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Pursuit of Prosperity Below the Ocate Mesa

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UNIVERSITY OF NORTHERN COLORADO

Greeley, Colorado

The Graduate School

PURSUIT OF PROSPERITY BELOW THE OCATE MESA

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of
Master of Arts

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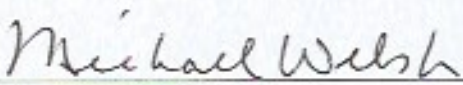
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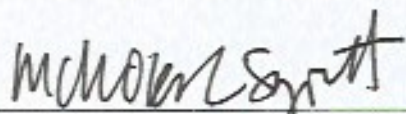
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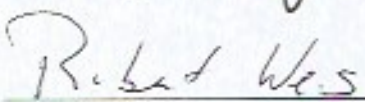
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has been approved as meeting the requirement for the Degree of Master of Arts in the College of Humanities and Social Sciences in the Department of History, Program of History

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ABSTRACT

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This project explores the ways in which New Mexicans capitalized upon the United States' expansion during the nineteenth-century. Most contemporary scholars emphasize the victimization of New Mexicans as a result of American imperialism and colonization. From this historical perspective, the public and private actions of New Mexicans are often interpreted as forms of resistance or cultural preservation. Though the interests of American men certainly marginalized many, family histories suggest that this is not the only - nor even the most prominent - narrative among those whose ancestors established the villages of Guadalupita and Ocate.

Public records concerning the López and LeFebre families, as well as others, allow this study to demonstrate that Indian and mixed-race peasants participated in the sacraments of the Catholic Church, acquired property, and cultivated livelihoods in farming and commerce in order to improve their well-being in *Hispano* society. These families helped to establish the villages of Guadalupita and Ocate, which formed between ten and twenty years after the Mexican-American War, respectively. They also epitomize how New Mexicans incorporated beneficial aspects of American economy, law, and culture into previous livelihoods and social organizations. Here, an emphasis on cultural interaction in the areas of marriage, property, and commerce demonstrates how, in their pursuit of prosperity, Indians and mixed-race peasants reproduced *Hispano* society in

northern New Mexico and southern Colorado during the latter half of the nineteenth-century.

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CHAPTER I

INTRODUCTION

In an interview with his biographer, frontiersman Richens Wootton recounted that the survivors of the Taos rebellion of 1847 “congratulated themselves upon having escaped with their lives and after the fashion of the pioneers set about building up other fortunes to take the place of those they had lost.”¹ Wootton learned about the financial losses and gains from those who had lived in the village of San Fernandez de Taos at the time of the rebellion, and the pioneering spirit of the survivors was hardly more evident to Wootton than it was in the family of his first wife, Maria Dolores LeFebre. Wootton’s mother-in-law, Maria Teodora López, was part of a minority population of detribalized Indian and mixed race migrants that had settled in the village of San Fernandez de Taos during the three decades prior to the rebellion. His father-in-law, Manuel LeFebre, was a French-Canadian trader from Missouri who had enjoyed a livelihood as an employee of the American Fur Company before settling in San Fernandez de Taos and working as an associate of the Bent, St. Vrain Company. Within ten years after the rebellion, the LeFebres had joined the new community of Guadalupita, acquired land, and developed a lucrative agribusiness near the junction of the Ocate Creek and the Santa Fe Trail. By following

¹ Richens L. Wootton, *Uncle Dick Wootton: The Pioneer Frontiersman of the Rocky Mountain Region* (Santa Barbara, CA: The Narrative Press, 2001), 80.

Maria Teodora López and her relatives from the Rio Grande Valley to the fertile lands below the Ocate Mesa, I hope to demonstrate that family history can offer insight into the reproduction of *Hispano* villages in northern New Mexico and southern Colorado after the Mexican-American War.

This study investigates why the villages of Guadalupita and Ocate began and how they developed during the latter half of the nineteenth century. I argue that the United States' occupation of New Mexico offered plebeian classes in the *Hispano* villages of the Rio Grande Valley an opportunity for upward socio-economic mobility through land-ownership. This was the opportunity that New Mexicans seized when they settled below the Ocate Mesa in the 1850s. Land provided commoners with more than just the means for survival; it also allowed them to increase their wealth and garner a brand of socio-economic status traditionally enjoyed by *rico* families before the Mexican-American War. This is significant for two reasons. First, it strongly suggests that the United States' occupation of Mexico's far north in 1846 abetted the expansion of *Hispano* society into northern New Mexico and Colorado; second, it emphasizes that ordinary New Mexicans integrated American economy, law, and culture into previous livelihoods and social organizations to benefit themselves, their families, and their communities.

The family-based approach employed in this study places the decisions that ordinary New Mexicans made to procure economic well-beings on center stage in discussions of why and how the villages of Guadalupita and Ocate formed. An inherent challenge in this approach is to convince the reader that one family's history is not anomalous, but that it evinces broader historical trends. As this study follows members of the López family through the nineteenth century, it contextualizes their decisions in the areas of marriage,

migration, landownership, and livelihood to demonstrate that their choices were representative of those made by the majority of the settlers in Guadalupita and Ocate who once were landless migrants of Indian and Spanish-Indian descent.

These New Mexicans sought a style of life in Guadalupita and Ocate that was consistent with what landowning elites enjoyed elsewhere in northern New Mexico. Historian Ramón A. Gutiérrez argues that “peasants [...] fashioned themselves into *españoles* lest they be confused with infamous Indians and half-breeds.”² The course that Wootton’s mother-in-law, Maria Teodora López, took from the Abiquiu area to the valleys below the Ocate Mesa supports this contention. Baptism, marriage, migration, and landownership separated her from non-Catholic, landless Indian and mixed-race classes. The 1860 Census shows that ninety-eight percent of the population in Guadalupita and Ocate was native to New Mexico.³ Unless these individuals were born in either village during the 1850s, they migrated from elsewhere to Guadalupita and Ocate to secure their well-being.

As settlers claimed lands and built their fortunes during the 1850s and 1860s, they fashioned the villages of Guadalupita and Ocate into traditional *Hispano* villages. They began this process by dividing lands in a manner that was consistent with the way Spanish and Mexican officials had established villages such as San Fernandez de Taos and Santa Gertrudis. They gave settlers individual titles to irrigable land, and they designated commonly owned areas as *ejidos*. After Guadalupita and Ocate reached their capacities in

² Ramón A. Gutiérrez, *When Jesus Came, The Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford, CA: Stanford University Press, 1991), 150.

³ Maggie Stewart, ed. “1860 Federal Census Mora County, New Mexico,” <http://files.usgwarchives.net/nm/mora/census/1860/> (accessed 6 December 2014), 342-473.

the late 1860s, landowners won legal protection for individual claims as well as commonly owned lands from the Territory of New Mexico. This preserved the original design of the settlements, solidified the elite social-economic status of former landless migrants, and forced late-comers further north. Thus, new settlements emerged throughout northern New Mexico and southern Colorado as eager migrants endeavored to secure their well-beings in places where land was still available.

This study's emphasis on the socio-economic reasons for New Mexican migration from the Rio Grande Valley to the Ocate Mesa area leads to an innovative interpretation of the role of French-Canadian, Anglo-American, and European men in the development of Guadalupita and Ocate. Here, family history raises two pertinent questions. First, how did Lopez's husband, Manuel LeFebre, and their daughters' husbands, Richens Wootton and Charles Williams, fit into Teodora Lopez's pursuit of economic prosperity? Second, what opportunities did the emergence of new *Hispano* villages and the expansion of *Hispano* society in northern New Mexico and southern Colorado offer foreign-born white men? This study demonstrates that these foreigners facilitated the initial expansion of *Hispano* society with political, economic, and military leadership. Later, they joined factions of New Mexican landowners to defend the traditional model of land ownership in Guadalupita and Ocate against others who advocated for the termination of the land grant system.

Using López's family as a lens for investigating landownership in Guadalupita and Ocate is a departure from the standard approach. Most scholars consider these villages with an emphasis on the conquest of New Mexico. Guadalupita and Ocate appear in discussions about Thomas B. Catron, Stephen B. Elkins and the Court of Private Land

Claims. Elkins and Catron belonged to a notorious clique of Anglo politicians, merchants, lawyers, bankers and wealthy *Hispano* landowners known as the “Santa Fe Ring.” Historian Rodolfo Acuña explains that “these vultures completely dominated the government, using its powers to steal the land from the people.” He notes that Catron alone eventually gained over one million acres in New Mexico and Colorado, which included land in Guadalupita and Ocate.⁴ Villagers also lost lands when the Court of Private Land Claims rejected the Guadalupita Land Grant on the grounds that the low-ranking Mexican official who approved the grant, did not actually have the authority to do so.⁵ The Court operated from 1891-1904 with the purpose of investigating claims made during the Spanish and Mexican periods. Historian Sarah Deutsch explains that the Court confirmed only 2,051,526 acres of land to “Hispanics,” whose claims totaled 35,0491,020 acres of land in Mexico’s former territories.⁶

Conventional scholarship stresses land loss with the goal of exposing the processes of American imperialism during the nineteenth century. Emphases on the marginalization of New Mexicans and their resistance to Americanization suggest that individuals, families, and communities sought to preserve traditional ways of life vis-à-vis those enforced upon them. They show how New Mexicans fell victim to American expansion whenever they could not or did not maintain the social, economic, or political systems that they enjoyed before the Mexican-American War.

⁴ Rodolfo Acuña, *Occupied America: The Chicano’s Struggle Toward Liberation* (San Francisco, CA: Canfield Press, 1972), 66-7.

⁵ Malcolm Ebright, “The Guadalupita Land Grant and the Lawyers,” (Research Paper 5, Center For Land Grant Studies, 1994), 3.

⁶ Sarah Deutsch, *No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (New York, NY: Oxford University Press, 1987), 20.

These studies create an impression of *Hispano* society as static and New Mexicans as victims of American imperialism in New Mexico. By following López's family, this study provides a more nuanced view on the history and meaning of land ownership in Guadalupita and Ocate. Over the course of multiple generations, settlers were adept at pursuing opportunities during times of conflict and tranquility in the nineteenth century. As they pursued prosperity through marriage, by acquiring and using land to generate wealth and status, villagers in Guadalupita and Ocate reproduced *Hispano* societies.

Several scholars offer insight on López's family before the Mexican-American War, and others detail the society from which López and a majority of Guadalupita and Ocate's first families migrated in the 1850s. Rebecca M. Craver's book, *The Impact of Intimacy* (1982), is one of the earliest studies on intermarriage during the Mexican Period (1821-1848). From baptismal records of the Archives of the Archdiocese of Santa Fe, Craver identifies López and LeFebre among 122 intermarriages, which she argues "initiated the process of Hispanic-Anglo assimilation in the region later known as the American Southwest."⁷ According to Craver, the fair skin of foreign-born men attracted women such as López and that economic factors, such as the "acquisition of Mexican land grants" appealed to white men like LeFebre.⁸ Craver also insists that white men "blended into the Hispanic communities of the Rio Arriba through intermarriage and cohabitation [and] lived in harmony with the Mexican people."⁹ These insights suggest that intermar-

⁷ Rebecca M. Craver, *The Impact of Intimacy: Mexican-Anglo Intermarriage in New Mexico, 1821-1846* (El Paso, TX: Texas Western Press, 1982), 4.

⁸ Ibid., 32.

⁹ Ibid., 37.

riage and landownership offered couples upward social mobility and economic prosperity in *Hispano* society before the Mexican-American War.

Craver's study, however, overlooks Indian ancestry and the influence of Indian cultural heritage upon the meaning of upward social mobility for women such as López. Ramón A. Gutiérrez considers these themes in his analysis of Spanish and Native American societies in *When Jesus Came the Corn Mothers Went Away* (1991). His research regarding sacramental marriage as an indicator of social status is his most significant contribution. He explains that at the beginning of the eighteenth century, New Mexican elites identified themselves as *españoles* and used the term "*genízaro*" to refer to enslaved Apaches and Navajos. They distinguished the Pueblo Indians from *genízaros*, however, because they possessed their own autonomous settlements.¹⁰ Gutiérrez shows that since Spanish men sexually exploited *genízaro* women throughout the seventeenth and eighteenth centuries, illegitimacy rates increased in *Hispano* villages. As a result, anyone with mixed ancestry or color appeared to be illegitimate.¹¹ He shows that during the eighteenth century, sacramental marriage symbolized legitimacy and accorded individuals with social status by making them appear non-Indian. For mixed-race New Mexicans and detribalized Indians or *genízaros*, "Christian marriage was a symbol of social status and an index of acculturation" that allowed them to become social elites.¹² This insight into the meaning of marriage suggests that sacramental marriages between Spanish, Indian, or mixed race women and foreign-born white men accorded couples a non-Indian, non-*genízaro*, legitimate, white-Spanish status.

¹⁰ Gutiérrez, *When Jesus Came the Corn Mothers Went Away*, 149.

¹¹ *Ibid.*, 201.

¹² *Ibid.*, 231.

During the 1980s, Craver's study on intermarriage exhibited marriage as a new window for analysis on *Hispano* society and cross-cultural interactions in New Mexico. Her limited interpretation on why the white skin of foreign-born men and sacramental marriage mattered required a much more thorough investigation on the Indian and mixed race peasantry in *Hispano* villages. The extensive background that Gutiérrez's study provides on marriage in *Hispano* society, particularly the attention he pays to the socio-economic class implications of sacramental marriage for *genízaros*, allows this study to contend that López's marriage to LeFebre was part of a process that Indians and mixed-race people in *Hispano* villages used to elevate themselves socially and economically during the seventeenth and eighteenth centuries.

Sacramental marriage had legal implications for individuals who intended to buy, sell, or claim property in *Hispano* settlements. Indians and mixed-race populations gained *vecino* status through marriage, which allowed women and men to obtain titles to land.¹³ *Vecinos*, or "neighbors," such as López and LeFebre acquired such titles after they migrated to the Ocate Mesa area in the 1850s; they needed only to amass wealth to approximate landowning elites in the *Hispano* villages of the Rio Grande Valley.

Few authoritative texts examine migrants from the Rio Grande Valley and the lands that they acquired below the Ocate Mesa. Malcolm Ebricht's, "The Guadalupita Land Grant and the Lawyers" (1994), remains one of the most recent scholarly studies on Guadalupita and Ocate. His analysis of court case records provides a thorough overview

¹³ Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (New York, NY: Cambridge University Press, 2005), 53.

of an internal dispute about land and its relationship to the community's struggle against wealthy lawyers Stephen B. Elkins and Thomas B. Catron.

