

The Elena Gallegos Land Grant Part II

by Henrietta M. Christmas and Angela Lewis

See the March 2015 issue of the *New Mexico Genealogist* for Part I. The text in italics next to the transcription of the deposition below represents comments made by author Angela Lewis.



Sometime between August 1876 when their son Juan Antonio was born in Trinidad, Colorado, and 1880, Donaciano Gurulé and his family moved to Arizona.¹ They're found in the 1880 census in St. John's Village, Apache County, Arizona. The deposition transcribed below also proves this was the same family who had converted to Mormonism. A note written in the baptismal records of St John's Church, St. John's, AZ reads: Gurulé, Donaciano and family previously Mormons returned to the Catholic Church on 6 May 1885. Conversion took place on 18 Feb 1884. Off: Pedro Maria Badilla.²

Document: Deposition of Donaciano Gurulé (frame 846)

Tuesday, November 28, 1893, Donaciano Gurule et al., Plaintiff, vs The United States, Defendant. Geo Hill Howard, Esq., and Wm E. Earle, Esq. for the claimants in the cause No. 51 Edward L. Bartlett, Esq, for the claimant in cause No. 106. Matt G. Reynolds, Esq., for the United States.

Donaciano Gurule, witness sworn on behalf of the Plaintiffs, testified as follows:

Mr. Howard:

Q: What is your name age and place of residence?

A: I am going on 53 years old and I live at Ranchos de Atrisco, Bernalillo Co.³

Q: What grant is the Ranchos de Atrisco on?

A: It is on what is called the Atrisco grant.

Q: What was your father's name?

A: Juan Antonio Gurule.

Q: And what was the name of your grandfather?

A: Vicente Gurule.

Q: What was the name of his father?

A: Juan Antonio Gurule.

Q: And who was the father of Juan Antonio?

A: Antonio Gurule.

Q. Do you know who was the father of Antonio?

1 Donaciano was the seventh child born to Juan Antonio Gurule and Maria Guadalupe Padilla. Their children were: Damacio Antonio (1825), Maria Vicenta de los Dolores (1828), Jose Tomas (1829), Maria Regina (1835), Leocadia (1837), Juan Pablo (1838), Donaciano (1840), and Maximo (1842).

2 *New Mexico Marriages, St. Johns, Arizona: Baptisms, Marriages, Burials...1880-1908* (Albuquerque: Hispanic Genealogical Research Center, 2003), p. 33; citing Diocese of Gallup film #26, frame 53, p. 96.

3 1850 U.S. census, Bernalillo County, New Mexico, population schedule, dwelling 657, family 657, Juan Anto. Garale [Gurule] household; digital image, *Ancestry.com* (<http://www.ancestry.com> : accessed 17 April 2015); citing NARA microfilm publication M432, roll 467. Also, 1900 U.S. census, Bernalillo Co., NM, pop. sch., Ranchos de Atrisco, enumeration district (ED) 5, p. 43A (stamped), sheet 2, dwell. 20, fam. 21, Donaciano Guruly [Gurule] household; digital image, *Ancestry.com*; citing NARA microfilm publication T623, roll 999. Also, 1910 U.S. census, Bernalillo Co., NM, pop. sch. Ranchos de Atrisco, ED 4, p. 44 (stamped), sheet 2A, dwell. 23, fam. 23, Donaciano Gurule household; digital image, *Ancestry.com*; citing NARA microfilm publication T624, roll 913.

A. Santiago Gallino Gallegos.

Q. Do you know who was the grandfather of Juan Antonio, son of Vicente?

A. No sir.

Q. Do you remember your grandfather or your mothers' father?

A. Yes sir.

Q. Where did he live?

A. At Ranchos de Albuquerque.

Q. Is that ranch known by any other name?

A. Yes sir, it is also known by the Tract of Elena Gallegos.

Q. Is it known by any other name than that?

A. I do not remember.

Q. How old were you when you first knew your grandfather, the first time?

A. I must have been about 7 years old. [*He was no more than 6 years old as his grandfather Vicente died 30 September 1846.*]

Q. Look at this paper will you (Exhibit A) did you ever see that before?

A. I have had that in my possession for some years.

Q. Where did you first see that?

A. I saw them at the Ranchos de Albuquerque in the possession of my grandfather, Vicente Gurule.

Q. What became of that after his death?

A. My grandfather delivered them to my father, Antonio Gurule. [*Vicente lived in Albuquerque and delivered to Juan Antonio in Las Huertas.*]

Q. And where did you get possession of them?

A. Two years before his, my father's, death.

Q. About when was that?

A. In 1881.

Q. Were there any other papers than those when they were given to you?

A. Yes sir, there was a will of Elena Gallegos, and a will of Antonio Gurule, son of Elena Gallegos, and a paper about the petition for the grant.

