

4-1-1966

Taos Pueblo and Its Neighbors, 1540-1847

Myra Ellen Jenkins

Follow this and additional works at: <https://digitalrepository.unm.edu/nmhr>

Recommended Citation

Jenkins, Myra Ellen. "Taos Pueblo and Its Neighbors, 1540-1847." *New Mexico Historical Review* 41, 2 (1966). <https://digitalrepository.unm.edu/nmhr/vol41/iss2/2>

This Article is brought to you for free and open access by UNM Digital Repository. It has been accepted for inclusion in *New Mexico Historical Review* by an authorized editor of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

TAOS PUEBLO AND ITS NEIGHBORS

1540-1847

MYRA ELLEN JENKINS

SINCE 1540, when Europeans under the command of Coronado's lieutenant, Hernando de Alvarado, first visited the Indian village at the foot of the brooding Sangre de Cristo Mountains, the multi-storied Pueblo of Taos, with its two large apartment buildings separated by the Taos River, has impressed all who see it for the first time. The Indians of this northern pueblo have on several occasions impressed the white man's government in Mexico City or Washington, as well as in Santa Fe, for reasons other than the picturesque setting of their abode. Perhaps no tribe has more tenaciously resisted absorption by its non-Indian neighbors than has this proud and hardy community, determined to preserve its tribal identity and its lands, whatever the cost. The great Pueblo Revolt of 1680, which drove the Spaniards from New Mexico for twelve years, began at Taos. The revolution of 1837, which resulted in the death of Governor Albino Pérez and other officials of the Mexican Republic, saw the installation of José González, son of a Taos Indian woman, as governor of New Mexico for a brief time. Open rebellion against U.S. occupation of New Mexico flared in Taos on January 19, 1847, when enraged Indians and Mexican nationalists killed Governor Charles Bent.

Much less spectacular, but no less significant, has been the consistent, centuries-old opposition, by petition and lawsuit, to stop encroachment on lands the Taos Indians consider their ancestral heritage for farming, grazing, hunting, or religious purposes.

IN THE FALL of 1540 Hernando de Alvarado paid a visit to the Taos area on his trip to Pecos. The brief account in the *Relación del Suceso*, perhaps written by Alvarado himself, is the earliest of many descriptions of the famous Indian settlement, which the Spaniards then called *Yuraba*:

This river¹ originates at the limits of the settlement north of the slopes of the sierras, where there is a large pueblo, different from the others. It is called Yuraba. It is established as follows: It contains eighteen sections, each occupying as much ground as two lots. The houses are built very close together. They are five or six stories high, three built of mud walls and two or three of wood frame. They become narrower as they rise. On the outside of the top of the mud walls each house has its small wooden corridor, one above the other, extending all around. The natives of this pueblo, being in the sierras, do not grow cotton or raise chickens. They wear only cattle- and deerskins. This pueblo has more people than any other in all that land. We reckoned that it must have numbered fifteen thousand souls.²

Melchior Pérez, another soldier of this group, doubled the figure and reported that Taos had thirty thousand inhabitants.³ Although the conquistadores exaggerated the population, the furthest northern pueblo was in any case the largest settlement they visited.

In the summer of 1541, Lieutenant Tristán de Arellano sent a party under Velasco de Barrionuevo from headquarters at Tiguex, near Bernalillo, to Taos to gather supplies. Some years later Pedro de Castañeda, the chronicler of the Coronado expedition, who was with this group, wrote:

Twenty leagues farther up the river there was a large and powerful river—I mean pueblo—called Braba, and which our men named Valladolid. The river flowed through the center of it, and the river was spanned by wooden bridges built with very large and heavy spare pine timbers. At this pueblo there were seen the largest and finest estufas that had been found in all that land.⁴

The next expedition to visit Taos was that led by Fray Agustín Rodríguez and Captain Francisco Sánchez Chamuscado in 1581. The account of Hernando Gallegos, the chronicler, was meager in the extreme, for he noted only that the pueblo was called Nueva Tlascala and that it had 500 houses.⁵ The Gaspar Castaño de Sosa expedition of 1590-1591 did not penetrate the area north of Picurís, and hence made no mention of Taos.⁶



WHEN JUAN DE OÑATE established the first permanent Spanish settlement in New Mexico near present San Juan Pueblo, in 1598, he assigned Fray Francisco de Zamora as missionary to the Taos area, and the formidable pueblo submitted to the governor on September 9, 1598.⁷

Hostility of the Taos Indians to white domination, a situation which was to continue into modern times, soon arose. One charge made against Oñate in 1609 was that he had killed a young Taos

leader by hurling him from a roof.⁸ In the same year, Fray Francisco de Velasco reported an alliance of Taos and Picurís with the Apache and Vaquero against the Spanish.⁹ Resistance continued throughout the seventeenth century until it came to a climax in the Pueblo Revolt of 1680. Part of the difficulty arose from the bickering between civil and religious authorities, especially from the attempts of the religious to crush native rites and from the demands for tribute to encomenderos. In 1613 the open revolt against tribute payment forced Governor Pedro de Peralta to send soldiers to the pueblo.¹⁰ Fray Alonso de Benavides, in his visitation of 1627, noted that the resident priest, Tomás Carrasco, was building a church in spite of great difficulties. Although there were 2,500 baptized Indians at Taos (an obviously exaggerated number), they were very rebellious. He described several instances of the alleged mistreatment of a previous priest who had been saved from death at the hands of the Indians only by miraculous intervention.¹¹

In 1637 Governor Luis de Rosas forwarded a complaint by Taos of the immorality of Fray Nicolás Hidalgo to the Inquisition in Mexico.¹² In January 1640, the Indians killed their priest, Fray Pedro de Miranda, and other Spaniards in the vicinity, destroyed the church and fled northward to the Cuartelejo Apache.¹³ No further records are available until the governorship of Bernardo López de Mendizábal (1659-1661), when the Indians returned to their pueblo and reluctantly accepted Fray Felipe Rodríguez as priest. Trouble soon began again. At the trial of López de Mendizábal in 1663, the religious charged before the Holy Office that the governor had installed Fray Pedro de Miranda's murderer as governor of the pueblo while the church was being rebuilt, and had commanded the Indians to stop work on the church, thus forcing the resignation of the priest.¹⁴ The governor replied that he had been obliged to send an escort to Taos because Fray Felipe Rodríguez had provoked the Indians who "were of a very warlike disposition;" when he arrived at the pueblo to investigate the situation, the Indians told him that the trouble had been started by the priest.¹⁵ López de Mendizábal also charged that a

previous priest had killed a Taos woman, for which he had been removed.¹⁶ The governor insisted that he had hanged the Indian who had killed Fray Pedro de Miranda, and had brought the Taos Indians back from El Cuartelejo.¹⁷

Other developments after 1660 added to the resentment of the Taos Indians. The collection of tribute continued,¹⁸ but a much more serious problem was the beginning of Spanish settlement on lands the Indians considered tribal possessions. If there were genuine grants to these Spaniards, the papers may have been destroyed in the Revolt which broke out at Taos and Picurís on August 10, 1680. Some seventy settlers, as well as the priests Antonio de Mora and Juan de la Pedrosa, were killed near Taos. Don Fernando Durán y Chávez and his son, Cristóbal, who had an hacienda near present Ranchos de Taos, escaped to Santa Fe.¹⁹ Two other landowners, Domingo de Herrera and Diego Lucero de Godoy, were then in El Paso and escaped the massacre.²⁰

