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From Reparticiòn to Partition: A History of the Mora Land Grant, 1835–1916

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The year was 1835, and the vivid hues of autumn were yielding to the more somber tones of winter when the Alcalde of San José de las Trampas, Manuel Antonio Sánchez, traveled over the Jicarita Mountains to the piñon- and piñon-clad valley known as Lo de Mora. Sánchez undertook this journey as the representative of Alvino Pérez, the jefe político of Nuevo México. Located on the eastern slope of the Sangre de Cristo range, several days ride from the provincial capital of Santa Fe, the Mora valley formed a natural gateway to the buffalo lands of the southern plains. For generations Indian hunters, French trappers, and Spanish–Mexican ciboleros (buffalo hunters) and comancheros (plains traders) had exploited its resources and camped alongside its shimmering streams. By the early 1800s, a handful of paisanos (settlers), seeking a better livelihood along the banks of the Rio Agua Negra (now the Mora River), moved their families and livestock out of the increasingly crowded mountain placitas and established a permanent agriculturally-based settlement in the valley. Apparently, no government authority directed the initial occupation of a land fraught with all the dangers of frontier life. Raids and attacks from Comanches and Apaches—who viewed this invasion of their hunting territory with hostility—ranked among the most severe of these dangers. Just prior to Mexican independence, possibly in 1818, seventy-six vecinos from Lo de Mora petitioned the authorities for the establishment of a church in the valley,

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the valley, stating that because of the distance and difficulties of travel to the mission at Picuris they did without the sacraments.\(^1\) By the 1830s, these agricultural colonists were unequivocally the new stewards of the land. With their *acequias* (irrigation ditches), terraces, and *suertes* (long lots that contained about 120 varas on average), they imprinted profound changes on the social ecology of the valley that endure to the present.\(^2\) Their enterprise and occupation of the land, however, still lacked legal sanction and recognition from the appropriate authorities. The purpose of Alcalde Sanchez's trip to Lo de Mora that autumn, therefore, was to rectify this situation through the laying out of plaza sites and distributing agricultural and grazing lands to the seventy-six settlers who had occupied the more favorable bottom lands alongside the Agua Negra.\(^3\)

In his first official act, conducted on 20 October 1835, Alcalde Sanchez established the plaza of the Valle de Abajo, or the Valle de Santa Gertrudis, on the south or right bank of the Agua Negra River. Situated in the largest valley of the upper Agua Negra drainage at an elevation of approximately 7,200 feet, the plaza of Santa Gertrudis measured 200 varas north-south and 150 varas on the east-west axis, with an external perimeter of thirty varas designated as the "*chorreros y pisos de todos.*" A nearby *vega* (meadow) and the roads leading to it were likewise reserved as public spaces ("*y la vega para veneficio común con sus entradas y salidas libres*").\(^4\) The Plaza of San Antonio, located some three miles upstream from the lower valley, was laid out with identical dimensions identical to those of Santa Gertrudis. Like Santa Gertrudis, Sanchez also set aside the nearby *ciénega* for the benefit of all the settlers.

Once Alcalde Sánchez and his assistants defined the twin plazas, they proceeded to measure and divide the irrigable agricultural land. At Santa Gertrudis, Sánchez distributed 5,900 varas along both sides of the Agua Negra among forty *agraciados* (grantees) in *suertes*.\(^5\) He repeated the process at San Antonio where the amount of agricultural land was more restricted than in the lower valley. Here, twenty-nine settlers received approximately 3,610 varas. Most *suertes* measured 100 varas although Miguel Olguin, one of the leading *pobladores* (settlers), received 250 varas facing the plaza on the southeast.

Upon concluding the partition of the arable land and the layout of the plaza sites, Alcalde Sánchez identified the general boundaries of the *ejidos* (commons). Like the vegas and ciénegas, they were specifically designated for the common benefit of the grantees ("*veneficio de los agraciados y partes comunes de ellos*"). Roughly rectangular in shape, the *merced* was bounded on the north by the Rio Ocate, on the south by the confluence of the Rio Sapello and the Agua Negra, on the east by the Aguaje de la Llegua (Yegua), and on the west by the Estillero.\(^6\) In
order to complete the formal act of possession, the agraciados performed “en demostración de alegría arrancaron yerba, tiraron piedras, exparcieron puñadas de tierra, e hicieron otros actos posesorios dando vivas a Dios y a la Nación” (“in demonstration of joy they pulled up grass, threw stones, scattered handfuls of earth, and made other acts of possession shouting long live God and the Nation”).

These actions thus established the Mora community grant, later determined to encompass more than 827,000 acres. As approved by Governor Perez, the grant possessed an underlying ecological and economic rationale and encompassed the entire watershed of the upper Agua Negra river and its tributaries, as well as a wide range of altitudinal and resource zones. The latter extended from the timber–rich Sangre de Cristo in the west, passed through the intermontane–cultivable valleys at 7,000 to 8,000 feet, and ended at the grassy expanses of the high plains at about 6,000 feet elevation at the longitude of present–day Wagon Mound (see map 1). In accordance with custom and law, the grant conveyed to the individual rights to house lots, irrigable bottom lands along the Agua Negra, and communal rights that enabled the settlers to exploit surrounding natural resources.

In 1846, when the United States Army of the West, under the command of Stephen W. Kearny, invaded New Mexico, the population of the twin settlements of Santa Gertrudis–San Antonio had grown to some 940 rancheros. It appears that they strongly opposed the “gringo” invasion and quickly joined their relatives and allies from west of the Sangre de Cristo in the popular rebellion of 1847 that resulted in the deaths of the American–imposed governor and other officials at Taos.

At Mora, the Mexican defenders disarmed and fatally shot a number of Santa Fe traders in town where the revolt began. American troops arrived to quell the uprising and, after initial failures and retreat, they eventually defeated the insurgents who abandoned the town and fled into the mountains. The Army destroyed much of the town with artillery fire in order to punish the Moreños and to forcibly communicate no tolerance for future opposition. This American action firmly established the futility of armed resistance. Upon completion of the military conquest, the Nuevomexicanos—with the exception of the elites—found themselves reduced from a position of ethnic superiority to one of cultural subordination. Because the Americans at that time exhibited little interest in souls, the next phase of the conquest centered on power and profits.

In 1851, the U. S. Army founded Fort Union on the plains some twenty miles east of Santa Gertrudis in order to “watch over” the Mexican population, protect travelers along the Santa Fe trail, and serve as a supply depot for Army operations throughout the region. The impact of the fort on local society, however, went far beyond the military ques-
Map: Mora County and the Mora Grant. D. Alvarez, C. Añorve, and A. Flores helped create the map.
tion of security. Politically, it represented the imposition of a new state power and thus constituted one of the earliest and most visible institutions directly oriented toward redefining the nature of the region's relationship with the external world. Materially, Fort Union quickly developed into an important economic force that affected the social structure as well as the patterns of land use and tenure in Mora. The buffalo plains around the fort became stock ranges, agriculture quickly became a business, and the thirst for commercially valuable land created spectacular possibilities for lawyers and other opportunists who, (at least in popular thought), joined locusts, drought, and early frosts as one of the most sinister plagues that threatened the small ranchero. The 1848 Treaty of Guadalupe Hidalgo guaranteed property rights that derived from Spanish and Mexican land grants, but court decisions found that the burden of proof for establishing title fell on the claimants. In July 1854, Congress created the office of the Surveyor General of New Mexico in order to implement the provisions of the treaty and to investigate the validity and legality of the Spanish and Mexican land grants presented for adjudication.

Five years later, in June of 1859, two prominent Mora residents, José María Valdez and Vicente Romero, petitioned Surveyor General William Pelham on behalf of themselves and other Mora inhabitants for confirmation of the Mora grant. With an alacrity that became increasingly atypical of the grant adjudication process, the United States Congress accepted Pelham's recommendation and rejected the attorney general's objections. This action confirmed the grant as Private Land Claim Number 32 only one year after the initial filing. The Civil War and growing government unease over the size and exact boundaries of the grant, however, delayed the patent issuance for several years. Finally, in 1876 the General Land Office awarded the grant in the name of the original seventy-six grantees, their heirs and assigns. By this time, the lawyers and land speculators, led by Thomas B. Catron and Stephen B. Elkins, had arrived. They had already obtained a large percentage of the interests of these original grantees. One year after the patent issuance, attorney Elkins and patrón Vicente Romero filed suit in order to partition the grant among the various owners of these undivided interests. Much to the frustration of the speculators, however, the partition of the grant proved extremely complex and the case languished in the courts for more than a generation. Final adjudication did not occur until early 1916 when District Court Judge David J. Leahy ordered the sale (privatization and individualization) of unallotted common lands, thus bringing a judicial—if not judicious—end to the history of the Mora land grant.
The late Clark Knowlton recently outlined the formal, legal history—derived largely from court records—of the Mora land grant. Thus far, we might conclude that the historical significance of this case is merely another illustration of Anglo land usurpation from Mexicano villagers through American jurisdiction. This is the conventional interpretation, and that is how Catron and Elkins, or their successors obtained ownership of 85 percent (600,000 acres) of Mora's common lands.

Recent research based on micro studies of individual grants suggests instead that the traditional view—that much if not most of the former commons of northern New Mexican land grants uniformly fell into the hands of outside speculators or the United States government—may be overdrawn and subject to revision. G. Emlen Hall, for example, used materials from the San Miguel del Bado grant, has argued that local grant residents (not just Anglo outsiders) often successfully colonized and established fee simple title to the former commons. In short, scholars argue that while the mercedes of northern New Mexico certainly share important features and fall within a particular institutional genre, their histories manifest important variations due to differing ecologies, legal statutes, socioeconomic environments, and the ways in which grant residents themselves responded to the assault on their patrimony. The set of generalizations we address in this paper has to do with the question of who actually obtained control and acquired ownership of the former commons. Did all commons fall prey to outside speculators, to the public domain, the railroads, Anglo homesteaders, and the national forests as conventional wisdom holds? Or, as Hall suggests, was the process more complicated? To what extent did local people obtain tenure over the commons, and what were the precise mechanisms by which the commons were individualized and transformed into private property?

Our ongoing analysis of the archival materials, some of which have received little attention, suggests that the conventional generalization does indeed fail to adequately reflect the complexity of land tenure evolution in Mora. Perhaps the most glaring limitation is that in Mora, neither the railroads nor the public domain nor Anglo homesteaders received any significant portion of the commons. The national forests, on the other hand, arrived late in Mora and had no part in the suit that resulted in alienating the ejidos. Ironically, their role in the history of the Mora commons has been very different from that which is commonly thought. Of the five actors usually singled out as important agents in the commons breakup. Only the outside Anglo speculators remain, and though they certainly contributed extensively in the breakup of the commons, it is our contention that previous accounts of the speculators' role need revision. The other major beneficiaries were cattle ranchers. While most (but not all) were Anglos, and some were definitely
"outsiders" or newcomers, others had resided on the land for decades before the partition suit reached its conclusion in 1916. And local people, for their part, were not totally excluded. Many grant residents successfully defended claims to tens of thousands of acres of former commons.

Knowlton's conclusion that the 85 percent of Mora's common lands obtained by and transferred to speculators in fee simple tenure through a court induced partition suit provides a convenient point of departure in this re-examination. We will attempt to demonstrate that the partition suit simply did not end this way. Knowlton's reconstruction relied heavily on the court record and though he provided a splendid synthesis of the formal and legal history of the grant and he admirably documented the politics involved in the grant's surveys as well as the activities of the infamous Catron-Elkins duo, it is our thesis that he erred in treating the legal record and the ownership of interests as an entirely accurate vision of the distribution of land "on the ground." We suggest, then, that there were two levels of reality in the evolution of land tenure in Mora (and, by extension, elsewhere). One level consists of the court claims in which speculators, among others, demonstrated ownership of a certain number of interests in the Mora grant through deed conveyences. The other deals with de facto land possession, which did not always coincide with interest ownership. Due to the nature of the archival sources he consulted, Knowlton failed to appreciate the importance of this distinction. He was therefore unable to perceive the varied ways in which hundreds of thousands of acres of common lands became de facto private property (that eventually received court recognition as such decades before the conclusion of the partition suit).