In his analysis of *Gold et al versus Tafoya et al* (1866), Ebright reasons that a debate about the use of water from the Coyote Creek led to a much more significant argument about who owned the land north of the village. Since no one had claimed this land during the 1850s, settlers disagreed about whether it was an *ejido* or still available for private claim. Though Stephen B. Elkins, attorney for the prosecution, won the plaintiffs' claim - that the land was Guadalupita's *ejido* - he recognized an opportunity to speculate similar sections of land within the boundaries of the Mora Land Grant.¹⁴ After Elkins and fellow lawyer Thomas B. Catron began acquiring titles elsewhere, Guadalupita avoided the loss of *ejidos* by partitioning them in equal shares to village landowners.¹⁵

Whereas Ebright's centralization of Elkins and Catron accentuates Guadalupita's decision to privatize its commonly owned lands, Robert Shadow and Maria Rodríguez-Shadow diverge from the Anglo aggressor, New Mexican resister trope in "From *Reparación* to Partition," which was published in the *New Mexico Historical Review* in 1995. They rely upon the *Juez de Paz*, or Justice of the Peace, records to show that settlers became landowners in two ways. They either provided evidence of deeds to land gained from the initial heirs or assigns of the original Mora Grant, or they eventually gained ownership through de facto possession: *Jueces de Paz* provided deeds to migrants that settled and made improvements to unoccupied land by building houses, farms, irrigation

¹⁴ Ebright, "The Guadalupita Land Grant and the Lawyers," 4-5.

¹⁵ *Ibid.*, 9.

ditches, and by farming.¹⁶ Shadow and Rodríguez-Shadow argue that evidence in these records contradicts “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.”¹⁷ They contend that the privatization of the commons was much less a form of resistance than it was a standard operating procedure that New Mexicans followed to acquire farmland.

Shadow and Rodríguez-Shadow urge scholars to centralize the settlers rather than outside speculators, and to “pay closer attention to the relationship of internal social differentiation and class stratification in the breakup of the commons.”¹⁸ This study contextualizes these socio-economic themes through its examination of the López family’s movement from the Abiquiu area to the Ocate Mesa. Emphases on Lopez’s Indian heritage and climb in status required the acquisition of lands deeded by *Jueces de Paz*. Thus, the socio-economic value of land to peasants from the Rio Grande Valley was a significant factor in the privatization of the commons.

The López family’s physical and socio-economic migrations epitomized the movements of New Mexican families during the latter half of the nineteenth century. Sarah Deutsch is one of the few scholars who considers the expansion of *Hispano* society into northern New Mexico and Colorado after 1848. In *No Separate Refuge* (1987), Deutsch acknowledges that the United States occupation of New Mexico allowed new

¹⁶ Robert D. Shadow and Maria Rodríguez-Shadow, “From *Repartición* to Partition: A History of the Mora Land Grant, 1835-1916,” *New Mexico Historical Review* 70:3 (July 1995): 263.

¹⁷ Ibid., 262.

¹⁸ Ibid., 264.

Hispano villages to form.¹⁹ She embraces a view of migration as “a geographic expression of social mobility,” which promotes her iconic study on the ways Spanish-speakers entered Anglo culture to fulfill “the economic requirements” of *Hispano* society.²⁰

Since Deutsch centralizes the conflict and interaction between cohesive Anglo and *Hispano* societies after 1880, she does not emphasize the *Hispano* villages that formed immediately after the Mexican-American War. Deutsch reasons that a solid Anglo society did not develop until the railroad brought larger numbers of Americans and Europeans to New Mexico in the 1880s. Until then, Anglos benefitted by assimilating into *Hispano* society.²¹ By applying her view on migration and social mobility in an investigation of Guadalupita and Ocate, this study offers insight about the peasants who idealized and recreated *Hispano* society after 1848. The “economic requirements” of *Hispano* society, which Deutsch notes as an impetus for its expansion northward into Colorado, gain substance through discussions on the upward social mobility of peasants to positions of elite status before 1880.

Deutsch implies that the advantages of assimilating into *Hispano* society before 1880 were social and economic. In *Changing National Identities* (2005), Andrés Reséndez elaborates on these factors, but departs from Deutsch’s use of static group identities to assess cultural assimilation. He argues that, in frontier areas such as northern New Mexico, a “person was not a mission Indian *or* a Mexican, a black slave in Mexico *or* an American, a foreign-born colonist *or* a Texan, but could be either depending on who was

¹⁹ Deutsch, *No Separate Refuge*, 13.

²⁰ *Ibid.*, 7.

²¹ *Ibid.*, 19.

asking.”²² With examples of frontier peoples’ movements in and out of national and ethnic communities before 1850, Reséndez explains that frontier residents “seemed to dissolve into contiguous human groups in a pattern of different shades of gray.” Evidence that Indians acquired *Hispano* identities after becoming Catholic landowners in Spanish-speaking towns and that residents of *Hispano* villages departed, took up nomadic lives, and acquired Indian identities demonstrates this cross-cultural movement.²³ Reséndez also explains that Anglos assimilated into *Hispano* society by becoming Catholic, marrying New Mexican women, gaining title to lands, and acquiring Mexican citizenship, but that they maintained economic ties to the United States.²⁴

Reséndez’s study on fluid ethnic identities complements the individual histories of López and LeFebvre, who belonged to Indian and French-Canadian families respectively. Their acquisition of *vecino* status in marriage and acquisition of property in the village of San Fernandez de Taos before 1850 suggests that López and LeFebvre assimilated into and idealized *Hispano* society. Reséndez stresses that as Anglos introduced new merchandise in New Mexico after the 1820s, “residents projected onto these goods their yearnings and dreams about progress and civilization as well as their fears of Americanization and dependency.”²⁵ The sources used in this study demonstrate that this was certainly true of López and LeFebvre.²⁶ To maximize the economic opportunities provided

²² Reséndez, *Changing National Identities*, 3-4.

²³ *Ibid.*, 53-4.

²⁴ *Ibid.*, 81.

²⁵ Reséndez, *Changing National Identities*, 123.

²⁶ This study incorporates scholarly research into its exploration and interpretation of the decisions that López and her family made, which are derived entirely from public records. Though my initial intent was to integrate oral history interviews of López’s descendants, as well as those familiar with Guadalupita and Ocate, the evidence discovered

through commerce with the United States, migrants settled near the Santa Fe Trail. Yet, they integrated the benefits of trade into the development of the *Hispano* villages of Guadalupita and Ocate.

The time and place of Lopez's birth provide an important starting point for this study's investigation of the socio-economic significance of land ownership in Guadalupita and Ocate. Historians Rick Hendricks and Malcolm Ebright note that individuals from the Abiquiu area "occupied that middle ground called *nepantla*, known to Indians from Peru to Mexico as a place where they were neither the Indians they had been, nor the Spaniards they would become."²⁷ López's ethnic heritage and a discussion of the social and economic status of Indians and mixed race individuals in *Hispano* villages during the early nineteenth century are the subjects of Chapter One. With evidence from records of the Archives of the Archdiocese of Santa Fe and economic data from the Territorial Census of 1850, this chapter stresses that Catholic baptism, sacramental marriage, and land ownership played significant roles in peasants' acquisitions of an elite status in *Hispano* society.

The emphasis on socio-economic mobility in this chapter depicts López's marriage to LeFebre as part of her and her family's way of gaining status in *Hispano* society. Since LeFebre was French-Canadian, this interpretation receives further explanation. Marriage records from the Archives of the Archdiocese of Santa Fe, journal entries made

in archival repositories was more than sufficient for this study. Therefore, interviews were not conducted. Evidence of Institutional Review Board (IRB) approval is included in Appendix A.

²⁷ Malcolm Ebright and Rick Hendricks, *The Witches of Abiquiu: The Governor, The Priest, The Genízaro Indians, and The Devil* (Albuquerque, NM: University of New Mexico Press, 2006), 4.

by American traveler Lewis Garrard, and an article written by English journalist George Frederick Ruxton infer that LeFebre joined the current of Indians and mixed races that flowed into *Hispano* society during the first half of the nineteenth-century. This leads to an analysis on how *Hispano* society also integrated Anglo men and goods from the United States.

The Mexican-American War and the Taos rebellion thrust white men into positions of authority in *Hispano* villages. Chapter One concludes with LeFebre's part on an all-white jury, which sentenced sixteen New Mexicans to death for murder and treason. Chapter two examines how LeFebre and other foreign-born men used this new authority to facilitate the expansion of *Hispano* society into contested spaces during the 1850s. Groups as diverse as the Jicarilla Apache, *Hispano* landowners in the village of San Fernandez de Taos, and recipients of the Mora, Guadalupita, and Ocate Land Grants each conveyed ownership of lands in the Ocate Mesa area before the Mexican American War.

By examining these claims on the Ocate Mesa area, this chapter engages how the United States occupation of Mexico's northern territories triggered the expansion of *Hispano* society. The *Santa Fe Gazette* and the Territorial Archives of New Mexico evince the economic and military leadership that LeFebre, Wootton, Williams and other white men offered in this process. These sources suggest that New Mexicans rallied behind a vision of economic growth and seized the opportunity to settle in the valleys below the Ocate Mesa. An analysis of the *Juez de Paz* records of the Taos County and Mora County Clerk and Records Offices emphasizes that the way settlers gained title to these lands provided a foundation for the growth of traditional *Hispano* villages. Here, a comparison of the agricultural yields of Guadalupita and Ocate to the village of San Fernandez de

Taos emphasizes the economic benefits that followed settlers' decision to migrate from the Rio Grande Valley in the 1850s. López's economic ascent offers a window for understanding the emergence of Guadalupita and Ocate. Her place of origin, baptism, marriage, migration, and landownership were steps in her family's upward economic mobility and this chapter contends that most settlers followed a similar sequence on their path to prosperity.

Census data demonstrates settlers' immediate economic success below the Ocate Mesa, but it also reveals seeds of economic disparity. During the 1860s and 1870s, members of López's family participated in several disputes over land and water, which required the intervention of the Territorial Supreme Court. Chapter three examines several civil suits and contends that the Courts' rulings reinforced a model of settlement designed during the Mexican Period. Data from the Federal Census of 1870 and the Mora County Assessor's records reveal that the complainants in each case were members of a landowning elite minority and that the accused occupied middle, and lower economic stations. This analysis explains why the elite class benefitted most from a traditional model of settlement, which leads into a discussion on how wealthy landowners preserved their socioeconomic status during the final decades of the nineteenth century.

Sacramental marriage was a strategy that landowning elites used to preserve and advance their family's wealth and status during the Spanish and Mexican Periods. Chapter Three provides evidence from the Archives of the Archdiocese of Santa Fe that suggests that the United States' occupation of New Mexico did not alter this custom. As wealthy, white American and European men arrived in Guadalupita and Ocate during the latter half of the nineteenth century, numerous Spanish-speaking families incorporated

them into traditional social and economic organizations through marriage. Here, the unions of López's grandchildren are exemplary and reinforce this study's assertion that Guadalupe and Ocate formed into traditional *Hispano* villages after the United States occupation of the Territory of New Mexico.

The Supreme Courts' rulings prohibited the privatization of additional lands within the commons surrounding Guadalupe and Ocate, which made landowners' estates the only tracts to which individuals could gain title. To conclude, I review how and why land ownership gave peasants from the Rio Grande Valley a brand of wealth and status that *Hispano* elites enjoyed before the Mexican-American War and I reassert that peasants idealized *Hispano* society enough to create new ones below the Ocate Mesa. With a brief look at the final partition of commonly owned areas near Guadalupe and Ocate, I suggest possible avenues for investigating the pursuit of prosperity during the early twentieth century.

This study builds on family histories to demonstrate that ordinary New Mexicans in villages like Guadalupe and Ocate shaped the outcomes of their lives and influenced the history of New Mexico. López's and her family's pursuits of prosperity reflect the well being that migrants from the Rio Grande Valley sought throughout northern New Mexico and southern Colorado. This bottom-up approach demonstrates that the reproduction of *Hispano* villages after the Mexican-American War was rooted in the peasant class's resolve to privatize and cultivate land. Though conventional historiography acknowledges the reproduction of villages and the expansion of *Hispano* culture in the region, ordinary New Mexicans tend to be represented as passive participants in New Mexico's post Mexican-American War history. Instead, the engines of American imperi-

alism - the United States military, the market-economy, legal processes and laws, education, etc. - receive most of the credit for developing New Mexico. My intent in this study is not to revise the conclusions that scholars have made, but to offer family history as a starting point for understanding how New Mexicans viewed the United States' occupation of their homeland.

CHAPTER II

VECINOS FROM ABIQUIU

When New Mexicans employed by the Bent, St. Vrain and Company left Kansas City for Santa Fe in the fall of 1846, their group included seventeen-year-old Lewis H. Garrard, who had left Cincinnati in search of adventure and improved health in the West. He maintained a private journal until the summer of 1847, which now provides important insight into northern New Mexico and southern Colorado during the era of the Mexican-American War. In addition to noting life in a Cheyenne village, the eclectic traders at Bent's Fort, and the trials and hangings that followed the brutal insurrection in San Fernandez de Taos, Garrard also perceived the values of livelihood, landownership, and marriage in *Hispano* society.¹ During the week of the trials, Garrard commented on his visit to purchase a saddle at the home of Maria Teodora López and Manuel LeFebre. He highlights the rustic plow that their adolescent son used to ready a field, and he marveled that the couple's daughter, "Senorita Le Fèvre was one of those beauties fair to gaze upon [...]" Yet, despite her "nicely-furnished, comfortable" habitation, Garrard confessed that he "wish[ed] for her a better home and more refined company than that of San Fernandez." To stress the novelty of Señorita LeFèvre's appearance, he emphasized that

¹ Roy W. Meyer, "New Light on Lewis Garrard," *Western Historical Quarterly* 6:3 (July 1975): 261-3.

“Her mother [was] a Mexican woman of matronly, pleasing proportions; her father a Canadian Frenchman clever enough.”²

Garrard perceived that the marriage between López and LeFebre was a precursor to the family’s socio-economic well being in San Fernandez de Taos. They had secured a livelihood through domestic farming and commerce and owned a modest estate in the heart of the village by 1847. These assets dignified López and made LeFebre appear adept at surviving in the West. Several thousand migrants from the Abiquiu area also pursued an elite status in San Fernandez de Taos; López and her family participated in a much broader physical and socio-economic migration. This chapter demonstrates that Indian and mixed race peasants from the Abiquiu area elevated their socio-economic status in *Hispano* society through marriage, landownership, and livelihood before 1850.

