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Letter from the Secretary of the Interior, transmitting, in compliance with law, the report of the Surveyor-General of New Mexico, respecting the private land claim of Francisco Sandoval for the Santisima Trinidad or Rancho de Gavan tract

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In compliance with law, the report of the surveyor-general of New Mexico, respecting the private land claim of Francisco Sandoval for the Santisima Trinidad or Rancho de Galvan tract.

JANUARY 9, 1884.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 8, 1884.

SIR: Pursuant to the eighth section of the act of Congress of July 22, 1854 (10 Stat., 308), I have the honor to transmit herewith the report of the surveyor-general of New Mexico, in the matter of the private land claim in New Mexico, reported as No. 123, in the name of Francisco Sandoval, for the Santisima Trinidad or Rancho de Galvan tract, together with letter of the Commissioner of the General Land Office, transmitting the report, and concurring in the opinion of the surveyor-general, that the claim is a valid one, but dissenting from his recommendation as to the parties to whom confirmation should be made.

Attention is invited to the Commissioner's suggestion concerning the boundaries of this claim.

Very respectfully,

H. M. TELLER,
Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 24, 1883.

SIR: I have the honor to transmit herewith, in duplicate, for submission to Congress, in accordance with the provisions of the eighth section of the act of Congress approved July 22, 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," the report of the surveyor-general of New Mexico, in the matter of the private land claim in New Mexico, reported as No. 123, in the name of Francisco Sandoval, for the Santisima Trinidad or Rancho de Galvan tract.

I have carefully examined this report. I find that the translations therein contained are substantially correct. It contains transcripts of the following-named papers:

1. Petition of Francisco Sandoval, as legal representative of the original grantee, to the surveyor-general of New Mexico, transmitting original title papers, dated January 26, 1857.
2. Petition of Ignacio Sanchez Vergara, original grantee, and other papers composing the proceedings or *expediente* in the case.
3. Conveyance of the grant by Ignacio Maria Sanchez Vergara to Pablo Montoya, dated Santa Fé, March 2, 1828.
4. Conveyance of the grant by Albino Montoya, son of Pablo Montoya, deceased, to Francisco Sandoval, dated San Isidro, February 19, 1848.
5. Relinquishment of title by Bentura Montoya, brother of Albino Montoya.
6. Translations of the foregoing.
7. Testimony.
8. Brief of claimant's attorney.
9. Opinion of the surveyor-general.

I fully concur with the surveyor-general in his opinion as to the validity of this grant, and in case the claim is confirmed I would suggest that the confirmation be to the *legal representatives of Ignacio Sanchez Vergara, the original grantee*, and not to "the heirs and assigns of Ignacio Sanchez Vergara and their assigns and legal representatives," as recommended by the surveyor-general. (See *Hogan vs. Page* 2 Wallace, 605.)

No preliminary survey appears to have been made of this claim, and I would therefore suggest that the confirmation as to boundaries be made as recommended by the surveyor-general, *i. e.*, as "set forth in the act of possession," but subject to the approval of the Commissioner of the General Land Office, with right of appeal to the Secretary of the Interior.

The right to any minerals which may exist within the claim as finally surveyed and patented should be reserved to the United States.

I have the honor to be, very respectfully,

N. C. MCFARLAND,
Commissioner.

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

TRANSCRIPT OF PRIVATE LAND CLAIM REPORTED AS NO. 123, IN THE NAME OF FRANCISCO SANDOVAL, FOR THE SANTISSIMA TRINIDAD OR RANCHO DE GALVAN TRACT GRANTED TO IGNACIO SANCHEZ VERGARA, SITUATE IN BERNALILLO COUNTY, NEW MEXICO.

DATE OF GRANT MAY 13, 1809, REPORTED BY SURVEYOR-GENERAL APRIL 4, 1881.

AL AGRIMENSOR-GENERAL DE NUEVO M'CO.

Se le abisa por el presente que bajo de las prebenciones del decreto del Congreso aprobado el día 22 de julio de 1854, titulado un decreto para crear los Destinos de Agrimensor-General de Nuevo M'co, Kansas y Nebraska para conceder Donaciones á las Pobladores actuales en dhos. Territorios y para otros fines.

Yo, Francisco Sandoval, del condado de Santa Ana, en el Territorio de Nueva M'co, para si y para mis herederos reclamamos la aprobacion de un pedazo de terreno que fue donado bajo la autoridad de las leyes de España y Méjico al reclamante original Ignacio Sanches Vergara por el Gobernador Interino D. José Manriques, el año de 1809 el día 13 de mayo del mismo, el dicho manriques, gobernador político y militar de N. M'co, segun consta del título original que se adjunta el cual reclamo se halla completo segun las leyes de la materia comprensibas desde el año de 1813 hta, el de

1837 sobre colonisacion de terrenos en la República de Méjico, la cantidad reclamada consta de dos mil dosientos y cincuenta varas; sus linderos son por el norte con la merced de San Ysidro por el sur con tierras del rancho de Juan Gabaldón, por el poniente con los ojitos de Zia Peñasco y bega grande por el oriente con el camino que baja de cochiti. Dicho terreno no choca con ningun otro reclamo los reclamantes originales han traspasado sus derechos al título del terreno á los reclamantes realmente actuales segun consta por dichos títulos, la localidad el condado de Santana.

FRANCISCO SANDOVAL.

JANUARY 26, 1857.

Señor GOVERNADOR:

Dn. Ygnacio Sanchez Vergara, Alcalde Mor. de la Jurisdiccion de Yemes, con la mayor sumision y debido respecto, ante vmd., parece y dice: Que no teniendo un pedazo de tierra para poder subsistir y mantener mi familia, ni á honde poder tener unos animales para el mismo fin, y hallandose un corto pedaso de tierra vacante y realengo entre el pueblo de Zia y San Isidro en esta Jurisdiccion, como consta de la adjunta certificacion dada por D. Antonio Armenta; y siendo la intencion de nuestro Soberano, se cultiben y pueblen las tierras incultas y despobladas, arreglandome á la real cedula de catorce de febrero del año de mil ochocientos cinco mandada publicar por Bando, y no hallando yo impedimento alguno ó quien por dro. la alegue; suplico á la piedad de vmd. se digne concedermela en Nombre del Rey Nuestro Señor (Q. D. G.) para los fines que llebo dhos. de lo que recibire vien y merced.

