

L E T T E R
FROM THE
SECRETARY OF THE INTERIOR,
TRANSMITTING

The report and opinion of the surveyor-general of Arizona Territory, together with a duly authenticated copy of the title papers and testimony in the matter of the private land claim, No. 7, &c.

MAY 25, 1880.—Referred to the Committee on Private Land Claims.

JUNE 9, 1880.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1880.

SIR: Pursuant to the requirement of a clause in the sundry civil act of July 15, 1870 (16 Stat., 304), I have the honor to transmit herewith, for the consideration of Congress, the report and opinion of the surveyor-general of Arizona Territory, together with a duly authenticated copy of the title papers and testimony in the matter of the private land claim No. 7, known as Tumacacori and Calabazas, in Pima County of said Territory; also a map of said claim, as surveyed under the direction of said surveyor-general. The claimants are C. P. Sykes and John Currey.

Very respectfully,

C. SCHURZ, *Secretary.*

The hon. the PRESIDENT OF THE SENATE.

TRANSCRIPT OF PROCEEDINGS BEFORE UNITED STATES SURVEYOR-GENERAL, ARIZONA—INCREASE OF RANCHO OF TUMACACORI AND CALABAZAS—CLAIMED BY C. P. SYKES AND JOHN CURREY.

To JOHN WASSON,

United States surveyor-general for Arizona:

The petition of John Currey and Charles P. Sykes, respectfully represents that they are the owners, under various mesne conveyances from the original grantees and donors, of a certain tract of land or rancho situated in the county of Pima, in the territory of Arizona, known by the name of "Tumacacori and las Calabazas," a particular description of the location and boundaries of which tract of land or rancho is clearly and explicitly given in the original expediente of the title, a duly authenticated copy of which is hereto annexed, marked Exhibit A, with a correct translation thereof, marked Exhibit B, and which are made a part of this petition.

Your petitioners further represent that the original title papers set forth the following facts:

1st. That in the year 1806, Juan Legarro, governor of the Indian pueblo of Tumacacori, situated in the jurisdiction of "Pimoria, Alta," petitioned Don Alejo Garcia

Conde, intendente of the province and of the royal treasury, political and military governor and *jefe privativo*, to issue to the Indians of the pueblo of Tumacacori, a grant of lands for the "*fundo legal*" of the pueblo, and also for the "*estancia*" (stock-farm) of the pueblo; the grant asked for to replace the ancient title papers which had been given by the Spanish government to the Indians of said pueblo, and which had been lost or destroyed. That this petition was made to the intendente in accordance with the royal instructions of the 15th day of October, 1754, and article 81, of royal ordinances and instructions in relation to intendentes of the 4th day of December, 1786.

2d. That in accordance with said petition, the lands petitioned for, were ordered by the intendente to be surveyed by the proper officer, and that on the 14th day of January, 1807, the said lands were surveyed and the boundary monuments established by Don Manuel de Leon, comandante of the presidio of Tubac.

3d. That on the 2d day of April, 1807, the said Don Alejo Garcia Conde, intendente, &c., issued a royal patent or title under the laws referred to, to the Indians of the pueblo of Tumacacori for the lands, as clearly and fully described in the proceedings in relation to the survey thereof, which proceedings are set out at length in the copy of the original expediente marked Exhibit A, and which original title or patent was duly registered in book No. 174, existing in the "*juzgado privativo*."

3th. That under the law of the Mexican Congress of the 10th of February, 1842, providing for the denouncement and sale of abandoned pueblos, Don Francisco Aguilar, on the 18th day of April, 1844, became the owner by purchase for the sum of \$500 of the four square leagues of agricultural and grazing lands of the "*fundo legal*" of the abandoned pueblo of Tumacacori and *sitios* of the *estancia* (stock-farm) of Calabazas, and the other places thereunto pertaining, the areas, boundaries, monuments, and *colindantes* of which are set forth in the corresponding proceedings of measurement, made in the year 1807, by the commissioner and surveyor, Don Manuel de Leon. That the original proceedings of denouncement and sale to the said Aguilar are set out at length in the original *expediente* hereinbefore referred to, a copy of which is marked Exhibit B, a registry of the sale and denouncement being made in the corresponding book.

5th. That on the 2d day of March, 1869, Don Francisco A. Aguilar, by deed of conveyance duly executed in the city of Guaymas de Zaragoza, sold the lands purchased by him under denouncement, as aforesaid, to Don Manuel Ma. Gundara, which deed of conveyance is fully set out in the original expediente referred to, and registered on folios 2 and 3 of the respective book.

6th. That on the 24th day of July, 1877, the said Don Manuel Ma. Gundara, of the State of Sonora, Republic of Mexico, sold and conveyed the premises hereinbefore described to your petitioners, John Currey and Charles P. Sykes, who are citizens of the State of California, as is shown by deed of conveyance executed to them by Don Manuel Ma. Gundara, bearing date July 24, 1877; which deed is hereto annexed, marked Exhibit C.

And your petitioners further aver that the ancient grant of the rancho of Tumacacori and las Calabazas is referred to and called for in the records of coterminous, grants and also that it is referred to in the book of "*Toma de Razon*" of grants now existing in and forms a part of the ancient archives of the Mexican State of Sonora, and of the ancient intendencia of the Spanish province of the same name. And further, that the *bona fides* of said title papers can be established if required by the testimony of expert witnesses, who are familiar with the laws, usages and customs of Mexico in relation to the granting of lands, and also acquainted with the handwritings of the Spanish and Mexican officials of that country during the time covered by these title papers.

Your petitioners further allege that the premises referred to were in actual and useful possession and occupation by the original grantees for many years and so continued until when from inevitable causes they became deserted and under the laws denounceable; whereupon the lands now claimed by your petitioners were denounced and purchased by Don Francisco A. Aguilar, and that they have been owned and possessed by the said Aguilar and his successors, from the date of said denouncement down to the present time, and that the possession thereof during this time has been continuous, save when unavoidably interrupted by the hostility of the neighboring savages, and that your petitioners, under their purchase aforesaid, are now in possession and useful occupation of said lands, having expended large sums of money in the development and improvement thereof.

In view of the foregoing, your petitioners claim that their title to the lands as described is absolute and indefeasible under the laws of Spain and Mexico; that it would be so held and regarded by the law of all civilized nations, and that it is guaranteed by the treaty stipulations between the Governments of the United States and Mexico bearing date December 30, 1853. They, therefore, claim a confirmation by the proper tribunals of the Government of the United States of the title to all the lands as described in the original title papers to which reference is made for a particular description of

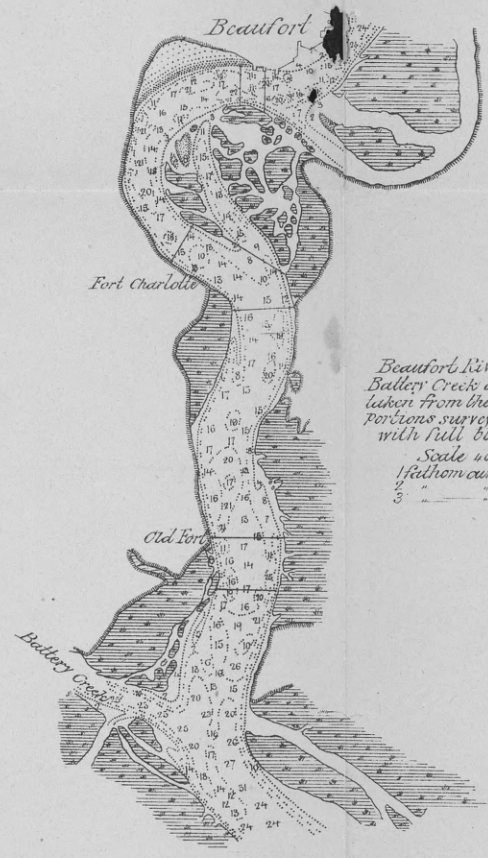
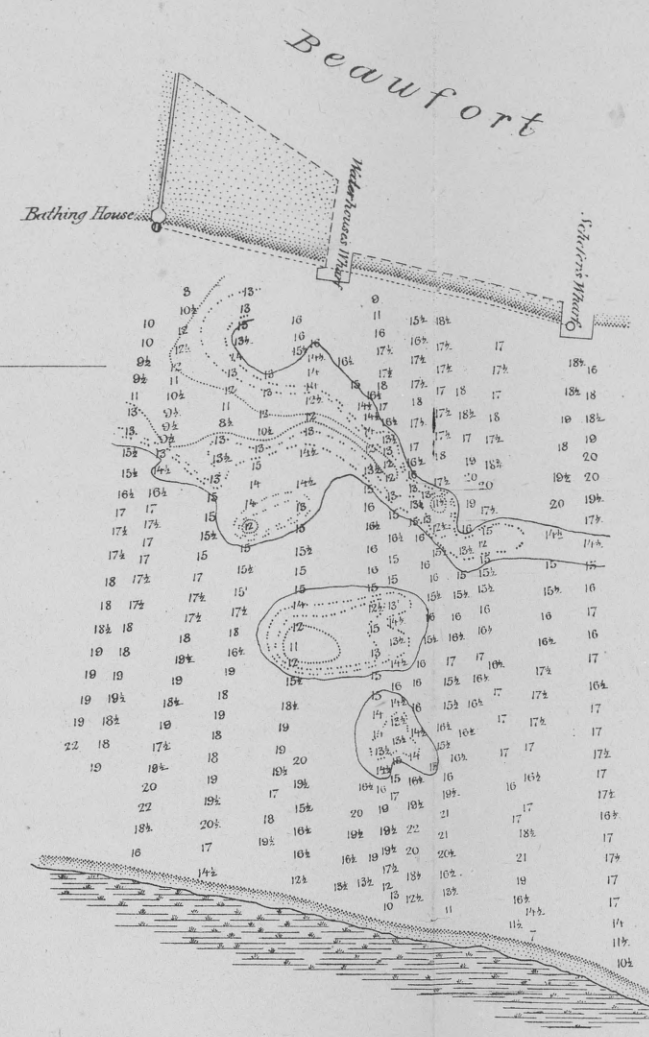
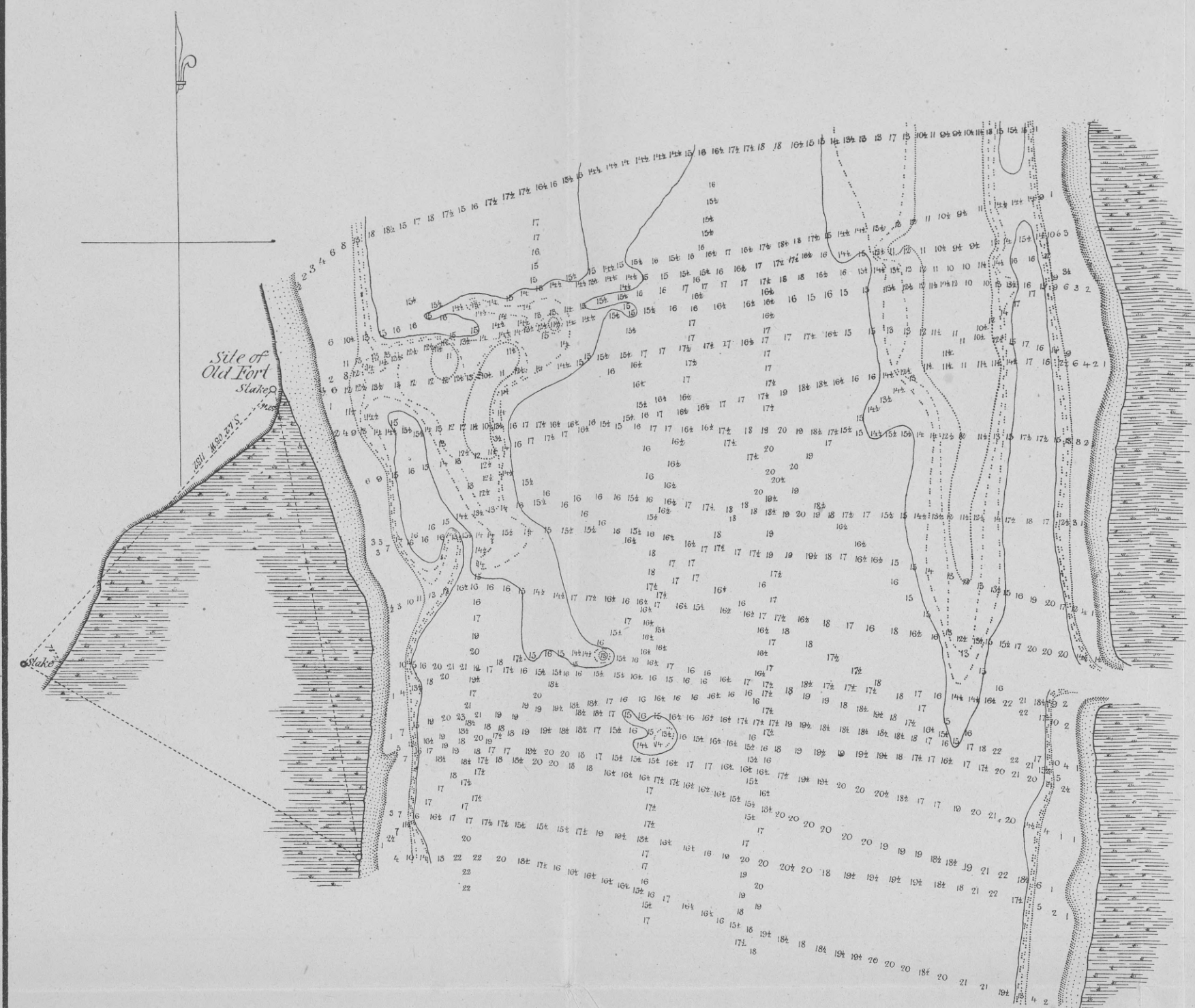
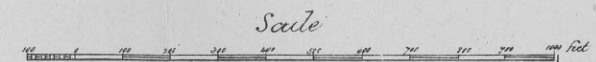


CHART
of portions of
BEAUFORT RIVER S.C.
OR "PORT ROYAL" RIVER
From a survey made in March 1880
under the direction of
Br. Maj. Gen. Q. A. Gillmore, Lieut. Col. of Engrs., U.S.A.
by G. Daubigny, Asst. Engineer



New York, May 12, 1880
Respectfully transmitted to the Chief of Engineers U.S.A.
with my report of this date.
Q. A. Gillmore
Lieut. Col. of Engrs.
Br. Maj. Gen. U.S.A.

location and boundaries, asking that the whole of said original title papers be considered as a part of this their petition. And they will ever pray.

JOHN CURREY.
C. P. SYKES.

SAN FRANCISCO, CAL., December 15, 1879.

ARIZPE, año de 1807.

Título de adjudicacion, mrd. y confirmacion en forma de las tierras que corresponden á los naturales de Tumacacori, por razon de fundo legal de su pueblo y estancias pa. el mismo. Librado á favor de los propios Indios, su comunidad y republica, por el juzgado privativo de trras. de la intenda. y govo. de estas provas. de Sonora y Sinaloa.

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Veinte y quatro reales.

Sello primero, veinte y quatro reales; años de mil setecientos noventa y seis y setecientos noventa y siete.
Seis pesos. Dn. Alexo Garcia Conde, brigadier de los reales exercitos, yntendente de provincia y hacienda, gobernador politico y militar y juez privativo de medidas, ventas y composiciones y repartamientos de tierras de las provincias de Sonora y Sinaloa, por Su Magestad (Q. D. G.), &a.

Por cuanto el Rey, nuestro señor, por el articulo 81 de la real ordenanza é ynstruccion de yntendentes, expedida en Madrid á 4 de Diciembre de 1786, se ha dequado mandar agregar al conocimiento y jurisdiccion de esta magistrado, juzgado privativo de medidas y composiciones de tierras de sus respectivas provincias, segun se previene en el mismo articulo, cuyo tenor es el siguiente:

ARRO. 81. Tambien seran los yntendentes jueces privativos de las dependencias y causas que ocurren en el distrito de sus provincias, sobre ventas, composiciones y repartamientos de tierras realengas y de señorío deviendo los poseedores y los que pretendan nuevas concesiones de ellas, deducir sus derechos y formar sus solicitudes para que instruidos legitimamente estos negocios con un promotor de mi real fisco que nombren, los determinen segun derecho con dictamen de sus asesores ordinarios, y admitan las apelaciones á la junta superior de hacienda ó la dar cuenta en defecto de interponer recurso los interesados con los autos originales quando los estimen en estado de despachar el título, á fin de que vistos por ella se los devuelva, ó bien para que le expeden sino se la ofrecerse reparo, ó para que antes de ejecutarlo evacuen las diligencias que echase menos la junta y les previene; mediante lo cual podran recaer sin nuevos embargos las confirmaciones correspondientes, que libren á su dendo tiempo la misma junta superior, procediendo esta en el asunto como tambien los yntendentes, sus subdelegados y demas, con arreglo á lo dispuesto en la real instruccion de 15. de Octubre de 1754, en cuanto no se opinga á lo resuelto por esta, sin perder de vista las saludables disposiciones de las leyes que en ella se citan y de la 9, título 12, libro 4.

En su consecuencia, y habiendose promovido y solicitado en esta yntendencia y juzgado privativo de tierras por parte del comun de naturales del pueblo de Tumacacori, sito en distrito de la Pimaria Alta, el señalmiento y adjudicacion de las tierras que les corresponden, asi por razon de fundo legal de su propio pueblo como para estancia ó rancho del mismo, conforme á las reales y superiores disposiciones que han de la materia, se ha instruido sobre ello el expediente que corresponde, y cuyo tenor es á la letra de la manera y forma que sigue:

Escrito.

Sor. gobernador, yntendente, juez privativo de tierras, Juan Legarra, gobernador de los Indios del pueblo de Tumacacori, sito en distrito de la Pimaria Alta, Felipe Mendoza, José Ignacio Arnola, Ramon Panplona, Xavier Ignacio Modena, principales naturales del mismo pueblo, y actualmente hallando en esta capital, por sí y á nombre y en representacion de todo el comun de naturales de aquella republica, ante la superioridad de V. S. con la mayor sumision y por el ocurso mas legal en dro., parecemos y decimos: que acarreciendo el indicado nuestro pueblo de las tierras necesarias que le corresponden, asi por razon de fundo legal como para estancia, con respeto á que para haberse totalmente perdido las primitivos instrumentos relativos á su antigua consiguacion de terrenos, seignora enteramente los terminos en que esta le fue hecha en aquel tiempo, y de consiguiente sus legitimas verdaderas pertenencias y linderos, nos hallamos en la precisa urgente necesidad de solicitar el decido formal señaladamente de unas y otras con puntual arreglo á las disposiciones de S. M. y de la superioridad que regen sobre la materia; y en su consecuencia ocurrimos á la notoria justificacion de

V. S., suplicandole rendidamente se sirva dictar las peticiones y comision bastante que corresponda á efecto de que desde luego y conforme al mandado gral. y expresamente por aquellos soberanos y superiores resoluciones se proceda al indicado repartimiento y consignacion de las tierras que por ambos respectos nos divien ser concedidos y adjudicadas bajo el concepto de que las quatro leguas (una por cada viento) que por razon de fundo del pueblo se nos han de marcar, deveran precisamente darsenos y medirsenos con proporcionada y equitativa extension y limitacion por los rumbos que mejor nos acomode á toda nuestra discrecion y voluntad, con el justo y prudente fin de comprender en el señalamiento respectivo de las mismas quatro leguas el terreno mas util para nuestra sembradara, en la inteligencia tambien de que por lo respectivo á la consignacion que debe hacemos de sitios para estancia, ha de comprenderse el puesto de Guibavi y sus pertenencias; asi por que este terreno es mas apropiado y que mejor nos acomoda para mantener en el los ganados de nuestra indicada mision de Tumacacori y lograr alli la conservacion y mayor es posibles aumentos de estos semovientes van incrementandose considerablemente, como principalmente por reconocerse con toda legitimidad de dro. y propiedad por de la misma mision el citado Guibavi como pueblo cavacera que fui de ella, y ser yo el actual gobernador, uno de los hijos nacidos en el propio antiguo pueblo de Guibavi, como igualmente pedimos sea tambien comprendido en los enunciados sitios el puesto ó parage nombrada la Boca del Potrero, por ser nos asi util para el efecto y hallarse muy inmediato á nuestra mision segun que en los terminos especificados en esta nuestra reverente formal instancia lo exigimos de la constante rectitud y beneficencia de V. S. por ceder en justo alivio y fomento del comun de naturales de nuestra republica, y ser todo ello arreglado á las soberanas intenciones del Rey nro. sor., dirijidas siempre al mayor posible beneficio de sus fides vasallos los pobres Indios, especialmente los de que como nosotros nos hallamos constituidos en molino miseria y en pais hostilizado de las barbaros enemigos. Por tanto, á la justificacion y piedad de V. S. con el mayor rendimiento suplicamos se digne puer en todo como solicitamos en mento de justicia que pedimos. Juramos en forma no proceder de malicia y lo necesario, &a. A ruego de los presentantes.

IGNACIO DIAZ DEL CARPIO.

Decreto.

ARIZPE, 17 de Diciembre de 1806.

Por presentado en quanto ha lugar en dro. y para la practica de las medidas que por fundo legal del pueblo y estancia corresponde á los naturales de Tumacacori, dase comision bastante en forma á el alferes veterano y actual comandante y juez politico accidental del puesto militar de Tubac, Don Manuel de Leon, á quien se le previene que respecto á hallarse situadas aquellas tierras en terrenos de su jurisdiccion preceda á medirlas en ocasion y circunstancias, en que se halle desembarasado de las principales atenciones del servicio, y que por la ausencia de tres ó quattras dias que habra de invertir en estas diligencias no haya de experimentarse perjuicio ó atraso en los negocios militares que ser de su pral. atencion, y de dicho comisionado deberá medir á aquellos naturales una legua por cada viento ó los cuatro por donde mas le acomode á las mejores y mas utiles inmediatas tierras á su pueblo, sin perjuicio de tercero y con citacion de los colindantes si los hubiese, y ademas de las citadas quatro leguas de dotacion les adjudicara una estancia para ganado mayor, que comprenda á lo mas dos sitios en el parage que mas acomode á aquellos naturales.

El señor intendente asi lo decretó, mandó y firmó con los testigos de su assa., con quienes actua S. S. á falta de escribano.

ALEJO GARCIA CONDE.

Assa.: RAMON MENDOZA.

Assa.: JUAN ALEJO CARRILLO.