On December 19, 1681, Pedro Naranjo, a captive rebel from the pueblo of San Felipe, made a lengthy statement before the authorities in El Paso detailing the skillful manner in which Popé, the leader of the revolt, had used native religious rites to inflame the pueblos against their masters. Popé's most telling argument was that thus would the Indians regain their old lands and freedom:

. . . as soon as the Spaniards had left the kingdom an order came from the said Indian, Popé, in which he commanded all the Indians to break the lands and enlarge their cultivated fields, saying that now they were as they had been in ancient times, free from the labor they had performed for the religious and the Spaniards who could not now be alive. He said that this is the legitimate cause and the reason they had for rebelling, because they had always desired to live as they had when they came out of the lake of Copala.²¹

Led by Taos, the combined pueblo Indian forces drove the Spaniards out of New Mexico and prevented any reconquest until 1692, when General Don Diego de Vargas brought the rebellious Indians again under Spanish domination. On September 29, de

Vargas began the campaign to repossess the northern pueblos. On October 6 he left Picurís for Taos, and camped at the "site of Miranda," apparently at the lower portion of Miranda Canyon, and at four in the morning of the seventh began the four-league march across the plain toward the pueblo. He found the village deserted; the Indians had fled northeastward into the mountains, where the Spaniards could see smoke arising. The advance guard found some of them in an embudo, a funnel-shaped canyon at the foot of the mountain, apparently Gato Canyon. They were persuaded to return to the pueblo and again to accept Spanish sovereignty. The troops did not attempt to penetrate their mountain fastness.²²

But submission was only temporary. Reports continued throughout 1693 and 1694 that Taos, along with many of the other pueblos, was still rebellious. In June 1694 de Vargas again found Taos abandoned. The general sacked the pueblo, loaded his pack animals with provisions, and, fearing ambush if he returned to Santa Fe by the usual route, marched northwest along the foot of the mountain range. On July 7, about twelve miles north of present Arroyo Hondo, he was attacked from the east by a group of eighty Taos Indians. After marching north to Culebra Creek, he turned west and returned to the Rio Grande by way of the Chama River.²³

Taos submitted by the end of May 1695, but revolted again a year later, and in September 1696 de Vargas led still another expedition via Picurís and the "site of Miranda." Again, the pueblo was abandoned, except for a few Indians cultivating their fields who fled into the mountains. De Vargas followed them as far as the familiar embudo where he found an outpost entrenched on the overlooking ridges and a short engagement ensued. Then he made a sortie into the canyon, sacking the huts and removing the supplies, after which the cacique came in to talk peace. Small groups of the Indians came down from the mountains, including the pueblo governor, who was persuaded to bring in the rest of his people. By October 9, the Indians had submitted, and the Spanish forces returned to Santa Fe.²⁴

Spanish settlers did not return immediately to the region. On January 12, 1706, Fray Juan Álvarez, Franciscan custodian, re-

ported that the building of the church had begun and that there were about seven hundred Christian Indians in the pueblo, but made no mention of Spanish residents.²⁵ By 1750 the census listed 125 non-Indians in the Taos jurisdiction.²⁶ Some must have been squatters, for only three, or possibly four, land grants were made during that period, and only two of these, the Cristóbal de la Serna and the Gijosa, were continuously occupied. The documents indicate that the Indians did not officially object when the grants were made, since they did not consider that their rights were jeopardized; they continued to plant their fields and herd their stock in the accustomed places. With the coming of non-Indians into the valley, however, conflicts soon arose. When the Indians took their complaints of encroachment and damage to Santa Fe, the governors usually decided in their favor.

On April 8, 1710, Governor José Chacón Villaseñor granted the petition of the soldier, Cristóbal de la Serna, to lands south of the pueblo formerly held by Fernando Durán y Chávez, bounded by: the middle road to Picurís on the west; the ojo caliente on the east; the old monument on the north; and the mountain on the south. Governor Juan Ignacio Flores Mogollón revalidated the grant to de la Serna on June 15, 1715, for the soldier had been unable to take possession because of military service. The cacique, governor and lieutenant governor of the pueblo of Taos were summoned by Alcalde Juan de la Mora Piñeda and made no objection. The Indians agreed not to plant crops on the tract, but no stipulation was made that they could not continue to graze their stock there.

On August 5, 1724, Juan and Sebastián de la Serna, sons of Cristóbal, sold the lands to Diego Romero, and Acting Governor Juan Páez Hurtado revalidated the grant to Romero, November 24, 1724.²⁷ Diego Romero was the son of Alonso Cadimo and María de Tapia, servants on the hacienda of Felipe Romero at Sevilleta, south of Albuquerque. Alonso, who took the name of his *patrón*, had died before the Revolt, and María de la Tapia and their two children, Diego and Ana María, fled to El Paso with the rest of the settlers in 1680, returning to New Mexico in 1693.²⁸

Diego Romero, his wife, María de San José, and three children were in the Taos area by August 20, 1714, when, as a resident of San Gerónimo de Taos, he registered a livestock brand.²⁹ His sister had married the soldier Juan de Villalpando in 1684,³⁰ and her family also moved into the Taos region. Apparently the mother was part Indian, since Diego described himself as "a coyote, the son of a Spaniard and a coyota" in the brand registration. Within a few years the Indians were at odds with Diego Romero, whom they usually referred to as "El Coyote," and his large family.

In 1715 Francisca Antonia de Gijosa petitioned for a tract formerly occupied by a Bartolomé Romero, southwest of Taos and adjoining the Cristóbal de la Serna grant. The donation was allowed by Flores Mogollón on June 16, and possession given at San Gerónimo de Taos, October 20, in the presence of the pueblo principales, who apparently did not object. The boundaries were: the head of the acequia belonging to the Taos Indians on the east; the black rocks on the west; the middle road to Picurís on the south; the arroyo hondo on the north.³¹ Francisca de Gijosa conveyed the tract to a Baltasar Trujillo in 1725. Trujillo conveyed to Baltasar Romero, July 12, 1732,³² and the grant remained in the hands of this Romero family, who also had troubles with the Indians.

Still another grant to lands north and west of the pueblo of San Gerónimo was made October 26, 1716, to Antonio Martínez of Sonora. This donation had originally been given to Lucero de Godoy, who did not return to New Mexico after the 1680 Revolt. In the act of possession, October 29, 1716, the boundaries were given as: the arroyo nearest the pueblo on the east; the Rio Grande on the west; the mountains which are the source of the Rio Lucero on the north; and the junction of the Taos River with the Rio del Norte on the south. Secretary of State and War Miguel Tenorio stated that he had summoned the Taos Indians to the royal houses, because the Spaniards were then living in the pueblo, and that although the Indians made no objection to the grant, they expected to be able to continue their use of some of the land.

