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Letter from the Secretary of the Interior, transmitting supplemental inclosures in the private land claim in New Mexico, known as Los Padillas or El Tajo tract, No. 146.

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LETTER
FROM
THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Supplemental inclosures in the private land claim in New Mexico, known as
Los Padillas or El Tajo tract, No. 146.*

JANUARY 24 1888.—Ordered to be printed and referred to the Committee on Private
Land Claims.

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1888.

SIR: I have the honor to transmit herewith, for Congressional action, copy of a letter from the Acting Commissioner of the General Land Office, dated the 19th instant, with its inclosures, in the matter of the private land claim in New Mexico, known as Los Padillas or El Tajo tract, No. 146.

These papers are transmitted for filing with the report of the United States surveyor-general for New Mexico on the above claim, transmitted with departmental letter of the 22d ultimo.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 19, 1888.

SIR: I have the honor to transmit herewith, for submission to Congress, duplicate copies of a letter dated September 13, 1887, with copies of inclosures from W. H. Patterson in the matter of the private land claim known as the Los Padillas or El Tajo tract, No. 146.

The report of the surveyor-general on this claim was sent to you for submission to Congress the 20th ultimo.

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

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

[Office of A. H. Evans & Co., attorneys at law and solicitors of patents, Phoenix Building, Tenth and F streets. P. O. lock-box 548.]

WASHINGTON, D. C., September 13, 1887.

SIR: On behalf of E. Crossan, N. C. Dennett, Eugene and Frank Daniel, protestants against the approval of private land claim No. 146, situated in the Territory of New Mexico, I herewith file nine affidavits (showing the location of the northern and southern boundary calls of said claim) of the following persons, residents of New Mexico: Richard Page, José Luceros, Franco. Apodaca y Molina, Miguel Antonio Martin, Justo Gutierrez, Eugene Daniel, N. C. Dennett, Frank Daniel, and Elliott Crossan.

I also desire to file a short brief against the approval of said claim, and also a sketch map showing the location of the northern and southern boundary calls.

Respectfully,

W. H. PATTERSON,
Attorney for Protestants.

HON. COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

TERRITORY OF NEW MEXICO,
County of Bernalillo, ss:

Richard Page, being first duly sworn according to law, on his oath says that he is and has been a resident of the southwest quarter of section 18, township 9 north, range 3 east of New Mexico principal meridian, in the county of Bernalillo and Territory of New Mexico, for four and one-half years; that he is well acquainted with the location of the portion of the county of Bernalillo south of the town of Albuquerque. That the Sand Hills of Isleta are located opposite to and eastward from the pueblo of Isleta, on the east side of the Rio Grande; that he has always heard these hills called the Sand Hills of Isleta ever since he has resided here; and that said hills rise from 200 to 400 feet, more or less, above the level of the river. That the old Indians living at the pueblo of Isleta always speak of the Sand Hills of Isleta as being opposite to their pueblo. That he has never heard of any sand hills above the pueblo of Isleta being called "the Sand Hills of Isleta." That he knows of the town of Valencia as being south from the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande. That he has never seen the grant papers of the grant to Diego Padilla, and if the northern boundary of the said grant in the grant papers is "the Sand Hills of Isleta," then the grant must be situate below and south of the pueblo of Isleta. That he assisted George H. Pradt in making the Government survey of township 8 north, range 3 east, in which said Sand Hills of Isleta are located.

RICHARD PAGE

Sworn to and subscribed before me on this 15th day of August, A. D. 1887, as witness my hand and notarial seal.

[SEAL.]

W. F. CRANE,
Notary Public.

TERRITORY OF NEW MEXICO,
County of Bernalillo, ss:

José Luceros, being first duly sworn according to law, on his oath says that he is and has been a resident of Los Barelas, in the county of Bernalillo and Territory of New Mexico, for forty-two years; that he is well acquainted with the location of the portion of the county Bernalillo, south of the town of Albuquerque; that the sand hills of Isleta are located opposite to and eastward from the pueblo of Isleta, on the east side of the Rio Grande; that he has always heard these hills called the Sand Hills of Isleta ever since he can remember; and that said hills rise from 200 to 400 feet, more or less, above the level of the river; that the north end of the bluffs of said hills is south of the northern boundary of the Isleta grant; that the old Indians living at the pueblo of Isleta always speak of the Sand Hills of Isleta as being opposite to their pueblo; that he has never heard of any sand hills above the pueblo of Isleta being called "the Sand Hills of Isleta;" that he knows of the town of Valencia as being south of the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande; that he has never seen the grant papers of the grant to Diego Padilla, and if the north boundary of the said grant in the grant papers is the Sand Hills of Isleta, then the grant must be situate below and south of the pueblo of Isleta.

