

1759

BOOK 1759

1759

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1759
Field Notes

OF THE SURVEY OF

Preliminary Survey
of the
Extreme Boundaries
of the
San Rafael de la
Ganja Private Land Claim
~~Gila and Salt River Base and Meridian~~

ARIZONA.

By Solon M. Allis, D. S.

Under contract dated April 28, 1880.

Survey commenced May 22, 1880.

Survey completed May 29, 1880.

1759

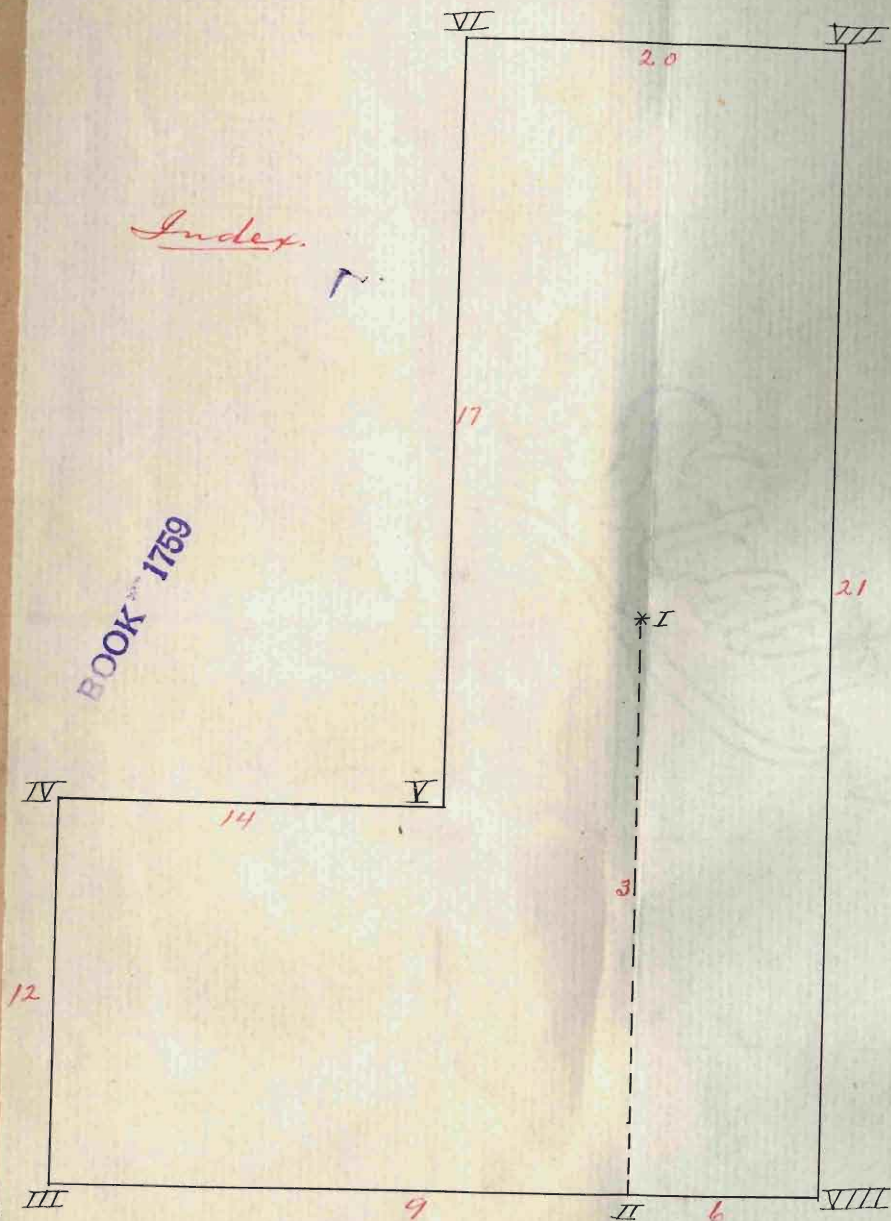
1880

Apr Survey

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BOOK 1769



Preliminary

Survey of the

San Rafael

de la Zanja

Private

Land Grant

Pima Co

A. T.

Survey commenced May 22nd 1880
Under orders from the Surveyor General
John Warren dated May 13. 1880

and

Contract of April 28. 1880
No

Preliminary Survey

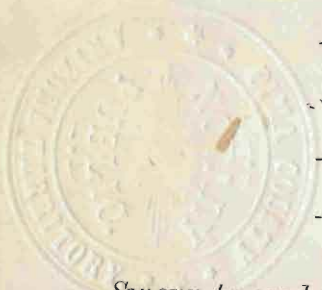
Survey completed May 29th 1880
Solon M. Allen U. S. Dep Survey

Preliminary Oaths of Assistants.

We, L. M. Martinez
 and James L. Copeland
 do solemnly swear that we will faithfully execute
 the duties of Chain Carriers; that we will level the
 chain upon uneven ground, and plumb the tally
 pins, whether by sticking or dropping the same;
 that we will report the true distance to all notable
 objects, and the true length of all lines that we as-
 sist in measuring, to the best of our skill and
 ability.

L. M. Martinez

James L. Copeland



Sworn to and subscribed before me, this 22nd
 day of May, 1880

Solon M. Ellis
 Notary Public
 Pima Co. A.T.

We, I Concepcion Elias

do solemnly swear that I will well and truly perform the duties of Flag Man

according to instructions given ^{me} us, and to the best of ^{my} ~~our~~ skill and ability. Concepcion Elias

Sworn to and subscribed before me this 22nd
day of May, 1880

Solon M. Allen
Notary Public

Pima Co. A.T.



San Rafael de la Zanja
Private Land Grant Pima Co. A.T.