YGNACIO SANCHEZ VERGARA.

En la villa de Santa Fé, en trese dias del mes de mayo de año de mil ochocientos nueve D. José Manrique, Capitan de la Comp^a. Presl. del Principe Teniente Coronel de Cavalleria y Governor. Int^o. de esta Prov^a. se presentó la antecede. Peticion por el contenido en ella que hube por tal y admitida, y en atencion á su solicitud de no resultar perjuicio de tercero concedia y concedi en Nombre de S. M. (Q. D. G.) al espresado D. Ygnacio Sanchez Vergara, Alc. Mayor de la jurisdiccion de los queres, la merced de tierras que pide en calidad de que las cultibe en la conformidad que prebeizne las ^{ra}. leyes y la de que no esten comprendidas á las que pertenecen á las del pueblo Zia y S^{ra}. Ysidro ni de otros colindantes, y á efecto de darle ^{ra}. y personal posesion con las calidades referidas comision y doy facultad cuanta en dro. se requiere al Alc^o. Mayor de la Jurisd^{ca}. de S^{ra}. Carlos de la Alameda D. Clet^o de Miera y Pacheco para que en virtud de esta comision precediendo citacion y presencia de los colindantes y no resultando el enunciado perjuicio lo verifique midiendo la varas que tenga á todos rumbos las que espresaran en el correspondiente Auto de Poescion; como los lugares en que deben poner las mojoneras que á falta de las de cal y canto efectuaran con piedras seca ceñidas con madera de savina suficientes^{ra}. enterradas que asi mismo deveran concluirse en el termino de dos meses despues de la posescion y de no verificarlo en el dho. termino perderan el dro. á la merced concedida, y concluido todo se me hara remision del original que resulta; asi lo probe, mande y firme con los testigos de mi asistencia á falta de Escribano Publico ni Real por no haberlo en todo este Gov^{no}.; de que doy fee.

JOSEPH MANRRIQUE.

De assa.: JOSÉ DE LA PEÑA.

De assa.: JOSÉ RAMON BERNAL.

En este puesto de San Ysidro, en veinte y seis dias del mes de mayo del año de mil ochocientos nueve, yo, Dn. Cleto de Miera y Pacheco, Alcalde Mor. de la Jurisdiccion de la comision que me es conferida por el Señor, Dn. Josef Manrique, Capitan de la compania presidial del principe Teniente Coronel de cavalleria y Gobernador Interino, de la Prova. del Nuebo, Mexico allandome en el esprasado paraje con citacion de la República del pueblo de Zia, y los vecinos de dho. puesto de San Ysidro, que son los colindantes con dhas. tierras, y haviendoles medido á los hijos del mencionado pueblo de Zia; su legua qui les es concedida, y amas mil seiscientos treinta y dos varas que ubieron los dhos. Yndios por compra que isieron á Juan Galban por manifestarlo la escritura que vista por mi consta dha. venta tanto en la escritura de los Yndios del mencionado pueblo de Zia como en el instrumento de merced de los pobladores de San Ysidro á honde espresa las mil seiscientos treinta y dos varas que amas de la lega ubieron por compra á Juan Galban dhos. Yndios y abiendome enterado bien de todas los instrumentos que hice comparecer ante mí, y no haber allado en ellos mas de solo lo mencionado arriba les di á entender á dhos. Yndios de lo que era suyo, tanto de merced que S. M. les tiene concedido como por compra como á los vecinos del citado Rancho de San Ysidro, quienes señalandome sus linderos quedo sobrante el pedaso de tierra que medido por mí consta de dos mil doscientas cinquenta varas, y pareciendome no tener dro. alguno ni los Yndios del citado pueblo ni los vecinos de San Ysidro á lo que resulto realengo y solariego y ser la mente

de nuestro soberano que sus tierras se pueblen con sus vassalas en quello que ubiere sobrante g no allando yo impedimento alguno gosando de la comision que me es conferida por el Sor. Gobernador y estando presentes ambos conlindantes y el Alcalde Mor. de la Jurisdiccion de Xemes Don Ygnacio Sanchez Vergara quien entendido de todo, lo coxi de la mano, lo pasie por dha. tierra arranco sacate, tiro piedras por los cuatro vientos y diginos todos tres veces Viva el Rey (N. S. Q. D. G.) en Señal de verdadera posesion, la que lo digo, y haprendiõ quieta y pacificamente sin contradiccion alguna, y sus linderos son lo siguientes por la parte del Norte con la merced concedida á los de San Ysidro, por la parte del sur con tierras del Rancho de Jean Galban, por la parte del poniente lo que comunmente llaman los ojitos de Zia incluso el peñasco y vega grande, por estar dhos. parajes realengos, por el oriente con tierras de Don Antonio Nerio Montoya, ques el camino que baja de cochiti á Xemes, y señalándole los linderos y no resultando perjuicio alguno quedó conforme con ellos, y le mande puciera mohoneras firmes y estables para evitar en todo tiempo dudas y contradicciones, cumpliendo con las superiores ordenes y ultimas resoluciones, arreglandome en todas sus partes á la real cedula de catorce de febrero del año de mil ochocientos cinco, la que les hize saber á todos los interesados, los que no podran alagar ignacion ni mober cnesación en mingun tiempo sobre todo lo que espresa esta Real Merced; y para que haçi. conste lo firme yo, dicho comisionado y Alcalde Mor. Don Cleto de Miera y Pacheco, con cuatro testigos de mi assa. con quienos actuo á falta de Excrivano Publico ni Real que no los hay en esta Provincia de que doy fee.

CLETO MIERA Y PACHECO,
Ines Comisionado.

