

Territory of New Mexico, )  
County of Dona Ana. ) ss.

Eugene A. Van Patten, having first been duly sworn according to law, deposes and says:-

My name is Eugene Van Patten. I reside at Las Cruces, New Mexico and have resided here since 1873. I have been Sheriff of Dona Ana County, New Mexico. I have been a resident of El Paso County, Texas. I first came to El Paso County, Texas in 1857 and was a resident of that county with some temporary business absences until I removed to Dona Ana County, New Mexico in 1873. During my residence in El Paso County I held several official positions. I am very well acquainted with all that portion of Texas now known as El Paso, Presidio, Pecos, Reeves and Jeff Davis counties. I became acquainted with that portion of Texas by having frequently travelled over that portion of the state. In 1857 I was connected with the Overland Mail Co., known as "The Butterfield route". This company had a station at the Southern point of the Guadalupe mountains known as the "Ojo del Martin" or "Martins Spring;" also called "The Pinery" or "Pine Spring". Some eight or 10 miles East of the "Ojo del Martin" is a spring called "Independence Spring. In 1861 and 1862 I served <sup>in</sup> ~~under~~ Captain George M. Frazer's company of Col. Baylor's regiment of Texas troops in the Confederate service and during such service, and before and after, I frequently scouted over and visited that portion of Texas in the vicinity of the Guadalupe mountains, South of the Guadalupe mountains, and the Apache range of mountains, which lies North of Fort Davis in Presidio county.

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I know all of the springs in that vicinity. I am acquainted with Eagle Spring, the Muerto, Van Horn's Well, the Phantom Spring, and with a spring lying North of the Apache range of mountains. I am also acquainted with the Salt Spring or, as it was called, "The Saldito".

The Apache range of mountains extends Northward from Fort Davis. At the Northern point of the Apache range of mountains is a peak which is known as "Gomez Peak". Five or six miles North of this peak there is a spring which I have been told is "San Martin's Spring". I have heard it called that. This is not the spring at the Southern point of the Guadalupe mountain known as the "Ojo del Martin", nor is it the spring called Salt Spring, or "The Saldito", which lies some 25 miles Northerly of the spring mentioned as "San Martin's Spring" in the Apache mountains. I should judge it to be from 40 to 45 miles from "San Martin's Spring" in the Apache mountains, to "Martin's Spring," or the "Ojo del Martin" at the Southern point of the Guadalupe mountains. The spring which I have mentioned lying five or six miles North of Gomez Peak at the Northern point of the Apache mountains is a well known spring. It is a bold spring and had plenty of water when I knew it. Some distance to the East, and about East, of the San Martin's Spring in the Apache mountains, is what we called "Phantom Spring" off toward the Pecos.

What is known as Eagle Spring lies West of the spring I have mentioned as "San Martin's Spring" in the Apache mountains.

As I have said, I was very familiar with these localities and as the country was at that time very sparsely settled I suppose I knew about everybody who lived in that section of Texas, and I never heard of anyone naming any of these springs or watering places in any other manner except that manner in which I have named them.

I do not see how anybody could mistake the spring which I have named as "San Martin's Spring" in the Apache mountains, for any other spring. It was so well known that there was no room for mistake, and everybody then living in the country who knew anything about it knew it as I have said I knew it.

I knew Captain Gregorio Garcia and Cresencio Reval. They were both scouts in the employ<sup>e</sup> of the Government and frequently scouted over that county<sup>^</sup>, and they, as well as myself, always regarded the spring which I have mentioned in the same manner that I have regard<sup>ed</sup> it.

Eugen Van Patten

Subscribed and sworn to before me, the undersigned authority, on this the 2nd day of June, A.D., 1891.

Albert K. Poemtain  
Notary Public  
San Antonio Co.

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~~Box 1~~

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Aff of Van Patton  
in reference to Co bdy  
of El Paso Co vs

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Filed June 10<sup>th</sup>/91

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