the jurisdiction of the town of Santa Cruz de la Cañada, in compliance with and obedience to a decree made by his excellency, the captain and governor, in which he commands me to give the royal possession, in the name of his majesty, to Lieut. Don Gaspar Ortis, proceeding, in the execution of the same, came to this said place, and I took the aforesaid Lieutenant Don Gaspar Ortis by the hand, and conducted him over said tract, which is situated to the east of said pueblo of Nambe, and being together on the land, he took possession by pulling up herbs and casting stones, and performing all other ceremonies that are accustomed to be performed according to law, I designating to him the boundaries according as expressed in the grant of said Lieutenant Gaspar Ortis, giving him for boundaries, on the north a dry run for his landmarks to the mountain de la Masca, and on the south by lands of Bernardino de Lena, and lands of the pueblo of Tesuque, on the east by the mountain, and on the west by the lands of the pueblo of Nambe, and by lands exchanged by Vicente Duran de Armijo with the Indians of Nambe, in all of which I gave him possession in the name of his majesty, (whom may God preserve,) and after the said ceremonies, as set forth, he walked over the same as property already his, and given in the name of the king and sovereign, (whom may God preserve.)

In testimony whereof I signed this with two instrumental witnesses, who are José Campas Redondo and Bartholome Trujillo, and with those of my attendance, who are those with whom I act, for want of a royal or public notary, there being none of any kind in this province, to which I certify.

MANUEL GARCIA DE LA MORA,
Special Justice.

Attending: MANUEL ROMERO.
Attending: PEDRO ORTEGA.

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

R. H. TOMKINS.

Sworn to and subscribed before me, this 27th day of December, 1873.

JAMES K. PROUDFIT,
United States Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 31, 1873.

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

DAV. J. MILLER,
Translator.

[Testimony.]

Gaspar Ortiz y Bais.

NATIVIDAD ROMERO being by the surveyor-general sworn to depose in this case, on his oath declares :

Question by R. H. Tompkins, attorney for claimants. What is your name, age, occupation, and residence ?

Answer. My name is Natividad Romero ; am going on seventy-three years of age ; my occupation is farmer, and my residence is at Tesugae, in the county of Santa Fé, where I have resided since the year 1831.

Question. Do you know such a grant of land as one in the name of Gaspar Ortiz, and, if so, please state what you know about the name.

Answer. When Juan Andres Archuleta was governor in the year 1842, I, together with other individuals, ten in all, petitioned him for a piece of land within the tract of land known as belonging to Gaspar Ortiz y Pais, situated in the present county of Santa Fé, and which land of Ortiz was bounded on the north by the Serrito de la Masca or Serro Chato, also so called, out of which runs the Arroyo Seco, on the east Sierra Alta, on the south the lands of the pueblo of Tesugue, and on the west the lands of the pueblo of Nambe. The tract lies the greater part of it to the east of the pueblo of Nambe and some of it to the south of the pueblo. I knew Gaspar Ortiz well, since the time I was about ten years old until he died, though I do not remember in what year he died, but believe it was about the year 1845. He was in the possession and enjoyment of the land till he died. The petition to Governor Archuleta I mentioned was not granted for the reason stated by him that the land we applied for was, as he had positively ascertained, within an existing grant of land. I know all the heirs of Gaspar Ortiz aforesaid, deceased, and those named in the petition in this case to the surveyor-general, signed by R. H. Tompkins as attorney for claimants and his heirs, and numerous others. I have not and never had any interest in this land or this claim therefor.

NATIVIDAD ROMERO.

Subscribed and sworn to before me, this February 7, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

JUAN LORENZO VALDEZ being by the surveyor-general sworn, on his oath declares :

Question by Mr. Tompkins. What is your name, age, occupation, and residence ?

Answer. My name is Juan Lorenzo Valdez. My age is fifty-nine years. My occupation is farmer; and my residence is at the pueblo of Nambé, in this county of Santa Fé, where I have resided all my life.

Question. Do you know a tract of land known as the Gaspar Ortiz grant ? If so, please state all your know concerning the grant.