And on the inside of the Rio Lucero aforesaid, toward the mouth where it desembogues toward the right, there is a valley where the natives say they cultivate, in which they were never disturbed by the said Sergeant Major [Lucero de Godoy], and that they will abide by whatever may be given them by the said Antonio.³³

When alleged descendants of Martínez petitioned the Surveyor-General in 1877 for title to the land, and later filed suit before the Court of Private Land Claims, they could produce no evidence of continuous use and ownership by this Martínez family, although the Court of Private Land Claims approved the grant in 1892.

One of the most persistent encroachers on the pueblo of Taos in the mid-1700's was Sebastián Martín, the well-known Indian campaigner and alcalde mayor of Santa Cruz de la Cañada. In 1712, Martín secured a large grant north of San Juan Pueblo³⁴ and built a pretentious hacienda at the site of "Nuestra Señora de la Soledad del Rio Arriba" near present Alcalde. On October 25, 1723, a Dimas Jirón and his wife, María Domínguez, conveyed a tract of land, which María claimed to have inherited from her father, in the Taos valley to Martín.³⁵ No boundaries were stated. The father's name does not appear in the document, but he was apparently Captain José Domínguez who lived in the Santa Cruz de la Cañada area.³⁶ There is no evidence that Domínguez had any legal right to any land, or that he had ever lived in the Taos region.³⁷

In 1730 the pueblo of Taos filed the first of many complaints against the settlers, objecting to encroachments by Sebastián Martín, Diego Romero and Baltasar Romero. Governor Juan Domingo de Bustamante set the precedent for future action by ordering the settlers to vacate the land and move their stock three leagues from the pueblo. Sebastián Martín brought suit against the governor for losses to his fields and livestock, before Francisco de la Sierra y Castillo, the judge of Bustamante's residencia in the late summer of 1731, alleging that he had a royal grant. The decision was in the governor's favor, Martín was fined 105 pesos for perjury and misrepresentation. All the settlers agreed to obey the decree.³⁸

Meanwhile, on August 13, 1731, the Taos Indians again laid charges of trespass, theft of stock, and damage against Sebastián Martín, Baltasar Romero and Diego, El Coyote, before the new governor Gervasio Cruzat y Góngora:

. . . We say that inasmuch as Sebastián Martín, Baltasar Romero and other residents are damaging our plantings with their herds and flocks of stock, both large and small, so much so that they oblige us to keep driving away the said herds personally, day and night, so that we can benefit from the hard work which we have done in the cultivation of our fields; and they are also branding our calves with their brands, as well as inflicting many other damages upon us. . . . Moreover, when the said Sebastián Martín finds his fields harmed by his own stock, he takes the opportunity to pen up the stock of the pueblo so that the owners of the said stock must pay him; and this can be proved. And also, it is usual, whenever anyone kills an animal, for the said settlers to say that we have killed it. And in view of all the damages and injuries which are being committed against us, we beg and petition, in all submission, that it may please Your Excellency that the aforesaid leave there so that we may enjoy the benefits of our own labor and live happily and in peace, for it is justice which we hope to obtain. And we swear to God by the Holy Cross that this our writing is not inspired by malice.

Governor Cruzat y Góngora demanded an investigation of the charges; then, following the precedent set by Governor Bustamante, ordered that such trespass and injury cease:

. . . I order and command the alcalde mayor of the jurisdiction of the said pueblo to order the said Sebastián Martín, Baltasar Romero and the other residents, immediately upon notification of this decree, to withdraw all their herds to a league around from where the Indians of the said pueblo have their cultivated fields, under penalty of one hundred pesos to be applied for military pasturage. They are to employ the herders who may be necessary to guard their herds so that they do no damage. And with regard to their branding the calves with their own brand, and other damages that [the Indians] say they have received [from them], the said alcalde mayor shall find out what herds may have been so branded and by whom, as well as

the other damages the [settlers] may have caused. And if the allegation prove true, the amount of the damage is to be restored to the interested parties. In regard to Sebastián Martín's taking the opportunity to pen up the stock of the said pueblo so that the owners may pay him for the damage which his own stock has caused, and the charge that when any large animal is accidentally killed, he accuses the Indians of having killed it; in regard to all this he will also make the necessary investigation for its verification, recording his action at the foot of this decree, on the basis of which I will take action. . . .³⁹

Both decisions were in strict conformity with the great 1680 legal code, the *Recopilación de Leyes de los Reynos de las Indias*, that no Spanish grazing grants or permits would be allowed close enough to Indian lands so that the livestock of the Spaniards could damage Indian crops.⁴⁰

A petition of mountain man and trader, Antoine Leroux, presented to the Surveyor-General in 1860, alleged that a grant in the Taos valley had been made on August 9, 1742, to Pedro Vigil de Santillanes, Francisco Bautista Vigil and Cristóbal Vigil. The boundaries in the act of possession were: on the north, the arroyo hondo; on the west, a line running from north to south two leagues west of an old house, or four leagues west of a line one hundred varas west of the cemetery of the church of San Gerónimo de Taos; on the east, by the west line of the pueblo; and on the south by lands of Sebastián Martín. Leroux, who was married to a Juana Catalina Vigil,⁴¹ filed on behalf of the unnamed heirs of the grantees. The grant may have been genuine in part, but the act of possession submitted by Leroux showed alteration of the original wording. As in the case of the Antonio Martínez grant, there is no evidence of occupation by the grantees in 1742, or of use by any descendant. If the petition for the grant was valid, Sebastián Martín was still using the lands west of the pueblo.⁴²

In his will of 1763, Sebastián Martín made only one brief mention of the land: "I declare another site in the valley of Taos which I have by purchase which I made, which I have always assigned and now assign and leave to my wife."⁴³ Whether or not the family continued to use the land in the late eighteenth century cannot

be determined, but the Taos Indians did continue to use it. In 1795 and 1800 they bought out some of the claims of members of the Martín family to avoid harassment:

The fact that Spanish authorities did not construe that any grant or occupation in the area interfered with Indian use of the land for grazing was again bluntly recognized by Governor Tomás Vélez Cachupín on March 29, 1753, when as the result of another formal complaint on the part of the pueblo, he commanded the settlers to fence their crops and to stop interfering with Indian herds using their traditional pastures:

Whereas, the Indian natives of the Pueblo of San Gerónimo de Taos of this government have represented to me the damages resulting to their community because some Spanish residents are settled on the boundaries of the said pueblo, with sowings and farms and fields which render impassable and obstruct the roads and passage of their cattle and livestock and horseherds to pasture. As a result, the said residents prevent this and keep them at a distance to their grave prejudice. And they also use abusive language to the Indian herders who are legitimately pasturing their livestock on their own lands. In order to stop such illegal damages and vexation to the natives, I order and command all the residents of the valley of Taos, near and far from the pueblo, that, in order that the Indians may freely take their stock out to pasture, and lest damage may be caused to their own crops, that they fence their farms and kitchen gardens with adequate fences so that the livestock cannot penetrate them, and that they leave the roads open for the livestock of the Indians. The penalty for the resident who does not do so will be a fifty peso fine and three months in jail, and that his planted land be laid waste by the livestock of the Indians; with the warning that the fencing is to be done before the first weeding of the cornfields. And in the meantime, the stock of the Indians is to pass equally freely without any residents daring to make difficulties or to use abusive language to any Indian herder, under the existing penalties. The lieutenant alcalde mayor of the said pueblo of Taos, in the presence of the residents of the said valley, shall publish this mandate, so that they may not allege ignorance, and he shall record the proclamation and publication, and the fact that they were present. And when this has been done, he shall personally bring these proceedings and the published decree to this capital villa within ten days. The alcalde

mayor and the lieutenant will enforce the most prompt and due fulfillment of this order under penalty of one hundred pesos fine and removal from office.

