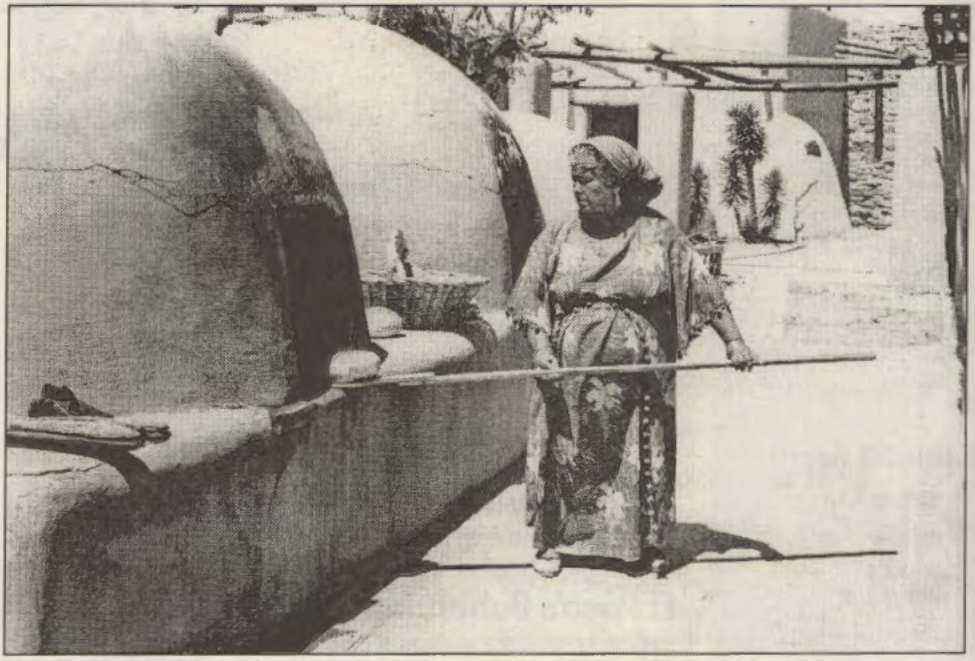


Baking bread at the Tigua Pueblo

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Entered as periodical mail at El Paso, Texas



The Texas Two Step: The Incorporation and Dispossession of the Tigua of Ysleta Del Sur, 1848-1889

By Scott Comar

The history of El Paso's lower valley community of Ysleta often reflects the story of its Franciscan Mission as part of the acclaimed Mission Trail. Yet within the narrative of European expansion and colonization is another story waiting to be told. This is the story of the region's indigenous peoples and the dispossession of their land. The Tigua arrived to Ysleta del Sur in the aftermath of the Pueblo Revolt of 1680. In 1692 Don Diego de Vargas Zapata Ponce de Leon, governor of Nueva Mexico, journeyed to Ysleta and granted to Fray Joachin de Hinojosa, Franciscan jurisdictional president, the "possession of the church missions at Senecu, Socorro, and Ysleta" (i.e. "actual church property"). Subsequently, de Vargas granted the "adjacent tillable land sufficient for the raising of wheat, corn, and vegetables, 'with preference over all other neighbors or natives.'" This gave the Tigua of Ysleta del Sur legal possession of the adjacent land under the Spanish crown. Don Diego de Vargas then did the same for the missions at Socorro and Senecu. This grant gave Tigua, Piro, and Suma Indians lands in Ysleta, Socorro, and Senecu. Hinojosa, unsatisfied with only immediate Church land, pushed de Vargas to grant these adjacent lands directly to the Church, intending to incorporate Native Americans into the "mission system." However, de Vargas refused, stating that they lived "in mutual enjoyment of their lands without legal complications."[1]

Known as the Hinojosa Grant, Vargas's act validly recognized Indians as the primary occupants of the Paso del Norte region.

The above information stems from a 1971 *El Paso Times* article entitled, "Ysleta Mission Land Grant May Be First One Recorded In N. America"[2] The *Times* further stated that

> the document is significant in indicating that the Indians of El Paso area had their own lands and were not subject to the Franciscan mission congregation. Although somewhat ancient history, the question of who had control affects present Indian legal rights and Tigua claims to the 36-square mile Ysleta grant and lands in El Paso, Hudspeth, Culberson, Jeff Davis, and Presidio Counties.[3]

More recently, a 2008 *Express News* article noted that a U.S. Report backs up the Tigua claim to the thirty-six-square mile, 1751 Ysleta Grant.[4] Yet historically, published literature has often marginalized Native Americans. For example, W.W. Newcomb Jr.'s 1961 volume of *The Indians of Texas: From Prehistoric to Modern Times* reduced the Tigua to "Pueblan fragments... thoroughly Mexicanized by the beginning of the twentieth century, and... presumably extinct in a cultural sense."[5] Considering that Newcomb's only source on the Tigua was a 1902 article written by J. Walter Fewkes, a more intensive evaluation of Fewkes's research is in order. Fewkes used language and religious assimilation to rationalize the cultural diminishment of the Tigua. However, Fewkes's writing also recognized various indigenous cultural attributes, such as dance and folklore, which actually validate the existence of the Tigua. Ironically, Fewkes's work also contradicts Newcomb's assessment, which was made a half-century later.[6]

This essay's objective is to evaluate the Tigua land dispossession and expose it as a two-part process. This process occurred as a result of the marginalization of the Tigua of Ysleta del Sur within the overlapping power dynamics of Spanish, Mexican, and American tenets of land tenure, which collided in the Texas-New Mexico-Mexico borderlands. Examining the overlap, this essay contends that the Tigua land dispossession involved a two part process that was facilitated by the State of Texas.[7]

