In 1856 the general feeling by one faction of the New Mexico territorial people and courts was that the Pueblos were citizens and could vote—and also should be able to alienate their lands. This same group included many who were opposed to the large, important Spanish and Mexican land grants. Despite the fact that the United States Congress had guaranteed, through the Treaty of Guadalupe Hidalgo, that it would honor all legitimate grants, there was still a strong movement against them. This group held that the grants were unnecessary and even counterproductive to the aims of the United States government.

During this period, several plots to defraud pueblos of their grants were uncovered, including the famous Victor dé la Ó case at Acoma. The territorial authorities had been empowered by Congress to study the Spanish and Mexican grants in the territory to determine which were legitimate. Sometime during 1856, or perhaps earlier, a representative of the territorial government, or someone purporting to represent it, approached some of the pueblos and asked for their land grants, saying they needed to hand them over so that Congress could approve them. The grants of some of the pueblos disappeared completely during this time. The grants of others seem to have been destroyed. Of the documents later submitted to Congress, a large portion were later determined to be spurious—forgeries. The document submitted later, which was supposedly the Zunis’ Spanish land grant, was among these.

It may never be possible to determine what, in fact, happened to the Zunis’ valid land grant(s), but when Pino learned
many years later that his people’s land was not properly deeded, he remonstrated that after his delegation had been called to Santa Fe, he had left with the impression that the U.S. government had formally recognized Zuni boundaries, which included the land between the Zuni Mountains, the Allegros and Escondido Mountains, the Little Colorado, Twin Buttes (beyond the Petrified Forest and the boundary between Hopi and Zuni lands), Navajo Springs, and the Rio Puerco of the West. He claimed that the Mexican government had given a land grant to the pueblo which covered the traditional territory of the Zunis. This would have been consistent with Spanish and Mexican policy.

Pino consistently worked to help the Zunis maintain control of their territory throughout his career, and it is partly through his efforts that we can document the boundaries of Zuni land, how much of it was lost, and when it was lost. The land-grant problem was compounded by several factors. Many documents were lost by the U.S. territorial government in its early years. Many were taken by the retreating Mexican officials in 1846. The territorial government reported further losses throughout the nineteenth century. There were mysterious fires, including the one in 1892 which destroyed part of the New Mexico Archives. In 1869 and again in 1870, portions of the archives were sold as wastepaper.159

Plots to deprive Pueblo people of their grants surfaced at several of the towns. As already mentioned, Acoma’s grant was discovered in the hands of an Anglo. There were other indications of plotting. The grants of Santo Domingo and Santa Ana were lost before 1856. The Indians of Isleta and Nambé testified that they turned their grant papers and documents over to United States officials of the Territory of New Mexico, but by 1856 these documents had either been lost or destroyed. Indians of the Tesuque, San Ildefonso, and Pojoaque pueblos testified that they had lost their grants to Mexican officials. Testimony taken from Isleta Indians in 1856 “shows that their grant had been deposited in the Archives of the Territory, and that a man named Miguel Antonio Lobato had told the Indians that not long before he had the grant in his hands; that it was in the possession of a man at Polaverda or Socorro.”160 This grant was also lost and never recovered.
The importance of the Pueblo grants was well known in the territory among non-Indians. Christopher (Kit) Carson, in his annual report as Indian agent to the secretary of the interior for 1857, stated,

Allow me to urge the importance of a speedy action upon the several grants of land made to these Indians [pueblos] by the government of Spain. Those grants have received adjudication of the surveyor general of this Territory, and have been by him forwarded to Washington for confirmation by the government. Much annoyance is occasioned on account of the imperfect knowledge we have as to the limits and extent of these grants. And what is perhaps of more importance the confirmation of the grants would quiet the apprehensions of the Indians, who have on some occasions evinced a want of faith in the honest intentions of the government in regards to their lands.¹⁶¹

The agent to the Pueblo Indians, S.M. Yost, also commented on the status of their lands:

There are difficulties almost daily presented for adjustment to the agent for the Pueblos, arising from the fact that the limits of the pueblo grants are not defined, and in many instances the titles not confirmed. The Mexican population, who manifest an unvarying disposition to impose upon the rights of the Indians and trespass upon their lands are constantly invading their premises. It is difficult for the agent to determine when their complaints are just, owing to the want of properly defined boundaries, and the absence of formality in the titles. Evidence of the genuineness of the titles of these Indians to their pueblos, in instances where the original papers of the grants from the Spanish government had been lost, was taken by my predecessor, and sent to Washington by the surveyor general of the Territory, with a view of having the titles confirmed by Congress. That body, however, failed to act upon them, the consequence of which is continued infringements of the rights of the Indians, and the annoyance to the agent. It is all important to the interests of the Pueblo Indians and the protection of their rights that these grants be speedily confirmed, and the boundaries of their lands distinctly marked.¹⁶²

In the meantime, the governor was operating under the belief that the boundaries were secure. The surprising thing is that Pino
and the Zunis were able to save any land. By the 1860s the Territory of New Mexico had come under the influence of what was later called the “Santa Fe Ring.” If the Zunis’ land grant had had trouble before the ring, it had even less chance to survive as this group of schemers spread in the territory. Put very simply, the ring was a group composed mostly of lawyers who profited at the expense of citizens in, among other things, land speculation. They rewrote land grants to increase their own fortunes and lands, which were monstrous in size and value. Naturally these men were very interested in any of the existing grants in the territory. Whether or not the Santa Fe Ring influenced the Zunis’ land problems is difficult to say. It would take massive work to untangle the incredible web of deceit and corruption begun by the ring; its results still impact the daily life of the state.

It is clear that the disposition of the grants which had come to light and been confirmed by 1868 was to the Santa Fe Ring’s benefit. These grants limited the Pueblo Indians’ use of their land rather than guaranteeing their traditional holdings. The grants were sometimes written to guarantee land in addition to what was used traditionally, the minimum central core. The Spaniards and the Mexicans, who allied with the Pueblo Indians, allowed them to cultivate and plant as much land as they could. The Santa Fe Ring purchased some of the Spanish land grants (no involvement with Pueblo Indian grants has been proven), illegally enlarged them, and thus were able to withdraw many hundreds of thousands of acres of grazing land from use by both Mexican Americans and Indians in the territory.

Besides the description of Zuni land which Pedro Pino gave each time that he was questioned and which all indications show was correct, records report two other Spanish land grants. Frank Hamilton Cushing had interesting comments on a land grant for the Nutria Springs area. Cushing said that, following the Pueblo Revolt in 1680 and during the reconquest of 1692, when Don Diego de Vargas succeeded in reaching an agreement with the Zunis, a grant was issued for Nutria Springs.

The Zunis have a tradition, which has been recorded many times throughout the past century and tells the story of the Pueblo Revolt and the reconquest. According to the story, the Zunis did
not kill the resident priest at Halona but allowed him to stay with the tribe on top of their sacred mesa, Dowa Yalanne. When Vargas arrived, the priest helped to arrange a peace. Cushing reported that a cacique named Francisco Pallé helped to save the priest and that “a Regal grant was made by Carlos II, of Spain, to the said Francisco Pallé, of all the lands for a league from the center of Nutria Springs, in return for his services during the rebellion.”

Cushing observed that during the final Navajo/Zuni battle over the Nutria Springs area, the deed to Francisco Pallé was destroyed by fire. Of course, the Zunis continued to farm in the Nutria area throughout the conflict, but after the Navajos were sent to Fort Sumner, the Zunis realized that in the future there might be some conflict over the title to the area: “Fearful that the absence of the grant mentioned, would cause disputes to arise relative to the validity of their title, the Zunis made application to the commanding officer of old Fort Wingate in 1868, and that gentleman, confident of their deserts wrote for them the following certificate and notice of preemption.” At this point in Cushing’s manuscript, it appears that he thought he could obtain the document, but apparently he could not because he finished as follows: “This remarkable paper, which the Zunis have fondly held to as their testimony of right is still preserved by the aged great great grandchild of Francisco Pallé, Jose Pallé.”

Matilda Coxe Stevenson, who was at the pueblo in the 1880s and again near the turn of the century, reported that the Pallé family was the “richest in Zuni” and that one member worked drying peaches from the Zunis’ orchards. William E. Curtis, in a book written in 1883, also referred to the Nutria grant. He said that it was possibly one of the parchment documents which the Whipple party saw in 1853 (one was dated 1757). He also mentioned that Cushing was “aware of the existence of some such documents in the tribe today, but as yet has not been able to secure them.” There is still discussion at the pueblo of Zuni concerning the Nutria Springs grant, but to date no copy has come to light.

