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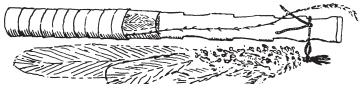
Fractions of Justice

I have just been offered $10,000 profit on that Grant which I bought the other day. I refused. You see I wanted this pretty bad, and there are now four other fellows that seem to want it pretty bad also. I never had anything that I wouldn't sell, so they may induce me to part with it. This is confidential.[1]

—FRANK BOND to a business associate, February 20, 1903



SHARP DEALING IN land and law was so commonplace in New Mexico that the first surveyor general of the Territory began his tenure with fear lest the shady dealings of the Mexicans corrupt the moral Americans who came to the new land to seek their fortunes.[2] He need not have worried. Immigrant Anglos, quite on their own initiative, soon compiled a record of unscrupulousness beside which even the worst swindles of New Mexico's Spanish and Mexican past seemed timid. By exploiting the discordances between Spanish and American codes of law, Anglo speculators, often assisted by native New Mexican *ricos* and politicos, managed to buy up many tens of thousands of acres of valuable land grants for very little money. Their success, which stripped most of the Territory's Hispanic villagers of their patrimony and their chief source of wealth, yielded a legacy of bitterness that troubles New Mexico even today.

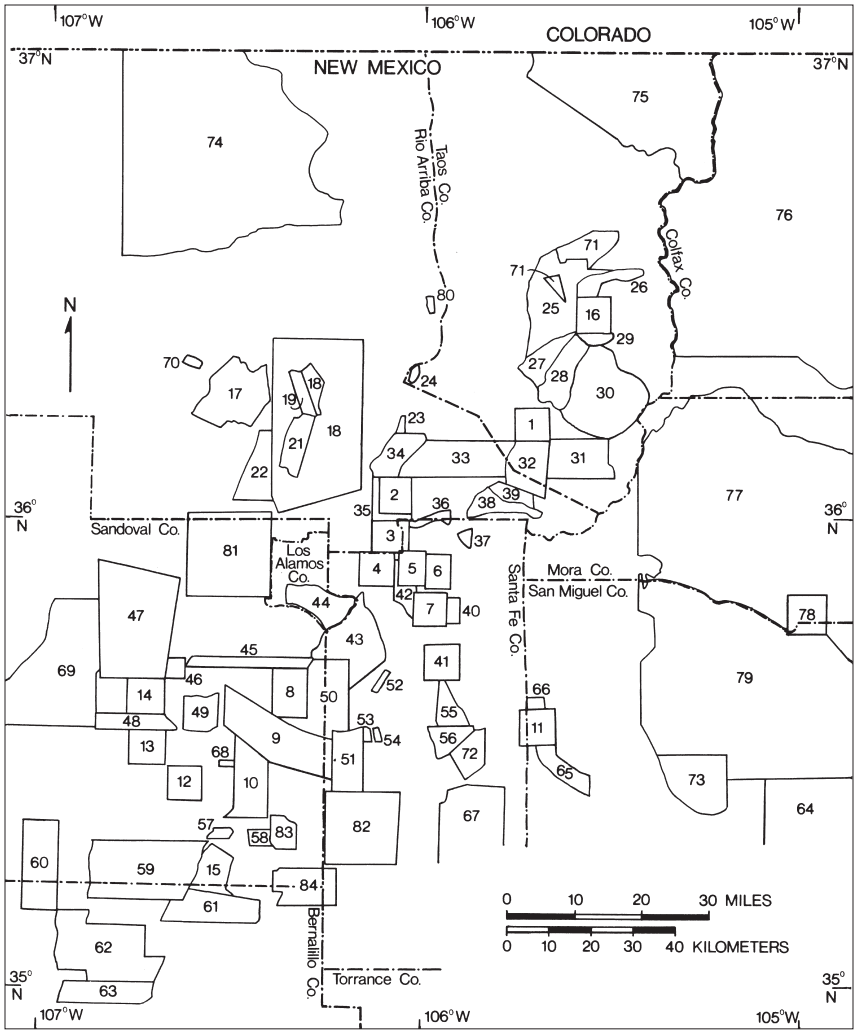
Land was the hub of New Mexico's economy as it began finally to roll forward in the second half of the nineteenth century.[3] Charles Goodnight and Oliver Loving pioneered their famous cattle trail up the Pecos in 1866, and within a few years enough longhorns had been driven from Texas to launch cattle ranching as a major territorial industry. Sheep

raising, too, expanded rapidly in the seventies, and logging and mining began to gain momentum after the railroad reached Las Vegas in 1879. None of these industries, however, shaped the future of New Mexico as decisively as the business of land speculation, for land was the treasure on which every other venture depended.

