

RESOURCE GUIDE - LAND GRANTS IN NEW MEXICO

United States History

In 1848, Mexico and the United States signed the [Treaty of Guadalupe Hidalgo](#), ending the Mexican-American War and ceding the land that is now New Mexico to the United States. The treaty set the new boundary between Mexico and the U.S. and proclaimed to honor the property rights of inhabitants and their heirs as they had been under both the Spanish and Mexican governments.

In 1854, the U.S. Congress established the office of the Surveyor General of New Mexico to ascertain "the origin, nature, character, and extent to all claims to lands under the laws, usages, and customs of Spain and Mexico." These duties included making recommendations to Congress concerning the validity of land grant claims.

In 1891, the US government established the Court of Private Land Claims to adjudicate land grant claims in New Mexico and other states. Some of the decisions of the Court of Private Land Claims were appealed by the United States Supreme Court. The court was disbanded in 1904.

Getting Started

Secondary resources are an excellent place to begin if you do not know the details of which land grant you are looking for or when and where it was adjudicated. There are a number of books, research reports, theses, and articles written by legal experts that have been published for others to retrace their research.

David Benavides, [*Lawyer-induced partitioning of New Mexican land grants : an ethical travesty*](#) (1994)

J. J. Bowden, [*Private Land Claims in the Southwest*](#) (1969)

This is a 6-volume thesis of extensive research on the topic. The Law Library has one of the few print versions available for use only in the library. It includes summaries of individual land grant histories. The library staff can

scan and send select pages requested for people who are unable to come here.

Richard Wells Bradfute, *The Court of Private Land Claims: the adjudication of Spanish and Mexican land grant titles, 1891-1904* (1975)

Library staff can request to borrow this title from another library.

David L. Caffey, *Chasing the Santa Fe Ring : power and privilege in territorial New Mexico* (2014)

Center for Land Grant Studies, Land Grant Database

<http://www.southwestbooks.org/grantsaj.htm>

David Correia, *Properties of violence : law and land grant struggle in northern New Mexico* (2013)

Roxanne Dunbar-Ortiz, *Roots of resistance: a history of land tenure in New Mexico* (2007)

Malcolm Ebright, *Spanish and Mexican Land Grants and the Law* (1989)

Malcolm Ebright, *Land grants and lawsuits in northern New Mexico* (1994)

Malcolm Ebright, *Four square leagues : Pueblo Indian Land in New Mexico* (2014)

Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo : a legacy of conflict* (1990)

William A. Keleher, *Maxwell Land Grant* (2008)

William Morrow, *Spanish and Mexican private land grants* (1923)

F. Stanley, *The grant that Maxwell bought* (2008)

Robert J. Tórréz & Robert Trapp, [*Rio Arriba : a New Mexico county*](#) (2010)

University of New Mexico Natural Resources Center. [*Remote claims impact study : Lot II Study of problems that result from Spanish and Mexican land grant claims*](#) (1980)

Juan P. Valdez, [*Trespassers on our own land : Structured as an oral history of the Juan P. Valdez family and the land grants of northern New Mexico*](#) (2011)

John R. and Christine M. Van Ness, [*Spanish & Mexican land grants in New Mexico and Colorado*](#) (1980)

Victor Westphall, [*Thomas Benton Catron and his era*](#) (1973)

Victor Westphall, [*Mercedes Reales: Hispanic land grants of the upper Rio Grande region*](#) (1983)

White, Koch, Kelley, and McCarthy, [*Land title study*](#) (1971)

Select Journal articles:

- J. J. Bowden, "Spanish and Mexican Land Grants in the Southwest", 8 *Land & Water L. Rev.* 467 (1973). Available through [HeinOnline](#).
- Alvar W. Carlson, "Spanish-American Acquisition of Cropland within the Northern Pueblo Indian Grants, New Mexico." *Ethnohistory*, Volume 2, Spring 1975, pp. 95-100. Available through JSTOR at <https://www.jstor.org/stable/481640>
- Iris Wilson Engstrand, "Land Grant Problems in the Southwest: The Spanish and Mexican Heritage." *New Mexico Historical Review* 53, 4 (1978). Available at <https://digitalrepository.unm.edu/nmhr/vol53/iss4/5>
- Placido Gomez. "The History and Adjudication of the Common Lands of Spanish and Mexican Land Grants." *Natural Resources Journal*, vol. 25, no. 4, 1985, pp. 1039–1080. Available at <https://digitalrepository.unm.edu/nrj/vol25/iss4/11>

