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Letter from the Secretary of the Interior, transmitting report of the Surveyor-General of New Mexico on private land claim No. 131.

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S. Exec. Doc. No. 49, 50th Cong., 2nd Sess. (1889)

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Report of the surveyor-general of New Mexico on private land claim
No. 131.*

JANUARY 4, 1889.—Referred to the Committee on Private Land Claims and ordered
to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1889.

SIR: In pursuance of the requirements of the 8th section of the act of Congress approved July 22, 1854 (10 Stat., 308), I have the honor to transmit herewith, for Congressional action, the report of the United States surveyor-general for New Mexico on the private land claim in said territory known as the Polvareda grant, No. 131; also copy of a letter from the Commissioner of the General Land Office, dated December 24, 1888, transmitting the report.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 24, 1888.

SIR: I have the honor to transmit herewith, for submission to Congress, the report, in duplicate, of the surveyor-general for New Mexico, under the eighth section of the act of Congress approved July 22, 1854 (Stats., vol. 10, p. 308), in the matter of the private land claim known as the Polvareda grant, No. 131.

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

S. M. STOCKSLAGER,
Commissioner,

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

Transcript of private land claim reported as No. 131, in the name of Juan Pablo Martin, for the Polvareda tract. Date of grant, February 12, 1766. Reported by surveyor-general December 22, 1882.

[Juan Pablo Martin. Polvareda tract. File 124.]

PETITION OF CLAIMANTS—FILED BY SAMUEL ELLISON MARCH 17, 1876.

To the honorable H. M. ATKINSON,
United States Surveyor-General for New Mexico:

Your petitioners, the heirs and legal representatives of Juan Pablo Martin, now deceased, respectfully represent—

That they are the present owners of a certain tract of land, known as the Polvareda grant, lying and being situate in the county of Rio Arriba and Territory of New Mexico, which was granted to the said Juan Pablo Martin in the year 1766 by Tomas Velez Cachupin, governor and captain-general of New Mexico, then one of the ultramarine provinces of the Crown of Spain.

That the said grant of land was made as aforesaid, on the 12th day of February, 1766, to the said Juan Pablo Martin, upon his petition therefor, and the same was formally and fully given in possession to the said grantee by authority and order of said governor and captain-general on the 19th day of the same month and year, and has been and remained in the continuous possession and enjoyment of himself and those holding through and under him since that time without there being any adverse claim to said land so far as your petitioners know.

That the boundaries of said Polvareda tract as granted and described in the original title papers in the case are as follows, all of the same being points well known in the vicinity, to wit: On the east the road running southward towards the Pelado Mountain and crossing the lands of the old pueblo of Abiquin; on the south the head of the Polvaredo Creek; on the west the Pedernal Mountain Creek; and on the north the junction of the last-named creek with the said Polvareda Creek, and that the quantity of land inclosed in said boundaries is supposed to be about 4½ square leagues, for your petitioners can not state with certainty the quantity of land so inclosed, as no survey of the tract has ever been made, though your petitioners herewith file a plat or map of said Polvaredo tract representing the boundaries and extent of said tract with as much accuracy as practicable without a survey.

That the said original title papers which constitute said Polvareda grant are now on file in your office, among the Spanish archives thereof, and are known therein as file No. 568, and your petitioners pray that the same be taken from said file No. 568 and be placed with and made a part of this claim.

Your petitioners offering to present testimony to prove the statements of facts herein set forth, should your honor so require, and now submit this, their claim, for your investigation and approval, and request your early action upon the same, under the treaty of Guadalupe Hidalgo, of 1848, with the Republic of Mexico, and under the act of Congress of July 22, 1854, establishing your office and requiring the investigation and reporting of Spanish and Mexican private land claims in New Mexico.

Respectfully submitted.

SAMUEL ELLISON,
Attorney for Claimants.

Hon. H. M. ATKINSON,
United States Surveyor-General for New Mexico.

AÑO DE 1766.

MERCED DE UN SITIO DE TIERRAS ECHA Á JUAN PABLO MARTIN EN EL PARAGE DE LA POLBAREDA.

