

Chapter XI

"Bring Their Heads"

With change came disorientation and frustration for many of the San Luis Valley's settlers. In a few instances the reaction was violent.

In 1863 a series of crimes were committed by members of a San Rafael family, the Espinosas, against their enemies-at-large, the newcomers in Colorado Territory. Although the Espinosas' violence has been attributed loosely to a malaise of the mind, it seems quite possible that the family had suffered wrongs perpetrated by Americans and were bent upon avenging these wrongs.

According to one story, while the Espinosas were living in northern New Mexico, Americans had run off their sheep and killed a youngster in the family in an effort to drive them from the land. Soon afterward the Espinosas moved to San Rafael, where two brothers in the family, Vivian and José, turned to what appeared to be run-of-the-mill horse stealing. In the spring of 1863 they branched out and robbed a wagon between Santa Fe and Galisteo, New Mexico. The teamster, from Conejos County, recognized the bandits and alerted authorities.

Volunteers were sent from Fort Garland to the Espinosas' log house at San Rafael, under the pretext of recruiting the brothers for the Union Army. When this invitation was declined, the soldiers made a straightforward move to arrest the pair. The brothers then burst from the house, shooting and killing one soldier, and made their escape.

In the weeks that followed, the fugitives terrorized the back country of southern and central Colorado, in what has been called a "mission" to kill as many Anglos as possible. Their first victim was Judge William Bruce at a sawmill on Hardscrabble Creek near Wetmore, and the second also took place at a sawmill near Fountain Creek. Moving into South Park, they killed at least seven ranchers and miners, while an unknown number of other deaths occurred in the wave of hysteria that these murders precipitated.

Finally a posse from Fairplay tracked Vivian and José to a camp in the rugged terrain below South Park. José was killed there, but Vivian escaped. He next killed two men east of Cañon City and, returning to the San Luis Valley, murdered another in Conejos.

After a short stay with his family he set out again, accompanied by a young nephew, toward Sangre de Cristo Pass with the intention of ambushing Governor John Evans who, Espinosa knew, had been in Conejos at Lafayette Head's agency to meet with the Utes. Instead of taking the governor, the Espinosas killed two other men. A couple of days later they attacked a buggy carrying an American man and a Mexican woman to Costilla. The woman was called a "prostitute of an American" and was assaulted, but the man escaped to Fort Garland.¹

The commander of the fort, Colonel Samuel Tappan, sent for Tom Tobin, who was in residence with squatter's rights on a piece of grazing land about six miles south of the fort. Tobin, who was in Arroyo Hondo at the time of the Taos Rebellion, had drifted up to Costilla with his Mexican wife and was raising cattle and horses. Tobin lived on Trinchera Creek part of each year while his wife and small daughter lived in Costilla with their Navajo servant girl. When summoned by Colonel Tappan to the fort, Tobin was told that he would be rewarded if he could track down the Espinosas and "bring their heads" to the fort. The colonel persuaded Tobin that he should have the protection of some soldiers. Tobin finally agreed to go with a small escort, although he suspected that the soldiers, some of whom were re-

cruits from the Spanish-speaking settlements in the valley, might be as inclined to kill him as the Espinosas.

Near La Veta Pass, Tobin tracked down the murderers and killed both. Taking his instructions literally, he put their heads in a sack and brought them to Colonel Tappan, along with a diary and letters which reported that the Espinosas had killed thirty people during their campaign.²

After this event Tobin became a local legend. While friendly to his neighbors and Indians who camped on his ranch, he was tactful with strangers and angry with Colorado's government, which never fully rewarded him for his capture of the Espinosas.³ Illiterate himself, he supported schools at Costilla and near his ranch on Trinchera Creek and even became president of a school board. Ferd Meyer bought Tobin's Costilla property when Tobin moved permanently to his Trinchera ranch in 1872, and Meyer helped support Tobin there with monthly payments on that property, too, until Tobin's death in 1904. The family name remained linked with memories of old days when Tobin's daughter Pasquala married a neighbor boy, the son of Tom's old friend Kit Carson.⁴

Had the Espinosa's rampage occurred a few years later, it might have been interpreted as a crusade for justice rather than as a spree of wanton murders, for the rights of Spanish-speaking people on the land grants in the San Luis Valley were becoming disputed issues. However, in 1863 it is unlikely that the full extent of these threats to their rights was fully recognized.