Tto: MIGUEL MONTOYA,
Tto: MIGL. GARCIA DE NORIGA,
Tto ARUEGO DE ANTO. JOSÉ MESTAS,
MIGL. GARCIA DE NORIGA,
Tto: ARUEGO DE JUAN LUSERO,
MIGL. MONTOYA.

(On the margin): La que nombre el Rancho de la Sma. Trinidad.
Otro ci vale las palabras puestas al margen "La que nombré el Rancho de la Sma. Trinidad," Ve.

SANTA FEE, Junio 1 de 1809.

Apruevo la precedente merced entregandocelen al interesado original para que sirviendole de vastante título haga el uso que le convenga.

MANRRIQUE.

En dos dios del mes de marzo del año de mil ochocientos veiate y ocho, en virtud de cubrier y satisfacer la cantidad de mil obejas que le adendaba á Don Pablo Montoya, vecino de la cienega, traspaso en dho. Señor este documento de merced para que como propeo lo disfrute en los mismos terminos [roto] que ami se me concedieron como si fuera la mismo persona ante posellente sin que para su disfrute y gose se le ponga embaraso alguno cuya propiedad señorío y vicindad en su totalidad es trasferida en dho. Señor quien queda conforme y satisfecho por la cantidad ariva éspresada y para que tenga el efecto de trato legal con la plena deliberacion de mi esposa é hijos suplico al Señor Juez á quien pertenece ponga su autoridad judicial y constancia á falta de todo escribano segun derecho para su entera validacion la que firme en dho. diá mes y año.

YGNACIO MARIA SANCHEZ VERGARA.

En Sn. Igcidro, condado de Santa Ana, á 19 de febrero de 1848 ante mi, el C. Juan Ma. Baca, al alde. del espresado condado Aesidte. en este punto, comparecio D. Albino Montoya, vecino de la Anga. y D. Franco. Sandoval, residte. en San Igcidro, y digo: el primero que traspasaba y en efecto traspaso los documtos. qe. anteceden, el 2º que los huvo por herencia de su finado padre D. Pablo Montoya, los que selos avendido livres de Eipoteca y de cualesquier otro reclamo de qe. se pr. sus hermanos, ho yos ó dendos huviere algun reclamo qe. contravenga ha la referida venta se compromete al otorgante al sanamto. con su persona avidos y por aber vienes avidos y por aber asta ponerlo en quieta y pacifica posesion y que se dió por contento y satisfecho por cuya venta con ciento y [roto] en moneda usual y ql. para qe. esta venta tenga su fuersa y validacion me suplico el otorgte. interponga mi autoridad judicial y yo, el referido Jues, la interpongo conforme á dro. firmando conmigo el otorgante y testigos de assa. de que doy fee.

ALBINO MONTOYA.

As: JUAN CASTIO.
JUAN MA. BACA.
As. [roto]

Por el presente conste q. q' do satisfecho de Albino Montoya, mi hermano, de las partes que tenia en el Rancho de Galban, sito entre San Igcidro y pueblo de Zia y puede

hacer el huso que tenga havien mi dho. hermano de la citada tierra y por cer yo el q. tenia el total de las partes compradas á mis demas hermanos pr. lo q. trasferro el dro. y facultad para q. el huse de hella siendo yo conforme de su valor y pa. q. cea vien vendida al Sr. Prefecto. D. Franco. Sandoval doy la presente costancia en este punto de alg. en este dia 2 de junio de 1848, delante de un testigo y yo pongo mi firma.

BENTA. MONTROYA.

RAMON QUINTANA,
Testigo rogado.

The surveyor-general of New Mexico is hereby notified that under the provisions of the act of Congress approved the 22nd day of July, 1854, entitled an act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers in said Territories, and for other purposes:

I, Francisco Sandoval, of the county of Santa Ana, in the Territory of New Mexico, for myself and my heirs, claim the approval of a tract of land which was granted under authority of the laws of Spain and Mexico to the original claimant, Ignacio Sanchez Vergara, by the governor *ad interim*, José Manrique, in the year 1809, on the 13th day of May of said year, said Manrique acting as civil and military governor of New Mexico. As will appear from the original grant accompanying, said grant is perfect according to the laws on the subject from 1813 to 1837 in regard to the colonization of lands in the Republic of Mexico. The quantity claimed embraces two thousand two hundred and fifty varas. Its boundaries are, on the north the San Isidro grant, on the south lands of the rancho of Juan Gabaldon, on the west the Little Springs of Zia, the Peñasco, and the great plain, on the East the road coming from Cochiti. Said land does not conflict with any other claim. The original grantees have conveyed their title to the present actual claimants, as will appear from said conveyances; locality, the county of Santa Ana.

FRANCISCO SANDOVAL.

JANUARY 26, 1857.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, February 22, 1862.

The foregoing page contains a correct translation from the original Spanish on file in this office.

DAV. J. MILLER,
Translator.

To his Excellency the Governor:

I, Ignacio Sanchez Vergara, senior justice of the jurisdiction of Jemez, with the greatest submission and due respect, appear before you and state that not having a piece of land wherewith to subsist and support my family, nor to keep a few animals for the same purpose, and there being a small piece of land vacant and public, between the Pueblo of Zia and San Isidro, in this jurisdiction, as will appear from the accompanying certificate, given by Antonio Armenta, and the intention of our sovereign being that the uncultivated and unsettled lands be cultivated and settled, conforming myself to the royal letters patent of the fourteenth of February, one thousand eight hundred and five, ordered to be published by proclamation, and finding no impediment or any one to claim it legally, I trust from your benevolence you will be pleased to grant it to me in the name of our sovereign the King (whom may God preserve) for the purposes I have expressed, by which I will receive benefit and grace.

IGNACIO SANCHEZ VERGARA.

