

LETTER
FROM
THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Report of the surveyor-general of New Mexico on private land claim
No. 157.*

JANUARY 28, 1889.—Referred to the Committee on Private Land Claims and ordered
to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1889.

SIR: In pursuance of the requirements of the eighth section of the act of Congress approved July 22, 1854 (10 Stats., 308), I have the honor to transmit herewith for Congressional action the report of the United States surveyor-general for New Mexico on the private land claim in the name of Josefa Baca, for the Pajarito tract, No. 157, in said Territory; also copy of letter of the 25th instant from the Assistant Commissioner of the General Land Office transmitting the report.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 25, 1889.

SIR: I have the honor to transmit herewith for submission to Congress the report, in duplicate, of the surveyor-general for New Mexico, under the eighth section of the act of Congress approved July 22, 1854 (10 Stats., 308), on the private land claim in the name of Josefa Baca, for the Pajarito tract, No. 157.

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

T. J. ANDERSON,
Assistant Commissioner.

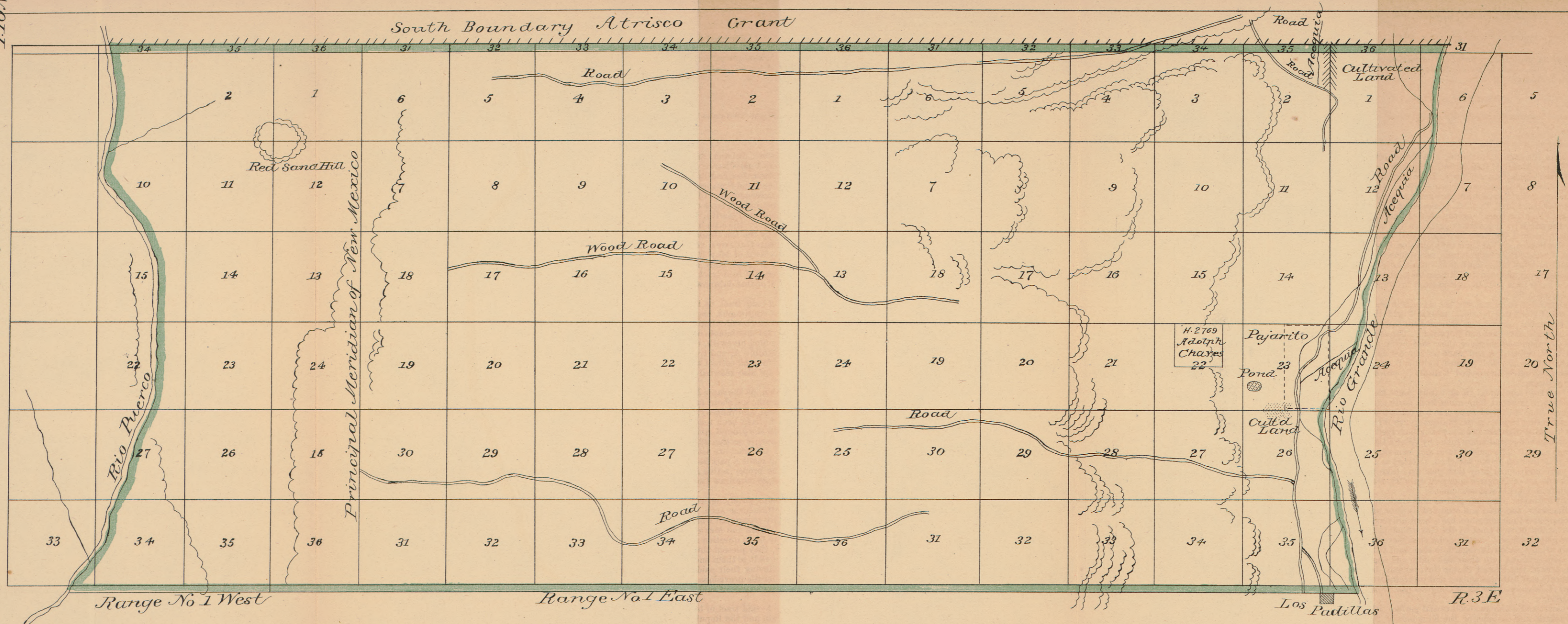
Hon. W. F. VILAS,
Secretary of the Interior.

T. 10 N.

Township No. 9 North

T. 8 N.

South Boundary Atrisco Grant



Sketch Map of the PAJARITO TRACT

File No. 210.]

[Reported No. 157.]

Transcript of the documents on file in the office of the United States surveyor-general for the Territory of New Mexico in the matter of private land claim, reported No. 157, in the name of Josefa Baca, for the "Pajarito" tract.

CLAIMANT'S PETITION.

[In the office of the United States surveyor-general for New Mexico. Private land claim No.—.]

To Hon. GEORGE W. JULIAN,
Surveyor-General for New Mexico:

SIR: Your petitioners, Thomas C. Gutierrez, Ana Maria Gutierrez, Juliana Gutierrez, Francisco Chavez, William Durand, Ramon Ortiz, Ygnacio Pena, Juan Chavez y Pena, Francisco Chavez 3d, José Munes, Corras Tenieta, Estenislao Cerascino, José Padilla y Meribál, Cleto Sarrasiano, Silvestre Sarrasiane, Vicente Padilla y Mariano, and Francisco Pena, respectfully show and set forth that they are the lineal heirs and descendants of Clemente Gutierrez, who departed this life A. D. 1785, possessed of and owning the tract of land known and called the "Pajarito tract," or the sitio of San Ysidro de Pajarito," which tract is bounded on the north by the Atrisco grant, on the south by the sitio or place called "Los Padillas" (being 4,450 varas in width), on the east by the Rio Grande, and on the west by the Rio Puerco. That their said ancestor, Clemente Gutierrez, acquired said tract from Capt. Antonio Baca by purchase, as evidenced by deed of May 10, 1785, who had acquired said tract by inheritance from his mother, Doña Josefa Baca, and by purchase from the other heirs, the said Josefa Baca being the owner of said tract and in possession of the same as far back as 1746, as evidenced by her will of that date now on file in your office as archive No. 94.

And your petitioners claim to be and are the owners in fee of said tract of land by virtue of the purchase of the same by their ancestors, and the continuous, exclusive, uninterrupted, and peaceable possession of the same for the past one hundred and fifty-one years through their said ancestors and in person. The original muniments of title, wills, archives, and documents establishing their said claim are filed herewith, marked respectively from A to W, referred to and made part hereof as Exhibit A, and true and correct transcripts thereof are also filed marked Exhibit B, and true and correct translations thereof are also filed herewith marked Exhibit C, which are also referred to and made a part of this petition.

That the amount of land contained in said tract is not known, as the same has not been surveyed, but that it is about four miles from north to south, and about fourteen miles from east to west; that said tract comprises township 9 north, and ranges 1, 2, and 3 east, and 1 west, according to the United States surveys which have been made over the same, but only range 3 east has been actually surveyed on the ground, and upon which there has been one homestead entry made by Adolfo Chaves, in section 22, township 9 north, of range 2 east. The general form and location of the tract are set out in the sketch map or plat thereof hereto attached, referred to and made a part hereof as Exhibit D. And your petitioners pray that you may take the proper action as provided in section 8 of the act of Congress approved July 22, 1854, to withdraw the lands covered by the claim from market and settlement.

No mineral is known to exist upon any part of this tract, it being purely agricultural and grazing in its character, and used and occupied by your petitioners as such.

That your petitioners and their ancestors have been universally recognized from time immemorial as the owners of said tract by the Governments of Spain and Mexico, and by the people in the neighborhood. But in order that there may be no question now or hereafter on the part of any person in regard to their said title, they present this their petition that you may examine into their said claim and approve it to them and their heirs forever on the part of the United States Government; believing their said claim and rights to be entirely and fully recognized and protected under the provisions of the treaty of Guadalupe Hidalgo, and the act of Congress passed in pursuance of said treaty approved July 22, 1854.

Your petitioners assert and claim an absolute and perfect title to said tract of land by virtue of the laws, usages, and customs of the Kingdom of Spain and the Republic of Mexico, and guaranteed to them by said treaty of Guadalupe Hidalgo, as well as by the continuous, exclusive, uninterrupted, and peaceable possession of the same since the date of said treaty up to the present time. In evidence of which they refer again to the archives of your office, ancient deeds, wills, and judicial writings, submitted herewith as exhibits, and such further documentary and oral evidence as they may produce.

They date their claim from the year 1746, at which time said tract had been in the possession of Josefa Baca, as shown by archive No. 94 in this office, but for how long or in what manner she obtained the same it is impossible to ascertain.

It is not believed that this claim will conflict with any other, except the claim of the United States and claimants under it.

Wherefore your petitioners earnestly pray that you will examine into and approve their said claim, and recommend the same to Congress for confirmation to their heirs, descendants, and legatees of Clemente Gutierrez, as their respective interests may appear.

And to that end, that you will take their testimony record, written and oral, which they may offer in support of their said claim at an early day.

And your petitioners will ever pray.

EDWARD L. BARTLETT,
Attorney for Petitioners.

Dated Santa Fé, N. Mex., September 10, A. D. 1877.

List of documents filed as exhibits with claim for tract of Pajarito and abstract of their contents.

Archive No. 94. In surveyor-general's office, will of Josefa Baca and inventory citing the sitio of Pajarito by boundaries, dated in 1746.

1. 1748. Doc. A. Deed from Josefa Baca to Antonio Baca of his share of the Rancho Pajarito, inherited from his mother, dated August 11, 1748. Consideration, \$200.

2. 1751. Doc. B. Deed from Miguel Lusero for his wife, Rosa Baca, to Antonio Baca, of her share of the Rancho Pajarito, inherited from her mother, Josefa Baca, dated November 6, 1751. Consideration, \$200.

3. 1754. Doc. C. Deed from Manuel Baca to Antonio Baca of his share in the Rancho Pajarito, inherited from his mother, dated June 20, 1754. Not signed. Consideration, \$300.

4. 1757. Doc. D. Deed from Domingo Baca to Antonio Baca for his share in the Rancho Pajarito, inherited from his mother, dated November 9, 1757. Consideration, \$500.

Doc. D. I. Clemente Gutierrez died April 20, 1785, but two days previous gave power to make will. Archive in surveyor-general's office No. 371.

5. 1 85. Doc. E. Deed from Antonio Baca to the family of Clemente Gutierrez of a tract of land, giving boundaries, same being the interest in the Pajarito Rancho, due the two sons of Antonio Baca, dated May 10, 1785. Consideration, \$1,200.

6. 1786. Doc. F. Power of attorney from Maria de la Luz Baca to Antonio Baca to sell her interest in the Rancho Pajarito, dated May 27, 1786.

Doc. F. b. Deed from Maria de la Luz Baca to Francisco Garcia de Ruiz of her interest in the Rancho Pajarito, inherited from her mother, Monica de Chavez, dated October 30, 1787. Consideration, \$600.

Doc. F. c. The above deed being indorsed and transferred by Juan Garcia Ruiz and his sisters to Lorenzo Gutierrez, dated June 20, 1817.

Doc. F. d. Antonio Baca consents to and indorses the sale made by his daughter, Dona Maria de la Luz Baca to Don Francisco Antonia Garcia, of the lands which he (Baca) gave her as her inheritance, but apparently only in trust to Garcia, and this sale to him to be revoked by Antonio Baca at his pleasure. This instrument, dated June 26, 1786, and recorded in Bernalillo County, December 29, 1879.

Doc. G. Statement of Antonio Baca made under oath at the request of his grandson, Don Lorenzo Gutierrez, concerning his ownership of the Rancho Pajarito, dated May 26, 1792.

Doc. G. 2. Archive in surveyor-general's office No. 122. Proceedings and official investigation in regard to share of Isabel Baca's heirs in Pajarito, and finding that Lorenzo Gutierrez occupied and cultivated a large portion of same; this in year 1792.

Doc. G. 3. May 16, 1789. Official measurement and partition of the tract among the six heirs of Josefa Baca, they being Antonio, José Rosa, Isabel, Domingo, and Manuel. There being from north to south 89 cordels of 50 varas each, or, in all, 4,450 varas, and extending from Rio Grande to Rio Puerco.

Doc. H. Lease and agreement to exchange lands to Lorenzo Gutierrez by the other heirs interested in Pajarito, dated June 10, 1803.

Doc. I. Lease and agreement by Maria de la Soledad and Maria Louisa Gutierrez by their husbands, José M. de la Pena and José Miguel Ortiz, to exchange lands with Lorenzo Gutierrez in Pajarito, similar to last above, dated June 3, 1803.

Doc. J. Measurement and division of Pajarito in 1806. (Is a memorandum of official partition contained above in document G. 3.)

Doc. K. Power of attorney from Gertrudes Duran to Ramon Suares to sell land inherited from her mother, dated June 21, 1806. Authenticated June 21, 1808.

Doc. L. Will of Josefa Apolonia Baca, dated November 18, 1809, widow of Don Clemente Gutierrez and mother of six children, viz, Lorenzo, Dona Lorenza, Dona Maria Manuela de la Soledad, Dona Maria Louisa, and Don Juan, and one who died. Don Lorenzo, being executor and having community interest with her under a contract referred. Codicil to will dated July 25, 1812.

Doc. M. Deed from Juan Duran to Mariano Mestas of his interest in Pajarito inherited from his mother Barbara Baca, dated May 6, 1815.

Doc. N. List of property belonging to the maternal inheritance of Don Lorenzo Gutierrez in possession of Dona Apolonia Baca at her death; mentions Pajarito. Dated January 14, 1817.

Doc. O. List of property and values of same belonging to estate of Dona Apolonia Baca at her death; recites her heirs as in Doc. L. by name and partition of Pajarito among them, which they all agreed to. Dated January 16, 1817.

16. 1817. Doc. P. Statement of the proportion of the estate of Dona Apolonia Baca which was inherited by the heirs of Dona Lorenza Gutierrez, dated January 16, 1817. One-fifth second of one-half of Pajarito, and citing the fact that they were then absent in Chihuahua.

17. 1817. Doc. Q. Statement of the proportion of the estate of Dona Apolonia Baca which was inherited by Lorenzo Gutierrez, dated January 16, 1817. One-fifth of one-half of Pajarito.

18. 1817. Doc. R. Statement of the proportion of the estate of Dona Apolonia Baca which was inherited by Dona Maria Louisa Gutierrez, dated January 16, 1817. One-fifth of the one-half of Pajarito.

19. 1817. Doc. S. Statement of the proportion of the estate of Dona Apolonia Baca which was inherited by Dona Maria Manuela de la Soledad Gutierrez, dated —. One-fifth second of the one-half of Pajarito.

20. 1817. Doc. T. Statement of the proportion of the estate of Dona Apolonia Baca which was inherited by Dona Juana Gutierrez. One-fifth second of the one-half of Pajarito.

21. 1817. Doc. U. Certificate of settlement of claim of José Mariano de le Pena for his wife, Dona Maria Manuela de la Soledad Gutierrez, one of the heirs of Dona Apolonia Baca, dated May 13, 1877.

22. 1817. Doc. V. Acknowledgments of receipts of their proportion of the estate of Dona Apolonia Baca, by Juan Garcia Ruiz, José Clemente Ruiz, and their sisters Dona Ana Maria and Dona Maria Dolores, dated June 20, 1817, and recorded in Bernalillo County, December 29, 1879.

23. Doc. W. Statement of property belonging to Juan Jose Gutierrez from the estate of his father, Don Lorenzo Gutierrez, and extracts from the will of Lorenzo Gutierrez, dated January 7, 1829, referring to sitio of Pajarito.

A.

Deed from Joseph Baca to Antonio Baca of the share of the Pajarito tract which he inherited from his mother.

En esta villa de San Felipe de Alburquerque, en onse dias de el mes de Agosto de este año de mil setesientos cuarenta y ocho años ante Miguel Lusero, Alce. Mayor y Capn. a Guera de dha. Juridision, comparecio ante mi Joseph Baca, a quien doy fee conosco, y dijo que daba y dio en benta reales a saber: un pedaso de tieras que las vbo por crensia de su difunta madre en el sitio de Pajarito, y es a saber que dhas. tieras se las da el dho. Joseph Baca al sobre dicho Antto. Baca, que se lo dio por el presio de dosientos pesos, los que confiesa dho. Joseph Baca haber resebido a su contento y satisfasion, de que se da por contento pagado, y satisfecho, y que si mas bale o baler pueda le ase grasia y donasion pura, mera, perfeta, ynrebocable; que el derecho llama ynter bibos sobre que renunsia su propio fuero dimisilio y besindad y las lelles de la numerata pecunia prueba y paga y las de mancomunidad que abla sobre la mitad de el justo presio que se las da libres de todo senso, tributo y otra ypoteca para que la gose como propias por si, sus hijos, erederos y susosores y que pueda aser de ellas a su boluntad, benderlas, canbiarlas o enajenarlas a su boluntad y al saniamiento obliga su persona, bienes rayses y muebles abidos y por aber, sobre que no le sera puesto pleyto ni demanda por el suso dho. Joseph Baca, ni por sus hijos, erederos, ni susosores, y que si acaso se lo pusieren no sean oydos en juisio ni fuera de él, y dad poder bastante a las justisias de su M. S. para que con todo rigor le compelan y apremien al cumplimiento de esto escritura como si fuera por sentensia difinitiba de Jues competente pasada en cosa juzgada sobre que renunsia todo cuanto a su fabor pueda

alegar y la ley si cunbenit ellusreditunes. Asi lo otorgo ante mi dho. Alce. Mayor, de que doy fee y lo firmo conmigo y dos testigos de mi asistencia autuando como juez resepetor a falta de escribano publico y real, que no lo ay en este reyno.

JOSEPH BACA. [Rubrica.]

Jues ptor.:

MIGUEL LUSERO. [Rubrica.]

Tto.: ANTO. BACA. [Rubrica.]

Tto.: BENTURA ROMERO. [Rubrica.]

B.

Deed from Miguel Lucero, on behalf of his wife Rosa Baca, to Antonio Baca of her share in the Pajarito tract, inherited from her mother, Josefa Baca.

En esta villa de Sn. Phelipe de Alburquerque, en seis dias de el mes de nobiembre de este año de mil setesientos y cincuenta y un años, ante mi Miguel Montoya, theniente de Alcalde Mayor, conparesio el Capn. Miguel Lusero, a quien doy fee conosco, y dijo que daba y dio en benta ral (es a saber): Vn pedaso de tier que le pertenesio por erensia a mi esposa de su madre Da. Josepha Baca, las cuales tieras se las a bendido a Antto. Baca, con pareser de mi esposa Da. Rosa Baca, y es a saber que dichas tieras estan yncorporadas en el sitio donde bive dho. conprador llamadose Pajarito, sin que alli me quede por erensia de parte de mi difunta suegra cosa alguna, y es a saber que dha. tieras se las da el dho. Miguel Lusero al sobredho. Antto. Baca; que se lo dio por el presio de dosientos pesos, los que confiesa dho. Miguel Lusero haber resibido, a su contento y satisfasion, de que se da por contento, pagado y satisfecho, y que si mas bale o baler pueda le ase gracia y donasion pura, mera, perfeta, ynrebocable que el de derecho llama ynter vibos sobre que renunsia su propio fuero, domisilio y besindad, y las leyes de la numerata pecunia, prueba y paga y las de mancomunidad que abla sobre la mitad de el justo presio, que las da libres de todo senso, tributo, y otra ypoteca para que la gose como propias, por si, sus hijos, erederos y susesores, y que pueda aser de ellas a su voluntad, benderlas, cambiarlas o enajenarlas como propias y al saniamiento obliga su persona y bienes rayses y muebles abidos y por aber sobre que no le sera puesto pleyto ni demanda por el susodho. Miguel Lusero, ni por sus hijos, erederos ni susesores, y que si acaso se lo pusieren no sean oydos en jusio ni fuera de él y da poder bastante a las justisias de su MS. para que con todo rigor le conpelan y apremien al cumplimiento de esta escritura como si fuera por sentensia definitiva de juez conpetente pasada en cosa jugada sobre que renunsia todo quanto a su fabor pueda alegar, y la ley si cunbeniret ellusreiditunes. Asi lo otorgo ante mi dho. the., de que doy fee y lo firmo conmigo y dos testigos de mi asistencia, autuando como Jues Resepetor a falta de escribano publico y real, que no lo ai en este Reyno.

MIGUEL MONTOYA. [Rubrica.]

MIGUEL LUSERO. [Rubrica.]

Tto.: DIEGO ANTO. CHABES. [Rubrica.]

Tto.: BENTURA ROMERO. [Rubrica.]

C.

Deed from Manuel Baca to Antonio Baca for the share in the Pajarito tract, which he inherited from his mother.

CARTA DE BENTA REAL A FAVOR DE ANTO. BACA.

En esta villa de San Phelipe de Alburquerque en beinte dias de el mes de Junio de este año de mil setesientos y cincuenta y cuatro años, ante mi Miguel Lusero, Alcalde Mayor y Capn. a Guera de dha. Juridizion, conparesio ante mi, Manuel Baca, a quien doi fee conosco, y dijo que daba y dio en benta real (es a saber): un pedazo de tieria con una casa en el dho. sitio, que son las que le pertenesen en este sitio de Pajarito las que le pertenesieron de erensia de su difunta madre; quien dise le bendio esta dha. parte a la perzona de Antto. Baca por el presio y cantidad de tresientos y cuarenta pesos, los que confiesa dho. Manuel Baca aber resebido a su contento, satisfasion, de que se da por contento, pagado y satisfecho, y que si mas bale o baler pueda le hase gracia y dona-

ion pura, mera, perfeta, ynrebocable que el derecho llama ynterbibos sobre que renunsia su propio fuero, domisilio y vesindad y las lles de la numerata pecunia, prueba y paga a las de mancomunidad; que abla sobre la mitad de el justo presio; que se las da libres de todo senso, tributo y otra ypoteca para que las gose por si, sus hijos, erederos y susesores y que pueda aser de ellas a su boluntad, benderlas, canbiarlas lo enajenarlas como propias y al saniamiento de ellas obliga su persona, bienes rayses y muebles abidos y por aber, sobre que no le pondra pleyto ni demanda por si ni sus hijos, erederos ni susesores, y que si acaso se lo pusieren no sean oydos en juicio ni fuera de el y da poder bastante a las Justisias de su MS. para que con todo rigor le compelan y apremien al cunplimiento de esta escritura como si fuera por sentensia difinitiba de jues competente pasada en cosa juzgaday; sobre que renunsia todo cuanto a su favor pueda alegar y la ley si cunbenirit ellusriditunes. Asi lo otorgo ante mi dho. Alcalde Maior de que doy fee y lo firmo conmigo y dos testigos de mi asistensia, autuando como Jues Resepetor, a falta de escribano publico ni real, que no lo ay en este Reyno.

D.

Deed from Domingo Baca to Antonio Baca of the share in the Pajarito tract, which he inherited from his mother.

En esta villa de San Phelipe de Alburquerque en nueve dias de el mes de Nobiembre de el año de mil setesientos cincuenta y siete años, ante mi Alonso Garzia, the. de Alde. Mayor de esta dha. Juridision, comparecio ante mi la persona de Domingo Baca, a quien doy fee conosco, y dijo que daba y dio en benta real (es a saber): las tieras y casa que le pertenesen en el sitio de Pajarito, las dhas. tieras las ubo de erensia de su difunta madre Da. Josepha Baca, quien dise le vendio esta dha. parte al Capn. Antto. Baca por el presio y cantidad de quinientos pesos, los que confiesa dho. Domingo Baca haver resevido ha su contento y satisfasion, de que se da por contento, pagado y satisfecho, y que si mas bale o baler pueda le hase gracia y donasion, pura, mera, perfeta, ynrebocable que el derecho llama ynter vibos sobre que [torn] [torn] fuero, domisilio y besindad y las [torn] numerata pecunia, prueba y paga y las dema [torn] que habla sobre la mitad de el justo presio que [torn] libres de todo senso, tributo y otra ypoteca, para [torn] por si, sus hijos, erederos y susesores y que pue [torn] ellas a su boluntad benderlas, canbiarlas, y [torn] como propias, [torn] saniamiento de ellas [torn] ona bienes raises y muebles abidos y por a- [torn] no le pondran pleito ni demanda por [torn] mingo baca, ni por sus hijos, herederos [torn] si acaso se lo pusieren no sean oydos [torn] a de el y da poder bastante a las [torn] para que con todo rigor lo compelan [torn] nplimiento de esta escritura como [torn] nsia difinitiba de jues competente [torn] juga [torn] renunsia todo cuanto a su favor pueda alegar y la ley si [torn] ret ellusriditunes. Asi lo otorgo ante mi dho. the. de [torn] Mayor, de que doy fee y lo firmo conmigo y dos testigos de mi asistensia, autuando como Jues Resepetor, a falta de escribano publico ni real que no lo hay en este reyno.

DOMINGO BACA. [Rubrica.]
ALONZO GARCIA. [Rubrica.]
EUSEVIO RAE. [Rubrica.]

Ttos.:

MANUEL BELASQUES. [Rubrica.]

Doc. D 1 is extract from Archive No. 371 in Surveyor-General's Office, being the will of Don Clemente Gutierrez. (See original.)

E.

Deed from Antonio Baca to the family of Clemente Gutierrez, being an interest in the Pajarito tract.

En Sn. Ysidro de Pajarito en diez dias del mes de Maio de mil setecientos ochenta y cinco años, ante mi Dn. Manl. de Artiaga, Alce. maior y capn. a guerra desta villa de Sn. Felipe de Alburquerque, su jurisdicion y fronteras, comparecio presente la persona de Dn. Anto. Baca, a quien doy fee conosco, y dijo que dava y con efecto dio, en benta real a la casa mortuoria de Dn. Clemente Gutierrez, vna suerte de tierras y ausion al sitio que se comprende dentro de los siguientes linderos, a saber: De norte a sur desde el ar-

royo que comunmente llaman de los Positos hasta el Lindero de los Padillas, y de oriente a poniente desde el Rio del Norte hasta el Rio Puerco expectuando de dho. sitio la parte que por herencia suya le corresponde dar a sus tres hijas que son las siguientes: Da. Barbara Baca, Da. Polonia Baca, y Da. Maria de la Luz Baca, como tambien la parte que por herencia de Dn. Ysavel Baca, hermana del otorgante, les corresponde a sus lexitimos herederos de esta, y solo se incluye dentro de la misma benta la parte que a sus dos hijos, Dn. Diego Anto. Baca y Dn. Juan Domo. Baca, les correspondia por herencia por haverle echo estos dos donacion de dha., sus pertenencias en cui a birtud las bendio incluiendose asi propio en la misma benta doscientas varas mas, de dho. lindero de los Pozitos para arriba, por el presio y cantidad de mil y doscientos pesos corrientes de la tierra, y confiesa tener recebida de dha. casa la expresada cantidad a su contento y entera satisfacion, con que se da por pagado y satisfecho, y si mas bale or baler pueda le hace gracia y donacion pura, mera, perfecta e yrrrevocable que el derecho llama inter vivos, sobre que renuncio su propio fuero, domizilio y bezinda y las leyes de la no numerata pecunia, prueba, y paga de la mancomunidad que abla sobre la mitad del justo precio, y la del ordenamento real, fecha in corte de Alcala de Nares, que asi mismo habla sobre la mitad del justo precio de las cosas que se compran y se venden, y desde luego se aparta y desiste de la propiedad, aucion y señorio que a dha. aucion de tierras pueda tener y la traspasa en la expresada casa mortuoria del espredado Dn. Clemente Gutierrez para que la gozen sus hijos, herederos y suzores sobre que para ello no les sera pueste pleito ni demanda alguna por dho. vendedor, Dn. Anto. Baca, ni sus bijos y herederos, y suzores y que si acaso se lo pusieron que no sean oidos en juicio, ni fuera de él, y da poder quanto por derecho se requiere y necesario es a las reales justicias de su Magestad de cualesquiera parte que sean para que por todo rigor de derecho le compelan y apremien al cumplimiento de esta escriptura como se fuera por sentencia difinitiva de juez competente pasada en cosa juzgada, consentida y no apelada, y als aneamiento obliga su persona y bienes rayses y muebles abidos y por haver y renuncia cuantas leyes pueda haver en su favor y la de *sicut veritrit ed jurisdictionen*. Asi lo otorgo el expresado Dn. Anto. Baca, ante mi, el predho. alce. maior, y los testigos de mi assa., de que doy fee, auctuo. pr. recepa. a falta de escribano publico ni real, que no lo hay de ninga. clase en esta provincia.

