

LETTER

FROM

THE ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING,

In obedience to law, reports of the surveyor-general of New Mexico on Mesilla Colony Grant, reported as No. 86, for land in Doña Aña County; on private land-claim, reported as No. 89, known as the Talaya Tract; and on Refugio Colony Grant, reported as No. 90.

JUNE 9, 1874.—Referred to the Committee on Private Land-Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 8, 1874.

SIR: Pursuant to the eighth section of the act approved 22d July, 1864, (10 Stat., 308,) I have the honor to submit, for the consideration of Congress, the reports of the surveyor-general of New Mexico on "Mesilla Colony Grant, being private land-claim reported as No. 86, for land in Doña Aña County;" on "private land-claim reported as No. 89, in the name of Manuel Trujillo, for land in Santa Fé County, known as the Talaya Tract;" and on "Refugio Colony Grant, being private land-claim reported as No. 90, for land in Doña Aña County;" all in New Mexico.

Very respectfully, &c.,

B: R. COWEN,
Acting Secretary.

Hon. M. H. CARPENTER,
President of the Senate pro tempore.

TRANSCRIPT OF MESILLA COLONY GRANT, BEING PRIVATE LAND-CLAIM REPORTED AS NO. 86, FOR LAND IN DONA AÑA COUNTY, NEW MEXICO. DATE OF GRANT, AUGUST 4, 1853. REPORTED BY THE UNITED STATES SURVEYOR-GENERAL FEBRUARY 12, 1874. RECEIVED WITH SURVEYOR-GENERAL'S LETTER OF MAY 23, 1874.

Petition of claimants.

TERRITORY OF NEW MEXICO,
County of Doña Aña :

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

Your petitioners, the inhabitants of the civil colony of Mesilla, in the county of Doña Aña, would respectfully state that, on the 4th day of August, in the year 1853, one Guadalupe Miranda, commissioner-

general for the transportation of Mexican families into national territory, in conformity to the laws and regulations of the government of Mexico, made a grant of land to certain Mexican families, known as the civil colony of Mesilla, then being a portion of the republic of Mexico, but now being within the county of Doña Aña, in the Territory of New Mexico, which said grant was made in fee to the inhabitants of said colony, and was duly taken possession of by said grantees in accordance with the form of law then in force, and has ever since that time been in the quiet and peaceable possession of said grantees, their heirs and assigns, without any adverse claim of any kind from any source whatever.

Your petitioners further state that the towns of La Mesilla and El Picacho are situated on said grant, and the residence and farms of your petitioners, who have inherited the same from the original grantees or acquired them by purchase.

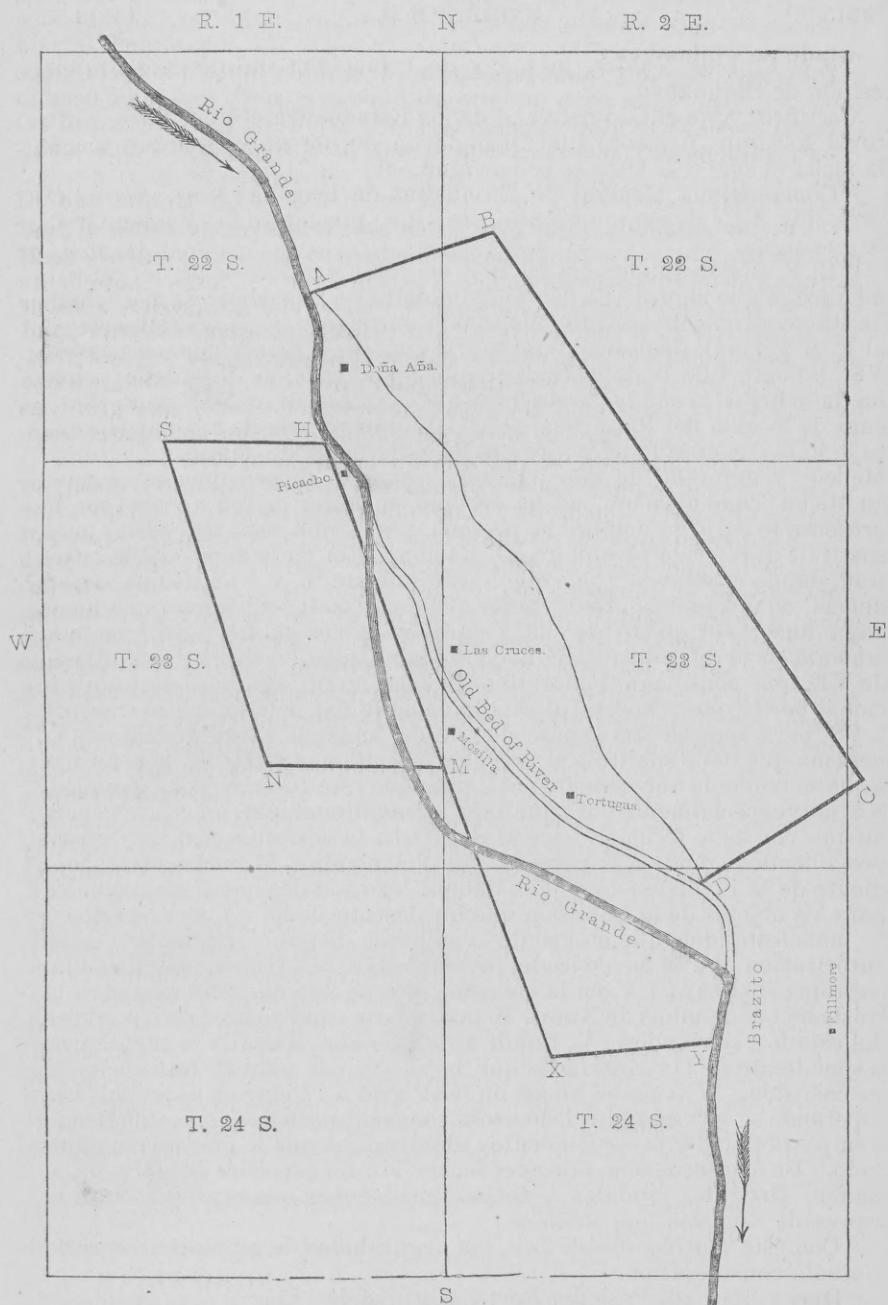
Your petitioners further state that they, your petitioners, number more than one thousand persons, all of whom live upon said grant, and hold the same either by purchase or inheritance from the original grantees. And your petitioners further state that they are unable to state the number of acres contained within the boundaries of said grant, as no survey of the same has ever been made, but the boundaries mentioned in said grant are well known and easily identified.

Wherefore your petitioners, the inhabitants of said civil colony or grant, with a view that these grants may be confirmed by the Congress of the United States, herewith present for your consideration a copy of said grant in the Spanish language, marked Exhibit A, together with a translation of the same; also contain rules or regulations, marked Exhibit B; also a printed copy of a decree of the Mexican government, marked Exhibit C; also a paper marked B B; also the sworn testimony of Guadalupe Miranda, Vicente Lucero, Martin Trujillo, and Eugeneo Moreno; they also refer to the diagram (copy appended) filed with the papers this day, in the grant known as the Doña Aña Bend.

The inhabitants of the civil colony of Mesilla, by

JNO. D. BAIL,
Their Attorney.

Copy of Diagram referred to in the foregoing Petition.



The Sketch Shows the River as it ran up to 1865. Since then it has changed

[Muniments of title.]

[SELLO.]

EXHIBIT B B.

[SELLO.]

Yo el C. Luis Valdez, juez 1° y de 1ª instancia del distrito Bravos, estado de Chihuahua:

Certifico: Que el C. americano de los Estados-Unidos del Norte, Cris-toval Ascarate, presentó á mi fuzgado un documento oficial hoy dia de la fecha el cual á la letra es como sigue:

“Comandancia General de Chihuahua de brigada Trias, general en gefe, hoy digo al señor cura de esta villa, presbitero D. Ramon Ortiz, lo que sigue:

“El E. S. gobernador del estado, en comunicacion de 11 del actual, me dice lo que sigue: El. E. señor ministro de relaciones, en nota de 23 de Marzo ultimo, dice á este gobierno lo que sigue: E. S. hé dado cuenta al E. S. general, depositario del supremo poder ejecutivo, con la nota de VS., número 4 de 1° del actual, en que manifiesta los desordenes á que ha dado lugar, la conducta observada por el presbitero, D. Ramon Ortiz, cura de la villa del Paso, y la necesidad de retirarle de la comision que se le habia conferido para proteger la emigracion de familias de Nuevo Mejico; y enterado de ello S. E., asi como lo demas que se es pone en dicha comunicacion, se ha servido encargar á VS. como por lo presente le encarga nombre la persona que estime mas aproposito para sustituir al referido presbitero, D. Ramon Ortiz, en la mencionada comision, dando conocimiento de ello á este ministerio, y á fin de que tome á demás todas aquellas providencias que crea conducentes para que no se haga ilusorio el objeto de ella, y para evitar los males y peligros que lamenta en su referido nota, S. E. confia por ultimo, en el celo y patriotismo de VE. que conserará inalterable el y la integridad del territorio nacional por lo que respecta al estado de su digno mando. Y lo traslado á VS. para que se sirva proceder desde luego al nombramiento de la persona que debe sustituir al presbitero D. Ramon Ortiz, en la comision á que se refiere la antecedente nota, pues que este gobierno comisionado á VS. muy especialmente para que haga tal nombramiento; en la intelgencia de que con esta fecha se hace al Sor. Ortiz la comunicacion respectiva, previniendole rénda á la persona que VS. nombre, la cuenta correspondiente de la inversion que haya dado á los caudales que tiene recibidos para los objetos de la comision que ha desempeñado. Y lo Vrascribo á V. manifestandole que en uso de la suprema disposicion inserta y de la autorizacion que se me concede, hé nombrado á D. Guadalupe Miranda, para que sustituya á V. en la comision que se le tenia conferida para la traslacion de familias de Nuevo Mejico, y formacion de las colonias civiles del estado; sirviendose V. rendir al mismo Sor. Miranda la cuenta correspondiente de las cantidades que haya recibido para el desempeño de su comision. Y tengo el honor de insertarlo á V. para su conocimiento, esperando se serva admitir la honrosa comision que le confiero, atendiendo á su patriotismo y los sentimientos filantropicos que lo distinguen pudiendo. En consecuencia proceder ha recibir del sor. cura presbitero, D. Ramon Ortiz, los caudales y demás documentos correspondientes á la espresada comision que obtenia.

“Con este motivo ofresco á V. las seguridades de mi sincero aprecio y atenta consideracion.

“Dios y libertad, Paso del Norte, Abril 28 de 1853.

“ANGEL TRIAS.

[Una rubrica.]

“Sor. D. GUADALUPE MIRANDA.”

Es copia sacada literalmente de su original que concuerdo fiel y legalmente con el documento espresado oficial que se me presentó por el C. americano, Cristoval Ascarate, sacado en dos fojas del sello tercero de que certifico; y apedimento del interesado, lo firmo en la villa del Paso del Norte á quince de Febrero de mil ochocientos setenta y uno, con los de mi asistencia. Doy fe.

[SELLO.]

LUIS VALDEZ.

A.: JESUS DÑO. MONTES.

A.: HERMESEJILDO PONCE.

Derechos sin el papel del juzgado, cuatro pesos.

[Rubrica.]

EXHIBIT A.

Guadalupe Miranda, comisionado general, para la traslacion de familias mejicanos al territorio nacional, y arreglo de las colonias, certifico: que hoy cuatro de Agosto de mil ochocientos cincuenta y tres, pose á la colonia de la Mesilla, en la margen derecha del rio Bravo del Norte, y á nombre de los supremos poderes de la nacion y del gobierno del estado, lo hé determinado señalardo y amojonardo para sus ejidos como nueva colonia dos leguas de terreno de labor, prolongada por el ancon por no dar en la mayor parte del, de la orilla del rio á las derramaderos de las lomas, las cinco mil varas, que debia contener la area para cuadrada y subiendo al norte se estrecha mas hasta juditarse con las lomas en el cerro del Picacho, y dos leguas sobre los cerros y llano para apacentar los ganados de conformidad con el artículo 2º del reglamento de 22 de Mayo de 1851, y por las circunstancias de la numerosa poblacion que hoy tiene esta naciente colonia que para proporcionare mas vintogas y comodidades estan exigidos y dispuestos los vecinos tan luego como les sea posible dividirse en dos pueblos uno donde sea situado y el otro en la mesa del Picacho y tener ya cultivados todos los terrenos de labor, circunstancia que hé tenido presentes para mercenarles el espacio de terreno de labor que contiene el ancon, y se comprehende en las medidas que siguen: y los dos leguas para pastos, habiendo fijado el dia de ayer tres del corriente mes la linea que divide esta colonia de la Mesilla y la de Santo Tomas de Yturbide, con presencia de las autoridades de ambas Dn. Domingo Cubero, Dn. José Manuel Sanchez Baca, y los ciudadanos y vecinos de ambos Dn. Cesario Durán, Dn. Blas Durán, Dn. Francisco Rojas, Dn. Valentin Maese, Dn. Mauricio Sanchez, y otro muchos, si fijó la primera mojonera al oriente cerca de en brazo del rio, lomo ocho varas donde estan unos alamitos marcados y en una lomita arenosa; de allí al poniente, por el sur de la Mesilla y norte de la de Santo Tomas, se tiro la linea con el cordel hasta tocar una que queda frente á unas vecinas de un corral llamado de los Guerra, y tubo cinco mil varas arriba de la loma y se fijó la mojonera; siguiendo hácia el norte por el poniente se tiró la medida con el cordel por la falda ó derramaderos de las lomas linea recta hacia el cerro del Picacho al lado del rio, y donde este se junta con las lomas de allí siguiendo la medida por la orilla del rio alcanzo al cerro del Peñasco Prieto, que está al norte de un pequeño anconsito que le llaman del vado de los Apachez, poco arriba del Picacho con diez y nueve mil quinientas varas; volviendo á tomar el primer punto de la orilla del rio de donde se fijola linea divisoria de las colonias de Santo Tomas y esta de la Mesilla y de la lomita arenosa; al norte por el oriente, siguiendo la orilla del rio linea recta, con direccion al Picacho, al lado del dicho rio donde este junta con las

lomas, y siguiendo la orilla muy estrecha hasta el Peñasco Prieto que se halla al norte del anconsita llamado del vado de los Apachez, tubo veinte mil varas, con cuyas tres medidas se terminó la area del terreno de labor; de este punto del Peñasco Prieto al poniente por el norte sobre las lomas y cerros se tiró la medida de cinco mil varas y so fijó la mojonera arriba de un cerro cerca de la linea divisoria, de allí al sur por el poniente se midieron diez mil varas que alcansaron mas abajo de la plaza actual de la Mesilla, se fijó la mojonera en el llano; y de allí al oriente por el sur setiraron cinco milavaras que alcansaron á los derramaderos de las lomas y tocó la linea de los terrenos de labor, y de conformidad con el artículo II. del citado reglamento, y habiendo que dado las lineas señalados con montones de tierra y algunos arboles marcados, advertida la autoridad de fijar de piedra y mescla los linderos de los estremos de la medida, para que el trascurso del tiempo no le destruya y consten siempre observen y vijilen por terminos y linderos de susejidos declaro son de aprovechimiento comun de los vecinos de la colonia de la Mesilla, los pastos, montes, aguas, caja, pesca, piedra, arboles frutales y demas y (demas) especies que produzcan, sin que ningunos otros que no sean vecinos de dicha colonia tengan que disfrutar de los goces otorgados á estos por la ley, y los que en lo susesive se radicaren; tambien disfrutaran los vecinos de dicha colonia de los pastos, montes y demas aprovechamientos de las tierras valdías que quedan fuera de los ejidos determinados en esta en comunidad con los vecinos de los pueblos inmediatos, interin el gobierno no dispone se mercenen y enagenen en cuyo caso se arreglarán á lo que se previncire en las mercedes segun se prescribe en el articulo 5º, del ya citado reglamento y de haberse ejecutado dichas medidas con presencia del mismo sor. juez y otras muchas personas y vecinos que concurrieron y se hallaron presentes, lo certifico y firmo hoy dia de la fecha, referida, en esto papel comun por no haber del sello que corresponde, sacando el testimonio respectivo que sirva de titulo y resguardo de dicha colonia.

G. M.

Es copia sacada de su original con que concuerda fiel y legalmente este testimonio para resguarde de dicha colonia, hoy 4 de Agosto de 1853.

GUADALUPE MIRANDA.

Derechos por la mensura del terreno original y testimonio 100 pesos.

[Rubrica.]

Filed for record. April 30, 1869, and recorded at folio 496, 497, 498, of book of deeds of Doña Aña County, New Mexico.

J. F. BENNETT, *Recorder*,
By R. H. BLAKE, *Deputy*.

EXHIBIT B.

Reglamento de colonizacion, espedido por el supremo gobierno del estado de Chihuahua, en 22 de Mayo de 1851.

Sacado en copia para uso del Sr. Dn. Daniel Fietze, de la Messilla, N. M.

Reglamento para la organizacion de las colonias civiles y demas poblaciones que se formen en el estado.

ARTÍCULO 1º. Las colonias conservarán este titulo mientras que el honorable congreso del estado no les declarare el de villas, ciudades,

&c., segun su respectiva importancia, y cada una de ellas así como las demas poblaciones nuevas, tendrán el nombre que lo imponga el comisionado para formarla que nombrare el gobierno del stado, y este comisionado cuidará de que tales nombres sean Españoles que no se confundán con los de otros lugares, y que no se refierán á personas vivas.

ARTO. 2º. Para cada colonia civil ó nueva poblacion podrá asignar el respectivo comisionado, una legua para ejidos y dehesa, segun la ley del estado de 22 de Octubre de 1833, en cuadro ó prolongados conforme á la disposicion del terreno, y la ubicacion de los lugares inmediatos, y estos terminos se amojonarán y señalarán con toda claridad, marcando materialmente las cuatro esquinas en el terreno y espresando en la diligencia de medidas todas las señales ciertas y permanentes que sirván para reconocerlas y designando los rumbos con toda esactitud, á cuyo efecto seguirán la de los cuatro cardinales, ó al menos los intermedios esactos de estos siempre que fuere posible.

ARTO. 3º. Luego que haya en las colonias ó nuevas poblaciones treinta vecinos varones mayores de veintimo años nombrarán directamente entre todos un juez de paz, y un consejo compuesto de seis vocales, un procurador y un mayordomo, para que este consejo, con susecion al ayuntamiento ó junto municipal inmediata, entienda en todo lo economico de la colonia, dándose cuenta de la eleccion á la gefatura del canton ó presidencia de la municipalidad, y por su conducto al gobierno del estado.

ARTO. 4º. Demarcado y amojonado que sea el terreno de una legua concedido á la nueva poblacion, sus pastos, montes aguus, caza, pesca, piedra, arboles frutales y demas especies que produscon serán de aprovechamiento comun.

ARTO. 5º. Ygualmente disfrutarán los vecinos de los montes, pastos, aguas y demas aprovechamientos de las tierras valdias que hubiere fuera del terreno señalado á la nueva poblacion, su comunidad con los vecinos de los pueblos inmediatos y colindantes cuya gracia y facultad subsistira hasta que por el estado se mercenen y enaguren en cuyo caso se arreglarán á los que se preveniese en las mercedes que se espidan á favor de los nuevas poseedores ó propietarios.

ARTO. 6º. El ejido y señalado el sitio que se haya considerado mas oportuno para ubicar la nueva poblacion, cuidará el comisionado para su establecimiento de que todas las casas y demas edificios que susexivamente se fueren construyendo, se arreglan á la planta ó plano formado previamente, en el que se procurará que las calles tengan á lo menos doce varas de ancho que sean tirados á cordel y se corten en angulos rectos, lo que facilitará el trafica y comunicacion de los vecinos y pobladores, y contribuyendo su igualdad y simetria á hermosear la poblacion, conducirá tambien, á su mejor temperamento, limpieza y sanidad en beneficio de los que se fijaren en ella.

ART. 7º. Tambien se cuidará de que en el centro de la poblacion haya una plaza regular y proporcionada y se señabarán en ella solares para la yglesia y casa curol y para la escuela y casas consistoriales y en parajes convenientes, otros solares para carcel, cuarteles, postas, &c.

ARTO. 8º. Estando señalado en el plano ó planta el terreno que deba ocupar cada manzana, y no siendo facil prescribir el solar que sea suficiente para cada vecino poblador por la desigualdad que habrá entre las familias, medios y proporciones de los que se destinaren á serlo, se deja al prudente arbitrio del comisionado, la facultad de concederles las varas de solar que, segun sus familias, caudales y demas justas consideraciones estimare que cada uno pueda necesitar, labrar y edificar, á cuyo fin, y el de que todos tengan el que sea correspondiente á sus facul-

tades, podrá repartirseles una manzana, media, cuarta se octava parte que son las divisiones mas ademas para conseguir el fin de uniformar en lo posible los edificios de la poblacion.