In the town of Santa Fé, on the thirteenth day of May, one thousand eight hundred and nine, I, José Manrique, captain of the garrison company of the prince, lieutenant-colonel of cavalry and governor *ad interim* of this province, before whom the foregoing petition, on account of its character, was presented, considered it as such, and admitted it; and in view of his petition, and no injury resulting to any third party, I did and do make in the name of His Majesty (whom may God preserve) to the aforesaid Ignacio Sanchez Vergara, senior justice of the jurisdiction of the Queres, the grant to the lands he petitions for, on condition that he shall cultivate the same in accordance with the provisions of the royal ordinances, and also that the land is not within those belonging to the Pueblos of Zia and San Isidro or other adjacent proprietors, and for the purpose of giving him royal and personal possession, under the conditions aforesaid, I commission and authorize, as far as the law requires, the senior justice of the jurisdiction of San Carlos de la Alameda, Cleto de Miera y Pacheco, that he, by virtue of this commission, after previous notice and in the presence of the adjoining proprietors, no injury resulting as aforesaid, carry out said commission, measuring the number of varas in each direction, which will be set forth in the proper act of possession, as well as also the localities where landmarks are to be placed, which,

for want of those of masonry, will be constructed of dry stones surrounded with cedar wood sufficiently buried in the ground, which shall be accomplished within the term of two months after the possession is taken, and if it is not so done within the time specified they shall forfeit their right in the grant, which proceedings being concluded, the resulting original granting document will be transmitted to me. I have so ordered and signed with my attending witnesses, in the absence of a public or royal notary, there being none in all this government, to which I certify.

JOSE MANRIQUE.

Attending, JOSÉ RAMON BERNAL.

Attending, JOSÉ DE LA PEÑA.

At this place of San Isidro, on the twenty-sixth day of the month of May, in the year one thousand eight hundred and nine, I, Cleto de Miera y Pacheco, senior justice of the jurisdiction of San Carlos de la Alameda, by virtue of the commission conferred upon me by José Manrique, captain of the garrison company of the prince, lieutenant colonel of cavalry and governor *ad interim* of the province of New Mexico, being at the aforesaid place, having summoned the commonwealth of the Pueblo of Zia and the residents of the aforementioned place of San Isidro, who are the adjoining proprietors of said lands, and having measured off to the inhabitants of the Pueblo of Zia the league granted to them, and also one thousand six hundred and thirty-two varas which said Indians purchased of Juan Galban, as appears by the title deed shown to me, which sale appears in the title deed of the aforesaid Pueblo of Zia as well as in the granting document of the settlers of San Isidro, wherein it is mentioned that besides the league these Indians had purchased one thousand six hundred and thirty-two varas from Juan Galban, and having fully informed myself of all the deeds, which I caused to be presented to me, and having found in them only the matter above referred to, I made known to the Indians what was theirs, as well what they had received by grant from His Majesty as what they had acquired by purchase; also the citizens of the aforesaid rancho of San Isidro having shown me their boundaries there remained a piece of land which, measured by me, contains two thousand two hundred and fifty varas; and it appearing to me to be owned neither by the Indians of the pueblo aforementioned nor the residents of San Isidro, but that it is vacant and unclaimed land; and as it is the intention of our sovereign that the surplus lands be settled by his subjects, and finding no existing impediments, and by virtue of the commission conferred upon me by the governor and in the presence of the adjoining owners and the senior justice of the jurisdiction of Jemez, Ignacio Sanchez Vergara, whom, being informed of all the facts, I took by the hand and led over the land, and he plucked up grass, cast stones towards the four winds, and we all shouted three times, "Long life to the king our sovereign, whom may God preserve!" in sign of legal possession, which I proclaimed to him and which he entered upon quietly and without any objection whatsoever.

(On the margin:) I gave the name of El Rancho de la Santisima Trinidad.

And its boundaries are the following: On the north, the grant made to those of San Isidro; on the south, lands of the Rancho of Juan Galban; on the west, what is commonly called the Little Springs of Zia, including the Peñasco and the Vega Grande, said places being unoccupied; on the east by lands of Antonio Nerio Montoya, which is the road going from Cochiti to Jemez; and the boundaries being pointed out to him, and no injury resulting to any one, he was satisfied with them, and I directed him to establish fixed and permanent landmarks to avoid doubts and disputes in the future, complying with superior orders and last directions, conforming myself in all its parts to the royal decree of the fourteenth of February, of the year one thousand eight hundred and five, which I made known to all the parties interested, who cannot at any time plead ignorance or raise any question in respect to the contents of this royal grant. And that it may so appear, I, the aforesaid commissioner and senior justice, Cleto de Miera y Pacheco, signed the same with four attending witnesses, with whom I act in the absence of a royal or public notary, there being none in this province, to which I certify.

CLETO MIERA Y PACHECO,
Commissioned Justice.

Witness:

MIGUEL MONTOYA.

Witness at the request of Juan Lucero:

MIGUEL MONTOYA.

Witness:

MIGUEL GARCIA DE NORIGA.

Witness at the request of Antonio José Mestas:

MIGUEL GARCIA DE NORIGA.

NOTE.—Valid. The words placed on the margin: "I gave the name of El Rancho de la Santisima Trinidad." Valid.

CLETO MIERA Y PACHECO.

SANTA FÉ, June 1, 1809.

I approve the foregoing grant and deliver the original to the party interested, which being a sufficient title to him he may make such use of as he deems proper.

MANRIQUE.

On the second day of the month of March, in the year one thousand eight hundred and twenty-eight, by virtue of the payment and satisfaction of one thousand sheep in number which I owed to Pablo Montoya, resident of the Cienega, I transfer to him this document of grant in order that, as his own, he may enjoy it under the same conditions with which it was granted to me as if he were the same person who previously held it, in the enjoyment and possession of which no opposition can be made, which right, title, and interest is transferred entire to him, he being satisfied and paid the sum above mentioned, and in order that it may have the force of a legal contract, with the full consent of my wife and children, I request the justice having jurisdiction in the premises to attach his judicial authority and approval hereto, in the absence of any notary such as required by law for its ample validity, and I signed this sale on said day, month, and year.

IGNACIO MARIA SANCHEZ VERGARA.