Jacinto Martín, lieutenant of the *alcalde mayor*, duly summoned the fourteen offending residents, who agreed to obey the order.⁴⁴ Among them were five close relatives of the deceased Diego Romero: his son, Francisco; his son, or grandson, Juan; another grandson, Andrés; his son-in-law, Antonio de Atienza; and his nephew, Pablo Francisco de Villalpando. Another was Francisco Martín, possibly the youngest son of Sebastián.⁴⁵

During these years and until late in the century, most of the settlers must have been living very near to the pueblo or actually in it. The only inhabited site in the valley appears to have been the settlement of the Diego Romero clan on the Río de las Trampas (Río Chiquito). In May 1743, the Romeros asked for a redistribution of the lands at the Río de las Trampas "which the deceased Diego Romero left at his death for the benefit of his heirs." Half the region was given to his widow and second wife, Barbara Montoya, and the rest divided among his children.⁴⁶ The year before, the widow had married Antonio Durán de Armijo.⁴⁷ In her will of January 18, 1745, Barbara Montoya declared that she had brought to her marriage to Durán de Armijo "one ranch which is in the Río de las Trampas which is approximately three leagues away from the pueblo, a little more or less, without any house," as well as a five-room house "in which we live in this valley."⁴⁸ On October 29, 1746, her daughter by Diego, Ana Romero, with her husband, Antonio Atienza, deeded two houses to the widower. The description of these properties indicates that they were closer to the pueblo than the Las Trampas settlement.⁴⁹ When Antonio Durán de Armijo died in 1748, the inventory of his estate listed two pieces of property, "a house and lands in the Pueblo of San Gerónimo de Taos" and lands at the Río de las Trampas.⁵⁰

When Fray Miguel de Menchero made his report of his 1744 visitation of missions, he spoke of only four ranches in the Taos valley, with ten Spanish families, most of whom were obviously the

Romeros.⁵¹ Since the latter part of the eighteenth century was a period of frequent attacks on the Taos valley and the pueblo by the plains Comanches, who alternately came to trade, or to raid, or both, the settlers lived in the pueblo much of the time for protection. When Bishop Pedro Tamarón of Durango made his visitation in 1760, he indicated that thirty-six Spanish families lived in the pueblo. He must have entered the Taos valley to the east of the Romero settlement, for he did not note its existence; perhaps the Romeros were then living in the pueblo. Tamarón did, however, describe the home of a wealthy Taos Indian on the Río de las Trampas: "The said house is well walled in, with arms and towers for defense."⁵²

Tamarón also gave a vivid description of the Comanche raid in August 1760, shortly after his departure from Taos. Many settlers, who had taken refuge in the Villalpando home, "a very large house, the greatest in all that valley,"⁵³ lost their lives. Since Villalpando was the nephew of Diego Romero, the raid may have been on the Río de las Trampas settlers.

When Fray Francisco Atanasio Domínguez made his visitation in 1776, he noted that there had been a separate settlement of non-Indians near the pueblo, with the consent of the Indians, but that a Comanche raid of 1770 had forced the settlers to move into the pueblo itself, also with the consent of the Indians, and that the plaza which the residents had built was torn down.⁵⁴ Domínguez reported that a separate plaza was then being constructed by the settlers:

But although this is so, it does not mean that they will always live here, but only until the plaza which is being built in the cañada where their farms are is finished. This is being erected by order of the aforesaid governor, Knight [of the Order of Santiago], so that when they live together in this way, even though they are at a distance from the pueblo, they may be able to resist the attack the enemy may make.⁵⁵

This plaza was probably the Romero settlement of San Francisco de las Trampas, now Ranches of Taos, rather than Don Fernando

de Taos, which was built later and is on a plateau, rather than in a cañada.⁵⁶ In describing the scattered ranches on the Cristóbal de la Serna grant, Domínguez remarked that "their owners are the citizens who live in the pueblo,"⁵⁷ indicating that even the Romeros had moved into the pueblo for safety.

Domínguez was impressed by the amount of land used by the Taos Indians for grazing and planting.

There is a very extensive swamp quite near the pueblo on the west. It has so much zacate that the enclosed cattle are pastured in it, a very large amount is cut for the herds of horses, and there is so much left over that in the spring it is necessary to set fire to the old so that the new may come up freely. When the Comanches are at peace and come to trade, they bring a thousand or more animals who feed there two days at most, and in spite of this great number repeatedly during the year, there is no lack of fodder.⁵⁸

This grazing area is undoubtedly the site known as "Los Estiércoles," now the El Prado region, a portion of which the Indians bought later from the Sebastián Martín heirs. Domínguez described the farming lands of the Indians thus:

LANDS AND FRUITS: In relation to the location of the pueblo they run from south and east to the north and approach the aforesaid sierras, extending far from their base. In short, they are excessively large. They are very fertile indeed, and those in the south and east and some of those in the north are watered by the pueblo's river; and those on the north are watered by the Lucero River.⁵⁹

Hence, the Indians were planting on a portion of the Martínez grant.

José Romero, great-grandson of Diego Romero, on April 20, 1787, requested Alcalde Mayor Antonio José Lovato to revalidate the grant boundaries because many of the papers had been destroyed in the Comanche raids.⁶⁰ By the 1790's, the threat of the Comanches had abated somewhat, and more Spanish settlers were in the Taos valley. The population of the settlement of Las Tram-

pas had so increased that on February 4, 1795, José Mirabal, Antonio Fernández, Concepción Romero, Ventura Romero, Julián Romero and others of that settlement petitioned for a new grant to the east and southeast, known as the Rancho del Río Grande. Alcalde Ortiz placed the petitioners in occupation on April 9.⁶¹

On June 13, 1795, José García de la Mora, for two hundred pesos, sold to the pueblo of Taos a tract of land which he claimed to have inherited from his grandfather, Sebastián Martín, and to have purchased from other heirs. On May 25, 1800, the pueblo bought from him a larger piece, 1,450 varas of cultivated lands at the Estiércoles, south of the first purchase, for 1,450 pesos in kind, mostly stock.⁶² García de la Mora's claim to the land was tenuous at best. He was the husband of Sebastián's granddaughter, Josefa, the daughter of Marcial Martín, and not the grandson of the famous Sebastián.⁶³ Furthermore, the land clearly lay within the foursquare league recognized as pueblo property.⁶⁴

By 1795 most if not all of the settlers had moved out of the pueblo. A large group settled in the region of present Taos village. In 1796 Governor Fernando Chacón approved a grant, and sixty-three families were placed in possession of the Don Fernando de Taos grant by Alcalde Antonio José Ortiz. Two other acts of possession were made in 1797, with additional families. On August 9, 1799, Chacón revalidated all three acts. The boundaries of the new grant were given as: the lands of the Indians on the north; the middle road to Picurís on the northwest and west; the *cuesta* (brow of the hill) on the opposite side of the Río Don Fernando, on the south; and the Cuesta de la Osha and Palo Flechado on the east. There is no record that the Indians were summoned. In spite of the fact that the north boundary was to be the lands of the Indians, the new settlement was an encroachment on pueblo lands from the start, for the plaza and many of the houses were built within the limits of the pueblo league.⁶⁵ Conflict was inevitable.

