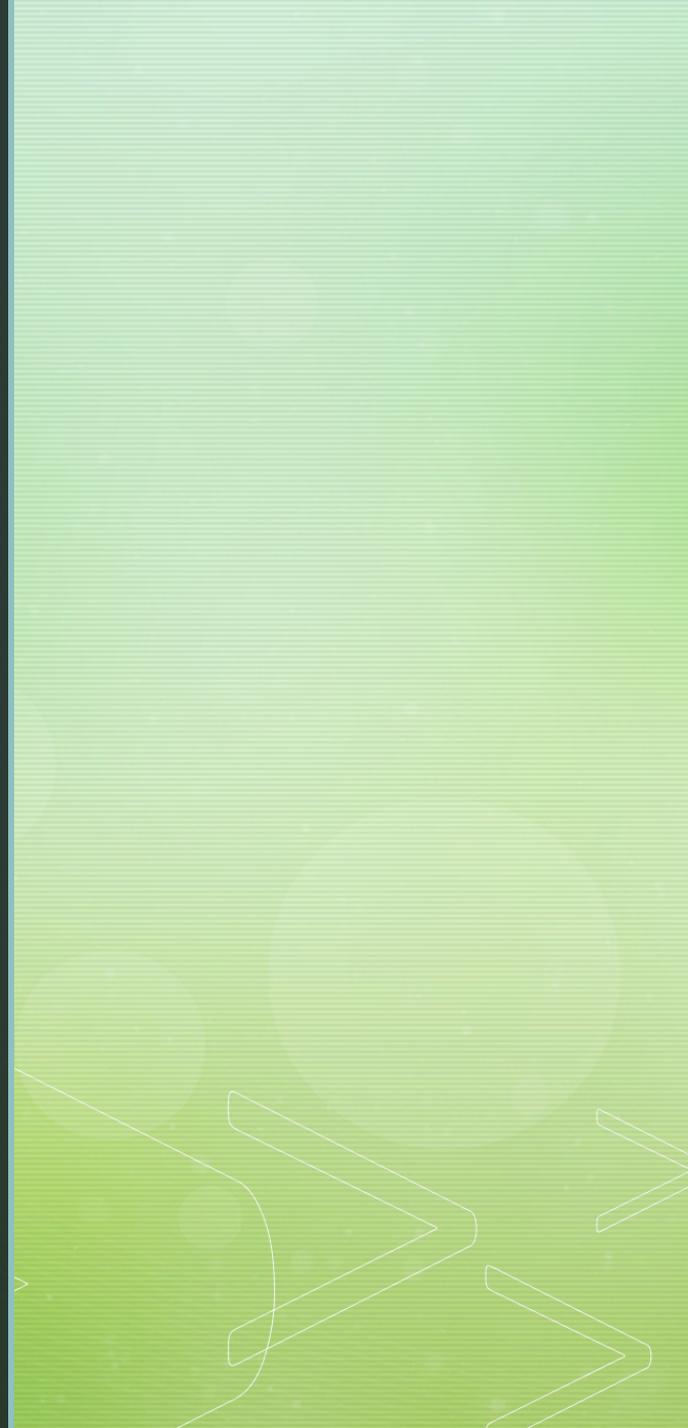


Land Grants-Mercedes in Statute: Territorial Period to the Present



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Why Start with Territorial Statutes

- **Article XXII, § 4, Constitution of New Mexico**, "All laws of the territory of New Mexico in force at the time of its admission into the Union as a state, not inconsistent with this Constitution, shall be and remain in force as the laws of the state until they expire by their own limitation, or are altered or repealed; . . ."