Commenced May 22nd 1880

According to the instructions of the Surveyor General authorizing me to execute this survey, the Grant is for four square leagues of land situated in the valley of the Santa Cruz River Pima Co. Arizona Territory, and to include the running water or springs found at a place called La Zanja and also the La Norcia both well known places.

I therefore proceeded to the La Zanja mentioned as the Center or starting point of the original Grant survey - where I found the running water as indicated in the instructions of

San Rafael de la Ganga
Private Land Grant Pima Co. AZ.

the Surveyor General.

Here I set a cypress post
six inches in diameter squared
3 ft high - marked S.R.H.1.

Setting post two feet in the
ground digging witness pits
and building mound as per
instructions from the Surveyor
General.

From this post the edge of water
of the Santa Cruz River is 1.22 chs
Eastward and is visible
for a distance of about 8.00 chs
before it sinks from sight. The
line surveyed Southward
from this point striking
west edge of same at that
distance from its upper end
and about 3.00 chs from
post.

San Rafael de la Zanja
Private Land Grant Simbu, A.T.

At a point 1.78^{1/2} ~~mi~~ ^{Do.} South
Var 12° E by Obs on Polaris
I drove a stake $3'' \times \frac{3}{4}''$ 2 feet
in the ground in line for
reference the line striking
East Edge of same.

From Post No 1 as above
described Mt Washington
Washington Camp Patagonia
Mts - bears $S 77^{\circ} 44' W$
N. W. Cor of Stevens House
bears $S 60^{\circ} W$ Dist 7.39 Chs.
Highest Point Huachuca
bears $S 86^{\circ} E$.

Thence I ran South
Var $12^{\circ} E$
through the middle of the Valley
of the Santa Cruz as per
instructions of the Surveyor

San Rafael de la Granja
Private Land Grant Pinalos A.T.

chs.	General
3.111	Crossed Santa Cruz River running nearly South <u>15</u> <u>eks</u> <u>wide</u>
28.78	Crossed dry bed of same running S. E.
68.18	Crossed dry bed of same running S. W. stony bottom Gulch 20 eks wide
75.75	Large Cotton Woods in Gulch of River 6.00 chs Rt - Gulch 60 eks wide
97.111	River bed 0.45 Chs Rt. 2 Cottonwoods in same
112.60	Cross same running S. E.
137.89	Cross Road Running S. E. on a ^{on Point} low rising foot hill
187.89	Cross same direction S. W. in flat -
193.00	Foot of hills rises to S. W. -
195.46	Highest part of hill when

San Rafael de la Zanja
Private Land Grant Pinalo A.T.

chs line crosses -

- 201.13 bottom of same - ^{Gabino Amiega}
- 217.00 House of ^{Gabino Amiega}
about 50.00 chs to left on small
Bluff of foot hills
- 220.00 Crossed River bottom (dry)
in gulch running S.W.
- 239.37 Road 5.28 Chs Rot -
- 241.71 Santa Cruz River with water
15 lks Rot -
- 242.41 River comes to line -
- 260.00 House of ^{Alejandro} ^{Alpedaca}
about 48.00 Chs left - on low bluff
of foot hills
- 273.48 House of ^{Enrique} ^{Vergara}
22.00 chs Rot on low bluff
West bottom front of his house on
flat
- 303.00 Crossed dry bed of Santa Cruz
Running S.E.

San Rafael de la Granja
Private Land Grant Pinal Co. N.Y.

- 309.00 Crossed same running S.W.
 320.00 Same 1.15 Chs Ret.
 375.00 edge of foot hill. left Valley
 385.863 Set Post No 2 at South
 End boundary of Grant
 according to Instructions from
 the Surveyor General to
 enclose water of ^{La} Noria flat.
 Set Post of Oak 5 ft long
 6 inches in dia square
 and marked S.R. 12 No 2
 2 ft in ground dug witness
 pits and built mound as
 per instructions, from which
 Highest point of Huachuacas
 bears N $76^{\circ}45' E$.
 Post in a hollow on S.W. Slope
 of a hill that rises to N.E.
 Thence I ran East
 Var $12^{\circ} E$ by comparison

San Rafael de la Ganga
Private Land Grant Pima Co. A.T.

Cps with Grant line

Along Southern boundary of
Grant

86.00 To East end of foot hills of a small
valley where I crossed a trail
in flat. Running S 71° W. E.

97.00 To dry wash about 1.50 ch. wide
104.16 1/2 To S. E. Cor of Grant where I

set an Oak Post 5 feet high
and 6 inches in dia square
and marked S. R. G. N. 8.
This point being one half a league
(or equal to 50 leonells each
leonell of 50 varas. The vara
measuring 33 inches by
authority of letter from the
General Land Commissioner
to the Surveyor General ^{of California})
from center line of the three
Eastern Leagues of Grant

San Rafael de la Yanga
Private Land Grant Pima Co. A.Y.

The fourth League being Surveyed West of and adjoining the third according to instructions of the Surveyor General to enclose the Noria flats & Water. Set Post 2 feet in Ground and dug witness pits and built mound as per instruction from the Surveyor General from which a sharp point of fort hill on East side of the valley bears $S 45^{\circ} 30' E$ dist 6.06 chs.

A sharp pt or bluff on same side of valley bears $N 61^{\circ} E$ dist 13.00 chs.

A Cotton Wood tree blazed bears $N 38^{\circ} W$ Dist 2.22 chs.

San Rafael de la Zanja.

Private Land Claim Pima Co. A. S.

chs

May 24, 1880.

