

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

*Pursuant to Section 8 of the act of July 22, 1854, extended by the sundry civil act of July 15, 1870, certain papers relating to the private land claim in the Territory of Arizona known as El Sopori.*

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JANUARY 16, 1882.—Referred to the Committee on Private Land Claims.  
FEBRUARY 8, 1884.—Referred to the Committee on Private Land Claims and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
Washington, January 12, 1882.

SIR: Pursuant to section 8 of the act of 22d July, 1854 (10 Stat., 308), as extended by the sundry civil act of 15th July, 1870 (16 Stat., 304), I have the honor to transmit herewith, for the consideration of Congress, the following papers relating to the private land claim in the Territory of Arizona known as El Sopori, viz :

1. Transcript of proceedings before the surveyor-general and report and opinion in the case, in four parts.
  2. One copy of the Daily Arizona Citizen of December 5, 1881.
  3. Printed argument for the petitioner.
  4. Four photographic exhibits.
  5. Transcript of objections of counsel of Sopori Land and Mining Company to certain testimony and action of the surveyor general thereon.
- Very respectfully,

A. BELL,  
Acting Secretary.

The PRESIDENT OF THE SENATE, PRO TEMPORE.

## ARIZONA.

## TRANSCRIPT OF EL SOPORI.

TRANSCRIPT OF PROCEEDINGS BEFORE UNITED STATES SURVEYOR-GENERAL FOR ARIZONA IN CASE OF THE RANCHO OF SOPORI, CLAIMED BY THE SOPORI LAND AND MINING COMPANY. DOCKET NO. 14.

(Recommended for rejection because title papers forged, ante-dated, and otherwise invalid.)

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To JOHN WASSON,

*Surveyor-General of the United States for the Territory of Arizona :*

The petition of the Sopori Land and Mining Company respectfully shows, and hereby gives public notice, that :

I. The petitioner is a company duly incorporated and existing under and by virtue of an act of the legislature of the State of Rhode Island, and having its principal place of business at the city of Providence, in the said State.

II. The petitioner is the owner and is the present claimant of a considerable tract of land situate in Pima County, in the Territory of Arizona, hereafter more particularly described, which the petitioner desires to have surveyed by or under the authority of the United States and the title thereof confirmed to petitioner.

III. The name of the original claimant to the said lands is Joaquin Astiazaran.

IV. The nature of the petitioner's claim is that it is derived from a grant made to Joaquin Astiazaran by the Mexican authorities having power to make such grant prior to the acquisition by the United States of the portion of the Territory of Arizona in which is situated the said land and that the claim is perfect.

V. The date of the said grant is 5th of July, 1838. The original title was derived from the authorities of the Mexican Republic, the officer superintending and authenticating the grant being José Maria Mendoza, treasurer-general of the State of Sonora. As to the evidence of the power and authority under which the granting officer may have acted the petitioner refers to the official papers submitted with this petition, and to the laws, usages, and customs of Mexico in force at the time of the said grant, to the " compilation of the laws, regulations, usages, and conditions of Spain and Mexico under which lands were granted and held, and missions, presidios, and pueblos established and governed," by John Wasson, surveyor-general for Arizona, to White's Recopilacion of the laws of Spain and Mexico, and the royal ordinances, decrees, and regulations, and to the reported decisions of the Supreme Court of the United States, and of other courts within the United States.

VI. The quantity of land claimed is thirty-one and seven-eighths Mexican leagues and thirteen short acres, as mentioned in the official papers herewith submitted.

VII. The petitioner is unable to state the locality, notice, and extent of conflicting claims, or whether be such conflicting claims.

VIII. As to the documentary evidence and testimony relied upon to establish the claim, the petitioner refers to the official or original papers herewith submitted and to the testimony to be adduced before the surveyor-general.

IX. As to the documentary evidence and testimony relied upon to show a transfer of right from the original grantee to the present claimant, the petitioner refers to the conveyances or deeds by the heirs and representatives of Joaquin Astiazaran to the petitioner, to the Arizona Land and Mining Company (a corporation under the laws

of the State Rhode Island), and to Sylvester Mowry, and to the conveyance or deed by the Arizona Land and Mining Company to the petitioner. A portion of the land was conveyed to the Arizona Land and Mining Company by the heirs and representatives of Joaquin Astiazaran, and at the same time the remainder of the land was conveyed to the petitioner. Subsequently the Arizona Land and Mining Company conveyed to the petitioner such portion of the land as had been conveyed to the Arizona Land and Mining Company, so that the petitioner is now the owner of all of the land.

X. In or about the years 1858 and 1859 the petitioner and the Arizona Land and Mining Company took possession of the said land and stocked it with cattle and placed in charge of the same an agent and engineer, with a party of assistants, and remained in possession until the summer of 1861. Upon the withdrawal by the United States of its troops from the neighborhood, the Apache Indians drove the agent, engineer, and assistants from the property, and killed Richmond Jones, junior, the said agent and engineer.

XI. The petitioner submits with this petition the following papers:

1. The official papers of the Mexican grant, being the "espedente" and the grant by the treasurer-general of Sonora.
2. The certificate of José de Aguilar, governor of Sonora, dated 8th June, 1857.
3. The certificate of José Maria Mendoza, general commissioner of Sonora, authenticated by the certificate of the governor of Sonora, dated 10th September, 1858.
4. A contract of sale by the heirs of Joaquin Astiazaran and others to Sylvester Mowry, dated 12th October, 1858.
5. A conveyance of four leagues of the said lands by the heirs of Joaquin Astiazaran and others to the Sopori Land and Mining Company, dated 25th September, 1858.
6. A conveyance of twenty-seven and seven-eighths leagues and about thirteen acres of the said lands by the heirs of Joaquin Astiazaran and others to Sylvester Mowry, dated 25th November, 1858.
7. A power of attorney by the heirs of Joaquin Astiazaran and others to Sylvester Mowry, dated 25th November, 1858.
8. A conveyance by Sylvester Mowry, the heirs of Joaquin Astiazaran and others to the Sopori Land and Mining Company, dated 2d June, 1860.
9. A conveyance by Sylvester Mowry, the heirs of Joaquin Astiazaran and others to the Arizona Land and Mining Company, dated 2d June, 1860.
10. A conveyance by the Arizona Land and Mining Company to the Sopori Land and Mining Company, dated 1st March, 1866.

The petitioner also submits translations of such of the foregoing papers as are in Spanish; but prays that the errors, if any, may be corrected.

XII. No complete survey of the property has ever been executed, so far as the petitioner knows or has heard, excepting that under Mexican authority the plat of which forms part of the "espediente" herewith submitted. A survey of a portion of the property (being the part which as between the petitioner and the Arizona Land and Mining Company it was intended the latter company should have, but which was finally conveyed by that company to the Sopori Land and Mining Company), is submitted for the assistance of the surveyor-general.

The petitioner therefore prays that the said land may be surveyed by the United States, and that the title of the petitioner to the same may be recognized and confirmed by the United States, and that such preliminary examination and report may be made, and such other proceedings had by the surveyor-general as may be proper. Dated Tucson, Arizona, the 3d day of July, 1880.

THE SOPORI LAND AND MINING COMPANY,  
By EDWARD M. SHEPARD,  
*As Agent and Attorney.*

TESORERIA-GENERAL, DEL ESTADO DE SONORA, AÑO DE 1838.

TITULO.

De merced, de treinta y un sitios siete octavas partes de otro, y una escasa Caballeria de ganado mayor, para cria de ganado mayor, y caballada, comprendidos en el puesto nombrado "El Sopori," sito en el partido de San Ygnacio, espedido por la Tesoreria General del Estado de Sonora á favor del Señor Don Joaquin de Astiazaran, vecino de la Jurisdiccion de Horcasetas.

Sello primero [L. s.] Seis pesos, para los años de mil ochocientos treinta y siete, y treinta y ocho.

JOSÉ MARIA MENDOZA,  
*Tesoroero General del Estado de Sonora:*

Por cuanto, el artículo 11 del Soberano decreto general, número 70, de 4 do Agosto de 1874, concedió á los Estados, las ventas, que en decha ley, no se reservó el Go-

bierno gral. de las cuales es una, la de los terrenos baldios de sus respectivos distritos, que les pertenecen por consecuencia, y para cuya mercedacion dictó el honorable Congreso constituyente del Estado que fué unido de Senora y Señaloa la ley número 30 de 20 de Mayo de 1825, asi como las sucesivas Legislaturas otros decretos conminatorios; cuyas disposiciones han quedado refuadados en las secciones 3ª, 4ª, 5ª, 6ª, y 7ª del capítulo 9º d de la ley organica de hacienda numº 26 de 11 de Julio de 1834; habiendo formalizado ante esta Tesoreria gral. D. Joaquin Astiazaran, vecino de la Jurisdiccion de Horcasitas, registro legal de los terrenos baldios enteramente disiertos, nombrado el Sopori, sito en el partido de San Ygnacio, se instruyó el respectivo expediente, con total arreglo de las leyes, el cual á la teba, es como sigue.

*Sor. Alcalde 2º de esta ciudad:*

Joaquin Astiazaran, vecino de Horcasitas, ante V. como mejor proceda de dro., digo: Que necesitando de una informacion de tres testigos imparciales é idoneos, que la justificacion de V. elija, le suplico se sirva instruir la sobre si tengo bienes, cuadal, y porporciones suficientes para poblar y mantener poblado, el terreno baldio nombrado el Sopori sito entre Tubac y San Javier, para cria de ganado mayor y para labintio, que voy á registrar legalmente ante la Tesoreria general, conforme á las leyes que segen en esta materia. Por tanto, á la integridad de V. pido, que concluido que sea dicha informacion se sirva entregando original, para el uso ya mencionado, en lo que reclise justicia; jurando no proceder de malicia, con lo necesaria, &c.

JOAQUIN DE ASTEAZARAN.

HERMOSELLO, Mayo 30 de 1838.

Por presentado, procedase por mi á recibir informacion que justamente Soliceta el Sor. D. Joaquin Astiazaran en su presente peidimiento, y concluida que sea, se le entregará original, en cenepto de que, este juzgado se informará previamente de las personas que tengan esactas conocemos. de los lienes, intereses y porporciones que posee el interesado en propiedad para mantener poblados los sitios que se la mensuren, en el terien, del Sopori, que vá á registrar vara ca de ganado mayor, y para labrantid. Asi yo, Juan José Encinas, Alcalde 2º de esta ciudad lo prové, mandé y firmé con testigos de asistencia, en falta del escribano, que no lo hay, segun derecho, doy fé.

JUAN JOSÉ ENCINAS.

A.: Y. ZUÑEGA.

A.: NICOLAS GONZALES.

En la ciudad de Hermosello, á las treinta dias del mes de marzo, del mil ochocientos treinta y ocho, conforme á mi antecedente proveido, hize comparecer en este mi juzgado, á Don Manuel Cejas, á quien doy fé convozio y en su persona le recebió juramento que hizó por Dios, nuestro Señor, y una señal de cruz, de declarar fiel y legalmente, sobre lo que supiese y fuese interrogado, y habeadolo sido, si el Sor. Don Joaquin Astiazoran con muchos bienes y caudales, para poblar los terrenos del Sopori, hasta veinte ó mas sitios, que se le midan, pues nadie ignora en el país, que es un sujeto de suficientes porporciones, para esta clase de empresas. Esto respondió, bajo el juramento que ha otorgado, sobre cuya gravedad y la verdad de lo que ha dicho se afirma y valifea religiosamente, diciendo que es mayor de edad y que la firma conmigo y los testigos de mi asistencia, en falta de escribano, segun derecho.

JUAN J. ENCINAS,  
MANUEL CEJAS.

A.: YGNO. ZUÑEGA.

A.: NICOLAS GONZALEZ.

Yncentente, yo, el mismo alcalde, hize comparecer ante mi á D. Gregorio Valencea, á quien recebé juramento en toda forma de derecho, es deser que por Dios, Nuestro Señor, y una señal de cruz, que hizó con la diestra, promovió decir verdad en todo lo que supiese, y fuese preguntado. Habiendolo sido, por el tenor del escrito que precede, dijo: Que conose sobre manera los bienes y caudales, sobre abundantes, que tiene y poses en propiedad el Sor. D. Joaquin Astiazaran, vecino de Horcasitas, con los cuales puede poblar seguramente hasta mas de treinta sitios, en los terrenos del Sopori, que vá á registrar, pues apoya el depononte, ademas esta su cierta declaracion en la notoriedad legal. Esto dijo, declarando ser mayor de edad, y que no le comprenden las generales del derecho, en lo que hizó juramento, se afirma y ratifica, leida que le fiel esta su declaracion á la que nada tubó que añadir, ni quitar, fimandola, conmigo y los testigos de mi asistencia, en la forma ordinaria, á falta de escribano, que no lo hay, segun derecho, doy fé.

JUAN J. ENCINAS.

A.: Y. ZUÑEGA.

A.: NICOLAS GONZALES.

En seguida, mandé comparecer ante mi, á Don José Centieras, y en su persona, que doy fé conosco le recibí juramento, que otorgó, por Dios, Nuestro Señor, y una señal de cruz, de dicér verdad en todo lo que supiese, y fuese preguntado, y habiendolo sido por el tenor del escrito y declaraciones que preceden, dijo, que conoce muy bien los muchos bienes, facultades y proporciones, que tiene el Sor. Dn. Joaquin Astiazaran para poblar, y mantener poblados, los sitios que se le mensuren, en el terreno nombrado el Sopori que vá á registrar legalmente maximo anelo, nadie ignora que este señor, es inclurado à empresas de beneficencia en favor de este arminado paiz. Así lo declaró, se cargo del juramento que ha solemnizado, bajo ouya gravedad se afirmó y ratificó manifestando ser mayor de edad, y que no le tecan las generales del derecho, firmando conmigo y los testigos de mi asistencia en falta de todo escribano que no lo hay; y de que todo doy fé.

JUAN JOSÉ ENCINAS.  
 JOSÉ CENTIERAS.

A.: Y ZUÑEGA.  
 A.: NICOLAS GONZALEZ.

JUZGADO 2º DE PAZ DE HERMOSILLO, *Marzo 30 de 1838.*

Certifico en toda forma de derecho que los tres testigos que han declarado en la precedente informacion, son enteramente imparciales; segundo que tienen plenos conocimientos del Sor. D. Joaquin Astiazaran, vecino de la jurissdicion de Hercasetas, con breves y facultades muy suficientes para poblar y mantener poblados los sitios que se le mensuren en el terreno nombrado Sopori; y tercero, que su registro ó denuncia a dichos terrenos aun cuando sean veinte, treinta ó mas sitios es beneficio á nuestro paiz; el que pocas personas aventaran ya su suerte en manos de los barbaros por la inestinguible y continuas hostilidades del Apache, cuya aversion ha desolado no pocas haciendas y ranchos en Sonora.

Así yo, Juan J. Encinos, alcalde 2º de esta ciudad, lo certificó, desponiendo, que este expediente se entregar original al Sor. D. Joaquin Astiazaran, para el uso que justamente vá á hacer lo que firmé con los testigos de mi asistencia ordinaria, á falta de escribano, de que doy fé.

JUAN J. ENCINOS.

A.: Y. ZUÑEGA,  
 A.: A. NICOLAS GONZALES,

*S. Tesorero gral. del Estado :*

Joaquin Astiazaran, vecino de la jurisdiccion de Hercasetas, ante V. S. comparece y dice: que, teniendo necesidad del terreno nombrado el Sopori, tanto para poblarlo de bienes semovientes, como para cultivo, en agricultura, le pongo registro en los sitios de que sea acompañando á V. S. la informacion correspondiente. A la justificacion de gobierno, y al conocimiento de V. S. no puede ocultarse, que en esta empresa voy á aventurar mi suerte legalmente adquiriendo permitiendo decir sino se me concede la gracia de poblar esos terrenos dentro de veinte años, tendié el honor de desertér. A V. S. mi le son desconocidos las justas regalías, que el Gobierno Español, concedió en estos casos, tanto por asegurar su territorio desierto, como por beneficiar á sus fieles subditos. Así pues espero, que V. S. se sirva comisionar á una persona imparcial y que sea de confianza, como endudablemente lo es el Sor. Oficial D. Luis Carranco que areda mediendo terrenos en el rancho de las Cruces, y cuenequellas Estoy en la inteligencia de que mi presente registro se funda en las leges que nunca jamas han repedeado estas pretenciones justas, equalitativas, y venificas. Por tanto A. V. S. suplicó tenga la bondad, de absequecar mi pretencion, se es que la estima justa. Jurando la no malicia, &c., &c.

HERMOSILLO, *Marzo 31 de 1838.*

JOAQUIN DE ASTIAZARAN.

Otro si digo. Que el registro que hago de los terreno valdios del Sopori, es á condiceon de que, me conceda el poblarlos, cuando me lo permitan las criticas y graves circunstancias de la frontera del Norte; pues os bien salido, que las mencionados terrenos longinuos y peligrosas, nadie absolutamente ha pensado, hasta hoy el registrarlos, porque, son el parimento ó mancoon del barbaro enconego Apache, que anequela á Sonora hasta en el parte mas pobla do del centro; siendo de conseguiente mi enunerado registo, una empresa arduo y aventurado, porielos inmensos gastos que demanda el poblas mantener poblados aquellos desiertos, á la vez, que mi solicitud portanto va á hacer muy venifica al estado, causas por que el Gobierno Español por medio de sus agrimensos coedio dos graoras á los reouistradecies de tierras baldios en Sonora, erna, la de composicion; es decer, que se mensuraban v. g. seis sitios el agrimensor por vid de composicion los adjudicaba por cuatro sitios y la otra de conceder el pueblo, cuando los solicitud circunstancias lo permitare á los interesados; jan no proceder de malacia, feeha ut supra.

ASTIAZARAN.

ARIZPE, 1° de Mayo de 1838.

Por presentado y admitido con la informacion de idoneidad, que se acompaña y constando de ella muy super aldadamente, que el sor. interesado D. Joaquin Asteazaran, vecino de la Jurisdiccion de Hercasetas, tuive y pasé muy seificientes bienes semovientes, y muchas proporciones para poblar y mantener poblados las terrenos, que registra nombrado el Sopori sitios en el partido de San Ygnacio, confine comesion bastante á D. Luis Carranco, oficial que fué de esta Teseseria, para que sin perjuicio de tercero, que mejor derecho represente, y con peina citacio de Colindantes, que concurren, con los títulos de merced á senalar y defender sus terminos livderos, proceda á la mensura, avalero, y pregones de los terranos baldeos del puesto nombrado Sopori, ya espresados; olveindo dicho Comisionado, con entera sujecion á lo que preyiene respectivamente las secciones 3ª, 4ª, 5ª, 6ª, y 7ª del capitulo 1º, de la ley Organica de Hacienda, No. 25, del 11 de Julio de 1834, y al reglamento que para la medida de tierra de oria de ganado mayor y caballada, fué formado en cumplimiento de lo que dispusé la ley numero 30, de 30 de Mayó de 1825, ajustemado el sitio ó sitios que miediese por la regla inveterada y constante de multiplicar el numero de varas de que se componga el diametro de norte á sur, por el que contenga el de creinte á poniente, para dar á cada sitio la area que le comprenda da veinte y cinco millones de varas cuadradas, conforme á las leyes de la materia, y coucluida que sea dicho espediente to remetaré á esta oficina, con citacion de la parte y de los interesados que iesaltaren, lo cuales concurren por si, ó por medio de opoderados, instruadas y espensadas á presenciarr las almenedas y remate de los sohe dichos terrenos lealdios; anadiendo que ee admisible desde luego en obsequio de la justicia, de la razon, de la equidad, y de los intereses de la hacenda publica la condicion des Sor. negistiador D. Joaquin Astiazoran, de poblar el Sopori cuando se le pemieta la innunente peligro en que siempre se ha ballado del sanguineario y desolador arrenjio apache, y por que esa condiccion ha sido practicado por estrema necesidad en este pais, á menos que entre tanto atrasesasea otro registrador de Sopori para poblarlo dentro de un año. Asi yo, José Maria Mendoza, Tesorero gral. de este Estado, le provaí, mande y firma, con testigos de asistencia.

JOSÉ MARIA MENDOZA.

A. : ALEJO CARRILLO.  
A. : JESUS TRASQUELLO.

ARIZPE, 1º, de Mayo de 1838.

Hace por recibido las diligencias escritos de registro y la providencia del Sor. Toserero gral. del Estado, que antecede, por lo que, se ha servido comisionarme para la mensura, avalero y pregones de los terrenos valdios nombrado el Sopori, que ha registrado legalmente el Sor. D. Joaquin de Asteazaran, y en su puntual delido cumplimiento parese por mi, á la practica de las enunciadas diligencias, con peina citacion de colindantes, nombramiento aceptacion, y juramento de oficiales medederes, contador y apuntadors. Asi yo, Luis Corranco, agrimensor comisionado, lo determine y firme, con testigos de asistencia en la forma ordinario.

LUIS CARRANCO.

A. : JOSÉ JESUS COYOTE.  
A. : SANTOS VIGERRIA.

En la misma ciudad, dicho dia, mes y año, conforme á mi antecedente auto de obediencia, procedi á nombrar para oficiales medederes á José Ma. Julio, y á Juan de las Pios, para contador á D. Julian Padilla, para operatador á Atenaceo Estrada, de esta necenedad, y halicendolos hecho saber su espresado nombramiento, los aceptaron desde luego, respectivamente otergando el compateute juramente ofreciendo bajo la gravedad de este cumplir fiel y religiosamente con sus encargos. Lo que pongo por diligencia que firme con los oficiales que supieron hacerlo, y con los testigos de mi asistencia ordinaria; doy fé.

LUIS CARRANCO.  
JULIAN PADILLA.

A. : JOSÉ JESUS CORRELLA.  
A. : SANTOS VIGERRIA.

En la propia ciudad á de mayo del presente año delia mandar, y mandé, que se libra por mi los correspondientes citaciones á los colindeutes de los terrenos del Sopori, que lo son el dueno del Rancho del Aubac, y los individuos representen por la Mision de San Javier del Bac, manifestendoles, que para el dia 14 del presente mess estaré en los referidos terrenos baldios del Sopori y entonces deberan estar alla con sus titulos de merced, pa. qe. senalen y defenden sus terminos linderos. Asi yo, Luis Carranco, comisionado actuante, lo determine, mandé y firmé con los testigos de mi asistencia.

LUÉS CARRANCO.

As. : JOSÉ JESUS CERELLA.  
As. : SANTOS VIGARRIA.

Razen: En la misma fecha, se libraron los correspondientes oficias de citacion, á lo colnedantes del Sopori, expresado en el antecedente anto, y para constacia lo rubrique. En los terrenos, nombrados el Sopori, á los catorce dias del mes del Mayo, de mil ochocientos treinta y ocho, yo, el aute dicho comisionado agrimensor, que subscribe, con los oficiales y testigos de asistencia, José Rubio, Juan de los Rios, D. Julian Padella, Atenaceo Estrada, D. José Jesus Cerella, y Don Santos Vigarria, me constitui al pasaje de la Tivaja, del Serro Prieto, que se pusó per punto centrico, de los terrenos del endecada Sopori registrado por el ciudadano D. Joaquin Estiazaran, en censecuencia, y para proceder á la mensura de aquellos pusó en manos de los oficiales medederes un cordel de este bien relercido y encorado de cincuenta varas de largo, las que á satisfaccion y presencia de los concurrentes, fueron medidas y puesto uno de los oficicles al pie de un fresno, el mas alto y antiguo, que se vé en dicho punto sentado este entie el mismo aguage de la Tinaja, y amarrados los estreneos del codel, de dos astas de madera, de tres varas de altura, despues de haber dado el nembro al norte, con el aqujon, tendió la cuerda, mediendose y contandose por ese rumbo, cuatro cientos cincuenta cordeles, que remataron sobre una mesa baja, ocotillosa, al pie de un arbol alto, dende so pusó un monton de piedras, al frente de un servito blanca, media montuoso, que se vé al poniente y cuya medida linda linda con los terrenos de la Mision de San Javier del Bac. Siendo puesto el Sol, me pasé al pueblo de San Javier, á hacer aqua y darsele asi mismo á la cabalgadura, para continuar la medida al siguiente dia. Asi lo ezeuté y puesto en el centro se tendio la cuerda, con direccion al poninte, en cuyo rumbo, se midieron y contaron ciento treinta y seis cordeles, que remataron en direccion de la Sierra del Coyote, poniendose donde rematarón las medidas, una mojonera de piedras. De aqui requé á San Javier del Bac, con el mismo objeto del dia anterior, y buelto al centro, tendió la cuerda por el rumbo del oriente, y se midieron y centaron, por dicho rumbo, tres cientos sesenta y cinco cordeles, las que remataron al pie de una loma, en donde se puso tambien una mujonera de piedras. De aqui, buelto al centro, al punto de la Tinaja se tendió la cuerda con direccion al sur, despues de haber dado el rumbo con el aqujon, y se midieron y centaron ochenta y seis cordeles, que remataron sobre una mesa alta, que forma parte de las que nomtran cuchilla atravesada aqui, se pusó tambien una mojonera de piedras, ya efecto de dar su correspondiente cuadratura á los diametros, que quedan medidas en estos terrenos, mi constitui con el Sor. Astiazaran, los oficiales medidores, contador y apuntador, testigos de asistencia y los individuos que nos escoltan, en la mojonera cardinal del Norte, en dende pusé la brujula, bien ordenado, y observando por ella el rumbo del oriente se fueron mudiendo y contando para el 365 cordeles, en cuyo remate esquina mandé poner un monton de piedras, en señal de mojonera, y desde este punto, se observó por el agujon el rumbo del sur, pa. el cual se tendió la cuerda, mudiendose y contandose 630 cordeles, en cuyo remate que es la esquina segundo, ó angulo, hisé poner un monton de piedras por mojonera; y siendo ya tande, me retire á mancionar y pernoctar en San Javier del Bac, con totos los individuos que nos acompañan, y habiendo regusado hoy dia 17, á la misma segunda esquina de la cuadratura de estos terrenos del Sopori, se pusó sobre la mojonera, bien ordonado la brujula, por ella se observó el rumbo del poniente para el que se llevó la cuerda rectamente, mediendo, y contenido 501 cordeles, y en donde remataron mandé poner otro monton de piedras por mojonera; formandose aqui el tercer angulo ó esquina, y desde ella se miró por el agujon al rumbo norte, para el cual se midieron y contaron esactamente 636 cordeles, cuyo remate que mira hacia el cerrito blanco, media montuoso, hicé levantar una porcion petria por mojonera donde la que se observó por la brujula el rumbo del oriente, para donde se fueron mediendo y contenido 136 cordeles, que remataron puntualmente en el mojon Cardinal del Norte, en cuya mojonera se comenso le cuadratura, que queda practicada. En consecuencia la asa de estos terrenos del Sopori, que acaba de mensurar contiene setecientos nonenta y seis millones quienientos nonenta mil varas cuadradas, que son treinta y un sitios, siete octavas partes de otro, y una escasa Caballéria de tierras para cria deganado mayor y caballada, conforme á la regla cubica legal, á que se rfuse la Tesoreria gral. del Estado en su providencia de comision, que me confirió con fecha 1<sup>o</sup> del presente mes, esto es, que multiplicando la treinta y en mill ochocientos varas cuadras que tiene el diametro de Norte á Sur, por las veinte y cinco mil cincuenta del diametro de oriente á poniente, resulten las prenotadas 796,590,000 varas cuadradas de las cuales se dan veinte y cinco millones de dichas varas, en cada sitio, por lo cual efectuada la presente mensura, con total arreglo á las leyes del caso y á lo prevenido por la Tesoreria, conformandose con todo lo counotado el registrador D. Joaquin de Asteazarán, agregandose á la vez á esta diligencia el correspondiente mapa, ó plano topographico del Soperi; siendo advertencia, que no han concurrido las colindantes, y que la mediicon de estos terrenos ha sido sin ningun perjuicio de tercero pues nadie en lo absoluto se mi ha presentado á reclamar cosa alguna. Y es por tanto, lo que lo autorizo y firmo con el Sor. registrador D. Joaquin Astiazaran,



con el oficial contator, D. Julian Padella, que lo verifico por si y á rumbo de sus companeros, que no saben hacer y con los testigos de mi asistencia ordinaria, de que doy fé.

LUIS CARRANCO.  
JOAQUIN DE ASTIAZORAN.  
JULIAN PADILLA.

A. : JOSÉ JESUS CORELLA.  
A. : SANTOS VIGARRIA.

En los mencionados terrenos del Sopori, á los diez y ocho dias del precetado mes de Mayo, de mil ochocientos treinta y ocho, á efecto de proceder al justiprecio de los treinta y un sitios, siete octavas partes del otro, y una escasa caballeria, que para cria de ganado mayor y caballada quedan mensuradas en estos terrenos debia mandar, y mandé se proceda por mi, al nombramiento de avaluadores conforme lo verificó en D. Julian Padilla, y Santos Vigerria, abuto á que como oficiales que han sido en la mensura que acaba de practicarse de estos tierras baldias, han adquirido de ellas los conocimientos que sé requieren de la clase de aquias, maderas, pastos y demas de que sean susceptibles estos terrenos, asi que procedase por mi, á notificarles sus nombramientos, por los fines que sean conducentes, autorisoto y firmelo con los de mi asistencia.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.  
A. : ALONSO MARIA TRESORRA.

En el mismo dia, mes y año, siendo ante mi presente D. Julian Padilla y D. Santos Vigarria, les notifique y hise saber su nombramiento de avaluadores, contenido en el acto que antecede y enteradas de él, dijeron que lo aceptaban y aceptaron, ofreciendo cumplir fiel, legal y religiosamente con su espresado encargo de avaluadores de los terrenos mencionados en este puesto del Sopori, sin dolo; fraude, ni encubierta alguna y segun su leal saber y entender su puestos los conocimtos. oculares que han adquirido, en estos terrenos aunque desiertos y remotos; les cuales se compenen de valles y sierra con buenos pastos, en la mayor parte; algunos aguages permanentes, y maderas aunque es positivo con demasiantante. peligrosas estas remotas tesoras, por ser habitacin de los barbaros que hostilisan el Estado. Y que por tanto avalvan los treinta y un sitios, siete octavas partes de otro, y una escasa caballeria que acaban de mensurarse en estos terrenos del Sopori, en la forma siguiente: ocho sitios en cuatrocientos ochenta pesos, al respecto de setenta cada uno; diez sitios en trescientos pesos á razon de treinta cada uno, que ser susceptibles de aqua por medio del beneficio de noria, y no tenerla permanente, como los ocho primeras, y los trece sitios, siete octavas partes de otro y una escasa caballeria en la cantidad de ciento treinta y nueve pesos, á respecto de diez por sitio, alento á que son aridos y secos sin capacidad para beneficio de noria, ascendiendo los espresados justiprecios verificados con arreglo á la ley organica de hacienda, No. 26 de 11 de Julio de 1834, á la suma total de novocientos diez y nueve pesos. Y haciendome confirmado con el connotado avaluo asi como tambien se conformo el sór. interesado, D. Joaquin Astiazaran, por considerarlo justo, equitativo y arreglado á la ley de la materia maxsima, si se toma en justa consideracion la ateudivle circunstancia de las inmensas ventagas, que del pueblo á redemdar en favor de esta longinero frontera, lo sertó por diligencia que firmó con las referidas avaluadores, y los testigos de mi asistencia, en la forma ordinaria.

LUIS CARRANCO.  
JULIAN PADILLA.  
SANTOS VIGARRIA.

A. : JOSÉ JESUS CORELLA.  
A. : ALONZO TRESORRA.

En la ciudad de Arizpe, á los veinte y ocho dias del mes de Mayo de mil ochocientos treinta y ocho, hallandome de regreso del Sopori en esta propio ciudad y estando concluidas las diligencias de mensura y avaluo de los sitios que comprende aquel puesto, se proceda á la practica de los treinta pregones de estilo, en solicitud de posteres, informando por medio de una comunicacion oficial el Sor. Juez de 1<sup>er</sup> Instancia del partido de San Ygnacio á fin de que, se serva notoria la enunciada subasta en los pueblos del mismo partido, por medio de volutenes ó cordeles al publico que es la manera con que los comisionados agrimensores han practicado y practican desde muchos añosotros los pregones en solicitud de interesados, sin perjuicio de tiecerro, por si en aquellos puntos dende pueda haber mejores postores, y en obsequio á la vez de la mayor publicidad. Asi yo, Luis Carranco, Comisionado acheante, lo provei y firme con los testigos de mi asistencia.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.  
A. : SANTOS VIGARRIA.

## RAZON.

En la propia fecha se libró oficio al Sor. Juez de 1ª Instancia del partido de San Ygnacio, con el objeto que se espresa en la antecedente diligencia, y para constancia lo rubrique (una) rubrique.

1º. Pregon. En la ciudad de Arizpe a los recenete y nueve dias del mes de Mayo, de mil ocho cientos treinta y ocho, se pucedio per mi á dar el primer pregon en los terminos legalmt. establecidos anunciando al publico, á son de caja y por medio del pregonero Florentio Baldizan en allas y claras voces lo siguiente, se renden por cuenta de la hacienda publica treinta y un citios, siete octavos partes de otro, y una escasa caballeria de tierra baldia para cria de ganado mayor y caballada, mensurado en el presto numbrado el Soporí, sito en jurisdiccion del partido de San Ygnacio en favor de su registrador el Sor. Joaquin Astiazaran, valuados dichos sitios en la cantidad de nueve cientos diez y nueve pesos, en estas terminos. Ocho sitios en cuatrocientas ochenta pesos, por tener agua permanente; diez sitios en trescientos pesos por ser susceptible del beneficio de noria; y los trece sitios siete octavos partes de otro, y una escasa caballeria restantes, en ciento treint y nueve pesos, per ser aridos y secos; todo conforme á la ley de la materia. Quien queora hacer postura á dichos sitios, ocurra á verificarlo ante esta comision coil de mensura, en la que sera admitido. Y no habiendo comprecedo ninguno postor, lo sentó por diligencia que para la delida constancia firmé con los testigos de mi asistencia en la forma ordinaria.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

2º. A los treinta dias del mismo mes se dió otro pregon y no resultó postor ninguno, lo que firmó en la forma ordinaria.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

3º. A los treinta y con dias del propio mes que acaba, se repetio dicho pregon y no habiendo comparecedo ningun postor, lo pongo por diligencia, para constancia.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

4º. En el primero de Junio de mil ochocientos treinta y ocho, se publico otro pregon, y no hubo postor alguno.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

5º. En 2º del citado mes se celebró el quiento pregon, y no hubo postor alguno.

LUIS CARRANCO.

A.: JOSÉ JESUS CARELLA.

A.: SANTOS VIGARRIA.

6º. En 3º del propio mes se celebró el seste pregon igual en todo el primero, mas no hubo postor ninguno.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

7. En 4 del presente Junio, se publico otro pregon, pero no resultó ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

8º. A los cinco dias del citado mes, se dió, el octavo pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

9º. En seis del corriente, se celebró otro pregon, igual á los antecedentes mas no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

10. En 7 del actual, se solemnizó el decimo pregon de esta subasta, y no pareció ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

11. En 8 del corriente, se dió otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

12. En 9 del mismo mes y año se celebró otro pregon, y no resultó ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

13. A los diez dias del mes ocho al publico otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

14. A los once dias del presente mes de Junio, se celebro el decimo cuatro pregon, mas no parecio ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

15. En 12 de dicho mes se dió otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

16. A los trece dias del mes de Junio se celebro el decimo sexto pregon pero no comparecio postor alguno.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

17. En 14 del dicho Junio se celebro otro pregon y no resultó ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

18. En 15 del mismo, se dió otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

19. En 16 del mismo, se procedió á otro pregon, en el que tampoco hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

20. En 17 de idem se celebró otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

21. En el 18 del mismo, se celebró otro pregon, y no hubo postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

22. A los nueve dias del mismo mes, se celebró un pregon igual á los antecedentes, y no compareció ningun postor.

LUIS CARRANCO.

A.: JOSÉ JESUS CORELLA.

A.: SANTOS VIGARRIA.

23. En 20 del propio mes fué publico de otro pregon en solicitud de postores, pero no resultó ningun.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

24. En 21 del referido mes, se celebró el veguisima cuatro pregon, y no comparecio ningun postor.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

25. En 22 del sobredicho mes, se celebró otro pregon y no hubo postor.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

26. En 23 del mismo, se dió otro pregon, y no hubo postor.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

27. A los 24 dias del repetido mes de Junio, se celebró otro pregon en solicitud de postores, y no hubo ninguno.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

28. En 25 del siado Junio fué dado otro pregon, y no hubo postor.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

29. En 26 del mismo se celebró otro pregon, y no hubo postor.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

30. En 27 del precatado mes de Junio de 1838, se celebró el tregisima y ultimo pregon, en solicitud de postores á los terrenos de que trata este espediente y no habiendo comparecido ningun licitante, lo senté por diligencia, que firmó en la forma ordinarea.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

ARIZPE, 27 de Junio de 1838.

Estando concluido este espediente, sin haber habido ningun postor, en los treinta pregones, que antecede remitase al Sor. Tesoroero General del Estado, para sus ultiores diligencias que se requiesen. Asi yo, Luis Carranco, comisionado actuante, lo provee y firmé con mis testigos de asistencia.

LUIS CARRANCO.

A. : JOSÉ JESUS CORELLA.

A. : SANTOS VIGARRIA.

#### RAZON.

En el mismo dia fun entregado este espediente por mi al sor. tesoroero, en 22 fojas utiles, y para constancia, lo rubrique (una rubrica).

Arizpe, 27 de Junio de 1838.

Al Promotor Fiscal de hacienda,

MENDOZA.

Sor. Tesoroero G<sup>l</sup> del Estado :

Con el mayor detenim to, he hecho la condesente disquisicion de este espediente contraido á las medidas, avaluo, y pregones que el comisionado de V. S. D. Luis Carranco, practico de treinta y un sitios siete octavas partes de otro, y una escasa caballeria de terrenos para cria de ganado mayor y caballada en el puesto nombrado el Sopori, sito en jurisdiccion del partido de San Ygnacio, justepreciado dichos sitios en la cantidad de novecientos diez y nueve pesos, en los terrenos y por las razones constantes de la diligencia de avaluo que corre á fojas 13 vuelta, y 14 frente, y registrado ante V. S. por el Sor. D. Joaquin Astiazaran, vecino de la jurisdiccion de Hircasitas. A mi juicio no solo estan arregladas legalmente todas las diligencias que practico en el

asunto, el comisionado Carranco, sino, que constan loable el benéfico registro del Sor. Astiazaran como ventajoso al angustiado errorio publico, el ante dicho justiprecio de aquellos terrenos, nunca jamas se babra ni pensado en registrar por el temor de inminente pelegro que el Sor. Asteazaran vá á encontrar del barbaro y sanqua, noria apache, en aquel tan remote punto del Sopori, cuando es inconcuso que dicho enemigos asolado tiene en una lamentable enersion á este disgracado Estado. Siendo por tanto, por lo que el Sor. interesado al fomentar su registro pusó por condiciou equitativa la de que se le habia de conceder poblar aquellas terrenos cuando se lo permitan las connotadas criticas circunstancias maxsime de haberse visto de que en caso no tan extraordinario y otendibles, como el de que se hata ya se ha verificado en otros terrenos baldios de menos incursiones de las sabages.

Afectado V. S. del piso de todas las razones, y de las fundamentos del Sr. Joaquin Astiazaran, acceda á su recomendable condicion pero á la vez, cuido V. S. de prevenirle la esepcion legal de que fuere á menos de que operece otro registrador del Sopori, que lo poblase dentro de un año, por manera que en la justa solicitud del Sor. Astiazaran, y en la provisora aquesencea de V. S., se vien conciliadas la justicia, la razon, la equidad, las sagradas intereses de la afligida hacienda publica, y el bien del impediante aumento de la de desmantelada de la triste frontera del norte de este Estado. Asi que no puedo menos de pedir á V. S. se sirva disponer se proceda desde luego con sitacion del Sor. Astiazaran á la practica de las tres publicas almenedas de en estado solicitud de *interesado* á los referidos terrenos del Sopori, rematandose en la ultima de ellas á favor del que fuese mejor postor, quien debera entrar en esa Tesoreria los novecientos diez y nueve pesos del valor de los precetados sitios y los seis pesos de derechos de la ultima almeneda y remote, lo que verificado que sea se le espedira el correspondiente titulo de merced, cuyos derechos de treinta pesos tambien debera entrar en esa oficina. Este es mi pedimento, mas V. S. no obstante se servira determinar lo que le parezca mejor.

Arizpe, Junio 28 de 1838.

JOSÉ CORRILLO.

Arizpe, 28 de junio de 1838.

Como pide el Sor. Promotor Fiscal; procedase á la celebracion de las tres públicas abrumedas y remate de los terrenos del Sopori, á que contrae este espediente en los terminos legalmente establecidos, con citacion del sor. interesado.

JOSÉ MARIA MENDOZA.

1<sup>a</sup> Almoneda. En la ciudad de Arizpe, á los veinte y ocho dias del mes de junio de mil ochocientos treinta y ocho, convocados en Junta de almonedas los sres. que componen y lo son el tesorero gral. del estado, D. José Maria Mendoza, como presidente; el Juez de Primera Instancia de este Dn. Francisco Mendoza, el promotor fiscal de hacienda pública, Dn. José Carrillo, á fin de proceder á la celebracion de la primera almoneda de los terrenos del Sopori, de que hata este espediente, hucieron que á son de caja se reuniesen muchos individuos, en el oficio de este Tesoreria general y que á presencia de ellos decjese

el pregonero Florentin Baldizan como efectivamente dijo, en altas y claras voces, van á rematarse por cuenta de la hacienda publica del Estado, treineta y un sitios iete octavas partes do otro, y rena escasa caballeria de terrenos baldios, mensurados á favor de su registrador el Sor. D. Joaquin de Atiazaran, vecino de la Jurisdiccion de Hecasetas, comprendos dichas sitios en el puesto numbrado Sopori, sito en el partido de San Y gnacio, justipreciadas en la cantidad de nonecientos diez y nueve pesos, en los terminos siguientes: ocho de dichos sitios en 480 pesos á razon de sesenta cada uno por tener agua permanente; diez sitios en 300 pesos al respecto de treinta pesos cada uno por sceptibles del beneficio de noria, y los trece sitios, siete octavas partes de otro y una escasa caballeria restantes en la suma de 139 pesos á razon de diez pesos sitio, por ser secos y aridos. Quien quisiera hacer posteria á los espresados terrenos, ocurro á venficarlo ante esta Junta, en la cual sera admitido; en concepto de que el dia de pasada mañana diberà quedar indifectiblements celebrado el remarte á favor de que fuise mejor postor. En tales terminos se concluyo este acto sin que comparese mingun postor, cerrandose esta diligencia que para la delida, coustancia firmaron las Sies. Presidente y vocales de esta Junta.

MENDOZA.  
CARRILLO.

2<sup>a</sup>. Almoneda. En la misma ciudad á los veinte y nueve dias del citado mes y año reoneda precetada Junta de Almoedas, se procedió á la publicacion de la seguida igual en todo á la primera del dia de ayer, en solicitud de posteres, con solo la diferencia de añader que el dia mañana se verificará el remate. Y para delida constancia, no habiendo halido mingun postor, lo firmaron los Sres. Presidente y vocales de esta Junta.

MENDOZA,  
MENDOZA,  
CARRILLO.

En la ciudad de Arizpe á los treinta dias del mes de Junio de mil ochocientos treinta y ocho, reunidos las Sres. que componen esta Junta de Almonedas y lo son el Sor. Tesorero gral. del estado D. José Maria Mendoza, el Juez de la primera Instancia de este Partido D. Francesco Mendoza, y promotor fiscal de hacienda, D. José Carrillo, á fin de proceder á la celebracion del remate de los terrenos baldios del Sopori á que confine este espediente; hicieron que á son de caja se reunieren muchos individuos en el oficio de esta Tesoreria, y que á presencia de ellas dijase el pregonero Florentin Balizlan como efectivamente dijo en altas y muy claras voces van á rematarse por cuenta de la hacienda publico del estado treinta y un sitios siete octavas partes de otro y una escasa caballeria de terrenos baldios medidos legalmente á favor de su registrador el Sor. D. Joaquin Astiazaran, comprendido dichos sitios en el punto nombrado el Sopori, sito en el partido de San Ygnacio, y justipreci, ados en la cantidad de novecientas diez y nueve pesos, y en los terminos siguientes, ocho de dichos sitios en 480 pesos al respecto de sesenta cada sitio, por tener agua permanente; diez sitios en trescientas pesos, por susceptibles del beneficio de noria, y los trece sitios siete octavas partes de otro, y una escasa caballeria restantes en la suma de 139 pesos, al respecto de diez por sitio, por ser secos y aridos. Quien quisiera hacer postiera á los espresados terrenos ocurra á venficarlo ante esta Junta, en la cual sera admitida en concepto de que, ahora mismo ha de quedar indefectiblemente venficado el remate, á faovr del que fuere mejor postor; y siendo ya dada la plegaria de las doce de este dia sin que compareciese ningun postor, habiendo ratificado el Sor. D. Joaquin de Astiazaran ante esta Junta, su ofrecemto. del justiprecio de las mencionados sitios dijo, por ultimo el pregonero: A la una! A las dos! A las tres! Que se remata! Que se remata! Que se remata! Que buena! Que buena! Que buena! Que buena! Por haga al Sor. D. Joaquin de Astiazaran. En tales terminos se concluyo este acto, quedando publica y solamamente rematados á favor del espresado Sor. D. Joaquin de Astiazaran los treinta y un sitios siete octavas partes de otro, y una escasa caballeria de terreno que para cria de ganado mor y caballada comprende el puesto numbrado el Sopori, por la cantidad de nueve cientos diez y nueve pesos del su justiprecio, todo lo que se sienta por diligencia. que para la delida constansia y demas fines conducentes firmaron los Sres. Presedente vocales de esta Junta de Almonedas con el Sor. interesado.

MENDOZA.

JOAQUIN DE ASTIAZARAN.

ARIZPE, 30 de Junio de 1838.

Habiendo sido notificado el Sor. D. Joaquin a Astiazaran de que proceda á entregar en esta Tesoreria las novecientos diez y nueve pesos del justiprecio, en que le han sido rematados los treinta y un sitios siete octavas partes de otro, y una escasa caballeria de terrenos, que comprende el puesto nombrado Sopori; los seis pesos por derecho de la almoneda, y remate, y los treinta pesos del titulo de merced, que há de espendeserle, in consecuencia, dijo, que desde luego, haria dichos enteros, y para constancia, lo firmo conmigo y los testigos de mi asistencia.

JOSÉ MA. MENDOZA.

JOAQUIN DE ASTIAZARAN.

A.: ALEJO CARRILLO.

A.: JESUS TRASQUILLO.

José Maria Mendoza, tesosero general del estado de Sonora, certifico, que al folio 87 del libro manual de Cargo y data, del presente año, se halla sentada la partida, del tenor siguiente:

“Junio 30. Cargo en mercedes de tierras, novecientos diez y nueve pesos, entrados por el Sor. D. Joaquin de Astiazaran, vecino de la Jurisdiccion de Hercasetas por el valor en que le han sido, rematados en Junta de Almonedas de esta Tesoreria el dia de hoy, treinta y un sitios siete octavas partes de otro, y una escasa caballeria de terrenos, que para aria de ganado mayor y caballada, comprende en el puesto numbrado el Sopori, sito en el partido de San Ygnacio y de este entero, se dio al Sor. interesado la certificacion de estilo, para su resguardo..... 919. 0. 0

“MENDOZA.

“JOAQUIN DE ASTIAZARAN.”

Y para que conste, donde cemeenga, doy la presente en Arizpe, á treinta de Junio de mil ochocientos treinta y ocho.

JOSÉ MARIA MENDOZA.

José Ma. Mendoza, tesorero gral. del Estado de Sonora, certifico, que, al folio 37, del libro manual de Cargo y data del presente año se halla sentada la partida siguiente :

“Junio 30. Cargo en derechos de la ultima almoneda y remate seis pesos, enterados por el Sor. Don Jaaquin Astiazaran, por los mencionados derechos causadas en la ultima almoneda y remate, verificado á su favor el dia de hoy de treinta y un citios, siete octavas partes de otro, y una escasa caballeria de tierras que para cria de ganado mayor, y caballada, se le mensuraron en el puesto nombrado el Sopori site en el partido de Sau Ygnacio, y de este entero, se dio al Sor. interesado la correspondiente certificacion por su resguardo..... 006.0.0

“MENDOZA,  
“JOAQUIN DE ASTIAZARAN.”

Y para que conste donde convenga, doy la presente en Arizpe, á treinta de Junio de mil ochocientos treinta y ocho.

JOSE MA. MENDOZA.

En tales terminos se concluyó el presente espediente de los terrenos de Sopori, con todos las requisitas y formalidades que establecen las leyes y supremas determinaciones del ram quedando concluido dicho espediente original en esta tesoreria para perpetuo constancia.

Portanto, usando de las facultades que me conceda las leyes decretos, reglamentos y superiores disposiciones vigentes en el ramo de tierras por el presente y á nombre de la Sobranca del Estado de Sonora á sí como de la augusta nacionalidad concedo y confiero merced en toda forma de derecho al Sor. D. Joaquin de Astiazaran vecino de la Jurisdiccion de Hercasetas, de los treinta y un sitios, siete octavas partes de otro, y una escasa caballeria de tierra, que comprende el puesto nombrado Sopori, sito en le partido de San Ygnacio, y que han sido rematados á dicho Señor Astiazaran, en junta de almonedas de esta Tesoreria el dia 30 de Junio proximo pasado, por los novecientos diez y nueve pesos de su justiprecio, cuya expresada cantidad ha entrado en esta oficina conforme se justifican del presente espediente ; siendo, por tanto, por lo que concedo, doy y adjudico al precitado Sor. D. Joaquin Astiazaran, por via de venta legal, y para si, sus hijos, herederos, y sucesores los sobredichos treinta un sitios, siete octavas partes de otro, y una escasa caballeria que comprende el puesto del Sopori, con la condicion justa y equitativa deque el Sor. interesado poblara aquellos terrenos desiertas y pelegrosas quando se lo permitan tan criticas y arriesgadas circunstancias, á menos que aparesca otro registrador que pueda poblar los mismos terrenos en un año, pero una vez poblados por el Sor. Astiazaran la hade mantener asi sin que se hallen nunca despoblados, abandonados, mi desamparadas, por tiempo alguno, bajo el aperecimiento de que, si verificase su total abandono, ó dispueble por el espacio de tres años, consecutivas y hubiese alguna persona, que denunciase los mencionados terrenos del Sopori, en tal evento, con preria calificacion del hecho se declarar por baldios y se adjudicaran de nuevo á favor del que fuese mejor postor, esepituandose como es justo aquellos casos en que el despueble ó abandono sea por causa de noterias invasiones de enemigos, y por solo el penodo, ó penodos de semejantes acenteamientos; Prenenendos, como estrechamente se previene al Sono. D. Joaquin de Astiazaran y á sus hijos, herederos, y sucesores, que habran de sujetarse á las terminos y linderos que señalen expresamente las diligencias de medidas del preserto espediente, y el plano topografico que se agrega á este titulo, observando al propio tiempo y dando su esacto cumplimiento á lo prevenido en el articulo 63 de la ley organica de hacienda, numero 26 de 11 de Julio de 1834, sobre la obligacion de mantener en sus terminos, linderos mojenas de cal y canto bajo la multa de viente y cinco pesos, y con las mismas facultades, que me concedan las leyes, y supremas disposiciones que en el ramo de tierras ordeno y exito respectivamente á las Srea. Jueces, Justicias y autoridades locales que al presente son y en adelante fuesen del partide de San Ygnacio, que en obsequio de la buena y pronta administracion de justicia y en observancia de nuestra sabia legislacion, no permitan que el Sor. D. Joaquin de Astiazaran, ni sus hijos, herederos y sucesores, sean de ninguna manera perturbados, inquietados, ni molestados en el libre uso, ejercicio, propiedad, dominio y posesion en sus ya relacionados treinta y un sitios siete octavas partes de otro y una escasa caballeria; antes si, celeran y cuidaran constantemente, con la mayor regelancia y actividad que sean amparadas y mantenidos siempre en la quieta y pacifica posesion que les corresponde, cón legitima derecho para que de este modo, puedan libremente disfrutar, gozar, poseer, vender, permntar, trocar, donar, traspasar, legar, ceder y anegonar dichas terrenos del puesto nombrado Sopori, á un arbitrio y libre eleccion, como dueños propietarios y absolutos de ellos.

En tales terminos legales, espedi el presente titulo de merced, y propiedad en forma, á favor del Sor. D. Joaquin de Astiazaran, sus herederos, y sucesores ; entregandosele al primero para su resguardo, con previa toma de razen en el correspondiente libro.

Es dado en la ciudad de Arizpe, capital del Estado de Sonora á los cinco dias del mes de Julio de mil ochocientos treinta y ocho.

Autorizado y firmado por mi el Teserero general en propiedad del mismo. Estando sellado con el sello que legalmente usa esta Oficina por ante los infrasentos testigos de mi asistencia en falta de escribano de hacienda publica que no lo hay segun derecho.

JOSÉ MARIA MENDOZA.

A.: ALEJO CARRILLO.

A.: JESUS TRASQUILLO.

Queda tomada razon del presente titulo en el correspondiente libro.

(Rubrica.)

Ex. E.—June 23, 1881.

TRANSLATION.

(Document written upon stamped paper, the first sheet of which costs six dollars, all the following one *cuartilla* (three cents) each, except the title, which is written upon unstamped paper. The heading of the stamped paper is throughout like the following: First stamp (fourth stamp), six dollars (one *cuartilla*). For the years of eighteen [State of Sonora] hundred and thirty-seven and eighteen hundred and thirty-eight.

TITLE.

TREASURY GENERAL OF THE STATE OF SONORA.

No. 54 of the year 1838.

Deed of a grant of thirty-one and seven-eighth parts of ranchos (*sitios*) and a small caballeria of land for the breeding of cattle and horses, comprised in the (military) post called "El Sopori," situate in the district of San Ygnacio, made by the treasury-general of the State of Sonora in favor of Señ. Don Joaquin de Astiazaran, a resident of the jurisdiction of Horcasitas.

JOSÉ MARIA MENDOZA,

*Treasury-General of the State of Sonora.*

Whereas article 11 of the sovereign decree general No. 70 Sinaloa of the 4th day of August, 1824, conceded to the several states the revenues, which, in the law aforesaid, the general Government did not reserve to itself. Among which is the one of public unappropriated lands (*terrenos baldios*) within their respective boundaries, which, in consequence, belongs to them, and for the disposition of which the honorable constituent Congress, which was united for the States of Sonora, and enacted the law Number 30, of the 20th of May 1825, as also subsequent legislature's various acts concerning them, the provisions of which have been recast in the sections 3, 4, 5, 6, and 7 of chapter 9 of the organic law of finance, No. 26, of the 11th day of July 1834, and pre-emption having been formally made in this treasury general by Don Joaquin de Astiazaran, resident in the jurisdiction of Horcasitas, lawfully claiming the public unowned lands, and entirely deserted lands named "El Sopori" situate in the district of San Ygnacio, the appropriate record in accordance with the laws was drawn up thereof, which is in the words following:

*To the Honorable Second Alcalde of this City:*

I, Joaquin Astiazaran, a resident of Horcasitas, appearing before you for its lawful consequences, say:

That being in want of an information by three impartial and competent witnesses, whom your honor, in your own discretion, may select, pray that you may be pleased to commission to inquire whether I am in possession of sufficient property, capital, and stock to settle and maintain in settlement the now unappropriated public lands (*terrenos baldios*) called Sópori, situate between Tubac and San Xavier, for the breeding of cattle and farming purposes, which I intend pre-empting in the treasurer-general's office legally and according to the statutes in such case made and provided. For that end I pray, with all proper submission, that when the information shall have been concluded, you will be pleased to hand the same over to me in the original, in order that it may serve for the purpose just mentioned, in which I would receive only justice. I at the same time make oath that I do not proceed frivolously, and have the necessary to answer in damages, &c.

JOAQUIN DE ASTIAZARAN.

HERMOSILLO, March 30, 1838.



SECOND COURT OF JUSTICE OF THE PEACE OF HERMOSILLO,  
March 30, 1838.

The petition is admitted. Let proceedings be had before me for the reception of the information which Mr. Joaquin Astiazaran in the foregoing petition so justly solicits; and when the same shall be concluded, be the same handed over to him in the original; all, however, under the provision that the court be previously informed of the persons who may have an exact knowledge of the goods, capital, and stock which the petitioner may be possessed of in his own right, to maintain settled the ranchos (*sitios*) which may be surveyed for him in the lands of Sópori, which he proposes pre-empting for the breeding of cattle and agriculture.

Thus I, Juan José Encinas, second alcalde of this city, have provided, ordered, and signed with my common witnesses of documents, there being according to law no notary public existing here.

In testimony of the preceding.

JUAN JOSÉ ENCINA.

Documentary witness:

Y. ZANIGA.

Witness:

NICOLAS GONZALES.

In the city of Hermosillo, on this 30th day of March, 1838, in conformity with the order preceding, I caused to appear before me in this court Don Manuel Cejos, whom I certify I know, and received from him personally on oath, which he made in the presence of God our Lord and upon the sign of a cross, faithfully and lawfully to declare what he knew, and might be interrogated on, and being asked whether Señor Don Joaquin Astiazaran, resident of Horcasitas has sufficient property, capital, and stock to settle the land called Sópori, he said he knows very well that Señor Don Joaquin Astiazaran has an abundance of property, capital, and stock to enable him to settle the lands of Sópori for more than twenty ranchos (*sitios*) which might be surveyed for him, for nobody in all the country round would be ignorant enough not to know that he is a gentleman of sufficient property for this class of enterprise. Thus he answered on the oath he has made under the obligation of which and by the truth of that which he has answered these presents are religiously ratified and confirmed, adding that he is of more than full age, and signs with me and my customary witnesses, there being no notary public existing here according to law.

JUAN J. ENCINAS.  
MANUEL CEJOS.

Witness:

NICOLAS GONZALES.

MANUEL ZUNIGA.

Immediately thereafter, I, the same alcalde, caused to appear before me Don Gregorio Valencia, of whom I received on oath in due form of law, that is to say, that he by God our Lord and with the sign of a cross, which he made with his right hand, promised to speak the truth in respect to all that he knows, and to which he may be interrogated. And being asked according to the tenor of the preceding instrument, he said: That he is very well acquainted with the superabundant property and capital, which are held and possessed in his absolute right by Señor Don Joaquin Astiazaran, resident of Horcasitas, with which he certainly could settle up to the number of thirty ranchos (*sitios*) on the lands of Sópori, which he is understood as intending to pre-empt; for without this his certain knowledge the deponent invoked also public legal notoriety. Thus he declared, saying that he was of full age, that he does not fall under the legal general exceptions to which he made oath, it being affirmed and ratified; this declaration having been read to him, he had nothing to add to the same nor to amend, signing the same with me and my customary witnesses in the ordinary form, there existing according to law no notary public here, all which is certified.

JUAN J. ENCINA.

Witness:

Y. ZUNIGA.

Witness:

NICOLAS GONZALES.

Whereupon I immediately caused to appear before me Don José Contreras, and in his person whom I certify to know, I received on oath which he made by God our Lord and by the sign of a cross, to speak the truth in respect to all he knew or to which he might be interrogated, and having been asked according to the tenor of the documents and declarations preceding, he said that he knows perfectly well the superabundant property, capital, and stock which Señor Don Joaquin Astiazaran has for the settling and maintaining settled the ranchos (*sitios*) that might be surveyed for him in the lands known as El Sópori, which he is going to pre-empt according to law, particularly as nobody is ignorant that this gentleman is inclined towards enterprises benefiting this ruined country. Thus he declared on the charge of the oath

he has solemnly made, under the obligation of which he confirmed and ratified, this declaring that he was of full age, that he does not fall under the general rules of legal exceptions, signing here with me and my customary witnesses, no notary public existing here according to law, all of which is certified.

JUAN JOSÉ ENCINA.  
JOSE CONTRERAS.

Witness:

Y. ZÚNIGA.

Witness:

NICOLAS GONZALES.

SECOND JUSTICE'S COURT OF RECORD OF HERMOSILLO,  
March 30, 1838.

I certify in due form of law the following: First, that the three witnesses, who in the preceding have given their sworn declarations, are altogether impartial; second, that they have a full knowledge of Señor Don Joaquin Astiazaran, resident of the jurisdiction of Horcasitas, and of having sufficient property and stock to be able to settle and maintain settled the ranchos (sitios) that may be measured off to him on the lands called Sópore; and third, that his pre-emption or registration of said lands, even be the same up to twenty, thirty, and more ranchos (sitios) is a benefit to our own country, in which few persons can be found risking their capital into the hands of the barbarians on account of the irrepressible and continued hostility of the Apache tribe, whose inroads have destroyed not a few farms and ranchos in Sonora.

Thus do I, Juan José Encina, second alcalde of this city, certify, ordering that this record be handed over to Señor Don Astiazaran in the original, for the purposes that he lawfully may use the same, which I sign with my customary witnesses, there existing here no notary public, according to law, which I certify.

JUAN JOSÉ ENCINA.

Y. ZUNIGA.

NICOLAS GONZALES.

*To the Treasurer-General of this State:*

SIR: Joaquin Astiazaran, resident of the jurisdiction of Horcasitas, appears before your honor and says: That being in want of the lands named the Sópore, as well for the stocking with beasts as for the purposes of agriculture, he places pre-emption upon the ranchos (sitios) as many as the same contains, submitting hereby to your honor the corresponding certified information. For the justification of the Government and to the proper knowledge of your honor, it cannot be concealed that in this enterprise I am going to venture my lawfully acquired capital, and you will permit me to state that if the concession of settling these lands is not granted to me within the next twenty years I shall have the honor of desisting from the same. To your honor it cannot be unknown the just allowances (*regalías*) which the Spanish Government used to grant in cases like this, as well for the purpose of bringing under security its deserted lands as also of benefiting its faithful subjects. Thus, therefore, I hope that your honor will be pleased to commission an impartial person, and who possesses public confidence, as undoubtedly it is the case with the officer, Señor Luis Carranco, to go surveying the lands in the rancho of Las Cruces and cieneguilla (wet meadows). I have been informed that this present pre-emption is founded upon the laws which never have disapproved of their just, equitable, and beneficent pretensions. I pray your honor to have the goodness to concede me this pretension of mine, if you esteem it just, and I make oath not to submit the same frivolously, &c., &c.

JOAQUIN DE ASTIAZARAN.

HERMASILLO, March 31, 1838.

Further do I submit that the pre-emption which I hereby place upon the waste lands of El Sópore is on the condition that I am to be allowed to settle the same when the critical and grave circumstances of the frontier of the North will permit me; for it is well known that in respect to the aforementioned lands, so far off and so much exposed, absolutely nobody has ever thought of settling them, they being the haunts and habitations of our wild, barbarous enemies, the Apaches, who carry destruction into Sonora, and into the best settled parts of the center of it. As therefore my aforesaid pre-emption is an arduous and risky undertaking on account of the immense expenses which the settlement and maintaining of such deserts necessitates, at the same time that I am solicitous of making the same beneficent to the state. These are reasons, in consideration of which the Spanish Government, by its public surveyors, used to concede two special allowances (*gracias*) to pre-emptors of public waste lands in Sonora, namely, one of composition; that is to say, if, for instance, the public surveyor measured off six ranchos, he, by way of composition, adjudicated the same only for four, and the other to concede the settlement for a time that the circumstances above indicated will permit the same to the parties in interest. I make oath not to proceed frivolously. Dated as above.

ASTIAZARAN.

ARISPO, *May 1, 1838.*

Presented and admitted together with the information of sufficient ability which accompanies the same, and it appearing therefrom in a very satisfactory manner, that the interested party Señor Don Joaquin Astiazaran, resident of the jurisdiction of Horcasitas, has and possesses many heads of cattle and other appropriate stock to settle and maintain settled the lands which he pre-empted, called Sopori, situate in the district of San Ygnacio, a sufficient commission is hereby conferred upon Don Luis Carranco, late officer of the treasury, that he was without prejudice to third persons who may represent a better right, and with previous citation of conterminous neighbors, who may come with their title deeds on the grants to be made, or defend their boundary lines, to proceed to the measurement, appraisalment, and publication for sale of the waste lands of the post called Sopori aforementioned, said commissioner to operate with entire subjection to that which is especially provided by sections 3, 4, 5, 6, and 7 of chapter 9 of the organic law of the finances, No. 26, of the 11th day of July, 1834, and to the regulations, which for the survey of lands for cattle and horse breeding were formed to carry out the dispositions of the law, number 30 of the 30th day of May, 1825, laying out the rancho or ranchos that he may survey by the old and constant rule of multiplying the number of *varas* composing the diameter from north to south with that which that from east to west may contain, in order to allow to each ranch the area it is entitled to of twenty-five millions of square yards, in conformity with the laws existing on the subject; and having concluded the same to send in his report to this office, with citation of the party or those in interest, that may be, who may appear either personally or by an attorney duly constituted and indemnified to be present at the public auction and sale of the above-described waste lands; here declaring that it is consonant with justice, reason, with the equity and interests of the public finances to admit, which is hereby done. The condition of the pre-emptor, Don Joaquin Astiazaran, that he is to settle Sopori when the same may be permitted by the imminent danger in which it always has been found, from the sanguinary and desolating enemies, the Apaches; and because that condition has always been practiced on from an extreme necessity in this country, unless in the mean time another pre-emptor should appear of Sopori, willing to settle the same within the term of one year. Thus I, José Maria Mendoza, have ordered, provided, and signed with the witness of my office in the ordinary form.

JOSÉ MARIA MENDOZA.

Witness:

ALEJO CARILLO.

Witness:

JESUS TRASQUILLO.

ARISPE, *May 1, 1838.*

I admit the receipt of the documents in writing of pre-emption, and the order of his honor the treasurer-general of the state, here preceding, by which he entrusts me with the commission of surveying and publishing (and appraising) for sale of the waste lands named El Sopori, which have been legally pre-empted by Señor Don Joaquin Astiazaran, and for its due and punctual execution I am to set out realizing the orders aforementioned, with previous citation of the conterminous neighbors, the selection, acceptance, and swearing in of the officers to serve as measurers, counters, and chain-bearers. Thus I, Luis Carranco, surveyor, have resolved and signed, with my ordinary witnesses, in the ordinary form.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARZIA.

In the same city, same month and year, in conformity with the preceding public act of acknowledgment, I proceeded to nominate as officers: Measurers, José Maria Rubio and Juan de las Rios; for counter, Don Julian Padilla; and for chain-bearer, Atanasio Estrada, of this neighborhood; and having acquainted them with their appointments, they accepted the same, all respectively making the appropriate oath, promising, by the obligations of the same, faithfully and religiously to fulfill their respective charges. Of which I draw up this record, which I have signed with those of the officers who know how to sign, and with my ordinary witnesses, which I do certify.

LUIS CARRANCO.  
JULIAN PADILLA.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARZIA.

In the same city May 2d of the aforesaid year I had to order and did order that appropriate citations be directed to the conterminous neighbors of the lands El S6pori, who are the owners of the rancho of the Aribae and the individuals who represent the mission of San Xavier del Bac, they being informed that on the fourteenth day of this month I shall be on the aforementioned waste lands of S6pori and that they then must be present with their title deeds to point out and defend their boundaries. Thus I, Luis Carranco, acting commissioner, have determined, ordered, and signed with my customary witnesses.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARZIA.

CERTIFICATE OF SERVICE.

On the same date the requisite writs of citation to the conterminous neighbors of the S6pori already designated in the preceding acts were made out and dispatched. And for record I sealed same—seal. In the lands called "El S6pori."

On this fourteenth day of the month of May, of the year one thousand eight hundred and thirty-eight, I, the aforementioned commissioner and surveyor, who subscribes together with the officers and witnesses assisting, José Maria Rubio, Juan de los Rios, Don Julian Padilla, Atanasio Estrada, Don José Jesus Corella, and Santos Vigarria, placed myself on the spot of the po't of the Black Rock (Tinaja del Cerro Prieto), which was made by us the center point of the lands aforementioned of S6pori, pre-empted by Senor D. Joaquin Astiazaran, consequently and for the purpose of measuring off the same, I placed into the hands of the measuring officers a cord of *istle* (fibrous plant serving like hemp—translation), well twisted and waxed, of fifty *varas* (0.91319 parts of a yard) long, which were measured to the satisfaction and in the presence of all persons in interest, and one of the officers having been placed at the foot of one of the highest and oldest beech trees which is to be seen there at that point, and standing in the hollow itself of said po't, and the two ends of the cord having been tied each to a pole of wood of about three *varas* height, direction having been taken by the needle towards due north, they stretched said cord and measured and counted off in said direction four hundred and fifty of such cords, which terminated on a flat, abrupt plateau, at the foot of a high *sotali* (tree), where a hill of stones was erected as a boundary mark in front of a whitish bluff, almost rocky, which trends then towards the west, and which measure terminates on the boundaries of the mission of San Xavier del Bac; the sun having gone down I went into the village of San Xavier to remain there over night, and water our horses, for the purpose of continuing the measuring off on the following day.

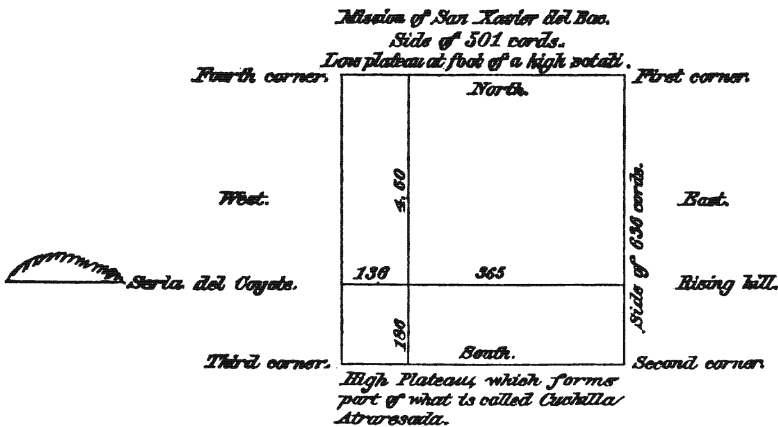
Thus I did, and having placed the cord again into the center point going due west, we measured and counted off in this direction one hundred and thirty-six of such cords, which terminated in the direction of the ridge (sierra) del Cuyote, a heap of stone having been collected at the spot where the measurement stopped. From here I went back to San Xavier del Bac with the same intention as on the previous day and having returned to the center point, the cord was stretched towards the east and in this direction were measured off and counted three hundred and sixty-five cords, which terminated at the foot of a rising hill, where we also placed a heap of stones for boundary mark. Hence again returning to the center point in the po't, the cord was stretched in the direction of due south, this direction having first been ascertained with the needle, and one hundred and eighty-six of such cords were measured off and counted, which terminated on a bluffing high eminence, which forms a part of what they call *Cuchilla atravesada* (bent or bastard butcher's knife). Here also a boundary mark was collected in a heap of stones. And for the purpose of giving to these diameters their corresponding quadrature of the land so measured, I repaired, together with the party in interest, the measuring officers, counter and pointer, witnesses assisting and the persons of our escort, to the cardinal boundary mark in the north, where I placed the magnetic needle properly corrected, and taking an observation in the direction of the east, we measured and counted off towards that point three hundred and sixty-five such cords, at the end of which and in the corner I caused a pile of stones to be erected, as an indication of the corner boundary, and from this point observation was taken in the direction of due south, by which the cord was stretched, and they measured and counted six hundred and thirty-six cords, at the termination point of which, which thus is the second corner or angle, I caused a pile of stones to be collected for a corner-mark. And it being then already late in the day, I retired to sup and remain over night in San Xavier del Bac, with all the individuals who accompanied me; and having this day, the seventeenth, again returned to the same second corner of the quadrature (oblong) of these lands of Soporí, the compass, well arranged, was placed on said corner-mark and an observation taken

towards the west, for which the cord was directed in a straight line, measuring and counting off five hundred and one cords, and where they ended I caused to be raised another pile of stones as a mark, this then forming the third boundary corner or angle, and from this point the direction was taken towards due north, in which there were measured off and counted six hundred and thirty-six cords, and in which end point that looks towards the Cerrito blanco (white bluffs), moderately mountainous, I caused a pile of stone-rubbish to be collected for a mark, and thence an observation was made towards due east, and one hundred and thirty-six cords were measured off and counted, which terminated exactly in the cardinal boundary-mark of the north, and in which boundary mark the quadrature (laying out in an oblong), which has been finished, was commenced. Consequently, the area of these lands of Sopori, which I have just measured off, contains seven hundred ninety-six millions fifty-nine thousand square yards, which is equal to thirty-one *sitios* (ranchos), seven-eighths part of one other rancho, and a small caballeria of lands (about 33 $\frac{1}{2}$  in. U. S. measurement) for breeding of cattle and horses in conformity with the legal cubic (square) rule, to which the treasury-general of the State refers in its provisions of the commission with which it has entrusted me by date of the first day of this month; that is to say, that multiplying the thirty-one thousand and eight hundred square *varas* (meant to say lineal *varas*), which the diameter contains from north to south, by the twenty-five thousand and fifty of the diameter of from east to west, there result 796,590,000 of such square *varas*, of which twenty-five millions of *varas* are allowed to form one *sitio* (rancho), by which this measurement remains brought to an end in complete conformity with the laws governing the matter, and with the provisions of the treasury-general, and Don Joaquin Astiazaran, the pre-emptor, approving of all that has been noted down; an appropriate map or topographic plan of the Sopori has been added to this record, it being adverted to here that none of the conterminous neighbors has been present, and that this measurement of said lands has been made without any prejudice to any third party, for absolutely no person whatever has presented himself to me to make any reclamation whatever; and it is, therefore, that I authorize and sign these presents, together with the pre-emptor, Don Astiazaran, the officer, counter Don Julian Padilla, who verifies the same for himself and in the name of his companions *who do not know writing*, with my ordinary assistant witnesses which I certify.

LUIS CARRANCO.  
 JOAQUIN DE ASTIAZARAN.  
 JULIAN PADILLA.

Witness:  
 JOSÉ JESUS CORELLA.  
 Witness:  
 SANTOS VIGARRIA.

*Topographical plan of thirty-one sitios, seven-eighths of another, and a caballeria, which are comprised in the post called Sopori :*



SOPORI, May 17, 1838.

True copy.

LUIS CARRANCO.  
 MENDOZA.

On the lands aforesaid of Sopori, on the eighteenth day of the aforementioned month of May, one thousand eight hundred and thirty-eight, for the purpose of proceeding to a just valuation of the thirty-one *sitios*, seven-eighth parts of another, and a small *caballeria* for the breeding of cattle and horses, which have just been measured in the aforementioned lands, it was my duty to order, and I ordered, that the appointment of appraisers be proceeded with by me, which, in conformity, I executed in Don Julian Padilla and Don Santos Vigarrio, taking into consideration that they, as officers, as they have been in the survey that just has been finished of said public waste-lands, have acquired of them a perfect knowledge that is required of all different water-courses, timber-spots, pastures, and of everything else of which these lands may be susceptible; thus I have to proceed to notify them of their appointments for the responsive ends. I authorized these presents, signed the same with my assistant witnesses.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

ALONSO MARIA FRESIERRA.

On the same year, month, and day there being present before me Don Julian Padilla and Santos Vigarria, I notified them and let them know their appointments as appraisers, and being made acquainted therewith they said that they accepted, and they did accept, promising faithfully, legally, and religiously to fulfill the aforesaid charge of appraisers of the lands as so measured in this post of Sopori, without deceit, fraud, and any concealment whatever, and according with their lawful knowledge and understanding basing upon the ocular knowledge which they have acquired of these lands, remote and deserted as they may be, and which are composed of valleys and hills with good pastures in the major part thereof, some permanent water-courses and timber-grounds, although it is a positive fact that they are altogether too full of dangers, these remote lands, as they are the habitation of the barbarians who wage continual war upon the State, and that therefore they appraise the thirty-one *sitios* and seven-eighth parts of another, together with a small *caballeria* which have just been measured in these lands of Sópori, in the following manner: Eight *sitios* at four hundred and eighty dollars, at the rate of sixty dollars each; ten *sitios* at 300 dollars, at the rate of thirty dollars each, they being susceptible of irrigation by means of ditches (*norias*) and not having water permanently like the previous eight; and the thirteen remaining *sitios*, seven-eighths of another, and a small *caballeria* at the sum of one hundred and thirty-nine dollars, at the rate of \$10.00 each *sitio*, in consideration that they are arid and dry without any capacity for the benefit of *norias*, amounting said valuation made in consequence with the organic law of the finances No. 26, of the 11th day of July, 1834, at the total sum of nine hundred and nineteen dollars. And having approved of the appraisement so put down and the party in interest, Don Joaquin Astiazaran, approving of the same, considering the same to be just and equitable and made according to law in the matter, particularly if we take in just consideration the irrefragable advantages that will accrue from a settlement in favor of this remote frontier, it is proper here to make mention thereof, which I sign with the aforementioned appraisers and my assisting witnesses.

LUIS CARRANCO.

JULIAN PADILLA.

SANTOS VIGARRIA.

Witness:

JOSÉ JESUS CORELLA.

Witness:

ALONZO PRESIERRA.

In the city of Arispe on the twenty-eighth day of the month of May, of the year one thousand eight hundred and thirty-eight, having returned to this said city home from El Sópori, and the duties of measurement and appraisement devolving on me having been fulfilled of the *sitios*, that post of wild lands comprehends, it was incumbent on me to order, and I did order, that the putting into operation of the thirty public offers for sale in quest of higher bidders be proceeded with; applying by the means of an official communication to his honor the judge of the first instance in the district of San Ygnacio, to be pleased to make the public offer for sale notorious in the different towns of the same district by the means of hand-bills and advertisements to the public, which is the manner in which the commissioners and surveyors of lands have practiced and are practicing heretofore for many years past, all offers of sales in quest of higher bidders without any prejudice to their doing the same by themselves on such

points as there may be higher bidders and for the purpose of giving the sale the greatest possible publicity. Thus I, Luis Carranco, acting commissioner, have provided and signed with the witnesses assisting me.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

CERTIFICATE.

On the same date a communication was forwarded to his honor the judge of the first instance of the district of San Ygnacia to carry out the object which is expressed in the last preceding minute. And for record I sealed the same. [Seal.] (*Rubrica.*)

First publication. In the town of Arispe, on the twenty-ninth day of the month of May, one thousand eight hundred and thirty-eight, I proceeded to make the first open publication in the terms legally established, announcing to the public at the sound of the drum and by the means of the public crier, Florentin Baldizar, in loud and clear words, as follows:

There will be sold for the account of the finance department of the state thirty-one *sitios* and seven-eighth parts of another, together with a small *caballeria* of public wild lands for the breeding of cattle and horses, surveyed in the post called Sópore, situate in the district of San Ygnacio, in favor of the pre-emptor thereof, Señor Don Joaquin de Astiazaran; said *sitios* having been appraised at the sum of nine hundred and nineteen dollars, at the following rates: Eight *sitios* at four hundred and eighty dollars, they having permanent water; ten *sitios*, at three hundred dollars, being susceptible of the benefit of irrigation (by *norias*), and the remaining thirteen *sitios*, seven-eighths of another one, and a small *caballeria* at one hundred and thirty-nine dollars, they being arid and dry, the whole in conformity with the laws in the matter. Whoever wishes to give a bid let him come forth before this commission of survey, to which he shall be admitted. And there having appeared no bidder at all, I made a minute thereof, which, for the purpose of serving as a record, I sign with the witnesses assisting me in the usual form.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Second. On the thirtieth day of May instant, another publication was made, similar in all to that which precedes, and no bidder came forth at all. Which I sign in the ordinary form.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Third. On the thirty-first day of the same month thus expiring, another publication was repeated, and there having appeared no bidder at all, I place it here for record on the minutes.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Fourth. On the first day of June, one thousand eight hundred and thirty-eight, another publication was made, and there was no bidder at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Fifth. On the second day of the month last aforesaid a fifth publication was made and there came no bidder at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Sixth. On the third day of the same month the sixth publication was made equal in every particular to the first, but there was no bidder at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Seventh. On the fourth day of June instant another publication was made, but there resulted no bidder at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Eighth. On the fifth day of the month aforesaid the eighth publication was made, and no bidder appeared.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Ninth. On the sixth of the current month another publication was made equal to the preceding ones, but there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Tenth. On the seventh day of the current month the tenth publication was made of this public sale, but there appears no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Eleventh. On the eighth day of the current month another publication was made, but there appeared no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twelfth. On the ninth day of the same month and year another publication was made, and there resulted no bid at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Thirteenth. On the tenth day of the current month another publication was made, and there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Fourteenth. On the eleventh day of this present month of June the fourteenth publication was made, but there resulted no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.



Fifteenth. On the twelfth day of said month another publication was made, but there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Sixteenth. On the thirteenth day of the month of June aforesaid the sixteenth publication was made, but there appeared no bidder at all.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Seventeenth. On the fourteenth day of June aforesaid another publication was made, but no bidder did appear.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Eighteenth. On the fifteenth day of the same month another publication was made, and no bidder came forth.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Nineteenth. On the sixteenth of the same another publication was proceeded with, but there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twentieth. On the seventeenth of the same another publication was made, but there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-first. On the eighteenth day of same month another publication was made, and the result was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-second. On the nineteenth day of the month of June aforesaid a publication was made equal to the preceding, but no bidder appeared.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-third. On the twentieth of the same month another publication in quest of bidders was made, but none resulted.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-fourth. On the twenty-first day of the aforementioned month another publication was made, and no bidder appeared.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-fifth. On the twenty-second day of the above-mentioned ~~month~~ another publication was made, and there was no bidders.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-sixth. On the twenty-third of the same month another publication was made, and no bidder appeared.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-seventh. On the twenty-fourth day of the above-mentioned month of June another publication was made in quest of bidders, but it resulted in none.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-eighth. On the twenty-fifth of the aforesaid month of June another publication, but no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Twenty-ninth. On the twenty-sixth of the same another publication was made and there was no bidder.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

Thirtieth. On the twenty-seventh day of the aforementioned month of June, 1838, the thirtieth and last publication was made in quest of bidders for the lands of which their records treat and there having appeared no higher bidder, I took it down into the minute for record, which I sign in the ordinary form.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

ARISPE, June 27, 1838.

These minutes being closed without any higher bidder having appeared to the thirty publications which precede, be the same remitted to his honor the treasurer-general of the state for further proceedings that may be required. Thus I, Luis Carranco, acting commissioner, have provided and signed with my assisting witnesses.

LUIS CARRANCO.

Witness:

JOSÉ JESUS CORELLA.

Witness:

SANTOS VIGARRIA.

## CERTIFICATE.

On the same day these minutes were delivered to his honor, the treasurer, on twenty-two sheets written over. And for record I sealed same; seal—(rubrica.)

MENDOZA.

ARISPE, 27 June, 1838.

To the Attorney-General (promotor fiscal) of finances:

The honorable treasurer-general of the state:

With the greatest care I have made the appropriate examination of these minutes drawn up for the survey, appraisement, and publication for sale, which the commissioner of your honor, Don Luis Carranco, has made of thirty-one *sitios* and seven-eighth parts of another and a small *caballeria* of lands for the breeding of cattle and horses on the post called "El Sópori," situate in the jurisdiction of the district of San Ygnacio; said lands being appraised at the sum of nine hundred and nineteen dollars, at the rates and for the reasons appearing from the minutes of appraisement on pages thirteenth reverse and the obverse page of the fourteenth, and pre-empted before your honor by Señor Don Joaquin Astiazaran, resident of the jurisdiction of Horcasitas. In my opinion there have not only been conducted in a legal manner all the proceedings (*diligencias*) which in the matter were set on foot by the commissioner of your honor, Carranco, but the beneficent pre-emption of Señor Astiazaran is as commendable as is of advantage to the ill-provided treasury the aforesaid appraisement of those lands; it would never have been thought possible that they should be pre-empted on account of the fear of all of the imminent dangers which Señor Don Astiazaran is going to face against the barbarous and sanguinary enemies of ours, the Apaches, in yonder remote post of Sópori; whilst it is an irrefragable fact that that destructive enemy keeps this unhappy state in a lamentable condition of confusion, it being consequently on account of what the pre-emptor interested laid down as a condition equitable, that those lands should be conceded to him to be settled by him when the critical circumstances just indicated shall permit him, particularly as precedents are not wanting in cases not so extraordinary and dangerous as the one under consideration; that the same has been granted to other wild lands not so much exposed to the irroads of the savages.

Your honor, convinced of the reasons and arguments of Señor Don Joaquin Astiazaran, acceded to the commendable condition, but at the same time that you took care to stipulate with him for the legal exception, that such was the grant, if no other pre-emptor should appear for "El Sópori" who would settle the same within one year, in a manner that in the just solicitude of Señor Astiazaran and in the providential acquiescence of your honor there are conciliated justice, reason, equity, the sacred interests of the afflicted public treasury and the consideration for the well-being and important increase of the scattered population of the devastated frontiers of the north of our state. I therefore ask your honor pressingly to be pleased to order that without delay, with a citation to Señor Astiazaran, the practice of the usual three public auctions be proceeded with in quest of higher bidders for the aforementioned land of Sópori, and that they be struck off in the last public auction to the highest bidder, who will have to pay into the treasury the nine hundred and nineteen dollars the appraised value of the aforementioned *sitios* and six dollars fee for the last auction and final sale, which when done, the appropriate title of grant will be made out to him, for which latter he will have to pay a fee into this office of thirty dollars. Such is my request, but nevertheless your honor will please to determine in a manner it may appear to you better.

Arispe, June 23, 1838.

JOSÉ CARILLO.

Ordered as the attorney-general solicits. Let the three usual public auctions and final sale be proceeded with of the lands of Sópori, to which these minutes refer in the terms established by law and with a citation thereto of the party in interest.

JOSÉ MARIA MENDOZA.

