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TREATY OF GUADALUPE HIDALGO

Definition and List of Community Land Grants in New Mexico

Exposure Draft



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NOTICE

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Additional hard copies of this draft can also be obtained from Room 1100 at 700 4th St. NW, Washington, D.C., by request to U.S. General Accounting Office, Washington, D.C. 20548, or by calling (202) 512-6000, or TDD (202) 512-2537. Copies of this draft will be available in New Mexico in both languages. We are issuing this report as an Exposure Draft to identify and to gather information about community land grants that is not readily available to us in published research and public documents and to obtain comments about our definition and our identification of community land grants. We will use such information and comments to prepare a final report.

If you have any information or supporting documentation about the matters included in this Exposure Draft, we would appreciate receiving them during the comment period. All comments will be reviewed in preparation of a final GAO report.

Comments in English or Spanish should be sent by April 2, 2001, electronically through GAO's web page (listed above), or by e-mail to landgrants@gao.gov, fax to 202-512-7703, or mail to the following:

Office of General Counsel
U.S. General Accounting Office
441 G Street, NW
Washington, D.C. 20548
Attention: Alan R. Kasdan

All comments should contain your name, address, phone number, fax, e-mail address, interest in land grants (e.g., heir, scholar, government official, or interested organization), and supporting documentation. For comments sent via the web page or e-mail, supporting data should be subsequently sent to Mr. Kasdan by fax or at the address above.

We will consider all comments and supporting documentation provided to us in preparation of a final report. Changes will be based on documentation. Original documentation should not be provided to GAO; we cannot return any material submitted to GAO. Any questions

concerning this notice should be addressed to Mr. Kasdan or to Ms. Susan A. Poling at (202) 512-7648.

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United States General Accounting Office
Washington, D.C. 20548

January 24, 2001

The Honorable Pete Domenici
The Honorable Jeff Bingaman
United States Senate

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 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.

With the Treaty of Guadalupe Hidalgo in 1848, which formally ended the Mexican-American War, 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, including the ownership of land grants, 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-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 in a series, 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 Mexican 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 II contains a complete description of our methodology.

We are issuing this report as an Exposure Draft in English and Spanish to gather and to identify information on community land grants that was not readily available to us in published research and public documents. We would also like to obtain comments about our definition and our identification of community land grants. We will use such information and comments when preparing our final report. The NOTICE located on the inside cover of this report provides information about how additional copies of the Exposure Draft can be obtained and when and to whom comments should be sent.

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 (*abovederos*). 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.

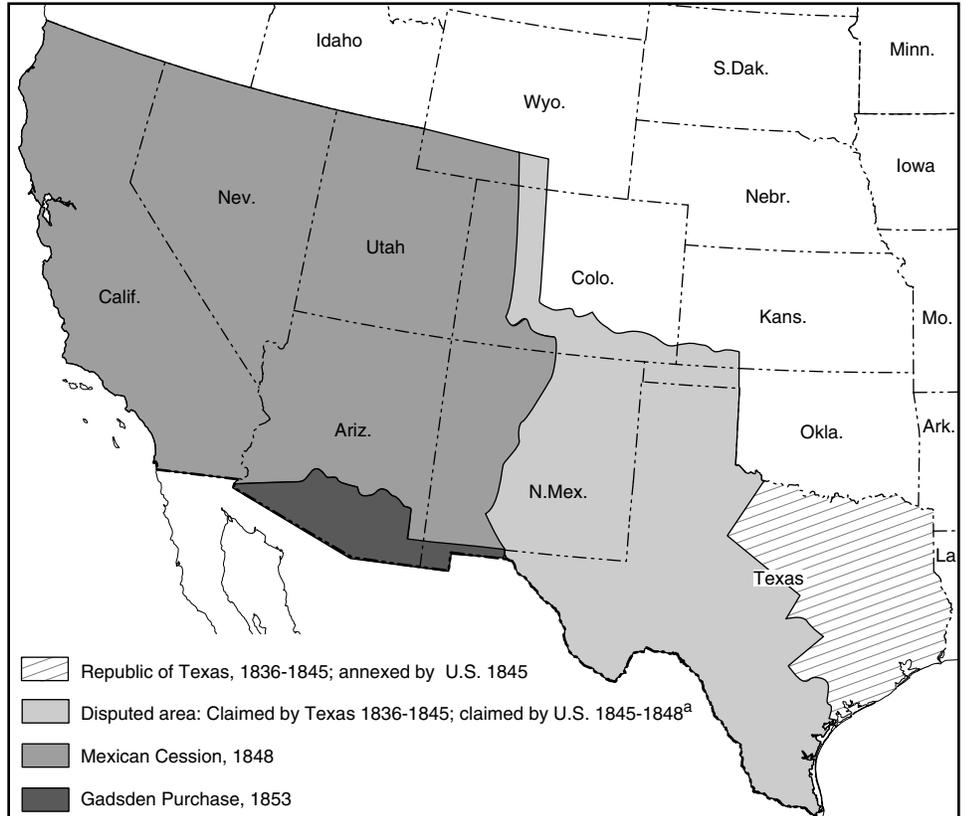
We identified 152 community land grants (or 52 percent) out of the total of 295 land grants in New Mexico. We divided these community land grants into three distinct types: 79 of these were grants in which the shared lands formed part of the grant according to the original grant documentation; 51 were grants that scholars, grantee heirs, or others believed to contain common lands; and 22 were grants extended to the indigenous pueblo cultures in New Mexico.

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 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. Such grants were in keeping with Spanish laws, including the 1680 *Recopilación de las Leyes de los Reynos de las Indias*. 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 México Under the Treaty of Guadalupe Hidalgo in 1848 and the Gadsden Purchase of 1853.



^aWhen Texas was officially recognized as a state in 1845, it included the light-gray area, which was also claimed by México. The Treaty of Guadalupe Hidalgo resolved this dispute, with Texas claiming the disputed land. In 1850, Texas transferred part of this land to the federal government, which became the eastern portion of the territory of New Mexico.