1874 First Statute Pertaining to Community Land Grant-Merced Governance in New Mexico

- Chapter 71 of the Territory Laws of New Mexico from 1874 – Passed January 8, 1874.
- Special law establishing Commission to the Cebilleta (Sevilleta) de La Joya Land Grant.
- Appointed by name the first commissioners.
- Establish powers and duties of the land grant commissioners

1876 Next Two Community Land Grant- Merced Territorial Statutes

- Chapters 46 and 51 adopted on the same day, January 14
- Covered three Land Grants: Las Vegas, Cañada de Jemez (46), Chililí (51).
- Chapters 46. and 51. are distinctly different from one another and from 1874 law for Cebilleta de La Joya

Other Territorial Land Grant Statutes by Year

- 1884 – Recognitions of two Land Grants in Doña Ana County

1891 General Authority for Land Grants Recognized in Territorial Statute

- Covers all Community Land Grants not covered by a specific statute.
- Establishes them as bodies “Corporate and Politic” with “perpetual succession”
- Requires affirmative action by an individual community land grant.
- Grants authority to assess taxes to defray costs of doing business.
- Had a 5-year sunset.
- Similar statute passed in 1897 (also had 5-year sunset).

Other Territorial Land Grant Statutes by Year

- 1893 – Socorro Grant (Chapter 49, Article 9, NMSA 1978)
- 1897 – General Authority for Land Grants (Chapter 49, Article 2)
- 1903 – Las Vegas (Chapter 49, Article 6, NMSA 1978) and Tecolote Land Grants (Chapter 49, Article 10, NMSA 1978)
- 1905 - All Doña Ana County Land Grants (Chapter 49, Article 5, NMSA 1978)

1907 Community Land Grant General Provisions

- Applies to all land grants not covered by any other specific legislation.
- Recognizes Land Grants granted by Spain or Mexico
- References Surveyor General, Court of Private Land Claims and Congressional confirmation.
- Provide Board of Trustee authority to appoint election judges and clerks and to canvass votes.
- Meetings to be public.

Other Territorial Land Grant Statutes by Year

- 1907 – Manzano Land Grant (Chapter 49, Article 7, NMSA 1978)
- 1909 – Nuestra Señora del Rosario, San Fernando y Santiago Land Grant (Chapter 49, Article 8, NMSA 1978); Socorro and Las Vegas Statutes Amended

Land Grant State Statutes by Year

- 1913 – Shift final approval of conveyance or mortgage of common lands from community to district court.
- 1917 – Act to re-recognize all community land grants incorporated in 1891 and 1897 Territorial Acts (Chapter 49, Article 2)
- 1921 – Chaperito Grant recognized (Chapter 49, Article 3)
- 1929 - Incorporation of Sevilleta de La Joya into Land Grant General Provisions (§49-1-20, NMSA 1978)

Land Grant State Statutes by Year

- 1933 – Law Specific to Anton Chico in Land Grant General Provisions (§49-1-21, NM 1978)
- 1967 – Allow Article 2 Land Grants to convert to general corporations (§49-2-18, NMSA 1978)
- 1979 – Increase in Board of Trustees compensation (§49-1-14, NMSA 1978)
- 2003 – Land Grant Interim Committee Created; Office of the NM Attorney General Treaty Division Created (§8-5-18, NMSA 1978)

Land Grant State Statutes by Year Continued

- **2004 – Overhaul of Land Grant General Provisions (Chapter 49, Article 1, NMSA 1978)**
 - Recognizing Land Grants as Political Subdivisions of the State
 - Changing the designation from “Land Grant” to ”Land Grant-Merced
 - Giving Board of Trustees authority to determine land use, local infrastructure, and economic development of common lands
 - Giving Board of Trustees authority to determine zoning of common lands

Land Grant State Statutes by Year Continued

- **2005 –**
 - Land Grant Registry Created (§49-1-23, NMSA 1978)
 - Right of first refusal state land (§13-6-5, NMSA 1978)
 - Right to Match Highest Bid (§7-38.67, NMSA 1978)
 - Ejectment procedures updated (§49-1-15, NMSA 1978)

