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Letter from the Secretary of the Interior, transmitting letter of the Commissioner of the General Land Office submitting supplemental report of the Surveyor-General of Arizona on the private land claim (No. 7) known as Tumacacori y Calabazas, C. P. Sykes et al.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Letter of the Commissioner of the General Land Office submitting supplemental report of the surveyor-general of Arizona on the private land claim (No. 7) known as Tumacacori y Calabazas, C. P. Sykes et al.

JANUARY 14, 1884.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1884.

SIR: On the 24th May, 1880, this Department transmitted to the President of the Senate the report of the surveyor-general of Arizona on the private land claim (No. 7) known as Tumacacori y Calabazas, C. P. Sykes *et al.*, claimants.

I have now the honor to transmit herewith a supplemental report of said surveyor-general on said claim, together with letter from the Commissioner of the General Land Office of the 21st ultimo, submitting the report.

Very respectfully,

H. M. TELLER,
Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 21, 1883.

SIR: I have the honor to transmit herewith, for submission to Congress, a supplemental report of the surveyor-general for Arizona relative to the private land claim known as the Tumacacori y Calabazas grant, C. P. Sykes *et al.*, claimants.

The surveyor-general's first report, under the eighth section of the act of Congress of July 22, 1854, Stats., vol. 10, p. 309, extended to Arizona by the act of July 15, 1870, 16 Stat., 304, in this case, was transmitted to the Department May 22, 1880, and is printed as Senate Ex. Doc. No. 207, Forty-sixth Congress, second session.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Tucson, Ariz., September 20, 1883.

SIR: On the 7th day of January, 1882, Edson Adams presented a petition to this office, alleging ownership, by purchase, of one square league, described by metes and bounds, of the Spanish grant of rancho of Tumacacori y las Calabazas, situated in the county of Pima, Territory of Arizona, the title to which was by the surveyor-general of Arizona recommended for confirmation on the 7th day of January, 1880, and is now awaiting the final action of Congress on said report of the surveyor-general.

As exhibits to his petition Adams filed regularly executed deeds of conveyance from the ancient owners of the grant, which deeds form a perfect chain of title to one square league of the rancho of Tumacacori y las Calabazas from Don Manuel Gandara, formerly owner of the grant, to said Edson Adams, who by deed of conveyance executed since the filing of his petition to the surveyor-general, transferred his interest to George Hill Howard, who now claims the ownership of the property; all of which is shown by copies of the several deeds of conveyance referred to, which are herewith transmitted.

As will be seen by reference to the transcript of the case in your office, and also before the Private Land Claims Committee of Congress, the grant was by this office recommended for confirmation to the representatives of Don Manuel Gandara, the purchaser from the original grantee; therefore, no examination of the title is now required beyond the ownership of Gandara.

It appears from the first exhibit to the petition of Adams, that in 1864 Manuel Gandara, then owner of the grant, made an agreement or contract with W. Claude Jones, an attorney of Tucson, ceding and transferring to said Jones one square league of the rancho at Tumacacori y las Calabazas by metes and bounds, under the conditions *subsequent*, that he, Jones, should, at his own expense, take the necessary steps to procure a confirmation of the title to said grant by the Government of the United States.

As the first step in the carrying out of this contract or agreement Jones, in 1864, made a petition to Levi Bashford, surveyor-general (as shown by his indorsement on the petition) of the Territory of Arizona, asking a report upon said grant under the treaty of Guadalupe Hidalgo of 1848, and the Gadsden treaty of 1854, a copy of which petition is herewith transmitted.

As shown by the transcript in your office, in 1877 Manuel Gandara sold all of his interest in the rancho of Tumacacori y las Calabazas to John Curry and C. P. Sykes, who, in 1879, presented a petition to the surveyor-general of Arizona for a report thereon, who, after an examination of the original title papers, recommended a confirmation of the title to the petitioners, Curry and Sykes.

None of the evidence now transmitted to you, showing the interest of Edson Adams in the property, was before the surveyor-general in his examination of the case in 1879; hence in his report in the case no mention is made of any such interest.

Petitioner Adams prays that after an examination of the several deeds of transfer, showing the chain of title from Manuel Gandara to himself, and finding the same to be correct, it be recommended that he be included in the patent that may be issued by the Government on the final confirmation of the title to said rancho.

It will be observed that by deed of conveyance from Edson Adams,

George Hill Howard is now the owner of the interest claimed by Adams in his petition.

In compliance with the prayer of the petition, I herewith transmit to your office a transcript of the evidence filed in the case, together with petition of Adams, that you may cause the same to be placed before Congress for such decision as may be deemed just in the matter.

Very respectfully, your obedient servant,

J. W. ROBBINS,
United States Surveyor-General.

Hon. N. C. McFARLAND,
Commissioner General Land Office, Washington, D. C.

TRANSCRIPT OF PETITION AND TRANSFERS SHOWING THE CLAIM OF
GEORGE H. HOWARD TO ONE SQUARE LEAGUE OF THE RANCHO OF
TUMACACORI Y CALABAZAS.

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To the Hon. John Wasson, U. S. Surveyor-General for Arizona :

Your petitioner, Edson Adams, respectfully represents that he is the owner, by purchase from the legal representatives of the original grantees, of the rancho of Tumacacori and Las Calabazas, situated in the county of Pima and Territory of Arizona, recommended for confirmation by the U. S. surveyor-general of Arizona, on the seventh (7) day of January, 1880, as shown by the records of your office.