Second, Knowlton's account leaves the reader with the idea that the amount of land open to common use remained stable between 1835 and 1916. We attempt to correct this perception and show that while the speculators certainly acquired some healthy chunks of property after the judge's gavel fell in 1916, it was by no means as much as Knowlton claims.

Third, Knowlton's reconstruction is limited chronologically. Since his intent was not to trace the evolution of tenure after 1916, he left the important question of what happened to the commons after the partition suit pending. Clearly, the speculators did not cut up the commons and pack it off for sale elsewhere. As Hall shows, determining who got the land after the court battle's conclusion profoundly affects our assessment of the entire drama.19

Fourth, and most importantly, the idea that 80 percent or more of the common lands fell to outsiders at the turn of the century suggests that the dispossession of rural Mexicanos is a fait accompli, not an ongoing process. Ironically, this assumption draws attention away from the fact that the struggle for the land and its water is a serious con-
temporary issue, and in some grants, Mora included, the most dramatic shift in land use and in the ethnicity of land tenure occurred not seventy or eighty years ago but within the last generation. And finally, the Mora materials call attention to another facet of the struggle for land and the privatization of the ejidos: the role of the local elite. The common view rightly calls attention to the sharp, often unethical and at times illegal, activities of outside agents. The speculators, railroads, national forests, homesteaders, Surveyor General’s office, Court of Private Land Claims, General Land Office, and the New Mexico courts are key actors. With the exception of studies such as Robert Rosenbaum’s nuanced analysis of the role of class, ethnicity, and factionalism in the struggle for land and cultural survival in nineteenth-century New Mexico, local society is often portrayed as a monolithic block. Without denying the presence and power exercised by outside agents in the struggle for the commons, we would like to return local peoples to a more central, active, and transformative role in their own history, as well as pay closer attention to the relationship of internal social differentiation and class stratification in the breakup of the commons. Local society responded to capitalist expansion, commodity production, and the privatization of resources not only through resistance but also with opportunism. In the discussion to follow, we will meet many individuals—mostly elite members of Mora society—who litigated and fought not so much to defend the commons as to get a piece of it.

Unlike the hundred or so prior mercedes, Mora came to life on the eve of a new historic age; an age in which commercial capitalism, individualism, and commoditization began to thoroughly redefine the centuries-old regime of corporate social structures, communal ownership of land, and subsistence-oriented economies. In fact, it appears that the new forces affected the nature of the Mora grant even before the agraciados cheerfully shouted their “vivas a Dios y a la Nación” on that October day in 1835. While the wording and structure of the Mora grant conformed with long-standing usages—private arable land, public meadows, common pastures and forests—the very size of the Mora grant suggests that the Mexican government’s land policy east of the Sangre de Cristo was motivated as much by geopolitical considerations (and possibly by officials’ greed) as by the desire to legalize the settlers’ occupation of public land. By the 1830s, in response to the reality of American expansionism, traditional institutions such as the community or settler merced (customarily granted to satisfy the subsistence requirements of a local population in new areas of settlement) redefined themselves and evolved new functions and meanings that included ways to create a bulwark against American encroachment as well as encourage the ideology of quick wealth through speculation. Mora was but one of a number of huge grants made during the Mexican pe-
period to the north and east of the old core of Spanish settlement and the approximately 827,000 acres that fell within Mora's boundaries far exceeded the immediate needs of the seventy-six grantees and their families who clustered in two small placitas in the grant's southwest corner. It is not surprising then that the grant, encompassing a huge amount of "unoccupied" land and born under the dawning light of speculation in which both the Mexican and Anglo elite operated as the principal architects, would find itself subjected to incredible transformative pressures as a result of class differentiation, economic growth, and population increase.

Be that as it may, the image we have of land tenure in 1835 Mora is one in which individual families controlled some 1,450 acres at Santa Gertrudis and a smaller amount at San Antonio. Clearly the economic and social conditions of the region at that time impeded the use of such a huge amount of land by the original colonists. In fact, it appears that throughout the 1830s and 1840s settlers did not consider the valley of Mora, despite its fertile soils, abundance of land and water, magnificent scenery, and proximity to the Santa Fe Trail an attractive locale in which to settle down and raise a family. Both Indians and Texans claimed the lands east of the mountains and both expressed their control through force of arms. Though the data is more suggestive than conclusive, it appears that raids, or at least the threat of raids, from either the ancient inhabitants or the aggressive Texans compelled many of the early pobladores in Mora to abandon their suertes and move back to the western, more "civilized" side of the Sangre de Cristo. Of the original seventy-six grantees, less than half (thirty or so) remained alive and/or resided on the grant at the time of the last Mexican census in 1845. For those who stayed, the insecurity of the area was such that not only did they construct their houses in the traditional defensive plaza style, but they also erected a wood block house and a two-story adobe fort on the northwest and southeast corners of the plaza. The land and water resources in the villages on the western side of the Sangre de Cristo, however, proved inadequate to meet the residents' demands and, as population grew, many families moved over the mountains to the Mora drainage. Since land was abundant and the new settlers contributed to the area's security, the locals usually welcomed them and they easily obtained permission to settle. In general, there were two traditional strategies utilized in the early decades of the grant's history to obtain recognized land rights. Both mechanisms contributed substantially to the fragmentation of the original common lands.

The first mechanism consisted of a subdivision of the original merced. Used only during the Mexican period, it involved the issuance of an independent grant for lands within the original merced. These secondary grants, or grants-within-grants, had to receive the governor's
approval as well as that of the settlers on the original grant. They appear to be unique to the Mora–Las Vegas area. In the case of Mora, five secondary mercedes appear in the historical record; three were community or settler grants (Guadalupita, Manuelitas, and the John Scolly or La Junta grant), and two were claimed by individuals: the Ocate grant by Manuel Alvarez and the Santiago Boné grant. Although the United States government eventually confirmed only one (the Scolly grant), the fact that so many overlapping/rival claims existed speaks of an increasingly intense struggle for land that developed along the eastern flank of the Sangre de Cristo in the years immediately preceding the American invasion.

An extremely complex and multi-faceted phenomenon, the competition involved groups and lone individuals that expressed differing class interests, social organizations, and ethnic identities in their interactions with each other and with the physical environment. The results could be subtle and brutal. Consequently, even though both community settler and individual grants were, legally speaking, simply subtypes of mercedes, they in fact represented very different social and economic realities.

Small farmers and ranchers, for example, favored the more traditional community grants to obtain access to the strategic resources necessary for social reproduction that operated under conditions of petty commodity production which, in turn, was based upon crop- and livestock-raising. Three of the community grants in the Mora area (the original Mora grant and the Guadalupita and Manuelitas secondary grants) centered on settlements located in intermontane valleys. They consisted of a core, privatized area of tillable bottom lands and an outlying, communal area that included forests and pastures as well as the headwaters and courses of the streams and acequias used for irrigation. These grants, therefore, fostered a sense of place and community defined in terms of a set of common social interests focused on but not limited to the land and its resources. In contrast, the Scolly grant diverged from this pattern. Located further out on the plains at the strategic junction of the Mora and Sapelló rivers, it was originally issued as a settler grant complete with commons. Apparently, though, the grantees and their successors (mostly Anglo) treated the grant as private property and quickly divided the arable and pasture lands into individual ranches.

In this division, the Scolly grant represented sociologically, if not legally, the individual grants that responded to a different set of class interests, economic agendas, and social actors than what the community grants did. Here the goal was not simply “subsistence” but rather profits—either through the sale of the land (speculation) or commercial ranching. Located on the eastern grasslands beyond the intermontane valleys in drier and ecologically less diverse areas lacking both the for-
est and agricultural resources of the west, the individual grants were better suited for grazing rather than planting. Sparsely populated, they lacked the centripetal forces of commons and acequias that fostered the development of collective sensibilities in the settler grants.

The other method for the division and apportionment of land in Mora consisted of *hijuelas* (titles or deeds) issued by the *juez de paz* (local authorities) to individual settlers/petitioners for specific plots or properties within a merced. The hijuelas often confirmed existing occupation, and in most cases conferred fee simple tenure for small tracts of land that were usually, but not always, designated for agricultural *suertes* and domestic *solares* (house plots). In contrast to the mercedes, the newly-created *juez de pruebas* (probate judges) continued to grant hijuelas throughout the first thirty years of American occupation, assuming many functions of the traditional *juez de paz*. Our discussion here will focus on the hijuelas, since they shed much light on the history of settlement and patterns of land tenure in Mora during the early Territorial period.

Mercedes grants, which required the approval of provincial officials, ceased in 1846 with the end of Mexican rule over the territory. Hijuelas grants, on the other hand, continued to operate well into the American period because they were prerogatives of local officials. This was common in Mora and Las Vegas. To date, we have uncovered more than a hundred separate hijuelas drawn up for lands within the Mora grant. The earliest was issued in 1838, the last in 1883; the majority date from the 1850s and 1860s.

Our analyses of these hijuelas show that once colonists nominally occupied the forested valley of Santa Gertrudis–San Antonio, they then turned their attention eastward towards the Santa Fe trail and to the more open valleys and riverine environment of the grassy plains. The *puertos* (outposts) of Golondrinas (1838), La Junta (1842), La Cueva de los Pescadores (1844; now known simply as La Cueva), and Buena Vista (1844) were among the first occupied, and all were located along the Mora river downstream from Santa Gertrudis, adjacent narrow ribbons of irrigable bottom lands snaking across the open plains. Whereas the initial settlements of Santa Gertrudis–San Antonio provided access to water, farmland, and forest, the new settlements oriented themselves toward water, farmland, and grass; a combination that reflects the central importance that buffalo hunting and sheep herding played in this expanding ranchero economy.

Once the Americans arrived, the pace of regional reorganization of geopolitical and ethnic relations that began with the initiation of the Santa Fe trade intensified. Commerce and Indian hostilities increased, Fort Union was established in 1851; and the first wave of immigrants from Europe and the eastern United States arrived. In just fifteen years,
1845–60, the population grew from less than one thousand to over 5,500. Within the Mora grant, the attention of the settlers returned to the sheltered intermontane valleys of the west. During the early 1850s, colonists formally occupied the most attractive valley lands around the Santa Gertrudis–San Antonio core: Coyote and Santa Rita Coyote (now known as Lucero), located along the Coyote river a few kilometers below Guadalupita, had settlers by 1853. Guadalupita, initially settled in 1837 but later abandoned, was reoccupied, while lands at Agua Negra (Holman), lying upstream from San Antonio, were granted by 1856, as were lands at La Cebolla (Ledoux), located in a parallel valley south of Santa Gertrudis. Thus, by the mid–1850s, settlers occupied the most attractive bottom land sites within the upper Mora drainage. In many cases, the suertes ran from the river or stream up to the ceja (ridge) of the mesa or hills enclosing the valley and separating it from the adjacent drainage. This pattern gave each colonist direct access to water, arable land, and limited forest resources for firewood and building materials. It also had the effect of partitioning and privatizing much of the intermontane forest reserve within the grant. This was especially true for the hills that separated the Rio Agua Negra–Mora from the Rio Cebolla to the south, and from the Rio Coyote on the north.

During the next decade colonists continued to arrive and establish new settlements further up the Mora and its tributaries toward the higher valley lands located at the foothills of the mountains; Monte Aplanado and Cañada del Carro appear in public records for the first time in 1867 and 1868, respectively. At the same time, both individuals and groups of settlers received hijuelas for lands at intervening areas such as Chupaderos (1868) and La Jara–Laguna (1867–68), and for arable lands in the eastern part of the grant at Ojo Feliz, Ciruela (1869) and Ocate. The Ocate valley was among those sites allotted to a group of colonists; in 1865, an unoccupied area at Ojito del Salitre was divided into fourteen parcels: eleven of the agraciados received one-hundred varas, another agraciados acquired fifty. The three principal pobladores, however—Dionisio, Ursulo, and Urban Lucero—claimed a total of 975 varas. The settlers apparently knew of the Ocate grant and were aware of the possibility that others might file counterclaims for the lands these pobladores possessed, since they all agreed to share legal costs for any future litigation concerning their titles.

