

# The Elena Gallegos Land Grant Part III

by Henrietta M. Christmas and Angela Lewis

Parts one and two of the transcriptions of the documents within the Elena Gallegos Land Grant papers can be found in the March and the June 2015 issues of the *New Mexico Genealogist*. Part three continues with the depositions of witnesses taken in 1893. Part three is the final installment in this series of articles.



## Deposition of Pedro Antonio Perea

Mr. Earle: I desire to offer the grant to the Pueblo of Sandia which was marked Exhibit P. I offer in evidence the testimony taken in the Alameda case (No. 11 on the docket of this court) showing the location of the river at the time of the Alameda grant was made.

Pedro Antonio Perea, a witness sworn on behalf of the plaintiffs, testified in Spanish as follows.

Mr. Bartlett:

Q. State your name, age, residence and occupation.

A. I am 79 years old; I live at the Rancho de Albuquerque, my occupation is a farmer.

Q. How long have you lived at the Rancho de Albuquerque?

A. I was born there. I was brought up there and I have lived there.

Q. Please state what are the Ranchos de Albuquerque?

A. They are towns.

Q. Describe them?

A. Beginning at the Griego, The Gallegos, The Ranchito, Los Ranchos de Albuquerque, Ladera, Los Garcias, and various other houses scattered about.

Q. Where are they located within that grant if you know of any grant?

A. We have known that they are situated within the grant of Elena Gallegos.

Q. How did you know that?

A. I have not known it nor heard it before this time, that there have been some others made a claim to this grant, but I have not known it until now.

Q. How did you learn that there was a grant covering these settlements of Los Ranchos?

A. Not until I came here to this town.

Q. You say that you were born and have always lived in the Los Ranchos?

A. Yes sir.

Q. How did you claim title to the property that you have there?

A. By the old deeds that I have.

Q. From whom were these old deeds?

A. From my great grandfather.

Q. What was his name?

A. Santiago Gurule.

Q. Where did he get title from?

A. A portion of it he purchased from a person called Rael, and another portion I believe came to him by inheritance.

Q. Inheritance from whom?

A. From the great grandfather.

Q. Do you know the name of your great grandfather?

A. No sir.

Q. How many are located on this tract of land that you have described?

A. About 1200 or 1300.

Q. How have they been there and how long have they and their ancestors been there within your memory?

A. When I was born I already knew those people that were living there.

Q. Have ever any strangers come to there in the locality you have described claiming otherwise than by the original people there?

A. No sir.

Q. How much is this land, how long is this tract from north to south, if you know?

A. About 4 miles.

Q. Do you know of the Indian Pueblo of Sandia on the north of this tract?

A. Yes sir.

Q. Do you know whether the land south of the pueblo has been cultivated within your memory and if so when?

A. (no reply)

Q. Do you know a large stone at the south boundary of the Alameda grant?

A. Yes sir.

Q. State all you know about that stone, when it was placed there and what for?

A. I don't know when it was placed there, I know it from information received from some old man.

Q. Do you know what it was placed there for by information?

A. I have been told it was placed there as a boundary.

Q. Is there a *loma* or hill there?

A. I do not say there are any hills there, they are far away.

Q. Is not the Lomita de Garcia near that stone?

A. No sir.

Q. Do you know any such place as that?

A. I think it was to the north because that man called Luis Garcia lived there.

Q. Is this large rock anywhere near that place?

A. Yes sir.

Q. How near to the rock?

A. I do not know where the *loma* is. I simply say probably it was there because the house of the man is there.

Q. Between this large rock that was placed on a permanent and the north boundary at the Pueblo of Sandia, does he know of the lands having been cultivated within his memory and if so by whom?

A. By the inhabitants of the tract. I cannot give the names of all of them.

Q. Give me as many as you can.

A. The Montañños, Gallegos, Armijos, Gurules, Valencias, Candelarios, the Lunas, the Garcias. These are all I can remember.

