

III.

State of Texas

County of El Paso

This day personally appeared before me  
J. B. Chandler, Notary Public, in and for the County of El Paso,  
Texas, Jose Maria Gonzalez, who being by me duly sworn  
states:

My name is Jose Maria Gonzalez. I was born October  
1825 in Saltila, which town was at that time in Old  
Mexico. But the Red Bands years afterward changed  
its channel and left Saltila, crossed as before  
and San Elizario on this side of the river. In Texas  
I have always lived in Saltila.

Since 1858 I have held the office of Justice of the  
Peace of the Saltila precinct four terms.

In 1873 I was Mayor of the town of Saltila and held  
that office one term.

Have held the office of County Commissioner three  
terms, and am now one of the Commissioners of  
the County.

I was intimately acquainted with Juan Ascarita  
and Jacinto Ascarita, from the time I was sixteen  
years of age. I know where they lived. They lived  
on the Mexican side of the river about four miles  
below the church in Paso del Norte and about one  
mile from the church West of San Lorenzo. They both  
lived on the same house which remains now to be  
seen. Juan Ascarita and Jacinto his son died, the  
former about the year 1858 and latter a few years  
afterwards. I lived about six miles from them.

I remember when we all lived on the other side of the river, that is, in Mexico and before Yelita was cut off by the river.

I know where the lands of the said Ascarrati were. They were all on the other side of the river and near where they lived. I never heard them or either of them claim to own or be interested in any lands whatever lying on this side of the river and being intimately acquainted with them would have known of such claim had it been made.

I was and am now acquainted with the boundaries of the Yelita and Seneca tracts. These lands were formerly in one body and on the other side of the present channel of the Rio Grande, <sup>except the mesa lands which were on the American side</sup> I mean that the Yelita and Seneca lands were adjoining <sup>on both sides</sup> the river afterwards as I have before stated changed its course and ran between the Church at Yelita and the Church on the Seneca tract, leaving the Seneca Church and town <sup>and Yelita on the side</sup> in old Mexico. Before this, however, the Mexican Government sent a Commissioner, Jose Maria Elias Gonzales, to mark the boundary between the Yelita and Seneca tracts. This was in 1841 and I remember well when the survey was made.

I know where the monuments are that were placed between the two tracts by said Gonzales along said line. This boundary line was recognized by the Yelita and Seneca people from that time on and

po'

I never heard that the Ascariats or either of them claimed any interest in the Seneca tract or Tsaluta tract until about the year 1855. When the claim was made by Crosby & Stephenson that portion of the Seneca tract which was cut off by the river and left on the American side was afterwards given by the Legislature of this State to the town of Tsaluta. And Tsaluta released their lands which were cut off & left on the Seneca side to the Seneca people.

Prior to the time that Tsaluta acquired a portion of the Seneca lands Juan Ascari and Jacinto Ascari with the permission of the Seneca authorities pastured their cattle and horses on the Seneca lands for two or three months during the year, but after Tsaluta acquired the land the Ascariats were prohibited from grazing them and I know of my own knowledge that they never did use or occupy them thereafter nor did they ever set up any claim except that they had the permission of the Senecas when they were informed that these lands no longer belonged to the Senecas but to Tsaluta.

I never heard of the Ascariats claim until it was made by Horace Stephenson and Josiah H. Crosby a long time after the death of Juan and Jacinto Ascari, and these facts are known by all the old residents of the towns of Tsaluta and Seneca.

The Ascariats tract as surveyed recently by J.P.

Randolph C. Survey of this County embraces lands formerly belonging to the Seneca tract and which I have owned and cultivated since about the year 1870. I acquired title to these lands from the town of Tuleta.

I Thus when the North line of the Seneca tract is and also the N.W. corner of the Tuleta town tract. From the N.W. Cor. of the Tuleta tract to where the present channel of the river leaves the "old river" bed is about three miles, on an air line, more or less.

The people of Tuleta have been cultivating since 1859 the lands north of the old River and west of the town tract and adjoining the same, and extending between the rivers separate. And in 1870 these lands were divided (the same having been patented in 1858 to the people of Tuleta) and there is now in actual cultivation on this Seneca tract <sup>about</sup> five thousand acres of good, irrigable and rich land. These lands are occupied by sixty or seventy families all having deeds from the town of Tuleta.