In San Isidro, county of Santa Ana, on the 19th day of February, 1848, before me, citizen Juan Maria Baca, justice of the aforementioned county, resident at this place, appeared Albino Montoya, resident of Angostura, and Francisco Sandoval, resident of San Isidro, and the former stated that he would transfer, and in effect did transfer, the foregoing documents to the latter; that he received them by inheritance from his deceased father, Pablo Montoya, and that he has sold the same to him, free of incumbrance or any other claim; that should his brothers, children, or creditors have any claim against the foregoing sale, the vendor personally binds his property acquired or to be acquired for the validity of said sale until the vendee is placed in the quiet and peaceable possession; and that he expressed himself satisfied and paid for said sale the sum of one hundred and [torn] in current money; and that this sale may have the due force and validity, the vendor requested me to interpose my judicial authority, and I, the aforesaid justice, do interpose it, according to law, the vendor and attending witnesses signing with me, to which I certify.

JUAN MARIA BACA.
ALBINO MONTOYA.

Attending, JUAN CASTIO.

Attending, JOSÉ CRECENCIO BACA.

Fee, 3 dollars. I attest.

This certifies that I quitclaim to my brother Albino Montoya all the title I held to the Rancho de Galban, situate between San Isidro and the Pueblo of Zia; and my said brother may make such use of said lands as he may choose; and, having become the holder, by purchase, of all the titles vested in my other brothers, I transfer in his favor all my right and interest thereto, being paid its value, that he may use it as he may deem proper; and in order that it be legally sold, to the prefect, Francisco Sandoval, I give this certificate at Algodones, on this the 2nd day of June, 1848, before one witness, and I sign my name.

BENTURA MONTOGA.

RAMON QUINTANA,
*Witness by request.*SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, February 22, 1862.

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

DAV. J. MILLER, *Translator.*To Hon. HENRY M. ATKINSON,
U. S. Surveyor-General of New Mexico:

Your petitioners, the legal representatives of Ignacio Sanchez Vergara, and the heirs of Francisco Sandoval, deceased, respectfully represent that they are the present owners of a certain tract of land known as the Santisima Trinidad tract or Rancho del Galvan, situated, lying, and being in the county of Bernalillo, in this Territory, the original title-papers for which land down to the said deceased are on file in your office, in private land claim known as file No. 42, the same having been filed in your office on the 26th day of January, 1857, by said Francisco Sandoval in his lifetime as claimant to be investigated and passed upon as a claim against the U. S. for the land therein referred to by the surveyor-general under the treaty of Guadalupe Hidalgo and the act of Congress of July 22, 1854, but upon which claim no such action has as

yet been had. Your petitioners, referring to the title-papers and their translations on file as aforesaid, herewith present a plat of the land therein described and claimed as aforesaid, which they believe represents the position and extent of the same as accurately as is practicable without an actual survey of the land, the boundaries of which are on the north the boundary of the San Isidro grant, on the south the lands of the rancho of Juan Galvan, on the west the Little Springs of Zia, including the Peñasco and Vega Grande, and on the east the lands of Antonio Nerio Montoya, which boundaries are places well known in the locality.

Your petitioners represent that the said land was by competent authority granted to the said Ignacio Sanchez Vergara, for himself, and his heirs and successors, in fee-simple; that they know of no adverse claim to the same, but the same has been in their uninterrupted, quiet, and peaceable possession and enjoyment from the date of the said grant to this time, and that the title-papers of your petitioners for the same on file as aforesaid, and to which reference is hereby made, are, to wit: The petition of the said Vergara for said land to the governor of New Mexico, then a province of the Spanish Vice-Royalty of Mexico; the decree of concession for said land made by the said governor as prayed for and dated at Santa Fé, May 13, 1809; the act of possession executed to said grantee by the chief alcalde, acting under commission and authority of said governor, dated May 26, 1809; the final approval of the said grant so executed, and delivery thereof to the grantee, by said governor, dated June 1, 1809; the deed of sale and conveyance executed by said grantee to one Pablo Montoya of all his right, title, and interest in said property, dated March 2, 1823; the like deed from Albino Montoya, son and heir of said Pablo Montoya, to Francisco Sandoval, whose heirs and legal representatives are the present claimants, your petitioners, dated February 19, 1848, and the quitclaim deed dated June 2, 1848, to said Francisco Sandoval from Bentura Montoya, also son and heir of said Pablo Montoya, for himself and the other coheirs, curing any legal defect said deed from his brother, said Albino Montoya, to said Sandoval, may have had, all of which documents were executed in accordance with the usages and customs in vogue in New Mexico at the time of their making; and your petitioners believe and claim that they constitute a perfect title in said Francisco Sandoval, deceased, and his heirs and successors to the said described premises.

Your petitioners, offering to prove by the testimony of witnesses their long-continued uninterrupted possession of said premises and the validity and good faith of their said claim, should your honor so require, respectfully ask that their said claim be approved and confirmed to the heirs and legal representatives of the said Francisco Sandoval, deceased, and that the premises be surveyed and set off to your petitioners under said grant by the United States.

AMADO CHAVES,
Attorney for the Claimants.

SANTA FÉ, March 22, 1880.

TESTIMONY.

Testimony taken in the matter of the claim of the heirs and legal representatives of Ignacio Sanchez Vergara, private land claim, file No. 42.

Present: H. M. Atkinson, surveyor-general; Charles H. Gildersleeve, attorney for claimants, and David J. Miller, interpreter.

FLORENCIO SANDOVAL, being first duly sworn by the surveyor-general, on his oath declares:

Question by Mr. GILDERSLEEVE. What is your name, age, occupation, and place of residence?—Answer. My name is Florencio Sandoval; my age is forty years; my occupation is vintner, and my residence is at Algodones, in Bernalillo County, in this Territory.

Q. Do you know the tract of land commonly called the Galvan grant?—A. I know such a tract, which is also known as and called the Santisima Trinidad and the Ignacio Sanchez Vergara grant or tract.

Q. How long have you known that grant?—A. All my life. I was born in the immediate vicinity, and have lived also upon the grant.