However, recent research has provided additional evidence of such a grant from Spain. A letterpress book containing copies of the correspondence of William J. Oliver, superintendent at Zuni in 1909, contains a copy of a document dated 1868. Cushing
reported that in 1868 the Pallé family went to the commander of Fort Wingate, fearful that their claim to the Nutria Springs area would not be recognized. He said that the commanding officer provided them with a certificate, documenting their claims. Although the original 1868 document has apparently not survived, the copy that Superintendent Oliver made in 1909 has. It reads as follows:

KNOW ALL MEN BY THESE PRESENTS.

That Jose Balla, John Balla, Antonio Balla, Juan Perea Balla, Jose Gonzales Balla Naturales of the Pueblo of Zuni, have with the consent of the officers of the pueblo of Zuni, they understand, taken possession of the ranch of the Nutries: this 10th day of January 1868, one thousand eight hundred and sixty eight and has admitted one Hundred more persons of the Pueblo of Zuni: under the same right and possession as the above mentioned persons: which names are appended in Roll hereto and which Ranch has belonged to the Balla family for over one hundred years—given by the King of Spain to Jose Francisco Balla: Great Grandfather of the first mentioned undersigned and which Ranch has the following lines from the Nutri Spring 2 Two Miles East, West, North, and South, which ranch lays within the Zuni Pasture Grant, but conceded to the Balla family apart from the Tribe of Zuni on account of services rendered to the Spanish Kings during the Indian revulsion against the Spaniards and being inheritance of the first mentioned Jose Balla undersigned voluntarily agrees and takes in the persons mentioned in Roll hereto in order to guarantee said persons a good right and possession as himself and his family for all time and duration.

In witness whereof the undersigned Officers and Balla family sign their name this 10th day of January One Thousand Eight Hundred and Sixty Eight—1868.

Approved:
Manuel X McCavan
Caciqui of Pueblo

______________________

Approved:
Jose Lionicio X Luiseis[?]
First Capitan di Guerr
Approved Jose X Mackett
Captain of War

Jose X Balla
John X Balla
Antonio X Balla
Juan Berea X Balla

Approved:
Juan X Septimo
Governor of Lajunia.

Heirs by inheritance and of Law in possession and under
cultivation

In 1946 a Zuni man by the name of Halate Quanamito visited
the United Pueblos Agency in Albuquerque twice, asking about a
copy of a paper Agent Oliver had made in 1909 regarding the land
around Nutria Springs. The agency reported it could find no copy
of the document. Clearly this copy of the 1868 document was what
Quanamito was searching for.167

The Zuni land grant which has attracted the most attention is
one of the so-called Cruzate grants. This spurious grant is dated
1689 and purports to give the Zunis four square leagues (a league
is about three miles). The document tells of the attempts to recon-
quer New Mexico following the Pueblo Revolt of 1680. The narra-
tive of the “grant” declares that in 1689 “Captain General Don
Domingo Jironza y Petriz de Cruzate” captured and interviewed a
Zia Indian by the name of Bartolomé de Ojeda. Cruzate was then
in the process of reconquering the pueblos of New Mexico, and
Ojeda had much information concerning the disposition of the
people and lands of Zuni. Following the testimony of Ojeda, the
document says Cruzate issued a grant to the Pueblo of Zuni. Ten
other New Mexico pueblos were named in similar Cruzate land
grants: Jémez, Acoma, San Juan, Picuris, San Felipe, Pecos, Cochiti,
Santo Domingo, Zia, and Laguna.168

We know today that the Cruzate grants are forgeries for sever-
al reasons. One, the countersignature on the grants is Don Pedro
Ladron de Guitara, when it should be Pedro Ortiz Niño de
Guevara. Two, both the signatures of Guitara and Cruzate have
been judged counterfeit. Three, the grant to Laguna is dated ten years before the pueblo was founded. And lastly, some material in the wording of the Cruzate grants, especially the ones for Santo Domingo and Laguna, seems to have been lifted from the book *Ojeada Sobre Nuevo Mejico*, written by Antonio Barreyro (Barreiro) in 1832.\(^\text{169}\)

Most of the Cruzate grants surfaced in the 1850s in New Mexico when the surveyor general began work to confirm or reject the land grants. Although Pino visited Santa Fe, discussed land with the officials many times, and steadfastly reported that the American officials were aware of the exact Zuni boundaries (as recognized by Spain and Mexico), there is no record of any Zuni grant being filed in the surveyor general’s office until twenty years later. Pino assumed throughout the 1850s, ’60s, and ’70s that the government knew about the pueblo’s boundaries. He had certainly told them enough times, and there are indications that documents were in existence to support his peoples’ claims, but no documentary record exists. The Zunis’ Cruzate grant, however, seemed to take on a life of its own.

