



AgEcon SEARCH
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search

<http://ageconsearch.umn.edu>

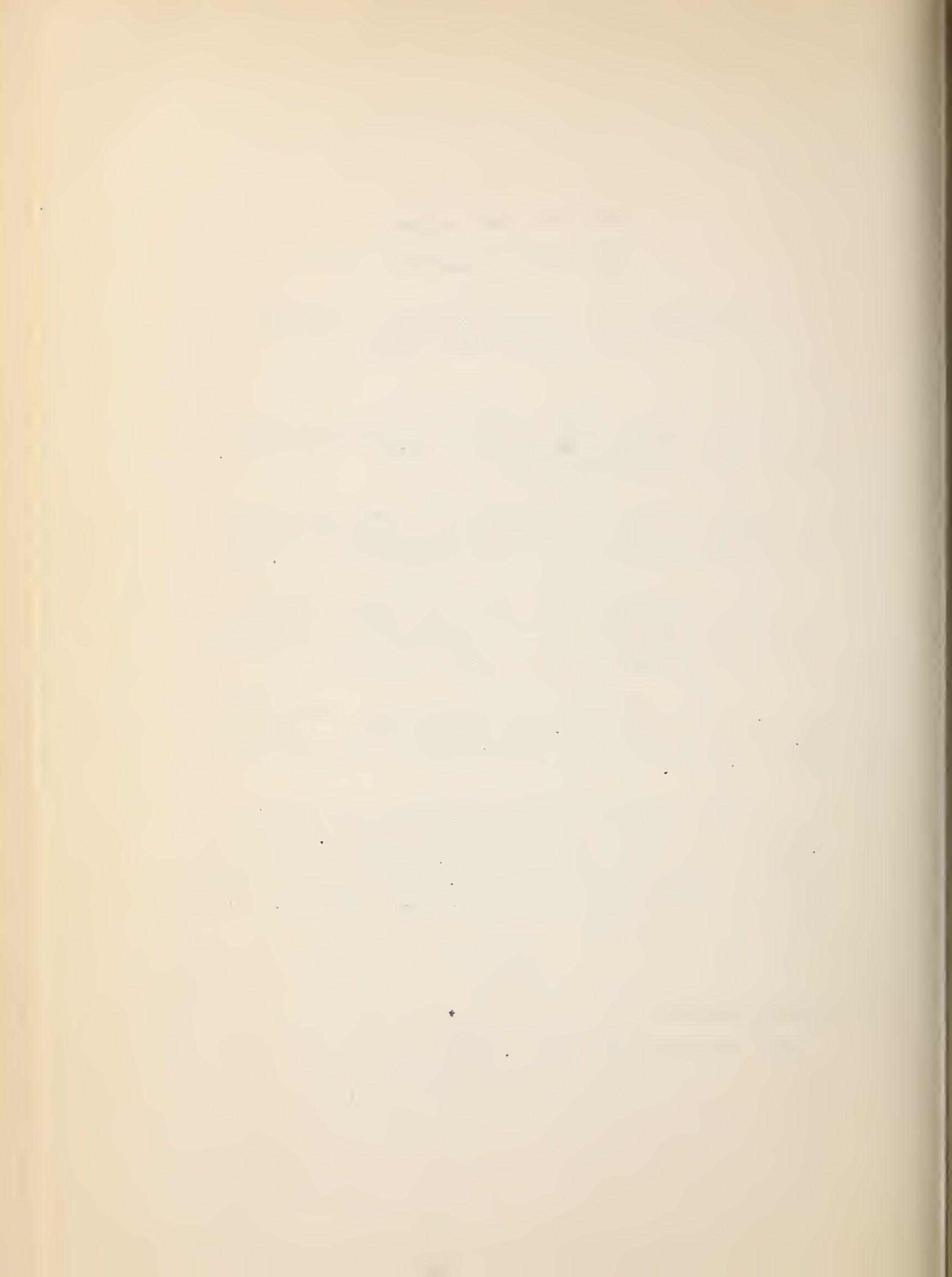
aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

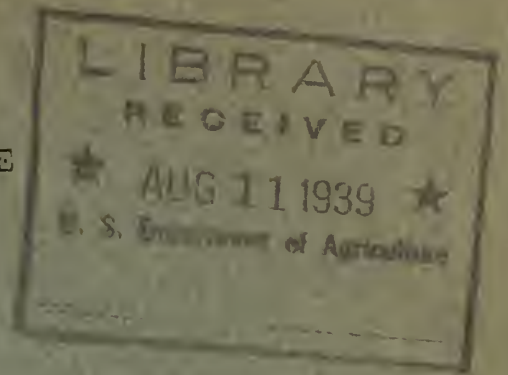
No endorsement of AgEcon Search or its fundraising activities by the author(s) of the following work or their employer(s) is intended or implied.