The United States had granted liberty and protection to Mexican citizens living in the Southwest at the conclusion of the Mexican War. Nevertheless, land grants made by the Mexican government required special adjudication. The two grants in the San Luis Valley, being in New Mexico in the 1850s, were assigned in 1854 to the surveyor general of New Mexico, William Pelham, for review. Pelham's report was sent to the General Land Office, then to the secretary of the Department of the Interior, who in turn made a recommendation to Congress for a final decision regarding the validity of the grants.

In 1860 Congress confirmed the Sangre de Cristo Grant, but the Conejos Grant was not considered at that time because no one on the grant had submitted an application as required by the surveyor general. In 1861 the necessary application was made with the names of

four settlers in behalf of others living on the grant. Because the original document of 1833 was still missing, the settlers submitted sworn statements of officials who were involved in the granting of possession of 1842.⁵ Apparently no action was taken immediately by the surveyor general of New Mexico, and documents regarding the grant were not received in Colorado until 1867, six years after the new territory was created. In 1868 the Conejos Grant was surveyed for the first time by a deputy of Colorado's surveyor general, who noted that a large number of Mexican settlements existed around Conejos, but no other progress seems to have been made by the surveyor general's office.⁶

Meanwhile, the Conejos Grant was being handled as public domain. Spanish-speaking residents already living there were considered squatters with legal rights entitling them to 160 acres each under the Pre-emption Act. Newcomers also were entitled to homestead parcels of land, while the older residents maintained that the land involved was part of the legal grant. Confusion stemming from such situations, which were common to other areas of the Southwest as well, finally led to the establishment of United States courts of private land claims.

When one of these courts opened in Denver in the 1890s, Cresencio Valdes, son of the colonizer Seledon Valdes, petitioned for confirmation of the Conejos Grant and asked that people occupying the grant without consent of the grantees be given notices of eviction or that the grantees be given compensation. In 1900 this petition was dismissed on the grounds that, first, no evidence of the grant of 1833 existed, and, second, the governor of New Mexico had expressed some doubt regarding his own authority to grant possession.⁷ The Conejos Grant was null and void, and a great number of clouded land titles, some held by Anglo residents of many years, were settled at last. The embittered heirs of the original settlers had no claim except those of ordinary homesteaders, if, indeed, their land had been filed upon properly.

Because land title had been settled by the confirmation of the Sangre de Cristo Grant in 1860, the way was cleared there for even more complex transactions. After William Gilpin was removed as governor of the Territory of Colorado in 1862, he devoted his full attention to promoting the development of this region and the grant in particular.

In 1853 Charles Beaubien had given away half of his title to the grant in a maneuver, not unknown today, to reduce his taxes if they should be levied on land grants, as the United States government was expected to do. These gifts of convenience were in three shares with one-sixth of the grant going to his son-in-law Lucien Maxwell, one-sixth to Joseph Pley, who had administered Stephen Luis Lee's estate and who had sold Lee's original half of the grant to Beaubien for \$100, and the other one-sixth to James H. Quinn, another business associate.⁸ In 1858 Pley sold his share to Ceran St. Vrain for \$1,000, thereby enabling St. Vrain and Easterday to open their flour mill and other business interests in San Luis. In 1862 Gilpin bought this one-sixth interest from St. Vrain, giving Gilpin his entire in San Luis Valley real estate.

In fact, Gilpin had more ambitious plans than this purchase implied. His espousal of Colorado's mineral potential was little short of a mania, and he believed that the Sangre de Cristo Mountains could yield untold glittering rewards for anyone who would go after them. The only obstacle to securing those minerals was the land grants within which these mountains lay.⁹ Some of the most promising portions of the Culebra Range lay in the Sangre de Cristo Grant, while another group of peaks north of the sand dunes could be reached through the Baca Grant Number Four, which Gilpin was acquiring also.

