

Chihene Nde Nation Of New Mexico

Lorraine Garcia
Historical Record Keeper
Chihene Nde Nation
Of New Mexico
January 5, 2012

HISTORIC ANCESTORS AND HISTORIC LAND CLAIMS TIMELINE

- The Chihene Nde Apacheria: Historic Land Base in present-day Southern New Mexico counties of Catron, Dona Ana, Grant, Sierra and Socorro.
- Spain first to map The Apacheria by late 16th Century; circa 1550's.
- Spain first to treaty with the historic ancestors and included historic land base in Treaty With The Gila Apache, July 13, 1790 (Deloria, DeMallie 136).
- Mexico upheld Spanish Treaties 1790-1850 with Gilenos [Chihene] Apaches and included historic land base Apacheria after Mexican Independence from Spain. The rancherias of the Apacheria include but are not limited to: Ygnacio Garcia (Rancho de la Gila, Grant County), Gabriel Elicio (Rancho de la Gila, Grant County), Antonio Mitchell (Rancho de la Gila, Grant County), Santiago Serna (Rancho de la Gila, Grant County), Tomas Montoya (Rancho de la Gallina, Grant County), Alejandro Montoya (Rancho de la Gallina, Grant County), William Mitchell (Rancho de las Mimbres, Grant County), Jose Gutierrez (Lemitar, Socorro County), Guillermo Montoya (Sierra formerly [Socorro] County), Donaciano Montoya (Rancho de la Montoya, So. Socorro and Sierra Counties), Jacinto Serna (Garfield formerly San Ysidro Rancho de los Rincones, Dona Ana County), Juan Rosales (Garfield formerly San Ysidro Rancho de los Rincones, Dona Ana County), Antonia [Rosales] Alderete Henriques, Esiquio Henriques (Garfield formerly San Ysidro Rancho de los Rincones, Dona Ana County).
- The 1848 Treaty Of Guadalupe Hidalgo between The United States and Mexico upheld the historic land base Apacheria as it is included in early maps of New Mexico drawn by The United States after New Mexico land cession from Mexico. Lands that have been occupied by longtime occupancy and worked as an economic-based are stipulated in 1848 Hidalgo Treaty as protected.

UNITED STATES AND NEW MEXICO PEACE COMPACT AND AGREEMENTS AND PEACE TREATY WITH THE CHIHENE OF NEW MEXICO 1850-1865 AT DONA ANA GARRISON AND FORTS WEBSTER AND THORN

See below: Historical Summary of ARTICLES OF PEACE AND COMPACT AGREEMENTS 1850-1860 AND PEACE TREATIES 1852 AND 1855 BETWEEN THE BANDS OF GILA APACHE AND THE UNITED STATES AT DONA ANA GARRISON AND FORTS WEBSTER AND THORN

ACTS OF CONGRESS 1862-1871

- *Act of Congress of May 20, 1862. "To Secure Homesteads to Actual Settlers on the Public Domain": Chihene families of the rancherias of The Apacheria obtain valid Land Titles and Patents for their land upon rancherias mandated by United States Congress to uphold land claims under 1848 Treaty Of Guadalupe Hidalgo by longtime occupancy and as viable working economic-based rancherias. Exemplified Chihene family include but are not limited to Montoya heir [and heirs] of Donaciano Montoya: Authority: April 24, 1820: Sale-Cash Entry (3 Stat. 566) longtime occupancy of Sierra and Socorro counties. Chihene rancherias are still under the Fort Thorn Peace Agreements awaiting the peace agreements to become executive ratified peace treaties.
- Appropriation Act Of March 29, 1867: Terminates the treaty-making powers of the president and turns power over to The United States Congress. No legal definition of Indian and Indian land status defined by The United States Congress. No peace treaty defined and established with longtime occupants in Apacheria.
- 1870: Ojo Caliente Apache Agency established in the vicinity of the Rancherias de Montoya, Monteras, Cuchillo Negro and Concha of the Tula`rosa Chihene in Southern Apache Country.
- September 7, 1870: First Federal Census taken in Canada Alamosa [as] Kanada La Mosa, Socorro County. Rancheria de Juan and Tomas Montoya and Interpreter included. No legal definition of Indian and Indian land status defined by The United States Congress. No peace treaty defined and established with longtime occupants in Apacheria.
- October 18, 1870: Second Federal Census taken in Canada Alamosa as *Southern Apache Indian Country* Federal Census in Socorro County includes Rancheria de Juan and Tomas Montoya and Interpreter. No legal definition of Indian and Indian land status defined by The United States Congress. No peace treaty defined and established with longtime occupants in Apacheria.
- Indian Appropriation Act Of 1871: U. S. Congress terminates treaty process and forbids recognition of Indian tribes as nations and independent powers: Indian lands automatically seized by U.S. federal government of Indians not federally recognized.
- 1880: Chihene families that pursued Act of Congress May 20, 1862 "To Secure Homesteads..." lands protected but they [Chihene families] are not federally

recognized Indians due to Indian Appropriation Act of 1871.

- Act Of Congress A Private Court Of Land Claims Act Of 1891: Chihene families include Chihene Elder Stephanie Franco heir of [and heirs] of Jose Gutierrez. Approved March 3, 1891: Presidential seal: March 6, 1911.

