

## CAUSES OF LAND LOSS AMONG THE SPANISH AMERICANS IN

## NORTHERN NEW MEXICO

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In this paper an endeavor will be made to outline the basic causes of land loss among the Spanish Americans of northern New Mexico and to discuss the impact of this loss upon their culture. By Spanish Americans are meant the Spanish-speaking inhabitants of southern Colorado, northern New Mexico, and northeastern Arizona. This group is a unique Spanish-speaking collectivity different in culture, language, degree of rural residence, and historical experience from all other Spanish-speaking groups in the United States.<sup>1</sup>

The term Spanish American is used for these people, since it is one that they themselves accept. It is a term that is also used by the English-speaking inhabitants for the Spanish-speaking grouping, and it has found a spreading usage in the literature. It should be added that there is some confusion among students of the Spanish-speaking inhabitants of the Southwest over terminology. As differences among these varied elements do exist, there is a need for a precise terminology acceptable to the diverse Spanish-speaking groups that will clearly differentiate between them. The problem of terminology here is a delicate one that needs careful consideration.

The Spanish Americans are unique among the various ethnic groups found in the United States in that they share certain historical experiences with the American Indians. Like the Indians they were conquered in war and forced to become citizens of the United States. Like the Indians their personal and property rights were guaranteed to them by a treaty that was broken shortly after it was signed. Unlike the Indians they at no time have ever enjoyed the minimal and ambiguous protection offered by a government bureau and by interested private organizations.<sup>2</sup>

They were left defenseless before the invading, dynamic, ruthless, legalistic, lawless, and competitive Anglo-American civilization that did nothing to prepare them for adequate citizenship; that stripped them of most of their land; that reduced them to the situation of a conquered people without enforceable rights, and left them in extreme poverty.

Clark S. Knowlton, *Causes of Land Loss Among the Spanish Americans in Northern New Mexico*. *Rocky Mountain Social Science Journal* 1: 201-211. (1963)

Under Spanish and Mexican rule there were three basic forms of land settlement in New Mexico. The first and most important was the community grant and charter. When the grant was awarded, the village site was first laid out with plaza, church site, and residential lots delineated. House sites and irrigation land were distributed by lots. Each member family received a title to its residential site and irrigated land plus the right to graze livestock and to cut timber upon the village commons.<sup>3</sup>

The second type of grant leading to the formation of a rural village was the proprietary grant made to a prominent individual who promised to secure settlers, distribute residential sites and irrigated land, provide for the building of canals and dams, construct a church, and secure a priest. The proprietor was the patron of the village. He had certain economic rights and could call upon the villagers to assist him militarily. This type of grant was frequently made in areas exposed to Indian raids.<sup>4</sup>

The sitio was the third type of land grant. It was usually a large personal grant made to a prominent individual in return for military, economic, or political services. The individual to secure title was required to settle on the land. In the course of time as descendants of the original grantee multiplied, many sitios became in essence community grants.<sup>5</sup>

Another form of common land settlement among the Spanish Americans during the Mexican period and early stages of American occupation was what could be called a social compact. A group of villagers, moving from an overcrowded village into an area possessing usable land, established a village that might or might not contain a plaza, divided up the irrigated land and residential sites by lot, and grazed the nearby range. No effort was made to obtain a legal charter or to record land rights.<sup>6</sup>

The American conquest found the majority of Spanish Americans living in small, autonomous, self-sufficient farm villages based upon subsistence agricultural and grazing activities, providing for their wants through handicrafts and barter. Illiterate, the villagers lived from generation to generation relatively independent, isolated, and little touched by commerce or by a money economy.<sup>7</sup>