The Tigua were initially inducted into the colonial paradigm after Juan de Oñate's 1598 arrival, when they were members of the Tiwa Pueblo of Isleta New Mexico. Agents of Spanish church and state began a policy of proselytization in which oppression and atrocities under the mission system eventually led to the

Pueblo Revolt of 1680. The Pueblo Indians forced the Spanish colonizers to retreat twice, causing two waves of migration, which occurred during 1680 and 1682. Within this transition, New Mexican Governor Don Antonio Otermín and Fray Francisco de Ayeta brought approximately 695 Tiwa and Piro Pueblo with them from Isleta to El Paso. The Piro settled in Socorro and Senecu, while the Tigua settled in Ysleta. Together in El Paso, the Tigua, Piro, and Manso tribes began a process of "tribal synthesis" through intermarriage and the amalgamation of "identities, lifeways, and cultural spaces."[8] Howard Campbell describes "tribal synthesis" as the combination of survival strategies used by Native Americans, which resulted from the European arrival into the Americas. He wrote that

> Indigenous identities, lifeways, and cultural spaces have been reshaped and reformulated, often as a result of power imposed upon them through colonialism and neocolonialism...The concept of 'tribal synthesis' emphasizes process, interdependency, agency, and changing cultural and political repertoires as native people sought survival amidst political economic domination and internal conflict.[9]

Campbell's evaluation reveals that the Tigua adapted to the region and developed positive relations with those around them. The 1692 Hinojosa Grant reflects this in that Hinojosa's attempt to incorporate them into the forced labor of the mission system met resistance by Governor Don Diego de Vargas, who viewed the Tigua as living in harmony with the land.[10] In this sense, the Tigua developed positive relationships with the Spanish, Suma, and Manso inhabitants of the region.

As the Tigua adapted to the colonial economy they became exempted from the rigors of the traditional mission system and set an exemplary model for sedentary agriculture. In 1751, King Ferdinand VI granted the Tigua (i.e. "inhabitants of the Pueblo de Ysleta") "a league of land." This Ysleta Grant was noted by J.J. Bowden as being "a 4-league tract... [because] grants were usually measured one league in each direction from the church entrance."[11] Under the auspices of the 1692 Hinojosa Grant and the 1751 Ysleta Grant, the Tigua, and the other indigenous inhabitants of El Paso's lower valley mission communities held the land in common, or practiced a system of communal land tenure.



The Ysleta Del Sur Pueblo, a painting

Aside from some encroachment of migrants from New Spain and Mexico, Apache and Comanche raids, and heavy flooding, which eventually caused a shift in the Rio Grande, no major changes occurred for the Tigua until the 1848 Treaty of Guadalupe Hidalgo. The Treaty of Guadalupe Hidalgo redefined the border and enveloped everything and everyone north and east of the river into United States territory.[12] The Treaty obscured the Tigua in that, although they were recognized as legitimate landholders due to the Ysleta Grant and the Mexican Plan of Iguala of 1821, which considered Indians as citizens, they did not retain the same political legitimacy under the American power structure. They weren't considered Mexican as defined in Article VIII, yet they did not quite fit the profile of the "savage tribes," as defined in Article XI. Consequently, they became trapped within a political space of non-existence as non-Indian, non-Mexican, and non-citizen. This became compounded by the event of Texas sovereignty not allowing a full implementation of federal Indian policy. Although the U.S. government was responsible for Indian policy, federal jurisdiction was limited because upon annexation into the Union, "Texas retained exclusive jurisdiction over its public domain."[13] Thus, during the 1850s, the Tigua became legally obscured between shifting borders and domains of state and federal control.

This geo-political power shift and spatial metamorphosis obscured the existence of the Tigua as Native American land

holders. The Organic Act of 1850 isolated the Tigua further by creating the current Texas border at the newly established territory of New Mexico. This "jurisdictionally" divided the Tigua from their northern Pueblo counterparts and made them ineligible for full federal protection.[14] Also, a shift in the river between 1832 and 1849 changed the international boundary and placed Ysleta, Socorro, and San Elizario fully on the American side. The sporadic nature of the river shift placed some Tigua land in Senecu, Mexico, and some Senecu land in Ysleta. This caused Texas to grant to Ysleta the land that had shifted east from the Mexican community of Senecu in 1854. This 1854 "Act to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land now held and owned by said inhabitants" was significant because it recognized the Ysleta Grant of 1751 as a legal premise, or precedent, for the facilitation of public land policy.[15] This also reveals the implications of the Treaty of Guadalupe Hidalgo as Tigua land in Ysleta was divided and redistributed by the United States federal and state governments.

As westward expansion and Euro-American civilization reached Ysleta, the first step in the Tigua land dispossession bureaucratically actualized itself. Nicholas P. Houser, an anthropologist dedicated to Tigua history, notes that during the 1850s, Texas "incorporated" myriad railroads that envisioned El Paso as part of a rail line to the West coast. Between 1850 and 1858, Texas superficially attempted to accommodate Spanish and Mexican land title recognitions per stipulations in the Treaty of 1848. Texas formed two commissions: the Bourland Miller Commission in 1850, and the Rio Grande Commission in 1854. However, the former totally overlooked El Paso County, while the latter totally overlooked the Ysleta Grant. The Rio Grande Commission attempted to have various El Paso county titles recognized by the State, but on August 23, 1856 Governor E.M. Pease vetoed the bill because it contained too many land claims. Interestingly, the veto occurred two days before the Texas legislature's incorporation of the Memphis, El Paso and Pacific Railroad Company; and, moreover, documentation of the Rio Grande Commission's recommendations subsequently vanished just before the approval of "An Act to provide for the Incorporation of Towns and Cities," (1858) which allowed for the first Ysleta incorporation in 1859. Also interesting is the approval of a reduced version of the Rio Grande Commission's land title recommendations for El Paso County, which still

excluded Ysleta, being passed soon after the loss of the Commission's initial findings.[16]