First public auction. In the city of Arispe, this twenty-eighth day of June, one thousand eight hundred and thirty-eight, there having been convoked into a board of sale (Junta de almoneda) the gentlemen who compose the same, and who are his excellency the treasurer-general of the state, Don José María Mendoza, as president, the judge of the first instance of the district, Don Francisco Mendoza, and the attorney-general (promotor fiscal) of the public finances, Don José Carrillo, in order to proceed to the holding of the first public auction of the lands of Sópori, of which those minutes treat, they caused the assembling of many individuals by the sound of the drum in the office of this treasury-general and in their presence ordered the public crier, Florenta Baldizan, to cry out, as in reality he did cry out in a loud and distinct voice, a final sale is

to be had for the account of the public finance department of the state of thirty-one ranchos and seven-eighth parts of another and a small *caballeria* of public wild lands surveyed on behalf of the pre-emptor, Señor Don Joaquin Astiazaran, resident of the jurisdiction of Horcasitas, said ranchos being comprised in the post called "El Sópori," situate in the district of San Ygnacio and appraised at the sum of nine hundred and nineteen dollars at the following rates: eight of said ranchos at four hundred and eighty dollars, at the rate of sixty dollars each, on account of permanent water they have; ten ranchos at three hundred dollars, at the rate of thirty dollars each one, on account of their being susceptible of the benefit of irrigation; and the thirteen ranchos and seven-eighth parts and a small *caballeria* of another remaining at the price of one hundred and thirty-nine dollars, at the rate of ten dollars each one, they being dry and arid. Whoever wants to make a bid on the lands just described let him come forth to do it before this *junta* (board), to which he will be admitted; it being understood that on the day after to-morrow the striking off will without fail take place in favor of him who shall be the highest bidder. In these terms this act was concluded without any higher bidder appearing and these minutes were closed, which for being made a record were signed by the president and members of this *junta* (board).

MENDOZA.  
MENDOZA.  
CARRILLO.

Second public auction. In the same city, on the twenty-ninth of the aforementioned month and year, the aforementioned board being met, the public announcement of the second auction was made, in every particular alike to the first of yesterday in quest of bidders, with the only difference this time to add that on the day of to-morrow the striking off will take place. And for a due record, there having been no bidders, these minutes were signed by the president and the members of this board.

MENDOZA.  
MENDOZA.  
CARRILLA.

Third public auction. In the city of Arispe, this thirtieth day of the month of June, one thousand eight hundred and thirty-eight, the gentlemen who compose the board of sale, and who are his excellency the treasurer-general of the state, Don José Maria Mendoza; the judge of the first instance of this district, Don Francisco Mendoza, and the attorney-general, Don José Carrillo, having met in order to proceed to the final striking off of the wild lands of Sopori, to which these minutes refer, they caused, by the sound of a drum, many persons to assemble in the office of the treasury, and that in their presence the public crier, Florentin Baldizan, should say, as he in fact did say, in a loud, distinct voice: There will be struck off for account of the public finance department of the State, thirty-one ranchos and seven-eighth parts and a small *caballeria* of another of wild lands, legally surveyed in favor of their pre-emptor, Señor Don Joaquin Astiazaran, a resident of the jurisdiction of Horcasitas, said lands being comprised in the post called El Sópori, situate in the district of Ygnacio, and appraised at the sum of nine hundred and nineteen dollars, at the following rates: Eight of said ranchos at four hundred and eighty dollars, at the rate of sixty dollars each one, on account of their having permanent water; ten ranchos at three hundred dollars, at the rate of thirty dollars each, because they are susceptible of the benefit of irrigation; and the remaining thirteen ranchos and seven-eighth parts of one and a small *caballeria* at the sum of one hundred and thirty-nine dollars, at the rate of ten dollars each ranch, as they are dry and arid. Whoever wants to make a bid on the lands just mentioned, let him come forth before this board, to which he will be admitted, with the understanding that the striking off will have to take place immediately to whomsoever may be the highest bidder.

And the clock having struck already twelve o'clock of this day, and no bidder having appeared at all, and Señor Don Joaquin Astiazaran having before this board ratified his offer of the appraisement of the aforementioned ranchos, the crier said for the last time. "Once, twice, three times! Going, going, gone! Bring it good, good, good luck to Señor Don Joaquin Astiazaran." In these terms this act was concluded, there remained struck off publicly and solemnly in favor of the aforesaid Señor Don Joaquin Astiazaran the thirty-one ranchos and seven-eighth parts and a small *caballeria* of another, of lands for the breeding of cattle and horses, comprised in the post called "El Sópori," for the sum of nine hundred and nineteen dollars, their appraised value. All which is drawn up here for minute, and to make it duly a record and for all other proper purposes, it has been signed by the president and members of this board of sale and the person in interest.

MENDOZA.  
JOAQUIN DE ASTIAZARAN.

MENDOZA.  
CORRILLO.

Arispe, the 30th of June, 1838.

Señor Don Joaquin Astiazaran having been notified to proceed to make payment to this treasury of the nine hundred and nineteen dollars, the appraisement for which were struck off to him thirty-one ranchos, seven-eighth parts and a small *caballeria* of land, which are comprised in the post called "El Sopori;" of the six dollars fees of the last public sale at auction and vendue, and of the thirty dollars for the deed of this grant, which has to be made out to him, he declared in consequence that he would make said payments on the spot, and for record thereof signed these presents with me and my assisting witnesses.

JOSE MARIA MENDOZA.  
JOAQUIN DE ASTIAZARAN.

Witness:

ALEJO CARILLA.

Witness:

JESUS TRASQUILLO.

I, José Maria Mendoza, treasurer-general of the state of Sonora, certify that on page 37 of the manual of changes, and of date of the current year, an item is placed and to be found there in the words following :

"June 30th. Charge for grants of land, nine hundred and nineteen dollars, paid by Señor Don Joaquin de Astiazaran, resident of the jurisdiction of Horcasitas, the price for which were this day struck off to him by the board of public auction sales of this treasury thirty-one ranchos, seven-eighth parts, and a small *caballeria* of another of lands for the breeding of cattle and horses comprised in the post called "El Sopori," situate in the district of San Ygnacio, and for which payment a certificate of payment, as usual, was given for his own protection, ..... \$919 00  
"MENDOZA.  
"JOAQUIN DE ASTIAZARAN."

And for record wherever the same be necessary, I grant these presents in Arispe, this thirtieth day of June, one thousand eight hundred and thirty-eight.  
JOSE MARIA MENDOZA.

I, José Maria Mendoza, treasurer-general of the state of Sonora, certify that on folio 37 of the manual of charges of date of this current year there is to be found an item of charges in the words following :

"June 30. Charge for fees of the last public auction sale and vendue, six dollars, paid over by Señor Don Joaquin Astiazaran, for fees as aforesaid, accrued from the last public sale and vendue of this day, of thirty-one ranchos and seven-eighths, and a small *caballeria* of another, of lands which, for the breeding of cattle and horses, were surveyed for him in the post called "Sopori," situate in the district of San Ygnacio, and of which payment on appropriate certificate was given to the party interested for his own protection..... \$6 00  
"MENDOZA.  
"JOAQUIN DE ASTIAZARAN."

And to serve as a record wherever the same may be, I grant these presents in Arispe, June 30th, one thousand eight hundred and thirty-eight.  
JOSE MARIA MENDOZA.

In such terms was concluded the present record of the sale of lands of Sopori, with all requisites and formalities which the laws and the supreme dispositions of the department have established, said original record remaining in the custody of this treasury for perpetual testimony.

Therefore, making use of the faculties which the laws, decrees, regulations, and superior dispositions in vigour respect to the branch of lands, concede to me by these presents and in the name of the sovereignty of the state of Sonora as well as in that of the august nation, I grant and confer in all due form of law upon Señor Don Joaquin de Astiazaran, a resident of the jurisdiction of Horcasitas, title (*merced*, grant) to thirty-one ranchos, seven-eighth parts, and a small *caballeria* of another one, which are comprised in the post named Sopori, situate in the district of San Ygnacio, and which have been struck off to the said Señor Astiazaran by the board of public sales of this treasury department on the thirtieth day of June last past for nine hundred and nineteen dollars, the sum of their appraisement, which aforementioned sum he has paid into the office, as it is testified to in the foregoing minutes; my intention being

to concede, grant, and adjudge to the aforementioned Señor Don Joaquin Astiazaran, by way of legal sale for himself, his children, heirs and successors, the aforementioned thirty-one ranchos, seven-eighth parts, and a small caballeria of another, which are comprised in the post of Sopori, on the just and equitable condition that said party in interest do settle those desert and dangerous lands whenever their critical and perilous circumstances will admit of it; except that if there should appear another pre-emptor who might be in a situation to settle lands in one single year; but once settled by Señor Astiazaran, he has to maintain them so, in a manner that they never be thereafter found abandoned, deserted, or given up for any length of time, it being expressly declared here, that if their total abandonment or desertion for the space of three consecutive years should ever take place, and that there should appear any person who would pre-empt the aforementioned lands of Sopori, proving those facts, that they will be declared to be wild lands and will be adjudged anew to him, who then may be the highest bidder, excepting, however, as it is just, those cases that the desertion or abandonment should be on account of any notorious invasion or occupancy by an enemy, and that only for the period or periods of any such events; providing, always, as it is hereby expressly provided, that the party in interest, Señor Don Joaquin Astiazaran, his children, heirs, and successors will have to subject themselves to the boundary lines and measures expressly indicated in the above-inserted record of measurement, and to the topographical plan which accompanies this title, observing in the proper time and giving complete execution to what is provided in the sixty-third article of the organic law of the public finances No. twenty-sixth, of the eleventh day of July, 1834, in respect to the obligation to keep stakes and bounds and boundary marks in proper repair (*de cal y carto*) under a penalty of twenty-five dollars.

And with the same powers which the laws and superior determinations governing this branch of giving title to lands invest in me, I order and command respectively, all judges, justices, and local authorities, that may at present be or hereafter exist in the district of San Ygnacio, that in obedience to a good and prompt administration of justice, and in observance of our wise legislation, they will not permit the said Señor Don Joaquin de Astiazaran, his children, his heirs or successors, to be in any manner disturbed, disquieted, or molested, in the free use, exercise, property, *dominion*, and possession in their aftermentioned thirty-one ranchos, seven-eighth parts and a small caballeria of another. On the contrary they will watch and constantly with the greatest vigilance and energy, provide, that the same be defended and forever maintained in the quiet and pacific possession which in law they are fully entitled to; in order that in this manner they may freely dispose of, enjoy, possess, sell, exchange, barter, permute, give, transfer, assign, and alienate said lands of the post called Sopori, at their free will and election as proprietary and absolute owners of the same.

On these legal terms I have caused this present title of grant and property to be made out in favor the said Señor Don Joaquin Astiazaran, his issue, heirs and successors, to be delivered to him for his own protection, having previously caused an entry thereof to be made in the appropriate book.

Dated in the City of Arispe, the capital of the State of Sonora, on the fifth day of July, one thousand eight hundred and thirty-eight.

Authorized and signed by me, the treasurer-general for the time being of said State, sealed with the seal which this officer used legally before the undersigned witnesses assisting me, in want of a notary public of the finance department who does not exist according to law.

[L. S.]

ALEJO CARILLO.  
JESUS TRASQUILLO.

JOSÉ MARIA MENDOZA.

An entry of the delivery of this present title is made in the proper book.

MENDOZA.

I, José Maria Mendoza, treasurer-general of the State of Sonora, certify that on folio 38 of the manual of charges and under date of this day an entry of an item is to be found in the words following: [Follows a certificate of the payment of thirty dollars, signed by Jose Maria Mendoza. Arispe, July 5, 1838, as a fee for deed, but which from the paleness and disappearance of the ink has become quite unreadable.—TRANSLATOR.]

I, Jose Maria Mendoza, treasurer-general of the State of Sonora, certify that under date of this day I have addressed to his excellency the minister of state and interior of finances of the republic the official communication, which follows to the letter:

“TREASURER-GENERAL’S OFFICE OF THE STATE OF SONORA.

“EXCELLENCY: On the day of to-day this treasury department has delivered a title deed of a grant in favor of Joaquin de Astiazaran, a resident of the jurisdiction of

Horcasitas, for thirty-one ranchos, seven-eighth parts and a small *caballerio* of another in public wild lands for the raising of cattle and horses, pre-empted in the post called "El Sopori," situate in the district of San Ygnacio, of this State, which were surveyed, appraised, offered for sale, and finally struck off and adjudged to him on the terms which will appear from the authorized testimony of said title of grant which I have the honor to inclose herewith to you, and which I pray you to be pleased to bring to the knowledge of his excellency the president of the Republic. Your excellency will be pleased to accept with this official communication and ever my greatest respect and distinguished consideration of deference and attention.

God and liberty.

JOSE MARIA MENDOZA.

ARISPE, July 5, 1838.

To his excellency the minister of state and department of finances of the Republic in Mexico.

And for testimony wherever the same may be required, I deliver these presents (on), by request, to Señor Don Joaquin Astiazaran, in Arispe, on the fifth day of July, 1838.

JOSE MARIA MENDOZA.

[Sello tercero. Cuatro reales.]

El Licenciado José de Aquilar, gobernador del Estado de Sonora, certifico: en cuanto debo y en la forma de dro. que el presente titulo, que comprende treinta y un sitios siete octavas partes cuatro y una caballaria escasa para cria de ganado mayor y caballada, comprendidos en el punto nombrado el Sopori, sitio en el partido de San Ignacio, á favor de Dn. Joaquin de Astiazaran, vecino de Hermosello en 1838, fue legítimamente espedido por Don José Ma. Mendoza, Teserero General del Estado de Sonora, que era en esa fecha y en su virtud autoridad competente para formar expedientes de terrenos mensurarles y adjudicarles con su respectivo titule as mismo el sello, su forma y los de su asistencia son los mismos que han acostumbrado en todos sus negocios y actos oficiales. Y en testimonio de vidad y apedemento del interesado estando la presente en este punte de Guaymas á los ocho días del mes de Juno de mil ochocientos cuarent y siete.

JOSE DE AGUILAR.

EXHIBIT I.

[Here is a stamp seal. Here is a seal of the state.]

José de Aguiar, governor of the State of Sonora, I hereby certify, in due form of law, that the present title, comprising thirty-one ranches, seven-eighths of another, and thirteen short acres of land of the place known as Sopori, devoted to stock-raising, and situated within San Ignacio County, in behalf of Mr. Joaquin de Astiazaran, resident of Horcasitas, bearing date of the year 1838, was legitimately issued by Mr. José Maria Mendoza, at that time general treasurer of the State of Sonora, and therefore fully empowered to act in said capacity in the grant of lands of the public domain; furthermore, that the seals and signatures affixed are genuine and legal, being exactly what he used in the transaction of official business; and in attestation thereof I have affixed my hand and seal, in the city of Guaymas, on the eighth day of June, eighteen hundred and fifty-seven.

JOSE DE AGUILAR.

[L. 8.]

José Ma. Mendoza, tesorero-general jubilado de Sonora, y gefe de la seccion liquidataria de la estinguida Tesoreria Departmental, y Florencio Trijo, oficial 2º cesante de la general de este Estado, ocupado en la misma liquidataria, certificamos en la mas bastante forma do derecho que en la oficina de nuestro cargo, existe el expediente original de los terrenos nombrados el Sopori, tramitado en el año de 1838, á virtud de registro que formalizó Dn. Joaquin Astiazaran, vecino que fué de la jurisdiccion de Horcasitas, cuya medida, avaluo y pregones, se practicaron con avrrglo en todo á las leyes del ramo siendo comprensivo dicho puesto de treinta y un sitios siete octavas partos de otro y una escasa caballaria, para cria de ganado mayor, y caballada, sito en el partido San Ignacio, que verificados que fueron las respectivas almonedas reinante y enteros en la Tesoreria-General del Estado, ballada en tonces en Arizpe, este espedio el comumente en la titulo de maced á favor del mismo Sor. interesado Astiazaran é igualmente certificamos, que habiendo sido encontrado el referido espediente original con otro en la parte de archivo que pertenciente á la propia Tesereri, acese aun en aquella ciudad fue remitido á nuestro poder despues de la formacion de la noticia circunstaneada que acerca de terrenos demos al Supremo Govern del Estado, en 25 de Decembre ultimo. Y para que conste, dende convenga, darnos la presente apedemento del Sor. Dn. Fernando Rodriguez, en Ures á quinze de Enero de mil ochocientos cincuenta y ocho.

JOSE MA. MENDOZA.  
FLORENCIO TREJO.

[L. S.]

Ygnacio Pesquera, gobernador constitucional del Estado de Sonora, certifico, que las firmas de los sres. empleadas que autorizan la presente certificacion es la que acostumbran usar de los documentos oficiales y particulares que espeden. Y para los efectos á que halla lugar doy el presente en la ciudad de Hermosello a diez de Stre. de mil ochocientos cincuenta y ocho.

Y. PESQUENA.  
J. GUTIERREZ.

[Here is a stamp seal.]

José Maria Mendoza, general commissioner on the retired list of the State of Sonora, chief clerk of the legislative section of the extinguished treasury of the department, and Florencio Triego, second clerk, on half pay, of the general treasury of the State, employed in the liquidating bureau, hereby certify that in the archives under our keeping there exist the records of the original documents relating to the parcel of land known as the Sopori, dated 1838, upon application of Mr. Joaquin de Astiazaran, resident of Horcasitas, containing the survey, appraisal, and public vendue in compliance with the revenue laws; said place of Sopori comprising thirty-one ranches, seven-eighths of another, and thirteen short acres of land, suitable for stock-raising, within San Ignacio County, that upon being surveyed, appraised, and cried at public vendue, the treasury, then located at Arizpe, granted due title of ownership, and furthermore certify that having found the original undertaking with others in the archives transported from Arizpe to this, it was sent into our keeping. After having furnished to the General Government information under date of December 25, and for use as intended by the applicant, we issue the above in the city of Ures, January fifteenth, eighteen hundred and fifty-eight.

JOSÉ MARIA MENDOZA.  
FLORENCIO TREGO.

[SEAL OF THE STATE.]

Ignacio Pesquena, governor of the State of Sonora, I hereby certify that the foregoing signatures are truly the ones usually used by the officers subscribing the same. Hermosillo, September tenth, eighteen hundred and fifty eight.

IGNACIO PESQUIERA.

J. GUTIERREZ.

### CONTRACT TO MOWRY.

[Filed and recorded, recorder's office Pima Co., A. T'y.]

[SEAL.]

The undersigned, proprietors of the Sopori titles to thirty-one leagues and odd parts of a league of land in Arizona, the Gadsden purchase, have this day sold to Sylvester Mowry their right, title, and interest in said property, four leagues of which to be laid out by Mr. Mowry in the vicinity of the so-called Sopori Silver Mine for the sum of (\$5,000) five thousand dollars to be paid in cash, and (\$20,000) twenty thousand dollars to be delivered in the stock of the Sopori Land and Mining Co., said stock to be full paid and unassessable. Said four leagues to be transferred to the property of said company.

For the remaining 27 and odd leagues of the Sopori lands the proprietors are to receive (\$10,000) ten thousand dollars in cash, reserving to themselves (1/3) one-third interest in said 27 and odd leagues, and (1/3) one-third of the profit arising from sale, lease, or other operations in said lands, after said Mowry shall be reimbursed in the sum of (\$10,000) ten thousand dollars he shall have payed to them for said lands, they, the sellers, in no instance, to be called upon to make any outlay or disbursement of any nature whatever; and the undersigned for themselves, heirs, and assigns hereby agree, promise, and bind themselves to deliver with least possible delay to said Mowry, or his authorized agent, the title-deeds of said property, and all papers they may have in any way connected with said property that may tend to establish the validity of their title to the whole or part of said lands and mines of Sopori.

GUAYMAS, October 12th, 1858.

Interlined on first page have erased on second page—for said lands.

JUAN A. ROBINSON.

Por mi y por Dn. Fernando Cubillas:

JOSÉ CALVO.

Por mi y mis asociados:

FERN'DO RODRIQUEZ.

Por mi y mis treino D.

M. MOREZ.  
F. ASTIAZARAN.  
M. GIBILLOS.  
JOAQ'N M. ASTIAZARAN.



[Stamp.]

STATE OF CALIFORNIA,  
City and County of San Francisco, ss :

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the fair city of San Francisco, personally appeared at the said city of San Francisco, the within-named Juan A. Robinson, whose name is subscribed to the annexed and within instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed and written instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purpose therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,  
Commissioner of Deeds for the Territory of Arizona.

STATE OF CALIFORNIA,  
City and County of San Francisco, ss :

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco, the within-named Juan A. Robinson, personally known to me to be the same person whose name is subscribed to the annexed instrument as a party thereto, who being by me duly sworn, did depose and say that he resides in the fair city of San Francisco; that he executed the said annexed instrument; that José Calvo, Fernando Rodriguez, Matias Alsua, and Joaquin Maria Astiazaran are well known to him to be the same persons described in, and who executed, the said annexed instrument as parties thereto; and the said José Calvo, Fernando Rodriguez, Matias Alsua, and Joaquin Maria Astiazaran, severally, duly acknowledged, in the presence of deponent, that they severally executed the same freely and voluntarily, and for the uses and purposes therein mentioned, that deponent well knows the handwriting of the aforementioned parties, and that the signatures of their names to the said annexed instrument are in the genuine handwriting of the said persons, respectively. And I further certify that I am personally well acquainted with the said Juan A. Robinson; that he is a credible witness, to whose testimony full faith and credence can be given.

In testimony whereof I have hereunto set my hand and affixed my official seal, at my office in said city of San Francisco, the day and year in this certificate first above written.

J. H. BLOOD,  
Commissioner of Deeds for the Territory of Arizona.

DEED.

Joaquin Ma. Astiazaran et al. to Sylvester Mowry.

(Dated November 25th, 1858. For 4 square leagues.)

No. 133. Para actuaciones, sello seguido habilitado para los años de mil ochocientos cincuenta y ocho, y cincuenta y nueve.

Vale cuatro pesos administracion principal de Sonora, Guaymas, Agosto 10th de 1858.

THOS. ROBINSON.

Los que suscribimos, Dn. Joaquin Ma. Astiazaran, por si, y en representacion de su Sra. Madre Da. Maria del Carmen Inigo, Dn. Fernando Ma. Astiazaran, Dn. Manuel Alenbillas su representacin de sus hijos hereders de Dn. Carmen Astiazaran, Dn. Juan A. Robinson, Dn. Matias Alsua, Dn. José Calvo, Dn. Fernando Rodriguez, Dn. Antonio Rodriguez y Dn. Fernando Cubillas, en virtud del contrato celebrado con el Sr. Dn. Silvestre Mowry, el doce de Octubre ultimo, en este puerto, segun copia que hacemos constar al pie de este documento.

Declaramos que por el presente damos en verita real y enaginacion perpetua, para siempre, todos los derechos, titulos, acciones é intereses que nosotros terrenos (segun los titulos y documentos que entregamos hoy á su agenté Dn. Carlos P. Stone) cuatro sitios en los terrenos del Sopori, sitios en el territorio conocido por "Gadsden purchase," tomando por centro la llamado mina del Sopori, en favor de la "Sopori Land and Mining Company," declaraciones que el terreno mencionado no esta vendido ni enaginado, ni empinado que esta libre de vaodo graemen, y que como tal, si lo vendamos con sus aneais que le pertenecen segun derecho, por la cantidad de cinc

mil pesos (\$5,000) jiradas por el Sor. Mowry, á favor de Dn. Juan A. Robinson, pagaderos en Boston, Estados Unidos, por el Tesorero la referida Compania, á los noventa dias desde el doce de Octubre ultimo, y mas veinte mil pesos (\$20,000) acciones de la misma Compania (full paid shares and unassessable) acciones pagados por entero á complete y libre de toda clase de refacciones y desembolsas que deben ser estendidas á nuestra favor, á cuyo cumplimiento de pago de los cinco mil pesos y entrega de acciones estipulados en este documento quedará esta escritura en todo su rigor y fuerza, y de no ser cumplidos las condiciones de pago, menciendos que sera nula y de ningun valor la presente escritur de venta.

Y para que le espuesto tenga toda su cumplimiento en la parte que nos corresponde y en lo que la Compania Sopori Land and Min'g Company, adquiera por la venta que le hemos hecho, firmandos el presente documento y del cual estendemos una copia autorizado á la mencionada compania, siendo testigos los Sres. Dn. José A. Crespo, Dn. Alfonso Courdrean y Dn. Tomas C. Wright. En Guaymas, á veintecinco de Noviembre, de mil ochocientos cincuenta y ocho, por mi Sra. madre Da. Ma. del Carmen Yñego, Joaquin Ma. Astiazasan. Por mis hijos menores, Manuel Cabellas, A. Rodriguez, F. Cabellas, Fernando Ma. Astiazaran, Fernando Rodriguez, Juan A. Robinson, M. Alsua, debemos advertir que senalamos por punto cuatro para la enagenacion de los (4) cuatro leguas sitios vendidas en esta escritura, la conocia por mina del Sopori, sin comprometemos á entregar mas alla de lo que poseemos, por nuestros titulos, y encaso de no alcanzar las medidas en algun nombo del centro expresado, se tomará por otro nombo, pero siempre en un solo cuerpo los cuatro citios.

FERNANDO MA. ASTIAZARAN.  
 FERNANDO RODRIGUEZ.  
 JOSÉ CALVO.  
 JUAN A. ROBINSON.  
 M. ALSUA.

Testigo:

JOSÉ A. CRESPO.

Testigo:

A. COURDREAU.

Testigo:

TOMAS C. WRIGHT.

COPIA DEL CONTRATO QUE SE MENCIONA EN EL PRESENTE DOCUMENTO.

The undersigned, proprietors of the Sopori titles to thirty-one leagues and odd parts of a league of land in Arizona, the Gadsden purchase, have this day sold to Sylvester Mowrey their right, title and interest in said property, four leagues of which to be laid out by Mr. Mowrey in the vicinity of the so-called Sopori silver mine, for the sum of (\$5,000) five thousand dollars to be paid in cash, and (\$20,000) twenty thousand dollars to be delivered in the stock of the Sopori Land and Mining Co., said stock to be full paid and unassessable, said four leagues to be transferred to the property of said company.

For the remaining 27 and odd leagues of the Sopori lands the proprietors are to receive (\$10,000) ten thousand dollars in cash, reserving to themselves ( $\frac{1}{3}$ ) one-third interest in said 27 and odd leagues, and ( $\frac{1}{3}$ ) one-third of the profits arising from sale, lease, or other operations in said lands after said Mowrey shall be reimbursed in the sum of (\$10,000) ten thousand dollars, he shall pay to them for said lands, they, the sellers, in no instance to be called upon to make any outlay or disbursements of any nature whatever, and the undersigned for themselves, heirs, and assigns, hereby agree, promise, and bind themselves, to deliver with least possible delay to said Mowrey or his authorized agent, the title deeds of said property, and all paper, they may have in any way connected with said property that may tend to establish the validity of their title to the whole or part of said lands and mines of Sopori.

Guaymas, October 12, 1858.

JUAN A. ROBINSON.

Por mi y Fernando Cubillas:

JOSÉ CALVO.

For me and my associates:

FERNANDO RODRIGUES.  
 M. ALSUA.

Por mi y mes hermanos Dn. Fernando M. Astiazaran y Dn. Manuel A. Cubillas:

J. M. ASTIAZARAN.

Nous, Joseph Calvo, vice-consul de France à Guaymas, certifiés et attestons que les signatures approuvées de l'autre part sont véritablement celle des Messieurs Joaquin Maria Astiazaran, Fernando Ma. Astiazaran, Manuel A. Cubillas, Fernando Cubillas,

Juan A. Robinson, Matias Alsua, Antonio Rodriguez, José Anto. Crespo, Alfonso Coldrean, et Tomas C. Wright, négociants et propriétaires résidents à Guaymas et à Hermosillo, et que foi doit y être ajoutée tant en jougement qu'en dehors. En témoignage de quoi nous avons signé le présent titre de vente et y avons apposé le timbre de ce vice-consulat, à Guaymas le 1<sup>er</sup> Décembre 1858.

Le Vice-Consul :

[L. S.]

JOSEPH CALVO.

STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco, the within-named Juan A. Robinson, whose name is subscribed to the annexed and within instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed and within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have herenunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco the within-named Juan A. Robinson, personally known to me to be the same person whose name is subscribed to the annexed instrument as a party thereto, who being by me duly sworn, did depose and say that he resides in the said city of San Francisco; that he executed the said annexed instrument; that he was personally acquainted with José Crespo, A. Coridrean, and Tomas C. Wright, whose names are subscribed to the said annexed instrument as witnesses thereto, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said witnesses, respectively; that the said José Crespo is now dead; that the said A. Coldrean is now a resident of the Republic of France, and that the said Tomas C. Wright is now a resident of the Republic of Ecuador; that Joaquin Maria Astiazaran, Manuel A. Cubillas, Antonio Rodriguez, Fernando Cubillas, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguez, and Matias Alsua are well known to him to be the same persons described in and who executed the said annexed instrument as parties thereto, and the said Joaquin Maria Astiazaran, Manuel A. Cubillas, Antonio Rodriguez, Fernando Cubillas, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguez, and Matias Alsua severally duly acknowledged in the presence of deponent that they severally executed the same freely and voluntarily, and for the uses and purposes therein mentioned; that deponent well knows the handwriting of the aforementioned parties, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said persons, respectively.

And I further certify that I am personally well acquainted with the said Juan A. Robinson; that he is a credible witness, to whose testimony full faith and credence can be given.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said city of San Francisco, the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

The undersigned, Joaquin M. Astiazaran, in my own behalf, and in representation of my mother, Mrs. Maria del Carmen Yñigo; Fernando Maria Astiazaran, Manuel A. Cubillas, in representation of his children, heirs at law of Mrs. Carmen; Astiazaran, Juan A. Robinson, Matias Alsua, Jose Calvo, Fernando Rodriguez, Antonio Rodriguez, and Fernando Cubillas, in virtue of the contract entered into with Mr. Silvester Mowry, on the twelfth of October, ultimo, in this city, as per copy hereunto appended at the close of this document, declare that we, the undersigned, sell this day, perpetually and forever, all our rights, title, and interest which we jointly hold and possess (as per voucher surrendered this day unto his agent, Mr. Carlos P. Stone) in four ranches, situated in the parcel of land known as the Sopori, at what is known as Gadsden purchase, taking the center of the so-called Sopori mine, in behalf of the Sopori Land and Mining Company, declaring that the said land has never been sold, pledged, or mort-

gaged to any one else whomsoever, and is entirely free from all encumbrances whatsoever, and as such we, the undersigned, convey it this day unto the said company in consideration of the payment of the sum of five thousand dollars (\$5,000.00), in a bill of exchange, drawn at the order of Mr. Juan A. Robinson, payable at Boston, United States, by the treasurer of said company, at ninety days' sight, from the twelfth of October, ultimo, and the additional sum of twenty thousand dollars in stock of the Sopori Land and Mining Company, full paid and unassessable shares, and on payment of the foregoing five thousand dollars cash, and the delivery of the twenty thousand dollars in stock, as hereinbefore stipulated in this document, the same to have full legal force, and in default thereof be declared and to stand as void.

And to further provide for the better performance on our side, and in whatever the Sopori Land and Mining Comp'y may acquire thereby, we, the undersigned, sign the same, of which a legalized copy is given unto the aforementioned company, before witnesses, such being Messrs. José A. Crespo, Alfonso Coindrean, and Thomas C. Wright, at Guaymas, 21st November, 1858.

For myself and mother, Mrs. Maria del Carmen Yñigo:

JOAQUÍN MARIA ASTIAZARAN.

For my children, minors:

MANUEL A. CUBILLAS.

A. RODRIGUEZ.

F. CUBILLAS.

FERNANDO MA. ASTIAZARAN.

JUAN A. ROBINSON.

FERNANDO RODRIGUEZ.

M. ALSUA.

The undersigned, proprietors of the Sopori titles to thirty-one leagues and odd part<sup>s</sup> of a league of land, in Arizona, the Gadsden Purchase, have this day sold to Sylvester Mowry their right, title, and interest in said property, four leagues of which to be laid out by Mr. Mowry in the vicinity of the so-called Sopori silver mine for the sum of (\$5,000.00) five thousand dollars to be paid in cash, and (\$20,000.00) twenty thousand dollars to be delivered in the stock of the Sopori Land and Mining Co., said stock to be full paid and unassessable. Said four leagues to be transferred to the property of said company.

For the remaining 27 and odd leagues of the Sopori lands the proprietors are to receive (\$10,000.00) ten thousand dollars in cash, reserving to themselves ( $\frac{1}{3}$ ) one-third interest in said 27 and odd leagues, and ( $\frac{1}{3}$ ) one-third of the profits arising from sale, lease, or other operations in said lands. After said Mowry shall be reimbursed in the sum of (\$10,000.00) ten thousand dollars he shall pay to them for said lands, they, the sellers in no instance to be called upon to make any outlay or disbursements of any nature whatever, and the undersigned for themselves, heirs, and assigns, hereby agree, promise, and bind themselves to deliver with least possible delay to said Mowry or his authorized agent the title-deeds of said property, and all papers they may have in any way connected with said property that may tend to establish the validity of their title to the whole or part of said lands and mines of Sopori.

Guaymas, October 12th, 1858.

JUAN A. ROBINSON,

*Por mí y Fernando Cubillas.*

JOSÉ CALVO,

*Por mí & my assistant.*

FERNANDO RODRIGUEZ,

M. ALSUA,

*Por mí mis hermanos Dn. Fernando, M.*

*Astiazaran y Dn. Manuel A. Cubillas.*

J. M. ASTIAZARAN.

Nous Joseph Calvo, vice-consul de France à Guaymas, certifions et attestons que les signatures apposées de l'autre part sont véritablement celles des Messieurs Joaquin Maria Astiazaran, Fernando Maria Astiazaran, Manuel A. Cubillas, Fernando Cubillas, Juan A. Robinson, Matias Alsua, Antonio Rodriguez, José Anto. Crespo, Alejandro Coindrean et Tomas C. Wright, négociants et propriétaires résidents à Guaymas et à Hermosillo, de que foi doit étri ajouté tant en jugement qu'en de hors. En témoignage de quoi nous avons signé le présent titre et y avons apposé le timbre de ce vice consulat à Guaymas, le 1er Décembre de 1858.

Le vice-consul:

JOSEPH CALVO.

## STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly commissioned and residing in the said city of San Francisco, personally appeared, at the said city of San Francisco, the within named Juan A. Robinson, whose name is subscribed to the annexed and within instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed and within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

## STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco the within named Juan A. Robinson, personally known to me to be the same person whose name is subscribed to the annexed instrument as a party thereto, who being by me duly sworn, did depose and say that he resides in the said city of San Francisco, that he executed the said annexed instrument, that he was personally acquainted with José Crespo, A. Coniduan, and Tomas C. Wright, whose names are subscribed to the said annexed instrument as witnesses thereto, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said witnesses, respectively; that the said José Crespo is now dead, that the said Coinduan is now a resident of the Republic of France, and that the said Tomas C. Wright is now a resident of the Republic of Ecuador; that Joaquin Maria Astiazaran, Manuel A. Cubillas, Antonio Rodriguez, Fernando Cubillas, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguez, and Matias Alsua are well known to him to be the same persons described in and who executed the said annexed instrument as parties thereto, and the said Joaquin Maria Astiazaran, Manuel A. Cubillas, Antonio Rodriguez, Fernando Cubillas, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguez, and Matias Alsua severally duly acknowledged in the presence of deponent that they severally executed the same freely and voluntarily, and for the uses and purposes therein mentioned; that deponent well knows the handwriting of the aforementioned parties, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said persons respectively.

And I further certify that I am personally well acquainted with the said Juan A. Robinson, that he is a credible witness to whose testimony full faith and credence can be given.

In testimony whereof I have hereunto set my hand and affixed my official seal, at my office in said city of San Francisco, the day and year in this certificate first above written,

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

## POWER OF ATTORNEY.

*Don Fernando Ma. Astiazaran et al. to Sylvester Mowry.*

(Dated November 25th, 1858.)

No. 133. Para actnaciones, Sello segundo Habilitado, para los años de mil ochocientos cincuenta y ocho, y ochocientas cincuenta y nueve. Vale cuatro pesos.

Administracion Principal de Sonora, Guayma, Agosto 10 de 1858.

THOS. ROBINSON.

Los que subscribimos, Don Joaquin Ma. Astiazaran, por si, y en representacion de su Sra. madre Da. Ma. del Carmen lüigo, Dn. Fernando Ma. Astiazaran, Don Manuel A. Cabillas, en representacion de sus hijos, herederos de Da. Carmen Astiazaran, Dn. Juan A. Robinson, Dn. Matias Alsua Dn. José Calvo, Dn. Fernando Rodriguez, Dn. Antonio Rodriguez y Dn. Fernando Cubillas, otorgamos en favor del Sor. Don Silvestre Mowry, á quien damos y confiereinos por el presente podar, amplio, cumplido, bastante, cuanto en derecho, se requiese mas pueda y deba valor, especial paraque representando nunestras propias personas, venda, enagenaa, arriendo, cultive, cambia, disponga y administre de la manera que sea mas conveniente, en partidas parciales, ó en su totalidad, todo derecho y titulo, que tenemos (segun los titulos y doc-

umentos que hemos entregado hoy á su agente Don Carlos P. Stone *por la tercera parte indivisible que nos vista y lo que nos hemos reservado en la rienta hecha hoy al S. Mowry por dos terceras partes* en los veinte siete sitios, siete octavas partes de otro y una escasa caballería, de tierra en los terrenos llamados del Sopori, sitios en el territorio conocido por "Gadsden purchase," y conformándose con las instrucciones que le damos con esta fecha, para que en el ejercicio de este poder otro con libro, franca, y general administración, que recudo nosotros, que esta clausula no se extmne. por matur natur ó for malidad, pues quenamos y es nuestra voluntad, que surta todos sus efectos legales. Para todo lo cual sus incidencias y dependencias traia dicho apodendo el Sor. Mowry cuantas agencias y diligencias se ofrescan en el presente asunto.

Y á la firmeser y valedacion de lo actuada en virtud de este poder se aliase, obligamos los otorgantes á sometermos al fuero y jurisdiccion de los Sres. Juec que de nuestros asuntos puedan y deban conocer, conforme á derecho. En cuya consecuencia asi lo firmemos, estendiado una copia antenegada al Sor. Mowry, sien do testigos los Señio. res Dn. José A. Crespo, Dn. Alejandro Courdreau, y Dn. Tomas C. Wright.

En Guaymas á veinticinco de Noviembre de mil ochocientos cincuenta y ocho.

Por mi y mi Sra. Madre Da. Ma. del Carmen Iñigo.

JOAQUIN MA. ASTIAZARAN.  
F. CUBILLAS.

Por mis hijos menores:

MANUEL CUBILLAS.  
FERNANDO MA. ASTIAZARAN.  
A. RODRIGUEZ.  
JOSÉ CALVO.  
JUAN A. ROBINSON.  
FERNANDO RODRIGUEZ.  
M. ALSUA.

Testigo:

JOSÉ A. CRESPO.

Testigo:

A. CORDREAU.

Testigo:

TOMAS C. WIGHT.

Nous, Joseph Calvo, vice-consul de France á Guaymas, certifions et attestons que la signature apposée de l'autre part sont veritablement celles de Mess. Joaquin Ma. Astiazaran, Fernando Ma. Astiazaran, Manuel Cubillas, Fernando Cubillas, Juan A. Robinson, Matias Alsua, Antonio Rodriguez, Fernando Rodriguez, José Antonia Crespo, Alfonso Courdreau, et Tomas C. Wright négociants el propriétaires, résidentés á Guaymas, et á Hremosillo, et que foi doit y ajourter tant en jugement qu'en dehors.

En temoignage de quà nous avons segné le présente procuration et y avons apposé letimbre de ce vice consulat á Guaymas le 1 Décembre de 1858.

Se nec consul:

[L. S.]

JOSEPH CALVO.

STATE OF CALIFORNIA,

*City and County of San Francisco, ss: \**

On this eleventh day of June, A. D. 1880, before me J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco the within named Juan A. Robinson, whose name is subscribed to the annexed and within instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed and within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD.

*Commissioner of Deeds for the Territory of Arizona.*

STATE OF CALIFORNIA,

*City and County of San Francisco, ss: \**

On the eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco, the within-named Juan A. Robinson, personally known to me to be the same person whose name is subscribed to the annexed instrument as a party thereto, who being by me duly sworn, did depose and say that he resides in the said city of San Francisco, that he executed the said annexed instrument, that he was personally acquainted with José Crespo, A. Coindrean and Tomas C. Wright, whose names are subscribed to the said annexed instrument as witnesses thereto, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of

the said witnesses respectively; that the said José Crepo is now dead, that the said A. Condune is now a resident of the Republic of France, and that the Tomas C. Wright is now a resident of the Republic of Ecuador; that Joaquin Maria Astiazaran, Fernando Cubillos, Manuel A. Cubillos, Fernando Maria Astiazaran, Antonio Rodriguez, José Calvo, Fernando Rodriguez, and Matias Alsua are well known to him to be the same persons described in and who executed the said annexed instrument as parties thereto, and the said Joaquin Maria Astiazaran, Fernando Cubillos, Manuel A. Cubillos, Fernando Maria Astiazaran, Antonio Rodriguez, José Calvo, Fernando Rodriguez, and Matias Alsua, severally duly acknowledged in the presence of deponent that they severally executed the same freely and voluntarily, and for the uses and purposes therein mentioned; that deponent well knows the handwritings of the aforementioned parties and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said persons respectively.

And I further certify that I am personally well acquainted with the said Juan A. Robinson, that he is a credible witness, to whose testimony full faith and credence can be given.

In testimony whereof I have hereunto set my hand and affixed my official seal, at my office in said city of San Francisco, the day and year in this certificate first-above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

The undersigned Messrs. Joaquin, M Astiazaran, in his own behalf and in representation of his mother, Mrs. Maria del Carmen Yñigo, Fernando Ma. Astiazaran, Manuel A. Cubillas, in representation of his children, heirs at law of Mrs. Carmen Astiazaran, Juan A. Robinson, Matias Alsua, José Calvo, Fernando Rodriguez, Antonio Rodriguez, y Dn. Fernando Cubillas, jointly convey to Mr. Silvester Mowry, to whom we give ample power according to law, to represent our interests, and sell, cede, transfer, rent, work, exchange, dispose, and administer according to his best judgment, in parcels or in whole, all our title and rights as per the documents delivered this day into the hands of his agent (Mr. Carlos P. Stone) *over the third part*, indivisible remaining to us and which we have reserved unto ourselves in the indenture of conveyance executed this day in behalf of Mr. Mowry, for the two-third parts in the *twenty-seven ranches in the place known as Sopori, seven-eighths of another, and thirteen short acres of land* at the place known as Gadsden purchase, and accepting according to law, this our power of attorney, he may freely act and administer, over the same, transferable to Mr. Mowry in all cases arising out of the present business. And to the firmness and validity of the undertaking we pledge ourselves to accept all rulings and judgments from the the courts acting in these premises, and we hereby attest it, and forward a legalized copy thereof to Mr. Mowry, before the witnesses, José A. Crespo, Alfonso Coindrean, y Tomas C. Wright.

In the city of Guaymas, on the twenty-fifth day of November, eighteen hundred and fifty-eight.

In representation of my mother Mrs. Maria del Carmen Yñigo :

JOAQUIN MARIA ASTIAZARAN.  
F. CUBILLAS.

In representation of my children, heirs at law :

MANUEL A. CUBILLAS.  
FERNANDO MA. ASTIAZARAN.  
A. RODRIGUEZ.  
JOSÉ CALVO.  
JUAN A. ROBINSON.  
FERNANDO RODRIGUEZ.

Witnesses :

JUAN A. CRÉSPO.  
A. COINDREAN.  
M. ALSUA.  
TOMAS C. WRIGHT.

DEED.

*Joaquin Ma. Astiazaran to Sylvester Mowry.*

(For two-third parts undivided of 27½ square leagues. Dated November 25th, 1858.)

Nº. 131 Para actuaciones; sello segundo habilitado, para los años de mil ocho cientos cincuenta y echo, y cincuenta y nueve. Vale cuatro pesos.

Administracion principal de Sonora, Guaymay, Augusto 10 de 1858.

THOS. ROBINSON.

Los que suscribimos, Dn. Joaquin Ma. Astiazaran, por si, y en representacion de su Sra. madre Da. Ma. del Cormen Iñigo, Dn. Fernando Ma. Astiazaran, Dn. Manl. A. Cúbillas, en representacion de sus hijos herederos, de Dn. Carmen de Astiazaran, Dn.

Juan A. Robinson, Dn. Matias Alsua, Dn. José Calvo, Dn. Fernando Rodriguez, Dn. Antonio Rodriguez y Dn. Fernando Cubillas, en virtud del contrato celebrado con el Sr. Dn. Silvestre Mowry, el doce de Octubre, ultimo en este puerto, segun copia que haremos constar al fin de este documento. Declaramos que por el presente damos en venta, real y enagenacion perpetua para siempre, todos los derechos títulos acciones (segun los títulos y documentos que entregamos hoy á su agente, Dn. Carlos P. Stone), en las dos terceras partes indivisibles de los veintisiete sitios siete octavas, partes de otro, y una escasa caballeria de las tierras del Sopori, sitos en el territorio conocido por Gadsden purchase, en favor del Sor. Dn. Silvestre Mowry, declaramos que el terreno mencionado no esta vendido ni enagenado, que esta libro de todo graamen y que como tal le vendemos las referidas dos terceras partes con todos sus anecosos que le pertenecen, segun derecho, por la cantidad de diez mil pesos (\$10,000), pagaderos en Nueva York (Estados Unidos), á doce de Marzo de mil ochocientos cincuenta y nueve en virtud de una teta aceptada por dho, Señor Mowry, paejadera en la casa de los Señores, Duncan, Sherman & Co., de Nueva York, en favor de Mess. John Warren & Son, of New York, que nos hace entrega hoy el Señor Stone á cuyo cumplimiento, del pago de las diez mil pesos quedará, este documento en tado su vigor, y fueza y de no complerse, las condiciones que en ella se espersan sera nulo y de nignun valor la presente escritu de venta.

Y para que lo espuesto tenga todo su cumplimiento en la parte que nos conespnde ya la que el Sor. Dn Sylvestre Mowry, adquiera por la venia que le hernos hecho firmamos el presente documento y del cual estendemos una copia autorizado al Sor. Mowry, siendo testigos las Sres. D<sup>na</sup> José A. Ciespo, Don Alfonso Cordrean, y D<sup>no</sup> Tomas C. Wright, En Guaymas, á veintecincos de Noviembre de mil ochocientos cincuenta y ocho.

Por mi Sra. madre, D<sup>a</sup> M<sup>a</sup> del Carmen Iñigo :

JOAQUIN MA. ASTIAZARAN.

Por mis hijos menores :

MANUEL A. CUBILLAS.  
A. RODRIGUEZ.  
F. CUBILLAS.  
FERNANDO MA ASTIAZARAN.  
JUAN A. ROBINSON.  
JOSÉ CALVO.  
FERNANDO RODRIGUEZ.

Testigo :

JOSÉ A. CIESPO.

Testigo :

A. CORDREAN.

Testigo :

TOMAS C. WRIGHT.

**COPIA DEL CONTRATO CELEBRADO QUE SE MENCIONA EN EL PRESENTE DOCUMENTO**

The undersigned proprietors of the Sopori titles to thirty-one leagues and odd parts of a league of land in Arizona, the Gadsden purchase, have this day sold to Sylvester Mowry their right, title, and interest in said property, four leagues of which to be laid out by Mr. Mowry in the vicinity of the so-called Sopori silver mine, for the sum of (\$5,000.00) five thousand dollars to be paid in cash, and (\$20,000.00) twenty thousand dollars to be delivered in the stock of the Sopori Land and Mining Co., said stock to be full paid and unassessable; said four leagues to be transferred to the property of said company.

For the remaining 27 odd leagues of the Sopori land the proprietors are to receive (\$10,000.00) ten thousand dollars in cash, reserving to themselves ( $\frac{1}{3}$ ) one-third interest in said 27 and odd leagues and ( $\frac{1}{3}$ ) one-third of the profits arising from sale, lease, or other operations in said lands after said Mowry shall be reimbursed in the sum of (\$10,000.00) ten thousand dollars he shall pay to them for said lands.

They, the sellers, in no instance to be called upon to make any outlay or disbursements of any nature whatever, and the undersigned for themselves, heirs, and assigns, hereby agree, promise, and bind themselves to deliver with least possible delay to said Mowry, or his authorized agent, the title-deeds of said property, and all papers they may have in any way connected with said property that may tend to establish the validity of their title to the whole or part of said lands and mines of Sopori.

Guaymas, October 12, 1858.

JOSÉ CALVO.

For me and my associates :

JUAN A. ROBINSON.  
Por mi y Fernando Cubillas.  
FERNANDO RODRIGUEZ.  
M. ALSUA.

Por mi y mes hermanos Dn. F. M. Astiazaran y Dn. Manuel A. Cubillas.  
F. M. ASTIAZARAN.



Nous, Joseph Calvo, Vice-Consul de France à Guaymas, certifions et attestons que les signatures apposées de l'autre part sont véritablement celles des Messrs. Joaquin Maria Astiazaran, Fernando Ma. Astiazaran, Manuel A. Cubillas, Fernando Cubillas, Juan A. Robinson, Matias Alsua, Antonio Rodriguez, Fernando Rodriguez, José Anto. Crespo, Alejandro Courdreau, et Tomas C. Wright, négociants et propriétaires, résidents à Guaymas et à Hermosello, et que foi doit y être ajoutée tant en jugement qu'en dehors. En témoignage de quoi nous avons signé le présent titre de vente et y avons apposé le timbre de ce Vice-Consul à Guaymas, le 1 Décembre de 1858.

Le Vice-Consul :

JOSEPH CALVO.

STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared at the said city of San Francisco the within-named Juan A. Robinson, whose name is subscribed to the annexed and within instrument as a party thereto, personally known to me to be the individual described in, and who executed the said annexed and within instrument, and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

STATE OF CALIFORNIA,

*City and County of San Francisco, ss :*

On this eleventh day of June, A. D. 1880, before me, J. H. Blood, a commissioner of deeds for the Territory of Arizona, duly appointed, commissioned, and residing in the said city of San Francisco, personally appeared in the said city of San Francisco the within-named Juan A. Robinson, personally known to me to be the same person whose name is subscribed to the annexed instrument as a party thereto, who being by me duly sworn, did depose and say that he resides in the said city of San Francisco; that he executed the said annexed instrument; that he was personally acquainted with José Crespo, A. Coindrean, and Tomas C. Wright, whose names are subscribed to the said annexed instrument as witnesses thereto, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said witnesses respectively; that the said José Crespo is now dead; that the said A. Coindrean is now a resident of the Republic of France, and that the said Tomas C. Wright is now a resident of the Republic of Ecuador; that Joaquin Maria Astiazaran, Manuel A. Cubillas, Antonio Rodriguez, Fernando Cubillas, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguez, and Matias Alsua are well known to him to be the same persons described in, and who executed the said annexed instrument as parties thereto, and the said Joaquin Maria Astiazaran, Manuel A. Cubillos, Antonio Rodriguez, Fernando Cabillos, José Calvo, Fernando Maria Astiazaran, Fernando Rodriguezes, and Matias Alsua severally duly acknowledged in the presence of deponent that they severally executed the same freely and voluntarily and for the uses and purposes therein mentioned; that deponent well knows the handwriting of the aforementioned parties, and that the signatures of their names to the said annexed instrument are in the genuine handwritings of the said persons respectively.

And I further certify that I am personally well acquainted with the said Juan A. Robinson; that he is a credible witness, to whose testimony full faith and credence can be given.

In testimony whereof I have hereunto set my hand and affixed my official seal, at my office in said city of San Francisco, in the day and year in this certificate first above written.

[SEAL.]

J. H. BLOOD,

*Commissioner of Deeds for the Territory of Arizona.*

The undersigned, Joaquin Maria Astiazaran, in his own behalf and in representation of his mother, Mrs. Maria del Carmen Ynigo, Mr. Fernando Maria Astiazaran; Mr. Manuel A. Cebillas, in representation of his children, heirs at law of Mrs. Carmon Astiazaran; Mr. Juan A. Robinson, Mr. Matias Alsua, Mr. José Calvo, Mr. Fernando Rodriguez, Mr. Antonio Rodriguez y Mr. Fernando Cubillas, by virtue of the contract entered into with Mr. Silvester Mowry on the twelfth day of October ultimo, in this city, as set forth in copy hereunto appended at the close of this paper, declare

hereby that we this day sell, donate, and convey all our rights, title, and interest, perpetually and forever, which we hold and possess as per documents surrendered this day unto Mr. Carlos P. Stone, his agent, the two indivisible third parts of the twenty-seven ranchos, seven-eighths of another and thirteen short acres of land, reserving all our rights, title, and interest to the other third part thereof, comprising the place known as the Sopori, situated within the place known as Gadaden purchase, in behalf of Mr. Silvester Mowry, declaring that the aforesaid land has never been sold, pledged, or mortgaged in any manner whatsoever, but is, on the contrary, free from whatever incumbrance, gaged and as such convey the said two-thirds, with all appurtenances appertaining thereto, according to law, in consideration of the payment of the sum of ten thousand dollars (\$10,000.00), due on March twelfth, eighteen hundred and fifty-nine, at the city of New York (United States), in a bill of exchange accepted by said Mr. Mowry, and payable at the office of Messrs. Duncan, Sherman & Co., to the order of Messrs. John Warren & Son, of the same above city, delivered unto us, the undersigned, by said Mr. Charlee P. Stone this day, and on payment of the above sum this document shall have all due legal force, and should it fail, then the same to stand void.

And in order to impart to the foregoing all due force, or, so far as we, the undersigned, are concerned, we hereby sign the same, giving a legal copy thereof unto Mr. Mowry, before Messrs. José A. Crespo, Alfonso Coindrean, and Tomas C. Wright as witnesses, in the city of Guaymas, on November twenty-fifth, eighteen hundred and fifty-eight.

In my own behalf and in representation of my mother, Mrs. Maria del Carmen Yñigo:

JOAQUIN MARIA ASTIAZARAN.

In representation of my children as minors:

MANUEL A. CUBILLOS.

A. RODRIGUEZ.

F. CUBILLOS.

JOSÉ CALVO

FERNANDO MARIA ASTIAZARAN.

JUAN A. ROBINSON.

FERNANDO RODRIGUEZ.

M. ALSUA.

Witnesses:

JOSÉ A. CRESPO.

A. COINDREAN.

TOMAS C. WRIGHT.

Know all men by these presents that we, Sylvester Mowry, and Joaquim Maria Astiazaran, for himself and also for his mother, Maria del Carmen Tuigo, and Fernando Maria Astiazaran, and Manuel Cubillas for his children, the heirs of Mrs. Carmen Astiazaran, and Juan A. Robinson, and Matias Alsua and Jose Calvo and Fernando Rodriguez and Antonio Rodriguez and Fernando Cubillas, all being citizens either of what is commonly called Arizona, or of Sonora, in the Republic of Mexico, in consideration of twenty-five thousand dollars to us well and truly paid by the Arizona Land and Mining Company, a corporation created by the laws of the State of Rhode Island and Providence Plantations, and located in the city and county of Providence in said last named State, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell, remise, release, convey, transfer, assign, and deliver to the said Arizona Land and Mining Company, their successors and assigns, all the lands (except such as we have heretofore released to the Sopori Land and Mining Company) situated at the point called El Sopori, in the district of San Ignacio, and in what was formerly a part of the State of Sonora, but now called Arizona, and being the same lands and estate which were granted in due form of law to Don Joaquin Astiazaran by deed to him bearing date the fifth day of July, A. D. 1838, signed by José Maria Mendoza, treasurer-general of said State of Sonora, reference to which deed, as also to all other evidences of the title of the said Joaquin Astiazaran, placed in the possession of the said Arizona Land and Mining Company by the herein grantors, is to be had for greater particularity in all matters relating to said lands and the title thereto, together with all the mines, buildings, privileges, appurtenances, and improvements thereon being, or thereunto in any way belonging or appertaining. To have and to hold the afore-described and afore-demised premises, all and singular, with the mines and buildings thereon standing and being, and all other privileges and appurtenances thereto belonging or in anywise appertaining to the said Arizona Land and Mining Company, their successors and assigns, to their sole use, benefit, and behoof forever.

And we, the said grantors, for ourselves and for each of us, and for our respective heirs, executors, and administrators, do hereby covenant, agree, and promise to and with the said corporation, their successors and assigns, that we have good right, full

power, and lawful authority to bargain, sell, convey, and transfer the premises aforesaid and demised in the manner aforesaid.

That the same are free from all encumbrances, and that we will warrant and defend the same to the said Arizona Land and Mining Company, their successors and assigns, against the lawful claims and demands of all persons whatsoever claiming by, through, or under us, but against none other.

In testimony whereof we, the afore-named grantors, have hereto set our hands and seals this second day of June, in the year of our Lord one thousand eight hundred and sixty (A. D. 1860).

SYLVESTER MOWRY, [SEAL.]

JOAQUIM MARIA ASTIAZARAN, [SEAL.]

*By his Attorney, Sylvester Mowry.*

MARIA DEL CARMEN INIGO, [SEAL.]

*By her Attorney, Sylvester Mowry.*

FERNANDO MARIA ASTIAZARAN, [SEAL.]

*By his Attorney, Sylvester Mowry.*

MANUEL CUBILLAS, [SEAL.]

*For his Children, the Heirs of Mrs. Carmen Astiazaran,*

*By his Attorney, Sylvester Mowry.*

JUAN A. ROBINSON, [SEAL.]

*By his Attorney, Sylvester Mowry.*

MATIAS ALSUA, [SEAL.]

*By his Attorney, Sylvester Mowry.*

JOSÉ CALVO, [SEAL.]

*By his Attorney, Sylvester Mowry.*

FERNANDO RODRIGUEZ, [SEAL.]

*By his Attorney, Sylvester Mowry.*

ANTONIO RODRIGUEZ, [SEAL.]

*By his Attorney, Sylvester Mowry.*

FERNANDO CUBILLAS, [SEAL.]

*By his Attorney, Sylvester Mowry.*

Signed, sealed, and delivered in presence of N. Van Slyck.

STEPHEN ESSEX.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*Providence, ss:*

In the city and county of Providence, this fifth day of June, A. D. 1860, personally came the within-named Sylvester Mowry, and came also the within Joaquim Maria Astiazaran and Maria del Carmen Tuigo and Fernando Maria Astiazaran and Manuel Cubillas and Juan A. Robinson and Matias Alsua and José Calvo and Fernando Rodriguez and Antonio Rodriguez and Fernando Cubillas, by their joint and several attorney, Sylvester Mowry, and severally acknowledged the within instrument by them signed to be their free act and deed.

Before me.

NICHOLAS VAN SLYCK,

*Justice of the Peace.*

UNITED STATES OF AMERICA,

*State of Rhode Island and Providence Plantations:*

SECRETARY OF STATE'S OFFICE,

*Providence, May 25, 1880.*

I hereby certify that Nicholas Van Slyck, esquire, before whom the annexed acknowledgements were made, and who has thereunto subscribed his name, was, at the time of so doing, a justice of the peace, of the State of Rhode Island, in and for the city of Providence, and as such authorized by law to take depositions and the acknowledgment of deeds and other instruments, and to administer oaths; that he was duly commissioned, as appears of record. I furthermore believe that his signature is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the day and year above written.

[SEAL.]

JOSHUA M. ADDEMAN,

*Secretary of State.*

(Indorsed:) Recorder's office, Pima Co., A. T. Filed and recorded at request of E. M. Shepard, June 28, A. D. 1880, at 2.30 p. m., in Book 7, Deed Real Estate, pages 169-173. S. W. Carpenter, county recorder. By W. S. Reed, deputy.

COPY OF QUITCLAIM DEED OF SYLVESTER MOWRY AND OTHERS TO THE SOPORI LAND AND MINING COMPANY, INDORSED AND RECORDED BY S. W. CARPENTER, COUNTY RECORDER, PIMA CO., A. T.

Know all men by these presents that we, Sylvester Mowry and Joaquim Maria Astiazaran, for himself and also for his mother, Maria del Carmen Tuijo, and Fernando Maria Astiazaran, and Mannel Cubillas, for his children, the heirs of Mrs. Carmen Astiazaran, and Juan A. Robinson and Matias Alsua and José Calvo and Fernando Rodriguez and Antonio Rodriguez and Fernando Cubillas, all being citizens either of what is commonly called Arizona or of Sonora, in the Republic of Mexico, in consideration of twenty-five thousand dollars to us well and truly paid by the Sopori Land and Mining Company, a corporation created by the laws of the State of Rhode Island and Providence Plantations, and located in the city and county of Providence, in said last named State, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell, remise, release, convey, transfer, assign, and deliver to the said Sopori Land and Mining Company, their successors and assigns, all the right, title, interest, and claim that we or either of us grantors have, or of right ought to have, in and to about four square leagues (be the same more or less) of land, with the mines, buildings, privileges, and appurtenances thereon being or thereunto in anywise belonging or appertaining, situate in what was formerly a part of the Mexican State of Sonora, but which is now called Arizona, and within the jurisdiction of what was formerly the Presidio of Tubac, and being the same lands and estates that were granted and assured to José Antonio Orosco, Don Tomas Orbiz and Don Ignacio Ortiz, or either of them, by the officers of said Mexican Government, and of the State of Sonora, duly authorized to make said grant and assurance, and for a more particular description of the premises hereby conveyed, or intended to be, reference is to be had to the documents, deeds, and other evidences of the titles and interest of the said José Antonio, Don Tomas, and Don Ignacio thereto placed in the possession of the said Sopori Land and Mining Company by said grantors. To have and to hold the afore-described and afore-demised premises all and singular, with the mines and buildings thereon standing and being, and all other privileges and appurtenances thereto belonging or in anywise appertaining, to the said Sopori Land and Mining Company, their successors and assigns, to their sole use, benefit, and behoof forever.

And we, the said grantors, for ourselves and for each of us, and for our respective heirs, executors, and administrators, do hereby covenant, agree, and promise to and with the said corporation, their successors and assigns, that we have good right, full power, and lawful authority to bargain, sell, convey, and transfer the premises afore-described and demised in manner aforesaid. That the same are free from all encumbrances, and that we will warrant and defend the same to the Sopori Land and Mining Company, their successors and assigns, against the lawful claims and demands of all persons whatsoever claiming by, through, and under us, but against none other.

In testimony whereof we, the afore-named grantors, have hereto set our hands and seals this second (2d) day of June, in the year of our Lord one thousand eight hundred and sixty (1860).

**SYLVESTER MOWRY.**

**JOAQUIN MARIA ASTIAZARAN,**

*By his Attorney, Sylvester Mowry.*

**MARIA DEL CARMEN TRUIGO,**

*By her Attorney, Sylvester Mowry.*

**FERNANDO MARIA ASTIAZARAN,**

*By his Attorney, Sylvester Mowry.*

**MANUEL CABILLIAS,**

*For his Children, the Heirs of Mrs. Carmen, Astiazaran.*

*By his Attorney, Sylvester Mowry.*

**JUAN A. ROBINSON,**

*By his Attorney, Sylvester Mowry.*

**MATIAS ALSUA,**

*By his Attorney, Sylvester Mowry.*

**JOSÉ CALVO,**

*By his Attorney, Sylvester Mowry.*

**FERNANDO RODRIGUEZ,**

*By his Attorney, Sylvester Mowry.*

**ANTONIA RODRIGUEZ,**

*By his Attorney, Sylvester Mowry.*

**FERNANDO CUBILLIAS,**

*By his Attorney, Sylvester Mowry.*

Signed, sealed, and delivered in presence of N. Van Slyck.

STEPHEN ESSEX.

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*Providence, ss :*

In the city and county of Providence, this fifth day of June, A. D. 1860, personally came the within-named Sylvester Mowry, and came also the within Joaquin Maria Astiazaran and Maria del Carmen Truigo and Fernando Maria Astiazaran and Manuel Cubillas and Juan A. Robinson and Matias Alsua and José Calvo and Fernando Rodriguez and Antonio Rodriguez and Fernando Cubillas, by their joint and several attorney, Sylvester Mowry, and severally acknowledged the within instrument by them signed to be their free act and deed.

Before me.

NICOLAS VAN SLYCK,  
*Justice of the Peace.*

## UNITED STATES OF AMERICA,

*State of Rhode Island and Providence Plantations :*

SECRETARY OF STATE'S OFFICE,  
*Providence, May 25, 1880.*

I hereby certify that Nicolas Van Slyck, esquire, before whom the annexed acknowledgment was made, and who has thereunto subscribed his name, was at the time of so doing a justice of the peace of the State of Rhode Island in and for the city of Providence, and as such authorized by law to take depositions and the acknowledgment of deeds and other instruments, and to administer oaths; that he was duly commissioned, as appears of record. I furthermore believe that his signature is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the day and year above written.

[SEAL.]

JOSHUA M. ADDEMAN,  
*Secretary of State.*

Know all men that the Arizona Land and Mining Company, a corporation chartered by the legislature of the State of Rhode Island and Providence Plantations, and organized under said charter, and having its chief office and place of business at the city of Providence, in said State, in consideration of thirty thousand (30,000) dollars paid to said corporation by the Sopori Land and Mining Company, another corporation chartered by said legislature and organized under its charter, and also having its office and chief place of business in said city of Providence, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell, convey, enfeoff, alien, transfer, and make over unto the said Sopori Land and Mining Company, corporation as aforesaid, its successors and assigns, all and singular the following-described land, property, and estates, situate at a place called Sopori, in and near what was formerly the presidio of Tubac, in the State of Sonora, but now called Pima County, in the Territory of Arizona, containing about thirty-two leagues of land, with all the mines and rights of mining, ways, buildings, privileges, and appurtenances thereto belonging or thereon being; but, be the same more or less, they are the same, and all of the lands, property, and estates granted, as follows, viz :

First. From J. M. Mendoza, general treasurer of the State of Sonora, to Joaquin de Astiazaran, by deed or grant dated at Arispe, July 5th, A. D. 1838, of lands at and of the place called El Sopori, in the district of San Ignacio, between Tubac and San Xavier.

Second. From Don Antonio Ramirez, commandant of the post of Tubac, to José Antonio Oroscio, by grant dated October 29th, A. D. 1835, of lands at a place called Sopori, in the jurisdiction of the presidio of Tubac.

Third. From Antonio Ferrara Y. Peralta, acting general treasurer of the State of Sonora, to Tomas Ortiz and Ignacio Ortiz, dated the second day of February, A. D. 1849, of lands at and of the post called San Ignacio de la Canoa, in the jurisdiction of the presidio of Tubac, in the district of Ures.

With all the buildings and improvements since made, and mines since opened thereon, being and thereto belonging, meaning and intending hereby to sell, convey, grant, transfer, and make over to the said Sopori Land and Mining Company, corporation as aforesaid, all and singular the lands, estates, and property of every kind, name and nature, situate, lying, and being in said Territory of Arizona, or in any part thereof, belonging to, or owned, or claimed by said Arizona Land and Mining Company, corporation as aforesaid, and in and to all title papers, grants, deeds, or other evidences of ownership said last-named corporation have of and to the same. To have and to hold the said bargained and demised premises, property, and estates, with their privileges and appurtenances, to the said Sopori Land and Mining Company, corporation as aforesaid, its successors and assigns, to its successors and assigns forever.

And the said Arizona Land and Mining Company, corporation as aforesaid, covenants to and with said Sopori Land and Mining Company, corporation as aforesaid, its successors and assigns, that the said Arizona Land and Mining Company, its successors and assigns, has good right and lawful authority to sell said demised premises in manner aforesaid; that the same are free from all incumbrances made or suffered by the herein grantor; that the herein granting corporation is lawfully seized and possessed of the same, and that it will warrant and defend the same to the said grantee, its successors and assigns, against the lawful claims of all persons claiming by or through or under said grantor.

In testimony whereof the said Arizona Land and Mining Company, corporation as aforesaid, has hereto set its signature and seal by its duly authorized agent and treasurer, this first day of March, A. D. 1866.

ARIZONA LAND AND  
MINING COMPANY,  
By JOHN EDDY, [SEAL.]  
*President pro tempore.*  
AMOS M. WARNER,  
*Treasurer.*

Signed, sealed, and delivered in presence of  
GEO. H. BROWNE.

[\$30 revenue st'p cancelled. A. L. & M. Co., M'ch 1, '66. J. E., Pres. *pro tem.*]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*Providence, ss :*

In the city and county of Providence, this seventh (7th) day of June, A. D. 1866, personally came the aforementioned John Eddy, who executed the foregoing instrument, as agent of the Arizona Land and Mining Company, and acknowledged the same to be the free act and deed of said company and of himself in said capacity.

Before me,

GEORGE H. BROWNE,  
*Public Notary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*Providence, ss :*

In the city of Providence, this seventh day of June, A. D. 1866, personally Amos M. Warner, in his capacity of agent and treasurer of the Arizona Land and Mining Company, authorized to sign the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said company.

Before me,

GEORGE H. BROWNE,  
*Public Notary.*

UNITED STATES OF AMERICA,  
*State of Rhode Island and Providence Plantations :*

SECRETARY OF STATE'S OFFICE,  
*Providence, June 7, 1866.*

I hereby certify that George H. Browne, esquire, before whom the annexed acknowledgment was made and who has thereunto subscribed his name, was at the time of so doing a public notary of the State of Rhode Island in and for the county of Providence, and as such is by law authorized to take depositions and the acknowledgment of deeds and other instruments, and to administer all necessary oaths; that he is duly commissioned, as appears of record, and sworn, and I furthermore believe that his signature is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the day and year above written.

[SEAL.]

JOHN R. BARTLETT,  
*Secretary of State.*

[Endorsed:] Recorder's office, Tucson, Pima Co., A. T. Filed and recorded at request of E. M. Sheperd, June 28th, A. D. 1880, at 2.30 p. m., in book 7, Deed Real Estate, pages 140, 141, 142, 143, 144. S. W. Carpenter, county recorder. By W. S. Reed, deputy.

## TESTIMONY IN THE CASE.

In the matter of the examination of the validity of the title to the "Sopori" private land claim, situate in the Territory of Arizona, before the U. S. surveyor-general.

*Testimony of Ferdinand Francis, a witness called in behalf of petitioner.*

FERDINAND FRANCIS, being duly sworn by the surveyor-general, testified as follows:

## Questions by attorney for petitioner:

Ques. 1. What are your name, age, residence, and occupation?—Ans. My name is Ferdinand Francis; 49 years of age; reside in Tucson, Arizona, and occupation that of teamster.

Ques. 2. Are you acquainted with the ranch of Sopori, and the property generally adjacent thereto, and now claimed by the Sopori Land and Mining Co.?—Ans. Yes, sir; I know where it is, and have known it since 1861. I know it very well, have been over a good portion of it; in fact, all that has generally been considered the Sopori ranch.

Ques. 3. What is the general character of that land as to its being grazing or agricultural or mineral land?—Ans. Take the ranch as I look at it, I consider it a stock or grazing ranch. Some portions of it have been cultivated, and some are now being cultivated, and as for mineral, I don't know whether there is any on it or not. Its general reputation is that of a grazing ranch, and is so known in the country.

Ques. 4. Have you had personal experience in the management of grazing ranches so that you are familiar with their general character?—Ans. I have had considerable to do with stock ranches and consider myself somewhat familiar with the business.

Ques. 5. Is the general character of the country as far north as the San Xavier Mission and as far south as the Cerro Colorado property of the same grazing character that you have mentioned?—Ans. Much the same. There is a good deal I have not been over, but that is the character of the country.

Ques. 6. And has the country the same character from the Sierrita Mountains on the west across the Santa Cruz Valley to the Santa Rita Mountains on the east?—Ans. The country is much the same character, according to my knowledge, as I have been over it.

Ques. 7. Since 1861, how often have you been over the property?—Ans. Since that time I have been over it, more or less frequently, every year, excepting during two years.

Ques. 8. Do you remember the Apache incursion of 1861 or 1862?—Ans. I do.

Ques. 9. How long did the Apache incursions continue from that time?—Ans. They continued up till about 1877, and that during the years of the rebellion, from 1861 to 1865, they practically held possession of the country and drove out all settlers; and from 1865 up to 1872 there was no safety in living upon a ranch anywhere in that vicinity, so that the country round about the "Sopori" was practically unoccupied during those years.

## Questions by the surveyor-general:

Ques. 1. Mr. Francis, do you know that the Sopori Land and Mining Co. ever occupied said rancho?—Ans. I do not personally, but understand from general reputation it did.

Ques. 2. Do you personally know whether or not there is a mining claim within the boundaries of said rancho, which is now being worked as such?—Ans. I do not, sir.  
FERDINAND FRANCIS.

Sworn to and subscribed before me this 3d day of July, 1880, as witness my hand and seal.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

*Testimony of Peter Kitchen.*

PETER KITCHEN, being duly sworn, testified as follows:

## Questions by attorney for petitioner:

Ques. 1. What are your name, age, residence, and occupation?—Ans. Peter Kitchen; age, 68 years; reside in Pima Co., Arizona, on the Potrero, near Sonora line, and near the old mission of Tumacacori, and occupation a rancher.

Ques. 2. How long have you resided in Arizona?—Ans. Since 1854.

Ques. 3. Where were you residing in the years in 1859, 1860, and 1861?—Ans. I lived

on the "Canoa," as it is now called, and the lines of the "Sopori" grant were on each side of me.

Ques. 4. How many years did you reside in that place, and in what years?—Ans. From about 1855 to the early part of 1862.

Ques. 5. Did you know Richmond Jones, jr., the superintendent of the Sopori Land and Mining Co.?—Ans. Yes, sir; I was well acquainted with him, and worked with him and assisted him in running the lines of the Sopori ranch.

Ques. 6. During what years was Richmond Jones, jr., in possession of said ranch and property?—Ans. He must have been in possession of it in the years 1859 and 1860, and the early part of 1861.

Ques. 7. How many assistants or employees had the said superintendent on said ranch?—Ans. Not less than four or five, and perhaps six. He brought with him two or three young men, and afterwards from time to time employed others, and I was at one time an employee, and the young men assisted him about the surveying, and the Mexican employees helped him about the cattle.

Ques. 8. Did you assist him in this surveying in running the lines and in discovering the monuments?—Ans. I did on all of the east, south, and north lines.

Ques. 9. How far and to what places north, east, and south did his survey and possession extend?—Ans. On the east side the line ran to the edge of an arroyo in the foot-hills of the Santa Rita Mountains, and on the south the line extends to the south of the Rivanton, and to the east near the foot-hills of the Santa Rita Mountains, near the hot springs. I understood the line on the north runs to the Sahuarito.

Ques. 10. Did you learn from what Mexican the company bought the grant covering the land near your residence?—Ans. Sylvester Mowry bought it from one Cubillas, and the company bought it from the said Mowry.

Ques. 11. How did Mr. Jones' possession of the property terminate?—Ans. By his death, in 1861, at the hands of the Apache Indians. In about 1861 six hundred Indians made a raid through the valley and depopulated it, and on his return from Tucson Mr. Jones was killed by them just east of where Maish and Driscoll's present ranch houses now stand, and it is believed they killed him with a pitch-fork, as there was not a gun-shot wound about his body. I saw the body after death. I lost many cattle and much property by the Indians in the same raid. At the same time the same Indians raided the Sopori ranch, and drove off and killed all the stock in it, amounting to about 300 head.

Ques. 12. When you came to that part of the country in 1854, was it populated?—Ans. No, sir. No one was in possession of the ranch at that time. The whole country was then depopulated from Tucson to Sonora, on account of the hostilities of the Apache Indians.

Ques. 13. After that time, who first occupied the Sopori ranch?—Ans. James W. Douglass and his executor, C. C. Dodson, and they sold the cattle and fixtures there to the Sopori Land and Mining Co.

Ques. 14. Are you familiar with grazing, agricultural, and mineral lands?—Ans. Yes, sir.

Ques. 15. What is the general character in that respect of the Sopori property, and property surveyed and taken possession of by Mr. Jones for the Sopori Land and Mining Co.?—Ans. The portions with which I am familiar are mesa and grazing land, and there is but little farming land and there are no mines on the said rancho, to my knowledge.

PETER KITCHEN.

Sworn and subscribed to before me this 3d day of July, 1880, as witness my hand and seal of office.

[SEAL.]

JOHN WASSON,

U. S. Sur. Gen'l.

*Testimony of Juan A. Robinson.*

JUAN A. ROBINSON, being duly sworn, testified as follows:

Questions by attorney for claimant:

Ques. 1. What are your name, age, place of residence, and occupation?—Ans. Juan A. Robinson; age, 78 years; San Francisco, Cal.; occupation, that of general agency.

Ques. 2. Did you at one time reside in Sonora, Mexico; and, if so, at what place and for how long?—Ans. I came to Sonora in 1822; I resided in the city of Alamos until the year 1833, then I moved to the port of Guaymas, and remained there constantly till 1861, and afterwards was there off and on till 1872.

Ques. 3. Did you know Joaquin Astiazaran?—Ans. I knew Mr. Astiazaran slightly, but had no intimacy with him. He resided in Hermosillo, and I in Guaymas.

Ques. 4. Please state what was the general character and standing of Mr. Astiazaran in Sonora.—Ans. I always understood Mr. Astiazaran to be a highly honorable gentleman, and one of the wealthiest men in Sonora, and one of the largest land-holders.



Ques. 5. He would be considered one of the leading citizens?—Ans. As to that he was a retired gentleman attending to his own business.

Ques. 6. For what did Mr. Astiazaran use his lands in Sonora, chiefly?—Ans. He had a large agricultural tract, one of the largest and richest in Sonora, and also stock ranche for raising cattle and horses; in fact, he had several ranches.

Ques. 7. State, if you know, when Mr. Astiazaran died, and what family or heirs he left upon his death.—Ans. I could not say when he died. I think it was over twenty-five years since his death, but my memory fails me. He died some time before the sale of the Sopori property by his heirs; I believe it was several years before such sale. As far as I know, he left a widow, two sons, and a daughter; the name of the widow was, I think, Maria del Carmen Ynigo, and the name of the sons were Fernando and Joaquin, and of the daughter, I do not remember her name, but she married Don Manuel Cubillas. The widow is now dead; she lived, I think, some eight or ten years after her husband's death.

Ques. 8. Where did Juaquin and Fernando Astiazaran reside at the time of the sale of the property to the Sopori Company?—Ans. Their place of residence was at La Labor. I think Don Joaquin was in the employ of the custom-house, in Guaymas, at that time and resided there.

Ques. 9. Did you know Manuel Cubillas and Fernando Cubillas? If so, state what was their character and standing in Sonora.—Ans. Manuel Cubillas I was slightly acquainted with. He was a respectable country gentleman. He lived on his farm, I think he is still living. Fernando Cubillas, I was intimately acquainted with. He was one of the most prominent men in Sonora, and was a number of years governor of the State. He is since dead.

Ques. 10. What was your occupation at Guaymas?—Ans. I was an importing and commission merchant.

Ques. 11. Did you take part in the sale of the Sopori land grant to Sylvester Mowry?—Ans. Joaquin Astiazaran stated that his father owned a very valuable property in Arizona, and he wished to bring it into prominence and make a sale of it, and hence an association was formed of which I was a member, and I took part in the sale which was made to Sylvester Mowry, who was then a lieutenant in the U. S. Army. I am not aware of any conveyance of the property by the Astiazaran heirs except to Lieutenant Mowry. I know of the sale by the Astiazaran heirs to Mr. Mowry. I think the title papers were delivered to Capt. Stone, as he was left in charge by Lt. Mowry to receive the papers.

Ques. 12. Did you know José Maria Mendoza, and that he was treasurer general of the State of Sonora?—Ans. I knew José Maria Mendoza slightly, and knew much of him and that he was treasurer-general of Sonora.

Ques. 13. Please look at the expediente now shown you, and state whether the signatures to the same are in his handwriting.—Ans. Yes, sir, I believe them to be his signatures. His signature was very prominent, as he was in the treasury office for about twenty years, I think, and I became very familiar with his signature, and anybody who ever saw it once would recognize it again.

Ques. 14. Do you know the signature of Matias Moran, a notary public in Sonora?—Ans. I have seen it very frequently. I presume I would know it.

Ques. 15. Look at the instrument of sale by the heirs of Francisco Villasecusa to Fernando Cubillas, and state whether the signatures to the certificates at the end of that paper are in the handwriting of Matias Moran, the notary public?—Ans. Yes, sir; I should think that is his signature. I have seen it frequently.

Ques. 16. Do you know the signature of Jesus G. Meneses?—Ans. I have seen it frequently. I very likely should know it.

Ques. 17. Please look at the two instruments of sale by Tomas Ortiz to Fernando Rodriguez, now shown you, and state whether the signatures of Jesus G. Meneses to the certificates at the ends of these papers are in his handwriting?—Ans. Yes, sir; there is no doubt about their being his signatures; that is, I think they are. I have met Meneses and Moran on business.

Ques. 18. Did you know José d'Aguilar? And, if so, state what office he held, if any, in Sonora, and whether you know his signature.—Ans. I knew José d'Aguilar; he was a prominent lawyer, and for several years was governor of the State; and I know his signature.

Ques. 19. Please look at the certificate dated 8th June, 1857, and state whether the signature thereto is the genuine signature of José d'Aguilar.—Ans. That is his signature; I have seen it frequently.

Ques. 20. Did you know Ygnacio Pesqueira? If so, state what his position in Sonora, if any, was, and whether you know his handwriting.—Ans. I have known Ygnacio Pesqueira intimately; he was a long time governor of the State of Sonora and commandant-general, and I know his handwriting.

Ques. 21. Please look at the certificate dated 15th January, 1858, and the authentication thereof dated 10th September, 1858; please state in whose handwriting the certificate and signature thereto is, and in whose handwriting the signature to the

authentication thereof is.—Ans. The certificate appears to be in the handwriting of José Maria Mendoza, and the signature thereto is his without doubt, and the signature to the authentication is that of Ygnacio Pesqueira; there is no doubt about that at all.

Questions by the surveyor-general:

Ques. 22. Mr. Robinson, have you ever been upon the Sopori land grant now under consideration?—Ans. I have not, sir.

Ques. 23. Is it your understanding that the land of said grant is more valuable for mines, or pasturage, or agriculture?—Ans. I think it more valuable for pasturage, as I have always understood it.

Ques. 24. Have you ever been led to believe that said land contained any mines or minerals?—Ans. I have heard there was a mine on one corner of the land; I am speaking of the old Sopori mine, which I understand has been abandoned.

JUAN A. ROBINSON.

Sworn and subscribed to before me in the city of San Francisco, California, on this 9th day of July, 1880.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General for Arizona.

*Testimony of Joseph R. Wilkinson.*

JOSEPH R. WILKINSON, first being duly sworn by the surveyor-general, testified as follows:

Questions by attorney for claimant:

Ques. 1. What are your name, age, place of residence, and occupation?—Ans. My name is Joseph R. Wilkinson; 44 years of age; residence, Sacramento, California, and am resident engineer of the Central Pacific Railroad Company at Sacramento.

Ques. 2. Were you in the employ of the Sopori Land and Mining Company; if so, when?—Ans. I was in the employ of the Sopori Land and Mining Company most of the year 1860. I left Providence, R. I., Jan'y 10, 1860, in company with Richmond Jones, jr., supt. and engineer of the Sopori Land and Mining Co., a Mr. Crossman, a Mr. Jackson, and Col. Comstock, who were assistants. I was assistant engineer to the company.

Ques. 3. Did Mr. Jones and that party go upon the property here under investigation; and if so, what did they do?—Ans. We arrived some time in February, and after remaining there for a time the property was formally turned over to Richmond Jones, jr., as supt. of the company, and he (Mr. Jones) remained in possession and in control of the property until the time of his death, in 1861.

Ques. 4. Did your party survey the property; if so, how long were you engaged in the operation?—Ans. We did survey it; and we were engaged in the instrumental work for two or three months, and were some months longer engaged in making the plats.

Ques. 5. Did you prepare a map of any portion of the property?—Ans. I did. The map I now show, entitled "Map of the estate of the Arizona Land and Mining Company," is a tracing of the original map of a portion of the estate.

Ques. 6. Was any other portion of the estate than that shown upon this tracing, surveyed by you?—Ans. There was; I cannot recollect what that survey was of, but my impression is that it was what is called, strictly speaking, the Sopori ranch.

Ques. 7. From what did you start your survey?—Ans. We had a translation of the old original grant, and followed that as nearly as we could. The initial point stated in the grant was "La Tinaja," and that we identified it by aid of Mr. Dodson and some of the old Mexican settlers. During the survey we came across one or two of the old original Mexican monuments. These monuments were near enough to our measurements to convince us that they were the original ones.

Ques. 8. What part did you personally take in this survey?—Ans. I did all the instrumental work and platted the work.

Ques. 9. In what direction from the portion of the property shown upon the tracing of map here produced was the remaining portion not shown on this tracing?—Ans. The Sopori ranch proper is to the south of said portion.

Ques. 10. Did your party actually reside upon the Sopori?—Ans. We did; we made that our headquarters during the survey.

Ques. 11. If you prepared any other map or tracing of the property or any part thereof, will you, if practicable, procure the same and forward it to the surveyor-general, identified by your signature?—Ans. I will.

Ques. 12. State what was the condition of the country in the neighborhood of the Sopori during your stay, in respect to safety.—Ans. The Indians were very troublesome at the time. Quite a number of murders were committed by the Indians in the latter part of 1860 and early in 1861, the troops having been withdrawn.

Ques. 13. State whether the title of the Sopori Land and Mining Co., claiming under the Mexican grant, was generally recognized by the inhabitants of the country thereabouts.—Ans. It was. We had quiet possession of all the property the company claimed. Nobody disputed the title.

Questions by the surveyor-general :

Ques. 14. Mr. Wilkinson, please state the distances, as nearly as you can remember, of your personal observations, north, south, east, and west from the point generally known as the "Sopori" on the land claimed by said Sopori Land and Mining Company.—Ans. Six to seven miles east and west from Sopori proper, making the entire width between 13 and 14 miles; and north of Sopori about 18 or 19 miles; and south, I do not remember.

Ques. 15. Did you or did you not observe any evidences of mines or minerals within the limits described?—Ans. We found traces of minerals at various points.