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.



UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Region Eight
Albuquerque, New Mexico



Hugh G. Calkins
Regional Conservator

NOTES ON COMMUNITY-OWNED LAND GRANTS IN NEW MEXICO

Regional Bulletin No. 48
Conservation Economics Series No. 21
August, 1937

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Region Eight
Albuquerque, New Mexico

Hugh G. Calkins
Regional Conservator

NOTES ON COMMUNITY-OWNED LAND GRANTS IN NEW MEXICO

Regional Bulletin No. 48
Conservation Economics Series No. 21
August, 1937

TABLE OF CONTENTS

INTRODUCTION	1
THE CANYON DE SAN DIEGO GRANT	5
THE JACONA GRANT	12
THE CUNDIYO GRANT	17
THE LA JOYA GRANT	21
CONCLUSION	30

INTRODUCTION

The land grants of New Mexico have long been the subject of considerable interest on the part of lawyers, livestock and lumber companies, governmental agencies, and the native resident owners and users. These grants, ranging in size from a few thousand to over a million acres were originally made by the Spanish Crown and the Government of Mexico. By the treaty of Guadalupe Hidalgo in 1848 the United States agreed to recognize and protect the titles to these grants. The inadequacies of the supporting documents and the absence of careful surveys resulted in long drawn-out litigation before titles to most of the grants were confirmed. Claims were at first investigated by the United States Surveyor-general for New Mexico, who reported to Congress which either confirmed or did not confirm titles. Later the Court of Private Land Claims for New Mexico, Colorado and Arizona was created and empowered to pass upon the merits of claims asking confirmation of titles. In the course of the litigation, which ended in 1904, several hundred claims were confirmed and many more were rejected or reduced. Depending upon the nature of the original grant, titles were confirmed to either communities or towns, or to individuals or groups of individuals who

were heirs of the original grantees. Instances of fraud or attempted fraud were numerous. It is said that "forgery and the fabrication of documents proved a fine art in connection with claims made before the Court of Private Land

(1)

Claims". An authority on New Mexico history reports that "The original holders of lands have lost most of their holdings either through the misjudgments of the courts and commissions or else by the wily intrigues of the Anglo-Americans, especially the latter. The Mexican has been no match for the invader in business thrift and property cunning.

(2)

A great many native communities managed, nevertheless, to prove and have confirmed their titles to grants of land. In some cases these were community grants, in others they were grants originally to individuals whose heirs now composed the entire resident community. In many cases these communities gave their members individual titles to the cultivated and irrigated lands of the grant, and retained the remainder, range and forest land, in common ownership for common use. The combination of the speculative eyes of enterprising Anglo-American lawyers and businessmen, and the unaccustomed burden

(1) "Law of the New Mexico Land Grant" - W.A. Kelleher, The New Mexico Historical Review, 1929.

(2) Spanish Institutions of the Southwest, F. J. Blackmar, 1891, page 327.

of land taxes appears in a number of cases, however, to have been responsible for the loss of these grants by the native communities after title was originally confirmed to them. Keleher, e.g., states, "Taxes have been a staggering burden for all of the land grants in New Mexico with the exception of possibly five or six. Taxation of land as we understand it in our law was a vague thing in Spanish and Mexican law. The community or individual obtaining a grant was ordinarily exempt from taxation on the real estate for a number of years, and perhaps forever after the American occupation and introduction of taxation of real estate for production of revenue, the land grant, instead of an asset, became in many instances a liability."⁽¹⁾

Only insofar as they were taxed, however, were these grants a liability. The native resident population was dependent upon these grants for a large portion of their livelihood. Their utilization of the grants, however, was non-commercial in character and not productive of large amounts of cash income. The imposition of cash charges upon their land required not merely a revision of their concepts regarding

(1) op. cit.

taxes; but a change in their system of land-use and in their entire economy. It is, therefore, not surprising that many of the grants were lost and continue to be lost at this date. Their loss is one phase of the process which has been going on continuously since the first invasion of the native non-commercial and non-competitive economy by imperialistic, commercial-competitive American society, a process which has resulted in the progressive narrowing of the resource base of the native population.

Almost no published material is available, however, on this latter stage of the process. Nor is there any published information on the land grants still held by communities, their use and their significance. A very rapid and cursory attempt was therefore made to secure information on these subjects. The following pages contain the information gathered on four land grants: The Canyon de San Diego Grant which was lost to its original community owners through litigation and sale marked by certain peculiarities; the Jacobs Grant which was lost and repurchased and is now commonly owned and used; the Cundiyo Grant which is community owned and used; and the La Joya Grant which was lost by its community owners in a tax sale to Thomas D. Campbell early in 1937.

