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The Changing Ways of SOUTHWESTERN INDIANS

A Historic Perspective

Edited by
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El Corral de Santa Fe
Westerners Brand Book 1973

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Publisher's Preface

First off, we should observe that a Westerners Brand Book is not a book of western cattle brands; it is, in essence, an anthology of short papers, each about some particular aspect of Western American history. When history was being made in the trans-Mississippi West, between, say, A.D. 1540 and 1912, the rush of events in so many places over so vast a territory made it quite impossible for any one scribe to write about it all in a comprehensive way. So it was that many men (and women, of course) wrote briefly or at length about their own particular experiences, and these various accounts can, we believe, be properly termed as "fragments" of the overall history. Many of these "fragments" are important enough in the context of the time, but they are "fragments" now, largely because they are available mostly without context (what occurred before? what happened after?). Then the student or the scholar is left to puzzle for himself where this or that "fragment" fits into the ever-growing and ever-expanding reconstruction of the history of America's "Manifest Destiny".

A Westerners' Brand Book is thus, in effect, a collection of precious historical "fragments", most of which are not–of themselves–items about which an entire book can be written, or needs to be. These "fragments" fill in gaps here and there, like a jigsaw puzzle, perhaps, for researchers, historians, scholars and students, and hence, are important for the ongoing development of America's historical continuity.

There are many Brand Books published by various Westerner Corrals; since there has been no central "clearing house" (to our knowledge) to keep such information on hand, we know of no way to record just how many Corrals have published one or more Brand Books. This one is the first for El Corral de Santa Fe, but the Denver Corral has published many–and so has the Chicago, Los Angeles, and San Diego Corrals (we understand). We really do not know how many have been published, or by which Corrals, but we do know that every Brand Book that has been published has been exceedingly popular and much sought after by collectors and librarians.

But now the reader may say: ". . .so, I understand about Brand Books, but what is all of this about "Westerners", "Corrals", and the like?" Although both of us at The Rio Grande Press are Westerners (and have been for years), we went to the Fountainhead for the answer to that obvious question. The

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THE PUEBLO OF NAMBÉ AND ITS LANDS

Myra Ellen Jenkins

The Pueblo of Nambé, located in the foothills of the Sangre de Cristo Mountains some 16 miles north of Santa Fe along the river which bears the same name, was in existence when Don Juan de Oñate occupied New Mexico in 1598. Together with its other Tewa-speaking neighbors, the small pueblo made its submission to Spanish sovereignty in that year. A mission had been established by 1613, and a church dedicated to Nuestro Padre San Francisco was built in 1617. By 1680, the mission included the pueblos of Jacona and Cuyamungue as *visitas.*[1]

Little else is known of Nambé until August 10, 1680, when the Indians took part in the bloody, common Pueblo Revolt against Spanish authority and killed their missionary, Fray Tomás de Torres, together with his brother and family and a resident of Taos.[2] On September 12, 1692, reconquering General Don Diego de Vargas entered the village on his peaceful reconnoissance expedition and was met by Governor Alonso who quietly rendered his obedience, and 51 persons were baptized.[3] However, the pueblos, including Nambé, were not so peaceful during the succeeding four years as resentment continued to flare over Spanish rule, assignment of lands near the pueblos to non-Indians, and levies on Indian food supplies for the starving colonists. Late in 1693, Nambé was abandoned, and the inhabitants fled to San Ildefonso to join other rebels. Captain Roque Madrid sacked the pueblo of its food supplies in March of the following year. Gradually, however, the Indians returned to their village, and when de Vargas arrived at Nambé, September 25, on his tour of inspection of the reconciled pueblos, he reported that a cross had been set up in the village, the houses were being remodeled, and livestock was again grazing along the river.[4]

Reconciliation was brief. Nambé *cacique* Xenome and another member of the pueblo known as Diaguillo were leaders of the June 1696 Pueblo revolt during which the Indians again killed three Spanish residents at the door of the church, then fled to the foothills north of Chimayó to join other dissidents. The missionary, Fray Antonio Moreno, was killed in San Ildefonso where he was visiting at the time of the outbreak. Diaguillo was hanged by loyal