ANTTO. BACA. [Rubrica.]

MANUEL DE ARTEAGA. [Rubrica.]

De assa.:

PABLO BEITIA. [Rubrica.]

Aa.:

ANTO. VILLEGAZ RUIZ. [Rubrica.]

YMBENTAREADA ANZA. [Rubrica.]

(Endorsed:) Venta de las trras. de Pajarito echa pr. D. Anto. Baca; año de '85.

F a. Power of attorney from Maria de la Luz Baca to Antonio Baca to sell her interest in the Pajarito tract.—F b. Deed from Maria de la Luz Baca to Francisco Garcia de Ruiz of the interest in the Pajarito tract inherited by her from her mother, Monica de Chaves.—F c. Indorsement and transfer of the above deed by Juan Garcia Ruiz and his sisters to Lorenzo Gutierrez.—F d. Indorsement by Antonio Baca of the sale made by his daughter, Doña Maria de la Luz Baca to Don Francisco Antonio Garcia of the lands which he (Baca) gave as her inheritance.

F a.

Un quartillo. Sello. Sello qvarto, vn qvartillo, años de mil setecientos ochenta y seis y ochenta y siete.

En esta villa, capital de Sta. Fee del Nuevo Megico, en beynte y siete dias del mes de Mallo de mil setesientos y ochenta y seys años, paresio ante mi Dn. Antonio Jose Ortiz, Alce. Mayor y Capn. a gera. de dha. villa y su jurisdiccion, Doña Maria de la Luz Baca, biuda del Capn. Dn. Francisco Trebol Nabaro, y dijo que daba y de fato dio todo su poder cumplido y cunto por derecho se requiere y es nesesario a su padre Dn. Antto. Baca pare que pueda vender y de hecho benda las tieras que le pertenslen en el rancho de Pajarito menos la casa con sus choreras y entradas y salidas y sin perguysio de otros acredores que mejor derecho tengan y en esta conformidad pueda otorgar y otorge las escrituras de venta que sean nesesarias, y para que coste lo firme yo dho. Alce. Mayor con testigos de asistencia avtuando como Jues Resetor a falta de escribanos qe. de nunguna clase los ay en esta Gobernasion y es fecho vt.

ANTTO. JOSE ORTIZ. [Rubrica.]

JOSE MIGUEL ORTIZ. [Rubrica.]

PEDRO ORTIZ. [Rubrica.]

F b.

Digo yo Da. Maria de la Luz Baca, residente en la villa de Sta. Fee de No. Mexco., viuda del Capn. Graduado qe. fue de este Rl. Preso. Dn. Franco. Trebol Nabarro: Que es cierto aberle bendido a Dn. Franco. Garcia de Ruiz Vezo., del Puesto de Sn. Ysidro de Pajarito, la parte de tierras qe. por erencia de mi difunta madre, Da. Monica de Chaves, y demas me tocaron en el citado puesto, asi labradas como por labrar en la cantd. de seiscientos ps. corttes. de la ttra. de cuyo ymporte en qe. nos hemos combenido estoy satisfecha y pagada, a presencia de mi hermano Dn. Diego Anto. Baca en esta dha. villa en treinta dias del mes de 8re de mil setecientos ochenta y siete años, siendo testigos Dn. Visente Troncoso y Dn. Jose Rafael Sarracino, presentes y besinos; y para qe. se pueda estender la correspte. eceripra. de otorganto. en los terminos corrientes, doy este a presencia de los expresados testigos en esta dha. villa de Sta. Fee.

A ruego de mi hermana Maria de la Lus:

DIEGO ANTO. BACA. [Rubrica.]

To.: VIZTE. TRONCOSO. [Rubrica.]

To.: JOSE RAFAEL SARRACINO. [Rubrica.]

STA. FE, lo de Nove. de 1787.

Formese por el alcalde de Albuquerque la competente escritura de otorganto. en los terminos acostumbrados.

CONCHA. [Rubrica.]

F c.

En este Pueblo de San Augustin de la Ysleta, en dies dias del mes de Diciembre de mil setesientos ochenta y siete años, ante mi Dn. Manuel de Arteaga, Alcalde Mayor y Capitan de Milicia de la villa de Sn. Phelipe de Albuquerque, su jurisdiccion y fronteras, comparesio presente Dn. Franco. Garcia de Ruiz, vesino residente en el Puesto de Sn. Ysidro de Pajarito perteniesiente a esta jurisdiccion, a quien doy fee conosco, y quien me presento el instrumento de la buelta por el qual y en virtud del decreto que a su continuacion sigue dado pr. el Señor Thte. Coronel Dn. Fernando de la Concha, Govr. Politico y Militar de esta Prouincia de Nuevo Mexco., digo yo, el sitado Alcalde Mayor, que Da. Maria de la Luz Baca, residente en la villa de Sta. Fee, le dio en venta real al expresado Dn. Franco. Garcia de Ruiz, es a saber: la parte de tierras que por erencia de su defunta madre Da. Monica de Chaves y demas que le tocaron en el sitado sitio de Pajarito assi labrados como por labrar, cuios linderos no se sitan en esta escritura por no estar repartido dho. sitio y no saber quienes sean sus colindantes, y dhas. tierras se las dio por el presio de seis sientos pesos corrientes de la tierra, los que confiesa dha. Da. Maria de la Luz Baca haber resibido de dho. Dn. Franco, Garcia de Ruiz a toda su satisfaccion y contento y con culla cantidad se da por enteramente pagada, contenta y satisfecha, y si mas vale o valer pueda de la demasia le hase gracia y donacion pura, mera, perfecta e irrevocable que el dro. llama yntervivos sobre que renuncia dha. Da. Maria de la Luz Baca su propio fuero, domicilio y vesindad, y las leyes de la non numerata pecunia, prueba y paga, y las de mancomunidad qu. ablan sobre la mitad del justo presio, y la del ordenamento real fecho. en corte de alcede. nares qu. assimismo abla sobre la mitad del justo presio de las casas que se compran y se venden, y desde. luego se aparta y desiste de la propiedad, accion y señorio que a dhas. tierras tenia y lo traspasa y sede en la persona de dho. Dn. Franco. Garcia de Ruiz para qe. como sullas propias las pueda gosar y gose por si, sus hijos, erederos y subesores, venderlas, cambiarlas o enagenarlas sobre que para ello no le sera puesto pleito ni demanda alguna por dha. vendedora ni sus erederos, y en caso de que se lo pongan qe. no sean oidos en juisio ni fuera del, y da poder a las Beales Justisias de su Magd. (qe. Dios guarde) de quales quiera parte que sean para qe. pr. todo rigor de dro. la compelan, y premien al cumplinto. de esta escritura como si fuera por sentencia difinitiba dada por jues competente, pasada en cosa juzgada, consentida y no apelada. Y a el saneamiento de esta escritura obliga dha. vendedora su persona y vienes muebles y raises avidos y pr. aver y renuncia todas quantas leyes a su favor alegar pueda. Assi lo otorgo la sitada Da. Maria de la Luz Baca ante dos testigos que lo son Dr. Vicente Troncoso y Dn. Jose Rafael Saracino como consta por el sitado instrumento, el que a ruego de la otorgante firmo su hermano Dn. Diego Antonio Baca, por el que da su permiso para qe. se estienda esta escritura en los terminos corrientes; lo que yo el sitado Alcalde Mayor e executado y para su maior constancia lo firme con los testigos de mi asistencia auctuando como juez repctor. a falta de escribano publico ni peal que de ninguna clase lo hai en esta governacion, lo qe. certifico.

MANL. DE ARTEAGA. [Rubrica.]

De assa.:

JOSE ANASTO. HEERANDEZ. [Rubrica.]

Assa.:

ANTO. VILLEGAS RUIZ. [Rubrica.]

Indorsed—Año de 1787. Venta de las trras. de D. Ma. de la Luz Baca en Pajarito en 600 ps.

(End of indorsement): Digo yo, el abajo firmado, que la escritura de benta de Da. Maria de la Luz Baca queda traspasada y a favor de Dn. Lorenzo Gutierrez, en los mismos terminos que en ella se mencionan, quedando yo y mis hermanos (de quienes soy apoderado) contento y satisfecho en el valor de seiscientos pesos corrientes del país, qe. confieso haver recibido a toda mi satisfacion. Y para que conste lo firme, siendo testigos Dn. Santiago Abrev. Dn. Juan Bazan y Dn. Antonio Ruiz. En esta de Pajarito, veinte de Junio de mil ochocientos diez y siete años.

JUAN GARCIA RVIZ. [Rubrica.]

SANTIAGO ABREU. [Rubrica.]

JUAN BAZAN. [Rubrica.]

ANTO. BUIZ. [Rubrica.]

F d.

Digo yo Dn. Anto. Baca, vezo. del puesto de Sn. Ysidro de Pajarito, que por este hago vuenta la benta que con mi consentimto, y voluntad hase mi hija Da. Ma. de la Luz Baca a Dn. Franco. Anto. Garcia de las trras. qe. le he zedido como herencia suya de dha. mi hija, quedando yo a la responsiva con qto. se reconozca mio a dho. Garcia qe. le he dado para qe. con ella se mantenga, y si acaso alguno en algun tpo. quisiere vsar de dha. trra. pa. pagar dependencias qe. no sean al veneficio de mi hija qe. vuelvan a mi poder para con ellas propias mantenerme y qe. la escripta. qe. yo hisiere como apoderado de mi hija no sea de ningun valor; y pa. qe. conste le di este pa. su resguardo a dho. Garcia en el Puesto de Pajarito en 26 de Junio de 1786.

ANTTO. BACA. [Rubrica.]

TERRITORIO DE NUEVO MEJICO,

Condado de Bernalillo:

Yo, el abajo firmado, certifico que la antecedente escritura fue enregistrado en el Libro de Documentos, letra "I," paginas 252, 253, 254, 255 y 256.

En testimonio de lo cual he puesto mi mano y el sello oficial este dia 29 de Diciembre A. D. 1879.

[SELLO.]

MELCHOIR WERNER,

Escribano de la Corte de Pruebas y Ex Oficio Enregistrador.

G.

Statement of Antonio Baca, made under oath, concerning his ownership of the Pajarito tract.

En este Puesto de Sn. Ysidro de Pajarito, en orden á lo qe. toca al dho. sitio lo ubimos cuatro hermanos y dos hermanas, por erencia y muerte de nuestra difunta madre, el que nos dijo que lo gozamos ygalmente, los dhos. hijos que habiendo pasado algunos años despues de muerta nuestra difunta madre se empezaron a desbalagar del dho. sitio dos mis hermanos a quienes les fui comprando todas sus partes perteniesientes a dho. sitio con las casitas que en el habian fabricado, y abiendo quedado Ysabel, una de las dos mugeres, bibiendo en el dho. sitio sin fabricar casa ninguna mas de un aposentito qe. tenia el sitio cuando lo compro mi madre; habiendo dejado las casas qe. compre a mis hermanos, bisto ella que estaba una bacia bino á pedirmela prestada para mudarse en ella; se la presté, y abiendose pasado tiempo que ya abia estado en ella estaba un alamo en frente de la dha. casa donde el berano tomabamos sonbra, y abiendo benido un mozo a abisarme que estaban cortando el alamo por mandado de mi herma. pasé alla á no de jar tunbar el alamo que no era mas que por unos lenos que tenia cecos, á que me respondio que lo habia de tunbar, y yo a que no, se me fue desbergonzandome yndigne y le di; abiendose pasado dias me enbio aca un recado de que le diese la parte que le tocase aqui que se la diese en la parte de arriba onde yo tenia una parte comprada a los dueños que bibian alli, que benia a ser en el partido de Atrisco, conlindaba dha. parte con este sitio de Pajarito; le enbie a decir a dha. mi hermana que se apersonara conmigo y seria lo [torn] quisiera, luego bino al instante a mi casa donde le dije que si porque se queria yr, que si era por alguna conbeniensia qu. tenia alla? Dijome que no era por lo que hebiarnos tenido sino porque tenia su ganado y por la mayoranplitud, pero que asiendo trueque como ella me desia le abia de dar cuatro bacas paridas; respondi que yo no me paraba en darlas, y que enbiara luego a recebirilas; aquella misma tarde las recibio su yrno. Tomas Chabes a toda su sastifasion; tan aseierada estaba a yrse alla adonde abiamos hecho el trato que luego aquella tarde bino a pedirme dos carretas para mudarse; se las preste y luego a otro

dia se mudo donde se manto. corto tiempo; abiendo dado su yrno Tomas Chabes quererse venir á el lado de sus padres que bibian en el resiento de los Padillas y biendo los estre-mos que hazia su suegra le dijo que como consiguiera la parte que tenia ariba se le diese en la parte de abajo donde conlindaban con las tierras de su padre Franco. Chabes; a que le respondio la dha. mi hermana bendria a berme; bino a berse conmingo, aziendo mun-chos extremos por razon de que sino consegia lo que queria su yrno se quedaba sola alla; á que le dije a mi hermana que si no era mas que eso que consegido lo tenia pero que estuvieran en el conozimiento de que era mas lo que le daba alla que lo que le daba aqui; á lo que me respondio que no asia caso de un pedaso mas o menos; le respondi que no lo hazia por eso sino porque queria yo dejar por onde bajaran mis animales a la agua, le daba hasta las ruynas de una casa que comunmente le llamamos el Pueblito Biejo; a que me respondio estaba contenta, y luego aranco con la alegria que abia tenido a enbia aser casa de palo para mudarse, como luego se mudo y bibio como dos años (poco mas o menos), de cuyo tpo. estuvieron bibiendo juntos dha. mi hermana y Tomas su yrno hasta que fa-brico este casa en los Padillas, en la que abiendose se bisto muy mala me enbio a llamar para que como alcalde le fuera azer su testamento, el que abiendolo echo puse un punto que era pertenesiente al sitio de Pajarito; esta es la berdad de todo lo dho. y si nesasario fuere lo jurare a Dios y una Sta. Cruz. Y para la debida costancia a pedimento de mi nieto Dn. Lorenzo Gutierrez de esta que firmo en el citado sitio de Pajarito en 26 de Mayo de 1792 as.

ANTTO. BACA. [Rubrica.]

Doc. G 2 is Extract from Archive No. 122 in Surveyor-General's Office. (See original.)
Doc. G 3 is from same.

H.

Lease and agreement to exchange lands to Lorenzo Gutierrez by other heirs interested in the Pajarito tract.

[Sello qvarto, vn qvartillo, años de mil setecientos noventa y ocho y noventa y nueve. (Sello.) Unquartillo.]

En esta villa de Sn. Felipe de Albuquerque, en diez dias del mes de Junio de mil ochosientos tres, ante mi Don Vicente Lopez, the. politico y miliciano de la referida villa, y los testigos de mi asistencia que lo son Cristoval Jaramillo y Dn. Anastacio Hernandez, vecinos desta dicha villa, comparecieron por sus propias personas el Capitan Dn. Lorenzo Gutierrez, vecino del Puesto de Sn. Ysidro de Pajarito, Dn. Jose Duran, vecino de la villa de Sta. Fe, y Don Pedro Antonio Mestas y Don Jose Marcos Ortiz, vecinos desta, hablando Don Jose Duran por si y por sus hermanos Da. Ursula Duran, Da. Gertrudes Duran, Da. Ana Duran, y Don Juan Duran y Dn. Pedro Anto. Mestas, y Dn. Jose Marcos Ortiz, por facultad de sus esposas Da. Maria Antonia Duran y Da. Monica Duran, y digeron que convenian todos en la propuesta que les hizo verval dicho Dn. Lorenzo Gutierrez, de que en el repartimiento de las tierras del citio de Pajarito en donde halla de tocarles el que pueda seguir labrando, sercando y plantando donde esta, aunque en la misma parte tenga que tocarles en dicha reparticion, con la condicion de que dicho Don Lorenzo les haya de remplasar en las que a el toquen en el expresado sitio sin controversia ni question, sino que sera hermanablemente con la circunstancia de lo que cada uno tenga toto, assi deva ser remplasado, tirandose las medidas de norte á sur y de maior á menor, pa. que no haya sentimiento. Y pa. su devida constancia y formal cumplimiento me suplicaron lo autorizara, y de facto lo autorize, y firme, con los expresados testigos en dicha villa, dicho dia, mes y año, y á continuacion Dn. Jose Duran por si y sus tres hermanos Don Juan Duran, Don Pedro Anto. Mestas y Don Jose Marcos Ortiz por sus expresadas esposas; que de todo doy fe.

VICENTE LOPEZ. [Rubrica.]

De assa.:

JOSE ANASTACIO HERNANDEZ. [Rubrica.]

Assa.:

CRISTOVAL JARAMILLO. [Rubrica.]

Pr. mi y mis hermas.:

JOSE DURAN. [Rubrica.]

JUAN ME. DURAN. [Rubrica.]

PEDRO MESTAS. [Rubrica.]

JOSE MASCOS ORTIZ. [Rubrica.]

I.

Lease and agreement to exchange lands to Lorenzo Gutierrez, made by José Mariano de la Peña and José Miguel Ortiz, by authority of their wives.

Decimos nosotros los abajo firmados que en virtud de la facultad que nos es permitida por nras. ssposas Da. Maria Manuela de la Soledad y D. Ma. Luisa Gutierrez, vess. de Sn. Ysidro de Pajarito y esta de Sta. Fee, que en virtud de propuesta verbal que nos ha hecho nro. hermano D. Lozenzo Gutierrez, actual manejante de la casa de nra. madre Da. Josefa Apolonia Baca, con cuio consentimiento nos consta lo haze *esta propuesta* que en el repartimiento de las tierras que en Pajarito nos tocan tanto por nro. difunto padre como por las que de dha. nra. sra. madre (Dios la gue.) puedan tocarnos en su fallecimiento, para que pueda seguir labrando, cercando y plantando donde está, y que qualquiera de nosotros dos si nos toca en la que labre sea por dho. nro. hermo. Lorenzo, reemplazada en la que a el le toque en el expresado sitio sin controversia, ni question, sino que será hermanablemente con la circunstancia de que teniendose presente que lo que cada vno tenga rroto asi deva ser reemplazado, tirandose las medidas de norte a sur y de mayor á menor, para que no aya sentimiento. Y para la devida constancia y su formal cumplimiento firmamos este en nombre de nras. lexmas. erederas ya citadas, en esta villa de Sta. Feé, a tres de Junio de 1803 as.

JOSÉ MARIANO DE LA PEÑA. [Rubrica.]
 JOSÉ MIGL. ORTIZ. [Rubrica.]

J.

Measurement and division of Pajarito, made in 1806.

	A. S. V.
Sitio de Pajarito sus medidas Mayo 20 de 1806, 32 Cordeles de Medida de 50 vs.	
son 4,600 vs	4,600
Revajanse 766 $\frac{2}{3}$ vs. de Ysavel Baca	766 $\frac{2}{3}$
Quedan	3,833 $\frac{1}{3}$
Las qe. se reparten mitad vendida	1,916 $\frac{2}{3}$
Quedan partibles	1,916 $\frac{2}{3}$
Las que se reparten entre cinco hermanos, y le tocan a cada vno 383 vs. $\frac{1}{3}$, 383 $\frac{1}{3}$.	
Repartidas las 383 $\frac{1}{3}$ vs. entre 7 hermanos; les toca a 54 $\frac{3}{4}$ vs. escass.	
De labor 233 $\frac{2}{3}$ vs. reparts. entre 7 herms., les toca a 33 $\frac{1}{4}$ vs. largas.	
Liquido, queda a cada vno 33 $\frac{1}{4}$ labrada y 21 $\frac{1}{2}$ yriaso.	

K.

Power of attorney from Gertrudis Duran to Ramon Suares, authorizing him to sell land inherited from her mother.

Digo yo Gertrudis Duran qe. doy mi poder y facultad a mi hijo Ramon Suares pa. que benda un pedaso de tierra que me toco de erencia de mi difunta madre, y para que coste le di este delante de mi cuñado Pedro Mestas y como Albasella qv. es lo llame presensara la facultad que le di hoy 21 de Junio de 1806 y este pedaso de tierra esta en el puesto de Pajarito.

En esta villa de Sn. Felipe de Albuquerque, oy 21 de Junio de este año de 1806 se me ha presentado Ramon Suares con la facultad espresada arriba, y el citado Pedro Mestas, a fin de qe. la autorisase, y yo, el the. polico. y miliciano de dicha villa, la auctorice, y pa. su constancia lo firme.

VICENTE LOPEZ. [Rubrica.]

L.

Will and codicil of Doña Josefa Apolonia Baca, and deed from Juan Duran to Mariano Mestas.

Sello.]

[Dos reales.

En el nombre de Dios todo poderoso y de la siempre Virgen Maria Señora Nuestra, concebida sin mancha de pecado original en el instante purisimo de su ser natural.

Sean todos quantos esta mi memoria testamentaria vieren como yo Josefa Apolonia Baca, vidda de Don Clemente Gutierrez, y vecina del Puesto de San Ysidro de Pajarito, jurisdiccion de San Augustin de la Ysleta: Estando sana y en mi entero juicio, memoria y entendimiento natural, creyendo como firme. creo, como catolica Cristiana, en el Misterio de la Santissima Trinidad, Dios Padre, Dios Hijo, y Dios Espiritu Santo, tres personas distintas y un solo Dios verdadero; creyendo assimismo en todos los demas misterios en general, y particular, que cre y confiesa Nuestra Santa Madre Yglesia Catolica, Apostolica Romana; tomando por mi interesora a la Serenissima Reyna de los Angeles Maria Santissima, al Santo Angel de mi guarda, Santos de mi nombre y devocion, y todos los demas Sentos y Santas de la Corte Celestial, para que rueguen a Nuestro Señor Jesu Cristo me perdone mis pecados y lleve mi alma a gozar de su beatifica presencia, e invocando la gracia del Espiritu Santo hago y ordeno esta memoria y ultima voluntad en la forma siguiente: Primerante. encomiendo mi alma a Dios Nuestro Señor que la erio y redimio con el infinito valor de su Presiosissima Sangre, y el cuerpo a la tierra de qve fue formado, para que hecho cadaver y bestido con el avito de mi padre San Francisco (de cuiu venerable orden tercera soy profesa) sea cepvltado en mi Parroquia de la Ysleta, en la parte que. gusten mis alvaceas. Ytem, mando que mi entierro sea con vigilia, Misa de Cuerpo presente (sienda hora) y que se abliquen por mi alma quantas Misas se puedan.

Ytem, deajo a las mandas forsas por una ves a cada una quinze pesos en rrs.

Item, declaro que fuy casada y velada con Don Clemente Gutierrez, en cuiu matrimonio tuvimos y procreamos seis hijos, ha saber: Lorenza, Soledad, Lorenzo, Manuel, Luisa, y Juana; de estos murio Manuel en su menor edad.

Item, declaro que quando casé traje á mi matrimonio algunos bienes, los que no menciono por ser mi voluntad, se egecute, y cumpla lo qe. consta en duplicados traslados. de un documento que se halla en el Archivo de la Alcaldia de la Villa de Albuquerque, aprovado por el Sor. The. Corml. y Govor. de esta Prova. de Nuevo Megico, Don Fernando Chacon, relativo al trato voluntario y formal de mancomunidad de vienes hecho entre mi hijo Don Lorenzo Gutierrez, y yo, como en el se refiere con fha. veinte y seis de Agosto del año de mil setecientos noventa y nueve.

Item, mando que todos los vienes raizes y muebles que se reconozcan por mios se junten con los de mi hijo Don Lorenzo, a que todos hagan en cuerpo por nuestro ya referido trato de mancomunidad, esectuando la viña y toda la cerca que deberá quedar por de dicho mi hijo y no entrar en los vienes, como qe. assi lo hemos tratado voluntariamente, e igualmte.; el adorno de la sala qe. esta al entrar del saguan a la mano derecha, el qual es mi voluntad darlo a mi hijo Dn. Lorenzo, y qe. no entre en los vienes de nuestro trato, sino que sea separado por graciosa y voluntaria donacion qe. le hago, como tambien un escritorio qe. está en la referida sala, el qual doy en la propia conformidad, a mi hija Da. Luisa Gutierrez.

Item, mando que la esclava que tengo con escritura llamada Sabina Rosales quede en libertad.

Item, por lo tocante a la dependiencia que consta por ynstrumento tiene contraida a [illegible and torn] Dn. Jose Mariano de la Peña, mando se le perdonen mil pesos y lo restante de dicha dependiencia entre en el comun de los bienes.

Ytem, una sala y dos cuartos que estan fabricados frente de la capilla queden perpetuante. a beneficio de ella, y pa. aloxamiento de los padres, lo qe. mando no se junte a los bienes de mancomunidad, ni qe. en el fin de mis dias tengan mis herederos qe. tocar en ellos ninguna cosa.

Ytem, mando que por lo tocante a la Capilla se egecute sin variacion lo qe. consta en el citado documento de mancomunidad.

Ytem, declaro que sin embargo que en el documento consta haver yo donado algunas bienes a mi nieta Da. Ana Maria Garcia, es mi voluntad no se le den, sino qe. herede con igualdad lo qe. le corresponda por tenerle ya dado algunas cosas despues de su matrimonio.

Ytem, mando que de mi mitad de bienes que puedan tocarme por nuestro trato, se separe lo que conste en las hijuelas de mis nietos Da. Ana Maria, Don Juan Vicente, Don Jose Clemente, y Da. Dolores, y se les entriegue.