Don Manuel de Leon, alferes veterano y actual comandante del presidio de Tubac, haviendose presentado por Juan Legarra, gobernador de la mision de Tumacacori, á nombre suyo y de todos los Indios que hay en dicha mision, el precedente superior decreto expedida por el señor Brigadier D. Alejo Garcia Conde, gobernador politico y militar, intendente de real hacienda y juez privativo de tierras de esta provincia de Sonora, &a., dije que obediendo como desde luego obedesco la comision que se sirve confirme su señorio, y en virtud de la indicada superior providencia, dara mandar, y mande que previa citacion de dicha parte interesada, y acompañado de dos individuos de mi satisfaccion que sirvan de testigos de asistencia en la actuacion de estas diligencias, se proceda inmediatamente por mi á la practica de ellas conforme corresponda pasando al efecto á dicha mision de Tumacacori y por este auto asi lo provey y firme con los testigos de assa., actuando por receptoria á falta de todo escribano, hoy trece de Enero de mil ochocientos siete.

MANUEL DE LEON

Assa.: TORDRO OTERO, JUAN NEPUMICENO GONZALES.

Notificación.

Yncontinente, yo, el comisionado, D. Manuel D. Leon, estando presentes, Juan Legarra, gobernador de la mision de Tumacacori, y los demas Indios de que se compone dicha mision, les hicé saver el auto antecedente, de que inteligenciado dijeron que se dan por sitados, y lo firmó con los testigos de mi assa.

MANUEL DE LEON.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMICENO GONZALEZ.

Diligencias sobre citaciones.

En esta mision de San Joseph de Tumacacori, en tres dias del mes y año expresados, yo, el susodho. comandante y agrimensor comisionado, habiendo solicitado saver que individuos poseedores de tierras fuesen colindantes con las del pueblo de Tumacacori, para con su citacion y comparencia proceder á la mensura de ellas é informandose me veridica y radicalmente por varios vecinos antiguos del presidio de Tubac y de la espresada mision, no haber por ningun viento en *uni* rumbo alindadero alguno mas que el presidio de Tubac, distante de dha. mision una legua, mande sentarlo por diligencia, y lo firmé con los testigos de mi assa.

MANUEL DE LEON.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMICENO GONZALEZ.

Nombramiento de oficiales, su aceptacion y juramente.

En la misma mision de Tumacacori, en dha. dia, mes y año, yo, el referido juez comisionado, Don Manuel de Leon, alfez veterano y actual comandante de Tubac, á efecto de poder realizar la mensura que corresponde á la mision de Tumacacori, tanto de tierras de pan llevar como para cria de ganados, he procedido al correspondiente nombramiento de oficiales de suficiente idoneidad para esta operacion, nombrando por contador á Lorenzo Badajo; por medidores á José Mguel. Soto Mayor y Juan Estevano Romero, y por apuntadores á Leon Osorio y Ramon Rios, vecinos del presidio de Tubac excepto el ultimo, que es vecino de Tumacacori, quienes siendo presentes y acompañados ante mi y echoles saver en sus personas los indicados oficios de contadores, medidores y apuntadores á que respectivamente los hé nombrado, dixerón aceptandolos como desde luego los aceptan, permiten usar y exercer estos encargos bienfeel y legalmente sin dolo, fraude ni malicia y segun su leal saver y enboder. bajo la sagrada religion del juramente que les recar y en toda forma de dro. hiceren todos y cada uno por Dios nuestro Señor y la señal de la Santa Cruz, cuyo cargo y grandad les descrué competentemente asi como tambien la obligacion de sus enunciados respectivos oficios, y para la deuda constancia pongo la presente diligencia, que firma José Miguel Soto Mayor por si y en nombre de los expresados oficiales nombrados que no saben firmar; y lo firmó yo con los testigos de mi assa. en la forma ordinaria.

MANUEL DE LEON.

JOSÉ MIGUEL SOTO MAYOR.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

Señalamiento del centro.

En la mision de San Joseph de Tumacacori, en catorce dias del mes de Enero de mil ochocientos siete, yo, el mencionado juez, comisionado agrimensor, Don Manuel de Leon, alfez veterano y actual comandante de Tubac, haviendome hastado á dha. mision acompañado de los oficiales nombrados contador, apuntadores, medidores de los infrascriptos testigos de mi assa. y de otros cinco vecinos que annados acompañaron en calidad de escolteros á efecto de dar principio á la operacion de mensura de las tierras pertenecientes á dha. mision, tanto por razon de fundo legal que por razon de mision le pertenecen quanto por razon de estanca. para la cria y aumento de los ganados asi mayor como menor, mande á dho. governador, Juan Legarra, y demas Indios de dha. mision, prociéren á señalar el centro, y dando razon que la mision en tiempo del Señor Pineda, governador que fui de estas provincias, fueron llamados á convenió, del qual resultó que se partiesen las tierras dejando á los naturales de esta mision valle abajo rumbo al norte, dejandoles su señoría facultad de tomar esta falta por el rumbo que mas les acomodase, en cuya restad se tomó por centro la cruz fixa en el cimentario de dha. mision para desde dicha cruz principiár á tirar las medidas que quieren y piden los referidos interesados Juan Legarra y demas Indios, y para la deuda constancia lo firmé con los testigos de assa.

MANUEL LEON.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALES.

Primera diligencia de medidores.

En la referida mision de San José de Tumacacori, día catorce de Enero del año corriente de mil ochocientos siete, yo, Don Manuel de Leon, alferes veterano, y actual comandante del presidio de Tubac, juez agrimensor, comisionado para la mensura de estas tierras por el Señor Brigadier Don Alejo Garcia Conde, gobernador, intendente, juez politico y militar y juez privativo de tierras de estas provincias de Sonora, &a., hallandose presentes los interesados, Juan Legarra y demas Indios que componen esta mision de Tumacacori, los oficiales, contador, Lorenzo Berdugo; medidores, Juan Esteban Romero, José Miguel Soto Mayor, y apuntadores, Leon Osorio y Ramon Rios, y los infrascriptos testigos de mi assa., mande que dha. contador midiese como puntualmente medio en un cordel de istle bien retercedo y encerado, que hé trahido prevenido, cincuenta varas castellanas usuales y de á quatro palmas cada uno vara arreglada corriente y marcado que al intento he trahido igualmente prevenida y haciendo atar fecalmente dos saucas de palo muy duro y cornoso en las dos puntas ó extremos de dicho cordel de cincuenta varas, lo entregué por mi mano á los expresados oficiales medidores, con los cuales y los demas mencionados me constituí en el señalado parage del simentario, frente á la cruz, punto fijo del centro, y puesto por mi un abajon bien ordenado que tambien he traído para el efecto, tomamos el viento del norte y valle abajo y se fueron cuidadosamente mediendo cincuenta cordeles que terminaron frente del divisadero, que esta entre la cida al bajio y dos alamos muy gruesas que se halla fuera de la caja del rio, en donde mandé poner y se puso un monton de piedras en señal de mojenera, no siguiendo mas adalante por este rumbo, respecto á las pertenencias del presidio de Tubac; y buuelto al centro, se tomó el viento del sur, por el cual se fueron mediendo y contando con igual cuidado trescientos treinta y dos cordeles que remataron á el lado de arriva, pegado á la cañada inmediata al sitio llamado Calabazas, de donde volvimos al centro y se medieron escrupulosamente ciento al oriente siete cordeles desde la caja del rio, los que remataron al pie de la loma dentro de un mesquiteal en cuyo sitio mandé poner y se puso otro monton de piedras en señal de mojenera, y habiendose dado por ese rumbo los siete cordeles, volvimos á tomar el centro, se tomó el viento del poniente, por el cual se fueron mediendo y contando con igual cuidado once cordeles, que remataron en una loma tendida en el sitio llamado "el Mesquite Seco," en donde mande poner, y se puso otro monton de piedra, en señal de mojenera, quedando allí enteramente concluidas las medidas que por razon de fundo legal y tierra de pan llevar, se medieron para dha. mision sin que haya otras tierras de sembradura en todo el valle ni en sus inmediaciones, y tomando algunos cordeles de los expresados de tierras infructíferas por los rumbos de oriente y poniente, mediendose todo lo expresado á satisfaccion mia, de los oficiales de esta operacion, y de los mismos interesados, Juan Legarra, gobernador, y demas naturales de dha. mision, en cuyos terminos queda concluida la presente diligencia, que firmaron el oficial medidor por si, y en nombre de los demas oficiales y gobernador de dicha mision que no saben firmar conmigo, el relacionado juez agrimensor comisionado, y los testigos de mi asistencia, actuando por receptoria en la forma ordinaria.

Assa.: TORREBIO OTERO.

Assa.: JUAN NEPOMUCENO GONZALEZ.

MIGUEL DE LEON.

JOSÉ MIGUEL DE SOTO MAYOR.

Segunda diligencia de medidas.

En dicha dia catorce de Enero de mil ochocientos siete años, yo, Dn. Manuel Leon, alferes veterano y actual comandante del presidio de Tubac, juez comisionado, agrimensor, en prosecucion de la mensura que por razon de estancia me previene el señor brigadier gobernador, intendente politico y militar, juez privativo de tierras de esta provincia de Sonora, &a., hallandose presentes los oficiales y demas expresados si se dixarian las medidas para el dia siguiente á lo que me dixeron que siendo grandez sus ocupaciones, y estando ya todos juntos hera lo mas acertado seguir con las medidas hasta donde alcansase el dia y oida su razon de ellas, mandé al gobernador, Juan Legarra, que de acuerdo con los hijos procediese á señalar donde mas les acomode y conveniese el centro para terreno de la cria de ganada ó estancia, el que asigno el parage de Guibavi incluso la boca del Potrero, por parecerle este sitio mas acepto y conveniente para el efecto, como tambien por haver sido pueblo perteneciente á esta mision y en donde siempre han mantenido sus ganados; en cuya virtud asigno por centro la boca del rio en donde mande poner, como el interesado se puso un monton de piedras en el mismo punto centrico, señalando para desde el principio y tirar las medidas con arreglo á lo concedido por el Señor Brigadier Don Alejo Garcia Conde, gobernador, intendente y juez privativo de tierras de estas provincias de Sonora por decreto de diez y siete de Diciembre de mil ochocientos seis; y para que conste lo firmo con los testigos de mi assa.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

MANUEL DE LEON.

Diligencias de medida para estancia.

En catorce del mes de Enero de mil ochocientos siete, yo, el nominado D. Manuel de Leon, alfez veterano y comandante del presidio de Tubac, acompañado de los oficiales nombrados, del gobernador de Tumacacori y sus Indios, de los testigos de mi assa., &c., me constituí en el centrico señalado de estas tierras y puesto el abajon bien ordinado, se tomó el viento del norte para el qual se fueron mediendo ochenta cordeles, los que se medieron y contaron con toda escrupulosidad, los que remataron en la misma mojonera que sirve para lo medido de las tierras de pan llevar quedando unas y otras en un cuerpo, y bueltos al centro, se tomó el biento del sur, por el cual se fueron mediendo y contando con igual cuidado y escrupulosidad cincuenta y cinco cordeles, que remataron adalante del pueblo ó mision antigua de Guibavi en la mesa cuesta que hace para raxar al tajo que tira por el bado seco en donde mane poner y se puso otro monton de piedras en señal de mojonera, y siendo ya entrada la noche de esta dia, mande se suspendese ahora y se continuase de la mañana la presente operacion de medidas, sentando para la devida constancia esta diliga., que firmaron el oficial medidor por si y á nombre de los demas oficiales interesados que no saven firmar conmigo, el susodicho comisionado, y los testigos de mi assa., actuando por receptoria en la forma ordinaria.

MANUEL DE LEON.
JOSÉ MIGUEL DE SOTO MAYOR.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPOMUCENO GONZALEZ.

Segunda diligencia—medidas de estancia.

En el antiguo y desierte pueblo ó mision de Guibavi, á quince dias del mes y año expresados, yo, el nominado juez comisionado, agrimensor, Don Manuel de Leon, acompañado de los oficiales nombrados para ella de las partes interesados, y testigos de mi assa., &c., me constituí en el punto centrico señalado de estas tierras y puesta el abajon bien ordinado, se tomó el viento del oriente para el cual se fueron mediendo y contando escrupulosamente veinte y siete cordeles que remataron en un cerro, y haviendo sido imposible pasar adalante por lo muy fragoso é inaseluble de montes escarpadas de cerros, me pidieron los interesados que los cordelas restantes se los dase por el rumbo del potrero que se halla rumbo al poniente, y conformandome con esta solicitud como tan regular y admisible, mande poner y se puso al pie de dicho serro de San Cayetano por el costado que mira al sur otro monton de piedras en señal de mojonera, y volviendome con todo los expresados en estas diligencias al punto centrico, se tomó el expresado viento del poniente, para el cual se fueron mediendo y contando, con la misma escrupulosidad, treinta y ocho cordeles, que remataron en la caída de la loma mas alta, que se mira al potrero en donde mande poner y se puso otro monton de piedras, quedando la mensura tanto de tierras de pan llevar como los dos sitios para estancia concluida á satisfaccion mia, de los oficiales de esta operacion en cuyos terminos queda concluida la presente diligencia, que firmaron el expresado medidor, por si y en nombre de los interesados y demas oficiales que no saven firmar conmigo, el relacionado juez agrimensor comisionado y los testigos de mi assa. con quienes actno por receptoria á falta de todo escribano que no lo hay en los terminos que previene el derecho.

MANUEL LEON.

Assa.: TORREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

Auto 1.

En el presidio de Tubac, dha. dia, mes y año, yo, el mencionado juez comisionado, Don Manuel de Leon, alfez veterano y actual comandante de la compañía de Tubac, en vista de hallarse enteramente concluida la comision que por superior decreto de diez y siete de Diciembre de mil ochocientos seis se sirvió conferirme el señor brigadier governador, intendente politico y militar, juez privativo de tierras de esta provincia, D. Alexo Garcia Conde, para la practica de las presentes diligencias, devia de mandar, y mandé que originales con citacion y por conduito de las partes interesadas se remitan en esta estado á la misma superioridad en puntual y dendo cumplimiento de su indicado respectable providencia, y para en vista de ellas resuelva S. Sa. lo que corresponda, y por este auto de remision así lo provey, mandé y firmé con los testigos de asistencia en la forma ordinaria.

MANUEL DE LEON.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

Notificacion.

Yncontinente, yo, el expresado comisionado, notifiqué é hize saver el auto antecedente á Juan Legarra é Indios de Tumacacori, quienes inteligenciados de su contenido dieron que se dan por citados y lo firmó con los testigos de assa.

MANUEL DE LEON.

Assa.: TORREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

TUBAC, 17 de Enero de 1807.

Hoy dia de la fha. fueron entregadas estas diligencias comprehensivas de nueve foxas utiles á los interesados, Juan Legarra, governador de la mision de Tumacacori, é Yndios de la mision, y para constancia pugo la presente razon, que rubrico yo, el comisionado, señalado con una rubrica.

Escrito.

Señor Comandante Don Manl. de Leon: Juan Legarra, governador de esta mision de Tumacacori, por si y en representacion de todo el comun de hijos que existen en esta mision, comparece ante Vm. por medio de este escrito, y dice que hallandose este nuestro pueblo sin las papeles é instrumentos relativos á tierras las que el tiempo ha sido perdidos, y sabiendo yo claro y evidentemente que esta mision colinda por el rancho de Guivavi con el rancho de los Romero, cuyos mojoneras existen en el dia todavia adalante de la Yerba Buena, en donde existe tambien un corral en el que se paraba rodeas por nuestra mision y por el potrero llegavan las medidas has hasta la punta de la cienega, y sabiendo por Dn. Manuel Carrera que en su poder estavan las papeles y que dhos. sitios havien sido comprados en los años anteriores con el dinero del fundo del comun de mision y naturales, cuyos papeles no han parecido, por tanto, para justificar ante la superioridad del señor governador militar y politico, yntendente de real hacienda y juez privativo de tierras de estas provincias, el dro. que tenemos á dhas. tierras que reclamamos por propios y las que necesitamos en el dia al considerar el aumento de bienes de esta nuestra mision, lo que en tiempos pasados no havia por cuyo motivo no hacemos este reclamo, suplicamos á Vm. se digne oirnos y pasar á tomar declaraciones juradas á los Romero, Apodecas, Baes y demas vecinos antiguos que saven de esto los que hemos presentado á Vm. á ruego del governador y naturales de esta mision de Tumacacori.

FRAY NARCISO GUTIERREZ.

TUMACACORI, 23 de Diciembre de 1806.

Don Manuel de Leon, alferéz de cavalleria, y comandante del presidio de Tubac, visto el escrito antecedente y echo cargo de él, lo di por presentado y admitido para los efectos que en dro. haya lugar, y en virtud de él pase á tomar las declaraciones juradas en todo forma de los sujetos nombrados abajo.

Declaracion del 1er testigo, Poñaco.

En el presidio de Tubac, en veinte y cuatro dias del mes de Diciembre, yo, el expresado comandante, Don Manl. de Leon, hice comparecer ante me y los testigos de mi assa. á Juan Nepumaceno Apodeca, vecino de Santa Cruz, á quien imposé en lo que hera la verdad del juramento, y respondio que ademas de saverlo que hera juramento, promitea por Dio nuestro Señor, y la señal de la Santa Cruz, el decir verdad en quanto *en cuanto* se le preguntase y suprese.

Pregdo. Si save á donde llegavan los linderos ó mojeneros por el rumbo del sur en donde esta situado Guivavi como tambien por los demas bienitos.

Respde. Que por el rumbo del sur ó el lado esta Guivavi colinda dicha mision de Tumacacori con el rancho de Buenavista, conocido por rancho de los Romero; que el declarante es interesado en dho. rancho de los Romero, y que save que existen en el dia las mojoneras que dividen las tierras de Tumacacori y Romero; estando dhos. mojoneras puestas adalante del sitio llamado la Yerbabuena, y que por el rumbo del potrero save y jura estavan puestas las mojoneras arriva de la cienega grande, y por el rumbo del oriente estavan puestas las mojoneras en el cajon de Sonoita en una mesa que hace muy tendida.

Pregdo. De donde adquirió estas noticias, dice que á el le constan por que ha visto los rodios en dicha mision, lo ha oido á los ministros que ha havido en dicha mision y á demas le oyo al finado Don Manuel de la Carrera, que si acaso se ofrescan algunas dudas sobre pertenencias de tierras, tanto de las tierras de dha. mision como las de los interesados, á las de los Romero, Santa Barbara y otros sitios que se hallan tanto por el rumbo de Guivavi como en el valle del Potrero; que ocurriesen á su casa que en su poder hallarean los documentos necesarios.

Pregdo. Que medio toma para asegurar lo que afirma de Dn. Manuel de la Carrera, y dice que el se lo oyo, y save que fui juez muchos años, y que recogio las papeles de tierras, y se tiro y los llevo consigo.

Pregdo. Si tiene otra cosa que declarar en el asunto, dice que no tiene mas que declarar, y ser de edad de setenta años, y por no saver firmar hizo la señal de la cruz, y para que produca los efectos que conbenga lo firmo con los testigos de mi assa., con quienes actuo á falta de escribano publico, ni hallarse en los terminos, que el dro. previene.

MANUEL DE LEON.

Assa.: TOREBIO OTERO.

Assa.: NEPUMACENO GONZALEZ.

Declaracion del segdo. testigo, Bautista Romero.

En siete de Enero de mil ochocientos siete, yo, el expresado Don Manuel de León, juez politico, y comandante del presidio de Tubac, hize comparecer en mi presencia ante los testigos de mi assa. á Juan Bautista Romero, sargente de la compania del Presidio del Tupar y residente en este presidio por el cargo de abilitado que se le confino á quien impusé en la religion del juramento y que mirase el daño que podia signuse de jurar falso, respondió que savia á lo que le obligara el juramente, que le preguntase en lo que el suprese prometeo decir verdad.

Pregdo. Si save de los linderos á donde llegara la mision de Tumacacori, dijo que desde muy tierra edad que su finado padre lo trahia como niño y que decia que las medidas de la mision de Tumacacori colindaran con el rancho de Buenavista, perteneciente á ellos mismos, y que dichos mojoneras de Tumacacori existen arriva de la Yerbabuena, y que Don Manuel de la Carrera, como juez politico que fui de esta juridiccion, le aseguró; que en su poder existean los pertenecientes á dho. sitio como tambien de otros inmediatos.

Pregdo. Si tiene otra cosa que declarar, responde no tener mas que declarar y ser cierto lo que expone, y para que produca los efectos que conbenga lo firmo á falta de escribano publico con los testigos de mi assa. con quienes actuo.

MANUEL DE LEON.
BAUTISTA ROMERO.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

Declaracion del tercero testigo, Pedro Baes.

En nueve de Enero de mil ochocientos siete, yo, el expresado Dn. Manl. Leon, juez politico y comandante de Tubac, hisé comparecer á Pedro Baes, vecino del presidio del Tucson, á quien empuesto en la religion del juramento, prometeo decir verdad en todo quanto fuese preguntado.

Pregdo. Si save á donde llegan las medidas de la mision de Tumacacori, responde que la mision de Tumacacori rumbo al sur colinda con el rancho de los Romero, cuyas mojoneras linden á las tierras de los Romero y de dicha mision, y que las mojoneras de dha. mision existen todavia aunque derrocadas arriva de la Yerbabuena, y que dicha declarante se crió en dho. rancho de los Romero, y que la mision tenia sus rodeos en las linderas de la Yerbabuena, cuyos bestigios se miran en el dia á donde concurren los Romero á los rodeas para sacar sus reses y como cuesta heran sitios comprados por la mision, y que el Cavo Eugenio, á quien el crio y que fui cavo del Tupsan, se haria enseñada á leer, le havo puesto en sus manos los documentos justificantes, en los quales haria leído y aprendido leer dicho Cavo Eugenio como tambien que por el Potrero llegaron las medidas hasta el Pajarito arriva de la cienega grande donde estaban puestos las mojoneras y rumbo al sur hta. el caxon de Sonoita en una loma muy tendida, y para que cuiste lo firmo con los testigos de mi assa., y dijo ser de edad de ochenta años.

MANUEL DE LEON.

Assa.: TOREBIO OTERO.

Assa.: JUAN NEPUMACENO GONZALEZ.

Escrito.