Q. Examine that paper and state what it is (showing witness Exhibit D).

A. That is the petition for the grant which I had in my possession.

Q. Was it with these other papers?

A. Yes sir.

Q. Describing some brand does it not - state what it is again ask him what that is for.

A. It was a brand, if I understand what the papers inform me, with which my ancestor Don Santiago was wont to brand his cattle.

Q. Has that brand been used by any other family since?

A. The first time the brand was used by Don Santiago Gurule, and then Antonio used it, and after him, another Antonio, Juan Antonio used it, and afterwards Vicente Gurule used it, and then Juan Antonio Gurule and afterwards Tomas Gurule. [*Juan Antonio's son, born 1829.*]

Q. Who was Tomas?

A. He is a brother of mine, son of Juan Antonio Gurule.

Q. What paper is that (witness shown Exhibit A)?

A. It is the will of Elena Gallegos, about a tract of land when she left as inheritance to Antonio Gurule - the tract of Elena Gallegos.

Q. Examine this paper (Exhibit E shown to witness).

A. It is a will of Antonio Gurule about a tract of land situated in the Bernave M. Montañó on the Rio Puerco.

Q. Are those the papers that you received from your father at the same time you received the grant?

A. Those are the papers delivered to me by my father for safe keeping and in order to have them recorded in Bernalillo County.

Q. Can you name the children of Elena Gallegos?

A. Yes sir, Antonio Gallegos Gurule.

Q. Can you enumerate the children of Antonio?

A. I can name some of them.

Q. Who?

A. Maria Manuela, Tomas, Juan Antonio, Serafin, Francisco and Manuelita, those are all I can remember, the other names are in the will.

Q. Which one of those is it you are a descendant from?

A. Juan Antonio.

Q. You stated that the first time you saw those papers they were in the hand of your grandfather? [*No later than 1846.*]

A. Yes sir.

Q. Did he tell you anything in relation to them?

A. Yes sir he said that they were the titles to the grant that belonged to the Gallegos children, to Santiago Gurule and to Elena Gallegos.

Q. Did he tell you what the boundaries were, of the grant?

A. Yes sir.

Q. Can you tell me what are the boundaries?

A. I can on the south side a small ruin.

Q. Locate the ruin as well as you can?

A. Which lies about 400 yards from the Southern boundary of the League of the Sandia Indians, to the north the Plaza de Alameda.

Q. Do these ruins appear to be very old?

A. The ruin is somewhat aged, and it is evident that they became ruins before the time of Elena Gallegos, the ruins of some Indian Pueblo that existed long before the granting of the Gallegos grant.

Q. How far is this grant from the hills?

A. More or less it is 100 yards.

Q. From what hills?

A. The hills which are to the East of Alameda.

Q. Is this old Pueblo in the hills or in the river valley?

A. It is somewhat above the bank of the river, the foot of the hills have been somewhat stripped out, and it is somewhat above the bank of the river.

Q. When did you first see the Pueblo Ruins?

A. In the year 1858.

Q. Did he know of anyone cultivating that portion of this tract of land?

A. The cultivated lands which I have known since I have known those ruins are west and south of the ruins, and also somewhat below, at the place of Jose Gurule, where he has his house and farms, and I saw cultivation close to the pueblo ruins but I know that close to the ruins belonged to Salvador Miera, and also the ruins of a mill.