Q. Do you know the boundaries of said Santisima Trinidad grant as they have been recognized by the people in its vicinity? If so, please state them.—A. I do. They are on the N. the San Isidro grant, on the E., including the Peñasco and the Vega Grande, so known and called, on the S. the boundary of the land of the Indian Pueblo of Zia, and embracing the Mesa Blanca, so called, and on the W. the trail or path between the pueblos of Zia and Jemez.

Q. Now state whether to your knowledge the people of the surrounding country

have always recognized the boundaries you have given as the boundaries of this grant.—A. They have always so recognized and treated them.

Q. Did you know Francisco Sandoval?—A. I did. He was my father.

Q. Did he live within the boundaries of this grant? If so, under what authority?—A. He did; and under the right of purchase.

Q. How long have your father and his heirs been in possession of said land?—A. I cannot say precisely, but I believe from 35 to 40 years, and they are now in possession.

By the SURVEYOR-GENERAL:

Q. Have you any interest in this grant, and, if so, what?—A. I have an interest in the property as heir of Francisco Sandoval.

FLORENSIO SANDOVAL.

Sworn to and subscribed before me this March 30, 1880.

H. M. ATKINSON,
Surveyor-General.

In the matter of the investigation of private land claim, file No. 42, grant to Ignacio Sanchez Vergara. Investigation resumed this November 15, 1880.

Present, Henry M. Atkinson, surveyor-general Sidney M. Barnes, U. S. attorney for New Mexico, appearing for the United States; Chas. H. Gildersleeve, attorney for claimants; Will M. Tipton, interpreter, he having been first duly sworn by the surveyor-general as such.

SANTIAGO GARCIA MONTOYA being called as a witness on behalf of claimants, and being by the surveyor-general duly sworn, on his oath declares, in answer to the following interrogatories:

Question by Mr. GILDERSLEEVE. What is your name, age, occupation, and place of residence?—Answer. Santiago Garcia Montoya; I am fifty-four years of age; a farmer by occupation, and my place of residence is in Bernalillo County.

Q. How long have you lived in that county?—A. I have lived there for thirty years.

Q. Do you know the Ignacio Sanchez grant, sometimes called the Rancho de la Santisima Trinidad?—A. I do.

Q. How long have you known it?—A. Since I first knew the world.

Q. Where is that grant?—A. It is below San Isidro, and between San Isidro and Zia, in Bernalillo County, in this Territory.

Q. Do you know the boundaries of this grant? And if so, state them.—A. I do, and they are, on the north the grant of San Isidro, on the east the road that goes from Cochiti to Jemez, on the south with lands of the Indians of Zia and the rancho of Juan Garban, on the west the Little Springs of Zia (Ojitos de Zia), including the Peñasco del Arroyo Salado, and the Vega Grande.

Q. Have you ever lived on the grant or in its vicinity?—A. I have never lived on the grant, but have lived within 8 or 10 miles of the north boundary.

Q. Since you have known this grant who has been in possession of it and recognized as owner?—A. Since the year 1848 it was known as belonging to Don Francisco Sandoval, and it has been in his possession.

Q. Is Francisco Sandoval alive now?—A. No, he is dead; and I think he died about thirteen years ago.

Q. Since his death who has been in possession of this grant?—A. His children and heirs.

Q. Have you any interest in this grant?—A. No, sir; I have not.

Cross-examination by S. M. BARNES, United States attorney, Territory of New Mexico:

Q. Did you ever know Ignacio Sanchez Vergara, the original claimant to the grant of land in controversy? If so, when did you become acquainted with him and where?—A. I did not know him personally, but knew his name.

Q. Did you ever see him in your life, to the best of your knowledge? If so, where and when?—A. I never saw him.

Q. Then how can you say of your own knowledge that he ever claimed or had possession of said grant?—A. I said that since the year '48 Francisco Sandoval had been in possession.

Q. Do you know of your own knowledge that Francisco Sandoval ever had actual possession or lived on the land in question?—A. I do. He had there a house, corral, a grist-mill, and cultivated lands, and he lived there. I do not remember when he lived there, but I saw him there.

Q. Do you of your own personal knowledge know the actual boundaries of the grant of land in question, and did you ever trace them yourself?—A. Yes, sir; I do, and have traced them myself.

Q. Have you ever discovered any marked lines or corners?—A. I never have, sir.

Q. Do you know if there is any mineral within the boundaries of this grant?

(Objected to by Mr. Gildersleeve, on the ground that it is incompetent for the United States to raise the question as to the existence of mineral on the tract, and that in the year 1813 the grant was confirmed by the Spanish Government to the original grantee including the mineral. Objection was overruled, and witness permitted to answer the question.)

A. I do not know if there is or not.

Q. When did you first become acquainted with the grant of land in question, and when did you trace the boundaries of the grant, and who was with you at the time?—A. Sometimes I was alone, and at other times I was with my companions hunting for animals, and at other times I used to go as far as the boundaries of the grant, and in that way became acquainted with them.

Q. Is this the only way of your own knowledge that you have become acquainted with the grant and the boundaries thereof?—A. It is.

Q. Are you related in any way to any of the claimants of the grant of land in question; and, if so, to whom? Explain your relationship.—A. Francisco Sandoval was twice married, and his first wife, Maria Guadalupe Gallegos, was my father's aunt. She left four children, two sons and two daughters, who are claimants in this case.

SANTIAGO GARCIA Y MONTOYA.

Subscribed and sworn to before me this fifteenth day of November, one thousand eight hundred and eighty.

HENRY M. ATKINSON,
Surveyor-General.

In the matter of the investigation of private land claim, File No. 42, in the name of Ignacio Sanchez Vergara (on the docket in name of Francisco Sandoval).

The investigation was resumed this March 1, 1881. Present, Henry M. Atkinson, surveyor-general, and David J. Miller, translator and chief clerk.

LUCAS GURULE, having been by the surveyor-general duly sworn on his oath, declares,

Question by surveyor-general. What is your name, age, occupation, and place of residence?—Answer. My name is Lucas Gurule; my age is eighty-two years; my occupation is farmer, and my residence is at Placitas, Bernalillo County, New Mexico.