Land Grant State Statutes by Year Continued

- **2007 –**
 - No adverse possession of land grant common lands (§49-1-11.2, NMSA 1978)
 - Incorporation of the Town of Tomé Land Grant into Land Grant General Provision (§49-1-2, NMSA 1978)
- **2008 – UNM Land Grant Studies Program created**
- **2009 –**
 - Land Grant Council Created (Chapter 49, Article 11, NMSA 1978)
 - Election Overhaul (replace general election code with specific procedures) (§49-1-5 & §49-1-7, NMSA 1978)

Land Grant State Statutes by Year Continued

- **2010 –**
 - Tort Liability Coverage Eligibility (§41-4-30, NMSA 1978)
 - Notice of Boundary Surveys (§61-23-33, NMSA 1978)
- **2011 –**
 - Authority to enter into Intergovernmental Agreements (§49-1-3, NMSA 1978)
 - Incorporation of the Atrisco Land Grant into Land Grant General Provision (§49-1-2, NMSA 1978)

Land Grant State Statutes by Year Continued

- **2013** –
 - Recognition of the San Antonio del Río Colorado Land Grant in the Land Grant General Provisions (§49-1-2, NMSA 1978); Incorporation of Tecolote Land Grant into Land Grant General Provisions (§49-1-2, NMSA 1978)
 - Land Grant Registry moved (§49-1-23, NMSA 1978)
- **2015** – Use of Credit Unions and electronic payments methods (§49-1-14, NMSA 1978)
- **2018** – “Right of first offer on “abandon real property” (§7-38-67.1, NMSA 1978)

Land Grant State Statutes by Year Continued

- **2019** –
 - Incorporation of Manzano Land Grant into Land Grant General Provisions (§49-1-2, NMSA 1978)
 - Authority to approve comprehensive plans (§49-1-3, NMSA 1978)
 - Election procedure update (§49-1-5, NMSA 1978)
 - Definition of heir in bylaws (§49-1-1.1, NMSA 1978)
- **2021** – Exemption from suit under New Mexico Civil Rights Act (§41-4A-2, NMSA 1978)

Why so many statutes?

Kavanaugh v. Delgado, 35 N.M. 141 (1930), ¶ 12

“The "town" of Tecolote was here when the United States troops took possession. It was recognized by the Congress more than thirty years before the common law was here adopted as the rule of practice and decision. Its transformation from a Mexican quasi municipal corporation (U.S. v. Sandoval, 167 U.S. 278, 17 S.Ct.*147 868, 42 L.Ed. 168) to a New Mexico corporation, is difficult to trace either historically or legally. We do not attempt that task. The process is probably not yet complete.”



Why so many statutes?

Kavanaugh v. Delgado, 35 N.M. 141 (1930), ¶ 13

“Many difficult problems have arisen from the slow and gradual implanting of a common-law jurisprudence upon a civil law territory and population. The courts could not reject rights or institutions as nonexistent, because they had not as yet been translated into terms of the common law. With common-law machinery, under the direction of a bar and bench bred to the common law, it has been necessary to enforce rights and recognize institutions unknown to that system. Where technical interpretation and reasoning must have failed, practical administration has found the way.”

Finding the Way

Rayellen Res., Inc. v. N.M. Cultural Props. Review Comm., 2014-NMSC-006, ¶ 39

“Armijo v. Cebolleta Land Grant, 1987–NMSC–006, ¶ 6, 105 N.M. 324, 732 P.2d 426 (“[A]s a practical matter the Legislature has assumed the function of exercising control over [community land grants] through statutes providing for their administration by boards of trustees.” (second alteration in original) (internal quotation marks and citation omitted))”



Finding the Way

Armijo v. Cebolleta Land Grant, 105 N.M. 324 (1987), ¶ 6

“In **Merrifield v. Buckner, 41 N.M. 442, 70 P.2d 896 (1937)**, it was said that, “[a]s a practical matter the Legislature has assumed the function of exercising control over [community land grants] through statutes providing for their administration by boards of trustees.” *Id.* at 451, 70 P.2d at 901.”