Ques. 16. Was it your impression at the time that any part of the said land was more valuable for mineral than for pasturage or agriculture?—A. I think there was a great deal of mineral land, and that some portion of it was more valuable for mineral than for agriculture and pasturage. The mountain land, I think, was mineral in its character, and the mesa and valley land was not.

Ques. 17. (By attorney for claimant.) Your impression of the mineral character of some part of these lands was not derived from any excavation or the examination of any ore, was it?—Ans. It was not; I judged from the general appearance of the country.

J. R. WILKINSON.

Sworn to and subscribed before me this 9th day of July, 1880, in the city of San Francisco, California.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General for Arizona.

JESUS MA. ELIAS, first being duly sworn by the surveyor-general, deposed as follows, in response to interrogatories by the U. S. surveyor-general :

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. Jesus Maria Elias; age, 51 years; reside in Tucson, and farmer by occupation.

Ques. 2. Do you know of a ranch in Arizona, by name "El Sopori," and alleged to have been granted to Joaquin de Astiazaran?—Ans. I know the rancho of "Sopori," as alleged to have been granted to Joaquin de Astiazaran.

Ques. 3. How many leagues are embraced in said rancho?—Ans. I don't know how many square leagues it contains; I only know the boundaries as marked out by the surveyors sent by Astiazaran and Cubillas. From north to south it is about eight leagues.

Ques. 4. Do you know when the said rancho was measured, in pursuance of the alleged proceedings under the Mexican Government for title?—Ans. I do; it was measured about the last of December, 1848, or about the first of January, 1849.

Ques. 5. Do you know who made such measurements?—Ans. I do; Joaquin Quiroa, surveyor; Juan Manuel Levara, Leonardo Oroasco, and Alfonso Figueroa and assistants. There were other persons present, but I do not remember their names.

Ques. 6. Do you know where the aforesaid measurers placed the boundary monuments to mark "El Sopori" ranch?—Ans. I know the monuments on the north.

Ques. 7. Where did you reside when the said measurements were made?—Ans. I resided in Tucson.

Ques. 8. Where were you at that time?—Ans. I was at San Xavier, stopping over night, when the said measurers came in from making their measurements. They stopped in the same house I did, and I heard them talking about said measurement.

Ques. 9. Was it then understood among the Mexican people that a grant of "El Sopori" was made in good faith?—Ans. It was generally understood at that time among officers and military men that the grant was not made in good faith but in anticipation of a change of Government.

Ques. 10. What has been the opinion of well-informed Mexican people since 1848 or 1849, regarding the validity of said "El Sopori" grant?—Ans. Prior to 1848 the land of "El Sopori" was considered as belonging to the community of Tubac. From 1848 to the present time, among intelligent people of the country, the opinion has been general that these measurements were made without any right, in anticipation of the future profit that might be derived therefrom. It was understood that the said measurements of "El Sopori" were made for Astiazaran and Cubillas.

JESUS MA. ELIAS.

Subscribed and sworn to before me this 29th day of November, 1880, as witness my hand and seal of office.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

RAFAEL SAIS, being first duly sworn by the surveyor-general, deposed as follows, in reply to questions by the surveyor-general:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. Rafael Sais; age, 56; reside in Tres Alamos; and by occupation a farmer.

Ques. 2. Do you know anything of the rancho known as "El Sopori," said to have been granted by the Mexican Government to Joaquin de Astiazaran?—Ans. When the surveyors who measured the said rancho came to San Xavier, I was living there. I heard them conversing about their work, and from that I learned they had been measuring the rancho of Sopori.

Ques. 3. In what year did the said surveyors come to San Xavier as just referred to?—Ans. The last of the year 1848, or the very first of January, 1849.

Ques. 4. Do you remember the names of the said surveyors; and, if so, give them?—Ans. I do remember them; they are Joaquin Quirora, Manuel Nevavra, Leonardo Oroasco, and Alfonso Figuerara, and others were present; but I do not know their names.

Ques. 5. Do you know where any of the boundary monuments of "El Sopori" were placed by said surveyors?—Ans. I heard the measurers say that they placed a monument at the *rodedias*, but I have never seen it.

Ques. 6. Did you hear the said measurers say for whom they were making the said measurements?—Ans. I heard them say they were doing the work for Astiazaran and Cubillas.

Ques. 7. Was it understood by you and the public that at that time the measurements were made in pursuance of legal and valid proceedings under the Mexican Government to procure title to said "El Sopori"?—Ans. It was understood at that time among the people here that the said measurements were made in bad faith, for the purpose of depriving the people of their just rights, and for speculation, and without any legal right to do so.

Ques. 8. Do you understand the said "El Sopori" rancho to be a large or small tract of land?—Ans. It was understood to be a very large tract of land.

his  
RAFAEL † SAIS.  
mark.

Subscribed by making his mark in my presence and sworn to this 29th day of November, 1880, as witness my hand and seal of office.

[SEAL ]

JOHN WASSON,  
U. S. Surveyor-General.

CHARLES D. POSTON, being first duly sworn, testified as follows, in reply to questions put by the surveyor-general:

Ques. 1. What is your name, age, residence and occupation?—Ans. Chas. D. Poston; age, 54; residence, Arizona, and temporarily in Tucson; occupation, mining business.

Ques. 2. Mr. Poston, have you any knowledge respecting the history of the proceedings connected with the claim of the Sopori Land and Mining Co. to a tract of land nearly thirty-two square leagues in extent, and lying in Pima Co., Arizona, and just south of the old Mission of San Xavier? And if so, please state what, and also please state any historic matters within your knowledge having relation thereto.—Ans. I was acquainted with Frederick A. Rondstalt, in the State of Sonora, in the year 1854. He was Mayor-domo for Gen'l Gandara the governor of the State at that time, and I was with him in San Francisco, in 1855; and in the month of September, 1856, he came to my place at Tubac, in Arizona, remaining with me a couple of weeks, and left in my possession some papers relating to the Sopori ranch, which have been in my possession ever since. He had been living upon the ranch known as the Sopori, and working mines there at a hacienda about six miles west of the Santa Cruz River, where there were buildings, stone houses, arrastras and evidences of old improvements. [Witness here presents a paper to be marked No. 1.] I can state that both signatures to this paper are genuine, and also to my own knowledge that the circumstances related in the papers are true, and I knew all three of the witnesses and know that they were men entitled to credit upon oath. I also file herewith a certified copy of said paper, made by myself at the time (to be marked No. 2). As far as the 31-league grant of Sopori is concerned, I was in Sonora in January, 1854, directly after the signing of the treaty, and had with me a copy thereof, remitted to me from the city of Mexico. I had some interviews with the governor of the State and other prominent citizens, including the grantee of this grant, who was at that time a judge of one of the courts, and I called their attention to that clause in the treaty requiring that all the grants to be recognized by the United States should have been recorded or registered in Mexico. I have never seen this title paper before. I have not seen it manufactured, but I know that it is ante-dated, fraudulent and a forgery. I might

say that I know the country assumed to be covered by the grant, and that there was never any occupation or possession by the grantee or his agents of the land mentioned in the grant.

CHARLES D. POSTON.

Sworn and subscribed to before me this 21st day of February, 1881, as witness my hand and seal of office.

[SEAL.]

JOHN WASSON,  
U. S. Sur. General.

*Paper No. 1, presented and referred to by Chas. D. Poston, in his testimony in the "Sopori" case.*

SIR: In the year 1854, on hearing of the ratification of the purchase of the new territory, now "Colorado Territory," I at once resolved upon settling within its limits, for which purpose I entered upon negotiations with the owners of the lands known as the "Sopori," situated in the vicinity of the presidio of Tubac. The most minute investigations as to their right of ownership proved most satisfactorily, in consequence of which I paid the stipulated price for it, and, with the corresponding bill of sale and other necessary papers, proceeded to San Francisco, with the purpose of trying what profits I might realize by selling part or the whole of such lands; but I was not a little surprised to find at my arrival in San Francisco in the market a spurious title, which purported to be an original grant from the Mexican Government of the year 1838.

Now, as such papers are nothing but a forgery, by which not only my own interests are greatly detrimented, but the General Government at the same time being defrauded to a large amount, the aforementioned spurious grant being formed of an area of not less than 31 sitios or 31 leagues square, the object of this my present is to request your honor to permit me to produce the necessary evidences as to give proof that the lands contained in the referred grant have only been measured in the year 1854; consequently, and necessarily, it being utterly impossible that such a grant as the one in question could ever have been in existence at any time before the year of 1854.

Tucson, 16th April, 1856.

FRED. A. RONSTADT.

To the honorable judge of this pueblo of Tucson, Mr. MARCOS ALDRICH.

In consequence, I, the alcala, ordered Dn. José Gallego, of this place, to be called, who was mentioned as to be acquainted with the particulars of the case in question, to whom, after having been duly sworn, the following questions were put and answered, as follows:

Question. In which year the aforementioned lands, known as the "Sopori," were measured on behalf of Dn. Joaquin Astiazaran.—Answer. That said lands were measured in month of February, 1854.

Question. If he knows who surveyed the thirty-one and one-half sitios.—Answer. That Dn. Joaquin Quiragn, of Yminez, was the surveyor of such thirty-one and one-half sitios.

Question. If he recollects of the citizens of Tubac having made a representation to the said surveyor, Quirogn, protesting against such measures, and if such representation was attended to or not.—Answer. That he does not know of any such representation.

Question. If it is certain that Dn. Fernando Cubillas arrived here in 1854 for the purpose of investigating and examining the measured lands referred to, and if he knows of Mr. Astiazaran's having ever before, as, for instance, in the year 1838, as the titles now in San Francisco indicate, measured such lands.—Answer. That he met Dn. Fernando Cubillas in 1854 on his return from Tucson, near San Javier, but does not know the object of his trip to this place, and neither knows of any one having before Ouiroga ever measured the lands in question.

A second witness was produced in the person of Dn. Juan Elias, who, after having been duly sworn and interrogated, answered as follows:

"That in 1854, being on business in San Javier, he met there in company of Joaquin Ouiroga, busy with measuring the thirty-one and one-half sitios, the following persons, all hailing from Ymuriz, as Dn. Miguel Carrillo, Rafael Bustamante, Geraldo Soto, Narcisco Gonzales, deceased, Silvestre Romero, deceased, Leonardo Orosco, now a citizen of this place, but actually absent, and Ygnacio Galinde, from Terrenate, and José Ortegñ, from Santa Cruz, which happened in the month of February, 1854.

"That he does not know of any representation having been made by the citizens of Tubac; that he met in month of July, 1854, Dn. Fernando Cubillos on his way back to Hermosillo, though he does not know which was the object of his visit, and that he does not know of ever the lands referred to having been measured before the year

1854, either by Mr. Astiazaran or any one else but the mentioned Dn. Joaquin Ouiraga."

A third witness made his appearance in the person of Pedro Herreras, who, after being duly sworn, answered to the above questions as follows:

"That he knows the above-referred-to land of Sopori having been measured in the year 1854, and that Joaquin Ouiraga at that time being the surveyor, and Miguel Currillo his secretary, both from Ymuriz, the rest of the employed men not being of his acquaintance; that he is not aware of any representation having been made by the citizens of Tubac regard such measures; that he has seen Dn. Fernando Cubillos in 1854 here in Tucson, but does not know which may have been the object of his visit, and that, as he himself having been up to the year of 1846 a citizen of Tubac, he never heard of any one having measured the lands in question."

Tucson-Gadsden purchase, this sixteenth day of April, of the year of our Lord one thousand eight hundred and fifty-six.

Sworn to before me, the alcalde of this pueblo.

M. ALDRICH.

*Alcalde.*

*Testimony of Wm. S. Oury.*

WILLIAM S. OURY, being first duly sworn, testified as follows to questions put by the U. S. surveyor-general:

Ques. 1. Mr. Oury, please state your name, age, and residence.—Ans. 1. My name is Wm. S. Oury; age, 65 years; and residence, Tucson, Arizona.

Ques. 2. Please state how long you have resided in Tucson.—Ans. 2. My permanent residence here begun here in August, 1857, when I brought my family here.

Ques. 3. Do you know anything of a private land claim of about thirty-two square leagues in extent lying just south of San Xavier del Bac, in Pima Co., Arizona, known as the "Sopori," and claimed by the Sopori Land and Mining Co.?—Ans. Yes, sir; I know such a claim was made, and I think by Astiazaran and Cubillas.

Ques. 4. Now, please state any and all facts known to you which in any manner affects the title of said claim purporting to have been issued by the authorities of the State of Sonora, Mexico, in 1838.—Ans. I do not know of my own personal knowledge that the title to said claim is spurious, but it bore the reputation among all the old settlers, both Americans and Mexicans, of being a manufactured title, and from conversations with Sylvester Mowry, the impression was confirmed in my mind that it was such, and that he himself knew that it was fraudulent.

Ques. 5. Were you immediately acquainted with the said Sylvester Mowry?—Ans. I was, sir.

Ques. 6. Do you know that said Sylvester Mowry was a prominent agent in the negotiation of this alleged grant of Sopori between the pretended owners in Sonora and the Sopori Land and Mining Co., or a Rhode Island company?—Ans. I know that to be a fact from statements made by said Mowry to myself, such statements being made to me at various times, and in different forms.

Ques. 7. Mr. Oury, I now exhibit to you a paper signed "M. Aldrich, alcalde," which embraces a statement made by Fred. A. Ronstadt, said statement being under oath before said Alcalde Aldrich on April 16, 1856. Please state whether in your knowledge the signatures of said Ronstadt and Aldrich are genuine, and whether from your intimate knowledge of the history of those men, you believe them to have executed said paper in good faith, and for the purposes therein stated?—Ans. I know the signature of said Aldrich to be genuine; and believe, and am almost sure that the one of Ronstadt is genuine, I know that any act of the said M. Aldrich was done in good faith, and know he was considered and held to be an alcalde commissioned by the proper authorities of New Mexico. I also, personally know José Gallegos, Juan Elias, and Pedro Herreras, whose names and testimony appear in said paper, and know their statements are entitled to credit, as they were men of good character and reputation among their fellows, and also, that they have substantially made the same statements to me as in the said paper before Alcalde Aldrich. I may add that coming from California in 1856 and 1857, and being well informed as to the enormous frauds practiced in that State by means of spurious titles purporting to have been made by the Mexican authorities, I specially endeavored to familiarize myself with all proceedings relating to Spanish and Mexican grants in this section of the country, as I came here to make a permanent home and residence, and therefore, the conversations and operations connected with the said Sopori claim was very firmly impressed upon my mind on and after my settlement in Tucson.

WM. S. OURY.

Sworn and subscribed before me this 9th day of April, A. D. 1881.

JOHN WASSON,  
U. S. Sur. Gen'l.

JUNE 14, 1881.

The hearing of testimony in the Sopori case resumed.

Present, U. S. Surveyor-General Wasson, W. B. Horton, interpreter, and Edward M. Shepard and J. Hampden Dougherty, attorneys for petitioner.

In the necessary absence of R. C. Hopkins, regularly employed translator and interpreter for the surveyor-general's office for Arizona, Mr. W. B. Horton was temporarily employed, and after being duly sworn as such, the following testimony was taken:

Fernando M. Astiazaran being first duly sworn by the surveyor-general, testified as follows in answer to questions put to him by attorneys for petitioner:

Ques. 1. What is your age, residence, and occupation?—Ans. Age, 52; residence in Guaymas, Sonora, Mexico; and occupation a lawyer.

Ques. 2. What public positions, if any, have you occupied?—Ans. All public positions, some that of governor, viz, mining judge in 1849, member of the legislature of the State in 1851, attorney-general in 1855, assessor-general in 1857, judge of the supreme court in 1858, one of the judges supreme court in 1865 of the State, federal judge in 1874-'5-'6 and -'7; military assessor in 1874-'5-'6 and -'7; in 1875 member of the federal Congress.

Ques. 3. Are you a son of Don Joaquin de Astiazaran?—Ans. I am one of the sons of said Joaquin de Astiazaran; my only brother is named Joaquin; my said brother has occupied the positions of federal district judge about 1850, afterwards attorney for the federal government, afterwards one of the supreme justices of the State, attorney-general thereafter; also twice senator in the federal Congress; also governor State of Sonora; also one of the members of the legislature of Sonora. My father died in May, 1845, at Hermosillo. He left a family of myself, brother, and sister, whose name is Maria del Carmen. My mother was alive at time of death of father. My mother's name was Maria del Carmen Yñigo, and she died seven or eight years ago. My said sister married Sr. Don Manuel Cubillas, both of whom are now dead. They left two children, named Adrian and Clotilde, and both are living. Both are of age, but do not remember exact age. Adrian is married to Mariano Spence, of Guaymas, and Clotilde is unmarried.

Ques. Did your father leave a will?—Ans. No, nor did my mother.

Ques. What was your father's pecuniary and social standing in Sonora?—Ans. He was owner of property in Hermosillo and in Ures, and also had two cattle ranches well stocked with horses and cattle. These ranches were in the neighborhood of Hermosillo. Near Ures he owned two flouring mills and also the property called "Sopori," and various other property. Two mills were worth \$2,500; hacienda of La Labor, one-half of which was sold for \$150,000, and the other half was regarded worth about same. The ranch of Los Angeles was sold for \$12,000. Of the dwelling houses near Hermosillo, one block of said houses cost my father \$33,000. Another place called Canada de Alamos has an approximate value of \$1,500.00. Another farming place called *Rabacin* was valued at about \$1,500.00. About 1,000 horses, valued at \$10,000.00, and about 1,500 head of milk cows, worth about \$16,000.00. He was as wealthy a man as any other in Sonora.

Here attorney said: Look at this document or testimonio of Sopori now shown you and say when and where you first saw it.

To which the witness replied: Among my father's papers there was a box full of papers, and this document was with these papers. I saw them there in the year 1849, on the return of myself and brother from Mexico. Myself and brother had gone to Mexico to be educated. We were there from 1836 to 1849. On our return from Mexico I was about 23 and my brother about 25 years of age. Having graduated as lawyers, and because of our father's death, we returned to look after our interests, and the return trip occupied about 30 days.

Ques. In whose possession was the box of papers you have mentioned as containing the Sopori title?—Ans. My mother had possession of the same at La Labor. On our arrival the papers were put in our possession by our mother, because my brother and myself were to administer on the affairs of our father. They remained in our possession from the time we arrived until we parted with them from time to time as we sold off property. We preserved the papers at La Labor, and at other times at Hermosillo, taking them from place to place because of revolutions. The box referred to contained the Sopori land title which was wrapped up with the other papers and kept in same manner.

Ques. Referring to the Sopori *testimonio*, to whom did you finally deliver it?—Ans. I do not know, my brother having made sale of Sopori. I think I saw said *testimonio* the last time about 1854.

Ques. Look at the paper marked A of this date, and state if it be a copy of a letter written by you to your brother.—Ans. It is a copy.

Ques. Where is the original of this copy?—Ans. I do not know where it is.

Ques. Look at photo. marked No. 3, on behalf of Government, and say if you know

in whose handwriting is the signature of Joaquin de Astiazaran.—Ans. This is my father's handwriting, and the signature is that of my father.

(At this stage of proceedings attorney inquired of the surveyor-general if he called in question the genuineness of signature of Joaquin de Astiazaran, and he replied that he had not yet done so, and that to his knowledge it had not been called in question by any one.)

Witness continuing said: He may have seen his father write his name, but having left home when but nine years old, he is uncertain, although while in Mexico, he received many letters from his father. I am perfectly sure that I know my father's signature.

Ques. Did you know in his life-time Don José Maria Mendoza?—Ans. I knew him for many years; I do not remember when he died. I know the signature of said Mendoza.

(Here attorneys ask surveyor-general if he calls in question the genuineness of the signature of said Mendoza when signed to the Sopori papers as treasurer general, and he replied that as yet he had not, and that to his knowledge it had not been called in question in this case by any one in or out of this office.)

Ques. Look at paper now shown you marked B of this date, if the same be a copy of the original law of the State of Sonora relating to the treasury and promulgated July 11, 1834.—Ans. It is the said law that was in force at that date.

Ques. Do you know a book at the treasury of the State called the "Toma de Razon"?—Ans. I have never seen it in the office, but know there is such a book. The object of that book is to show what documents have been put on record or have been issued; for instance, it shows titles to lands and measurements of the same.

Ques. Look at the paper now shown you and marked E of this date, and state whether that expresses your professional opinion of the object of said book of "Toma de Razon".—Ans. It states the precise object of said book, in my professional opinion.  
LU'OS FERNANDO MA. ASTIAZARAN.

Sworn and subscribed before me this 14th day of June, 1881.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

*Testimony of Miguel Campillo.*

MIGUEL CAMPILLO, being first duly sworn by the U. S. surveyor-general, testified as follows in reply to questions put by attorneys for petitioner:

Ques. 1. What is your name, age, residence, and occupation?—Ans. My name is Miguel Campillo; age, 60 years; residence, Guaymas, Sonora; occupation, that of farmer. I own land near Guaymas.

Ques. 2. What public positions have you occupied?—Ans. I was clerk in the treasury dep't at Guaymas between the years 1835 and 1837, and thereafter was chief clerk and collector of land revenues; in short, I have occupied the following named positions: judge 1st instance, Guaymas; afterwards federal judge at Guaymas; twice a member of the State legislature; three times secretary of state; first judge of the supreme court of the State; several times member of the city council of Guaymas.

Ques. Did you know in his life-time Don Joaquin de Astiazaran?—Ans. I did; I knew him perfectly, and he occupied an honorable position in all respects, and was a man of irreproachable honor. He was a man of wealth.

Ques. Have you ever seen the original expediente or record of the Sopori title in the archives of the treasury department at Hermosillo; and if so, when?—Ans. I have seen it, and on the 3d of this month. I have examined the said expediente at the solicitation of Mr. Dougherty, counsel in this case, for the purpose of ascertaining whether the signatures thereto were genuine.

Ques. What signatures in said expediente did you recognize as genuine?—Ans. The first signature so recognized was that of Don José Maria Mendoza; next Manuel Cejas; next Ignacio Zuñiga; next Juan José Encinas; next Don José Contreras; next Don Alejo Corriño. I was personally acquainted with them all, and I have seen them all write and know the handwriting and signatures of them all. I knew Alejo Corriño and José Maria Mendoza were connected with the treasury department. Alejo Corriño was a man of good reputation, and I do not remember when he died. The position and reputation of José Contreras were good; was a merchant and owner of land; was well to do, but was not very rich, and I think, he died about 1850. His reputation was honorable and he could not be guilty of a dishonorable act. Juan José Encinas was an employé of the Government at Hermosillo for a long time and was an honorable man, who would not do a dishonorable act. I first knew him about 1835. I do not know when or where he died. Manuel Cejas, was a merchant and a Spaniard. He lived in Hermosillo, and was a well to do merchant, and a man of good credit; and was a very hospitable man, enjoying the best of society, and his reputation was



regarded above reproach. I think he died in Spain, but do not know. I cannot fix the date of his final departure from Sonora. I know one of his clerks, who is now alive, whose name is Jesus Quijada, who clerked for him in about the year 1832. I think Manuel Cajas remained several years in Sonora after Jesus Quijada ceased to be his clerk. Ignacio Zuñiga bought Government scrip, and had much to do with political affairs. He had no fixed residence. I do not remember when he died, but he died out of Sonora. I cannot remember dates; he was not alive at the time of the French war in Mexico under Maximilian. I remember the adoption of the Federal Constitution of 1857, and Ignacio Zuñiga was not alive at that time. I have no idea of the date when he died.

At 5 p. m., examination was postponed until to-morrow, at 10.30 a. m.

TUCSON, A. T., June 15—10.30 a. m.

Present same as yesterday.

Examination of Mr. Campillo continued.

Ques. Do you know the handwriting of the body of the *Sopori* expediente now on file at Hermosillo? If so, state in whose handwriting or handwritings it is.—Ans. In that expediente there are several handwritings. I know the handwriting of Mendoza. In several of the proceedings the handwriting of Mendoza occurs. Several of the papers were entirely in Mendoza's handwriting, and others in that of Juan José Encinos. Those were the only two handwritings I noted particularly. In this I refer to the body of the documents, and not to the signatures. I know that some of the papers were in the handwriting of Julian Padilla. I made no note or observation in regard to the handwriting of any others than of those just mentioned. I do not know whether or not Sen. Padilla is now living.

Ques. Give the names of the officials of the treasury of Sonora in or about 1838 who are now living as far as you know or have heard.—Ans. I do not know of any.

Ques. Was the expediente of Sopori at Hermosillo upon legal stamped paper of the State of Sonora?—Ans. It was; and the testimonio now before the surveyor general is upon legal stamped paper.

Ques. Please state the use of legal stamped paper; from what offices it was issued, how it was dated, what the practice was as to the preservation of paper whose date was passed; and state how probable it was that such stamped paper in the quantities appearing in the *Sopori* expediente and testimonio could be procured 15 or 16 years after the expiration of its date.—Ans. The use of it depends upon the quality or kind or money value stamped upon it. One object of its use was to produce a revenue; another to authenticate papers and designate them as official, and the legal use of the paper depended upon the amount of its stamped value. Such paper came from the office of administration of stamped paper at the city of Mexico. The dates were stamped upon it in years, and to be valid such paper must bear the date of the year in which it was officially used. Stamped paper was invalid after the expiration of the dates stamped upon it. It was impossible to procure such paper after expiration of its stamped dates, for all that remained was immediately destroyed.

Ques. Look at the *Sopori* testimonio now shown you, and state if you know in whose handwriting or handwritings the body of it is.—Ans. I do not know in whose handwriting it is. The certificate of the \$30.00 paid for the title is in the handwriting of Mendoza. The endorsement on the map of the *Sopori* grant shows the handwriting of Mendoza.

Ques. Look, please, at the signatures of Mendoza, Alejo Carillo, and Jesus Trasuquillo to this testimonio at the end of the granting clause, and state whether these are the genuine signatures of those persons?—Ans. I know the signature of Mendoza and Alejo Carillo, but not of Jesus Trasuquillo. The first two are genuine signatures. I do not know in whose handwriting the two lines at the bottom page is. The seal of the treasurer of the State is affixed to Mendoza's signature.

Ques. Do you know what ink and what pens were used in official documents in or about 1838?—Ans. The pens were what are called quills, and the ink was made from the fruit of the *rin or urra* tree and saltpeter. The expediente and testimony of the *Sopori* were, in my judgment, written entirely in the ink and with pens I have described. The differences in the signatures and rubricas of the same persons to the testimonio and expediente resulted from the length of the pen. If the pen was long, the writing was perfect; if worn down the writing was not so perfect. [Witness gives a practical illustration with a pen or quill.] If the point were sharp the writing were better than when pen was worn down. The signatures in the testimonio and expediente of the *Sopori*, with which I am acquainted, when the same are coarse or apparently labored are no more so than would result from the use of a worn or blunt quill pen. I did examine every signature to the expediente of the persons whose handwritings I knew, and all of them were genuine.

Ques. [Photograph No. 3, produced on part of Government, here shown the witness.] Look at the photograph of one page of the Sopori expediente now shown you, and state whether, in your opinion, the signature of Alejo Carrillo there shown be genuine.—Ans. It is.

Ques. Did you know Jesus Quijada? If yes, is the deposition marked Exhibit A, of June 15th, 1881, now produced, signed by him?—Ans. I did know him, and this deposition is signed by him; I know his handwriting. Jesus Quijada lives in Ures, and he is an old man, older than myself.

Ques. Do you know Sen'r Quijada's position and general reputation in Sonora? If so, state the same.—Ans. I do; he has a good reputation, and is a man incapable of any mean act or telling falsehood. He has been secretary of state of Sonora, also member of the legislature of the State, and he has occupied other positions of less importance.

Ques. Do you know Col. Gabriel Corrilla and his signature; and, if so, state whether it be his genuine signature at the end of the deposition now produced and marked Ex. B, of this date?—Ans. I know him and his signature, and the signature attached to said deposition is genuine and his. Col. Corrilla lives in Guaymas, and is an old man, but younger than I. He has been colonel in the army of Mexico, also prefect of Guaymas, and other positions of which I do not remember. He is now chief quartermaster of the troops. I know his reputation, and it is good.

Ques. State what revolutions have taken place in Sonora since 1838.—Ans. First revolution of Glendara in 1837, which overthrew that of Urera; afterwards that of Pesquera, which overturned Urrera, but cannot remember the year; afterwards the revolution of Mariscal, which overturned the government of Pesquera; afterwards that of Sirna, which overturned the government of Mariscal. There was the French invasion in addition to what I have stated.

Ques. Besides the revolutions, how often were these elections for State officials?—Ans. There were elections every two years for State officers.

Recess till 2.30 p. m.

Assembled at 2.30 p. m.

Same present as in forenoon.

Ques. How often was the place where the Sonora archives were kept changed after 1838, and from what places to what places?—Ans. First moved from Arizpe to Ures, I think, about the year 1837, perhaps 1838; and from Ures to Hermosillo, about two years ago.

Ques. Do you know the use of the Toma de Razon kept in the treasury archives of Sonora?—Ans. Yes.

(Witness shown a document marked Ex. C of June 14, 1881, and is asked if it correctly describes the use and importance of said Toma de Razon, and he replied that it perfectly agreed with his own opinion.)

Ques. Look, please, at the paper now produced, marked Ex. C of this date, and state, if you know, if the signature of Manuel Telles is genuine.—Ans. It is. He is controller of the treasury of the state.

Ques. From 1838 down to 1860, please state, so far as you know, by general reputation the condition of that part of Sonora in which Sopori was situated, with reference to the safety of its inhabitants.—Ans. There was no security at all, not only at Sopori, but in no other part of the State, occasioned by the invasions of the Apaches.

Ques. Which was the most dangerous part of the State, that about Guaymas or northern part of the State?—Ans. The most dangerous part was along the frontier, but the invasions extended down to Ures and even to Guaymas.

Ques. When did the portion of Sonora between Ures and Hermosilla and Guaymas become safe?—Ans. There was never absolute security, but were at times. They began to be quiet from the time the American Government put the Apaches on reservations.

Ques. Was an entry of a title to vacant land in Toma de Razon in the treasury of Sonora ever understood to be essential to its validity?—Ans. It was not necessary to the validity of the title to make that entry.

Ques. Were that book not understood to be merely a memorandum for office use?—Ans. It was merely for office convenience and use.

Ques. Did Joaquin de Astiazaran, the grantee, to your own knowledge, know Manuel Cejos?—Ans. They were both Spaniards, and knew each other. I do not remember when Manuel Cejos left Mexico for Spain. I knew the sons of Don Joaquin de Astiazaran before they went to Mexico. Manuel Cejos was not in Sonora when the said sons returned from Mexico; but I do not remember when they so returned. Cejos never returned from Spain at all after that time.

Questions by the U. S. surveyor-general:

Ques. Have you made the handwriting of men a study with a view to enable you to distinguish that which is genuine from that which is forged?—Ans. I have.

Ques. Have you ever before testified under oath as to the genuineness of written signatures?—Ans. I never have had any necessity for having done it, and don't remember of having done so before.

M. CAMPILLO.

Sworn and subscribed before me this 15th day of June, 1881.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

FERDINAND M. ASTIAZARAN was here recalled, and testified as follows in reply to questions put by petitioner's attorneys:

Ques. About what time and for how much did your family sell this Sopori and was the money actually paid?—A. The sale was made about 1857 for fifteen or sixteen thousand dollars, and the money was actually paid. I refer to the two-thirds part sold to the company. The sale was made by my family in the first instance to Juan A. Robinson, Matias Alsua, José Calvo, and Fernando Rodrigues. This sale was not carried out by delivery of deed. I know nothing about the sale to the company, and hence about delivery of deed.

Ques. Did you ever hear of any proposals on the part of your father or family to stock the Sopori prior to the acquisition of Arizona by the United States? And, if so, state what you know on that subject.—Ans. Yes, one of our major-domos, named Francisco Carranza, told us that my father had an idea of stocking the Sopori because the animals were stolen from La Labor. He did not do so because no one could live at Sopori because of the Apaches. In order to come on the frontier a body of men had to combine to come on the frontier, and even then some of them were killed. The said major-domo informed as before stated on our return from Mexico about the year 1849. I know Señor Jesus Martinez, who now lives at his ranch, nine leagues north of Hermosillo, at a place called Terranova. I think he is about 70 years old, and he has been in good circumstances and occupied several important positions in the State, among which he was twice a member of the State legislature, and also one of the chief justices of the State. My father and Martinez were very intimate, as was also our families. I know the signature of Jesus Martinez.

(Attorney for petitioner here presents witness a deposition marked Ex. D of this date, and asks him if the signature of said Martinez thereto is genuine, and the answer is that it is genuine.)

Ques. Is said Jesus Martinez able to come here and testify in person?—Ans. His health is bad, and he was not able to come here.

Attorney presents to witness photograph endorsed No. 2, attached to the deposition of Jesus Martinez, and asks if that is a photograph of an original in the handwriting of your father.—Ans. It is.

Ques. Look at the photographs annexed to the same deposition and endorsed Nos. 1 and 3 and state whether the signatures of Joaquin de Astiazaran are in the handwriting of your father.—Ans. They are.

Ques. After your return from the city of Mexico, was there any proposition or discussion prior to the acquisition of Arizona by the United States, concerning the stocking of the Sopori?—Ans. We often spoke of it, but it was not considered safe on account of the Apaches. The Apaches were most dangerous from Magdalen to the line or U. S. boundary.

Ques. Do you know of other land titles than the Sopori known to be valid in Sonora which are not entered in the Toma de Razon, in the Sonora treasury? I refer now to titles to lands in Sonora?—Ans. I know of some that are not entered in the Toma de Razon that are considered valid. Don Antonio Corriolo is the owner of two ranches which are not entered in the Toma de Razon which are valid. These ranches are near Ures. He has titles from the Government for these ranches, and are the same as the Sopori title; I can produce them if desired. I never heard any doubt expressed regarding the validity of titles not entered in the Toma de Razon. I have been for years one of the judges in Sonora. While acting as judge I had cases of Government land titles come before me: I never thought of examining to see if the titles to my father's lands were entered in the Toma de Razon, because I considered the titles were legal. I never did examine to see if they were entered in Toma de Razon.

Ques. Did you ever know or see Manuel Cejos, or, so far as you know, was he in Sonora after you returned from Mexico?—Ans. I don't remember of ever having seen him, and I do not think that he was in Sonora at the time of my return. I did not know José Contreras or remember of ever having seen him.

Ques. Do you know José Jacobo Cubillas, his handwriting, and signature? If yes, state his age, residence, and general pecuniary and social standing in Sonora?—Ans. I know him; he is my cousin; I also know his handwriting and signature; he is about 56 years old, and resides at La Labor, and he owns a ranch, cattle, and horses, and I consider a man worth from \$50,000 to \$100,000, rich; but a man worth from \$3,000 to \$5,000 I consider in fair circumstances and has enough to live upon.

**Ques.** Look at the deposition now shown you, and marked Exhibit E of this date; now look at the signature and state if that is the genuine signature of José Jacobo Cubillas.—**Ans.** It is his genuine signature; I know nothing about said Cubillas' health; have not seen him for three years.

**Ques.** Where does your brother Joaquin reside, what is his health, and why does he not attend here as a witness in Tucson, to be examined orally in this matter?—**Ans.** Resides at Guaymas. He is unwell at present, and has been for a number of years unable to travel. A little ride of a few hours in a carriage exhausts his strength; his disease is that of a chronic ailment of the bladder, and these are the reasons for his not coming here. I came here from Guaymas, about fifty miles by railroad and from end of track to Tucson by carriage. I came about 350 miles by carriage. Señors Tamago, Campillo, and Carrillo came with me from La Labor in the carriage, and Mr. Robinson from Hermosillo. La Labor is distant from Tucson about 270 miles.

(Deposition marked Ex. F of this date, shown witness, and asked to state if the signature thereto is the genuine signature of his brother, to which witness replied that it is such signature.)

**Ques.** Was Frederick A. Ronstadt ever in your father's employ; and if so, in what capacity?—**Ans.** Said Ronstadt was in the employ of my father-in-law Manuel Maria Gandara, but not in that of my father, or brother, or myself. He was in charge of Gandara's ranch Tapline.

**Ques.** Do you know Colonel Chas. D. Poston, and did you see him in or about 1854; and if so, where?—**Ans.** About that time a man named Poston was at La Labor, but I did not see him. He was in company with Mr. Ehrenberg; does not remember of having spoken to or seen either of them.

**Ques.** Did Col. Poston or any person ever call your attention to a clause in the treaty between the U. S. and Mexico, requiring that all grants to be recognized by the U. S., should have been recorded or registered in Mexico, or was anything of the sort said between you and Col. Poston, or any one else?—**Ans.** I don't remember of having had any conversation with anybody on that point.

FERNANDO MA. ASTIAZARAN.

Sworn and subscribed before me this 15th day of June, 1881.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

ANTONIO CARRILLO, being duly sworn by the surveyor-general, testified as follows in reply to questions put by attorneys for petitioner.

At 5.30 p. m. adjourned until to-morrow at 10 a. m.

JUNE 16—10 a. m.

Present same as yesterday.

The claimants offer in evidence the correspondence between the surveyor-general and Edward M. Shepard, one of the attorneys of the claimant, relating to the Sopori title and the conduct of these proceedings, such correspondence including the following letters: the surveyor-general to Mr. Shepard, August 18, 1880, as marked Ex. A of this date; next, Mr. Shepard to the surveyor-general, of September 1, 1880, marked Ex. B of this date; next, Mr. Shepard to the surveyor-general, of September 6, 1880, marked Ex. C of this date; next, the surv.-general to Mr. Shepard, September 15, 1880, and marked Exhibit D of this date; next, the surveyor-general, of September 16th, 1880, to Mr. Shepard, and marked Ex. E of this date; next, Mr. Shepard to the surveyor-general, of September 30, 1880, marked Ex. F of this date; next, surveyor-general to Mr. Shepard, October 25, 1880, marked Ex. G of this date; next, the letter of Mr. Shepard, of November, 11, 1880, to surveyor-general, marked Ex. H of this date; next, the letter of Mr. Shepard to the surveyor-general, of March 15, 1881, marked Ex. J of this date; next, the surveyor-general to Mr. Shepard, of March 1, 1881, marked Ex. I of this date; next, the letter of Mr. Shepard to the surveyor-general, of date March 4, 1881, marked Ex. K of this date; next, surveyor-general to Mr. Shepard, of date March 15, 1881, marked Ex. L of this date; next, petition of claimant to surveyor-general, accompanying Mr. Shepard's letter of 4th March, marked M of this date.

The claimants respectfully request the surveyor-general to state whether any testimony is to be produced or used against the genuineness or the validity of the Sopori title, excepting the four depositions already taken of Elias, Oury, Poston, and Saia, the letter or paper signed by Ronstadt, and the photographs Nos. 1 to 10 on the part of the U. S. These claimants desire this information, amongst other reasons, in order to have an opportunity to meet any additional testimony against them, and in order that in their argument to the surveyor-general they may know all of the testimony upon which his determination or report will be based.

In reply to this question the surveyor-general said there would undoubtedly be additional testimony presented in this case in behalf of the United States.

The claimants respectfully ask that the time of taking such additional testimony on the part of the Government be fixed upon reasonable notice to the claimants' attorneys, that they may attend and cross-examine the witnesses, and ask, if it be within the reasonable convenience of the surveyor-general (this time having been fixed by him to take further testimony in this case, and the claimants' witnesses now attending here from Mexico at great expense, and the claimants' counsel attending from New York), that such further testimony on part of Government be taken at this hearing.

Replying to this, the surveyor-general said the request of counsel should be granted to the fullest possible extent.

The claimants respectfully request that their witnesses be now subjected to cross-examination, and urge upon the surveyor-general, in the absence of a counsel for the U. S., the propriety of such cross-examination by himself; and also respectfully request an opportunity at this hearing to cross-examine the witnesses, Elias, Oury, Poston, and Sais, and the gentlemen who selected the portions of the original Sopori expediente and the other papers on record in Sonora, of which the photographs from No. 1 to 10 on the part of the U. S. are claimed to be photographic reproductions.

The claimants state that they are now here represented by counsel attending with witnesses in reliance upon the official letters of the surveyor-general, stating in substance that this case was ready to be reported, excepting so far as the claimants might produce further testimony.

(NOTE.—Since the writing of the official letters referred to by counsel, and especially since the introduction of the foregoing testimony, beginning with June 14, instant, wholly unexpected questions have been raised and matter introduced, and, therefore, I will deem it necessary to defer a report in the case until such questions and matter are examined, and such action had as seems proper in the premises. JOHN WASSON, *Surveyor-General.*)

The claimants offer in evidence a copy of the Sopori expediente duly authenticated and exemplified by the acting treasurer-general of Sonora under his seal of office, and by the governor of the State of Sonora under his seal of office, and by the consul of the United States under his seal of office, marked ex. N of this date.

Examination of ANTONIO CARRILLO opened.

Ques. What is your age and residence and occupation?—Ans. I am 67 years; residence at Hermosillo; profession, an attorney.

Ques. What prominent positions have you occupied?—Ans. First a member of the State legislature; one of the judges supreme court of the State for two terms (first term from 1840 to 1850, and second from 1858 to 1862); commissary-general of the Republic; afterwards commissary-general of the State of Occidente; again a member of the legislature of the State; again prefect from time to time at Ures; and other positions of minor importance.

At 12 o'clock recess taken to 3 p. m.

3 p. m. Examination of Antonio Carrillo resumed; same present as in forenoon.

Ques. Have you been a man of wealth, property in the State?—Ans. I have. I had property valued at about \$30,000, between the years 1840 and 1860. My present property I consider worth more than \$30,000. I have lived in Arizpe from the years 1828 to 1839. During my residence there I held several offices, and among them that of commissary-general. The duties of the commissary-general were to receive and disburse the revenues of the Republic. I was first cashier, and on the death of the commissary-general, I took his place. The commissary-general and treasurer-general are one and the same.

Ques. What persons were connected with the treasurer-general during your connection with said office?—Ans. One of them was Justo Frinbrez, another Miguel Carrillo, another Alejo Carrillo, another Mariano Salazar, another Jesus Frasquillo, another Julian Padilla, another Bartola Miranda, another Santos Vigarria, and others whose names I do not now remember. José Jesus Corrella was not with me in said period. Sometimes Luis Carranco was a supernumerary clerk during said period. I was chief clerk of José Maria Mendoza. I was connected with the treasurer-general's office between the years 1832 and 1837.

Ques. What was the reputation in the State of Sonora of Señor José Maria Mendoza?—Ans. He was an exceptionally honest and upright man. He was particular about his word and valued it very highly, and was scrupulous in regard to his word, even to the point of causing ridicule. I mean not only was this true regarding his word, but regarding all his actions. Said Mendoza died between the years 1842 and 1856. He died many years before the French war.

Ques. Do you know the handwriting and signature of Don José Maria Mendoza?—Ans. Undoubtedly, because I was occupied and employed with him for a long time.

Ques. Did you know during his life-time the late Don Joaquin de Astiazaran?—Ans. Yes, sir; I knew him personally, and often dined with him at his own table.

Ques. What, if you know, was the reputation and pecuniary standing of said Astiazaran?—Ans. His reputation was applauded by every one during his life-time; also afterwards the same. His reputation was proverbial. He was a rich man, one of the richest men, and I think that at the time of his death he was worth upwards of \$100,000.

Ques. Do you know the sons of the late Don Joaquin de Astiazaran, and, if so, what was their reputation?—Ans. I know them well, and their reputation is good all over the State. They have occupied several public positions. Their moral character is excellent. They are men of great morality, and I cannot fix the time when their father died, but it was between 1840 and 1850.

Ques. Do you know Alijo Carrillo, who you referred to as connected with the treasury of the State?—Ans. I knew him. He is dead. I cannot remember, but think he died between 1840 and 1850. His reputation was good. He was one of my clerks in the treasury-general's office.

Ques. Have you ever seen Alijo Carrillo write or sign his name?—Ans. I saw him do it every day, and I know his handwriting and signature perfectly.

Ques. Look at the photograph No. 3 on part of Government and say whether the signature of Alijo Carrillo appearing there is or is not the genuine signature of said Alijo Carrillo?—Ans. It is genuine and was written by him, and of this I have absolutely no doubt.

Ques. Do you know or did you know if he be dead, José Carrillo?—Ans. I knew him personally. He died many years ago, before 1840, in Arizpe. He was a collector of internal revenue. I have seen him at different times write and sign his name when he came into the office. I knew his signature.

Ques. Look at photograph No. 1 on part of the Government, and say whether the name José Carrillo contained therein is a photograph of a genuine signature of said Carrillo?—Ans. It is.

Ques. Did you know intimately or personally the said Jesus Frasuquilla, to whom you have referred, as a clerk?—Ans. I did. He was at my side in my office for some years. He was no relation of José Maria Mendoza, but was his adopted son. I often saw him writing in the office, and saw him signing as a witness to documents, which was a duty I saw him perform frequently. He, being at my side, said Frasuquilla, was often called upon to sign as a witness. Most undoubtedly I am positive I know his signature and handwriting.

Ques. Please look at photograph now shown you, marked "No. 3," on part of Government, and say whether the signature of Jesus Frasuquilla appearing therein is a photograph of a genuine signature of his?—Ans. It is exactly his signature. I have no doubt about it. I do not remember when he died, but think he died between 1840 and 1850.

Ques. Is Santos Vigarria, whom you mentioned as clerk in your office, still living; and, if not, about when did he die?—Ans. He is no longer alive. He died before the year 1840. I knew him personally, being one of my clerks.

Ques. Have you ever seen said Vigarria write and sign his name?—Ans. I have seen him write and subscribe his name as a witness like the other clerks, so that if I should see his signature I would know it.

Ques. Look at photographs Nos. 4 and 5, on part of Government, and say whether the five signatures of the name Santos Vigarria appearing therein are photographs of the genuine signatures of the said Vigarria.—Ans. They are all genuine. I have no doubt of it.

Ques. Is Luis Carranco, the person to whom you have already referred as connected with the treasury; living or dead?—Ans. He is dead. I think he died before 1840. I am not sure where he died, but I think it was in the district of Arizpe. I never saw him after 1840, and I think he died about that time, because he was an old man, older than I am.

Ques. What business during the period when you knew him did Luis Carranco carry on?—Ans. He was a clerk. He had no other occupation than clerk. I think at one time we had something to do with the measuring of lands in the State. He wrote daily in the office, and signed his name as subscribing witness from time to time when documents were brought in during my connection with the office. I know his signature and handwriting.

Ques. Please look at photographs already shown you, Nos. 4 and 5, on part of Government, and say whether the five signatures of Luis Carranco are photographs of his genuine signatures.—Ans. I think they are genuine; according to my conscience and in my opinion they are genuine.

Ques. Is the said Julian Padilla, to whom you have referred as in the employ of the

Treasury during the same period as yourself, living or dead? And if dead, when did he die?—Ans. He is dead, and I think he died before 1840. He lived in Arizpe, and he must have died there. I am not sure that he died before 1840, but I think so, because he was an old man at that time. About the year 1836 he was between 45 and 50 years of age. I know his handwriting and signature perfectly. I often seen him sign his name. He was an intelligent man and was often called upon to sign his name as a witness. He was employed, as I have often heard, by the Government to measure lands in Sonora. I would undoubtedly know the handwriting and signature of said Padilla if shown to me.

Ques. Do you remember having seen the handwriting or signature of Julian Padilla in the treasury of Sonora in any expediente on file there within the last few days?—Ans. Yes. I personally examined three or four expedientes of about the date 1830 odd, and among them that of Sopori, shown me by the treasurer-general. I examined them in presence of some thirteen persons. I examined both handwriting and signature.

Ques. Please state whether the signature alone of Padilla, or both the signature and handwriting, are in the expediente of the Sopori.—Ans. I am sure I observed in the said expediente of the Sopori both the signature and handwriting of Julian Padilla. There were several proceedings in the body of the expediente in the handwriting of Julian Padilla.

At 5 p. m. adjourned till 10 a. m. to-morrow.

JUNE 17, 1881—10 a. m.

Same present as yesterday.

Examination of ANTONIO CARRILLO resumed.

Witness desires to so far correct his testimony of yesterday regarding the time of the death of José Maria Mendoza as to show that he is certain his death occurred between the years 1860 and 1864.

Ques. Did you know José Jesus Corella?—Ans. I knew him well. I knew him in Arizpe from the year 1830 to 1840. He was then quite a young man. He was a clerk in public offices. I cannot say that he was connected with the treasurer-general's office, but I know he gained his livelihood by writing in various offices. He was not regularly employed in the office of the treasurer-general, but was called in from time to time during my connection therewith when there was work for him to do. I do not know when he died. I know his handwriting and signature well, and I have seen him write and sign his name with some frequency.

Ques. Look at photographs Nos. 4 and 5 in behalf of Government, and state whether the five (5) signatures of the name José Jesus Corella appearing therein are photographs of genuine signatures of said José Jesus Corella?—Ans. They are genuine.

Ques. Did you know Alonzo Maria Tresieras?—Ans. I knew him personally and well. His occupation was that of Government employe, regularly in public offices. I knew him from 1833 to 1840. This was during the time I was in the office of the treasurer-general. Before that time he resided in Hermosillo, but of course went to Arizpe to live, because of his employment there. I do not remember the date of his death. I have seen him very often write and sign his name, and I know his handwriting well and also his signature. I have recently seen his signature in several expedientes in the treasurer-general's office at Hermosillo, and among them that of Sopori.

Ques. Did you know Don José Contreras?—Ans. I knew him personally and well. He was a friend and often visited my house. Our intimacy lasted from the year 1837 until his death. He was a merchant during that time in the town of Guadalupe, six miles from Ures. He was a man of a good deal of intelligence, and was received in the best society. He was not rich, but in good circumstances. He also carried on farming and stock-raising. I am not sure of the year, but it was between 1844 and 1850 that he died. He fixes the date in his mind because the priest of the temple and himself varied in their opinions about religion, and when he was about to die the priest called on him and he told him that he did not need him. Also between the years 1842 and 1847 he was alive. There was a revolution at that time, and he and I were on the same side with the party called Republican. I fix this period because we belonged to the same political party and met with the same misfortunes, and this way I know the date referred to. The year 1842 was a notable date, because at that time the revolution began. I know his handwriting and signature well, and have frequently seen him write and sign his name, and often corresponded with him. I saw his signature first before starting to this place in the treasurer-general's office in four or five expedientes. I saw his signature, and among in that of Sopori. I am sure his signature is genuine which appears in the Sopori expediente. I know Sen. Don Joaquin de Astiazaran, to whom the

Sopori title was issued; was acquainted with Don José Contreras. Don José Contreras was a native of Sonora.

Ques. Did you know Don Manuel Cejos?—Ans. I knew him by sight. From what was generally said of him, to my knowledge his reputation was good. He was a merchant in Hermosillo from 1830 to 1840. I can't possibly fix the date of his departure from Sonora for Spain. I infer from a notable circumstance; in the year 1834 or 1835 my father-in-law moved from Arizpe to Hermosillo with his family, under the protection of Cejos. I have never seen him write, but I know his handwriting, because I have seen letters to Luis Yberri. I saw this correspondence from the years 1832 to 1835 in possession of said Yberri, who was my wife's uncle and guardian. I have recently seen the signatures of Manuel Cejos in the treasurer-general's office at Hermosillo. I saw them in the Sopori expediente. It is exactly the same signature of Cejos that I have seen in the correspondence which took place between Cejos and Yberri. I do not know that Joaquin de Astiazaran, the grantee of Sopori, knew Manuel Cejos, but I infer he did, because one was a merchant of note and the other occupied a high position, and did not live a great distance apart, and therefore must have known each other.

Ques. Do you know, or, if he be no longer living, did you know, Nicolas Gonzales?—Ans. I have a remote idea that I did, but am not sure, as I do remember about him, but knowing him, cannot tell his occupation. I do not know his signature.

Ques. Did you know Ignacio Zufiga?—Ans. I knew him well. I knew him in 1832 at Arizpe. He bought Government scrip or paper at a low figure and afterwards sold it at near par value. I know his handwriting and signature well, having often seen him write and sign his name. He made two trips to Mexico and did not return to Arizpe, and I think he died between the years 1840 and 1850. I have recently seen the signature of Ignacio Zufiga in the Sopori expediente, and have therefore seen it. I am satisfied that his signature in the Sopori expediente is genuine, because I have often seen him write.

Ques. Do you know, or, if he be no longer living, did you know, Francisco Mendoza in his lifetime?—Ans. I did know him; and he was a brother of José Maria Mendoza. Francisco Mendoza was an office clerk often employed by the Government. I do not know when he died, but I infer that he died between 1832 and 1840. I make this inference because Francisco Mendoza came to his brother's house very often and was also often in the office of his brother, where I saw him, and in the year 1837 I left Arizpe and did not see or hear of him any more again. I know the handwriting and signature of Francisco Mendoza well. I have seen him write and sign his name. I examined all the signatures of Francisco Mendoza in the Sopori expediente in the office of the treasurer-general in Hermosillo, and found them all to be genuine.

Ques. Do you know, or did you in his lifetime, if he be dead, Juan José Eneinos?—Ans. I did know him. He resided in Hermosillo, and he was for a long time a State revenue collector and for the General Government as well. I knew him personally, but not intimately. His reputation in the State was good. I know both his signature and handwriting. I have never seen him writing or signing his name. I know his signature and writing from the official correspondence which took place between Arizpe and Hermosillo, where I was employed. He was employed in public positions for a number of years, but do not remember how many. He was an upright, intelligent man, and was therefore employed by the Government to take charge of the funds; I mean to say that he received and disbursed the funds of the State, and at one time those of the General Government. I do not remember when he died. In my examination of the Sopori expediente in Hermosillo I did observe the signature and handwriting of José Eneinos, and they were genuine.

Ques. In the examination which you made of the Sopori expediente in Hermosillo, in the office of the treasurer-general, did you observe the signatures of José Carrillo?—Ans. I did; I went there for that purpose. Said signatures are genuine and the ones which he used and was accustomed to make. I also examined the signatures of José Jesus Corella in the same expediente, and they were the signatures he made and were genuine. I also examined the signatures of Santos Vigarria, Jesus Frasquillo, Alejo Carillo, and Luis Carranco in the same expediente, and they are all genuine.

Ques. Do you know a book in the office of the treasurer-general of Sonora relating to titles of land called the *Toma de Razon*?—Ans. I do.

Ques. Do you know the object of said book?—Ans. Every title that is given to the denouncer is noted or registered in that book.

Ques. Does the validity of every title depend upon its entry or registry in said book?—Ans. The validity of a title does not depend on its entry in that book.

Ques. Look at the opinion now shown you, marked Exhibit C, June 14, 1881, and say if that expresses your judgment of that book.—Ans. I have just stated that the failure to note issuance of a title in the *Toma de Razon* did not invalidate the title, and I perfectly agree with what is stated in Exhibit C as aforesaid. I can tell you of some valid



titles which have not been noted in the *Toma de Razon*. Between the years 1840 and 1845 I bought a ranch of four leagues called the *Pinito*, within two leagues of Santa Cruz, and it was not noted in the *Toma de Razon*, because I did not think it was necessary. I then sold the same ranch to F. A. Aguilar's successors, of Guaymas, and they did not think it necessary. Witness then says he first sold to Loaliza and Borques in 1870, and they sold it to F. A. Aguilar's successors, of Guaymas. About a month ago they sold it to Manuel Escalante. Loaliza & Borques did not consider it necessary to have it noted in the *Toma de Razon*; neither did Aguilar's successors nor Manuel Escalante. Several property-owners sent their titles to the City of Mexico to be examined, and the Government found no fault with them, and had they not been proper titles fault would have been found with them. The failure to make an entry of the title in *Toma de Razon* did not invalidate the title, as I learned from the Government.

Ques. In the epoch in which you were connected with the treasurer-general, what kind of pens and ink were employed in public offices?—Ans. From the year 1830 to 1840 they used quill pens; they did not know of iron or steel pens at that time. The ink was made of the fruit of vinorama and combined with copperas.

Recess to 3 p. m.

3 p. m. Same present as in morning.

The claimants desire to ask the surveyor-general, referring to his entry at the foot of page 40 of the record of the present hearing, whether among the unexpected questions there mentioned by the surveyor-general, as to which further testimony on the part of the Government will be taken, there is included any question relating to the hand-writings, signatures, or dates of the expediente and testimonies, or to the genuineness of such signatures, handwritings, or dates.

The surveyor-general replied that at present he could not give a decisive reply to this inquiry, but would do so as accurately as possible on or before the close of this session.

The claimants also ask the surveyor-general whether he considers any testimony on part of U. S. as being now before him, excepting the four depositions of Elias, Sais, Oury, and Poston, the three depositions taken before Mark Aldrich, alcalde, the letter of Ronstadt, and the photographs Nos. 1 to 10.

In reply, the surveyor-general says he knows of no other testimony.

The claimants also ask the surveyor-general whether the information given in relation to the Sonora archives, so far as they bear upon or are evidence touching the validity of the Sopori grant, were made by Mr. R. C. Hopkins, as special agent of the United States, or as interpreter and translator connected with this office, and whether Mr. Hopkins selected the papers which were photographically reproduced in photographs Nos. 1 to 10, on part of the U. S.

In reply the surveyor-general said that such evidence did come from Mr. Hopkins in his capacity aforesaid, and he presumes he made the selections of the papers photographically reproduced as referred to by No—.

WM. S. OURY, heretofore duly sworn in this case, is here recalled for cross-examination by claimants:

Ques. Mr. Oury, how long have you resided in Tucson?—Ans. Well, I came to Tucson in 1856. I had not been in Arizona before 1856. I was in Sonora in 1839. I never resided in Sonora, but was there about three weeks in 1839. After that time, and before 1856, I was not in Sonora at all. I have frequently visited Sonora since 1856. Sir, I have visited Ures once and Hermosillo frequently. I never examined the records there. My business there was not legal business. I made the acquaintance of Lieut. Sylvester Mowry in Yuma in 1856. He was then officer of the U. S. Army. I knew him very intimately during the years 1857-8 and 9, and occasionally thereafter until he left for Europe, where he died. I suppose Lt. Mowry was interested in the Sopori grant from what he said to me. I suppose he regarded his interest in it as valuable. I first heard of the Sopori grant in 1857, from José Maria Martinez. He had a piece of land at San Xavier, and had many cattle and horses, and was quite a prominent man. I did not definitely learn from him who was an owner of said grant, but I think he stated that Fernando Cubillas was an owner, or interested in the enterprise. He said they were measuring off the whole country beyond San Xavier, and that it was a large tract of country. I was an intimate friend of Lt. Mowry until the time of his death. I think latterly he did not claim an interest in said grant. He may have retained a slight interest, but the larger share I think he had sold to a Rhode Island party. Lt. Mowry went to Washington as a quasi representative prior to 1861. I think he claimed an interest in it down to the last time I talked with him about it, which I think was about 1861. He always seemed to take an interest in it, and

I judged from the interest he took in it that he owned some part of it. I talked with him frequently about the grant from 1858 to 1861.

Ques. Was there more than one conversation between you and Lt. Mowry touching the spuriousness of the Sopori title?—Ans. Yes, sir; we had frequent conversations on this point. I frequently jested with him about it.

Ques. Were these conversations during the early or latter part of the period from 1858 to 1861?—Ans. I cannot tell, but some of them were when Mr. Sayles was here.

Ques. Did Mr. Sayles hear some of these conversations?—Ans. He did.

Ques. Were these conversations jocose between yourself and Lt. Mowry?—Ans. Sometimes they were and sometimes they were not. I would sometimes tax him with an attempt to rob the country of lands, and he would laugh it off. I translated all the papers Lt. Mowry and Sayles brought me relating to the Sopori grant. Mowry wanted Sayles to be acquainted with the nature of the documents. I do not know that Sayles was one of the Rhode Island purchasers from Mowry, but I understood that he came here in the interest of the parties who purchased from Mowry. Mr. Sayles probably came here before the completion of the sale.

Ques. Were you present when the depositions were taken before M. Aldrich, alcalde, and now annexed to Col. Poston's deposition, were taken?—Ans. I am very sure I was not. I am not sure that I saw these depositions prior to the 9th April, 1881. I know personally José Gallegos. He is alive yet. I have seen him quite recently. I knew Juan Elias quite intimately. He was father of Jesus Maria Elias. I knew Pedro Herrerias. He was a friend of mine. I had several conversations about the *Sopori* with said Herrerias. I do not recollect having had any conversation about the *Sopori* with José Gallegos.

Ques. Do you know who are now living on the Sopori?—Ans. Some of the Elias boys are living upon it. Juan Elias, jr., is living there, who is the son of the Juan Elias who made the deposition before Mark Aldrich, and is the brother of Jesus Maria Elias, who made a deposition in this case November 29, 1880. I think all three of the Elias boys have taken claims on the Sopori, but I am not sure of it. I learned the circumstances from Juan Elias. They have cattle and are farming some of the land. I think they have been on the lands 4 or 5 years.

Ques. From whom did you hear of this proceeding of ours regarding the Sopori?—Ans. The first I heard of it was a request from the surveyor-general to appear and testify in the matter.

Ques. Look, Mr. Oury, at the blank No. 2, and say if it was the printed form that was used in inviting you testify in this case?—Ans. It is the form.

Ques. The language of this form is in part, "If you have any interest that will be affected by my action in this case and know of any valid reason or reasons why the title to said private land claim ought to be recommended, etc., you are respectfully and earnestly requested to appear," etc. What interest did you have in the *Sopori* land claim?—Ans. Individually none whatever. I only had the interest of a citizen in not having the whole country taken by such claims, and that was why I examined into such matters, and particularly this claim. The reason I particularly examined this case was that it was one of most recent date, and from my idea of the extent of it I was satisfied it would cover valuable mineral lands and that it was an attempt to create a fraud, and I was strongly impressed with that idea, and because of conversations had with José Maria Martinez. The only conversation I had with any one between the time of receiving the surveyor-general's request to testify and the time of giving such testimony was with Juan Elias, and I only mentioned the matter to him. I am in no particular business now.

Ques. by the surveyor-general:

Ques. Mr. Oury, please state the various public positions you have held in Arizona, and about the periods of each.—Ans. First, I was agent of the Overland Mail Co. from 1858 to its withdrawal in 1861, and part of that time agent of Wells, Fargo & Co's. Express. I held various municipal positions here from time to time; was member of the city council of Tucson. I was sheriff of Pima County from 1st January, 1873, to January 1, 1877. I was a member board of supervisors of Pima County from January. I was afterwards clerk of the board of supervisors. During the period I was sheriff I was also U. S. dep. col. of internal revenue of Pima County.

WM. S. OURY.

CHAS. D. POSTON, formerly sworn in this case, recalled for cross-examination on part of claimant.

Ques. Col. Poston, when did you come to Arizona?—Ans. In January, 1854. I have not before been in what is now Sonora. I landed at port below Guaymas, in Sonora, in 1854. I came thence over land to the Gila River. I first came to the vicinity of Tucson

in 1856. The first time I ever saw the Sopori was in 1856, but knew of it before. I learned particularly of it from Mr. Ronstadt and Mr. Erenberg, and of others whose names I have now forgotten. My business into Sonora was to examine into land titles that would probably be included in the Gadsden purchase, and I gathered information about Sopori as well as other ranches. I had a company organization that I was representing, and about 25 men with me, some of whom were skilled in the Spanish language. I did not personally examine the archives of Sonora at that time. When in Sonora I did visit the seat of Joaquin de Astiazaran. Its name was La Labor. I was entertained there. I met Fernando Astiazaran there. I met a Mr. Cubillas, I think, a brother-in-law of Astiazaran. I met Joaquin de Astiazaran at Guaymas, but not at La Labor. I conversed with the Astiazarans through an interpreter about land titles; that was my business. I don't think Sopori was mentioned at that time; I am very certain it was not. There was a good deal of talk about the ranches that belonged to the Elias's at San Bernardino, and one called Tres Alamos, on the San Pedro, and one called Calabasas. I did not then make the acquaintance of Ronstadt. I first met Ronstadt in San Francisco in August or September, 1854. I never saw Ronstadt in Sonora at any time on the other side of the line. I became acquainted with Ronstadt by being introduced to him as a man acquainted in Arizona, as I was making up a company to come here. I knew him by reputation previous to meeting him. I did not see or know that Ronstadt had at that time any papers of a claim to any part of the Sopori. Ronstadt exhibited the Sopori papers to me the first time in the winter of 1856 at Tubac, in this Territory, and left the papers with me, together with a power of attorney to sell the place. I have no definite recollection previous to that time of hearing Ronstadt had such papers. Ronstadt filed with me the depositions of Juan Elias, José Gallegos, and Pedro Herreras, when he left the other Sopori papers with me. I say filed, because I was deputy recorder at the time. James Douglass, Christopher Dodson, and Wm. B. Roodes with some Mexican peons.

At 20 minutes to 6 o'clock adjourned to 10 a. m. to-morrow.

JUNE 18, 1881—10 a. m.

Examination of ANTONIO CABILLO resumed.

Ques. Do you observe in the photographs produced by the U. S. of the signatures of the expediente of the Sopori, of José Carrillo, Santos Vigarria, and Jesus Frasquillo now shown you any indications of coarseness or apparent labor which in your judgment makes it in the slightest degree probable that they are spurious?—Ans. I see nothing to indicate that they are spurious.

Ques. Do you observe in the photographs just shown you in any of the other signatures in the Sopori expediente any such indications as in your judgment render it in the slightest degree probable that any of them are spurious?—Ans. I observe no circumstance to indicate that they are not genuine. There are two natural causes for the differences in any of these signatures, because at that time the writing was done with a quill pen, and this writing was fine or coarse according to the length of time the pen had been used. In writing they usually filled a page and then sharpened the point again with a small knife at hand. The manner of sharpening these pens and the fineness or coarseness of the point after they were sharpened were not always the same. After two or three sheets had been written upon and the points worn the quill was taken in hand, a part of the point cut off, each side trimmed down, and often when this was done it was imperfect, because done so quickly, and hence the difference in writing. Some of the clerks cut the points quite fine and others had them coarser because they preferred them in that way. In the trimming of those points, inasmuch as they did it very often, they were apt to have the points finer or coarser, as they did it quickly or otherwise. That difference in cutting points made a difference in writing. If they could have been trimmed with a machine all the writing would have been the same. When the composition of the ink contained much copperas the writing was heavy and not so clear. When it did not have much copperas the writing was better and more distinct. Thick ink would not flow well or easily, therefore the writing was heavy; otherwise it was clear and distinct.

Ques. State, if you know, the manner in which stamped paper used by the treasury upon titles of lands was, in or about the year 1838, sold, used, and preserved.—Ans. The paper was stamped in order to bring a revenue to Government. The law which established the use of stamped paper also provided different values and different classes of paper for different transactions. This paper was then obtained from Mexico. I don't remember whether the paper came from Mexico or from the State. This stamped paper was used for two years. At the end of the last year it was destroyed by means of fire, in presence of the officials. In some cases this paper was used for two years more, it

being rehabilitated by restamping the two succeeding years upon it, and all that was not rehabilitated was destroyed at the end of the two years by fire. I was present twice when this was done while I had charge of the treasury.

Ques. Do you recall any other titles to vacant lands which have not been noted in the *Toma de Razon* beside the *Pinito* title referred to by you yesterday?—Ans. I can recall another. I was owner of the rancho called the *Batepito*, lying north of Fronteras and near the American line. I was owner of said ranch for 20 years. I sold it to Louizu & Borques in 1870. They sent a lawyer to examine it who pronounced the title good. This title was not entered in the *Toma de Razon*. This land was sold to Aquilar's successors, who are the present owners. In the year 1842 I and a friend of mine, Don Jesus Romo, bought two titles to the mission lands of the town of Ures. These titles were not entered in the *Toma de Razon*. The titles to these lands came from Government, having taken the same from the church. I know also of the following additional titles not noted in the *Toma de Razon*, namely: Missionary lands of Ures bought in 1842, and now owned by Doña Josefa Monroy Decota, and missionary land of the town of Levis, near Humosillo, now owned by Rafael Andrade. I am sure these are not entered in *Toma de Razon*, because I have examined it for them. No one doubted their validity because they were not noted in *Toma de Razon*. Andrade, Cota, Romo, and myself have been in possession since the year 1842, and no one has ever found fault or questioned our titles. There were fourteen documents or titles sent to City of Mexico for examination, and among them the title to the *Pinito* rancho in accordance with the decree of President Juarez, and all were approved. The *Pinito* rancho is the one I have spoken as my own.

Ques. Do you know whether any of the persons who were connected with the office of the treasurer-general of Sonora in and about 1838 are still living?—Ans. Of these employed in the office of the treasurer-general in or about 1838 none are now alive except myself and Mariano Salazar, of Ures. Señor Tamayo was not employed of the treasurer-general at the time I was there. These were all that are now living. I neither speak nor understand English. In the testimonio of the Sopori, now shown me, I recognize the handwriting of José Maria Mendoza and of no one else, and I now speak of the body of the testimonio. I recognize the signatures of Jesus Frasquilla, José Maria Mendoza, and Alejo Carillo where they appear at the end of the granting clause. My own signature appears on page 26 of records produced by Señor Jose M. Taymayo.

ANTONIO CARRILLO.

Sworn and subscribed before me this 18th of June, 1881.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

Sr. JOSÉ M. TAMAYO, being duly sworn, testified as follows in reply to questions put by attorneys for claimants:

At 12 m. recess taken till 2 p. m.

Assembled at 2 p. m. Same present as in forenoon.

Ques. What is your age, residence, and occupation?—Ans. Age, 61 years; reside in Ures, and am in charge of the office of registry of births, marriages, and deaths; and secretary to the city council in Ures. I am in charge of the archives of the justice of the peace in Ures and Protocolo and also the archives of the city council. I have been in charge of said records since 1862 or 1863. Without salary, I began as a clerk in the treasurer-general's office of the State in 1832, and was then 12 or 13 years of age. I was then porter. I was in the printing office of the State for 5 or 6 months in 1834. I was thereafter a clerk in the treasurer-general's office until 1849. From 1849 to 1852 I was collector of internal revenue in Ures, and thereafter until 1859 I was a merchant. I resided during these official occupations in Arizpe and Ures.

Ques. So far as you remember them, give the names of the employés in the treasurer-general's office about the year 1838, and state which of them are living and the date of the deaths of those who are dead.—Ans. José Maria Mendoza, Don Justo Milla, Antonio Apolategui, Julian Padillo, Luis Carranco. The last three names were connected with the surveying of lands. Other employés were Mariano Romo, Bartolo Miranda, José Sequiros, Jesus Frasquilla. I knew Alejo Corillo and Santos Vigarria about that time. They were employed in the office of the commissary-general's office, which was a federal office and independent of the treasurer-general's office. I knew José Jesus Corella. He was a native of Arizpe and was a supernumerary clerk of José Maria Mendoza. I knew Don Alonzo M. Tressierras. When I was young he was a small dealer in merchandise. I knew Juan José Eneños, and I heard he was collector of internal revenue and often saw his name on stamped paper and other official documents. I knew Nicolas Gonzales at Arizpe. He was an aid to the collector of internal revenue. I know Ignacio Zumiga by sight. I did not know Manuel Cejos. I knew José Contreras between 1839 and 1840

in Ures; he was a merchant in the village of Guadalupe. I did not know Gregoria Valencia. José Contreras was sometimes a justice of the peace in Ures. I do not know Contreras as being in the employ of the Government or treasury.

Ques. Which of the persons officially connected with the treasurer-general's office about 1838 are now living?—Ans. Antonio Corillo and myself and Mariano Salazar are now living, and I know of none of the others now living. José Maria Mendoza died in 1862; and I knew him from my boyhood. José Maria Mendoza's reputation for honor was good, not only in the State but out of it. I remember from the year 1829 to the time of his death he occupied important official positions. I know when Santos Vigarria died. I have recently examined a registry of the death of Santos Vigarria, Jesus Frasquillo, and Alejo Carrillo. These registers are in the church at Ures. Santos Vigarria died on the 10th April, 1843; Jesus Frasquillo died April 12th, 1844; Alejo Carrillo died July 8, 1853. I have some recollection about the time of their death independent of the church registry, but I could not be sure of the date with examination of the registry. About the year 1846 several of the employés died because of an epidemic, and I went away to avoid it. I do not know the time of the death of Juan José Eneinos and do remember that of José Jesus Corpella who died between 1845 and 1846 in Ures. I do not remember exactly when Luis Carranco died, but I think it was between 1846 and 1848. I know the reputation of Juan José Eneinos for honor and honesty and it was very good. I have seen him in the society of good families, and he associated with the best society and was a kind father.

Ques. Have you examined the Sopori expediente now in the Sonora archives? If yes, state whether you know the handwritings and signatures of any of the persons whose names are signed there. If yes, state which of them and how you knew them.—Ans. I have examined said expediente, and I know the handwritings and signatures of some of the persons whose names are signed there. I know the signatures of José Maria Mendoza, Alejo Carillo, Santos Vigarria, Francisco Mendoza, José Carrillo, Nicolas Gonzales, Jesus Frasquillo, José Jesus Corella, Luis Carranco, and also José Contreras. I knew their signatures because we were all employed together in the office during the period from 1832 to 1842. I saw them sign their receipts for their salaries from the 1st to the 8th of every month. As porter I took the receipts to the head clerk to collect. I did not see them sign every month, because some months there was no money. Apart from signing said receipts I saw them writing every day and often signing as subscribing witnesses. Since I have had charge of archives I have often seen their handwritings and signatures.

Ques. Do you now produce before the surveyor-general any original archives of Sonora? If so, state what they are, from where they were brought, and in whose custody they now are.—Ans. I have some original documents here with me. They are protocols of a notary public and proceedings of a justice of the peace. (The witness produces 104 leaves or 208 pages of such documents.) I brought said documents from Ures. The president of the city council gave me permission to bring them, and I am now responsible for them and they must be returned to Ures with me.

Ques. State which of the signatures appearing in the Sopori expediente also appear in these proceedings.—Ans. Alejo Carrillo, José Contreras, Santos Vigarria, Nicolas Gonzales, Jesus Frasquillo.

(These papers are now produced for the inspection of the surveyor-general, and the claimants state that they will to-day or to-morrow procure photographs of portions of them by Mr. Buehman, who has already made photographs for the Government in this case.)

The signatures of the names before mentioned often appear in these documents now produced.

Ques. Photograph No. 1 on part of Government shown witness, and asked to state if in your judgment and opinion the signature of José Carrillo is genuine.—Ans. It is.

Ques. Government photograph No. 3 is shown the witness, and he is asked whether the signatures there photographed of Alejo Carrillo and Jesus Frasquillo are genuine signatures.—Ans. They are.

Ques. (Photographs Nos. 4 and 5 are shown the witness.) Are the signatures there photographed of Luis Carranco, José Jesus Corella, and Santos Vigarria the genuine signatures of those persons?—Ans. They are genuine. I know them well.

Ques. Look at pages 27, 63, and 68 of the records now produced by you and state whether the signatures there appearing of Santos Vigarria are his genuine signatures.—Ans. They are genuine.

Ques. Look at pages 26 and 59 and 74 and 78 and 80 of the records now produced by you and state whether the signatures thereon appearing of Alejo Carrillo are his genuine signatures.—Ans. They are all genuine.

Ques. Look at leaf 26 of those records and state whether the signature of Antonio Carrillo, written a short distance above that of Alejo Carrillo, is the genuine signature of

the witness last examined.—Ans. It is genuine. There are several signatures of Antonio Carrillo in the documents I have produced. They bear upon them the date of their execution, and their dates extend from 1835 to 1842.

Ques. Do any of these records refer to land titles?—Ans. None of them do. Some of them refer to small suits and some to deeds for small lots from the notarial records. The deeds for the said small lots were deeds between private persons, and had nothing to do with the Government, and were made before a judge or notary.

Ques. State whether there be any variation in the signatures of the same persons in the genuine archives you have examined or have seen written, and the cause and nature of such variation.—Ans. I have observed a small difference in the signatures, and the cause of such difference arises from the state of the ink. When the ink was thick the writing would appear coarser; but when water was put in it was not so coarse. When the pen was newly trimmed or sharpened the writing was perfect; but after writing on two or three pages the pen became worn and blunted and the writing was not so distinct. The variations of handwriting result also from the condition of the person—whether he be well or ill, in haste or had time. I think I saw one of the proceedings in the body of the Sopori expediente which was entirely in the handwriting of Julian Padilla.

Ques. Do you know Regina Gonzales de Duron?—Ans. I do.

Ques. (A deposition shown witness marked Ex. A, June 18, 1881.) Did you see that deposition signed by Regina Gonzales de Duron?—Ans. I did.

Ques. Do you remember the date of the death of Nicolas Gonzales?—Ans. He died in California between 1852 and 1853. Sr. Gonzales left Ures with a party of gentlemen for California in the year 1849 when gold was discovered there and never returned. The documents which I brought with me from Ures contain the genuine signature of José Jesus Corrella, in addition to the others whom I have named. I have some original letters of Mendoza with me, some of which I will leave here. Others I do not care to leave because they are certificates of my service to the State. I am willing all such letters shall be examined and inspected. I neither speak nor understand English.

JOSE M. TAMAYO.

Sworn and subscribed before me this 18th day of June, 1881.

[SEAL.]

JOHN WASSON.  
U. S. Surveyor-General.

GUILLERMO H. ROBINSON, being duly sworn, testified as follows in reply to questions put by attorney for claimants:

What is your age, residence, and occupation?—Ans. Age, 36; residence, Guaymas, Sonora; land agent at Guaymas; from November, 1871 to 1873, first judge of 1st instance of Hermosillo, appointed by Congress; from Sep., 1873, to 1875, member of the State legislature of Sonora, popularly elected; from Sept., 1875, to March, 1879, attorney-general for supreme court of the State; from June, 1876, to Nov., 1877, chief clerk in the internal-revenue office in Guaymas; from July, 1878, to May, 1879, secretary to the city council in Guaymas; from Sept., 1879, to Dec. 21st, 1880, judge of first instance at Guaymas, at which time I resigned the office. I have several times had occasion to examine titles to lands in Sonora. It was part of my business as judge to examine such titles, to give decisions, and did so as land agent for the purpose of giving opinions. I have examined titles issued by the Government of Sonora from 1821 to the present date. I was born in Guaymas, in the State of Sonora. I had part of my education in the U. S. In 1857 I went from Guaymas to New York State and returned to Guaymas in 1865. I was studying in New York from 1857 until 1862. In 1871 I commenced to examine titles.

At 5 p. m. adjourned over to 20th instant, at 10 a. m.

JUNE 20, 1881—10 a. m.

Same present as on 18th.

Cross-examination of CHAS. D. POSTON resumed:

Ques. While you were in Arizona was Ronstadt at any time in possession of the Sopori or living on it?—Ans. He was there between my first and second visit working some arrastraes in 1855. I was not here in 1855. My only knowledge of Ronstadt's possession was from information in the neighborhood and the view of the arrastraes. I undertook the sale of the ranch called Sopori, containing four leagues, which was claimed by Ronstadt.

Ques. (Eight papers produced by claimants and shown the witness.) State, Colonel, if these eight papers, after you have examined them, are the papers handed you by Ronstadt, and which were recorded by you as deputy clerk of Doña County, New Mexico?—Ans. I think the only answer I can give to that is that I do not remember. The record is the best evidence. I recognize some of the papers.

Ques. Was there a testimonio among said papers?—Ans. I do not remember that there was.

**Ques.** I understood you that all of the Ronstadt papers were recorded excepting the deposition and your testimony annexed to them?—**Ans.** All of them that I had were recorded except the depositions which formed no part of the title. I never examined the Ronstadt title in the archives of Mexico. I have never seen a record of the Ronstadt title papers in the archives of Sonora, but believe they are of record and exist or did exist. I had four or five men with me in the employment of the company who were familiar with Mexican titles; some of these parties had been born in this country, and one of them had been a clerk in the land office in Sonora, where the titles were registered, as I was informed, and I had to depend upon information obtained in that way.

**Ques.** How long were you engaged in selling or trying to sell the Ronstadt title?—**Ans.** It was placed in my hands in the autumn of 1856, and I think, as well as I can remember, the title and title papers passed out of my hands in 1857, but cannot remember the date more accurately without reference to papers. The only papers I retained was a power of attorney, and the depositions taken before the alcalde in Tucson, which form no part of the claim of title.

**Ques.** You were pecuniarily interested in the sale of the Ronstadt title?—**Ans.** Mr. Ronstadt gave me one-quarter of it as compensation for protecting his interests and negotiating a sale.

**Ques.** Do you remember how much that sale was for?—**Ans.** The sale amounted to \$4,000; the sale did take place to the Sopori Land and Mining Co. During the negotiations of this sale I knew of no other title than that of Ronstadt for four square leagues. I believed and stated that the Ronstadt title was valid and genuine; in addition there were evidence and tradition of occupation and improvements. My information is that some of the parties to the title had occupied the ranch under it. At the time of the transfer the houses and part of the ranch were in adverse possession of Douglass Dodson and Roodes, and I understood one of the Rhode Island Cos. bought out their claim and possession. Either the Sopori Land and Mining Co. or the Arizona Mining Co. bought said claim and possession, but at that time I only knew of the Sopori Land and Mining Company. An agent of the Rhode Island companies came out and went into possession and occupied the old houses at the Sopori Water, making surveys, cultivating the land, grazing cattle, and working gold mines until the ranch was broken up by the Apaches and the agent was killed, in June, 1861; his name was Richmond Jones. The cattle taken away at the time numbered about 280 head, and the ranch was depopulated. The said gold mine has not to my knowledge been worked since, and it was not worked much under the company.

**Ques.** Did you ever see either the expediente or testimonio of the Sopori title excepting when you saw the testimonio before the surveyor-general in February last?—**Ans.** I never saw the title to the large grant before, and did not know until then in whose favor it was made. To the best of my recollection, the first time I ever heard of the 31 league grant was in Rhode Island in 1858. I never saw any of the papers relating to it until I saw them in the surveyor-general's office. The gentlemen who in Providence, Rhode Island, asked me about this grant were Benjamin H. Cheever, Welcome B. Sayles, Gov. Jackson, Gov. Alfred Anthony, Dr. Mauran, Sylvester Mowry, John R. Bartlett, who had been out here in previous years as a commissioner on part of the U. S. to run the boundary line, and Senator Simmons, Senator Anthony, and several other gentlemen whose names I can't now recall. Mr. Bartlett was then Secty. of State. I heard the matter discussed in Providence, New York, and Washington a good deal. The social and political standing of these gentlemen were the highest in Rhode Island of whom I had any knowledge excepting two or three of the parties named.

**Ques.** State, please, the general position of the Astiazaran family at the time of your visit to their seat of La Labor in 1854?—**Ans.** I met Joaquin de Astiazaran at his house in Guaymas, Fernando Astiazaran at his residence in Hermosillo, when he invited me to visit his hacienda, La Labor, which I subsequently did. They were one of the oldest and most respected families in Sonora.

**Ques.** Did you write and publish a poem called "Apache Land"?—**Ans.** I committed that indiscretion. It was intended as something of a description of Arizona and Sonora in their historical and personal phases.

**Ques.** Did you in that poem describe Don Fernando M. Astiazaran in the following words:

At La Labor the next in train  
Was found the noble Astiazaran,  
A gentleman in every part,  
In mind and soul and mien and heart:  
In travels quite a wanderer;  
Now son-in-law of Gandara,  
He cultivates estates paternal,  
And with solicitude maternal  
Accepts the willing patronage  
Of a thousand held in peonage?

Ans. I did; and it was published in 1878.

Ques. How long or how many years has it been your opinion that the 31 league grant was fraudulent?—Ans. Since I first heard of it in 1858.

Ques. Do you own or claim lands in the vicinity of the Sopori?—Ans. Not within twenty miles. The lands I claim are principally at Arivaca. The *Aribac* grant was a sale made by the State of Sonora to Tomas and Ignacio Ortiz, of whom I purchased it. The original papers were produced before the surveyor-general and they included a *testimonio*.

Ques. Was there an expediente on file or in the archives of Sonora?—Ans. I do not think an expediente is used in sales of land or in a land sale. The original is in my possession, and there is a registration in the archives of the land office of Sonora in a book which I think is called *Toma de Razon*.

Ques. Besides the entry in this book, are there no original papers relating to that sale filed in these archives?—Ans. I do not know of any original papers relating to Arivaca except those which have been transcribed, in the surveyor-general's office, and believe it is not the custom in Mexico to retain original title papers in the public archives, but to record or register the whole or a part of the originals and to deliver the originals to the owner or owners.

Ques. Look at the photograph now produced by the surveyor-general showing or reproducing a page of the *Toma de Razon*, in which the entry of the *Aribac* sale appears, and state whether there be therein any plot of the land, or any description of the land, excepting these words: "Dos sitios de tierra para cria de ganado mayorly caballada, que comprende el puesto nombrado *Aribac*, sito en jurisdiccion de la pimeria alta"—the translation being "two sitios of land for breeding of cattle and horses, comprising the place named *Aribac*, situated in the jurisdiction of the *pimeria alta*"?—Ans. The original title papers are the best evidence, and contain an elaborate description of the boundaries, composed of three permanent mountain peaks and one perpetual spring of water; but the photograph of the registration is an abbreviation or memorandum from the original title papers, but there is no map or plat attached to the original papers or the photograph of the registration.

Ques. Does the entry on the *Toma de Razon*, shown on the photograph, contain any other description of the land than the Spanish words quoted in the last question?—Ans. It localizes the place of *Aribac* by mentioning that it is in the jurisdiction of *Pimeria Alta* and granted to Tomas and Ignacio Ortiz, citizens in the vicinity of *Tubac*; that is a still further description, and the Spanish text is: "Que comprende el puente nombrado *Aribac* sito en jurisdiccion de la pimeria alta, a favor de las condidanos Tomas y Ignacio Ortiz vecinos del presidio de *Tubac*."

Ques. Besides the Spanish words contained in my question and to your last answer, does that entry in the *Toma* contain any description of the land?—Ans. I have never seen the entry, and the photograph does not contain any other description.

