

10-1-1931

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Louis H. Warner

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Recommended Citation

Warner, Louis H.. "Conveyance of Property, the Spanish and Mexican Way." *New Mexico Historical Review* 6, 4 (1931). <https://digitalrepository.unm.edu/nmhr/vol6/iss4/3>

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CONVEYANCE OF PROPERTY, THE SPANISH AND MEXICAN WAY

By LOUIS H. WARNER

WHO would have the temerity today to tender in part payment for a piece of land, a twelve yard dress? If he wished to do so, where would he find a gown with that much material in it? A coat, a vest, and a child's shirt were once as acceptable as the dress. Everything else, in lieu of money, seems to have had its value in the old days along the Rio Grande in New Mexico. Conditions were surely different there before the Mexican War. Even the river itself was known as the Rio del Norte or El Bravo.

And it is not to be wondered at that things were different. A unique civilization had grown up there. Our authentic knowledge of the region goes back to 1540. Tradition, a bit hazy to be sure, supplements this knowledge. Let us briefly review events from the coming of the first Spanish explorers, for they gave us quite definite data. They found the valley already populated. In communities lived an unusual type of Indian, who crudely irrigated the lands and tilled the soil. He raised cotton and he wove. He made pottery to meet his own needs and no doubt to barter for things which he did not produce. The Spanish name for village, *pueblo*, was applied to them, to distinguish them from the roving bands all about. By that name are they known today. The roving bands cultivated little, if any. They lived by the chase. This, they supplemented by raids upon those who had. They were in more or less constant warfare among themselves, although they moved in fairly well-defined limits. The generally peaceful village Indian was the victim of them all. For he it was who had, and who saved up his food supply. So it was quite natural that the pueblo Indian after a time welcomed the coming of the Spanish, he submitted to their control, and in a measure accepted their religion.

These valley people were not of one linguistic stock. They spoke many tongues. They had somewhat different stories of their origin. Nor were they particularly friendly with one another. In habits, customs, and manner of living, they were similar. Where they really came from, how they happened to be so different is yet to be more completely known. Further research will clear up much of the present doubt. Legend alone does not suffice.

Their friendship for the Spaniards only intensified the hatred of the nomadic Indians for them. The acceptance of the new religion by the village Indian was resented. They would have none of it, although the friars valiantly sought to interest them. At this time, the world was afire with religious zeal. The cross and the sword came in together. One was as potent as the other. Out of all this came closer contact between the Indian of the village and the newcomer.

In 1598, the first Spanish settlement was established. It was about 30 miles north of the present city of Santa Fé. The Indians with apparent good-will and under no compulsion gave up a choice spot at the junction of the Chama with the Rio Grande. Thus their land relations started. Of course, the villages occupied the most desirable locations. Plentiful water then, as now, meant everything. As time went on, more settlers came. They too wanted the better lands and the more favored water courses. Close proximity brought strained relations. Even the soldier and the friar disagreed. Finally, in 1680, the storm broke, and the quiet generally peaceful Indians of the villages for the first time effected a successful coalition. When the bloody affair was over, every Spaniard had either been killed or driven from the country.

It was not natural for these people to remain in close harmony for long. Dissension arose. Jealousies cropped out. In about a dozen years the Spaniards were back, and this time they stayed until the Mexican revolution of 1821. The Spaniards had gained by their experience. They came back somewhat chastened. Grants were authorized and

made to the various villages. At the time there seemed a real desire to protect the Indian in every way. Many a *cedula* or royal decree was issued, placing the Indian under the protection of the government. The viceroy was given power to give them land as needed. Theoretically, this continued to the end of Spanish control; practically it did not always work out. The distance from the home government was great, the communication slow and arduous. Spanish holdings were then worldwide. Some caused trouble, abuses arose and became more frequent. On the whole, however, considering the times and the prevailing conditions, the intent of the governing officials was to treat the Indian fairly and protect him in his holdings. Then also the Indian was permitted to buy and did so. Seldom did they sell and then only under government sanction.

With Mexican control in 1821, there came a great change. The Indian had taken an active part in the revolution. If of the village sort, he came in on the same footing as the rest. He was given full power to alienate his lands under very limited supervision. In the brief space of twenty-five years of Mexican control many a large sale was made, sometimes by the pueblo or village itself, more frequently by the individual, with or without the approval of the pueblo officials.