Q. Do you remember the American War?

A. Yes sir.

Q. Was this occupation or cultivation of this tract before or after this period?

A. Before.

Q. Please state how this occupation and cultivation was carried out.

A. By planting out their fields.

Q. Did they have a ditch?

A. Yes sir.

Q. Was this cultivation continued from that time down?

A. It is being cultivated more or less all the time.

Q. This point that I speak of north of this rock, I have spoken of, to the Pueblo of Sandia.

A. Yes sir.

Q. From where did they take this acequia with which they were cultivating their land?

A. Near to the Pueblo of Sandia.

Q. And where did it run out?

A. It run out to near Albuquerque.

Q. Do you know a place called the esteros?

A. I know some esteros that have always been there.

Q. Do you know what has caused them?

A. All those whose lands for their waters run to these esteros.

Q. Ask him if he means that they had this surplus water run into these esteros instead of getting it back to the river?

A. Yes sir.

Q. These esteros are made by the acequias and not from the water in the river?

A. I have not seen the water from the river running to them.

Q. Where are any of those old documents that you say you became entitled to any of the Ranchos?

A. I gave them to Mr. Tomas C. Gutierrez to make use of them to prove title in the court.

**(Frame 870)**

**Cross Examination**

Q. Does your father live upon the Ranchos?

A. Yes sir.

Q. All his life?

A. Yes sir.

Q. Did your grandfather live there?

A. He lived there until his death.

Q. Did you know your grandfather?

A. Yes sir.

Q. When did he die?

A. He died about 42 years ago, he was 99 years old when he died.

Q. He always told you that the north boundary of the grant was the south boundary of the Alameda grant didn't he?

A. Yes sir.

Q. That's always been your understanding?

A. Yes sir.

Q. You never heard of the Elena Gallegos grant until this suit was filed?

A. Yes sir, until this suit was filed.

Q. How old was you father when he died?

A. He was about 60.

Q. When did he die?

A. I cannot remember the year he died.

Q. Did you know the father of Donaciano Gurule?

A. Yes sir.

Q. Did you know his grandfather?

A. Yes sir.

Q. Were they intimate friends of your father and grandfather?

A. No, we were neighbors, but I knew them because I always passed their place.

Q. Were they friends of your father and grandfather?

A. I have no information as to that. Probably not.

Q. You lived close together?

A. About a half a mile apart.

Q. Why weren't they friends?

A. I do not know. I never recognized them as friends.

Q. You don't know whether they were or not?

A. No sir I do not.

**(Frame 871)**

**Examination of Mr. Earle**

Q. Do you know the ruins of an old pueblo near the line of the Sandia Pueblo to the south?

A. No sir. Yes sir! Somewhat above the line there is the ruin of an old Pueblo to the south.

Q. Ask him if he has known that line running from that old pueblo to the Sandia Mountains.

A. I know where it is from the hills themselves and they have told me where it is on the mountains, but I have not seen it.

Q. Ask him if he has ever known a hill called "Damigua."

A. Yes sir.

Q. Where is that hill with reference to the old pueblo ruins?

A. There is probably, the hill is about 400 yards from the old pueblo to the north.

Q. You were speaking a while ago of an acequia being taken out of the Sandia Mts. What direction is that from the Canada- do you know where the Canada R\_\_\_ is?

A. Yes sir.

Q. Where is it?

A. Is about midway of the tract that we claim, between Los Griegos and the boundary on the north.

Q. What mountain is it in?

A. In the Sandia Mountains.

Q. Is it near the Indian pueblo?

A. It is not.

Q. What course is it from the ruins of the old pueblo?

A. It is to the south.

Q. Was there ever any cultivation to your knowledge near that Canada?

A. There was some at the bottom of the Canada.

Q. Was it by the acequias or temporal?

A. By acequias taken out from the mountains.

Q. What mountains?

A. Sandia.

Q. Who did that cultivating?

A. I remember well the names of 2 persons; one of them was Alfonso and the other was Antonio Montaña.

Q. Where did they live?

A. At the Plaza de los Ranchos.

**(Frame 872)**

**Re-Cross Examination, Mr. Reynolds:**

Q. Do you know of any old ruins lying south of the Alameda grant?

A. I do not know them.

Q. Do you know of any ruins west of that rock or monument you spoke of a while ago?

A. I do not.

Q. The ruins you speak of are the old pueblo ruins?

A. Yes sir.

Q. They are inside of the pueblo lands?

A. No sir.

**(Frame 873)**

Q. How far are they from them?

A. About 400 yards more or less.

**Witness excused**

**Deposition of Juan Bazan**

Juan Bazan, a witness sworn on behalf of the plaintiffs, testifying in Spanish as follows:

M. Bartlett

Q. State your age, residence and occupation.

A. My name is Juan Bazan, I am 66 years, I am a farmer and live at Los Ranchos de Albuquerque.

Q. How long have you lived where you now reside?

A. I have lived there since 1841.

Q. How did you happen to go there?

A. A sister of mine was married there.

Q. What was her name?

A. Maria de la Luz Bazan.

Q. Whom did she marry?

A. Juan Cristobal Ortega.

Q. Did you live with them and take lands?

A. Yes sir, I went with my mother together with my sister to their house.

Q. Did she have lands, your mother or sister?

A. They did not; my brother Juan Cristobal was the one that had the lands.

Q. How did he get his lands?

A. From inheritance from his father.

Q. Do you know how his father got the lands?

A. Yes sir.

Q. State.

A. He purchased them.

Q. From whom?

A. From Juan Esteban Pino.

Q. Do you know a rock which marks out the southern boundary of the Alameda grant?

A. I know the boundary on the south of the ranchos and the one on the north where the stone is at the land of the Ortega.