All these lands are embraced within the Randolph Survey of the Asecarate Grant, and for which a patent is now asked by the assignees or claimants under Juan and Jacinto Asecarate, and to the issuance of which I, for myself and for Monty Louvenstein who owns two hundred acres more or less, and for the other inhabitants of Tuleta owning lands within said Randolph Survey of said Asecarate tract most solemnly protest. Jose M. Louales This 16<sup>th</sup> day of March 1880.

In Witness Whereof I have hereunto set my hand and official seal the day and year last aforesaid  
J. M. Louales Notary Public  
County of ...

No  
No<sup>3</sup>

State of Texas  
County of El Paso }

This day personally appeared before me, J. M. O. B. Hardy, a Notary Public in and for El Paso County, Texas, Juan Severiano Gonzales who being by me duly sworn upon his oath states:

My name is Juan Severiano Gonzales. I am an Co-  
leta Indian; was born in Kalitia in 1804, and have  
lived there ever since that time. Have held official  
positions under the Cajique. I was and am well  
acquainted with the lands owned by the Kalitia  
and Seneca Indians and know the boundary  
lines <sup>as always claimed by them</sup>; remember well when Jose Maria Elias  
Gonzales came in 1841 to settle the disputes between  
the two Tribes respecting the boundaries of their  
lands. I knew Juan Ascariti and his son Jo-  
se Ascariti, as well as the other members of  
the family. They lived about one mile from the  
Church of San Lorenzo. The house in which they  
lived is still standing. I lived within four or  
five miles of them and was at their house quite  
frequently. I know the lands which they claimed  
near their house and I also know where they had  
had corrals on the lands of the Senecas about 4 miles  
from their house, <sup>and on the American side</sup> they did not own the land  
where their corrals were, but had permission  
to use them from the Senecas. They did not culti-  
vate these Seneca lands nor did they have

any house thereon. I remember on one occasion  
I had cut some wood near their corral and was  
bringing it home, <sup>when</sup> I met Ignacio Ascarite, son of  
Juan Ascarite, who asked me where I got it, and  
when I told him, he said that they had permission  
from the Senecas to use that land, <sup>and take care of it</sup> they never  
did claim to own any part of it. It was always  
regarded, without exception, to belong to the Senecas  
I never heard any thing to the contrary until re-  
cently. Juan Ascarite died before the late war  
Jacinto was killed by lightning in the town of  
Paso del Norte several years after his father  
died. If either Juan or Jacinto had ever claimed  
the land now embraced in the Ascarite grant  
and which has always been owned by the Senecas  
I would certainly have heard them say some-  
thing about it. I have been with them several  
times at their corrals where they branded their  
cattle and horses and was a frequent visitor  
at their house on the Mexican side and I never  
heard any of them claim to own lands on  
this side of the river. I remember well when the  
river changed its channel and cut off Caluta from  
the town of Seneca, and know all about the division  
of their lands, and know beyond all question the  
lands owned and claimed by the Ascarites, which  
said last named lands are all in Mexico and  
several miles from the lands now claimed as  
having belonged to them.

The corrales were on the north side of "old river"  
and were a little north west of the town of So-  
leta. By the meanders of the river it was about  
six miles from their corrales to the west line of the  
Spanish Tract.

The Arcanitas never lived north of the Rio Viejo  
but when their old house was across the  
Rio Grande (present channel) in Mexico.

There were no pasture lands between their house  
and the "old river" and they therefore crossed over  
to the American side where there was good graz-  
ing and where they were convenient to water.  
The lands between where they lived in Mexico  
and the Rio Viejo or Old River were what is known  
as their boque and were not used at all for  
pasture.

Witnesses: Juan Severiano <sup>his</sup> Longoria  
owner

Morty Lewentem

Edo Torres Lasgala

Subscribed and sworn to before me this 17<sup>th</sup> day of  
March A.D. 1886.

In witness whereof I have hereunto set my hand and  
official seal this day and year aforesaid.

Jos. B. Leland, Notary Public  
El Paso Co. Tex.