ARTO. 9°. Para evitar las quejas que podrá ocasionar el señalamiento voluntario de solares por la preferencia ó mejoría de los unos respecto á los otros, se ejecutará el repar timento entre les primeros pobladores, hechando suertes, como lo dispone la ley 11, titulo 7, libro 4°, de la recopilacion.

ARTO. 10°. En dessor de la poblacion se dejarán ejidos competentes para que puedan recrearse los pobladores; salir sus ganados sin hacendano; y para que á medida que se aumenten en lo sucesivo, haya terreno que poder mercenarles para que edefiquen sus casas y habitaciones segun lo dispone las leyes.

ARTO. 11°. Asi mismo se procederá á señalar y demarcarla dehesa ó prado boyal que se regule suficiente, para que peredan pastar abundantemente y con comodidad los ganados de labor y los que hubiere para el abasto de la nueva poblacion procurando elejir á este fin las tierras abundantes de pastos, que no sean de la mejor calidad para producir trigos ú st otros frutos de legumbses utiles al consumo y subsistencia de los pobladores y sus familias como lo disponen las citadas leyes 7 y 14, titulo 7, libro 4°, de la recopilacion,

ARTO. 12°. Evacuado el señalamiento de ejidos y de la dehesa comun ó prado boyal, formará el comisionado un prudente calculo de todo el terreno util y fructifero que por medio de la acequia construida pueda segarse, y del restante que seutener este beneficio considere aproposito para siembras y cosechas de temporal, y dividiendo uno y otro en suertes iguales desde doscienta cincuenta varas por cada lado vendrá en conocimiento del número de suertes de ambas clases que hubiere para repartir á los nuevos pobladores, y á los que se agregaren y aumentaren en lo sucesivo.

ARTO. 13°. Divididas así las suertes de las mas utiles é inmediatas al pueblo y que gocen del beneficio del viego se señalarán y amojonarán ocho que quedarán por fondo de propios, cuyos productos se administrarán por el mayordomo que nombre el consejo, con aprobacion del ayuntamiento ó junta municipal respectivo.

ARTO. 14°. Por primera vez las ocho suertes del comun se sembrarán y cultivarán por todos y al efecto todos los pobladores y vecinos deberán trabajar en ellas personalmente ó por medio de sus peones con sus yuntas y ganados en la forma equilativa que dispusiere el comisionado, quien repartirá las famas del trabajo, de modo que todos participen de ellas con igualdad sin escepcion de poblador ni vecino alguno; en la inteligencia de que esta operacion ha de limitorse á las primeras labores; siembras y cosechas, con cuyos productos se costearán despues los sucesivas, quedando el resto liquido á beneficio del fondo de propios para invertido en los objetos del bien publico á que por leyes están destinados estos caudales.

ARTO. 15°. Verificado el amojonamiento y aplicacion de las ocho suertes de regadio á favor de los propios de la nueva poblacion, las restantes que hubiere utiles en su distrito, ya sean de regadio ó de temporal quedarán á beneficio de los pobladores á quienes se irán repartiendo y mercenando á medida que se vayan estableciendo en ella, y no siendo posible dar regla fija sobre el número de suertes que podrán repartirse y mercenarse á cada poblador, se deja al prudente arbitrio del comisionado la facultas de regular y mercenar las que considere suficiente á la manutencion de la familia de cada uno, teniendo presente las leyes respectivas. y la del estado de 11. de Abril de 1850; el número de individuos que

compongan tal familia, los que hubiere entre ellos utiles para el trabajo y laboria, los apesos, y demas utencilios que cada uno tubiere para empresederlo y finalmente su respectiva aplicacion, por ser justo que el que la tubiere consiga en premio de ella mayor número de suertes que los que por desidio ó inaplicacion dejaren sin cultivo las que se les hubieren señalado bajo cuyas consideraciones hará el primer repartimiento entre los actuales pobladores sin esceder de tres suertes las que podra conceder á cada uno, dejando las restantes para repartirlas á los que sucesivamente se fueron agregando á la nueva poblacion; á los hijos de familias que tomando estado pasen á la clase de vecinos ó á los mismos pobladores, que por la industria á aplicacion con que se hayan esmerado en el cultivo de las primeras suertes repartidas se hagan acreedores á que se les aumenten otras, las que nunca podrán esceder de igual número á el que en el primer repartimiento se les hubiere señalado.

ARTO. 16°. Siendo muy conveniente á los pobladores que el número de suertes que se les repartiere, se hayan unidas y contiguas unas de otras, para que de este modo puedan atesoder mejor á su cultivo sin los distracciones que ocasiona la distancia de unas tierras á otras, procurará el comisionado tener presente esta consideracion para proporcionarles en cuanto sea posible el benifio de la reunion de suertes ó á lo menos la mejor distancia que pueda facilitarles entre las que se le repartieren, y para evitar los quejas que pudieran resultar por la mejora de unos terrenos respecto de otros, divididos que sean en la forma que va prevenida, procederá á ejecutar el primer repartimiento hechando suertes entre los pobladores, segun y como queda dispuesto por lo respectivo á los solares en el artículo 9. de esta instruccion.

ARTO. 17°. El comisionado á cuyo cargo estubiere la nueva poblacion y el repartimiento de tierras y solares, deberá formar un libro ó cuaderno donde existan las diligencias originales de repartimiento que fuere practicando, el cual se conservará archivado en el ayuntamiento ó junta municipal respectiva y con referencia de ellas, dará á cada poblador un testimonio ó hijuela certificada que esplice con claridad y distincion la cabidad y linderos del solar y suertes que respectivamente se le hubieren asignado, cuyo instrumento le servirá de titulo de pertenencia para ellos, sus hijos y descendientes, advirtiendoles que á este fin deben guardarlo, y que si lo perdieren por algun accidente involuntario, pueden ocurrir al comisionado ó al ayuntamiento ó junta municipal á, que se les dé, otro igual de las diligencias que con este objeto quedan archivadas.

ARTO. 18°. Así en las diligencias originales de repartimiento, como en las hijuelas de titulo de preferencia que se dieren á los pobladores espresará igualmente el comisionado que los solares y tierras, se les reparten y mercenan á nombre del estado perpetuamente para siempre jamas y por juro de heredad, para si, sus hijos y descendientes con las precisas condiciones de que han de mantener armas y caballo, y estar prontos á defender el pais de los insultos de los enemigos que lo hostilizaren y á salir contra ellos siempre que de les mandare; que han de labrar y tener sus casas y residir con sus familias en la nueva poblacion, á lo menos por espacio de cuatro años; que durante este termino, no han de poder enagenar, hipotecar, ni imponer gravámen alguno sobre las tierras y solares que se les hubieren repartido aunque sea con motivo piadoso; que dentro del preciso termino de dos años, tendrán cultivados y en labor las tierras que se les hubieren mercenado y á lo ménos empesar las casas en los solares que se les hubiere señalado, que habiendo cumplido estas condiciones y resedido por cuatro años con su casa y familia en la nueva poblacion, adquieran el verdadero dominio de las tierras

y solares que se les hubieren repartido y de las casas y edificios que hubieren labrado en ellos, y tendrán facultad de allí adelante para poder venderlos y hacer de ellos á su voluntad libremente como de cosa suya propia, segun lo dispone la ley 1.^a titulo 12.^o, libro 4 de la recopilacion, y la del estado de 1.^o de Mayo de 1851, pero con la calidad de que nunca han de poder venderlos ó enagenarlos á yglesia, monasterio, persona eclesiastica, comunidad ni otras de las que llaman manos muertas, como lo dispone la ley 10. del mismo titulo y libro hago la pena al que contraveniere de perder las tierras y edificios, que en este caso podrán repartirse á otros; y finalmente que á los tres meses de haberles hecho la merced y repartimiento, tendrán obligacion de tomar posesion de los solares y tierras que se les hubiese señalado, y de plantar todos los linderos ó confines de estos, de arboles frutales ú otros que sean utiles al abasto de la poblacion, por cuyo medio gozará su distrito de buena y saludable disposesion y podrá aprovecharse de la fruta, teñas y madera que produjeren para sus usos domesticos y para los utencilios de labranza que indispensablemente necesitan, como lo dispone la ley 11. del citado titulo y libro.

ARTO. 19.^o. Siendo el beneficio del riego el principal medio de fertilizar las tierras y el mas conducente al fomento de la poblacion pondrá particular cuidado el comisionado en distribuir las aguas, de modo que todo el terreno que sea regable, pueda participar de ellos, para asegurar las cosechas, á cuyo fin valiendose de peritos ó inteligentes dividirá el territorio en partidos ó heredamientos, señalando á cada uno una acequia que saldrá de la madre principal, con la cantidad de agua que se regule suficiente para su regadio y en lo demas del año que lo necesitaren, por cuyo medio sabrá cada poblador la acequia con que debe regarse su heredamiento, y que no puede ni tiene facultad para tomar la agua de otro distrito, ni en mayor cantidad que la que cupiere á la suya, á cuyo fin y el de que no se aumente en perjuicio de los herederos situados en el terreno posterior ó mas abajo, que los repartendares se construyan en la acequia madre de cál y canto á costa de los mismos pobladores.

ARTO. 20.^o. Para que estos disfruten con equidad y justicia del beneficio de las aguas á proporcion de la necesidad que tengan sus respectivas siembras, se nombrará anualmente por la junta municipal un mandador de riegos, á cuyo cargo estará el cuidado de repartirles entre los heredades comprendidos en el partido ó heredamiento que se regare con ellas, á proporcion de la necesidad que tubieren de este beneficio, señalando por tésta que formará las horas del dia ó de la noche que cada heredero debira regar sus sembrados.

ARTO. 21.^o. Los reparos y limpias que necesitare la acequia madre para su conservacion, se harán á costa de todo el vecindario, en los tiempos que señalare el comisionado y ayuntamiento, concurriendo á ellos, cada vecino con su asistencia y bravaajo personal, ó en su defecto con la cantidad que por repartimiento y prorratio equitativo se le señale para pagar y satisfacer á los peones; y por lo respectivo á los reparos y limpias de los repartidores y acequias destinadas al riego de los partidos ó heredades en que debe dividirse el terreno, serán al cargo de los hacenderos ó herederos, cuyas suertes y posesiones se regaren con ellas, entre los cuales se repartirá el gasto que causaren á prorrata del número de suertes que cada uno poseyere en aquel lugar ó heredamiento, correspondiendo á la junta municipal de acuerdo con el comisionado, determinar los tiempos en que sin perjuicio de las sementeras puedan hacerse las enunciadas limpias y reparos.

ARTO. 22.^o. Para evitar los daños y perjuicios que por descuido del dueño, hacen los ganados mayores y menores en las sementeras se nom-

brarán annualmente por el consejo dos guardas de campo, que el uno ejersa sus funciones de dia y el otro de noche, y como ministros publicos que jurarán en el ante la autoridad hacer bien y fielmente su oficio, serán cocidos sus deposiciones, á ménos que contra ellas se presente prueba suficiente á justificar lo contrario, y ambos tendrán la obligacion de celar de dia y de noche que los ganados no causen daño en las sementeras del vecindario y la de aprender á los que encuertren haciendolo, los que conducen á un corral que se formara á este fin, y llamara corral de consejo, dando cuenta y denunciandolos inmediatamente á la justicia, para que bajo su deposicion jurada proceda sumaria y ejecutivamente á hacer reconocer y tazar el daño que hubieren causado y obligar el dueño del ganado aprendido á que lo pague y satisfaga al de la sementera que lo hubiere padecido.

ARTO. 23°. Llegando á contar la colonia ó nueva poblacion el número suficiente de habitantes para tener su ayuntamiento ó junta municipal propia, formará sus ordenazas municipales y recibirá su archivo por igoroso inventorio, á cuyo fin se guardarán desde el principio separadamente y con la mayor claridad, los documentos que le pertenescan, en el archivo del ayuntamiento o junta municipal de que dependa.

ARTO. 25°. Aunque parezca muy limitado el terreno concedido por la ley para ejidos y dehesas de las nuevas poblaciones, debira observarse que los nuevos pobladores pueden adquirir fuera de ellos propiedades particulares conforme á los leyes, citados y otras del estado, y de que importa mas á este la multiplicacion de lugares de suficiente vecindario y en aptitud de progresar, que la aglomeracion de muchos pobladores en un sola lugar. Por consiguiente si acudieren muchos en una sola colonia ó nueva poblacion, el respectivo comisionado consultará al gobierno del estado su reparticion en varios establecimientos para cuya designacion, ubicacion y formacion ademas de los reglas espedadas se tendrán presentes las contenidas en la ley del estado, de 18. de Noviembre de 1833.

Por tanto mando se imprima, publique, circule y se campila en todas sus partes. Palacio del gobierno del estado Chihuahua, Mayo 22. de 1851.

JUAN N. DE URQUIDI,
Gobernador.

AMADO DE LA VEGA,
Oficial Primera.

Se me pasó el artículo 24. pero solo trata de que el libro de registro del comisionado ha de estar rubricado en la primera y ultima foja por el secretario de gobierno del estado. Esto fué por una ligereza de vista y por estar de priesa.

Los Amoles, El Refugio, La Union, Abril Domingo 16. de 1871.

[La Prensa, Chihuahua, Mayo 24. de 1851.]

NUEVAS POBLACIONES.

El sr. cura del paso, D. Ramon Ortiz, comisionado del gobierno general, para auxiliar la emigracion de Nueva Mejico, ha venido á esta ciudad para arreglar con el gobierno del estado algunos puntos del mayor interes, para el desempeño de su comision y en consecuencia además de otras providencias, se ha espedido el reglamento para las colonias civiles y nuevas poblaciones que publicamos en este número. Nuestros lectores saben que entre la inicial, situada en el punto que espresa la acta (que tambien publicamos hoy) y la villa del paso se han formado y se estan formando las importantes poblaciones, conosidas hasta ahora con

los nombres de la Mesilla y Los Amoles, y que abajo del Paso, Real, Senecu, Ysleta, Socorro y San Elclario, se han formado tambien las poblaciones de la colonia militar, San Joaquin y de las civiles de Guadalupe y San Ygnacio, &a.

REPUBLICA MEJICANA,

Gefatura Politica del Canton Bravos :

Tengase presente que el dia 24. de Abril del año de nuestro señor de mil ochocientos cincuenta y uno, los comisionados y agrimensores por parte de Mejico y de los Estados-Unidos, para tragar la linea divisoria entre ambas republicas con arreglo al tratado de paz firmado en la ciudad de Guadalupe de Hidalgo el dia 2. de Febrero de 1848, y cangeado en la de Queretero, el 30. de Mayo, del mismo año, plenamente satisfechos de las operaciones hechas, y de los resultados obtenidos por los astrónomos principales de ambas comisiones, fijarán este punto en la orilla derecha del rio Bravo, ó Grande del Norte, á los (32° 22') treinta y dos grados veinte y dos minutos de latitud norte, el cual con arreglo á lo prevenido, en el artículo 5° de dicho. Tratado, es "*el punto en que dicho rio (Bravo ó Grande del Norte) corta el lindero meridional del Nuevo Mejico,*" siendo de advertir que la distancia de este punto, hácia el eji del hecho que actualmente recorre el rio, en la direccion del mismo paralelo, es la de (219^m.4) doscientos diez y nueve metros y cuatro desimos, consiguiientemente hácia á la parte oriental de dicho punto. Para mayor solemnidad de este acto, lo presenciaron como testigos por parte de Mejico, el Sr. Dn. Juan José Sanchez, gefe politico del canton Bravos, en el estado Chihuahua, como primera autoridad de este lugar y por parte de los Estados-Unidos, el capitan graduado, Abraham Buford, comandante de la compañía H del primer regimiento de dragones del ejercito de los Estados-Unidos y el Coronel Charles F. Toppin, ayudante de campo de S. E. James S. Calhoun, gobernador del territorio de Nuevo Mejico. Puesto por duplicado en Español é Yngles, firmado y sellado en el punto establecido, &a.

Es copia del testimonio que se remitió á esta gefatura.

Paso, Mayo 1° de 1851.

JUAN MA. PONCE DE LEON.

FAUSTIN MONTES, *Srio.*

EXHIBIT C.

MINISTERIO DE RELACIONES INTERIORES Y EXTERIORES.

El Exmo. Sr. presidente de la república, me ha dirigido el decreto que sigue :

José Joaquin de Herrera, general de division, presidente constitucional de los Estados Unidos Mexicanos, á todos los habitantes de la república, sabed : Que en uso de la facultad que me concede la fraccion 2ª del artículo 110. de la constitucion, para cumplir con lo dispuesto en el artículo 22. de la ley 14. Junio ultimo, que señalo un fondo para la traslacion de las familias mexicanas que quisieren emigrar del territorio perdido en el tratado de paz de Guadalupe Hidalgo, y despues de haber consultado á varias personas que conocian las circunstancias locales del territorio de que se trata, y oido el dictamen de una junta, nombrada con este solo objeto de acuerdo con lo consultado por ella he venido en decretar lo siguiente :

ARTÍCULO 1°. Todos los Mexicanos que á la celebracion de la paz se

encontraban en el territorio que por el tratado de Guadalupe Hidalgo quedo en poder de los Estados Unidos del Norte y queran venir á establecerse en el de la república, seran trasladados á esta de cuenta del erario y en la forma que se establece en los artículos siguientes.

ART. 2º. Todas las personas que se hallen en este caso daran aviso al consul ó agente de la república que estubiese mas inmediato ó al comisionado ó agentes del comisionado que se nombraren, espresando su nombre, edad, residencia é industria, y si tuviesen familia, el número de personas de que esta, se componga, dando la misma especificacion respecto de cada una de ellas.

ART. 3º. El gobierno nombrara tres individuos que pasen en comision uno á Nuevo Mexico otro á la Alta California y otra á Matamoras en el estado de Tamaulipas, para que se encarguen de la traslacion de las familias mexicanas de que habla el artículo primero.

ART. 4º. Estos comisionados en vista de las peticiones que recibieron directamente ó por medio de los consules, y de las de mas diligencias, que habian de practicar con la mayor actividad dispondran el viage de las familias que quieran emigrar, encargandose de su conduccion hasta el punto designado.

ART. 5º. Los familias de Nuevo Mexico pasaran á Chihuahua, las de la orilla izquierda del Bravo á los estados de Tamaulipas, Coahuila ó Nuevo Leon, y las de la Alta California á la Baja ó al estado de Sonora, á cuyo efecto los comisionados respectivos se pondran de acuerdo con los gobernadores de estos estados y primera autoridad local de California, para que señalen los terrenos que puedan destinarse al establecimiento de colonias.

ART. 6º. Los Mexicanos que emigraren en virtud de este decreto tendran derecho de preferencia para que se les hagan todas las concesiones que las leyes establescan ó establecieren en favor de los colonos extranjeros, ademas de los auxilios que el mismo otorga para ellos de una manera especial. Tambien se reciban de preferencia en las colonias militares establecidas por la ley de 20 de Julio ultimo.

ART. 7º. Los gobernadores de los estados de Chihuahua, Coahuila, Nuevo Leon, Tamaulipas, y Sonora, y la primera autoridad politica de la Baja California, reglamentaran, en la parte que les corresponda, la organizacion de las colonias civiles que hayan de fundar los emigrados, y dictaran las providencias que jusguen convenientes para favorecer en lo posible la empresa, procurando principalmente, por arreglos con los hacendados, ó por cualquier otro medio el que los emigrados encuentren, en los estados referidos, tierras, ya de labor, ya pastales á donde los dueños de ganados puedan venir á establecerse con sus bienes.

ART. 8º. Los emigrados que no quisieren dedicarse á la agricultura, sino ejercer su arte ú oficio en alguna poblacion, lo avisaran así al comisionado, y este al gobernador ó autoridad respectiva para que les señale la poblacion á que hayan de trasladarse, y allí procuren facilitar su colocacion.

ART. 9º. Todo emigrado es libre para hacer de su propia cuenta el viage, pero en union de los demas, y reservar el todo ó parte de su cuota para recibirlo, en utiles de labranza y semillas en el lugar del establecimiento de la colonia. Tendra sin embargo, la obligacion de advertirlo al comisionado al tiempo de alistarse á fin de que se tenga presente al hacer los presupuestos.