The best real estate in the Territory consisted of the Spanish and Mexican land grants, which featured the choicest grazing, water, and timber in the region and offered, because of their location within and around the most densely populated areas, the added bonus of being relatively free from Indian attack. Even grants with badly clouded titles were often worth acquiring since the use of a large tract of land through long years of title litigation could yield a fortune to a rancher or lumberman, regardless of whether he ultimately retained possession of it.[4]

Title litigation, because of the inexactness of Spanish and Mexican records and the difficulties of reconciling Spanish law with the tradition of English common law that the Americans brought with them, became a major industry in its own right in New Mexico. According to the Treaty of Guadalupe Hidalgo, by which Mexico ceded its northern territories to the United States, the United States pledged to respect the property rights of all former Mexican citizens living in its new possessions. Accordingly, it was obliged to respect the titles of all valid Spanish and Mexican land grants. Separating valid from invalid grants, however, proved to be a difficult task, and, to make matters worse, Congress failed to provide a procedure for the confirmation of New Mexican grants until 1854, when it appointed William Pelham the first surveyor general of the Territory. Even then the provisions it enacted were woefully inadequate.

Pelham and his successors never commanded the manpower or the funds to accomplish the enormous task of recording and evaluating land grant claims. Land grants, in fact, were not thought to warrant much of their attention. For as long as there was a surveyor general in New Mexico, his main duty was to survey and administer the territory's public domain (its unsettled, unclaimed lands). Dealing with the endless title problems of the land grants, where the majority of the people of New Mexico lived, was considered a secondary occupation to which he might attend during lulls in his other work. As a result, between 1854 and 1891, when Congress finally created the Court of Private Land Claims in order to resolve the land grant problem, only 22 of the 212 claims recorded by



Spanish and Mexican land grants in north-central New Mexico over 600 acres. Only grants confirmed by the United States are shown. See appendix for data on individual grants. Courtesy of John Cotter.

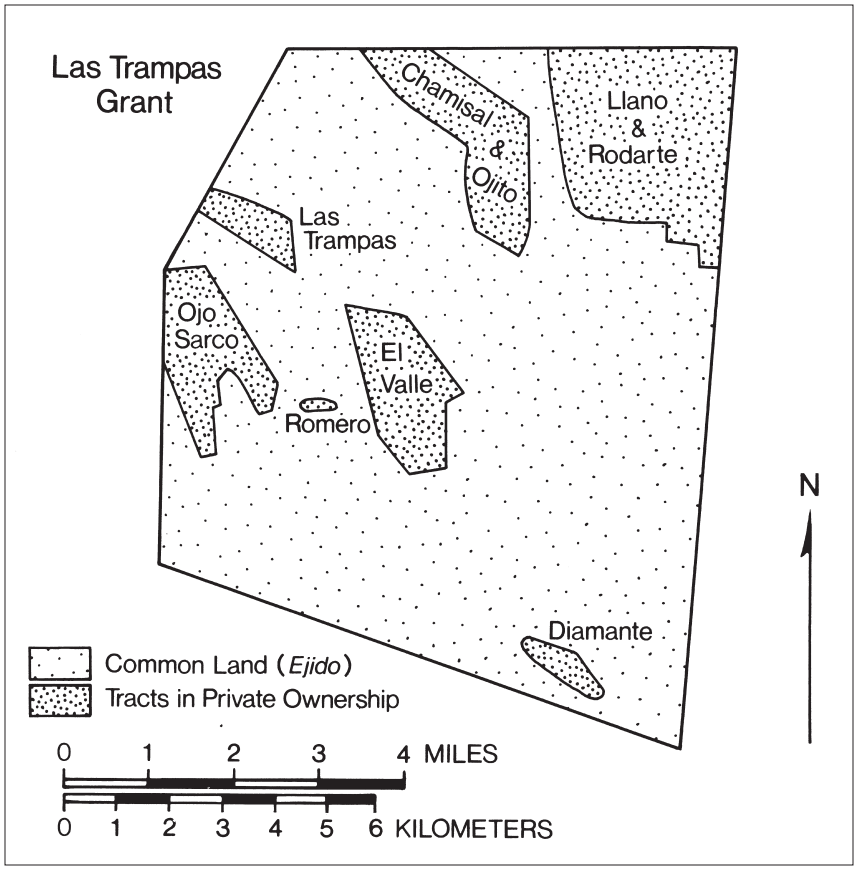
the surveyor general had been patented. This meant that for thirty-seven years, more than 35 million of New Mexico's best acres were in a legal limbo.[5]