Q. Ask him if there was any cultivation near there, on this grant?

A. As long as I can remember I have known them to have close to the ruins.

Q. When did you first see that cultivation?

A. In 1858.

Q. Who was with him at the time?

A. My grandfather, when we went to the Alameda Plaza, coming home with my brothers and we saw houses there and farms, we were coming to the Sandia Pueblo, and I was leading a cart of oxen, and there was my brothers and father drawing the cart; when we turned to Los Ranchos from Sandia we came to the road that runs to the foot of the hills on the east side of the river, and there he told me and the other persons that that ruin was the northern boundary line; that the grant papers cited that the northern boundary of the Elena Gallegos grant. [*Donaciano's memory had so many details when in fact, his grandfather, was already dead by 1846.*]

Q. Who were these people that were cultivating that land on this grant?

A. I don't remember very well but I can remember who cultivated the lands at Alameda, and the ruins were Lagos Gurule [*Brother of Juan Antonio Gurule.*], also Gertrudes Gurule and his family. Her family name was Gonzales.

Q. Were these cultivating on the Elena Gallegos tract?

A. Yes sir and also a family by the name of Padillas, my grandfather Santiago Padilla, father of my mother, and his family. [*He also died before 1858.*]

Q. Are these people some of your own family?

A. Yes sir.

Q. How old were you when you first knew of any people cultivating lands there?

A. I was about 8 years of age.

Q. What is the Southern boundary of this grant?

A. The boundary line of the South is where the league of Albuquerque runs and to some marshes that are near the house of de la Nacines. I have known that was so, as my ancestors told me, my father and my grandfather.

Q. What is the eastern boundary of this tract?

A. The Sandia Mountains; my father and my grandfather told me that our grant was adjoining on belonging to Carnuel and the summit of the mountain was the beginning, and the grant was west from there.

Q. What is the boundary on the west?

A. The Rio del Norte.

Q. Do you know the hill of Luis Garcia or where it is?

A. No sir.

Q. What villages are there to this grant?

A. Los Griegos to the south part, Los Gallegos, Los Poblanos, El Ranchito, Los Ranchos de Albuquerque, Tavalopa.

Q. How many Los Ranchos on the place?

A. There are some other yet, El Rancho, Los Garcias and Plaza de Alameda. When I know these towns the first time they were very small, there were very few people in them.

Q. How large were you then?

A. When I knew the first time I was about 8 years old.

Q. Is Los Ranchos near the river or road?

A. There are several roads.

Q. The road leading to Albuquerque from Alameda-- the old National Road?

A. There was one at the foot of the hills, the Plaza Ranchos.

Q. Is this Los Ranchos which is on the Road the old town or the new one?

A. It is the old town, they called it Plaza de la Magdalena.

Q. Where is that located?

A. It is almost in the center of the grant, and it is very near to the river, near to where the church stands.

Q. Is that occupied now?

A. The greater portion of it is in ruins, but there are some families still there.

Q. Ask him when he first knew this old town?

A. I was born very near to the place, as far as I can remember, it was largely inhabited at that time, it was not in ruins as it is now.

Q. Was it an old town then?

A. Yes sir. It had the appearance of a very old town; there my father showed me the ruins of the house of Antonio Gallegos [*Gurule*], son of Elena Gallegos; afterwards that house lived to be the property of my grandfather Vicente Gurule, he came to live in it and my father was born in it, and when my father was a grown man, my grandfather built a house on the north of Mariano Yllisarri's house; after my grandfather's death his land was partitioned as well as the town itself to all his sons, and my father moved out of there and built a house near the river, and also when I was already quite grown the church of Los Ranchos was built, and if I remember well Juan Antonio and Don Leandro Montaña were the commissioners for the building of that church, and there was a committee or committees appointed composed of my brother, and one Arranda to fix the inside of the church. My mother died and she is buried by that church.

Q. Are these Montañas of your family?

A. No sir.

Q. How did they come into the grant?

A. I do not know.

Q. Ask him how near Los Griegos is to the Albuquerque grant?

A. I do not know the distance exactly, but the boundary line of the Elena Gallegos grant is between the roads (Candoreos) near the line of the Albuquerque grant.

Q. Where about are the Esteros with reference to the Los Griegos?

A. They begin in the vicinity of both towns, they begin at the place where the line of the Albuquerque league runs and they run to the south.