U.S. FEDERAL GOVERNMENT OFFICIAL ACTS AND MANY CHIHENE FAMILY DISPLACEMENT

- 1900, 1910, 1920: Many Chihene families lose lands and are displaced and uprooted as results of US Federal Government *official acts* of agriculture, forestry, and water policies. Unused lands are placed in public domain including lands once belonging to Chihene families with land titles and patents of the Act of Congress of May 20, 1862 “To Secure Homesteads...” and the Private Court Of Land Claims Act of 1891. These lands of *not* federally recognized [Chihene] Indians are deeded and sold.
- 1920 to 1930: Many displaced and uprooted Chihene groups of families become federal government workers on the lands they once owned by longtime occupancy; still possessing their land patents and titles of the Act of Congress of May 20, 1862 “To Secure Homesteads...” and the Private Court Of Land Claims Act of 1891.
- 1930, 1940, 1950: Many Chihene groups of families are displaced from Apacheria traditional [rancheria] homelands as they become migratory workers within US Federal Government out-of-state programs including but not limited to Workers Project Administration and Civilian Conservation Corp.

PRESENT-DAY HISTORIC LAND CLAIMS

- *Eddy Montoya an heir of the Guillermo Montoya Rancheria, states their rancheria of five plus hundred acres had to be abandoned in the early 1900’s by force due to a claim to copper mine by an individual. Upon visiting and documenting this area in late-October of 2011 there is visual evidence of past copper mining throughout the hills of the ranch. It is unknown by the family if the individual had a court license to mine and to the family’s knowledge no money was ever exchanged for the sale of the land and it is now on part BLM land and private ownership. The land title and patent and historical index of the land is included in this summary report. The families of Montoyas which includes Costales were once a part of the Rancheria de Rincones pre-dating the Spanish and Mexican eras. *To Date: Informed by Eddy Montoya on January 6, 2012 that the property was Sold in 1943.* Nevertheless, BLM records show the Montoya Family still own Land Patent Title Rights under 3rd great-grandfather Guillermo Montoya.
- *The Ancestral Rancheria of Chihene Elder Richard Montoya is known as the Montoya Site (LA 88891) in Sierra/So. Socorro New Mexico and a part of the Canada Alamosa Project. Richard Montoya is unsure of how his family lost this land.

The Montoya family retained Named Entitlement of Montoya by court procedure in the mid-1900's. *Historical index and patent included as attachments.

- *Another Ancestral rancheria of Chihene Elder Richard Montoya is the Juan Montoya rancheria within the Rancho de la Gallina in Grant County, NM. Juan Montoya is the grandfather of Donaciano Montoya (Montoya Site ((LA 88891)). Donaciano is the great-grandfather of Elder Richard Montoya. Rancho de la Gallina was one of the Chihene Mimbrenos largest settlements prior to Spanish and Athabasca people contact. This area is now a part of The Department of Forestry. *Documents included as attachments.
- *Many Chihene Nde Nation Of New Mexico families still retain the Act of Congress of May 20, 1862 "To Secure Homesteads..." original land titles and patents to lands once upon Apache rancherias in New Mexico's historic Apacheria. These include the families of Montoya heir and heirs of Victoriano Montoya and Donaciano Montoya (Rancho de Montoya Sierra/Socorro Counties), Montoya heir and heirs of Guillermo Montoya (Sierra formerly [Socorro] County), Benavides heir and heirs of Gabriel Elicio (Rancho de la Gila, Grant County), Mitchell heir and heirs of Antonio Mitchell (Rancho de la Gila, Grant County), Mitchell heir and heirs of William Mitchell (Rancho de los Mimbres, Grant County), Serna heir and heirs of Santiago Serna (Rancho de los Rincones, Dona Ana County), Rosales heir and heirs of Juan Rosales (Rancho de los Rincones, Dona Ana County), Garcia heir and heirs of Ynacio Garcia (Rancho de la Gila, Grant County), Enriquez [Henriques] heirs of Antonia Henriques, Esiquio Henriques (Rancho de los Rincones, Dona Ana County).
- Chihene Nde Of New Mexico's traditional and undetermined locations of lands in the State Of New Mexico's historic Apacheria include but are not limited to: Rancho de Corrales/Comales, Black Range, Grant and Sierra Counties, Rancho de la Gallina, Mimbres Range, Grant County, Rancho de los Rincones, Dona Ana County (The Center For Land Grant Studies). Chihene Elders and members know the locations of these historic unclaimed areas in the historic Apacheria unknown to the State of New Mexico.
- Archaeological sites of pueblos and rancherias in post-Apacheria counties dating back to our historic ancestors within our historic lands in Dona Ana, Catron, Grant, Socorro and Sierra counties. In particular, the ancestral rancheria of Chihene Elder Richard Montoya, known as Montoya Site (LA 88891), Pinnacle Ruin (LA 2292), Kelly Canyon Site (LA 1125), and Victorio Site (LA 88889) in Sierra/So. Socorro New Mexico (Canada Alamosa Project).
- Artifacts from archeological sites of pueblos and rancherias housed at Laboratory of Anthropology in Santa Fe and Las Cruces New Mexico, in museums and private collections dating back to our historic ancestors and historic lands in Apacheria; including artifacts from the Montoya Site (LA 88891) in Sierra/So. Socorro New Mexico (Canada Alamosa Project).