Ytem, mando que si apareciere alguna dependiencia en contra de la casa sea satisfecha por mis bienes y los de mi dicho hijo por iguales partes.

Ytem, mando que seis platos de plata y seis cuervtos del mismo metal no entren el conjunto de bienes, sino qe. los dono gratuitamente a mi hijo Dn. Lorenzo, ps. assi es mi voluntad.

Y por este mi testamento revoco, anulo y doy por de ningun valor qualesquiera otro testamento, memoria o codicilo que haya hecho, y solo quiero que lo contenido en este, se cumpla y haga cumplir segun en el se contiene arreglandose en un todo a los referidos documentos de mancomunidad qe. hechos tenemos como ya dicho es, y que este mi testamto. se sierre y rubrique para que sea abierto al termino conveniente, despues de hechos mis funerales y demas,

Y para que este mi testamento se guarde y cumpla nombro por mis alvaceas testamentarios, en primer lugar a mi hijo Don Lorenzo Gutierrez, a mi hijo Don Jose Mariano de la Peña, y a Don Antonio Ruiz pa. que hagan y cumplan como lo ordeno, sobre que les encargo la conciencia.

Ytem, digo que despues de cumplido y pagado este mi testamento en el remaniente de mis vienes se repartan por iguales partes como forsosos herederos mios mis dichos hijos.

Y para que este mi testamento tenga la fuerza y vigor que de derecho se requiere, suplico al Sor. Alce. Mayor y Capitan de Milicias Don Jose Pino interponga su autoridad y judicial decreto. Y yo dicho alcalde digo que la interponia e interpuse quanto por derecho me es conferido.

Certifico y doy fé, hallarse la otorgante, Doña Apolonia Baca, en su entero y sano juicio, memoria y entendimiento natural, y es fecho en la casa y morada de su residencia en este Puesto de San Ysidro de Pajarito a los dies y ocho dias del mes de Noviembre de mil ochocientos nueve años, ante los testigos de mi asistencia que lo son Don Jose Anto. Chavez, Dn. Franco. Xavier Chavez, Dn. Anto. Sandoval, Dn. Jose Gutierrez, Dn. Pablo Zedillo, Dn. Jose Gabriel Sanches y Dn. Anto. Ruiz, con quienes actuo a falta de escrivano rl. y publico, que de ninguna clase lo hay en esta Prova., y lo firmaron conmigo, firmando por la otorgante Dn. Anto. Ruiz por no saber ella. De todo doy fe.

Por DA. APOLONIA BACA.

ANTO. RUIZ. [Rubrica.]

JOSE PINO. [Rubrica.]

ASSA.: JOSE ANTO. CHAVES. [Rubrica.]

ASSA.: FRANCO. XAVIER CHAVES. [Rubrica.]

ASSA.: ANTO. SANDOVAL. [Rubrica.]

ASSA.: JOSEF GUTIERRES. [Rubrica.]

ASSA.: PABLO SEDILLO. [Rubrica.]

ASSA.: JOSE GRAVEIL SANCHES. [Rubrica.]

ASSA.: ANTO. RUIZ. [Rubrica.]

Digo yo, la otorgante, que no obstante que este testamento va recto con el trato de man comunidad que mi hijo Dn. Lorenzo Gutierrez y yo tenemos echo por entrega que me ha verificado de los bienes mios y poder que he dado a mi nieto Dn. Jose Matias Gutierrez que constan con fha. 28 de Julio de 1812, as. queda ya el trato de mancomunidad nulo y de ningun valor, y solo quiero se este a lo qe. menciono en los referidos documentos de poder, entriega, y lo que consta en el recivo que otorgue a dicho mi hijo en la transacion hecha.

Ytem, declaro que con anuencia de los herederos di consentimto. pa. la vina y cerca, replasando dicho Dn. Lorenzo lo qe. sea justo al que en esa parte pueda tocarle su tierra, ps. todo lo ha fabricado y beneficiado a su costa.

Ytem, declaro se perdieron las mil obejas donadas por mi a beneficio

Sello.]

[Dos reales.

de la capilla y mando a mi dicho hijo Dn. Lorenzo que como patrono de ella cuide con esmero lo perteneciente al culto Divino y adorno de ella.

Ytem, mando que [abraded, torn, about three words illegible] algunas dependiencias en contra de mis bienes, lo sufran estos y no los de mi dicho hijo como ya ceparadas de los mios.

Ytem, mando qe. la plata labrada quede a favor de los herederos.

Ytem, mando que la casa en que vive Dn. Manl. Ruví se avalue y solo queda tocar en ella Da. Juana mi hija lo que por parte paterna le pertenezca.

Ytem, mando qe. Dn. Agustin de la Peña entere las hijuelas de mis nietos Franco. y Bartolome qe. se le entregaron por el Alce. Dn. Manuel de Arteaga, y declaro que de dichas hijuelas solo estan en mi poder vn Santo Cristo y una Dolorosa con marco dorado.

Ytem, dejo quinientos ps. en rrs. a beneficio de mi alma.

Ytem, quinientas obejas pa. las misas de aguinaldo y de San Gregorio, pa. que puestas en finca en poder de mi hijo Dn. Lorenzo anualmte. le de cumpto. a esta clausula, sin variacion.

Ytem, declaro qe. las quinientas obejas a beneficio de las animas y las siete bacas a barios Santos, perecieron.

Ytem, mandose cumpla este mi testamto. como en el se contiene, y suplico al Sor. Alce. de la eleccion Don Migl. Baca interponga su autoridad y judicial decreto, y yo dicho Alce. digo qe. la interponia e interpuse en quanto por derecho me es conferido; me consta hallarse la otorgante en su entero juicio, memoria y entendimiento natural, y me suplico abriere el testamto. serrado qe. otorgo ante mi antecessor Dn. Jose Pino, que es este, pa. añadir o quitar del algunos puntos convenientes al resguardo de su conciencia; y yo dicho Alce. lo abri y entregue a dicha señora pa. qe. cumpliese su voluntad, el

qual me volvio a entregar suplicandome lo serrase despues de autorizado, y qe lo contenido en el es su ultima voluntad, se cumpla y egecute. Certifico ser cierto y berdadero, y pa. qe conste lo firme con los testigos de mi assa. que lo son Dn. Jose Anto. Chavez, Dn. Franco. Xavier Chavez, Dn. Anto. Sandoval y Bernardo Padilla, vesinos de los Padillas, Dn. Anto. Ruiz, vecino de Alburquege., el qe firmó por la otorgante como alvasea y testigo, Don Jose de la Peña, vecino de Santa Fé, y Dn. Franco. Xavier Bazan, vecino deste Puesto de Pajarito, hoy dia veinte y ocho de Julio de mil ochocientos dose años

Por la otorgante como alvasea y testigo,

ANTO. RUIZ. [Rubrica.]

MIGEL RACA. [Rubrica.]

FRANCO. XAVIER CHAVES. [Rubrica.]

FRANCO. XAVIER BAZAN. [Rubrica.]

ANTO. SANDOVAL. [Rubrica.]

JOSE ANTO. CHAVES. [Rubrica.]

BERNARDO PADILLA. [Rubrica.]

JOSE DE LA PEÑA. [Rubrica.]

M.

En esta villa de San Felipe de Albuquerque, en seis de Mayo de mil ochocientos quince años, ante mi Dn. Cristoval Jaramillo, teniente politico de dicha villa, y ante dos testigos de mi asistencia qe. lo son Dn. Anto. Ruiz y Teodoro Duran, comparecieron presentes pr. sus propias personas Dn. Juan Duran y Dn. Mariano, Mestas, y dijo Duran ser cierto le tiene bendido a Mestas la parte de tierra que por herencia de Da. Barvara Baca, su madre, le tocó en el sitio de Pajarito, y declara assimismo dicho Duran qe. Mestas es el legitimo dueño de dicha tierra, y qe. tiene ya recibido su importe a satisfacion, y contento (apparently eaten by mice) tener nunca que reclamar, y qe. si reclamare suplica no sea oydo en juicio ni fuera del. Y pa. su constancia lo firme con los expresados testigos, firmando tambien Duran y Mestas.

CRISTOVAL JARAMILLO. [Rubrica.]

JUAN DURAN. [Rubrica.]

MARIANO MESTAS. [Rubrica.]

Assa.:

ANTO. RUIZ. [Rubrica.]

Assa.:

TEODORO DURAN. [Rubrica.]

N.

Statement of the property belonging to the maternal inheritance of Doña Lorenza Gutierrez in the possession of Don Lorenzo Gutierrez.

Rason de lo qe. se halla en mi poder pertenciente a la herencia materna de Da. Lorenza Gutierrez con arreglo a la hijuela qe. hesiste en esta de Da. Ma. Dolores Garcia con el total de lo qe. portenese a Da. Ana Ma., Dn. Jose Clemente, Dn. Juan y la espresada Da. Dolores, he higualmte. de los qe. les toco por dha. su madre Da. Lorenza en la reparticion qe. por los albaceaz se hejecuto en fin y muerte de Da. Apolonia, y es como sigue, A. S. V.

	Pesos.	R.	G.
290 ps. en rs. importan a rrazon de la tierra	1,160	0	0
1 perol avaluado en 55 ps. de plata	220	0	0
112 borregos de la nacenacia a 1 ps	112	0	0
338 obejas a 2 ps	776	0	0
20 bacas a 20 ps	400	0	0
51 carneros a 2 ps.	102	0	0
En poder mio	2,770	0	0
En la casa 123 ps., 2 rs. 10 gs	123	2	8
En el sitio de Pajarito	80	0	0
En la escritura de Da. Maria de la Luz Baca	400	0	0
En Dn. Augustin de la Peña en semillas	107	2	8
En el mismo en lana	32	0	0
Total	3,512	5	4

POR LA PRESENTE REPARTICION.

	Pesos.	R.	G.
263 obejas a 2 ps	526	0	0
4 bacas a 20 ps	80	0	0
4 buelles a 25 ps	100	0	0
4 lleguas a 20 ps	80	0	0
4 mulas aparejadas a 100 ps	500	0	0
5 besseros a 6 ps	30	0	0
1 yd. de año en	12	0	0
25 carns. a 2 ps	50	0	0
1 potro de dos años en	15	0	0
16 costales de mais a 2 ps	32	0	0
Pasa a la bta	1,425	0	0
Por la suma de la bta	1,425	0	0
5 fanegs. de trigo a 4 ps	20	0	0
1 hos en	1	0	0
En efectos	1,446	0	0

DEPENDENCIAS.

En Dn. Mariano de la Peña 101 ps., 2½ rs. en rs	405	2	0
En Dn. Lorenzo 7 mcos., 6 os. $\frac{5}{8}$ de plata labrada a 7 ps. mo. 54—6½ rs	219	2	0
En Dn. Ygo. Sanches	115	5	0
En Dn. Anto. Sedillo	100	0	0
En la plaza de Los Trujillos en tierras	80	0	0
En Florencio Padilla	12	0	0
En los erederos de rafael Baca	20	0	0
En Jose Antonio Padilla	248	3	0
En la 5a. parte de la mitad de la casa	50	0	0
En la yd. de la mitad del sitio de Pajarito	120	0	0
En la yd. parte de los Positos	400	0	0
En la yd. del sitio de los Pinos	400	0	0
En la 5a. parte del bosque de Jose Sanches qe. esta sin presio			
La. 5a. parte del sitio de Navajo	506	0	0
En la plasa de los Padillas, ausion y un pedaso de tierra por su escritura sin presio			
Suma total	4,083	4	0

Pajarito, Enero 14 de 1817 as.

LORENZO GUTIERREZ. [Rubrica.]
 JUAN GARCIA ROIZ. [Rubrica.]

O.

List of property belonging to the estate of Doña Apolonia Baca at the time of her death.

Cuenta general y reconocimiento de bienes en fin y muerte de Da. Apolonia Baca, viuda de Dn. Clemte. Gutierrez, avalorados al presio corriente del paiz que unidos y conformes han convenido los erederos, haciendo manifestacion de ellos el primer alvasea Dn. Lorenzo Gutierrez, y es como sigue, a saver:

	Pesos.	Rs.
2,000 obejas a 2 ps	4,000	0
Quarenta bacas de vientre a 20 ps	800	0
12 bueyes a 25	300	0
20 yeguas a 20 ps	400	0
24 bestias mulares bestidas a 100 ps	2,400	0
2 cavallos a 20 ps	40	0
300 ps. corrientes en los mozos sirvtes	300	0
Tres arados con sus puntas a 4 ps	12	0
Tres cavadores a 6 ps	18	0

	Pesos.	Rs.
5 hoses a 1 po.....	5	0
2 carretas a 20 ps.....	40	0
1 asuela y un escoplo en.....	4	0
25 becerros de año a 6 ps.....	150	0
Trse pipotes a 40 ps.....	120	0
1 perol grande de cobre en.....	220	0
180 carneros a 2 ps.....	360	0
6 becerros de 2 as. a 12 ps.....	72	0
5 potros de 2 as. a 15.....	75	0
60 borregos a 1 po.....	60	0
8 obalos del apostolado a 2 ps.....	16	0
2 quadritos ojalata con vidrieras a 3 ps.....	6	0
1 Dolorosa en.....	8	0
1 baul nuevo en.....	30	0
Vn armario viejo en.....	12	0
1 caxa grande con chapa y llave en.....	30	0
83 costales de maiz a 2 ps.....	166	0
25 fans. de trigo a 4 ps.....	100	0
39 marcos de plata labrada a 7 ps. en rrs. impta. del corte.....	1,097	0
2 baules, 1 caxon, y vars. santos en.....	116	0
Mil pesos en reales.....	1,000	0

CASA Y SITIOS.

La mitad de la casa de su morada.....	250	0
La mitad del sitio de Pajarito sus linderos, pr. el norte los Positos, por el sur el de los Padillas oriente el rio y poniente el Rio Puerco.....	600	0
Pasa a la bta.....	11,805	0
Por la bta.....	11,805	0
1 sitio de los Positos al lindero de los Ranchos; sus linderos, por el norte tierras de Anto. Zedillo, por el sur los Positos, por el oriente el rio, y por el poniente el Rio Puerco.....	2,000	0
Otro en los Pinos; sus linderos, al norte el Pueblo de la Ysleta, sur lo que llaman los Lentos, oriente las lomas, y poniente el rio.....	2,000	0
La mitad del bosque de Jose Sanches, sin presio.....		
La mitad del sitio de Navajo como expresan sus escritos.....	2,800	0
En la plaza de los padillas el derecho o auccion de Juan Domingo Padilla costante de escritura pr. el Alce. entons. Dn. Franco. Trevol Navarro el 16 de Noviembre del año de 1773, siendo advertencia qe. de esta tierra solamte. se vendieron 2 pedasos en lo labrado y nada mas.....		
En la plasa de los Trugillos 400 vs. de tierra.....	400	0

DEPENDIENCIAS.

En Dn. Jose Mariano de la Peña 506 ps. 5½ rrs. en plata, reducidos al corte.....	2,026	6
En Dn. Anto. Sedillo 500 ps.....	500	0
En Dn. Ygno. Sanches Vergara 578.....	578	0
En Florencio Padilla 3 bacas.....	60	0
En los herederos de Rafael Baca 5 Bacas.....	100	0
En Jose Anto. Padilla 621 obejas.....	1,242	0
Por 290 ps. de plata qe. se agregaron a las hijuelas de Chegua. reducidos al corte.....	1,160	0
Suma total de bienes.....	24,671	6
Sacanse 500 obejas a beneficio de misas de Sn. Grego. y sacanse pr. las hijuels. de Chiha. y las de aguinaldo.....	3,770	0
Queda liquido partible.....	20,901	6
Siendo cinco los erederos, Dn. Lorenzo Gutierrez, Da. Lorezna, Da. Ma. Manuela de la Soledad, Da. Ma. Luisa, y Da. Juana, tocan a cada uno....	4,180	3

NOTA.

Que de los 1,000 ps. en rrs. se sacaron 290, y reducidos a precios del corriente, se agregaron a los del capital, y los 710 sobrantes se erogaron en los gastos siguientes:

Legado a benefio. del alma	500
Entierro y honrras y misas del año	107
Asistencias de 2 Rr. Ps. al entierro a 10 ps	20
La de dos cantores	14
Mandas forzosas a 15 ps. cada una	45
Por 24 belas de cera pa. entierro y onrras a 1 po	24
Total	710

Concluido el ajuste y reparticion en los cinco erederos, Dn. Lorenzo Gutierrez, Da. Lorenza, Da. Ma. Manuela de la Soledad, Da. Maria Luisa y Da. Juana, se les entrego lo que a cada uno toco, quedando constante acumulado a este general lo que por menor recibieron otorgando al pie de ellas sus correspondientes recibos, cuia entrega verififico como 1er alvasea Dn. Lorenzo Gutierrez, en quien paraban.

PAJARITO, Eno. 16 de 1817.

NOTA.

Que habiendo resultado 120 borregos en el poder de los partidarios, le cave a cada individuo 24, los qe. igualmté. se entregaron por. el 1er alvasea, Dn. Lorenzo Gutierrez.

Haviendose verificado el reconocimiento de las alaxas pertenecientes a la capilla, juntos los alvaseas y herederos, se hallaron de menoscavo las siguientes:

- Vnos aretes de piedra de color.
- Vnos yd. de piedras blancas.
- Vna jarrita de plata.
- Los alvortantes de cristal de las pantayas.
- Vna campa. del campanil de 1 a.
- Vn dengue realzado de oro y plata tercio po. azul.

DE AUMENTO, COMO SIGUE:

- 5 palias.
- 1 rosario con su cruz enganzado de 7 mists. todo de oro.
- 1 joya de oro con relicario de Sta. Teresa de Jesus.
- 1 relicario de plata con el Ser. de Chalma.
- 1 campanita de metal.
- 3 candeleros de plata.
- 1 s. aretes con granaditas de oro.
- 1 quapastle realzado con punta plata forado en capichola carmesi.
- 1 capa morada de damasco con galon de oro.
- 2 pares de manteles.
- 1 sabana de Breña.
- 1 ornanto. lustrina cafe de oro.
- 1 lustrina blanco.
- 12 camisas de las 2 ymags. de Na. Sa., el Niño y Sn. Sevastian.
- 2 amitos.
- 1 marcada toledana morada.
- 4 manotejos.
- 7 purificadores.
- 7 ramilletes de cartulina y papel.
- 1 ymagen de Sa. Sta. Ana de 2 vs. de alto con su vestido raso, morado, verde y amarillo, forado con sayasaya nacar, y su niña bestida de raso nacar y manto azul, con 2 hilos de pulas finas, y aretes de lo mismo con cuentesitas de oro.
- 1 Sto. Cristo con su baldoquin.
- 1 Sto. Cristo grande de esquipulas.
- 2 yd. chicos.
- 1 quadro de Na. Sa. de Guadalupe en su altar.
- Otro yd. de S. Vicente Ferrer en su altar.
- 6 Angelitos de taya, finos.
- 1 araña de ojalata.
- 12 alvortantes de fierro.

3 frontales mas.

1 silla, vna mampara en la sacristia.

2 frezadas nuevas de alfombras.

Cuio reconocimiento se hizo hoy dia 17 de Eno. de 1817, y lo firmaron.

LORENZO GUTIERREZ. [Rubrica.]

ANTO. RUIZ. [Rubrica.]

Por mi y mis hermanos:

JUAN GARCIA ROIZ. [Rubrica.]

FRANCO. SARRASINO. [Rubrica.]

JOSEF MARIANO DE LA PEÑA. [Rubrica.]

Por la convencion de los erederos:

MANL. RUVI DE CELI. [Rubrica.]

NOTA.

Que habiendo quedado 180 beyones de lana sin repartir, se repartieron, y toco a cada uno de los erederos a 36 beyones.

NOTA.

Por equivocacion se asentaron en este varias cosas pertenecientes a la capilla de menoscavo y aumento qe. constan arriba, y hoy dia 18 de Nove. de 1818 se pasaron a un pleigo de papel qe. se agrego el imventario, tarjandose en este como corresponde, y lo firmaron los que abajo constan en este de Pajarito en el referido dia, mes y año.

LORENZO GUTIERREZ. [Rubrica.]

ANTO. RUIZ. [Rubrica.]

P.

Statement of the property falling to the heirs of Doña Lorenza Gutierrez from the estate of Doña Apolonia Baca, and statement of the property falling to Don Lorenzo Gutierrez as the legal heir of Doña Apolonia Baca.

Razon de los bienes que por fin y muerte de Da. Apolonia Baca tocaron a los erederos de Da. Lorenza Gutierrez, todo a presios corrientes del pais, y es como sigue, a saber:

	Pesos.	Rs.
La 5a parte de la mitad de la casa -----	50	0
La 5a yd de la mitad del sitio de Pajarito -----	120	0
La 5a parte de los Positos a los Ranchos -----	400	0
La 5a yd. del sitio de los Pinos -----	400	0
La 5a yd. de la mitad del bosque de José Sanchez, sin presio -----		
La 5a yd. de la mitad del sitio de Navajo -----	560	0
En 400 varas de tierra en la Plasa de los Trugillos -----	80	0
En la Plasa de los Padillas aucion y un pedazo de tierra, consta pr. su eseria -----		
263 obejas a 2 ps -----	526	0
4 bacas -----	80	0
4 bueyes -----	100	0
4 lleguas -----	80	0
5 mulas bestidas -----	500	0
5 becerros a 6 ps -----	30	0
1 yd. de 2 as. en -----	12	0
25 carns. a 2 ps -----	50	0
1 potro de 2 as. en -----	15	0
16 costs. maiz a 2 ps -----	32	0
5 fans. de trigo a 4 -----	20	0
1 hoz -----	1	0
En 7 mars. 6 os. $\frac{3}{4}$ de plata labrada a 7 ps -----	219	2

DEPENDIENCIAS.

En Dn. Mariano de la Peña en rrs. 101.2 $\frac{1}{2}$ rrs -----	405	2
En Dn. Ygno. Sanches Vergara -----	115	4
En Dn. Anto. Zedillo -----	100	0

	Pesos.	Rs.
En Florencio Padilla	12	0
En los eredores de Rafael Baca	20	0
En Jose Anto. Padilla	248	3
Dos cans	4	0
Suma total	4, 180	3

Como segundo alvasea de la finada Da. Apolonia Baca, y haciendo la persona de los eredores de Da. Lorenza Gutierrez ausentes en Chihuahua., recivi lo contenido en este; lo que queda a cargo del 1er alvasea Dn. Lorenzo Gutierrez, y lo firmamos ambos en esta de Pajarito, Eno. 16 de 1817. No asegurando los expresados bienes de danos irreparables.

LORENZO GUTIERRES. [Rubrica.]

ANTO. RUIZ. [Rubrica.]

JUAN GARCIA ROIZ. [Rubrica.]

Agreganse 36 beyons. de lana.

Q.

Razon de los bienes que por fin y muerte de Da. Apolonia Baca se entregaron a Dn. Lorenzo Gutierrez como su legitimo eredere, todo a presios de la tierra corrientes, y es como sigue, a saber:

	Pesos.	Rs.
La 5a parte de la mitad de la caso en	50	0
La 5a parte de la mitad del sitio de Pajarito	120	0
La 5a parte del sitio de los Positos a los Ranchos	400	0
La 5a yd. del sitio de los Pinos	400	0
La 5a yd. de la mitad del bosque de Jose Sanchez, sin presio		
La 5a yd. de la mitad del sitio de Navajo	560	0
En 400 varas de tierra en la Plaza de los Trugillos	80	0
En la Plaza de los Padillas ausion y un pedaso de tierra que consta por su escritura		
Tres cavadores, 3 arados y 3 pipotes en	150	0
2 quadritos de ojalata, y 1 baul	36	0
En los mozos sirvientes	300	0
2 bauls mas en	35	0
1 caxon en	30	0
1 armario y una Dolorosa en	20	0
8 obalos y otro caxon en	36	0
En Santos	61	0
1 carreta y 4 hozes en	24	0
77 obejas a 2 ps	142	0
4 bacas a 20	80	0
16 costales de maiz y 5 fans. de trigo	52	0
4 peguas a 20	080	0
4 mulas aparejadas	400	0
En 7 marcos 6 os. y $\frac{3}{4}$ plata labrada a 7 ps	219	2

DEPENDENCIAS.

En Dn. Mariano de la Peña en rrs. 101.2 $\frac{1}{2}$	405	2
En dn. Ygno. Sanchez Vergara	115	4
En Dn. Anto. Zedillo	100	0
En Florencio Padilla	12	0
En los eredores de Rafael Baca	20	0
En Jose Anto. Padilla	248	3
	4, 176	2
Nota; se agregan dos cars. qe. importan 4 ps. 1 en 2 a 2 y 1	4	1
Total qe. le toco	4, 180	3

Recivi lo que contenido este papel como legetimo eredere, y para que conste lo firme en esta de Pajarito, Eno. 16 de 1817, se hallaron presentes Dn. Jose Mariano de la Peña, Dn. Manuel Ruvi y Dn. Franco. Sarracino, quienes igualmte. lo firmaron.

LORENZO GUTIERREZ. [Rubrica.]

Agreganse 36 peyones de lana.

R.

Statement of the property falling to Doña Maria Luisa Gutierrez as the legal heir of Doña Apolonia Baca.

Razon de los bienes que por fin y muerte de Da. Apolonia Baca tocaron a Da. Ma. Luisa Gutierrez como su legitima eredera, todo a presios corrientes del pais, y es como sigue, a saber:

	Pesos.	Rs.
La 5a parte de la mitad de la casa	50	0
La 5a yd. de la mitad del sitio de Pajarito	120	0
La 5a yd. del sitio de los Pinos	400	0
La 5a yd. de los Positos a los Ranchos	400	0
La 5a yd. de la mitad del bosque de Jose Sanchez, sin precio		
La 5a yd. de la mitad del sitio de Navajo	560	0
En 400 varas de tierra en la plaza de los Trujillos	80	0
En la plaza de los Padillas ausion y l pedazo de tierra consta pr. su escritura.		
254 obejas a 2 ps	508	0
4 bacas	80	0
4 bueyes	100	0
4 yeguas	80	0
5 bestias mulares aparejadas	500	0
5 becerros de año a 6	30	0
25 carns	50	0
1 becerro de 2 as	12	0
1 potro de 2 as	15	0
15½ costales de maiz	31	0
5 fans. de trigo a 4	20	0
1 cavallo	20	0
En 7 mars. 6 s. $\frac{3}{4}$ de plata labraa. a 7 ps. de plata	219	2

DEPENDIENCIAS.

En Dn. Mariano de la Peña en rrs. 101 po. 2½	405	2
En Dn. Ygno. Sanchez Vergara	115	6
En Dn. Anto. Zedillo	100	0
En Florencio Padilla	12	0
En los ereds. de Rafael Baca	20	0
En Jose Anto. Padilla	248	3
Dos carns	4	0
Suma total	4,180	3

Todo lo contenido arriba por desposicion de Sra. mi Madre Da. Luisa Gutierrez lo he recibido y a toda constancia lo firme el día 22 de Enero de 1817.