The Baca Grant was a new tract set aside in the name of the heirs of Luis Maria de Baca in 1860.¹⁰ In 1823 Baca had been granted the very large Vegas Grandes holding around the present town of Las Vegas, New Mexico. When ownership of this land was disputed in later years, the Baca family was permitted by Congress to select five other sites, called "floating grants," each containing 100,000 acres. One of these was Baca Grant Number Four, located on the western side of the Sangre de Cristos around the present site of Crestone.

By early 1862 Gilpin had worked out an agreement to buy this Baca float for the price of thirty cents an acre, or \$30,000, to be paid in five annual installments.¹¹ Gilpin's activities in connection with the Baca Grant and with St. Vrain's share in the Sangre de Cristo Grant soon attracted the attention of Charles Beaubien, who offered Gilpin an irresistible opportunity late in 1862 to buy the half interest in the Sangre de Cristo Grant still owned by Don Carlos for \$15,000, or

about four cents an acre. Payment was to be complete by March 1863, according to the agreement to purchase.¹² Foregoing further attempts to buy the Baca Grant, Gilpin had difficulty in raising even the cash required for the Sangre de Cristo. Perhaps most citizens at that time were preoccupied with the Civil War, or perhaps they doubted the wisdom of investing money in "Indian-infested" territory. By late summer of 1863, after traveling from San Francisco to New York in search of backers, Gilpin had his money. By then Charles Beaubien was dead, but the sale was consummated by his heirs. Acquiring the interests of Maxwell and Quinn, also, Gilpin gained control of the entire grant.¹³

By 1865 Gilpin was ready to launch the next stage of his program, marketing the land for a proposed five million dollars. In this campaign he publicized widely a mining appraisal made in the fall of 1864, which proclaimed the mountains within the Sangre de Cristo Grant to be as rich in minerals as the Gregory District itself. Needless to say, the expert who made this appraisal had been hired by Gilpin himself.

To capitalize the sale of the Sangre de Cristo Grant, Gilpin brought in associates who bought about two-thirds interest, the largest of these investors being Morton Fisher of Santa Fe, who gave \$162,000 for his share. Others of the diverse group included a cotton manufacturer from Rhode Island and a promoter of Madison Square Garden in New York. Fisher went off to New York, where he set up a corporation for the sale of the grant. He also sent a lawyer to England to establish an office there in hopes of luring European capital, which at that time was being poured into foreign investments. Of greatest consequence in these efforts was that they attracted the attention of an English attorney, William Blackmore, who in turn became the central figure in promoting the sale of the grant.

With these international dealings in the hands of others, Gilpin devoted his frenetic energy to promoting domestic sales. As a real estate broker most of his experience was discouraging. His biographer, Thomas Karnes, recounts an incident in 1865 when Gilpin prepared an elaborate promotion for a group of Philadelphians. Having arrived in Denver by special stage, they were met there by Gilpin, who transferred them to a buckboard and set off to show them his special piece of the Golden West. En route the wagon slid off a mountain road, but, undeterred, Gilpin got his passengers safely to Culebra for a welcoming fandango. The former governor himself led the grand

march and outdid himself as a genial host, but the Philadelphians did not buy.¹⁴

In 1868 Blackmore came to Colorado to see with his own eyes what the Sangre de Cristo Grant had to offer. During his trip across the plains he met geologist Ferdinand V. Hayden and asked him to provide a report on the grant. Hayden's opinions in the resulting report were that the grant contained "immensely valuable" minerals—gold, silver, copper, lead, and iron—and that the land was "by far the finest agricultural district I have seen west of the Missouri River." Hayden's report was included the next year in a booklet published by Blackmore, perhaps with the bombastic assistance of Gilpin, to promote not only the Sangre de Cristo Grant but also other ventures in the West in which Blackmore was interested as a broker.¹⁵