CHIHENE NDE NATION OF NEW MEXICO'S HISTORICAL BACKGROUND KNOWN AS THE BANDS OF GILA APACHE AT SPANISH CONTACT

Lorraine Garcia
Historical Record Keeper
Chihene Nde Nation Of New Mexico

The Bands of Gila Apache descended from Southern New Mexico's first agricultural and pueblan people that farmed throughout their ancestral land river regions prior to, during, and after Athabascan and Spanish contact. They established themselves as planters and as *apaches de paz* (apaches of peace) with the Spanish Military after their 1790 Peace Treaty to supply Spanish presidios within their areas with food staples. These planters included Victoriano Montoya [Montoya Site LA 88891] and other Apache families named Galas and Yescas (Salcedo 1804). Other notable Gila ranches besides the Ranchos de Montoya included Pilar Conchos of Rancho de los Conchos of Sierra de San Mateo and El Apache Naranjo of Sierra de Magdalena (Salcedo 1803). These Gileno men laid the agricultural foundation for the successful peace treaties with New Spain of which the Spanish Military would depend on after 1790. Early attempts of peace by Gila leader Chafalote had occurred 1768 to 1769 and 1780 (Griffen 29, 43). Chafalote's son also named Chafalote would successfully solicit peace in 1802 along with other Gila leaders (Nava 21). In 1803, Victoriano Montoya was written in a Spanish military report by Jose Maria de Tovar to Commanding General Nemesio Salcedo: *Sobre las dependencias antiguas de vecinos con esta habilitación* (Salcedo No. 78). This passage translates as: They [The Spanish Military] are still able to depend on their ancient neighbors Victoriano Montoya and Ventura Ortiz. The state of the *campesinos* (rural farms) of Victoriano Montoya, Pilar Conchos, and another notable Gileno of Rancho de la Gallina, Juan Jose Galindo in the Sierra del Cobre [present-day Mimbres and Black Range] are reported by Jose Maria de Tovar on July 19, 1803 (Salcedo). The previous passage that the Spanish Military can still depend on their ancient neighbors was written five months after the inquiry of the rural farms on December 18 and the reference *ancient neighbors* by today's historical perspective can be translated further to mean *indigenous persons* of which the Bands of Gila were of the indigenous Mimbres, Mogollon culture.

HISTORICAL SUMMARY OF THE BANDS OF GILA APACHE'S ANCESTRAL RANCHERIAS' OF COMALES OF GALLINAS OF MONTOYAS OF RINCONES FOR HISTORICAL LAND CLAIMS IN THE APACHERIA IN CONJUNCTION WITH THE 1848 TREATY OF GUADALUPE HIDALGO AND THE PEACE COMPACT AGREEMENT OF 1853 WITH THE UNITED STATES AND THE GILA BANDS OF APACHE OF THE RIVERS OF ALAMOSA OF ANIMAS OF GILA OF JARA'LOSA OF MIMBRES OF RIO GRANDE AND THEIR TRIBUTARIES WITHIN THEIR ANCESTRAL RANCHERIAS

LORRAINE GARCIA
CHIHENE NDE NATION OF NEW MEXICO
HISTORICAL RECORD KEEPER/RESEARCHER
NOVEMBER 5, 2011

At the onset of the 1848 Treaty Of Guadalupe Hidalgo, the abandoned Mexican town of Dona Ana in New Mexico readily became a United States military garrison in the Apacheria of the indigenous Bands Of Gila Apache *respectfully* Chihene Nde (The People of The Red Paint People). The garrison was about fifteen miles south of the nearest Gila Apache rancheria: Rancho de los Rincones was 434,000 acres along the Rio Grande River. This rancheria and others were ably maintained and worked self-sufficiently as an economic basis due to over fifty years of consecutive peace treaties 1790 to 1848 with Spain and Mexico. The Bands of Gila Apache continued this process with their 1852 and 1855 Peace Treaties with the United States and were successful in agricultural pursuits among Peace Compacts and Agreements made 1853 to 1860 until 1865 when General James H. Carleton waged war against all Apaches. The United States attempted removal of Chiricahuas from Arizona to the Gila Apache ancestral lands displaced the Gila Apache and disrupted their settled and peaceful life as several reservations were established 1860 to 1877 to keep separate the two distinct groups. Although the abandonment of the U.S. during The Civil War left the Gila Apache to fend off murderous offenses by white settlement, established Mexican towns and encroachment of White and Mexican miners, they resolved to sue the U.S. for peace in 1865 rather than war is a fact that is not known and is buried among the *Michael Steck Papers*. The *Appropriations Act of 1867* was the United States way of erasing their treaty making powers with Indians and the *Indian Appropriations Act of 1871* addresses the validity of upholding treaties made prior to 1871. New Mexico's history is riddled with the rebellion of the Chiricahuas but little is known and written of the indigenous Bands of Gila Apache *respectfully* the Chihene who had maintained peace and lived upon their ancestral homelands from time immemorial.

The Western Jara'losa Valley (low land areas) in which The Rancho de los Rincones was located is still considered by the Gila Apache to be one of their agricultural *heartlands*. Water from the nearby Rio Grande irrigated fields by ancient acequias (canals) that had been dug and routed from the river by the areas first indigenous people whose descendents still carry given Spanish surnames of Rosales, Montoya, Henriques, Costales, Serna. This area named Santa Barbara, San Diego and San Ysidro by the Spanish and Mexicans was a vast waterway system with the Rio Grande meandering

through it and lagoons and even an island in its not too distant past (Map 1). In the nearby Lake Valley area, another area of the Jara`losa, the Jara`losa river and springs passed through it, and exists is a sacred ancestral Mimbres village area and oasis known today only by few Chihene. In a 2011 interview, Chihene Elder Eddy Montoya a Jara`losa descendant states, "One had to crossover three or four mountains to marry."