In 1876 it was officially reported that the grant had been filed with the surveyor general’s office.\(^\text{170}\) Several copies of that grant document are still on file in Santa Fe. All are copies, and none are on parchment as an original would be.\(^\text{171}\) On September 25, 1879, the surveyor general’s office, under Henry M. Atkinson, approved the Cruzate grant as valid and gave instructions to make a survey of it.\(^\text{172}\) In 1880 depositions regarding the grant were taken from then ex-governor Pedro Pino and ethnologist Frank Hamilton Cushing. They were asked about the location of the Zuni Pueblo in 1689. Both replied correctly that the Zunis at that time had taken refuge on Dowa Yalanne, the mesa southeast of Halona:wa. Because of that testimony, many people in later years falsely inferred that the Zunis had only occupied their present village for two hundred years, when in actuality they had lived there for many centuries previous to the twelve-year period (1680–1692) during which they temporarily maintained a defensive position on the mesa top.\(^\text{173}\) Pedro Pino seems to have hedged on his age when he gave this deposition. He said he was fifteen years younger than other reports indicate.
The interest in the Cruzate grant ebbed until the mid-1890s. As the reservation included the area of the grant, the surveyor general’s office didn’t push for its patenting. In September 1896, however, the acting agent for the Zunis wrote to the commissioner of Indian affairs informing him that “all deeds, documents, etc., connected with the Zuni Pueblo grant were lost, and suggested that something might be done in Congress to secure confirmation of their title and give the Indians a patent.” Two months later he wrote again to say that the papers had been found at the surveyor general’s office.174

The secretary of the interior and the commissioner of Indian affairs investigated the Zuni land-grant situation in 1898 and decided that only a congressional act could solve it.175 In 1899 the secretary of the interior responded officially to the problem: “The title of the Zuni Pueblo Indians,” he reported, “to this tract of land [the four square leagues in the Cruzate grant], of which the tribe has been in possession for two hundred years, is still unconfirmed, and can be secured to them only by special act of Congress. A draft of the necessary legislation will be prepared for submission to Congress at its next session.”176

In 1900 a bill was introduced to the House of Representatives to confirm title to the area in the grant. The commissioner of Indian affairs added a new note to the controversy when he said, “It is respectfully urged that the title in and to their land be confirmed to these Indians at the coming session of Congress, as all the title papers held by these Indians for land occupied by them for over two hundred years, were a few years ago accidentally destroyed by fire.”177

The commissioner mentioned the fire again when he wrote a letter to the House Committee on Indian Affairs suggesting quick passage of the bill.178 The bill did not pass, however, and in 1901 the secretary of the interior again requested congressional action and mentioned that “all the title papers were accidentally destroyed by a fire a few years ago.”179 The commissioner of Indian affairs reiterated the request, including the story of the fire, and in 1902 another bill to confirm title to the land was introduced and sent to the committee but never acted upon.180 What fire this was, or even if there ever was a fire, we may never know.
The references could be to the 1892 fire at Santa Fe which burned part of the New Mexico Archives.\textsuperscript{181} Or perhaps this is simply a case of error magnification through the bureaucratic process. Fortunately the land in question was already a part of the Zuni Reservation (formed in 1877) because the government was moving at a pace normally reserved for geologic change. There were, however, reasons which came to light later that explain the slow action on this grant.

Nothing more happened until 1927, when, in response to questions, the acting commissioner of Indian affairs gave a short history of the grant and mentioned that the Cruzate grants had been judged spurious some time before. Ironically, now that the grant was next to meaningless, Congress did act, apparently to be absolutely sure that the area inside the grant boundaries was clearly titled to the Zuni people. On March 3, 1931, Public Law No. 825 was passed, confirming the Zuni grant.\textsuperscript{182} It had taken the government thirty years to find the spurious copies of the grant and another fifty-five years to confirm it. It is fortunate that the future of the Zunis was not determined by their Cruzate grant.