While the treaty 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. As a result, the Congress struck Article X before ratifying the treaty. Subsequently, in 1848, the United States and México signed the Protocol of Querétaro, which clarified certain aspects of the treaty, including Article 2, in which the United States stated that the exclusion of Article X in no way meant that it planned to annul the land grants. The Protocol specifically provided that land grant titles would be protected under the treaty and that

grantees could have their ownership of land acknowledged before American tribunals. With the Gadsden Purchase of 1853, the United States purchased additional land from México for \$15 million, including the southwest corner of the present state of New Mexico. The treaty, which confirmed the terms of the Gadsden Purchase, incorporated by reference the property 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 surveyors general were charged with examining documents and verifying the ownership of land grants. The United States 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 recommended to the Congress which grants should be rejected or confirmed. If the Congress approved the grant, the U.S. government issued a patent, 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.

In 1891, the Congress established the Court of Private Land Claims to adjudicate the outstanding claims reviewed by the surveyors general, though not yet approved by the Congress, 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, had 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. Appendix I lists all the land grants we identified, the grants patented, 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 are 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.

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.

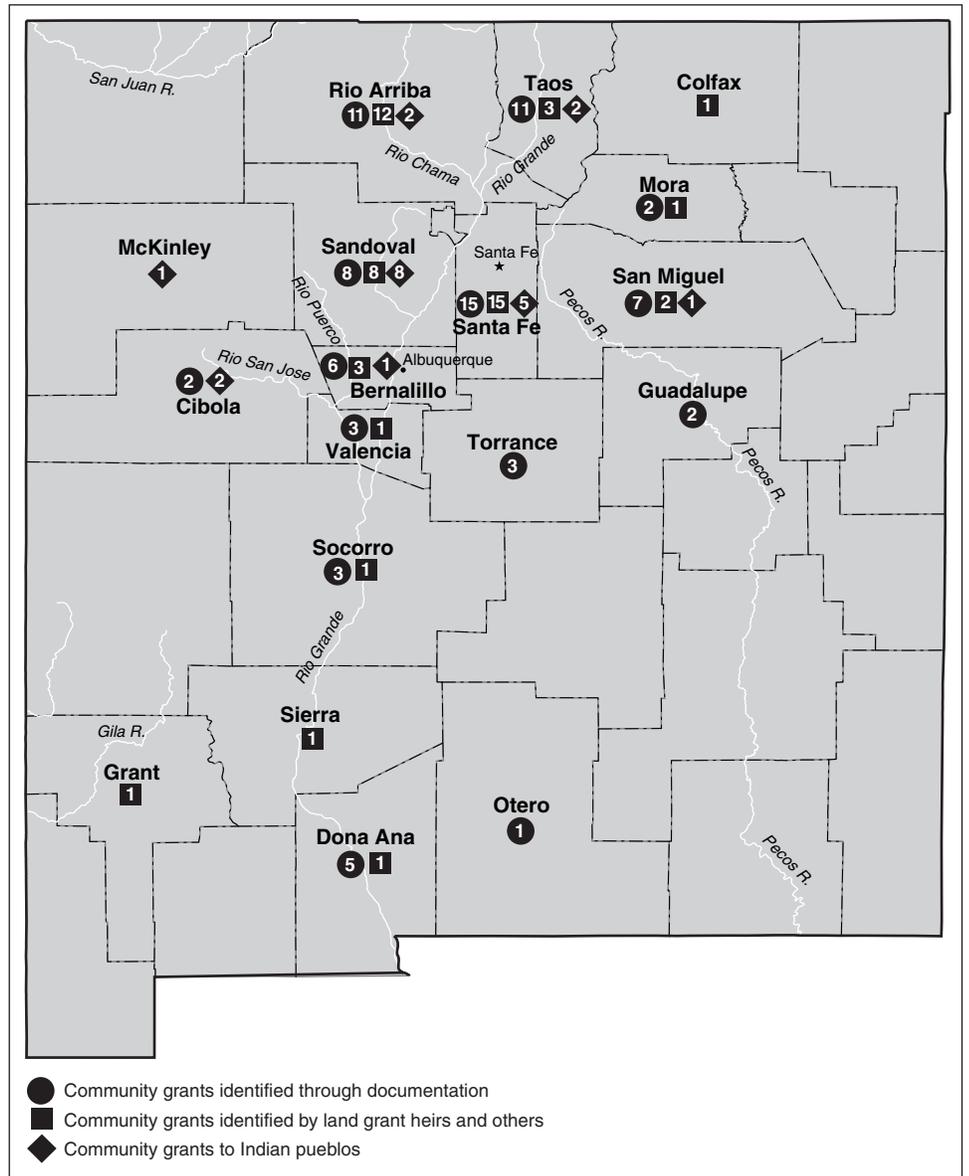
To determine the meaning of the term “community land grants,” we first reviewed land grant documents, and found that grant documents do not describe grants as community land grants. We also did not find applicable Spanish and Mexican laws that defined or used the term. However, as a result of our review 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.

Approximately Fifty-two Percent of All New Mexico Land Grants May Be Classified as Community Land Grants

Using the definition, we identified three types of community land grants, totaling 152 grants, or approximately 52 percent of the 295 land grants in New Mexico. In 79 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 51 grants that they believe to contain communal lands; and we located 22 grants of communal lands to the indigenous pueblo cultures in New Mexico. Figure 2 shows the location, by county, of the three types of community land grants.

Figure 2: Types of Community Land Grants in New Mexico, by County



Note: The numbers inside each symbol represent the number of each type of grant in each county. One document referenced a grant for which the primary county could not be identified. County boundaries have changed markedly since 1850.

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 grantee heirs, scholars, legal experts, and others, common lands were part of the original grant in the following three instances:

- The grant document itself declares 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.¹
- 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 a town, community, colony, pueblo, or individual for the purpose of establishing a town to be community land grants.²
- 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

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

² N.M. Stat Ann. 49-1-2 (2000).

Mexican Angostura del Pecos grant to 54 settlers. We identified 37 grants of this type.