CANYON DE SAN DIEGO GRANT

Description

The original Canyon de San Diego Grant included 116,000 acres in Sandoval County on the western slope of the Nacimiento Mountains in Ranges 1, 2 and 3 East, and Townships 17, 18, and 19 North, New Mexico Principal Meridian. The Jemez River bisects the grant, and it, together with its tributaries, the Rito de los Vacas and the San Antonio Creek, drains the area in which the grant is located. The terrain of the grant is extremely rugged, and varies in altitude from approximately 6,000 feet to over 9,000 feet. The amount and type of vegetative cover varies greatly from the lower to the higher altitudes. At the southern lower end of the grant the grass is sparse and the timber scrubby. At the northern end the timber and grass cover is thick and lush, typical of a high altitude, well-watered area. It was estimated that this portion of the grant contained 155,000,000 board feet of merchantable timber when the present owners purchased it in 1910.

The rugged nature of the terrain has limited the tillable area in the entire grant to approximately 600 acres. This land is all situated along the Jemez River.

Historical Background

The Canyon de San Diego Grant was given in 1798 by the Spanish Crown to the few families that settled in the vicinity of Jemez Springs. The United States Congress recognized the legitimacy of the grant in 1860, and title was given to approximately 20 families, heirs of the original grantees. Soon after receiving title, the grant directors, at the request of the owners, made allotments amounting to approximately 6,000 acres to the various families. These allotments included all the tillable lands. The rest of the grant, approximately 110,000 acres, was retained as common property. Very little value was attached to the commonly owned land at that time.

After 1870 Mariano Otero, one of the two largest sheep and cattle operators in the area at that time, began to use the grant, together with other grazing areas in the Nacimiento Mountains, as summer range. Otero bought some of the privately owned tracts from the grantees, and with each purchase he specified that with the private lands thus sold went the seller's share in the portion of the grant held in community. By 1900 Otero, a hard-driving, domineering individual, began to claim that the grant belonged to himself, and he used it as if it actually did until his death in 1904.

When Otero died there were approximately 200 individuals living in Jemez Springs, Canyon and Vallecitos who

retained ownership rights to the grant, as heirs of those who had not sold their rights to Otero. They were afraid that they might be deprived of their rights by the Otero family who claimed ownership of the entire grant.

An enterprising young Albuquerque lawyer named A. B. McMillan evidently saw a golden opportunity in this situation, and he forthwith sent an assistant named Amado Chavez to explore the possibilities. Chavez reported that the heirs not having cash for lawyer's fees were glad to offer Mr. McMillan half of their interest in the grant if McMillan would fight the Oteros in court. McMillan agreed, and Chavez secured the signatures of a majority of the heirs on a petition asking for a division of the grant among all the resident heirs and the Otero family, and naming McMillan as their representative. Mariano Otero had died in 1904, and his heirs appear to have lacked the aggressiveness of the old man. McMillan, a friend of the court, had an easy time proving the validity of the claims of his clients. The court found that the Oteros could prove ownership to only about 20 per cent of the grant. McMillan's fee was one-half the 80 per cent share belonging to his clients, the resident owners.

The court then named a commission of three to determine the best method of dividing the grant among all the heirs.

The commission appears to have included several friends of McMillan.

The commission decided that, because of the difficulty of equitably dividing such a heterogeneous area, the 110,000 acre commonly owned grant was to be sold in its entirety, and the proceeds prorated among the heirs on the basis of their proved ownership. The district court accepted this proposal, and in 1907 or 1908, decreed that the grant was to be sold at public auction. McMillan, who still represented the owners, and indeed now owned approximately 40 per cent of the grant himself, bid 45¢ per acre. As he was the only bidder, he got the grant. It is stated in the area that Mr. Joshua Reynolds of the First National Bank of Albuquerque furnished the cash needed by McMillan, for the latter was still a poor young man. After the costs were deducted the heirs to the Canyon de San Diego Grant finally received not more than \$25,000 for it according to Mr. J. E. Block, who had bought an interest in the grant before the sale.

McMillan quickly found a prospective buyer of the grant he now owned alone in the White Pine Lumber Company. A cruise of the timber showed that there were 165,000,000 board-feet of merchantable timber on the grant, and the White Pine Lumber Company indicated desire to purchase if a way of taking

out the timber could be found. Mr. McMillan secured a right-of-way for a railroad to be built into the grant from the owners of the lands in Jemez Canyon by pointing out to the owners that this would make wagework available near home. The White Pine Lumber Company bought the grant in 1910 for a price reported to have been more than \$400,000. This company, which became the New Mexico Lumber & Timber Company in 1920, held the grant as a reserve supply of timber until 1922. When the railroad to Camp Porter was finished in 1922, lumbering operations began on an extensive scale, and have continued at varying degrees of intensity to the present.