The 1859 incorporation of the town of Ysleta was a generic incorporation, justified upon conformity to the stipulations within the 1858 "Act to provide for the Incorporation of Towns and Cities." This incorporation was ambiguous and contradictory; some of its particulars reveal the ulterior motive of legitimizing access to Tigua land. First, there is no official documentation of this incorporation outside of the parameters listed in the 1858 Act. Second, Section 5 excluded the Tigua from voting. Third, Section 43 states that "the act of incorporation under the provisions of this act, shall not be so construed as in any manner to affect the titles to land heretofore granted by the Government to the inhabitants of any said town, but the lands so granted shall continue to be held... for the purposes for which they were originally granted."[17] And, fourth, the local elites behind the incorporation all knew about the railroad and its arrival. Henry Dexter, the first mayor under the nonspecific incorporation, wrote in 1877, "[o]ur Pacific Railroad is progressing finely and will doubtless reach El Paso in time." Could he by any chance have been writing about the Memphis, El Paso, and Pacific Railroad that was approved by the Texas Legislature just two days after the Rio Grande Commission's proposed Spanish and Mexican title recognitions were vetoed?

Considering Section 43 of the first incorporation, it was fraudulent because it violated the stipulations of the Treaty of 1848 by not recognizing the Ysleta Grant of 1751, which evidenced the Tigua as the rightful holders of the land. This in itself should invalidate any titles that became established under the auspices of the 1859 incorporation. However, newly arrived Euro-Americans anxiously sought to establish a "title chain," which would legitimately dispossess the Tigua of their land.[18] Regardless of these speculative ambitions, this step in the privatization of Tigua communal land in Ysleta was temporarily put on hold with the arrival of the American Civil War.

The second step in the Euro-American land dispossession of the Tigua occurred during the 1870s. As the socio-political disruptions caused by the War created a power vacuum in El Paso, it became filled with capitalist land speculators, carpetbaggers, and competing political factions. New Euro-Americans arrived in El Paso and conflicted with former Confederate landholders, Mexicans, and Indians. The ascendancy of W.W. Mills and A.J.

Fountain exemplified this trend. As these local political ringleaders supported economic development and westward expansion, they bureaucratically dispossessed the Tigua of their land. This shift moved into play the second phase of incorporation, which picked up and accelerated where the dispossession processes of the 1850's had left off.[19]

Setting the stage for the dispossession, the shifting geo-political borders of the 1848 Treaty of Guadalupe Hidalgo, and the 1854-58 Relinquishment Acts, were never resolved for the Piro Pueblo of Senecu, Mexico. Subsequently, they challenged the 1854 "Act to relinquish to the inhabitants of Ysleta" in Pueblo of Senecu v. United States (1870). The Pueblo of Senecu argued that the four leagues of land that had shifted to the east in 1832, due to a change in course of the river, was originally theirs and should be honored as such per the Treaty. This shift in the Rio Grande affected both Ysleta and Senecu because each was adjacent to the other on the border. Hence, as the river shifted course, it meandered disparately and both entities gained, as well as lost segments of land. Despite the shifting river, the Indians of Senecu had always occupied the land in question and were its rightful occupants upon the signing of the 1848 Treaty. This being the case, Texas had no right to grant the shifted lands to the "inhabitants of Ysleta" in 1854. Yet because the issue involved international boundaries, it was a matter for the U.S.-Mexico Joint Boundary Commission, which was created in 1868 to judge U.S.-Mexican land claims and border issues. The petition presented the Indians of Senecu as "civilized" Mexican citizens who legally possessed the land during the signing of the 1848 Treaty. The plaintiff claimed that the 1854 relinquishment "Act" had deprived them of their best land. The Commission ruled, "the claim of the people of Senecu does not raise an international question." Although the evidence was overwhelmingly in favor of the Pueblo of Senecu, the Commission ruled against them, sending them back to the

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Texas courts.[20] Consequently, while the 1854 "Act" recognized the Spanish land grants, it was also used as a tool to dispossess the land from the very people it was granted to. While the Piro Pueblo of Senecu wrestled with the legal bureaucracy, the state of affairs was changing rapidly for Ysleta.

On May 9th, 1871 the Texas Legislature passed "An Act to incorporate the town of Ysleta in El Paso County." The County was originally established in 1850 and the first County seat was in San Elizario. The main protagonist of this "Act" was Albert Jennings Fountain, State Senator representing El Paso in the Legislature. Within about a month's time, San Elizario, Socorro, and Ysleta were all incorporated into El Paso County. The Ysleta incorporation was not approved via local election; however, it fast tracked the bureaucratic process of Tigua land dispossession by providing the ways and means to legitimize actualization of non-Indian land ownership.[21]

The 1871 "Act" was an exclusive policy apparatus that supported the special interests of newly arrived capitalists and speculators. Nevertheless, it temporarily served the power elite's agenda in establishing a legitimate way to possess the land in Ysleta.[22] It violated the Texas Constitution of 1869, which limited land grants to 160 acres and made "actual settlement," not just the "desire" to settle, a condition for ownership.[23] It put supreme power of ownership within the biases of the "town council," a body of local elites with their own ulterior motives. Section 3 excluded the Tigua, as well as all Indians and women from voting in that "no person shall be a qualified voter in said corporation unless he be a registered voter in the State." Section 21 economically discriminated against already existing landholding Tiguas through the use of "taxes of every kind as they shall become due and owing."[24] Consequently, the 1871 "Act" gave local elites the ability to dispossess the Tigua of their land geographically, politically, and economically.