ART. 10º. La cuota de asignacion para los emigrados, sera la de veinte cinco pesos por persona de catorce años para arriba, y doce pesos por cada una de las que no llegaren á esta edad. Esta suma la percibirá el cabeza de familia: I. En el cargo que le corresponda por el tras-

porte hasta el punto donde se establezca la colonia. II. En los bueyes y herramienta que se le entreguen en el mismo punto. III. En semillas para su mantencion en el primer año de su establecimiento.

ART. 11°. Si por la distancia del punto los costos del viage fueren tan altos que no quedaren libres para recibir en semillas, muebles ó herramientas al ménos el valor de quince pesos por persona mayor de catorce años, se completara esta cantidad solo á los que vayan á establecerse á las colonias y no á otros.

ART. 12°. Los que no quieren establecerse en las colonias, percibirán la mitad de la cuota asignada en los terminos que convengan con el comisionado respectivo, quien, si no hicieren el viage de la manera que se establezca no les podra entregar esa cuota, sino es cerciorandose de que estan trasladados al territorio de la república.

ART. 13°. Los comisionados así como los gobernadores de los estados, tomaren las providencias, que les parecieron mas convenientes para cerciorarse de que los emigrados estan en el caso del artículo 1° de este decreto, y evitar que algunos se pasen ahora del territorio mexicano al cedido, con objeto, de disfrutar luego los beneficios de este decreto, de los cuales quedaran privados tan pronto como se averigüe el fraude. Tambien cuidaran de que no vengan á las colonias, criminales sujetos á juicio ó sentenciados por delitos graves.

ART. 14°. Los comisionados espediran á cada persona ó familia de las que hayan de emigrar, una boleta por el valor de la suma de las cuotas de sus individuos, anotando en su misma boleta si hacen los gastos del viage de su cuenta, ó los reciben del comisionado y si van destinados á formar colonia ó al ejercicio de algun arte, ó se trasladan á algun otro punto de la república, y llevaran una noticia circunstanciada del número, valor y notas de las boletas espedidas, para formar los presupuestos de fletes, viveres, bueyes, semillas y herramientas.

ART. 15°. Hechos los presupuestos referidos los comisionados bajo su responsabilidad, por sí ó por medio de sus agentes respectivos, haran contratos, con la mayor economia posible, de los medios de trasporte de los viveres necesarios para el consumo durante el viage, y de las semillas y herramientas que hayan de darseles en el lugar de su destino. Estas contratas se estenderan por duplicado, quedando un ejemplar de ellas en el consulado mexicano.

ART. 16°. Los gastos de fletes, semillas y herramientas, conduccion de bueyada, y en general todos los que no pueden calcularse exactamente antes de la distribucion, se haran de cargo en su respectivo ramo, á fin de que sean á costo y costas los precios de los cargos al emigrado. Tambien se pasara en data á los comisionados por gastos de la empresa los extraordinarios que tengan que erogar y que no sea posible calcular oportunamente para hacerlos de cargo en los costos respectivos.

ART. 17°. Para el puntual pago de todos estos contrato el ministerio de hacienda situara los fondos respectivos en los lugares que á su juicio fueren convenientes y de la manera mas propia para asegurar que estos fondos no sean distraidos de su objeto, y la oficina ó personas designadas, pagaran á tres dias de vistas las libranzas giradas por el comisionado, llevaran su cuenta de la distribucion, y firmaran al fin la cuenta general de la comision. Las libranzas deben traer el visto bueno de los consules ó vice-consules mexicanos, tan luego como se establezcan aquellos puntos.

ART. 18°. Segun vaya recibiendo el emigrado lo que necesite, se le haran los cargos respectivos en un boleta, hasta que satisfecho el valor de ellas firme el recibo, y lo entregue al comisionado para que este justi-

fique su respetiva cuenta. En la liquidacion y firma del recibo, intervendra la autoridad que designe el gobernador del estado á cuyo territorio hayan venido los emigrados.

ART. 19°. La cuenta general de los comisionados, sera presentada al supremo gobierno con las partidas de data legisladas comprobada con las boletas respectivas de los emigrados y con el visto bueno de los gobernadores de los respectivos estados, y aprobada que sea, se publicara por los periodicos. En la Baja California, la primera autoridad politica hara las veces del gobernador.

ART. 20°. Los comisionados de Nuevo Mexico y California recibiran cada uno para gastos de viage dos mil pesos, cualquiera que sea el tiempo que dure su comision y ademas \$1 por cada hombre mayor de catorce años que emigre, y cuatro reales por las demas personas. El comisionado que vaya á Matamoras recibira mil pesos para gastos de viage y el tanto por persona que se ha designado á los otros. Los comisionados daran la fianza que estime justa el ministerio de hacienda.

ART. 21°. Si la cantidad que se ha destinado para la traslacion no alcansare para verificar la de todas las familias alistadas, los comisionados formaron inmediatamente el presupuesto respectivo y los remitiran al supremo gobierno, para que se provea luego á trasladar las que no pudieren con los recursos por ahora destinados á este objeto.

ART. 22°. Las dudas que ocurran á los comisionados en el desempeño de su cargo podran resolverlas, consultandolas y poniendose de acuerdo con el gobernador del estado respectivo ó primera autoridad politica del territorio de la Baja California, si á este corresponden, sin perjuicio de queden cuenta, del estado de sus trabajos al supremo gobierno y á los gobernadores de los estados respectivos, con la mayor frecuencia posible.

ART. 23°. Los militares y empleados que se encontraren en el territorio cedido, que durante la guerra, no hubiesen perdido sus empleos por infraccion de las leyes de la república, y quisieren emigrar, recibiran ademas de la cuota establecida en este reglamento, la cantidad que por cuenta de sus sueldos tenga á bien señalarles el ministerio respectivo, y se cargara á los fondos ordinarios de donde deban pagarseles dichos sueldos. Los comisionados y gobernadores informaran sus solicitudes.

ART. 24°. Por tanto los agentes del gobierno general como las autoridades y funcionarios de los estados, impertiran á los comisionados su proteccion para que logren el mejor exito en el cumplimiento de su encargo.

Por tanto mando se imprima, publique, circule, y se le de el debido cumplimiento.

Palacio del gobierno general, Mexico, á 19. de Agosto de 1858.

JOSÉ JOAQUIN DE HERRERA.

A. D. MARIANO OTERO.

Y lo comunico á V. para su inteligencia y fines que convengan.

Dios y libertad, Mexico, Agosto 19. de 1848.

OTERO.

Al comisionado al territorio de N. Mexico.

Cura del paso,

D. RAMON ORTIZ,
Estado de Chihuahua.

[Translations.]

Claimants' translation of Exhibit A.

Guadalupe Miranda, commissioner-general for the transportation of Mexican families into national territories, in accordance with—

I certify that on this the fourth day of August, one thousand eight hundred and fifty-three, I arrived at the colony of La Mesilla, on the west margin of the river Bravo del Norte, (Rio Grande,) and by and in the name of the supreme of the nation and of the government of the state I have determined, assigned, and affixed the landmarks of their common as a new colony, to wit: Two leagues across the river-bottom so as not to give the majority of it on the immediate bank of the river or the foot-hills five thousand varas, said area should contain, so as to make it square, and running north until it reaches the hills of the Pecacho Mountain, and two leagues on the hills and mountains for grazing purposes, in conformity with article 2 of the ordinance of the 22d May, 1851, and by the circumstances caused by the numerous population this colony now has, the land herein granted will be proportioned to them to their advantage, and to be divided into two towns as soon as practicable; one where the town is now situated, and the other at the foot of the Pecacho Mountain.

Inasmuch as all the farming land is now in cultivation, that fact has caused me to grant so much farming land, being all that lies in the river-bottom comprehended by the following boundaries, and the two leagues for grazing purposes, having established the line that divide the colony of La Mesilla and that of Santo Tomas de Iturbide, on yesterday of the third (3d) day of the present month, in presence of the authorities of both colonies, viz: Don Domingo Cubero, Don José Manuel Sanchez Baca, and citizens of both colonies, to wit: Don Cesario Duran, Don Blas Duran, Don Francisco Roja, Don Balentin Maese, Don Mauricio Sanchez, and many others. The initial point (first landmark) was established (eastwardly) near an arm of the river about eight varas from a few cottonwood trees which are blazed, and near a small sand-hill; from thence west on the south of La Mesilla, and north of Santo Tomas, (the boundary-line having been run with a cord,) to the ruins of an old corral, known as "Las Guerras," which said line measured five thousand (5,000) varas up to the hills where a landmark was made; thence running north on the east, (this line also having been run with a cord,) following the foot-hills in a direct line towards Picacho Mountain, on the same bank of the river to where it connects with the hills; from thence following the same direction to a small black mound, north of a small flat known as "Apache ford," and a short distance above Pecacho for the distance of nineteen thousand five hundred varas; returning and taking the first point (initial point) on the bank of the river where the line divides the colonies of Santo Tomas and this of La Mesilla, and from said small sand-hill to the north on the east, following the bank of the river in a direct line in the direction of the Pecacho Mountain, on the bank of said river, the same runs into the hills, and necessarily following its bank to the small black mound north of the aforesaid small flat known as the said "Apache ford," and measuring twenty thousand varas, with which said boundaries terminates the area of the said forming lands.

From this point, *i. e.*, the small black mound running toward the west, on the north, over the hills and mountains, measured five thousand varas, at the termination of said line, was established by erecting

a monument near the dividing line. From thence on the south on the west was measured ten thousand varas, which said line reached and run below the present site of the town of La Mesilla, at the termination of which a landmark was established on the plain; from thence to the east on the south was measured five thousand varas, which extended to the foot-hills, and touching upon the boundaries of the farming lands above mentioned.

The said grazing-lands being granted in accordance with article four (4) of the aforementioned ordinances, having left the boundaries marked by small mounds of earth and blazed cottonwood trees, and requesting the authorities to erect of stone and cement the initial points of said boundaries, so that time would not efface the same, I do declare to the utility of the citizens of said colony of La Mesilla in common grazing, water, game, fishes, rock, trees, fruit, and other clases of the products of the soil, so that none, except he be a citizen of said colony, can enjoy the privileges granted to those by law, and to those persons who in the future will identify themselves as such.

The citizens of said colony will enjoy the pasture-grounds and other productions of unoccupied lands beyond the boundaries of this grant, together with the citizens of the immediate towns, until such time as the government shall dispose of the same as provided for in article 5 of said aforementioned ordinance.

Having established the boundaries as aforementioned, in the presence of the said authorities and citizens, I therefore certify to and sign this on the date aforesaid, on this common paper, as none of corresponding seal can be had, at the same time taking the required testimony necessary to guard the title to said colony.

G. M.

This is a copy taken from the original, with which it corresponds legally and faithfully.

In testimony for the guard of said colony I hereunto inscribe my name on this the 4th day of August, 1853.

GUADALUPE MIRANDA.

Fees for survey and testimony, \$100.

TERRITORY OF NEW MEXICO,

County of Doña Aña :

The foregoing is a correct translation of the original grant, marked Exhibit A, filed herewith in the Spanish language, to the best of my knowledge and belief.

JNO. D. BAIL.

Sworn to and subscribed before me this 17th day of January, 1874. Witness my hand and the seal of court the day and year last aforesaid.

[SEAL.]

DANIEL FRIETZE,

Probate Clerk of Doña Aña County, New Mexico.

[SEAL.]

EXHIBIT B B.

[SEAL.]

I, citizen Luis Valdez, first judge of first instance of the Bravos district, State of Chihuahua, do certify that Cristoval Ascarate, a citizen of the United States, of the North, presented in my office an official document, the day of the date hereof, which to the letter is as follows:

"HEADQUARTERS OF CHIHUAHUA.

"Brigade Trias, general-in-chief, doth state to the curate of this village, the presbyter, Ramon Ortiz, the following:

"His excellency, the governor of the State, in a communication of the 11th instant, states to me as follows:

"The honorable the secretary of state, in his note of the 23d of March last, states to this government the following:

"EXCELLENT SIR: I have communicated to his excellency the general, the depository of the supreme executive power, your excellency's note, number 4, of the first instant, in which you set forth the disorders caused by the conduct observed by Presbyter Ramon Ortiz, curate of the village of El Paso, and the necessity of removing him from the commission that had been conferred upon him to protect the emigration of families from New Mexico; and his excellency being advised in the premises, as well also as of all other matters mentioned in said communication, has been pleased to empower, and he does hereby authorize, your excellency to appoint such person as you may deem most suitable, in lieu of the said presbyter, Ramon Ortiz, on said commission, and to inform this office thereof, to the end that it may take such steps as may be deemed expedient, in order not to defeat its object; and in order to prevent the evils and perils you lament in your said note, his excellency trusts finally in the zeal and patriotism of your excellency to preserve, unalterably, good order, and the integrity of the national territory, as respects the State under your worthy command, and I transmit the same to your excellency, in order that you may be pleased to proceed at once to appoint the person who shall succeed Presbyter Ramon Ortiz on the commission referred to in the foregoing note; hence this government specially empowers your excellency to make such appointment, with the understanding that, under this date, there is forwarded to Mr. Ortiz the proper communication, requiring him to render to the person your excellency may appoint the due account of the disbursements he may have made of the funds he has received for the purposes of the commission he has discharged. And I transcribe the same to you, informing you that, in the exercise of the supreme authority granted, and that of the authority to me granted, I have appointed Guadalupe Miranda to substitute you in appointment, which was conferred upon you, for the removal of families from New Mexico and the formation of civil colonies of the State, you being pleased to render to the said Mr. Miranda the corresponding account of the sums you may have received for the discharge of your commission, and I have the honor to insert the same for your information, hoping that you will be pleased to accept the honorable commission which I confer upon you, in consideration of the patriotism and philanthropic sentiments for which you are distinguished. You may, therefore, proceed to receive from the curate, Presbyter Ramon Ortiz, the funds and all papers pertaining to the said appointment which he held."

"Tendering to you the assurances of my sincere esteem and high consideration.

"God and liberty, Paso del Norte, April 28, 1853.

"ANGEL TRIAS,
[Rubric.]

"HON. GUADALUPE MIRANDA."

This is a copy taken literally from its original, which agrees faithfully and legally with the said official document which was presented to me

by the American citizen Cristoval Ascarate, taken on two pages of seal third, to which I certify, at the request of the party interested. I sign this in the village of El Paso del Norte, on the fifteenth of February, one thousand eight hundred and seventy-one, with those in attendance, to which I certify.

LUIS VALDEZ.

Attending: JESUS DÑO. MONTES.

Attending: HERMERESILDO PONCE.

[SEAL.]

Fees, without office-paper, four dollars.

[Rubric.]

EXHIBIT A.

[Official translation.]

I, Guadalupe Miranda, commissioner-general for the removal of Mexican families to the national territory and the establishment of colonies, do certify that this fourth day of August, one thousand eight hundred and fifty-three, I proceeded to the Mesilla colony, on the right bank of the Rio Bravo del Norte, and in the name of the supreme powers of the nation and those of the State government, I have, for the commons of the same as a new colony, determined, designated, and placed landmarks to two leagues of agricultural land extended along the bend, as the five thousand varas which the area showed contain to square it cannot be obtained in the principal part thereof between the river and the drainings of the hills; and, ascending to the north, it narrows more until it joins the hills at the Picacho Mountain, and two leagues on the mountains and plain for pasturing live stock, in accordance with Article II of the regulations of the 22d of May, 1851; and in consideration of the large population this nascent colony has, and to give it more advantages and conveniences, the citizens are required and they are disposed to divide themselves into two communities as soon as possible, one of them wherever it may be selected, and the other at the Picacho Mesa, as they have already under cultivation all the arable lands, a circumstance I have kept in view in granting them the extent of planting land the bend contains, which is embraced in the following measurements, and the two leagues for pasture-land. Having designated yesterday, the third instant, the line that divides this colony of the Mesilla and that of Santo Tomas de Yturbide, in presence of the authorities of both, Domingo Cubero, José Manuel Sanchez Baca, and the citizens and residents of both, Cesario Duran, Blas Duran, Francisco Rojas, Valentin Maese, Mauricio Sanchez, and many others, the first landmark was established on the east near an arm of the river, about eight varas distant, where there are some small marked cotton-wood trees, and on a small sand-hill; from thence west, south of the Mesilla and north of the Santo Tomas colony, the line was run with the cordel to a hill in front of the ruins of a corral called the Guerras Corral, making five thousand varas on the hill, and the landmark was established, continuing toward the north; on the west the measurement was made with the cordel on the slope or drainings of the hills, in a direct line toward the Picacho

hill on the river side, and where it touches the hills; thence continuing the measurement along the margin of the river, it reached the Peñasco Prieto hill, which is to the north of a small bend called the Apache ford, a little above the Picacho, making nineteen thousand five hundred varas. Returning to commence at the first point on the edge of the river of the colonies of Santo Tomas and this of the Mesilla was fixed where the dividing-line on the north from the small sand-hill; thence to the north on the east, following the bank of the river in a direct line, in the direction of the Picacho, on the margin of said river, where it touches the hills, and following the bank very close to the Peñasco Prieto, which is situated to the north of the small bend called the Apache Ford Bend, making twenty thousand varas, with which three measurements the area of the cultivable was determined. From this point of the Peñasco Prieto west, on the north over the hills, there were measured five thousand varas and a land-mark was established on a hill near the dividing-line; thence to the south on the west there were measured ten thousand varas, which reach below the present plaza of the Mesilla, the landmark was established in the plain; thence east on the south, five thousand varas were measured off, which reached to the drainings of the hills and intersected the line of the arable lands, and, in conformity with article IV of said regulation and the lines having been designated by mounds of earth and some marked trees, the authorities being directed to establish the extreme boundaries of the admeasurement by placing mounds of stone and mortar, to the end that lapse of time do not destroy them, and they may be always observed and respected as the metes and bounds of the commons. I declare the pastures, woods, water, game, fisheries, stone, fruit-trees, and things the land produces to be for the common benefit of the residents [vecinos] of the Mesilla colony, without any other, not a resident of said colony, having a right to enjoy the benefits granted to them by law, and to those who shall in future establish themselves there the residents of said colony, shall also have the benefit of the pastures, timber, and all other advantages of the vacant lands beyond the commons determined in common and together with the residents of the towns in the vicinity until the government shall determine to cede and alienate them, in which case they will abide by the conditions expressed in the grants as prescribed by article V of the aforesaid regulations, and having concluded said measurement in the presence of said judge and many other persons, and citizens who came and were present.

I certify and sign this on the day of the above date on this common paper, there being none of the corresponding stamp, taking the respective testimonio, which will serve as a title and security for said colony.
G. M.

This is a copy taken from its original, with which this testimonio agrees faithfully and legally, for the security of the said colony, this 4th day of August, 1853.

GUADALUPE MIRANDA.

Fees for measuring the land, original and testimonio, 100 dollars.

[RUBRIC.]

Filed for record, April 30, 1869, and recorded at folios 496, 497, 498, of book of deeds, No. 3, of records of Doña Aña County, New Mexico.

J. F. BENNETT,

Recorder.

By R. H. BLAKE,

Deputy.

EXHIBIT B.

Colonization regulations, issued by the supreme government of the State of Chihuahua, on the 22d of May, 1851.

Copy taken for the use of Daniel Trietze, esquire, of Mesilla, N. M.

Regulations for the organization of civil colonies and all other settlements, which may be formed in the State:

ARTICLE 1. The colonies shall retain this title until the honorable Congress of the States shall declare them villages, cities, and so forth, according to their respective importance, and each one of them, as also all other new settlements, shall have the name given them by the Commissioner, forming the same, appointed by the State government, and this commissioner will see that such name be Spanish, and be not confounded with those of other places, and shall not refer to living persons.

ART. 2. To each civil colony or new settlement the respective commissioner may grant one league for commons and pasture-grounds, in conformity with the State law of October 22, 1833, in a square or extended form, according to the nature of the land and the position of the settlements in the vicinity, and on these boundaries there shall be placed land-marks, and the limits clearly defined designating plainly the four courses of the tract, and expressing in the proceedings of measurement all certain and permanent points which serve to recognize the courses with all exactness, for which purpose the four cardinal courses shall be followed, or, at least, the intermediate of these exactly should it be possible to do so.

ART. 3. Whenever there may be in the colonies or new settlements thirty male residents, over the age of twenty-one years, they shall elect, directly from among themselves, a justice of the peace, a council, composed of six members, a solicitor, and one mayor-domo, in order that this council, under the supervision of the proper *ayuntamiento*, or municipal body, may manage the economical government of the colony, reporting to the prefecture of the district or the presidency of the municipality of the election, and through them the State government.

ART. 4. When the league of land to be ceded to the new settlement shall be designated and marked, its pastures, woods, waters, game, fisheries, stone, fruit trees, and other things produced shall be for the common benefit.

