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The Santa Fe National Forest Land Claims Archive: A Study of Homestead Files and Entryman Applicants 1906-1937

Roberto H. Valdez

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**The Santa Fe National Forest Land Claims Archive:
A Study of Homestead Files and Entryman Applicants 1906-1937**

By Roberto H. Valdez¹

¹Research Assistant, Center for Regional Studies, University of New Mexico, supported by National Science Foundation grant 101516 to New Mexico State University with a sub-award to the University of New Mexico, 2013-2014 program year.



“...y a lo que ube un Domisilio que llo poseo aqui en la floresta de 160 acres me recorto tamas gefe de florestar 57.5...”

“...and concerning now a homestead that I possess here in the Forest of 160 acres, the Forest Chief cut away 57.5...”

[Letter of Julio Hurtado in New Mexico Spanish dated June 7, 1917, addressed to Joseph C. Kircher, Forest Supervisor concerning his ongoing compliance to obtain a homestead or “*domicilio*” for land atop La Mesa de la Agua del Corral (Glorieta Mesa). Although he applied for 160 acres, 57.5 were declared not chiefly valuable for agricultural purposes. Julio eventually received a patent for 102.50 acres in 1920 (Hurtado, Julio HE 015586)].

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INTRODUCTION

Homesteaders with land claims on the Santa Fe National Forest were mostly risk-takers, who found odds in their favor, and held a passion to undertake the task of appropriating land to reside upon and cultivate as their primary means of subsistence, livelihood, or enterprise. Success, however, was never guaranteed. Obstacles to a homesteader receiving legal title to a claim of land included the weather, sickness, crop failure, poverty, legal issues, employment responsibilities outside the claim, or lengthy bureaucratic procedures. However, a healthy person, with a patient and determined disposition, having selected a good location for a homestead while possessing knowledge about rural living, improved his odds considerably. Some could increase their odds further by practicing thrift, being part of a community, being married with a productive family, or having other support from an extended family. Others who had access to wealth through employment or inheritance could overcome obstacles by procuring modern innovations, such as machine equipment or outside supplies and materials brought in by the railroad.

The Santa Fe National Forest is a geographic space designated by special laws of the U.S. Government emphasizing control and administration of certain forests, watersheds, recreation and other special uses imposed on two major mountain chains known as the Jemez Mountains and the Sangre de Cristo Mountains in New Mexico. The Santa Fe National Forest Land Claims Archive is the name given by this study to a body of documented works on private claims produced by officials working for the Jemez National Forest, the Pecos National Forest (also known as the Pecos River National Forest), and the Santa Fe National Forest (after 1915). It is composed of a flurry of bureaucratic paperwork including correspondence, forms, maps, plats, and miscellaneous documents, within file folders concerned with individuals, known as “entrymen,” who made claims of real estate, not only for homesteads, but also small holding claims, mining claim patents, or other miscellaneous transactions privatizing land administered by the U.S. Government.

Embodied in the Santa Fe National Forest Land Claims Archive, dating mostly between the years 1906 and 1937, one may find a unique era of agro-pastoral livelihood offered to any adult citizen in the north-central region of the Territory (later State) of New Mexico who was willing to work the land and establish a viable homestead. A large part of the Archive contains references to a land privatization model known as the Forest Homestead brought about by an act of Congress titled as the Act of June 11, 1906. It was based on the prior U.S. Homestead Act of 1862. The U.S. General Land Office carried out a mission to offer real estate to prospective homesteaders on land administered by the U.S. Forest Service judged by the latter to be chiefly valuable for agricultural purposes, without charge, but with many qualifications, provisions, some fees, reports, and regulations imposed by the U.S. Forest Service. Some files in the Archive concern other kinds of land privatization laws that are addressed in this study as well. Paperwork amassed by federal agencies while carrying out these laws includes reports, memos and correspondence that reveal unique narratives of people's lives as they struggled to establish an agricultural livelihood as well as some insight into New Mexican society of yesteryear.

The philosophical, legal, and human interest stories contained within the land claim application files help to dispel conflicting or false information about land privatization in New Mexico (such as on land grants, homesteading, mining claims) that suggest these were grandiose giveaways or a plundering of public land and resources. The misinformation diminishes emphasis on the hard work it took a homesteader to be successful or the ancient connection people had with the land and where their food came from. Obscure is the model of private property rights, with privatization as the philosophical solution to both incentivize risk and grow a nation of free people interested in having control of their destinies and in democracy. Far from a get rich quick scheme, homesteading had many who failed. Regardless of outcome, the contents in the Archive reveal hidden melodramas that might enlighten understanding into the nature of opportunity and resilience of the human spirit.

The Archive is estimated to be about fifteen linear feet of mostly plain folders with names and mysterious file numbers on the tabs, of which 1,886 folders were digitized. Another one and a half feet were shown to this researcher and are not included in this monograph for two reasons. Firstly, they were discovered in the last months of this study. Secondly, an initial review found them to be mostly concerned with mining patents and a few of a miscellaneous nature, and it was decided that this monograph will mostly concern itself with private claims of an agricultural nature. Perhaps at some future date the study can expand. For this study, the 1,886 folders provided a great resource on the history of homesteading and that helps us understand the privatization of land administrated by the Forest Service system in New Mexico during the late territorial and early Statehood period of 1906-1937.

The Archive can be intimidating, boring, or otherwise present a bad first impression to a novice examining the contents. This may explain why the Archive was designated for disposal by the U.S. Forest Service in the mid-1990s. However, two Forest Service surveyors, Garland Burnett and Chris Chávez, intervened to recover the Archive. Chávez initially wished to have hard copy duplications of the documents within the files, some of which were typewritten copies on onion paper, in order to avoid their deterioration. During the year 2004, this author became familiar with the Archive and used some of its contents for historical research and was later employed by the Forest Service under Chávez for two seasons as a survey technician. With improvements and wider availability in computer software and scanning technology, Mr. Chávez subsequently recruited Paul and Linda McClendon as volunteers to digitize a majority of the contents. From 2007 to 2009 they digitally scanned and organized the contents of the folders by name and surname into PDF files. They did further work to index them on a searchable, digital spreadsheet complete with a geographic location by township, range, and section. Shortly thereafter, this author received the scans and conducted initial research, expanded the spreadsheet, and started a project of GIS mapping of its contents in support of personal geographical research.

In the next stage, the Archive was provided to Professor José Rivera at the University of New Mexico when Mr. Chris Chávez made the electronic version available for ongoing research at UNM on land and water issues funded by the National Science Foundation. In the spring and summer of 2014, this author was employed as a Research Assistant to contribute research

information on homesteading for an ethnographic study on the Rio Chama Basin directed by Professor Rivera at the Center for Regional Studies. With the assistance of Professor Rivera, the Santa Fe National Forest Land Claims Archive was uploaded to a database portal cloud hosted by the New Mexico EPSCOR office, http://www.nmepscor.org/data_portal/browse-data. Prior to this, there were only a few concerned individuals who were finding it difficult to house this Archive at archival centers or libraries because its utility appeared obscure and was difficult for the novice to interpret without experience in history, land law, and surveying techniques. The writing of this monograph was commissioned to the author to reveal and clarify the contents for use by other students, researchers and the general public. As of this writing, the original folders continue to be held by the Surveying Department at the Santa Fe National Forest headquarters at 11 Forest Lane on the south side of the City of Santa Fe.

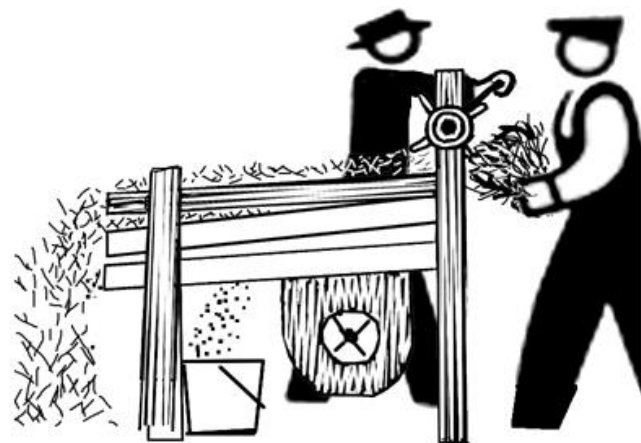


Figure 1 Left: A threshing machine for beans or *triadora* at the old homestead of Luis Trujillo (Photo courtesy of Chris Chávez c. 1998). Right: A hypothetical rendering of how the hand built machine may have operated (Illustration by Roberto H. Valdez).

Chris Chávez, like many cadastral surveyors who have to investigate former boundary surveys and land titles, is also an amateur historian. In his capacity at the Forest Service as a licensed New Mexico surveyor, he recognized the value of the Archive as a boundary problem solving tool, such as where private land interfaces with land under Forest Service administration. Incidental to his investigations, Chávez noted that the Archive also had value for its human interest stories. To get some of this information into the public digest, he contributed an article that appeared in the Summer 2008 issue of *La Herencia*, a periodical of local interest on New Mexico Hispanic heritage, entitled “A brief history of Homesteads on the Santa Fe National Forest.” The article features the example of Adolfo García, an entryman who made a dry-farm

homestead about 10 miles west southwest of Española, New Mexico. Chávez marveled at a system of rock channels made to divert runoff into a reservoir or cistern. Chávez also found that the Archive had information on the mass of homesteads that existed in Los Alamos County prior to the building of the scientific laboratory, on the demise and reduction of the Cañon de Chama Land Grant, and the efforts of the Chávez family to get some of the land they lost back using the homestead law. On one occasion he dealt with a Forest boundary issue by an old homesteader's cemetery near Llaves, New Mexico and on another investigated how the wilderness in the Cañon del Río de Chama had been designated to include old homesteads.

During his surveying projects, Chris Chávez sometimes encountered artifacts and other remains from the homestead era that he documents with photography, such as Figure 1 depicting a *triadora* or threshing machine found at the old homestead of Luis Trujillo along the Arroyo del Oso. Documents in the Archive concerning Luis Trujillo show the resilience of people who dry farmed the land in that area. This author had occasion to closely inspect the decaying *triadora* or threshing machine. It featured a crank system operating a roller with wooden spikes and row of nails through which the dried bean plant was fed, hand punched sheet metal sieves that shook the plant, and a blower with wooden paddles and sheet metal cover to winnow away the chaff. The *triadora* had rubber and metal parts that appeared to have been repurposed from automobiles, old storage cans and other recyclables. Luis received patent on 115.98 acres in 1919 at that location along the Arroyo del Oso (Trujillo, Luis 702332). The homestead was reabsorbed into the National Forest, and today is part of a designated wilderness area.

The majority of the case files concern Hispanic homesteaders, although “*Americano*” migration into the region is significantly represented, by a rough ratio of three to one respectively. It is likely that all of the Hispanic homesteaders spoke Spanish as their primary language, although the great majority of the contents of the archival records of the Forest Service are in English, the language of government officials. Another quality of Hispanic homesteads in the region appears to include a partial de-emphasis on outside supplies and materials for success of a given homestead. Also notable is the observation that a large amount of the Hispanic population remained in situ, being a native population with origins in the region dating to 1598, and with a cultural de-emphasis on high mobility and outmigration. This attachment to the land base led to a significant population either having remained in the region or descendants continuing to hold onto original homesteads by chain to title to the present day.

SCOPE OF THE STUDY

The Santa Fe National Forest Land Claims Archive is a product of the wishes of Congress to allow disposition of land chiefly valuable for agricultural purposes in Forest Reserves to qualified applicants. This was imposed upon the U.S. Forest Service whose mission at the time was to manage and protect forests and watersheds. This study examines the Archive files and raises a number of questions and issues in context of the Forest Homestead Act of 1906 and other related homestead acts. What geographic patterns and relationships might we see by the imposition of law and governmental administration embodied in the area administrated by the Santa Fe National Forest as it carried out the various homestead laws upon the mountainous landscape of New Mexico? We assert that the involvement of the U.S. Forest Service, as an

agency of government, impacted the structure of human interaction with the environment in the early 20th century that has implications today, a century later. One of the largest impacts we see is the phenomenon of the superfire, a kind of wildfire so large as to devastate massive areas of forest in northern New Mexico. Where forest fires burn, and the intensity of that burning, may have something to do with the character of anthropogenic landscapes, or the kind of human influence on the environment.

Another important set of geographic imprints to examine may be settlement, or enclaves, according to ethnicity, Hispanic and non-Hispanic, not necessarily orchestrated by the Forest Service or the U.S. Land Office, but at the least overseen by them. Another expectation of the study is to deepen our understanding of how the homesteading process worked as there were bureaucratic procedures followed at the time in support of the Forest Reserve system. This study will help dispel misleading information today about homesteading, squatting, the public lands, and the role of governmental agencies. The Santa Fe National Forest Land Claims Archive will also yield local knowledge about farming practices, ranching, genealogy, place names, geography, and climate. Further still, there are human interest stories about the personal lives of people, the society at the time, the interaction of humans upon their environment, historical climate, success and failure of crops, and rural living.

This monograph, after addressing a methodology, will describe the historical background of the Homestead Act of 1862, narrating how philosophical convictions, actions of people in government, and squatting or settlement of the early United States by its citizens caused the U.S. Government to react with a variety of laws or regulatory procedures. Next, the study will narrate the transformation of portions of the public domain into Forest Reserves by Presidential Proclamation in 1891, continuing modifications to the process of disposal of public lands, and the introduction of the National Forest system. The monograph will introduce the Forest Homestead Act of 1906 as applied to the Santa Fe National Forest, followed by a description of the step by step bureaucratic process that an entryman as applicant went through to secure a private claim in the Santa Fe National Forest. Other settlement laws both augmenting the Forest Homestead Act as well as unrelated land disposal acts, such as the 1891 Small Holding Claims Act, will be explained.

The findings section will include discussion of the abstract space concept featuring the use of rigid mathematical boundaries. Place name resources contained in the Archive will be addressed. Files from the Santa Fe National Forest Land Claims Archive will be mapped for their historical and human geographic value. Impacts that the 1906 Forest Homestead Act and the 1891 Small Holding Claims Act may have had on the human landscape of north-central New Mexico will be illustrated to include ethnic settlement patterns and interaction between Hispanic and non-Hispanic populations. Lastly, discussion and conclusions will set the context to understand the enormity of changes to northern New Mexico society and its environment during the critical period of early Statehood. Throughout, the anecdotes of people, places, and events will be included as a means to enliven the presentation of U.S. homestead law and the ethno-geography of the Archive.

METHODOLOGY

A methodology for this study was developed to expand prior work converting the Santa Fe National Forest Land Claims Archive into a historical research resource. To accomplish this, the Archive was subjected to a Geographic Information System and mapped, simultaneous with adding detailed summaries of what a given folder contained in order to make the Archive more useful to future studies with more focused questions. Initially, the Archive was thought to be useful in support of research on place names, but this quickly grew from that topic to many others while developing a search system to enliven the utility of the Archive.

Some of the routine archival material in the Santa Fe National Forest Land Claims Archive included:

1. Form #253, "Application Under Act of June 11, 1906"
2. Form #110, "Report on Agricultural Homestead Applications"
3. Form #655, "Report on Agricultural Settlement"
4. Miscellaneous materials such as sketch maps, affidavits, hearing transcripts, letters from citizens to Forest officials, timber estimates, internal Forest Service memoranda, and occasional photographs.

The analysis of the above material yielded:

- Demographic data on the homesteaders themselves involving quantities of homesteads according to ethnicity, with foundational work laid for a more comprehensive future study on year by year rise or fall of homestead applications and successful homesteads, crops and livestock raised, as well as factors that contributed to success or failure in homesteading in the Santa Fe National Forest.
- Groundwork for future study on settlement data, such as where populations diffused from what population centers.
- A foundation of information to discuss the contribution that homesteading made to the built environment that could include statistics on the quality and quantity of homestead improvements (e.g. frame houses versus log cabins, size of stables, etc.)
- Land-use data that includes a relationship between areas of wildfires, government management of land, and ethnicity.

Data in this study primarily came from the following sources:

- 1,886 Files in the Santa Fe National Forest Land Claims Archive, Santa Fe, NM
- U.S. General Land Office land patent records at <http://www.glorerecords.blm.gov/>

This study began by inspecting the Microsoft Office Access Database (.mdb) of the Santa Fe National Forest Land Claims Archive created by Paul and Linda McClendon. The columns of that database were searchable and had attribute headings of Last Name, First Name, Section,

Township, Range, H E Number, File Number, and Memorandum (Figure 2). The McClendon Archive listed 1,894 homestead folders and had read the documents within each original folder to obtain geo-referenced information on nearly all of them. Each original folder had a handwritten last name, first name and a filing number or Homestead Entry number. These folders had random quantities of nearly century old documents that were scanned into PDF documents during the years 2007 to 2009. Paul and Linda McClendon added to their database a Memorandum column, although only a relative few had comments or editorial notes.

LAST NAME	FIRST NAME	SECTION	TOWNSHIP	RANGE	H E NUMBER	FILE NUMBER	MEMORADUM
ABBOTT	A. J.	9, 10, 15	18N	6E		50, 129	
ABEYTA	AGAPITO, JR.	23	21N	14E		361, 1027	
ABEYTA	DANIEL		20N	14E		(6251) 83	
ADAMS	O. C.	8	17N	14E	037710		
ADAMS	ROBERT E.	25, 36	25N	2E		270	
AKERS	JOHN W.	17, 18, 23, 24	16N, 17N, 18N	4E, 5E, 11E		123840-1-2-3	
ALBEE	FRED	9	26N	1E		655	
ALIRES	HILARIO	7	17N	15E		359 / 1016 / 991	
ANGEL	JOSE	8	14W	11E		5 / 671	
ANTHONY	T. C.	8	17N	14E	035416		
APADACA	LUCINITA de	28	17N	12E	7843		
APODACA	TRINIDAD	18	17N	12E		278 / 944	
ARAGON	CESARIO SANDOVAL de	2, 4, 12	15N	14E	S.H.C.5841		
ARAGON	ENCARNACION	6	20N	11E			
ARAGON	ENCARNACION	6	20N	11E	S.H.C.5257-034824		
ARAGON	ENRIQUE	21, 22	25N	1E	020801		
ARAGON	ENRIQUE	21, 22	25N	1E		478	
ARAGON	JOSE JERONIMO	11, 12, 13, 14	21N	1W	S.H.C.1305		
ARAGON	JUAN F.	17, 20	25N	1E		1050	
ARAGON	JUAN F.	17, 20	25N	1E	046924		
ARAGON	PEDRO	20	25N	1E	020802		
ARAGON	PEDRO	20	25N	1E		461	
ARANDA	FIDEL	1, 12	21N	2E	018141		
ARANDA	FIDEL	1, 12	21N	2E		393	
ARCHIBEQUE	JOSE de JESUS	1	20N	1E	7096		
ARCHULETA	ALFONSO	10	22N	2E		379	

Figure 2: The “McClendon database.” Shown is a sample of the Microsoft Access Database created by Paul and Linda McClendon to organize and search the digital scans of files in the Santa Fe National Forest Land Claims Archive. Read left to right, each name of a homesteader is a feature, and each column of last name, first name, section, township, range, H E number, file number and memorandum are attributes of each feature.

For this study, the contents of various digital file folders were perused to get a feel for the utility of the system the McClendons had set up. Although useful, the wealth of information was obscure, and there remained a need to look at maps, such as those published by the U.S. Geological Survey or the National Forest, to complete the link between a given file folder on a homesteader, the listing in the McClendon database, and a location of the homestead on a map. To study these homesteads more efficiently, the idea was conceived to visualize the nearly nineteen hundred homestead applications on Google Earth mapping service, an internet supported software that had seen great improvements since 2005. Google Earth, with its satellite photographs and terrain model fed through internet connection could serve as a base upon which to superimpose all 1,894 homesteaders represented as colored dots called placemarks. Each dot would “place” the given homesteader from the McClendon database, and thereby link the successful or failed homesteads from the Santa Fe National Forest Land Claims Archive to their

historical locations. In the Google Earth jargon, the digital version of pinpoint marks such as made on a paper map are called “placemarks,” lines are known as “tracks,” and polygons are “shapes.” Placemarks, tracks, or shapes can be arranged into digital folders and saved as a kind of archive file or theme called “places data.” They are similar to transparency overlays used in the past when exclusive use of paper maps was the norm, when a cartographic interpretation technique involved superimposing a transparency sheet upon a base map to visualize special, removable, or interchangeable information.

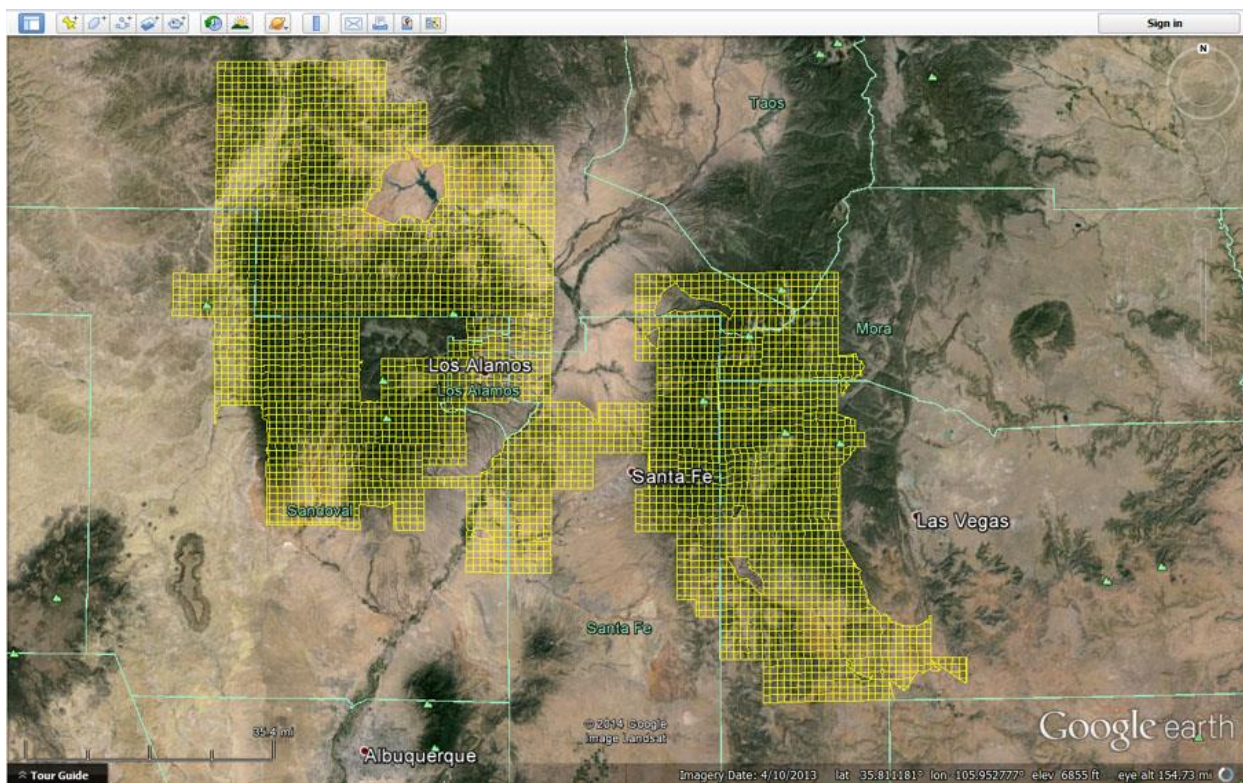


Figure 3: Hundreds of sections comprise the grid system of township, range, and section system of land surveys for land under the administration of the Santa Fe National Forest. This grid was an ArcMap shapefile, converted to a Google Earth's kmz file.

Google Earth only allows points, lines, or polygons to be plotted out one-by-one, as part of its appealing simplicity as a visualization tool. However, Google Earth will allow importations, such as tracks from GPS devices or point, line, and polygon data created by more powerful software if it is converted to computer language that it can read, namely “keyhole markup language” or .kml. The most common version of this is compressed, and called .kmz. To accomplish this overlay, the software ArcMap was used to create the theme on Santa Fe National Forest homesteads; and beforehand, this required conversion of the data the McClendons had compiled to a spreadsheet format that could be read by Microsoft Office Excel 97-2003 Worksheet (.xls), that in turn is a favorable format that ArcMap can read and plot.

In the jargon of Geographic Information Systems, or GIS, a set of geographic features and their attributes managed together is called a theme. The theme, in this case, was each homesteader, as features, linked to their respective attributes, or the columns of information

about the homesteader (Figure 2). ArcMap takes the theme and stores the geometry and attribute information as a file format called a shapefile or .shp to created map model (Figure 4). Among its many other features, ArcMap has a conversion tool to convert a shapefile into a kmz.

Two attribute columns were added to the spreadsheet created from the McClendon data and renamed “SFNF Homesteads Index.xls.” One was for latitude and the other for longitude, because neither ArcMap nor Google Earth function using section, township, and range to locate anything on their mapping models. The standard geographic coordinates system used by Google Earth is World Geodetic System of 1984 or WGS84. This system, with latitude and longitude expressed in decimal degrees, was the standard chosen for this study.

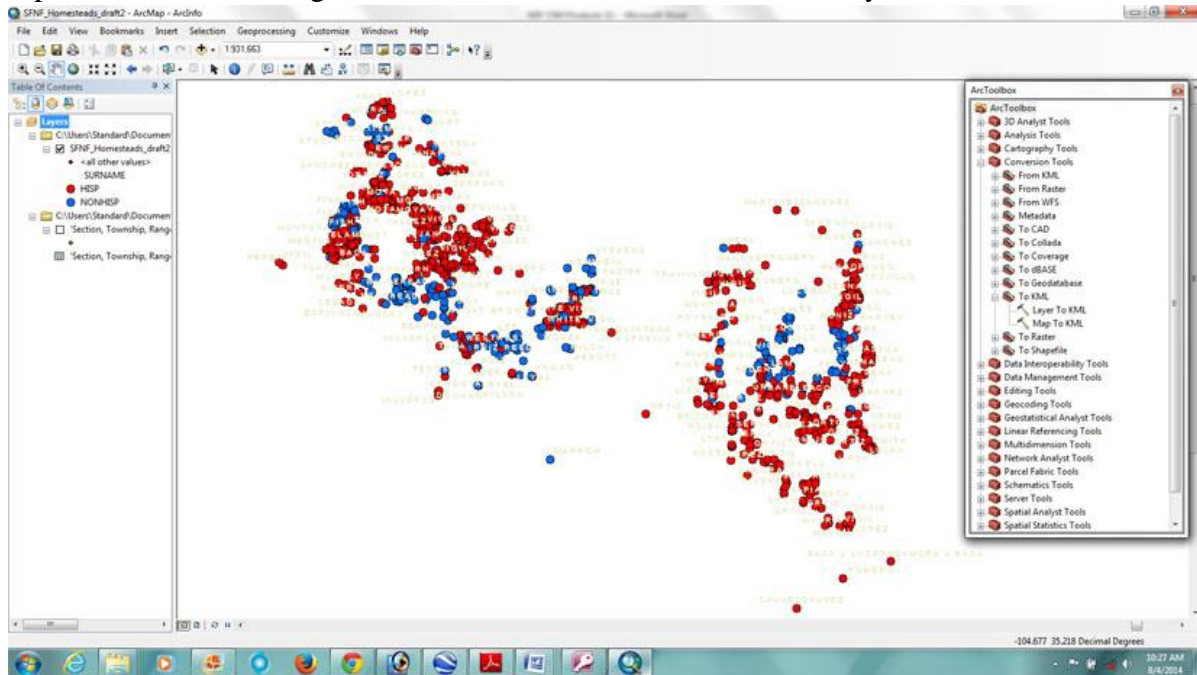


Figure 4: ArcMap software with a view of the plotted points made from the Santa Fe National Forest Land Claims Archive into a shapefile. The software was used to take the data compiled by the McClendons together with more information added by this study, and create a theme. Among the additions, was an attribute of individual homesteaders by Hispanic (red) or Non-Hispanic surname (blue). The experiment revealed a curious clustering pattern of settlement associated with ethnicity.

From the Santa Fe National Forest online data portal a shapefile depicting the section, township, and range grid relevant to the territory covered by the Santa Fe National Forest was downloaded entitled “R3 Sections.” To be made useful for Google Earth, it had to be converted into a .kmz using ArcMap (Figure 3).

Using the spreadsheet SFNF Homesteads Index.xls with section, township and range compiled by the McClendons, 1,894 homestead features were assigned a latitude and longitude in WGS84 by roaming about in Google Earth with the R3 Sections file overlaid in order to search for the location of the relevant section. Once found, a placemark would be pinned, usually to the middle of a section. The latitude and longitude of the placemark would be copied and pasted to its place in the spreadsheet by the name of the relevant homesteader, for example: 36.383552, -106.849198 belonging to the homestead of Necomedes Archuleta straddling Sections 20 and 21, in Township 25 North, Range 1 East of the New Mexico Principle Meridian

situate 11 miles north northwest of Gallina, New Mexico, at the Arroyo de las Yeguas.

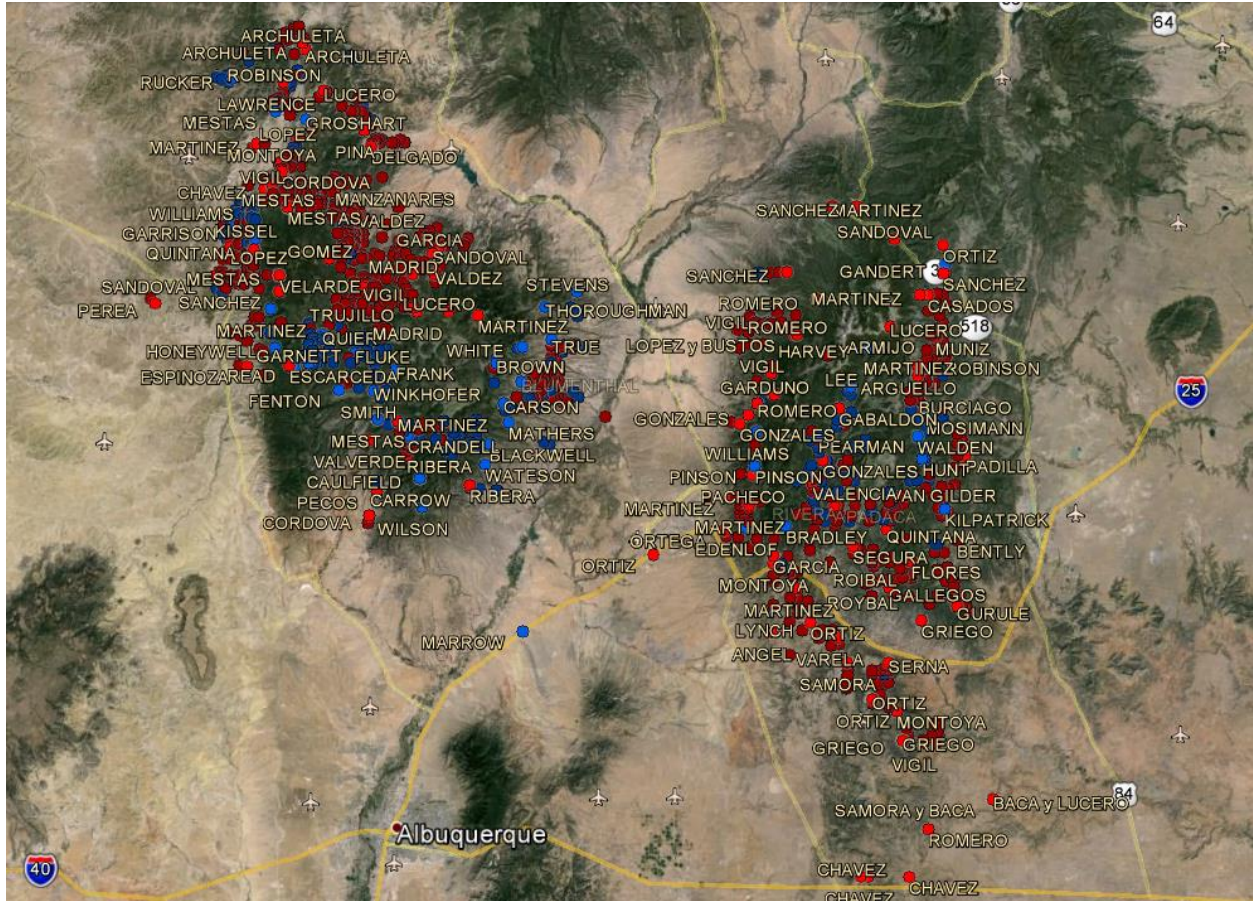


Figure 5: Google Earth view of “SFNF_Homesteads_draft.” ArcMap GIS software allowed the completed shapefile to be converted into an overlay viewable in Google Earth, thereby allowing the homesteads to be visualized and explored as to their location and content.

Simultaneous with this, an attribute column was designated that would assign every listed homesteader on the spreadsheet a distinction as to whether they had a Hispanic or non-Hispanic surname. In this case, Necomedes is judged to have a Hispanic surname of Archuleta and “HISP” was entered into the field as an attribute of Necomedes as a feature.

The resulting spreadsheet with improved geographic location and surname distinction was brought into ArcMap and used to create a shapefile named “SFNF_Homesteads_draft.shp” (Figure 5). Once this was accomplished, this was converted into a Google Earth places data file that was given the title of “SFNF_Homesteads_draft.kmz” (Figure 5). The completed Google Earth overlay now allowed the viewing of the homesteader's data to be associated to locations within a half mile of their actual location. This phase to map the Santa Fe National Forest Land Claims Archive took about three months.

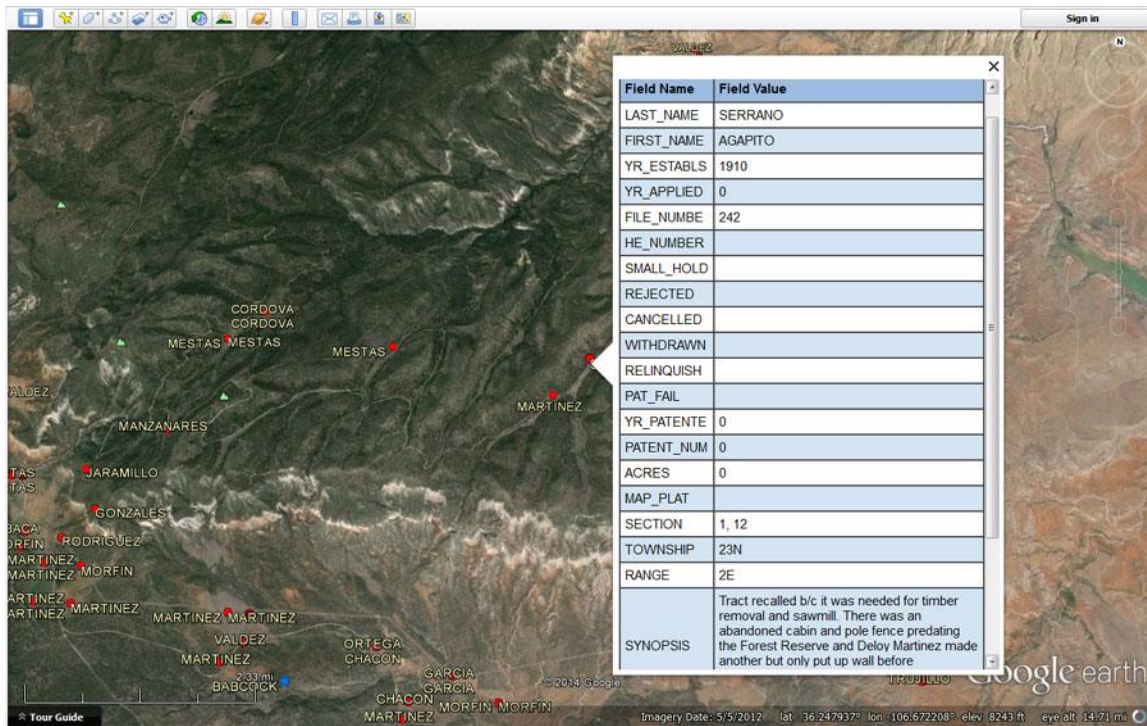


Figure 6: An example selected from SFNF_Homesteads_draft2.kmz file viewable on Google Earth. This was the second of five drafts that sought to improve the utility of the Archive through experimentation. Agapito Serrano sought a homestead atop Mesa Prieta in 1910. Prior settlers had made an attempt there but Agapito's claim was recalled by the USFS because it was thought more useful for timber harvesting than for agriculture.

The next phase sought to improve and expand the mapped information on Santa Fe National Forest homesteads and did so while conducting experiments on what information would be useful for further study on local human interaction on the environment, local land title history, and human interest stories. More accurate latitude and longitude coordinates were assigned to nearly every homestead file and more attribute columns to the spreadsheet SFNF Homesteads Index.xls were added. ArcMap was again used to create new and improved shapefiles and thereby a new and improved Google Earth file called SFNF_Homesteads_draft2.kmz. The user could move over the terrain, select a dot with surname attached to it, and open a table with summary details about a private claims applicant (Figure 6). Questions such as: When was a given homestead applied for? When was it established? When did the homestead receive patent? How many acres were patented? When did a homestead fail? Why in many cases were there two folders per homesteader with different file numbers? Answering some of these questions required further time consuming investigation that was assisted considerably by the drafts of the Archive made visual upon the terrain model of Google Earth. Five drafts of SFNF_Homesteads_draft.kmz (numbered 2, 3, 4, 5) would be created as the study progressed before a table of what was thought most useful developed. A few duplicate folders or mistakes were found and the actual size of the Archive was discovered to consist of 1,886 folders.

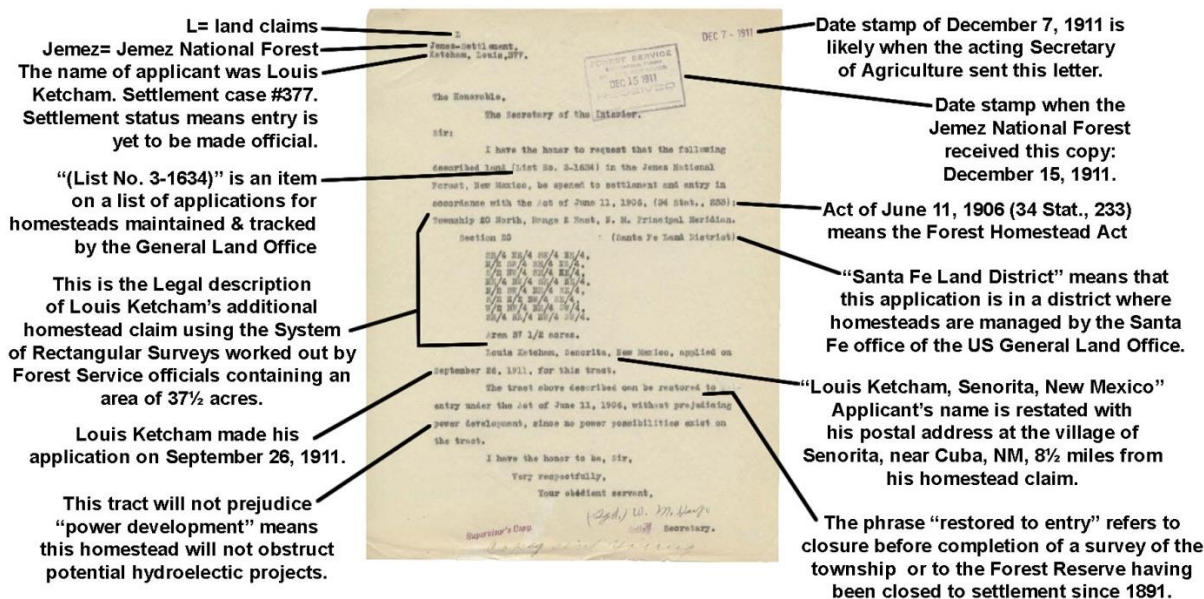


Figure 7: An example of the Forest Service bureaucratic jargon. This letter from public servants acting for the Secretary of Agriculture is asking the Secretary of the Interior to allow settlement and entry of land for Louis Ketcham in the Jemez National Forest.

More questions arising about the contents of the folders led to the writing of short narratives on each homesteader and learning about the bureaucratic jargon and legal procedures used to carry out homestead law. In the example above (Figure 7), Louis Ketcham wanted land near the Rio de las Vacas, about twelve and a half miles east southeast of Cuba, New Mexico and the jargon needed interpretation throughout the discovery phase and development of the spreadsheet, Google Earth places data, and this monograph.

Louis Ketcham had made an entry for 82½ acres but in 1911 wanted to add another 37½ acres neighboring his that was recently relinquished by another applicant so as to fill out 120 acres. The Forest Service compiled and conveyed the information that is manifested in the above letter from the Acting Secretary of Agriculture (on behalf of the Forest Service) to the Secretary of the Interior (who oversees the U.S. General Land Office) partially transcribed as follows:

“Sir: I have the honor to request that the following described land (List No. 3-1634) in the Jemez National Forest, New Mexico, be opened to settlement and entry in accordance with the Act of June 11, 1906, (34 Stat., 233): [legal description follows]. Louis Ketcham, Seniorita, New Mexico, applied on September 26, 1911, for this tract. The tract above described can be restored to entry under the Act of June 11, 1906, without prejudicing power development, since no power possibilities exist on the tract.

I have the honor to be, Sir,
 Very respectfully,
 Your obedient servant,

(Sgd.) W. M. Hays”
(Ketcham, Louis 377)

Aside from researching available documentation of Forest Service administrative procedures from a century ago, publications of Congressional laws and U.S. statutes, and literature concerning the history of homesteading, most of the information on homesteading in the mountains administrated by the Santa Fe National Forest came from studying the Archives themselves.

As the study progressed, three types of software were open and running simultaneously upon a laptop connected to internet service. They were, Microsoft Excel, Adobe Reader, and Google Earth. Typically, a digital PDF homestead folder would be opened on a given homesteader using Adobe Reader and the documents skim read to find repetitive patterns as well as aberrations. Since the legal process to obtain a homestead was standardized and uniform, hypothetically, every homestead folder would have the same forms and documents following a chronological process. However, there were other private claim processes such as the Small Holding Claims, Additional Homestead claims, five-year homesteads, three year homesteads, adjustments to claims and so on. As the contents were skimmed, patterns were observed and engrossing narratives or other information were encountered. Hundreds of patterns were observed in how bureaucratic procedure and claimants' compliance with the law worked to result in the success or failure of a given private claim. Forest officials discussed administrative procedure and law in memorandums, or sent and received special correspondences with other agencies or officials (such as the Land Office). Despite an elaborate administrative system set up to carry out the law and wishes of Congress or the President, problems frequently arose. Comparing normal procedure with deviations due to problems could be observed in the correspondence and instructions from officials. In all this, notes were taken and important quotes lifted from the Archive documents were entered into a Microsoft Word document, kept for this purpose. From these notes come the bulk of the narratives and interpretation of the Archive for this study.

Early in this study the value of the Santa Fe National Forest Land Claims Archive was recognized for its documentation of place names. For this study, the spreadsheet SFNF Homesteads Index.xls was given a column for place names found in folders of the Archive. As documents in the digitized paperwork of the Santa Fe National Forest Land Claims Archive were being perused, place names associated with a homestead were encountered. While working on Google Earth a special folder was made in the places data file “SFNF_Homesteads_draft.kmz” and every significant name misspelled or not was pinned by a placemark and placed into the designated place name folder.

The McClendon database, converted into a spreadsheet for this study, had only eight columns (Figure 2). Numerous experiments took place to add attribute columns with information beyond what the McClendons had provided by observing patterns in the 1,886 folders in this study. The spreadsheet SFNF Homesteads Index.xls was developed to include twenty-three attribute columns as follows:

LAST NAME. Last name of the claimant. These were imported from the McClendon database and any errors found were corrected.

FIRST NAME. First name of the claimant. This could include a middle initial. Some files in the Santa Fe National Forest Land Claims Archive used initials, for both first and middle name. This column was imported from the McClendon database with errors corrected.

SETTLEMENT. This is a numeral system from one to four digits long issued roughly in chronological order labeled on a folder tab following along with an applicant's name as the title of a folder containing paperwork on the given homestead applicant (e.g. Gonzales, Fermín 390). Within the Santa Fe National Forest Land Claims Archive, the numbers run from 1 to 1112. Much of the information for this column was imported from the McClendon database with errors corrected or omissions included.

ADMIN_NUMR. This is a numeral system labeled on a folder tab by the Forest Service following the name of an applicant's name as the title of a folder containing paperwork on a homestead administrative claim (e.g. Martínez, José Andrés 018041 Adm). When a homestead settlement was approved, it progressed to administrative claims case and was tracked as to compliance with the law regarding cultivation and residency. Much of the information for this column was mixed with other number categories in the McClendon database under the attribute column "H E Number." Errors were corrected or omissions included.

SMALL HOLDING. This is a numeral system labeled on a folder tab following the name of an applicant's name as the title of a folder containing paperwork on a small holding claim, a claim covered by a different law than the homestead act. A small holding claims folder could have either or both an administrative number and a small holding claim number (e.g. Valencia, Miguelita 34843 S.H.C. 5648). Small holding claim numbers were issued by the U.S. General Land Office but used by the Forest Service in correspondence. Much of the information for this column was mixed with other number categories in the McClendon database under the attribute column "H E Number." Sometimes the Small holding claim number was omitted entirely.

YR_ESTABLISH. This is an abbreviation of "year established." In many cases, a homesteader was squatting, was able to enter into a place under a Special Use Permit issued by the Forest Service, or was holding land by right of occupancy covered by the small holding act, such as when it had been a land grant that was invalidated by court action. In some cases, a file will indicate a year the same as the year a homesteader applied for the desired land (e.g. Minchey, Benjamin 015442 Adm entered in 1911 and applied in 1911), in other cases application year and entry year are vastly different (López, Petrita Rodríguez, widow of Fernando López 34842-S.H.C. 2047, established the claim in 1888 but filed for patent in 1918).

YR_APPLIED. This is an abbreviation of "year applied." This was the year an application was filed with a Forest Service official, whether it was a prospective homesteader, squatter, small holding claimant, or any other type of claimant. Unlike the "year established" category, this is the most consistently documented date.

YR_PATENTED. This is an abbreviation of “year patented.” This is the year a given homestead that succeeded was issued a formal document by the U.S. General Land Office with a legal description and mechanically signed by the President of the United States.

PATENT_NUMR. This is an abbreviation meaning “patent number.” The official patent issued has a mechanical serial number that can be searched with greater convenience in the records of the U.S. General Land Office (e.g. Truby, Dave 021627 Adm, Patented in 1920, patent number 780757).

ACRES. For most of the features, this attribute was able to be determined. If the homestead was issued a patent, the acreage indicated in a patent document is also indicated. For homesteads that did not succeed, usually, a given homesteader attempted to enter the maximum of 160 acres that was allowed by the 1862 Homestead Act. For some of the homesteads, the acreage requested was smaller, and that figure is entered in this attribute column. For others, the acreage was reduced by Forest Official to that judged to be chiefly valuable for agricultural purposes or otherwise excluding portions with marketable timber. Reduced acreage different than what was applied for by the prospective homesteader may be indicated in the “REMARKS” column.

GLO_LINK. This attribute applies to those homesteads that received a patent, and a hyperlink to the Bureau of Land Management webpage General Land Office Records is provided. The Santa Fe National Forest Land Claims Archive was found to have 560 files that led to a patent and thereby a hyperlink to its patent record. In an attempt to measure the completeness or shortcomings of the Santa Fe National Forest Land Claims Archive, 957 additional patents were found but are not included in this study.

WHYNOT_PAT. This attribute column attempts to provide a brief reason why a given homestead failed to achieve patent, including a year. The most common was “Rejected by Forest Service,” followed by the year, and a short standardized reason such as “because not chiefly valuable for agricultural purposes.” Other rejections came from the Land Office. Correspondence from a given folder sometimes said “Cancelled by Forest Service” such as for non-response by an applicant within a deadline. Another common reason was “Application withdrawn by applicant” when the claimant found their choice not to their liking. If a more detailed reason for failure was useful to know, this was entered into the “REMARKS” column.

REMARKS. This attribute column provides a research brief on a homesteader drawn from the individual folders of the Archive. It is a brief narrative of 255 characters or fewer that could include the number of document pages a folder has, human interest stories, narratives about a homesteader's crop and residency compliance, features felt most important to know, melodramas, or miscellaneous information. While researching the Archives, many folders on a claimant contained information that could be broadly interpreted and this attribute column served as a tool to reduce the files into researchable information that that reappeared consistently. Many of the attribute columns were created after seeing patterns appear in this “Remarks” column (e.g. Does the folder have a map or plat included?). The inspiration for this attribute column came from the McClendon database that used “MEMORANDUM.”

MAP_PLAT. This attribute column indicates whether or not a given land claim file has a survey plat, color pencil map or any other map or plat of research interest.

RANGE, TOWNSHIP, SECTION. These compose three separate attribute columns that are herein grouped for discussion. They were imported from the McClendon database and had any errors found corrected. They were primarily derived from legal descriptions from the files but in the case of 560 files showing patent, they were checked against General Land Office Records.

PLACE_NAMES. Place names were found in folders of the Archive mostly on the maps, Crop and Residency Reports, and Form 655 Report of Agricultural Settlement. As documents in the digitized paperwork of the Santa Fe National Forest Land Claims Archive were being perused, place names associated with a homestead were encountered.

SURNAME. This attribute column was initiated to allow the software ArcMap to plot ethnic enclaves as it created the theme on Santa Fe National Forest homesteads. Two broad categories of surname of a given applicant or primary patentee were Hispanic or non-Hispanic and indicated as “HISP” or “NONHISP” respectively. In turn, as ArcMap was used to create the theme as a shapefile the attribute of “surname” was caused to represent a Hispanic homestead as a red dot and non-Hispanic as a blue dot (Figure 4). ArcMap was used to convert the shapefile into a places data file viewable on Google Earth. A class of surname often had clues to clarify the category, such as those that were not recognized to clearly be of Hispanic or of local Hispanic origin. One was by the use of first names and the other was to inspect the contents of the folder for narratives about the claimant. In two examples, Willie Mente was discerned to be non-Hispanic, versus Juan Leger who was determined to be Hispanic. The apparent ambiguities, such as the aforementioned Mente and Leger, were few in number. By this method a ratio of three to one Hispanic majority in the region of the Santa Fe National Forest developed using 1407 case files categorized as having Hispanic surnames versus 479 non-Hispanic surnames. This was done not so much to see what could be learned from quantities but as the best method to determine *distribution of ethnicities* to see if there were obvious settlement patterns.

LAT_DEC and LONG_DEC. These compose two separate attribute columns that are herein grouped for discussion. Into the fields of this attribute column latitude and longitude in decimal degrees to seven places after the decimal point were entered from Google Earth using the World Geodetic System of 1984 or WGS84.

MISTAKES. Any mistake discovered in spelling, file number or acreages, as well as any other ambiguities, irregularities or advisories felt important for the researcher to know were placed in this attribute column. The idea came from mistakes being noted in the “REMARKS” column that took up too much space and interfered with other important information. PDF documents of the Santa Fe National Forest Land Claims Archive were uploaded to a database portal cloud at the website of New Mexico EPSCoR (see DATA_PORTAL below) by the effort of UNM Professor José Rivera. The original Archive from the SFNF contained discrepancies that were addressed at the time of the upload to the NM EPSCoR Data Portal but not all issues were resolved. This monograph, however, has documented omissions, repetitions and errors as an aid to future researchers. Errors in data from the Bureau of Land Management webpage of General Land

Office Records are also included in this attribute column. Errors in data from the Bureau of Land Management webpage of General Land Office Records are also included in this attribute column.

DATA_PORTAL. This attribute column contains the hyperlink to the data portal cloud where a digital copy of the Santa Fe National Forest Land Claims Archive is stored:

http://www.nmepscor.org/data_portal/browse-data. See the filed category called “Forest Homestead Act of 1906.” The cloud is maintained by an organization in Albuquerque funded by the National Science Foundation (award #0814449) called New Mexico's Experimental Program to Stimulate Competitive Research (NM EPSCoR).

