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A NEW LOOK AT AN OLD CASE:  
THE BENT HEIRS' CLAIM IN THE MAXWELL GRANT

MORRIS F. TAYLOR

THE SUBJECT of Maxwell Land Grant litigation usually brings to mind the lengthy controversy about the validity of its title, which resulted in victory for the Maxwell Land Grant Company over the government during the October term of the Supreme Court of the United States, 1887. Among the many other lawsuits involving the Maxwell Land Grant was one of even greater duration than the title suit. This attempted to break up concentration of the property in the hands of Lucien Bonaparte Maxwell, his heirs and assigns. The basis of the action was the alleged claim of Charles Bent, New Mexico's first American governor, to an interest in the Maxwell Grant, although, as the contest in the courts developed, its implications went beyond this relatively simple premise.

From the legalistic phraseology of several court actions the origins, trends, and results of the controversy may be extracted; and there are other contemporary sources which have bearing on it. The first attempt to validate Charles Bent's claim to part of the Maxwell Grant came in 1859, twelve years after the Governor's violent death in the Taos uprising, January 19, 1847. It was a bill in chancery filed in the Taos district court against Charles Beaubien, Guadalupe Miranda, Lucien B. Maxwell, and José Pley.<sup>1</sup> Beaubien and Miranda, of course, were the original grantees of the Beaubien and Miranda (later the Maxwell) Grant. At this time Maxwell, Beaubien's son-in-law, had commenced his acquisition of the property. From L. Pablo Miranda, who had his father's power of attorney, Maxwell secured a transfer of title to Guadalupe Miranda's one-half interest on April 7, 1858,<sup>2</sup> and on September 14,

1858, Charles Beaubien and his wife conveyed to Maxwell the two and one-quarter miles square Rayado tract.<sup>3</sup> José Pley's part is uncertain. The action was brought by the late Charles Bent's son, Alfred, and two daughters with their husbands—Teresina and Aloys Scheurich, and Estefana and Alexander Hicklin—on September 12, 1859.<sup>4</sup> They laid claim to their father's alleged one-third interest in the Beaubien and Miranda Grant, and it appears that they were encouraged to do this by their father's old friends, Ceran St. Vrain and Christopher (Kit) Carson.<sup>5</sup>

Apparently the plaintiffs in this case believed that Charles Bent's claim was based on a parol (verbal) agreement.<sup>6</sup> A recent study of the Beaubien and Miranda Grant during the period 1841-1846, however, shows that there was some documentary evidence in support of it.<sup>7</sup> That the Bent heirs did not make use of this material in 1859 indicates that either their lawyers were unaware of it or did not think it was of sufficient merit to cite. The former explanation seems the more plausible.

The case continued in the court for several years, and in the meantime Lucien B. Maxwell acquired the rights of some of the other parties to the Beaubien and Miranda Grant. Charles Beaubien died on February 10, 1864,<sup>8</sup> and in April of that year two of his daughters with their husbands, Teodora and Frederick Mueller, Juana and Joseph Clouthier, quitclaimed to Maxwell their rights to the grant as heirs of Charles Beaubien. Another of Beaubien's daughters with her husband, Leonor and Vidal Trujillo, signed over their rights on July 20, 1864.<sup>9</sup>

At a special term of the district court in the spring of 1865, Judge Kirby Benedict issued an interlocutory decree in the action started by Alfred Bent and his sisters. The court held that Charles Bent "was justly and equitably entitled and seized of an undivided fourth part of the estate in and to said tract of land, real estate or grant."<sup>10</sup> It will be noted that the plaintiffs' original contention was that Charles Bent was lawfully entitled to a one-third interest in the property. Confirming the right of the Bent children to an undivided one-fourth part of the grant, the decree then ordered that a just and equitable partition of the tract be made between the

heirs of Charles Bent and Lucien B. Maxwell, as well as the remaining direct heirs of Charles Beaubien. This division was to be undertaken by three special commissioners appointed by the court; they were Lucien Stewart, Vicente Romero, and William Kroenig.<sup>11</sup>

