HISTORY OF THE BOUNDARIES OF THE

PUEBLO OF SANDÍA, 1748-1860

Prepared for:
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The purposes of this report are threefold: (1) to analyze the boundaries of the Pueblo of Sandía, as articulated and interpreted by Spanish, Mexican and U.S. Territorial authorities from the establishment of Sandía Pueblo in 1748 until the marking of the boundaries by the Office of Surveyor General in 1860; (2) to define the term, sierra madre in its proper historical context; and (3) to ascertain whether in 1748 Sandía Pueblo was populated by descendants of the original Sandía Pueblo people who had migrated to the Hopi country after the Pueblo Revolt of 1680, or, on the other hand, the pueblo was settled by other Tigua and Hopi Indians.

This report has been prepared in order to provide information concerning a claim by the Pueblo of Sandía to lands currently administered by the Secretary of Agriculture as part of the Sandia Mountain Wilderness Area. The issues addressed in this report relate to elements of the pueblo's land claim, specifically: (1) that the survey upon which was based the original 1864 patent from the United States Government to the Pueblo of Sandía was incorrect in its depiction of the Spanish land grant, resulting in the diminution of the pueblo's lands; (2) that the use of the term sierra madre in the original Act of Possession referred to the eastern boundary of the grant as being
the highest crest of the Sandia Mountains, and (3) that Federal action to convey the claim area amounting to 10,000 acres to the Pueblo of Sandía would restore to Indian ownership lands traditionally and culturally used by the Sandías prior to 1748. For the reasons noted below, the historical record does not support these elements of the Pueblo of Sandía land claim.

This report was prepared by Stanley M. Hordes, Ph.D., President of HMS Associates, Inc., with research assistance by Sandra Mathews Lamb, M.A., Lynne Brittner, M.A., and Michael Welsh, Ph.D.

Research for this report included primary archival documents examined at the following repositories: New Mexico Records Center and Archives (Santa Fe); U.S. Bureau of Land Management, New Mexico Office (Santa Fe); University of New Mexico, Center for Southwest Research (Albuquerque); National Archives, Washington, DC, Suitland, MD, College Park, MD, and the Rocky Mountain (Denver) branches; and the Archivo General de la Nación in Mexico City.

The conclusions of this report are based upon the sources cited only. Although HMS Associates believes these sources to be reliable, HMS Associates is not responsible for information obtained from sources that later prove unreliable, or for sources that withhold information.
I. HISTORICAL EVOLUTION OF THE BOUNDARIES OF SANDÍA PUEBLO, 1748-1860:

On April 5, 1748, Governor and Captain General of New Mexico Joachín Codallos y Rabal signed a decree approving the resettlement of the Pueblo of Sandía by Indians brought from the Moqui (Hopi) country located some 200 miles to the west. The governor's signature on this document represented the triumph of a six-year effort by Franciscan friars to remove a mixed population of recently converted Moquis and descendants of Southern Tiguas, who had fled their homes after the 1680 Pueblo Revolt, from their overcrowded quarters, and bring them to the Río Grande Valley.

The reestablishment of Nuestra Señora de los Dolores y San Antonio de Sandía, abandoned since the Revolt, served the dual interests of both the religious and civil authorities in the mid-

1New Mexico Records Center and Archives (hereafter cited as NMRCA), Spanish Archives of New Mexico, Series I (hereafter cited as SANM I), No. 848, "Proceedings in the establishment and construction of the mission of Nuestra Señora de los Dolores [y San Antonio] de Sandía," Decree of Governor Codallos y Rabal, Santa Fe, April 5, 1748. All descriptions of documents contained in SANM I are taken from J. Richard Salazar (ed. and comp.), Calendar to the Microfilm Edition of the Land Records of New Mexico (Santa Fe: New Mexico State Records Center and Archives, 1987).

eighteenth century. The Franciscans had been concerned about the
vulnerability of the neophyte Christians in the face of what the
friars considered to be the pernicious influence of Moqui
apostates. For his part, the governor was pleased with the
opportunity to populate an area that had served as an avenue for
Apache attacks upon the nearby Spanish settlements of Bernalillo
and Alameda.

Due to the complex nature of method of granting lands by the
Spanish crown to the pueblos of New Mexico, it would be
appropriate here to offer an explanation of the various stages
involved in the process by which Governor Codallos y Rabal issued
his grant to the Pueblo of Sandia. First, in response to a
petition by Franciscan friar Juan Miguel Menchero to resettle the
newly converted Moquis on the lands formerly held by the Tigua
Pueblo of Sandia, the governor, on April 5, 1748, signed an auto,
or Decree, issuing, in the name of the king, a grant to the newly
established pueblo. The text of this Decree included the
justification for the establishment of the community, the
assignment of administrative jurisdiction to Villa de
Alburquerque, and the instructions to his Lieutenant General,
Bernardo Antonio de Bustamante Tagle for the laying out of the
boundaries and for the formal transfer of possession to the
Indians. This document will hereafter be cited as the "Decree."


⁴NMRCA, SANM I, No. 848, Decree of Governor Codallos y
Rabal, Santa Fe, April 5, 1748.
A little over a month following the governor’s Decree, on May 14, Lieutenant General Bustamante arrived at the pueblo and met with the Spanish settlers who held lands on the west bank of the Rio Grande, immediately across the river from the pueblo. An agreement was worked out whereby these settlers would retain ownership of their lands, but in return, would grant the Sandías permission to pasture their livestock on the west bank. Two days later, Bustamante effected the grant by actually establishing the boundaries of the pueblo on the ground. The formal document by which Bustamante so indicated these boundaries will hereafter be referred to as the "Act of Possession".

In his Decree granting lands to the Pueblo of Sandía, Governor Codallos y Rabal clearly expressed his intention that the new entity be considered as a pueblo formal de indios, or a formal Indian pueblo, with boundaries similar to those allotted to other pueblos in New Mexico decades earlier. Accordingly, he issued instructions to his Lieutenant General, Bernardo Antonio de Bustamante Tagle, to give royal possession of lands to the new arrivals:

... I give commission as full and sufficient as is necessary in such cases to Lieutenant General Don Bernardo de Bustamante, so that with ten soldiers from this Royal Presidio, and with the intervention of the...

5The documents discussed immediately above are found in SANM I, No. 848, "Proceedings in the establishment and construction of the mission of Nuestra Señora de los Dolores de Sandía."

6Each of the pueblos in New Mexico were granted by the Spanish crown a tract of land measuring four square leagues, or one league (2.6 miles) extending to each of the cardinal directions from the center of the pueblo.
said Very Reverend Father Delegate Commissary, that he pass to the place of Sandia, and there conduct an inspection, calculation and reconnaissance of the said site, executing a distribution of the lands, waters, pasture and watering places that correspond to a formal Indian pueblo, according to the prescription of the Royal law . . .

On May 16, Bustamante carried out his assignment. Accompanied by the settlers of the pueblo and their priest, Bustamante led them in the formal Act of Possession, by which all assembled threw stones, tore up grass, "and in a loud voice shouted 'Long Live the King, Our Lord,' many times." He then proceeded to measure out the boundaries of the pueblo.

Reflecting a clear recognition of the standard measurement of four square leagues allocated to each pueblo in New Mexico, Bustamante stated that "the conceded leagues were measured for the formal pueblo," indicating that 5,000 varas were to be surveyed in each direction from the center of the settlement. He began to mark off the 5,000 varas that would have comprised the league measurement extending to the west, but after only 1,440 varas his path was impeded by the Rio Grande. In order to compensate the pueblo for the shortfall of 3,560 varas,

7NMRCA, SANM I, No. 848, Decree of Governor Codallos y Rabal, "... Doy comision quan amplia y bastante se necesita en tales casos al theniente Gral. Don Bernardo de Bustamante, para que con diez soldados de este Real Presidio, y con ynterbencion el dho. M.R.P. Comisario Delegdo. pase al puesto de Sandia, y alli se haga vista el ojos, tanteos, y reconosimiento del sitio referido, ejecutando el repartimiento de tierras, aguas, pastos, y abrebaderos que corresponden a un Pueblo formal de Yndios segun preescriben las Reales disposiciones . . .".