Starting at Post No 2, already
described I ran West
Var 12° E -

- 12.00 To East edge of flat or bottom
has quite wet and well supplied
with water
- 40.00 To Santa Cruz River 15 krs W
- 44.00 To foot of steep bluff
- 46.00 Top of same and 1.30 chs
South of SW Corner of Aguirre
Store
- 50.42 To road running South
- 50.69 To bottom of hill ^{North}
- 66.06 To road running ^{North} & South
- 111.40 " Top of flat hill - Here I built a
Monument of Stones .27 krs North
of Trail - for Backsight
- 189.36 bottom of hill
- 125.75 Top of small knoll.

San Rafael de la Zanja
 Private Land Grant Pima Co. A.Y.
 chs

- 131.48 Top of small knoll
- 134.53 Foot of hill edge of Noria flat
 and trail S.E. + N.W.
- 152.67 Foot of hill rising S.W.
- 157.50 Top of same ^{San} Noria house
 9.00 chs Rot. -
- 165.56 bottom of hill. Oak Trees
 commence here -
- 165.93 Road in hollow N + S.W.
- 167.00 Dirt Station ^{San} Noria House
 12.80 chs dirt.
- 175.42 Foot of steep ~~hill~~ Bank
- 178.45 Top of same
- 184.50 Edge of steep bank slopes W
- 185.02 bottom of same
- 187.00 Edge of flat
- 189.05 foot of small hill
- 191.18 Top of same
- 197.99 crowned trail S.E. + N.W.
- 203.28 East edge of flat smooth Valley

San Rafael de la Ganga

Private Land Grant Pinalo Co. N.J.

Chs

- 228.68 West edge of do + foot of hill
- 255.00 Top of hill covered with
Mausaneta bushes.
- 264.82 Hill Slopes rapidly S.W.
- 267.86 Gulch bottom of hill
- 273.91 " in flat. dry - creek
- 277.69 Bottom of hill
- 279.05 Hill Rises rapidly found
float indicating iron but saw
no ledges.
- 286.86 Flat here
- 293.60 Edge of flat, level bottom land.
- 294.55 Crowned Trail N 1 S. flat.
- 298.67 ^{Foot of small rise and end of flat.}
Creek SW Cor of Grant 2
- 312.495 leagues from Post No 8
When I set up a post of oak
5 ft long birches in dia square
and marked S. R. G. No 3.
dug witness pits built Mound
as per instructions from Chs

San Rafael de la Granja
Private Land Grant Pinalos A.Y.

chs

Surveyor General
From which Mt Washington
bears $N 42^{\circ} 12' W$

An Oak Tree 24" in dia
Blazed and marked with 3 hacks
bears $SS 8^{\circ} W$. Dist 40 lks

— An oak Tree 24" dia blazed
and marked bears $N 36^{\circ} 30' E$
Dist 55 links

An Oak Tree 24" dia blazed and
marked bears $N 27^{\circ} W$ Dist 1.78 lks
Thence I ran along West
boundary North.

Var $12^{\circ} E$ by comparison
with Transit lens

4.54 To South side of narrow flat
& bottom of Knoll.

9.08 To North side of same

10.59 To Brink of Bank

12.10 To Center of Gulch.

San Rafael de la Zanja.

Private Land Grant Pima Co. A.T.
Ch.

- 14.94 To top of Bank hill rises to north to 47.111
- 47.75 Top of Ridge N.E. 15° W
- 52.111 Bottom of Hill -
- 52.27 " of Gulch 50 Lks wide
- 53.00 " of small Hill on Ridge
- 54.30 Top of same.
- 56.23 Steep Bluff North East.
- 60.00 Foot of do north side of narrow Valley.
- 62.30 Top of little Knoll -
- 68.30 Trail in flat.
- 80.30 Foot of Steep bank
- 81.06 Top of same Hill rises gently to North

May 25th

- 94.70 Hill quite Flat.
- 143.94 Highest Point of Hill -
- 189.09 Bottom of Hill edge of Noria flat
- 169.68 Road to Norias Runs E 10° S

San Rafael de la Ganga

Private Land Grant Pinalos N.S.
chs

- 171.00 Gulch dry Riv Runs E 10° S
 181.21 bottom of Hill rises to North
 187.57 Top of do
 192.50 South Edge of flat
 204.58 North Edge of flat bottom of Hill
 208.333 N.W. cor of SW League
 Set an oak Post ^{2 ft in diam} 5 ft long
 6 inches in dia squared and
 marked S. R. L. N=4 dug
 witness pits and built mound
 as per instructions.

from which

- An Oak Tree 12 inches in dia
 Haza bears S 41° 30' E dist 1.15 chs
 An Oak Tree 18" dia bears
 N 85° East dist 1.30 chs.
 Mt Washington bears N 77° W

Thence Draw East

Var 12° E by comp

San Rafael de la Yungu -
 Private Land Grant Pima Co AZ
 On

with Transit line
 Along North Boundary of
 S.W. League.

- 5.79 To bottom of steep hill -
 16.66 To west edge of flat. Valley
 45.45 To East " " " "
 Running S.E. & N.W.
- 47.11 Top of small ridge -
 49.23 bottom of ridge and edge of narrow
 flat -
 58.16 East side of flat
 72.00 Top of flat hill -
 81.00 bottom of hill + West edge of wide
 flat -
 119.67 East side of flat -
 121.20 Top of bank
 132.00 Bottom of small hill on ridge
 153.03 Crowned trail running S.E. & N.W.
 168.63 Foot of bluff -
 176.00 To Top of flat hill -

San Rafael de la Ganga

Private Land Grant Pima Co AZ.

Chs

190.90

Foot of hill

208.33

NE cor of SW League

Ground rises gently to here

Set Oak Post 6 inches in dia
square and marked S. R. G. No 52 ft in ground dug within
pit erect a mound as per
instructions from which

An Oak tree blazed bears

S $18^{\circ} 30' E$ dist 18.00 Chs.