The 1871 "Act" described the land dimensions that conveniently fell within the parameters of the 1854 "Act to relinquish" and its 1858 amendment, which granted Ysleta the "two leagues" that had shifted from Senecu to Ysleta. In that the 1854 and 1858 legislation was designed to honor the rights of the original "inhabitants" of the Spanish Ysleta Grant, within the U.S. border, as defined by the 1848 Treaty of Guadalupe Hidalgo, the boundaries of the original Ysleta grant became embedded within the 1871 "Act

to incorporate."[25] Yet the 1871 Act was totally contradictory to the Ysleta Grant, as well as its protections, which should have been guaranteed under the Treaty of 1848. Moreover, two fundamental tenets of the Ysleta Grant were deliberately overlooked: (1) that "[n]on-Indians were forbidden to reside upon Pueblo Lands."; and (2) "Pueblo Indians held their lands in common, the land being granted to the Indians in the name of their Pueblo." Moreover, Mexico's Plan of Iguala "declared that all 'inhabitants of New Spain, without distinction, whether European, African, or Indian,' were citizens of Mexico."[26] This in itself presents that the state of Texas's approval of the 1871 Ysleta incorporation was a violation of the 1848 Treaty of Guadalupe Hidalgo.

Albert Jennings Fountain is viewed as the leading participant in the Tigua Indian land dispossession. Fountain returned to El Paso in 1865 and discovered Ben Dowell's saloon, where he befriended local elites, such as Luis Cardis and Republican ringleader W.W. Mills. His political ties at Dowell's enabled him to practice law and investigate old Confederate land titles so that they could be perfected and auctioned off.[27] The Overland Mail station, among other properties, was possessed, and Fountain moved there. His relationship with Mills flourished, and he wielded local power as both county surveyor and federal customs inspector. However, Fountain and Mills split on the issue of the Guadalupe salt beds, which were lo-



Miguel Pedraza and the Tigua "Piro" Drum

cated north of El Paso. During 1869, Fountain ended up defeating Mills in a race for the Texas Senate. In the Senate, Fountain participated in the Public Lands committee, which was responsible for railroad subsidies. Fountain also was chairman of the Indian Affairs and Frontier Protection committee.[28] Thus, Fountain was a grand conspirator in the Tigua land dispossession.

When Fountain investigated land titles, fraud was embedded within his methods. In 1869, as justice of the peace, he and Sheriff J.B. Miller used force and coercion to confiscate real estate in El Paso. One confiscated piece of land was auctioned to Fountain's wife for $135.00.[29] Fountain's involvement with the state allowed him inside knowledge on economic development. He surely knew that the Texas and Pacific Railroad was chartered and given lands by President Grant on March 3, 1871. He also knew that the Federal government did not have access to Texas lands, and that the railroad was coming to El Paso because of its geographical location on the 32nd parallel. Because Fountain was President of the Texas Senate when the incorporation of Ysleta was passed on May 9, 1871, it would be myopic not to evaluate Fountain's incorporation of Ysleta as being economically motivated by speculators and railroad interests.[30]

After the survey, communal land was subdivided and issued petitions, which were approved by the mayor of the township, and then sold.[31] Inhabited lands received deeds under the heading "old titles," seemingly transferring perfect title into the incorporated town. Considering the railroad's arrival, speculators and local elites surely needed the land prepackaged and ready to

The major act of dispossessing the Tigua of Ysleta del Sur of their land occurred between 1871 and 1874. Its methodology rested upon all the preceding occurrences. After the 1871 "Act to incorporate the town of Ysleta," the area within the Ysleta Grant was solidified and isolated for its bureaucratic possession. Joseph William Tays, a friend of Fountain's, surveyed the unregistered lands of the Ysleta commons around 1872. After the survey, communal land was subdivided and issued petitions, which were approved by the mayor of the township, and then sold.[31] Inhabited lands received deeds under the heading "old titles," seemingly transferring perfect title into the

incorporated town. Considering the railroad's arrival, speculators and local elites surely needed the land prepackaged and ready to sell. Between May of 1871 and May of 1874, the town of Ysleta made 304 land conveyances. However, the legitimacy of the incorporation of the town of Ysleta itself was increasingly becoming an issue due to its violation of the Texas Constitution of 1869, which "prohibited grants of over 160 acres without actual settlement or residence."[32] The Texas legislature subsequently sought to correct it.

On May 2nd, 1874, the Texas Senate passed "An Act to Repeal an Act to incorporate the Town of Ysleta, in El Paso County, approved May 9, 1871." The "Act to repeal" was a short (two section) piece of legislation that repealed the 1871 "Act to incorporate." Yet the 1874 "Act" contained a clause in Section 2, which stated, "That this act take effect and be in force sixty days after its passage."[33] The sixty day grace period allowed a rush of last minute land petitions to cross the mayor's desk. Consequently, several hundred grants were issued, 254 in May alone. The 1871 "Act to incorporate," allowed for the dispossession of over "23,000 acres of the Ysleta grant," leaving three acres for the Tigua.[34]

Although some of Fountain's local political ring made out well from the land grab, Fountain himself was excluded because of local political controversy.[35] Ben Dowell, the owner of Dowell's saloon, was elected El Paso's first mayor. Through his saloon, he was always at the center of local political power and knowledge discourse. This political capital allowed his privileged access to patronage. Dowell was also "El Paso's most enthusiastic railroad supporter."[36] Ben Dowell's wife, Juana Marquez, was the daughter of Tigua cacique, Domingo Marquez.[37] This enabled Dowell to have access to information networks within the Tigua community of Ysleta itself. After the 1871 "Act to incorporate," Dowell acquired a significant amount of land in Ysleta through his networks of political capital.[38] In this sense, Dowell's ability to participate in the discourse allowed him to become a beneficiary of its implementation.