It was further ordered that the Bent heirs should pay one hundred dollars to Maxwell and the Beaubien heirs, that sum being one-fourth of the amount already expended in securing confirmation of the grant by the government.<sup>12</sup> This undoubtedly was an allusion to the Act of Congress of June 21, 1860, which confirmed the Beaubien and Miranda claim among others.<sup>13</sup> Confirmation by Congress was not for any specified acreage, and an official survey of the grant was still in the future. None of the contemporary documents even suggests that the property would include over a million and a half acres, as was later claimed. If there had been any suspicion that such a huge parcel of land would be allowed, it is very doubtful that Guadalupe Miranda would have relinquished his half-interest to Lucien B. Maxwell for a mere \$2,745.00, as was his agreement.<sup>14</sup>

Judge Benedict's interlocutory decree yet determined the state of affairs when a most unexpected development greatly complicated the matter. Alfred Bent died in Taos on December 9, 1865, from wounds received several days before at the hands of one Greek George. The deceased was only twenty-nine years of age,<sup>15</sup> and one gathers from his simple and brief will, dated December 6, 1865,<sup>16</sup> that he had not anticipated an early meeting with death. He left as his heirs at law his widow, Guadalupe, the daughter of Horace Long,<sup>17</sup> and their three children—Charles, William (also known as Julian) and Silas (frequently referred to as Alberto Silas).<sup>18</sup> Because of their father's death the three children were made parties plaintiff, and their mother was appointed their guardian *ad litem* (for the suit).<sup>19</sup>

In those altered circumstances, the court of the first judicial district at Taos further considered the case at its April term, 1866. Pointing out that the provisions of the previous decree had never been carried into effect, a new decree asserted that a mutual

agreement had been reached between the parties to the cause, whereby Lucien B. Maxwell would pay the sum total of \$18,000 to be divided into three equal parts: one-third to the children of Alfred Bent, one-third to Teresina and Aloys Scheurich, and one-third to Estefana and Alexander Hicklin. The one-third part accruing to the Bent children was to be paid to their mother and guardian *ad litem*. It was ordered that the Scheurichs, the Hicklins, and the Bent children by their guardian *ad litem* should make "good and sufficient deeds of conveyance" of their rights in the property to Lucien B. Maxwell within ten days of the decree.<sup>20</sup>

The Scheurichs and the Hicklins duly made their conveyances in response to payment of \$6,000 to each couple by Maxwell on May 3, 1866.<sup>21</sup> A conveyance of the same date is recorded in the deed records of Colfax County, New Mexico, from Guadalupe Bent, guardian of the heirs of Alfred Bent, to Lucien B. Maxwell of their one-twelfth interest in the "Rayado Grant" for the consideration of \$6,000.<sup>22</sup> The Maxwell Land Grant Company, in the collection of documents supporting its title to the grant which was published in 1881,<sup>23</sup> including the Scheurich and Hicklin deeds, did not show a deed to Maxwell from the heirs of Alfred Bent, because the validity of that alleged conveyance was being strongly denied in the courts. The fact of payment to the Scheurichs and the Hicklins, and the allegation of payment to the Bent heirs, show almost conclusively that Lucien B. Maxwell felt that Charles Bent's interest in the grant had substance.

The claim of Alfred Bent's heirs to part of the Beaubien and Miranda Grant was not capable of such easy solutions as Lucien B. Maxwell had found and continued to find with other claimants in trying to get the entire property into his own hands. Petra Beaubien Abreu (another of Charles Beaubien's daughters) and her husband, Jesús Abreu, deeded their interest in the grant to Maxwell on February 1, 1867,<sup>24</sup> and on May 19, 1868, Guadalupe Miranda, then residing at El Paso, Chihuahua, Republic of Mexico, took the last step in signing over his interest to Maxwell.<sup>25</sup> Except for the heirs of Alfred Bent, the only other holdout at this time was Paul Beaubien, the son of Charles Beaubien. This ob-

stacle was removed by a conveyance to Maxwell dated January 1, 1870.<sup>26</sup>