Sr. GOBERDOR. Y CAPPN. GNL.:

Jn. Pablo Martin, the. miliciano de la compañía de Abiquíu, pareco ante v. sa. en la mejor forma que debo y dig., que por qto. meallo con algun ganado mayor y menor y no tener endonde comodante. lo puedo mantener y acimismo que aunque tengo un pedaso de tierra de labor en dicho partido tan corto, por lo que del se me cerceno para la fundacion del Pueblo de Sto. Thomas de Abiquíu, qe. no me basta para mantener mi cresida familia, pido y cuplico á v. sa. sea serbido de mersenarme á nombre de sue magede. (Da. le gde.) un pedaso de tierras yermas y despobladas que comunmente llaman la Polbadera en el que ay algunos pedacillos de labor y lo demás para pastos, cullos limites son, por el oriente la deracera que cale del lindero de dho. pueblo para el sur, esto ee, al servio Pelado, por el sur el nacimto. del arroyo de la Polbadera, por el Poniente el arrollo del serro del Pedernal, y pr. el Norte la junta deste dicho arollo con el citado de la Polbadera, cullos linderos no estan comprendidas en el decreto que

de orden de v. sa. se nos hizo saber sobre el pedimto. de Juachin Mestas, mi tanpoco al rancho que era de Dn. Josph. Reaño, en lo que recibire merced. En culla atencion á v. sa. pidó y suplico se sirba de acer como llebo pedido, y juro en toda forma de derecho no cer de malicia este mi pedimto. y en lo neccario, &c.

JN. PABLO MARTIN. [Rubrica.]

STA. FEE, 11 de Febrero de 1766.

Expresa esta parte el numero de ganados mayores monores y con que se alla para hacer el Pueblo de la merced que pide y asi lo mande y firme.

DN. THOMAS VELEZ CACHUPIN,
Govor. y Capn. General de este Reyno.

Otro si exprese la distancia que contienen los linderas de norte á sur y de oriente á poniente que refiere.

VELEZ. [Rubrica.]

Sr. GOVOR. Y CAPN. JENL. :

En cumplimiento de lo por v. s. mandado en el decreto q. antecede, digo con la devida injenuidad que á la presente me hallo con cien reses de hierro para arriba diez y ocho bestias caballares y cuatrocientas cabezas de ganado menor cabrio y de lana, y que la distancia de lo por mi pedido es de oriente á poniente legua y media y de norte á sur tres leguas, lo mas de dicha tierra es serrania pero con algunos pastos y lo firme en 11 de febrero de 1766.

JUAN PABLO MARTIN. [Rubrica.]

En la villa de Santa Fee, en doze dias de el mes de Febrero de mil setecientos sesenta y seis, yo, Don Thomas Velez Cachupin, Govor. Capn. Genrl. de este Reyno de el Nuevo Mexico, en atencion a lo que rrepresenta y pide esta parte y al numero de ganado con que expresa se alla, y asi mismo por sus meritos personales y de ser de los antiguos Pobladores de este Reyno, siendo sel parage que rrefiere rrealengo, dix: que en nombre de su magestad (Dios le guarde) y segun las facultades que desde lo primitivo tiene desde su conquista y pacificacion este Gobierno, le concedia y concedí la merced de tierras de el sitio que rrefiere con los mismos linderos, pastos, aguas, montes y tierra de pan llevar que contenga para si, sus hijos y herederos, vajo la calidad y condicion de deverlo de poblar en el tiempo prefixado por ley, y de deverlo tener poblado y poseydo quatro años para adquerir lexitimo derecho de propiedad y señorío, y sin que despues lo pueda vender á persona eclesiastica ni monasterio alguno, pena de la nulidad segun lo mandado por las leyes de su magestad, y mando al alcalde mayor de la jurisdiccion de Santa Cruz, Dn. Manuel Garzia Parejas, meta en posesion á esta parte en la forma acostumbrada de el dicho rreferido sitio citando antes á los colindantes vecinos que aigo y á los justicias del Pueblo de Abiquífu por si tuvieren que pedir y representar algun perjuicio que les pueda rresultar de dicha concecion en los linderos señalados, devriendose tener entendido que la dicha merced es con la calidad y condicion de no ser en perjuicio de los Indios de el Pueblo de Abiquífu de sus seminteras y egidos, lo que de vera tener presente dho. alcalde mayor al tiempo de la posesion para suspenderla y darme cuenta en el caso de que se verifique y represente perjuicio y las diligencias de posesion las pondra acontinuacion de este auto; y de todo sacara testimonio que entregara á esta parte para en guarda de su derecho, y que le sirva de bastante título y el original me lo devolvera para ponerlo en el archivo de este Gobierno donde deve constar, y por este auto asi lo prohibi, concedi y firme con dos testigos de asistencia á falta de escrivanos, que no los ay en esta Governacion—entre rrenglones—este Gobierno—pan—vale.