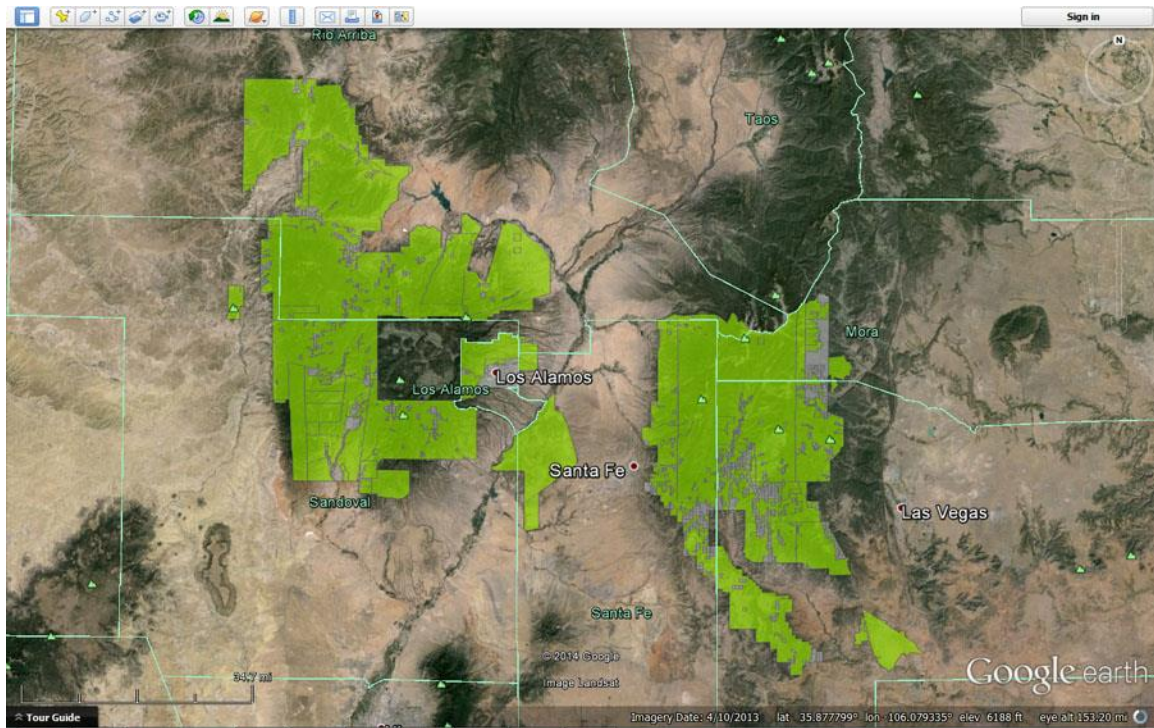


Figure 8: The current boundaries of the Santa Fe National Forest, depicted here by taking a shapefile from the official Santa Fe National Forest data portal website and converting it into a Google Earth kmz file called “Surface Ownership.”

The study area selected is mostly covered by what is embraced or formerly embraced by the Santa Fe National Forest or its preceding Forest Reserves. This includes two major mountain chains known as the Jemez Mountains and the Sangre de Cristo Mountains, also known by the traditional names of Sierra de los Valles and Sierra Nevada, respectively. The Santa Fe National Forest is a geographic space imposed on these mountain chains designated by special laws of the U.S. Government emphasizing control and administration of certain forests, watersheds, recreation and other special uses. The National Forests initially started as Forest Reserves created by a Congressional the Act of March 3, 1891 (26 Stat. 1095). It enabled the President to issue executive orders to reserve selected land as Forest Reserve. The Pecos River National Forest, for example, was created by a Presidential proclamation dated January 28, 1909 (Bowles, Andres H.E. 7411). The Jemez and Pecos River National Forests were united and the name changed to the Santa Fe National Forest by an Executive Order dated April 6, 1915 (Benavídez, Felipe

025012). Portions were also eliminated. One example is a proclamation eliminating land from the Jemez National Forest on Aug 24, 1910 that included the claim of Donaciano Lobato, four and a quarter miles northwest of Cuba, New Mexico (#157). As a consequence, the study area embraces some land outside of the present day boundaries of the Santa Fe National Forest and was guided primarily by what the Archive contained as shown in Figure 5 and 8. There were outliers that require the area to be covered, not by rigid boundaries, but by where homestead applications fell by legal description, represented by dots in Figure 5. In Figure 8 a shapefile was obtained from the U.S. Forest Service, Region 3 Santa Fe National Forest GIS Data portal website (<http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5203736> accessed on 7/23/2010). Called “Surface Ownership” it was converted into a Google Earth kmz file and in addition to the R3 Sections file shown on Figure 3, it was used to find geographic locations of the private claims in the Archive and assign them latitude and longitude.

HOMESTEAD ACT OF 1862

The Homestead Act is entitled “An Act to secure Homesteads to actual Settlers on the Public Domain” and was approved on May 20, 1862 (12 Stat. 392). The 1862 Homestead Act underwent some revisions and sometimes makes its appearance in some old documents as “section 2289 of the Revised Statutes of United States.”¹ The requirements of the 1862 Homestead Act were coordinated by land agents at a U.S. Land Office that charged fees and provided prospective homesteaders with the necessary requirements to achieve a patent on 160 acres or less. People interested in homesteading on the public domain of the northern Territory of New Mexico first had to visit the U.S. Land Office at Santa Fe.

At a typical Land Office, a prospective homesteader was guided by a land agent to make a brief check for previous ownership claims about the plot of land in question, described by a legal description using the System of Rectangular Surveys (Figure 9). The prospective homesteader paid a filing fee of \$10 to claim the land temporarily, as well as a \$2 commission to the land agent (USNPS 2014). The applicant was given a receipt, and they proceeded to their land of choice to build a home, and live upon it and farm it for the next five years (ibid). During the five year process, the homesteader had to build a 12-by-14 dwelling and grow crops (Potter and Schamel 1997). There was no specific amount of cultivation or improvement required, although there had to be enough continuous improvement and cultivation to demonstrate good faith (Bradsher 2012: 28).

At the end of five years the homesteader could file for his patent (a deed of title) by submitting an affidavit concerning proof of residency and the required improvements at the Land Office (Potter and Schamel 1997). This became known as “final proof.” The affidavit involved two credible witnesses that he, she, or they have resided upon or cultivated the same without alienating [selling off] any part of the land they applied for as well as maintaining “true

¹ By 1890 “Revised Statutes section 2289” or the Homestead Act of May 20, 1862, ch. 75, § 1, 12 Stat. 392; was amended February 11, 1874, ch. 25, 18 Stat. 15; Mar. 13, 1874, ch. 55, 18 Stat. 22; and June 22, 1874, ch. 400, 18 Stat. 194; Feb. 23, 1875, ch. 99, 18 Stat 334; Mar. 3, 1875, ch. 131 § § 15, 16, 18 Stat. 420; Apr. 21, 1875, ch. 72, 19 Stat 35; Mar. 3, 1877, ch. 127, 19 Stat. 405; 43 U.S.C. § 161 (1970).

allegiance to the Government of the United States” (12 Stat. 392). This signed affidavit document with witnesses was the “proof” document. The successful completion of this final form involved a \$6 fee, bringing the fees to \$18 (USNPS 2014). The local Land Office forwarded the paperwork and a final certificate of eligibility to the General Land Office in Washington, DC, and after determining a given claim to be valid, a patent document for the land, signed with the name of the President of the United States was issued. Thus was completed a three-fold homestead acquisition process involving (1) the visit to the U.S. Government Land Office and applying, (2) improvement of the land, and (3) file for the patent document (Potter and Schamel 1997).

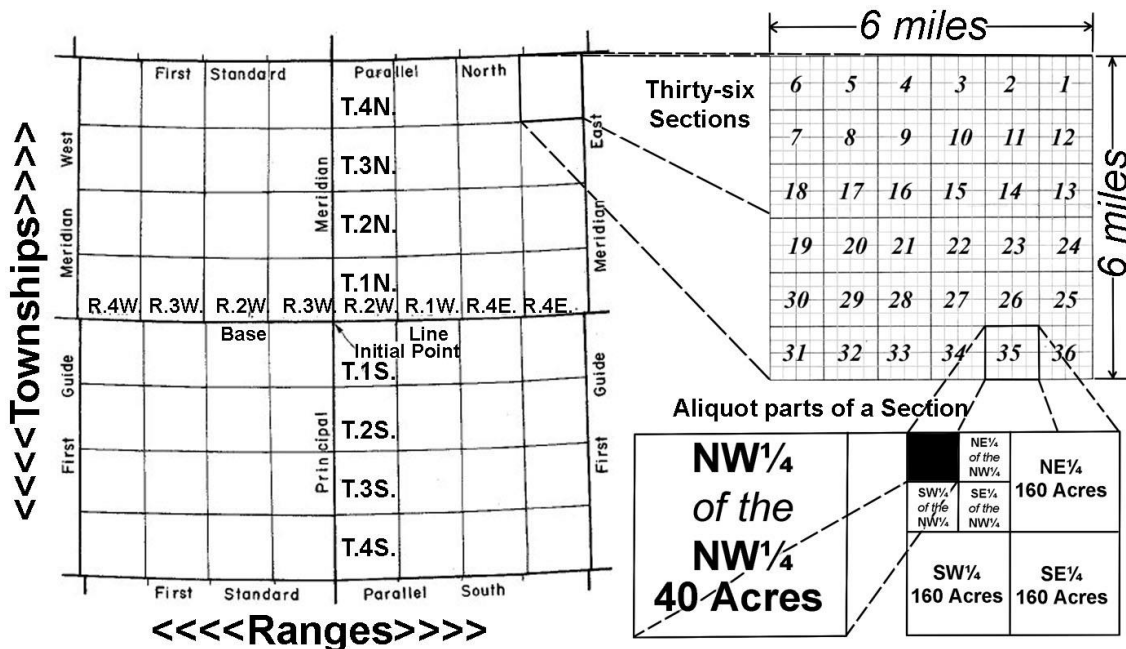


Figure 9: The System of Rectangular Surveys. Sometimes called the rectangular survey system or the Public Lands Survey System. As portrayed in this illustration, the legal description would read “**THE NORTHWEST CORNER OF THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 4 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CONTAINING 40 ACRES MORE OR LESS**” or more abbreviated as “**NW¹/₄, NW¹/₄, Sec. 35, T.4N., R.4E., N.M.P.M. 40 acres more or less**” (Illustration by Roberto H. Valdez).

Certain exceptions or extra privileges were allowed. After the Civil War, Union soldiers could deduct the time they served from the residency requirements (Potter and Schamel 1997). If the husband died, the widow would take over the homestead process, or if both died, their heirs could do the same. The applicant could not abandon the land for more than six months at any time (12 Stat. 392). A speedier six month alternative to patent was called a “commutation.” It allowed a claimant to put in only six months of residency with trivial improvements and pay \$1.25 per acre. Commutation was removed from the Homestead Act by 1891 (Lynch and Larrabee 1992; Potter and Schamel 1997).

The Homestead Act mandated that an applicant had to declare that his or her intention was for “actual settlement and cultivation, and nor either directly or indirectly for the use of, benefit of and other person or persons whomsoever” (12 Stat. 392). This clause addressed land

speculation, a nuisance in which speculators or land jobbers employed others (straw men) to lay claim to land with a motive to turn the land over to the speculator who would resell at a profit. The spirit of the law was to maximize participation in the stimulation of national development while minimizing the movement of wealth to the privileged and thereby promote democracy by undercutting tendencies of a society to build a privileged class. False witnesses statements on affidavits concerning residency and cultivation were part of this fraud in cases when this occurred (Bradsher 2012: 31).

FOREST HOMESTEAD ACT OF 1906

The Act of June 11, 1906 may be defined as an act of the U.S. Congress that combined the provisions of the Homestead Act of 1862 *and* a set of provisions fitted for agricultural land within Forest Reserves. The Forest Homestead Act might therefore be thought of as a “hybrid act.” The Forest Homestead Act was enacted by the title “An Act to Provide for the Entry of Agricultural Lands within Forest Reserves” (34 Stat. 233) and used nearly all the same laws from the 1862 Homestead Act (sometimes called a “General Homestead”), but there were special procedures that curtailed the possibility of land fraud, opened opportunity to homesteads in agriculturally productive areas mountainous terrain, and otherwise adjusted homestead law to the special conditions of the Forest Reserves and the wishes of Congress made since 1862. The wording of the law was stated as that “lands be opened to entry in accordance with the provisions of *the homestead laws and this act*” (ibid, emphasis mine).

For what comprises the file contents of the Santa Fe National Forest Land Claims Archive, hints are given that a person could visit virtually any Forest Service ranger station, as well as the office of the Forest Supervisor at Santa Fe, and ask for a free application. The regulations themselves state that an application must be dated, an address given, signed and certified “in the presence of a forest supervisor, acting supervisor, ranger, or assistant ranger” (USFS 1917: Reg L-51). The application also had a certification that the applicant “has been upon the land and is familiar with its character” but an exception could be made if the land was already classified as agricultural or if “certification before a forest officer would result in unnecessary hardship or expense” (ibid). Presumably, apply first and be surprised later was not allowed, although some cases in the Archive suggest that some applicants withdrew due to remorse over their choice of land.

Like the General Homestead law, a person had to be at least 21 years old, head of household or a single man or woman, and a citizen or one intending to become a citizen to file on 160 acres. Lack of qualification did not stop people trying. Perhaps through ignorance or deliberate intent, Juan Antonio Maestas of Rociada, New Mexico, applied for a tract of land, but was found to not be a head of a household, and in addition was only seventeen years old. “The Homestead law requires that applicants, with the exception of heads of families, must be, at least, 21 years of age” (R.G. Willcon, Acting Chief of Operation to Juan Antonio Mestas dated March 26, 1909. Maestas, Juan Antonio 717 51). A person who was at least eighteen *and* a head of household would qualify. This was an era where some married and started families young.

Forest Regulations admonished that an application should describe the desired tract “by reference to subdivisions, section, township, and range within which it is located” (USFS 1917: Reg L-51). Provision was made for tracts not covered by a public land survey to be described “by reference to natural objects, streams, or improvements with sufficient accuracy to identify it” (ibid). Like the General Homestead Act, the tract of choice could not exceed one mile in length in any cardinal direction (Acting District Forester to Mr. R.A. Lillie dated May 22, 1917. Lillie, R.A. 1097). A tract a mile long and a quarter mile wide was legal.

Descriptions were written as a string of letters combined with fractions indicating quadrants or aliquot parts of a section (Figure 9). An example is herein drawn from the file of Robert A. Lillie, who had a homestead entry at Wolf Canyon, at the Rio de las Vacas settlement area and wanted more land that had been made available by the government. Wishing for an additional listing of land to the west of his already established boundaries, Lillie reconsidered because “he did not wish to have his present entry cut down at the east end as it contained very desirable land but, of course, wished to secure as much of the additional listing [to the west] as possible.” The listing was more specifically described by Frank E. Andrews, National Forest Examiner as “S/2 NE/4 NE/4, S/2 NE/4 NE/4 NE/4, N/2 NW/4 SE/4 NE/4, Section 36, T. 20 N., R. 1 E., area 30 acres” (Memorandum for the case dated October 16, 1917. Lillie, R. A. 334). However, rather than always use the square, the Forest Homestead Act also allowed descriptions of odd shaped tract by metes and bounds description (34 Stat. 233). In brief, a metes and bounds created an irregular polygon that better embraced curvaceous valley terrain. Irregularly shaped tracts had been proposed as a solution to the valley features of the Black Hills, South Dakota since before the Forest Homestead Act (Lynch and Larrabee 1992).

The Forest Homestead Act allowed an additional homestead right of entry to a qualified person already exercising their homestead privilege. They had to otherwise comply with the provisions of the General Homestead law. The additional land cost was set at \$2.50 per acre and written into the Forest Homestead Act under Section 2, that “such payment to be made at the time of making final proof on such lands” (34 Stat. 233). The Santa Fe National Forest Land Claims Archive contains references to another statute, however, called the Additional Homestead Act of 1904, addressed later in this monograph. Only one application for a tract of land per applicant was to be recorded (USFS 1917: Reg. L-52). In practice, some of the folders in the Santa Fe National Forest Land Claims Archive are labeled with two settlement numbers if the files had an application and an amended application to an individual's entry.

The Forest Service was mandated to classify land with potential for homestead entry as suitable for agricultural purposes by conventional methods, and on the basis of that classification accept or reject applications for homestead entry. An officer of the Forest Service would examine the land applied for by a potential homesteader even if the applicant withdrew his application (USFS 1917: Reg. L-52). This practice evident in the Archives hint that a filed entry was used as an excuse by Forest officials as an information gathering project to build intelligence about the land in their administration. Rejections of a homestead entry were common because officials of the Forest Service would either judge an area as not suitable for agricultural purposes or needed for Forest Service purposes (Figure 10). If the Forest Service had a special project

underway in an area, termed a “classification project,” the area would be closed to homestead entry and no applications would be accepted at that given place (ibid). A project could include the construction of a ranger station or an intensive use area. These had the potential to be restored to homestead entry “at the earliest practicable date” (ibid). An example is seen concerning the Stonehouse Ranger Station elaborated upon in the section of this monograph entitled “Hispanic Ethnic Majority in the Santa Fe National Forest Land Claims Archive.” An applicant had the right to petition for a review of a rejection by the District Forester within thirty days after the applicant received the rejection and present in writing an “argument as the petitioner desires to submit” (USFS 1917: Reg. L-53). Most did not ask, but the Archive does contain numerous reviews. Involved in the process was the District Forester in Albuquerque and the Forester in Washington D.C. In the way the regulation was written, the Forester could affirm the action of the District Forester and send the case to the Secretary of Agriculture at Washington D.C. whose action became final. If new matter is alleged that could change the decision, the case was supposed to be forwarded to the District Forester for his consideration and, if he changed his action, the case would take its regular course (ibid). Usually, the District Forester would be more detailed about the grounds for rejection (ibid).

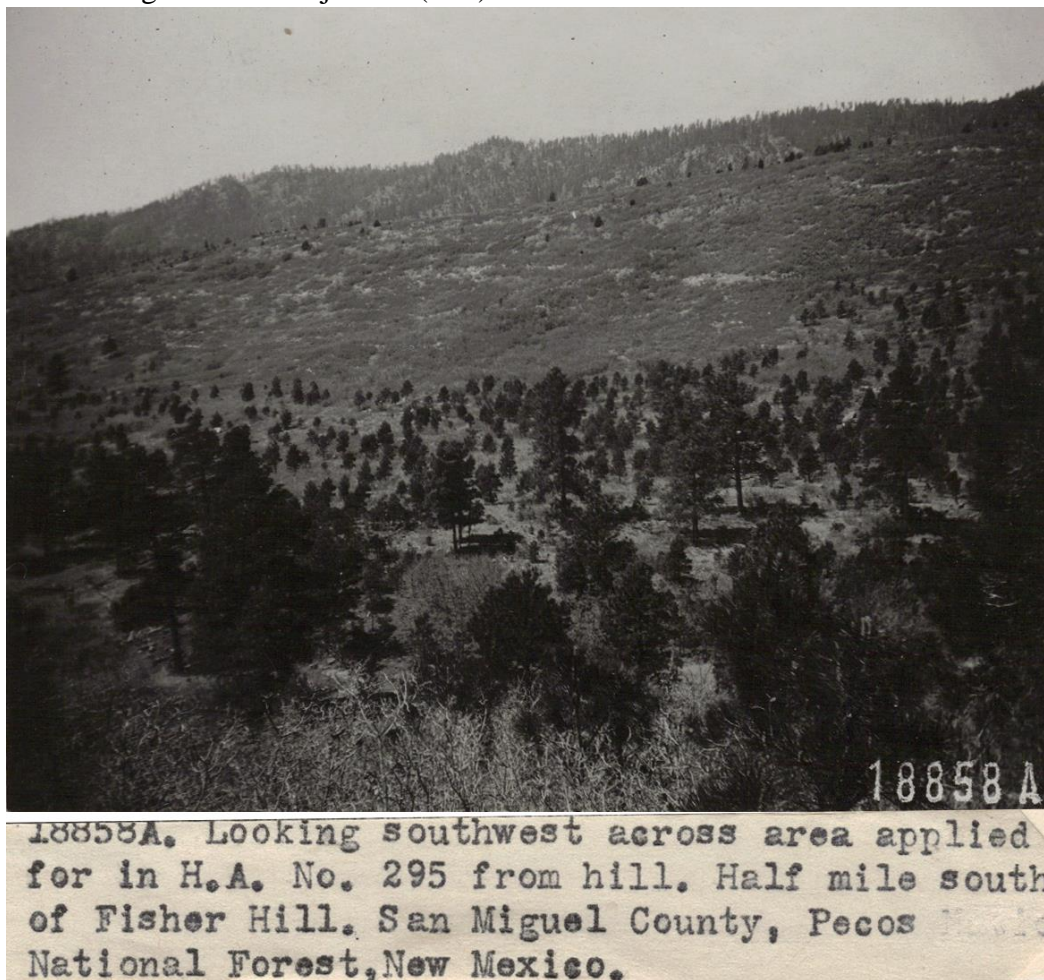


Figure 10: Forest Rangers sometimes took photographs of places applied for under the Forest Homestead Act in order to show the character of the land. In this case, the application of Victoriano Esquibel dated 1914 was asserted to NOT be chiefly valuable for agricultural purposes and was rejected.

In order to “prevent favoritism or the possible misuse by forest officers of official information,” an application for land considered non-listable was *not* to be recorded or given a preferential right to a claimant (USFS 1917: Reg. L-53). It was believed that privileged information that would reverse a decision about a tract being suitable for agriculture would be availed of by a corrupt official or a crony. The only exception made was if a settler already occupying the given tract had “substantial equities” belonging to someone else who “in the opinion of the Secretary of Agriculture” could be named as a preferred applicant (ibid).

Covered also by the Forest Homestead Act was what constituted “abandonment of an application.” They were (1) failure of the applicant to answer a written inquiry from a Forest official within 60 days, (2) failure to appeal a rejection in 30 days, and (3) “Entry by the applicant under some law requiring residence on land not contiguous to that applied for” (USFS 1917: Reg. L-55). Applications in the Santa Fe National Forest Land Claims Archive that were closed or rejected commonly feature the first two types of abandonment.

If an applicant found that his choice was already applied for, he could contest the rival applicant with the Land Office, especially if the rival was failing to abide by residency and cultivation requirements. The Forest Homestead Act allowed the Forest Service to accept the contestor's application and a note of the pending contest which could be instated if the contested one lost and did not successfully win an appeal (USFS 1917: Reg. L-56).

Deaths of applicants make their appearance in the Santa Fe National Forest Land Claims Archive, and regulations did allow a widow or heir to take up the claim if the deceased applicant had a special use permit and made substantial improvements to the land. Otherwise, if the land had been examined by a Forest officer and it was listed for entry, it could be listed again, giving someone else a homestead opportunity. If it had not been examined, the application would simply lapse and be closed (USFS 1917: Reg. L-57).

STEP 1: FORM 253 APPLICATION UNDER ACT OF JUNE 11, 1906

The application process required the prospective homesteader to visit a Forest Service office or request by mail a form letter addressed to the District Forester at Albuquerque, New Mexico. Exclusive to the U.S. Department of Agriculture, Forest Service, to administer the Forest Homestead Act, Form 253 entitled “Application Under Act of June 11, 1906” beckoned an examination by Forest Service officials and placement in an official list (called “listing”) managed by the U.S. General Land Office. Any Forest officer could provide a blank form and information about the process without charge.

Blanks needing to be filled included:

- The date of the application.
- The name of Jemez or Pecos National Forest where the choice of land was located.
- The description of the location of the desired land. Sometimes the applicant provided, with the help of the Forest Ranger, a description by adjoiners and/or situation from natural landmarks. A description by adjoiners typically named individuals owning or claiming adjoining land, notable physical features, or geographic names in the cardinal

directions (e.g. Located along the Rito Negro, bounded north by a ridge, east by José Gonzales, south by Mesa del Medio, west by Juanito Vigil). However, the preferred and more common description used was what Forest Service officials regarded as a “legal description” which was the aliquot parts description using the System of Rectangular Surveys (e.g. The Northeast quarter of Section 34, Township 23 North, Range 1 East). The so-called “legal description,” although more provable as to location to the general public than the description by adjoining, was not necessarily more legal.

- The name of the place the claimant received their mail.
- The name of the applicant.
- On the reverse side, a preprinted township grid was portrayed and the relevant squares depicting the location were darkened or “x-ed” in. This was often treated as optional.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST SERVICE
District 5
RECEIVED
DEC 27 1911
Referred to

APPLICATION UNDER ACT OF JUNE 11, 1906.

Ildefonso N. Mex.
Dec. 27, 1911.

390

THE DISTRICT FORESTER,
ALBUQUERQUE, N. MEX.

I hereby make application for the examination and listing, under the Act of June 11, 1906, of the following described lands in the _____ National Forest,
NE 1/4 SE 1/4 Sec. 4, T. 14 N.

I am entitled to make entry under the homestead laws and the Act of June 11, 1906. I have actually been upon the land above described and believe it to be chiefly valuable for agriculture, having settled upon it for the purpose of _____.

My present address is *Ildefonso N. Mex.*

Fermín Gonzales
Applicant

12-30 1911

Figure 11: Form 253 of Fermín Gonzales, who submitted an application that amended a prior one with an error in the description, for land near Rendija Canyon and the present day Guaje Pines Cemetery of Los Alamos, New Mexico. Ildefonso, about 10½ miles east of the land above described, was a Post Office near or at the Tewa Indian Pueblo of San Ildefonso, serving also the nearby Hispanic communities.

The applicant was admonished to accompany the Forest officer (Forest Ranger or otherwise) to examine the chosen land together. This was also treated as optional. The applicant was also admonished to use trustworthy “locators” and to be mindful to choose land that was agricultural in order to avoid unnecessary expense.

The completed Form 253 would be mailed to the Forest district office in Albuquerque and received, usually within a day or several days. The form, as with many others in the filing process, would be date stamped when it was received. The form would also be issued an application number, from one to four digits long representing a number for a settlement case that would serve, along with an applicant's name, as the title placed on the tab of a folder that would contain the paperwork that would accumulate as the case progressed (e.g. Gonzales, Fermín 390). Within the Santa Fe National Forest Land Claims Archive, the numbers run from 1 to 1112.

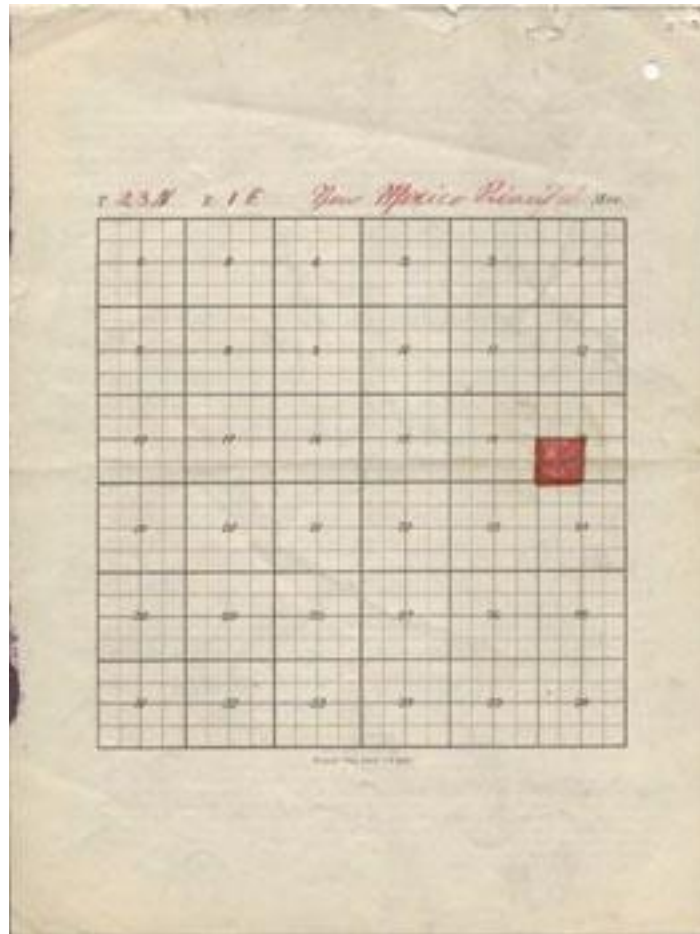


Figure 12: This is the verso of the second page on a version of Form 253, featuring a township grid filled in with the 160 acre choice of the prospective homesteader, Macedonio Gonzles 114, received by the Forest Service in 1908 for a claim at Gallina, NM that he stated he already had a house, family and had been there since 1890.

STEP 2: FORM LETTER TO CLAIMANT FROM THE DISTRICT FORESTER

Upon receipt of the applicant's completed application or amended application (Form 253), the District Forester would write the claimant acknowledging having received it. The date the applicant indicated on their Form 253 would be repeated back, along with the legal description or the improvised description, and the date the Forester received it. The brief letter would end with something like "You will be kept informed of the action and progress in this case" (Gallegos, Rosendo 309). In some rare cases, an applicant's choice of real estate might already be applied for by another, or be found to partially or fully overlap with the description of a prior homestead entry. In the early years of the Forest Homestead Act, it was the Land Office that would catch conflicts and report this to the Forest Service. Such was the case with Felix García who applied for land near Laguna de La Grulla, 7.6 miles south-southeast of El Coyote, NM in 1910. The Land Office found that Mr. Vidal Velásquez made Homestead Entry Number 5418 in the year 1899. The Acting Assistant District Forester informed Felix that:

"The records of the Land Department may be cleared of abandoned entries by procuring and filing in the local land office a relinquishment by the entryman, or by successfully prosecuting a contest in the local land office against the entry. In the event of the cancellation of Mr. Velásquez's entry, you should at once renew your application for listing under the Forest Homestead Act" (Letter dated Sept. 23, 1910. García Felix 262).

Apparently, Vidal Velásquez had some nostalgia for the land because his mother-in-law lived on it for 5 years, but added that the snow at that location was too deep (García, Felix 262). Vidal would relinquish to Felix, and Felix would amend his application in 1911 to a tract 27.50 acres in size. Although Forest Supervisor Frank E. Andrews believed the tract lacked agricultural value, Felix used it to harvest hay (García, Felix 344). By 1921 the Forest Service wanted to recall the claim because the cultivation itself was said to not exceed 15 acres. However, his brother Maximillano García harvested the hay, and this was because Felix had been sentenced to the State Penitentiary since March 1916 (García, Felix 018144 Adm). By 1930 the claim had been taken over by Francisco Valdez, and the 27.5 acre tract was patented to Valdez (#1037851 gloreCORDS.blm.gov).

STEP 3: EARLY EXAMINATION, FORM 110 REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

After an application was submitted by a prospective homesteader, Forest Service officials set about the task of an early examination. This was a three page report accompanied by a map sheet. Usually filled out by a Forest Ranger or an Assistant Forest Ranger, these reports were often in handwriting. Forest administrators sometimes referred to these as "June 11 reports" (Beem, Mrs. Franc M. 392). The June 11 reports were more formally called the "Report on Agricultural Homestead Application" or Form 110.

Form 110 had the Forest Ranger provide a narrative of the location, terrain, climate, the kind of tree cover, potential for conflict with other homestead claims or mining claims, the potential to make a living, and a positive or negative recommendation that may include a

reduction of the acreage to exclude valuable timber. This was forwarded to an examining officer, such as the Forest Supervisor. The June 11 reports provide a snapshot of what a place was like before the homesteaders made their improvements, although sometimes the homesteader had already entered.

Many applicants had already settled with a special use permit in conjunction with their application while others were squatters. If the applicant had already settled upon the land, some details concerning the settlement were made. In the case of Ricardo Gallegos, he and his wife, Mrs. Ursula Vigil y Gallegos, already had a one-room adobe house in good repair at Chama Arriba, a scattered settlement in the heart of the Cañon del Rio Chama, that was set back about a third of a mile from the south bank of the river. The report dated 1911, indicated that they had settled in 1910, had raised good crops, and the Deputy Forest Supervisor doing the report added “this would be an excellent site for Ranger Station[sic] because of presence of springs” (Gallegos, Ricardo 269). Ricardo Gallegos died before his application could be acted on but his widow continued the process (ibid).

The image shows two pages of a historical document. The left page is Form 110, 'REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS', from the United States Department of Agriculture, Forest Service. It is filled with handwritten information for Ciriaco Herrera, application #120, dated Oct 5, 1909. The applicant's name is Ciriaco Herrera, Coyote, N.M. The land is described as being in the Cañon del Coyote, about 16 miles E of Espanola and 50 miles SE of a branch road to Coyote. The report is signed by J.S. Hesse, who recommended the application.

The right page is a 'MAP SHEET' for the surveyed land. It features a grid with a central yellow-shaded area representing the homestead. Handwritten notes on the map include 'BONITA CAÑON' and 'FERTILE VALLEY LAND'. A legend on the right side of the map identifies different zones: 'LAND RECOMMENDED' (yellow), 'FERTILE VALLEY LAND' (light green), 'MERCHANTABLE TIMBER' (dark green), and 'TOUCH GRASSY PEG' (light blue). A note on the map states: '(Applicant desires land situated among ... improvements as has been made ... to be applied for land at homestead ...)'. The map is titled 'SURVEYED MAP SHEET' and includes the name 'CIRIACO HERRERA' and the number '1120'.

Figure 13: Form 110 Report on Agricultural Homestead Applications, first and last pages of the form in the case of Herrera, Ciriaco #120 (pronounced “see-REAH-coh eh-REH-rah”). About 26 years old, this man from nearby Cañon del Coyote applied for a tract in 1909 at Cañada Bonita (NM Span: 'beautiful glen') with boundaries aligned to avoid merchantable timber. The Map Sheet curiously shows improvements such as a cabin, corral, and fenced cultivation already in place as well as a waterhole to the east. Note the misrepresented place name as “Bonita Cañon.”

If an applicant withdrew his application, Department of Agriculture regulations held that the land in question be examined anyway (Reg. L-52. Regulations of the Department of Agriculture Governing the Classification and Listing of Lands Under the Forest Homestead Law, Effective October 1, 1917).

The information in Form 110 provided to the examining officer would proceed to the next step, a letter to the Secretary of the Interior requesting that the land of the applicant be officially opened to settlement and entry.

The introduction of Form 110 states the application number, whether it was in the Jemez or Pecos National Forest, the General Land Office District of Santa Fe and date of examination. Thereafter the examining officer of the Forest Service made twelve points as follows:

1. Name and address of applicant. This was often the name with middle initial, town with a post office, and the county name.
2. Settlement. Here the Ranger would state if the applicant was living on the tract and give the date of arrival. In many cases, an applicant had broken ground on the land for cultivation or simply grazed livestock on it maybe three years prior to applying for it without making a home on it. The applicant often had already received an Occupancy Special Use Permit (Benavídez, Felipe #963 & 297).
3. Location. This was expressed using a legal subdivision of section, township, and range. In some cases the Ranger projected the system in areas that were yet un-surveyed and indicated this to be an approximation. The location of the claim by distance and direction from a mountain, town, and/or post office was given. The distance and direction to a linear feature such as a stream, roads, and railroads from the claim was given.

In addition, a road exception or exclusion of a roadway for public use was indicated. A statement as to whether Form 107 was attached was made. At this point, it is important to make an aside to briefly explain this attachment.

The National Forest Manual instructed examiners of a homestead claim to fill out Form 107 entitled "Power Possibilities of Tracts to be Listed Under the Act of June 11, 1906" and dealt with the potential for hydroelectric power (Beem, Mrs. Franc M. 392). This form asked about streams, waterfalls, the presence of dams and reservoir sites, and the nearest market for the sale of electrical power (ibid). In many of the folders, Rangers omitting Form 107 did so by simply stating that no power possibilities exist on the tract. In the case of Sylverio Gabaldón who applied for a tract along the upper reaches of the Rio Pecos, Assistant Forest Ranger Charles V. Shearer filed a report in 1914 in which he noted that the mean flow of the river 3 miles south of the tract was 92.9 feet per second during 1913, and that since he estimated the flow to be half that amount it would not be possible to develop "100 horsepower, so Form 107 is omitted" (Gabaldón, Sylverio 958, 292).

4. Area. Expressed in acreage, this was the quantity of land applied for and an option given to indicate the amount recommended, usually less. Although the Act of June 11, 1906 provided that a claimant could obtain 160 acres, the acreage could be reduced, and often was, when the

claimed land embraced timber thought to be of sufficient value in a timber sale by the USFS. Boundaries were redrawn to embrace the land thought to be best for agricultural use and excluded as much timber as possible. Near the village of San Antonio del Quemado (PO Córdova) Encarnación Aragón complained to Senator TB Catron by letter about his claim to 160 acres being reduced to 82½ acres, and that the extra acreage was for timber Encarnación wanted for improvements. The Forester assures Encarnación by letter that he could get a free permit for timber to do his improvements or fuel (Aragón, Encarnación S.H.C.5257-034824. 1881).

5. Topography. For this a Ranger might indicate the form of the terrain where the tract being homesteaded was located, what the terrain was like, the altitude, slope and aspect. Phrasing describing the terrain as an open grassy draw bounded by prominent piñon covered ridges so many miles from the foot of a named summit or range would be indicated. If the given tract had steep, rough slopes or had broken hills, this would be indicated. Due to the angular nature of legal subdivisions by grid, there were often boundary corners that embraced portions of steep slopes, unless a metes and bounds description was used that could better embrace the shape of the terrain. The altitude was expressed in feet above sea level. Officers were admonished that slopes in a claim should ideally be gentle and could sometimes be expressed as a percent of slope if measurements were made. The aspect of the slope, that is, the bearing a slope faced was expressed by cardinal directions. It was important to relate this to agricultural possibilities to indicate whether or not the desired claim was suited to cultivation.

6. Formation. Here the Ranger typed or wrote what the extent of soil and rock outcrops were and how they impacted the agricultural value of the claim. This was accomplished by looking at the strata exposed on the sides of gullies or arroyos or borings to find out the depth and quality. A hypothetical description of the soil on the claim could be sandy in the eastern portion of the claim while red and adobe like in the west. There could be about 3 feet of loam upon bedrock. Rocky soils, cap-rocked mesas, or talus slopes would be indicated. Included also was the availability of water for irrigation and domestic use. Nearby surface water that could be diverted by a ditch and from how far received frequent mention in the archive. Since many homesteads were in areas with less reliable water sources than those settled before the annexation of New Mexico by the United States from Mexico, the possibilities to obtain water by man-made effort was important. The possibilities for obtaining water might include: walking 300 yards to a alkaline rivulet that dries in the summer, traveling a mile east to a mountain spring, hand digging a 30 foot deep well, retrieving well water from a neighbor a quarter mile distant, or building an earthen reservoir that fills in the spring from snowmelt or a summer rainstorm.

7. Climate. For this narrative a Ranger procured information about precipitation, temperature, and times of killing frosts as well as an informed guess as to whether it would be possible to maintain a home on a given claim throughout the year. In many of the homestead files, the Ranger would indicate that he had obtained information from the nearest Ranger Station or ranch so equipped with a rain gauge and/or thermometer. In one example, a Ranger inspecting a claim on Mesa Glorieta near Pecos stated that there was no weather bureau station in the region but thought the claim to be similar to Santa Fe, about 20 miles northwest from the claim and used that data (Benavidez, Mónico #1008 & 342). Information about killing frosts was often developed

by interviewing other homesteaders and examining their Crop and Residency Reports (explained elsewhere in this monograph). New Mexico lowlands received precipitation in the range of 10" to 14" of annual rainfall. Many of the homestead documents indicate precipitation norms in the 14" to 20" range, due to the effect of orographic lifting of moisture at higher elevations. The higher precipitation offered many homesteaders success in dry farming, but this was countered by a shorter growing season from May-June to September, demarcated by last and first killing frosts.

8. Cover. Rangers dealt with the nature and extent of the forest cover and had to include an estimate of its amount and value, as well as whether there was access to a market and distance to it. In some cases, the Ranger had to indicate that the cover was needed for protective or seeding purpose. A given tract in the region administered by the Santa Fe National Forest usually had Juniper and Pinyon cover or Pinyon and Pine. Many pioneers were able to make successful claims in areas with an Aspen and Douglas Fir cover at 8,500 foot elevation. In one example, somewhat typical of the kind of estimates that were made, a Ranger reported about 20 cord of Pinyon available on a 160 acre claim northeast of Regina (reh-HEE-nah) that could be worth 50 cents a cord but added that locally, there was no market for cordwood (Beem, Mrs. Franc M. #392 1912). In this same example, the Ranger thought there to be "5M. ft." or 5,000 board feet of pine valued at \$3 per 1,000 board feet with a market for "sawtimber" at the "Salazar Bros. sawmill, 10 miles south. All accessible" and all total, the cover amounted to \$25 (Ibid). This was a time of quantitative obsession over the interface between granting homesteads and harvesting timber.

In a letter dated 1912 from Forest Supervisor Thomas R. Stewart to Mr. D. L. Williams (Forest Ranger), Mr. Stewart referred to a "L-District, Claims letter" dated Jun 28, 1911 that had been circulated. The circular requiring that a Ranger estimate the value of the land involved including the value of the timber but excluding the value of all improvements made by the claimant. In an example for a claim of Josefita Armijo in February 27, 1912, north of Pecos, NM, the value of the land was \$320 using \$1.25 per acre and \$120 worth of timber worked out by the Forest Ranger by estimating that the claim had 40,000 board feet of timber valued at \$3 per thousand board feet (Armijo, Josefita 10540-08151). The circular gives the hint that the USFS was interested in quantifying the outflow of land and timber resources that homesteaders would end up with.

9. Claims. In this space a neighboring claim would be identified and overlapping boundaries would alert official to make suggestions to a claimant to amend his legal description or advise the claimant to cancel their application and make a selection elsewhere. The Ranger also stated the use of the land in the past. This entry would also have the homestead examiner present prior human presence on a given claim by reporting the existence of prior improvements, by whom, and on what grounds, such as that it was an abandoned squatter site. An example of this could be the presence of a log cabin uninhabited for some time, a corral in poor condition and disturbed soil from a prior attempt at cultivation or that it was just grazing land would be noted. In some areas that were rich in minerals, the examiner would identify the existence of mining claims. Improvements made by a claimant and their state of repair were identified as well. Many of the

claims could have a two room log or *jacal* house plastered with adobe, a corral, a chicken coup, a half mile of barbed wire fence with 3 wires, and a plowed field.

10. Economic possibilities. A Ranger would state what the plans of the applicant are, for example, that the claim is desired for use as a home and ranch. In this category the Ranger would state fully the agricultural possibilities, such as that the soil is well adapted, that there is or is no potential for irrigation and that it would be better for dry farming grains, or as hay land. The value, if any, would place the Ranger in a position to be an amateur real estate appraiser by, for example, stating that farms nearby are valued from \$10 to \$25 per acre. Some homesteads might be as far as 20 miles from the nearest real estate with known value. An examining Forest Service officer may herein provide the nature and extent of transportation facilities such as wagon roads, and their condition, and the possibilities of raising truck crops and if they could be transported to a nearby town or a railroad depot. The Forest Service also wanted to know if the claim would be more valuable for Rangers Quarters (Ranger Stations) or other administrative purposes. If withdrawal of a tract for administrative use was desired, a separate report called Form 271 was attached.



Figure 14: This photo in the Report on Forest Homestead Application for Nicacio Quintana taken during Nov 1914 stated that only a portion of the land he applied for was arable but otherwise had granite and gneiss rocks and that the “Tract is situated in a large burn and the dead and down timber covers much of it and the surrounding country” (1004 338).

11. Recommendations. This is where the ranger would recommend whether or not the tract be “listed” and a summary of the reasons. Usually this involved a discussion of the low

opportunities of commercial timber and that it would be more useful under cultivation. In some cases a portion of the tract applied for by the claimant would receive a recommendation by the Ranger to be “withheld from entry” because of valuable timber or unfavorable agricultural potential thereby reducing the acreage from 160 in many cases. Where it applied, a road withdrawal was recommended here. This was an easement to make a public road or keep an existing road public to protect the interests of the Forest Service to sell timber and have a logging enterprise be able to transport the logs through. The favorable topography of mountain valleys for agricultural purposes often placed an actual or potential public thoroughfare in jeopardy and so a significant number of claims had recommendations for a road withdrawal.

12. Photographs. Photos were meant to serve as a visual aid to show the improvements, cover, or terrain of the homestead. In most of the cases in the Santa Fe National Forest Land Claims Archive, no photographs were taken, perhaps because many of the Rangers were not equipped with cameras and film to do so. In one example, a claim near present day Los Alamos featured potential as a site to locate a sawmill and transport roads, possibly the old TJ Sawyer's Lumber Yard of 1900. The report indicated that photographs were sent to Washington and delayed in their return, then reportedly filed in another folder (Babcock, Frank 641. 1913). This may explain why photographs in the archive are relatively few in number.

The Report on Forest Homestead Applications would be signed by the Forest Ranger, the Forest Supervisor, and the District Forester at Albuquerque, although variations of this can be found in the Santa Fe National Forest Land Claims Archive.

To this report was attached the most colorful document found in many of the file folders, the Map Sheet, for which a Forest Ranger had to be above average in map making skills as well as in forestry. This was a sketch map of the proposed homestead and its immediate surrounding upon paper with a grid scaled at 8 inches to the mile that was done in colored pencil. In some of the files of the Archive, the name can be seen as Form 878, but on others the form is not so designated. The types of cover such as Piñon, Pine, Cedar, and grassland were portrayed in different colors. Stands of marketable timber on many of the sketches were categorized by different colors portraying the estimated board feet of yield. Elevated topography was often shown. Human improvements such as roads, trails, cultivations (if any), fences, houses, roads and corrals were depicted. Boundaries of the proposed homestead were portrayed by dark lines and if additional land was being applied for to add to an existing homestead claim, boundaries in a different shade are used to show the addition. In most cases, the homestead applications were made upon lands that had been surveyed into the rectangular survey system, and so monuments of Section corners and quarter-corners were shown as well as the section lines. A claim in an area not yet subdivided into the rectangular survey system may have affected the Ranger's ability to portray the claim, but a metes and bounds survey using a compass instrument for directions and measuring chain for distance aided the artist with mathematical references for an accurate portrayal. The majority of the case files in the Santa Fe National Forest Land Claims Archive do not have map sheets.

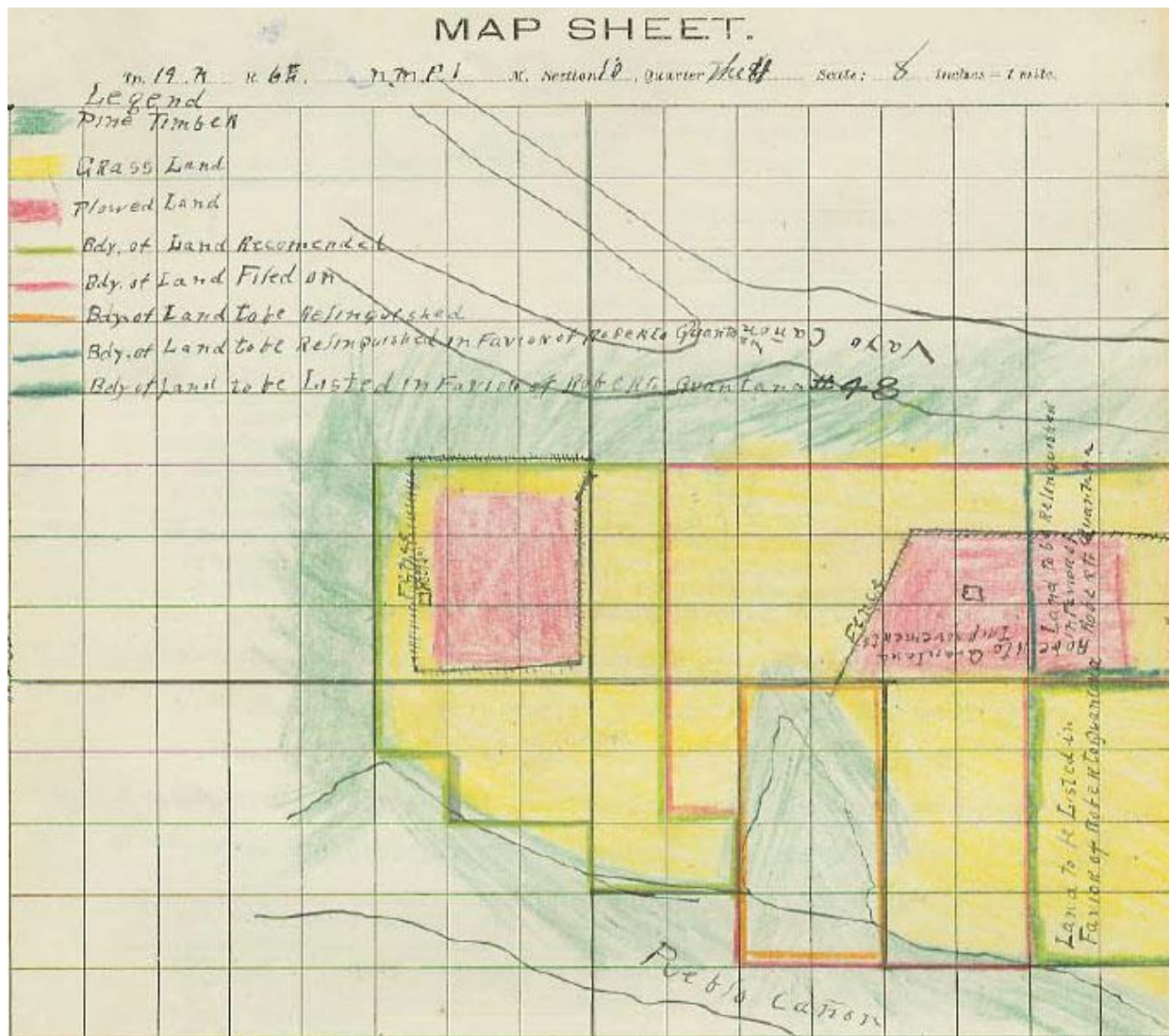


Figure 15: Map Sheet of David Quintana from Pojoaque, NM, who made Settlement #90 upon Mesa del Medio (present day North Mesa of the City of Los Alamos). Colors typically used were green for forests, yellow for open areas, and maroon for plowed land. Color coded lines indicated different boundary adjustments as per the key, to rectify the claim to aliquot parts description.

STEP 4: FORM 107. DETERMINE IF THERE WERE HYDROELECTRIC POWER POSSIBILITIES

In many of the case files in the Santa Fe National Forest Land Claims Archive a peculiar document entitled “Power Possibilities of Tracts to be Listed Under the Act of June 11, 1906” accompanied Form 110 Report on Agricultural Homestead Application and its Map Sheet. Forest officials were not only mandated to investigate a given tract for its suitability as an agricultural homestead, but also if the river coursing through a given claim had potential for hydroelectric dams.

The policy initiating this kind of inspection appears to have filtered downward from a general movement at the turn of the 20th century to dam watercourses in the Western states to regulate the apportionment of water, even out fluctuations in the flow, and introduce electrical power through hydroelectric generation. Annual rainfall in western Europe and eastern North America varied by less than fifteen percent, but in semi-arid and arid regions, this variability could be as high as 40% and expectations of constant, cyclical flow in the hydrological cycle were involved in American water policy in the Western region (Linton 2008: 639-40). Although adapting to aridity had been the only appropriate human response to conditions in the American West, a kind of American home-grown brand of contempt for arid conditions initiated a response to engineer it out of existence through the use of dams so that by the 1940s it had become a prerequisite for development and a method to elevate living standards (ibid). In the early years of the 20th century represented in the Santa Fe National Forest Land Claims Archive, Form 107 seems nonsensical, yet perhaps it represented the effort to prepare for modernization through electrical power as a logical next phase after homestead settlement came to a close.

Form 107 “power possibilities” provided a series of questions that the Ranger or other official was to answer:

- Is there a stream or lake on or near the tract?
- Does the tract include in part of whole a storage reservoir site? If so, how many acres?
- Are there possible storage sites further upstream?
- Is there a dam site on the tract for a storage reservoir? If so, state approximately: Height of dam, Length of base, Length at top.
- Is there a constant supply of water available from any source (natural flow, conduit, storage reservoir, etc.) at the tract for which application is made? If so, state approximate amount in miners' inches or second feet.
- Do you know of prior appropriations of the natural flow?
- What is the approximate difference in elevation of stream at upper and lower end of tract?
- Has the whole or part of the stream in this vicinity outside of tract much fall? State approximate fall to the mile.
- Are there any abrupt falls on the stream in the vicinity? If so, locate and describe the same.
- Has the tract a site for development from the natural flow?
- Is there a site for power development in the vicinity? If so, is this tract of value in connection therewith?
- What is the nearest market for sale of electric power?

This document was signed and dated by the examining official, such as the Forest Supervisor, the name of the National Forest, and the Application Number (also known as the Settlement Number).