One of the haziest aspects of the whole business is to know just when Maxwell and others began to contend that the grant was of the enormous extent that was finally patented in 1879. None of the deeds to Maxwell from Miranda and the Beaubien heirs describes the property in any but the vaguest terms, and it is doubtful whether Maxwell believed that the grant, in the earliest days of his ownership, exceeded a hundred thousand acres.<sup>27</sup> That ideas of a tremendous extension of the grant were being entertained at least by early 1869 is clearly shown in the bond and option given by Maxwell and his wife to Jerome B. Chaffee, George M. Chilcott, and Charles F. Holly for the purchase of "the Beaubien and Miranda Grant or the Rayado Grant, containing about two million acres of land" on May 26 that year.<sup>28</sup> This document was superseded by a second bond and option between the same parties dated January 28, 1870, for "about two million acres of land" except those parcels already conveyed to others by Maxwell and his wife. Chaffee, Chilcott, and Holly would pay \$1,350,000 within six months.<sup>29</sup>

Gold discoveries in the mountains near Maxwell's place at Cimarron had aroused great interest in the region.<sup>30</sup> Charles F. Holly, clerk of the probate court of Colfax County,<sup>31</sup> who was one of the trio of promoters to whom the Maxwells gave their bond and option, was in a position to foresee the approaching boom. Just who worked out the technicalities for expanding the Maxwell Grant from less than a hundred thousand acres to about two million acres is uncertain.

Then followed a rather interesting sequence of legalistic steps. On April 30, 1870, Lucien B. Maxwell and Luz B. Maxwell conveyed to the Maxwell Land Grant and Railway Company their interest in the Beaubien and Miranda Grant, or Maxwell Estate, of about two million acres, now described as situated partly in Colfax County, New Mexico, and partly in Las Animas County, Colorado. It also mentioned an official survey then being made by United States Deputy Surveyor W. W. Griffin.<sup>32</sup> The said Max-

well Land Grant and Railway Company was not incorporated until May 12, 1870, the articles of incorporation being signed by William A. Pile, Thomas Rush Spencer, and John S. Watts;<sup>33</sup> and to the company Jerome B. Chaffee, George M. Chilcott, Charles F. Holly assigned their bond and option from the Maxwells on June 12, 1870.<sup>34</sup>

The foregoing is a sufficient outline of the evolution of the Maxwell Grant from a relatively small property to one allegedly of two million acres, and from a single proprietorship to corporate ownership. Subsequent changes in control and management are largely irrelevant here. The only flaw in amassing this huge estate was the unsettled claim of the heirs of Alfred Bent. Now that approximately two million acres was the alleged amount of the property, their one-twelfth interest (about 166,666 acres) was a very substantial parcel of land. A cloudy title was an ever-present danger, and for that reason the Maxwell Land Grant and Railway Company, Lucien B. Maxwell, and Luz B. Maxwell filed a bill in equity in the district court of Colfax County against Guadalupe Thompson, George W. Thompson, her husband, and Charles, Juliano, and Alberto Silas Bent, her children by Alfred Bent.<sup>35</sup>

A brief digression about the second matrimonial venture for Horace Long's daughter, Guadalupe, is relevant to this examination of the Bent heirs' claim. George W. Thompson was a Colorado rancher, who had filed on a piece of land adjoining and just downstream from a ranch belonging to his father-in-law. Horace Long had acquired his place in Colorado at the mouth of a southern tributary of the Purgatoire River in April 1861, and since that time the tributary's course has been known as Long's Canyon.<sup>36</sup> Thompson's place next to it was six miles upstream from the town of Trinidad.<sup>37</sup> He married the widow Bent in Taos. By 1870 he was an ambitious and capable businessman-rancher trying to put together extensive holdings in cattle and sheep ranges. The chance to secure control of over 160,000 acres of the Maxwell Grant, as custodian of the interests of his three minor stepchildren, was alluring.