In June of 1869 a group of thirty–three settlers requested a new repartición of the lands at Golondrinas that lay abandoned during the late 1850s. Included among the petitioners were six non–Mexicans who hoped to take advantage of their proximity to Fort Union. One month later, the Juez de Pruebas, Vicente Romero, approved the petition.
We will refer to those hijuelas made to groups of petitioners as "settler hijuelas" in order to distinguish them from the hijuelas issued to individuals. Settler hijuelas were really subgrants, and unlike the individual hijuela, conveyed to the recipients rights to more than just arable property. In the case of the Ocate and Golondrinas hijuelas, for example, the settlers obtained a block of land that included both arable and pasture land as well as some woodland. Though the granting of sub-grants and settler hijuelas within an original grant represented the continuation of the traditional pattern, it also contributed paradoxically to the fragmentation and progressive individualization of the grant's lands. Rather than remaining in the hands of the grant's trustees—the community as a whole—the rights of property and usufruct ended up in the control of the residents of the distinct settlements. In other words, the settler hijuelas granted to the inhabitants of a particular placita both arable and pasture land, and effectively prohibited other grant residents from using those lands. Under these settler hijuelas, the agraciados and their heirs treated the pasture lands as their exclusive domain and after five years of occupation and use, they came to consider these lands as private property. In this manner, important quantities of what was originally common land came to pass into the de facto and even de jure private control of local settlers.

The cases of Golondrinas and Ocate especially illustrate this process. The Golondrinas settlers received approximately 30,000 acres for their exclusive use. While no mention either of the number of varas or the amount of arable land within the area each settler received exists, the greater part of this acreage consisted largely of grazing land, and this property was reserved for the thirty-three agraciados. The repartición of the lands at Ocate also exemplifies the growing trend toward exclusivity of private property rights over grazing lands. The fifteen recipients of the Ocate hijuela received in private property their cultivable suertes adjacent to the Río LeFebres as well as collective ownership of a surrounding tract of grazing lands of unknown acreage. No one questioned the fact that these lands were reserved for the exclusive use of the agraciados since the petitioners clearly stated that they promised to improve the land with a fence. Substantial tracts of nearby pastures were also under private domain by this time since the eastern border of the Ojito del Salitre settlers was the estancia (cattle ranch) of Santiago Valdez.

We have highlighted the information contained in the documents that relates to the northern and eastern parts of the Mora grant because the major part of the original common lands were located in these areas. If it is true that huge portions of the Mora grant entered the twentieth century as common lands and did not become privatized until the conclusion of the partition suit in 1915-16, then the eastern grazing lands
would be most affected. The available documentation is frustratingly incomplete and we cannot present a detailed history of the evolution of land tenure in these areas at this time. If the data contained in the documents from Golondrinas, Ocate and from other localities in the eastern half of the grant are representative, however, then it seems that even by the 1860s large portions (but not all) of the lands suitable for grazing were occupied and either under de facto private control or considered a collective resource of the nearby residents, and were therefore no longer available to any and all who resided on the grant. This seems especially true for lands located adjacent to water sources. We know that many of these tracts were effectively privatized simply through occupation and that people seldom made or recorded deeds. If they were recorded, they often appear in deed books as one of the many “confirmations” of existing rights drawn up early in the twentieth century. In fact, we suspect that by the turn of the century, settlers who controlled nearby sources of water or who owned capital in the form of cattle and/or sheep were exploiting much of the eastern “commons.” Most discussions overlook this point, implying instead that “open” commons facilitated the development of a democratic, egalitarian social organization predicated on equal access to pasture. In the case of the open commons of the eastern grasslands, the situation appears just the opposite, since livestock ownership—one of the principal forms of wealth in this agrarian society—was highly stratified. The 1880 agricultural census, for example, shows that only 22 percent (n=55) of a total of 248 “farm operators” in five precincts reported sheep “on hand,” and but a handful of operators held most of the reported animals. It is highly unlikely that the hundreds of small and medium-size rancheros residing in the placitas of western Mora (ten to twenty-five miles away) directly exploited the eastern commons. Rather, the few wealthy individuals who owned most of the livestock and contributed to the subsistence of the many (jobs or income through partido contracts) held the eastern part of the grant in oligopolistic control. Olen Leonard stated the case clearly in his 1940 study of El Cerrito in neighboring San Miguel county:

In most of the Spanish-American villages the “common” or grazing lands were being used by only a few families. Although many of the grantees would retain a few sheep or cattle most of the livestock became concentrated in a few hands. These big livestock owners were known as the patrones of the villages upon whom the majority of the other families depended for work.

Through investment in and ownership of livestock, large ranchers and patrones gradually came to control much of the grazing land and eventually used occupancy as their principal argument in sustaining
claims of absolute property rights to the commons during the partition suit. Numerous examples abound that suggest that decades before the 1916 conclusion of the partition suit great tracts of the original ejidos were no longer free and open. Instead, wealthy individuals and eventually large cattle companies became the principal controllers of these range lands. However, our thesis—that many tens of thousands of acres eventually fell under the control of a few—does not imply that small ranchers were totally excluded from the commons by the 1870s or 1880s. The commons were still an important and valuable component in the livelihoods of \textit{los hombre pobres} at this time, and many took actions in order to defend these lands against speculators and large ranches.\textsuperscript{33} In 1878, 920 Mora residents petitioned Congress to reconsider the grant's confirmation since the wording of the patent clearly opened the door for a speculator takeover.\textsuperscript{36} Their request fell on deaf ears, and by 1890, the Gorras Blancas undertook more direct action by extending their fence-cutting activities—a protest against timber resource losses and commons enclosures—from neighboring San Miguel County to Mora.\textsuperscript{37}

The reduction of the Mora commons, then, was a process that lasted many decades. Although the settler hijuelas contributed to this process, the available evidence suggests that the bulk of the lands removed from common tenure on the eastern ranges were privatized through simple occupation without formal community approval and without clear legal title. Large Anglo-owned cattle companies were the major actors in this takeover of the commons, and became important targets for the Gorras Blancas.

The Western Investment Company, for example, held 8,000 acres in the east central portion of the grant and claimed that it had been in open, "uncontested" possession of the property since 1860.\textsuperscript{38} An even larger tract of land, consisting of some 60,000 valuable acres in the same area, had been occupied since the 1890s.\textsuperscript{39} The Wendling Cattle Company "owned" roughly 21,472 acres in the southeast corner of the grant adjacent the Mora river. We have no documentation concerning "purchases" or transactions that conveyed ownership of these lands. It appears that the company simply moved its stock onto the range prior to 1896, exploited it as private property, and eventually claimed ownership on the basis of occupancy.\textsuperscript{40} In similar fashion, John D.W. and Elmer E. Veeder obtained file title to the Laguna Salada ranch, which encompassed some 17,000 acres near Fort Union.\textsuperscript{41} Many non-Mexicano ranchers claimed that they obtained their properties in the 1860s and 1870s through purchases from previous Mexicano owners who, in turn, had established legal rights to the land through occupancy and use. William B. Brunton was one of these who put together a very valuable ranch along the Mora river at Cherry Valley in 1884. He stated he had obtained his ranch, which included both irrigated bottom land and upland pasture, through pur-
chase from previous owners and residents. While Brunton and other “second generation” owners in the area drew up deeds to formalize their transactions, “first generation” residents presented no legal documentation or citations to support their title claims. In his statement to the court, Brunton took special care to emphasize that he held the land under absolute ownership and not as a cotenant of the Mora grant.

The Union Land and Grazing Company—formed in 1885 by eastern speculators and capitalists who eventually bought the interests of Stephen B. Elkins in the Mora grant—waged the most aggressive and successful campaign for the privatization of the eastern pastures. In one of its more spectacular moves, the company took advantage of the vacuum produced by the abandonment of Fort Union and the cessation of the Army’s claim to the 50,000 acres which had comprised the Fort Union Military Reservation. When the Army ceded the premises in 1894, title reverted to the “owners” of the grant. Union Land and Grazing, claiming that it held interests equivalent to 90 percent of the land in that part of the grant, immediately occupied the premises, known as the Fort Union Range and Pasture, and within ten years fenced it with barbed wire on three sides.

The company’s occupation of these pastures did not go uncontested; however. In 1913 it filed suit against a local resident, Marcos Salas, charging him with illegally pasturing 250 sheep on the southern part of the range held in reserve for winter grazing of cattle. What is especially significant in this case is that in his defense, Salas did not argue that the lands were open commons or public domain. Rather, he claimed that the lands in question—some 2,500 acres located north of the community of Lorna Parda—were owned by his brother Porfirio Salas who pastured more than 700 sheep on the land and who had already initiated a quiet title suit for the premises against the claims of Union Land and Grazing. Salas could not provide documentation to support his occupation of the pastures, and he obviously lacked the political leverage possessed by Union Land and Grazing. Consequently, the court decided in favor of the latter, decreeing that Salas’ property consisted of a much smaller tract restricted to the Mora river valley and did not include the adjacent upland pasture. In November of the same year, the company obtained a perpetual injunction prohibiting the Salas brothers from trespassing on the company’s property. Union Land and Grazing’s control of these and other adjacent properties was formalized in 1914 when it obtained title to a total of 73,734 contiguous acres in the Fort Union-Turkey Mountain area. Some 1,700 acres controlled by the residents of Loma Parda comprised the only common lands in the area to survive this onslaught.
In short, by the late 1860s and continuing through the 1870s and 1880s Anglo cattle ranchers—Independents as well as companies—moved onto the open and sparsely populated ranges of the eastern part of the grant. Through the purchase of undivided interests in the grant from heirs of the original agraciados, or more commonly, through occupation of tracts of these open ranges, they established proprietary rights to the former commons which the courts eventually confirmed as fee simple tenure during the course of the partition suit. The significance of the partition suit, therefore, was not that it suddenly “sold-off” half a million or more acres of common land to outside speculators in a single 1916 transaction. Rather, the partition suit served as the mechanism which gave legal sanction and title to the existing occupation of hundreds of thousands of acres by “segregating” these properties from the undivided lands claimed by speculators. Western Investment, Wendling Cattle, the Veeders, Union Land and Grazing, William Brunton, and many others all received title to their claims as a result of the partition suit. The 1916 sale, which disposed of the commons that had survived until that date, did not affect their properties.

In the central part of the grant, the trend toward the privatization of the commons also proceeded at a brisk pace after the 1850s. Due to the existence of riverine agricultural villages and a more populated and competitive social landscape, however, the mechanisms most preferred by astute and powerful men for taking over the commons consisted of the combination of purchase and occupancy. While William Brunton’s Cherry Valley property mentioned above illustrates this process, one of the best documented examples involved Mora county Probate Judge Vicente Romero. By 1853 Romero, who had married a daughter of one of the original Mora grantees, had begun an aggressive program to obtain the lands in and around La Cueva, a particularly attractive and well-watered locale nestled between three streams: the Coyote and Mora rivers and La Jara creek. During the 1850s and 1860s, Romero bought out most, if not all, of the original settlers-agraciados at La Cueva, obtaining title to the suertes of 50, 100, or 150 varas which the grantees had received in private ownership at the time of the repartition of the La Cueva lands in 1844. This was not simply an economic process, however, since force and politics were involved, and not all the sales were without coercion. José Manuel Córdoba, owner of an impressive 3,200 varas of land along the Coyote River, felt so harassed by the trespass of Romero’s herds of cattle, horses, and sheep on his lands that he sued Romero in District Court for damages. Eventually, though, he realized that the combination of court costs, the continuing predations of Romero’s stock, and Romero’s political clout were overwhelming, and he finally decided to sell out to the patrón for twenty-five cents per vara.49
Once Romero had consolidated his control over the low-lying agricultural lands along the waterways, he enclosed them with a fence, and built an impressive six-mile-long irrigation ditch that watered the cultivated lands and led into two artificial reservoirs. The adjacent upland or pasture land between the fenced-in arable land and the surrounding hills was managed as private property, since these pastures were recognized as having "belonged" to the holders of the original suertes. During testimony taken to establish the ownership of the Romero lands, Rafael, Vicente's son, fielded questions as to how the pasture lands were managed "with reference to the animals of other people." He answered: "They were always kept off. They were not allowed in there unless it was by consent or pay." Ultimately, the Romero property grew to 20,000 acres, and the La Cueva Ranch Company, which succeeded the family-owned business in 1883, claimed that improvements on the ranch totaled at least $100,000. After their purchase of the property, the Anglo-financed company immediately put up some forty miles of fence around the property, enclosing in the process some adjacent "unoccupied" grazing land which had not been included in the original sale. Their justification for taking possession of these lands was a one seventy-sixth interest in the grant purchased from C. T. C. White, one of the financial backers of the La Cueva Ranch Company.