8NMRCA, SANM I, No. 848, Act of Possession, May 16, 1748, "Se midieron las Leguas consedidas a un pueblo formal."
Bustamante decided to add lands to both the north and south boundary equally, so as not to cause prejudice to either one of the neighboring Spanish settlements of Bernalillo and Alameda.

Thus, on the basis of Bustamante's description, the boundaries of Sandía Pueblo extended 1,440 varas (.75 miles) to the west; 6,780 varas (3.53 miles) to the north; 6,780 varas (3.53 miles) to the south; and 5,000 varas (2.6 miles) to the east (See Map 1). The Lieutenant General ordered in the Act of Possession that boundary markers be placed "on the north facing the point of the Cañada commonly known as del Agua; and on the south facing the mouth of the Cañada de Juan Tabovo, and on the east the Sierra Madre called Sandía, within whose limits are the advantages of pasture, mountains, waters and watering places for livestock, in abundance to maintain cattle, sheep and horses . . . ."

Subsequent documentation from the eighteenth and early nineteenth centuries reinforces the notion that the lands owned by the Pueblo of Sandía were confined to a four-square-league area, as measured by Lieutenant General Bustamante in May of


10Calculations based on the length of a vara equalling 33 inches, and a league measuring 2.6 miles.

11NMRCA, SANM I, No. 848, Act of Possession, "por el Norte afrontada con la Punta de la Cañada que communmente llaman del Agua; y por el Sur afrontada a la voca de la Cañada de Juan Tabovo, y por el Oriente la Zierra Madre llamada de Sandía en cullos terminos ay las comodidades de Pastos, Montes, Aguas, y Abrebaderos en abundancia para mantener Ganados mayores, y menores, y Caballada . . . ."
SANDIA DISTRICT

STANDARD "LEAGUE"
PUEBLO GRANT
17,360 ACRES

"LEAGUE" GRANT
MODIFIED BECAUSE
OF PRIOR GRANTS
ACROSS RIVER

SANDIA PUEBLO CLAIM

ALBUQUERQUE

WILDERNESS

MAP 1
1748. Within a month of the Act of Possession, Salvador Martínez, a Spanish settler who lived in close proximity to the newly established Pueblo of Sandía, complained to Governor Codallos y Rabal that the newly created boundaries incorporated his house and lands located at la vega de Sandía (the meadows of Sandía). He claimed that he lost everything to the Indians, and was left with not even "a handbreadth of land on which to sow crops nor pasture livestock for the support of my growing family . . . ." The governor ruled that as Martínez' property lay within a quarter league from the mission church, any continued presence would represent a disruptive intrusion on pueblo land. Martínez' petition was thus denied, and the Indians' rights to pueblo land within the league were upheld12.

Three quarters of a century after the establishment of the Pueblo of Sandía, the southern boundary of the grant became the focus of a heated dispute between the pueblo and its neighbors. Although the litigants disagreed about the precise location of the line, all parties discussed the lands pertaining to the pueblo in terms the four-square-league area discussed above. In 1753, María Lopes del Castillo, an Alameda landowner, sold a tract of land in Alameda to José García, Catarina Gonzales, Andrés Martín, Juan Gonzales and Julian Rael de Aguilar. The northern boundary of the tract was described as "the leagues of

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12NMRCA, SANM I, No. 532, "Salvador Martínez, petition re: the despoliation of this house and lands situated near mission of Sandía," Misión Nueva de Nuestra Señora de los Dolores y San Antonio de Sandía, June 1, 1748.
the Pueblo of Sandía". By 1764, the property had devolved exclusively into the hands of Rael, who later bequeathed it to his son, Eusebio Rael de Aguilar.

In the middle of the first decade of the nineteenth century, Eusebio Rael complained to Governor Joaquín del Real Alancaster that Sandía Pueblo had usurped part of his lands, having claimed lands "outside of the limits of its league". The governor ordered Alcalde Anacleto Miera y Pacheco to conduct a re-measurement of "the league that pertained to the Indians of the said pueblo, according to what the other pueblos of the province enjoy, with the remainder being adjudicated to Rael. The measurement was never executed, as Miera died unexpectedly shortly after the order was issued.

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12 NMRCA, Land Grants, Miscellaneous, Pueblo Indians, folder 7 (1712-1826), Sandía Pueblo, Dispute over encroachment (hereafter cited as Land Grants), Copy of sale of land, María Lopes del Castillo to José García, Catarina Gonsales, Andrés Martín, Juan Gonsales and Julian Rael, Villa de San Felipe de Alburquerque, February 16, 1753.

14 NMRCA, Land Grants, Copy of transfer of land from Juan Gonsales to Julian Rael de Aguilar, Villa de San Felipe de Alburquerque, June 18, 1753; Copy of transfer of land from José García de Noriega to Julian Rael de Aguilar, Villa de San Felipe de Alburquerque, April 19, 1764; Copy of declaration by Alcalde José Petronilo Gutierrezes, Puesto de Bernalillo, September 5, 1821.

15 NMRCA, Land Grants, Copy of declaration by Alcalde José Petronilo Gutierrezes, Puesto de Bernalillo, September 5, 1821, "... fuera de los limites de su legua . . . ."

16 NMRCA, Land Grants, Copy of declaration by Alcalde José Petronilo Gutierrezes, Puesto de Bernalillo, September 5, 1821, "... la legua que pertenecia a los naturales del sitio Pueblo segun disfrutan los demas Pueblos de la Provincia . . . ."
By 1821 the dispute between Rael de Aguilar and Sandía Pueblo had not been resolved. In a complaint filed on September 1, Rael protested that the pueblo continued to occupy lands that pertained to him. He repeated the claim that he owned the lands that extended "to the leagues that are conceded to the said Indians, as is the case with the other pueblos". The case was forwarded to Durango in 1823, where Ygnacio María Sánchez Vergara argued on behalf of Rael. He contended that the Indians from the pueblo, "without title or reason, occupy the land, understanding that [the lands] were outside the leagues that by law correspond to the pueblos". Once more, an order was issued calling for the measurement of "the league", with the remaining lands adjudicated to Rael.

Two years later the survey of the southern boundary was carried out by local authorities. But instead of measuring the 6,780 varas allocated to the Sandía Pueblo by Bustamante under the terms of the 1748 grant, the officials marked off only 5,000 varas -- one league. The remainder of the lands were declared

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1^NMRCA, Land Grants, Copy of petition by Eusebio Rael de Aguilar, Alameda, September 1, 1821, "... hasta las leguas que le es concedidas a dichos naturales como los demas Pueblos."

2^NMRCA, Land Grants, Copy of petition by Ygnacio María Sánchez Vergara to the Comandante General, Durango, September 9, 1823, "... sin título ni razón se las ocupan entendiendoce fuera de las leguas que por ley corresponde a los Pueblos."

3^NMRCA, Land Grants, Copy of order by Comandante General Fernando Elorriaga, Durango, September 13, 1823.

4^NMRCA, Land Grants, Copy of survey of lands pertaining to Sandía Pueblo, Rinconada, October 18, 1825.
to be the property of Rael. On March 2, 1826, New Mexico Governor Antonio Narbona ruled that the possession by Rael of the lands in question should not be disturbed\(^2\). This apparent victory was not to be enjoyed by Rael, however, as he died within days of the governor's decision\(^2\).

Refusing to accept this decision, the Pueblo of Sandía appealed to the Supreme Court in Mexico City. In their petition to the Mexican authorities, representatives of the pueblo defended their rights to "the league and a half of land, the most useful land that unquestionably pertains to us on our southern boundary"\(^2\). But as if the struggle to hold on to these lands were not difficult enough, the pueblo went a step further in its plea, requesting the allocation of even more land to the south:

If the lands that were granted to our ancestors were sufficient for the subsistence of their families, they are not sufficient today for the support of ours, which have increased in great numbers. For this reason we resent the enormous prejudice represented by the introduction of the said Sánchez Melgares [Sánchez Vergara]. Instead of our lands being pared down, the

\(^1\)NMRCA, Land Grants, Copy of decision by Governor Antonio Narbona, Santa Fe, March 2, 1826.