Q. Do you know where Diego Montoya lived?

A. The place was shown to me by my father and my grandfather and it is right at the edge of the marshes, and they said that the ruins of that house of George Caras De Nacines, as it used to be called was built by Montoya; from the upper part of the marshes to the place, it lies about 400 yards east from the beginnings of these marshes, and a very old trail runs there between the corral and the ruins of the house.

Q. Diego Montoya, who informed you of him?

A. I knew of him by the grant papers themselves, and also what my ancestors told me, but I never knew him personally.

Q. Who was he by reputation?

A. He was the 1st owner of the grant of Gallegos.

Q. Are all these Gallegos who you have mentioned acquainted with your family and the descendants of Elena Gallegos?

A. I do not know anything about it.

Q. Ask him if he knew of Felipe Gallegos?

A. I know of a child by the name of Gallegos and Felipe was her mother and she lived on this land on the south of the grant next to Plaza _____. I did not know her, what I know from my father is that this man Felipe built a house on the land that was left to him from his ancestor Elena Gallegos and that he built a house on it, and from it the name Los Gallegos came to be known and that my father and my grandfather also had their pieces on patches, and that from Los Gallegos and this piece they built north toward Albuquerque. And my grandfather and my father also told me that they went east to the foot of the mountains, there dug a ditch

and brought some water through the middle of the plains to irrigate some lands in the Canada de los P___ in the year 1838; that he himself and his children and a man by the name of Alonso, he was up by the mountain, this he told me was in the year 1838.

Q. How old were you when they told you about it?

A. I was 9 or 10 years old; they showed me the place where they had cultivated these lands, where the ditch was dug out, from the place where they dug west of it.

Cross Examination, Mr. Reynolds:

Q. Are you a lineal descendant of Elena Gallegos?

A. No sir.

Q. You are not related in any way to Diego Montoya?

A. I don't know.

Q. Do you know how many people are living on the grant that claimed to be descendants from Diego Montoya?

A. I do not know.

Q. Aren't there a good many?

A. I do not know anything.

Q. You do not know of a child or person living on that grant who claims to be a descendant of Diego Montoya.

A. I don't know. I think maybe there might be, the family name of the wife of Antonio Gurule was Maria Montoya.

Q. What relationship is there between you and Elena Gallegos?

A. I am descendant of Antonio Gurule a son of Elena Gallegos.

Q. What degree?

A. She is my great-great-grandmother, I am a relative of the 5th degree.

Q. These old grant papers you say have been in your possession many years?

A. Yes sir.

Q. And these wills that you have examined have been in your possession for many years?

A. Yes sir.

Q. They were given to you, you say by your father?

A. Yes sir. He delivered them to me at St John, Apache Co, Arizona.⁴

Q. Where?

A. St. John Apache County Arizona, it was before his death.

Q. When was that?

A. In 1882.

Q. Was he living at St. John at the time?

A. Yes.

Q. How long had he lived there?

A. About 7 years. [*Donaciano was living in Trinidad, Colorado when his son Juan Antonio was born 28 August 1876, so they lived there no more than four years.*]

Q. Where did he live before?

⁴ 1870 U.S. census, Mora Co., NM, pop. sch., Santa Clara, p. 397B (stamped), dwell. 46, fam. 46, Donaciano Gurule household; digital image, *Ancestry.com* (<http://www.ancestry.com> : accessed 17 April 2015); imaged from FHL film 552,393. Also, 1880 U.S. census, Apache Co., AZ, pop. sch., St. Johns, p. 28C, ED 36, p. 28C (stamped), dwell. 303, fam. 306, Donaciano Gorule [Gurule] household; digital image, *Ancestry.com*; imaged from FHL film 1,254,036.

A. Los Ranchos de Albuquerque.

Q. You knew he had these papers before didn't you?

A. I knew it from the time I was eight years that my grandfather had them and after that my father had them. [Donaciano was born in 1840, and his grandfather died in 1846.]

Q. Your family and the heirs of Gallegos who were then living on the grant knew that your grandfather had the title papers to the grant, didn't they?

A. Yes sir. When the papers were delivered to my possession they came to know it.

Q. Didn't they know it before?

A. I don't know. They knew they had a grant belonging to them.

Q. And that your grandfather had the title papers?

A. I don't know whether they knew it or not, I knew it.

Q. Wasn't the matter ever talked about in the family at all?

A. I never heard any conversation except among the family of my grandfather, except they had a grant there.

Q. You never heard anything about these title papers except from your father?

A. I heard it first from my grandfather that he had the papers and then I knew it from my own father who showed the papers to me very many times.