Señor Gobernador y Intendente, juez privativo de tierras: Juan Legarra, gobernador de los Indios del pueblo de Tumacacori, sito en distrito de la Pimaria Alta, Felipe Mendoza, José Ignacio Arriola, Ramon Pamplona y Xavier Ignacio de Modena, naturales principales del propio pueblo, por si, á nombre y en representacion del comun de naturales de la misma republica, ante la superioridad de V. S. en los terminos mas conformes á dro. y por medio de la presente formal instancia, parecemos y dicemos, que conculas las diligencias de medidas que de las tierras correspondientes, por razon de

fundo legal de nuestro pueblo y estancia, para el mismo ha practicado el comandante *accidental* y juez politico del puesto militar de Tubac, D. Manuel de Leon, en virtud del superior decreto de comision que V. S. se sirvió librar con fecha diez y siete del ultimo Diciembre, segun se deduce del adjunto expediente que en nueve fojas utiles y vaxo la deuda solemnidad presentamos, hallandose estas medidas conformes y arregladas á las soberanos y superiores disposiciones que régen sobre la materia, y havendose igualmente instruido ante aquel oficial comisionado la judicial informacion que en tres foxas utiles y con la misma solemnidad tambien exhibimos por la qual aparece suficientemente justificado el dro. de propiedad y posesorio que legítimamente nos corresponde á las tierras que por el rumbo del sur y antigua pueblo de Guavavi lindan con el rancho de los Romero, y hasta mas adelante del parage de la Yerba-buena, y por el viento del norte y valle del Potrero hasta la punta de arriva de la cienega grande, lindando asi mismo por el rumbo del oriente hasta el caxon de Sonoita, cuyos sitios y terrenos nos pertenecen por compra legal publica y juridica que de sus primitivos ó antepasados legítimos dueños, y desde en tiempo de las ex. Jesuitas huvó nuestro indicada mision de Tumacacori con el fondo de ella, constante todo de los respectivos instrumentos de venta y traspaso que otorgados ante legitima autoridad, por aquellos antiguas poseedores existean en poder de D. Manuel Fernandez de la Carrera, y con el motivo del fallecimiento de este individuo no se há podido avenguar el paradero de dhos. documentos, cuya lexitimidad, esto es, el haver sido adqueridos legalmente en venta real, y con caudal de la mision, aquellos terrenos se acredita devidamente con la misma juridica informacion que acompañamos y á pedimiento nuestro ha procedido á recevir el citado comandante y juez politico de Tubac. En su consecuencia á la notorio justificacion y vondad de V. S. rendedamente suplicamos se digne mandar librar en favor nuestro y de la indicada nuestra mision el correspondiente titulo ó instrumento legal, que en deuda forma y para nuestra resguardo en todo tiempo acredite la enunciada operacion de señalamiento y adjudicacion de tierras, que desde luego impetramos asi de las pertenecientes al fundo del propio nuestro pueblo y su respectiva estancia como de las correspondientes á los indicados sitios que havidos por via de venta en tiempo de aquellos primitivos misioneros regulares, y constantes de la referida adjunta informacion necesitamos indispensablemente y con urgencia respecto á que por el considerable y progresivo aumento que han tomado y cada (dia) toman nuestro bienes de campo, no es suficiente para ellos el terreno medido para estancia que comprehenden las diligencias practicados por aquel oficial comisionado, protestendo, como formalmente protestamos, sugetarnos y señernos siempre á los terminos, demarcacion y linderos de todas las expresadas tierras como propias nuestras y en virtud de la lexitimidad acion y derecho que nos postará el impetrado titulo de este superior juzgado privativo, por ser asi de justicia que pedimos, y que en ello recebimos gracia y merced á mas de ser muy conforme á lo prevenido por su magistad en las reales instrucciones que governan en el asunto. Juramos en forma no ser de malicia y lo necesario, &c. A ruego de los presentantes.

IGNACIO DIAZ DEL CARPIO.

Decreto.

ARIZPE, diez y seis de Marzo de mil ochocientos siete.

Por presentado unase al expediente é informacion que acompaña y pase al asesor. El señor gobernador, intendente y juez privativo de tierras de esta provincia asi lo decretó, mandó y firmó.

GARCIA CONDE.

Dictamen.

Señor Gobernador Intendente: A pedimiento de Juan Legarra como governador del pueblo de Tumacacori, en la Pimaria Alta, por si y todo el comun de aquella república, se han medido á esta en virtud del decreto de V. S. de once de Diciembre ultimo las quatro leguas que le corresponden por fundo de pueblo, y amas una estancia para ganado mayor; todo conforme á lo que previenen las leyes é instrucciones que regen sobre la materia en esta provincia. No contentos aquellos naturales con dicha mensura, solicitan se les adjudique el terreno que ocupara el despoblado pueblo de Calabazas, cuya dimencion esta justificada con la informacion que ante el comandante y juez politico de Tubac se signio, á pedimiento de los mismos Indios y llegan á los linderos que en ella se contienen. Los ganados y cavallada de Tumacacori van aumentandose cada dia mas á esfuersos de los naturales, y con el arreglo y direccion de su actual ministro, el R. R. Narciso Gutierrez, por lo que deve conceptuarse necesario todo aquel terreno para la conservacion y aumento de dhos. bienes, y soy de dictamen que aprovando V. S. aquellos medidas y adjudicandosele á aquel pueblo las contenidas en ella por via de fundo legal y las que expresan y contienen los linderos de Calabazas, todo sin perjuicio de tercero que mejor derecha tenga, y con la precisa condicion de que si el citado pueblo que ahora esta despoblado se poblase de nuevo, se le hayan de

restuir sus tierras, se libre por V. S. titulo en forma á aquellos naturales, para guarla de sus derechos, ó V. S. resolvera lo que mejor le paresca.

Arizpe, Marzo treinta y uno de mil ochocientos siete.

LICENCIADO TRESIERRA.

Auto.

En la ciudad de Arizpe, á treinta y un dias del mes de Marzo de mil ochocientos siete años, el Señor Don Alexo Garcia Conde, brigadier de los reales exercitos, gobernador politico y militar, intendente de real hacienda y juez privativo de tierras de las provincias de Sonora y Sinaloa, por su magestad (que Dios guarde), haviendo visto las precedentes diligencias, instruidas para el señalamiento y consignacion de las tierras que respectivamente les corresponde á los Indios de la mision de Tumacacori por razon de fundo legal de su pueblo y para estancia ó rancho del mismo, é informacion recevida en justificacion de los terrenos que ademas de aquellos y como adquiridos por una venta les pertenece legitimamente á los mismos naturales y su mision, con lo expuesto por el asesor de esta intendencia y gobierno en su antecedente parecer instruido el dia de hoy. Dixo S. S. que de conformidad con lo dictamenado por el propio teniente letrado y aproando (como arregladas y conformes á las soberanas y superiores disposiciones que regen sobre la materia), las indicadas diligencias de medidas é informacion practicadas por el actual comandante, juez politico y militar del puesto de Tubac, Alférez Don Manuel de Leon, les hacia y desde luego hace S. S. á los citado pueblo y naturales de Tumacacori adjudicacion en forma de las mismas tierras á que se contrahé este expediente, para que como suyas propias adquiridas legalmente y por ambos razones de fundo legal y estancia que necesita y les corresponden las disfruten, usen y poseen letramente á todo su arvitro y voluntad, para su propio aprovachamento en comun y en particular, y para la desente subsistencia de la yglesia de su enunciada mision, pero con la precisa, expresa y terminante condicion de que por ningun caso, de manera alguna ni en ningun tiempo podran ni deveran enagenar parte alguna de la mencionados terrenos que se les adjudica, señala y consigna por deverse ellos reconocer, estimar y mantener siempre por de la propia republica y comunidad de naturales unicamente para sus atenciones precisas, así relabras á las siembras de granos y demas efectos de primero necesidad, como á la cria mayor posible incremento y conservacion de sus bienes de campo, y bajo la expresa calidad tambien de que siempre y quando que haya lugar de repoblar por los Indios de la mision nacion el antiguo y desierto pueblo de visita de aquella mision nombrado Calabazas han de restituirsele á este y serle consignadas las tierras que precisa y legitimamente le correspondan, y tuviese de necesidad para ambos indicados objetos, y de que la misma presente adjudicacion, señalamiento y consignacion de tierras deve precisamente entenderse sin perjuicio alguno de tercero de mejor dro. de ellas, y que legalmente en tiempo y forma la represente: En cuya conformidad dará mandar, y su señoria mandó, se libre por esta intendencia y juzgado privativo de su cargo el correspondiente titulo en la forma ordinaria y á favor de los referidos naturales interesados y su expresado pueblo, para su resguardo constancia en todo tiempo, y doncas usos y efectos que justamente les corresponda. Y por este auto, que se les hara saver á las mismas partes interesadas, así lo proveyó, mandó y firmó S. S. por ante los infrascritos testigos de su assa. ordinaria, con quienes actua por receptoria en falta de to. escribano conforme á derecho.

ALEXO GARCIA CONDE.

Asa.: RAMON MENDOZA.

Asa.: JOSÉ DE BERROTERIO.

Notificacion.

Yncontinente comparecido en este juzgado Dn. Ignacio Dias del Carpio, como apoderado nombrado para el presente asunto por los naturales de Tumacacori, se les notificó é hizo saver en su persona el anterior auto y dictamen que le precede, de que quedo inteligenciado, y lo firmó con su señorio y testigos de asistencia.

GARCIA CONDE.

IGNACIO DIAZ DEL CARPIO.

Asa.: RAMON MENDOZA.

Asa.: JOSÉ DE BERROTERAN.

Por tanto, usando de las facultades que por el preinserto articulo 81 de la real ordenanza é instruccion de intendentes, estan concedidas á el empleo que exerso y en conformidad de lo dispuesto por la real cédula instructiva sobre este ramo de quince de Octubre de mil setecientos cincuenta y quatro, que en el mismo articulo se cita por el presente á nombre de su magestad (Q. D. G.), confiero merced y adjudicacion en forma de las tierras de pan llevar y para cria y pastadero de ganado mayor, cavallada y mulada, que se expresan y designan en las presentes diligencias de medidas é informacion á la comunidad de Indios del pueblo de Tumacacori, sito en distrito de la

Pimaria Alta y jurisdiccion del puesto militar de Tubac, cuyos indicados terrenos de lavor y para ganados les concido, doy y adjudico á los mismos naturales, sus hijos, herederos y subesores, con todas sus entradas, salidas, usas, costumbres, y servidumbres, montes, pastos, aguas, abrevaderos, y demas que les corresponda y se comprehenda dentro de sus medidas, demarcacion y linderos, segun y conforme lo expresan las mismas preinsertas diligencias, á cuyos terminos y pertenencias señaladas deveran precisamente sugestarse y concise los referidos Indios del pueblo de Tumacacori, sin propasarse, ni excederse á ocupar mas terreno del enunciado que se los consigna y adjudica por el presente titulo, bajo las expresas calidades y condiciones siguientes.

1º. Que esta merced, señalamiento y adjudicacion de tierras deve precisamente entenderse sin perjuicio de qualquiera interesado que mejor derecho á ellas represente con legal accion y en tiempo y forma competente.

2º. Que siempre y quando se verifique el repueble y restablecimiento del despoblado pueblo de Calabazas (que es visita de la propia mision de Tumacacori), há de ser reintegrado y restituido de las tierras que respectivamente le corresponden por razon de fundo legal de su pueblo y estancia para ganados, por los mismos naturales de Tumacacori.

3º y ultimo. Que estos interesados indispensable y forzosamente han de mantener cultivadas, amparadas y pobladas las referidas y adjudicadas tierras con sus labores y bienes de campo, procurando siempre el mayor posible aumento y progreso de estos y aquellos, y sin que de ninguna manera ni por tiempo alguno se verifique hallarse totalmente despoblados, deciertos y abandonados los supercitados terrenos, bajo el serio apercivimiento de que si por espacio de tres años completos y consecutivos se experimentase el total despueble y abandono de ellos, en tal evento seran adjudicados á qualesquiera persona que los denunciase. Y mando y ordeno exstrictamente á el actual comandante y juez politico del susodicho pueblo de Tubac y á los demas que les sucedan en el propio empleo no permitan, tolen no concientan que los expresados naturales de Tumacacori por ningun motivo, causa ni pretexto sean molestados, perjudicados ni perturbados en el libre uso, dominio y exercio de las relacionadas tierras y antes si cuidaran de que constantemente sean mantenidas y amparadas en quieta y pacifica posesion de ellas. Preveniendo como igualmente prevengo á la misma comunidad de Indios pongan y mantengan mojeneras firmes de cal y canto del alto y grueso correspondiente, de las quales se señalen, dividen y distingan en todo tiempo sus linderos y pertenencias con las de otros colindantes y realengos. En cuya conformidad y consecuencia de lo resuelto por mi en auto asesorado de treinta y uno del proximo anterior Marzo, que va inserto, libre el presente titulo de adjudicacion, merced y confirmacion en forma á favor de los mencionados Indios, comunidad y republica de Tumacacori. Y temandose en el libro que corresponde la razon necesaria del mismo titulo, se les entregara original al interesado para su resguardo, y que le sirva en todo tiempo de documento justificativo de la propiedad, accion y dro. que legítimamente tienen á las supracitadas tierras.

Dado en la ciudad de Arizpe á las dos dias del mes de Abril del mil ochocientos siete años, autorizado y firmado de mi mano. Sellado con el de mis armas y por ante los infra-scriptos testigos de mi asistencia, con quienes actuo por receptorio á falta de todo escribano, segun dro.

ALEXO GARCIA CONDE.

Assa.: RAMON MENDOZA.

Assa.: JOSÉ DE BERROTERAN.

Corregido.

[L. S.]

Razon: Queda tomado razon de este titulo á fols. 10 vta. del quademo No. 174, que existe archivado en este juzgado privo., y pa. constancia pone la presente razon. Rubricada pr. S. S.

En el mes de Junio de 1821, fueron medidas á Dn. Leon Herreras, de esta vecinidad, uno y tres quartos sitios en el parage de San José de Sonoita, por denuncia hecha ante el sor. comandante gral. de estas provincias, Brigadier Don Antonio Cordero, siendo teniente de las citadas provincias, de cuyas medidas cajon abajo del mismo Sonoita resultó su remate al frente de dos cerritos que le nomen las quates, por este rumbo linda con el terreno de la mision del pueblo de Tumacacori; y en atencion á que quando se verificó la espresada medida, para no introducirse en lo mencionado al referido Tumacacori, solo se tuvo á la vista las medidas que por razon de fundo se le harian dado con mas dos estancias, se creyó que, lejos de introducir en lo medida á Tumacacori, quedara en el intermedio un hueco valdío de cosa de una legua, poco mas ó menos mas, haviendo manifestado en el dia el padre ministro del enunciado pueblo de Tumacacori, Fr. Ramon Liberos, un expediente, en el qual consta que á mas de su fundo de cuatro leguas y las dos estancias medidas se le amplió mayor terreno por el exmo. Sor. D. Alexo García Conde, siendo intendente de estas provincias, por ambos rumbos, y á virtud de que por el del oriente el lindero que se cita hay su duda del que verdaderamente deva ser, para entar ocurso y repre-

sentaciones ante los tribunales que corresponda, tanto el padre ministro, Fr. Ramon Liberos, á nombre del pueblo, como Dn. Leon Herrerias han convenido y conformados el que el lindero que divida á uno y otro terreno sea cajon arriba de Sonoita, en la loma que le nombran De las Cruces, y á mas de esto, el que en todo tiempo pueda el mismo Herrerias en todo lo que pertenece el cajon abajo mantener bienes de su pertenencia, sin que en ellos sea perjudicadas, y los pedazos de pan llevar que siguen para el mismo cajon abajo en ningun tiempo puedan ser sembrados por otros sugetos que unicamente quando les conenga por solo los Indios del pueblo y no por ninguna otra persona, en lo que quedaran convenidos los interesados ante mi, el capitan grado., Dn. Ignacio Elias Gonzalez, comandante de este presidio de Tubac; pidiendo igualmente que esta diligencia se pusase para constancia al fin de cada uno de los expedientes que haran en poder de los citados interesados, quienes lo firmaron conmigo y testigos de assa. á falta de escrivano, segun dro., en diez dias del mes de Enero de mil ochocientos veinte y uno.

Por D. LEON HERRERIAS.
IGNACIO ELIAS GONZALEZ.
JOSÉ MARIA SORELO.
Fr. RAMON LIBEROS.

Assa.: TRINIDAD YRIGROYEN.

Assa.: JOSÉ ANTO. SORELO.

TESORERIA DEL DEPARTAMENTO DE SONORA, AÑO DE 1844.

Titulo de venta, traspasa y adjudicacion de las tierras de labor ó labantio, y de los terrenos para cria de ganado mayor y caballada, que comprenden las cuatro leguas del fundo legal del despoblado pueblo de Tumacacori y los dos sitios de su estancia de Calabazas, y demas puntos anesos unas y otros, de temporalidades sitios en jurisdiccion del partido de San Ignacio, espedido por la ante citada tesoreria departamental en cumplimiento del supremo decreto de 10 de Febrero de 1842 á favor del Sor. D. Francisco Alejandro Aguilar, vecino y del comercio del pueblo y villa de San Fernando de Guaymas.

Sello segundo. [L. s.] Cuatro pesos.

Años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Ygnacio Lopez, capitan de caballeria retenado en infanteria, intendente honorario de exercito y tesorero del departamento de Sonora.

Por cuanto el supremo decreto de 10 de Febrero de 1842 dispone la enagenacion, por cuenta de la angustuada hacienda publica, de las fincas pertenecientes al ramo de temporalidades, siendo de esta clase respectivamente las tierras de labantio, y los terrenos para cria de ganado mayor y caballada de las cuatro leguas del fundo legal del despoblado pueblo de Tumacacori y de los dos sitios de la estancia del mismo en los puntos de Guebavi, Potrero, Serro de San Cayetano y Calabazas; cuyas areas, linderos, mojoneras y colindaciones se espresan en las correspondientes diligencias de medidas, practicadas en el año de 1807 por el comisionado agrimensor, Don Manuel de Leon, alferes veterano y comandante que fui del presidio de Tubac, segun las informaciones que relativamente se han prietacado á solicitud de esta tesoreria departamental, valuadas las mencionadas tierras y terrenos de temporalidades en la cantidad de quinientos pesos, conforme á lo prevenido en el articulo 2º, antecitado supremo decreto de 10 de Febrero de 1842, y dandole su puntual cumplimiento dispusé la formacion del correspondiente expediente por medio del juzgado de primera instancia y de hacienda del partido de San Ignacio, en cuyos pregones no resultó ningun postor, por lo que, y con sujecion al articulo 73 de la ley de 17 de Abril de 1837, por no pasan de quinientos pesos la enagenacion de que se hata por cuenta del erario nacional, se procedio por esta propia tesoreria á la respectiva salasta publica de las que nominadas tierras del despoblado Tumacacori, y tierras de su estancia de Calabazas, y demas puntos anexos, unos y otros pertenecientes al ramo de la temporalidades, en los dias 16, 17 y 18 del corriente mes de Abril, en solicitud de postores, sin que hubiese habido ningun otro mas que el Sor. Don Francisco Alejandro Aguilar, del comercia y vecinidad de este puesto y villa de San Fernando de Guaymas, por la misma cantidad de quinientos pesos del avaluo, en que le han sido re-matadas dhs. temporalidades, segun cuesta de la tercera y ultima almoneda, que á la letra es como sigue:

“En el puesto y villa de San Fernando de Guaymas, á diez y ocho de Abril de mil ochocientos cuarenta y cuatro, hallandome constituido yo, el infrascrito tesorero departamental, en el oficio de esta tesoreria de mi carga, con los testigos de mi asistencia, Don José Ma. Mendoza y Don Vicente Yrigoyen, en falta de escribano de hacienda y de todo otro publico, cumpliendo con lo prevenido en el articulo 73 de la ley de 17 de Abril de 1837, mediante que el precio ó valuo de las temporalidades á que se contraen estas diligencias no pasa de quinientos pesos, dispuse se celebrase la tercera

y ultima almoneda para el remate de las tierras y terrenos de temporalidades de Tumacacori y Calabazas, de que hasta este expediente, y que al efecto se diese á sonde caja un pregon al publico como efectivamente lo dió el pregonero, Florentin Baldizin, en alta y claras voces, diciendo: 'La tesoreria departamental va á rematar por cuenta de la hacienda nacional, y con arreglo al supremo decreto de 10 de Febrero de 1842, las tierras de labor ó labantio y los terrenos para cria de ganado mayor y caballada que comprenden las cuatro leguas del fundo legal del despoblado pueblo de Tumacacori, y los dos sitios de la estancia del mismo despoblado, en los puntos de Guibavi, Potrero, Cerro de San Cayetano y Calabazas, sitios en el partido de San Ignacio, cuyas areas, mojoneras, linderos y colindaciones se espresan en las correspondientes diligencias de medidas practicadas en el año de 1807, por el comisionado agrimenisor Don Manuel de Leon, alferez veterano y comandante que fui del presidio de Tubac, segun consta de las informaciones que relativamente se han instruido de la propia tesoreria departamental, constando igualmente que aun existe los titulos primordiales de merced y confirmacion de las repetidas temporalidades, las cuales han sido valuados ahora en quinientos pesos con arreglo al artículo 2º del ya citado supremo decreto de 10 de Febrero de 1842. Quien quisiere hacerles postura ocurra á verificarlo ante esta tesoreria departamental, donde se le admitira conforme á las leyes, en concepto de que ahora mismo ha de quedar celebrada el remate á favor del que fuere mejor postor.' En cuyo acto comperrecio el Sor. D. Francisco Alejandro Aguilar, del comercio y vecinidad de este puesto, y haciendo la postura de los mismo quinientos pesos en que estan valuadas las referidas temporalidades, y no habiendo ocurrido ningun otro postor, siendo ya dada la plegaria de las doce de esta dia, dijo por ultimo el pregonero, "A la una! á las dos! á las tres! Que se remata! Que se remata! Que se remata! Que buena! Que buena! Que buena por le haga al Sor. Don Francisco Alejandro de Aguilar."

En tales terminos se concluyo esta acto, quedando publica y solemnamente rematadas las ante dichas tierras de labantio y terreno para cria de ganado mayor y caballada de los despoablados fundo y estancia de temporalidades de Tumacacori y Calabazas, á favor de Don Francisco Alejandro Aguilar, del comercio de este puesto, por la suma de quinientos pesos. Y para la denda constancia y efectos consiguientes se cerro y sente esta diligencia, que firmé con el sor. interesado y los infrascritos testigos de mi asistencia.

YGNACIO LOPEZ.

