

September 2001

TREATY OF  
GUADALUPE  
HIDALGO

Definition and List of  
Community Land  
Grants in New Mexico



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United States General Accounting Office  
Washington, DC 20548

September 10, 2001

The Honorable Jeff Bingaman  
The Honorable Pete Domenici  
United States Senate

The Honorable Tom Udall  
House of Representatives

From the end of the seventeenth century to the mid-nineteenth century, Spain (and later México) made land grants to individuals, towns, and groups to promote development in the frontier lands that now constitute the American Southwest. In New Mexico, these land grants<sup>1</sup> fulfilled several purposes: to encourage settlement, reward patrons of the Spanish government, and create a buffer zone to separate hostile Native American tribes from the more populated regions of New Spain. Spain also extended land grants to several indigenous pueblo cultures, which had occupied the areas granted long before Spanish settlers arrived in the Southwest. Under Spanish and Mexican law, common land was set aside as part of the original grant for the use of the entire community. Literature on land grants in New Mexico and popular terminology generally distinguish between two kinds of land grants: “community land grants” and “individual land grants.” Our research identified a total of 295 grants made by Spain and México during this period. Appendix I contains a list of these grants and Appendix II contains a list of alternate grant identifiers.

The Treaty of Peace, Friendship, Limits, and Settlement of 1848, generally known as the Treaty of Guadalupe Hidalgo, formally ended the Mexican-American War, and the United States assumed control over vast new territories, including much of what is now the State of New Mexico. Under the treaty, the United States agreed to recognize ownership of property of every kind in the ceded areas. Over the next half century, the United States developed procedures to validate land grants in the territory of New Mexico in order to implement the treaty provisions. Whether the United States carried out the provisions of the treaty, especially with regard to community land grants, has been a controversial issue for generations. Many persons, including grantee heirs, scholars, and legal experts, still claim that the United States did not protect the property of Mexican-

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<sup>1</sup> In New Mexico, the term “land grant” is often referred to using the Spanish word *merced*.

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Americans and their descendants, particularly the common lands of community land grants. They charge that the common lands were lost in many ways and that this loss threatened the economic stability of small Mexican-American farms and the farmers' rural lifestyle.

Concerned that the Congress and the courts have validated only about 25 percent of the total land grant claims in New Mexico and that most of the lost lands stemmed from community land grants, you asked us to answer several questions concerning community land grants and procedures under the treaty. In this report, the first of two reports, we agreed to (1) define the concept of community land grants and (2) identify the types of community land grants in New Mexico that meet the definition. Subsequently, we will describe the procedures established to implement the treaty, identify concerns about how the treaty was implemented, and what alternatives, if any are needed, may be available to address these concerns.

To define community land grants, we reviewed land grant documents filed with the U.S. government; Spanish colonial, Mexican, and current New Mexico laws; federal, state, and territorial court cases; and the land grant literature. To identify land grants meeting the definition of community land grants, we reviewed U.S. records on Spanish and Mexican land grant claims; literature on land grants, including materials on specific grants; and federal court cases. We also spoke with scholars, legal experts, and grant heirs familiar with the issues. For the most part, we relied on English translations of Spanish documents in U.S. government files and other sources. Our identification of a land grant as a community land grant in this report, however, does not constitute our opinion as to the validity of any land grant claim. Many of these land grants have already been subject to congressional review or court adjudication. Appendix III contains a complete description of our methodology.

This report was prepared after receiving comments and information on the Exposure Draft issued in January 2001 in English and Spanish.<sup>2</sup> The Exposure Draft sought public comment on our definition of community land grants, the three categories of community land grants we identified, and the list of grants in each category. This report incorporates some of the comments received during the comment period January 24 to May 2,

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<sup>2</sup> [GAO-01-330 \(English\)](#) and [GAO-01-331 \(Spanish\)](#)

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2001. Comments were included when they were directly related to the discussion in the report.

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## Results in Brief

Land grant documents contain no direct reference to “community land grants” nor do Spanish and Mexican laws define or use this term. We did find, however, that some grants refer to lands set aside for general communal use (*ejidos*) or for specific purposes, including hunting (*caza*), pasture (*pastos*), wood gathering (*leña*), or watering (*abrevederos*). Scholars, the land grant literature, and popular terminology commonly use the phrase “community land grants” to denote land grants that set aside common lands for the use of the entire community. We adopted this broad definition in determining which Spanish and Mexican land grants can be identified as community land grants.

We identified 154 community land grants (or approximately 52 percent) out of the total of 295 land grants in New Mexico. We divided these community land grants into three distinct types: 78 of these were grants in which the shared lands formed part of the grant according to the original grant documentation; 53 were grants that scholars, grantee heirs, or others believed to contain common lands; and 23 were grants extended to the indigenous pueblo cultures in New Mexico.

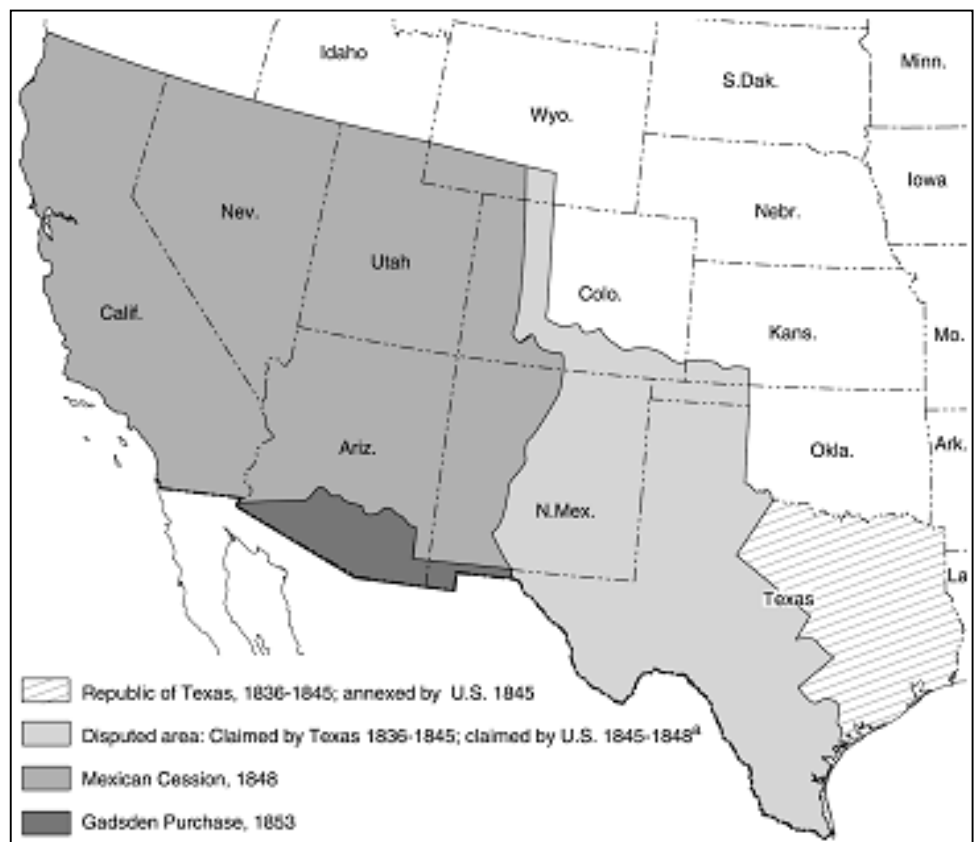
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## Background

From the end of the seventeenth century to the middle of the nineteenth century, Spain and México issued grants of land to individuals, groups, towns, pueblos, and other settlements in order to populate present-day New Mexico. Academic treatises and popular literature typically divide these grants into two types: “individual grants” and “community land grants.” Grants awarded to towns and other settlements were modeled on similar communities created in Spain, where the king granted lands adjacent to small towns for common use by all town residents. Under Spanish and Mexican law in the territory of New Mexico, officials made grants to towns and other communities. These grants usually contained sufficient land and water resources to facilitate settlement and the establishment of communities. Both land and water were essential ingredients for sustaining agricultural communities in New Mexico. Such grants were in keeping with Spanish laws, including the 1680 *Recopilación de las Leyes de los Reynos de las Indias*, which was a compendium of laws governing settlements in the New World. However, local laws, practices, and customs often dictated how grants were made and confirmed.

After achieving independence from Spain in 1821, México continued to adhere to Spanish law by extending additional land grants to individuals to encourage settlements in unoccupied areas and to stave off U.S. encroachment on Mexican territory. The Mexican-American War began in 1846 and formally ended with the signing of the Treaty of Guadalupe Hidalgo in 1848. Under the treaty, México ceded most of what is presently the American Southwest, including the present day states of New Mexico and California, to the United States for \$15 million. Figure. 1 shows the territory ceded by México under the treaty.

**Figure 1: Territory Ceded by Mexico under the Treaty of Guadalupe Hidalgo In 1848 and the Gadsden Purchase of 1853.**



<sup>3</sup>In 1845 when Texas became a state, both Texas and México claimed the area shaded in light gray. The Treaty of Guadalupe Hidalgo resolved this dispute. Texas still claimed ownership of this land. In 1850, Texas transferred part of this land to the federal government, which became the eastern portion of the territory of New Mexico.

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While the treaty generally provided protection for property in the ceded area, Article X expressly addressed land grant protection. However, U.S. President James Polk objected to the provision, fearing that a revival of land grant claims had the potential to jeopardize the grants already settled in Texas. The Senate Resolution of advice and consent to ratification contained several amendments to the treaty, including one that struck out Article X. Subsequently, in 1848, the United States and México signed the Protocol of Querétaro, which explained certain aspects of the treaty. In Article 2 of the Protocol, the United States indicated in its interpretation that the exclusion of Article X in no way meant that it planned to annul the land grants. The Protocol specified the United States' position that land grant titles would be protected under the treaty and that grantees could have their ownership of land acknowledged before American tribunals. In the 1853 Gadsden Purchase,<sup>3</sup> the United States purchased additional land from México for \$15 million, including the southwest corner of the present State of New Mexico. The Gadsden Purchase incorporated by reference the property protection provisions of the Treaty of Guadalupe Hidalgo.

To implement the treaties, the Congress enacted legislation in 1854 to establish the Office of Surveyor General of New Mexico. The Surveyor General was charged with examining documents and verifying the ownership of land grants. The U.S. government required individuals or towns and other communities to prove ownership or property interests in grant lands. After reviewing the land grant documentation, the Surveyor General was to recommend to the Secretary of the Interior whether a grant should be rejected or confirmed. If the Secretary of the Interior agreed with a recommendation to confirm, he, in turn, would recommend that Congress approve the grant. Upon congressional approval of the grant, the U.S. government usually issued a patent,<sup>4</sup> which conveyed the property's title to the owner. The Congress reviewed and confirmed 64 of the surveyor generals' recommendations, but in the late 1870s, the congressional review of recommendations ceased.

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<sup>3</sup> The Gadsden Purchase was part of a larger treaty called the Treaty of Boundary, Cession of Territory, Transit of Isthmus of Tehuantepec, which was signed on Dec. 30, 1853.

<sup>4</sup> The patent did not convey full title to the owner of the grant. Rather it was a "quit claim or relinquishment on the part of the United States" of any interest in the land patented. The patent further provided that "it shall not affect the adverse right of any other person or persons whatsoever." Thus, third parties could challenge a patentee's right to the land based upon a claim of superior title. In fact, this is what happened in some cases. Patents were frequently issued many years after congressional approval.



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In 1891, the Congress established the Court of Private Land Claims to adjudicate the outstanding claims that the surveyors general had reviewed but the Congress had not yet approved, and other claims presented to the court. In *United States v. Sandoval et al.*, 167 U.S. 278 (1897), a case on appeal from the Court of Private Land Claims, the Supreme Court held that México, not the local community, held title to all common lands in community land grants issued before 1848. Consequently, under the Treaty of Guadalupe Hidalgo, México had transferred ownership of these communal lands to the United States. Although the *Sandoval* decision did not overturn previous court confirmations of land grants, it did affect all subsequent claims adjudicated by the Court of Private Land Claims. In 1904, the court finished its work, approving claims and land surveys that represented approximately 6 percent of the acreage claimed. The Congress and the Court of Private Land Claims confirmed 155 grants of the total of 295 grants we identified, and patents were issued for 142 of these grants.<sup>5</sup> Appendix I lists all the land grants that we identified, the years of grant confirmation and patent issuance, and the acreage patented.

The completion of the Court of Private Land Claims' work did not quell the controversy surrounding the loss of the common lands. Many persons, including grantee heirs, scholars, and legal experts, still claim that the United States failed to uphold the provisions of the Treaty of Guadalupe Hidalgo to protect the property of Mexican-Americans and their descendants. They remain critical of the federal courts' treatment of the common lands and the failure to approve more of the acreage claimed. They also assert that common lands were lost by other means, and that this loss deprived many small Mexican-American farmers of their livelihoods.

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## The Concept of Common Lands Defines Community Land Grants

Land grant documents contain no direct reference to "community land grants" nor do Spanish and Mexican laws define or use this term. Scholars, land grant literature, and popular terminology use the phrase "community land grants" to denote land grants that set aside common lands for the use of the entire community. We adopted this broad definition for the purposes of this report.

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<sup>5</sup> In some cases, no patent was issued. Individuals then had to rely on the legislation or the Court of Private Land Claim's decision confirming the grant as conveying the interest in the property the United States possessed. (See previous footnote.)