The same process, although on a much smaller scale, occurred to the south, on the Sapelló river. José Y. Luján purchased or otherwise obtained rights to eighteen to twenty of the original suerte allotments and consolidated them into a single ranch of some 1,480 acres which included agricultural bottomlands as well as open pasture. Nearby, Henry Goke had obtained a deed from Aniceto Salazar in May of 1872 for a piece of property which consisted of rolling upland mainly suited for pasture but with some cultivable land. Goke's employee, John Taylor, testified that one of his major responsibilities included making sure that other people's stock did not invade the land. Taylor claimed (truthfully or not) that the residents of Sapelló had recognized the land as Goke's property since at least 1872. Other witnesses, including Juan José Marea and Julian Blea corroborated Taylor's testimony, but we do not know if all of Goke's neighbors agreed with this. Goke himself stated that in addition to the deed obtained in 1872, he had received two other conveyances from the same Salazar in 1883 for about 1,600 acres, and that he used the lands exclusively for pasture. He further claimed that some of the lands in question had been under exclusive ownership since the mid-1840s.

Another mechanism employed to transform former ejidos into private property decades before the 1916 settlement of the partition suit consisted in a novel use of the hijuela. Traditionally, individual or private hijuelas were granted only for agricultural suertes and/or house
lots. By the 1860s, however, in apparent response to economic growth and the increasing commercial value of local resources, a number of individuals received hijuelas which granted them title to forest and pasture lands—properties once considered communal resources. It is difficult to determine how widespread this practice was since we have uncovered only three donaciones or títulos of this type, and all were granted in the period when Vicente Romero held the office of Mora county probate judge. The first was issued in 1860 to Frank Weber, one of the agraciados in the second distribution of land at Golondrinas. Weber solicited and was granted "un pedaso de tierra en el llano para (pastura?) para sus animales colindantes a sus terrenos." Weber already held lands north and west of this "pedaso," which bounded on the east and south by streams. Although Weber was an Anglo, this valuable property did not remain in Anglo hands since he married a local woman and by the second generation the Weber lineage had become thoroughly Mexicano in culture and identity, reflecting a common pattern throughout the early twentieth century.

A second título was issued to Tomás Lucero in 1868 for a strip of property (three and one-half miles long and possibly one and one-half miles wide) located between the communities of La Cueva and Manuelitas in the south central part of the grant. Although the documents do not provide details on the nature or potential use of the land, the general area which it describes is mostly low forest, with limited amounts of meadow and arable land. Probate judge Vicente Romero made the third donación in the same year for another tract of mountain forest west of San Antonio. Originally granted to three individuals, this "pedaso" extended from the peaks of the Jicarita Mountains to the lower foothills, and contained as much as 20,000 acres covered in pine and spruce. Clearly, Romero made this hijuela in response to the intensifying demand and value of timber. The competition for timber had intensified by the end of the century and a number of local entrepreneurs had set up small commercial sawmills throughout the area. Much of the timber for these operations came from the "common" undivided forest reserves, which was exploited by the mill owners as if it were private property.

By the 1880s, the pressures for individualization and privatization had grown so intense that not only were donaciones issued for forest and range lands, but even the "ancient" vega lands located adjacent to the communities were eventually divided among the inhabitants. In 1887 the authorities of Santa Gertrudis de Mora convened a public meeting in which they "enthusiastically" decided to divide the 780 acres of the adjacent meadows among the 311 residents who possessed recognized rights to the commons. In a transaction which clearly reflected the patriarchal social order and gender hierarchy, the commons were divided
into parcels of two and one-half acres for each male twenty-one years of age or over. Only widowed female heads of household could obtain land parcels. A commission of twenty “leading” community members presided over the survey and repartition of the lands, thus bringing to an end the last of the common lands in the valley of Santa Gertrudis-Mora. The same process occurred at Guadalupita in 1889. There a five-man committee supervised the division of the common lands vacated in the Guadalupita canyon (upriver from the community?) into eighty-five parcels (each 195 yards wide).

Wherever we look, whether to the forested mountain slopes of the western part of the grant, or to the open grasslands of the center and east, or to the community vegas themselves, we find evidence of privatization and individualization of categories of land—pasture and forest—which had traditionally been reserved for community use. The importance of this material is that it demonstrates the problems with the schematic view that the only private lands within the Mora grant prior to the conclusion of the partition suit consisted of valley bottom lands, that the ejidos and forests remained essentially intact as community preserves, and that only outsiders and speculators were involved in the process of privatization. On the basis of our data such an interpretation is no longer sustainable. By no means are we suggesting that all the common lands were privatized prior to the partition suit. What we are arguing is that the partition suit comprised the provocative climax to a process that began half a century earlier and which involved not only the courts and speculators but also cattlemen and local people—all engaged in a struggle for increasingly valuable land and water—who manipulated both traditional instruments (such as hijuelas) and introduced legal concepts and mechanisms to gain control of increasingly valuable resources. These approaches included the idea that the grant belonged only to those named in the patent, and that the grant could be divided into seventy-six interests or fractions thereof.

Previous accounts of the privatization of the Mora commons have correctly emphasized the role of outside speculators and the United States judicial system. It is clear that politically powerful men like Stephen Elkins contributed in a major way to the privatization of the commons through their capacity to affect the patenting process in Congress. These men also imposed the concept that the seventy-six grantees and “their heirs and assigns”—rather than the grant residents as a corporate body—owned the grant. This major legal coup effectively subverted the original social nature of the community grant and allowed the speculators to claim ownership of much of the grant and to institute the partition suit which legally terminated the era of common lands. What some of the speculators claimed they owned on the basis of the deeds they held, and what they actually possessed were two different
things, however. To understand these events and to appreciate the role of the partition suit in the privatization of the common lands we turn now to the court record and to activities of the speculators.

Unlike the majority of land grants in northern New Mexico, the Mora grant moved through the process of confirmation rapidly. As mentioned, the process was initiated in the mid-1850s when José María Valdez and Vicente Romero, two of the wealthiest men in Mora, requested, through their attorneys, the confirmation of the grant "on behalf of themselves and the other inhabitants settlers of the valley of Mora" (sic). On 9 July 1859, Surveyor General William Pelham recommended approval of the grant, and the following year, on 21 June 1860, Congress confirmed the grant. Before it could be patented, however, the grant first had to be surveyed. Here problems and controversy arose as to the precision of the original survey, the location of the grant's boundaries, the actual size of the grant, and confusion over the status of Fort Union (eventually segregated from the grant) and the John Scolly grant located at the Sapelló-Mora junction. These problems entailed both political and technical resolutions, which took sixteen years to work out. The patent was eventually issued on 15 August 1876 in the name of the original seventy-six agraciados, "their heirs and assigns," for the amount of 827,621 acres.

The patent's wording and issuance in the name of the seventy-six settlers and their heirs and assigns represented a significant redefinition of the grant's ownership. Remember that José María Valdez and Vicente Romero had sought confirmation of the grant "on behalf of themselves and other inhabitants, settlers of the Valley of Mora." Through this statement, they acted in accordance with the long-established principle that the unallotted lands of the grant belonged to the community as a corporate body, and that all recognized residents and members possessed rights in the corporate resources. This action followed the spirit of the "community grant" and the theory under which the probate judges in Mora operated when they granted land through the issuance of hijuelas and titulos de propiedad. Under United States jurisdiction, however, the concept of the "settler grant" or "tenants in common" arose, based on the premise that the ownership of the grant rested not with the residents and members of the community but solely with the original grantees or with those who derived title through purchase or inheritance from these original "owners." The question of to whom the grant would be issued factored into the negotiations during the long patenting process. Would it be patented in the name of the "Town of Mora" in accordance with the usage found in the Surveyor General's record, or would it be patented more restrictively in the name of the early settlers, their heirs and assigns?
Its final issuance in the latter format rests largely on the work and influence of Congressman Stephen B. Elkins. Since the late 1860s, Elkins, in partnership with other well-known speculators including Thomas B. Catron, had purchased and otherwise acquired interests in the Mora grant from the original grantees or from their heirs. They were so successful in obtaining deeds to these interests that Elkins alone eventually claimed to own over 50 percent of the grant and Catron’s widow another 30 percent. To substantiate their claim, however, the speculators made sure that the grant was patented in the name of the first settlers, their heirs and assigns. With this accomplished, the next step in the planned takeover of the grant involved the filing of a partition suit. This suit was required since, according to United States law, the interests held by the speculators were “undivided”; that is, they conveyed to their holders rights to a certain percentage of the unallotted lands, but they did not specify or identify any particular property or exact acreage. Through a partition suit, the number of interests would be determined, and the court would make a judgment as to the nature and feasibility of a physical division of the grant among the holders of the various interests. If such a division was not possible or practical—it almost never was—then the unallotted commons would be sold at public auction, the proceeds divided among the holders of the interests, and the land itself deeded to the purchaser. In March 1877, Elkins, together with Probate Judge Vicente Romero—who by this time also owned a number of interests in the grant—filed suit in district court for a partition of the grant. Their hope was that in a relatively brief period they would either obtain the lion’s share of the grant land, or at least realize a handsome profit on their investment in the sale of those lands.

Before we trace the formal history of the partition suit and determine its impact on the actual disposition and distribution of land within the grant, we must discuss the nature of the interests obtained by the speculators. When the United States government patented the Mora grant in the name of the original settlers, it implicitly divided the grant for legal purposes into seventy-six distinct interests, one for each of the grantees. In theory, each grantee possessed a claim to one seventy-sixth of the total grant, or 10,889.75 acres. If the grantee had two heirs, each inherited one-half of one seventy-sixth interest. The two children or heirs of one of these, in turn, would inherit one-half of one-half of one seventy-sixth interest, etc. The reconstruction of genealogies and identification of the legal heirs of the grantees, as well as the determination of the mathematical value of each of these ramifying interests, comprised an incredibly difficult and tedious task for the courts and remains so for historians. According to the interpretation created by the lawyer-speculators, only those individuals who were the heirs
or assigns of these interests possessed rights in the grant. The number of interests they held limited the amount of land to which they were entitled. This neat formula was far out of sync with reality, though.

On the ground, the grant operated according to customary tenure usages which provided land to residents according to need and socioeconomic position, independent of any claims derived from the original grantees. As the history of the hijuelas and títulos de propiedad demonstrates, these claims, if they were known, simply were not taken into consideration. In short, Mora was managed as a “community grant” at least up until the 1880s, when the definition of the “settler grant,” divisible into seventy-six original interests, began to erode the original meaning and concept of the grant.

In anticipation of this redefinition, Stephen Elkins began to acquire interests in the Mora grant as early as 1866. He very quickly envisioned an operation to gain control of as much of the land as possible and to reap a large profit. This consisted of the formation of a partnership in 1869-70 comprised of Elkins, Catron, Samuel S. Smoot, E.J. Darling, a government surveyor from Kansas, and Brown Murray, a New York resident who apparently served as a front man for Surveyor General T. Rush Spencer. Smoot and Darling agreed to survey the grant at their own expense and to furnish a maximum of $5,000 cash to purchase interests from the original grantees; Elkins stated he would provide his services as an attorney to obtain the deeded interests. Murray (for Spencer) planned to promote the sale of the grant in the East.