Form 107
(Revised Aug. 1, 1910)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

POWER POSSIBILITIES OF TRACTS APPLIED FOR UNDER THE ACT OF JUNE 11, 1906
(Transparency Form 107)

Submit with the following information:

I.
JUNIOR, SETTLEMENT.
(Name) Ramon Lopez 507
(Town or village) (Ap. No.)

1. Is there a stream or lake on or near the tract? No
2. Does the tract include in part or whole a storage reservoir site? No
If so, how many acres? _____
3. Are there possible storage sites further up stream? No
4. Is there a dam site on the tract for a storage reservoir? No
If so, state approximately: Height of dam _____
Length at base _____ Length at top _____
5. Is there a constant supply of water available from any source (natural flow, conduit, storage reservoir, etc.) at the tract for which application is made? No
If so, state approximate amount in miners' inches or second feet _____
6. Do you know of prior appropriations of the natural flow? No
7. What is the approximate difference in elevation of stream at upper and lower end of tract?
50 feet.
8. Has the whole or a part of the stream in this vicinity outside of tract much fall? No
State approximate fall to the mile 75 feet
9. Are there any abrupt falls on the stream in the vicinity? No
If so, locate and describe the same _____
10. Has the tract a site for development from the natural flow? No
11. Is there a site for power development in the vicinity? No
If so, is this tract of value in connection therewith? _____
12. What is the nearest market for sale of electric power? Albuquerque, N.M.

July 6, 1913.
(Date)

Forest Ranger
(Signature)
(Date)

Figure 16: Form 107 Power Possibilities. This form asked the Forest examining officer a series of questions about the potential for hydroelectric power generation on or near the tract. This one dated 1913 is for the claim of Ramón López who applied for land 7.32 miles north of Cuba, New Mexico.

Since flow of streams and storage of water sufficient for hydroelectric power was not common, Form 107 was often submitted purely because of mandate with most of the answers in the negative or not applicable. Such was the case with Ramón López who applied for a homestead seven and a third miles north of Cuba, New Mexico (Figure 16). The Arroyo Salado with a course through the tract had an estimated 75 foot fall to the mile and the nearest market in 1913 for electricity was Albuquerque. Throughout the folders of the Santa Fe National Forest Land Claims Archive, Forest officials dealing with applications talk about attaching Form 107 to their reports if there are “power possibilities,” or omitting it if not. Omitting the form was routine with notation by a Ranger or examiner denying any power possibilities. A homestead entry was believed to be detrimental to hydroelectric generation, and an entry was contingent on there being none. Such was the case when the claim of Jesús Archuleta along the Rio Chama was initially removed from entry and then restored to “entry under the Act of June 11, 1906, without prejudicing power development, since no power possibilities exist on the tract” (Jesús Archuleta #380). However, in the case of Sanbrán Gallegos, who applied for land by the Rio Chama on the

bottomland in its canyon, answers in the affirmative on Form 107 proved to not be a detriment for obtaining his homestead claim. Although there was a constant supply of water, and storage sites above, at, and below, it was noted that there was “no present market within reasonable distance” for the sale of electric power at the time, the year 1911 (284).

STEP 5: COMPASS SURVEY AND FORM 220 PLAT

Many files in the Santa Fe National Forest Land Claims Archive feature a small plat entitled “Map Sheet” different than that which accompanied the aforementioned Form 110 Report on Agricultural Homestead Applications. In addition, some of the files feature field notes for the boundary survey of the given tract. Of the 1,886 files of the Santa Fe National Forest Land Claims Archive, 1,214 have neither map sheet nor Form 220, and fewer still have field notes of a compass survey. Compass surveys and plats seem to appear whenever a metes and bounds description for an irregular polygon shaped tract was necessary, in areas where an official township survey has yet to be completed or approved, or any other irregularity. The inconsistent appearance of the compass survey and/or Form 220 Map Sheet clearly suggests this step was optional. Homestead applications in surveyed townships described in aliquot parts seldom needed a blue print Map Sheet. In the case of Mrs. Albina Lucero, the area she requested was in a surveyed area but was irregular at 9.43 acres in an irregularly shaped Section 7, T.18N., R.4 E. (Lucero, Albina Mrs. 1069). Correspondence in her case indicates that on June 7, 1913 an arrangement was formalized between the Assistant Commissioner of the General Land Office and the Forester at Washington D.C. for these blue prints (*ibid*).

When an early survey was conducted, especially if the tract had to be described by metes and bounds, a crew led by a Forest Ranger or an Assistant Forest Ranger used a tripod mounted compass instrument (as opposed to a transit) and Gunter chain to conduct the boundary survey of the desired tract. In the case of Juan C. Tafoya, a 159 acre tract about a mile east of Regina, New Mexico, was surveyed by compass and marked by 17 corner points marked by 4" x 4" x 3' cedar posts set one and a half foot in the ground, and scribed “H/1,” “H/2” and so on in sequence. Bearing trees were blazed also. The Assistant Forest Ranger who conducted the survey on August 20, 1910 typewrote the field notes indicating the compass variation used was N 14°30' E magnetic deviation from true north (Tafoya, Juan C 144). From this, a small plat was drawn (Figure 17, left). Tafoya's boundaries were re-platted in 1914 into a sprawling but more right-angled configuration to avoid conflicts and overlaps with neighboring homestead entries (Figure 17, right). This example narrative with variations was typical of others found in the Archive. In another example at Arroyo de las Yeguas north of Gallina, the homestead application of Pedro Aragón was surveyed on September 3, 1913 by the Forests Supervisor, Frank E. Andrews (Aragón, Pedro 481, 485). In this case, special instructions were issued by the U. S. Surveyor General on July 18, 1919 that made the survey by Andrew the official and final boundary survey that Pedro Aragón was able to use for his final proof in 1922 (*ibid*).

In one example derived from the Archive, Rafael Gallegos applied for land along the Rio Gallina in the box canyon five miles upstream from its tributary with the Rio Chama. The tract was a metes and bounds description and the purpose of the survey and its resulting plat was explained to him:

“You are advised that final plat covering the survey of your homestead situated in the Santa Fe National Forest, is now on file with the U.S. Land Office at Santa Fe, New Mexico. This survey is designated as H. E. S. [Homestead Entry Survey] No. 212 and was made by the Forest Service as a basis for submission of final proof and patent. Copy of the plat for posting will be furnished you by the Land Office when you are ready to make declaration of your intention to submit final proof” (Frank C. W. Pooler, Acting District Forester to Mr. Rafael Gallegos, El Vado, New Mexico dated February 6, 1917. Gallegos, Raphael 397).



Figure 17: Map Sheet Form 220 for the homestead of Juan C. Tafoya, near Regina, NM. Left, a metes and bounds survey with seventeen angle points done in 1910. Right, the boundaries for Tafoya were redrawn in 1914 to solve conflict problems with neighboring homestead.

The blue prints would be entitled with the claimant's name and settlement number as well as who led the survey and who drew the plat. The phrase “plat for posting” and other hints throughout the Archive appear to indicate that these plats were to be displayed by a homesteader to the passing public, perhaps in a little rough-board kiosk, when they presented their final proof.

STEP 6: LETTER TO SECRETARY OF THE INTERIOR

Once the examiner studied the information provided on Form 110 Report on Agricultural Homestead Application, and finding the land chiefly valuable for agricultural purposes, he would communicate with the Land Office in Santa Fe and obtain a “listing number.” A letter in the

name of the Secretary of Agriculture to the Secretary of the Interior would be composed with peculiar phrasing. Apparently, because the Forest Reserve Act, or Section 24 of the Act of March 3, 1891 (26 Stat. 1095) effectively closed to homesteading areas selected as Forest Reserves, the letter written to the Secretary of the Interior functioned like a key to have the land officially “opened to settlement and entry in accordance with the Act of June 11, 1906” (Acting Secretary W.M. Hays to the Secretary of the Interior. Jan 2, 1913. Burciago, Nabor #920 & 254).

The letter began with the first sentence incorporating the Land Office list number and referenced the survey plats, if any. It would begin with something like: “I have the honor to request that the tract of land (List No. 3-2047), shown on the enclosed plats and also described in the enclosed copies of field notes of survey, in the Jemez National Forest, New Mexico, be opened to settlement and entry...” (Gallegos, Raphael 397). The letter would proceed to provide a legal description of the land in question, using the rectangular survey system or metes and bounds description, with acreage. Plats were omitted from the narration when the boundary description conformed to the System of Rectangular Surveys.

A brief statement about the applicant and when they applied was followed by the request for entry. In one example, the letter stated: “Mrs. Franc M. Beem, Cuba, New Mexico, applied on April 13, 1912, for this tract” (Beem, Mrs. Franc M. #392). The last statement often assured the Secretary of the Interior that the tract could “be restored to entry under the Act of June 11, 1906, without prejudicing power development, since no power possibilities exist on the tract” (ibid). The Secretary of Agriculture, acting through his agents would often sign off with “I have the honor to be, Sir, Very respectfully, Your obedient servant” (ibid).

STEP 7: LETTER TO THE APPLICANT FROM THE DISTRICT FORESTER

Once the agents acting for the Secretary of Agriculture submitted the homestead application to the Secretary of the Interior, the District Forester wrote the claimant a letter beginning with something like “I am very glad to inform you that the tract of land applied for by you under the Forest Homestead Act, as shown on the blue print enclosed herewith, was listed on Sept. 5, 1912, with the Secretary of the Interior” (Gallegos, Raphael 397). The form letter ended with “This area will be declared open to settlement and entry by the Secretary of the Interior on a date that will be fixed by him. You will be kept advised in advance by the General Land Office when the land is to be opened to entry” (Dated April 18, 1917. García, Cesario 1045). In the case of Cesario, although his application was dated August 1, 1915, the official Request by Acting Secretary of Agriculture to the Secretary of the Interior to list it did not happen until March 30, 1917, and the above good news of listing happened quickly by April 18. The delay may have been caused by an “intensive classification” in which homestead entries are barred until the Forest Service completed some special project in the area (ibid). Variations in wording of this letter appear throughout the case files of the Santa Fe National Forest Land Claims Archive.

STEP 8: TRANSFORMATION FROM A SETTLEMENT CASE TO AN ADMINISTRATIVE CLAIMS CASE

Many cases in the Archive will have more than one folder for a given entryman with different numerical labeling signaling the progression from a settlement case to an administrative

claims case. Whereas a settlement case is the application and approval process for a Forest Homestead, an administrative claims case is its progression to patent. In the example to be detailed shortly, the case file “Valdez, Juan B. 1052” progressed to another file labeled “Valdez, Juan B. HE 033555.” In general, it could take seven months to complete a settlement case before it became an administrative claim. However, the time duration of settlement cases seen in the Santa Fe National Forest Land Claims Archive varies widely due to unique complications for each case. Hypothetically, from step one, the application, to step six, letter to the Secretary of the Interior, could take up to six months. From step six to seven, approval and letter to the applicant from the Forester, could take only one month. An application made in the summer could result in an opening to entry by the spring in time for planting, assuming no special problems, delays, or special classification of an area by the Forest Service temporarily closing off an area to settlement.

When an settlement entry became an administrative claim, the entryman's improvement to his claim would be tracked by the Forest Service over the years to final proof. Final proof was a kind of mass inspection to determine good faith by the claimant as to residency and cultivation. When the entryman was ready to present the final proof, Forest officials made a final report. While some administrative claims case folders end the paperwork showing the Land Office issuing patent to a claimant, others feature the Forest Service protesting an entry for non-compliance, and have paperwork of a hearing before a Commissioner of the Land Office.

For the few squatter claims in the Santa Fe National Forest Land Claims Archive, these could progress to administrative claims cases, before achieving a certificate that made it a certainty for patent. Some so-called squatter claims received remedy under the small claims act with simpler paperwork and those cases were usually expedited to patent.

An example of transformation from a settlement case to an administrative claims case, and how long it took, is that of Juan B. Valdez, selected here because it was a homestead made almost free of complications. Juan applied for land seven miles west northwest of El Coyote, New Mexico near a set of scattered farms along the Rito Agua Sarca. Juan's choice, however, would be a dry farm atop a mesa forested mostly by Pinyon and Juniper with a scattering of Ponderosa Pine (Figure 18, left). Made on March 24, 1916, dry-farm sites were likely all that was available by that time for that area since settlement of the village of El Coyote and nearby water courses appears to have had origins to the early 1850s, if not prior. Juan's application suffered a delay of about two years because it was in an area classified by the Forest Service as “intensive.” Furthermore, Juan's application had to be amended to a slightly different location and reduced from 160 acres to 85 acres. Juan applied for the tract as a Three-Year homestead under a 1912 act of Congress that allowed a claimant under this option to shorten the time range to make final proof to from three to five years but required greater increase in cultivation than the five-year homestead law. The original Forest Homestead Act allowed from five to seven years to complete, but the three to five year option by the Act of June 6, 1912 was added to the Forest Homestead Act for those who thought they could meet the challenge of an expedited homestead (explained later).

Entry was allowed to Valdez by the Land Office on August 22, 1917, and he set about building a house and fence while introducing fifteen sheep, two horses, and eight cattle to the tract (1917 Crop and Residency Report). By March of 1918, the newly described land in Section 33 and 34 of T. 23 N., R. 2 E. was submitted to the Secretary of the Interior by the Secretary of Agriculture with a request to “be opened to settlement and entry in accordance with the Act of June 11, 1906,” the Forest Homestead Act (Valdez, Juan B. 1052).

Valdez would establish residency during April of 1918. Juan's house was a two-room *jacal* style measuring 14 by 28 feet. He stretched one and a half miles of three strand fence and cultivated “Mexican style” (hand work by plow and hoe) the crops of wheat, corn, and potatoes, referred to as “spuds” according to the 1918 Crop and Residency Report. Juan appears to have withdrawn the sheep but introduced 22 cows and 5 horses, in increasing amounts using a Forest Service grazing permit. Missing only one winter in 1918-1919, Juan and his family resided continuously upon the tract. The increase of Juan's cultivation can be illustrated by comparing his first cultivation in 1918 with the year 1921. In 1918 he had two acres of wheat, three of corn, and one of potatoes. In 1921 he had four acres of wheat, two of corn, three of barley, two of beans, and one of oats (Valdez, Juan B. HE 033555). Crop and Residency Reports were filed by the Forest Rangers on Juan's claim every year from 1917 to 1921.

On July the 6th of 1922 Valdez filed his intention to make final proof before a U.S. Land Office Commissioner at Cuba, New Mexico. In reaction to this, the Forest Service sent Ranger J. A. Rodríguez to make a final report on July 24, 1922. By this time, his house valued at \$350 had increased to four rooms and featured galvanized metal roofing. Other improvements he built included corrals covering a quarter acre valued at \$25, and 75 acres were brought under 2 and 3 strand wire fence. The Ranger also noted that the crops would be lost for 1922 “due to the drought which has prevailed here this year” (Valdez, Juan B. HE 033555). Juan had also reduced his cattle to four, and horses to three, grazing them on surrounding National Forest land by permit. Good faith was determined by “the appearance of a permanent home” and Ranger Rodríguez recommended patent be issued without protest by the Forest Service which was approved on July 29 by then Forest Supervisor Frank E. Andrews (*ibid*). On August 2, the District Forester Frank C. W. Pooler (acting through his assistant, perhaps in Albuquerque) wrote the Register and Receiver at Santa Fe to say that the Forest Service would not “protest against issuance of patent to Juan B. Valdez, Coyote, New Mexico” (Valdez, Juan B. HE 033555). Patent was issued to Juan on December 6, 1922 for eighty-five acres, with the name of Warren G. Harding, being President at the time, appearing on the patent document (#889698 <usglrecords.blm.gov>).

In summation, it took from March of 1916 to December of 1922, or six years and nine months to complete the process. It took Juan one year and five months from the time he made his application to when his choice of land was opened to his entry so that he could begin making improvements. It took four years and three months of cultivation and residency before he could give notice to make his final proof. Within a month, the Forest Service made a final report and notified the Land Office it would not protest the patent. Patent came from Washington D.C. four months later. Hypothetically, starting from application date to patent issued, a five-year

homestead could be completed in five and a half years and a three-year homestead could be completed in three and half years. In practice, very few happened that quickly. If one counts from the beginning of his actual residence on the claim, April 1918, it still took him four years and eight months of residency before he filed a notice of three-year proof in December of 1922.

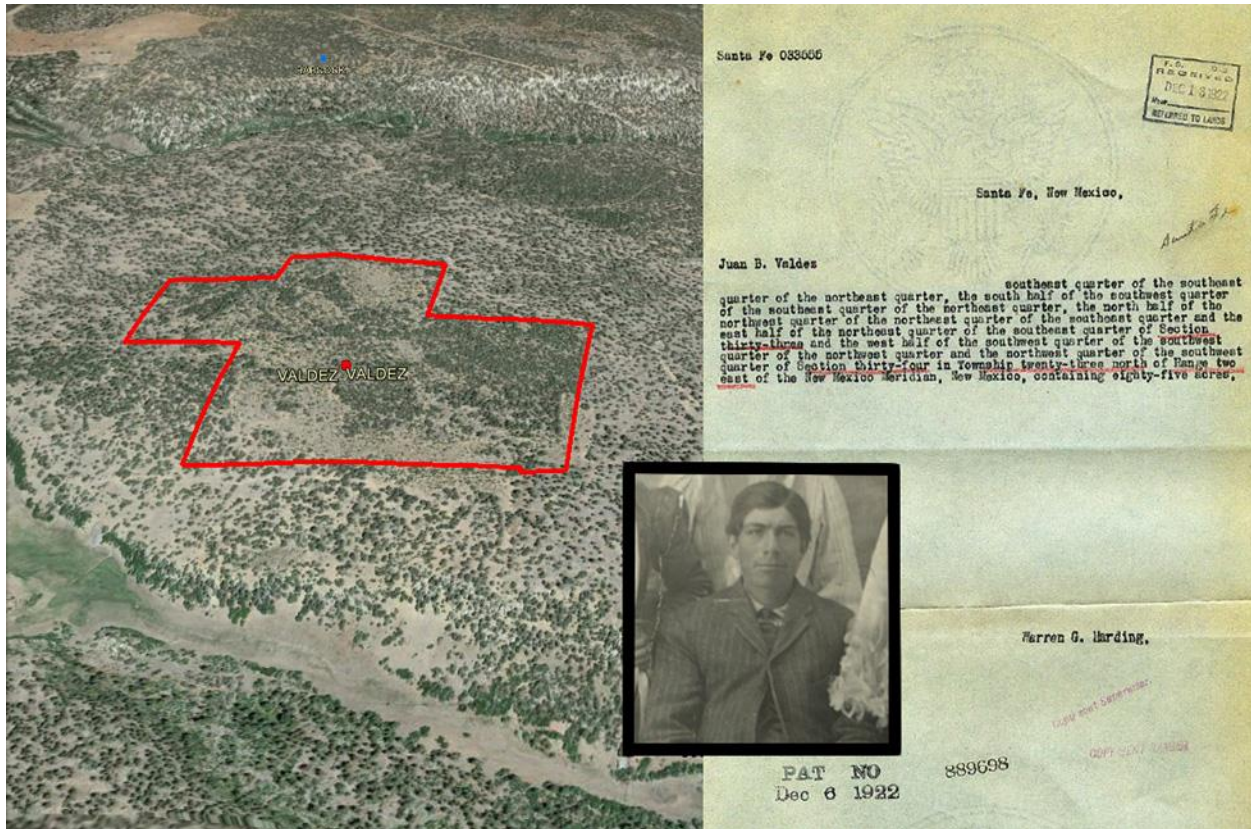


Figure 18: The Juan B. Valdez dry-farm homestead. Left, the claim as it appears in 2014 using Google Earth (overlay by Roberto H. Valdez). Right, An abbreviated copy of the 1922 patent document for Valdez from the Santa Fe National Forest Land Claims Archive (Valdez, Juan B. HE 033555). Abbreviated patent documents were different than the ones issued to the patentee, because they were for Forest Service use only, and did not need the official preamble or conclusion text. Center, photo of Juan Bautista Valdez as he appeared c. 1910 at about age eighteen (collection of Roberto H. Valdez).

During the years of process, a homesteader had to be a self-starter who treated homesteading like a career and operate with a flexible time frame under a decade in that career. Ranger Rodríguez commented in his report that all of Juan's “improvements are in very good condition and shows that the claimant is industrious” (Valdez, Juan B. HE 033555).

The demise of homesteading came in tandem with changes in society, the economy, and people’s lives in a movement toward modernization. For Juan, it is known he stayed in the local area farming dry but acquired a small irrigated home site elsewhere in the local area before slowly transitioning into a new career as a sheep herder foreman in the States of Colorado and Utah. Local society transformed to a wage economy in the wake of World War II, and like Juan, many homesteaders sold off their land and moved to larger towns such as Española to seek wage

work. For those who stayed and purchased land from those leaving, the way of life propagated by the homestead act is in most ways similar to the way people live in this area today, including the blood relatives of Valdez, only with modern amenities. Vegetable gardens are smaller. Grain cultivations are fewer, replaced by expanded pasture and alfalfa fields. Modernisms to rural dwellers include increasing personal choices, an increase in off-farm employment, and the rise of individualistic thinking. Simultaneous with this, however, is the persistence by those in the area to maintain the fragments of tradition ranging from keeping connections with extended family all the way to the use of land for agricultural purposes (as opposed to recreational purpose). Changes since the homestead era to the region also include fossil fuel powered farm machinery. Electrical power, and electrical well pumps came to many by the 1960s, as did telephone service progressing further to today's communication technology (e.g. cell phones), technology driven media (e.g. satellite TV, rural internet service), and homes that combine modern and traditional materials forming a vernacular style. All this occurs upon tracts of land with origins in the Forest Homestead Act. Certain regions, such as that about El Coyote, are still primarily populated by Hispanic people as it was when the Forest Homestead Act was still being carried out.

What a folder is entitled often does not restrict what its contents are. Like many others in the Archive, the settlement case of Juan B. Valdez has only three pages while another might have up to fifteen. Settlement cases usually have map sheets. Settlement cases almost always have fewer pages than administrative claim's cases. In the administrative case of "Valdez, Juan B. HE 033555" there are thirteen pages whereas others can have over a hundred. Some of the folder contents combine settlement documents and administrative claims documents together, suggesting their provenance was disturbed during some kind of investigation. However, in most cases, the documents are in chronological order starting with newest first and the oldest last. The researcher merely has to confirm chronological order by looking for dates or receipt stamps. A few folders have documents relevant to other claimants. For example, in one folder entitled "Lillie, Robert A." composed of three pages, the document is actually Lillie's testimony as witness on behalf of E.M. Fenton Jr. Considering that the Santa Fe National Forest Land Claims Archive compiles such a large amount of information by so many people over decades of time, the provenance is good.



STEP 9: CROP AND RESIDENCE REPORTS

In the three-fold process beginning with applying for a homestead and ending with the final proof and patent, there was the middle step that took years of hard work-- improvement of the land. To document progress by the entryman, a special form called the Crop and Residence Report was filled out by the Forest Ranger or Assistant Ranger as part of their duty to keep information about homesteader's obligation to maintain residency and cultivation of their claims. The rangers carried pocket notebooks that they used as a sort of diary to tabulate details of encounters with homesteaders mostly during their excursions afield. Rangers would use these notes to compose a crop and residency report and from them the Form 655 Report (explained later) when the claimant filed for final proof.

Aside from the basic data on a claimant such as their name, and filing information on their claim, the name of the Forest Ranger making the report was also given. Reports were often not dated from January 1st to January 31st, but began in the late winter. In Figure 19, a Crop and Residence Report on the claim of Luis Trujillo shows that the period began on February 19. The Crop and Residence Report had the Forest Ranger describe the agricultural quality of the claim and then to quantify its agricultural production. Those portions of a tract that could be cultivated were described by their soil type, the slope, and location of the cultivated portions in relation to the surrounding topography. In Figure 19, this was noted as: "Sandy soil...fields lie along the benches of an arroya[sic] slope to the north east." The part that was not cultivated was described as well. In the case of Luis Trujillo this was noted as: "Sandy soil sage brush & Grama grass." In other examples in the Archive, "pinon timber" might be indicated. An estimated elevation above sea level, like that given in the settlement file, is repeated on these reports. In the case of Luis, it was 6,500. Many Forest homesteads ranged from 6,500 to 8,000 feet with 7,000 rather typical. This elevation featured Pinyon Pine, Juniper, Cedar, and open areas of grama grass and sagebrush. Dates of first and last frosts were reported for the Luis Trujillo tract as May 1 and September 14 (Figure 19) and were rather typical for the region at the time.

U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
CROP AND RESIDENCE REPORT

W. J. ...
01595

Claimant, ~~...~~ **Santa Fe** Period Covered
from **Feb. 19** 1917
to **Jan. 1** 1918
H. A. No. **355** District **Chama**
H. E. No. **015995** Forest Ranger **L. D. Blodgett**

Description and Acreage of Land	CULTIVATED AREA Soils, Slope, Location of fields with relation to streams, dally-dike, ditches, etc.	Unimproved cultivated areas description	Elevation of tract	Date first and last planting
List 3-1280 130.72 Acres Unsurveyed	Sandy soil, fields lie along the benches of an arroyo slope to the north east.	Sandy soil sage & Grama grass	brush 6500	May 1 Sept 14

Kind of product	Acres	Dry or Irrigated	Per Acre Amount	Measured or Estimated	Amount Bald	Unit Price	Factors Affecting Success or Failure	Source and reliability of data
Wheat	5	Dry	300#	esti.	?	?	Crops very light this year on account of not having water and no rain	Inspection Sambora Gallegos Reliable
Corn	6	"	500#	"	?	?		
Peas	4	"	300#	"	?	?		
Beans	10	"	200#	"	?	?		
Alfalfa	4	"	800 #	"	?	?		

Number of domestic and range stock... **NO data** Method of planting and cultivation used...
Primitive, Mexican methods
Outside employment... **NO data** ... **hand work**

RESIDENCE DATA (Date residence established in first report, absence with dates, names of witnesses, etc.)
First residence was established in 1912 according to the claimant.
I passed this claim on July 17, 1917, claimant and family were living
on place, which had the appearance of a permanent home w Good faith shown
on referring to Mr. Nevitt's report on this claim for the year 1916, I am
of the opinion that he was mistaken in the tract.

Improvement at time of settlement (in first report), new ones made during period with value
No improvements at the time of settlement.
Present improvements consist of 3 small ~~facals~~ , fencing and corrals
Needs a more complete investigation. Total value \$300.00

Original cover and clearing
Sage brush & grama grass Worth \$25 per acer to clear.
(If space insufficient see back of form with appropriate reference mark)

Figure 19: Crop and Residence Report made by Ranger L.D. Blodgett for the year 1917 of Luis Trujillo who was improving his claim within a side valley in the Cañon del Rio de Chama along the Arroyo del Oso, an area reabsorbed into the National Forest and today part of a designated wilderness area (Trujillo, Luis HE 015995).

The next part of the Crop and Residence Report involved quantity of agricultural production from a claim. The kind of crops raised, or "produce" that were typically grown in the region were listed. Dry farming in the region included those crops identified in Figure 19 as wheat, corn, peas, beans, and alfalfa. However, barley and oats were also typical. Due to the elevation, and precipitation levels in the 14" to 20" range, a person with local knowledge and persistence could make the land productive. The report also indicated the number of acres planted and whether and how much of this acreage was irrigated or dry farmed. Production was

measured or estimated quantities were noted. In Figure 19 the aforementioned crops were all non-irrigated and production was estimated: 300 pounds (represented as #) of wheat grown on five acres, 500 lbs. of corn grown on six acres, 300 lbs. of peas grown on four acres, 200lbs. of beans grown on 10 acres, and 800 lbs. of alfalfa grown on four acres. In the case of Luis in 1917, none were sold, and therefore no unit price indicated. The quantities were obtained by inspection, but witnesses such as neighbors and merchants could also provide verification. Conceivably, like today, ranchers kept tabulation of their crops as part of their overall effort to gauge the climate and their own performance, but record keeping could have been their obligation as part of obtaining their homestead. A Crop and Residence Report had a space to indicate factors affecting success or failure. The report for 1917 (Figure 19) stated that “Crops very light this year on account of not having water and no rain.”

The next category in the Crop and Residency Report requested and recorded miscellaneous information:

- Number of domestic and range stock. Almost all homesteaders kept draft animals, mostly the horse, as well as cattle and sheep. Some had enough livestock to require a grazing permit from the Forest Service and grazed them outside of their claim.
- Outside employment. Throughout the Archives roughly one-fourth to a third of the homesteaders held down temporary outside jobs at one time or another during their years of residency and cultivation of their homestead before proof. Of these, many worked the winter shepherding in Utah, others worked at regional sawmills, others were day laborers, and a few were blacksmiths. Most of those who were involved in employment would do so in winter, but there were some examples of summer employment as well. The most important periods to be residing on the homestead was during the spring planting season and the fall harvest.
- Method of planting and cultivation used. Usually this was a short sentence or phrase. Whereas some cases merely describe “plow and hoe” as the method of cultivation, most of the Anglo-Americans on homesteads were typically seen using the plow. Hispanics methods were often described as being “Primitive,” “Mexican methods” or “hand work” as seen in Figure 19. Although this might suggest poverty, most of the homesteaders in the Santa Fe National Forest Land Claims Archive were indigenous Hispanics who were using homestead law as a way to establish themselves since they lacked the benefit of monetary savings; and those who could afford plows and harrows did so if they had outside employment. Otherwise, hand work suggests a very low impact style of cultivation. The other possibility is that Rangers were observing intensive hoeing during the de-weeding time, such as in June.

The blanks that follow next in the Crop and Residence Report asked for dates when residence was established, absences with dates, and names of witnesses if any, with a motive to establish if there was good faith on the part of the homesteader. As shown in Figure 19, it was the claimant who provided 1912 as the year when he established residence. The Ranger likely added from his pocket notes that he passed by the claim of Luis Trujillo on July 17, 1917 and saw him and his family on the place. Over time, Forest officials became more conscientious

about including the names of witnesses on the Crop and Residence Reports. In another case file Frank E. Andrews, Forest Supervisor admonished his Forest Ranger working at Santa Fe:

“Please look up the claims procedure in the lands handbook and file with your report the names of at least two or three parties who are so situated that they have knowledge of the fact of non-residence in this case [of Mrs. Albina Lucero] and whether or not they would be willing to testify if called upon. This information is of value in the future if the case should come to a hearing since if you should be transferred from the district in the meantime your successor would know just who to call upon” (Letter to Mr. A. T. Pfingston dated Dec. 22, 1925. Lucero Albina 1069).



Figure 20: Ruins of a *jacal*. This was the former home of Luis Trujillo and family near the Arroyo del Oso, in the Cañón del Río de Chama (Photo courtesy of Chris Chavez).

Improvements found or added appear in the Crop and Residence Report. In some cases an applicant took over an abandoned squatter claim, but usually claimants had entered upon land never before used as a farm. As stated close to the bottom of the report for Luis Trujillo in Figure 19, and as shown in Figure 20, improvements consisted of *jacales* (called “jacals” in the report). These were vertical pole frame houses, sometimes called “picket cabins” but known in the New Mexico dialect of Spanish as a *jacal* singular or *jacales* in plural. A foundation of rock material was laid with a mortar of mud and fiber, upon this a frame of horizontal grooved logs locked in vertical picket logs, and the whole was anchored into the ground by corner posts that were usually cedar because they resisted rot and termites. This was roofed by *vigas* (beams) and *latillas* (poles) or split wood (*rajas*). The framework was chinked with adobe mud. If chinked heavily, it could pass for a solid adobe house. The *jacal* was a house fully a product using the local environmental resources of the lower mountains and using only limited outside resources such as doors and windows of milled lumber, hardware, nails and glass.

The final feature of the Crop and Residence Report described the original vegetative cover (e.g. sagebrush and pinyon timber), and often the Forest Ranger estimated the cost of clearing. In Figure 19, the land was believed to be worth an estimated \$25 per acre in the aftermath of clearing the sagebrush and gramma grass for planting. Elsewhere, at El Puerto Chiquito near El Vado, the value of labor in 1912 to grub out and burn the sagebrush came to \$3.50 per acre, but made the land worth \$10 per acre as cleared land (Eturriaga, John R. 441). At a nearby claim for that same year, the Ranger estimated it would cost \$4 per acre to grub and burn the sagebrush for cultivation. At Laguna Colorada west of Gallina, it was believed that it would cost \$1.50 per acre in 1913 to clear the sagebrush from land that would be good for grazing only (Suazo, Sabino 494).

STEP 10: NOTICE OF INTENTION TO MAKE PROOF

Often a year before the patent was issued a procedure called the “offer of final proof” or “proving up” was presented by the claimant. After years of work to make a homestead a home, final proof was a summation of all the compliance detailed in the Crop and Residency Reports. The Notice of Intention to Make Proof was offered by a claimant after five years, according to the original version of the 1862 Homestead Act and the 1906 Forest Homestead Act. A three year version introduced in 1912 required three years of intensive and dramatic yearly increase in the area cultivated before the claimant could offer final proof.

The entryman for the claim had to name four witnesses. Usually two would be called upon to present themselves before the Register and Receiver along with the entryman at the U.S. Land Office in Santa Fe, or a before a designated U.S. Land Commissioner in a town that was less of a hardship to travel to (e.g. Cuba, NM). In some cases, a county clerk was the designated agent. The information entered on the Notice of Intention to Make Proof form would be duplicated in a publication, a newspaper with local circulation, detailed in Step 11.

After filing an Intention to Make Final Proof, a claimant was not required to live upon his homestead. In the case of Simon Luján, this created a technicality for Forest officials since his claim was located 5 miles east southeast of the Plaza de Santa Fe. Simon filed his intention to make final proof in 1908. An adverse report was submitted by the Deputy Forest Supervisor, Hugh G. Calkins, charging that the claimant made this claim mostly in the interest of obtaining the timber and that he was collaborating with friends to file homesteads in the same area “without express intent to defraud but also without clear idea of making the claim a home or a means of livelihood” (Report dated November 5, 1909. Luján, Simón HE 7676). Simón lived on the claim from April 1 to October 1 in a one room log house chinked and floored with adobe, and roofed with rough lumber and adobe. Within the dwelling was a bedstead, small stove, and cooking utensils. There were garden tools with one primitive and one modern plow. The Forest official alleged that Simón herded sheep and had no one living on the claim during his absences. An additional reason was the excessive snow in the winter. With no near neighbors or witnesses, the charges could not be substantiated enough to cancel the entry. “Therefore, if Mr. Luján maintained residence on his claim for the five years prior to 1908, his claim would be valid, notwithstanding the fact that he has not resided on the land since that time” (E.B. Barker, Acting Forest Supervisor to Marío A. Gregory, Assistant Forest Ranger dated Sep. 27, 1911. Luján,

Simón HE 7676). The claim in the mountains east of Santa Fe was patented to Simón Luján in 1911 for 160 acres (#199080. <usglorecords.blm.gov>).

4-345

NOTICE OF INTENTION TO MAKE PROOF

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE at Santa Fe, N. M.

DEC 30 1920 December 30, 1920

I, Edward Smith, of Bland, N. M., who, on May 6th, 1915, made Homestead Entry, No. 023529, for Southeast Quarter, Section 11, Township 18 N., Range 4 E., N. M. P. Meridian, hereby give notice of my intention to make Five year Proof, to establish my claim to the land above described, before Register and Receiver N. S. Land Office, at Santa Fe, N. M., on the FEB 11 1921 day of _____, 191____, by two of the following witnesses:

D. R. Carter, of Pena Blanca, N. M.
B. F. Bruce, of Bland, N. M.
Arthur Knabel, of Bland, N. M.
George Binabdi, of Pena Blanca, N. M.

Edward Smith

DEC 30 1920, 191____

Notice of the above intention to make proof will be published in the _____ for a period of _____ consecutive _____, which I hereby designate

Figure 21: Notice of Intention to Make Proof. A document announcing to the Land Office and the Forest Service that the homestead entryman is ready to make proof; he has complied with residency and cultivation requirements in good faith after five or three years, and wishes to receive a patent. Shown is the document of Edward Smith who applied for a claim 3.35 miles north northwest of the old mining town of Bland.

STEP 11: NOTICE FOR PUBLICATION

Once claimants announced their intention to submit final proof on claims made within lands administrated as the Forest Reserves, or later the National Forests, the Land Office would send an official form document entitled “Notice for Publication (Register)” to the Forest Service agency. This would be either the Pecos National Forest or the Jemez National Forest, but after 1915, the unified and renamed the Santa Fe National Forest. The form with the blanks filled in would state in this example:

“NOTICE is hereby given that Juan B. Serna of Ribera, N.M., who, on Dec. 21, 1912, made Hd entry, No. 17677 for NE¼, Section 4, Township 13N, Range 13 E, N.M. P. Meridian, has filed notice of intention to make five year Proof, to establish claim to the land above described, before Lorenzo Delgado, Co. Clerk,

at Las Vegas, N.M., on the 19th day of Sept. 1913. Claimant names as witnesses Leandro Villanueva, Higinio Villanueva, Telesforo Serna, Higinio Serna all of Ribera, N.M.” (Serna, Juan B. HE 017677).

For ONE OR MORE YEARS,
HOMESTEAD,
RIGHTWAY, AND
TOWNSHIP OF STOCK
ENTRIES.

4-202a.

NOTICE FOR PUBLICATION.
(REGISTER)

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE at Santa Fe, N.M.

October 22, 1914, 19

NOTICE is hereby given that Wesley F. Fish, of Regina, N.M., who, on May 12, 1913, 19, made Homestead entry, No. 016803, for List 3-1440 (Kind of section or entry), Section 27, Township 23 N, Range 1 E, S.W.P. Meridian, has filed notice of intention to make three year (If homestead, insert "five year," "three year," or "commutation," as case may be.) Proof, to establish claim to the land above described, before John Young, U.S. Commissioner (Name of officer), at Cuba, N.M., on the 8th day of December, 1914, 19.

Claimant names as witnesses:
James H. Hatch, of _____
Juan O. Sefeya, of _____
Christiana Padilla, all of Regina, N.M.
Earl E. Young, of La Jara, N.M.

Francisco Delgado, Register.

James Forest, posted in a conspicuous place in my office for a period of _____ days, I having first posted said notice on the _____ day of _____, 19____.

4-202a. Register.

John Young
John Young
John Young

Figure 22: Notice For Publication from the Register of the U.S. Land Office at Santa Fe. This announced to the public and the Forest Service that the claimant would make final proof and named four witnesses. In this example of Wesley F. Fish of Regina, NM went to U.S. Commissioner John Young at the town of Cuba, NM on 8th of December, 1914 to establish his claim to “List 3-1440.”

In the example given, the notice was to be made before the San Miguel county clerk, clearly by some special arrangement. Typically, the form would announce that final proof by the claimant and at least two of his four named witnesses would take place before the Register and Receiver at the U.S. Land Office at Santa Fe, New Mexico or a U.S. Land Commissioner at a more convenient place. If necessary, the entryman's witnesses could be subpoenaed if the Forest Service protested and an adversarial hearing before a U.S. Land Commissioner was called.

Notable is that after the space on the form giving the legal description, there follows a standardized statement with a blank in minor type to indicate that the claimant “has filed notice of intention to make three year [If homestead, insert “five year,” “three year” or “commutation” as case may be] Proof, to establish claim to the land above described,” (Arellano, Ignacio H.E.

016580). Five and three year proofs applied to Forest Homesteads, while commutation, the speedier version of homestead acquisition requiring payment, did not.

Once the Notice for Publication was signed off by the Register, the document was then published in a local newspaper for a period on the order of five weeks. Local newspapers included *The New Mexican*, *The Eagle*, or *State Record* at Santa Fe, or *La Voz* at Española. This notice was also posted in a conspicuous place at the Land Office and sent to the Forester at Albuquerque, NM. Many of the Notice for Publication documents in the Santa Fe National Forest Land Claims Archive do not indicate that they were published in newspapers, but this is likely because the Notice for Publication documents are copies meant for the files, while originals have long since disappeared.

STEP 12: FORM 102 REQUEST FOR REPORT ON AGRICULTURAL SETTLEMENT

Form 102
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
REQUEST FOR REPORT ON AGRICULTURAL SETTLEMENT
I
Claimant, Santa Fe, _____ Santa Fe _____ NATIONAL FOREST
Garcia, Mateo, _____ Santa Fe, New Mexico _____
H. E. 010709, Santa Fe, _____ September 28, 1916.
(From June 11 Application #184) _____
Mr. John V. Nevitt _____
Coyote, New Mexico, _____
DEAR SIR:
The Land Office at _____ Santa Fe, New Mexico _____ has given notice that
_____ Mateo Garcia _____ of _____ Coyote, New Mexico _____ has filed notice
of his intention to make final _____ five year _____
proof in support of his claim, viz: _____ Homestead _____
Entry No. _____ 010709 _____, made _____ July 19, 1909 _____, for the _____ purpose
_____ of _____ Agriculture _____
_____ Section _____ 11 _____ Township _____ 22 North _____
Range _____ 2 East, N.M.P. _____ M., and that said proof will be made before _____ John F. _____
Young, U.S. Com. _____ at _____ Cuba, New Mexico _____ on _____ November 27 _____, 1916.
He names the following witnesses:
_____ Manuel Valdes _____ of _____ _____
_____ Pedro Valdes _____ of _____ _____
_____ Antonio M. Herrera _____ of _____ _____
_____ Urban Morfin _____ all of _____ Coyote, N. M. _____
_____ not later than November 15, 1916.
Please make _____ prompt _____ report in the above case, in accordance with Form 655, in order
that the Forest Service may take appropriate action and notify the Land Office prior to the
date of final proof.
Very truly yours,
_____ Joseph C. Kircher _____
Supervisor.

Figure 23: Form 102 Request for Report on Agricultural Settlement. In this specimen a claimant sought to bring five-year proof and would be scheduled to appear before John F. Young, U.S. Land Office Commissioner at Cuba on 27 November 1916. Witnesses were mostly close neighbors and kin (García, Mateo HE 010709).

The Forest Service usually had one month before final proof was to be made before the Land Office's Register and Receiver, to conduct an examination of the claimant's homestead compliance. For this a Forest Service document Form 102, entitled "Request for Report on Agricultural Settlement" was filled out and sent by the Forest Supervisor, or someone acting for

him, to the Forest Ranger of the relevant district in which the claim was located. The form repeated the information from the Notice of Publication received from the Land Office: name of claimant, three or five year proof, type of claim, date of application, legal description, proof location and date (e.g. before the Register and Receiver at Santa Fe), named witnesses, and a request that the Forest Ranger respond to this request using Form 655. This initiated the Ranger to perform a final inspection to certify the requirements of homesteading were met, outlined in Step 11.

In some of the files of the Santa Fe National Forest Land Claims Archive, documents in the sequence of steps toward patent are missing. The restatement of known facts on a claim or claimant proves helpful to the researcher. For example, if the Notice of Publication is missing from a given folder, but Form 102 is present, the information from the missing document is not irreparably lost.

STEP 13: FORM 655 REPORT OF AGRICULTURAL SETTLEMENT

When a claimant filed an Intention to Make Proof, the Forest Service responded by having the Forest Ranger examine the Forest Homestead and create a report called Form 655 Report of Agricultural Settlement. This was usually due in about a month after the Forest Service was notified. The points a Ranger had to cover in his report created a long narrative about the claimant and the claim, resulting in one of the most interesting documents in the Santa Fe National Forest Land Claims Archive. The man or woman entryman had to be present on their claim, and received a personal visit from the Forest Ranger, although there were exceptions found in the Archive where the claimant was absent. The several pages of the report came from an interview with the claimant, and those of witnesses, usually the neighbors or prominent citizens, and the Crop and Residence Reports (Step 9). Affidavits of witnesses concerning residency and cultivation were appended to the report and used if the Forest wished to protest. During a Ranger's stay in an area, he became familiar with many of the settlers and could create some of the narrative from his own knowledge, or otherwise study the pocket notes and other paperwork filed by the prior Forest Ranger.

Highlights describing homestead life can be derived from Form 655, together with the documents in the chronology before and after the report, providing a brief narrative of a homesteader's life and patent to their claim. One example is the case of Alcaria V. Bowles, who used the mailing address of post office Rowe, NM, and whose claim was situated 3.8 miles east northeast of Pecos, New Mexico. Once Alcaria announced she was ready to make final 5 year proof, the Land Office of Santa Fe issued a Notice For Publication announcing it in the usual fashion. The notice was published in *La Voz del Pueblo*, a news print circulated from Las Vegas. Alcaria established her claim before U.S. Court Commissioner Robert L. M. Ross at Las Vegas on the 5th of July 1910. Assistant Forest Ranger D.L. Williams submitted the 655 Report stating that the claim was originally filed for on March 30, 1904. The folder contents indicate that Alcaria was a widow living on the claim with her eldest son. She lived on her claim since 1885 and "Has never been absent from [the] claim, family always resided on land. I found land planted to corn and beans and a well-furnished house on [the] claim" (Examination May 29, 1910 Bowles, Alcario v. H. E. 7876). She reared three sons and a daughter in a seven room house of

logs and lumber. A permanent spring nearby supplied their domestic needs (ibid). The First Assistant Secretary of the General Land Office in Washington D.C. addressed the Secretary of Agriculture by letter, forwarded to the local Forest Service offices, that Alcaria's proof was "accepted and instructions given to issue final papers upon receipt of proper payment" (Letter dated April 13, 1911). Patent was issued to her later that year. (Patent #219608. glorerecords.blm.gov).

Coyote, New Mexico,
November 6, 1916

L
Claims, Santa Fe
Garcia, Mateo.

NOV 12 1916
RECEIVED
LANDS

REFERENCE IS MADE TO NOTICE OF APPLICATION TO SUBMIT FINAL PROOF.
H. E. 010709, Santa Fe. (From June 11, Application 194.)

1. CLAIMANT: Mateo Garcia, of Coyote, New Mexico. He is the head of a family of 7 children and a wife. The family reside on the land and maintain their actual residence on the claim of the claimant.

2. DESCRIPTION OF CLAIM.
N 2 S 2 E 1/4, Section 11, T22 N; R 2 E; N. M. P. M.
The land is held as a homestead.
H. E. 010709. The land is quite accessible as a home and makes a very good home.

3. TOPOGRAPHY AND SURFACE:
The ground is of a mesa formation with a gentle slope to the north. It has an altitude of about 7,500 feet and is very suitable for agricultural purposes. About 25 acres of the land is suitable for tilling. The soil is rather shallow but otherwise the place is very well suited for agricultural purposes.

4. SETTLEMENT AND RESIDENCE:
The claimant claims that he settled on this land in May 1909. Date of filing, July 19, 1909. Actual residence was established in May, 1909. The claimant was absent from the claim in June, July and August in the years 1915 & 1916. He was away herding sheep in order to make a living for his family. However the family has had continual residence on the land. The claimant was employed in Utah, herding sheep during these absences. I got this information from the wife of the claimant. Also from his neighbors Desiderio Martinez and Juan Cedro Ortega, both of Coyote, New Mexico. The family of the claimant are residing on the claim, and there is every evidence present, showing continual residence. About 25 acres are farmed being planted to wheat, corn, oats, barley and beans. There was a plow wagon and harrow on the ranch when I was there. There was two beds and bedsteads, a cook stove, and a table and dishes, also cooking utensils on the ranch when I was there. The house was in a good condition of repair and the place presented a neat and orderly appearance.

Figure 24: The first page of a typical Form 655 Report of Agricultural Settlement. This specimen is the first of four pages of the report on the claim of Mateo García, situated at La Mesa west of El Coyote, NM. This report was the result of an examination conducted October 4, 1916 by Forest Ranger John V. Nevitt.

The 655 Report was said to be merely a report of facts to Forest Service officials, such as the District Forester or the Supervisor, to decide if they should protest a claim or not. It was the Land Office that made the decision to issue a certificate to patent. Although it appeared that Forest officials made the final decision, their only power was the protest, which would lead to a hearing before a U.S. Land Commissioner using the 655 Report and witnesses. The function of the 655 Report is also elaborated upon in the case of Julio Hurtado, who made a claim a little over 16 miles south southeast of Pecos, New Mexico, and about 6 miles west of Ribera, atop La

Mesa de la Agua del Corral (Glorieta Mesa). On June 7, 1917, Julio wrote Joseph C. Kircher, Forest Supervisor, in Spanish, concerned about the unfavorable decision regarding his claim in which the Land Office rejected his final proof for insufficient cultivation, and chose to re-attempt compliance because he had already paid cash for a survey, the entry, publication, and the proof (Hurtado, Julio HE 0515586). In response Forest Supervisor Kircher wrote:

“Whether or not a patent to the land on which you have filed will be given you, is in the hands of the land office. The Forest Service does not decide as to whether homesteaders have lived up to the laws under which they are taking up land. The Forest Service does, however, report to the land office the facts as to settlement, cultivation, etc., on Forest Homesteads. Since you hold your land under the Forest Homestead Act, reports as to cultivation and residence have, of course, been made upon your place. Final action on your homestead will, however, be taken by the land office” (Letter dated July 5, 1917. Hurtado, Julio HE 0515586).

Julio cultivated more and filed to make final proof a little over two years later on November 25th 1919 (Julio HE 0515586) and was issued his patent for 102.50 acres that next year (<usglorecords.blm.gov>).

Rangers were to report only on the facts, keep the contents serious, and advised to use current formats to do so (see Figure 24). Form 655 was revised in August of 1908 (Lucero, Albino HE 052) and was further modified and made briefer by Circular Letter 41-L-10 issued on October 26, 1917 (Córdova, Reyes Heir of Gabrielillo Córdova HE 5617-034857). In the case of Juan N. Gallegos who applied for a claim almost 8 miles west of Sapello, Assistant Ranger Louis H. Mosiman stationed at Beulah, New Mexico used an old form to complete and submit his Report on Agricultural Settlement. On July 1, 1910, Forest Supervisor Thomas R. Stewart advised him that the form he used was out of date and sent him the current Form 655 that provided an outline that he should follow in detail with “the paragraphs numbered and headed as in the outline. The report should contain no recommendations of any kind and should be confined to clear statements of facts. The regular plain paper should be used and the report submitted and signed in duplicate, and typewritten, if possible” with the case designation as the heading. He further added that circular letters contained more instructions regarding work on homestead claims (Gallegos, Juan 913547). The last item in the report, number eleven, was eliminated concerning recommendations about whether patent should be issued to the claimant and reasons for or against. Because reports changed, the synopsis provided below is not universal to all Form 655 Reports found in the Santa Fe National Forest Land Claims Archive. It is otherwise presented herein as a guide to what can be expected in most of the files as follows:

1. CLAIMANT. Who the claimant was, where is he from, does he have a family, did the family reside upon the claim, and if at some point they moved off, month and year, for how long and why (e.g. to winter in a nearby town and have their children attend school for four months).
2. DESCRIPTION OF CLAIM. This stated the legal description as the location of the claim using the System of Rectangular Surveys (e.g. SE¼ of Sec. 4, T. 20 N., R. 2 E., N. M. P. M.).

Added to this, the tract embracing the claim may also have a title such as “Homestead Entry Number 7712.”

3. TOPOGRAPHY AND SURFACE. The Forest officer noted how the topography affected the agricultural possibilities of the claim such as whether it was rough or smooth, covered by timber or cleared. The estimated altitude above sea level was given and the aspect of the slope such as gentle or steep and what cardinal direction the slopes faced. An estimation of how many acres would be good for agriculture if cleared is made.

4. SETTLEMENT & RESIDENCE. This provided a synopsis of when the claimant settled (when the person started using the land) and when they established residence (when the person lived on the claim apart from any other residence). Included also was whether the claimant lived upon it continuously to the date of the report or if there were interruptions, such as a few months of employment far from the claim or any other major life events affecting their ability to settle or reside on the land for the required time. This is usually the item with a human interest story.

5. IMPROVEMENTS. The structures upon the claim, what they were used for, and their measurements were given. For example, this could be described as a two room log house measuring 14' x 24'. Where water for domestic use was obtained, as well as for irrigation if diverted by ditch was given. Some claims had springs or wells, many accessed a stream, and many others hauled water due to considerable distances of many claims from earthen reservoirs, springs, wells, and creeks. Dollar values of the structures and fences were estimated.

6. CULTIVATION. How much land produced crops, what kind, and quantities were given. The most popular types of crops were oats, wheat, corn, beans, peas, beans and potatoes. Some had gardens and produced varieties of vegetables referred to simply as “garden truck.” Hay is included and detail given as to whether varieties were deliberately planted (timothy was the most popular) or whether wild hay was harvested. Relatively few claims had orchards but this was dutifully noted if there was or not. Whether the land had been slashed, that is, the act of clearing a forest, was indicated. An estimate of how many acres were under ditch was provided. An indication was made as to whether the crops were raised by the claimant or by another party and who benefited from the crops raised.