The swelling land conflicts that took place in New Mexico from 1879 to 1930 were perhaps inevitable. They grew out of the quite distinct and conflicting patterns of land ownership and land use. Among the Spanish Americans the habitual use of the land was more important than recorded titles. The vast

majority of them were illiterates. Most families made little attempt to preserve whatever written charters or land titles that they might have received. Land ownership was not based primarily upon a written right but upon traditional and recognized right of occupancy respected by their neighbors. There developed a tacit division of the land based upon land use and prior settlement, kinship, and the belief that everyone should have access to land in order to earn a living. Grant lands were usually immune from taxation, and a tax on land was beyond the remotest conception of the Spanish Americans. The financial needs of the Spanish and Mexican authorities were met by tariffs and by taxes upon harvests and livestock increase. If harvests were poor taxes were remitted. There did not exist any authoritative system of land survey, and land boundaries were vague and imprecise.<sup>8</sup>

Although the government of the United States committed itself, through the Treaty of Guadalupe Hidalgo, to protect property and civic rights of the Spanish Americans, they were treated as a conquered and subject people. Land loss began before the Civil War, even though the number of Anglo-Americans in New Mexico was small at that time. A Catholic Sister of Charity, resident in the Territory during this period, wrote:

In the early years of Anglo settlement in New Mexico the unsuspecting and naive Spanish Americans were victimized on every hand. When the men from the states came out west to dispossess the poor natives of their lands, they used many subtleties. One was to offer the owner of the land a handful of silver coins for the small service of making a mark on a paper. The mark was a cross which was accepted as a signature and by which the unsuspecting natives decided away their lands. By this means many a poor family was robbed of all its possessions.<sup>9</sup>

By the 1880's, the number of Anglo-Americans in New Mexico had increased considerably. The two groups of Anglos that had the most harmful impact upon the Spanish Americans, the lawyers and the ranchers, began entering the territory of New Mexico in large numbers during this period. One authority estimated that one out of every ten Anglos in New Mexico during this period was a lawyer. Known to some Spanish Americans as black vultures, they managed thoroughly to entrap these

people in the subtle legal technicalities and the mysteries of the Anglo law, that even today are regarded as a dark and dangerous jungle by the Spanish Americans.<sup>10</sup>

The lawyers were quick to see that large fortunes could be made from the obscure and unregistered titles of the unsuspecting Spanish Americans. Within a short period after the Civil War, the territory of New Mexico fell into the hands of groups of lawyers cooperating for mutual profit. Many of these lawyers within a few years became wealthy and could be counted among the largest landholders of the United States. The activities of these rings have not been studied and remain in the dark recesses of New Mexican history. Among their numbers were governors, state supreme court justices, land recorders, surveyors, and other political officials in New Mexico and Washington, D. C.<sup>11</sup>

The Anglo Americans, with their system of sharp well defined land boundaries, registered titles; a land system based upon the idea that if there are no records there is no defensible title; an economic system founded on competition, a ruthless struggle for wealth, and permissive lawlessness, found it impossible to either respect the Spanish Americans or their political or economic rights. Furthermore, with the immigration into New Mexico of large numbers of Texans, the harsh Texan attitude toward all Spanish-speaking groups began to spread among all levels of Anglo-American society in New Mexico and in government circles in Washington.<sup>12</sup>

The first political shadow cast upon Spanish American landholdings was the congressional act of July 22, 1854 that reserved for Congress the right to pass upon private land claims in New Mexico by direct legislative enactment. No provisions were made for appeal, adverse proceedings, or for surveying boundaries of claimed tracts. All land claimants under Spanish and Mexican grants had to pay for their own surveys, to undertake and carry forward long and expensive legal procedures and litigation. Government officials both in Santa Fe and in Washington usually endeavored to whittle down acreage and to throw out genuine Spanish-American land grants on the fiction that they did not have a legally perfect title.<sup>13</sup> As Ralph E. Twitchell reports:

No claimant could secure congressional affirmation of his title unless he was able to spend a long period of time in Washington and was abundantly equipped with funds to organize

a lobby to smooth the passage of a private act confirming his land claim.<sup>14</sup>

A Spanish American knowing little English, possessing no funds, unfamiliar with Washington and with American political and moral folkways and mores was almost helpless against Anglo contestants.