Ques. Are you familiar with the book in Mexico, published in London in 1829, and written by H. G. Ward chargé d'affaires of Great Britain in Mexico, and with an appendix to that book written by Col. Bourne, one of the attaches of the British legation in Mexico? If yes, does the paper now produced marked Ex. A., June 20, 1881, contain a correct extract from that appendix?—Ans. I have been in possession of one copy of the book for a great many years, and have read it sufficiently often to be familiar with the descriptions, especially the description of *La Labor*, and believe the paper presented to be an accurate copy.

Ques. Do you know Jesus Ma. Elias, and does he now occupy and claim the Sopori ranch, or part of it?—Ans. I know all the sons of old Juan Elias, including Jesus Ma. Elias. He lives with his family in Tucson when he is at home. He may occupy Sopori temporarily or in part, but whether he has any interest in it, or not, I do not know. He is a rather improvident man. Juan Elias, his brother, occupies the old houses at Sopori and has part of the arable land in cultivation, and owns quite a stock of cattle there.

Ques. Do you know whether it be currently reported in the neighborhood that the Eliases, or either of them, have or make a claim to the Sopori, or any part of it?—Ans. Two or three of the Eliases have had surveys made over a large part of the irrigable land and have made some effort to get a title from the U. S. under the desert-land act, but I think have forfeited their right to do so by lapse of time. Yet they still remain in possession, and have a thousand acres more or less fenced and in cultivation.

Ques. When did you first hear of any hearings before the surveyor-general with reference to the 31-league grant? And, if yes, state from whom.—Ans. I have no definite recollection of hearing about it being under investigation previous to receiving a request in the usual form to attend and give evidence, but it may have been casually mentioned to me by the interpreter in the surveyor-general's office, and I think it was by Mr. R. C. Hopkins, with whom I have been on terms of social intimacy on his arrival here and before.



Ques. Were you an intimate friend of Lt. Sylvester Mowry; an', if so, how long?—Ans. I was from 1856 until his death, which was, I think, in the summer of 1874, at Fenton's hotel, in London, and sat up with him the last few nights of his existence.

Ques. State whether Lt. Mowry was one of the persons interested in the sale and purchase of the 31-league Sopori title?—Ans. I always understood that he inaugurated the negotiation and conducted it to a successful conclusion with the assistance of some colleagues, principally from his native State, Rhode Island.

Ques. It is stated here that it is currently reported in Tucson that you have said you could produce a hundred witnesses against the Sopori title. Have you made that statement?—Ans. It is difficult to keep current with the rumors of Tucson. My impression is that I have made such statements, but I could not remember when or where. I have not made any effort to produce such witnesses here, and it is none of my business to do so; therefore I do not propose to do so unless I am remarkably well paid for it.

At 12.30 recess taken till 3 p. m. At 3 p. m. cross-examination of Col. Poston resumed.

Ques. Look at the book of records No. 1 of Dona Ana County, New Mexico, now produced by Anton Coenen, a deputy county recorder of Prince County, Arizona, and state whether that be an original book kept by you as deputy recorder of Dona Ana County, New Mexico, and state also whether it contains the records of the Ronstadt title papers heretofore mentioned by you, and if yes, state the pages.—Ans. This is an original book brought by me to the Territory in 1856, and contains pasted on the cover an appointment as deputy clerk for the county of Dona Ana, Territory of New Mexico, to which the country there purchased under the Gadsden treaty had been annexed, and I kept the said book of records for the purpose of recording title papers and other things in the vicinity. The book is not paged, but contains a copy of the original title papers delivered to me by Frederick Ronstadt. The copy is in the handwriting of Frederick Hulsemann, who was employed by me at the time, and who was well-skilled in Spanish language. The transcript contains fourteen pages, and on the next half page is the record of a power of attorney given to me by Mr. Ronstadt, dated at Tubac, November 1, 1866. The record was made very soon after this date.

Ques. Please look at the seven papers now produced, and on comparison with the record state whether they be the papers so recorded by you.—Ans. They appear to be the same papers, and I think they are correctly transcribed.

The claimants also offer translations of these papers as follows: Translation of Ex. B, marked Ex. I of this date; translation of Ex. C, marked Ex. J of this date; translation of Ex. D, marked Ex. K of this date; translation of Ex. E, marked Ex. L of this date; translation of Ex. F, marked Ex. M of this date; translation of Ex. G, marked Ex. N of this date; translation of Ex. H marked Ex. O of this date.

Questions by the Surveyor-General to Chas. W. Poston:

Ques. Col. Poston, please state if since you first knew of the 31-league Sopori title in 1858, and now under examination in this office, if you at any time have had reason to believe it to be genuine and ought to be confirmed by the U. S.?

(The claimants respectfully object to the question because it is not confined to the knowledge of the witness as to facts, and asks for the opinion of the witness whether based upon facts within his own knowledge or not.)

Ans. I will state the facts which first led me to form my opinion. The houses and ruins within the boundaries of the 31-league grant are much older than the date of the grant. There were several smaller grants within the boundaries which had been notoriously occupied and owned by other parties. I am familiar with the territory embraced in the technical boundaries of the 31-league grant. They are absurdly at variance with any practical knowledge of the locality. There was no occupation, there was no evidence of occupation, under the 31-league grant, and although I was acquainted at that time with the most intelligent sources of information in regard to Mexican titles in this Territory, neither I nor any one in my employment ever heard anything about this grant until it had been sold to the Rhode Island company, and when I reproached one of the negotiators for selling the grant, he acknowledged that it was fraudulent and asked me not to expose the transaction, or to say no more about it. These are the facts upon which I founded my opinion, and I see no cause to change it.

Ques. Are you willing to give the name of the said negotiator?—Ans. I should rather be excused from that.

Ques. Are you willing to assign any reason for not giving the name of said negotiator?—Ans. Yes, because he is dead. There were several parties of prominence in the East concerned in the negotiation whose names do not appear in the record, and at least three of them have departed this life.

Ques. Col. Poston, in your testimony in this case before me, on February 21, 1881, you used this language: "I have not seen it (referring directly to the 31-league Sopori

title) manufactured, but I know it is antedated, fraudulent, and a forgery." Now state, if you please, if at any time since you first knew of said grant in 1858 you have had reason to change your opinion of said title.

(Claimants respectfully make same objection as made to last question objected to.)

Ans. I have not heard or seen any reason to change my opinion. I wish to state another circumstance which aided me in forming an opinion. I was living in Tubac at the time with three gentlemen who came out here from Rhode Island in company with Lt. Mowry to look at the property known to me as the old Sopori and some mines adjoining it. They brought letters of introduction to me from friends in Rhode Island, New York, and Washington, recommending hospitality and attention. I sent a couple of ambulances with an escort from Tubac to Tucson, and entertained them to the best of my ability and the resources of the country for about two weeks. During this time I accompanied them to old Sopori, the gold mine in the vicinity, Cerro Colorado, Uniaca, Calabazas, and all the places up and down the Sonoita and Santa Cruz Rivers. During all this time, in the house, in camp, and on the road, we were in continual conversation about the Territory, ranches, mines, and property; and the existence of the 31-league grant, if it had any, was studiously concealed from me, which circumstance, with my knowledge and position in the country, sources of information, etc., was quite the reverse of inspiring confidence, and when I heard of the transaction in the Atlantic States I was naturally very much surprised, and this was the case with everybody in the Territory at that time.

Ques. Now, Col. Poston please state the various official positions you have held in Arizona, and about the years each were held.—Ans. Before coming to Arizona I was employed in the custom-house in San Francisco from 1850 to 1854. In coming to Arizona I was cognizant of the pending treaty long before it was concluded, and made up a company of the most prominent and wealthy men in California to locate 900 leagues of land in the to-be-purchased territory, commonly known as the Yturvide grant. I returned from my reconnaissance to San Francisco and from thence to New York and Washington, where I made up a company for exploring Arizona and Sonora and working mines, under the presidency of the late General Heintzelman and under the patronage of what was then known as the Texas Pacific Railroad Company, of which Robert J. Walker was then president and acted as their agent. I held no office in Arizona from 1856 until my return to the Atlantic cities in 1858, except deputy clerk of the court, as there was no other civil officer in the Territory, but was manager of the Sonora Exploring and Mining Company. I was in New York in 1858 and part of 1859 recruiting my health. I was in Arizona in charge of the business of the company until the country was devastated by the civil war in 1861. I then returned to Washington and assisted in getting the Territorial government organized. In 1863 I was appointed Supt. of Indian affairs for Arizona. In 1864 I was elected Delegate to Congress from the Territory of Arizona and remained in Washington most of the time until 1868, when I was appointed commissioner to visit China and other parts of Asia for the purpose of examining and reporting upon immigration and agriculture. I was absent from the U. S. seven years and upwards, during which time I had credentials from Mr. Seward, Secretary of State, to the officers of the U. S. Government abroad. In 1877 I was appointed register of the land office at Florence, Arizona, which I held about two years and resigned, and have not held any official position since.

Ques. Please state, if you will, your knowledge and opinion of the intelligence and integrity of Mr. R. C. Hopkins, the regularly employed translator in this office.—Ans. I know Mr. Hopkins and know of him since 1850, from which time to the present he has been engaged in interpreting and translating Spanish into English, and vice versa. He has the entire confidence of the tribunals, legal fraternity, and operators in Spanish and Mexican titles in the countries acquired from Mexico. I know from personal conversation with the recent come'r of the general land office that he has the entire confidence of that Department of the Government. His intelligence in Spanish and Mexican land law by competent judges on the Pacific coast is recognized without an equal, and I have never heard his integrity questioned, and I do not believe it ever has been.

Re-examined by the claimant's counsel:

Ques. Did Mr. Hopkins make in Sonora the examination of your land claim of Aribac, and did he report in your favor?—Ans. Mr. Hopkins made an examination of all the titles in Sonora when he was in the employment of the Texas and Pacific Railway Co., among which was that of *Aribac*, and consequently I knew of his opinion before he was employed in these investigations. I do not know whether he made an official report or not. I have never seen it.

Ques. In the opinion of the surveyor-general in the Aribac case it is stated that Mr. Hopkins made search in the Sonora archives for *Aribac* papers there; and after reciting that search and its results, the surveyor-general on 21st Jan'y, 1881, favorably reported the Aribac claim. Was that search a search made by Mr. Hopkins for the Texas and

Pacific Railroad Co., or for the U. S.?—Ans. My understanding is that it was a search made for the Government of the U. S.

Ques. What grants of the Sopori, or any parts thereof, have you ever actually seen, excepting the Ronstadt papers already in evidence?—Ans. I have never seen any of the papers relating to the 31-league Sopori grant, except those in the custody of the surveyor-general, and have given them a very slight examination, and have never seen any others.

Ques. Have you read the description of the land in the Sopori testimonio; and can you give the boundaries there mentioned?—Ans. I have read the said description, and it purports to be bounded on the north by the Mission or Indian lands of San Xavier del Bac, on the south by the Presidio of Tubac, on the east by the Santa Rito Mts., and on the west by the Sierra Babaquivira. That is my recollection.

Ques. And in your judgment as to the absurd variance mentioned by you in answer to the surveyor-general based upon the description, as you have now given it?—Ans. The description, as I have given it, appears absurd to any one familiar with the topography of the country, except the north and south boundaries, which can be found on any old map.

Counsel repeated the question, and the witness answers, "that it is in part, but not entirely."

Ques. Upon what old maps are the north and south lines of the Sopori shown?—Ans. The north and south boundaries of the Sopori are not shown upon any map that I know of, but the boundaries of the mission of San Xavier and Presidio of Tubac are laid down upon many old maps both Mexican and American. I think Fleury's map of Sonora is the most accurate of any that I know of. A map was made by Mr. Ehrenberg in 1854 or 1855, that was published in San Francisco, which I think has the two locations of Tubac and San Xavier del Bac.

Ques. Do you mean anything more than that upon those two maps, as you recollect, the points San Xavier and Tubac were indicated?—Ans. I do not remember any maps with the lines laid down previous to 1866 or 1867.

Ques. And how far apart are those two points, San Xavier and Tubac?—Ans. From the Mission church of San Xavier to the old church in Tubac by the road would be about ten leagues. No road is very straight.

Ques. Under what smaller grants do you personally know of any part of the Sopori having been occupied, excepting the Ronstadt title, prior to 1857?—Ans. The Canoc and the Reventon.

Ques. Within your personal knowledge who was in possession of the Canoc under any grant prior to 1857?—Ans. I have seen both Tomas and Ignacio Ortiz on the Canoc prior to 1857, and they claimed it. I did not see them there prior to 1856.

Ques. Are you certain that the Reventon ranch is within the Sopori?—Ans. It is between the boundary lines of the Presidio of Tubac and the Mission of San Xavier; consequently I am certain it would be within the boundary of said Sopori grant.

Ques. When was the acknowledgment you have spoken of as being made to you by one of the negotiators of the sale of the Sopori grant made?—Ans. In 1858, or possibly early in 1859.

CHARLES D. POSTON.

JUNE 21, 1881—10 a. m.

Present: Attorneys for claimant, and U. S. surveyor-general.

GUILLEMO H. ROBINSON, heretofore duly sworn, recalled.

Questions by claimant's attorneys:

(The claimant, referring to the letter of the surveyor-general of Oct. 25, 1880, desires to inquire whether the surveyor-general has any photograph of a signature of Luis Carranco upon which he relies as genuine.)

Ques. Have you examined and are you familiar with the system of preserving the archives in Sonora and with the system of recording there; and, if yes, how have you obtained your knowledge and familiarity?—Ans. I am familiar with the archives of Sonora. While the country is at peace are pretty well taken care of, but during the several revolutions and French invasions said archives were left to the mercy of the victorious party. My knowledge of the archives I have got during my different positions I held in the State since 1871, especially when I was judge of 1st instance of Hermosillo and member of Congress. I know also the system of preserving the records.

Ques. Please state what the Spanish words occurring in the Gadsden treaty as follows, viz: "inscritas y debidamente registradas en los archivos" signify in legal practice and procedure in Mexico?—Ans. "Inscritas y debidamente registradas en los archivos" have been properly translated "located and duly recorded in the archives," and

it is my opinion as well as that of legal gentlemen in Sonora that the word "registradas" means an exact copy of the proceedings, or else an extract giving the names of the petitioner as well as that of the officials that take part in the proceedings and the location of the lands sold. The custom in old titles has been to consider the original proceedings as a record of the title given of the land called the "testimonio." I mean to say by a copy of proceedings an account of proceedings.

Ques. Please state how extensive the practice of so recording land titles has prevailed in Sonora.—Ans. It has prevailed in Sonora until 1863; in all the cases that come under my knowledge, have been so recorded.

Ques. What is the Spanish word expressing the sense of "recorded" as you now use it?—Ans. Registrado.

Ques. Do you know and have you examined the Toma de Razon in the archives of the treasurer-general at Hermosillo? If so, state under what law that book is kept; what is the practice with reference to that book; what is understood to be its uses, and whether the entries in it form any part of the record, "registrado," of land titles.—Ans. I know and have examined several times the book called Toma de Razon in the archives of the treasurer-general in Sonora. I know of no law to oblige any one to keep said book; but there is a book of regulations of the treasury that says that the paymaster or contador should make entries in that book of titles to lands issued; in another book orders given by the Government for payment of back dues to officials, and in a third book the commissions issued to Government employés. The book of regulations to which I refer is of date July, 1834, and is the same book which has been heretofore presented by the claimants and is called "Ley Organica de Hacienda." The regulation as to the Toma de Razon is under the head of "Obligations of the Employés of the Treasurer-General," and it is in that part of the law or regulations of land grants of the date July, 1834. I understand by the regulations already spoken of the interior regulations of the treasury department. The rules that I speak about were framed by the treasury-general and by him submitted to the Congress for its approval, and was then called "Ley Organica de Hacienda."

Ques. State the date of the law relating to the issuance of land titles.—Ans. The date of the law is May 20, 1825, and its No., 30. This law contains thirty-two sections. I here produce a book of "Coleccion de las Decretos Expedios por el Honorable Congress del Estado Occidente," printed in the Government printing office of that State. Said law is printed from page 66 to 71.

(The claimants leave with the surveyor-general this book of laws, but having no other copy desire that it shall not form part of the record, but when the surveyor-general has finished with its use that it should be returned to them and a copy of the law No. 30 made part of the record.)

In addition to the law of May 20, 1825, there was a law regulating land titles passed July 11, 1834, and in the book first produced before the surveyor-general; and in that book the regulations I have mentioned as approved by Congress also appear. The provision as to the Toma de Razon is contained in the regulations I have already spoken about under the head of "Obligations of the Employés in the Office of the Treasurer-General." There is no provision in the law of 1825 regarding the Toma de Razon. The translation of Toma de Razon is "to take account of." I will give you an example, viz: I tell a servant to take account of these chairs, of which the Spanish is, "Toma Razon de esas sillas."

Ques. Does the entry in the Toma de Razon form any part of the record or "registrado" of land titles?—Ans. It does not, and it is in my opinion an auxiliary book to the other book called "Manual del Cargo y data." The book of Toma de Razon is for the purpose of keeping a memorandum of the land titles issued by the treasury, and to have at hand the list of titles issued when a visit is made to the treasurer-general, by order of the Government, in order to see how the accounts are kept.

Ques. Is there any provision of law, or was there any in 1838, which made the entry in the Toma de Razon an essential to the validity of a land title?—Ans. There was not in 1838, but there is now since 1863, and the law of 1863 is called "Registro Publico," in which all titles of lands and conveyances are recorded, copying literally the conveyance papers, and which book is kept by the judges of first instance in the nine districts into which Sonora is divided. The entries in the Toma de Razon prior to 1863 was made after the testimonio was issued. Entry was also made then in the book "Manual de Cargo y data" of the payment for said lands.

Ques. Did you examine the Toma de Razon, and especially the entries therein for 1838, and the expedientes filed in that year? If so, state how many of the expedientes filed in that year have corresponding entries in the Toma, and whether all of the titles noted in the Toma are on file in the Sonora archives; and, if not, how many are not.—Ans. I did examine the Toma de Razon and the expedientes filed in the year 1838, and there are twenty-one entries in the Toma de Razon in the year 1838; and of said twenty-

one eight have expedientes filed in the archives of the treasury department, and are the following, viz: January 31, 1838, Sabuaral; Feb'y 10, 1838, Hurta de la Jalapa; May 21, 1838, La Cineguita; May 30, 1838, Santa Gertrudes to Jose J. Salazar; June 30, 1838, Cuidratas; May 30, 1838, La Pacion —, Santa Ana; July 30, 1838, San Rafail del Carisal. The names of the titles entered in the Toma which do not have expedientes corresponding to them actually on file in the archives are as follows, viz: Feb'y 20, 1838, Levi; March 3, 1838, Ranchito del Mormo; Mar. 10, 1838, Ranchito de las Monreales; Mar. 18, 1838, Las Mercales in Alamos; Mar. 23, 1838, Rancho de Santa Gregha; Mar. 27, 1838, Llano de la Calera; Ap'l 10, 1838, Tasabampo; April 10, 1838, San Pedro del Templo; Ap'l 29, 1838, Las Lagetas; May 30, 1838, Tastioli y Uguia, Colorado; May 30, 1838, Antonio; May 30, 1838, Cerbenetos; May 30, 1838, San Juan de Madria; June 30, 1838, Santa Cruz.

Ques. How many expedientes of the year 1838 now on file in the archives of the treasurer-general that do not have entries in the Toma de Razon corresponding to them, and give their names?—Ans. There are five or six; a note of which I did not make, and therefore am not able to give their names.

Ques. (The surveyor-general produces two photographs on the part of the United States, Nos. 8 and 10, showing, as it is claimed, genuine signatures of José Carrillo, Jesus Frasquillo, and Santos Vigarria, taken, as it is claimed, from titles undoubtedly valid or genuine.) State whether you have seen in the Sonora archives the original of those photographs? If so, from what expedientes were they taken? Are those titles entered in the Toma de Razon, or have the expedientes any memoranda upon them of such entry?—Ans. I have seen in the archives in Sonora the original expediente from which photograph No 8 was taken. It is title to land situated between Lacobrisa and Los Cebros, in the jurisdiction of Barayeca. It does not bear any mark of entry in the Toma de Razon. I do not remember whether it was really entered in Toma de Razon or not. I have lost my memorandum. I have also examined the original expediente from which photograph No. 10 was taken, and is a title to the rancho Los de Positos granted to Civiaco Aguirre. No note of entry in Toma de Razon is found in the expediente, nor is any entry made in the Toma de Razon.

Ques. Do you personally know José Monteverde and Sadoe Banwet, whose opinion, date May 18, 1881, has been put in evidence as Exhibit C of June 14, 1881, and do you know the reputation of those two gentlemen? And, if so, state the same.—Ans. I know them personally and intimately. They are lawyers of the highest standing in Sonora. Banwet is now attorney-general of the federal district court in Guaymas. They are very learned lawyers.

Ques. Did you make an examination of the archives of Sonora to find the "Manual de Cargo y Dato;" if so, with what success, and does the same now exist in the archives?—Ans. I had a search made by one of the employés of the treasury with no success, and it is sure that the book does not exist. That examination was made last May.

(The claimants respectfully refer to the opinion of the surveyor-general in the Aribac case, in which it is stated that the agents of the U. S., who had been given the largest freedom in their examinations, could not find in the Sonora archives a book containing the entry of the payment of money for a grant in 1833, and to the following language of the surveyor-general in that opinion: "It is certain that some of the treasury books that once existed are not now to be found.")

Ques. State whether there be any record in the Sopori expediente on file of the payment of the money by the grantee to the Government, and whether that record show an entry of such payment in the "Manual de Cargo y Dato."—Ans. The certificate at the end of the expediente showing the payment of a sum, I think, of \$919.00, which certificate it says, having been entered in the book, "Manual de Cargo y Dato," page 37; but I can't say whether it was entered in said book or not, because I have not seen the book. The handwriting of said certificate, as near as I can judge, is of José Maria Mendoza, treasurer-general.

Ques. It is claimed that no entry could be interpolated in the Toma de Razon at a later date. State whether as a fact such entries do or do not appear so interpolated.—Ans. There is an entry made between two other entries, evidently afterwards, in the Toma de Razon of 1847 and 1848, on the reverse side of leaf 54. The two entries between which the interpolation was made are as near together as the generality of other entries are made. The handwriting is smaller than the other entries in the same leaf. The interpolation is on the same page of the two between which it appears.

At 12.35 p. m., recess till 2.30 p. m.

2.30 p. m., examination of witness Robinson continued.

Ques. Please look at the photograph now shown you and state whether it is a correct photograph of the page of the expediente showing the receipt of the treasurer-general for the money paid by Joaquin de Astiazaran and the memorandum by Mendoza of the

entry thereof in the "Manual de Cargo y Dato."—Ans. It is. It was taken while I was present. The handwriting is, in my opinion, that of José Maria Mendoza.

(The claimants introduce the photograph, and it is marked claimants' photograph A, and is furnished the surveyor-general in triplicate.)

Ques. State what matters appear in the Sopori expediente, if any, showing that the expediente is a record in itself of the sale to Joaquin de Astiazaran.—Ans. The expediente contains the name of the grantee, a detailed description of the property, the original record of the proceedings which led to the grant, and a statement of the same being made to the grantee for a specific sum of money. The expediente describes itself as being a record of the sale and of the proceedings.

Ques. Please state the Spanish words occurring in the expediente which describe it as a record in itself, and give their English translation.

"En tales terminos concluyó este esto guedando publica y solememente rematadas en favor del espresado Señor Don Joaquin de Astiazaran los treinta y un sitios, siete octavas partes de atro y una escaso caballeria de terrinos que para cria de ganado mayor y caballada comprende el puesto nombrado el Sopori, por la cantidad de novecientos dey y nueve pesos de su justiprecio, todo lo que se sienta por diligencia, que pora la debida constancia y demas fries conducentes primaron lastres presidente y orcales de esta Junta de almonedas con el interesado."

In these terms this act was concluded. There remained struck off publicly and solemnly in favor of the aforesaid Señor Don Joaquin Astiazaran, the thirty-one ranchos, and seven-eighths parts and a small caballeria of another of land for the breeding of cattle and horses comprised in the post called "El Sopori," for the sum of nine hundred and nineteen dollars, their appraised value, all of which is drawn up here for minute and to make it duly a record, and for all other proper purposes. It has been signed by the president and board of sale and the person in interest.

Ques. What is the difference in form between the testimonio and the expediente? I mean, what appears in the testimonio that does not appear in the expediente, or *vice versa*?—Ans. With the exception that the testimonio contains the granting clauses there is no difference.

Ques. State what words in the Sopori testimonio, now produced, you include in the expression "the granting clause?"—Ans. All the words on the first leaf and part of the second, to the words "como signe," and then in the latter part of the testimonio, from the words "por tanto," etc., to "lo hay segun deucho," occurring just before the signature.

Ques. State whether you have examined other expedientes now recorded in the archives of Sonora to find whether they contain the granting clause you have mentioned or any granting words not in the Sopori expediente; if so, with what result?—Ans. I examined the expedientes for the years 1837, 1838, and 1839, and those that were concluded had no granting clause. Some of them, a few, contain a loose sheet with a draft of a granting clause, but the greater part did not even have the loose sheet which I have referred to, and they all ended precisely as the Sopori does, that is to say, with a certificate of the treasurer, in which he certifies that the fees of the auction sale were paid down.

Ques. Please state, so far as you know, whether the expedientes from which the photographs on the part of the United States marked Nos. 8, 9, and 10 are taken, and which are claimed on the part of the United States to be genuine and valid grants, contain any granting clause other than that contained in the Sopori expediente?—Ans. None of the expedientes which I examined in the office of the treasurer-general had a granting clause, but ended as I have stated in my last answer. There is no granting clause in the expediente of the rancho of de los Pocitos, from which photograph No. 10 was taken. Nor is there any granting clause in the expediente of the rancho Colriza, in jurisdiction of Baroyica, from which No. 8 was taken.

Ques. What do you know of the character, standing, and reputation of José Maria Mendoza, in the State of Sonora, and how do you know it?—Ans. I seldom heard of José Maria Mendoza before 1871, and then heard of him as having been during his lifetime a straightforward man and very honest. During the period that I was in Congress in 1873 and 1874 I had occasion to look over the records of Congress, and saw that six or eight years back a pension had been granted to said Mendoza before his death, for he was too old then to work, and the members of Congress thought it their duty to repay in some way his excellent services to the State. I took an interest in the widow and family of Mendoza, and tried to find out if this pension was regularly paid, but to my regret I found out from the widow that she had not been paid for the last four years, and then Mr. Carlos E. Velasco, a resident now of Tucson, and myself moved in Congress to revalidation of said pension, which the widow, who lives in Hermosillo, receives regularly to this day. Everybody to whom I have spoke of Mendoza have always had a word of praise for his straightforwardness and honesty. In order to convince Congress

of the justice of my motion I gave them a slight history by writing Mendoza's career, and it was granted unanimously. I know by reputation that he died in 1862.

Ques. State what you know of the character and reputation of Juan José Encinos, when he died, and how much of the original expediente in this case is in his handwriting, if you know it.—Ans. I never knew Juan José Encinos, but I know his son, Leonides G. Encinos, and his widow quite intimately, and I have learned from them that he died in 1865, and I have heard from other sources that he was a man of high, honorable standing and owner of property which I know his heirs hold to this day. I was furnished by Leonides G. Encinos the handwriting of his father, which, compared with the writing in the Sopori expediente, in my judgment, is exactly the same. I now produce the signatures of Juan José Encinos. There are four or five pages written in the same handwriting of the signatures in the Sopori expediente.

Ques. Did you examine the parochial records at Uves to discover the date of the death of Alejo Carrillo? If so, what evidence did you find there of such date?—Ans. I did examine the said records, and on page 92 I found an entry made showing the date of the death of Alejo Carrillo, which occurred on July 8, 1853.

Ques. Did you find in the same records an entry of the date of the death of Santos Vigarria? If yes, when was it?—Ans. I found the entry in the same book on page 2, and it shows that he died April 10, 1843.

Ques. State whether there be generally in the expedientes on file in Sonora more than one handwriting; whether the papers in those expedientes purport to have been written in different places and under charge of different officers or departments.—Ans. It was utterly impossible for them to have been in one handwriting, because besides the petition of the interested party there is the handwriting of the employes of the treasury, that of the commissioners to measures, that of the clerks of the promotor-fiscal or the promotor-fiscal himself, and then again clerks of the treasury. In the case of the Sopori the petition and depositions before the alcalde, and in other cases the judge of 1st instance, the object of the evidence being only to show legally that the petitioner is able to stock a certain amount of land. There were a great many officers in Sonora before whom these proceedings might be taken, and they were situated in every town.

Ques. State how many erasures or changes of dates or material words appear in the Sopori expediente, and whether such erasures or changes appear in other expedientes in the Sonora archives?—Ans. In the Sopori expediente there is a Y apparently written over, and then again the No. 11 in the law of July 11th, 1834, and the No. 28 twice in Arizpe, June, 1838 (in referring to No. 11 and No. 28 I mean July 11 and June 28), were written over with blacker ink, as is shown in photograph No. 1 on part of the United States.

Ques. State whether the signature as photographed by the Government as genuine in photographs Nos. 8, 9, and 10 are better or worse in point of neatness and beauty of finish than the generality of the signatures of the writers appearing in the archives?—Ans. In all the signatures that I examined in the several expedientes in the archives of Sonora, undoubtedly the Nos. photographed by the Government are the nicest and neatest and the most beautiful in finish. The signatures of said parties occurred in most all the expedientes. I examined for the years 1838 and 1839.

Ques. From your examination of the signatures and papers in those archives, are the signatures in photographs Nos. 8, 9, and 10 by themselves fair standards of comparison to determine the genuineness of the signatures of those persons?—Ans. The generality of the signatures of those persons in the Sopori title compare better with those in other expedientes which I examined than those in photographs 8, 9, and 10.

Ques. Do you know Matias Alsua and his reputation? If so, describe the same and state whether you saw him make and sign the deposition now produced.—Ans. I know Matias Alsua, and he is regarded as a man of the highest standing in Sonora. The signature at the bottom of the deposition is his. The deposition was made and signed before me. (Claimants here present said deposition to be marked A of this date.)

Ques. Do you know José Calvo, of Guaymas? If so, state the same, together with his reputation and standing.—Ans. I do know him. He is a highly respectable gentleman, and was for many years French consul at Guaymas, until the French invasion. The relations between Mexico and France have only been renewed within the last year, and I learn from Mr. Calvo that he is awaiting his exequatur from the city of Mexico. (The deposition of José Calvo is here produced by claimants and marked Ex. B of this date.)

Ques. Do you know Antonio Rodrigues, of Guaymas? And, if so, state his position and reputation.—Ans. I know him very well; he is an old gentleman of great respectability. He has been a rich merchant in Hermosillo, lived in California for 14 years, and two years ago returned to Sonora, where he now resides.

(Deposition of Antonio Rodrigues now produced by claimants and marked Ex. C of this date.)

The claimants introduced in evidence the certificate of the treasurer-general of So-

nora, duly proven by the governor of Sonora and the U. S. consul, as to the so-called granting clause appearing in the testimonio but not in the expediente, and marked Ex. D of this date.

The claimants also introduced in evidence three similar certificates similarly proved, relating to the "Manual de Cargo y Dato" and its loss and object, marked Ex.'s E, F, and G of this date.

Claimants also introduced a certificate of José Maria Mendoza, treasurer-general of Sonora, and a certificate of Manuel Telles, present treasurer-general of Sonora, in respect thereto, said last certificate being authenticated by the certificate of the governor of Sonora and American consul at Guaymas, and is marked Ex. H of this date.)

Ques. Do you know José Jacobo Cubillas and Jesus Martinez, their character, and reputation? If so, state the same. And state also, if you know, the reason of their non-attendance in person before the surveyor-general.—Ans. I know them well; they are men of high standing, and have held important official positions in Sonora. They are both invalids; Cubillas lives in La Labor, and is paralytic; and Martinez in Terranova, and suffers from a chronic disease of the stomach, making it impossible for either of these gentlemen to undertake a journey.

Ques. Did any of the present officials of the treasury of Sonora, or those in charge of the archives, examine with you, or in your presence, the Sopori expediente and other records containing signatures or handwritings of the same persons? If so, how many were there? Was any opinion expressed by them upon such examination of the genuineness of the Sopori; if so, what was the same, and by how many expressed?—Ans. The treasurer himself, and other employés of the office, examined the title of the Sopori and other titles, together with Mr. Dougherty and myself, and it was always their opinion, and even expressed, that they were sure that the title to the Sopori was genuine, saying that those who knew Mendoza, that when he wrote his name there never could be a forgery. All the employés of the office, even the porter himself, including two of the judges of the supreme court who have their offices in the same building, expressed the same opinion in regard to the title. The number of treasury officials who examined the title and so expressed themselves were six, and among them were Mr. Fernando Mendez.

Ques. Under the Mexican law and the law of Sonora has it ever been requisite to the force or validity of a conveyance of land between private parties that it should have affixed the seal of the party executing it, or be executed before a notary public or other official?—Ans. There is no law and never has been that obliges private parties to use a seal in conveyances, but merely to affix their names in the presence of two assisting witnesses. When the amount of the conveyance does not reach the sum of \$500.00 it is made in writing in the presence of two witnesses, and is valid, and when over that amount before a notary public or a judge of first instance in his stead.

At 5.20 adjourned till 10.30 to-morrow.

JUNE 22.

At 11.40 a. m. case resumed.

Petitioner's counsel call MATIAS ALSUA as a witness, who, after being duly sworn, testified as follows in reply to petitioner's counsel:

Ques. What is your age, residence, and occupation?—Ans. My age is 64 years; my residence, Guaymas, Sonora; my occupation is mining and owning lands. I own over 500 square miles of land in Sonora. I own mines in Chihuahua and some of the largest mines in the whole State of Sonora. My mill in Trinidad has 40 stamps running and 10 ready to run.

Ques. Was your business formerly mercantile? If so, state the name of the firm; the places where business was conducted; the nature and importance of the business.—Ans. My business was formerly mercantile. In Mazatlan the name was Alsua, Dorn & Co.; in Guaymas it was Matias Alsua; we did a large importing business from Europe and also received some cargoes from China. We did business on our own account. Between Mazatlan and Guaymas we sold every year considerably over a million dollars' worth of goods.

Ques. Did you know in his lifetime Joaquin de Astiazaran, his property, and social position, and his reputation for honor and integrity? If so, state the same.—Ans. I did know him personally. He was the owner of the fine estate called La Labor. He was a very straightforward man, in fact an exemplary man in all ways of life. He ranked among land owners as one who owned the most and best land in Sonora. His reputation for honor and integrity could not be better. He was one of those old men of the true Castilian stamp, and perfectly true in everything.

Ques. Do you know his sons Joaquin and Fernando, and their reputation in Sonora for honor and integrity? If so, state the same.—Ans. I do know them. I have known



them for more than 30 years. I have had different transactions with them, and always found them perfectly correct. Their reputation is of high standing.

Ques. Did you ever hear or know of the Sopori ranch granted to Joaquin de Astiazaran? If so, state when and where you first heard of the sale.—Ans. I did know; it must have been some time between 1846 and 1850, positively before 1850. I was well acquainted with Don Mariano Paredes, with whom I used to converse about the interior of the state of Sonora, as he was very well informed about all matters concerning it. It was he from whom I heard for the first time about the value of Sopori lands, and said that Sopori lands belonged to said Astiazaran and others in this section of country, and he used to frequently refer to a frontier officer named Hilario Garcia as the source of his information. In January, 1850, I left Sonora and visited several parts of the world, returning in April, 1855. I returned by way of New Orleans, Vera Cruz, and the City of Mexico, and in the month of December, 1854, I met the said Mariano Paredes in the City of Mexico, and we there conversed again about the lands in the northern part of Sonora, he advising me to buy in the Sopori grant of Astiazaran, in the San Bernardino, belonging to the family of Sonora, and in the San Pedro property belonging to the Elias. In the conversations referred to between 1846 and 1850 the property of Sopori was always spoken of as belonging to Joaquin de Astiazaran, the old gentleman. I fix that the conversations as occurring before 1850, because we spoke frequently about Arizona, and I embarked in a speculation with other parties for exploring the planchas des platos, to which I contributed \$5,000.00. The company formed for that exploration came into existence in 1849, and the expedition was made in 1850, when I was away from the country. The conversations I have mentioned occurred before this expedition, which took place in 1850, and before I took my long trip abroad.

Ques. Did you buy from the Astiazaran family any interest in the Sopori ranch; if so, when, how, and to whom did you pay for it?—Ans. I bought into the Sopori property through Fernando Cubillas, a brother-in-law of Joaquin de Astiazaran, the younger, and I paid the money to José Calvo and Fernando Cubillas. I cannot fix the date, but it must have been about 1856, or between 1855 and 1856. I made my payment in cash.

Ques. Were other gentlemen interested in this purchase from the Astiazaran family? If so, please give their names if you know them.—Ans. Other parties went into the purchase also, and I remember Juan A. Robinson, José Calvo, Fernando Cubillas, Antonio Rodriguez, Fernando Rodriguez, and myself were the parties.

Ques. Please state where these gentlemen, other than yourself, lived, what was their business; and what their standing and reputation among their neighbors.—Ans. Mr. Robinson lived in Guaymas, and was a merchant; Mr. Calvo lived also in Guaymas, and was French vice-consul, and did also a mercantile business; Mr. Cubillas lived in Guaymas, was connected with the business of Mr. Calvo, and used to also occupy himself about mines; the two Rodriguez lived in Hermosillo, and they also did a mercantile business. They all have had the reputation of being honorable men and perfectly correct in everything. They were all well-to-do, but not all wealthy, and all of good social position.

Ques. Which of those gentlemen were for that country and time rich men, other than yourself?—Ans. Don Antonio Rodriguez and Don Juan A. Robinson were considered rich men, and Don Fernando Rodriguez was considered a man of middling fortune.

Ques. Did these gentlemen afterwards sell the Sopori ranch; if so, to whom, through whom, and about how long afterwards?—Ans. They did sell the Sopori ranch. They sold to Sylvester Mowry, and it must have been between 1858 and 1860. I do not remember.

Ques. State whether before such sale interviews were had between these gentlemen who bought the property from the Astiazaran family; whether the stocking of the property was discussed; and why the ranch was not stocked, if that were the case.—Ans. We had had several informal meetings or interviews and discussed the question of stocking the ranch, but did not come to the conclusion of doing so because we believed that the whole stock would be destroyed by the Apaches or that we would be obliged to incur expenses far exceeding any profits to be derived from putting stock on it.

Ques. State as nearly as you can where you first heard of Sylvester Mowry in reference to this property or any proposition or negotiation; and state up to that time where the title and other papers relating to the Sopori property were deposited.—Ans. I think that the first time I heard anything about an intended sale to Lt. Mowry must have been about 1857; I think so; I am not sure. The transaction was carried out sincerely by Mr. Fernando Cubillas, and if I remember correctly the titles must have been in the hands of Don José Calvo, vice-consul of France, for safe keeping.

Ques. When did you first hear that any charge was made against the genuineness or validity of the Sopori title; and prior to that time what was your opinion and the general opinion amongst those acquainted with the same as to such genuineness?—Ans. Not until this year did I hear of anything against the validity of said Sopori title. My opinion had always been that the title was genuine and now is, and I would certainly not have

invested a cent in it if I had not thought so. I do not know of the opinion of other people about it except those interested in the business, and their is the same as mine.

Ques. Did you know José Maria Mendoza, treasurer-general of Sonora? Was he for many years an official in Sonora? Did you know his reputation for intelligence and rectitude in Sonora? If so, what was it?—Ans. I knew José Maria Mendoza. He was the State treasurer for many, many years. He had the best reputation for his abilities and his integrity. In fact, no man in the State in his line enjoyed a better reputation.

Ques. Did Mendoza have any time any interest in the Sopori property or grant?—Ans. Mendoza never had one cent of interest in the Sopori property.

Ques. How possible would it be deemed in Sonora that Mendoza should have assisted in the forgery of a land title and should have foisted the same into the Sonora archives?—

Ans. No person who was acquainted with Mendoza will ever believe he ever would have contributed to a forgery, and he would have felt insulted if any proposition had been made to him of consenting to forgery.

M. ALSUA.

Sworn and subscribed before me this 22d day of June, 1881.

[SEAL.]

JOHN WASSON,

*U. S. Surveyor-General.*

Hearing resumed at 4 p. m.

J. HAMPDEN DOUGHERTY called as a witness by petitioner, who, after being duly sworn, testified as follows in reply to questions put by petitioner's attorney :

Ques. What are your age, residence, and occupation?—Ans. Age, 31; residence, city of Brooklyn, State New York; occupation, practicing lawyer, with office at 31 and 33 Pine street, New York city. I have been a practicing lawyer since May, 1874. I was for between 5 and 6 years the managing attorney of the Man and Parsons, in the city of New York. I graduated from the College of the City of New York in the summer of 1871.

Ques. Have you visited Sonora on behalf of the Sopori Land and Mining Company, to investigate the existing evidence touching the title now und examination?—Ans. Yes, sir.

Ques. When and by whom were you retained to transact that business, and did you have or have you now any contingent interest in this claim?—Ans. In February, 1881, through the law firm of Messers. Stickney and Shepard, of New York. I have no contingent interest. My professional compensation for my investigations in Sonora was a fixed sum, altogether independent of the result of my investigations, but conditional only upon the time occupied.

Ques. Did you procure in Sonora the depositions which have been here put in evidence by the claimants? If so, state fully the manner in which they were procured and made.—Ans. I did. Through the aid of Judge Robinson, who has preceded me as witness in this case, I ascertained the names and residences of the persons whose depositions have been produced here, and was introduced to them by him. Where they spoke English I interrogated them directly; in the other case, through him as interpreter. I questioned the different deponents respecting their knowledge of the Sopori title, the grantee, his family, the handwritings and signatures of the persons mentioned in the Sopori title, and also as to the other facts which appear in their depositions. The depositions were then written out, and in most cases, in all where it was possible, verified before the American consul stationed at Guaymas. The information which appears in the respective depositions was in all cases given voluntarily, and so far as I am able to judge with entire truthfulness. No compensation, either directly or indirectly, was offered to or received by any of the deponents, with the single exception of the daughter of Nicolas Gonzales, of Ures, now Mrs. Duron, a poor woman, whom I paid for making a search for certificates given to her father by José Maria Mendoza for his services in the treasury, and also for other documents.

Ques. Which of the witnesses in this case did you procure the attendance of here? State to which of them compensation has been paid, and whether such compensation was in any way conditional upon their testimony here, and whether any of those so compensated has any interest in the Sopori grant.—Ans. I procured the attendance here of all the witnesses with the exception of Señor Alsua, who testified on the present hearing. Of those I have compensated Sr. Carrillo, Sr. Tamayo, Sr. Tampillo, and Judge Robinson. The compensation to Judge Robinson has simply been for his professional services. So far as I know neither Señor Fernando Astiazaran nor Señor Alsua has received or is to receive any compensation whatsoever. None of the witnesses have any interest, by way of compensation, dependent upon the result of the case. The compensation was given for their time and for the trouble of attending here. Señor Campillo and Señor Astiazaran came from Guaymas, Sr. Tamayo from Ures, Sr. Carrillo from Hermosillo, Sr. Alsua came from Guaymas. Judge Robinson also came from Guaymas, but has been engaged

for some time past in accompanying me as a colleague and interpreter to the different places I visited in Sonora. All the witnesses excepting Judge Robinson voluntarily made depositions as to the facts as to which they have testified here in the manner I have already stated. In all cases all the depositions were obtained before the subject of their attendance as witnesses was mentioned, and the subject of compensation was not broached until afterwards. All the witnesses are compelled, by reason of coming here to testify, to be absent from home at least three weeks, probably nearer four, and all, I believe, are men of active business. The journey from Guaymas here occupied the witnesses who came from Guaymas, excepting Señor Alsua, about seven to eight days. Sr. Tamayo spent seven days on the road. Sr. Carrillo, Judge Robinson, and myself spent about six days on the road from Hermosillo. The journey to Tucson is an exceedingly difficult one.

Ques. State generally how extensive inquiries you made in Sonora touching the Soporí title; what, if any, suspicions you found there existing of its genuineness; and what information, if any, you received from any persons about the Soporí without mentioning its name.—Ans. With exception of a visit to Arizpe, where, so far as I was able to learn, I should have been unable to obtain any particular information, I think that I exhausted almost every source of inquiry about the Soporí title. I never heard a word of suspicion against the title from any person during my entire stay in Sonora, which covered a period of about eight weeks; but, on the contrary, every person to whom I applied expressed himself thoroughly satisfied of its genuineness. Towards the close of my stay in Sonora, at which time I had acquired some slight knowledge of spoken Spanish, I met two persons whose depositions have been introduced here, Jesus Martínez and José Jacobo Cubillos. I heard the first question which was addressed to them in Spanish after the usual compliments had been exchanged, and it was to this effect: Whether they knew whether Señor Astiazaran had at any time in his life owned property over towards the frontier of the United States, and they replied in both instances in the affirmative, mentioning the name of the Soporí property. They were not seen together, but at different times.

(The petitioner, referring to the compensation paid the witnesses Campillo, Tamayo, and Carrillo, is willing, if the surveyor-general think it should do so, to have the witnesses state the precise sums of money paid each of these three gentlemen.)

Ques. Did you examine the treasurer-general's archives in Sonora; if so, when, how, and how long was such examination; in whose presence? And state what, if any, opinions were expressed by the officials in charge of the archives as to the genuineness of the Soporí papers, and by how many such officials.—Ans. Yes, sir; through permission obtained from the governor of the State and the treasurer-general on two separate occasions, if not three, embracing in all a period of over two weeks. I spent several days of that time in the treasury, from the hour of its opening to the hour of its final close at night, with an intermission for dinner. My investigations there were made with Judge Robinson in the office of the treasurer-general and of his assisting clerks and employes. On several occasions other persons came in. The Soporí records were frequently examined by the treasurer-general and his subordinates and other gentlemen who happened in. And they frequently and emphatically expressed their opinion that the title itself was thoroughly genuine and the signatures in it also. The opinion was also expressed on one occasion or more that it would have been almost impossible to have forged such title. That is the substance of the idea conveyed to my mind. The opinions were unqualified and emphatic on all sides.

Ques. State, please, the general condition of those archives as to order and completeness and the systematic conduct of business as shown in them.—Ans. My answer must be confined to the general condition of the books and documents on file in the treasury relating to titles of lands, especially prior to 1857 or 1858. The condition of the archives is very disordered. Some attempt at system appears from the fact that expedientes of different years are tied in separate bundles, and the year noted on the outside. All the books of the office have been evidently kept in a very confused way. There is nothing in the condition of the old archives to which I refer analogous to the method and system of public offices in the U. S. I should say that the archives must be extremely incomplete. For example, there are at present in the office of the year 1838 sixteen or seventeen expedientes or titles to vacant lands; of these many have lost sheets and some contain loose papers inside. And of those 16 or 17 there are but eight which appear noted in the *Toma de Razon* for the year 1838. The *Toma de Razon* itself is a book containing notes of some of the titles which have been issued, but is apparently without any index. The general impression which I received from my examination was that they were in an incomplete and disordered condition. The official work upon the titles which I examined (and I examined also the titles of the year 1838) did not seem to be done in conformity to any uniform rule, and I observed various instances of carelessness and irregularity. For example, I remember where appears a certificate of the payment of the price of the

grant in the usual form with the folio left blank, the Manual del Cargo y Dato where the payment would probably appear. The observations I now make apply neither to the Sopori nor to the Algodones titles; on the contrary, upon the face of the Sopori title particularly I observed nothing at all in the nature of an inaccuracy or carelessness. There were, it is true, one or two instances referred to I think by Judge Robinson where the number had been written over, but there were no erasures; and in respect to an 8 in 1838 I was unable to satisfy myself that the alteration was not much more recent than the original writing. I observed many similar alterations in other documents of the same period.

Ques. Describe the appearances generally of the signatures and handwritings of that period, with reference especially to variations in them, not including for the present the Sopori expediente or any other expediente which you have heard to be questioned.—Ans. I examined a number of expedientes of that epoch upon that very subject, and I found great variations in the handwriting of the same person and the signatures of various persons mentioned in the Sopori expediente. I take one case of handwriting as an illustration; the handwriting of Julian Padilla varies greatly in different expedientes. As to signatures, so great is the variation in that of almost every one of the persons whose signatures I was anxious to examine, that I am thoroughly satisfied that no single illustration of a signature can be taken from an expediente of that period which can be made a fair test of the genuineness of the others, and any such single test would be positively misleading, if not unfair.

Ques. State whether you examined the Toma de Razon, and how many titles therein entered in the year 1838; and of those, how many expedientes are now on file in the office? Please give a list.—Ans. I did examine the Toma de Razon; twenty-one titles seem to be noted in it as issued in the year 1838; of those I found but eight in all in the archives. The list given by Judge Robinson is correct. The expedientes of the year 1838 are, as I have already stated, tied up in one bundle, as are the others of other years. I examined all of them, but found only the eight just mentioned; but none of the others mentioned in the Toma de Razon under the head of that year.

Ques. State how the Sopori expediente compared with the undisputed expedientes of that period in its general appearance and the appearance of its handwritings and signatures.—Ans. It compared very favorably in its general appearance; it bore about the same appearance of age; it seemed to be written with the same kind of ink and upon the same sort of paper as the other expedientes of that epoch. As to the handwritings, I did not observe any indications of constraint; but on the contrary, signatures such as those of Santos Vigarria, José Jesus Carrillo, Luis Carraneo, which occur a great many times in the course of the expediente, were written with every appearance of ease and freedom.

Ques. State whether you have had photographs taken of original records showing the handwritings of Alejo Carrillo, Jose Carrillo, Santos Vigarria, and whether you now produce such photographs. If so, state in full where those photographs were taken, by whom, and from what papers, referring to the marks upon the photographs.

Ans. I did have photographs taken of original records showing the handwritings of those persons, and they are produced. Those of "Jose Carillo" were taken in Hermosillo by Laurent, photographer there, by permission of the governor and the treasurer. The photographs of the signatures of Jose Carrillo are marked "E," and are taken (1) from the expediente of the land known as "La Pacion," a note of the issue of which appears in the Toma de Razon of 1838; (2) from the expediente of lands adjudicated in 1838 to Jose Isabel Salazar, also noted in the Toma in 1838; and (3) from the expediente of the land known as Condraditas, noted on the Toma of the year 1838. The photographs of the signatures of Alejo Carrillo and Santos Vigarria were taken here by Mr. Buehman, under the direction of Mr. Shepard and myself, from the Government photographs of the signatures of Señs. Carrillo and Vigarria and also from the original records produced here by Señor Tamayo at my request and described by him in his testimony in this proceeding. The photographs of the signatures of Alejo Carrillo are marked "B" and "C," each of which contains six photographed signatures. The photographs of the signatures of Santos Vigarria are marked "D" and contains five photographed signatures. The photographs with this statement will explain themselves.

(The photographs referred to in this answer are offered in evidence.)

JUNE 23, 1881—10 a. m.

Same present as yesterday.

Mr. DOUGHERTY'S examination continued.

Ques. Did you examine the expedientes from which Government photographs Nos. 8 and 10 was taken to ascertain whether those expedientes were complete and were noted in the Toma de Razon?—Ans. I did. Govt. photo'h No. 8 was taken from the title to

land referred to by Judge Robinson, situated in the Jurisdiction Baroyeca; it appears among the expedientes of the year 1837. It does not bear upon it any mark of entry in the Toma de Razon; and my recollection is that I made a search for the title in the appropriate year in the Toma de Razon, but that I was unable to find any note of it in said book. Government photograph No. 10 is taken from the expediente of Los Pocitos, the title apparently incomplete, and not entered or noted in the Toma de Razon. With respect to the signature of Alejo Carrillo, taken from the Sopori testimonio, reproduced in photograph "C," No. 4, I will further say that I have seen in the Sonora archives a capital A in the name Alejo Carrillo of exactly the same kind as the one just referred to in other expedientes in said archives, particularly in the expediente of Cascarita, a title of the year 1838, entered in the Toma de Razon in the subsequent year.

Ques. Please state how many signatures which are original occur in the Sopori expediente and testimonio. State also whether the appearance of coarseness and labor in writing in some cases appearing in the Sopori are parallel in other signatures of the same persons in titles unquestioned of that period.—Ans. There are in all 158 signatures. There are six signatures of Joaquin de Astiazaran, or Astiazaran alone; eight signatures of José Maria Mendoza. I think there are four signatures of José Carrillo, or Carrillo Promotor Fiscal; thirty-six signatures of Luis Carranco, surveyor; five signatures of Juan J. Encinas, the alcalde, in whose handwriting are I think about six pages of the expediente; one signature of José Contreras and Manuel Cejos and Gregoria Valencia, the deponents as to the ability of Señor Astiazaran to stock the property of the Sopori; two signatures of Aejo Carrillo, one of the assisting witnesses to Mendoza; two signatures of Jesus Frasquillo, the other assisting witness to Mendoza; three signatures of Julian Padilla; thirty-seven signatures of Santos Vigarria, and thirty-eight of José Jesus Corella, assisting witnesses to Luis Carranco; five signatures to Ignacio Zuniga and Nicolas Gonzales, assisting witnesses of Juan J. Encinas; and three signatures of Francisco Mendoza, who, with José Maria Mendoza and José Carillo, comprised the board of sale of the property. The handwriting of José Maria Mendoza appears in the body of the expediente, covering, I think, about a half a dozen or more pages; I don't remember exactly. I will add here that I carefully compared the handwriting of Mendoza just referred to with his handwriting in other undoubtedly genuine expedientes of that period, and was thoroughly convinced from such examination that the pages in the Sopori expediente in the handwriting of Mendoza must have been written about the same time as the others. First, as to the signatures in the testimonio there are three original signatures in the testimonio of José Maria Mendoza; there is one of Alejo Carrillo, and one of Jesus Frasquillo. I observed, so far as I remember, no appearances of labor in writing, and some few signatures written in a coarse hand, though with apparent freedom.

Ques. Within what part of 1838 were the entries in the Toma made? And how does the time of such entries compare with the time of other years?—Ans. Entries in the Toma de Razon for 1838 begin January 31, 1838, and end July 30, 1838, and there are no entries in that year of a later date than July 30th. Of the other years which I examined, my general recollection is that there were entries in them of titles which had been issued during all the months of the year.

Ques. State whether the expedientes in the Sonora archives other than the Sopori have the clause called in this proceeding the "granting clause," and whether such other expedientes in that respect are like the Sopori.—Ans. No; they are all in that respect like the Sopori, containing no granting clause whatsoever. In some of the expedientes are still to be found loose drafts of the granting clause which appears in the testimonio given to the purchaser. These loose drafts are not signed, but appear to be simply rough notes from which the granting clause of the testimonio was probably prepared. In many expedientes of undoubted genuineness these loose drafts are missing. In some expedientes there are loose drafts of the entire testimonio. There are seldom two alike with respect to the loose drafts they contain.

Ques. State whether there appears a granting clause in the expediente of the Canoa, adjudged by the surveyor-general to be genuine or in the expedientes from which the Government has photographed signatures claimed by it to be genuine.—Ans. There is no granting clause in the expediente of the Canoa, and equally there is none in the expedientes from which the said photographs were taken.

Ques. State whether the paper and handwriting of the Sopori expediente resemble those in the archives of about 1854.—Ans. No, sir; in no respect.

J. HAMPDEN DOUGHERTY.

Sworn and subscribed before me this 23 day of June, 1881.

[REAL.]

JOHN WASSON,  
U. S. Surveyor-General.

W. S. OURY, having been previously duly sworn as a witness in this case, recalled, and replied as follows to questions put by the surveyor-general :

Ques. Mr. Oury, in your cross-examination on Friday last you said in substance that sometimes you would tax Lt. Mowry with an attempt to rob the country of lands or create a fraud, and he would laugh it off, etc. Now please state, as nearly as you can remember, the language you used to Lt. Mowry on such occasions, and also the language of his replies.

(The claimants respectfully object that this testimony is hearsay and incompetent and cannot affect the claimants here, and because Lieut. Mowry is dead.)

Ans. Well, I recollect particularly on one occasion whilst I was translating documents to Mr. Sayles and Lt. Mowry connected with this claim, and after I had got through with the translation and some little time afterwards when we were in the same room together Mowry remarked to me, "What do you think of the style in which the papers are drawn up?" I answered that I thought the papers were in very good shape. I then asked Mowry in a very serious manner, because he and I were great friends, if he had any direct hand in the getting up of those papers, and he replied that he had not. I answered that I was very glad to be assured of that fact. I know that frequently we spoke of the matter in a jocular way, but there was nothing said, I think, would have any bearing on this case, but I was always satisfied in my own mind that Mowry knew there was wrong in the whole. Subsequently, however, I recollect of having mentioned to Mowry asking Mowry what had been the result of this land matter, and he said he had sold it; and I remarked, "Mowry, don't you think you strained your conscience a little in this matter?" He said, "I don't give a damn; I have sold the thing, and I have spent the money like a gentleman;" he ending his reply by saying the parties who had control of it now could take care of it themselves. That's about all. I had very frequent conversations with him on the subject, but it all amounted to just about what I have said already. I recollect once particularly when he said in justification of himself that it was but a repetition of what had been done very frequently in California.

Questions by claimants' attorney:

Ques. Did I not understand from you in your examination the other day that Lt. Mowry retained a pecuniary interest in the Soporí after the sale to the Rhode Island parties?—Ans. I say that if I have said anything of the kind I did not intend to say it. He expressed always an interest in it, and gave as a reason that one of the parties interested in it, Senator Anthony, was a relative of his. This conversation about an interest in it by Senator Anthony was long subsequent to the other conversations referred to.

Ques. Your friendly relations with Lt. Mowry continued to what time?—Ans. To the last time I ever saw him in the fall of 1870.

Ques. Do you mean to be understood as stating the precise words used between Lt. Mowry and yourself in giving the conversations you have narrated?—Ans. No, sir; I do not claim to give the precise language, but do claim to have given the substance.

WM. S. OURY.

Subscribed before me this 23d day of June, 1881.

[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

At 12 m. took recess to 2 p. m.

Met at 2 p. m.; same present as in forenoon.

GUILLERMO H. ROBINSON recalled by claimants and questioned by their attorney.

Ques. Do you desire to make any change in the translation given by you of the Spanish words in the testimonio declaring it to be a record? If so, make such changes stating whether you have, since giving your former testimony, examined a Spanish lexicon for the English meaning of *diligencias* and the word *constat*.—Ans. I wish to make a change, sir, and translate it in the following manner, viz: "All of which is entered by these writings in order to make it a due evidence, and for other proper ends," etc. These are the ending words of the translated passage. I also desire to make the following corrections: The law relating to the treasury of 1834 and the regulations made by the treasurer-general, approved by Congress, compose the "Ley Organica de Hacienda" which I have before mentioned. The provision as to the Toma de Razon is in the chapter or subdivision relating to the duties of the treasury employes and not in the chapter or subdivision relating to the proceeding upon granting lands. My testimony on this subject as taken down on the 21st instant gives an inaccurate impression. My knowledge of technical expressions in English is not perfect.

Ques. Have you copied law 30 of the Free State of Occidente of the year 1825, printed in the official printed copy of the laws of that State now temporarily deposited by the claimant with the surveyor-general? If so, produce it.—Ans. I did make a copy of said law which I now produce and marked Exhibit A of this date.

Ques. Did you know José Aguilar; was he formerly governor of Sonora; do you know his handwriting; have you copied from an original letter of his a statement relating to the Sopori? If so, produce such copy and a translation thereof if you have made one.—

Ans. I knew José Aguilar. He was governor of the State of Sonora. I know his handwriting and signature very well. I made a copy and translation into English of a paragraph of a letter of his relating to the Sopori, dated the 9th December, 1880, written by him to Mr. E. M. Shepard, and which copy and translation I now produce. The copy to be marked B of this date, and the translation C of this date.

Ques. Is Señor Aguilar alive? If not, when did he die; and what was his reputation in Sonora, professional and personal?—Ans. He died about a year ago. It is less than a year ago. He was a lawyer of the highest reputation, both professional and personal, and known as such in the whole State of Sonora as well as in the republic. He was considered amongst the first of the lawyers in the State.

GMO. H. ROBINSON.

Sworn and subscribed before me this 23d day of June, 1881.

[SEAL.]

JOHN WASSON,  
*U. S. Surveyor-General.*

EDWARD M. SHEPARD, being first duly sworn, testified as follows, he being a witness produced by petitioner in this case:

Ques. What are your age, residence, and occupation?—Ans. My age is 30. Residence city of Brooklyn, New York. My occupation that of lawyer. I have followed that profession nine years.

Ques. In whose custody were the Sopori testimonio and the papers relating to the deignment of the title brought to the surveyor-general? When and from where?—Ans. In my custody. I brought them to the surveyor-general from Providence, Rhode Island, between May and July, 1880. I received them at Providence from the Hon. John P. Bartlett, president of the Sopori Co., and the other officers of the company. As I understood from them, these papers have been in their custody upwards of twenty years.

Ques. State what you know as to the photographs C, D, and E, on the part of the claimant.—Ans. Those photographs were made under the direction of Mr. Dougherty and myself at Buchman's photographic establishment, in this city, where the Government photographs had been made. The memoranda upon these photograph cards correctly describe the force of the photographs. The photographs from the Temayo records, so called, were taken from the pages of those records especially identified by the witness Temayo, and the signatures in question upon which were proven by him.

Ques. Produce the letters between the surveyor-general and yourself already marked in evidence and state whether the copies so marked are correct copies?—Ans. They are correct, excepting the engraved headings, which are omitted. The originals of my letters are with the surveyor-general, I suppose. The originals of his letters I have brought with me to Tucson.

EDWARD M. SHEPARD.

Sworn and subscribed before me this 23d day of June, 1881.

[SEAL.]

JOHN WASSON,  
*U. S. Surveyor-General.*

The claimant offers in evidence a translation of the Sopori testimonio which is marked Ex. E, of this date, and beg leave to withdraw the translation of the testimonio formerly put in by them. The claimants withdraw the deposition of Matias Alsua, marked Ex. A, June 21, 1881, and also of Jesus Martinez, marked Ex. D, June 15, 1881.

The claimants state that they will furnish the surveyor-general with another copy of the law and regulations of 1834, mislaid by them since the commencement of this hearing; they also state that they will furnish a written copy of the passages of the compilation by the surveyor-general as to Mexican land laws, which they desire to have form part of the record of this case. The claimants respectfully submit to the surveyor-general their objection to the attaching of any weight to the testimony of the witnesses Poston, Oury, Elias, and Sais, which does not relate to their own personal knowledge, and especially to the testimony given by Poston and Oury of alleged declarations or admissions by Lieut. Mowry or by the person mentioned by the witness Poston, whose name was not given.

The claimants state their desire that if it be possible the surveyor-general should himself personally examine the witnesses on the part of the claimants in Sonora whose depositions have here been produced, and the claimants offer to pay the expense of the attendance of the surveyor-general in Sonora for that purpose. They especially desire a cross-examination by the surveyor-general of the witness Joaquin M. de Astiazaran, the younger, J. Jacobo Cubillas, and Jesus Martinez.

The claimants respectfully ask a reasonable notice of the taking of any further testimony, in order that they may, if so advised, attend from the East upon the same, and

desire to reserve the privilege until the testimony on the part of the Government shall be concluded, to offer further testimony, and thereafter, if proper, to offer testimony in rebuttal of the Government's additional testimony.

At 5 p. m. adjourned without day.

Attest:  
[SEAL.]

JOHN WASSON,  
U. S. Surveyor-General.

*Ex. A, June 14, 1881.—Part of B, June 21, 1881.*

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

Joaquin Ma. Astiazaran, por si y en representacion de su Sa. Da. Ma. Carmen Iñigo y de sus heranos D. Fernando Ma. y Da. Carmen Astiazaran, con permiso esto de su esposo Don Manuel A. Cubillas, segun copia de carta, al pie hago constar:

Que, en la propiedad llamada Sopori sito hoy en jurisdiccion de los Estados Unidos y adjudicada el año de 1838, por el Tesorero Dn. José Ma. Mendoza á mi defunto padre S. D. Joaquin de Astiazaran, segun titulo espedido por dicho Tesorero en 5 de Julio del expresado año y constante de treinta y un sitios, siete octavas partes de otro y una caballeria de tierra para criade ganado mayor, y caballada, son interesados las personas siguientes por haberles vendido el derecho que yo y el demas interesados, como herederos podamos tener en dicha propiedad en la suma de veinte y seis pesos cada accion de cien partes ó acciones en que de comun acuerdo hemos dividido dicha propiedad.

Dn. Juan Robinson .....	15	(quince)	acciones.
“ “ M. Alsua .....	15	(quince)	id.
“ “ José Calvo .....	15	(quince)	id.
“ “ Fernando Rodriguez .....	15	(quince)	id.
“ “ Fernando Cubillas .....	15	(quince)	id.
“ “ Joaquin de Astiazaran .....	15	(quince)	id.
“ “ Antonio Rodriguez .....	3		acciones.
Dejando .....	7		acciones.

reservados que seran empleadas de comun acuerdo entre los accionistas por los gastos que hacerse cobrar ó á tomar posesion ó repoblar esos terrenos conforme á los leyes de los Estados Unidos, cuyos siete acciones, sino se emplean en el indicado objeto el todo ó la parte que sobere se subdividua entre todos las accionistas proporcionalmente.

Y para que lo espuesto tenga toda su cumplimiento en la parte que á mi y á las demas herederos de Dn. Joaquin de Astiazaran les corresponde y en la que las demas accionistas adquieren por la venta que les ha hecho firma el presente documento que elevare si necesaria fuere á escritura publica, y de cual estiando una copia autorizado al Señor D. José Calvo, en Guaymas, á y de Julio de 1857 siendo le testigos los Sres. D. José Crespo, D. Iberri y Dn. Tosenato de la Huerta.

JOAQUIN Ma. ASTIAZARAN.

*Copia de la carta de que hace referencia.*

D. Joaquin Ma de Astiazaran.

GUAYMAS HERMOSILLO, *Junio 27 1857.*

Mi querido hermano Joaquin:—Por esta facultarios tanto Maria Carmencita y yo para que dispongas vender evagenar ó *hagar* lo que creyernos mas conveniente con los terrenos del Sopori, de nuestra propiedad.

Y para la valides de cualquiera contrato que celelies te damos esta constancia, que firmamos los tres interesados. Sabes que te quiera tu hermano.

FERNANDO MA. ASTIAZARAN.  
MARIA DEL CARMEN IÑIGO.

Por mi esposa, Carmen Astiazaran:

MANUEL CUBILLAS,  
ASTIAZARAN.

Como testigo:

JOSÉ A. CRESPO.

Como testigo:

JOSÉ DE LA HUERTA.

Como estigo:

D. IBERRA.

Es copia del original.

JOSÉ CALVO.

Signed in my presence, May 4th, 1881.

A. WILLARD,  
U. S. Consul.



*Exhibit A, June 14, 1881. Part of Exhibit B, June 21, 1881.*

Exhibit A.

Second seal, May, 1856 and 1857. 4 dollars.

Joaquin Ma. Astiazaran, for himself and in the name of his mother, Da. Maria del Carmen Inigo, and of his brother, Don Fernando Ma., and his sister, Dona Carmen Astiazaran, with the assent of her husband, Don Manuel A. Cubillas, according to copy of of letter at foot, makes known:

That in the property called the Sopori, now situated in the jurisdiction of the United States, and in the year 1838 granted by the treasurer, Don José Ma. Mendoza, to my deceased father, Sr. Dn. Joaquin de Astiazaran, according to title issued by said treasurer on July 5 of said year, and consisting of 31 sitios and seven-eighths part of another and a small tract of land for the raising of cattle and horses, the following persons are interested, having purchased the right which I and the rest interested hold as heirs in said property in the sum of 26 dollars for every share of stock of 100 parts or shares of stock in which by common accord we have divided said property:

Dn. Juan A. Robinson, fifteen (15) shares.

M. Alsua, fifteen (15) shares.

José Calvo, fifteen (15) shares.

Fernando Roderiquez, fifteen (15) shares.

Fernando Cubillas, fifteen (15) shares.

Joaquin M. Astiazaran, fifteen (15) shares.

Antonio Rodriguez, three (3) do.

Leaving seven (7) do.

reserved that they may be employed by common consent among the shareholders already mentioned for the expenses which may be incurred till possession is taken again and these lands restocked in conformity to the laws of the United States, which seven shares, if not employed for the object indicated, the whole or the part remaining shall be divided among all the stockholders proportionately.

And in order that the foregoing may have full effect, on the part of myself and the other heirs of Dr. Joaquin de Astiazaran and on the part acquired by the other shareholders in the sale made to them, I sign the present document, which I shall make, if necessary, a public writing, and of which I execute an authorized copy to Sr. Don José Calvo, of Guaymas, July 7, 1857.

JOAQUIN M. ASTIAZARAN.

JOSÉ ANTO. CRESPO, W. IBERRI, and DON F. DE LA HUERTA being witnesses.

*Copy of the letter to which reference has been made.*

SEÑOR DON JOAQUIN MA. ASTIAZARAN, GUAYMAS,  
HERMOSILLO, June 27, 1857.

MY DEAR BROTHER JOAQUIN: By this we, mama, Carmencita, and I, authorize you to dispose, sell, transfer, or convey, as you may think best, the lands of the Sopori, our property.

And for the validity of any contract which you may execute, we give this evidence, which we, the parties in interest, sign.

Your affectionate brother,

FERNANDO MA. ASTIAZARAN.  
MARIA DEL CARMEN YNIGO.

For my wife, Carmen Astiazaran:

MANUEL CUBILLAS.

As witness:

JOSÉ A. CRESPO.

As witness:

T. DE LA HUERTA.

Copy of the original.

JOSE CALVO.

Signed in presence of—

A. WILLARD,  
U. S. Consul.

May 4, 1881.

*Exhibit C, June 13, 1881.*

GUAYMAS, May 18th, 1881.

Sor. J. HAMSTED DOUGHERTY, *Presente*:

MUY SOB. NUESTRO: Los abogados que suscribimos, contestando á la consulta verbal, que V ha tenido á bien, dirjirnos y despues de un determinada estadia sobre el requisito que se la llamado "Toma de Razon," en las titulas de terreos baldios, tomas de parcer; que en nada influye esta formalidad con respecto á la valedez ó legitimidad de aquellos documentos, por que, no le prescriben, ni la ley de 21 de Julio de 1834 con arreglo á la cual, se haean estas enagenaciones hasta, despues del año de 1838, ni ningun de las anteriores, ni posteriores disposiciones legales relativas hasta la vigente ley de 22 de Julio de 1863. Tenemos pues la creencia sin lugar á duda que el requisito á que nos referimos la ha sido paramento una disposicion cinco unica de contibilidad de aquellas officin á que ha tenido por objeto hacer constar en un cuerpo ó libro determinado las ingresos por valor de terrenos baldios enagenadas y facilitar asi su registro al render las cuentas y dar los informes periodicas al superior á que por la ley estan obligados las oficinas encargados de la expedicion de estas titulos y de la recuadacion de sus valores.

Somos de V. afemo. SS.

Lic.: J. M. ASTIAZARAN.  
Lic.: JOSE MONTENARDE.  
Lic.: S. BAMAT.

(To this is attached a certificate of the American consul.)

*Exhibit C, June 14, 1881.*

GUAYMAS, May 18, 1881.

J. HAMPDEN DOUGHERTY, *Present*:

DEAR SIR: We, the undersigned, lawyers, answering the verbal inquiry you have been pleased to address to us, and after a careful study of the subject of the Toma de Razon of titles of vacant lands, are of the opinion that this formality has no effect upon the legitimacy or validity of such documents, for it is prescribed neither by the law of July 11, 1834, pursuant to which until after the year 1838, the grants were made, nor by any prior or subsequent legal provision relative thereto until the law now in force of July 22, 1863. We are of the belief, without room for doubt, that the matter to which we refer was simply a business regulation of the accounts of those offices, having for its object to indicate in one determined body or book, receipts for the value of lands sold, and to facilitate their examination upon the rendering of accounts and the giving of periodical information to the superior, as by law the officers charged with the issue of these titles and the receipt of their value were obliged to do.

We are, respectfully, your ob't serv'ts,

Lic.: J. M. ASTIAGNOM.  
Lic.: S. BANNETT.  
Lic.: JOSÉ MONFORDE.

(Here is certificate U. S. consul at Guaymas, Mexico.)

*Exhibit A, June 15th, 1881.*

En el asunto del Sopori Land M'g Co.

Interrogatorio puesto al Sor. Dn. JESUS QUIJADA de Ures:

1°. Que edad tiene Vd., y que profesion?

Tengo 60 años; soy labrador en la actualidad; sono sueno del pueblito, á una milla de esta ciudad; he vendo aqui des de 1842, y en Hermosillo desde 1831 á 1839, cuando era muchacho, y servia de dependiente á Dn. Manuel Cejas.

2. Que clase de intimidad tenia Vd. con Don Manuel Cejas?

Primero tenia la intimidad, que tiene un dependiente, con su superior, y despues la de un amigo interno. Despues que salio de Sonora le vé otra vez en Tepece y en Sud America, de donde se fué para España. Cuando estuvé en California en 1849 supe que habia muerto en España. El Señor Cejas salió de Sonora en 1839, estuvé en varias partes de la Republica, en donde permanecio algun tiempo, finalmente, se fué para España, en donde murió.

3. Que posesion social y monetaria guardaba Dn. Manuel Cejas?

Era uno de los primeros comerciantes de su epoca en Hermosillo.

4. Conocio Vd. la letra de Dn. Manuel Cejas?

Si, le conoci muchas veces, le vi escribir y firma y hasta el año de 1857, tuvo muchos documentos y cartas con su firma y letra. Conociera muy bien su letra y firma, si la veria hoy; firmaba su nombre con una "C" grande larga, que formaba un fancho abajo; todos sus papeles fuerón quemados en la guerra de 1857.

5. Conoció Vd. á Dn. José Contieras?

Si, lo conoci; nevió en Guadalupe; era un hombre acomodado y de una buena posicion social; no recuerdo precisamente la fecha de su muerte, pero debe haber sido entre 1840 á 1850; no conozco su letra.

6. Conoció Vd. á Dn. Joaquin de Astiazaran?

Si, lo conoci en Hermosillo, era padre de Don Joaquin M. y Dn. Fernando de Astiazaran.

8. Siebe Vd. si Dn. Manuel Cejas era conocido de Dn. Joaquin de Astiazaran?

Si, lo conocio muy bien, eran paisanos españoles, eran de los mejoras personas de aquel época.

9. Recuerda Vd. algo respecto del denuncia hecha por Dn. Joaquin de Astiazaran de los terrenos conocidos por el Sopori en 1838?

Puede ser muy bien que haya oido hablar algo sobre estos terrenos, pero como ere muy joven, no me fijaba y no recuerdo ahora.

10. En el titulo del Sopori aparecen cinco testigos en la informacion de idoneidad practicada á solicitud de Dn. Joaquin de Astiazaran las firmas de Dn. Manuel Cejas y Don José Centrestas, cree Vd. que hayan sido llamadas con tal objeto?

Es muy probable que si puesto que Astiazaran conoció muy bien á Cejas y creo tambien á Centreras, y no hay duda que les presento como testigos por estar al tanto de bienes que posesia el Sr. Astiazaran y como amigos.

11. Conocio Vd. á Don Juan José Encinos, de Hermosillo?

Si, lo conoci en Hermosillo, era padre de Dn. Leandro G. Encinos; fue admor. de rentas de Hermosillo por muchos años, y tambien alcalde.

12. Conocio Vd. á Ygnacio Zuniga?

Si, lo conoci de vista y de nombre, vino alejan tiempo en Arizpe y murio en Mexico, tambien vino aqui y en Hermosillo.

13. Conocio Vd. á Dn. José Ma. Mendoza?

Si, le conoci; era un hombre de buena reputacion y muy honrado, murio ya, y su viuda esta pensionada por el gobierno; lo mismo que lo estaba Mendoza en los últimos años de su vida, pues por sus buenos servicios y no pudiendo ya trabajar por su avanzada edad: el Congreso le asigno una pension. Estan yo en esa época en el Congreso del Estado.

14. Si alego que el título del Sopori esta falsificado por Dn. José Ma. Mendoza y otros en 1854, cree Vd. que Mendoza hubiese sido capaz de esto?

De ninguna manera creo que Dn. José Ma. Mendoza haya sido capaz de falsificar estos títulos, y mucho menos cuando aparece en ellos la firma de Dn. Manuel Cejas quan como llevo dicho murió en 1849. Y á mas el valor de la tierra en aquella época era tan insignificante que no creó que haya inducido á Mendoza á hacer un título y forjarlo por una suma tan insignificante.

14. Ha notado Vd. algun diferencia en las firmas de empleadas hechas en una época y las hechas en otras?

De un año á otro cambia uno su firma y letra, ya sea por la diferencia de la pluma, ó bien por algun alteracion nervuosa en el pulso; y mas, se nota diferencias entre firmas hechas con plumas de ave, y las que se hacen con pluma de acero, y aun entre los hechos con pluma de ave solamente, pues lo grueso ó delgado de la letra, consista en los puntos de la pluma que se cortaban cada rato y á veces sabran mas grueso.

Que sabe Vd. del cuidado que se ha tenido de los archivos de la Tesoreria?

Generalmente en tiempo de paz, se han cuidado bien, pero durante las diferentes revoluciones en el Estado, y muy particularmente durante los finanses se perdio la mayor parte de ellas; y me acuerdo bien hoy que en 1865, cuando estaban aqui los imperialistes hubo un fuerte aguacero en el mes de Agosto, y se goteo el cuartel y los soldados tomean los legajos para hacer puente, para pasar el lodo.

Ures, Mayo 27 de 1881.

J. QUIJADA.

*Exhibit A, June 15, 1881.*

Deposition of Jesus Quijada in the matter of the Sopori Land and Mining Company.

Interrogations addressed to Señor Don Jesus Quijada, of Ures.

1. What is your age and what your profession.

I am sixty years of age; am farmer; at present am owner of the pueblita, a mile from this city. I have lived here since 1842, and Hermosillo between 1835 and 1839. While I was a lad I served as clerk to Don Manuel Cejas.

Q. What was the nature of your intimacy with Don Manuel Cejas?

First. I had the intimacy which a subordinate has with a superior and afterwards of

an intimate friend. After he left Sonora I saw him again in Tepic and in South America, where he departed for Spain. When I was in California in 1849 I knew that he had died in Spain. Señor Cejas departed from Sonora in 1839; he went into various parts of the Republic, where he remained some time, and finally left for Spain, where he died.

Q. What was the social and pecuniary position occupied by Don Manuel Cejas.—Ans. He was one of the first merchants of his time in Hermosillo.

Q. Do you know the handwriting of Don Manuel Cejas?—Ans. Yes; I know it. I have seen him write and sign his name many times and down to the year 1857. I had many papers and letters with his handwriting and signature. I should know his handwriting and signature very well if I should see them now. He wrote his name with a large C, formed with a hook below. All my papers were burnt in the year 1857.

Q. Did you know Don José Contreras?—A. Yes; I know him; he lived in Guadalupe; was a man well to do, and of a good social position. I do not personally know the date of his death, but it must have been between 1840 and 1850. I do not know his handwriting.

Q. Did you know Gregoria Valencia?—A. I did not know him.

Q. Did you know Don Joaquin de Astiazaran?—A. Yes; I knew him in Hermosillo; was the father of Don Joaquin Maria, of Fernando Astiazaran.

Q. Do you know whether Don Manuel Cejas was acquainted with Don Joaquin De Astiazaran?—A. I know it very well, for they were fellow-countrymen; Spaniards. They were among the best persons of that epoch.

Q. Do you remember anything respecting the purchase made by Don Joaquin Astiazaran in 1838 of the lands known as the Sopori?—A. It is very probable that I had heard something said about those lands, but as I was very young it did not attract my attention, and I do not remember it now.

Q. In the title of the Sopori appear as witnesses in proof of ability, furnished at the request of Joaquin de Astiazaran, the signatures of Don Manuel Cejas and Don José Contreras.

Q. Do you think they may have been called for such a purpose?—A. It is very probable, for Astiazaran knew Cejas very well, and I am sure that he knew also Contreras, and there is no doubt that Señor Astiazaran presented them as witnesses because they knew what property he owned and were his friends.

Q. Do you know Don Joaquin José Eucinas, of Hermosillo?—A. I knew him in Hermosillo. He was father of Don Lionidas J. Eucinas, was admr. of suits (collection of revenues at Ho.) for many years, and also Alcade.

Q. Do you know Ignacio Zeniga?—A. Yes; I knew him by sight and name. He lived sometime in Arispe and died in Mexico; he also lived here and in Ho.

Q. Did you know Don José Maria Mendoza?—A. I knew him; he was a man of good reputation and very honorable. He is dead, and his widow was pensioned by the Government, as was Mendoza, in the last years of his life, because his good services and his inability to labor; by reason of his advanced years, Congress passed a decree and assigned him a pension. I was at that time in the Congress of the State.

Q. It is alleged that the title of the Sopori was forged by Don José Ma. Mendoza and others in 1854. Do you believe that Mendoza would have been capable of this?—A. I do not believe at all that Don José Ma. Mendoza could have been capable of forging this title, and much less when there appears on it the signature of Manuel Cejas, who, as I have already said, died in 1849. And, further, the value of the land at that time was so insignificant, that I do not believe Mendoza would have been induced to make and forge a title for such an insignificant sum.

Q. Have you noted any of difference in the signatures of employees made at one time and those made in another?—A. From one year to another one changes his signature and handwriting, and it may also happen from the difference of the pen, or very well for some nervous alteration in the pulse; and more difference is noted between signatures made with quills and those made with steel pens, and again between those made with quills only; for the thickness or fineness of the writing was produced by the points of the pen, which were cut every moment and at times ended very thick.

Q. What do you know of the custody which has been had of the archives of the treasury?—A. Generally in times of peace they were well guarded, but during the different revolutions in the State and very particularly during the French trouble, the greater part of them were lost, and I now remember well that in 1865, when the Imperialists were here, there was a heavy shower in the month of August and the barracks leaked, and the soldiers were in the habit of taking the bundles of papers to make bridges in order to get over the mud.

Ures, May 27, 1881.

J. QUIJADA.

No jurat to original or translation of this document.

JOHN WASSON,  
Sur. Gen'l.

*Exhibit B, June 15, 1881.*

Interrogatorio puesto al Sr. Coronel Dn. Gabriel Corella, sobre algunos puntos concernientes á los títulos de los terrenos conocidos por el Sopori.

Diga su nombre, edad, profesion y residencia.

Gabriel Corella, 51 años, coronel del ejercito mexicano y vecino de Guaymas.

En donde nacio Vd.

En Arizpe; hasido Prefecto de Guaymas por intervalos desde 1870 á 1880—y actualmente comi en rision del Superior Gobierno de la Nacion como gefe de remplazos en Sonora. Ha sido deputado varias epocas al Congreso general de la Nacion y del Estado.

Examine la fotografia numero 1, que se le pone de manifesto y diga si la firma que dice José Carrillo en el cuaderno de fotografias que dice Photographic—Rancho de Sopori—Photographic copies of signatures, es del mismo José Carrillo.

Digo que la firma fotografiada que se lo ponede manifesto, es de puño y letra de Dn. José Carrillo, promotor fiscal en Arizpe, hace muchos años; quo lo conoció bien y por ese sabe que es de su puño y letra; que muchos veces lo vio firmar, no recuerdo que año murió pero debe haber sido de 1840 á 1844, mas ó menos, que siempre lo conoció, como empleado del Gobierno del Estado; hombre muy honrado; vivia de su sueldo, que lo conoció intimamente en el mismo pueblo en donde nació (Arizpe).

Se parece á Vd. que las firmas de José Carrillo que aparece en foja N° 1 y la de N° 8 de dicho cuaderno de fotografias son escritos ambas de puño y letra del mismo Sr. Carrillo?

Que no solo lo parece ser de puño y letra de José Carrillo, sino que esta segura de ello, pues la conoci como á sus manos.

Examine todos las firmas del cuaderno de fotografias, y diga cuales de ellas conoce.

Que conoce la de José Ma. Mendoza, foja N° 2 y la letra tambien; en el N° 3 la de Mendoza; Alejo Carrillo bien y la de Jesus Trasquillo lo parece ser suya en el N° 4; las tres firmas de José Jesus Carrillo, primo hermano suyo, en el N° 5; las dos firmas de José Jesus Carrilla el N° 8. La de Mendoza y Julian Padilla, en el N° 4; la de Mendoza y Padilla y en el N° 10 la de Mendoza y Alejo Carrillo, que varios veces vio escribir á estos individuos con excepcion de Jesus Trasquillo, pues como lleva dicho vivio mucho tiempo en Arizpe.

Que relaciones de intimidad tenia U. con Mendoza?

Que tenia mucha intimidad con Mendoza, que frequentaba su casa, que lo profesaba carifio, que era un hombre de un alta posicion social, muy honrado y sin mancha.

Recuerda U. en donde murió José Carrillo?

No sabe bien, pero debo haber muerto en Arizpe ó Ures.

Era U. pariente de Alejo Carrillo?

Que era pariente tyano y tío de su primera esposa.

En donde murió Alejo Carrillo?

Creó que murió en Ures que no recuerdo la fecha ni su edad.

Que ocupacion tenia?

Empleado del Gobierno y de alguna categoria, que era muy respetado de buenas familias y honrado.

Era pariente suyo, José Jesus Corilla?

Que era primo hermano suyo, que murió en Arizpe de 1845 á 1849, que era empleado del Gobierno y ocupó puestos de alguna importancia.

Conoció U. bien á Julian Padilla?

Que lo conoció muy bien, murió de 1840 á 1848, que no recuerdo bien la fecha que era empleado muy honrado; tiene familia en Arizpe.

Tiene U. cartas ó documentos con firmas de alguna de las personas que se han mencionado, ó sabe U. en donde puedan verse estos?

Que todos estos individuos tuvieron correspondencia epistolar con su padre, pero en donde se pueden hallar firmas genuinas de todos ellos es en el archivo del Gobierno y de la Tesoreria del Estado; que no tiene firma alguna de ellos.

Se parece á U. que las firmas de Alejo Carrillo, que aparecen en fojas 3 y 10 del cuaderno de fotografias, son escritas ambas de puño y letra del mismo Alejo Carrillo?