ART. 5. The residents shall also enjoy the timber, pastures, waters, and all other benefits arising from the public lands, there may be lying outside of the land designated to the new settlement, in common with the residents of the towns in the vicinity and contiguous, which favor and privileges shall continue only until the State shall grant and alienate the same, in which case they shall confine themselves to that which is prescribed in the grants made to the new occupants and proprietors.

ART. 6. The place which is considered most appropriate for the location of the new settlement being selected and designated, the commissioner shall see that in its establishment all the houses and other buildings which may successively be constructed, be in conformity with the site or plan first formed, in which he will see that the streets be at least twelve varas wide, that they be laid off with the cordel, and cross at right angles, which will facilitate the traffic and communication of the citizens and settlers, and contribute also to its uniformity and symmetry and beauty of the settlement, and it will also serve for its better tem-

perature, cleanliness, and health, to the benefit of those who may establish themselves there.

ART. 7. He will also see that in the center of the settlement there be a regular and well-proportioned plaza, in which shall be designated lots for the church and the curate's house, and for school and government buildings, and in convenient places other lots for a jail, barracks, stations, and so forth.

ART. 8. Having designated in the plan or site the ground that each block should occupy, and it not being possible to designate the lot sufficient for each resident settler by reason of the inequality there may exist among the families, the means and measures to be taken for the same, are left to the prudent judgment of the commissioner, the authority to concede to them the varas of ground for building-lots, that according to their families, wealth, and other just considerations, he may deem necessary for one to work and improve for which purpose, and that all may have his proportionate share according to his means he may divide among them, one-half, a fourth, or eighth, or an entire block which are the divisions most adequate to obtain the object of uniforming as far as possible the buildings of the settlement.

ART. 9. In order to prevent the complaints the voluntary assignment of lots might occasion, through preference or favor of some in respect to others, the assignment shall be executed among the first settlers by lot, as provided in law 11, title 7, book 4, of the recopilation.

ART. 10. There shall be left in the circumference of the settlements a common competent for the recreation of the settlers, the exit of their stock without committing damage, and in proportion as the same may increase in future there be sufficient land to grant them for building their houses and habitations as provided by law.

ART. 11. In like manner he shall proceed to designate and mark off the common or work-cattle meadow deemed to be sufficient for the abundant and convenient pasturage of work-cattle, and those that may be for the supply of the new settlement, endeavoring to select for this purpose lands with abundant pasture, not being of the better class for producing wheat and other grain-produce, useful for the consumption and subsistence of the new settlers and their families, as provided by said laws 7 and 14, title 7, book 4 of the recopilation.

ART. 12. Having concluded the setting apart of commons and the community meadows for work cattle, the commissioner shall proceed to make a correct calculation of all the useful productive land which by means of the acequia constructed can be irrigated, and the balance not having this advantage considered proper for planting and grain-growing on the uplands, and by dividing one and the other into equal lots of two hundred and fifty varas on each side, will thereby be able to ascertain the number of lots of each class to be distributed among the new settlers and to those who may join and increase the same in future.

ART. 13. When the lots of the land most useful and nearest the town shall thus be divided, and which have the benefit of irrigation, there shall be designated and marked off eight, which shall remain applicable to the funds of the corporation, the products of which shall be administered by the mayordomo appointed by the council with the approval of the proper ayuntamiento or municipal body.

ART. 14. The first time the eight lots of the community lands shall be planted and cultivated by all, and for this purpose all the settlers and residents shall personally or with their peons work them with their oxen and cattle in an equitable manner as directed by the commissioner,

who shall distribute the work so that all will participate equally therein, without exception of any settler nor resident, with the understanding that this operation shall be limited to the first cultivation, planting, and gathering of crops, with the products of which the future working shall be paid; the net proceeds remaining to the funds of the corporation to be applied to public use as the law provides these funds shall be applied.

ART. 15. The eight lots of irrigable land having been assigned to the corporation of the new settlement, and designated by landmarks, the remainder there may be useful in the district, either subject to irrigation or upland, shall remain for the benefit of the settlers, to whom shall be assigned and granted as they shall establish themselves thereon; and, it being impossible to give a fixed rule for the same in order to divide, and grant the same to each settler, it is left to the prudent discretion; of the commissioner the power to regulate and grant those he may deem sufficient for the support of the family of each one, keeping in view the respective laws and that of the State of April 11, 1850, the number of individuals composing each family, those among them that are able to work and labor, the farming implements and other utensils each one may have to commence with, and finally his respective application, it being just that he who applies himself should be awarded with a greater number of lots than those who through indolence or want of application neglect to cultivate those assigned him, under which consideration the first distribution shall be made among the actual settlers, not to exceed three lots, which amount may be conceded to each one, leaving the remainder to be distributed to those who may successively join the new settlement. To the children of families when they marry shall pass to the class of citizens or to that of settlers, who by the industry and application observed by them in the cultivation of the first lots to them distributed are worthy of having an increase of others, which shall in no case exceed an equal number to that that may have been made to them in the first distribution.

ART. 16. It being very convenient for the settlers that the number of lots designated to them should be united and contiguous, one to the other, in order that in this mode they can better attend to their cultivation, without the annoyances occasioned by the distance from one piece of land to another, the commissioner will endeavor to bear in mind this consideration in order to give them as far as possible the benefit of the lands being adjoining, or at least at as convenient a distance as practicable between the lands assigned them; and in order to avoid complaints that might result on account of the better quality of land in respect to others, the same being divided in the form as directed, he shall endeavor to execute the first assignment by lot among the settlers according to and as is provided for that of lots in article nine of this instruction.

ART. 17. The commissioner under whose charge the new settlement might be and the distribution of lands and lots, shall form a book or pamphlet in which the original proceedings of distribution shall be recorded, which shall be preserved among the archives of the ayuntamiento, or respective municipal body, and in conformity therewith he shall give to each settler a testimonio or certificate of his distributive share, expressing clearly and distinctly the quantity and limits of building-lots, and pieces of land which they shall assign him, which document shall serve him, his children, and descendants, as a title of possession of the same, advising them that for this purpose they should preserve it, and if they should by any involuntary accident lose it, they may apply to

the commissioner or the ayuntamiento or municipal body another according to the proceedings; for this purpose they shall remain in the archives.

ART. 18. As well in the original proceedings of distribution as in the documents of title of preference that shall be given to the settlers, the commissioner shall set forth that the lots and lands distributed and granted them in the name of the State is in fee-simple forever for himself, his children and descendants, with the express condition that they shall keep arms and horses and be ready to defend the country against the insults of the enemies that may attack it, and march against them whenever commanded to do so; that they shall cultivate the soil and keep their houses and live with their families in the new settlement for the term of four years at least; that during this time they shall not alienate, hypothecate, nor place any incumbrances on the land and lots that may have been assigned them, although it should be done for charitable purposes; that within the precise term of two years they shall have cultivated and worked the lands that may have been granted them, and at least shall have commenced building the houses on the lots assigned them. These conditions having been complied with, and having resided for four years in their houses with their families in the new settlements, they shall acquire true dominion of the lands and lots assigned them, and of the houses and buildings that they may have constructed thereon, and from that time forward shall have power to sell and use them at their free will as their own individual property as provided by law 1, title 12, book 4 of the recompilation and that of the state of May 1, 1851, it being understood that in no case shall they have the power to sell or alienate them to a church, monastery, an ecclesiastical person, community, nor to others called *mortmain*, as provided by law 10 of the same title and book, under the penalty to the person violating the same of forfeiting the land and buildings, and in such case they may be divided out among others; and finally, that at the end of three months after the grant and distribution shall have been made, it shall be their duty to take possession of the lots and lands assigned them and designate all the metes and bounds thereof, set out fruit-trees or others that may be useful for the supply of the settlement, whereby the district will enjoy a good and healthy condition, and that they may avail themselves of the fruit, wood, and timber, produced for domestic uses and for agricultural implements, that they indispensably need, as provided by law 11 of said title and book.

ART. 19. The advantage of irrigation being the principal means of fertilizing the lands and most conducive to the progress of the settlement, the commissioner shall take particular care in the distribution of the waters, so that all the irrigable land may participate therein, in order to secure crops; for which purpose, availing themselves of skillful and able men to divide the territory in sections or possessions, designating to each one an acequia to be taken out from the principal acequia, to contain the quantity of water that may be deemed sufficient for irrigation, and during the remainder of the year they require it, by which means each settler will know the acequia with which he should irrigate his lands, and he cannot nor shall he have the privilege of taking the water of another district nor in greater quantity than his acequia will hold, for which purpose, and that of preventing the increase in prejudice to the owners of land above or below, the distributor of water shall construct in the acequia madre flood-gates of lime and stone, at the expense of the said settlers, through which the proper quantity of water can pass.

ART. 20. In order that these may enjoy with equity and justice the

benefit of the waters in proportion to the lands they have respectively planted, the municipal body shall appoint, annually, an overseer of irrigation, whose duty it shall be to distribute among the owners of land embraced within the district, or lands to be irrigated therewith, in proportion to the necessity they have for this benefit, designating by list which he shall make, the hours of the day or night that each owner shall irrigate his fields.

ART. 21. The repairs and cleaning that the acequia may require for its preservation shall be done at the cost of the vicinage, at such times as the commissioner and ayuntamiento may fix, each resident assisting with his presence and personal labor therein, or in default thereof, with the sum which by an equitable division or *pro rata* he shall determine to be paid and satisfied by peons, and as respects the repairs and cleaning by the distributors and acequias designed for irrigating the districts or sections, into which the lands shall be divided, shall be under the charge of the farmers or owners whose lands and possessions are irrigated by them, among whom the cost incurred shall be divided by *pro rata* according to the number of the lots of land each one may possess at that place or possession, it pertaining to the municipal body with the advice of the commissioner to determine the time at which without prejudice to the fields said repairs and cleaning may be done.

ART. 22. To prevent the damages and injuries that, through neglect of the owner, horned cattle, sheep, and goats may do to the fields, the council shall appoint, annually, two field-guards, one to discharge his duties by day, and the other by night, and, as public officers, they shall take an oath as such before the justice to well and faithfully discharge the duties of their office, whose acts shall be accredited, unless there be produced against them sufficient proof to establish the contrary, and both shall be obliged to watch day and night and see that stock do not cause any damages to the fields of the vicinage and take those they may find doing so, which they shall drive to the corral that shall be made for this purpose, and called the council's corral, and report and give notice thereof immediately to the justice, to the end that under their affidavit he may proceed summarily and executively to examine and assess the damages they may have caused, and compel the owner of the stock so taken to pay and satisfy the owner of the fields who has been injured.

ART. 23. When the colony or new settlement shall have a sufficient number of inhabitants to entitle it to its own ayuntamiento or municipal body, they shall adopt their municipal ordinances and receive their archives with a correct inventory, for which purpose they shall be kept from the beginning separate and with the greatest clearness, the documents pertaining to them, in the archives of the ayuntamiento or municipal body to which they belong.

ART. 25. Although the land granted should appear limited by law for common pasture-ground for the work-cattle of the new settlement, it should be observed that new settlers may acquire beyond them other private lands according to said laws and others of the state, and it is more important to the State the multiplication of towns of sufficient vicinage and fitness for progress than the assemblage of many settlers in one place. Therefore, if many should assemble in one colony or new settlement, that respective commissioner will consult with the State government as to the propriety of dividing them into several settlements, for which designation, settlement, and formation, in addition to the rules expressed, there shall be observed those of the State law of November 18, 1833.

Therefore, it is ordered to be printed, published, circulated, and obeyed in all its parts.

Government-house of the State of Chihuahua, May 22, 1851.

JUAN N. DE URQUIDE,

Governor.

AMADO DE LA VEGA,

First Officer.

I omitted article 24, but it only directs that the commissioner's book of record shall be rubricked on the first and last pages by the secretary of the State government. This was done through a slight oversight and being in a hurry.

Los Amoles, El Refugio, La Union, April, Sunday, 16, 1871.

[The Press, Chihuahua, May 24, 1851.]

NEW SETTLEMENTS.

The curate of El Paso, Ramon Ortiz, commissioner of the general State government, to aid the emigration from New Mexico, has come to this city to regulate with the State government some points of the greatest interest for the discharge of the duties of his commission, and in consequence also, of other arrangements, there have been issued regulations for the civil colonies and new settlements, which we publish in this number; our readers will see that at the point situated at the place expressed in the act, (which we also publish to-day,) and the village of El Paso, are formed and are being formed the important settlements called, up to this time, by the name of the Mesilla and Los Amoles and El Paso, the Real, Senecu, Yesleta, Socorro, and San Elceario, there have also been formed the settlements of the military colony of San Joaquin and the civil ones of Guadalupe and San Ygnacio, &c.

REPUBLIC OF MEXICO,

Political Prefect's Office of the Bravos District :

Be it remembered that, on the 24th day of April, in the year of our Lord one thousand eight hundred and fifty-one, the commissioners and surveyors on the part of Mexico and the United States, to establish the dividing line between both republics, in conformity with the treaty of peace, signed in the city of Guadalupe Hidalgo, on the 2d day of February, 1848, and exchanged in that of Queretaro, on the 30th of May of the same year, fully satisfied with the observations made and the results obtained by the chief astronomer of both commissions, fixed this point on the right bank of the Rio Bravo or Grande del Norte, at (32, 22) thirty-two degrees, twenty-two minutes of north latitude, which, in accordance with the provisions of article V of said treaty, is "the point at which said river (Bravo or Grande del Norte) intersects the southern line of New Mexico," it being understood that the distance from this point from which the river now runs, in the direction of the same parallel, is (219^m.4) two hundred and nineteen and four-tenth meters, consequently to the east of said point. For the greater solemnity of this act, there were present as witnesses, on the part of Mexico, Juan José Sanchez, political chief of the Bravos district of the State of Chihuahua, as the chief authority of this place, and on behalf of the United States, Brevet Captain Abraham Buford, commander of Company H of the First Dragoons of the United States Army, and Colonel Charles F. Tappin, aid-de-camp to his excellency James S. Calhoun, governor of the Territory of New Mexico.

Given in duplicate in Spanish and English, and sealed at the place designated, &c.

It is a copy of the testimonio transmitted to this prefecture.

Paso, May 1, 1851.

JUAN MARIA PONCE DE LEON.

FAUSTIN MONTES,

Secretary.

SURVEYOR GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, February 10, 1874.

The foregoing, marked, respectively, Exhibit B B, Exhibit A, official translation, and Exhibit B, are correct translations of their originals in Spanish, on file in this office among the papers in the private land-claim in the name of the Mesilla colony.

DAV. J. MILLER,
Translator.

EXHIBIT C.

DEPARTMENT OF HOME AND FOREIGN RELATIONS.

His excellency the President of the republic has addressed the following decree to me :

José Joaquin de Herrera, general of division and constitutional President of the United Mexican States, to all the inhabitants of the republic : Know ye, that in exercise of the power conferred on me by the 2d section of article 110 of the constitution, in order to carry out article 22d of the law of the 14th June last, which created a fund for the transportation of such Mexican families as might desire to emigrate from the territory lost by the treaty of peace of Guadalupe Hidalgo, after having consulted with various persons acquainted with the local circumstances attending the territory referred to, and having heard the report of a commission appointed with this sole object, I have, in accordance with its recommendations, determined to decree as follows :

ARTICLE 1. All those Mexicans who, at the conclusion of peace, were in the territory which, by the treaty of Guadalupe Hidalgo, remained in possession of the United States of the North, and who may desire to locate upon that of the republic, shall be conveyed to the latter at the public expense and in the manner prescribed in the following articles.

ART. 2. All persons who may be in the case mentioned will notify the consul or agent of the republic that may be nearest at hand, or the commissioner or the agents of the commissioner that may be appointed, setting forth their names, ages, residences, and occupations, and if they have families the number of persons composing the same, with the same particulars in regard to each individual thereof.

ART. 3. The government will appoint three individuals to proceed as commissioners, one to New Mexico, another to Upper California, and another to Matamoras, in the State of Tamaulipas, charged with the transportation of the Mexican families mentioned in article 1.

ART. 4. These commissioners, in view of the petitions they may receive, direct or through the consuls, and in view of other proceedings, all of which they shall execute with the utmost expedition, shall determine the route of the families desiring to emigrate, and shall have charge of their transportation to the point of destination.

ART. 5. The families from New Mexico will proceed to Chihuahua, those from the left side of the Bravo to the State of Tamaulipas, Coahuila, or Nuevo Leon, and those from Upper California to Lower California or the State of Sonora, to which end the respective commissioners will have an understanding with the governors of these States and with the principal local authority of California, so that they may designate the land to be set apart for the establishment of colonies.

ART. 6. Those Mexicans who may emigrate under this decree shall enjoy the right of preference to claim all the privileges that the laws establish or may establish in favor of foreign colonists, beside the benefits herein specially extended to them. They shall also be received as a privileged class in the military colonies established by the law of the 20th of July last.

ART. 7. The governors of the States of Chihuahua, Coahuila, Nuevo Leon, Tamaulipas, and Sonora, and the principal political authority of Lower California, will make regulations, in so far as to them may belong, for the organization of the civil colonies to be founded by the emigrants, and will prescribe such measures as they may deem calculated to further, as much as possible, the enterprise, principally procuring by arrangement with the land-holders or by any other means whereby the emigrants may, within the States mentioned, obtain arable land as well as pastoral, whereon the owners of live stock may come and settle with their property.

ART. 8. Those emigrants who may not desire to devote themselves to agriculture, but to follow their profession or trade in any of the settlements, will notify the commissioner, and he the proper governor or authority thereof, so that he may inform them of the settlement to which they shall proceed and may be enabled to facilitate their location.

ART. 9. Each emigrant is free to make the journey at his own expense, in company, however, with the balance, and to reserve the whole or a portion of his quota in order that he may receive the same in farming necessities and seeds at the place of establishing the colony. He shall, nevertheless, be bound to notify the commissioner of the fact at the time of his enrollment in order that it may be considered when making the estimate.

ART. 10. The quota of the apportionment for the emigrants shall be twenty-five dollars each person of fourteen years of age and upwards, and twelve dollars for each person who shall not have reached that age. This sum will be received by the head of the family: I. In the amount corresponding to him and charged for transportation to the place where the colony may be established. II. In the oxen and implements delivered to him at said place. III. In seeds for his support during the first year of settlement.

ART. 11. If, on account of the distance of the place, the expenses of the journey be so considerable that they will not allow of at least the value of fifteen dollars being received in seeds and implements by each person above fourteen years of age, this sum will be completed to those individuals who go to settle in the colonies and none others.

ART. 12. Those who may not desire to settle in the colonies will receive one-half the quota prescribed in the terms agreed upon with the respective commissioners, who, should the parties not make the journey according as agreed, will not deliver to them the quota, unless satisfied that they have actually removed to the territory of the republic.

ART. 13. The commissioners, as well as the governors of the States, will take such measures as to them may seem best to satisfy themselves

that the emigrants are such as contemplated by article 1 of this decree, and to prevent any of them from going now from the Mexican to the ceded territory, with the intention of enjoying thereafter the benefits of this decree, from which they shall be debarred so soon as the fraud is discovered. They shall also take care that criminals subject to trial or convicted of grave offenses do not come into the colonies.

ART. 14. The commissioners will issue to each person or family of those going to emigrate a ticket for the amount of the sum of quotas of the members, specifying in their ticket whether the expenses of the journey are borne by the party, or whether received from the commissioner, and whether they go with the intention of forming a colony, or the object of following some profession, or go to any other section of the republic; and they will keep a minute account of the number, value, and contents of the tickets issued, to form from them the estimate of freight, provision, oxen, seed, and implements.

ART. 15. The said estimates being made, the commissioners, on their own responsibility, will themselves, or through their respective agents, make contracts, observing the utmost economy possible, for the means of transportation, provisions necessary for consumption during the journey, and for seed and implements, to be delivered to them at the place of their destination. These contracts will be executed in duplicate, one of which shall remain on file in the Mexican consulate.

ART. 16. The expenses of freighting seeds and implements, driving oxen, and generally all those expenses that cannot be calculated with exactness before the distribution, will be charged in account under its proper head, in order that these expenses may be charged to the emigrant at prime cost. Also, a memorandum in detail will be furnished the commissioners, as expenses of the enterprise, such extraordinary expenditures as they may have to make, and which it may not be possible to estimate for at the proper time, so that they may be charged in the general account.

ART. 17. For the punctual payment of the contracts the treasury department will deposit the different funds at such places as in its judgment may be proper, and in the most proper mode to insure that those funds will not be diverted from their object; and the officers or the persons designated will pay at three days' sight the drafts drawn by the commissioner; will keep an account of the distribution, and at the conclusion will sign the general account of the commissioner. The drafts must bear the approval of the Mexican consuls or vice-consuls, so soon as they are established at these points.