The Use of the Grazing and Firewood Resources of the Grant

Prior to the acquisition of the grant by McMillan, the grazing and wood use of the grant was free to the residents of Jemez Canyon, owners of the grant. Otero was the largest user of the grazing resource, as there were no large stock operators among the residents themselves, whose only use of the grazing land was for their domestic stock.

When McMillan took over the grant he began charging 20 cents per wagonload for firewood taken from the grant. He initiated a fee system in the matter of grazing, charging 10 cents per sheep and 25 cents per cow per season. When the White

Pine Lumber Company bought out McMillan they continued the same fee system, with the exception that those individuals who had given a right of way to the railroad were not charged for firewood. Between 1910 and 1920 the number of sheep that used the grant each year averaged 10,000. Of this number, only an average of 1,500 sheep belonged to residents of the grant.

Until 1930, the number of non-resident sheep men using the grant averaged 30. Since 1930 the grazing rights to the grant have been leased to large livestock operators. At present the Frank Bond Company leases the entire grant, and sub-lets a major portion of it to 10 of its tenant-herders. The latter are grazing herds of sheep ranging from 1,200 to 1,600 head each. The total number of sheep now grazed on the grant for from 5 to 7 months is approximately 15,000. The herders complain that the grazing is becoming poorer daily.

At present the villagers in the area have only 130 head of cattle, 60 horses and 1,300 sheep and goats. Of this number only the cattle, horses, and approximately 180 goats are pastured on the grant for periods each year. The villagers still depend for all their firewood on the grant, and they now pay 50 cents per wagonload.

Use of the Timber Resources

From 1922 to 1932 the New Mexico Lumber and Timber Company cut approximately 100,000,000 board feet of lumber from the grant. Operations were very slack from 1932 until February, 1935. At that time extensive operations were resumed, and 300 loggers were employed on the grant. These cut an average of 3,500,000 board feet per month through 1936, by which time the grant was practically cleaned out. The payroll averaged \$30,000 per month for the loggers. All the logging was done on a contractual basis; 80 to 90 per cent of the contractors are "Anglos"; 50 per cent of the cutters are Old Mexico Mexicans, and 30 per cent of the cutters are local residents. The employment furnished to the people of the area was, however, at tremendous cost to the resource base of the area. The condition of the cut over areas is nothing short of tragic. Very few trees have been spared at all, and most of those few have been damaged by fires or careless felling of other trees. The brush has not been cleared, and there is a constant fire hazard menacing what is left of the timber. The watershed has been denuded of much needed protection, not only by the ruthless lumbering, but also by the overstocking of the range lands.

THE JACONA GRANT

Description

The Jacona Grant is located in Santa Fe County, Range 8 East, Township 19 North and comprises an area of 6,952 acres. Overdependence upon it for grazing has resulted in the virtual destruction of the grass cover, and the limited brush and firewood resources are in danger of suffering a similar fate for the same reason. Several dry washes cut through the grant as they drain into Pajarito Creek, but there is no permanent water on it.

History of the Grant.

The Jacona Grant was given to an individual named Roybal in 1702 by the Crown of Spain. The Court of Private Land Claims awarded title in 1899 to approximately 100 heirs of the original grantees. This group failed to pay the taxes, and Santa Fe County took over the grant for delinquent taxes in 1909. In order to redeem the grant, 111 local residents formed an informal association, and each contributed \$15 to buy the grant. They purchased it for \$1,500 in 1909, and set up a formal organization with rules and regulations under which the affairs of the grant were managed for twenty years. The structure of this organization is typical of practically all of the community grants that remain in the hands of villages,

and for that reason their rules and regulations will be quoted
 (1)
 at length.

Rule No. One

A commission of 3 members will be elected (President, Secretary, and Treasurer) and this commission will hold office until the second Monday in December each year. This commission will have the power to manage the affairs of the grant within the limits of the rules and regulations as herein set up. Two members form a quorum for the transaction of business, having the power to name a member to fill a vacancy in the commission, etc. The commission must keep a written record of all business transacted; it must report the valuation of the grant to the assessor, and pay the taxes after the money is collected from the owners. The commission has the power to set a date for the payment of assessments, and to determine the amount that each owner must pay as his share of whatever costs the grant must bear such as taxes or suits in court against trespassers.