JOSÉ LUCEROS

Sworn to and subscribed before me on this 5th day of August, A. D. 1887.
Witness my hand and notarial seal.

[L. S.]

W. F. CRANE,
Notary Public.

TERRITORY OF NEW MEXICO,

County of Bernalillo, ss:

Francisco Apodaca y Molina, being first duly sworn according to law, on his oath says that he is, and has been for the last forty years, a resident of Los Barelás, in the county of Bernalillo, and Territory of New Mexico; that he is well acquainted with the location of the portion of the county of Bernalillo, south of the town of Albuquerque; that the "sand hills of Isleta are located opposite to and eastward from the pueblo of Isleta on the east side of the Rio Grande; that he has always heard these hills called "the sand hills of Isleta" ever since he can remember; that the north end of the bluffs of said hills is south of the northern boundary line of the Isleta grant, and that said hills rise from 200 to 400 feet, more or less, above the level of the river.

That the old Indians living at the pueblo of Isleta always speak of the sand hills of Isleta as being opposite to their pueblo; that he has never heard of any sand hills above the pueblo of Isleta being called "the sand hills of Isleta." That he knows of the town of Valencia as being south of the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande. That he has never seen the grant papers of the grant to Diego Padilla, and if the north boundary of the said grant, in the grant papers, is the sand hills of Isleta, then the grant must be situated below and south of the pueblo of Isleta.

FRANCO APODACA Y MOLINA.

Sworn to and subscribed before me, on this 10th day of August, A. D. 1887, as witness my hand and notarial seal.

[L. S.]

W. F. CRANE,
Notary Public.

TERRITORY OF NEW MEXICO,

County of Bernalillo, ss:

Miguel Antonio Martin, being first duly sworn according to law, on his oath says that he is and has been a resident of Albuquerque, in the county of Bernalillo and Territory of New Mexico, for fifty years; that he is well acquainted with the location of the portion of the county of Bernalillo, south of the town of Albuquerque; that the sand hills of Isleta are located opposite to and eastward from the pueblo of Isleta, on the east side of the Rio Grande; that he has always heard these hills called the sand hills of Isleta ever since he can remember; that said hills rise from 200 to 400 feet, more or less, above the level of the river, and that the north end of the bluffs of said hills is south of the northern boundary of the Isleta grant; that the old Indians living at the pueblo of Isleta always speak of the sand hills of Isleta as being opposite to their pueblo; that he has never heard of any sand hills above the pueblo of Isleta being called "the sand-hills of Isleta;" that he knows of the town of Valencia as being south of the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande; that he has never seen the grant papers of the grant to Diego Padilla, and if the north boundary of the said grant in the grant papers is the sand-hills of Isleta, then the grant must be situate below and south of the pueblo of Isleta.

MIGUEL ANTONIO MARTIN.

Sworn to and subscribed before me on this 5th day of August, A. D. 1887, as witness my hand and notarial seal.

[L. S.]

W. F. CRANE,
Notary Public.

TERRITORY OF NEW MEXICO,

County of Bernalillo, ss:

Justo Gutierrez, being first duly sworn according to law, on his oath says that he is and has been a resident of Los Barelás, in the county of Bernalillo, and Territory of New Mexico, for forty-eight years; that he is well acquainted with the location of the portion of the county of Bernalillo south of the town of Albuquerque; that the sand hills of Isleta are located opposite to and eastward from the pueblo of Isleta, on the east side of the river (the Rio Grande); that he has always heard these hills called the sand hills of Isleta ever since he can remember, and that said hills rise from 200 to 400 feet, more or less, above the level of the river; that the north end of the bluff of said hills is south of the northern boundary of the Isleta grant. That the old Indians living at the pueblo of Isleta always speak of the sand hills of Isleta as being opposite to their pueblo; that he has never heard of any sand hills above the pueblo of Isleta being called "the sand hills of Isleta." That he knows of the town of Valencia as being south of the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande.

That he has never seen the grant papers of the grant to Diega Padilla, and if the north boundary of the said grant in the grant papers is "the sand hills of Isleta," then the grant must be situated below and south of the pueblo of Isleta.

JUSTI GUTIERREZ

Sworn to and subscribed before me on this 10th day of August, A. D. 1887, as witness my hand and seal.

[L. s.]