FRANCISCO A. AGUILAR.

Asistencia: JOSÉ MA. MENDOZA.

Asistencia: VICENTE YRIGOYEN

En cuyos legales terminos se concluyo el remate de las tierras de labor ó labantio y los terrenos para cria de ganado mayor y caballada, que comprenden las cuatro leguas del despoblado fundo de Tumacacori y los dos sitios de su estancia de Calabazas y demas puntos de temporalidades sitas en jurisdiccion del partido de San Ignacio, quedando custodiado el expediente original en el archivo de esta tesoreria para perpetuo constancia; siendo advertencia, que cuando sean habidos los titulos primordiales de Tumacacori y Calabazas se agregaran el presente.

Por tanto, y habiendose rematado publica y solemnamente las tierras de labor ó labantio, y los terrenos para cria de ganado mayor y caballada, que comprenden las cuatro leguas del fundo legal del despoblado pueblo de Tumacacori y los dos sitios de su estancia de Calabazas y demas puntos anecses unas y otras de temporalidades, en jurisdiccion del partido de San Ignacio, á favor del Don Francisco Alejandro Aguilar, vecino de este puesto, por la cantidad de quinientos pesos, cuya suma con los demas derechos pertenecientes al fisco ha enterado en esta tesoreria departamental; y usando yo, en consecuencia de las facultades que me conceden las leyes concernientes, asi como tambien el suprema decreto de 10 de Febrero de 1842, por el presente titulo, y á nombre de la nacion mejicana y del supremo gobierno, concedo, vendo, doy y adjudico en toda forma las espresadas tierras de labor ó de labantio y los terrenos para cria de ganado mayor y caballada que comprenden las cuatro leguas del despoblado fundo de Tumacacori, y los dos sitios de su estancia de Calabazas y demas puntos anecses ya citados, al referido sor. comprador, Dn. Francisco Alejandro Aguilar, por via de venta, y las calidades solemnidades, firmeza y subsistencia que establece el derecho, para si, sus hijos, herederos y sucesores, con todas las entradas, salidas, tierras, montes, bosques, arbustos, maderas, pastos, centros, circunferencias, aguas, aguages, abrevaderas, usos, costumbres, servidumbres y demas cosas anexas que á dhas. posesiones pertenecen, con sus acotaciones y terminos, linderos, por la nominada cantidad de quinientos pesos, en que han sido rematadas al espresada sor. D. Feo. Alejandro Aguilar, con la precisa condicion de que este comprador, y sus sucesores en su casa, han de mantener poblados, posados, coltuadas y amparadas las sobredichos tierras para cria de ganado mayor y caballada, que comprenden las cuatro leguas del despoblado fundo de Tumacacori, y los dos sitios de su estancia de Calabazas, sin salirse de sus terminos linderos, y sin que esten totalmente abandonados; en concepto de que, si se verificase el enunciado total abandono y despueble de las connotadas tierras y terrenos por el tiempo de

tres años consecutivos, por una omision ó culpabilidad de sus dueños y posesadores, y hubiese alguna persona que les denunciare, en tal evento, con previa calificación del hecho, se declararan por baldías y se remataran en publica subasta por cuenta del erario nacional, á favor del que fuere mejor postor, esepthandose, como es justo, aquellos casos en que el abandono, despueblo ó desamparo sea por notorio invasion ú hostilidades de enemigos, ó de epidemias ó otros causas semejantes, y por solo el periodo ó periodos de semejantes acontecimientos. Preveniendose, como estrictamente se previene, el precitado Sor. D. Francisco Alejandro Aguilar y á sus sucesores que habrian de sujetarse á las pertenencias, terminos y linderos de las antedichas tierras y terrenos del fundo de Tumacacori y su estancia de Calabazas, intrestando y manteniendo en dichas posesiones las convenientes mojoneras de cal y canto, bajo las penas establecidas por las leyes en caso de omision. Y con las facultades que ellas y diversas superiores disposiciones que regen en la materia, me conceden y confieren, ordeno y exito respectivamente á los señores juices, justicias y autoridades locales que al presente son, y en adelante fueren del partido de San Ignacio, que en obsequio de la buena y pronta administracion de justicia y en observancia de las mencionadas disposiciones legales, no permitan que el espresado Sor. D. Fco. Alejandro Aguilar, ni sus sucesores, sean de ninguna manera perturbados, inquietados ni molestados en el libre uso, ejercicio, propiedad, dominio y posesion de las mencionadas tierras de labantio y terrenos para cria de ganado mayor y caballada del fundo de Tumacacori y estancia de Calabazas; antes si celaran y cuidaran con la mayor eficacia de que sean amparadas y mantenidos siempre en la quieta y pacifica posesion que les corresponde con legitimo derecho, para que de este modo puedan libremente disfrutar, gozar, poseer, vender, cambiar, permutar, hecar, donar, traspasar, legar, ceder y enagenar las presentes tierras de labor y terrenos para cria de ganado mayor y caballada de las cuatro leguas del fundo de Tumacacori y de los dos sitios de su estancia de Calabazas y demas puntos anecsos á su abetrio y libre eleccion como dueño, propietario absoluto de las mencionadas posesiones, que tien luego como sean habidos los titulos primordiales de las propias tierras y terrenos sean agregados al presente, pues al efecto se da desde ahora por hecha y verificada la trasmision y entrega de dhos. documentos primitivos á favor del sor. interesado, D. Francisco Alejandro Aguilar. En cuyos terminos espedi este titulo de venta, traspaso y adjudicacion en forma al mismo Señor Aguilar, sus herederos y sucesores, entregandose al primero para su resguardo y demas usos que le convengan, con previa toma de razon deude corresponde.

Dado en el puesto y villa de San Fernando de Guaymas á los diez y nueve dias del mes de Abril de mil ochocientos cuarenta y cuatro. Autorizado y firmado por mi, el tesorero departamental; sellado con el sello que usa esta tesoreria por ante los infrascritos testigos de mi asistencia en falta de escribano de hacienda y de todo otro publico, que no le hay, segun derecho.

[L. s.]

Asa.: JOSÉ MARIA MENDOZA.

Asa.: JOSÉ DIEGO SABARIDERA.

IGNACIO LOPEZ.

Año de [L. s.] 1869.

Testimonio de una escritura de venta otorga'lo por Don Francisco A. Aguilar de los terrenos llamados Tumacacori, Calabazas y Huevavi, en favor de Don Manuel Maria Gandara.

En la ciudad de Guaymas de Zaragoza, á los dos dias del mes de Marzo de mil ochocientos sesenta y nueve, ante me, José Bustamente, juez de primer instancia del distrito, los testigos de mi asistencia ordinaria, con quienes actuo á falta de escribano publico y los instrumentales, que al fin se espresaran, comparecieron Don Francisco A. Aguilar y Don Miguel Gandara, segun se acredita del poder general otorgado á su favor en la ciudad de San Luis Potosi, el veinteocho de Enero de mil ochocientos sesenta y ocho, ante el escribano Don Isodoro Cabrillo, cuyo poder doy fé haber visto, y el primero haber justificado hallarse solvente con la hacienda publica é inscrito en el registro de guardia nacional segun los certificados que presentó, los cuales doy fé tambien, haber visto ambos mayores de edad, vecino el primero de esta ciudad y el segundo de la de Ures, y dijaron, que consultando sus reciprocos intereses, havian concertada la venta de los terrenos llamados de Tumacacori, las Calabazas y Huevavi, que se hallan situados en el territorio de Arizona, perteneciente á los Estados Unidos, cuyos terrenos pertenecen al otorgante en virtud del titulo de venta, traspaso y adjudicacion espedido en su favor por la tesoreria del departamento de Sonora en el año de mil ochocientos cuarenta y cuatro, todo lo que mas por menor resulta del titulo primitivo, espedido en mil ochocientos siete, de los mencionados terrenos á los naturales de Tumacacori, por razon de fundo legal de su pueblo y estancias para el mismo, en virtud de los cuales pertenecen en pleno dominio al referido Don Francisco A. Aguilar. Y para llevar á efecto la referido venta en la via y forma que mas haya lugar en derecho, el referido Don Francisco otorga: quedá en venta á Don Miguel Gandara, en representacion de su padre, Don Manuel Maria Gandara, los mencionados terrenos, que

declara no tenerlos vendidos ni enagenados ni hipotecados, que estan libres de todo clase de responsabilidad y gravamen, y como tal los vende con todos sus usos y servidumbres y demas cosas anexas que han tenido, tienen y les pertenece, segun derecho, por la cantidad de cuatrocientos noventa y nueve pesos, que tiene recibido á su entera satisfaccion, y como pagado y satisfecho de la mencionada cantidad, formaliza á favor del Don Miguel Gandara, en representacion de su padre, Don Manuel Maria Gandara, la carta de pago. Asi mismo declaro, que la espresada cantidad de cuatrocientos noventa y nueve pesos es el justo y verdadero valor de dichos terrenos, cuyo dominio y propiedad renuncia, cede y traspasa á favor del representante del Señor Gandara, para que disponga de ellos como casa suya adquiridos con justo y legitimo titulo, y para que tiene la posesion que de derecho le corresponde, y por no aparecer de presente la entrega del dinero, renuncia la ley 9a., tito. 1º, parta. 5, y finalmente se obliga á la éviccion y saneamiento de esta venta, y en el mismo acto Don Miguel Gandara, á quien doy fé fueron entregados los titulos de que se ha hecho merito, asi como el plano que se acompaña, en representacion de su padre, Don Manuel Maria Gandara, dijo: que aceptada esta escritura en todas sus partes, obligando ambos otorgantes al cumplimiento de lo que en ella se espresa, todos sus bienes, presentes y futuros, declarando que no habia leison ni engaño, y que si la hubiese en mucha ó corta cantidad, se hacen mutuamente donacion pura é irrevocable, renunciando la accion y el termino que para ejercerla les conceden las leyes. Asi lo dijeron y firmaron, quedando advertidos que de esta escritura debian tomar razon en el oficio de hipotecas dentro del termino de ocho dias, previo el pago de derechos á la hacienda publica so pena de nulidad de esta escritura si no la verificasen, siendo testigos los ciudadanos Angel Rodriguez, Juan Encinas y Rafael S. Canez, presentes y vecinos doy fé.

FRANCISCO A. AGUILAR.
MIGUEL GANDARA.

Ynstrumental: ANGEL RODRIGUEZ.

Y.: JUAN ENCINAS.

Y.: RAFAEL S. CANEZ.

Ante mi,

A.: EDUARDO MORALES.

A.: CARLOS R. VALUENZUELA.

JOSÉ BUSTAMENTE.

Sacose de su registro hoy dia de su otorgamiento en estos dos fojas utiles del sello tercero bien corriente, corregido doy fé, el que autorizo y firmo con los de mi asistencia.

JOSÉ BUSTAMENTE.

A.: EDO. MORALES.

A.: CARLOS R. VALENSUELA.

[L. S.]

MARZO 3 DE 1869.

Quedan pagados en esta oficina \$24.95, veinte y cuatro pesos noventa y cinco centavos, correspondientes al dro. de traslacion de dominio al 5% sobre la suma de \$499, emporte de la venta espresada en la antecedente escritura, ha enterado Don Miguel Gandara en favor y representacion de su padre, Don Manuel Maria Gandara, con el correspondiente impuesto al 25% federal.

J. ESCALANTE.

GUAYMAS, *Marzo 3 de 1869.*

Queda tomada razon de esta escritura á fojas dos vuelta á la tres frente del libro respectivo. Lo que autorizo y firmo con los de mi asistencia.

[L. S.]

A.: CARLOS R. VALUENZUELA.

A.: JOSÉ MA. VIZCANIO.

JOSÉ BUSTATE.

UNITED STATES CONSULATE AT GUAYMAS, MEXICO,

March 3, 1869.

I, A. Willard, consul of the United States of America for Guaymas and the dependencies thereof, do hereby certify that the signature of José Bustamente, first judge of this district, signed to the paper hereunto annexed, is his true and genuine signature, and as such is entitled to full faith and credit.

In witness whereof I have hereunto set my hand and affixed the seal of the consulate, at Guaymas, this day and year above written.

[SEAL.]

A. WILLARD,
United States Consul.

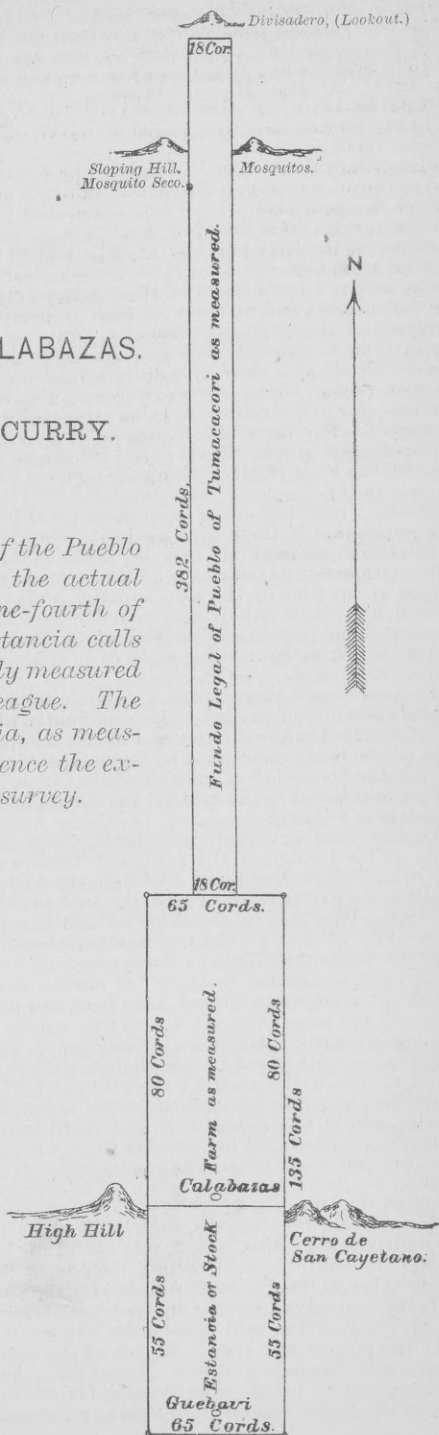
MAP
OF
TUMACACORI and LAS CALABAZAS.

Claimed by

C. P. SYKES and JOHN CURRY.

NOTE.

The grant of the *Fundo legal* of the Pueblo calls for four square leagues; the actual measurement gives less than one-fourth of a league. The grant of the *Estancia* calls for two *sitias*. The tract actually measured contains less than one square league. The addition granted to the *Estancia*, as measured, was by boundaries, and hence the extent cannot be known without a survey.



ARIZPE, 1807.

Title of adjudication duly confirmed of the lands belonging to the natives of Tumacacori, in consideration of *fundo legal* of the pueblo. Issued in favor of the Indians, their community and republic, by the *juzgado privativo de tierras de la intendencia* of *gobierno* of the provinces of Sonora and Sinaloa.

Charles IV, whom God preserve, King of Spain. Twenty-four reales. First seal. Twenty-four reales. Years 1796 and 1797. Six dollars. Charles IV, whom God preserve. 1806 and 1807.

Don Alexo Garcia Conde, brigadier of the royal armies, intendente of the province, of the royal treasury, political and military governor and judge *privativo de medidas, rentas, composiciones y repartamientos* of the provinces of Sonora and Sinaloa by his majesty, whom God preserve, &c.

Whereas the King our lord by article 81 of the royal *ordenanza* and instruction of intendentes, issued in Madrid on the 4th of December, 1786, has been pleased to order to be annexed jurisdiction of those magistrates the authority of the *juzgado privativo de medida venta* and of lands in their respective provinces, as required by the article which is of the following tenor:

ARTICLE 81. The intendentes shall also be judges "*privativos*" in matters occurring in the districts of their provinces in relation to sales, "*composiciones*," and distribution of vacant lands, (*tierras realengas*), the possessions of the same, and those who petition for new concessions being required to set forth their rights, and to make their petitions before the said intendentes, so that they, being duly informed in relation to the matter of proper officers or authorities appointed, the same may be determined in accordance with justice, taking the opinion of the proper attorney, and allowing an appeal to the "*superior junta hacienda*," or submitting to the same the original proceedings when they are in a condition for title to be issued, to the end that, in view of the same, that if there is no doubt in relation to the matter, the title may be issued, or that such proceedings may be taken as the junta may require; in the mean time the corresponding confirmation may be made without further difficulty, which will be issued in due time by the said superior junta; proceeding in this matter, as also the intendentes, their sub-delegates, and others in accordance with the requirements of the royal instructions of the 15th of October, 1754, so far as the same is not in opposition to this, without losing sight of provisions of the laws referred to therein, and of title 9-12, book 4.

In consequence thereof, and a petition having been made to this "*intendencia*" and *juzgado privativo* of lands by the community of the natives of the pueblo "Tumacacori," situated in the district of Pimaria Alta, for the marking out and the adjudication of the lands corresponding to them as well for the "*fundo legal*" of their pueblo as for the "*estancia*" or rancho of the same, in accordance with the superior royal orders in relation to the matter, the corresponding proceedings have been instituted, which is as follows:

To the señor governor, intendente, judge *privativo* of lands, Juan Legarro, governor of the Indians of the pueblo of Tumacacori, situated in the district of la Pimaria Alta, Felipe Mendoza, José Ignacio Arriola, Ramon Panplona, Jabier Ignacio Medina, the principal natives of the said pueblo, and being at present in the capital, for themselves, and in the name of and in representation of all the natives of the community of that republic, before your honor in due form of law, appear and say: That our pueblo needing the lands necessary for and corresponding to the same as a *fundo legal*, as also for "*estancia*" or rancho, since inasmuch as the ancient title under which the same was acquired, have been lost, they are entirely ignorant of the terms in which the same was made, and as a matter of course, of the true and legitimate boundaries of the same, and are therefore under the urgent necessity of asking that the same be marked out in accordance with the orders of his majesty and other superior orders in the matter; wherefore, we apply to your honor, earnestly praying you to be pleased to direct such proceedings to be taken as may be necessary, so that at once, and in accordance with the distribution of the laws for both purposes may be made, which should be conceded to us, with the understanding that the four leagues (one towards each wind) that on account of the "*fundo*" of the pueblo are to be marked out to us; are to be measured in a proportionate and equitable extent in the direction that we may desire at our discretion for the just and prudent end, including within the said four leagues, such lands as are suitable for sowing purposes, and with the understanding also, that in relation to the lands that are to be given to us for "*estancia*" (rancho) this is to include the post of Guebabi and its appurtenances, as well, because this land is the most suitable for the stock of our mission of Tumacacori, and offers the best advantage for the increase of the same; that Guebabi be considered as the property of the said mission, as the *pueblo caversa* (chief pueblo) of the same; and I the present governor being one of the natives of the ancient pueblo of Guebabi, we also ask that be included in the said *sitios*, the post or place, named "la Voca del Poharo," this being useful to us from the fact that it is situated near our mission; wherefore, in the terms set forth in this, our earnest and formal petition, we rely on the

beneficence of your honor to cede to us what we ask as a matter of justice to the community of natives of our republic, all in accordance with the sovereign intentions of the King our lord which are always directed towards the benefit of his faithful vassals, the poor Indians, those who, like us, are surrounded by hostile and barbarous enemies. Wherefore, we pray your honor to be pleased to grant what we ask, since the same is just, swearing that we do not proceed in malice, but in whatever is necessary at the request of the parties present.

IGNACEO DIAZ DEL CARFIO.

ARIZPE, December 17, 1807.

The foregoing having been duly presented according to law for the purpose of making the measurements of the "*fundo*" of the pueblo and the "*estancia*" corresponding to the name of Tumacacori, let a commission be given in due form to the veteran ensign, actual commandant and accidental political judge of the military post of Tubac, Don Manuel de Leon, who is required, in consideration of the facts that said lands are situated in his jurisdiction, to proceed to the measurement of the same, selecting for this purpose such a time as he may be least occupied with the duties of the service, and when by an absence of three or four days, which this matter may require, the military matters which require his principal attention will not suffer by his absence; and the said commission shall measure to said natives one league toward each wind, or the four leagues, where it may best suit them, of the best lands adjoining their pueblo, without prejudice to third parties, ceding for this purpose the colindantes, if there should be any; and besides the said four leagues there shall be adjudicated to them an "*estancia*" for stock of the larger kind, which shall include at the most two sitios in the place most convenient to those natives.

The señor intendente thus decreed, ordered, and signed with the assisting witnesses with whom he acted for want of a notary public.

ALEJO GARCIA CONDE.

Assistant: Citizen RAMON MENDOZA.

Assistant: JUAN ALEJO CARRILLO.

Don Manuel de Leon, veteran ensign and actual commandant of the presidio of Tubac, Juan Legarra, governor of the mission of Tumacacori, for himself and in the name of all of the Indians in said mission, having presented the present superior decree issued by Señor Brigadier Don Alejo Garcia Conde, political and military governor, intendente of the royal treasury, and judge *privativo* of the lands of the province of Sonora, &c., said that obeying as he at once obeys commissions issued by virtue of the said superior decree, he ordered that the party interested, being previously summoned in company with two individuals to my satisfaction, who serve as assisting witnesses in these proceedings, I shall proceed immediately to make said measurements, proceeding for this purpose to said mission of Tumacacori, and for this act thus I ordered and signed with the assisting witnesses, acting with the same for want of a notary public, on this 13th of January, 1807.

Whereupon I, the commissioner, Don Manuel de Leon, Juan Legarra, governor of the mission Tumacacori, and the other Indians being present, I made known to them the foregoing act; whereupon, understanding the same, they said that they acknowledged and signed with me and the assisting witnesses.

MANUEL DE LEON.

Assistant: YOREBIO ALEXO.

Assistant: JUAN NEPOMUSENO GONZALES.

At the mission of San Joseph Tumacacori, on the 13th day of the month and year, aforesaid, I, said commandant and surveyor commissioner, inquired what individuals were owners of land adjoining the lands of the pueblo of Tumacacori as that by the citation of the same and by their appearance the measurements might be proceeded with, and being informed by various ancient residents of the presidio of Tubac and of the said mission that there no *colindante* in any direction save at the presidio of Tubac, distant one league from said mission, I ordered the same to be included in the proceedings signing the same with the assisting witnesses.

MANUEL DE LEON.

Assistant: TORIBIO & C. OTERO.

Assistant: JUAN NEPOMUSENO GONZALES.