Through the long periods of delay, the unsophisticated Hispanic farmers who lived on the grants were easy prey for both sharp Anglo lawyers and unscrupulous New Mexican dons. The difficulties they

faced in protecting their interests were immense. They neither understood the American legal system nor spoke its language, nor did they have friends among the businessmen and politicians who made the system work. There was no shortage of lawyers to promise them guidance in the presentation of their land grant claims to the surveyor general, but in the process of unraveling the difficult legal tangles, the lawyers inevitably gained possession of a major portion of the villagers' land. Some lawyers resorted to such blatant chicanery as inducing a client to sign a document, described as having no particular importance, which later turned out to be a quitclaim deed to the client's land. More often, however, a lawyer acquired his land by legal means. He had to be paid for his services, and since the subsistence farmers of the grants generally had no cash, the lawyer was paid with a one-third or one-quarter interest in the grant.[6]

Cash, or lack of it, presented a number of other problems. The property taxes levied by New Mexico's new county governments had to be paid in cash, and from time to time so did the costs of surveys and other official services. Moreover, cash was the key to enjoying the manufactured goods that rolled out to New Mexico from the factories of the East. The common man suddenly found that he needed and wanted cash in more ways than he had ever dreamed possible, and besides his labor, which brought him little, he had only one way of acquiring it—by selling his land.[7]

In the drama of the land grants the actors opposite the Hispanic farmers were wealthy lawyers, politicians, and entrepreneurs who had access to substantial capital and who fully understood that the expanding web of railroads in the territory would cause land values to increase and their investments to boom. These speculators, however, are not alone to blame for the hardship and injustice that land grant chicanery produced. Probably the greatest culprit was the United States Congress, which up to 1891 failed to establish adequate legal procedures for adjudicating land grant claims and neglected to furnish sufficient instructions for easing the transition from Spanish to American law. This last omission produced particular pain with respect to one of the most favored devices for separating Hispanos from their land: the suit for partition, which was used to arrange the sale of major portions of most of the land grants in the southern Sangres, including the Las Trampas Land Grant, one of the oldest and best documented grants of all.



Ejido and village tracts of Las Trampas Land Grant. Courtesy of John Cotter.

During the relatively peaceful decades of the early 1800s, settlers from the tiny village of Las Trampas moved out from their fortified plaza to occupy all the available arable land within the grant and to establish the new communities of Ojo Sarco, Chamisal, El Llano, Cañada los Alamos, Ojito, and eventually El Valle, a village that became particularly entangled in the legal affairs of the grant. Because the likelihood of Indian attack was no longer very great, the houses of these new settlements were not grouped close together but were scattered along the edges of the irrigated fields so that each family might better guard its crops from livestock and theft.[8]

In every village on the Las Trampas Grant, as on every community

land grant, farmland was apportioned among the original settlers in roughly equal amounts, each head of household receiving a certain amount of river frontage. From the river his property extended in a strip of even width across the irrigable bottomland and up through the dry hills, where the houses and barns were built, and on still farther to the tops of the ridges that defined the immediate valley enclosure of the village. These strips of land, which became progressively narrower as they were divided among successive generations, were acknowledged to be private property that could be freely bought and sold.

Beyond the ridges that enclosed the privately owned land of the villages lay the land grant commons, the ejido. This was the land that speculators eventually coveted and that the American courts permitted them to buy and sell. Under Spanish and Mexican law, however, the ejido had no marketable title. It belonged to the members of the land grant community as a whole—they were its owners, but as an indivisible group, not as individuals. [. . .] Although they could assign parts of it to new settlers for their houses and cornfields, the vast forests and rangelands of the ejido could not legally be sold or otherwise alienated from the community.[9] A major cause for the injustices associated with land grant speculation in New Mexico was the failure of the United States to respect the communal integrity of ejido lands and to recognize its obligation to uphold this core element of Spanish and Mexican law.

The lands of the ejido were open to all the people of all the villages on the grant to use as they saw fit. On the Las Trampas Grant, these lands ranged from the dense spruce and fir forests on the slopes of 12,200-foot Trampas Peak, down through mid-altitude stands of ponderosa pine, and finally to the rough, semiarid hills of the piñon-juniper woodland. The ruggedness and limited productivity of the mountain country created an ecological niche that the small villages of a community land grant were well equipped to fill. Arable lands were few and widely scattered. The best firewood lay at one elevation, the best house timbers at another, and the location of good grazing varied with altitude and with season. Overall, there was not enough of any single resource to support a group for long. In order to eke out a living the people of the Las Trampas Grant had to make full use of every available resource, and they had to cooperate with each other to do it. Only by sharing their goods and their labor could so isolated a people, possessing so few tools, manage to survive in as unforgiving an environment as the southern Sangres.