On April 11, 1815, José Francisco Luján, governor of San Gerónimo de Taos, petitioned Alcalde José Miguel Tafoya for protection against trespassers within the four-league grant as follows:

. . . Since the king, God keep him, has given us one league of land to the four winds, we request Your Excellency that it be delivered to us so that our families may have more land for planting and our livestock may have ample pasturage. And knowing that the settlers who have usurped the lands within our league will confound us by their allegations, because we do not know how to present our rights, we inform you that I have seen the Reverend Father Minister, Fray Benito Pereyro in order that he may reply in our name.⁶⁶

Because of its importance, Tafoya referred the petition to Governor Alberto Maynez, whose reply on April 15 was brief and to the point:

The five thousand vara league, measured from the cross of the cemetery in all directions, which His Majesty granted to each Indian pueblo from the beginning of its establishment, is for the purpose of conserving this land for the maintenance of the sons of the same, so that they may have the use of it; and they cannot give it away or sell it without license from the king, because it is a patrimony or entailed estate, which no judge nor governor has the authority to sell, in whole or in part.

If it should turn out that many years since, or in any manner whatsoever, settlers have intruded to plant and build on Indian lands, they must lose their labor, leaving the ground free for the Indians. But as this will result in serious injury to the settlers, the alcalde mayor of Taos shall provide for them impartially with the justice which is possible, hearing the parties and arranging a compromise such that the Indians shall not suffer in the settlement they may make. The Protector of the Indians, Don Felipe Sandoval, shall set down at the end of this decree whatever may occur to him concerning the present petition.

Sandoval's suggestion was:

It should be possible to arrange a settlement between the interested parties under tenant's arrangement, in order not to injure either of the parties, with the understanding that the land belongs to the league of the natives, and that the residents who may have purchased in that territory shall have no right to the land that belongs to the aforesaid pueblo.

The Indians were then using lands as far northwest as the Arroyo Hondo, as the dispute involved not only the area within the pueblo league, but also the new settlement of Arroyo Hondo. Governor Maynez appended a note to Sandoval's suggestion, saying:

If the damages which the Indians of Taos have described to me result from the planting permitted to the residents in the ciénega of Arroyo Hondo, they cannot plant. The alcalde shall settle this point in the most just and advantageous way.

On April 6 of the same year, Maynez had authorized a grant to one Nerio Sisneros and forty-two others of lands some fifteen miles northwest of the pueblo, and north of the Arroyo Hondo stream.⁶⁷

On May 3, Alcalde Pedro Martínez, who had replaced Ortiz, wrote to Maynez that in accordance with the governor's instructions of April 27, he had measured the pueblo league, but that the Indians refused to concede any land or title within it to the settlers.

. . . and in consideration of what Your Excellency has advised me, I measured the league with a vara of the kind in ordinary use, which I showed to the pueblo. As a result, 1,700 varas from east to west and 3,950 from north to south were taken from the settlers; all land cultivated at the expense and sweat of the settlers. Included in this territory are three plazas⁶⁸ which may contain about 190 families and a church built solely by the residents. . . .

Anticipating an agreement and adjustment of this lawsuit, which is very important, I proposed to the Indians that if they would lease them their houses and ranches, they would give them forty-five head of livestock, both horses and cattle. The governor of the pueblo and the interpreter consented to this harmonious agreement, but when they proposed it to the Indians, they not only did not agree, but even abused them.

As Your Excellency gives me to understand that I should make a statement regarding the present serious affair, I state with the greatest submission and respect, as a former father of this jurisdiction that the settlement at Arroyo Hondo does not injure either the Indians or the residents, because they are more than ten thousand varas distant from the league.

If Your Excellency should determine that the unfortunate remain

orphaned, losing houses and ranches purchased in good faith, I am of the opinion, subject to the superior decision of Your Excellency, that the said Indians should lose what was purchased in clear and patent damage to the heirs of the late Don Sebastián Martín, at which place so many destitute Spaniards may be accommodated, assigning to them the same proportion of the land, houses, corrals and fences which they are losing.

This statement would seem to indicate that the Indians had purchased more land from the Sebastián Martín heirs than the Estiércoles site. The governor refused to budge from his April 15 decision on the lands within the league, but stated that "the Arroyo Hondo shall be populated by farmers if it can be done without prejudice to a third party." Alcalde Martínez and the priest, José Benito Pereyro, joined by José Romero, attorney for the residents, again appealed to Maynez on May 20 to soften his decision in case the Indians refused to compromise, insisting that the Indians already had more land than they needed. They also attempted to advance the argument that the Spaniards should have prior rights over a subject people:

. . . I also set forth to Your Excellency that because the residents are descendants of the conquering and reconquering nation, I, as well as the Reverend Father Minister, Fray Benito Pereyro, who is my associate in this lawsuit, am, of the opinion that the said descendants of the conquering nation are entitled to the lands which the Indians do not develop and cultivate. . . .

This illegal argument moved the governor not at all, and he answered two days later:

My preceding decrees of April 15 and May 6 cannot be more firmly based on the principles of law and justice, nor more clearly stated in order to incline the parties to a settlement and tranquility. . . . Based upon the principle that their rights to the league which His Majesty granted them are incontestable, it is for the residents to satisfy them, because in accordance with ordinary justice, it is my opinion that the right is on the side of the Indians.

This lengthy narrative of the litigation in 1815 has been detailed to show the pains which the Spanish governors of New Mexico frequently took to guarantee the Pueblo Indians their legal rights.

In the same year a new settlement of residents at the site of Arroyo Seco threatened encroachment on Indian use of the water from the Río Lucero. Apparently the forefathers of these settlers had either received a small grant at the Arroyo Seco in 1745, of which there is no record, or they were claimants to the Antonio Martínez grant, but no attempt had been made to use this land prior to 1815. Soon these settlers were using the Río Lucero for irrigation. Although the descendants of Antonio Martínez had not occupied the area, the pueblo of Taos, to protect its lands, bought out the claimants in 1818, even though they had been considered the owners of the water "from time immemorial." The original document of this purchase seems to be no longer in existence,⁶⁹ but its details are evident from a quarrel between the residents and the Pueblo of Taos five years later.

FEW CHANGES were made in the legal status and administration of Indian affairs after Mexico received her independence from Spain. Under the terms of the Treaty of Córdoba, August 24, 1821, which made Mexico a sovereign nation, most Spanish laws continued in force and officials exercised the same powers as before. The various Mexican governments also made an attempt to defend Pueblo Indian rights.

