

The Indian Pueblos of New Mexico and the Cruzate Grants

The Spanish conquistadores were not the first European invaders into the area that is today the State of New Mexico.

When Francisco Vasquez de Coronado in 1540 with his raggedy band of fortune hunters stumbled into Zuni Pueblo (in west-central New Mexico near the Arizona line), he was unaware that he had been preceded by a number of years by some fellow travelers who had hitched a ride with the natives on the trade routes that stretched deep into Mexico. These silent hitchhikers are known to science by a variety of names, but collectively may be called smallpox, cholera, measles, scarlet fever,

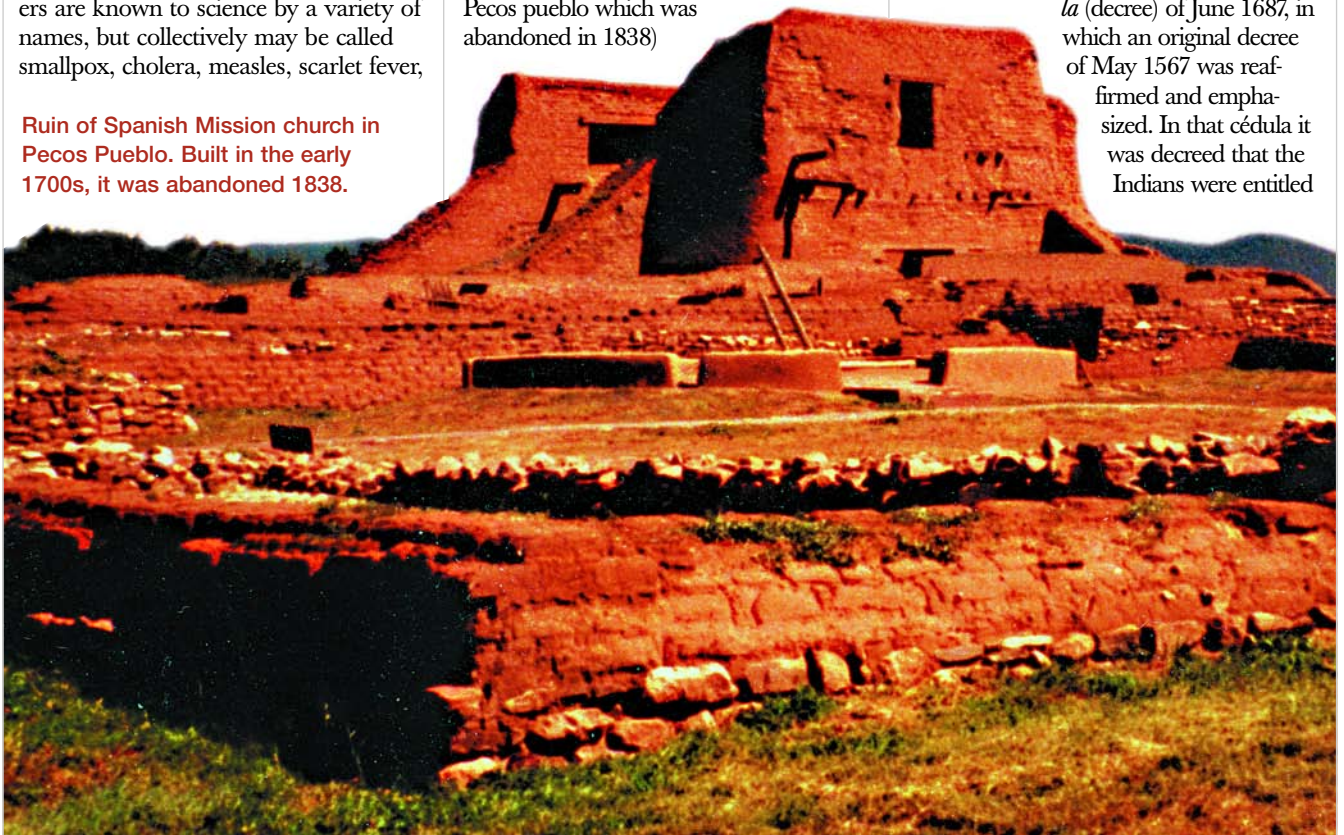
to name only a few. They, and not Coronado, were the true conquistadores, and they had already depopulated many of the *pueblos*, or villages, that have been variously estimated to have numbered well over a hundred. By the time of the third and permanent *entrada*, or entry, in 1692, only twenty pueblos remained (excluding the Hopi villages in Arizona). It is those pueblos we will visit here.