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Durán de Armijo in 1739. Vicente had accompanied his parents, Joseph de Armijo and Catalina Durán, who came to New Mexico with other colonists from Zacatecas in 1695, and lived in the Santa Fe region.[15] His brother, Antonio, had secured a small grant near Pojoaque from Governor Cubero in 1701, but had sold the tract back to the Pojoaque Indians when the pueblo was reestablished in 1707.[16] In September, 1739, Vicente petitioned Governor Gaspar Domingo de Mendoza for a grant to lands east and south of Nambé, giving as his reasons that his Santa Fe holdings were insufficient to support his family since the river was virtually dry and his crops had failed. To add to his poverty, he stated, he had been able to accumulate some livestock "through a little trade," but hostile Indian attacks on his herds had caused great damage. His petition continued:

> I have seen proper to register a piece of surplus land beyond the lands of the friendly Indians of the Pueblo of Nambé, without disturbing the pastures or waters upon which the herds of this royal presidio or the animals of the said Indians are pastured, nor is any one else using the said lands. They contain about six fanegas for wheat and two for corn, and the boundaries are as follows: on the north, bounded by a dry arroyo, on the south by the lands of Bernardo de Sena, on the east by a mountain, on the west by the lands of the said Indians of Nambé.[17]

Governor Domingo de Mendoza, on September 24, approved a grant to Durán de Armijo but refused to give him the region requested because of the objections of the Pueblo of Nambé that the donation would be of great injury to them. In taking such action, the governor recognized Indian right to an area larger than a mere league to the east and south. Instead, the petitioner was given two small tracts of land on both sides of the Nambe River west of the pueblo, apparently with the consent of the Indians although this region was well within a league of the village. On October 5, Durán de Armijo was given possession by Alcalde Mayor Juan García de la Mora in the presence of the Indians. After reviewing the governor's decision, the alcalde mayor designated the boundaries and in doing so named various other Spanish land-holders close to the pueblos.

> In view of which his Excellency provides that he shall not have the lands he cites in the said petition, but that which may be selected with the consent of the Indians, and I, the said alcalde mayor, as above, informed of his Excellency's order and of all which had been agreed upon with the

> said Vicente in the presence of the said governor and captain general, they said that they would assign and did assign to the said Vicente Durán de Armijo a piece of land to the west of the said Pueblo of Nambé, on the borders of their land on the western side. A small portion is bounded by lands of the Pueblo of Pojoaque which boundary is an arroyo which runs into the Rio Nambé, which is on the south side of the said Rio Nambé, and on the east by a stone marker and a medium-sized cedar tree which is the dividing line between the lands of the pueblo and the said Vicente. On the north, this little piece is bounded by the said river and on the south by an acequia which runs along the foot of some hills, the distance being three *cordels* of fifty varas each from the said river to the said acequia. And the other piece of land which they gave to the said Armijo which is north of the said river, consists of 750 varas in width which is understood to be from east to west, and from north to south it contains 550 varas, the boundaries of which are: on the north, some stone markers along some hills which form the boundary of the lands of General Juan Paéz Hurtado; on the south, it is bounded by the river of the said pueblo; on the east the boundary is a cross on the side of the public road and the lands of the Indians of the said pueblo; and on the west, the lands of General Juan Paéz Hurtado, which boundaries are marked by several stone markers and on one of them is a holy cross which is to serve as a dividing line and boundary, of which two pieces, I gave him royal possession...

There is some evidence that three years later Durán de Armijo again laid claim to the large areas on the east and south which had been denied by Domingo de Mendoza. A document signed by Alcalde Mayor Juan José Lovato on July 21, 1742, stated that Lovato, at the request of Durán de Armijo, had reopened the case since the Nambé Indians had agreed that their original complaint was made only through the "malice of the Indian Juan Xucá and that they thereupon agreed to let Durán de Armijo plant in the area, and kept only the "Salto de Agua", obviously the famous Nambé Falls.[18] While the document itself appears to be genuine, there is serious question as to its legality since it was never deposited in the archives and was only produced before the Surveyor-General in 1873 by claimants of Gaspar Ortiz to lands east of Nambé at the same time as several completely spurious documents were introduced. The matter was not referred to the governor as would have been a requirement if a decision of the chief executive had been reversed in a case involving Indian land, and the document contained no witnessing signatures or marks by the Indians of Nambé who had allegedly agreed to its contents.