Continued encroachment on the use of irrigation waters of the Río Lucero by the Arroyo Seco residents resulted in conflict with the pueblo of Taos, as well as with the Don Fernando de Taos settlers in 1822. On July 2 Governor Francisco Xavier Chávez ordered the *ayuntamiento* of Taos to hear and resolve the issue, but since the governor was then involved in a campaign against the Navajo, the *ayuntamiento* delayed action until December 30, 1823,⁷⁰ when it submitted a lengthy report to Governor Bartolomé Baca. The local body decided in favor of prior Indian right to the

water of the Río Lucero. The report supplies some details of the history of the Antonio Martínez claim and the purchase of the Tenorio Tract in 1818. According to the investigation, the ancestors of the Arroyo Seco residents had acquired the land in 1745, but had not used or claimed it until 1815, when they built their houses and began to divert some of the water of the Río Lucero. The report described Indian right and title to the land and water thus:

. . . The natives of this pueblo of Taos, besides the water of the river which cuts through their pueblo, have always used the water from the Río de Lucero for irrigating their cultivated fields, and it appears that they have done so from the period of their paganism, that is, since the foundation of their pueblo, with the sole object of enjoying the water of both rivers, from which it is clearly inferred that these natives from time immemorial have been the sole owners and have complete right to the water of the Río de Lucero. Besides all this, the natives of this pueblo of Taos have acquired a new right to the said Río de Lucero, because they bought from the descendants of Antonio Martín, who was formerly the legitimate owner of the said land from the league of the pueblo as far as the Arroyo Seco, the said Río de Lucero being within their purchase, as appears from the document which was executed for them by the deceased Miguel Tenorio, the attorney for the Martins, dated April 13, 1818, and the said document sets forth that through their purchase they have a right as far as the edge of the said river. . . .

However, the ayuntamiento did order that when the water was abundant, one *surco*⁷¹ would be allowed to the Arroyo Seco residents, and a proportionate amount in years of scanty moisture.

Juan Antonio Aragón, *juez de paz* at Taos, wrote to Governor José Antonio Chávez on September 2, 1831, asking for instructions in a new dispute over land ownership between the Taos Indians and a Pablo Gallegos near the old Los Estiércoles site on the east bank of the Río de Lucero, protesting the actions of Rafael de Luna, the *alcalde mayor*, in granting the land to the Indians. There is no record of any decision by the governor.⁷² In spite of the Maynez decree in 1815, some settlers were continuing to use lands within

the league on the old Sebastián Martín site. Apparently, however, the Indians did not object to many of these residents.

In 1836 and 1837, José Vitorino Montes Vigil of El Paso, and Rafael and Joaquín Vigil of La Cieneguilla, petitioned the alcalde of Taos and the governor for land along the Río Lucero, claiming to be descendants of Pedro Montes Vigil who had once been given a grant. From the similarity of names, these gentlemen must have been trying to prove a claim to the old Los Luceros donation. The alcalde, the Taos Indians, and the residents of both San Fernando de Taos and Los Estiércoles opposed the Vigil claims, and appealed to the ayuntamiento of Taos.

Neither by way of inheritance nor because of possession is it advisable that the said lands be cultivated as it is of great injury to a third party, a large community amounting to four hundred and more families who from time immemorial have possessed the waters of the Río de Lucero. . . . An illegal procedure of such great magnitude cannot be conceived. The petitioners have no right at all. Can the reason be because their name is Vigil? It is the only one they use in support of their petition, but it is not enough. A description of the genealogy would be necessary, the showing of the testament of the owners, mentioning the heirs and the partition by the administrators at the proper time. And even if all this had been done, with the abandonment and possession of the waters, there would still remain the disadvantage which we oppose. Therefore, it does not merit any consideration either for a legal reason or under any other consideration. . . . And lastly, let your Excellency be pleased to inform yourself of the justice of our cause because we are the inhabitants of the site of Los Estiércoles, San Fernando and the Pueblo, the legitimate settlers of Taos. . . .⁷³

The committee of the ayuntamiento charged with rendering a decision decided against the Vigils on August 28. In transmitting the decision of the local body on January 31, 1837, Alcalde Rafael de Luna was even more specific concerning Indian rights, saying that Vigil had not "presented a single reasonable fact which would in the least serve to convince a judicious man, let alone satisfy a judge so that he would pass judgment against a community which

has from time immemorial enjoyed the rights of the source of the water; that he wishes to occupy a tract which the Indians have bought, although they are inside their league, only so that they may not be injured in regard to their water rights."

Popular tradition to the contrary, the Indians of the pueblo of Taos do not appear to have been involved, at least in any number, in the revolt of 1837 which resulted in the death of Governor Albino Pérez, Jesús María Alarid, and the Abreus.⁷⁴ The legend of Taos involvement probably had its foundation in the fact that other pueblos, especially San Juan and Santo Domingo did take part in the bloody uprising. In addition, popular writers and some historians have depicted José González, who was installed by the rebels as governor for a brief time, as a Taos Indian.⁷⁵ However, close examination of González' lineage reveals that although his mother was a Taos Indian, his father was of mixed European and genízaro parentage, and that the family had lived in the Ranchos de Taos settlement of the Diego Romeros.⁷⁶ Within ten years, however, revolt against another governor did most tragically involve the northern pueblo.

While the pueblo of Taos had for generations been involved in difficulties with various Spanish land grant claimants or squatters on the south, west, and northern limits of the pueblo, she had been relatively free from encroachment in her mountain fastnesses to the east and northeast. With the increased activities of Anglo-American traders in the late Mexican period, however, this situation was not to continue. On January 8, 1841, Charles Beaubien, French-Canadian resident of Taos and naturalized Mexican citizen, with Guadalupe Miranda, applied for the huge tract, later known as the Maxwell land grant. Governor Manuel Armijo allowed the petition on January 11, 1841, but the grantees were not placed in occupation until February 22, 1843. In February of the following year, Father Antonio José Martínez of Taos raised a storm of protest over the grant, partly because he suspected that U. S. citizen and trader, Charles Bent, was a silent partner, and partly because of the protest of the Taos Indians. The grant was temporarily suspended on February 27, 1844, by Governor Ma-

riano Chávez. Armijo soon returned to power, however, and on the advice of the Departmental Assembly, restored the grant to Beaubien and Miranda on April 18 of the same year, after Beaubien had denied that Bent was a partner.⁷⁷ Martínez wrote at least two denunciatory letters against the grant, neither of which were included in the papers presented to the Surveyor-General on September 25, 1857, when Beaubien applied for confirmation of the grant. The tenor of one, the original of which has never come to light in recent years, is cited in Beaubien's appeal to Armijo on April 13, 1844, denying that Bent was a partner, and reference is made to it in Felipe Sena's certification of the Departmental Assembly decision:

this was done on account of a petition made by the priest Martínez and the chiefs of the pueblo of Taos, falsely stating that this land was granted to Mr. Charles Bent and other foreigners, the aforesaid statement of the priest Martínez and his associates being untrue.