The ownership of your petitioner of a portion of said rancho is shown by the following muniments of title, which are made part of this petition :

First. A transfer by F. A. Aguilar to Manuel Maria Gandara, dated March 31st, 1856, as found in testimonial of original title papers now in possession of your petitioner ; a copy of which transfer, with certificate of national notary public, is made a part of this petition and marked Exhibit A, the original of which transfer will be produced if required.

Second. Deed of transfer from Manuel Gandara to W. Claude Jones, dated 6th July, 1864, and recorded in the recorder's office, Pima County, Arizona, and which deed is marked Exhibit B.

Third. Deed of conveyance from W. Claude Jones to I. Domingo Marks and Edson Adams, dated November 15th, 1865, and recorded in the recorder's office, Pima County, Arizona, and which deed is marked Exhibit C.

Fourth. Deed of conveyance from Isaac Domingo Marks to Joshua Marks, dated April 16th, 1878, and made a part of this petition and marked Exhibit D.

Fifth. Deed of conveyance from Joshua Marks to Edward F. Head, dated 3rd August, 1878, and made a part of this petition and marked Exhibit E.

Sixth. Deed of conveyance from Edward F. Head to Edson Adams, dated 23th November, 1881, and made a part of this petition and marked Exhibit F.

Under which several deeds of conveyance your petitioner alleges that he is the legal owner of all that portion of the said rancho of Tumacacori and Las Calabazas as is particularly set out and described in the several deeds of conveyance.

Wherefore your petitioner prays that, upon examination of said deeds of conveyance, and being satisfied that your petitioner is the legal owner of the lands described therein, and that he is entitled to a patent therefor from the Government of the United States, on the final confirmation thereof by the Congress of the United States, you may recommend, by the supplementary report, that the petitioner, Edson Adams, be included in the final act of confirmation, and that a patent be issued to him by the Government of the United States for all that portion of the rancho Tumacacori and Las Calabazas as particularly described in the several deeds of conveyance herein referred to.

And your petitioner will ever pray, &c., &c., &c.

H. S. BROWN,
Attorney for Edson Adams.

Now comes Geo. Hill Howard in *propria persona*, and respectfully requests that he may be substituted in the foregoing said supplementary report in the place and stead of said Edson Adams, he, the said Howard, being now the owner and claimant of the said league of land act, by virtue of due mesne conveyance from said Adams. (See exhibit.)

And your petitioner will ever pray, &c.

GEO. HILL HOWARD.

EXHIBIT A.

PUERTO DE GUAYMAS, marzo 31 de 1856.

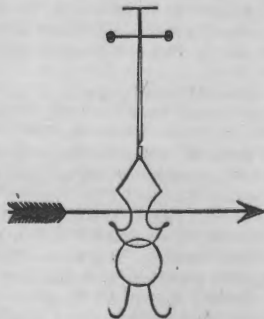
Ante me, Pedro de Valois, Juez de 2º instancia del partido se presentó hoy, el Sor. D. Francisco A. Aguilar, de este comercio, manifestando el presente título, constante de 39 fojas utiles, en que constan sus derechos, adquiridos legal y legítimamente en los terrenos que en el mismo se espresan de los que ha hecho traspaso al Sor. Don Manuel Maria Gandara, con los mismos derechos y concesiones, que á él le fueron concedidos por la Tesorería General del Estado, para que como dueño absoluto propietario haya de ellos el uso que mayor cura convener á sus entereses. Así otorgó y firmó con migo y las de mí asistencia segun derecho; doy fé.

P. DE VALOIS.
F. A. AGUILAR.

A., LORENZO POMPA.

A., QUIRNIO.

Jesus Gonzales Meneses, escribano nacional y publico, vecino de exa. ciudad, certifico, en quanto puedo: debo y el derecho me permite, que la firma conque está autorizado el documento de traspaso que antecede, y dice: P. del Valois es del mismo Senor Juez que en aquella epoca lo fue de 1º Instancia de Guaymas, como se titula, y la misma que acostumbraba poner en todos sus negocios; así publicas, como provados, y con tal se le ha dado y da entera féi y credito ya sea en juicio ó fuera de él, y para que obra los efectos que convenga estando el presente que signo y firmo en la ciudad de Hermosello, Estado de Sonora, en la Republica Mejicana, á los diez dias del mes de Octubre de mil ochocientos sesenta y cinco.



7.—Jesus Meneses, E. NI. y P.

NOTE.—The original of the foregoing deed of conveyance is found on the original testimonio of the grant, on file in the office of the U. S. sur-gen'l.

[Translation of Ex. A.]

PORT OF GUAYMAS, *March 31st, 1856.*

Before me, Pedro de Valois, judge of 2d instance of the district, appeared to-day Don Fernando Aguilar, of this place, presenting the present title, consisting of 39 written leaves, in which is shown the rights by him legally acquired to the lands described in the title papers, of which he has made a transfer to Don Manuel Maria Gandara, with all the rights that have been conceded to him by the treasurer-general of the state, to the end that he, as absolute owner thereof, may make such use of the same as may be necessary to his interests. Thus I execute and sign, with those of my assistance, according to law.

P. DE VALOIS.
F. A. AGUILAR.

Assistant: QUIRNIO ROSAS.
Assistant: LORENZO POMPA.