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To determine the meaning of the term “community land grants,” we first reviewed land grant documents, and found that grant documents do not describe grants as community land grants. We also did not find applicable Spanish and Mexican laws that defined or used the term. However, as a result of our review of land grant literature, court decisions, and interviews with scholars, legal experts, and grantee heirs, we found that the term is frequently used to refer to grants that set aside some land for general communal use (*ejidos*) or for specific purposes, including hunting (*caza*), pasture (*pastos*), wood gathering (*leña*), or watering (*abrevederos*). Our definition coincides with the way in which scholars, the land grant literature, and grant heirs use the term.

Under Spanish and Mexican law, common lands set aside as part of an original grant could not be sold. Typically, in addition to use of common lands, settlers on a community land grant would receive individual parcels of land designated for dwelling (*solar de casa*) and growing food (*suerte*). Unlike the common lands, these individual parcels could be sold or otherwise disposed of by a settler who fulfilled the requirements of the grant, such as occupying the individual parcel for a continuous period. For example, the documentation for the Antón Chico grant, issued by México in 1822, contains evidence that common lands were part of the original grant. The granting document provided for individual private allotments and common lands. Congress confirmed the Antón Chico grant in 1860 and the grant was patented in 1883.

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## Approximately 52 Percent of All New Mexico Land Grants May Be Classified as Community Land Grants

Using our definition, we identified three types of community land grants, totaling 154 grants, or approximately 52 percent of the 295 land grants in New Mexico. In 78 of the community land grants, the common lands formed part of the grant according to the grant documentation. Scholars, grant heirs, and others have found an additional 53 grants that they believe contain communal lands; and we located 23 grants of communal lands to the indigenous pueblo cultures in New Mexico.

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## Common Lands Formed Part of the Grant According to Grant Documentation

The first type of community land grant we identified is a grant in which common lands formed part of the original grant. From our review of grant documents, Spanish and Mexican law, New Mexican law, and grant literature, as well as interviews with grant heirs, scholars, legal experts, and others, common lands were part of the original grant in the following three instances:

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- The grant document itself declares that part of the land be made available for communal use, using such terms as “common lands” or “pasturage and water in common.” We identified 29 grants that contain this or similar language. For example, the 1815 Spanish Los Trigos grant, which was issued to three individuals, made pasture available to the settlers of the grant. Also, an 1846 Mexican land grant provided land to John Scolly and several associates to set aside wood and common pasture for the use of all the settlers. Current New Mexico law treats grants that make specific reference to common lands as community land grants.<sup>6</sup>
  - The grant was made for the purpose of establishing a town or other new settlement. Spanish laws and customs concerning territories in the New World provided that new settlements, cities, and towns would include common lands. Although México obtained its independence in 1821, Mexican land grants continued to follow Spanish laws and customs. We identified 13 grants as Spanish and Mexican grants to towns. For example, in 1768, Spain issued the Ojo de San José grant to six individuals for the purpose of establishing a town. Similarly, México issued the Doña Ana Bend Colony grant in 1840 to 116 petitioners to establish a town, which would then set aside an area for the town commons. New Mexico law currently considers grants to towns, communities, colonies, pueblos, or individuals for the purpose of establishing a town to be community land grants.<sup>7</sup>
  - The grant was issued to 10 or more settlers. Spanish law governing settlement in the New World stated that 10 or more married persons could obtain a land grant, if they agreed to form a settlement indicating that a grant would contain common lands. For example, the 1807 Spanish Juan Bautista Valdez grant was made to 10 settlers and the 1842 Mexican Angostura del Pecos grant to 54 settlers. We identified 36 grants of this type.

Table 1 lists 78 grants in which common lands were part of the original grant.

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<sup>6</sup> New Mexico law provides for the management of the common lands of Spanish and Mexican community land grants by a board of trustees or a community land grant corporation. N.M. Stat. Ann. 49-1-3 and 49-2-1 (2000).

<sup>7</sup> N.M. Stat. Ann. 49-1-2 (2000).

**Table 1: 78 Community Land Grants Identified Through Original Grant Documentation**

<b>Grant</b>	<b>Year granted</b>	<b>Location by county<sup>a</sup></b>
Abiquiú (Town of)	1754	Río Arriba
Álamos	1840	Santa Fé
Albuquerque (Town of)	1706	Bernalillo
Alexander Valle	1815	San Miguel
Angostura del Pecos	1842	Guadalupe
Antón Chico (Town of)	1822	Guadalupe
Arroyo Hondo	1815	Taos
Atrisco (Town of)	1692	Bernalillo
Badito	1835	Santa Fé
Barranca	1735	Río Arriba
Bartolomé Trujillo	1734	Río Arriba
Belén (Town of)	1740	Socorro
Bernabé Manuel Montaña	1753	Sandoval
Bracito	1823	Doña Ana
Cadillal	1846	Santa Fé
Caja del Río	1742	Santa Fé
Cañada de los Álamos (1)	1785	Santa Fé
Cañada de los Mestaños	1828	Taos
Cañada de San Francisco	1840	Santa Fé
Cañón de Carnue	1819	Bernalillo
Cañón de Chama	1806	Río Arriba
Cañón de San Diego	1798	Sandoval
Casa Colorado (Town of)	1823	Socorro
Cebolla	1846	Taos
Cebolleta (Town of)	1800	Cibola
Chaperito (Town of)	1846	San Miguel
Chililí (Town of)	1841	Bernalillo
Cieneguilla (Town of)	1795	Taos
Cubero (Town of)	1833	Cibola
Domingo Fernández	1827	Santa Fé
Don Fernando de Taos	1796	Taos
Doña Ana Bend Colony	1840	Doña Ana
Galisteo (Town of)	1814	Santa Fé
Gervacio Nolan	1845	Mora
John Scolly	1846	San Miguel
Juan Bautista Valdez	1807	Río Arriba
Juan de Gabaldón	1752	Santa Fé

Las Trampas	1751	Taos
Las Vegas (Town of)	1835	San Miguel
Los Conejos	1842	Río Arriba
Los Manuelitas	1845	San Miguel
Los Serrillos	1692	Santa Fé
Los Trigos	1815	San Miguel
Manzano (Town of)	1829	Torrance
Mesilla Civil Colony	1853 <sup>b</sup>	Doña Ana
Mesita Blanca	1843	Santa Fé
Mora (Town of)	1835	Mora
Nicolás Durán de Cháves	1739	Valencia
Nuestra Señora del Rosario, San Fernando, y Santiago	1754	Río Arriba
Ojo Caliente	1793	Río Arriba
Ojo de San José	1768	Sandoval
Petaca	1836	Río Arriba
Pueblo of Quemado	1721	Santa Fé
Ranchito	1700	Sandoval
Rancho de Ysleta	1828	Otero
Rancho del Río Grande	1795	Taos
Refugio Civil Colony	1852	Doña Ana
Río del Picurís	1832	Taos
San Antonio de las Huertas	1767	Sandoval
San Antonio del Río Colorado	1842	Taos
San Antoñito	1840	Bernalillo
San Joaquín del Nacimiento	1769	Sandoval
San Miguel del Vado	1794	San Miguel
San Pedro	1844	Sandoval
Santa Bárbara	1796	Taos
Santa Cruz	1695	Santa Fé
Santa Fé	1715 <sup>c</sup>	Santa Fé
Santo Tomás de Yturbide	1853	Doña Ana
Santo Toribio	<sup>d</sup>	Sandoval
Sevilleta	1819	Socorro
Socorro (Town of)	1817	Socorro
Tajique (Town of)	1834	Torrance
Tejón (Town of)	1840	Sandoval
Tierra Amarilla	1832	Río Arriba
Tomé (Town of)	1739	Valencia

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Torreón (Town of)	1841	Torrance
Vallecito de Lovato (Town of)	1824	Río Arriba
Vallecito (de San Antonio)	1807	Río Arriba

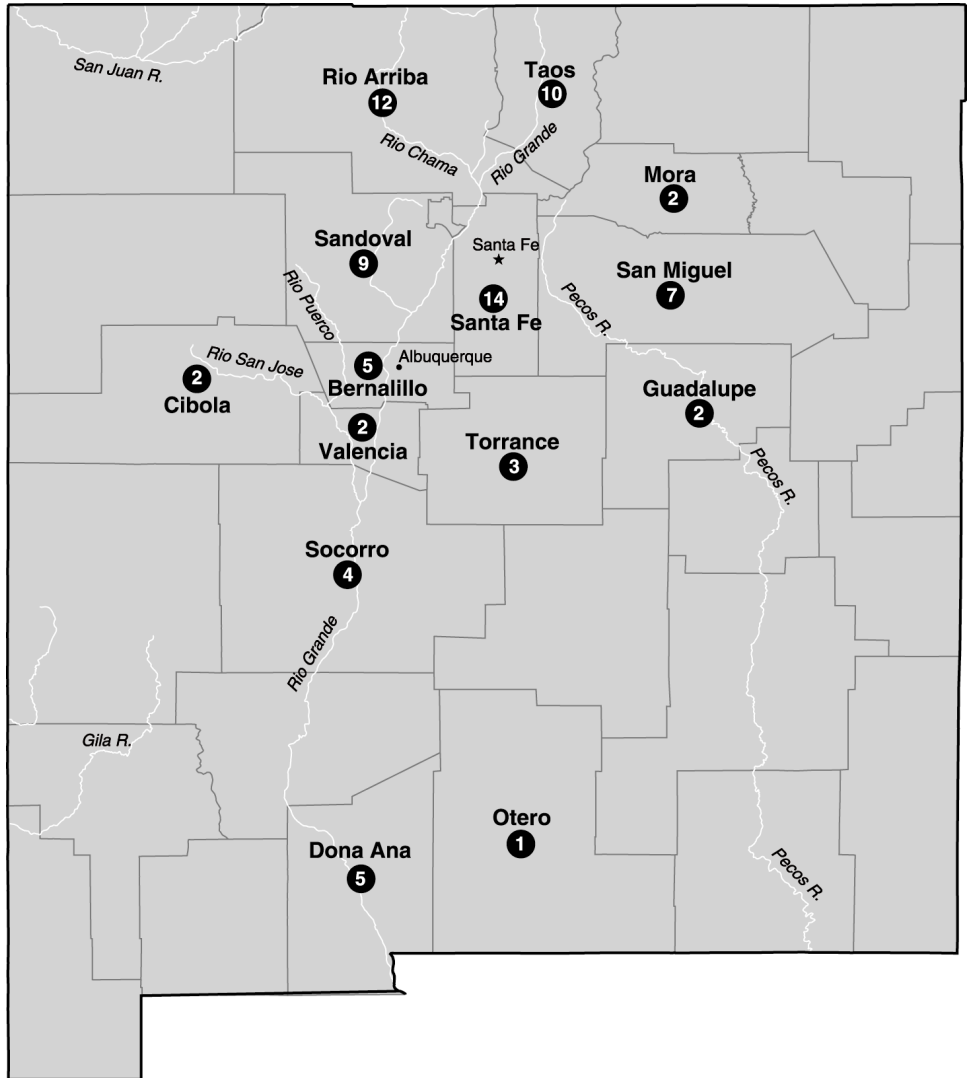
<sup>a</sup>By principal county.

<sup>b</sup>México issued this grant from lands subsequently included in the Gadsden Purchase.

<sup>c</sup>The only grant actually given to Santa Fé residents was for some common pastureland and water (1715).

<sup>d</sup>Prior to 1800.

**Figure 2: Community Land Grants Listed in Table 1, by County**



● Community grants identified through documentation

## Grant Heirs or Others State Grant Contained Common Lands

The second type of community land grant we identified is a grant that a person or persons stated included common lands. Our review of the papers filed with each grant claim to the surveyors general and the Court of Private Land Claims, and those of a legal scholar,<sup>1</sup> disclosed that, in some instances, the only mention of common lands was found in a claimant's petition or other documents. In these cases, the files did not contain any grant documents showing that the common lands were part of the original grant.

We also identified grants in this category as community land grants after interviewing grantee heirs, scholars, and others knowledgeable about a grant's history, and reviewing other information provided to us. Again, no existing grant document supported the claim, although some claimants stated that such documentation had been lost or destroyed. Furthermore, some scholars raised the issue that, in some individual grants, common lands had been set aside by the grantees, their heirs, or other grant settlers to encourage additional settlement after the original grant was made. In these instances, there would not be any supporting official documentation because the grant predated the setting aside of common lands. For example, one scholar believed that the Sangre de Cristo grant, which México originally issued as an individual grant in 1843, later evolved into a community land grant when an heir of the original grantee provided land to new settlers and set aside additional land for communal use. Table 2 lists 53 grants identified by grantee heirs, scholars, or others as having common lands but lacking grant documentation.

**Table 2: 53 Community Land Grants Identified by Grant Heirs and Others**

Grant	Year Granted	Location by county <sup>a</sup>
Alameda (Town of)	1710	Bernalillo
Antonio Baca	1762	Sandoval
Antonio de Salazar	1714	Río Arriba
Arkansas	1826	Colfax
Arquito	<sup>b</sup>	Sandoval
Bartolomé Sánchez	1707	Río Arriba
Bernalillo (Town of)	1708	Sandoval
Black Mesa	1743	Río Arriba
Bosque Grande	1767	Sandoval

<sup>1</sup>J. J. Bowden, *Private Land Claims in the Southwest* (1969) (unpublished LLM. thesis [6 Vols.], Southern Methodist University, Dallas, Texas).