In the matter of being recognized as the legal owners of their land, the people of the Las Trampas Grant got off to a good start. Surveyor General Pelham reviewed their claim in 1859 and soon afterward recommended that Congress confirm it, which it did on June 6, 1860.[10] The Las Trampas Grant seemed to be navigating the correct legal channels with admirable speed and luck, but still the problem of an accurate metes-and-bounds survey remained, and the Civil War and Reconstruction delayed all efforts to obtain one for fifteen years.

As was commonly the case in New Mexico, the boundaries of the grant had originally been set forth in only the vaguest terms. Locating the eastern boundary, which was cryptically recorded as "the little canyon of the Rito San Leonardo at the mountains," proved especially troublesome. In fact, the General Land Office in Washington rejected as inaccurate four successive surveys of the grant before it finally accepted the work of Clayton Coleman in 1893.[11] From the rough rectangle two and a half leagues on a side evoked by the instructions of Governor Vélez Cachupín in 1751, the grant had metamorphosed into an irregularly shaped pentagon in which the American government counted 28,131.66 acres. It is doubtful, however, that this transformation mattered very much to the 1,500 or so inhabitants of the grant. Even as surveyors scrambled over hill and canyon, they continued their mainly pastoral lives as their ancestors had done for a century. The business of measuring the land must have seemed a strange and amusing form of lunacy.

Unfortunately one of the many inheritors of the grant was less than peacefully reconciled to the condition of his estate. He was David Martínez Jr., who lived not on the grant but near it in the town of Velarde, and he was chronically in debt.[12] In 1891 he borrowed $1,000 from the First National Bank of Santa Fe and promptly defaulted three months later when the loan came due. By September of 1892 he had paid back only $30.46 of the principal, and although the bank had made the loan without collateral, he knew that he was in trouble and that his trouble was deepening at an annual rate of 12 percent.

In November 1891 he was already exploring the possibility of suing for partition of the Las Trampas Grant, in which he, of all the descendants of the original twelve grantees, held the largest single interest.[13] The suit for partition was a peculiarly Anglo contribution to land grant litigation. The idea behind it was that the commons of a land

grant was simply the aggregate of a large number of individual possessions. Therefore, if only one out of ten thousand holders of a grant desired, he could sue the other owners for his share of the commons, and if the physical separation of his fractional tract from all the others was impractical (and it nearly always was), then *the entire grant might be sold by order of the court* in order to divide among the former owners of the grant the cash equivalents of their shares. This warped interpretation of the essential character of a community land grant would have been unthinkable under Spanish law, but legislation to inhibit it was not enacted in New Mexico until 1913.[14] By then most of the territory's community land grants had already been alienated from their original Hispanic owners through partitioning or some other means.

Because of various bureaucratic delays within the General Land Office, Martínez had to wait eight years before initiating the legal process that he hoped would convert his patrimony into dollars. On October 18, 1900, in association with four other descendants of the original grantees, he filed suit for partition of the Las Trampas Grant, "and if partition cannot be made . . . then for a sale of said premises and for a division of the proceeds thereof."[15] His attorney in the case was Alonzo McMillen, a young lawyer from Albuquerque, whose handling of the case over the next several years would evidence more avarice than ability.

At first the suit moved swiftly. The defendants, who included all the descendants of the original grantees except Martínez and his cohorts, were summoned to court by means of newspaper advertisements published in English. When none of them appeared (because of those who could read, few read English, and of those none read the legal advertisements in the Taos newspaper), the court judged that by their absence they had consented to the appointment of a referee to investigate the question of partitioning the grant.[16]

The referee appointed was Ernest A. Johnson, who in April 1901 opened hearings in the mountain villages located on the grant. Essentially, Johnson's job was to determine the identity of the grant's owners and the size of the share of each in the commons. His assistant throughout the hearings was Amado Chaves, who was a silent partner with McMillen in the latter's burgeoning interest in the grant.[17] Johnson was also responsible for determining how much of the grant was commons and how much, by reason of occupation and the making of

improvements, had become the private property of the various settlers living there. Incredibly, Johnson recorded that a mere 650 acres of the grant belonged to the latter category.[18] This preposterous figure, which was not one-tenth as great as it should have been, suggested that 1,500 people found space in one square mile of ungenerous mountain land to cultivate their hay, grain, and vegetables, winter their livestock, and build their houses and barns as well. The paucity of land credited to the settlers would bring ample grief to future owners of the grant, but none of it, unfortunately, would be visited on McMillen and his deserving crew.