\(^2\)NMRCA, Land Grants, Copy of presentation of will of the late Eusebio Rael by his executor and heirs, March 29, 1826.

\(^3\)Archivo General de la Nación (Mexico) (hereafter cited as AGN), Ramo de Justicia, Vol. 48, expediente 24, Various citizens of the Pueblo of Sandía in the Territory of New Mexico re: their lands, Mexico City, [nd], 1829, f. 36R, Petition by José María Moquino, alcalde auxiliar, Andrés de la Candelaria, and Antonio de la Cruz, vecinos of the Pueblo of Sandía; "... de legua y media de tierras, de las mas útiles que inquestionablemente nos pertenecían por el rumbo del sur."
lands that we have been granted already should be expanded.

To bolster their basic argument for the one-and-a-half-league southern boundary, the pueblo contingent brought with them to Mexico City affidavits prepared by three Spanish settlers from Bernalillo, Andrés Romero, Juan José Gutiérrez, and Rafael Miera. Romero and Gutiérrez testified that they had heard from their elders that Sandía received an extra half league beyond the normal league to the north and south, in order to compensate for the short distance between the pueblo and the Río Grande. If the testimony of Romero and Gutiérrez was supportive, then that of Miera was startling. Miera reported that twelve or thirteen years earlier, he had witnessed a meeting between Eusebio Rael, his father-in-law, and Sánchez Vergara, in which the latter had doctored the pueblo's grant document, cutting out certain portions, and inserting new ones. He had also heard that Sánchez Vergara had pledged support for Rael's suit against the pueblo, in return for half of Rael's livestock, if the action were successful.

\(^{24}\)AGN, Justicia, Vol. 48, exp. 24, f. 36R, Petition by José María Moquino, alcalde auxiliar, Andrés de la Candelaria, and Antonio de la Cruz, vecinos of the Pueblo of Sandía; "... si a nuestros ascendientes se les dieron las que entonces bastaban para subsistir con sus familias, no son suficientes a la actualidad para sostener las nuestras, y por lo mismo es enormísimo el perjuicio que resentimos de la introducción del predicho Sánchez Melgares, pues en lugar de cercenarnos tierras deben ampliarsenos las ya condedidas..."

\(^{25}\)AGN, Ramo de Justicia, Vol 48, exp. 24, f. 54R, Summary of proceedings prepared by Joaquín de Yturbi, February 13, 1841; NMRCA, SANM I, No. 1375, "Andrés Romero and Juan José Gutiérrez, depositions re: ownership of certain lands in the vicinity of
After languishing in the courts in Mexico City for fifteen years without resolution, the case was remanded to Santa Fe for judgment. On July 20, 1841, New Mexico Governor Manuel Armijo assigned the case to "the appropriate judge." The final disposition of the issue is unknown.

It appears that Sánchez Vergara had more than idle interest in the progress of Rael's action against Sandía. In July of 1821, he had petitioned Governor Facundo Melgares for his support in asking the ayuntamiento for a grant of land near the pueblo. Sánchez Vergara had lost his home in a Navajo raid, and was now seeking to relocate to a property located "within the confines of the league of the Pueblo of Sandía, on the lower part . . . ." The governor supported Sánchez Vergara in this unorthodox effort, but is unclear as to whether the ayuntamiento ever approved the request.

By the close of the Mexican period of New Mexico history, it is clear that almost all concerned parties -- Sandía Pueblo, their non-Indian neighbors, and Spanish and Mexican governmental officials -- defined the land rights of the pueblo in terms of a four-square-league area, as shaped by the 1748 land grant and Act

Sandía Pueblo, "May 15-18, 1829.


2"NMRCA, SANM I, No. 1195, "Ygnacio María Sánchez Vergara, communication to Governor Facundo Melgares re: grant of lands in the vicinity of the Pueblo of Sandía," Jémez, July 5, 1821.
of Possession. To be certain, long and bitter disputes developed over the location and extent of the southern boundary, with the Spanish/Mexican settlers conceding an extent of only one league, and the pueblo (more correctly, according to the terms of the 1748 land grant) maintaining claims to a distance of a league and a half. With regard to the eastern limit of the pueblo throughout the eighteenth and early nineteenth centuries, few disputed the 1748 designation of the boundary as extending one league (2.6 miles) from the center of the settlement. As noted on the attached Map 1, this would place the eastern boundary within the river valley, well short of the foothills of the Sandía Mountains.

Under the terms of the Treaty of Guadalupe Hidalgo of 1848, formalizing the change in sovereignty over New Mexico from the Republic of Mexico, the United States was obligated to respect the land grants that had been issued and recognized by the previous governments. In 1854 Congress established the Office of Surveyor General, with the charge of ascertaining the nature and extent of these grants, and mapping their boundaries. William Pelham served as the first Surveyor General for the Territory of New Mexico, assuming his duties in Santa Fe in 1854. In Pelham's employ as official translator from 1854 to 1860 was David V. Whiting, whose translation of the documents relating to the boundaries of the Pueblo of Sandía was to have a profound impact on land tenure in the area for the next century and a half.

*See footnote 34, below.*
Little is known about Whiting's life, either prior to his arrival in New Mexico, or after his departure. Born in Venezuela around 1827, Whiting first came to New Mexico in 1850 with the intention of establishing a school for local children, teaching them both English and Spanish. The next year he served under Superintendent of Indian Affairs, and later territorial governor, James S. Calhoun, first as translator and interpreter, and afterward as private secretary, rising to the post of Secretary of the Territory in 1851-1852. By 1853, Whiting had been appointed as clerk of the legislative assembly, and from 1854 to 1860, he was employed as official translator for Surveyor General Pelham.

The Surveyor General's case file for the Pueblo of Sandia is perplexing, due to obvious differences between the original Spanish records and copies generated by officials of the U.S. government. The file includes an official copy, signed by

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2 U.S. Federal Census of 1860, Territory of New Mexico, Santa Fe County.
3 NMRCA, Benjamin Read Papers, No. 313a, Circular by David V. Whiting, Santa Fe, October 4, 1855.
32 The "file" actually consists of two files found at the New Mexico Records Center and Archives: (1) Surveyor General Records (hereafter cited as SG), Pueblo Grants Record Book, "P - Pueblo of Sandia"; and (2) SG, File No. P, "Pueblo of Sandia". The microfilm copy of this file is incomplete, missing several key documents that may be found among the original records.
Lieutenant General Bustamante in 1748, of the original land grant
document (NMRCA, SANM I, No. 848) cited at the beginning of this
report. This contemporary copy included Governor Codallos y
Rabal's Decree, as well as Bustamante's Act of Possession.
Unlike the original, this copy of the Act of Possession exhibits
tears at crucial portions of the document where the boundaries of
the pueblo were described, possibly reflecting the tampering
performed by Ygnacio María Sánchez Vergara in the early
nineteenth century (see page 10, above). The wording of this
copy that is legible, is identical, or almost identical, to that
of the original. The file also includes the official Spanish
transcription (copy transferred from the original archaic Spanish
handwriting to modern Spanish letters) and English translation
prepared by Whiting on October 28, 1856.

The Whiting transcription appears to have been taken not
from the original grant documents (SANM I, No. 848), but rather
from the copy prepared in 1748, which was included in the
Surveyor General files, as part of "Report P". As cited above,
this official Spanish government contemporary copy of the Act of
Possession was torn at strategic places in the boundary
description. It is clear from examining the transcription
prepared by Whiting, that he had great difficulty discerning the
torn passages, guessing at some of the wording, and denoting the
missing sections with asterisks. With few exceptions, however,
the Whiting transcription from archaic to modern Spanish was
faithful to the wording of the original.
But, curiously, Whiting's translation of the Lieutenant General Bustamante's Act of Possession of May 16, 1748, differs substantially from that of both the original grant document, and even his own transcription! The nature of these discrepancies is important to the understanding of the subsequent boundary survey conducted by the Surveyor General, and thus warrants a detailed analysis.

