

# The Elena Gallegos Land Grant Part I

by Henrietta M. Christmas and Angela Lewis

Land grants within New Mexico serve several purposes. For genealogists, land grants and the records generated by them are invaluable for finding children, viewing descendancy and ancestry of the people involved in the grant, and locating unique records, such as wills. Plus, land grant records put your ancestors in a certain time and place, which can lead to more research opportunities.

## Elena Gallegos

There is no doubt that Elena Gallegos lived her entire life in the Rio Abajo region near the villa of Albuquerque and married a Frenchman named Santiago “Jaques” Grolet (Gurulé). Grolet (1663-1711) was a good friend of Jean Larchibeque. Both men were arrested, jailed, sentenced to Spain, returned to Mexico City, and then made their way back to New Mexico as citizens. Both men married New Mexican women and made this place their home after the Pueblo Revolt. Santiago Gurulé married Elena Gallegos on 9 November 1699 at San Felipe, Bernalillo, New Mexico.<sup>1</sup> Gurulé would not live long into old age as he passed about 1711, around the age of 48.

Elena (1680-1731) spent the rest of her days a widow, caring for her only son Antonio on the lands that she describes were purchased by her and her husband. Little is actually known about her life except that she left a will, a brand, and a legacy that still to this day uses her name on one of the largest land grants in the Albuquerque area. One cannot come to Albuquerque without encountering the name Elena Gallegos. Her name is on a park, a land grant, open space, and picnic areas. Her name is also depicted on maps, signage, brochures, and the Internet.

## The Prelude to Our Research

Angela: I started working on my Gurulé genealogy in 1998. My grandmother was Rafaela Gurulé, born 23 February 1891 and died in 1946. I never knew her, and the information I had been finding on the Gurulé family was fascinating. I first learned of the Elena Gallegos Land Grant while researching my 4<sup>th</sup> great-grandfather, Vicente Gurulé. I read an article written by Virginia Olmsted on the Grolet-Gurulé family. She wrote:

Vicente Gurulé, born *ca.* 1782, married by 1800 to Maria Antonia Garcia. He was the son whom Juan Antonio entrusted with the important papers that proved the family's right to the Gallegos Grant. Maria Antonia was buried 20 Jul 1826, and Vicente on 30 Sep 1846 at Albuquerque. Two sons and three daughters were baptized for them at Albuquerque and San Felipe. Their son, Juan Antonio (born 1801; married Guadalupe Padilla, 6 Sep 1824), inherited the Gurulé family documents.<sup>2</sup>

When Ms. Olmsted died in 1991, her family donated her Gurulé research papers to the New Mexico Genealogical Society, and then years later the material was turned over to me as I had continued her research on the Gurulé family (see the website at [www.GuruleFamily.org](http://www.GuruleFamily.org)). One of the items in Olmsted's collection was the handwritten transcript of the 1892 court case in which Donaciano Gurulé (son of Juan Antonio Gurulé and Guadalupe Padilla) testified about how he obtained the land grant papers. One day I took these papers over to Henrietta so we could do something with them and we started a review.

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1 Fray Angelico Chavez, *New Mexico Roots, Ltd.: A Demographic Perspective from Genealogical, Historical and Geographic Data Found in the Diligencias Matrimoniales* (Santa Fe: typescript, 1982), vol. 5, p. 780.

2 Virginia L. Olmsted, “Grolet-Gurulé: Los Franceses of Nueva Mexico,” *National Genealogical Society Quarterly*, vol. 75 (March 1987), p. 43.

Henrietta: It was over seventy pages of handwritten materials referring to the land grant. Olmsted had used this information for her article on the Grolet-Gurulé family. As one thing led to another, we had a couple of meetings to review what the land grant records revealed to us. The most telling details are in the wills and the testimonies of the land grantees. The records illustrate, in detail, what can happen with these types of land grants.

In this article, we will not include all the names of all the people who applied for the grant; those wishing to pursue the names of those involved in the lawsuit can consult the documents on microfilm. We are including transcriptions of the land sales, the wills, and the depositions taken. We also include our comments and analyses of what we think these land grant documents reveal. Our thoughts may differ from the opinions of others who have researched this land grant.