The period to be considered is roughly from 1700 to 1846. At no time was money in free circulation. Of course, coins were in use, but to a very limited degree. So the considerations prevailing in their transactions were only changed by local conditions. Back in the interior little coinage came, and yet, in spite of their seeming handicap, men were as prone to trade then as now. Out of this rather anomalous situation, there came into universal use a system unique in its details, and probably, under all of the conditions prevailing, susceptible of much abuse. We have record of it as far back as 1767. Probably it had been established before; certainly with modification it was in use long after. It was an invention to meet the needs of trade. How well it

met them it would be hard to tell, conditions, the relations of people of very different stations in life, making the answer most difficult. However, trade went on under it, which was something, at least.

This system provided for the *peso* as the basic unit. It had four values, however, and here is where the abuse came in. No doubt, the unscrupulous often took advantage of the unthinking by buying at the low standards and selling at the high rate. It is easy to see how this might have worked to the great advantage of some.

The *peso de plata*, silver or plate, was worth eight reales.

The *peso de proyecto*, worth six reales, is hard to define. The last word means project, scheme, plan, or design, which gives to it an ominous meaning.

Next came the *peso de antiguos*, meaning of the ancients or antiquity. Its value was four reales.

The last and the standard in most common use was the *paso de la tierra*. Its value was two reales, only a quarter of the first. As the name implies, it was of the earth, the products of the soil. All produce from the land fell into this category and as time passed, no doubt its use was expanded to take in many other articles even remotely connected with the earth: getting their sustenance therefrom, as the sheep, the goat, the cow, or the horse. There seem to have grown out of this, however, pretty definite standards of values for the various articles included. So in reality if a sale were made for so many sheep or so much wheat, the actual consideration paid could be, and in most cases was, definitely determined in advance. Not infrequently, it was so stated in the conveyance itself. For example, if one were to sell a house for 100 pesos de la tierra or in products of the soil, that would imply so much wheat or corn or whatever the commodity may have been until the total of it all reached the specified number of pesos. The article and the amount would be more likely enumerated than the total sum involved in the sale. It was often suggested that the

transaction was on the peso de la tierra basis though not necessarily so specified. No doubt then another sale may have been negotiated out of the buyer on the peso de plata standard with opportunity for great profit thereby.

To almost all peoples, this phase of the law of contracts, the consideration, seems to have been similar. The Spanish law was of ancient origin. It has been influenced by the early Italian, the Moorish, and more largely still by the Visigothic laws. Still in this respect, it was not unlike the old English common law to which the greater portion of this country fell heir. The Spaniards seem to have thrown around such transactions innumerable safeguards. Still the growing ease with which their provisions were waived greatly nullified their effectiveness. There was one law which provided a remedy in the event that the seller thought he had sold for less than the thing was worth, provided he made complaint within a certain time. However, the transfers soon became filled with waivers of this or that law. These were accompanied by statements of satisfaction and contentment with the price and quantity received. They even went further. The seller would assert that if the thing sold was or might become of greater value, he made donation of the same pure, mere, complete and irrevocable. By this time, they had thrown away all the attempts which had been made to protect them from themselves. I do not mean to imply that all sales were for an inadequate consideration. Many a seller, be he Indian or Spanish, was quite the equal of the buyer. However, the whole situation under the conditions was full of possibilities. I fear too frequently these became actualities in practice.

Out of it all, however, there came a frankness that does not prevail today. In many instances the amount received was worded out in minute detail, so that the exact purchase price no longer was a conjecture. One dollar or ten dollars and "other good and valuable considerations" apparently had not then been invented. If known, it surely was not in

universal use. In many instances, which I will cite, the articles used in lieu of money made up long and varied lists.

In 1708, near the present metropolis of Albuquerque, New Mexico, a transfer of some magnitude was made. I suppose today it would be considered a big deal, if the amount of land involved were known.

Here is the consideration:

400 pesos in ewes at 2 pesos each
 10 pesos in sheep at 2 pesos each
 1 piece of linen at 12 reales per *vara*
 1 mule at 30 pesos
 1 fine scarlet skirt at 60 pesos
 6 buck sheep at 4 pesos each; 24 pesos
 60 fleece of wool for 15 pesos
 1 silk garment for 50 pesos
 4 cows with calves at 25 pesos each or 100 pesos