There are no other records that Vicente Durán de Armijo actually occupied any land in the area, including the two small tracts. His

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Indians at Pecos Pueblo, and Xenome was captured and after long interrogation, executed in Santa Fe. By late November, the scattered Nambes had returned to the pueblo, and the final revolt against Spanish rule was over.[5]

Contemporary accounts of the Pueblo of Nambé during the 18th century are also few. On January 12, 1706, Custos Fray Juan Álvarez reported that the church at Nambé was being built,[6] but probably the pre-revolt structure was actually being restored. A larger and more commodious church, constructed through the largesse of Governor Juan Domingo Bustamante, was completed by 1725. This edifice collapsed in 1909, and since that time the pueblo has not had a church building.[7]

The few visitors to Nambé during this period, however, were impressed by the favorable situation of the little pueblo and particularly noted the irrigation system and quality of Indian fields. Fray Manuel de San Juan Nepomuceno y Trigo reported to the Franciscan *Procurador-General,* Fray José Miguel de los Rios in 1754:

> ...setting out from the villa of Santa Fe and travelling north for six leagues, one comes to this mission, which is in a most agreeable location, for it has a beautiful stream which leaps noisily from a leafy mountain. It induces harvests with abundant health-giving waters, and on its spacious fields the Indians sow for the father, their poor minister--since they pay no obvention at all--three *fanegas* of wheat and one *almud* of corn...[8]

Bishop of Durango Pedro Tamarón noted briefly in 1760: "This pueblo is very pleasant, with many plantings and a river that always has water, and this delicious for drinking. An irrigation ditch is taken from it."[9]

The best description of the pueblo was given by the meticulous *visitador* Fray Francisco Atanasio Domínguez in his official 1776 report of New Mexico missions:

> The site, or hole, in which the pueblo of Nambe is established, which I mentioned when I began the account of my visitation, has the Sierra Madre first noted at Santa Fe on the east-northeast. To the northeast, north and northwest are some broken, rugged, red hills, with cañadas here and there. From the point when they begin, which is at the aforesaid sierra, these hills lie in the directions mentioned, forming a very extensive enclosure for the site of the pueblo, which lies near the middle of the site in relation to these hills. To the southeast of the pueblo there is a ridge of hills which, although they are essentially similar to the others, do not curve as they do, but run straight down from the

> sierra in the aforesaid direction. These hills are as near, or as close as a musket shot to the pueblo. At their foot a small river with a swift current full of crystalline water comes from the aforesaid sierra... **ITS LANDS AND FRUITS:** They have almost as much land above the pueblo as below it, and it occupies most of the site mentioned, although a great arroyo that arises in the east-northeast and runs to the southwest until it enters the pueblo's river behind the church and convent and in front of the corrals mentioned divides them. They irrigate the upper lands with a mother ditch from well upriver, and they take water for the lower lands from the same ditch a little before the said arroyo empties into the river. The lands are fairly fertile and everything sown in them yields a crop, with a sufficient harvest of everything...[10]

Dominguéz reported that the non-Indian "Rancho de Pojoaque," north of the pueblo of the same name and on the opposite side of the river, contained 25 families with 162 persons.[11] Undoubtedly, most of these belonged to or were servants of the Ortiz family with whom Nambé was to have land difficulties during the next 200 years. The population of Nambé was listed as 50 families consisting of 183 persons.[12] During the 19th century, the numbers decreased rapidly.

This favored location, especially the availability of irrigation water from the Pojoaque-Nambé River and the good pasture lands east and south of the pueblo, made Nambé vulnerable to non-Indian encroachment, particularly as the population declined. Shortly after the reconquest, Spanish settlers moved into the valley between the former Pueblo of Pojoaque and Nambé and were given parcels of land by both Governors Diego de Vargas and Pedro Rodríguez Cubero with little attention paid to the legality of such encroachments on Indian land.[13] Land ownership in the region was complicated by the reestablishment of the Pueblo of Pojoaque by Governor Cuervo y Valdés in 1707. By the end of the century, many families, especially the extensive and powerful Ortiz clan, descendants of Nicolás Ortiz III who was killed by Comanches in 1769 near San Antonio Mountain, claimed much of the land on both sides of the river between the two pueblos in spite of the fact that the Spanish authorities throughout the century attempted to apply the principle that the pueblos were entitled to a minimum of a league of land in each direction from their mission churches.[14] Actually, the distance between the two small pueblos was less than a league, and much of the irrigable land was occupied by non-Indians.

The first formal petition for a grant involving lands recognized as specifically belonging to Nambé appears to be that of Vicente

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death occurred in Santa Fe in 1743, and his will, dated November 15, listed his real property as consisting only of his home and piece of farming land on the south side of the Santa Fe River.[19] Before his death, however, Vicente may have conveyed the property to his oldest son, Salvador Manuel De Armijo I, since Nambé church records show that the latter was a resident of that jurisdiction between 1748 and 1754.[20] By the end of the century, the land had apparently come into possession of the Ortiz family.