7. GRAZING. Cattle, horses, sheep, goats, and even chickens were counted. It was noted if the stock grazed on the given claim or in the Forest Reserve, and if there was a grazing permit, or if they grazed at large, as sometimes a few would be allowed without a permit.

8. TIMBER. An estimate of timber in acreage and board feet including value were given. An example may be 150,000 ft. B.M. of saw timber at \$3.00 per thousand feet. The tree species and general type was given, such as Yellow Pine (an older tree) or Black Jack (a younger tree). Whether timber was cut to clear for cultivation or for improvements on the claim was noted. It was considered important to state whether or not the claimant had sold or negotiated to sell any timber.

9. ADDITIONAL INFORMATION. Officials wanted to know if the claim was used for trade, business, or anything not contemplated by the homestead laws as well as whether it had already

been sold or mortgaged. A personal impression was made by the examining officer as to whether the claim had been made in good faith. A statement as to whether this was the only homestead entry the claimant had made or if he had multiple claims was noted. In some cases family members applied for claims near each other, and this was noted. The value of the claim aside from the improvements was estimated using land values for other real estate in the vicinity. It was here that the date of examination was provided.

10. GOOD FAITH. An examining official would write about the appearance of the claim as a permanent home, such as that the buildings appear maintained, the condition of the fences, obvious signs of habitation like farming implements and furniture.

11. RECOMMENDATIONS. The examiner would state whether he believed the patent should be issued or whether a protest should be made and a hearing before a General Land Office Commissioner should be ordered so that testimony about whether crop and residency requirements were met.

Most of the reports within folder cases of the Santa Fe National Forest Land Claims Archive were typewritten providing solid evidence that Forest Service Ranger Stations were so equipped. Sentence structure and grammar are noticeably mis-constructed in examples from the Archive. This was likely because the level of education was lower for lower pay grades in the Forest Service. The higher ranking Forest Service officials wanted to have credibility and wanted a given Report of Agricultural Settlement to have no humor or bad grammar, even though bad grammar is found on many of the reports. In one example, Ranger Winfred B. Bletcher submitted a report on the claim of Ira L. Lawrence after an examination of the claim on November 22, 1910. The claimant had died in April of 1904 and the heirs were still pursuing patent. Ranger Bletcher noted under the topic of “7. Grazing” that the “[c]laimant at the time of his death owned about fifteen head of cattle and six or seven horses, as for the chickens I could not say, I think the hens stole their nests out that year.” Assistant District Forester Frank C. W. Pooler, upon receiving the report singled out the statement about the chickens together with his bad grammar when he wrote the Forest Supervisor at Santa Fe on December 14, 1910:

“In view of the fact that claim reports go to the Land Department [the General Land Office], I think Bletcher should be written that in future he should avoid making humorous statement in the report...I believe it would be best, when reports with so many grammatical errors are received to re-write them in your office returning them to the Forest officer for signature, since it is not very creditable to the Service to have them submitted with so many errors as were made by Ranger Bletcher” (Lawrence, Ira L. HE 7712-02221).

STEP 14: NO PROTEST LETTER

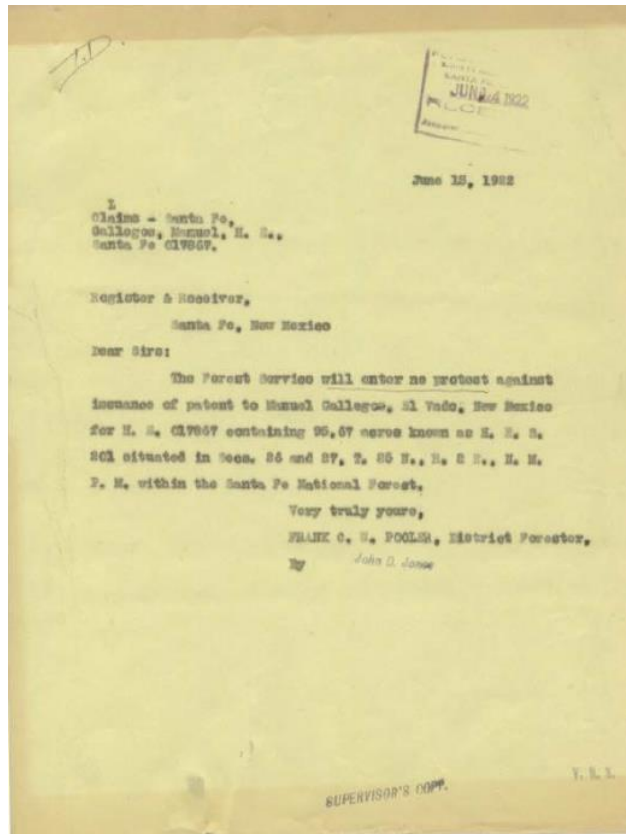


Figure 25: The “no protest letter” written by the District Forester in Albuquerque to the U.S. Land Office Register and Receiver at Santa Fe.

The completed Report of Agricultural Settlement (Form 655) would be signed off by the Forest Ranger and sent to his superiors. The reports would usually go to the Forest Supervisor at Santa Fe first and then to the District Forester in Albuquerque. The most prominent names signing off on Form 655 throughout the years were Forest Supervisors Frank E. Andrews, Joseph Kircher, or Marcel F. Pincetl, as well as District Foresters Paul G. Redington, M. M. Cheney, or Frank C. W. Pooler, among others. After review, and approval, the District Forester would compose a letter to the Register and Receiver of the U.S. Land Office in Santa Fe, New Mexico. The most prominent name for the latter was A. M. Bergere. A copy of this letter would be sent to the Forest Ranger, such as the example in Figure 25. Variations in the letters occur and portions of two examples demonstrate the intention of the request:

“The Forest Service will enter no protest against the issuance of patent to Manuel Gallegos, El Vado, New Mexico...” (Frank C. W. Pooler by John D. Jones to Register & Receiver, Santa Fe. June 15, 1922. Gallegos, Manuel HE 017867).

“Reference is made to the notice of intention to submit final proof on November 27: The Forest Service will enter no protest against the issuance of patent on homestead entry 010709, made July 19, 1909 by Mateo García, Coyote, New

Mexico...” (Frank C. W. Pooler to Register & Receiver, Santa Fe. November 14, 1914. García, Mateo HE 010709).

STEP 15: FINAL CERTIFICATE AND PATENT

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
FORM 4-111.

FLW GENERAL LAND OFFICE at Santa Fe, N.M.

SCHEDULE of SERIAL NUMBERS, from December 1 to December 15
1938., inclusive. Entries, Final Certificates, Cancellations,
Relinquishments Etc., within National Forests.

DATE.	SERIAL NUMBER. (Must be entered consecutively.)	RECEIPT NUMBER.	KIND OF APPLICATION OR ENTRY.	REMARKS.
			SANTA FE	
Dec 9	066266		- Joe H. Williams, Adml Hd Act Apr. 28, 1904, List 3-4687 for land now designated on supplemental plat as SW1SW1, E1SW1SW1, Lots 6 & 7 Sec. 26, T. 23 N., R. 1 W containing 92.01 acres. Entry allowed and Final certificate issued.	

Figure 26: A 1938 Schedule of Serial Numbers from the Land Office in Santa Fe notifying officials at the Santa Fe National Forest of the latest entries and final certificates issued. In this case there was only one and the homestead settlement era had already come to an end.

The Land Office in Santa Fe was staffed by people who processed the 655 Reports and letters of protest (or not) from the Forest Service, along with homesteads made under General Homestead Law, and forwarded their approvals for patent on to Washington D.C. at the General Land Office national headquarters. The local Land Office, in the meantime, sent to the Forest Service monthly schedules of homestead entries that had been allowed and issued a “Final Certificate” (Figure 26). The Final Certificate was a signal that the homestead was simply awaiting a patent document that would usually arrive from the national office in a few months. In some of the administrative claims cases within the Santa Fe National Forest Land Claims Archive, a typewritten slip of paper with the claimant and filing information saying something like “final certificate issued” appear, while in many other folders it is omitted.

Thereafter the District Forester in Albuquerque might receive a form letter (Figure 27) or an abbreviated copy of the official patent (Figure 28, Right). In this respect, the Archives are very inconsistent with respect to the conclusion documents. As can be seen in Figure 28, the document representing the patent of Robert B. Lee in the region of Bland is typical of the hundreds of copies in the Santa Fe National Forest Land Claims Archive, omitting the preamble and form language while providing the essential and unique portions. In this case a copy is indicated to have been sent to the Forest Supervisor at Santa Fe while another was sent to the Forest Ranger of the relevant district where the claim was made. Many folders in the archive representing successful patents have no copy of the patent document, others have letters like the

one depicted in Figure 27, or variations of it. Some have just a slip of typed paper or handwritten note. Surprisingly, many others have no indication of patent and had to be checked against the records of the Bureau of Land Management website: <glorerecords.blm.gov>.

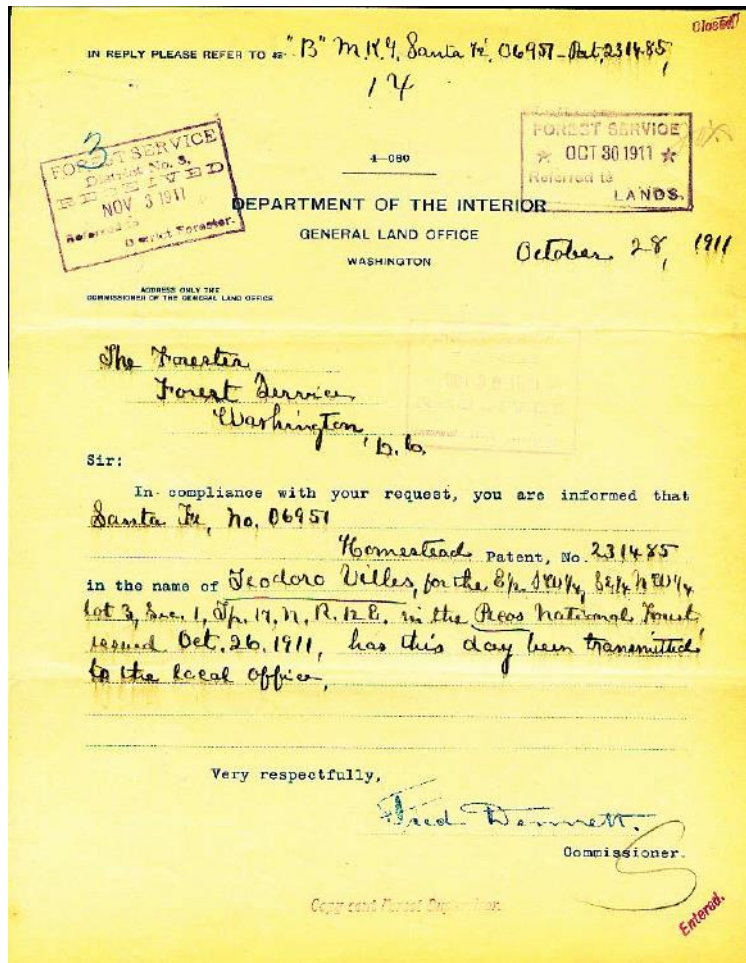


Figure 27: A form letter from the General Land Office in Washington D.C. informing the Forester that the patent of Teodoro Villes had been issued.

The bureaucratic process, described herein with fifteen successful steps, is interpretive as part of the effort of this monograph to explain the most direct and streamlined process. No official outline of process could be found from Forest Service sources or otherwise, and the Archives remained a mystery to coherent interpretation. Months of study on the part of the author identified patterns in the 1,886 files of the Santa Fe National Forest Land Claims Archive to arrive at fifteen steps with only a relatively small number of the claimants able to enjoy the most direct process. The reality is that the administrative steps to realize patent on a homestead reflected an ideal to force some honesty into the process with numerous checks and balances that would end up prolonging the process. Furthermore, administrative process must deal with the imperfections commonplace in reality, and the majority of files in the Archive have unique situations causing wide and arduous deviations from the clean simplicity of fifteen steps. Some of them have been discussed as examples herein. The 1862 Homestead Act and its derivative, the 1906 Forest Homestead Act, as originally conceived, may have failed to effectively react or

adjust to fluidity and flux in reality, abolish abuses, or otherwise ease difficulties in pursuit of disposal of the Public Domain to settlement. In response, Congress initiated new laws that make their appearance in the Santa Fe National Forest Land Claims Archive. What follows is an explanation of new laws and narratives in administrative problem-solving supplemented by human interest stories while carrying out the Forest Homestead Act as applied to the Santa Fe National Forest.

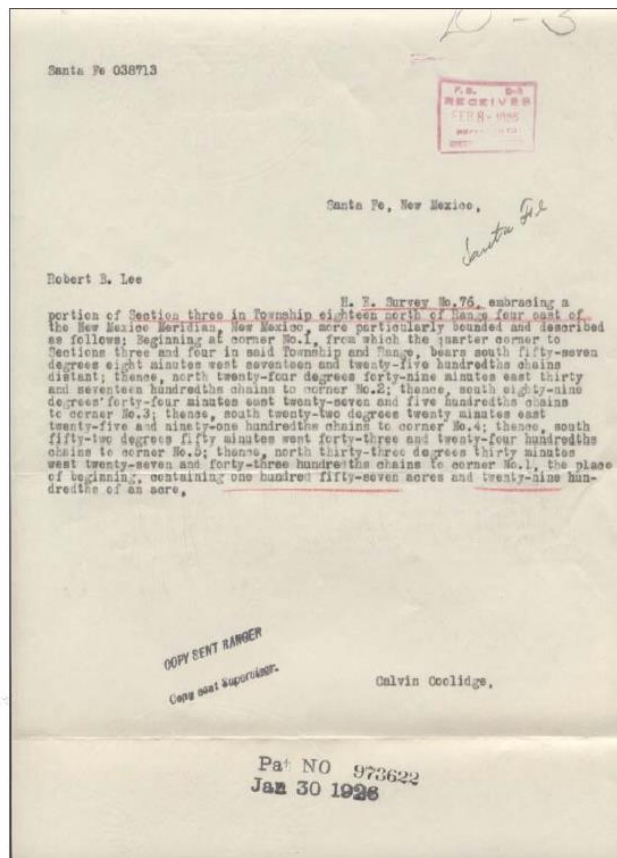
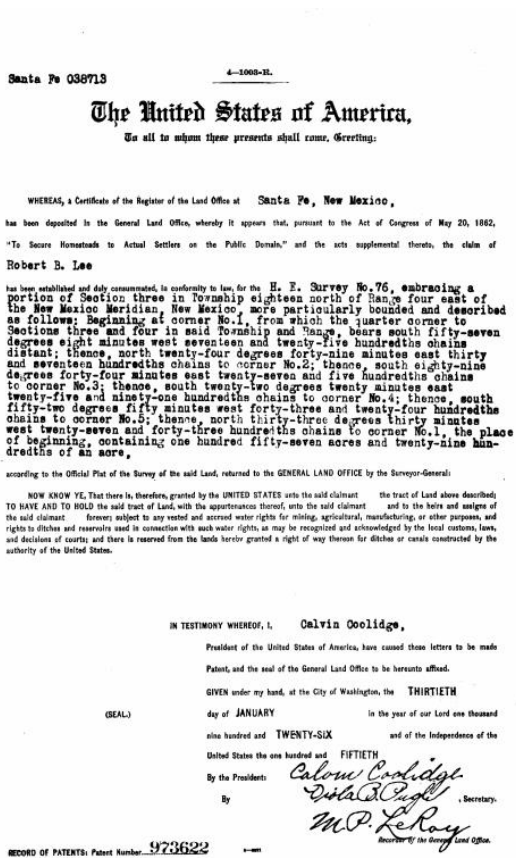


Figure 28: A comparison of two documents representing the same patent of Robert B. Lee. (Left) The patent document as it appears in the official archives of the Bureau of Land Management and the version that the claimant would have received. (Right) A document representing the same patent sent to the Santa Fe National Forest. Copies only needed the essential information for the tract or atlas books and Land Claims files kept by the Santa Fe National Forest (HE 038713).

THREE-YEAR HOMESTEAD ACT OF 1912

In some documents in the Santa Fe National Forest Land Claims Archive, reference to the “Three-Year Homestead” is made but should not be confused as a replacement of the 1906 Forest Homestead Act. The Three-Year Homestead Act of 1912 did not supersede the Forest Homestead Act of 1906, rather, it was a law modifying it with a three-year option. The 1862 Homestead Act and the 1906 Forest Homestead Act required five years minimum of residency and cultivation before a claimant could present final proof. The five year law did not state specifically the requirements as to cultivation, residence and improvements (Acting District Forester to Forest Supervisor dated July 19, 1918. Gabaldón, Antonio HE 016093).

The innovation of the Three-Year entryman was a result of the Act of June 6, 1912 (37 Stat. 123). This Act would be referred to more simply as the Three-Year homestead law (Ferrán, William HE 017879). The Three-Year Homestead Act was passed to encourage claimants to complete their residency requirements on forest homesteads with fewer years while allowing the claimant at least 7 months a year on the claim (Lynch and Larrabee 1992). It provided a more specific amount of residence or cultivation because prior to its passage only *sufficient* residence and cultivation to insure good faith was required of the entryman (USFS vs Elizardo Maestas, Notice of Appeal received Nov. 1, 1919. Maestas, Elizardo HE 014774). The requirements of the three-year law included having a habitable house upon the land and the cultivation of one-sixteenth of the area the first year, and one-eighth during the second and third years, before final proof could be made (37 Stat. 123; García , Policarpio HE 015646). The given claimant had to present “in general, sufficient improvements to show good faith” (Brief on Behalf of the United States. García, Policarpio HE 015646). An entryman was entitled to a leave of absence from the claim for no more than five months per year, but he had to file a notice at the beginning and end of an absence with the Land Office (37 Stat. 123). As applied to the Forest homestead claims, the claimant was allowed to be absent during the winter months under the Three Year act (Report on Agricultural Homestead dated June 19, 1916 by Fred Plomteaux. Gonzales, Federico HE 018016). Many entrymen choosing the five-year proof of the standard homestead law probably did so because it was not as strict but had as its obvious major drawback the longer period of time it took to achieve patent.

THE ADDITIONAL HOMESTEAD ACT OF 1904

The Act of April 28, 1904 was called “An act providing for second and additional homestead entries, and for other purposes” (33 Stat., 527). Aside from general homesteads, this law was applied to Forest Homesteads and makes its appearance in the Santa Fe National Forest Land Claims Archive.

The act accommodated a person who already made a homestead entry and was not able to perfect it because of a complication of his personal or business affairs, or because the character of the land was misjudged (ibid). Section 2 of the Act of April 28, 1904, elaborated that the additional homestead entry could add acreage to an entryman's prior entry, but whatever the amount selected, it could not make the enlarged tract exceed 160 acres. The entryman had to be in actual occupation of their original entry and affidavits of disinterested witnesses corroborating this had to accompany an application. The addition had to be contiguous with their original entry, and the clock did not restart for these additional acreages. The additions merely accompanied the already established prior process of residency and cultivation of the original entry. In some cases, a claimant did not want a full 160 acre homestead because he thought he would not be able to afford the property taxes. In other cases the tract boundaries as originally made avoided marketable timber that had since been removed. Still others were applied for in order to include a grassy gulch into the applicant's claim, missed in the original application. Multiple pieces could be added along the periphery of the original claim, as long as the additions made a contiguous tract and they were chiefly agricultural in nature.

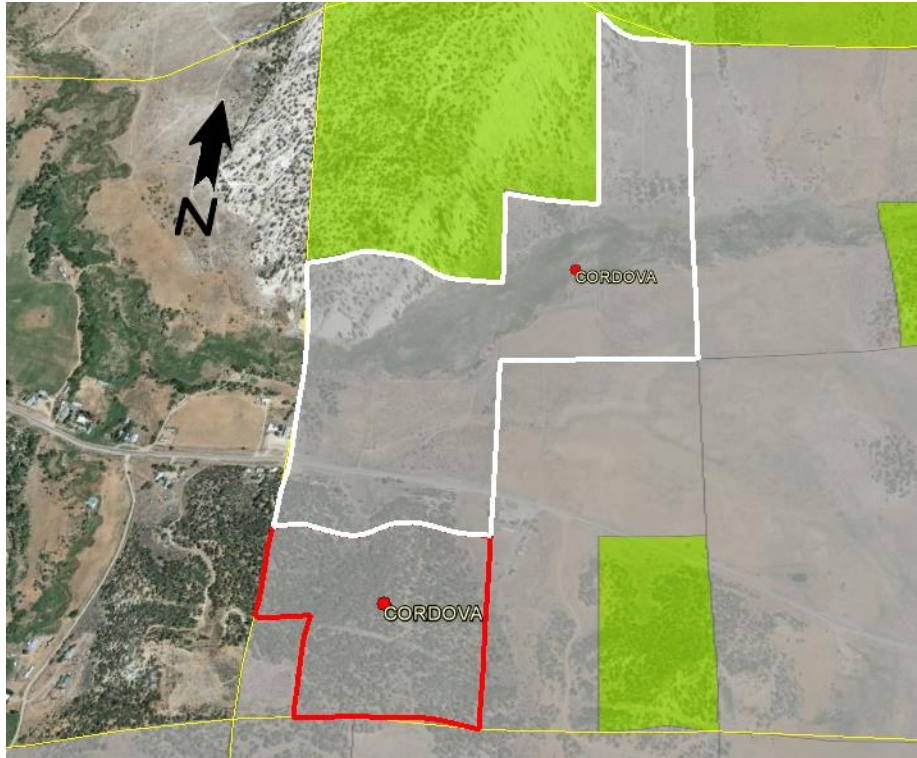


Figure 29: Example of the Additional Homestead Act. Frank Córdova applied for 120 acres in 1905 and was patented to him in 1913 (white). He applied for an additional 35 acres in 1915, shown in red, that was patented in 1918 (Córdova, Frank HE 026277; aerial view using Google Earth, Imagery Date 6/26/2014).

One of many examples where this law was applied is that of Frank Córdova who in 1905 was homesteading 120 acres. His selection was near his other relatives in the vicinity of Gallina along the Rito del Capulín. In 1915 he applied for another 35 acre tract contiguous with his first application in the same Section 9, T.23N., R.1E (Figure 29). Normally, reports on any homestead application were made by a Forest Ranger. In the case of Frank Córdova, “no report is necessary for this case since it comes under the additional homestead entry, as given in the Act of April 28, 1904, and the proof submitted by Mr. Córdova on his original entry will be accepted by the land office for the additional entry” (Memorandum for Case, Acting Forest Supervisor dated May 11, 1916. Córdova, Frank HE 026277; also García, Adolfo 065763). The Acting District Forester further elaborated “It is necessary before making supplemental report to the Register and Receiver [of the Land Office] that we be advised whether Mr. Córdova was residing on the lands covered by his original entry at the time the additional entry was made, this being the only requirement of the Additional Homestead Act of 1904” (Acting District Forester, Albuquerque to Forest Supervisor, Santa Fe, NM dated May 19, 1916. Córdova, Frank HE 026277). Frank Córdova received two patents: One in 1913 for the original 120 acres (#358559) and the additional 35 acres in 1918 (#620982. <usglorecords.blm.gov>).

An entryman was entitled to receive final certificate and patent to the additional homestead tract immediately after the entry was allowed by the Land Office, and it was only necessary to publish a public notice of this in newspapers (Ribera, Julian HE 061998). The Forest Service could make a report on residency of the applicant and offer protest, but in the case

of Julian Ribera who wanted to add five more acres by his already established homestead at Cañada de los Yndios, 6 miles east of Jemez Springs, the parcel was considered “an integral part of Mr. Ribera's homestead on which he maintains regular cultivation and occupies for about eight months during the year” (Memorandum for the Regional Forester by Frank E Andrews, Forest Supervisor dated October 23, 1931. Ribera, Julian HE 061998). In 1920, Julian had a wife and eight children, in a three-room log cabin of hewed logs roofed with sheet iron. They kept thirty cattle, four horses, ten milk goats, and twenty-four hens. Although maintaining residence from April to November each year, in winter they would leave to put the children in school (Ribera, Julian 02178 & 018070).

SMALL HOLDING CLAIMS ACT OF 1891

Numerous small irregularly shaped tracts of land, mostly held by Hispanic Americans, were surveyed and patented through a peculiar law called the Act of March 3, 1891 (26 stat. 854) also known as the Small Holdings or Small Holding Claims Act. These mostly applied to New Mexico and to a lesser extent, Arizona. It was a kind of law to assist those who established their claim before the establishment of the System of Rectangular Surveys and many (but not all) were made within Spanish or Mexican land grants that had been adjudicated unfavorably against their heirs and assignees by the U.S. Government. Groups of these kinds of claims were sometimes associated with the settlement of a village (USBLM “Fundamentals” 2014).

Some settlement of what would become the Santa Fe National Forest had occurred during the time of the antecedent sovereigns of Spain and Mexico. Hispanic settlement of New Mexico started in 1598. Population growth led to new settlements employing the European concept of royal land grants, private property ownership in fee simple, documents of conveyance, and a government with laws and judicial officials to regulate the practice. During that era, authorities called *alcaldes* performed the function of magistrates within districts called *alcaldías* measuring land, making and recording deed documents, and adjudicating boundary disputes. After the end of the U.S.-Mexican War in 1848 the United States made New Mexico its territory, and the prior administrative system was replaced with county governments, justices of the peace, and county clerks, among other changes. Many claimants or their ancestors who would use the Small Holding Act had become citizens of the United States by reason of the Treaty of Guadalupe Hidalgo in 1848 (Salaz, Mariano S.H.C. 5779).

Populations continued to expand from villages into nearby valleys with water sources to establish subsistence farms without regulation by the U.S. Government. This is not to say that there was no regulation; it merely occurred organically, through local traditions, local authorities, and social negotiation. For many it occurred during the Territorial Period within Spanish or Mexican land grants that had not yet been adjudicated and validated by the U.S. Government. Threats to land titles apparently became so prevalent that methods were created to document titles years before Congress could address the problems in New Mexico. One such method was Section 2747, Compiled Laws of New Mexico, approved April 3rd, 1884. A person who had lost or never had any legal evidence of title could create a *Documento de Posesión* with a description using adjoining and natural objects and record this like a deed in the clerk's office of his county (1304, 1306 § 2747 TIT XL CH 11). There remained, of course, the issue of defending that title

against the world not only with a document but with notorious and open possession. Within the Santa Fe National Forest Land Claims Archive, the majority of those filing for remedy under the Small Holding Claims Act alleged settlement in the 1880s and 1890s.



Figure 30: This small holding claim was applied for in 1913 at Llano del Talco, near Quemado (PO Córdoba, NM) by Candelario Fernández. Note the picture-taker's horses. The claim was rejected by the Forest Service as not being chiefly valuable for agriculture in 1914, even though it had been settled and cultivated many years prior by another. Forest Ranger noted that owners of adjoining small holding claims did not live continuously on their land because of lack of water in the summer dry season and their desire for community life in winter (Photo from Fernández, Candelario 943 / 277 file).

After a series of unfavorable rulings against land grants in the northern Territory of New Mexico during the closing decade of the 19th century, many settlements were declared part of the Public Domain and the U.S. Government was now an adverse claimant against settlers. For this reason, one might associate the Small Holding Claim (SHC) as involved with Hispanic settlers, although this is not always the case, when it was introduced in 1891.

To deal with the problem, Congress created the Small Holding Claim (SHC) by the Act of March 3, 1891 (26 Stat. 854), the Act of June 15, 1922 (42 Stat. 650) and the Act of June 8, 1926 (44 Stat. 709). Often referred to as the Small Holding Claims Act or the Small Holding Act, the SHC was a method of patenting land to claimants who had established title to their land decades before a U.S. Government survey and was mostly used in New Mexico and Arizona. That statute also set up a special court to verify the given claims, and a survey was done to establish the boundaries and acreage (USBLM “Fundamentals” 2014).

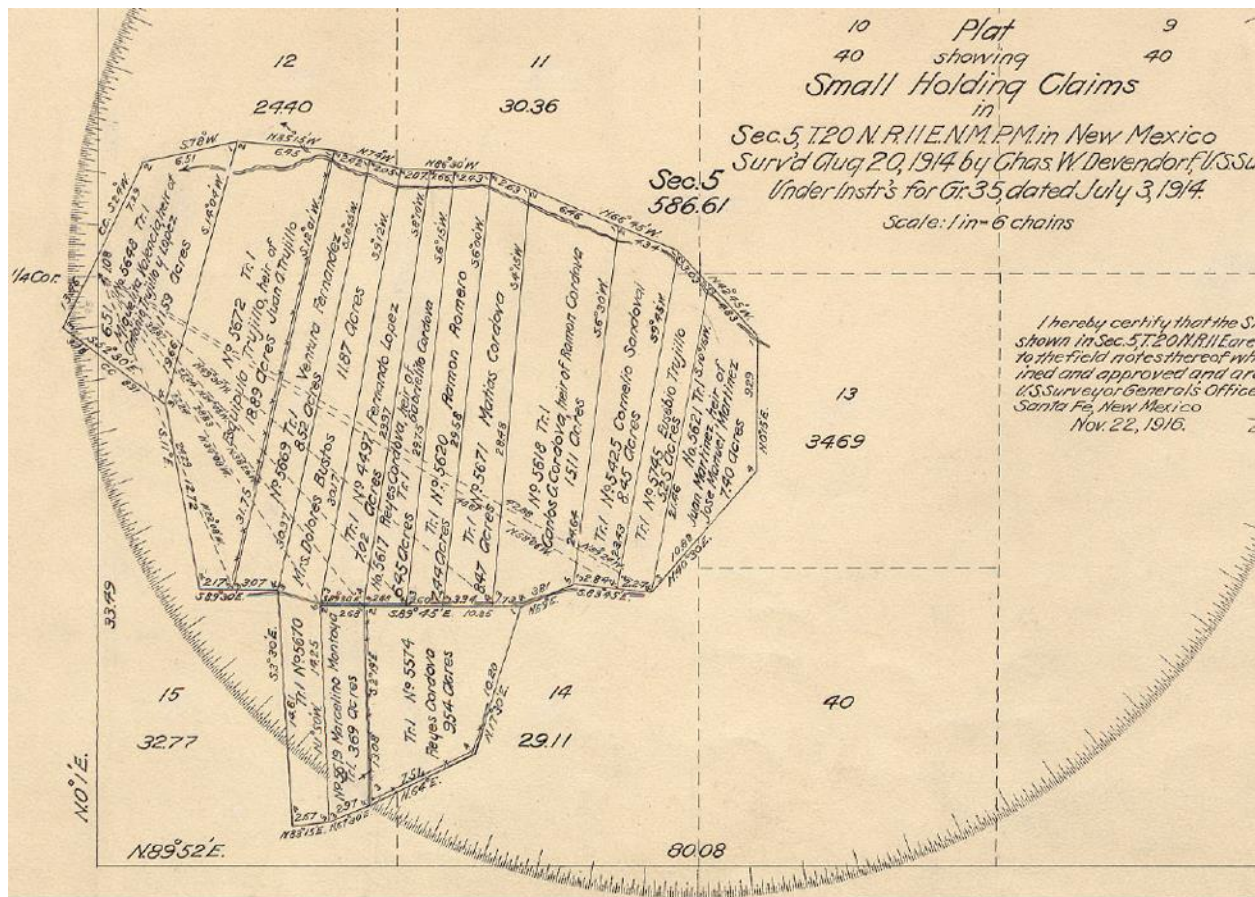


Figure 31: A portion of a U.S. General Land Office survey plat of Small Holding Claims in Section 5, T. 20 N., R. 11 E. located at La Joya de Arriba near Quemado (PO Córdoba, NM) based upon a survey completed on August 20, 1914 and accepted by the U.S. Surveyor U.S. Surveyor General Lucious Dills on November 22, 1916. Small holding claims were usually irregular polygons because of landscape features.

Foundation was laid in the General Land Office to carry out the Small Holding Claims Act by accommodating thousands of settler claims made according to landscape features by providing for metes and bounds surveys of tracts into a rigid grid of the section-township-range system imposed on the landscape by remote planners (See a similar example at Figure 41, a School Section interferes with a cabin site). There was obvious incongruence between the grid of the System of Rectangular Surveys and the traditional way arable land was partitioned by indigenous Hispanics to conform their claims to the given terrain. A claim could not exceed 160 acres and could be made by a person who had been in continuous, adverse, actual, bona fide possession of any tract of land up to 20 years before a survey of the given township was made. It could be through himself, his ancestors, grantors, or their lawful successors (Brief on Behalf of the United States, U.S. v. J. M. C. Chávez, Chávez. J. M. C. SHC 037542).

For the time period covered by the Santa Fe National Forest Land Claims Archive, it was the Act of March 3, 1891 (26 stat. 854), amended by the Act of February 21, 1893 (27 stat. 470), that created so many small holding claims dating from before 1910. The implementation of the Small Holding Act required a squatter to file for a desired tract before March 4, 1910 at the

Office of the Surveyor General in Santa Fe. Under this act, an applicant could remain upon their claim and perfect their title (Thomas R. Stewart, Forest Supervisor to Jesus M. Armijo, Cleveland, NM dated September 23, 1909. Armijo, Jesús M. Squatter). Now the claimants applying under the SHC were freed from notices of trespass and eviction by Forest Rangers and merely had to undergo final proof (examination) by them.

The contents of the Santa Fe Homestead Archive reveal that laws governing Small Holding Claims were easier for a claimant to achieve patent than ordinary Forest Homestead law. An example of this is the case of Guadalupe Chávez who filed on a claim 11.3 miles southwest of Las Vegas, New Mexico. Easier, however, does not always mean a shorter time. For Guadalupe, 41 years passed between settlement and patent. Patent was issued to him for 156.02 acres in 1920 (Patent # 734495, SHC 5683 glorerecords.blm.gov)². Guadalupe settled upon his claim early in the year 1879, married 1883, and he and his wife began raising children upon it. The children died of small pox, according to a report dated March 7, 1918. The step towards patent Guadalupe had to take was to submit a Notice of Intention to Make Proof. Unlike a Forest Homestead, steps one through seven as for a Settlement case were omitted.

After the notice was filed, the Forest Service sent a Forest Ranger to make an abbreviated report on the claim. The Forest Ranger wrote, “Since the laws regarding Small Holdings is quite different from the Homestead laws, I will follow Form 655 in making my reports only in so far as applies to small holdings, unless otherwise required by you in the meantime” (Reindorp to the Forest Supervisor, Santa Fe, NM dated February 25 1918 (Chávez, Guadalupe SHC 5683). This referred to Form 655 Report of Agricultural Settlement normally applied to Forest Homesteads. In the case of Guadalupe, Ranger Reindorp reported only three items: 1. Claimant. Who the claimant was, where is he from, does he have a family and the fact about the children dying of small pox. 2. Description of claim. This provided the acreage and legal description, stated as being in Sections 29 and 30 of T15N, R15E. 3. Finally, facts about settlement. This last point was a synopsis of when Guadalupe settled on his claim, whether he lived there continuously, major life events affecting his ability to settle on the land (such as that he married in 1883) and witnesses to his settlement. These witnesses were: Donaciano García who lived nearby and started his claim in 1909, and Santos and Juan Santillanes who started their claims in 1886. That short report filed by Forest Ranger Cecil R. Reindorp is only one side of one page, and then he concludes: “Since this claim is being patented under the Small Holding Act, no further facts are pertinent. I recommend that patent be allowed to issue without protest” (Chávez, Guadalupe SHC 5683). The Forest Supervisor approved it the next day, on March 8, 1918 (*ibid*). However, it would take almost 23 months until Guadalupe achieved patent on the 14th of February 1920 (#734495. glorerecords.blm.gov).

Because many small holding claimants preceded the existence of the National Forest system, Forest officials were sometimes behind on keeping their status books correct. In the case of Ponciano Casados (whose name was probably Nepomuceno Casados), Forest officials investigated him for trespass in 1928. He had a farm situated 2.6 miles east southeast of La Jara,

² The information accessed on 4-11-2014 at <usglorerecords.blm.gov> shows the total acres incorrectly listed on the webpage for this claim as 232.80 acres.

NM. Upon inquiry to the U.S. General Land Office, the reply came back to Forest officials that his claim had been patented as Small Holding Claim 5272, Tract 1 and a survey had been done in 1913 and accepted in 1919. There was a plat showing Small Holding Claims in Sec. 3, 4 T21N R1W (gloreords.blm.gov). The claimant had lived on this land since before the USFS was created (1905) but no better settlement date was obtained by them for the folder of information generated by this case in the Santa Fe National Forest Land Claims Archive. The USFS Rangers found that his entry was omitted from their status books and corrected them to reflect his patent for 116.83 acres (Casados, Ponciano 038095).

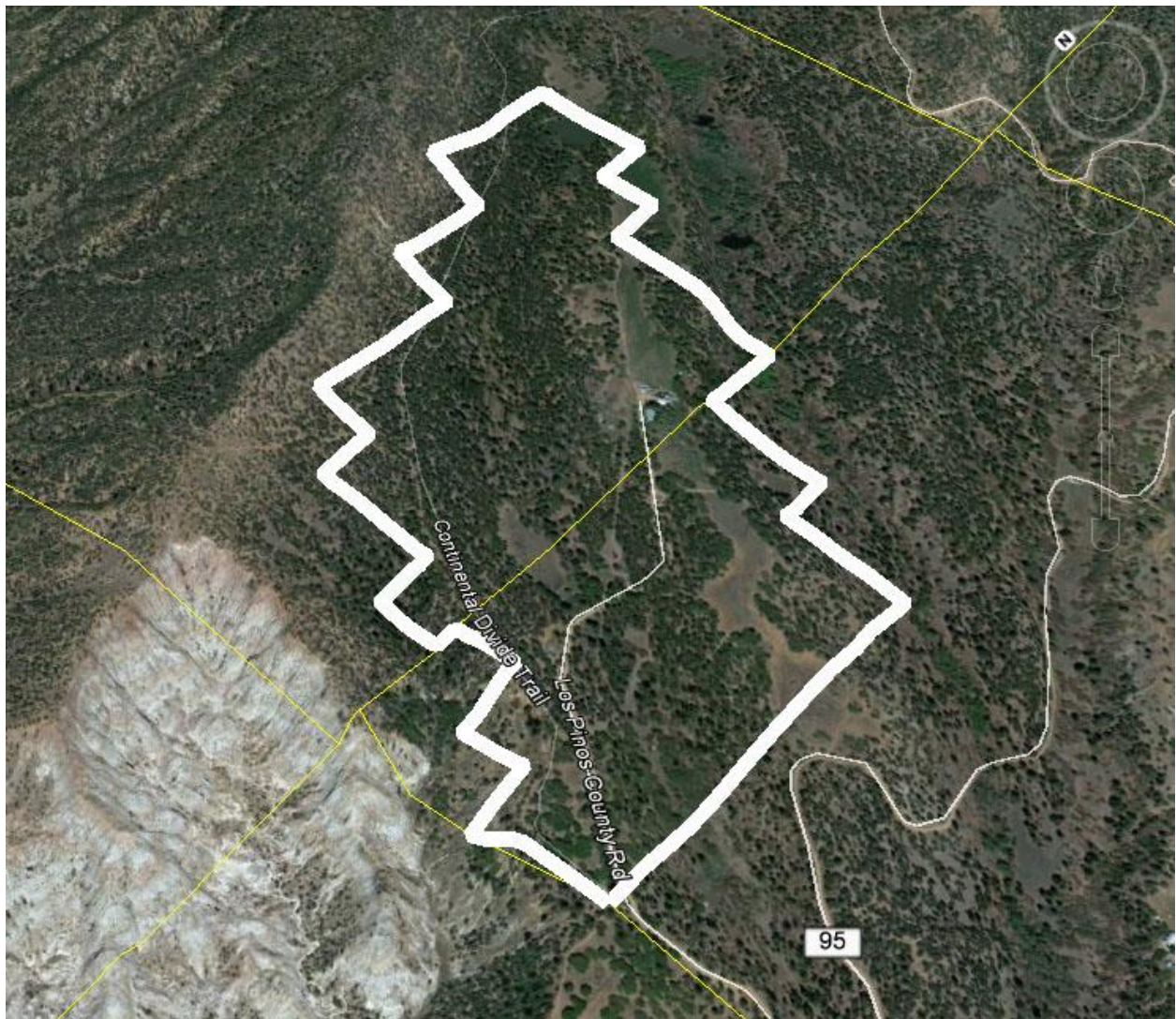


Figure 32: The claim of Fortino Castillo was made under the Small Holding Claims Act. Rather than being described by metes and bounds, Fortino amended his application to conform to aliquot parts and achieved patent in little over a year after he did so in 1914. Note the colorful gullied clay *barriales* or badlands west of his claim.

Very often, a Small Holding Claim had a metes and bounds survey, but there are cases where conformity to aliquot parts was permissible and preferred. A township survey already had a plat and monuments set in the ground every quarter mile of the grid and could be used to describe land without bringing in a U.S. General Land Office survey crew. If a more detailed designation of boundaries was necessary, Rangers could do it. In some cases, an applicant would be persuaded to have his boundaries adjusted to conform to a description using rectangular aliquot parts of a section instead of a metes and bounds description. The Small Holding Claim could only proceed to patent if survey plat of it had been committed. This in turn required a township survey to be completed (Brief on Behalf of the United States, U.S. v. J. M. C. Chávez, Chávez. J. M. C. SHC 037542). In the case of Fortino Castillo there was a delay in getting a metes and bounds survey of his claim, situated 2.4 miles east of La Jara. Rangers were probably advised on the more favorable cost and length of time to simply provide a rectangular description rather than have a metes and bounds survey done to generate a metes and bounds description. Fortino was persuaded and amended his application on January 30, 1913 to a very lengthy aliquot parts description (SHC 5838-017877). His amendment formed a tract that looked like stair-steps (Figure 32). Fortino achieved patent on February 27, 1914 one year and a month later (#388481. glorecords.blm.gov).

Apparently, the U.S. General Land Office at some time prior found the Small Holding Claims Act to be very troublesome. The Surveyor General of New Mexico at Santa Fe, NM, Morgan D. Llewellyn, reported in 1903 that platting small-holding claims was complicated because 27 to 30 small holding plats had to be made for one township plat. Furthermore, his deputies complained that the low rate of pay by mileage for surveying these claims did not allow them to make a living wage “and are loth[sic] to accept contract for this class of work” that entailed “a vast amount of labor in the hauling of stone for monuments, setting and marking corners for all angles of such irregular tracts” and therefore petitioned to institute a per diem rate for this genre of work so as to have “this embarrassment removed” (U.S.G.L.O. “Annual Report” 1903). Llewellyn reported that 4,489 small-holding claims had been filed by 1903 under the Small Holding Claims Act in his Santa Fe office; and since executing their surveys came from funds for the survey and resurvey of public lands, he asked that the appropriation for the Territory of New Mexico be increased (ibid). Clearly, accommodating the early and prolific settlement of vacant land in New Mexico was causing strain on a slow and ponderous bureaucracy mandated to handle this issue.

The case of Juan Durán features a process wherein he was rejected from having his small holding claim confirmed but nevertheless succeeded in getting a patent in 1916. Juan filed upon a claim 3.6 miles southeast of Regina and four miles northeast of La Jara, New Mexico along the Rito Salado. The foothills and *cañadas* of the Sierra San Pedro and Sierra Nacimiento east of Regina, La Jara, Cuba, and San Pablo were being heavily settled. This tract straddled the Arroyo Salado (also known as the Arroyo de la Tortuga) that appears on sketches demarcating it as being the northern edge of the Nacimiento Grant as depicted by its claimants (Figure 33 and 34).

After this area had been incorporated into the Forest Reserve it was designated as “Intensive Classification” by the Forest Service in the early 20th century because there was a

large Hispanic or “native” population that preferred clustering as a community (Report Submitted by Frank E. Andrews, National Forest Examiner. November 20, 1915. Arellano, Todocio #1037; Crabjal, Fredrico 651).

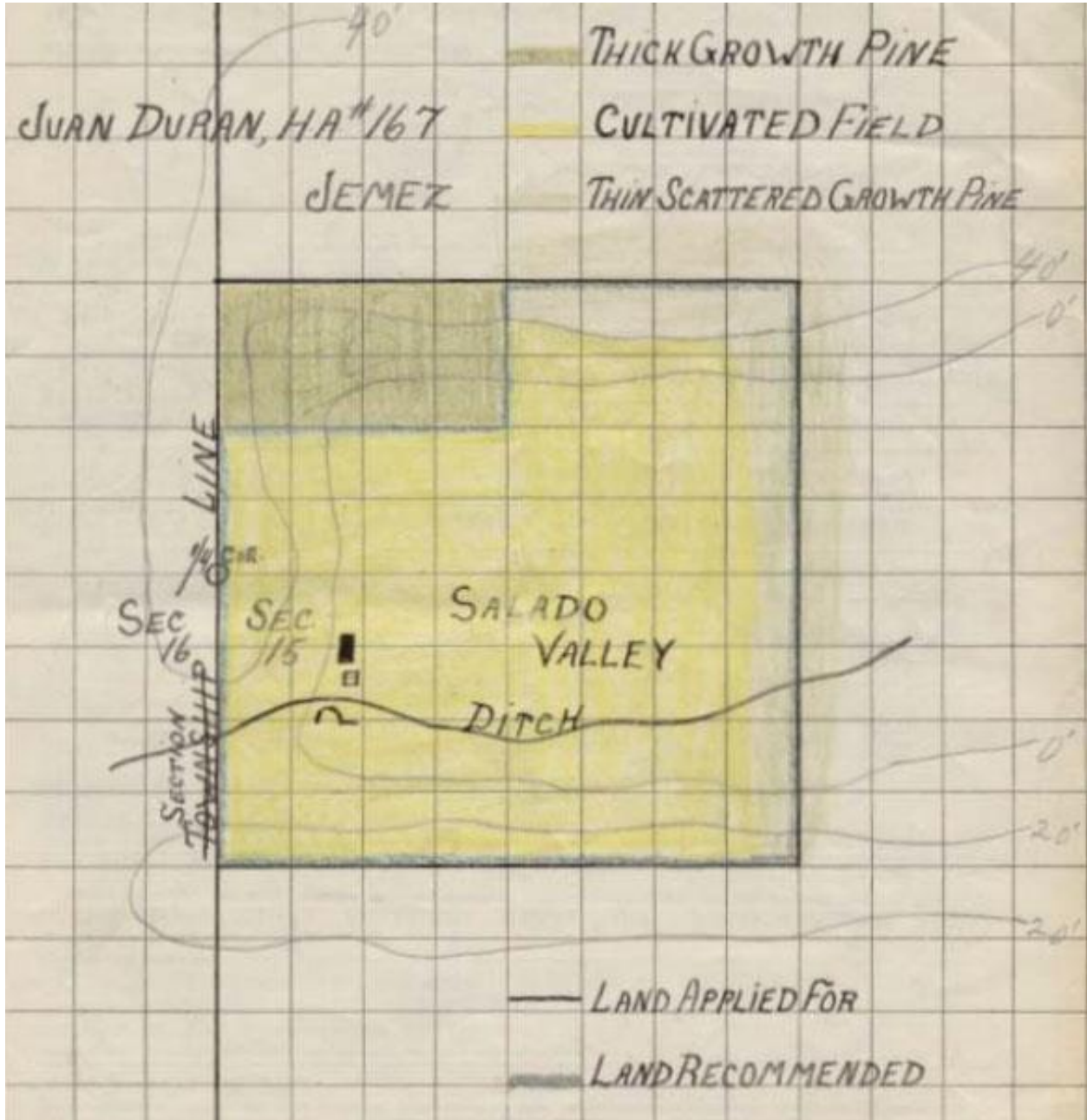


Figure 33: The Juan Durán claim southeast of Regina, NM that he applied for in 1909 using the Forest Homestead Act. The Ranger recommended 140 acres instead of the 160 because of pine growth within the northwest corner of the claim. Durán realized it was to his advantage to apply for this claim using the Small Holding Claims Act instead.

In 1909, Juan Durán filed for a 160 acre claim under the Forest Homestead Act. The Ranger who conducted the exam recommended that the claim be reduced to 140 acres due to a portion that had timber. Juan then withdrew his application in 1910 because he would probably have a better chance of achieving patent under the Small Holding Act (Durán, Juan 167). The report showed that the claim had been farmed for some time by the applicant and his father. It had a house, corral, a dug well, and an irrigation ditch running by it (ibid).

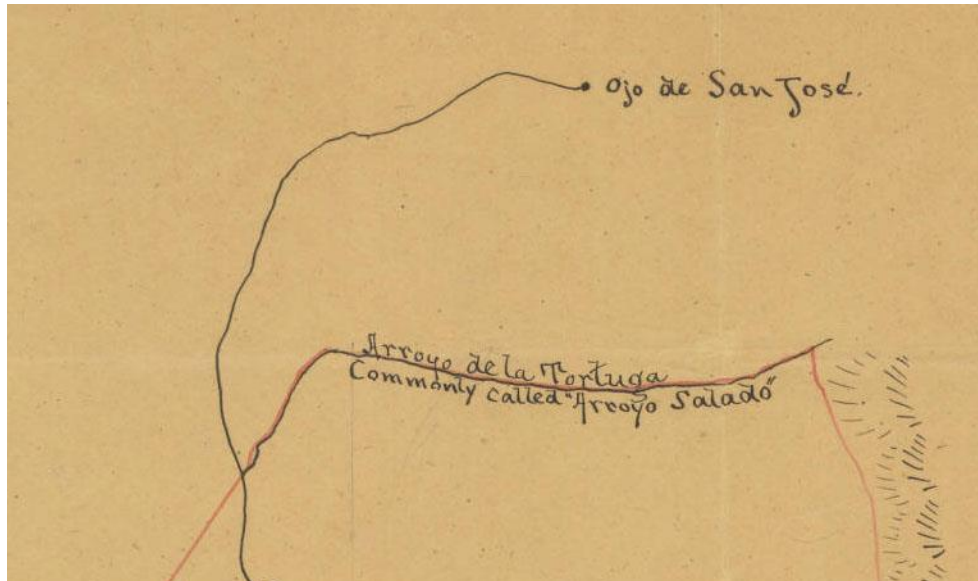


Figure 34: Portion of a sketch map of the Nacimiento Grant showing in red in the north boundary along the Arroyo de la Tortuga (University of New Mexico CSWR “Nacimiento” undated [c. 1900]).

The Durán claim was originally located in the year 1886 or 1887 by Encarnación Morales (spelled in some of the documents as Mrs. Ancarnación Miriles). She was a widow who resided with her two sons Perfecto and Isidro Morales on the claim until her death in 1892. The two Morales sons left the area and Rafael Durán took it over by their consent. Rafael left the claim to his son Juan in 1906 when he married, and Rafael moved to the village of Durán (Los Duranes), near Albuquerque. Juan therefore asserted that he was on the claim since he was a boy (Durán, Juan SHC 6108).

Juan was to submit to final proof before a commissioner of the U.S. Land Office named Juan C. Sandoval at Cuba, New Mexico on November 19, 1910. This notice dated September 30, 1910 was readied for publication in *La Bandera Americana*, the local newspaper, and there were no initial objections made to issue him a final certificate, the last step before being issued a patent (Durán, Juan S.H.C. 6108). However, on November 4th Frank Pooler, the Assistant District Forester regretted that they would have to make an adverse report without leniency. This was clarified on November the 7th by Frank E. Andrews the Forest Supervisor in Santa Fe who demonstrated that the Small Holding Act had a provision that claimants holding assignments (such as a deed of conveyance) made after March 3, 1901 for their claim were not entitled to file for their land as a Small Holding Claim (Durán, Juan SHC 6108). An Act of February 26, 1909 (35 Stat. 655) placed this peculiar exception on the Small Holding Act.