## **Documents Found in the Court of Private Land Claims Case Files Elena Gallegos Grant - Case No. 51<sup>3</sup>**

In the Court of Private Land Claims of the U.S. of A. sitting at Santa Fe in and for the Territory of NM over 200 people bring forth a lawsuit.

### **Document: Testimony by Antonio Montoya (beginning at microfilm frame 806)**

To the Governor and Captain General:

Antonio de [Montoya] resident of the place of Bernalillo, jurisdiction of the Villa of Albuquerque, I appear before your excellency asking that all the privileges allowed by law be given me and I say that in the past year of '94 Capt. Diego Montoya, my father, now deceased, entered a tract of land on the lower river adjoining [torn page] one league from the Villa of Albuquerque before the Marquis de la Nava de Brazinas who was conqueror and governor of this Kingdom by virtue of which he made him a grant of it with all that pertains thereto, and the Marquis de la Peñuela having come to govern this said Kingdom he published a promulgation requiring that all the titles and grants existing showed he presented in order that a record might be made of them, and in obedience thereto my father did so, and they having been returned to him after the record was made he lost them on the road, for which reason he made petitions to the said Marquis de la Peñuela with a statement of what had occurred and that he had no instrument with which to prove his right to the said tract, in view of which the said Marquis made him a new grant on the 3<sup>rd</sup> day of the month of September of the past year of 12 and in it he states that in view of the good reasons which my said father gives and because he knows his story to be true he makes him a new grant and directs that real possession be given him by Capt. Juan Gonzales Bas, Alcalde Mayor of the said Villa, with the assistance don Martin Hurtado who on the occasion of the 1<sup>st</sup> possession held the same position of Alcalde Mayor, and all having been done on the 16<sup>th</sup> of Sept of the said year he took real possession it being given to him by the said Alcalde Mayor with the assistance of the said Capt. Martin Hurtado, the boundaries being established without any opposition as it all appears by the said instrument which I present to your Excellency with the formality required by law; and because I have made a conveyance of the said tract to Helena Gallegos the residents of His Majesty whom may God preserve to Captain Diego Montoya there not having been any opposition and performing the ceremonies which the laws prescribed pulling up weeds and throwing earth to the 4 points of the compass, designating boundary lines and placing landmarks, being present Capt. Martin Hurtado who formerly had given possession, and the boundaries are on the (north) a small ruin and on the south some lagoons which are contiguous to the walls of Jorge, on the east the Sandia Mountain and on the west the Rio del Norte, which boundaries said a Captain Martin Hurtado who [torn page and illegible] said Captain Diego Montoya in quiet and peaceable possessions and in order that it may so appear I signed it as juez

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3 "Elena Gallegos Grant," Private Land Claims case no. 51, Spanish Archives of New Mexico 1621-1821, Series I, microfilm 38; New Mexico State Records Center and Archives, collection 1972-007.

receptor with the assisting witnesses who were the said Capt. Martin Hurtado and Joseph de Quintana on said day month and year date not supra.

Assisting Witness

Martin Hurtado (seal)

Assisting Witness

Joseph de Quintana (seal)

Juez receptor

Juan Gonzales (seal)

**Analysis:** *This must be the Diego Montoya married to Josefa Hinojos and his grant made to him by don Diego de Vargas. Many of their descendants stayed in the area, with some living in Corrales. Diego's son Antonio sold the land to Gallegos about the time he moved to Santa Fe. Neither of us believe that Elena had any type of relationship with either Montoya, father or son, except that Antonio Montoya said he sold her the land. Elena's son Antonio was the one who mentioned the land in his will. Antonio Montoya did mention that the land was taken into possession by pulling up grass, throwing stones and shouting "Long Live the King." We also found a long paper trail of many families living on this land who identified with either Santiago Gurulé, Elena Gallegos, or their son Antonio Gurulé, but never with the Montoya family.*

**Document: Statement of Felix Martinez**

In this town of Santo Domingo on the 10<sup>th</sup> day of the month of October of the year one thousand seven hundred and sixteen before the Capt. Don Felix Martinez, Governor and Captain General of this Kingdom [margin note] examined in the town of Santo Domingo

And province of Mexico and Castilian of its forces by his majesty

Captain Diego Montoya presented his grant which is described in this instrument during the general inspection and it having been examined by us and there being no opposition I heed it as good and valid and in or that it may so appear I signed it with my secretary of government and war.