At the said mission Tumacacori, on the said day, month, and year, I, the said judge commissioner, Don Manuel de Leon, veteran ensign and present commandant of Tubac, for the purpose of making the measurements of said mission of Tumacacori as well of the agricultural lands as of pasture lands, I proceeded to the appointment of persons of sufficient intelligence for this purpose, appointing as a counter Lorenzo Berdiego, as measurers José Miguel Soto Mayor, and Juan Esterani Romero, and as tally-keepers, Leon Osorio and Ramon Rios, residents of the presidio of Tubac, excepting the last

mentioned one, who is a resident of Tumacacori, who being present before me, they, the said counter, measurers, and tally-keepers, were notified respectively of their appointments, whereupon they said they accepted the same and promised to perform their duties as such officers well, faithfully, and legally, without deceit, fraud, or malice, and to the best of their knowledge and ability under the sanctity of an oath, which all and each one made by God our Lord and the sign of the Holy Cross, the solemnity of which they understood as well the obligations of their respective offices.

In witness whereof, I make this entry in the proceedings, which is signed Jose Mignel Soto Mayor, for himself and in the name of the said officers appointed who cannot write. I signed the same in the ordinary form with the assisting witnesses.

MANUEL DE LEON,
JOSE MANUEL SOTO MAYOR.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSENO GONZALES.

At the mission of San Joseph of Tumacacori, on the 14th day of the month of January, 1807, I, the said judge commissioner surveyor, Don Manuel de Leon, veteran ensign and actual commandant of Tubac, having proceeded to said mission in company with the officers appointed, the counter, measurers and markers, and by the said assisting witnesses and five other residents, who, being armed, accompanied us as an escort for the purpose of commencing the measurement of the lands pertaining to said mission as well for a *fundo legal* belonging to it as also for an "*estancia*" (stock-rancho) for the raising of large and small stock. I ordered said Governor Juan Legarro and the other Indians of the mission to proceed to point out the center, who giving me to understand that during these time Señor Pineda was governor of these provinces it was agreed that the lands should be divided, leaving to the natives of this mission the lower part of the valley towards the north, his honor giving them power to take what might be lacking on this account in whatever direction might be most desirable, wherefore the cross in the burying ground in said mission was fixed upon as the center, the measurements of the lands as asked for to commence at said cross.

In witness whereof I sign with the assisting witnesses.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: NEPOMUSO GONZALES.

At the said mission of San José de Tumacacori, on the 14th day of January, 1807, I, Don Manuel de Leon, veteran ensign and actual commandant of the presidio of Tubac, judge surveyor, commissioned for the measurement of these lands by the Señor Brigadier Don Olejo Garcia Conde, governor intendente, political and military judge, and judge *privativo* of the lands of these provinces of Sonora, &c., Juan Legarro, and the other Indians composing the mission of Tumacacori being present, together with the officers, the counter, Lorenzo Berdego, the measurers, Juan Estancia Romero, José Mignel Soto Mayor, and markers, Leon Osorio and Ramon Rios, and the undersigned assisting witnesses, I order the said counter to measure, as he punctually did measure, a cord well twisted and greased, which I had bought for the purpose, of fifty varas, Castilian, of the usual measure of four palms, measuring the same with a vara properly regulated and marked, the said cord having a stick of hard wood attached to each end, which cord was by me delivered to the said measurers, with whom and the other parties mentioned, I went to the said place of the burying ground and, being in front of the cross, the point fixed as the center, I placed a compass properly regulated, which I had also bought for the purpose, I took the direction of the north and down the valley, and then carefully measured and counted fifty cords, the line terminating in front of the *devisadero* situated between "*la cida al bajo*" and two very large alamos, cotton-wood, or poplars standing near the river, at which point I ordered a number of stones to be placed as a sign for a landmark, which was done. Proceeding no further in this direction because the boundaries of the presidio of Tubac was reached, whereupon returning to the center a direction was taken south, in which direction was measured and counted, with equal care, three hundred and thirty-two cords, the line terminating at the upper side of the *cañada* close to the place called Calabazas. From this point, returning to the center, there was carefully measured toward the east seven cords from the river-bed, the line terminating at the foot of the hill, within a mesquite grove, at which place I ordered a mound of stones to be placed as a sign for a landmark and, having measured in this direction seven cords, we returned to the center; taking the direction west there were measured and counted, with equal care, eleven cords, the line terminating at a hill (*tendida*) standing on the place called the "*mesquite seco*," at which point I ordered another mound of stones to be placed as a sign for a landmark, whereupon the measurements were entirely concluded of the lands pertaining to said mission as a "*fundo legal*" and lands for cultivation, no other agricultural being found in all the valley or in its neighborhood; and taking some cords of the barren lands in the direction of the east and west, all the said measurement

being made to the satisfaction of the officers engaged in making the same and of the interested parties, Juan Legarro, governor, and the other natives of the mission. Whereupon the said proceedings were concluded, the measurer signing for himself and in the name of the other officers and governor of the mission, who could not write, with me, the said judge, surveyor, commissioner, and the assisting witnesses acting in the ordinary form.

MANUEL DE LEON.
JOSE MIGUEL SOTO MAYOR.

Assistant: TORIBIO OTERO.
Assistant: JUAN NEPOMUSENO GONZALES.

On said 14th day of January, 1807, I, Don Manuel de Leon, veteran ensign and actual commandant of the presidio of Tubac, judge, commissioner, and surveyor, in prosecution of the measurements of the lands for *estancia* (stock rancho), as directed by the señor brigadier governor intendente, political and military judge *privativo* of the lands of the province of Sonora, the officers and other parties being present, I asked them if they desired to postpone the measurement until the following day, to which they replied, that, since their time was valuable and being then all together, they preferred to continue operations as long as the day lasted. Whereupon, I ordered the governor, Legarro, that after consulting with *las hijas* (the sons), he should proceed to point out the place desired as the center of the land for the stock rancho or *estancia* who designated the place of Guibabi, including the mouth of the Potrero, this appearing the most suitable for the purpose designed, as also because it had been a pueblo pertaining to this mission, where it had always kept its stock. Wherefore the mouth of the river was taken as the center, at which point I ordered a mound of stones to be placed to mark the central point for the commencement of the measurements in accordance with what had been granted by the señor brigadier, Don Alejo Garcia Conde, governor intendente and judge *privativo* of the lands of these provinces of Sonora, by decree of the 17th day of December, 1806.

In witness whereof I sign, with the assisting witnesses.

MANUEL LEON.

Assistant: TORIBIO DE OTERO.
Assistant: JUAN NEPOMUSEN GONZALEZ.

On the 14th day of January, 1807, I, the said Manuel de Leon, veteran ensign and commandant of the presidio of Tubac, in company with the officers appointed, the governor of Tumacacori and his Indians, the assisting, &c., being at the initial point designated of their land, and placing a compass properly adjusted, a direction was taken to the north, in which direction was measured eighty cords, which were carefully measured and counted, the line terminating at the same monument fixed to the agricultural lands, the same being in one body. Whereupon, returning to the center, the direction was taken to the south, in which direction were measured and counted with equal care fifty-five cords, the line terminating in front of the pueblo or ancient mission of Guivabi, on the slope descending towards *vade seco* (shallow place), where I ordered another mound of stones to be placed as a sign for a landmark; and, the night coming on, I ordered the measurement to be suspended, to be continued in the morning.

In witness whereof making this entry in the proceedings, the measurer signing for himself and in the name of the other officers and the interested parties who could not write, with me, the said commissioner, acting in the ordinary form, with the assisting witnesses.

MANUEL DE LEON.
JOSE MIGUEL DE SOTO MAYOR.

Assistant: TORIBIO OTERO.
Assistant: JUAN NEPOMUSEN GONZALES.

In the ancient and deserted pueblo or mission of Guavivi on the 15th day of the said month and year, I, the said judge, commissioner and surveyor, Don Manuel de Leon, accompanied by the officials appointed for the purpose, the parties interested and the assisting witnesses being at the point designated as the center of those lands, and placing a compass properly regulated, a direction was taken to the east, in which direction was carefully counted and measured twenty-seven cords the line terminating at a hill (*serro*), and it being impossible to proceed further in this direction on account of the ruggedness of the country, whereupon the parties interested asked me to give them the remainder of the cords in the direction of the Potrero which was in the west; and consenting to their request as reasonable, I ordered to be placed and there was placed at the foot of said hill (*serro*) of San Cayetano on the side looking towards south, another mound of stone as a sign for a landmark; whereupon returning with all the parties mentioned in these proceedings to the initial point, a direction was taken to the west, in which direction were measured carefully and counted thirty-

eight cords, the line terminating on the slope of the highest hill seen from the Potrero, at which point I ordered to be placed, and there was placed, another mound of stones; whereupon the measurements were concluded as well of the agricultural lands as of the two *sitios* for *estancia* (stock rancho) to the satisfaction of the officers; whereupon these proceedings were concluded and the same was signed by the said measurer for himself and in the name of the officers and interested parties who could not write, and the same were also signed by me, the said judge, surveyor and commissioner, and the assisting witnesses with whom I act in the absence of a notary public in due form of law.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSEN GONZALES.

At the presidio of Tubac on the said day, month and year, I, the said judge commissioner, Don Manuel de Leon, veteran ensign and actual commandant of the company of Tubac, in view of having fulfilled the commission conferred on me by decree of the 17th of December, 1806, issued by the señor brigadier governor intendente, political and military judge *privativo* of the lands of those provinces, Don Alejo Garcia Conde, in continuation of these proceedings, ordered that the originals thereof, with citation, be transmitted through the interested parties in this condition to the said superior authority, in compliance with the order of the same, to the end that in view of the same, his honor may determine what might be necessary. Thus provided, ordered and signed with the assisting witnesses in the ordinary form.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSEN GONZALES.

On this the day of the above date, January 17, 1807, these proceedings contained in nine folios was delivered to the interested parties Juan Legarro, governor of the mission of Tumacacori, and the Indians of said mission.

In witness whereof I make this entry which is signed with a *rubrica*.

To the Señor Commandante DON MANUEL DE LEON:

I, Juan Legarro, governor of the mission of Tumacacori, for myself and in representation of all the community of this mission, appear before your honor, through this petition, and say that this our pueblo being without papers or instruments in relation to lands, which by the lapse of time had been lost; and I, clearly and evidently knowing that this mission in the direction of Guivabi is bounded by the rancho of Romero, the monuments of which still exist beyond the Yerba Buena, at which place also exists a corral which was held and used by our mission, and by the Potrero, the measurement reaching as far as the point of the marsh (*ciénega*), and learning from Don Manuel Carrera that the papers had been in his possession and that these *sitios* had been in years anterior purchased with the money of the common fund of the mission and natives, which papers have not made their appearance: Wherefore, for the purpose of justifying before the señor governor, military and political intendente of the royal treasury, and judge *privativo* of the lands of these provinces, the right we have to said lands, which we claim as *proprios* (property), and those that we need at present, in consideration of the increase of the stock of our mission, which in times past was few in number, for which reason we did not make this claim, we pray your excellency to be pleased to hear us and proceed to take the sworn testimony of the Romeros, Apodacas, Baes, and other old residents who are acquainted with the facts stated to you.

At the request of the governor and natives of the mission of Tumacacori.

FRAY NARCISO GUTIERRIEZ.

TUMACACORI, December 23, 1806.

Don Manuel de Leon, ensign of cavalry and commandant of the presidio of Tubac, in view of the foregoing petition and concerning the same, as presented in due form of law, in virtue of the same, I proceeded to take the sworn declarations, in due form, of the parties named below.

At the presidio of Tubac, on the 24th day of the month of December, I, the said commandant Don Manuel de Leon, caused to appear before me and the assisting witness, Juan Nepomusen Apodaca, a resident of Santa Cruz, to whom I explained the nature of an oath, to which he replied that he knew what an oath was and he promised by God our Lord and the sign of the Holy Cross, that he would true answers make to such questions as might be asked of him, as far as he might know.

Question. If he knew the boundaries or monuments in the direction of the south, where Guevavi are situated, as also in the other directions?

Answer. On the side of the south or where Guevavi is situated, said mission of Tumacacori is bounded by the rancho Buenavista, known as the ranch of the Ro-

meros; that the witness is interested in the rancho of the Romero, and that he knows that at present exist the monuments divide the lands of Tumacacori and the Romero; said monuments being placed beyond the sitios called Yerbabuena; and that in the direction of the Potrero, he knows and swears that said monuments were placed above the large marsh (ciénega grande), and that in the direction of the east the monuments were placed in the cañon of Sonoita, on a mesa.

Question. As to where he acquired his information, he replied that he knew it because he had been present at the *rodeos* of said mission and had heard the ministers of said mission say so, and he had heard the late Don Manuel de la Carrera say that if any doubt should arise as to the lands of said mission, these of the interested parties, those of the Romero, Santa Barbara, and other places situated in the direction of Guevavi or in the valley of Potrero, that if they would come to his house they would find the documents necessary. To the question as to his opportunity of swearing to what he had affirmed in relation to the citizen Manuel de la Carrera, he replied that he had heard him speak in relation to the matter, and he knew he had been judge for many years and collected all the papers in relation to lands and sitios and took them with him.

Question. If he had anything further to state in relation to the matter, he said he had nothing more to say; that he was seventy years of age, and not knowing how to write he made a sign of the cross.

And for the necessary ends I signed with the assisting witnesses with whom I act, in absence of a notary public.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSEN GONZALES.

On the 7th day of January, 1807, I, the said Manuel de Leon, political judge and commandant of the presidio of Tubac, caused to appear before me and the assisting witnesses, Juan Bautista Romero, sergeant of the company of the presidio of Tucson, and a resident of this presidio, as *habilitado*, to whom I explained the nature of an oath, and the harm that would result from swearing falsely, to which he answered that he knew his obligations under an oath, and he promised to speak the truth.

Question. If he knew the boundaries of Tumacacori, he replied he did since childhood; that his late father took him as a child and told him that the mission of Tumacacori was bounded by the ranch of Buenavista, belonging to them (that is, the deponent and his father), and that the landmarks of the Tumacacori are situated above the Yerbabuena, and that Don Manuel Carrera, as political judge of this jurisdiction, assured me that he had in his possession the papers in relation to this place and others in the neighborhood.

Question. If he had anything else to say, he replied that he had nothing further to say; that he was confident as to what he had stated.

And for the end that may be necessary, I signed this, in the absence of a notary public, with the assisting witnesses.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSEN GONZALES.

On the 9th day of January, 1807, I, said Don Manuel de Leon, political judge and commandant of Tubac, caused to appear before me Pedro Baes, resident of the presidio of Tucson, to whom I explained the nature of an oath, whereupon he promised to speak the truth in answer to such questions as might be asked him.

Question. If he knew the boundaries of Tumacacori, he answered that the mission of Tumacacori on the south was bounded by the rancho of Buenavista, a ranch belonging to the Romero, the monuments of which bound the lands of the Romero near the said mission, and that the landmarks of the mission still exist, although thrown down above the Yerbabuena; that said witness was raised on said rancho of the Romero, and that the mission held its *rodeos* on the boundaries of the Yerbabuena, the remains of which are still seen where the Romero still held their rodeos, and that it is known that they were places purchased by the mission, and that the Corporal Eugenio, whom he raised by the mission, and also was corporal of Tucson; that he had been taught to read, and that the documents had been placed in his hands, and which he had learned to read, and had read; that on the side of the Potrero the measurements reached as far as the Pajarite; also, the large marsh where the monuments were placed, and on the south as far as the cañon of Sonoita at a hill very "*tendida*."

In witness whereof I sign with the assisting witnesses, he saying that he was eighty years of age.

MANUEL DE LEON.

Assistant: TORIBIO DE OTERO.

Assistant: JUAN NEPOMUSEN GONZALES.

To the señor governor intendente and judge *privativo* of lands: Juan Legarra, governor of the Indians of the pueblo of Tumacacori, situated in the district of Pimaria Alta, Felipe Mendoza, Jno. Ignacio Arrola, Ramon Pamplina and Javier Ignacio de Madrid, principal natives of the pueblo, for themselves and in the name of and in representation of the community of the natives of said republic, before your honor in due form of law, through this petition, appear and say, that the measurements of lands belonging to said pueblo as a "*fundo legal*" and as "*estancias*" being concluded, as shown by the proceedings taken by the commandant and political judge of the military post of Tubac, Don Manuel de Leon, by virtue of the superior decree which your honor was pleased to issue on the 17th of December last, as is shown by the annexed expediente containing nine written folios, with all due solemnity present ourselves. The said measurements having been made in accordance with the sovereign decrees in relation to such matters, and having also having produced before the official commissioner the judicial proof which is set forth in three written folios by which is sufficiently set forth the right of property which we have to the lands which on the south and the ancient pueblo of Guivavi are bounded by the rancho of the Romeroes and further on by the place of Yerbabuena, and on the north and the valley of the Potrero as far as the upper point of the large marsh on the side of the east bounded by the *cajon* of Sonoita, which lands and places belong to us by legal, public, and financial purchase from their primitive and legitimate owners; and that since the time of the Jesuits our said mission of Tumacacori possessed the same as a "*fundo*" all of which is shown by the respective instruments of sale and transfer, executed before the legitimate authority of those ancient owners, which documents were in possession of Don Manuel Fernandez de la Carrera, and since the decease of said individual they do not know where said documents are to be found, the legitimacy of which sale was actual and by purchase by the mission as is duly shown by the accompanying judicial testimony which, at our request, has been taken by the said commandant and political judge of Tubac. In consideration of which we earnestly pray your honor to be pleased to order to be issued in favor of our said mission the corresponding title or instrument which in due form in all time will show the said measurement and adjudication of lands belonging to us, as well as a "*fundo legal*" of our pueblo and its respective "*estancia*," as also the *sitios* belonging to us by purchase in the time of the primitive missionaries, which is shown by the annexed testimony; and it being manifest in the constant increase of our stock the land measured to us for "*estancia*" by the commissioner, we protest formally that we will confine ourselves always to all the boundaries of the said lands as our own, by virtue of the legitimate right we have to the same under the title of this superior judge *privativo*; since what we ask is just, and in which we will receive grace and favor, and besides being in accordance with what is provided by His Majesty in the royal instruments which govern the matter, swearing in our favor that we do not proceed in malice, and whatever is necessary, at the request of the parties present.

IGNACIO DIAZ DEL CARPIO.

ARIZPE, March 18, 1807.

The foregoing petition being presented and admitted, let the same be annexed to the expediente and report accompanying and let the same be passed to the attorney-general. The señor intendente and judge *privativo* of lands of these provinces this decree ordered and signed.

GARCIA CONDE.

To the señor governor intendente: At the request of Juan Legarra, as governor of the pueblo of Tumacacori, in La Pimaria Alta, for himself and all the community of that republic, there have been measured to the same, by virtue of the decree of your honor of the 11th of December last, the four leagues belonging to the pueblo as a *fundo*, and, besides, an *estancia* (stock rancho). All in accordance with the laws and instructions which govern such matters in this province. The said natives not being contented with said measurement, they ask that there be adjudicated to them the lands occupied heretofore by the abandoned pueblo of Calabazas, the dimensions of which are shown by the testimony taken before the commandante and the political judge of Tubac, at the request of said Indians, and are included within the boundaries therein mentioned. The stock cattle and horses of Tumacacori are increasing each day by the industry of the natives under the direction of the present minister, Rev. Father Fray Narciso Gutierrez; wherefore the whole of said land is considered necessary for the preservation of said stock. I am of the opinion that your excellency may approve said measurement and adjudicate to that pueblo the lands contained therein as a *fundo legal*, and those contained within the boundary of Calabazas, all without prejudice to third parties who may have a better right, and the condition that if the said pueblo, which is now abandoned, should again be settled that its lands shall be restored; and that your honor issue a title in due form to these natives for the protection of their rights. Your honor will, however, determine what is proper in the premises.

LICENCIADO TRESIERRA.

Arizpe, March 30, 1807.

In the city of Arizpe, on the 31st day of the month of March, 1807, the Señor Don Alejo Garcia Conde, brigadier of the royal armies, governor political, and military intendente of the royal treasury, and judge *privativo* of sales, compositions, and distribution of lands of the provinces of Sonora and Sinaloa, by His Majesty (whom God preserve). In view of the foregoing proceedings, instituted for the marking out and assignments of the lands which belong to the mission of Tumacacori as a *fundo legal* of their pueblo, and for "*estancia*" of the same, and reports showing the lands which besides those they have acquired by purchase and which legitimately belong to the natives of the mission, together with the opinion of this *intendencia* and governor, as has been set forth, his honor said that in conformity with the opinion of the lieutenant *letrado* (learned) (in accordance with the survey and superior orders in relation to the matter), the said proceedings of measurements and testimony taken by the present commandant and political and military judge of Tubac. Ensign Don Manuel de Leon, adjudication is made in due form to the said pueblo and natives of Tumacacori of the said lands referred to in the *expediente*, so that as their own property, legally acquired, both as a "*fundo legal*" of the pueblo and "*estancia*," which they need and which belongs to them, they shall enjoy the use and freely possess, at their will and for their own benefit, in community and individually, and for the decent support of the church of said mission; but under the condition that in no case and in no manner shall they alienate at any time any part of said lands which are adjudicated and assigned to them, since they are always to be considered as belonging to the republic and community of natives, for their proper use as well as for sowing purposes, as for stock-raising, and the increased prosperity of the same, and under the express condition, also, that whenever the ancient and deserted pueblo of that mission named Calabazas may be resettled that the lands legitimately belonging thereto shall be restored to the same; and that the present adjudication is particularly understood to be without prejudice to third parties who may have a better right to the same, and who may legally and formally present the same. In conformity with which his honor ordered to be issued by this *intendencia* and *juzgado privativo* the corresponding title, in ordinary form, in favor of the said natives of said pueblo for their security in all time, and for the other uses and ends that may be necessary, and that this decree will be made known to the parties interested. Thus provided, ordered, and signed before the undersigned witnesses, with whom I act, in absence of a notary public, according to law.

ALEJO GARCIA CONDE.

Assistants:

RAMON MENDOZA.

JOSÉ DE BERROTERAN.

Whereupon, appearing in this *juzgado*, the citizen Ignacio Diaz de Carpio, as the agent or attorney appointed in this matter by the natives of Tumacacori, who was personally notified of the foregoing decree which is understood, signing the same with his honor and the assisting witnesses.

GARCIA CONDE.

IGNACIO DIAZ CARPIO.

Assistant: RAMON MENDOZA.

Assistant: JOSÉ DE BERROTERAN.