The equity suit proceeded slowly, and the complainants filed an

amended bill on January 11, 1873. Several allegations were made. The bill set forth that Lucien B. Maxwell had paid \$6,000 to Guadalupe Bent as administratrix of the estate of Alfred Bent and not as guardian *ad litem* for the infants; that she undertook to convey the Bent children's rights in the premises to Maxwell. It further alleged that the payment had been made to her as administratrix because agreement for the sale of the equitable interest to Maxwell had been made by Alfred Bent; therefore, the lower court had no right to direct the guardian *ad litem* to make such a conveyance to Maxwell. In other words, the 1866 decree of the court should be set aside and a new one issued in keeping with the complainants' contentions.<sup>38</sup>

Defendants, of course, made denials of some of the allegations in both the original and amended bills. Pertinent herein are denials that Maxwell and his wife were sole owners of the property and that their deed to the Maxwell Land Grant and Railway Company was valid. The court decree of 1866 was illegal and unjust. Defendants did not deny, however, that Guadalupe Thompson had undertaken to convey the Bent heirs' interest to Maxwell. They asserted that in so doing she was wrong, being ignorant of her rights and duties as guardian *ad litem*. Nor did they deny that some money, but not the entire \$6,000, was tendered; whether the amount was paid to her as administratrix or guardian she did not know. At any rate, it was averred that her supposed deed of conveyance was illegal and void.<sup>39</sup>

In this first test of strength the Maxwell Land Grant and Railway Company and the Maxwells were successful. The Colfax County District Court at the August term, 1873, set aside the decree of 1866 of the Taos court, declaring that the Maxwell Land Grant and Railway Company held the premises free of all trust in favor of Guadalupe Thompson, George W. Thompson, or the Bent children.<sup>40</sup> The Thompsons appealed to the Supreme Court of New Mexico, where the decision of the lower court was affirmed. From there they carried the case to the Supreme Court of the United States. In the nation's highest tribunal they achieved a partial victory in 1877. The Supreme Court, in an opinion written by



Mr. Justice Bradley, ruled that the objective of the Maxwell Company and the Maxwells to set aside the decree in the original cause (1866) had been attempted under the guise of a bill for quieting title, when in reality it was a bill of review. It held that the complainants had failed to show that the agreement to convey the one-fourth interest to Lucien B. Maxwell had been made in Alfred Bent's lifetime. The present decree (1873), the opinion further stated, was erroneous in reversing the decree of 1866. The justices were not convinced, however, that right lay entirely with George and Guadalupe Thompson, and the opinion directed that the bill should not be dismissed absolutely. Rather, the complainants were allowed to amend their bill once again, and new proofs were permitted.<sup>41</sup> In other words, the cause was remanded to the Colfax County District Court, and the litigation was to start over again.

At the March term of the district court in 1880 the complainants entered an amended bill. Their chief changes were to the effect that the agreement about Charles Bent's interest was not made until after the death of Alfred Bent, his son, and that the charge of error in the decree of the Taos court in 1866 was in itself erroneous. On April 9, 1880, the Thompsons filed their answer to the amended bill; it was substantially the same as their former one, but there were new points and denials founded mainly on charges of fraudulent and deceitful representations by Maxwell and others.<sup>42</sup>

In the interval between the decision of the Supreme Court of the United States and the reopening of the case in the district court the government of the United States issued its patent to Charles Beaubien and Guadalupe Miranda, their heirs and assigns for the lands described in an accompanying survey, but the patent was to be construed only as a quitclaim on the part of the United States, which would not affect the adverse rights of any other person or persons.<sup>43</sup> Securing an official patent to the vast claim was indeed a major step forward for the Maxwell Land Grant and Railway Company in its efforts to obtain undisputed ownership of the Maxwell Grant, but since the relinquishment by the United States

was simply a quitclaim, continued attempts to break the company's grip through the courts was not barred. The Bent claim was not yet extinguished.

Semi-success before the Supreme Court of the United States greatly encouraged George W. Thompson, and he expressed confidence in ultimate substantiation of Alfred Bent's heirs' claim to part of the Maxwell Grant.<sup>44</sup> His elation undoubtedly stimulated his ambition to accumulate real estate, and he took new steps towards that goal. Thompson had his eye on the possibility of acquiring as much as he could of the enormous Vigil and St. Vrain Grant (more than four million acres claimed) in Colorado, which was one of those specifically limited to about 97,000 acres by the Act of Congress of June 21, 1860.<sup>45</sup> For twenty years, however, heavy pressure had been maintained in Washington as well as in the courts to attain a full confirmation, and the chances of getting it were by no means gone.