Rule No. Two

The lands of the Jacome Grant will not be used for any business or speculative purpose, such as the cutting of wood for sale. Each owner will be allowed to cut only the wood or poles that his own family needs (domestic use only), and the same rule shall apply in the matter of grazing.

Rule No. Three

Each new commission will be elected by a majority of the owners, the outgoing commission will have the power of determining the manner in which this election will be held. Furthermore, each commission is empowered to name 5 owners, well distributed as to residence, to watch over the grant, so that no stock, particularly sheep, may trespass within the limits of the grant.

(1)

As translated from the Spanish in the printed bulletin
 obtained from the Secretary of the Jacome Grant Commission.

Rule No. Four

The conditions of ownership as set up by the tax sale deed under which this land was purchased will remain in force.

Rule No. Five

The commission will keep a complete record which will periodically be signed by the entire Commission. All the records will be kept by the Secretary.

These simple rules were the basis for managing the grant for 20 years. The weakness of the organization was that none of the owners felt personally responsible for his share of the taxes. Each Commission would ask each year for contributions, and these became decreasingly adequate to pay the taxes, as even those persons capable of paying their share refused to do so because others were getting by without paying a cent. Practically nothing was paid after 1923, and in 1928 the county again took the grant for tax delinquency.

The story of 1909 was repeated in 1929. Meetings were called, and a committee was named to determine a course of action. This committee decided that, as the amount of delinquency was \$1020, they would allow 102 residents to contribute \$10 each to redeem the grant, and these would be the new owners of the grant. Among the 102 new owners were 39 previous owners. The grant was auctioned, and the committee was able to purchase it for \$612. They thereupon returned \$4

to each of the 102 contributors. The new owners decided to revise their management of the grant in a manner that would insure the payment of taxes. They decided that the weakness of the previous organization was lack of individual responsibility on the part of each owner for his share of the costs. They thereupon divided the total acreage of the grant by the number of owners, and allotted each owner that number of acres as his individual responsibility. There was no actual division of the land, and the grant continued to be used in community, but 68 acres of the grant now appear on the county tax rolls as the individual property of each of the 102 owners. Each owner is assessed and taxed for these 68 acres just as he is for his other individually owned land by the county tax assessor. The grant commission plays no part in the assessment or collection of taxes. The tax is so low that the danger of loss for non-payment of taxes is almost non-existent. Since this scheme was put into practice in 1929 there has been no tax delinquency.

Each owner may sell his share of the grant, but, according to the new rules, may sell only to a native resident of one of the villages of the Pojoaque Valley, who does not already own a share of the grant.

Each owner is permitted to graze up to 10 head of cattle upon the grant and to remove without cost any amount of wood for domestic use. Wood may be removed for sale as fuel but at a charge of \$1.00 per wagonload. Although the forage and fuel resources of

the grant have been seriously depleted the owners have thus far been unwilling to sign a cooperative agreement with Soil Conservation Service for the management of the grant. The grant serves now only as a readily accessible source of fuel for the owners, and as poor range for a few head of their domestic livestock.

CUNDIYO GRANT

Description

The Cundiyo Grant is located in Santa Fe County, Range 10 East, Township 20 North, New Mexico Principal Meridian, and comprises an area of 2,137 acres. The title of this grant was confirmed to the village of Cundiyo in 1902 by the Court of Private Land Claims for New Mexico. This grant is heavily wooded with pinons, juniper and scrub pine. The terrain is extremely rugged, and the grazing resources are very limited. The village of Cundiyo occupies the limited agricultural lands in a small valley along the Rio del Medio and Rio Frijoles which join at the eastern point of the grant to form the Santa Cruz River. The agricultural lands are privately owned, and the rest of the grant is owned in community.

History of the Grant

This grant was originally given to a family named Martinez some time during the early 18th century. They were attacked by hostile Indians several times, and finally left the grant. About 1830 the grant was given to an officer in the Mexican provincial army named Juande Dios Vigil, and the descendants of this man have occupied the grant since. At present there are 21 families all named Vigil living at

Cundiyo. All of these families depend upon the commonly owned land of the grant for their fuel wood, and for a limited amount of grazing during the winter.