Lake Valley was one of many areas that members of the Bands of Gila Apache with the preceding Spanish surnames passed and headed westward over hills and mountains to the rancherias and villages of the Tula`rosa (forested mountain areas) to marry into the Gila clans of the El Cobre, Mimbres, Gallinas and Mogollon of the 95,480 acre Rancho de la Gallina in the Mimbres Mountain Range and areas surrounding Silver City, Grant County NM (Map 2). When the Jara`losa and Tula`rosa descendents could no longer marry into these clans, they journeyed north to the areas of Jara`losa and Tula`rosa of the Gila clans of the Tularosa Range, San Francisco, San Augustin Plains, Black Mountain Range, San Mateo Mountains (Red Canon), Ojo Calientes and Northeast to the Landrone Gila Apache of the Landrone Mountains and down southward of the towns Lemitar and Socorro (Map 3). It took those descendents several hundred years to marry southward and through the vast 95,380 acres of the Rancho de los Corrales/Comales and several hundred more back to the Western Jara`losa Valley of the Rio Grande in present-day Grant, Catron, Socorro, Sierra and Dona Ana counties.

The Guadalupe Hidalgo Treaty of 1848 did not protect the Gila Apache families' lands of Rancho de los Rincones from the white settlements that evolved from military outposts and forts erected upon it: that was not stipulated in the treaty. What the original Article X of the treaty did stipulate was protection for land grants but Congress removed Article X before ratification. A report by the U.S. General Accounting Office, GAO-01-330 Guadalupe Hidalgo Exposure Draft in 2001 recites: in 1848 The United States and Mexico agreed to the signing of the *Protocol of Queretaro* which Article 2 clarified [in the Hidalgo Treaty in regards to Article X that] The Protocol specifically provided that land grant titles would be protected under the treaty and that grantees could have their ownership of land acknowledged before American tribunals (8, 9). It is the descendents of these Gila Apache that still hold land grant titles to lands within these once vast rancherias of the Apacheria. What the Guadalupe Hidalgo Treaty of 1848 did accomplish and establish was an avenue to land entitlement to those individuals who could prove longtime occupancy in an American tribunal court. Unlike families of the Chiricahua and Mescalero who would obtain land by rebellion, warfare and forced Peace Treaty, many families of the Gila Apache would be successful in this American tribunal process, acts of congress, articles of peace, compact agreements and treaties of peace not of war.

ARTICLES OF PEACE AND COMPACT AGREEMENTS 1850-1860 AND PEACE TREATIES 1852 AND 1855 BETWEEN THE BANDS OF GILA APACHE AND THE UNITED STATES AT DONA ANA GARRISON AND FORTS WEBSTER AND THORN

Consecutive peace treaties 1790 to 1848 by way of earlier established peace agreements as early as the 1770's with Spain had been the norm for the Bands of Gila Apache as the Spanish moved further into their territory after seizing pueblan territories North of the Apacheria and seizing Chiricahua and other Indian territory South of them in Chihuahua and Sonora. At the time of the Hidalgo Treaty the only other Apaches living in New Mexico were the Mescalero and Jicarillas who inhabited the lands east of the Rio Grande River beyond the San Andreas and Oscuro mountain ranges (Map 3). Their peace treaties with Spain and Mexico had been separate from the Bands of Gila Apache and negotiated out of constant rebellion. At U.S. contact peace treaties between The United States and Indians *at peace* were *not* the standard: Standard was peace treaties with warring tribes of Indians against the United States for obtainment of Indian lands and for the controlled concentration and containment of Indian tribes for the repayment of the cost of war. This was not so for the indigenous Gila Apache who were seasonal agriculturalists, hunters, foragers and gathers with consecutive peace treaties from 1790 to 1855.

In June of 1850, New Mexico Chihene leaders Itan of the El Cobre band of Coppermine and Mimbres, Ponce (Francisco) of the San Augustin band of Ojo Caliente and Aguirre representing Mangas Coloradas of the Gila band entered into Nine Articles Of Peace with officials at the Santa Rita del Cobre Military Garrison. On July 1, 1852 Chihene leaders Mangas Colorado and Cuentas Azules along with Mescalero leader Capitan Vuelta entered into the *Treaty with the Apache* with Col. Edwin V Sumner at Acoma Pueblo of which John Greiner, Acting Superintendent of Indian Affairs at Santa Fe, New Mexico approved (2). At the request of New Mexico Governor William Carr Lane, by February of 1853, a peace compact agreement was entered into by New Mexico Governor Lane and El Cobre and Mimbres leaders Ponce, Cuchillo Negro, Jose Nuevo, Vicente Realles, Rinon and Corrosero. The agreement included living a civilized way by farming (as employment by the federal government) and building permanent dwellings or houses which in return the leaders and their rancherias would receive seed for planting, cattle, other foodstuff and textiles. These goods were provided through monetary appropriations by the Indian Service Branch Of The United States Federal Government to Indian agents.

In a letter dated July 11, 1853 to primary Indian Agent Michael Steck from NM Governor William Carr Lane, he is concerned that Indian Agent Wingfield has been issuing food to wandering Apaches and has allowed Gileno leader Mangas Coloradas and his band to join Ponce and the other leaders at the Mimbres and Coppermine (present-day Santa Rita) Mountains (Lane 1853 1, 2). Since many Gila rancherias and villages existed for hundreds of years, Indian Agent Steck on April 13, 1855 reports to Governor and Superintendent Of Indian Affairs David Meriwether on the past and previous progress of the river regions of the Gila, Mimbres and Animas Bands of Gila Apache farms ready for planting (1, 2). On June 9, 1855 a Peace Treaty was established between the Mimbres Band of Gila and Indian Agent Michael Steck and established their reserve to include the

old Coppermine Grant (Santa Rita) and Fort Webster. A year later there is confusion by Indian Agent Steck as to whether the Valley of the Gila was included in an inquiry letter to Captain Ewell present at the signing of the treaty (Steck). Captain Ewell's response letter confirms Fort Webster and the Coppermine Grant were included in the 1855 Peace Treaty as reserved lands for the Mimbres and Coppermine Bands of Gila Apaches (Ewell). The present-day towns of Hurley and Santa Clara covered parts of Fort Webster and Santa Rita, Bayard and the lower Mimbres the Coppermine Grant Santa Rita. The Gila Apache Reservation by 1860 was established in the upper regions of the Gila River and Gila Valley of pre-existing Gila Apache rancherias some thirty miles Northwest of present-day Silver City so there is no doubt that the Gila Valley was included in the 1855 Peace Treaty.