Some of the above items need elucidation. In the first place, there is the then value of sheep, cows, and the mule. The value of the fleece is fixed also. A comparison with the present would be of interest. The *vara* was used in the measurement of land as well as cloth. In Spanish days, it was about 34 inches. The Mexicans used it later but it was a small fraction less in length. Roughly, in both cases, the *vara* was about a yard in our measure. But the relatively high values of the linen, the skirt, and the silk garment are to be noted. They all were no doubt imported. To understand them the times must be considered and the perils of the sea given weight, but probably the largest item of expense was the cost of the overland trip from a seaport, via Mexico City and Chihuahua; through the then El Paso, now Juarez, and on northward. No doubt the journey as then taken was over 2,000 miles. The vicissitudes and the dangers of this trip were great. Conditions of haulage were exasperating and tedious. To visualize it all, if one can, is to consider things as of two centuries and more ago. Even at the present time, that journey could hardly be thought of without some misgivings. Then it was vastly worse. So it is more to be wondered that the goods had come through

at all, rather than the price which they had brought in the trade.

In the earlier sales, land alone was considered. Occasionally, however, a house would be mentioned. In 1747, a house of fourteen beams was included. The price paid was:

- A dress pattern
- A gentle horse
- A mule which had been broken
- A cow

The exact significance of the dress pattern is not clear. From its use elsewhere it would seem that the expression could hardly have the present-day meaning, but rather the finished product was in mind. One must know the adobe house to appreciate the meaning of fourteen beams. These are usually translated *vigas*, occasionally joists. The type of house in use then was, and largely now is, of adobe or sundried brick, one story high. This brick is much larger than that generally in use the country over. It is simply made and if kept in repair is very durable. The adobes are piled one on another to the desired height. They are set in more adobe. Across the top are laid large beams or *vigas*. Crossways of these are placed smaller sticks. Over all, is more adobe worked in loosely. The practice seems to have been from the earliest times to describe these houses by the number of beams or *vigas*, and rarely in any other way. Of necessity, these beams had to be placed rather closely together. That space was not, however, uniform as one cannot tell the exact size by the number of beams mentioned. Then, too, the house might be all in one room or partitioned off into several.

The consideration of that period, however, sometimes was quite different. In 1736, within twenty-five miles of the present capital of New Mexico, 1,200 varas along the Rio Grande were sold for four Indians, two bucks and two squaws, all of good age. The length was rather indefinite but the tract large. It was in the vicinity of Española, now a busy little town on the narrow gauge railroad. Its

exact location was not susceptible of accurate ascertainment. Rarely did this sort of consideration appear, but of course the traffic in captives of one tribe or another was then, and even later, quite general.

About this time there sprang up in several areas a rather universal description for length. It was from the river to the hills. The river, although the banks have shifted much in the last two centuries, could be fairly easily found but the hills were everywhere. Just which hill may have been meant was a conjecture. Perhaps the back land was of so little value then that it was given little thought as to whether the foothills or the high hills in the distance were really in mind. In this uncertainty there was left much room for argument. However, the values on the high lands then and even now had often almost reached the vanishing point. The all essential thing was water and how far it could be carried for irrigation purposes. However, the habit once established has gone on, whatever the exact meaning might be in a given case.

Often there were other deviations from the general rule. A sword described as costing twenty pesos might suffice. Again an *esteban*, a piece of steel used for striking fire, would answer all of the requirements, but generally the transaction would be sufficiently large to call for a greater outlay. This would usually mean a collection of articles, of varying length. Probably the cow and calf would be found the most often. The burro and the ox figured frequently. Whatever the article used, the sum total value would usually be computed in pesos or as we have come to use it, dollars.

In one case in 1753, the total so computed was 739 pesos. In this transaction were involved cows, bulls, sheep, horses, and 1 blanket. This illustrates the minuteness of the detail, down to a single blanket, in a transfer of this magnitude.

The next year, 1754, the pueblo of Isleta, one of the largest, and just below Albuquerque, figured in an interest-

ing purchase. These pueblos are commonly thought to have gotten their lands exclusively by Spanish grant in 1689. This is not so. Many bought much, some bought more than they were ever granted. Laguna, of which later, is a good example. This Isleta purchase was for 1,300 pesos in "goods of the Kingdom," a rather uncertain term. It was provided that 800 pesos should be paid down, the balance in October of the same year. Just what this comprised in detail is not made clear. The purchase was of a grant made to Diego Padilla in 1718. He subsequently died, and his heirs made this sale. Later by two deeds, the pueblo of Isleta sold part of it back in "Lo de Padilla" at Peralta. The expression "Lo" indicates place, so it was in the place of Padilla. A story is told of these transactions that the purchaser became peeved because the Indians would not consent to the changing of certain lines and threw the two deeds in the fire but that his wife rescued them badly burned. There has been a long-standing controversy between the descendants of the parties as to exactly what lands were covered by these deeds. It has led to much litigation. Only recently an agreement was arrived at that will end this long standing source of friction.