Dijo que no lo cabe duda que son de puño y letra de Alejo Carrillo, que si bien una de ellos de la foja 3 aparece ser mas gruesa que de la foja 10 esto lo atribuye á las plumas de ave, que en aquella epoca se resaba, la cual formaba la letra mas ó menos gruesa, segun el corte de los puntos de la pluma, que esto lo sabe porque con ellas mismas se enseñó á escribir.

Conoció U. á Nicolas Gonzalez?

Que si lo conoció en Arizpe, hombre casado de muy buena reputacion.

Conoció U. á Juan J. Encinos?

Que no lo conoció.

Conoció U. á Yguacio Zuniga?

Lo conocio de nombre.

Conocio á Gregorio Valencia?

De nombre.

Conocio U. á Juan de los Rios ?

Que no.

Conocio U. á Alonzo M. Trescierras ?

Que si, lo conocio; murio en 1840 á 1844, mas ó menos; que era comerciante en pequena en Arizpe y tambien fué empleado, que fue muy hombre de bien; que creando lo conocio tendrea de 35 á 40 años.

Por regla general eran jovenes con algunas ecepciones, pues de estas empleadas subalternas ascendean otros de mayor escala; que no tiene documentos en su poder que tengan firmas de estos individuos. Que las fechas de que ha hecho mencion en cuanto á la muerte de los individuos de que trata este interogatorio, no puede de ninguna manera fijarlas, sin tener datas á la vista.

G. CORELLA.

Subscribed and sworn to before me.

A. WILLARD,  
U. S. Consul.

EXHIBIT B.

June 15, 1881.

Interr.gatories addressed to Señor CORNEL DON GABRIEL CORELLA upon certain points concerning the titles of the lands denominated the Sopori.

Q. State your name, age, profession, residence.—A. Gabriel Corella; 51 years; colonel of the Mexican army, and resident of Guaymas.

Q. Where were you born?—A. In Arispe; have been prefect of Guaymas at intervals between 1870 and 1876, and at present intrusted by the supreme court of the nation a commissioner for recruiting soldiers in Sonora. Have been member on various occasions of the Congress of the nation and of the State.

Q. Examine the photograph now shown you, and say if the signature which says José Carrillo, appearing in photograph marked (Rancho del Sopori photographic copies and signatures), is that of the same José Carrillo?—A. The photographed signature thus shown me is of the writing and hand of José Carrillo, promoter fiscal in Arispe many years ago. I knew him well, and in this way I know his handwriting and signature. I have seen him sign many times. Do not remember the year of his death, but it must have occurred between 1840 and 1844, more or less. I knew him as always an employé of the government of the State; a very honorable man; lived upon his salary. I knew him intimately in the town in which I was born (Arispe).

Q. Do you think that the signatures "José Carrillo," which appear in photograph No. 1 and No. 18, were both written by the hand of the same José Carrillo?—A. It not only seems to me to be the hand and signature of José Carrillo, but also I have no doubt of it, for I know it as my own hand.

Q. Examine all the signatures in said photographs, and state which you know.—A. I know that of José Ma. Mendoza, page No. 2, and his handwriting also; in No. 3, the signature of Mendoza Alejo Carrillo well and that of Jesus Trasuquilla, seems to be his; in No. 4, the three signatures of José Jesus Corella, my own cousin; in No. 5, the two signatures of José Jesus Corella; in No. 8, that of Mendoza and Julian Padilla; in No. 9, that of Mendoza and Padilla; and in No. 10, that of Mendoza and Alejo Carrillo. I have seen all these persons, excepting Jesus Trasuquilla, write several times, for I have already stated that I lived a long time in Arispe.

Q. What intimacy had you with Mendoza?—A. I had much intimacy with him. I frequented his house and he professed a friendship for me. He was a man of high social position, very honorable, and without a blemish.

Q. Do you remember where José Carrillo died?—A. I do not know well, but he must have died in Arispe or Ures.

Q. Were you a relative of Alejo Carrillo?—A. He was a distant relation and uncle of my first wife.

Q. Where did Alejo Carrillo die?—A. I believe he died in Ures, but do not remember the date nor his age.

Q. What occupation did he carry on?—A. He was in the employ of the Govt. and was of some standing; he was very much respected; he was an honorable man of good family.

Q. Was José Jesus Corrilla a relative of yours?—A. He was my first cousin; he died in Europe, 1845 to 1849; was in the employ of the Govt., and occupied positions of some importance.

Q. Did you know intimately Julian Padilla?—A. I knew him very well; he died from 1840 to 1848, but I do not remember the date well; he was an employé; very honorable; has family in Arispe.

Q. Have you letters or documents with the signatures of any of the persons you have mentioned, or do you know where they can be seen?—A. All these individuals had correspondence with my father, but their genuine signatures can be seen in the archives of the Govt. and the treasury of the State; I have no signatures of theirs.

Q. Do you think the signatures Alejo Carrillo, appearing in No. 3 & 10, of said photographs were both written by the hand of the same Alejo Carrillo?—A. I have no doubt that both are the hand and signature of Alejo Carrillo; if the one in No. 3 seems thicker than that in No. 10, this is to be attributed to the quills used in that time, which made the writing more or less thick, according to the cut of the points of the pen. I know this because I was taught to write with such pens.

Q. Did you know Nicolas Gonzales?—A. I knew him in Arispe, a married man of good reputation.

Q. Did you know Juan J. Encinas?—A. I did not know him.

Q. Did you know Ignacio Zuniga?—A. By name I know him.

Q. Did you know Gregorio Valencia?—A. By name.

Q. Did you know José M. Rubio?—A. No.

Q. Did you know Alonzo M. Tresieras?—A. I knew him; he died 1840 to 1844, more or less; was a small merchant in Arispe, and also employé; was an honest man; when I knew him he must have been 35 to 40 years.

As a general rule all the subordinate employés of the offices and assisting witnesses of the judges were young men. As a general rule they were young, with several exceptions, for from subordinate employment they were promoted to others of a higher scale. I have no documents in my possession showing signatures of these individuals. The dates of which I have made mention of the death of those persons of whom this deposition treats, cannot be fixed positively, without having the dates at sight.

GABRIEL CORRELLA.

Sworn to before me this day of May, 1881.

A. WILLARD,  
U. S. Consul.

NOTE.—No date nor place stated in jurat.

(Signed.)

JOHN WASSON,  
Sur. Genl.

EXHIBIT C, June 15, 1881.

[Stamps.]

TREASURY GENERAL OF THE STATE OF SONORA,  
May, 1881.

I, Manuel Telles, contador of the treasury general of State, acting as treasurer, certify that the object of the book of Toma de Razon of titles of lands kept by this treasury from the year 1831 to the year 1849 was to have a memorandum of the rural properties which the State granted.

At the request of the interested parties I give these presents in Hermosillo, May, 1881, which I authorize, signing with my assisting witnesses.

M. TELLES.

A

DONACION DE LA TUENTE,  
Ricardo Morales.

Here follows a consular certificate in English.

Exhibit E, June 15th 1881.

En el asunto del Sopori Land & M'g Co.

Interrogatorio puesto al Señor Don José J. CUBILLAS, residente en la Salor Disto. de Herm°.

Que edad tiene Vd. y cómo se llama? Me llamo José J. Cubillas, tengo 61 años de edad.

Cual es su ocupacion en la actualidad y que puestos ha ocupado Vd.?

En la actualidad soy labrador y ranchero, desde el año 1838 á 1847 estuvé en la casa de Yñego y Sarrando, de Guaymas, como cajero; en 1852 fué Juez de 1ª instancia de Guaymas, y 1847 prefecto del mismo lugar.

Que clase de negocios hacen la casa de Yñego y Sarrando?

Era casa importadora la mas fuerte en Sonora, tenia un capital de un millon de pesos.

Conoció Vd. á Dn. Joaquin de Astiazaran, y en donde?

Se conoció perfectamente bien en esta hacienda; era mi tio politico; su esposa, Da. Carmen Yñego, era mi tia carnal, lo mismo que lo era Don Manuel Yñego, socio principal de la casa de comercio á que me refiero.

En que año murió Dn. Joaquin de Astiazaran?

Murió en 1845, no recuado el mes, murió en Hermosillo, y sus restos fueron trasladados á esta hacienda e estan sepultados en la capella.

Recuada Vd. haber enido alguna conversacion con Don Joaquin de Astiazaran relativo á terrenos en la frontera que fuesen de su propiedad?

Si, me hablo de unos terrenos que habia denunciado en la frontera y que eran muy buenos para cria de ganado pero que no le atienan apoblarlas por temor de los Apaches. Cuando fué que le hablé de estos terrenos en 1838, y despues varios veces.

Como es que estando Vd. reviendo en Guaymas, pudo el Sor. Astiazaran hablarle de los mencionados terrenos?

Porque venia yo muy á menado, con permiso de la principal de la casa vien á esta hacienda á pasearme y siempre me hospedaba con mi tio, y varios veces, me habló de la lastima que le daba no poder poblar los mencionados terrenos por temor de los Apaches.

Que asunto trajo á conversacion lo de los terrenos en la frontera?

Mi tio era un hombre de grandes poyectos, y me acuerdo en una ocasion que se halaba de una toma de agua que traca del sacaton, roló la conversacion á la gran cantidad de agua, que tenian los terrenos, y asi fue como hablamos de ella, en otros veces no me acuerdo que motivo nuestro conversacion sobre ello.

Que nombre le dió Don Joaquin de Astiazaran á estos terrenos?

No supe entonces ó no me acuerdo, el nombre que les daba, pero posteriormente en el 1846, cuando me veni á viver á esta hacienda, mi tia, Da. Carmen Iñego, me enseñó los titulos de esta hacienda, y entre ellas vi los de los terrenos mencionados y entonces. Supé que se les daba el nombre de Sopori. Entonces estuvo mi tia aqui pasando una temporada.

Que clase de documento era el titulo del Sopori?

Era un documento largo, en papel sellado desde la primera hasta la ultima pagina. Lo examinó Vd. y observó las firmas que contiene?

Solo yo hojear si el nombre, pero no recuerdo las firmas que lo suscribean.

Despues de esta ocasion volvió á ver el titulo?

Si, lo volvi á ver varios veces cuando mi tia les entregó junto con los demas titulos de su propiedad á mis primos Joaquin M. y Fernando Astiazaran á su regreso á Sonora de Mexico tambien la vi.

Habló Vd. despues de los titulos del Sopori con D<sup>n</sup> Joaquin M. y D<sup>n</sup> Fernando Astiazaran?

Varios veces hablain, conmigo respecto de los terrenos del Sopori, lamentandose, que no podian poblarlo teniendo tanto ganado y caballada, por temor de los Apaches.

Vió Vd. alguna vez scriber á Don Joaquin de Astiazaran?

Muchos veces y conozco bien su letra y firma porque lo he visto en cartas que escriba á mi tio Yñego á Guaymas.

Sirváse ver las firmas que decen Joaquin de Astiazaran en la fotografias que se le ponen, de manifesto marcado, y diga de quien son escritos.

Son de tio Don Joaquin de Astiazaran y de su firma y letra.

Vuelvalas á examinar y diga si le sabe duda alguna que todos hayan sido escritos por D<sup>n</sup> Joaquin de Astiazaran.

No tengo duda alguna, son de su letra y escritos por él.

La Labor, Mayo 31 de 1881.

J. JACOBO CUBILLAS.

[To this testimony is attached the certificate of the American consul.]

*Exhibit E, June 15, 1881.*

In the matter of Sopori Land and Mining Company.

Interrogations addressed to Señor Don JOSÉ J. CUBILLOS, resident in La Labor district of Hermosillo.

Q. What is your age and name?—A. My name is José J. Cubillos. I am 60 years of age.

Q. What is your present occupation, and what positions have you occupied?—A. I am at present a farmer and ranchero. Between the years 1838 and 1847 I was in the house of Triego and Sarrando, of Guaymas, as cashier. In 1852 I was judge of the first instance at Guaymas, and 1874 prefect of the same place.

Q. What kind of business did the house of Triego & Sarrando carry on?—A. It was an importing house, the strongest in Sonora. It had a capital of \$1,000,000 invested.

Q. Did you know Don Joaquin de Astiazaran, and where?—A. I knew him perfectly well in his hacienda. He was my uncle-in-law. His wife, Lena Carmen Triego, was my aunt by blood, the same as Don Manuel Triego, principal partner of the mercantile house to which I have referred.

Q. In what year did Don Joaquin de Astiazaran die?—A. He died in 1845. I do not remember the month. He died in Hermosillo, and his remains were removed to this hacienda, and were interred in April.

Q. Do you remember having any conversation with Don Joaquin de Astiazaran relative to lands on the frontier forming part of his property?—A. Yes; he spoke to



me of some lands on the frontier that he had denounced, and which were very good for breeding, but that he did not dare to stock them for fear of the Apaches.

Q. When was it that he spoke of those lands?—A. In 1838, and various times afterwards.

Q. As you were then living in Guaymas, how was Sr. Astiazaran able to talk with you of the lands mentioned?—A. Because I very often came with the permission of the principal of the house to this hacienda for a vacation, and was always entertained by my uncle, and on various occasions he spoke to me of the regret he felt at not being able to stock the land for fear of the Apaches.

Q. What circumstances led to this conversation about those lands on the frontier?—A. My uncle was a man of few projects, and I remember on one occasion when speaking of ditch for bringing water from the sacaton the conversation turned to the great quantity of water that these lands had, and then it happened that we spoke of them at other times. I do not remember what caused our conversation about them.

Q. What name did Don Joaquin de Astiazaran give to these lands?—A. I did not know at that time or else I did not remember the name which he gave them, but later, in 1877, when I came to live at this hacienda, my aunt, Dona Carmen Triego, showed me the titles of this hacienda, and with them I saw those of the land mentioned, and then I knew that before the name of Sopori was given to them. My aunt was then spending some time here.

Q. What kind of document was the title of Sopori?—A. It was a large document on sealed paper from the first to the last sheet.

Q. Did you observe it and examine the signature which it contained?—A. I only turned the leaves. I saw the name, but I don't remember the signature subscribed to it.

Q. After this occasion did you see the title again?—A. I saw it again many times when my aunt delivered it, with other titles of her property, to my cousins, Joaquin and Fernando, Maria Don Fernando Astiazaran.

Q. Did you converse about the titles of the Sopori with Don Joaquin Astiazaran on their return to Sonora from Mexico?—A. They talked with me many times about the lands of the Sopori, repeating that while they had it they were not able to stock it, so much stock and horses, for fear of the Apaches.

Q. Did you at any time see Don Joaquin de Astiazaran write?—A. Very often, and I know his handwriting and signature well, for I have seen them in letters which he wrote to my uncle Triego in Guaymas.

Q. Please look at the signature of the name Joaquin de Astiazaran in the photographs shown you, marked —, and say whose they are and by whom written.—A. They are those of my uncle Don Joaquin de Astiazaran, and are his handwriting and signature.

Q. Look at them again and say if you have any doubt that they are all written by Don Joaquin de Astiazaran.—A. I have no doubt they are his writing—were written by him.

La Labor, May 31, 1881.

J. JACOBO CUBILLOS.

(NOTE.—Here follows a consular certificate in English.)

*Ex. F, June 15, 1881.*

PRIMERA.

Interrogatorio para el Sor. Lic. JOAQUIN MA. ASTIAZARAN.

1. Diga su nombre, edad, vecinidad, profesion y actual ocupacion.  
2. Diga si en algun tiempo ha tenido algun empleo publico, que empleo y durante, que años.

SEGUNDO.

1. Diga si es hijo de Dn. Joaquin de Astiazaran, ya finado y á quien se le adjudicó por denuncia en Julio 5 de 1838, unos terrenos de 31½ sitios llamado el Sopori, situado en el distrito de San Ignacio, y dado por el Teserero Gral. del Estado.

2. Diga que ocupacion tuvo su padre de U.  
3. Tuvo en alguna vez algun empleo publico.

TERCERO.

1. Cuantos años fué casado su padre.  
2. Diga los nombres y apellidos de sus hijos, cuantas de ellos viven y en donde residen si ha muerto alguno, en donde viven los herederos. Diga los nombres de sus hermanos y si fueron casados y con quienes y si aun viven sus maridos.

## CUATRO.

1. En donde y en que fecha murió su padre de U
2. En donde está sepultado.
3. Dijó testamento. En donde esta.
4. Que herederos dijó á su muerte.
5. Dijó viuda y como se llama.
6. Si ha muerto en donde y cuando murió y dijó testamento.

## QUINTO.

1. En donde residea U., cuando murió su padre.
2. Si estuvo ausente de Sonora, en que años volvió.
3. Diga como sabe su padre murio en el lugar y fecha antedichas.
4. Que registro ó pruebas existen que precesen la fecha de su muerte.

## SEIS.

1. Que sabe U. de la adjudicacion á su padre de los terrenos del "Sopori."
2. Ha tenido U. alguna comunicacion con alguno respecto de estos terrenos.
3. Tuvó U. alguna vez alguna conversacion con su padre respecto á dicho terreno.
4. Sirvase dar un por menor de dicha conversacion.

## SIETE.

1. Diga U. si algunas papeles ó documentos pertenecientes á su padre ó titulos de alguna de sus propiedades, veniera á su poder y en que fecha.
2. Había entre ellos algun expediente ó titulo de los terrenos conocidos por el Sopori.
3. Cuando vió U. por primer vez el expresado expediente ó titulo.
4. En poder de quien estaba cuando lo vió la primer vez.
5. Si el expresado expediente estuvo en su poder de manos de quien lo recibió U.
6. Diga todo lo que sepa ó haya sido informado con relacion á este titulo diciendo el nombre de quien lo informó antes de la muerte de su padre.
7. Como puede U. precedar la fecha y lugar donde primero vió el expediente.
8. Quien estaba presente.
9. Que otras personas lo vieron y en donde residar actualmente.

## OCHO.

1. Conoce U. la letra de su padre el Sor. Joaquin de Astiazaran.
2. Se vió U. alguna vez escribir, cuantos veces.
3. Que otro conocimiento ó de que otras maneras, conoce U. su letra.
4. Tiene U. ahora ó ha tenido en su poder cartas y otros documentos de letra del Sor. su padre, y que esten firmadas de su puño y letra.
5. Sirvase decir que documentos son, cuando y de que manera venieron, á poder de U. y á quien los ha entregado U.
6. Sirvase mostrar y agregar á este interrogatorio alguna de ellos, que no presente inconveniente, con una pequena reseña de como venieron á su poder.

## NONO.

1. Esta el expediente ó titulo del Sopori archivado ó registrado en alguna de los departamentos, ó archivo de la Tesoreria General de Sonora.
2. Ha visto U. alguna vez este registro cuando y que oficina sirvase decir cuanto sepa con relacion á su registro.
3. Ha examinado U. alguna vez el expediente original y fijado en las firmas del Sr. su padre.
4. Si se ha fijado en ellos sirvase decir, si U. cree que haya sido puesto del puño y letra de su padre.
5. Que conocimiento ó pruebas tiene U. que estas firmas son genuinas.

## DIEZ.

Sirvase examinar la firma del Sor. su padre en la fotografia No. 3 que es adjunta, y diga si dicha fotografia es de su firma genuina.

## ONCE.

1. Cuando vio U. por primer vez el expediente original del Sopori, archivda en la Tesoreria del Estado.

2. Diga claramente, lo que sepa respecto á la custodia, y cuedado del archivo de esta oficina desde 1837.
3. Habia en Sonora entre los años 1837 y 1854 alguna ley que ordonaba el registro ó toma de razon de titulos de terrenos dados por el Estado.
4. En que libro ó libros debia hacerse dicho registro.
5. Cual era el objeto de esta ley.
6. Que penas habia para el que no cumpliera con ella.
7. Ha visto U. alguna vez en el archivo de la Tesoreria, ó en otra parte registro ó toma de razon de los titulos de que se trata y algun certificado ó constancia depago hecha por su Sr. padre por los terrenos del Sopori y derechos de remate de estos á su favor.

## DOCE.

1. Conoce U. algun libro, en la Tesoreria del Estado, llamado "*Toma de Razon.*"
2. Que objeto ó uso tiene.
3. Desde cuando se registraron titulos en él.
4. Hay ó hubo alguna ley que establece, ó establecia, estos regitros, ó tomas de razon, y por cuantos años estuvo en rigor.
5. Sirvase decir si ha visto U. en el libro, "*Toma de Razon,*" alguno registro ó toma de razon de dichos titulos del Sopori, cuando y cuantas veces el hecho de que en efecto la vió.
6. Conoce U. algun libro llevado por la Tesoreria llamado Manual de Carga y data. Ha examinado U. alguna vez este libro, para averiguar si, su Señor padre pagó la suma de \$919 por los terrenos del Sopori \$30, por el titulo y \$6 derechos de remate. Si en efecto los ha visto sirvase decir si esta en los folios de 1838.
7. Ha sido U. alguna vez decir que estas personas hayan visto estos registros.

## TRECE.

Sirvase examinar la adjunta copia del expediente y diga que certificados del pago ó registros que el se mencionan ha visto U. En donde y cuando los ha visto. Diga todo lo que sepa con relacion á ellos.

2. Sirvase decir todas las personas, que figuran en el expediente y que son ó fueron conocidas de U. en donde viven ó vivian. Si ha muerto; sirvase decir la fecha de su muerte. Que posicion social tenian y que ocupacion.
3. Examine las fotografias anexas y diga si conoce alguna de las firmas ó letras fotografias. Diga tambien la residencia de estas personas conocidas y si han muerto diga la fecha.
4. Ha visto U. en algun otro expediente en las oficinas del Estado ó en su poder firmas de estos individuos cuyas firmas aparecen en las fotografias. Si tiene documentos con estas firmas sirvase monstrarlas.

## CATORCE.

Sirvace decir, si el papel sellado para el buño de 1837 y 1838 del mismo cuya fotografia es anexa, podria haberse conseguido despues de 1838.

2. Que es lo que U. sabe respecto á la custodia del papel sellado, y las desposiciones legales, al expensar el buño en cuanto al sobrante que resultaba como sabe U. esto.

## QUINCE.

1. Recuerda U. el traspaso hecho mas ó menos el 25 de Novembre 1858, por U. su hermano D<sup>o</sup> Fernando, D<sup>o</sup> Manuel Cabillas y otros á Sylvestre Mowry.
2. Por que aparecen otros vendedores á mas de los herederos de su Sr. padre. De donde obtuvieron su derecho, cuando, y de que manera.
4. Que titulos tomane de su Sr. padre, de su Sra. madre ó de U. y otros herederos y endonde estan; si ha registrado alguno de ellas y en donde.

## DIEZ Y SEIS.

Cuando upo U. primero que su Sor. padre era dueño del Sopori.

2. Por quien supo U. de esta compra.
3. Que publicidad habia esta compra.
4. No era Sr. padre dueño de muchos terrenos y muy conocido en Sonora.
5. Sirvase decir todo lo que sepa con relacion á la compra del Sopori por su Sr. padre.

## DIEZ Y SIETE.

Tomo posesion de estos terrenos y los poble el Sr. su padre.

2. Se lleo el á visitar alguna vez, ó lo mando destendar.

3. Fue destendado despues de su muerte, circa del año de 1854.
4. Ha estado U. en los terrenos.
5. Ha sido causa los apaches de no haber poblado estos terrenos.
6. Dé un por menor.
7. Tiene U. en su poder alguna mapa de la propiedad, ó papel alguno, en que su Sor. padre haya mención de ella. Sirvase enseñarlo, si lo hay.
8. Ha salido U. ó ha oido decir, que los vecinos que viven circa del Sopori, por el año de 1854, disputaban el derecho de U., á estos terrenos alegando que los títulos son falsificados.

## DIEZ Y OCHO.

1. Que poder tiene U. verbal de su Sra. madre para hacer el traspaso del Sopori. Sapo ella de esta venta. Dio á U. algun poder. Lo tiene U. Ratifico ella esta venta por escrito. Sirvase agregar cualquiera instrumento relativo á la representacion de U. Cual era la naturaleza del derecho, que tenia á la propiedad su Sra. madre, cuando murió su esposo conforme las leyes de Mexico. Que poder tiene D<sup>na</sup> Manuel Cubillas para vender por sus hijos.

## DIEZ Y NUEVE.

1. Conoce U. unos títulos otorgados en Febrero 2, 1849, en favor de Tomas y Ignacio Ortiz, por el Tesorero General del Estado de Sonora, de 4 leguas de tierra conocido por la Canoa, los cuales fueron despues comprados por D<sup>no</sup> Fernando Rodriguez y D<sup>no</sup> Fernando Cubillas. Que es lo que U. sabe. Estos terrenos estaban comprendidos en los del Sopori ó son otros. Que es lo que U. sabe respecto (á ellas) este terreno.

## VEINTE.

Sabe U. si el expediente original del Sopori contiene todos los requisitos y clausulas legales. Sabe U. si dicho expediente contiene la clausula de costumbre, en que el Tesorero otorga á favor del interesado por si, herederos, sucesores, &c. Seria causa de nulidad caso de no contener esta clausula. Sirvase examinar la copia adjunta y si tiene todos los requisitos de ley lo considero valido. Cuando los terrenos en cuestion fueron vendidos á su Sr. padre se avaluaban conforme alguna tarifa. Era el Tesorero gral. el llamado por la ley entonces vigente para otorgar extender títulos de terrenos. Concedia la ley á un solo individuo 31 $\frac{1}{2}$  sitios.

## VEINTEUNO.

Sabe U. algo mas con relacion á este negocio que tenida á hacer desaparecer las dudas que tienen el agrimensor gral. de Arizona, sobre la legitimidad de los títulos de los terrenos del Sopori. Diga lo que sepa.

## In the matter of the Sopori Land and Mining Company.

1<sup>o</sup>.

1<sup>o</sup>. Mi nombre Joaquin M<sup>a</sup> Astiazaran, edad 54 años, vecino del puerto de Guaymas, profesion abogado, ocupado actualmente en negocios de la misma asuntos particulares.

2. He servido la fiscalia del Pral. Superior. del Estado hasta 1851, y desde esta fecha la residencia del mismo como magistrado y despues hasta 1858, serví al juzgado de Distrito de Sonora empleo federal. En seguida por un año el Tribunal de Circuito, de occidente tambien federal siendo despues por un año miembro del Consejo del Estado. En 1862 deputado en las Camaras generales. En 1865, epoca de la guerra del Emperio, ocupé internamente el gobierno de este Estado. En 1870 hasta 1873, deputado de la Legislatura del mismo. En seguida serví al Gobierno del Estado hasta fin de 1874, en que fue nombrado senador á las Camaras de la union cuyo puesto ocupó hasta 1876, que estos fueron desueltos por la revolucion del Gral. Diaz. He desempenado tambien algunas comisiones oficiales en distintas epocas.

2<sup>o</sup>.

Soy hijo legitimo de D<sup>no</sup> Joaquin de Astiazaran, finado, á quien fué adjudicado la propiedad del Sopori de 31 $\frac{1}{2}$  sitios en el Distrito de S. Ignacio, en 5 de Julio de 1838, por la Tesoreria Gral. del Estado, que era autorizada legalmente para estas adjudicaciones de títulos de terrenos baldios.

2. Mi padre era propietario dedicado á la agricultura.
3. Jamas ocupó puesto publico alguno.

3<sup>o</sup>.

Fue casado una sola vez con la Sra. Maria del Carmen Inigo dejando á su muerte, tres hijos Joaquin, que responde, Fernando y Maria del Carmen, viadas los dos pri-

meros vecinos de Guaymas y casados con Dona Carmen Goyena, y Dona Dolores Gandera, y la 3ª con Don Manuel Cubillas, muertos ambos y dejaron dos hijos, Aldrian y Clotilda, que existen y son hoy mayores de edad.

4º.

1. Mi padre murió en la ciudad de Hermosillo el 3 de mayo de 1845.
2. Fue sepultado en la hacienda de Labor de su propiedad.
3. No dijo testamento.
4. Sus herederos fueron los tres hijos mencionados, Joaquin, Fernando y Mª del Carmen.
5. Quedo nada mi madre ya nombrado.
6. Esta murió en Hermosillo.
7. No dijo testamento.

5º.

A la muerte de mi padre estaba yo en la capital de la Republica, concluyendo mi educacion.

2. Estubé ausente de Sonora desde 1837 hasta 1849.
3. Sope del lugar y fecha de la muerte di mi padre por las constancias di mi casa y familia.
4. Ignoro si en Hermosillo anteriores como hoy se llevaria un registro de defunciones, creo que si.

6.

La adjudicacion de los terrenos del Sopori á me padre me consta por los titulos en esta propiedad que oirnos á nuestra vuelta de Mexico en sus papeles.

2. Muchas veces y con muchas personas entre ellos Don José de Aquilar, he hablado de esta finca, de nuestra propiedad, mucho antes de 1854.
3. Con mi padre nunca puesto que la adquiero estando yo ausente y de poca edad ya mi vuelta ya habia fallecido.
4. Contestada en la anterior.

7.

1. Vieneron á nuestro poder en una caja todos los titulos, documentos y papeles de mi padre á nuestra vuelta de Mexico.

2. Entre ellos habia y vernos unos titulos del Sopori.
3. Y los dimos por primera vez poco tiempo despues de nuestra llegada á Sonora.
4. Los papeles todos estaban en la casa, en poder di mi madre de quien los recibimos.
5. Contestado en la anterior.
6. No tuvó mas informes de esta propiedad que el titulo y algunas conversaciones sobre estos terrenos con personas á quienes hablaba mi padre sobre sus proyectos en el Sopori que nunca pado realizar por las frecuentes incursiones en las Apaches que hacen imposible todo pueblo en dichos terrenos. Se puede sacar sobre esto una informacion en que declaran los testigos que puedan existir.
7. Vi un poco de tiempo, unos meses despues di mi vuelta á Sonora los titulos del Sopori, como he dicho pero sin poder pensar la fecha.
8. No recuerdo si alguno estaba presente cuando vi estos titulos. Como no hubó motivo para mostrar á nadie estos titulos y papeles ignoro si alguna persona de nuestra intimidad los verian alguna vez.

8.

Conosco perfectamente la letra de mi padre.

2. Siendo riuco yo muchas veces le vi escribir.
3. Por las cartas muchos que recibo de el en Mexico.
4. He tenido muchas cartas y escrituras de mi padre, que conteniendo solo asuntos de familia sin interes para conservarlos los he destruido.
5. Ya he dicho que clase de esentos de mi padre y como han desaparecido sin entregar á nadie.
6. Si alguno se encuentra de casualidad y buscosé en mis papeles no tendre inconveniente en agregarlo á este interrogatorio.

9.

Aunque no he visto el expediente original que esta archivado en la Tesoreria porque no he habido motivo para ello el titulo que estuvó en nuestro poder dice que fué tomado a razon correspondiente y yo no he podido dudar de que asi fuere. Ademas la certifi-

cacion del Sor. Mendoza que se agrega acredita que el titulo del Sopori, fué expedido en la forma legal, es decir, que ninguno requisito le falta.

2. No he visto el registro del titulo en el archivo por que como digo antes, no ha habido motivo de duda que obligará á procurarlo.

3, 4. Estan en el mismo caso que las anteriores.

5. Supongo que asi sea porque no ha habido ni hay el menor motivo para dudar de la autoridad de las firmas.

10.

La firma fotografia que se me presenta es tomada sin duda alguna de la firma genuina de mi padre, aunque no tengo á la mano otra con que compararla.

11.

Como he dicho antes, no vi el expediente en el archivo por que mo lo procuré.

2. Entendo que la custodia y cuidado de los expedientes en la Tesoreria ha sido eficaz, y el certificado del Sor. á que dijo hecha referencia lo acredita asi.

3. Esta prevencion la contiene la ley de Hacienda citada por el Sr. Mendoza en el mismo certificado.

4. Ignoro en que libro habia hacerse el registro.

5. Muchos motivos pueda tener para ello el Legislador pero no podre fijarme en cual haya sido determinadamente.

6. La ley de hacienda de 1834, vigente entonces, no impone ninguna pena y nunca será la do mitidad del titulo puesto que el simple poseedor, de un terreno tiene derecho preferente á pedir su titulo con mayor razon él que tiene este falta en algun requisito.

7. No he visto el archivo, pero en el expediente respectivo consta la toma y el pago de todo los derechos del fisco, hecho por mi padre.

12.

He dicho que no he visto nada de la Tesoreria, pero si que existe un libro Toma de Razon.

2. Su objeto es asentar la constancia de haberse expedido el documento.

3, 4. Ignoro desde cuando se hacen estas requisitos.

5. Repeto, que no he visto en el libro respectivo la toma de razon de los titulos del Sopori ni ninguna otra pero no queda duda que todos estos requisitos se han llevado segun la certificacion tantas veces citadas del Sor. Mendoza.

6. No he visto ni ha halido motivo para precevirlo ningun libro de la Tesoreria.

7. No recuerdo el contenido de esta pregunta.

13.

Yo no he visto mas documentos, que el expediente y titulo que ha cubierto la propiedad cuya copia se me presenta hoy.

2. De todas las personas que figuran en el mismo expediente solo conosco al Sor. Mendoza, Tesorero General, que murió hace algunas años sin recordar la fecha precisa.

3. No conosco de las firmas mas que la del Sor. Mendoza, y la de su padre en la fotografia, No. 3—Exhibit 1, May 2, 1831. A. Willard, consul.

9. La misma del Sor. Mendoza he visto en multitud de documentos como el de la calificacion que va acompañada á esta interrogatorio.

14.

No creo posible que se conlega papel de liño pasado ni menos en una cantidad de muchos sellos, porque el solvante de cada liño recojo al terminar por las oficinas del ramo y se destruya ó inutiliza.

2. La respuesta anterior satisfaco esta pregunta. La ley es la de tal fecha que cetore despues.

15.

Recuerdo perfectamente el traspaso hecho por los socios, en el Sopori á Dn. Silvestre Mowry.

2. Con el deseo de facilitar la explotacion y aprovechamiento de las tierras del Sopori, nos convinó á los herederos de mi padre, vender unas partes de ellos á otros socios á fin de reunir mayores intereses.

3. Su derecho lo obtuvieron por la venta á que mi refuse antes y consta en las certificaciones expedidos á cada uno de los mismos socios, interesados en cuyo poder deben existir.

4. Esta pregunta queda contestada en la anterior respuesta, con solo anadir que como documentos provados no estan sugetas á ningun registro.

16.

Supé que mi padre contado el Sopori entre sus propiedades á mi vuelta de Mexico tanto por mi madre, como á la vista del titulo.

2. Queda contestada esta pregunta, con la anterior respuesta.

3. Muchas personas deben habrar salido que mi padre era dueño de esta propiedad y debemos nosotros mismos haber hablado con algunas sobre ello.

4. Era dueño mi padre de muchas fincas y terrenos y muy convado come uno de las principales propietarios en Sonora.

5. No tengo mi necesidad, ni querer otra noticia del registro del Sopori por mi padre que el titulo y documentos que acuddaban su propiedad.

17.

Tomo mi padre posesion de dichas terrenos pero no le fue posible poblarlo lo mismo que á nosotros por las conteneres incursiones de los barbaros sobre ellos.

2. Ignoro si mi padre los hize deslindar.

3. Despues de su muerte como por el año citada circa de 1854, se mandó hacer por el encargado entonces de nuestras negocios mi hermano politico, Dn. Manuel A. Cubillas, un reconocimiento y dislinde de dichos terrenos que bien puede haber hecho otros reconocimientos en 1848 á 1849, pero, que no lo recuerda todo el año de 1854 estuve en Guaymas con excepcion de algunas días que pase en la Sabor.

4. Yo no he visitado las terrenos.

5. No se ha poblado esta propiedad, y pueste en explotacion por causa de los apaches y falta absoluta de garantias como ya dijo indicado antes.

6. Ausente de Sonora por el tiempo que ya dijo espresado no podria oir nada á mi padre sobre el contonado de esta pregunta.

7. No tengo ninguno constancia de mi padre á que se refuse esta pregunta.

8. No recuerdo que nadie haya apuesta derechos en contra de nuestra propiedad en estos terrenos.

18.

Me fué confindo por mi madre y hermanos carta poder en forma para la enaginación del Sopori cuyo documento existe, en poder del Sor. José Calvo como uno de los socios en estos terrenos, en virtud de la venta que de ellos se hizo. Mi madre supó de la venta al otorgante el poder á que me refuse. No hubo necesidad de su ratificación pues que la venta quedo legalmente hecha.

Mi madre á la muerte de su esposo quedaba por la ley representando la mitad de los intereses que despues de su muerte pasó á nosotros sus herederos.

Cabillas toma como admor. de los bienes de su esposa, autorizacion para estos contratos; habindo esta ademas dado su consentimiento para la venta como consta del poder mencionado.

19.

Conosco los titulos de la Canoa de Tomas Ortiz, á quien compramos varios socios esta propiedad. Estos terrenos son distintos de los del Sobori que se adjudicó á mi padre.

20.

El expediente del Sopori fué instruido con todos los requisitos legales conforme la ley de Hacienda, de 1834 vigente, entonces y espedido el titulo con el requisito legal de ser otorgado á favor del interesado para si sus herederos, sucesores, &c., como es de forma en toda escritura de enagenacion.

Mi respuesta anterior satisfecerá esta pregunta.

Encuentro la copia adjunta que he examinado con todos los requisitos y formalidades legales para esta clase de documentos. Cuando fueron adjudicados á mi padre estos terrenos se valuaban conforme al arto. 64 de la ley citada en Julio 11 de 1834.

La ley acabado de citar facilitaba al Taserero Gral. en su arto. 60 para la expedicion de titulos de terrenos Caldeas.

La misma ley concedia á un solo registrante cualquiera numero de sitios con tal que tuviere bienes suficientes para poblarlas, artos. 57 y 58.

21.

No me parece posible que quepa ninguna duda sobre la legitimidad de los titulos del Sopori y si alguna militia resulta se ha introducido pueden remitirse cuantos de los sean necesarios para desvanecerla negando de la manera mas formal que ninguna de las personas que figuran en el expediente y titulo relativo á estos terronos haya

sido capaz prestarse á una falsificacion ó suplantacion de firmas ó documentos causando una vendedera sorpresa el que haya podido introducirse la mas pequena duda sobre su legitimidad.

22.

Se conoce á un Sr. Poston que en compania de un aleman llamado, me parece, Ehrenburgh, fueron con una carta de recomendacion de Dn. Manual Yñego Hermosillo á la Hacienda de la Sabor en donde yo estaba en esos dias no se precisamente la fecha pero fue por los años de 1853 á 1855. El objeto de la riseta de estos Sres. segun ellos era tomar sin informe sobre los productos extension gatos del cultivo, &a., de la misma hacienda á comprar un individuo ó compania no recuerdo. Al efecto, vieron algo de la hacienda en un dia que ahí que estuvieron y se les dió una noticia por menor de todo esto pidiendoles la suma de \$300,000 caso de comprarlo, como ellos desean. No le enseño hatado alguno y no recuerdo haber hablado con el sobre algun otro negocio que si hoy puedo hacer memoria del paso de estos Sres., por la hacienda es delido á la circunstancia especial de haberso presentado como interesados á comprarla y haber quedado pendiente de una resolucion en este sentido.

J. M. ASTIAZARAN.

Sworn and subscribed before me this fifth day of May, 1881.

A. WILLARD,  
U. S. Consul.

*Exhibit F, 15 June, 1881.*

Interrogatories addressed to Señor Don JOAQUIN M. ASTIAZARAN.

First. What is your name, age, residence, and occupation? Have you not at some time held public office; if so, please state what office or offices, and during what years?

Second. Are you one of the sons of Sn. Joaquin Astiazaran, deceased, to whom, about July 5, 1838, a grant of about 31½ sitios of land called El Sopori, situate in the district of San Ignacio, was made by the treasurer-general of the State of Sonora? What was your father's occupation, if any? Did he at any time hold any public office; and, if so, what, and when?

Third. How many times was your father married? State the name, in full, of the children of such marriage or marriages; if living, where they reside, and the names and residences of the heirs of such as are deceased; of the persons to whom your sisters, if any, were married?

Fourth. What is the date and place of your father's death? Where is he buried? Did he leave any last will and testament; if so, will you produce the same or a copy? What heirs did he leave him surviving? Did he leave a widow, and what is her name? If deceased, in what year did she die, and where is she buried? Did she leave any last will and testament?

Fifth. Where was your residence at the time of your father's death? If then absent from Sonora, in what year did you return? State fully how you know that your father died at the time and place already stated. What family records or other proofs still exist which fix the date of his death?

Sixth. What personal knowledge have you of the said grant of El Sopori to your father? What conversations have you ever had with any persons in reference thereto, particularly prior to the year 1854? Did you ever have any conversations with your father in respect to said property? Please give details of conversations, and names of persons with whom had?

Seventh. Did papers or documents belonging to your father, deeds or other evidences of title to any of his property, wherever situate, come into your possession; and, if so, when first? Was there among them an expediente or grant of the property mentioned in the first interrogatory called El Sopori? When and where did you first see any such expediente or grant to your father, or any duplicate thereof? In whose possession was it when you first saw it? If it came into your possession, by whom, when and how was it delivered to you? State all that you know or are informed as to the custody of such expediente (with the name of your informant) prior and also subsequent to the death of your father, and until the same came into your possession. How are you able to fix the date and place when and where you first saw the said expediente? Who were present? What other persons saw the same, and when you first saw the said expediente? Who were present, what other persons saw the same, and where do they reside?

Eighth. Are you familiar with the handwriting of your father, the said Sr. Joaquin de Astiazaran? Have you ever seen him write? How often? What other knowledge have you of his handwriting? Have you now or have you ever had in your possession letters, documents, or other papers in his handwriting or containing his signature? Please state what the same are, when, how, and from whom they came



into your possession, and to whom they have been surrendered by you. Please produce and annex such of them as you may be able, with a short history of the custody of each.

Ninth. Is the said expediente or grant filed, registered, or recorded in any of the offices or archives of the treasury department of Sonora? Have you ever seen the said grant so filed, recorded, or registered; and, if so, when, where, and in what office? Please state fully all that you know of its filing, record or registry. Have you ever examined the said expediente so recorded, and particularly the signature of your father's name therein? If you shall say you have seen such signatures, please state whether it is your judgment and belief that the same were actually made by him. What knowledge or evidence have you that the same are his genuine signatures?

Tenth. Please examine also the signatures of your father's name on number 3 of the photographs now shown you, and say whether the photograph is of the handwriting of your father and his genuine signature?

Eleventh. When first did you see the original expediente or grant of said property which you say is registered or recorded in the archives of the treasury department of Sonora? State fully all that you know respecting the archives of this department, and their custody and regularity since 1837. Was there, between 1837 and 1854, any law in Sonora requiring a record of registry of grants from the State? In what book, or books, did it require a record to be made? What was the object of this law and of such record? What was the effect of failure to comply with this law? Have you ever seen, in the archives of the treasury department of the State, or elsewhere, any record, entry, or registry of the said grant, or any certificate of the payment by your father into the treasury of the State of the consideration money for said grant, or of the charges and fees for the public auction and deed of said property?

Twelfth. Do you know a book in the archives of the treasury department of Sonora called *Toma de Razon*? What is its use? How long have records been made therein? Is there any law requiring such records, and for what period of years was it in existence? Do you know of any book or registry called "*Manual of Charges*"? If so, have you ever examined the same, and do you know whether there then existed in it any certificate of the payment into the treasury by your father of the consideration money for said grant (\$919.00), or of the charge for the deed of said property (\$30.00), or the charge for the fees of the last public auction and sale of said property (\$6.00)? If you have seen such certificates, or any of them, please answer when, where, and in what book, and if you remember whether they were on the folios of the year 1838. Please state, also, whether you have ever seen any entry of the said grant to your father in the "*Toma de Razon*"; if so, when, how often you have seen such entry, what the substance of said entry is and how you are able to fix the fact that such entry existed? Have you ever heard any person speak of having seen any records of said grant or payment; and, if so, who, when, and where did they see such record?

Thirteen. Please examine the annexed copy expediente, and state what entries, certificates, or registries therein mentioned you have ever examined or seen; when and where you have seen them. State all that you know concerning them. Please enumerate also the persons named in said expedients known to you, and give their residences. If dead, state if you know when they died. Give their standing, occupation, and position in the community. Please examine also the photographs already shown you and specify such handwritings as you know; who wrote the same, and how you know the same to be his handwriting. State also the residence of every such person known to you; if dead, the date of his death. Have you ever seen among the grants of expedientes filed or recorded in Sonora, or among those in your possession, any containing any of the handwriting of said photographs? If so, will you produce any such in your possession?

Fourteen. State, if you know, whether paper bearing stamp of the years 1837 and 1838 (such as appears in said photographs) could be procured after the expiration of 1838. What do you know of the custody and sale and final disposition of such stamped paper, and how have you acquired such knowledge?

Fifteen. Do you remember the conveyances by yourself, your brother, Don Manuel Cubillos, and others to Sylvester Mowry, on or about November 25, 1858? How came the other grantees to unite in that conveyance? From whom did they derive their interest, under what circumstances, and when? What deeds, if any, were made to them by your father or your mother, yourself and the other heirs of your father, and where are those deeds, if you know? Have any of them been registered or recorded? If so, where?

Sixteen. When first did you learn that your father held the property El Sopori? From whom did you hear of his purchase of that property? How generally was it known that he had purchased said property? Was not your father a large owner of land and a gentleman well known in Sonora? Please state all that you have ever heard concerning his purchase of said ranch of El Sopori, and from whom you have heard it.

Seventeen. Did your father ever take possession of said property, or occupy or stock

the same? Did he ever visit it or have it surveyed or measured? Was it ever surveyed or measured subsequent to his death, particularly in or about the year 1854? Have you ever visited the property? What acts of possession or ownership were done by him or have been done by his heirs since his death? Have the Apache Indians interfered with the use of said lands? If so, please state fully. Have you ever heard your father speak of visiting the property? Are there in your possession any maps, documents, papers, or memoranda made by your father, or belonging to him referring to the said land? Please produce any and all such. Did you ever hear or know that the people about the ranch El Sopori, particularly about the year 1854, disputed your title to the said land; that they claimed that the said title and grant were a forgery?

Eighteen. What power, verbal or written, had you to convey your mother's interest by the deed mentioned in interrogatory 15? Was she aware of your conveyance of her interest? Did she ever, in writing, empower you to convey for her? Have you that writing? Did she ever, in writing, ratify the conveyances, and have you such writing? Please annex any paper or instrument showing your power to execute said deeds in her name, or her ratification or approval thereof. What, under the laws of Mexico, was the nature of the interest which your mother had in said property upon your father's decease? What power, if you know, had Don Manuel Cubillos to convey the interest of his children? State same fully.

Nineteen. Do you know of a grant made on or about February 2, 1849, by the treasurer-general of Sonora to Tomas Ortiz and Ignacio Ortiz of 4 leagues of land called "La Canoas," which was afterward purchased by Don Fernando Rodriguez and Don Fernando Cubillos? If so, please state what you know of said property. Did the same form any part of the grant previously made by the treasurer-general, Don Jose Maria Mendoza, to your father of El Sopori? Did it adjoin said grant? Please give all particulars in your knowledge.

Twentieth. Do you remember whether the expediente on file in the archives of the treasury department contained the usual granting clause to convey the title of said property from the State to your father? What would be the effect upon the grant if such clause should be omitted? Please say, after examining the copy of expediente shown you (which, however, contained that clause), whether the fact of a valid grant sufficiently appears in the other parts thereof. Was the land when sold to your father valued at the rates fixed by then existing law? Was the treasurer-general the proper officer to make the grant? Did the law authorize as large a grant as  $31\frac{1}{4}$  square sitios?

Twenty-first. Do you know of any other matter or thing material in answer to the objections raised by the surveyor-general of Arizona to the validity and genuineness of said grant which will not be embraced in your answers to the foregoing inquiries? If so, please state the same as fully as if you had been specifically asked in respect thereto.

#### In the matter of the Sopori Land and Mining Company.

##### I.

1<sup>o</sup>. My name is Joaquin Ma. Astiazaran; age, 54 years; resident of the post of Guaymas; by profession a lawyer in actual practice.

2<sup>o</sup>. I was attorney-general of the State till 1851; previous to that date chief justice of the supreme court of the State, and afterwards, till 1851, federal district judge. I was federal court judge of the western circuit one year, and subsequently member of the State council. In 1862 I was a member of the Federal Congress; in 1865, the epoch of the imperial war, I was pro tem governor of the State; from 1870 to 1873 I was a member of the State legislature; afterwards, till 1874, governor of the State, and was then elected to the senate of the nation, serving until 1876, when congress was dissolved by the revolution of General Diaz. I have filled many other positions in different epochs.

##### II.

3<sup>o</sup>. I am legitimate son of Joaquin de Astiazaran, deceased, owner of the property of the Sopori, consisting of  $31\frac{1}{4}$  sitios, in the district of San Ignacio, granted (to him) on the 5 July, 1838, by the treasurer-general of the State, who was legally authorized to make such grant and issue titles for vacant lands.

2. My father was an owner of agricultural lands.

3. He never occupied any public office.

##### III.

He was married but once, with Señora Maria del Corman y Ingo, leaving at his death three children (Joaquin, present declarant), Fernando, and Maria del Carinen, the two first residents of Guaymas, and married to Doña Carmen Gojena and Doña Dolores Gandora, respectively, and the third with Don Manuel A. Cubillos, both of whom died, leaving at their death two children, Adrian and Clotilde, still living, and of age.

## IV.

My father died in the city of Hermosillo on the 3d May, 1845.

2. He was buried at his hacienda of La Labor.
3. He left no will.
4. His heirs were the three said children, Joaquin, Fernando, and Maria del Carmen.
5. My said mother remained a widow.
6. She died in Hermosillo.
7. She left no will.

## V.

At the death of my father I was in the capital of the Republic completing my education.

2. I was absent from Sonora from 1837 to 1849.
3. I knew of the place and date of my father's death from the evidence of his household and family.
4. I do not know whether a register of deaths was kept in Hermosillo; I think so.

## VI.

I know of the grant of the Sopori to my father from the fact I saw the title of this property among his papers upon my return from Mexico.

2. I spoke of this property of ours to many persons many times (among them to Señor La Jose de Aguilor) prior to 1854.
3. With my father I never conversed, for he came into possession of the property during my absence, when I was quite young, and upon my return he was dead.
4. Answered in the preceding.

## VII.

All my father's titles, documents, and papers came into our possession on our return from Mexico; they were all in one box.

2. There existed amongst them and we saw there the title of the Sopori.
3. We saw it for the first time shortly after our return to Sonora.
4. All the papers were in a box, in the possession of my mother, from whom we received them.
5. Answered in the preceding.
6. I had no other knowledge of this property than the titles and some conversations about the land with persons to whom my father had spoken of his projects respecting the Sopori, which he was never able to put into execution on account of the frequent incursions of the Apaches, which made it impossible to stock said land. Evidence can be obtained on this point from witnesses who still live.
7. A short time after, a few months after my return to Sonora, I saw the titles to the Sopori, as I have already stated, but I am unable to mention the precise date.
8. I do not remember if any persons were present when I saw the titles.
9. As there was no reason for the exhibition of our titles and papers, I am unable to say whether any persons with whom we were intimate ever saw them.

## VIII.

I know my father's handwriting perfectly.

2. When I was a child I often saw him write.
  3. From the numerous letters which I received from him in Mexico.
  4. I have had many letters and papers of my father's referring solely to family affairs, which, as there was no interest to keep, I destroyed.
  5. I have already stated what kind of papers of my father I have had in my possession, and how they have been destroyed without having been delivered to any one.
- If by chance any should be found (and I will make a search for them) I shall be very willing to add them to these interrogatories.

## IX.

Though I have never seen the original expediente, which is in the archives of the treasury (having had no motive to do so), the title formerly in our possession states that the corresponding entry was made in the Toma de Razon, and I never doubted that it was done. In addition, the certificate of Sr. Mendoza, herewith furnished, asserts that the title of the Sopori was issued in legal form; that is to say, without the failure of any legal requisite.

2. I have never seen the record of the title in the archives, because, as I said before, I had no reason for doubt which might compel me to look for it.

- 3-4. Are in the same situation as the preceding.
5. I suppose them so because there never has been, nor is there now, the least motive to doubt the genuineness of the signatures.

## X.

The photographed signatures presented to me is undoubtedly taken from the genuine signatures of my father, although I have none other at hand with which to compare it.

## XI.

As I have already stated, I have never seen the expediente in the archives, having never looked for it.

2. I understood that the custody and preservation of expedientes in the treasury has been effectual, and the certificate of the treasury to which I have made reference so affirms.
3. This contains the law (of the treasury cited by Sn. Mendoza in the same certificate).
4. I have no book in which a record should be made.
5. The legislature might have had many reasons, but I am not able to say positively what it may have been.
6. The law of the treasury of 1837, then in rigor, imposed no penalty, and in no event would it be that of amending the title, for the mere possessor of land has a preference in asking for a title with greater reason than he who has failed in no requirement.
7. I have not seen the archives, but on said expediente appear the time and the payment of all the dues of the treasury by my father.

## XII.

I have stated that I have not looked in the treasury, but there does exist a book *Toma de Razon*.

2. The object is to note the fact that a title has been delivered.
3. I do not know at what date they have been made. I repeat that I have not looked in the said *Toma de Razon* of the titles of the Sopori, nor any other, but I have no doubt that all these regulations are complied with according to the certificate so many times cited.
6. I have not seen it, nor had any reason to examine it, nor any other book of the treasury.
7. I do not remember the subject of this inquiry.

## XIII.

I have not seen other documents than the expediente or title of the property, of which a copy is now furnished me.

2. Of all the persons that figure in that expediente I know only Señor Mendoza, Tr. general, who died some years ago, but I not remember the precise date.
3. I know no signatures other than that of Jose Maria Mendoza and that of my father, in photograph No. 3, Exhibit 1, May 2, 1881. A. Willard, consul.
4. I have seen the handwriting of said Mendoza in a multitude of documents, as also in the certificate which is furnished together with these answers.

## XIV.

I do not believe it possible that paper of a post bieno, much less in such large quantity, could be obtained, because the surplus is collected at termination of the treasury officers, and destroyed or rendered useless.

2. The preceding response meets the inquiry. The date of the law I must furnish hereafter.

## XV.

I remember perfectly the deed executed by the partners in the Sopori to Sylvester Mowry.

2. With the desire of facilitating the exploration and cultivation of the lands of the Sopori, the heirs of my father deemed it wise to sell some portions of the property to other partners with a view of obtaining greater advantages.
3. They derived their interest from the sale to which I have previously referred, and certificates were issued to every one of the partners, in whose possession they must still remain.
4. This question has been answered in the preceding response, excepting to add that, being private documents, they needed no registry.

## XVI.

That my father counted the Sopori among his properties I learned on my return from Mexico, as well from my mother as from an examination of the title.

2. The question is answered in the preceding response.

3. Many persons must have known that my father owned this property, and we must also have spoken with some persons about it.

4. My father was the owner of many houses and lands, and was one of the principal landed proprietors of Sonora.

5. I have not, nor did I deem it necessary, to inquire for further information of the registry of the Sopori by my father than the title and documents which showed his property.

## XVII.

My father took possession of said lands, but it was not possible for him nor for us to stock them, because of the continual incursions of the barbarians on them.

2. I do not know whether my father had them measured.

3. After his death, and about the year before stated, 1854, my brother-in-law, Manuel A. Cubillos, who was then in charge of our business, had a measurement and survey of said lands, and it is likely that he had other measurements, in, 1848 or 1849, of which I do not remember. All of this year, 1854, I was in Guaymas, with the exception of some days which I spent at La Labor.

4. I never visited the said land.

5. The property was never stocked or explored, on account of the Apaches, and because of the utter failure of all security there, which I have already mentioned.

6. As I was absent for the period already mentioned, it was not possible for me to hear anything from my father respecting the subject of these questions.

7. I have no memorandum of my father's which refers to this question.

8. I do not remember that any person disputed our property in said lands.

## XVIII.

Power was conferred by my mother, sister, and brother upon me to convey the Sopori, and the document exists in the possession of José Calvo, one of the parties, in virtue of the sale made.

My mother knew of the sale when she gave me the power. There was no need of ratification, as the sale was legally made. My mother, at the death of her husband, became the owner of half the interest, which, after her death, passed to us, her heirs. Cubillos, as administrator of the property of his wife, made this contract, she having also given her consent for said sale, as appears in the power.

## XIX.

I know the titles of the Canoa of Tomas Ortiz, of whom several parties bought. This property is different from the Sopori, adjudicated to my father.

## XX.

The expediente of the Sopori was made, with all legal requisites, in conformity to the law of the treasury of 1834, then in rigor, and the title delivered, with the legal requisites of execution, in favor of the interested party, for himself, his heirs, executors, and as is formally said in all writing of conveyances.

My former answer satisfied this inquiry, I find, in the annexed copy, which I have compared with all the legal requirements and formalities for this class of documents.

When these lands were adjudicated to my father they were valued in accordance with Article 64, of July 11, 1834, already cited. The law already cited in Art. 64 empowered the treasurer-general to grant titles to vacant lands.

The same law conceded to a single applicant whatever number of sitios he had sufficient property to stock (Arts. 57 and 58).

I do not think it possible that there can be any doubt of the legality of the title of the Sopori; and if any distant malice can have been employed to collect such data as might be necessary to destroy it, I deny, in the most formal manner, that any one of the persons who figure in the said expediente and title to these lands could have been capable of lending himself to a forgery or falsification of signatures or documents. I am astonished with real surprise that any one may have been able to cast the least doubts upon its legitimacy and genuine origin.

## XXI.

Yes, I know Mr. Poston, who, in company with a German, whose name, I think, was Erenberg, came with a letter of introduction from Don Manuel Trizo, of Hermosillo, to the hacienda of La Labor, where I was during these days. I do not know the exact

date, but it was about the year 1854 or 1855. The object of the visit of these gentlemen was to obtain information of the products, extent, and cost of cultivation, &c., of the hacienda La Labor; that an individual or company was anxious to buy—which, I don't remember. In effect, they said something of the hacienda one day, and an offer was made to them, the lowest, for everything, of \$300,000, on the event of such a purchase as was talked of. There was no discussion, and I do not remember of talking with him of any other matter that I can recall. The visit of the gentlemen to the hacienda is due to the very particular circumstance of their having been presented to us as persons anxious to buy it and of their having left with such a resolution in their minds.

J. M. ASTIAZARAN.

Subscribed and sworn to this 5th day of May, 1881.

A. WILLARD,  
U. S. Consul.

Ex. A, June 16, 1881.

U. S. SURVEYOR-GENERAL'S OFFICE,  
Tucson, Arizona, August 18, 1880.

EDWARD M. SHEPARD, Esq.,

*Att'y for Sopori Land and Mining Co., 120 Broadway, N. Y.:*

DEAR SIR: Inclosed please find printed copy of my report, just forwarded to Washington, in the "Algodones" private land case.

The "Sopori" presents substantially the same evidences of fraud, and my recommendation in the case must be accordingly. When you were here my suspicions were aroused, but as they were not confirmed until the return of Mr. Hopkins from Hermosillo, I did not feel justified in advising you of them. It is now my expectation to report the "Sopori" not later than September 20. If you care to prepare additional testimony, and will advise me of the fact, the report will be deferred a reasonable length of time. Any testimony or brief you may desire record from this office, will take that course if presented in due time.

But I desire to be frank with you, and therefore must say that in some particulars, and as a whole, the "Sopori" is a weaker fabrication than the "Algodones," and will be so reported. I have photographic illustrations of it, as in the "Algodones."

If you desire to add anything to the record as you have presented it, please advise me at an early day and indicate at about what time you will make such addition.

Very respectfully, your ob't servant,

JOHN WASSON,  
U. S. Surveyor-General.

Ex. B, June 16, 1881.

SEPTEMBER 1st, 1880.

Hon. JOHN WASSON,

*Surveyor-General of Arizona:*

DEAR SIR: I have your letter of 18th August, and the printed copy of your opinion in the "Algodones" case. It will hardly surprise you that the letter greatly startled me. Upon the presentation of the titles and their examination by yourself and Mr. Hopkins, I had understood you and him to recognize their genuineness. Mr. Hopkins I especially understood to say that he had seen the corresponding papers of the Sopori title in Hermosillo, and was familiar with them. The result of your later investigations thus far, made with so much care and upon so large an experience, is therefore peculiarly disappointing to me and my clients.

If on the whole and after hearing the considerations I shall address to you and the further testimony we shall adduce, you shall decide the Sopori title to be forged, I shall request, on my clients' behalf, the gross fraud perpetrated upon them twenty years ago when they paid so large a sum of money for the title, and, on the part of the neighborhood of Susson, I shall regret that the active gentlemen whom I represent will be disabled from making the investment of capital and labor they had there intended.

But I think you will reach a different conclusion as to the genuine character of the Sopori grant. The circumstances which controlled your judgment in the "Algodones" case do not seem to me to exist in the "Sopori." As I understand your opinion in the "Algodones," the signatures of the granting officer were forgeries. In the Sopori case, however, as I understand, the signatures of the granting officer, Jose Maria Mendoza, are genuine, both in the *expediente* in our possession and in the corresponding papers in the archives of Sonora. But as to this and the other points you deem material, I desire to make a thorough examination, and produce before you testimony upon them.

When I went to Arizona I supposed without a trace of doubt that there was no question as to the genuine and valid character of the grant. The high character and distinction of the gentlemen, both Americans and Mexicans, who had been concerned

with it, made suspicion quite impossible to me. It did not, therefore, occur to me while west to make inquiries or procure testimony on any point of genuineness. I cannot, therefore, but keenly regret that you did not suggest to me then your incipient suspicions, that I might, without the expenses and delay of another western trip, make the necessary investigations, and furnish before you such testimony as existed. I can now but beg you to give me sufficient time to make detailed inquiries on this important matter, and am confident you will, from your very kind promise to me that if any unexpected point arose requiring testimony you would inform me. There being no written pleadings before you, as there would be in court, there is of course no other means by which a claimant may learn what points of doubt he should meet.

Will you therefore please advise me in detail what are the points of doubt as to the genuineness of the Sopori grant; and will you not postpone your decision until I have a reasonable time to investigate them? It is of course impossible to do this by the 20th September *instant*, the date you mention in your letter. How much longer it will require I cannot of course know until I hear from you the points of doubt.

Will you at the same time please inform me what course is likely to be taken as to the "Canoa."

I received on 31 August your letter advising me of your draft for \$50.25 on account of Mr. Mendez, of Hermosillo. The same day I received and paid the draft.

Yours very truly,

EDWARD M. SHEPARD.

*Ex. C, June 16, 1881.*

SEPTEMBER 6, 1880.

Hon. JOHN WASSON,  
*Surveyor-General of Arizona:*

DEAR SIR: I omitted in my letter of 1st Sept. to ask you for a copy of Mr. Hopkins' testimony in the Sopori case.

Will you kindly have one made and forwarded to me at my expense?

Very truly yours,

EDWARD M. SHEPARD.

*Ex. C, June 16, 1881.*

SEPTEMBER 6, 1880.

Hon. JOHN WASSON,  
*Surveyor General of Arizona:*

DEAR SIR: I omitted in my letter of 1st Sept. to ask you for a copy of Mr. Hopkins' testimony in the Sopori case.

Will you kindly have one made and forwarded to me at my expense?

Very truly, yours,

EDWARD M. SHEPARD

*D, June 16, 1881.*

U. S. SURVEYOR-GENERAL'S OFFICE,  
*Tucson, Arizona, Sept. 15, 1880.*

EDWARD M. SHEPARD, Esq.,  
*Att'y Sopori Land & Mining Co., 120 Broadway, N. Y.:*

DEAR SIR: On my return to the office after an absence of a few days, I find your letter of the 1st instant, and I hasten to reply as follows:

I have never deemed it right to make public facts which I obtain on behalf of the Government, until I am fully convinced that they are facts, and also have secured the evidence necessary to convince others that they are such. When you were here I had strong suspicions that a number of the signatures to the proceedings in the Sopori case were forgeries, but was without proof that they were, and I knew the only source of proof could be easily destroyed or removed beyond my reach; therefore when I advised the Department of the character of my suspicions and the necessity for more money to prove or disprove them, I regarded it proper to advise the Commissioner of the General Land Office of treating my communication as confidential. When you were here, I was no further advanced in the investigation than when I wrote the Commissioner as above indicated. It may be said (and I believe in truth) that you would not have taken undue advantage of information of such suspicions, but it would be a dangerous precedent to set, for an unscrupulous attorney or claimant can claim, rightfully and wrongfully, the same advantages before me that I might and should extend to the most upright. I have an unvarying rule of action towards all these important investigations. In the Sopori case the area of land is large, and the interests involved affect many people, and in the crippled condition of Mr. Hopkins it was even uncertain whether he could endure the trip to Hermosillo, and I regarded secrecy all-important, both as regards the public welfare and my official standing. Soon after I had secured the evidence required, I advised you frankly, and, although I expressed a purpose to report the case on or before the 20th instant, I at

the same time advised you that you should have time to add to the record, but properly stated that an early response as to time, &c., should be made. I will telegraph you this evening that you should have reasonable time and of the posting of this letter.

Now as to the points you have to meet.

1. The signatures of Jesus Fragonille, of Santry Vicarria, Alejo Carrillo, of José Corella, attorney in the case, and a couple of others appearing in the proceedings on file in the Sonora archives now in Hermosillo, are, in my candid opinion, and also in that of Mr. Hopkins, and all others who have seen them in comparison with the genuine, forgeries. I have photographic illustrations of the forged and genuine signatures obtained from documents on file as before stated.

2. The grant is not recorded in the book "Toma de Razon," in which all genuine grants made between the years 1831 and 1849 are entered, and I have a photographic page of such book showing where and when such record should have been made, and that genuine grants made just before and after the date of the Sopori are properly entered.

3. The original expediente or proceedings on file in the archives in Hermosillo do not contain a grant by the granting officers, whereas the "testimony" or expediente filed in this office does contain such grant.

4. The appraisers who valued the land prior to the sale, did not appraise it at the rate fixed by the then existing law, although they say they did so.

5. The original expediente on file in the Sonora archives clearly exhibits erasures of dates both as to the day of the month and of the year, and these facts are illustrated by photographic exhibits.

There are other points of minor but much significance under the circumstances above recited which it will be necessary to meet to give the case the appearance of soundness, but I do not deem necessary to state more in this communication, for if you can clear up the manifest defects pointed out, the others would not appear formidable and could doubtless be gotten over.

As to expressing favorable to the validity of the Sopori by Mr. Hopkins and myself, I have to say:

Mr. Hopkins is now necessarily absent from the office, and I cannot speak for him in the premises; but I am quite sure you are mistaken as to myself. I was constantly on my guard, and studiously and purposely in all my association with you avoided the slightest expressions that might strengthen your apparent opinion or disclose my own. Please be good enough to advise me at your earliest convenience of a day when you can appear here (or some one) in behalf of the Sopori Land and M. Co., and try and name it not later than October 20 ensuing, as I am desirous of reporting this case not later than the opening of the next session of Congress.

Of course, a showing on part of your company that greater length of time will be likely to enable you to clear up what appears to me insurmountable defects in the Sopori proceedings, I will cheerfully give it.

Regarding my action in the "Canoa," I will write you to-morrow, but no change has occurred in it since you left here, and my purpose is to recommend in favor of the legal representatives, and assign the reasons.

Very respectfully,

JOHN WASSON,  
*U. S. Surveyor-General.*

*Ex. E, June 16, 1881.*

UNITED STATES SURVEYOR GENERAL'S OFFICE,  
*Tucson, Arizona, September 16, 1880.*

EDWARD M. SHEPARD, Esq.,  
*Atty. Sopori Land & Mining Co.,*  
*120 Broadway, New York City:*

DEAR SIR: In reply to your enquiry of the 1st instant, as to "what" course is likely to be taken in the "Canoa," I have to say:

1. The attorneys for Maish & Driscoll and the Ortez heirs have requested time to investigate the facts concerning the conveyances to the *Canoa* to your company, and as I could grant them some months and still get my supplemental report before Congress in December, I have verbally permitted them to take such time without any exact limitation.

2. Not later than November 1, ensuing, I shall forward a supplemental report in the "Canoa" case, and recommend confirmation to the legal representatives of the original grantees, deeming this the wisest course. It is not at all likely the attorneys aforesaid will indicate to this office an entire abandonment of their clients' claim, or title to the land, and unless they should, it would be of no advantage to your company for me to recommend confirmation to it. I shall accompany my report with certified copy of your petition and present reasons for the change in my recommendation. Should the attorneys for Maish & Driscoll and the Ortez heirs file an amended petition or brief in the case, I will, as a matter of course, forward copy duly certified.



Your company having presented the *original* expediente, I shall so state, and also state that if any doubt before existed at to the validity of the grant, it is now removed.

In reply to yours of 6th instant, received this morning, I have to say that Mr. Hopkins has not given any testimony in "Sopori" case, and it is not my purpose to put him in the attitude of a witness in it. My letter to you yesterday contains the important facts obtained and reported him to make a critical inspection of the original papers and record in Hermosillo, &c.

Very respectfully,

JOHN WASSON,  
*Sur. Gen'l.*

*Ex. F, June 16, 1881.*

SEPTEMBER 30, 1884.

Hon. JOHN WASSON,  
*Surveyor-General of Arizona:*

MY DEAR SIR: I have your full and very careful letter of the 15 and 16 instant. The necessity you are under to adopt stringent rules as to prematurely communicating the suspicions you may entertain I of course recognize, though the application of the rules has operated rather harshly in this case upon my clients and myself. In large measure the expenditure of time and money made on my trip last summer is lost by my failure to learn the points that would be raised against the title; and my clients are compelled to again send west to investigate the matters of doubt you suggest. At the same time I perceive the entire propriety of your office treating all claimants and their attorneys alike; and I do not, I hope, need to say to you that the kindness and marked courtesy with which I was treated at your office led me neither to expect nor to wish any larger conveniences to be extended me than would be extended to any other reputable counsel. I should not take the slightest umbrage at being subjected to the same checks and guards which your large experience has made you deem wise.

Your letter of 15th instant received by us on 25th inst., contains the first statement of facts about the "Sopori" title which suggest fraud. One or two of those circumstances certainly raise grave questions which, in order that justice may be intelligently done, require a most painstaking and thorough examination; and that examination we propose to make. It may be that we shall ourselves come to think your suspicions well grounded. In that case we shall abandon our application. If we become satisfied that the title is genuine our clients will, in justice, not only to themselves but to the Mexican and American gentlemen of distinguished position and irreproachable character, from whom over twenty years ago they purchased the title for a large sum of money, press their application with all the vigor and intelligence they can command.

We are much obliged to you for saying that if a greater time be necessary to us than to 20th October, prox., you will cheerfully give it. You will, I think, see that very much more time is necessary for us even to make the necessary preliminary examinations. We were of course unable prior to receiving your letter of 15th inst. even to commence the inquiries upon the points you suggest. We did not know what the points against the genuineness of its papers were. It is now essential for us, in order to remove your suspicions, to have copies of the photographic reproductions of the signatures you mention (both the supposed genuine and the supposed spurious), and upon them to make in Sonora the most careful investigation as to the signatures and as to their writers. This examination we shall however commence at once, and without receiving the photographs.

The investigation, as you will perceive, can be made only by sending to Guaymas, Ures, Hermosillo, Arizpe, and perhaps other points in Sonora. It takes about a month to send a messenger or letter to Guaymas and a month to return. Certainly one or two months would be required in making so difficult and obscure an examination; and there would then remain the other points you mention, which though I assume from your letter they are inferior in importance to the matter of signatures, might still involve an expenditure of considerable time for their satisfactory solution.

And only after these investigations are complete, and the testimony is obtained, would it be of any use for the counsel who is to argue the case to attend before you. If I or any other counsel should, as you suggest, be in Tucson before 20th October, he would have no means of informing himself, except from the papers, photographs, &c., obtained by your office. The argument would be an argument without evidence, and therefore a mere idle ceremony. Your judgment upon the facts you now have is already formed. The only office of the counsel will be to produce the new testimony, and to comment upon it in connection with the facts you already have.

The signatures you suspect to be forgeries are those of Jesus Traquilla, Santos

Vigavia, Alejo Carrillo, José Corrella, and a couple of others. Will you not kindly advise me what those other two are?

After mentioning five points of doubt as to the genuineness of the *expediente*, you say "there are other points of minor but much significance under the circumstances above recited, which it will be necessary to meet to give the case the appearance of soundness."

If consistent with your duty, I should be greatly obliged to know these additional points, that my clients may not be at the expense of perhaps a second trip to Sonora and a double employment of counsel and assistants there.

I have written a letter to one of the attorneys for Messrs. Marsh & Driscoll in reference to the "Canoa," and should be glad to have you report as to that title delayed until I can communicate with you after hearing from the attorney to whom I have written.

I have as yet received no information from the Mexican official at Hermosilla with whom Mr. Hopkins conferred. If it will not too greatly inconvenience Mr. Hopkins, I should be glad to have him by letter hasten his Mexican correspondent.

In conclusion, may I beg you to have made and forwarded to me at my expense photographic copies of—

1. The photographic reproductions of the signatures (both supposed genuine and supposed spurious) of Jesus Trasquillas, Santos Vigarria, Alejo Carrillo, and of José Carello, Attorney-General.
2. The photographic reproductions of the page you mention of the *Toma de Razon*.
3. The photographic reproductions of the erasures of dates mentioned in your fifth point.

Very respectfully,

EDWARD M. SHEPARD.

*Ex. G, June 16, 1881.*

U. S. SURVEYOR GENERAL'S OFFICE,  
Tucson, Arizona, October 25, 1880.

EDWARD M. SHEPARD, Esq.,  
*Att'y "Sopori" Land Case, 120 Broadway, New York City:*

DEAR SIR: In formal reply to your communication of 30th September, I have to say—I quote from your letter, viz:

"One or two of those circumstances certainly raise grave questions which, in order that justice may be intelligently done, require a most painstaking and thorough examination, and that examination we propose to make. It may be that we shall ourselves come to think your suspicions well founded.

"It is now essential for us, in order to remove your suspicions, to have photographic reproductions," etc.

"Your judgment upon the facts you now have is already formed.

"If consistent with your duty, I should be greatly obliged to know these additional points (the minor, &c.), that my clients may not be at the expense of perhaps a second trip to Sonora and a double employment of counsel and assistants there.

"In conclusion, may I beg you to have made and forwarded at my expense photographic copies of," etc.

I make quotations one (1) and two (2) to remark upon the fact that you treat what I have written you as evidences of fraud and forgery as "suspicions." You evidently do not think I mean what I write you, or utterly fail to appreciate or understand the amount of care and labor I bestow upon such important investigations in advance of reaching and deliberately writing a conclusion. I can but think it has not occurred to you that I have some regard for my reputation, and that such regard prompts me to exercise due care before making a decision, to the end that such decision will not be subsequently overruled and defeated because of my inadequate consideration of the facts and circumstances which form the basis of my action, and which must, in the nature of things, form the basis of considerations and reviews in opposition. Thinking you may have underrated my action by reducing my unqualified statements to mere "suspicions" on my part, I now, respectfully, state that when you were here in June I had "suspicions," but declined to give you or anybody an opinion, much less a conclusion based thereon. Before I wrote you, Sept. 15, I had, at considerable expense of money and labor on behalf of the public, and with a very careful review of all the facts and circumstances then at my command and touching the case confirmed my "suspicions," and frankly so advised you. In other words, my suspicions induced me to push the investigation with great care, to confirm or dispel them, and the result was a complete confirmation which has since been strengthened, and I have no doubt but it will yet have greater strength by holding the case in my hands. Under the law and my instructions, I feel it a duty when I have gathered sufficient facts to warrant a recommendation of confirmation or rejection to act accordingly. However long the case may be held, however much you may swell the record with

testimony of whatever kind, including that touching personal character of certain American and Mexican gentlemen, I put it on record for what it may be worth to your clients and the public that title to the "Sopori" land claim will never be confirmed, unless the confirming tribunal is prepared to make 1854 and 1838 equivalent expressions in law, and to override the Gadsden treaty and several opinions of the Supreme Court of the United States.

As to my 3rd quotation from your letter, I simply remark that you are right in saying that any judgment is formed upon the facts then secured, and I again remark that since then facts have been found which give such strength to such judgment. In this connection, and parenthetically, I may say it is always much more pleasant to find honest than dishonest transactions, and to comply with proper requests and just expectations than to be compelled to refuse and, at the same time, disclose rascality as a basis for refusal. It is no reflection on the character of your clients that they are in possession of fraudulent title papers. They are undoubtedly innocent holders and pretty severe losers in a financial sense. But is this any reason why the public should lose 32 square leagues of land? It is due to you and your clients to say that I have so fully considered the "Sopori" case that any testimony or arguments you can present will not influence the adverse recommendation I have determined to make. I have what I consider irrefutable facts, touching record and absence of record, that leave me no option in the premises. I am entirely willing that you should add to the record such testimony as you and your clients deem applicable to the case, provided you act with reasonable promptness in presenting it.

To my 4th and 5th quotations from your letter, I will say:

To comply with these requests in a way satisfactory to myself and to be of real value to your clients would involve labor about equal to that required to write a full report on the case, and in fact would substantially amount to a report. While I am willing to indicate to you what I consider fatal defects, I do not care to systematically group with them the minor points which, standing alone, might have little weight, but in proper conjunction have much; but I will indicate some additional facts for your satisfaction, and preface them by correcting a couple of errors contained in my letter of September 15.

1. That I had a photographic page of *Toma de Razon* showing where and when the record of the "Sopori" should have been made. This error grew out of the absence of Mr. Hopkins, my remembrance of what was expected to be done (and was actually done in the "*Algodones*" case), and my omission to examine the list of photographs in the "Sopori" case preparatory to writing that letter. The reason the said page was not photographed is that the expediente on file in Hermosillo contains no grant or copy of one, and hence no evidence in the archives upon what page of *Toma de Razon* the record should have been made. But the damaging facts that there is no such record in said book where all genuine grants made between 1831 and 1849 are or should be registered, nor any evidence in the archives when it (the grant) was issued, exist just the same as if the proper page had been found and photographed.

2. The forged name of the attorney-general is Jose "Carvillo," and not Jose "Corella."

I regard the signature of Luis Carranco, the surveyor and measurer, as a forgery, else the difference must arise from the change in his own making of it (say in 1854) than when it purports to have been made, viz, 1833. I have a photograph of Carranco's genuine signature in 1838. Although without a standard of comparison the other evidences of forgery in the papers convince me that the signature of Jose Jesus Corella, an assisting witness, is a forgery.

On one page of the original expediente on file in the Sonora archives, I find the figure 1 in two places has been changed to a 2, making June 18 read in both places June 28.

On another page of the same document the 8, 4th figure in 1838, has been awkwardly made over another figure, presumably a 4.

In two places, separate pages, in the *testimonio* or *expediente* filed by you in the case, changes in the year have been made without concealing at least a portion of what was first written. In one place the 3rd figure was clearly and unmistakably a "5," the change to a three being made somewhat like this 3'. The change of the 4th figure to an 8 is very plain, and an inspection with a glass leaves little doubt but the rough and clumsy 8 was written so as to blot out a 4—thus making the original 1854. I need not describe the other change referred to, as it is much the same. There is not a particle of record evidence in the treasury department of Sonora that \$919.00 (sum named in the papers), nor any other amount whatever, was ever paid for the "Sopori" grant; at least I have recently caused search to be made by an employé of the treasurer of Sonora, and he certifies that no record exists of any payment whatever for the "Sopori."

The quantity petitioned for (nearly 32 sq. leagues), the dictatorial demands of the petitioner, the extravagant character of the testimony and orders found in the "*testimonio*" filed in the case, are each and all without parallel in any genuine grant

papers which have come under my observation, and, considered in connection with other facts, will tell against it when amply and relatively shown.

It now remains for you and your clients to decide what action you will take on the facts (or suspicions, if you choose to so treat them) I have presented; but I claim the right, on behalf of Government and public, directly interested, to grant you such time to act and add to the record which will go up from this office as you may *diligently* use. I know the Department desires a speedy adjustment of private land claims in Arizona. It had great difficulty to get Congress to appropriate means for the investigation, and now that Congress has provided means for the present fiscal year, and may not for the next, I feel that this is an additional incentive on my part to insist upon prompt action in all cases before me, and especially in all upon which I have reached a conclusion, and time is granted that claimants may add to the record to influence a higher tribunal.

If after this presentation (with that of Sept. 15) of the case you still want copies of the photographs sent to New York, and you telegraph me an order or advice to that effect, I'll make haste to comply and send them.

But I think you should, or another in your stead, appear here as contemplated by law and instructions. If you do so, every facility (consistent with my public duty) will be extended to aid you in the premises. Since Government has been compelled to gather facts at such expense of time and money to illustrate the true character of a claim to a large portion of public land, your claimants ought not to complain at the expense of appearing here and examining them, and going hence to Sonora for further information.

I now feel that I have a right, and that it is my duty, to ask of you a definite statement, and that, *too*, at an *early* day, whether you, or some one for your clients, will appear here, and *when*? My judgment is formed, as you are definitely informed, and upon facts which cannot be overthrown or changed by testimony or argument, but for all that I shall cheerfully give you *necessary* time to present additional testimony and argument in the case.

An early response is not only respectfully solicited but is necessary.

Very respectfully,

JOHN WASSON,  
U. S. Sur. Gen'l.

Ex. H, June 16, 1881.

NOVEMBER 11, 1881.

Hon. JOHN WASSON,  
*Surveyor-General of Arizona:*

DEAR SIR: I have your letter of 25th September (October?). I beg to say in reply to your objection to my designation of your opinions about the Soporí grant as "suspicious" that no disrespect was intended, but quite the contrary. Inasmuch as your function, under the law and the departmental instructions, is a judicial one, and the rules governing the transaction of business before you in these matters are analogous to those governing courts of justice, and your report is in the nature of a judicial determination (such as formerly the United States judge had to make), I assumed that you would reach no decision until you had heard the testimony and the arguments of the claimants and their counsel, as well as the facts apparently against them. On this subject, however, when I can find leisure from the pressure of investigating the facts, I shall address you further.

I have telegraphed you to send reproductions of all the photographs you have in the case. Please send me a mem. of their cost, which I will at once remit.

As to attending at Tucson, we purpose having counsel do that as soon as we have gathered the information which will enable a counsel to be of the slightest service there. We have already sent to Sonora, and as soon as I receive the photographic reproductions I have telegraphed for, and such other information as you care to give me, my clients will send again to that Mexican State. Mean time, no one in my clients' interest could, at Tuscan, do more than make copies of the testimony you have taken (documentary and oral), and which you should see fit to exhibit.

I now beg that you will have made, at my expense, and forward to me an official copy of all such testimony. If you desire, the charges or fees for the copy will be sent in advance, upon my learning their amount.

Unless you require an attendance of counsel at Tucson for some other purpose, my clients will await the completion of their Sonora investigations, both those now pending and such, if any, as the reproductions and papers to be received from you shall make necessary, before incurring the great and apparently now useless expense of sending a competent gentleman to Arizona.

As to time, I can add little to what I have written. The first intimation that there was doubt as to the genuineness of the Soporí grant reached me about 1st September last. The first statement of any specific grounds for your conclusion that it was fraudulent, reached me about 1st October, in your letters of 15th and 16th September. And your letter of 25th October adds some points for investigations. How much

time will be necessary for us to procure testimony from Sonora I cannot say. Your experience will enable you to tell that better than I, or my clients, who are having our first experience in this sort of investigation in Sonora. I cannot think that less than three months will suffice.

Yours, respectfully,

EDWARD M. SHEPARD.

P. S.—I will write you a letter touching "La Canoa" in a few days.

*Ex. I, June 16, 1881.*

TUCSON, ARIZONA, *March 1, 1881.*

EDWARD M. SHEPARD, Esq.,  
*Attorney Sopori Land & Mining Co., 120 Broadway:*

SIR: On February 25, 1881, Messrs. Lord and Williams gave me credit for the \$60.00 deposited with the Messrs. Thurber, as referred to in your letter of January 7, 1881; therefore we that day handed to Mr. Buehman, photographer, the ten (10) photographic copies of manuscripts of which you desired copies; and this noon I called at the gallery and received the copies which I enclose herewith; also, receipted bill therefor.

I have also caused explanatory notes to be attached to the photographs. I am satisfied other signatures are forged than those referred to in the said notes.

Very respectfully,

JOHN WASSON,  
*U. S. Sur. Gen'l.*

*Ex. J, June 16, 1881.*

15 MARCH, 1881.

Hon. JOHN WASSON,  
*Surveyor-General of Arizona:*

SIR: I have received your letter of the 1st inst., enclosing ten photographs of "Sopori" papers and the receipt of the photographer for \$60, his charge for preparing the photographs. I am obliged for your attention in the matter. I have also the newspaper containing a copy of your recommendation in the case of the "Las Nogales de Elias."

In your letter of the 1st inst., speaking of Mr. Hopkins' memoranda attached to the photograph, you say, "I am satisfied other signatures are forged than those referred to in the said notes." If you refer to the signatures of any other persons than Jesus Trasquilla, Santos Vigarria, Alepo Carrillo, José Carrillo, Louis Canauco, and José Jesus Corella, I trust you will at once advise me. My instructions to counsel and correspondents at work or to do work in Sonora cannot, of course, be reasonably expected to cover more than the points to which you have specifically directed my attention.

I am, your obedient servant,

EDWARD M. SHEPARD.

*K, June 16, 1881.*

NEW YORK, *4th March, 1881.*

Hon. JOHN WASSON,  
*Surveyor-General of Arizona:*

SIR: I beg to acknowledge the receipt of your two communications, one of the 17th ulto. and the other of the 19th ult. As to the earlier letter I have to say that the deposit of \$60 was made as I advised you. I enclose a duplicate receipt from the Thurbers. If you do not care to procure the photographs for me, please advise me and direct the return of the money.

Your charge of \$8.00 for interest and disbursements is met by my cheque enclosed for that amount. In that connection, I beg to enclose you a copy of a letter received from the United States consul at Guayamas, and of the letter to him of Mexican lawyer.

My friend, Mr. Seward, will receive, I suppose, the original of the letter to him of which you send me a copy. I shall, upon his return to the city, carefully go over with him the matter upon which you address him.