Whereupon, by virtue of authority conferred by article 81 of the royal *ordenanza*, and instructions, and in conformity with what is set forth in the royal *cedula* in relation to this matter of the 15th of October, referred to in said article by these presents, in the name of His Majesty (whom God preserve) I confer a formal grant and adjudication of lands for agriculture and for the pasturage of cattle, horses, and mules, that are set forth and described in the foregoing proceedings of measurement, and the testimony of the community of Indians of Tumacacori, situated in the district of Pimaria, Alta, in the jurisdiction of the military post of Tubac, which said agricultural lands, and those for grazing purposes I concede, give, and adjudicate to the said natives, their children, heirs, and successors, with all of its entrances, exits, uses, customs, servitudes, woods, pastures, springs, watering-places thereunto belonging, included within the measurement, demarkation, and boundaries, as set forth in the first proceedings, to which the grantees shall be strictly subjected; they, the said Indians of the said pueblo of Tumacacori, not to exceed the boundaries as set forth, or to occupy other land than what is adjudicated to them by this title under the following express conditions:

1. That the survey and adjudication of lands is to be understood to be without prejudice to any party who may have a better right to the same, and who may present the same in due form.

2. That whenever the deserted pueblo of Calabazas (which pertains to the mission of Tumacacori) may be unsettled, the lands corresponding to the same as a *fundo legal* of the pueblo and stock ranch, shall be restored by the natives of Tumacacori.

3, and last. That the interested parties are to keep the said lands occupied by culti-

vation and keeping stock thereon, doing all in their power for the advancement of these branches of industry, so that said lands shall not, at any time, be entirely abandoned or unoccupied, under the penalty that if for the space of three years they be totally abandoned they may be granted to any person who may demand them. And I strictly order and command the present commandant and political of said pueblo of Tubac, and to others in his employ, not to permit the said natives of Tumacacori for any motive or cause, or under pretense to be molested, prejudiced, or disturbed in the free use and dominion of said lands; but on the contrary, they shall take care that they be protected in the quiet and peaceable possession of the same, requiring also, that the community of Indians shall construct and maintain firm monuments of rough stone and lime of the necessary height and thickness, which shall in all times designate the boundaries of said land, with the *colindantes* and the vacant lands.

Wherefore, and in conformity with and in consequence of what has been determined by me in decree of the 31st of last March, which is inserted, I issue the present title of adjudication, grant and confirm in due form in favor of the said Indians, the community of their republic of Tumacacori. Let the necessary registry be made in the corresponding book, and let the original title be delivered to the interested parties for their security and that in all time it may serve them as a justifying document of the right of property which they legitimately have in said lands.

Given in the city of Arizpe on the 2d day of April, 1807. Authorized and signed by my hand and sealed with the seal of my arms, before the undersigned and the assisting witnesses, with whom I act, in the absence of a notary public, according to law.

ALEJO GARCIA CONDE. [A SEAL.]

Assistants:

RAMON MENDOZA.

JOSÉ DE BERROTERAN.

Examined. A rubric. Registry. This title remains registered in folio 10 of Book No. 174, which exists in the archives of *juzga. privativo*, and in witness whereof I make this entry.

Signed by the rubrica of his honor.

[Rubrica.]

In the month of June, 1821, there was measured to Don Leon Herreras, of this vicinity, one and three-quarters square leagues in the place of San José Sonoyta, by denouncement made before the señor commandante-general of this province, Brigadier Don Antonio Cordero, he being intendente of these provinces, which measurements of said league down the cañon of said Sonoyta, terminates in front of the two *cerritos* (little hills), which are named *quates*; in this direction it is bounded by the lands of the mission of the pueblo of Tumacacori. And in consideration of the fact that when said measurements were made, in order not to encroach on the lands granted to the said Tumacacori, they only had in view the measurements made of the "*fundo*" and two "*estancias*," it was believed that, so far from encroaching on the measurements of Tumacacori, there remained a vacant space of one league, a little more or less. However, the minister of said pueblo of Tumacacori, Friar Ramón Liberos, having represented in an *espediente* that besides the *fundo* of four leagues and the two *estancias* measured, more land was given to said pueblo by his excellency the Señor Don Alejo Garcia Conde in both directions, he being intendente of these provinces, and in consideration of the fact that in direction of the east there is some doubt as to the true boundary, in order to avoid difficulty and the necessity of suits, the father (friar) minister, Ramon Liberos, in the name of the pueblo, and Don Leon Herreras have agreed that the line dividing these lands, the one from the other, shall be the upper part of the *cajon* of Somoyta at the hill (*toma*) called "*De las Cruces*," and that besides this that in all time the said Herreras may keep stock on the land pertaining to the lower part of the *cajon* without being prejudiced in the same; and the piece of agricultural land in the said *cajon abajo* at no time shall be cultivated by any one else, except by agreement, save the Indians of the pueblo, and by no other persons, to which the parties agreed before me, the Captain Don Elias Gonzales, commandant of the presidio of Tubac, also asking that the preceding be entered at the end of each of the *espedientes* in possession of the interested parties as a testimony. Whereupon the parties signed with me and the assisting witnesses in the absence of a notary public, according to law, on the 10th of January.

IGNACIO ELIAS GONZALES, for
DON LEON HERRERAS.
JOSÉ MA. SATELO.
FRIAR RAMON LIBEROS.

Assistant: TRINIDAD YRIGOYEN.

Assistant: JOSÉ ANTONIO SOTELO.

OFFICE OF THE TREASURY DEPARTMENT OF SONORA, 1844.

Title of sale, transfer, and adjudication of agricultural lands which include the four leagues of the *fundo legal* of the deserted pueblo of Tumacacori, and the two *sitios* of its *estancia* (stock ranch) of Calabazas, and the other places thereto annexed, the same being situated in the jurisdiction of the district of San Ignacio, issued by the said departmental treasury, in compliance with the superior decree of the 10th of February, 1842, in favor of Don Francisco Alejandro Aguilar, a resident of the post and village of San Fernando de Guaymas.

Second seal. Four dollars. Years 1844-1845.

Ignacio Lopez, captain of cavalry, retired into the infantry, intendente honorary of the army and treasury department of Sonora: Whereas the superior decree of the 10th of February, 1842, directs, in consideration of the embarrassed condition of the pueblo treasury, the sale of property pertaining to the temporalities as being of this class, the agricultural lands and the grazing lands of four leagues of the "*fundo legal*" of the abandoned pueblo of Tumacacori and the two *sitios* of the stock ranch of the same in the points of Guabave, Potrero, *cerro* of San Cayetano, and Calabazas, the areas, boundaries, monuments, and *colindantes*, are set forth in the corresponding proceedings. All measurements were made in the year 1807 by the commissioner and surveyor Don Manuel de Leon, veteran ensign and commandant of the presidio of Tubac, according to the reports that have been made at the request of this office of the departmental treasury, the said lands (temporalities) being valued at the sum of five hundred dollars, in accordance with the requirements of article 2 of the foregoing supreme decree of the 10th of February, 1842, in compliance with which the formation of the corresponding *expediente* was ordered through the *juzgado* of first instance and of the treasury of the district of San Ignacio, and no bids were offered; wherefore in accordance with article 73, of the law of the 17th of April, 1837, no sales being made for a sum exceeding five hundred dollars on account of the national treasury, the treasurer's office proceeded to offer at public sale the lands of the abandoned pueblo of Tumacacori and the lands of its "*estancia*" (stock ranch) of Calabazas and the places thereunto belonging, all pertaining to the "temporalities," on the 16th, 17th, and 18th of the current month of April, asking bidders for the same; whereupon no one appeared except the Señor Don Francisco Alejandro Aguilar, of this post and village of San Fernando de Guaymas, who offered the said sum of five hundred dollars, the sum at which the same was valued as is shown at the last offer of sale, which is as follows:

Third seal. One dollar. Years 1844 and 1845.

At the post and village of Don Fernando de Guaymas, on the 18th of April, 1844, I, the undersigned treasurer of the department, being at the office of the treasury under my charge with the assisting witnesses, Don José Maria Mendoza and Don Vincente Yrigoyen, in the absence of a notary public, in compliance with article 73 of the law of the 17th of April, 1837, since the price or valuation of the temporalities referred to in these proceedings, does not exceed the sum of five hundred dollars. I offered the third and last offer of lands to be made at auction of the lands "*de temporalidade*" of Tumacacori and Calabazas, referred to in the *expediente*; whereupon, at the sound of the drum, the auctioneer, Florentio Baldizan, did say in a clear and loud voice, saying: The departmental treasury is going to sell on account of the national treasury, in accordance with the supreme decree of the 10th of February, 1842, the agricultural lands and the grazing lands for cattle and horses included in the four leagues of the "*fundo legal*" of the deserted pueblo of Tumacacori and the true "*sitios*" of the "*estancia*" (stock ranch) of the same, which is desert, at the places of Guabave, Potrero, Cerro de San Cayetano, and Calabazas, situated in the district of San Ignacio, the areas, monuments, boundaries, and *collindantes* of which are set forth in the corresponding proceedings of measurements made in the year 1807 by the commissioner surveyor, Don Manuel de Leon, veteran commandant at the time of the presidio of Tubac, as is shown by the report made at the instance of the departmental treasury, it being also shown by the same that the original title of the grant and confirmation of the said temporalities still exist, which lands have now been valued at the sum of five hundred dollars, in accordance with article 2 of the said superior decree of the 10th of February, 1842. Whoever may desire to bid, let him do so before the departmental treasury, and his bid will be heard in accordance with law, with the understanding that the sale is now to be made to whoever may be the best bidder. Whereupon, Don Francisco Alejandro Aguilar, of this post, appeared and bid the sum of five hundred dollars, at which the said temporalities were valued, and there being no other bidder, and the hour of twelve o'clock of the day having arrived, the last offer was made once, twice, three times, going, going, gone. Sold to Señor Don Francisco Alejandro Aguilar. Whereupon said act was concluded, the said agricultural lands and grazing lands of the deserted *fundo* and *estancia de temporalidades* of Tumacacori and Cala-

bazas being publicly and solemnly sold to Don Francisco Alejandro Aguilar, of the vicinity of this post, for the sum of five hundred dollars.

In witness whereof, and for the necessary ends, these proceedings are closed and signed by me, the interested party, and the assisting witnesses.

IGNACIO LOPEZ.

FRANCISCO A. AGUILAR.

Assistant: JOSÉ MARIA MENDOZA.

Assistant: VINCENT YRIGOYEN.

In which legal terms was concluded the sale of the agricultural lands and the lands for the pasturage of stock included in the four leagues of the deserted "*fundo*" of Tumacacori and the two *sitios* of the *estancia* (stock ranch) of Calabazas, and the other places thereunto, all being the temporalities. The original *espediente* remains on file in the archives of the office of the treasury as a perpetual testimony in relation to the matter, it being observed that when the original titles of Tumacacori and Calabazas are received they shall be annexed to these proceedings. Wherefore the agricultural lands and the grazing lands included in the four leagues of the *fundo* of the deserted pueblo of Tumacacori and the two *sitios* of its *estancia* of Calabazas, and the other places pertaining thereunto, all of temporalities, in the jurisdiction of the district of San Ignacio, having been sold to Don Francisco Alejandro Aguilar, a resident of the port, for the sum of five hundred dollars, which sum, together with the taxes pertaining thereto, has been delivered in this office of the departmental treasury. In consequence whereof, by virtue of the authority conceded to me by the laws in relation to the matter, as also by the superior decree of the 10th of February, 1842, by the present title, and in the name of the Mexican nation and of the superior government, I concede, sell, give, and adjudicate in due form the said lands for agriculture and the grazing lands included in the four leagues of the deserted pueblo of Tumacacori and the two *sitios* for *estancia* (stock ranche) of Calabazas, with the places pertaining thereto, to the said purchaser, Don Francisco Alejandro Aguilar, as a sale, and with all the firmness and solemnity required by law, for himself, his children, his heirs, and successors, with all its entrances, exists, lands, woods, plants, timbers, pasture, center, circumferences, waters, springs, watering-places, uses, customs, servitudes, and other things thereunto pertaining within its boundaries, for the said sum of five hundred dollars, for which the same has been sold to the said Don Francisco Alejandro Aguilar, under the precise conditions: That this purchaser and his successors are required to enter into possession, settle upon, cultivate, and occupy the said agricultural lands, and the said grazing lands included in the four leagues of the deserted "*fundo*" of Tumacacori, and the two *sitios* of its *estancia* of Calabazas, without going beyond the boundaries of the same, or allowing the same to be entirely abandoned, with the understanding that if the same should be totally abandoned for the period of three consecutive years from the neglect and fault of the owners and possessors, and the same should be denounced by any person, in that event, after the necessary proceedings, the same shall be declared vacant and be sold at public auction, on account of the national treasury, to whoever may be the highest bidder, excepting, as is just, such cases as that the abandonment has been on account of a notorious invasion by the enemies, or on account of epidemics or other similar causes, and for only such time or times as such causes may exist, requiring, as is strictly required, the Señor Don Francisco Alejandro Aguilar and his successors to subject themselves to the appurtenances, extent, and boundaries of the said lands of the *fundo* of Tumacacori and its *estancia* of Calabazas, maintaining on said possessions the necessary monuments of rough stone and lime, under the penalty established by the laws in case of a neglect of the same. And, by the authority which they and other superior dispositions concede to me, I order and require, respectively, the judges, justices, and local authorities now existing and such as may hereafter exist in the district of San Ignacio that, in the prompt administration of justice and in observance of the said legal disposition, they shall not permit the said Señor Don Francisco Alejandro Aguilar nor his successors to be disturbed or molested in the free use, exercise, ownership, dominion, and possession of the said agricultural lands and grazing lands of the *fundo* of Tumacacori and "*estancia*" of Calabazas, but on the contrary they shall take care that they always be protected and maintained in the quiet and peaceable possession to which they are entitled under the law, so that they may freely enjoy, possess, sell, exchange, donate, transfer, give as a legacy, cede, and alienate the said agricultural lands and grazing lands of the four leagues of the *fundo* of Tumacacori and of the two *sitios* of its *estancia* of Calabazas and the other places pertaining thereto at their free will and election, as absolute owners of said possessions, it being observed that so soon as the original titles of said lands may be obtained they shall be annexed to this document, since from this time it is considered that said primitive documents are in fact transferred and delivered to the interested party, Don Francisco Alejandro Aguilar. In which terms this title of sale, transfer, and adjudication is issued in due form to the said Señor Aguilar, his heirs and successors, delivering from the first for his security and other uses that may be necessary, previously making registry thereof in the corresponding book.

Given at the port and village of San Fernando de Guaymas, on the 19th day of the month of April, 1844, authorized and signed by me the departmental treasurer. Sealed with the seal of this office of the treasury, before the undersigned assisting witnesses, in the absence of a notary public, according to law.

IGNACIO LOPEZ. [SEAL.]

Assistant: JOSÉ MARIA MENDOZA.

Assistant: JOSÉ DIEGO LABANDERO.

Year 1869. [SEAL.]

Court of first instance of Guaymas.

Testimony of a deed of conveyance executed by Don Francisco Alejandro of the lands called Tumacacori, Calabazas and Guebari, in favor of Don Manuel Maria Gandara. Second class. Fifty cents. For the bienio of 1868 and 1869.

In the city of Guaymas of Zoragoza, on the 2d day of the month of March, 1869, before me, José Bustamante, judge of first instance of the district, the ordinary assisting witnesses, with whom I act for want of a notary public, and the instrumental witnesses, who will be mentioned at the end of this instrument, appeared Don Francisco A. Aguilar and Don Miguel Gandara, in representation of his father, Don Manuel Gandara, as shown by the general power executed in his favor in the city of San Luis Potosi, on the 25th of January, 1868, before the notary Don Isodoro Cabrello, which power I certify that I have seen, and the first having proved himself to be solvent with the pueblo treasury, and registered in the registry of the national guard, as shown by the certificates presented, which I also certify that I have seen, both of lawful age, the first a resident of this city and the second of Ures, who said that, consulting their mutual interests, they had agreed in the sale of the lands called Tumacacori, Calabazas, and Huevavi, situated in the Territory of Arizona, belonging to the United States, which lands belong to the vendor by virtue of a title of sale, transfer, and adjudication in his favor by the treasury of the department of Sonora in the year 1844, all of which is based on a primitive title issued in 1807 for the said lands to the natives of Tumacacori as a *fundo legal* of their pueblo and *estancia* (stock rancho) for the same, by virtue of which, they being in full dominion to the said Don Francisco A. Aguilar, and in order to carry out the said sale in due form of law, the said Don Francisco that he gives as sale to Don Magnel Gandara, in representation of his father, Don Manuel Maria Gandara, said lands, declaring that he has not sold, alienated, or mortgaged the same; that they are clear of all responsibility and incumbrances; as such, he sells the same, with all their uses and servitudes and all things thereto annexed that they have had or have pertaining thereto according to law, for the sum of four hundred and ninety-nine dollars, which they have secured to their entire satisfaction; and the said sum being paid and satisfied, he executed in favor of Don Miguel Gandara in representation of his father, Don Manuel Maria Gandara, the receipt; he also declares that the said amount of \$499 is the just and true value of said lands, the ownership and dominion of which he renounces, cedes, and transfers in favor of the representative of Señor Gandara, so that he may dispose of the same as a thing belonging to him, acquired by just and legal title, and that he may take the possession that of right belongs to him, and since the delivery of the money does not appear, he renounces the law 9, title 1, *partida* 5, and finally he obligates himself for the security of this place. And in the same act Don Miguel Gandara, to whom I certify the title referred to was delivered, as also the accompanying map, in representation of his father, Don Manuel Maria Gandara, said that he accepted this writing in all its parts, both parties obligating themselves to the fulfillment of what is set forth in the same, with all their property, present and future, declaring that there is no fraud or deceit in the matter, and if there should be, in large or small amount, they make of the same mutual donation, final and irrevocable, renouncing all right of action and the time allowed by law for commencing the same. Thus they said and signed, being advised that this document was to be registered in the office of mortgages within the term of eight days, the taxes being personally paid into the public treasury under the penalty of the nullity of this instrument if the same should not be done. The citizens Angel Rodriguez, Juan Encinas, and Rafael S. Canez, who are present. Having witnessed which I attest.

FRANCISCO A. AGUILAR.
MIGUEL GANDARA.

Instrumental w's: ANGEL RODRIGUEZ.

Instrumental w's: JUAN ENCINAS.

Instrumental w's: RAFAEL CANEZ.

Before me,

Assistant: CHARLES R. VALENZUELA.

Assistant: EDUARDO MORALES.

JOSÉ BUSTAMANTE.

Copied from the record on this the day of its execution on these two folios of written paper of the seal of the current bieno, the same being compared and corrected, which I attest and which I authorize and sign with the assisting witnesses.

JOSE BUSTAMENTE. [SEAL.]

Assistants:

EDUARDO MORALES.

CHARLES R. VALENZUELA.

March 3, 1869, the sum of \$24.95, the corresponding tax of 5 per cent. on the sum of \$499, for the transfer of dominion as set forth in the foregoing deed, has been paid by Don Miguel Gandara, in representation of his father, Don Manuel Maria Gandara, with the corresponding impost of 25 per cent. federal tax.

GUAYMAS, March 3, 1869.

This deed remains registered in folio 2 *verso* and 3d part of the respective book. All of which I authorized and signed with the assisting witnesses.

JOSE BUSTAMENTE. [SEAL.]

Assistants:

CARLOS R. VALENZUELA,

JOSE MARIA VIZCANO.

UNITED STATES CONSULATE AT GUAYMAS, MEXICO, March 3, 1869.

I, A. Willard, consul of the United States of America for Guaymas and the dependencies thereof, do hereby certify that the signature of José Bustamante, first judge of this district, signed to the paper hereto annexed, is his true and genuine signature, and as such is entitled to full faith and credit.

In witness whereof I have hereunto set my hand and affixed the seal of the consulate at Guaymas, on the day and year above written.

[CONSULATE SEAL.]

A. WILLARD,

United States Consul.

Know all men by these presents that we, Manuel Maria Gandara and Miguel Gandara, of the city of Guaymas, in the state of Sonora, Republic of Mexico, have this day made, conditioned, and appointed Dⁿ. Guillermo Andrade, of the city and county of San Francisco, California (one of the United States of America), our true and lawful

[Stamp Mexican Republic, denomination, five dollars; properly canceled.]

attorney, for us and in our names, place, and stead, to enter into and take possession of the following described pieces and parcels of land

situated in the county of Pima and Territory of Arizona, and within the limits of the United States of America, and described as follows, to wit: Three certain pieces or parcels of land lying and being in the county of Pima and Territory of Arizona, and within the limits of the United States, and best known as the "Tumacacori," Calabazas, and Huevavi grants and fully described by the original deeds from Alexo Garcia Conde, intendente of provincia of Real Hacienda to an Indian community, by letters patent bearing date April 2, 1807, and the same lands being afterward sold at public auction by order of the supreme Government of Mexico, and bought by Francisco Alejandro Aguilar, and conveyed to him by letters patent from the supreme Government of Mexico, bearing date April 19, 1844, and subsequently conveyed by Francisco Alejandro

[Stamp Mexican Republic, denomination, fifty cents; properly canceled.]

Aguilar to Dⁿ. Miguel Gandara, and more fully described in the book of records, pages 36, 37, and 38, in the city of Guaymas, state of Sonora,

Republic of Mexico, and containing six leagues, more or less, according to the survey made by order of the Mexican Government.

To grant, bargain, sell, and convey the same or any portion thereof for such sum or price and on such terms as to our said attorney, Dⁿ. Guillermo Andrade, may deem best, and for us and in our names or otherwise to make, execute, acknowledge, and deliver good and sufficient deeds of conveyance for the same and such other instruments in writing as may be necessary, and collect, recover, and receive any and all sums of money that may become due and owing to us from such sale, and to give receipts and acquittances therefor.

Giving and granting unto our said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as we might or could do if personally present; hereby ratifying and confirming all that our said attorney shall lawfully do or cause to be done by virtue hereof.

Witness our hands and seals at the city and port of Guaymas, state of Sonora, Republic of Mexico, this first day of July, 1876.

M. M. GANDARA. [SEAL.]

M. GANDARA.

Signed, sealed, and delivered in presence of—

CAGETANO L. INIGO,

FRANCISCO YRIGOYEN,

C. L. INIGO,

F. YRIGOYEN.

Pasó ante mí.

JULIO 1^o de 1876.

MATEAS MORAN.

Gobierno y Comda. Militar del Estado de Sonora:

Certifico que la forma que antecede es la que usa el notorio publico, Co. Mateas Moran, en todos sus actos oficiales y particulares.