In 1804, there was a sale for 300 pesos in five dry cows, four milch cows, and fifty sheep.

The Indians seem to have sold by fields of rather uncertain area. Examples of this are:

In 1804, a corn field for a dry cow, a red bull, and six sheep.

Another, a field for a horse which the purchaser states cost him two dry cows of the value of forty pesos.

The larger deals, or those attended by the longer and more varied lists of articles given, are the most interesting.

Near the present town of Bernalillo in 1826, a strip about twenty yards by 260 yards in our measure was sold for:

6 sheep
5 serapes

1 hand-worked spread
1 calf, two to three years old
2½ fanegas of wheat
5 sacks of corn
1 pair fine stockings
1 pueblo belt

Into their transactions came several new elements. The land, a strip much longer than wide, is very common. Originally, the strips were more in proportion, but as estates were divided, having in mind the frontage on the river or the acequia, they grew more out of proportion until today one may find a piece claimed which is twenty feet in width by two or three miles in length. A serape is a shawl. It may be of elaborate design. It was thrown over the shoulders and was used in long horseback trips of that day as a protection in inclement weather. The wealthy men of that period would often wear a very beautifully colored or designed serape of expensive make.

The fanega is a measure about equal to two and one-half bushels of our grain measure. It had another use. One would petition for two and one-half fanegas of planting land. In other words, the amount of land that would naturally be required to plant two and one-half fanegas of grain. So general did this method become that a certain definite amount would be meant if the grain were wheat, another if corn.

The pueblo belt then and now is much used. It may be very elaborate both in design and texture.

The stockings were no doubt imported. They were without question of the fine handiwork of that period, and expensive.

In that same year, and in the same locality, a piece of land was sold which was described as barren. Nevertheless, it brought the price and quantity of:

A good horse
A bull, 3 years old
A sieve
8 sheep

The sieve appears quite often. No doubt it was used then, as now, in the final cleaning of grain preparatory to planting. This brings to mind the whole subject of threshing. Occasionally, today in the back country one will see the old method still in use. A piece of ground is cleaned and made very hard and smooth. The grain in the stalk is placed upon it. Then goats, mules or horses are driven over it again and again. In this way the grain is eventually separated from the straw. This grain, in the last process, is put in the sieve. The Indians, particularly, are very careful that the seed be very clean before planting. The threshing plot is called an *era*. Sometimes it is located on a knoll so the wind can circulate freely as the goats are driven about. In this way, much of the dirt and dust is blown away.

About this same period, the consideration seems often to have been in compensation for lost sheep, 100 or whatever the number may be. The shepherd then and now is held to pretty strict accountability. In those days, he seems frequently to have entered into a contract with the owner on shares. There may have been a Navajo raid on the flock, a sudden snow storm, or something due to his own neglect. He is paying the penalty by a transfer of lands that he owns to the owner of the sheep for the loss thus sustained.

Rarely did actual money become the sole consideration. However, in 1836 we find a sale for "13 reales in effective hard cash." In another, "in current money of the Kingdom." Usually, the actual money item was a small part of the total. In a transaction involving 1,200 pesos, only 100 was in actual money, 200 in merchandise, and the balance in two mules, two horses, and sheep at the prevailing rate of the time.

In some transactions involving houses, the number of doors and windows would be specifically set out. It is hard to estimate any value for either without the house but it is possible they might be detached and used elsewhere if not so minutely mentioned. In 1816, there was sold land, a house, two doors and three windows.

Of course, the times are reflected in the trades by the articles included. After the Santa Fe Trail became operative you find goods referred to that undoubtedly came that way. An American axe was the only consideration in one; an American saw was a part of the amount paid in another. In the days of the buffalo, the hides figured often. The Comanches would come among the pueblos with hides and barter them about, so they became very common. The Mexicans, or before them, the Spanish, would organize buffalo hunts on a large scale, largely for the meat, but later for the hides as well. Sometimes, traders from the pueblos would take along all the articles available for trade and sally forth. The queer thing was that they were not friends although they traded with one another. The next day they might be engaged in deadly combat.