As to your requirement that I should close my case before you by the 21st inst., I am compelled to say that it will be impossible for us by that time to have gathered our testimony, much less to present it. I therefore beg to request from you a further and ample time to complete the investigation my clients are now making.

I enclose a petition to you for that purpose, which I trust you may deem it proper to grant, or at least answer.

Your obedient servant,

EDWARD M. SHEPARD.

L, June 16, 1881.

SURVEYOR-GENERAL'S OFFICE,  
Tucson, Arizona, March 15, 1881.

EDWARD M. SHEPARD, Esq.,  
*Attorney Sopori Land & Mining Co., 120 Broadway, New York:*

SIR: I am in receipt of your letter of the 11th instant and also inclosures mentioned. March 1 I forwarded the photographs accompanied by letter and received bill.

For the first time you have now presented in form some reasons why you need further time than indicated or intimated in your letter of Nov. 11, 1880. You do not now state any definite time within which the case will be fully presented on part of claimants.

I presume that you are aware that on the 12th instant the General Land Office directed me to suspend action in the *Sopori case* "until claimants have had opportunity to present testimony touching genuineness of original title papers."

I must call your attention to a wrong citation from my letter of February 19. You say: "As to your requirement that I should close the case" by the 21st instant, &c., I made the requirement *conditional*, as I have in all my letters, touching time in this case. I simply stated that if you did not show *very* satisfactory cause why it should remain open longer, it would be closed and reported.

I only note this fact to show you that it was unnecessary to invoke other power to get what had never been denied you here, nor would have been denied upon a showing on your part, that would justify me in the estimation of the General Land Office in the continuing the case.

Very respectfully,

JOHN WASSON.  
*U. S. Sur. General.*

*Exhibit M, June 16, 1881.*

JUNE 16, 1881.

To the honorable JOHN WASSON,  
*Surveyor-General of Arizona:*

The petition of the Sopori Land and Mining Company respectfully shows:

I. That on 3d of July, 1880, your petitioner presented a petition for the confirmation of a grant of certain lands in Pima County, Arizona, claimed by your petitioner to have been granted by the Republic of Mexico to one Joaquin Astiazaran in the year 1838; that your petitioner begs to refer to the said petition as being part of this petition; that your petitioner was then requested, at Tucson, by counsel despatched from the city of New York, both to present the said petition and to take such testimony as might be necessary or proper thereon; that upon such points as your petitioner's said counsel was then advised were involved, testimony was taken, and the said counsel returned to the city of New York.

II. That after such return of the said counsel, and on or about 1st September, 1880, a letter from the surveyor-general dated 19th August, 1880, raised the question of the genuineness of the grant; that your petitioner immediately addressed to the surveyor-general a request for the grounds upon which such question arose; that your petitioner was partially advised of such grounds by two letters of the surveyor-general, one dated 15th September, 1880, received by your petitioner about 27th September, 1880, and one dated 25th October, 1880, received by your petitioners about 5th November, 1880; and that not until the last date were the questions your petitioners had to meet, upon the point of genuineness, presented to them.

III. That immediately upon receiving the first intimation contained in the letter of 18th August, your petitioners proceeded to make such general inquiries as were practicable, and upon receiving the details of the allegations against the genuineness of the grant your petitioners immediately instituted thorough inquiries at Hermosillo, Guaymas, and at one or two other points in Mexico, and for that purpose employed counsel and incurred considerable expense; that since that time your petitioners have most actively and diligently prosecuted their investigations, and have now sufficient information in detail to enable them to send an expert American counsel to Mexico to intelligently gather and formulate the testimony which there exists as to the genuineness of the grant.

That since your petitioners were advised of the details of the facts against the genuineness of their grant, so far as the same are now disclosed to them, but about four months have elapsed; that the utmost practical use has been made of that time; that Sonora, the part of Mexico in which the testimony on the said point now raised, is very distant from the place of business of your petitioners and very difficult of access; that the mere journey there occupies about three weeks; that your petitioners or their stockholders or officers have no personal knowledge of the circumstances under which the said grant was made or the persons concerned therewith; that the same was purchased by them from the heirs of the said Joaquin Astrazaran in or prior to the

year 1860; and in that year your petitioners took possession under the said grant of the lands covered thereby; that your petitioners are ignorant of the methods of transacting business in Sonora, and in the first instance addressed by mail very careful written inquiries to different points and persons in that State, and employed local counsel and persons to make the necessary preliminary investigations; that the latter are not yet complete by reason of the difficulty or failure of mail communications with Sonora, of the great slowness with which business is transacted in Mexico, and of the confusion in which the Mexican records are said to be; that they have, however, been hurried to the utmost by your petitioners, and rather than longer be delayed your petitioners on 24th February, 1881, engaged expert counsel in New York to thence proceed to Sonora to hasten and complete the investigations as well as to gather and formulate the testimony as aforesaid.

V. That the grant claimed by your petitioners is a large and valuable one; that the facts involved relating to the genuine character of a long series of papers and proceedings purporting to have been made in 1838 are very numerous, complicated, and difficult of investigation; that any proper investigation requires a careful and prolonged inquiry at Guaymas, Hermosillo, Ures, Arizpe, and perhaps other places in Sonora and elsewhere, and cannot be completed within at least six months.

VI. That your petitioners have not seen any record, or copy thereof, of the testimony against them on the said question of genuineness, and are therefore compelled to make a much more general and extensive investigation and preparation.

VII. That your petitioners are citizens of and now residing in the State of Rhode Island, and their counsel reside and do business at the city of New York.

All of which is respectfully submitted.

Dated 4th March, 1881.

THE SOPORI LAND & MINING COMPANY,  
By EDWARD M. SHEPARD, *Attorney.*

UNITED STATES OF AMERICA,  
*Southern District of New York, ss:*

Edward M. Shepard, being duly sworn, says: I am one of the counsel and attorneys for the said petitioner, the Sopori Land and Mining Company; I am familiar with the matters set out in the said petition; the same is true to the best of my knowledge and belief.

EDWARD M. SHEPARD.

Subscribed and sworn to before me this 5th day of March, 1881.

[SEAL.]

JAMES H. GILBERT,  
*U. S. Commis., Tenth Dist. of N. Y.*

*Ex. A, June 18, 1881.*

En el negocio del Sopori Land and Mining Company.

Interrogatorio puesto á la Señora Regina Gonzales de Duron de Ures:

1º. Que edad tiene Ud. y en que lugan nació, Ud.?

Tengo 48 años, nací en Arizpe, soy hija de Nicolas Gonzales finado, que era empleada en la Tesoreria General del Estado de Sonora, hace muchos años. Los certificados adjuntos fueron dados por Dn. José Ma. Mendoza al finado mi padre Dn. Nicolas Gonzales, y los cuales pongo en manos del Licenciado J. Hampden Dougherty para los usos que le convenga.

2º. En que año y en donde murió su Sr. padre?

Murió en Hornitas, Estado de California, en el año 1852; habiendo salido de Sonora en el año 1849. Se leer y escribir.

3º. Tiene Ud. documentos de su padre que contenga su firma?

Si, tengo un memorandum de fé de nacimiento de sus hijos, que tiene varias firmas de él, y el cual pongo de manifiesto al Sr. J. Hampden Dougherty.

4º. Veo Ud. escribir y firmar su padre varios veces?

Si, vé escribir y firmar una infinidad de veces y conozco su letra y firma muy bien y las que contiene el memorandum son de su piño y letra.

5º. Sirvase ver la fotografía adjunta y diga de quien es la firma que dice Nicolas Gonzales en dicha fotografía.

Si, conozco, es del finado mi padre.

Ures, Mayo 27 de 1881.

REGINA GONZALES DE DURAN.

*Exhibit A, June 18, 1881.*

In the matter of the Sopori Land and Mining Co.

Interrogatories addressed to Mrs. Regina Gonzales de Duron of Ures:

1. What is your age and where were you born?

I am 48 years of age; born in Arizpe; I am daughter of Nicholas Gozales, deceased,

who was employed in the treasury general of the State of Sonora many years ago. The annexed certificates were given to my deceased father by Don José Maria Mendoza, and I place them in the hands of J. Hamden Dougherty for such use as he deems proper.

2. When and where did your father die?

He died in Hernitos, State of California, in the year 1849. I know how to read and write.

3. Have you documents of your father's which contain his signature?

Yes; I have a memorandum book with entries of the births of his children, and which I exhibit to J. Hamden Dougherty.

4. Have you seen your father write and sign his name various times?

I have seen him write and sign an infinite number of times, and know his handwriting and signature very well. The memorandum book contains his handwriting and signature.

Please look at the annexed photograph and say whose is the writing which says, "Nicolas Gonzales," in said photograph.

I know it; it is that of my deceased father.

Ures, May 27, 1881.

REGINA GONZALES DE DURON.

*Exhibit A, June 20, 1881.*

JUNE 20, 1881.

[Extract from Colonel Bourne's Journey, appended to Ward's Mexico. London, 1829. H. G. Ward, His Majesty's chargé d'affaires in that country during the years 1825, 1826, and part of 1827. Appendix.]

From Petic our road lay westward, a little inclining to the north. We left it on the 17th February and arrived early at a fine hacienda or estate called "La Labor," the owner of which was an old Spaniard, but married to the daughter of the former proprietor. This was the neatest place that I ever met with in Sonora. While dinner was preparing the owner took us to view the grounds and gardeus, which were very extensive and laid out in the usual English style.

The house was new, of red brick, and strongly resembled the large comfortable farms in some parts of England. He told us that his lands were so productive that he had reaped 240 fanegas of corn for one fanega sown. In the preceding year he had expended 15,000 dollars on cutting a canal from the river, by which means he could irrigate so considerable a quantity of land that he expected to realize that sum annually. At dinner the lady appeared and took the head of the table, which was served on silver plate, with a profusion of excellent things. He had the best of wines, old Catalonian brandy, etc., after which coffee and choice liquors were presented to us. Everything was of a piece in this comfortable establishment, for the beds with which they furnish us were most luxurious. In the morning we took leave and arrived at San Miguel de Horcasitas to breakfast, fourteen leagues from Petic, after passing through a fine country on a good road.

*Ex. B, 20 June, 1881.*

Sello tercero dos reales, años de mil ochocientos seis y ochocientos y siete. No. 1.

[L. s.]

Sor. Sub<sup>do</sup> y Juez Territorial de esta capital.

D<sup>a</sup> Teodoro de Yslas depend<sup>to</sup> del resguardo reales, adm<sup>or</sup> int<sup>o</sup> de las mismas del partido de Orcasitas, ante Vm., en la mas bastante forma que haya lugar parezco y digo: Que, siendo preciso y nec<sup>o</sup> calificar plenam<sup>o</sup> en este Juzgado Privativo de Tierras del Gov<sup>o</sup> é Yatend<sup>a</sup> de estas Prov<sup>s</sup> el dro. accion y preferencia que represento por mi esposa D<sup>a</sup> Ana de Aviza, á los sitios del Ojo de Agua del Puesto del Sopori, sito en jurisdiccion del Presidio de Tubac, en la Pimera Alta se ha de servir Vm. en mentos de lo expuesto y justicia, mediante mandar comparecer ante si, y su juzgado, á Don Ramon Campoy de esta vicinidat, bajo la religion del juramento.

1<sup>a</sup>. Declare se le consta veridicamente haver visto tenido en sus manos los titulos del mencionado Puesto del Sopori, y si es cierto que estas documentas, y las de aquel clase de los Puestas del Zasabe, Dehisadero, Santa Barbara; Santa Rosa de Corodequachi, y Puesto del Sibuta Sicurisuta (que esta se comprenden de ocho medio sitios) fueron reidogios por fallecimiento del defunto Sor. Coronel Dn. Juan Bautista Auza, dueno legitimo de ello por su amo, Dn. Manuel de la Caierra (ya defunto).

2<sup>a</sup>. Si es verdad solo me entrego las de Santa Barbara y Siurisuta, y que diga con que causa y deque manera estianados las del Sopori, Deusadero, y si le es constante que todos los dichos titulos y documentos se hallavan, y hallaron por mucho tiempo hasta el del fallecimiento del indicado su amo en poder de este, y que efectivamente se hallaran los titulos del Puesto del Sopori y si tiene presente haverse los yo pedido al indicado su amo, y que este me respondió que luego que se desocupará



el referido Ramon vuscaria; lo que no se verifico, y por ello aora han padecido este teavio, manifestando como dijo dicho la casualidad qe. pa. ello havia ocurrido como qe. es constante mediante á qe. ha servido de cajero todo el tpo. de su vida en la casa mortuaria de aquel referido, sirviendose Vm. que luego que este concluida devolvemela original para certificar mi dro.

Por todo lo cual, á Vm. suplico se sirva hacer como relato por ser Justicia qe. pido. Juro protesto y en lo necesario.

Arizpe y Julio 18 de 1810.

TEODORO DE ISLAS.

ARIZPE, 19 de Julio de 1810.

Por presentado y admitido en cuanto ha lugar en dro. y afecto deque declare segun los articulos que solicita hagase comparecer ante me á la persona de Ramon Campoy, yo, Don José Thomas de Escalante subdelegado provisional de esta ciudad y su particular Territorio asi lo decreté y mandé y firmé con los testigos de mi asistencia, con quienes actuo por rectoria á falta de Escribano que no le hay segun dro.

ESCALANTE.

Asa.:

MANL. DE AMSA,

Asa.:

JOSÉ MARIA DE ESCALANTE.

En la misma ciudad, en dho. dia, mes y año, en cumplimiento del auto que autede parecio presente en este mi Juzgado el citado Ramon Campoy y haviendole recibido juramento que hizó por Dios, ntro. Sor., y Señal de Cruz (á quien doy fé co-nozco) de circa grandad esta rien instuido bajo del mismo cargo prometio decir verdad en todo lo que supire y le fuere preguntado, y siendolo al 1<sup>er</sup> articulo que encima la antecedente instancia dijo que aunque no ha tenido en sus manos, ni visto con reflexion los papeles del nominado Puesto del Sopori po. sane estos con los demas que sita la pregunta tenia el defunto su amo, Dn. Manuel de la Carrera, por haberselo dho. él propio y verselo decir muchas veces, y aun mandadole los buscase entre los demas papeles p<sup>a</sup>. se le entregasar á sus dueños y que con respecto á que fue albacea destamentario del defunto Sor. Cor'l Dn. Juan Bautista de Ariza, recogió el indicado su amo todos los papeles pertenecientes á aquel.

A la 2<sup>a</sup> dijo; es cierto entrego al presentante Dn. Teodoro de Islas, los papeles pertenecientes á Santa Barbara; Santa Rosa Corodequachi; los de Sibuta y Securisuta unaos que fueron hallados y que aunque no tiene presente de cuantos sitios se componea los del puesto de Sopori le paiece comprendean tres ó cuatro lo cual asi lo oia decir el defunto su amo.

A la 3<sup>a</sup> dijo: Que tiene vien presente haverse los pedido al referido su amo el reclamte. Dn. Teodoro y que aquel le dijo, que luego que estubiese desocupado se buscaran y serian entregados con todas las demas de los puestos que se indican y que en cuanto al extiaro que ha ocurrido á los referidos papeles reclamados deve decir que á consecuencia del fallecimiento del precetado su amo se rebolvieon desordenadamente y en globo fueron apartados con desprecio todos aquellos papeles, que no havian de la casa, ni tenian conecion con comercio; esto despuesto por el actual que se encargo de su manejo, Casimiro Merino, y fueron mandados quemar todo lo inutil y por lo que supone el qe. declara padeserian esta casualidad, pues, de otro manera hubieran sido hallados.

Es cuanto puedo decir en cuanto á lo que se le pregunta, y bajo el juramento que fho. tiene en el que se ratificó ceda que le fué esta su declaracion dijo ser de edad veinte y nueve años y lo firmó conmigo, y testigos de asa. con quienes actuo por rectoria á falta de todo escribano que no le hai segun dro.

THOMAS DE ESCALANTE.  
RAMON CAMPOY.

Asa.:

MANL. DE ARUSU.

Asa.:

JOSÉ MA. DE ESCALANTE.

En dicho dia, mes y año, yo, el propio Juez, en birtud de haverse concluido la declaracion de Ramon Campoy mandada recibir en mi anto de 19 del presente deve mandar y mandé se le debuelvan para los efectos que conbergan al presentante, Dn. Teodoro Yslas, y por esta diligencia asi lo determiné y firmé, con los referidos testigos de mi asa. con quienes actuo en la forma orda.

ESCALANTE.

Asa.:

MANL. DE ARUSU.

Asa.:

JOSÉ MA. DE ESCALANTE.

NOTA.—Se entregaron estas diligencias en tres fojas utiles al interesado—*fha. ut supra.*—(Rubrica.)

*Translation of Exhibit I, June 20, 1881.*

[Here is a royal seal.]  
[Here is a stamp seal.]

Teodoro de Yslas, custom house official of and collector *pro tem.* of Horcasitas, appears before your honor and deposes that being in the peremp'ory necessity to ascertain definitely before this court of common pleas the rights appertaining to my wife, Ana de Auza, in the ranches known as Ojos de Augua del Sopori, within the jurisdiction of the Tubac Post, I hereby pray your honor to take testimony from Mr. Ransom Campoy, of this city, to make sworn affidavit to the subjoined:

1st. Whether or not he knows in a positive and true manner to have had in his hands the instrument purporting to be the title thereto, and whether it is true or not that among said documents and similar ones collected in his keeping, relating to parcels of land-grants in Pocitos del Zarabe, Debisaderos, Santa Barbara, Santa Rosa de Cordegsnaehi, y Puestos del Sibuta, Sicuresuta, and this relating to eight and a half ranches, there appears anything going to show their having been so collected upon the demise of Colonel Juan Bautista de Auza, their legitimate owner through legal succession from their previous owner, the late Mr. Manuel de la Carrera.

2nd. Whether or not it is true that he did only deliver into my hands the ones belonging to Santa Barbara, Santa Rosa, and Ciaurezetta; also to tell in what manner or upon what plea were the ones belonging to those of the Sopori, Devisadores, and und Taza be spirited away so that no trace of the same can now be found; and whether or not he knows positively that all the said titles and documents were and remained for a long time in the keeping of the owner previous to his demise, and that undoubtedly that to the Sopori was among them, and whether or not he recollects of how many ranches did it consist.

3d. To state likewise whether or not he recollects having heard me asked the said owner for them, and that this person answered me that as soon as Ramon (meaning the witness) should be at leisure he would look for them and the whole batch should be delivered to me, which did not take place unfortunately, and hence their loss; manifesting the sum paid therefor, as he knows, since he has been all his lifetime employed in the capacity of a cashier of the estate.

Praying to have the said affidavit delivered to me according to law, etc., etc.

Arizpe, July 18, 1810.

TEODORO DE YSLAS.

Court of common pleas.

Pursuant to the foregoing, the undersigned hereby ordains the attendance of the herein cited witness. I hereby attest the same.

ESCALANTE.  
MANUEL DE ARVIZIE.  
JOSÉ MARIA ESCALANTE.

[Here is a seal.]  
[Here is another stamp-seal.]

Mr. Ramon Campoy, being duly sworn, deposes: That although he has never had in his hands nor seen leisurely the documents relating to the Post of Sopori, but knows them to have been with the others included in the query, were held his late employer, Manuel de la Carrera, because he told him himself so several times, and even to have received positive orders from him to look them up, in order that they might be delivered to their respective owners; and that regarding the fact of his employer having been the sole executor and administrator of the estate left by Col. Juan Bautista de Auza, he knows that his said employer took possession of all the documents.

To the 2nd query, he affirms to have delivered to Mr. Teodoro de Yslas the documents relating to Santa Barbara, Santa Rosa de Cordequachi, with those of Siburita and Cenizenita, the only ones found, and that, although he has no distinct recollection as to how many ranches there were in the Sopori, nevertheless, he thinks it was composed of three or four, as his late employer said quite often.

As to the 3d query, he says that he recollects perfectly well when the applicant asked his late employer for said document, replying that as soon as I were not so busy. I was to look them up, and then they would all be delivered together, with those of the Sopori, to their owners; and that in regard to their disappearance he states that after the demise of his employer all the documents thrown in a confused mass were looked over by order of Mr. Casimero Merued, who took charge of the business, and that only those referring to the estate or business were picked out and preserved; the balance, in a confused heap, were ordered to be burned, and the witness supposes that these

were destroyed with the other unnecessary and useless papers inadvertently, for otherwise they would have been found.

The foregoing is all he knows or recollects, and ratified the foregoing statements upon hearing the same read to him. I hereby attest the same.

TOMAS ESCALANTE.  
RAMON CAMPOY.  
MANUEL DE ARIEZA.  
JOSÉ MARIA ESCALANTE.

The same day the undersigned, declaring this act closed, ordains its return to the applicant for his future uses. I hereby attest it.

ESCALANTE.  
JOSÉ MA ESCALANTE.  
MANUEL ARVEZIE.

*Ex. C, June 20, 1881.*

No. 2.

Don Antonio Narbona, cap<sup>n</sup> de la compania del R<sup>l</sup> Pres<sup>o</sup> de Fronteras, y actual comandante del Tucson certifico, bajo mi palabra de honor: Q<sup>e</sup> por representacion de D<sup>n</sup> Teodoro de Yslas, fha. de 13 de Abril ultimo, sobre q<sup>e</sup> tome informacion de los hombres mas ancianos, radecados, en este Pres<sup>o</sup> si saben ó tienen noticia q<sup>e</sup> el sitio del Sopori tuviese dueño. El invalido Juan Espinosa declara vajo juramento, que hizo en toda forma, que conoció por dueño legitimo del sitio del Sopori al Sor. Colonel D<sup>n</sup> Juan Bautista de Ariza; que alli mantenía sus bienes, con gente que le servia; que aun existen las paredes de la casa, con tal acuerdo, q<sup>e</sup> hera mayordomo de dicho rancho, un Salvador Granello, y asi mismo dice Manuel Bounte Sosa que conoció al sitio del Sopori, recién des poblado, pero aun con bienes de ganado mayor; menor y cavallada del Señor D. Juan Bautista Ariza, y que hera muy publica, y notorio pertenecia aquel sitio del citado Sor. y por su defunta abuela M<sup>a</sup> Josefa Suque, oyó decir muchas veces, que mucho antes del abram<sup>to</sup> de los pimas veria en el rancho por cuenta del Sor. Ariza, que aun existen las paredes de la casa; y vajo del juramento dice lamb<sup>n</sup> Nicolas Sortellon que hace mas de cuarenta y cinco años, que se halla en este Pres<sup>o</sup> y q<sup>e</sup> quando llego á él vió en el Sopori, que se mantenian algunas manadas de yeguas de Don F<sup>co</sup> Ariza, hermano del citado Sor. Colonel que ya estaba el rancho des poblado, que no sapó de quien herá aqnel sitio, pero que las manadas las conoció tanto que el referido D. Francisco fué su hermano politico, y no havendo ninguno otro en este puerto, que dé noticia lo firmó asegurado del juramento que han prestado, estos tres individuos en el citado Pres<sup>o</sup> del Tucson, á los quatro dias del mes de Maio de mil ochocientos diez.

ANTONIO NARBONA.

*Translation of Exhibit J, June 20, 1881. Deposition.*

Captain Antonio Narbona, commander of the royal penal colony of Fronteras, and present commander of the Tucson No. 2:

I hereby certify, in due form of law, that close inquiry has been made to find the oldest residents of this post, to ascertain whether or not any of them knew the Sopori ranch to belong to any one, as its lawful proprietor. The invalid, Juan Espinosa, being duly sworn, deposes to have known, to the best of his knowledge and belief, the late Colonel Juan Bautista de Anza, to the legitimate owner thereof; and, furthermore, that there he held a great deal of property, keeping several hands under his employ to look after it; moreover, that some of the walls of his dwelling are still standing on the old site. All the foregoing is so fresh upon his recollection that he knows one Mr. Salvador Granelle; and, likewise, statement is made by a Mr. Manuel Bviento Sosa, who asserts to have known the Sopori ranch, lately depopulated, but still having some live-stock thereon, belonging to the late Mr. Juan Bautista de Anza; and it publicly known to belong to that gentleman; recollecting distinctly to have heard his late grandmother, Mrs. Joseph Lugue, to say that previous to the uprising of the Peimas she resided there as the guest of Mr. Anza, and that she knows that the walls of the dwelling still stand.

Mr. Nicolas Yoxtilton, being duly sworn, deposes to have resided over forty-five years in this county, and that when he first arrived here he saw herds of live stock belonging to the late Mr. Francisco Anza, upon the Sopori ranch, adding that he knew the latter to be the brother of the late Colonel; that at the time the ranch was already depopulated, and did not know exactly to whom it belonged; nevertheless, that said herds of live stock were so well known to him as everything else, as well as that Mr. Francisco Anza

was his brother-in-law; and there being none others forthcoming, I hereby closed this inquiry and attest in due form of law.

Given under my hand and seal, in the post of Tucson, this fourth day of March, eighteen hundred and ten.

ANTONIO NARBONA.

*Ex. D, June 20, 1881.*

Sello tercero dos reales; años de mil ochocientos catorce y quince.

[L. S.]

Sor. Dona Ramona de Vildosola del vecindario del Presidio de Sta. Cruz, ante V., con la mas bastante forma, que haya lugar, paresco y digo: Que ha mas de quince años, que por encargo poseo los sitios del Puesto del Zopori, sito en la Jurisdiccion del Presidio de Tubac, y repoblado por mi, con vienes competentes, y propios de la pertenencia de los erederos del finado Sor. Coronel D<sup>a</sup> Juan Baptista de Ariza; D<sup>a</sup> Anna y D<sup>a</sup> Rosa de Ariza por quienes se han reconocido de inmemorial tiempo que pasa de sesenta años y culla accion, y legitimidad es indudable segun publica voz y fama. Mas por un defecto involuntario se estianaron en la casa mortuoria del finado D. Manuel de la Cacara, vecino que fué de la capital de Arizpe, los titulos de merced relativos á la propiedad que accidentalmente fueron quemados, segun se acredita del documento juridico, que se acompaña vajo el numero primero que incluye la declaracion jurada del depon<sup>te</sup>, que fué del referido finado Carrera Ramon Campoy, que efectivamente asi lo manifiesto.

La certificacion numero dos del Capitan Dn. Antonio Narbona, Com'te, que fué del Presidio del Tucson, en que se incluye las tres declaraciones de los vecinos mas ancianos de dicho Presidio Juan Espinosa; Man'l Vicente Zoza y Nicolas Sortillon, en que aseguran aun haver visto poblado por sus legitimos dueños el refrido puesto de Zopori, hacen mas verosimel y corroboran en todas sus partes la sertesza de su legitimidad que hubó en los documentos de propiedad y desde luego tubo el indicado Sor. Cor<sup>e</sup>l Ariza, y de conseguante oy de sus erederos, por quienes como dijo dicho, se reconose el referido puesto, que segun noticias se componía de cuatro sitios de ganado mayor, y habiendo ocurrido el sitado accidente ó equiboco involuntario de ser dados al fuego sus titulos de merced entre otros papeles, por inutiles, es evidente se pagaron á su M. sus reales dros., pero siendo indispensable se repongán dhos. titulos, para calificar en todo tiempo su propiedad, y mediante la accion que han echo en mi de sus legitimos dros. del sitado terreno y citios nombrados segun hasi lo acredita el documento No. 3, suplico á V. se sirva en virtud de lo expuesto conferir comision bastante a D<sup>a</sup> Ygnacio Tato, vecino del Puesto Militar de Bacuactie para que proceda de nuebo á medir y menzurar el referido Puesto del Zopori, sujetandome á satisfacer asi mismo, si lo hallare por combeniente, y en justicia los reales dros. que correspondan á S. M. con proporcion á su antigua posesion, para lo que hago el mas formal denuncia y en consecuencia se me espida el titulo de merced y confirmacion. Por todo lo cual, A. V. pido y suplico, se sirva mandar y determinar, confrme solicito, por proceder de justicia. Juro no ser de malicia y lo necesarió.

RAMONA DE VILDOSOLO.

*Translation of Exhibit "K" of this date. Deposition.*

[SEAL.]

Mrs. Ramona de Vildosola, resident of Santa Cruz Post, in due form of law, deposes that for over fifteen years she has held and had in possession, in trust, the ranches comprising the place known as the Sopori, situated within the post of Tubac, which has been resettled by her, with competent means of her own and of the heirs-at-law of the late Colonel Jean Bautista de Anza, the same having been held as his from time immemorial, extending back over a period of over sixty years, the legitimacy of which admits of no doubt according to popular and public criterion. However, through a defect entirely unavoidable, the original legalized copies thereof were mislaid in the home of the deceased at the time of or soon after the demise of Mr. Manuel de la Carrera, resident of Arizpe, comprising the titles of grant relating thereto, which, as it appears, were accidentally burned with other seemingly worthless documents, as it is set forth in the appended official document relating the affidavit sworn to by the party who was the clerk, Mr. Ramon Campoy, in the employ of the late Mr. Carrera.

Affidavit number two, sworn to by Captain Antonio Narbona, who was commander of the Tucson Post many years ago, with the three affidavits sworn to by three of the oldest residents of said post, Messers. Juan Espinosa, Manuel Vicente Forná, and Nicolas Sortillon, who testified to have seen said place of Sopori settled, its original proprietors, renders still more credible the facts which they proceed to corroborate in every particular, the legitimacy of the title and other documents which were in turn

transmitted to the late Colonel Juan Bautista de Anza, and consequently indisputably belongs to heirs-at-law at the present time, and it is as theirs, as I have stated, that said place is held to-day; and, according to all knowledge had, it consisted of four ranches devoted to stock-raising. And the aforementioned accident or mistake, resulting in the destruction of the titles by fire, among other papers, as alleged, thought to be useless, it becomes evident that the Government dues were paid in due form, however; but it being indispensable to replace said title in order to establish its legitimacy at all times, and by virtue of the trust reposed in me by the heirs regarding said property, as per document number two, I hereby pray your honor to commission Mr. Ignacio Tato, resident of the military post of Bacochi, with sufficient power so he may undertake forthwith the resurvey of the said tract of land known as Sopori, pledging myself to pay over, the second time, the Government dues, whereof I hereby make the most formal claim, so as to have a new title issued in due form of law.

RAMONA VILDOSOLA.

*Ex. E, June 20, 1881.*

Sello cuatro [L. s.] un real.

En el Pueblo de Banamichi, à los veinte dias de Setiembre de mil ochocientos cincuenta y cinco, ante mi, Jesus Figuerva, Juez local del mismo pueblo, y los testigos de mi asistencia, con quienes actuo, por falta de Escribano Publico, que no lo hay, en los terminos prebendidos por ley, y amas los instrumentales que se nombraran, comparecio, D. Benanceo Tato, vecino y residente en este mismo Pueblo, á quien doy fé couozco, y dijó: que es dueño de un terreno que despues se espresora, y deseando venderlo; y en culla comprobacion firmo esta escritura, por lo que otorga por si y á nombre de sus herederos y sucesores, y de quien de ellos hubiese titulo, voz y cansa, en cualquiera manera, reciede y da en venta real y enagenacion perpetuo por juro de heredad, para siempre jamas á D. Federico A. Renstadt, vecino y residente de la Mision de San Javier del Bae, en la Jurisdiccion del Presidio del Tucson, y á los sullos, un terreno que consta de cuatro sitios llamado el Zopori, huliicado al Poniente del Presidio de Tucson, que le pertenece en posesion y propiedad, con todo lo que puede tocar y loque á dicho rancho; tanto de la finca de habitacion, como las tierras de pan elevar, ganado mayor y menor; caballada; mulada y herramienta, todo lo cual le corresponde por compra y donacion, hecho por su prima paterna D<sup>a</sup> Ramona Vildosola, por cullo titulo le pertenece al vendedor y bajo esta seguridad el otorgante aseguro mo tenerlo vendido; enagenado ni empenado y que esta libre de todo grabamen, real perpetuo, temporal, especial, general, tacito y espresa, y como tal lo vende con todas las entradas, salidas, fabricas, usos, costumbres y serlidumbres, y demas cosas anexas que le tenido, tiene y le pertenece, segun derecho, por la cantidad de dos mil pesos que la entregó y pasa á su poder, real y efectivamente, en este acto, en moneda de plata corriente contado á su satisfaccion, de culla entrega y recibo, doy fé por haberse berificado á mi presencia, por lo que formaliza á favor del comprador el mas firme y eficaz resguardo, que á su seguridad condricora y asi mismo declara que el justaprecio y badehora balor del referido terreno y sus anexedades, son los dos mil pesos en y que no bale mas, ni halla quien tanto lo halla dado por él, y si mas vale ó valer puede, del exceso en poco ó mucho, suma, hace á favor del comprador y de sus herederos, y sucesores gracia y donacion pura, perpetua é irribocable, en sanedad, con insinuacion, y demas firmesas legales, y renuncia la ley 2<sup>a</sup>, titulo 1<sup>o</sup>, libro 10 de la nueva recopilacion que trata de los contratos de lecuta en que hay lecon en mas ó menos de la nulad del justo preceo y los cuatro años, que prebiene para pedir su recesion ó suplemento á su justo valor, los que dá por pasados, como si efectivamente lo estubieron; adbertido de pover en poder del comprador á mas de esta escritura todos los documentos y titulos para legalizar su propodied; y desde hoy en adelante, para siempre, desapaloa, desiste, quita y aporta á sus hijos herederos y sucesores del dominio ó propiedad posesion, titulo y todo derecho, que les competa, al enuniciado tevieno, lo cede, renuncia y traspasa, con los acciones, reales, utiles mixtas, directa y efectivas, en el comprar y en quien la sulla, represente; para que le poseea goze, cambié, enagena cese, y desponga de el á su elecin, como de cosa sulla, adquerido con legitimo y justo titulo, y le confiero poder irribocable conlebe, fianca y general administracion, y constituye procurador, actor en su propia cansa, para que, de su autoridad ó judicialmente entre y seapodere del nominado terreno y de él tome y aprenda la real tenencia y posesion, que por derecho le compite; y para que no necesite tomarla, me pide que le de otra escritura con la cual sin otro acto de aprenicion ha de ser visto haberta tomado aprendido y transferidosele, y en el interino se constituye su enquelmo tenedor y precano poseedor en legal forma.

Y se obliga que dicho terreno será sierto y seguro al comprador, y que si algun plieto se le mobiera saldrá á su defensa, á su propia costa el obligante hasta dejarlo en quieta y pacifica posesion, y no pudiendo conseguirlo le dora al mismo comprador otro terreno tuqual en tierras, aqua, ganado y demas con las mejoras, uties, preseas y voluntarias que habun hecho y resarcuadole cuantos perjuicios, se le hubiese originado. Y á la guarda

validacion y cumplimiento, de lo referido, oblega el otorgante los bienes presentes y futuras de él sometiendo con ellos á la jurisdiccion de los Señores Jueces que de su causa deban conocer, para que á la dicha le compeban, como por sentencia consentida y pasada en autoridad de cosa juzgada; renunciando las leyes de su favor y defensa, con la general del derecho en forma. Firmando conmigo y los testigos instrumentales, ciudadanos Joaquin Baneda, José Moreno, y Marten Cano, todos presentes y vecinos de este mismo pueblo.

Doy fé,

A.: ANTONIO BERREDA.

Y tal:  
JOAQUIN BERREDA.  
Y tal:  
ANTONIO CANO.

VENANCIO TATO.

JOSÉ MARENO.

Y tal:  
CAYETANO QUEROGA.

*Translation of Exhibit L, June 20, 1881. Conveyance, Benancio Tato to Federico A. Ronstadt.*

[SEAL.]

In the town of Banamichi, on twentieth day of September, eighteen hundred and fifty-five, I, the local judge, with two witnesses, in lieu of a notary public, there being none, according to law do hereby certify that Mr. Benancio Tato, resident in the same, whom I know very well, appeared before me and deposes, viz: that he is the proprietor certain tract of land hereinafter described, and that desiring to sell the same, for whose purpose he signed this deed of sale, on his behalf, that of his children, heirs, and successors, and hereby relinquishes all rights and claims thereto, perpetually and forever, to Mr. Federico A. Ronstadt, resident of the San Javier de Ores Mission, within the jurisdiction of the Tucson post, a certain parcel of land, comprising four ranches, in the place known as the Sopori, to the westward from the post of Tubae, which belongs to him legally and rightfully, with all their appurtenances, not only regarding buildings, but also to the whole area of ground, live stock, utensils, &c., &c., therein contained; which was duly and legally conveyed to deponent by deed of sale, executed by his cousin, on his father's side, Mrs. Ramona Vildosola, affirming not have encumbered the same in any manner whatsoever; averring to be legally able to execute all form of public documents; all of which deponent conveys to the buyer, in consideration of the payment of the sum of two thousand dollars, in the legal coinage of the country, at deponent's entire satisfaction. I hereby attest the same, as the delivery took place in my presence; therefore the buyer is entitled to this voucher for his future protection. Furthermore deponent declares that the said sum is the real, true, and just worth thereof, with all appurtenances and belongings, constituting the highest offer deponent has ever had made to him for the same; and likewise deponent renounces all exceptions and privileges granted by the statute to holders of such property, as also the terms allowed by law to claim under contracts; and henceforward dispossesses himself of all rights, concern, and interference therewith in any manner whatsoever: ceding, renouncing, and investing the same upon the buyer, for which purpose this deed of conveyance was executed; and deponent hereafter constitutes himself in his tenant, associate, &c., in due legal form.

Furthermore deponent guarantees the clearness of said title, binding himself to make it good at any future time, securing for him, his heirs, and successors, undisturbed and quiet tenure thereof, using all the means and energy at his command, and in the event of such a thing being impossible deponent hereby pledges himself to furnish the buyer with another tract of land entirely alike the one conveyed by this indenture, binding himself with his present means, and all of which he may become the possessor at any future time, submitting to be amenable to the decrees from any local judge in the sense of point at law decided against him, without recourse to avail of any of the sundry exceptions or rights guaranteed to deponent by the statutes, as a citizen, and sign the same before two witnesses.

Given under my hand and seal, &c.

JOAQUIN BARREDA.  
ANTONIO CANO.

JOSÉ MORENO.

I hereby attest the foregoing in due form of law.

JESUS FIGUEROA.  
VENANCIO TATO.  
JOSÉ MORENO.  
JOAQUIN BARREDA.  
ANTONIO CANO.

*Ex. F, June 20, 1881.*

URES, y Junio 10 de 1819.

Sor. D<sup>a</sup> BENANCIO TATO:

MI ESTIMADO PRIMO: Por las certificaciones que te adjunto, y documento judicial, de donacion que espontaneamente trayo del Rancho de Sopori, en tu favor, veras el cumplimiento de mi palabra, y á la vez, de mi obligacion; pues á la vez q<sup>e</sup> te hago pago á tus bondades, te hago perpetuo heredero de los bienes y rancho que desde hoy lamo por trillo y en fin, la escritura de donacion te dise mas que lo que yo puedo dearte. Te doy pues la enhora buena y la vez las mas merecidas gracias, por lo tanto que has echo en favor de tu prima, que donde quiera que se halle te vivira reconocida.

Salgo para Mexico en Setiembre y me daras el gusto de venir á verme. Por aqui todos estamos buenos y sin mas ocurencias particulares despon—de tu primo, que te aprecia y b. l. m.

RAMONA VILDOSOLA.

P. D. Bueblieme pronto al moso y abiuo lo con lo que necesite para el camino.  
VILDOSOLA.

*Exhibit M, June 20, 1881.—Translation of letter.*

URES, June 10, 1819.

Mr. BENANCIO TATO:

MY DEAR COUSIN: By the enclosed certificates, legal indenture of the spontaneous donations that I am pleased to make to you of the Sopori ranch on your behalf, you will perceive the fulfillment of my pledged promise, passed upon my mere word, while, at the same, a material discharge of my obligations to you, because at the same time that I partly cancel my everlasting debt of gratitude, I also make you heir of the Sopori ranch, which, henceforward, I shall only look upon as yours; in short, the donation deed itself will convey to you more forcibly than words could express. I therefore heartily congratulate you and, at the same time, the most deserved thanks for all your kindness to your cousin in the past, who, wherever he may be, he will ever be grateful to you.

I leave for Mexico next September, and you will cause me extreme pleasure by calling upon me.

All are well here, and without else of importance.

I beg to remain your affectionate cousin,

RAMONA VILDOSOLA.

*Ex. G, 20 June, 1881.*

Sello quinto medeo real—Habilitado de acuerdo con art. 11 de la ley de 23 de Noviembre de 1836, y orden de 13 de Noviembre de 1855. Years 1856 y 1857.

Sor. Juez de Paz de este Pueblo: Binancio Fato, vecino del Pueblo de Banamichi, ante la justificacion de V. como myor halla lugar en dro. y en la mas bastante forma, compareco y digo: que conveniendo á mi interes, aprobar la legitimidad de unos terrenos, que poseo en el terrenos de los Estados Unidos, en la Jurisdiccion del Presidio de Tubac, he biendo en suplicar á V. se sirva aser comparecer ante el Juzgado de su cargo, á los C. C. Marcas Corella, y Juan Espinosa, para que interrogados bajo las formalidades de ley, declaren sobre las preguntas siguientes:

1<sup>o</sup>. Si saben quieros fueron los herederos del finado Colonel D. Juan Bautista Anza.

2<sup>o</sup>. Si saben que el referido D. Juan Bautista Anza tabó hijos legitimos de matrimonio.

3<sup>o</sup>. Si saben que las Señoras Doña Rosa y Dona Amta son hijas del finado D. Fran<sup>co</sup> Anza.

4. Si saben que D. Fran<sup>co</sup> Anza fué el unico hermano de D. Juan B. Anza, y que digan quien murio primero de los dos; y concluidos qe. sean estas declaracion me las devolvera originales, para los usos que me conbengan. Jurando no ser de malicia y lo necesario. Banamichi, Octubre 13 de 1856.

VENANCIO FATO.

Juzgado local de Banamichi, Octubre 13 de 1856.

Se admite el presente interrogatoria, en consecuencia, agase comparecer á las personas, que la parte solicita. Asi yo, Jesus Lopez, Juz 2<sup>o</sup> de Banamichi, lo decreté, mandé y firmé, ante los testigos de mi asistencia segun derecho.

JESUS LOPEZ.

A. JOSÉ DURAN.

A. JESUS FEGUERVA.

En la misma fecha, mes, y año siendo presente D. Marcos Corella se le recibió Juramento el que otorgo, bajo una señal de cruz, por lo que ofrecio decir verdad en lo que fuesé preguntado y siendo, sobre la primera pregunta de que si sabia quienes fueren los herederos de D. Juan Bautista Anza; dijo: que salia que lo eran las Señoras Dona Roseta y Dona Amta Anza.

Preguntado, si sabe que D. Juan B. Anza tubo algun bajo dijo que no preguntado si sabe que las Señoras Rosita y Amta Anza eran hijas de D. Fran<sup>co</sup> Anza, dijo que son hijos legitimicos del Sor. D. Fran<sup>co</sup>.

Preguntado si D. Francisco Anza era el humeo hermano de D. Juan Bautista dijo que salia que fué el unico hermano que tubó, y que sabe que D. Juan Batista murió primero y que salien de hay les bino la herencia de las Señoras Rosa y Amta Anza.

Con lo que cobebello estas preguntas, y leydas que le fueron sus declaraciones espuesó ser las mismas que hadado en lo que se ratificó y no firmó, por no saber; lo hizé llo con con los testigos de asista. segun dro.

JESUS LOPEZ.

A.: JOSÉ DURAN.

A.: JESUS FIGUERRA.

Siendo presente el C. Juan Espinosa le recebi juramento el que otorgo en todo formé legal, bajo la señal de cruz, y siendolo sobre la primer pregunta de que si salia quienes heran herederos de D. Juan Bautista Anza, dijo: que sabia que lo hera su hermana D. Francisco, y que por muerte de este les toco á sus hejas Da. Rosa y Da. Anita.

Preguntado si D. Juan Bautista Anza tubó algun hijo legitimo de matrimonio dejó que no tubo.

Preguntado, si sabé que D. Fran<sup>co</sup> fue el unico hermano, que tenia D. Juan B. Anza, dijo que sabia que no abia otro amas, declara que D. Juan Bautista murió primero que D. Francisco; con lo que quedaron concluidas estas declaraciones; espresando ser todo lo que sabia relativo á lo que se le interrogo y leydas que le fueron, sus declaraciones dijo, ser lo que ha dicho en lo que ratifico y no firmó, por no saber, lo hizé llo, con los testigos de mi asistencia segun dro.

JESUS LOPEZ.

A.: JOSÉ DURAN.

A.: JESUS FIGUERRA.

Quedan concluidas estas diligencias en dos fojas utiles, las que se le devnelvar al interesado originales para los usos que le conbengan; asi llo, Jesus Lopez, Juez de de Banamichi, lo rubri que. [Rubrica.]

*Translation of Exhibit N, June 20, 1881.*

[Here appears a stamp seal.]

To the justice of the peace of the township of Banamichi:

Benancio Fato, a citizen thereof, before your honor, deposes in due form of law as follows, to wit, that it is furtherance of his interests to have the title to the possession of some land that I possess and hold legitimately in territory of the United States, within the radius of the military post of Tubac, duly attested and established, therefore prays your honor to summon Messrs. Marcos Corilla and Juan Espinoza to appear at this court and testify as to the subjoined interrogatory, viz:

1st. Whether or not they know who were the heirs-at-law of the late Colonel Juan Bautista Anza.

2nd. Whether or not they know that the late Col. Juan Bautista Anza had or left any legitimate issue.

3d. Whether or not they know Misses Rosa and Anita are the daughters of the late Mr. Francisco Anza.

4th. Whether or not they know Mr. Francisco Anzar to be the only brother of the deceased Colonel Juan Bautista Anza, as well as testify which of the two brothers died first; and also prays to have the committed to writing, duly attested, and delivered to him future use, swearing not to hold any malicious intent, &c., in due form of law.

Banamichi, October 13th, 1856.

BENANCIO FATO.

Local court of Banamichi.

I, the undersigned, hereby ordain that the foregoing testimony be taken in due form of law, and ordains the appearance of said witnesses.

Given under my hand and seal, &c.

JESUS LOPEZ.

Witnesses:

JOSÉ DURAN.

JESUS FIGUEROA.



On the above date, the same month and year, Mr. Marcos Corilla, being duly sworn, deposes that to the best of his knowledge and belief the Misses Rosita and Anita were the next of kin and heirs-at-law of Mr. Juan Bautista Anza, but that the deceased had no legitimate issue. Furthermore, when asked whether or not he knew the Misses Rosita and Anita to be daughters of the late Mr. Francisco Anza, and whether or not he knew this latter to be the only brother of Col. Juan Bautista Anza, he stated that to the best of his knowledge and belief he believed the former to have been the only brother the latter had, and that the same died first; moreover, that such was the source of the inheritance received by the Misses Rosita and Anita Anza.

Upon the above being committed to writing and the same being read to the deponent, he ratified the same.

I hereby do attest the same with the witnesses.

JESUS LOPEZ.

Witnesses:

JOSÉ DURAN.  
JESUS FIGUEROA.

Mr. JUAN ESPINOZA, being duly sworn, testified as follows, viz:

That, to the best of his knowledge and belief, he knew Mr. Francisco Anza to be the next of kin and heir-at-law of the late Colonel Juan Bautista Anza, and that on the demise of the former the property passed into the possession of the Misses Rosita and Anita. Also that he knew the colonel not to have had any legitimate issue; moreover, that he knew there was no other brother, and furthermore, that the late colonel died first. Thereupon this testimony was declared closed, and is hereby duly attested.

Given under my hand and seal, with the two witnesses, according to law.

JESUS LOPEZ.

Witnesses:

JOSÉ DURAN,  
JESUS FIGUEROA.

*Record.*—The two foregoing affidavits were duly received and recorded, and to all lawful purposes I hereby attest the same before witnesses.

JESUS LOPEZ,

*Justice of the Peace of Banamichi.*

Fees, \$1, 6 shillings.

*Ex. H.*, 20 June, 1881.

Sello tercero [L. s.] cuatro reales.

Sor. Juez de 1ª Instancia.

BENANCEO TATO, vecino actual del Pueblo de Banamichi, ante V. prenas las correspondientes protestas en dro. necesarias mi presento diciendo; que siendo ha muchos años, poseedor y propietario de los terrenos de cuatro sitios en Jurisdiccion del Presidio de Tubac, los cuales tengo adqueridas con justo titulo, por traspaso que me hizo de ellos la finado Sra. Da. Rosa Tato de Vildosola quien tambien, los adqueró, por venta que le hicieron las Sras. Da. Ana Ma. de Anza y Da. Rosa, su hermana, ya defunto, siendo la primera vecino de esta ciudad, quienes tambien las poseen como herederas legítimas, que fueron del finado Sor. Col. D. Juan Bautista Anza, cuyo venta se verifico en el año de 1802 en cantidad de trescientos pesos, y con todas las formalidades del dro. mas como pur una desgracia, los titulos fueron deparados por el fuego, originando de un equibico (como se comprueba por los documentos que debidamente acompeno) y como tambien la escritura origaniso padeceó estubió se ocurrió, pa. su reposicion á los protocolos del archino de Arizpe, y tampoco estas no se pudieron encientiar, quisa por causa de los trastomos que es salido han sufrido los archivos, ya por el abandono ó ya por el despelfaro que se ha tenido de los antiguos papeles ó expedientes, que muchas veces han servido para hacer catourches en las escases de papel, o cuando menos, devorados por el tiempo, que todo lo consume. Por lo que, conviene á me derecho se serva U. hacer comparecer á su Juzgado á la dácha Da. Ana Ma. de Anza, y que bajo la relegion del juramento declare sobre los puntos siguientes:

1º. Que diga si fueron hijas legítimas, ambas hermas, del finado Colonel Dn. Juan Bautista de Anza de quien por herencia obtubieron tales posesiones.

2º. Si con la facultad de tal herederas, vendieron y enagenaron los dichos sitios á la Sra. Da. Rosa Tato de Vildosola en que cantidad y si se acuerda en que fha., y si fue con traspaso de los titulas y demas formalidades de dro. diciendo igualmente si se rectifica hoy en dicha venta.

3. Que diga si supo que los tales documentos por un descendo fueron que madas, y en poder de quien?

4º. Y por ultimo, que diga si save que dichas posesiones me pertenecen por tras-paso, que la ante dicho Sra. Tato de Vildosola hizo en mi presencia y evacuada que sean estas diligencias, suplico se me devuelban originales, para eluso quo á mi derecho convengan.

Por tanto A V. Sor. Jues pido y suplico ohe con la justicia que impetra; juro la no malicia y lo necesario.

Hermosé, Octubre 20 de 1855.

VENANCIO TATO.

HERMOSILLO, Octubre 24 de 1855.

Por presentado y admitido conforme á dro. temese la declaracion que se solicita y devuelvese como se pide, Luis Noriega, Juez 1º Local en funciones de 1ª Instancia asi lo mandé, y firmé con los testigos de mi asistencia.

LUIS NORIEGA.

A.: SANTOS ORTIZ.

A.: C. MORALES.

Acto continuo, presente la Señora Dona Anita Anza, en su persona lo recibí juramento en forma de derecho, y esposo llamarse como queda dicho del Presidio de Tubac de setenta y cuatro años, viada y vecino de esta ciudad.

Ecsaminado con arreglo al interrogatorio anterior declaro á la pregunta:

1ª. Que no fueron hijas legítimas, ella y su finada hermana, Da. Rosita, del finado Don Juan Bautista Anza, sino adoptadas, per ser hijas legítimas de su finado padre D. Francesco de Anza, hermano carnal del expresado D. Juan Bautista, su tío, quien las heredó, con todos sus bienes, asi como de las fincas y posesiones que se refieren y respudio á la.

2ª. Que como duenos y herederos ella y su finado hermano vendieron á la Señora Tata de Vildosola, los referidos sitios, con sus titulos correspondientes en cantidad de trescientos pesos, porque en aquellos tiempos, que no se recuerda la fecha, balian poco las fincas en Sonora, y que por lo mismo asi como fué en aquel tiempo su voluntad lo es ahora y ratifica la venta por bien hecho y responde á la.

3ª. Que sapo efectuaamente en aquel tiempo, que los papeles ó documentos que se le preguntan, se le queneaion entre otras á D. Manuel de la Carrera y responde á la.

4ª. Que es cierta esta pregunta, en todas sus partes, y le consta á la que declara, que dicha es la virdad á carga del juramento que tiene hecho, lo que firmó con migo y las de mi assª segun derecho.

NORIEGA.

ANA MA. DE ANZA.

A.: SANTOS ORTIZ.

A.: E. MORALES.

Con dos fojas utiles, como esta mandado lo rubrique.

*Exhibit O, June 20, 1881. Translation. Deposition as to title.*

[SEAL.]

Court of common pleas.

The undersigned, Venancio Tato, resident of Banamichi, after duly complying with all requirements of law, deposes that being for several years back the only lawful possessor and proprietor of the tract of land known as the Sopori, comprising four ranches within the radius of the post of Tubac, whose title is clear and legal, since it was duly and lawfully transferred or conveyed to deponent, by the late Mrs. Rosa Tato de Vildosola, who in turn acquired it by deed of sale from the Misses Ana Maria de Anza and Rosa, her sister, already deceased, the former being a resident of this city, who received it as inheritance, as next of kin and lawful heirs of the late Colonel Juan Bautista Anza, the aforesaid sale having taken place in 1802, for the sum of three hundred dollars, all the prescriptions of the law having been duly complied with. But for as much as the title to said property was erroneously alleged to have been most unfortunately destroyed by fire (as it is proved by the documents hereunto appended), as well as the record of the deed in its original shape was also missing, recourse was then had to the head archives at the city of Arizpe, in order to restore it, without avail, since even these could not be found, perhaps owing to the disturbances know to have taking place in their keeping, or may be through neglect, or then again by the misuse of the ancient protocols therein archived, which oftentimes have been devoted to making cartridges during any great scarcity of ready paper, or then again perhaps devoured by moths and the action of time, which

destroys everything. Therefore it is highly pertinent that your honor may please to summon before said court the aforesaid Mrs. Ana Maria de Anza, and who under oath may be required to state what she knows about the subjoined particular points of information:

1st. Whether or not both sisters of the late Colonel Juan Bautista de Anza are known to be legitimate children, and from whom they obtained through inheritance said property.

2nd. Whether or not as such heirs they sold the said ranches to Mrs. Rosa Tato de Vildosola, what was the amount of purchase money and the date thereof, and if it was with due conveyancing of all titles and other formalities of law, inviting her to state whether or not she acquiesce in such sale.

3rd. Whether or not she knew that said documents were actually destroyed by fire, by carelessness, and in whose keeping.

4th. And finally whether or not she knows said property to belong to me by a conveyance executed by Mrs. Tato de Vildosola, aforesaid, on my behalf. I hereby forswear all malice, &c.

Humosillo, October 20, 1855.

VENANCIO TATO.

HUMOSILLO, *October 24, 1855.*

In compliance with foregoing petition I hereby ordain said affidavit to be taken, and when ready the return of the same to the applicant.

Given under my hand and seal, &c.

LUIS NORIEGA.

Witnesses:

SANTOS ORTIZ,  
E. MORALES.

Mrs. ANITA DE ANZA, being duly sworn, deposes as follows, stating her age to be seventy-four years, and a widow, residing in this city:

1st. That neither she nor her sister were the legitimate children of the late Mr. Juan Bautista de Anza, but adopted daughters on the demise of their legitimate father, Mr. Francisco de Anza, own brother to the former, who left all his property to them, as well as the said property.

2nd. That as owners and heirs, myself and late sister jointly sold to Mrs. Tato de Vildosola the said ranches, conveying the corresponding titles thereto, in the sum of three hundred dollars, since at that time, which she does not exactly recollect, landed property was very low in the State of Sonora, and that just as well as it was then an act of her own volition, she ratifies the same now, as legal and right.

3rd. That she learned about the time expressed the reported destruction of the said documents by fire, in the keeping of Mr. Manuel de la Carrera, with other papers, as alleged.

4th. And that regarding the fourth and last query, she has to say that the same is true, and feels sure of it in all its bearings. To all of which she reiterated her oath and signs.

Given under my hand and seal, &c.

NORIEGA,  
ANA MARIA DE ANZA.

Witnesses:

SANTOS ORTIZ,  
E. MORALES.

With two full folios I hereby sign it.

*Ex. "C," June 21, 1881.*

Interrogatorio al Señor Dn. Antonio Rodriguez de Guaymas:

Que edad tiene Ud., y cuantos años vivió Ud. en el estado de Sonora?

Que tiene 72 años; salí de Sonora para Guadalajara y Europa (voliendo) de ocho años de edad y volví a los doce años, volví a salir el año de 1864 para California, en donde permanecí trece años todo el resto de los 72 años he vivido en el Estado, y la mayor parte del tiempo en Hermosillo. Que fué comerciante en ese último ciudad, por veinte y tantos años, desde 1833, con ausencias temporales á Europa hasta 1864; que giraba un capital de \$75,000 á \$80,000.

Conoció Ud. á Joaquin de Asteazarán?

Que lo conocí en Tepic, Estado de Sinaloa, quando el que declara tenía 8 años, y despues lo vió y conoció en Hermosillo, en su hacienda "Labor," en el año de 1831, que era su tío político, casada con Doña Maria del Carmen Yñigo (su tía del que habla que tuvó relaciones comerciales con el todo el tiempo que vivió en Hermosillo.

Que año murió Dn. Joaquin de Astiazaran?

Dijó que murió en Hermosillo en el mes de Marzo de 1845, y su cuerpo fué trasladado á su hacienda "La Labor," en donde esta sepultado.

Diga algo sobre su posicion social y monetaria?

Que era de las primeras families de Sonora, que era dueño de la valcosa hacienda de la Labor, que vale \$200,000, y algunas fincas en Hermosillo, y bienes de campo en su rancho "La Noria," que creando murió no dejó deuda alguna, que probablemente el exponente no supó entontes del terreno del Sopori, por considerarse de ningun valor, por las Apaches que veian ahí que sabe de los expresados terrenos hace muchos años, y que nunca supó uviera otros duenos, anteriormente ams de la familia de Asteazaran.

Vió Ud. alguna vaz escribir á Dn. Joaquin de Asteazaran, y conoció Ud. su firma?

Que si lo vió escribir varias veces y tambien conosco su letra y firmái. Sirvase ver la fotografia No. 3, que si le pone de manifiesto del cuaderno marcado por el Consul Americano A. Willard, asi ("Exhibit 1, May 2, 1881, A. Willard") y diga si la firma que dice Joaquin de Asteazaran con la rubrica es letra de él.

Déjo, que le letra de la firma y la rubrica, es muy panceda á la que usaba Don Joaquin de Astiazaran, pero que no puede asegurar ser la misma, que cuando se fué para California en 1864, empaço en dos cajassus letras y papales entre las cuales tenia cartas de Dn. Joaquin de Asteazaran, y los dejó en quenea en Hermosillo, en casa de mi amigo, cuya casa fue robada en tiempo de la intervencion francesa, pero si ame puede encontrar alguna de estas cartas, comparará las firmas y podrá entonces asegurar ó no, si es genuina la firma que se le ha presentada, en la fotografia No. 3; que cree que si es genuina.

Como vino Ud. ser accionista del Sopori?

Que su hermano Dn. Fernando Rodriguez le cedió parte, y que verias veces despues de 1855, se trato de poblar el Sopori por los duenos, pero en nada se llegó á convenir por estar terrenos infestados por los Apaches, que esto lo supó por los mismos interesados y la vez publica, que desde que puede acordarse, hasta hace cuatro ó cinco años, sabe que los Apaches han tenido en todos estos terrenos, sus madriguinas que como llava dicha esta propiedad tenia un valor imaginaria y que no puede conservar como se crearo falsificados los titulos en 1854, por mas ó menos cuando no tenian valor alguno, y á nadie aprovachaba que es dueño de terrenos circa de la frontera los cuales estuvieron por mucho tiempo, abandonados por temores de los Indios Apaches; que hasta hace poco supó que se hablaba de la falsificacion de los titulos del Sopori segun informes del agrimensor general de Arizona, pero siempre los conseedro y los conseedera legales.

Conoció Ud. á Dr. José Ma. Mendoza?

Que si lo conocio que fué en varios vecés Tesorero General del Estado que que fue la esencia de la honradez.

Subscribed and sworn before me, this 4th of May, 1881.

A. WILLARD,  
U. S. Consul.

Exhibit C, June 21, 1881.

Interrogatories to Senor Don ANTONIO RODERIGUEZ, of Guaymas:

What is your age, and how many years have you lived in the State of Sonora?

I am 72 years old; I left Sonora for Guadalupasa and Europe at the age of eight years, and returned at the age of twelve; I returned to go away again in the year 1864 for California, where I remained 13 years. All the rest of my 72 years I have lived in this State, and have passed the greater part of the time in Hermosillo. I was a merchant in the last city for 20-odd years from 1833, abating occasional absences in Europe till 1864, and usually kept in trade a capital of \$75,000 to \$80,000.

Did you know Joaquin de Astiazaran?

I knew him in Tipic, State of Jolisco, when I, deponent, was but 8 years of age. I afterwards saw and knew him in Hermosillo at his farm, La Labor, in the year 1831. He was my uncle by marriage; his wife, Dona Maria del Carmen Inigo, my aunt. I had commercial dealings with him all the time I lived in Hermosillo.

In what year did Joaquin de Astiazaran die?

He died in Hermosillo in the month of May, 1845, and his remains were moved to his hacienda, La Labor, where he is buried.

Can you say anything respecting his social and pecuniary standing?

It was equal to that of the first families in Sonora. He was owner of the valuable hacienda of La Labor, which is valued at \$200,000, and some estates in Hermosillo, and stock at his ranch L. Moria.

He left no debts at his death. It is probable that I did not then know of the property of the Sopori, it being considered of no value on account of the Apaches who lived there. I knew of the said lands many years ago, and never knew of their having owners prior to the family of Astiazaran.

Did you ever see Dr. Joaquin de Astiazaran write, and do you know his signature? Yes; I have seen him write various times, and I also knew his signature.

Please look at photograph No. 3 now shown you of photographs endorsed by the Am. consul, W. Willard (as "Exhibit A, May 2, 1881, A. Willard, consul"), and say if the signature Joaquin de Astiazaran, with the rubrica, is his signature?

The signature and rubrica resemble very much those which Dr. Joaquin de Astiazaran formerly employed, but I am unable to state positively that they are the same. When I left for California in 1864 I packed in two trunks my letters and papers, among which I had letters from Don Joaquin de Astiazaran, and left them in Ho., in the house of a friend, whose house was destroyed in the time of the French revolution

If I find any of these letters I could compare the signatures, and then be able to state positively whether or not the signature presented in photograph No. 3 is genuine. I believe that it is genuine.

How did you come to be a shareholder in the Soporí?

My brother Don Fernando Roderiguez procured me an interest. At various times after 1853 the stocking of the Soporí was discussed by its owners, but nothing was consummated, as those lands were infested with the Apaches. I know this from persons interested in the property, and from public opinion. From my earliest recollection till four or five years ago I knew that the Apaches had their homes in all those lands. As I have already said, this property had no actual value. I cannot conceive how it can be believed that the titles were forged in 1854 or thereabouts, when they had no value at all, and no one could profit by it. I am owner of property near the frontier which was abandoned for a long period for fear of the Apache Indians. I only recently learned that it had been said that the titles of the Soporí were forged, according to the report of the surveyor-general of Arizona, but I have always regarded them as valid, and consider them so now.

Did you know Don José María Mendoza?

Yes; I knew him. He was several times treasurer-general of the State. He was the essence of honor.

ANTONIO RODRIGUEZ.

Subscribed and sworn to before me this 4th day of May, 1881.

A. WILLARD,  
U. S. Consul.

Ex. "D," June 21, 1881.

[L. S.]

Manuel Telles, Contador de la Tesoreria General del Estado, en funciones de Tesorero, certifico: Que los expedientes ó titulos originales de terrenos que existen en esta Tesoreria, no tiene al fin la clausula de adjudicacion, pues la practica que se observaba al expedir á algun individuo un titulo de terreno, era compulsarle testimonio de todo lo actuado en el expediente original poniendo al fin de este documento la clausula de adjudicacion á nombre del Estado Soberano, de Sonora, de cuya formula quedaba en el archivo de titulos de terrenos un borrador ó minuta suelta, asi como los titulos originales para servir de matriz ó registro á la oficina. A pedimiento del Señor Lic. J. Hampsted Dougherty, extendiendo el presente en Hermosillo á trece de Mayo de mil ochocientos ochenta y uno, que autorizo, firmando con los testigos de mi asistencia.

M. TELLES.

A. : DONACIANO DE LA FUENTE.  
A. : RICARDO MORALES.

[L. S.]

Luis E. Torres, Gobernador Constitucional del Estado de Sonora, certifico: Que la firma que antecede es la que usa en todas sus actos publicos el Co. Manuel Telles, Contador de la Tesoreria del Estado, encargado de la oficina por ministerio de la ley y por consiguiente merece todo credito. Y para que obre la fé necesaria donde comienza extendio el presente en Hermosillo á los treinta dias del mes de Mayo de mil ochocientos ochenta y uno.

LUIS TORRES.  
J. P. ROBLES o. m.

CONSULATE OF THE UNITED STATES OF AMERICA AT GUAYMAS:

I, the undersigned consul of the United States of America for Guaymas, Mexico, and the dependencies thereof, do hereby certify that the seal and signature of Luis E. Torres, governor of Sonora, Mexico, to the foregoing certificate are true and genuine, well known to me, and are the same that he uses in all of his official acts, and as such are entitled to full faith and credit; and I further certify that said person is the con-

stitutional governor of Sonora, Mexico, and in the full exercise of the functions of his office.

Given under my hand and seal of the consulate, at Guaymas, this first day of June, A. D. 1881.

[L. s.]

A. WILLARD,  
Consul.

*Exhibit D, June 21, 1881.*

[STAMP.]

TREASURY-GENERAL OF STATE OF SONORA,  
May 13, 1881.

I, Manuel Telles, contador of the treasury-general of the State, with the functions of treasurer, certify that the expediente or original titles of land which exist in this treasury have not the cause of adjudication at the end, for the practice which was observed in issuing to any person a title of land was to furnish a testimonio of all the proceedings in the original expediente, placing at the end of this document the clause of adjudication in the name of the sovereign State of Sonora, of which formula there remained in the archives of the titles of lands a loose draught or minute, as also the original titles, which serve as a matrix or registry for the office. At the request of J. Humphray Dougherty, I give these presents, in Hermosillo, May 13, 1881, which I authorize, signing with my assisting witnesses.

M. TELLES.

A.: DONACIANO DE LA JUENTE.

A.: RICARDO MORALES.

I, Luis E. Torres, constitutional governor of the State of Sonora, certify that the foregoing signature is that which is used in all his official acts by Citizen Manuel Telles, contador of the treasury-general of the State, in charge of the office, according to law, and is therefore entitled to full credit; and in order that it may have full credit wherever necessary I give these presents, in Hermosillo, on the 30th day of the month of May, 1881.

[SEAL.]

LUIS E. TORRES.  
J. P. ROBLES.

(Here follows consular certificate in English.)

*Ex. E, June 21, 1881.*

[L. s.]

Manuel Telles, Contador de la Tesoreria General del Estado, en funciones de Tesorero, certifico: Que los archivos de la Tesoreria General del Estado estan á mi cargo, como el gefe legal de dicha oficina.

A pedimiento del Señor Licenciado J. Hamden Dougherty, extendo el presente en Hermosilla á trece de Mayo de mil ochocientos ochenta y uno, que autorizo firmando con los testigos de mi asistencia.

M. TELLES.

A.: DONACIANO DE LA FUENTE.

A.: RICARDO MORALES.

[L. s.]

Luis E. Torres, Gobernador Constitucional del Estado de Sonora, certifico: Que la firma que antecede es la que usa en todas sus actas publicas el Co. Manuel Telles, Contador de la Tesoreria General del Estado, encargado de la oficina por ministerio de la ley, y por consiguiente merece todo credito.

Y para que otre la fé necesaria donde convenga, extiendo el presente en Hermosillo á treinta dias del mes de Mayo de mil ochocientos ochenta y uno.

LUIS E. TORRES.  
J. P. ROBLES, o. m.

CONSULATE OF THE UNITED STATES OF AMERICA, AT GUAYMAS:

I, the undersigned, consul of the United States of America for Guaymas, Mexico, do hereby certify that the seal and signature of Luis E. Torres, governor of Sonora, Mexico, to the foregoing certificate are true and genuine, well known to me, and the same as he uses in all of his official acts, and as such are entitled to full faith and credit, and I hereby certify that the said person is the constitutional governor of Sonora, Mexico, in the full exercise of his functions of office.

Given under my hand and seal of the consulate at Guaymas the 1st day of June, A. D. 1881.

A. WILLARD,  
Consul.

*Exhibit E, June 21, 1881.*

[Stamp.]

TREASURY-GENERAL OF STATE OF SONORA,  
May 13, 1881.

I, Manuel Telles, of the treasury general of the State, acting as treasurer, certify that the archives of the treasury general of the State are in my charge as official head of said office.

At the request of J Hampden Dougherty, I give these presents in Hermosillo, May 13, 1881, which I authorize signing with my assisting witnesses.

M. TELLES.

A. DONACIANO DE LA JUENTE,  
A. RICARDO MORALES.

I, Luis E. Torres, constitutional governor of the State of Sonora, certify that the foregoing signature is that which is used in all his official acts by citizen Manuel Telles, contador of the treasury general of the State in charge of the office, according to law, and is therefore entitled to full credit, and in order that it may have full credit wherever necessary, I give these presents in Hermosillo on the 30th day of the month of May, 1881.

[SEAL.]

LUIS E. TORRES,  
J. P. ROBLES.

Here follows consular certificate in English.

*Ex. F, June 21, 1881.*

[L. S.]

Manuel Telles, Contador de la Tesoreria General del Estado, en funciones de tesorero, certifico: Que he mandado buscar en el archivo de la Tesoreria General de mi cargo el libro manual de cargo y data, en que llev6 la misma oficina las cuentas del Estado correspondiente al a~no de 1838, el cual no se encontr6, por haberse perdido, asi como otros documentos de importancia en las varias guerras civiles, y de la invasion francesa, por que ha pasado este Estado en las que fueron destruidos en parte los archivos de esta oficina.

A pedimiento del Sor. J. Hampden Dougherty, le extiendo el presente en Hermisillo 6 trece de Mayo de mil ochocientos ochenta y uno, firmando con los testigos de mi asistencia.

M. TELLES.

A.: DONACIANO DE LA FUENTE.  
A.: RICARDO MORALES.

[L. S.]

Luis E. Torres, Gobernador Constitucional del Estado de Sonora, certifico: Que la firma que antecede es la que usa en todos sus actos publicos, el Co. Manuel Telles, Contador de la Tesoreria General del Estado, encargado de la oficina por ministerio de la ley, y por consiguiente merece todo credito.

Y para que otre la fe necesaria donde covenga, extiendo el presente en Hermosilla 6 los treinta dias del mes de Mayo de mil ochocientos ochenta y uno.

LUIS E. TORRES,  
J. P. ROBLES, o. m.

U. S. CONSULATE, AT GUAYMAS, MEXICO:

I, Alexander Willard, U. S. consul for Guaymas, Mexico, do hereby certify that the seal and signature of Luis E. Torres, governor of Sonora, to the foregoing certificate, are true and genuine, and are the same that he uses in all of his official acts; and I further certify that said person is governor of Sonora, Mexico, in the full exercise of the functions of his office.

Given under my hand and seal of the consulate at Guaymas, the first day of June, A. D. 1881.

[L. S.]

A. WILLARD,  
Consul.*Exhibit F, June 21, 1881.*TREASURY-GENERAL OF THE STATE OF SONORA,  
May 13, 1881.

[Stamp.]

I, Manuel Telles, contador of the treasurer-general of the State, acting as treasurer, certify that I have caused search to be made in the archives of the treasury general in my charge for the book Manuel de Cargo y data, in which the said office kept the accounts of the State corresponding to the year 1838, which cannot be found, having been lost, with other important documents in the various civil wars and

the French invasion, through which the State has passed, in which part of the archives of this office were destroyed.

At the request of J. Hampden Dougherty, I give these presents in Hermosillo, May 13, 1881, which I authorize, signing with my assisting witnesses.

M. TELLES.

A. DONACIANO DE LA JUENTE,  
A. RICARDO MORALES.

I, Luis E. Torres, constitutional governor of the State of Sonora, certify that the foregoing signature is that which is used in all his official acts by citizen Manuel Telles, contador of the treasury general of the State in charge of the office, according to law, and is therefore entitled to full credit, and in order that it may have full credit wherever necessary, I give these presents in Hermosillo on the 30th day of the month of May, 1881.

[SEAL.]

LUIS E. TORRES.  
J. P. ROBLES.

Here follows consular certificate in original (in English).

*Ex. "G," June 21, 1881.*

[L. s.]

Manuel Telles, contador de la Tesoreria General del Estado, en funciones de Tesorero, certifico: Que el objeto del libro manual de carga y data que llevó esta Tesoreria en el año de 1838, era el de llevar las cuentas del Estado, asentando en él los ingresos de que se compona el tesoro del mismo, asi como los egresos ó gastos que tema que errogar.

A pedimiento del Sor. Licenciado J. Hampden Dougherty extiendo el presente en Hermosillo á trece de Mayo do mil ochocientos ochenta y uno—firmando con los testigos de mi asistencia.

M. TELLES.

A.: DONACIANO DE LA FUENTE.  
A.: RICARDO MORALES.

[L. s.]

Luis E. Torres, Gobernador Constitucional del Estado de Sonora, certifico: Que la firma que antecede la que usa en todas sus actas publicas el Co. Manuel Telles, contador de la Tesoreria General del Estado, encargado de la oficina por ministerio de la ley, y por conseqüente merece todo crédito.

Y para que otre la fé necesaria dondo convenga extiendo el presente en Hermosillo á los treinta dias del mes de Mayo de mil ochocientos ochenta y uno.

LUIS E. TORRES.  
J. P. ROBLES, o. m.

CONSULATE OF THE UNITED STATES OF AMERICA AT GUAYMAS:

I, the undersigned, consul of the United States of America for Guaymas, Mexico, do hereby certify that the seal and signature of Luis E. Torres, governor of Sonora, Mexico, to the foregoing certificate are true and genuine, well known to me, and are the same as he uses in all of his official acts, and as such are entitled to full faith and credit. And I further certify that said person is governor of Sonora, Mexico, in the full exercise of the functions of his office.

Given under my hand and seal of the consulate at Guaymas this first day of June, A. D. 1881.

[L. s.]

A. WILLARD,  
Consul.

*Exhibit G, June 21, 1881.*

[STAMP.]

TREASURY-GENERAL OF THE STATE OF SONORA,  
May 13, 1881.

I, Manuel Telles, of the treasurer-general of the State, with the functions of treasurer, certify that the object of the book "Manuel de cargo y data" kept in this treasury in the year 1838 was to keep the accounts of the State, entering in it the receipts of the said treasury, as also the disbursements or expenses which had to be made.

At the request of J. Hampden Dougherty, I give these presents in Hermosillo May 13, 1881, which I authorize signing with my assisting witnesses.

M. TELLES.

A.: DONACIANO DE LA JUNTE.  
A.: RECORDO MORALES.

I, Luis E. Torres, constitutional governor of the State of Sonora, certify that the foregoing signature is that which is used in all his official acts by citizen Manuel Telles, contador of the treasury-general of the State, in charge of the office according to law,



and is therefore entitled to full credit, and in order that it may have full credit whenever necessary I give these presents in Hermosillo on the 30th day of the month of May, 1881.

[SEAL.]

LUIS E. TORRES.  
J. P. ROBLES.

Here follows consular certificate in original (in English).

*Ex. H., June 21, 1881.*

[L. S.]

Manuel Telles, contador de la Tesoreria General del Estado, en funciones de Tesorero, certifico: Que la firma y lelea del certificado adjunto, fecha 4 de Julio del año de 1857, es de puño y letra del finado José Maria Mendoza, Tesorero General del Estado, que fué en el año de 1838; que he visto su letra y firma en muchos documentos oficiales que existen en esta Tesoreria; certifico y gualmente que los titulos de los terrenos denominados Sopori, expresado en dicho certificado, expedido por José Maria Mendoz, son genuinos y exacte la matriz, y actuaciones originales en esta propia Tesoreria balreado se cumplido con todos los tranules prevenidos por la ley organica de Hacienda, fecha 11 de Julio del año de 1834, regente en este Estado, hasta 14 de Diciembre del año de 1879, y a pedimento del Sor. Licenciado J. Hampden Doherty, extendiendo el presente, en Hermosillo á veinteocho de Mayo de mill ochocientos ochenta y uno.

M. TELLES.

A.: DONACEANO DE LA FUENTE.

A.: ANTONIO B. MONTEVERDE.

[L. S.]

Luis E. Torres, Gobernador Constitucional dele Estado de Sonora certifico: Que la firma que antecede es la que usa en todas sus actas oficiales el ciudadano Manuel Telles, Contador de la Tesoreria General del Estado, encargado de la oficina por ministerio de la ley, y por conseqüente merece todo credito.

Y para que oile la fé necesaria donde convenga, extendiendo el presente en Hermosillo á treinta dias del mes de Mayo de mil ochocientos ochenta y uno.

LUIS E. TORRES,  
J. P. ROBLES, *o. m.*

U. S. CONSULATE AT GUAYMAS, MEXICO:

I, the undersigned, consul of the United States for Guaymas, Mexico, do hereby certify that the seal and signature of Luis E. Torres, governor of Sonora, to the foregoing certificate are true and genuine, well known to me, and are the same that he uses in all of his official acts; and I further certify that said person is the constitutional governor of Sonora, Mexico, in the full exercise of his functions at office.

Given under my hand and seal, at the consulate of Guaymas, this 1st day of June, A. D. 1881.

[L. S.]

A. WILLARD,  
*Consul.*

Sello Tercero [L. S.] Cuatro reales.

José Maria Mendoza, Tesorero y Comisario General, jubilado del Estado de Sonora, Promotor Fiscal de Hacienda en esta Capital de Ures, encargado de la oficina liquidaria de la estinguida Tesoreria Departamental, y ocupado actualmente de formar por disposicion superior una noticia circunstanciada de todas las ventas y enagenaciones de tierras, hechas en el mismo Estado por cuenta de la Hacienda publica, desde la independencia de la nacion en adelante,

Certifico: En cuanto puedo, y debo, en la mas bastante forma de derecho, que en el año de 1838, siendo yo entonces, por segunda vez, Tesorero General del Estado, fueron medidas, adabados, rematados y adjudicados en almenedas publicas treinta y un sitios, siete octavas partes de otro, y una escasa caballeria de torrenos para cria de ganado mayor y caballada, comprendidos en el puesto nombrado el Sopori, sito en el partido de San Ignacio á favor del registrador de dichas tierras Don Joaquin de Asteazaran, vecino que fué de la jurisdiccion de Horcasetas, quien entró en la Tesoreria General del Estado los novecientos diez y nueve pesos, del valor principal de los sobre dichos sitios, así como tambien los demas derechos pertenecientes á la Hacienda publica, por la ultima almeneda, y remate y por el titulo de merced en forma; habiendose practicado todo por las autoridades competentes que al objeto designaron las leyes del ramo y con arreglo á las secciones 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, y 7<sup>a</sup>, del chaptulo 9, de la ley organica de Hacienda, numero 26, de 11 de Julio de 1834, al reglamento formado en cumplimiento de la

ley 30, de 20 de Mayo de 1825, y á los demas disposiciones legales, que regian la venta de tierras, que fué del Estado, espedidas en virtud de la primera ley general de clasificacion; y certifico en fin, que el Expediente original de los mencionados terrenos del Sopori existe custodiado en el archivo de esta oficina liquidatoria; y para que conste donde convenga, doy la presente á pedimiento del Sr. Don Fernando Cubillas, vecino y del comercio de Guaymas, en Ures á cuatro de Julio de mil ochocientos cincuenta y siete.

JOSE MARIA MENDOZA.

*Exhibit H, June 21, 1881.*

[STAMP.]

TREASURY-GENERAL OF THE STATE OF SONORA:

I, Manuel Telles, contador of the treasury-general of the State, acting as treasurer, certify that the handwriting and signature of the annexed certificate, dated July 4, of the year 1857, are the handwriting and signature of José Maria Mendoza, deceased, who was treasurer-general of the State of Sonora in the year 1838; that I have seen his handwriting and signature in many official documents which exist in the treasury. I certify equally that the titles of the lands denominated Sopori, referred to in said certificate issued by José Maria Mendoza, are genuine, and the matrix or original proceedings exist in this very treasury, all the formalities having been complied with required by the organic law of the treasury, dated July 11, of the year 1834, in force in this State till Dec. 14 of the year 1879.

At the request of J. Hampden Dougherty, I give these presents in Hermosillo, May 28, 1881.

M. TELLES.

A: ANTONIO B. MONTEVERDE.

A: DONACIANO DE LA JUNTE.

I, Luis E. Torres, constitutional governor of the State of Sonora, certify that the foregoing signature is that which is used in all his official acts by citizen Manuel Telles, contador of the treasury-general of the State, in charge of the office according to law, and is therefore entitled to full credit, and in order that it may have full credit whenever necessary I give these presents in Hermosillo on the 30th day of the month of May, of 1881.

[SEAL.]

LUIS E. TORRES.  
J. P. ROBLES.

(Certificate U. S. consul, Guaymas, follows the above in English.)

Third seal (years 1856 and 1857), four shillings.

I, José Maria Mendoza, treasurer and commissary-general, pensioned by the State of Sonora, promotor-fiscal of the treasury in the capital of Ures, chief of the section of liquidation of the extinguished departmental treasury, and actually occupied in preparing a circumstantial report by superior order of all the sales and conveyances of land made in the same State for account of the public treasury from the independence of the nation to the present time, certify in due form of law that in the year 1838, I being then for the second time treasurer-general of the State, there were measured, valued, put up at public auction, sold, and adjudicated 31 sitios, seven-eighths part of another, and a small fraction of land for the herding of cattle and horses, situated on the place called the Sopori, in the district of San Ignacio, in favor of the applicant for said lands, Don Joaquín de Astiazaran, then resident of the jurisdiction of Horcoitas, who paid into the treasury-general of the State nine hundred and nineteen dollars, the value of said lands, as also the other dues pertaining to the public treasury for the last — and remote and for the final title of the land, everything having been performed by the proper authority which the laws of the treasury had in view, and in accordance with sections 3, 4, 5, 6, and 7 and of chapter 9 of the organized law of the treasury, No. 26, of July 11, 1834, and the rules prepared in conformity with the law No. 30, of May 28, 1825, and the other legal provisions relating to the revenue of lands which belong to the State under, in virtue of the first general law of the classification of revenue, dated Aug. 4, 1824, and I finally certify that the original expediente of the said land of the Sopori exists in the archives of this office of liquidation and for evidence whenever desired.

I give these presents at the request of Sr. Don Fernando Cubillos, resident and merchant at Guaymas, on this July 4, 1857.

JOSE MARIA MENDOZA.

*Exhibit A, June 23, 1881.*

Numero 30.

El Congreso constituyente del Estado libre independiente y sobrano de Occidente, ha tenido á bien decretar lo siguiente :

*Ley provisional para el arreglo de las mercenaciones de tierras del Estado.*

Derechos para la hacienda del Estado.

- ART. 1. Por cada sitio seco, que solo pueda servir para pastadero de bienes, diez pesos.
2. Por las que puedan consgrir agua de roria, treinta pesos.
3. Por las que tengan agreeage ó rio, sesenta pesos.
4. El valor designado en los articulos antecedentes se reputará por el minimum de los sitios sin que por ningun caso puedan rebajarse.

DERECHOS DE AGRIMENSOR.

5. Por la medida de un sitio, veintecinco pesos.
6. Por la de dos á un mismo interesado, treinta pesos, cuatro reales.
7. Por la de três id. id., cincuenta pesos.
8. Por la de cuatro id. id., sesenta pesos y dos con cuatro.
9. Cuando el agrimensor meda varios sitios, pero á destintos sugetos y que aquellos no pasan de una á cada registrante llevara veintecinco pesos.
10. Por las pregones y actnaciones hasta poner en estado de remate el expediente veintecinco pesos.
11. El papel sellado sera de cuenta de los interesados.

DERECHOS DE LA ULTIMA ALMENADA.

12. Por las tres pregones de la ultima almenada y remate, seis pesos.
13. Por el parecer de promotor fiscal, tres pesos.
14. Por el tambour y pregones, dos pesos.
15. El titulo sedara de gratis.
16. El papel sellado es de cuenta de los interesados á quienes nada se les llevará por las notificaciones y diligencias de vitalidad que se acostumbraban en las ultimas almenadas.

PROVISIONES GENERALES.

17. Los agrimensores lo seran los alcaldes de los pueblos á cuya jurisdiccion perteneczan, los sitios que se registran, pues con pená facultad que al efecto les delagorá el Tesorero General.
18. Al efecto los interesados se presentaran directamente al Tesorero General y este á continuacion del pedimiento bara la delegacion respectiva.
19. El Tesorero como Gefé inmediato de todas las rentas bara los remates dará los titulos.
20. El Fiscal lo sera perpetuamente el administrador de rentas de la capital.
21. A ningunas que sea nueros creadores se le podra dar mas de cuatro sitios.
22. A los que por su abundancia di bienes necesiten de mas aun sundo antiguas creadores, el Tesorero General les concederá las mas de que unicamente tengan necesidad.
23. El Tesorero General procurara por cuantas medias esten á su alcance, asegurarse de la verdad, antes de hacer la concesion que presente el articulo anterior, sin el interesado tenga parte en las providencias que tiene para conseguir aquel objeto.
24. Nadie podra obtener sitio alguno para bienes seminentes sin que justifique primero á juicio y satisfaccion de Tesorero General que tiene los suficientes bienes para llamarse Creadero.
25. El Tesorero para calificar la verdad del objeto á que se contrae el articulo anterior podra, mandar seguir una informacion ó tomar las informes reservados que le parezcan.
26. Para el abaluo que debo hacerse de los sitios sobre el valor que les prescribe esta ley nombraran los alcaldes agrimensores personas totalmente imparciales de los interesados y despues de imponerlas de su obligacion procederá á desempivarse su comision, aladiendo á la mas ó menos feracidad de las tierras, su localidad, y amas circunstancias, para darles el valor que justamente merizcan.