Interest in the grant continued at the pueblo, and in 1954 Governor Leopoldo Eriacho visited the BLM offices and reviewed the file of papers. A note on an envelope reads, “He said he had brought the papers contained in this envelope. He requested that the papers be given to no one since it had taken him two years to secure them, with the aid of the First Indian Commissioner.—March 9, 1954.”\textsuperscript{183} As the envelope is empty, it is unclear which papers Governor Eriacho was referring to, but probably they were copies of the spurious grant which had been found in the pueblo and deposited with the archives. Who forged the Cruzate grants? We will probably never know, but we can be sure of one thing: It was not anyone at Zuni.

A problem which corresponded with the land-grant situation was citizenship. The Pueblos had enjoyed a special status under Spain and Mexico. In some ways, the tribes were citizens, and in others they were wards. Most importantly, their lands were protected. When the United States gained control over the territory, there was a conflict over whether the Pueblo Indians could or could not alienate their lands. The courts pondered the problem throughout
the nineteenth century, and in the Lucero decision of 1869 and the Joseph decision of 1876, the courts determined that Pueblo Indians were not wards of the government like other tribes and “were not considered Indian tribes within the meaning of existing statutes.”[^184] This made the Pueblos prime targets for speculators and capitalists. Every conceivable means was used to pry Pueblo land away from the Indians. It was not until the Sandoval decision in 1913 that the Supreme Court ruled that Pueblo Indians were indeed “Indians” and entitled to the same protection as other tribes.[^185] Against such odds, it is remarkable that the Zunis survived as well as they did (although today they possess less than a tenth of the land they once owned). Most of the Pueblo Indians ended up with only a tiny fraction of their Spanish and Mexican holdings.

A comparison can be drawn between the Pueblo Indians from 1846 to 1913 and the small western farmers and ranchers of today. Small farmers cannot prevent the giant utilities from putting their monstrous power poles through the middle of the farm, nor can the Montana rancher prevent companies from stripping the coal from his land—the huge corporations either have eminent domain or something nearly the same, not to mention the financial resources. The coal companies and power companies can get the land they want. Whether through bribery, manipulation, legal channels, or outright payments, the giant companies have the ability to get what they want today in the West (or almost anywhere else).

The Pueblo Indians were in a similar, if not worse, situation. Their allies were few. Their resources were few. To make matters worse, they had additional problems due to inaccurate translation and the fact that their records were often oral, not written. Thus, Pedro Pino had a positive effect on the relations at Zuni. He not only spoke Spanish articulately but Navajo as well. He also understood the importance of papers and kept every record he could—even though he could not read them!

During the sixty-seven-year period during which the Pueblo Indians were so vulnerable (1846–1913), calculated attempts were made to manipulate the public through misleading political dialogue. Then, as today, men who called for “equal rights” with the Pueblos were usually only after Indian land and really meant
that rights currently held by the Indians should be taken away from them. During Pino’s tenure as governor of Zuni, the trend was set for the pueblo. Despite the fact that the majority of Zuni land was lost to whites, the pueblo successfully retained the heartland of the area. The major springs of Nutria, Ojo Caliente, and Pescado were all saved. Undoubtedly, the fact that Zuni was one of the western pueblos was in its favor in the United States period.

But Pino’s untiring efforts during this period were also of the utmost importance to the destiny of the pueblo. He did understand statesmanship. He was honest in his dealings with the United States (there has never been a battle between the Zunis and the U.S., and, in fact, the last recorded battle between the Zunis and any Europeans was against Coronado in 1540). Pino beat his head against the bureaucratic wall. Tirelessly he fought for his people’s land. From Pino’s perspective, it must have looked as if the government gave land to the warring tribes and ignored its allies, those tribes like Zuni which had been its friends throughout; that the government consistently took the easiest way out of a difficult spot; that the enemies of the government, like the Navajos, continually came out of the political fight on top.

It becomes all the more important to recognize the moral authority with which Governor Pino spoke and acted. He acted in good faith. He did not know all the twists and nuances of the pueblo’s grant and his people’s citizenship. Nor did the general public (even today the public has little understanding of Indian affairs). It is this author’s belief that Pino’s efforts helped the tribe to gain what it did. There is no way of knowing what would have happened if he had not been there, or if someone else had been in his place. But his efforts helped to salvage what land the tribe retained and, almost as importantly, to document what was taken and how. Pino did not knowingly compromise his own or his people’s moral position or traditional method of dealing with foreign governments. At the same time, he was a sophisticated and honest statesman.