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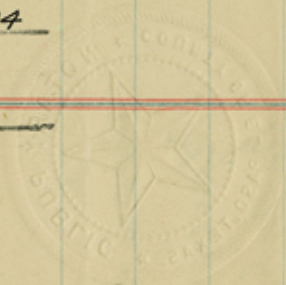
Affidavit.  
7

Juan Severiano Gonzales  
in re

Ascenti Grant

March 27 1886  
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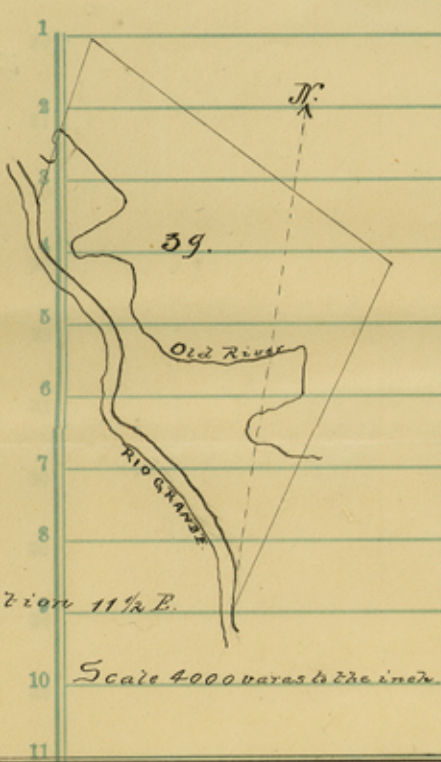
Sketch  
File No. 35(3)  
El Paso County  
Affidavits of J.M. Gonzales & J.S. Gonzales  
Filed 12-12 19 84  
GARRY MAURO, Com'r  
By       



count 2186

EL PASO CO. CL. FILE # 35 (3)





State of Texas. }  
 District of El Paso. } Survey No. 39.  
 Field notes and plat of a survey of one  
 league and 15 labor and 2045 acres of land  
 made according to an order of the  
 District Court of El Paso County at  
 the Fall term of said Court dated  
 Sept. 29<sup>th</sup> 1852.  
 Said survey is No. 39 in section  
 No. 1 situated on the Rio Grande close  
 to the town of Ysleta.

Beginning at a stake on the banks of the Rio Grande  
 about 1500 varas due South of the Western edge of the  
 town of Ysleta said stake bears S. 54<sup>3</sup>/<sub>4</sub>° E. 17,960 varas  
 from the lower corner of Survey No. 1 as made by  
 Robt. P. Hays.

Thence N. 16° E. 7290 varas to a stake and stone heap  
 from which a very high sand hill bears E. 300 varas.

Thence N. 54<sup>1</sup>/<sub>2</sub>° W. 8270 varas to a high sand hill  
 known by the name of the Louvo Granada on which  
 there is a stone and mesquite tree. Thence South 9<sup>1</sup>/<sub>2</sub>° W.  
 3970 varas to a stake set on the banks of the Rio  
 Grande (its natural marks near).

Thence down the Rio Grande with its meanders  
 10,993 varas to the place of beginning.

Bearings marked = Martin Apodaca } Chain  
 Surveyed Jan'y. 10<sup>th</sup> 1853 } Nicodemus Leon } Carriers

I, W. L. Diefenderffer District Surveyor of El  
 Paso District hereby certify that the survey,  
 designated in the foregoing plat and field notes,  
 was made according to law and the limits, boundaries  
 and corners of the same together with the marks

N<sup>o</sup>  
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1 natural <sup>and</sup> artificial are truly described therein  
2 <sup>and</sup> that the same is recorded in my office in Book  
3 No. 1 page 31.

