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1800-1933, G. Emlen Hall**

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FOUR LEAGUES OF PECOS: A LEGAL HISTORY OF THE PECOS GRANT 1800–1933

G. EMLÉN HALL

Albuquerque: University of New Mexico Press. 1984. Pp. 367. \$24.95.

Perhaps the critical question in any natural resource issue is the human factor. In this core sample of New Mexico history, the reader can begin to understand the frustration and anger of many of the peoples of New Mexico. It is the history of a significant portion of the west written on the head of a pin.

Emlén Hall's story of the Pecos Grant begins in 1880 and ends in 1933, although there is a powerfully written epilogue that reprises the land to date. The land is isolated without much potential mineral wealth. The small population lacks political clout, and the Pecos tract is a comparatively tiny piece of land, one one-hundredth of the size of the Maxwell Grant. It would not be difficult to make the history of this land dry and boring, but Hall's book is the end result of ten years of his life and it is that increasingly rare piece of scholarship for the sake of scholarship.

Em Hall has managed, in a relatively short book, to capture the essence of the history of Northern New Mexico. In the introduction, he writes that the unlikely hero of this book is "an eighteen-thousand-acre tract of high Sonoran desert." That is as right as Wallace Stegner's hero in *Beyond the Hundredth Meridian*¹ being a comparatively small western river. In short, *Four Leagues of Pecos* picks up the story of the Pecos Pueblo where John Kessel's *Kiva, Cross and Crown*² ends. Kessel described the decline and fall of perhaps the most magnificent and powerful of the Pueblo Indians of northern New Mexico; Hall describes the division of their bones. With carefully researched scholarship, Hall shows that the most successful pioneers of the west were not those who cleared the land and plowed the earth, but those who were skilled with a quill pen and paper. Just as an archaeologist dusts and scrapes each layer of sediment with a camel's hair brush and trowel to reveal the secrets of a site, Hall dusts and trowels each layer of paper that has encrusted the title to the grant. In so doing, he shows how complex the law was, particularly at that seam when American sovereignty replaced Mexican sovereignty in 1846.³

But Hall's concern is not with the legal transactions in themselves, but in them as devices to show the social and economic forces that affected

1. W. STEGNER, *BEYOND THE HUNDREDTH MERIDIAN* (1954).

2. J. KESSELL, *KIVA, CROSS AND CROWN* (1977).

3. B. DE VOTO, *THE YEAR OF DECISION 1846* (1942).

the people and the land. In addition, he demonstrates with excellent notes and text how sophisticated all of the parties, Indians, Hispanics, lawyers, speculators, were in those transactions. In fact, it's hard to find a rube in the whole narrative, although that does not mean that the numerous transactions were either fair or equitable. In the end, the poor lose, both the poorest Hispanics descended from the earliest settlers, as well as the remnants of the Pecos Pueblo peoples living in exile with their cousins at Jemez. One of the real virtues of the book is its neutral tone; it is not a polemic. Readers are expected to make their own moral and ethical judgments on the history of Pecos.

If Lawrence Friedman is correct in *A History of American Law*,⁴ in postulating that a primary difference between American law and English common law is the treatment of land as a commodity, then one need look no further for an example. Hall has succeeded by telling the story of one incident in the greatest land transaction on earth: the essence of the entire transaction. Time after time, the grant was purchased for pure speculation, while those who lived on the land and farmed its lush bottom were often unaware of the papers shuffling back and forth. It is those people with deep attachment to the land who were often left out of the speculative exchanges and who are now asking questions about what happened.

If there is ever to be a peaceful and fair settlement of the land and water questions, not only of New Mexico, but of other states where Indians in particular are asserting rights and claims, then the conduct described in *Four Leagues of Pecos* must be reconciled. In New Mexico, many Indians and Hispanics feel they have been cheated out of their inheritance. Hall provides some validity for that claim. But he makes clear that it was really the system, and not necessarily venal people, that caused this injustice. His descriptions of the landmark pueblo litigations, *United States v. Joseph*,⁵ *United States v. Sandoval*⁶ and *United States v. Candelaria*,⁷ make the book worthwhile reading for students of Indian policy. Unfortunately, too many books that describe federal Indian policy as enunciated by the courts make errors; I could find none in *Four Leagues of Pecos*. I believe that it would be a great tragedy if this fine study were not read and used in university courses on Indians or Southwest history.

Shortly before reading this book, I reread Bernard De Voto's *The Year of Decision 1846*. I was struck by two things. First, Hall's book provides the flip side of events that De Voto wrote about. Many of the characters that became settlers in Hall's book were young pioneers in De Voto's. Together these two books provide a wonderful picture of northern New

4. L. FRIEDMAN, *A HISTORY OF AMERICAN LAW* (1974).

5. *United States v. Joseph*, 94 U.S. 614 (1877).

6. *United States v. Sandoval*, 231 U.S. 28 (1913).

7. *United States v. Candelaria*, 271 U.S. 432 (1926).

Mexico history. But even more than the coincidences of time and character, I was struck by the similarity of style. While it may be apocryphal, De Voto once said that he wrote history because he couldn't think of a plot for a novel. I don't know if Em Hall has written a novel, but *Four Leagues of Pecos* reads like one.

A reviewer once wrote about John McPhee's short book *Oranges*⁸ "that when you put it down you can't believe you've read a whole book about oranges." Many people will feel the same way about this book; they will not believe that a book on the legal status of eighteen-thousand-acres of high Sonoran desert could be so interesting and entertaining.

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8. J. MCPHEE, *ORANGES* (1967).