Table 1 lists 79 grants in which common lands were part of the original grant.

Table 1: 79 Community Land Grants Identified Through Original Grant Documentation

Grant	Year granted	Location (by county)
Alamitos (Juan Salas)	1840	Santa Fé
Alexander Valle (Cañón de Pecos; Juan de Dios Peña)	1815	San Miguel
Angostura del Pecos	1842	Guadalupe
Antón Chico (Town of)	1822	Guadalupe
Arroyo Hondo (Gaspar Ortíz; La Talaya; Manuel Fernández; José Ignacio Martínez; Felipe Medina; Miguel Chávez)	1815	Taos
Badito (El)	1835	Santa Fé
Barranca (Geronimo Martín)	1735	Río Arriba
Bartolomé Trujillo (San José de García)	1734	Río Arriba
Belén (Town of)	1740	Socorro
Bernabé Manuel Montañó	1753	Sandoval
Bracito (El; Hugh Stephenson)	1823	Doña Ana
Cadillal	1846	Santa Fé
Caja del Río	1742	Santa Fé
Cañada de los Alamos (1) (Lorenzo Marquez)	1785	Santa Fé
Cañada de los Mestaños	1828	Taos
Cañada de San Francisco (Nazario Gonzales; José Francisco Baca y Terrus)	1840	Santa Fé
Cañón de Carnue (San Miguel de Laredo)	1819	Bernalillo
Cañón de Chama (San Joaquín Río de Chama; Chama River Cañón)	1806	Río Arriba
Cañón de San Diego (San Diego de Jémez)	1798	Sandoval
Casa Colorado (Town of)	1823	Socorro
Cebolla (Juan Carlos Santistevan)	1846	Taos
Domingo Fernández (Ethan W. Eaton; Pueblo de San Cristóbal)	1827	Santa Fé

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Grant	Year granted	Location (by county)
Don Fernando de Taos (Merced de Fernandes (San Fernande) de Taos)	1796	Taos
Doña Ana Bend Colony (P.M. Thompson (Gregorio Dabolos))	1840	Doña Ana
Elena Gallegos (Ranchos de Albuquerque; Los Ranchos)	1724	Bernalillo
Galisteo (Town of; Juan Ortíz; Francisco Almazan)	1814	Santa Fé
Gervacio Nolan	1845	Mora
John Scolly (La Junta de los Ríos Mora y Sanello)	1846	San Miguel
Juan Bautista Valdez (Cañón de Pedernal; Encinas)	1807	Río Arriba
Juan de Gabaldón (William T Russell)	1752	Santa Fé
Los Conejos	1842	Taos
Los Manuelitas (Apolonio Vigil)	1845	San Miguel
Los Serrillos (Cerrillos)	1692	Santa Fé
Los Trigos	1815	San Miguel
Mesilla Civil Colony (Meregildo Guerra)	1853 ^a	Doña Ana
Mesita Blanca	1843	Santa Fé
Nicolás Durán de Cháves	1739	Valencia
Nuestra Señora del Rosario, San Fernando, y Santiago (Isabel Jaramillo de Romero (Rancho las Truchas))	1754	Río Arriba
Ojo Caliente (Antonio Joseph)	1793	Río Arriba
Ojo de San José (Santo Toribo; Pueblo of San José)	1768	Sandoval
Petaca (José Antonio García)	1836	Río Arriba
Pueblo of Quemado (Rito Quemado)	1721	Santa Fé
Ranchito (El Ranchito)	1700	Sandoval
Rancho de Ysleta (Pueblo de San Antonio de Isleta)	1828	Otero
Rancho del Río Grande	1795	Taos
Refugio Civil Colony	1852	Doña Ana
Río del Picurís (José Dolores Fernández; Río del Pueblo)	1832	Taos
San Antonio de las Huertas	1767	Sandoval
San Antonio del Río Colorado (Town of Río)	1842	Taos
San Antonito (Cristóbal Jaramillo)	1840	Bernalillo

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Grant	Year granted	Location (by county)
San Joaquín del Nacimiento (San Pablo y Nacimiento; Nacimiento del Río Puerco)	1769	Sandoval
San Miguel del Vado (Bado)	1794	San Miguel
San Pedro	1844	Santa Fé
Santa Bárbara (Plaza of the)	1796	Taos
Santa Cruz (de la Cañada; Juan Salas)	1695	Santa Fé
Santa Fé	1715 ^b	Santa Fé
Santo Tomás de Yturbide	1853	Doña Ana
Santo Toribio (de Jémez)	^c	Sandoval
Sevilleta (La Joya)	1819	Socorro
Socorro (Town of)	1817	Socorro
Tierra Amarilla	1832	Río Arriba
Town of Abiquiú	1754	Río Arriba
Town of Albuquerque	1706	Bernalillo
Town of Atrisco	1692	Bernalillo
Town of Cebolleta	1800	Sandoval
Town of Chaperito	1846	San Miguel
Town of Chilibí	1841	Bernalillo
Town of Cieneguilla	1795	Taos
Town of Cubero	1833	Valencia
Town of Las Trampas (Santo Tomás (Apostal) del Río de las Trampas)	1751	Taos
Town of Las Vegas	1835	San Miguel
Town of Manzano	1829	Torrance
Town of Mora	1835	Mora
Town of Tajique	1834	Torrance
Town of Tejón (Tungue)	1840	Sandoval
Town of Tomé	1739	Valencia
Town of Torreón	1841	Torrance
Town of Vallecito de Lovato (S Endicott Peabody; José Salazar y Ortíz; José R. Zamora)	1824	Río Arriba
Vallecito (de San Antonio)	1807	Río Arriba

^aMéxico issued this grant from lands subsequently included in the Gadsden Purchase.

^bThe only grant actually given to Santa Fé residents was for some common pasture land and water (1715).

^cPrior to 1800.

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,³ 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 the 51 grants identified by grantee heirs, scholars, or others as having common lands but lacking grant documentation.

