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HOUSE JOINT MEMORIAL 15

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

A JOINT MEMORIAL

**REQUESTING THAT THE OFFICE OF CULTURAL AFFAIRS DETERMINE THE
EXTENT TO WHICH THE STATE OWNS LANDS THAT PREVIOUSLY WERE
COMMON LANDS OF A SPANISH OR MEXICAN LAND GRANT-MERCED.**

**WHEREAS, community land grants-mercedes have existed in
New Mexico since the beginning of Spanish settlement in the
early sixteenth century; and**

**WHEREAS, many land grants-mercedes lost control of the
community lands of the original grants through dishonest,
unjust or illegal means; and**

**WHEREAS, the rights, privileges and immunities guaranteed
to the people of New Mexico by the Treaty of Guadalupe Hidalgo
are preserved inviolate by the constitution of New Mexico; and**

**WHEREAS, the Protocol of Queretaro preserves the legal
values of the land grants-mercedes possessed by the heirs,**

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 notwithstanding the striking of Article X of the Treaty of
2 Guadalupe Hidalgo in ratification;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
4 STATE OF NEW MEXICO that the office of cultural affairs and the
5 office of the attorney general, in connection with other
6 federal or state agencies, conduct a study to determine the
7 extent to which lands that were formally part of the common
8 lands of a land grant-merced now belong to the state and how
9 the land was obtained or acquired by the state and report the
10 results of the study to the legislature not later than November
11 1, 2004; and

12 BE IT FURTHER RESOLVED that, if the facts show that land
13 that was once a part of the common lands of a land grant-merced
14 was obtained through dishonest, unjust or illegal means and is
15 now owned by the state, the office of cultural affairs and the
16 office of the attorney general determine what actions are
17 required for the land to be returned to the heirs of the land
18 grant-merced; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the office of cultural affairs and the office of
21 the attorney general.