Finding the Way

Merrifield v. Buckner, 41 N.M. 442, 70 P.2d 896 (1937), ¶ 31; ¶ 34

“Its [Chililí Land Grant] existence and that of like corporations are recognized by the governments of the United States and this state. The state has treated them as municipal corporations with powers lying dormant, or nonexistent, until conferred by a legislative act.”

“We recognize the existence of the corporation and its title to the land, and shut our eyes to the "how" or "why" of it. As a practical matter the Legislature has assumed the function of exercising control over them through statutes providing for their administration by boards of trustees.”

- Complexity of Interpreting Land Grant Statutes in Common Law

Land Grants as quasi municipal corporations

- Complexity of Interpreting Land Grant Statutes in Common Law

Not to be consider instrumentalities of the state or local units of government

- Complexity of Interpreting Land Grant Statutes in Common Law

6 New Mexico Supreme Court cases dealing with 5 different land grants-mercedes

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** - State v. Bd. of Trs., 28 N.M. 237 (1922); Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340 (1971)
- **Tecolote** – Kavanaugh v. Delgado 35 N.M. 141 (1930)
- **Chililí** - Merrifield v. Buckner, 41 N.M. 442, 70 P.2d 896 (1937)
- **Cubero** - Bibo v. Town of Cubero Land Grant, 65 N.M. 103, 332 P.2d 1020 (1958)
- **Cebolleta** - Armijo v. Cebolleta Land Grant, 105 N.M. 324 (1987)

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Governed by a Specific Statute
- **Tecolote** – Governed by a Specific Statute
- **Chililí** – Governed by a Specific Statute
- **Cubero** – Governed by the Land Grant General Provisions
- **Cebolleta** – Governed by the Land Grant General Provisions



Complexity of Interpreting Land Grant Statutes in Common Law

State v. Bd. of Trs., 28 N.M. 237 (1922)

Complexity of Interpreting Land Grant Statutes in Common Law

New Mexico Constitution Article VIII

Sec. 3. [Tax-exempt property.]

The property of the United States, the state and all counties, towns, cities and school districts and other municipal corporations, public libraries, community ditches and all laterals thereof, all church property not used for commercial purposes, all property used for educational or charitable purposes, all cemeteries not used or held for private or corporate profit and all bonds of the state of New Mexico, and of the counties, municipalities and districts thereof shall be exempt from taxation.

Complexity of Interpreting Land Grant Statutes in Common Law

State v. Bd. of Trs., 28 N.M. 237 (1922), ¶ 4

“at the time of the adoption of the Constitution of this state there was in force a complete system for the organization and regulation of municipal corporations, defining them as bodies politic and corporate, and granting to them privileges extended to like corporations. Such municipal corporations were the ones known to, and contemplated by, the makers of the Constitution, and the phrase ‘other municipal corporations’ did not extend to organizations like the appellant [*Las Vegas Land Grant*], nor to corporations nor bodies, which by their nature were not bodies politic and corporate, nor instrumentalities, nor agencies of the state government.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute
- **Chililí** – Specific Statute
- **Cubero** – General Provisions
- **Cebolleta** – General Provisions



Complexity of Interpreting Land Grant Statutes in Common Law

Kavanaugh v. Delgado 35 N.M. 141 (N.M. 1930)

Complexity of Interpreting Land Grant Statutes in Common Law

Kavanaugh v. Delgado 35 N.M. 141 (N.M. 1930), ¶ 1–

“Teacolote land grant is not a municipal corporation in the sense that it constitutes an instrumentality or agency of the state. State v. Board of Trustees of the Town of Las Vegas, 28 N.M. 237, 210 P. 101.”

Complexity of Interpreting Land Grant Statutes in Common Law

Kavanaugh v. Delgado 35 N.M. 141 (N.M. 1930), ¶ 9 –

“The community land grant with which we now deal is an anomaly among corporations. While we have termed it a quasi municipal corporation, it is in some respects more like a private corporation.”