The village of Abiquiu had formed in 1754 after Spanish officials deliberated about what to do regarding the lack of arable land and the frequent Ute, Comanche, and Apache raids on *Hispano* settlements. Drought had often forced *Hispanos* to rely upon the magnanimity of the Pueblo Indians who possessed the most fertile and dependable land. Officials believed that this weakened Spanish authority in New Mexico, so they sought arable locations for new settlements. Most of these places were exposed and hardly inviting to *Hispano* elites. Abiquiu was one of three land grants given to *genízaros*, or former Indian and mixed race slaves, with the intent to expand Spanish

² Lewis H. Garrard, *Wah-To-Yah and the Taos Trail* (Palo Alto, CA: American West Publishing, 1968), 169.

control over cultivable lands in northern New Mexico and isolate the threat of nomadic Indian attacks to the fringes of the Spanish kingdom.³

This land ownership allowed *genízaros* to acquire a legal status in *Hispano* society that was normally the exclusive privilege of wealthy *españoles*. Ramón Gutiérrez explains that landless, poor “*genízaros* were perceived as a distinct and dangerous ethnic group” in *Hispano* settlements.⁴ *Genízaros* challenged this identity by acquiring land and *vecino* status in Abiquiu, which allowed them to elevate themselves socially and economically.⁵ The amount of arable land in Abiquiu, however, was too small to sustain the population at the end of the eighteenth-century. Prospective property owners established new settlements along the Rio Chama and its tributaries, which expanded *Hispano* society further into northern New Mexico.⁶

Ramón López and his wife, Maria Martinez, were among the *genízaros* that gained *vecino* status by claiming arable land at La Puente, which became part of the the Tierra Amarilla Grant in 1832.⁷ But land ownership was just the beginning of the family’s social and economic ascent in *Hispano* society. Malcolm Ebright and Rick Hendricks demonstrate that Spanish officials exacerbated differences between landowning *genízaros* and *Hispanos* along the Rio Chama by emphasizing their lackluster productivity, sullied Spanish accent, and spiritual depravity.⁸ To gain status,

³ Gutiérrez, *When Jesus Came the Corn Mothers Went Away*, 304-5.

⁴ *Ibid.*, 305.

⁵ Ebright and Hendricks, *The Witches of Abiquiu*, 3-4.

⁶ “Tierra Amarilla,” <http://southwestcrossroads.org/record.php?num=738&hl=abiquiu> (accessed 4 April 2015), 1.

⁷ Robert Julyan, *The Place Names of New Mexico* (Albuquerque, NM: University of New Mexico Press, 1998), 192.

⁸ Ebright and Hendricks, *The Witches of Abiquiu*, 94.

genízaros' livelihoods and social behaviors - especially religious practices - needed to appear *Hispano*.

As a first step in overcoming these racial disparities, landowning *genízaros* partook of the Catholic sacraments. The López family returned to Abiquiu on April 8, 1809, to have Maria Teodora Lopez baptized, which demonstrated their adherence to the Catholic faith. After baptism, the priest recorded that the seven-day-old López was the legitimate daughter of *vecinos* from La Puente.⁹ When the López family and other formerly landless families achieved *vecino* status, they gained the same civic rights that wealthy *Hispanos* enjoyed, which included the rights to engage in disputes over land, and to buy and sell property.¹⁰

The constitutional reforms made by the Spanish Courts in Cádiz in 1812 opened uncultivated Indian lands in New Spain to private ownership. Historian Brook Larson explains that liberal reforms such as this were part of “the Spanish constitutional assault on the colonial policy of legal-political segregation, caste, and Indian tribute” in New Spain.¹¹ This created controversy regarding the *ejidos* given to Abiquiu's *genízaros* in 1754. Were these lands given to Indians or to full-fledged citizens of New Spain? Wealthy *Hispanos* such as Governor Bartolomé Baca, Governor Juan Esteban Pino, Manuel Martínez, and fray Teodora Alcina claimed sections of land along the Rio Chama, which they identified as vacant Indian lands. However, landowning *genízaros*

⁹ Thomas D. Martinez, *Abiquiu Baptisms, 1754-1870: Baptism Database of Archives Held By the Archdiocese of Santa Fe and the State Archive of New Mexico* (San Jose, CA: T.D. Martinez, 1993), 144.

¹⁰ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 193-4.

¹¹ Brooke Larson, *Trials of Nation Making: Liberalism, Race, and Ethnicity in the Andes, 1810-1910* (New York, NY: Cambridge University Press, 2004), 36.

and *Hispanos* filed suits to contest the privatization of several of these sections on the basis that they were actually owned by *vecinos*, not Indians. When Governor Melgares ordered the return of lands claimed by fray Alcina in 1822, he reinforced the *vecino* status of *genízaros* in Abiquiu and in settlements along the Rio Chama.¹²

Filing and winning disputes over land was a significant expression of the civic rights *genízaros* enjoyed as full members of *Hispano* society. Yet, Melgares' order was not sufficient for several residents in Abiquiu who contended that the original grant did not authorize grantees to sell lands for personal gain. Their 1824 petition intended to protect grant lands from outside speculation, but it also conveyed that *vecinos* needed to look elsewhere if they wanted to privatize additional lands.¹³ The privileges of landownership, namely to buy and sell private property, differentiated landowners from landless peasant classes in *Hispano* society. Relinquishing this right diminished the *vecino* status that many *genízaros* viewed as a means of securing their well-being.

Melgares' order to preserve the commons, and the Abiquiu petition to prohibit sales of private property occurred within the same decade that the López family migrated to the village of San Fernandez de Taos. The opportunities for *genízaros* to increase wealth and status were far greater there than they were in Abiquiu during the 1820s. After Mexico gained independence from Spain in 1821, Mexican officials in New Mexico welcomed traders from the United States.¹⁴ Within a few years, the village of San Fernandez de Taos became what historian David J. Weber calls "a center for foreign-born

¹² Ebright and Hendricks, *The Witches of Abiquiu*, 94-7.

¹³ Ibid., 99.

¹⁴ David J. Weber, *The Taos Trappers: The Fur Trade in the Far Southwest, 1540-1846* (Norman, OK: University of Oklahoma Press, 1971), 52-3.

residents of New Mexico [.]” Its distance from the watchful eye of the Mexican customs officials, especially those who wanted to siphon the flow of wealth from the United States, made it an attractive place for foreigners to establish supply depots.¹⁵ Commercial opportunities and the availability of land to purchase and sell in the Taos area inspired the migration of *vecinos* from the settlements along the Rio Chama and its tributaries; by 1850, they accounted for more than twenty-five percent of Taos’ total population.¹⁶

Governor Bartolomé Baca (1823-1825) recognized that commercial exchange with the United States was essential to New Mexico’s economic growth. He even side-stepped an 1824 federal order by licensing foreigners to trap beaver alongside New Mexicans, because he believed it was an opportunity to increase the territory’s wealth.¹⁷ This drew the attention of Mexico’s minister to the United States, Pablo Obregón, who warned Mexico City that over 300 French-Canadian and American trappers were en route to northern New Mexico in 1826. Due to pressure from the federal government, Baca’s successor, Antonio Narbona, was far less accommodating to foreign trappers and traders in New Mexico. He issued licenses sporadically, accused several foreigners of breaking Mexican laws, and collaborated with local officials to prevent expeditions.¹⁸

To legitimize their businesses, foreigners considered marrying Mexican women.

The Republic’s 1823 naturalization decree stated:

All foreigners who come to establish themselves in the Empire, and those who, following a profession or industry, in three years, have sufficient capital to

¹⁵ Ibid., 9.

¹⁶ Maggie Stewart, ed. “1850 Federal Census Taos County, New Mexico,” <http://files.usgwarchives.net/nm/taos/census/1850/> (accessed 6 December 2014), 181-402.

¹⁷ Reséndez, *Changing National Identities at the Frontier*, 118.

¹⁸ Weber, *The Taos Trappers*, 113.

support themselves with decency and are married, shall be considered naturalized [...]¹⁹

With increased scrutiny from Mexican officials, marriages between foreign-born men and Mexican women tripled in 1826. The marriage between Maria Teodora López and Manuel LeFebre in 1827, implies that LeFebre needed to legitimize his trade.²⁰ One month following his marriage, *Alcalde* Manuel Martínez listed LeFebre among a group of twenty-two French-Canadians “whose destination [was] outside the boundaries of the Mexican Federations [...]”²¹ Marriage gave foreigners like LeFebre a chance to accommodate the pressure placed upon them by the Mexican government and continue gaining wealth in northern New Mexico as citizens.

Historians speculate that the expedition Martinez noted in 1827 traveled as far as western Utah.²² The most practical route to Utah followed the Rio Chama to its headwaters near present day Pagosa Springs, Colorado. Traveling up the Rio Chama gave the expedition a view of New Mexico’s social order. They left the *Hispano* settlement of San Fernandez, passed the *genízaro* villages of Abiquiu and La Puente, and entered into nomadic Indian country; the trapping party followed the reverse route that the López family took to San Fernandez de Taos a few years prior. This movement of French-Canadians out of *Hispano* society and into Indian domains led Colonel Henry Inman to surmise that the trappers “outwitted the Indian himself [and] were just what an

¹⁹ Craver, *The Impact of Intimacy*, 27.

²⁰ Ibid., 58-60.

²¹ Manuel Martinez, Report of Foreigners in Taos, 7 April 1827, Mexican Archives of New Mexico, New Mexico State Records Center and Archives (hereafter cited as NMSRCA), Santa Fe, NM, Reel 6, Frame 851-2; see also David J. Weber, ed., *The Extranjeros: Selected Documents From the Mexican Side of the Santa Fe Trail, 1825-1828* (Santa Fe, NM: Stagecoach Press, 1967), 37.

²² Weber, *The Taos Trappers*, 110.

uncivilized white man might be supposed to be under conditions where he must depend upon his instincts for support of life.”²³ Survival in New Mexico required foreign born men to foster a life in *Hispano* society and at times, abandon civilization to earn a living.

In their efforts to survive, some foreign-born men chose to marry Mexican women, which did much more than legitimize trapping expeditions. The union of López and LeFebre demonstrates that marriage swept foreigners into a current of physical and social migration that expanded *Hispano* society in northern New Mexico. When Padre Antonio Martinez joined LeFebre and López in marriage at San Geronimo de Taos mission on December 1, 1827, he indicated that LeFebre was “a *vecino* of the village of San Fernandez [.]”²⁴ This status gave LeFebre the civic rights that López and other *genízaros* gained in *Hispano* society, which allowed him to become a landowner and increase his assets through the sale and purchase of property.

Vecino status also meant that the *Hispano* community in San Fernandez de Taos accepted LeFebre as a member of their society in spite of the fact that he was an outsider. *Hispano* marriages followed the principle of *igualdad de calidad*, which meant that both partners possessed the same social and economic status. Historian Ramón Gutiérrez notes that, since the Oñate expedition in 1598, it was commonplace for Spanish men to have sexual relations with Indian and mixed-race women, but endogamous marriage “or in-marriage to someone of equal status, was the preferred way of maintaining social

²³ Ibid., 260.

²⁴ Antonio J. Martinez. “Manuel LeFebre y Maria Teodora Lopez del Fernando,” Marriage Record, 1 December 1827, Archives of the Archdiocese of Santa Fe (hereafter cited as AASF), NMSRCA, Santa Fe, NM, Box 36, 655.

boundaries and of restricting communication and interaction between cultural groups.”²⁵

Hispanos desired an *igualdad de calidad* in order to preserve family honor – any disparity brought shame to the couple, their parents, and their future children.²⁶

Prenuptial investigations of a candidate’s material wealth – land, livestock, and estate holdings – provided the evidence necessary to make a decision.²⁷ If a foreign-born man satisfied the prerequisite of *igualdad de calidad*, racial differences faded and marriage was permissible.

Several social and economic parallels between López and LeFebre suggest that an *igualdad de calidad* existed between them. Though racially different, López and LeFebre were migrants to San Fernandez de Taos and did not own land when they arrived; marriage promised both parties economic prosperity. LeFebre’s work as an employee of Sylvester Pratte at the time of the wedding promised López a livelihood after marriage, and LeFebre benefitted from the López family’s knowledge of the region, which included a familiarity with the buffalo trade.

In his journal, Lewis Garrard recalled that “Manuel Le Fèvre pointed to us the route which he, with a party of *ciboleros* – buffalo hunters – years ago, came from El Valle de Taos on the search for buffalo.” Marriage connected LeFebre to these local hunting operations, which gave him insight into what the hunt signified to men in *Hispano* culture. The *ciboleros* chose to hunt with traditional spears, which they inherited from soldiers of Coronado’s expedition to the cities of *Cíbola*. Garrard noted that during “one race [LeFebre] lanced three, and two of the *ciboleros* five apiece [,]” which suggests

²⁵ Gutiérrez, *When Jesus Came the Corn Mothers Went Away*, 285-7.

²⁶ *Ibid.*, 233.

²⁷ *Ibid.*, 282.

that LeFebre approximated a *cibolero*'s ability to acquire basic necessities and goods to trade.²⁸

Marriage to LeFebre provided López with an opportunity to gain social status in *Hispano* society, because she was an unmarried mother.²⁹ Merchant Alexander Barclay acknowledged him as LeFebre's stepson and associate in his 1849 memorandum. Church records indicate that López's marriage to LeFebre was her first, which suggests that her son was illegitimate. The improved social status that unmarried mothers achieved through marriage is precisely what *New Orleans Picayune* journalist Matt Field indicated that Ramona Sandoval gained in marriage to American, Andrés Constant in 1840. In "A Wedding," published on August 20, 1840, Field emphasized the swarthy appearance of Sandoval and suggested reasons why exogamy appealed to the American groom. Readers in New Orleans drew parallels between the "dark-eyed Mexican brunette of about twenty" and *gens de couleur* when they read, "She would pass for handsome among all who do not consider a fair skin absolutely indispensable to beauty." To engage readers further, he highlighted that "three merry little children came bouncing into the room," and that the American groom, "having bidden farewell forever to friend and relative, resolved to give his wife a husband and his children a father."³⁰

²⁸ Garrard, *Wah-To-Yah*, 129.

²⁹ George P. Hammond, *The Adventures of Alexander Barclay, Mountain Man, From London Corsetier to Pioneer Farmer in Canada, Bookkeeper in St. Louis, Superintendent of Bent's Fort, Fur Trader and Mountain Man in Colorado and New Mexico, Builder of Barclay's Fort on the Santa Fe Trail, New Mexico, in 1848: A Narrative of His Career, 1810 to 1855, His Memorandum Diary, 1845 to 1850* (Denver, CO: Old West Publishing Company, 1976), 165.

³⁰ John E. Sunder, ed., *Matt Field on the Santa Fe Trail* (Norman, OK: University of Oklahoma Press, 1960), 226-8.

Field proposed that the “wild, dark, dazzling [...] creature of love” had lured the American man into marriage despite racial and ethnic differences, but when he noted that “The Mexican girl [...] stored up the whole treasure of her young affections in her American husband,” he showed that the significance of this matrimony went beyond sexual attraction.³¹ Marriage earned Sandoval a new level of social status that extended to her children. Ramón Gutiérrez explains that New Mexicans saw mixed-race children as “a sign of illegitimate birth associated with illicit sexual unions.”³² In *Hispano* settlements during the 1800s, illegitimacy was associated with *genízaros* or Indian slaves, because enslavement made formal unions rare and marriage was unnecessary for purposes of estate inheritance – slaves did not own land.³³ An unmarried mother and her mixed-race children appeared to be a part of the shameful *genízaro* caste.

Marriage elevated the social and economic status of women like Sandoval and López. Gutiérrez explains that “Sacramental marriage was itself a symbol of social status, a sign of honor that was unavailable to slaves.”³⁴ This implies that sacramental marriage helped Sandoval and López distance themselves from a *genízaro* status, which Indian and mixed race women possessed with illegitimate children. The social status that women gained through sacramental marriage was linked to the economic benefits associated with *vecino* status. When Padre Martinez married López and LeFebre, he reaffirmed López’s *vecino* status. As a married *vecino* woman, López gained the right to one half of the

³¹ Ibid., 228-9.