Ironically, Fountain was excluded from the land grab by local elites, such as José María Gonzales. Gonzales was an established Hispanic community leader who served as the mayor Ysleta at various times between the 1850s and 1870s. Gonzales was also allied with "local politicians such as Benito Gonzales, Juan García, Pablo Romero, Nicholas Padilla, Martin Alderete, Pedro Candelario, and

others." Moreover, Gonzales played off the factionalism between Mills and Fountain and formed ties with W.B. Blanchard, J.P. Hague, Joseph W. Tays, and William Pierson. Together, this group petitioned, titled, and sold practically all of the land in Ysleta.[39] This reveals that both Hispanic and Anglo elites at the local level participated in the Tigua land dispossession.

The dispossession of Tigua land in Ysleta increased and solidified with the arrival of the railroad in 1881. The arrival of the railroad, similar to the trends of the 1850's arrival of white settlers, caused significant migrations, or dislocations, of Tigua to the Las Cruces area of New Mexico, as well as other points on the railroad line. This was because land dispossessions caused Tigua dislocations, as well as the event of Tigua railroad workers following the northwestern development of the railroad after it passed through Socorro and Ysleta in 1881. This migration, which started much earlier, led to the creation of the Tortugas community, just south of Las Cruces, around 1854, which was made up of dislocated Tiguas from Ysleta del Sur.[40] Campbell writes that "[a]s life became more difficult for native people in the El Paso border zone after the U.S. Mexico War and subsequent Anglo immigration, some Piros, Mansos, and Tiwas sought a better life in the relatively unpopulated Mesilla Valley to the north and west."[41] The dynamic is significant because it reveals that the Tigua did not cease to exist after they lost their land.

In Texas, the dilemma of cleaning the bureaucratic mess that was left over from the land grab fell upon the State government. The Texas Legislature's 1889 "Act to quiet land titles in the towns of Socorro, Ysleta, and San Elizario" seemingly closed the era of bureaucratic fraudulence in that it legitimately solidified the previously granted land deeds of the 1870's. After the 1874 "Act to Repeal" the 1871 Ysleta incorporation, local and State bureaucracies faced a land title dilemma. Although Ysleta had been issued a patent under the unfinished auspices of Section 3 in the 1854 "Act to relinquish," via Edmund J. Davis's "grant to the inhabitants of Ysleta," which was issued in 1873, the issues of incorporation, new titles, and the legitimacy of titles issued during the 1870's were still pending. Thus within this administrative hodgepodge of overlapping policy, the Tigua became bureaucratically dispossessed: Section 3 of the 1854 "Act" had been overlooked by the Tigua and could have given them legal title much earlier if they had had access to legal representation, which could have

pushed the "General Land Office" to issue a patent much sooner, assuming that their rights would've been honored.[42]

Nevertheless, the post-1874 local bureaucracy was still jammed up with the land issue. In 1880, the municipal level "Corporation of the Town of Ysleta" enabled the local government to facilitate land titles under the auspices of the 1873 grant, but the State did not recognize those titles. Regardless of State acknowledgement, the 1880 incorporation, through the manipulation of more petitions and sales, "reduced the Tigua to barrio status." This also significantly contributed to the dispossession and dislocation in that it forced more Tigua to migrate to Tortugas and New Mexico.[43]

It is in this context that the 1889 "Act to quiet land titles in the towns of Socorro, Ysleta, and San Elizario" sealed the crime of bureaucratic land dispossession.[44] Thus, with the swipe of a pen, the final touches of the Tigua land dispossession had been facilitated by the State of Texas.

It is in this context that the 1889 "Act to quiet land titles in the towns of Socorro, Ysleta, and San Elizario" sealed the crime of bureaucratic land dispossession.[44] Thus, with the swipe of a pen, the final touches of the Tigua land dispossession had been facilitated by the State of Texas.

This assessment of the Tigua land dispossession reveals that after the 1848 Treaty of Guadalupe Hidalgo, the privatization of land in El Paso's lower valley community of Ysleta was motivated by the need to establish a title chain to the land so that speculators could sell it to the railroad, which was steadily advancing into west Texas. In this framework, the Tigua land dispossession under United States rule was a two-part process that began in the 1850s, continued and peaked during 1870s, and finalized itself in 1889. Because the Tigua Indian land dispossession resulted from legislation from the State of Texas and involved a two-part chronological process from both before and after the U.S. Civil War, this author has titled it as the "Texas Two Step: The Incorporation and Dispossession of the Tigua of Ysleta Del Sur, 1848-1889."

NOTES (Endnotes)