Guaymas, Julio 7 de 1876.

V. MARISCAL.

CONSULATE OF THE UNITED STATES OF AMERICA,

Guaymas, Mexico, July 7, 1876.

I, A. F. Garrison, vice-consul for Guaymas, Mexico, and the dependencies thereof, do hereby certify that the signature of V. Mariscal, military governor of Sonora, Mexico, to the above paper is his true, genuine signature, well known to me to be the same he uses in all his official and private acts, and as such is entitled to full faith and credit. And I further certify that the said V. Mariscal is the military and acting civil governor of the State of Sonora, duly appointed and exercising the full functions of his said office, military governor of Sonora, and as such duly qualified and authorized to certify and authenticate signatures and other notarial acts.

In witness whereof I have hereunto set my hand and affixed the seal of the United States consulate this 7th day of July, 1876.

[SEAL OF CONSULATE.]

A. F. GARRISON,
United States Vice-Consul.

This indenture made the twenty-fourth day of July, one thousand eight hundred and seventy-seven, between Manuel M. Gandara and Miguel Gandara, of the city of Guaymas, in the State of Sonora, Republic of Mexico, by their attorney in fact, Guillermo Andrade, of the city and county of San Francisco, State of California, United States of America, parties of the first part, and C. P. Sykes, of said city and county of San Francisco, State of California, the party of the second part, witnesseth:

That the said parties of the first part, for and in consideration of the sum twelve thousand five hundred (\$12,500) dollars in gold coin of the United States of America to them in hand paid by the said party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed, and confirmed, and by these presents do grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following-described pieces and parcels of land situated in the county of Pima and Territory of Arizona, and within the limits of the United States of America, and described as follows, to wit: Three certain pieces or parcels of land lying and being in the county of Pima and Territory of Arizona, and within the limits of the United States, and best known as the Tumacacori, Calabazas, and Huebavi grants, and fully described by the original deeds from Alexo Garcia Conde, intendente de provincia of Real Hacienda, to an Indian community, by letters patent bearing date April 2d, 1807, and the same lands being afterwards sold at public auction by order of the supreme Government of Mexico, and bought by Francisco Alexandra Aguilar, and conveyed to him by letters patent from the supreme Government of Mexico, bearing date April 19th, 1844, and subsequently conveyed by Francisco Alexandra Aguilar to Don Miguel Gandara, and more fully described in the book of records, pages 36, 37, and 38, in the city of Guaymas, State of Sonora, Republic of Mexico, and containing six (6) leagues, more or less, according to the survey made by order of the Mexican Government; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the esiate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part of, in, or to the above-described premises and every part and parcel thereof with the appurtenances: To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In witness whereof the said parties of the first part have hereunto set our hands and seals this day and year first above written.

MANUEL M. GANDARA, [SEAL.]

By his attorney in fact G. ANDRADE.

MIGUEL GANDARA, [SEAL.]

By his attorney in fact G. ANDRADE.

Signed, sealed, and delivered in presence of—

HENRY C. BLAKE.

JOSEPH WHITE.

STATE OF CALIFORNIA,

City and County of San Francisco, ss :

On the twenty-fourth day of July, A. D. one thousand eight hundred and seventy-seven, before me, Henry C. Blake, commissioner of deeds for the Territory of Arizona, appointed, commissioned, and residing in the city and county of San Francisco, State of California, and therein residing, personally appeared G. Andrade, personally known to me to be the same person described in and who executed the annexed instrument as the attorney in fact of Manuel M. Gandara and Miguel Gandara named in the annexed instrument as parties thereto and therein described as the parties who executed the same by their said attorney; and the said G. Andrade then and there duly acknowledged to me that he executed the same freely and voluntarily as and for the act and deed of the said Manuel M. Gandara and Miguel Gandara, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal at my office in said city and county the day and year last above written.

[SEAL.]

HENRY C. BLAKE,

Commissioner of Deeds for the Territory of Arizona.

This indenture, made the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and seventy-eight, between Charles P. Sykes, the party of the first part, and John Curry, the party of the second part, witnesseth:

That the said party of the first part for and in consideration of nine thousand dollars (\$9,000.00), gold coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said party of the second part, and to his heirs and assigns forever, the undivided three-sixteenths ($\frac{3}{16}$) of those certain pieces or parcels of land, excepting the town site of Calabazas, lying and being in the county of Pima and Territory of Arizona, and best known as the "Tumacacori," "Calabazas," and "Huevavi," grants and fully described by the original deeds from Alexo Garcia Conde, intendente de provincia of Real Hacienda to an Indian community by letters patent bearing date April 2d, 1807, and the same lands being afterward sold at public auction by order of the supreme Government of Mexico and bought by Francisco Alexander Aguilar and conveyed to him by letters patent from the supreme Government of Mexico bearing date April 19th, 1844, and subsequently conveyed by Francisco Alexander Aguilar to Don Miguel Gandara and more fully described in book of deeds No. 1, pp. 321 to 342, records of Pima County, Territory of Arizona, and containing six (6) square leagues, more or less, according to the survey made by order of the Mexican Government; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof: to have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

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

C. P. SYKES. [SEAL.]

Signed, sealed, and delivered in presence of—

EDWARD CHATLIN.

THOS. Q. QUARKRENDEN.

UNITED STATES OF AMERICA,

State of California, City and County of San Francisco, ss :

I, Edward Chatlin, a commissioner for the Territory of Arizona, duly commissioned and qualified under and by virtue of the laws thereof, residing in the city and county of San Francisco and State of California, do certify that on the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and seventy-eight, before me personally appeared Charles P. Sykes, personally known to me to be the person whose name is subscribed to the annexed instrument as a party thereto, and to be the individual described in and who executed the said instrument, and he, the said Charles P. Sykes duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal as such commissioner at my office in the city and county of San Francisco and State of California, this 26th day of November, in the year of our Lord one thousand eight hundred and seventy-eight.

[SEAL.]

EDWARD CHATLIN,

Commissioner for Arizona Territory.

This indenture, made the 15th day of December in the year of our Lord one thousand eight hundred and seventy-nine, between Charles P. Sykes, of San Francisco, State of

California, party of the first part, and John Currey, of the same place, party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of one hundred dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said party of the second part and to his heirs and assigns forever, the undivided three-sixteenths ($\frac{3}{16}$) of the town-site of Calabazas, lying and being in the county of Pima and Territory of Arizona, being the land mentioned by the name of the town-site of Calabazas in a certain deed executed and delivered by the said party of the first part to the said party of the second part, bearing date 26th day of November, 1878, and acknowledged on the same day, and recorded February 5, 1879, book 4 of deeds, page 619, in the recorder's office of Pima County, Territory of Arizona, to which deed reference is hereby made for a full and accurate designation of the property, the three-sixteenths ($\frac{3}{16}$) of which is hereby conveyed, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof: to have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

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

C. P. SYKES. [SEAL.]

Signed, sealed, and delivered in presence of—
EDWARD CHATLIN.
H. N. REMPTON.

UNITED STATES OF AMERICA,

State of California, City and County of San Francisco, ss:

I, Edward Chatlin, a commissioner for the Territory of Arizona, duly commissioned and qualified under and by virtue of the laws thereof, residing in the city and county of San Francisco and State of California, do certify that on the fifteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, before me personally appeared C. P. Sykes, personally known to me to be the person whose name is subscribed to the annexed instrument as a party thereto and to be the individual described in and who executed the said instrument; and he duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal as such commissioner at my office in the city and county of San Francisco and State of California, this 15th day of December, in the year of our Lord one thousand eight hundred and seventy-nine.

[SEAL.]

EDWARD CHATLIN,
*Commissioner for Arizona Territory,
San Francisco, California.*

Testimony in the case.

Before the United States surveyor-general for Arizona.

Testimony of TEODORA VARELA DE TROIL, a witness in behalf of the claimants, who being, on this 29th day of December, duly sworn by the United States surveyor-general, testified as follows:

Question 1. What is your name, age, residence, and occupation?

Answer. My name is Teodora Varela de Troil; thirty-three years of age; reside at the mission of San Xavier, and am engaged in school-teaching.

Question 2. Are you acquainted with the rancho of Tumacacori and las Calabazas?

Answer. I know it well, and have known it for twenty-seven years.

Question 3. Did you know Governor Manuel Maria Gandara in his lifetime?

Answer. I did.

Question 4. Did you know his son, Miguel Gandara, during his lifetime?

Answer. I did.

Question 5. Do you know if Governor Gandara ever owned and occupied the rancho of Tumacacori and Las Calabazas?

Answer. I know that he owned and occupied said rancho.

Question 6. State how long and in what manner Governor Gandara occupied said rancho?

Answer. I know that Governor Gandara occupied the rancho in 1850 with stock;

that he cultivated the land, made improvements in the way of buildings, which were occupied by his employes. I was on the rancho as early as 1852, and at various times subsequently. Gandara had upon the rancho, at this time, ten thousand head of sheep, six hundred goats, forty-two milch cows, and a number of work and saddle horses; he had, also, twenty-two farm laborers; eighteen workmen employed in a woolen factory, all of whom were under the charge of five men, who were French and Germans. Gandara continued in this possession of the rancho until 1858, when he was driven therefrom by the troops of the United States, who took possession thereof. At this time, my brother-in-law, Frederick Hulseman, was in charge of the rancho, as the agent or major domo of Governor Gandara, who made a protest against these proceedings, claiming the ownership and possession of the rancho in behalf of Governor Gandara. After Gandara lost possession of the rancho, in 1858, he was not again able to obtain possession thereof, although he much desired to do so. During the occupation of the rancho by Governor Gandara his son Miguel was on the rancho and occupied the same with his father.

Question 7. Do you know if there are any mines or minerals on the lands referred to?
Answer. There are minerals on the rancho.

TEODORA VARELA DE TROIL.

Sworn to and subscribed before me this 29th of December, 1879.

[SEAL OF OFFICE.]

JOHN WASSON,
United States Surveyor General.

PETER KITCHEN, a witness on behalf of claimants, being duly sworn by the surveyor-general, deposed as follows:

Question 1. What is your name, age, occupation, and place of residence?

Answer. My name is Peter Kitchen; age fifty-four years; occupation, ranchero; and reside on the Potrero, near the old mission of Tumacacori.

Question 2. Were you acquainted with Governor Manuel Maria Gandara in his lifetime, and with his son, Miguel Gandara?

Answer. I was.

Question 3. Are you acquainted with the rancho of Tumacacori and las Calabazas, and do you know anything about the possession of said rancho by Governor Gandara and his son Miguel, during their lives? If so, please state what you know in relation thereto.

Answer. I have known the rancho referred to since 1854. At that time Gandara had possession of the rancho. He had thereon good and substantial buildings, such as would now cost several thousand dollars. I did not see the stock, but I learned that he had stock on the rancho; at this time it was in charge of an agent of Governor Gandara, named John Clark.

Question 4. Do you know when and why Governor Gandara and his son Miguel abandoned the possession of the rancho?

Answer. I think that Gandara abandoned the rancho some time about the year 1855; anyway, it was about the time that the rancho was taken possession of by the United States troops. The troops occupied the houses of Gandara, and I think in about the year 1858 a fort was built across the creek some 300 or 400 yards from the houses of Guebavi.

Question 5. Do you know if there are mines or minerals on the rancho referred to?

Answer. It contains minerals.

PETER KITCHEN.

Sworn to and subscribed before me this 29th day of December, 1879.

[SEAL OF OFFICE.]

JOHN WASSON,
United States Surveyor-General.

Before the United States surveyor-general for Arizona.

TERRITORY OF ARIZONA,

County of Pima, ss:

CHARLES P. SYKES, being duly sworn, deposes and says: That he is one of the present owners of the rancho of "Tumacacori" and "las Calabazas"; that he has been an owner thereof for more than two years. Deponent further says that his vender delivered to him the original "testimonio" or duplicate title issued by the Spanish or Mexican governments and signed by the proper granting officers, and that this "testimonio" was under the Spanish and Mexican laws the original title; that he has caused diligent search to be made for the "matrix" of the original "testimonio" above referred to, as well in the government archives of the State of Sonora as in other records of the State; but that he has been unable to find the same; that he has been informed, believes, and states that it is notorious that during the frequent revo-

lutions and political disturbances occurring in Sonora during the last half a century, many of the ancient records of the country have been lost or destroyed. Deponent further says that the grant of Tumacacori and las Calabazas is referred to and called for in the records of the coterminous grants to wit: In the records of the grant of "San José de Sonoyta" in 1821, and in the grant of the surplus lands lying between the ranchos la Casita and Tumacacori in 1843, the rancho of Buena Vista granted in 1831, and possibly in others; that in the surplus grant above referred to, the registry thereof in the book of "Toma de Razon" existing in and forming a portion of the government archives of the State of Sonora, calls for the rancho of Tumacacori and las Calabazas as one of the boundaries thereof.

C. P. SYKES.

Sworn to and subscribed before me this 29th day of December, 1879.

[SEAL OF OFFICE.]

JOHN WASSON,
United States Surveyor-General.

Before the surveyor-general for Arizona.

TERRITORY OF ARIZONA,
County of Pima, ss :

R. C. HOPKINS, being duly sworn, deposes and says: That he is familiar with the Spanish language, and well acquainted with the character of Spanish handwriting, extending back from the present time through a period of two hundred and fifty years; that he has acquired this familiarity with the ancient and modern style of penmanship by the constant examination for twenty-five years of manuscripts in the Spanish language, the dates of which extend over the above mentioned period of two hundred and fifty years; that these examinations have been made in the Spanish archives of California, in the ancient archives of the province of Sonora, in the city of Mexico, and in other parts of Mexico; that he has in this way also acquired a familiarity with the handwriting and signatures of many of the Spanish and Mexican officials during the period referred to. This deponent further says that he has carefully examined the original title papers of the grant by the Spanish government and sale by the Mexican government of the pueblo of Tumacacori and las Calabazas, presented for examination by the claimants before the United States surveyor-general of Arizona, and finds—

1st. That the title papers of the grant of 1807, made by Alejo Garcia Conde, to the Indians of the pueblo of Tumacacori is written on paper and is in the handwriting corresponding with the paper and handwriting of that date, as found in the government archives; that the original grant issued by the intendente and delivered to the grantees, is signed with the genuine signature of Alexo Garcia Conde, and is stamped with the arms of Spain; and, that each leaf of the title papers bears the genuine "rubrica" of the intendente; all of which facts show that the papers are unquestionably genuine.

2d. That the papers in relation to the sale of the abandoned pueblo of Tumacacori by the Mexican government in 1844, show the character of handwriting corresponding with that date, and the grant or deed of sale delivered to the purchaser, Francisco A. Augilar, bears the genuine signature of Ignacio Lopez, treasurer-general of the State of Sonora. One of the assisting witnesses to the signature of the treasurer-general was José Maria Mendoza, with whose signature this deponent is very familiar, and his signature as such assisting witness is unquestionably genuine. The grant is stamped with the seal of the office of the treasurer-general and is written upon genuine stamped paper of the "bien" of 1844 and 1845 of \$4 per sheet.

And this deponent further says that after a very careful inspection of the papers referred to, he finds that they are, in his opinion, unquestionably genuine, written and signed at the time of their respective dates.

R. C. HOPKINS.

Subscribed and sworn to before me, this 30th day of December, 1879.

[SEAL OF OFFICE.]

JOHN WASSON,
United States Surveyor-General.

Opinion and recommendation by the United States surveyor-general.

The history of this claim, as shown by the original title papers, is as follows:

In the year 1806, Juan Legarra, governor of the ancient Indian pueblo of Tumacacori, situated in the jurisdiction of "Pimaria Alta," petitioned Don Alejo Garcia Conde, intendente of the province of Sonora, to issue to the Indians of his pueblo of Tumacacori, a grant of lands for the "*fundo legal*," and also for the stock-farm (*estancia*) of the pueblo; the grant asked for to replace the ancient title-papers which had been

given by the Spanish Government to the Indians of that pueblo, which papers had been lost or destroyed. The petition was made in accordance with the requirements of the royal instructions of October 15, 1754, and article 81 of the "*ordenanzas de intendentes*" of December 4, 1786. In compliance with said petition and in accordance with the laws above referred to, the lands petitioned for as the "*fundo legal*" of the pueblo (four square leagues) and for the "*estancia*" (stock-farm) of the same were surveyed by the proper officer, and on April 2, 1807, a title was issued by the intendente to the Indians of the pueblo for the identical lands asked for in the petition, which lands are fully described in the field-notes of the survey, as contained in the original title-papers. In measuring off the four square leagues of the "*fundo legal*" or pueblo lands, the cross in the cemetery of the pueblo was selected as the center and starting point, and from it 2,500 varas were measured towards the north down the creek to the boundaries of the neighboring presidio of Tubac, the line terminating in front of a *devisadero* (lookout hill); returning to the center the line was run towards the south 16,600 varas, the measurement terminating at the *cañada*, immediately at the place called Calabazas; returning to the center, 350 varas were measured towards the east from the bed of the river, the line terminating at the foot of a hill situated in a mesquite grove; returning to the center the line was run towards the west to a sloping hill at the place called "*El Mesquite Seco*" (the dry mesquite), to which point were measured 550 varas, which concluded the measurements of the "*fundo legal*" or pueblo lands, and give a tract of a little less than four leagues in length and less than a quarter of a league in width. The field-notes state that these measurements included all the sowing lands in the valley in the neighborhood of the mission, and also that some cords of the worthless lands were taken on the eastern and western sides. Under the law for the establishment of pueblos, the applicants were entitled to four square leagues as a "*fundo legal*," to be measured in a square or oblong form, according to the topographical features of the country.

The measurements of the "*fundo legal*" being concluded, the surveyor proceeded to measure off the "*estancia*" or stock farm which was selected so as to include the laces of "Guevavi," and "*la Boca del Potrero*." The central or commencing point of this survey was taken on the "*vega del rio*" (river bottom) from which a line was run 400 varas to the north, to the boundary of the lands of the "*fundo legal*" as surveyed to the pueblo; returning to the center, the line was run to the south 2,750 varas, to a point beyond the ancient pueblo or mission of Guevavi; returning to the center the notes state that the line was run eastward 1,350 varas, and that it was impossible to measure further in this direction on account of the roughness of the country; returning to the center a line was run to the west 1,900 varas to the base of the highest hill which looks towards the Potrero 2,750 varas, which concluded the measurements of the "*estancia*" or stock-farm.

Subsequently to the foregoing proceedings, the Indians of the pueblo of Tumacacori, made a petition to commandante Leon, setting out that it could be proven that the ancient title papers of the pueblo which had been lost, showed that in the direction of Guevavi, the lands pertaining to the pueblo or mission extended to the boundaries of the rancho of Buenavista, belonging to the Romero, the boundary monuments of which still existed beyond the place "*la Yerba buena*;" that these lands had been acquired by purchase with the funds of the community of the mission; that on account of the increase of their stock these lands were required for their use, and therefore they asked that testimony of witnesses be taken in relation thereto. Accordingly several witnesses were examined who testified in substance, viz: That on the side of the south or towards Guevavi, the lands of Tumacacori extended to the boundaries of the rancho of Buenavista, belonging to the Romero; that in the direction of the Potrero, the boundary monument was placed above the "*cienga grande*" (large marsh), and that on the side of the east the monument was placed in the "*caxon*" (valley) of the Sonoyta on a very sloping mesa or table land. Upon this petition the attorney-general made a favorable report, whereupon the intendente granted the petition of the Indians, on the condition, however, that if the ancient and deserted pueblo of los Calabazas should ever be resettled, the lands belonging thereto should be restored to the pueblo. The area thus embraced in the *estancia* or stock farm does not exceed one-half of a square league, and the quantity within the boundaries as proven by witnesses to have anciently existed, cannot be ascertained without an examination upon the ground and an actual survey of the premises. Tumacacori was an ancient Indian pueblo, probably existing on the settlement of the country by the Spaniards, at or near which was established a mission by the Jesuit fathers about the commencement of the last century. This mission and pueblo, with the neighboring Indian pueblos of Guevavi and Calabazas, for a long time existed in a more or less prosperous condition under the protection of the adjacent military post of Tubac. For future as well as present use, a careful and extended examination of the laws, usages, and customs bearing upon the origin, establishment, government of and rights appertaining to missions, presidios, and pueblos has been made; and as this is the first case reported upon in which these several institutions are more or less involved, I in-

corporate herein a historic sketch which it is believed contains all the facts necessary to an intelligent and correct understanding of this and like cases, viz:

SPANISH MISSIONS, PRESIDIOS, AND PUEBLOS.

From the time when the ships of Hernan Cortez first sailed the Vermillion Sea (Gulf of California), about the year 1535 to about the close of the seventeenth century, a period of more than one hundred and fifty years, the Spanish Government made repeated and fruitless attempts to establish a settlement on the western coast of America at some point north of Cape St. Lucas. In one of these expeditions, in 1542, Juan Rodriguez Cabrillo ascended the coast to latitude 43°, and it was during this voyage that Cape Mendocino was discovered and so named in honor of the viceroy Mendoza; in 1602, Sebastian Vizcaino with five ships entered the bay of Monterey and gave to it the name of the then viceroy. During this period several English navigators, together with the Spanish explorers, visited the coast, the most notable of which were Drake and Cavendish, the latter of whom, in 1587, captured (near Cape St. Lucas) the Spanish galleon, Santa Ana, with \$5,000,000.

One of the reasons why the Spanish Government was anxious to make a settlement on the coast north of Cape St. Lucas was that the galleons which made yearly voyages between Manila and Acapulco might have a stopping place at which to refresh their crews which, during the long passage from the East Indies to the coast of America, generally suffered from scurvy; and inasmuch as by the prevailing winds the voyager westward from Manila was carried so far north as to reach the coast of America at a point far to the north of Cape St. Lucas, and from which point it was still a long passage down the coast to Acapulco, it was very desirable to have a settlement at this point at which vessels could stop, refresh their crews and obtain needed supplies.

After expending millions of treasure in these fruitless attempts, finally, near the close of the seventeenth century, the Spanish Government, through the viceroy of Mexico, made a contract with the Jesuit order for the settlement or reduction of the country known as Lower California, by the establishment of missions in that region. The original of this contract, bearing the signature and the great seal of the viceroy, is now in possession of a gentleman in San Francisco. Under this agreement, in 1683, fathers Salvatierra and Kino, the latter originally a learned mathematician and astronomer of Ingolstadt, landed at La Paz in Lower California, and commenced the establishment of the Jesuit missions of that peninsula—the mission of Loreto on the the gulf coast, being the first one established.