THOMAS VELEZ CACHUPIN. [Rubrica.]

Tto.: CARLOS FERNANDEZ. [Rubrica.]

To.: JOSEPH MALDONADO. [Rubrica.]

CITACION DE LOS INDIOS DEL PUEBLO DE STO. THOMAS DE ABIQUIU.

En diez y nueve dias del mes de Febrero del año de mil setts. y sesenta y seis años, yo, Dn. Manuel Garcia Pareja, Alcalde Mayor de la jurisdiccion de la Villa Nueva de Sta. Cruz de la Cañada, en virtud del decreto y comision de esta misma foja dado por el Sr. Dn. Thomas Velez Cachupin, Gdor. y Cappn. Gl. de este Reyno de la Nueva Mexico, estando en el sitio de la Polvareda en el lindero de los Indios donde concurreron las Justicias y otros Indios, por citasion que se les hizo como colindantes á dho. sitio de la Polvareda, para darle posesion á el The. Alcalde Mayor, Jn. Pablo Martin, y habiendoles leydo el decreto de su Sa. y adbirtiendoles y preguntandoles por una,

dos ó tres veces que si tenian que pedir ó se les hazia perjuicio alguno, y que dijeran cual era el lindero que v. s. les habia señalado, en el Antecedente Gobierno; lo que ellos propios le señalaron y dijeron que aquel era el lindero, que no tenian que pedir, ni se les seguia daño alguno respecto á no perjudicarles en las tierras que les pertenecen, y dejarles sus linderos libres, por lo que no ponian embarazo alguno; esto dieron por respuesta; no firmaron por no saber; firmelo yo, dho. Alcalde Mayor, auxiliando con los testigos de mi asistencia á falta de escribano publico ni real que no lo ay en este reyno; de que doy fee.

JERONIMO MARTIN CERRANO. [Rubrica.]

MANUEL GARCIA PAREJA. [Rubrica.]

Tto.: PEDRO ANTO. MARTIN. [Rubrica.]

CITACION DE JOSEPH MARTIN.

En dho. puesto, dia, mes y año, yo, dho. alcalde mayor, hice comparecer á Joseph Martin, por citacion que se le hizo, como colindante que es, por haber comprado el rancho de Geronimo Martin, el que se le hizo presente la posesion que se le haze por su Sa. á el The. de Alcalde Mayor, Jn. Pablo Martin, y entendido del decreto de su Sa. el expresado Joseph Martin respondió que no tenia que pedir ni alegar respecto á no seguirse perjuicio alguno; esto dijo por repuesta; no firmo por que dijo no saber; firmelo yo, dho. Alcalde Mayor, con los de mi asistencia á falta de escribano publico ni real, que no lo ay en este reyno, como dho. es ut supra.

GERONIMO MARTIN CERRANO. [Rubrica.]

MANUEL GARCIA PAREJA. [Rubrica.]

Tto.:

PEDRO ANTO. MARTIN. [Rubrica.]

PASECION.

En dies y nueve dias del mes de Febrero del año de mil sett^a y sesenta y seis años yo el alcalde Mayor Dⁿ Manuel Garcia Pareja estando en el sitio de la polvareda presentes, los ya citados colindantes y en virtud de dho decreto y comision dado por el Sr. G^{do} y capn Gen^l de este reyno cogi de la mano á el The. de Alcalde Mayor Jn. Pablo Martin, y le pasee por el sitio mezonado donde arranco yerbas y tiro piedras y dijo víba n^{ro}. Rey y Sr. (que Dios g^{de}) Dⁿ carlos tercero y hizo otros actos de Berdadera posesion y tomo real y personalm^{te} en presencia de los dhos colindantes, y dha posesion se la di debajo de los linderos siguientes, por el oriente la derecera que sale del lindero de dho Pueblo para el sur esto es al cerro pelado por el sur el nacim^{to} del arroyo de la Polbareda, por el Poniente el Arroyo del Cerro del Pederal y por el norte la Junta de dicho arroyo con el citado de la Polbareda cuyos linderos, no estan comprendidos en el decreto que de orden de v. s. se nos hizo saber donde se le mando poner mojonerao fijas y estables y firmo con migo dho alcalde Mayor con los testigos de mi asistencia á falta de Escribano publico ni real q no lo ay en este reyno del que doy fee=enmendado Polbareda vale=