Table 2: 51 Community Land Grants Identified by Grant Heirs and Others

Grant	Year granted	Location (by county)
Antonio Baca (Nuestra Señora de la Luz de las Lagunitas)	1762	Sandoval
Antonio de Salazar	1714	Río Arriba
Arkansas (Beales Colony)	1826	Colfax
Arquito (Rumaldo Archiveque)	^a	Sandoval

³J.J. Bowden, Private Land Claims in the Southwest (1969) (unpublished LL.M. thesis [6 Vols.], Southern Methodist University.)

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Grant	Year granted	Location (by county)
Bartolomé Sánchez	1707	Río Arriba
Black Mesa	1743	Río Arriba
Bosque Grande (Miguel y Santiago Montoya)	1767	Sandoval
Chaca Mesa (Ignacio Chávez)	1768	Sandoval
Cuyamungué	1731	Santa Fé
Embudo (of Picures)	1725	Río Arriba
Francisco de Anaya Almazán (Cieneguilla;Ciénega; Andres Montoya; Feliciano Montoyo)	1693	Santa Fé
Gijosa (Francisco Antonia de)	1715	Taos
Gotera	1830	Santa Fé
Guadalupita	1837	Mora
Hacienda del Alamo	^b	Santa Fé
(John) Heath (Juan Gid)	1823	Doña Ana
José Ignacio Alari (Juan Antonio Quintana)	1768	Río Arriba
José Trujillo (Mesilla (of San Ildefonso) Tract; Arroyo Seco)	1700	Santa Fé
Juan de Ulibarri	1710	Río Arriba
La Majada	1695	Santa Fé
Las Lagunitas (Antonio Sandoval)	^a	Bernalillo
Maragua (Santo Domingo de; José Francisco Baca y Pino)	1826	Santa Fé
Mesita de Juana López	1782	Santa Fé
Montoya	1740	^c
Ojito de Galisteo	1799	Santa Fé
Pajarito (Sitio de)	^d	Bernalillo
Pedro Armendariz #33 (Valverde & Fray Cristóbal)	1819	Socorro
Pedro Armendariz #34	1820	Socorro
Plaza Colorado	1739	Río Arriba
Polvadera (Polvareda; Juan Pablo Martín)	1766	Río Arriba
Rancho de Nuestra Señora de la Luz (Bishop John Lamy)	1807	Santa Fé
Río del Oso (José Antonio Valdez)	1840	Río Arriba
Río Tesuque (Town of; Bishop's Ranch)	1747	Santa Fé
San Clemente	1716	Valencia
San Cristóbal (Father José Antonio Martínez)	1835	Taos
San Marcos Pueblo (San Marcos Springs)	1754	Santa Fé

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Grant	Year granted	Location (by county)
Sangre de Cristo	1844	Taos
Sanguijuela	1843	San Miguel
Santa Rita del Cobre (Santa Rita Mine)	1801	Grant
Santa Rosa de Cubero	1761	Sandoval
Santo Domingo de Cundiyo (José Antonio Vigil)	1743	Santa Fé
Sebastián Martín	1705	Río Arriba
Tacubaya	1843	Santa Fé
Town of Alameda (Francisco Montes Vigil)	1710	Bernalillo
Town of Bernalillo (Felipe Gutiérrez; Felipe Gonzales)	1708	Sandoval
Town of Cañelarios	1600 ^e	Bernalillo
Town of Chamita	1724	Río Arriba
Town of El Rito (Joaquín García)	1780	Río Arriba
Town of Real de Dolores del Oro	1830	Santa Fé
Town of San Isidro	1786	Sandoval
Town of Tecolote (Salvador Montoya et al.)	1824	San Miguel

^aNo date specified.

^bPrior to 1714.

^cNo county specified.

^dPrior to 1746.

^eApproximate date.

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 had existed 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.

After the Treaty of Guadalupe Hidalgo, the Congress required the Surveyor General to investigate and report on pueblo claims. The Congress subsequently confirmed Spanish grants to 22 pueblos on the recommendation of the Surveyor General. Table 3 lists the pueblo grants.

Table 3: 22 Community Land Grants Issued to Indian Pueblos

Original Spanish Grants	Year Granted	Location (by county)
Pueblo of Acoma	1689	Valencia
Pueblo of Cochití	1689	Sandoval
Pueblo of Isleta	^a	Valencia
Pueblo of Jémez	1689	Sandoval
Pueblo of Laguna	1689	Valencia
Pueblo of Nambé	^a	Santa Fé
Pueblo of Pecos	1689	San Miguel
Pueblo of Picurís	1689	Taos
Pueblo of Pojoaque	1699 ^b	Santa Fé
Pueblo of San Cristóbal	1689	Santa Fé
Pueblo of San Felipe	1689	Sandoval
Pueblo of San Ildefonso	1704	Santa Fé
Pueblo of San Juan	1689	Río Arriba
Pueblo of Sandía	1748	Sandoval
Pueblo of Santa Ana	^a	Sandoval
Pueblo of Santa Clara	1699 ^b	Santa Fé
Pueblo of Santo Domingo	1689	Sandoval
Pueblo of Taos	1816	Taos
Pueblo of Tesuque	^a	Santa Fé
Pueblo of Zía	1689	Sandoval
Pueblo of Zuñí	1689	McKinley
Pueblos of Zía, Jémez, & Santa Ana (Ojo del Espíritu Santo)	1766	Sandoval

^aNo date specified.

^bApproximate date.

Request for Comments

We are issuing this report as an Exposure Draft to identify and to gather information about community land grants that is not readily available to us

in published research and public documents and to obtain comments about our definition and our identification of community land grants. We will use such information and comments to help prepare a final report. The NOTICE on the inside cover of this report provides information about how additional copies of the Exposure Draft can be obtained and where and when comments should be sent.

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 IV.