³² Gutiérrez, *When Jesus Came the Corn Mothers Went Away*, 202.

³³ Ibid., 231.

³⁴ Ibid., 201.

property that she and LeFebre acquired as well as the privilege to purchase property independently.³⁵

López and LeFebre relied upon the Santa Fe Trail trade to secure a livelihood in San Fernandez de Taos. Between their marriage in 1827 and Garrard's visit to their home twenty years later, LeFebre made a living through work as a guide and merchant.

American trader James Josiah Webb hired LeFebre to lead his party to Bent's Fort in 1844 - a journey on which they spied the valleys below the Ocate Mesa.³⁶ Within six months, British entrepreneur Alexander Barclay considered purchasing a wagon from Santa Fe merchants, Thomas and Eugene Leitensdorfer, who noted that LeFebre had one "cached in the mountains near Taos [.]"³⁷ Commerce with foreign-born men gave López and LeFebre the means to construct their lives in the village of San Fernandez de Taos.

New Mexicans quickly incorporated American merchandise into their daily lives. Susan Shelby Magoffin, the wife of American Merchant Samuel Magoffin, noted in 1846 that the wives of Thomas and Eugene Leitensdorfer "dressed rather in American style; with bonnets, scarfs & parasols and dresses made after the fashions there."³⁸ In his 1846-1847 report on New Mexico, Colonel Abert agreed that New Mexicans craved American merchandise. After attending a "fandango" in Santa Fe, Abert noted that "The Mexican ladies had laid aside their 'rebozas,' and were clothed much after the manner of our own

³⁵ Deena J. González, *Refusing the Favor: The Spanish Mexican Women of Santa Fe, 1820-1880* (New York, NY: Oxford University Press), 93-4.

³⁶ James J. Webb, *Adventures in the Santa Fe Trade, 1844-1847* (Lincoln, NE: University of Nebraska Press, 1995), 69-74.

³⁷ Hammond, *Alexander Barclay*, 70.

³⁸ Susan S. Magoffin, *Down the Santa Fe Trail and Into Mexico: The Diary of Susan Shelby Magoffin, 1846-1847* (New Haven, CT: Yale University Press, 1926), 133.

[American] females.”³⁹ López’s marriage to a local merchant certainly gave her the first glance at novelties from the east, which she used to fashion her adobe home. The merchandise also increased López and LeFebre’s economic wealth.

Many foreign-born settlers and travelers believed that New Mexicans’ acceptance of white men and their desire for eastern goods was evidence of American superiority. After the United States occupied New Mexico in 1846, George Fredrick Ruxton conveyed this view in several articles published by *Blackwood’s Edinburgh Magazine*. His sensational description of how Virginian Richens Wootton resolved his infatuation with Dolores LeFebre, the daughter of López and LeFebre, gives insight into how outsiders perceived *Hispano* society. Ruxton explained that unlike his friends La Bonté and Killbuck, who had enjoyed intimacies with Taos beauties, Wootton could not win the young woman of his fancy, because her “parents peremptorily forbade their daughter to marry” him. Packed, mounted, and headed back into the mountains to hunt, the three traders encountered Wootton’s “lady-love” as they passed her home in the village of San Fernandez. With some encouragement from La Bonté, Wootton resolved to win her for himself at last:

He rode up to the girl as if to bid her adieu, and she came to meet him. Whispering one word, she put her foot upon his, was instantly seized round the waist, and placed upon the horn of his saddle. He struck Spurs into his horse, and in a minute was out of sight, his three companions covering his retreat, and menacing with their rifles the crowd which was soon drawn to the spot by the cries of the girl’s parents, who had been astonished spectators of the daring rape.⁴⁰

³⁹ James Abert, *Abert’s New Mexico Report* (Albuquerque, NM: Horn and Wallace, 1962), 46.

⁴⁰ George F. Ruxton, *Life in the Far West* (Norman, OK: University of Oklahoma Press, 1951), 193.

Ruxton juxtaposed white male assertiveness with the wishes of Dolores LeFebre's parents to propose that American male authority regarding sex and marriage subordinated *Hispano* customs in northern New Mexico after 1846 – for Ruxton, there was a clear victor and victim.

Historian Janet Lecompte provides an alternative view when she explains that Richens Wootton “began wooing Dolores, the beautiful daughter of ex-trapper Manuel LeFevre and his Mexican wife” while working as a sutler for the United States military stationed in Taos. She added that “Family legend says that LeFevre kept his prospective son-in-law doing chores around the house for a year before he would allow him to marry Dolores.”⁴¹ Ruxton omitted these details about their marriage to make it seem part of the American conquest of New Mexico.

His account of sexual conquest on the one hand and Lecompte's evidence of a traditional union on the other make counter claims on how and why Wootton and Dolores LeFebre were married. In Ruxton's view, Wootton was a transient American trader hoping to enjoy the sexual exploits of the United States' occupation of New Mexico. This supports historian Deena González's argument that intermarriage in nineteenth century New Mexico “was a consequence of conflict” that forced women to straddle Indian, Spanish, and American worlds.⁴² Yet, the family oral tradition that Lecompte discovered suggests that López and LeFebre determined that there was an *igualdad de calidad* between Wootton and their daughter. Lecompte's interpretation suggests that Wootton accommodated this tradition after waiting an entire year to marry Dolores.

⁴¹ Janet Lecompte, *Pueblo, Hardscrabble, Greenhorn: The Upper Arkansas, 1832-1856* (Norman, OK: University of Oklahoma Press, 1978), 232.

⁴² González, *Refusing the Favor*, 5.

The family's prenuptial investigations occurred after the village of San Fernandez de Taos fell into disarray. New Mexicans from *Hispano* settlements and the Taos pueblo ransacked the village and a nearby distillery, killing Governor Charles Bent and nearly twenty others, most of whom were Americans.⁴³ In response, Wootton joined Colonel St. Vrain and a group of volunteers in an assault on the insurrectionists, who barricaded themselves at the Taos Pueblo. This skirmish resulted in the deaths of thirty-five Americans and nearly two hundred New Mexicans.⁴⁴ LeFebre and a several other village residents were fortunate to be at Bent's Fort at the time of the uprising.⁴⁵ Wootton noted that these men "found, upon their return, that their stores had been sacked and burned and most of their property destroyed [.]"⁴⁶ It was in this context of conflict that Wootton and Dolores LeFebre first met and when her parents determined the quality of the proposed arrangement.

The Mexican-American War and the violence in Taos propelled foreign-born white men into positions of political power. Before the massacre in Taos, General Kearney had appointed merchant Charles Bent as Governor of New Mexico.⁴⁷ Charles Beaubien, previously an employee of Sylvester Pratte and a merchant in San Fernandez de Taos became judge at the trials following the massacre. Anglos and French-Canadians, including LeFebre, served as jurors, for the simple fact that they were not native New Mexicans. Since foreign-born white men replaced New Mexicans in positions of

⁴³ Craver, *The Impact of Intimacy*, 43-4.

⁴⁴ Wootton, *Uncle Dick Wootton*, 76-80.

⁴⁵ Garrard, *Wah-To-Yah*, 116-7.

⁴⁶ Wootton, *Uncle Dick Wootton*, 80.

⁴⁷ Reséndez, *Changing National Identities*, 116.

authority on multiple political and civic levels, it is significant that Wootton accommodated the traditional prenuptial investigation.

On March 6, 1848, Padre Martinez united Wootton and Dolores LeFebre, and the language in his record of their marriage indicated Wootton's intent to participate in *Hispano* society, because he became a *vecino*.⁴⁸ Lecompte notes that Wootton accepted a position as the sheriff of Taos on the same day of his wedding.⁴⁹ Though conflict gave white men a newfound political authority in New Mexico, considering that *vecino* status represented the *Hispano* community's acceptance of Wootton, his new role as sheriff may be interpreted as an outgrowth of his civic status in *Hispano* society as well.

This marriage demonstrates that Dolores entered marriage with considerations about her future social and economic well-being. Ruxton and Lecompte agree that Dolores made a decision to marry Wootton. Ruxton notes that Wootton coaxed her to ride away with him, and Lecompte emphasizes that Wootton appealed to Dolores before she agreed to marry him. These accounts suggest that Dolores deliberated about whether marriage offered her a better quality of life. Abiding by this pattern suggests that Dolores viewed marriage in a traditional manner by considering *igualdad de calidad*. Furthermore, Wootton's acquisition of *vecino* status in San Fernandez also suggests that Dolores and her family required sacramental marriage; his acquiescence implies that he agreed to accommodate the customs of *Hispano* society.

Wootton wasted little time cultivating a livelihood in the village of San Fernandez. Within a year, he and Charles Williams, a former soldier under General

⁴⁸ Antonio J. Martinez, "Ricardo Wooden y Maria Dolores LaFebre," Marriage Record, 6 March 1847; AASF, NMSRCA, Santa Fe, NM, Box 38, Frame 114.

⁴⁹ Lecompte, *Pueblo, Hardscrabble, Greenhorn*, 232.

Kearney, opened a new mercantile and continued selling beef to the United States military in New Mexico. Though Wootton and Dolores LeFebre did not own property in the village of San Fernandez, the acquisition of *vecino* status through marriage suggested their intent to become landowners and Wootton's work as a merchant oriented them towards an elite economic status in the village.⁵⁰

The wealthiest landowners in Taos County by 1850 were merchants. Williams recognized this when he completed the first United States' census of Taos County. Landowners reported estate values at an average of \$175, but merchants' estates averaged nearly \$1000. Juan Bernadet, a merchant from Spain, owned the most valuable estate in the County at \$2500. Cadiz native Jose Pley owned an estate valued at \$2000. Miguel Cordova, originally from the Abiquiu area, owned an estate valued at \$1000. Canadian Carlos Beaubien and Illinoisan Lucien Maxwell each owned estates valued at \$500. These men were the wealthiest merchants and the census demonstrates that they migrated to Taos before 1850, married Taos natives, acquired estates, and gained livelihoods as merchants.⁵¹ Wootton followed the same pattern when he married a Taos native.

In the same year that he enumerated the census, Williams married Francesca Guillerma LeFebre, Dolores Wootton's sister, which placed him on a trajectory toward gaining property and wealth as well. Padre Antonio Martinez emphasized that Williams met premarital requirements necessary for marriage, and that the bride belonged to a family with *vecino* status.⁵² The census data taught Williams that the combination of

⁵⁰ Ibid., 232.

⁵¹ Stewart, ed. "1850 Federal Census Taos County, New Mexico," 181-402.

⁵² Antonio J. Martinez, "Carlos Guillermo y Guillerma LaFebre." Marriage Record, 30 April 1850; AASF, NMSRCA, Santa Fe, NM, Box 38, Frame 328-9.

marriage to a Taos native and a career in commerce worked together to earn outsiders entry into Taos County's economic elite minority. Francesca LeFebre gleaned from her mother's and sister's experiences that marriage to a foreign born merchant provided opportunities to secure a future well-being.

Formerly landless Indian and mixed-race *genízaros* acquired *vecino* status through land ownership, baptism, and sacramental marriage when the village of Abiquiu formed in the mid-eighteenth century. The reproduction of *Hispano* society there and population growth inspired the formation of new villages along the Rio Chama such as La Puente. Landless peasants acquired lands by pushing further into nomadic Indian domains and they gained *vecino* status through baptism and marriage. Litigation concerning the Abiquiu grant reduced the land available for private consumption at the same time merchants and goods from the east poured into northern New Mexico. Thousands migrated from the Abiquiu area migrated to take advantage of trade along Santa Fe Trail.

The López family was part of the peasant class that became *vecinos* in La Puente and moved closer to commercial opportunities by settling in the village of San Fernandez. By 1850, over twenty five percent of Taos County's population and fifty percent of all land owners were from the Abiquiu area.⁵³ López was part of a stream of peasants who acquired property through migration, the acquisition of *vecino* status, and the cultivation of lucrative livelihoods in farming and commerce. Her and her daughters' marriages to foreign-born white men who were willing to accommodate *Hispano* customs complemented their individual pursuits of prosperity, which reflected broader socio-

⁵³ Stewart, ed. "1850 Federal Census Taos County, New Mexico," 181-402.

economic currents in the region; New Mexicans moved towards the economic opportunities afforded by increased trade along the Santa Fe Trail. After the Mexican-American War and the Taos revolt, landowners and landless opportunists in the village of San Fernandez set their sights on uncultivated lands nearest the Santa Fe Trail and news of a transcontinental railroad inspired another migration.

CHAPTER III

PURSUIT OF PROSPERITY BELOW THE OCATE MESA

An apprentice of the renowned *santero* José Rafael Aragón painted a *retablo* to venerate San Acacio after the United States invasion of New Mexico in 1846. He featured a soldier seated behind a judge's bench wearing an American-style top hat, blue officer's jacket, and musket to symbolize the United States army's occupation of New Mexico. The crucifixion of San Acacio dressed in Spanish and Mexican clothing forecast the persistence of *Hispano* society – just as San Acacio overcame his foreign oppressors, New Mexicans would overcome theirs.¹ Nineteenth-century *santeros* were spiritual leaders in *Hispano* communities who pointed individuals to a particular *santo* in times of need. Anthropologist Charles M. Carrillo and Father Thomas Steele explain that *santeros* encouraged New Mexicans to venerate “the memory of San Acacio in hopes of health of body and soul and financial prosperity, and they prayed to be relieved of headaches, military invasion, fear of fire and of death, and temptations to doubt the truths of the faith.”²

¹ Charles M. Carrillo and Thomas J. Steele, eds., *A Century of Retablos: The Janis and Denis Lyon Collection of New Mexican Santos, 1780-1880* (New York, NY: Hudson Hills Press, 2007), 214-215. See Appendix B.

² *Ibid.*, 153.

The apprentice's *retablo* suggests that New Mexicans brooded over how to secure traditional well-being in the wake of the United States military's swift institution of martial law in villages such as San Fernandez de Taos. Though the United States' occupation of Mexico's northern territories subordinated New Mexicans, it also triggered the reproduction of *Hispano* villages in northern New Mexico. Before 1846, New Mexicans failed to establish permanent settlements below the Ocate Mesa, because they could not overcome hostilities with the Jicarilla Apache. New Mexicans corroborated with the United States military to vanquish the threat of Jicarilla raids, which allowed them to acquire land, establish villages, and produce lucrative agribusinesses. This chapter explores several historic claims upon the lands in the Ocate Mesa area, it examines how they became available to opportunistic migrants from the Rio Grande Valley, and asserts that landownership elevated the economic status of those who acquired land in Guadalupita and Ocate during the 1850s and 1860s.

