

PRIVATE LAND CLAIMS IN THE SOUTHWEST

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by

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XIII. LOS ALAMOS COUNTRY, NEW MEXICO

The Canada de Santa Clara Grant

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The Juan Tafoya Grant

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The Ramon Vigil Grant

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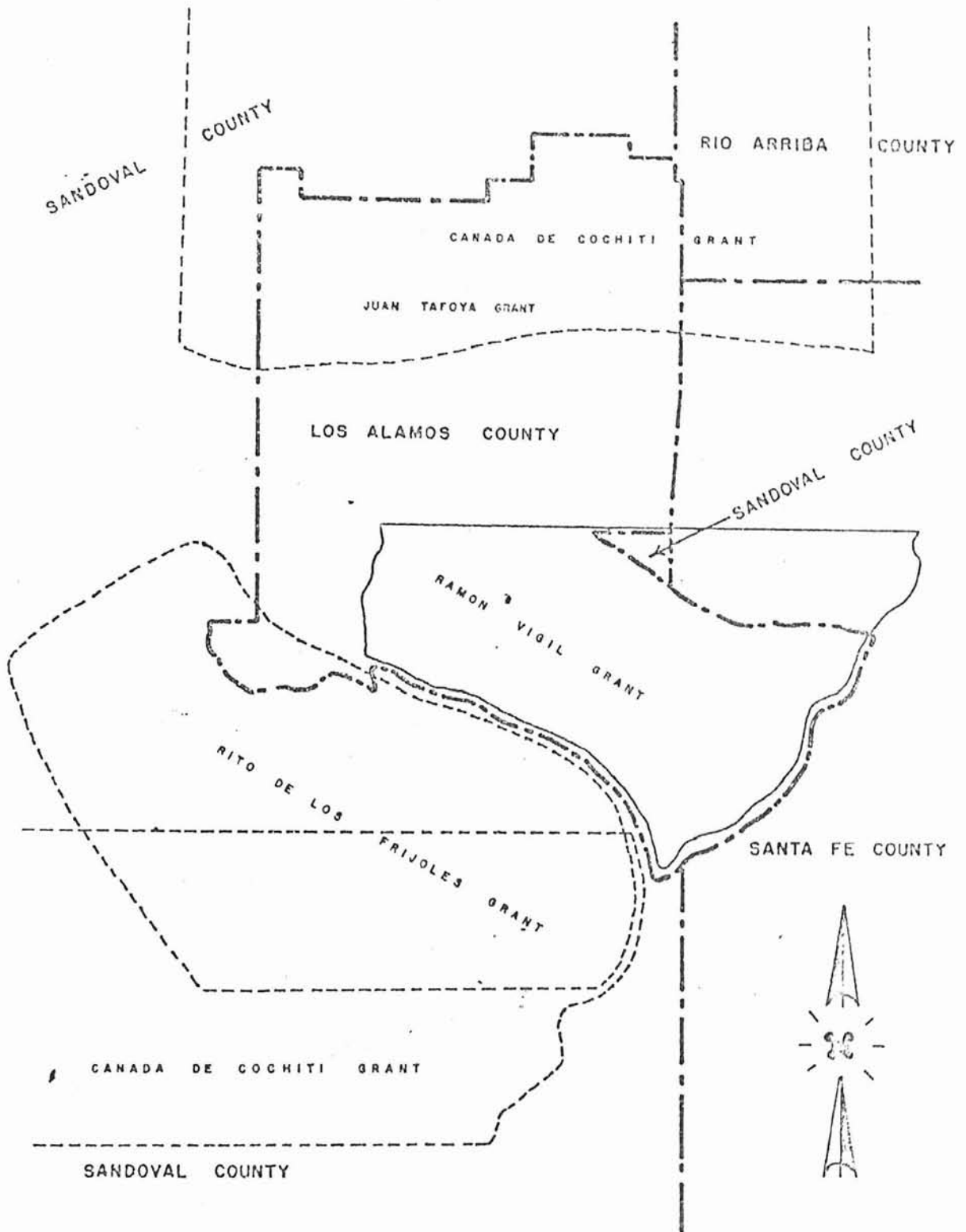
The Canada de Cochiti Grant

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The Rito de los Frijoles Grant

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\* See Rio Arriba County  
\*\* See Sandoval County



LOS ALAMOS COUNTY, NEW MEXICO  
 SHOWING  
 SPANISH AND MEXICAN LAND GRANTS

## THE RAMON VIGIL GRANT

Pedro Sanchez, a resident of Santa Cruz, appeared before Governor Gaspar Domingo Mendoza stating that he was supporting a wife, twelve children, three orphaned nephews, and three female servants, and, although he owned a small parcel of land it was not sufficient to maintain his large family and livestock. Therefore, he requested a grant covering a vacant tract of land west of the Rio Grande. He described the tract as being bounded:

On the north, by the lands of the Indians of the Pueblo of San Ildefonso; on the east, by the Rio Grande; on the south, by the lands of Captain Andres Montoya; and on the west, by the Rocky Mountains.