The passage that follows represents Whiting's translation of the portion of the Act of Possession that pertains to the boundaries of the pueblo. The sections outlined in bold reflect words that never appeared in either the original land grant document, or in Whiting's own Spanish transcription, but which Whiting inserted into his official English translation:

... the leagues granted to a formal Pueblo were measured, and the lines being drawn towards the west, to the Del Norte river which is the boundary there were only two lines of fifty and twenty castillian varas, each amounting in all to two hundred and forty varas; and in order to complete what was lacking on the western side I thought it necessary to add to or increase the leagues toward North and South equally, in order that the adjoining Spanish grantees should not be damaged; said two boundaries amounting to seven thousand three hundred and eighty castillian varas, the league towards the west being four thousand seven hundred and sixty varas less; the land within said two boundaries being all adapted to the raising of wheat, and the water being convenient to the surface of the ground; and in order to perpetuate their boundaries I directed then to establish land marks, or mounds of mud and stones of the heighth [sic] of a man, with wooden crosses on their summit; the boundaries being; on the north, an old tower opposite the point of a cañon commonly called "De la Agua". and on the south the Maygua hill, opposite the spring of the Carrisito; and on the east, the main ridge called Sandía; within which limits there are convenient pastures, timber, water,
and watering places in abundance to support large and small cattle and horses...".

The discrepancies between the 1856 Whiting English translation and the 1748 Act of Possession, the original land grant document, are significant, and deserve closer scrutiny. In order for the English translation to be consistent with the original Spanish Act of Possession, the following changes would be necessary:

1. Two lines of fifty and twenty castillian varas" should read: "twelve cords of 120 castillian varas each";
2. "two hundred and forty varas" should read: "one thousand four hundred and forty varas";
3. "said two boundaries amounting to seven thousand three hundred and eighty castillian varas, the league towards the west being four thousand seven hundred and sixty varas less" was never in the original document, and therefore should be deleted;
4. "two" should read: "three";
5. "an old tower opposite" was never in the original document, and therefore should be deleted;
6. "the Maygua hill, opposite the spring of the Carrisito" should read: "facing the mouth of the Cañada de Juan Tabovo";
7. "the main ridge" should read: "the mountains";
8. "large and small cattle" should read: "sheep and cattle";

Several of Whiting's changes from the original grant language noted above have profound implications for marking out the boundaries of Sandía Pueblo on the ground. For example, according to the Whiting mistranslation, the number of varas from the Pueblo to the west measured 240, versus 1,440 recorded by the original grant document. The implications of this discrepancy are obvious with regard to how much land should be added to the north and south boundaries to compensate for the shortfall to the west. By Whiting's calculations, the shortfall to the west was 5000 minus 240, or 4,760 varas. Dividing by two, Whiting would have added 2,380 varas to the Pueblo's land on both the north and south, measuring 3.84 miles, instead of the actual 3.53 miles. As a result of Whiting's mistranslation, the amount of land held by the Pueblo of Sandía was increased substantially on both the north and south. The stated figure of 7,380 varas for "the two boundaries" is perplexing, and certainly represents a strong inconsistency with the original record.

The Whiting mistranslation's insertion of such landmarks as "the old tower" and the "Maygua hill opposite the spring of the Carrisito", were never included in the original grant, and provided the opportunity to expand the east and southeast boundaries beyond where they were originally meant to be. Moreover, describing the Sierra Madre de Sandía as "the main ridge" conveys the mistaken impression that the "Sierra de Sandía" should be placed at the crest, rather than the foothills, the latter representing the appropriate placement, given the 2.6
mile extent of the measurement of one league to the east, and the other contextual translations of the topographical feature (see discussion below).

For some unexplained reason, the Whiting mistranslation of that part of the Act of Possession varied greatly from (1) the original documentation (SANM I, No. 848); (2) the copy of the original record found in the Surveyor General Report P; and (3) Whiting's own Spanish transcription. Why did the official translation carrying Whiting's signature include such important discrepancies such as enhanced boundaries to the north, east and south, and designation of landmarks not specified in the original?

The discrepancies found in Whiting's official English translation are too obvious and significant to have been simple mistakes. Did Whiting attempt to "read between the lines" and fill the gaps caused by the tears in the document with what he thought were the correct boundary calls? This scenario does not appear likely, as in certain cases, the number of words that Whiting used in the translation could not have fit into the original document. Or perhaps Whiting depended on the account that might have been presented to him by representatives of the pueblo, in order to resolve what he felt was an ambiguous situation.*

*An ambiguity might have been created by an extraneous document found in the historical record, i.e. an undated, unsigned fragment of a document found among a private manuscript collection at the Center for Southwest Research at Zimmerman Library of the University of New Mexico, alleged to have been
Absent more specific contextual information, it is impossible to proceed beyond speculation as to Whiting's motives for his mistranslation, based on circumstantial evidence. The fragments of historical data regarding Whiting's career suggest that he might have harbored a bias in favor of the Pueblo Indians, and against the native Hispanic population. As indicated above, just after his arrival in New Mexico, Whiting served under Superintendent of Indian Affairs, and later territorial governor, James S. Calhoun, in 1851. Very early in his tenure, Whiting penned a letter to Commissioner of Indian Affairs, L. Lea, indicating the need to accommodate the needs, and win the confidence, of the Pueblos. The content of the letter also belied a negative impression of Hispanics:

Governor Calhoun deemed it of the utmost importance that a delegation of Pueblo Indians should visit the States at this time, not only for the purpose of carrying out the policy of the government towards them, but also to secure more firmly their confidence and esteem toward our people. Evil disposed Mexicans and others have been tampering with them and endeavoring to

prepared by Miguel Antonio Lovato in the name of Sandía Pueblo. The document appears to be a complaint by the pueblo against its non-Indian neighbors at the very end of the Mexican period. Lovato referred to the 1748 boundaries of the pueblo as: on the east the "sierra de Sandía"; on the west, the Río del Norte; on the north Cañon de la Agua; and on the south the "loma de Maygua" and the "Ojo del Carrisito". The north and south boundary designsations were not to be found among the original 1748 grant documents. Nor does there appear to be historical corroboration in any other contemporary record of these boundary references, which appeared in a document prepared ninety-eight years after the Act of Possession. NMRCA, University of New Mexico Library Collection, Miguel Antonio Lovato Papers, No. 46, [1846], incomplete.
induce them to join in a scheme for the purpose of overthrowing the present government."

One might speculate, too, as to the integrity of Whiting with regard to the conduct of his responsibilities as translator for the Office of Surveyor General, based on an ethically questionable transaction involving the records under his care. A charter member of the Historical Society of New Mexico in 1859, Whiting served as Recording Secretary from 1859 to 1860. In the minutes for July 30, 1860, Whiting is reported as having donated to the Society an important 1715 document from the Spanish archives with which he worked. Almost a century later, New Mexico historian Lansing Bloom took Whiting to task for this abuse of the public's trust:

This was most certainly the most important of these three documents. Whiting was employed as translator from 1854 to 1860 in the office of the U.S. surveyor general, to which had been allocated all those archives which might help in establishing land titles. ... It should, of course have been returned, -- not carried off by an employee."