After aiding the United States in its conquest of New Mexico, foreign-born white men with native New Mexican wives initiated the expansion of *Hispano* society into northern New Mexico and southern Colorado. Following services as a juror at the Taos trials, a sheriff in San Fernandez, and a Federal Census enumerator for Taos County, in 1853 Manuel LeFebvre and his sons-in-law, Richens Wootton and Charles Williams, became delegates on the Territory of New Mexico's Taos Railroad Commission. The *Santa Fe Weekly Gazette* reported that a delegation of ten men convened in Taos, New Mexico to address the US Congress' decision to determine "the most direct and practical

route for a railroad to the Pacific ocean from the Mississippi river [.]”³ In addition to common livelihoods and French-Canadian or Anglo-American origins, most of the men appointed to the commission had married New Mexican women. Five of the delegates had done so before the Mexican-American War.⁴ The remaining five cultivated livelihoods through commerce, military service, and two were married before the formation of the Taos railroad commission.⁵ The economic and political authority of these men, evidenced by their appointment to the Taos commission, suggests that marriage lent foreigners authority in New Mexico.

The proposed route reinforced the economic potential of villages along the Santa Fe Trail, and it inspired several delegates to establish new settlements. Before serving on the commission, Lucien Maxwell built several houses on his lands at Rayado Creek. Mountain-man Calvin Jones recalled in 1883 that LeFebre and several others had assisted Maxwell with the construction of his main lodge.⁶ When LeFebre and Maxwell recommended that the transcontinental railroad follow the Santa Fe Trail from Missouri to the headwaters of the Arkansas River in 1853, they did so knowing that Rayado was a strategic stopping point for merchandise headed to and from Fort Union, Taos, Santa Fe, El Paso del Norte, and Chihuahua, Mexico.⁷

Within a few months following the commission, Wootton and fellow delegate Charles Autobees migrated with Anglo and *Hispano* merchants and farmers to a section of Marcellin St. Vrain’s land along the Arkansas River. Janet Lecompte explains that

³ “Junta Publica de Taos N. Mexico,” *Santa Fe Weekly Gazette*, 11 January 1853, 4.

⁴ Craver, *The Impact of Intimacy*, 54-56.

⁵ Lecompte, *Pueblo, Hardscrabble, Greenhorn*, 232.

⁶ William A. Keleher, *Maxwell Land Grant* (Santa Fe, NM: Sunstone Press, 2008), 90-1.

⁷ “Junta Publica de Taos N. Mexico,” 4.

these men intended to establish “a permanent settlement - a stop on the transcontinental railroad.”⁸ Their dreams of financial gain in the village of Huerfano, however, ended in 1854 when a band of Muache Utes and Jicarilla Apaches massacred settlers on Christmas Eve.⁹ Most survivors retreated to New Mexico within months of the raid; following Dolores’ death after childbirth, Wootton and his children returned to Taos in the summer of 1855.¹⁰

News of the future railroad supported Territorial Congressman George Gold’s plans to repopulate the settlement of Guadalupita, which had originally failed after the Jicarilla Apache forced settlers to return to Taos in 1842.¹¹ Among Gold’s recruits was commission delegate Manuel LeFebre, who worked with Charles Bent and then United States Consul Manuel Alvarez to initialize settlements on their lands in 1846, which included the Ocate Valley.¹² Following the railroad commission, Gold and LeFebre reconsidered settlement in Guadalupita and along the Ocate Creek.

Colonization was problematic while the Jicarilla Apache used the Ocate Mesa as a seasonal home. Since 1550, semi-sedentary Jicarilla Apaches cultivated lands and fabricated earthenware in the secluded, fertile valleys below the Ocate Mesa.¹³ The Ocate Creek descends from an elevation of nearly 10,400 feet atop the Ocate Mesa to a valley that opens two to three miles wide and stretches four miles eastward before it narrows

⁸ Lecompte, *Pueblo Hardscrabble Greenhorn*, 233.

⁹ Ibid., 237.

¹⁰ Ibid., 252.

¹¹ Nathan Jaffa, *Report of the Secretary of the Territory, 1909-1910 and Legislative Manuel, 1911* (Santa Fe, NM: New Mexican Printing Company, 1911), 185.

¹² Charles Bent to Manuel Alvarez, 18 April 1846, in “Notes and Documents,” *The New Mexico Historical Review* 31:2 (April 1956): 159.

¹³ James A. Gunnerson, “Apache Archaeology in Northeastern New Mexico,” *American Antiquity* 34:1 (January 1969): 26.

into a canyon. The tall mesas to the north and south of the Ocate Creek and the beginning of the Sangre de Cristo Mountains to the west protected Jicarilla horticulturists and potters. Over the course of three centuries, the Apaches cultivated the land, hunted wild game, and maintained adobe structures. At the junction of the Wheaton and Ocate Creeks, one structure contained seven rooms, two hearths, and a bell-shaped pit used for baking micaceous clay pots.¹⁴ During the harsh winter months, the Apache left the Ocate Creek valley in pursuit of buffalo for sustenance.

The Apache's lands appealed to Mexican officials and opportunistic *Hispanos* who wanted to increase trade with the United States during the 1820s and 1830s. Elected officials at San Miguel del Vado mission formed a plan in 1832 to establish settlements in Ocate, Las Vegas, Sapello and several other sites in order to "save from the *barbaros* immense lands between El Río del Norte and the Pecos River as well as any lands beyond that could be occupied without risk [.]"¹⁵ Not incidentally, these potential sites for settlement fell along the Santa Fe Trail.

Mexican officials responded positively to such petitions, because expansion promoted population dispersion and the pacification of New Mexico's northern frontier, and increased settlement along the Santa Fe Trail promoted economic growth in New Mexico. During the late Spanish colonial and Mexican periods, landless families of the San Miguel del Vado mission established twelve *Hispano* settlements by making similar

¹⁴ Ibid., 24-5.

¹⁵ Jose Ulibarri et al, "Plan of the Ayuntamiento of San Miguel Del Vado to Place Settlers at Las Vegas, Sapelló, Ocate, etc.," 8 February 1832, Sena Family Papers, Ralph Emerson Twitchell Collection, NMSRCA, Santa Fe, NM, Series 12, Folder 237.

petitions. The proposed settlement along the Ocate Creek was a precursor to an official land grant.

After the Santa Fe Trail opened in 1821, officials believed that sizable land grants would attract wealthy settlers, increase agriculture and industry, and strengthen New Mexico's commercial ties to the United States.¹⁶ The Mora Land Grant was one such grant. But settlers did not wait for officials before migrating to coveted lands. Before 1835, seventy-six families settled along the Río Agua Negra. They divided lands equally, cut *acequias*, and then pursued legal recognition of their claims. In 1835, Manuel Antonio Sánchez, *alcalde* of San José de las Trampas, legalized their claims when he identified the plaza of Santa Gertrudis, the *suertes* or allotments of private land, and *ejidos* or common lands. When he named the Sapello River and the Ocate Creek as the eastern and northern boundaries of the Mora Grant, the seasonal domain of the Apache became part of 827,000 acres owned by seventy-six *vecinos* at Santa Gertrudis.¹⁷

The Mora Land Grant motivated additional *Hispano* settlements below the Ocate Mesa. Overcrowding in the Río Grande Valley placed greater demand upon sources of water; this compelled farmers to consider moving to irrigable lands within Indian country. In 1837, the *alcalde* of San José de las Trampas and the grantees of the Mora Grant recognized the Guadalupita Grant with the expectation that settlements below the Ocate Mesa might neutralize Apache threats. Taos families that made the initial request

¹⁶ Reséndez, *Changing National Identities at the Frontier*, 34-7.

¹⁷ Shadow and Rodríguez-Shadow, "From *Repartición* to Partition," 257-9.

established the village of Guadalupe and cultivated their lands until the Apache forced them to return to Taos in 1842.¹⁸

Eight months after officials sanctioned the Guadalupe Grant within the Mora Grant, Governor Manuel Armijo approved Manuel Alvarez's request for lands in the Ocate Mesa area. The Office of the Surveyor General later determined this to be "near four leagues square [.] or 30,500 acres."¹⁹ Alvarez received title to the land under the condition that a herd of merino sheep be brought to pasture on the Grant within three years. Armijo's approval of the Ocate Grant, which included a length of the Santa Fe Trail, reflected his desire to increase agricultural production and to link New Mexico's economy to United States through trade. Due to conditions beyond Alvarez's control, which included the difficulty of transporting merino sheep to the Ocate Grant, the protection of the herd within the Apache domain, and Texas invasion of 1841, Alvarez was unable to fulfill the conditions approved by Armijo.²⁰

Each land grant demonstrates that land ownership near the Santa Fe Trail appealed to New Mexicans. Approval of the Mora and Guadalupe Grants shows that officials viewed expansion as a way to resolve the issues of overpopulation and the threat of Apache raids. The Governor's approval of the Ocate Grant demonstrates that Mexican

¹⁸ Malcolm Ebright, "Bootleg Whiskey, Ceran St. Vrain, and the Intrepid Settlers of a Remote Northern New Mexico Valley: The Guadalupe and Coyote Historic District" (Summarized Application to the New Mexico State Historic Registry, Center for Land Grant Studies, 1994), 4.

¹⁹ Records of the Office of the Surveyor General, *Ocate Grant*, 1860, Surveyor General Report 143, 1860, Spanish Archives of New Mexico I (hereafter cited as SANM I), NMSRCA, Santa Fe, NM, unpaginated.

²⁰ J.J. Bowden, "Ocate Grant," <http://dev.newmexicohistory.org/filedetails.php?fileID=24838> (accessed 10 December 2014), 1; Ralph H. Vigil, "Review of *Manuel Alvarez, 1794-1856: A Southwestern Biography*," *Great Plains Quarterly*, 1 January 1992, 220-1.

officials hypothesized that the acquisition and settlement of lands along the Santa Fe Trail would increase commercial exchange between New Mexico and the United States.

A year before the Taos railroad commission formed, Padre José Martinez filed a separate claim to the lands in the Ocate Mesa area. In his letter to Governor James Calhoun on March 12, 1852, Martinez explained that the people of Taos considered the lands below the Ocate Mesa “*comunales*,” or common lands. He urged Calhoun to recognize the legal claim *Taoseños* had made to the land before reconfirming the grants Mexican officials had made before 1846.²¹ His plea fell in line with Article 8 of the Treaty of Guadalupe Hidalgo, which stated that “property of every kind, now belonging to Mexicans not established there, shall be inviolably respected.”²² The absence of a permanent settlement made Martinez’s plea unconvincing. Historian Maria Montoya explains that “the U.S. government had an attitude and policy regarding the American West that were rooted in one fundamental misconception, that the West was unsettled nature.” The belief that the territories annexed from Mexico were unclaimed and sparsely populated promoted the idea that the American West was a place where the U.S. government, corporations, and wealthy individuals could increase private property.²³

Private property also appealed to New Mexicans in San Fernandez de Taos, and the possibility of a transcontinental railroad hastened them to claim lands in contested spaces before Padre Martinez could negotiate their claims with Governor Calhoun. The

²¹ Antonio J. Martinez to James S. Calhoun, 12 March 1852, SANM I, NMSRCA, Santa Fe, NM, reel 6, frame 411.

²² “Treaty of Guadalupe Hidalgo” http://avalon.law.yale.edu/19th_century/guadhida.asp#art8 (accessed 26 April 2015), unpaginated.

²³ Maria E. Montoya, *Translating Property: The Maxwell Land Grant and the Conflict Over Land in the American West, 1840-1900* (Lawrence, KS: University Press of Kansas, 2005), 80-1.

Apache raids on the Arkansas River settlements in 1854 meant that settlement in the Ocate Mesa area was a considerable risk. In response to the raids and in lieu of the possibility of acquiring property, New Mexicans joined the United States military. On January 25, 1855, Charles Williams captained an eighty-four man militia entirely composed of New Mexicans from San Fernandez de Taos and nearby villages.²⁴

Williams' militia joined four others under the command of Colonel St. Vrain in the pursuit of Utes and Apaches until General Garland negotiated a treaty in Abiquiu eight months later.²⁵

Following this treaty, Congressman Gold, LeFebvre, Captain Williams and six of his officers settled with their families in Guadalupita and Ocate.²⁶ By 1860, 630 New Mexican and sixteen foreign-born men and women lived below the Ocate Mesa. Apache raids had forced settlers back to Taos eighteen years earlier, but after the Abiquiu treaty, settlers were able to establish and maintain 185 dwellings. Of these, 103 of Guadalupita's heads of household claimed to own their particular estates, which meant that nearly fifty-six percent of families that settled in Guadalupita owned the allotment they inhabited. Ten years prior, only forty percent of household heads in Taos County owned land.²⁷ This disparity meant that landless peasants and poor land-owners in Taos County and elsewhere in northern New Mexico migrated to Guadalupita and Ocate to become landowners.

²⁴ Captain Charles Williams, Taos, Ute and Apache Campaigns, February. Muster Roll. 1 February 1855, Records of the Adjutant General, Territorial Archives of New Mexico (hereafter cited as TANM), NMSRCA, Santa Fe, NM, roll 85, frame 88.

²⁵ Lecompte, *Pueblo, Hardscrabble, Greenhorn*, 252.

²⁶ Stewart, ed. "1860 Federal Census Mora County, New Mexico," 342-473.

²⁷ Stewart, ed. "1850 Federal Census Taos County, New Mexico," 181-402; Stewart, ed. "1860 Federal Census Mora County, New Mexico Territory," 342-473.

Charles Williams witnessed the transformation of peasants into landowning elites first-hand when he settled with his family in Guadalupita during the 1850s. In his work as Assistant to the Marshal of New Mexico, Williams documented estate values, professions, birthplaces, and whether an individual was white or Indian. His report to the Federal Census Bureau in 1850 indicates that forty percent of the heads of household in Taos owned land and worked as farmers, merchants, or in specialized trades. The remaining sixty percent who did not own land worked as laborers for those who did.²⁸ The largest group of migrants to settle in Guadalupita hailed from Taos, and forty-six percent of them became landowners before 1860. This made Taos natives the largest group of landowners in Guadalupita, and of these, forty of the forty-seven heads of household became landowners for the first time in Guadalupita.²⁹

Wealthy landowners in Guadalupita and Ocate secured livelihoods that resembled those of Taos County's elites in 1850. Landowners that indicated farming as their livelihood also reported estate values at an average of \$428, but farm laborers reported the value of their estates at an average of just \$66. This disparity shows that two classes formed within Guadalupita's landowning majority during the 1850s – migrants that claimed the most land cultivated valuable estates and reported farming as their livelihood. Landowners who produced moderate yields reported that they were farm laborers, which implies that they cultivated a wealthy farmer's fields while maintaining their own. Farm laborers who did not report estate values represented the lowest class in Guadalupita. Yet, as long as lands were available beyond the borders of the village, landless residents had

²⁸ Stewart, ed. "1850 Federal Census Taos County, New Mexico," 181-402.