MANUEL GARCIA PAREJA [Rubrica.]

Tto.:

JUAN PABLO MARLIN. [Rubrica.]

JERONIMO MARTIN CERRANO. [Rubrica.]

Tto.:

PEDRO ANTO MARTIN. [Rubrica.]

[Juan Pablo Martin, file No. 124, year 1766.]

GRANT FOR ONE SITIO OF LAND AT THE PLACE LA POLVAREDA MADE TO JUAN PABLO MARTIN.

His EXCELLENCY THE GOVERNOR AND CAPTAIN-GENERAL:

I, Juan Pablo Martin, lieutenant of the militia company of Abiquin, appear before your excellency in due form and state that whereas I find myself in possession of some large and small stock, and not having any place to keep them upon advantageously, although I have a small piece of cultivable land in the said district, but which

was curtailed me for the establishment of the pueblo of Santo Tomas of Abiquiu, and which is not sufficient for me to support my large family, I ask and pray that your excellency be pleased to grant me in the name of His Majesty, God preserve him! a piece of land unappropriated and unsettled, commonly called La Polvadera, upon which there are some patches fit for cultivation and the balance for pasture lands, and the boundaries thereof are on the east, the straight road crossing the line of the said pueblo and running southward, that is to say, towards the Cerro Pelado; on the south the head of the Polvadera Creek; on the west the Perdernal Mountain Creek, and on the north the junction of this said creek with the Polvadera Creek, and which boundaries are not included in the decree which, by your excellency's order, was communicated to us concerning the application of Joaquin Mestas, nor are they embraced by the ranch formerly belonging to José Reaño, whereby I will receive favor.

In view of all which I ask and pray that your excellency be pleased to do as I have requested, and I declare in due form of law that this, my petition, is not made in dissimulation; and whatever be necessary, etc.

JUAN PABLO MARTIN.

SANTA FÉ, February 11, 1766.

This party will state the number of live-stock he has of all kinds for the settlement of the land he applies for.

Thus I, Tomas Velez Cachupin, governor and captain-general of this province, have commanded and signed.

Furthermore, he will state the distance between the boundaries he mentions from north to south and east to west.

VELEZ.

HIS EXCELLENCY THE GOVERNOR AND CAPTAIN-GENERAL:

In compliance with your excellency's command in the foregoing decree I state with due candor that at this time I have 100 branded cattle and upwards, 18 horses, and 400 head of small stock, goats and sheep, and that the extent of what I apply for is, from east to west, one league and a half, and from north to south three leagues. The main portion of the said land is mountainous, but has some pasture land.

And I sign this the 11th day of February, 1766.

JUAN PABLO MARTIN.

At the town of Santa Fé, on the 12th day of the month of February, 1766, S. Tomas Velez Cachupin, governor and captain-general of this province of New Mexico, in view of the statements and the petition of this party of the number of live-stock he states he has, also of his personal merits and his belonging to the old settlers of this province, and the place referred to being royal domain, declared that in the name of his Majesty, God preserve him! and according to the power which from the beginning from the conquest and pacification this government possesses, I would make and did make the grant to the land of the *sitio* in question, with the same boundaries, pastures, water, woods, and grain-growing land the tract may contain, for himself, his children and heirs, with the qualifications and under the conditions that he shall settle the same within the time prescribed by law, and shall settle and occupy it four years in order to acquire legal title in fee and dominion, and shall not thereafter sell the same to any ecclesiastical person, or to any monastery, under penalty of defeasance, nullity, in conformity with the provisions of the laws of his Majesty.