Documentary information concerning the Pueblo of Nambé is sparse throughout the remainder of the Spanish and Mexican periods. However, the Oritzes continued to petition, and to be denied, land at the pueblo's expense. On September 15, 1842, a Luis Ortiz, resident of the jurisdiction of San Ildefonso, appealed to Governor Manuel Armijo that he and seven others be given a grant to farming lands "halfway between the pueblos of Nambé and Tesuque, which extends from the place called the Arroyo del Venado to the Peñasco." There was no question but that this area was Pueblo land even though Ortiz claimed that it was unoccupied and that he and his partners "would not deprive the adjoining pueblos nor the residents of their pastures and watering places." Ortiz claimed that in 1840 the petitioners had presented their case before the subprefect of the jurisdiction who had informed them that the prefect had agreed that their claim was valid but that nothing had been done to give them possession. Armijo sent the petition to the Prefect of the Northern Jurisdiction, legally-minded Juan Andrés Archuleta, with a notation on the side of the document that a report of the affair should be made to him. Archuleta appended his reply on October 10, stating that the original petition had been investigated in 1840, when the claims of Ortiz were found to be "a fraud" since the Pueblo of Nambé had presented its documents to him showing that the land belonged to the Indians, and he concluded bluntly that "the claim which they make should be silenced." In compliance with further instruction from Armijo for an official settlement of the business, Archuleta appended a brief decision to the original document on October 13 that a complete investigation had been made and that "there is no authority for what this party asks."[21]

With the occupation of New Mexico by the United States in 1846, the long period of official protection of Pueblo Indian land and water right virtually came to an end as entirely different systems of Indian administration and land tenure policy were introduced by

the new sovereignty. The Treaty of Guadalupe Hidalgo, signed in 1848, provided that property rights which were valid under Spain and Mexico were to be recognized as valid under the United States, but the courts were unfamiliar with Spanish-Mexican titles under a land grant system which had been more than 150 years in the making in New Mexico. For eight years, the federal government failed to act on land title, and for a much longer period of time it failed to define the status of the Pueblo Indians, and there was no consistent policy of administration. Indian superintendents, agents and other federal officials until after 1876 consistently considered the Pueblos as wards of the government under the Non-Intercourse Act of 1834, but Congress permitted a law passed by the New Mexico general assembly in 1847 incorporating the Pueblos as entities who could sue and be sued to be kept in the statutes.

Until the creation of the Office of Surveyor-General in 1854, confusion in land title reigned. Obviously, the Hispanic residents were particularly troubled lest their grant titles be disturbed. There is evidence that many Anglo speculators moved into New Mexico and conducted a systematic campaign to make the residents uneasy about their land, especially since many of them did not have original grant papers. While the Hispanos were afraid of the new laws, the Pueblo Indians were unaware of them. The problem became so acute that on July 22, 1854, Congress created the Office of the Surveyor-General to investigate the origin and nature of land grant claims, segregate land documents from the official archives for examination and hear the petitions of claimants, both Hispano and Indian. If the Surveyor-General considered that a grant had been legally made under the laws of Spain or Mexico, and in continuous occupation by descendants of grantees or their legitimate successors, he was to recommend that the land be confirmed to the petitioners. Upon congressional confirmation, the land was to be surveyed and patent given. But many genuine papers had been lost; others had been manufactured; old grants long since disallowed as encroachments on Indian land were revived and often conveyed or partly conveyed to speculators, including the attorneys who usually represented their clients for a share of the undivided land in the case of settlement grants, or who bought out the claimants. Grants which were most dubious in the light of Spanish and Mexican laws were often quickly approved as the Surveyors-General were unfamiliar with the laws of the former sovereignties and some of them actually were involved in the speculation. Four-square league grants were

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made to many of the pueblos on the basis of the so-called "Cruzate grants" of 1689, confirmed by Congress and patent given. But overlapping Spanish grant claims within the Indian patents were sometimes also allowed.

In the cases of "United States vs. Santistevan" and "United States vs. Joseph" in 1874, the United States District Court held that since the Pueblo Indians had been citizens of Mexico, their rights were upheld by the Treaty of Guadalupe Hidalgo, and hence they were not Indian tribes in the sense of the 1834 act, and there could be no federal penalty for settling on their lands. They would, therefore, have to file their cases against trespass in the regular courts. The decision was upheld by the U.S. Supreme Court in 1876.