Jesus Gonzales Meneses, a national notary public, and a resident of this city, certifies, in due form of law, that the signature of P. de Valois, which authorizes the foregoing transfer, is the signature of that gentleman, and that at the time of the date thereof he was judge of the 1st instance of Guaymas, and that his signature as found upon said transfer, is such as he is accustomed to use in his public acts, and that as such is entitled to full faith and credit, as well in court as elsewhere. And for the ends that may be necessary I give this, under my signature, in the city of Hermosillo, State of Sonora, in the Republic of Mexico, on the 10th day of October, 1865.

JESUS MENESES,
E. NI. Y. P.

NOTE.—The original of the foregoing deed of conveyance is found on the original "testimonio" of the grant, on file in the U. S. surveyor-general.

EXHIBIT B.

Contract, W. Claude Jones, with M. Gandara.

TERRITORIO DE ARIZONA,
Primer Distrito Judicial:

Esta escritura hecho hoy 6 de Julio A. D. 1864, entre W. Claude Jones, de la primera parte, y Manuel Gandara, de la segunda parte, ambas residentes del Tucson, en dicho Territorio, declara, que la parte primera, abogado y licenciado, en consideracion de lo que despues se menciona, se compromete, conviene y firmamente se obliga, á presentar para que sean confirmados, y perfectuados, hasta su final confirmacion, en la delida forma, ante los tribunales y cuerpos, correspondientes de los Estados Unidos, los titulos de Calabasas "Tumacacori y Guebavi," pertenecentes á la parte segunda, y situados en dicho Territorio, y tomar todos las pasos necesarios, para conseguir y asegurar la confirmacion, y perfeccion final de los dichos titulos, y perfectuar los dichos titulos en conformidad, con las tratadas de Mexico y los Estados Unidos, sin costos ó gastos ningunos, por parte del dicho Manuel Gandara, parte segunda—Y ademas, se obliga conviene, la parte primera, á defender y asegurar los derechos de propiedad y posesion en todas las tierras del dicho Manuel Gandara, que estan situados en el Territorio ante dicho; sin costas ó gastos ningunos, por parte de dicho Manuel Gandara, parte segunda; y la parte segunda, en consideracion de lo ante dicho, cede, traspasa y anagena en propio derecho á dicho W. Claude Jones, parte primera y á sus herederos, para siempre, las tierras de "Guebavi," situado en dicho Territorio, tomando per centro, un monton de piedras, en la vega del rio, puesto alli el dia 14 de Enero del ano del Señor 1807, por Don Manuel de Leon, alférez veterano y actual comandante del Presidio de Tubae, juez comisionado, agrimensor, &c., segun el expediente original, y de dicho centro, tirando la medida al sur, dos mil siete cientos cincuenta varas, hasta un monton de piedras, adalante del Pueblo Mision, antigua de Guebavi, en la mera cuesta, que hace para bajar al bajo, que van por el vado seco; y del mismo centro, mediendo al norte dos mil dos cientos y cincuenta varas, y del mismo centro, mediendo dos mil quinientos varas, al poniente, y dos mil quinientos varas al

oriente; asi otorgado, en todo lo que por esta se traspasa un sitio de ganado mayor, de cinco mil varas castellanas cuadradas. Para haber y tener la dicha tierra enagenada, con todas sus derechos y privilegios pertenecientes á ella, al dicho W. Claude Jones y sus herederos, en propio derecho, para siempre.

En testimonio de lo cual, las partes primera y segunda han fijado su sellos y firmas el dia y año ante mencionado.

W. CLAUDE JONES. [SEAL.]
M. GANDARA. [SEAL.]

Firmado y sellado ante los siguientes testigos,
GREGORY P. HARTE.
C. TRUMBULL HAYDEN.

[Fifty cent revenue stamp affixed and canceled.]

TERRITORY OF ARIZONA,
First Judicial District:

Be it remembered that on this 6th day of July, A. D. 1864, personally appeared before me, the undersigned clerk of the probate court, the above-named W. Claude Jones and Manuel Gandara, both personally known to me as the persons who subscribed the foregoing instrument, and severally acknowledged it to be their act and deed for the uses and purposes therein mentioned.

Witness the seal of said court at office in Tucson the day and date above written.
[L. s.] GREGORY P. HARTE,
Clerk of Probate Court.

1ST JUDICIAL DISTRICT,
Territory of Arizona:

Filed and recorded at request of A. W. Bernard, August 1st, 1876, at 12 o'clock m.
S. W. CARPENTER,
Recorder.

TERRITORY OF ARIZONA,
County of Pima:

I, Chas. R. Drake, county recorder in and for the county of Pima, do hereby certify that the above and foregoing is a full, true, and correct copy of an instrument, purporting to be a deed from Manuel Gandara to W. Claude Jones, as appears of record now in my office in book 3, pages 532, 533, & 534.

In witness whereof I have hereto set my hand and affixed my official seal, in Tucson, this 6th day of March, A. D. 1882.

[L. s.]

CHAS. R. DRAKE,
County Recorder.

[Translation of Exhibit B.]

Contract—W. Claud Jones with M. Gandara.