²⁹ Stewart, ed., "1860 Federal Census Mora County, New Mexico," 342-473.

the opportunity to become landowners, and established landowners expanded their estates by acquiring additional acreage.³⁰

Settlers in Guadalupita and Ocate became landowners in two ways during the 1850s and 1860s. They gained *hijuelas*, or small donations of land from a *Juez de Paz*, or they acquired a title from grantees of the Mora or Guadalupita Grants. The *Juez de Paz* granted *hijuelas* to New Mexicans that provided evidence of improvements made to land in the commonly owned areas of the Mora and Guadalupita Grants. These improvements included the building of structures, cutting of irrigation ditches, and growing crops. This was the type of evidence that fifteen settlers in Ocate used to convince José Casimiro Espinoza, Ocate's *Juez de Paz* on January 25, 1865, to grant them 2,125 *varas* or 1,942 linear yards of land along the Ocate Creek. Grantee José Urban Lucero testified that the "land was not cultivated and was unoccupied, so they took possession of it, worked it, and used its produce to maintain [their] families and increased agricultural production [.]” Espinoza examined Lucero's claim and confirmed that the fifteen claimants and the families possessed a legal title to the lands along the Ocate Creek.³¹

The families in Lucero's party of claimants divided property in a manner that was consistent with the way other *Hispanos* initially formed settlements in Mora County and in older communities within the Río Grande Valley. Like the families of Santa Gertrudis, most members in Lucero's party received tracts of land measuring 100 *varas*, or roughly ninety-one yards in length. Lucero stated that despite the division of land, the families

³⁰ Ibid., 452-472.

³¹ Jose Casimiro Espinoza, Repartimiento Record, 5 April 1865, Libro del Juez de Paz Libro 1, Mora County New Mexico Records, TANM, NMSRCA, Santa Fe, NM., 158-161.

“made a pact and agreed to maintain and sustain their possession, obligating themselves to mutually sustain each other by conserving a portion of money earned for future difficulties” that the community might encounter.³² Apportioning of uncultivated land in a manner that remained consistent with how Mexican officials divided lands in Santa Gertrudis made Guadalupita and Ocate resemble older Hispano settlements in northern New Mexico. The economic benefits of landownership near the Santa Fe Trail allowed settlers to gain wealth.

Property values in Guadalupita and Ocate increased during the 1860s. In Taos, landowners reported an average \$175.53 per estate in 1850, with the most valuable estates being those closest to the Santa Fe Trail. New Mexicans saw the value of their estates increase by an average of \$54.30 when they moved from Taos to Guadalupita and Ocate. Between 1860 and 1870, the average worth of an estate nearly doubled for landowners in Guadalupita, and they were over six times greater for those in Ocate.³³ These figures suggest that what Mexican officials envisioned for lands near the Santa Fe Trail in the 1820s and 1830s, New Mexicans achieved during the 1860s.

New Mexican officials, including Governor Manuel Armijo, believed that settlement near the Santa Fe Trail would lead to an increase in agricultural production. In 1860, the village of Don Fernandez de Taos produced 6,749 bushels of wheat, or 4.19 bushels of wheat for every person who lived in the village. During the same year,

³² *Felipe Baca versus Urban Lucero*, Mora County District Court Case No. 89, 15 September 1865, Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Santa Fe, NM, Box 13477, Series 5, Folder 20.

³³ Stewart, ed. “1850 Federal Census Taos County, New Mexico,” 181-402; Stewart, ed. “1860 Federal Census Mora County, New Mexico Territory,” 342-473; Stewart, ed. “1870 Federal Census Mora County, New Mexico,” <http://files.usgwarchives.net/nm/mora/census/1870/> (accessed 6 December 2014), 353B-368A.

Guadalupita and Ocate produced 5.06 bushels per resident. It is notable that settlers in Guadalupita and Ocate produced more per capita than those in Don Fernandez de Taos, especially because the communities were less than ten years old.³⁴ Settlers wasted little time claiming lands, building farms and *acequias*, irrigating ditches, and producing wheat on newly acquired lands. Several factors motivated such urgency, including the need to demonstrate productivity to *Jueces de Paz* in order to gain title as well as the pursuit of a livelihood in farming that secured wealthy landowners a lifestyle that elites enjoyed in *Hispano* society.

Felipe Baca epitomized a migrant's ascent to elite economic status through landownership. Like other landowners, Baca relied upon *Jueces de Paz* to secure titles to land below the Ocate Mesa. He initially received a *hijuela* to 60 *varas* of land on September 11, 1854. These 60 *varas* extended fifty-five feet along the Coyote Creek, and ran an unknown distance to the Ocate Mesa ridge line. Baca also purchased additional lands from four separate individuals, and received a donation of lands from a fifth. On February 9, 1858, Baca presented evidence that he owned 400 *varas*, or nearly 366 linear yards along the Coyote Creek in Guadalupita to the Taos County Courthouse, which the *Juez de Paz* confirmed.³⁵

Carlos Beaubien selected Felipe Baca over qualified Anglo-American landowners to represent Guadalupita on the US congressional electoral commission for Taos County on July 28, 1857. In so doing, he established landownership as the most significant

³⁴ US Census Records of New Mexico, 1860, Schedule 4, Productions of Agriculture, TANM, NMSRCA, Santa Fe, NM, reel 3, frames 1-48.

³⁵ Pedro Valdez, Miscellaneous Deeds, Libro A de los Registros de Las Tierras en el Condado de Taos, Territorio de NM, Comenzado AD 1852, Taos County New Mexico Records, NMSRCA, Santa Fe, NM, 166-172.

indicator of status.³⁶ The political and economic resums of Manuel LeFebre, Charles Williams, and George Gould were not sufficient indicators of representative authority on the electoral commission. Beaubien had become acquainted with LeFebre in the 1820s on trapping expeditions as an employee of Sylvester Pratte. He knew of LeFebre's role as a juror after the Taos Revolt in 1847, and he had served alongside LeFebre at the Taos Railroad Commission in 1853. Williams was a successful merchant who had gained notoriety through his work as Assistant to the Marshal, his service on the Taos Railroad Commission, and his role as a Captain in the Ute and Apache Campaigns. George Gould served as a representative of Taos County on the Territorial Legislature from 1847 to 1854. In 1848, he worked alongside Beaubien to finalize New Mexico's first request for statehood.³⁷ Before 1857, the civic and political positions of these Anglo men asserted the United States's authority in New Mexico. Yet, Beaubien's choice of Baca emphasized a return of political authority at the local level to elite landowners in *Hispano* villages.

Baca's rise to a position of political prominence over other qualified settlers emphasizes the connection between landownership and socio-economic status. The size, value, and personnel of Baca's estate made him the wealthiest man in the community. He reported the value of his land at \$2,000 on the 1860 Federal Census, oversaw farm laborers, and enjoyed the benefits of the only Indian servant in the community. By comparison, LeFebre and Williams reported estates valued at \$800 apiece, and Gould

³⁶ "Convención del Condado de Taos," *Santa Fe Weekly Gazette*, 15 August 1857, 4.

³⁷ William G. Ritch, *The Legislative Blue Book of the Territory of New Mexico with the Rules of Order, Fundamental Law, Official Register and Record, Historical Data, Compendium of Facts, Etc., Etc.* (Santa Fe, NM: Charles W. Green, 1882), 98-103.

listed half of Baca's \$1,000. The estate values and livelihoods of each of these men reflected their ability to secure lands below the Ocate Mesa.³⁸

Baca's acquisition of land during the 1850s, his development of a successful farm, and his service on a significant county committee placed him at the forefront of the expansion of *Hispano* society in northern New Mexico. Like Maria Teodora López, Baca was from the Abiquiu area, and like her family, he migrated in order to secure a better life, which he found in landownership below the Ocate Mesa. In 1850, the majority landowning population in Taos County also was from the Abiquiu area. Migration preceded their acquisition of land and a livelihood that afforded them an elite socio-economic status within the village of San Fernandez de Taos. This current of northern expansion flowed through the Ocate Mesa region in the 1850s and Baca quickly emerged as Guadalupita's most successful estate owner. His climb to a position of elite socio-economic status in the community reflected the same pursuit of prosperity that motivated New Mexicans to claim land in places where it was available during the nineteenth-century.

³⁸ Stewart, ed. "1860 Federal Census Mora County, New Mexico Territory," 342-473.

CHAPTER IV

PRESERVATION OF THE COMMONS AND THE REPRODUCTION OF *HISPANO* SOCIETY

The availability of irrigable lands below the Ocate Mesa drew hundreds of settlers from the Río Grande Valley in the 1850s and 1860s, but the mutual desire for profitable harvests pitted them against each other in a contest for control over limited resources. Lawsuits filed at the Mora County courthouse in the 1860s and 1870s show that the partition of disputed lands and the legislation of water created, defined, and reinforced socio-economic hierarchies in the villages of Guadalupita and Ocate. In *Felipe Baca versus Urban Lucero* (1865), *Gold et al versus Tafoya et al* (1866), and *Williams et al versus Sandoval et al* (1871), disputes over who owned land and water erupted into debates about ethical landownership.¹ Some plaintiffs and defendants in each case upheld the principle of communal land ownership established by Mexican officials in the Mora Land Grant. Others departed from it with the view that unsettled lands were available for speculation under the new auspices of the United States. In each case, the judge ruled in favor of preserving the common-land model. This prohibited the privatization of lands

¹ *Felipe Baca versus Urban Lucero*; *Gold et al versus Tafoya et al*, Mora County District Court Case No. 29, 4 April 1866, Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Santa Fe, NM, Box 13477, Series 5, Folder 28; *Williams et al versus Sandoval et al*, Mora County District Court Case No. 364, March 1871, Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Santa Fe, NM, Box 41941, Series 5, Folder 22.

outside village boundaries, and verified existing landowners as the legal beneficiaries of the commons. This chapter examines how these three conflicts over land and water reflected the broader pursuits of survival and wealth that motivated settlers. It also demonstrates how the Supreme Court's preservation of commonly owned land outside the villages of Guadalupita and Ocate signaled the end of expansion below the Ocate Mesa. This solidified a traditional structure of *Hispano* society where landownership, livelihood, and marriage indicated an individual's socio-economic status and inspired more *Hispano* settlements in southern Colorado.

Uncultivated areas below the Ocate Mesa had lured migrants to Guadalupita for at least two decades. Wealthy landowners, however, viewed these newcomers as intruders and squatters, which led to disputes and court cases that reached the New Mexico Territorial Supreme Court. After Urban Lucero and fourteen others had settled outside the village boundaries of Ocate, Felipe Baca hired attorney Charles P. Clever, adjutant general and attorney general of New Mexico, to eject them from lands he believed were legally part of his estate.² Clever urged Kirby Benedict, Territorial Chief Justice, to rule that Baca "recover of [Urban Lucero] the possession of the said premises, to writ the said land or real estate, together with the sum of five hundred dollars damages, so wrongfully by him sustained as aforesaid, and costs of suit." Lucero defended his claim with the written testimony of Pedro Valdez, the *Juez de Paz* of Mora County. Valdez provided Lucero's attorney with a copy of the deed that Casimiro Espinoza, the *Juez de Paz* in Ocate, had inscribed in the *Libro de Registros del Condado de Mora* on January 23,

² Henry J. Tobias, *A History of the Jews in New Mexico* (Albuquerque, NM: University of New Mexico Press, 1990), 86.

1865, which granted land on the *Ojito del Salitre* to Urban Lucero and fourteen other heads of household. Valdez also visited the disputed lands at Lucero's request and testified as follows:

I went to see the land that said Lucero and his associates occupied, to see what could be found at *Ojito de Salitre*; and after having passed and seen it personally, I found that the said land was empty and without crops, and that there is nothing against and no damage to any part of the Ocaté population, before, this land would be to the benefit of the community, and it would belong to whoever started improving it first [...]³

Baca's and Lucero's dispute over who legally owned land in the Ocate Valley included claims to uncultivated lands. Clever's letter to the Supreme Court did not specify how Baca became "entitled to the possession of lands" in Ocate; it merely asserted that he was the true owner. Baca may have purchased an interest in the original Mora Grant, which gave him an exclusive right to use common lands alongside other assignees. Valdez's testimony indirectly supported Baca's stance – that the disputed lands were common lands within the Mora Grant – when he said that they were "a benefit to the community." Yet, the former *Juez de Paz*'s approval of a *hijuela* for Lucero and his associates confused the legal designation of lands. Before the Treaty of Guadalupe Hidalgo had brought New Mexico into the United States, settler grants, such as the Guadalupita Grant, required the approval of the original grant owners.⁴ Lucero and his associates followed the traditional Mexican system for settlement when they identified uncultivated areas, but their acquisition of a *hijuela* without the prior approval of the Mora land grant owners diverged from the Mexican paradigm.

³ *Felipe Baca versus Urban Lucero*, unpaginated.

⁴ Shadow and Rodríguez-Shadow, "From *Repartición* to Partition," 269.

Baca's suit against Lucero was a request for the preservation of the common lands that Mexican officials established in the Mora Land Grant. Landowners shared ownership over lands outside village boundaries and they used them for water, pasture, lumber, and other natural resources. Unauthorized settlement in the commons would thus infringed upon landowners' interests. Robert D. Shadow and María Rodríguez-Shadow explain that after a group of settlers gained accesses to a section of the commons, each individual settler "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."⁵ The grant that Lucero and his associates received invited resistance, because Baca and other migrants viewed unsettled lands below the Ocate Mesa as part of their estates.

Testimonies given by Charles Williams and five other witnesses from Guadalupe and Ocate supported the preservation of the *Ojito de Salitre* as a common land area. Each of the witnesses had settled in the area at the time that Baca built his assets, and they could testify that he used the land at *Ojito de Salitre* before Lucero and his associates had migrated to the area. Williams and three other witnesses favored the ejection of Lucero and his associates, because they also owned estates that entitled them to the use of the common lands. The privatization of additional tracts of land in the commons reduced their exclusive privilege to resources outside village boundaries, which limited the growth of their estates.

Before it reached a decision on *Baca versus Lucero*, a second dispute required the Supreme Court to consider whether it should rule in favor of preserving or privatizing

⁵ Ibid., 268-9.

common lands in the Ocate Mesa region. In the second case, George Gold had accused Felipe Tafoya and four others of attempting to privatize sections of the common lands. Gold hired Stephen B. Elkins, who had served as attorney general and U.S. attorney in 1866, to file for an injunction against Tafoya and his associates to prohibit their access to the common lands – Gold feared that they were attempting to build dams and new irrigation ditches.⁶ In response, Tafoya hired Kirby Benedict, former Chief Justice of the Supreme Court, to defend his right to access, cultivate, and privatize additional sections of the lands outside village boundaries.

The socio-economic statuses of the plaintiffs and defendants corresponded with respective positions they took on the legal designation of the common land. Malcolm Ebright explains that the plaintiffs in this case asserted “the viability of the Guadalupita land grant against the defendants view that the grant had ceased to exist after the U.S. occupation.”⁷ The plaintiffs wanted to preserve the grant’s common lands in order to prohibit the expansion of Guadalupita and thereby secure their status as landowning elites. Of the thirty-three plaintiffs, Felipe Baca, Eugenio Naranjo, Mariano Maldonado, Desiderio Naranjo and George Gold owned five of the most lucrative estates in Guadalupita. An end to the Mexican grant system meant that vast amounts of uncultivated lands were open for speculation. This appealed to the defendants, because four of them did not own land, and Tafoya’s estate was modest in comparison to elite landowners.⁸

⁶ David L. Caffey, *Chasing the Santa Fe Ring: Power and Privilege in Territorial New Mexico* (Albuquerque, NM: University of New Mexico Press, 2014), 92.