Q. Wasn't there anybody else on that grant that they knew they were in custody of your grandfather and your father?

A. I do not know

Q. Did you ever talk about it?

A. I would talk about it to the family of my father.

Q. Did you ever talk about it to anybody else?

A. After I got into possession of these papers I myself talked with these descendants and all those whom I knew were descendants, and I would show the papers to them myself.

Q. You made it known for the first time didn't you of the existence of these papers?

A. I produced those papers and I was want to show it to them, the descendants, and after recording them with the Probate Judge of Bernalillo County and before that time I had had several meetings called among the precincts and I had shown the paper to them.

Q. And you told them that you had finally found the grant to the property which they had been claiming?

A. Yes sir.

Q. You didn't tell them that you had known it ever since you were a boy?

A. Yes sir I told them that my grandfather told me that they had a grant and then that my father told me and they delivered them to me and I looked into the papers and saw what they were, and I made the contents known to the descendants.

Q. They seemed very much surprised that the papers had been found didn't they?

A. What they told me was that they were exceedingly glad that the papers to the grant that their ancestors told them they had had already appeared and I was appointed a member of a committee for the greater portion of the grant.

Q. They were also very glad to know that according to your statement of the boundaries that the grant was about twice as large as they had thought it to be?

A. They did not tell me anything about that matter, they told me that the original title papers to the grant had appeared.

Q. The boundaries that you gave today include about twice as much land as has ever been claimed down there?

A. It is the same locality and the same extent of land as the grant includes within itself now and was always included from the time it was made. That claim has always been made by the people, the descendants of

Elena Gallegos.

Q. Has nobody else been living there but the descendants of Elena Gallegos?

A. Yes sir.

Q. Been there as long as you know?

A. I do not know how long they have been there, or how they came there.

Q. They were there when you first remember?

A. Some of those who were living then are still living on the place; after the colonization of the Territory by the United States, the population of that place became largely augmented, up to that time the population was very small and only the descendants were living there.

Q. You don't claim under Diego Montoya - you claim as a descendant of Elena Gallegos?

A. As a descendant of Elena Gallegos.

Q. You don't claim any interest under Diego Montoya?

A. No sir.

Q. What is the north boundary of this grant?

A. It is a ruin which lies to the boundary line of the league of the Indians of Sandia.

Q. The only way you know that is by what your father told you.

A. My grandfather told me first and then my father.

Q. What is the west boundary?

A. The Rio del Norte.

Q. As it runs now?

A. More or less where it runs today, because the river has changed its banks, and it has taken along with it the house of Gallegos.

Q. Do you know where the present line of the Atchison Topeka and SF RR is?

A. Yes sir.

Q. You know where the old bed of the Rio Grande is?

A. I have known no old bed of the Rio Grande, or any other but one bed, what I have known is that during the floods in the spring when there is a good deal of water it spreads its banks but soon contracts and goes back to its original bed.

Q. Do you know where Alameda is?

A. Yes sir.

Q. Is not Alameda on the banks of the old river?

A. It is on the bank of the river where it runs at the present time on the east side.

Q. You say it is on the banks of the Rio Grande as it runs now?

A. Yes sir.

Q. Is it on the banks according to that map?

A. I don't understand on this map what I know is the place.

Q. You are certain that it is on the bank of the Rio Grande as it runs now?

A. Yes sir, the old town.

Q. Is there another one called new town?

A. No, the settlement has enhanced and grown up to the foot of the hills.

Q. How big a settlement, how many people?

A. I don't know the number of families.

Q. Then there is no old bed of the Rio Grande is there?

A. Yes there is a place where the river has been at the time of floods, but that is for a very short time, when the flood subsides and the river goes back to its original bed.