TERRITORY OF ARIZONA,
First Judicial District:

This writing, executed on this 6th day of July, A. D. 1864, between W. Claud Jones of the first part and Manuel Gandara of the second part, both residents of Tucson, in said Territory, declares that the party of the first part, who is an attorney and counsellor at law, in consideration of what will be hereinafter mentioned, agrees and by these presents firmly obligates himself to present and prosecute to final confirmation before the corresponding tribunals of the United States the titles of Calabazas, Tamacacori, and Guebavi, belonging to the party of the second part, which lands are situated in the said Territory, the party of the first part to take all the steps necessary for the purpose of obtaining the final confirmation of said titles in conformity with the treaty between Mexico and the United States, without any cost whatever to the said Manuel Gandara, the party of the second part. And further, the party of the first part obligates himself to defend the rights of property and possession of the said Manuel Gandara to all the land that he has in said Territory, without any costs whatever to the party of the second part, the said Manuel Gandara; and the party of the second part in consideration of the foregoing cedes, transfers, and alienates in proper right to the said W. Claud Jones, party of the first part, and to his heirs, forever the lands of Guebavi, situated in said Territory, taking as a center a mound of stones on the vegar (river bottoms) of the river, placed there on the 14th of January in the year of our Lord 1807, by Don Manuel de Leon, veteran ensign and actual commandant of the Presidio of Tubec, judge, commissioner, surveyor, &c., according to the original expediente; and from said center measuring to the south 2,750 varas to a mound of stones beyond the ancient pueblo mission of Guevavi, on the summit of the hill, where the road turns down to the vada seco (dry crossing); and from the same center measuring to the north 2,250, and from the same center measuring 2,500,

to the west and 2,500 to the east; thus declared, by which there is hereby transferred one square league of five thousand Castilian varas square. To have and to hold the said land hereby transferred, with all the rights and privileges therewith, belonging, or in anywise appertaining to the said W. Claud Jones and to his heirs forever.

In witness whereof, the parties of the first and second parts have hereunto set their hands, and seals the day and year first above written.

W. CLAUD JONES. [SEAL.]
M. GANDARA. [SEAL.]

Signed and sealed in presence of—
GREGORY P. HORTE.
C. TRUMBULL HAYDEN.

EXHIBIT C.

Deed—W. Claud Jones to I. Domingo Marks and Edson Adams.

This indenture, made the fifteenth day of November, one thousand eight hundred and sixty-five, between W. Claud Jones of the city and county of San Francisco, in the State of California, of the first part, and I. Domingo Marks and Edson Adams, of the same city, county and State, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of six thousand dollars to him in hand paid, by the said parties of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bargain and sell, convey and confirm, unto the said parties of the second part, and to their heirs and assigns forever, all that tract and parcel of land known as the rancho or league of Güebari, lying and being situated on the Santa Cruz River, in the county of Pima, in the Territory of Arizona, and designated as the southern league of the lands of Tamacacori, Calabazas, and Güebari, which were purchased of the Mexican Government by Dn. Francisco A. Aguilar in 1842, and by him sold to Dn. Manuel M. Gandaur, and by the said Don Manuel M. Gandaur sold and conveyed to the said party of the first part, by deed bearing date the sixth day of July, 1864, and bounded and described as follows: Taking as a center a pile of stones in the meadow (veja) of the river, placed there on the 14th day of January, A. D. 1807, by Don Manuel de Leon, ensign, veteran, and actual commandant of the Presidio of Tubac, commissioned judge, surveyor, &c., according to the original expediente or title papers, and from the said center, turning the measure to the south, two thousand seven hundred and fifty varas to a pile of stones beyond the ancient Pueblo-Mission of Güebavi, on the summit of the hill, where the road turns down to the vada seco, and from the said center measuring to the north, two thousand two hundred and fifty varas, and from the same center measuring two thousand five hundred varas to the west, and two thousand five hundred varas to the east, thus including in all that is hereby conveyed one sitio of grando mayor of five thousand Castilian varas square, together with all the mines, minerals, earth, rocks, wood, and water, and together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, rights, title, interest, inheritance, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances. To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

W. CLAUD JONES. [SEAL.]

Signed, sealed and delivered in the presence of—
F. I. THIBAULT.
JAMES L. KING.

[\$6.00 revenue stamp affixed and cancelled.]

UNITED STATES OF AMERICA, STATE OF CALIFORNIA,
City and County of San Francisco, ss:

I, F. I. Thibault, a commissioner for the Territory of Arizona, duly commissioned by the Executive authority, and qualified under and by virtue of the laws thereof to take the acknowledgment and proof of the execution of deeds and other instruments in writing under seal to be used or recorded in the said Territory of Arizona, and to administer oaths, affirmations, &c., residing in the city and county of San Francisco

and State of California, do certify that on the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and sixty-five, before me personally appeared, in the said city and county of San Francisco, and State of California, W. Claud Jones, whose name is subscribed to the annexed instrument as a party thereto, who is to me personally known to be the individual described in and who executed the said instrument, and he, the said W. Claud Jones, duly acknowledged to me that he executed the said annexed instrument freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal as such commissioner, at my office in the city and county of San Francisco and State of California, this twenty-ninth day of November, in the year of our Lord one thousand eight hundred and sixty-five.

[SEAL.]

F. I. THIBAUT,
Commissioner for Arizona in California.

Filed and recorded at the request of N. W.
o'clock m.