Referee Johnson compiled genealogies for every tenant of the grant and computed the fractional share of each in the commons. He was guided in his efforts by the dubious principle that the more directly an individual was descended from the original grantees, the more land he was entitled to. Johnson discovered from his forest of family trees that David Martínez was the owner of $^{1,187}/_{6,480}$ of the commons (strangely he did not use percentages, but this unwieldy number works out to 18.3 percent) and that the shares of other owners ranged from as little as $^{1}/_{14,000}$ to as much as $^{2,966,813,402}/_{27,861,926,400}$ (10.6 percent)—this last mathematical nightmare representing the interest of Alonzo B. McMillen, who having gained a quitclaim from Martínez for ¼ of his share, was fast acquiring deeds to ⅓ or ¼ interests in the shares of his other "clients."[19]

The absurd list of names and fractions was carried back to Santa Fe, where the presiding judge, Daniel H. McMillan, reviewed them and speedily appointed a board of three commissioners to effect a physical partition of the commons of the Las Trampas Grant. The commissioners, Ireneo Chaves, Elias Brevoort, and Henry W. Easton, were selected because none of them was connected with any party to the suit "either by consanguinity or affinity."[20] Apparently Judge McMillan was not impressed by the fact that Ireneo was Amado Chaves's brother.[21] Such a fine point, however, hardly mattered; the conclusion of the commissioners was foregone before they ever swore their oath of office.

It came as no surprise that on September 20, 1901, the three commissioners returned to court and confessed that "owing to the character of said lands and to the large number of owners (there being nearly 300) and to the fact that many of the interests are very small," a physical partition of the grant was utterly impossible.[22] Judge John McFie, who had replaced McMillan, then decreed that since partition could not be

Las Trampas in 1915, as it looked in the days of the land grant struggle. The magnificent church that Juan de Arguello and his fellow pioneers commenced building in 1766 stands at center. One of the first barbed-wire fences in the village is barely distinguishable in the middle ground on the right. Photo by Jesse L. Nusbaum. Courtesy of Museum of New Mexico.

made, the entire grant, excepting an aggregate of 650 acres for settlements, "be sold at public auction at the front door of the Court House in the City of Santa Fe, New Mexico, to the highest and best bidder for cash."[23]

McFie appointed Ernest Johnson as special master to conduct the sale, and accordingly advertisements ran for four consecutive weeks in the Taos *Cresset* during January of 1902. As the day of the sale drew near, the scent of riches stirred new activity among the Santa Fe business community. Roman L. Baca and a number of associates, who included some of Santa Fe's most prominent merchants, were creditors of Amado Chaves in the amount of $13,690.66. Twenty-four hours before the opening of the sale, the Baca group filed suit against Chaves, McMillen, and Johnson in order to attach a lien on Chaves's interest in the grant.[24] Although the sale went ahead as planned, the Baca suit would soon have consequences for everyone involved.

To the distinct pleasure of some of the participants, the sale was not well attended. The only bid made was one of $5,000 offered in the

name of H. F. Raynolds by Raynolds's law partner, the ubiquitous Alonzo McMillen. Special Master Johnson closed the sale, drew up the appropriate papers, and the affair seemed to be racing toward its conclusion.[25] Two days later Judge McFie convened a postmortem hearing at which he confirmed the sale, ordered that the cost of the Coleman survey and the fees of the commissioners, referee, and special master be paid, and generously set McMillen's fee at one-quarter of the interests of all the owners of the grant with whom McMillen had until then not managed to arrange a contract. In other words, several hundred people who had never met nor hired McMillen were suddenly obliged to pay to him one-quarter of the proceeds of something that they had never intended to sell. Moreover, although in theory they were paying McMillen for his service to them, his only service had been to himself in arranging the sale of the grant at far less than its fair market value to a group of investors of whom he himself was a member.

It is alarming to note that up to this time, not one of the defendants in the case (that is, the owners of the grant, exclusive of Martínez and his four friends) had been represented in court. No motions had been filed and no documents produced in their behalf; indeed, they had no attorney. And yet their collective patrimony had been sold from under them at the paltry price of eighteen cents an acre. Later events show, in fact, that the residents of the grant did not even know that these machinations were going on. They were being roughly sheared, and did not feel a thing.