ART. 18. According as the emigrant may from time to time receive what he requires, he will be charged therewith on his ticket, until the sum called for therein is supplied, when he will sign a receipt and deliver the same to the commissioner for the settlement of the account of the latter. In the liquidation and signing of the receipt, the authority designated by the governor of the State into whose territory the emigrant shall have come will supervise in the premises.

ART. 19. The general account of the commissioners will be presented to the national government with the entries authorized by law, supported by the respective tickets of the emigrant's vouchers, and bearing the approval of the governors of the respective States, and when allowed, the same will be published in the newspapers. In Lower California, the first civil authority will act for the governor.

ART. 20. The commissioners for New Mexico and California will each receive two thousand dollars for the expenses of the journey, whatever be the period their commission may continue; and, further, one dollar

for every man more than fourteen years of age that may emigrate, and fifty cents for other persons. The commissioner to Matamoras will receive one thousand dollars for expenses of the journey, and at the same rate for individuals as prescribed for the others. The commissioners will enter into such bond as the Treasury Department shall deem proper.

ART. 21. If the sum designated for the transportation should not be sufficient for the conveyance of all the families enrolled, the commissioners will immediately prepare the proper estimate and transmit the same to the national government, so that provision may be made at once to convey such families as could not come with the means now provided for the purpose.

ART. 22. Any doubts the commissioners may encounter in the discharge of their commission, may be obviated by them by giving information thereof to and having an agreement with the governors of the respective States, or the first civil authority of the Territory of Lower California, should they arise in that Territory; reporting, nevertheless, the state of their labors to the national government and to the governors of the respective States, with the greatest possible frequency.

ART. 23. The military and employés now in the ceded territory, and who during the war may not have forfeited their positions by infractions of the laws of the republic, and who may desire to emigrate, will receive, besides the quota established herein, such sums as, on account of their salaries, the proper department may think proper to allow them, and those sums will be charged against the ordinary fund out of which said salaries are to be paid. The commissioners and governors will report their applications.

ART. 24. As well the agents of the general government as the authorities and functionaries of the States, will afford to the commissioners their protection, in order that these may meet with the best success in the discharge of their commission.

I do, therefore, order that this be printed, published, and circulated, and receive due compliance.

Palace of the general government at Mexico, 19th August, 1848.

JOSE JOAQUIN DE HERRERA.

To Don MARIANO OTERO.

And I communicate the same to you for your information and the proper purposes.

God and liberty.

Mexico, August 19th, 1848.

OTERO.

To the Commissioner to the Territory of New Mexico, Cura of El Paso, RAMON ORTIZ, *State of Chihuahua*.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, February 10, 1874.

The foregoing is a correct translation of the original printed paper, in Spanish, marked Exhibit C, on file in this office, appended to the deposition of Guadalupe Miranda, of December 29, 1873.

DAV. J. MILLER,
Translator.

Testimony of witnesses.

VICENTE LUCERO, being first duly sworn, testifies as follows :

I live in La Mesilla, county of Doña Ana, Territory of New Mexico. I am well acquainted with Guadalupe Miranda. He lived in El Paso in the summer of 1853. He was at that time commissioner of immigration under authority from the general government of republic of Mexico and State of Chihuahua. He was commissioner of immigration, and as such commissioner under the laws of the general government of Mexico and the State of Chihuahua, he had power and authority to establish colonies and to make to them grants of lands. I know he was commissioner, because I have seen the authority appointing him the successor of Cura Ramon Ortiz, as commissioner, and he acted in the capacity of commissioner, and was recognized as a legal commissioner for the purpose of establishing colonies and granting lands to them in the places where established. He acted as such publicly. I know the place called the civil colony of Mesilla, or the Mesilla grant. It is situated on the west bank of the old bed of the Rio Grande, where the river Rio Grande ran when this grant of lands was made. The northern limit of the said grant of lands is at a place known as Apache ford and along a line running thence west to a black hill near and above the town of the Picacho, thence running southerly along the hills bordering the western valley of the Rio Grande nineteen thousand varas to a monument, thence easterly to said old bed of the Rio Grande. The town of Mesilla is about one thousand four hundred varas southwardly from said Apache ford and black hill. Said grant-lands embraced in the present limits of the county of Doña Ana and within that portion of the United States known as the Gadsden purchase.

On the 4th day of August, 1853, said Guadalupe Miranda, as commissioner aforesaid, and in accordance with laws aforesaid, made to said colony of La Mesilla a grant of lands as above described under the emigration laws and regulations of Mexico. The people of the colony aforesaid immediately entered into possession under said grant, as many of them were already upon the lands, and have ever since continued in possession of said lands by virtue of said grant to them. There were about one thousand five hundred persons in the colony aforesaid.

This paper (grant paper here shown witness) is the document given to the Mesilla colony, and in which the lands described are the lands granted, and same as I have been testifying about. I know signature of Guadalupe Miranda. The signature affixed to this document is genuine. This grant has always been respected by the authorities of republic of Mexico and State of Chihuahua as a genuine and legitimate grant of lands under the laws thereof, and the said grantees and their heirs and assigns have always since the date of said grant been considered and respected as the legitimate owners and holders of said lands, and as such been respected by every one. The lands above described are non-mineral—are exclusively agricultural and pastoral lands.

At present the number of persons occupying said grant and holding under same is about fifteen hundred. There are two towns on said grant, namely, Mesilla and Picacho. I have no interest in said grant whatever.

VICENTE LUCERO.

Sworn to and subscribed before me this 22d day of December, 1873.
Witness my hand and the seal of court the day and year last named.

[SEAL.]

DANIEL FRIETZE,

Probate Clerk of Doña Ana County, New Mexico.

EUGENIO MORENO, being first duly sworn, testifies as follows:

I live in the town of La Mesa, in the County of Doña Aña, Territory of New Mexico. I am forty-three years old. I know Gaudalupe Miranda. I knew him in the summer of 1853. At that time he was living at El Paso, in the State of Chihuahua, republic of Mexico. He was at that time commissioner of immigration under authority from the general government of Mexico. I know this because I was at El Paso when the order came appointing Guadalupe Miranda as successor of Cura Ramon Ortiz, and saw him turn over the said office of commissioner to said Gaudalupe Miranda, who immediately entered upon his duties as such commissioner. He had authority by virtue of his commission to establish colonies of immigrants under the laws and regulations of the republic of Mexico, and the State of Chihuahua, in said republic, and under same to make grants of lands to them—the colonies—in the places where established. Said Guadalupe acted as commissioner aforesaid publicly, and he was always recognized up to date of the Gadsden purchase as a legally-appointed commissioner by the republic of Mexico, and his acts as such recognized as legal and binding. As commissioner aforesaid, in the summer of 1853 he established the colony known as the colony of Mesilla, which was a civil colony established under the laws of Mexico as aforesaid, and made a grant of lands to said colony. I was one of the parties named to assist in measuring the boundaries of the grant of land. I assisted, and accompanied the party measuring the Mesilla grant while the eastern boundary was fixed; this was the Rio Grande River, or where the said river ran at that time. The old river-bed now is the eastern boundary of said grant, commencing at what is known as Apache ford, above the town of Picacho, and thence running down said river-bed (old river-bed) to a point above the town of Santo Tomas; thence westwardly to the top of the hills on west bank of the Rio Grande, and thence northwardly along said hills to a hill known as "Cerro prito," and thence eastwardly to the place of beginning. Said described tract of land lies in the present limits of Doña Aña County, Territory of New Mexico, and in that portion of the United States known as the Gadsden purchase. The people of said colony immediately entered upon said lands, and into possession thereof, and have continually been in possession thereof ever since. There were about one thousand persons, perhaps more, of the colony who so entered upon said lands.

This paper. [The grant known as Mesilla grant papers here shown witness.] I know this paper. It is the grant given by Gaudalupe Miranda to the Mesilla colony. The boundaries of the grant are same as given in this paper. I have seen a duplicate of this same paper in the archives of the colony of Mesilla. I know the signature of Guadalupe Miranda. The signature to this paper is his signature. This grant has always been respected by authorities of Mexico and Chihuahua as a legal grant, and the grantees, their heirs and assigns, have always, since the date of said grant, been respected and considered as the legal owners and holders of said lands, by virtue of said grant, and as such been respected by every one. At present there are about fifteen hundred people occupying said grant by virtue of same. I have no interest in said grant—none whatever. The lands are non-mineral; are exclusively agricultural and pastoral.

EUGENIO MORENO.

Sworn to and subscribed before me this 22d day of December, 1873.

Witness my hand and the seal of court the day and year last named.

[SEAL.]

DANIEL FRIETZE,

Probate Clerk of Doña Aña County, New Mexico.

MARTIN TRUPILLO, being first duly sworn, testifies as follows :

I live in La Mesilla, and am forty-five years of age ; I know Guadalupe Miranda, who lived in El Paso in the year 1853, and was sometimes in Doña Aña, in this county, (county of Doña Aña.) During the year 1853 he was commissioner of immigration from New Mexico to Chihuahua for the purpose of regulating and establishing colonies of Mexicans who should move from New Mexico to the State of Chihuahua. He was the successor of Cura Ramon Ortiz, and succeeded him in all his duties. He was commissioner for the purpose of establishing colonies of immigrants and to make to them grants of lands. He was appointed such commissioner by the authority of the Mexican government. His appointment came from the governor of the State of Chihuahua, republic of Mexico. I know that he held said commissions, because I saw them, and he discharged the duties as such commissioner publicly, under the laws and authority of the republic of Mexico. Said Guadalupe Miranda, as commissioner aforesaid, had authority to establish colonies of emigrants, and to make such colonies grants of lands in the places said colonies might occupy. I know the place called the "civil colony of La Mesilla." It is situated on the west bank of what is now known as the "old river," (but at the time the grant was made the Rio Grande ran in this old river-bed,) and extends along said river on its west bank from a point known as Apache ford, near the town of Picacho, and including said town, and from a black hill along the range of hills to a monument, nineteen thousand varas, which is the southern boundary or limits of said grant. The town of Mesilla is in said grant, and is about fourteen hundred varas from the northern boundary of said "civil colony." Said colony is in the present limits of the county of Doña Aña, and within that portion of the United States known as the "Gadsden purchase."

Guadalupe Miranda, on the 4th day of August, 1853, by direction of the governor of Chihuahua, and in accordance with laws aforesaid, made to said colony of La Mesilla a grant of lands as above described under said emigration laws and regulations. The colony aforesaid at once entered into the possession of said described lands above granted. There were over three hundred laborers who entered into possession, and have continued in possession of said grant and of said lands until this present time. There were about three hundred heads of families on said lands.

[The grant papers here shown witness.] What is this paper ? It is the grant known as the civil colony of La Mesilla. The signature is the genuine signature of Guadalupe Miranda. This said grant has always been respected by the authorities of the government of Mexico and the State of Chihuahua, up to the date of the Gadsden-purchase treaty, as a legal grant of land under the laws of Mexico and Chihuahua, and the said grantees and their heirs and assigns have always, since date of said grant, been considered and respected as the legitimate owners and holders of said lands, and as such have been respected by every one. The boundaries are such as described in the grant itself, that is, in the paper shown me. The lands embraced in said grant are non-mineral. They are agricultural and pastoral lands.

I have no interest whatever in the grant aforesaid. At present there is a population of about fifteen hundred persons on said grant. There are two towns on the same, to wit: La Mesilla, which is the county seat of Doña Aña County, and Picacho.

MARTIN TRUPILLO.

Sworn to and subscribed before me, this 22d day of December, 1873.
 Witness my hand and the seal of court the day and year last named.
 [SEAL.]

DANIEL FRIETZE,
Probate Clerk of Doña Aña County, New Mexico.

GUADALUPE MIRANDA, being first duly sworn, testifies as follows:

I live in El Paso, Mexico, and I am sixty-three years of age. In the year 1853 I was commissioner of emigration under the general laws of the government of the republic of Mexico. [A printed copy of a decree marked C, of the government of Mexico, with rules marked B, prescribed by government of the State of Chihuahua, in the Spanish language, here shown witness—said printed copy hereto attached.] I was commissioner under this law and these regulations, [referring to the printed decree in Spanish hereto appended,] at the time above stated. In August, 1853, (the early part of August,) as commissioner above stated, and in virtue of the law and regulations cited, I made a grant of lands to the colony known as the civil colony of La Mesilla. [The official copy of the grant marked A, and attached hereto, here shown witness.] This [taking said copy in witness's hand and examining it] is the official copy of the grant made by me, as above stated, to the civil colony of Mesilla. This is my signature signed to said document. The original or duplicate of this is with the archives of the grant. I signed them both. One is kept with the archives, as stated, and the other one—this one—is for the grantees of the colony. The boundaries of the grant are as contained in this document. The lands embraced in the limits of this grant to the colony known as the civil colony of Mesilla, are situate in the present limits of the county of Doña Aña, and in that portion of the territory of the United States known as and acquired by the "Gadsden purchase." At the time this grant was made said lands were within the limits of the State of Chihuahua, republic of Mexico. At the time this grant was made to said colony the grantees immediately entered into possession of said grant of lands, and have continued in possession of same without any molestation from any one ever since. Said grantees and their heirs have been always, since said grant was made, recognized as the legal owners and holders of said grant of lands, and have been so recognized and acknowledged by every one. My acts as commissioner aforesaid were approved by the general government of republic of Mexico, also by the officials of the State of Chihuahua, and have been recognized as legal and binding by every one. The original grantees who entered into possession as above stated numbered not less than three hundred heads of families, and about one thousand five hundred souls. There are about that number now upon said grant holding under it. The lands of this said grant known as the civil colony of Mesilla, are non-mineral. I have no interest in the said grant. The copy of decree hereto annexed, and in the Spanish language, and above stated as the authority under which I made the grant before mentioned, is a true copy of the original decree of the government of the republic of Mexico, officially signed by José Joaquín de Herrera, President of the Mexican Republic, and attested by Mariano Otero, secretary of state of said republic. [Here the copy official in Spanish, and entitled "Reglamento para la organizacion de las colonias civiles y de mas poblaciones que se formen en el estado," and marked Exhibit B, shown witness.] This is a copy of the official rules which I had in my possession for my government, and which were prescribed under the decree before mentioned by the government of the State of Chihuahua. [Said reglamento

referred to by witness hereto attached.] These rules were complied with in reference to the said grant to the colony of Mesilla.

GUADALUPE MIRANDA.

Sworn to and subscribed before me this 29th day of December, 1873.

Witness my hand and the seal of court the day and year last named.

[SEAL.]

DANIEL FRIETZE,

Probate Clerk of Doña Ana County, New Mexico.

Decision.

OPINION OF SURVEYOR-GENERAL.

This claim for lands is brought before me for examination and report under the act of Congress of July 22, 1854, establishing this office. It is the first case of a claim for lands, brought before this office for approval, which lies within the region acquired under the Gadsen treaty of December 30, 1853.

By letter of February 17, 1872, from Hon. C. Delano, Secretary of the Interior, to Hon. Willis Drummond, Commissioner of the General Land-Office, copy of which letter was furnished to this office by the honorable Commissioner, February 23, 1872, it was decided that this office possessed the same powers, under the acts of Congress of July 22, 1854, and August 4, 1854, in relation to lands within the Gadsden purchase, in the Territory of New Mexico, that it possesses as to lands acquired under the treaty of Guadalupe Hidalgo.

It appears from the record that, on the 4th day of August, 1853, Guadalupe Miranda, commissioner for that purpose, authorized by the government of Mexico and the State of Chihuahua, within whose limits the land was situated, granted the lands here claimed to a large body of colonists, numbering in all one thousand souls or more. The people have since remained in undisputed possession, improving and cultivating the same, and behaving as becomes good citizens, and it is believed that they would not have been disturbed in title or possession, by the authorities of Mexico or Chihuahua, had the territory not been transferred to the United States.

I therefore respectfully recommend that the title to the lands claimed be confirmed by Congress to the inhabitants of the Mesilla civil colony and their legal representatives according to the boundaries set forth in the grant papers executed by Guadalupe Miranda, commissioner, dated August 4, 1854.

I transmit copies of the complete record in triplicate.

JAMES K. PROUDFIT,

United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,

Santa Fé, N. M., February 12, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,

Santa Fé, New Mexico, May 22, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 86, in the name of the colony of Mesilla.

JAMES K. PROUDFIT,

United States Surveyor-General.

TRANSCRIPT OF PRIVATE LAND CLAIM REPORTED AS NO. 89, IN THE NAME OF MANUEL TRUJILLO. FOR LAND IN SANTA FÉ COUNTY, NEW MEXICO, KNOWN AS THE TALAYA TRACT. DATE OF TITLE, 1731. REPORTED BY THE UNITED STATES SURVEYOR-GENERAL, APRIL 13, 1874. RECEIVED WITH SURVEYOR-GENERAL'S LETTER OF MAY 23, 1874.

Present claimant's petition.

Hon. JAMES K. PROUDFIT,
Surveyor-General of New Mexico :

Your petitioners, the heirs and legal representatives of Manuel Trujillo, now deceased, present claimants, respectfully represent :

That they are the present owners of a certain tract of land situated south of Santa Fé River, east of and adjoining the city of Santa Fé, in the county of Santa Fé, and Territory of New Mexico, bounded as follows: on the north up the river from the head of the Acequia, which is in front of a bluff on the river-bank at the first arroyo; on the east the Talaya Mountain; on the west a deep arroyo in front of an old furnace, together with the Upper Acequia Madre; and on the south the aforementioned deep arroyo.

That a regular grant for said land was made to the said Manuel Trujillo, but is now lost or mislaid, and cannot be found, though much diligence has been used to obtain it; and said land was given regularly by competent warrant and authority into the possession of said grantee, in the month of April, 1731, as appears from the original act of possession then executed by Captain Diego Arias de Quiros, chief alcalde and war-captain of Sante Fé, which act of possession your petitioners file herewith.

Your petitioners herewith file a sworn translation of said act of possession made from the Spanish into the English language, and also file a sketch-map of the land herein claimed as aforesaid, representing as accurately as practicable, without a prior survey, which has not been made, the locality and extent of said tract of land.

Your petitioners have been in the uninterrupted and peaceable possession and enjoyment of said land from the date of said grant and of said act of possession, and are at this time in such possession and enjoyment, and they know of no conflicting claim for said land.

Your petitioners pray your honor to set some early day for the hearing of their said claim for said land, and ask that they be permitted then to present testimony before your honor to prove that there was a genuine valid grant for said land as hereinbefore alleged, and was known to be in existence at a comparatively recent date, and also to prove the continued possession by your petitioners to the present day.

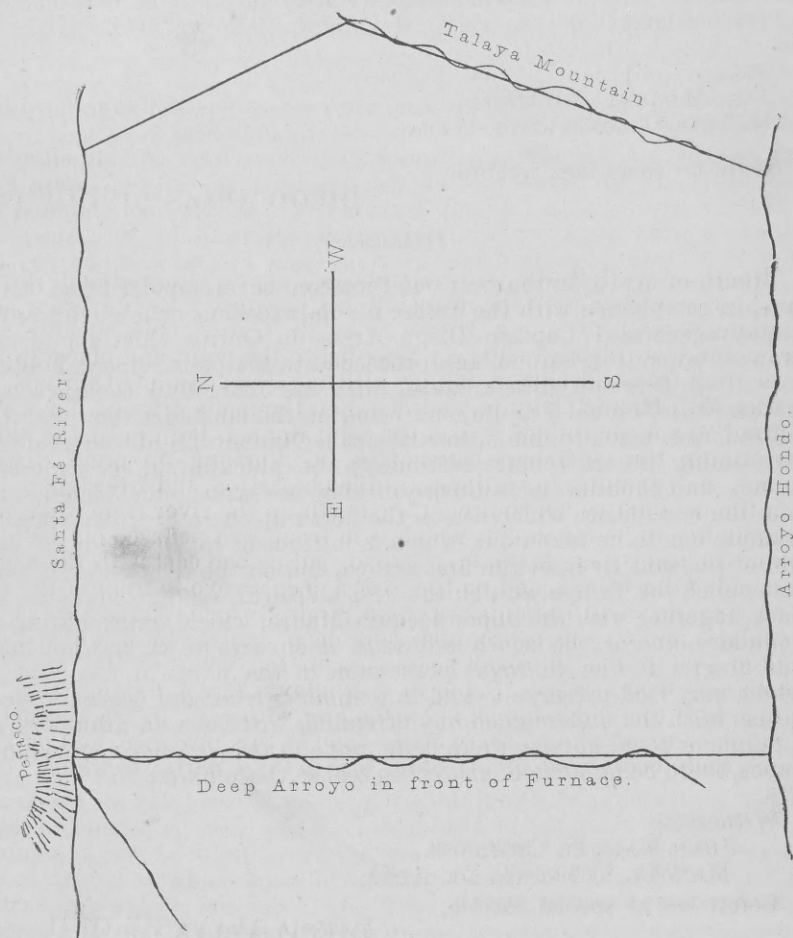
Your petitioners claim a perfect title to said land, under the laws, usages, and customs formerly in force in New Mexico, and by virtue of the provisions of the treaty of Guadalupe Hidalgo, between the United States and Mexico, and they ask the approval and confirmation of their said claim under the act of Congress, approved July 22, 1854, establishing your office and providing for the investigation of private land-claims in New Mexico, emanating from the former sovereigns of the soil therein.

