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**SENATE JOINT MEMORIAL 10**

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

**INTRODUCED BY**

**Richard C. Martinez**

**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,**

underscored 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.