The Pueblo Indians, now considered as citizens who could hire their own attorneys, were in an even more precarious position when the Court of Private Land Claims was created in 1891 to settle those land grants not completed under the Surveyor-General or confirmed by Congress. In the meantime, reforming Surveyor-General George W. Julian had, in 1886, disallowed many of the decisions of his predecessors on the grounds of illegality or fraud. Again, the encroaching grants which had been disallowed by Julian were revived and some of them approved. Meanwhile, claims of non-Indians in the territorial courts were allowed in greater number. No federal protection was secured until the Sandoval Case of 1914 when the U.S. Supreme Court overturned the 1876 decision and decreed that Pueblo Indians were Indians under the 1834 act and thus under the wardship of the federal government. Unfortunately, however, the pueblos had already lost many of their lands in district courts through unfavorable decisions.[22]

The Pueblo of Nambé submitted a petition before the Surveyor-General on September 29, 1856. She requested only recognition of her minimum four-square league stating that the pueblo was unable to produce any documents as the papers had been surrendered to an acting governor some years before in a case of trespass and had not been returned.[23] If this was the case, the loss must have been at a relatively recent date, since Prefect Juan Andrés Archuleta had notified Governor Armijo in 1842 that Nambé had produced her documents of possession two years before when he had originally investigated the request of Luis Ortiz for a grant between Nambé and Tesuque. The Surveyor-General promptly approved the request of October 2, and Congress confirmed a four-square league grant

December 22, 1858. The survey was completed in June 1859, but patent was not issued until 1864, when 13,586.33 acres only were approved, about 4,000 acres fewer than a four-square league.

Meanwhile, also in 1859, descendants of Gaspar Ortiz petitioned for approval of the grant made to Durán de Armijo in 1739, claiming that the land had been sold to Gaspar Ortiz I, but that the conveyance had been lost. They submitted as documentation the original request and decision of the governor allowing the two small tracts west of the pueblo, but denying a larger grant to the east. Ignoring this part of the record, the petitioners laid claim to the larger eastern tract. On July 3, 1859, one month after the Nambé survey, Surveyor-General William Pelham approved the Ortiz petition, following the 1739 decision of Governor Domingo de Mendoza, and allowed the western tracts only, although even this small acreage was an overlap with the Nambé grant.[24] Congress confirmed on June 20, 1860, but the survey was delayed for several years.

During these years, white trespass on lands of all the Pueblos increased. A detailed enumeration of non-Indians on Pueblo lands, prepared by Indian Agent W.F.M. Arny in 1870, showed that there were 175 persons encroaching on the patented lands of Nambé.[25] The Pueblos knew little about attorneys, court procedures, or adverse claims. Nambé was especially vulnerable, since her population was very small and lived even further apart from the white population than many of the other pueblos. Hence, when the rival branches of the Ortiz family presented their petitions to the Surveyor-General in 1872 and 1873 for land east of the peublo, including the "Salto de Agua" or Nambé Falls, no voice was raised in defense of the rights of the Nambé Indians who were then using the land as they had used it for generations.

On September 2, 1872, the heirs of a Juan Luis Ortiz, through attorneys S.B. Elkins and Thomas B. Catron, petitioned for a very large grant to the lands east of the Pueblo, requesting the following boundaries:

> On the east by a high mountain called Mosca or the descents of Panchuela; on the west a quarter of a league below the 'Salto de Agua', on the east a small flat hill or a cañada of little springs and some arroyos that run north to west, and on the south by a rocky hill above the Rito Chupadero, or the boundary of the residents of the Rio de Tesuque.

The petitioners claimed that a grant had been made to Juan Luis by

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Governor Manuel Armijo on June 4, 1846 and that they had been placed in occupation of the tract, which they had continuously occupied, by a José Dolores Trujillo, "supplemental alcalde" of Pojoaque. Surveyor-General James K. Proudfit, without examining any witnesses or investigating the genuineness of the documents, approved the grant October 8, 1872.[26]