<b>Grant</b>	<b>Year Granted</b>	<b>Location by county <sup>a</sup></b>
Candelarios (Town of)	1600 <sup>c</sup>	Bernalillo
Chaca Mesa	1768	Sandoval
Chamita (Town of)	1724	Río Arriba
Cristóbal de la Serna	1710	Taos
Cuyamungué	1731	Santa Fé
El Rito (Town of)	1780	Río Arriba
Embudo	1725	Río Arriba
Francisco de Anaya Almazán	1693	Santa Fé
Francisco Montes Vigil	1754	Río Arriba
Gijosa	1715	Taos
Gotera	1830	Santa Fé
Guadalupita	1837	Mora
Hacienda del Álamo	<sup>d</sup>	Santa Fé
Heath	1828	Doña Ana
José Ignacio Alarí	1768	Río Arriba
José Trujillo	1700	Santa Fé
Juan de Ulibarrí	1710	Río Arriba
La Majada	1695	Santa Fé
Las Lagunitas	<sup>b</sup>	Bernalillo
Maragua	1826	Santa Fé
Mesita de Juana López	1782	Santa Fé
Montoya	1740	<sup>e</sup>
Ojito de Galisteo	1799	Santa Fé
Pajarito	<sup>f</sup>	Bernalillo
Pedro Armendaris #33	1819	Socorro
Pedro Armendaris #34	1820	Socorro
Plaza Colorado	1739	Río Arriba
Polvadera	1766	Río Arriba
Rancho de Nuestra Señora de la Luz	1807	Santa Fé
Real de Dolores del Oro (Town of)	1830	Santa Fé
Río del Oso	1840	Río Arriba
Río Tesuque	1747	Santa Fé
San Clemente	1716	Valencia
San Cristóbal	1835	Taos
San Isidro (Town of)	1786	Sandoval
San Marcos Pueblo	1754	Santa Fé
Sangre de Cristo	1844	Taos
Sanguijuela	1843	San Miguel
Santa Rita del Cobre	1801	Grant
Santa Rosa de Cubero	1761	Sandoval
Santo Domingo de Cundiyo	1743	Santa Fé
Sebastián Martín	1705	Río Arriba
Tacubaya	1843	Santa Fé

<b>Grant</b>	<b>Year Granted</b>	<b>Location by county <sup>a</sup></b>
Tecolote (Town of)	1824	San Miguel

<sup>a</sup> By principal county

<sup>b</sup> No date specified.

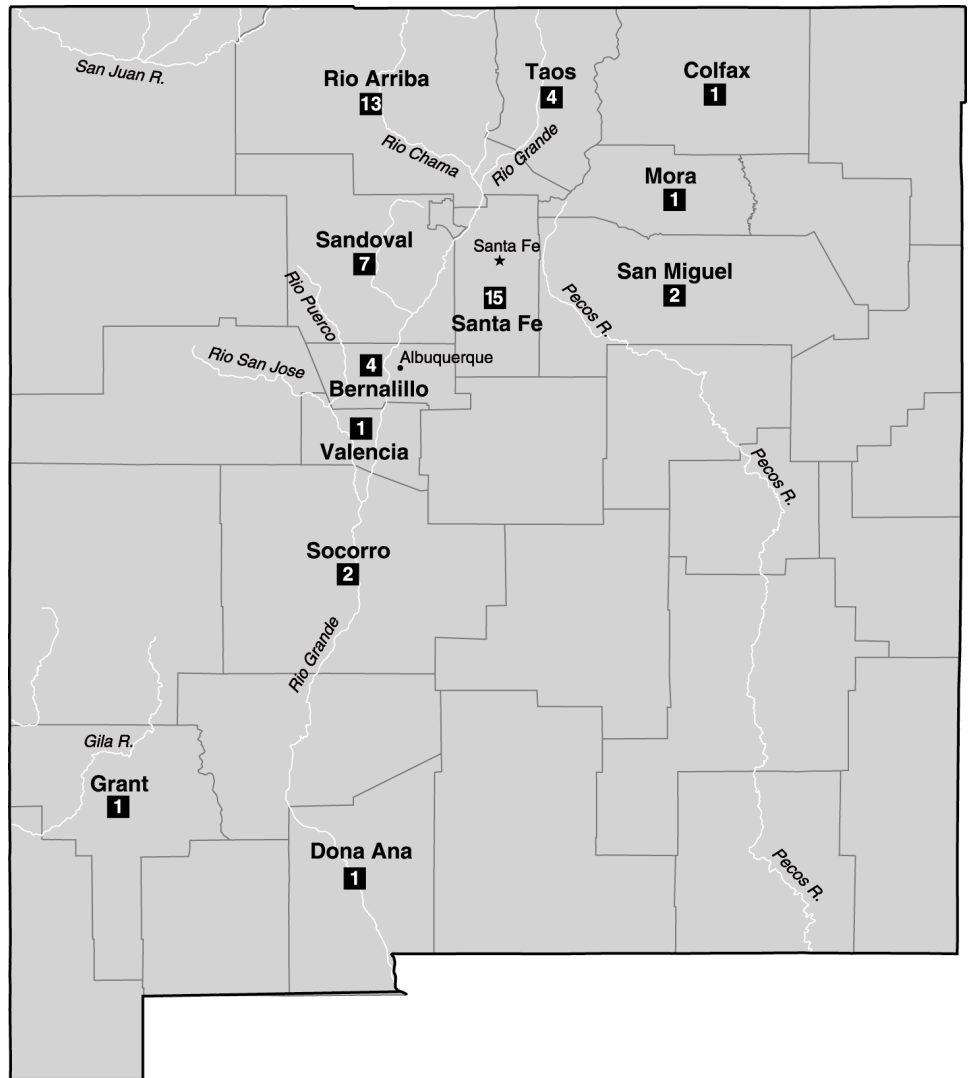
<sup>c</sup> Approximate date.

<sup>d</sup> Prior to 1714.

<sup>e</sup> No county specified.

<sup>f</sup> Prior to 1746.

**Figure 3: Community Land Grants Listed in Table 2, by County**



■ Community grants identified by land grant heirs and others

**Common Lands of Indigenous Pueblo Cultures Antedated Arrival of Spanish Explorers**

The third type of community land grants we identified encompasses grants extended by Spain to the indigenous pueblo cultures in New Mexico to protect communal lands that they had used and held for centuries before the Spanish settlers arrived. For the most part, the pueblo settlements these colonists encountered in the sixteenth century were permanent, communally owned villages, where inhabitants engaged in agricultural pursuits. Spain declared itself guardian of these communities, respected their rights to land adjacent to the pueblos, and protected pueblo lands from encroachment by Spanish colonists. Spain made grants to these communities in recognition of their communal ownership of village lands. México continued to recognize pueblo ownership of land and considered pueblo residents to be Mexican citizens.

With the establishment of the Office of Surveyor General in 1854, the Congress required the Surveyor General to investigate and report on pueblo claims. The Congress subsequently confirmed 22 Spanish grants to pueblos on the recommendation of the Surveyor General. The Court of Private Land Claims confirmed one pueblo grant. Table 3 lists the pueblo grants.

**Table 3: 23 Community Land Grants Issued to Indian Pueblos**

<b>Original Spanish Grants</b>	<b>Year Granted</b>	<b>Location by county <sup>a</sup></b>
Pueblo of Acoma	1689 <sup>b</sup>	Cibola
Pueblo of Cochití	1689 <sup>b</sup>	Sandoval
Pueblo of Isleta	<sup>c</sup>	Valencia
Pueblo of Jémez	1689 <sup>b</sup>	Sandoval
Pueblo of Laguna	1689 <sup>b</sup>	Cibola
Pueblo of Nambé	<sup>c</sup>	Santa Fé
Pueblo of Pecos <sup>o</sup>	1689 <sup>b</sup>	San Miguel
Pueblo of Picurís	1689 <sup>b</sup>	Taos
Pueblo of Pojoaque	1699 <sup>d</sup>	Santa Fé
Pueblo of San Cristóbal	1689 <sup>b</sup>	Santa Fé
Pueblo of San Felipe	1689 <sup>b</sup>	Sandoval
Pueblo of San Ildefonso	1704	Santa Fé
Pueblo of San Juan	1689 <sup>b</sup>	Río Arriba
Pueblo of Sandía	1748	Sandoval
Pueblo of Santa Ana	<sup>c</sup>	Sandoval
Pueblo of Santa Clara	1699 <sup>d</sup>	Río Arriba
Cañada de Santa Clara	1763	Río Arriba
Pueblo of Santo Domingo	1689 <sup>b</sup>	Sandoval
Pueblo of Taos	<sup>c</sup>	Taos

<b>Original Spanish Grants</b>	<b>Year Granted</b>	<b>Location by county <sup>a</sup></b>
Pueblo of Tesuque	<sup>c</sup>	Santa Fé
Pueblo of Zía	1689 <sup>b</sup>	Sandoval
Pueblo of Zuñí	1689 <sup>b</sup>	McKinley
Pueblos of Zía, Jémez, & Santa Ana (Ojo del Espíritu Santo)	1766	Sandoval

<sup>a</sup> By principal county.

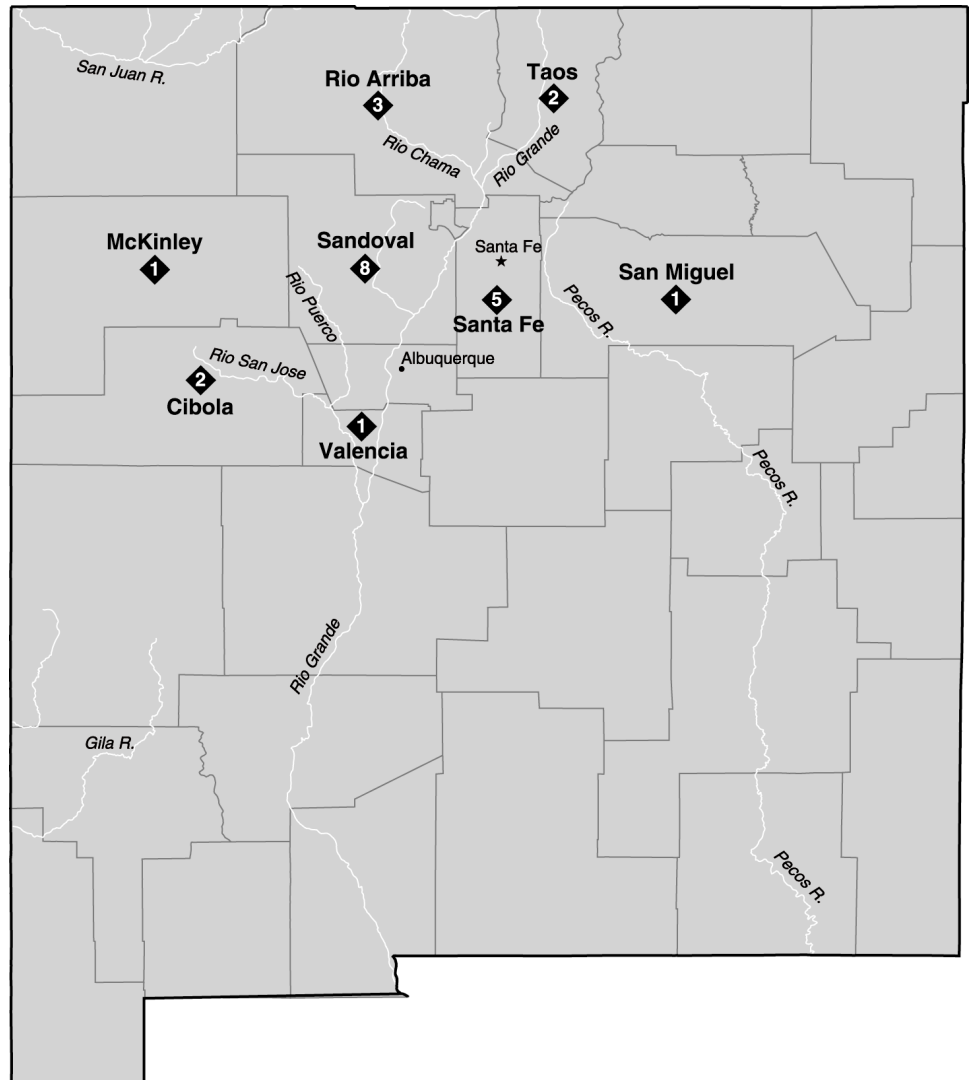
<sup>b</sup> The authenticity of the 1689 grants has been questioned.

<sup>c</sup> No date specified.

<sup>d</sup> Approximate date.

<sup>e</sup> Abandoned in the late 19<sup>th</sup> century

**Figure 4: Community Land Grants Listed in Table 3, by County**



◆ Community grants to Indian pueblos

## Public Comments

We issued an Exposure Draft in January 2001 to seek public comments on our definition and identification of community land grants and to gather information about community land grants not readily available to us in public documents. In New Mexico, we distributed the English and Spanish versions of the Exposure Draft widely to community groups, scholars,

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land grant heirs, and Indian pueblos and made copies available through local governmental offices and libraries in 18 counties, as well as U.S. Forest Service ranger stations located throughout the state. We sent announcements to English and Spanish newspapers and radio and television stations in the state. Copies of the Exposure Draft were also available through the offices of the Senators Bingaman and Domenici and Congressman Udall of New Mexico. In addition, the public could access and comment on the report on the GAO web page. We also received comments and documentation by fax, regular mail and e-mail. In March 2001, we held open forums at five New Mexico locations, including Santa Fé and Albuquerque, to gather comments.

We received over 200 oral and written comments to the Exposure Draft during the comment period, some of which included information not readily available from the research sources we used. The comment period, which was originally scheduled to end on April 2, was extended until May 2. Most of the comments did not address our definition of community land grants and the three types of community land grants that we identified. A significant number of the comments concerned the history of particular community land grants. This information will be reviewed in preparation of our next report.