, August 1st, A. D. 1876, at 12

S. W. CARPENTER,
Recorder.

TERRITORY OF ARIZONA,
County of Pima, ss :

I, Chas. R. Drake, county recorder in and for the county of Pima, do hereby certify that the above and foregoing is a full, true, and correct copy of an instrument purporting to be a deed from W. Claud Jones to I. Domingo Marks and Edson Adams, as appears of record now in my office in Book 3, Deeds of Real Estate, pages 534, 535, 536, & 537.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in Tucson this 6th day of March, A. D. 1882.

[SEAL.]

CHAS. R. DRAKE,
County Recorder.

EXHIBIT D.

Deed—Isaac Domingo Marks to Joshua Marks.

This indenture, made the sixteenth (16) day of April, one thousand eight hundred and seventy-eight, between Isaac Domingo Marks, of the city and county of San Francisco, party of the first part, and Joshua Marks of the same place, party of the second part, witnesseth: That said party of the first part, for and in consideration of the affection entertained and the relationship existing between the parties above described, and the sum of one dollar of the United States of America, to him in hand paid by the said party of the second part, at or before the ensailing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these presents, does grant, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all his undivided interest in and to that tract or parcel of land known as the rancho or league of "Guebavi," lying and being situated on the Santa Cruz River, in the county of Pima, in the Territory of Arizona, and designated as the southern league of the lands of Tamacacori, Calabazas, and "Guebavi," which was purchased of the Mexican Government by Don Francisco Aguilar in 1842, and by him sold to Don Manuel Gandara, and by said Don Manuel Gandara sold and conveyed by one W. Claude Jones, by deed bearing date the 6th of July, 1864, and by said Jones conveyed to Isaac Domingo Marks and Edson Adams, by deed bearing date the 15th day of November, 1865, and described as follows: Taking as a center, a pile of stones in the meadow (vega) of the river, placed there on the 14th of January, A. D. 1807, by Don Manuel de Leon, engineer, veteran, and actual commandant of the Presidio of Tubac, commissioned judge, surveyor, &c., according to the original expediente or title papers, and from the said center turning the line measured to the south two thousand seven hundred and fifty varas, to a pile of stones beyond the ancient pueblo mission of Guebavi, on the summit of the hill, where the road turns down to the nado seco; and from the same center, measuring to the north, two thousand two hundred and fifty varas; and from the same center measuring two thousand five hundred varas to the west and two thousand five hundred varas to the east, thus including in all that is hereby conveyed one sitio of ganado mayor of five thousand Castilian varas square, together with all the mines, minerals, earth, rock, wood, and water,—together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof,

and also all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part of, in and to the above-described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

ISAAC DOMINGO MARKS.

Signed, sealed, and delivered in presence of—
I. EDWARD MARKS.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

On this sixteenth day of April, A. D. one thousand eight hundred and seventy-eight, before me, I. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioner, and residing in the said city of San Francisco, personally appeared the within named Isaac Domingo Marks, whose name is subscribed to the within instrument as a party thereto, personally known to me to be the individual described in and who executed the said within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal in said city and county, the day and year in this certificate first above written.

[L. S.]

I. H. BLOOD,
Commissioner of Deeds for the Territory of Arizona.

(Endorsed:) Deed. Isaac Domingo Marks to Joshua Marks, dated April 16th, 1878. Recorded at request of Wells Fargo & Co., Feb'y 17th, 1882—9.45 a. m. Deeds of R. E. 102, 103, & 104. Chas. R. Drake, county recorder.

EXHIBIT E.

Deed—Joshua Marks to E. F. Head.

This indenture, made this twenty-third day of August, one thousand eight hundred and seventy-eight, between Joshua Marks, of the city and county of San Francisco, State of California, party of the first part, and Edward F. Head, of Berkeley, in the State aforesaid, of the second part. Witnesseth: That said party of the first part, for and in consideration of the sum of twenty dollars, gold coin of the United States of America, to him in hand paid, by the said party of the second part, at, or before the ensembling and delivering of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain and sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all his undivided interest in and to that tract or parcel of land known as the rancho or league of Guebavi, lying and being situated on the Santa Cruz River, in the county of Pima, in the Territory of Arizona, and designated as the southern league of the land of Tamacacori, Calabazas, and Guebavi, which was purchased of the Mexican Government by Don Francisco Aguilar, in 1842, and by him sold to Don Manuel Gandara, and by said Don Manuel Gandara sold and conveyed to one W. Claude Jones, by deed bearing date the 6th of July, 1864, and by said Jones conveyed to Isaac Domingo Marks and Edson Adams, by deed bearing date the 15th day of November, 1865, and described as follows: Taking as a center a pile of stones in the meadow (vega) of the river, placed there on the 14th day of November, A. D. 1807, by Don Manuel de Leon, engineer, veteran, and actual commandant of the presidio of Tubac, commissioner judge, surveyor, &c., according to the original expediente or title papers, and from the said center turning the measure to the south two thousand seven hundred and fifty varas, to a pile of stones beyond the ancient pueblo mission of Guebavi, on the summit of the hill, where the road turns down to the nado seco, and from the same center measuring to the north two thousand five hundred and fifty varas; and from the same center measuring two thousand five hundred varas to the west, and two thousand five hundred varas to the east, thus including in all that is hereby conveyed one sitio of ganado mayor, of five thousand Castilian varas square, together with all the mines, minerals, earth, rock, wood, and water, and together will all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in

any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. And also all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part of, in, and to the above described premises, and every part and parcel thereof, with the appurtenances. To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever. In witness whereof the said party of the first part has hereunto set his hand and seal, the day and year first above written.