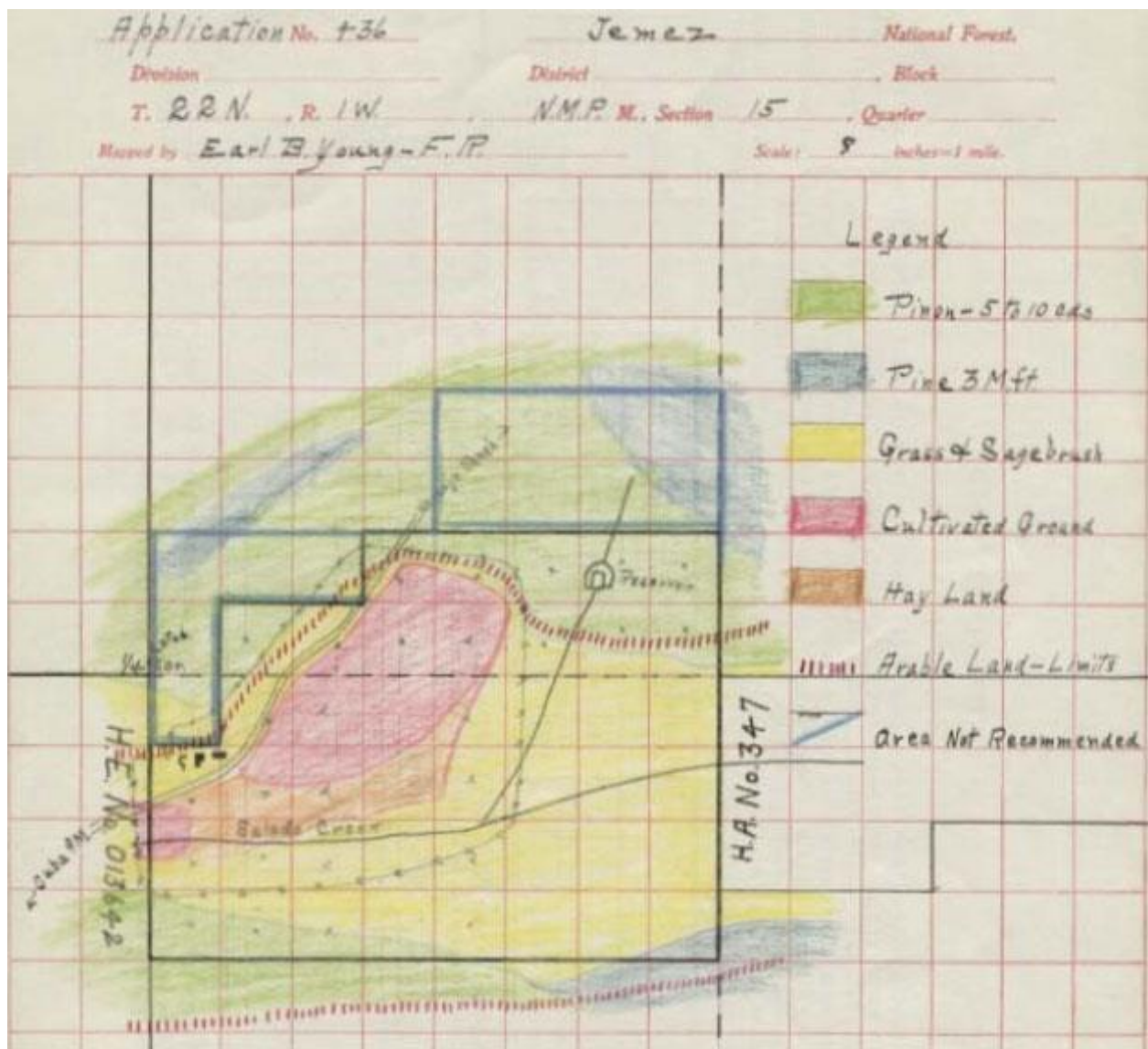


Figure 35: After the Small Holding Claim of Juan Durán was rejected, he subsequently reapplied under the Act of June 11, 1906 (Forest Homestead Act) and was approved for 107.50 acres.

The rationale gathered from the correspondence, legal opinions, and affidavits of Juan's case file pieced together is this: Rafael Durán, father, and his son Juan who was a minor at the time, lived on the land jointly since 1894. When Rafael left his interest to his son and moved away in 1906 this constituted an “assignment after March 3, 1901.” Inquiry was made as to whether Rafael was still alive because if he was not, the undivided half interest Juan held becomes a full interest as an heir. But if he was alive, the assignment would be defined as an undivided half-interest, and this would disqualify Juan from making an application for a Small Holding Claim. The latter being the case, the claim was cancelled on May 16, 1912 by the Commissioner of the GLO and Juan was given the option of refilling under the Forest Homestead Act of June 11, 1906.

In 1910, Juan and his wife had 3 children and spent their winters in Cuba away from their claim (Durán, Juan SHC 6108). In 1912, his application for Small Holding Claim 6108 was formally cancelled, and he re-filed for his claim as Forest Homestead #436 (Figure 35). His homestead was reported to have had a 2 room adobe house, adobe stable, corral, a small reservoir, 20 acres of cultivation, and 40 acres behind fence, all valued at \$200. There were a few work animals and the applicant had grown oats, corn and vegetables under a yearly precipitation of 8 inches of rain and 10 inches of snow. His claim was recommended to be reduced to 107.50 acres (Durán, Juan 436). Figure 35 shows the revised configuration.

The ongoing delay to patent resulted in another report made by Ranger Earl B. Young in April 19, 1915, likely because more current information was needed about the claim. The report showed that Juan and his wife now had two sons, three daughters, a four room L-shaped stockade plastered flat roof house, and 1½ miles of pole and brush fence enclosing 40 acres. They obtained their domestic water from a small spring; they irrigated about 20 acres from a ditch. They had one cow, four horses, and fifty sheep that were grazed on public land. Since establishing residence, his only prolonged absence from the claim was when there was an illness in the family and they lived in La Jara from November to December of 1911 as well as a few months during the winter of 1914. Ranger Young found that the cultivation fell a little short of the requirement but “claimant states that he has planted all that he could afford each year” (Durán, Juan HE 018718). Juan achieved patent for 107.50 acres on March 8, 1916 (ibid).

EXPEDITING HEIRS OF LAND GRANTS UNDER SMALL CLAIMS ACT

Land grant heirs using the Small Holding Claims Act or the Act of June 11, 1906, to regain fragments of the land lost, appear in the Santa Fe National Forest Land Claims Archive. The San Joaquín del Cañón del Río de Chama is a prominent example of a Spanish era land grant contested in the U.S. court system, greatly reduced, with the heirs applying for 160 acre homesteads in the areas contested by the U.S. Government. The Archive features homestead applications made by members of the Chávez family at the west side of the Cañon de Chama Grant.

The origins of the Cañon de Chama Grant may be explained beginning on July 6, 1806 when Governor Joaquín Real Alencaster directed the Alcalde Mayor of Santa Cruz de la Cañada to investigate the application for a grant of unsettled land of Francisco Salazar of Abiquiu and others at the Cañón del Río de Chama located about four leagues (13 mi) north of Abiquiu. After eight days, the *Alcalde* reported that he had examined the region verifying that there was enough land for the settlers to farm. Governor Alencaster responded on August 1st with a stipulation that the *alcalde* distribute 26 lots of land “capable of being planted with the equivalent of three *cuartillas* of wheat” two of which would be allocated to Francisco Salazar as leader and one to each for the others.

On March 1, 1808 Alcalde Mayor Manuel García de la Mora stated that he had gone to the Cañón del Río de Chama with 25 settlers, 14 other people seeking land, and a promise to distribute more land to others thereafter coming forward. He placed them in possession using the Spanish equivalent to the English Livery of Seizon, an ancient ceremony to stir memory of the

day in the minds of the settlers, by having them pull up weeds, throw rocks and shout “*Que viva el Rey quien nos protege y nos ayuda*” (Long live the King who protects and helps us). The boundaries were identified as the Rito de la Cebolla on the north, the lands of the Martínez family on the east (today's Piedra Lumbre Grant), the Cejita Blanca on the west, and the Capulín on the south. Farming tracts measuring 150 varas wide (about 413.3 feet), and likely fronting the Rio Chama on the east and extending to an acequia or bordering bench on the west, were assigned to each settler as private real estate. The proceedings were recorded on paper and returned to Governor Alencaster and filed among the archives of his office. Thus was founded the community of San Joaquín del Cañón del Río de Chama, probably named using the Governor's *patrosanto* in his name and title of Lieutenant Coronel Joaquín del Real Alencaster.

On January 3, 1861 this grant was filed with the U.S. Surveyor General in Santa Fe for validation now that the New Mexico territory was under U.S. jurisdiction, but no action was taken. A petition was filed in 1872 by the “heirs and representatives of Francisco Salazar,” represented by their attorney, Samuel Ellison before Surveyor General James K. Proudfit who took testimony, mostly by affidavits, that summer. The affidavits asserted the north boundary to be the Rio de la Cebolla, similar to its portrayal in the original grant document as diminutive “Rito de la Cebolla.” On the south, the original document provided *al sur el Capulín* ('on the south the chokecherry'). This boundary call has been argued to be the Mesa Capulín, Cerro Capulín, Puerto de Capulín, or Rito del Capulín. The west boundary was named as the Cejita Blanca ('white little ridge'). This boundary had been argued to have coincided with the Continental Divide, 15 to 17 miles west of the Río de Chama but there are indications that the fault line ridge forming a west border to the valley feature carved by the Río de la Gallina could also be the feature indicated. It is near or along this west boundary that the Chávez family would apply for homesteads with the yet to be created Santa Fe National Forest.

Proudfit approved the grant on December 17, 1872, and a contract was issued for a land survey. This survey was carried out by Stephen C. McElroy, and the result approved by the succeeding U.S. Surveyor General in Santa Fe, Henry M. Atkinson. The survey found 472,736.95 acres on September 7, 1878. Scholars argue that Atkinson was corrupt and collaborated with land speculators and lawyers by inflating the sizes of some land grants in order to embrace more timber and natural resources. The northwest corner of the Cañon de Chama Grant may be an example of this because it deviates from the Continental Divide and Cejita Blanca. Within time, anti-corruption officials were appointed, but they asserted an interpretation of land grants vastly diminished in favor of U.S. Government pre-eminence and a vast expansion of the Public Domain. In 1885, President Cleveland appointed George Washington Julian as the new U.S. Surveyor in Santa Fe and at the same time appointed as Governor of New Mexico a blunt, reforming, anti-speculator, Edmund G. Ross.

Crucial to understanding land grant history in New Mexico is the partition statute of 1876 enacted by the Territorial New Mexico Legislature to solve the problem of multiple interests in a given land grant. Attorneys or land speculators who had persuaded land grant heirs to sell their share in a grant, attorneys who had persuaded land grant heirs to sign power of attorney documents that empowered a lawyer to act on the heir's behalf, and other attorneys who had

received as their fee one-third (or more) of the acreage of a given land grant for their services, could use the 1876 statute and seek to split or partition a land grant (Ebright 1994: 42-43). Partitioning was in violation of previous Spanish and Mexican law and custom employed concerning common lands remaining intact as a perpetual resource for a given community (ibid). The attorney, now co-owner of the grant along with the heirs, was entitled to ask the territorial courts to divide the grant or force a sale of the grant. The court would appoint a special master to determine the fractional interests of the parties involved, and upon completion of the sale be awarded a fee for their service. Territorial courts uniformly found that division would devalue the grant, and would always force a sale. The purchaser, often a collaborator or front man for the lawyer initiating the partition suit, would bid at the auction on the steps of a courthouse. Once completed, meager compensation was distributed to the grant heirs for the valuable resource that was removed from them (ibid).

A suit to partition the Cañón de Chama Grant was initiated, and a special master was assigned in the case of Boyle et al vs Velarde et al (Rio Arriba District Court, #209), producing a report on September 16, 1885 approved by Judge William A. Vincent of the First Judicial District. Prior to this a British investor, John Gerald Potter, through his agent Arthur Boyle, Antonio Joseph of Taos and Ojo Caliente, Thomas D. Burns of Tierra Amarilla, Thomas B. Catron of Santa Fe, and others, had purchased the interests of many claimants, and as a result, in 1880 Boyle as an agent for Potter, sued all the claimants in order to partition the grant. The settlers who were living and farming in the canyon did not surrender their claims. Of the many interests, three brothers, J. Patricio Chaves, José Maria Chaves and Francisco Chaves, received 3 of 47 shares (Chávez 2005, The Cañón de Chama Grant). The grant, however, had not been confirmed yet. There were two hurdles yet to come.

The first obstacle was to prove the validity of the grant before the newly created U.S. Court of Private Land Claims (CPLC). Established in 1891, the mission of the CPLC was to settle the remaining titles by judicial process that had not yet been decided during the proceedings of the U.S. Surveyor General years earlier. The Cañón de Chama Grant was introduced on Feb. 17, 1893, with the main claimant identified as the Rio Arriba Land and Cattle Co. Ltd (Chávez 2005, The Cañón de Chama Grant). Documents in the Rio Arriba County Clerk's Office show that this company was incorporated in London, England and involved R.L. Splain, Valentin Walbram Chapman, and J. Gerald Potter as well as reference to an agreement dated April 19, 1884, wherein the district court appointed Arthur Boyle as receiver of the Cañón de Chama Grant who conveyed to Chapman a ten year grazing lease upon 123,000 out of 472,736.95 acres (Book 10 Pages 27-47. Rio Arriba County Clerk's Office. Tierra Amarilla, NM. 1887-1888).

Whereas the first survey found 472,736.95 acres, on September 7, 1878, a decision was made to drastically reduce the acreage to 1,422.36 acres by the Court of Private Land Claims on Nov. 24, 1894, a decision that was upheld later by the U.S. Supreme Court. Descendants of José María Chávez, who had received a 1/47th share of the Cañón de Chama Grant, now found their shares evaporated.

The major event in the reduction of many land grants that moved vast acreages of real estate from heirs, claimants and land speculators alike into the hands of the U.S. Government occurred in 1897 with the U.S. Supreme Court decision in *U.S. vs. Sandoval et al.* The case involved the San Miguel del Bado a community grant southeast of Pecos, NM embracing an area of over 300,000 acres according to an 1879 survey (Ebright 1994: 48). Land grants are composed of private holdings and vast grazing areas and woodlands held as tenants in common called *ejidos*. As carrying capacity concepts in forestry sciences would later assert, large acreages are necessary to support grazing animals in semi-arid regions that can often be heard among cattlemen today with expressions like “this land can support 6 cattle per 100 acres.” These common areas, often vast, became the target of the argument presented in the U.S. Supreme Court that the common lands had belonged to the antecedent sovereigns of Spain and Mexico and therefore passed to the United States government with the Treaty of Guadalupe-Hidalgo in 1848 (ibid). “After the 1897 *Sandoval* decision, the land claims court rejected the common lands of every community grant that came up for adjudication. This vast acreage acquired by the United States now comprises most of the Carson and Santa Fe National Forests in northern New Mexico” (Ebright 1994: 49). Ebright elaborates further:

In contrast to this picture of what Spanish and Mexican custom tells us about common land ownership, Matthew Reynolds [U.S. attorney in the U.S. Court of Private Land Claims] said in his San Joaquín brief to the supreme court in 1896, that *Alcalde* García de la Mora “delivered possession to each individual of the land to which he was entitled . . . (but not) to all of them in common or any one individual of a large tract of land, but simply designated outboundaries . . . the title to the unallotted portions remaining in the Government” (Ebright 1994: 122).

The reduction of the Cañon de Chama Grant to 1,422.36 acres left only the floodplain area in the Cañón de San Joaquín del Río de Chama. This canyon started to be called Burns Canyon, named after Thomas D. Burns, a prominent merchant operating in Tierra Amarilla who acquired title to the newly patented Cañon de Chama Grant in 1901 from the Rio Arriba Land and Cattle Company, the aforementioned London, United Kingdom limited liability corporation (Book 57 Page 132, Rio Arriba County Clerk’s Office, Tierra Amarilla, NM).

Into this setting, using the example of the Cañon de Chama Grant, heirs of Spanish and Mexican land grants that has not been invalidated or otherwise reduced attempted to regain small portions of their loss using the Small Holding Claims Act or the Act of June 11, 1906. Several of these efforts appear in the Santa Fe National Forest Land Claims Archive. For claimants who had been established on the land for decades, they were now designated as “squatters.” One possible example may be that of Gavino Chávez. Although it is not clearly stated that Gavino was one of the Chávez heirs of the Cañon de Chama Grant, in his application for land in Gallina, a report dated 1911 in the Land Claims Archive indicated that Gavino settled on his claim in 1888, had a wife and four children, had a five room adobe dwelling, a stable, a store, a saloon, and sheep dipping plant. His ancestors became citizens of the U.S. by Treaty of Guadalupe Hidalgo. He received a patent in 1912 for Small Holding Claim #4263 (Chávez, Gavino SHC 4263).

In 1908 rumors circulated about Congressional action in regard to the Small Holding Claims Act. In the same area of Gallina, New Mexico a homestead applicant reportedly saw this in the newsprint *The New Mexican* appearing in the following correspondence within one of the homestead folders:

“[Enrique] Jaquis also informed me [Mr. McMillan] that he has seen in the ‘New Mexican’ that an act passed the last Congress allowing another year for the proving of small holding claims where the land involved has been adversely claimed as part of land grant. This land was formerly claimed as part of the Canon de Chama Grant and he informed me that he would claim this land under this act if he could not get it listed by the Forest Service” (Letter from M. K. McMillan, USFS, Las Cruces to Harold Greene, Forest Guard dated August 12, 1908. Chávez, Apolonio V. 92).

Further inquiry was made into the matter by the Chief Inspector of the Forest Service in Albuquerque, D. D. Bronson, who wrote the U.S. Surveyor General in Santa Fe. The Surveyor General said: “this office has no knowledge of Congress, at the last session, having passed an Act allowing another year in which to file small holding claims in this office” (U.S. Surveyor General to D. D. Bronson, Chief Inspector dated August 14, 1908). But elsewhere within the Santa Fe Homestead Archive, another case revealed that the last filing date of the Small Holding Act was moved to before March 4, 1910, before which an applicant could file, remain upon their claim, and perfect their title (Thomas R. Stewart, Forest Supervisor to Jesús M. Armijo, Cleveland, NM dated September 23, 1909. Armijo, Jesús M. Squatter).

The case of J.M.C. Chávez is a peculiar example of a claimant trying to reacquire land lost because of the reduction of the Cañon de Chama Grant. The entry applied for as shown in the Santa Fe National Forest Land Claims Archive and what was ultimately patented in 1925 (patent #965334, SHC 4138 Tr.1) was a short distance to the west of what was applied for, perhaps as a result of protest by Forest officials. J.M.C. Chávez was from Abiquiu, son of General José María Chávez (who was noted elsewhere as having died during November of 1903), and heir of the Cañon de Chama Grant. The share of the grant lost in legal battle was identified as those parts known as the Gallina district, Arroyo Blanco, and Laguna Colorada, all on the west side of the grant. The partition that applied to General José María Chávez approximated 35,000 acres and J. M. C. Chávez, acting as attorney, asserted that he “lived upon this tract until his death in 1902, and since that time workmen and some of his heirs have stayed there with stock and were in control of portions of the Grant” (Brief on Behalf of the United States, U.S. v. J. M. C. Chavez, Heir of José María Chávez, deceased. Before the Commissioner of the General Land Office. Involving Small Holding Claims Serial 037542 for said land within the Santa Fe National Forest. Chávez. J. M. C. SHC 037542).

Forest and Land Office officials knew that the Small Holding Claims Act depended on a completed survey of a township-range that overlaid the claim of an applicant that had openly maintained possession of a claim against the claim of the U.S. Government (adverse possession) for 20 years prior to the departure of a party of surveyors.

“The Act of March 3, 1891 (26 stat. 854) as amended by the Act of February 21, 1893 (27 stat. 470) under which application for patent is made in this case, has reference to cases in Townships thereafter to be surveyed in which any person has through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous, adverse, actual, bona fide possession of any tract of land, or, in connection therewith, of other lands altogether not exceeding 160 acres, in such township, for 20 years next preceding this time of making such survey” (Brief on Behalf of the United States, U.S. v. J. M. C. Chavez, Heir of José María Chávez, deceased. Before the Commissioner of the General Land Office. Involving Small Holding Claims Serial 037542 for said land within the Santa Fe National Forest. Chávez. J. M. C. SHC 037542).

It was pointed out that a claimant can apply to patent land acquired through conveyance (a deed) or inheritance under the Small Holding Claims law in an amount not to exceed 160 acres. Since 35,000 acres did not conform to the 160 acres allowed by law, this Small Holding Claim “based on an inheritance from, and alleged possession by, General Chávez, would ignore the limitations of the law as to area” (ibid). Furthermore, there was a lag of time waiting for the U.S. General Land Office to lay out the grid of sections, township, and range for the area in question. The survey was completed by 1917 (ibid).

James I. Hatch, the Forest Ranger in the Coyote and Gallina area at the time summed up the settlement and entry of descendants of José María Chávez:

“Mr. J. M. C. Chávez informs me that this claim is based on the fact that his father General José María Chávez was a Grantee and that he once owned an interest in what was at one time known as the Chama Grant and that the owners of that Grant then claimed what is now known as the Gallina district, Arroya[sic] Blanco, Laguna Colorado [sic] countries and the Chama Grant, but that the land now known as the Gallina District and that around Arroya[sic] Blanco and Laguna Colorado[sic] was disallowed them. And when this was done the only thing left for them to do was to make application for small holding claims within the area once claimed as a Grant” (Supplemental to Report on Small Holding Claim No. 4139 dated Aug. 30, 1920. Chávez, J.M.C. SHC 037542).

James I. Hatch insisted in 1920 that the claimant J.M.C. Chávez had no grounds for a valid claim because of non-occupation and that J.M.C. at most had an old fence and ran a cattle camp along the west edge of the land identified in this application (ibid). The paper trail ends and fails to provide information that J.M.C. Chávez did indeed receive a patent. However, the U.S. General Land Office records show that a Small Holding Claim 4138, Tract 1 was patented to him in 1925 (Patent #965334. <usglorecords.blm.gov>). The boundaries of the small holding claim were evidently moved a quarter mile west, located exclusively in Section 32, Township 24 North, Range 1 East (ibid). The application in the file of Santa Fe National Forest Land Claims Archive described a tract Section 32 and Section 33 straddling half in and half outside the designated USFS boundary (see Figure 36, the center-most blue placemark labeled “JMC Chavez”). By moving the claim a quarter mile west, the amended claim was now entirely outside

of land administrated by the USFS, and as a consequence, subject only to the process involved with the Land Office in Santa Fe, under the Department of the Interior. It would appear that J.M.C. Chávez was counseled to amend his claim to avoid the vigorous protest by the Forest Service.

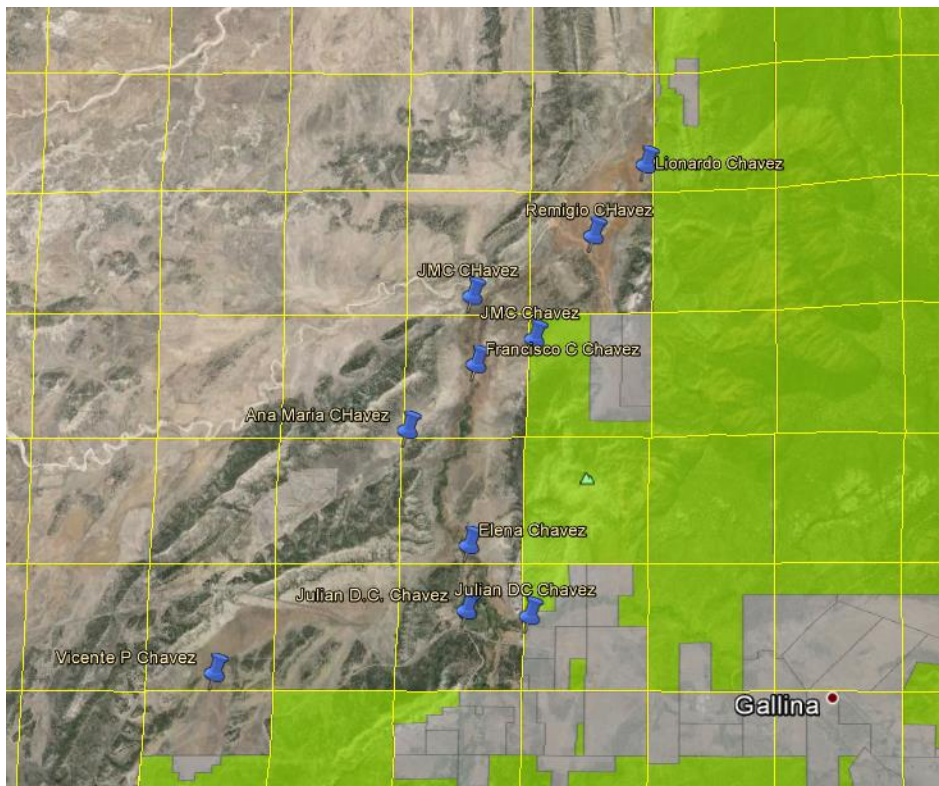


Figure 36: The Chávez family attempted and mostly succeeded at using the Small Holding Claims Act to get back small portions of a once large partition of the Cañon de Chama Grant (Google Earth imagery taken 6/26/2014; overlays by Roberto H. Valdez).

Crucial to successfully obtaining a Small Holding Claim was to occupy it. Occupation meant documenting exclusive activity on a given claim and was different than residency. Another member of the Chávez family, and heir of the Cañon de Chama Grant, Julián Chávez failed to obtain a patent by failing to maintain occupancy for 20 years. He applied for land at the mouth of the Cañada de las Lleguas, almost 10 miles north of Gallina, NM, under the Small Holding Claims Act without residing on the claim, but just by asserting that he grazed stock or allowed his neighbor Enrique Aragón the privilege of grazing to maintain possession. In 1922 the District Forester wrote the Forest Supervisor to clarify the validity of possession by grazing stock:

“From the Ranger's report in this case, it appears that Mr. Chávez is not claiming as heir of General Chávez, but in his own right, but his occupancy is based on use for stock grazing. The authorities are quite clear that grazing alone when the lands are unfenced and open to grazing of other stock, is not sufficient under the Small Holding law. Residence is not required, but some form of exclusive occupancy is

necessary” (Frank C. W. Pooler, District Forester to Frank E. Andrews, Forest Supervisor dated October 24, 1922. Chávez Julian D. C. SHC 6041).

Julián Chávez did say in an affidavit that “I am claiming this land both, as heir to Patricio Chávez deceased [his father and heir of the Cañon de Chama Grant], and on my own rights on actual adverse possession” (Affidavit of Julián D. C. Chávez dated Dec 22, 1922. Chávez Julian D. C. SHC 6041).

One could do as little as maintaining a fence, in addition to two decades of open and notorious possession (grazing stock) preceding a party of surveyors laying out sections, township and range in the given area. The claim of Julián Chávez did not succeed in getting patented because the Forest Supervisor determined that there had not been “active use of the claim since about 1889 or since 1897 at the latest and that the claimant is relying on local tradition of possession and a small amount of grazing use to establish his case... I do not believe it can be shown that the claimant has maintained actual adverse possession for twenty years preceding the survey of the township in 1916 and it is accordingly recommended that protest [by the USFS] be filed” Frank E. Andrews, Forest Supervisor to District Forester Albuquerque, NM Dated December 28, 1922).

Another case involving an heir of the Cañon de Chama Grant did not succeed because it conflicted with a neighboring claim; it was not occupied by the claimant, and no improvements were built upon it. Zoraida Vigil de Chávez lived 14 miles south of her claim in Gallina, NM with her husband and four children (Report on Small Holding Claim dated August 6, 1923 by J. A. Rodriguez, Forest Ranger). The following timeline narrative provides a good example of the final process involved to relinquish a Small Holding Claim:

- February 24, 1910. Zoraida files her claim using very lengthy official language as follows:
 - “On February 24, 1910 Zoraida Vigil de Chávez filed with the Surveyor General under Section 18 of the act of March 3, 1891 (26 Stat., 854), as amended by the acts of February 2, 1893 (27 Stat., 470), June 27, 1898 (30 Stat., 495), and the act of February 26, 1909 (35 Stat., 655), application No. 5944 for land now described upon township plat of survey approved April 22, 1918, as the N½ and the SW¼ NW¼ Sec. 27, SE¼ NE¼ Sec. 28, T. 25 N., R. 1 E., N.M.P.M., containing 160 acres” (Letter to Register and Receiver, Santa Fe, NM from the Commissioner, General Land Office, U.S. Department of the Interior, Washington D.C. dated June 3, 1925).
- April 22, 1918. The above mentioned plat of survey for the township is approved and this is used to better describe Zoraida's claim the above mentioned description (ibid).
- December 8, 1922. A neighbor, Filomeno Mestas files a contest to a portion of Zoraida's claim because it is found that there was a 40 acres overlap of Zoraida's claim described as the Southeast quarter of the northeast quarter of Section 28 (ibid). The claim of Filomeno Mestas would be favored perhaps because he filed a description of land, and had acted to settle and occupy it in conformity with the law. Zoraida, as would be shown, did not.

- April 20, 1923. The Land Office action was to cancel that part of Zoraida's claim overlapping Filomeno Mesatas and the remaining part was allowed to proceed, and Zoraida was notified that she had 90 days to begin her intention to submit a final proof for the remainder of her claim. However, the Land Office forgot to cancel it (ibid).
- On June 4, 1923 Zoraida filed a notice of intention to make final proof and notice was posted and published (ibid). This involved announcing the applicant's name and claim in a local newspaper with circulation among the populated places in the vicinity of the claim.
- August 6, 1923. Ranger Rodríguez filed a report for Zoraida's Small Holding Claim. It was asserted that Zoraida applied for her claim within a portion where her grandfather General José María Chávez operated his cow camps along the Río Gallina. Ranger Rodríguez found that “this case is in conflict with lands held and used by Filomino Mesatas” and found “suspicious circumstances evident in connection with the claimants chain of title, and to my opinion and belief there are not grounds on which claimant can base a valid claim...” (Report on Small Holding Claim dated August 6, 1923 by J. A. Rodriguez, Forest Ranger). Ranger Rodríguez recommended “that a protest be entered against the issuance of patent, with a view of having the claim cancelled, for non-use and in general non-compliance with the small holding laws” asserting that no improvements had been made nor grazing or cultivation done (ibid).
- September 20, 1923. The District Forester files a protest and issued notices to hold a hearing before the Commissioner of the General Land Office in Cuba, NM (Letter to Register and Receiver, Santa Fe, NM from the Commissioner, General Land Office, U.S. Department of the Interior, Washington D.C. dated June 3, 1925).
- On March 25, 1924 a hearing in the case was held at Cuba, NM before John F. Young, U.S. Commissioner and Zoraida, as defendant, refused to go into the hearing and voluntarily relinquished her claim, but three witnesses for the Government (Antonio J. Córdova, Eugenio Sánchez, and Gavino Chávez) nevertheless were entitled to \$10.80 each in their now unneeded roles as witnesses (Chávez, Zoraida Vigil de SHC 5944). Two days later, the Assistant to the Solicitor for the U.S. Department of Agriculture, Wendell Rawlins mailed Zoraida's signed relinquishment from his office in Albuquerque to the U.S. Commissioner John F. Young at Cuba, NM, and asked him to send it on to the General Land Office in Santa Fe with a note about the defendant volunteering her relinquishment before hearing began. He explained that “it would be contrary to Regulation L-17 of the National Forest Manuel as revised for a Forest officer to transmit a relinquishment of a claim such as this. The chances are that if I should transmit it myself, no objection would be raised. However, I do not wish to knowingly do anything in conflict with the Regulations” (Wendell Rawlins to Hon. John F. Young dated Mar. 27, 1924). Hearings, subpoenas, letter writing, a stenographer expert in shorthand, and copies of documents often made in triplicate along with travel vouchers, and the involvement of many people on salary hint at an expensive bureaucracy to support the judicial process of holding a hearing over a homestead by a U.S. Commissioner.
- April 4, 1924. The U.S. Commissioner transmits the relinquishment to the Land Office in Santa Fe (Letter to Register and Receiver, Santa Fe, NM from the Commissioner,

General Land Office, U.S. Department of the Interior, Washington D.C. dated June 3, 1925). It would be June of 1925 before the last correspondence would be filed and the case closed.

SQUATTER CLAIMS

Throughout the documents of the Santa Fe National Forest Land Claims Archive the researcher will frequently encounter the phrase that a given tract is “now open for settlement” and some of the case files are dealing with “squatters.” Government is part of a slow and ponderous institution we may think of as a molar order, contrasting with that of a rhizome that acts relatively fast and spontaneous. Because a vast rhizome of settlement was occurring in spite of government “molar order” action, the government was taking a reactionary approach to squatters homesteading in places like New Mexico that had a well-established village population pioneering unsettled areas often through tradition or legal channels by antecedent sovereigns (e.g. Spanish and Mexican land grants).

In order to find out the nature of squatting in the then Territory of New Mexico, a further research opportunity may lie in the examining the impact of a law passed by the Territorial Legislature of New Mexico prior to the complete adjudication of Spanish and Mexican land grant and the Forest Homestead Act of 1906. Documents declaring possession (*Documento de Posesión*) appear in old county records as a method for claimants (or squatters as the U.S. Government may have considered them) to defend their claims. An example can be found in the possession document of Severo Manzanares of Truchas, NM, who in 1889 declared in Spanish that he had possession of a tract 125 *varas* wide and 778 *varas* long within the Truchas Grant, a location where he identified adjoining land owners and geographic features (a *vara* being about 84 cm or 33.0709 inches). He declared that he had occupied the tract since 1879 in conformity with Section 2747, Laws of New Mexico of 1884. In the 1884 Compiled Laws of New Mexico (Approved April 3rd) his curious legal reference is found in both English and Spanish versions:

“Any person or persons who have acquired and hold any real estate by purchase or otherwise, and have lost or never had any legal evidences of title to such real estate, may make a statement in writing containing a description of such real estate by metes and bounds, or by reference to well known and permanent natural objects as boundaries, and setting forth in detail the manner in which he or they acquired such real estate, how long they and their predecessors in possession have held the same, and showing fully all claim which they have to such real estate, either in law or in equity. Such statement shall be executed and acknowledged in the same manner as conveyances of real estate are required to be executed and acknowledged, and being so executed and acknowledged, may be recorded by the country recorders in the same manner and in the same books that conveyances of real estate are recorded; Provided that no such statement shall be made or recorded after the thirty-first day of December, 1889. Such statement upon being recorded as aforesaid, shall be considered as notice to all the world of the rights and claims of the person making such statement in and to the real estate therein described, and the statute of limitation shall be considered as beginning to run in

favor of such person from the date of the recording of such statement” (1304, 1306 § 2747 TIT XL CH 11).

The phrase “the following described land will be opened to settlement and entry” is a phrase appearing numerous times in documents within the Santa Fe National Forest Land Claims Archive. The phrase signals the transformation of a settlement case into an administrative claims case when the General Land Office, after due consideration and recommendation by the U.S. Forest Service officials, opened the land described in the settlement case to “settlement and entry” on a prescribed date. However, for fourteen squatter cases and one-hundred eighteen small holding claim cases in the Santa Fe National Forest Land Claims Archive, it did not matter that the applicant is a family man, with a house filled with bedding and household goods, and a large cultivation, or, in many cases, a document of conveyance such as a deed from a prior owner. As far the U.S. Government is concerned, the homesteader was not legally occupying their land if that land was declared part of the Public Domain through the Government's adjudication process. The squatter or small holding claimant needed to follow the pathway to having their claim recognized by the U.S. Government. A designated bureaucracy of the government was now authorizing settlement and entry to an individual or head of household “squatting” on government land.

The act of squatting could also happen when the Forest Service overlooked or failed to notice an inhabitant dwelling upon the land from since before or during the creation of the National Forest system or before the land they were on was withdrawn into the Forest Reserve. This created a situation where officials of this molar order with their maps and orderly categorization of land had to reluctantly accept without protest the actions from the rhizome order of settlers. In the case of Demetrio Jáquez (sometimes misspelled as Demitrio), who applied for 160 acres between the villages of Capulín and Gallina, New Mexico, this was the case. He was head of a family consisting of a wife and three children residing near the Rito Capulín in a long and narrow four-room log and pole house measuring fourteen by forty-eight feet and claiming actual residence since 1906, although he filed for it under the Forest Homestead Act in 1909 (Report for the 4th day of March, 1914. Jáquez, Demitrio HE 010694). His dwelling was inside the Cañon de Chama Grant before it was adjudicated to a reduced size, thus making him a “squatter” on the Forest Reserve. The boundary moved, he did not. In a situation like this, a squatter could ask for a Special Use Permit preceding or in tandem with an approval for settlement under the Forest Homestead Act. Demetrio entered the process to obtain patent for his homestead, but Forest officials believed that he had not met the acreage requirement for cultivation. Frank C. W. Pooler, Assistant District Forester at Albuquerque, addressed the issue of Demetrio's case with the Forest Supervisor in Santa Fe as follows:

“The was evidence to substantiate a charge of insufficient cultivation is hardly sufficient to warrant adverse recommendation to the Chief of Field Division, and in any event, the claimant is alleged to have settled on the land in the summer of 1906, and even if he has not lived on the land with his family except a part of the time since 1911, a full period of five years had elapsed prior to that time, and under the latest holdings of the Interior Department, as explained in Circular 125

L 23, credit for residence under permit may be allowed for the period prior to the opening of the land to entry under the Act of June 11, 1906. In this particular case, it is not shown that residence was under Forest Service permit, but it was at least with our acquiescence after the establishment of the Forest. If the claimant settled in the summer of 1906, as indicated in the report, then he appears to have been a squatter on the land prior to the date of Forest withdrawal, November 7, 1906, and I have little doubt but that the Interior Department will recognize his residence as from the date of its original establishment, and that final proof will be accepted under the five-year law” (Letter dated March 12, 1914. Jáquez, Demitrio HE 010694).

Sure enough, on October 1, 1914 the General Land Office issued Demetrio Jáquez a patent for 100 acres (Jáquez, Demitrio HE 010694; gloreCORDS.blm.gov). In this case, there is no documentation that Demetrio had a permit from any governmental agency to occupy his *rancho*, and he received credit for a reported five years of residency and cultivation from 1906 to 1911, to which the five year requirement of the 1962 Homestead Act and 1906 Forest Homestead Act were met, as a squatter.

FOREST LIEU SELECTION ACT OF 1897

John W. Akers received the largest acreage of land to an individual from the Santa Fe National Forest among entries found in the Homestead Archive. Located in or near the Bland Mineral Belt, Akers received four patents totaling 1197.1 acres of land in 1916. Although by 1916 he was succeeded by the Cossak Mining Company, it is in this case that we come to understand an unusual law called the Act of June 4, 1897, sometimes referred to as the Forest Lieu Selection. For three years, this law created a loophole allowing an opportunistic entrepreneur an almost guaranteed patent to unusually large acreage of unsurveyed land. Large acreages such as this released resources and provided economic stimulus but were unfair and controversial.

Although the National Forest System was established in 1905, the preceding Federal Forest Reserves were created under the Congressional Act of March 3, 1891 (United States “Federal Forest Reserves” 1903). Prior to the Forest Homestead Act of June 11, 1906, only the U.S. General Land Office handled the disposal of public land on what would become the National Forest System. Into this setting the Act of June 4, 1897 was created that allowed settlers to exchange one claim for another desired. Land claims that had either not been perfected yet or had achieved patent, and were within Forest Reserves, could be relinquished to the U.S. Government and the applicant could select in lieu thereof another tract of vacant land open to settlement not exceeding the size of the first. The settler could continue residence and improvement on their new tract with a time credit that they gained on their relinquished claim applied to their new claim (United States “Federal Forest Reserves” 1903). It did not matter if the selection of a new tract was made in *unsurveyed, mineral* land. This law was revised by the Act of June 6, 1900 (31 Stat., 614) that restricted a claimant’s “in lieu of” selection to *surveyed, non-mineral* public lands. It also set the date of October the 1st of 1900 for the revisions to become effective (United States "Federal Forest Reserves" 1903). John W. Akers was designated

the “selector” in correspondence within his case file featuring his applications for land from the U.S. Land Office using the Forest Lieu Selection law. The October 1, 1900 date was pointed out by a Department of Agriculture solicitor when the Acting District Forester at the time made an inquiry about opposing Akers patent that shall be elaborated upon shortly.

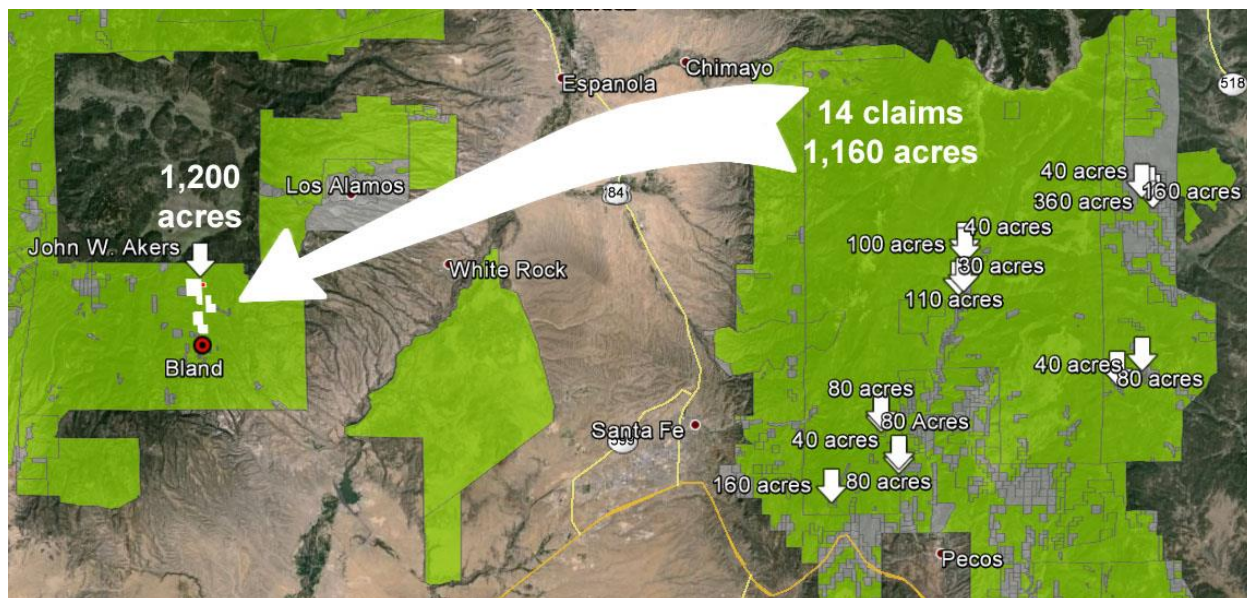


Figure 37: Fourteen tracts in the then Pecos River National Forest were designated as land to be exchanged for an unusually large acquisition by John W. Akers in 1916 under the Forest Lieu Selection law. The exchange had to be equal in acreage. The fourteen claims can be interpreted as “duds” that were claimed on paper but not on the ground in order to legally have something to trade. The 1,200 acres were found to have had 40 acres erroneously included in the patent and were conveyed back to the U.S. Government in 1932.

John W. Akers made application for a Forest Lieu Selection patent for *unsurveyed, mineral* land near Bland in the days before the October 1st, 1900 as follows:

“Notice is hereby given that on the 26th day of December, A.D. 1899, the 24th day of January, [1900], the 27th day of September, 1900, and the 28th day of September, 1900, John. W. Akers, made applications at the United States Land Office at Santa Fe, New Mexico, to select under the Act of June 4, 1897 (30 Stat., 36), certain unsurveyed lands, and on the 14th day of June, A. D. 1915, applied to adjust the same...” (Notice from the U.S. Land Office, Santa Fe, NM dated June 15, 1915. Akers, John W. 023840-1-2-3).

The “adjust the same” statement referred to the adjustment of Akers' boundaries to the newly accepted survey of T. 18 N., Ranges 4 and 5 East. The official acceptance of surveys of the area by the U.S. General Land Office in 1914 could now facilitate Aker's patent to his desired tracts using System of Rectangular Surveys. Akers had to wait until 1914 to file for patent on his “in lieu selections” that he made in 1899 and 1900. Sometime before the year 1914, Akers probably posted signs on unsurveyed land roughly where he wanted his selections to be, started selling the timber on it, and when a survey was completed his rough estimates of boundary lines

were adjusted to the U.S. General Land Office survey of the township. Early in 1916, documents directed to the Forester from the General Land Office in Washington D.C., dated January and March, provided a selection of fourteen “in lieu of” tracts scattered throughout the mountain chains embraced by the administration of the then Pecos River National Forest (Akers, John W. 023840-1-2-3). As the reader will recall, the land claims he wanted to exchange did not have to be perfected yet. Apparently, fourteen pretend selections Akers never patented, lived on, or cultivated were conjured up and in this way the provision of the law requiring “in lieu of” claims for desired claims near Bland was complied with.

This research into the Archives did not locate or obtain evidence that Akers established residency or cultivation upon any of the fourteen tracts estimated to total 1160 acres that would meet the provision to be equal or less than the 1197.1 acres of the desired tract near Bland. That is not to say that applications for fourteen claims by Akers do not exist, but it is asserted, based upon the information available, that fourteen selections were made up just to secure land near Bland, and this was legal. It is curious that the Acting District Forester made a legal inquiry about this by asking “[w]ill you kindly advise me whether these lieu selections are valid and whether the adjustment to legal subdivisions without reference to the Forest Service was, under the circumstances, an irregularity that, in your opinion, we should follow up” (Memorandum for Mr. Seth from the Acting District Forester dated October 15, 1915. Akers, John W. 023840-1-2-3).

The following table is constructed from documents directed to the Forester from the General Land Office in Washington D.C. dated January and March of 1916 providing a selection of fourteen “in lieu of” claims allegedly exchanged for the patents near Bland. The situation of the fourteen tracts were found widely scattered and referenced to the nearest familiar town or city. Three of the four Forest Lieu Selections near Bland had multiple “in lieu of” tracts distributed throughout the Pecos River National Forest (Akers, John W. 023840-1-2-3).

“In lieu of” Selection: Situation	“In lieu of” Selection: Aliquot Part Description	“In lieu of” Selection: Acreage (approximate)	Forest Lieu Selection near Bland, NM	Acreage
8.3 miles northwest of Pecos	N½ SE¼ OF SECTION 23, T17N, R11E SE¼ SE¼, NE¼	80 ACRES		
5.3 miles northwest of Pecos	SE¼ OF SECTION 1, T16N, R11E	80 ACRES		
16.3 miles northwest of Las Vegas	NE¼ SE¼ OF SECTION 4, T17N, R14E	40 ACRES		
17.7 miles north- northeast of Pecos	SW¼ SW¼ OF SECTION 26, T19N, R12E	40 ACRES		

17.4 miles north-northeast of Pecos	NE ¹ / ₄ NW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ NW ¹ / ₄ OF SECTION 35, T19N, R12E	100 ACRES	
15.6 miles north-northeast of Pecos	SW ¹ / ₄ NW ¹ / ₄ , NW ¹ / ₄ SW ¹ / ₄ , E ¹ / ₂ SW ¹ / ₄ SW ¹ / ₄ , E ¹ / ₂ W ¹ / ₂ SW ¹ / ₄ SW ¹ / ₄ OF SECTION 11, T18N, R12E	110 ACRES	
15.4 miles north-northeast of Pecos	W ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ , W ¹ / ₂ E ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ OF SECTION 10, T18N, R12E	30 ACRES	Lots 2, 3, & 4. S ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ OF SECTION 12, T18N, R4E 477.10 ACRES
15.5 miles northwest of Pecos	SE ¹ / ₄ NE ¹ / ₄ OF SECTION 1, T16N, R11E	40 ACRES	
9.4 miles southeast of Santa Fe	NE ¹ / ₄ OF SECTION 17, T16N, R11E	160 ACRES	
8 miles north-northwest of Pecos	S ¹ / ₂ SE ¹ / ₄ OF SECTION 23, T17N, R11E	80 ACRES	NE ¹ / ₄ SW ¹ / ₄ OF SECTION 24, T18N, R4E & W ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ OF SECTION 18, T18N, R5E 280 ACRES
4 miles northwest of Rociada	W ¹ / ₂ SE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ OF SECTION 9, T19N, R14E	160 ACRES	
3.6 miles northwest of Rociada	SW ¹ / ₄ SW ¹ / ₄ OF SECTION 10, T19N, R14E	40 ACRES	
3 miles northwest of Rociada	E ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ OF SECTION 15 T19N, R14E	120 ACRES	W ¹ / ₂ NE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ OF SECTION 24 & N ¹ / ₂ NE ¹ / ₄ OF SECTION 25 T18N, R4E 360 ACRES

	NE ¹ / ₄ SW ¹ / ₄ , S ¹ / ₂			
	SW ¹ / ₄ NW ¹ / ₄ , N ¹ / ₂			
17.3 miles	NW ¹ / ₄ NW ¹ / ₄ OF		W ¹ / ₂ NE ¹ / ₄ OF	
northwest of Las	SECTION 8		SECTION 13	80
Vegas	T17N, R14E	80 ACRES	T18N, R4E	ACRES

Forest Service officials wanted to protest the selections that Akers had made not only because timber was removed in a large claim without confirmed boundaries but also because there was a conflict with their ranger station, the Creager Administrative Site (Forest Supervisor to the District Forester, Albuquerque, NM dated August 6, 1915. Akers, John W. 023840-1-2-3). Forest officials reported that the Cossak Mining Company purchased the richly timbered claim from Akers in good faith and cut 8000 cords of wood by 1915 (Memorandum for Mr. Seth from the Acting District Forester dated October 15, 1915. Akers, John W. 023840-1-2-3). The Department of Agriculture solicitor responded as to whether or not there was a timber trespass, a conflict with their ranger station, and if Akers as “selector” had a valid claim:

“Prior to October 1, 1900, (Act of June 6, 1900, 31 Stat. 614) lieu selections could be made of unsurveyed lands, (Albin C. Swanson, 42 L. D. 93; Herbert W. Coffin, 42 L. D. 259; Ayers v. Rose, 43 L. D. 331), but patent would not issue until four months after the filing of the plat of survey in the local land office. The selector is required to conform[sic] his selection to the survey within thirty days after notice from the local land office of the filing of the plat. (Regulation, December 18, 1889, 29 L. D. 391, 393; and July 7, 1902, 31 L. D. 372, 373.)....It appears from the Supervisor's letter of August 6, 1915, that these selections were continuously and notoriously posted for several years, so that if the boundaries of the selections were known or could have been ascertained by reasonable diligence when the Ranger Station was selected and withdrawn, the conflict therewith would offer no basis for protest....It has recently been held by the Supreme Court of the United States that where a selector complies with the law and valid regulations in making his selection, the land office has no discretion in the matter of approving the selection but must issue patent. (Daniels v. Wagner, 237 U.S. 547; see also Kern Oil Co. v. Clarke, 30 L. D. 550.)....In view of the foregoing considerations, it is suggested that no action be taken with a view of protesting the selections or of collecting the value of the timber cut” (Memorandum from Fred Lees, Department of Agriculture, Office of the Solicitor dated October 20, 1915, regarding the case of Akers, John W. 023840-1-2-3).

It is highly likely, given the documentation found in the folder of the case for John W. Akers, that Akers acquired nearly 1200 acres of land using a legal window of opportunity allowing a land exchange and employed fourteen dud claims totaling 1160 acres. Whether he acted alone, had assistance from legal counsel, had inside information from the U.S. General Land Office, assistance from members of Congress, and whether the Act of June 4, 1897 presumably crafted by Congress had good motives or ulterior motives cannot be answered by the known contents of the Santa Fe National Forest Land Claims Archive. It also remains unclear

what his relationship was with the Cossak Mining Company. When the Forest Supervisor at Santa Fe wrote to the District Forester in Albuquerque, NM on August 6, 1915 concerning the case of Akers, he indicated that the land of Akers had recently been sold to the mining company “on account of its timber value” (Akers, John W. 023840-1-2-3). This may indicate that the purpose of the 1200 acre patent could have been to serve as a source of timber and fuel-wood for the Cossak Mining Company.

There are two footnotes to this story. The first is that the Forest Supervisor, Mr. Pincetl, proposed boundaries for the Creager Ranger Station in the Cañon del Norte outside of Akers tracts. Fred Lees, Assistant to the Solicitor at the Department of Agriculture agreed saying “[t]he Supervisor...reports that the conflict is immaterial and that the interests of the Service will not be prejudiced by relinquishing the area in conflict and selecting another area, since the conflict does not embrace the more desirable part of the Ranger Station or the improvements thereon” (Memorandum dated October 20, 1915. Akers, John W. 023840-1-2-3). The second is that an error was found in the patent to Akers. In 1916 it was determined that a 40 acre tract of land described as the SE¹/₄ NE¹/₄ of Section 12 was erroneously included in the patent. The Bernalillo Mercantile Company, successor to Akers and the Cossak Mining Company surrendered the portion in question in 1932 to the Santa Fe National Forest (C. C. Moore, Commissioner of the U.S. General Land Office to the USGLO Register, Santa Fe, NM dated July 27, 1932. Akers, John W. 023840-1-2-3) thereby diminishing Akers' acres from 1200 to 1160, presumably the original intention of the in lieu of exchange.