After title was confirmed to the village residents in 1902, they elected a grant board to look after the matter of taxes on the grant. One of the early boards decided that the best method of paying the taxes was for each of the owners to include his share of the grant when he reported his cultivated land to the county tax assessor. The assessment on each owner's share of the grant, however, was separate from that on his cultivated land. Through an error in valuation, all the land was assessed at the rate on cultivated land and as this raised the tax on the grant land to a prohibitive height, the owners began paying only the taxes on their cultivated lands. A delinquency of \$3,000 had piled up against the grant by 1926. At that time, Santa Fe County threatened to take over the grant and sell it for delinquent taxes. The villagers had a meeting and appointed a committee to investigate the possibilities of clearing up the taxes, instructing it that the owners would rather lose the grant than pay \$3,000 to redeem it. The committee met with county officials, and an agreement was reached whereby the back taxes could be cleared.

at 10 cents on the dollar, and a new rate and manner of assessment would be used for the community owned portion of the Cundiyo Grant. The new arrangement provided that the entire community-owned grant should be assessed as poor range land; and that, instead of each owner being assessed individually for his share, the entire grant should be assessed as a whole, and the tax bill sent to the grant board. The new assessment brought the total tax on the grant down to \$20 to \$30 per year and the board, assessing each family in the village an equal amount, has had no difficulty collecting enough to pay the taxes.

The change in the method of collecting taxes at Cundiyo appears to reverse the change which was effected at Jacona. In both cases there has been no tax delinquency since the new arrangements were set up, though Cundiyo now uses the method which proved unsuccessful at Jacona. The failure at Cundiyo of the method of individual assessment which is now used at Jacona cannot, on the other hand, be attributed to the system. It stemmed from a misassessment which would have made tax collection impossible under any system. Both the individual and collective methods of tax assessment and payment have weaknesses. It is possible that the collective method can achieve greatest success in a community such as Cundiyo,

which is well-knit and closely organized. In a less strongly organized and more dispersed community such as the Pojonaque Valley it may be that the potency of community control is not sufficiently great to insure success to the collective method.

Some evidence for this interpretation is afforded by the fact that at Cundiyo, in contrast to Jacoma, the rules of use of the community grant are not highly formalized and verbalized. Certain loose and informal rules are recognized which appear to describe the established customs of use rather than to set up restrictions. There are no limits set upon the number of livestock which any one resident of the village may graze in the grant. Actually livestock ownership in the village is fairly evenly distributed and the total number owned is small: 34 horses, 85 cows, and 39 sheep and goats. The people of the village depend for summer range upon the Santa Fe National Forest and the number grazed upon the grant by any owner during the winter is determined by the number he is permitted in the National Forest during the summer. The forage on the grant is so limited that actually most of the stock is corral fed practically all winter.

The grant functions largely as a source of wood for fuel and building. No limits are set upon the amount which may be taken out by residents of the village, but use by outsiders is forbidden.

THE LA JOYA GRANT

Description

The sevillista de la Joya Grant is in the northern part of Socorro County, Ranges 1,2,3, and 4 East, and 1 and 2 West, Townships 1 and 2 North and 1 South, New Mexico Principal Meridian. The original grant comprised an area 272,193 acres in extent. The grant is bisected by the Rio Grande, and it is drained by the Rio Puerco and several dry washes entering the Rio Grande from east and west. Overuse of the grant has resulted in a greatly depleted vegetative cover, but it is still a magnificent tract of range land.

Historical Background

Some time during the 1790's the provincial government of New Mexico persuaded some hardy but landless families living in the vicinities of Mora, Las Vegas, and Taos, and who had some experience fighting Indians, to settle near a friendly Indian Pueblo between the settlements of Belen and Socorro. A garrison was needed at that point to defend the Mexico-bound wagon trains and caravans, and it was understood that the new settlers were to provide that defense. In 1819 a grant of land was made to the people living there, then numbering 67 individuals. The terms of the grant specified that they were

to maintain houses and arms in readiness to defend the caravans and wagon trains against hostile Indians. What this meant in terms of taxes is not stated in the deed.

The title to the grant was confirmed by the Court of Private Land Claims for New Mexico on December 19, 1901, and a patent was given in 1907. A grant board was elected, and this board proceeded to set up some rules and regulations for governing the affairs of the grant. As a first step it was decided that each of the original grantees had been given approximately 4,000 acres, and that the descendants of each grantee were, therefore, entitled to that much land. There was considerable agitation for an equal division of the grant on this basis, but it was found that too many ownership rights to the cultivated lands had been developed by use to make this possible. It was, therefore, decided that each family would be given title to the cultivated land that was generally recognized as belonging to that family. Some other allotments were made also, especially in those cases where there were only a few descendants of the original grantees. Any one in the community was permitted to sell what ever share he could definitely prove individual title to. A considerable amount of conflict and litigation developed among the villagers themselves before the matter of allotment

was entirely settled. The unallotted portion of the grant was 216,000 acres which remained in community.