Rarely green peas figured. We find a transfer for a horse, eleven goats, one-half *fanega* of corn, and two *almudes* of green peas. The *almud* was a much smaller measure than the *fanega*, the latter containing twelve *almudes*. The price would indicate that peas were rare and consequently costly.

Goats then as now were much raised. In consequence, they appear often in the sales.

A good example of the variety of serapes appears in the following list:

- 4 serapes in designs
- 1 serape in colors
- A cheap serape

The other items in this deal were:

- A team of oxen
- 2 cows, 1 with calf
- 1 donkey
- 1 pack saddle
- 1 axe
- 2 buffalo skins
- A fanega of wheat

The donkey and the pack saddle suggest early days and methods of transportation. Of course, the burro and a heavy load of wood are still common, but the pack animal, so universal a century ago, has practically gone.

Chili and beans are the diet of many. This has long been so. Here we find two strings of chili along with the following to make up the required amount due in a purchase of land:

1 hoe
 1 blanket
 2 goats
 1 hide
 2 fanegas of corn
 9 almudes of corn
 and a tract of land.

This was actually an exchange of lands. The value of the one more than overbalanced the other, so it was necessary to make up the discrepancy with the numerous other articles mentioned. Would it not have been interesting to sit on the side lines and hear these details worked out?

As to the chili, let us digress. Today it is grown commercially in large quantities; a string will bring from a dollar up. I know nothing prettier than the strings of it, red as fire, festooned to dry in the early fall. Sometimes the house is hardly discernible in the mass. No doubt, its value was no more in the old days. This illustrates well the closeness with which bargains might be figured when a string of chili became a factor in the consummation of the deal.

These unusual payments were not always for land alone. Two burros were paid for funeral expenses in one instance; a goat, two deer hides, and a fanega of wheat in another.

Most of the land of this period came by grant so we find 1,000 sheep the price paid in 1792 for one of uncertain amount.

In one case the land was the price of the marriage fee; in another a threat of exposure to the authorities for unlawful participation in the Taos uprising of 1847 was sufficient to cause an Indian with the full concurrence and approval of his pueblo council to give up a rather inconsequential piece of land in a mountain area.

A typical case of pueblo purchase is Laguna. This pueblo at some time or another has made five purchases. The largest in area is Paguete, negotiated for at least 150 years ago. The last purchase made by this active and growing pueblo was in 1843. The El Rito tract has had a career. It seems to have once been in the possession of a Spaniard. He was driven out by the Navajos. Later, Laguna pueblo occupied it. Then they were ousted by the former Spanish owners. Eventually, the pueblo bought them out and they have the land today. The price which was finally paid by them was:

75 sheep
 100 skins of standard quality of all classes
 6 horned cattle—2 oxen, 1 cow, 2 bulls, 1 heifer

It will be noted that the skins played a large part, yet there is nothing to indicate the kind. Apparently, there was an option which could be exercised if the skins were of standard quality, but whether that option was with the buyer or the seller does not appear. There would be a wide discrepancy if either were freely to exercise such an option. However, the parties seem to have agreed, for there is no notice of subsequent litigation over the matter.

At the beginning, I mentioned a dress of 12 to 13 yards. It figured in this group of articles given. The others were:

4 pesos in cash
 1 burro
 1 serape in design
 An American saw
 14 goats with kids
 2 teams of oxen

Some pueblos occasionally sold, although this was rare. One, San Ildefonso, finds itself today in bad shape. Much of their better land has gone, and the water supply is a problem. Just how their two sales of over a century ago affect the present situation, it would be hard to ascertain. In 1820, they sold 1,416 varas, a large piece, for 428 pesos in milch cows, oxen, burros, hoes, deer skin, and a bull. Seven years later, they sold 230 varas more for an amount stated only in oxen, cows, hoes, ready money, and coined silver. All told, they sold 1,646 varas, a considerable part of their original holding. Whether this was prompted by necessity or poor management one cannot tell today. It is, however, the largest disposal by any pueblo with possibly one or two exceptions.

The Nambé pueblo, however, made a considerably larger sale after the United States came into control of this area, as a result of the Mexican War. The land has now largely gone back to the pueblo and it is outside of the period to which we are confining ourselves, and, therefore, it is only to be considered here for its uniqueness. Always witchcraft had played a large part in the daily life of the pueblos. The Spaniards found it and tried to suppress it, with rather dubious success. Many pueblos have suffered severely in consequence of its prevalence in the past. The Nambé case was the last to come conspicuously into the open. In 1854, this pueblo conveyed a large area to two men for \$200.00 which they needed to employ attorneys to defend certain officials of the pueblo who had been indicted for murder because of the killing of a member of the pueblo who was alleged to be a witch. We have the story of the then federal district attorney, W. W. H. Davis, who wrote much of this section. He caused the indictment to be found and he conducted the prosecution. Eventually, all were acquitted.