4 W. L. Diffeunderffer,  
5 District Surveyor El Paso District

6 San Elizaria Jan. 10. 1853.

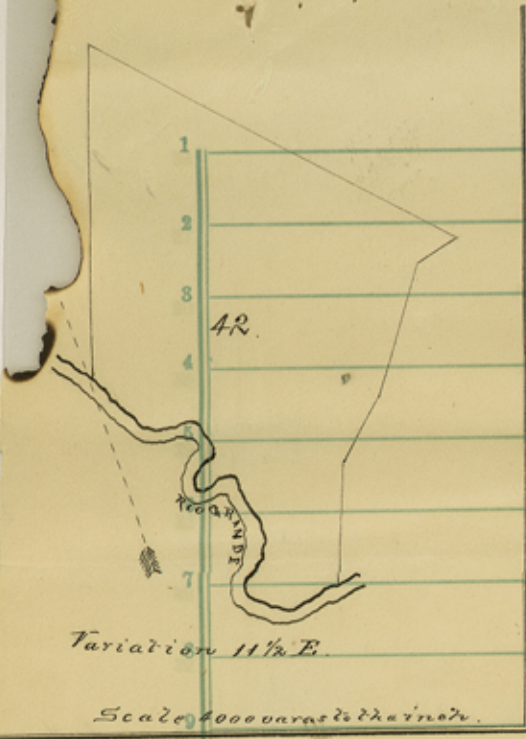
7 I, J. P. Randolph, County Surveyor do hereby  
8 certify that the foregoing is a true <sup>and</sup> correct  
9 copy of the plat <sup>and</sup> field notes of a survey No. 39  
10 as recorded in my office in Book A Transcribed  
11 Records page 31.

12 Given under my hand at El Paso, Texas  
13 this 12<sup>th</sup> day of March 1856.

14 J. P. Randolph  
15 County Surveyor El Paso Co Texas

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No 9

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State of Texas }  
 District of El Paso } Survey No. 42  
 Field notes of a survey of 1 League <sup>420</sup>  
 21 labors of land made for the citizens of  
 the town of Ysleta, it being land to which  
 they are entitled by virtue of a grant of  
 land from the King of Spain in the year  
 Said survey is situated in El Paso  
 County, known as the Ysleta Grant and

which the town of Ysleta is located.

Beginning at a stake <sup>420</sup> mound on the E. bank of  
 the Rio Grande set for the S.E. corner of the Seiscue  
 Claim, as surveyed according to an order of the  
 District Court of El Paso County.

Thence N. 16° E (4004 varas across old river) 7290 varas  
 to a pile of stones.

Thence South 42 1/2° E 8590 varas to a sand hill on which  
 is placed a stake <sup>420</sup> mound.

Thence S. 70 3/4° W. 940 varas to a sand hill called  
 La Loma de la Cruz de San Antonio.

Thence S. 37 1/2° W. (1730 varas across old river) 3020 varas  
 to a stake <sup>420</sup> mound on the banks of an acequia.

Thence S. 48 1/2° W. 1450 varas to a stake <sup>420</sup> mound.

Thence S. 21 3/4° W. 2670 varas to a stake <sup>420</sup> mound  
 on the banks of the Rio Grande.

Thence up the Rio Grande with its meanders to the  
 place of beginning.

Bearings marked = 1 Antonio Valdes } Chain  
 Carreras }  
 Encarnacion Gomez }

Surveyed July 1853.

J. W. L. Diffenderffer District Surveyor for El  
 Paso District hereby certify that the survey  
 designated in the foregoing plat <sup>420</sup> field notes was

N<sup>o</sup> 10  
 Co<sup>o</sup> 10

E1 PASO CO. SB. F. 1/2 # 35 (B)

made according to law that the limits, boundaries  
and corners of the same together with the marks  
natural and artificial are truly described therein  
that the same is recorded in my office in Book  
No. 1 page 37.

San Elizario District Surveyor El Paso District

July 1858

I, J. P. Randolph, County Surveyor El Paso  
County do hereby certify that the foregoing is  
a true and correct copy of plat and field notes  
of survey No. 47 as recorded in my office in  
Book A. Transcribed Records page 37.

Given under my hand at El Paso, Texas, this  
15th day of March 1858.