SAML. ELLISON,
Attorney for Claimants.

SKETCH MAP OF THE TALAYA GRANT.

Estimated distance from North to South 6 miles. From East to West 9 miles.

Containing about 34,560 Acres.



Title muniment.

Mes de Abril de mill setesientos y trenta y un, as. un cumplimiento y mandato del Sr. Governr. y Capn. Genl. passe yo el Capn. Diego Arias de Quiros, alcalde mr. y capn. á guerra de esta dha. villa, al puesto y paraje de el rio Arriba de esta dha. ville y lleve en mi compañía a Jua. Manuel Chirinos, juntamte. con Manuel Trujillo, y puesto en las tierras de que se le yso la merzed lo coji de la mano á dho. Manuel Trujillo, haciendo las ceremonias acostumbradas arancando sacate tierando piedras y dando bozes enseñal de suyo y le señale los linderos que de la parte del norte por el rio Arriba de onde á de sacar la asaquia que es adelante de un peñasco que esta pegado al dicho rio que es el primer arollo y por la parte del oriente con la á sierra que llaman la Talaya, y por la parte del poniente con mi arrollo jondo que esta enfrente de la fundision y

juntante. la asequia Madre de arriva le sirve de lindero y por el sur con un arollo jondo ya mencionado y de todo lo referido le de y doy la posesion rl. en nombre de su. magd., Dios le gude., y para que conste lo firme ante mi como juez resepr. con los testigos ynfrascriptos de mi asistencia á falta de escrivo puco. ni rl. que no lo ay en este rno. y en el presente papel por no correr de ningun sello en estas partes doy fee.

Sto.:

JNO. MANUEL CHIRINOS.

MANUEL THENORIO DE ALBA.

Ante mi como juez reseptor.

DIEGO ARIAS DE QUIROS.

[Translation.]

Month of April, in the year one thousand seven hundred and thirty-one, in compliance with the decree of his excellency the governor and captain-general, I, Captain Diego Arias de Quiros, chief alcalde and war-captain of this said village, proceeded to the point and place up the river from this said village, taking with me Juan Manuel Chirinos, together with Manuel Trujillo, and being on the lands granted, for which a grant was made to him, I took the said Manuel Trujillo by the hand, performing the customary ceremonies, he plucking up grass, casting stones, and shouting in testimony of his possession, and I designated to him the boundaries which are on the north up the river from where the acequia has to be taken out, which is in front of a peñasco on the margin of the said river, at the first arroyo, and on the east with the mountain called the Talaya, and on the west a deep arroyo in front of the furnace, together with the upper acequia Madre, which serves also as the boundary, and on the south aforesaid deep arroyo, all of which I did and do give to him in royal possession in the name of His Majesty, whom may God preserve. And in testimony whereof I signed this, together with the undersigned, my attending witnesses, in the absence of a public or royal notary, there being none in this province, and on this paper, there being none of any other seal in these parts; to which I certify.

Witnesses:

JUAN MANUEL CHIRINOS.

MANUEL THENORIO DE ALBA.

Before me as special justice.

DIEGO ARIAS DE QUIROS.

The foregoing, to the best of my belief, is a correct translation of the original in the Spanish language.

SAML. ELLISON.

Sworn to and subscribed before me this April 13, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,

Santa Fé, New Mexico, April 13, 1874.

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

DAV. J. MILLER,

Translator.

Testimony.

MANUEL TRUJILLO

MATIAS URIOSTE, having been by the surveyor-general duly sworn to depose in this private land-claim, on his oath declares: ~~XXXX~~

Question by Mr. Samuel Ellison, as attorney for present claimants. What is your name, age, occupation, and place of residence?

Answer. My name is Matias Urioste. My age is sixty-four years. My occupation is laborer, and my residence is here at Santa Fé, where I was born, and have always lived.

Question. Do you know the land called the Talaya grant? and, if so, state where it is situated, and all you may know concerning the land material in the premises of this claim for the same.

Answer. I know a tract of land so called, situate in the county of Santa Fé, east of and near the city of Santa Fé, on the south side of and upon the Santa Fé Creek, and the boundaries of which land, as they have been pointed out and explained to me many times by Blas Ortiz, now deceased, who lived many years upon the tract, and died thereon, and whom I for many years served as an employé, and as I thus learned them, they are, on the north the Santa Fé River or creek, on the east a deep arroyo in front of a rock bluff, now called the Piedra Ahumada; on the south the arroyo Hondo, and on the west a deep arroyo, which empties into the Santa Fé River at the Fundicion, a place taking that name from the fact that many years ago there was a smelting-furnace there. I have seen the grant for the land I am referring to, made to one Manuel Trujillo; in what year I do not remember. I well remember that some forty years ago the grant was in possession of said Blas Ortiz, and as it was then, though an entire sheet of paper, torn, he was mending the fracture, in which operation I assisted him, and then read the document, or a portion of it, the mending of it being done with a needle and thread. Since then I have lost my eyesight, so that now I cannot read. The land has always been continuously occupied and cultivated since I have known it, by said Blas Ortiz, till his death, about two years ago, at the age of more than eighty years, and since then by those holding under him.

Question by surveyor-general. Do you know of any mines or minerals upon the Talaya tract you have described?—Answer. I have never seen anything of the kind upon the tract, though I have heard there was once a mine of some kind of metals worked at the foot of the Talaya Mountains upon this tract, and I know that at the place before mentioned as the Fundacion there were metals smelted, though I never saw the operation.

Question. Have you any interest in the land or in this claim for the same?—Answer. I have none whatever.

his
MATIAS + URIOSTE.
mark.

Witness: JOSEPH DE SOTO.

Subscribed and sworn to by said Matias Urioste before me this March 25, 1874.

JAMES R. PROUDFIT,
Surveyor-General.

I, LUIS GOLD, do solemnly swear that I have for more than one year been constantly and diligently inquiring and searching for the docu-

ment of concession, which I have been informed and believe was executed to Manuel Trujillo by the governor and captain-general of New Mexico, in or about the year 1731, for a tract of land known as the Talaya grant, near the city of Santa Fé, and have been unable to find the same or any trace thereof. I being a party interested by purchase in said land, and having a great desire to obtain said document of concession and file with my claim for said land at the United States surveyor-general's office, and I do verily believe that the same has been lost or destroyed, so that there is no probability of finding or obtaining the same.

LUIS GOLD.

Subscribed and sworn to before me by Luis Gold, this 10th day of April, 1874.

JAMES R. PROUDFIT,
Surveyor-General.

Surveyor-general's decision.

OPINION.

This claim for land comes before me for approval under the treaty of Gaudalupe Hidalgo and the eighth section of the act of Congress approved July 22, 1854, establishing this office.

Although the original grant paper in the case is probably lost, yet I have no doubt, from reading the original act of possession, which is a part of the record, the lands claimed were actually granted in or before the year 1731, by competent authority and in usual manner to one Manuel Trujillo, and that he and his legal representatives have since held it undisputed. The boundaries are well-known landmarks, and I recommend that the title be confirmed to the legal representatives of said Manuel Trujillo, according to the boundaries set forth in the said act of possession.

I respectfully transmit copy of the record complete, in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., April 13, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., May 22, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 89, known as the Talaya grant, in the name of Manuel Trujillo.

JAMES K. PROUDFIT,
United States Surveyor-General.

TRANSCRIPT OF REFUGIO-COLONY GRANT, BEING PRIVATE LAND-CLAIM REPORTED AS NO. 90, FOR LAND IN DOÑA AÑA COUNTY, NEW MEXICO, YEARS 1851 AND 1852. REPORTED BY THE UNITED STATES SURVEYOR-GENERAL, MAY 18, 1874. RECEIVED WITH SURVEYOR-GENERAL'S LETTER OF MAY 23, 1874.

Claimants' petition.

To the surveyor-general of New Mexico:

Your petitioners, the inhabitants of the civil colony of Refugio, respectfully represent that, in the year 1851 or 1852, the government of Mexico granted unto one José Ma. García and others a tract of land on the west side of the Rio Grande del Norte, about six leagues north of the town of El Paso, the same then being in the State of Chihuahua, but now within the county of Doña Aña and Territory of New Mexico, and known as the civil colony of Refugio.

And your petitioners further say that said grantees immediately entered into the possession of said lands, and that they and their heirs and assigns have since that time continued to occupy said lands until the present date.

And your petitioners further say that they cannot give the number of acres contained in said grant, as the same has never been surveyed, but that the boundaries are well known, and are correctly given in the testimony of Clemente Nañez, hereunto attached.

And your petitioners file herewith certain papers relating to said grant, marked Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E, all in the Spanish language, with correct translations thereof; also the testimony of Guadalupe Miranda, Daniel Fietze, Clemente Nañez, and Juan Esparza.

And your petitioners submit the whole matter to you with a view that said grant be confirmed unto your petitioners by the Congress of the United States.

The inhabitants of the civil colony of Refugio,

By JNO. D. BAIL, *Attorney.*

FEBRUARY 2, 1874.

Muniments of title.

Documents A, B, C, D.

Titulo de mercenacion y egidos de la colonia del Refugio, (hoy la union,) precinto No. 7 del condado de Doña Aña, territorio de Nuevo Mexico, (Es. U.)

Certificacion de la autoridad politica del Paso, Mexico, á la firma del comisionado Ortiz.

Reconocimiento del cónsul de los Estados Unidos en Mexico, y otros documentos relativos.

EXHIBIT A.

GOBIERNO DEL ESTADO DE CHIHUAHUA, SECRETARIA DE ESTADO.

En la representacion que VV. han dirigido á este gobierno pidiendo se les repartan los terrenos que en ella misma se indican, se ha puesto con esta fecha el siguientes decreto:

"Pase esta solicitud al sor. cura, Ramon Ortiz, comisionado para las nuevas poblaciones del canton Bravos, á fin de que realice los laudables proyectos de los que la suscriben y recompense equitativamente los trabajos que han impedido conforme al reglamento de 24. de Mayo último publicado en el número 51 del Correo y en cuanto lo permita la ley espedida por el H. congreso del estado en 13. de Marzo último, su relativa de 11. de Abril de 1850, y las providencias dictados para proveer provisionalmente de egidos á la villa del Paso, y á sus pueblos inmediatos, comunico este decreto á los interesados."

Y lo transcribo á VV. para su conocimiento.

Dios y L., Chihuahua, Junio 4. de 1851.

AMADO DE LA VEGA.

Sor. Dn. JOSÉ MA. GARCIA y demas vecinos q. suscriben la representacion espresada.

EXHIBIT B.

En la colonia civil del Refugio, á los veinte dias del Paso, mes de Febrero de mil ocho cientos cincuenta y dos, el ciudadano, Ramon Ortiz, cura propio del Paso del Norte, perteneciente á la república de Mejico, y comisionado general nombrado por el alto gobierno de la Union Mejicana, para fundar y establecer colonias civiles en el estado de Chihuahua, segun las reglas legales dados al efecto y las que se hayan vigentes en nuestros codigos de legislacion: Teniendo presente las facultades con que al intento me halla investido, por la ley general organica, fecha diez y nueve de Agosto de mil ochocientos cuarenta y ocho, y el reglamento derivativa de veintidos dos de Mayo de mil ochocientos cincuenta y uno: Estando ya establecida y notablemente aumentada esta colonia, así como practicado el repartimiento de suertes de tierra y solares de casas entre sus moradores, previa la designacion de locales para casas consistoriales, yglesia, &a., y la mercinacion de ocho suertes de tierra, para los fondos de propios, debia proceder, y en efecte procede á hacerse el señalamiente de egidos que le corresponden á dicha poblacion, y siendo que conforme á lo dispuesto en los artículos veinte y cuatro y veinte y cinco del decreto de diez y seis de Noviembre de mil setecientos ochienta y seis, el egido es el campo que está la salida de las ciudades, pueblos y lugares, y que no se cultiva ni siembra. Designo por consequiente á la nominada colonia del Refugio una legua y un cuarto, para sus egidos, cuya medida que es la señalada por el arto. veintitres de la ley del estado de veintitres de Diciembre de mil ochocientos cincuenta y uno, para las poblaciones que poseer mas de mil almas. Se tiró y distributo en seguida de los ultimos terrenos de la propiedad á posesiones y á repartidas siguiendo en ello la disposicion y la configuracion cuadrilatera que tienen los terrenos divididos, en vista de no haber podido ser cuadrado perfecto sobre lo cual conviene tener presente que la labor de la citada colonia del Refugio, tiene de longitud seis mil novecientas varas de norte á sur, y dos mil cuatrocientas setenta y cinco varas de oriente á poniente, y por consequiente una superficie de diez y siete millones ochenta y siete mil quientas varas cuadradas, conocida la figura y terminos del terreno y tomando en consideracion que hacia el lado del rio no que da bastante tierra baldia para señalar el egido, por su rumbo se añaden las tres mil ciento veinticinco varas, que debian medirse en esta parte, sobre el numero semejante que se establece en la parte norte, esto es, midiendo seis mil doscientas cincuenta varas, desde la tierra de Dn. José de la

Luz Jaquez ó mas claro desde el punto correspondiente en una linea recta de esta tierra que corre de oriente á poniente, y de allí siguiendo la lateral del rio seran las seis mil doscientas cincuenta varas, en cuyo punto final se levantará la respectiva mojonera, en seguida desde el limite de la tierra de José Marquez, que está situada en la orilla de los lomas hácia el poniente, se midirán tres mil ciento veinte cinco varas, y otras tantas por la parte del sur desde el limite de Dn. José Maria Garcia, donde se plantarán tambien las respectivas mojoneras. Por último, para montes y pastos comunos de que habla la cedula de catorce de Mayo de mil ochocientos cuatro, y reglamento antes citado de veinti dos de Mayo de mil ochocientos cincuenta y uno señali todo el bosque y faja de terreno que media, entre la labor y el rio, desde el principio y el fin de esta, hasta toda su longitud, del mismo modo señalo para prado y dehesa comun las faldas y caidas adyacentes de las lomas, situadas al poniente en una estencion longitudinal, siguiendo el curso de su cordillara igual á la dehesa comun marcada por eblado del rio. El derecho de pastos y demas concesiones que el presente otorgo á favor de este nuevo poblacion en nombre del gobierno federal, y del estado de Chihuahua, el perpetuo é imprescriptible, fundado en el concentimiento de las autoridades supremas, y en la letra de la antiqua y moderna legislacion. En vista de todo esto, queda desde hoy el presitado pueblo del Refugio, en la mas amplea posesion del fundo que por derecho le corresponde, bajo la restriccion de no poder enagenarlo en manera alguna á yglesia, monasterio, persona eclesiastica, comunidad ó cualquiera otra de las que llaman manos muertas, por prohibirlo las leyes. Y para la constancia y validacion y autenticidad que haber conviene, estiando el presente titulo que queda inscrito en el protocolo de registros de la municipalidad, legitimando el libre uso y aprovechamiento de los terrenos que se le han concedido.

En fé de lo cual lo firmo en el pueblo y fecha citada.

RAMON ORTIZ.

E. R. ciento vale, lo tachado no vale.

Es copia fiel y legalmente sacada de su original á que me remito.

Colonia del Refugio, Agosto 19. de 1852.

[SELLO.]

RAMON ORTIZ.

El C. Dor. Mariano Samaniego, gefe politico del distrito Bravos, es-tado de Chihuahua, Mexico, Certifico :

1º. Que el señor cura D. Ramon Ortiz, fué comisionado legitimo del gobierno general de Mexico, para establecer las colonias civiles "el Refugio," y otras pertenecientes hoy á los Estados-Unidos.

2º. Que la firma que antecede es la que el señor Ortiz ha usado y usa en todos sus negocios, considerando por consiguiente legal el documento anterior.

Dá el presente á solicitud de los C. C. José Ma. Garcia, Pedro Telles, y Simon Henriquéz, para los usos que les convenga.

Paso del Norte, Sebre. 11. de 1871.

MO. SAMANIEGO.

L. VELARDE, S. Y.

UNITED STATES CONSULATE AT EL PASO DEL NORTE, MEXICO:

I, Edwin Lyon, consul for the United States of America, do hereby certify that the above signature of Mo. Samaniego is genuine.

Witness my hand and official seal this 11th day of September, 1871.

[SEAL.]

EDWIN LYON,

Consul.

EXHIBIT C.

El gefe politico del distrito Bravos:

La comision especial que ocurrió ante V. hace poco tiempo, pidiendo copias autenticas de los documentos de egidos ó área del pueblo del Refugio, (hoy de los E. W. del Norte,) para legalizar al efecto el justo derecho de su propiedad resonocida y agraciada por las autoridades legitimas de Mexico, cuando ai quel pueblo correspondia al distrito del digno cargo de esta gefatura, (Mexico,) hoy se presenta de nuevo suplicando á V. se sirva no tomarse la molestia de espedirle las repetidas copias, ni por su conducto, ni por el del supremo gobierno del estado de Chihuahua, por haber agenciado y á aquello credenciales, de un comisionado en cuyo poder existion en dicho territorio de N. M., Estados-Unidos.

Damos á V., pues sr., las mas explicitas gracias por la deferencia con que se ha dignado acoger nuestras molestias, y solo le suplicamos se digne certificar la firma del sr. cura D. Ramon Ortiz, comisionado que fué el gobierno de Mexico para espedir dicho documento.

Le suplicamos ademas que el vice-consul mexicano, haga el propio reconocimiento de las referidas firmas que se ven en los documentos adjuntos y despues que se nos devuelvan para los usos de nuestros derechos.

Este es el Paso que creémos propio en el presente asunto, ofreciendonos á las órdenes de V. sus mes obedtes ss.

Villa del Paso, Mexico, Sete. 10. de 1871.

JOSÉ MA. GARCIA.
SIMON ENRIQUEZ.
PEDRO TELLES.

EXHIBIT D.

[SELLO.]

Por conducto de la sria. del supremo gobno. de este estado de Chihuahua, (Mexico,) se dice á esta gefa. en superior orden de fha. 14. de Junio pasado lo que á letra copio:

“Al margin de la instancia que ha presentado á isa gefa. de distrito la comision especial de la colonia del Refugio (E. W.) en pretencion de los documentos legales que acrediten la área de sus egidos y que V. me acompañia con su nota No. 61, fha. de Mayo pmo. pasado, el c. gobor. del estado, se ha servido decretar hoy lo siguiente.”

Busquese en el archivo los documentos que se citan para que se espida la copia que piden; y en caso de no encontrarse, resolver lo conveniente. Comuniquese el tramite á los interesados por conducto de la gefa. politico del distritos de Bravos.

DELHUMEAN.

TERRAZAS.

Oficial 1º.

“Y tengo el honor de trascriberlo á V. de superior orden, para los fines que indica el espresado superior decreto.”

Lo trascribo á VV. para su conocimiento, repitando las consideraciones justos de mi aprecio. (Cons.)

Indepa. Lib. Paso, Sbre. 4. de 1871.

MO. SAMANIEGO.

F. BARRON, *Srio.*

C. C. Simon Enriquez, José Ma. Garcia y socios, Refugio, E. W.

Translations.

Documents A, B, C, D.

Title under grant and commons of the colony of Refugio, (now Union,) precinct No. 7 of the county of Doña Aña, and Territory of New Mexico, United States.

Certificate of the political authority of El Paso, Mexico, to the signature of Commissioner Ortiz.

Authorization of the United States consul in Mexico.

And other relative documents.

EXHIBIT A.

GOVERNMENT OF THE STATE OF CHIHUAHUA, OFFICE OF STATE:

Upon the petition which you have directed to this government, asking that the lands therein indicated be distributed to you, the following decree has this day been made:

"This petition will be referred to curate Ramon Ortiz, commissioner for the new settlements of the district of Bravos, to the end that he realize the laudable purposes of those who have signed the same, and equitably reward the labors they have commenced, according to the regulation of the 24th of May last, published in number 51 of *El Correo*, as far as is permitted by the law enacted by the honorable congress of the State, on the 13th of March last, that on the same subject of the 11th of April, 1850, and the provisions dictated to provide provisionally commons for the town of El Paso and adjoining towns.