It should be noted that Whiting's behavior in this regard was not aberrant. The early Territorial period of New Mexico history was characterized by inattention to proper security.


measures for government records, as well as by the preparation and submission of forged documents for fraudulent land claims.\(^7\)

Whatever the motivation, David V. Whiting's imaginative mistranslation of the original 1748 grant documents formed the basis for the official establishment of the boundaries of the Pueblo of Sandía by the Surveyor General in 1860. On November 30, 1856, barely one month after Whiting had submitted his documentation, Surveyor General Pelham transmitted the land claims for Sandía Pueblo to his superiors at the General Land Office in Washington, with the request that they be acted upon by Congress.\(^8\) Based on this information, Congress confirmed the grant to Sandía Pueblo on December 22, 1858.\(^9\)

Within six months of this Congressional confirmation, the Surveyor General set about the process of surveying the pueblo's boundaries. The surveyor initially selected for this task was John W. Garretson, Deputy Surveyor for the Surveyor General's office in Santa Fe. Garretson had familiarity with the area, having conducted the survey for the Third Standard Parallel North

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\(^7\)See, for example, Henry Putney Beers, Spanish and Mexican Records of the American Southwest (Tucson: University of Arizona Press, 1979), pp. 9-14; Malcolm Ebright, Land Grants and Litigants in Northern New Mexico (Albuquerque: University of New Mexico Press, 1994).


\(^9\)U.S. Bureau of Land Management, New Mexico State Office (hereafter cited as BLM-NMSO), Sandía Pueblo Grant, Plat of the Pueblo of Sandía, October 15, 1860.
in Range Four East for the Territory in 1856. In addition to Sandía, Garretson's contract called for him to set out the boundaries for the Pueblos of Santo Domingo and San Felipe, as well. The instructions issued to Garretson, although detailed with regard to form, appear to have been generic in nature, ignoring the circumstances specific to each pueblo:

In surveying each of the Pueblo grants as call for [sic] one league from each corner of the church you will assume the church to be a square and run a base from it upon which you are to establish your boundary line. After running your Boundary the two [four] leagues required you will add thereto the length of the church in order to give the grant two [four] leagues square of land exclusive of the church.

It will be necessary for you to connect each claim with the nearest public survey in the vicinity, either by extending a correction, range or township line and connecting it with the boundary line of the claim or meandering to it from the nearest line of public survey; the object being to show precisely the township and range in which the claim is situated, in order that it may embraced in the patent.

Let your field notes be as copious as possible, giving the lengths of the boundaries, courses and distances, and noting down any objects of interest on and in the vicinity of the lines you run.

The extent to which Garretson actually executed the measurement of the boundaries of Sandía Pueblo is a matter of some confusion. On September 20, 1859, Garretson wrote to Surveyor General Pelham reporting that he would not be able to finish his contract prior to the onset of winter, and asked permission to relinquish the surveys for the Pueblos of Santo

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*BLM-NM, File for T. 12N, R. 4E, History Surveys.*

Domingo, San Felipe and Sandía, as well as for the Town of Chōllilí. The files of the Office of the Surveyor General, however, contain a certified copy of field notes from a survey for Sandía Pueblo, "said survey having been executed by John W. Garretson, Deputy Surveyor."

Even though Garretson had attempted the survey, the day after his resignation, Pelham contracted with Deputy Surveyor Reuben E. Clements to complete the task. Beginning on November 8, 1859, Clements set out to conduct the survey, finishing his work four days later. The survey notes were certified on January 12, 1860 by none other than David V. Whiting, acting in his capacity of Notary Public. Two weeks later, Pelham transmitted the field notes and sketch maps to the Commissioner of the

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42 NMRCA, SG, Letters Received (hereafter cited as LR), Vol. X, Roll 60, p. 258, Garretson to Surveyor General Pelham, Santa Fe, September 20, 1859.

43 National Archives (U.S.) (hereafter cited as NA), Suitland Branch, Record Group (hereafter cited as RG) 49, New Mexico Private Land Claim No. 208, Pueblo of Sandía, Survey field notes certified by A.F. Wilbar, Surveyor General of New Mexico, Santa Fe, June 5, 1861. NMRCA, SG, LR, Roll 60, Commissioner of GLO to Surveyor General, Washington, March 27 and April 9, 1860, Requests by the Commissioner for copies of plats, field notes and accounts of Garretson's survey; there is no indication in the correspondence file that the Surveyor General ever complied. No other reference could be found in the extant record indicating that Garretson ever completed his survey for the Pueblo of Sandía.


45 BLM-NMSO, Pueblo of Sandía Grant, Vol. 6-1254, "Field Notes of the Pueblo of Sandía".
General Land Office. The field notes were approved on October 15, 1860, and a plat based on these notes was prepared and submitted to the General Land Office on June 7, 1861 (See Map 2).

Although the wording is slightly different, the boundary calls cited by the Garretson and Clements surveys are virtually identical. Both appear to be based on the Whiting mistranslation, with the northeastern corner placed in, rather than facing, the "Canon de la Agua", and the southeastern corner represented by a tall rock "in the cañon near the Carrisito Springs in the mountains of Sandía".

Thus, as a result of the mistranslation of the original grant document by Surveyor General translator David V. Whiting, and the consequent official survey based on this mistranslation, the northern, eastern and southern boundaries of the Pueblo of Sandía do not correspond to those designated by Lieutenant General Bernardo Antonio de Bustamante Tagle in 1748. In that

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"BLM-NMSO, Sandía Pueblo Grant, "Plat of the Pueblo of Sandía, Finally Confirmed, Surveyed under Contract with the Surveyor General of New Mexico by Reuben E. Clements, Deputy Surveyor, Containing 24,187.29 acres".

"National Archives (U.S.) (hereafter cited as NA), Suitland Branch, Record Group (hereafter cited as RG) 49, New Mexico Private Land Claim No. 208, Pueblo of Sandía, Survey field notes certified by A.F. Wilbar, Surveyor General of New Mexico, Santa Fe, June 5, 1861; BLM-NMSO, Pueblo of Sandía Grant, Vol. 6-1254, "Field Notes of the Pueblo of Sandía".

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year the pueblo was placed in possession of a somewhat rectangular shaped piece measuring 7.06 miles north to south, and 3.35 miles east to west, comprising 17,360 acres. Contrasting significantly with the original Spanish grant, a century later the U.S. Congress confirmed to the pueblo a more irregularly shaped tract incorporating 24,187.29 acres, with extended boundaries both to the east and south.

II. DEFINITION OF SIERRA MADRE IN ITS PROPER HISTORICAL CONTEXT:

The purpose of this section of the report is to examine the definition of the Spanish geographical term, "sierra madre" in the context of eighteenth-century New Mexico history. Specifically at issue is the implication of the eastern boundary designation, "Sierra Madre que llama de Sandía", articulated in the Act of Possession by Lieutenant General Bernardo Antonio de Bustamante Tagle on May 16, 1748. As discussed above, the Surveyor General's translator, David V. Whiting, translated sierra madre as "the main ridge", yet the Surveyor General's surveyors placed the eastern boundary at the foothills of the Sandía Mountains. The definition of the term will help resolve questions raised recently by the Pueblo of Sandía as to whether the eastern boundary should have been placed on the crest of the mountain range.

An examination of Spanish language and etymological dictionaries from the eighteenth to the twentieth centuries shows
a strong consensus among authorities that sierra, although
deriving its roots from the Spanish word for the teeth of a saw,
referred more widely to a mountain range. The 1737 Diccionario
de autoridades defined sierra as, "la cordillera de montes, o
peñascos cortados, por lo que se semeja a los dientes de la
sierra," or "the range of mountains or large cut rocks, due to
their similarity to the teeth of a saw"\(^9\). Similarly, the modern
Gran diccionario de la lengua castellana offered the definition,"cordillera de montes o peñascos cortados," or "a range of
mountains or large cut rocks"\(^{50}\). Joan Corominas' Diccionario
crítico etimológico de la lengua castellana referred to the term
as, "linea de montañas," or "line of mountains"\(^{51}\). In another
etymological dictionary, Corominas explained:

> En el sentido de 'linea de montañas', S. X, se trata de
> una comparación con el aspecto dentado del perfil de
> las cordilleras, denominación arraigada en toda la
> Península Iberica, Sur de Francia y Norte de Italia
> hasta el rumanon de Macedonia\(^{52}\).