Q. Is there an old place down there known as the old bed of the Rio Grande?

A. I do not know of any.

Q. You have been there all of your life?

A. Not at Alameda.

Q. You have been living on this grant all your life?

A. Not all my life. I lived some of my life there. I was born at that place.

Q. You have had a familiar knowledge of that grant and its surrounding all your life?

A. Yes from the time I was 8 years old.

Q. You have had knowledge of the Rio Grande in that vicinity all your life haven't you?

A. I had two places.

Q. You have known the location of the Rio Grande in that immediate vicinity all your life haven't you?

A. Yes sir.

Q. And you say that you never heard of a place there called the old bed of the Rio Grande?

A. No sir, only where the river would run when it was flooded.

Q. Then the northern part of your grant extends west to the Rio Grande as it now exists?

A. Yes sir.

Q. In other words the whole grant is bounded on the west by the Rio Grande as it now runs?

A. Yes sir, on the west where it is at present.

Q. Did you ever hear anything said about the boundary of the Alameda grant?

A. I have a copy of it.

Q. Do you know anything about its east boundary?

A. Yes.

Q. What is it?

A. It is said that the boundary is the Rio del Norte.

Q. As it now runs?

A. The grant does not say where the river runs at the present time; the grant to Elena Gallegos says about the boundary on the west was at the place of Los Corrales, the Alameda states that the boundary on the east is the Rio Grande, but does not state at the present state of the river.

Q. You say that is what the title papers say?

A. Yes sir.

Q. When did you read the title papers?

A. I have read them very many times.

Q. What is the shape of your grant?

A. I don't understand the question.

Q. What is the shape of your grant?

A. It is a straight line on the north, straight line on the south, and on the east according to the summit of the Sandia Range and on west according to the current river.

Q. Is Alameda on this grant?

A. It is on the grant of Elena Gallegos.

Q. Has it ever been known as the Diego Montoya grant?

A. I came to know it from the conveyance made by Diego Montoya to Elena Gallegos.

Q. Do you know anything about the claim that has hereafter been made for this grant?

A. I know about the claim that the descendants of Elena Gallegos have made.

Q. Do you know anything about the claim that anybody else had made?

A. I have heard something to that effect, that there was a claim adverse to ours by the settlers.

Q. Don't you know all about it?

A. No sir.

Q. You have been in charge of this grant as the agent of Elena Gallegos heirs, for how long?

A. Yes sir, I do not remember exactly, but I think it is from the year 1887.

Q. And you never heard any other claim being made for this property?

A. Not at that time. I heard afterward.

Q. Don't you know that there has been a claim pending in the surveyor general's office for the confirmation of this grant for a long time?

A. I came to the office of the surveyor general, and there I saw a petition made by several persons.

Q. How many persons?

A. I don't remember the number.

Q. A great number, weren't there?

A. There were many yes.

Q. Don't you know the petition filed in the surveyor general's office had 200 settlers that were on that grant?

A. I do not know what foundation of their claim was, I also saw the list of the names of the persons.

Q. Any of them related to Elena Gallegos?

A. What I know there were two of them.

Q. Only 2 out of 200.

A. But when they signed that list, they did not know that the grant had appeared.

Q. Did you tell them?

A. Yes sir, when I saw their names on that list, I asked them what did they mean, and what were they doing, and they said they did not know the grant papers were in existence; those 2 persons are now claiming under Elena Gallegos and have subscribed to the powers given to me.

Q. You say that there are only two out of 200 claim before the survey general related to Elena Gallegos?

A. So far as I know they were descended from Elena Gallegos - these names are Euloza Barela and Severe Barela.

Q. Are the Griegos related to Elena Gallegos?

A. I do not know.

Q. They have a placita there haven't they?

A. Yes, I know a place called Los Griegos on this grant.

Q. Do you know a place called Los Montoyas?

A. No sir.

Q. No such place on this grant is there?

A. No sir. The place where I knew the Montoyas to live, the name of it was Tapalopa.

Q. When you found out that this claim was being made in the surveyor general office you got mad about it didn't you?

A. I had no reason to get mad about it, because I did not know the contents of it and don't know them now.

Q. Didn't you go to all these people protesting against it?

A. No sir, I went to those persons trying to have them join us in this action that we took in order that we have our own strips of land protected, we had meetings on three occasions and then I ask them to join us in

this matter.

Q. That is only recently?

A. Yes sir, two years.

Q. I want to know if as far back as 5 or 6 years you didn't know there was a suit pending in the surveyor general's office for the confirmation of this grant?