Most of the comments concerning our definition and lists of community land grants were in agreement with our analysis. A few commentators disagreed with the classification of particular land grants. Based on information received, the Elena Gallegos grant, which was identified as a community land grant in table 1, was redesignated as an individual grant under the name Diego Montoya. During our New Mexico visit in March, heirs identified two other grants, the Francisco Montes Vigil and the Cristóbal de la Serna grants, as being community land grants. We added these two grants to table 2, which contains a list of grants that heirs and others have identified as containing common lands. We also added the Cañada de Santa Clara to the list of Indian Pueblo grants in table 3, based upon documentation provided during the comment period. See Appendix IV for a more extensive discussion on the comments received.

We placed maps after each table that graphically depict the number of grants principally in each county and added the classification as to type of grant to Appendix I to help identify grants. Some grants have more than

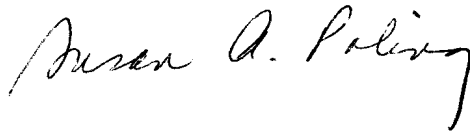
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one name. To facilitate the identification of grants with multiple identifiers, we added Appendix II, which alphabetizes these alternative identifiers and links each to the appropriate grant in Appendix I.

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As agreed with your offices, this report will be issued in English and Spanish versions. We plan to send copies to the New Mexico congressional delegation. We will distribute copies in both languages in New Mexico and provide copies upon request. GAO contacts and key contributors to this report are listed in Appendix VI.

If you have any questions about this report, please contact me at (202) 512-7648. Key contributors to this report are listed in Appendix VI.



Susan A. Poling  
Associate General Counsel  
Natural Resources and Environment



# Appendix I: Detailed Data on the 295 Spanish and Mexican Land Grants in New Mexico

Grant Name	Date confirmed or other action <sup>a</sup>	Date Patented <sup>b</sup>	Acreage patented	Types of Grants <sup>c</sup>
Abiquiú (Town of)	1894	1909	16,547.20	C
Agapito Ortega	Failed to pursue			I
Agua Negra	1860	1900	17,361.11	I
Agua Salada	1893	1909	10,694.48	I
Alameda (Town of)	1892	1920	89,346.00	OI
Álamitos	1896	1914	297.55	C
Álamo	Rejected			I
Albuquerque (Town of)	1892	None specified	Not specified	C
Alexander Valle	1860	1927	1,242.00	C
Alfonso Rael de Aguilar (2)	Failed to pursue			I
Alphonso Rael de Aguilar (1)	Failed to pursue			I
Ancón Colorado	Failed to pursue			I
Angostura	1897	1906	1,579.48	I
Angostura del Pecos	Failed to pursue			C
Antoine Leroux	1869	1911	56,428.31	I
Antón Chico (Town of)	1860	1883	383,856.10	C
Antonio Armijo	Failed to pursue			I
Antonio Baca	1895	1902	47,196.50	OI
Antonio de Abeytia	1894	1910	721.42	I
Antonio de Salazar	Failed to pursue			OI
Antonio de Ulibarrí	Failed to pursue			I
Antonio Domínguez	Rejected			I
Antonio Martínez	1893	1896	61,605.46	I
Antonio Ortiz	1869	1877	163,921.68	I
Archuleta & González	Failed to pursue			I
Arkansas	Rejected by the circuit court			OI
Arquito	Failed to pursue			OI
Arroyo de San Lorenzo	Rejected			I
Arroyo Hondo	1892	1908	20,000.38	C
Atrisco (Town of)	1894	1905	82,728.72	C
Badito	Rejected			C
Baltazar Baca	Rejected			I
Barranca	Rejected			C
Bartolomé Baca	Rejected			I
Bartolomé Fernández	1894	1903	25,455.24	I
Bartolomé Sánchez	1897	1914	4,469.83	OI
Bartolomé Trujillo	Rejected			C
Belén (Town of)	1858	1871	194,663.75	C
Bernabé Manuel Montaña	1892	1908	44,070.66	C
Bernal Spring	Failed to pursue			I
Bernalillo (Town of)	1897	1900	3,404.67	OI
Black Mesa	1894	1907	19,171.35	OI
Bosque Del Apache	1860	1877	60,117.39	I

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<b>Grant Name</b>	<b>Date confirmed or other action<sup>a</sup></b>	<b>Date Patented<sup>b</sup></b>	<b>Acreage patented</b>	<b>Types of Grants<sup>c</sup></b>
Bosque Grande	1896	1925	2,967.57	OI
Bracito	1860	<sup>d</sup>	<sup>d</sup>	C
Cadillal	<sup>e</sup>	<sup>e</sup>		C
Caja del Río	1893	1897	66,849.78	C
Cañada Ancha	1897	1917	200.82	I
Cañada de Cochití	1894	1901	19,112.78	I
Cañada de Los Álamos (1)	1893	1896	12,068.39	C
Cañada de los Álamos (2)	1894	1911	4,106.66	I
Cañada de Los Apaches	1892	1907	86,249.09	I
Cañada de Los Mestaños	Rejected			C
Cañada de San Francisco	Rejected			C
Cañada de Santa Clara	1894	1909	490.62	P
Candelarios (Town of )	<sup>f</sup>	<sup>f</sup>	<sup>f</sup>	OI
Cañón de Carnue	1894	1903	2,000.59	C
Cañón de Chama	1894	1905	1,422.62	C
Cañón de San Diego	1860	1881	116,286.89	C
Cañón del Agua	1866	1896	341.04	I
Cañón del Río	Rejected			I
Casa Colorado (Town of)	1858	1909	131,779.37	C
Catarina Maese	Failed to pursue			I
Cebolla	1896	<sup>g</sup>	<sup>g</sup>	C
Cebolleta (Town of )	1869	1882	199,567.92	C
Chaca Mesa	1895	1899	47,258.71	OI
Chamisos Arroyo	Rejected			I
Chamita (Town of )	1860	1929	1,636.29	OI
Chaperito (Town of )	1890			C
Chililí (Town of)	1858	1909	41,481.00	C
Chupaderos de la Lagunita	Rejected			I
Cieneguilla (Town of)	Rejected			C
Corpos Cristo	Failed to pursue			I
Cristóbal de la Serna	1892	1903		OI
Cristóval Crespín	Failed to pursue			I
Cubero (Town of)	1892	1900	16,490.94	C
Cuyamungué	1895	1909	604.27	OI
Diego Arias de Quirós	Rejected			I
Diego de Belasco	Failed to pursue			I
Diego Montoya	1893	1909	35,048.78	I
Domingo Fernández	1860	1880	81,032.67	C
Domingo Valdez	Rejected			I
Don Fernando de Taos	1897	1909	1,817.34	C
Doña Ana Bend Colony	1896	1907	35,399.01	C
El Pino	Failed to pursue			I
El Rito (Town of)	Failed to pursue			OI

**Appendix I: Detailed Data on the 295 Spanish  
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<b>Grant Name</b>	<b>Date confirmed or other action<sup>a</sup></b>	<b>Date Patented<sup>b</sup></b>	<b>Acreage patented</b>	<b>Types of Grants<sup>c</sup></b>
Embudo	Rejected			OI
Estancia	Rejected			I
Felipe Pacheco	Failed to pursue			I
Felipe Tafoya (1)	Failed to pursue			I
Felipe Tafoya (2)	1895	1902	4,340.23	I
Francisco de Anaya Almazán	1897	1916	3,202.79	OI
Francisco García	Failed to pursue			I
Francisco Montes Vigil	1892	1899	8,253.74	OI
Francisco X. Romero	Failed to pursue			I
Galisteo (Town of)	1894	1927	260.79	C
Gaspar Ortiz	1860	<sup>h</sup>	<sup>h</sup>	I
Gervacio Nolan	Rejected			C
Gijosa	1893	1908	16,240.64	OI
Gotera	Rejected			OI
Guadalupe Miranda	Failed to pursue			I
Guadalupita	Failed to pursue			OI
Hacienda del Álamo	Rejected			OI
Heath	Rejected			OI
Jacona (Town of)	1893	1909	6,952.84	I
Joaquín (de) Mestas	Rejected			I
Joaquín Sedillo & Antonio Gutiérrez	1897	1909	22,636.92	I
John Scolly	1860	1893	25,000.00	C
Jornado del Muerto	Rejected			I
José Antonio Lucero	Rejected			I
José Antonio Torres	Failed to pursue			I
José de Leyba	Rejected			I
José Domínguez	Rejected by the Surveyor General			I
José García	Rejected			I
José Ignacio Alarí	Failed to pursue			OI
José Leandro Perea	1860	1877	17,712.00	I
José Manuel Sánchez Baca	1900	1902	3,530.60	I
José Rómula de Vera	Failed to pursue			I
José Sutton	Rejected			I
José Trujillo	Failed to pursue			OI
Juan Antonio Flores	Failed to pursue			I
Juan Bautista Valdez	1898	1913	1,468.57	C
Juan Cayetano Lovato	Rejected			I
Juan de Gabaldón	1893	1902	10,690.05	C
Juan de Mestas	Failed to pursue			I
Juan de Ulibarrí	Failed to pursue			OI
Juan Durán	Rejected			I
Juan Estevan García de Noriega	Rejected			I
Juan Felipe Rodríguez	Failed to pursue			I

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<b>Grant Name</b>	<b>Date confirmed or other action<sup>a</sup></b>	<b>Date Patented<sup>b</sup></b>	<b>Acreage patented</b>	<b>Types of Grants<sup>c</sup></b>
Juan G. Pinard	No action taken by the Surveyor General			I
Juan José Archuleta	Rejected			I
Juan José Lovato	1894	1902	205,615.72	I
Juan José Moreno	Failed to pursue			I
Juan José Sánchez	Rejected			I
Juan Manuel Córdova	No action taken by the Surveyor General			I
Juan Montes Vigil	1931 by the district court	<sup>i</sup>	379.36	I
Juan Tafoya	Failed to pursue			I
Juana Baca	Rejected			I
La Majada	1894	1908	54,404.10	OI
La Nasa	Failed to pursue			I
Las Lagunitas	Not acted on			OI
Las Lomitas	Failed to pursue			I
Las Trampas (Town of)	1860	1903	28,131.67	C
Las Vegas (Town of)	1860	1903	431,653.65	C
Lo de Básquez	Failed to pursue			I
Lo de Padilla	1896	1908	51,940.82	I
Los Conejos	Rejected			C
Los Manuelitas	Rejected			C
Los Serrillos	1894	1897	1,478.81	C
Los Trigos	1860	1909	7,342.00	C
Luis de Armenta	No claim filed with the Court			I
Luis María Cabeza de Baca	1860	<sup>j</sup>	198,578.78	I
Maes & Gallego	<sup>k</sup>	<sup>k</sup>	<sup>k</sup>	I
Manuel Tenorio	Failed to pursue			I
Manuela García de las Ribas	Failed to pursue			I
Manzano (Town of)	1860	1907	17,360.24	C
Maragua	Rejected			OI
Maxwell Grant	1860	1879	1,714,764.94	I
Mesilla Civil Colony	1899	1909	21,628.52	C
Mesita Blanca	Failed to pursue			C
Mesita de Juana López	1879			OI
Montoya	<sup>l</sup>	<sup>l</sup>	<sup>l</sup>	OI
Mora (Town of)	1860	1876	827,621.10	C
Nepumecina Martínez de Aragón	Failed to pursue			I
Nerio Antonio Montoya	Rejected			I
Nicolás Durán de Cháves	1896	No indication of issued patent		C
Nuestra Señora de Guadalupe Mine	Rejected			I
Nuestra Señora del los Dolores Mine	Rejected			I
Nuestra Señora del Rosario, San Fernando y Santiago	1892	1905	14,786.58	C

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Ocate	Rejected			I
Ojito de Galisteo	Failed to pursue			OI
Ojito de los Médanos	Rejected			I
Ojo Caliente	1894	1894	2,244.98	C
Ojo de Borrego	1894	1913	16,079.80	I
Ojo de la Cabra	Rejected			I
Ojo de San José	1894	1912	4,340.28	C
Ojo del Apache	Rejected			I
Ojo del Espíritu Santo	1869	1916	113,141.15	I
Orejas del Llano de los Aguajes	Rejected			I
Ortiz Mine	1861	1876	69,199.33	I
Pablo Montoya	1869	1877	655,468.07	I
Pacheco	1892	1913	500.00	I
Pajarito	1894	1914	28,724.22	OI
Paraje del Punche	Failed to pursue			I
Pedro Armendaris #33	1860	1878	352,504.50	OI
Pedro Armendaris #34	1860	1878	95,030.00	OI
Peralta (1) (La)	Rejected			I
Peralta (2)	Rejected			I
Petaca	1896	1901	1,392.10	C
Piedra Lumbre	1893	1902	49,747.89	I
Plaza Blanca	1894	1914	8,955.11	I
Plaza Colorado	1893	1907	7,577.92	OI
Polvadera	1893	1900	35,761.14	OI
Preston Beck Jr.	1860	1883	318,699.72	I
Pueblo of Acoma	1858	1877	95,791.66	P
Pueblo of Cochití	1858	1864	24,256.50	P
Pueblo of Isleta	1858	1864	131,495.30	P
Pueblo of Jémez	1858	1864	17,510.45	P
Pueblo of Laguna	1897	1909	17,328.91	P
Pueblo of Nambé	1858	1864	13,586.33	P
Pueblo of Pecos	1858	1864	18,763.33	P
Pueblo of Picurís	1858	1864	14,953.39	P
Pueblo of Pojoaque	1858	1864	13,520.38	P
Pueblo of Quemado	Failed to pursue			C
Pueblo of San Cristóbal	<sup>m</sup>	<sup>m</sup>	<sup>m</sup>	P
Pueblo of San Felipe	1858	1864	34,766.86	P
Pueblo of San Ildefonso	1858	1864	17,292.64	P
Pueblo of San Juan	1858	1864	17,544.77	P
Pueblo of Sandía	1858	1864	24,034.87	P
Pueblo of Santa Ana	1869	1883	17,360.56	P
Pueblo of Santa Clara	1858	1864	17,368.52	P
Pueblo of Santo Domingo	1858	1864	74,743.11	P