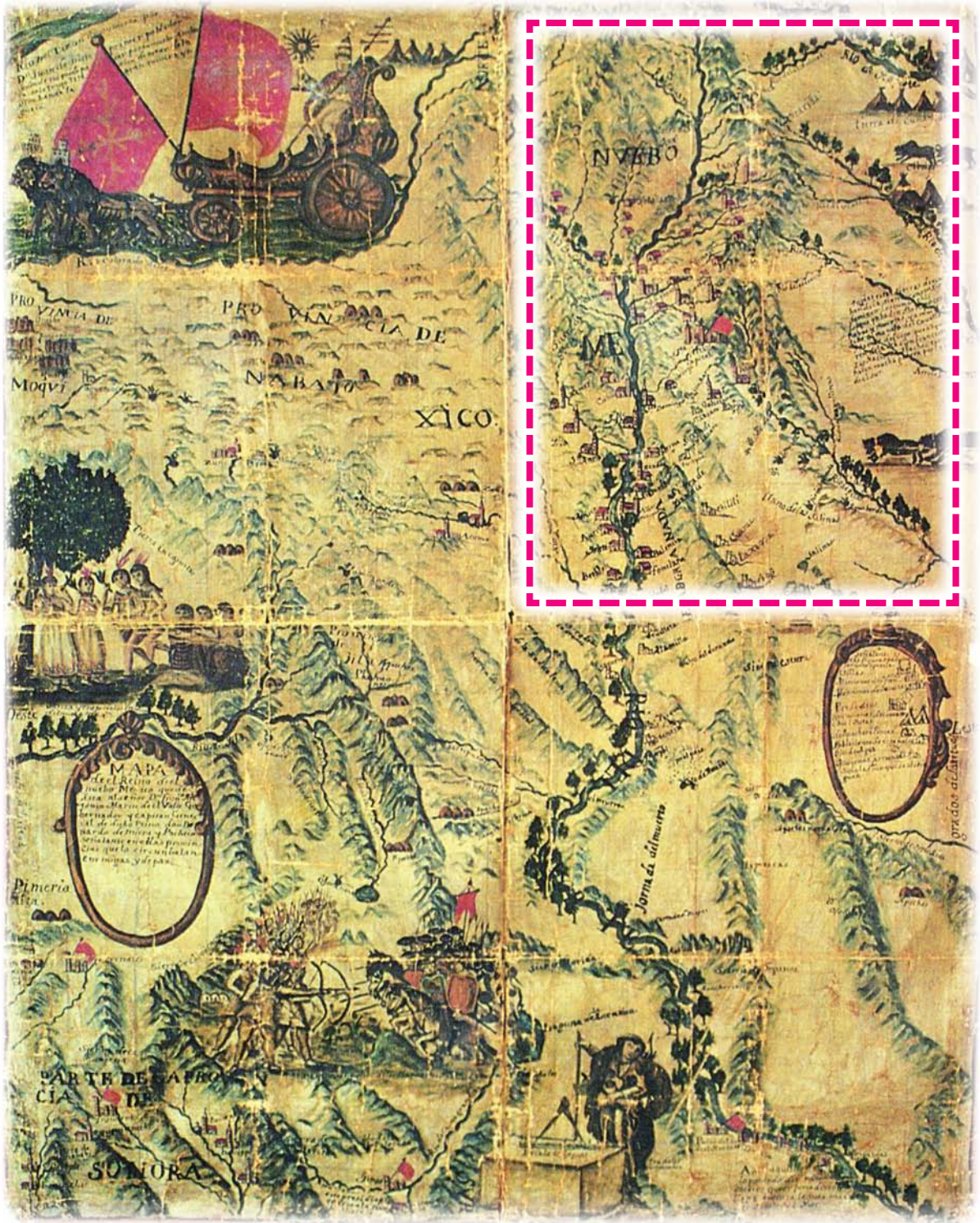
Considering that the Spanish colonizers had more than three centuries to do it, one would assume that these twenty Indian pueblos of New Mexico (I include Pecos pueblo which was abandoned in 1838)

were given title to their land in the form of written grants from the Spanish crown. Yet for eighteen of the pueblos such records have never been found, even though we cannot entirely discount the possibility that grants were made and the documents were lost when the Spanish records were burned during the Pueblo Revolt of 1680, or later during American territorial days when the contents of some archives were considered trash and thrown out into the street.