Felix Martinez (seal)

Before me

Miguel Tenorio de Alba

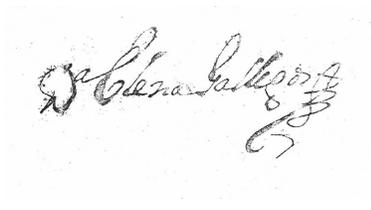
Secretary of Government and War (seal)

**Document: Elena Gallegos Request for Brand (beginning at microfilm frame 775)**

To the Governor and Capt. General

Doña Elena Gallegos, widow of Santiago Gurule and resident of the mining district of Bernalillo--I appear before your Excellency asking that all the privileges under the royal laws be allowed me, and I say that I register the brand on the margin in order that I may brand my stock and horses so that no person may rob me, and with the condition that I and my children may take possession of any animals or stock branded with the said brand if the same should not have been counter-branded. Therefore I ask your Excellency to make me a grant in the name of His Majesty of the said brand in order that I may use it for my own and this I hope to obtain through the [torn page] of your Excellency and I swear in one form of law that I act in good faith and in that which is necessary do.

D<sup>a</sup> Elena Gallegos (seal)

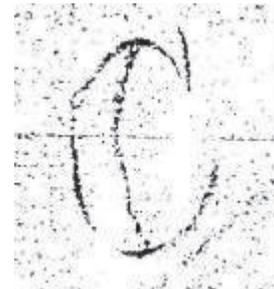


In the city of Santa Fe, headquarters of the Kingdom and Province of New Mexico on the 23 day of the month of Sept of the year 1712 before me the Admiral Don Joseph Chacon Medina Salazar y Villasenor Knight of the order of Santiago, Marquis de la Peñuela, Governor and Capt. General of this said Kingdom and its Provinces by His Majesty, the person named within presented this petition and it having been examined by me I admitted it with all the privileges allowed by law and in attention to her petition I at once conclude and make the grant of the brand mentioned on the foregoing page in the name of His Majesty in whose royal name I grant her the authority to brand and mark her horses with it and to no other person unless it should be those to show of her free will she showed grant such permission or a transfer of the said brand and in order that it may so appear I am provided and ordered and signed with my Governmental and Military Secretary, will attach armorial seal, dated et supra.

(Seal) Marques de la Peñuela (rubric)  
Xptobal de Gongora  
Governmental and Military Secretary (rubric)

**Document: Elena Gallegos Brand (beginning at microfilm frame 776)**

In the Pueblo of Santa Ana on the 10 day of Oct 1716, before me, Capt. Don Felix Martinez, governor and Capt. General of this Kingdom and province of NM, and castellan of its troops and forts for his majesty, appeared Doña Elena Gallegos and presented the branding iron on the margin of this petition, with which she brands her horses and large stock, which I certify to be true and valid so that she may and can use it; and that is may so appear I have signed this with my civil and military secretary, while making a public inspection tour in said pueblo.



Elena Gallegos brand

Felix Martinez  
Before me:  
Miguel Tenorio de Alba  
Secretary of Government and War

**Analysis:** *The land papers lack the proper paper trail in order to account for a clean title. In fact, it appears some of the documents are missing. In order to obtain title to the Elena Gallegos Land Grant the claimants had to show that the land was once a land grant and it had been continuously lived on, transferred, and so on. Yet, they had her brand papers?*