THE ARID LANDS HOMESTEAD ACT OF 1909

Certain areas of the western United States were too dry to limit homesteads to 160 acres. In 1909 Congress made provisions to dispose of such land in what would be called the Arid Lands Homestead Act that allowed an applicant to lay claim to 320 acres of land. This law would not apply to areas administrated by the National Forest system but this type of settlement claim bordered the Santa Fe National Forest system or was done on land eliminated from their administration. The name used in General Land Office records is “February 19, 1909: Homestead Entry-Enlarged (35 Stat. 639).” Yet, certain arid areas devoid of timber fell within proclaimed National Forest. The case of Mrs. Franc M. Beem features reference to this circumstance in an area 2 miles northeast of Regina (reh-HEE-nah), a village in turn 11 miles north of Cuba, NM. At the time, the foothills of the Sierra San Pedro were being considered for elimination from the Jemez National Forest System (the predecessor to the Santa Fe National Forest).

The so called Cuba elimination took place in August 24, 1910 (Atencio, Luzardo Gallegos de S.H.C. 4244; Gallegos Pedro 162) in which land around Cuba and Señorito would no longer be administrated by the Forest Service and any land not privately held was to be administrated for disposal by the U.S. General Land Office directly. More land eliminations would take place in areas north and west of Cuba and Gallina.

When the Forest Ranger examined the land applied for by Mrs. Franc M. Beem, he believed it would be excellent for hay but was found otherwise scarce of water for cultivation,

and it had only six acres of piñon and pine along its boundary edges. The Gallina to Cuba wagon road passed through the tract. Mrs. Beem presented in 1912 that she had found out that her claim was within a proposed elimination from the National Forest, in which case her claim would be subject to general homestead laws directly by the Land Office. Recently widowed, Mrs. Franc M. Beem asked if she would qualify for 320 acres under the arid lands act because she complained the land was sagebrush and had no water. "I have also heard there is a bill before the house to give 640 acres of arid land" (Mrs. Franc M Beem to the District Forester, dated July 28, 1912. Beem, Mrs. Franc M. #392). The acting District Forester responded that the agency knew of no late eliminations from the Jemez National Forest so expanding her claim was not permissible (A.O. Waha to Mrs. Franc M. Beem, dated August 7, 1912. Beem, Mrs. Franc M. #392). However, a letter from the Acting District Forester D.F. Mullan dated July 24, 1912 to Mrs. Beem makes clear that the area on that date was "passed entirely out of the jurisdiction of the Forest Service" and her case was marked "close" even though the above quoted correspondence dating into August appear in the folder thereafter (Beem, Mrs. Franc M. #392). Perhaps the letters crossed in the mail. However, no record is found in the records of the U.S. General Land Office that Mrs. Beem achieved patent on her deceased husband's claim. The area embracing the former Beem claim was ultimately recorded to Thomas A. Stackhouse as a 320 acre patent in 1919 (#710170 glorecords.blm.us). Clearly, this was the arid land homestead Mrs. Beem had hoped for. Most of the former Beem claim is today outside of the established Santa Fe National Forest boundary.

Decisions of where to affix boundaries according to forested, or non-forested arid terrain made in offices remote from the locations in question sometimes led to clumsy choices in setting rigid boundaries and the rigid laws governing different spaces that is characteristic of abstract spatiality. One is led to conclude that Forest officials, Land Office officials, and prospective homesteaders derived information about the arid character incidental to attempts by prospective homesteaders applying and attempting to improve their claims on the ground, and complaining about the circumstances. This information could sometimes pass on to others, perhaps by letters of complaint and inquiry such as what Mrs. Franc M. Beem wrote in 1912. The abstract space system imposed rigid boundaries and rigid laws upon a natural landscape that by contrast was subject to natural flexibilities and fluxes. In the early day of the public lands system being created, there was still room to slightly adjust the decisions made about boundaries of the National Forest before the abstract spatial system of legal subdivisions so often referred to in the documents of the Homestead Archive "hardened" into something too permanent to change without an act of Congress or Presidential proclamation reversing it. In this case we see the 160 acre limitation of Forest Homestead law bound on the USFS was corrected by an elimination of the area under Forest administration by Presidential proclamation.

DIFFERENCE BETWEEN ENTRY SURVEY AND LEGAL SUBDIVISION

One of the characteristics of abstract spatiality is the straight line, mathematical, and rigid character of boundaries affixed on maps using land survey technology. Boundaries so created provided mathematical quantification so necessary in the paradigm of modern day thinking governing the scientific, rational, and commodity approach to real estate ownership. The expense

and complications associated with such an approach are obvious, from the employment of a survey crew with delicate measuring instruments to draftsmen schooled in cartography, to the flurry of paperwork and correspondence in duplicate created by typists.

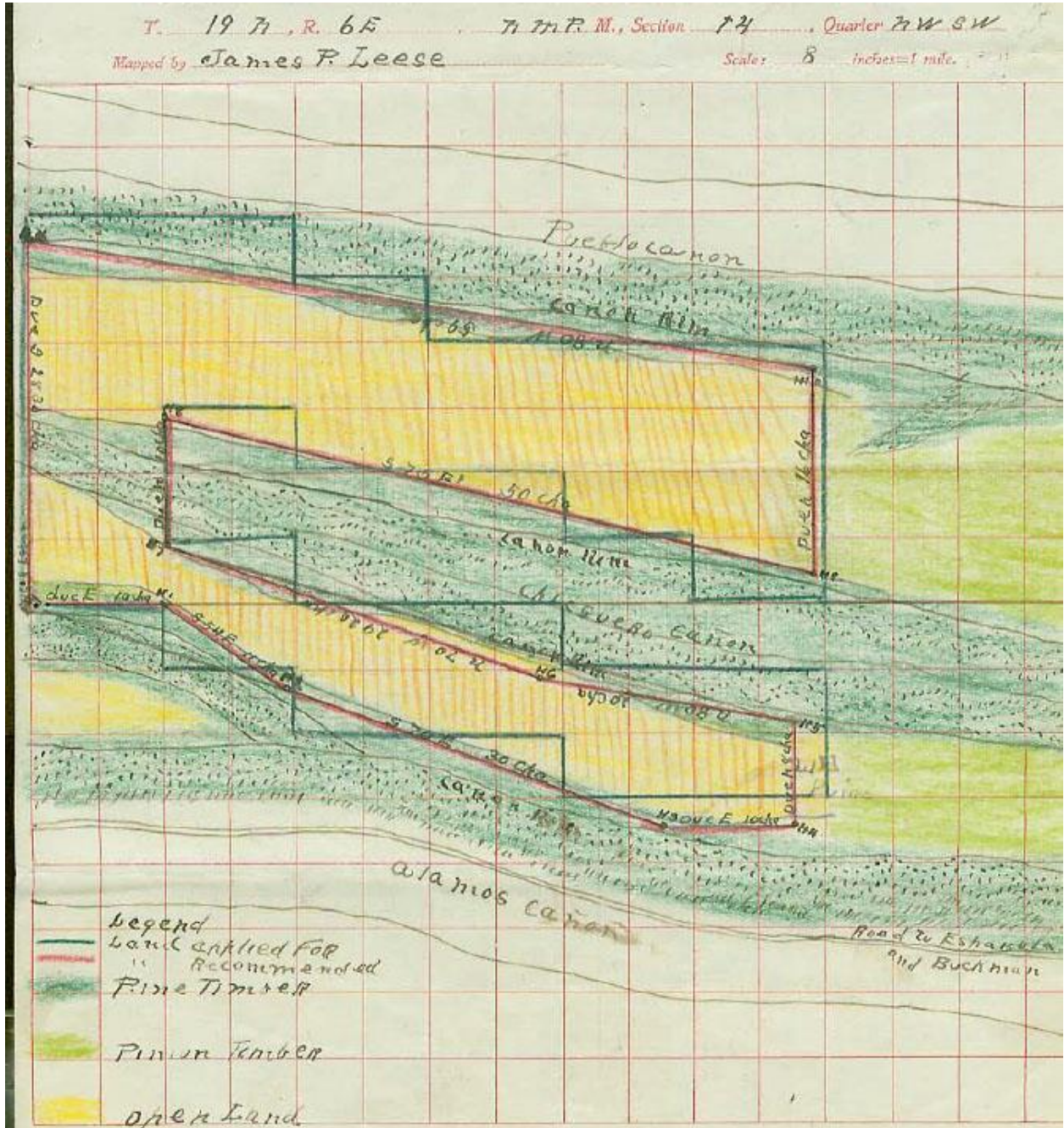


Figure 38: The claim of Martha A. Brook atop mesas in present day Los Alamos were subjected to a boundary realignment from metes and bounds in red to aliquot parts depicted in green to expedite the process to patent.

In many cases seen in the Santa Fe National Forest Land Claims Archive, Forest officials thought it was more expedient to describe land using the rectangular method known as an aliquot parts survey that Forest officials called in their jargon, “legal subdivisions” to establish boundaries. *Aliquot* is used in the surveying profession to mean “equal parts.” However, its origins from *aliquot* [Latin *alius* 'other' + *quot* 'how many'] suggests a more precise meaning of 'some' or 'several' and is a number of equal parts out of something larger. This method is best suited to smooth, flat terrain as opposed to terrain with ridges, cliffs and gulches. In either setting that it was applied, it was favored by bureaucracy controlling, regulating, or otherwise disposing of land from remote locations using grids on maps. Because of the natural meanderings of terrain (ridges, cliffs, and gulches) obviated the need for serpentine tract boundaries, Forest and Land Office administrators used the metes and bounds description as did the surveying profession. Metes and bounds is a procession like walk with directions of the compass, and linear measurements, around the tract of land from a point of beginning back to the point of beginning along rigid linear boundaries. The aforementioned officials in their jargon associated it, and made it almost synonymous with the “Entry Survey” or Homestead Entry survey.

A minor example of this is the claim of Martha A. Brook that was situated upon the mesa upon which the city of Los Alamos would be built. On September 10, 1915, the National Forest Examiner Frank E. Andrews, was asked to respond to Mr. Kircher, Forest Supervisor in Santa Fe, NM, about several homestead claims that needed a decision on what system to use. For Martha A. Brook, Andrews pointed out that “[t]he tract has natural boundaries in the form of canon[sic] rim-walls which will always so be used regardless of the boundary that we might establish by either Entry Survey or legal subdivision, and I see no reason why it may not be adjusted to legal subdivisions as someone has indicated on the map...” (Brook, Martha A. 488). In Figure 38 taken from the file, the boundaries are outlined in right angle fashion in aliquot parts or legal subdivision, as Andrews called it. One following the boundaries into the *Cañones* of Pueblo, Chiquero, and Los Alamos with the eyes is forced to see the almost comical rapid dives off the mesa tops over cliffs onto canyon-side talus slopes to corners and, yo-yo like, back up precipices onto the mesa tops again (represented in dark green lines). This is in contrast to the metes and bounds (in magenta red), with distances and directions still too long to adhere to the intricacies of a natural canyon rim (where yellow meets dark green).

On November 22, 1916, the Acting District Supervisor in Santa Fe enclosed a signed agreement by Martha A. Brook to the District Forester in Albuquerque signifying her willingness to have her homestead claim adjusted to legal subdivision. Her claim initially described using a metes and bounds description embracing 132.34 acres became 150 acres, a gain of 17.66 acres in this adjustment. The awkwardness of the boundaries thus created and likely difficult to stake and fence on the physical geography of the natural meanderings of cliffs might have hardly been a positive gain for Martha (Figure 38). The metes and bounds illustrated in magenta-red on the map had been pre-surveyed as a “compass survey” in 1913 by a Forest Ranger James P. Leese, but this was not official until a professional cadastral surveyor performed an official boundary survey. Carl Vrooman, Acting Secretary of Agriculture to the Secretary of the Interior in January 18, 1917 wrote it would “obviate the necessity for entry survey of the tract heretofore listed by metes and bounds description” (Martha A. Brook 488). So, why were Forest officials so insistent

on converting the survey description of this homestead to aliquot parts? Maybe it was expedient to process the claim in the office using legal subdivision over metes and bounds. Maybe surveyors were experiencing a heavy workload that lengthened the time for a claimant to get their homestead patented. Or maybe, there was a shortage of surveyors.

A surveyor shortage is indicated in the case file of Pedro Aragón (#481). The Forest Ranger James Hatch in 1919 visited various homestead claimants in the area of Cañoncito de las Lleguas trying to see if they were interested in having their lands conform to the rectangular system as per a letter from the District Forester. Three claimants he interviewed preferred to have the boundaries conform to the way they established their fences, describable only by metes and bounds, even if they had to wait because of a shortage of surveyors and other procedures. It is likely that professionals in this field were in short supply due to the participation of the United States in The Great War in Europe. Pedro had his claim professionally surveyed in 1921 after widespread military service wound down. Martha A. Brook, however, succeeded in receiving patent to 150 acres on November 28th, 1919 (#721732. glorerecords.blm.gov). Pedro had to wait for his patent until 1925 (Homestead Entry Survey #485, Patent #955411. glorerecords.blm.gov).

REASONS FOR EARLY ABANDONMENT

Albert C. Cubitt was living at El Vado, New Mexico when he applied for 160 acres 15 miles south-southwest of that town. His claim was rejected by the USFS because this area was determined by the Acting District Forester to be useful for timber and public uses such as for livestock drives and lumber roads. He also noted that the arable plot was too small and “its distance from permanent water, a condition which, as experience has shown us, very frequently results in early abandonment for agricultural purposes” (Acting District Forester Frank E Andrews to claimant in Tulsa, Oklahoma dated Jan. 3, 1920. Cubitt, Albert C 1094). The Homestead Archive depicts a number of other reasons for rejection by the USFS or abandonment by the claimants themselves. Other examples in the early days of the Santa Fe National Forest range from cultivating less than the required area to cases involving family needs, personal problems, illness or other obstacles.

CLAIMANTS WHO CULTIVATE LESS THAN THE REQUIRED AREA

Under certain rules, such as the Three-Year Homestead law, a one hundred sixty acre homestead was required to have twenty acres or 12.5% (one-eighth) of its area under cultivation. When the acreage of a homestead was smaller than 160, the size of the cultivation could conformingly be smaller, maintained at 12.5% of whatever. In Figure 18 earlier, the claim of Juan B. Valdez was 85 acres, but he succeeded in bringing twelve acres under cultivation, thereby exceeding the requirement to 14%.

If a claimant met every other requirement in residency, but was deficient in the amount of acreage cultivated, the Archive has cases where options were made to the claimant. Such was the case of Juan de Dios Santillanes who had a 160 acre claim 10.36 east southeast of Pecos, NM. Santillanes resided on his claim since 1914. The Report of Agricultural Settlement dated 1929

shows he hand cultivated beans, corn, wheat, and garden vegetables. By 1931, a deficiency of cultivation was found. Only 6 acres had been cultivated since 1914. Santillanes was told to apply to Secretary of Interior for a reduction of the required area of cultivation and was granted this exception (1107; 057136). Santillanes received his patent for 160 acres in 1932 (Patent # 1053697 <usglorecords.blm.gov>). For many others, the issue of deficiencies in cultivation, together with deficiencies of residency, would lead to a hearing before a U.S. Land Commissioner.

Cultivated fields measured in acres could be quantified by pacing around the different cultivated tracts as was done by Forest Ranger Marcel F Pincetl in the case of A. M. Dearth (HE 031878) who established his claim with a one room log house featuring an iron roof in 1917, 17.7 miles northwest of Las Vegas, NM. In this same case, the claimant believed he had at least ten acres under cultivation and thought he was well within the limit established by law and would have cleared more if not for the high cost of a stump puller to break more land from the aspen forest and tenacious rhizome root system (Report on Final Proof dated Nov. 21, 1921. Dearth, A. M. HE 031878). That same 1921 report says Dearth with his wife and child, moved to San Pedro, California, in 1918 during World War I to work at the Los Angeles Shipbuilding and Dry Dock Co. where he also became a member of U.S. Public Service Reserve. Returning in 1919, he resumed the claim from 15 months of no maintenance and the Ranger inspecting his claim found that he had 4 2/5th acre of cultivated land and a 1/2 acre garden under ditch. The Ranger thought that the law passed under the war emergency might provide an exemption for his absence and otherwise thought Dearth's claim to be genuine and had every appearance of a home (ibid). Because of the cultivated area on Dearth's claim was much less than what was required by the law, the Ranger believed that a hearing would have to be held (ibid). Ranger Pincetl was asked to measure more precisely and found a potato patch to be 0.2 acre, the garden to be 0.4 acre, a Timothy Grass patch to be 0.2 acre, and the oat field to be 3 acres, bringing the total to 3.8 acres of cultivation (Dearth, A. M HE 031878). The Assistant Commissioner of the General Land Office in Washington D.C. issued a letter to the Register and Receiver of the Land Office in Santa Fe, NM declaring that the application warranted favorable action because the final proof was satisfactory in all other respects and the required acreage of cultivation was reduced to that shown in the report, thereby authorizing a final certificate for Dearth to be issued (Letter dated Sep. 26, 1922).

FAMILY NEEDS AND PERSONAL PROBLEMS

In the period of time represented in the Archive a relatively small number of individuals dealt with family needs, personal problems, sickness, and other issues that interfered with maintaining their homesteads. Since residency and cultivation were crucial to comply with the homestead law, Forest Rangers sometimes noted the nature of the interference during their examination when a claimant filed for final proof or otherwise in their note taking while making patrols, timber sale inspections, or other duties incidental to their work for the Forest Service.

In the case of H. K. Leonard, schooling his children was the major factor working against his interest in a tract about thirteen and a half miles northwest of East Las Vegas, New Mexico. Nearby was the homestead of Frank B. Leonard, and we might presume that H. K. and Frank B.

Leonard were related. Assistant Ranger E. S. Barker wrote about the prospects of success of the tract of choice and used the nearby homestead of Frank B. Leonard in Encinoso Canyon as a gauge of potential. “Mr. Leonard raised a fair crop of potatoes; about six acres was planted to potatoes and he had about twenty thousand pounds valued at \$1.40 per hundred, making the crop worth about \$46.00 per acre” (Letter to T. R. Stewart, Forest Supervisor, Santa Fe, NM dated January 98, 1910. Leonard H.K. 790 124). The prospects of success by H. K. Leonard, however, were observed by the Assistant Ranger to be dim as he noted that “I do not believe Mr. Leonard will establish a home on the land exclusive of elsewhere since he has several children which are still in school and I believe he will maintain a home in Las Vegas that they may be educated there” (ibid). His homestead did not progress further.

Being a disabled person could also interfere with a successful homestead unless the applicant had the help of offspring. Therron B. Leftwich made an entry along the Rio Gallina north of the town of Gallina. Leftwich was a disabled veteran of the Spanish-American War (member of the Max Luna Camp No. 6 United Spanish War Veterans) receiving \$75 per month by special act of Congress, and paying bills and rent in Albuquerque. Correspondence from him within his administrative claims folder indicates he had health problems such as a swelling eye and arm pain (Letter dated Sept. 30, 1925. Leftwich, T. B. HE 054083). Anxious to live out his last days on a homestead, his case experienced a lengthy delay in having the land declared open for settlement until suddenly on December 6, 1926, the General Land Office allowed the entry. Entrymen were allowed a period of six months to establish residence, but Leftwich still had not done so by May 11, 1927. Scrambling, Leftwich acted by June 8, 1927, and was dropped from the list of danger cases as he began work on a frame house, well, fence and plowed up to 15 acres by the spring of 1928 (Leftwich, T. B. HE 054083). On October 3, 1929 Leftwich relinquished his claim with its two room frame house and a basement, a one room log cabin, root cellar, and he sold his un-harvested crops to Walter C. Wolfe (Leftwich, T.B. HE 054083; Wolfe, Walter C. 060046). Wolf maintained residence and up to 20 acres of cultivation on 62.5 acres of land, achieving patent in 1937 (Wolfe, Walter C. 060046; #1093375 <usglorecords.blm.gov>). Leftwich's claim bordered the Rio Gallina at one corner but was so positioned on flat land of a *cañada* away from the river that it was only good for dry farming. Despite his disability, Leftwich claimed that up to 30 acres had been dry farmed and that he had come to the Rio Gallina “so my boys could farm” (Leftwich to Pooler, District Forester dated June 10, 1928. Wolfe, Walter C. 060046). Leftwich and Wolfe found the tract too small and difficult for dry farming and petitioned for additional acreage. Both were turned down because the area north of the tract offered a crucial public passageway for stock and people to and from the Mesa Capulín (Leftwich, T.B. HE 054083; Wolfe, Walter C. 060046).

An unusual patent to an infant girl is found as patent #861719 dated 1922 to “Juanita S. Archuleta, Infant Child of Alfonso Archuleta” (Archuleta, Alfonso H.E. 023274). Filing for the claim in 1915, Alfonso Archuleta had up to 32 acres that he cleared and planted with a two room adobe home upon it by 1918. Archuleta would go to Utah to work shearing sheep in the months of May and June. However, Archuleta and his wife died during the October 1918 influenza outbreak leaving two surviving children, before one of them died later on during the winter. The remaining daughter, Juanita Archuleta, came into the care of a distant relative, Fernando

Montoya of Chamita who planted on the ranch in 1919 but did not reside in the home (Report dated July 8, 1919). Fernando Montoya signed the necessary document to make 3 year proof (Figure 39), before a U.S. Commissioner at Española, New Mexico on June 19, 1919, that resulted in a patent to the surviving daughter of Alfonso Archuleta.

4-345

NOTICE OF INTENTION TO MAKE PROOF.

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE at Santa Fe, New Mexico.

APR 5 JUN 19 1919
RECEIVED

I, Fernando Montoya, of
Guardian of Juanita S. Archuleta, sole heir of Alfonso Archuleta, deceased,
Chamita, New Mexico, who, on April 5, 1918, made
Homestead Entry No. 023274, for
Section 10, Section 15,
Township 12 North, Range 2 East, New Mexico Principal Meridian,
hereby give notice of my intention to make three-year
Proof, to establish my claim to the land above described, before
A. Ferrante, U. S. Commissioner, at
Espanola, New Mexico, on the JUL 29 1919 day of
1919, by two of the following witnesses:

Antonio M. Herrera, of Coyote, New Mexico.
Benigno Herrera, of Coyote, New Mexico.
Anastasio Herrera, of Coyote, New Mexico.
Seferino Valdez, of Coyote, New Mexico.

Fernando Montoya
Guardian of Juanita S. Archuleta,
sole heir of Alfonso Archuleta,
deceased.

Santa Fe, New Mexico, April 5, 1919.

Notice of the above intention to make proof will be published in the
for a period of _____ consecutive _____, which I hereby designate

Figure 39: Notice of Intention to Make Proof. This document is signed by a claimant nominating up to four witnesses (these living near Coyote, New Mexico) and wishing to present to a U.S. Land Office Commissioner that he has complied with the cultivation and residency requirements. In this case, it is a three year proof by Fernando Montoya, guardian of Juanita Archuleta, an infant girl whose parents died in the October 1918 influenza epidemic and who maintained cultivation on the claim in 1919 (Archuleta, Alfonso H.E. 023274).

PREFERENCE RIGHT

A preference right is a favor given to someone who has settled on a tract of land they are filing on as a homestead over anyone else who wanted to file for it. In one example situated about 3.7 miles north of Cuba, NM a settler amended his homestead claim in 1910 that was outside the Forest and applied for 47½ more acres that were inside the boundary administrated by the USFS. This land was a mesa top of sagebrush and piñon/juniper forest just north of the Rito de los Pinos. By 1911 his application was approved by the U.S. Forest Service and was told that “[a]ny settler who was actually and in good faith claiming any of said lands for agricultural purposes prior to January 1, 1906, and has not abandoned them, has a preference right to make a

homestead entry for the lands actually occupied. You have a preference right, subject to the prior right of any such settler, provided you exercise such right within a period of sixty days prior to January 29, 1912, on which date the lands will be subject to settlement and entry by any qualified person” (Arthur Ringland, District Forester to J. J. Córdova, Cuba, NM dated November 14, 1911. Córdova, J. J. 201). He received a patent on 117.50 acres in 1918 (#646077 glorerecords.blm.gov Accessed 3-19-2014).

DANGER CASE

A danger case among filed homestead claims was one in which a crucial requirement, such as residency or improvement of the claim, were not complied with and the claimant did not want to give up the claim. An example of a danger case is that of Mary T. Bryan located 8.6 miles west-southwest of Española, in the Cañón del Corral and Cañón de García (Bryan, Mary T. #313, 424, 529, 053195, 015479-018804), one mile south of a tourist destination today called the Puyé Cliff Dwellings.

Mary T. Bryan applied for land that had previously been applied for by Ross Colvard, who on February 1910 withdrew his application before it was listed with the USGLO. Mary applied for it that August, and it was determined to be 110 acres by Forest officials (Bryan, Mary T. #313). Because it fell short of a full 160 acres that she was entitled to, she amended her claim with Forest officials to add 50 acres in 2 tracts, one on the east and one in the west of her 110 acre claim. The Forest reduced that amendment to 40 acres after examining them. These did not have agricultural potential according to the Ranger, but neither did they have value for Forest purposes. The Forest Ranger James P. Leese believed the motive for Miss Bryan's application was to form a large private tract in collaboration with a neighbor when he wrote that “[t]his tract was only applied for to connect the claim with that of Miss Clara D True...” (Report on Forest Homestead Application. Dec. 5, 1912. Bryan, Mary T. 424). Miss Bryan submitted another application to acquire another 20 acres in two tracts in addition to the 150, but she would relinquish 10 acres located elsewhere and thereby make the 160 acre requirement (Report on Forest Homestead Application by Frank E. Andrews, Forest Supervisor. Feb. 2, 1914. Bryan, Mary T. #529). The National Forest Examiner Frank E. Andrews indicates “very vexatious conditions” surrounding the Bryan and True cases and recommended approval of this 10 acre amendment “in order to obviate further complaint and dissatisfaction of our manner of handling these cases.” He noted that the applicant had “in good faith fenced upon the lines surveyed by me” (Memo dated July 28, 1914. Bryan, Mary T. #529). Time dragged on and no improvements other than fencing had been made. In a memorandum for the District Forester, Forest Supervisor Frank E. Andrews wrote:

“The township in which this claim is located was resurveyed last summer and a great many distortions and irregularities found affecting this claim and others of the group in which it was situated and we had thought it would be better to withhold action against the entry until the approval of the resurvey was given and until the claimant could make any adjustments in the lines that were necessary.

Ranger Charles passes this claim two or three times a month; Manuel Maestas, our tennant[sic] at Stonehouse Ranger Station, is also familiar with the facts as are also members of the García family living close by. Additionally, I know of my own information that the claimant lives in Santa Fe as I am acquainted with her and frequently meet her here. We prefer not to take any action toward protesting the entry until the matters affected by the new survey have been straightened out” (June 7, 1927. Bryan, Mary T. 053195).

An original survey of Township 20 North, Range 7 East had been made in 1883, but as with many early Township surveys, was deemed substandard or, in some cases, fraudulent, lacking good closure and monumentation. An Independent Resurvey, or a survey that disregarded prior subdivision surveys of a Township, was conducted for much of T. 20 N., R. 7 E. in 1926 and approved on November 2nd, 1929, being accepted shortly thereafter (glorerecords.blm.gov/).

The District Forester was compelled under the circumstances to file a protest against Miss Mary Bryan alleging “[t]hat the defendant never established settlement on said land and has wholly abandoned said tract, that she has been absent therefrom for more than six months since making said entry” (Protest Against Entry, May 19, 1928. Bryan, Mary T. 053195). Mary responded to her default by filing an affidavit sent also to the General Land Office in Santa Fe. She asserted that she had official authority to be absent up to April 17 1928 due to employment with the State. She further directed blame to the laborers within the General Land Office who had failed to definitely locate the boundary lines. To this, the register of the General Land Office pointed out that she had filed for this land nearly 3 years prior (Dec. 16, 1925) and had signed an affidavit asserting that she was acquainted with the character of the land and its legal subdivisions (Letter from A.M. Bergere to Mary T. Bryan dated June 26, 1928. U.S. General Land Office. Bryan, Mary T. 053195).

With the accusation made and the time elapsed for the Mary Bryan to take action in the case, the Assistant Commissioner of the General Land Office cancelled the entry and closed the case because of the default (Memo to Register A.M. Berger from Assistant Commissioner, U.S. General Land Office, Washington D.C. dated in November 1928). Notice was sent to the Register agent of the Land Office in Santa Fe, NM, the Forest Supervisor (presumably in Albuquerque, NM) and the Forest Ranger (presumably in the Española Ranger District).

SCHOOL SECTIONS AND FOREST HOMESTEADS

Early in the 20th century, four sections of a given township known as “school sections” were to be given to the States of New Mexico and Arizona. An act known as the Act of June 20, 1910 enabled the people of New Mexico to form a state constitution and government to be admitted into the Union, and receive sections 2, 16, 32 and 36, in every township to support the schools (Section 6, 36 Stat. 557, 561, chap. 310). This was part of Congressional action to be fair to the various states leaving them land to set up schools or otherwise use to raise revenue for them. These states were required to set up a trust and were restricted in their ability to dispose of the land.

A problem arose with school sections located in mountainous, forested areas. A rigid, quadrilateral, township-range grid was superimposed upon an intricately surfaced area without regard as to whether these sets of 640 acre sections had real utility in support of schools and were better left to the Forest Service to avoid a fragmented National Forest. This would be dealt with by the Act of June 15, 1926, a Congressional act that allowed the State of New Mexico to make lieu selections of U.S. Government land elsewhere acceptable to the State as fair compensation for giving up Forest land that the Secretary of Agriculture deemed useful for Forest purposes (44 Stat. 746, ch. 590, Sec. 2).

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Figure 40: School Sections. A Township was measured to be six miles squared with Sections 2, 16, 31, and 36 reserved to the State of New Mexico by its Enabling Act for schools and school revenue.

The Santa Fe National Forest Land Claims Archive has several instances of homesteaders having their applications rejected because a school section was imposed upon lands thought suitable for a claim. Here are some of them:

- Teofilo Archuleta from Española, applied for 160 acres in Section 32, T21N, R7E in 1912. His application was cancelled by the USFS because it was in a school section. The ranger believed that had the homestead been acceptable, water for it could be found at a nearby waterhole for nine months out of the year, from a reservoir in Santa Rosa Canyon, or two miles away, presumably in the Cañada de Santa Clara.
- Donaciano Córdova applied in Section 32, T24N, R1E in 1912. His application was rejected by the USFS because it was in School Section 32. Donaciano made the claim north of, and in tandem with, Esiquel Mestas so that their claims were on both sides of a river in as yet un-surveyed land.
- Frank (Francisco) Serrano applied for land in Section 16, T22N, R4E in 1915. This application was rejected in 1918 by the Forest Service because they believed it would be subject to erosion, and the area was useful as thoroughfare for livestock and timber operations. Officials also pointed out that it was also a school section. The claim belonged to Antonio Valdez who had died 1909 without an heir. Frank was employed as a fire guard at Encinos Ranger Station. Frank believed he filed claim correctly and fenced

the claim while cultivating it and building a cabin upon it. The Forest Ranger gave him permission but recanted when his superiors pressured him about the aforementioned findings. A trespass charge upon Frank was threatened.

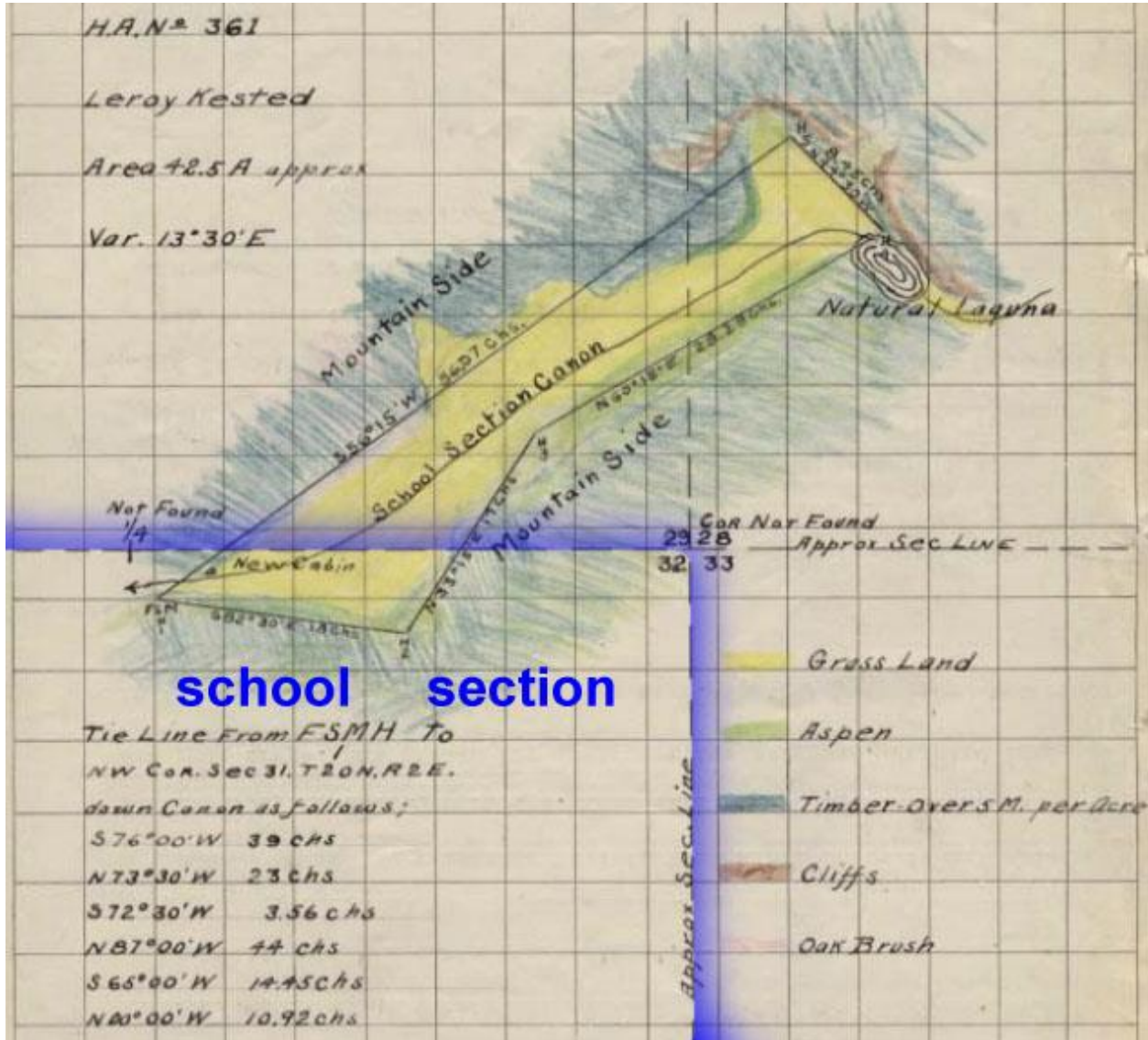


Figure 41: Excerpt of a map sheet from the case of LeRoy Kested #331 herein modified in blue to emphasize the designated school section, thought unavailable to him in 1915. Kested's improvements on his homestead claim were said to have been mostly located around the site labeled "New Cabin."

In the case of LeRoy Kested, officials of the Jemez National Forest made an effort to accommodate a homesteader who had built valuable equities in a School Section (Figure 41). LeRoy applied for a homestead on September 25, 1911 for an irregular tract of land along a canyon bottom known as School Section Canon[sic]. His cabin was located about two and a third direct miles west of today's Fenton Reservoir, over a mountainous ridge and partly within School Section 32. A letter dated November 20, 1915 found in his case file that was composed by the

Acting District Forester but apparently circulated internally and otherwise marked "Not Sent," reveals the struggle the forest service felt with the abstract space concept and the red tape that accompanied its administration:

“The land covered by your first application was examined and an area described by metes and bounds containing 42.5 acres was listed with the Interior Department September 11, 1911. This listing covered in part land within surveyed school section No. 32 and the listing was returned to this Department because of the fact that this section has been included in a grant to the State of New Mexico and title would pass to the state upon elimination from the Forest.

The matter now stands as if no listing had ever been made and, while the Forest Service recognizes your equities based on the construction of improvements and residence on the land since 1911, it will be necessary to obtain a waiver of its rights from the state and list the land again before it can be opened to homestead entry under the Public Land Laws.

It would be possible for U.S. to amend the listing, cutting out the area in section 32, so that you could acquire title at any time but we understand from your affidavit, dated March 21, 1914, that your improvements are on the part of the land within the school section and that you do not desire the balance unless you can obtain this. The matter of obtaining a waiver of its rights by the state has been taken up with the state authorities and is pending before them” (Kested, LeRoy 331).

The story becomes hopeful by a letter with date stamps of August 1916. It refers to a decision, presumably by the Department of the Interior that managed the Land Office, that held that “school sections 2 and 32, in the states of New Mexico and Arizona, are subject to listing under the act of June 11, 1906 (34 Stat. 233), I have the honor to request that action be taken restoring to entry the land described..” as the land of LeRoy Kested (#331).

One can view a land status map of the Santa Fe National Forest and notice that Sections 2, 16, 32 and 36 are not state land for the most part. The State of New Mexico was compensated with land held by the U.S. Government elsewhere, in order to make the National Forests contiguous and alleviate the island-like effect of school sections. The specifics are beyond the scope of this study, but, there are vast contiguous holdings of land held in trust by the State of New Mexico in the eastern plains of the Llano Estacado, some of which is upon the Permian Basin oil and gas field.

LeRoy Kested had a log house, log barn, log stable, pole corrals and a three-wire fence valued at \$900 as well as having grown Timothy grass, oats and potatoes, according to a report submitted on September 6, 1922 by Forest Ranger Edgar Perry. LeRoy Kested died on October 13, 1919, and his widow moved away by November the 1st disposing of some of the estate. Finding herself in a difficult financial situation, an entry survey, presumably not at her cost, was made. After some adjustment to the acreage, Margaret Timbrel, formerly Margret Kested the widow, received a patent for 39.53 acres in 1923 (#905495 Kested, LeRoy HE 032931).

CLAIMANTS WHO KEPT A HOUSE IN TOWN

Throughout the Santa Fe National Forest Land Claims Archive there are a considerable number of cases where the claimants wintered in towns. Having two homes did not adversely interfere with fulfilling their residency requirement on their homestead claim.

In the case of Elizardo Mestas, who had a claim near the Cerro Pedernal upon the Mesa de las Escobas, controversy arose concerning his residency on his claim and keeping a home in Rio Puerco, about 7 direct miles northwest of his claim. The Forest Service challenged his good faith, among other charges. Bradley W. Thomas, Attorney for the Contestee Elizardo, filed a Notice of Appeal citing a case called Higgins vs. Wells (3 Ld. 21 & 22), in which “Keeping of a house in town, to which the family return from time to time, does not in itself prove want of good faith” and that if an entryman who “owns a house in a town wherein he lived before entering his homestead, and which he retains and visits periodically for the purpose of business or pleasure, his good faith is not thereby impeached” (USFS vs Elizardo Maestas, Notice of Appeal received Nov. 1, 1919. Mestas, Elizardo HE 014774). Although Elizardo's second home was removed as an issue, Elizardo did not show other evidence of good faith in maintaining his homestead on the Mesa de las Escobas and his claim did not make it to patent.

Notable also is the innovation of the Three-Year Homestead Act of June 6, 1912 that specified an allowable absence (37 Stat. 123). Those entryman filing for a homestead under this law were allowed an absence of up to five months per year. This was usually practiced by those leaving their mountain homesteads to winter in towns and villages at lower elevations.

In the case of Antonio Segura, indications are that a claimant only had to write to the Land Office for permission to be absent from their claim for those five months. Antonio filed a claim for land about 3.8 miles northeast of Pecos in 1913 (HE 018267). By 1919, he was ready to present final proof but the Forest Service protested on the basis of insufficient cultivation during March 1919. Antonio opted to relinquish the claim on April 28. As Forest officials moved to close the case, Antonio re-filed for his claim and restarted the process of residency and cultivation. In a letter in his file dated March 8, 1920 from Forest Ranger T.D. Harris to the Forest Supervisor at Santa Fe, the Ranger visited the claim looking for Segura and instead found him working at a sawmill owned by a Mr. Harrison, while his family was living in Pecos. Segura told Ranger Harris that he had wrote the Land Office for permission to be absent from his claim for the five month period in order to send his children to school “and that he would return to claim early in April to put in crops” (HE 018267). Antonio Segura would later relinquish the claim in 1926, however.

HEARINGS BEFORE THE U.S. LAND COMMISSIONER

The Santa Fe National Forest Land Claims Archive reveal that A. M. Bergere, the Land Office Register at Santa Fe, was the one to decide if a claim was patented. Only occasionally did procedure on finer points require him to be bypassed to the Secretary of the Interior on some problem cases, such as the deficiency in cultivation. A homestead found falling short of the requirements of the law by Forest officials could be protested by the homesteader before one of several regional Land Office Commissioners. This was a kind of official that one might compare

to a circuit magistrate. He did not make rulings; rather he heard cases at a local level in a hearing resembling a court with adversarial presentation by the plaintiff (the U.S. Government) and defendant (the homesteader). In some of the cases, the entryman would hire an attorney. In a contest before a U.S. Land Office Commissioner, the ruling was made by the Land Office Register and not the Commissioner (Record of Hearing before Refugio Vigil at Pecos, NM. Mar. 10, 1932. Pg. 5. Segura, Juan 054159).

A check and balance was set up between two bureaucracies under two branches of the U.S. President's cabinet. Officials working for the U.S. Department of Agriculture were subordinated to officials from the Department of the Interior in carrying out the Forest Homestead Act insofar as protests and approval were concerned. The case of Ysidro Segura reveals that the Regional Forester protested against the patent of the Segura Homestead Entry for 57.50 acres near Cuba, New Mexico in 1930 by alleging that Segura was deficient six months of residency after submitting for final proof for a patent. The Land Office on the 19th of April, 1930 had Commissioner John F. Young at Cuba take two testimonies of witnesses and one from the claimant. The Forest Service protest was made as per "paragraph No. 6 of the joint order of the Secretaries of the Interior and of Agriculture, dated August 5, 1915, 44 L. D. 360" (Protest Against Entry. Segura, Ysidro H.E. 053229). The Forester Frank C. W. Pooler asked the Land Office Register to serve notice on the claimant about the protest "in accordance with Rule No. 5 of the Rules of Practice, and paragraph 4 of the above mentioned order." The Forester also provided that "if said entryman will return to said land and reside thereon for a period of six months, then this protest will be withdrawn" (Segura, Ysidro H.E. 053229). The claimant denied the charge on the 5th of August 1930 and prevailed. Patent was issued to Ysidro for the 57.50 acres on June 11, 1931 (Patent #1047043 Segura, Ysidro H.E. 053229; glorecords.blm.gov).

A CLAIM REVOCATION BY THE SECRETARY OF THE INTERIOR: THE CASE OF TOMAS VELASQUEZ

Revocation of claims were often done by officials near the very top of the U.S. Government's executive branch, bypassing Santa Fe's General Land Office Register. This may be seen in the case of José Tomás Velásquez, Settlement Case file #534. In 1913, Tomás applied for land in the Veguita de los Cochinos, about 9.3 miles south of El Coyote, NM in Sections 20 and 21, T21N, R3E. A tract measuring 48.15 acres was dutifully surveyed, likely by compass, and a map sheet made (Figure 42).

Mr. Velásquez appears to have had difficulty with establishing residency. In February of 1916 a local homesteader named Estanislao Herrera, provided a statement to Assistant Forest Ranger John V. Nevitt about the claim of Tomás. Estanislao lived near a ranger station by the road leading to the claim of Tomás, about 4 miles away. He said that Tomás built a roofless, door-less, and windowless log cabin measuring 10 feet by 12 feet and that he had seen Tomás on the claim only 4 days in June and 4 in October of the year 1915 (Statement of Estanislao Herrera dated Feb. 9, 1916. Velásquez, José Tomás HE 021099). Ranger Nevitt inspected the claim on October 21, 1916 and found that the cabin had a half complete mud roof and was used by sheep herders and the traveling public but was otherwise not habitable. He also reported that there was

no fence or evidence of cultivation (Ira T. Yarnell to Supervisor. Nov. 22, 1916. Velaásquez, José Tomás HE 021099).



Figure 42: The claim of Tomás Velásquez was mapped out by U.S. Forest officials to embrace the grassy bottom of the Veguita de los Cochinos. The claim was recalled in 1917 because it was thought to be needed for a logging road and millsite. Left, Google Earth imagery date 5/5/2012. Right, excerpted map sheet from the SFNF Homestead Archive, Velásquez, José Tomás #534. Photo of Tomás dated c. 1929 (collection of Roberto H. Valdez).

Thereafter, the Forest Service had second thoughts about the Veguita that they were calling the Rito Cochinos Canyon or West Fork of Coyote Creek. Deputy Forest Supervisor Mr. Yarnell recommended a recall of this tract was necessary in order to protect the U.S. Government's interest in the local timber. A complicated right-of-way system for transport of logs and usefulness of the tract as a potential sawmill site would leave little land left for agriculture, he asserted. He listed a total of 345,000 board feet of Western Yellow Pine, Douglas Fir, White Fir, and Englemann Spruce that would be blocked by the land claim of Tomás and an additional 780,000 board feet that would be accessible to a mill that could be established there. Curiously, Yarnell seemed to indicate that a recall does not cancel a claim, for he says “I respectfully recommend that this list be recalled so that *in case the present entry is cancelled or relinquished*, the listed tract will revert to the unappropriated public land” (Memorandum of Deputy Forest Supervisor Yarnell dated Mar. 7, 1917. José Tomás Velásquez #534. Emphasis mine). Clearly, the fact that Tomás had not yet finished his cabin and established residency gave Yarnell impetus to lay the premise to keep the place in U.S. Government hands.

The recommendation to recall was sent higher up the chain of command to the Secretary of Agriculture Carl Vrooman, who wrote the Secretary of the Interior that the claim of José Tomás Velásquez of Coyote, New Mexico was “erroneous, and that in fact it is needed for public purposes and cannot be occupied for agricultural purposes without injury to the National Forest” and asked him to revoke an order that allowed Tomás to enter the land as a homestead back in February 2, 1914 (Letter date stamped March 21, 1917, Velásquez, José Tomás 534).

On April 2, 1917, the First Assistant Secretary of the Interior revoked the listing of the Velásquez claim. The Assistant Commissioner at the Department of the Interior's General Land

Office, C. M. Bruce in Washington D.C., advised Henry S. Graves, Chief Forester, that a letter had been addressed to the Register and Receiver at Santa Fe indicating that the claim of Tomás was recalled (Velásquez, José Tomás 534). However, the message had not gotten through, for on May 22, 1920, the claim remained in the records of the Register and Receiver at Santa Fe and a short note was written to correct the clerical omission that finally relinquished and cancelled it (Velásquez, José Tomás HE 021099). Clearly, we see the Secretary of the Interior received special requests to revoke a claim and handed special cases down the chain of bureaucracy to the Receiver in Santa Fe.

What makes one homestead succeed and another fail? In the case of José Tomás Velásquez, he was both a farmer and blacksmith in the village of Mesa Poleo, 8.5 direct miles northwest of the claim in question. Born in 1880, he could read and write in English. He died in 1964 having had 12 children, being a widower once before marrying Emilia Morfín in a marriage that lasted 52 years. The crop and residence report for the year 1917 states he was a blacksmith and school director. A letter from Ranger Nevitt asserts he had visited the claim only three or four times during the summer (Velásquez, José Tomás HE 021099). One might speculate that his occupations, residence, and family may have kept him too busy to attend to Veguita de los Cochinos.

By contrast, his father, Juan Manuel Velásquez, settled nearby in Cañon del Rincón, and achieved patent in 1911 (#186171 gloreCORDS.blm.gov). Settling in 1904, he and his wife had 5 married children who were out of the home. On his claim he built a three room log house with mud plaster and a sod roof, had two wagons, one buggy, harnesses, two plows, cooking utensils, bedding, table, five horses, a few chickens, and fifteen goats. He raised wheat, oats, barley, potatoes and hay. He had already secured a patent for 40 acres in the Town of Coyote (not a Forest Homestead) where he and his wife Antonia would live in the winter (Velásquez, Juan Manuel HE 0467-013711). In this latter case, the Forest Service did not want his land; he and his wife were empty-nesters; he was an experienced homesteader; he had materials; the claimants had a winter home, and because he cultivated 6 to 12 acres and built a wagon road, he clearly had his health, and we may presume the same of his wife. Interestingly, as Assistant Ranger James C. Berthelson submitted his report on Juan Manuel to the Forest Supervisor on November 9, 1910, he states that he relied upon information he gathered in July of that year and “did no further investigations for the reason that the family of Juan M. Velásquez have been exposed to the small pox. Some part of this family have the disease at Coyote, and did not see that I could gain any further information by making a second examination” (Velásquez, Juan Manuel HE 0467-013711). By comparing the success of the father Juan Manuel to his son Tomás, we might conclude that homesteading had to be one's full time occupation to insure success.

WIDOWS COMPLETING THE HOMESTEAD ENTRY

Josefa M. de García found herself a widow when her husband died during the month of October 1915. Her husband Policarpio García had applied in 1910 for a 20.19 acre tract five miles south of El Rito Encino (PO Youngsville) on a *vega* moistened by a seasonal rivulet called El Rito. In 1917 a metes & bounds survey was done to accommodate a road around the *vega* or *ciénega* that the tract occupied. Aside from Policarpio's 1910 claim, he held title to two other

small acreages at the village of El Rito Encino, five miles away, and a 40 acre tract about three-fourths of a mile downstream patented in 1901 before the creation of the Forest Homestead Act and the National Forest system.



Figure 43: Policarpio García held two tracts in the town of El Rito Encino (Youngsville PO), a 40 acre tract in the Cañon del Rito Encino he received patent for in 1901, and a fourth tract that his widow almost lost for non-compliance with residency requirements under the Forest Homestead Act.

Controversy came when Josefa sought to make final proof on the 20.19 acre claim made under the Forest Homestead Act. During November of 1921 the hearing U.S. vs Josefa M. de García was brought before a Commissioner of the General Land Office when the Forest Service protested the claim for failure to meet the requirements of residency and cultivation upon that tract. They alleged during an examination in 1918 that there was no habitable house, a pole and brush fence in bad condition enclosing 3 acres, and 10 rows of potatoes with furrows 50 feet in length (Brief on Behalf of the United States. García, Policarpio HE 015646). Policarpio's son, Gavino García, indicated that in the year 1918 “I only planted a small patch of potatoes on account of being draghted[sic] into military service” and had prior to that cultivated about 1½ acres (Affidavit dated 27 June 1919. García, Policarpio HE 015646). Gavino also said that a government surveyor or the Forest Ranger “who delivered the land to him [his father Policarpio] told him not to build a house, but to clear the land and plant” (Brief on Behalf of the United States. García, Policarpio HE 015646). Gavino named James C. Berthelson, the then Assistant Forest Ranger, as the one who told him this, elaborating that because the claim was only 3/4th of

a mile from their 40 acre homestead his father held at the time, they were not obliged to live on the 20.19 acre claim (Affidavit dated 6 May 1919). It was held not only that Gavino's alleged statement was "irrelevant, incompetent and immaterial" but also that erroneous advice given to an entryman by "local officers" could not be excused. This argument used a precedent case "re James A. Hagerty, 35 L.D. 252" (Brief on Behalf of the United States. García, Policarpio HE 015646).

Under the standard Five-Year homestead law, a widow had a statutory period of seven years to perform the requirements of the law as successor to the entryman's death (Brief on Behalf of the United States. García, Policarpio HE 015646). This included residency. By contrast, the Three-Year homestead law of the Act of June 6, 1912 amended a prior statute to the effect that a widow or heirs of a deceased homestead entryman just had to have a habitable house, but were relieved from having to maintaining residency as determined by prior case law in "Heirs of Daniel Mahoney, 47 L. D. 44" (ibid). The Three-Year law was thought to be to her benefit but there remained a problem because the late Policarpio, having made the entry in 1911, "died in default" for not having established a house upon the tract. Otherwise, aside from a habitable house, she just had to cultivate one-sixteenth of the acreage of the entry in 1916, and one-eighth, or 2.52 acres in 1917 and 1918, and make some good faith improvements. The Forest officials sought to present photographic evidence (missing from the case folder) that they resided in the summer on their 40 acre homestead and in winter lived in El Rito Encino.