From this time on, Jesuit mission establishments were made on the peninsula of Lower California, towards the north, which continued in a more or less prosperous condition until the year 1767, when, by royal decree, the Jesuit order was banished from all parts of the Spanish dominions. This order of missionaries was succeeded by the Franciscans who, under the direction of the celebrated Father Junipero Serra, established the missions of Upper California, the mission of San Diego and that of Carmelo, near the present town of Monterey, being founded during the year 1769.

While Father Salvatierra was occupied with the missions of Lower California, his co-worker, Father Francisco Eusebio Kino, undertook and accomplished the exploration of the country lying between the Gila River on the north, the Spanish settlements in the province of Sonora on the south, and the Gulf of California and the Colorado River on the west. This region, called "Pimaria Alta," was inhabited by the Pimas, Cocamaricopas, Opatas, and other tribes of Indians, who had many villages therein; they were comparatively docile, and were without much difficulty reduced by the Jesuit fathers to a condition of semi-civilization.

To the north of this region dwelt the savage and untamable, Apache who defied all attempts made by the missionaries to reduce him to civilization, being ever the inveterate enemy of the other tribes, as well as of the Spaniard. Indeed the Jesuit chronicler of 1739 declares that for eighty years prior to that time the Apache had been the constant terror of the country.

In this country of "Pimaria Alta," up to 1742, seven missions had been established by the Jesuit missionaries, to wit: Dolores, with two pueblos; San Ignacio, with two pueblos; Tibutama, with nine pueblos; Caborca, with four pueblos; Sumaca, with many rancherias; Guebavi (Huebavi), with settlements of Spaniards and many Indians; and San Xavier del Bac, with many Indians.

The last two of the above mentioned missions were situated on the Santa Cruz River; San Xavier del Bac, near the presidio of Tucson, and Guebavi (Huebavi) about fifty miles therefrom and near the Mexican boundary.

The Indian pueblo or mission of Guebavi (Huebavi) became subsequently a very important missionary establishment under the name of the mission and pueblo of Tumacacori, which name it still bears. It existed under the protection of the neighboring presidio of Tubac until that military post was abandoned, when the country was desolated by the Apaches.

For the support of the Jesuit missions in these regions, Philip V of Spain granted an annual sum of \$13,000.

MISSIONS.

By the first Spanish settlers of the New World the aboriginal inhabitants of the country were treated with extreme cruelty, but the system of oppression inaugurated by the early, lawless adventurers, in their rapacious thirst for gold, was soon changed by the interference of the Spanish Government and the intervention of the Catholic Church. From the time of the Emperor Charles V the laws of the Indies abound in provisions made for the protection and preservation of the Indian races, and the officers of government were required to cause these laws to be promptly and strictly executed, and to see that the Indians should be treated with humanity and induced by mild and persuasive measures to embrace the Christian faith and adopt the habits of civilization. Marriage was encouraged between the Spanish soldiery and the natives of the country, and all possible measures were taken for the preservation of the native races.

For the settlement and civilization of the wild regions of America, the Spanish Government adopted the system of missions. These establishments, while they were under the direction and control of the different orders of the Catholic Church, were fostered and protected by the government, which not only facilitated the founding thereof, but established military posts in the neighborhood for their protection, the soldiers of which posts being required, when needed, to defend the missions against the hostile savages, and also to furnish escorts to the missionaries in their tours of exploration. The local government of the country was, therefore, military and ecclesiastical. Under this system many missions and military posts, or presidios, were established in Spanish America, between the middle of the sixteenth and the commencement of the nineteenth century.

For the location of a mission a spot was selected suitable for grazing and agriculture, and near which were many Indian villages and rancherias. Around this place, by means of presents and otherwise, the Indians were induced to collect. A rude church or chapel was constructed in which, in presence of the wondering savages, were performed the imposing rites of the church, and where the Indians were gradually initiated into the mysteries of the Christian faith; in the mean time supplying the catechumens with such comforts in the shape of food, clothing, and lodging as they had been unaccustomed to in their savage life. In this way the Indians were easily induced to accept the simple teachings of the missionary fathers and to submit to their usually mild and paternal rule.

Missions thus established in a fertile and populous Indian country, and being fostered and protected by the government, would naturally prosper and grow rapidly into important establishments. To many of these missions belonged thousands of christianized Indians. They had immense herds of horses, cattle, and sheep; they raised large quantities of grain, cultivated the vine and the olive, and were generally well supplied with the necessaries and many of the luxuries of life, which the fathers were ever ready to dispense with liberal and hospitable hands to the wandering stranger who chanced among them. Such of these establishments as were situated in fertile regions near the sea-coast in time grew into commercial importance; thousands of cattle were every year slaughtered for their hides and tallow, which were sold or bartered to the foreign traders, and these articles, together with the peltries of the northwest coast, were what first attracted the Boston trader to the coast of California. The mission establishments were located at such distances from each other as to give ample room for future growth and prosperity. While there were no fixed boundaries between them, it was tacitly understood that each mission had its jurisdiction within which it claimed the spiritual control of the Indians and the right of sowing its fields, reaping its harvests, and pasturing its herds.

The missions thus established under the fostering care of the Spanish Government claimed in early times a right to the use of so much of the country as they needed for sowing and grazing purposes, which right was rarely disputed by the outside ranchero, and when disputed it was always without success; for in those times the missionary fathers were the temporal as well as the spiritual lords of the country. This prosperous condition and commanding position of the missions continued so long as the Spanish Government remained in power, but so soon as the dominion of the country was lost to Spain they began to decline. Republican Mexico did not treat the missions with the consideration they had received from the monarchy of Spain.

In 1824 the Mexican Congress passed the law of colonization. Under this law the lands theretofore occupied by the missions were grantable to settlers under certain conditions and restrictions; however, before making grants of such lands the priests of the missions, possibly from long habit or out of courtesy, were generally consulted as to whether or not the neighboring mission required the land for the use of its stock; and it is worthy of note that generally the missions needed the land although its stock may have decreased to a few hundred head, for it was with extreme reluctance that the church relinquished its temporal possessions. The mission possessions which in early times embraced so much of the country as the mission fathers desired, were thus,

from time to time, reduced by grants made by the government to individuals until 1831-'32, when a decree was passed by the Mexican Congress for the secularization of the lands occupied by the missions and the conversion of these establishments into pueblos. This decree was, however, but partially carried into effect.

In 1846 the mission establishments of California were sold by order of the government at public sale to the highest bidder, reserving from such sales only such portions of the establishments as pertained to and were necessary for the support of the divine service. These sales were claimed by the government to be made as a military necessity, in order to raise funds for the defense of the country during the American invasion. The claims to the lands thus sold were presented by the owners thereof for confirmation before the courts of the United States, and some, if not all, of such as were carried to the Supreme Court were finally rejected.

In 1851 the commission was organized for the settlement of private land claims in California. Before this commission were presented in behalf of the Catholic Church claims for the *church properties* of the mission establishments of California, which properties embraced the church buildings and cartilages, and the cemeteries, gardens, and orchards *used and occupied* by the mission establishments. These claims were finally confirmed by the courts of the United States, and many of them have been patented to the church.

From the foregoing it is manifest that *the missions had no ownership of the lands which they occupied with their Indians and stock*; and that the boundaries of the mission possessions were only conventional, and that they were constantly reduced as lands embraced therein were, from time to time, granted by the government to private individuals until the establishments were finally extinguished by decree of secularization.

The mission system, as carried out on the American Continent by the Catholic Church, under the fostering protection of the Spanish Government, was eminently successful in preserving from destruction the aboriginal races of the country, as is shown by the Indian races of pure and mixed blood still existing in all parts of Spanish America.

The Spaniard preserved the Indian, gave to him his language and religion, but lost the dominion of the country.

PRESIDIOS.

Presidios were, in America, military garrisons established for the protection of earl mission and pueblo settlements, and also on the frontiers to guard against the aggressive incursions of the neighboring savage tribes. For this purpose, during the last century, an order was made by the government for the establishment of a line of presidios extending from the Pacific Coast to the Gulf of Mexico. While these presidios remained garrisoned by Spanish soldiers the northern frontiers of Mexico were protected against the inroads of the savages; but so soon as they were abandoned the whole of this region became a prey to the marauding Apache and Comanche; the mines which, under the protection of Spanish rule, had been productive, were abandoned; the ranchero was murdered or driven off, his stock destroyed, and the country turned into a wilderness. Presidios were government establishments located at such points as it was deemed necessary to have them; they were under the charge of commandantes who were subordinate to the governor of the province. Being purely governmental establishments they acquired *no corporate* rights to the lands upon which they were situated, such lands still continuing as the property of the government. Notwithstanding this, it was found expedient in the new countries of America to give the commandantes of presidios authority to grant lands to soldiers and others who desired to make homes under the shelter of their protection, for the following obvious reasons:

Soldiers were often men of families, and every inducement was offered by the government for the marriage of soldiers with the native women of the country. It was necessary for soldiers with families to have homes for the same outside of the barracks and further, it was desirable to encourage settlements around these presidios, which were generally located in frontier regions. For these reasons, in 1791, an order was made by Commandante General Felipe de Nava, to the following effect:

"That notwithstanding the provisions of article 81 of the ordinances of intendentes captains of presidios were authorized to grant and distribute house-lots and lands to soldiers and settlers who might desire the same for residence. It was considered that for such a settlement a territory embracing four square leagues was sufficient, to be measured from the center of the presdial plaza, one league to each of the cardinal points; and the captains of presidios were permitted to make grants within these four leagues, but in no case to grant beyond these limits." This gave to the presdial establishments the character of an incipient pueblo, making it a nucleus around which, in time, a pueblo might grow up, which, in point of fact, was sometimes the case, as is shown by the history of the countries in which presdial establishments were locate d.

Records of such grants as were made by captains of presidios, in accordance with

the foregoing order, were retained in the local presidial archives, and are not now found in the ancient archives of the province or state in which the presidio was located, and some of such records are known to have been lost or destroyed beyond recovery.

Within the present Territory of Arizona there are only two presidios, those of Tucson and Tubac. A few miles south of the present Mexican boundary-line were those of Santa Cruz and Fronteras.

I UEBLOS.

The inhabitants of Spanish America resided mostly in towns or villages, being induced to do so partly for protection and partly, perhaps, from social and religious considerations. The American or English farm-house was an establishment unknown in that country. The pueblo, or village, had its plaza, church, and "juzgado" (court-house), around which the dwellings of the inhabitants were located. At a short distance from the village were located the "milpas," or planting and sowing grounds of the villagers. Remote from these, generally, were established the stock haciendas, which were in charge of major-domos or foremen, who employed many peon herdsmen, the owners of which resided with their families in the village or town. The establishment of towns under the Spanish government in Mexico was not the result of commercial accident or individual enterprise; they were laid out in accordance with the laws of the Indies, which were, from time to time, passed for the establishment and government of pueblos.

Law 1st, book IV, title 5, Law of Indies, provided: That, for the location of a pueblo, a healthy spot shall be selected, with pleasant climate, good water, and abounding in wood and pasturage, and in the neighborhood of which are many Indians, who may be taught the doctrine of the holy evangelists.

Law 6th provides that bachelors shall be persuaded to marry, in order to increase the population.

Law 7th declares that an organized pueblo shall contain at least thirty inhabitants, each one to have ten breeding cows, four oxen, one brood mare, one sow, twenty Castilian ewes, six hens, and one cock.

Law 9th provides for the distribution of house lots and sowing lands to the pueblo settlers.

Towards the close of the last century instructions based upon the laws of the Indies, were issued by the "commandante-general" of the western provinces and approved by the King, for the establishment of the town of Petic (Hermosillo), in the province of Sonora, which instructions were ordered to be adopted by the other settlements (poblaciones) that might be established in the district of the "commandancia." The general provisions of these instructions were as follows:

The site of the pueblo having been selected in accordance with the laws of the Indies, above referred to, four square leagues of land in a square or oblong form, as might be required by the topographical features of the country, were to be surveyed and the boundaries so marked as to be clearly distinguishable; the town to be located at a distance of at least five leagues from any other Spanish town. So soon as the town contained thirty settlers, a council was to be established, composed of two alcaldes, six regidores, one syndico or prosecuting attorney, and one superintendent of the municipal property. The four square leagues granted to the pueblo being measured and the monuments established, the pastures, woods, waters, stone quarries, fruit trees, hunting, fishing, and other privileges were for the common use and benefit of the Spaniards and Indians residing within the limits of the territory marked out, and the residents of the town were to enjoy the wood, water, pasture, and other advantages of the royal or vacant lands lying outside of the lands assigned to the new settlement, equally, and in common with the inhabitants of the neighboring pueblos. Streets were to be laid out by the authorized engineer in such a manner as to facilitate traffic and the intercommunication of the inhabitants, a due regard being paid in the arrangement thereof to symmetrical proportion; after which, on the four fronts thereof, were to be set apart the "exidos" or commons, which were designed for the recreation and other common uses of the inhabitants of the pueblo; and as the settlement increased these commons were to be divided into building lots and the commons extended, they being always on the outskirts of the pueblo settlement. Pasture grounds were to be selected for the use of the working animals; for this purpose such lands were, if possible, to be chosen as were abundant in pasture and not of the best quality for the production of grain, vegetables, &c.; and thereafter a careful estimate had to be made of such lands as were susceptible of irrigation, and of such as were capable of producing crops without irrigation, and both of these classes of lands were to be divided into lots of four by two hundred varas.

The sowing lots having been surveyed and their number ascertained, eight thereof were to be selected and set apart to the pueblo for the providing of a municipal revenue. This property was placed in charge of the major-domo of the pueblo, who was required to make annual reports to the town council. For the first year these pueblo lands

were to be plowed and cultivated by the joint labor of the inhabitants in proportion to their means; afterwards the expenses of cultivation were to be defrayed by the products of the land, the net profits to go to the pueblo fund. The remaining lots of two by four hundred varas were for distribution among the settlers, according to their means and necessities; in making such distribution the commissioner for that purpose was required to exercise a sound and impartial judgment. Where several sowing lots were given to one person they were to be as nearly contiguous as possible, for convenient cultivation.

House lots in the town were to be distributed among the settlers by drawing lots. A book of registry (*quaderno*) was to be kept in the archives of the town council, in which were to be entered the names of the settlers, with a brief description of the sowing and house lots that had been granted them; the commissioner to give certificates that such records existed in the book of registry.

Grants were made in the name of the king, to the grantees, their children and descendants forever, with right of inheritance, under the positive condition that they should keep arms and horses, and be ever ready to defend the country against the attack of enemies. During the first four years after receiving the grant, the grantees were not allowed to alienate or encumber the property granted; and within two years they were required to cultivate the sowing lands donated to them and commence building on the house lots, and in case of abandonment for more than two years they could be donated to more diligent settlers.

Water ditches were to be so arranged that all the lands susceptible of irrigation might receive an equal benefit of the water, the control of which was under the direction of the town council.

To prevent damages by stock running at large, two *alcaldes* were to be appointed as "guardias de campo" (guardians of the fields), one to be on duty at daytime and the other at night. The town council exercised a constant supervisory care over all matters relating to the interests of the pueblo and its inhabitants.

Under these regulations, after they were issued, were established all the pueblos of Spaniards that were founded within the district governed by the *comandante general* of the western provinces of Mexico, including the province of the Californias, which jurisdiction extended towards the east to the jurisdiction of the *comandante general* of the eastern provinces. Besides these pueblos of the Spaniards there were many Indian pueblos, most if not all of which were in existence at the time of the first settlement of the country by the Spaniards. It is said that within the limits of the ancient province of Sonora more than thirty Indian pueblos or villages existed at the time of the first Spanish settlement, such as Bacuachi and Baccanuchi on the headwaters of the Sonora River, and Guebavi or Tumacacori on the Santa Cruz. Many of these Indian pueblos were preserved by the Spaniards, their organizations continuing under the government of native municipal officers.

From the foregoing are shown the habits of life and the industrial pursuits of the Spanish inhabitants of Mexico, and indeed of all the pastoral portions of Spanish America outside of the commercial cities. There were the missions with their multitudinous herds and thousands of neophyte Indians who, under the usually mild discipline of the fathers, were taught agriculture and some of the simpler mechanical arts, and probably learned as much of the mysteries of the Christian faith as their minds were capable of comprehending. Presidios were established on savage borders and at such points as were necessary for the protection of the mission, the herdsman and the dweller of the pueblos, which were located in fertile and sheltered spots, well watered and abounding in wood and pasture, surrounded by vineyards, orchards, and sowing lots; and in these hamlets lived the families of the country, convenient to the service of the church, and where they could enjoy the pleasures of social intercourse and indulge in such luxuries as the country afforded and their means permitted. More or less remote from the pueblos were located the large stock haciendas in charge of the major-domos, the owners of which resided with their families in the neighboring pueblo or in the distant city. Add to the foregoing a description of the mining hacienda, which was usually located in a wild and mountainous region, and we have a complete picture of country life in Mexico while it remained a Spanish province.

The presidio has been abandoned; the ancient mission is in ruins; the pueblo has fallen into decay, and the wild deer feeds where once grazed the cattle of the wealthy *ranchero*.

On the abandonment of the military post of Tubac by the Spanish troops, the mission of Tumacacori was also abandoned, and the Indian pueblos pertaining thereto were deserted by their inhabitants; therefore, on February 10, 1842, the Mexican Congress passed a decree ordering the sale, for the benefit of the public treasury, of such abandoned and deserted establishments as that of the pueblo and mission of Tumacacori and the "estancia" or stock farm thereof, which embraced the places of Guebavi and Calabazas. Under this decree the property above referred to was sold at public auction on April 18, 1844, by the board of sale, for the sum of \$500; and on the 19th of the same month

Ignacio Lopez, treasurer-general of the department of Sonora, issued a title to the purchaser, Aguilar, under the official seal of the treasury department, for the lands of the "fundo legal" and stock farm of the pueblo or mission of Tumacacori, precisely as they were described in the survey made thereof in 1807, as shown by the field-notes contained in the proceedings relating thereto. This grant contains the usual condition of occupation and the penalty in case of total abandonment thereof. It appears from the records that Aguilar continued in the ownership of the granted lands until May 2, 1869, when he sold the same to Don Manuel Maria Gaudara, who, on the 24th day of July, 1877, sold said lands to C. P. Sykes, one of the present claimants. It is shown by the testimony taken in this case that Don Manuel Maria Gaudara was in possession of the premises with a large amount of stock and a number of employés as early as 1852, this being long before he bought the property. This possession by Gaudara is explained by the following scrap of political history of the Mexican State of Sonora:

For many years a bitter war was waged between the Gaudara and Pesquiera political factions of Sonora. In this contest Pesquiera was the more powerful party, since he succeeded in driving Gaudara from the state and compelling him, for several years, to seek refuge in a foreign land. It was during this time that Gaudara (doubtless by the invitation of Aguilar) removed a portion of his property to the rancho of Tumacacori, which he occupied for several years in stock-raising, agriculture, and manufactures, and continued such occupation until the premises were taken possession of by the troops of the United States.

In consideration of the foregoing historic facts in relation to this claim, and of the laws, usages, customs, and testimony in relation thereto, I find—

1. That the *bona-fide* character of the claim is established beyond a doubt; that although the "matrix" of the original expediente cannot now be found in the Mexican archives of Sonora, yet that it once existed there in its proper place cannot be reasonably questioned. It is shown by the affidavit of R. C. Hopkins, filed in the case, that the handwriting, paper, &c., of the title to the Indians of the pueblo of Tumacacori of 1807, correspond in character with the handwriting and paper of that date as found in the government archives of the ancient province of Sonora. This affiant also states that he is familiar with the signatures of Alejo Garcia Conde, Ignacio Lopez, and José Maria Mendoza the granting officers, and that their signatures to the original title papers, so filed, are unquestionably genuine. The genuine character of the title papers, is further established or supported and the location of the tracts granted, fixed by the official records of the coterminous grants, as well as by contemporaneous history and tradition. The report made by Special Agent R. C. Hopkins in relation to the records in Mexico of Spanish grants in the territory of Arizona, shows that this grant is called for as a boundary in the grants of "Buena Vista," "Juan José de Sonoyta," and in the grant of the "Sobrante" lands lying between the ranchos of "La Casita" and Calabazas (Tumacacori). A record of these several adjacent grants is found in the Mexican or government archives in Sonora.

2. That under the laws of Spain in relation to the establishment of pueblos, the pueblo of Tumacacori was entitled to four square leagues as a "fundo legal" or pueblo territory, but that a much less quantity than four square leagues was included within the measurements actually made as shown by the field-notes of the survey made in 1807; that the said measurements of the "estancia" or stock farm, embrace a much less quantity than the two *sitios* called for in the title papers, and the addition thereto, subsequently asked for by the Indians and granted to them, was limited by boundaries, and hence the quantity cannot be known without an actual survey.

3. That the premises in question were in useful occupation by Governor Manuel Maria Gaudara at the time when the dominion of the country was ceded by the Government of Mexico to that of the United States, and that he remained in possession thereof for several years thereafter, and probably until he was forced to abandon them.

4. That portions of the granted lands, according to the testimony in this case and the general understanding, contain minerals.

5. That the derangement of title from the purchaser, Francisco A. Aguilar, who in 1844 denounced the land, down to the present claimants, appears to be perfect.

I therefore recommend a confirmation to the claimants, C. P. Sykes and John Currey, of the lands belonging to the ancient Indian pueblo of Tumacacori (as a "fundo legal"), embracing four square leagues; and also of the stock-farm or "estancia" belonging to said pueblo, which embraces the ancient places of Guevavi and Las Calabazas, and which is to be located in accordance with the boundaries called for in the original title papers filed in the case.

JOHN WASSON,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Tucson, Arizona, January 7, 1880.

OFFICE OF THE UNITED STATES SURVEYOR-GENERAL
FOR THE TERRITORY OF ARIZONA.

I, John Wasson, United States surveyor-general for the Territory of Arizona, hereby certify that the foregoing is a correct transcript of the original title papers in the claim of C. P. Sykes and John Currey of and to the ranchos of Tumacacori and Las Calabazas, and also of the exhibits filed and evidence taken before me in support of said claim, and that the translations therein have been examined and found correct; all of which remain on file in the archives of this office.

Given under my hand and official seal at Tucson, on this seventh day of January in the year of our Lord eighteen hundred and eighty.

[SEAL.]

JOHN WASSON,
United States Surveyor-General.