On April 10, 1856 NM Indian Agent Michael Steck sent an annual report to Commissioner of Indian Affairs George W Menypenny (Washington) of the continued peace, friendship, and progress of the Bands of Gila Apaches and their farms and also wrote of the depredations of the Mescalero in Dona Ana County and them not remaining in their territory East of the Rio Grande River. He expresses his disappointment and distrust in them for not upholding their peace treaty (1-4). One of Indian Agent Steck's and Governor Meriwether's concerns was since Mescalero leader Captain Vuelta had signed the 1852 Peace Treaty and could not control his people who rebelled that it would weaken the treaty and interfere with the Gila who upheld not only that treaty but also the 1855 peace treaty and the Fort Thorn Peace Compact Agreements each year since 1853 (Meriwether, Steck 1, 2). Indian Agent Steck's concerns came to pass when peaceful Captain Vuelta died and warfare developed between The United States and The Mescalero. Nevertheless, the peaceful Bands of Gila adhered to every article, compact agreement and treaty of peace they'd established even after their leaders, the signers, became death targets by the military in attempts to wage war and retract their treaties and agreements.

In 1860 as white settlements emerged on Coppermine and Mimbres Reservation lands and the Overland Mail Route build stations every fifteen miles through Gila Apache areas; concerns arose of the destitution of the Bands of Gila as game and subsistent foraging became scare. In a letter to Superintendent of Indian Affairs Collins, Indian agent Steck poses the initial safety of the bands themselves from the settlers and miners as apparent as their numbers rose over a thousand (1, 2). These concerns resulted in Indian Agent Michael Steck's plan for the establishment of the Gila Reserve for the Bands of Gila Apache's protection East of the Gila River in the Gila Valley and Wilderness in 1860 (Kappler 870). An attempt to settle Chiricahuas from Arizona and the Mexican states of Chihuahua and Sonora upon the newly established Gila Reserve became fruitless and displaced the Bands of Gila when the reserve was abandoned during the Civil War. The Civil War left the Bands of Gila who were seasonal farmers, hunters and gatherers open to depredations from the white settlements, White and Mexican miners and even the small detachments of U.S. soldiers at military posts as they took the side of settlers and miners. Indian agent Steck's concerns had come to pass as he was transferred out of the region for his safety from Confederate companies that had even

build a post in the Rancho de la Gallina upon the Mimbres Mountains. After the Civil War ended the Gila Reserve lands were placed into public domain and the Bands of Gila were placed into a systematic rotation of reservations in 1864, then 1871 to 1877 to keep them separate from the Chiricahua that had a culture of systematic raiding, not farming.

Gileno families such as The Garcia's, The Elicio's, Serna's, Mitchells and Rodrigues struggled to maintain their lands upon this area even after the lands were placed in public domain in 1867. They returned to the area known to them as the Rancho de Gila in the Gila Valley and Wilderness as other Gila families returned to homelands in the Mimbres and Black Range Mountains and back to Rancho de los Rincones vicinities and worked their lands as they had done prior to U.S. contact. In the Ojo Caliente at the Alamosa River Canyon where at one end of the Canyon lived the peaceful families of the Montoya rancherías, Chiricahuas were placed at the other end and displaced families upon the ancestral rancherías of Chihene leaders Ponce and Cuchillo Negro. Again, the Chiricahuas were forcibly removed from their homelands in Arizona and Sonora and Chihuahua Mexico to the regions of the Bands of Gila Apache which set in motion the twenty six year period of notorious uprisings that the Chiricahuas are remembered and renown for in New Mexico's history: A history that overshadowed the peaceful Bands of Gila Apache's own history as they struggled to maintain and retain their land titles rights and farms in American tribunals among the turmoil set upon them in their own aboriginal homelands by the Chiricahuas.

By 1865 Michael Steck was Superintendent of Indian Affairs and supported the Gila Apaches as they resolved for peace with The United States when Brigadier General James H. Carleton waged war against them threatening extermination if they didn't surrender (Carleton, Steck 1). In a letter to Commissioner Of Indian Affairs Dole, Steck wrote how the citizenry of Dona Ana and Mesilla Valleys supported the Gila's right to peace treaty with the United States. A local resident, Albert Bloomfield, spoke of the fears of the Gila because of the treachery endured by them by U.S. soldiers during the Civil War and how the Gila bands just as the local citizens had withstood the depredations the Mescaleros had bestowed on them before, during, and after the Civil War. Unlike the Mescaleros, Mesilla residents weren't accosted by the Bands of Gila to wage war against the United States (Steck, 1-6). Superintendent Steck stated that even with the atrocities endured by the peaceful Gila Apache of losing many of their people, including leaders, that they deserved their resolution to peace with the United States. Unfortunately, many of the families of the Gila would lose many love ones before General Carleton gave up his war against them.