Certain localities reflected their local activities by the goods they had to offer in the trade. Pelts began to figure early. An example is:

3 pelts, value 6 pesos
 4 yards of cloth
 cuartilla of wheat (a fourth of an *arroba*; about 6 lbs)

another:

2 chamois skins
 1 burro
 1 goat
 2 fanegas of wheat

another in 1828:

2 chamois skins, 1 of 1 *marca*, 1 of 4½ *marca*
 1 buffalo hide
 1 white elk
 1 fat elk

All of these were of the chase and undoubtedly were Indian transactions. Where the individual Indian alone figured is hard to determine, for with the coming of the Spanish and the general acceptance of their religion, the Indian had a Spanish name by which he was christened. Afterward he would be known by that name although he had an Indian name as well. I have known of pueblo areas where two of the same name will be found dwelling, one an Indian, another a Spanish-American, who was a claimant to land within the grant. The name would not be significant, therefore, of the race.

Rarely did the onion rise to the dignity of consideration. Here is an instance where it played its part, however: the following items,

a team of oxen
 1 burro
 40 onions, and
 a string of chili

bought land 50 by 160 varas.

The burro family often figured in payments for land. A couple of burros bought a five-room adobe house. A burro, five goats, one woolen spread, and four reales were sufficient in one case; a burro, a cow, twelve pesos, a team

of oxen, and three peses in silver coin, in another; a burro, a burrito, twenty goats, and $29\frac{1}{2}$ pesos in still another. (the burrito is just the usual diminutive.) A couple, burro and burra, paid in another; two burros, one burrito three years old, one burro seven years old, twenty-six goats, a serape, four rolls of punche, make up another list. (The punche was the native tobacco.) A burro, a serape, a team, eight oxen, and a blanket constitute still another consideration.

Again a burro brings a piece of land thirty varas in width. The length is not given. This indicates the change from the present, when a burro may be found in the pound and way be disposed of for little or nothing.

At times buckskin figures as consideration. It had substantial value, and we find various examples of such use:

An Indian field was exchanged for a buckskin, a Navajo blanket, and a saddle blanket.

Another, for a pelt and a white buckskin.

Another deal called for two white buckskins, two sheep, and a buffalo hide.

One of the first things done by General Kearny when he took possession in August, 1846, was to abolish the legal paper which was required for deeds and documents. It cost them \$8.00 per sheet. Naturally enough, in the smaller transactions all sorts of informalities were indulged in to avoid this expense. Rarely, therefore, were these transfers recorded. In fact, there was no universal recording system in vogue until our day. But, of course, this formality was sometimes insisted upon by the purchaser. Then the cost of the deed itself became a part of the payment.

An early transfer in which this figured set forth as the consideration:

a mare
 a horse
 a cow and calf
 another cow
 a tilmada

a buffalo hide
cost of deed

(A tilmada was a blanket, which was used as a cloak.)

In another case, thirty-three pesos, a two-year bull, and the cost of the deed were sufficient.

Sometimes the expression "rights of justice" was used with apparently the same object sought as above.

In many instances something very out of the ordinary would appear as the price paid. In 1834, a grantor must have had a ravenous appetite or had conducted a general barbecue, for he relates with all solemnity that he was conveying a piece of land 200 varas, and one-half of a house for the yoke of oxen he had eaten.

Once an ear of corn sufficed in an agreement for the occupancy of a piece of land. It was so recorded.

A cheese, a chamois skin, and 2 almudes of wheat were once mentioned. This section was never what we now would call a dairy region, so the wonder is where and how the cheese was obtained.

Clothing at some stages would figure prominently in part payment.