Incredibly, the day was at least temporarily saved by the creditors of Amado Chaves, who moved to have the sale declared null and void because they feared they might not get their money if the grant sold at so low a price. Their attorney, Alois B. Renehan, catalogued a dozen reasons why the sale should not be allowed to stand, but chief among them was his contention that before McMillen and Raynolds had purchased the grant, they had already contracted to resell it for $1.50 an acre. Renehan further alleged that Johnson had been bribed to comply with the scheme and that therefore all three were guilty of a conspiracy to defraud the owners of the grant. Judge McFie must have found some substance in Renehan's objections, for on May 2, 1902, he canceled the sale to Raynolds and ordered that a new one be held (with Johnson still as special master).[26]

David Martínez must have been relieved. If the sale had gone

through, nearly a quarter of the auction's proceeds of $5,000 would have been paid out for survey and court costs; another $1,000 would have subtracted for back taxes, and out of the remainder Martínez would have been lucky to net $380, which was not nearly enough to rescue him from indebtedness.[27] And his situation was growing more and more desperate. As 1902 progressed, Rio Arriba County served notice that it would seize a 100-acre tract belonging to Martínez (probably his home in Velarde) for nonpayment of taxes.[28] Worse, the First National Bank of Santa Fe, still pursuing payment of the 1891 promissory note, had filed to obtain a lien on Martínez's interest in the grant. Martínez gamely fought back through a succession of seven separate legal actions (while his legal costs soared), but all his efforts were in vain. In February 1903, Judge McFie named the bank a successor to Martínez's interest in the grant, up to the amount of $1,810.46.[29] Suddenly Martínez, who had initiated the long and complex process of partition, found himself one of its less essential actors. His position became all the more ironic when the patent for the grant, bearing the signature of President Theodore Roosevelt, was finally delivered only a few days prior to the bank's victory.

With the problem of Martínez's indebtedness out of the way, the path was clear for a second auction of the grant. The event was set for 10:00 a.m., February 7, 1903, at the front door of the Santa Fe courthouse. On that morning Martínez came early and pleaded with Johnson to stop the sale. He said that he would not let go of his share of the grant for anything less than a dollar an acre. Claiming that he knew of buyers who would meet that price, he insisted that the sale be postponed a few days more. Johnson, however, proceeded with the auction.[30]

The highest bidder that day was Frank Bond, an Española sheep dealer and merchant, who purchased the grant for $17,012, or about $0.60 an acre.[31] Out of that amount at least $2,500 went for taxes and official costs, and $4,280 was consumed by McMillen's fee. After First National collected its money, David Martínez stood to receive about $200, with which he might have paid his taxes and lawyers and barely had enough left over to drown his sorrows at a cheap cantina. As for the other three hundred or so inheritors of the grant, their shares should have been distributed from the remaining $8,200 by their unhired attorney Alonzo McMillen. The average share they received, if McMillen did

not pocket the money, was about $25, which was not enough to buy a set of harnesses at Frank Bond's store.

The completed sale marked the beginning of a fresh chapter in the history of the Las Trampas Grant, and several years passed before the subsistence farmers of the mountain villages began to realize what had been done to them. The new owner of the grant, Frank Bond, was one of northern New Mexico's leading entrepreneurs. In 1883, as a recent immigrant from Canada, he had settled in Española, New Mexico, which a few years earlier had been joined to Colorado and the rest of the world by the tracks of the Denver and Rio Grande Western Railroad. Along with his brother George, Frank Bond foresaw a lucrative connection between rails and sheep, and within a short time the brothers' retailing and wool-growing operation had spread over northern New Mexico and well into Colorado. As their incomes swelled, they speculated increasingly in land grants and logging, and the Las Trampas Grant, which Frank rated as "undoubtedly the best timbered grant in this section of the country," was a prized addition to their holdings.[32] Still, they had no wish to keep it merely for the sake of ownership.

A few weeks after the courthouse auction, the Bonds tentatively offered to sell the grant for $1.50 an acre, but almost immediately Frank had second thoughts and wrote to his brother describing a new plan for capitalizing on the grant:

> My idea is that we will not offer it to anybody until we offer it to the U.S. . . . If you will look at a map of N.M. which shows the grants, you will note that the Trampas Grant cuts into the Pecos Forest Reserve. I think on account of its location, being at the head waters of several streams, and also being joined onto the Reserve, that we could trade it to them for Scrip, provided that we can work with the right kind of people. Middlecoff states that it would take money to make the sale. He mentioned that these officials would have to be approached, in such a manner that they would know it would be to their personal advantage to make the deal.[33]

Scrip was widely used by the government in place of cash in land transactions. Scrip issued in exchange for land in New Mexico might be

redeemed for acreage elsewhere in the public domain—often at a sizable profit, as Bond learned from Senator T. B. Catron's son Charles:

> Young Catron informed me on the train about three weeks ago that his father sold the US part of the Gabaldon Grant (which is on the head waters of the Santa Fe River near Santa Fe). This also cut into the Pecos Reserve. They only traded them 2,000 acres. He took this scrip and went up into Washington Territory and located some of those fine timber lands there. He claims that he could sell this timberland in Washington Ter. at $40.00 per acre. Young Catron is very windy and probably did not tell all the truth.[34]