The Garcia's, The Elicio's, Serna's, Mitchells and Rodrigues that had returned to their farms in the Gila after 1865 as well as many families of Bands of Gila who retained land titles and had been a part of the U.S. federal governments peace agreements, compacts, and policies suddenly faced an obstacle that would forever change their lives: A Congressional Act by the U.S. House of Representatives stripped treaty making policies with Indians from the president and his executive branch to The United States Congress. Although this act was repealed by the Act of July 20, 1867, the House of Representatives

having not been able to infringe on Federal Indian Policy, stopped issuing appropriations to the Indian Service Branch of which Indian agents were allotted (United States Senate Committee On Appropriations). These were the appropriations that had been distributed to Indian Agent Steck during the Fort Thorn Peace Agreements with the Bands of Gila Apache 1853 to 1860 and who had been the most successful tribe to work their lands during these agreements on a continuous basis.

An Act passed by Congress on March 3, 1871 changed the peace treaty process with all Indian nations and deemed those with no treaties or non-ratification of treaties as not recognized Indian nations or tribes by The United States (Deloria, DeMallie 233, 234). The Bands of Gila who upheld their lawfully made 1852 and 1855 Peace Treaties and who were participants of the Fort Thorn Peace Agreements from 1853 to 1860 suddenly had no peace treaties. The act of congress also made articles within treaties such as identified Indian lands obsolete and made tribes such as the Bands of Gila who had *historically* not waged war against the U.S. indifferent, neither right or wrong, if they had warred instead of by today's definition: *protested* in their stance for peace against General Carleton's War.

The families that had their land patent titles secure under the Hidalgo Treaty within Dona Ana, Grant and Socorro counties clustered together on their ranches in the Rincones, Mimbres, Lemitar and Canada Alamosa after 1871 to 1885. By 1880, The Guillermo Montoya family joined the other Montoya rancherias in Canada Alamosa away from their isolated five hundred plus acre ranch south of Las Animas in the vicinity of Mimbres leader Cuchillo Negro's rancheria. No longer considered Gilenos in the eyes of the U.S. government or Southern New Mexico locals, all families whether or not they had land patent titles still banded together in close knit groups due to hostilities that arose after 1871 when once again the Chiricahuas were brought into the Canada Alamosa/Ojo Caliente region then known as the Southern Apache Country. The families in the Gila Forest regions of the Mimbres as well as the Henriques (Enriquez), Rosales, Morales, Sernas and other families from the Rincones stayed together and it wasn't unusual for members and families of the Bands of Gila to stay within or around their ranches who did not have land patent titles. It was also not unusual for Chiricahuas who had married into Gila bands to stay for certain lengths of time as it was unsure what the U.S. government had in store for all Apache people. The military observance of this gathering of Gila and Chiricahua Apache in the territory initiated them to place those without Rancherias in a rotation of military reservations per executive order in Tularosa (1871-1874) and Ojo Caliente (1875-1877) in Socorro County not only to observe their actions but also to keep separate the Chiricahuas and the Bands of Gila who did and did not have land patent titles to Rancherias (Kappler 874, 879).

By 1900 many of the families in the Canada Alamosa moved back to the Mimbres Mountains in Grant County. Some of the families moved to the ancient Rancho de la Gallina by the ruins of an ancient Mimbres village and Spanish presidio for the isolation and safety of the deep forested and mountainous terrain; including Donaciano Montoya's family who'd lived in the deep recesses of Alamosa River Canyon since the beginning of

Chihene existence. The families in the Gila still worked their ranches even during the 1910's to the 1920's when various federal water projects came about and many families were displaced as the government seized parts of these lands. In the Upper Gila where the families of Ynacio Garcia, Santiago Serna, Gabriel Elicio and Antonio Mitchell lived upon the old Apacheria of the Rancho de Gila, the Gila Watershed Program was created and the San Carlos Reservation Water Project supplied the San Carlos Apache Tribe in Arizona with water from the Gila River. The Rio Grande Project in Dona Ana County displaced many of the families of the Rincones including the Henriques, Rosales and Sernas whose lands became reserved to the federal government for federal agricultural and water projects. In Lemitar, Socorro County the railroad vertically cut straight through Jose Gutierrez's and other families' ranches and farmlands, but what the families still retained whether they were ran off, bought off or were moved off their land were their land patent titles that the Guadalupe Hidalgo Treaty of 1848 ensured to them. What is ironic some of the families of the ancient Rancho de los Rincones in 1920 were placed in Salem's New Mexico's Indian Ward as a part of the U.S. Federal Government's Agriculture Program and worked the lands that their families once lived upon from time immemorial.

Presently, the Donaciano Montoya Rancheria in the Canada Alamosa/Ojo Caliente is known as Montoya Site LA 88891 and is a part of the Canada Alamosa Project in Sierra and Southern Socorro Counties in New Mexico. It is a prehistoric preservation site with ancient Pithouses and Mimbres villages around the Montoya's old house and surrounding areas and a forty six room pueblo has been uncovered and preserved (Canada Alamosa Project). To the Chihene Nde Nation Of New Mexico this is an important area as are all areas surrounding the Canada Alamosa because these areas are known as the beginnings of existence where the ancestors of the Tula`rosa and Jara`losa came together. In a phone interview with Chihene Nde Nation Of New Mexico's historian Professor Maurice Shortt of Western New Mexico University, he quotes archeologist Carl Laumbach of Humans Systems Research and who was first to record the Montoya Site in 1991 to 1992, "This particular site Montoya and surrounding environs is the cultural site where the Mogollon people, Hohokam people and Mimbres people were probably present archeologically speaking simultaneously." To Carl Laumbach's quote Professor Maurice Shortt states in support of the Chihene being indigenous, "In other words the three cultures the Mogollon, Hohokam and Mimbres, they were all present at this single location and culturally speaking the intersection of these three cultures created the Chihene people."