In one:

a cotton shawl
1 silk handkerchief
1 pocket handkerchief
12 pesos in reales

In another:

a silk rebosa or shawl
an ox
4 goats
a serape
1 burro

In another:

a child's muslin shirt
a gun
a fat cow
a 1-year old calf

In another :

a cape
 a coat
 a vest
 8 pillows
 an American blanket
 1 fat ox
 1 horse with saddle and bridle

In other sales bedding was not alone available but acceptable in part payment. One instance :

a mattress
 a mule
 a carbine
 5 reales
 71 pesos

Another :

a mattress
 1 fat goat
 1 cow
 1 team of oxen
 9 almudes of corn
 10 fanegas of wheat
 9 reales

Another :

2 varas of bedcloth
 a bull

Because of the expense to be incurred in the use of legal paper and the necessary going before some official who would execute the deed of conveyance, an inexpensive short-cut was early devised, and it came into very general use. This was the endorsement over of the deed much as one endorses over a note today. Sometimes this endorsement would be rather elaborate and state the terms; at others this would be simplified; while in still others, particularly transfers within a family, the papers would merely be turned over without any endorsement whatever.

In 1824, a four-room adobe house was sold for 68 pesos in products of the soil. Many years later, it was endorsed over for:

a cow
a sieve
2 serapes
1 peso

An Indian conveyed land for an ox he had killed or a horse he had drown; a mother conveys for love and affection; old people made conditional sales upon the promise of care and assistance to the end of their days; and often they made conveyance in lieu of a promise of the payment of the funeral expenses after their demise.

Sometimes the thought of the seller was sportive, as when a piece of land was sold for a racing horse. This was an Indian transaction.

It is but natural that the selling price would sometimes fluctuate violently according to the value the parties would place upon some of the personal articles available for use in the trade:

a mule
a fat cow
3 sheep
a team of oxen
2 hoes
1 fanega of wheat
12 pesos
2 pesos in products of the soil

is just what the buyer had; it was what the seller needed more than the land in question, or at least he then thought so and the exchange was made.

To another:

an ox
a hoe
7½ fanegas of wheat
12 pesos

was what the top of the market looks like to many now. Necessity knows few laws today; it probably knew fewer then. Four wagonloads of wood for four pesos was more appealing than a piece of land 21 by $21\frac{3}{4}$ varas, near to the Rio del Norte. What the circumstances were that made this consideration appealing one does not know. Perhaps the seller was an old man alone, or an aged couple. The land was not over-productive, the wood a dire necessity in their everyday lives. Maybe they were crippled, inactive, and needed the warmth of the fire most of all. There is many a pathetic scene today; imagination of what might have been under the conditions then prevailing is easily aroused.

On the other hand, some were improvident, others lazy, and so the yearning for other things and perhaps other scenes may have prompted these sales:

Land for a wagon and four yards of cloth
 Land for a wagon and a mare and harness
 Land for a horse, a saddle and bridle, and 25 pesos

A man may have been a peon. He may have been fortunate enough to have gotten out of the clutches of the system. He may even have been given his freedom by his deceased master's will, or fortunate enough to have accumulated a few articles, and he wanted to settle down to be his own boss and perhaps to sometime become a master of others.

So he buys in *los temporales*, a piece of land 64 by 110 varas. The name would indicate that it was in a dry farming area. He might later have tired of all this, and he endorsed over his deed for ten goats. With these ten goats plus two in perfect condition he buys a larger trace and settles down permanently.

Out a few miles to the north of Santa Fé a few sales will tell the method of purchase.

In 1789, 180 pesos in products of the soil paid for 527 varas of land.

In 1818,

a mule value 100 pesos
 2 serapes, 1 heavy, 1 black, value \$16
 8 varas land
 a three-room house

bought land 28 by 450 varas at Jacona. This was once a Tewa Indian pueblo. During the reconquest of 1693-4, it was badly worn down. By the uprising of June 4, 1696, it passed out. Eventually, the land became a Spanish possession and was such when the transaction was put through.

In 1824, a blanket in colors and a serape brought 12 varas.

In 1827, 1 hide, 1 bull, 2 almudes of corn were sufficient to pay for 40 by 76 varas.

In 1831, 262 pesos in products of the soil and 2 mules were paid for 145 varas in Pojoaque.

In 1841,

2 mules
 1 burro
 10 goats
 17 pesos in cash
 6 varas of print cloth
 3 varas of muslin
 10 fanegas of wheat

captivated the land owner.

In 1843,

1 mule
 1 ox
 10 hides

were all that were required for 400 varas.

In 1846, a peso per vara was paid for farming land. This price is seen in many sales.

In 1846, however, 37 varas of land and 7 vigas of a house were gotten for 28 pesos in products of the earth.

Algodones is an old settlement. One of the earlier military writers speaks of it in 1846 as large in comparison

with the usual towns and villages seen; still in 1824, there were sold there 178 by 42 varas for a cow and calf and a fat steer, while that same year in another sale, another cow and calf alone brought over 10 times as much. However, location and proximity to water was everything then.

