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HOUSE JOINT MEMORIAL 22
46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

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
traditions of the time and these Spanish laws, customs and

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1 traditions were assumed by Mexico and enforced by the same, and
2 Mexico also made new laws pertaining to land grants; and

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

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

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

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

23 WHEREAS, the United States senators from New Mexico, duly
24 concerned that the United States congress and the courts have
25 validated only about twenty-five percent of the total land

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1 grant claims in New Mexico, have authorized the federal general
2 accounting office to reinvestigate the land grant issue; and

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

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

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

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

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the members of the New Mexico congressional

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1 delegation, each member of the United States congress, the
2 president of the United States, the ambassador of Spain to the
3 United States and the ambassador of Mexico to the United
4 States.

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