The Chihene Nde Nation of New Mexico stand by their ancestral identity of being indigenous to Southern New Mexico. The areas in which they resided when the U.S. came into their lands was called Apacheria. The areas in which they resided when the Mexicans came into their lands was called Apacheria. The areas in which they resided when the Spanish came into their lands was called Apacheria. The areas in which they resided when the Chiricahuas and Mescaleros came into their lands was called Apacheria. Apacheria was the name given to the Chihene by their ancient neighbors the Zuni sometime during the pueblan years apparently when the pueblos were engaged in conflict. In the *American Experience* PBS televised documentary and transcript of *We*

Shall Remain: Geronimo, Fort Sill Apache historian Michael Darrow claims that the Chihenne is one of the Chiricahua bands (2). From the Chihene perspective and oral history: they did not migrate from Alaska or Canada as the Chiricahuas are documented to have done. In the *Michael Steck Papers*, it is adamantly written and recorded that the Bands of Gila and the Chiricahuas are two distinct and separate people. Present-day Chiricahuas and historians adamantly claim a life as raiders, not farmers (We Shall Remain 2, 8). Statements as these are true for the Bands of The Gila were the farmers and their descendents do not deny this claim and know where their ancient agricultural lands and villages are located.

It is apparent that loss of identity and lands of the Bands of The Gila stemmed from the Act of Congress of 1867 and the Indian Appropriations Act of 1871 but what isn't apparent but is evident analytically from the Chihene's overshadowed history, the Guadalupe Hidalgo Treaty of 1848, and *Michael Steck Papers* is how American history doesn't tell that these acts were a larger part of a power struggle play between the executive, judicial and military branches of the United States as well as New Mexico's state and local governments in the mid-19th Century. The aftermath of the Civil War and all that the Bands Of Gila's lands and water had to offer settlers, miners, and military personnel was too great to let the Bands of Gila retain. The late Native American Scholar Vine Deloria Jr. and Raymond J. DeMallie pose a good question in their work of *Documents of American Diplomacy: Treaties, Agreements, and Conventions, 1777-1979*: "The status of preliminary treaties have not been determined. In 1855 in New Mexico, treaties were signed with a number of tribes at Fort Thorn, and although they were never ratified, they did serve the purpose of calming the southwest frontier. An important question is whether these and other treaties require new consideration as candidates for the list of ratified treaties on the grounds that both sides ratified them by performance (178). Could it be the *effectiveness* of the continuing peace agreement processes may have *seemingly* replaced the ratification process?"

In 1865, New Mexico's territorial residents of Dona Ana and Mesilla Valleys that co-existed with the Bands of Gila Apache for decades, supported them in their sue for peace against General Carleton's waged war and Superintendent of Indian Affairs Michael Steck was their staunch key supporter and voice of the Chihene people by word and pen. Steck tried to show how the abuse of power for control of an indigenous group of people and their natural resources by persons in powerful positions, of which one power continually tried to overthrow the other powers, ended up blatantly deciding on the extermination of the group's identity; rather than deciding on a humane and conscientious decision by all powers involved, demonstrated an inane ability to have made such a drastic decision. After living sixty two years with peace treaties at U.S. contact, the Bands of The Gila Apache *respectfully* the Chihene Nde Nation Of New Mexico today, retain the land patent titles to their respective areas which give them the power at most, to reclaim by name their ancestral homelands.

Summary of the Bands of Gila Ancestral Rancherias

Works Cited

Canada Alamosa Project.

Canada Alamosa Project Institute, Monticello, New Mexico

Human Systems Research, Las Cruces, New Mexico

Home Page:

<http://www.canadaalamosaproject.org/home>

Project Definition: 1 Forerunners, 2 Project Study Area

3 Research Goals and Strategies

<http://www.canadaalamosaproject.org/project-definition>

The Center for Land Grant Studies

[Grants A-J](#) | [Grants L-R](#) | [Grants S-Z](#) | [Grants by County](#)

Land Grants where the Location is Not Determined

Rancho de los Corrales (Comales) PLC 221 (52/1028-1035) 95,380

Rancho de la Gallina PLC 222 (52/1036) PLC 244 (53/078) 95,480

Rancho de los Rincones PLC 246 (53/094-101) 434,000

The Center For Land Grant Studies 1979-2008

http://www.southwestbooks.org/grants_nocounty.htm

Deloria, Vine Jr., DeMallie, Raymond J. *Documents of American Diplomacy: Treaties, Agreements, and Conventions, 1777-1979 (Legal History of North America)*. pp, 136, 178, 233, 234, University of Oklahoma Press. 1999

<http://books.google.com/books?id=E4hxWwCCIG0C&pg=PA136&dq=apache+treaties#v=onepage&q=apache%20treaties&f=true>

Griffen, William B. *Apaches at War and Peace. The Janos Presidio, 1750-1858*. pp, 29, 43. University of Oklahoma Press, Norman, Publishing Division of the University Press. 1998.

Kappler, Charles J. *Indian Affairs: Laws and Treaties. Vol. I, Laws (Compiled December 1, 1902). Part III. -Executive Orders Relating to Indian Reserves*. pp, 870, 874, 879. Government Printing Office, Washington. 1904.

Montoya, Eddy. *Interview With Chihene Elder Eddy Montoya* 7-17-2011.