(In the sense of a 'line of mountains' (10th century),
it relates to a comparison with the dentiled character
of the profile of the ranges, a customary denomination

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\(^{9}\)Diccionario de Autoridades: Diccionario de la lengua
castellana en que se explica el verdadero sentido de las voces,
su naturaleza y calidad, con las phrases o modos de hablar, los
proverbios o refranes, y otras cosas convenientes al uso de la
lengua . . . compuesto por la Real Academia Española, (Madrid:

\(^{50}\)Aniceto de Pages, Gran diccionario de la lengua castellana
(Barcelona: Fomento Comercial del Libro, [nd]), Vol. 5, p. 195.

\(^{51}\)J. Corominas, Diccionario crítico etimológico de la lengua

\(^{52}\)Joan Corominas, Breve diccionario etimológico de la lengua
in the entire Iberian Peninsula, the south of France, the north of Italy to the Romanian border with Macedonia.)

One of the few etymological dictionaries to define the complete term, *sierra madre*, was Guido Gómez de Silva's *Elsevier's Concise Spanish Etymological Dictionary*:

'Sierra Madre (mountain system, Mexico)', literally = 'Mother Range' (see *sierra, madre*); it is the major mountain system in Mexico and comprises three ranges -- the Sierra Madre Oriental 'Eastern Mother-Range', the Sierra Madre Occidental 'Western Mother-Range', and the Sierra Madre del Sur 'Mother Range of the South'.

All of the authorities consulted discussed *sierra* and *sierra madre* in the context of a mountain range, or mountain system. None of the Spanish dictionaries, contemporary or modern, defined the words as "main ridge", or presented any definition in terms of the crest of a mountain.

Neither did the primary archival documentation from the eighteenth and early nineteenth centuries present the terms *sierra* or *sierra madre* in any other than a general locational context. In his visitation of the Franciscan missions of New Mexico in 1776, Fray Francisco Athanasio Domínguez described the setting of the Pueblo of Sandía:

The mission is new, founded for the Indians of the province of Moqui who were reduced by Father Menchero in the year 1746. It stands in the middle of the plain on the same site as the old mission which was destroyed in the general uprising of this kingdom. To the east is a sierra called Sandía because there is a pueblo and mission of this name here. Although it does have a connection with the sierra of Santa Fe very high up

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(via some little hills and mounds), we cannot properly take it to be a continuation of the latter in view of the great distance and few indications; rather we shall call it a Sierra Madre, since it spreads down for a long way with the characteristics of a mother range. [Sino que la llamaremos Sierra Me., por quanto para abajo se dilata muy mucho con señas de madre.] The Río del Norte is about half a league to the west among poplar groves (translation by Eleanor B. Adams and Fray Angelico Chavez in The Missions of New Mexico, 1776)\(^4\).

Other documents of the period shed light on the contemporary concept of the Sierra de Sandía as the eastern boundary in the area around the Sandía Pueblo. In 1763 representatives of the Pueblo of Santa Ana petitioned the Spanish authorities for permission to relocate from their ancestral home on the Río Jémez, to an area north of the Town of Bernalillo, on the east bank of the Río Grande. The property that the pueblo wished to purchase extended on the west to the Río Grande, and on the east "al pie de la Sierra de Zandía" ("to the foot of the Sierra de Sandía")\(^5\). Such a specific designation of "the foot" might well provide an indication of the popular understanding of the boundary placement of the sierra.

A more concrete example of how New Mexicans regarded the Sierra de Sandía can be seen in a land transfer document at the close of the Mexican Period. On March 30, 1846, Lorenzo Perea

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\(^4\)Eleanor B. Adams and Fray Angelico Chavez, The Missions of New Mexico, 1776 (Albuquerque: University of New Mexico Press, 1956), p. 138; the original account of Fray Domínguez from which the Spanish excerpt derives is curated at the Biblioteca Nacional (Mexico), Legajo 10, no. 43.

\(^5\)NM RCA, SANM I, No. 1349, "Proceedings over a purchase of lands by the pueblo of Santa Ana at the 'Paraje de Bernalillo,'" July 5, 1763.
sold to José Leandro Perea a tract of land in Bernalillo, whose western boundary extended to "la tapia que esta contra el arenal" ("the wall that is against the sandy beach") and whose eastern boundary was described as "la sierra de Sandía". The same document included a precise measurement of the east-west extent of the property, which ran only forty-eight varas, or about 132 feet, from the Río Grande to the Sierras de Sandía.

Nowhere in the contemporary documentation could citation be found to the sierra madre or Sierras de Sandía as the crest of the mountain, or the "main ridge". Rather, evidence from Spanish dictionaries and the archival record leads to the conclusion that these terms were used as general points of geographic reference. The fact that the eastern boundary of the Pueblo of Sandía was

"NMRCA, Yrisari Family Papers, Folder No. 5, Conveyance of land, Lorenzo Perea to José Leandro Perea, Bernalillo, March 30, 1846, "un pedaso de tierra de pan llevar que se compone de la casa para la sierra de treinta varas poco mas o menos y de la sitada casa para el Río de diez y ocho varas contigua a dicha tierra la casa de su morada del sitado Lorenzo Perea la misma que bendio juntamente con la sitada tierra y todo lo demas de plantillos que en ella se contienen dicha tierra la ubo el bendedor por erencia de su finado padre y por compra que yso a su finada madre María Petra Chaves y son sus linderos por el norte y sur con tierras del mismo comprador por el oriente la sierra de Sandía y por el poniente la tapia que esta contra el arenal y se las dio por el presio y cantidad de dosientos y beinte pesos en dinero de buena moneda . . ."; "a piece of cultivated land that measures from the house toward the mountain 30 varas, more or less, and from the said house toward the River, 18 varas. Contiguous with the said lands is the house occupied by Lorenzo Perea, the same that had been sold with the said land, and all the other outbuildings [?] that were contained on the said land, inherited by the seller from his deceased father, and purchased from his deceased mother, María Petra Chaves. The boundaries are on the north and south the lands of the said purchaser, on the east the sierra de Sandía, and on the west the wall that is against the arenal, and it was transferred for the price of 220 pesos cash. . . ."
articulated in the Act of Possession of 1748 as both one league to the east, as well as the "Sierra Madre de Sandía" should not be seen as inconsistent. Indeed, the authorities deliberately laid out the boundaries, as much as possible, according to those of a "pueblo formal", with the eastern boundary extending one league from the center of the pueblo, reaching just about to the foothills. As an additional general reference point, Lieutenant General Bustamante pointed to the mountain range of the "Sierra Madre de Sandía" as lying to the east, suggesting that the Spanish authorities interpreted the boundary of the sierra as the foothills of the mountains.

The treatment of the eastern boundary of the Elena Gallegos Grant has been cited by some as relevant to the placement of the eastern boundary of the Pueblo of Sandía. However, such a comparison is misplaced, despite the geographical proximity of the two grants. The Sandía Grant and the Elena Gallegos Grant differ in two fundamental respects. First, the language of the grants are significantly different with respect to the specificity of the boundary calls. Second, the nature of the pueblo grant was distinct from grants to non-Indians. Sandía represented a formal pueblo grant, which adhered to the limitation of a four-square-league area, as opposed to Elena Gallegos, which had no such express limitation.

The importance of the differences in language between the two grants becomes apparent in an examination of a critical court case involving the interpretation of the boundaries of the Elena
Gallegos Grant in the late nineteenth century. In the 1890s the question of the translation of the Sierra arose in relation to the eastern boundary of the Elena Gallegos Grant, located just to the south of the Pueblo of Sandía. In a case before the U.S. Court of Private Land Claims, the descendants of the original grantees claimed as the eastern limit of their holdings the summit of the Sandía Mountains, based on the wording of their 1716 grant document, which specified the boundary as the Sierra de Sandía. After hearing the evidence presented by both the descendants and the U.S. Attorney, who asserted that the Sierra referred to the foothills, and not the crest, Associate Justice Wilbur F. Stone issued his opinion in favor of the former, ruling that the eastern boundary of the grant should extend to the crest.

In view of the foregoing discussion with regard to the translation of Sierra madre, Justice Stone's opinion is a curious one, and warrants detailed examination as it relates to the case of the Pueblo of Sandía. In certain respects, the decision with regard to the extent of land granted to the residents of the Elena Gallegos Grant related uniquely to the tract in question, and did not apply to the case of Sandía.