Susan A. Poling
Associate General Counsel
Natural Resources and Environment

Detailed Data on the 295 Spanish and Mexican Land Grants in New Mexico

Name	Date confirmed or other action ^a	Date patented ^b	Acreage patented	Alternative grant identifiers ^c
Agapito Ortega	Dismissed by claimant			
Agua Negra	1860	1900	17,361.11	
Agua Salada	1893	1909	10,694.48	
Alamitos	1896	1914	297.55	Juan Salas
Alamo	Rejected			
Alexander Valle	1860	1927	1,242.00	Cañón de Pecos; Juan de Dios Peña
Alfonso Rael de Aguilar (2) (Vicente Romero)	Dismissed by claimant			
Alphonso Rael de Aguilar (1)	Dismissed by claimant			
Ancón Colorado	Dismissed by claimant			
Angostura	1897	1906	1,579.48	Juan-José Gallegos
Angostura del Pecos	Dismissed by claimants			
Antoine Leroux	1869	1911	56,428.31	Los Luceros
Antón Chico (Town of)	1860	1883	383,856.10	
Antonio Armijo	Dismissed by claimant			
Antonio Baca	1895	1902	47,196.50	Nuestra Señora de la Luz de las Lagunitas
Antonio de Abeytia	1894	1910	721.42	Baltazar Cisneros
Antonio de Salazar	Dismissed by claimants			
Antonio de Ulibarri	Dismissed by claimant			Pueblo Colorado
Antonio Domínguez	Rejected			
Antonio Martínez	1893	1896	61,605.46	Lucero de Godoi
Antonio Ortíz	1869	1877	163,921.680	
Archuleta (Juan Antonio de) & Gonzales (Leonardo)	Dismissed by claimant			
Arkansas	Rejected by Circuit Court			Beales Colony
Arquito	Dismissed by claimant			Rumaldo Archiveque
Arroyo de San Lorenzo	Rejected			Antonio Chávez
Arroyo Hondo	1892	1908	20,000.38	Gaspar Ortíz; La Talaya; Manuel Fernández; José Ignacio Martínez; Felipe Medina; Miguel Chávez)
Badito (El)	Rejected			Juan Ortiz
Baltazar Baca	Rejected			San José del Encinal
Barranca	Rejected			Geronimo Martín

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Bartolomé Baca	Rejected			
Bartolomé Fernández (de la Pedresa)	1894	1903	25,455.24	Guadalupe
Bartolomé Sánchez	1897	1914	4,469.83	
Bartolomé Trujillo	Rejected			San José de García
Belén (Town of)	1858	1871	194,663.750	
Bernabé Manuel Montaña	1892	1908	44,070.66	
Bernal Spring	Dismissed by claimants			
Black Mesa	1894	1907	19,171.35	
Bosque Del Apache	1860	1877	60,117.39	Antonio Sandoval
Bosque Grande	1896	1925	2,967.57	Miguel y Santiago Montoya
Bracito (El)	1860	^d	^d	Hugh Stephenson; Brazito
Cadillal	^e	^e		
Caja del Río	1893	1897	66,849.78	Felipe Delgado
Cañada Ancha	1897	1917	200.82	Salvador Gonzales
Cañada de Cochití	1894	1901	19,112.78	Antonio Lucero; Manuel Hurtado
Cañada de Los Alamos (1)	1893	1896	12,068.39	Lorenzo Marquez
Cañada de los Alamos (2)	1894	1911	4,106.66	Miera y Pacheco & Padilla
Cañada de Los Apaches	1892	1907	86,249.09	Antonio Sedillo
Cañada de Los Mestaños	Rejected			
Cañada de San Francisco	Rejected			Nazario Gonzales; José Francisco Baca y Terrus
Cañada de Santa Clara	1894	1909	490.62	
Cañón de Carnue	1894	1903	2,000.59	San Miguel de Laredo; Cañón de Carmel; Cañón de Carnuel
Cañón de Chama	1894	1905	1,422.62	San Joaquín Río de Chama; Chama River Cañón
Cañón de San Diego	1860	1881	116,286.89	San Diego de Jémez
Cañón del Agua	1866	1896	341.04	
Cañón del Río (Colorado)	Rejected			Antonio Elías Armenta
Casa Colorado (Town of)	1858	1909	131,779.370	
Catarina Maese	Dismissed by claimant			
Cebolla	1896	^f	^f	Juan Carlos Santistevan
Chaca Mesa	1895	1899	47,258.71	Ignacio Chávez
Chamisos Arroyo	Rejected			Bartolomé Marques & Francisco Padilla
Chupaderos de la Lagunita	Rejected			San Joaquín del Nacimiento

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Corpos Cristo	Dismissed by claimant			
Cristóbal de la Serna	1892	1903		Los Ranchos de Taos
Cristóval Crespín	Dismissed by claimant			Jesús Crespín
Cuyamungué	1895	1909	604.27	
Diego Arias de Quiros	Rejected			
Diego de Belasco (Velasco)	Dismissed by claimant			
Domingo Fernández	1860	1880	81,032.670	Ethan W. Eaton; Pueblo de San Cristóbal
Domingo Valdez	Rejected			
Don Fernando de Taos	1897	1909	1,817.34	Merced de Fernádes (San Fernande) de Taos
Doña Ana Bend Colony	1896	1907.	35,399.017	P.M. Thompson (Gregorio Dabolos)
El Pino	Dismissed by claimant			
Elena Gallegos	1893	1909	35,048.78	Ranchos de Albuquerque; Los Ranchos; Donaciano Gurule
Embudo (of Picures)	Rejected			
Estancia	Rejected			Antonio Sandoval, Antonio Martínez & Diego Lucero Godoi
Felipe Pacheco	Dismissed by claimant			
Felipe Tafoya (1)	Dismissed by claimant			
Felipe Tafoya (2)	1895	1902	4,340.23	
Francisco de Anaya Almazan	1897	1916	3,202.79	Cieneguilla;Ciénega; Andres Montoya; Feliciano Montoyo
Francisco García	Dismissed by claimant			
Francisco Montes Vigil	1892	1899	8,253.74	
Francisco X. Romero	Dismissed by claimant			Santa Cruz
Galisteo (Town of)	1894	1927	260.790	Juan Ortiz; Francisco Almazan
Gaspar Ortíz	1860	⁹	⁹	Vincente Durán de Armijo
Gervacio Nolan	Rejected			
Gijosa (Francisco Antonia de)	1893	1908	16,240.64	Gijosa Rancho de Taos
Gotera	Rejected			
Guadalupe Miranda	Dismissed by claimant			
Guadalupita	Dismissed by claimants			
Hacienda del Alamo	Rejected			
(John) Heath	Rejected			Juan Gid
Joaquín (de) Mestas	Rejected			Santa Teresa de Jesús