Complexity of Interpreting Land Grant Statutes in Common Law

Kavanaugh v. Delgado 35 N.M. 141 (N.M. 1930), ¶ 13 –

“we cannot but entertain the view that the owners of allotted lands within the grant have such an interest in the common lands that it would be a backward step if equity should deny them the rights of suitors in cases in which taxpayers in municipalities enjoy those rights.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute
- **Cubero** – General Provisions
- **Cebolleta** – General Provisions



Complexity of Interpreting Land Grant Statutes in Common Law

Merrifield v. Buckner, 41 N.M. 442, (1937)

Complexity of Interpreting Land Grant Statutes in Common Law

Merrifield v. Buckner, 41 N.M. 442, (1937), ¶ 9

“We stated in the Kavanaugh Case: “The community land grant with which we now deal [Town of Tecolote Grant] is an anomaly among corporations. While we have termed it a quasi municipal corporation, it is in some respects more like a private corporation.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Cubero** – General Provisions
- **Cebolleta** – General Provisions

Complexity of Interpreting Land Grant Statutes in Common Law

Merrifield v. Buckner, 41 N.M. 442, (1937), ¶ 11

“The board of trustees of this grant is a creature of the Legislature, and has only such powers as were conferred by the act creating it.”

Complexity of Interpreting Land Grant Statutes in Common Law

Merrifield v. Buckner, 41 N.M. 442, (1937), ¶ 5

“There is nothing in evidence to indicate the nature of the original Mexican title papers, but it may be taken as a fact that the title is identical with that of the Town of Tome Grant, confirmed by the same act of the Congress (December 22, 1858)”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation
- **Cubero** – General Provisions
- **Cebolleta** – General Provisions

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, Not a unit of government?
- **Cubero** – General Provisions
- **Cebolleta** – General Provisions



Complexity of Interpreting Land Grant Statutes in Common Law

Bibo v. Town of Cubero Land Grant, 65 N.M. 103 (1958)

Complexity of Interpreting Land Grant Statutes in Common Law

Bibo v. Town of Cubero Land Grant, 65 N.M. 103 (1958), ¶ 12

“The law is settled in this jurisdiction that a community land grant is in the nature of a quasi-municipal corporation and is governed by the rules of law applicable thereto. *Kavanaugh v. Delgado*, 1930, 35 N.M. 141, 290 P. 798;”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, Not a unit of government?
- **Cubero** – General Provisions, Not a unit of government
- **Cebolleta** – General Provisions



Complexity of Interpreting Land Grant Statutes in Common Law

**Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340
(1971)**

Complexity of Interpreting Land Grant Statutes in Common Law

Article IV, §24 of the NM Constitution

“The legislature shall not pass local or special laws in any of the following cases: regulating county, precinct or district affairs. . . locating or changing county seats, or changing county lines, except in creating new counties; incorporating cities, towns or villages, or changing or amending the charter of any city, town or village; the opening or conducting of any election or designating the place of voting; . . .creating, increasing or decreasing fees, percentages or allowances of public officers. . .granting to any corporation. . . exempting property from taxation. . . In every other case where a general law can be made applicable, no special law shall be enacted.”

Complexity of Interpreting Land Grant Statutes in Common Law

Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340 (1971), ¶ 11

“Although there are unquestionably basic likenesses in the nature of all community land grants in New Mexico, there are also differences, such as their geographic locations, the times of their origin, the laws and governments under which they were created, the forms of government and administration under which they developed and were controlled, etc.”