W. F. CRANE,
Notary Public.

TERritORY OF NEW MEXICO,
County of Bernalillo, ss:

Eugene Daniel, of lawful age, being duly sworn according to law, on his oath says that he is and has been for the last past six years a resident of the said county of Bernalillo and Territory of New Mexico, and now resides on the southwest one-quarter of section 31 township 9 north of range 3 east of the New Mexico Principal Meridian; that he is well acquainted with the part of said Bernalillo County to the southward of the town of Albuquerque, and knows the sand hills of Isleta to be on the east side of the Rio Grande, and to the eastward from the pueblo of Isleta, and that the north end of the bluffs of said sand hills is some distance to the southward of the north line of the Isleta grant as shown by him. That he knows the town of Valencia, and it is about 6 miles southward from the pueblo of Isleta, and on the east side of the Rio Grande. That he has never seen the papers of the alleged Diego Padilla grant, but that if in said papers the sand hills of Isleta is given as the northern boundary of said grant or tract, then said tract must lie to the southward from the town of Isleta.

EUGENE DANIEL.

Sworn to and subscribed before me on this 15th day of August, A. D. 1887.

[L. s.]

W. F. CRANE,
Notary Public.

TERritORY OF NEW MEXICO,
County of Bernalillo, ss:

Napoleon C. Dennett, being first duly sworn according to law, deposes and says that he is, and has been for about six years past, a resident of the county of Bernalillo, in the Territory aforesaid, and now resides on the southeast quarter of section 24, township 9 north, range 2 east of the New Mexico Principal Meridian. That he is well acquainted with the sand hills of Isleta, and knows them to be to the eastward of the pueblo of Isleta, and on the east side of the Rio Grande; and that the north end of the bluffs of said hills is somewhat southward from the north line of the Isleta grant as shown to him; that he knows the town of Valencia to be about 6 miles south of the pueblo of Isleta, and on the east side of the Rio Grande; that he has never seen the papers of the Diego Padilla claim, but if the boundary therein given for the northern boundary thereof is of the sand hills of Isleta, then said grant, if any, would have to be south of the town or pueblo of Isleta.

NAPOLEON C. DENNETT,

Sworn to and subscribed before me on this 15th day of August, A. D. 1887.

[L. s.]

W. F. CRANE,
Notary Public.

TERritORY OF NEW MEXICO,
County of Bernalillo, ss:

Frank Daniel, being duly sworn, on his oath says that he is and has been for the last past five years a resident of the county of Bernalillo, in the Territory aforesaid, and now resides on the northwest quarter of section 31, in township 9 north, range 3 east of the New Mexico Principal Meridian; that he is familiar with the part of the county of Bernalillo lying to the southward from the town of Albuquerque, and knows the sand hills of Isleta to be on the east side of the Rio Grande, and to the eastward from the pueblo of Isleta, and that the north end of the bluffs of said sand hills lies south of the north line of the pueblo of Isleta grant; knows the town of Valencia to be south from the pueblo of Isleta about 6 miles, and on the east side of the Rio Grande; that he has

never seen the papers of the so-called Diego Padilla grant, but if said papers give the sand hills of Isleta as being the northern boundary or limit of said tract, then said tract must lie to the southward of the pueblo of Isleta.

FRANK DANIEL.

Sworn to and subscribed before me on this 15th day of August, A. D. 1887.

[L. s.]

W. F. CRANE,
Notary Public.

TERRITORY OF NEW MEXICO,
County of Bernalillo, ss:

Elliott Crossan, being first duly sworn according to law, on his oath says that he is and has been for the last five years past a resident of the County of Bernalillo, in the Territory of New Mexico, and now resides on the southwest quarter of section 30, township 9 north, range 3 east of the New Mexico Principal Meridian. That he is familiar with the portion of said Bernalillo County lying southward from the town of Albuquerque, and knows the sand hills of Isleta to be situate to the eastward from the pueblo of Isleta, and on the east side of the Rio Grande, and that the north end of the bluffs of said sand hills is slightly to the south of the north line of the Isleta grant, as shown to him. That he knows that the town of Valencia is southward from the town of Isleta, and on the east side of the Rio Grande, but does not know the exact distance. That he has seen the papers upon which the claim of the El Taje tract was claimed in favor of the heirs and assigns of one Diego Padilla, and knows that the northern boundary given in said papers is "the sand hills of Isleta;" that if such boundary is correctly given, then said grant would have to be southward from the town of Isleta.

ELLIOTT CROSSAN.

Sworn to and subscribed before me on this 15th day of August, A. D. 1887.

[L. s.]

W. F. CRANE,
Notary Public.

In the matter of the investigation of private land known as Eltaje, reported No. 146, situated in the Territory of New Mexico.

Hon. COMMISSIONER GENERAL LAND OFFICE:

SIR: On behalf of E. Crossan, N. C. Dennett, and E. and F. Daniel, protestants against the approval of said claim by your honor, I desire to submit the following: The record of the land office shows that on May 31, 1872, there was filed in the surveyor-general's office of Mexico by F. and L. Huning, a claim to a tract of land situate on the east side of Rio Grande, and south of the town of Albuquerque, and in the county of Bernalillo, and Territory of New Mexico. The boundaries as given to the said surveyor-general in the petition of said claimants "were" on the north by a line $2\frac{1}{2}$ miles north of the second correction line, north of our public surveyor's; on the south by the grant of the Isleta Indians; on the east by the Sandia Mountains, and on the west by the Rio Grande.