And I command the chief alcalde of the jurisdiction of Santa Cruz, Manuel Garcia Parejas, to place this party in possession, in the customary form, of the said tract, first summoning any adjoining settlers there may be and the authorities of the pueblo of Abiquiu, that they may state any demand or representation that may result to them from the said grant and from the boundaries designated, bearing in mind that the said grant is made with the qualifications and conditions that it shall not be to the injury of the Indians of the pueblo of Abiquiu, or their fields or commons, which conditions the said chief alcalde will remember when giving the possession, so as to suspend the same, and report to me in the event of ascertaining the fact, and of damage being alleged.

And the papers in the act of possession he will append to this decree, and will make a duplicate of the whole, and deliver the same to the party, for the security of his right and for his sufficient title, and the original he will return to me, to be placed among the archives of this government, where it shall remain on file.

And I have by this decree thus provided, granted, and signed, with attending witnesses, for lack of notaries, there being none in this jurisdiction.

Interlined "this government," "grain," valid.

TOMAS VELEZ CACHUPIN.

Witness,

CARLOS FERNANDEZ.

Witness,

JOSÉ MALDONADO.

SUMMONS TO THE INDIANS OF THE PUEBLO OF SANTO TOMAS DE ABIQUIU.

On the 19th day of the month of February, in the year 1766, I, Manuel Garcia Parejas, chief alcalde of the new town of Santa Cruz de la Cañada, by virtue of the decree and the appointment upon this same page made by his excellency Tomas Velez Cachupin, governor and captain-general of this province of New Mexico, being upon the tract of La Polvareda, and upon the boundary of the Indians, where the authorities and others of the Indians had congregated, under the summons that had been served upon them, as adjoining settlers to the said tract of La Polvareda, and for the purpose of placing the chief alcalde's lieutenant, Juan Pablo Martin, in possession; and having read to them the decree of his excellency, and notifying them and interrogating one, two, or three times whether they had any request to make, and whether they would receive any injury whatever, and requesting them to state which was the boundary your excellency had prescribed them during the former administration, which they themselves pointed out, stating that that was the boundary, that they had nothing to request, and that no injury whatever would result to them if they were not troubled upon the land that belonged to them and their boundaries were left undisturbed, with which understanding they interposed no objections whatever. This they gave for answer; they did not sign this, as they knew not how. I, said chief alcalde, signed, acting with my attending witnesses for lack of a public or royal notary, there being none in this province, to which I certify.

MANUEL GARCIA PAREJAS.
GERONIMO MARTIN CERRANO.

Witness:

PEDRO ANTONIO MARTIN.

SUMMONS TO JOSÉ MARTIN.

At said place, day, month, and year I, the chief alcalde aforesaid, caused to appear José Martin, by summons served upon him as an adjoining settler, which he is by having purchased the ranch of Geronimo Martin and who was informed of the grant made by his excellency to the lieutenant chief alcalde, Juan Pablo Martin; and the said José Martin having heard the decree of his excellency, answered that he had nothing to demand or allege, as no damage whatever would result to him, and this he gave for his answer.

He did not sign, as he stated he knew not how. I, the said chief alcalde, signed with my attending witnesses for lack of a public or royal notary, there being none in this province, as above aforesaid.

MANUEL GARCIA PAREJAS.
GERONIMO MARTIN CERRANO.

Witness:

PEDRO ANTONIO MARTIN.

POSSESSION.

On the nineteenth day of the month of February, in the year one thousand seven hundred and sixty-six, I, Manuel Garcia Pareja, chief alcalde, being upon the tract La Polvadera, the aforementioned adjoining settlers being present, and by virtue of said decree and appointment, made by his excellency the governor and captain-general of this province, took by the hand the lieutenant chief alcalde, Juan Pablo Martin, and conducted him over the tract aforesaid, where he plucked up weeds, and cast stones and shouted, "Long live Don Carlos the Third, our king and sovereign; may God preserve him!" and performed other ceremonies of true possession, which he assumed formally and personally in the presence of the said adjoining settlers. And the said possession I gave him with the following boundaries: On the east the straight road running southward crossing the boundary line of the said pueblo, that is to say, towards the Pelado Mountain, on the south the head of the Polvareda Creek, on the west the Pedernal Mountain Creek, and on the north the junction of the said creek with said Polvadera Creek, which boundaries are not included in the decree which by your excellency's order was communicated to us, and along which I ordered him to place firm and permanent land-marks; and he signed with me, the said chief alcalde, with my attending witnesses, for lack of a public or royal notary, there being none in this province; to all of which I certify.