Complexity of Interpreting Land Grant Statutes in Common Law

Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340 (1971), ¶ 12

“The fact that the Legislature has enacted laws applicable to only one grant, and has thus classified some of the grants differently, is entitled to great weight.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
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- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, Not a unit of government?
- **Cubero** – General Provisions, Not a unit of government
- **Cebolleta** – General Provisions

Complexity of Interpreting Land Grant Statutes in Common Law

Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340 (1971), ¶ 14

“The Las Vegas Grant has been held not to be a town, city or other municipal corporation within the contemplation of Art. 8, § 3, Constitution of New Mexico, and “* * * is not of the nature of an agency or instrumentality of the state government, as are the other municipal corporations named.” State v. Bd. Of Trustees of Town of Las Vegas, 28 N.M. 237, 210 P. 101 (1922).”

Complexity of Interpreting Land Grant Statutes in Common Law

Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340 (1971), ¶ 14

“These community land grants, although not corporations, are in the nature of quasi municipal corporations. *Bibo v. Town of Cubero Land Grant*, 65 N.M. 103, 332 P.2d 1020 (1958)”

Article IV, 24 of the NM Constitution

**Bd. of Trs. Of the Town of Las Vegas v. Montano, 82 N.M. 340
(1971) ¶ 15**

“The prohibitions against special legislation as contained in the Springer Act, supra, and in Art. IV, § 24, Constitution of New Mexico, supra, are not applicable to enactments relating to the governing or managing bodies of specific community land grants, or to the manner in which these bodies exercise their powers of control, management and disposition over grant lands.”



Complexity of Interpreting Land Grant Statutes in Common Law

Armijo v. Cebolleta Land Grant, 105 N.M. 324 (1987) –

Complexity of Interpreting Land Grant Statutes in Common Law

Armijo v. Cebolleta Land Grant, 105 N.M. 324 (1987), ¶ 6

“During the time period covered by this lawsuit, Armijo was an elected member of quasi-municipal Cebolleta Land Grant Board of Trustees. . .”

Complexity of Interpreting Land Grant Statutes in Common Law

Armijo v. Cebolleta Land Grant, 105 N.M. 324 (1987), ¶ 6

“In *Kavanaugh v. Delgado*, 35 N.M. 141, 290 P. 798 (1930), this Court recognized that a community land grant is a quasi-municipal corporation.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
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- **Tomé** – Land Grant Corporation, Not a unit of government?
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Complexity of Interpreting Land Grant Statutes in Common Law

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- **Cebolleta** – General Provisions, Not a unit of government

Complexity of Interpreting Land Grant Statutes in Common Law

State v. Bd. of Trs., 28 N.M. 237 (1922), ¶ 4

“at the time of the adoption of the Constitution of this state there was in force a complete system for the organization and regulation of municipal corporations, defining them as bodies politic and corporate, and granting to them privileges extended to like corporations. Such municipal corporations were the ones known to, and contemplated by, the makers of the Constitution, and the phrase ‘other municipal corporations’ did not extend to organizations like the appellant [Las Vegas Land Grant], nor to corporations nor bodies, which by their nature were not bodies politic and corporate, nor instrumentalities, nor agencies of the state government.”

Complexity of Interpreting Land Grant Statutes in Common Law

- 1884 – Recognitions of two Land Grants in Doña Ana County
- 1907 – Manzano Land Grant (Chapter 49, Article 7, NMSA 1978)
- 1917 – Act to re-recognize all community land grants incorporated in 1891 and 1897 Territorial Acts (Chapter 49, Article 2)

Complexity of Interpreting Land Grant Statutes in Common Law

1884 – Recognitions of two Land Grants in Doña Ana County

“SECTION. 1. All owners of real estate situate in the limits of the Colonial Grant, known by the name of the Jose Manuel Sanchez Baca Grant, in the county of Doña Ana, in this Territory, actual residents within the limits of said grant, be and they are hereby created a body politic, and public incorporate under the name and style of the corporation of the Grant of Jose Manuel Sanchez Baca,
...”