With regard to this question, Justice Stone's opinion raised some interesting concerns. One such issue surrounds the

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57NMRC, Court of Private Land Claims (hereafter cited as CPLC), No. 51, Elena Gallegos Grant, Reel 38, frames 832-833, Opinion of Associate Justice Wilbur Stone, Newspaper article from The Daily New Mexican, December 6, 1893, signed by Justice Stone, and filed by Clerk of Court (hereafter cited as Opinion).
differences in the designation of the eastern boundary for each grant. The text of Justice Stone's opinion pointed out the contrast between the terms, sierra madre and sierra:

As applied to mountains its [sierra's] figurative, general meaning is a range; as 'La Sierra Madre,' 'La Sierra Nevada,' the mother range and the Snowy range of the Rocky mountains. In a special application of the term to a single mountain, or mountains not properly constituting a range, the word sierra especially refers to and denotes the serrated crest, comb, ridge or summit. The term may be applied, in common parlance, to entire mountains, smoothly rounded, as to those with rugged ridges, but when employed in relation to a boundary point or line, there can be no room for doubt that the 'cumbres,' apex or summit is intended as the true and precise definition of the land-mark [emphasis added].

Justice Stone thus drew the distinction between sierra madre, or mother range, referring in general terms to the mountains, on the one hand, and sierra, or serrated crest, on the other. Whether one concurs with this difference or not, it is clear that Justice Stone based his decision to place the eastern boundary of the Elena Gallegos Grant at the crest, on the basis of the existence of the term, sierra, and not sierra madre, in the granting document. In the case of the 1748 grant to the Pueblo of Sandía, the wording of the reference point to the east was the Sierra Madre de Sandía, and thus would not have been defined by the judge as the crest of the mountain.

Another area where Justice Stone's opinion in the Elena Gallegos Grant did not apply to the case of the Pueblo of Sandía surrounds the element of uncertainty of boundary markers:

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5NMRCA, CPLC, No. 51, Elena Gallegos Grant, Opinion.
An authoritative rule of construction is that, where a deed is uncertain or ambiguous in description, the construction given to it by the parties themselves, is to be deemed the true one, unless the contrary is clearly established . . . .

If the eastern boundary of the Elena Gallegos Grant was uncertain, then there was no doubt concerning the placement of that of the Pueblo of Sandía. As discussed at length above, the May 16, 1748 Act of Possession conducted by Lieutenant General Bustamante specified the measurement of one league toward the east, and designated the northeast and southeast corners as "facing the point of the Cañada commonly known as del Agua," and "facing the mouth of the Cañada de Juan Tabovo," respectively. In the context of these specific descriptions, Justice Stone's criteria of uncertainty and ambiguity would not have been met.

Moreover, the very nature of the Sandía grant as a "formal pueblo" renders any comparison with the Elena Gallegos boundary decision irrelevant. By their very nature, grants to the pueblos were limited to an area of four square leagues. Although the boundaries of the Pueblo of Sandía were slightly altered to the west, north and south, no changes were made to the eastern boundary. Thus, where Justice Stone might have expressed uncertainty over the limits of a non-Indian grant, there could have been no question as to the boundary of a "formal pueblo."

Thus, despite the decision of the Court of Private Land Claims to interpret the eastern boundary of the Elena Gallegos Land Grant as the crest of the Sandía Mountains, no such

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"NMRCA, CPLC, No. 51, Elena Gallegos Grant, Opinion.

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extension can be made to the eastern limit of the Pueblo of Sandía.

III. ETHNIC COMPOSITION OF THE INDIANS WHO RE-SETTLED THE PUEBLO OF SANDÍA IN 1748:

The Pueblo of Sandía currently asserts that the location of the eastern boundary includes all of the land from the current foothills boundary to the crest of the Sandía mountain range. This is the area that is now the Sandía Mountain Wilderness managed by the U.S. Forest Service. The Pueblo of Sandía contends that this area of land was occupied and used by their ancestors prior to the arrival of the Spanish, and that the 1748 Grant was in part intended to "restore" these lands to their original inhabitants. No documentary basis can be found for this contention.

As discussed above, in 1748, Franciscan friars brought some 350 Indians from the Hopi country to resettle the Pueblo of Sandía, which had been abandoned since the Pueblo Revolt of 1680. This section of the report will examine the ethnic composition of those Indians who participated in the resettlement, to ascertain if this group represented descendants of the original Sandía Pueblo people who had migrated to the Hopi country in 1680, or, on the other hand, the pueblo was settled by other Tigua and Moqui (Hopi) Indians.

In the early 1740s Franciscan missionaries working with the Hopis were beginning to express concern about the vulnerability
of newly converted Indians in the face of pressures from what the friars considered to be apostate Christians. It was decided that the neophytes, who comprised both Moquis and descendants of pueblo refugees alike, needed to be removed from the influence of these "barbarous chieftains", and resettled in the more protected region of the Río Grande Valley.

It appears that the original intention of one of the friars may have been to resettle the descendants of the refugees in their original pueblos. Writing to his superiors in Mexico City from Paso del Río del Norte (now Ciudad Juárez) in 1742, Fray Cristóbal Yraeta described the success of the Franciscan conversion efforts among the Moquis, and complained about the inaction on the part of the governor of New Mexico with regard to the resettlement efforts:

... As the said converted Indians are crowded into the pueblos of these Christian [Indians], with much discomfort and discontent, I pray that as soon as possible your reverence will solicit from the señor viceroy a royal decree granting to the said Indians their former pueblos, such as Pajarito, Alameda, and Zanúa, which were the ones that they possessed when they revolted in the year 1680. This request is made because the governor of this kingdom excuses himself [from taking action] by saying that he cannot do it without an order from the superior government [emphasis added].

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If it was the intention of Fray Yraeta to settle descendants of Sandía Pueblo refugees on their ancestral lands, his successors appear to have been unaware of this goal when they undertook the effort to reestablish the pueblo six years later. Fray Juan Miguel Menchero, who directed the resettlement in 1748, spoke of need to gather together at the deserted pueblo "all of the Indians of the Moqui nation, who may be found scattered amongst the various towns and missions of this kingdom".2.

Fray Menchero expressed awareness of the existence of the pre-Revolt population at Sandía, and certainly would have noted the return of the same people, had it actually taken place. But he made no such reference, citing only the presence of people from the Moqui country. In April of 1748 he petitioned the governor of New Mexico for permission "... to repopulate the mission that had been lost since the last uprising of the Indians of this kingdom, the said repopulation being accomplished with the Indians from the Province of Moqui ...".2. In granting Fray Menchero's request, Governor Codallos y Rabal referred only to the "Moqui Indians gathered on the site and encampment named

2NMRCA, SANM I, No. 531, "Fray Juan Miguel Menchero, petition requesting that property confiscated from certain pueblo Indians be sold and proceeds be used for the resettlement of the mission of Nuestra Señora de los Dolores de Sandía," April 19, 1748.

2NMRCA, SANM I, No. 848, "Proceedings in the establishment and construction of the mission of Nuestra Señora de los Dolores de Sandía," Petition by Fray Juan Miguel Menchero, April 5, 1748.
Similarly, in the execution of the governor's order, Lieutenant General Bustamante gave "possession to the Moqui charges who have been gathered for the resettlement of the said mission."[emphasis added].

Later eighteenth century records suggest that in addition to the Moquis, other puebloan groups, but not specifically descendants of the original Sandía Pueblo people, participated in the resettlement of the mission. Six years after the reestablishment of the pueblo, Fray Trigo made the following observation concerning Sandía:

This mission is seven leagues farther in the same direction; it is one of those which were destroyed in the year 1680. It has now been restored by Reverend Father Menchero and *peopled with fifty odd families which our religious took away from the apostates of Moqui*, for they were fugitives and were excessively vexed in Moqui by those barbarous chieftains. No sooner had the fathers admonished them for their own good than the oppressed Indians heeded the apostolic advice and left that accursed rancheria . . . [emphasis added].