The situation was worsened further by the fact that only two federal land offices in early New Mexican history were established in New Mexico; one in Santa Fe and the other in Las Cruces. Their existence was unknown to numbers of Spanish American landholders. Because of distance, Indian raids, and difficulties in transportation and communication, they were inaccessible to much of the Spanish American territory. Moreover, the Anglo lawyers resident in urban centers and in communication with each other hovered over the land offices, quick to bribe officials and to take advantage of any unregistered land.<sup>15</sup>

In a case in San Miguel County, known to the writer, several Anglo lawyers active in politics around the turn of the century agreed to bring suit challenging the legality of a large community land grant. The villagers in panic requested one of the lawyers to defend their rights. As they had no money, they agreed to pay in land. The case wended its slow way through the courts until eventually the state supreme court decided in favor of the village. The lawyer took most of the better grazing land as fee and divided it among the lawyers in the plot. Enormous amounts of land were alienated from Spanish American ownership as payment for legal services. Many prominent Anglo lawyers refused to accept money for their services, demanding that they be paid in land.

Because of violence and increasing land conflicts, a Court of Private Land Claims was established on July 1, 1891 and continued until June 30, 1904. The purpose of the court was to adjudicate land titles in New Mexico and Colorado that originated in Spanish and Mexican land grants. The court consisted of five judges from other parts of the nation, a United States Attorney, and other officials. All were Anglos and made their decisions upon the basis of Anglo law. The court rejected all land grant claims unless they measured up to the most rigorous requirements of Anglo procedures and conceptions of land ownership. Thus in this period, two-thirds of all Spanish American land claims were rejected on the pretext of imperfect titles.<sup>16</sup>

Many Spanish Americans, caught like flies in the web of a political and a judicial system that they found impossible to understand, surrendered their lands without a struggle when their rights were challenged. Bitter, resentful, and unable to defend themselves, they shrank from all Anglo contacts. To them the entire legal process seemed like a giant Anglo conspiracy to steal their property without the possibility of escape or redress.

Another aspect of the American political system imposed upon the Spanish American, that cost them staggering land losses, was the American county system, financed through property taxes. Ignorant of American political customs and unfamiliar with the land tax, the Spanish Americans fell victim to the Anglo lawyers and business men and their Spanish American allies who hovered over land tax records eagerly paying taxes on tax delinquent land. At times land taxes were juggled to sharply increase taxes until considerable land passed into Anglo ownership and then the taxes were reduced. In many counties the small irrigated parcels of the Spanish Americans pay a much higher tax per acre than the large ranches of the Anglos even though the financial return is lower. Also in many counties, Spanish Americans who did pay their land taxes were given fraudulent receipts or else the payments were not recorded in the tax records of the county. The situation became even more vicious in 1926 when the New Mexico state legislature passed a law that any land remaining tax delinquent for three years could be sold by the county. If a man paid up the delinquent taxes, the land became his.<sup>17</sup>

With the coming of Texan ranchers in the 1880's and 1890's, violence erupted all over New Mexico and southern Colorado. The unarmed Spanish Americans with their traditions of peaceful community life came to regard the American cowboys as worse than the Comanches or Apaches. The Texan ranchers treated the Spanish Americans as though they were not human beings and had no rights that needed to be respected. They refused to accept them socially, dispossessed them of their lands, scattered their sheep, and drove off their cattle. The Spanish Americans could only take refuge in a futile hate that has made the word Texas a hiss and a byword through northern New Mexico.<sup>18</sup>

For example in 1884, cow hands destroyed the home and ranch headquarters of Teofilo Trujillo, one of the earliest settlers of San Luis Valley. Eventually they killed him.<sup>19</sup> Lawless bands of Texans in Lincoln County, New Mexico in

1864 rode through the country killing Spanish Americans, driving many off their lands with the threat, sometimes fulfilled, of killing their wives and children. They also warned other Anglos against hiring Spanish Americans. William A. Keleher stated as follows:

Many Texans will not allow a Mexican to be employed by any of the ranches in this part of the country; where by threat of violence they can prevent it; and that they will go to all lengths and stop at nothing in the shape of perjury or misrepresentation to invalidate or to upset titles of Mexicans in the area.<sup>20</sup>