**Appendix I: Detailed Data on the 295 Spanish  
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Pueblo of Santo Domingo & San Felipe	1898	1905	1,070.68	I
Pueblo of Taos	1859	1864	17,360.55	P
Pueblo of Tesuque	1858	1864	17,471.12	P
Pueblo of Zía	1858	1864	17,514.63	P
Pueblo of Zuñí	n	n	n	P
Pueblos of Zía, Jémez, & Santa Ana	Rejected			P
Ramón Vigil	1860	1908	31,209.52	I
Ranchito	1897	1909	4,250.63	C
Rancho de Abiquíú	Failed to pursue			I
Rancho de Coyote	Failed to Pursue			I
Rancho de Gigante	1860	1884	25,233.18	I
Rancho de la Gallina	Failed to pursue			I
Rancho de la Santísima Trinidad	Rejected ; Failed to pursue			I
Rancho de los Comanches	Failed to pursue			I
Rancho de los Corrales	Failed to pursue			I
Rancho de los Rincones	Failed to pursue			I
Rancho de Nuestra Señora de la Luz	1860	1874	16,546.85	OI
Rancho de Paguete	1860		75,406.27	I
Rancho de Río Arriba	Failed to pursue			I
Rancho de Río Puerco	Failed to pursue			I
Rancho de San Juan	1860	1884	25,233.18	I
Rancho de Santa Ana	1860	1884	871.33	I
Rancho de Ysleta	Rejected			C
Rancho del Río Grande	1892	1901	91,813.15	C
Rancho el Rito	1860	1884	25,233.18	I
Real de Dolores del Oro (Town of)	Rejected			OI
Refugio Civil Colony	1901	1910	11,524.30	C
Río de Chama	Failed to pursue			I
Río del Oso	Failed to pursue			OI
Río del Picurís	Rejected			C
Río Tesuque (Town of)	1897			OI
Rito de los Frijoles	Rejected			I
Rómulo Barela	Rejected			I
Roque Jacinto Jaramillo	Rejected			I
Roque Lovato	Rejected			I
Salvador Lovato	Failed to pursue			I
San Acasio	Failed to pursue			I
San Antonio de Las Huertas	1897	1907	4,763.85	C
San Antonio del Río Colorado	Rejected			C
San Antoñito	Rejected			C
San Clemente	1896	1909	37,099.29	OI
San Cristóbal	Rejected by the Surveyor General			OI

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San Isidro (Town of)	1860	1936	11,476.88	OI
San Joaquín del Nacimiento	Rejected			C
San Marcos Pueblo	1892	1896	1,895.44	OI
San Mateo Spring(s)	1895	1907	4,340.276	I
San Miguel del Vado	1894	1910	5,207.73	C
San Pedro	1860	1875	31,594.76	C
Sangre de Cristo	1860	1880	998,780.46	OI
Sanguijuela	Rejected			OI
Santa Bárbara	1894	1905	30,638.28	C
Santa Cruz	1899 & 1900	1910	4,567.60	C
Santa Fé	1894	°	°	C
Santa Fé Cañón	Rejected			I
Santa Rita Del Cobre	Rejected by the Commissioner of the General Land Office			OI
Santa Rosa de Cubero	1898			OI
Santa Teresa	1900	1909	8,478.51	I
Santiago Bone	Failed to pursue			I
Santiago Ramírez	1897	1912	272.17	I
Santo Domingo de Cundiyo	1900	1903	2,137.08	OI
Santo Tomás de Yturbide	1900	1905	9,622.34	C
Santo Toribio	Rejected			C
Sebastián De Vargas	1893	1900		I
Sebastián Martín	1860	1893	51,387.20	OI
Sevilleta	1893	Dispersals begun in 1915	Not specified	C
Sierra Mosca	1896	<sup>p</sup>	<sup>p</sup>	I
Sitio de Juana López	1894	1897	1,108.61	I
Sitio de Los Serrillos	1894	1897	572.04	I
Socorro (Town of)	1892	1896	17,371.18	C
Tacubaya	Failed to pursue			OI
Tajique (Town of)	1860	1912	7,185.55	C
Talaya Hill	1895	1917	922.52	I
Tecolote (Town of)	1858	1902	48,123.38	OI
Tejón (Town of)	1860	1882	12,801.46	C
The Baird's Ranch	Rejected			I
Tierra Amarilla	1860	1881	594,515.55	C
Tomé (Town of)	1858	1871	121,594.53	C
Tomás Tapia	Rejected			I
Torreón (Town of)	1860	1909	14,146.11	C
Uña Del Gato	Rejected by the Secretary of Interior			I
Vallecito de San Antonio	Failed to pursue			C
Vallecito de Lovato (Town of)	Rejected			C

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<b>Grant Name</b>	<b>Date confirmed or other action<sup>a</sup></b>	<b>Date Patented<sup>b</sup></b>	<b>Acreage patented</b>	<b>Types of Grants<sup>c</sup></b>
Vertientes de Navajó	Rejected			I

<sup>a</sup>Grant confirmed by the Congress or Court of Private Land Claims.

<sup>b</sup>A patent conveys legal title to the grant. (See fn. 4, letter report.)

<sup>c</sup>“C” refers to community land grants identified through original grant documentation as listed in Table 1. “OI” refers to grants identified by grant heirs, scholars, or others as having common lands, but which lack supporting grant documentation, as listed in Table 2. “P” for pueblo refers to grants made by Spain to indigenous pueblo cultures as identified in Table 3. “I” refers to grants made to individuals.

<sup>d</sup>The Court of Private Land Claims recognized the grant as valid and ordered it surveyed and partitioned. However, problems arose when attempts were made to identify the common boundary with the Santo Tomás Yturbide Grant. A patent was not issued because claimants argued the Confirmation Act of 1860 conveyed the title; a final survey yielded 14,808.075 acres.

<sup>e</sup>The grant was located within the confirmed Domingo Fernández grant, so no action was taken on the claim.

<sup>f</sup>Although a petition was filed in 1872, no further action was taken by the claimants to pursue recognition of the claim. Therefore, there is no formal decision on the matter.

<sup>g</sup>Based on a U.S. Supreme Court decision that found, among other things, that the grant had not been given in accordance with Mexican law.

<sup>h</sup>The grant apparently lies within the Pueblo of Nambé grant and has not been patented.

<sup>i</sup>No actual claim was presented to the Court, and therefore no actual confirmation was made by either the Congress or the Court. When the La Majada grant was confirmed, this was apparently sufficient for the Town of Peña Blanca residents. In 1931, the New Mexico Federal District Court confirmed acreage not previously part of the Pueblo of Cochití lands.

<sup>j</sup>The Town of Las Vegas grant was apparently in conflict with the Baca grant. The Congress recognized the conflict and allowed the Baca heirs to obtain equivalent acreage elsewhere in the Territory. Of five tracts selected two were in New Mexico, known as Float # 1 (Sandoval County) and Float # 2 (San Miguel County), each containing 99,289.39 acres.

<sup>k</sup>The claimants probably obtained title through the Act of March 3, 1891. This act allowed each of those settlers, who had lived on the land for more than 20 years before an official survey of a township was conducted, to a patent of up to 160 acres of land. There was no documentation of the grant, and no claim was submitted to the Court of Private Land Claims.

<sup>l</sup>No specific information available.

<sup>m</sup>The purported grant document was filed with the Office of the Surveyor General, but was later proven to be fraudulent.

<sup>n</sup>As the result of the establishment of a reservation in 1877, as revised in 1883, 1885 and 1917, the pueblo’s claim was not presented to the Court of Private Land Claims.

<sup>o</sup>The only grant actually given to Santa Fé residents was in 1715 for some common pastureland and water. The Congress ultimately granted to the City of Santa Fé all lands not already used by the United States or confirmed private land grants. The confirmed amount is based on the Surveyor General’s preliminary survey of 4 square leagues.

<sup>p</sup>The U.S. Supreme Court found the Court of Private Land Claims to be in error and directed a reversal. The grant was rejected in 1900.



# Appendix II: Alternate Grant Identifiers

<b>Alternate Identifiers</b>	<b>Grant</b>	<b>Type of Grant<sup>a</sup></b>
Abo	Nuestra Señora de Guadalupe Mine	I
Anastacio Romero	Juan de Mestas	I
Andrés Montoya	Francisco de Anaya Almazán	OI
Andrés Montoya	Rito de los Frijoles	I
Antonio Cano	Ortiz Mine	I
Antonio Chávez	Arroyo De San Lorenzo	I
Antonio Elias Armenta	Cañón Del Río	I
Antonio Joseph	Ojo Caliente	C
Antonio Lucero	Cañada de Cochití	I
Antonio Martínez	Estancia	I
Antonio Ortiz	Lo de Básquez	I
Antonio Ortiz	Ojo del Espíritu Santo	I
Antonio Salas	Rito de los Frijoles	I
Antonio Sandoval	Bosque Del Apache	I
Antonio Sandoval	Estancia	I
Antonio Sandoval	Las Lagunitas	OI
Antonio Sedillo	Cañada de los Apaches	I
Apache Spring	Ojo del Apache	I
Apolonio Vigil	Los Manuelitas	C
Arroyo Seco	José Trujillo	OI
Baca Location #1	Luis María Cabeza de Baca	I
Baltazar Cisneros	Antonio de Abeytia	I
Barrancas	Joaquín Sedillo & Antonio Gutiérrez	I
Bartolomé Fernandez de la Pedresa	Bartolomé Fernandez	I
Bartolomé Marques	Chamisos Arroyo	I
Basilio González	Juan Manuel Córdova	I
Bautista Llara	Juan G. Pinard	I
Beales Colony	Arkansas	OI
Beaubien & Miranda	Maxwell Grant	I
Bentura Truxillo	Ojo del Apache	I
Bishop John Lamy	Rancho de Nuestra Señora de la Luz	OI
Bishop's Ranch	Río Tesuque	OI
Borrego Spring	Nerio Antonio Montoya	I
Borrego Spring	Ojo De Borrego	I
Bosque de los Pinos	Joaquín Sedillo & Antonio Gutiérrez	I
Brazito	Bracito	C
Cañada de las Mestenas	Cañada De Los Mestanos	C
Cañada de los Álamos	Vertientes de Navajo	I
Cañón de Carmel	Cañón de Carnue	C
Cañón de Carnuel	Cañón de Carnue	C

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
Cañón de Pecos	Alexander Valle	C
Cañón de Pedernal	Juan Bautista Valdez	C
Carlos Salazar	Juan G. Pinard	I
Casa de José Riano	Piedra Lumbre	I
Casa de Riano	Piedra Lumbre	I
Cevilleta	Sevilleta	C
Chama River Cañón	Cañón de Chama	C
Ciénega	Francisco de Anaya Almazán	OI
Cieneguilla	Francisco de Anaya Almazán	OI
Cition de Juana López	Sitio de Juana López	I
City of Albuquerque	Albuquerque (Town of)	C
City of Socorro	Socorro (Town of)	C
Cristóbal de Torres	Juan José Lovato	I
Cristóbal Jaramillo	San Antofñito	C
Cristóbal de la Serna	San Cristóbal	OI
Cubero Land	Cubero (Town of )	C
Diego Gallego	Pueblo of Santo Domingo & San Felipe	I
Diego Lucero Godoi	Estancia	I
Diego Padilla	Lo De Padilla	I
Diego Velasco	Diego de Belasco	I
Domingo Romero	Ojo De Borrego	I
Donaciano Gurulé	Diego Montoya	I
El Badito	Badito	C
El Bracito	Bracito	C
El Coyote	Rancho de Coyote	I
Elena Gallegos	Diego Montoya	I
El Ranchito	Ranchito	C
El Rillito	Rancho El Rito	I
El Rito (Colorado)	Rancho El Rito	I
El Tajo	Lo De Padilla	I
Elisha Whittlesey	Ortiz Mine	I
Embudo of Picures	Embudo	OI
Encinas	Juan Bautista Valdez	C
Estanislado Sandoval	Santiago Bone	I
Ethan W. Eaton	Domingo Fernández	C
Father José Antonio Martínez	San Cristóbal	OI
Feliciano Montoyo	Francisco de Anaya Almazán	OI
Felipe Delgado	Caja del Río	C
Felipe Gonzales	Bernalillo (Town of)	OI
Felipe Gutiérrez	Bernalillo (Town of)	OI
Felipe Medina	Arroyo Hondo	C
Fernando de Taos	Don Fernando De Taos	C
Francisco Almazán	Galisteo (Town of)	C