1. George Kinsinger, "Ysleta Mission Land Grant May Be First One Recorded In N. America," *El Paso Times,* 1 August 1971, sec. A; J.J. Bowden, *Spanish and Mexican Land Grants in the Chihuahuan Acquisition* (El Paso: Texas Western Press, 1971), 164-167.
2. Ibid.
3. Ibid.
4. "Report Confirms Indian Land Claim," *Express-News,* January 19, 2008, http://www.mysanantonio.com/news/MYSA012008_01A_Indianland_29b80ea_html7737.html (accessed October 2, 2008).
5. W.W. Newcomb, Jr. *The Indians of Texas: From Prehistoric To Modern Times* (Austin: University of Texas Press, 1961), 24.
6. Fewkes, "The Pueblo Settlements near El Paso, Texas," 62-73.
7. The term incorporate will appear various times in this essay, and it has two distinct definitions: (1) as used in the thesis statement, "incorporated" implies "to combine or join with something already formed; make part of another thing; include; embody;" and (2) as a legal term, used in the Legislative Acts of the State of Texas, the word means "organized as a legal corporation," as in an incorporated town. Definitions courtesy of *Webster's New World Dictionary of the American Language,* 2nd ed., s.v. "incorporate" and "incorporated." In the incorporation of Ysleta, the Town is given authority by the State to survey land and issue land deeds, which were backed up by State patent. The legally incorporated Town is responsible for electing a Mayor and Town Council and is held accountable to the State. The legal 'incorporation' of land gave the town the power to tax, give title to, sell and/or lease land within the boundaries of that township. The method turned communal land, which belonged to Indians, into subdivided plots of individual pieces of property.
8. Andrew L. Knaut, *The Pueblo Revolt of 1680: Conquest and Resistance in Seventeenth-Century New Mexico* (Norman: University of Oklahoma Press, 1995), 57-117; Jeffrey M. Schultze, "The Rediscovery of the Tiguas: Recognition, Indianness, and Identity in the Twentieth Century" (master's thesis, University of Texas at El Paso, 2000), 30-32; Howard Campbell, "Tribal synthesis: Piros, Mansos, and Tiwas through History," *Journal of the Royal Anthropologist Institute* 12 (2006): 293-294, 298-301.
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10. George Kinsinger, "Ysleta Mission Land Grant May Be First One Recorded In N. America," *El Paso Times,* 1 August 1971, sec. A.
11. Bowden, *Spanish and Mexican Land Grants,* 140-142, 148; J.J. Bowden, Misc: Correspondence, Ysleta Grant, Ysleta Del Sur Pueblo Archives, *Tom Diamond Files* (El Paso: University of Texas at El Paso, Special Collections). FM 554, roll 1 of 3, index 4.
12. "Treaty of Guadalupe Hidalgo," March 10, 1848, *U.S. Statutes at Large* (El Paso: University of Texas at El Paso, Special Collections), 218. Ysleta Del Sur Pueblo Archives, *Tom Diamond Files,* FM 554 roll 1 of 3, index 31.
13. Ibid., 217-222; Alan H. Minter, *The Tigua Indians at the Pueblo de Ysleta del Sur, El Paso County, Texas* (El Paso: West Texas Historical Associa-

tion Yearbook, 1969), 31-32, 38-39, 42; George D. Harmon, "The United States Indian Policy in Texas," *The Mississippi Valley Historical Review* 17, no. 3 (1930): 380-381.

14. Mark Edwin Miller, *Unrecognized Tribes and the Federal Acknowledgment Process* (Lincoln: University of Nebraska Press, 2004), 214; *An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment by the said state of all territory claimed by her exterior to said Boundaries, and all of her Claims upon the United States, and to establish a territorial Government for New Mexico,* Public Statutes at Large of the U.S.A., vol. 1, 31st Cong., 1st sess. (March 3, 1845), 446-452; in *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates,* http://lcweb2.loc.gov/cgi-bin/ampage (7 Oct 2008); H.P.N. Gammel, *Laws of Texas,* vol. 3, General and Special Laws (1850), 832-833. Accessed at University of North Texas Library online, http://texashistory.unt.edu/permalink/meta-pth-6728:836 (7 Oct 2008).

15. An Act to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract now held and owned by said inhabitants, approved Jan. 31, 1854, 5th Leg., ch. 30, 1853, Tex. Special Laws, 42-43, reprinted in 4 H.P.N. Gammel, *The Laws of Texas 1822-1897* at 42-43 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6730:46 (2 Oct 2008); Adolph M. Greenburg, *Ph.D Report,* vol. 1 of Ysleta Del Sur Pueblo Archives (El Paso: Sundance Press, 2000), 303. UTEP. C. L. Sonnichsen Special Collections Dept; Minter, *The Tigua Indians of the Pueblo de Ysleta del Sur,* 35; "Tom Diamond Compilation," vol. 3, *Ysleta Del Sur Pueblo Archives* (El Paso: Sundance Press, 2000), 90. UTEP. C. L. Sonnichsen Special Collections Dept.

16. Nicholas Houser, "From the Place of Beginning: An Analysis of Land Transactions and Their Effect on Ysleta Del Sur Pueblo," vol. 2 (El Paso: n.p., 1994), 30-31, 35-41. UTEP. C. L. Sonnichsen Special Collections Dept., 1994); An Act to amend the 17th section of an act to incorporate the Memphis, El Paso, and Pacific Railroad Company, approved 5th of February 1856, approved Aug. 25, 1856, 6th Leg., A.S., ch. 192, 1856, Tex. Special Laws 112-113, reprinted in H.P.N. Gammel, *The Laws of Texas 1822-1897* at 658-659 (Austin: Gammel Book Co., 1898); An Act to provide for the Incorporation of Towns and Cities, approved Jan 27, 1858, 7th Leg. Ch. 61, 1858, Gen. Laws 69-74 reprinted in 4 H.P.N. Gammel, *Laws of Texas,* at 941, 946. http://texashistory.unt.edu/permalink/meta-pth-6730:945 (9 Oct 2008); An act to relinquish the right of the State to certain Lands therein named, approved Feb 11, 1858, 7th Leg. Ch. 120, 1858 Tex. Gen. Laws 155, reprinted in 4 H.P.N. Gammel, *The Laws of Texas* at 1027 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6730:1031 (2 Oct 2008); Bowden, *Spanish and Mexican Land Grants,* 96-97, 125; *Tom Diamond Compilation,* vol. 3 of *Ysleta Del Sur Pueblo Archives* (El Paso: Sundance Press, 2000), 91-92. UTEP. C. L. Sonnichsen Special Collections Dept.