Q. How long have you lived at Placitas?—A. I have lived all my life at Placitas and at Las Huertas in the immediate vicinity.

Q. Are you acquainted with the tract of land claimed under a grant sometimes called the Rancho de la Santisima Trinidad? If so, where is it situated and how long have you known it?—A. I do not know any such tract.

Q. Do you know of the existence of a grant of land to Ignacio Sanchez Vergara? If so, where is it situate and how long have you known it?—A. I do know of such a grant. It is situate between and adjoining the lands of the Indian Pueblo of Zia and the Mexican town of San Isidro; and I have known it since that property descended from the grantee, Ignacio Sanchez, to his son, Vicente Sanchez Vergara, by the death of the former, which was a great many years ago, but it was about the time of the change of Spanish to Mexican sovereignty in New Mexico. The land lies in the present county of Bernalillo.

Q. Are you acquainted with the boundaries of the grant, and if so, what are they?—A. I am; and they are on the west the Bancos or Stone Mesas, on the south the lands of the Indians of Zia Pueblo and of Juan Galvan, on the north the lands of the people of the town of San Isidro, and on the east the hills called sometimes the Cerros Negros and sometimes the Cerritos de Urbano, and also by the road or path between the Pueblos of Jemez and Zia which runs along the foot of said hills.

Q. Have you ever lived upon this grant? If so, when and how long?—A. I have never lived upon it, but have often been upon it in company with its proprietors.

Q. Did any one live upon the grant when you first knew it and afterwards? If so, who?—A. There did; when I first knew the tract Ignacio Sanchez Vergara lived upon it and afterwards it was occupied by his son Vicente aforementioned, who sold it to Pablo Montoya, whose heirs after his death sold the land to Francisco Sandoval.

Q. Has this tract been occupied ever since you have known it?—A. It has always been occupied, with the exception of the time it was owned by Pablo Montoya, who had not the means to utilize it and who died very poor.

Q. How long did Ignacio Sanchez Vergara live upon the tract after you first knew the tract?—A. I do not remember, but he was then living on the grant a very old man and died on the premises soon afterward, perhaps two years.

Q. Are there any minerals or mineral springs upon the tract?—A. I know nothing of minerals, but have heard of mineral discoveries on the land, though I know nothing more than that. There are some alkaline springs upon it, some three or four of

them, and they are called boiling hot springs, but whether they contain mineral or not in the water I know not.

Q. Have you any interest in the land or the claim therefor?—A. I have none now and have never had.

Q. What improvements were upon the land when you first saw it in the way of buildings?—A. There was the residence building of Ignacio Sanchez Vergara, upon the Jemez River, the cultivated lands, and the balance of the premises was for the live stock, with corrals.

Q. How did you come to know the boundaries of this grant so well?—A. Because I was so often upon the tract in charge of animals, herding them; passed it often on Indian campaigns, and was for some time stationed upon it with a military detachment. The owners of the land pointed out to me and others their boundaries, warning us not to travel over the premises, and sometimes ejected intruders, and besides it was understood and reputed in all that neighborhood that the boundaries I have stated were such of that property.

Q. Has any one instructed you at any time previous to your coming here what you should testify to in this case?—A. No; I have had no conversation with any one on the subject.

Q. Are you related in any way to the claimants of this tract of land?—A. I have no kinship with either the former claimants or the present ones.

LUCAS ^{his} + GURULÉ.
mark

Witness:

DAV. J. MILLER.

Subscribed and sworn to before me this March 1, 1881.

HENRY M. ATKINSON,
Surveyor-General.

FRANCISCO SANDOVAL. PRIVATE LAND CLAIM, FILE NO. 42.

In the matter of the investigation of private land claim, file No. 42, in the name of Francisco Sandoval, on the docket.

Present: H. M. Atkinson, surveyor-general; David J. Miller, translator and interpreter, and Charles H. Gildersleeve, attorney for the grant claimants. The following further testimony in the premises was had and taken down:

FELIPE SANDOVAL, being by the surveyor-general duly sworn, on his oath declares:

Question by Mr. GILDERSLEEVE, attorney for claimants: What is your name, age, and place of residence?—Answer. My name is Felipe Sandoval; my age is sixty-three years, and I have all my life lived in the valley of the Rio Grande, and now at Santa Fé.

Q. Did you know Ignacio Sanchez Vergara?—A. I did.

Q. Do you know the grant of land made in his name?—A. I know the tract of land he lived upon, but whether or not he had a grant for it I do not know. He lived upon a tract between San Isidro and Zia, at some boiling springs.

Q. How many years do you know of his having lived there?—A. I first saw him there and he was living there when I was about ten years of age, and he continued to reside there until I was about thirty, when Francisco Sandoval went to live there.

Q. What was the character of buildings and improvements on the tract, and has the latter been occupied since then to the present time?—A. The houses were of adobe, and I cannot say whether the land was occupied continuously, but I know that Florencio Sandoval afterwards occupied the premises.

Cross-examination:

Question by District Attorney Barnes. Are you in any manner related to the claimants, and do you know in fact who the claimants are to the land in question?—A. I do not have any kinship with the claimants, nor do I know who they are.

Q. Are there any minerals to your knowledge upon the tract of land you refer to; and, if so, what description of minerals, and have there been any discoveries of mines or minerals on the land?—A. I know nothing whatever about mines or minerals there.

Q. Do you know anything about the matters in this case that you have not stated; and, if so, please state what you know.—A. I know nothing further.

FILIFE SANDOVAL.

Sworn to and subscribed before me this March 21, 1881.

HENRY M. ATKINSON,
Surveyor-General.

FRANCISCO SANDOVAL, FILE NO. 42.