27. Los que posean sitios y que aunque los tienen registrados y mensurados no han obtenido titulo se presentaran al Tesorero General, dando razon por escrito de las causas de aquellas faltas, subdelegado ó juez, que lo medio, y desembolsas que hueron.

28. El Tesorero senalará el tiempo que al efecto le parezca oportuno y luego que tiene todas las noticias dara cuenta al Gobierno para que este diete las providencias que convengan á los derechos de los interesados y al interes de la hacienda.

29. El Tesorero dará las metodas é instrucciones, necesarios á los agrimensores, para que las medidas sean legales y esactas.

30. Sera obligacion de los duenos de sitios, poner en sus terminos linderos las majoneras de cal y canto, que esta mandado por repetidos leyes luego que se les de la posesion de aquellos; y si dentro de tres meses, contados desde el dia en que se concluyo la minsura no lo verificasen incurriran en la multa de veintecinco pesos, que se le exija el Juez agrimensor, para los propios del courier, y ademas, mandara construir de cuantos de los interesados las dichas majoneras.

31. Los que tengan decreto para registrar sitios conforme la practica anterior quedan garantidos por esta ley.

32. Quedan estuquedas los derechos de contaduria de ejercitos, media anata y el tanto por ciento del punto general que se cobraba en el gefatura anterior. Lo tenta intendidos.

FUERTE 20 de Mayo de 1825.

LUIS MARTINEZ,  
*Deputado Presente.*  
JESUS ALVARADO,  
*Deputado Srio.*  
MANL. ESCALANTE Y ANAZA,  
*Deputado Srio.*

*Exh. A.—Translation of Law No. 30.*

The constituent Congress of the free, independent, and sovereign State of the West has been pleased to decree the following:

*Provisional law for the regulation of the sale of lands of the State.*

DUES OF THE TREASURY OF THE STATE.

- ART. 1. For every dry sitio which can be used only for pasture, ten dollars.  
2. For those capable of irrigation by means of wells, thirty dollars.  
3. For those having surface water or rivers, sixty dollars.  
4. The value fixed for sitios by the preceding articles shall be regarded as the minimum and shall in no case be reduced.

DUES OF SURVEYORS.

5. For the measurement of one sitio, twenty-five dollars.  
6. For that of two to the same purchaser, thirty-seven dollars and fifty cents.  
7. For that of three to the same purchaser, fifty dollars.  
8. For that of four to the same purchaser, sixty-two and a quarter.  
9. When the surveyor measures for different persons various sitios of which not more than one is allowed to each, he shall charge twenty-five dollars.  
10. For the public cries and proceedings until the title is placed in such a state that it can be auctioned, twenty-five dollars.  
11. Sealed paper shall be at the expense of the purchaser.

CHARGES FOR THE LAST AUCTION, &C.

12. For the three offers of the final auction and sale, six dollars.  
13. For the opinion of the promotor fiscal, three dollars.  
14. For the drum and crier, two dollars.  
15. The title shall be given free of charge.  
16. The sealed paper is at the charge of purchaser, who shall not be charged for the formal notifications and records which are usual in the last sale.

GENERAL PROVISIONS.

17. The alcaldes of the town to whose jurisdiction the sitios to be sold pertain, shall be the surveyors, but upon previous authorization, which for such purpose the treasurer-general shall delegate to them.

18. For that purpose the purchasers shall present themselves directly before the treasurer-general, who shall make the proper delegation for carrying out their petition.

19. The treasurer as immediate director of all sales shall make the auctions and grant the titles.

20. The promotor fiscal shall always be administrator of customs of the capital.

21. To no one who is a new stocker (criador) shall be allowed more than four sitios.

22. To those who from abundance of stock need more, although they are old stockers (criadores), the treasurer-general shall concede so much only as they may need.

23. The treasurer-general shall endeavor by all means in his power to assure himself of the facts before making the concession which the foregoing article prescribes without the purchaser taking part in the means he employs for ascertaining this object.

24. No one shall be able to obtain any sitio for his stock without establishing first to the judgment and satisfaction of the treasurer-general that he has sufficient goods to be called a stock-raiser (criador).

25. For ascertaining the truth of the matter mentioned in the foregoing article, the treasurer-general shall be empowered to command that information be obtained, and to take such evidence *ex parte* as he may think fit.

26. For the valuation which should be placed upon sitios beyond the value prescribed by this law, the alcaldes shall nominate surveyors, who shall be totally impartial as to the purchasers, and after being informed respecting their duties, they shall proceed to execute their commission, giving due consideration to the greater or less wildness of the land, its locality, and its circumstances inside to fix the value which it justly merits.

27. Those who possess sitios, who registered and measured, but who have not obtained a title, shall present themselves to the treasurer-general, giving reason in writing of the causes of those faults, the person delegated or judge who measured the land, and the expenses they have incurred.

28. The treasurer shall for that purpose designate a time which seems to him proper, and after he has obtained all the information shall give an account to the Government, which may make such provisions as it thinks proper for the rights of purchasers and the interest of the treasury.

29. The treasurer-general shall furnish the necessary rules and instructions to the surveyors, so that the measurement may be legal and exact.

30. It will be the duty of the owners of sitios to put up in their respective boundaries the posts of masonry commanded to be erected by repeated laws. After possession has been given, and if within three months, counting from the day on which measurement was completed, they shall not have done so, they shall incur a fine of twenty-five dollars, which will be collected by the surveying judge for the revenues of the State; and, furthermore, he shall command that the said posts of masonry be erected at the expense of the parties interested.

31. Those having a decree to register sitios in conformity with the practice hereinbefore stated shall remain guaranteed by this law.

32. The revenues of the military department and the *media anata* and percentage levied by the former Government are hereby abolished.

Thus let it be understood, &c.

Fuerte, 20th day of May, 1825.

LUIS MARTINEZ,  
*De vca, &c., Deputy President.*

JESUS ALVARADO,

*Deputy Secretary.*

MANUEL ESCALANTE Y AVIZA,  
*Deputy Secretary.*

*Exhibit B, June 23, 1881.*

1º. Cuando supé de tal concesion de Sopori ó si la hubo oido alguna vez del finado Astiazaran?

Recordando hechas de conversaciones en tantos años pasados tirego á la memoria que durante mis viages en fin del año de 1840 por 41 ó 42 en mis entrevistas con dicho finado Astiazaran, me comunicó que tenia una posesion, en el terreno de Sopori y deseaba poderlo sin el tenor de los Apaches que mucho hostilaban aquellos puntos, lo oi despues por 1850 y 1851 á sus hijos los Sres. Licenciados Fernando y Joaquin Astiazaran, y vene á confirmar estos dichos cuando certifique como gobernador la firma y autoridad del Tesorero del Estado.

DN. JOSÉ MA. MENDOZA.

*Exhibit C, June 23, 1881.*

1st. When did I know of such a concession of the "Sopori," or have I ever heard about it from the deceased Astiazaran?

Remembering the outlines of conversation during so many past years, I bring to my memory that in the course of my voyages towards the year 1840, in '41 to '42, in

my interviews with the said deceased Astiazaran, he communicated to me that he had a property in the Sopori, and that he wish he could cultivate it without the fear of the Apaches, who rendered those parts very insecure. I have heard it since in 1850 and '51 from his sons, the Licentiates Fernando and Joaquin Astiazaran, and I came to confirm these sayings when, as governor, I certified the signature and the authority of the treasurer of the State.

DON JOSÉ M. MENDOZA.

#### SURVEYOR-GENERAL'S OPINION AND RECOMMENDATION.

This case sets up a claim to nearly thirty-two square leagues of land. The claim is presented by the Sopori Land and Mining Co., an incorporation under the laws of Rhode Island. The papers allege that on March 30, 1838, Joaquin de Astiazaran made a petition to the treasurer-general of Sonora, Mexico, asking for a tract of vacant land at the place called "El Sopori," and that, after the usual proceedings were had, the said land was granted to the petitioner by grant of date July 5, 1838.

I first heard of this large Sopori grant about ten years ago, and have always heard it mentioned as a spurious one; and at every step of the investigation, which formally began in June, 1880, of its "origin, nature, character, and extent," its spurious character has been more clearly revealed. There are many sound objections to its confirmation, the fundamental ones being:

1. Although the true signature of the granting officer appears to the grant, which of itself is no guarantee of genuineness, nearly all the other signatures are, beyond a reasonable doubt, forged, including that of the original petitioner, Joaquin de Astiazaran, and the grant was evidently manufactured in 1854 instead of 1838.

2. The original petition for the grant is remarkable for its dictatorial and unusual conditions, and in important particulars contains palpable falsehoods.

3. The claim embraces two other grants of four leagues each, of date prior to 1838, and perhaps an accurate survey would show it to cover several small presidial grants all of dates prior to 1838.

4. Although an expediente of the claim or alleged grant is on file in the proper archives, it is not recorded as required by the sixth article of the Gadsden Treaty. Notes on the "expediente" and "testimonio" signed by Treasurer-General Mendoza state that the grant is registered in the corresponding or proper book, whereas it was not registered or recorded in any book, and therefore both these evidences of title assert unqualified falsehoods in a most important matter.

#### SIMULATION OF SIGNATURES.

The examination of this case has fully convinced this office that the Sopori title papers were fraudulently made about 1854, instead of at their date of 1838. If they were so made, the signatures of all the persons whose names appear in said papers, who died prior to 1854, must be forged. It is in proof that Joaquin de Astiazaran, the alleged grantee, died in 1845; therefore if the grant were made at any time subsequent to 1845, his signature, which occurs several times in the title papers, is simulated.

Fernando Ma Astiazaran, a son of the alleged grantee, testified in the case that he and his brother Joaquin were sent to the city of Mexico in 1838, while they were yet children, to be educated, and that they did not return until 1849, four years after the father's death. This witness examined photographic copy of signature of Joaquin de Astiazaran as found in the original title papers of el Sopori, and as shown by government photographic exhibit No. 3, and testified that the same was genuine and written by his father's hand; that he had received many letters from his father while in the City of Mexico, and knew his handwriting well. Joaquin, the other son of the alleged grantee, has also testified in the case; says that he has had in his possession many letters from his father, but that all of them had been destroyed, and that he has been unable to find any original writing of his father. This, to say the least, is remarkable, for his father is proven to have been and unquestionably was one of the richest and most influential and prominent men of Sonora. It is passing strange, therefore, that only thirty-six years after his death none of his handwriting or signatures can be found by his sons to disprove a charge of fraud involving the reputation of any member of his family or descendants. The claimant in this case was the first to raise the question of the genuineness of the alleged grantee's signatures, and introduced in a direct manner the testimony of several witnesses in point, and thus compelled this office to carefully consider it. Counsel for claimant, in their brief, several times assert that the surveyor-general admitted the signature of Joaquin de Astiazaran to be genuine, but such is not a fact. The record shows the most that was admitted in any form or at any time, and also shows that there was a probability that he might or would question its genuineness. The question

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raised by claimant's counsel and said Astiazaran's death, proven to have occurred in 1845, I deemed it necessary to procure his genuine signature and handwriting as standards of comparison by which to test the character of his alleged signatures as found in the Sopori title papers, and believing 'the same could readily be obtained in the land archives of Sonora, I sent Mr. R. C. Hopkins, translator and Spanish clerk in this office, to Hermosillo, with instructions to procure, if possible, photographic copy of his true signature and handwriting from a document or documents of undoubted genuineness in the government archives. Mr. Hopkins found no difficulty in executing his instructions, and procured triplicate copies from the expediente of the rancho of "Mesa de las Alameas" bearing date of 1835, one of which is presented herewith and marked exhibit No. 3½. It will thus be seen that while the claimant introduced the testimony of several witnesses to prove the genuineness of Joaquin de Astiazaran's signature, and produced photographic copies of other signatures found in the archives which appear in the Sopori title papers, and by counsel personally examined the archives of Sonora, where said Astiazaran's genuine signatures are easily found, no photographic copy or other reliable standard of comparison of said Astiazaran's signature or handwriting was presented. Does it not appear that claimant feared any such reliable standard would of itself show the spurious character of his signature to the Sopori title papers? And is not this view of the case strengthened by claimant's objections to the admission of such standards of comparison into the record? Whatever the facts in this particular, the claimant has most decidedly opposed the surveyor-general's introduction of this recognized reliable standard of comparison into the record of said Astiazaran's handwriting and signature, and yet in the examination of its own witnesses a positive disposition appeared to be manifested to have the genuine handwriting and signature of said Astiazaran produced before the surveyor-general. It was as easy for claimant to have done so as to produce standards of comparison as to other signatures and handwriting, and while apparently desiring to do so, did not. But one reasonable conclusion can be drawn therefrom, and that is, had it been done, it would have quite effectually shown said alleged grantee's signature wherever it appears in the original title papers to have been forged, and that, too, by claimant's own actions.

Having procured a reliable standard of comparison by which said Astiazaran's signature as it appears in the Sopori title papers can be tested, a critical analysis is herewith presented. Photographic exhibit No. 3 is a copy of the signature of Astiazaran as it appears in said title papers and which is held by this office to be forged, and No. 3½ shows his genuine signature and handwriting as found in the Sonora land archives as heretofore stated. The "rubrica" or flourish attached to a Spanish signature is a very important part thereof; it was in fact a part of it, and the Spanish law permitted a certain character of official documents to be signed with a "rubrica" alone, hence any one who used a pen with facility or was in the habit of frequently signing his name would very naturally acquire a habit of making the rubrica adopted by him as a part of his signature, without thought or hesitation. Joaquin de Astiazaran was a native of Spain, a man of intelligence, and used a pen easily and gracefully; and in 1838 and in previous years doubtless made his signature and rubrica in the ready and smooth style as is shown by photographic exhibit No. 3½. The rubrica to this signature when examined by aid of a glass is seen to have been without hesitation or break in the lines. It is an easy and graceful figure, which from long habit was made without deliberation or perhaps any thought. An inspection of it clearly shows it to have been made thus. Compare with it the rubrica to the alleged signature of Astiazaran found in the Sopori title papers and shown by photographic exhibit No. 3; the latter cannot be traced; it has neither beginning nor end; is mere patchwork, made with hesitation and doubt, and is clearly not the result of any muscular motion which from long habit is made without doubt or hesitation. A critical comparison of the signatures, as shown by exhibits 3 and 3½, shows the same marked difference and can hardly fail to convince any impartial judge or man that the hand that wrote the name of Joaquin de Astiazaran, as shown by photographic exhibit 3½, did not write that shown by No. 3, and therefore the latter must be a forgery; the former is easy and graceful and evidently made without deliberation or hesitation, whereas the latter is awkward and constrained, the J and o not being connected by a continuous line as in the former, and the word "de" is evidently patched, and the name Astiazaran only a bungling imitation of the graceful and genuine signature. Examine the "A;" in the genuine this letter is smoothly and naturally made, the pen being taken off the paper but once, while in the spurious, shown upon No. 3, it is doctored by several touches of the pen. While it bears some resemblance in form to that in the signature shown upon No. 3½, it is utterly unlike in expression, and clearly exhibits its illegitimate origin. The hand that wrote the signature shown on exhibit No. 3 could have made, if honestly writing, a much better specimen of penmanship than that appearing thereon, and by a close inspection of it under a glass it will be observed that all of the lines were made slowly and not with a free motion of the hand, except the dash which

ends the word "de," in the writing of which the writer for the moment gave his hand its natural liberty.

It is not a difficult matter for an expert counterfeiter to imitate a signature which is made slowly and mechanically, such as is made by one learning to write, or who writes but seldom and indifferently; but it is almost impossible to counterfeit a signature of rapid and graceful execution, for to do it the counterfeiter would necessarily have to practice making the signature until he acquires the motion of the hand that executed the genuine, and until he can imitate it without looking at the original. The moment he attempts to imitate the genuine of such an original by slowly following the letters, his failure is not only certain but easily detected, as in this case, for the writing of the name Joaquin de Astiazaran as shown upon exhibit No. 3, no more resembles that of the genuine as shown upon No. 3½ than the wooden image of a man resembles its living original. The one has life and expression, the other has neither.

The testimony shows that most of the persons whose names appear in the "Sopori" title papers died prior to 1854, and claimant has made strong efforts to prove by both oral testimony and photographic exhibits that their signatures to said papers are genuine. It will be noticed, however, that the efforts were greater to prove the genuineness of comparatively unimportant signatures than that of the most important, viz: the alleged original grantee, Joaquin de Astiazaran. This office believes it is forged, and its belief is supported by testimony and circumstances which, taken together, are incomparably stronger than all the proofs and exhibits of claimant. However, if all the signatures to the papers of those persons who actually died after 1838 and prior to 1854 could be proven to have been honestly made by the persons they represent, the charge of forgery would be practically eliminated from the case; but this is far from being done, and even if done, would not make the grant genuine and would still leave its fraudulent character stand out in bold relief. Further on in this opinion it will be shown that genuine signatures do not make genuine grants. In the grossest land frauds of this kind in California, the Supreme Court of the United States found the title papers to contain the genuine signatures of high and low Mexican officials, but nevertheless adjudicated them frauds. But it is far from being admitted on the part of this office that any of the signatures to the Sopori title papers, save that of Treasurer-General José Maria Mendoza, is genuine, although one or even more others may be.

A somewhat critical analysis of some of the other signatures is here presented, as follows:

First. That of José Carrillo, promotor fiscal (attorney-general). Government photographic exhibit No. 1 shows his signature as it appears in the Sopori title papers, and the like exhibit No. 9 his signature, as taken from the Mexican land archives in Sonora, as a genuine standard of comparison. Compare these two signatures, and it will be instantly seen that the graceful harmony which characterizes that on No. 9, both in the writing of the name and making of the rubrica, is totally wanting in that upon No. 1. In No. 9 the lines are smooth, were made with ease, are continuous and can be easily traced, while in No. 1 the execution is labored and shows hesitancy, the lines are broken and can not be traced without taking up the pen. The writing of the name in No. 1 is stiff and shows rigidity and hesitation. The letters a r r in the name Carrillo are disconnected, while in No. 9 all the letters of the same name, excepting the "C," are harmoniously connected. No. 9 shows the old-fashioned r made naturally and easily, while in No. 1 the same letter is stiffly and awkwardly executed, and probably done by some one in the habit of using the modern r. The general expression of the two signatures is totally different, that upon No. 9 being free and ingenuous, and that upon No. 1 indicating deceit. Claimant attempts to prove that this signature upon No. 1 is genuine, and that there is no marked difference between it and that upon No. 9. In this behalf, claimant introduces copies of signatures of José Carrillo from the local records of Hermosillo, as standards of comparison, which copies are shown by claimant's photographic exhibit E, Nos. 1, 2, and 3. A comparison of said signature upon exhibit No. 3 with the same signature as it appears upon Government No. 9 shows them to possess the same characteristics, and that they were made by the same hand; whereas a comparison of it upon claimant's photographic Ex. E with it upon Government's No. 1 can leave no other impression than that the latter is spurious and even a poor imitation.

Second. Santos Vigarria was also one of the alleged official participants in the Sopori title papers, and he died, according to the testimony, prior to 1854. Government's photographic exhibit No. 10 shows his genuine signature as copied from documents in the Sonora archives, and like exhibits Nos. 4 and 5 show his spurious signatures as they appear in the Sopori title papers. The difference between those upon No. 10 and those upon Nos. 4 and 5 is very marked. Observe the letter V on No. 10 and compare it with the same letter upon Nos. 4 and 5; in the former it is graceful and well balanced, while in the latter it lacks symmetry and is unlike the other in form. Now take a look at said signature as shown upon claimant's exhibit D. No. 1 is the same as Government's No.

10 before referred to. Nos. 2, 3, and 4 are photographic copies from records produced from Hermosillo by witness Tamayo, and admitted to be genuine. No. 5 is a copy taken from the Sopori title papers. Claimant alleges and attempts to prove that all the signatures of Vigarria as shown upon exhibit D are genuine. It is very clear, in my judgment, that those upon Nos. 1 (same as Government No. 10), 2, 3, and 4 are of the same family, while that upon No. 5 is spurious. A careful comparison of the letter "V" in Vigarria on Nos. 1, 2, 3, and 4 with it in the same name upon No. 5 shows such a manifest difference as to need no particularization. By a careful examination under a glass, it is readily observed that in the genuine signatures as shown upon Government No. 10 and claimant's Nos. 2, 3, and 4, the letter "i" is dotted thus, "i," the dot being at nearly a uniform distance above the letter; whereas in the spurious signatures the same letter is dotted "i," the dot being made by a motion to the right, and is much nearer to the letter than the genuine. The crossing of the t in "Santos" is worthy of comparison. In the genuine signatures, as shown upon the exhibits, the stem of the t extends above the cross thus, "t," while in the spurious ones in every instance but one the cross is placed above the top of the stem, and in the exceptional instance it barely touches the top. The old-fashioned gracefully made r, of Spanish manuscript, appears in the genuine signatures, while the forged ones show a poor imitation.

It may be said that these discrepancies are too slight to entitle them to consideration, but any one who has had experience in the investigation of forged names and penmanship knows that the forger in attempting to counterfeit a signature is almost certain to overlook the minor resemblances, although he may quite accurately imitate the prominent features of the original; therefore these minor differences are always very significant, especially when they occur often and the attending circumstances excite suspicion.

Third. That of Alejo Carrillo. Government photographic exhibit No. 10 shows his genuine signature as copied from records in the Sonora archives, and same exhibit No. 3, his signature as copied from the Sopori title papers. The remarks made on the r in connection with Jose Carrillo's signature are applicable to the same letter in the one now being considered, and attention is also attracted to the rubrica which, in the genuine, extends much above the double "ll," and it does not in the spurious signature shown upon No. 3. The difference in the execution of the rubrica of the one on No. 10 and that upon No. 3 is striking, and the general appearance and expression of the one is totally different from the other. To prove that this signature as shown upon Government photograph No. 3 is genuine claimant has produced photographic copies of Alejo Carrillo's signature from documents in the Sonora archives, as shown by Nos. 1, 2, 3, 5, and 6 of exhibit B, and No. 4 (same as Government No. 10) shows genuine signatures of same person. A critical examination of all these signatures clearly shows that in general expression, formation of letters, particularly the r, and the rubricas, there is such a resemblance as leaves no doubt that they all belong to the same family, and are very unlike those shown upon Government's No. 10 and claimant's No. 4 upon exhibit C.

Fourth. That of Jesus Frasuquillo. Government photographs Nos. 6, 7, and 8 show genuine signatures of Jesus Frasuquillo copied from documents on file in Sonora land archives, and Government No. 3 (from Sopori expediente in Sonora archives) and claimant's No. 4, on exhibit C from the Sopori testimonio, the same spurious signature of Carrillo. The beauty and smoothness that characterize the genuine signatures upon Government Nos. 6, 7, and 8 show that Frasuquillo was an artistic penman, and when examined side by side with those upon Government No. 3 and No. 4 of claimant's exhibit C, no comment is necessary. The claimant's witness Antonio Carrillo, in his testimony, declares "the signature of Frasuquillo as shown upon Government exhibit No. 3 is exactly his signature; that he has no doubt about it." It only need be remarked upon this extraordinary testimony that if No. 3 shows his genuine signature, Nos. 6, 7, and 8 do not. Upon the other hand, if it be admitted, as in truth it must be, that the signatures upon Nos. 6, 7, and 8 are genuine, the honesty or intelligence of this witness Carrillo stands impeached.

Referring to Frasuquillo's signature, counsel's brief states "there is no expert testimony in the record upon the matter," etc. No such testimony was regarded necessary. The surveyor-general is lawfully required to satisfy himself whether grants should be confirmed or rejected, and report accordingly. Had expert testimony been procured, there would probably have been no limit to it pro and con, and that too before an officer whose final duty is confined to a recommendation and not a confirmation. The surveyor-general had many reasons to believe this Sopori grant fraudulent, independent of forgery of signatures. If every signature to it were genuine, the grant ought to be rejected because of non-record and other facts; therefore in the matter of forged signatures, photographs of the alleged forged ones and others of unquestioned genuineness were procured, put in the record, and their difference pointed out. The surveyor-general is satisfied all are forgeries that he charges are, and leaves the final decision in the premises

to Congress, and respectfully submits that assertions of counsel and testimony of claimant's witnesses in point are not conclusive nor entitled to very much weight in this case.

Fifth. That of Luis Carranco. The Government did not specially procure a copy of Luis Carranco's genuine signature as a standard of comparison in this case, but such copy was taken in the case of "El Paso de los Algodones" already reported by this office, from the original title papers in case of the rancho of "San Ignacio del Babacomori," and such copy is found upon photographic exhibit No. 23 in said "Algodones" case. A comparison of Carranco's signature upon this exhibit with those upon Government Nos. 4 and 5 in this case shows dissimilarity in every respect, notwithstanding claimant's witness, Antonio Carrillo, testifies that those upon Nos. 4 and 5 are genuine, and does so upon his conscience. It is manifest that either the judgment or conscience of this witness is unreliable.

I have not the slightest doubt but that the signatures of Joaquin de Astiazaran, José Carrillo, Alejo Carrillo, Santos Vigarria, Jesus Frasquillo, and Luis Carranco, where they appeared in the Sopori title papers, are forged, and am sure that any recognized expert in handwritings and signatures, especially if uninfluenced by selfish motives, would so decide, after a critical inspection and comparison of the photographic exhibits in the case; and I have no doubt but the same judgment would follow with reference to the other signatures in said title papers of the persons who died prior to 1854, were they subjected to a like test and critical comparison. Counsel have incorporated in their brief reproductions, by photo-lithography, of certain photographed signatures in the case, but significantly omit those of Jesus Frasquillo and Joaquin de Astiazaran, the former being charged as a forgery from the beginning and the latter after claimant's counsel introduced testimony to prove it genuine. Frasquillo's signature to the Sopori papers is so manifestly a forgery that to present it aside a genuine one of that graceful penman would have shown poor judgment on the part of counsel, and the same may be said with reference to that of Astiazaran. The omission of these two signatures from counsel's brief, in view of the others therein, is suggestive of fear that to have included them would have damaged their case. A comparison of those in the brief under a glass reveals quite conclusive evidence of forgery as charged by this office. Even if the genuineness of every signature to the Sopori title papers were established, the title papers may still be held as forged and fraudulent. The U. S. Supreme Court say: "We have already said that the genuineness of the official signatures to the paper title might be established, and yet the title forged, and stated our reasons. Proof of the genuineness of these alone can never be regarded as satisfactory." (22 Howard, p. 405.)

#### ALTERATIONS OF DATES, IN ORIGINAL TITLE PAPERS.

An alteration may be made in a record or document to correct a mistake resulting from carelessness or other similar cause, and in such case no fraud can be truly charged, since no deception was intended; but wherein the alteration shows to a moral certainty that the document in which the alteration was made was in fact written years after its alleged date, and that too in a case in which the date is an important element in determining the bona fides of the transaction alleged in said document, the matter of alteration of dates becomes one of controlling importance. The title to "El Sopori" rancho is claimed to have been issued on July, 5, 1838. On that day it would not appear very strange if the clerk who wrote the title papers momentarily was absent-minded and wrote the year 1837 instead of 1838, the preceding year still lingering in his mind; but it would be passing strange if in 1838 he had written 1839 wherein the former should be, because the year 1839 having never existed it could have no place in his memory, and it is difficult to imagine any accidental exercise of the mind that would induce him to write 1839 in July, 1838, in an important transaction of the latter date; but even if this should be considered within the limits of probability, surely no reasonable mind will contend that a clerk honestly writing an important document in 1838 would be at all likely to write in it "1854," which embraces figures and time entirely foreign to the transaction. Any intelligent and just judge, finding one such unlikely and improbable action in an important document in which accuracy of date is quite essential, would hold it to be evidence of bad faith, and should he find it occur several times, he would be very likely to regard the bad faith demonstrated on the face of document. The Sopori title papers bear unmistakable evidences of several such erroneous writings and attempted alterations and corrections. On a page of the "testimonio" of the original title papers, which "testimonio" contains the original "title" signed by the treasurer-general and given to the grantee, the date 1838 is found to have been manifestly written over the date of 1854. This change is clearly shown by Government photograph No. 11. The alteration from 1854 to 1838 is beyond question. The figure "5" is too plain to admit of doubt, and while the figure "4" is somewhat obscured, it is plainly to be seen that the writer first made the figure "4" and afterwards roughly changed it into

a figure "8." This change is made more manifest upon an inspection of the figure "4," which occurs several times in the said "testimonio," which document is all in the same handwriting, and in which said figure is uniformly made thus: "4." The loop on the left side of the altered figure is so plainly discernible as to leave no doubt that a 4 was first made and afterwards changed to an 8. On the last page of the "testimonio" it is clear to any person who can see that the 3 in 1838 was made from the figure 5, as is shown by Government photograph No. 12.

Independent of the many other attendant facts indicative of bad faith, none but a very unwise or bold man or a rogue will claim that these alterations were the result of accident or do not cast suspicion upon the bona fides of the documents in which they appear. Other alterations of date are found in the Sopori titles papers.

The date June 28 is twice plainly made from June 18, as is shown by Government photograph No. 1. These changes are not so damaging, and if none others existed, would not be as noteworthy as the others pointed out, but under the circumstances are significant and must tell against the case. Of all other Mexican title papers filed in this office not one is marked by alterations of dates or a single figure.

It is presumed that the confirming tribunal will carefully examine all the photographic evidences of alterations of dates and form conclusions therefrom, rather than from the merely plausible assertions of counsel in their brief, wherein the glaring character of the alterations are naturally enough belittled.

#### TESTIMONY OF WITNESSES IN RELATION TO HANDWRITING AND SIGNATURES.

Reference has already been made to the testimony of the two Astiazarans as to the signature of their father, Joaquin de Astiazaran. Other witnesses on part of claimant testified regarding the genuineness of said signature and also in the same respect as to other signatures appearing in the Sopori title papers. Antonio Carrillo, one of such witnesses, says: "The signature of Jesus Frasquillo, as shown on Government exhibit No. 3, is exactly his signature; that he has no doubt of it; thinks Luis Carranco died before 1840, and says his signatures as shown on Government exhibits Nos. 4 and 5 are his genuine signatures according to his conscience; thinks that Julian Padilla died before 1840, and says that he saw in the "Sopori" expediente in Hermosillo both the signature and handwriting of Padilla; don't know when José Jesus Corella died, but says his signatures in the Sopori title papers are genuine; don't know when Alonzo Ma. Trecierras died, but that his signature in the Sopori title papers in Hermosillo are genuine; thinks José Contreras died between 1844 and 1850, and says his signatures to the Sopori title papers are genuine; don't know when Manuel Cejos went to Spain; never saw him write, but knows his handwriting from having seen a correspondence between him and Luis Yberri which occurred between 1832 and 1835; that the signatures of Cejos in the Sopori title papers in Hermosillo are exactly the same as those found in his aforesaid correspondence with Luis Yberri; knew Ynacio Zuniga well; knew him at Arizpe; knows his handwriting and signature well, having often seen him write and sign his name; thinks he died between 1840 and 1850; is satisfied his signatures as found in Sopori title papers are genuine because he has often seen him write; knew Francisco Mendoza; thinks he died between 1832 and 1840; knows his handwriting and signature well, having seen him write and sign his name; says all his signatures in said Sopori papers are genuine; knew José Encinos; does not know when he died; knows his handwriting from having seen his official correspondence; that his signatures in the said Sopori papers are genuine; that he examined in the archives in Hermosillo the signatures of José Carrillo, José Jesus Corella, Santos Vigarria, Jesus Frasquillo, Alejo Corrillo, and Luis Carranco, and that they are all genuine.

This witness, Antonio Carrillo, shows himself to be a man of most amazing memory as well as an extraordinary expert in handwriting. Is it possible that any man can accurately testify to handwriting and signatures executed nearly half a century before giving his testimony, and that, too, from memory? Yet this witness swears positively to the handwriting of nine persons who died, according to his own testimony, about half a century before the time of such positive swearing, and it will be seen by examining his testimony that he is uncertain on nearly all points except handwriting and signatures. Regarding the times of the deaths of men of his near acquaintance and of whose signatures and handwriting he had no doubt, this witness was absolutely uncertain save that they were within periods of ten to twelve years. Such testimony is unreliable, and would be worthless in this case but for its unreliability, as tending to show the weakness of claimant's case.

José Ma. Tamayo, 61 years of age, swears that he knows the signatures of José Ma. Mendoza, Alejo Carrillo, Santos Vigarria, Francisco Mendoza, José Corrillo, Nicholas Gonzales, Jesus Frasquillo, José Jesus Corella, and José Contreras, because he was employed with them in the same office from 1832 to 1842, and saw them sign their salary

receipts; that as porter of the office he took the receipts to the head clerk for collection; that their signatures in the Sopori title papers are genuine; attempts to account for discrepancy in signatures by difference in character of pens and ink used in writing the same.

This witness Tamayo swears to the genuineness of the signatures of ten men, most of whom have been dead more than forty years, because he saw them sign their salary receipts between 1832 and 1842, while he was porter and otherwise employed in the office in which they were engaged. He is uncertain about almost everything except genuineness of signatures. Another peculiarity of memory. He testifies as boldly as if the circumstances had occurred the previous day instead of forty or more years ago. It is not very likely that his duties as porter of an office would, in an extraordinary manner, impress and strengthen his memory, or specially fit him as an expert in handwriting.

Antonio Rodriguez testifies that he knew of the Sopori grant, but knew of no owners thereof prior to its ownership by the Astiazaran family; often saw Joaquin de Astiazaran write and knew his signature and rubrica; that the signature and rubrica as shown upon Government photograph No. 3 very much resembles those used by said Astiazaran, but is unable to say positively that the signature is his, though afterwards says he believes it to be genuine.

The memory of this witness is not so clear as that of the witnesses Carrillo and Tamayo. He is first doubtful, does not even know, but finally expresses a belief that Astiazaran's signature is genuine, and he doubtless had better opportunities for certainly knowing this signature than either of the two witnesses just named.

J. Jacobo Cubillas, a nephew by marriage of Joaquin de Astiazaran, testifies that he had often seen said Astiazaran write and knew his writing and signature well; had often seen them in letters; that the signature and rubrica of Astiazaran as shown upon Government photograph No. 3 were genuine and written by him, and that he had no doubt in relation to the matter. The Cubillas family, as the record shows, had a share in the manipulation of the spurious Sopori grant, and it is believed that Fernando Cubillas assisted in its fabrication.

Gabriel Corella testifies to several signatures which appear in said title papers, and says that he knew José Carrillo many years ago and in this way knows his handwriting and signature; had seen him sign many times; that the signatures as shown upon Government's Nos. 1 and 9 not only seem to him to be those of José Carrillo, but that he has no doubt of it, because he knew his signature as his own hand. This is a bold assertion, based upon a memory of nearly forty years. This witness also swears that he knows the signatures of José Ma. Mendoza and Alejo Carrillo well; that the signature of Jesus Frasquillo seems to be his; has no doubt but the signature of Alejo Carrillo as shown on Government photographic exhibits Nos. 3 and 10 are in his own handwriting, and accounts for the discrepancy between them by the difference in the pens used in making them. It is proper to remark here that this way or means of accounting for differences in signatures of the same persons was suggested to witnesses in leading questions by claimant's counsel, and that under this process witnesses testified in those particulars with hesitancy. Nearly all the testimony of the witnesses Antonio Carrillo and José Ma. Tamayo was brought out under careful guidance and dictation of claimant's counsel. The witnesses were often checked up by counsel, evidently in the fear that in unguarded and unguided moments they would say something unfavorable to the case.

At this place the testimony of Miguel Campillo will be noticed in two particulars. He impressed me as a very swift witness and as one having perfectly learned what to say in some respects, whereas in others of equal ease to remember he knew nothing for certain. To a question by the surveyor-general as to whether he had made the study of handwriting a specialty for certain purposes, he answered affirmatively, and immediately replied to another question that he had never testified as to the genuineness of signatures. Having testified so positively about handwritings and signatures, he evidently felt obliged to say that he had made them a special study, but at nearly the close of a long life admitted he had never before testified in these respects. He testified that Treasurer-General Mendoza was incapable of a wrong or dishonorable act, and yet this peerless officer falsely certified that certain records had been made. To say the least the testimony of this witness is unreliable.

I think it fairly demonstrated that the title papers in this case are, *per se*, fabricated. It is true evidence as to handwriting should always be received with caution, since from its very nature it can rarely be accepted as absolutely reliable, but in a case like this, where the forgeries are so many and so palpable, where the alterations of date are so plain and strongly suspicious, and where there are so many other proofs of bad faith, it may be accepted as conclusive, especially when taken in connection with the direct and positive testimony of several well-informed, unimpeached, and disinterested witnesses called by Government, and the corroboration of their testimony by depositions in 1856 before Alcalde Aldrich in Tucson. The testimony of claimant's witnesses in support of

the bona fides of the grant in June last unavoidably impresses the impartial mind that it was given in great anxiety to prove the case. Indeed, this anxiety amounted to reckless imprudence, for statements were made from alleged memory which can hardly be considered within the range of possibility, thereby morally impeaching the witnesses.

The signature of José Ma Mendoza, treasurer-general, to the Sopori title papers, is undoubtedly genuine, but this fact cannot make an otherwise forged and antedated grant genuine, and is no reason why this spurious claim should be confirmed. A number of the spurious grants of California bore the genuine signatures of Governors Alvarado, Micheloreno, and Pico, and the U. S. court records show grants so signed to have been adjudged fraudulent. Prior to 1870, the United States Supreme Court passed upon sixty-nine (69) Spanish and Mexican private land claims situated in California, confirmed thirty-three, and rejected thirty-six. Over one-half were pronounced unlawful by the highest court in the land.

**RESPECTABILITY OF PARTICIPANTS AND ALLEGED PARTICIPANTS IN THE SOPORI FABRICATION AND OF WITNESSES IN THE CASE.**

Counsel for claimant have taken special pains to show the high social, political, and pecuniary standing of all the parties prominently connected with the title papers. In so doing they have not strengthened their case. Humble, poor, and obscure men never fabricated a Spanish or Mexican land grant. Of the many adjudicated frauds of this kind in California all were proven to have been the work of men noted for either high social, political, or financial standing, and as a rule they were men famous for all these desirable qualities. United States Attorney-General Black, in a report to Congress in 1860, described this class of scoundrels, forgers, and perjurers in graphic language. Here are a few extracts from that report:

"Documents of title were produced from the official depositories of the Supreme Government supporting a claim by a French adventurer upon a large part of San Francisco, Fort Point, the islands of Alcatraz, Farallon, and Point Tiburon on which light-houses of the United States were being erected. These documents bore the signatures of a former Mexican governor and a Mexican secretary of state; they were sworn to be genuine by a high Mexican official, once a member of their congress, who, with the permission of his own Government, at the instance of the French minister, had left his public duties in Mexico to go to San Francisco and bear witness to the validity of the claim. It was vouched, moreover, by letters from the president of the Republic to the governor of California and to the board of land commissioners; but, notwithstanding all this, the title papers were then believed, and afterwards clearly proved, to be mere forgeries.

\* \* \* The archives thus collected furnished irresistible proof that there had been an organized system of fabricating land titles carried on for a long time in California by Mexican officials; that forgery and perjury had been reduced to a regular occupation; that the making of false grants, with the subornation of false witnesses to prove them, had become a trade and business. \* \* \* Tolerably full biographies of nearly all the men who have been engaged in these schemes of imposture and fraud, from the governors down to the lowest suborned witnesses, can now be furnished whenever necessary.

\* \* \* It must be remembered that the grants in most of these fraudulent cases were very skillfully got up, and were supported by the positive oaths, not merely of obscure men whose characters were presumed to be fair, but of distinguished persons who had occupied high social and political places under the former Government." The Attorney-General says these fraudulent grants "were supported by such an array of testimony from Mexican officials and other witnesses as to render defense hopeless, unless by some vigorous means," etc. (See Ex. Doc. 84, 36th Congress; also Senate Report No. 261, 3d session, 40th Congress.)

In more than one instance the U. S. Supreme Court, and also the U. S. district and circuit courts for California, found Mexican officials of high standing to have been guilty of fraud and perjury. In the case of Stearns v. The United States (6 Wallace, p. 590) the court declares that "Pico, the governor, and Moreno, the secretary, testify that the dates are correct, but it is admitted that their characters are so deeply affected by fraud and perjury in other cases that no weight can safely be given to their testimony."

In face of such adjudicated facts by the highest tribunal of the nation, it is strange that counsel in this case made so much of high social, political, and financial standing, and can only be accounted for on the ground that they were not familiar with the judicial history of our country in respect to the forgery and fabrication of Mexican land titles or supposed the Surveyor-General was not, and that Congress would innocently regard the proven respectability of certain persons by claimant in this case as a guarantee of the genuineness of the Sopori title papers. The facts are that the records of the legislative, executive, and judicial departments of the United States are freighted with unimpeachable evidence that the testimony of Mexican officials, however high their

standing, can not be depended upon in respect to land grants. Attorney-General Black positively states that a forged grant was vouched for as genuine by letters from the president of the Republic to the governor of California and board of land commissioners; that high Mexican officials had sworn falsely, had made forgery and perjury a "regular occupation," and the making of "false grants and subornation of witnesses a trade and a business;" that the work was very skillfully done, and supported by "positive oaths," not merely of obscure men, but by the oaths of "distinguished persons who had occupied high social and political places in the former Government."

Nothing more need be said to show the utter worthlessness of high character in connection with the origin of Mexican land titles. The present owners of this bogus title are undoubtedly victims of an imposition, but they are not the first men who have paid large sums for bad land titles. Because they are in possession of such a title is not to their discredit. Many upright men and organizations now and then find themselves in possession of counterfeit money for which they paid the value of genuine.

#### CHARACTER OF THE ORIGINAL PETITION AND PROCEEDINGS.

Only vacant, unoccupied public lands could be granted under Mexican law, and for such the alleged petition of Joaquin de Astiazaran asked, and designated the land desired as that known as "El Sopori," situated between the presidio of Tubac and the mission of San Xavier del Bac, says the petitioner needs the land for stock-raising, but further on declares settlement and occupation will only be made within twenty years, or even within a longer period under certain circumstances, and will only accept the grant on the conditions recited; prudently says he will not risk his "capital lawfully acquired" in this enterprise (which evidently was unlawful); dictates the surveyor who was accordingly appointed; makes the unprecedented statement that in asking for the grant petitioner was desirous of benefiting the State, and that "it is well-known that absolutely nobody has ever thought of settling the land" sought, whereas at least eight leagues of the identical land had been granted and settled a great many years prior to 1838; four of these eight had been almost continuously and usefully occupied from prior to 1820, and the other four from time to time for nearly a century previous to 1838. Carranco, the surveyor, in approving the appraisement of the land, says he does so particularly because of the "irrefragable advantages that will accrue from a settlement on this remote frontier," and yet the petition of petitioner expressly declared he did not intend to settle the land then or at any time for certain; and in his advice to the treasurer-general, the promoter fiscal set up the great advantage of having so influential a man improve the frontier, of his purpose to "face against the barbarous and sanguinary enemy," etc., whereas this influential man, as per the petition, distinctly declares a contrary purpose. The appraisers in this case, as was the custom in such proceedings, were the assisting surveyors because of their personal knowledge of the land. The appraisers valued eight leagues of the land at \$60 per league because they contained sufficient permanent and flowing water for their irrigation, and this was the lawful valuation for such land; but the fact is there is not sufficient steady flowing water on the whole tract to irrigate one square league so as to warrant this highest valuation. Every square yard of the "Canoa" grant of four leagues is embraced within the limits of this spurious Sopori. The channel of the Santa Cruz River extends over the full length of the Canoa, and this grant was appraised in 1821 at \$30 per square league, because it did not contain flowing water sufficient for its irrigation.

The language of the original petition in this case has no parallel for impudence and falsehood within the knowledge of this office, the "Algodones" alone approaching it in these respects, and it was shown to be a bungling forgery by report of this office of date August 12, 1880, and throughout which appear the names of several prominent actors in the Sopori fabrication.

The surveyor was instructed by proper authority, so says the "testimonio," to notify the coterminous neighbors of his purpose to survey the land of El Sopori, and the surveyor's own proceedings show that only those residing at the Aribac were so notified, and neither they nor any others appeared; whereas owners of the land of old "Sopori," "El Canoa," and of the mission of San Xavier del Bac, were coterminous, and the surveyor's proceedings do not even allege that they were notified. Such omissions of lawful duty do not occur in genuine proceedings of this character.

The fabricators of this grant rather shrewdly named it "El Sopori," for the evident reason that a genuine Sopori grant was well known to have existed many years, and by embracing the old and genuine one in the new and fraudulent it would be quite easy to procure testimony as to the existence of a "Sopori" grant long prior to 1854, and doubtless some of the claimant's witnesses had the old Sopori in mind when testifying so positively regarding the new.

As before stated, only vacant public lands were granted or sold, and the prime object



of granting them was to effect an immediate settlement thereof—not twenty or more years hence at the dictation or pleasure of the grantee. In the fabrication of grants extraordinary conditions were easily made and readily inserted in the proceedings. Early settlement was made of every genuine grant in Arizona, but none at all was made of the pending Sopori claim while under Mexican jurisdiction.

#### EIGHT LEAGUES OF THIS CLAIM PREVIOUSLY GRANTED BY SPAIN AND MEXICO.

As described by the alleged measurement set out in the Sopori "testimonio," eight leagues of this claim were granted in good faith long prior to 1838; four by name of "Sopori," or "Zopori," nearly a century previous, to Juan Bautista Anza (one of the most prominent and widely known men in Sonora and Sinaloa), as is shown by claimant's own exhibits from B to O inclusive of the date June 20, 1881; and four leagues to the brothers Tomas and Ignacio Ortiz (also widely known in Sonora) by the Spanish Government in 1821, and the proceedings were recognized as valid by the Mexican authorities in 1849 and again in 1872. Witnesses produced by claimant in this case give to the treasurer-general in 1838 (Jose Ma. Mendoza) a character for great ability and unsullied integrity, and yet, in view of the fact that he signed the Sopori proceedings alleged to have been had in 1838, it must be admitted that he was unfit for the office or a willing party to the fraud. The records of his own office, then and now, show the entire Canoa proceedings; and had a surveyor actually surveyed the pending claim after due notifications to coterminous neighbors, the proceedings must have shown that every part of the four-leagued Canoa granted in 1821 was embraced in the present Sopori. Medoza's connection with the proceedings in this case is proof of his incapacity to protect public and private rights, or of his dishonesty, so that all testimony regarding his character must, to say the least, be held as worthless. In the concise and forcible language of counsel's brief, I "meet opinions with facts" of record here and in the Sonora archives.

In a separate proceeding by petition, of date July 3, 1880, this claimant (Sopori Land and Mining Company) asks this office to recommend confirmation of said Canoa grant to itself, basing its claim thereon on the original proceedings had under the Spanish authorities in 1820 and 1821. This fact naturally suggests the question: Why is the Sopori Land and Mining Company here trying to procure a confirmation to the Canoa? If it has faith in the genuineness of its Sopori claim, which completely covers the Canoa, why did it, subsequently to the acquisition of the Sopori title, purchase the Canoa and institute separate proceedings for its confirmation? It is true that one of claimant's witnesses, Joaquin M. Astiazaran, testifies that the Canoa is different property from the Sopori adjudicated to his father. By reference to the record it will be seen that the questions in this particular are direct and in these words: "Did the same (Canoa) form any part of the grant previously made by the treasurer-general, Don José Maria Mendoza, to your father of El Sopori? Did it adjoin said grant?" The reply of witness that the Canoa is different property is absolutely untrue and proves his testimony unworthy of credit. This is a matter of consequence in this case, and one about which there is no excuse for false testimony. Every part of the Canoa is embraced within the boundaries of the spurious Sopori of 1838. This fact is personally known to myself and many others, and may be demonstrated to the satisfaction of all mankind.

#### THIS GRANT IS NOT RECORDED AS REQUIRED BY ARTICLE VI, GADSDEN TREATY.

There is in the Sonora archives an "expediente" of the alleged proceedings had in this Sopori case. Take this expediente from said archives and not a trace of its existence will remain there. Whatever may be said truthfully about the loss of records and carelessness in keeping them in Sonora, the "Toma de Razon" for 1838 is still in the archives in a good state of preservation. Nothing could well surpass the absurdity of counsel's efforts to belittle the value and necessity of this book. The testimony of every one of claimant's witnesses in point admits its use and that it was a register of land titles issued. Any fair reading of their testimony will convince any one that they all regarded it not only a register of titles issued but that the regulations requiring its use were obligations upon the treasury officers. The witness Guillermo H. Robinson, while testifying that a registry of land titles in said book was not a necessity to their validity, stated unequivocally that the regulations regarding the Toma de Razon were prepared by the treasury, submitted to and approved by congress, and thereafter became the "Ley Organica de Hacienda"—literally translated thus: "Organic law of the treasury." He and several other Mexican witnesses testified that titles should be noted or registered in the Toma de Razon. Inasmuch as Robinson is a lawyer by profession and has been a judge for years, he must be presumed to have testified in accurate lan-

guage, and he certainly was fortified with memoranda and spoke deliberately. Therefore the following extract from his testimony (on June 21, 1881) is deserving of attention:

"The regulations as to the Toma de Razon is under the head of 'Obligations of Employés of the Treasurer-General,' and it is in that part of the law or regulations of land grants of date July, 1834. I understand by the regulations already spoken of, the interior regulations of the treasury department. The rules I speak of were framed by the treasurer-general and by him submitted to the congress for approval, and was then called 'Ley Organica de Hacienda.'" Again he says: "In addition to the law of May 20, 1825, there was a law regarding land titles passed July 11, 1834, and in the book first mentioned before the surveyor-general, and in the book, the regulations I have mentioned as approved by Congress, also appear. The provision as to the Toma de Razon is contained in the regulations I have already spoken about under the head of 'Obligations of the Employés in the office of the Treasurer-General.'"

Notwithstanding the witness gives this positive and explicit lawful character to the Toma de Razon, yet he proceeds to immediately testify that he knows of no law requiring registry therein of land titles! Could testimony be more plainly contradictory? And is it not the more reasonable to put faith in that part which describes the origin, high approval, and subsequent character of Toma de Razon than in his expressed ignorance as to any law requiring registry of land titles? All admit the existence of the book and that it was the duty of the treasury officers to register therein land titles issued, and simply deny that the validity of a title depended upon such registry. Admit, for mere argument, that such registry was not a necessity, is it not a suspicious circumstance against a title that it was not registered as required by regulations prepared by the treasurer-general and approved by the congress? The Sopori title was not so registered, yet all genuine titles to grants in what is now Arizona, issued between 1831 and 1849, are registered in said Toma de Razon, and why was it not? Simply because it was made subsequent to the year 1838, and could not possibly be so registered at the proper place without certain detection, claimant's testimony to the contrary notwithstanding.

Without registry or record in some book, every foot of land acquired by the Gadsden treaty can be and may yet be covered by grants equally as valid as the pending Sopori. Notes on the Sopori "espediente" and "testimonio," and signed genuinely by the treasurer-general, to the effect that the title is entered in the proper book, are simple falsehoods, and should Congress or other confirming tribunal confirm a title with such certified lies on its face, it would amount to an invitation to rogues of every degree of standing to fabricate other titles covering even the granted as well as ungranted lands of the Gadsden purchase, with an advance assurance of confirmation by our Government. In the light of experience, the fact that an "espediente" of a grant is found in the proper archives, without record or registry in some proper book, is hardly prima facie evidence of a genuine grant, much less sufficient evidence of such an one. In *United States vs. Vallejo* the Supreme Court says: "There is another serious objection to this claim. It is directed in the title paper that a note be made in the respective book; and the secretary ad interim declares at the foot of the grant, 'Note has been made of this title in the respective book.' The grant, as we have seen, was made 19th June, 1844. The book of records of that year is in existence and in good condition. No record was made of the title. The note of the secretary is untrue." (1 Black, p. 554.)

Words could not more accurately describe the present Sopori title papers. The proper book of 1838 is now existing in good condition, as admitted by claimant; notes on the "espediente" and "testimonio" to the effect that entry thereof is made in the proper book and certified by the treasurer-general, Mendoza, are untrue. Those who regard Treasurer-general Mendoza's reputation so highly may find some comfort in the fact that the President of the Mexican Republic certified to the genuineness of forged grants. Attorney-General Black says, after one of the most exhaustive and expensive examinations ever made by our Government in such cases, that the archives of the Mexican Government in California "had become an instrument of sanctioning frauds against the United States." Also that "documents of title were produced from the official depositories of the supreme government," supporting a fraudulent claim, and that this same title was vouched for as genuine by a letter of the President of Republic. (See *Mis. Doc. Senate*, No. 81, 45th Congress, 3d session, page 543.) The U. S. Supreme Court has more than once declared that abundant opportunities existed to foist simulated evidence of such titles into the proper archives. That such opportunities have often been successfully improved is a fact repeatedly stated by every Department of our Government. The Sopori title papers were evidently placed in the Sonora archives years subsequent to 1838.

The treaty of Guadalupe Hidalgo, by which we acquired California, does not contain one word about the record of land titles, but simply requires that "property of every kind shall be inviolably respected," etc., and yet time and again the U. S. Supreme Court, in passing upon Spanish and Mexican titles to land in that State, rejected them for want of record. It will be borne in mind that the Supreme Court has never passed

upon the question of record as positively required by the Gadsden treaty, but any one familiar with its decisions under the Guadalupe Hidalgo treaty can but conclude, in view of the numerous land-title frauds perpetrated by and with the support of high Mexican officials, the court would hold that book record is indispensable to entitle a grant to confirmation under the Gadsden treaty.

Congress and the Supreme Court have held that some book record was required of Mexican titles to land acquired under the Guadalupe treaty. For a certain period, including 1844, there were two books in which some record of grants in California should appear. I here quote from Senate Report No. 261, 3d session 40th Congress:

"Besides this (Jimeno's Index) there was a book kept by the Mexican authorities, known as 'Toma de Razon,' in which the grants made by the governors in 1844 are more particularly described. No allusion whatever is made in either of these books to the Gomez grant, and the courts of California and the Supreme Court have uniformly rejected as spurious any pretended grants made by the Mexican governor in 1844 to which no reference was made in either one of these carefully prepared records. As to the value of these books, see 22 How., 405; 1 Wallace, 742; 1 Black, 298; 2 Black, 404; 23 How., 349."

I could easily cite numerous other cases in point, and though it seems useless to do so, attention is respectfully invited to that of the United States vs. Osio, and particularly to the last paragraph on page 279 of 23 Howard. This case exhibits the worthlessness of certificates on title papers to the effect that they are recorded; also the unreliability of the testimony of Mexican officials, etc. Reference may be also made, with some force, to page 64, 20 Howard. It may be said the Mexican regulations of November, 1828, required book record, and hence the character of court decisions on titles to land acquired by the Guadalupe treaty; but it must be borne in mind that claimant's own witnesses in this case testified that record or entry in the Toma de Razon was acquired by lawful Mexican regulations of 1834, which were in full force in 1838, and that in addition thereto the Gadsden treaty makes record an essential of validity on the part of the United States. Even if it be true, as claimant's witnesses testify and lawyers certify, that land titles in Sonora not recorded or entered in Toma de Razon are held to be valid in Sonora, the Gadsden treaty clearly intends they shall not be by the United States. Owing to the vast amount of the most valuable public lands of California being covered by and much of it obtained under fraudulent grants which were neither located nor recorded, the framers of the Gadsden treaty provided for such contingencies. Being the purchaser, the United States had the right, and exercised it, of dictating the terms upon which land titles would be adjudicated. Brief of counsel in this case exhibits disingenuousness in referring to the treaty. By it one is reminded of the play of Hamlet without the part of Hamlet. Counsel simply refer to the Gadsden treaty and quote a part of article VIII of the Guadalupe, but significantly omit any reference to article VI of the Gadsden, which is an additional and controlling condition touching the validity of the Sopori and all other Spanish or Mexican titles to land acquired by the latter treaty; and especially must this be so regarded as to a title issued when a book of entry was kept and required to be kept by the granting officer of Sonora, as was the case in 1838. Said article reads:

"ARTICLE VI. No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day, twenty-fifth of September, when the minister and subscriber to this treaty on the part of the United States proposed to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico."

As counsel kept out of their brief copies of the signatures of Joaquin de Astiazaran and Jesus Frasniquillo, so did they this restrictive article VI. Their citation from the Guadalupe treaty, instead of the Gadsden, is significant of their own opinion that said article VI compels a rejection of this Sopori claim. The Toma de Razon is a lawful record book. In it all titles issued in 1838 should have been registered or recorded to give them validity under said treaty stipulation. That book was used to record titles in 1838 and also before and after that date. It is still in the proper archives, fairly preserved, and the certified notes on the Sopori "expediente" and "testimonio" that entry is made in the respective or proper book show that the fabricators of the grant knew such record was necessary. But the notes express falsehoods which are, considering the many other suspicious circumstances, quite conclusive evidence that the grant is fraudulent as well as invalid.

In view of the many facts heretofore recited, all that claimant has shown by testimony of witnesses and in brief of counsel touching the record book of Toma de Razon and what constitutes a sufficient record of a Mexican land title in Arizona, must be held as of no avail in this case. The very language of Article VI of the Gadsden treaty implies that there might have been, at the date of said treaty, grants of land within the limits of the Gadsden purchase which were not "located and duly recorded," and that if there were any such, they must not "be respected or be considered as obligatory" on the part of

the United States, and this, too, without regard to whether the Mexican Government would consider them valid or invalid. The United States had a right to make this condition, and common prudence demanded it should be made, and the supreme Mexican Government ratified it. It requires that this Sopori claim be declared invalid.

#### TESTIMONY OF WITNESSES.

Congress has clothed this office with authority to summon witnesses and take testimony in this class of private land cases, but has not invested it with power to enforce their attendance or compel them to testify, neither has means been provided to compensate witnesses for loss of time in attendance nor necessary expenses. It will thus be seen that the surveyor general is restricted to very narrow limits in procuring oral testimony and especially is this true where, as in this Sopori case, the claimant's whole effort is to prove a fraudulent and invalid grant genuine. Witnesses are rarely willing to testify to acts of forgery on the part of their friends and associates, however well the fact may be known to them, and this fact is amply illustrated in this case, by the testimony of the witnesses Charles D. Poston and William S. Oury. All the testimony, oral and documentary, on part of the Government, is to the effect that this Sopori claim is a fraud and the papers antedated, and yet the witnesses who know most refrained from stating all they knew, or from giving details which would have convinced any disinterested person that their general statements, that the claim is a fraud, are true. Among others hereafter named, I strongly urge Congress, if it need further evidence that this claim is based on forged title papers in about 1854, to call the witnesses Poston and Oury. Mr. Poston testifies that he knows the Sopori title is forged and antedated. I am convinced that if Congress will call him, he will give approximately the date of the forgery and the names of those who perpetrated and are responsible for it, and that among the latter will be named Fernando M. Astiazaran (son of the alleged original petitioner for the Sopori), Fernando Rodrigues (the original petitioner of date January 4, 1838, for the "Paso de los Algodones" fraud); Juan A. Robinson (who sold the said "Algodones" to the Colorado Land and Commercial Company, for the sum of five dollars, on Nov. 29, 1873); and José Calvo and Fernando Cubillas, whose names appear from time to time in this Sopori case.

A close comparison of the signature of the said Fernando M. Astiazaran to his testimony in this case with that of Joaquin de Astiazaran to the Sopori title papers, leaves no doubt in my mind as to who wrote his father's signature to the said papers. Frederick A. Rohnstadt recently resided at or near Altar in Sonora, about 150 miles from Tucson. I deemed his testimony necessary, and communicated with him, asking him to appear and testify in this case. I offered to pay his reasonable expenses, coming and returning, and trust to the Treasury allowing the disbursement, but being poor and having a farm to look after, he declined to come for mere expenses, and hence the Government is deprived of his fresh and oral testimony of the fraudulent character of the Sopori title. Of course claimant would not call him. The character of testimony he can give is unmistakably shown in his deposition before Alcalde Aldrich, in April, 1856, and is referred to as paper No. 1 in Mr. Poston's testimony, and made part of this record.

Frederick Hulseman is another, if living, who can doubtless testify to the perpetration of the Sopori fraud. Being advised that he was last heard of in the City of Mexico, I addressed him there but received no reply. If Messrs. Poston, Oury, and Rohnstadt can be induced to tell all they know about this fraud, and I think they will do so if summoned by Congress, I believe even claimant would thereafter join the Government in declaring this claim a fraud.

With a single exception the testimony of witnesses called by the surveyor-general in this case all tends to prove that the Sopori title is forged and that it was forged in 1854, and the testimony coincides with the photographic evidences of alteration of dates in the original papers. The exception is that the witnesses Jesus Ma. Elias and Rafael Sais testified that this claim was surveyed in 1848 or 1849. All others fix the time in 1854, and these witnesses may have honestly erred a few years as to the time. It will be observed that the most intelligent of claimant's witnesses had poor memories as to dates, and testified that as important events as the deaths of their personal acquaintances, who were prominent men, occurred within periods of ten and twelve years, from 1840 to 1850 and 1852. Many of the Mexican people do not remember exact dates, and refer to transactions as having occurred during some marked political epoch, like our war with Mexico, in 1846, and the French war under Maximilian; or to the finding of gold in California, in 1848-'9; or when the small-pox raged with exceptional fatality, etc.

The testimony of Sais and Elias, in all other particulars, is to the effect that the claim and the survey were fraudulent. Counsel make much of this evident and easily accounted for error, and would fain have it accepted as fact and all other parts of their testimony as unreliable. It is a small point and would hardly have been made by counsel

having a strong case and reliable evidence in its support. All attending circumstances of this case, from its inception to date, tend to confirm the testimony as a whole produced by the surveyor-general, and to disprove that produced by claimant and which counsel particularly hold as sufficient to establish the validity of the Sopor claim.

## REFERENCES TO SOME OF CLAIMANT'S TESTIMONY.

The surveyor-general made no effort to confuse witnesses called by himself or claimant. He permitted them to answer questions in their own way. Counsel's urgency that the surveyor-general cross-examine their witnesses was disregarded for obvious reasons. Witnesses were not brought here from distant points at much expense to testify against those who brought them. Every circumstance attending their stay here (I refer to those who appeared in June, 1881) convinced the surveyor-general that any cross-examination would result in strengthening their direct testimony, which, when carefully examined, disclosed untruths and weakness enough to be easily turned to good account against the claim. Some of their testimony has been heretofore referred to, and other parts of it will now be:

## AS TO STAMPED PAPER.

Miguel Campillo testifies that it was "impossible to procure such paper after expiration of its date." If this witness knows anything of how easily such paper is obtained years after its date, or how the genuine was obtained in California, and how manufactured in quantities to suit and when wanted, and how indisputably these facts appear in the judicial records of our country, he would not have made this false statement under oath, unless he came here to commit perjury. Owing to his age and long prominence in public affairs, he must be presumed to have known that such paper had been frequently obtained after its date, and how easily it could be had for a sufficient compensation. What is such a witness's testimony worth in the premises, judged by what he gave in this case? Evidently nothing.

Antonio Carrillo's testimony regarding stamped paper is, first, that such paper was obtained from the City of Mexico, and thereafter that he does not remember whether it came from the City of Mexico or not. This witness was a great many years officially connected with the treasurer-general's office, and at one time acted as treasurer-general, and of necessity must have known how and from where stamped paper was obtained, as all official transactions, notably in land proceedings, were upon such paper. If he possessed a memory at all, he must have known what he says he did not remember, and if his memory had failed him in this conspicuous particular, how utterly worthless and unreliable is all his testimony in this case!

In referring to him, counsel say in their brief: "This official had had, perhaps, the most extensive knowledge of official life and persons in Sonora of any man living." And yet this man of "the most extensive knowledge of official life in Sonora of any man living" does not remember a fact most prominent in his whole public life. The testimony of such a man, as is shown previously and further on, is remarkable for its self-evident unreliability.

## MISCELLANEOUS POINTS IN CLAIMANT'S TESTIMONY.

Counsel for claimant say in their brief that witness Antonio Carrillo had a most extensive knowledge of official life in Sonora. The following is taken from his examination by counsel on June 17, 1881:

Ques. Do you know a book in the office of the treasurer-general of Sonora, relating to titles of land, called the Toma de Razon?

Ans. I do.

Ques. Do you know the object of said book?

Ans. Every title that is given to the denouncer is noted or registered in that book.

The Sopor title was not "registered in that book." Therefore, according to this testimony, it was not given to the denouncer. This witness then goes on to testify that validity does not depend upon such entry or registry, but, as just shown, testified that "every title that is given to the denouncer is noted or registered in that book," and in the course of his answer to the second following question, he names several titles not so entered or registered! First, he swears every title is registered in Toma de Razon, and in five minutes thereafter swears that they are not all so registered. He states positively, and also gives it as his professional opinion, that failure to register in Toma de Razon does not invalidate a title, and in his very last utterance in point, says he learned this fact "from the Government." Thus he destroys whatever weight might otherwise have been attached to his own knowledge and professional opinion. There are abundant inconsistencies in the

testimony of this witness, to show that his sworn statements in this case are unworthy of credit, and further corroborates the fact that high, social, political, and pecuniary standing is no guarantee of uniform integrity.

The testimony of the witness Guillermo H. Robinson has been referred to and shown to be somewhat remarkable. His testimony regarding interpolations in Toma de Razon is a practical admission that none could be made without easy detection. His definition of Toma de Razon and statement of what constitutes a record are mere opinions and utterly worthless as testimony. He admits the signatures photographed by Government from genuine documents in Sonora archives compare better with others of the same persons in the archives than with those of the same persons in the Sopori title papers, and his testimony as to the opinion of six treasury officials that the Sopori title papers are genuine amounts to nothing in face of the certified falsehoods on the face of said papers by Treasurer-General Mendoza, who issued the grant, and the latter's false certificates on said papers effectually disposes of the grand character given him by the witness.

His explanation (on June 21) of what certain words in the Gadsden Treaty signify in the legal practice of Mexico is mere opinion; and, with due deference to his linguistic ability, his definition of the word "registradas" is one that will not be accepted by good scholars or the tribunals of the United States. This part of his testimony, to my mind, bears evidence of disingenuousness. During the same day he gave the number and names of grants entered in Toma de Razon and which have expedientes on file in the archives for 1838, and also gave names of grants of 1838, entered in Toma de Razon, of which there are no expedientes in the archives; but when asked to give the number and names of expedientes on file of same year, which are not entered in Toma de Razon (same as Sopori), he replied: "There are five or six, a note of which I did not make and therefore am not able to give their names."

Such testimony is surely open to suspicion. Witness readily gave names and number of expedientes for 1838, which are of record and unlike the pending Sopori, and had memoranda thereof, but took no note of expedientes like the Sopori, which are not entered in Toma de Razon or any other book of record. The worthlessness of such testimony is glaringly apparent, and further comment upon it would be superfluous and anything but complimentary to the witness.

J. Hampden Dougherty's testimony is mainly a recital of what he did as attorney, what he saw, heard, etc. He recites what treasury officials said about the Sopori title papers, and says "the opinion was also expressed on one occasion or more that it would have been almost impossible to have forged such a title." This is an admission by claimant's informants in the Sonora treasury that it was possible to forge such a title, and the judicial records of the United States show that such possibility was again and again demonstrated. He testifies that he saw nothing in the nature of an inaccuracy on the face of the Sopori title papers. Perhaps Treasurer-General Mendoza's false certificate would be improperly named an inaccuracy. Mr. Dougherty states that entries in Toma de Razon "begin January 31, 1838, and end July 30, 1838, and there are no entries in that year later than July 30." The alleged date of the issuance of the Sopori title, as shown by itself, was July 5, 1838—twenty-five days prior to the last entry therein as stated by this witness. Land titles were registered in said book, according to claimant's testimony, from January 31 to July 30, inclusive, in 1838. The Sopori title purports to have been issued within that time, but was not registered, notwithstanding Antonio Carrillo's testimony that every title given to denouncers was so entered, the certificate of the treasurer-general who signed it, and the requirement of the "Organic law of the Treasury" so fully described by the witness Robinson. Mr. Dougherty's testimony as to the carelessness of keeping and preserving the land archives of Sonora, is evidence of the ease with which forged grants could be foisted therein. The judicial records of our country show that the archives of the supreme Government of the Republic and of the Mexican Territory of California were used as repositories of fraudulent land grants, and there is no doubt that the archives of Sonora have been similarly used.

The testimony of Matias Alsua is in the main the same as that of others referred to. After what has been said as to other testimony, little notice need be taken of his. His asserted knowledge of the "Sopori" prior to 1854 might easily have reference to the ancient Sopori long before granted to Juan Bautista Anza. He bought an interest in it about 1855 or 1856; and it is a fact that no transfers or title papers of any kind touching this Sopori are even claimed to have been executed prior to 1854, save the original one bearing date of 1838. The ancient grant or rancho of Sopori was widely known for about a century, and it is no wonder that many people can testify to some knowledge of such a named grant's existence long prior to 1854.

Further reference to testimony of claimant is deemed unnecessary, as neither Congress nor any other tribunal will confirm this grant, if ever, without a careful examination of it and all other evidences in the case.

## CERTIFICATES OF GENUINENESS.

Of all land-title papers emanating from Spain or Mexico which have been presented to this office none have supporting certificates of Mexican officials save this Sopori and the Algodones. Holders of genuine title papers never need procure such certificates, and to my knowledge none have done so. Aside from a few papers to very small lots which may or may not be found valid, there have been (to date) fourteen petitions and corresponding title papers to lands purporting to have been granted by Spain or Mexico, filed in this office; of these, ten titles have been found genuine and valid and their confirmation recommended; two have been withdrawn (which are no doubt valid) and not one of these twelve have supporting certificates by Mexican or other officials. The "Paso de los Algodones" and pending "Sopori" have such certificates by Mexican officials, and the former I consider fully demonstrated as forged by my report of August 12, 1880, and the "Sopori" must be so pronounced and is in some respects a more audacious fraud than the "Algodones." A few coincidences connected with these singular supporting certificates are noteworthy.

June 8, 1857, José Aguilar certifies in his capacity as governor of Sonora to the genuineness of both the "Algodones" and "Sopori." The certificates have the same date, are upon the same quality of paper, written by the same hand, and apparently with the same pens and ink. Is this not indicative of a simultaneous effort to bolster these twin frauds?

Ex-Treasurer-General Mendoza certifies to the genuineness and validity of these notable grants. Both certificates were evidently written by himself, and both have certificates of same date, September 10, 1858, by Governor I. Pesqueira, of Sonora, to the genuineness of said Mendoza's signature. These two certificates of Mendoza, including those of Pesqueira, are exactly alike in appearance, and a person unacquainted with the Spanish language would find difficulty in telling which referred to the "Sopori," and which to the "Algodones," and if done at all it would be by discovering the name of the alleged grants. Held three feet from one's eyes, they appear as exact duplicates as two photographs from the same negative. Several queries now arise: Why did Mendoza certify to the genuineness of title papers which he issued and bear his undisputed signature: Why did he do it in the "Sopori" case, and to none others relating to grants of land in the Gadsden purchase except the Algodones fraud? Is it not strange that his signatures to his certificates in these two cases should have been certified by Governor Pesqueira on the same day? Is it not self-evident from all that has been shown that the "Sopori" and "Algodones" are both frauds, bearing many like characteristics, including these extraordinary certificates? But the history of this class of frauds shows similar efforts of Mexican officials, from the president of the Mexican Republic down to the lowest, to support them. It may be a little strange that Governor Aguilar should have given his certificates in these cases, but not so on the part of Mendoza, for as treasurer-general he had certified to falsehoods on both the "expediente" and "testimonio" of the Sopori. (NOTE.—In my "Algodones" report, I stated Aguilar was not governor at the date of his certificates, but I have since learned that he was, and that Pesqueira succeeded him very soon thereafter.)

## MINES AND MINERALS.

The testimony shows the land embraced within the lines of this alleged grant contains mines, and to my personal knowledge many mining claims have been located upon it, and some of them have extensive developments, and are regarded of much value.

## DERAIGNMENT OF TITLE.

There appears to be a perfect deraignment of this title from the alleged original grantee to the present claimant and petitioner.

## BRIEF OF COUNSEL.

At written request of counsel, I make their brief a part of the record in this case and transmit it herewith. It makes many assertions at variance with the facts, some of which relate directly to the surveyor-general. This was perhaps natural enough, for the facts compelled me to use the power and means of this office to defeat their claim as a monstrous fraud upon the people and Government, and a bold attempt to defraud the United States out of a tract embracing about two hundred and fifty square miles of the public domain.

In my somewhat hastily written letters to counsel I erred in a few statements, but the whole correspondence shows their correction on my part.

This office afforded counsel every facility and all information in the premises that could

be consistently granted them, and I unofficially gave them considerable time and aid because of their remoteness from Tucson.

There is a pamphlet or book of Mexican law referred to in the testimony of claimant as an exhibit which has not been supplied this office, and one or two papers of minor importance are missing, which I am quite sure were not filed.

RECOMMENDATION IN THE CASE.

After a very careful consideration of this case, pro and con, I recommend a rejection of the title to "El Sopori," presented by the Sopori Land and Mining Company, on the grounds that the original title papers are forged, antedated, and otherwise invalid.

JOHN WASSON,  
*U. S. Surveyor-General.*

Dated at Tucson, December 3, 1881.

OFFICE OF THE U. S. SURVEYOR-GENERAL  
FOR THE TERRITORY OF ARIZONA.

I, John Wasson, U. S. surveyor-general for Arizona, hereby certify that the foregoing is a full and correct transcript of the proceedings in the matter of the petition of the Sopori Land and Mining Company for confirmation of the alleged Mexican private land claim known as "El Sopori," the Docket No. of which is 14.

Given under my hand and official seal at Tucson on this ninth day of December, A. D. 1881.

[SEAL.]

JOHN WASSON,  
*U. S. Surveyor-General.*

BEFORE THE HON. JOHN WASSON, SURVEYOR-GENERAL OF ARIZONA.

In the matter of the petition of the Sopori Land and Mining Company.

ARGUMENT FOR THE PETITIONER.

[Albert Stickney, Edward M. Shepard, J. Hampden Dougherty, counsel for the petitioner.]

INTRODUCTORY STATEMENT.

In this argument we proceed upon the supposition, of course, that the surveyor-general is now to assume judicial functions; that he is now to examine this case as a judge, upon the evidence, as that evidence would be examined in an ordinary court of justice, in accordance with the well-established principles which govern courts of justice in that respect.

This statement is made necessary and pertinent by the fact that the surveyor-general, in the earlier stages of this inquiry, was compelled, in the discharge of his official duty, to take the difficult and anomalous position of both judge and counsel. He was then, in the discharge of his official duty, compelled to procure and present the evidence for the Government—to act as the Government counsel.

In the discharge of that duty as counsel the surveyor-general unavoidably and naturally formed an opinion on the merits of this case upon the evidence as it came in the beginning under his observation. He stated to the counsel for the petitioners, at an early stage of the inquiry, before the petitioners had presented their evidence as to the genuineness of the grant, that in his judgment at that time the petitioners' title was a forged title, forged in 1854, and antedated as of the year 1838.

Now that the evidence is all in, however, the surveyor-general ceases to have any functions as counsel. Now he is only a judge. He has now only the duty of examining and weighing the evidence, of deciding the case on the evidence before him, and on nothing else. Whatever his opinions may have been when he was acting as counsel for the Government, he will not regard those opinions when sitting as a judge.

The case now stands in an entirely different position from the one in which it was when the surveyor-general originally expressed his opinion as to the genuineness of our title. The surveyor-general at that time had before him only the evidence that five of the signatures in our title record were, in his judgment, very unlike certain genuine signatures of the same persons; and the unlikeness was so great that those five signatures were, in his opinion, forgeries. The fair inference on that fact standing by itself was that the other signatures were not genuine, and consequently that the whole grant was a forgery.

The case, however, now that the petitioners' evidence is in, is wholly different. We



prove affirmatively, with nothing in the evidence to contradict it, that at least one hundred and fifty out of one hundred and sixty-nine of the signatures in our record are genuine. We have brought the most conclusive evidence that could be brought in a case of this kind. We cannot produce the very men who signed our title record. They are all dead. We do, however, bring the best evidence that the nature of the case admits. We bring as witnesses officials who were in the public offices at Sonora at the time this alleged grant was made, who knew personally the officials whose names appear in our record, who saw them write day after day, who have ever since been familiar with their handwriting, who were thoroughly conversant with the business methods of the public officials of the day. These witnesses say that those signatures to our title record are genuine signatures—all of them—and that our record is a genuine record. Of these signatures in our record there are in all one hundred and sixty-nine, made by seventeen different persons. As to nearly one hundred and fifty of these signatures made by twelve different persons the evidence is all on one side. Our witnesses say the signatures are genuine, and there is no evidence to the contrary. Even as to the questioned signatures, these witnesses whom we produce give it as their judgment that the signatures are all genuine.

Moreover, the five questioned signatures are all, with one exception, of comparatively unimportant persons, mere subscribing witnesses. As to the important signers, the treasurer-general, who made the grant, Judge Encinas, and others, the genuineness of their signatures is not disputed. There is no evidence whatever, in any form, to throw even a doubt on their genuineness.

The case therefore stands in a wholly different position from that in which it was when the surveyor-general formed his opinion that this was a forged title. Then the petitioners had put in no evidence at all as to the genuineness of their record. Its genuineness had not then, as far as we knew, been questioned by any one. Now they have proved their record by the evidence of many respectable witnesses, as to whose honesty there is, on the evidence, no doubt or ground for suspicion.

We shall now proceed to examine in detail all the points, both of fact and law, which are involved in this case. But in order to make the detailed examination more easily intelligible we shall first give a bare outline of the facts.

The Sopori Land and Mining Company, a Rhode Island corporation, in June, 1880, filed their petition praying the confirmation of their title to El Sopori, a tract of land lying in Pima County, Arizona, south of the San Xavier Mission. The land was originally conveyed to them by the heirs of Joaquin de Astiazaran, who claimed title under a Mexican grant made to Astiazaran, as alleged, in the year 1838.

There appears now on file in the proper office at Hermosillo, in the State of Sonora, an *expediente* which purports to be the original record of the proceedings which were had on the making of the grant to Astiazaran of the ranche in question.

By that record, assuming (for the present) that it is what it purports to be, the following facts appear:

In the year 1838 Don Joaquin de Astiazaran, who was then a wealthy and respectable citizen of Sonora, presented his petition to the second alcalde of the city of Hermosillo for a grant of the Sopori ranche here in question. The Sopori ranche was then wild and unsettled land in a district subject to frequent incursions from the Apache Indians, and, as is clear from all the evidence, had no value, either in fact or in common repute, except for grazing purposes. Upon the petition of Astiazaran a judicial inquiry was made as to his means and his ability "to colonize and settle" the tract for which he petitioned. Testimony was taken on these points before Juan José Encinas, then judge of the second judicial district of Hermosillo. The testimony then taken purports to have been given by Manuel Cejas, Gregorio Valencia, and José Contreras, then citizens of Sonora. The testimony on file purports to have their original signatures attached to it, and to be verified by the signature of the judge, Encinas, before whom, according to the record, it was taken. Upon the testimony of those witnesses, Judge Encinas decided that Astiazaran possessed "sufficient means to carry out the aforesaid undertaking of settling and keeping up the colonies on any amount of land that may be awarded to him." Thereupon, Astiazaran presented his application for the grant to the treasurer-general of the State of Sonora. The treasurer-general, then José María Mendoza, as would appear from the record, which is conceded to bear his genuine signature, appointed as commissioner to survey and appraise the land in question Luis Carranco; Carranco selected as his assistant's José María Rubio, Juan de los Rios, and Julian Padilla. These four proceeded to survey and appraise the land. Notice of the survey was given to adjacent land-owners. The details of the survey are set forth with considerable minuteness. The original report of the survey and appraisal appears in the record. It has attached to it the signatures of the commissioner, Carranco and of others, besides the ordinary subscribing witnesses. The commissioner thereupon proceeded to have public proclamation made on each day, for thirty successive days, of the proposed sale to Astiazaran. The record of each of these

proclamations is in the *expediente*. Each one is separately signed by the commissioner, with two assisting witnesses. The last proclamation took place on the 27th June, 1838. The attorney-general, José Carrillo, as would appear by the record, thereupon gave his official approval of the proposed grant. The treasurer-general thereupon ordered the land to be put up for sale at public vendue, to the highest bidder, on three successive days. That order has the treasurer-general's signature, conceded to be genuine. The record shows each of these proceedings. The record of each proclamation purports to be signed by the treasurer-general, by the attorney-general, and by Francisco Mendoza, constituting together the board of public auction.

The land was purchased by Astiazaran, at public auction, for the sum of \$919 and the official fees. The record sets out copies from the treasury ledger, which purport to show the entries of the payment of the purchase-money and of the official fees. These copies of entries in the treasury ledger are attested by the treasurer-general.

This *expediente*, now on file in Sonora, has on it one hundred and sixty-nine different signatures, all of which purport to be originals. Among these original signatures there are those of

1. The treasurer-general.....	15
2. The attorney-general.....	4
3. Joaquin de Astiazaran, the grantee.....	8
4. Juan José Encinas, judge of first instance.....	5
5. Luis Carranco, surveyor.....	38
6. Francisco Mendoza, the third member of the board of public auction.....	4
7. Manuel Cejas, a witness as to Astiazaran's ability.....	1
8. José Contreras, a witness as to Astiazaran's ability.....	1
9. Gregorio Valencia, a witness as to Astiazaran's ability.....	1
10. Ygnacio Zuñiga, an assisting witness.....	5
11. Nicholas Gonzales, " ".....	5
12. Alejo Carrillo, " ".....	3
13. Jesus Frasquillo, " ".....	3
14. Santos Vigarria, " ".....	36
15. José Jesus Corella, " ".....	36
16. Julian Padilla, " ".....	3
17. Alonso Tresieras, " ".....	1

Of these one hundred and sixty-nine original signatures of seventeen different persons, the surveyor-general, after an exhaustive search through the Sonora records, has been able to find only five as to which he makes, on the evidence, any question. As to the others, numbering nearly one hundred and fifty, there is on the evidence, nothing to throw a doubt on their genuineness.

That a single one of those signatures is forged there is no direct evidence.

The only evidence which has a tendency to show that any of those signatures are forged is of this nature: As to those five signatures, the surveyor-general produces certain photographs of alleged genuine signatures (we do not need here to dispute their genuineness) which are in some respects quite unlike our signatures.

In each of these instances the surveyor-general produces only one or two signatures as standards of comparison. These signatures which he produces have evidently been selected with great care from a very large number which can be found in the Sonora records.

The signatures which the surveyor-general does not upon the evidence question are those of the very highest officials who held office in Sonora at the time of the grant. He makes no question as to the genuineness of the signatures of—

The treasurer-general, which occurs 15 times.

The attorney-general, which occurs 4 times.

- The judge of first instance, which occurs 5 times.

Francisco Mendoza, the third member of the board of public auction, which occurs 4 times.

Astiazaran, the alleged original grantee, died in 1845.

The sons of Astiazaran, Joaquin M. and Fernando M. Astiazaran, testify that they returned to Sonora in the year 1849, from the City of Mexico, where they had for the twelve years then ended been pursuing their studies. They both testify that on their return home they found the *testimonio* which we have filed before the surveyor-general among their father's papers.

Shortly before the year 1850 a purchase from the Astiazarans was proposed; about 1853-1855 an association was formed by a number of Sonora capitalists with a view to purchase the lands in question. Among the members of this association were Matias Alsua, José Calvo, Juan A. Robinson, Fernando Cubillas, Fernando Rodriguez, Antonio

Rodriguez, and Joaquin M. Astiazaran. Who these gentlemen were will be hereafter shown.

A survey appears to have been made by the direction of these gentlemen of the property with reference to their proposed purchase. The transaction of this purchase was not formally completed until the year 1857. The original agreement then made is in evidence before the surveyor-general.

The Sopori Company made their purchase from Alsua, Robinson, and others, who joined in the deed from the younger Astiazarans.

The *expediente*, the record of the proceedings on the grant now on file in Sonora, and the *testimonio* are both written on official stamped paper of the year 1838, similar in every respect, in texture, quality, color, stamps, and general appearance, to that used in all the official records and documents of that year. This official paper was, according to treasury regulations, uniformly destroyed at the end of the two years for which it was made and used.

The genuineness of the signatures appearing in the *expediente* and the *testimonio* is testified to by some of the most respected citizens of Sonora, by men who were, at the time of the proceedings in question, engaged in the public offices with the officials who sign our record and who are very familiar with their handwritings which appear in our title records.

The men who have had to do with this grant at every stage of its history are the most highly respected citizens of Sonora and of the United States. The Rhode Island gentlemen who were concerned in the purchase in 1859 were the most prominent and reputable citizens of that State: Mr. Bartlett, one of the commissioners under the Gadsden treaty, Governor Anthony, and other gentlemen whose names need not here be mentioned. The Sonora officials were the treasurer-general, the attorney-general, and a judge. The Sonora citizens were merchants and landed proprietors, well known by their fellow-citizens and by citizens of the United States as men of unimpeachable honor.

The charge which is now made, that this grant is a forgery, means, of necessity, that nearly all the witnesses who have appeared here to testify to the genuineness of our record and to the history of our title have committed perjury.

This bare outline of the facts, and of the nature of the charge, ought, we think, to convince a fair mind of the genuineness of this grant. We shall, however, make a detailed examination of all the points in the case, both of fact and law.

We shall consider therefore the following points in the following order:

1. The objections both of fact and law which are urged against the genuineness and validity of the grant.
2. The evidence adduced by the surveyor-general to support the charge of forgery.
3. The evidence in favor of the genuineness of the grant.
4. The points of law which arise as to the validity of the grant.
5. Summary of the whole case.

#### THE OBJECTIONS BOTH OF FACT AND LAW WHICH ARE URGED AGAINST THE GENUINENESS OF THE GRANT.

I.—The point of fact which is urged against the genuineness of the grant is that the grant is a forgery, concocted in 1854, and antedated as of the year 1838.