Answer. I know the land, which is situated in this county of Santa Fé, to the east of and adjoining the pueblo of Nambé. The boundaries of the tract are, on the north the Serrito Chato, whence runs the Arroyo Seco toward the west, on the east top of Sacate Blanco Mountain, on the south the boundary of the pueblo of Tesuque's land, and on the west the land of the pueblo of Nambé. I did not know Gaspar Ortiz, but know his children. The heirs of said Gaspar Ortiz have always, since I have known the land, been the reputed owners thereof, and have been in the possession of the same, and are now so in possession. The land is valuable only for pasture and timber so far as I have noticed. I have never had any interest whatever in the land. The heirs of Gaspar Ortiz, deceased, are numerous, perhaps as many as forty or fifty, and those mentioned in the petition of R. H. Tompkins, attorney for claimants, to the surveyor-general, are some of those heirs. Gaspar Ortiz, now probate judge of Santa Fé County, is one of the heirs.

his
 'JUAN L. + VALDEZ.
 mark.

Sworn to and subscribed before me this February 7, 1874.

JAMES K. PROUDFIT.

Surveyor-General.

JESUS MARIA ORTIZ Y BACA, being by the surveyor-general sworn, on his oath declares :

Question by Mr. Tompkins. What is your name, age, occupation, and residence ?

Answer. My name is Jesus Maria Ortiz y Baca. My age is nearly fifty-nine years. My occupation is farmer; and my residence at Cuyamague, in the county of Santa Fé, where I have always lived.

Question. Do you know a grant of land known as the Gaspar Ortiz grant ? and, if so, please state its situation and its boundaries and all you know concerning the grant.

Answer. I do know such a grant, situated in this county, (Santa Fé,) east of and adjoining the pueblo of Nambé. The boundaries of the tract are, on the north the Serrite Chato, where there is a landmark, as I have been informed, the Arroyo Seco, where I have seen a landmark, and the Sierra Masca; on the east the mountain, on the south lands de Bernardino de Sena and of the pueblo of Teseque, and on the west land of the pueblo of Nambé and lands traded for by Vincente Duran de Armijo with the Indians of said Nambé pueblo. I knew Gaspar Ortiz in his life-time. He died about the year 1822, or probably somewhat later. I was small at the time Ortiz died, but I know he was in possession and occupancy of the land; and after his death his children remained in the possession thereof. In or about the year 1842 some parties made application to Governor Juan Romares Archuleta for a piece of land at the Chupadera Valley; whereupon the governor di-

rected the local alcalde to ascertain and report whether the land was subject to disposal. The alcalde appointed a committee of four, of whom I was one, to examine title-papers presented to him by Miguel Ortiz, son of Gaspar Ortiz y Bais, for the land applied for. The commission examined the papers and went upon the ground applied for, and found that it was embraced in the land covered by said title-papers and belonging to the estate of said Gaspar Ortiz y Bais, and so reported. The result was it was determined and stated by the governor that the land could not be granted as asked. I have no personal interest in the land in question, though my wife is one of the heirs under the grant to Gaspar Ortiz. The heirs of Gaspar Ortiz now living are, I judge, exceeding fifty in number. All those named as heirs in the petition of R. H. Thompson, attorney for claimants, to the surveyor-general are heirs of said Ortiz, as is also Gaspar Ortiz, present judge of the probate court of Santa Fé County.

JESUS MA. ORTIZ Y BACA.

Subscribed and sworn to before me, this February 7, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

JESUS MARIA ORTIZ Y BACA recalled and questioned by Mr. Tompkins:

Question. Please examine the two papers, in Spanish, on file in this case, and state whether you recognize them; and if so, state where and when, and under what circumstances you discovered them.

Answer. I have examined the two papers marked Exhibit A and Exhibit B, and recognize them both. These papers, A and B, were found among the papers of my deceased father, Matias Ortiz, executor of the estate of the deceased Gaspar Ortiz, and the papers came into my possession as executor of the estate of my father.

JESUS MA. ORTIZ Y BACA.

Subscribed and sworn to before me, this March 30, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

[Surveyor-general's decision.]

Opinion.

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

I am satisfied that the law and facts are sufficiently and correctly stated in accompanying brief of Tompkins, attorney for claimants, and respectfully recommend that Congress confirm the grant to the legal representatives of Gaspar Ortiz y Bais, according to the boundaries set forth in the act of possession executed by Don Manuel Garcia de la Mora, October 29, 1806.

I transmit the complete record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

United States Surveyor-General's Office,
Santa Fé, N. M., April 22, 1874.

[Authentication of transcript.]

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, April 27, 1874.

The foregoing is a correct transcript of the papers on file in this office,
in private land-claim reported as No. 87, in the name of Gaspar Ortiz.

JAMES K. PROUDFIT,
United States Surveyor-General.

○