The Assistant U.S. Commissioner for the Land Office (no name on document) took a compassionate view that the late entryman acted on erroneous advice by a United States Officer. It may not have excused the entryman from complying with the law, but it had a bearing on his good faith. Being told he could "live on this land but...to plow and plant the land, and live on another tract which he owned in the vicinity" put him in default. Using a prior case of "re Alice O. Reder, 48 L.D. 196" that held that the "heirs of a deceased entryman who was in default could complete the entry notwithstanding such default" and held that "[t]he present situation was an example of a case that would fall within the suitable principles announced in that decision" (US vs Josefa M. de García, Protest dismissed dated August 2, 1921. García, Policarpio HE 015646). Josefa was issued a patent for Homestead Entry Survey 227 for 20.19 acres on May 17, 1922 (#862718. García, Policarpio HE 015646; usglorecords.gov).

Almost three and a half miles southwest of Glorieta, New Mexico, atop the Mesa de la Glorieta and set back a half mile from the edge of the Cañoncito del Apache, the scene of a Civil War battle in 1862, was the homestead of Adelaida C. Roibal. She was the widow of Abelino Roibal, who died in February of 1912. On July 29th of 1912, Assistant Forest Ranger James R. Ewell visited Adelaida's claim. Two weeks later on the 16th of August of 1912 he submitted his report asserting that it had been made in good faith, was not a fraudulent entry and respectfully recommended to the Forest Supervisor that patent to her land be issued.

Abelino Roibal filed on the claim on March 16, 1907 and established residency 30 days later with his wife. They had apparently lived and cultivated their claim since that date and had never been absent from it for more than 15 days in five years. Ranger Ewell estimated 200 house logs had been cut as well as 150 cedar posts, and 100 fence poles, likely of juniper to improve

the claim during the five year span of time. Far from being denuded, the claim of 160 acres still had a forest of 130 Piñon, with a scattering of 10,000 board feet of pine. Ranger Ewell also thought there to be 550 cords of fuelwood and maybe enough juniper to make 400 more posts.

When Ranger Ewell did his inspection, he found a widow with four children living in a ten-foot high *jacal* house habitable at all seasons. It had a door, two windows, and a floor plan measuring twenty feet long and sixteen feet wide. The home had an unfinished addition that we might guess was due to the untimely death of Abelino. Inside the completed part of the home were furnishings of beds with bedding, chairs, tables, and cooking utensils. Nearby was a corral with a *tapeste* or roofed shelter, likely made of beams and juniper poles called *latillas*. This was for their three horses and a cow that grazed upon the claim. Eight chickens pecked the claim, and we might assume the presence of a chicken house although the Assistant Ranger may have forgotten to notice it. He did, however, note that there were ash piles, chip piles, and beaten paths around the house, corral, and *tapeste* (written by him as “tapaiste”), suggesting years of good faith residency.

Being a mesa-top claim, there were no streams or springs. The family obtained their water from a reservoir two miles away. A reservoir would have been created by the effort of man, with a team of horses and an *escrepa* or shovel-like scraper, scooping up earth and dumping it strategically across a swale in a forest clearing with prairie-like conditions to catch runoff from thunderstorms that came occasionally to the 7,500 foot elevation. Within the thirty acre clearing of a broad *cañada* surrounded by forested slopes at the claim were fence poles spaced 16 feet apart holding 3 stretched wires enclosing seven acres. Within this enclosure were five acres of beans, corn and oats grown under conditions of soil moisture from winter snow, and supplemented by rain. Over the years, the Assistant Ranger reported, the family had planted from three to five acres and “raised a crop of beans, corn and garden truck each season since filing on [the] claim” (Roibal, Adelaida C. HE 10903). For all her effort and that of her deceased husband, patent to 160 acres was issued to Adelaida Roibal in 1913 (#331013 <usglorecords.blm.gov>).

There are other examples where widows did not maintain residency, however. Being a beneficiary of a deceased husband despite not practicing residency can be found in the case of José C. Bowles who initiated a claim 9½ miles north-northeast of the village of Las Colonias (760 & 94). Upon his death his widow Juanita, a Hispanic woman, continued the claim. A Ranger found her on the claim in September of 1912. On other occasions he found the little house closed up and locked. However, the land was under cultivation annually.

The Forest Ranger was dealing with three claims along Bull Creek (Rito del Toro) that were lacking evidence as to whether the residency requirement had been complied with. One of the claims was that of Juanita, the other two were claims by Tomas Ortega and Ramon Roybal. The Ranger asserted to the Forest Supervisor that:

“These three claims lie at the furthest extremity on the western boundary of my district where no forest officer has occasion to go very often; the claims are still further from any other P.O.; it is a full days ride with pack horse to claims, and another day to return.....The claimants are seldom to be found at their claims, &

in 18 mos. I have only found one of them on his claims[sic] once. They live outside the Forest in scattered localities from 12 to 25 miles from claims-at least another day's ride. They are probably working out somewhere, at sawmills, railroad or elsewhere, & it might possibly take several days to find each.....As is well known, Mexicans will not make affidavits against their own race nor will they give information against them to a white man unless they are extremely well acquainted with the investigator and in addition have some grievance against the claimant. I asked the only Mexican I have ever found near there regarding one of these claimants and all I could elicit from him was that claimant lived on his claim all the time...Before starting out in the necessary trip to secure the evidence requested by Mr. Cheney [Acting Assistant District Forester], which will take anywhere from six to ten days or more, I desire to fix the responsibility for the expenditure of Forest Service time and money (I will be off my district part of the time) in search of evidence which it is unlikely will be found. I will have to make several trips, as enough grain and food can not[sic] be taken in one trip to last until I have completed this investigation within the Forest, and after that it will be necessary to hunt for claimants and possible witnesses... In order to make this trip it will be necessary to postpone commencing work on the Gallinas Nursery - San Geronimo Telephone line scheduled for September 1, and I am leaving on a trip tomorrow to advise those concerned that work has been postponed until further orders from you” (Letter to Forest Supervisor, Santa Fe, NM from ORC Raindorp, Forest Ranger, Sebadilla District, Ferndale, NM dated August 28, 1915 . Bowles Juanita M H. E. 013488).

Weeks before this, the Acting District Forester in Albuquerque, Ira T. Yarnell, reasoned that the cases of Juanita Bowles and Tomás Ortega were among those that should not be protested:

“My personal views on cases of this kind are that report should be submitted to the Chief of the Field Division with notation that the Forest Service did not care to institute any protest proceedings, since the land has been designated as chiefly valuable for agriculture and as far as we are concerned will never be used for Forest purposes. In case the Chief of Field Division then wants to protest the case, he can do so with the information contained in our report” (Bowles, Juanita M. H. E. 013488).

Leaping forward in time, The Acting Assistant District Forester M.M. Cheney wrote from Santa Fe, NM to the Forest Supervisor that “In view of the facts in [Forest Ranger] Mr. Reindorp's letter, the reports are being returned for re-writing with the suggestion that the recommendations in the last paragraph be modified to show that favorable report is made even though compliance with the law is doubtful because of lack of evidence rather than because the Forest Service is not concerned” (Letter dated September 3, 1915. Bowles Juanita M H. E. 013488)

The claim was patented in 1916 to Juanita R. Bowles, widow of José C. Bowles for 45 acres (#516798 glorecords.blm.gov). It is likely that Juanita's maiden surname was Roybal. In

sum, it was patented because the Forest Rangers were too busy to prove non-residency; the claims were remote; the time and money involved in tracking down witnesses was prohibitive and inopportune; the local Hispanic people would not make adverse testimony about each other to an Anglo-American Forest Ranger in most cases, and the claims were not useful for Forest purposes anyway.

In another case, the Forest Service initially decided to reduce the acreage of a claim for non-compliance in cultivating, rather than protest. This was the claim of Felicita V. Armijo situated about 7.3 direct miles east southeast of Pecos, NM. In June of 1914 Felicita and her then husband Delfín Gallegos established residence on their claim. The land was not yet part of a township survey and could not be filed upon. Delfín, the original applicant, died on October or November of 1918 leaving Felicita a widow with an infant daughter. The claim not only had significant improvements in the usual manner such as a house, corral, fencing, and cultivation, but also an unfinished new house partly constructed. Felicita moved to live with her father in the village of Colonias. Felicita's father continued to plant on the claim. Thereafter, Felicita remarried Felipe Armijo in 1920. Just prior to this the public lands embracing the claim were put under the charge of the Forest Reserve and by 1919 the Township was surveyed but the widow neither knew about the survey nor that she should file for the claim.

An affidavit from Felicita, signed with her “x” revealed that in 1919 both she and her father lived on the claim for two or three months and raised a fair crop. Forest Ranger John Johnson in his 1923 report on the claim said that Felicita and her father “follow the local custom of living in the small towns or settlements excepting during the summer or crop season” and that “[l]ittle doubt exists as to claimants good faith but she seems to know little of the homestead laws.” (Armijo, Felicita V. de 040982).

Felicita and her new husband, Felipe Armijo, were wed in February of 1920, and he worked intermittently for Gross Kelly Co., a local mercantile and lumber enterprise. Beginning that year, they reportedly lived at Pecos in a house with an acre of land. They would move to the claim in the summers, plant a crop in an amount of 5 acres, and return to Pecos after a few months (Report. Armijo, Felicita V. 040982).

At that point the Forest wished to reduce the claim's size to 40 acres for not cultivating more acreage, noting that not more than 20 acres were good for agriculture anyway. Despite the short durations on the claim, residency was thought sufficient under the circumstance. For 160 acres, twenty had to be cultivated (12.5%), and short of this and non-acceptance of a 40 acre reduction compromise, the U.S. Forest Service threatened to protest (on a forty acre homestead, five acres was 12.5%). On May 17, 1923, Acting District Forester M. M. Cheney noted the series of years from 1914 to 1919 where the entryman Delfín Gallegos failed to cultivate more than 4½ acres when the requirement was twenty under the Three-Year Homestead law. However, Cheney provided that the solution would be to have Felicita apply for a reduction of the required cultivated area with the Secretary of the Interior. If approved, the Forest Service would not object to the 160 acre patent (Letter to the Register & Receiver, Santa Fe, NM. Armijo, Felicita V. de 040982). Felicita did so and the Register & Receiver of the Land Office conveyed this application to Washington D.C. where a favorable action was granted to her application on July

13, 1923 (Memo from Acting Assistant Commissioner, General Land Office). As a consequence, Felicita Armijo received a patent for 160 acres thereafter (#916968 <usglorecords.blm.gov>).

MILITARY SERVICE GIVES CREDIT TO ENTRY

The militarization of the United States during the years 1917 to 1919 for the Great War (World War I) disrupted homesteading on the Santa Fe National Forest because some entrymen were single men of recruiting age. Because of this, some homestead claimants were not maintaining residence upon their claims. However, if the Government contested an entryman for abandoning his claim, he could receive as much as two years credit on his entry if he proved that he was an ex-serviceman. In practice, it did not seem to matter if it was years after his military service was over. Such was the case of Elbert M. Collins who made his homestead entry between Gallina and Gavián, NM in 1925 (The District Law Officer, U.S. Forest Service, Albuquerque, NM to the Adjutant General of the Army War Department, Washington, D.C. to dated Nov. 6, 1929. Collins, Elbert M. HE 054517). Elbert was inducted into the military service on July 1, 1918 in Tierra Amarilla and became a private in the Medical Department. He was honorably discharged with a record of excellent character from the Hospital of Fort San Houston, Texas on December 9, 1919 (The Adjutant General of the Army War Department, Washington, D.C. to E.S. French, U.S. Forest Service, Albuquerque, NM dated Nov. 19, 1929. Collins, Elbert M. HE 054517). Elbert had a wife, a five month old baby, and a step daughter 14 years old. He provided testimony that he lived in a tent for six nights starting on the 16th of November 1927 while he built log house. It was ready enough to seek shelter in after a week of work and the cabin was finished in January of 1928. He abandoned the cabin on the 15th of August, 1928 and moved into a nearby house and land he purchased from Tom Lane for \$2,000.

Once entry is allowed on a claim the claimant is notified and he had six months to establish a residence on it. Such was the case with Elbert M. Collins. Entry was allowed on February 9, 1927 but six months passed. On December 29, 1927 the Assistant Forest Supervisor Marcel F. Pincett told Ranger Rodriguez that “the case should be reported upon quarterly as a danger claim” (Memorandum. Collins, Elbert M. HE 054517). Ranger Rodríguez noted that “Mr. Collins visited my Station the night of November 12, at which time he applied for and was given a permit to cut house logs under Reg. S-22. During my trip in December to that part of the country he had not as yet cut these logs.” (Rodriguez to Supervisor dated March 2, 1928. Collins, Elbert M. HE 054517). Ranger Rodríguez reported seeing a one room cabin measuring 12' x 24' with green logs and a low gable roof, no door, muddy dirt floor from the thawing effect of a fire put up on the morning of February 27, 1928 (ibid).

After the final proof (the official examination) of his compliance with the homestead law, the Forest Service had a chance to protest. In most cases they would not, but in the case of Elbert Collins, they did. Being far from a post office and otherwise occupied, Mr. Collins often failed to answer hearing dates when the Forest Service contested his homestead for abandonment. In one case, the mail arrived late, in others they sent notices to the Tapacitos Post Office, a P.O. nearest his land but one that Mr. Collins never visited, and the letters were returned unclaimed. Mr. Collins felt that the Forest Service did not understand his situation, while the Forest Service, following the regulations, contested his claim for non-compliance. Mr. Collins wrote:

“The local Forest Ranger here and the Forest Supervisor harbor a personal grudge against me because I have persistently complained of the large numbers of trespass stock on my limited range. During the three years and more that I have had a permit on the forest here I have paid for all the stock that I run; I have tried in every way to be cooperative and helpful to the Service in the discharge of its official duties and in the making of water and general range improvements. Yet the year around I must share with people who pay nothing, and I put up with more than a hundred head of trespass stock, mostly horses, which are a constant menace. To date they are still here and I am still complaining. They have repeatedly promised to do something next week or next month, yet the three years have gone by and still nothing done. I can think of no reason other than the above given as to why they should recommend the cancellation of my homestead entry. I thought it was the duty of the Forest Service to follow a policy of mutual helpfulness with the homesteader and surely none but the most petty minded would try to rob a man of his home simply because of a personal grievance. I respectfully request that you see that a thorough investigation be made of the said allegations before any further pressure is brought to bear upon the cancellation of my homestead entry” (Elbert Collins, Lindrith, NM to R. Y. Stuart Chief Forester, Washington, D.C. dated July 21, 1929. Collins, Elbert M. HE 054517).

Ranger Rodríguez thought that the allegations made by Collins were overblown. Among other things, Ranger Rodríguez used details to contest the claims of Mr. Collins such as the extent of making water and range improvements. “Now concerning his statement in connection with time spent on doing water developments on the Forest... The times spend on this work was fifteen days which as near as I can get was from about August 25 to September 10 inclusive” (Rodríguez to Supervisor dated March 2, 1928. Collins, Elbert M. HE 054517). Note taking about all homesteaders and permittees appears to have been a high preoccupation of the Forest Rangers.

Elbert Collins, represented by an attorney named William J Barker, was granted a hearing in February 1930 in which he asserted that he should be entitled and credited for residence on the claim from the middle of November of 1927 to the middle of August 1928, totaling eight months, and added together with the 2 year credit for service in the Army. Furthermore, he purchased the adjoining land, had a permit to run cattle, built a reservoir on the claim, and cultivated a portion of the claim. With this, there had been precedent set by the Secretary of the Interior that “if a man resides on a homestead and his wife is unable to reside there by reason of ill-health, he shall have credit for residence without her. This same rule would certainly apply in the case at hand where the residence was established in the dead of winter in a country where zero weather prevails. It would be impossible for a woman and a five months old baby to live in a tent under such conditions” (U.S. vs. Elbert M. Collins. Contest No. 5809. Santa Fe, N. M. Land Office. Hearing dated Feb. 8, 1930. Collins, Elbert M. HE 054517). The argument seemed to have been persuasive. Patent was issued to Elbert M. Collins on October 6, 1932 for 158.87 acres (#1058863. Collins, Elbert M. HE 054517).

U.S. LAND OFFICE SHOWS LENIENCY TO HOMESTEADERS

The case of Juan Segura reveals that the U.S. Land Office at Santa Fe sometimes showed leniency to homesteaders with regard to physically living on the claim. On August 4, 1926, Juan Segura filed for a homestead entry for 132.50 acres located about 3.7 miles northeast of Pecos, NM in Section 24, T16N, R12E and Section 19, T16N, R13E. This was the claim already applied for by Antonio Segura who relinquished (See “Claimants Who Kept a House in Town”). Juan Segura could have likely been a close relative of Antonio, the prior entryman.

Juan submitted his final proof on his Three-year homestead on December 15, 1931. About a month later, on January 18, 1932 the Regional Forester filed a protest, contending that the entryman had neither maintained actual residence for at least seven months per year for three years nor had cultivated one-eighth of the land (US vs. Juan Segura Contest No. 6344. Segura, Juan HE 54159). A hearing before a U.S. Land Commissioner was held at Pecos on March 10, 1932. The case of Juan Segura is the largest folder among the Santa Fe National Forest Land Claims Archive at 221 pages due to extensive stenographic notes of a hearing before U.S. Land Commissioner questioning witnesses concerning cultivation and residency (Segura, Juan HE 54159). The parade of witnesses included Gabino Varela, Mariano Quintana, Anselmo Bowles, Guillermo Quintana, and Octaviano Segura aside from Juan himself and Forest officials. The Government was represented by Edwin S. French while Mr. Dave Chavez represented Juan Segura. Forest officials further elaborated that Juan cultivated only 6.4 acres. Juan had also been living in Pecos at a house where one part belonged to his father and the other part belonging to him. The ranger reported visiting the claim in the fall of 1931 and noticed there was no outhouse to be seen, no chip pile, and sleepy grass grew right up to the doorway of the cabin, calling it a place “to camp while putting in crops.” Visible within the cabin were calendars for 1924 and 1926 (ibid).

Edwin S. French, the Regional Law Officer for the U.S. Department of Agriculture asserted that the previous entryman had already cultivated the area. To plough 6.4 acres of previously cleared land could be done in two weeks. Although Juan said he dug a shallow five to six foot well in 1927, built a road to the State highway and did incidental repairs to his improvements, there was otherwise not much to occupy Juan for eight months per year for four years (ibid). However, Juan claimed he built a house and one-half mile of fence in 1926 and dug a well and built a road in 1927. During examination at the contest hearing, Juan said he filed his Final Proof with a man named N.V. Gallegos, a U.S. commissioner at the Land Office in Las Vegas. During testimony Juan revealed that he had little schooling and did not understand English. When cross-examined by his attorney Mr. Chavez about Juan’s claim to have cultivated 17 acres, Juan revealed that he provided his answers to Mr. Gallegos who wrote them on a typewriter in English and added in further questioning that he did not know whether he wrote down the answer he gave him (ibid). Juan presented that over the years 1927 to 1931, he would live upon the claim from February or March to September or October.



Figure 44: Photographs of the claim of Juan Segura. The Forest Service wanted the Land Office to recall the claim, not only because it had too little land suitable for cultivation but also because it was needed for Forest purposes. Approximate date of photos, January 9, 1933 (Segura, Antonio 924 258).

The Register of the U.S. Land Office in Santa Fe received the findings of the hearing and handed down a decision on October 10, 1932 in favor of Juan Segura. The Register noted that testimony in the case found that the claim had a three room log house, a well, 90 acres under a 4 wire fence, corral, chicken house, a wagon road, a barn, and between 7 and 17 acres under cultivation. Juan had a wife and six children spending the winters at his father's house in Pecos and it was claimed that each spring he moved back onto the homestead to plant and cultivate, raising a good crop each year for five years. Juan would return in the fall to Pecos and place his children in school. Giving the Regional Forester fifteen days to motion for a new hearing, the Register A.M. Bergere decided:

“I find that the entryman has complied with the requirements of the law as to residence and cultivation of the land, and recommend that the proceeding be dismissed and the entry be allwed[sic] to proceed to patent” (Decision by the Register. Segura, Juan 054159).

Within days the Forest Service appealed the decision to the General Land Office in Washington, D.C. and in the interim took photos (Figure 44). The Acting Assistant Commissioner of the General Land Office in Washington, D.C., while acknowledging that “[t]here was some variance between the final proof testimony and the testimony submitted at the hearing” concerning the dates in March and October when residency was maintained “[t]hese people had little education. They could not speak, read or write the English language to any material extent. Their testimony appears to have been given through an interpreter.” The protest of the Forest Service was dismissed (Adverse proceedings dismissed. April 9, 1933. Segura, Juan 054159). Upon receiving the decision in Albuquerque days later, John C. Roak, Acting Forest Supervisor at the time wrote in the margin “How far from fact this is!” (ibid). The claim was patented to Juan in 1935 (#1078570. <usglorecords.blm.gov>).

Apparently, Juan achieved patent even though he did not cultivate enough, and did not reside on the land but in Pecos. He had an attorney effective at contending and witnesses for the Government seemed more supportive of Juan than the Government’s position. Furthermore, a curious hand written letter between John C. Roak and Edwin S. French, the Regional Law Officer in Albuquerque shows that the contest against Juan had some legal limitations, perhaps explaining why appeals were made and photos taken in the aftermath of the hearing (Figure 44). Roak found the file folder of the former claimant Antonio Segura showing that “most all of the improvements on the claim” were made by Antonio hinting that Juan moved in and made few improvements to the homestead of his own (Note date March 16, 1932). French responded “If we had wanted to use Antonio Segura case we would have had to bring it into the hearing in some legal way. Probably best way would have been to call Antonio [into the hearing of March 10]. And he probably would have denied” (ibid). The patented land continues to remain private and this case demonstrates how legal representation, a shortage of hostile witnesses, the appearance of compliance, and a lenient Land Office could result in successfully achieving patent to a Forest homestead.

FOREST SERVICE GENERALLY STRICT, RELUCTANTLY LIENIENT

Ranger Marcel F. Pincetl at the Pecos River National Forest wrote concerning the homestead claim of Gerardo Flores located about eleven and a half miles southwest of Las Vegas, NM on April 17, 1922:

“[The] 1917 report shows that claimant did not maintain residence, but lived upon his son-in-law's ranch 1½ miles away during the summer, and worked as blacksmith in Las Vegas during the winter...The claim has not the appearance of a permanent home, because the house is not habitable, all the improvements are run down and no sign of actual residence being maintained are visible....I believe that a hearing should be ordered to determine the validity of this claim. It does not appear that the claimant lived up to the law in this case, because residence has not been maintained for 6 consecutive years or since 1916” (Flores, Gerardo HE 017956).

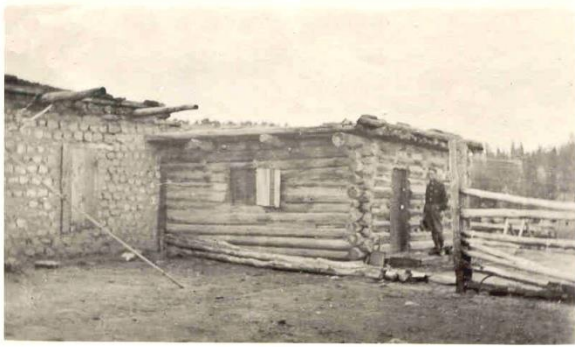
Two days later, on April 19, 1922, Rex King, Acting Forest Supervisor, conveyed Ranger Pincetl's report to the District Forester at Albuquerque and believed that the Forest Service should offer no protest:

“However, you will note in the earlier crop and residence reports that the claimant maintained residence and cultivation on the land, but seems to have been unable to submit final proof when ready because of the lack of an entry survey. We have no evidence on the earlier years and it will be very difficult, if not impossible, to get back evidence from the native population, all of whom are no doubt friendly or related to the claimant” (Flores, Gerardo HE 017956).

The reference made to a native population friendly to the claimant means that the local Hispanic population was interrelated and in this case would not knowingly provide information to Forest Service officials that would adversely affect Gerardo Flores achieving a patent on his claim. Flores received a patent to 23.61 acres in 1922 (Patent # 876902. glorerecords.blm.gov)

In the above case, it was a community of people mildly adversarial against the Forest Service, and the trouble involved in collecting statements, that contributed to leniency. It was also a delay in having a land survey and plat completed by the U.S. General Land Office, approved on January 21, 1920 (Homestead Entry Survey No. 302. glorerecords.blm.gov). Buying a squatter's right on his claim in 1910, and submitting his homestead application in 1913, Gerardo Flores worked and waited a long time. He suffered a delay because his claim was made within a section reserved for the State of New Mexico (likely, an in lieu selection solved that problem). Furthermore, the acreage of his initial claim was reduced from 160 acres to 23.61 (316/982; 872/206; HE 017956). For Gerardo, we have detail that he had taken his grandchildren to school at Las Vegas and worked as a blacksmith there, while his son-in-law named Antonio Lujan took care of his claim (HE 017956).

In most of the cases in the Santa Fe National Forest Land Claims Archive, Forest Service officials showed more strictness in carrying out the homestead law with regard to residency and cultivation than did the land agents of the U.S. Land Office. The researcher will see documentation that suggests the Forest Service was not lenient in their legal obligation to document details of compliance, and as a consequence extra detail about the life of the given homesteader is provided. Unlike the land agents of the Land Office that primarily used affidavits of witnesses to verify compliance with residency and cultivation requirements, the Forest Service employed their staff of Rangers and Assistant Rangers who carried out detailed visual inspection and documentation. In many of the case files of the Santa Fe National Forest Land Claims Archive the documentation of visual inspections include pocket book notes, yearly crop and residency reports, and “June 11 Reports” (such as Form 655 Report of Agricultural Settlement, or Form 110 Report on Agricultural Homestead Application). Inquiry over the years by this author in this study area concerning tendencies among certain segments of the local Hispanic ranching population to carefully guard their privacy from Forest officials were met by anecdotes from the elderly generation indicating a distrust of overly inquisitive and legalistic government officials of the past.



L. Claims, Garcia, Adolfo, H. E. 015614 & 022375
Cabin in group of dwellings on the Juan L. Garcia patented claim where claimant and family reside throughout the summer season instead of on the claim. This is situated about one half mile west, and on the same mesa, from the claim. Exposure made April 2, 1919.

Figure 45: Adolfo García was alleged to have not lived at his homestead claim, but rather, lodged at a wing of the ranch house belonging to his father a half mile to the west when he and his family attended to their claim. Ranger Plomteaux knew this because he had been “invited into the claimant’s house and broke bread with him there” (García, Adolfo H.E. 015614 & 022375).

One of the cases in the Santa Fe National Forest Land Claims Archive presents a kind of photo gallery derived from the visual inspection as part of a protest initiated by the Forest Service officials against Adolfo García, for failure to establish actual residency on his claim. Adolfo’s claim was located a little more than ten miles west southwest of Española. When Adolfo filed a Notice of Intention to Make Proof, the Forest Service alleged that he did not meet his residency requirement for his five year homestead. Rather, he lived part of the time at his father’s claim nearby (Figure 45). Forest officials alleged his real permanent residence was in Guachupangue, a village between Española and Santa Clara Pueblo (Figure 46, Figure 47). Photographs were taken by Ranger Fred V. Plomteaux and his assistant in April 1919 in preparation for the case. The photographs were used as evidence to back up the Forest Service allegations against the claim of Adolfo when the case went before the U.S. Commissioner Alejandro Naranjo at Española, New Mexico on the 13th of May, 1919 (García, Adolfo H.E. 015614 & 022375). Ranger Plomteaux recalled that in 1917 Adolfo invited him to his sister’s wedding and in conversation knew of a periodic illness that kept him incapacitated, causing his family to tend to the crops on the claim. Nevertheless, he advised Adolfo to comply with the residence law when he returned to his claim (ibid).

During the testimony, Adolfo stated he was 40 years of age with a wife and seven children and settled his claim in 1911 (García, Adolfo H.E. 015614 & 022375). He lost a daughter during September of 1916 when during a bean harvest on the claim, she fell ill after a rain from a pre-existing infirmity. While the family remained, Adolfo took her about 12 miles to family at the village of Corral de Piedra where she died (ibid). Adolfo provided testimony that the reason he wintered at Guachupangue was that he had rheumatism since before he wed in 1900 and “some disease in my head and stomach” (ibid). This disease, he said, came in spells and his father would take him from his claim into his own homestead until he recovered. Despite this, Adolfo asserted that he harvested up to then (perhaps since 1911) close to 20,000 pounds of beans, 20 wagon loads of corn, and from two to four sacks of potatoes per year. Dr. W. H. Livingston testified that he had treated Adolfo and recalled he had short periods where he was unable to do hard manual labor (ibid).

Presented also was that Adolfo had voted and held a county office in Española as Road Supervisor in 1918 and Justice of the Peace in 1919, further supporting the allegation that his claim was not his residence. Adolfo said he voted at Española, Rio Arriba County, because it was the nearest place. His Forest homestead was covered by Sandoval County at a place the Forest Rangers called García Cañon (ibid). The way the county boundaries had been drawn was problematic for the small number of settlers in the area, who were separated by mountain ranges from populated places in Sandoval County and voting districts such as Cuba (almost 40 direct miles WNW) and Bernalillo (almost 48 direct miles SSW) while kin, social connections, and enterprise were a mere 10 miles away at Española.



L-Claims, Garcia, Adolfo H. E. 015614 & 022375.
Claimant's residence in Guachupanga, Rio Arriba County, Looking east from public road.

Figure 46: Forest officials believed his permanent residence was at Guachupange (García, Adolfo H.E. 015614 & 022375).



Figure 47: Guachupangue was almost ten miles east northeast of Adolfo's claim (García, Adolfo H.E. 015614 & 022375).



Figure 48 The Forest Rangers examined the cabin that Adolfo built on his Forest Homestead Claim at García Cañon. This view is from the northwest. Ranger Plomteaux said that he gave a permit for house logs and marked them on the 5th of September, 1916 and the claimant cut them sometime between then and the summer of 1917 to construct this cabin (García, Adolfo H.E. 015614 & 022375).

Charlie S. Brothers, Assistant to the Solicitor at the U.S. Department of Agriculture summed up:

“It is submitted that the evidence shows that the claimant did not make settlement of any kind upon the land until the spring of 1917, that he never did at any time establish a permanent residence upon the land, but has resided at his permanent home in Guachupangue, and has resided temporarily during the summer months at the groups of buildings owned by his father near his homestead, and has never actually resided upon his homestead although he many have camped there at intervals. It is believed that the claim should be cancelled” (García, Adolfo H.E. 015614 & 022375).

Adolfo re-filed for his claim as a Three-Year homestead in 1921. By 1924 he filed to make proof again. The Forest official said he “learned a lesson from his former attempts to prove up when he had not complied with the laws and it is believed that for the past three years he has made every effort.” The report indicated he had a wife and four minor children and possessed six cattle upon the claim. He was an entrepreneur, the operator of a business called the Espanola Tie & Lumber Co (García, Adolfo 041697 Adm). Adolfo achieved patent in 1924 (# 949507 usglrecords.gov). In later decades, the claim was reabsorbed into the Santa Fe National Forest.



Figure 49: On April 2, 1919 the cabin was examined by the Forest Rangers for signs of residency. The views at the cabin were from the southeast. Adolfo delayed long to build his cabin and it did not appear to have been lived in. (Bottom) Ranger Plometeaux said he found a stove sitting on a small platform, a bed to the left with a compound lard can upside down on it, and a hanging box with bottles and tin cans in it (García, Adolfo H.E. 015614 & 022375).

A STRONG NEED FOR BOUNDING: THE STATE OR ABSTRACT SPACE CONCEPT

Areas designated for special conservation are defined in a way that today's fee simple private property rights are defined--through the use of rigid, mathematical boundaries established by land survey technology that divide one space from another. Each side of a mathematically defined boundary can have contrasting laws (e.g. what is illegal on one side, may be legal on the other side). Any number of governmental land management agencies such as the U.S. Forest Service, National Park Service and Bureau of Land Management employ rigid boundaries to administrate their holdings. The concept is also employed within the holdings of these agencies to carry out unique statues of preservation, such as the Wilderness Act of 1964, in which rigid boundaries are set to define designated wilderness from non-wilderness, or the National Wild and Scenic Rivers Act of 1968, that protects a section of the Río de Chama from being dammed while having a status favoring recreational river rafting.

The Santa Fe National Forest Land Claims Archive was built during a transitional period between two eras in U.S. land policy: the era of disposition and the era of conservation. This transitional era covers, but not necessarily restricted to, 1906 to 1934. Over and over the contents of the archive treat upon the decision making process that U.S. Forest Service officials carried out to designate a piece of land chosen by a prospective homesteader as chiefly useful for agricultural purposes or chiefly useful for U.S. Forest Service purposes and decide where the rigid mathematical boundaries between the two would be placed.

The number of homesteads dropped rapidly after the Taylor Grazing Act of 1934. This act was conceived as a temporary range management device to support the livestock industry and rehabilitate overgrazed public rangeland, but it had the effect of closing the public domain and indirectly created a new federal land management system that led to today's system. It did this by authorizing the Interior Secretary to regulate the use of rangeland through the creation of grazing districts. The effect of this law is visible in the Santa Fe National Forest Land Claims Archive as the number of homestead applications and patents diminish within the Forest Reserve as the conservation paradigm in U.S. Government land management progressed and as all the real estate thought useful for agricultural purposes was occupied. Nevertheless, the Homestead Act remained in effect until its repeal in 1976, with a provision extending it in Alaska until 1986 (USNPS 2014).

The origin of many cultural conflicts between the Hispano livelihoods of Northern New Mexico and agencies of the U.S. Government such as the Forest Service revolve around a value system of how geographic space is conceptualized. For the Forest Service it was to carry out conservation policy, and for the Hispano it was their participation in an ancient land based society featuring community life and traditional resource procurement. Represented in these differing views of how geographic space was conceptualized were two contrasting concepts of spatiality.

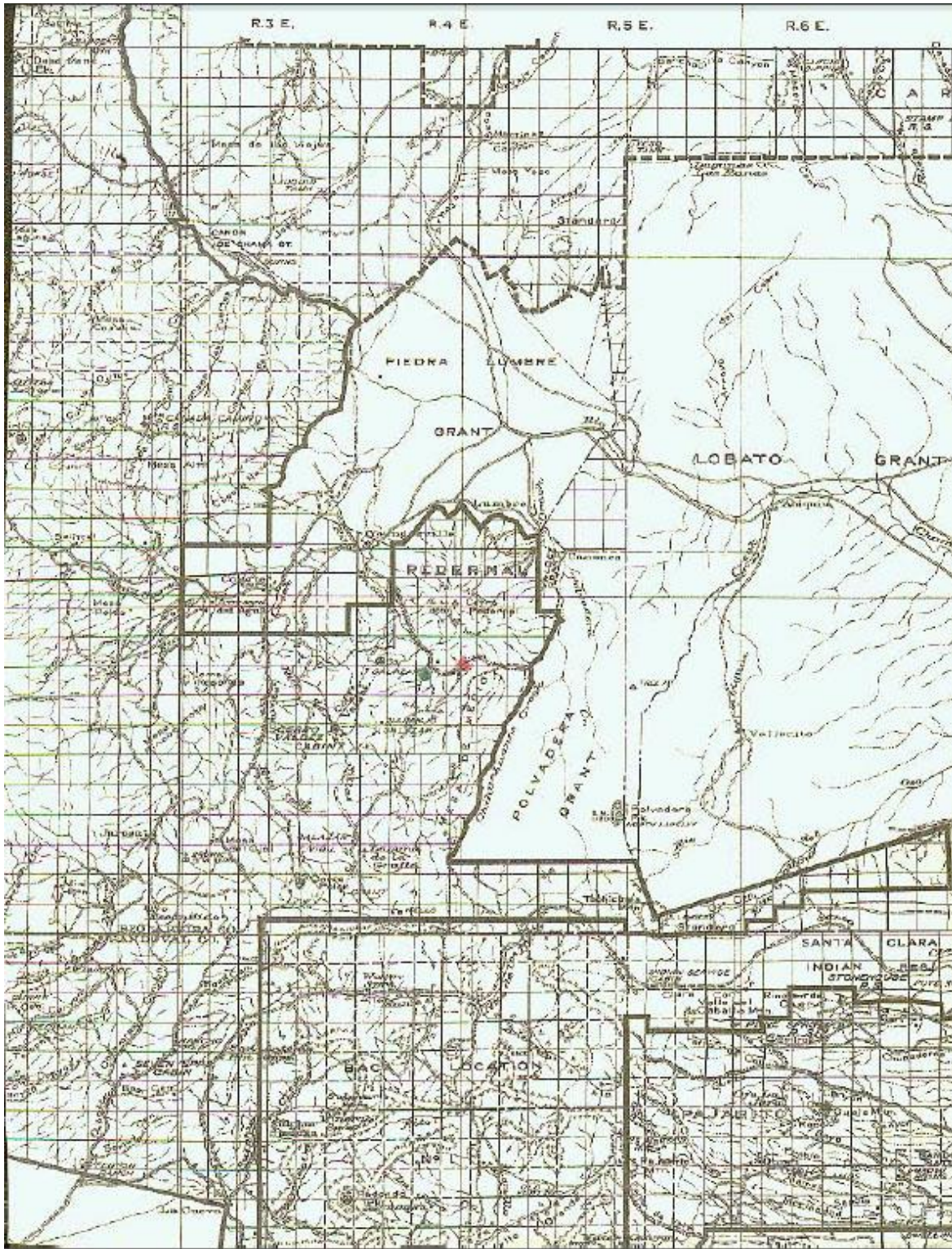


Figure 50: Undated fragment of a Santa Fe National Forest Map presented in correspondence concerning the claim of Leandro Serrano in August of 1927. It prominently depicts the System of Rectangular Surveys, some land grants, and part of the Santa Clara Indian Reservation (HE 053842).

One concept of use of geographic space involved strict, rigid boundaries on the one hand and a mixture of rigid and flexible, porous boundaries on the other. These are respectively, abstract space versus complex space. State reorganization of geographic space is implemented by bureaucracy that creates a peculiar re-conceptualization of that space called abstract spatiality. This in turn creates conflict with a more ancient approach called complex spatiality, where spaces were a mixture of those strictly designated with those that were socially negotiated. Examples of socially negotiated spaces appear in old and traditional Hispano and American Indian communities as cemeteries, which are typically designated for internments only, plazas, a community's common area for multiple purposes like ingress and egress, and common areas of land grants, used to collect fuel wood or graze livestock. Far from being a phenomenon of the United States of America, the concept of abstract space is at work the world over as part of conservation efforts upon geographic resources, and it requires ponderous governmental institutions to impose and enforce it.

One proponent of the dichotomy of abstract versus complex space, also known as state space versus local space, is Robin J. Roth (2008), a geographer who studied people-park conflict. Her arguments are based on a case study of communities in northern Thailand in conflict with the Mae Tho National Park managed by the Thai Royal Forestry Department. Thailand, not being homogeneous, has ethnic minorities, some of whom are mountain people. She argues that state space destroys local space and initiates conflict between state control of areas and local populations who are stake holders engaged in traditional resource procurement. Roth argues that state institutions have a predilection for management through abstract space that features the establishment and enforcement of strict boundaries of conservation and use. By contrast, local institutions manage through complex spatial arrangements, using overlapping and flexible boundaries of use and tenure. Roth presents that when the state asserts their management of space, it is often to the exclusion of, or at the expense of, local spatiality, thus creating conflict (374).

Antecedent sovereigns granted defined spaces of land and the landscape of New Mexico became managed by non-state institutions, community organizations, custom, traditions, social norms and mores. The actions of the state reorganized in a way at variance with the traditional land system practiced by Hispano agrarians. Land speculators or the U.S. Government appropriated real estate that was supposed to be protected as private or community property of Mexican citizens in the wake of the U.S.-Mexican War. After the cancellation of some land grants through adjudication and their incorporation into the public domain, the landscape was measured as the System of Rectangular Surveys was carried out (Figure 3), and upon this the Santa Fe National Forest was imposed (Figure 8). Into this setting, the Santa Fe National Forest Land Claims Archive was initiated during an ongoing reorganization of the public domain in which officials of the National Forest regulated a new regime of settlement, the Homestead Act.

A mostly successful traditional relationship between people and their environment in New Mexico was worked out over time in which the members of a population did not overwhelm their environment nor were overwhelmed by it. Under the U.S. Governmental system, state space was inserted into this setting and while the homestead laws were in effect,

Hispano agrarians grafted their traditional land management ways into the state space regime until the shift of paradigm from land disposition to land conservation was completed.



Figure 51: La Plaza de la Gallina, appearing as “Gallina Plaza” in documents of Plácida Mestas, who filed on behalf of the villagers as qualified to clear away the U.S. Government as an adverse claimant to the land. Note the men behind the chickens, probably winnowing grain (Photo: Mestas, Plácida 019747).

In one example with photographs, the U.S. Government was an adversarial claimant of a Hispano village. Plácida Mestas was selected to be an applicant for a Forest Homestead covering the old Plaza de la Gallina (Figure 51). Her husband José Rafael Mestas had already applied for a tract in 1908 about two and a quarter miles south southeast of the village and this disqualified him from making a claim. During 1918 José Rafael gave notice to make his five-year proof. An inquiry revealed that he had obtained a \$400 mortgage in 1912 from Mr. H. Grant of Abiquiu (presumably released). When the Forest Ranger came to do the examination, he noted that José Rafael owned buildings at “Gallina Plaza,” was a justice of the peace, and a school director. The Ranger noted regarding his politics, “it is rumored that he is not always for the right, but anything to gain his point” (Mestas, J. Rafael 01015 Adm). He would achieve patent on his outlier tract for 41.37 acres in 1921 (#827476 <usglorecords.blm.gov>). Clearing away the U.S. Government as an adversarial claimant of the village of Gallina required someone who was not already entangled in any homestead filing, and for this reason Plácida became involved.

Plácida filed acreage to cover the village in 1913 and 1919 alleging residency with her parents since 1882 (019747). Twelve acres of cultivated land were under irrigation from a ditch from the Gallina River, a short distance from the house. Crop and Residence Reports indicated irrigation as the method for cultivation of beans, wheat, corn, and hay. During presentation of final proof in 1920, she was named as the head of household and had two sons. Improvements included a two room combination *jacal* and log house, a one room *jacal*, Mr. José Rafael's blacksmith shop, and an old Roman Catholic chapel that dating to 1889 that was sold to them

when increasing population diffused from the plaza (Figure 53). The Forest Ranger indicated that each occupant of the village would be allotted the land on which their house stood by Plácida once she achieved patent to the Gallina Plaza as a clever strategy to clear away the adverse claim of the U.S. Government upon it (ibid). The patent was issued in 1920 for 65 acres with the name of President Woodrow Wilson (#773941 glorecords.blm.gov).



Figure 52: The village of La Gallina had several families who would be assigned their allotments after Plácida received patent, which occurred in 1920 (Photo: Mestas, Plácida 019747).



Figure 53: The village chapel founded in 1889 was in the private possession of the Mestas couple.



Figure 54: Plácida Mestas posing for the Forest Ranger before her home at Plaza de la Gallina in 1920. Filing in 1913 and 1919, Plácida claimed residency with her parents since 1882, when the village was said to have been founded. Note the child at the doorway (Photo: Mestas, Placida 019747).

PLACE NAMES AND PLACE NAMING



Place names represent information on the landscape with strong cultural significance. As part of this study of the Santa Fe National Forest Land Claims Archive, place names were salvaged wherever found in the documentation. Of special interest is the idea of reviving disappearing local knowledge, manifested as place names. We find that the region covered by the Santa Fe National Forest had names using Spanish specific names, American English generics and American English syntax. For example, the traditional name Río de la Gallina or Río Gallina, became noted in Forest Service reports and correspondence in the Archive as Gallina River. In this example, Gallina is the specific name while River or Río are generic names, in similar fashion to a person's given name and their surname. “Rio Gallina” appears on official maps of the Santa Fe National Forest, but the majority of place names were changed using American English place naming concepts. The concept was to co-opt the specific name, make the specific name first in the syntax, and add a generic name from American English geographic lexicons. In this way, Cañada de García may become García Canyon. To this day, members of

the Hispanic population still using traditional New Mexico Hispano place names are at variance with what is indicated on official U.S. Government map publications. The Archive, created in the early 20th century, was researched to extract place names and these were mapped using Google Earth in order to create a resource to compare with traditional names. In this way, a future study might reveal name evolution, outright name change, and the role officials of the Santa Fe National Forest played in this change. Informants from among a generation of people knowledgeable of the landscape of northern New Mexico will pass on. Documenting the topographic place names in this region may rescue relevant traditional cosmography, local knowledge, taxonomies, and lifeway practices incidental to the research on names. The version of landscape knowledge that the Forest Service had in the form of place names reveals a colonized landscape of co-opted information changed to fit Forest Service prerogatives.

Listings of official toponyms are kept by the U.S. Government's Geographic Names Information System (GNIS) database as well as an official National Map. Called the National Geographic Names Database (NGNDB), it has been and continues to be the greatest depository of place names in the U.S. even if many entries lack proper citation, origin, or knowledge attached to them. Research of the Santa Fe National Forest Land Claims Archive found names that have never been in the NGNDB, and several topographical maps covering the Santa Fe National Forest show nameless features that are named by locals who know their names in the realm of oral tradition. In addition, many geographic names never made it onto U. S. Geological Survey topographical maps because decisions were made by authorities to exclude what was considered to not be important (Herman 1999), or to avoid crowding labels on the maps (Monmonier 2006).

Some geographic names came from the efforts of U. S. Geological Survey field crews interviewing people in the region being mapped in the decade following World War II in the region covered by the Santa Fe National Forest. Names coming from the mental maps of people employing local geographic knowledge and common, spoken usage, made their way onto the National Map, thereby becoming "official." However, based on information collected by Monmonier (2006) collection of names for the National Map relied heavily on governmental agencies. The deficiencies found in the topographical maps covering the Jemez and Sangre de Cristo Mountains suggest an abbreviated interview of locals and reliance on interviewees from the realm of postmasters, mercantilists, the timber and mineral industries, and governmental agencies. This is the most convenient explanation about why oral traditions rich in names from among the economically marginalize population were never mapped.

The broad importance of the collection effort of this research to find and map place names found in the Santa Fe National Forest Land Claims Archive must account for the consequences of salvaging local geographic knowledge using text. Fixed spellings and meanings are a component of print culture. While rescuing local knowledge seems a noble effort, some scholars say that local geographic knowledge removed from human experience and converted to textual place name labels on a map cause the name to lose or weaken much of the history, traditional knowledge, and environmental discourse associated with that name (Herman 1999, Basso 1996). Herman asserts that maps, gazetteers, and literacy in general can weaken landscape

knowledge and environmental discourses by creating more fixed meanings (as opposed to fluid meanings) while atomizing the language by separating knowledge from experience (1999). Translations into English of non-English names can convert the local knowledge into a language byproduct replaced by hegemonic priority, that is, what the “colonizer,” “conqueror,” or researcher believes is important to know about a given place, especially if the traditional language is replaced altogether by English (Herman 1999).

Many of the names in the Santa Fe National Forest Land Claims Archive were misspelled, as well as having their syntax and generics changed. Their misspelling does give a clue as to how the non-native mispronounced names. Most of the names had been in Spanish but were documented by Forest Service officials into English, co-opting generic names into Americanized lexicons and changing their syntax. Interestingly, the generic name *cañón*, while being Spanish, was frequently used by Forest officials in the early 20th century. “Canon” and “cañon” appear on a large percentage of the names collected from the Archive. They have the same meaning as canyon, but with hints that the pronunciation was ambiguous, with some accenting the first syllable as depicted by today's lexicon “canyon” (CAHN-yun) and others accenting the second syllable in *cañón* (cah-NYON). For example, a name like Cañon de Gonzales was written by Forest Rangers on their maps and charts in the early 20th century as Gonzales Canon, often omitting the tilde on the n because they used typewriters, and this evolved into Gonzales Canyon. The Archive is seen by this study to be an early documentation of name transformation for geographic features in remote areas, some of which might have fallen out of use and forgotten.

Federal and state agencies relying on maps often prefer abstract space concepts featuring rigid partitions and boundaries, and unusual technocratic geographic designation such as “unit 53,” “section 21” or “Cuba ranger district.” Locals often prefer using a place-name. This is a good example of local perceptions of space versus state conceived space. However, locals may sometime use state conceptions of space when the need arises to communicate with officials of the government who passively demand to be spoken to using “officially” designated land-use classifications. For example, it is easier for a local when dealing with a fuel wood permit to speak to a representative of the governmental agency asserting administrative control over a region in terms of “I need a fuel wood permit for somewhere in the Coyote Ranger District.” When answering questions about their use of land, local Hispanics may not use these classifications or may have low awareness about the official category in which those sites are located. Instead, they may refer to specific sites by a commonly accepted place-name or by an improvised place-name to answer questions or make comments on land use or to tell anecdotes. One example is a reference to a fenceline demarcating a boundary that can serve as a convenient reference point on the landscape. Only a section of the fence that crosses an arroyo or climbs a hillside might be intended. The context of the conversation might be something like “*vide un venado ahí junto'l cerco de Eziquel Manzanares*” (I saw a deer there by the fence of Eziquel Manzanares). Although this may seem like a generic reference to an object, the reference the fence is the generic part of a bonafide place-name that conveys meaning to members within the community sharing the same landscape knowledge. Fences within the high context meaning that characterizes the communication among Northern New Mexico Hispanics are geographic

features tied to a specific name of a known individual who in turn has put his mark on the landscape. The location referred to a may have no other extraordinary feature because it may compose the pinyon pine forest with little other distinction from its surroundings than a fence in a known location belonging to a known person.

A major mapping effort in the region covered by the Santa Fe National Forest took place in the early 1950s. Names were collected by field crews of the U. S. Geological Survey, and however commendable to have had them recorded, a goodly percentage were inconsistent with local usage. A history of conflict over land resources by rural Hispanic Americans with outside private and governmental interests had already established social distance between Anglo-Americans representing those interests and those associated with mountain Hispanic culture. This affected the procurement of geographic knowledge by USGS field crews that found it difficult to obtain geographic names in the region, causing them to resort to collecting names from other governmental agencies. In Lakewood, Colorado, the office of the U.S. Geological Survey maintains an archive of documents generated during this major mapping effort in the early 1950s that created the useful 7.5 minute topographical quadrangle map series. Clues demonstrating this showed up in the Field Completion Reports as follows:

The indifference of the local citizens to government employees left the obtaining of names to pre-existing maps and from the U.S. forest ranger and his charts (USGS Field Completion Report. Jarosa, NM. 1953).

Difficulty was encountered in obtaining names from the local inhabitants due to their inherent wariness of strangers on the part of the natives [sic]. Therefore, the majority of the names on this sheet were obtained from the forest ranger and his charts. (USGS Field Completion Report. Arroyo del Agua, NM. 1953).

The documents help build a narrative: that the USGS mapping program obtained names from the Santa Fe National Forest generated by its officials in American English thereby producing map products deviating from local common use that represented the priorities of the U.S. Government and linguistic preference of American society for English. This came, to some extent, when the U. S. Post Office wanted towns renamed to better organize mail delivery before the widespread use of zip codes. In one case the town of El Rito Encino was recast as Youngsville to avoid confusion with El Rito, NM and Encino, New Mexico. The U. S. Forest Service wanted names that had English generics to communicate effectively with memorandums and inter-agency correspondence among administrators who were not bilingual. Very often names in the region did come from local knowledge despite the social gap problem affecting the collection of local knowledge from nativized Hispanics and American Indians. These survived the editing process to appear on USGS publications. For this reason, many USGS publications of New Mexico feature American English names, New Mexico Spanish names, and names from the various American Indian languages.

Maps created by state and federal agencies and commercial interests prior to the 1950s were the source of many geographic names obtained by USGS field crews and editors. One Field Report for Youngsville, NM showed that ten sources were used to verify the names within that

quad including a Santa Fe National Forest map, a U. S. Public Roads Administration map, Soil Conservation maps, geological reports from the USGS and the NM Bureau of Mines and Natural Resources, a Postal Guide, and a Rand McNally Atlas (USGS Field Completion Report, Youngsville, NM. 1953). There is a tendency to regard government publications or publications of some renown as reliable and disfavor local knowledge because it is not “official.” Although, both the U.S. Board on Geographic Names and the U.S. Geological Survey employ a policy to favor any name in local common use, it is merely a matter of what information was relied upon first.