Frank Bond, the merchant, however, unlike the lawyer-politicians of the Catron family, was somewhat at a loss as to whom he might employ to exert the necessary influence:

> It might be that Catron would put us on to how to make this trade with the government so that it would not be very expensive. This is well worth looking into. Whom do you think we could approach? There is Governor Otero and Rody [sic], both of whom are after all there is in it, but not very reliable people to do business with, but we would not give up anything until we had our Scrip, or until we sold it.[35]

Bond wrote to the commissioner of the General Land Office in Washington in April of 1903 suggesting the trade, but his efforts came to nothing, possibly because he never found "the right kind of people" to work with.[36]

Finally, in 1907, a group of four Albuquerque businessmen became sufficiently attracted to the grant to incorporate themselves as the Las Trampas Lumber Company and to make a down payment of $16,000 (the final purchase price remains unknown).[37] To their great dismay, however, they found almost immediately that the title to their new possession was not secure. Inhabitants of the grant had at last learned, probably through employees of the lumber company, that the mountains and hills where they grazed their flocks no longer belonged to them. They further learned that some of them no longer even owned the houses they lived in. The situation was particularly serious in the

Alois B. Renehan. Cartoon from the Las Vegas *Optic*, 1906. Courtesy of Museum of New Mexico.

village of El Valle, where Ernest Johnson (who now was working for Frank Bond as a traveling field representative and troubleshooter) had excepted only fifty acres from the surrounding commons. In actual fact, the privately owned land of the village sprawled over 1,500 acres. Almost all of it had been sold!

Juan B. Ortega of El Valle resolved to resist the new state of affairs. Besides being a farmer and rancher, Ortega also occasionally functioned as a "lawyer" in minor cases brought before local justices of the peace, and doubtless his reputation as a man familiar with legal issues stood him in good stead as he recruited other elders of the village to join him in opposition to the Las Trampas Lumber Company. At dawn one morning in 1908 he and his group climbed together into a single wagon and embarked on the fifty-mile journey to Santa Fe.[38] Once there, they set about to find a lawyer to represent them, and the man they finally decided to hire was none other than Charles C. Catron, the "windy" son of T. B. Catron, the greatest land grant speculator of them all.

Probably it was Catron who informed O. N. Marron, the attorney for

the Lumber Company (and also one of its partners), that the villagers were determined to resist the company's claim to ownership of portions of the grant. Marron quickly responded by firing off a pair of suits. One was an action to quiet title directed against Ortega, his group, and anyone else who might contest the company's claim to the grant. (A quiet-title suit is a legal action designed to settle definitively the ownership of a piece of real estate.) Marron's other suit called upon Frank Bond to fulfill his duties as warrantor of the company's deed to the grant. Frank Bond in turn reached for his lawyer, who turned out to be a man well acquainted with the background of the case, Alois B. Renehan.

Not much happened in either of the suits for quite a while, but eventually, in 1911, the villagers, through Catron, formally stated their case.[39] Later events would show that most of the villagers who were aware of the suit thought that it involved a defense of their actual ownership of the commons, before partition. Possibly not even Ortega fully understood that their claim was much more limited and that all that they, through Catron, were alleging was that private lands had been swept up in the process of partition and unlawfully taken from them. As anyone could see who visited the grant, which C. C. Catron did, their cause was just. Nevertheless, the wheels of the law turned slowly.

Part of the delay was caused by wrangling between the company and Bond. The two did not reach an agreement on how to handle their mutual problem until May 1913, when Bond agreed to pay $57,650 for half the stock of the company and assumed full responsibility for solving the muddle of the title.[40] Bond and Renehan promptly hired a surveyor to map the exact dimensions of the cultivated and inhabited tracts on the grant, and Renehan and Catron worked out an agreement.[41] What they decided was this: the descendants of the original grantees—every one of them—"for $1.00 in hand and other valuable consideration" would execute quitclaims to their interests in the commons, and the company, for its part, would abandon its claims to the private tracts. Further, the company would respect the rights-of-way of irrigation ditches that flowed through its land, and would permit the villagers to graze their livestock on the former commons and to harvest its unmerchantable timber for firewood and domestic building needs.

During the summer of 1913 the new survey was completed, and it showed that 6,950 acres, and not the laughably inadequate 650, should have been excluded from partition.[42] That same summer Catron and

El Valle. The fields shown here constitute about a third of the cleared land in the village. Photo by the author.

Renehan went up to the grant to explain the agreement and secure the quitclaims. Their job was a difficult one, as it required locating and talking with several hundred individuals who had every reason to be reticent and suspicious. After only a few days Renehan tired of roughing it in the mountains and left Catron to do the job alone. Catron in turn relied on Juan B. Ortega, at least in El Valle, to guide him on his rounds and to help him persuade the head of every household to sign the obligatory quitclaim.