MANUEL GARCIA PAREJA.
JUAN PABLO MARTIN.

Witness:

GERONIMO MARTIN CERRANO.

Witness:

PEDRO ANTONIO MARTIN.

[Juan Pablo Martin grant. File 124—Reported No. 131.]

TESTIMONY.

In the matter of the investigation of private land claim, File No. 124, in the name of Juan Pablo Martin, known as the Polvareda tract, held at the office of the United States Surveyor-general this 20th day of December, A. D. 1882. There were present H. M. Atkinson, surveyor-general; Ireneo Chaves, special interpreter; Samuel Ellison, attorney for claimants.

JUAN DE JESUS TRUJILLO, having been first duly sworn, deposes and says:

Q. State your name, age, occupation, and place of residence.—A. My name is Juan de Jesus Trujillo; I was born in 1806; I am a farmer, and reside at Pueblo de Abiquiu, County of Rio-Arriba, and Territory of New Mexico.

Q. How long have you lived at Abiquiu?—A. I lived there since I was born.

Q. Are you acquainted with the grant to Juan Pablo Martin, known as the Polvareda grant? If so, how long have you known it, and where is it situated?—A. I do not know anything about the grant, but I know the place. I have known the place since I was six years old. It is situated in the county of Arriba and in the Territory of New Mexico.

Q. How far from Abiquiu?—A. About 4 or 5 leagues.

Q. How many people reside there?—A. About ten persons, more or less.

Q. How long has this place been inhabited, and by whom?—A. I do not remember, but it has been inhabited for a great many years.

Q. By what title, if any, do the people who live there claim the land?—A. They claim it as a grant, which they have bought from the heirs of the original grantees.

Q. How long has it been since you first heard there was a grant there?—A. About ten years, more or less.

Q. Did you ever see the grant papers?—A. Yes, sir.

Q. When and where did you see them?—A. I saw the grant papers at Abiquiu, but do not remember what year.

Q. Can you read and write?—A. No, sir.

Q. Then how do you know these were the grant papers you saw?—A. I heard them read at that time.

Q. Are you acquainted with the boundaries of this grant? If so, what are they?—A. I am acquainted with the boundaries of the grant, which are, on the east the Cerro Pelado, on the south the head of the river Polvareda, on the west the Cañones River, on the north the junction of the rivers.

Q. How did you become acquainted with these boundaries?—A. I heard them mentioned by the people living there.

Q. Who was the original grantee?—A. Juan Pablo Martinez.

Q. Have you any interest in this grant?—A. No, sir.

Q. Has any one told you what to testify in this case?—A. No, sir.

Q. You state in answer to the third question that you don't know the grant. You afterwards state that you do know it. Explain what you meant by stating that you did not know it in answer to third question.—A. I referred to the grant papers.

Q. Who have lived on the grant since you know it?—A. Manuel Garcia, Donaciano Gallegos, Francisco Manzanarez, Santiago Martin, Isabel Martin, and few others whose names I don't remember.

his
JUAN DE X JESUS TRUJILLO.
mark.

Sworn to and subscribed before me this 20th day of December, A. D. 1882.

HENRY M. ATKINSON,
Surveyor-General.

JUAN GUADALUPE GALLEGOS, having been duly sworn, deposes and says:

By SAMUEL ELLISON, attorney for claimants:

Q. State your name, age, occupation, and place of residence.—A. My name is José Guadalupe Gallegos; I live in Abiquiu; I am seventy-seven years old; I am a farmer.

Q. How long have you lived in Abiquiu?—A. I lived there since I was born.

Q. Are you acquainted with a tract of land known as that of Palvadera? If so state where it is located.—A. Yes, sir; it lies between the grants of Vallecito and that of Cañones, in the county of Rio Arriba and Territory of New Mexico.