FRANCO. SARRASINO. [Rubrica.]

Agreganse 36 beyones de lana.

Certifico que la antecedente hijuela queda enregistrada en el Libro letra Fen las paginas 275 y 276.

En testimonio de lo cual bease mi mano y sello. Causando que el sello de la Corte sea estampado en oficina de Albuquerque hoy el día 16 de Mayo, A. D. 1872.

[SELLO.]

NESTOR MONTOKA,

Escribano de la Corte de Pruebas del Condado de Bernalillo.

S.

Statement of the property falling to Doña Maria Manuela de la Soledad Gutierrez as the legal heir of Doña Apolonia Baca.

Razon de los vienes que por fin y muerte de Da. Apolonia Baca tocaron a Da. Maria Manuela de la Soledad Gutierrez como su lega. eredera, todo a precios corrientes del pais, es como sigue, a saver:

	Pesos.	Rs.
La 5a parte de la mitad de la casa	50	0
La 5a yd. de la mitad del sitio de Pajarito	120	0
La 5a yd. de los Positos a los Ranchos	400	0

	Pesos.	Rs.
La 5a yd. del sitio de los Pinos	400	0
La 5a yd. de la mitad del bosque de Jose Sanchez, sin precio		
La 5a yd. de la mitad del sitio de Navajo	560	0
En 400 varas de tierra en la Plaza de los Trujillos	80	0
En la Plaza de los Padillas, auccion y un pedaso de tierra consta. por su escrita.		
255 ovejas a 2 ps	510	0
4 vacas	80	0
2 bueyes	50	0
4 yeguas	80	0
5 bestias mulares a 100	500	0
5 becerros a 6	30	0
30 carns. a 2	60	0
1 becerro de 2 as.	12	0
1 potro de 2 as. en	15	0
18½ costs. de maiz a 2 ps.	37	0
5 fans. de trigo a 4 ps.	20	0
1 carreta en	20	0
1 cavallo en	20	0
1 toro de 2 as. en	12	0
En 7 marcs. 6 os. $\frac{5}{8}$ de plata labrada a 7 ps	219	2

DEPENDIENCIAS.

En Dn. Mariana de la Peña en rrs. 101 ps. 2½ rs.	405	0
En Dn. Ygno. Sanchez Vergara	115	0
En Dn. Anto. Zedillo	100	0
En. Florencio Padilla	12	0
En los erederos de Rafael Baca	20	0
En Jose Anto. Padilla	248	3
Dos carns	4	0

Suma total 4, 180 3

JOSEF MARIANO DE LA PEÑA. [Rubrica.]

Agreganse 36 beyones de lana.

T.

Statement of the property falling to Doña Juana Gutierrez as the legal heir of Doña Apolonia Baca.

Razon de los bienes que por fin y muerte de Da. Apolonia Baca tocaron a Da. Juana Gutierrez como su legitima credera, todo a presios corrientes del paiz, y es como sigue, a saver :

	Pesos.	Rs.
La 5a parte de la mitad de la casa	50	0
La 5a yd. de la mitad del sitio de Pajarito	120	0
La 5a parte del sitio de los Pinos	400	0
La 5a parte de le los Positos en los Ranchos	400	0
La 5a parte de la mitad del bosque de Je. Sanchez, sin precio		
La 5a parte de la mitad del sitio de Navajo	560	0
En 400 varas de tierra en la Plaza de los Trujillos	80	0
En la Plaza de los Padillas auccion y 1 pedaso de tierra consta pr. su escrita		
269 ovejas a 2 ps.	538	0
4 vacas	80	0
2 bueyes	50	0
4 yeguas	80	0
5 bestias mulares aparejadas	500	0
29 carneros a 2	58	0
1 toro de 2 as.	12	0
5 becceros de año a 6	30	0
1 potro de 2 as. en	15	0
16 costales y medio de maiz	33	0
5 fans. de trigo	20	0
5 becerros mas	30	0
En 7 meos. 6 os. $\frac{5}{8}$ de plata labrada a 7 ps. en rrs.	219	2

DEPENDENCIAS.

	Pesos.	Rs.
En Dn. Mariano de la Peña en rrs. 101. 2½	405	2
En Dn. Ygno. Sanchez Bergara	115	6
En Dn. Anto. Zedillo	100	0
En Florencio Padilla	12	0
En los erederos de Raff. Baca	20	6
En José Anto. Padilla	248	3
Dos carns. en	4	0

Suma total 4,180 3

MANL. RUVI DE CELIS. [Rubrica.]

Agreganse 36 beyones de lana.

U.

Certificate of settlement of claim of José Mariano de la Peña for his wife Doña Maria Manuela de la Soledad Gutierrez, one of the heirs of Doña Apolonia Baca.

Digo yo el abajo firmado, como alvacea de la finada Da. Apolonia Baca, qe. haviendo hecho cargo a los bienes de dicha Sa. Dn. Jose Mariano de la Peña a resta de la hijuela de su difunta esposa Da. Maria Manuela de la Soledad Gutierrez por parte paterna y manifestandose documentos otorgados por la expresada Da. Apolonia a fin de qe. no se entere lo qe. dicho Dn. Je. Mariano solicita, y aun serle gravoso a dichos sus bienes lo anterior entregado; no convinieron los herederos a su pretencion, por lo que Dn. Lorenzo Gutierrez saco el convenio a dicho Sor. de darle de sus propios bienes quinientos carns., y cien pesos duros en atencion a quitar disenciones y enredos, y que quedase una paz tranquila entre todos; a lo qe. convino dicho Peña, y pa. qe. conste lo firme en Pajarito, 13 de Mayo de 1817 años.

ANTO. RUIZ. [Rubrica.]

V.

Acknowledgment of receipt of their proportions of the estate of Doña Apolonia Baca by Juan Garcia Roiz for himself and for his brother and two sisters.

Recivi de mi tio Dn. Lorenzo Gutierrez todo lo perteneciente a la erencia mia y de mis hermanos Da. Ana Ma., Dn. Jose Clemente y Da. Maria Dolores que se manifiestan en las hijuelas qe. por fin y muerte de mi abuela Da. Apolonia Baca. Solo quedan por cobrar las dependencias que constan al pie de este y que se iran avonando conforme se ballan satisfaciendo; devriendose entender que de 818 ps. fuertes, qe. fuera de las dependencias importa la erencia, por parte de dicha mi abuela Da. Apolonia Baca, deven entrar en parte de esta cantidad Dn. Bartolome de la Peña y Da. Ma. Franca. como hijos havidos por mi difunta madre en su segundo matrimonio. E igualmte. estoy recibido del impte. de la escritura de Da. Ma. de la Luz Baca, de la qe. con esta fha. he dejado traspaso a dicho mi tio. Se nota que de la dependencia causada por Dn. Agustín de la Peña de 34 ps. fuertes solo deven repartirse los quatro hermanos primeros, y de las demas los seis. Por mi parte y la de mis hermanos (como su apoderado) me doy por contento y satisfecho, sin tener que hacer reclamo en lo subesibo sobre el particular. Y pa. qe. conste lo firme en esta de Pajarito, Junio 20, 1817.

JUAN GARCIA ROIZ. [Rubrica.]

DEPENDENCIAS.

En Dn. Mariano de la Peña 101.2½ rrs. en plata.
 En Dn. Ygnacio Sanches Vergara 115 ps. 4 rrs. de la tierra.
 En los erederos de Rafael Baca 20 ps. de yd.
 En Jose Anto. Padilla 248 ps. 3 rs. de yd.

TERRITORIO DE NUEVO MEJICO,

Condado de Bernalillo;

Yo, el abajo firmado, certifico que antecedente escritura fue enregistrada en el Libro de Documentos letra "I," paginas 259.

En testimonio de lo cual he puesto mi mano y el sello oficial este dia 29 de Diciembre,

A. D. 1879.

[SELLO.]

MELCHOIR WERNER,

Escribano de la Corte de Pruebas y Ex Oficio Enregistrador.

W.

Statement of property belonging to Juan José Gutierrez from the estate of his father, Don Lorenzo Gutierrez, etc.

Hijuela perteneciente a Dn. Juan Jose Gutierrez de los vienes arreglado de parte de su finado padre Dn. Lorenzo Gutierrez con arreglo al testamto. y segun convenio de los dos herederos, con acuerdo y aprovacion de los tres nombrados alvaseas en el sitado testamto. y pr. el referido difunto.

Primeramte. la mita de la casa havitacion del referido difunto en el puesto de Pajarito con esclucion del quinto valor de dha. casa que queda a beneficia de su nieto C. Juaquin Bazan segun disposicion del finado Gutierrez.

Yd., la mita de las tierras ahirazas y de lavor con la pertenencia del sitio, entendiendo que deven ser partibles las tierras de lavor que hay rotas hasta esta fecha.

Yd., quedan a veneficio del referido Dn. Juan Gutierrez las vestias mulares, aparejos, y vuelles qe. sita el testamto.

Yd., queda asi mismo a beneficio de dho. Sor. la huerta que refiere el mencionado testamto.

Yd., una silla abiada, unas harmas de pelo, un sable, con guarnicion y puño de plata y un par pistolas.

Yd., estan segun consta en el testamto. en la ciudad de Durango y en poder de los Sres. Dn. Mariano Herrera y Dn. Jose Miguel Briones en el primero noventa y cinco ps. y en el segundo cuarenta y cinco; estos cobrados que sean seran partibles entre los dos herederos Dn. Juan Gutierrez y Da. Polonia Gutierrez, siempre reconociendo el quinto a favor del C. Juaqn. Bazan.

Yd., queda responsable el presitado Dn. Juan Gutierrez a pagar a la mayor brevedad las cincuenta misas que constan en el testamto. a veneficio de la alma de su difunto padre, y a mas veinte y cinco dhas. que tambien manda se digan pa. las venditas animas del purgatorio.

Yd., asi mismo deve pagar quince ps. de las mandas forzosas, deviendo cobrar recibos de estos y de las setenta y cinco misas sitadas pa. satisfacion de los Sres. alvaseas.

Yd., quedan a favor de Dn. Juan Gutierrez las obejas que deve Agustin Torrez como tambien las que deve Dn. Juaqn. Padilla, quedando con la obligacion de pagar con lo primero que abonen sien misas a veneficio de todos los que le sirbieron y tubo tratos, mas le queda a dho. Gutierrez todas las obligaciones y listas pa. que cobre a su beneficio segun conbenio entre los dos herms.

Yd., asi mismo queda el referido Dn. Juan Gutierrez con la obligacion presisa de pagar anualmte. un diez pr. siento de los frutos de la huerta y esto se aplicara en misas a veneficio de las venditas animas del purgatorio; con mas y amas de las primeras devera pagar cada quince dias una misa en la capilla de esta hacda. y pr. la alma del testador, y si pr. algun accidente inesperado no hubieren de producir las tierras semilla ninguna ni la huerta fruta en este caso no tendra responsabilidad el sitado Gutierrez a menos de que graziosamte. no quiere pagar alguna o algunas.

Yd., pa. llenar y cumplir con las mandas y legados pr. el espresado difunto en el testamto. queda el espresado Dn. Juan Gutierrez con la obligacion presisa de satisfacer completamte. las clausulas estendidas por su difunto padre segun convinieron ambos herederos, y pa. qe. en todo tiempo conste se estendio esta hijuela en la hazda. de Pajarito pr. la disposicion de los tres nombrados alvaseas y con presencia de los dos sitados herederos, quienes los firmaron en este Puesto de Pajarito a los siete dias del mes de Eno. y año corrt. de 1829.

JUAN NEPO. GUTIERREZ. [Rubrica.]

Por mi madre: POLONIA GUTIERREZ.

JUAQN. BAZAN. [Rubrica.]

MANL. ARAGON. [Rubrica.]

JUAN RAFAEL ORTIZ. [Rubrica.]

JUAN ESTEVAN PINO. [Rubrica.]

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., September 26, 1887.

The foregoing seventy-one pages, having been compared with the original documents from which it was made, is now found to be a full, true, and correct copy of said originals, which, designated respectively as documents A to W inclusive; document F, consisting of four different documents, was left temporarily in the custody of this office for use in the examination of private land claim, file No. 210, in the name of Josefa Baca,

for the "Pajarito" tract—the following interlineations, as well as many less important changes, having been made before this certificate was signed: Page 2, opposite line 23, F; page 4, line 1, de; page 5, opposite line 7, F; page 7, line 14, se; page 10, opposite line 13, F; page 12, line 28, tener; page 13, line 27, real; page 20, line 15, por; page 25, line 8, parte; page 26, line 8, Chabes; page 27, line 3, se; page 28, line 9, dias; page 31, line 14, tocan; page 37, line 14, la; page 49, line 27, de; page 55, line 16, pr.; page 70, line 1, tratos.

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

A.

Translation of deed from Joseph Baca to Antonio Baca of the share of the Pajarito tract which he inherited from his mother.

In this town of San Felipe de Albuquerque on the eleventh day of the month of August of the present year of one thousand seven hundred and forty-eight, before Miguel Lusero, chief alcalde and war captain of the said jurisdiction, personally appeared before me Joseph Baca, whom I certify I know, and he said that he gave and did give in royal sale, that is to say, a piece of land which he had by inheritance from his deceased mother in the ranch of Pajarito, that is to say, that the said land the said Joseph Baca gives to the said Antonio Baca, that he gave it to him for the price of two hundred dollars which the said Joseph Baca acknowledges to have received to his content and satisfaction, wherefore he is contented, paid, and satisfied, and if it is worth more or may be worth more he makes him a present and donation of it, pure, mere, perfect, irrevocable, which the law calls *inter vivos*, with regard to which he renounces his own right, domicile, and residence, and the laws of the *numerata pecunia*, proof and payment, and those relating to joint ownership (*mancomunidad*) which treat of the half of the just price; that he gives it to him free from all tax, tribute, or other lien in order that he may enjoy it as his own, for himself, his children, heirs, and successors, and that he may do with it according to his will; sell it, exchange it, alienate it according to his will, and as guarantee he pledges his person, property, real and personal, which he now possesses and which he may possess, with regard to which no suit nor demand will be brought by the said Joseph Baca, nor by his children, heirs, or successors, and in case they should bring it let them not be heard either in court or out of court, and he gives full power to the justices of His Majesty in order that with all rigor they may compel and oblige the fulfilment of this instrument as if it were by definitive decision of a competent judge, passed upon a matter adjudged, with regard to which he renounces all that may be alleged in his favor and the law *si cumbenerit juredisiones*. Thus he executed it before me, the said chief alcalde, to which I certify, and he signed it with me and two assisting witnesses, acting as special justice, in the absence of a notary public or royal, of which there is none in this kingdom.

JOSEPH BACA. [Rubric.]

Witness:

ANTTO. BACA. [Rubric.]

Witness:

BENTURA ROMERO. [Rubric.]

As special justice,

MIGUEL LUSERO. [Rubric.]

B.

Translation of deed from Miguel Lucero on behalf of his wife, Rosa Baca, to Antonio Baca of her share in the Pajari to tract inherited from her mother, Josefa Baca.

In this town of San Felipe de Albuquerque, on the sixth day of the month of November of this year of one thousand seven hundred and fifty-one, before me, Miguel Montoya, chief alcalde's lieutenant, personally appeared Captain Miguel Lusero, whom I certify I know, and he said that he gave and did give in royal sale (namely) a piece of land which belonged by inheritance to my wife from her mother, Doña Josefa Baca, which lands he has sold to Antonio Baca, with permission of my [his] wife Doña Rosa Baca, namely, that said lands are incorporated in the ranch called Pajarito, where the said

purchaser lives, and where there is nothing remaining to me by inheritance from my deceased mother-in-law, and it is to be known that the said Miguel Lusero gave the said lands to the said Antonio Baca, that he gave them for the price of two hundred dollars, which the said Miguel Lusero acknowledges to have received to his content and satisfaction, wherefore he is contented, paid, and satisfied, and if it is worth more or may be worth more he makes it a present and donation, pure, mere, perfect, irrevocable, which the law calls *inter vivos*, in regard to which he renounces his own right, domicile, and residence, and the laws of the *numerata pecunia* proof and payment, and those of joint ownership (*mancomunidad*), which treat of the half of the just price, that he gives it free of all tax, tribute, or other lien, in order that he may enjoy it as his own, for himself, his children, heirs, and successors, and that he may do with it according to his will, sell it, exchange it, alienate it as his own, and as a guarantee he pledges his person and property, real and personal, which he has now and which he may have, in regard to which no suit nor demand will be brought by the said Miguel Lusero, nor by his children, heirs, or successors, and in the case that it should be brought, let them not be heard either in court or out of court, and he gives full power to the justices of His Majesty in order that with all rigor they may compel and oblige the fulfillment of this instrument, as if it were by definitive decision of a competent judge passed upon a matter adjudged, with regard to which he renounces all that might be alleged in his favor, and the law *si cunbenerit et jurisdictionis*. Thus he executed it before me, the said lieutenant, to which I certify, and he signed it with me, and two assisting witnesses, acting as special justice in the absence of a notary public or royal, of which there is none in this kingdom.

MIGUEL LUSERO. [Rubric.]

MIGUEL MONTOYA. [Rubric.]

Witness:

DIEGO ANTTO. CHABES. [Rubric.]

Witness:

BENTURA ROMERO. [Rubric.]

C.

Translation of deed from Manuel Baca to Antonio Baca, for the share in the Pajarito tract which he inherited from his mother.

LETTER OF ROYAL SALE IN FAVOR OF ANTONIA BACA.

In this town of San Felipe de Albuquerque on the twentieth day of the month of June of this year of one thousand seven hundred and fifty-four, before me, Miguel Lusero, chief alcalde and war captain of said jurisdiction, personally appeared before me Manuel Baca, whom I certify I know, and he said that he gave and did give in royal sale, viz: a piece of land and a house on said land, that they are those which belong to him on this ranch of Pajarito, which belong to him by inheritance from his deceased mother; he says he sold this said part to the person of Antonia Baca for the price and sum of three hundred and forty dollars, which the said Manuel Baca confesses to have received to his content and satisfaction, with which he is contented, paid, and satisfied, and if it is worth more, or may be worth more, he makes to him gift and donation pure, mere, perfect, irrevocable, which the law calls *inter vivos*, with regard to which he renounces his own right, domicile, and residence, and the laws of the *numerata pecunia*, proof and payment, and those of joint ownership (*mancomunidad*), which speak in regard to the half of the just price, that he gives them free from all tax, tribute, or other lien, in order that he may enjoy them for himself, his children, heirs, and successors, and that he may use them according to his will, sell them, exchange them, or alienate them as his own, and for their guarantee he pledges his person, property, real and personal, which he now has and which he may have, with regard to which neither he, nor his children, heirs or successors, will bring any suit or demand, and in case they should bring it, that they may not be heard in court or out of court, and he gives full power to the justices of his majesty that with all rigor they may compel and oblige him to the fulfillment of this instrument of writing as if it were by definitive decision of a competent judge passed on a thing adjudged, in which he renounces all that might be alleged in his favor, and the law *si cunbenerit et jurisdictionis*. Thus he granted it before me, the said alcalde, to which I certify, and he signed it with me and two assisting witnesses, acting as special justice, in the absence of a notary public or royal, of which there is none in this kingdom.

D.

Translation of deed from Domingo Baca to Antonio Baca of the share in the Pajarito tract which he inherited from his mother.

In this town of San Felipe de Albuquerque, on the ninth day of the month of November of the year one thousand seven hundred and fifty-seven, before me, Alonso Garsia, lieutenant of the chief alcalde of this said jurisdiction, personally appeared before me Domingo Baca, whom I certify I know, and he said that he gave and did give in royal sale, that is to say, the lands and the house which belong to him in the ranch of Pajarito, the said lands he had by inheritance from his deceased mother, Doña Josepha Baca, who says he sold this said share to Captain Antonio Baca for the price and sum of five hundred dollars, which the said Domingo Baca acknowledges to have received to his content and satisfaction, wherefore he is contented, paid, and satisfied, and if it is worth more or may be worth more, he makes him a present and donation of it, pure, mere, perfect, irrevocable, which the law calls *inter vivos*, in regard to which [torn] right, domicile, and residence, and the [torn] *numerata pecunia*, proof and payment and those of *ma* [torn] *d* which speaks of the half of the just price that [torn] free from all tax, tribute, and other lien, in order [torn] for himself, his children, heirs, and successors, and that [torn] them according to his will, sell them, exchange them, and [torn] as his own [torn] their guarantee [torn] *ona* property, real and personal, which he now has and [torn] bring suit nor demand for [torn] mingo Baca, nor by his children, heirs [torn] in case they should bring it let them not be heard [torn] *a* of it, and he gives sufficient power to the [torn] in order that with all rigor they may compel him [torn] fulfilment of this instrument as [torn] *nsia* definitive of a competent judge [torn] adjudg [torn] he renounces all that may be alleged in his favor and the law *si* [torn] *ret et jurisdisiciones*. Thus he executed it before me, the said lieutenant of [torn] chief, to which I certify, and he signed it with me and two assistant witnesses, acting as special justice in the absence of a notary public or royal, of which there is none in this kingdom.

DOMINGO BACA. [Rubric.]

Witness:

MANUEL BELASQUES. [Rubric.]

ALONSO GARSIA. [Rubric.]

EUSEVIO RAEI. [Rubric.]

Translation of Doc. Fa. Power of attorney from Maria de la Luz Baca to Antonio Baca to sell her interest in the Pajarito tract.—Doc. Fb. Deed from Maria de la Luz Baca to Francisco Garcia de Ruiz of the interest in the Pajarito tract inherited by her from her mother, Nonico de Chaves.—Doc. Fc. Indorsement and transfer of the above deed by Juan Garcia Ruiz and his sisters to Lorenzo Gutierrez.—Doc. Fd. Indorsement by Antonio Baca of the sale made by his daughter, Doña Maria de la Luz Baca, to Don Francisco Antonio Garcia of the lands which he (Baca) gave her as her inheritance.

Fa.

[Fourth seal, one quartillo, years of one thousand seven hundred and eighty-six and eightyseven. (Seal.) One quartillo.]

In this capital city of Santa Fé, of New Mexico, on the twenty-seventh day of the month of May, of the year one thousand seven hundred and eighty-six, before me, Don Antonio José Ortiz, chief alcalde and war captain of the said city and its jurisdiction, appeared Doña Maria de la Luz Baca, widow of Captain Don Francisco Trebol Navarro, and she said that she gave, and *de facto* did give all her power complete and as much as required by law and necessary, to her father, Don Antonio Baca, in order that he may sell, and in fact sell the lands which belong to her in the Rancho de Pajarito, except the house with its lots and entrances and exits, and without prejudice to other creditors who may have a better right, and in conformity with this he may execute the instruments of sale that may be necessary. In testimony whereof I, the said chief alcalde, signed it, with my assisting witnesses, acting as special justice in the absence of notaries, of which there is none of any class in this province, and it is done as above.

ANTONIO JOSÉ ORTIZ. [Rubric.]

JOSÉ MIGUEL ORTIZ. [Rubric.]

PEDRO ORTIZ. [Rubric.]

Fb.

I, Doña Maria de la Luz Baca, a resident of this town of Santa Fé, of New Mexico, widow of Don Francisco Trebol Navarro, who was brevet-captain of this royal garrison, say: That it is true that I have sold to Don Francisco Garcia de Ruiz, a resident of the place of San Isidro de Pajarito, the share of lands which came to me by inheritance from my deceased mother, Doña Monica de Chaves, and the rest (*y demas*) in the said place, cultivated as well as uncultivated, in the sum of six hundred current dollars of the country, with which price, on which we have agreed, I am satisfied and paid, in the presence of my brother, Don Diego Antonio Baca, in this said town on the thirtieth day of the month of October of the year one thousand seven hundred and eighty-seven, Don Vicente Troncoso and Don José Rafael Sarracino being witnesses, present and residents; and in order that the proper instrument of sale may be drawn up in the proper terms I give this in the presence of the said witnesses in this said town of Santa Fé.

At the request of my sister, Maria de la Luz.

DIEGO ANTO. BACA. [Rubric.]

Witness:

VICTE. TRONCOSO. [Rubric.]

Witness:

JOSÉ RAFAEL SARRACINO. [Rubric.]

SANTA FÉ, November 1, 1787.

Let the alcalde of Albuquerque draw up the proper instrument of sale in the usual form.

CONCHA. [Rubric.]

Fc.

In this puebla of San Augustin de la Isleta, on the tenth day of the month of December, of the year one thousand seven hundred and eighty-seven, before me, Don Manuel de Arteaga, chief alcalde and captain of militia of the town of San Felipe de Albuquerque, its jurisdiction and frontiers, personally appeared Don Francisco Garcia de Ruiz, a citizen resident of the place of San Isidro de Pajarito, belonging to this jurisdiction, whom I certify I know, and who presented the foregoing instrument to me, by which and in virtue of the decree given by the Lieutenant-Colonel Don Fernandodela Concha, political and military governor of this province of New Mexico, which follows in continuation, I, the said chief alcalde, say that Doña Maria de la Luz Baca, resident of the town of Santa Fé, gave in royal sale to the said Don Francisco Garcia de Ruiz, namely, the share of lands which came to her by inheritance from her deceased mother, Doña Monica de Chaves, and the rest (*y demas*) in the said Rancho de Pajarito, cultivated as well as uncultivated, the boundaries of which are not given in this instrument, because the said rancho has not been partitioned, and it is not known who are the adjoining owners, and the said lands she gave him for the price of six hundred current dollars of the country, which Doña Maria de la Luz Baca confesses to have received from the said Don Francisco Garcia de Ruiz to her full satisfaction and content, and with which sum she is fully paid, contented, and satisfied, and if it is worth more or may be worth more of the excess, she makes him a present and donation, pure, mere, perfect, and irrevocable, which the law calls *inter vivos*, in regard to which the said Doña Maria de la Luz Baca renounces her own right, domicile, and residence, and the laws of the *non numerata pecunia*, proof and payment, and those of joint ownership (*mancomunidad*), which speak in regard to the half of the just price, and that of the *Ordenamiento Real* made in the cortes of Alcalá de Henares, which also speaks with regard to the half of the just price of the things which are bought and sold, and from the present she renounces and relinquishes all the property, share, and dominion which she had in said lands, and transfers and cedes it to the person of the said Don Francisco Garcia de Ruiz, in order that as his own he may enjoy them and may enjoy them for himself, his children, heirs, and successors, sell them, exchange them, or alienate them, with regard to which no suit or demand of any kind will be brought by the said vendor nor by her heirs, and in case that any should be brought let it not be heard either in court or out of court, and she gives power to the royal justices of His Majesty (whom may God preserve), of whatsoever place they may be, in order that with all rigor of law they may compel and oblige her to the fulfilment of this instrument as if it were by definitive decision given by a competent judge in a matter adjudged, agreed to, and not appealed, and for the guarantee of this instrument the vendor pledges her person and property, real and personal, which she now has and that which she may have, and she renounces all and any laws which may be cited in her favor. Thus the said Doña Maria de la Luz Baca granted it

before two witnesses, who are Don Vicente Troncoso and Don José Rafael Sarracino, as appears by the said instruments, which at the request of the grantor was signed by her brother, Don Diego Antonio Baca, by which she gives her permission that this instrument be drawn up in the proper terms, which I, the said chief alcalde, have done, and in testimony whereof I signed it with my assisting witnesses, acting as special justice in the absence of a notary public or royal, of which there is none of any class in this province, to which I certify.