17. Nicholas Houser, "From the Place of Beginning: An Analysis of Land Transactions and Their Effect on Ysleta Del Sur Pueblo," vol. 2 (El Paso: UTEP. C. L. Sonnichsen Special Collections Dept., 1994), 56-58; An Act to provide for the Incorporation of Towns and Cities, approved Jan 27, 1858, 7th Leg. Ch. 61, 1858, Gen. Laws 69-74 reprinted in 4 H.P.N. Gammel, *Laws of Texas,* at 941, 946. http://texashistory.unt.edu/permalink/meta-pth-6730:945 (9 Oct 2008); "A Bit of History," *El Paso Herald,* 9 March 1894. *Ysleta Del Sur Pueblo Archives, Tom Diamond Files,*

UTEP Library. MF 554, roll 1 of 3, index 9; Nicholas Houser, "From the Place of Beginning: An Analysis of Land Transactions and Their Effect on Ysleta Del Sur Pueblo," vol. 1 (El Paso: n.p., 1994), 42-25, in UTEP. C. L. Sonnichsen Special Collections Dept.

18. Houser, "From the Place of Beginning," vol. 1, 42-45, 63.

19. Houser, "From The Place of Beginning," 68-71.

20. "Chronology," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Special Collections), MF 554, roll 1 of 3, index 27; An Act to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract now held and owned by said inhabitants, approved Jan. 31, 1854, 5th Leg., ch. 30, 1853, Tex. Special Laws, 42-43, reprinted in 4 H.P.N. Gammel, *The Laws of Texas 1822-1897* at 42-43 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6730:46 (2 Oct 2008); "Tom Diamond Compilation," vol. 3, *Ysleta Del Sur Pueblo Archives* (El Paso, Sundance Press, 2000), 94; Myra Ellen Jenkins, "The Pueblo of Ysleta Del Sur," (Santa Fe, 1989), 105, in "Jenkins: Pueblo/ Ysleta," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Library), MF 554, roll 1 of 3, index 113, p. 104.

21. An Act to incorporate the town of Ysleta, in El Paso county, approved May 9, 1871, 12th Leg. Ch. 175, 1871 Tex. Special Laws 297-303, reprinted in H.P.N. Gammel, *The Laws of Texas* at 1435-1441 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6734: 1425 (2 Oct 2008); Eickhoff, *Exiled: The Tigua Indians of Ysleta del Sur,* 80; Minter, *The Tigua Indians of the Pueblo de Ysleta del Sur, El Paso County, Texas,* 36-37; "Chronology," *Ysleta Del Sur Pueblo Archives, Tom Diamond Files* (El Paso: University of Texas at El Paso Library) MF 554 roll 1 of 3, index 27; Houser, "From the Place of Beginning," vol. 1, 62.

22. Houser, "From the Place of Beginning," vol. 2, pp. 50-51.

23. Minter, The Tigua Indians of the Pueblo de Ysleta del Sur, El Paso County, Texas, 36, 37.

24. An Act to incorporate the town of Ysleta, in El Paso county, approved May 9, 1871, 12th Leg. Ch. 175, 1871 Tex. Special Laws 297-303, reprinted in 6 H.P.N. Gammel, *The Laws of Texas* at 1435, 1438 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6734:1425 (2 Oct 2008).

25. Ibid., 1435; 4 Gammel, *Laws of Texas,* 1094; 4 Gammel, *Laws of Texas,* 42; Bowden, *Spanish and Mexican Land Grants in the Chihuahuan Acquisition,* 144. (Subsequent to the January 31,1854 "Act to relinquish" was a Febuary 1, 1854 "Act for relief to the inhabitants of the town of Ysleta, which further recognized the Ysleta Grant by stating: "Be it enacted by the Legislature of the State of Texas, That the grant made to the inhabitants of the town of Ysleta, in the present county of El Paso, in the year seventeen hundred and fifty one, by the Government of Spain, to the following described tract of land, to-wit: commencing at the Rio Grande... is hereby fully recognized and confirmed." Also, Section 2 of the "Act for the relief authorized the General Land office "to issue a patent to the inhabitants of said town of Ysleta" (4 Gammel, *Laws of Texas,* 53). However, the patent wasn't issued until March 28th, 1873 (El Paso County Deed Record 1 (1881), 184. UTEP C.L. Sonnichsen Special Collections Dept.). At best this document, initially written by Edmund J. Davis (Texas Governor, 1873) was a last ditch effort to maintain legitimacy to land titles,

fraudulent as they were, in the midst of the awareness of the illegality of Fountain's 1871 "Act to incorporate."

26. "Correspondence: Misc: J.J. Bowden," *Memorandum on the Pueblo of Ysleta Claim,* p. 7, *Ysleta Del Sur Pueblo Archives: Tom Diamond Files,* University of Texas at El Paso. MF 554, roll 1 of 3, index 4.

27. Perfected land titles, or perfect titles are land titles that are free of liens and legal questions that may come up after a purchase is made and create a dilemma for the buyer. Title companies investigate title chains and insure land titles to protect land buyers from losing their investments. Considering the land of the Spanish Ysleta Grant, Socorro Grant, and Senecu Grant, the 1848 Treaty of Guadalupe Hidalgo does create such a dilemma for the current inhabitants.

28. A.M. Gibson, *The Life and Death of Colonel Albert Jennings Fountain* (Norman: University of Oklahoma Press, 1965), 45, 48, 56, 65; Myra Ellen Jenkins, "The Pueblo of Ysleta Del Sur," (Santa Fe, 1989), 105, in "Jenkins: Pueblo/Ysleta," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Library), MF 554, roll 1 of 3, index 113, p, 105; An Act to Incorporate the Indianola, San Antonio and El Paso Railroad Company, approved April 3, 1871, 12th Leg. Ch. 40, 1871 Special Laws 74-78, reprinted in 6 H.P.N. Gammel, *The Laws of Texas* at 1212-1216 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/ark:/67531/metapth6734/m1/1202/ (21 Feb 2010).