The surveyor-general, as was right and proper under the circumstances, has definitely fixed the year 1854 as the time when the forgery was done.

To show how definite and precise the surveyor-general has been in his charge that this forgery was made in 1854, we give extracts from his letters, which are made part of the record. In his letter of October 25, 1880, he says (in justice to the surveyor-general it should be here said that this was written before he had heard our evidence):

"However long the case may be held, however much you may swell the record with testimony of whatever kind, including that touching personal character of certain American and Mexican gentlemen, I put it on record for what it may be worth to your clients and the public, that title to the 'Sopori' land claim will never be confirmed, unless the confirming tribunal is prepared to make 1854 and 1838 equivalent expressions in law.

"I regard the signature of Luis Carranco, the surveyor and measurer, as a forgery, else the difference must arise from the change in his own making of it (*say in 1854*), than when it purports to have been made, viz, 1838. I have a photograph of Carranco's genuine signature in 1838. Although without a standard of comparison, the other evidences of forgery in the papers convince me that the signature of José Jesus Corella, an assisting witness, is a forgery.

\* \* \* \* \*

"On another page of the same document, the 8 (4th figure) in 1838, has been awkwardly made over another figure, presumably a 4.

"In two places, separate pages, in the *testimonio* or *expediente* filed by you in the case,

changes in the year have been made without concealing at least a portion of what was first written. In one place the 3d figure was clearly and unmistakably a '5,' the change to a 3 being made something like this '3.' The change of the 4th figure to an 8 is very plain, and an inspection with a glass leaves little doubt but the rough and clumsy 8 was written so as to blot out a 4, thus making the original 1854. I need not describe the other change referred to as it is much the same."

The surveyor-general puts the Sopori title in the same class with the Algodones title, making them both cases of forgery and antedating. As to the Algodones title he says in his opinion, in that case:

"I have no hesitation in pronouncing the title papers to the ranch of El Paso de Algodones both forged and antedated."

In his letter of 18th August, 1880, to the petitioners' counsel, he says of the Sopori title:

"The Sopori presents, substantially, the same evidences of fraud. \* \* \* But I desire to be frank with you, and therefore must say that in some particulars, and as a whole, the Sopori is a weaker fabrication than the Algodones, and will be so reported."

The specific matters urged to substantiate this charge of forgery are, as stated by the surveyor-general in his letter to the petitioners' counsel of 15th September, 1880, as follows:

"1. The signature of Jesus Frasquillo, of Santos Vigarria, of Alejo Carrillo, of José Carello, attorney-general in the case, and a couple of others appearing in the proceedings on file in the Sonora archives now in Hermosillo, are, in my candid opinion, and also in that of Mr. Hopkins, and all others who have seen them in comparison with the genuine, forgeries. I have photographic illustrations of the forged and genuine signatures obtained from documents on file as before stated.

"2. The grant is not recorded in the book of 'Toma de Razon,' in which all genuine grants made between the years 1831 and 1849 are entered, and I have a photographic page of such book showing where and when such record should have been made, and that genuine grants made just before and after the date of the Sopori are properly entered.

"3. The original *expediente* or proceedings on file in the archives in Hermosillo do not contain a grant by the granting officer; whereas the *testimonio* or *expediente* filed in this office does contain such grant.

"4. The appraisers who valued the land prior to sale did not appraise it at the rates fixed by the then existing law, although they say they did so.

"5. The original *expediente* on file in the Sonora archives clearly exhibits erasures of dates both as to the day of the month and of the year, and these facts are illustrated by photographic exhibits.

6. The surveyor-general, in his letter of 25th October, 1880, added, as details of objection, doubts as to the genuineness of the signatures of Luis Carranco, the surveyor, and José Jesus Corella.

7. The surveyor-general has, since the evidence of the petitioners was closed, questioned the genuineness of the signature of Astiazaran, the original grantee.

II.—The points of law which are urged against the validity of the grant are:

1. That the title is not, as required by the provisions of the Gadsden treaty, properly recorded, not being entered in the "*Toma de Razon*."

2. That the appraisement made before the public sale at auction to Astiazaran, was at a rate lower than that allowed by law.

#### THE EVIDENCE TO SUPPORT THE CHARGE OF FORGERY.

The strongest evidence on this question of forgery which the surveyor-general produces consists in the photographs which he presents. These photographs are, some of them, photographs of signatures which appear in our records; others of them photographs of other genuine signatures (as we may, for the purpose of this argument, concede) of the same persons, which the surveyor general introduces as standards of comparison. In his judgment the standards of comparison are so unlike the signatures in our records that he concludes our signatures to be forgeries.

Before going into the detailed examination of the surveyor-general's testimony, and for its more complete understanding, we ask an examination of the accompanying plate, which has exact reproductions, by photolithography from the photographs in the case, of certain of our questioned signatures, of the corresponding standards of comparison introduced by the surveyor-general, and of other genuine signatures which have been proved in the case.

We submit that an examination of this plate very clearly shows the genuineness of the questioned signatures. In each case the surveyor-general's signature, the signatures in our record, and the other genuine ones, are very clearly written by the same hand.





The handwritings are all very characteristic. Each signature in each column has its own peculiarities. They differ considerably in size of the letters, in fineness and freedom of stroke, and in many minor points, but they are all clearly written by one hand. They are all genuine, or none of them are.

The fact that the surveyor-general shows no other suspicious signatures, after a search so careful and exhaustive as he has made, amounts, in effect, to a concession by him that every other signature in our record, except the ones which he photographs, are so clearly genuine, *at least in appearance*, that he cannot find in any of them any suspicious circumstance. He has caused a most thorough examination to be made in the Sonora records, of our record, and of the other records of the same and later periods. After that search he has, as we can fairly assume, been able to find no other points of suspicion than those which appear in his photographs.

That concession of the attorney-general amounts, in effect, to an absolute demonstration of the genuineness of this grant. If the grant were forged there would certainly be many very suspicious points in it. But these are all that can be found.

Having said thus much, by way of introduction, we proceed to a detailed statement of the entire evidence which has been introduced which tends in any way to impeach the verity of our record.

The entire evidence which tends in any way to support the charge of forgery consists of—

1. Three depositions of Gallego, Juan Elias, and Herreras, taken in a proceeding to which the petitioners were not parties, in the year 1856, at the instance of one Rohnstadt.

2. The depositions, taken in these proceedings, of Jesus Maria Elias, Sais, Poston, and Oury.

3. Ten photographs of records from Hermosillo.

4. The absence of any entry of the grant in the *Toma de Razon*.

5. One photograph of an alleged signature of Astiazaran, the grantee.

This evidence will be considered in detail.

I.—The depositions of Gallego, Juan Elias, and Herreras, taken in the Rohnstadt proceeding, state, in effect, that a survey was made in 1854 by Fernando Cubillas.

That testimony simply strengthens the petitioner's case. The testimony is true. We show by the petitioner's evidence why the survey was made. Cubillas was then contemplating the purchase, which was afterwards consummated, under the agreement made in 1857. About the time of Cubillas' survey the association of capitalists was formed in Sonora for the purchase of the Sopori property. This evidence given by the Government is in thorough harmony with that of the petitioners.

II.—The depositions of Jesus Maria Elias, Sais, Poston, and Oury, taken in these proceedings.

1. The depositions of Jesus Maria Elias and Sais are to the effect that in 1848 or 1849 a survey of the property was being made for Astiazaran and Cubillas.

That evidence is directly in favor of the petitioners. It establishes conclusively the impossibility of the forgery. The surveyor-general says that this title was forged in the year 1854. Here is his own evidence that, in behalf of the young Astiazarans, several years earlier, a survey was made of the ranch which had been granted to their father. That was what would naturally have been done. This testimony of the Government witnesses harmonizes exactly with the facts given by the witnesses for the petitioners.

2. The deposition of Oury.

Oury says that he was satisfied that the Sopori claim "was an attempt to commit a fraud"; that he was "strongly impressed with that idea"; and he makes other remarks to the same effect.

Statements of that kind do not deserve the name of evidence. Oury gives no facts. He does not pretend to know any facts. We produce a title record, and we prove more than a hundred original signatures in that record. We prove that the papers connected with the title have been always in respectable hands. And a witness comes forward who says he is "satisfied" that the title is "an attempt to commit a fraud," and that he is "strongly impressed with that idea." This is at best only an opinion. No doubt many other men could be found who would give their opinion that this title was a fraud. But that is not evidence. The photographs which have been procured by the surveyor-general may be properly called evidence. They have a bearing on the question whether the signatures in our record are true signatures. That is the question to be here decided. But it throws no light on that question to have a man testify that he believes this claim to be a fraud.

Oury says, too, that he and Lieut. Mowry "frequently jested" about this title. He says, "I would sometimes tax him with an attempt to rob the country of lauds, and he would laugh it off."

Statements of that character should not have any weight in deciding this claim. They

would never be received in a court of justice. No title in the country would be safe, if it could be destroyed by statements like that. The question here is, whether this title is a forged one. Such statements as these of Oury do not deserve serious argument.

3. The deposition of Poston.

Col. Poston, though called by the surveyor-general, gives testimony of great value to the petitioners. He is compelled to admit the thorough respectability of the Astiazarans. It is true that on that point no testimony was needed in addition to what we have. But the concession of Col. Poston is the concession of an adverse witness for the Government.

Aside from his admissions as to the honor and integrity of the Astiazarans, Col. Poston's evidence is confined substantially to statements as to the forgery of our title, as to which he says, "I know that it is antedated fraudulent and a forgery."

Col. Poston's words are thoroughly inaccurate. He has no "knowledge" whatever on the point. He had never heard of the Sopori title (so he says himself) until he heard of it in Providence in 1858, after its purchase by the Rhode Island gentlemen. It is simply a misuse of language for him to say that he "knows" anything on the question of forgery. He has no more personal "knowledge" than the counsel for the petitioners or the surveyor-general.

There are, however, certain facts which Col. Poston states as the grounds for what he terms his knowledge. They are these:

(a.) The houses and ruins at Sopori are much older than the Astiazaran grant. This may well be. The Sopori mine was abandoned probably long before Astiazaran received his grant and the Sopori *expediente* evidently refers to a well-known place.

Very many erections had been made on lands both of Mexico and the United States before those Governments made grants of the lands. The present or any future holder of a patent for land, including the ruins of Casa Grande, would hardly be disturbed upon evidence showing the ruins were older than his patent.

(b.) "There were several smaller grants within the boundaries which had been notoriously occupied and owned by the parties." Of this Col. Poston was compelled to say, he himself *knew* nothing. He first came near Tucson, he says, in 1856. What were the boundaries of any grant he did not say; and that he had any knowledge of their encroaching on the Sopori limits (except the absurd Rohnstadt claim), or that they were prior to the grant of 1838, does not appear.

(c.) He says "the technical boundaries of the 31 leagues grant \* \* \* are absolutely at variance with any practical knowledge of the locality." This testimony directly contradicts the theory of the Government, that in January, 1854, Cubillas had an actual survey made in order to use it for the manufacture of an antedated title. It will be quite unnecessary to argue to the surveyor-general that the boundaries mentioned in the *expediente* are perfectly practicable to follow. They were followed by Richmond Jones, the superintendent of the Sopori Company, in the survey described by the witnesses, Wilkinson and Kitchen. On cross-examination Col. Poston was asked to give the boundaries mentioned in the Sopori *testimonio*, which he considered absurdly at variance with a practical knowledge of the locality. He said the *testimonio* purported to give those boundaries as follows: North, by the San Xavier Mission lands; south, by the *Presidio* of Tubac; east, by the Santa Rita Mountains; west, by the Surin\* and Barbaquivori. This is, perhaps, a fair example of Colonel Poston's accuracy. No one of these boundaries is mentioned in the *testimonio* except the north boundary. The south boundary is merely given by its linear distance from the "punto de la Tinaja," the initial point of survey, the point in that boundary directly south of the Tinaja being described as on a high *mesa*, which forms part of what is called "Cushilla Al-travesada." The east boundary is similarly fixed at the base of a hill, and the west boundary "in the direction of," not "at," the Coyote Mountains. These boundaries, starting from the *Tinaja*, are found with reasonable ease.

(d.) Col. Poston further says: "Although I was acquainted at the time with the most intelligent sources of information in regard to Mexican titles in this Territory, neither I nor any one in my employment ever heard anything about this grant until it had been sold to the Rhode Island Company." This was not before 1st January, 1859. In this Col. Poston is plainly mistaken. He has himself proved that in 1854 the title was well known in San Francisco, and that in 1856 he received from Rohnstadt a letter and depositions intended to impeach it. Apart, however, from this, Col. Poston is not omniscient. Even an Arizona land title may have existed without his learning of it before he came to Tucson in 1866. The Government abundantly proved by the depositions of Elias and Sias that seven or eight years before the title was well known (whatever may have been considered its merits) among the neighbors, and especially at Tubac. Col. Poston was, he says, made suspicious by the fact that certain Rhode Island gentlemen, when they saw him in Arizona upon their examination of the property, did not talk to him of the

\*This word is probably miswritten in the petitioner's copy of the testimony.



Astiazaran grant. It will readily occur to others that there may well have been reasons for not intrusting to him any knowledge of their interest in the Astiazaran grant. His advocacy of the Rohnstadt title was one of the several sufficient reasons.

(e.) Colonel Poston's last ground of belief he thus states: "When I reproached one of the negotiators for selling the grant, he acknowledged that it was fraudulent, and asked me not to expose the transaction, or to say no more about it." Col. Poston declined to say who was this negotiator, for the reason that he was deed. This confession will carry no weight until the name of the negotiator appears, and until it appears how he knew about the matter, and until it appears how anything he said is testimony against the Sopori Company.

Col. Poston's temper in this investigation is well illustrated by his boast that he "could produce a hundred witnesses against the Sopori title." But he added that he would produce no witnesses unless he was "remarkably well paid for it."

Even if the testimony of Mr. Oury and Col. Poston of admissions were far more distinct, and if the person or persons from whom they claim to have received the admissions could in any way bind or affect the petitioners, still the testimony would be entitled to very little weight.

In *Luco v. United States*, 23 *Howard*, 535 the Supreme Court rejected a private land claim in California, there being no *expediente* or other record or registration in the Mexican archives; but, testimony having been offered of admissions of fraud made by the grantee, the court said:

"Such testimony of admissions is of very little value, and is generally not worthy of regard."

In *Dallon v. United States*, 22 *Howard*, 437, the same court said of similar admissions in a Mexican land case:

"In all cases the testimony of admissions or loose conversations should be cautiously received, if received at all. They are incapable of contradiction. They are seldom anything more than vague impressions of a witness of what he thinks he has heard another say, stated in his own language, without the qualifications of tone, manner, or circumstances which attended their original expression."

Mr. Greenleaf, in his work on Evidence, the standard authority in courts, says (1 *Greenleaf on Ev.*, § 200):

"With respect to all verbal admissions, it may be observed that they ought to be received with great caution. The evidence, consisting as it does in the mere repetition of oral statements, is subject to much imperfection and mistake; the party himself either being misinformed, or not having clearly expressed his own meaning, or the witness having misunderstood him. It frequently happens, also, that the witness, by unintentionally altering a few of the expressions really used, gives an effect to the statement completely at variance with what the party actually did say."

Chancellor Walworth said in the court of errors of New York (*Law v. Merrill*, 6 *Wendell*, 277):

"Evidence to establish a fact by the confessions of the party should always be scrutinized and reviewed with caution, as it is the most dangerous evidence that can be admitted in a court of justice, and the most liable to abuse."

III.—The photographs which are produced to establish the forgery of certain signatures which appear in the petitioners' record title.

These photographs, according to the written statement of the surveyor-general, show:

1. Two altered dates in the original *expediente*.

In each of these two instances the "18th June" has evidently been altered to 28th June.

These are shown by photograph No. 1 of the surveyor-general.

2. One altered date in the original *expediente*.

In the year "1838" the last figure is altered or blotted.

3. One alteration of date in the *testimonio*, the year "1838," showing an alteration apparently from "1859" or "1852."

4. One alteration of date in the *testimonio*, the year "1838" showing an alteration apparently from "185-."

5. One alleged forged signature of the attorney-general, Jossé Carrillo.

6. Two alleged forged signatures of Jesus Frasquillo, a subscribing witness.

7. Five alleged forged signatures of Santos Vigarria, a subscribing witness.

These suspected signatures and alterations will be here considered:

- 1, 2, 3, and 4. The alleged alterations of the dates in the original *expedientes* and in the *testimonio*.

The alleged alterations of dates in the *testimonio* are two in number. They are both apparent changes in the figure "3" and the second figure "8" in the date "1838."

The photographs furnished the petitioners by the surveyor-general show apparently some alteration, also in the first "8" of the two dates. It is claimed that the alteration in U. S. photograph No. 6 was from "1854" to "1838." There is no expert testimony in the record upon the matter, and indeed no testimony except the photograph. The "3" looks as if it may have been a "5." But the character first written where the second "8" now appears it is impossible to decipher. Showing the figure to persons ignorant of what is here at issue, we have received various guesses as to what the figure was, but none hit upon "4." Some thought "9," and some "2." It is very improbable that a stranger, unaware that a "4" was expected, would find it there. It will not be contended that in U. S. photograph 7 the character originally written where the second "8" is could have been "4." There is not a line of a "4" in it.

These alterations occur, not in the original part of the *testimonio*, but merely in the part copied from the *expediente*. The text, dates, and signatures are all copied, and, either on the theory of forgery, or on the theory of mere clerical blunder, these figures were copied from the corresponding figures in the original papers, incorporated in the *expediente*.

But these original dates, "1838," in the *expediente* are clearly written without alteration. This fact disposes of the entire significance of the alterations in the *testimonio*.

If there were a forgery, very certainly the pretended originals were first forged, and the copies then made from them. A copyist's blunder is no less probable where the original is genuine than where the original is forged.

The date "1838," written in figures, occurs about twelve times in the *testimonio* without alteration. Wherever it purports to be originally written, as in the conclusion of the *testimonio*, it is without alteration.

The petitioners cannot, of course, show how or why the two alterations by the copyist were made. They had, in fact, not noticed them until they were called to their attention by the surveyor-general, several months after the *testimonio* was filed in Tucson. This altered "38" occurs in two out of a dozen places, in the copy of a record which does not itself contain corresponding alterations. That is the whole case against the title as far as concerns this point of altered dates.

As to the alterations in the day of the month, the following points are to be noted:

There is a plain alteration in the figure "2" and of the "28" in photograph 1; and it is probable, although not certainly, an alteration from "1" to "2." The year and the month are rightly given. The alterations are without effort to conceal or erase, the over-writing being much coarser, and made probably with a different pen and ink.

The obvious and simple explanation of the alterations is probably the true one. The papers were written and dated on 18th June; but, for some reason, not being used until 28th June, the dates were changed to the 28th.

The paper in which the first date occurs is the report of the attorney-general to the treasurer-general upon the general merits of Astiazaran's application, and the public policy and precedents governing it. The paper in which the second date occurs is the short order of the treasurer-general, directing that there be held the three public vendues advised by the attorney-general. The attorney-general's report, which is apparently in his own handwriting, is a careful paper, which was evidently prepared by him while the thirty daily public advertisements by the crier were being made. These advertisements were plainly a mere form, and while they were going on there was no reason why the other papers should not be prepared so as to hasten the proceedings. The two papers in which the changes occurred were perhaps dated when they were finished, without considering the advertising formalities, upon which they were in no way dependent: or, perhaps, on the mistaken supposition that the public advertisements would be over on the 18th; or, perhaps on the supposition that twenty advertisements would suffice; and when the attorney-general and the treasurer-general, neither of whom supervised the advertisements (that being the surveyor's duty), were about to file their papers, they found the advertisements were not over, or that thirty advertisements would be proper or desirable. They then simply retained their papers until the 28th June, and then changed the dates to the 28th June, the thirty advertisements being over on the 27th June. This would be strictly paralleled by the common occurrence of a lawyer changing before execution the date of a deed or other paper already drawn when any occurrence made the date first written erroneous.

It is to be noted that the attorney-general's report but casually mentions, and does not purport to pass upon, the advertisements for bidders; the treasurer-general's order in no way refers to them, nor is there any reason to suppose the report and order were made upon the advertisements. It may, therefore, well be that the order and report were prepared on the 18th, and their dates changed for form to the 28th—the day when the record of the advertisements and those papers were filed.

Either of these explanations is perfectly natural and probable. But if they were not, the charge is at most an indication of official carelessness or irregularity. It in no way

suggests a forgery. For a mistake of a day in 1838 is utterly unimportant, and just as consistent with innocence as guilt. It is not like the change of a year in an original paper, which might be deemed an accidental writing of the truth.

Such an alteration in the original paper in the *expediente* is, however, claimed to be shown in photograph 2. The "1," the first "8," and the "3" of an "1838" in the *expediente* are written in an entirely ordinary way, but the final "8" is bunglingly written. And that is all which can be said of it. There is not the slightest indication that any other figure than "8" is under it. The writing of the first three figures shows that the pen or ink was in bad condition. A spreading of the ink when the writer came to the final "8," or an attempt to remedy the imperfect action of the pen, is a natural and a sufficient explanation.

Very certainly this date was not written "1854," the only date, other than the one appearing, which it is suggested might have been (by a lapse into truth) originally written.

Besides the instances just mentioned, no other circumstance in a date in the original papers is claimed to be suspicious. There are in all in the *expediente* fifty-two dates.

Mr. Dougherty testified that upon his personal examination of many other papers in the Sonora archives of that time alterations similar to that in the Sopori papers were not uncommon.

But as to all these alterations, they are such as might naturally be found in any long record. The *expediente* contains the proceedings on a judicial investigation with witnesses, testimony signed by the witnesses, thirty reports of public proclamations, a report by the attorney-general, three reports of public auctions—each signed by three members of the board of public auction—orders by the treasurer-general, official reports of survey, an official report of an appraisement, extracts from books of public account. The *testimonio* contains a verbatim copy of this long record and an original grant of land.

If two altered figures in the original record (a record which has, like this, over one hundred and fifty original signatures) and five altered figures in a copy of the record will vitiate a title to land, few titles in this country will stand examination. Any man who has had experience with public records, knows that in the keeping of records and the copying of papers there will be mistakes and corrections.

In fact, the presence of these alterations, as to which there has been no attempt at concealment, the alterations being made in ink, with no erasure, is a proof of genuineness rather than of forgery. If our record was forged it was forged by men who did their work with great care and preparation. They found out the names of all the officials who would have acted in reference to a grant, such as we allege ours to be; they found out the names of prominent citizens of Sonora, from whom to select the names of the actors, who should appear to have testified before Judge Encinas, who should pretend to have surveyed this land, who should have made all these public proclamations, who should have taken each successive part in a drama which never had any real existence in fact. In selecting those names, and in counterfeiting all those one hundred and fifty signatures, many of them signatures of men who had died several years before the forgery, they did not make a single mistake in a name, or, with five exceptions, in a handwriting. In nearly every particular they drew these title papers in strict compliance with all the forms of law. Certainly, if these men were forgers, they did their work very carefully, and, it must be admitted, with some skill. If they were forging, if they were working with a guilty purpose, and this mistake in date had been made, as the surveyor-general thinks it was, such a slip would never have been allowed to remain boldly apparent on the very face of the papers. They would have simply thrown away the sheet on which the blunder had been made, and written a new one. On the other hand, if these altered figures were only the correction of honest mistakes, they would have been left, as they are, without the slightest attempt at concealment.

If the evidence in the case is to have any weight, then these many genuine and unquestioned signatures and the evidence of respectable witnesses will decide the matter. And five altered figures will not outweigh these long records of the official acts of high officials, and the oaths of respectable men.

5. The alleged forged signature of José Carrillo, the attorney-general.

The surveyor-general has put in evidence one photograph of a signature of Carrillo, which we may here concede to be genuine, and which differs in some points from the one in our record.

We say that these two signatures both have marked characteristics, and that, instead of being very unlike, they have a very strong resemblance to one another.

We also produce three other signatures which are conceded to be genuine. These three signatures differ from the one produced by the surveyor-general much more strongly than his signature does from ours.

As to this and all the suspected signatures, one point is specially to be noted: They were all written with quill pens. All the writing in the papers of the office at the period in question was done with quills. The different signatures of the same men at dif-

ferent times show very plainly that they were written with different pens. Some of them are very fine and smoothly written, others are coarse and rough. Every one who has ever used a quill is well aware how greatly the handwriting differs at different times when a person writes with a different quill. One pen will make the writing extremely fine and smooth, while another will make it very rough and coarse. In all the original manuscripts of the period in question, which are produced in evidence, it is easily seen that the signatures of the same officials, written at different times, have marked differences. These differences evidently arise from differences in pen, ink, and paper.

The two signatures of Jossé Carrillo, which are compared, do, indeed, differ slightly. They have also remarkable resemblances to one another. They are all written by one man. No doubt many other genuine signatures of his could be produced which would have greater differences than any we have yet been able to find.

In fact a thorough and close resemblance in all these signatures would be the strongest evidence of forgery. In the celebrated Howland will case one of the strongest arguments brought forward to establish the alleged forgery was the absolute exactness with which the alleged forged signature corresponded with one of the genuine signatures in the case. It covered exactly. We select from the American Law Review, volume 4, pages 646 and following, some extracts from the evidence given by experts to show the utter impossibility that different signatures of the same person, if they are genuine, should be exact fac similes of one another.

"George Phippen, jr., of Boston, for twelve years assistant paying teller of the Suffolk National Bank, declares it impossible for any person to make a signature that shall so closely resemble another; that he has tried his own signature hundreds of times, also the signatures of others, and never found two signatures of his own or of others that would match exactly with each other in every detail; that he has 'no possible doubt' of the want of genuineness of 10 and 15."

"Solomon Lincoln, formerly cashier, now president of the Webster National Bank, declares that his degree of confidence that the signatures are not genuine amounts almost to moral certainty; that he has frequently tried to write alike for the purpose of making uniform signatures to bank bills, but always without success."

"James B. Congdon, treasurer and collector of New Bedford, for thirty-two years cashier of Merchants' Bank of that city, declares in his opinion that it is utterly impossible for any individual to write his name three times so that the resemblance may be such as appears in 1, 10 and 15; that he has examined the signatures of eleven different persons, five hundred and seventy-two signatures, rendering necessary thirty-seven thousand seven hundred comparisons, and found no such resemblance between any two of them; that his conviction is entire and undoubted, that they are not the signatures of Sylvia Ann Howland."

"George C. Smith, an engraver since 1811, from his experience of over half a century, declares that, assuming No. 1 to be genuine, the others could not possibly be; that he has never known three signatures so to correspond."

"John E. Gavit, of New York, president of the American Bank Note Company of the City of New York—the principal company in the world—has never in his experience found two signatures by the same hand absolutely identical, fac-similes, and states with a great deal of confidence 'though feeling it to be a grave case,' his opinion of the tracing."

But the position of this suspected Jossé Carrillo signature in the record makes it well-nigh impossible that it should be forged. Immediately after it comes the order for the public sale at auction signed by the treasurer-general. His signature is conceded to be genuine. Immediately after that come the three official reports of the three public auctions, each of them signed by the three members of the board of public auction, the treasurer-general and Carrillo himself being members of the board. Astiazaran, the grantee, signs just after the report of the last auction. After those three reports come five additional signatures of the treasurer-general, conceded all to be genuine. There are also several other signatures of Astiazaran, as to the genuineness of which no question has ever been made until after the testimony had been closed. Indeed, the surveyor-general has formally conceded on the record that he made no question as to the genuineness of Astiazaran's signatures. There are eight of them in the *expediente*, from first to last.

6. The suspected signature of Jesus Frasnquillo.

Frasquillo is an attesting witness.

In answer to the suggestion that this signature is forged, the following points are to be noted:

A bad pen would account for all the peculiarity that appears in Frasnquillo's signature. That is the probable explanation. The signature in question appears as that of an attesting witness to the signature of Astiazaran. There is at the same place the signature of Alejo Carrillo, another subscribing witness. These three signatures, that of

Astiazaran and those of the two subscribing witnesses, are all badly written, evidently with the same pen and the same ink. They are written with different ink from the part of the record immediately preceding. The signature of the treasurer-general appears immediately before them. The genuineness of that is conceded.

There was no possible purpose to be accomplished by forging the signature of a mere subscribing witness. The only purpose of having a subscribing witness was to prove the signature of Astiazaran. But that is conceded to be genuine. It would have been easier to have had some other man sign his own name, than to forge the signature of Frasquillo.

7. Five alleged forged signatures of Santos Vigarria.

These signatures are signatures of one of the subscribing witnesses to Carranco's signature. They are attached to five of the reports of the public proclamations of the sale.

The surveyor-general photographs only these five signatures of this official. But the signature occurs in the record thirty-two different times.

We also produce photographs of other signatures of Vigarria which are conceded to be genuine. These last differ greatly from the surveyor-general's photographs.

The suspected signatures were not at all of the most important in the record. Vigarria signs only as a subscribing witness. But here, too, there was no need of forgery. It was easier to have some other man sign his own name than to forge that of Vigarria.

IV.—The absence of any entry of the grant in the *toma de razon*.

The Sopori title is not noted in the book called *toma de razon*.

It is necessary, therefore, to consider what this book was, and what weight is to be given to the omission from its pages of the Sopori title.

The *toma de razon* is a small memorandum book, containing, ordinarily, in the handwriting of the treasurer-general, a note of the date of the issuance of each title, the name of the grantee, the number of leagues granted, and the place or district where the land was. It contains no description of the grant beyond this. The book seems to have been kept from 1831 to 1849, with an occasional hiatus. For instance, no entry at all was made from 30th July, 1838, until some time in 1839. (Judge Robinson's testimony.) The book was kept under a direction to the treasurer-general specifying his duties and describing what account books he should keep. *Toma de razon*, literally translated, is "take an account," the word *toma* being a verb in the imperative. (Judge Robinson's testimony.) The book is not mentioned in the laws regulating land grants, and there is no statute requiring a title to be noted in it.

The importance of the omission to note the Sopori title in the *toma* as evidence against the genuineness of the title depends chiefly upon the question whether all other genuine titles are entered there. It is clearly shown that they are not. Of twenty-one titles entered in the *toma* for 1838, *expedientes* of but eight are found recorded in the Sonora archives. Out of sixteen or seventeen titles of 1838 which have *expedientes* on record, only eight are entered on the *toma*. (See Mr. Dougherty's deposition.) Two titles alleged by the surveyor-general to be genuine, *Los Pocitos*, from which is taken the surveyor-general's photograph No. 10 (said to present a genuine test of signatures), is not in the *toma*. The title of land near La Calvisa, from which is taken Government photograph No. 8 (also said to present a genuine test of signatures), has no note of entry in the *toma*. Although Judge Robinson and Mr. Dougherty had not their memorandum as to its entry in the *toma*, they are almost sure it was not so entered.

The witness Carrillo gives the names, dates, histories, locations, and present proprietors of well known, unquestioned titles, which on examination were not found entered in the *toma*—Pinito, Balapito, two grants without particular names of lands near Ures, and another of a grant near Hermosillo. The title to Balapito was in 1870 examined by a lawyer, for purchasers from the witness, and was pronounced valid. The title to Pinito, under a decree of President Juarez, was sent to the City of Mexico for Federal approval, and was officially declared valid.

This book, with other records of the period in question, was kept, as the evidence shows, with considerable irregularity.

Mr. Dougherty described in his testimony the confusion and carelessness with which much of the work in the treasury was done. Very many omissions occur. In the *toma* for 1838 no titles after 30th July are entered.

It was said by the surveyor-general that, the title being antedated, no entry could be made, as there was not room on the proper page for an interpolation. Such a subsequent interpolation could, however, have been made, because, as Mr. Dougherty testified, there was in a later year a case of precisely such an interpolation. Nothing of the sort was done in the Sopori case; and it is perfectly evident that the omission was one of clerical carelessness, of which there were, at one time and another, many instances.

V.—The single photograph of a signature of Astiazaran.

This photograph comes into the record at a very late day against the petitioners' ob-

jection. The evidence on the part of the petitioners closed on the 23d June, 1881. During the hearing the petitioners' counsel asked the surveyor-general if he questioned the genuineness of the signature of Joaquin Astiazaran, the grantee. The surveyor-general said that "he had not yet done so, and that to his knowledge it had not been called in question by any one."

After the petitioner's evidence had been closed, and after the return of the petitioner's counsel from Arizona to New York, the surveyor-general wrote on the 27th September, 1881, as follows:

"In reviewing the testimony taken in June last in the Sopori case, I find an effort was made upon part of petitioner to procure an original signature of Joaquin de Astiazaran, and I was thereby impressed with the importance of having it. I, therefore, have procured a photographic copy (in triplicate) of it from the expediente of the grant of 'Mesa de los Alematos,' made in 1835, and now on file in the Sonora archives at Hermosillo. In said expediente his handwriting and signature occur many times.

"If you desire a copy of the said photographic copy, it will be promptly furnished you upon receipt of cost, and as a negative will have to be taken here, you know about the cost.

"It was not originally intended to procure this signature, and but for petitioner's testimony it would not have been procured."

The surveyor-general has never given us an intimation that he intended to withdraw or modify his formal concession on the record that he did not question the genuineness of Astiazaran's signatures.

The surveyor-general's admission of the genuineness of these signatures makes the charge of forgery in 1854 an impossible supposition, for Astiazaran died in 1845.

Even if, however, it be intended, on the strength of this one signature of 1835, to maintain that all our Astiazaran signatures in 1838 are forgeries, that will not greatly help the case against the petitioners. For there are in the expediente signatures of several other persons who died even earlier than Astiazaran, prior to the year 1845. It will be necessary, therefore, that the surveyor-general should establish that the signatures of those persons are forgeries. In fact, in order to support this charge of forgery, the evidence will need to be extended far beyond anything that has thus far been attempted.

#### THE EVIDENCE AS TO THE GENUINENESS OF THE GRANT.

The charge which we have to meet is that this grant was forged in 1854.

We submit that the facts as they appear on the evidence clearly show that such a supposition cannot possibly be true, and that the grant is a genuine grant.

In discussing this branch of the case we shall consider:

1. Certain points which upon the evidence are not disputed.
2. The principles upon which the evidence is to be judged.
3. The character of the petitioners' witnesses.
4. The facts as to the disputed points as they appear on the evidence.
5. The probability of an attempt to commit such a forgery as is here charged.
6. The possibility of such an attempt being successful.
7. The considerations in favor of the genuineness of the grant from the fact of its purchase by Sonora business men.

#### I.—*Certain points which upon the evidence are not disputed.*

The facts as to which on the evidence there is no dispute make it matter of certainty that the charge of a forgery in 1854 cannot possibly be correct.

1. In the expediente are many signatures of men who had long before that time died or permanently left the country, many of them before 1850, some before 1845, and one as early as 1839. These are:

Manuel Cejas, a merchant in Guaymas, a witness to Astiazaran's ability. He permanently left Sonora in 1839 (depositions of Quijada and Carrillo).

José Contreras, also a witness to Astiazaran's ability. He died between 1840 and 1850 (depositions of Quijada and Carrillo).

Luis Carranco, the surveyor. He died between 1840 and 1850 (depositions of Carrillo and Tamayo).

Ygnacio Zuniga, an assisting witness. He died between 1840 and 1850 (deposition of Carrillo).

Nicolas Gonzales, an assisting witness. He died in California in 1852 (deposition of his daughter, Mme. de Duron).

José Jesus Corella, assisting witness, who died at Ures, about 1845 or 1846 (deposition of Tamayo).

The names just given are names as to the genuineness of whose signatures there is on the evidence no dispute.

There are also in our record signatures of other persons which are, as we maintain, well proved to be genuine by the testimony in the case, and who died before 1850. But at this point we only enumerate the undisputed ones.

2. As to certain signatures no one has brought forward any evidence in any form to throw a doubt on their genuineness. These signatures which are not disputed are those of—

1. The treasurer-general, Mendoza, of which there are fifteen.
2. Juan José Encinas, judge of first instance, before whom were taken the proofs as to Astiazaran's ability to settle the ranch, of which there are five.
3. Manuel Cejas, witness to Astiazaran's ability to settle the ranch, of which there is one.
4. José Contreras, the second witness to Astiazaran's ability to settle the ranch, of which there is one.
5. Gregorio Valencia, the third witness as to Astiazaran's ability to settle the ranch, of which there is one.
6. Luis Carranco, surveyor, of which there are thirty-eight.
7. Francisco Mendoza, member of the board of public auction, of which there are four.
8. Julian Padilla, assistant to the surveyor, and one of the appraisers, of which there are three.
9. Ygnacio Zuniga, assisting witness, of which there are five.
10. Nicolas Gonzales, employé in the treasury-general, of which there are five.
11. José Jesus Corella, employed for a time in the treasury-general as a clerk of the treasurer-general, of which there are thirty-six.
12. Alonzo Maria Tresieras, employed in the government offices at Arizpe, of which there is one.

Here, then, are signatures of twelve different well-known persons, some of them high officials, which are on the evidence unquestioned. Of the signatures of those twelve persons there are in our records in all one hundred and fifteen. We do not mean, of course, that the surveyor-general may not have had suspicions as to these signatures at some stage of his investigations. We are arguing this case on the evidence, and on that alone.

Singularly, too, it is the signatures of the most important officials which are absolutely unquestioned on the evidence in this case.

The treasurer-general, the most important official in the whole proceedings, the official who made the grant, signs his name in both the *expediente* and the *testimonio*, in all upwards of fifteen times. His signature has never been questioned.

Encinas, the judge before whom the original petition for the grant was made, and before whom the testimony was given as to Astiazaran's means, six pages in his handwriting, his signature is not questioned. The three witnesses who gave that evidence before Judge Encinas, and who signed their depositions, Cejas, Contreras, and Valencia, their signatures are not questioned. Mendoza, the public attorney, who was also a member of the board of public auction, signed the record several times. His signature is not questioned.

In fact, with the exception of José Carrillo, attorney-general, and Astiazaran, the grantee, there is no signature questioned on the evidence except those of subscribing witnesses. Indeed, as to Astiazaran's signature there has never yet been a charge of forgery. There has instead been an admission of genuineness.

3. Several papers in the original *expediente* are entirely in the handwriting of the treasurer-general, of Judge Encinas, and of Mendoza, a member of the board of public auction.

4. The evidence produced by the surveyor-general himself establishes that in 1848 or 1849 surveyors were sent by Astiazaran and Cubillas upon the property. The government witness, Jesus Maria Elias, at that time met the surveyors and remembers the names of some of them, Joaquin Quivova, Juan Manuel Levara, Leonardo Orozco, and Alfonso Figuira. The witness testified that he knew generally the dimensions of the ranche, and that it had been granted to Astiazaran. He was asked by the Government the question, and answered as follows:

"Q. Do you know when the said ranche was measured in pursuance of the alleged proceedings under the Mexican Government for title?—A. I do; it was measured about the last of December, 1848, or about the 1st of January, 1849."

There is, of course, here in the form of the question an implication that the witness testifies that these proceedings in 1849 were had under the Mexican Government. But the witness does not so testify. He does not pretend to any knowledge whatever except that the surveyors were "sent by Astiazaran and Cubillas." The Government witness Rafael Sais testified that he remembered the same survey made in the last of 1848, or, as he says, "the very first of January, 1849." He gives the same names as the witness Elias

did, and he testified, "I heard them say they were doing the work for Astiazaran and Cubillas."

These witnesses having testified to this important fact in favor of the petitioners, seek to break the force of what they say by adding some vague allegations that "it was understood at that time among the people here that the said measurements were made in bad faith for the purpose of depriving the people of their just rights, and for speculation, and without any legal right to do so" (testimony of Sais); "that it was generally understood at that time among officers and military men that the grant was not made in good faith, but in anticipation of a change in government. \* \* \* Prior to 1848 the land of El Sopori was considered as belonging to the community of Tubac. From 1848 to the present time among intelligent people of the country the opinion has been general that the measurements were made without any right, in anticipation of the future benefit that might be derived therefrom."

How much weight should be given to these assertions appears from the fact shown by the testimony of Colonel Poston and Mr. Oury, that Elias, with whom came Sais, is now one of the occupants of the ranch, and vitally interested in defeating the claim of the Sopori Company. The fact that is established, however, beyond doubt, by this testimony which is adduced by the surveyor-general is that in 1848 and 1849 the present Sopori grant was (whether a fraudulent grant or not) known and acted upon by the Astiazaran family.

5. The witness Cubillas knew of the holding of the grant by Astiazaran as early as 1839. He had been for a number of years cashier in the large commercial house of Ynigo & Sarrondo, of Guaymas. After 1852 he held judicial positions in Sonora. He was a nephew of Doña Carmen Ynigo, the wife of the elder Astiazaran, and used to visit the latter at his seat of La Labor. He remembered that in or about the year 1838, and afterwards, he had different conversations with the elder Astiazaran, in which the Sopori ranche and its grant to Astiazaran were mentioned. He testifies that in 1847 (two years after the death of Astiazaran and two years before the return of the younger Astiazarans) his aunt, the widow of Astiazaran, showed him the Sopori *testimonio*. In that year this witness went to reside at the hacienda of La Labor with his aunt. He made no particular examination of the paper, only a noticing that it was a large document on sealed paper, and noticing also the name.

6. The testimony of Matias Alsua also establishes the grant of the Sopori to have been in existence at least as early as 1849.

The testimony of this gentleman, although touching very few points, is exceedingly distinct, and it is not believed that the surveyor-general will for a moment discredit it. He heard of the Sopori grant between 1846 and 1850, "positively before 1850." At that time he had a conversation with Don Mariano Paredes, who described to him the Sopori land as being the property of Astiazaran, and as being valuable. Señor Alsua fixes his conversation with Paredes as being before 1850, because it was before a prospecting expedition into Arizona to which Alsua himself contributed \$5,000, and which took place about 1850. He fixes, too, the survey as being before January, 1850, for the reason that in 1850 he, Alsua, left Sonora "and visited several parts of the world, returning in April, 1855." In December, 1854, he again met Paredes in the City of Mexico, who then advised him to buy interests in the Sopori grant of Astiazaran, in the San Bernardino, and in the San Pedro belonging to the Elias family. Upon his return to Sonora, Alsua followed this advice, and did purchase an interest of 15 per cent. in the Sopori for \$5,000, which he paid in cash.

7. The testimony of Joaquin M. and Fernando M. Astiazaran establishes that upon their return, in 1849, to Sonora from the City of Mexico, where they had been law students (having been absent twelve years, during which their father had died), they received the Sopori *testimonio* from their mother; that they examined it; that they remained in possession of it; that they discussed what disposition should be made of the land; and that they finally sold the land to the association of merchants of Guaymas.

Nor are the character and position of the younger Astiazarans obscure or doubtful. The older brother, Joaquin, was attorney-general, chief justice, and governor of Sonora, besides being a member of its legislature, a federal judge of Mexico, and a member of its federal Congress and Senate. That his reputation and social standing are high among his neighbors and fellow-citizens, whose suffrages so often honored him, will, therefore, be safely assumed, without referring to the explicit testimony on this point of some of the witnesses. The younger brother, Fernando, having, with Joaquin, been highly educated as a lawyer at the City of Mexico, has also held at different times most of the chief positions of dignity and trust in Sonora. He was a member both of the State legislature and of the Federal Congress. He was attorney-general, judge of the State supreme court, and one of the federal judges. His standing in his native state is perhaps sufficiently described in the poetical tribute paid him by Col. Poston, before the latter con-



cluded that the Astiazaran grant was forged. In "Apache Land," published by the Colonel in 1878, he spoke of

the noble Astiazaran  
A gentleman in every part,  
In mind and soul, and mien and heart,  
\* \* \* \* \*  
He cultivates estates paternal  
And with solicitude maternal  
Accepts the willing patronage  
Of a thousand held in peonage.

8. The *expediente* and the *testimonio* are on official stamped paper of the years of 1837 and 1838. It is shown by the testimony of the witnesses, Campillo and Carrillo, that such stamped paper was, according to the regular course of official business, destroyed by the officers having its custody at the end of the two years, so that it was well-nigh impossible, fifteen or sixteen years later, to procure it. It is not, of course, wholly impossible that such paper should have been procured.

The undisputed points, then, on the testimony, which make it as nearly matter of certainty as any such thing can be made, that the charge of forgery cannot be true, are:

1. In the *expediente* are many signatures of men who had long before 1854 died or permanently left the country, many of them before 1850, some before 1845, and one as early as 1839.

2. As to a large number of signatures, no one has brought forward any evidence, in any form, to throw a doubt on their genuineness.

3. Several papers in the original *expediente* are entirely in the handwriting of the treasurer-general, of Judge Encinas, and of Mendoza, a member of the board of public auction.

4. The evidence produced by the surveyor-general himself establishes that in 1848 or 1849 surveyors were sent by Astiazaran and Cubillas to survey the property.

5. The witness Cubillas knew of the holding of the grant by Astiazaran as early as 1839.

6. The testimony of Matias Alsua establishes the grant of the Sopori to have been at least as early as 1849.

7. The testimony of Joaquin M. and Fernando M. Astiazaran also establishes the existence of the grant prior to 1849.

8. The *expediente* and *testimonio* are both on stamped paper of the years 1837 and 1838. We submit, therefore, that on the evidence the impossibility of the charge of forgery is made matter of demonstration, as far as demonstration in such a case can go.

#### II.—*The principles on which the evidence is to be judged.*

In this case, as in all others, witnesses of respectable antecedents, honorable business men, who have led honest lives, whose integrity has never been questioned, are to be believed. If our witnesses were a collection of mere adventurers, men who had never followed any respectable calling, men whose reputation for truthfulness was not known, brought here to give evidence in our behalf, then that evidence could be doubted, and perhaps rejected. But where the witnesses produced are men who have been long and well known in business and official relations by their own countrymen and by citizens of the United States and of other lands, the evidence of such men must be believed. If any charge can be made against the honesty of these witnesses, and supported by evidence, then such a charge is to be heeded. But if these witnesses are on the evidence absolutely unimpeached, the surveyor-general is bound to give credit to what they say.

#### III.—*The character of the witnesses.*

The witnesses whom we produce are men of absolutely unimpeached honesty.

Some of them are the oldest and most trusted officials in Sonora. Some of them are well-known business men. All of them are men of the most respectable positions, who have always been known for their honorable dealings. It is very clear to any fair-minded man that these Mexican gentlemen who have appeared before the surveyor-general are witnesses whose statements are thoroughly truthful.

It will be well, however, to consider somewhat more minutely who these witnesses are.

1. Gabriel Corella is a colonel of the Mexican army, and has at different times been a member of the State and Federal legislatures, and prefect of Guaymas. He was born at Arizpe, and lived there a long time. In that town he knew, when young, several of the persons who took part in the proceedings on the Astiazaran grant. He was a cousin of the assisting witness José Jesus Corella. Alejo Carrillo, another assisting witness, was an uncle of his wife. His long official career had given him peculiar opportunities of knowing handwritings of officials.

2. Mme. de Duron testified only to the handwriting of her father, José Contreras.

3. Quijada, for years a clerk of Manuel Cejas, gave the best possible proof of the latter's hand.

4. *Miguel Campillo*.—This gentleman, when a lad, was a clerk in the treasury depart-

ment at Guaymas. This was from 1835 to 1837. He became afterwards chief clerk, and still later collector of land revenues of Sonora. His relations with the Sonora treasury and its officials were, therefore, very intimate. His knowledge of handwritings extended to those of Mendoza, the treasurer-general, and Alejo Carrillo, one of his clerks and assisting witnesses. He also knew the hands of Encinas, the judge of first instance, who took the depositions as to Astiazaran's ability, and who was an employé of the government at Hermosillo; and of the merchants Cejas and Contreras, who made depositions before Encinas. All of these he had seen write. He describes generally the position of these gentlemen, and although he does not pretend to remember accurately dates of the deaths of these persons, he gives some of them approximately. The preparation and inspection of papers had been his business for a life-time. In answer to a question from the surveyor-general, he testified that he had made handwritings a study to enable him to distinguish what was genuine from what was forged.

Senor Campillo's reputation among his neighbors may be sufficiently inferred from his official career out of the treasury department. Several times member of the city council of Guaymas, twice a member of the Sonora legislature, three times secretary of state of Sonora, judge of first instance at Guaymas, federal judge of the same city, and finally chief justice of the supreme court of Sonora—no one will, without the clearest proof doubt that his testimony is given in good faith.

5. *Antonia Carrillo*.—This official had had perhaps the most extensive knowledge of official life and persons in Sonora of any living person. From 1832 until 1837, the year before the Sopori proceedings were had, he was a clerk in the treasury-general, acting for some time as first cashier, and also as chief clerk of José Maria Mendoza. At some time, not very clearly appearing in the testimony, he himself occupied that post upon the death of a treasurer-general. During his service under Mendoza he was constantly associated with many of the persons who took part in the Sopori proceedings. He wrote with them side by side, and saw them write daily. Writing and the examination of writing then constituted in a large measure his duties. His subsequent official career kept him constantly familiar with official entries, and although as to dates of deaths of persons long ago, he is at his age not very confident of his recollections; he speaks as to handwritings and official usages with very natural assurance. It would be strange, indeed, if in these matters he were not clear in his opinions. One who has been a clerk of the surveyor-general of Arizona for five years, and who, for a lifetime afterwards, has had occasion to refer to the surveyor-general's record, will not be likely to exhibit much doubt about the handwritings or signatures of his fellow clerks, or of the surveyor-general.

Senor Carrillo's reputation and standing are like those of Campillo. Besides holding different clerical, municipal, and legislative offices, he was at one time a treasurer of the republic, then treasurer of the state of Occidente (which included Sonora), and for fourteen years (1840-1850 and 1858-1862) was a judge of the state supreme court.

6. *José M. Tamayo*.—This witness has not had great official distinction. His opportunities of knowledge are, however, as to some matters, probably greater than those of any other witness. He was a clerk in the treasury when the Sopori proceedings were had, being then about eighteen years old. He came as a boy into the office in 1832, and remained in its employment until 1849, eleven years after the Sopori grant. He has no independent recollection of that grant (and it would be extraordinary if he had). But he remembers very distinctly the treasury officials and clerks, whose handwritings and signatures appear in the Sopori *expediente* and *testimonio*. He had been a fellow clerk with them for many years; he saw them writing daily, and often signing as assisting witnesses; and his knowledge of their handwritings had been kept fresh by his custody of the archives at Ures, of which, as registrar of births, marriages and deaths, and clerk of the city council, he has had charge since 1862 or 1863. During the years since that time he has frequently examined the archives and the handwritings of their papers. He still has their custody, and with the permission of the prefect of Ures he produced before the surveyor-general a large number of records, contemporaneous or nearly so with the Sopori proceedings. There were in all 208 pages of them, many pages containing several original papers, depositions, &c., and several signatures; from them were taken the photographs B 1, 2, 3, 5, and 6; C 1, 2, 3, 5, and 6; and D 2, 3, and 4. Those records were of suits before the judges of first instance at Ures, and of protocols of notaries public\*. In these papers appeared many original signatures of Alejo Carrillo, José Contreras, Santos Vigarria, Nicolás Gonzales, Jesus Frasuquillo, and José Jesus Corella, whose signatures also appear in the Sopori records. During Señor Tamayo's earlier years in the treasury it was his duty regularly to take the written receipts of the different employés in that office for their salaries. Very certainly, if any testimony as to handwritings can be valuable, Señor Tamayo's testimony is very valuable.

\* The proceedings of the notaries public in Mexico and other countries having the civil law are matters of public record, and are so kept.

Neither the conscientiousness nor the intelligence of this witness is in any way attacked. His official career of seventeen years in the treasury and of as many years as registrar of births, marriages and deaths, and secretary of the Council of Ures, is a reasonable assurance upon these matters. He was for three years collector of internal revenue of Ures.

IV.—*The facts as to disputed points as they appear on the evidence.*

The only points which can properly be called on the evidence disputed are as to the genuineness of five signatures.

These are:

1. *José Carrillo*, attorney-general. The witness Corella was a fellow townsman of his at Arizpe, who knew Carrillo in his various official positions, and was familiar with his handwriting. Corella testified to the genuineness of the signatures of Carrillo.

The witness Tamayo was employed in the treasury-general, the same office with Carrillo, and testified to his signature.

The witness Carrillo also proved the genuineness of these signatures.

We produce the other signatures of Carrillo from the original records, which make the genuineness of his signature very clear. There are differences between the different signatures. But they are such as would naturally be found.

2. *Alejo Carrillo*. The witness Campillo testifies to his signature. Campillo was familiar with his handwriting.

The witness Carrillo was a fellow clerk with him in the treasury-general, and testifies to his signature.

The witness Tamayo knew him well in 1838; knew him to be then in the office of the treasury-general, and testifies to his signature.

The witness Corella identifies his signature.

Mr. Dougherty testifies as to a comparison of Alejo Carrillo's signature.

Photographs are produced from other original records which also establish the genuineness of this signature.

3. *Jesus Frasquillo*. The witness Carrillo testifies to his signatures. The witness Tamayo testifies to his signature. We produce, also, photographs from the records of Ures, which contain genuine signatures of Frasquillo. A comparison with the Ures records shows a thorough resemblance in the suspected signatures to the genuine ones.

As to the signatures of Alejo Carrillo, Frasquillo and Astiazaran, one other point is to be noted. Those three signatures, at one place in the record, are all badly written. The signature of Astiazaran is especially so. A bad quill or poor ink would explain everything. With all these signatures, the roughness is greater in the *rubrica* than in the name. The execution of those elaborate scrolls with a bad quill would be a difficult matter. The roughness of these signatures in these two places in the *testimonio*, both near to one another, is evidence rather of genuineness than of forgery. Elsewhere the name of Astiazaran is well written. The forgeries, if they were forgeries, would have been done as well at this part of the *expediente* as they were elsewhere.

4. *Santos Vigarria*. This signature is proved to be genuine by the witnesses Carrillo and Tamayo, who were clerks in the office of the treasurer-general with Vigarria.

The fact that the surveyor-general selects only five out of thirty-two signatures of Vigarria for his photographs, is very clear evidence in favor of their genuineness. Those five which are selected by the surveyor-general are the signatures to the reports of the public proclamations on the 22d, 23d, 24th, 25th and 26th days. Immediately before and after these suspected signatures come twenty-seven signatures as to which no question is raised.

We produce, however, a number of other genuine signatures of Vigarria which put the genuineness of these suspected ones beyond any doubt, if evidence is to decide the case.

5. *Astiazaran, the grantee*. The most formal admission was given by the surveyor-general while the petitioners were putting in their evidence of the genuineness of Astiazaran's signature. On the 14th June, 1881, while the testimony was being taken, the petitioner's counsel, as the record shows, "inquired of the surveyor-general if he called in question the genuineness of the signature of Joaquin de Astiazaran; and he replied that he had not yet done so, and that to his knowledge it had not been called in question by any one." This is the surveyor-general's own declaration, taken from his own record.

The surveyor-general has now, however, produced one photograph of a signature of Astiazaran which is slightly unlike the signatures in our record.

No doubt many more such could be found. It is almost certain that many genuine signatures, not only of Astiazaran, but of other signers, can be found, which will differ greatly from the signatures in our record, or from some of those signatures. The wonder is that the surveyor-general has produced only one such.

But this one signature which the surveyor-general produces is evidence in our favor.

It is, indeed, a very smooth and flowing signature: It has points of difference from the signatures in our record, and was probably written at an earlier period of Astiazaran's life, or when he was writing under very favorable circumstances. The surveyor-general states the signature to have been written in 1835. But it is clearly the signature of the same man who wrote the signatures in our record. It is written by the same hand.

V.—The attempt to commit such a forgery as is here charged was most improbable.

If there was any forgery at all it must have been committed during the life of Astiazaran, for the evidence is overwhelming that the grant was in existence during his life, and as early as 1839. Forgery at a time as late as 1845 is, upon the evidence, a supposition which can not be maintained.

A forgery at the early period when it must have taken place, if at all, would never have been attempted, for the reason that it would have been easier and cheaper to get a legitimate grant. The land, even at the highest regular rates for Government land as they are claimed by the surveyor-general to have been fixed, would have cost only about \$1,000. It would have been cheaper to pay that amount of money and to have procured a grant regularly, than to have carried out so elaborate a scheme of fraud as this would have been. Even assuming that the treasurer-general and all the other officials and witnesses whose names appear in the record, could have been induced to lend themselves to such a scheme, yet they would have required Astiazaran to pay them well for it. Men who will carry through villainous transactions of that kind will not do so without money. It would have cost less to get the grant regularly than to pay so many men.

Moreover, the risk was too great. It was certain that such a grant, if it was fraudulently concocted, would come under the scrutiny of many persons, within a reasonably short space of time.

It would, too, necessarily come under the scrutiny of many persons, whose names appear as signers in the record. Detection was certain. The length of the record, and the number of signatures which appear in it, made it impossible that so barefaced a scheme of counterfeiting could escape detection. Men, even if they have no conscientious scruples against such conduct, do not go into such an affair without the hope of success. Such a forgery as this is charged to be, has never been heard of in all judicial history. We do occasionally hear of papers being forged which contain a very small number of signatures, of private or obscure individuals. To attempt to concoct and put on record in a public office a long judicial record, full of the signatures of the highest public officials, and of prominent business men, is a thing which has never been heard of. Human audacity does not go to such a length.

But character is to count for something in this case. Among all nations and races, civilized and uncivilized, the men who hold responsible positions in society are, in the main, honest men. No tribunal which decides causes according to the ordinary standards, will believe, without overwhelming evidence to the contrary, that the Mexican gentlemen who had to do with this grant would ever have engaged in any scheme of forgery and perjury such as is here laid to their charge.

VI.—Such a forgery never could have been carried out, even if the men interested in the affair had been willing to attempt it. They could never have succeeded in inducing all the officials and others, whose assistance was necessary, to go into such a conspiracy against the laws. Discovery and disgrace would have been certain. Any man of intelligence would have seen that.

The risk for all those officials was too great.

But the honorable record of these officials must count for something. The evidence is clear and uncontroverted, that the treasurer-general and Judge Encinas and others, who must have taken part in this forgery, if there was one, were men with as high standards of honor as our own citizens.

The treasurer-general, José Maria Mendoza, was a high official of Sonora, for almost the whole of a long life. From some time before 1832, he appears to have been the treasurer-general for probably about thirty years, with only occasional, if any, interruption. As treasurer-general he received and disbursed the revenues of the State for this long period. In his old age, being unable longer to give the State his services, and being without means, he was pensioned by the congress of Sonora, deeming it "their duty to repay in some way his excellent services to the State." On his death, in 1862, this pension was continued by vote of the Congress to his widow, and as late as 1873, or 1874, it was renewed to her by the Congress, and is paid to the present time.

Tamayo, Quijada, Alsua, Juan A. Robinson, and Judge Robinson show the enviable distinction and confidence his integrity had given him. Those who speak of him describe his reputation for uprightness as being singularly high in and out of Sonora—as might indeed be safely inferred from his long administration of the finances of his country continuing through a score of political changes or revolutions, and ending at last in the honorable poverty which called out a national recognition.

Carillo, who commenced life as a porter under Mendoza in 1832, and who himself rose

to high official position, says Mendoza was scrupulous in his word "even to the point of causing ridicule." This treasurer-general was, therefore, no Pio Pico governing under federal appointment a remote territory of Mexico, like California, with alternate violence and scandal during a few months of doubtful authority, and notoriously manufacturing land titles on the approach of American conquest. Mendoza peacefully administered for a lifetime the finances of the self-governed State of Sonora at its center of population, through many political changes, with the support and the highest esteem of its best and most distinguished citizens. There was no cloud over his name, unless it arise in this case. Nor is it intimated in the record before the surveyor-general, or out of it, so far as the petitioners' counsel have heard, that his life or reputation were other than such as the petitioners' witnesses describe them. The *testimonio* and the recorded *expediente*, regular on their face, very certainly carry with them no less than their *prima facie* weight, because they are partly in Mendoza's handwriting, because they are authenticated by his signatures and official certificates, and because the grant of land they contain was Mendoza's own act.

VII.—One of the strongest evidences that could be had, both to the genuineness and the validity of the grant, is the fact that prominent business men in Sonora were willing, earlier than the year 1850, to invest their money in a purchase of the grant. That fact is undisputed. Calvo, Alsua, Cubillas, and Robinson were men who knew the men with whom they were dealing, and the thing in which they were dealing. They certainly believed that they were dealing with honest men, and that they were buying an honest title. They had, too, full means of knowledge on both these points. They were men who were competent to form a wise judgment on both points. Their action in purchasing this title (and that they did purchase it is undisputed) is the strongest evidence we could have as to its genuineness.

Such, then, is the petitioner's testimony as to the genuineness of this grant. It is forty-three years since the Sopori proceedings were had. Every participant in them, of whom any trace can be found, is dead. We cannot, then, produce as witnesses the officials who conducted the original proceedings. The next best proof must be the testimony of those who knew the writers intimately, who served in the public offices with them, who often saw them write, and who have since had occasion to refer to original papers which contained their handwritings.

That is the proof which we bring. We produce the most highly respected citizens of Sonora, its oldest public officials. These witnesses had the fullest knowledge as to the methods of doing business in the public offices in the year 1838, as to the men who were then in those offices, as to the handwriting of those men. And these witnesses say that this title record which we produce is a true record. We produce well-known business men who bought an interest in this property at least five years before the time which the surveyor-general fixes for his charge of forgery. We produce witnesses who knew of the existence of that grant as early as 1839. We show the genuine signatures of witnesses who had died and left the country long before 1845—one of them in 1839. We meet opinions with facts.

Very certainly there have been few alleged forgeries so thoroughly disproved as this one.

As to the genuineness of this grant, we submit, then, that it is conclusively established; that the facts which are on the evidence undisputed, and which are conceded by the surveyor-general, show that the charge of forgery cannot be true; that the evidence of reputable witnesses against whose honesty nothing is shown must be believed; that the witnesses who testify to the genuineness of the grant are men of unquestioned honor; that the many signatures, of which the genuineness is undisputed, prove, beyond a doubt, the genuineness of our record; that the genuineness of the suspected signatures is clearly established by the evidence; that the attempt to commit such a forgery as is charged was most improbable; that, if made, it could never have succeeded; and finally, that the respectability and uprightness of the men who have been connected with this grant from its earliest existence cannot be called in question.

#### THE POINTS OF LAW WHICH ARISE AS TO THE VALIDITY OF THE GRANT.

Upon the points of law we submit the following considerations:

I. This grant is to be judged on precisely the same principles on which it would be judged by Mexican courts and officials.

The Gadsden treaty in Article V protected Mexican titles by the following provision (10 U. S. Stats. at Large, 1035), adopted from the treaty of Guadalupe Hidalgo: "In the said territories, property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these and all Mexicans who may hereafter acquire said property by contract, shall

enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States." (9 U. S. Stats. at Large, 929; Article VIII.)

The obligations of international law, so recognized by the treaty, have been repeatedly declared by the Supreme Court of the United States as well as by its executive officers. The instructions to the surveyor-general of Arizona (approved by the Secretary of the Interior) state the principle to govern him to be the obligation "on the Government of the United States to deal with the private land titles and the *pueblos* precisely as Mexico would have done had the sovereignty not changed." The instructions lay down the rule declared by the Supreme Court in *United States v. Perchman*, 7 Peters, 51: "The people changed their allegiance, their relations to their ancient sovereign is dissolved, but their relations to each other and their rights of property remain undisturbed." They also repeat the rule stated in *United States v. Arredondo*, 6 Peters, 691, that the law of the province in which the land is situated is the law which gives efficacy to the grant, and by which it is to be tested, whether it was property at the time the treaties took effect.

II. The procedure throughout, on the making of the grant, on the part of the officials of the Mexican Government, was regular and well considered.

In his petition to the treasurer-general, Astiazaran laid stress on the dangers he would encounter from the Apaches in settling the Sopori. This was doubtless for two purposes: to secure reasonable advantages as to time in making the settlement, and perhaps a reduction in the payment required by the treasurer. He states that unless he be allowed twenty years to settle the tract he will withdraw his claim; and refers (being himself a Spaniard) to the liberal policy of the Spanish Government in that respect. Dissatisfied, apparently, with the first form of his petition, which, however, he had dated and signed, and probably at the suggestion of the treasurer, he supplemented it with a statement separately signed by him, that his claim is based upon the allowance of an option to him "to settle the same whenever the critical and dangerous condition of the northern frontier should allow me to do so with tolerable safety to property and life." These demands were very natural. The treasury was to receive the full value of the land at once; and, although the land might become of considerable value to Astiazaran, there was a very serious chance of the loss of years in finally and safely accomplishing the settlement. In fact, as the surveyor-general has abundantly learned, very few of the settlements under these grants were promptly and continuously made. On this very Sopori grant, as late as 1861, the Apaches destroyed the settlement of the petitioners, as they were dangerous until within a few years.

The treasurer-general did not at once accede to Astiazaran's request as to the time of settlement: but, in his instructions to the surveyor, he directed him to report the names of any parties "who may tender better proposals and undertake its settlement within a year." After the survey and valuation, the papers being submitted to the attorney-general, he considered the question of permitting the grantee the option, and reported that "there exists a sufficiently established precedent in the fact of its having been allowed with regard to other localities not so exposed to raids from those savages." He comments, besides, on the advantage of the needy public treasury receiving money for such wild and remote lands, and recommends making the grant, with the liberty to the grantee to postpone his actual settlement in case the conditions of the country prevented an immediate settlement. Astiazaran's first request for twenty years was not allowed.

The treasurer-general, in finally issuing the *testimonio*, did not, however, give as much as the claimant had asked or the attorney-general recommended. In case of delay in making the settlement, or of its abandonment, the land was to remain denounceable by others. The language of this restriction is thus translated: "Under the just and equitable condition that he is to accomplish this undertaking of settling that wild region, whenever the critical circumstances that render it at present impossible or extremely hazardous should cease, unless another party were to appear capable of accomplishing said settlement within a year from date; and which, however, once settled by Mr. Astiazaran, the same must not be abandoned during any length of time; with formal understanding that if abandoned during three consecutive years, and there should be any person that might lay claim to the same, in such an event, after duly authenticating the facts bearing upon the case, the Sopori land shall be declared as vacated, having reverted to the state, and shall be adjudicated anew to the highest bidder. It is deemed only equitable and just to except from the foregoing those cases in which the abandonment or unpeopling thereof should be the consequence of armed raids by an enemy of the state, too powerful to be resisted, such exceptions to hold good during actual duration of such state of the public peace."

All of this shows very careful consideration of the matter by the Sonora government. What was done here was done upon precedent and in other cases. And it was plainly a wise public policy. The treasury was to receive the full value of the land:

\* The translations from the *testimonio* may differ slightly from the translation before the surveyor-general. Of the latter the petitioners have now no copy.

the state was to have a wealthy and powerful citizen interested upon the frontier to hasten and continue the settlement, under risk of losing his grant; and it was very certain that, with a number of such citizens so interested on the frontier, the state would be partially protected, and the further settlement of the country encouraged.

III. The objection that there was an undervaluation of the land does not affect the grant generally, nor does it apply to the eight square leagues which had permanent streams of water upon them, and which were valued at \$60 a league, the amount fixed by the regulations of 1834. The remaining twenty-three leagues of dry and almost worthless land appear to have been valued according to the provisions of the law of 1825 and not of 1834. It is plain, from the *expediente*, that Astiazaran submitted to the authorities the worthless character of the land as a consideration bearing upon the price. What the practice of the Sonora treasury may have been in such cases we can only infer from their actual proceedings. The ordinary grant did not exceed four leagues; but the law of 1834 expressly permitted a grant of any size where sufficient wealth and ability were shown in the claimant. As has been shown, it was a matter of public policy to interest wealthy and powerful men in frontier settlements.

The proposed valuations were submitted by the treasurer-general to the attorney-general, and were, with the other proceedings, expressly approved by him. Those were the officers charged by the Government with the determination of such questions; and their decision, after the grantee had paid his money, and the grant had been issued, bound both the State of Sonora and the United States.

So, in *Fremont v. United States*, 17 How., 561, the Supreme Court said: "The court could not, without doing injustice to individuals, give to the Mexican laws a more narrow and strict construction than they received from the Mexican authorities who were intrusted, with their execution."

IV. The granting clause in the *testimonio* is entirely regular. The point made against the genuineness of the Sopori title in this respect was that the *testimonio*, purporting to be a copy of the *expediente*, contains at the end a granting clause which the *expediente* does not contain. The answer is twofold:

1. The *testimonio* does not purport to be merely a copy of the *expediente*. On the contrary, it purports to be more. The copy of the *expediente* is prefixed by a recital of statutes applicable to the case and of the petition of Astiazaran. It is followed by a certificate of the treasurer-general that, "as hereinbefore set forth, this act was declared closed," and a public declaration, commencing with the usual formality, "Know all men by these presents," that the title had been sold to the grantee for a consideration which had been paid into the treasury, and thereupon granting the land upon the conditions already described. It is plain, therefore, on the face of the *testimonio*, that its introductory and terminal parts ought not to be found in the *expediente*.

2. This difference between the *expediente* and the *testimonio* is according to the uniform practice in Sonora, as is abundantly proved by the testimony of Judge Robinson and Mr. Dougherty. The former gentleman examined all the *expedientes* recorded in the years 1837, 1838, and 1839, and found every one precisely like the Sopori *expediente* in this respect. The *expediente* of the Colviss, from which the Government photograph No. 8 is taken, and the *expediente* of Los Pocitos, from which the Government photograph No. 10 is taken, both of which *expedientes* are stated by the Government to be genuine, and precisely like the Sopori in this respect, as are all other *expedientes* which have been examined. Mr. Dougherty testifies that the *expediente* of the Canoa, already adjudged valid by the Surveyor-General, and the *expediente* from which all of the Government signatures alleged to be genuine are taken, are like the Sopori in this respect.

V. The grant is properly recorded within the meaning of the Gadsden treaty.

The words in the Spanish duplicate of the treaty, which are translated "duly recorded," are "debitamente registrados."

We submit that this grant is properly "recorded" within the meaning of those words, on the following grounds:

1. The *toma de razon* was kept in Sonora, prior to 1863 (see deposition of Judge Robinson), under a clause in the *ley organica de hacienda*, under the head of Duties of the Employees, in the office of the treasurer-general. This clause directs the paymaster or contador to keep three books, one of *toma de razon*, one of orders given by the Government of back dues, and a third, of commissions issued to Government employees. This clause is no part of the law regulating land titles. It is an entirely separate part of the *ley organica*. The law of 1825, regulating land grants, does not mention the *toma*; nor does the chapter of the *ley organica* relating to land grants. It is clear, therefore, from the statutes that entry in the *toma* was no part of a valid grant. Indeed, the entry was usually made after the *testimonio* was issued and the title legally complete.

2. The petitioners present abundant professional proof that the *toma* was a mere office book or index, entries in which were not essential to the validity of the title, and no part of its record. Miguel Campillo, formerly chief justice of Sonora, so testifies; Fernando M. Astiazaran, also once a judge of the supreme court of Sonora, so

testifies; Antonio Carrillo, an old employee of the treasury, and at one time judge of the supreme court, so testifies; Judge Robinson, whose professional occupation has for some time been in part the examination of titles, so testifies. These witnesses had been accustomed, judicially or professionally, to consider Government grants of vacant lands, and what they say is expert testimony of the highest order. The petitioners present the opinion of two of the best known lawyers of Sonora, besides Joaquin M. Astiazaran himself having the advantage of a long professional training at the city of Mexico, and subsequently chief justice of Sonora, who say of entry in the *toma de razon* of titles of vacant lands, that "this formality has no effect upon the legitimacy or validity of such documents;" that it "was simply a business regulation of the accounts."

3. Before a Mexican tribunal there can, therefore, be no doubt that the absence of entry in the *toma* would be immaterial. And such is very abundantly shown to be the understanding of professional men and land owners. If a Sonora tribunal must decide this entry to be legally unnecessary, so must this tribunal. This rule has already been discussed. It exists independent of the treaty, and is not affected by any limitation contained in the treaty. The instructions to the surveyor-general do not, therefore, impose any such limitation. They state the duty of the latter official to be "to deal with the private land titles and the pueblos *precisely* as Mexico would have done had the sovereignty not changed." If there be a restriction in the treaty not found in the Mexican law, it is plain, therefore, that the United States, upon principles of international law, cannot take any advantage from it.

4. The Sopori title is, however, "duly recorded," within the language of the treaty. The *expediente* duly filed in the archives of Sonora is the record of the title.

It contains all the requisites of record, the name of the grantee, a detailed description of the property, the original record of the proceedings which led to the grant, and a statement of the same being made to the grantee for a specific sum of money. It is attested by the proper officers.

The *expediente* also describes itself as a record of the title. At the conclusion of the proceeding of sale occurs the passage commencing with the Spanish words "En tales términos," and ending with the words "con el señor interesado," which is thus translated: "In these terms this act was concluded; there remained struck off publicly and solemnly in favor of the said Señor Don Joaquin de Astiazaran the thirty-one and seven-eighths *sitios* and a small *caballeria* of another of land for the breeding of cattle and horses included in the post called El Sopori, for the sum of nine hundred and nineteen dollars, their appraised value, *all of which is entered by this writing in order to make it a due evidence, and for other purposes.*" This is signed by the treasurer-general and the other members of the land board. Before the paper containing this passage appear the original proceedings as to the petitioner's pecuniary ability before the alcalde, the petition to the treasurer-general, his orders thereon, the report of the surveyor and appraisers, the report of the public advertisements, the reference to the attorney-general and his report, and the report of the public auctions.

It is well settled that this constitutes a record.

Record, the "*registrados*" of the Gadsden treaty, is defined in Gamboa's Commentaries (Heathf. Trans.), chap. V, sec. 24, to be "any judicial order or proceedings (*autos ó diligencia*) which authenticate and afford evidence of some judicial act." This definition was adopted by Judge Hoffman in the famous New Almaden case, and quoted with approval in the Supreme Court (United States v. Castillero, 2 Black, 1, per Wayne, J., p. 238).<sup>\*</sup> This shows plainly that the record is the entire original order or proceeding, and not a short memorandum like the *toma de razon*.

So, in *United States v. Cambuston*, 20 Howard, 39, the Supreme Court said of the petition and other original papers which the land colonization act<sup>†</sup> applicable to California required, that "they are not only expressly prescribed by the regulations as essential to guard against improvident grants, but constitute an essential part of the record of the title."

In *United States v. West's heirs*, 22 Howard, 315, the court said: "All of the documents upon which the defendants rely for a confirmation of their right to the land in dispute are to be found on file in the archives among the *expedientes* of the first class." No other record existed, except a note in a book of entries of land titles kept by the governor, called "Jimeno's Index." It does not appear to have been kept under any law. The court said: "We do not regard that catalogue of grants as authoritative proof of grants enumerated in it, or as a conclusive exclusion of grants not so registered by Jimeno, which may be alleged to have been made whilst California was a part of the Mexican Republic, though they may bear date within the time to which that index relates."

<sup>\*</sup> That case arose under the Mexican mining law, which made *registry "in a book"* the chief and in dispensable basis of the claim. There is, however, no such provision as to the Sonora land grants prior to 1863.

<sup>†</sup> This act (regulations of November, 1828, referred to by the court) expressly required, besides, record in a book. No record of any sort was produced, however.



In *United States v. Castro*, 24 *Howard*, 346, the Supreme Court, speaking of the Fremont case, said: "There the title papers, from the petition down to the grant, were found in regular form in the Mexican archives. Their authenticity was, therefore, attested by the record."

In *Luco v. United States*, 23 *Howard*, 515, the same court again recognized the *expediente* as a record, saying: "No grant of land purporting to have issued from the late Government of California should be received as genuine by the courts of the United States, unless it be found noted in the registers or the *expediente* or some part of it be found in file among the archives where other and genuine grants of the same year are found."

In *Mumford v. Wardell*, 6 *Wallace*, 423, it was, however, expressly decided that such filed papers as Sopori *expediente* constituted a record. The Supreme Court construed a statute of California confirming such titles as were "registered or recorded on or before April 3, 1850, in some book of record," &c. The court held, that where the grant had been made in duplicate, and the copy retained in the office was labeled with the name of the purchaser, number of the lot, and the class to which the grant belonged, and kept in a bundle with other grants of the same class, although the papers were not bound in the actual form of a book, there was still in substance a *record* or *registry* of the title in a book.

All of these requisites are met by the Sopori *expediente*. The papers are filed; they are bound together; they are endorsed; they are gathered into a bundle with *expedientes* of the same class and year.

5. It is equally plain that an entry in the *toma* is not a record. It is at most a memorandum or docket. It states no jurisdictional facts. It does not even contain a description of the land, but merely the number of leagues and the district in which the land was situated.

#### SUMMARY OF THE WHOLE CASE.

In conclusion we have to submit:

The evidence for the Government is directed to only one point, that this title record was forged in 1854.

That supposition is made impossible by the formal concession on the record by the surveyor-general, that the signatures of Astiazaran are all genuine. That concession was given after the most thorough examination had been made of the record of our grant in the Sonora archives. The concession has never been withdrawn.

The forgery charged is one which could never have been carried out if it had been attempted. It required the co-operation of too many men, of too many men who had no interest in the matter.

The forgery charged is one which would never have been attempted if it could have been carried out. It would not pay. It was cheaper and easier to get the grant in a lawful and regular manner.

We show by abundant testimony, given by respectable witnesses, that the grant is a genuine grant; that it is recorded in the office where it should properly be recorded; that it has always been in respectable hands; that there is upon the evidence no ground upon which its genuineness can be doubted.

We show that the grant was made in strict compliance with the requirements of the Mexican law; that it is properly recorded, according to the provisions of the Gadsden treaty; that it was at all times recognized as a valid grant by the Mexican Government, and that there is, therefore, no legal ground on which its validity can be impeached.

We submit, then, that, upon the evidence, the genuineness and validity of this grant cannot reasonably be called in question; and that the opinion of the surveyor-general, which he formed before he had heard our evidence, has now no foundation on which it can rest.

ALBERT STICKNEY,  
EDWARD M. SHEPARD,  
J. HAMPDEN DOUGHERTY,  
*Counsel for the Petitioner.*

BEFORE THE HONORABLE JOHN WASSON, UNITED STATES SURVEYOR-GENERAL OF ARIZONA.

In the matter of the petition of the Sopori Land and Mining Company.

The petitioners being on this date informed of the intention of the United States, according to the letter of 27th September, 1881, written by the surveyor-general to Edward M. Shepard, esq., to introduce into the record of this case a photograph, alleged to be a photograph of a signature of Joaquin de Astiazaran, taken from the *expediente* of the grant of Mesa de los Alamentos, respectfully object to the reception in evidence or consideration of the same, upon the following among other grounds:

1. That there is no evidence whatever of the correctness of the photograph, or of the genuineness of the papers from which it is taken.

2. That prior to the dispatch of Mr. Dougherty to Sonora, in March, 1881, to collect information as to the Sopori grant (as is shown in the testimony and copy correspondence now in the record), the petitioners asked and received from the surveyor-general a statement or statements of the points made against the title; that nothing was then said of the genuineness of the Astiazaran signature; and the petitioners prior to the hearing in June, 1881, at very large expense, and in reliance upon this statement in behalf of the United States, prepared their case without reference to the Astiazaran signature, excepting as the same was incidentally connected with other matters.

3. That having so prepared their case the petitioners' counsel attended from New York at Tucson, in June, 1881, and produced from Sonora six witnesses in person, besides Mr. Dougherty, of New York, who had acquired much information in Mexico; that there were also produced many papers; that at the hearing on 14th June, 1881, the counsel for the petitioners "inquired of the surveyor-general if he called in question the genuineness of the signature of Joaquin de Astiazaran, and he replied that he had not yet done so, and that to his knowledge it had not been called in question by any one;" that the counsel for petitioners then stated to the surveyor-general that relying upon that assurance they would produce no testimony as to Astiazaran's signature, except such as was incidentally connected with other matters; and upon the closing of the hearing in June, 1881, the petitioners' counsel returned to New York, and their witnesses to Mexico, relying upon such statement of the surveyor-general.

4th. That on 5th August, 1881, the surveyor-general, by letter of that date to their counsel, advised the petitioners as follows: "I have not taken any testimony in the Sopori case, oral or documentary, since you were present, and have decided to take no more in the case."

5th. That the petitioners, a Rhode Island corporation, have, by counsel, twice attended in Arizona, once in June, 1880, and once in June, 1881, and returned to the Atlantic coast; that no doubt as to the signature of Joaquin de Astiazaran was, before the last return or until this day, suggested to them; that it is now impossible for them, without the very serious expense and delay of another trip to Sonora, to submit such testimony as exists touching that signature; and that if any adverse testimony on that subject be now received or considered by the surveyor-general, very great injustice will be done them.

They therefore respectfully beg the surveyor-general to decline to receive any such further testimony.

THE SOPORI LAND AND MINING COMPANY,  
By EDWARD M. SHEPARD, Attorney.

Dated 4th October, 1881.

OBJECTIONS OVERRULED.

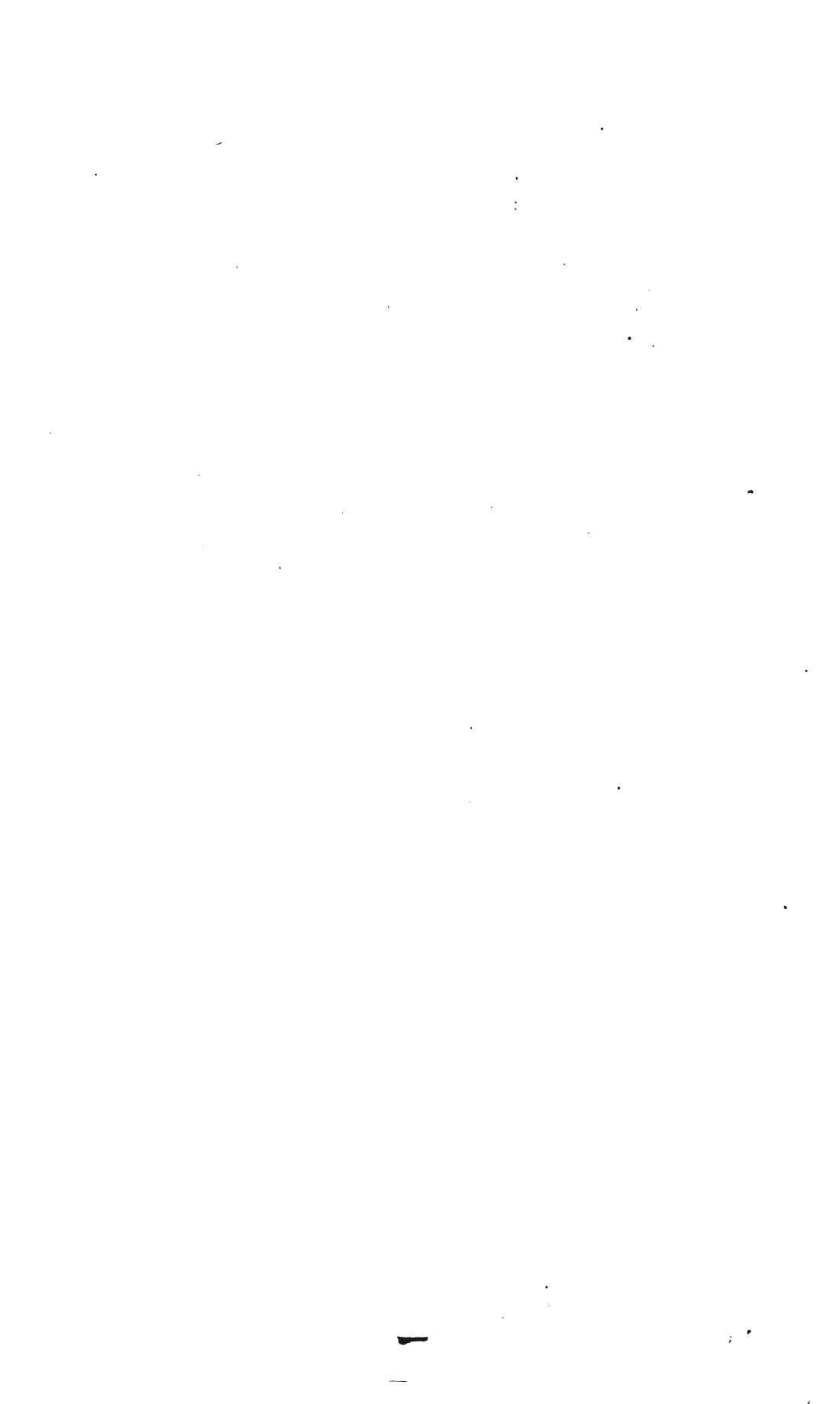
The objections of claimant to receipt of photographic copy of the signature of Joaquin de Astiazaran, dated October 4, 1881, are on this 14th day of October, 1881, duly considered and overruled for the following reasons:

1. As to first objection, it is mere assertion, and applies, if at all, with equal force to all the photographs embraced in the record on behalf of the Government.

2. As to the second objection, it is fully met in reply to claimant's third objection.

3. As to the third objection: That *after* the surveyor-general made the statement that the genuineness of said signature had not yet been called in question by him, and that to his knowledge it had not been called in question by any one, the claimant's counsel raised the question of its genuineness and introduced the direct testimony of four witnesses to prove its genuineness, thus compelling the surveyor-general to consider it. The surveyor-general emphatically denies that the counsel for petitioner stated, verbally or otherwise, in his presence or to his knowledge, that relying upon his assurance regarding said signature that "they would produce no testimony as to Astiazaran's signature, except," etc.





As to fourth objection : The surveyor-general hereby declares that he has not taken any testimony in the case since August 5, 1881 ; that the claimant's testimony shows an apparent anxiety to procure the genuine signature of said Astiazaran, and that the incorporation of a photographic copy of it into the record is not the taking of testimony, but a mere illustration of the surveyor-general's opinion, made necessary in this particular by claimant's own direct testimony.

5. As to the fifth objection : Whatever hardship or injustice may ensue in the premises is the result of claimant's action and is not occasioned by any act of the surveyor-general.

JOHN WASSON,  
*U. S. Surveyor-General.*

The foregoing are true copies of originals on file in El Sopori case as referred to.

JOHN WASSON,  
*U. S. Sur. Gen.*

U. S. SUR. GENL'S OFFICE,  
*Tucson, Arizona, Dec. 10, 1881.*