"Let this decree be communicated to the parties interested."

And I communicate the same to you for your information.

God and Liberty! Chihuahua, June 4, 1851.

AMADO DE LA VEGA.

JOSÉ MARIA GARCIA, Esq., and other citizens who signed the said petition.

EXHIBIT B.

In the civil colony of Refugio, on the 20th day of the month of February, 1852, I, citizen Ramon Ortiz, permanent curate of Paso del Norte, appertaining to the republic of Mexico, general commissioner, appointed by the high government of the Mexican union to found and establish civil colonies in the State of Chihuahua, according to the legal regulations issued for that purpose, and those in force in our legislative codes, in view of the powers with which I am vested in the premises by the general organic law dated August 19, 1848, and the derivative regulation of May 22, 1851; this colony being already established and greatly increased, and also the distribution of *suertes* of lands and residence-lots among its settlers having been effected, after the designation of localities for town-houses, churches, &c., and the granting of eight *suertes* of land for corporation funds, should proceed, and did in fact proceed, to execute the assignment of commons.

to which said settlement is entitled; and as, according to what is set forth in the twenty-fourth and twenty-fifth articles of the decree of November 16, 1786, the *egido* [common] is the ground lying on the suburbs of cities, towns, and places which are not cultivated nor planted, I therefore designate to the aforesaid colony of Refugio one league and a quarter for its commons, the measurement of which being that prescribed by the twenty-third article of the State law, of December 23, 1851, for the benefit of settlements containing over one thousand souls, was then commenced and assigned from the exterior of the outer limits of the property or possessions already distributed, observing the character and the quadrilateral configuration of the lands distributed, inasmuch as it could not be made into a perfect square. It must be borne in mind that the arable land of the said colony of Refugio has in length six thousand nine hundred varas from north to south, and two thousand four hundred and seventy-five varas from east to west, and consequently an area of seventeen millions eighty-seven thousand five hundred square varas. The figure and the limits of the tract being known, and taking into consideration that towards the river side there is not sufficient public land to mark out the common on that side, the three thousand one hundred and twenty-five varas that ought to have been measured on that side are added to a like number on the northern side; that is to say, measuring six thousand two hundred and fifty varas from the lands of José de la Luz Jaquez, or, more plainly, from the point corresponding on a direct line of this land, running from east to west, thence following the side of the river will make the six thousand two hundred and fifty varas, at which final point the proper landmarks will be raised, after which, from the limits of the land of José Marques, which is situated at the edge of the hills towards the west, there will be measured three thousand one hundred and twenty-five varas, and as many more on the south side, from the limits of the lands of José Maria Garcia, where the said landmarks will also be raised.

Lastly, for woodland and common pasturage, of which mention is made in the decree of the 14th of May, 1804, and the regulation hereinafter cited of the 22d of May, 1851, I designate the entire bosque and strips of land lying between the arable and the rivers, from the commencement and end of this arable land, embracing its whole length. I likewise designate for public lawn and grounds the adjacent brows and slopes of the hills situate on the west in a longitudinal extension, following the course of the summit, equal to the common pasture-ground designated on the side of the river. The right of pasture and other concessions which I hereby stipulate in favor of this new settlement, in the name of the federal government and of the State of Chihuahua, is perpetual and imprescriptible, founded upon the consent of the supreme authorities, and on the letter of ancient and modern legislation.

In view of all which, from this day forward, the aforesaid settlement of Refugio remains in the most ample possession of the tract to which it is entitled by law, under the restriction that it cannot alienate the same, in any manner, to any church, monastery, ecclesiastical person, community, or into any other mort main, so called, as this is prohibited by law; and, for the due testimony and validity and authenticity, I issue this title, which remains recorded in the book of records of the municipality, authorizing the free use and benefit of the lands which have been granted to it.

In testimony of which I sign the same, at the town and on the date aforesaid.

RAMON ORTIZ.

A faithful and legitimate copy, taken from its original, to which I refer.

Colony of Refugio, August 19, 1852.

RAMON ORTIZ.

Dr. Mariano Samaniego, political chief of the district of Bravos, State of Chihuahua, Mexico, certifies:

1st. That Curate Ramon Ortiz was a lawful commissioner of the general government of Mexico, to establish the civil colonies of Refugio and others which now appertain to the States.

2d. That the preceding signature is that which Mr. Ortiz has used, and uses in all his business transactions. Wherefore the foregoing document is deemed legal.

He gives this at the solicitation of Messrs. José Ma. Garcia, Pedro Telles, and Simon Henriquez, for such purposes as they may deem proper to make of it.

Paso del Norte, September 11, 1871.

MO. SAMANIEGO.

L. VELARDE,
Acting Secretary.

UNITED STATES CONSULATE AT PASO DEL NORTE, MEXICO.

I, Edwin Lyon, consul for the United States of America, do hereby certify that the above signature of Mo. Samaniego is genuine.

Witness my hand and official seal this 11th day of September, 1871.

EDWIN LYON, *Consul.*

EXHIBIT C.

Citizen Political Chief of District of Brazos:

The special committee which applied to you a short time ago, requesting authenticated copies of the documents of commons or area of the village of Refugio, (now in the United States of the North,) to legally establish the just right to their property recognized and granted by the legitimate authorities of Mexico, when that village appertained to the district under the worthy charge of this prefecture, (Mexico,) this day present themselves again, requesting you not to take the trouble of furnishing to them the aforementioned copies, neither through the channel of yourself nor that of the supreme government of the State of Chihuahua, as they have already obtained the copies from a commissioner, in whose possession they were in said Territory of New Mexico, United States.

Wherefore we tender you, sir, our most express thanks for the deference with which you have been pleased to receive our annoyances, and we only ask you will do us the favor to certify to the signature of the curate Ramon Ortiz, who was commissioner of the government of Mexico, to issue said document. We further request that the Mexican vice-consul take the proper acknowledgment of the signatures referred to, which are seen in the annexed documents, after which please cause the same to be returned us for the use of our rights.

We believe this to be the proper step in this matter. Placing ourselves at your orders, we remain your most obedient servants,

JOSÉ MA. GARCIA.
SIMON ENRIQUEZ.
PEDRO TELLES.

Town of El Paso, Mexico, September 10, 1871.

EXHIBIT D.

[Seal.]

Through the channel of the secretary's office of the supreme government of this State of Chihuahua, Mexico, this prefecture is informed by special order dated 14th June last, what I copy to the letter :

"On the margin of the petition which has been presented to your district prefecture by the special committee of the colony of Refugio, (U. S.,) soliciting the legal documents that prove the area of their commons, and which is accompanied to me by your note No. 61, dated May last, the citizen governor of the State has this day been pleased to decree the following :

"The documents referred to will be searched for among the archives, that the copies applied for may be issued ; and in case they are not found, that the proper steps may be had.

"Let this action be communicated to the parties interested, through the channel of the political chief of district of Bravos.

"TERRAZAS.

"DELHUMEAN, *First Officer.*"

And I have the honor to transcribe the same to you by special order for the purpose indicated in the aforesaid superior decree.

I transcribe this to you for your information, repeating the first considerations of my esteem and consideration.

Independence and liberty. Paso, September 4, 1871.

MO. SAMANIEGO.

T. BARRON, *Secretary.*

Citizens Simon Ensequer, José Ma. Garcia, and others.

The foregoing is a correct translation of the original documents in the Spanish language, hereto attached, to the best of my knowledge and belief, with the exception of the printed paper E.

JOHN D. BAIL.

Sworn to and subscribed before me, this 31st day of January, A. D. 1874.

[SEAL.]

JOHN S. CROUCH,

Clerk Third Judicial District Court.

Approved and adopted for official translation.

DAVID J. MILLER,

Translator, Surveyor-General's Office.

EXHIBIT E. (Original post.)

DEPARTMENT OF HOME AND FOREIGN RELATIONS.

His excellency the president of the republic has addressed the following decree to me :

José Joaquin de Herrera, general of division and constitutional president of the United Mexican States, to all the inhabitants of the republic : Know ye, that in exercise of the power conferred on me by the second section of article 110 of the constitution, in order to carry out article 22 of the law of the 14th June last, which created a fund for the transportation of such Mexican families as might desire to emigrate from the

territory lost by the treaty of peace of Guadalupe Hidalgo, after having consulted with various persons acquainted with the local circumstances attending the territory referred to, and having heard the report of a commission appointed with this sole object, I have in accordance with its recommendations determined to decree as follows:

ARTICLE 1. All those Mexicans who, at the conclusion of peace, were in the territory which, by the treaty of Guadalupe Hidalgo, remained in possession of the United States of the North, and who may desire to locate upon that of the republic, shall be conveyed to the latter at the public expense and in the manner prescribed in the following article.

ART 2. All persons who may be in the case mentioned will notify the counsel or agent of the republic that may be nearest at hand, or the commissioner or the agents of the commissioner that may be appointed, setting forth their names, ages, residences, and occupations, and if they have families, the number of persons composing the same, with the same particulars in regard to each individual thereof.

ART 3. The government will appoint three individuals to proceed as commissioners, one to New Mexico, another to Upper California, and another to Matamoras, in the State of Tamaulipas, charged with the transportation of the Mexican families mentioned in article 1.

ART. 4. These commissioners, in view of the petition they may receive direct, or through the consuls, and in view of other proceedings, all of which they shall execute with the utmost expedition, shall determine the route of the families desiring to emigrate, and shall have charge of their transportation to the point of destination.

ART. 5. The families from New Mexico will proceed to Chihuahua, those from the left side of the Bravo to the State of Tamaulipas, Coahuila or Nuevo Leon, and those from Upper California to Lower California, or to the State of Sonora, to which end the respective commissioners will have an understanding with the governors of these States and with the principal local authority of California, so that they may designate the land to be set apart for the establishment of colonies.

ART. 6. Those Mexicans who may emigrate under this decree shall enjoy the right of preference to claim all the privileges that the laws establish or may establish in favor of foreign colonists besides the benefits herein specifically extended to them. They shall also be received as a privileged class in the military colonies established by the law of the 20th of July last.

ART. 7. The governors of the States of Chihuahua, Coahuila, Nuevo Leon, Tamaulipas and Sonora, and the principal political authority of Lower California, will make regulations in so far as to them may belong for the organization of the civil colonies to be founded by the emigrants, and will prescribe such measures as they may deem calculated to further as much as possible the enterprise, principally procuring by arrangement with the landholders or by any other means whereby the emigrants may, within the States mentioned, obtain arable land as well as pastoral, whereon the owners of live stock may come and settle with their property.

ART. 8. Those emigrants who may not desire to devote themselves to agriculture, but to follow their profession or trade in any of the settlements, will notify the commissioner, and he the proper governor or authority therefor, so that he may inform them of the settlement to which they shall proceed, and may be enabled to facilitate their location.

ART. 9. Each emigrant is free to make the journey at his expense, in company, however, with the balance, and to reserve the whole or a portion of his quota, in order that he may receive the same in farming

necessaries and seed at the place as establishing the colony. He shall, nevertheless, be bound to notify the commissioner of the fact at the time of his enrollment, in order that it may be considered when making the estimate.

ART. 10. The quota of the apportionment for the emigrants shall be twenty-five dollars each person of fourteen years of age and upward, and twelve dollars for each person who shall not have reached that age. This sum will be received by the head of the family—1. In the amount corresponding to him and charged for transportation to the place where the colony may be established; 2. In the oxen and implements delivered to him at said place; 3. In seeds for his support during the first year of settlement.

ART. 11. If, on account of the distance of the place, the expenses of the journey be so considerable that they will not allow of at least the value of \$15 being received in seeds and implements by each person above fourteen years of age, this sum will be completed to those individuals who go to settle in the colonies and none others.

ART. 12. Those who may not desire to settle in the colonies will receive one-half the quota prescribed in the terms agreed upon with the respective commissioners, who, should the parties not make the journey according as agreed, will not deliver to them the quota, unless satisfied that they have actually removed to the territory of the republic.

ART. 13. The commissioners, as well as the governors of the States, will take such measures as to them may seem best, to satisfy themselves that the emigrants are such as contemplated by article 1 of this decree, and to prevent any of them from going now from the Mexican to the ceded territory with the intention of enjoying thereafter the benefits of this decree, from which they shall be debarred so soon as the fraud is discovered. They shall also take care that, criminals subject to trial, or convicted of grave offenses, do not come into the colonies.

ART. 14. The commissioners will issue to each person or family of those going to emigrate, a ticket for the amount of the sum of quotas of the members, specifying in their ticket whether the expenses of the journey are borne by the party, or whether received from the commissioner, and whether they go with the intention of forming a colony, or the object of following some profession, or go to any other section of the republic, and they will keep a minute account of the number, value, and contents of the tickets issued, to form from them the estimate of freight, provision, oxen, seed, and implements.

ART. 15. The said estimates being made, the commissioners, on their own responsibility, will, themselves or through their respective agents, make contracts, observing the utmost economy possible for the means of transportation, provisions necessary for consumption during the journey, and for seed and implements to be delivered to them at the place of their destination. These contracts will be executed in duplicate, one of which shall remain on file in the Mexican consulate.

ART. 16. The expenses of freighting seeds and implements, driving oxen, and generally all those expenses that cannot be calculated with exactness before the distribution, will be charged in account under its proper head, in order that these expenses may be charged to the emigrant at prime cost. Also a memorandum in detail will be furnished the commissioners, as expenses of the enterprise, such extraordinary expenditures as they may have to make, and which it may not be possible to estimate for at the proper time, so that they may be charged in the general account.

ART. 17. For the punctual payment of the contracts, the treasury

department will deposit the different funds at such places as in its judgment may be proper, and in the most proper mode to insure that those funds will not be diverted from their object, and the officers or the persons designated will pay, at three days' sight, the drafts drawn by the commissioner; will keep an account of the distribution, and at the conclusion will sign the general account of the commissioner. The drafts must bear the approval of the Mexican consuls or vice-consuls so soon as they are established at these points.

ART. 18. According as the emigrant may, from time to time, receive what he requires, he will be charged therewith on his ticket until the sum called for therein is supplied, when he will sign a receipt and deliver the same to the commissioner for the settlement of the account of the latter. In the liquidation and signing of the receipt, the authority designated by the governor of the State into whose territory the emigrants shall have come will supervise in the premises.

ART. 19. The general account of the commissioners will be presented to the national government with the entries authorized by law, supported by the respective tickets of the emigrant's vouchers, and bearing the approval of the governors of the respective States; and when allowed, the same will be published in the newspapers. In Lower California the first civil authority will act for the governor.

ART. 20. The commissioners for New Mexico and California will each receive \$2,000 for the expenses of the journey, whatever be the period their commission may continue; and further, \$1 for every man more than fourteen years of age that may emigrate, and 50 cents for other persons. The commissioner to Matamoras will receive \$1,000 for expenses of the journey, and at the same rate for individuals as prescribed for the others. The commissioners will enter into such bond as the treasury department shall deem proper.

ART. 21. If the sum designated for the transportation should not be sufficient for the conveyance of all the families enrolled, the commissioners will immediately prepare the proper estimate, and transmit the same to the national government, so that provision may be made at once to convey such families as could not come with the means now provided for the purpose.

ART. 22. Any doubts the commissioners may encounter in the discharge of their commission may be obviated by them by giving information thereof to, and having an agreement with, the governors of the respective States, or the first civil authority of the Territory of Lower California, should they arise in that Territory, reporting, nevertheless, the state of their labors to the national government, and to the governors of the respective States, with the greatest possible frequency.

ART. 23. The military and employes now in the ceded territory, and who, during the war, may not have forfeited their positions by infractions of the laws of the republic, and who may desire to emigrate, will receive besides the quota established herein such sums as on account of their salaries the proper department may think proper to allow them, and those sums will be charged against the ordinary fund out of which said salaries are to be paid. The commissioners and governors will report their applications.

ART. 24. As well the agents of the general government as the authorities and functionaries of the States will afford to the commissioners their protection in order that these may meet with the best success in the discharge of their commission.

I do, therefore, order that this be printed, published, and circulated, and receive due compliance.

Palace of the general government, at Mexico, 19th August, 1848.

JOSÉ JOAQUIN DE HERRERA.

Don MARIANO OTERO.

And I communicate the same to you for your information and the proper purposes.

God and liberty, Mexico, August 19, 1848.

OTERO.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, April 30, 1874.

The foregoing is a correct translation of printed paper in Spanish, marked Exhibit E, appended to Guadalupe Miranda's declaration of December 29, 1873, in the case of private land-claim in the name of the colony of Refugio.

DAV. J. MILLER,
Translator.

Testimony of witnesses.

TERRITORY OF NEW MEXICO,
County of Doña Ana :

GUADALUPE MIRANDA, being first duly sworn by me, testifies as follows:

I live in El Paso, Mexico, and I am sixty-three years of age. I knew Cura Ramon Ortiz, who lived in El Paso, Mexico, in the years 1851 and 1852. He was, during those years, commissioner of immigration from New Mexico to Chihuahua, for the purpose of regulating and establishing colonies of Mexicans who should move from New Mexico to the State of Chihuahua. He was appointed by the general government of Mexico as commissioner for the encouraging of immigration from New Mexico to the republic of Mexico, and also appointed by the State of Chihuahua as commissioner to establish colonies of immigrants, and make to them grants of lands. I know the said offices were held by him because I saw his commission, and he discharged the duties thereof publicly, and because I was his immediate successor in office. Under the laws of Chihuahua and the republic of Mexico, said Ramon Ortiz, in his capacity of commissioner as aforesaid, whenever he established a colony of immigrants from New Mexico, had authority and power to make to the colonies a grant to the land in the place where he might establish a colony. I know the place called the "Civil Colony of Refugio." It is situated on the west bank of the Rio Grande River, about five or six leagues north of the town of El Paso, and is within the present limits of the county of Doña Ana, in New Mexico, and is about six miles north of the boundary-line between Chihuahua and New Mexico, within that portion of the United States known as the "Gadsden purchase." Ramon Ortiz, as commissioner, by direction of the governor of Chihuahua, and in accordance with the laws aforesaid, made to José Ma. Garcia, and others, a grant to the colony of Refugio, in the site before mentioned, under the said immigration laws and regulations. The grantees entered into the possession of the said land granted as above

at once. There were more than fifty heads of families who took possession of said grant, and the said grantees and their heirs have continued in possession of said grant until the present time.

I have seen the original grant to the colony of Refugio in the archives at El Paso, Chihuahua, in Mexico. About the early part of the year 1853 was when I saw the said original grant in El Paso. I had been required by the general government of Mexico, as the successor of the said Ramon Ortiz in office, to make a report of all the acts of said Ortiz while in office, for which purpose I made an examination of the archives and records at El Paso of the acts of said Ortiz, and found among the same the said original grant to the said colony of Refugio, which I embodied in my report required to be made as aforesaid to the general government of Mexico.

Question. Examine a paper marked "Tetulo de Mercena y egidos de la colonia del Refugio, (hoy la Union,) precinto No. 7, del condado de Doña Ana, Territorio de Nuevo Mejico, (E. W.,)" and state if you recognize the signatures thereto, and also if you recognize said document, and state what the same is. [Here the grant papers were shown to the witness.]-Answer. The signature to the first paper is the official signature of Amado de la Vega, who was, at the date of said first paper, the secretary of the State of Chihuahua; the signature to the second paper is that of Ramon Ortiz, the commissioner before mentioned. I was well acquainted with the signature of both of the said individuals. The second paper is an official copy of the original grant to the colony of Refugio, given to them by the said Ramon Ortiz at the time he granted the land in question. I also saw this copy in the possession of said grantees at the time I filled the office of commissioner as aforesaid, succeeding said Ortiz. Said grant was always respected by the authorities of the government of Mexico, and the State of Chihuahua, up to the date of the Gadsden purchase treaty, as a legal grant of land under the laws of Mexico and Chihuahua, and the said grantees, and their heirs, and assigns have always, since the date of said grant, been considered and respected as the legitimate owners and holders of said grant of land, and, as such, have been respected by every one. The boundaries of the land are the same as set out in the copy shown to me. I know of no mines on said grant.

GUADALUPE MIRANDA.

TERRITORY OF NEW MEXICO,

County of Doña Ana :

Sworn to and subscribed before me, this 17th day of June, 1873.)

Witness my hand and the seal of the third judicial district court of the aforesaid Territory the day and year last aforesaid.

[SEAL.]