Q. In what direction and how far is it from the Pueblo de Abiquiu?—A. About 3 or 4 leagues of Pueblo de Abiquiu.

Q. How long have you known this tract of land?—A. Since I can remember.

Q. Are you acquainted with the boundaries of the tract? If so, state them.—A. Yes, sir. The boundaries are: On the east, the Cerro Pelado; on the west, the

Cañones River; on the south, the head of the Polvadera River; on the north, the junction of said rivers

Q. How did you become acquainted with the boundaries of the grant?—A. From having heard the grant read and having been at the boundary objects.

Q. Is the tract of land now in question occupied?—A. Yes, sir; it is.

Q. Has it ever been abandoned since you personally knew it?—A. It was abandoned until the present owners bought the land from the heirs, when it was again resettled.

Q. Why was it abandoned? State if you know.—A. It was abandoned on account of the depredations of the Indians.

Q. What Indians?—A. Navajo Indians.

Q. Did you ever herd stock on the grant?—A. Yes, sir.

Q. Have you any interest in this grant?—A. No, sir.

Q. (By the SURVEYOR-GENERAL.) Who lived in this grant when you first knew it?—A. Juan Pablo Martinez.

Q. What year was that?—A. Between the years 1825 and 1830.

Q. Are you sure that Juan Pablo Martinez, the original grantee, was living there at that time, or was it an heir of his by the same name?—A. I understand that it was the original grantee.

Q. How old a man was he at that time?—A. He was a middle-aged man.

Q. How often have you been over this grant?—A. I have been over the grant often, looking after stock.

his
 JOSÉ x GUADALUPE GALLEGOS.
 mark.

Sworn and subscribed before me this 20th day of December, A. D. 1882.

HENRY M. ATKINSON,
Surveyor-General.

[File 124.]

OPINION OF SURVEYOR-GENERAL.

The heirs, assigns, and legal representatives of Juan Pablo Martin vs. The United States. Before the United States surveyor-general for the Territory of New Mexico.

This claim is presented to me by petition under the eighth section of the act of Congress, approved July 22, 1854, and the treaty of Guadalupe Hidalgo.

The muniments of title which were found in the old Spanish archives in this office consist of a petition of Juan Pablo Martin to the governor and captain-general of this, at that time an ultramarine province of Spain, praying for a grant to a piece of land known as the Polvadera tract with boundaries, on the east the straight road crossing the line of the Pueblo of Santo Tomas, and running southward therefrom towards the Cerro Pelado; on the south the head of the Polvadera Creek, on the west the Pedernal Mountain Creek, and on the north the junction of the Pedernal Creek with the Polvadera Creek.

Second. A requirement of Governor Velez, under date of February 11, 1766, that the petitioner state the number of live stock possessed by him, and also the distance between the boundaries mentioned in his petition.

Third. The statement of the petitioner, Juan Pablo Martin, under date of February 11, 1766, of the number of live stock owned by him, and the extent of the tract applied for, as being from east to west $1\frac{1}{2}$ leagues, and 3 leagues from north to south.

Fourth. A decree of Tomas Velez Cachupin, governor and captain-general of the province of New Mexico, dated February 12, 1766, granting to the petitioner the land prayed for according to the boundaries designated, and directing the chief alcalde of the jurisdiction of Santa Cruz to place the grantee in possession.

Fifth and sixth. Reports of the alcalde that the Indians and adjoining settlers raised no objection to the grant, and that the same did not conflict with their possessions.

Seventh. The act of possession, dated February 19, 1766, wherein the alcalde, Manuel Garcia Pareja, places the grantee, Juan Pablo Martin, in possession, naming the boundaries set forth in the original petition of the grantee.

These documents were taken from the old Spanish archives on file in this office, and are the original papers in the case, bearing the signatures of the various officials, and are undoubtedly genuine.

The testimony taken in the case shows occupation of the tract by the heirs and assigns of the grantee, from a period covering over sixty years prior to this time.

The claim is believed to be a valid one, and is approved to the heirs, assigns, and legal representatives of Juan Pablo Martin, the grantee, according to the boundaries set forth in his petition and the act of juridical possession.

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

HENRY M. ATKINSON,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 22, 1882.

AUTHENTICATION OF TRANSCRIPT.