Blackmore's personal evaluation of the Sangre de Cristo Grant was attuned to the salesman's problems, however. The grant was a white elephant, too large to market in one piece, he concluded. At his suggestion the grant was divided into a northern and a southern portion, to be called respectively the Trinchera and the Costilla estates. While he set about seeking buyers in the Netherlands for stock in the Costilla Estate, Fisher concentrated on selling stock in the other to English investors, their enterprise being organized collectively as the United States Freehold Land and Emigration Company. Of the stocks and bonds initially issued, a Dutch banking firm bought one million dollars of bonds in the Costilla Estate, but at only half their face value. Few other sales were made. The remaining stocks were divided among the promoters with Fisher and Gilpin each receiving \$25,000 worth. Hayden, possibly in lieu of payment for his survey and report, received \$10,000 in stock. Blackmore and the lawyer who had represented Fisher in England took the lions' share—\$575,000 in stock plus a commission of \$150,000. Also, Blackmore received 7,500 acres of land on the Trinchera Estate.¹⁶ In a moment of generosity, which it appeared that he could well afford, Blackmore wrote to Hayden, "I have pulled through the 'Colorado matter' and I enclose as a wedding gift to you a Banking draft for 500\$."¹⁷

During 1871 the Freehold Land and Emigration Company made attempts to start development of the Costilla Estate, but the most notable accomplishments seem to have been the personal aggrandizements of the organizers and their colleagues. Gilpin selected a homestead on the Trinchera, and William Blackmore's brother George,

who came with a cousin from England to manage that estate, established a ranch and home for himself on the Trinchera, too. On the Costilla Estate, William and Henry Blackmore each chose tracts of 2,500 acres for themselves and gave 2,500 acres to Easterday, miller and surveyor, for surveying the three tracts.

William Blackmore's immediate plans for the Costilla Estate included developing a gold mine, building a reservoir and irrigation system, setting up a model farm to assist the emigres who were expected to arrive any day to take up farms on the grant, and establishing a new town to be the commercial center of the valley. Unfortunately, the man who was working the gold mine was a swindler, and Newell Squarey who was hired to set up the model farm was little inclined to hard work. Most important, the Spanish-speaking settlers already living on the grant chose not to move out of Blackmore's way.

The Mexican people who had settled on Beaubien's grant were farming their plots of land, had rights to water from streams through their irrigation ditches, and were grazing their livestock and cutting timber on land which they did not own but to which they had right of access during Beaubien's ownership. When the new land company took over, the Mexicans were told that the original settlers would receive quit claim deeds to their property but not timber and grazing rights.¹⁸ Ferd Meyer of Costilla took up the cause of his neighbors and led a public campaign to thwart the developers by means of letters to newspapers and public officials.

Late in 1871, while Meyer was away, Blackmore, Gilpin, and Squarey went to Costilla and made a verbal agreement with the citizens there, followed by a similar meeting at San Luis, whereby the land developers would allow the Mexicans to use water from the company's irrigation system, after the company's own needs were filled. This agreement seemed to bring about a more harmonious state of affairs. Later, when agreements were changed, broken, and generally proven unworkable, the matter of water rights had to be taken to court, where the settlement was in favor of the settlers. However, a reversal by the U.S. Circuit Court at the turn of the century cut the water rights of the Mexicans in half.¹⁹ More than one hundred years after the land company arrived, the question of the Mexican's timber rights still has not been settled.

A further complication stemmed from a survey of the boundary between the territories of Colorado and New Mexico. The thirty-seventh parallel, the boundary established in 1861, was surveyed in 1868 by E. N. Darling, a United States government surveyor, and his survey was accepted in 1869 by the commissioner of the General Land Office. The survey proved that the parallel actually lay just north of Costilla, rather than south of it, and the town of Costilla and neighboring areas of the Costilla Estate, which previously had been in Colorado, were returned to the jurisdiction of New Mexico Territory. As a result, difficulties in obtaining proper legal titles and rights were compounded.