MANL. DE ARTEAGA. [Rubric.]

Assisting witness:

JOSÉ ANASTO HERNANDZ. [Rubric.]

Assisting witness:

ANTO. VILLEGAS RUIZ. [Rubric.]

[Endorsed:] Year of 1787. Sale of the lands of Doña Maria de la Luz Baca in Pajarito—In 600 dollars.

[End of Endorsement:] I, the undersigned, say that the instrument of sale by Doña Maria de la Luz Baca is transferred, and in favor of Don Lorenzo Gutierrez, in the same terms as in it are set forth, I and my sisters (whose attorney I am), being contented and satisfied with the sum of six hundred current dollars of the land which I acknowledge to have received to my full satisfaction. And in order that it may so appear, I signed it, Don Santiago Abreu, Don Juan Bazan, and Don Antonio Ruiz being witnesses. In Pajarito on the twentieth of June, one thousand eight hundred and seventeen.

JUAN GARCIA RUIZ. [Rubric.]

SANTIAGO ABREU. [Rubric.]

JUAN BAZAN. [Rubric.]

ANTO. RUIZ. [Rubric.]

Fd.

I, Don Antonio Baca, a resident of the place of San Isidro de Pajarito, say, that by the present, I make good the sale which with my consent and will, my daughter, Doña Maria de la Luz Baca, makes to Don Francisco Antonio Garcia, of the lands which I have given to her as her inheritance, of my said daughter, I being responsible with all that may be known as mine to the said Garcia, which I have given him in order that he may maintain himself with it, and in case any one at any time should wish to use the said land for the payment of debts which may not be for the benefit of my daughter, that they be returned to my possessions, in order that with them I may maintain myself, and that the title deed that I may make as attorney for my daughter be of no value, and in order that it may so appear, I gave the present to the said Garcia for his protection, at the place of Pajarito, on June twenty-six, of one thousand seven hundred and eighty-six.

ANTO. BACA. [Rubric.]

TERRITORY OF NEW MEXICO,

County of Bernalillo:

I, the undersigned, certify that the foregoing writing was recorded in the Book of Documents, letter "I," pages 252, 253, 254, 255, and 256.

In testimony whereof I have placed my hand and the official seal this twenty-ninth day of December, A. D. 1879.

[SEAL.]

MELCHOIR WERNER,

Clerk of the Court of Probate and Ex-Officio Recorder.

H.

Translation of lease and agreement to exchange lands to Lorenzo Gutierrez by other heirs interested in the Pajarito tract.

[Stamp four, one *cuartillo* years one thousand seven hundred and ninety-eight and ninety-nine. (Seal.) One *cuartillo*.]

In this town of San Felipe de Albuquerque, on the tenth day of the month of June, one thousand eight hundred and three, before me, Don Vicente Lopez, civil and military lieutenant of the said town, and my assisting witnesses, who are Cristoval Jaramillo and Don Anastasio Hernandez, residents of this said town, personally appeared Captain Don Lorenzo Gutierrez, a resident of the place of San Isidro de Pajarito; Don Jose Duran, a resident of the town of Santa Fé, and Don Pedro Antonio Mestas, and Don José Marcos Ortiz, residents of this place, Don José Duran speaking for himself and

for his sisters, Doña Ursula Duran, Doña Gertrudis Duran, Doña Ana Duran, and Don Juan Duran; and Don Pedro Antonio Mestas and Don José Marcos Ortiz by power from their wives, Doña Maria Antonia Duran and Doña Mónica Duran, and they said that they all accepted the verbal proposition which Don Lorenzo Gutierrez had made to them, that in the partition of the lands of the Rancho de Pajarito, where it may fall to their share, that he may continue to cultivate, inclose, and plant where he is, although in that particular spot the lands may fall to them in said partition, with the condition that the said Don Lorenzo will replace them with those which he may receive in the said rancho, without any controversy or question, but that it shall be in a brotherly manner, with the understanding that such broken land that each one may have shall be replaced in kind, running the measurements from north to south and from eldest to youngest, in order that there may be no feeling. And in order that it might appear of record, and for its formal fulfilment, they requested me to authenticate it, and, *de facto*, I did authenticate it, and I signed with the said witnesses in said town on said day, month, and year, and in continuation Don José Duran for himself and his three sisters, Don Juan Duran, Don Pedro Antonio Mestas, and Don José Marcos Ortiz for their said wives, to all of which I certify.

VICENTE LOPEZ. [Rubric.]

Assisting witness:

JOSÉ ANASTASIO HERNANDEZ. [Rubric.]

Assisting witness:

CRISTOVAL JARAMILLO. [Rubric.]

For myself and my sisters:

JOSÉ DURAN. [Rubric.]

JUAN M. DURAN. [Rubric.]

PEDRO MESTAS. [Rubric.]

JOSÉ MARCOS ORTIZ. [Rubric.]

I.

Translation of lease and agreement to exchange lands to Lorenzo Gutierrez, made by José Mariano de la Peña and Miguel Ortiz, by authority of their wives.

We, the undersigned, say that by virtue of the power granted to us by our wives, Doña Maria Manuela de la Soledad and Doña Maria Luisa Gutierrez, residents of San Isidro de Pajarito and this city of Santa Fé, that in virtue of the verbal proposition made to us by our brother, Don Lorenzo Gutierrez, the present manager of the house of our mother, Doña Josefa Apolonia Baca, with whose consent we know that he makes it, this proposition: that in the partition of the lands coming to us in Pajarito from our deceased father, as well those which are to come to us at the decease of our mother (whom may God preserve), he may continue to cultivate, enclose, and plant where he now is, and that if the land which he is cultivating should fall to either of us, our said brother, Don Lorenzo, shall make it up to us out of the land that may fall to him in the said rancho without controversy or question, but in a brotherly manner, with the condition that it must be understood that the broken land that each one may have must be replaced in kind, the measurements being run from north to south and from eldest to youngest, in order that there may be no feeling, and in order that it may be duly of record and for its formal fulfilment we sign this in the name of our legal heirs above named, in this city of Santa Fé, on June third, of the year one thousand eight hundred and three.

JOSÉ MARIANO DE LA PEÑA. [Rubric.]

JOSÉ MIGL. ORTIZ. [Rubric.]

J.

Translation of measurement and division of Pajarito made in 1806.

Rancho de Pajarito, its measurement May 20, 1806, viz:

32 cordels measuring 50 varas are.....	4,600
Less 766 $\frac{2}{3}$ varas of Isabel Baca.....	766 $\frac{2}{3}$
There remain.....	3,833 $\frac{1}{3}$
Those which have been partitioned, one-half sold.....	1,916 $\frac{2}{3}$
There remain partitionable.....	1,916 $\frac{2}{3}$

Which being partitioned among five brothers gives to each one $383\frac{1}{3}$ varas $383\frac{1}{3}$.

The $383\frac{1}{3}$ varas being partitioned among 7 brothers they receive $54\frac{2}{3}$ varas [*] short.

Of cultivated land $233\frac{1}{3}$ varas partitioned among 7 brothers they receive $33\frac{1}{3}$ varas [†] long.

Net each one has $33\frac{1}{3}$ cultivated, and $21\frac{1}{3}$ uncultivated.

NOTE.

* "Short"—i. e., a little less than the quantity stated.

† "Long"—i. e., a little more than the quantity stated.

TRANSLATORS.

K.

Translation of power of attorney from Gertrudis Duran to Ramon Suares, authorizing him to sell land inherited from her mother.

I, Gertrudis Duran, say that I give power and faculty to my son, Ramon Suares, to sell a piece of land which came to me by inheritance from my deceased mother, and in order that it may so appear I gave this to him in the presence of my brother-in-law, Pedro Mestas, and as executor, which he is, I called upon him to witness the power which I gave this day, June 21, 1806, and this piece of land is in the place of Pajarito.

In this town of San Felipe de Albuquerque, on this day, June 21, of this year of 1806, Ramon Suares appeared before me with the power mentioned above, and the said Pedro Mestas, in order that I should authenticate it, and I, the civil and military lieutenant of said town, did authenticate it, and in testimony whereof I signed it.

VICENTE LOPEZ. [Rubric.]

L.

Translation of will and codicil of Doña Josefa Apolonia Baca and deed from Juan Duran to Mariano Mestas.

[SEAL.]

[TWO REALS.]

In the name of God Almighty, and of the ever Virgin Mary, Our Lady, conceived without stain of original sin in the most pure instant of her natural being.

Know all who may see this, my will, that I, Josefa Apolonia Baca, widow of Don Clemente Gutierrez, and resident of the place of San Isidro de Pajarito, jurisdiction of San Agustin de la Isleta, being well, and in my full mind, memory, and natural understanding, believing, as I firmly do believe as a Catholic Christian, in the mystery of the Most Holy Trinity, God the Father, God the Son, and God the Holy Ghost, three distinct persons and one only true God. Believing also in all the other mysteries, in general and in particular, in which Our Holy Mother, the Roman Catholic Apostolic Church, believes and confesses, taking for my intercessor the most serene queen of the angels, Mary Most Holy; my holy guardian angel, the saints of my name and devotion, and all the other saints of the Celestial Court, in order that they may pray to our Lord Jesus Christ to forgive my sins and to take my soul to enjoy his beatific presence, and invoking the grace of the Holy Spirit, I make and order this memorandum (*memoria*) and last will in the following form:

First. I commend my soul to God our Lord, who created and redeemed it with the infinite price of His most precious blood, and my body to the earth of which it was made, in order that, having become a corpse and clothed in the habit of my father, Saint Francis (of whose venerable third order I am a member), it may be buried in my parish of Isleta in the place which my executors may select.

Item. I direct that my funeral shall be with vigil (*vigilia*) mass of bodily presence (*cuero presente*) (it being the hour), and that as many masses as possible be said for my soul.

Item. I leave to the forced bequests for one time to each one fifteen hard dollars.

Item. I declare that I was married in accordance with the rules of the church to Don Clemente Gutierrez, in which marriage we had and procreated six children, viz: Lorenza, Soledad, Lorenzo, Manuel, Luisa, and Juana; of these Manuel died under age.

Item. I declare that when I married I brought with me some property, which I do not mention because it is my will that there shall be executed and carried out that which is expressed in duplicate transcripts of a document which is in the archives of the office of the alcalde of the town of Albuquerque, approved by Lieut. Col. Don Fernando Chacon, governor of this province of New Mexico, relative to the voluntary and formal contract of community of interests made between my son, Don Lorenzo Gutierrez, and myself as set forth in it, under date of August twenty-six of the year one thousand seven hundred and ninety-nine.

Item. I direct that all the property, real and personal, which may be recognized as mine shall be put with that of my son, Don Lorenzo, in order that it all make one lot, in accordance with our said contract of community of interests; excepting the vineyard and all the fence which should be left for my said son and not go in with the property, as we have thus agreed voluntarily; and also the ornaments of the parlor, which is at the entrance of the hall on the right-hand side, which it is my will to give to my son Don Lorenzo, and that they shall not go in with the property under our contract, but shall be set apart from it by gratuitous and voluntary donation which I make to him. As also a writing-desk which is in the said parlor which I give in the same manner to my daughter, Doña Luisa Gutierrez.

Item. I direct that the slave named Sabina Rosales, whom I hold by written title, be emancipated.

Item. With regard to the debt which, as appears by written instrument was contracted [torn, two or three words illegible] Don José Mariano de la Peña, I direct that one thousand dollars be remitted to him, and that the remainder of said indebtedness be placed with the common stock of the property.

Item. A parlor and two rooms which are built opposite the chapel shall remain for its benefit in perpetuity, and for a lodging for the priests; I direct that they shall not be put with the property of the joint interest, and that at the end of my days my heirs shall not touch anything in them.

Item. I direct that with respect to the chapel, that which is expressed in the said document of community interests, be done without variation.

Item. I declare that notwithstanding it is expressed in the document that I have given some property to my granddaughter, Doña Ana Maria Garcia, it is my will that it be not given to her, but that she inherit equally her proper share, because I have already given her some things since her marriage.

Item. I direct that from my half of the property which may come to me from our contract there be separated that which may appear in the statements of property inherited (*hijuelas*) by my grandchildren, Doña Ana Maria, Don Juan Vicente, Don José Clemente, and Doña Dolores, and that it be given to them.

Item. I direct that if there appear any indebtedness against the house it be satisfied out of my property and that of my said son in equal parts.

Item. I direct that six silver plates and six knives and forks of the same metal shall not be put with the other property, but I give them gratuitously to my son Lorenzo, as such is my will.

And by this will I revoke, annul, and make of no value whatever other will, memorandum (*memoria*), or codicil which I may have made, and I desire that that which is contained in this one only to be executed, and that it be executed according to its contents, being governed in all things by the said document of community of interests which are made, as before said, and that this my will be closed and signed (*rubricado*) in order that it may be opened at the proper time after my funeral and the rest.

And in order that this, my testament, be respected and fulfilled I name as my testamentary executors, in the first place, my son Don Lorenzo Gutierrez, my son Don José Mariano de la Peña, and Don Antonio Ruiz, in order that they do and fulfill it as I order it; which I enjoin upon their consciences. I also state that after this my testament shall have been fulfilled and paid the remainder of my property shall be divided in equal parts among my said children as legal heirs.

And in order that this my will shall have the force and vigor required by law, I beg the chief alcalde and captain of militia Don José Pino to interpose his authority and judicial decree. And I, the said alcalde, said that I interposed it, and I did interpose it with all the authority conferred upon me by the law.

I certify and attest that the testatrix, Doña Apolonia Baca, is in her full and sound mind, memory, and natural understanding, and the present is done in her house and dwelling, at her residence in this place of San Isidro de Pajarito, on the eighteenth day of the month of November of the year one thousand eight hundred and nine, before my assisting witnesses, who are: Don José Antonio Chavez, Don Francisco Xavier Chavez, Don Antonio Sandoval, Don José Gutierrez, Don Pablo Zedillo, Don José Gabriel Sanchez, and Don Antonio Ruiz, with whom I act in the absence of a notary royal or

public, of which there is none of my class in this province; and they signed it with me, Don Antonio Ruiz signing for the testatrix, because she did not know how. To all of which I certify.

For Doña Apolonia Baca,

ANTO. RUIZ. [Rubric.]

JOSÉ PINO. [Rubric.]

Attending:

JOSÉ ANTO. CHAVES. [Rubric.]

Attending:

FRANCO. XAVIER CHAVES. [Rubric.]

Attending:

ANTO. SANDOVAL. [Rubric.]

Attending:

JOSEF GUTIERRES. [Rubric.]

Attending:

PABLO SODILLO. [Rubric.]

Attending:

JOSÉ GLAVIEL SANCHES. [Rubric.]

Attending:

ANTO. RUIZ. [Rubric.]

M.

I, the testatrix, say that notwithstanding that this will concurs directly with the contract of community of interests which my son, Don Lorenzo Gutierrez, and I entered into, by a delivery which he has made to me of my property, and a power of attorney which I have given to my grandson, Don José Matias Gutierrez, which bear date of July 28, 1812, the contract of community of interest is null and of no value, and I desire that the present, which I mention in the said instruments of power and delivery, and that which appears in the receipt which I gave to my said son in the agreement made, to stand.

Item. I declare that with the concurrence of the heirs I gave consent for the vineyard and fence, the said Don Lorenzo to make compensation with what may be just to him, who, in that place, may get his land, as he [Don Lorenzo] has made and improved it all at his own expense.

[SEAL.]

[Two reals.]

Item. I declare that the one thousand lambs given by me for the benefit of the chapel were lost, and I direct my said son, Don Lorenzo, as patron of the same, to take great care of that which belongs to the Divine worship and its adornment.

Item. I direct [abraded, torn—about three words illegible] any indebtedness against my property, that it meet the same, and not that of my said son, as it is now separate from mine.

Item. I direct that the silver plate be left for the heirs.

Item. I direct that the house in which Don Manuel Ruvi is living be appraised, and that my daughter, Doña Juana, shall have only that part in it which may belong to her on the paternal side.

Item. I direct that Don Augustin de la Peña complete the inheritances of my grandchildren, Francisca and Bartolomé, which were delivered to him by the alcalde Don Manuel de Arteaga, and I declare that of these inheritances I have in my possession only one [picture] of the Holy Savior (*Santo Cristo*) and one [of] Our Lady of Grief (*Dolorosa*) in gilded frames.

Item. I leave five hundred hard dollars for the benefit of my soul.

Item. Five hundred ewes for Christmas masses and masses of San Gregorio in order that, being invested (*puestas en finca*) in charge of my son, Don Lorenzo, he may annually carry out this clause of my will without variation.

Item. I declare that the five hundred ewes for the benefit of the souls in purgatory (*animas*), and the seven cows for various saints perished.

Item. I direct that this my will be executed as it is expressed, and I beg the señor alcalde of 1st election, Don Miguel Baca, to interpose his authority and judicial decree and I, the said alcalde, said that I would interpose, and I did interpose it with all the authority conferred upon me by the law. I know that the testatrix is in her full mind, memory, and natural understanding, and she requested me to open the closed will, which is the present, which she executed before my predecessor, Don José Pino, in order to add to or take from it some matters pertinent to the case of her conscience, and I, the said alcalde, opened and delivered it to the said lady in order that she might carry out her wishes, and she returned it to me to be closed, after having authenticated it, and that which is contained in it is her last will, to be carried out and executed. I certify

that it is true and certain. In testimony whereof I signed it with my assisting witnesses, who are: Don José Antonio Chavez, Don Francisco Xavier Chavez, Don Antonio Sandoval, and Bernardo Padilla, residents of Los Padillas; Don Antonio Ruiz, a resident of Albuquerque, who signed for the testatrix as executor and witness; Don José de la Peña, a resident of Santa Fé, and Don Francisco Xavier Bazan, a resident of this place of Pajarito, on this twenty-eighth day of July, one thousand eight hundred and twelve.

For the testatrix as executor and witness.

ANTO. RUIZ. [Rubric.]
 JOSÉ ANTO CAHVES. [Rubric.]
 FRANCÓ. XAVIER BAZAN. [Rubric.]
 JOSÉ DE LA PEÑA. [Rubric.]
 MIGEL BACA. [Rubric.]
 FRANCO. XAVIER CAHVES. [Rubric.]
 ANTO SANDOVAL. [Rubric.]
 BERNARDO PADILLA. [Rubric.]

In this town of San Felipe de Albuquerque, on the sixth day of May of the year one thousand eight hundred and fifteen, before me, Don Cristoval Jaramillo, civil lieutenant of said town, and before two assisting witnesses, who are Dan Antonio Ruiz, and Teodora Duran, personally appeared Don Juan Duran and Don Mariano Mestas, and Duran said that he had sold to Mestas the share of land in the Rancho de Pajarito which had come to him by inheritance from his mother, Doña Barbara Baca, and the said Duran also declared that Mestas was the legal owner of said land, and that he had received its price to his satisfaction and content [apparently eaten by mice] never have to make a reclamation, and that if he should make a reclamation that he should not be heard in court or out of court. In testimony whereof I signed it with the said witnesses; Duran and Mestas also signing it.

CHRISTOVAL JARAMILLO. [Rubric.]

Assisting,
 ANTO RUIZ. [Rubric.]
 Assisting,
 TEODORA DURAN. [Rubric.]

JUAN DURAN. [Rubric.]
 MARIANO MESTAS. [Rubric.]

N.

Translation of statement of the property belonging to the maternal inheritance of Doña Lorenzo Gutierrez, in the possession of Don Lorenzo Gutierrez.

Statement of that which is in my possession belonging to the maternal inheritance of Doña Lorenzo Gutierrez in accordance with the statement of property inherited, which exists here, of Doña Maria Dolores Garcia, with the total of that which belongs to Doña Ana Maria, Don José Clemente, Don Juan, and the said Doña Dolores; and also of that which they received by the said mother, Doña Lorenzo, in the partition made by the executors by reason of the end and death of Doña Apolonia Baca, as follows, viz:

	Dollars.	R.	G.
290 dollars in silver are worth of those of the country	1,160	0	0
1 kettle valued at \$55 in silver	220	0	0
112 lambs, young, at \$1	112	0	0
388 ewes, at \$2	776	0	0
20 cows, at \$20	400	0	0
51 rams, at \$2	102	0	0
In my possession	2,770	0	0
In the house \$123.2 rls. 10gs.	123	2	8
In the Rancho de Pajarito	80	0	0
In the deed of Doña Maria de la Luz Baca	400	0	0
From Don Agustin de la Peña, in grain	107	2	8
From the same, in wool	32	0	0
Total	3,512	5	4
S. Ex. 89—3			

BY THE PRESENT PARTITION.

	Pesos.	R.	G.
263 ewes, at \$2	526	0	0
4 cows, at \$2	80	0	0
4 oxen, at \$25	100	0	0
4 mares, at \$20	80	0	0
5 mules with pack saddles, at \$100	500	0	0
5 calves, at \$6	30	0	0
1 id. one year old, at	12	0	0
25 rams, at \$2	50	0	0
1 colt two years old, at	15	0	0
16 sacks of corn, at \$2	32	0	0
To be carried over	1,425	0	0
Amount brought over	1,425	0	0
5 fanegas of wheat at, \$4	20	0	0
1 sickle, at	1	0	0
In personal property	1,446	0	0

TO BE COLLECTED (DEPENDIENCIAS).

From Don Mariano de la Peña \$101.2½ reals in silver	405	2	0
From Don Lorenzo 7 mks. 65. 8 oz. silver plate at \$7 per mark, \$54. 6½ reals	219	2	0
From Don Ignacio Sanchez	115	5	0
From Don Antonio Zedillo	100	0	0
In the town of Los Trugillos, in lands	80	0	0
From Florencio Padilla	12	0	0
From the heirs of Rafael Baca	20	0	0
From José Antonio Padilla	248	3	0
The one-fifth part of the half of the house	50	0	0
The id. of the half of the rancho de Pajarito	120	0	0
The id. of the [rancho] Los Positos	400	0	0
The id. of the ranchos Los Pinos	400	0	0
The one-fifth part of the [rancho] Bosque de José Sanches, no price	000	0	0
The one-fifth part of the rancho de Navajo	506	0	0
In the town of Los Padillos, share, and a piece of land as by written title, without price	000	0	0
Sum total	4,083	4	0

Pajarito, January 14, 1817.

JUAN GARCÍA ROIZ. [Rubric.]
 LORENZO GUTIERRES. [Rubric.]

O.

Translation of list of property belonging to the estate of Doña Apolonia Baca at the time of her death.

General account and acknowledgment of property [made] by reason of the end and death of Doña Apolonia Baca, widow of Don Clemente Gutierrez, valued at the current price of the country, which the heirs in unity and conformity have agreed to the first executor, Don Lorenzo Gutierrez, making the statement, which is as follows, viz:

	Dollars.	Reals.
2,000 ewes, at \$2	4,000	0
40 cows (stock), \$20	800	0
12 oxen, at \$25	300	0
20 mares, at \$20	400	0
24 mules with pack saddles, at \$100	2,400	0
2 horses, at \$20	40	0
\$300 of the country, due from the men servants	300	0
3 plows with their points, at \$4	12	0
3 hoes, at \$6	18	0
5 sickles, at \$1	5	0

	Dollars.	Reals.
2 carts, at \$20	40	0
1 adze and 1 chisel, at \$4	4	0
25 calves one year old, at \$6	150	0
3 large casks, at \$40	120	0
1 large copper kettle, at \$220	220	0
180 rams, at \$2	360	0
6 calves two years old, at \$12	72	0
5 colts two years old, at \$15	75	0
60 lambs, at \$1	60	0
8 oval pictures of the Apostles, at \$2	16	0
2 small tin pictures with glasses, at \$3	6	0
1 picture of the Virgin (<i>Dolorosa</i>), at	8	0
1 new trunk, at	30	0
1 old wardrobe, at	12	0
1 large box with lock and key, at	30	0
83 sacks of corn, at \$2	166	0
25 fanegas of wheat, at \$4	100	9
39 marks silver plates, at \$7 in silver, in current money, amounts to	1,097	0
2 trunks, 1 box, and several saints, at	116	0
\$1,000 in silver	1,000	0

HOUSE AND LANDS.

The half of her dwelling-house	250	0
The one-half of the Rancho de Pajarito, its boundaries on the north Los Positas, on the south the [boundary of] Los Padillos, on the east the river, and on the west the Rio Puerco	600	0
To be carried over	11,805	0
Brought forward	11,805	0
I. Rancho de Los Positos to the boundary line of Los Ranchos, its boundaries on the north lands of Antonio Zedillo, on the south Los Positos, on the east the river, and on the west the Rio Puerco	2,000	0
Another at Los Pinos, its boundaries on the north the Ysleta Pueblo, south that which is called Los Lentes, east the hills, and west the river	2,000	0
One-half of the [Rancho] Bosque de José Sanches, no price		
One-half of the Rancho de Navajo, as expressed in the title deeds	2,800	0
In the town of Los Padillas, the right or share of Juan Bomingo Padilla as appears by instrument of writing by the alcalde Don Francisco Trebol Navarro, dated November 16 of the year 1773; it being proper to say that of this land only two pieces in the cultivated land were sold and nothing more. In the town of Los Trujillos 400 varas of land	400	0

TO BE COLLECTED (DEPENDIENCIAS).

From Don José Mariano de la Peña, \$506.5½ reals in silver, reduced to currency	2,026	6
From Don Antonio Sedillo, \$500	500	0
From Don Ygnacio Sanchez Vergara, \$578	578	0
From Florencio Padilla, 3 cows	60	0
From the heirs of Rafael Baca, 5 cows	100	0
From Jose Antonio Padilla, 621 ewes	1,242	0
By \$290 in silver, which were added to the Chihuahua inheritances, reducing the currency	1,160	0
Sum total of property	24,671	6
Deduct 500 ewes for masses of San Gregoria and deduct for the Chihuahua inheritances and for the Christmas masses	3,770	0
There remains net partitionable	20,901	6
The heirs being five, Don Lorenzo Gutierrez, Doña Lorenza, Doña Maria Manuel de la Soledad, Doña Maria Louisa, and Doña Juana, there falls to each	4,180	3

NOTE.