The Well of the Patagonia S. M.

Co's Works bears S $10^{\circ} 30' E$

Dist 89.00 Chs

Mt Washington bears N $83^{\circ} 05' W$ Tree on middle of Flat Knoll
with steep sides & endsbears S $64^{\circ} W$ Dist about

24.00 Chs

San Rafael de la Zanja

Private Land Grant Pinos los A.S.

Chm

May 26. 1880

Thence Iron North

Var 12° E by comparison
with Transit lineAlong West Boundary of
Grant-

- 30.30 To top of Ridge which ends
about 4000 ft Rot in pt.
- 44.00 To Grains in narrow flat part
of Ridge
- 50.30 To So Edge of 2nd flat running
over a small knoll. Ravine to
S.E.
- 81.81 At Head of small Ravine and
Foot of hills
- 87.24 Top of hill
- 93.93 Top of steep bluff So side of flat
- 96.96 Bottom of same and edge of flat.
- 100.39 N. edge of flat-
- 109.84 Top of sharp ridge run E & W

San Rafael de la Zanja.

Private Lana Grant Pinal Co. N.Y.

Ch

- 112.87 Bottom of sharp ridge
- 127.87 Top of hill
- 128.78 Bottom of steep part Here
we leave Oak Trees and run
in Open country.
- 162.50 Cross Road to Harshaws runs
N.W. & S.E.
- 165.15 Bottom of slope Commences to
rise North.
- 231.84 Top of flat Hill sloping North
- 243.41 Bottom of same and narrow flat.
- 248.98 Top steep bluff slopes from
here North.
- 297.00 Foot of slope ending in a flat.
- 309.00 Road to Harshaws N.W. & S.E.
Hill Rises to North from Road
- 324.23 Top of same slopes North
- 360.60 Bottom of same and edge of flat
- 369.02 ^{crossed} Gulch Runs SW & NE.

San Rafael de la Zanja
Private Land Grant Pino los A.S.
chs

378.78 Top of steep bank north side of
Gulch.

416.666 N.W. corner of Grant
Set Post on north slope of
flat hill Two Leagues from
Post N^o 5.

Post of oak benches in dia
5ft long squared and marked
S.R.L. N^o 6 set 2 feet in
ground and witness pits
built mound as per instructions
From which Oak Tree 28 inches in
diameter bears S 27° 30' W dist
16.67 chs.

Saddle Rock north of
Hawthorn's camp bears N 47° W
Big Tree on top of Round
Hill bears N 54° E.

BOOK 1759

Sau Rafere de la Yauja
Private Land Grant Pismo Co A.T.
chs

May 27, 1880
Thence I ran Along
North End boundary
East

Var 12° E by

Camp with Transit line

100.10 To bottom of long gentle slope

100.25 " ^{dry} Gulch running S.W. -

132.49 Look bearing to a board
house $S 10^{\circ} 30' E$ Dist \approx
about 36.00 chs

136.00 To Gulch running S.W.

137.02 " " " "

159.83 " Top of small bluff Oak Tree
two ft Rot of line -

208.333 To N.E. Cor of Grant where
I set a post of Oak 5 ft high
6 inches through square &
Marked S.R. 7. N.Y. dug
witness pits and built a

Saw Rajah de la Yajia

Private Land Grant Poma Co N.Y.

chs

mound as per instructions
From which Saddle Rock
bears $N 63^{\circ} 30' W$

Big Tree on Round hill bears $N 32^{\circ} E$

Hight St Auachucos bears
 $S 74^{\circ} 20' E$

An Oak Tree ^{blazed} 24" Dia bears
 $N 86^{\circ} 30' E$. Dist 5.82 chs

An Oak Tree blazed 18" Dia
bears $N 27^{\circ} W$ Dist 4.61 chs.

Thence I ran

South

Var $12^{\circ} E$ by camp (with)

Grant line Along East
Boundary line of Grant

To Bluff on N Side Middle Valley

Flat Table Land ends here but

extends Westward.

Crossed dry Gulch running SW,
crossed Trail " "

34.84

26.06
6.816
~~69.67~~

San Rafael de la Zanja

Private Land Grant Pima Co. A.T.

Ch

- 69.67 Foot of Bluff rises to South
 90.90 Top of Ridge extends SW
 100.00 Hollow
 113.63 Top of small Ridge
 137.87 Small Valley and gulch
 to east running South
 Line on first hills
 151.51 Come into wide Valley SW, NE
 219.15 Top of small hill Slope N.E.

May 28th

- 234.00 Hollow between two hills
 248.00 Top of flat Hill
 266.00 Bottom of Valley and gulch SW
 278.00 Begin to rise from Valley
 300.00 Top of hill
 348.48 Bottom of dv + Road running SW
 Small Gulch at Road
 357.48 Bottom of small hill rises So

San Rafael de la Ganja

Private Land Grant Pinal Co. A.T.

- chs
- 369.69 Bottom of same Hill So side
Small gulch S.W. smooth
Rolling hill -
- 554.00 Crowned road S.W. & E.
- 107.00 Edge of hill going down into valley
- 610.00 Drain going S.W.
- 615.00 Dry Works 40 lks wide
- 626.21 Struck a point N. 84 links
East of Post No 8 already
described S.E. Cor of Grant
Making the line to
measure 1.22 ~~links~~ long
Departure East being 84 lks.

624.99 proper measurement

This closed the Survey -

General Description
This Grant to cover the water
and places called for in
letter of Instructions is surveyed

San Rafael de la Zanja
Private Land Grant Pinar del Rio A.S.