Another technique used by Anglo ranchers and businessmen to obtain control and ownership of grant lands was to buy up land rights in a grant from a number of Spanish American residents and then graze large herds of livestock on the grazing lands. When they became overgrazed and relatively useless to the small herds of the Spanish Americans, the Anglo offered to buy up the grazing lands at a low price. If the Spanish Americans refused to sell, the Anglo took the case to court and usually the judge ordered that the grant be dissolved, the lands sold, and proceeds distributed to the claimants. Many times, there was but one Anglo, by agreement, present to bid on the land. Many banks in Albuquerque financed Anglo activities in the area.<sup>21</sup>

There is evidence to indicate that one of the largest land grants in north central New Mexico and southern Colorado was lost through another interesting device. A very prominent Anglo lawyer and political figure in New Mexico noticed that no claim to the land grant had been filed in the Santa Fe land office. He promptly filed claim and published intent in an English language newspaper several hundred miles away on the other side of the Rocky Mountains. The local inhabitants knew nothing about it until many years later when Anglo ranchers began to fence in their lands. Then violence erupted that has continued until the present day.<sup>22</sup>

The use of the fence has also been costly to the Spanish Americans. Many Anglo ranchers fenced in large tracts of land. In eastern New Mexico entire villages were apt to be enclosed. Once the land was enclosed, intent of claim was also filed in English language newspapers seldom read by the Spanish Americans. As the claim was not apt to be contested, the rancher obtained the land. The sheriff evicted the Spanish Americans.<sup>23</sup>

The various land activities of the Federal Government in New Mexico have caused the Spanish Americans enormous land losses. Millions of acres of land, used for grazing purposes in the valleys and mountains of northern New Mexico for many generations, were lost when forest reserves were established and land granted to the railroads. The impact of this land loss is still felt in the northern villages in New Mexico.<sup>24</sup>

Present forest administrators and forest rangers are apt to be Anglo and unconsciously or consciously biased against the Spanish American and his numerous small herds of sheep and cattle. They tend to be in favor of the large Anglo commercial operator. The rangers, even today, are trying to persuade or force the Spanish Americans to leave the northern counties<sup>25</sup>

The homestead laws also caused tremendous land loss to the Spanish Americans. Under these laws thousands of immigrants poured into New Mexico from Texas, Oklahoma, Arkansas, Iowa, and other states in the 1890's and 1900's. They settled on millions of acres used by the Spanish Americans who had never registered title. As drought slowly squeezed out the homesteaders, the land passed into the hands of local Anglo merchants in payment for credit or for cash. The merchants established large ranches or sold the land to incoming Texas ranchers. Either way, the Spanish Americans lost access to the land.<sup>26</sup>

Anglo merchants also exploited the Spanish Americans directly through their control of the local economy. They bought the Spanish American products such as wool, lambs, and cattle at prices they set. They encouraged the Spanish Americans to use unlimited credit. At the end of a varying period of time, the merchant called for cash. The Spanish Americans, unable to pay, lost their land. This process is still at work in many northern New Mexican communities.<sup>27</sup>

The construction of expensive reclamation, irrigation, and flood control projects in New Mexico brought about the introduction of a highly commercialized and partially subsidized agriculture that cost additional thousands of Spanish Americans their land and water rights up and down the Rio Grande Valley. The imposition of heavy water or conservation charges upon land used for subsistence agriculture has brought about the replacement of Spanish American by Anglo farmers around Albuquerque and in the Mesilla Valley around Las Cruces. This land loss still continues at the present time.<sup>28</sup>

Oddly enough, the modern requirements of the New Mexico Department of Public Health are eroding away the limited land basis of many Spanish American villages at the present time. Unable to secure public assistance if land is owned, many Spanish Americans either abandon their land or sell it at whatever prices they can get and move to town and onto the public welfare roles.