Elkins and Catron quickly went about tracking down—through their agents—the living grantees or their immediate heirs. By 1870 they reportedly had acquired sixteen of the one seventy-sixth interests, paying sums as low as $20 per interest. It must be pointed out, however, that while Elkins and Catron typified the unethical lawyers of the day, and were by far the most (in)famous of the speculators to deal in the Mora grant, they were not alone. Initial analysis of the deeds drawn up to record the sale of the original interests shows that by the 1880s many other individuals had jumped on the bandwagon to get a piece of the Mora grant. Almost all of these were, by occupation, “professional” people; most were lawyers and landowners, and one was a priest. Many are well-known in local history: Elmer Veeder, Casimiro Barela, P. D. St. Vrain, Charles A. Spiess, Octavio A. Larrazolo, Frank Springer, and Father J. B. Guerin to name but a few. By the time these people got involved in the land grant business, the bargain basement prices of $20 which Elkins and Catron had paid in the late-1860s and early-1870s were history. Father Guerin paid $300 in 1882 for one-half of one-ninth of one seventy-sixth interest, and H. D. Reinken of Watrous paid P.M. Sammons of Mora $1,000 for one-fifth of one-sixth of one
seventh-sixth interest in 1900. Just two years earlier Sammons had purchased the same interest from Rafael Romero (son of Vicente) for $300!

While the activities of the outside speculators has attracted the attention of historians, it should not be assumed that all who bought these interests sought to speculate. To the contrary, many of the people who obtained smaller interests were local folk who possessed farms and ranches within the grant. Many of these local residents either retained the interests they had received through inheritance, or they sought to buy interests in order to have some legal basis to the lands which they had occupied but for which they had no documentation. For example, Mrs. Trinidad C. de Baca owned 833/10,000 of one seventy-sixth interest and petitioned that her interest be applied to thirteen separate pieces of valley land which she had occupied for twenty-nine years. The court upheld her claim. Others hoped to apply their interest not to lands already occupied but to obtain title to adjacent parcels. Brunton stated that in addition to the lands he had purchased at Cherry Valley, he had also acquired a number of undivided interests in the grant that equalled 1,000 acres. He requested that in the event of partition, the court grant him ownership to lands in that amount adjacent to his existing ranch. Dolores Romero and his wife María Gertrudis García requested that the one-sixth of one seventy-sixth interest which García had inherited from her father, Tomás Encarnación García—one of the original grantees—be set apart contiguous to their property at La Cueva.

Clearly, the sale of some of the interests involved fraud. One of the most glaring cases involved the interest derived from the original grantee, Pedro Aragón. By the late 1860s, Aragón had left the grant and could not be located. When another man with the same name moved onto the grant years later, he was approached by Juan Antonio Baca who convinced him to sell the Aragón interest. Pedro Aragón agreed and this “sale” kept a number of clerks and lawyers busy for some time trying to find out who was the “real” Pedro Aragón.

Second, a significant number of the heirs of the original grantees no longer resided in Mora. Some lived in southern Colorado, while others, including the descendants of Carmen Arce—one of the principal pobladores of the grant in 1835—had migrated to California. By the time speculators or their agents contacted them, these individuals retained few, if any, economic or social ties in the community. For them, the sale of their interests represented a personal, unexpected windfall, and they apparently transferred their rights in the grant with little thought or concern for wider community affairs.

When the “land sharks” set out to obtain the Mora grant, they expected the matter to be resolved in a relatively short time. Contrary to their plans, however, the partition suit did not proceed as expected. The
number of parties that became involved in the suit as defendants, either because they actually occupied the land or because they possessed deeds to specific properties or undivided interests, swelled into the hundreds. This, together with the size of the grant itself, greatly complicated the proceedings. It also seems quite likely that the reaction of the grant inhabitants themselves and the social ferment of the 1880s and 1890s—expressed by the fence-cutting Gorras Blancas and the Peoples’ Party movement—contributed to the temporary “shelving” of the partition suit. Eventually, hope and patience wore thin for the first generation of speculators, and, unable to obtain de facto control of the land, the Elkins-Catron-Darling-Smoot-Spencer group disintegrated. All but Catron eventually sold their interests to another eastern speculator, General Benjamin F. Butler of Massachusetts.

The first to bailout of the original group was Smoot who in 1882 sold to General Butler’s son, Paul, his one-quarter (?) interest in the grant for the sum of $10,000. Since most of the conveyances of the interests had been drawn up and recorded in Elkins’ name, Smoot found his claims to the interests (that had accumulated during the partnership) difficult to sustain. Butler, perhaps realizing that he had bought worthless paper, then sold the same interests to another speculator, Frederick Pearson, for $25,000. Surveyor Darling pulled out next and in December of 1883 he and his wife sold their undivided interest to Butler for $25,000.

Elkins soon followed suit. In 1884 he agreed to sell Butler all of his interests in the Mora grant, estimated at 100,000 acres. The selling price was $75,000. Considering that Elkins probably spent less than $5,000 obtaining these interests, he stood to realize a tidy profit on the sale, even though he did not actually occupy a single acre. Apparently, however, this deal fell through, possibly because Butler never paid Elkins. Butler died in 1893 and his children and heirs, Paul and Blanche, together with Blanche’s husband Adelbert Ames, continued the elder Butler’s quest to obtain the grant. In August of 1893 another deed was recorded between Elkins and the Butlers which again conveyed title for all of Elkins’ personal holdings in the Mora grant.

An analysis of Elkins’ abandonment of the Mora grant illuminates a number of important points. First, even though Elkins was said to have owned almost half of the grant (thirty-six of the seventy-six full interests), he himself recognized that this represented approximately 100,000 acres, not 350,000 acres, the figure stated by Knowlton. Second, Elkins also recognized that his title to the grant was shrouded in difficulties, and for this reason he was willing to sell his interests for a price he considered very low.
By 1893 Elkins' involvement in the Mora grant ended, and two parties now held the majority interests: Thomas B. Catron and the Butler-Ames family, (the major shareholders in the Union Land and Grazing Company). Catron and his wife, Julia, claimed twenty-three of the original seventy-six interests while the Butler-Ames faction held another thirty-six, for a total of fifty-nine. Unable to cooperate or manage their interests collectively the Catrons and the Butlers decided to divide their interests geographically: the Butlers deeded to the Catrons all lands north of the thirty-sixth parallel (also known as the Fifth Correction Line), while the Catrons deeded to the Butlers and the Union Land and Grazing Company the lands south of that line.86

In his discussion of this agreement, Knowlton wrote: "Catron received 250,000 acres ... and the Butler heirs received 350,000 acres...."87 While Knowlton does not state how he arrived at these figures, it appears that he took the original size of the grant, 827,000 acres, divided it by seventy-six (the original number of interests), and obtained the figure of some 18,000 acres as the value of each interest. Catron's twenty-three interests converted into approximately 250,000 acres, and the Butler's thirty-six into 350,000-400,000 acres. In this Knowlton simply followed the methodology employed by the courts early in the partition suit to determine an acreage figure for the undivided interests. The problem with this methodology, however, was that it did not take into consideration the hundreds of thousands of acres already occupied by individuals who possessed no interest whatsoever or whose interests were insufficient to cover the amount of land they actually occupied. As the "undivided commons" gradually became occupied, the theoretical acreage value of each interest fell. In fact, by the turn of the century many calculated the value of their interests at 8,000 acres in recognition of the fact that the so-called unallotted lands had been greatly reduced in size. This error of evaluating the interests in terms of the original size of the grant explains why some authors have concluded that the speculators obtained as much as 80 or 90 percent of the total grant.88 While this may have been the goal of the speculators, it was not realized. What the speculators eventually received was not the acreage value of the interests they held on paper, but a share of the lands which in 1915 remained unallotted or unclaimed by individuals in fee simple tenure.

But this final resolution had not yet occurred when Catron and the Butler faction imperiously split the grant in two. Catron, for his part, held on to his interests until 1901 when he and his wife finally deeded them to their son, Charles, for the stated sum of $2,000.89 Continuing in the footsteps of his father, Charles Catron attempted to obtain clear title to the grant and to prevent local people from exploiting the grazing and forest resources north of the thirty-sixth parallel. Like his father, he
had little success. By the 1890s, the people of Mora clearly understood
the intentions of the speculators and other ricos, and community oppo­sition had coalesced to such a degree that one of Catron's agents was
killed, and the senior Catron felt that his life was in danger when he was
in the area.90 Local people refused to pay royalties to the Catrons or to
recognize in any way their claims to the lands. It appears, then, that the
Catrons received no income from their lands. They were, however, as­sessed county taxes on their interests, and this economic crunch brought
an end to Catron's decades-long attempt to gain control of the Mora
land grant.

From 1897 through 1910, the Catrons had steadfastly refused to pay
the taxes assessed against their claims. Finally, in November of 1911,
the county seized their interests for the accumulated back taxes of
$17,000. In February of 1913 the county sold these interests to Frank
Roy, a prominent local rancher and former Mora County Commissioner,
for the sum of $17,093. Two years later, in October of 1915, Roy sold
the interests for an unknown sum to the recently formed State Invest­
ment Company of East Las Vegas.91

Such was the situation, in early 1915 when suddenly, for reasons
not yet entirely clear, the partition suit was revived. District Court Judge
David J. Leahy presided over the case and one of his first actions was to
rule that due to the difficulties of identifying the exact location and ex­
tent of the unallotted (common) lands, and of physically placing the
"owners" of the distinct interests in possession of such lands, the parti­tion would be accomplished through a sale of the unallotted lands and
the division of the funds so obtained among the owners of the interests.
Under this arrangement, only the or individual(s) who actually bought
the land at auction would obtain any property; the rest of the holders of
the interests would receive a cash payment, the amount determined by
the number of interests held and the selling price of the land.

In Judge Leahy's second act, he segregated from the grant all those
lands actually occupied and/or for which claims and deeds had been
presented since the initiation of the suit in 1877. Determining the total
acreage of these occupied and segregated lands with precision is an im­
possible task, but the information contained in the list of "Exceptions"
drawn up by the court, and in survey plats from the period suggest that
at least 500,000 acres (probably more) were recognized as occupied
under some legal claim, and were therefore segregated from the grant
and not subject to partition or sale. These included the large cattle
ranches established in the eastern ranges as well as the more modest
ranches and so-called community lands that consisted of the arable and
adjacent woodlands occupied and exploited as private property by the
residents of the various settlements of the western valleys. The court
also stated that any other lands occupied under adverse possession, but
not specifically mentioned in the "Exceptions" should be respected. In effect, then, the court recognized the rights of hundreds of villagers to the cultivated bottomlands and to the intervalley forests of western Mora—for which deeds were almost non-existent—as well as the rights to any property which could be demonstrated, through deeds or occupation, to have been under private, individual tenure for some years (ten ?) prior to 1915. For the "community lands" the court appointed "trustees"—prominent local men—whose task was to issue deeds to the rightful owners for all the properties occupied and contained within the community tract. The responsibility for adjudication of the occupied lands outside of the community tracts fell to the individual landowner, and required the filing of an intervention with the court describing the location of the lands and the conditions of occupation. This unfair requirement proved to be especially burdensome for the small- and medium-sized rancher since it was the custom of the lawyers who drew up the papers to receive 50 percent of the land for their fees. For the larger ranchers this was less onerous since many were lawyers themselves or relied on the services of a brother or other family member.

The court identified the segregated portions of the grant and their owners and on 18 December 1915 it ordered the remaining unallotted or common lands sold at public auction. These lands were non-contiguous; they included both forests and pastures and they were geographically dispersed throughout the western and eastern sections of the grant. We suspect that some of the properties were actually exploited by adjacent landowners as if they were private property, but had not been segregated from the grant due to inadequate documentation or failure to file an intervention. Other tracts still constituted true commons and were collectively and freely exploited by the local people for wood, forage, hunting, and so forth.