On September 27, 1873, however, the Gaspar Oritz heirs, through their attorneys Fiske, Stevens, and Tompkins, filed a new claim for the area originally requested by Durán de Armijo in 1739, claiming that other documents which proved their title had been recently discovered by Jesús María Ortiz y Baca in the effects of his deceased father, Matías Ortiz, executor of the estate of Gaspar Ortiz II, which proved their title. Among these was the alleged Juan José Lovato decision of 1742. They also introduced a set of documents dated 1806, which purported to be a copy of a sale by the heirs of Durán de Armijo to Gaspar Ortiz I of all their lands in the Nambé region and an alleged regrant of the eastern claim made by Acting Governor Joaquín del Real Alencaster on July 21, 1806. A sketch map showed that they claimed over 100,000 acres. These papers were clumsy forgeries. However, Surveyor-General Proudfit approved this "grant" on April 22, 1874, even though it was virtually the same area which he had approved to the Juan Luis Ortiz claimants two years before.[27]

Congressional confirmation was delayed, and on December 27, 1876, Fiske, Stevens, and Tompkins, now part owners of the Gaspar Ortiz claim, reopened the cases before Surveyor-General H.M. Atkinson over the objection of Attorney Thomas B. Catron, a part owner of the Juan Luis Ortiz claim. While several witnesses testified that the signatures of Governor Armijo and Secretary of Government Juan Bautista Vigil y Alarid were genuine, Donaciano Vigil, former military secretary to Armijo, testified that they were forgeries and produced genuine documents signed by Armijo. One of the witnesses who testified that he believed the signatures were genuine was Joab Houghton, former Chief Justice of the territorial supreme court and U.S. trader in New Mexico before occupation, but even he agreed that the signatures were a bit unusual. When queried by Attorney Catron as to whether the apparent difference in handwriting might result from Armijo's use of a steel pen instead of a quill, Houghton reluctantly admitted that while he had introduced steel pens into the region in 1843, he had never known of a Mexican official using one.[28] In addition, Jesús María Ortiz y

Baca produced the alcalde books of Pojoaque which showed that Trujillo had never held the position of supplemental alcalde.

Neither grant was approved, but the two small tracts on the west were surveyed for 57.13 acres in March 1877 and patent delivered to the Gaspar Ortiz claimants.[29]

Surveyor-General George W. Julian, successor to Atkinson, reviewed the many cases approved by his predecessors but not confirmed by Congress, utilizing especially the research of handwriting expert Will N. Tipton. He rejected the claims of both factions of the Ortiz family on the basis that the documents in both cases had been forged.

The Juan Luis Ortiz claim was re-introduced into the Court of Private Land Claims by Catron and a favorable decision rendered on December 1, 1896 for confirmation of a tract not to exceed 11 square leagues. The land claimed was approximately 115,200 acres. Justice Murray dissented, however, on the ground that he considered the 1846 documents fraudulent. The government appealed the case to the United States Supreme Court, which decided against the Catron-Ortiz plaintiffs in the October term of 1899, and the land was ordered returned to the public domain.[30]

Again, Nambé was not represented before the Court of Private Land Claims, and hence no notice was taken of Indian use and occupancy of the land which had been claimed in the Sierra de Mosca grant, although the pueblo was actually leasing a portion of it to non-Indians. In the spring of 1902, one of the lessees, Juan Tafoya, not only refused to pay his rent but was planning to file on the land which had been declared public domain after the Supreme Court decision. Nambé appealed to Special Attorney for the Pueblos, William H. Pope, who strongly recommended to the Commissioner of Indian Affairs that sections in Township 19 North, Range 10 East, on the southeast of the pueblo grant boundary, including Nambé Falls, be withdrawn from public entry and made into a pueblo reservation since "This Pueblo is one of the poorest in the Territory and has been encroached upon by adjoining settlers to an extent such that probably not a third of their Congressional confirmation remains in their possession."[31] He also pointed out that the Indians had been in continuous possession of the land for many years. On the recommendation of Acting Commissioner of Indian Affairs A.C. Tonner,[32] the Commissioner of the General Land Office withdrew the area temporarily while C.J. Crandall, Superintendent of the Indian School at Santa Fe, was authorized

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by Tonner to investigate the situation. In his extensive report of June 5, Crandall strongly recommended that the area be made into a reservation since "The lands held by these people is less than one half of their original grant." After noting that the Indians had cultivated a portion of the region for many years, he concluded:

> The Indians need this land to better put them in shape to make a living; the simple fact that is will be a reservation, and the title will not be in fee simple, assures to the Indians lands that cannot be taken away from them and lands which they cannot dispose of, as they have done with much of their original grant. As you know, most of the land which Mr. Pope asks to have reserved here, was until recently what was known as a land grant, but the Land Court did not confirm the same, and it therefore becomes a part of the public domain. The Indians have cultivated or leased this land to other parties for some time, as represented by Mr. Pope, and they have felt that it belonged to them.[33]