Q. How do you know that stone and how was it placed there if you know?

A. A certain litigation that was had between the Ortegas and the Garcias, for several years, after several years of litigation they reached a decision, and the three justices of the First Instance as they were called, went there and surveyed the land and placed the stone.

Q. You were present at the time the stone was placed?

A. Yes sir I lived there.

Q. Is this stone there now, where it was then placed?

A. Yes sir.

Q. Are you acquainted with any land north of that stone and running up to the south boundary of the Pueblo lands of Sandia?

A. Yes sir.

Q. State if you know whether that land has been cultivated within your memory and if so by whom?

A. All this time that I have stated that I have lived here it has been cultivated.

Q. By whom?

A. By the inhabitants of the place themselves.

Q. Do you remember the American War?

A. Yes sir.

Q. Were these lands north of this rock and south of the Sandia Pueblo cultivated before that time?

A. Yes sir.

Q. In what manner were they cultivated?

A. By acequias and otherwise and by means of agriculture.

Q. By whom?

A. By these same people that I have since stated and by others.

Q. Do you know under whom they claimed the right to cultivate that land?

Interpreter: He wants to know if you mean those people that were in litigation with the Gutierrez.

Q. I want to know of anybody who cultivated there, whether by right or grant, inheritance or purchase.

A. Those who took these lands probably took away the papers themselves that lost the suit.

Q. This suit that he speaks about which was finally determined by the erection of this monument was the result of conflict of claims to the cultivation of the land between the monument and the pueblo of the Sandias wasn't it?

A. No sir, the stone is there indicating it, and the Ortegas were trying to take away this land on the lower side of the stone.

Q. Then this stone monument was to establish the rights between the people south of the monument, and not north of it was it?

Mr. Reynolds: I object.

Question withdrawn

Q. What was this dispute about between the Ortegas and the Garcias for lands north or south of where the monument was finally placed?

A. The land in question was the land on the south of where the stone stands.

Q. Did you ever know of any litigation or conflict about the land north of the stone and up to the Pueblo of

Sandia?