**Document: Juan Antonio Gurule to Vicente Gurule (beginning at microfilm frame 786)**

In this town of San Felipe de Albuquerque on the 29 Aug 1801 before me Don Vicente Lopes, Civil and Military Lieutenant, of the said town personally appeared Juan Antonio Gurule of the Jurisdiction of San Jose de Las Huertas and Vicente Gurule a resident of the said town whom I certify I know and the said Juan Antonio Gurule said that he had sold and did sell to the said Vicente Gurule to wit a house of 3 rooms with a court yard and 27 varas of land in the Ranchos of said town, and its boundaries are: on the north Juan Xptbl Garcia, on the south lands of Juan Domingo Valencia, on the west lands of the Rio del Norte and on the east lands of Pedro Mora, and the said vendor said that the said land and house he sold for the price of 145 dollars of the country which sum he received from the said Juan Antonio to his entire satisfaction and content and that if it is worth more or may be worth more of the excess he makes gift and donation pure, absolute, perfect and irrevocable which the law calls inter vivos all and whatsoever laws may be in his favor

and the said vendor he sedes and conveys to the said purchaser his right domicile and residence and right which to said land he had in order that the said purchaser may for himself his children heirs and successors enjoy it sell it or alienate it as is their own and that no suit nor demand shall be hereto against that and that any should be brought that it shall not be heard either in court or out of court in regard to which from this time forever I commend the said purchaser to the Royal Justice of His Majesty that whenever any trouble shall arrive they surround him with all the rigor of the law to the fulfillment of this instrument as if it were by definition sentence of a competent judge in a court adjudged and agreed to and not appealed and for the guarantee or instrument he binds himself and his property real and personal present and to come and he renounces all laws that may be in his favor and the said Juan Antonio Gurule executes this instrument before me the said Lt. and my assisting witnesses who are Felipe Montoya and Cristoval Jaramillo in the absence of a notary royal or public of which there is more if any [illegible] the said vendor did not sign because he did not know how to sign and I the said Lt. signed it to which I verify.

Bycente Lopez, rubric; Witness, Felipe Montolla, rubric and Christoval Jaramillo, rubric.

**Document: Elena Gallegos Will (beginning at microfilm frame 822)**

In the name of God Almighty and at the Blessed Cross the Ever Virgin Mary and the glorious Saint Joseph her most pure spouse and of my Holy Guardian Angel and of the Saint of my name and of the Holy Apostles Saint Peter and Saint Paul and the other Saints of the Court of Heaven;

I, Elena Gallegos, say that I believe really and truly in the mystery of the Holy Trinity, Father, Son and Holy Ghost, the separate persons and one God, and I protest that I wish to live and die acknowledging this truth and all the Articles of Faith and all that which our Holy Mother Church believes and acknowledges, and I believe that Jesus Christ our Lord is the author of the Sacraments, and I wish to be and I am submissive to His Holy will.

First I say that if God our Lord should be pleased to remove me through this illness, for the relief of my conscience and the salvation of my soul I made this testimony memorandum in the form following:

1<sup>st</sup> [torn and illegible] which he created and redeemed with His most precious blood and body to the earth of which it was formed.

Item - I direct that if God should remove me that my body shall be shrouded in the habit of my Father St. Frances.

Item - That it be buried in the church of my parish at this Villa of Albuquerque near to the font of Holy Water and I ask that this be for the love of God.

Item - That my burial be solemnized with a high Mass and Vigil and that the other ceremonies be at the discretion of my executors.

Item - I ask that my burial and funeral which I have asked for be of the most humble because of my being a poor widow.

First: I declare that I was married according to the rites of the church to Santiago de Gurule for the time of 12 years in which time we had and procreated one son who is called Antonio de Gurule whom I constitute my legal heir.

Item- I declare that when I married I had nothing.

First I direct that to the forced bequests there be given six dollars to the 3 bequests and I request that sum from my property.

Item - I declare my property.

Second which I secured after marriage together with my husband to be as follows -

1<sup>st</sup> This tract of land and my dwelling house with its irrigating ditch and cultivated land, segregating from it a piece of land which I give to my brother Felipe Gallegos which he has had cut off to him according to its boundaries will appear by the instrument of donation, and this was done with the full consent of my son.

Item - I have 32 head of branded neat cattle

Item - Two yoke of oxen with their yokes

Item - 12 mares with their service jack and 2 colts, one 2 year red and the other one year old.

Item - 2 mules-one jenny and one jack

Item - 2 silk petticoats, one shawl, one silk mantilla, one silk dress pattern some coral bracelets, one reliquary with silver frame and one chest of Michoacán wood all that which is mentioned it is my last will to leave it to my granddaughter Manuela.