Local opposition, led by New Mexico Territorial Delegate to Congress, Bernard S. Rodey, quickly arose, as other non-Indians were intending to file on the land, especially for mining claims.[34] However, the small reservation was given to Nambé in 1902, but it required the presence of U.S. troops to actually remove the lessees who had refused to pay the pueblo rent for the lands they were cultivating.[35]

Further attempts to secure additional acreage for Nambé, even as executive order reservation, had little success. Indian Bureau officials were keenly aware of the need to secure more grazing lands for all the pueblos, but the failure of the Department of Agriculture to understand the status or needs of the Pueblos and its consistent support of the interests of non-Indians resulted in refusal to surrender to the Department of the Interior grazing lands within the recently created national forests which the Indians sorely needed. The Assistant Commissioner of Indian Affairs, on December 14, 1910, submitted to the Department of the Interior a detailed proposal to eliminate certain lands from the Jemez and Pecos National Forests for proposed additions, to San Juan, Pojoaque, San Ildefonso, Santa Clara, and Nambé. Four years of correspondence, often heated in nature, resulted between the Departments of the Interior and Agriculture, but opposition on the part of the latter caused the plan to be abandoned in 1914.[36]

The Pueblo Lands Board, created by Act of Congress, June 7, 1924, to settle the question of extinguishment of title on Indian land, issued its final report concerning Nambé August 12, 1926.

The Board determined that Indian title within the Nambé grant had been extinguished to most of the agricultural tracts immediately west of the village but awarded to the Indians several small tracts on the east.[37]

In November 1965, the United States Indian Claims Commission rendered its decision that the Pueblo of Nambé was entitled to payment for 45,000 acres within the Santa Fe National Forest to which it had claim by right of aboriginal use. Some measure of justice for the small pueblo was finally secured four years later when Congress appropriated the necessary funds for compensation.[38]

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NOTES

1. For summaries of the early history of Nambé see: Frederick W. Hodge, George P. Hammond and Agapito Rey, eds., *Fray Alonso de Benavides' Revised Memorial of 1634* (University of New Mexico Press, Albuquerque, 1945):236; Eleanor B. Adams and Fray Angelico Chavez, *The Missions of New Mexico, 1776* (University of New Mexico Press, Albuquerque, 1956):52.

2. Charles W. Hackett and C.C. Shelby, eds., *Revolt of the Pueblo Indians of New Mexico and Otermin's Attempted Reconquest, 1680-1682* (University of New Mexico Press, Albuquerque, 1942) 1:10, 96, 109; Charles W. Hackett, ed., *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches thereto, to 1773* (Government Printing Office, Washington, 1937) 3:329, 336, 352.

3. J. Manuel Espinosa, *First Expedition of Vargas into New Mexico, 1692* (University of New Mexico Press, Albuquerque, 1940):138-139.

4. J. Manuel Espinosa, *Crusaders of the Rio Grande* (Institute of Jesuit History, Chicago, 1942):164, 167, 277, 209-210.

5. *Ibid.*:244-247, 250-260, 296.

6. Hackett 1937:375.

7. Adams and Chavez 1956:52.

8. Hackett 1937:466.

9. Eleanor B. Adams, *Bishop Tamaron's Visitation of New Mexico, 1760* (University of New Mexico Press, Albuquerque, 1954):55.

10. Adams and Chavez 1956:58-59.

11. *Ibid.*:60.

12. *Ibid.*:59.

13. For a discussion of grants in this area see Myra Ellen Jenkins, Spanish Land Grants in the Tewa Area, *New Mexico Historical Review* (1972) 47:117-123.

14. For a discussion of land tenure policies of the Spanish government with reference to Indian land see *Ibid.*:113-117.

15. A brief sketch of the Durán de Armijo family is found in Fray Angelico Chavez, *Origins of New Mexico Families in the Colonial Period* (Historical Society of New Mexico, Santa Fe, 1954):36.

16. Jenkins 1972:117.

17. The petition and other documents in this case are in Records of the Surveyor-General, #31, Gaspar Ortiz, State Records Center, Santa Fe, hereafter cited as SG, SRC. The land grant records consisting of the documents listed in Ralph Emerson Twitchell, *The Spanish Archives of New Mexico*, vol. 1, and the records of both the Surveyor-General and its successor, the Court of Private Land Claims, were in the custody of the Bureau of Land Management, Department of the Interior, Santa Fe, until April 10, 1972, when they were transferred to the custody of the State Records Center, Santa Fe.