General Description Cont^d
3¹/₂ leagues N + S in Valley of
the Santa Cruz and one
additional sq League West of
and adjoining the Southern
of the above mentioned 3.
Thus covering four sq Leagues
or 17361.108 Acres

It seems to the best of
my belief to be properly
located to give the Claimants
the ground originally
granted and so far as I
can discover there are
no permanent ledges of
a mineral character
whatever upon the claim
So Surveyed -

The Santa Cruz River is
found to Sink from

San Rafael de la Zanja
Private Land Grant Pinalo, Ariz.

right most of the way
through the grant taking
its rise in foot hills but
a short distance north of its
northern boundary.

Water comes to the surface
however in a number of places
and wells are found of
slight depths giving abundance
of good water.

"Flint" mineral was
found near S.W. 6 or 7
the Western most league but
no ledges could be discovered
Much of the S.W. league is
covered with oak trees
Some were seen three feet
in diameter.

The flat bottoms seemed
to be the best of soil

San Rafael de la Granja
 Private Luna Grant Pinalos A.T.

and with water might be
 made very productive.

The Main Valley is
 bounded by low foot hills
 which in the S.E. League come
 quite close to the River.

These Foot Hills are destitute
 of Trees and seem very dry
 and unproductive except
 for grass in the wet season

Solon M. Allen
 U.S. Dip Surveyor -

List of Names.

A List of the Names of Individuals employed
to assist in running, measuring, or marking the

lines and corners described in the foregoing Field
Notes of the survey of ^{Preliminary} Exterior Boundaries of

San Rafael de la Zanja
Private & Survey
Tinauau

Showing the respective capacities in which they
acted.

L. M. Martinez Chairman.

James L. Copland Chairman.

Axeman.

Concepcion Elias Flagman.

BOOK 1759

Final Oath of Assistants.

We hereby certify that we assisted _____

Solon M. Allis U. S. Deputy Surveyor, in
surveying *the San Rafael de la
Zuniga Private Land Grant
Pima Co. Arizona*

and that said Survey has been in all respects, to
the best of our knowledge and belief, well and
faithfully executed, and the boundary monuments
planted according to the instructions furnished by
the Surveyor-General.

S. M. Martinez Chairman.

J. L. Leopold Chainman,

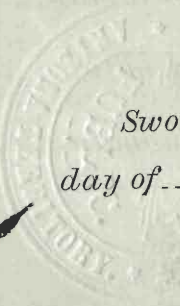
Axeman.

Concepcion Ulay Flagman.

Sworn to and subscribed before me, this *29th*

day of *May*, 188*0*

Solon M. Allis
Notary Public, *Pima Co. A. T.*



Final Oath of Deputy Surveyor.

I, Solon M. Ellis
 U. S. Deputy Surveyor, do solemnly swear that
 in pursuance of a contract with John Wasson,
 United States Surveyor-General for Arizona, bear-
 ing date the 28th day of April 1880

187... I have well, faithfully and truly, in my
 own proper person, and in strict conformity with
 the instructions furnished by the Surveyor-Gener-
 al, the Surveying Manual, and the laws of the
 United States, surveyed all those portions of.....

San Rafael de la Zanja
Private Land Claims

Pima Co. A. T.

..... as are repre-
 sented in the foregoing Field Notes as having
 been surveyed under my directions; and I do
 further solemnly swear that all the corners of
 said surveys have been established and perpet-
 uated ~~in strict accordance with the Surveying~~
~~Manual and printed instructions, and also in ac-~~
 cordance with the additional requirements con-

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tained in ~~circular~~ instructions from the U. S. Surveyor-General for Arizona, dated ^{May 13} ~~September~~ 1880, ~~1873~~, regarding the establishment of ~~corn~~ boundaries of public surveys, and that t^h going are the true and original Field Notes of such surveys.

Solow M. Allen
Deputy Surveyor

BOOK 1759

Sworn to and subscribed before me, this 7 day of June, 1880



John P. [Signature]
Notary Public

U. S. Surveyor General's Office,
Tucson, Arizona, June 11, 1880

Preliminary

The foregoing Field Notes of the survey of

The Exterior Boundaries of
San Rafael de la
Jaya Private Land claim
Pima County, Arizona.

of the Gila and Salt River Base and Meridian, Arizona,

executed by Solomon M. Allis,
D. S., under his contract of the 28th day of

April, 1880, having been critically ex-
amined and the necessary corrections and explanations
made, the said Field Notes and the surveys they de-
scribe, are hereby approved.

John Mason,

Surveyor General.

Historic outline of the Grant of the
Rancho of "San Rafael de la Sanga"
and the just and equitable rights resulting to the
original grantees, under and by virtue of said
Grant

In 1821 while Sonora was still a Spanish
Province, one Manuel Bustillos a citizen
of the Pueblo of Santa Cruz, petitioned the
Intendente of the province for a tract of
land, named "San Rafael de la Sanga"
situate on the borders of, and adjoining the
Pueblo lands: describing the tract petitioned
for as "Cuatro Sitios para ganado Mayor" and
asking that in appraising the land, it be taken
into consideration that the tract of land sought,
was situate on the borders of the Country inhabited
by the Savage Apache;

The petition of Bustillos
being favorably received by the proper authorities,
an order was made for the survey and appraisement
of the land petitioned for: The Surveyor appointed,
and his sworn assistants, made the required survey
as shown by the record, measuring the lines where
practicable, and estimating the distances where
on account of the roughness of the Country it was
impossible to make actual measurements clearly
describing the monuments, (natural or artificial)
which marked the boundaries of the tract surveyed:

In the Survey a tract was intended to be embraced of four leagues square, or four leagues on each side, making Sixteen Square Leagues. but in point of fact it appears that the tract embraced within the boundaries as described in the field notes of the survey, embraces a larger tract than Sixteen Square Leagues, resulting from inexact measurement, and from mistakes made in estimating unmeasured distances:

The tract ~~was~~ surveyed was valued by the appraisors appointed for that purpose as required by the law of Spain, in as much as the Surveyor, his assistants, and the appraisors, who valued the lands, were all sworn Officers, it is to be presumed that they acted in good faith in all of these proceedings, and that when a tract of land of four leagues square was measured, monumented, and appraised, these Officers in all good faith supposed that they had in fact surveyed and valued "Cuatro Sitios para ganado mayor", and this will hereafter be shown to have been at that time no very surprising mistake;

These proceedings of survey and appraisement being submitted to the Attorney General who reports thereon, that having carefully examined the proceedings of the measurement of the lands made in favor of Don Manuel Bustillos of Santa Cruz, by the Commissioner Don Simon Elias Gonzales, Captain and Commander of said town, at a place called San Rafael

3 1

de la Sanga, in the same jurisdiction, from which measurement resulted "Cuatro Sitios para ganado mayor", and he approves the proceedings and asks that the necessary steps be taken to have the land surveyed, appraised, and sold at public auction to the highest bidder, as required by law: In his report the Attorney General makes no criticisms of the measurements as made, but says that from these measurements resulted "Cuatro Sitios para ganado Mayor"; It is not to be presumed that the Attorney General acted in bad faith in the matter, since his action was subject to the inspection of the Intendente, and since he was an Officer of the Spanish Government, it is to be supposed that he was a man of some intelligence; after the conclusion of the survey and valuation and the report of the Attorney General thereon, the land surveyed was offered for sale, to the highest bidder, as required by the laws of Spain, which invited competition in the sales of the public lands; At this public sale, one Ramon Romero appeared as a bidder for himself and in behalf of other Citizens of Santa Cruz, against the original denouncer or petitioner, Manuel Bustillos; at this Auction, the contest was so spirited between Bustillos and Romero, that the price of the land was run up to \$200, at which sum it was bid off to Romero; The sum of \$1200 would in 1821 have been a very high price for sixteen square leagues, being nearly \$80 the square league;

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and nearly twenty dollars per league above the maximum price fixed by the Government on land containing running water, and for four square leagues the price would have been monstrous: no extraordinary value could be claimed for the tract of land in question; It is historically notorious that the Pueblo of Santa Cruz has suffered more from the murderous Apaches than perhaps any other place on the northern frontier of Mexico, the Mexican population being at times almost exterminated, and it is hardly conceivable that any one at that time would have been willing to pay \$1200 for four square leagues of land for grazing purposes; That the land was not considered of any extraordinary value by Bustillos, the original petitioner, is manifest from the language he used in his petition, since he says, I further ask your honor that the Commissioner may bear in mind when he makes the official appraisement, that the land I want is bordering upon the Apache Country, and that they are continually, (or constantly) making war; It is clear that Bustillos' motive in making the statement was to prevent the land from being valued at too high a figure; The land having been sold at public auction to Romero, and the money paid by him into the Treasury, nothing remained but the approval of the proceedings by the Superior Junta

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de Haceda in the City of Mexico, and the
issuance of the Grant, or patent by the
Government; About this time the Spanish
power ceased in Mexico, and with it all of
the Authorities of the Spanish Government,
hence the title to this Rancho was not issued
by the Spanish Intendencias of the Province
of Sonora; But in 1825 the Mexican Authorities
of the Country recognizing the proceedings had
in the matter under the Spanish Government,
issued in the Sovereign name of the Mexican
Republic to Ramon Romero, and other Citizens
interested, belonging to the same military
post, the land which had been sold by the
Authorities of the Spanish Government; the
grantees to confine themselves within their
respective limits which should be made
known by monuments of Stone and Lime; From
the foregoing may be drawn the following con-
clusions; First; that Mannuel Bustillos in
1821 petitioned the Intendencia for a tract
of Land near the frontier presidio and pueblo
of Santa Cruz, which on account of its
exposed condition, he did not consider of any
extraordinary value, and which tract he in
quantity called "Cuatro Sitios para ganaderia
mayor" and that Mannuel Bustillos probably
had no conception of the difference between "four

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leagues square, and four square leagues; and that therefore when he made his petition for a tract of land which he called Cuatro Sitios para Granada Mayor, he in good faith thought that he was asking for the whole tract embraced within the measurements made by the sworn officers of the Government; Second That the sworn Officers of the Government, when they measured the land petitioned for, and segregated the same from the public domain, acted in good faith, measuring and segregating from the public land the tract that they supposed the petition had asked for; Third; That appraisors who valued the land as surveyed, believed that the land valued as surveyed contained Cuatro Sitios para Granada Mayor; Fourth; That the Attorney General whose office it was to report to the Intendente as to the correctness of the proceedings, acted in good faith, when he approved the proceedings of measurement, from which measurements he says that resulted Cuatro Sitios para Granada Mayor; Fifth: That the Provincial Junta de Hacenda in approving the proceedings of measurement sale &c, did so under the belief that they were all regular and that the grantees were entitled to the land as measured; These conclusions are inevitable, since otherwise these officers whose duty it was to superintend the settling