. . .⁷⁸

The other Padre Martínez letter, of February 5, 1844, also states the opposition of the pueblo of Taos to both the Beaubien-Miranda grant and the one made the previous year to Beaubien's thirteen-year-old son, Narciso, and Stephen L. Lee. Martínez also stated that he was transmitting two packets of documentation to reinforce his charges, but these papers, also, are no longer in official custody. The padre concluded his protest as follows:

Now we are demanding, although I am signing this myself, that it be given attention and discussion before Your Excellency as far as can be asked of the Secretary of Government or of the prefecture of this First District, because prompt attention to it is demanded under the circumstances and because the offenders are rapidly hastening to occupy the said lands, which is being done with great injury, and I beg Your Excellency in the name of my signing associates [the pueblo of Taos], that you will be pleased to give us your attention, and that you will condescend to ask for the said original petition for what is contained in it, or if more formality is required than this, which we should present, that we be told so that we can verify it.⁷⁹

On August 18, 1846, Brigadier-General Stephen W. Kearny took possession of New Mexico in the name of the United States, and new land problems were soon to arise for the Pueblo Indians. The details of these troubles, however, are outside the limits of this paper, except for one final item concerning Taos Indian land. While the Taos Indians were probably not involved in the August 1837 uprising, the story of January 19, 1847, was another matter. The account of the attack by the maddened Indians on the Anglo-Americans and their Mexican families and supporters at Don Fernando de Taos which resulted in the killing of Governor Charles Bent, Cornelio Vigil, Narciso Beaubien, Pablo Jaramillo, and Stephen L. Lee has been told and retold. Likewise, the guilt or innocence of Padre Martínez in fomenting the massacre has been debated for over one hundred years. This writer feels that the preponderance of the evidence exonerates the controversial priest, but be that as it may, Martínez secured title to the old Los Estiércoles site of Sebastián Martín shortly after the uprising was crushed and many of the Indian leaders hanged.

On April 26, 1847, five Taos Indians signed (with their marks, for they could not write) a conveyance of 1,482 varas of land to Padre Martínez for \$532.05, bounded by the site of Los Estiércoles and the lands of Pablo Gallegos on the south; three álamos on the north; the Río Lucero on the east; and the Arroyo Seco route on the west.⁸⁰ This description, including the acreage, is almost identical to that in the 1800 conveyance to the Indians by García de la Mora of the lands he had allegedly received by purchase and inheritance from Sebastián Martín. Ironically, the witnesses were Santiago Martínez, a relative of the Padre, and Frank Blair, U. S. Attorney, appointed by Kearny, who had successfully prosecuted the Taos Indians in the recent trials.

NOTES

1. The author is, of course, referring to the Rio Grande, which he says the Spaniards reached about twenty leagues east of Acoma. He estimated that some seventy pueblos extended from north to south along its course for a distance of more than fifty leagues.
2. George P. Hammond and Agapito Rey, eds., *Narratives of the Coronado Expedition 1540-1542* (Albuquerque, 1940), pp. 288-89.
3. *Ibid.*, p. 22.
4. *Ibid.*, p. 244.
5. Hammond and Rey, "The Rodriguez Expedition to New Mexico, 1581-82," NMHR, vol. 2 (1927), p. 352.
6. Albert H. Schroeder and Dan S. Matson, *A Colony on the Move, Gaspar Castaño de Sosa's Journal 1590-1591* (Santa Fe, 1965), pp. 125-28.
7. Hammond and Rey, *Don Juan de Oñate, Colonizer of New Mexico*, 2 vols., (Albuquerque, 1953), vol. 1, pp. 342, 345.
8. *Ibid.*, vol. 2, p. 1110.
9. *Ibid.*, p. 1094.
10. France V. Scholes, *Church and State in New Mexico, 1610-1650* (Albuquerque, 1937), p. 25; also NMHR, vol. 11 (1936), p. 33.
11. Frederick Webb Hodge, George P. Hammond and Agapito Rey, *Benavides' Revised Memorial of 1634* (Albuquerque, 1945), pp. 97-98.
12. Scholes, *Church and State*, p. 128; also NMHR, vol. 11 (1936), p. 310.
13. *Ibid.*, p. 137, and NMHR, vol. 11, p. 320.
14. Charles Wilson Hackett, ed., *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches thereto, to 1773*, vol. 3 (Washington, D.C., 1937), pp. 206-07.
15. *Ibid.*, pp. 218-19.
16. Scholes, *Troublous Times in New Mexico 1659-1670* (Albuquerque, 1942), pp. 69-70; also NMHR, vol. 12 (1937), p. 416.
17. Hackett, vol. 3, pp. 263-64.
18. Certification by Martín Serrano, May 21, 1664, that he had collected encomienda revenues at Taos, *ibid.*, vol. 3, p. 249.
19. Fray Angelico Chavez, *Origins of New Mexico Families in the Spanish Colonial Period* (Santa Fe, 1954), pp. 21-22. Details of the Great Revolt are in Hackett, *Historical Documents*, vol. 3, pp. 328-32, and in Hackett and C. C. Shelby, *Revolt of the Pueblo Indians of New Mexico and Otermin's Attempted Reconquest 1680-1682*, 2 vols., (Albuquerque, 1942).
20. Chavez, *Origins*, pp. 46, 60.

21. Hackett and Shelby, vol. 2, pp. 247, 248.
22. J. Manuel Espinosa, *First Expedition of Vargas into New Mexico* (Albuquerque, 1940), pp. 149-56.
23. J. Manuel Espinosa, *Crusaders of the Rio Grande* (Chicago, 1942), pp. 190-96.
24. *Ibid.*, pp. 281-84.
25. Hackett, vol. 3, p. 374.
26. There were nine Spanish households; six coyote or mestizo households, and eight genízaro households included in this number. See Eleanor B. Adams, *Bishop Tamarón's Visitation of New Mexico, 1760* (Albuquerque, 1954), p. 57n.; also NMHR, vol. 28 (1953), p. 215n.
27. The original documents in this case are in No. 240, Spanish Archives of New Mexico, series I, Bureau of Land Management, Santa Fe, New Mexico; copies are in Surveyor-General, No. 158 and Court of Private Land Claims, No. 21, Bureau of Land Management. Hereafter these files will be referred to as SANM, BLM; S-G, BLM; PCL, BLM with appropriate file numbers.
28. Chavez, *Origins*, pp. 13, 98, 272.
29. No. 240, SANM, BLM, 4th document.
30. Chavez, *Origins*, p. 312.
31. No. 945, SANM, BLM; copy in No. 109, S-G, BLM.
32. No. 951, SANM, BLM; copy in No. 109, S-G, BLM.
33. No. 116, S-G, BLM.
34. The Sebastián Martín Grant is No. 28, S-G, BLM.
35. No. 510, SANM, BLM.
36. Chavez, *Origins*, p. 170.
37. An 1836 copy of an alleged grant of the "site of Los Estiércoles" made in 1702 to José Domínguez was filed before the Surveyor-General by Santiago Valdez in 1800. Valdez claimed that it had been in his possession for many years. The "grant" was immediately rejected by Surveyor-General H. M. Atkinson, who usually approved even dubious claims, in Case No. 120, because the paper was a copy of a copy.
38. Bustamante's residencia, Bancroft Library, University of California, Berkeley, New Mexico Originals (photocopy in the University of New Mexico Library), pp. 162-68.
39. The complaint and the decision are in No. 361, Spanish Archives of New Mexico, State Records Center and Archives, Santa Fe, New Mexico, hereafter cited as SANM, SRC.
40. *Recopilación*, Book IV, Title 12, Law 12.
41. Chavez, "New Names in New Mexico," *El Palacio*, vol. 64 (1957), p. 315.
42. The Los Luceros grant was approved by the Surveyor-General in

1861 as Case No. 47. It was confirmed in 1869. By this time, however, the claimants tried to prove that the large Sebastián Martín grant north of San Juan Pueblo was the true southern boundary. The Sawyer-McElroy survey of 1877 showed an overlap with the following grants: the Arroyo Hondo, the Gijosa, the Cristóbal de la Serna, Antonio Martínez, Fernando de Taos, Rancho del Río Grande, and the Picurís Pueblo. Owing to the protests of the other grant claimants and the report of special investigator Will N. Tipton that there was no evidence of occupation of the land by descendants of the alleged grantee, Surveyor-General George W. Julian recommended, on April 30, 1887, that the Los Luceros grant be returned to the public domain. A smaller grant was finally approved by the Court of Private Land Claims and patented in 1909; part of this still overlapped the Antonio Martínez grant.