JOSHUA MARKS. [SEAL.]

Signed, sealed, and delivered in presence of—
SELIM FRANKLIN.
CHAS. D. COLE.

STATE OF CALIFORNIA,
City and County of San Francisco, ss :

On this twenty-third day of August, A. D., 1878 (eighteen hundred and seventy-eight), before me I. H. Blood, a commissioner of deeds for the Territory of Arizona, and appointed, commissioned, and residing in the city of San Francisco, personally appeared the within named Joshua Marks, whose name is subscribed to the within instrument as a party thereto, personally known to me to be the individual described in and who executed the said within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[L. S.]

I. H. BLOOD,
Commissioner of Deeds for the Territory of Arizona.

(Endorsed:) Filed and recorded at request of Wells, Fargo & Co., Feb'y 17th, 1882, 9.45 a. m., 11 deeds of R. E. 105, 106, and 107. Chas. Drake, county recorder.

EXHIBIT F.

Deed from Edwd. F. Head to Edson Adams.

This indenture, made the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and eighty-one, between Edward F. Head, of Berkley, in the county of Alameda, State of California, party of the first part, and Edson Adams, of Oakland County, and State aforesaid, party of the second part. Witnesseth: That the said party of the first part, for and in consideration of the sum of ten dollars, gold coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents demise, release, and forever quit-claim, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situated in the county of Pima, Territory of Arizona, and bounded and particularly described, as follows, to-wit: All his undivided interest in and to that tract or parcel of land known as the rancho or league of Guebavi, lying and being situated on the Santa Cruz River, in the county of Pima, in the Territory of Arizona, and designated as the southern league of the lands of Tamacaacori, Calabazas, and Guebavi, which was purchased of the Mexican Government by Don Francisco A. Aguilar in 1842, and by him sold to Don Manuel M. Gandara, and by the said Don Manuel M. Gandara, sold and conveyed to one W. Claude Jones, by deed bearing date the 6th of July, 1864, and by said Jones conveyed to Isaac Domingo Marks and Edson Adams, by deed bearing date the 15th day of November, 1865, and described as follows: Taking as a center a pile of stones in the meadow (vega) of the river, placed there on the 14th day of January, 1807, by Don Manuel de Leon, ensign, veteran, and actual commandant of the Presidio of Tubac, commissioned judge, surveyor, &c., according to the original expediente or title papers, and from the said center, turning the measure to the south, two thousand seven hundred and fifty varas, to a pile of stones beyond the ancient pueblo mission of Guebavi, on the summit of the hill, where the road turns down to the vado seco, and from the same center measuring to the north two thousand two hundred and fifty varas, and from the same center measuring two thousand five hundred varas to the west, and two thousand five hundred varas to the east; thus including in all that is hereby conveyed one sitio of ganado mayor of five thousand Castilian varas square, together with all the mines, minerals, earths, rock, wood, and water, and

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; to have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

EDW'D F. HEAD. [SEAL.]

Signed, sealed, and delivered in presence of—

ALEX. GAMBLE.
ANDREW I. COFFEE.

STATE OF CALIFORNIA,
City and County of San Francisco, ss :

On this tenth day of December, in the year one thousand eight hundred and eighty-one, before me, Andrew I. Coffee, a commissioner of deeds for the Territory of Arizona, residing in the city and county of San Francisco, State of California, duly commissioned and qualified, personally appeared Edw'd F. Head, known to me to be the person whose name is subscribed to and who executed the within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[L. S.]

ANDREW I. COFFEE,
Commissioner of Deeds for the Territory of Arizona.

(Endorsed:) Filed and recorded at request of Wells, Fargo & Co. Feb'y 17th, A. D. 1882, 9.45 a. m., 11 Deeds of R. E., 107, 108, and 109. Chas. R. Drake, county recorder.

This indenture, made the 30th day of June, in the year of our Lord one thousand eight hundred and eighty-three, between Edson Adams, of Alameda County, State of California, a party of a the the first part, and George Hill Howard, the party of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of one dollar of the U. S. of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, by these presents, remise, release, and forever quitclaim, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land situated in the county of Pima, Territory of Arizona, and bounded and particularly described as follows, to wit: Taking as a center a pile of stones in the meadow (vega) of the river, placed there on the 14th day of January, A. D. 1807, by Don Manuel de Leon, ensign, veteran, and actual commandant of the presidio of Tubac, commissioned judge, surveyor, etc., according to the original expediente or title papers, and from the said center turning the measure to the south two thousand seven hundred and fifty varas to a pile of stones beyond the ancient pueblo mission of Guebavi, on the summit of the hill where the road turns down to the *vado seco*, and from the same center measuring to the north two thousand seven hundred and fifty varas, and from the same center measuring two thousand five hundred varas to the west and two thousand five hundred varas to the east, thus including in all that is hereby conveyed one sitio of ganado mayor of five thousand Castillian varas square, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances, unto said party of the second part, and to his *his* heirs and assigns, forever.

The above-described premises being the tract of land known as the rancho of Guebavi, situated on the Santa Cruz River, in the said county of Pima, and designated as the Southern League of the lands of Tumacacori, Calabazas, and Guebavi.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

EDSON ADAMS. [SEAL.]