*Brief of claimants' attorney.**To his honor the Surveyor-General:*

This claim has been on file in your office without final action thereon as to its validity and claim to recognition for more than twenty-three years. The claimants, feeling no apprehensions as to its approval when called up, at any time, for action, have so relied upon its unquestionable prima facie and intrinsic genuineness and validity that they have not insisted until now upon an investigation and decision upon its merits as a grant. But now that (in consequence principally of the increase of surrounding new settlements) the owners, the present claimants, deem it best to have the title formally recognized and declared, and the premises designated and marked. The claimants, the said owners, ask that this be done by the Government at as early a time as practicable, under the act of Congress of July 22, 1854.

It is believed entirely unnecessary to present any argument or to cite any facts to your honor in support of this grant, since they are manifest and patent in the muniments themselves. Indeed this grant is claimed to be a perfect one, since the authority for making it is easily established and the signature of the officials who made and executed it are easily proven, and are in fact believed to be unquestionably genuine. The authority as existing in the civil and military governor of New Mexico under Spain, at the time of the grant, has been recognized and acknowledged in numerous former similar cases of its exercise, and the signature of himself in making and of the chief alcalde in executing the grant are known to your office, or may be readily established as to their genuineness by comparison with other signatures of those officials borne by various papers among the old archives therein; and the question of the genuineness of the signatures is in fact, the claimants respectfully submit, the only question that can properly come before your honor for investigation touching this claim.

The grant in this case was made by Governor Facundo Melgares to Ignacio Sanchez Vergara, May 13, 1809. Formal juridical possession of the land granted, given by his authority and direction to the grantee, by the chief alcalde, May 26, 1809, and the whole proceedings approved and unconditionally confirmed by said governor, June 1, 1809, as is shown by the muniments now before your honor in this claim, the title to the land so granted, delivered, and confirmed to Sanchez Vergara, claimants further submit, this became without condition and unquestionably vested in fee-simple in him and his heirs and successors forever.

The claimants, the heirs of Francisco Sandoval, deceased, referring to the testimony of witnesses taken before your honor, and now of record in your office in this claim concerning the continuous possession and occupancy of the property in question, and referring to the conveyances of title also on file with said claim, for the said property, down to the said Francisco Sandoval, respectfully ask that the said claim be considered and acted upon under and in accordance with the provisions and principles of the treaty of Guadalupe Hidalgo, that it be approved to the heirs and legal representatives of Francisco Sandoval, deceased, and that the land be surveyed and patented at the expense of the United States at an early day.

Respectfully submitted.

AMADO CHAVES,
Attorney for Claimants.

Opinion.

Before the U. S. surveyor-general for the Territory of New Mexico.

THE LEGAL REPRESENTATIVES OF IGNACIO
Sanchez Vergara and the heirs of Fran-
cisco Sandoval, deceased,
vs.
THE UNITED STATES. }

In the matter of the application of the claimants in the above-entitled cause for the approval of their claim by the surveyor-general under the authority in him vested by the 8th section of the act of Congress approved July 22nd, 1854, and the stipulations in the Treaty of Guadalupe Hidalgo.

The muniments of title in this case were filed in this office by Francisco Sandoval January 26, 1857, and consist of a petition, grant, act of juridical possession and approval thereof by the governor. The petition is signed by Ignacio Sanchez Vergara, and is without date. The petitioner prays the governor to grant him a certain "small

piece" of land between the pueblo of Zia and San Isidro. The grant is dated May 13th, 1809, and is signed by José Manrique, governor *ad interim* of this Territory, then a province of Spain.

In the granting decree the governor directs "the senior justice of the jurisdiction of San Carlos de la Alameda, Cleto de Miera y Pacheco," to place the grantee in possession, provided no injury should result therefrom to the adjoining proprietors.

On the 26th day of May, 1809, the justice executed the juridical possession naming the boundaries "on the north the grant made to those of San Isidro on the south lands of the rancho of Juan Galban, on the west what is commonly called the Little Springs of Zia, including the Peñasco and the Vega Grande * * * on the east by lands of Antonio Nerio Montoya, which is the road going from Cochiti to Jemez."

On the first of June, 1809, the governor approved the act of possession, thereby adopting the boundaries named by the justice.

Among the documents filed by the claimants are certain deeds of conveyance of this tract, one dated March 2nd, 1828, from Sanchez, the grantee, to Pablo Montoya, and under date of February 19th, 1848. Albino Montoya, son and one of the heirs of Pablo Montoya, conveyed all his interest in the grant (which he inherited from his father) to Francisco Sandoval, and on the 2nd day of June, 1848, Bentura Montoya, brother of Albino Montoya, conveys his interest in said tract to the latter, who, in his conveyance to Sandoval in February previous, had guaranteed to Francisco Sandoval the peaceable occupation and possession of the entire tract, as against the claims of any other heirs.

The present claimants appear to be the heirs of Francisco Sandoval, and the deeds are referred to merely for the purpose of explaining how his heirs appear as the present claimants, and not as affecting the character of the grant, as the deeds might be genuine and the grant imperfect or invalid.

The muniments of title in this case come from the possession of the claimants, and, so far as I have been able to discover, there is no evidence among the old Spanish or Mexican archives on file in this office relative to the existence of this grant; yet the documents filed in 1857 evidently bear the genuine signatures of Governor Manrique and that of the justice who executed the act of possession, as ascertained by comparison of the signatures of those officials upon other Spanish documents found in the archives of this office.

From the testimony it appears that the tract claimed was occupied by the grantee and his assigns since prior to the time of change of sovereignty from Spanish to Mexican rule.

The grant is believed to be a valid one, and is approved to the heirs and assigns of Ignacio Sanchez Vergara, and their assigns and legal representatives, according to the boundaries set forth in the act of possession, provided that the right to any mineral which may exist within the limits of the tract shall be reserved to the Government of the United States for its future disposition.

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

HENRY M. ATKINSON,
U. S. Surveyor-General.

U. S. SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, April 4, 1881.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, March 16, 1883.

The foregoing transcript contains true copies of the papers on file in this office in private land claim reported as No. 123, in the name of Francisco Sandoval, for the tract of land known as the Santisima Trinidad or Rancho de Galvan grant.

HENRY M. ATKINSON,
Surveyor-General.