Charles Bent had received a deed to a one-sixth part on March 11, 1844, from the original grantees, Ceran St. Vrain and Cornelio Vigil.<sup>46</sup> It meant that the children of Alfred Bent had fallen heir to a part of that grant also, and this was one of the approaches open to George W. Thompson. Yet the way he went about it was certainly roundabout. According to prescribed procedure, he applied, as guardian of the minor heirs of Alfred Bent, for an order from the district court in and for the county of Las Animas, Colorado, to sell their interest in a thirty-sixth part of the Vigil and St. Vrain Grant. He claimed that money was needed for their education and to defray expenses of the current lawsuit in their behalf with the Maxwell Land Grant and Railway Company. The court approved, and on September 20, 1880, one William A. Burnett obtained the interest of the Bent heirs at public sale for \$3,000.<sup>47</sup> On October 1, 1880, Burnett quitclaimed the same property of George W. Thompson for \$3,500,<sup>48</sup> and five days later Guadalupe Bent Thompson gave her husband a quitclaim deed to her interest in the Vigil and St. Vrain Grant.<sup>49</sup>

Just why Thompson chose that way of doing it is not certain, but there may have been questions raised in some quarters about

his motives. Alfred Bent's children were growing up; Charles would reach his majority the following spring on April 26, 1881; William (Juliano) would become twenty-one on May 31, 1883, and the youngest, Albert Silas, would reach legal age on October 20, 1885.<sup>50</sup> Charles, particularly, had reached the stage where he was increasingly conscious of his own future well-being, to say nothing of consideration for his brothers. This became apparent on April 4, 1882, when he filed his petition in the District Court of Colfax County, New Mexico, to demur or plead to the amended bill, or file a new answer, in the case of *Maxwell Land Grant Company v. Thompson et al.* (At the same term of court the name of Lucien B. Maxwell who had died in 1875, was removed from the case.) The court approved and young Bent filed his answer.<sup>51</sup> His allegations are summarized here. His mother, Guadalupe Thompson, being ignorant of the English language and of business matters, had been imposed upon by Aloys Scheurich and Lucien B. Maxwell and wheedled into disposing of the interests of her children in the Beaubien and Miranda Grant. He averred that his mother had no idea of the size and value of the property, and that Maxwell never told her that it extended into Colorado. She did not need any money for the support and education of her children, having been left well off by Alfred Bent, and she had not received any money for her pretended conveyance.<sup>52</sup>

From a contemporary newspaper item one gets the impression that George W. Thompson was not hurting for cash either, despite the claim in his petition to sell the Bent heirs' interest in the Vigil and St. Vrain Grant. An extremely laudatory biographical sketch was published in one of the Trinidad, Colorado, papers, but the writer of the article was a bit free with the facts, if indeed he really understood them. The reader is informed that Thompson's wife and stepchildren owned a half interest in the Maxwell Grant, and that his wife was heiress to half the Vigil and St. Vrain Grant, over which he had secured control. He was described as "virtually suzerain of a more than princely domain, partly in his own right and partly as legal representative of others."<sup>53</sup> Perhaps the writer was not aware of the very shaky hold that Thompson had on frac-

tional parts of those land grant properties. The newspaper went on to observe admiringly: "That a man in sixteen years' time has been able to amass a princely fortune is a most favorable comment."<sup>54</sup>