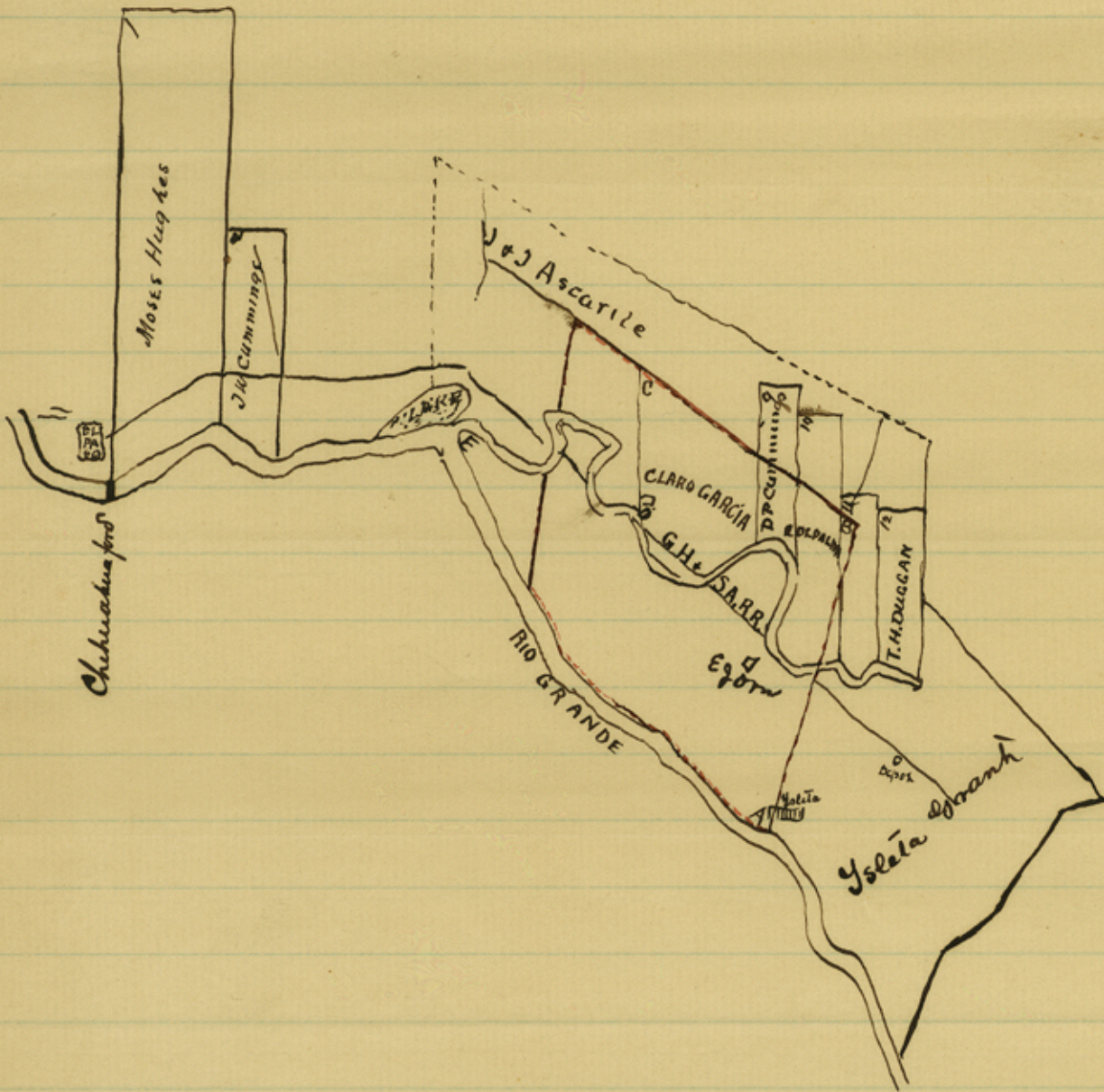
J. P. Randolph  
Surveyor El Paso County, Texas

Fee for Map & transcripts \$5.00

hall

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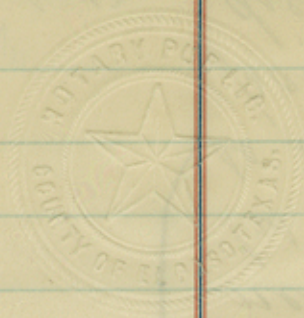
Red dotted line shows the Simcoe Grant as dem-  
 rised by Diffenderfer  
 ABCDE Simcoe Grant as subdivided by Padre Tago



N<sup>12</sup>  
 Va<sup>12</sup>

Estado de Texas 3  
Condado de El Paso 3

Ante mí la abajo firmada autoridad, personalmente, compareció Juan Padilla, quien después de ser juramentado según ley, deponer y dice: Que él es un Indígena del Pueblo de Cenequí, natural de dicho Pueblo del Estado de Chihuahua de la República de México en donde he recibido desde que nació que es, del año A. D. 1815. que de este tiempo hasta la fecha, no he sabido ni sé, que los señores Juan y Jacinto Azcarates hayan tenido un derecho de propiedad en los terrenos de Cenequí que hoy posee El Estado de Texas, y que nunca han reclamado dichos Azcarates ni directa o indirectamente al Pueblo de Cenequí dichos terrenos, y que todo reclamo que hacen es falso y de ningún valor, y que nunca han tenido título ni concesión ni del Estado de Chihuahua ni del Gobierno General, y que cuando dichos Azcarates necesitaban pasar a pastear sus animales a dichos terrenos, pedían un permiso a la autoridad de Cenequí y solo así pasaban a hacer uso de la pastura de dicho terreno Juan Padilla