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Joaquín Sedillo & Antonio Gutiérrez	1897	1909	22,636.92	San Clemente; Barrancas; Bosque de los Pinos
John Scolly	1860	1893	25,000.00	La Junta de los Ríos Mora y Sanello
Jornado del Muerto	Rejected			Juan Bautista Vigil y Alarid
José Antonio Lucero	Rejected			
José Antonio Torres	Dismissed by claimant			
José de Leyba	Rejected			
José Domínguez	Rejected by Surveyor General			
José García	Rejected			
José Ignacio Alari	Dismissed by claimants			Juan Antonio Quintana; José Ignacio Alarid; Gabriel Quintana
José Leandro Perea	1860	1877	17,712.00	Rancho de los Esteros
José Manuel Sánchez Baca	1900	1902	3,530.60	
José Romula de Vera	Dismissed by claimant			
José Sutton	Rejected			
José Trujillo	Dismissed by claimants			Mesilla (of San Ildefonso) Tract; Arroyo Seco
Juan Antonio Flores	Dismissed by claimant			
Juan Bautista Valdez	1898	1913	1,468.57	Cañón de Pedernal; Encinas
Juan Cayetano Lovato	Rejected			
Juan de Gabaldón	1893	1902	10,690.05	William T. Russell
Juan de Mestas	Dismissed by claimant			Anastacio Romero
Juan de Ulibarri	Dismissed by claimants			
Juan Durán	Rejected			
Juan Estevan García de Noriega	Rejected			Geronimo Martín
Juan Felipe Rodríguez	Dismissed by claimant			
Juan G. Pinard	No action taken by Surveyor General			Bautista Llara; Carlos Salazar
Juan José Archuleta	Rejected			
Juan José Lovato	1894	1902	205,615.72	Cristóbal de Torres
Juan José Moreno	Dismissed by claimants			
Juan José Sánchez	Rejected			

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Juan Manuel Cordova	No action taken by Surveyor General			Juan Martín; Basilio Gonzales; Santiago Bone (Pueblo de Santiago); José Tapia; José Francisco Durán
JuanMontesVigil	1931 by District Court	^h	379.36	Town of Peña Blanca; Jacinto Pelaes; Juan Fernández de la Pesnera
Juan Tafoya	Dismissed by claimant			
Juana Baca	Rejected			Pueblo of Cochití Pasture
La Majada	1894	1908	54,404.10	
La Nasa	Dismissed by claimant			
Las Lagunitas	Not acted on			Antonio Sandoval
Las Lomitas	Dismissed by claimant			
Lo de Basquez	Dismissed by claimants			
Lo de Padilla	1896	1908	51,940.82	El Tajo; Los Padillas; Franz Huning; Diego Padilla
Los Conejos	Rejected			
Los Manuelitas	Rejected			Apolonio Vigil
Los Serrillos (Cerrillos)	1894	1897	1,478.81	
Los Trigos	1860	1909	7,342.00	
Luis de Armenta	No claim filed with Court			
Luis Maria Cabeza de Baca	1860	ⁱ	198,578.78	Baca Location #1
Maes (Juan Miguel) & Gallego (Pedro)	^j	^j	^j	Las Cieneguitas
Manuel Tenorio	Dismissed by claimant			
Manuela García de las Ribas	Dismissed by claimant			Isabel Montoya
Maragua	Rejected			Santo Domingo de; José Francisco Baca y Pino
Maxwell Grant	1860	1879	1,714,764.94	Beaubien & Miranda
Mesilla Civil Colony	1899	1909	21,628.52	Meregildo Guerra
Mesita Blanca	Dismissed by claimant			
Mesita de Juana López	1879			Sitio de Juana López
Montoya	^k	^k	^k	No specific information available
Nepumecina Martínez de Aragón	Dismissed by claimant			Rancho de Coyote
Nerio Antonio Montoya	Rejected			Ojo de Borrego (Borrego Spring)
Nicolás Durán de Cháves	1896	No indication one was issued		

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Nuestra Señora de Guadalupe Mine	Rejected			Abo
Nuestra Señora del los Dolores Mine	Rejected			
Nuestra Señora del Rosario, San Fernando, y Santiago	1892	1905	14,786.58	Isabel Jaramillo de Romero (Rancho Las Truchas)
Ocate	Rejected			Manuel Alvarez
Ojito de Galisteo	Dismissed by claimant			Juan Cruz Aragón
Ojito de los Medanos	Rejected			Lucero Spring
Ojo Caliente	1894	1894	2,244.98	Antonio Joseph
Ojo de Borrego (Borrego Spring)	1894	1913	16,079.80	Domingo Romero & Miguel/Manuel Ortíz; Nereo (Nerio) Antonio Montoya
Ojo de la Cabra	Rejected			Juan Otero
Ojo de San José	1894	1912	4,340.28	Santo Toribo de Jems; Pueblo of San José; Ojo de San Juan
Ojo del Apache (Apache Spring)	Rejected			Bentura Truxillo
Ojo del Espíritu Santo	1869	1916	113,141.15	Tomás Cabeza de Baca
Orejas del Llano de los Aguajes	Rejected			Juan de Jesús Lucero
Ortíz Mine	1861	1876	69,199.33	Elisha Whittlesey; Antonio Cano (Ignacio Cano & Francisco Ortíz)
Pablo Montoya	1869	1877	655,468.07	
Pacheco (Joseph)	1892	1913	500.00	
Pajarito (Sitio de)	1894	1914	28,724.22	
Paraje del Punche	Dismissed by claimant			
Pedro Armendariz #33	1860	1878	352,504.50	Valverde & Fray Cristóbal
Pedro Armendariz #34	1860	1878	95,030.00	
Peralta (1) (La)	Rejected			
Peralta (2)	Rejected			Reavis
Petaca	1896	1901	1,392.10	José Antonio García
Piedra Lumbre	1893	1902	49,747.89	Casa de (José) Riano; Pedro Martín Serrano
Plaza Colorado	1893	1907	7,577.92	Plaza Colorado Valdez
Plaza Blanca	1894	1914	8,955.11	Manuel Bustos
Polvadera (Polvareda)	1893	1900	35,761.14	Juan Pablo Martín
Preston Beck Jr.	1860	1883	318,699.72	

