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HOUSE JOINT MEMORIAL 26

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Bengie Regensberg

A JOINT MEMORIAL

REQUESTING THE ESTABLISHMENT OF SPECIAL TIES WITH THE GOVERNMENTS OF SPAIN AND MEXICO FOR THE EXCHANGE OF INFORMATION REGARDING LAND GRANTS IN THE PROVINCE OF NEW MEXICO DURING THE SPANISH AND MEXICAN PERIODS AND SOLICITING THEIR SUPPORT IN LAND GRANT INVESTIGATIONS AND READJUDICATIONS.

WHEREAS, land grants were made to Spanish settlers by the Spanish crown during the Spanish period in the internal provinces of the west, which included New Mexico, between 1598 and 1821, and land grants were made to Mexican settlers during the Mexican period in the internal provinces of the west, which included New Mexico; and

WHEREAS, land grants made by the Spanish crown to these settlers were made under applicable Spanish laws, customs and

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1 traditions of the time and these Spanish laws, customs and  
2 traditions were assumed by Mexico and enforced by the same,  
3 and Mexico also made new laws pertaining to land grants; and

4 WHEREAS, the United States on February 2, 1848 assumed  
5 and assured and protected Spanish and Mexican land grant laws,  
6 customs and traditions under the Treaty of Guadalupe Hidalgo  
7 and further clarified this protection under the Protocol of  
8 Queretaro and the United States constitution, and the United  
9 States further protected these land grants by various supreme  
10 court decisions; and

11 WHEREAS, the United States and Mexico jointly signed the  
12 Treaty of Guadalupe Hidalgo and Protocol of Queretaro and  
13 agreed to respect their provisions; and

14 WHEREAS, the United States formed two adjudication  
15 tribunals to resolve the land grant issue in New Mexico, the  
16 office of surveyor general in 1854 and the court of private  
17 land claims in 1891, and these two tribunals and the supreme  
18 court misinterpreted the previous laws of Spain and Mexico to  
19 the detriment of land grant heirs, assignees and  
20 representatives that resulted in outright rejection of valid  
21 land grants and loss of the common lands of land grants; and

22 WHEREAS, the loss of these lands has resulted in extreme  
23 poverty for many of the inhabitants of these land grants; and

24 WHEREAS, the United States senators from New Mexico, duly  
25 concerned that the United States congress and the courts have

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1 validated only about twenty-five percent of the total land  
2 grant claims in New Mexico, have authorized the federal  
3 general accounting office to reinvestigate the land grant  
4 issue; and

5 WHEREAS, new legal and historical information has been  
6 brought to light regarding the inadequate adjudication of  
7 these land grants by the office of surveyor general and the  
8 court of private land claims; and

9 WHEREAS, the thousands of families and individuals in New  
10 Mexico and the former internal provinces of the west have long  
11 wanted sufficient information and support from the mother  
12 countries of their ancestors and original grantees in order to  
13 reclaim their ancestral lands and properties;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
15 STATE OF NEW MEXICO that the New Mexico congressional  
16 delegation be requested to reestablish special diplomatic ties  
17 with Spain and Mexico for the exchange of information  
18 regarding land grants made by Spain and Mexico and to solicit  
19 the support of Spain and Mexico in these land grant  
20 investigations and readjudications; and

21 BE IT FURTHER RESOLVED that the United States, Spain and  
22 Mexico through legal and educational institutions be requested  
23 to form a joint venture with local governments and local  
24 nonprofit organizations for the exchanging of information  
25 relating to land grant laws, customs and traditions; and

1 BE IT FURTHER RESOLVED that copies of this memorial be  
2 transmitted to the members of the New Mexico congressional  
3 delegation, each member of the United States congress, the  
4 president of the United States, the ambassador of Spain to the  
5 United States and the ambassador of Mexico to the United  
6 States.

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