Counsel for the Maxwell Land Grant and Railway Company contended that Charles Bent's answer contained new allegations which were not admissible because the amended bill was not, in effect, a new bill. The district court agreed with this reasoning, but, on appeal to the Supreme Court of New Mexico, the lower court was overruled and his allegations allowed to stand.<sup>55</sup> His answer was then consolidated for trial with the old case of his mother and stepfather against the Maxwell Company, which they were about ready to take once again to the Supreme Court of New Mexico. That tribunal reversed the district court. Its opinion stated that dropping two allegations really made a new bill of complaint to which defendants had liberty to answer fully, and with new answers if necessary, and reiterated that Charles Bent was quite within his rights in filing a separate answer. The opinion pointed to the ruling of the Supreme Court of the United States that the plaintiffs had failed to prove that the compromise allegedly extinguishing the Bent claim had been made during the lifetime of Alfred Bent; therefore, when the amended bill averred that it had been made afterward, it in effect charged that the compromise had been made with the infant heirs, a change that made answers to the amended bill necessary and valid. The Supreme Court of New Mexico remanded the case to the lower court, with instructions that the defendants be permitted to restore their answers to the record. For the third time the litigation was right back at the starting point.<sup>56</sup>

The lawsuit to secure to the heirs of Alfred Bent a one-twelfth part of the Maxwell Grant fell into abeyance while another suit, which might materially alter their prospects in the matter or eliminate them altogether, headed for a decision in the United States Circuit Court, District of Colorado. There the government (in behalf of anti-grant settlers) was seeking to have the patent for the Maxwell Grant vacated. Circuit Judge David J. Brewer ruled on January 25, 1886, that the government's bill in *United States v.*

*Maxwell Land Grant Company et al* be dismissed.<sup>57</sup> Appeal was then taken to the Supreme Court of the United States, which ruled in favor of the Maxwell Land Grant Company on April 18, 1887, in an opinion written by Justice Samuel F. Miller.<sup>58</sup>

Now that the claim of 1,714,764 acres for the Maxwell Grant had been decisively upheld, the time seemed propitious for Alfred Bent's heirs to resume their efforts to obtain a one-twelfth part of the property. Resumption came in a new form. Alfred Bent's second son William (Juliano) filed a petition in the probate court of Taos County on August 12, 1887, seeking a re-probate of a will, allegedly his father's, probated in 1867. He alleged that he and his brothers had not been notified, nor were they present, when the will was probated. And "on information and belief" he further alleged that the will was not his father's, or, if it was, his parent was of unsound mind when he made it. As administratrix of Alfred Bent's estate, Guadalupe Thompson was a respondent in the case along with the Maxwell Land Grant and Railway Company and its successor, the Maxwell Land Grant Company. The attorney for the defendant companies filed a protest and motion to dismiss the cause, mainly on the grounds that the will had been probated in the same court more than twenty years before and that the court had no present jurisdiction. Nonetheless, the probate court declared the will to be illegal on September 7, 1887.<sup>59</sup>

Just why William Bent chose to attack his father's will, or why the Maxwell Land Grant Company defended the case of *Bent v. Thompson et al*, is a matter for speculation, but the facts suggest great familial disharmony and an agreement already reached between the Maxwell Company and the Thompsons. The Maxwell people took the case to the district court, again asking that the cause be dismissed. The district court allowed the motion, whereupon William Bent appealed to the Territorial Supreme Court, which affirmed the decision of the lower court substantially on the points that the petitioner had indulged in unreasonable delay and that the court, in the absence of statutory authority, had no power or jurisdiction to act.<sup>60</sup> Following that, William Bent lost on an appeal to the Supreme Court of the United States; the federal high

court affirmed the judgment of the Supreme Court of New Mexico in an opinion dated January 26, 1891.<sup>61</sup>

After William's failure in the courts, the case of his elder brother, Charles, appeared again in the District Court for Colfax County. Although it was now styled *Charles Bent et al v. Guadalupe Miranda et al*, it contained about the same arguments as had been expressed previously.<sup>62</sup> Actually, this case had been pending for some time as is shown by the *lis pendens* (notice of pendency) that was filed on March 2, 1888.<sup>63</sup> The district court dismissed the bill, a decision that was upheld by the Supreme Court of New Mexico on October 9, 1895. The ruling centered on the contention that there was legal discretion and jurisdiction in the lower court to dispose of the Bent claim for a money consideration if it was deemed to be in the best interest of the infant complainants.<sup>64</sup> The dormant case of the Thompsons against the old Maxwell Land Grant and Railway Company was revived at the same time by the Maxwell attorneys. On the same date and on the same statement of facts and conclusions reached in the Bent case, it was sent back to the district court to carry the decree in favor of the Company into effect. Central to the court's ruling was the opinion that the amended bill of complaint had changed it from a bill of review to a bill to quiet in complainants the title to the property in controversy.<sup>65</sup>