43. A copy of Sebastián Martín's will is in the L. Bradford Prince Papers, Land Grants, State Records Center and Archives, with a notation that the original, which was never filed with the Surveyor-General, was in the hands of Attorney J. H. Purdy of Santa Fe. However, No. 698, SANM, BLM, concerning the probate of the wills of Sebastián and his wife, mention the Taos lands also.

44. These proceedings are in No. 1248, SANM, BLM.

45. The other residents were: Carlos Fernández, Diego Antonio Gallagos, Pedro de Chávez, Joseph Delgado, Antonio Romero, Julián Pá-dilla, Pablo Romero and Xavier González.

46. No. 240, SANM, BLM.

47. Chavez, *Origins*, p. 136.

48. No. 240, SANM, BLM.

49. *Ibid.*

50. *Ibid.*

51. Hackett, vol. 3, p. 400.

52. Adams, *Bishop Tamarón's Visitation*, p. 56.

53. *Ibid.*, p. 58.

54. Adams and Chavez, *The Missions of New Mexico, 1776, a Description by Fray Francisco Atanasio Domínguez with other Contemporary Documents* (Albuquerque, 1956), pp. 112-13.

55. *Ibid.*, p. 113.

56. *Ibid.*

57. *Ibid.*, p. 112.

58. *Ibid.*, p. 111.

59. *Ibid.*, pp. 111-12.

60. The request is in No. 158, S-G, BLM.

61. No. 58, S-G, BLM concerns the Rancho del Río Grande grant.

62. Copies of these documents were filed April 17, 1875, in Deed

Book E, No. 5, pp. 133-39. Taos County Records, Court House, Taos, New Mexico, apparently as the result of the survey of the Antoine Leroux grant. A prefatory note states that they were prepared before Juez de Paz Juan de Jesús Valdez, April 23, 1840, in a renewal of the sale of lands belonging to the pueblo of Taos made by order of the governor, which was communicated to Valdez by Prefect Juan Andrés Archuleta, since the original was torn.

63. Genealogical chart in L. Bradford Prince Papers, Land Grants, SRC. Apparently, even Antoine Leroux accepted the validity of the purchase, for on April 10, 1861, the so-called heirs in the Los Luceros grant executed a quitclaim deed to the pueblo for \$100 to lands lying east of the pueblo league, Deed Book A, No. 2, pp. 74-75, Taos County Records.

64. The question of Indian land grants has yet to be satisfactorily resolved. When the pueblo cases came before the Surveyor-General from 1855 to 1859, many of the pueblos submitted documents purporting to show grants made by Governor Domingo Jironza Petrés de Cruzate at El Paso in 1689, on the basis of which several patents were issued between 1858 and 1877. The investigation of Will N. Tipton before the Court of Private Land Claims in the case of the pueblo of Laguna, whose grant had been confirmed by Congress but not patented, however, proved that the documents were at least partially spurious. Taos did not produce a Cruzate, but relied on the 1815 decision of Maynez. That there was at least a foursquare league grant to most of the pueblos, including Taos, seems indisputable in view of the number of Spanish documents on pueblo matters which refer to the "Pueblo League."

65. The Don Fernando de Taos grant is No. 125, S-G, BLM. When the case came before the Court of Private Land Claims, some of the claimants admitted that the town proper lay within the pueblo league lands which had by then been surveyed. For that reason, the court, in No. 149, PLC, held on September 5, 1899, that the allotted lands outside the pueblo grant would be confirmed, but refused to confirm that portion which lay within the league because of the 1815 decision.

66. All the documents cited in this case are in No. 1357, SANM, BLM.

67. The original papers in this grant had disappeared by the time the case was submitted to the Surveyor-General, and only a copy, presumably made May 1, 1820, exists, No. 159, S-G, BLM.

68. Obviously, one of these sites was Los Estiércoles, and another a portion of Don Fernando de Taos. The third plaza has not been identified.

69. A typewritten translation of a document presumably prepared by Miguel Tenorio in 1818 is in the N. B. Laughlin Papers, "Francisco

Martínez y Martínez et al. vs. Melaquíás Martínez et al.," SRC, but since the original of the document has not been located, reliance has been placed on the proceedings in 1823.

70. The July 2 document is not in official custody, but reference to it is in the report of December 30, 1823.

71. The precise meaning of this word is not clear. The Taos Indians stated that *surco* meant the amount of water which would "flow through the hub of a Mexican cart wheel placed in said river," Respondents Answer, "Francisco Martínez y Martínez et al., vs. Melaquíás Martínez et al.," Laughlin Papers.

72. No. 2956, Mexican Archives of New Mexico, State Records Center, hereafter cited as MANM, SRC.

73. Both the petition and the referral to the governor are in No. 628, SANM, BLM.

74. Twitchell, *Leading Facts in New Mexican History* (Cedar Rapids, 1912), vol. 2, pp. 60-61, states that the Taos Indians were deeply involved, relying on Josiah C. Gregg, *Commerce of the Prairies*.

75. L. Bradford Prince, *Historical Sketches of New Mexico* (Kansas City, 1883), p. 287, states that González was a Taos Indian, as does H. H. Bancroft, *Arizona and New Mexico* (San Francisco, 1888), p. 318. Twitchell, *Leading Facts*, vol. 2, p. 65, says the same thing, relying on Prince. The story was embellished in much detail in the fictional account by Ruth Laughlin, *The Wind Leaves no Shadow* (New York, 1948), pp. 178-91.

76. An excellent and detailed discussion of who José González really was is in Fray Angelico Chavez, "Jose González, Genízaro Governor," NMHR, vol. 30 (1955), pp. 190-94. See also Philip Reno, "Rebellion in New Mexico—1837," NMHR, vol. 40 (1965), pp. 197, 200-01.

77. These documents are in U.S. Senate, 45th Cong., 3rd Sess., Sen. Misc. Doc. No. 81, Part III, "Private Land Claims," 1879, pp. 1250-53.

78. *Ibid.*, p. 1253.

79. No. 7580, MANM, SRC.

80. A copy of this deed is in the Donaciano Vigil Register of Land Titles, Book A, BLM, pp. 53-54.