In the quarrel between Blackmore and the Spanish-speaking settlers, Gilpin was caught in the middle. He was resident manager of the Costilla Estate, but he undoubtedly was smarting at having been outmaneuvered by Blackmore in control of the land and the company. At least, he could comfort himself, the local people still referred to the project as "Gilpin's company."

To the former governor's credit, he seemed to have genuine concern for the welfare of the original settlers. In 1866 he had appealed to Father Pierre de Smet in an effort to rally influence for obtaining schools and churches on the Sangre de Cristo Grant. There were six thousand Catholics living there at that time. In addition to the bigger towns there were clusters of people large enough to form new parishes in 1869 at Chama, Ojito de la Trinchera, Rito de los Indios, San Acacio, San Francisco, Sierra Blanca, Trinchera, Zapata, and Placer.²⁰ When Bishop Lamy sent clergymen to the valley in 1867 to found the new Mission of New Mexico and Colorado, Gilpin offered them land on the grant for their headquarters, but the mission was established instead at Conejos.

In an outright move to block Blackmore's schemes, Gilpin even delayed in turning over titles to land. Beseet by well-publicized legal questions regarding titles and water rights, the Costilla Estate's development became stalemated. Few land buyers could be attracted under these circumstances, and the Dutch bankers who might have financed a promotional campaign withheld funds. An economic depression in 1873 dealt another blow.

Hoping to find greater success on the western side of the valley, William Blackmore visited Seledon Valdes in Guadalupe in 1873 and

tried to buy out the old settler, who gradually had built up his own holdings by purchasing others' shares in the Conejos Grant.²¹ Valdes had no more desire for Anglo intrusion on his grant than did the people of the Sangre de Cristo Grant. In fact, Valdes's neighborhood already was becoming too full of homesteaders and other Anglos who were picking up old Mexican claims for back taxes or by purchase, and Valdes refused to sell to Blackmore.

By 1878 and 1879 the U.S. Freehold Land and Emigration Company was unable to pay its own taxes, and in 1880 the Dutch bankers were forced to redeem the land by paying them. Through the next two decades no significant sales or developments occurred, and the Spanish-speaking residents on the estate actually were able to continue their ordinary routines with less interference than occurred elsewhere in the valley, while the Dutch bankers wrote off their investment.

Although Blackmore himself enjoyed a brief wave of notoriety as a result of his promotions, he became overworked and overextended with many interests besides the Costilla Estate, and in 1877 he took his own life. His property in the valley was bequeathed to a brother, Humphrey, who in turn gave it to the Boyle brothers. Subsequently the ranch belonged to David Turner, his sister and her husband, the Schleys. It went into receivership, and in 1937 it was bought by the Simms. Mrs. Simms was the daughter of Mark Hanna. Later it was owned by their nephews and then was purchased by Malcolm Forbes, president and editor-in-chief of *Forbes Magazine*.

Thus, a century after Gilpin's extravaganza, part of the old grant again became a package of merchandise for land developers. The Forbes Ranch was being sold by international brokers who offered the public five-acre bits of "the romantic old Southwest." There still remain many Spanish-speaking people on the old grant, and some of them believe that the traditions of the "romantic old Southwest" include such privileges as gathering their firewood where they always have gathered it, whether or not the land belongs to newcomers. A few guns have been fired over this issue. Apparently, the "malaise" of the Espinosas is not entirely dead.

More trouble arose in the southern portion of the Sangre de Cristo Land Grant after the Costilla Land Company sold its tract of about seventy-seven thousand acres to a lumber man from North Carolina,

J. I. Taylor, in 1960. Public access for hunting and gathering firewood was then cut off, and animosities led to violence. Later the Taylor family undertook logging operations that stirred up additional quarrels, with environmental issues becoming a focus. Efforts were stymied when local citizens and the State of Colorado attempted to purchase La Sierra, as the Taylor's mountain tract is called, and, thus, unresolved problems continue in Costilla County.