So ended a litigation that in one form or another had been in and out of the courts for thirty-six years, including two appearances before the Supreme Court of the United States. The grandchildren of Governor Charles Bent were the poorer for it, and the ambitions of George W. Thompson to put together a princely domain were stunted. The last serious cloud on the title to the Maxwell Land Grant was dissipated. Defeat for the Thompsons and the heirs of Alfred Bent resulted chiefly from their failure to convince the courts of any real fraud or imposition by Lucien B. Maxwell or anyone else.<sup>66</sup> A similar failure had been one of the major reasons for collapse of the government's elaborate case to vacate the Maxwell Land Grant patent in 1887.

## NOTES

1. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company*, 95 U.S. 391 (1877).
2. *Transcript of Title of the Maxwell Land Grant Situated in New Mexico and Colorado* (Chicago, 1881), pp. 31-33. (Hereinafter referred to as *Transcript of Title*.)
3. *Ibid.*, pp. 33-34.
4. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company*, 95 U.S. 391 (1877); *Thompson et al v. Maxwell Land Grant and Railway Company et al*, 6 Pacific 193 (1885); *Transcript of Title*, p. 55.
5. David Lavender, *Bent's Fort* (Garden City, N.Y., 1954), p. 364.
6. *Thompson et al v. Maxwell Land Grant and Railway Company*, 6 Pacific 193 (1885); William A. Keleher, *Maxwell Land Grant: A New Mexico Item* (rev. ed., New York, 1964), p. 39.
7. Lawrence R. Murphy, "The Beaubien and Miranda Land Grant, 1841-1846," NMHR, vol. 42 (1967), pp. 32, 38, 44, note 27, 47, notes 59, 60, 61.
8. Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (reprint, Albuquerque, 1963), vol. 2, p. 273.
9. Colfax County Deed Book A, County Clerk's Records, Raton, New Mexico, pp. 74-75, 75-77, 77-78; *Transcript of Title*, pp. 37-39, 39-41, 42-44.
10. *Transcript of Title*, p. 37.
11. *Ibid.*, pp. 56-57.
12. *Ibid.*, p. 57.
13. U.S., *Statutes at Large*, 12, pp. 71-72; *Transcript of Title*, pp. 29-30.
14. *Transcript of Title*, pp. 31-33, 35-36. See also Keleher, p. 42.
15. *Santa Fe New Mexican*, Dec. 22, 1865, p. 2; Lavender, p. 364.
16. *Bent v. Thompson et al*, 5 N.M. 408 (1890), and 23 Pacific 234 (1890).
17. Horace Long was a well-known Taos resident, who had come there as early as 1839. Reminiscences of Jacob Beard, DeBusk Papers, Trinidad State Junior College Library; Frank Hall, *History of the State of Colorado* (Chicago, 1895), vol. 4, p. 192.
18. *Bent v. Thompson et al*, 23 Pacific 234.
19. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company et al*, 3 N.M. 448 (1885); 6 Pacific 193 (1885).
20. *Transcript of Title*, pp. 57-59.
21. *Ibid.*, pp. 48-52; Colfax County Deed Book A, pp. 81-84.
22. Colfax County Deed Book A, pp. 78-79.