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Pueblo of Acoma	1858	1877	95,791.66	
Pueblo of Cochití	1858	1864	24,256.50	
Pueblo of Isleta	1858	1864	131,495.30	
Pueblo of Jémez	1858	1864	17,510.45	
Pueblo of Laguna	1897	1909	17,328.91	
Pueblo of Nambé	1858	1864	13,586.33	
Pueblo of Pecos	1858	1864	18,763.33	
Pueblo of Picurís	1858	1864	14,953.39	
Pueblo of Pojoaque	1858	1864	13,520.38	
Pueblo of Quemado	Dismissed by claimant			Rito Quemado
Pueblo of San Cristóbal	l	l	l	
Pueblo of San Felipe	1858	1864	34,766.86	
Pueblo of San Ildefonso	1858	1864	17,292.64	
Pueblo of San Juan	1858	1864	17,544.77	
Pueblo of Sandía	1858	1864	24,034.87	
Pueblo of Santa Ana	1869	1883	17,360.56	
Pueblo of Santa Clara	1858	1864	17,368.52	
Pueblo of Santo Domingo	1858	1864	74,743.11	
Pueblo of Santo Domingo & San Felipe	1898	1905	1,070.68	
Pueblo of Taos	1859	1864	17,360.55	
Pueblo of Tesuque	1858	1864	17,471.12	
Pueblo of Zía	1858	1864	17,514.63	
Pueblo of Zuñí	m	m	m	
Pueblos of Zía, Jémez, & Santa Ana	Rejected			Ojo del Espíritu Santo
Ramón Vigil	1860	1908	31,209.52	Pedro Sánchez
Ranchito (El)	1897	1909	4,250.63	
Rancho de (los) Comanches	Dismissed by claimant			
Rancho de Abiquiú	Dismissed by claimant			Rancho de Coyote
Rancho de Coyote	Dismissed by claimant			El Coyote
Rancho de Gigante	1860	1884	25,233.18	Laguna Pueblo tracts
Rancho de la Gallina	Dismissed by claimant			Rancho de Coyote
Rancho de la Santísima Trinidad	Rejected ; dismissed by claimants			Rancho de Galvan; Francisco Sandoval; Ignacio Sánchez Vergara

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Rancho de los Corrales (Comales)	Dismissed by claimant			
Rancho de los Rincon(es)	Dismissed by claimant			Rancho de Coyote
Rancho de Nuestra Señora de la Luz	1860	1874	16,546.85	Bishop John Lamy
Rancho de Paguete	1860		75,406.27	Laguna Pueblo tracts
Rancho de San Juan	1860	1884	25,233.18	Laguna Pueblo tracts
Rancho de Río Arriba	Dismissed by claimant			Rancho de Coyote
Rancho de Río Puerco	Dismissed by claimant			
Rancho de Santa Ana	1860	1884	871.33	Laguna Pueblo tracts
Rancho de Ysleta	Rejected			Pueblo de San Antonio de Isleta
Rancho del Río Grande	1892	1901	91,813.15	
Rancho el Rito	1860	1884	25,233.18	Laguna Pueblo tracts; El Rito (Colorado); El Rillito
Refugio Civil Colony	1901	1910	11,524.30	
Río de Chama	Dismissed by claimant			Rancho de la Merced del San Joaquín del Río Chama
Río del Oso	Dismissed by claimants			José Antonio Valdez
Río del Picurís	Rejected			José Dolores Fernández; Río del Pueblo
Río Tesuque (Town of)	1897			Bishop's Ranch; Juan Benabides
Rito de los Frijoles	Rejected			Andres Montoya; Antonio Salas
Rómulo Barela (Varela)	Rejected			Juan Manuel de Herrera
Roque Jacinto Jaramillo	Rejected			
Roque Lovato (Lobato)	Rejected			
Salvador Lovato	Dismissed by claimant			Lorenzo Lobato
San Acasio	Dismissed by claimant			
San Antonio de Las Huertas	1897	1907	4,763.85	
San Antonio del Río Colorado	Rejected			Town of Río
San Antonito	Rejected			Cristóbal Jaramillo
San Clemente	1896	1909	37,099.29	
San Cristóbal	Rejected by Surveyor General			Father José Antonio Martínez; Cristoval de la Serna
San Joaquín del Nacimiento	Rejected			San Pablo y Nacimiento; Nacimiento del Río Puerco
San Marcos Pueblo	1892	1896	1,895.44	San Marcos Springs