Of the one thousand dollars in silver 290 were subtracted, and, being reduced to current values, were added to the capital, and the remaining 710 were disbursed on the following expenses:

Bequest for the benefit of her soul.....	\$500
Burial, honors, and masses at the end of the year.....	107
The attendance of two priests at the burial, at 10 dollars.....	20
That of two singers.....	14
Forced bequests at 15 dollars each.....	45
For 24 wax candles for the burial and honors, at \$1.00.....	24
Total	710

The adjustment and partition being concluded among the five heirs, Don Lorenzo Gutierrez, Doña Lorenza, Doña Maria Manuela de la Soledad, Doña Maria Louisa, and Doña Juana, to each was given his share, a detailed statement of what was given to each being attached to this general statement, they signing the corresponding receipt at the foot of each, the delivery being made by Don Lorenzo Gutierrez, as first executor, he being in charge.

PAJARITO, *January 16, 1817.*

NOTE.

It having appeared that there were one hundred and twenty lambs in the possession of persons who had them on shares, there fall to each individual twenty-four, which were delivered equally by the first executor, Don Lorenzo Gutierrez.

The executors and heirs having jointly made an examination of the jewels belonging to the chapel, they found the following to be missing: Some earrings with colored stones; some earrings with white stones; a little silver picture; the glass arms of the sconces; a bell from the bell-tower, first-class; a blue velvet mantle embroidered in gold and silver.

Additional, as follows: Five altar cloths; one rosary and cross with seven mysteries attached, all of gold; one gold jewel with reliquary of Santa Teresa de Jesus; one reliquary of silver with the Señor de Chalma; one small brass bell; three silver candlesticks; some earrings with gold beads; one oupastle embroidered with silver lace and lined with crimson silk; one purple cloak, damask with gold lace; two pairs tablecloths; one linen sheet; one ornament, brown lustring, of gold; one piece white lustring; twelve shirts of the two images of Our Lady the Child and San Sebastian; two Amices; one purple silk handkerchief; four napkins; seven purifiers; seven boquets of pasteboard and paper; one image of Señora Santa Ana 2 varas high, with her satin dress, purple, green, and yellow, lined with scarlet silk, and her child dressed in scarlet satin, with a blue cloak, with two strings of five pearls, and earrings of the same, with little gold beads; one Santo Cristo with baldoquin; one Santo Cristo, large, of Esquipulas; two Santo Cristos, small; one picture of Our Lady of Guadalupe and her altar; another picture of San Vicente Ferrer and his altar; six little carved angels, fine; one tin chandelier; twelve iron arms for the sconces; three altar rails additional; one chair; a screen for the sacristy; two new blankets for carpets.

Which examination was made this day, January 17, 1817, and they signed it.

For me and my brothers:

JUAN GARCIA ROIZ. [Rubric.]

LORENZO GUTIERREZ. [Rubric.]

For the convention of the heirs:

JOSEF MARIANO DE LA PEÑA. [Rubric.]

ANTO. RUIZ. [Rubric.]

FRANCO. SARRACINO. [Rubric.]

MANL. RUVI DE CELIS. [Rubric.]

NOTE.

There having remained 180 fleeces of wool not partitioned, they were partitioned, and there fell to each one of the heirs 36 fleeces.

NOTE.

By mistake there were set down in the present various articles belonging to the chapel, missing and additional, which appear above, and to-day, November 18, 1818, they were

transcribed on a sheet of paper, which was attached to the inventory, being marked out in the present, as is proper, and they whose names appear below signed it in Pajarito on the said day, month, and year.

LORENZO GUTIERREZ. [Rubric.]
 ANTO. RUIS. [Rubric.]

Translation of statement of the property falling to the heirs of Doña Lorenza Gutierrez from the estate of Doña Apolonia Baca and statement of the property falling to Don Lorenzo Gutierrez, as the legal heir of Doña Apolonia Baca.

P.

Statement of the property which by reason of the end and death of Doña Apolonia Baca fell to the heirs of Doña Lorenza Gutierrez, all at current prices of the country, as follows, viz:

	Dollars.	Reals.
The one-fifth part of the half of the house.....	50	0
The one-fifth part of the Rancho de Pajarito.....	120	0
The one-fifth part of the [Rancho] Los Poisitos los Ranchos.....	400	0
The one-fifth of the Rancho de los Pinos.....	400	0
The one-fifth of the half of [Ranchos] Bosque de José Sanches, no price.....		
The one-fifth part of the half of the Rancho de Navajo.....	560	0
In 400 varas of land in the town of Los Trujillos.....	80	0
In the town of Los Padillas, share, and a piece of land, as by written title.....	80	0
263 ewes, at \$2.....	526	0
4 cows.....	80	0
4 oxen.....	100	0
4 mares.....	80	0
5 mules, with pack-saddles.....	500	0
5 calves, at \$6.....	30	0
1 <i>id.</i> , two years old, at.....	12	0
25 rams, at \$2.....	50	0
1 colt, two years old, at.....	15	0
16 sacks corn, at \$2.....	32	0
5 fanegas wheat, at \$4.....	20	0
1 sickle.....	1	0
7 marks 6 $\frac{3}{4}$ oz. silver plate, at \$7.....	219	2

TO BE COLLECTED [DEPENDIENCIAS].

From Don Mariano de la Peña, in silver, \$101, $2\frac{1}{2}$ reals.....	405	2
From Don Ignacio Sanches Vergara.....	115	4
From Don Antonio Zedillo.....	100	0
From Florencio Padilla.....	12	0
From the heirs of Rafael Baca.....	20	0
From José Antonio Padilla.....	248	3
Two rams.....	4	0
Sum total.....	4,180	3

As second executor of the deceased, Doña Apolonia Baca, and representing the heirs of Doña Lorenza Gutierrez, absent in Chihuahua, I have received the contents of the present, which remain in charge of the first executor, Don Lorenzo Gutierrez, and we both sign it in Pajarito, January 16, 1817. Not insuring the said property against irreparable damages.

LORENZO GUTIERREZ. [Rubric.]
 JUAN GARCIA ROIZ. [Rubric.]

ANTO. RUIZ. [Rubric.]

Add 36 fleeces of wool.

Q.

Statement of the property which by reason of the end and death of Doña Apolonia Baca was delivered to Don Lorenzo Gutierrez, as her legal heir, all at current prices of the country, viz:

	Dollars.	Reals.
The one-fifth of the half of the house at	50	0
The one-fifth part of the half of the Rancho de Pajarito	120	0
The one-fifth part of the Rancho á los Ranchos	400	0
The one-fifth <i>id.</i> of the Rancho Los Pinos	400	0
The one-fifth <i>id.</i> of the half of the [Rancho] Bosque de José Sanchez, no price		
The one-fourth <i>id.</i> of the half of the Rancho de Navajo	560	0
In 400 varas of land in the town of Los Trujillos	80	0
In the town of Los Padillas, share, and a piece of land, as by written title		
Three hoes, 3 plows, and 3 large casks, at	150	0
2 small pictures on tin and 1 trunk	36	0
Due by the men servants	300	0
2 more trunks, at	35	0
1 box at	30	0
1 wardrobe and 1 picture of the Virgin, at	20	0
8 oval pictures and another box, at	36	0
In pictures of saints	61	0
1 cart and 4 sickles, at	24	0
77 ewes, at \$2	142	0
4 cows, at \$20	80	0
16 sacks of corn and 5 fanegas of wheat	52	0
4 mares, at \$20	80	0
4 mules with pack-saddles	400	0
7 marks, 6½ oz. silver-plate, at \$7	219	2

TO BE COLLECTED.

From Dn. Mariano de la Peña, in hard dollars, 101.2½	405	2
From Don Ignacio Sanchez Vergara	115	4
From Don Antonio Zedillo	100	0
From Florencio Padilla	12	0
From the heirs of Rafael Baca	20	0
From José Antonio Padilla	248	3
	4,176	2
NOTE.—Add two rams, value \$4.1, a \$2 [1] a \$2.1	4	1
Total which he received	4,180	3

I have received that which is contained in this paper as legal heir, in testimony whereof I sign it, in Pajarito, on January 16, 1817, Don José Mariano de la Peña, Don Manuel Ruvi, and Don Francisco Sarracino were present, and they also signed it.

LORENZO GUTIERREZ. [Rubric.]

Add 36 fleeces of wool.

R.

Translation of statement of the property falling to Doña Maria Luisa Gutierrez, as the legal heir of Doña Apolonia Baca.

Statement of the property which by reason of the end and death of Doña Apolonia Baca fell to Doña Maria Luisa Gutierrez as her legal heir, all at current prices of the country, as follows, viz:

	Dollars.	Reals.
The one-fifth part of the half of the house	50	0
The one-fifth <i>id.</i> of the half of the Rancho de Pajarito	120	0
The one-fifth <i>id.</i> of the Rancho de los Pinos	400	0
The one-fifth <i>id.</i> of the [Rancho] Positos á los Ranchos	400	0

Dollars. Reals.

The one-fifth <i>id.</i> of the half of [Rancho] Bosque de José Sanches, no price.		
The one-fifth <i>id.</i> of the half of the Rancho de Navajo	560	0
In 400 varas of land in the town of Los Trujillos	80	0
In the town of Los Padillas, share, and one piece of land, as by written title.		
254 ewes, at \$2	508	0
4 cows	80	0
4 oxen	100	0
4 mares	80	0
5 mules with pack-saddles	500	0
5 calves, one year old, at \$6	30	0
25 rams	50	0
1 calf, two years old	12	0
1 colt, two years old	15	0
15½ sacks of corn	31	0
5 fanegas of wheat, at \$4	20	0
1 horse	20	0
In 7 marks, 6½ oz. silver plate, at \$7 in silver	219	2

TO BE COLLECTED.

From Don Mariano de la Peña in hard dollars, \$101.2½	405	2
From Don Ygnacio Sanchez Vergara	115	6
From Don Antonio Zedillo	100	0
From Florencio Padilla	12	0
From the heirs of Rafael Baca	20	0
From José Antonio Padilla	248	3
Two rams	4	0
Sum total	4,180	3

By direction of my mother, Doña Luisa Gutierrez, I received all the above, in testimony whereof I signed it on January 22, 1817.

FRANCO SARRASINO. [Rubric.]

Add 36 fleeces of wool.

I certify that the foregoing exhibit is recorded in book letter F, on pages 275 and 276. In testimony whereof witness my hand and seal, causing the seal of the court to be affixed in the office at Albuquerque on the 16th day of May, A. D. 1872.

[SEAL.]

NESTOR MONTOKA,

Clerk of the Probate Court of Bernalillo County.

S.

Translation of statement of the property falling to Doña Maria Manuela de la Soledad Gutierrez as the legal heir of Doña Apolonia Baca.

Statement of the property which by reason of the end and death of Doña Apolonia Baca, fell to Da. Maria Manuela de la Soleda Gutierrez as her legal heir, all at current prices of the country, and it is as follows, viz.:

	Dollars.	Reals.
The one-fifth part of the half of the house	50	0
The one-fifth <i>id.</i> of the half of the Rancho de Pajarito	120	0
The one-fifth <i>id.</i> of the [Rancho] Positos á los Ranchos	400	0
The one-fifth <i>id.</i> of the Rancho de los Pinos	400	0
The one-fifth <i>id.</i> of the half of the [Rancho] Bosque de José Sanchez, no price.		
The one-fifth <i>id.</i> of the half of the Rancho de Navajo	560	0
In 400 varas of land in the town of Los Trujillos	80	0
In the town of Los Padillas, share, and a piece of land, as by the written title.		
255 ewes, at \$2	510	0
4 cows	80	0
2 oxen	50	0

Dollars. Reals.

4 mares	80	0
5 mules, at \$100	500	0
5 calves, at \$6	30	0
30 rams, at \$2	60	0
1 calf, two years old	12	0
1 colt, two years old	15	0
18½ sacks of corn, at \$2	37	0
5 fanegas wheat, at \$4	20	0
1 cart	20	0
1 horse	20	0
1 bull, two years old	12	0
7 marks 6½ ounces silver plate, at \$7	219	2

TO BE COLLECTED.

From Don Mariano de la Peña in hard dollars, 101.2½	405	2
From Don Ignacio Sanchez Vergara	115	6
From Don Antonio Zedillo	100	0
From Florencio Padilla	12	0
From the heirs of Rafael Baca	20	0
From José Antonio Padilla	248	3
2 rams	4	0
Sum total	4,180	3

JOSEF MARIANO DE LA PEÑA. [Rubric.]

Add 36 fleeces of wool.

T.

Translation of statement of the property falling to Doña Juana Gutierrez as the legal heir of Doña Apolonia Baca.

Statement of the property which, by reason of the end and death of Doña Apolonia Baca, fell to Doña Juana Gutierrez as her legal heir, all at current prices of the country, as follows, viz.:

Dollars. Reals.

The one-fifth part or the half of the house	50	0
The one-fifth <i>id.</i> of the half of the Rancho de Pajarito	120	0
The one-fifth part of the Rancho de los Pinos	400	0
The one-fifth part of the [Rancho] Positos á los Ranchos	400	0
The one-fifth part of the half of the [Rancho] Bosque de Jose Sanchez, no price.		
The one-fifth part of the half of the Rancho de Navajo	560	0
In 400 varas of land in the town of Los Trujillos	80	0
In the town of Los Padillas, share, and a piece of land as by written title.		
269 ewes, at \$2	538	0
4 cows	80	0
2 oxen	50	0
4 mares	80	0
5 mules, with pack-saddles	500	0
29 rams, at \$2	58	0
1 bull two, years old	12	0
5 calves, one year old, at \$6	30	0
1 colt, two years old	15	0
16½ sacks of corn	33	0
5 fanegas wheat	20	0
5 calves more	30	0
7 marks 6½ oz. silver plate, at \$7 hard money	219	2

TO BE COLLECTED.

	Dollars.	Reals.
From Don Mariano de la Peña in hard dollars, \$101.2½ -----	405	2
From Don Ignacio Sanches Vergara -----	115	6
From Don Antonio Zedillo -----	100	0
From Florencio Padilla -----	12	0
From the heirs of Rafael Baca -----	20	0
From José Antonio Padilla -----	248	3
2 rams, at -----	4	
Sum total -----	4,180	3

MANL. RUVI DE CELIS. [Rubric.]

Add 36 fleeces of wool.

U.

Translation of certificate of settlement of claim of José Mariano de la Peña for his wife, Doña Maria Manuela de la Soledad Gutierrez, one of the heirs of Doña Apolonia Baca.

I, the undersigned, as executor of the deceased Doña Apolonia Baca, say that Don Jose Mariano de la Peña having made a claim on the property of the said lady for the remainder of the inheritance of his deceased wife, Doña Maria Manuela de la Soledad Gutierrez, in the paternal estate and documents executed by the said Doña Apolonia, with the object of denying that which the said Don José Mariano asks, and even showing that that which had been previously given was prejudicial to her interests, being exhibited, the heirs did not admit his claim; thereupon Don Lorenzo Gutierrez made a proposition to the said gentleman to give him of his own property five hundred sheep and one hundred hard dollars in order to avoid dissensions and troubles and to preserve a tranquil peace among all, to which the said Peña agreed. In testimony whereof I signed it in Pajarito on May 13, in the year 1817.

ANTO. RUIZ. [Rubric.]

A.

Translation of acknowledgment of receipt of their proportion of the estate of Doña Apolonia Baca by Juan Garcia Roiz for himself and for his brother and two sisters.

I have received from my uncle, Don Lorenzo Gutierrez, all that belongs to my inheritance and that of my sisters and brother, Doña Ana Maria, Doña Maria Dolores, and Don José Clemente, which is set forth in the statements of property inherited by reason of the end and death of my grandmother, Doña Apolonia Baca. There only remain to be collected the outstanding amounts which are stated in continuation, and which will be credited as they are collected; it should be understood that of the sum of eight hundred and eighteen hard dollars which, exclusive of the amounts to be collected, is the amount of the inheritance on the side of my said grandmother, Doña Apolonia Baca, Don Bartolomé de la Peña, and Doña Maria Francisca, as children had by my deceased mother by her second marriage, should have their share. And I have also received the amount of the deed of Doña Maria de la Luz Baca, of which on this date I have given a transfer to my said uncle. It is remarked that the outstanding indebtedness of thirty-four hard dollars of Don Augustin de la Peña should only be divided among the first four children, and that of the remainder among the six. For my own part and that of my sisters and brother (as their attorney) I am contented and satisfied with no claim to make hereafter in the matter. In testimony whereof I signed it in Pajarito on June 20, 1817.

JUAN GARCIA ROIZ. [Rubric.]

TO BE COLLECTED.

From Don Mariano de la Peña \$101.2½ reals in silver. From Don Ignacio Sanchez Vergara \$115.4 reals of the country. From the heirs of Rafael Baca \$20 id. From José Antonio Padilla \$248.3 reals id.

TERRITORY OF NEW MEXICO,
County of Bernalillo:

I, the undersigned, certify that the foregoing writing was recorded in the Book of Documents, letter I, page 259.

In testimony whereof I have set my hand and the official seal this day, 29th of December, A. D. 1879.

[SEAL.]

MELCHIOR WERNER,
Clerk of the Probate Court and ex-officio Recorder.

W.

Translation of statement of property belonging to Juan José Gutierrez from the estate of his father, Don Lorenzo Gutierrez, etc.

Statement of property (*Hijuela*) belonging to Don Juan José Gutierrez, from the estate of his deceased father, Don Lorenzo Gutierrez, in accordance with the will and the agreement of the two heirs, with the concurrence and approval of the three executors appointed by the will of the said deceased.

First. One-half of the dwelling-house of the said deceased, in the place of Pajarito, with the exception of a fifth of the value of said house, which is left for the benefit of his grandson, the citizen Joaquin Bazan, according to direction of the deceased Gutierrez.

Item. One-half of the uncultivated and cultivated lands with the appurtenances of the rancho, it being understood that the cultivated lands, broken up to date, are to be divided.

Item. The mules, pack-saddles, and oxen mentioned in the will are left for the benefit of the said Don Juan Gutierrez.

Item. The garden mentioned in the said will is left for the benefit of the said gentleman.

Item. A saddle, some arms, a sabre with silver hilt and mountings, and a pair of pistols.

Item. There are, as appears by the will, in the city of Durango, in the possession of the gentlemen Don Mariano Herrera and Don José Miguel Briones, of the first ninety-five dollars, and of the second forty-five dollars. These being collected they shall be divided between the two heirs, Don Juan Gutierrez and Doña Polonia Gutierrez, always reserving the fifth in favor of the citizen Joaquin Bazan.

Item. The said Don Juan Gutierrez is responsible for the payment, so soon as possible, of the fifty masses mentioned in the will for the benefit of the soul of his deceased father, and also for twenty-five of the same which he directed should be said for the blessed souls in purgatory.

Item. He must also pay fifteen dollars for the forced bequests, taking a receipt for the same, and also for the seventy-five masses, for the satisfaction of the executors.

Item. There are left in favor of Don Juan Gutierrez the sheep which Don Augustin Torres owes, as also those owed by Don Joaquin Padilla, he being under the obligation to pay out of the first money they bring for one hundred masses for the benefit of all those who had served him and with whom he had had business; and also there are left to the said Gutierrez all the obligations and lists which he may collect for his benefit, according to the agreement between the brother and sister.

And the said Don Juan Gutierrez is under the strict obligation to pay annually ten per cent. of the fruits of the garden, and this will be applied to masses for the benefit of the blessed souls in purgatory; and in addition to the fruit mentioned, he shall pay every fifteen days for a mass in the chapel on his estate for the soul of the testator, and if by any unforeseen disaster the land should produce no grain nor the garden any fruits, in such case the said Gutierrez shall not be responsible, but if he graciously choose he may pay for one or more.

Item. In order to carry out the directions and legacies of the said deceased, as expressed in his will, the said Don Juan Gutierrez is under the strict obligation to completely carry into effect all the clauses set forth by his father, in accordance with the agreement between the two heirs, and in order that it may so appear for all time this statement was drawn up at the Pajarito estate by direction of the three appointed executors and in the presence of the two said heirs, who signed it in this place of Pajarito, on the seventh day of the month of January in the present year of 1829.

JUAN NEPO GUTIERREZ. [Rubric.]

For my mother, Polonia Gutierrez.

JUAQN. BAZAN. [Rubric.]

MANL. ARAGON. [Rubric.]

JUAN RAFAEL ORTIZ. [Rubric.]

JUAN ESTEVAN PINO. [Rubric.]

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 24, 1887.

The foregoing on seventy-five pages, being claimant's translation of the Spanish documents constituting Exhibit B (and certain other documents referred to in the explanatory note following this certificate), which are on file in this office in the matter of private land claim, file No. 210, in the name of Josefa Baca, for the Pajarito tract, has been examined by me and compared with said Spanish documents, and many corrections having been made, it is now found to be a substantially correct translation of all the documents in said Exhibit B, with the exception of those designated respectively as E and G, of which I have made entirely new translations.

WILL. M. TIPTON,
Translator.

TRANSLATOR'S EXPLANATORY NOTE.

The slip preceding the translation of document A and headed will of Josefa Baca, is simply a memorandum made by claimants referring to a document (Archive No. 94) which is among the Spanish archives of this office. The first portion is a correct copy of a part of the will of Josefa Baca, stating the boundaries of the tract. The memorandum in English in relation to the inventory and appraised value of the *sitio* or ranch is found to agree with the facts as stated in the original.

The slip designated as Doc. D. 1 is not an extract from Archive No. 371, but is a memorandum of certain facts which are set forth in that document as is shown by an examination of it.

Docs. G 2 and G 3 are translations made from Archive No. 122 in this office. The original is on file here, and the translations made from it by claimants are correct.

WILL. M. TIPTON,
Translator.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex.:

I hereby certify that the signatures affixed to the foregoing certificate and note are the genuine signatures of Will. M. Tipton, who, at the time of signing the same, was the official translator of this office, and that all his acts as such are entitled to full faith and credit.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed at the city of Santa Fé, this 24th day of December, A. D. 1887.

[SEAL.]

GEO. W. JULIAN,

United States Surveyor-General for New Mexico.

E.

Translation of deed from Antonio Baca to the family of Clemente Gutierrez, being an interest in the Pajarito tract.

At San Isidro de Pajarito, on the tenth day of the month of May, of the year one thousand seven hundred and eighty-five, before me, Don Manuel de Arteaga, chief alcalde and war captain of this town of San Felipe de Albuquerque, its jurisdiction and frontiers, personally appeared Don Antonio Baca, whom I certify I know, and he stated that he gave, and in effect did give, in legal sale to the family of Don Clemente Gutierrez, deceased, a piece of land, and interest in the tract, which is comprised within the following boundaries, to wit: From north to south from the arroyo commonly called Los Pocitos as far as the boundary of Los Padillas, and from east to west from the Del Norte River (Rio Grande) as far as the Puerco River, excepting from said tract the part which he should give as their inheritance to his three daughters, who are the following: Doña Bárbara Baca, Doña Polonia Baca, and Doña Maria de la Luz Baca, as also the part which by inheritance from Doña Isabel Baca, sister of the grantor, belongs to her legal heirs; and there is included in the said sale only the part which belonged by inheritance to his two sons, Don Diego Antonio Baca and Don Juan Domingo Baca, on account of these two having made to him a donation of their said properties, in virtue whereof he sold them, there being included also in the said sale two hundred varas more from said boundary of Los Pocitos upward, for the price and sum of one thousand two hundred current dollars of the country; and he acknowledges to have received from said family the said sum to his contentment and perfect satisfaction, with which he admits that he is paid and satisfied, and if it is or may be worth more he makes to him a gift and dona-

tion, pure, simple, perfect, and irrevocable, which the law calls *inter vivos*, concerning which he waives his own right, domicile, and local privileges and the laws of the *no numerata pecunia*, proof and payment of the joint obligation which treats of the half of the fair price, and that of the *Ordenamiento Real* enacted in the Cortes of Alcalá de Henares, which also treats of the half of the fair price of things that are bought and sold; and he immediately relinquishes and surrenders the right of property action and seigniority that he may have in said interest of lands, and he conveys it [the interest] to the said family of the said Don Clemente Gutierrez, deceased, in order that his children, heirs, and successors may enjoy it; concerning which no suit or claim will be brought against them by said vendor, Don Antonio Baca, nor his children, heirs, nor successors, and that in case they should bring it against them they shall not be heard either in or out of court, and he gives all the authority that is required by law and is necessary to the royal justices of His Majesty of any place whatever, in order that by all the rigor of law they may force and compel him to the fulfillment of this writing as if it were by definitive sentence of a competent judge pronounced upon a matter adjudicated, acquiesced in and not appealed from, and to the guaranty he binds his person and his present and future property, real and personal, and he waives all the laws that may be in his favor and that of *sicutveritrit ed jurisdictionen*.

Thus the said Don Antonio Baca executed it before me, the aforesaid chief alcalde, and my attending witnesses, to which I certify. I act by special authority for lack of a public or royal notary, of which there is none of any kind in this province.

ANTONIO BACA. [Scroll.]

MANUEL DE ARTEGA. [Scroll.]

Attending:

PABLO BEITIA. [Scroll.]

Attending:

ANTONIO VILLEGAS RUIZ. [Scroll.]

Inventoried:

ANZE. [Scroll.]

[Indorsed.] Sale of the lands of Pajarito, made by Don Antonio Baca. Year of [1785].

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 20, 1887.

The foregoing on two pages is a full, true, and correct translation, to the best of my knowledge, of the certified copy of an original in Spanish, which copy, designated as Document E, forms a part of document No. 4, claimants exhibit B, on file in this office in the matter of private land claim, file No. 210, in the name of Josefa Baca for the Pajarito tract.

WILL. M. TIPTON,
Translator.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex.:

I hereby certify that the signature affixed to the foregoing certificate is the genuine signature of Will. M. Tipton, who at the time of signing the same was the official translator of this office, and that all his acts as such are entitled to full faith and credit.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed at the city of Santa Fé, this twentieth day of December, A. D. 1887.

[SEAL.]

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

G.

Translation of statement of Antonio Baca, made under oath, concerning his ownership of the Pajarito tract.

At this place of San Isidro de Pajarito, in regard to what concerns the said tract, we, four brothers and two sisters, had it by inheritance and through the death of our deceased mother, which tract she left to us that we, the said children, might enjoy it equally; that some years having passed after the death of our deceased mother, all my brothers began to leave the said tract, I purchasing of them all their interests belonging to said tract with the little houses which they had erected thereon; and Isabel, one of the two sisters, having remained living on said tract without building any house but a little room that was on the tract when my mother bought it, I having left the houses

standing that I bought of my brothers [and], she having seen that one of them was vacant, came to ask me to lend it to her to move into. I did lend it to her, and some time having passed that she had been living in it, there was a cottonwood tree in front of the said house where in the summer time we used to enjoy the shade, and a young man having come to inform me that they were cutting down the cottonwood by order of my sister, I went there to prevent the felling of it, which was only on account of some dry branches that it had, to which she replied that she was going to cut it down and I that she was not. She continued with her insolence to me. I became indignant and struck her. Some days having passed she sent me here a message to the effect that I should give her the interest that might fall to her here, that I should give it to her in the upper part, where I had an interest purchased from the owners who lived there, which was in the district of Atrisco. Said part adjoined the tract of Pajarito. I sent word to my said sister to come to see me and it should be as she desired. She immediately came to my house, where I asked her why she wanted to go away, whether it was on account of any [in]convenience which she had suffered there. She said to me it was not on account of what had passed between us, but, on the contrary, because she had her flocks, and for the sake of having more room, but that in making the exchange as she proposed to me I ought to give her four cows with their calves. I replied that I did not hesitate to give them, and that she should immediately send [some one] to receive them. That same afternoon her son-in-law, Tomas Chaves, received them to her perfect satisfaction. She was in such haste to go to where we had made the trade that immediately that afternoon she came to ask me for two carts so that she could move. I lent them to her, and on the following day she moved, where she remained a short time.