No arrangement was provided whereby the taxes levied against the commonly owned portion of the grant could be paid. In fact no effort was made by the governing board to collect taxes in the years following the securing of title, and by 1920 the tax delinquency amounted to \$23,000. (As will be pointed out in the section of this report dealing with the use of the grant, the persons who actually used the grant paid no more than the heirs who had no livestock.) In 1915 the board leased 50,000 acres of the grant to a large outside livestock operator, and the \$1,700 that he paid was the first considerable cash income that the grant had received. Soon after 1915 the owners began to feel that they were headed for trouble in the matter of taxes, and a feeling developed that something should be done.

About 1918 or 1919 a politician and real estate operator named Abran Abeyta living in Socorro and another Socorro real estate man were attempting to secure some land for an El Paso company that was in the market for land somewhere in the Rio Grande Valley. Abeyta knew the situation of the La Joya Grant with regard to taxes, and he asked the grant governing board for an option on 10,000 acres of it along the Rio Puerco. He offered \$1.85 per acre, pointing out that with

the proceeds of this sale they could clear up most of the delinquent taxes. The board gave him the option and in a couple of months he sold the 10,000 acres to the Ascott Land and Improvement Company for \$75,000. The profit was split between Abeyta and his partner. The Ascott Company still owns the 10,000 acres.

Of the \$18,500 that Abeyta claims to have paid, \$9,500 is supposed to have been immediately paid by the board to Socorro County for back taxes, although there is no record of such payment in the county office. It is reported by one of the present board members that after the \$9,500 payment the board agreed to pay \$5,000 per year thereafter until the entire \$23,000 delinquency was paid up. The following board repudiated this arrangement, and the county maintained that a contract had, therefore, been broken and that whatever had been paid was forfeit. The grant heirs, including the board members, all seem very vague and hazy about the money taken in by the grant and what became of it. There is little doubt among the local people that a great deal has been misappropriated at one time or another.

In 1923 a certificate of sale by the county for the taxes delinquent from 1914 to 1923 was issued, but it was later withdrawn and the taxes for that period were declared void. From 1923 to 1928 some taxes were paid but the delinquency piled

up at the rate of \$5,000 or \$6,000 per year and in 1928 a tax judgment of \$23,000 was declared by Socorro County. An appeal was entered in July of that year. Since then the grant has been in constant litigation. The litigation finally culminated in early 1937 in the sale of the grant for taxes by Socorro County to Mr. Thomas D. Campbell. The sale price was \$76,500 or 35 cents per acre. The assessed valuation on the grant since 1923 has averaged \$1.04 per acre, although some small tracts are assessed at as high as \$6 per acre. Practically all of the grazing lands were assessed at \$1 per acre.

Use of the Grant

It appears that the portion of the La Joya Grant owned in community was, for as long as the inhabitants can remember, been used principally by a few large livestock operators. At times these operators have been members of the community, and at times they have been outsiders. The last large user from among the heirs was a man named Contreras, who had 20,000 sheep and several hundred cattle. Although he depended for a major part of his grazing on the grant, through all the years that he used it he contributed not more than a few hundred dollars to the expense fund of the grant. Another large user was an outside livestock operator who for a number of years

has leased 33,000 acres. Two other non-resident livestock operators have leased portions of the grant in recent years. A dependency survey just completed indicates that these three together range 1,475 cattle, 2,600 sheep and 75 horses, or 2,200 (1) cattle units yearlong, upon the grant.

The residents of the villages within the grant, practically every one of whom is a descendant of one of the original grantees and therefore a part owner, have used the grant as grazing land for their livestock. Some of them, owning larger herds of livestock than others, have used it much more extensively than others. No regulations governing the use of the grant were ever established, however, and those individuals using the grant more extensively were not required to make any larger contribution to its costs than any others. The survey just completed, which covered all the residents of the villages in the grant or 223 consumption groups, indicates that three-fourths of all the residents, or 168 consumption groups own some livestock which they range on the grant, and are thus dependent upon it for a part or all of their livelihood. Half of

(1) Cattle units yearlong is an expression of the total stocking in terms of a single unit, using 1 cow or 1 horse or 4 sheep or 4 goats as the equivalent of 1 cattle unit yearlong. This scheme of conversion approximates the forage requirements of various types of animals.

these, or 85 consumption groups own only a few head of domestic stock, 5 or less cattle units, but 83 own fair-size herds, ranging in size up to 482 cattle units, which contribute a significant portion of their livelihood. The exact data on livestock ownership among the residents of the grant is as follows:

55 consumption groups own				0 cattle units each			
8	"	"	" 1 to 5	"	"	"	"
41	"	"	" 6 to 20	"	"	"	"
20	"	"	" 21 to 50	"	"	"	"
22	"	"	" over 50	"	"	"	"