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
Francisco Antonia de Gijosa	Gijosa	OI
Francisco Montes Vigil	Alameda (Town of)	OI
Francisco Ortiz	Ortiz Mine	I
Francisco Padilla	Chamisos Arroyo	I
Francisco Sandoval	Rancho De La Santísima Trinidad	I
Franz Huning	Lo De Padilla	I
Fray Cristóbal	Pedro Armendaris #33	OI
Gabriel Quintana	José Ignacio Alarí	OI
Gaspar Ortiz	Arroyo Hondo	C
Gerónimo Martin	Barranca	C
Gerónimo Martin	Juan Estévan García de Noriega	I
Gijosa Pancho de Taos	Gijosa	OI
Gregorio Dabolas	Doña Ana Bend Colony	C
Guadalupe	Bartolomé Fernández	I
Hugh Stephenson	Bracito	C
Ignacio Cano	Ortiz Mine	I
Ignacio Chávez	Chaca Mesa	OI
Ignacio de Roibal	Jacona (Town of)	I
Ignacio Sánchez Vergara	Rancho De La Santísima Trinidad	I
Isabel Jaramillo de Romero	Nuestra Señora del Rosario, San Fernando, y Santiago	C
Isabel Montoya	Manuela García de las Ribas	I
Jacinto Peláes	Juan Montes Vigil	I
James Boney	Santiago Bone	I
Jesús Crespín	Cristóval Crespín	I
Joaquín García	El Rito (Town of)	OI
John Heath	Heath	OI
José Antonio García	Petaca	C
José Antonio Valdez	Río del Oso	OI
José Antonio Vigil	Santo Domingo de Cundiyo	OI
José Dolores Fernández	Río Del Picurís	C
José Francisco Baca y Pino	Maragua	OI
José Francisco Baca y Terrus	Cañada de San Francisco	C
José Francisco Durán	Juan Manuel Córdova	I
José Ignacio Alarid	José Ignacio Alarí	OI
José Ignacio Martínez	Arroyo Hondo	C
José Manuel Córdova	Santiago Bone	I
José R. Zamora	Vallecito de Lovato (Town of )	C
José Salazar y Ortiz	Vallecito de Lovato (Town of )	C
José Serafin Ramírez y Casanova	Cañón del Agua	I
Jose Tapia	Juan Manuel Córdova	I

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
Joseph Pacheco	Pacheco	I
Juan Antonio Archuleta	Archuleta & Gonzáles	I
Juan Antonio Quintana	José Ignacio Alarí	OI
Juan Bautista Vigil y Alarid	Jornado Del Muerto	I
Juan Benabides	Río Tesque (Town of)	OI
Juan Carlos Santistevan	Cebolla	C
Juan Cruz Aragón	Ojito de Galisteo	OI
Juan de Dios Peña	Alexander Valle	C
Juan de Jesús Lucero	Orejas del Llano de los Aguajes	I
Juan Estevan Pino	Preston Beck Jr.	I
Juan Fernández de la Pesnera	Juan Montes Vigil	I
Juan Gid	Heath	OI
Juan José Gallegos	Angostura	I
Juan Luis Ortiz	Sierra Mosca	I
Juan Manuel de Herrera	Rómulo Barela	I
Juan Martín	Juan Manuel Córdova	I
Juan Miguel Maes	Maes & Gallego	I
Juan Ortiz	Galisteo (Town of)	C
Juan Ortiz	Badito	C
Juan Otero	Ojo De La Cabra	I
Juan Pablo Martín	Polvadera	OI
Juan Salas	Álamitos	C
Juan Salas	Santa Cruz	C
La Joya (Town of)	Sevilleta	C
La Junta de los Ríos Mora y Sanello	John Scolly	C
La Peralta	Peralta (1)	I
La Petaca	Petaca	C
La Talaya	Arroyo Hondo	C
Laguna Pueblo tracts	Rancho de San Juan	I
Laguna Pueblo tracts	Rancho de Gigante	I
Laguna Pueblo tracts	Rancho de Paguete	I
Laguna Pueblo tracts	Rancho de Santa Ana	I
Laguna Pueblo tracts	Rancho El Rito	I
Las Cieneguitas	Maes & Gallego	I
Las Lamitas	Las Lomitas	I
Las Manuelitas	Los Manuelitas	C
Leonardo Gonzáles	Archuleta & Gonzáles	I
Lorenzo Lobato	Salvador Lovato	I
Lorenzo Marquez	Cañada De Los Álamos (1)	C
Los Cerrillos	Los Serrillos	C
Los Luceros	Antoine Leroux	I
Los Padillas	Lo de Padilla	I
Los Ranchos	Diego Montoya	I

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
Los Ranchos de Taos	Cristóbal de la Serna	OI
Lucero de Godoi	Antonio Martínez	I
Lucero Spring	Ojito De Los Médanos	I
Luis Jaramilo	Agua Salada	I
Luis María Baca	Ojo del Espíritu Santo	I
Manuel Álvarez	Ocate	I
Manuel Bustos	Plaza Blanca	I
Manuel Fernández	Arroyo Hondo	C
Manuel Hurtado	Cañada de Cochití	I
Manuel Ortiz	Ojo de Borrego	I
Manuel Trujillo	Talaya Hill	I
María Cleofás Bone	Santiago Bone	I
Medina	Black Mesa	OI
Merced de Fernánde de Taos	Don Fernando de Taos	C
Meregildo Guerra	Mesilla Civil Colony	C
Mesilla of San Ildefonso Tract	José Trujillo	OI
Mesilla Tract	José Trujillo	OI
Miera y Pacheco	Cañada de los Álamos (2)	I
Miguel Chávez	Arroyo Hondo	C
Miguel Montoya	Bosque Grande	OI
Miguel Ortiz	Ojo De Borrego	I
Miranda	Guadalupe Miranda	I
Nacimiento	San Joaquín del Nacimiento	C
Nacimiento del Rio Puerco	San Joaquín del Nacimiento	C
Nazario Gonzáles	Cañada de San Francisco	C
Nereo (Nerio) Antonio Montoya	Ojo de Borrego	I
Nuestra Señora de la Luz de las Lagunitas	Antonio Baca	OI
Ojo de Borrego	Nerio Antonio Montoya	I
Ojo del Espíritu Santo	Pueblos of Zía, Jémez & Santa Ana	P
Ojo de San Juan	Ojo de San José	C
Padilla	Cañada de los Álamos (2)	I
Pedro Gallego	Maes & Gallego	I
Pedro José Perea	José Leandro Perea	I
Pedro Martín Serrano	Piedra Lumbre	I
Pedro Sánchez	Ramón Vigil	I
Pedro Montes Vigil de Santillana	Antoine Leroux	I
Peña Blanca (Town of)	Juan Montes Vigil	I
Peñasco Largo	Santiago Ramírez	I
Plaza Colorado Valdez	Plaza Colorado	OI
Plaza of the Santa Bárbara	Santa Bárbara	C
P.M.Thompson	Doña Ana Bend Colony	C
Polvareda	Polvareda	OI

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
Pueblo Colorado	Antonio de Ulibarrí	I
Pueblo de Quemado	Pueblo of Quemado	C
Pueblo de San Antonio de Isleta	Rancho De Ysleta	C
Pueblo de San Cristóbal	Domingo Fernández	C
Pueblo de Santiago	Juan Manuel Córdova	I
Pueblo of Cochiti Pasture	Juana Baca	I
Pueblo of San José	Ojo de San José	C
Rafael Armijo	Vertientes de Navajo	I
Rancho de Coyote	Rancho de Abiquiú	
Rancho de Coyote	Nepumecina Martínez de Aragón	I
Rancho de Coyote	Rancho de la Gallina	I
Rancho de Coyote	Rancho de Los Rincones	I
Rancho de Coyote	Rancho de Río Arriba	I
Rancho de Coyote	Río de Chama	I
Rancho de Galvan	Rancho de la Santísima Trinidad	I
Rancho de la Merced del San Joaquín del Río Chama	Río de Chama	I
Rancho de los Comales	Rancho de los Corrales	I
Rancho de los Esteros	José Leandro Perea	I
Rancho Las Truchas	Nuestra Señora del Rosario, San Fernando y Santiago	C
Rancho Río Arriba	Rancho de Río Arriba	I
Ranchos de Albuquerque	Diego Montoya	I
Ranchos de Chino Tejano	The Baird's Ranch	I
Reavis	Peralta (2)	I
Refugio Colony	Refugio Civil Colony	C
Río de las Gallinas	Antonio Ortiz	I
Río del Pueblo	Río Del Picurís	C
Rito Quemado	Pueblo of Quemado	C
Rómulo Varela	Rómulo Barela	I
Roque Lobato	Roque Lovato	I
Rumaldo Archiveque	Arquito	OI
S. Endicott Peabody	Vallecito de Lovato (Town of )	C
Salvador Gonzáles	Cañada Ancha	I
Salvador Montoya et al.	Tecolote (Town of)	OI
San Antonio & Rancho del Río Colorado	San Antonio del Río Colorado	C
San Clemente	Joaquín Sedillo & Antonio Gutiérrez	I
San Diego de Jémez	Cañón de San Diego	C
San Fernando de Taos	Don Fernando de Taos	C
San Joaquín del Nacimiento	Chupaderos de la Lagunita	I
San Joaquín Río de Chama	Cañón de Chama	C

Appendix II: Alternate Grant Identifiers

Alternate Identifiers	Grant	Type of Grant <sup>a</sup>
San José de García	Bartolomé Trujillo	C
San José del Encinal	Baltazar Baca	I
San José y Santo Toribio de Jémez	Ojo de San Jose	C
San Marcos Springs	San Marcos Pueblo	OI
San Miguel de Laredo	Cañón De Carnue	C
San Miguel del Bado	San Miguel del Vado	C
San Pablo y Nacimiento	San Joaquín del Nacimiento	C
Sánchez	Juan José Sánchez	I
Santa Cruz	Francisco X. Romero	I
Santa Cruz de la Cañada	Santa Cruz	C
Santa Rita Mine	Santa Rita del Cobre	OI
Santa Teresa de Jesús	Joaquín (de) Mestas	I
Santiago Bone	Juan Manuel Córdova	I
Santiago Durán y Chaves	San Mateo Spring(s)	I
Santiago Montoya	Bosque Grande	OI
Santo Domingo de Maragua	Maragua	OI
Santo Tomás Apóstal del Río de Las Trampas	Las Trampas (Town of)	C
Santo Tomás de Iturbide Colony	Santo Tomás de Yturbide	C
Santo Tomás del Río de Las Trampas	Las Trampas (Town of)	C
Santo Toribo	Ojo de San José	C
Santo Toribo de Jémez	Santo Toribo	C
Sitio de Juana López	Mesita de Juana López	OI
Sitio de Parajito	Pajarito	OI
Sitio del Navajo	Vertientes de Navajo	I
Sitió de Los Cerrillos	Sitio de Los Serrillos	I
Tajaque	Tajique (Town of)	C
Tomás Cabeza de Baca	Ojo del Espíritu Santo	I
Town of Río	San Antonio del Rio Colorado	C
Town of Río Tesque	Río Tesuque	OI
Tres Álamo	Álamo	I
Tungue	Tejón (Town of)	C
Úrsula Chaves	Agua Negra	I
Vallecito de Lobato	Vallecito de Lovato (Town of )	C
Valverde Cristóbal	Pedro Armendaris #33	OI
Villa de Albuquerque	Town of Albuquerque	C
Vincente Durán de Armijo	Gaspar Ortiz	I
Vincente Romero	Alfonso Rael de Aguilar (2)	I
William T. Russell	Juan de Gabaldón	C

<sup>a</sup>“C” refers to community land grants identified through original grant documentation as listed in Table 1. “OI” refers to grants identified by grantee heirs, scholars, or others as having common lands, but which lack supporting grant documentation, as listed in Table 2. “P” for pueblo, refers to grants made by Spain to indigenous pueblo cultures as identified in Table 3. “I” refers to grants made to individuals.

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# Appendix III: Objectives, Scope, and Methodology

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Concerned about whether the United States fulfilled its obligations under the Treaty of Guadalupe Hidalgo with regard to community land grants made by Spain and México in what is now the State of New Mexico, Senators Jeff Bingaman and Pete Domenici asked us to study numerous issues regarding the treaty and its implementation. Subsequently, New Mexico Congressman Tom Udall joined in the request. We plan to answer their questions in two reports. This first report defines the concept of community land grants, identifies three types of grants that meet this definition, and lists the grants that we identified in each category. The second report will review the United States legal obligations under the Treaty of Guadalupe Hidalgo to protect community land grants and the procedures established to implement these obligations.

In accordance with the request, we limited our review to community land grants made by Spain or México between the end of the 17<sup>th</sup> century and 1846 that were wholly or partially situated within the present State of New Mexico and subject to the Treaty of Guadalupe Hidalgo. We also included grants in what is now New Mexico that were made until the 1853 Gadsden Purchase, since they too were made subject to the treaty. We analyzed land grants in New Mexico for which we could find evidence to identify community land grants.

To respond to this request, we collected and reviewed documents from the U.S. National Archives and Records Administration in Washington, D.C.; the National Archives and Records Administration in Denver; the New Mexico State Records Center and Archives; archives at the U.S. Bureau of Land Management and the U.S. Forest Service; various libraries, including the Center for Southwest Research at the University of New Mexico Zimmerman Library and the Special Collections at the University of New Mexico Law School Library; the U.S. National Park Service's Spanish Colonial Research Center at the University of New Mexico; scholars, land grant heirs, lawyers representing land grant interests; and other individuals or entities associated with land grants in New Mexico.

We researched, collected, and reviewed published and unpublished material on land grants, including books, articles, monographs, and unpublished theses. Our search for relevant materials included a search for articles published in México that address the issues in this report. A list of materials that we consulted can be found in Appendix V.