Mendoza granted Sanchez the requested land on March 20, 1742, for agricultural purposes and upon the condition that he "settle upon, cultivate, and improve it . . . within the period prescribed by the royal law." He also directed the Alcalde of Santa Cruz to give him possession, observing in his proceedings the forms used in similar cases. In obedience to the governor's order, Alcalde Juan Jose Lovato went to the grant eight days later. First, in order to be sure that the concession did not prejudice the rights of the San Ildefonso Indians he asked them to produce their title papers.

However, since they had none and to avoid future disputes, he extended their lands beyond those which they cultivated to:

...include that which they considered to be the best, in order that they might increase their crops, and, by common consent of the aforementioned, a holy cross was erected to serve as the southern boundary of said Indians and the northern boundary of said Captain Pedro Sanchez, and taking said Indians and those in my attendance as witnesses, I gave Captain Pedro Sanchez royal possession of said land, with the customary solemnities, within the boundaries set forth in his petition...<sup>1</sup>

By mesne conveyances, Ramon Vigil acquired the grant which had been continuously occupied subsequent to 1742.

After the passage of the Act of July 22, 1854,<sup>2</sup> Vigil made application to Surveyor General William Pelham for the confirmation of the grant under that act and, although he referred to the conveyances under which he claimed to have become owner of the grant, he failed to produce them. On July 15, 1859, Pelham reported<sup>3</sup> the claim for the action of Congress, holding the grant to be genuine, finding that Vigil and his predecessors had been in quiet and peaceable possession of the land from time immemorial, and approving the claim in favor of the legal representatives of Pedro Sanchez. By

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<sup>1</sup>H. R. Exec. Doc. No. 14, 36th Cong., 1st Sess., 251-253 (1860).

<sup>2</sup>An Act to establish the Office of Surveyor General of New Mexico, Kansas and Nebraska, to grant donations to actual settlers, and for other purposes, Chap. 103, Sec. 8, 10 Stat. 308 (1854).

<sup>3</sup>H. R. Exec. Doc. No. 14, 36th Cong., 1st Sess., 253-254 (1860).

Act of June 21, 1860,<sup>4</sup> the claim was confirmed "as recommended for confirmation" by Pelham.

Deputy Surveyors Sawyer & McElroy surveyed the grant in April, 1877, for 31,802.92 acres. Their survey depicted the grant as an inverted triangle. The north line formed its base. The Rio Grande formed the eastern boundary and ran from the northeast corner in a southwesterly direction to the lands of Andres Montoya. A line running in an approximate north-south direction along the foot of the Sierra Madre mountains formed the western boundary. Thomas A. Hayes, who in the meantime had acquired the grant from Vigil, protested the survey on the ground that the western boundary should have been run along the summit of the mountains instead of along the base of the eastern foothills of the Sierra Madre. He contended that it was the custom and understanding in New Mexico that when a mountain was called for as a boundary it meant the summit of the mountain unless otherwise specified. By decision<sup>5</sup> dated April 10, 1883, Commissioner N. C. McFarland overruled the protest and held:

The rule is well settled in regard to cases like this, that where hills, mountains and mountain ranges are named as boundaries, the foot or base is to be taken as the boundary indicated, unless the top, ridge, or summit is clearly indicated as such.

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<sup>4</sup>An Act to Confirm Certain Private Land Claims in the Territory of New Mexico, Chap. 167, 12 Stat., 71 (1860).

<sup>5</sup>Ramon Vigil Grant, 1 L.D.295 (1883).

The grant was patented on April 9, 1908.<sup>6</sup> The grant was resurveyed in April, 1915, and found to contain only 31,209.52 acres.<sup>7</sup>

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<sup>6</sup>The Ramon Vigil Grant, No. 38 (Mss., Records of the S.G.N.M.).

<sup>7</sup>Ibid.