Under Spanish rule, the legal basis for the pueblo lands rested in the various royal ordinances, especially the royal *cédula* (decree) of June 1687, in which an original decree of May 1567 was reaffirmed and emphasized. In that *cédula* it was decreed that the Indians were entitled

Ruin of Spanish Mission church in Pecos Pueblo. Built in the early 1700s, it was abandoned 1838.





not only to all the land that was occupied by their town, but six hundred *varas* (1,650 feet) more, measured from the “farthest house of the place” in all four cardinal directions. Constant revisions eventually increased that size to the proverbial “league” and thus led to the four-square-leagues concept that became the accepted size for Indian pueblos in New Mexico.*

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Above & Opposite: In 1977, based on the careful study of numerous archival records, National Park Service illustrator Jerry L. Livingston began the painstaking business of tracing and redrawing this 1758 map of New Mexico by Bernardo de Miera y Pacheco. Translated, the title, legend, and text read: “MAP which don Francisco Antonio Marin del Valle, Governor and Captain General of this kingdom of New Mexico, ordered drawn in conjunction with the tour of inspection he made of his jurisdiction, to which is added part of [Nueva] Vizcaya and Sonora and the provinces of Navajo, Hopi, and Gila, and in the margins of which are set forth the people who compose this jurisdiction, Indians as well as Spaniards, non-Indians, and soldiers, all vassals of His Majesty.”

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Many 18th-century Spanish documents use the term “pueblo league” but the phrase apparently referred only to a recognized minimum right rather than to a specific area. In any case, the Spanish Crown’s much proclaimed concern for the landed rights of the pueblos did not result in giving them surveyed and monumented boundaries. Unlike the American Reservation system where the Indians were “fenced in” so to speak, under Spain the Indians were “fenced out.” While non-Indians were constantly admonished not to encroach on pueblo lands, and the granting authorities had to certify that their grants would not encroach on Indian land, Spanish officialdom tended to leave it to the judgement of the encroacher to determine whether or not he was encroaching. As to the many detailed instructions received from the Crown via the viceroy in Mexico City, the colonists, emboldened in the knowledge of the “insulating” effect of hundreds of miles of desert, tended to answer their mail with the cynical remark: “*recibido, obedecido, y no cumplido,*” which translated, means “received, obeyed, and not carried out.”

As for written evidence of title, only Taos and Sandia Pueblos have Spanish documents; Taos from a Spanish grant made by Governor Fernando de la Concha dated 1793, and Sandia from 1748 when the pueblo was reestablished after abandonment of an earlier location. Seven pueblos have original title dating from the U.S. territorial period as a result of Executive Order or acts of Congress. The Pueblos had been Mexican citizens and as such were not subject to the reservation system as were the nomadic tribes. The remaining eleven pueblos (Acoma, Cochiti, Jemez, Laguna, Pecos,

Picuris, San Felipe, San Juan, Santo Domingo, Zia, and Zuni) trace their titles to documents supposedly issued in 1689 by Governor Cruzate. These documents are the subjects of this discussion.

Domingo Jironza Pétriz de Cruzate was a Spanish military officer who was born about 1650 in the Aragonese

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province of Huesca. In 1683, after the Spanish colonists had been expelled from New Mexico in the Indian revolt, he was appointed Captain General and Governor of the New Mexico frontier, mainly for the purpose of combating the Apaches and to attempt a re-conquest. A royal *cédula* of 1684 specifically gave him the authority to make pueblo grants whenever needed. Cruzate (in keeping with American practice I will call him thus, even though his Spanish name was Jironza) established his headquarter in Paso del Norte (today Ciudad Juarez, Mexico) where he founded the nearby Presidio of San Eleazario (today spelled San Elizario). He was an experienced military commander of whom a contemporary historian wrote that he was given the office as a reward for his services in the Spanish wars against Portugal.

Cruzate served nearly four years in his first term as governor (1683-86), during which time the military expeditions undertaken by him ran afoul of the civil and church authorities in neighboring Nueva Viscaya (today part of the Mexican states of Chihuahua, Sonora and Durango) resulting in his temporary removal from office. Since under his successor Pedro Reneros de Posada the re-conquest of the province was going nowhere, he was reappointed in 1689. After sacking and burning Zia Pueblo in order to prove his military prowess, Cruzate in Paso del Norte supposedly created the grants that bear his name in September of that year.