A. I cannot remember well. I think there was one, but I cannot remember. There was a suit I think with the Indians.

Q. You say you don't know anything about any dispute about the tract north of the stone?

A. No sir.

Q. Do you know the place called the Lomita de Garcias?

A. No sir.

Q. Was this stone monument that you helped erect near that Lomita?

A. I do not know, maybe the hill is there I do not know it.

Q. Do you know where the house of Luis Garcia is? With respect to this monument?

A. Yes I think it is about 3000 varas more or less. I saw the ruins there.

Q. In what direction?

A. It is to the west.

Q. How far is this stone monument from the present line of the Atchison, Topeka, and Santa Fe railroad?

A. I don't know whether there are 20 yards more or less.

Q. On which side is this stone from the railroad?

A. I think it is on the east of the railroad. I am not certain about it.

**Cross Exam: Mr. Reynolds:**

Q. Were you born in Los Ranchos?

A. No sir.

Q. Where were you born?

A. I was born in Pajarito.

Q. When did you first move to Los Ranchos?

A. I had gone there many times before, but the year I went there permanently was 1845.

Q. Did you live at Alameda?

A. No sir I always lived between Alameda and Los Ranchos near Los Ranchos.

Q. Do you remember Juan Armijo?

A. There are many of them.

Q. Do you remember the judge by the name of Juan Armijo? The judge who told you to put that stone where you did?

A. Yes sir.

Q. Was he there at the time?

A. Yes sir, and two others that I cannot remember.

Q. Was that understood to be the north boundary of the Los Ranchos tract?

A. Yes sir. There is where the line is located permanently.

Q. Did you ever know of Elena Gallegos having a grant to this land?

A. I heard something said about it that she had a grant.

Q. When was that recently?

A. Yes sir, it is about 2 years ago.

Q. You never heard it before?

A. No sir.

Q. And the Los Ranchos people never claimed only to this rock?

A. No sir.

**(Frame 877)**

**Exam by Special Agent Tipton**

Q. Do you know a place called *Loma de Luis Garcia*?

A. No sir.

Q. Do you know a place in the vicinity of Los Ranchos commonly referred to as Los Paderos de Jorge?

A. No sir. I have heard a good deal said of it but I do not know the place.

Q. Did anyone ever point that place out to you?

A. Nobody ever told me where that place was. I have heard a good deal about the place.

Q. When did you first hear of it?

A. It is some years ago, good many years ago.

Q. How many years ago, more or less?

A. At least 20 years.

Q. Do you recall who told you about it?

A. Nobody gave me information about it. I heard it said that they sought it, making search for the place.

Q. No one ever told you where it was and you haven't any idea where that place is situated?

A. No sir.

**Mr. Earle:**

Q. What sort of a rock was it that Armijo buried there?

A. A very large lava rock.

Q. Ask him if it has taken root very deep.

A. No sir, the stone was about half buried it was this high. (indicated about 1 ½ feet) It was a very large stone.

**(Frame 878)**

**T. C. Gutierrez, a witness sworn on behalf of the plaintiffs is identified as follows.**

**Mr. Bartlett:**

Q. State your name age residence and occupation.

A. Tomas C .Gutierrez. I am 53 years of age. I live at the town of Los Griegos and am an owner of real estate.

Q. What official position do you hold under the United States Government in the Territory of New Mexico?

A. World's Fair Commissioner.

Q. What position of honor have you occupied in the County of Bernalillo, Territory of New Mexico?

A. Probate Judge, and twice represented the County in the Legislature.

Q. How long have you been acquainted with the locality known as Los Ranchos de Albuquerque?

A. Since I came to the place to reside in 1864.

Q. How did you happen to go there to reside?

A. To reside with my wife who resided in this grant.

Q. Did she own property there at that time?

A. She did not then.

Q. What was her name?

A. My 1<sup>st</sup> wife Armijo and my 2<sup>nd</sup> wife Gallegos.

Q. Is she a relative of Elena Gallegos?

A. That's my understanding.

Q. How was your interest that you have in this tract derived?

A. Through the Gallegos.

Q. How are the interests of the Chavez and others you report derived?

A. By inheritance and purchase.

Q. Inheritance from whom?

A. As we have learned of late that it is within the Elena Gallegos grant before this claim was filed here.

Q. Is there anyone to your knowledge within this tract as it has been described claiming adversely to the Elena Gallegos or Juan Griego grant?

A. No sir none.

Q. Please state to the court how you happened to appear as plaintiff in this case and whom you represent.

A. The people of the whole grant had numerous meetings and selected me as their commissioner to present this grant for them, several meetings of all that resided on the different places were there and made their presentations that I have their titles settled, because several outsiders and strangers had jumped land, and a great many people came to me and asked my advice, and feeling that I ought to take hold and do something, and that it was a very difficult matter for them to deal with themselves, I then commended and induced several of the owners to interest themselves and they held meetings; I was finally prevailed upon by the number of the inhabitants to represent them; so we commenced a search for the documents, and we had a great deal of difficulty to seek out these document that we were to present.

Q. I understand you represent all of the people in Los Ranchos?

A. Yes sir.

Q. You are the same T.C. Gutierrez that filed this matter before the surveyor general.

A. Yes sir.

**Cross Exam: Mr. Reynolds**

Q. In preparing to present this claim to the surveyor general at that time you had not heard of a grant to Elena Gallegos?

A. No sir.

Q. No information was given you about any such grant?

A. No sir.

Q. Nor one to Diego Montoya?

A. No sir. The claim was made under what was supposed to apply to the same land, with such papers as I

derived from the people, as we considered them good instruments of writing and that it was best to file them.

Q. From them you thought, and it was your conclusion that they were a large number of title grants?

A. I cannot say as to that, the documents are here to speak for themselves.

Q. Do you remember of a claim of a grant to Juan Griego by Gov. Bustamente?

A. Yes sir.

Q. That was one of them?

A. Yes sir.

Q. Under that grant, in your petition you base one of your rights for confirmation for this Ranchos tract to the petitioner?