Item - I declare that all [torn page] to be of my son to whom I leave it as my legal heir.

Item - I direct that there be given to my brother Felipe Gallegos 3 mares and one yearling one riding two and separate from my property.

Item - I declare that it is my last will to leave and I do leave my son Antonio Gurule my legal heir, executor, guardian and custodian of my property and he accepted and agreed to carry out all that is above offered.

Item - I direct that this my last will be observed and carried into effect.

Item - I declare that another will which I made and which was authorized by Captain Tiburcio de Ortega I revoke and annul and that this one only shall stand and having set blank all my interests and indebtedness I pray that the Alcalde Mayor of the Jurisdiction will interpose his authority in order that this my testament may have the force and vigor that may be requisite and it is made on the first of May of 1731 and she did not sign because she did not know how, and Phelipe Gallegos signed at her request.

On the 1<sup>st</sup> day of May 1731, I the Capt. John Gonzales, Alcalde Mayor and War Capt. of this said town of Albuquerque certify that this testament was executed before me as juez receptor with two assisting witnesses and the instrumental witnesses in the absence of a notary public or royal their being none in the Kingdom and on the present paper because the stamped paper is not current in this Kingdom on said day month and year et supra.

At the request of Elena Gallegos

Phelipe Gallegos

Before me as juez receptor, Juan Gonzales Bas

Assisting Witnesses: Joseph de Quintana, Joseph Montaña, Phelipe Gallegos and Juan Griego.

It agrees with the original from which I the Capt. Juan Gonzales Bas Alcalde Mayor and War Capt. Of this town of Albuquerque had it literally copied and it is corrected examined and compared with the original to which I refer and Joseph de Quintana and Pedro Lucero were present when it was made and they signed it as witnesses on the 6 Feb 1732.

In testimony to the truth I set my usual signature and rubric

Juan Gonzales Bas (rubric)

Wit: Joseph de Quintana (rubric) and Joseph Montaña (rubric)

**Analysis:** *She does not mention the land grant. She makes sure that the land she gives to her brother is well documented and that her son is in agreement when it was given to him. In fact, if she had the land grant we wonder why she wouldn't have mentioned the papers in her belongings. Did she ever really own it or did she transfer it immediately to her son, Antonio?*

**Document: Antonio Gurule Will (beginning at microfilm frame 825)**

In the name of God our Lord and of the most Holy Virgin, Our Lady, Father, Son and Holy Ghost three distinct persons and one God. Know all unto whom this my codicil and last will may come that I, Antonio Gurule, resident of the Villa of Albuquerque, being in bed afflicted with a mortal illness, and in my full mind, memory and understanding believing as I do believe in the mystery of the Holy Trinity, Father, Son and Holy Ghost and in all that which our Holy Mother the Roman Catholic Church believes and acknowledges and acknowledging and believing in the mystery of the incarnation of the Divine Work in the most holy womb of our Lady The Virgin; believing in the institution of the Most Holy Sacrament of the Eucharist; in whose mysteries I wish to die and live, believing as I do believe that Jesus Christ, the second person of the most Holy Trinity is the author of the Holy Sacraments, and that he died to save us, one, as well as all the human race, and if by persuasion, access of illness or temptations of the adversary I should say anything contrary to that which I have here acknowledged, from this moment I say that I detest it and that I deny it, and that I may believe only in that which I have [torn and illegible] and His Holy Mysteries and Sacraments; and if God should be pleased to take me to himself, I elect for my advocate the most holy Virgin and Her most Pure Second [unclear meaning] St. Joseph and my advocate Saint Anthony, to appear for me before God and I appoint for my executors Thadeo Garcia, my son and my legal wife, Antonia Quintana, and that the latter is the custodian of my property and the guardian of my children. And if I die I ask that my body be shrouded in the habit of my father St. Frances, and be buried in the most humble spot of my legal parish of Albuquerque, where I ask, near the font of Holy Water. And I commit my soul to God who created it and redeemed it with his most precious blood and my body to the earth of which it was made.