Sworn to and subscribed  
before me this 13<sup>th</sup> day of March  
AD 1886

G. M. Wahl  
Notary Public  
El Paso Co. Texas

Vol 14  
N 14

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Estado de Texas }  
Condado de El Paso }

Ante mí, la abajo firmada autoridad, personalmente compareció Gabriel Cordero, quien despues de ser juramentado segun ley, deponi y dice, que él es un residente del Pueblo de Consecú Estado de Chihuahua de la República de Mexico, donde he residido desde el año A.D. 1804 el año que nació, y que del tiempo de diez años de edad hasta la fecha no tuve conocimiento ni he sabido que los Señores Azcarates, (Juan y Gasinto) tuvieran un derecho en el terreno que es de Consecú, y que nunca han presentado ni enseñado ningun documento autorizado que manifieste posesion en favor de los Azcarates, y estoy satisfecho que todo reclamo de dichos Azcarates es nulo, y que nunca han tenido consecion ni del Estado de Chihuahua ni del Gobierno General.

Gabriel Cordero

Sworn to and subscribed before me this  
13<sup>th</sup> day of March. A.D. 1886.

G. N. Wahl, Notary Public  
El Paso Co. Texas



Translation

State of Texas  
County of El Paso

Before me, the undersigned authority, personally appeared Juan Padilla, who, after being duly sworn according to law, deposed and says, that he is an indian from the town of Cenicú, in the State of Chihuahua, Republic of Mexico, that he is a native of said town, where he was born in the year AD 1815 - and I have never known that the Messrs. Juan and Jacinto Ascantes have had any right to the lands of Cenicú that are in possession of Yelita, and they never claimed said lands, direct or indirect, and that all claims they make are false and of no value, and that they never had title nor grant from the State of Chihuahua nor from the General Government and when said Ascantes wanted to cross to pasture their animals they asked permission of the authorities of Cenicú, and with that permission they had use of the Pasture on said lands -


Juan Padilla

Sworn to and subscribed before me this 13<sup>th</sup> day of March AD 1886 -

Es. W. V. Vahl

Notary Public

El Paso Co. Texas

N<sup>o</sup> 16  


pt 16

Translation

State of Texas }  
County of El Paso }

Before me, the undersigned authority, Personally appeared Gabriel Borders, who, after being duly sworn according to law, deposes and says, that he is a resident of the town of Benecé, State of Chihuahua<sup>nd</sup> Republic of Mexico, where he has resided since the year A.D. 1804. the year he was born, and from the time I was ten years old to this date I never knew that Juan and Jacinto Ascarate, had a right to the lands of Benecé, and they never have presented or shown any document or authority showing possession in favor of the Ascarates, and I am satisfied that all claims of said Ascarates are null, and that they never had any grant either from the State of Chihuahua nor from the General Government -

Gabriel Borders

Sworn to and subscribed before me  
this 13<sup>th</sup> day of March A.D. 1886 -

G. W. Wade

Notary Public El Paso Co.

Texas

N<sup>o</sup> 17  
E. C.

Apr 17

The State of Texas

City and County of El Paso.

I, Frank P. Clark, Clerk of the District Court of El Paso County Texas do hereby certify that the records of the District Court, <sup>of said county</sup> prior to and including the the year A. D. 1852, are lost, and not to be found in my office. Dated this 29<sup>th</sup> day of March A. D. 1886.

F. P. Clark

Dist. Clerk  
by O. A. Larragulo Sty.

N<sup>o</sup> 18

Mar 18

Sketch  
File No. 35(3)

El Paso County

Fieldnotes & Plat of Ysleta Town Tract  
Affidavits of J. Padillo & G. Cordero

Filed 12-12 19 84

GARRY MAURO, Com'r

By GM

18/  
Letter File ~~194000~~ 1/2  
94001/2

In re *Sueca*  
Grant.

Counter 22, 1983

for 19