A. Yes sir.

Q. Do you know how much land was claimed under that grant?

A. I don't remember now.

Q. Do you remember the will of Juan Griego which was presented?

A. I remember something about it.

Q. Up to that time you never heard of these people claiming anything north of this rock that these witnesses have?

A. What people?

Q. Any of the people, the boundary being to Sandia Pueblo?

A. No sir.

Q. You circulated among the people too a great deal?

A. Yes sir.

Q. And went among them searching and hunting for grants and papers of title?

A. Yes sir.

Q. And no claim was ever made that the tract of land extended north of the Alameda?

A. No sir.

Q. How many people are living south of the Alameda tract on Los Ranchos?

A. About 2000 I should judge.

Q. How many people are living north of the Alameda tract, of the south boundary between them and the Sandia pueblo?

A. I don't know anything north of the Alameda tract, of the south boundary between them and the Sandia pueblo.

Q. These little strips, as I understand you, were strips from the river back to the mountains?

A. Yes sir, they ran nearly back to the mountain.

Q. Yes, back to the mountain and how wide?

A. From 300 to 500 varas from north to south.

Q. And running east and west from the river to the mountain?

A. Yes sir.

Q. Are those people down there claiming under these grants?

A. Which grants?

Q. These papers that they have presented?

A. At present we feel we would come in under the Plaza Gallegos.

Q. Anybody down there claiming under this Griego grant?

A. Yes sir.

**Exam by Mr. Earle**

Q. The Juan Griego grant is really south of the Elena Gallegos?

A. Yes sir, it is at the south part of the Los Ranchos, immediately south of the extreme boundary.

Q. There is really a conflict between the Griegos grant and Los Ranchos?

A. No sir.

**Exam by Special Agent Tipton**

Q. Do you know where the north boundary of the Alameda grant is?

A. I have had it pointed out to me.

Q. You know more or less the lines of the Los Griegos and the town of Albuquerque?

A. I do know exactly where it is.

Q. Does the land of the Griegos lie north of that point or south?

A. They are south of that point.

Q. They are then within the boundaries of the Albuquerque grant?

A. Yes sir.

**Rexam by Mr. Earle**

Q. Do you know a rock or stone at the place of Los Ranchos?

A. Yes sir.

Q. Now is the Juan Griego south of those lines?

A. That is the very line.

Q. And that is what led you to make this mistake that you did, led you to claim under the Juan Griego grant?

A. These stones are south of the Juan Griego grant, when they had that litigation, those stones were placed there.

Q. It is south of where the northern boundary of the Albuquerque grant lay?

A. Yes sir.

**Rexam by Agent Tipton**

Q. These stones Mr. Gutierrez to which you referred are on the land which you understand to be the south line of Los Ranchos?

A. Yes sir.

Q. And you understand that the line is south of the land claimed under the Juan Griego grant?

A. Yes sir.

(Frame 882)

**Witness excused**

Mr. Bartlett: I would like to offer in evidence Executive Document No.1, 50<sup>th</sup> Congress, 2<sup>nd</sup> Session and ask leave to withdraw the original document.

The leave was granted.

It is admitted by the United States that Jose Samora who testified before the surveyor general and whose testimony is in this document just introduced, is now dead, and his testimony is re-offered and identified as Exhibit B for plaintiff.

On behalf of the United States

Mr. Reynolds: I desire to enter an objection generally to the title papers offered in this case. They are fragmentary, indefinite and uncertain and unreliable and showing no direct connection with each other nor do they show the performance of conditions, restrictions if any were imposed. If they relate to the same subject matter, no connection is shown, and they have failed to account for the loss of any of them, and the presumption is against the claimant and not against the government; that they are from private lands; that they have not shown that they were among the archives, nor has it been shown that they were among any of those archives which were lost or destroyed. No foundation has been laid for their introduction.

Mr. Reynolds: I want to offer the files of the surveyor general's office of the claims, to show the claim made in 1887 by the two petitioners, for this grant which is Reported No. 150 to Private land Claim No. 156.

And the closed:

I hereby certify that the above and foregoing 38 pages contained full, true and correct transcript of all the proceedings had in said cause in open court, the same being case No. 51 (and 106) Donaciano Gurule et al vs. The United States, that the testimony of witnesses recorded as speaking in the Spanish language is truly and correctly reported as given in English by the official interpreter of this court.

Tomas F Parker Jr

Official Stenographer

Court of Private Land Claims



Conclusion: The documents are in fragments and never actually show any Gurule purchasing land from any Montoya. Antonio Montoya simply mentions the land. But it is obvious that Antonio Gurule made sure the land was distributed as part of his will, unlike his mother who never mentioned it. The tract of land possibly also grew over time as most land grants did. Considering the land size and the purchase price into context of the time, it sounds like a good purchase on Elena's part. While she didn't mention the grant, Elena did register her brand and made sure the land she gave her brother was approved by her son.

*About the Authors: Henrietta M. Christmas, a well-known genealogist, loves land records as they tell their own stories about our ancestors.*

*Angela Lewis retired in 2011, and now devotes a lot of her time to helping people with their lookups. She is also the NMGGenWeb coordinator for Bernalillo and San Miguel counties. She continues to work on the Gurule lineage and is always looking for new clues to connect the families.*