Item - I declare, that I have been married for about 40 years to Antonia Quintana according to the rites of our Holy Mother Church, and during this time we have procreated nine children in legal matrimony: Tomas, Manuela, Luisa, Juan Antonio, Elena, Serafin, Clara Francisca and Manuelita; and eight are married. Tomas and the rest have already received that which was coming to them by inheritance of the lands as well as of the small property which I have held, such having been given 300 varas of agricultural land.

Item - I declare that I contracted matrimony with my said wife who brought me no dowry, and that what was acquired was inherited from my parents.

Item - I declare, and I direct that there be given to the aforesaid bequests, to each, two dollars to each.

Item - I declare as my property a tract of land called Jesus Maria, on which I have some cultivated land and a house containing 6 rooms, and in the cultivated land a ditch for its irrigation; of this ditch cultivated house, land and tract it is understood and it should be understood that I am the legal owner, and my wife, excepting that which is set off for my children, one-half is mine and one-half is my wife's, and the rest belongs to my children [torn] its benefits.

Item - I declare that it is my last will [torn] with the consent of my children that of the fifth which belongs to one of the property divided between me and my wife, the fifth, there shall be paid the foresaid remains shall be given to Juana Urbina, a girl who was raised in my house, and I ask of the Royal Justices and my executors that this shall be done.

Item - I declare, that the Indian women who were servants of my mother, called Rosa and Elena, are as free as God created them, and in gratitude for their services I leave them a house lot and a tract of land cultivated out for planting, one [measure] of maize which my wife will set out for them. To the two I direct [torn] these shall be done as I order.

Item - I declare as my property one riding saddle, one gun, one bridle, spurs, one shield, one sword, one cloak, one saddle cushion, two mares, one horse and two yoke of oxen with their yokes. To my son Serafin I leave the gun, shield and sword, and to my wife I leave the saddle, bridle, spurs, cloak, saddle cushion and hat and the cart and the 3 horses.

Item - I declare that I owe Marcos Baca 26 sheep. I direct that they be paid [torn] and Juan Sanchez owes

me 5 sheep [torn] years. I direct that they be collected.

Item - I declare that I have had of Bernardino de Sena, a resident of the Villa, 200 and [torn] for which there was no writing given. I hold them on honor for sons at their presents, these sheep.

I declare that I have sheep of Tomas de Sena, a resident of this town, 160 head on shares of honor of which there is no writing.

Item - I declare that I have 47 breed ewes, yearlings and two year olds and young bulls. I direct that they be delivered to Venture Mestas to whom they belong as I had them on shares, and the flocks the same.

And I pray the Alcalde Mayor Don Juan Jaramillo to give to this codicil the force and vigor which the law permits as being my last will and that it be this one and not the one executed in the year '54 and to the executors and the custodian of the property, my wife, Antonia Quintana, accepted it as this day, the 16<sup>th</sup> of the month of April, and the year '61 and I signed it with my own hand.

Furthermore, Alejandro Gonzales owes me a sow and a yearling calf which I lent him.

Antonio Gurule

I captain Joseph Jaramillo, Alcalde Mayor and War Captain of the said Villa and its jurisdiction, am acquainted with the testator and I have read the clauses and bequests from the first to the last and I was present and I know his will and I give all the force and vigor required by law [torn] circumstances for its firmness and validity I signed it at this place of Jesus Mares with two assisting witnesses acting delegates [illegible] on the 18 day of April the year 1761 to all of which I certify ad juris.

Joseph Jaramillo

Wit Baltasar Martines

Wit Silvestre Griego

**Analysis:** *Antonio does mention the land grant and it sounds as if he acquired it during his marriage to Antonia because half belongs to her. So, did Antonio Gurulé, in fact, purchase the lands from his mother Elena therefore making it community property?*

To be continued.

**About the Authors:** *Henrietta M. Christmas, a well-known genealogist, loves land records as they tell their own stories about our ancestors.*

*Angela Lewis retired in 2011 and now devotes a lot of her time to helping people with their lookups. She is also the county coordinator for NMGenWeb, Bernalillo, and San Miguel counties. She continues to work on the Gurulé lineage and is always looking for new clues to connect the families.*