During the course of our review, we interviewed dozens of land grant heirs in New Mexico and contacted the Governors of Indian pueblos; historians, researchers, and other academicians studying land grant issues, including



scholars in México; lawyers representing the interests of land grant heirs and an Indian pueblo; officials at the U.S. Bureau of Land Management (BLM) and the U.S. Forest Service; local government officials with the State of New Mexico, including the Office of the Attorney General, and with several counties in which land grants exist; and various representatives of other entities or interests associated with land grant issues in New Mexico to gain a better understanding of community land grant issues.

To determine how community land grants are defined, we reviewed numerous documents that addressed land grants in New Mexico, including English translations of original grant documents; English translations of Spanish and Mexican laws; federal, state, and territorial court decisions on land grants; scholarly articles describing customs associated with land grants; and various academic materials analyzing land grants. In interviews with academicians and other experts on land grants, lawyers dealing with land grant issues or cases, land grant heirs, and other observers of land grants (e.g., federal employees, librarians, graduate students at the University of New Mexico Law School Library and University of New Mexico Library), we asked for their views on defining community land grants. We also asked several experts to comment on our preliminary definition of community land grants. We received over 200 oral and written comments and documentary evidence related to Spanish and Mexican land grants during the comment period from January 24 to May 2, 2001. The scope and nature of these comments and our responses can be found in Appendix IV, “Public Comments.”

To identify the universe of Spanish and Mexican land grants in New Mexico, we used a variety of historical data. We started with an unpublished Master of Laws (LLM.) thesis by J. J. Bowden at Southern Methodist University Law School, entitled *Private Land Claims in the Southwest*, to develop our initial list of Spanish and Mexican grants. This six-volume thesis describes 280 grants, made in what is today the State of New Mexico, in great detail and includes English translations of parts of the granting documents. The work also identifies many of the different names for the grants. We next examined documents on file at various archives from the Office of the Surveyor General and Court of Private Land Claims -the two entities responsible for carrying out the legal processes set in place in the nineteenth century to implement the treaty. Where possible, we reviewed English translations of the original granting documents. We also used other sources of information, including those provided by land grant heirs. If discrepancies were found among various documents, we deferred to the archived files of the Office of the Surveyor

General or Court of Private Land Claims. Our research identified 295 Spanish and Mexican land grants made by Spain and Mexico in the area, which now comprises the State of New Mexico.

To distill community land grants from this universe of land grants, we applied our definition, searching for clues in the granting documents and other sources. For example, some grants contained the following language and would be considered community land grants: “pasturage and watering places shall be in common” (Caja del Río), the “pastures and woodlands in common” (Barranca), “the public square is also common among all” (Cañón de Carnue), and “set aside for the commons of the town” (Doña Ana Bend Colony). Criteria for inclusion as a community land grant included not just language denoting common lands but language indicating that a grant had been made to a town or settlement, since under Spanish and Mexican law and custom, grants to towns included common lands. We also included grants made to 10 or more people, since Spanish law states in the *Recopilación de las Leyes de los Reynos de las Indias* that a grant could be made to 10 or more married persons to form a settlement, indicating that the grant was a community grant.

Historical treatises and interviews with scholars and grant heirs alerted us to the possibility of additional community grants. Although grants may have originally been issued to individuals, sometimes land was subsequently set aside for common use and thus these grants should be considered community land grants. Such evolutions are not captured in grant documents. Other grant heirs and advocates assert that certain grants are community land grants, but we do not know the basis for the assertion. We included grants identified by heirs and others as being community land grants in a second list. We make no judgment as to the efficacy of these assertions but list them for the Congress’ consideration.

We also found that Spain issued land grants to indigenous pueblo cultures already resident in the colonial territories. According to scholars, these cultures held the lands communally and did not have a concept of private ownership of real property. We list these grants separately because the lands in common existed before Spanish settlement and because of the unique relationship between Native Americans and the Spanish, Mexican and United States governments. We used surveyor general documents and public laws to ascertain the number of grants made to Native Americans.

To list each land grant by county, we compared county data in several federal, state and independent databases listing New Mexican land grants to determine the level of reliability of the databases. We also recognized

that the county boundaries have changed markedly since 1850. We found significant discrepancies among the various databases because of, in part, conflicting interpretations of which county contained the largest area when a grant straddled county lines. This is particularly problematic in unsurveyed grants. In an effort to maintain consistency in listing counties and to minimize errors, we used official federal, state and county government maps and J. J. Bowden's thesis. The maps relied on actual survey data of certain land grants. We visually reviewed the maps to determine the primary county for each of the land grants illustrated. However, we recognized that the maps contained limited information. We therefore used Bowden's thesis—one of the more thorough reports on land grants in New Mexico—to complete the county listings. We did not verify the accuracy of either the official maps or of Bowden's thesis.

In creating the map to represent the location of each land grant, we learned that no map illustrating all grants existed. Officials from federal and state agencies, as well as independent researchers, told us that current maps only listed certain land grants, such as those grants that had been confirmed and surveyed.

It should be noted that we relied on published and unpublished documents and archives, primarily in New Mexico, Colorado and Washington, D.C. The quantity, quality, availability and reliability of the evidence for the many grants varied considerably. For example, the Doña Ana Bend Colony files contain extensive documents pertaining to the establishment of the colony and the location of tracts, while the Hacienda del Álamo file contains only the claimant's petition with no original grant documents to verify the claim. We relied on official translations of the original granting documents wherever possible. Documents from the Office of the Surveyor General included the name of the individual who was responsible for translating the submitted documents. However, we did not independently assess any translation. We also note that the names of some grants in Bowden's thesis, the documents of the Office of Surveyor General, and the Court of Private Land Claims' files are not always consistent. We have identified the other names of grants in Appendix II.

We conducted our review from April 2000 through August 2001, in accordance with generally accepted government auditing standards.

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# Appendix IV: Public Comments

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We received over 200 oral and written comments concerning the Exposure Draft during the comment period. The period was originally scheduled to end on April 2, but was extended until May 2. This allowed more time for presenting information and documentation. We received comments electronically via the GAO Web page, e-mail, fax, regular mail, and meetings in New Mexico held from March 23 through March 28, 2001. Some of the comments received asked for information about our study and particular land grants and how to find out whether the persons commenting were heirs to particular grants.

We received documentation submitted in support of suggested changes to the Exposure Draft by fax and regular mail and in our meetings. Most of the comments did not address the definition and list of community land grants. We obtained information about many grants, including the detailed histories of some, which will be reviewed in our future work. The comments on the definition and lists generally agreed with both. We made some changes in the background and categorization of four land grants in response to specific comments, and the changes are discussed below. Many suggested changes did not include supporting documentation. Generally, we made only those changes for which there was documentary support. Our analysis of the public comments to a large extent follows the order of the report:

1. Background. We received comments concerning the legal background for community land grants. Some individuals stated that the report did not contain enough detail about Spanish and Mexican laws applicable to community settlements. One letter cited the influence of Roman law on the development of Spanish towns and settlements both in Spain and New Mexico. It also discussed the different kind of lands that belonged to a community that the author of the letter believed the Supreme Court did not recognize in *United States v. Sandoval*, 167 U.S. 278 (1897). The *Sandoval* case concluded that the common lands of community land grants belonged to the sovereign and in this case to the American government as the successor sovereign to Mexico under the Treaty of Guadalupe Hidalgo. Because this initial report deals with the definition of community land grant and the kinds of community land grants, we decided not to include a detailed description of Spanish and Mexican law affecting community land grants and the types of lands that were part of a community settlement in this report. We defer consideration of this information in connection with our next report. We made several technical changes at the suggestion of the Department of State.

2. Concept of Community Land Grants Defines Community Land Grants.

Some commentators said that it was important that we include additional terminology to help define community land grants. They also emphasized the importance of water as a community resource and the importance of custom and tradition in community grants. Our definition of “community land grant” is very broad and identifies all grants that have land for communal use. The Exposure Draft already makes reference to the significant role of local laws, custom, and practices in the making and confirmation of grants. We have added a statement on the important linkage between land and water in communities.

3. Common Lands Formed Part of the Original Grant According to Grant Documentation (Table 1). We made one change to Table 1, which is a list of community land grants identified through original grant documentation. As a result of a review of documentation obtained subsequent to the January 24 issuance of the Exposure Draft, it appears that the Elena Gallegos grant does not fit any of the three criteria that we developed to identify the first category of community land grants. The three criteria are: (1) the original grant document declares part of the lands be made available for communal use; (2) the grant was made for the purpose of establishing a new town or settlement; and (3) the grant was made to 10 or more settlers. Consequently, we removed the Elena Gallegos grant from the community grants listed in Table I and identified it as an individual grant in Appendix I under the name “Diego Montoya.” The Court of Private Land Claims decision confirming the petition of several hundred individuals to parts of the Elena Gallegos grant set out the history of the grant.<sup>1</sup> The grant had been originally made in the latter part of the 17<sup>th</sup> century and then reissued in 1716 to Diego Montoya as a private grant. Subsequently, the grant was conveyed to Elena Gallegos. Later, a large number of individuals settled on the grant and small communities (*ranchos*) developed. Because the grant was originally made to Diego Montoya, an alternate identifier for this grant in the Exposure Draft, “Diego Montoya,” will now become the name of the grant in Appendix I and “Elena Gallegos” will become an alternate identifier in Appendix II.

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<sup>1</sup> See Report to the Attorney General by Mathew Reynolds, United States Attorney and Joseph R. Reid, Chief Justice, Court of Private Land Claims, concerning *Tomas C. Gutierrez v. United States*, Los Ranchos Tract No. 106 and *Donaciano Gurule v. United States*, Elena Gallegos or Ranchos de Albuquerque.

We also received a comment that the Tierra Amarilla grant did not belong in Table 1 as a community land grant since it is a private grant. The commentator cited several federal and New Mexico cases that have held that the Congress confirmed the Tierra Amarilla grant as a private grant rather than as a community one.<sup>2</sup> We recognize that Congress confirmed the Tierra Amarilla grant in 1860 by statute as a private grant and that its determination is legally conclusive of this question under present American law. However, the purpose of our report is to define the types of “community land grants” associated with both Spain and Mexico and also to identify the grants that are included in each type. This identification is not a legal determination as to whether a particular land grant is a private or community one. Rather, it provides a framework for our ongoing work. We are presently examining the United States implementation of its obligations under the Treaty of Guadalupe Hidalgo concerning community land grants. We have identified grants in which common lands formed part of the original grant. Such grants must meet one of three criteria to be so included. One of these criteria is that the original grant document “declares part of the land be made available for communal use.” The document creating the Tierra Amarilla grant contains such language. The grant document provided that “pastures, watering places and roads remain free according to the customs generally prevailing in all settlements.”<sup>3</sup>

4. Grants Identified by Grant Heirs and Others (Table 2). This category includes grants that heirs, scholars, and other persons knowledgeable about a grant’s history have stated contained common lands. Also, it includes some individual grants where, according to such persons, grantees, their heirs, or other grant settlers, certain lands were set aside for common use as an inducement to attract new settlers to the grant. In other cases, we were told that settlements arose on individual land grants that contained some of the features of community land grants, *e.g.*, a common area for grazing livestock. These grants are also reflected in Table 2.

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<sup>2</sup> See *Martinez v. Rivera*, 196 F.2d 192, 194 (10<sup>th</sup> Cir. 1952), *cert. denied*, 344 U.S. 828 (1952); *Flores v. Bruesselbach*, 149 F.2d 616 (10<sup>th</sup> Cir. 1945); and *Rio Arriba, New Mexico Bd. of County Comm. v. Acting Southwest Reg. Dir., Bureau of Indian Affairs*, 36 IBIA 14 (2001).

<sup>3</sup> Report of the Secretary of the Interior, H.R. Exec. Doc. No. 1, 34<sup>th</sup> Cong., 3<sup>rd</sup> Sess., 1856–1857, pp. 489–90.

We received a comment that we remove both Pedro Armendaris grants, Numbers 33 and 34, from table 2 because they were private land grants. We received materials supporting this request, which included copies of Surveyor General documents and two United States patents for private grants issued by President Rutherford B. Hayes in 1878. These materials recite the history of the grants as presented to the Surveyor General and that formed the basis of congressional confirmation of these grants as private grants in 1860.<sup>4</sup> These documents establish that the Spanish officials made grants to Pedro Armendaris in 1819 (No. 33) and 1820 (No.34).

However, our purpose in this report is to be as comprehensive as possible in identifying the universe of community land grants. We wanted to identify grants that fit certain evidentiary criteria, as well as grants that heirs and others identified as containing common lands. This self-identification is important because adequate grant documentation is often lacking. In the case of these two grants, the documentary evidence shows that the grants were made to Pedro Armendaris. However, some persons have identified the grants as having common lands set aside for the use of settlers. This characterization does not affect their legal status as individual grants. As stated above, this report makes no legal determinations. The grants are included in Table 2 because someone has identified the grants as containing common lands. We make no determination of whether the assertion is true.

We also added two grants to Table 2: Francisco Montes Vigil and Cristóbal de la Serna. During our March interviews in New Mexico, heirs to these grants stated that they were community land grants, but provided no evidence that common lands formed part of the original grant. However, since identification by grant heirs was sufficient for a grant to be included in the second category of community land grants, these grants are listed in Table 2. We are aware that in several instances courts in the New Mexico Eighth Judicial District have concluded that the Cristóbal de la Serna grant was an individual land grant, based on a detailed examination of its

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<sup>4</sup> The Congress also approved grants to communities. For example, Congress confirmed a grant to the Town of Las Vegas in 1860, ch. 167, 12 Stat. 71 (1860), H.R. EXEC. DOC. NO. 14, 36<sup>TH</sup> CONG. 1<sup>ST</sup> SESS. 45 (1860).

history.<sup>5</sup> As stated previously, our inclusion of this grant in Table 2 does not affect this conclusion.