Examples include the replacement of Spanish generics with American English generics (e.g. 'rito' changed to 'creek'). Others were subtle mistakes such as a missing or incorrect Spanish prepositions that were in common use but did not make the final map edit, such as in the Cañada de Ojito that should have been Cañada del Ojito, meaning 'gulch of the spring.' Some names collected had been altered with American English syntax, and were inconsistent with local common use. One example was the name Cañones Mesa using American English syntax and no Spanish prepositions that was collected by U. S. Geological Survey mapping field crew in 1953. The field crew stated that they did not discover this name to be neither questionable nor controversial (Field Completion Report, Cañones, NM. 1953). Meanwhile, local common use from those in the area had several names. Some used La Mesa, others used Mesa de los Cañones (Mex. Spanish: 'mesa of Los Cañones [village]'), and others used Mesa de Abiquiu.

Very often names collected in the region in 1953 were found to be unique to the region and caused some confusion to the USGS field crews. John M. Stricklin, a Topographic Engineer stationed at Fairview, NM in 1953 stated:

“Names are generally Spanish-Indian, spelling and application generally local. Spelling and gender may be somewhat different from true spanish[sic] since usually such names have been applied by uneducated native people” (USGS Field Completion Report, Alire, NM 1953).

Editors found the information difficult as well and standard Spanish dictionaries may have been used to further alter names that ultimately led to errors during the editing process. Chester N. Soderberg, a USGS map editor, also commented on the peculiar name mixture he had to deal with and endeavored to provide some explanations for proposed changes to field collected names:

“Names are Spanish, Spanish-Indian, and English, and in some cases may be a combination of any two or all three languages. Spelling is likely to be local and largely phonetic, and the gender may sometimes be wrong. The following discussion should help clarify some of the names and their application..... 'Rio Puerco' means 'Dirty River'. It was probably at one time called 'Rio del Puerco', but should be published 'Rio Puerco'” (USGS Field Completion Report, Alire, NM 1953).

Fortunately this name was retained as Rio Puerco. The intuition that the name should be Rio del Puerco (river of the swine) was incorrect as locals explain that the river runs turbid red

after any rain fall because of the prevalence red clay soil and *puerco* (male) or *puerca* (female) mean either “filthy” or “dirty” in English. The collection and editing of names by the USGS in the 1950s took a very prescriptive approach using academic standardization such as perhaps from Spanish dictionaries. Granted there were deadlines, and there was likely a shortage of willing informants to clarify name histories.

The University of New Mexico had previously conducted studies on the New Mexico Dialect of Spanish. One example done before the USGS arrival in the 1940s and 50s is found in a glossary using a study of Chilili, New Mexico in 1934 when colloquialisms, words that suffered phonetic changes, archaic or obsolete words, words of Indian origin, Mexicanism used in New Mexico, and Hispanicized English words were examined qualitatively. The examination of the New Mexico dialect took a somewhat less pejorative tone when F.M. Kerchenville, Ph.D. wrote:

“The cases in the following pages which show a difference between New Mexican Spanish and Castilian are not meant to condemn our own vernacular. One proof that a language is still alive is that it changes to meet changed circumstances” (Kerchenville 1934).

The multi-lingual nature of place naming, the presence of re-composed or mistake names, or the absence of place names on the USGS topographical maps covering lands administrated by the Santa Fe National Forest might be summed up as follows:

- Many native informants were not forthcoming with information in the early 1950s.
- There was a heavy reliance upon preexisting government publications that had piecemeal sources coming from local knowledge and governmental enterprise. It was a work with emphasis on governmental naming activity in the region (e.g. USFS).
- Map products were aimed at consumers external to the local knowledge from nativized Hispanics and American Indians.
- Deadlines shortened field collection and research time.

Some examples of geographic names that came from the study of the Santa Fe National Forest Land Claims Archive are given herein. A Google Earth places file named Place Names_SFNF_Homesteads.kmz was generated as part of this study and maps the names to their respective features on the aerial photo and terrain model. For the purposes of this monograph, a limited list of selections are made as follows:

Rendije Canon[sic]. This should be correctly composed as Cañon de la Rendija, or simply La Rendija. Near present day Los Alamos, “Rendije Canon” was found in the case file of Baros, E.P. 567 whose homestead was at the present day Guaje Pines Cemetery. The Forest Ranger said that this was formerly claimed by a man named Gonzales who was killed upon it by lightning.

The claim was rejected in 1913. Reingida[sic] Cañon was found in the case file of Donaciano Gonzales who settled on the site in 1897 (187). He is likely the one killed as aforesaid.

Stonehouse Ranger Station. This was located 10.4 miles west southwest of Española. A squatter named Bartola Sánchez had a two room stone house that was taken in 1907 by the Forest Service, repaired, and made into a ranger's headquarters with an iron roof. Although a preference right was extended to heirs of Bartola after abandonment as a ranger station, it was Manuel S. Maestas who filed for it in 1913 (Maestas, Manuel S.476).

Morphy Canon[sic]. A claim made by Daniel Abeyta in 1904 was applied for in 1909 near Mora, NM. Aside from this name “Cayñon known as Morphy” was also mentioned (6251 83). Nearby was the claim of Manuel Sabino García made in 1883 but applied for in 1913 in which the name used by a Forest official in his case file was “canon Morphy” (969 / 303)

San Pablo Creek, Rito San Pablo. Associated with the village of San Pablo, 10.4 miles west southwest of Las Vegas. A Forest official mentioned that Cesario Sandoval de Aragón, a widow filing for a Small Holding Claim, drew water for domestic purposes from the nearby San Pablo Creek. Applying in 1919, she had lived at her location since 1879 (Aragón, Cesario Sandoval de S.H.C.5841). Rito San Pablo was the name used in another case file, that of Juan Isidro Gómez who was established since 1877 but applied in 1910 for his small holding claim (S.H.C. 6019 - 037145).

Barley Canon [sic]. This name came from the case file of Isaias Sandoval who applied for a Forest Homestead about four miles northwest of La Cueva, in the Jemez Mountains in 1915. Despite the name implying its agricultural value, the claim was rejected because Forest officials deemed the site as not chiefly useful for agriculture (664).

HISPANIC ETHNIC MAJORITY IN THE SANTA FE NATIONAL FOREST LAND CLAIMS ARCHIVE

In this study of the Santa Fe National Forest Land Claims Archive, surnames of the applicants or the primary patentees were separated into two categories, Hispanic and non-Hispanic. This was done with the experience of this author having been born and raised in New Mexico Hispanic society and otherwise socialized into recognition of the linguistic origin of Hispanic surnames (e.g. Mestas, Adolfo 1053). Non-Hispanic surnames were arrived at by default, mostly as fully recognized to not be Hispanic (McWilliams, Joe Sr HE 045864) and any others not recognized to clearly be of Hispanic or of local Hispanic origin, often by the aid of first names, such as Willie Mente (892 / 226) who herein is classed as a non-Hispanic surname. Consideration was given to the possibility that some Hispanic names could be locally uncommon and from immigrants. Not done, was research of outside resources such as the U. S. Census, that in some decades provided identities according to race and ethnicity. In the case of Juan Leger, a report dated 1914 within the folder explained that he was an early settler along with a clearly Hispanic neighbor named Ambrán Montoya who both claimed land adversely held by the Forest Service due to the way the boundary of the Mora Grant was surveyed and adjudicated (Leger, Juan 996, 330). This would suggest his name was pronounced leh-HAIR consistent with

pronunciation of his Hispanic first name. This class of surnames, such as the aforementioned *Mente* and *Leger*, were very few in number and through researching the contents of the folders their classification by this study was believed to be sufficient to quantify and map. By this method, two quantities were seen to develop: 1428 case files concerned prospective homesteaders with Hispanic surnames versus 489 non-Hispanic surnames or a ratio of almost 3:1.

Forest Rangers were often Anglo-American outsiders subject to transfer in their career but stationed in areas for years at a time. Some of the Rangers named in the documents include (but are not limited to):

- Lee Williams assigned to the area of Mora and Las Vegas,
- Ranger C.R.C. Reindorp or Assistant Ranger E.S. Barker to the region of Pecos
- Assistant Forest Ranger Louis H. Mosimann or Assistant Forest Ranger Charles V. Shearer assigned to the region of Mineral Hill (village of San Geronimo near Las Vegas)
- Earl B. Young assigned to Cuba
- F.G. Blake assigned to Coyote. Local legend asserts that he was a “Coyote” or mix-race Hispanic and Anglo-American.
- Assistant Ranger James C Berthelson assigned to Coyote and Gallina
- Fred Plomteaux assigned to the region of Española and present day Los Alamos.
- Assistant Forest Ranger John V. Nevitt assigned to the region of Coyote.
- Winfred B. Bletcher, stationed at Señorito, near Cuba, NM
- Ranger L. D. Blodgett assigned to the area of Coyote and Chama Arriba, NM

One exception was Joseph A. Rodríguez, whose Anglicized first name indicated he was somewhat assimilated because at the time, Hispanic last names were almost always preceded by Hispanic first names. Ranger Rodríguez was assigned to the area of Coyote and Gallina in the 1920s to a Forest ranger district almost purely homesteaded by people with Hispanic surnames.

The Rangers were often living at stations resembling an Anglo-American homestead complete with stable, corral, and areas to graze and cultivate. What was different is hinted throughout the Archive, in that it was an office, complete with telephone, typewriter, paperwork, and maybe a counter or desk. Some files in the Archive mention telephone lines, strung to connect the various ranger stations into a network of communication. One telephone central was located at the homestead of William Rogers, located about 1.9 miles northeast of today's Fenton Reservoir Fish Hatchery. Williams died in 1916, but his claim was continued by his daughter, Mrs. Ora Cebada and her Hispanic husband (pronounced seh-BAH-thah). She was employed by the U. S. Forest Service as their operator (Memo dated Sept 18, 1917. Rogers, W.H. HE6783 (03006).

A description of a ranger station is found in a Report of Forest Homestead Application submitted by Frank E. Andrews, Forest Supervisor on January 29, 1914 for the case of Manuel S. Maestas. Mr. Maestas was a tenant who leased the agricultural fields of the Stone House Ranger Station; he petitioned to have the administrative site upon which it sat made available to him as a homestead entry. This ranger station was situated 10.4 miles west southwest of Espanola, about

two miles west of today's Puye Cliff Dwellings, today a National Historic Landmark in Sawyer Canyon. The original Stone house Ranger Station was withdrawn by the Secretary of the Interior on November 27, 1907 for administrative purposes of the Forest Service. It was later expanded to 440 acres and by 1913 had the only permanent water in the immediate area (Supplemental Memorandum dated August 1, 1913. Sánchez, Bartola). Its status as a ranger station began when the Forest Service paid Bartolome Sánchez for improvements including the main feature, a two room stone house measuring 24 feet by 26 feet, eight foot high walls, no doors or windows, and a roof falling in (Acting Forest Supervisor to Charles Catron, Santa Fe NM dated Nov. 13, 1907). Sánchez was a squatter who had abandoned the stone house and other improvements for twelve years prior (Supplemental Memorandum dated August 1, 1913. Sánchez, Bartola). The Forest Service constructed an iron roof to the stone house bringing its value to \$350, as well as a 60 ft. by 18 foot log stable valued at \$100, a pole corral forty foot square valued at \$25, and about a mile of three and four wire fence valued at \$50 (Report 1914. Maestas, Manuel S. 476). Realizing that too much agricultural ground was being withheld, and that the water supply was poor, Forest Supervisor Andrews wished to move the station west and in 1913 petitioned his superiors to release the station to homestead entry (ibid). Ultimately, the value of the Stone House Administrative Site for logging roads and a mill site persuaded the Forest Service to retain the area rather than allow listings for homesteads (Memo from Forest Supervisor Andrews dated Feb. 21, 1923. Maestas, Manuel S. 476). Today the area is straddled by the Santa Fe National Forest and the Santa Clara Pueblo Indian Reservation.

Being mostly outsiders to Hispanic society, Forest officials wrote about the life of the Hispanic homesteader in their environment providing a subjectively useful view for the researcher to glean. A Ranger from the Chama District of the Santa Fe National Forests said “[i]t is my duty as Forest Ranger to examine these claims from time to time to see whether or not they are complying with the homestead laws. I might add that our rules require us to examine these claims at least four times a year . . .” (U.S. vs. Elbert M. Collins. Contest No. 5809. Santa Fe, N. M. Land Office. Hearing dated Nov. 2, 1929. Collins, Elbert M. HE 054517).

In one example, a 40 acre tract atop the Mesa Pinabetal (noted incorrectly as Mesa Poleo) was withheld by the Forest Service for possible use as an Administrative Site (a Ranger Station). Juan Pedro de Herrera had filed for it in 1914 (Herrera, Juan Pedro de 625). Although documentation is lacking, Juan Pedro may have been allowed a special use permit for this 40 acres adjoining 120 acres he already held title to. Juan Pedro had completed a five-year proof on his adjoining 120 acres in 1911 and received a patent in 1912 (Herrera, Juan P de HE 0488; #246338 [glorerecords.blm.us](https://www.blm.gov/foia/foia_records/246338)). John V. Nevitt, assigned to the region around Coyote, New Mexico, visited the 40 acre tract Juan Pedro was irrigating and plowing within what he had cleared and noted that he was “thrifty and is one of the best Mexican farmers of this section of the country” (Crop and Residency Report 1917. Herrera, Juan P de HE 037876). Entry on the 40 acres was finally allowed to him on November 22, 1919, and he cultivated the tract with “Plow and hoe” until he completed a three-year proof in 1924. Filing a Notice of Intention to Make Proof on November 12th, 1924 it was patented on April 11, 1925 using the Additional Homestead Act (Herrera, Juan P de HE 037876; #957510 [usglorerecords.blm.gov](https://www.blm.gov/foia/foia_records/957510)).

The name “American” appears in reference to non-Hispanics. An example of this may be found in the file folder of LeRoy Kested who applied for land about two miles from the Rio de las Vacas which had a “fairly well established community of about ten American families” (Report dated November 9, 1915. Kested, LeRoy 331). This area included surnames such as White, Earhart, Dexter, Munsey, Bletcher, Ketcham and so on. Traditionally, Hispanic New Mexicans referred to themselves as *Mejicano*, although there is some evidence to suggest the use of *Nuevomejicano* and *Neomejicano* (and spelling variations of these). Most English speaking people were identified as *Americano* by New Mexico Hispanics, with a few exceptions for immigrants who retained their identities, such as if the person was from Lebanon or Syria they were *Arabe*, if German, they were *Alemán*, if an Eastern European Jew they were *Judío*, and if a traveling circus came through the area, there were usually *Hungarios* (Hungarians) or *Turcos* (Turks) doing the performances.

Members of the local Hispanic society were not only called “Mexican” but often termed “the natives” in correspondence by Forest Service officials. The use of the term “native” hints at a view that the local *Hispano* population were nativized. Others thought their customs and language were associated with Mexican nationals. The local population had New World Spanish origins with American Indian ancestry admixture and a long established presence in the region with peculiar life-ways relying more heavily upon the local geography. By requirement, the Rangers, when filling out their Report on Agricultural Homestead Applications, noted the mileage between the land an applicant applied for and the nearest railroad depot. Outside supply was thought to be crucial to carrying out the Homestead Act and success of given homesteads. However, the *Hispano* population had lived for centuries at great distances from outside supply, and as a consequence developed, introduced, or were introduced to techniques and traditions that relied more heavily upon the resources of the local physical geography, local knowledge and their social capital.

The localized way of life, as well as the cultural and genetic exchange with various American Indian populations put the Hispanic New Mexicans on a localized trajectory that came across as “native” to the Forest Rangers. The Spanish brought carpentry, metallurgical knowledge, the horse, the Churro sheep and domestic crops such as peas. These were introduced to the Pueblos and brought them greater economic security (Ford 1992: xviii). American Indian populations such as the Tewa infused the Spanish with local maize, knowledge of local resources such as salt, lime, and medicinal herbs, and examples set by Plains Indians initiated the practice of annual and bi-annual bison hunts among the *Hispanos* before the 1870s.

In general the *Hispano* homesteader, observed through the eyes of the Forest Ranger, had fewer of the materials and hardware that were most current to the time and were often seen farming using “primitive” methods, “Mexican methods” or “hand work” (Trujillo, Luis HE 015995). This would have included a hoe, called a *cavador* in the New Mexico dialect of Spanish. Many did make investment in manufactured equipment to increase efficiency and productivity, while using the natural resources that surrounded them. One example is that of Ciriaco de Herrera (pronounced “see-REAH-coh DEH eh-REH-rah”) who made three year final proof in 1916 for a tract at Cañada Bonita, over seven and a half direct miles south-southwest of

Coyote, at 8,750 foot elevation in a grassy glen surrounded by a pine forest (Figure 55, Left). Assistant Ranger John V. Nevitt noted that the family resided on the claim for eight months of the year before 3 to 5 feet of winter snow and the school term drove them out to live in Coyote. Ciriaco had a plow, rollers and harrows to raise and harvest 3 acres of wheat, 4 acres of oats, 2 acres of potatoes, a half acre of peas, a half acre of barley. He also cut about 3 acres of wild hay to feed his team of 2 horse although the horse drawn mowing tool to accomplish this is not noted and one might guess he used a scythe (*cuchillo* or *guadaña*) or sickle (*hos*). He, his wife, and a child lived in a two room log cabin with a dirt roof. It was plastered in and out with mud and was whitewashed inside and had “a nice fireplace built in bed room” (Herrera, Ciriaco HE 013601 & 016130).

Pine logs and soil for adobe plaster are locally available as was whitewash. The latter substance was traditionally obtained by digging light greenish-white clay, gypsum soil, or alabaster crystals available within a few miles from that claim. Alabaster could be toasted in an oven and the resulting crumbly powder mixed in water and applied to the walls with a hand sized section of sheep skin.

Two and half miles to the northeast of Ciriaco was his brother Estanislado Herrera within Cañon del Coyote. In 1910 the then Forest Guard R. W. Nourse reported that “Applicant has one wagon and harness, plows, grindstone, axes, hoes and spades. Like houses of most Mexican families in this section, it is very scantily furnished” (Herrera, Estanislao HE 0492). Nourse saw three cabins each measuring 18' x 15' with 8 foot ceilings “chinked on outside with mud and plastered and whitewashed on inside. They all have but one room, with fireplace in one side - sod roof” and within thirty yards of the Rito del Coyote. “They need repairing badly and his intentions are to build a new cabin next summer” (ibid).

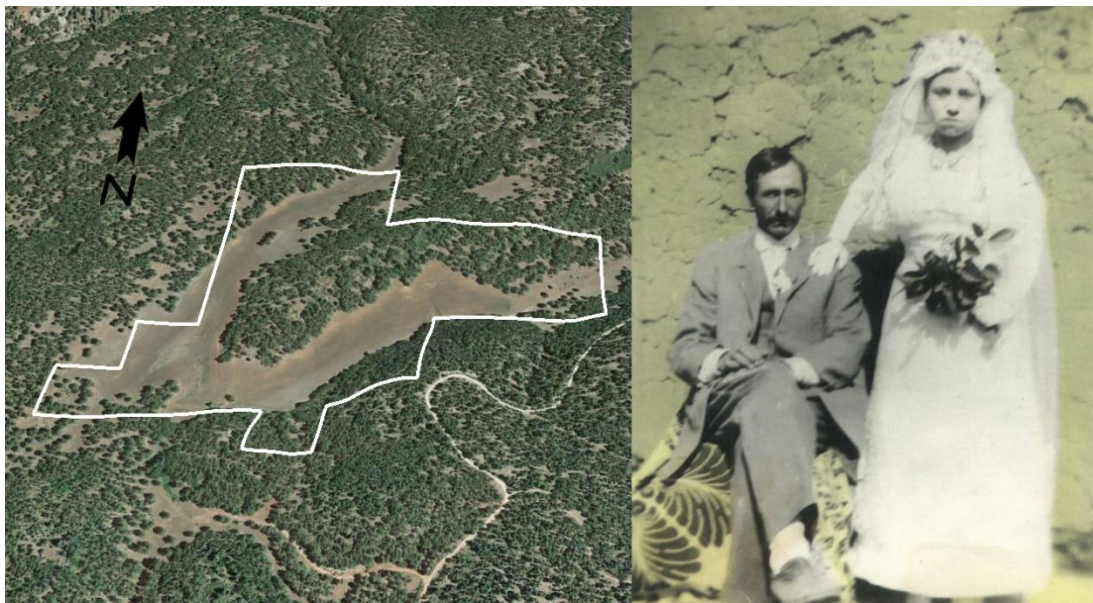


Figure 55: (Left) Prior to the death of his first wife, Ciriaco de Herrera completed three year final proof in 1916 for his homestead at Cañada Bonita (Google Earth Imagry date 6/26/2014). (Right) Ciriaco de Herrera married his second wife Isa Serrano on 26th of November 1917 at El Rito, NM (Roberto H. Valdez photo).

Four concepts from the scientific literature might assist to understand what might lead one on first impression to define what was just described as poverty. Gary Paul Nabhan (1997) asserts that human populations remaining in the same place for a great duration of time interacting with their terrain and its wildlife develop a “culture of habitat.” A given people's dependency on their local ecosystem for their sustenance creates a collective cultural experience refined and passed on through the wisdom of elders and exchange with neighbors that augment the development of a population's cultural coexistence with their local ecosystem without one overwhelming the other (3-4). In the local region of the historic Rio Arriba, this might be Hispanics, Tewa Indians, or Jicarilla Apache Indians exchanging ideas. Its application to this study area suggests that sustainable living required: ability to farm in a dry climate, cut wood, divert water, graze, or hunt, all with a relatively lower ambition than their Anglo-American neighbors, in order to not extract or expect too much from the land. Together with this, the possibility of drought years mandated a sense of thrift to prepare for those times. There was also the factor of social capital, represented as the extended family network or gens and community network ties, that augmented the ability of settlers to thrive with less technology or outside supply.

Hispanos migrated into the region with practices similar to those of the Tewa such as clustering into towns and farming in arid conditions using *acequias* (irrigation ditches). The geographer Terry G. Jordan (1989) called cultural values brought by migrants suitable for reapplication to a new geographic area a “pre-adaptation.” In this case, the practice of how to divert water and have social organization to maintain such a system were already practiced in Spain and tapered well with what the Pueblo Indians were already doing. Jordan also describes the concept of a “frontier sociocultural system” (490). Just like Nabhan's culture of habitat approach with regard to exchanges with neighbors, this concept as applied to New Mexico appears as the development of knowledge and practice that were diffused between the American Indian populations and the Spanish settlers who both developed a dependence on local subsistence farming and shared the pastoralist practices introduced by the Spanish and hunting practices favored by various Indian tribes.

Further still, one might understand how a community of people develops a home in a geographic area through the approach of *ecosis* as presented by the Mexican anthropologist, Miguel León-Portilla (1990), who asserts that a given culture's roots of identity are transformed by the local geography (8-12). León-Portilla presents that the principal roots of identity for a people are its “language, sets of traditions, beliefs, symbols, and meanings; system of values; possession of a certain ancestral land; a world view; and... meaning and moral orientation of a culture” together with the historical memory of the culture's origin, certain experiences, and a common destiny (8). The premise is that any population that is in an area for a long time and draws its sustenance locally will gain much knowledge about their geographic proximity. People that satisfied most of their consumptive needs with local or localized resources develop the *ecosis* and become an indigenous type of culture. These concepts of culture of habitat, pre-adaptation, the frontier sociocultural system, and *ecosis* may assist one to view what is seen in many of the homestead reports as “sustainable living” as expressed through the constraints of the homestead laws, instead of simply poverty. We see in the early 20th century homesteader in

north-central New Mexico a lack of cash employment, along with homestead laws that favored individualism in remote tracts instead of village life. Homesteaders in these conditions re-enforced their skills of “living off the land” without much outside investment, industry, cash or access to too many manufactured goods.

Aspects of the life of Hispanic homesteaders included their custom to build houses of adobe, rock, horizontal log cabins or *jacales*. The *jacal* was termed in the documents as “mud and pole houses.” With the exception of the word *jacal*, the vast majority of write-ups about local architecture employ Anglo-American interpretive names of architectural styles. When a home was plastered with *adobe*, a mud and fiber mixture, it was simply termed as “mud plaster.” A home roofed with *vigas* topped by *latillas* (poles), or *rajas* (split wood), in turn topped by soil was said to have a “pole and dirt roof.” A plastered log cabin, known in the New Mexico dialect of Spanish as a *fuerte* or *juerte*, was termed a “mud and log house” or “cabin with mud plaster.” In a few cases the Ranger noted a “bake oven.” This was the *horno* or beehive mud oven of Middle-Eastern origin introduced by the Spanish. Anglo-Americans also employed the log cabin but there were a higher number of wood frame houses relative to their Hispanic neighbors. There were hybrids, such as the home of Juan F. Aragón in which it was noted he had a “pole and adobe house 14x32 ft., the long sides extending NE. and SW., with 10x14 frame addition on SW.,” (Form 85 Field Notes of Homestead Entry Survey No. 489. Aragón, Juan F. 1050).

The difference in language meant Forest Service officials often needed translation services when dealing with the correspondence of Spanish speaking homesteaders. Aragón's settlement claim #1050, situated about ten and a half miles north of Gallina at the mouth of Cañoncito de las Lleguas, caused a folder to be created holding at least four of his correspondences written in Spanish. For “Forest Ranger” he uses *Guardabosques* in a letter dated June 4, 1917, asking if he might proceed to do improvements on his ranch. He was admonished by the *Guardabosques* not to proceed while noticing his neighbors beginning to work on their *ranchos*. Translations into English were made of his letters, and in a response on June 13, 1917, he was told that his choice of land was not open to homestead entry because it was still awaiting classification as to whether it would be considered agricultural or better for U.S. Forests Service use. In the meantime, he was told to seek a permit from the Forest Supervisor at Santa Fe, NM through the convenience of the local Forest Ranger and was assured “Copies of the correspondence are being furnished the Supervisor and Ranger so they will be ready to talk with you” (Aragón, Juan F. 1050). Aragón would work steadily towards patent in 1930 for his 160.37 acres (Aragón, Juan F. 046924; #1034533 usglorecords.gov).

HISPANICS ACCUSTOMED TO CLOSE COMMUNITY LIFE HALFWAY TRANSFORMED INTO RUGGED INDIVIDUALISM

The *Hispano* people of New Mexico, more accustomed to living in or near villages, were pressed by Homestead Laws authored by Anglo-American values of individualism to conform to a more scattered living on the landscape. The contents of the Santa Fe National Forest Land Claims Archive demonstrate that the individualized social organization imposed by the Homestead law put selective pressures on the area's Hispanic communities. *Hispanos* had to

adapt to in order to avail themselves of the opportunity of pioneering new land or recapturing portions of land because of the loss of the land grants. In this way the homestead law was pushing *Hispano* communities to assimilate into the ways of American rugged individualism. They had to straddle two paradigms of thinking, communalism and individualism, villager and homesteader, holistic and atomistic, gens and nuclear family. Historically, being Hispanic meant adhering to a community engaged in traditional procurement of local natural resources to sustain many needs because the transportation and trade in manufactured goods was comparatively not easy due to New Mexico's distance from seaports and large markets. The Homestead Act of June 11, 1906, and its preceding Homestead laws since 1862, mandated that applicants settle as individuals or nuclear family units. In many instances the homestead claims forced a lifestyle remote from others, and *Hispanos*, having a relatively greater lack of cash, lived with a limited reliance on manufactured goods compared to their Anglo-American counterparts. For possible access to manufactured goods Forest Rangers were required to note how far the nearest railroad station was from the homestead.

In earlier times the New Mexico Hispanic sustained a living upon the land through the scheme of land grants that were settled by forming alliances with relatives and friends. This arrangement pooled skill and manpower while reducing risk, similar to the concept of a corporation. This organization was mostly embodied in the community land grant but also manifested itself in the individual or private grant because of the grantee's family as heirs, married and multiplied upon the land and collaborated in similar fashion as that of a community grant. In the land grant era of Spain and then Mexico collaborators sought to enter a given area of holistic value as petitioners who applied to the local governing authorities (the governor through the *alcalde* or local magistrate) for formal validation of title as subjects of that authority, a sovereign. Most of time, the governing authorities would permit, with conditions, the entry into a land area for settlement with a military view concerned about the security of the area as well as whether there were conflicts with other settled people. The selection would be granted with formality, thus assigning title to the group. Individual allotments of agricultural land would be assigned with title in fee simple initiating incentive for individuals to farm and profit according to their ambition and motivation, sell out and move on, or convey an inheritance to their progeny. An area of holistic value usually, but not always, embraced a distinct watershed or section of watershed and had opportunities for irrigation from a creek or river by acequias (constructed and maintained through communal effort), living space for a village, and extra country owned as tenants in common by the villagers useful as pasture, woodland, minerals (e.g. soil for whitewashing interiors of homes) and places to harvest medicinal or nutritional herbs and wild fruits (e.g. chokecherries). A land grant might be understood as man-made organism, whose village is the heart and *cañadas* and their arroyos serving as conduits of travel with roads and trails, like blood vessels. Livestock is taken to the hills; people cut fuelwood and brought it to the village, and tended to outlying fields along water courses.

The opposite of holistic, the atomistic, was a paradigm of thinking somewhat represented in the way the Homestead Act of June 11, 1906 was carried out. In similar fashion to the former Spanish and Mexican land grants, the United States Government was interested in populating the land with its citizens and regulating where and under what conditions this was to be done. The

Act of June 11, 1906 offered people new lands for settlement, but unlike the former land grants, this was to be done as individuals or nuclear family units, bypassing the concept of community settlement. The Act of June 11 mandated acreages no larger than 160 acres. This differed from the local custom of having community access to larger common land, replaced later with a permitting system for timber and grazing by remote decision makers. The homestead tracts were based upon, or a sometimes tied to, a grid system with surveyed lines in right angles to form townships six miles square, and 36 sections forming mile by mile squares called the rectangular survey system (USBLM 1973: 1-18). This was called the Section-Township-Range system or the Public Land Survey System (PLSS). The PLSS allowed bureaucracy to remotely control the allocation or disposal of land, and was subject to the technology of surveying, surveying instruments, cartographic drafting of plats, and a process of extensive paperwork and record keeping. As a consequence, the PLSS bypassed the local custom of assigning land according to the physical features of the landscape understood using the senses with one's presence on the land, and writing descriptions using physical descriptions, place names, and sometimes naming prior settlements as adjoiners.

The former reliance on the government authorities as examiner, magistrate, and archivist to assign land in orderly fashion now fell to the U.S. Government, represented on the ground by the Forest Ranger. Agents of the U.S. Forest Service investigated whether an entryman had selected land that was chiefly valuable for agriculture or whether the USFS deemed the selected claim was needed for Forest purposes (the harvest and sale of timber or protection of the watershed), a Ranger Station (administrative purposes), or to dam rivers for hydroelectricity (power development). A Ranger who examined a location desired by an applicant and deemed it worthy for homesteading, would convey a recommendation to have the land listed by the Land Office, an agency separate from the U.S. Forest Service (R.G. Wilson, Acting Chief of Operation to Mr. Frederick E. Corbett of Las Vegas, NM. Corbett, Frederick E. 52, 718). The applicant became an entryman by virtue of entering the land and making improvements. This step required the building of structures that demonstrated residency such as shelter (a cabin), furnishings and wares in the cabin (bed, dishes), pens for animals (corral, chicken coop), and agricultural activity yielding crops (plowing, quantities of hay, oats, potatoes, etc). The activity of entry was similar to what Hispano land grant communities did although it usually involved initiating irrigation ditches along a watercourse, opening land to cultivation, building a village site, and dedicating a chapel as a communal effort.

The Hispano people caught in the paradigm shift coped with the forces and opportunity of U.S. law, a different set of societal norms, and new technology in various ways. Two of the most common ways were to select a claim close to the established community they came from, or for extended family networks to occupy a clustering of homesteads near each other. In many cases this could be done not just with the Act of June 11, 1906, but the Act of March 3, 1891 known as the Small Holding Claim Act. An example may be seen about three and a half miles southeast of San Antonio del Quemado (PO Córdoba), at La Joya de Arriba, a clearing that was divided into fourteen Small Holding tracts ranging roughly from three to twelve acres. According to a report in the Santa Fe National Forest Land Claims Archive dated March 30, 1921, the Forest Service official reported that “[e]lderly Mexicans tell Me that the Land [in question] was

first used about the Year of 1881” and one of the settlers named Fernando López settled his tract at about that time. We get a hint of the kind of community collaborations occurring as the official added “I found all the land cultivated, fenced with four wire fence, a community fence enclosing the land of several people, a custom of this Section” (Atanacio Fernández SHC 035447).

In the example of F. A. Chacón, we see that Forest officials were aware of the tendency of Hispanics of the time to adhere to community. Chacón asked for land 5.75 miles west-northwest of El Coyote, NM in Section 27, Township 23 North, Range 2 East in 1914. Before withdrawing his application that same year, the Forest Ranger submitted a report on August 6, 1914 and described the desired land as a 50 acre tract measured by metes & bounds with a sheep driveway to its north. The Ranger made a recommendation to have the desired land conform to a description by legal subdivision (an aliquot parts description) that would increase the tract to 79.09 ac. The non-Hispanic Ranger also noted that a neighboring homestead claim adjoined the proposed claim, and he recommended that the land be listed as available “[o]wing to the native settlers' dislike of being alone, two ranchers are likely to be more successful than one. This is truly an argument in favor of listing” (Chacón, F. A. #583).

The Gallina and Capulín area was already intensely settled when examined by officials of the Forest Service. Manuel Gonzales applied for a Forest Homestead on the margins of prior homesteads at the village of Capulín that included the base of an impressive cliff of the Mesa Capulín. The National Forest Examiner Frank E. Andrews submitted a report on November 23, 1915 concerning the suitability of the land indicated in the Gonzales application for agricultural purpose. He noted that “arable areas left are merely the fringes left after the more valuable tracts had been selected” but otherwise the “Social and community influences as measured by the native standard are favorable but this settlement is 75 miles from Española, the railroad market point of the region, and development is consequentially slow.”

In a third example, a National Forest Examiner reviewed the application of Todocio Arellano who sought a claim near La Jara, NM, in an area designated as “intensive Classification” because “[i]t lies adjacent to the La Jara Valley which supports a large native population.... Opportunities for the community and social life common to the rural native standards are exceptionally good” (Report Submitted by Frank E. Andrews, National Forest Examiner. November 20, 1915. Arellano, Todocio #1037; Crabajal, Fredrico 651).

Closer to Regina, NM, an applicant selected land in the watershed of the Rito San Jose. The National Forest Examiner Frank E. Andrews indicated that “[t]his tract is located about ½ mile south of the San Jose settlements. The Regina Post Office and small store is about 2 miles west. Good opportunities for social and community life exist in this settlement and the Americans maintain a school at Regina” (Claim Report submitted by Frank E. Andrews dated Nov. 18, 1915. Córdova, Daniel 652).

About 2.5 miles southeast of the village of Quemado (also known as PO Córdova) upon a small upland prairie, Assistant Forest Ranger Charles V. Shearer noted “[t]he owners of the adjoining small holding claims do not live continuously on their land, on account of lack of

water in the dry seasons of the summer and desire for community life in winter” (Report on Forest Homestead Application submitted Nov. 10, 1914. Fernández, Candelario 943-277).

Sometimes there were schemes to acquire land by proxy or at the insistence of another claimant. A wealthy rancher might have his employees apply for a homestead. Acting as “straw men,” they would be bound to convey their homestead, once patented, to their boss after the 3 year process in which the boss supported the employees. A similar scheme might occur with families, such as when a father initiating a claim might urge that his sons and daughters file claims nearby, thus dominating an area. This was not always discouraged because a successful homestead was more likely with family collaboration.

An example of a successful pathway to patent with family nearby is seen in the claim folder of Josefita Armijo. As a single woman, she had a one room log house mudded smooth with a dirt roof in high country above Pecos, NM. The claimant's father, Alcario and brother Juan Armijo, cut some timber on the claim and had 2½ acres planted. Her father lived a short distance below near Alamitos Creek. The Ranger examined the claim on February 23, 1912, and declared that it was not being held at the insistence of another claimant. In consulting his Claims Record Book he recalled that he had visited the claim four times in 3 years and found her living there 3 of the 4 times. On other random occasions (such as while inspecting a nearby timber sale), he heard of Miss Armijo being on her claim or at her father's house. He judged there to be good faith in occupancy. He further added that “Miss Armijo belongs to a most respectable family, who are always eager to abide by Forest Service Regulation and do all in their power to help Forest Officers. As Forest Service interest will in no way be interfered with, I respectfully recommend that patent be allowed to issue” (Report of D.L. Williams, Forest Ranger dated Feb. 27, 1912. Armijo, Josefita 10540-08151). The patent was issued in 1912 for 160 acres (Patent #273147. gloreCORDS.blm.gov).

CONCLUSIONS CONCERNING THE FOREST HOMESTEAD ERA

Files from the Santa Fe National Forest Land Claims Archive were mapped for this study to explore their historical and human geographic value as well as how the 1906 Forest Homestead Act and the 1891 Small Holding Claims Act may have impacted the human or anthropogenic landscape of north-central New Mexico. As illustrated in Figure 56, distinct ethnic settlement patterns appear between Hispanic and non-Hispanic populations. Repercussion for today include how areas with non-Hispanic settlement enclaves have more recreational amenities and preservationist planning, while Hispanic enclaves remain more agro-pastoralist and are relatively less given to tourism or preservationist priorities. Examples of recreational areas coincident with non-Hispanic settlement enclaves in the Jemez Mountains include Los Alamos and the Pajarito Plateau, the summer home areas east of Cuba, and the region north of Jemez Springs, such as La Cueva and Fenton Reservoir. In the eastern Santa Fe National Forest, the areas include the Pecos River Valley from Pecos to Cowles, and areas west of Las Vegas such as El Porvenir and Rociada. These areas attract people from the highly mobile society with a lower percentage of them rooted in their respective areas. Some homesteaders that later pursued recreational options had to comply with agricultural and residency requirements in the beginning (Figure 58, Jones, W. Goodrich 949/283).

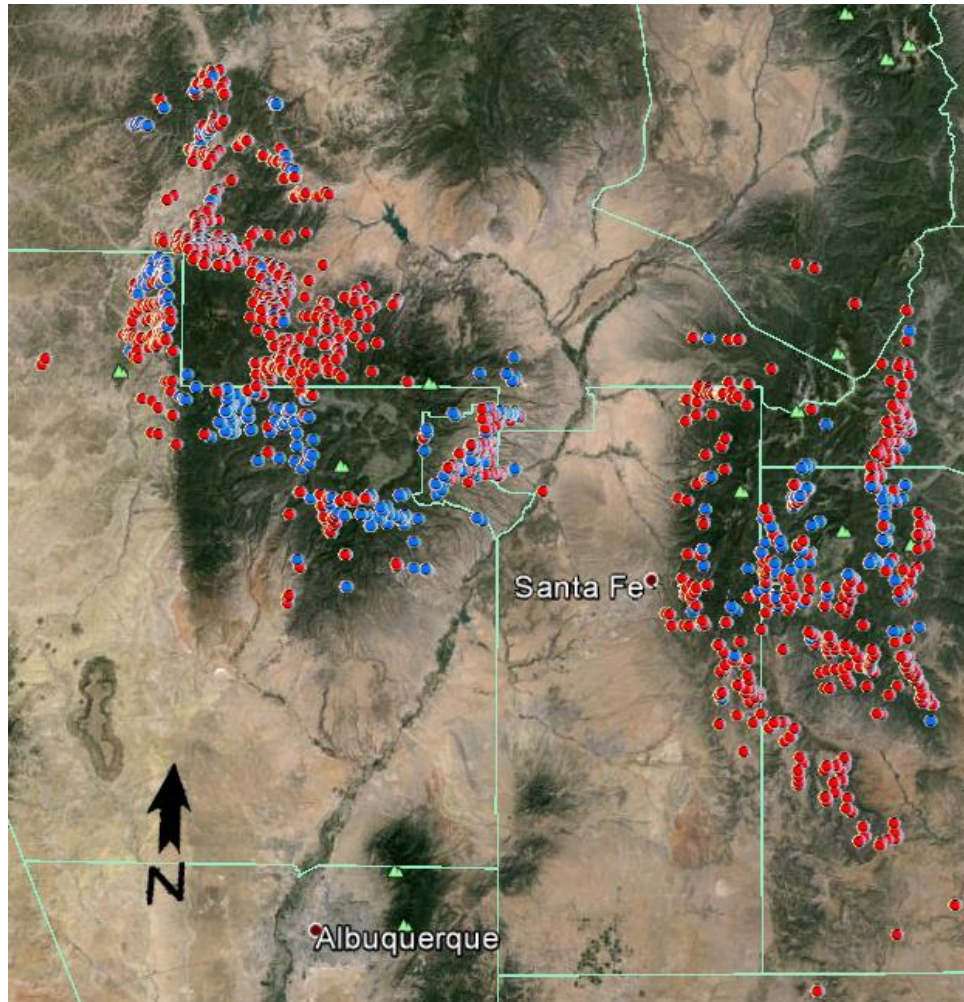


Figure 56: Homesteads and other private land claims from the Santa Fe National Forest Land Claims Archive were mapped and herein depicted as a Google Earth places data file for this study (Google Earth imagery taken 6/26/2014; overlays by Roberto H. Valdez). Red dots depict Hispanic homesteads. Blue dots depict non-Hispanic homesteads.

During the Santa Fe National Forest Homestead era of 1906 to 1937 the conservationism and wise use of resources paradigm was being promoted. The Chief Forester of the United States at the time, Henry S. Graves, was a staunch conservationist who believed in increasing the size and power of government and increasing taxes to support an anti-forest fire approach in land management. In a speech delivered at the Conservation Congress held in Saint Paul, Minnesota on September 5-9, 1910, he stated:

“All thinking people realize that the wonderful forest wealth of this country cannot be conserved through wise use until the government, the states and private owners are willing to spend the large sums that will be necessary to stop the annual and appalling loss from forest fires. This country is growing out of its irresponsible boyhood days, with its reckless waste and utter disregard for the future, and as it has grown older, and as elbow begins to rub elbow with the enormous increase in population, we are beginning to learn a truth long known in

older countries, that the state in order to do its duty to all its citizens must use its general police powers much more freely than in the past, and that the selfish interest of the individual must give way to the infinitely greater good of the whole people.” (Graves 1910).

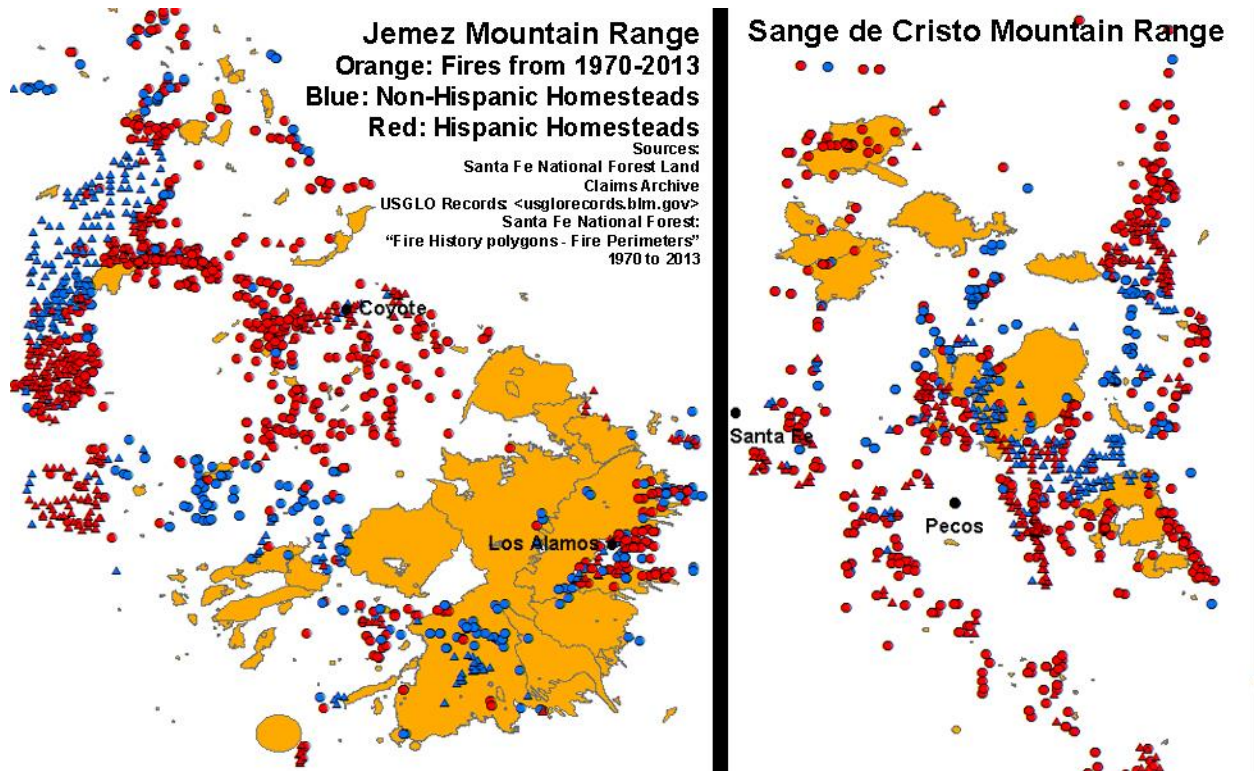


Figure 57: Super fires with homesteads, attempted homesteads, and other private claims superimposed upon burn areas. A mild relationship can be seen between ethnicity and land use that may have led to exceedingly large conflagrations. The largest are on the Pajarito Plateau where government regulation is most acute.

As we might see today with the trend of super fires, arguing for enormous sums of money to extinguish forest fires and highly restrict and regulate the use of the forests in 1910 arguably might have not produced the results Graves hoped for. This study asserts there is an inconclusive, though mild relationship in the Santa Fe National Forest, between areas where there was prevalent non-Hispanic homesteads in the early 20th century, and areas that burned with large conflagrations 100 years later. The relationship may not be direct, but might have something to do with the geographical establishment of Anglo-American cultural values leading to the staunch conservationist approach, heavy policing power of government, and abstract spatiality promoted by conservationists such as Henry S. Graves.

As depicted in Figure 57, the homesteads filings from the Santa Fe National Forest Land Claims Archive were mapped and to this were added 958 homestead patents missing from those Archives in the present day Santa Fe National Forest lands or former Forest Reserve lands. The missing patents obtained from the U.S. General Land Records are kept by the Bureau of Land Management. Whereas the Forest Land Claims Archive homesteads are represented as circles,

those from old records at BLM are represented as small triangles. All are colored blue for Non-Hispanic and red for Hispanic homesteads. A shapefile, converted to a Google Earth.kmz was made of the combined homestead data. To this, data was added about forest fires greater than ten acres in size from 1970 to 2013 in the Santa Fe National Forest, entitled "Fire History polygons - Fire Perimeters" or Fire_History_pl. Not included is the Diego Fire that burned about 3,425 acres by the 2nd of July, 2014.



Figure 58: The summer home called "Avanyu" by W. Goodrich Jones, at Cowles in 1914. The Forest Ranger saw what looked like an acre of land that had been cultivated at some time in the past. The USFS rejected the claim as not having agricultural value, but it was later privatized. Today, Cowles and its environs remain a popular summer home area (Jones, W. Goodrich 949/283).

The relationship between the superfires and abstract spatiality might be seen in the Pajarito Plateau that developed into a highly restrictive, regulated, and subdivided government space managed by the Forest Service, National Park Service, Valles Caldera National Preserve, U.S. Department of Energy (Los Alamos National Laboratory), San Ildefonso Pueblo Reservation, Santa Clara Pueblo Reservation, and so on. These all impose their distinct land use policies within rigid boundaries and all variably restrict the use of natural resources by locals. Whereas superfires have afflicted this area (Figure 57), smaller fires or absence of them seem coincident with areas of high historic Hispanic homesteading activity, such as the watershed of the Rio Chama. Their descendant populations have remained relatively stable, in situ, in what today may be considered backwater areas in economic, regulatory, and political terms. Their use of natural resources is usually on a smaller, non-industrial scale in support of agro-pastoralist or rural lifestyles. A further contributing factor may be the thinning activity for fuel wood and commercial timber in areas close to private in-holdings that is usually done for the sake of reducing fire risk to areas of human habitations. This need somewhat successfully circumvents the difficulties posed by environmentalist lawsuits to halt timber sales in the National Forests. Over recent decades, areas close to dense historic Hispanic homesteads within the Coyote Ranger District have been thinned, for example, and experience smaller wildfires. Might we conclude a relationship between concurrent agrarianism and smaller conflagrations?

The wishes of the U.S. Congress expressed through the 1906 Forest Homestead Act, the 1891 Small Holding Claims Act and their appended acts, as applied to the lands administered by the Santa Fe National Forest, accomplished several goals. These laws helped to create a countryside of independent yeoman farmers in the early 20th century; and they mostly succeeded in preventing large amounts of real estate and accompanying wealth derived from it from ending up in the hands of a privileged few. With the exception of relatively small regions such as Las Colonias near Pecos, the homestead and small holding claim laws helped quiet hundreds of real estate legal titles. Out of the 1,886 files in the Santa Fe National Forest Land Claims Archive, 560 successfully achieved patent reflecting the persistence it took to make a mountain homestead. Congress and the U.S. Forest Service unwittingly facilitated the evolution of a new phase of mountain Hispanic culture in the study area that prior to this had mostly emphasized village life. They empowered a growing Hispanic population to establish themselves upon more living and agricultural space with a minor outlook of rugged individualism. These laws also assisted the U.S. Government to assert its removal, claim, and possession to thousands of acres of real estate and wealth formerly held as a resource base of and by local communities as land grants. By examining the anecdotes of entrymen, places and events contained in the Archive, we can come to appreciate the nature of opportunity and odds of success manifested in the stories of Forest homesteads and the qualities that entrymen had to insure that success and avoid failure. We come to better understand the enormity of changes to northern New Mexican society and its environment as well as how U.S. homestead laws affected the ethnogeography and cultural landscape of the north-central New Mexican mountains.

AUTHOR BIOGRAPHY

Roberto H. Valdez is a native of New Mexico whose ancestors settled in 1598, and whose family is from Española, El Coyote, and their environs. Roberto has engaged in cultural, historical, and geographic research to a diversity of clients in addition to independent or collaborative initiatives such as land title research, illustration work in cartography, and consulting work in real estate. He is currently a history instructor at Northern New Mexico College in Española, New Mexico. At the time that the Center for Regional Studies study of the Rio Chama Basin was being conducted, he served as a Research Assistant while completing a Master of Science degree in geography at the University of New Mexico with an emphasis on human-environment interaction. He graduated in the spring of 2015. His prior undergraduate work was completed in 2007 with a degree of Bachelor of University Studies also at UNM with an emphasis on history, culture, and geography. He has diversified his research into antiquated methods of material life in New Mexico from blacksmithing to wool processing. Roberto has used these talents to make wardrobe and props for fictional films, educational videos and museums. Employed by the Rancho de las Golondrinas Living History Museum near Santa Fe, New Mexico, he has interpreted Hispano history to the tourist and local residents alike. His accomplishments in film and video media range from a National Geographic channel production of "America's Lost Mustangs" (2002), an independent prize winning documentary "La Provincia de Navajo" (2004), and a PBS documentary on the 300th anniversary of Albuquerque in "La Villa de Albuquerque" (2006), along with many other productions.

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This monograph is the product of influence by a multitude of people this author chanced to meet or have a relationship with for about thirty-one years as an adult. Many of these people lived the farm and ranch lifestyle in the rural areas, villages, small towns or Indian pueblos in the State of New Mexico, especially concerning homestead life of the high country and mountains. Included in this crowd were immediate and extended family by the surnames of Valdez, Herrera, Velásquez, García, Archuleta, and Martínez from the region of El Coyote, New Mexico. Others were former or current employees of the U.S. Forest Service that made this author familiar with the inner workings of the agency. One was Dennis Mouland, a licensed surveyor at the Santa Fe National Forest who lectured on cadastral surveying and the Public Land Survey System. There were also those who participated in the industrial side of forest resources, such as the late Elbert "Sunny" Maxey, a retired logger, sawmill operator, and industrial machine tinkerer near the town of Cuba.

Two perceptive individuals directly involved in the initial preservation and study of the Santa Fe National Forest Land Claims Archive were Chris Chávez, licensed land surveyor for the Santa Fe National Forest Service and Professor José Rivera at the University of New Mexico. Both realized the extraordinary value of the folders of obscure administrative paperwork that needed interpretation, indexing, and digitizing to become useful for additional research. Chávez was the rescuer of this Archive from destruction and showed it to this author in 2004, subsequently directing it to be digitized. Dr. Rivera discovered this author's initial GIS work and study on the Archive while undertaking an ethnographic study of the Río Chama watershed and

employed this author as a Research Assistant in the spring and summer of 2014 to bring the historical and cultural research of the Archive into the interpretive form depicted in this monograph.

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