With said petition were filed four Spanish papers relating to lands at Los Padillas, which is situated on the west side of the Rio Grande. The claimants stated in said petition that the original grant papers were lost.

There was nothing to show in the papers filed that a grant to the tract of land claimed was ever made, as the evidence of a grant having been made being so slight the claim was not acted upon by the surveyor-general, although at that time the surveyor-general was passing upon grants at a very rapid rate, as the records of the office will show.

Nothing was done in regard to the claim until about December, 1884, over twelve years since the claim was filed, when H. M. Atkinson, late surveyor-general of New Mexico, appeared as the attorney of the said claimant.

He filed a new petition and requested that a Spanish paper on file in the archives of said office, purporting to be a grant made in 1718 to Diego Padilla for a tract of land in Bernalillo County, said Territory, be placed with this case; he further claimed that the claim filed in 1872 was claimed under this alleged grant.

It seems a little strange that said claimants could not find this alleged grant when they filed their case in the surveyor-general's office, as the paper was on file at the said time.

The boundaries given in the alleged grant were as follows: On the east, Sandia Mountains; on the west, the said Del Norte River; on the north, the bluff of the Sand Hills of Isleta; and on the south with the lands and houses that my grandfather Balencia formerly owned.

Testimony was taken both for and against the approval of said grant, and on March 6, 1886, the Surveyor-General Julian proved said claim and recommended its confirmation to Congress, and it was from this decision that your protestants appealed, and prayed that your honor will disapprove said claim.

Said claimants represent that the alleged grant to Padilla is situated north of the pueblo of Isletta, and your protestants represent that the alleged grant is south of said pueblo, as shown by the boundary calls as given in said grant, and also by the testimony taken before the surveyor-general, and the affidavits herein filed. The northern and southern boundary calls, as given in said alleged grant, are respectively the bluff of the sand hills of Isleta and the lands and houses that my grandfather Balencia formerly owned.

On these two calls depend the location of said alleged grant to Diego Padilla. The claimants, both in their amended petition and by their witnesses, attempt to locate the northern boundary about five or six miles north of the pueblo of Isleta, and 2 miles east of Rio Grande.

Your protestants claim that said boundary call is situated directly opposite the pueblo of Isleta on the east side of the Rio Grande, and they offered testimony in support of their claim, and in addition to the testimony already taken they desire to call attention to the affidavits now filed by them.

Is it not perfectly natural that the location of an object would be near the place it is named after?

It must be remembered that this alleged grant was made in 1718, at a time when a very few Mexicans were in the Territory, and that the Pueblo Indians had been living for years in said Territory, and the pueblo of Isleta was inhabited long before 1718.

The evidence shows that the bluff of the Sand Hills of Isleta, opposite the pueblo of Isleta, rise up directly from the river from 200 to 400 feet in height; and that the "sand hills" claimed by the claimants do not begin at the river, but commence 2 miles from the river and are not very high, in fact, only a little rise of the ground.

The plat filed by the claimants represents the sand hills as commencing at the river bank, but in their Territory they do not attempt to show any such location. We claim that the evidence shows clearly that the north boundary call is situated opposite the pueblo of Isleta, where any man of common sense would go to look for them, and not 5 or 6 miles north of the said pueblo.

We desire to call attention to the fact that in the original petition filed by the claimants "the bluffs of the Sand Hills of Isleta" is not mentioned as the northern boundary of the alleged claim.

The southern boundary call of said alleged grant is even more indefinite than the northern call. How in the world Mr. Julian found out that "the lands and houses that my grandfather Balencia formerly owned" were situated on the north boundary line of the Isleta pueblo grant is more than I can discover from the evidence.

The evidence shows that about 5 or 6 miles south of the pueblo of Isleta, on the east side of Rio Grande, is a Mexican town called Valencia or Balencia, and that is most probably the place where Balencia had his "lands and houses," and the said town was most likely called after him.

The east and west boundary calls being such well-known objects, there is no dispute about their location.

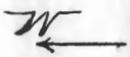
We therefore claim that the evidence clearly shows the alleged grant to Diego Padilla to be situated south and not north of the pueblo of Isleta, and pray that you will recommend its rejection by Congress.

Respectfully,

W. H. PATTERSON,
Attorney for Protestants.

WASHINGTON, D. C., *September 13, 1887.*

Sketch Map



Rio Grande

Sand Hills of Isleta

2 Miles

Northern Boundary — Isleta Pueblo Grant

Bluff of Sand Hills of Isleta

Pueblo of Isleta

Town of Valencin