Over the entire area property moved in spite of the scarcity of coin. The only effect was to make stabilization somewhat difficult and even that was largely overcome.

In 1772, sheep and coin of the usual price of the Kingdom were mentioned, while 30 years later in using these two no reference to their value seemed necessary.

Some general samples of consideration show the great variety of articles used.

1. 3 year old steer
2 year old calf
2 fanegas of beans
1 goat with kid
2 serapes
50 varas of clothing
2. a saddle horse, spurs, bridle, all valued at 100 pesos
2 cows
2 ewes and lambs
1 axe
1 fanega wheat
and other minor considerations

If the above were not minor considerations, one is led to wonder what a minor consideration really was in those days.

3. 3 cows, 1 with calf
1 ox
1 bull
1 blanket
 $\frac{1}{2}$ fanega of wheat
some green peas
4. a blanket, a dress, 3 pesos
5. a mule
2 burros

- 1 rifle
- a locket in silver and crystal
- 6. a pair of oxen
- a ewe
- 12 varas of *savinilla*

Savinilla was a cotton cloth woven in ancient times.

- 7. a team of oxen
- 2 goats
- 1 sheep
- 1 fanega of wheat
- 3 pesos in reales
- 8. 2 goats
- 10 varas of cloth
- rights of the deed
- 1 almud of beans
- 1 almud of corn
- 9. 4 buffalo hides
- 6 pesos
- 10. 600 pesos in products of the soil
- 2 teams of oxen
- 4 mules
- 6 cows and calves
- 11. 1 ox
- a blanket in colored design
- 1 serape in colors
- 3 pelts
- rights of the deed
- 12. 5 good serapes
- rights of the deed
- 13. a gun
- an axe
- a serape
- an almud of peas
- 14. 6 pesos in cash
- 6 picked ewes
- 15. 100 pesos de la tierra
- 16. 126 pesos current in land products
- 17. 1 vara per ewe for 276 ewes

In 1831, a plow and two oxen figured with other articles in the purchase of 580 varas of land. As late as 1928, I

saw a wooden plow in use. It is doubtful if this plow could have been more modern.

In 1839, six cows were given for a house, a lot, and 35 varas of other land, from north to south.

In 1840, 67 pesos were paid for a four-room house. That same year but 41 pesos were given for 560 varas running in a straight line from the river to the hills.

In 1841, 11½ pesos bought 45 varas of planting land.

In 1846, 350 pesos in good coin were needed to buy a five-room house and 52½ varas of land.

Two years later, a deed for a four-room house with two doors and one window was endorsed over for 30 pesos.

These strange considerations had all been paid for property of various sorts, usually real estate.

There was another sort of trade of which I have made but a suggestion: that of captives in the raids and counter-raids that were taking place more or less constantly. Usually the children or the women were the victims of this.

A Mexican boy was captured by the Comanches within the limits of Old Mexico as we now know it. He was ten years old. His captors sold him to the Apaches, and a Mexican bought him for:

- 4 knives
- 1 plug of tobacco
- 2 fanegas of corn
- 4 blankets
- 6 yards of red Indian cloth

Another boy of the same age, captured by the Apaches, was sold for:

- 1 mare
- 1 rifle
- 1 shirt
- 1 pair drawers
- 30 small packages of powder
- some bullets
- 1 buffalo

A young woman, whose husband and daughter of four years had been killed by bands of Comanches and Apaches apparently working together, was sold by the Apaches for:

- 2 striped blankets
- 10 yards blue cotton drilling
- 10 yards of calico
- 10 yards cotton shirting
- 2 handkerchiefs
- 4 plugs of tobacco
- 1 bag of corn
- 1 knife

One of the strangest of them all was a penalty inflicted because of a marriage contract with a distant relative. The contractor was ordered to pay 24 pesos de plata, but as he declared there was no money in the country, he tendered goods and livestock instead. He was ordered to pay 100 pesos, the value of three cows, and one steer, each valued at 25 pesos de tierra. The governor ordered the return of 42 pesos de tierra.

This last transaction is difficult to figure out on any basis but it illustrates well the difficulties attendant upon a currency arrangement based upon four standards of value. It shows at the time the discrepancy between the peso de plata and the peso de tierra.

I am sure you will agree that affairs along the Rio Grande were very different then from what they are today.