Signed, sealed, and delivered in the presence of—

J. H. BLOOD.

STATE OF CALIFORNIA,
City and County of San Francisco, ss :

On this tenth day of July, 1883, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly commissioned, qualified, and residing in the said city of San Francisco, personally appeared Edson Adams, personally known to me to be the individual described in and who executed the foregoing and within instrument, who ac

knownledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,
Commissioner of Deeds for the Territory of Arizona.

(Endorsed:) Recorder's office, Tucson, Pima Co., A. T.

Filed and recorded at request of George Hill Howard, Sept. 5th, A. D. 1883, at 3.15 p. m. Book 7, Deeds R. E., pages 792, 793, and 794.

CHAS. R. DRAKE,
County Recorder.

TERRITORY OF ARIZONA:

In the matter of the claim of Don Manuel Gandara to the lands of Tumacacori, Calabazas, and Huevavi.

To the Hon. Levi Bashford, surveyor-general of the United States for the Territory of Arizona:

Your petitioner, Manuel Gandara, a native of the Republic of Mexico, and a resident of Tucson, Arizona, respectfully represents that he is the owner in fee simple of a grant of land, containing six leagues, in the first judicial district of the Territory of Arizona aforesaid, in the valley of the Santa Cruz River, known as the lands of Tumacacori, Calabazas, and Huevavi; that said lands originally belonged to the missions of Huevavi and Tumacacori, with the pueblos of natives (Pimas or Papagos) thereto annexed and dependent thereon; that the said missions became abandoned and depopulated, the former about the year 1767, and the latter in the year 1828; that after the abandonment and depopulation of the pueblo mission of Huevavi, the natives of the pueblo and mission of Tumacacori, among whom were many natives of the abandoned Huevavi and pueblo of Calabazas, having lost their original title papers which bore date shortly after the establishment of Huevavi, in 1690, and wishing to renew said title papers and to augment their means of raising cattle by an increase of pasturage, through their governor, Juan Legarra, a native of Huevavi, and the principal inhabitants of the said pueblo mission of Tumacacori, in the year 1806, solicited Don Alejo Garcia Conde, political and military governor, and intendent of the royal treasury (real hacienda), and special judge (juez privativo) of lands of the province of Sonora and Sinoloa, to measure and set apart to them the four leagues belonging to said pueblo mission Tumacacori, and also for the "estancias" or an extension of land for grazing purposes in the old pueblo mission of Huevavi, the place of Calabazas, and the Boca del Potrero; that the said Governor Alejo Garcia Conde, on the 17th day of December, in the year 1806, issued a decree to Manuel Leon, alferes veterano, and actual commandant and political judge of the military post of Tubac, requiring that he should measure and place the said natives of Tumacacori in possession of four leagues of land, to be measured according to the cardinal points, or wherever it might be most useful to them, and the nearest adjoining them; and also at least two leagues of grazing land ("estancias por ganado mayor") for the raising of large cattle wherever it best suited the said natives of "Tumacacori"; that afterwards the said Don Manuel de Leon, alferes veterano, and actual commandant of Tubac, after the legal notification, on the 14th day of January, 1807, commenced the measurement of the said land in accordance with the decree of the governor, Don Alejo Garcia Conde, and in due form of law; that in the measuring of the said land he took for the centre the cross fixed in the cemetery of the said mission of Tumacacori, from which cross he measured two thousand five hundred varas north, to the boundaries of the military post (presido) of Tubac, and fixed a monument of stones on the boundary near two large cottonwood trees on the banks of the Santa Cruz River; returning to the centre, he measured thence to the south sixteen thousand six hundred varas, to a point on the side above and near the mouth of the Cañado, close to the place (sitio) of Calabazas; he then measured on each side the cultivatable or grain-bearing land (tierras de pan llevar) three hundred and fifty varas to the east and five hundred and fifty varas to the west, marking the boundaries with a monument of stones, and not being able to find any other cultivatable land in the whole valley, the said Manuel de Leon, with his assistants and the parties interested, measured on both sides, east and west, in the unfruitful and unproductive lands, sufficient to make up the four leagues to the satisfaction of all concerned; that on the said 14th day of January, 1807, the said Manuel de Leon, with his assistants and the parties interested, selected a centre for the measurement of two leagues of grazing land at the place called Huevavi, including the Boca del Potrero; that the said centre was fixed in the meadow plain (vega) of the River Santa Cruz, where he placed a monument of stones as the starting point; he then measured from the said centre north four thousand varas to the monument of stones