- Phillip B. Gonzales, "Struggle for Survival: The Hispanic Land Grants of New Mexico, 1848-2001." *Agricultural History*, vol. 77, no. 2, 2003, pp. 293–324. Available through JSTOR at www.jstor.org/stable/3744837.
- Myra Ellen Jenkins, "Spanish Land Grants in the Tewa Area." *New Mexico Historical Review* 47, 2 (1972). Available at <https://digitalrepository.unm.edu/nmhr/vol47/iss2/3>
- George W. Julian, "Land-Stealing in New Mexico." *The North American Review*, vol. 145, no. 368, 1887, pp. 17–31. Available through JSTOR at www.jstor.org/stable/25101255.
- W. A. Keleher, "Law of the New Mexico Land Grant." *New Mexico Historical Review* 4, 4 (1929). Available at <https://digitalrepository.unm.edu/nmhr/vol4/iss4/4>
- Howard R. Lamar, "Land Policy in the Spanish Southwest, 1846-1891: A Study in Contrasts." *The Journal of Economic History*, vol. 22, no. 4, 1962, pp. 498–515. Available through JSTOR at www.jstor.org/stable/2116109
- Sandra K. Mathews-Lamb, "Designing and Mischievous Individuals: The Cruzate Grants and the Office of the Surveyor General." *New Mexico Historical Review* 71, 4 (1996). Available at <https://digitalrepository.unm.edu/nmhr/vol71/iss4/3>
- Victor Westphall, "Fraud and Implications of Fraud in the Land Grants of New Mexico." *New Mexico Historical Review* 49, 3 (1974). Available at <https://digitalrepository.unm.edu/nmhr/vol49/iss3/2>

Primary Sources

Spanish and Mexican Law

Reynolds, Matthew G., [*Spanish and Mexican land laws : New Spain and Mexico*](#) (1895)

Available for use in the Law Library only.

[*Spanish Archives of New Mexico*](#) Volume I (SANM I)

The Spanish Archives of New Mexico were divided into two sections, the first being entirely dedicated to land grant claims. Ralph Emerson Twitchell first compiled and published a list of these documents with English

translations in 1914. The Supreme Court Law Library has copies of both this and a later reprint available for use only in the Law Library.

New Mexico Statutes

New Mexico Statutes Annotated 1978

Chapter 49 “Land Grants”

Available in print in the Law Library and online at

<https://laws.nmonesource.com/w/nmos/Chapter-49-NMSA-1978#!b/a1>

1953 New Mexico Statutes Annotated

Sections 8-1-1 through 8-10-6

Only available in [print](#) in the New Mexico Supreme Court Law Library.

1941 New Mexico Statutes Annotated

Chapter 9 “Community or Spanish Land Grants”.

Available in [print](#) in the Law Library.

1929 New Mexico Statutes Annotated

Chapter 29 “Community Land Grants”

Available in [print](#) in the Law Library.

1915 New Mexico Statutes Annotated

Chapter 22 “Community Land Grants”

Available online through [Gale Primary Sources](#) and in [print in the Law Library](#).

1897 Compiled Laws of New Mexico

Chapter 22 “Land Grants”

Available online through [Gale Primary Sources](#) and in [print](#) in the Law Library.

1884 Compiled Laws of New Mexico

Chapter 22 “Land Grants”

Available online through [HeinOnline](#), [Gale Primary Sources](#) and in [print](#) in the Law Library.

New Mexico Supreme Court Cases

Available online at www.NMOnesource.com

Federal Government Reports

Treaty of Guadalupe Hidalgo definition and list of community land grants

<https://www.gao.gov/assets/240/230014.pdf>

Preliminary report by the U. S. General Accounting Office.

Treaty of Guadalupe Hidalgo: Findings and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico GAO-04-59 U.S.T. 2 (2004-06-04)

Available through HeinOnline and GAO website

<https://www.gao.gov/products/GAO-04-59>)

Reports of surveyor-general of New Mexico on private land claims

Available through HeinOnline under [U.S. Congressional Serial Set](#) and in [print](#) for use only in the Law Library.

Reports of the Governor of New Mexico to the Secretary of the Interior from 1885-1911

Available through HeinOnline under [U.S. Congressional Serial Set](#) and in [print](#) for use only in the Law Library.

Documents from Court of Private Land Claims

[*Papers relating to New Mexico Land Grants*](#)

Microfilm reels available for use in the Law Library.

US Supreme Court Decisions

Westlaw and *Lexis* are both available to search in the Supreme Court Law Library.

US Supreme Court Transcripts

Transcripts of court cases involving land grant disputes often include reproductions of evidence submitted during trial such as maps, patents, photographs, translations of the original grant, and testimonies.

The Making of Modern Law: U.S. Supreme Court Records and Briefs, 1832-1978

Accessible in the Law Library and through Supreme Court's Internet connection (WiFi and remote desktop).

Private Land Claims (Volumes 2-41)

Select transcripts of records and briefs appealing decisions of the Court of Private Land Claims before the U. S. Supreme Court. Available for use only in the Law Library.