Her son-in-law, Tomas Chaves, having got the idea that he wanted to come [to live] beside his parents, who lived in the precinct of Los Padillas, and seeing the solicitude of his mother-in-law thereat he told her that, as she had obtained the interest that she had up above, it might be given to her in the lower part where it adjoined the lands of his father, Francisco Chaves; to which my said sister replied that she would come to see me. She did come to see me worrying very much, for the reason that if she could not obtain that which her son-in-law wished she would be left there alone; to which I said to my sister that if it was nothing more than that, that it was granted to her; but that they should understand that what I gave her yonder was more than what I gave her here; to which she answered me that a piece more or less made no difference to her. I replied that I did not do it on that account, but because I wanted to leave a place for my animals to go down to the water. I gave her as far as the ruins of a house, which is commonly called the little old pueblo (*Pueblito Viejo*); to which she replied that she was contented, and she immediately went away happy in what she had obtained to send [some one] to build a house of logs to move into, as she soon after did move; and she lived about two years (a little more or less), during which time my said sister and Tomas, her son-in-law, were living together until he built a house at Los Padillas; in which, seeing that she was very sick, she sent to call me, in order that as alcalde I should go to draw up her will, which, having done, I made a note that she belonged to the Pajarito tract. This is the truth touching all that has been said; and if it should be necessary I will swear to it before God and the Holy Cross. And in due testimony thereof, at the request of my grandson, Don Lorenzo Gutierrez, I gave this which I sign at the said tract of Pajarito, on the 26th of May, of the year 1792.

ANTONIO BACA. [Scroll.]

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 21, 1887.

The foregoing, on two pages, is a full, true, and correct translation, to the best of my knowledge, of the certified copy of an original in Spanish, which copy, designated as "Document C," forms a part of document No. 4, claimant's exhibit B, on file in this office in the matter of private land claim, file No. 210, in the name of Josefa Baca for the Pajarito tract.

WILL. M. TIPTON,
Translator.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex.:

I hereby certify that the signature affixed to the foregoing certificate is the genuine signature of Will. M. Tipton, who at the time of signing the same was the official translator of this office, and that all his acts as such are entitled to full faith and credit.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed at the city of Santa Fé, this twenty-first day of December, A. D. 1887.

[SEAL.]

GEORGE W. JULIAN,
United States Surveyor-General for New Mexico.

Testimony of witnesses.

In the matter of the investigation of private land claim, file No. 210, in the name of Josefa Baca, for the Sitio de Pajarito tract, evidence was taken at the office of Childers & Jackson, Albuquerque, N. Mex., on the 12th day of December, A. D. 1887, there being present Edward L. Bartlett, attorney for claimants, and Will. M. Tipton, chief clerk and translator of the office of United States surveyor-general of New Mexico, who appeared for the surveyor-general, and also as an interpreter.

JUAN ANTONIO SARRACINO, being first duly sworn according to law, testified as follows:

Examined by EDWARD L. BARTLETT, attorney for claimants:

Q. State your name, age, residence, and occupation.—A. Juan Antonio Sarracino; I am sixty-seven years old, and live at the Bosque of Belin, in Valencia County, and am a farmer by occupation.

Q. Are you acquainted with a place known as the Sitio de Pajarito?—A. Yes, sir; I was born there.

Q. What is that location, what are its boundaries, and who are in possession, if you know?—A. It is located about 8 or 9 miles from Albuquerque, on the other side of the Rio Grande River. Bounded on the south by a monument of rock; on the north by an old house—this was shown me by my father when I was very small—it was the outlines and ruins of a very old house—and on the east by the Rio Grande River, and on the west by the Rio Puerco. There are in possession the Gutierrez, Peñas, and Serracinos.

Q. How long did you continue to live at the sitio?—A. I was born there and lived there for about 55 years.

Q. During that time who were in possession of that tract and exercising acts of ownership over it.—A. The persons who exercised ownership over the tract were the Gutierrez, the Peñas, and Manuel Rubi, who married into the Gutierrez family.

Q. Please state in what manner these parties have possession, and what acts of ownership they exercised over this tract of land?—A. They farmed and cultivated the ground, and I sold some pieces of land as an heir of my father, and these persons also sold some pieces of land.

Q. Is there a settlement of people in the Plaza of Pajarito? And if so, state about how many houses are there.—A. There is a town, but I can not tell how many houses there are.

Q. How long has that town existed?—A. I believe, from papers that my father has, that the town has existed since the year 1766.

Q. You state that the Gutierrez, Peñas, and Serracinos had farmed, cultivated, and lived upon this land; state what other acts of ownership they have exercised upon it, if any, in the way of building houses, pasturing, or of fencing.—A. They built houses, used the land for pasture, and also built fences.

Q. State whether they set out any vineyards or orchards on this tract.—A. Don Lorenzo Gutierrez planted a vineyard and orchard, and I saw it in the possession of Juan Gutierrez, a son of Don Lorenzo Gutierrez.

Q. State if you know if any of these families had built a chapel for a place of worship for these people, and if so, when was it built and by whom.—A. The chapel was built by Capt. Antonio Baca, a great-great-grandfather of mine, but can not tell when. I saw it in ruins when I was quite young.

Q. Has any person except the families you have named or those claiming under them exercised any right of ownership upon this tract or made any claim to own any part of it within your recollection?—A. No other persons as I know of have exercised acts of ownership, except the families named and those claiming under them. Recently I have learned that some people claim title to a portion of it through one Chavela.

Q. What is the distance from the north to the south boundary of this sitio?—A. I can not state positively; it may be 6 miles, perhaps less. I know the boundaries, but I don't know the distance as I don't know what a mile is.

Q. Do you know under whom the families you have named claim title? If so, state.—A. Under Capt. Antonio Baca.

Q. Do you know under whom Capt. Antonio Baca claimed title to the sitio?—A. I do not.

Q. How far back from the Rio del Norte are lands cultivated on the sitio towards the west?—A. To the edge of the hills, about 3,000 varas.

Q. What purpose is the land west of the portion cultivated used for?—A. It is used for pasturing purposes.

Cross-examination by WILL. M. TIPTON on behalf of the surveyor-general:

Q. How many families were living at Pajarito when you first remember the place?—

A. There was Francisco Sarracino, my father, my uncle Juan Gutierrez, my uncle Lorenzo Peña, my uncle Manuel Rubi; these were the only persons who were owners of property, the rest who lived there were laborers in their employ.

Q. How many families of laborers were there?—A. About eighteen families.

Q. How many years is it since you lived at Pajarito?—A. Thirteen years.

Q. How many families were living there at that time?—A. There were more than when I first knew the place, but I can't positively state how many.

Q. Do you think there were fifty families living there when you left?—A. I think there were less.

Q. Where did you go to live when you left Pajarito?—A. At Los Quelites, on the Rio Puerco.

Q. How long did you live in Los Quelites?—A. I lived there about six years and then went to the Rio Colorado, over towards the Navajo country. I was there about one year and then went to the Bosque of Belen, where I have since lived.

Q. Have you returned to Pajarito at any time within the last thirteen years?—A. I have been there frequently in that time.

Q. Do you know how many families are now living at Pajarito?—A. I do not. I think there are more than when I left there.

Q. Do you know how many families now living at Pajarito claim to be owners of land in the Pajarito tract?—A. I think four or five families are living there who claim title, but have no title.

Q. I want to know how many families now living at Pajarito claim their title under the Antonio Baca you have mentioned in the evidence in the case.—A. I Juan Antonio Sarracino, Julianita Gutierrez, Don Tomas Gutierrez, Juan Chaves, Ramon Ortiz, and five sons of my brother Francisco Sarracino, whose names I do not recollect, and an American named Julian. Also José Padilla, who purchased of one of the heirs of the Peñas. There are many others living there who have purchased land whose names I do not recollect.

Q. How many leagues is it from the north to the south boundary of the Pajarito tract?—A. About 2, I think.

Q. How far is it from the Rio Grande to the Rio Puerco?—A. About 5 leagues.

Q. How much of the land between the Rio Grande and the foot of the hills, west of the river, is cultivated?—A. I think there is less cultivated than there is uncultivated. In some places the cultivated land extends from the river to the hills; in other places it does not.

Q. What do you know about this title of Chavela?—A. I know that my father told me that Nana Chavela had 700 varas of land south of the stones I referred to as marking the south boundary of this tract.

Q. Is there any one to your knowledge living within the boundaries of the Pajarito tract, as you have given them, who claims title to any portion of the said tract under the Government of the United States?—A. I have been told that José Chaves, Rafael Chaves, Mariano Chaves claimed title within the boundaries I have mentioned under the Government of the United States, claiming that the land is public land.

Q. Do you know how much land these parties claim?—A. No, sir.

Re-direct examination by EDWARD L. BARTLETT:

Q. Do you remember the time of the American war with Mexico and the treaty of Guadalupe Hidalgo, concluded between the two nations in the year 1848?—A. I do.

Q. Where were you living at that time?—A. In Pajarito.

Q. At that time who had possession and claimed title and exercised acts of ownership over the sitio?—A. Juan Gutierrez, Don Francisco Sarracino, Lorenzo Peña, and Rafael Peña.

Q. How long before that time had these families so occupied and claimed this sitio?—A. Since they were born.

Q. State if you know whether the present occupants and claimant of whom you have mentioned as now living at Pajarito are the heirs and descendants of the three families you have just named.—A. They are such.

Q. Is there a main acequia taken out for Pajarito; if so, state its length and size and who built and kept it up, if you know?—A. There is. It runs from the ranchos to Pajarito, and it is about four varas in width. Don Juan Gutierrez built the acequia when I was very small. Don Juan Gutierrez gave it to my father and Manuel Rubi, and they have worked it. The acequia runs from the north boundary of the tract through the town.

JUAN A. SARRACINO.

Subscribed and sworn to before me this 12th day of December, A. D. 1887.

E. W. DOBSON,
Notary Public.

MATEO PEÑA, a witness produced and sworn according to law, testified as follows:

Direct examination by General EDWARD L. BARTLETT:

Q. State your name, age, residence, and occupation.—A. Mateo Peña; reside at Pajarito; age, seventy-seven years; and am a farmer by occupation.

Q. How long have you lived at Pajarito?—A. Forty years.

Q. Do you know the tract called the Sitio of Pajarito? And if so, state its location and give its boundaries.—A. I do. It is located south of Albuquerque, on the west side of the Rio Grande River, and about 4 miles from Albuquerque. It is bounded on the north by Los Pocitos; on the south by certain rocks; on the west by the Rio Puerco, and on the east by the Rio Grande.

Q. Did you go to live at Pajarito before or after the treaty of peace of Guadalupe Hidalgo between the United States and Mexico?—A. I do not recollect.

Q. At the time that you went upon this tract, who was living upon it, exercising acts of ownership, dominion over it, and claiming the title thereto?—A. Don Lorenzo Gutierrez, Manuel Rubi de Celi, Mariano de la Peña, Francisco Sarracino, who are the persons as I recollect who were exercising ownership over the land.

Q. State in what manner they exercised their ownership, what acts of ownership they performed.—A. They farmed, broke and opened up lands and sowed it.

Q. Who are in possession of that tract, occupying and exercising acts of ownership over it now?—A. Tomas Gutierrez, Francisco Peña, Francisco Sarracino, Ramon Ortiz.

Q. State if you know whether these parties you have named and are now in possession are descendants and heirs and representatives of those who were in possession forty years ago, when you first went there.—A. They are.

Q. State, if you know, from whom these parties claimed to derive their title.—A. I do not know.

Q. During the forty years that you have known this tract, has any person claimed it adversely, or contested the ownership of the persons whom you have named to any part of it?—A. I do not know that anybody has made any claim to it.

Q. State if there is a settlement or plaza at Pajarito, and if so, about how many families are living there now.—A. There is a town, but I can not state how many families.

Q. State whether it is now larger or smaller than when you went there.—A. It is a great deal larger now. A great many people have come there since that time.

Q. How did the people that came there get their lands?—A. They came there and settled, but I do not know how they got the land.

Q. How did you get your land?—A. I came by my land through a brother of mine, Bartolo Peña, who was the husband of Lorenza Gutierrez.

Q. When did your brother die?—A. About twenty years ago.

Q. Then you moved to Pajarito before your brother's death?—A. Yes, sir.

Q. Do you know of any chapel being built in Pajarito, and if so, by whom was it erected?—A. Yes, there is a chapel, and Don Manuel Rubi built it.

Q. Do you know who built the Acequia Madre of Pajarito?—A. Yes; Don Juan Gutierrez.

Q. State about when the acequia was built, and its size and length.—A. I do not know when it was built. It is about 4 varas in width, and commences on the north, near Ranchos de Atrisco, and runs to the south of Pajarito, opposite the house of one Nestor Castillo.

Q. Was this acequia built before you came there?—A. It was already built when I came to Pajarito.

Q. How far is it from the south boundary of the plaza of Pajarito to the south boundary of the sitio?—A. About a mile.

Q. What is the distance from the north to the south boundary of the sitio?—A. In my judgment it is between 4 and 6 miles.

Q. What is the distance across the sitio from east to west?—A. I do not know.

Q. How far back from the river Del Norte towards the west are lands cultivated?—A. For some 2 or 3 miles.

Q. What purpose is the rest of the land west of that which is cultivated used for?—A. For pasture.

Q. How much land do you claim in this sitio under your brother?—A. I have no specific land now; I received about 1,000 yards as heir of my brother, which land I turned over to Don Juan Gutierrez in payment of a debt. But I claim an interest in the sitio as one of the heirs of Bartolo Peña and the Gutierrez family.

Q. Do you know of any orchards or vineyards having been planted on this sitio; if so, when and by whom were they set out?—A. I do not recollect.

Cross-examined by WILL M. TIPTON, for and on behalf of the surveyor-general:

Q. What are these pocitos which you have mentioned as the north boundary of the

tract?—A. The pocitos were ponds, and although there is no permanent water, they still exist as excavations.

Q. How far and in what direction are those pocitos from Atrisco?—A. They are south of Atrisco, but I don't know how far.

Q. What proportion of the land between the Rio Grande and the hills is cultivated?—A. More than half is cultivated.

Q. How do you know that Don Juan Gutierrez built the Acequia Madre?—A. Because he told me that he built it.

Re-direct examination by General EDWARD L. BARTLETT:

Q. Do you know Lorenzo Gutierrez, Juana Gutierrez, and Mariano de la Peña?—A. I do.

Q. Where did you know them and are they now living?—A. I knew them in Pajarito; they are not alive now.

Q. Were they living there when you went to Pajarito?—A. They were.

Q. State when each of them died, if you know.—A. I do not recollect.

Q. Who succeeded to their houses and possessions in Pajarito?—A. Their children.

Q. Do they occupy this property now?—A. Yes, sir.

Q. Is there any person that you know of claiming title or possession of any portion of the Sitio of Pajarito, except the heirs and descendants of the Gutierrez, Peña, and Sarracino families, or those claiming under them?—A. I do not know of any.

MATEO PEÑA.

Subscribed and sworn to before me this 12th day of December, A. D. 1887.

[SEAL.]

E. W. DOBSON,
Notary Public.

JUAN BAZAN, another witness produced and sworn according to law, testified as follows:

Examined by EDWARD I. BARTLETT:

Q. State your name, age, residence, and occupation.—A. Juan Bazan, aged sixty years; I live in the town of Alameda, in the county of Bernalillo, and am a farmer by occupation.

Q. Are you acquainted with the place known as the Sitio of Pajarito, and how long have you known it?—A. I know the Sitio of Pajarito ever since I can remember.

Q. Where is it located and what are its boundaries?—A. It is located on the west side of the Rio Grande River, about 4 or 5 miles south of the town of Albuquerque, and I do not know its boundaries.

Q. Did you live there?—A. I did.

Q. Between what times?—A. I lived in Pajarito from the year 1827 until 1841. I was born in Pajarito.

Q. During that time who were in possession, occupation, and exercising rights of ownership over this tract of land?—A. The Gutierrez, Peñas, Rubis, and Sarracinos.

Q. In what manner did they assert ownership, and in what manner did they exercise their rights?—A. They built houses and fences on the land, planted orchards, and cultivated the land.

Q. Have you been there since you left in 1841; and, if so, when were you there last?—A. The last time I was there is about three years ago, and I have been there several times since 1841.

Q. At that time who was in possession and exercising ownership over this land?—A. The Gutierrezes and some members of their families, the Peñas, and Sarracinos.

Q. During the time that you have known this land have you known any one to claim title or exercise acts of ownership over any portion of it except the families you have named or those claiming under them?—A. I have not.

Q. Do you know from whom these persons claim their title? If so, please state.—A. From the Gutierrezes. I don't know where the Gutierrezes got their title.

Q. Do you know who took out the Acequia Madre of Pajarito? And if so state.—A. A Gutierrez—one of the Gutierrez family.

Q. Do you know when it was built?—A. When I can first remember it was there and already built.

Q. How much of the sitio does it cover, where was it taken out, and where does it go to?—A. About two miles and a half. The mouth of the acequia is about Ranchos de Atrisco; I mean where the water is taken out of the river. It is about three miles from where it takes the water from the river to where it ends.

Q. How far from the river are the lands cultivated?—A. I can not state in regard to that, because, I do not go there often enough.

Cross-examination of JUAN BAZAN by WILL. M. TIPTON, for and on behalf of the surveyor-general:

Q. Do you know the north boundary of the Pajarito tract?—A. I know a place called La Casa Vieja, which was said by the Gutierres to be the north boundary.

Q. Do you know the south boundary?—A. I saw some hills that were said by the Gutierres to be the south boundary, but I saw nothing to indicate that they were the boundary; they were near Los Padillas.

Q. What kind of hills were those you refer to?—A. They were sand hills, which were drifted and moved from place to place by the winds.

Q. How far are they from the town of Pajarito, and in what direction?—A. They are about a mile, more or less, south of Pajarito.

Q. When were these hills first pointed out to you as the southern boundary of the tract?—A. While I was living in Pajarito.

Q. Are those hills now in the same place they were when you first knew them?—A. I have not noticed whether they are or not. They are hills that are moved about by the winds.

Q. Do you know what the eastern boundary of the tract is?—A. I don't know. I saw the land cultivated as far as the river, but I don't know whether the river is the boundary or whether the tract extends east of the river.

Q. How far do you think it is from the river to the hills?—A. I think it is a little more than two miles.

Q. What proportion of the land between the river and the hills is cultivated?—A. It appears to me that if one-half of the land between the river and the hills is not cultivated it is very nearly one-half.

Q. Do you know what is the western boundary of the tract?—A. I do not know. I don't know whether the tract extends to the Rio Puerco or not.

Re-direct examination by EDWARD L. BARTLETT, Esq.:

Q. Do you know a place on this tract of land called Los Pocitos? And if so state how far it is from Casa Vieja.—A. I do. I know the place. It is about 1,700 varas south of Casa Vieja.

Q. In what condition was this Casa Vieja when you first knew it as to being in repair?—A. I first saw this casa in ruins in 1841. I do not know who built it.

JUAN BAZAN.

Subscribed and sworn to before me this 12th day of December, A. D. 1887.

[SEAL.]

E. W. DOBSON,
Notary Public.

In the matter of the investigation of private land claim file No. 210, in the name of Josefa Baca for the Sitio de Pajarito tract, evidence was continued to be taken at the office of Childers & Jackson, in Albuquerque, N. Mex., on the 13th day of December, A. D. 1887, there being present Edward L. Bartlett, attorney for claimants, and Will. M. Tipton, chief clerk and translator of the office of U. S. surveyor-general of New Mexico, who appeared for the surveyor-general, and also as interpreter.

WILLIAM H. H. METZGAR, being first duly sworn according to law, testified as follows:

Examined by EDWARD L. BARTLETT, attorney for claimants:

Q. State your name, age, residence, and occupation.—A. William H. H. Metzgar; age fifty-five; place of residence, Pajarito, Bernalillo County, N. Mex.; occupation at present, a farmer.

Q. How long have you resided in Pajarito?—A. Thirty-four years and months.

Q. How far is the sitio of Pajarito from here, and in what direction?—A. About 8 miles south, a little west of south, on the west side of the river.

Q. Are you acquainted with the boundaries of the sitio of Pajarito?—A. It is bounded on the north by an arroyo, or gulch, called the dry gulch of Bosquecito de Santa Barbara, on the south by a monument of malpais rock, east to west from river to river, Rio Grande and Rio Puerco.

Q. Is this northern boundary which you call the Bosquecito de Santa Barbara known by any other name? And if so, state what it is.—A. Not to my knowledge; I may have heard other names for it, but don't recollect now.

Q. Do you know a locality now on this sitio known as Los Pocitos?—A. I do; I know a place called Los Pocitos; I made a mistake, I should have said Los Pocitos instead of Bosquecito.

Q. Do you know a locality called the Casa Vieja?—A. Yes, sir; I do.

Q. Please state where that is with reference to the Los Pocitos?—A. It is north of the Los Pocitos.

Q. About how far?—A. The south line I believe commences about 500 yards north of Los Pocitos.

Q. What is the distance across this sitio of Pajarito from north to south?—A. Between 2 and 3 miles.

Q. What is the distance from east to west?—A. In the neighborhood of 15 miles.

Q. How far back from the river, toward the west, are the lands cultivated on the sitio?—A. About one mile and a half in places.

Q. When you went upon this tract of land who were in possession claiming title and exercising acts of ownership over it?—A. Don Juan Gutierrez, Don Francisco Sarracino Don Francisco Chaves 1st, and the Peña family.

Q. State in what manner and by what acts they exercised their ownership and how they asserted title to this tract of land.—A. At that time peonage was practiced, and these gentlemen cultivated this land with their peons. Afterwards, that is after peonage was annulled, they gave these lands out on shares to those that were formerly peons.

Q. What improvements of a permanent character were made by them upon this land?—A. By building fences, cultivating the soil, setting out trees, building houses and corrals and water ditches.

Q. Was there a plaza and town at Pajarito when you went there. And if so, state about how many houses.—A. Yes, sir; there was a plaza and probably sixty buildings. These gentlemen whom I have named as owning this land had many servants and peons, who lived in small houses grouped about the large ones of the owners, and the whole town was much more compact at that time in order to mutually protect themselves against the incursions of the Navajo Indians.

Q. Have you lived at that place continuously since you first went there?—A. I have lived there continuously since I went there in 1853.

Q. Who are now occupying those lands and asserting title to them in the sitio of Pajarito?—A. The heirs of the said gentlemen that I have mentioned, and others that have bought small parcels from them, and some few that have been permitted to stay there by the heirs.

Q. Do you own property there; and if so, how did you obtain it?—A. I do own property that I bought through the family of Gutierrez. I bought it from Captain Hubbell and his wife Juliana Gutierrez.

Q. During the time that you have been there, have you known the title of the gentlemen named by you as the proprietors to be disputed by any person, or their possession of any part of this tract to be interfered with?—A. No, sir; not until this last year, when José Chaves and his son Adolpho took up a quarter section of land, claiming it to be Government land. This is the first and only question of ownership that I know of adverse to the claimants whom I have named.

Q. How far is this quarter section located on by Adolpho Chaves from the river?—A. It is about a mile more or less, west.

Q. You say that this land is cultivated about a mile and a half west from the Rio Grande, in places; now for what purpose is the remainder of the tract used for?—A. For pasture land.

Q. Did the families named by you as being the owners of this sitio possess animals? If so, state what class and how many.—A. They did. They owned cattle, horses, mules, and sheep and goats. I can not state exactly how many, but the sheep by thousands, and the cattle and horses by hundreds.

Q. Do the present owners and claimants of this sitio possess animals of the classes named by you; and if so, in what numbers?—A. They do, but in very small numbers.

Q. Do you know from whom the Gutierrez and the other families whom you have mentioned claim their title?—A. Not of my own personal knowledge.

Q. What knowledge have you? Please state what it is.—A. Through conversations with the late Don Juan Gutierrez, Don Francisco Sarracino, and Don Francisco Chaves 1st, and the late Don Rafael and Don Lorenzo Peña; they told me that it came through the Baca family, the Captain Don Antonio Baca, from him to one Don Clemente Gutierrez, who married a daughter of said Captain Antonio Baca.

Q. Are you familiar with all parts of this sitio, by riding or walking over the same?—A. Yes, sir; I am.

Q. State if any mineral of any kind existed on this tract, to your knowledge.—A. Not unless you call gypsum and lime mineral. It has never been discovered in large quantities.

Q. For what purpose is this land best adapted? What is its character as to being agricultural, pastoral, or timber?—A. I should judge that about one-fourth is fit for agriculture, about one-eighth of it is timber, some cedar and cottonwood, and the balance is pasture land.

Q. I believe you stated that Don Juan Gutierrez was living and one of the owners of this land when you went there in 1853.—A. I did state so.

Q. Do you know when he died and who are his heirs? If so, please name them.—A. I remember when he died. I think it was some time about the year 1877, but I don't remember exactly. As to his heirs, I am well acquainted with them. Their names are Don Anite Gutierrez, Don Roman Gutierrez, Don Francisco Gutierrez, Julianita Gutierrez, Don Tomas Gutierrez.

Q. Do you remember when Don Francisco Sarracino died? If so, state when.—A. I remember when he died, but don't recollect the exact date. It was in either 1860 or 1861, to the best of my recollection.

Q. Do you know his heirs? If so, state their names.—A. I know some of them—Juan Antonio Sarracino, Clemente Sarracino, Guadalupe Sarracino, Mariano Sarracino, José Sarracino, and Francisco Sarracino, 2d.

Q. Do you remember when Don Francisco Chaves died? If so, state when.—A. About the year 1878.

Q. Do you know his heirs? If so, name them.—A. Rafael Chaves y Peña, Juan Chaves y Peña, Prudencia Chaves y Peña.

Q. Who was the head of the Peña family at the time you went to this place?—A. Lorenza Peña and Rafael Peña. They were brothers. There was also one Mateo Peña, whose relationship I do not know.

Q. Are they living or dead?—A. The brothers are dead, but Mateo Peña is living.

Q. State, if you know, the heirs of these brothers; and, if so, what are their names?—A. I know the heirs of Lorenzo Peña, who are Francisco Peña, Ygnacio Peña, Refugia Peña. I do not know whether Rafael Peña had any children by his wife or not, as he went to Sebollita.

Q. State, if you know, through whom and by what family the Peñas, Sarracinos, and Chaveses, whom you have named, claim ownership and title to this land.—A. Through intermarriage with the Gutierrez family.