placed as the boundary of Calabazas, near the mouth of the Cañada; returning thence to the centre, he measured south two thousand seven hundred and fifty varas to a point beyond (adenante) the ancient mission of Huevavi, on the top (questa) of the hill, where the road passed from the wall (tapia) below to the Dry Ford (vado seco), where he placed a monument of stones; that on the 15th day of January, 1807, he commenced at the central point and run east one thousand three hundred and fifty varas to a precipitous mountain, where he could measure no further, where he placed a monument of stones, and returned to the centre; when the parties interested asked that he should give them the remaining measure in the direction of the Potrero, which lay to the west, and in conformity to their solicitation he measured westward, and placed a monument of stones on the side of the Cerro Cayetano that looks to the south, and, returning to the centre, he measured west nineteen hundred varas to the slope of the highest hill seen from the Potrero, where he placed a monument of stones; the survey was then concluded to the satisfaction of all parties; that the said measurement of land was reported and confirmed by the proper authorities of the province of Sonora and Sinoloa, and a title decreed on the second day of April, 1807, to the extent of six leagues, extending from the presidio of Tubac on the north, to beyond Huevavi on the south, bounded by the rancho of Buena Vista of the Romeros, and on the east by the cañon of Sonoita, and on the south west and west by the valley of the Potrero, above the cienega Grande and the mountains, all of which will more freely appear by reference to a copy of the original title papers herewith filed and made a part of this petition. And your petitioner avers that said pueblo and mission of Tumacacori gradually decayed until it was finally abandoned in the year 1828, and becoming depopulated, the lands reverted to the Mexican Republic as a part of the public domain; and by a decree of the Mexican Government of the 10th of February, A. D. 1842, providing for the valuation, sale, and disposition of the public lands (fondo legal) of the republic, Don Ygnacio Soper, honorary intendent of the treasury of the department of Sonora, at the solicitation of the treasurer of the said republic, took the legal and necessary steps for the sale of the mission lands of Tumacacori, and the two sitios (estancias) of Huevavi, Calabazas, and Potrero; and by means of the court of first instance of the treasury (haciendo) in the (partido) district of San Ygnacio, the same lands were valued at five hundred dollars, and offered for sale for the benefit of the public treasury to the highest bidder, in accordance with all the requisitions of law; that your petitioner being absent in the city of Mexico at the time, authorized Don Francisco Alejandro Aguilar, a member of his family, to bid for and purchase the same, which he did with the means and under the direction of your petitioner; and that in accordance with law the said land was offered for sale to the highest bidder, and on the 18th day of April, A. D. 1844, the said Don Francisco Alejandro Aguilar became the purchaser of the said lands of Tumacacori, and the "estancias" of Huevavi, Calabazas, and Potrero, as the agent of your petitioner, for the sum of five hundred dollars, he being the highest, the last, and the best bidder, in accordance with the requisitions of the law, and the corresponding title deeds were legally made to him by the said Ygnacio Lopes, honorary intendent of the treasury, as aforesaid, according to the measures and limits as expressed and set forth in the original title papers in the expediente granted in 1807 to the natives of Tumacacori, a copy of which original title papers, as made out by the said Don Ygnacio Lopes, honorary intendent, as aforesaid, is herewith shown and made a part of this petition. And your petitioner further avers that he took actual possession of the lands so sold and transferred as soon thereafter as practicable, at great cost and sacrifice, owing to the continuous hostilities of the barbarous tribes; that in the year 1851 he placed upon the said land of Tumacacori and estancias of Huevavi and Calabazas about three thousand head of sheep, goats, and hogs, with mules, oxen, and carts sufficient to commence the establishment of a rancho and the building of a town and settlement; and he expended thirty-two thousand dollars in the stocking of said lands and the rebuilding and improving of the pueblo of Calabazas; that Pedro Chamben and others had charge of his interests on said lands, and that they remained there until after the cession of the country to the United States by the treaty of 1854, and the withdrawal of the Mexican garrison; when from want of protection and the hostilities of the Indians occasioned by said withdrawal of troops most of said stock was driven into Sonora, the remainder was stolen by the Apaches or is running wild; the greater part of the employees on the lands left at the same time; some Germans, however, remained as your petitioner's lessees at Tumacacori, where they severally lost their lives by the Apaches, until the last man was killed in the year 1862, and since that time a portion of said lands was rented to an American, who also lost his life by the Apaches, and up to the present time it has been almost impossible to settle upon and occupy said land continuously. Your petitioner further avers that the said Francisco Alejandro Aguilar delivered him the expediente and the title papers to the said lands immediately after the purchase as aforesaid, and he went into possession of the same and occupied them as above specified; but that a formal transfer was not made until the thirty-first day of March, A. D. 1856, when the said Francisco Alejandro Aguilar transferred his nom-

inal right in the said land to your petitioner, in whom the legal right vested at the time of the purchase in 1844, the original of which transfer is herewith shown and made a part of this petition. Your petitioner alleges that his title to the said lands thus derived is perfect and absolute under the laws of Spain and Mexico, and according to the decisions of the Supreme Court of the United States; that the conditions are all subsequent and complied with by the continued occupation of the land, except where rendered impossible by the hostilities of the barbarous tribes.

Your petitioner prays that his title may be placed on file, investigated, and the necessary testimony taken, and his claim surveyed according to the original title papers and the laws of Spain and Mexico, in order that the same may be reported on and confirmed, in accordance with the provisions of the treaty of Guadalupe Hidalgo of 1848, and the Gadsden treaty of 1854, and the laws of the United States, as well as the act of Congress of the 22d of July, 1854, entitled "An act for the establishment of the office of surveyor-general in New Mexico."

Respectfully,

MANUEL GANDARA,
By his attorney,
W. CLAUDE JONES.

(Indorsed:) Petition of Don Manuel Gandara asking for the confirmation of his claim to Tumacacori, Huevavi, and Calabazas.

D.—Filed June 9th, 1864.

LEV. BASHFORD,
Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Tucson, Ariz., Sept. 20th, 1883.

I, J. W. Robbins, United States surveyor-general for Arizona, hereby certify that the foregoing 59 pages exhibit full, true, and correct copies of the petition of Edson Adams and George Hill Howard claiming title to one square league of the rancho of "Tumacacori y las Calabazas," together with the several deeds of conveyance, filed as exhibits to said petition, all of which remain on file in my office.

J. W. ROBBINS,
United States Surveyor-General.