⁷ Ebright, “The Guadalupita Land Grant and the Lawyers,” 5.

⁸ Stewart, ed., “1860 Federal Census Mora County, New Mexico,” 452-472.

Benedict argued that the wealthy plaintiffs privatized additional tracts of land outside the village boundaries during the 1850s and 1860s to support the view that the grant ended in 1848, and that lands outside the village were open for speculation. He emphasized Gold's estate as evidence when he wrote:

several persons have taken possession, of places where the inhabitants formerly, and indiscriminately, pastured their livestock and that no one has taken possession of enjoying for his own individual use profit and pleasure the said lands formerly pastured to an extent anything like equal to the said complainant George Gold [.]⁹

The size and location of Gold's estate exemplified how common lands became private estates after the Mexican-American War. Benedict urged the court to rule that Tafoya and his associates possessed the same right to acquire and use lands within the former commons.

Benedict also exposed the reasons why elite landowning plaintiffs desired to preserve the common land model when he stated:

Gold has a large ranch in cultivation upon said lands, and his own claim in the said River and his acequia leading the water upon his fields and is not regulated or controlled by any public Mayordomo of Acequias, and being above the Ranchos of the earliest settlers after the commencement in 1852 he appropriates water to his use according to his own convenience, will, pleasure and ability.¹⁰

According to Benedict, the location of Gold's estate allowed him to irrigate his fields to the detriment of Guadalupita – he was the first to have access to the Coyote Creek.

Benedict also shows that the size of Gold's estate contrasted with the modest tracts that most villagers owned. Benedict's discussion of the location and size of Gold's estate meant that access to the common lands and control over water increased Gold's wealth and status in the community. The possibility of speculation and construction of new

⁹ *Gold et al versus Tafoya et al*, 5.

¹⁰ *Ibid.*, 5-6.

acequias threatened the lucrative farming that elite landowners enjoyed in Guadalupita – preservation of the commons solidified their wealth and status.

Just five months after it had subpoenaed Charles Williams to testify on behalf of Felipe Baca, the Supreme Court ordered him to appear in the case of *Gold, et al versus Tafoya, et al* (1866). The Court also ordered Manuel LeFebre, Manuel Naranjo, and Bibian Sisneros to testify. Each witness approximated Gold's wealth and status in the community and stood to benefit from the preservation of the commons. The testimonies of these landowning elites supported the view of preserving the common lands that Mexican officials designated in the Mora and Guadalupita land grants. In 1868, the Supreme Court ruled in favor of preserving the common lands in *Gold et al.*¹¹

The case files for *Baca versus Lucero* do not show the Supreme Court's decision regarding disputed lands in the Ocate Valley. Estate values reported on the 1870 Census do infer that the Supreme Court prevented the privatization of the common lands at *Ojito del Salitre*. According to the census, Macedonio Fernandez and Jose Mestas were the only individuals among Lucero's part that retained ownership. Also, the enumeration of dwellings shows that the men in Lucero's party did not live adjacent to one another as the settler *hijuela* mentioned.¹² The absence of estate values and the dispersion of Lucero's party throughout Ocate imply that the Supreme Court ejected them from the land they had received from the *Juez de Paz* in 1865.

The Supreme Court's rulings did not dissuade migrants from attempting to acquire lands in the commons outside Guadalupita and Ocate. In 1871, Williams and

¹¹ Ibid., 8.

¹² Stewart, ed., "1860 Federal Census Mora County, New Mexico," 452-472; Stewart, ed., "1870 Federal Census Mora County, New Mexico," 353B-368A.

twenty-five other landowners from Ocate filed an injunction against twelve men who had settled with their families along a tributary of the Ocate Creek. They hired attorney Theodore Wheaton to petition their case to the Chief Justice of New Mexico. Wheaton's experience as a district attorney in *Baca versus Lucero* (1866) gave him insight into the evolution of land ownership below the Ocate Mesa. Wheaton was also a resident of Ocate, and his support of an injunction represented the landowning community's desire to preserve the commons and prohibit additional settlement in the area.

Wheaton's argument resembled aspects of the *Baca* and *Gold* cases when it emphasized original settlers' rights, the scarcity of resources, and the legal designation of disputed lands. According to Wheaton, the defendants "commenced a large settlement" along the Juan Vigil Creek in July of 1870, and "threatened [...] to use the water of said last named stream to irrigate their lands and thus to deprive" the plaintiffs of water. Wheaton argued that the plaintiffs were "the owners and occupants of the lands bordering upon the rivers Juan Vijil and Ocate" for more than ten years. Since the water in the Juan Vigil and Ocate Creeks was limited, especially during dry seasons, any additional settlement threatened to deprive the true owners of their livelihoods. Williams and his fellow petitioners asserted that they owned the lands along the Juan Vigil Creek, but they also identified them as public lands of the United States. This system of joint ownership fit the Mexican Land Grant model, where landowners possessed a shared right to common lands outside their village. Wheaton's letter to the Supreme Court articulated landownership with a vernacular that favored American legal terms – common lands became public domain. Yet, legal designations continued to uphold the *Hispano* paradigm for settlement within the Mora Land Grant boundaries.

By emphasizing the vagrancy of landless peasants, Wheaton revealed a key difference between his approach and those of Clever, Benedict, and Elkins. He stressed class distinctions as one reason why the Court should enforce an injunction. On behalf of the plaintiffs, Wheaton stated:

Your petitioners would therefore represent that the greater part of said above named defendants are entirely without property of any kind, and all of them are utterly unable to respond in damages for the irreparable injuries thus commenced and threatened to be carried on against the rights of your petitioners.¹³

According to Wheaton, ownership entitled the plaintiffs to lands within the public domain of the U.S. just as the lack of property disqualified the defendants from its benefits. Throughout his argument, Wheaton represented the poverty of the defendants as a threat in order to convey the culture and class of the unauthorized settlers to the court. The judge ruled in favor of the plaintiffs within six months of the initial suit. He ordered the defendants to abide by the injunction, and required them to make a payment of \$1,000 in damages to the plaintiffs.¹⁴

Preservation of the commons prevented the expansion of village boundaries and prohibited the establishment of new settlements along tributaries of the Coyote and Ocate creeks, which allowed wealthy landowners to maintain lucrative farms during the 1870s. This stifled upward economic class mobility for the middle class and peasants and it solidified farmers' position as social and economic elites. When the Mora County Assessor began taxing landowners in 1871, it distinguished the wealthiest families from the majority of the population in Guadalupita and Ocate. Of the 112 owners that reported

¹³ *Williams et al versus Sandoval et al*, unpaginated.

¹⁴ *Ibid.*, unpaginated.

estate values on the 1870 Federal Census, only twenty-nine reported estate values to the Assessor in 1871.¹⁵

The Assessor's records also exposed the ideology that underscored the expansion of *Hispano* society. Felipe Baca and his family migrated with twelve other families to the Las Animas River area in 1862.¹⁶ Even though he lived over 100 miles away, Baca protected his assets in the Ocate valley when he filed the injunction against Lucero and his fellow defendants. He and his wife, Maria Dolores Gonzalez, also paid annual estate taxes on their property in Guadalupita. They reported an average yearly estate value of \$1000 from 1872-1882.¹⁷ Baca viewed northern migration as part of a larger current of northern expansion. Luis Baca recalled the time when his father urged Mr. Hilario Madrid of Rayado to "join the tide and come; that there was plenty of room and opportunities for him to pick land just as it suited him anywhere." Baca also encouraged Felipe Tafoya to migrate when he asked, "Why not take 160 acres of vacant land" to the west. Luis Baca explained that "the country began to be populated by the influx from New Mexico, Spanish-American villages sprung up in divers[e] places [.]"¹⁸ The Supreme Court's reestablishment of common land boundaries outside Guadalupita and Ocate, influenced this northward migration. Baca's decisions to follow the "tide" and to continue to pay taxes on his property in Guadalupita, demonstrates that elite landowners viewed migration as an extension of their estates.

¹⁵ Stewart, ed., "1870 Federal Census Mora County, New Mexico," 353B-368A; Mora County Assessment Records, 1871-1882, NMSRCA, Santa Fe, NM, Box 2, Folders 33-37, item 7, unpaginated.

¹⁶ Luis Baca, "The Guadalupita Colony of Trinidad" *The Colorado Magazine*, January 1944, 23-4.

¹⁷ Mora County Assessment Records, 1871-1872, unpaginated.

¹⁸ Baca, "The Guadalupita Colony of Trinidad," 25.

The preservation of Mexico's system of settlement gave wealthy women the opportunity to enjoy legal rights that they had as Mexican citizens. The Assessor's records show that Maria Dolores Gonzalez de Baca and Maria Estefana Montoya de Gold maintained their estates after the death of their husbands.¹⁹ Historian Maria Montoya explains that the involvement of Mexican women in matters of civil property "signified a vast difference between the restrictive Anglo-American system and the relative autonomy women enjoyed under the Spanish-Mexican legal regime." The appearance of women's signatures on legal documents such as the Assessor's records approximated women's behavior under Mexican law.²⁰ The outcome of each court case reinforced Mexican land grant law within grant boundaries. Gonzalez's and Montoya's roles as heads of estates suggest that the outcomes of each case also allowed elite landowning women to enjoy the legal privileges they had as Mexican citizens.

The economic hierarchies that developed during the 1870s resembled what Williams observed in Taos County during the 1850s. The percent of households that reported owning lands in the Guadalupita and Ocate valleys fell from fifty five percent in 1860 to twenty three percent in 1870, which made the wealthy a minority of the population as it was in Taos. The decrease in ownership coincided with an increase in migration from the Ocate Mesa area. Between 1860 and 1870, seventy five percent of the population left Guadalupita and Ocate.²¹ Prospective settlers looked beyond the Ocate

¹⁹ Mora County Assessment Records, 1871-1872, unpaginated.

²⁰ Montoya, *Translating Property*, 55.

²¹ Stewart, ed. "1850 Federal Census Taos County, New Mexico," 181-402; Stewart, ed. "1860 Federal Census Mora County, New Mexico Territory," 452-472; Stewart, ed., "1870 Federal Census Mora County, New Mexico Territory," 353B-368A.

Mesa region, because only village property owners enjoyed the rights to use the common lands and sources of water.

Marriage provides one avenue for analysis on how race and ethnicity formed in conjunction with ownership after the Supreme Court preserved the commons. Charles Williams' marriage to Francisca Guillerma LeFebre swept him into the current of migration that brought families from the Rio Grande Valley in search of cultivable acreage in northern New Mexico and southern Colorado. Families that acquired lands before the Supreme Court prohibited expansion onto the commons preserved their socio-economic status through marriage. Historian Pablo Mitchell explains, "Colonial rule for decades had depended on the land and wealth amassed through strategic intermarriages between daughters of wealthy Hispano families and Anglo men."²²

Marriage united elite landowning families in Ocate with wealthy Anglo migrants as it did in other parts of New Mexico during the 1860s and 1870s. Maria de la Luz LeFebre joined a wealthy landowning family from Rio Arriba when she married Jose Crecensio Naranjo in 1859.²³ In 1860, the Naranjos reported the second most valuable estate in Guadalupita.²⁴ After the death of her husband, Maria de la Luz married Charles Fraker, a wealthy Anglo migrant from Missouri who, in 1871, reported the value of his estate at \$1,500.²⁵ Henry Blattman, a wealthy German migrant, married the eldest

²² Pablo Mitchell, *Coyote Nation: Sexuality, Race, and Conquest in Modernizing New Mexico, 1880-1920* (Chicago, IL: The University of Chicago Press, 2005), 102.

²³ Luis G. Padilla y Baca, *New Mexico Marriages. Mora: February 4, 1856-December 25, 1875* (Albuquerque, NM: L.G. Padilla y Baca, 2001), 65.

²⁴ Stewart, ed. "1860 Federal Census Mora County, New Mexico Territory," 452-472.

²⁵ Mora County Assessment Records, 1871-1882, unpaginated.

daughter of Charles and Francisca Williams and reported an estate value of \$2,000.²⁶

These marriages connected local families with roots in the Abiquiu area to wealthy Anglo migrants; since the Supreme Court closed the commons to newcomers, migrant expansionists gained access to lands through marriage with landowning families.

These families also looked to each other for spouses in order to preserve their socio-economic status. After Manuel LeFebre died in 1871, his heirs faced a series of threatening financial challenges. Louis Sulzbacher, a merchant and lawyer in Ocate; Lucien Maxwell, owner of the Maxwell Land Grant; and the Territory of New Mexico filed civil suits against Francisco LeFebre in 1872 and 1873 – they demanded that LeFebre satisfy financial agreements, compensate losses, and pay taxes.²⁷ The Assessor's records show that the LeFebre estate depreciated in value from \$4000 in 1871 to \$920 in 1874. This suggests that LeFebre sold inherited lands to balance his debts.²⁸ The marriage of his eldest son to Sarah Wheaton on September 26, 1875 created a new link that guaranteed the LeFebre family's well being; at the time, the Wheaton family possessed the most valuable estate in Ocate.²⁹

²⁶ Stewart, ed., "1870 Federal Census Mora County, New Mexico Territory," 353B-368A; Mora County Assessment Records, 1871-1882, unpaginated.

²⁷ *Louis Sulzbacher versus Charles Williams and Francisco Febre*, Mora County District Court Case No. 445, 18 March 1873, Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Santa Fe, NM, Box 41943, Series 5, Folder 15; *Territory of New Mexico versus Francisco Lafevée*, Case No. 415, 25 March 1873 Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Box 40765, Series 4, Folder 44; *Lucien B. Maxwell versus Francisco LeFerve*, Case No. 492, 20 March 1874, Records of the United States Territorial and New Mexico District Courts for Mora County, NMSRCA, Box 41944, Series 5, Folder 14.

²⁸ "Territorial News," *The Rocky Mountain News*, 2 April 1871, 1; Mora County Assessment Records, 1871-1882, unpaginated.

²⁹ Luis G. Padilla y Baca, *New Mexico Marriages. Cimarron and Ocate Marriages: 1872-1894* (Albuquerque, NM: L.G. Padilla y Baca, 2002), 10.