Complexity of Interpreting Land Grant Statutes in Common Law

1884 – Recognitions of two Land Grants in Doña Ana County

“SECTION 1. That the owners of lands within the limits of the Grant of the Colony of Refugio in the county of Doña Ana, be and they are hereby constituted a body corporate and politic, under the name and style of the Grant of the Colony of Refugio, . . .”

Complexity of Interpreting Land Grant Statutes in Common Law

1907 – Manzano Land Grant (Chapter 49, Article 7, NMSA 1978)

“Section 1. That certain land grant now situate in the County of Torrance in the Territory of New Mexico is here’ by incorporated and formed into a body corporate and politic under the name and title of “La Merced del Manzano;” and as such corporate body and in its name shall have the right. . .”

Complexity of Interpreting Land Grant Statutes in Common Law

1917 – Act to re-recognize all community land grants incorporated in 1891 and 1897 Territorial Acts (Chapter 49, Article 2)

“SEC. 2. They shall be bodies corporate and politic under the respective names designated in the decrees by which they were incorporated,”

Complexity of Interpreting Land Grant Statutes in Common Law

State v. Bd. of Trs., 28 N.M. 237 (1922), ¶ 4

“at the time of the adoption of the Constitution of this state there was in force a complete system for the organization and regulation of municipal corporations, defining them as bodies politic and corporate, and granting to them privileges extended to like corporations. Such municipal corporations were the ones known to, and contemplated by, the makers of the Constitution, and the phrase ‘other municipal corporations’ did not extend to organizations like the appellant [Las Vegas Land Grant], nor to corporations nor bodies, which by their nature were not bodies politic and corporate, nor instrumentalities, nor agencies of the state government.”

Complexity of Interpreting Land Grant Statutes in Common Law

State v. Bd. of Trs., 28 N.M. 237 (1922), ¶ 4

“at the time of the adoption of the Constitution of this state there was in force a complete system for the organization and regulation of municipal corporations, defining them as bodies politic and corporate, and granting to them privileges extended to like corporations. Such municipal corporations were the ones known to, and contemplated by, the makers of the Constitution, and the phrase ‘other municipal corporations’ did not extend to organizations like the appellant [Las Vegas Land Grant], nor to corporations nor bodies, which by their nature were not bodies politic and corporate, nor instrumentalities, nor agencies of the state government.”

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – **Land Grant Corporation, Not a unit of government?**
- **Cubero** – General Provisions, Not a unit of government
- **Cebolleta** – General Provisions, Not a unit of government

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
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Finding the Way

Kavanaugh v. Delgado, 35 N.M. 141 (1930), ¶'s 12 & 13

“Its transformation from a Mexican quasi municipal corporation. . .to a New Mexico corporation, is difficult to trace either historically or legally. We do not attempt that task. The process is probably not yet complete. . . .

. . . Where technical interpretation and reasoning must have failed, practical administration has found the way.”



Finding the Way

In 2004 §49-1-1, NMSA 1978 - The Land Grant General Provisions were amended to read:

Finding the Way

In 2004 §49-1-1, NMSA 1978 - The Land Grant General Provisions were amended to read:

- All land grants-mercedes in the state or land grants-mercedes described in Section 49-1-2 NMSA 1978 shall be managed, controlled and governed by their bylaws, by the Treaty of Guadalupe Hidalgo and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978 as political subdivisions of the state.

Finding the Way

§49-1-2, NMSA 1978 the Application Provision:

- B. If a majority of the members of the board of trustees of a land grant-merced covered by specific legislation determines that the specific legislation is no longer beneficial to the land grant-merced, the board has the authority to petition the legislature to repeal the legislation and to be governed by its bylaws and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978.

Finding the Way

§49-1-2, NMSA 1978 the Application Provision:

- C. Town of Tomé - 2007
- D. Atrisco - 2011
- E. Tecolote - 2013
- F. San Antonio del Rio Colorado - 2013
- G. Manzano - 2019

Finding the Way

In 2007 §49-4-4, NMSA 1978 – Chililí Land Grant Statute was changed to read:

- The Chilili land grant-merced shall be controlled and governed by the Treaty of Guadalupe Hidalgo, by the provisions of Chapter 49, Article 4 NMSA 1978 as a political subdivision of the state and by all provisions of its bylaws not in conflict with the Treaty of Guadalupe Hidalgo or state law.