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
San Mateo Spring(s)	1895	1907	4,340.276	Santiago Durán y Cháves
San Miguel del Vado (Bado)	1894	1910	5,207.73	
San Pedro	1860	1875	31,594.76	
Sangre de Cristo	1860	1880	998,780.46	
Sanguijuela	Rejected			
Santa Bárbara (Plaza of the)	1894	1905	30,638.28	
Santa Cruz (de la Cañada)	1899 & 1900	1910	4,567.60	Juan Salas
Santa Fé	1894	n	n	
Santa Fé Cañón	Rejected			
Santa Rita Del Cobre	Rejected by Commissioner of the General Land Office			Santa Rita Mine
Santa Rosa de Cubero	1898			
Santa Teresa	1900	1909	8,478.51	
Santiago Bone	Dismissed by claimants			James Boney; María Cleofas Bone; Estanislado Sandoval (José Manuel Cordova)
Santiago Ramirez	1897	1912	272.17	Peñasco Largo
Santo Domingo de Cundiyo	1900	1903	2,137.08	José Antonio Vigil
Santo Tomás de Yturbide	1900	1905	9,622.34	Sto. Tomás de Iturbide Colony
Santo Toribio (de Jémez)	Rejected			
Sebastián De Vargas	1893	1900		
Sebastián Martín	1860	1893	51,387.20	
Sevilleta	1893	Dispersals begun in 1915	Not specified	La Joya
Sierra Mosca	1896	°	°	Juan Luis Ortíz
Sitio de Juana López	1894	1897	1,108.61	
Sitio de Los Serrillos (Cerrillos)	1894	1897	572.04	
Socorro (Town of)	1892	1896	17,371.18	
Tacubaya	Dismissed by claimant			
Talaya Hill	1895	1917	922.52	Manuel Trujillo
The Baird's Ranch	Rejected			Ranchos de Chino Tejano
Tierra Amarilla	1860	1881	594,515.55	
Tomás Tapia	Rejected			
Town of Abiquiú	1894	1909	16,547.20	
Town of Alameda	1892	1920	89,346.00	Francisco Montes Vigil

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Name	Date confirmed or other action^a	Date patented^b	Acreage patented	Alternative grant identifiers^c
Town of Albuquerque	1892	None specified	Not specified	Villa de Albuquerque
Town of Atrisco	1894	1905	82,728.72	
Town of Bernalillo	1897	1900	3,404.67	Felipe Gutiérrez; Felipe Gonzales
Town of Candelarios	p	p	p	
Town of Cebolleta	1869	1882	199,567.92	
Town of Chamita	1860	1929	1,636.29	
Town of Chaperito	1890			
Town of Chilili	1858	1909	41,481.00	
Town of Cieneguilla	Rejected			
Town of Cubero	1892	1900	16,490.94	
Town of El Rito	Dismissed by claimants			Joaquín García
Town of Jacona	1893	1909	6,952.84	Ignacio de Roibal
Town of Las Trampas	1860	1903	28,131.67	Santo Tomás (Apostal) del Río de Las Trampas
Town of Las Vegas	1860	1903	431,653.65	
Town of Manzano	1860	1907	17,360.24	
Town of Mora	1860	1876	827,621.10	
Town of Real de Dolores del Oro	Rejected			
Town of San Isidro	1860	1936	11,476.88	
Town of Tajiique	1860	1912	7,185.550	Tajaque
Town of Tecolote	1858	1902	48,123.380	Salvador Montoya et al.
Town of Tejón (Tungue)	1860	1882	12,801.46	
Town of Tomé	1858	1871	121,594.53	
Town of Torreón	1860	1909	14,146.11	
Town of Vallecito de Lovato	Rejected			S. Endicott Peabody; José Salazar y Ortíz; José R. Zamora
Uña Del Gato	Rejected by Secretary of Interior			
Vallecito (de San Antonio)	Dismissed by claimants			
Vertientes de Navajó	Rejected			Rafael Armijo (Sitio del Navajó); Cañada de los Alamos

^aGrant confirmed by Congress or Court of Private Land Claims.

^bA patent conveys legal title to the grant.

^cBased on documents submitted to the Surveyor General or the Court of Private Land Claims.

^dThere were extensive attempts to obtain grants that were never successfully completed. 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

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Yturbide Colony Grant. A patent was not issued because claimants argue the Confirmation Act of 1860 conveyed the title; a final survey yielded 14,808.075 acres.

^eThe grant was located within the confirmed Domingo Fernández grant, so no action was taken on the claim.

^fBased on a U.S. Supreme Court decision that found, among other things, that the grant had not been given in accordance with Mexican law.

^gThe grant apparently lies within the Pueblo of Nambé grant, and has not been patented.

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

ⁱThe 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.

^jThe claimants probably obtained title through the Act of March 3, 1891. This act allowed 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.

^kNo specific information is available.

^lThe purported grant document was filed with the Surveyor General but was later proven to be fraudulent.

^mAs 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.

ⁿThe only grant actually given to Santa Fé residents was for some common pasture land and water (1715). Congress ultimately granted to the City of Santa Fé all lands not already used by the United States or confirmed as private land grants. The confirmed amount is based on the Surveyor General's preliminary survey of 4 square leagues.

^oThe U.S. Supreme Court found the Court of Private Land Claims in error and directed a reversal. The grant was rejected in 1900.

^pAlthough 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.

Objectives, Scope, and Methodology

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 Pete Domenici and Jeff Bingaman asked us to study numerous issues regarding the treaty and its implementation. We plan to answer their questions in a series of reports. This first report defines the concept of community land grants, identifies three types of grants that meet this definition, and lists the grants we identified in each category.

In accordance with the request, we limited our review to community land grants made by Spain or México between 1689 and 1846 that are now either wholly or partially situated within the area of what is now the state of New Mexico and that were subject to the Treaty of Guadalupe Hidalgo. We also included grants in what is now New Mexico made up to 1853 that were part of the Gadsden Purchase, since they too are 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 consulted can be found in appendix III.

During the course of our review, we interviewed dozens of land grant heirs in New Mexico and a representative of a pueblo; 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.

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 (LL.M.) 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 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 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 documents in the archives from the Surveyor General or Court of Private Land Claims files.

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 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. 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 U.S. 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 the unpublished thesis of J.J. Bowden entitled *Private Land Claims in the Southwest*. 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 J.J. 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 J.J. 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 various 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 Alamo 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. The Surveyor General's office included an individual responsible for translating the documents submitted. However, we did not independently assess any translation. We also note that the names of some grants in *Private Land Claims in the Southwest*, the Surveyor General documents, and the Court of Private Land Claims files are not always consistent. We have identified the other names of grants in appendix I.

We conducted our review from April through December 2000, according to generally accepted government auditing standards.

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**Appendix III
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