JOHN S. CROUCH,

*Clerk of the Third Judicial District Court
of the Territory of New Mexico.*

TERRITORY OF NEW MEXICO,

County of Doña Ana :

CLEMENTE NAÑES, being first duly sworn, deposes and says:

I live at the town of La Union, in the county of Doña Ana and Territory of New Mexico. I am forty-one years of age. I know where the grant of lands, known as the "Civil Colony of Refugio," is situate. It is on the west side of the Rio Grande, about twenty-one miles north of the town of El Paso, Mexico, in the State of Chihuahua, and in the present limits of the county of Doña Ana, and said Territory, and in that part of the United States known as the Gadsden purchase. It is

about twelve miles from the line between the territory of the United States and the republic of New Mexico, in a northerly direction to the center of the said colony of Refugio. The said Rio Grande bounds said colony and grant of land on the east, and on the west by a line running parallel with the general course of said Rio Grande about a mile west of the top of the foot-hills or mesas bordering the valley of said Rio Grande on its west bank. I was with the party of men when the lines of the grant of lands to said colony were fixed, and its boundaries established. Monuments of stones were placed at the corners of said grant, that is to say, one monument was placed immediately on the bank of said Rio Grande, (on its western side,) and about the middle of the lands now occupied by Estanislao Alvarar; that is, about midway on said lands from north to south. Another monument was placed nearly west of said last-named monument, about a mile back of the top of the mesa lands or foot-hills. A line drawn from one of these monuments to the other is the northern boundary of said grant. Another monument was placed at the western bank of said Rio Grande, near a place known as "El alto de los cuarones," about four miles down said Rio Grande from said first-mentioned monument, and another monument was placed nearly west of this last-mentioned monument, and about a mile west of the top of the foot-hills or mesas before described. A line drawn direct from one of these last-named monuments to the other one, constitutes the southern boundary of said grant. A line drawn between the two western monuments, from one to the other, and parallel to the general course of the said Rio Grande, is the western boundary of said grant; and the said Rio Grande between the two monuments before described, on the bank of said river, "Rio Grande," is the eastern boundary of said grant. The first-described monument has been washed away with the bank of the river, where it stood by said river. All of said monuments consisted of stones loosely piled up, without mortar or cement.

I know Cura Ramon Ortiz, of El Paso. He was commissioner of immigration for the State of Chihuahua under the laws of said State and the government of Mexico during the years 1851 and 1852. He was so known and recognized by every one at that time, and his acts have been recognized by every one. He was the commissioner who made the grant of lands before described to José Ma. Garcia and others composing the civil colony of Refugio. I have seen the original grant or document granting the lands before described to José Ma. Garcia and others. I think the original archives are in El Paso, and that said original grant or document is there among them. Cura Ramon Ortiz, commissioner, was himself in person present when these boundaries or lines of said grant of lands were fixed, and monuments established. This was in the year 1852. The grantees immediately entered into possession of said lands so granted them, and have ever since been in possession thereof, and have been considered the legal and rightful holders and owners of said lands, and recognized as such ever since the grant was made by every one. The said lands are non-mineral. I have no interest whatever in said grant. The boundaries, given in the original title or grant, are the proper boundaries and same as I have stated in substances.

CLEMENTE NAÑES.

Sworn to and subscribed before me, this 26th day of December, 1873.
Witness my hand and the seal of the court the day and year last named.

[SEAL.]

DANIEL FRIETZE,
Probate Clerk of Doña Ana County, New Mexico.

TERRITORY OF NEW MEXICO,
County of Doña Aña :

JUAN ESPARZA, being first duly sworn, testifies as follows :

I live at La Union, in the county of Doña Aña, Territory of New Mexico. I am fifty-seven years of age. I know Cura Ramond Ortiz ; knew him in the years of 1851 and 1852. He was commissioner of the State of Chihuahua, and under laws of that State had authority to make grants of lands to colonies where they might be located. He had authority from the general government also. He was known and recognized as such commissioner, and his acts as such were always recognized as valid. About the year 1852 he, as such commissioner, made a grant of lands in the then State of Chihuahua, republic of Mexico, to José Maria Garcia and others, known as the "civil colony of Refugio." Said lands are situate in the present limits of the county of Doña Aña, Territory of New Mexico, and in that portion of the United States, acquired by purchase, known as "the Gadsden purchase." Said lands are about seven leagues or twenty-one miles northward from the town of El Paso, Mexico, and on the western bank of the Rio Grande, and include the valley and foot-hills on said bank of said Rio Grande a distance up and down same of about four miles, more or less.

José Maria Garcia and others, grantees of said grant of lands, immediately entered into possession of said lands when granted them, and have continued to hold and occupy them ever since under said grant. There were over fifty heads of families who entered into possession under said grant, and they and their heirs have been recognized ever since by every one as the legal holders and owners of said lands. There are two towns included in limits of said grant, La Union and Chambonico, and I judge there are over six hundred inhabitants now occupying and holding said lands under said grant.

The said lands granted, as before stated, are non-mineral ; are agricultural and pastoral. I have no interest whatever in the said grant of lands.

JUAN ESPARZA.

Sworn to and subscribed before me this 29th day of December, 1873.

Witness my hand and the seal of said court the day and year last named.

[SEAL.]

DANIEL FRIETZE,
Probate Clerk of Doña Aña County, New Mexico.

TERRITORY OF NEW MEXICO,
County of Doña Aña :

DANIEL FRIETZE, being first duly sworn, testifies as follows :

I live in the Mesilla, county of Doña Aña, Territory of New Mexico ; have lived there continually since the year 1852. I knew Cura Ramon Ortiz, of El Paso, Mexico ; have known him since the year 1849 ; was personally acquainted with him. He was commissioner of immigration from New Mexico to the State of Chihuahua during the years 1851 and 1852, for the purpose of regulating and establishing colonies under the laws of the government of Mexico and the State of Chihuahua. He was appointed such commissioner under the authority of the Mexican general government, and by the government of the State of Chihuahua. He was respected as such commissioner by the government officials of Mexico and of the State of Chihuahua, and the community at large. He discharged the duties devolving upon him as such commissioner, and it was notorious that he was the legal commissioner for the purpose of

establishing colonies of immigration in Mexican territory on the Rio Grande, in the State of Chihuahua. Some time in the year 1852 said Cura Ramon Ortiz, as said commissioner under the laws of the government of Mexico and of the State of Chihuahua, made a grant of lands to José Ma. Garcia and others, known as the colony of Refugio. Said lands are situate on the west bank of the Rio Grande, about six leagues north of the town of El Paso, and within the present limits of the county of Doña Aña, in New Mexico, and about two leagues from the northern line of the State of Chihuahua, and was in said State of Chihuahua, republic of Mexico, at the time the grant was made. Said grant, known as the civil colony of Refugio, is within that portion of the United States known as the Gadsden purchase. The grantees to said lands at once entered into possession of the said lands. There were about fifty heads of families who took possession of said grant, and they and their heirs and assigns have continued ever since in possession of said lands so granted to them. They have always been respected by the government of Mexico and the State of Chihuahua as the legal owners and holders of said lands, and have been so respected by every one. I have seen the original grant of said lands, signed by said Ortiz. I know his signature well. The signature affixed was genuine. The original grant or document granting said lands was in the Mesilla when I saw it. That is, when a grant of land is made by the Mexican authorities it is written and filed with the archives, signed by the commissioner; a duplicate is made and signed by the commissioner, with a certificate added that it is a copy of the original with the archives, and this given to the grantees. This is the original, which I saw. I don't know where it is now.

Question. What is this paper? [Translation of official copy of grant, hereto attached, here shown witness.] Answer. It is a translation of the grant of lands before alluded to; the grant to the civil colony of Refugio. The boundaries of said grant are as stated therein. There are about four hundred inhabitants on said grant of lands now holding and cultivating said lands under said grant. The said lands so granted the colony of Refugio are non-mineral. I have no interest in said grant whatever. I am county clerk of the county of Doña Aña, which position I have held for the last three years. I am forty years of age.

DANIEL FRIETZE.

Sworn to and subscribed before me this 17th day of January, 1874.

NEWTON ROSECRANS,

Justice of the Peace of the Fifth Precinct of Doña Aña County.

I, Daniel Fietze, clerk of the probate court in and for the county of Doña Aña, in the Territory of New Mexico certify that Newton Rosecrans was, at the time when the foregoing oath was administered, a justice of the peace in and for Doña Aña County, New Mexico, and was authorized to administer the aforesaid oath.

Witness my hand and seal of said court this 17th day of January, 1874.

[SEAL.]

DANIEL FRIETZE,

Probate Clerk of Doña Aña County, New Mexico.

TERRITORY OF NEW MEXICO,

County of Doña Aña :

GUADALUPE MIRANDA, being first duly sworn, testifies as follows:

I gave my testimony relative to the grant to the civil colony of Refugio at a former day. [The annexed testimony here shown witness; the

testimony signed by said Guadalupe Miranda.] That is my testimony given before. I had no interest whatever in the grant of the colony of Refugio, as mentioned in my testimony at the time of giving said testimony, and have no interest now in said grant of lands. The lands in my testimony described are non-mineral.

[Decree, of which a printed copy is hereto attached, exhibited witness in Spanish language.] This decree [attached hereto] is a true copy of the official decree I had in my possession of the government of the republic of Mexico, and officially signed by José Joaquin de Herrera, President, and Mariano Otero, secretary of state of said republic. The State of Chihuahua prescribed rules as provided in the decree hereto attached and referred to above, and which rules were complied with touching the grant of lands to the colony of Refugio.

GUADALUPE MIRANDA.

Sworn to and subscribed before me this 29th day of December, 1873. Witness my hand and the seal of the court the day and year last named.

[SEAL.]

DANIEL FRIETZE,
Probate Clerk Doña Ana County, New Mexico.

EXHIBIT E.—[Translation ante.]

MINISTERIO DE RELACIONES, INTERIORES Y ESTERIORES.

El exmo. sr., presidente de la república, me ha dirigido el decreto que sigue :

José Joaquin de Herrera, general de division, presidente constitucional de los Estados Unidos Mejicanos, á todos los habitantes de la república, sabed : Que en uso de la facultad que me concede la fraccion 2ª del artículo 110. de la constitucion ; para cumplir con lo despuesto en el artículo 22. de la ley 14. Junio último, que señaló un fondo para la traslacion de las familias Mejicanas que quisieran emigrar del territorio perdido en el tratado de paz de Guadalupe Hidalgo, y despues de haber consultado á varias personas que conocian las circunstancias locales del territorio de que se trata, y vido el dictamen de una junta nombrado con este solo objeto, de acuerdo con lo consultado por ella hé venido en decretar lo siguiente :

ART. 1º. Todos los Mejicanos que á la celebracion de la paz se encontraban en el territorio que por el tratado de Guadalupe que dó en poder de los Estados Unidos de Norte, y quieran venir á estableciere en el de la república seran trasladados á ésta de cuenta del erario y en la forma que se establece en los artículos siguientes.

ART. 2º. Todas las personas que se hallen en este caso daran aviso al cónsul ó agente de la república queestubiese mas inmediata ó al comisionado ó agente del comisionado que se nombraren, espresando su nombre, edad, residencia é industria, y sé tuviesen familia, el número de personas de que ésta se compongo dando la misma especificacion respecto de cada una de ellas.

ART. 3º. El gobierno nombrará tres individuos que pasen en comision ; uno á Nueva Mejico, otra á la Alta California y otro á Matamoras, en el estado de Tamaulipas, para que se en encarguen de la traslacion de las familias mejicanos de que habla el artículo primero.

ART. 4º. Estos comisionados, en vista de la peticiones que recibieron directamente ó por medio de los cónsules, y de las de mas diligencias

que habrán de practicar con la mayor actividad dispondrán el viaje de las familias que quieran emigrar, encargandose de su conduccion hasta el punto designado.

ART. 5º. Las familias de Nuevo Mejico, pasarán á Chihuahua; las de la orilla izquierda del Bravo, á los estados de Tamaulipas, Coahuila ó Nuevo Leon; y las de la Alta California, á la Baja ó al estado de Sonora; á cuyo efecto los comisionados respectivos se pondrán de acuerdo con los gobernadores de estos estados, y primera autoridad local de California, para que señalen los terrenos que fueran destinarse al establecimiento de colonia.

ART. 6º. Los Mejicanos que emigraren en virtud de este decreto, tendran derecho de preferencia para que se les hagan todas las concesiones que las leyes establezcan ó establecieren en favor de los colonos extranjeros, ademas de los auxilios que el mismo otorga para ellos de una manera especial. Tambien reciban de preferencia en las colonias militares establecidas por la ley 20. de Julio último.

ART. 7º. Los gobernadores de los estados de Chihuahua, Coahuila, Nuevo Leon, Tamaulipas y Sonora, y la primera autoridad politica de la Baja California, reglamentarán, en la parte que les corresponda la organizacion de las colonias civiles, que hayan de fundar los emigrados, y dictarán las providencias que juzguen convenientes para favorecer en lo posible la empresa, procurando principalmente, por arreglos con los hacendados, ó por cualquiera otro medio, el que los emigrados encuentren, en los estados referidos, tierras, y á de labor, y á pastales á donde los decaños de ganados puedan venir á establecerse con sus bienes.

ART. 8º. Los emigrados que no quisieren dedicarse á la agricultura, sino ejercer suarte ú oficio en alguna poblacion, lo avisarán así al comisionado, y este al gobernador ó autoridad respectivas, para que les señale la poblacion á que hayan de trasladarse, y allí procuren facilitar su colocasion.

ART. 9º. Todo emigrado es libre para hacer de su propia cuenta el viaje pero en union con los demas, y reservar el todo ó parte de su cuota para recibirlo en utiles de labranza y semillas en el lugar del establecimiento de la colonia, tendrán sin embargo, la obligacion de advirtirlo al comisionado al tiempo de alistarse á fin de que se tenga presente al hacer los presupuestos.

ART. 10º. La cuota de asignacion para los emigrados, será la de veinticinco pesos por persona, de catorce años para arriba, y doce pesos por cada una de las que no llagaren á esta edad. Esta suma la percibirá el cabeza de familia: I. En el cargo que le corresponda por el trasporte hasta el punto donde se establezca la colonia. II. En los bueyes y herramientas que se le entreguen en el mismo punto. III. En semillas para su mantencion en el primer año de su establecimiento.

ART. 11º. Si por la distancia del punto los costos del viaje fueren tan altos que no quedaren libres para recibir en semillas, muebles ó herramientas al ménos el valor de quince pesos por persona mayor de catorce años se completará esta cantidad solo á los que vayan á establecerse á las colonias y no á otros.

ART. 12º. Los que no quieren establecerse en las colonias percibirán la mitad de la cuota asignada en los terminos que convengan con el comisionado respectivo, quien, si no hicieren el viaje de la manera que se establezca no les podrá entregar esa cuota, sino es cerciorarse de que están trasladados al territorio de la república.

ART. 13º. Los comisionados, así como los gobernadores de los estados, tomaran las providencias para cerciorarse de que los emigrados están en el caso del articulo 10. de este decreto, y evitar que algunos se pasan

ahora del territorio Mejicano al cedido con objeto de disfrutar luego los beneficios de este decreto, de los cuales que darán privados tan pronto como se averigüe la fraude. También cuidarán de que ne vengan á las colonias criminales sujetos á juicio ó sentenciados por delitos graves.

ART. 14°. Los comisionados espediran á cada persona ó familia de las que hayan de emigrar, una boleta por el valor de la suma de las cuotas de sus individuos, anotando en su misma boleta si hacen los gastos del viaje de su cuenta ó los reciben del comisionado, y sé van destinados á formar colonia ó al ejercicio de algun arte, ó se trasladan á algun otro punto de la republica; y llevarán una noticia circunstanciada del número, valor y notas de las boletas espedidas, para formar los presupuestos de fletes, viveres, bueyes y herramientas.

ART. 15°. Hechos los presupuestos referidos, los comisionados bajo su responsabilidad, porse, ó por medio de sus agentes respectivos, harán contratos, con la mayor economia posible de los medios de transporte, de los viveres necesarios para el consumo durante el viaje, y de las semillas y herramientas que hayan de dárseles en el lugar de su destino. Estas contratas se extenderán por duplicado, quedando un ejemplar de ellas en el consulado Mejicano.

ART. 16°. Los gastos de fletes, semillés y herramientas, conduccion de bueyada, y en general todos los que no pueden calcularse exactamente antes de la distribucion, se harán de cargo en su respectivo ramo, á fin de que sean á costo y costas los precios de los cargos al emigrado. También pasará en data á los comisionados por gastos de la empresa los extraordinarios que tengan, que esogar y que no sea posible calcular. Oportunamente para hacerlos de cargo en los costos respectivos.

ART. 17°. Para el puntual pago de todos estos contratos el ministro de hacienda situará los fondos respectivos en los lugares que á su juicio fueren convenientes y de la manera mas propia para asegurar que estos fondos no sean distraidos de su objeto; y la oficina ó personas designadas, pagarán á tres dias de vistas las libranzas giradas por el comisionado; llevarán su cuenta de la distribucion; y firmarán al fin la cuenta general de la comision. Las libranzas deben traer el *visto bueno* de los cónsules ó vice-cónsules mejicanos, tan luego como se establezcan aquellos puntos.

ART. 18°. Segun vayan recibiendo elemigrado lo que necesite, se le harán los cargos respectivos en su boleta lasta que satisfecho el valor de ellas firme el recibo y lo entregue al comisionado para que este justifique su respectiva cuenta, en la liquidacion y firma del recibo, intervendrá la autoridad que designe el gobernador del estado á cuyo territorio hayan venido los emigrados.

ART. 19°. La cuenta general de los comisionados será presentada al supremo gobierno con las partidas de da la legisladas, comprobadas con las boletas respectivas de los emigrados y con el *visto bueno* de los gobernadores de los respectivos estados, y aprobada que sea, se publicará por las periódicos. En la Baja California la primera autoridad política hará las veces del gobernador.

ART. 20°. Los comisionados de Nuevo Mejico y California recibirán cada uno para gastos de viage dos mil pesos cualquiera que sea el tiempo que dure su comision y ademas \$1, por cada hombre mayor de catorce años que vaya á pue emigre y cuatro reales por las de mos peosnas. El comisionado que vaya á Matamoros rebirá mil pesos para gastos de viaje y el tanto por persona que se ha designado á los otros. Los comisionados darán la fianza que estime justa el ministeris de Haeienda.

ART. 21°. Sé la cantidad que se ha destinado para la traslacion no

alcanzare para verificar la de todas las familias alistadas, los comisionados formarán inmediatamente el presupuestos respectivos y los remitirán al supremo gobierno, para que se provea luego á trasladar las que no pudieron con los recursos por ahora destinado á este objeto.

ART. 22°. Las dudas que ocurran á los comisionados en el desempeño de su cargo, podrán resolverlas consultandolas y poniendose de acuerdo con el gobernador del estado respectivo ó primera autoridad politica del territorio de la Baja California, sé á éste corresponden, sin perjuicio de queden cuenta del estado de sus trabajos al supremo gobierno y á los gobernadores de los estados respectivos con la mayor frecuencia posible.

ART. 23°. Los militares y emplados que se encontraren en el territorio cedido, que durante la guerra no hubiesen perdido sus empleos por infraccion de las lúyes de la republica y quisieren emigrar, escribirán ademas de la cuota establecida en este reglamento, la cantidad que por cuenta de sus sueldos tenga á bien señalarles el ministerio respectivo, y se largará á los fondos ordinarios de donde deban pagárseles dichos sueldos. Los comisionados y gobernadores informarán sus solicitudes.

ART. 24°. Por tanto los agentes del gobierno general como las autoridades y funcionarios de los funcionarios de los estados, imprestirán á los comisionados su proteccion para que logren el mejor éxito en el cumplimiento de su en cargo.

Por tanto mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio del gobierno general en Mejico á 19. de Agosto de 1848.

JOSÉ JOAQUIN DE HERRERA.

A. D. MARIANO OTERO.

Y lo comunico á V. para su inteligencia y fines que convenga.
Dios y Libertad. Mejico Agosto 19. de 1848.

OTERO.

Decision.

CIVIL COLONY OF REFUGIO.

OPINION.

The claim for a community grant of lands is brought before me under the eighth section of the act of July 22, 1854, establishing this office, it having been decided heretofore by the honorable Secretary of the Interior that such course is legal under the treaty known as the Gadsden purchase, the same as under the treaty of Guadalupe-Hidalgo.

From the record it appears that the grant was lawfully made by proper authority of the Mexican Republic in 1851 or 1852, the exact date being unknown, that the colony took peaceful possession, and have since held it as their property without dispute.

I believe the claim to be legal and equitable, and therefore recommend that it be confirmed by Congress to the inhabitants thereof, according to boundaries set forth in the record.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, May 18, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., May 22, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 90, in the name of the colony of Refugio.

JAMES K. PROUDFIT,
United States Surveyor-General.

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