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of the public lands, would have required the proceedings to be corrected, if they had found that errors had been committed; But, nowhere do we find any criticisms of the proceedings; Sixth; That, the Mexican Government in 1825 was from the records fully advised of the character of the proceedings, under the Spanish Government in 1821, and without criticism or comment issued to Romero, and his companions, a grant upon the former proceedings, requiring them to confine themselves within the respective limits which should be designated by stone and gins; From the foregoing conclusions the question that presents itself, is what lands were petitioned for, surveyed, valued, and finally sold by the Spanish Government in 1821 to Ramon Romero and other residents of the Pueblo of Santa Cruz; The manifest answer to the question is, the land for which Bustillos thought he was petitioning, that the Surveyor thought he was measuring, that the Appraisors thought they were valuing, that the proceedings in relation to which the Attorney General thought he was approving, that Ramon Romero thought he was buying, the sale of which the Provincial Junta de Hacienda thought they were approving, and for which the Mexican Government in 1825, thought it was issuing a title to Ramon Romero & others

and which was all the land included within the
limits of the survey made in 1821 on the peti-
tion of Manuel Bustillos, by the sworn officers
of the Spanish Government, and which tract the
various officials concerned in the proceedings,
called, Cuatro Sitios para granada Mayor
manifestly thinking that Cuatro Sitios para
granada Mayor, meant four leagues squares,
instead of four square leagues, so that the head
and front of the whole matter is a mere mis-
take in terms, and from which ^{course} ~~came~~ many
of the most deadly quarrels among mankind
have been engendered; often times our troubles
arise not so much in fact from what we
say or do as from what others think we say
or do; such a mistake as this will doubtless
appear strange among people, who especially
in matters of business, think so exactly as the
Anglo Saxon race, and who fight for land
down to the last square inch, but any one
familiar with the history of the Spanish
American race as this

and of their habits, of thought, and expression, in
relation to course, and distance, and of their
vague ideas in relation to the same, will not
be surprized that even the Officers of the Spanish
Government, who in 1821 was located at the remote
frontier Presido of Santa Cruz, did not com-

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perhend the difference, between four square leagues and four leagues square, Many instances could be ~~bring~~ brought from historic records, showing that the above statement is well founded, one instance will suffice as an example; Many years since a Grant was made by the Governor of California for one half of a square league, that is of a tract 5000 varas (one league) in length, and 2500 varas (one half of a league) in width, subsequently to the making of the Grant the tract granted was measured by the proper Officers and the Grantee placed in judicial possession thereof. The Officer in making the measurement, measured off 2500 varas square, ~~innocently~~ ^{honestly} and honestly that since one league was 5000 varas square, one half of a square league must be 2500 varas square, because 2500 is the half of 5000. The grantee not being any more learned in such matters than the officer who made the measurement, was satisfied with a quarter of a square league, measured off to him, thinking that he had the half of a square league given him by the original Grant; and it does not appear that the mistake was ~~was~~ discovered, until many years after, when the Grant had to be adjudicated before the courts of the United States, after the change of Governments in California; How the

matter referred to in the foregoing statement
 has been vindicated by the judicial authorities
 of Mexico is shown by judicial proceedings
 which the present claimants of the Land Grant
 have recently caused to be taken before
 the judicial tribunals of that country; The
 Southern portion of the tract sold to Ramon Romero
 lying within the limits of the State of Sonora
 the present claimant made application to the
 proper tribunal of that country, to have an official
 survey made of so much of the tract as lies
 within the State of Sonora; for this purpose a
 surveyor was appointed to make the survey in
 accordance with the original title papers, under
 this order the surveyor, located and surveyed in
 accordance with the land marks called for in
 the original papers, that portion lying in Sonora,
 being a narrow strip on the southern side of
 the Rancho, showing the Southeast and the
 Southwest corners, of the survey as made in
 1821; this survey being returned to the court,
 that gave the order for the making of the
 same, was approved; the Court also finding
 and declaring that the Grant made to Ramon
 Romero, embraced all the land within the limits
 of the boundaries described in the original
 field notes of the measurements made by the Spanish
 Surveyor in 1821 and that within said

in studies

San Diego

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boundaries, there were no desamias
(Surplus lands); The foregoing are substantially
the facts connected with this case. We will
now inquire into the legal effect of these historic
facts, and the legal and equitable rights resulting
therefrom, to the present owners of the Rancho of
"San Rafael de la Sampa". It requires no argu-
ment to show that by the laws, usages, and customs
of all civilized nations, on the change of Government,
either by Conquest or purchase, the transfer of dominion
does not change the status of private property, in the
country which has been conquered or purchased;
and this would be the case even without stipulations;
for any other system would be one of mere plunder,
such as characterized the barbarous ages of the earth,
and would be in violation of every principle of
justice and humanity. This proposition being true
then the Government of the United States when it
purchased from the Government of Mexico, the tract
of Country known as the "Gadsden" purchase, accept-
ed with said purchased territory and incurred
all the obligations that the Mexican Government,
owed to the inhabitants of the Ceded territory, who
resided or owned property therein at the date of
the purchase; That is to say, the Government of
the United States acting in good faith towards
the inhabitants of the Ceded territory, and
also towards the Mexican Government, whose

duty it was to provide for the protection of her former Citizens, who had been transferred to the dominion of another Government; is bound to protect all legal, and equitable rights to property in the Ceded Territory, and to act in relation thereto precisely as the Mexican Government would have done, had it retained the dominion of the Country; this certainly is the spirit of the treaty, and accords with the highest principals of justice and equity;

It will I presume be admitted that the Government of the United States cannot now, inquire into the legality of the acts of the Mexican Government with relation to this territory, while the same was under its dominion, but must accept the same when shown by the official records, to have been bonafide, and to have been sanctioned, approved, and confirmed by the highest Officers of the Government; The Government of the United States is therefore bound, by such acts of the former Government, which can only be disregarded in case fraud can be shown to have been practiced;