What was the total acreage of these unallotted common lands? The court record suggests a figure of 375,000 acres. There are uncertainties in the methods and figures used to obtain this total, however. We suspect that the actual amount totalled less than 300,000 acres. Based on the available data, it appears that Knowlton's suggestion that some 600,000 acres were disposed of in the partition suit overestimated the actual figure by as much as 100 percent. Whatever the exact number of acres involved, it is clear that the lands were grouped into two bulk parcels. One consisted of the property north of the Fifth Correction Line, where the majority of the land was situated, the other the lands south of that line.

By ordering the unallotted lands sold in this manner, the court operated in accordance with the wishes of the speculators: it not only respected the long-standing Catron-Butler division of the unallotted commons, but also effectively excluded all but the wealthiest from bid-
ding on the commons since it decreed that the land would be sold in two very large tracts. Most local people, even if they had knowledge of the proceedings, simply did not have the cash resources required to bid for the premises. The social class orientations of the court could not be clearer: not only would the remaining commons be converted into private property, but they would also be placed in the hands of the wealthy.

On 21 February 1916, Special Master William E. Gortner, who may have had personal and business connections with Catron, carried out the "public" auction at the east door of the San Miguel County Court House. We do not know how many parties submitted bids, we only have the results. The premises south of the line were bought by the East Las Vegas lawyer and former agent of the Union Land and Grazing Company, Edward B. Wheeler, for $6,000; the lands north of the correction line, which we estimate at about 160,000 to 175,000 acres, were obtained by the State Investment Company for the sum of $40,000. The State Investment Company had purchased the interests in these very same lands just four months earlier from Frank Roy. By "re-purchasing" the lands through auction, the company acted very shrewdly: it assured itself that it would receive clear and exclusive title to the lands; and it accomplished this at little cost. Almost the entire $40,000 which the company bid for the lands was returned to it immediately! How was this neat deal carried off? Since the company already owned twenty-three interests (those purchased from Roy and others), it was entitled to receive payment for these interests from the funds obtained in the auction. The court determined that the value of the twenty-three interests, after deducting costs, was $37,458, and it ordered that this amount be paid to the company. Thus, for about $2,500 (plus the money it paid Roy for the purchase of the interests) State Investment obtained title to between 160,000 and 175,000 acres of Mora's common lands. Even Wheeler got a small rebate on his purchase price of $6,000. Since he owned a one-fourth of one seventy-sixth interest, he received $204 as his share of the auction proceeds.

Within a month of the sale, Special Master Gortner issued deeds to both Wheeler and State Investment granting them title to all lands in their respective areas not already segregated or occupied under adverse possession. Thus, forty years after its filing, Mora County Civil Cause 632—the partition of the Mora grant—was finally adjudicated. This is not the end of the story, though, for there still remain a number of interesting yet unanswered questions concerning the fate of the ex-commons. Neither Wheeler nor State Investment harbored interest in producing anything from the lands. They were not cattlemen, nor sheepmen, nor farmers, nor people seeking livelihood through productive activity; both were speculators—ruthless "man-eaters" or "sharks" according to local people, symbolically excluded from the moral order of decency and
humanity—whose goals were to use the system to get rich (or richer) as quickly as possible. To complete the history of the Mora commons, then, and to explain the role of the National Forest Service in this chronicle, we must consider what Wheeler and State Investment did with their properties in the aftermath of the partition suit, and the impact of the loss of the commons on the villagers of Mora.

With the question of legal title apparently resolved, Wheeler and the State Investment Company took actual possession of their lands. Not surprisingly, this led to another round of litigation when the new owners attempted to occupy or dispose of lands which they considered unoccupied but which in fact were in use or claimed by individuals as private tracts or by people who had exploited them as commons. One of the areas of greatest controversy concerned a strip of valuable forest lands on the western edge of the grant, some three miles wide and thirty-three miles long. The problem arose due to changes in the location of the western boundary of the grant. The original boundary line, run by surveyor Thomas Means, was located high in the mountains, roughly paralleling the divide between the Rio Grande and Rio Mora drainages. Means' survey was technically faulty, however, and both the General Land Office and the Surveyor General sent new survey parties into the mountains to better locate the boundary. One of these, made in 1882, located the western boundary some three miles east of the Means line. The General Land Office accepted this survey, and thereby reduced the size of the Mora grant and placed within the public domain—open to homesteading—the three by thirty-three mile strip of land between the Mora grant and the recently created Pecos National Forest. Since the 1860s and 1870s, individuals from Mora had moved into this area of the common resources within the grant to set up sawmills and had successfully defeated Catron's repeated attempts to evict them or to collect royalties.

After the boundary was moved to the east, many of these people suddenly found themselves on public—not grant—land, and thereby subject to the land laws governing the settling and occupation of public lands. Another survey, made by Alonzo Compton in 1909, reestablished the boundary at about the same longitude as the 1882 survey. After the partition suit, the State Investment Company and Wheeler sued to have the original Means line recognized as the official western boundary since this would place them in possession of another one hundred square miles of forest. The United States Supreme Court eventually reviewed the case which upheld the lower courts' decision that Wheeler and State Investment owned the disputed strip, subject to the stipulation that the occupants of the land who had legally entered the premises under small holding claims or otherwise while it was public land could not be deprived of their property. In 1934, Wheeler was forced to make quit claims
deeds to ninety small holders for a total of almost 11,000 acres. The State Investment Company, for its part, deeded more than 4,200 acres to forty-three small holders for their properties in the strip north of the Fifth Correction Line. In this manner, more than 14,000 acres of forest within the strip between the Means and Compton survey lines were retained by local residents, not as commons, however, but in fee simple tenure.

Perhaps the most interesting event in the history of these forest lands took place in 1931 when the State Investment Company turned over to the National Forest Service the remaining forest which it held in the strip, some 41,000 acres, in exchange for lumber rights in Washington. In this manner, some of the most important forest lands within the Mora grant passed through almost the entire gamut of tenure forms: from unrestricted commons to private property to public lands open to regulated exploitation. In recent decades, at least, the latilla (timber), hunting, pasture and firewood resources on these lands have been exploited mainly by local residents.

South of the Fifth Correction Line, in the Wheeler tract, the overwhelming majority of the land remained private property. In part this is because here, in the Manuelitas creek and Rito de Gascon area, the inhabitable valleys extend further west than they do north of the line, and Wheeler was forced to issue deeds to many of the rancheros who settled this area during the late-nineteenth century. In addition, it appears that he was able to retain thousands of acres of forested ex-commons both within and adjacent to the disputed three mile strip. Most of this property he sold not to the National Forest Service but to third parties. Today it remains private property, closed to community or public access.

One exception is the Capulin canyon area, a forested tract of some 7,100 acres which the National Forest acquired from Gross, Kelley and Company in 1942 under an exchange agreement similar to that carried out with State Investment. We suspect that Gross, Kelley and Company obtained title to the property from Wheeler. Currently the pasture on these lands is exploited by permit holders who almost without exception are local small-scale ranchers. The same holds true for other areas of the former grant which are now held by the National Forest Service.

Whereas the National Forest system is generally viewed as having played a major role in the breakup of the commons and in the dispossession of local people from their traditional resources, in Mora the situation evolved a bit differently. The partition suit first converted the forest reserve that dominated the western part of the grant into private property, placed in the hands of outside speculators. Because the Mora grant confirmation occurred before the 1897 Sandoval decision—which ruled that common lands belonged to the government and not to the communities—the National Forest Service obtained no interests in the Mora
grant either before or during the partition suit of 1916, and did not appear on the scene until after the 1930s. Ironically, its role since then has been to transfer ownership of previously privatized common lands to the public domain, and thus make available to local people—albeit on a regulated basis—some of the resources seized by the speculators.

The speculators also obtained title to many thousands of acres of mountain forest outside the strip of land which eventually passed to the National Forest Service. State Investment alone owned at least 20,000 acres spread across the northwest corner of the grant above the village of Chacón. With their title established, State Investment began to sell the properties outside of the disputed strip where commercial timber was already depleted. Between 1919 and the early 1940s, seventeen individuals received deeds from State Investment for a total of 21,851 acres within this area. Two of these individuals were Anglo newcomers and they alone accounted for almost half (48.6 percent) of the total acreage purchased. Just fifteen local residents obtained the rest of the land, 11,662 acres, in smaller parcels that ranged from less than 100 to over 1800 acres; the average size parcel totalled 777 acres.

Wheeler’s holdings in this part of the grant were substantially less than State Investment’s, due in part to the court decision which required him to “return” 11,000 acres to the earlier occupants. To date we have uncovered information for 1,900 acres transferred by Wheeler between 1916 and 1930 in the area. These lands were conveyed to thirteen individuals in parcels that averaged 167 acres. Only one transaction involved more than 200 acres: Santiago Espinosa obtained 601 acres. All but one of the purchasers were local Mexicanos.

Thus, the post-partition distribution of the land in the western part of the grant was highly skewed both quantitatively in terms of acreage and qualitatively in terms of ethnic representation. Three recently arrived or non-resident Anglos—who constituted only 10 percent of the total purchasers—obtained about 43.5 percent of the land put up for sale. The remaining 56.5 percent, 13,402 acres, was deeded to twenty-seven mostly Mexican local residents in parcels that varied greatly in size, but which averaged just under 500 acres (see tables 1 and 2). Considering that traditionally hundreds of families enjoyed access to these resources, the post-partition distribution of the forest commons had the obvious effect of eliminating or drastically reducing free public access to these resources especially to the commercially valuable timber. It is hard to assess precisely the direct economic impact of privatization, however. The new owners were primarily interested in marketable timber, and they jealously guarded this resource. Local peoples therefore were denied this valuable source of income. On the other hand, it seems that residents had more success in retaining access to the mountain pastures, which offered a marginal commercial value
anyway. The major non-resident landowner, N.H. Read, did not use
the land for pasturing his own herds. Very little of the land was fenced
and it was almost impossible for the new owners to effectively police
their properties against neighbors' livestock.

Other than the social outsiders, the twenty-eight local families, who
obtained exclusive control over the remainder of the ex-commons,
constituted the major beneficiaries of the post-partition distribution. Many
of these families belonged to the existing social elite in Mora, and their
procurement of these lands simply added to their own wealth and to the
process of social differentiation that became increasingly marked as the
county became more tightly woven into the fabric of commercial agri-
culture and stock ranching. In the central and eastern parts of the grant,
the distribution of the commons followed a different pattern than in the
pine, spruce, and fir forests of the west. In central Mora, the specula-
tors received title to upland mesas and canyons clad in juniper and piñon,
while in the east the land consisted of grass-covered plains. In both
areas the forest resources were either absent or uninteresting to the Na-
tional Forest Service and, once this land became privatized, it remained
entirely under private ownership. Since agriculture and cattle ranching
expanded rapidly at this time in Mora county, the new owners had little
problem finding buyers for these lands, and within two years after the
conclusion of the partition suit, most of the speculators' properties in
these areas had been sold off.