Nobody has been able to show that Governor Cruzate ever made such grants, he himself never claimed to have done so, and there is no mention of their existence or delivery in any known Spanish document. Written front and back on 8 1/2-by 14 inch paper, the Cruzate grants first made their appear-

ance in the mid 1850s after Surveyor General William Pelham requested that all Spanish land titles be submitted to his office for examination and subsequent submission to Congress for approval. Because

all of the pueblos had been encroached upon in various degrees, encroachments that continued with no end in sight, Pelham was anxious to have their boundaries surveyed. After examining the Cruzate grants he accepted all but one as authentic and submitted them to Washington for confirmation. In his rejection of the Laguna grant, Pelham stated that the pueblo had not been established until 1699, ten years after the date on the submitted grant papers. Acting on his recommendation, Congress in December 1858 confirmed all but the Santa Ana grant, which was confirmed a year later. Based on these confirmations, most of the pueblo boundaries were surveyed under General Land Office guidelines by U. S. Deputy Surveyor John W. Garretson from June through October 1859.

In 1891 Congress established the Court of Private Land Claims and appointed a prominent St. Louis lawyer by the name of Matthew Givens Reynolds to safeguard the interest of the United States. Among Reynolds’ assistants was William M. Tipton, a native of Nebraska, who had married a Santa Fe girl, became fluent in Spanish, and developed into a graphologist and Spanish language translator. Tipton had worked for the surveyor general’s office since 1876, and among many

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others had detected the forgeries in the documents of the notorious Peralta Claim. He made a study of the Cruzate grants and after exhaustive research declared all of them to be spurious.

Tipton based his conclusion on the following observations: Comparing the signature of Cruzate with his signature on genuine official documents in the Spanish archives he found it to be counterfeit. Secondly, all grants had been countersigned in the same handwriting by a Don Pedro Ladrón de Guitara. Tipton found that no such person had ever served as government secretary (Cruzate's secretary was named Pedro Ortiz Niño de Guevara). Then there was the Laguna "grant", made at a time when the pueblo not yet existed (Note: Pelham's and Tipton's assertion that Laguna was not founded until 1699 has some years ago been challenged). Furthermore all of these "grants" contained language that appeared to have been copied from a book titled *Ojeada sobre Nuevo Mejico* ("a glimpse of New Mexico") that was not written until 1832. This last observation raises the question: How could Tipton determine who had copied from whom?

So where did these documents come from? In a lawsuit originally brought in 1854 in Socorro County and later appealed to the New Mexico Supreme Court (Case #13 "*The Pueblo of Acoma v. Vicente Avilucea, Ramon Sanchez, and Victor de la O*"), the governor of Acoma Pueblo charged three defendants with attempting to sell the pueblo a land grant document that he claimed had been stolen from the Santa Fe archives. The trio had previously sold Cruzate grants to the pueblos of Jemez, Laguna, Sandia, and Santo Domingo. One of the defendants, a Chihuahua native named Victor de la O, claimed to have inherited land grant documents from his father who, he said, had been a lieutenant in the Royal Spanish dragoons in the State of Chihuahua, and who had died there in 1810. How the papers came into the elder de la O's possession, the son stated he did not know. Victor also claimed to be illiterate and said that he had come to New

Mexico in 1833. When his wife followed him three years later, she had brought the documents with her.

Presiding Justice Kirby Benedict of the Court did not buy Victor's claim of illiteracy. How could an educated Spanish officer who possessed a large library and many papers, all of which the son inherited upon his father's death, leave his only son unable to read and write? The assertion was obviously made in order to ward off any suggestion that he had anything to do with forgery. To bolster his claim, de la O stated that he had hired co-defendant Vicente Avilucea for the sole purpose of determining the value of these papers. But since he was accused only of stealing the documents and not of their fabrication he was acquitted.

The true origin of the Cruzate "grants" has never been resolved. If de la O had indeed forged these documents, he was more careful than one who came a half-century later—the self-styled "Prince of Forgers" James Addison Reavis, some of whose "Royal Spanish" grant papers bore the watermark of a paper mill in Minnesota. I would already have raised my eyebrows at the 8 1/2 by 14-inch paper size. With today's technology it would not be too difficult to examine paper and ink and date their manufacture, but as the matter is no longer of legal importance, such examination would be of interest only to the historians. *A*

**A league consists of 5,000 varas of 2.74943 feet each, and thus is equal to 2.60 miles. Since a league was also considered a measurement of area (a square of one league), it includes 4,338.5 acres. The "Pueblo League" in the context of this article is therefore about 17,345 acres.*

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