What do the Original title papers of the Rancho of San Rafael show; They show clearly that in the change of the Dominion of the territory in which this Grant is located, certain Mexican Citizens were in possession of a tract of land, situate in this territory, which has been granted to them

by patent, from the Mexican Government, thirty years prior to the change of Government, the boundaries of which were clearly defined by unmovable monuments, the legal ownership of which had never through all these years been questioned by the Mexican Government, or any one; and the possession of which never disturbed, save by the marauding Apaches; This then was the condition of this tract of land at the time of transfer of the Dominion of the territory; a solemn patent from the Mexican Government, for a tract of land, the boundaries of which had been fixed, and marked by the duly appointed and sworn officers of the former Government; with constant and peaceable possession thereof for thirty years, except when the same was interrupted by hostile Indians. Under the Spanish and Mexican laws, ten years occupation of lands under color of title, gave title by prescription; In this case the Grantees had held possession of tract segregated to them by the Government, for thirty years, not under mere title of color, but under solemn patent issued by the Mexican Government, with all the formalities required by law; The grantees then held this tract of land, not only under the highest title that could be given by the Mexican Government, but also under prescriptive title

acquired by long and undisputed possession
 and which title, if the Mexican Government
 could not question while it retained the
 Dominion of the Country, much less can its
 successors, the Government of the United States
 do so now, after the lapse of more than half
 a century, since the rights of the grantees
 became vested; And such attempt would be
 a simple effort on the part of the Government
 to confiscate the property; we presume that
 the high Judicial Tribunals of the Country would
 feel themselves bound by the highest principals
 of law to recognize a perfect title to real estate
 given to an individual by the Spanish or
 Mexican Government, although the owner
 of such property might have failed to present
 the same before the Congress of the United States
 for its recognition thereof; What is a
 perfect title? the term perfect, as used in
 connection with a title to lands is relative,
 abstractly outside of the exact sciences, nothing
 can be said to be perfect. Under our laws, a
 title held under patent from the Government,
 or under a properly executed deed of conveyance
 from one having the legal right to execute
 the same, is a perfect title; Under such a title
 the holder can go into a Court of Justice
 and demand the use and possession of property

of which he may have been deprived by violence, and the court will award him the same; Under the Mexican Law the same rule would hold; a title given to property by some one having the legal right to grant the same, would constitute a perfect title under which a court of Justice would award to the holder thereof the possession of the property, of which he had been unlawfully deprived. Under what kind of a title does the grantee of the Rancho of "San Rafael de la Sampa" hold the same at the date of the treaty for the purchase, by the United States, within which the track in question is located? The answer to this question is unavoidable, Under the most perfect and complete paper title that could be given by the Mexican Government to an individual, to wit; a solemn patent, based upon the necessary legal proceedings required by law to be taken by the proper Officers, prior to the issuing of the same, the grantee held this title with undisputed possession of more than thirty years, of the track described in the original proceedings of convey & segregation by the sworn Officers of the Government, for the execution of this duty, and whose acts were approved and confirmed by the

highest Authorities, and remained un-
 questioned and uncriticised for more
 than half a century; Could any title to
 real estate be more perfect and of higher
 grade than this, and it is not such a one
 that a high tribunal influenced by motives,
 prejudice, or policy, viewing the matter alone
 by the clear light of the law, and controlled
 solely by the stern principles of Justice,
 would be compelled to recognize and confirm?
 Such a title as this, the Congress of the United
 States cannot ignore, nor can any of the
executive branches of the Government, for to do
 so, would be a simple confiscation of private
property, and a violation of solemn treaty
stipulations; In relation to grants made
 by the Government of Spain and Mexico, of
 lands shown within the territory of the United
 States, executive officers of Government are
 required to examine and ascertain as far
 as possible, what lands are shown, to have
 been anciently granted by Spain and Mexico
 to private individuals. before the cession of
 the country to the United States, and if such
 titles are shown by the records of the former
 Government to have been made in good
faith, and to report the facts as found;
 Thus far their duty extends, no further, they can

report the facts as found, but cannot determine the law of the case, nor can they make any order or decision in contradiction of treaty stipulations, or of the clear principles of equity and justice: Objections may be made to this grant on the grounds that it is excessive in quantity, over the amount allowed by law to be granted to ~~one~~ individual, but such objection is untenable: First: Because this grant was petitioned for, the tract segregated, by survey from the public domain in the year 1821, while Sonora was still a Spanish Province, and before the passage of the Provisional law of 1825, fixing the quantity of land, to be granted, or sold by the Government to one individual and; Second; The ancient records show that under the Spanish Government immense tracts of land, were granted to private individuals, embracing hundreds of thousands, and even millions of acres, and that by the Mexican Government, after the passage of the law of 1825 immense tracts of land were also granted to individuals, so that the quantity embraced within the boundaries of this grant furnish no objection to the validity thereof: By the testimony taken before the U S Surveyor General for Arizona in the examination of the title to this case, it was shown

that the region in which this tract of land is located, has, ever since the first settlement of the country by the Spaniards, been peculiarly exposed to the murderous depredations of the Apache Indians, so much so that it might very properly have been called, the "Dark and Bloody Ground" of the border, the traditions of the place are replete with stories of rapine and murder; scarcely a family but recounts a portion of its members, who fell victims to the deadly arrow of the Apache. In this condition of things the Spanish and Mexican Governments might very well, and would very naturally, offer extraordinary inducements, to anyone who had courage enough to attempt a settlement in this high way of robbers; such inducements were often held out to pioneer settlers, who were willing to expose their lives on Savage borders. From ~~some~~ testimony taken and from traditional history it is manifest that the tract of country described in the field notes of the Survey of the Rancho of "San Rafael de la Sanja" made in 1821, has since that time been used and possessed by the grantees for the purposes for which the grant was made, and to the extent to which it was possible for the grantees to hold the same, that for more than half a century, this possession has been held in good faith, is manifest from the fact, that ^{the} tract referred to has for many years been assessed to the repre-

representatives of the tract by the Authorities
of Pima County, and the taxes assessed
thereon, regularly paid, as shown by
the receipts of the tax collector of Pima
County