In the mesa and canyon lands of the central part of the grant, the
speculators obtained title to at least 27,880 acres. Again, State Invest-
ment was the major holder with a minimum of 24,873 acres; Wheeler's
properties to the south totaled just 3,007 acres. State Investment sold
its holdings to twenty-nine separate buyers, Wheeler to three. Of the
total, only six were Anglo newcomers, and together they obtained a
"modest" 26 percent (7,342 acres) of the total acreage. Local residents
purchased the remainder in parcels that varied from less than 100 acres
to one that surpassed 6,400; the average size transaction equalled 871
acres. In short, local people fared much better in obtaining title to land
in the area of the central mesas and canyons than they did in the western
forests; they managed to recoup two-thirds of the commons (20,538
acres) usurped by the courts and the speculators. An important caveat,
however, is that the lands recovered were "returned" to the "commu-
nity" under private rather than communal tenure. The beneficiary, there-
fore, was not the general populace viewed as a seamless whole but rather
a select number of local rancheros who, like their fellow Moreños in the
west, had the resources necessary to purchase the privatized commons.
As in the west, the disposition of the commons contributed to growing
class differentiation and stratification within local society.
On the eastern plains, however, a very different pattern evolved. As the lands were mostly suited for ranching, the transactions there involved thousands and tens of thousands of acres, considerable amounts of cash, and the concentration of land in fewer hands. State Investment sold off at least 65,440 acres in this area, and Wheeler another 14,520, for a total of 79,960 acres. Five entities purchased the entire amount—all either Anglo newcomers or large cattle companies. The Bloom Land and Cattle Company obtained the lion's share of these pastures, about 49,400 acres, while the Union Land and Grazing Company (founded by Benjamin Butler in the 1890s), and the McNierney and Hixenbaugh ranch obtained tracts of 14,520 and 12,000 acres, respectively. Local ranchers were totally excluded.106

In the final accounting, local residents recovered only 26 percent of the total land area sold after the partition suit. The rest went to recent arrivals or to large cattle companies. The amount of land which passed beyond local control in each of the three areas, however, was not uniform. The greatest loss occurred in the eastern ranges where outsiders, economically and culturally representative of the southern plains—Texas cattle industry, took over at least 79,960 acres (60 percent of the total amount of land sold). In the western and central portions of the grant, the amount of land alienated from local society was less. In these areas, and especially in central Mora, a small number of local residents—mostly members of the social and economic elite—were sufficiently well-off to buy up the former commons. The greater participation of local residents in the purchase of the western and central lands reflected the fact that these lands were in their own "backyard," in many cases nearby or adjacent to properties they already owned. The grasslands of the eastern plains, in contrast, had always been sparsely populated and were many miles from the more heavily populated valleys of the west and center. Since at least the 1880s, they had been heavily "Texanized" under the influence of the range cattle industry. Anglo cattle-ranchers quickly moved into this area, and by 1900 controlled almost 70 percent of the total property assessed in the eastern part of the county.107 The post-partition disposition of land in this area represented the continuation of processes which had been at work for decades, and simply legalized what was most likely a de facto situation: the exclusive possession and exploitation of the range by the predominately Anglo owners and operators of large cattle spreads.

The speculators for their part no doubt realized handsome profits on their activities, although we lack hard data on just how much they received for the sale of the lands. The greatest injustice in this entire drama, of course, was borne by the poor majority of Mexicano villagers who saw their resource base dwindle and who lacked the economic wherewithal to buy a piece of the commons. Most scholars who have
### TABLE 1:
**APPROXIMATE AMOUNT OF LAND OBTAINED BY STATE INVESTMENT CO. AND E.B. WHEELER**

<table>
<thead>
<tr>
<th></th>
<th>Western*</th>
<th>Central</th>
<th>Eastern</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Investment</td>
<td>63,248</td>
<td>24,873</td>
<td>65,440</td>
<td>153,561</td>
</tr>
<tr>
<td>E. B. Wheeler</td>
<td>9,575</td>
<td>3,007</td>
<td>14,520</td>
<td>27,102</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>72,823</td>
<td>27,880</td>
<td>79,960</td>
<td>180,663</td>
</tr>
</tbody>
</table>

Note: These figures do not include the more than 14,000 acres deeded to small holders by Wheeler and State Investment in accordance with the court order.

* After the conclusion of the partition suit State Investment transferred 41,397 acres of its lands within the western part of the grant to the National Forest, while approximately 7,100 acres of Wheeler's total in the same area was eventually obtained by the National Forest.

Sources: see text.

### TABLE 2:
**PURCHASES OF LAND BY NEWCOMERS AND LOCAL RESIDENTS**

<table>
<thead>
<tr>
<th>Purchasers</th>
<th>Western</th>
<th>Central</th>
<th>Eastern</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>acres</td>
<td>no.</td>
<td>acres</td>
<td>no.</td>
</tr>
<tr>
<td>Anglo newcomers or corporations</td>
<td>10,349</td>
<td>3</td>
<td>7,342</td>
<td>6</td>
</tr>
<tr>
<td>Local residents</td>
<td>3,402</td>
<td>27</td>
<td>20,538</td>
<td>26</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>23,751</td>
<td>30</td>
<td>27,880</td>
<td>32</td>
</tr>
</tbody>
</table>

Note: These figures do not include the 41,397 acres which the State Investment Co. transferred to the National Forest Service in 1931, nor the more than 14,000 acres deeded to small holders by Wheeler and State Investment in accordance with the court order.

Sources: see text.
written about the impact of the break-up of the commons have correctly stressed the hardships this placed on the small-scale ranchero. Clark Knowlton has stated that the privatization of the commons constituted a major factor in the economic collapse of rural villages in northern New Mexico. Regrettably, he presents no quantified data to sustain this assessment, and one wonders if it is not possible to obtain more precise knowledge on such an important issue. Our query is stimulated by the uncomfortable fact that the economic collapse of rural northern New Mexico occurred at the same time as the collapse and transformation of rural society throughout the American West. Farm abandonment, foreclosures, land loss to outsiders, out-migration, and the disappearance of commerce and trade, were not features restricted to the villagers of New Mexico, but seem to be the result of the structural transformation of rural society that occurred throughout America after 1920. What distinguishes New Mexico is that this process of capitalist transformation was carried out in the context of cultural subordination and ethnic conflict. While it is important to recognize these relations and the significance of the language of race and ethnicity to legitimize hierarchy and dispossession (or to rally opposition and resistance), this should not blind us to the fundamentally "class character of the racial order." We hope that future research will broaden our knowledge and understanding of the intricacies and operation of class and ethnicity in this agrarian transformation.

NOTES

This study was supported, in part, by the United States Studies Program of the Universidad de las Américas-Puebla, the American Council of Learned Societies, and the New Mexico Endowment for the Humanities.


3. The following account of the apportionment of the Mora grant is based on a copy of the original act of possession. The original was apparently destroyed when United States troops attacked and burned Mora in 1847. The copy was made 12 August 1842, and is contained on microfilm in Surveyor General's Records (SGR), reel 15, file 66, report #32, New Mexico State Records Center and Archives (NMSRCA), Santa Fe, New Mexico. It should be mentioned that the English translation of this document published by Twitchell, SANM 55, contains a number of errors of transcription. The site of the town of San Antonio is said to contain 2000 varas from north to south, when in fact the 1842 document
states 200 varas. The names of various settlers or *agraciados* (grantees) are likewise misspelled: Juan Lorenzo Alire erroneously appears as Juan Lorenzo Aliso, Carlos Quinto as Carlo Nieto, Mateo Kinquiel as Mateo Ringinel, and Miguel Paiz as Miguel Paez.


5. Eight settlers, including two Americans (Mateo Kinquiel or Matthew Kinkead and Francisco Conen or Frank Cohen?) and two women, María Dolores Romero and María Dolores Sánchez, received plots of 200 varas each.

6. This point was originally known as La Junta; later, after the American invasion, it was renamed Watrous in honor of one of the principal (Anglo) ranchers. Quotations from SGR, reel 15, file 66, report 32, NMSRCA. Translations are available in Twitchell, *SANM*, 1:174.

7. Land grant scholars commonly distinguish between two types of grants: private and communal, and they use the term “private” to refer to grants issued to individuals. However, it seems that a more precise typology or terminology is required. For one, United States law recognizes two basic categories of land: public and private, the latter referring not to whether land is held by an individual or by a collective, but simply to the fact that the lands in question have been segregated from the public domain. Thus, in its treatment of Spanish and Mexican land grants, the United States government treated confirmed and legal grants as private grants, irrespective of whether they were made to individuals or communities, reflecting the fact that the land had been legally separated from the public or state domain. Within the private domain, the grants fall into three subtypes: community, settler (tenants-in-common), and individual. What traditionally have been called private grants are more accurately designated as individual grants, and to continue to refer to them as private grants contributes to unnecessary confusion in an already complex matter. For an excellent discussion of this matter see David Benavides, “Lawyer-Induced Partitioning of New Mexican Land Grants: An Ethical Travesty,” (thesis, University of New Mexico School of Law, 1992).

Malcolm Ebright (personal communication), on the other hand, disagrees with our typology, and feels that the private/community distinction is preferable since it is based on Spanish and Mexican usages and calls attention to the original nature of the grant, not to post–1846 redefinitions based on chance and United States law.

8. 1845 Mexican Census, “Demarcaciones de lo de Mora y del Valle de San Antonio,” microfilm, NMSRCA.

9. Lawrence Waldo, a trader who had been trekking the Santa Fe trail since 1829, wrote his brother in January 1847 from Las Vegas stating his position on the situation. James W. Goodrich, “Revolt at Mora, 1847,” *New Mexico Historical Review* 47 (January 1972), 49–60. It should be noted that not all Nuevomexicanos universally welcomed the American invasion. Some residents, however, such as merchants and ricos, clearly did not oppose the invasion. See Thomas D. Hall, *Social Change in the Southwest, 1350–1880* (Lawrence: University Press of Kansas, 1989), 192–93. Such an accommodating position, though, was not shared by large sections of the rural population who were not yet trade dependent.

10. The American cannons were set up on a small knoll a few hundred yards south of the town center. Later, in an act abounding in symbolic content, Ceran St. Vrain, a French merchant–miller–landowner who collaborated with the Americans in their takeover and served as a colonel in the United States Army, selected this very same site for his grave. St. Vrain commanded the United States forces at Taos during the uprising. See Clark Knowlton, “The Mora Land Grant,” 60–61; Goodrich, “Revolt at Mora,” 49–60.

11. The destruction of the town by the American forces has left an indelible mark on the collective memory of the people of Mora, and today, 150 years after the event, the story of how the gringos destroyed the community and burned the archives is perhaps the most widely known and repeated historical narrative in the community.
12. Leo E. Oliva, *Fort Union and the Frontier Army in the Southwest* (Santa Fe, New Mexico: Southwest Cultural Resources Center, National Park Service, 1993).


18. The Southern Pacific Railroad claimed to have purchased one-seventh of one seventy-sixth interest in the Mora grant from Mateo Montoya, one of the original grantees. In 1879, it requested that this interest be applied to a strip of land 200 feet wide along its track in the southeast corner of the grant. Petition, 21 August 1879, Mora Civil Cause no. 632, File 4, NMSRCA.


22. Ibid.; Westphall, 56-57.


24. Malcolm Ebright, “The Guadalupita Grant and the Lawyers,” (n.d., manuscript in author’s possession), 1. In the case of the Las Vegas grant, the grants-within-grants did not necessarily result in the fragmentation of the commons (Ebright, personal communication).


29. Mora County Libro del Juez de Paz, 1:158-159, NMSRCA.

30. Libro de Registro Book 2 or B, 182-83, County Clerk’s Office, Mora County Courthouse (CCOMCC).

31. This figure is very crude, and was determined by superimposing the boundaries mentioned in the hijuela on United States Geological Survey (USGS) 7.5’ quadrangle maps. The linderos were: “por el orient el camino que conduce de la Loma Parda al Sapelló línea recta a la seja de la Loma Parda, y por el poniente la seja de a Sebolla y por el norte la Seja de las Golondrinas [h]asta topar a la Loma Parda, y por el Sur donde nase el arrollo de la Jara todo el sentor del arrollo hasta incontrar con la línea del camino de la Loma Parda” (to the east the road that leads from Loma Parda to Sapelló in a straight line to the ridge of Loma Parda, on the west the ridge of Sebolla and in the north the ridge of Golondrinas up to Loma Parda, and in the south at the source of the Jara arroyo, all the middle of the arroyo up to where it meets the line of the Loma Parda road). Libro de Registro, Book 2 or B, 182, CCOMCC).

32. Mora County Libro del Juez de Paz 1, 15-161, NMSRCA.
33. 1880 Agricultural Census, enumerator sheets for Mora County, microfilm, NMSRCA. The five precincts mentioned here are Mora, Guadalupita, La Junta, Ocaté, and Coyote.