A. I saw a list of persons to the board, but I didn't know the foundation of their claim, nor I did not know what they were claiming, and do not know now.

Q. Outside of that board, in the office of the surveyor general didn't you know it related to the grant?

A. I did not know.

Q. Didn't the clerk in the office state as that there were some persons in the office, and that they had been directed to present some original title papers but they had not done so within the required time, and consequently their claim was thrown out?

A. I ____

Q. And didn't you state that you had them?

A. That I presented the papers yes, and when I presented those papers, and then he told me that several persons had filed a claim and tried to present some original title and having failed to do so, that their claim was thrown out.

Q. Is the gentleman here (pointing to special agent Tipton)?

A. No he was a very young man, I do not know if that gentleman there was the one, I was there for just about 25 minutes.

Q. Did you know Mr. Miller who was in the surveyor general's office?

A. I did not.

Q. Were you requested to join with those 200 in this suit before the surveyor general?

A. No sir, they did not indicate anything to me.

Q. Weren't you asked to contribute to the expense of prosecuting the claim before the surveyor general?

A. No sir.

Q. Wasn't the fact discussed among the people living on that grant that a claim had been filed and they were trying to find the old title paper?

A. A long time afterward as I have stated before, we had some meetings there and I asked the old residents to join me in presenting this claim and that was the matter discussed at that time.

Q. You have reference to the presenting of the claim to this court?

A. Yes sir.

Q. Before 1891, didn't you hear of the people on that grant inquiring for the old grant papers?

A. From the time when I brought these papers to be recorded in the County of Bernalillo, some of those persons saw the original title papers in their own case through Mr. Childers, and they answered that those papers were not worth anything at all, and what was worth was their own claim.

Q. When was that?

A. In 86, 87 or 88.

Q. There was a good deal of quarreling, and you never disclosed during all those quarrels that you had the original title papers in your possession?

A. I showed them the title papers themselves and read them to them and asked them to join me in order that we might fight and have our strips protected.

Q. I was not talking about the time when you held meetings to file your claim before this court. I am talking about when Childers gave his opinion?

A. I correct myself, it was in 1885 I went to his office

Q. And took the title papers?

A. Yes sir.

Q. And you took them there to protect yourself, in order that you might protect the claim before the surveyor general, this court was not in existence when you showed him the title papers?

A. Yes sir, we had them in his possession for a long time and various persons living at Los Ranchos went there for the purpose of reading those papers.

Q. Then it was generally known by people thereabouts protecting their strips of land, that Childers had the title papers, and would not bring this suit, and advised them that they had better make a claim for their strips under the Government Homestead laws.

A. I do not know anything about that, what I know is that at the time Mr. Childers had possession of those papers, which was for a long time, many of these persons would go and read those papers, and as a matter of course those persons would tell it to others.

Q. Are these old title papers which you identified this morning in the same condition as when you first saw them?

A. They were in a better condition when they were in my possession.

Q. In what respect do you mean they were in a better condition?

A. They were less worn out.

Q. No part of them had been lost when you first saw them had they?

A. When they were in my possession they were entire, after I delivered them to Mr. Howard I have not examined them much. (Mr. Howard-attorney in the case)

Q. Did you ever hear Mr. Gutierrez inquiring for these papers?

A. No.

Q. Did you ever have talk with him about them?

A. No sir.

Q. Did you ever read the papers?

A. I read them at the various meetings which we held there at Alameda, Los Griegos and Los Ranchos.

Q. And they were complete at that time?

A. They were complete when I had them in my possession, and at the time when I had them recorded in the office.

Q. Have you got a certified copy of that record?

A. No.

Q. Did you ever have any more of this paper than is right here?

A. Of the grant paper I have never had any others than these.

Q. These are all you ever had?

A. Yes sir, in the history of the grant those are the only ones.

Q. These are all you got from your father?

A. No sir.

Q. What else did you get from your father?

A. I obtained a deed.

Q. I am not speaking of other papers I am speaking of parts of that paper.

A. Those are the only ones.

Re-examination: Mr. Howard:

Q. What is the name of your Godfather?

A. Jose Gabriel Gurule.

Witness excused.

To be continued.