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Specific Statute, Not a unit of government
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, a unit of government
- **Cubero** – General Provisions, Not a unit of government
- **Cebolleta** – General Provisions, Not a unit of government

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Still Specific Statute, Not a unit of government (§49-6-1)
- **Tecolote** – Specific Statute, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, a unit of government
- **Cubero** – General Provisions, Not a unit of government
- **Cebolleta** – General Provisions, Not a unit of government

Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Still Specific Statute, Not a unit of government (§49-6-1)
- **Tecolote** – ~~Specific Statute~~, Not a unit of government
- **Chililí** – Specific Statute, Not a unit of government
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Complexity of Interpreting Land Grant Statutes in Common Law

- **Las Vegas** – Still Specific Statute, Not a unit of government (§49-6-1)
- **Tecolote** – ~~Specific Statute~~, a unit of government (§49-1-1)
- **Chililí** – Specific Statute, Not a unit of government
- **Tomé** – Land Grant Corporation, a unit of government
- **Cubero** – General Provisions, Not a unit of government
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Complexity of Interpreting Land Grant Statutes in Common Law

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- **Atrisco** – Land Grant Corporation (§49-2-2)

The Journey Continues

49-2-18. Conversion of corporations organized under Laws 1891, Chapter 86 into general corporations.

- Twenty or more owners and proprietors of record of a corporation organized under Laws 1891, Chapter 86 may prepare proposed articles of incorporation and bylaws and a plan of conversion for the purpose of converting the existing corporation into a corporation organized under the general corporation law of this state. . . the corporation organized under Laws 1891, Chapter 86 is converted into a domestic corporation authorized to do business and entitled to all privileges and immunities of a domestic corporation organized under the general corporation laws of this state.

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- **Atrisco** – Land Grant Corporation (§49-2-18), not a unit of government

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- **San Antonio de Las Huertas** – not formerly recognized in statute

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- **Atrisco** – General Provisions (§49-1-1), ~~Not~~ a unit of government
- **San Antonio de Las Huertas** – unit of government (§49-1-1)
- **Manzano** – Statute Specific (§49-7-1), unit of government

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- **San Antonio de Las Huertas** – unit of government (§49-1-1)
- **Manzano** – General Provisions (§49-1-1), Still unit of government



Most Important Takeaway

When providing legal services to a land grant-merced

- **Always start with and consult the Statutes**
- **In recent years they have changed significantly and will likely continue to change**

NMSA 1978, Chapter 49

- **Article 1 – Land Grant General Provisions**
- **Article 2 – Land Grant Corporations**
- **Article 3 – Chaperito Land Grant**
- **Article 4 – Chililí Land Grant**
- **Article 5 – Doña Ana County Grants**
- **Article 6 – Las Vegas Grant**

NMSA 1978, Chapter 49

- **Article 7 – Manzano Grant (Repealed)**
- **Article 8 – Nuestra Señora del Rosario, San Fernando y Santiago Grant**
- **Article 9 – Socorro Grant**
- **Article 10 – Tecolote Grant (Repealed)**
- **Article 11 – Land Grant Support**

Other Relevant Statutes for Land Grants that are Units of Government

- **These include but are not limited to:**
 - §6-6-1 Local Government Finances
 - §10-15-1 Open Meetings Act
 - §10-17-5 [Delivery of records and documents to successors]
 - §12-6-1 Audit Act
 - §13-1-1 Procurement Code
 - §13-6-2.1 Sales, Trades, Leases Board of Finance Approvals
 - §14.2.1 Inspection of Public Records Act
 - §41-4-1 Tort Claims Act



Questions

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