The suit dragged on for half a year more as the names of residents and claimants continued to trickle in. Finally, in the spring of 1914, with Catron's fee of $5,500 having been paid by the Las Trampas Lumber Company, the long legal battle came to a definitive end. Bond immediately put the grant up for sale for $160,000 (nearly a tenfold increase over the purchase price of 1903) and began to advertise that it possessed 85 million board feet of saw timber and 1 million ties.[43] In writing to one of his partners Bond gave some indication of his feelings for the Hispanic villagers and the antiquity of their settlements when he mentioned that a prospective buyer might want to see "a map of the Trampas Grant showing what lands have been surrendered to the squatters."[44]

Although the grant attracted a few inquiries, it did not sell. Reluctantly, the Las Trampas Lumber Company went into the lumber business. A sawmill was built in El Valle and a shipping station constructed next to the railroad at Velarde, but the manufacture of ties, poles, pilings, and boards never prospered. In 1926 the Las Trampas Lumber Company was obliged to declare bankruptcy. Later that year its receiver accepted a three-party swap in which George E. Breece Lumber Company bought the grant for $62,320 and straight away traded it to the US Forest Service for $75,000 worth of standing timber in the Zuni Mountains west of Grants, New Mexico.[45] In this way, with no expenditure of government money, the commons of the Las Trampas Grant finally became the property of its present manager, the Carson National Forest.

The partition and sale of the Las Trampas Land Grant had proved to be a bitterly ironic affair. David Martínez, the eager bungler who initiated the whole sorry business, emerged from it nearly as debt-ridden as he started out. His personal ambition had cost his countrymen their greatest single source of wealth. A. B. McMillen and Amado Chaves, on the other hand, substantially enriched themselves by their shearing of the villagers of the grant and went on to amass a still greater fortune by relieving the unlucky residents of the Cañon de San Diego Grant of their commons.[46] More than Frank Bond or any other player in the drama, they managed to escape from the Las Trampas Grant with their profits intact, and they, least of all, deserved to do so.

The cruelest irony, however, was visited upon Juan Bautista Ortega, who had struggled to win back the farms and homes that had been auctioned along with the commons. For his efforts he became known, not as the man who had rescued the village from disaster, but as the *traitor who sold away the grant*. Apparently almost no one in the village realized that the commons had been lost in 1903. According to oral tradition, the Las Trampas Grant was not sold until ten years later when Ortega and Charles Catron went from house to house dispensing dollar bills for quitclaims. Ortega, some said, accepted the full amount of the purchase price from Frank Bond (who was well known to the villagers as a merchant) and then distributed only a fraction of it, dollar by dollar, to the various heads of families. Supposedly he kept the rest of the money for himself.[47] It seems that virtually no one, not even the other men who traveled with Ortega to consult with Catron in Santa Fe,

understood fully that their homes and farms, as well as the commons, had been unfairly conveyed to Bond in 1903.

The confusion about the grant was not the only problem besetting Juan Ortega and his neighbors. During the early years of the century more and more men regularly left the villages of northern New Mexico to earn cash wages as sheepherders, section hands, and miners. The money and ideas they brought back from their employment caused a permanent transformation of their home communities. Although too isolated to receive many of the benefits of American society, the villages of the Sangre de Cristo were thoroughly exposed to the pressures of the cash economy and the individualistic, get-ahead ethic that drove it.

The new circumstances required the villagers to make difficult, wrenching adjustments, and, having lost their land grants, they had lost the one useful economic resource that might have afforded them protection and security through the years of rapid change. They were now a landless people living in a great and spacious landscape. They might work as loggers or herders, but they did not own the forests and rangelands that surrounded them. Villagers on the east side of the mountains rose up to protest the new state of affairs. Calling themselves Las Gorras Blancas (White Caps), bands of Hispanic night riders cut fences and burned barns.[48] But their efforts were futile; in a short time, they, too, adjusted to their dispossession.

The experience of the Pueblos, meanwhile, was the opposite of their Hispanic neighbors. Beginning in 1913, the federal government prohibited Pueblos from selling any of their tribal lands and even undertook a vigorous program of restoring to the Pueblos lands that had been alienated prior to 1913.[49] The Hispanos of northern New Mexico had every right to view these initiatives with some amazement. They too had become citizens of the United States unwillingly. And they too had been vulnerable to the injustices of Anglo law. But unlike the Pueblos, they received not the least protection. In the day of McMillen and Bond, as in the day of the Comanches, they were entirely on their own.