• Cross-examined by WILL. M. TIPTON for and on behalf of the surveyor-general:

Q. In what way did you learn that the places that you have mentioned as being the boundaries of the Pajarito tract were the boundaries of that tract?—A. By riding, walking, and the same being pointed out to me by the parties I have mentioned at different times.

Q. How far is it from the Rio Grande to the hills on the west side of the valley? I mean to the foot of the hills.—A. Three miles, more or less.

Q. What portion of the land between the Rio Grande and the foot of the hills is susceptible of cultivation?—A. About four-fifths.

Q. What part of this four-fifths is now cultivated?—A. As near as I can judge about one-half. I mean that about one-half of it is under fence or cultivated.

Q. Were you ever at Pajarito before you went there to live?—A. Yes, sir.

Q. When were you first there?—A. In the year 1851.

Q. At that time were there more or fewer families living there than in 1853?—A. I could not say, because I was not acquainted.

Q. What would be your opinion about it judging from the settlement?—A. About the same number.

Q. Give a description of this place called Los Pocitos.—A. It is a tract of flat land that runs from the main river to the old river bed. By digging holes 3 or 4 feet you can get water, and I suppose that this is the reason that it is so called; and the Spanish words "Los Pocitos" mean "small holes." When I went there in 1853, and from that time, in the lambing time, parties would lamb their sheep there, and dig these holes to supply the camp with water from them.

Q. What is this place known as the Casa Vieja?—A. Well, it is a tract of land that when I went to Pajarito was cultivated more or less by Don Juan Gutierrez and Don Clemente Sarracino, and had one good-sized house upon it, which they called the Casa Vieja in Spanish, which in English means the "old house." How long it had been there I do not know. Don Juan Gutierrez had servants living in it. One of these servants of Don Juan Gutierrez is still living, and his name is Jose Rafael Jaramillo.

Q. Is this old house still existing?—A. No, sir; the river washed it away, but there are others built on the same tract, only further west. These houses are inhabited by tenants of Juliana Gutierrez de Hubbell.

Q. At the time you first saw this house known as the Casa Vieja, was there any other house or ruins of a house near it?—A. Yes, sir; one small building, which still stands.

Q. Is this small building still in use?—A. It was last year, but not this.

Q. Were there or were there not any ruins of a house or houses in the vicinity of the Casa Vieja at the time you first knew it?—A. Not to my knowledge.

Q. Did you ever hear it claimed by any one that the Casa Vieja was the north boundary of the Sitio de Pajarito?—A. I don't know as I ever heard it claimed so.

Q. Is the old bed of the river, to which you have referred, east or west of the present bed of the river?—A. West, about $2\frac{1}{2}$ miles.

Q. Do you know when the river changed its course from the old to the new bed?—A. No, sir; I do not; but it is a matter of tradition; but it did run there in 1864, a portion of it. By hard labor we put it back to its place.

Q. How far is the monument of Malpais rock which you have named as the south boundary from the town of Pajarito?—A. It is about three-quarters of a mile from the lower end of the town; that is, from the south of the town.

Q. How large is the monument?—A. I do not know whether the monument is there or not. I have not seen it for two or three years, and do not know whether it is covered with sand or carried away.

Q. How large was it when you last saw it?—A. About half a wagon-load.

Re-direct examination by EDWARD L. BARTLETT:

Q. Do you know when and by whom this monument was erected?—A. No, sir; I do not; it was there when I came.

Q. What is meant and understood by the people in that community by the Casa Vieja; did that term apply solely to that old house itself?—A. I have always understood that it meant the whole thing—the land, house, and all.

Q. How much land is there in the Casa Vieja tract, and where does it lie with reference to the Sitio de Pajarito?—A. It is a strip, as I have understood, belonging to five different parties of 580 varas each, and it lies north of the town of Pajarito.

Q. Have you known this sitio of Pajarito to be called by any other name by the residents there?—A. No, sir.

Q. Was it ever known and called by the people there the lands of Captain Baca or Antonio Baca?—A. Not to my knowledge, except by tradition. By tradition it was called the ranch of Captain Baca.

WM. H. H. METZGAR.

Subscribed and sworn to before me this 13th day of December, A. D. 1887.

[SEAL.]

E. W. DOBSON,
Notary Public.

TOMAS C. GUTIERRES, another witness, being first duly sworn according to law, testified as follows:

Examined by EDWARD L. BARTLETT, attorney for claimants:

Q. State your name, age, residence, and occupation.—A. Tomas C. Gutierrez; age, forty-six years; place of residence, Los Griegos, and by occupation a stock-raiser.

Q. Are you acquainted with the Sitio of Pajarito; if so, how long have you known it, and what is its location with reference to Albuquerque?—A. I have known it since I can remember, and it is located on the west side of the Rio Grande about 8 miles south of Albuquerque.

Q. Do you know the boundaries of the Sitio of Pajarito? And, if so, please state them.—A. I do. It is bounded on the north by Los Pocitos, on the south by Malpais rocks, on the east by the Rio Grande, and on the west by the Rio Puerco.

Q. How did you come to know these boundaries?—A. They were shown to me by my father, Juan Gutierrez, Francisco Sarracino, and others.

Q. What is the distance from north to south across this Sitio?—A. I should judge about $2\frac{1}{2}$ miles.

Q. And what is the distance from east to west?—A. About 14 miles.

Q. When did you first begin to live at Pajarito, and how long did you continue to reside there?—A. I was about one year old, so my father and mother told me, when they moved from Socorro to Pajarito, and I lived there for ten consecutive years. When I was about eleven years old I went to Saint Louis to school and was in school for about five years, when I returned to Pajarito, and remained with my parents there for about a year. My parents lived there and remained until their deaths; my father died in the year 1875 and my mother died in the year 1877, respectively.

Q. Who was in possession, occupation, and claiming the ownership of this tract of land when you first recollect it?—A. My father, Juan Gutierrez-Francisco, Sarracino-Manuel Rubi, Lorenzo Peña, Rafael Peña; those were the principal owners at that time.

Q. State if you know through whom the Sarracinos, Chaves, Rubi, and the Peñas claimed ownership of this tract?—A. By their marriage with the daughters of Don Clemente Gutierrez.

Q. Through whom did Don Juan Gutierrez claim title and ownership of this tract?—A. Through his father, Lorenzo Gutierrez, son of Clemente Gutierrez.

Q. Do you know from whom Clemente Gutierrez claimed title to this tract of land?—

A. I know it by tradition and family records. Clemente Gutierrez's wife was Apolonia

Baca; she inherited from her father, Capt. Ant. Baca, the Sitio of Pajarito, or a part of it, and a part she bought. She inherited one-fifth and the rest of the four-fifths she bought from Capt. Ant. Baca, her father. After the death of Clemente Gutierrez, Capt. Ant. Baca made a deed for the Sitio of Pajarito with the exception of the portion of the Sitio inherited by his sister Isabella Baca. This deed was made to the estate of Clemente Gutierrez after his death.

Q. Where are those deeds and records which you speak of?—A. They are filed in the office of the surveyor-general of New Mexico, with this claim.

Q. State in what manner the families you have named exercised ownership over this tract of land, and how they asserted their title?—A. By building houses, farming, fencing, and pasturing their stock.

Q. Do any members of your father, Juan Gutierrez's family, reside at Pajarito?—A. One daughter, my sister, with her children.

Q. Who are now in possession and exercising acts of ownership over this land?—A. The Gutierrezes, Chaveses, Ortiz's, Sarracinos; those are the principal persons.

Q. Who are they, from whom and by what title do they hold?—A. They are the heirs and representatives of Josefa Baca. They hold their title through the Gutierrezes up to Josefa Baca and Antonio Baca.

Q. How long since you ceased to reside at Pajarito?—A. Since the year 1862. I came to live at Albuquerque, and two years afterwards I moved to Los Griegos, where I have lived up to this time.

Q. How often have you been to the Sitio of Pajarito since that time?—A. Very often, two or three times a month since that time, for the purpose of seeing my father and mother and other relations.

Q. During that time and up to this present time, have you known or heard of any person claiming this tract or any part of it adversely to the persons whom you have named?—A. Yes, sir; Adolph Chaves, and the Atlantic and Pacific Railroad Company claim under the Government, and these claims were made during the past year.

Q. What is the name of your sister who resides at Pajarito with her children?—A. Juliana Gutierrez de Hubbell, widow of Santiago Hubbell.

Q. Is this Sitio of Pajarito known or called by any other name? If so, please state.—A. It has also been called the ranch of Captain Antonio Baca.

Q. Does the Casa Vieja testified to by former witnesses, mean merely "the old house," or does it include something else? Please state fully what it means.—A. It means the tract of land as well as the house on which it is located.

Q. How large is the Casa Vieja, and where is it located with reference to Pajarito?—A. The Casa Vieja is about $1\frac{3}{4}$ miles from north to south, and it is on the north of the Sitio of Pajarito. The north boundary-line of the Pajarito tract, Los Pocitos, is the south boundary of the Casa Vieja.

Q. Do you know of any mineral on this Pajarito tract of land?—A. I do not know.

Q. Are you familiar with this whole tract of land by personal examination?—A. Yes, sir; I am.

Q. What is its character as to being agricultural, pastoral, timber, or mineral land, and what is the proportion of each?—A. From the river to the foot of the hills it is about $2\frac{1}{2}$ miles, I mean the Rio Grande River, and is agricultural land. From the hills to the Rio Puerco it is pastoral land, there being no water on the plains. There is about one-fifth of it in scrub cedars and little cottonwoods on the edge of the Rio Puerco. There is no mineral to my knowledge.

Q. Were the Malpais rocks that you speak of as the south boundary a natural landmark or placed there by some person?—A. My information as to this is that they were placed there, but I can not say by whom, but I do know that it is not a natural formation of rock, as it is in a sandy place.

Q. How far is this from the south boundary of the town?—A. About three-quarters of a mile from the lowest house.

Q. Over what extent does the town spread from north to south? That is, give the distance from the northernmost house of the plaza to the most southern.—A. I should say about $1\frac{1}{2}$ miles.

Q. Is there an acequia on the east end of this tract? And if so describe it, and by whom it was constructed; state in regard to its length.—A. The acequia is about 3 miles long, being taken from the river near Ranchos de Atrisco, and emptying into the river the last house on the Pajarito tract.

Q. How much of this land does this acequia irrigate?—A. It irrigates about half of the land in the Pajarito tract that is cultivated; I mean that half the land is cultivated between the river and the hills, and this acequia is sufficient to irrigate all of the cultivated lands. Don Juan Gutierrez, my father, informed me that he built this acequia himself.

Q. How many inhabitants are there now on this Pajarito tract?—A. There are about 300 souls—men, women, and children.

Q. Under whom and by what right do they claim to be there?—A. They claim as heirs, and some claim by purchase from the Sarracinos and Gutierreses.

(Witness is here shown paper which he swears is the original will and testament of Barbara Chaves de Gutierres, his mother, executed on the 17th day of July, 1876, and admitted to probate December 23, 1876, which is filed with his testimony as Exhibit A. Also, a translation of the same, sworn to by him as correct, and filed as Exhibit B, as a part of testimony. Also, the assignment of the legacy to him under such will, approved by the probate judge on the 5th day of March, 1877, which is filed as Exhibit C, with his testimony, and made a part thereof. Also, a translation of the same, sworn to by the witness as a true and correct translation, and filed as Exhibit D, and made a part of his testimony.)

Cross-examined by WILL. M. TIPTON:

Q. For what purpose is the land in the Pajarito tract which is not cultivated used?—A. Part of it is for cutting hay, and part of it for pasture.

Q. Who uses it for those purposes?—A. The Gutierreses use a part of it, the Peñas, Sarracinos, Ortizs, and the Chaveses use it.

Q. Have not other persons than those claiming to be the owners of the Pajarito tract used it for pasturing their animals?—A. By permission of those that are heirs and claimants they have so used it.

Q. Has no one pastured their animals upon the tract without the permission of the owners?—A. They have, but as soon as they were found out they were run off.

TOMAS C. GUTIERRES.

Subscribed and sworn to before me this 13th day of December, A. D. 1887.

[SEAL.]

E. W. DOBSON,
Notary Public.

EXHIBIT A.

Will of Barbara Chaves de Gutierres.

En el nombre de Dios. Amen.

Yo Barbara Chaves de Gutierres, del condado de Bernalillo y Territorio de Nuevo Mejico, estando en sano y entero juicio, memoria y entendimiento, hago y publico esta mi ultima disposicion y testamento en la manera y forma como sigue:

Y primero, yo mando que mi cuerpo sea enterrado segun las ceremonias de la Santa Iglesia Catolica, Apostolica y Romana, y que mi funeral sea conducido segun mi estado y situacion durante la vida.

Item. A mi hijo Ana Maria Gutierres de ———, le dejo todo el terreno que esta roto y situado en el sitio de Pajarito, con todas las casas y los muebles de la casa que ha sido my residencia. Y tambien la casa de la difunta Mariana Sarracino y situada en Albuquerque; tambien mulas, carros y reces que se hallen en mi posesion al tiempo de mi muerte.

Item. A mi hijo Roman Gutierres le dejo todo el terreno de los Padillas.

Item. A mi hija Juliana Gutierres de Hubbell le dejo todo el terreno de la casa vieja que a mi pertenece, menos la parte que era del difunto Francisco Sarracino, y tambien los terrenos de la Vega del Monte.

Item. A mi hijo Tomas Gutierres le dejo la parte de la casa vieja que fue comprada de Juan Antonio Sarracino, y tambien la casa de Albuquerque que era de Rafael Armijo, con el terreno.

Item. Las demas propiedades que sean igualmente divididas entre mis hijos e hijas. Tales propiedades como son o sean, a decir, la Mercedes de Valverde, Juan Tafoya, &c.

Y constituyo y nombro a Tomas C. Gutierres y Santiago F. Hubbell ejecutores de este mi ultima disposicion y testamento.

En testimonio de lo cual yo Barbara Chaves de Gutierres, la testadora, be a este mi testamento, escrito en dos paginas de papel, puesto mi mano y sello, este dia 17 de Julio, A. D. 1876.

BARBARA CHAVES DE GUTIERRES.

Firmado, sellado y publicado y declarado por la dicha Barbara Chaves de Gutierres como y por su ultima disposicion y testamento en la presencia de nosotros, los cuales hemos subscritos nuestros nombres a su solicitud como testigos a ello, en la presencia de la dicha testadora y en la de cada uno de nosotros.

ANDRÉS CHAVES.
JUAN CHAVES.
MASEDONIO CHAVES.

TERRITORIO DE NUEVO MEJICO,

Condado de Bernalillo:

Por estas presentes certifico que el antecedente testamento lo enregistre hoy este día 26 de Diciembre, A. D. 1876, en el Libro de Testamentos del Condado, fojas 303 y 304.

En testimonio de lo cual vease el sello de la Corte de Pruebas, hoy en mi oficina, en Albuquerque, 26 de Diciembre, A. D. 1876.

[SELLO.]

SANTIAGO BACA,
Escribano.

(Indorsed:) Testamento de Barbara Chaves de Gutierrez.

Este testamento está aprobado por esta corte, y orden es dado al escribano de la Corte de Pruebas de condeser letras credenciales á Tomas C. Gutierrez. Bernalillo, N. M., Diciembre 23 de 1876.

M. S. OSTERO,
Juez de Pruebas.

Exhibit A to the testimony of Tomas C. Gutierrez.—E. W. D.

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

I hereby certify that the foregoing on four pages is a full, true, and correct copy of the original on four pages, which was left temporarily in this office for use in the examination of title in the matter of private land-claim file No. 210, the Sitio de Pajarito.

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

EXHIBIT A.

Translation of will of Barbara Chaves de Gutierrez.

In the name of God. Amen!

I, Bárbara Chaves de Gutierrez, of the county of Bernalillo and Territory of New Mexico, being of sound and perfect mind, memory, and understanding, make and publish this my last will and testament, in the manner and form that follows: And first I order that my body be buried according to the ceremonies of the Holy Roman Catholic Apostolic Church, and that my funeral be conducted according to my standing and position during life.

Item. To my daughter, Ana Maria Gutierrez de ———, I leave all the land that is broken and situated on the Pajarito tract, with all the houses, and the furniture of the house that has been my residence, and also the house of Mariano Sarracino, now deceased, and situated in Albuquerque; also mules, wagons, and cattle that may be in my possession at the time of my death.

Item. To my son, Roman Gutierrez, I leave all the land at Los Padillas.

Item. To my daughter, Juliana Gutierrez de Hubbell, I leave all the land of the Casa Vieja that belongs to me, except the part that belonged to Francisco Sarracino, now deceased; and also the lands of the Vega del Monte.

Item. To my son, Tomas Gutierrez, I leave the part of the Casa Vieja that was purchased of Juan Antonio Sarracino, and also the house of Albuquerque which belongs to Rafael Armijo, with the land.

Item. Let the other properties be equally divided among my sons and daughters, such properties as are or may be, to wit: The grants of Valverde, Juan Tafoya, etc.

And I constitute and appoint Tomas C. Gutierrez and Santiago F. Hubbell executors of this my last will and testament.

In testimony whereof I, Bárbara Chaves de Gutierrez, the testatrix, have placed my hand and seal to this my testament, written on two pages of paper, this the 17th day of July, A. D. 1876.

BÁRBARA CHAVES DE GUTIERRES.

Signed, sealed, published, and declared by the said Bárbara Chaves de Gutierrez as and for her last will and testament, in the presence of us, who have subscribed our names at her request as witnesses thereto, in the presence of said testatrix and in that of each other,

ANDRES CHAVES.
JUAN CHAVES.
MASEDONIO CHABES.

TERRITORY OF NEW MEXICO,
County of Bernalillo:

I certify by these presents that I recorded the foregoing will this the 26th day of December, 1876, in the county Book of Wills, leaves 303 and 304.

In testimony whereof, witness the seal of the probate court, in my office at Albuquerque, this 26th day of December, A. D. 1876.

[SEAL.]

SANTIAGO BACA,
Clerk.

(Indorsed:) Will of Bárbara Chaves de Gutierrez.

This will is approved by this court and order is given to the clerk of the probate court to issue letters of administration to Thomas C. Gutierrez, Bernalillo, N. Mex., December 23, 1876.

M. S. OTERO,
Probate Judge.

Exhibit A to the testimony of Tomas C. Gutierrez.—E. W. D.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 26, 1887.

The foregoing on two pages is a full, true, and correct translation, to the best of my knowledge, of a certified copy of an original, which copy, designated as No. 8, being Exhibit A to the testimony of Tomas C. Gutierrez, is on file in this office in the matter of private land claim, file No. 210, in the name of Josefa Baca for the Pajarito tract.

WILL. M. TIPTON,
Translator.

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

I hereby certify that the signature affixed to the foregoing certificate is the genuine signature of Will. M. Tipton, who at the time of signing the same was the official translator of this office, and that all his acts as such are entitled to full faith and credit.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed, at the city of Santa Fé, this 26 day of December, A. D. 1887.

[SEAL.]

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

EXHIBIT C.

Assignment of legacy to Tomas C. Gutierrez under the will of Barbara Chaves de Gutierrez.

TERRITORIO DE NUEVO MEJICO,
Condado de Bernalillo, ss:

Hijuela perteneciente a Tomas C. Gutierrez, comprendiendo los bienes raices y personales que le tocaron por herencia de la finada Barbara Chavez de Gutierrez, a saber:

La quinta parte del sitio de Santa Barbara antes perteneciente a los Sarracinos, que se compone por una parte de quinientas ochenta varas y por otra de ochenta varas.

Aucion y derecho en los varios sitios de Pajarito, sitio de 'Navajoe,' Merced de Valverde, Merced de José Sanchez, y terreno individido en la plaza dei Manzano, en el condado de Valencia. La casa de Albuquerque, antes de Dn. Rafael Armijo y Manuel Armijo, juntamente con el terreno adyacente a dicha casa comprada al General J. H. Carleton.

T. C. GUTIERRES,
Administrador.

TERRITORIO DE NUEVO MEJICO,
Condado de Bernalillo:

Certifico que la antedecente hijuela fue enregistrada en el libro de testamentaria, folio 336.

En testimonio de lo cual pongo mi mano oficial y sello de la Corte de Pruebas hoy este día 5 de Marzo, A. D. 1877, en mi oficina en Albuquerque.

VICENTE A. OTERO,
Escribano

(Indorsed:) Aprobada hoy este día 5 de Marzo, A. D. 1877.

M. S. OTERO,
Jues de Pruebas,

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

I hereby certify that the foregoing on two pages is a full, true, and correct copy of the original on two pages which was left temporarily in this office for use in the examination of title in the matter of private land claim, file No. 210, the Sitio de Pajarito.

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

EXHIBIT C.

Translation of assignment of legacy to Tomas C. Gutierrez under the will of Bárbara Chaves de Gutierrez.

TERRITORY OF NEW MEXICO,
County of Bernalillo, ss:

Schedule [*hijuela*] belonging to Tomas C. Gutierrez, comprising the real and personal property that came to him by inheritance from Barbara Chaves de Gutierrez, deceased, to wit:

The fifth part of the Santa Barbara tract formerly belonging to the Sarracinos, which contains in one part 580 varas and in another 80 varas.

Interest and right in the various tracts of Pajarito, Navajo, Valverde grant, José Sanchez grant, and undivided land in the town of Manzano, in the county of Valencia. The house in Albuquerque, formerly of Don Rafael Armijo and Manuel Armijo, bought of General J. H. Carleton, together with the land adjacent to said house.

T. C. GUTIERRES,
Administrator.

TERRITORY OF NEW MEXICO,
County of Bernalillo:

I certify that the foregoing schedule was recorded in the Book of Wills, folio 336.

In testimony whereof I place my official hand and seal of the probate court this the 5th day of March, A. D. 1877, in my office at Albuquerque.

[SEAL.]

VICENTE A. OTERO,
Clerk.

(Indorsed:) Approved this the 5th day of March, A. D. 1877.

M. S. OTERO,
Probate Judge.

Exhibit C to the testimony of Tomas C. Gutierrez.—E. W. D.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 27, 1887.

The foregoing on one page is a full, true, and correct translation, to the best of my knowledge, of a certified copy of an original, which copy, designated as No. 10, being Exhibit C, to the testimony of Tomas C. Gutierrez, is on file in this office in the matter of private land claim, file No. 210, in the name of Josefa Baca, for the "Pajarito" tract.

WILL. M. TIPTON,
Translator.

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

I hereby certify that the signature affixed to the foregoing certificate is the genuine signature of Will. M. Tipton, who, at the time of signing the same, was the official translator of this office, and that all his acts as such are entitled to full faith and credit.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed, at the city of Santa Fé, this 27th day of December, A. D. 1887.

[SEAL.]

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

SURVEYOR-GENERAL'S OPINION.

Private land claim known as the Pajarito tract, file No. 210. Reported No. 157.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 30, 1887.

This claim was filed on the 16th day of September, 1887, by seventeen parties whose names are set forth in the petition. The land claimed is described as bounded on the north by the Atrisco grant, on the south by the sitio or place called Los Padillas, on the east by the Rio Grande, and on the west by the Rio Puerco, and is situated in Bernalillo County. Its area is not known, the land never having been surveyed, but is estimated to be about 4 miles wide and 14 miles long. The claim is not based upon any grant, but is traced back by the petitioners to Doña Josefa Baca, in the year 1746, who then owned the tract, and from whom it passed to Capt. Antonio Baca by inheritance and by purchase from the other heirs, the said Antonio Baca conveying the same by deed to Clemente Gutierrez, on the 10th day of May, 1785. The original muniments of title, wills, archives, and documents establishing these facts, and showing the identity of the present claimants as the heirs and lineal descendants of said Clemente Gutierrez, are filed with the petition and made a part thereof by reference. The oral evidence in the case is consistent with and supports the documentary proof, and satisfactorily shows that the claimants and their ancestors have held uninterrupted and undisputed possession of the tract from the year 1746 to the present time, and that they have exercised complete ownership of the same, built houses and fences, planted orchards and vineyards, made an extensive acequia for the irrigation of the land, and planted and cultivated the same, without any question as to their title, with the exception of a homestead claim which has recently been filed on a portion of the tract, and a possible claim of the Atlantic and Pacific Railroad, which passes near the south boundary of it. The testimony shows that about one-fourth of the land, beginning on the Rio Grande and extending west towards the Rio Puerco, is fit for agriculture, the greater portion of which has been actually cultivated, and that the rest is fit only for grazing.

I think there is only one question which I am called upon to consider in this claim. There being no grant, and the claim not being that of numerous small holders who rest their title entirely upon the equity of long continuous occupancy and the difficulty of availing themselves of the pre-emption and homestead laws, the question arises whether these claimants have any remedy through the machinery of this office, and under the obligation imposed upon the United States by the treaty with Mexico of 1848. The tract is a large one, but a small portion of it only is fit for agriculture, and actually occupied and used for that purpose; and it may be urged that these seventeen claimants might resort to the homestead laws which allow joint entries to be made in perfecting their title. The plausibility of this statement is strengthened by the desirableness of breaking up large land holdings in New Mexico and Americanizing its land policy. It is possible, but not probable, that the homestead law could be satisfactorily applied to the peculiar situation and ownership of these parties. If it could it would involve considerable trouble and expense with which they should not be burdened, if they have a right to the land founded on its conveyance in 1746 and subsequently and their long-continued and uninterrupted possession. Moreover, if they were to attempt to assert title under the homestead law, it would be a confession that they have none and would invite onto the ground other parties, who would not be slow to assert their equal right to the benefits of that law.

The question thus presented is a novel one, and it is with some hesitation that I have determined to entertain it as a part of my official work. I do not see, however, why these claimants should not be protected by the United States under our treaty. I am confident that Spain and Mexico would have recognized their title if New Mexico had not been ceded to the United States. Indeed, I am sure of this, from the fact that Spain and Mexico did recognize it from the year 1746 to the year 1848. If these sovereignties would have confirmed the title on the ground of its legal beginning and the uninterrupted possession which followed for a century, the United States is bound to do what they would have done. It would seem to me unfair and unjust to leave these claimants whose lands have already been surveyed as public lands exposed to strife and litigation at the hands of claimants under the laws of the United States, or turn them over to the chances of private litigation which would almost certainly grow out of the fog and confusion in which their titles are now involved. The confirmation of their claim by Congress would not only be a matter of justice to them, but of peace to the community of which they form a part.

I therefore recommend such confirmation. Copies of this opinion in triplicate with like copies of the other papers in the case are forwarded herewith as required.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,

Santa Fé, N. Mex.:

I hereby certify that the foregoing on one hundred and forty-four pages is a full, true, and correct transcript of the original documents from which it was made, which documents are on file in this office in the matter of private land claim No. 157, in the name of Josefa Baca for the "Pajarito" tract.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed at the city of Santa Fé this the 14th day of January, A. D. 1889.

[SEAL.]

GEO. W. JULIAN,

United States Surveyor-General for New Mexico