Since 1854, the Spanish Americans have lost over 2,000,000 acres of private lands, 1,700,000 acres of communal land, 1,800,000 acres taken by the state and vast areas lost to the federal government.<sup>29</sup> The result of this enormous and continued land loss has been the collapse of the village economy, the growing sense of apathy and futility among the Spanish American farmers, and an accelerated cultural breakdown. Associated with this is juvenile delinquency, an increase in family disorganization, continued and rapid rise of welfare roles, and an economic decline of the Spanish American counties. Many of these counties are becoming depopulated as large numbers move to cities in Colorado, California, and Arizona, transferring a complex social and economic problem from one state or county to another.

#### Footnotes

1. See Lyle Saunders, Cultural Differences and Medical Care, New York, Russell Sage Foundation, 1954. John H. Burma, Spanish Speaking Groups in the United States, Durham, N. C., Duke University Press, 1954.
2. Clark S. Knowlton, "The Spanish Americans in New Mexico," Sociology and Social Research, 45 (July, 1961), pp. 448-454.
3. Lynn I. Perrigo, Texas and our Spanish Southwest, Dallas, Banks Upshaw and Company, 1960, pp. 79-80.
4. Ibid.
5. Ibid.
6. Data derived from interviews with Spanish Americans in San Miguel County, New Mexico.

7. Allan G. Harper, Andrew R. Cordova, and Oberg Kalervo, Man and Resources in the Middle Rio Grande Valley, Albuquerque, The University of New Mexico Press, 1943, pp. 18-21. See also Ernest E. Maes, "The World and the People of Cundiyo," Land Policy Review, 4 (March, 1941), pp. 8-14.
8. John H. Culler, Horse and Men, Los Angeles, The Ward Ritchie Press, 1940, pp. 21-22. See also George I. Sanchez, Forgotten People, Albuquerque, The University of New Mexico Press, 1940, pp. 3-14; 18-19.
9. Sister Blandina Segale, At the End of the Santa Fe Trail, Milwaukee, The Bruce Publishing Co., 1958, pp. 194-195.
10. Robert W. Larson, "Statehood for New Mexico, 1888-1912," New Mexico Historical Review, 37 (July, 1962), pp. 161-200.
11. Ibid.
12. Carey McWilliams, North from Mexico, J. B. Lippincott Co., 1949, pp. 119-120.
13. William A. Keleher, The Fabulous Frontier, Santa Fe, The Rydal Press, pp. 86-87.
14. Ralph E. Twitchell, The Leading Facts of New Mexican History, v. 2, Cedar Rapids, Iowa, p. 467.
15. Keleher, op. cit., p. 87.
16. Carolyn Zeleny, Relations Between Spanish Americans and Anglo Americans in New Mexico: A Study of Conflict and Accommodation in a Dual Ethnic Relationship, (Unpublished doctoral dissertation, Yale University, 1944).
17. William A. Keleher, "The Law of the New Mexico Land Grant," The New Mexico Historical Review, 4 (October, 1929), pp. 350-371. See also, McWilliams, op. cit.
18. Keleher, The Fabulous Frontier, op. cit., pp. 81; 86-87.
19. Wayne Gard, Frontier Justice, Norman, University of Oklahoma Press, 1949, pp. 90-91.
20. Keleher, op. cit., p. 81.

21. Data derived from interviews with Spanish Americans in San Miguel and Mora Counties, New Mexico.
22. Data derived from interviews in Rio Arriba, Mora and San Miguel Counties, New Mexico.
23. Ibid.
24. Allan G. Harper, et. al., op. cit., pp. 62-64.
25. Data derived from interviews in Taos, Mora, and San Miguel Counties, New Mexico.
26. Fabiola Cabeza de Baca, We Fed Them Cactus, Albuquerque, University of New Mexico Press, 1954, pp. 152-153. William A. Keleher, op. cit., p. 81.
27. Data derived from interviews with Spanish Americans in San Miguel, Mora, and Guadalupe Counties.
28. Sigurd A. Johansen, Rural Social Organization in a Spanish American Culture Area, (Unpublished doctoral dissertation, University of Wisconsin, 1941, pp. 45; 141-144; 184-191.
29. Allan G. Harper, et. al., op. cit., pp. 61-62.