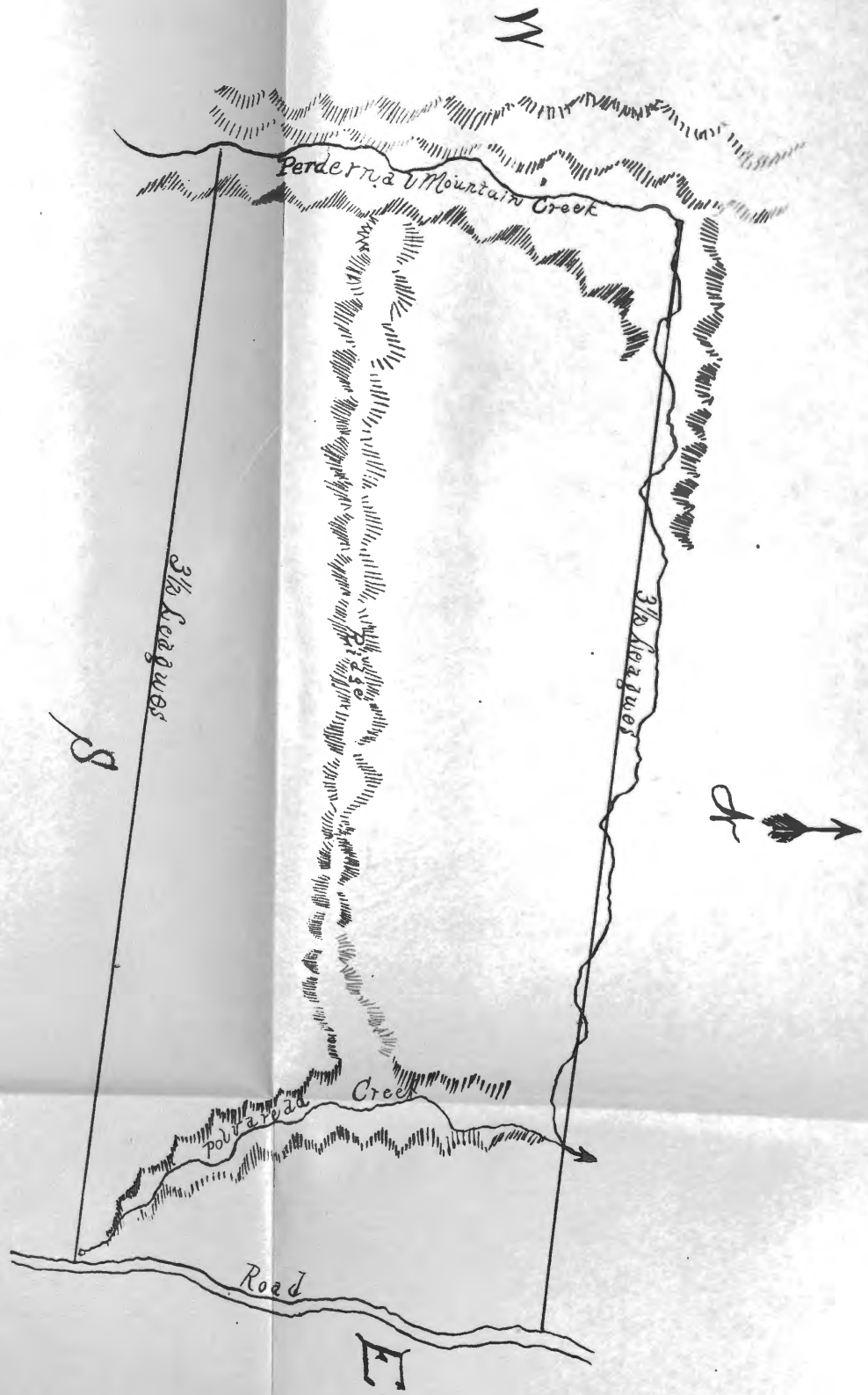
SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., March 12, 1883.

The foregoing is a correct transcript of the papers on file in this office in private land claim reported as No. 131, known as the Polvadera tract, in the name of Juan Pablo Martin.

HENRY M. ATKINSON,
United States Surveyor-General.

S. Ex. 49—2

Juan Pablo Martin Grant
Polvareda Tract



Sketch Map