18. This document is in SG #87, Sierra Mosca Grant, SRC.

19. Spanish Archives of New Mexico, I, #26, SRC.

20. Chavez 1954:137.

21. This document is contained in the papers of one of the attorneys representing the Ortiz family and is in the custody of the State Records Center. It was apparently not utilized or filed in the land grant litigation.

22. For a detailed analysis of the status of Pueblo Indians during these years see Myra Ellen Jenkins, The Baltasar Baca "Grant," History of An Encroachment, *El Palacio* (1961) 68:87-96.

23. SG #R, SRC.

24. SG #31, Gaspar Ortiz, SRC.

25. National Archives, Department of the Interior, Records of the Bureau of Indian Affairs, Record Group 75, Field Papers, Michigan Superintendency, 1854-1871. Hereafter these records will be cited as NA, BIA, RG 75.

26. This case is SG #75, Juan Luis Ortiz or Sierra Mosca, SRC.

27. SG #87, Gaspar Ortiz, also entitled Sierra Mosca, SRC.

28. *Ibid.*

29. SG #31, SRC.

30. Court of Private Land Claims, #87, Sierra de Mosca, SRC.

31. Pope to Commissioner of Indian Affairs, April 4, 1902, NA, BIA, RG 75, Letters Received (LR), File 2328-1902.

32. Tonner to Commissioner of General Land Office, May 9, 1902, NA, Department of the Interior, Records of the General Land Office, RG 49, Miscellaneous Letters Received, File 81142-1902.

33. Included in Tonner to Secretary of the Interior, June 13, 1902, NA, Records of the Office of the Secretary of the Interior, RG 48, LR, File 5262-1902.

34. The objections of Rodey and other opponents are outlined in Crandall to Commissioner of Indian Affairs, August 8, 1902, NA, BIA, RG 75, LR, File 47966-1902.

35. *Santa Fe New Mexican,* November 16, 1903.

36. Correspondence and other documents pertaining to the relations between the Departments of the Interior and Agriculture concerning the proposed reservation are contained in NA, BIA, RG 75, File 4687-1-308.2, S.F., part 3.

37. The final report of the Pueblo Lands Board is in the files of the Bureau of Land Management, the Department of the Interior, Santa Fe Office, Santa Fe, New Mexico.

38. U.S. Indian Claims Commission, "Pueblo of Nambe vs. the United States," Docket 358.

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MEXICAN INDEPENDENCE DAY AND A UTE TRAGEDY IN SANTA FE, 1844[1]

Ward Alan Minge

> In these moments, I saw myself attacked by all the chieftains, taking up their weapons as had the said Panasiyave, who turned on me with an axe in his hand; fortunately, I was able to hit him with the chair in which I had been seated and with which I knocked him to the floor, at the same time two of my orderlies and other officials, who had arrived by accident, restrained not only the remaining five Indians but also other large numbers who started through the window of the room.
>
> Governor Martínez to the Inhabitants
> Santa Fe, September 8, 1844
>
> [Author's trans.]

On July 28, 1844, Governor Mariano Martínez de Lejanza appointed a "Patriotic Council" to arrange for celebrating the anniversary of Mexican Independence in Santa Fe. He was new to New Mexico, having arrived the previous fall from Chihuahua and, under the sponsorship of Governor Mariano Monterde of that Department, replaced Manuel Armijo as governor. The elaborate plans and preparations required a month and a half and involved solemn sessions, complex committee arrangements, and donations of money, talent, and labor. The formal and beautifully written minutes of the council meetings testified not only to the Governor's loyalties but also to the popular esteem and enthusiasm for the forthcoming pageant.[2]

During the first session, the Council members selected a president and secretary. The Vicar Juan Felipe Ortiz met their unanimous choice for president and the office of secretary fell to Bernardo Vázquez Franco.[3] Vicar Ortiz then proceeded to name four committees: one to obtain funds, another to organize the public diversions, a third to arrange for firing weapons to achieve the "most glorious effect," and the last to arrange for religious ceremonies. Council meetings were scheduled on Sunday mornings between ten and eleven. The committee for public diversions then asked the Governor to deliver the main address. Within a few days,

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