29. Houser, "From the Place of Beginning," vol. 1, 71.

30. Edward A. Leonard, *Rails at the Pass of the North* (El Paso: Texas Western Press, 1981), 13, 21; Myra Ellen Jenkins, "The Pueblo of Ysleta Del Sur," (Santa Fe, 1989), 105, in "Jenkins: Pueblo/Ysleta," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Library), MF 554, roll 1 of 3, index 113, p, 104; The notion of a conspiracy for land theft is in Eickhoff, *Exiled,* 84-86.

31. For petition information see 6 Gammel, *Laws of Texas,* 1440-1441; Jenkins, "The Pueblo of Ysleta Del Sur," 108.

32. Jenkins, "The Pueblo of Ysleta Del Sur," 108; Eickoff, Exiled, 82; Tom Diamond Compilation, vol. 3, Ysleta Del Sur Pueblo Archives (El Paso, Sundance Press, 2000), 97.

33. An Act to repeal an Act to Incorporate the town of Ysleta, in El Paso county, approved May 9, 1871, approved May 2, 1874, R.S., ch. 41, 1874 Tex. Gen. Laws 82, reprinted in H.P.N. Gammel, *The Laws of Texas,* at 348 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/metapth-6731:350 (2 Oct 2008).

34. Quote taken from "H.R. 1344 Ysleta Del Sur Pueblo Restoration Fact Sheet," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Library Special Collections), FM 554, roll 2 of 3, index 67; Minter, *The Tigua Indians of the Pueblo de Ysleta del Sur,* 37; Eickhoff, *Exiled,* 82.

35. Houser, "From the Place of Beginning," vol. 2, 85.

36. Leonard, *Rails at the Pass of the North,* 12; Eickhoff, *Exiled,* 82.

37. Eickhoff, 73; Houser, "From the Place of Beginning," vol. 2, 64.

38. Eickhoff, *Exiled,* 73, 81; Gibson, *The Life and Death of Colonel Albert Jennings Bryan,* 47.

39. Houser, "From the Place of Beginning," vol. 1, 85-88. W.B. Blanchard petitioned first, receiving a "gift" of 152 acres; Joseph W. Tays received 600 "free" acres; James P. Hague, the defending attorney for Ysleta in the case *Senecu v. Ysleta,* received three allocations of land well in excess of 200 acres. Houser wrote that Gonzalez petitioned off the land with the assistance of W.B. Blanchard, James P. Hague, and Joseph W. Tays. Fountain's plans didn't work out the way he wanted them to. Although some of his cohorts gained access to the lands of the Tigua, he himself didn't. Nicholas Houser in "From the Place of Beginning," vol. 1, p.85, wrote of the significance of the railroad in the acquisition of Tigua lands: "Fountain was an avid railroad supporter and a member on the board of directors of two railroads. Blanchard held railroad land opposite Guadalupe, just south of Ysleta. The two lawyers, Blacker and Hague, who represented Ysleta in the 1870's, also represented railroad companies. In July 4, 1871, Hague wrote the following prophetic letter about the pending arrival of the railroad: *"The growth of El Paso depends upon the Southern Pacific coming to this exact spot, which will make El Paso a great town in a few years"* ...The Town of Ysleta subsequently passed an ordinance which granted to the Galveston Harrisburg and San Antonio Railroad Company a tract of land 150 feet wide on each side of the center line *"through all the lands belonging to Ysleta"* (...February 28, 1881; El Paso County Records, Deed Book I-1:143).

40. Patricia Aylward Farr, "The Women of Ysleta Del Sur: Contributions To The Culture Of A Pueblo" (master's thesis, University of Texas at El Paso,1986), 44; J. Walter Fewkes, "The Pueblo Settlements Near El Paso, Texas," *American Anthropologist* 4 no. 1 (1902): 61; "Tom Diamond Compilation," *Ysleta Del Sur Pueblo Archives,* vol. 3 (El Paso: Sundance Press, 2000), 103. Tom Diamond wrote of the village of Tortugas being on an 1854 map (National Archives Record Gp. 77, W23/F).

41. Campbell, "Tribal Synthesis: Piros, Mansos, and Tiwas Through History," 301. (Also, Campbell (p. 301-302) wrote, In Las Cruces, Piros, Mansos and Tiwas intermarried and maintained a distinctive collective identity... Native peoples populated the village of Tortugas, areas in and adjacent to contemporary Las Cruces, New Mexico, and other outlying places, where they maintained farms.")

42. Socorro, Ysleta, and San Elizario—Act Quieting Land Titles In, approved April 2, 1889, 21st Leg., R.S., ch. 16 [H.B.], Tex. Special Laws 145-146, reprinted in 9 H.P.N. Gammel, *The Laws of Texas* at 1371-1372 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6729:1373 (6 Oct 2008);4 Gammel, *Laws of Texas,* 42; El Paso County Deed Record 1 (1881), p. 184, University of Texas at El Paso, C. L. Sonnichsen Special Collections Dept; Minter, "The Tigua Indians of the Pueblo De Ysleta Del Sur, El Paso County, Texas," 36.

43. Myra Ellen Jenkins, "The Pueblo of Ysleta Del Sur," (Santa Fe, 1989), 105, in "Jenkins: Pueblo/Ysleta," *Ysleta Del Sur Pueblo Archives: Tom Diamond Files* (El Paso: University of Texas at El Paso Library), MF 554, roll 1 of 3, index 113, pp. 108-110; "Tom Diamond Compilation," *Ysleta Del Sur Pueblo Archives,* vol. 3 (El Paso: Sundance Press, 2000), 101.

44. Socorro, Ysleta, and San Elizario—Act Quieting Land Titles In, approved April 2, 1889, 21st Leg., R.S., ch. 16 [H.B.], Tex. Special Laws 145-146, reprinted in 9 H.P.N. Gammel, *The Laws of Texas* at 1371-1372 (Austin: Gammel Book Co., 1898). http://texashistory.unt.edu/permalink/meta-pth-6729:1373 (6 Oct 2008).