Initially, foreign-born migrants benefited most from the Supreme Court's reinforcement of the Mexican land grant system in Ocate. Migrants from Rio Arriba County owned the most valuable tracts of land in Taos by 1850, but the wealthiest landowners in Ocate during the 1870s were Anglo migrants from the United States and Europe. They reported estate values at an average of \$2031.14, which outpaced New Mexican landowners who reported values at an average of \$1438.73 per estate. This disparity increased by 1882 when Anglo migrants and New Mexicans reported averages of \$4973 and \$1474.8 respectively.³⁰ Maria E. Montoya argues, "As outsiders moved onto land grants and pushed Native Americans and Mexican Americans aside, Anglos eventually came to equate landlessness with ethnicity, and particularly with being Indian or Mexican."³¹ Anglo migrants gained the most valuable properties and created the most lucrative estates immediately after the Supreme Court closed the commons. The increase in wealth of Anglo migrants in Ocate coincided with the injunction of landless New Mexicans from common lands during the 1860s and 1870s.

Limiting common land access to village landowners began to favor New Mexican landowners during the 1870s. The percentage of wealthy New Mexican landowners increased by 1882, and their collective wealth more than doubled that of Anglos. In 1871, forty-five percent of the landowners in Ocate were New Mexican natives, and their collective estates totaled \$16,850. This compared with the fifty-five percent of Anglos that reported a collective total of \$27,200 to the Assessor. By 1882, New Mexicans and Anglos represented eighty-eight and twelve percent of the

³⁰ Mora County Assessment Records, 1871-1882, unpaginated.

³¹ Montoya, *Translating Property*, 23.

landowning population and they reported \$67,842 and \$29,838 respectively to the Assessor.³² Evidence of a majority population of wealthy Anglo landowners in 1871 supports Montoya's argument that Anglos migrated to New Mexico and became an elite landowning class that subordinated New Mexicans. As the demography of this class shifted during the 1870s, however, New Mexicans reasserted themselves as a landowning elite.

Settlement in the Ocate Mesa area appealed to migrants from the Rio Grande Valley, because of its proximity to the Santa Fe Trail; this is also why migrants from the United States and Europe settled in Ocate. Mexican officials initially identified the Ocate Mesa area as part of the Mora Land Grant's *ejidos*, but the Mexican-American War allowed intrepid New Mexicans and foreign-born white men to acquire titles to the common lands through a method of de facto possession sponsored by *Jueces de Paz*. The wealthiest landowners in Guadalupita and Ocate gained land in this fashion during the 1850s and early 1860s, but they quickly realized that capping the number of landowners was essential to the longevity of their livelihoods. Each court case suggests that wealthy landowners' were concerned that the exploitation of uncultivated lands was detrimental to established settlers. When the Supreme Court sided with elites to preserve the commons, they secured the assets of the wealthy elite and crippled upwardly mobile middle class landowners and the landless. The prohibition of expansion below the Ocate Mesa inspired the colony of Trinidad, as well as several smaller settlements along the headwaters of the Purgatoire River in southern Colorado. Their leader, Felipe Baca, a migrant from the Abiquiu area, and wealthiest landowner in Guadalupita and Ocate,

³² Mora County Assessment Records, 1871-1882, unpaginated.

maintained his investments below the Ocate Mesa and increased his assets nearer the site of the future transcontinental railroad.

CHAPTER V

CONCLUSION

Journals maintained during the nineteenth century by *Jueces de Paz* in Mora County, New Mexico provide rich glimpses into the histories of Guadalupita and Ocate. Among the records of land grants, civil disputes, and criminal behavior, a short testimonial made by Francisca Guillerma Williams in 1892 emphasizes her family's Indian heritage:

[Williams] says that She is the Daughter of Teadora Lopez Wife of Manuel Lafebre and that her grandmother was Maria Martines Wife of Ramon Lopes and that they were both from the Pueblo of abbique New Mx and were Descendants of the anciant Pueblo Indians and that her children and grand children on the Female Side are Decendents of the pueblo Indians of abbique New Mexico and have Indian Blood in their veins.¹

Francisca's claim of Indian ancestry and familial connections to Abiquiu happened at the same time that the Territorial congress deliberated over the confirmation of the Abiquiu land grant. Residents in Abiquiu had already gained political support for land claims in 1885 by emphasizing their Indian heritage. The General Allotment Act of 1887 also encouraged Indians to privatize communal lands. Perhaps Francisca's decision to document her Indian heritage with the courts reflected her effort to preserve the property she owned through marriage to her husband Charles Williams, or perhaps it was her

¹ Ernesto G. Lujan and Linda Hone, *Lujan Family History* (Salt Lake City, UT: Publishers Press, 1995), 215.

intent to privatize additional lands that the community of Ocate still owned jointly. These lands had beckoned opportunistic New Mexicans and foreign-born migrants to the Ocate Mesa area during the 1850s, and the confluence of their pursuits of prosperity established and structured the villages of Guadalupita and Ocate during the latter half of the nineteenth century.

The family lineage that Francisca provided to the *Juez de Paz* linked the social, economic, and physical movements of her ancestors and descendants through Indian blood to Abiquiu. This suggests that she believed that her family maintained its membership to the community of Abiquiu in spite of its migrations to La Puente, San Fernandez de Taos, and Guadalupita and Ocate. Sarah Deutsch posits that “In a regional community, it is the people who are the bonds [...] They tie the village, through themselves, to other economies, just as they themselves are bound to the village.”² From Francisca’s perspective, Indian ancestry bonded her and her descendants together to the village of Abiquiu. Deutsch refers to the regional community to offer insight into the ways migrants in northern Colorado maintained strong connections to their native villages in Mexico, New Mexico, and southern Colorado during the twentieth century.³ However, Francisca’s testimonial demonstrates the possibility that these people possessed roots in much older Indian communities such as Abiquiu.

Intermarriage stands out in Francisca’s testimonial, but she stresses that women’s marriages to foreign-born white men did not eliminate their connection to Abiquiu. Instead, she implies that marriage brought men into an ancient Pueblo Indian lineage.

² Deutsch, *No Separate Refuge*, 36.

³ *Ibid.*, 153.

Historian Ramón Gutiérrez offers insight on this when he states that the “convergence of sexual values and attitudes diffused upward from the Pueblo Indians through mixed-bloods to the Spanish, and outward from Europe to the colonies, infused old symbols with new meanings.”⁴ Marriage was one of these symbols. Francisca’s testimonial stresses her family’s matrilineage and does not mention her son, or the sons of LeFebre and López. In matrilineal Pueblo society, boys left the homes of their mothers after marriage and became members of their wives’ lineages; Francisca did not mention them because they had married into other families.⁵

Marriage was a significant step toward economic prosperity for the women and men in Francisca’s family. Priests confirmed the *vecino* status of her grandparents, parents, and Dolores and Richens Wootton, upon uniting them in marriage. In *Hispano* society, *vecindad* allowed the family to acquire property at La Puente, San Fernandez de Taos, and in Guadalupita and Ocate. Though Padre Martínez recognized Richens Wootton as a *vecino* in 1847, he did not grant this status to Charles Williams three years later. Similarly, the church marriage records that this study uses from Ocate and Cimarron, which were created at least two decades after the Mexican-American War, do not use the term *vecino* to discuss brides, grooms, or their parents. Settlers were able to acquire extensive amounts of land along the Santa Fe Trail from *Jueces de Paz*, who did not acknowledge whether an individual had been considered a *vecino* before War. Yet, when elites influenced the courts to curtail the privatization of lands in communities such as Guadalupita and Ocate, they recreated a context where landowners enjoyed privileges

⁴ Gutiérrez, *When Jesus Came the Corn Mothers Went Away*, 330.

⁵ *Ibid.*, 15.

that were similar to those that *vecinos* enjoyed in older *Hispano* societies. They gained access to *ejidos*, acquired wealth, and earned political positions. To preserve this status, as elite *vecinos* had, elites united their children with those of other property owners.

The *genízaro* recipients of the Abiquiu Grant and their descendants were the spectacle of elite landowners in settlements such as Santa Fe. For many, the implications of Indian blood were most pronounced when *elites* snatched Abiquiu's common lands following the 1812 laws of the Spanish Cortes. This inspired a migration of *genízaros* from Abiquiu to areas where property was available. Francisca's family was among those who migrated from Abiquiu to regain the privileges of *vecindad* in Taos during the first half of the nineteenth century. Later, her family joined nearly two hundred others in the pursuit of a livelihood and status near the Santa Fe Trail. It is impossible to quantify how many Indians and mixed-race people left the Abiquiu area for the village of San Fernandez de Taos, the villages of Guadalupita and Ocate, and beyond. Yet, this study demonstrates that the Indians who became *vecino* property owners in Abiquiu inspired the reproduction of *Hispano* society in northern New Mexico and southern Colorado.

Following the privatization of lands in Abiquiu and the community's petition to have the *ejidos* restored by Mexican authorities, migrants from the Abiquiu area acquired land elsewhere. The 1850 Federal Census is the only one that indicates the specific counties where New Mexicans were born. Birthplace statistics demonstrate that migrants from the Abiquiu area became an elite class in Taos County. When considering that the changes in systems of land tenure hinged on whether Abiquiu's residents were Indians or not, Francisca's statement, "they have Indian Blood in their veins [,]" may be applicable to those who stayed in Abiquiu. When considering that her family relocated to Taos

County alongside more than 2,000 opportunistic individuals from the Abiquiu area, Francisca's statement applies to the migrants who became elite landowners just as well. This speculation on the Indian and mixed-race heritage of Abiquiu's residents is simply an echo of the identity struggles that gripped New Mexican peasants as they sought to secure a better future during the nineteenth century.⁶

Peasants who looked toward the Santa Fe Trail and the Transcontinental Railroad coveted nomadic Indian lands for their economic potential. Migrants who became landowning farmers in Taos before 1850 demonstrated the possibility of upward socio-economic mobility that followed migration to commercial centers. Settlers in Taos County coveted the fertile Jicarilla Apache lands in the Ocate Mesa area, because they bordered the Santa Fe Trail. Following the Ute and Apache Campaigns of 1855, Charles Williams, his wife Francisca, and six officers from Taos County settled near the Ocate Creek. Considering that Williams' volunteers were residents of the village of San Fernandez de Taos, it is reasonable to suspect that New Mexicans viewed the United States military as a vehicle for vanquishing the threat of nomadic Indian raids, which had prevented the reproduction of settlements along the Santa Fe Trail and near the path of the future railroad.

Francisca's testimonial captured several phases of her family's pursuit of prosperity during the nineteenth century. The López family lived among the Indians and mixed race peoples who landowning elites in *Hispano* society considered peasants - *genízaros*, former captives, illegitimate half-breeds, and the spiritually depraved. Their migration to La Puente, to San Fernandez de Taos, and their acquisition of *vecindad* were

⁶ González, *Refusing the Favor*, 123.

steps others took to secure their futures. López marriage to LeFebre represented, on an intimate level, the linkage that New Mexicans pursued through trade and commerce with Santa Fe Trail merchants. Her sister's marriage to Wootton, her marriage to Williams, and her daughter's marriage to Blattman echoed the decision Maria López made to marry a foreign-born man. Each couple acquired land and livelihoods in farming and commerce that placed them within elite socio-economic classes in San Fernandez de Taos, Guadalupita, and Ocate. Within three generations, members of the López family - peasants from Abiquiu - had become elites in a *Hispano* village.

This study contends that the settlement patterns in the villages of Guadalupita and Ocate provided a foundation for the reproductions of Hispano society. This happened through the division of irrigable acreage and the identification of commonly owned sections of land. Settlers also disagreed on whether sections of uncultivated land bordering either villages' privately owned lots were still *ejidos* in the late 1860s and early 1870s. When the Supreme Court prohibited further privatization of the commons in the Ocate Mesa area, settlers in Guadalupita and Ocate did not have to worry about opportunistic neighbors or migrants from their home villages in the Rio Grande Valley. This fixed the economic status of wealthy landowners, prohibited landless residents from using *ejidos*, and guaranteed that they were corporate owners of the commons. Not incidentally, this system of land tenure resembled the system that grantees enjoyed in Abiquiu before the laws of 1812. The *genízaros* of Abiquiu possessed private tracts and grantees enjoyed access to common lands.

As the Supreme Court cases featured in this study demonstrate, the common lands were a subject of confusion for settlers as well as Territorial officials in the nineteenth

century. On 30 December 1881, United States President Chester Arthur signed off on the first homestead in Mora County.⁷ There was only one other homestead approved in Mora County in 1881, but the next year President Arthur signed fifteen additional homesteads.⁸ In 1888, President Grover Cleveland deeded “Bounty Land” to Charles Williams for his service as a Captain in the New Mexico Mounted Volunteers.⁹ Recognizing that land in Mora County was available, it appears that Francisca Williams’ children or grandchildren acted quickly to secure title to lands after her death in 1902. President Theodore Roosevelt signed a homestead patent for over 160 acres to the “heirs of Francis Guillerma Williams” on October 11th.¹⁰ These patents represent the shift in land tenure that occurred when the United States began approving homesteads and other properties in the Ocate Mesa area. The acquisition of a homestead by Francisca Williams’ heirs raises questions about how opportunistic New Mexicans with ancestral roots in Abiquiú pursued prosperity in the twentieth century.

⁷ New Mexico Homestead No. 460, http://www.glorerecords.blm.gov/details/patent/default.aspx?accession=Nm0190__340&docClass=STA&sid=p3yy4dvy.you#patentDetailsTabIndex=1 (accessed 10 July 2014), unpaginated.

⁸ Bureau of Land Management: General Land Office Records, <http://www.glorerecords.blm.gov/results/default.aspx?searchCriteria=type=patent|st=NM|cty=033|sp=true|sw=true|sadv=false#resultsTabIndex=0&page=1&sortField=6&sortDir=0> (accessed 26 April 2015), unpaginated.

⁹ Military Warrant, <http://www.glorerecords.blm.gov/details/patent/default.aspx?accession=0562-225&docClass=MW&sid=nlzfxuxu.nuh#patentDetailsTabIndex=1> (accessed 10 July 2014), unpaginated.

¹⁰ New Mexico Homestead 2952 http://www.glorerecords.blm.gov/details/patent/default.aspx?accession=Nm0170__417&docClass=STA&sid=dluesejz.uoj#patentDetailsTabIndex=1 (accessed 10 July 2014), unpaginated.

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APPENDIX A
INSTITUTIONAL REVIEW BOARD APPROVAL FORM



Institutional Review Board

DATE: March 18, 2014

TO: Derek LeFebre, History MA

FROM: University of Northern Colorado (UNCO) IRB

PROJECT TITLE: [583166-3] Pursuit of Prosperity Below the Ocate Mesa, 1846-1912

SUBMISSION TYPE: Amendment/Modification

ACTION: APPROVAL/VERIFICATION OF EXEMPT STATUS

DECISION DATE: March 18, 2014

Thank you for your submission of Amendment/Modification materials for this project. The University of Northern Colorado (UNCO) IRB approves this project and verifies its status as EXEMPT according to federal IRB regulations.

We will retain a copy of this correspondence within our records for a duration of 4 years.

If you have any questions, please contact Sherry May at 970-351-1910 or Sherry.May@unco.edu. Please include your project title and reference number in all correspondence with this committee.

This letter has been electronically signed in accordance with all applicable regulations, and a copy is retained within University of Northern Colorado (UNCO) IRB's records.

APPENDIX B

RETABLO OF SAN ACACIO