Shortt, Maurice. *Interview With Chihene Nde Nation Of New Mexico*

Summary of The Bands Of Gila Ancestral Rancherias

Works Cited (continued)

Historian Professor Maurice Shortt. 1-8-2012.

Steck, Michael. *Michael Steck Papers.*

Lane, William Carr. Letter to Michael Steck, July 11, 1853. pp 1, 2.

Steck, Michael. Letter to Governor and Superintendent of Indian Affairs David Meriwether, April 13, 1855. pp, 1,2.

Meriwether, David. Letter to Michael Steck, March 14, 1855. pp 1, 2.

Steck, Michael. Letter to Commissioner of Indian Affairs George W. Menypenny, April 10, 1856. pp, 1-4.

Steck, Michael. Letter To Captain W. L Ewell, July 14, 1856.

Ewell, W. L. Captain. Letter to Michael Steck, August 16, 1856.

Steck, Michael. Letter to Superintendent of Indian Affairs Collins, March 10, 1860. pp, 1, 2.

Carleton, James H. Report to Superintendent of Indian Affairs Michael Steck, February 13, 1865. pp, 1, 2.

Steck, Michael. Letter to Commissioner of Indian Affairs Dole, March 12, 1865. pp, 1-6.

New Mexico's Digital Collections: UNM CSWR Michael Steck Papers

<http://econtent.unm.edu/cdm4/browse.php?CISOROOT=%2Fsteck>

Treaty With The Apache, July 1, 1852, Extracted from *Indian Treaties, Acts and Agreements*. Copyright 1999-2011 by Access Genealogy.com

<http://www.accessgenealogy.com/native/treaty/>

United States General Accounting Office, GAO -01-330-*Treaty Of Guadalupe Hidalgo Definition and List of Community Land Grants, New Mexico Exposure Draft*. January 2001. Pp, 8, 9, 28, 29.

United States Senate Committee on Appropriations Committee History

<http://appropriations.senate.gov/about-history.cfm>

January 5, 2010

We Shall Remain: Geronimo. An American Experience PBS: Transcript.

We Shall Remain is an *American Experience* Production

Association with Native American Public Telecommunications

For WBGH Boston. Pages 2, 8.

Summary of the Bands Of Gila Ancestral Rancherias

Works Cited: Inclusions

Map 1, Historic Surveyor General Map, Original (Copy) Dona Ana Township 18. Antonia and Esiquio Enriquez [part of] section 28. Juan Rosales [part] section 34. Santiago and Jacinto Serna [parts of] sections 35, 36. Known as Rancho de los Rincones to Chihene.

Map 2, Township 17, Grant County, 1917. Rancho de La Gallina. Gallina Canyon section 28, 21. Gallina River section 33. Vicinity of ancient Mimbres villages and Spanish presidio. Confederate soldiers had a Military post in this vicinity. Tomas and Juan Montoya section 4.

Map 3, 1895 Map of New Mexico.

“Records of Presidio de San Felipe y Santiago de Janos Records, 1706-1858
Benson Latin American Collection, General Libraries, University of Texas at Austin.

Part 4: 1801-1809

1802 box folder. Folder 16, Section 2. Oficios de don *Pedro de Nava*, año de 1802.

11 de agosto: *Nava*: al sr. don José Manuel de Ochoa; carta sobre haber presentadose los capitancillos Concha, y Chafalote con 12 Gandules y más solicitando la paz. Capitancillo Naranjo, capitancillos Vivora, Taguoslán, y Tasquienelté. (Chihuahua)

[21]

1803 box folder. Folder 17, Section 1. Oficios de don *Nemesio Salcedo*, comandante general, año de 1803.

22 de septiembre: *Salcedo*: al sr. don José María Tovar; carta sobre un destacamentos del álferez don Francisco Quintanilla. Ranchería del capitancillo Concha, el Apache Naranjo, Sierra de San Mateo, Sierra de la Magdalena, don José Manrique, San Elceario. (Chihuahua)

Folder 17, Section 3 Copias de cartas de don *José María de Tovar* desde hasta 18 de julio de 1803 1 de febrero de 1805.

1803, 19 de julio: Sobre pasar Leandro Aro como asistente. Don José Ochoa, San Elceario. (Janos). Sobre establecerse en la tierra un campesino. Don José Ygnacio Carrasco, Pilar de Conchos, Sierra del Cobre, don Joaquín Perú, Victoriano Montoya, Juan José Galindo. (Janos)

1803, 18 de diciembre: No. 78. Sobre las dependencias antiguas de vecinos

Summary of The Bands Of Gila Ancestral Rancherias

Works Cited: Inclusions (continued)

con esta habilitación. Victoriano Montoya, Ventura Ortiz.

[11]

1804 box folder. Folder 17, Section 2. Oficios de don *Nemesio Salcedo*, *comandante general*, año de 1804.

17 de abril: *Cuentas* seguida de los gastos causados en la siembra de los Apaches de paz que por orden del señor comandante general se va a verificar en este Presidio. Ygnacio Galás, Francisco Yescas, Victoriano Montoya, María Rosa Luján, in'valido Esparza, saestre Miguel Olivas, maestro Pedro González, (Chihuahua).

[11] Recibo de Ygnacio Galás.

Recibo de Santiago Valle. 18 de abril:

[11] Recibo de Francisco Quintanilla.

[11] Recibo de Victoriano Montoya.

[11] Recibo de Miguel Olivas. 24 de abril:

[11] Recibo de Francisco Quintanilla. 17 de abril:

[11] (Janos) [81]

Lorraine Garcia