36. We are grateful to Malcolm Ebright for bringing this action to our attention, and for pointing out its significance for the interpretation of the status of the common lands in the late 1870s. See also Robert W. Larson, New Mexico's Quest for Statehood, 1846–1912 (Albuquerque: University of New Mexico Press, 1968), 336n.


38. Mora County District Court Cause no. 1679, NMSRCA.

39. Mora County District Court Cause no. 1701, NMSRCA.

40. Testimony of F. Meredith Jones, 16 November 1896, Mora County Civil Cause no. 632, file 3, NMSRCA.

41. Stipulation between John D. W. Veeder, Elmer E. Veeder and Thomas B. and Charles C. Catron, 21 October 1914, Cause no. 632, File 12, SRCA.

42. Other settlers in this same area of Cherry Valley, however, employed a different strategy and argued that the lands they occupied (located in Township 18 N, Range 20 E) fell outside the Mora grant and were part of the public domain. They therefore claimed ownership through preemption. The court did not accept this argument, but it was disposed to recognize the property rights of these individuals based on simple occupancy. Testimony of J.B. Wasson, 19 April 1894 (?), Mora County Civil Cause no. 632, file 2, NMSRCA.

43. Testimony of William B. Brunton. 19 April 1894, Mora County Civil Cause no. 632, file 2, NMSRCA.

44. The Union Land and Cattle Company was incorporated in Camden, New Jersey in 1885 with a capital stock valued at $250,000. The first president and principal shareholder (with 1,000 shares) was Benjamin F. Butler. The purpose of the company was to acquire agricultural and grazing land in Colorado, "in order to cultivate, improve, sell or otherwise convey it." The company was not registered to do business in New Mexico until 29 August 1912. This fact did not prevent it from expelling rival users from the lands it claimed and from leasing its properties. See: Mora Base Abstract, 7.

45. The Union Land and Grazing Company v Marcos Salas, Cause no. 2252, Mora District Court, October 1913; also A. A. Jones Papers, NMSRCA.

46. Answer of Marcos Salas, The Union Land and Grazing Company v Marcos Salas, Cause no. 2252, Mora District Court, November 1913; also A. A. Jones Papers, NMSRCA.

47. Decree, The Union Land and Grazing Company versus Marcos Salas, Cause no. 2252, Mora District Court, November 1913; also A A. Jones Papers, SRCA.

48. Mora County District Court Cause no. 2261, Microfilm roll 1149, San Miguel County Courthouse. Interestingly, these Loma Parda pastures were the only lands within the entire Mora grant to survive as commons into the 1920s. By the 1930s, however, these properties too had been privatized, due, according to local accounts to the machinations and deceit of some county officials.

49. Testimony of Rafael Romero, 16 April 1894, Mora County Civil Cause no. 632, file 2, NMSRCA.

50. Ibid.


52. Testimony of David C. Deuel, 16 April 1894, Mora County Civil Cause no. 632, file 3, NMSRCA.

53. Intervention of José Y. Lujan, 15 November 1915, Cause no. 632, File no. 2, SRCA.
54. Testimony taken before the Special Master, William E. Gortner, 17 April 1894, Mora County Court Cause no. 632, file 2, NMSRCA.

55. Libro de Registro Book 2 or B, 9, CCOMCC.

56. Libro de Registro Book 2 or B, 85, CCOMCC. Again the calculation of these distances is very crude, since the document simply identifies the boundaries as “por el norte con los linderos o limites del sitio de la Cueva, por el oriente el filo del creston de Buena Bista, de Halli tirendo una linha recta hasi al sur linda con los limites del sitio de Manuelitas que actualmente pertenesce al Condado de San Miguel, y por el poniente sera con los linderos de Matias Belasques . . . ” (in the north the boundaries of the La Cueva site, on the east the top of the Buena Bista crest, from there tracing a straight line to the south it ends with the boundaries of Matias Belasques . . .).

57. The three recipients were José Francisco Lucero, Gabriel Lucero and Facundo Valdez. Libro de Registro Book 2 or B, 10, CCOMCC.

58. Deed Book E, 584–88, CCOMCC.


60. In “The Mora Land Grant,” 62, Knowlton states that the initial petition was dated 20 June 1851. This date seems incorrect since the statutes under which it was filed and which created the office of the Surveyor General were not passed until 1854. Report 32, File 66; microfilm reel 16, frame 8, SGR, NMSCRA.

61. Knowlton provides an excellent discussion of the problems that arose concerning the survey of the Mora grant in “The Mora Land Grant.”

62. Abstract of the Mora Grant, 2. Knowlton, “The Mora Grant,” 66, citing Westphall, 158, states that the patent was issued to Catron and Elkins. This is imprecise. While Catron and Elkins may have claimed that they owned the grant, the patent itself makes mention only of the seventy-six original settlers and their heirs and assigns. Catron and Elkins still had to obtain the partition of the grant to obtain the lands, and the issuance of the patent itself in 1876 resulted in no important change in the occupation of the land.

63. In one of the very earliest rounds of testimony taken after the partition suit was filed by Vicente Romero and Elkins, Dolores Romero denied that the grant “was for the exclusive benefit of the [seventy-six] names in the bill and alleges that said grant was for the benefit of all who might settle thereon and cultivate the unoccupied lands.” Answer of Dolores Romero, 21 April 1879, Cause 632, File 32, NMSRCA.

64. On these points see Benavides, Westphall, 134–35 and Knowlton, “The Town of Las Vegas,” 17–18.

65. Abstract of the Mora Grant, 4–5.

66. For a general discussion of these matters see Westphall, 156–57, 175–79.


68. In “The Mora Land Grant,” 65, Knowlton gives the membership of this pool as Elkins, Darling, Spencer, and Colonel Samuel Smoot, a land speculator. The Darling, Murray, and Elkins list comes from a document titled “Articles of Agreement between E. J. Darling, Brown Murray and S. B. Elkins,” dated 2 August 1869, Libro de Registro, Book 2 or B, 602, CCOMCC. Catron is mentioned as a fourth member in the “Articles of Agreement . . .” recorded in Deed Book O, 224, CCOMCC.


71. The data synthesized here was obtained from various Deed Books held by the Mora County Clerk’s Office. This information represents only a small portion of the total material collected.

72. Deed Book A, 419, CCOMCC.
73. Deed Book N, 138, 243, CCOMCC.
74. Decree of Judge David J. Leahy, 19 February 1916, Mora County Civil Cause 632, File 2, NMSCRA.
75. Answer of William B. Brunton, 7 April 1894, Mora County Civil Cause 632, File 3, NMSCRA.
76. The history of the transfer of the "interests" and of the role of local residents who owned "interests" is recorded in the hundreds of pages of testimony taken and filed during the partition suit.
77. Testimony of Julinita Luján de Aragón, 8 July 1890, Mora County Civil Cause 632, File 8, NMSCRA.
79. Mora Abstract of Title, 8; also in Deed Book O, 224, CCOMCC. In "The Mora Land Grant," 67, Knowlton states that this transaction occurred in 1885 and that Benjamin Butler was the purchaser.
80. Mora Abstract of Title, 10.
81. Mora Abstract of Title, 11-12; also Deed Book C, 69, CCOMCC. Knowlton, in "The Mora Land Grant," 67, citing Westphall, states that Elkins sold out to Adelbart Ames. The source of this confusion is not clear although Ames was General Butler's son-in-law.
83. Deed Book O, 244, CCOMCC. The history of the Butler–Elkins transactions is extremely confused, complicated by the existence of a number of deeds drawn up at different times all purporting to transfer title for Elkins' interests. Knowlton, "The Mora Land Grant," 67, presents a somewhat different sequence of events than is offered here.
84. Special Master's Report, 1894, contained in Mora Abstract, 5.
85. Elkin's opinion is stated in a letter sent to Butler in 1884 to confirm this sale of his interests. Mora Abstract of Title, 12.
86. Deed Book O, 161 CCOMCC.
88. Benavides, "Lawyer–Induced Partitioning."
89. Mora Base Abstract, 10; Deed Book O, 32, CCOMCC. Knowlton, "The Mora Land Grant," 67, gives 1909 as the date for this transfer. Was this a typographical error?
92. Mora Base Abstract, 30-34.
93. After the partition suit was concluded, the court ordered that Special Warranty Deeds be drawn up by trustees from the grant communities, placing all of the occupiers of land in legal possession of the properties they claimed. These indentures served to establish the first clear title for many of the lands in western Mora (see Deed Books Y and Z, CCOMCC).
94. The court based its figure on an analysis of the seventy-six interests. The procedure it followed was to determine who held the interests and in what amount. It then compared these figures to the amount of land which the individual may have already obtained or claimed through quiet title suit or adverse possession. Using the figure of 8,000 acres as equivalent to the seventy-sixth interest, the court determined the number of acres interests already segregated. For example: The Union Land and Grazing Company held 36.5842 seventy-sixths interests. It also had actual possession, according to the court, of 64,968 acres. This acreage represented 8.12 seventy-sixths interests. Subtracting this from the 36.5842 left the Company with rights to 28.4632 seventy-sixths interests. In theory, at the conclusion of the partition suit, Union Land and Grazing would be entitled to receive payment in proportion to these interests.
Inconsistencies abound in the calculation of interests/ acres. In one place the court states that a total of 20.3977 seventy-sixth interests have been segregated, equivalent to 163,181 acres (at 8,000 acres/seventy-sixth interest). A summation of the acreage listed by the court as already segregated, however, gives totals of 500,000 or more acres. See Mora Base Abstract, 20–25.
95. We have little information on William Gortner, although we do know that an R.C. Gortner was a law partner of Thomas B. Catron and his son, Charles, in 1909.

96. In order to obtain an idea of the location, quantity and disposition of the land held by the State Investment Company, we searched the Mora County Deed books for records of the company's land sales. We found that in June 1930, the company took out a (second?) mortgage from the First Mortgage Company of El Paso, Texas for the sum of $144,000, using the properties it held in the Mora and Anton Chico grants as collateral. The Mora holdings totaled 53,885 acres. We assume that this figure represents the total amount of land which the company held in Mora at that date. Using the Direct Index to Deeds we then recorded all the land sales which State Investment made in the period between the resolution of the partition suit and the issuance of the mortgage deed. We found deeds recording a total of 107,813 acres sold during this period. Adding this figure to the 53,885 acres held in 1930 (total=161,698 acres), and allowing for errors in our search and imprecision in the records themselves, suggests that the minimum amount of land owned by the State Investment Company within the Mora grant was on the order of 175,000 acres. A review of the Indirect Index to Deeds for the same timespan showed that the Company had obtained title to some 12,000 additional acres independent of the partition suit, mainly through foreclosure on unpaid mortgages. Subtracting this acreage from the 175,000 figure leaves 163,000 acres as a plausible estimate for the amount of land obtained by the company in the partition suit.

97. Mora Base Abstract, 41.

98. Petition to the Secretary of the Department of the Interior from a Committee Appointed in a Convention of the Residents of the Mora Grant held on 15 June 1875 in the Community of Mora, National Archive Record Group 59, Mora Land Grant, New Mexico; cited in Knowlton, "The Mora Land Grant," 66–67.


100. Miscellaneous Deed Records, Book 5, 546–50, 603–05, CCOMCC.

101. The western forest tract obtained by Wheeler is concentrated in Townships 18 and 20N, Range 14E.


103. The exact references for all these indentures are too numerous to list. To recover this information we began our search with the Direct Index to Deeds in the CCOMCC and noted all the entries for the State Investment Company. Then we went to the indicated deed books to obtain information on the people and acreage involved in the varied transactions.

104. The 1927 Tax Roll records Read's acreage but lists neither livestock nor improvements on his property. County Treasurer's Office (CTO), MCC.

105. Of the 3,007 acres sold by Wheeler, 900 were obtained by one Anglo newcomer.

106. Deed Book W, 224; Miscellaneous Deed Record Book W, 230; Quit Claim Deed Book T1, 74, all in CCOMCC.

107. Data taken from 1900 Tax Roll, CTO–MCC.