Since validation by the courts of the sale of the grant to Thomas D. Campbell, the so-called "Wheat King", the villagers have been considerably agitated and have petitioned President Roosevelt and the New Mexico congressional representatives to intervene and assist them with a loan with which they may redeem the grant. A copy of the petition, in poor translation, is appended. Evidently the villagers, although Mr. Campbell has indicated that he will not dispute their ownership of the cultivated tracts, and will permit them certain grazing privileges, are not sanguine about the future. Similar privileges have been granted to villagers in the other grants by new purchasers only to be withdrawn after a number of years. While title to the cultivated tracts is probably legally assured to the villagers they have no legal rights to grazing privileges upon the rest of the grant. Mr. Campbell has indicated his intention to allow the Soil Conservation Service to manage the range. He has also indicated his intention to place stock of his own upon the grant. Rough preliminary investigations indicate that the grant is now overstocked so that a reduction in the number of village stock using it appears inevitable. It is evident from the data on livestock ownership that the loss of grazing rights on the grant will deprive the villagers of a significant portion of their livelihood.

In this case the loss of a commonly owned grant appears to have resulted from a whole complex of factors, including failure to organize a system of community management adequate to meet the new problem presented by county taxation, and a certain looseness in the handling of other financial matters. The effects are nevertheless the same as in the case of all other grants lost to native communities in the past 80 years: a contraction in the resources available to the native resident population. Such contraction, at this time in particular, intensifies an already acute situation of scarcity of available resources.

CONCLUSION

The grants discussed briefly above seem to illustrate the history of many of the land grants of New Mexico. Their histories illustrate the narrowing of the resource base of the native population. They illustrate further the type of community use which is still practised where the grants have been retained by the community owners. Those systems of community use are interesting in their suggestion of a mechanism by which resources made available to the native populations may be efficiently and effectively managed and used.

PETITION

To Franklin D. Roosevelt, President of the U. S. A., Carl A. Hatch, Senator of the U. S. A., Dennis Chavez, Senator of the U. S. A., and J. J. Dempsey, Representative of the U. S. A. in Congress.

The undersigned, citizens of the U. S. A., residents within the limits of the Sevilleta de La Joya Grant, County of Socorro, State of New Mexico, rightful owners of interests in the Sevilleta de La Joya Grant, do hereby request a clean and impartial consideration to our plea to extend us the necessary help that would enable us and our families to save that which was left us by our ancestors and guaranteed under the Guadalupe Hidalgo treaty which is now possessed by delinquent taxes and unjust charges administered, executed, and judged by a judge whose effort in such case was with his own personal benefits in mind rather than the rights of the contenders.

The Sevilleta de La Joya Grant was originally created as a military grant, permanently given to 67 individuals and their successors, in consideration for which they would render the Government a military service insofar as protecting all travelers and caravans from Santa Fe to Juarez, in those days known as Paso Del Norte. To its rightful owners, the Grant should forever be free of tax. This was part of the agreement between the Mexican Government and the owners of the Sevilleta de La Joya Grant, in full force and effect at the time the treaty of Guadalupe Hidalgo was signed, protected by the rights and agreements under the terms of the Guadalupe Hidalgo treaty.

In all legal proceedings in the County of Socorro involving the imposing of taxes on the land within the Sevilleta de La Joya Grant, the owners have held and claim that like a military grant, it was not taxable and free of tax for a few years if not for all the years that taxes have been assessed on it. The court threw the defense aside and refused to hear the evidence or permit that the claim that the land was a military grant and tax-free to be entered and made a matter of record.

The Grant contains 216,000 acres of land which were sold to Thomas D. Campbell, Montana Wheat King, for the sum of \$76,000. The tax records show that this land was assessed at \$3.50 an acre and sold to Mr. Thomas D. Campbell, a millionaire from Montana at 35¢ an acre. There are about 1700 inhabitants living in the Grant and vicinity who as descendants and original heirs

have a right and interest in the grant. The people have depended on the pastures of the Grant to graze their herds, as well as in its woodland and the Rio Grande River and are depending on its small fields in the valley of the Rio Grande River to support their families. When this land is taken over by the said purchaser, our families will have to be given Federal aid, which we do not want--we want to be self-supporting.

We ask that some method be worked out whereby we will be given a loan by the Government, payable in a few years, in order that we may be able to redeem our land instead of having it sold for delinquent taxes. Railroads and Banks have been given help in times of crisis. Loans have been made for assisting the poor people to keep in their dwellings and their fields. This is our home and farm as well as our grazing land for our stock. The only way in which we could be saved would be by getting a Federal loan which would help us to save our land and homes, such loan to be payable within a few years.