We received two different comments that the Tecolote land grant did not belong in Table 2. One comment would place the grant in Table 1 as a community land grant for which allegedly there is documentary support. The other comment suggested that the grant be listed in Appendix I as an individual grant. Originally, we had included it in Table 2 because an individual had identified it as a community land grant. These different views reflect the positions taken in current litigation in New Mexico State court.<sup>6</sup> The issue in the litigation is whether the heirs of the original grantee have a superior right to part of the grant than the Town of Tecolote. According to the parties to the litigation, a Mexican court in 1838 divided the grant between the heirs of the original grantee, Salvador Montoya, and the settlement of Tecolote. The Town of Tecolote received a patent (title) from the United States in 1902 covering the acreage of the original grant. The patent provides that it should only be construed as the relinquishment by the United States of any claim to the land in question. The patent further provides that it does not adversely affect the rights of any other person to the land. In the litigation, heirs of the original grantee are claiming that they have a superior right than the Town of Tecolote to about one-half of the grant. To be included in the first category of community land grants, original grant documentation is necessary and in this instance none was provided to us. However, to be included in the second category, someone only has to identify a grant as having common lands. We take no position on the litigation.

We also received comments that the Alameda, Embudo, La Majada, San Marcos Pueblo,<sup>7</sup> Sebastián Martín, and Gijosa grants did not belong in Table 2. However, we had previously received information that others had identified these as community land grants. This information was sufficient to include these grants in Table 2.

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<sup>5</sup> See *Kristen Selph a/k/a Christine Padilla v. Alger*, No. 79-223-CV (8<sup>th</sup> D.C. N.M. 1984); *Selph v. Armijo*, No. 7928 (8<sup>th</sup> D.C. N.M. 1968), *Kiraly v. Trujillo*, No. 96-331-CV (8<sup>th</sup> D.C. N.M. 2000); and *Adams v. Abeyta*, No. 96-285-CV (8<sup>th</sup> D.C. N.M. 2000).

<sup>6</sup> *Montoya v. Tecolote Land Grant and Bd.*, No. 99-322-CV (4<sup>th</sup> D.C. N.M. 1999).

<sup>7</sup> One scholar prepared a history of the grant to show that the grant belonged in Appendix I as a individual grant, but it did not include original documentation. Consequently, the grant is in Table 2 because someone had previously identified it as a community land grant. We are not making any determination about which of the two assertions is true.



5. Common Lands of Indigenous Pueblo Cultures (Table 3). An official from the Santa Clara Pueblo wrote that we had omitted from Table 3 the Cañada de Santa Clara grant, which is contained only in Appendix I. He provided an English translation and a copy of the original 1763 Spanish grant. The grant provides that the whole of the Valley of Santa Clara “shall be for cultivable and common lands of the said Pueblo for their flocks and horses with all its pastures and waters.” We have added this grant to table 3 because of this documentary evidence. Table 3 consists of grants made directly to the Indian pueblos. It does not include the subsequent purchase or acquisition by an Indian pueblo of a grant from the grantee or any other person who has the right to dispose of it.

We also received a request from representatives of the Ysleta del Sur Pueblo, which is located in Texas, to be included in our review of community land grants. According to the request, following the Pueblo Revolt in 1680, the Spaniards moved the ancestors of the present tribe from Isleta Pueblo, near modern day Albuquerque, to the El Paso, Texas area, where they remain today. The Ysleta del Sur Pueblo received a grant from the Spanish Governor of New Mexico in 1751. At the time of the signing of the Treaty of Guadalupe Hidalgo in 1848, the area the Pueblo occupied was located in New Mexico. However, it became part of Texas two years later, as a part of the Compromise of 1850.<sup>8</sup> Neither the Surveyor General of New Mexico nor the Court of Private Land Claims approved the Spanish grant because the Pueblo was located in Texas. The Pueblo believes it should be included in the GAO study because it has a common basis for complaint with the individuals and tribes that comprise it.

Our requestors have asked that we examine the United States obligations under the Treaty of Guadalupe Hidalgo and its implementation with reference to community land grants in New Mexico. In the Exposure Draft, which defines “community land grant” and identifies such grants in New Mexico, we included the Indian Pueblos that fit our definition and criteria for community land grants. Because the Ysleta del Sur Pueblo is located in Texas, however, it does not fall within the ambit of our study.

We received a letter from Taos Pueblo expressing concern about the lack of attention given to Pueblo grants in our study. The letter noted that

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<sup>8</sup> The Compromise of 1850 refers to legislation that among other things, admitted California as a state and added part of Texas to the New Mexico territory at a price of \$15 million.

dozens of land grant heirs and governmental officials were interviewed, but only a few individuals involved with the problems of one Pueblo were interviewed. We provided copies of the Exposure Draft to the Governors of each of the New Mexico Pueblos and held open forums in 5 locations in the state. The Taos Pueblo also stated that without a comprehensive study concerning Indian Pueblo lands, the Pueblo would be unable to accept the findings of the GAO study. We are aware that problems over land ownership have frequently arisen between settlers and the Pueblos. As Taos Pueblo recognizes, our congressional requestors specifically asked GAO to assess the United States legal obligations under the Treaty of Guadalupe Hidalgo and their implementation with respect to community land grants. In the event that we identify potential options for resolving any U.S. failure, the congressional requestors want GAO to discuss the potential effects of these options on tribal land claims. The treatment of the pueblo grants in the second report will depend on the factors mentioned in the response to comment (b) in Table 4 below.

The Taos Pueblo letter did not contain any comments about Table 3 of the Exposure Draft, which lists all the Pueblo grants and the dates they were made. The Exposure Draft showed that the Taos Pueblo had received its grant in 1815, which was much later than the dates for the other Pueblos. We reviewed our work papers and concluded that the date was not accurate. We spoke with an employee of Taos Pueblo familiar with its history. The employee indicated that little information could be found that established a date certain for the original Spanish grant. Accordingly, we have left the space for the grant's date blank and added a footnote indicating that the date of the grant is uncertain.

6. Detailed Data on the 295 Spanish and Mexican Land Grants (Appendix D). On the basis of comments received, we realized that some grants listed in Appendix I overlap or are included in other grants. For example, we received information that the Juan Montes Vigil grant listed in Appendix I was part of the La Majada grant. Neither Congress nor the Court of Private Land Claims confirmed the Vigil grant, although it was presented to the Surveyor General for his approval. However, the Court of Private Land Claims confirmed the La Majada grant in 1894 with a patent issued in 1908. Also, we received information that the José Domínguez grant and the Sebastián Martín grant covered the same area. In fact, Sebastián Martín purchased the grant from José Domínguez's daughter and son-in-law.

Congress confirmed the Sebastián Martín grant in 1860 and a patent issued in 1893. The Surveyor General rejected the Domínguez grant.<sup>9</sup>

We also made changes to Appendix I to make it easier to use. First, it proved difficult to identify grants that had other names, which we had included as alternate identifiers in Appendix I. We removed the column in Appendix I designated as “Alternative grant identifiers” and replaced it with a new Appendix II that alphabetizes all the alternate identifiers and links each identifier to a particular grant in Appendix I. Second, we added a column to Appendix I, which identifies what kind of a grant it is for the purposes of this report: (1) “C” for community grants with original documentation listed in Table 1; (2) “OI” for community land grants identified by grant heirs and others listed in Table 2; (3) “P” for Indian Pueblo grants listed in Table 3; and (4) “I” for “individual grants.” Third, instead of one New Mexico map showing the grants identified in Tables 1 through 3 by county, we created three separate New Mexico county maps in the report showing the location of grants in each table. Lastly, in Table 1, as well as in Table 2 and Appendixes I and II we have removed the words “Town of” from the name of certain grants and placed these words in parentheses after the name of the grant. We then realphabetized each list. We made these changes to make it easier to locate the name usually associated with these grants.

7. New Mexico Attorney General’s Task Force. We received oral and written comments from New Mexico Attorney General’s Task Force set up to assist GAO in its study of community land grants. Table 4 summarizes their major comments, some of which we have grouped together, and our responses.

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<sup>9</sup> We received several comments that we had failed to list certain grants. These grants were actually alternate identifiers for another grant.

**Table 4: New Mexico Attorney General’s Task Force Major Comments and GAO’s Responses**

<b>Comments</b>	<b>Responses</b>
(a) The definition of “community land grant” should reflect the communal uses of property set out in the original Spanish and Mexican laws, the important role of water, and local custom, culture and tradition.	We define “community land grant” as a grant that had common lands, which reflects their communal use. We have added to the background section sentences that point out the importance of land and water, the essential ingredients for developing sustainable agricultural settlements and communities in New Mexico. The report already refers to the important role of practices and customs in the granting and confirmation of grants.
(b) Individual and Pueblo land grants encountered many of the same problems that faced community land grants and their problems should be addressed in the GAO study.	In keeping with the congressional request, our study focuses on community land grants that were used to establish new settlements and communities in New Mexico. The problems encountered by individual grants as a result of the United States’ implementation of the Treaty are outside the scope of our study. The Pueblo grants have differed from the other community grants in New Mexico since their inception. During the 20th century, the resolution of pueblo land claims differed from the other community land grants in New Mexico because of their unique Indian status. Treatment of the pueblo grants in the second report will depend on (1) the problems encountered by the pueblos as a result of the United States’ implementation of the Treaty and (2) the extent to which those problems or their resolution differ from the other community land grants.
(c) The use of English translations of Spanish and Mexican documents is unreliable and the Spanish translation of the Exposure Draft was done by someone unfamiliar with the Spanish spoken in New Mexico.	We relied on the English translations of Spanish and Mexican documents that were used by the surveyors general, the Court of Private Land Claims, scholars, legal experts, and historians. We do not have the resources and expertise to read the original Spanish documents, even if they were available. For the purposes of the Exposure Draft this was not essential because our definition of “community land grant” and the three categories of such grants were very broad. In addition, our listing of a grant is not a determination as to the grant’s legal status. We used Department of State translators since State is the agency responsible for

Comments	Responses
	translating official United States government documents.
(d) Future GAO reports should discuss the issues that affected Hispanic ownership of land grants, including conflicts of interest, crooked lawyers, adverse possession laws, state taxation, fraud, misinterpretation of Spanish and Mexican land laws, lack of fluency in English, and racism.	GAO's next report will concern the United States implementation of its obligations under the Treaty of Guadalupe Hidalgo. It will discuss these obligations and how they were carried out. The report may also describe what persons have said these obligations included.
(e) GAO staff should continue to consult with scholars, legal experts, and historians.	GAO plans to continue to consult with scholars, legal experts, and historians, as the next report is prepared.

8. Taos County Community Centers. We received several comments and materials from Taos County Community Centers Association, Inc. One of these comments claimed that the 295 grants listed in Appendix I of the Exposure Draft covered only one third of the grants made in New Mexico and that there were 719 grants that had not been accounted for. The comment was based on a statement in a book by a New Mexico historian that the Surveyor General in his 1856 report to Congress indicated that he had received “a collection of 1,014 grants and documents relating to land titles of which (197) were private grants” (emphasis added).<sup>10</sup> The Association sponsored a New Mexico House Joint Memorial, stating that there were 719 grants unaccounted for in the GAO Exposure Draft.<sup>11</sup> The 1856 Surveyor General’s report showed, as the quoted passage from the history book stated, that indeed there were 1,014 grants and documents given to the Surveyor General. This number refers to other documents too, not just grants, including conveyances and wills. The 1856 Surveyor General’s report lists fewer grants than the 295 that we found.

9. Identification of Source Materials. We were asked why the Exposure Draft does not, as scholarly articles do, cite the specific support or source for statements or information in the report. GAO reports are not scholarly studies, but are prepared for the use of the Congress and they should be written in a clear and concise manner. Consequently, it is not our usual practice to footnote each statement in our reports. Both Appendixes III

<sup>10</sup> See letter, dated January 19, 2001, from the Executive Director, Taos County Community Centers Association, Inc. to the U.S. General Accounting Office, quoting from *Leading Facts of New Mexican History, Spanish and Mexican Land Grants*, Ralph Emerson Twitchell, Cedar Rapids, IA: Torch Press, 1911–1912, p. 459-60.

<sup>11</sup> H.J. Memorial 45, 45th Leg., 1st Sess. (N.M. 2001).

and V list the materials used in the preparation of this report. These Appendixes contain more detailed information that we usually provide in reports so that scholars and others could see what information we used to develop the definition and lists of community land grants.

To assure report accuracy, GAO staff, which have not been involved in a study, independently review the sources for each statement and the information in the report. Our process of quality control requires that each statement be supported by appropriate and valid documentation and that the person performing the quality control checks must independently assess the adequacy of the support. When a study is completed, the documentary sources for the report, as well as any data bases developed, will usually be available to the public upon request.

10. Spanish Version of Exposure Draft.- A few commentators noted that the translation of the English version of the Exposure Draft into Spanish did not reflect the Spanish used in New Mexico. Specifically, it used technical terms that are not familiar to New Mexican Spanish speakers. For example, the Exposure Draft uses the word "*concesión*" for a "grant" made by Spain and Mexico while the word for a Spanish grant in New Mexico is "*merced*." We added a footnote regarding "*merced*."

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# Appendix VI: Contacts and Staff Acknowledgments

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## GAO Contacts

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## Staff Acknowledgments

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