23. *Transcript of Title*.
24. *Ibid.*, pp. 44-46.
25. *Ibid.*, pp. 35-36.
26. *Ibid.*, pp. 46-47.
27. Keleher, p. 29.
28. *Transcript of Title*, pp. 60-61.
29. *Ibid.*, pp. 62-64.
30. Keleher, pp. 34-35; Jim Berry Pearson, *The Maxwell Land Grant* (Norman, Okla., 1961), pp. 17-21.
31. *Transcript of Title*, p. 61.
32. *Ibid.*, pp. 69-73.
33. *Ibid.*, pp. 66-68; Colfax County Record Book A, pp. 82-85.
34. *Transcript of Title*, pp. 64-66.
35. *Thompson et al v. Maxwell Land Grant and Railway Company et al*, 6 Pacific 193 (1885).
36. Hall, vol. 4, p. 192.
37. Las Animas County Deed Record, County Clerk's Records, Trinidad, Colorado, vol. 2, pp. 49-50. Thompson had come west in the Pike's Peak gold rush, and like other unsuccessful gold seekers had turned to other endeavors. He was a fancier of fine horses, and in 1863 he took some that he had raised from the vicinity of Denver, Colorado, to New Mexico, where he sold them to Lucien B. Maxwell. *Trinidad Weekly Advertiser*, June 11, 1883, p. 1.
38. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company et al*, 95 U.S. 391 (1877); *Thompson et al v. Maxwell Land Grant and Railway Company et al*, 6 Pacific 193 (1885).
39. *Ibid.*
40. *Ibid.*
41. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company et al*, 95 U.S. 391 (1877).
42. *Thompson et al v. Maxwell Land Grant and Railway Company et al*, 6 Pacific 192 (1885).
43. Las Animas County Deed Record, vol. 9, pp. 177-95; Colfax County Deed Book B, pp. 210-29; *Transcript of Title*, pp. 107-24.
44. Petition of George W. Thompson (1880), Records of the District Court, Trinidad, Colorado.
45. U.S., *Statutes at Large*, 12, pp. 71-72. Congress ruled that the Vigil and St. Vrain (Las Animas) Grant came under a Mexican colonization law of 1824, which limited each grantee to 11 square leagues or about 48,000 acres each. See *Las Animas Land Grant Company v. United States*, 179 U. S. 202 (1900).
46. Las Animas County Deed Record, vol. 1, p. 392.



47. Petition of George W. Thompson (1880), Records of the District Court, Trinidad, Colorado; Las Animas County Deed Record, vol. 10, pp. 592-94.
48. Las Animas County Deed Record, vol. 10, pp. 594-96.
49. *Ibid.*, pp. 595-96.
50. *Bent v. Thompson et al*, 5 N.M. 408 (1890); 23 Pacific 234 (1890).
51. *Charles Bent et al v. Maxwell Land Grant and Railway Company et al*, 3 N. M. 227 (1884); 3 Pacific 72 (1884).
52. *Ibid.*
53. *Trinidad Weekly Advertiser*, June 11, 1883, p. 1.
54. *Ibid.*
55. *Charles Bent et al v. Maxwell Land Grant and Railway Company et al*, 3 N. M. 227 (1884); 3 Pacific 72 (1884).
56. *Guadalupe Thompson et al v. Maxwell Land Grant and Railway Company et al*, 3 N.M. 448 (1885); 6 Pacific 193 (1885).
57. *United States v. Maxwell Land Grant Company et al*, 26 Federal 118 (1886).
58. *Ibid.*, 121 U. S. 325 (1887).
59. *Bent v. Thompson et al*, 5 N.M. 408 (1890); 23 Pacific 234 (1890); 138 U.S. 114 (1891).
60. *Ibid.*
61. *Bent v. Thompson et al*, 138 U.S. 114 (1891).
62. *Charles Bent et al v. Guadalupe Miranda et al*, 8 N.M. 78 (1895); 42 Pacific 91 (1895).
63. Las Animas County Deed Record, vol. 3, pp. 529-32.
64. *Charles Bent et al v. Guadalupe Miranda et al*, 8 N. M. 78 (1895); 42 Pacific 91 (1895).
65. *Maxwell Land Grant and Railway Company et al v. Guadalupe Thompson et al*, 8 N.M. 91 (1895); 42 Pacific 95 (1895).
66. *Charles Bent et al v. Guadalupe Miranda et al*, 8 N.M. 78 (1895); 42 Pacific 91 (1895).