In his inspection tour of the New Mexico missions in 1760, the bishop of Durango, Pedro Tamarón y Romeral, distinguished between the different ethnic groups living at Sandía, observing, "The tenement of the Tigua Indians houses 51 families and 196

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"NMRCA, SANM I, No. 848, Act by Governor Codallos y Rabal approving the grant of land to the Pueblo of Sandía, Santa Fe, April 5, 1748.

"NMRCA, SANM I, No. 848, Act of possession, Nuestra Señora de los Dolores y San Antonio de Sandía, May 16, 1748.

persons, and that of the converted Moqui Indians, 16 families, with 95 persons". A later visitation by Fray Domínguez in 1776 reflected the same notation of two segments of the community, one Tigua and the other Moqui:

Inasmuch as this pueblo has Indians of two nations, like a microcosm, it is necessary to state that some (this is the majority) are Tiguas, and these are the ones who live in the above. The others (and they are very few) are Moquis, and they live in some small, badly-arranged houses above the church to the north.

Some of the people who have taken root in this pueblo and their progeny are Tiguas, and others (the proportions have already been mentioned) are Moquis. Each group speaks its native tongue, one group being distinct from the other, and they have different interpreters.

Given the precise level of detail in the accounts of both visitations, it stands to reason that if the descendants of the original Sandía pueblo people had been included among the resettling population, then Bishop Tamarón and Fray Domínguez would have so mentioned. But no such citation was offered, only that the group consisted of a mix of Tiguas and Moquis.

Nor do modern historians or anthropologists present any indication of a resettlement by pre-Revolt Sandía people. In her 1979 article on Sandía Pueblo in the Handbook of North American Indians, Elizabeth A. Brandt concluded:

67Eleanor B. Adams, Bishop Tamarón's Visitation of New Mexico, 1760 (Albuquerque: Historical Society of New Mexico, 1954), p. 44.

68Adams and Chavez, The Missions of New Mexico, p. 143.
It is certain that when Sandia was resettled, it was by a mixed group of refugees from various Pueblos. This must have given the Pueblo a very different character from that before the Revolt, and may account for differences between Sandia and the other Rio Grande Pueblos.

Likewise, historian John Kessell cited the diverse nature of the resettlement of Sandia Pueblo, "with descendants of the Southern Tiwa Indians who had left here and the neighboring pueblos for exile among the Hopis. Some Hopis came with the returning refugees." Ethnographic studies pertaining to the Pueblo of Sandia provide little insight into the perception of the pueblo with regard to the character of the 1748 reestablishment of the community. One of the few scholars to offer an analysis of this issue was anthropologist Suzanne Lee Simons. Based largely on interviews with informants from within the pueblo, and citing no other attribution of her sources, Simons' work promoted the theory that the resettlement comprised a reconstitution of the pre-Revolt pueblo:

At the end of the seventeenth century, Indian hostility toward the Spaniards led to a general uprising. Most of the Sandias fled westward, establishing themselves


"Only a cursory review was conducted through the secondary ethnographic literature. As the author of this report is an historian, and not a trained ethnographer, it is recommended that a more detailed examination be undertaken by an expert with the appropriate disciplinary and methodological credentials.

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among the Hopi. Greatly decimated, some of the
refugees and their descendants returned to their
ancestral land about fifty years later, resuming their
horticultural and livestock-raising activities".

In her doctoral dissertation, Sandia Pueblo: Persistence
and Change in a New Mexican Indian Community, Simons projected
from this concept of a 1748 "return", that the foothills located
to the east of the pueblo represented an area of economic and
religious significance to the community since prior to the
arrival of the Spanish in the sixteenth century:

... the foothills area tells us much of Sandia life,
past and present. It has been ritually significant,
probably since before Spanish entry, as natural
features enter prominently into pueblo religion.
Mountains are usually considered to be habitats or
various spirits. In addition, animals were hunted
there and, with the coming of the Spaniards, livestock
were introduced into the most likely range area of
Sandia territory. Foothill vegetation is suitable for
grazing, and the greater moisture in the past would
have made this area adequate pasture for the larger
number of animals that were formerly kept. 73

73Suzanne Lee Simons, "The Cultural and Social Survival of a
Pueblo Indian Community," in Henry J. Tobias and Charles E.
Woodhouse, eds., Minorities and Politics (Albuquerque: University

73Simons, Sandia Pueblo: Persistence and Change in a New
Mexican Indian Community (Unpublished doctoral dissertation,
Department of Anthropology, University of New Mexico, 1969), pp.
29-30. On pages 26-31 Simons offers an extensive discussion
relating the importance of the foothills to the Sandia pueblo
people, holding that "the mountain" served as the natural and
cultural boundary to the east. She also related that at one
time, "Sandia owned part of the western mountain slope, but this
was purchased at the beginning of the twentieth century by the
United States government" (p. 26), adding that, "Undoubtedly, it
was no easy matter for Sandias to relinquish ownership of such
vital property. The purchase was probably one of a series of
incidents which pointed up the dangers of territorial
encroachment posed for the perpetuation of their way of life"
(pp. 28-29).
If the analysis offered by Simons accurately reflects the beliefs of the Sandía Pueblo people, then there exists a clear contrast between their perception, and the documentary record with regard to the question of the nature of the 1748 reestablishment of the pueblo. The pueblo tradition holds that, with the exception of the period from 1680 to 1748, the same ethnic population has lived continuously since the time prior to the Spanish conquest.

On the basis of an analysis of the primary archival documentation from the eighteenth century, however, as well as a review of published scholarly literature from the perspective of history, no evidence can be found indicating that the establishment of the mission at Nuestra Señora de los Dolores y San Antonio de Sandía in 1748 represented an ethnic re-formation of the earlier Pueblo of Sandía, which had been abandoned after the Pueblo Revolt of 1680. Rather, the documentation reveals that the 1748 resettlement was undertaken by a combined population of ethnic Moquis and descendants of a mix of various Southern Tigua people, whose families had sojourned in Hopi country from 1680 to 1748.

A search through the files of the U.S. Forest Service produced no record indicating that any transfer of lands in the foothills east of the pueblo occurred from the Pueblo of Sandía to the USFS in the twentieth century. Moreover, a comparison of the eastern boundary of the pueblo established in 1860 and that maintained today reveals that no changes had ever taken place.
IV. Conclusions

On the basis of the evidence presented above, it is clear that the current Pueblo of Sandía traces its roots back to a resettlement effort led by Franciscan missionaries in the mid-eighteenth century. In 1748 the Spanish governor issued a grant of land to a group of Indians from the Hopi country, consisting of a mix of Moquis and descendants of Pueblo refugees who had fled from the Rio Grande after the Pueblo Revolt of 1680. Although the grant included the same land as had been abandoned by the original Pueblo of Sandía sixty-eight years earlier, the documentary record shows no indication that those who participated in the resettlement effort descended from the original Sandía Pueblo people.

It is also clear from the documentation that the governor intended that the Puebló of Sandía be considered as a formal pueblo, and that, like other pueblos in New Mexico, it received a grant of land comprising four square leagues -- one league in each direction measured from the center of the pueblo. When the new pueblo was put into possession of their lands, the eastern boundary extended one league, or 2.6 miles, toward the foothills of the Sandía Mountain Range, which served as the designated landmark to the east. Both the north and south boundaries also indicated that the eastern boundary was located to the west of the Cañadas del Agua and Juan Tabovo.
Attempts to redefine the eastern boundary in the nineteenth and twentieth century appear to have been based upon incorrect interpretations of the original 1748 grant documents. In the 1850s and 1860s the mistranslation produced by the translator for the Office of the Surveyor General resulted in the expansion of the pueblo's boundaries to the east and south. More recently, claims on the part of the Pueblo of Sandía for the establishment of the eastern boundary at the crest of the mountain, are also based upon an erroneous translation of the historical record and a misinterpretation of the course of events in the Spanish and Mexican periods of New Mexico history.