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AN ANNOTATED BIBLIOGRAPHY OF THE
NEW MEXICO LAND GRANT LAW COLLECTION
IN THE
UNIVERSITY OF NEW MEXICO LAW LIBRARY

MICHAEL J. ROCK*

INTRODUCTION

The Law Library of the University of New Mexico has recently organized a special collection of books relating to land grants in New Mexico. Some of the books were acquired by purchases made possible by the book bond issue approved by the voters of New Mexico in 1972. Other books were added to the collection through the cooperation of the University of New Mexico's General Library and are on extended loan to the Law Library.

This bibliography includes most of the books in the collection. The annotations briefly describe the subject of a work, indicate the organization of compilations, and, where appropriate, suggest priorities for using some of the material in the collection.

The material can be divided into coverage of Spanish, Mexican, and American law. To find a Spanish law effectively, a researcher must be aware generally of the organization of the various Spanish codes. Reference works from the Mexican period that have detailed subject indexes and English translations of some codes make the task easier. However, translations should be verified against the original text before being used.

Almost all laws of the Mexican period are arranged chronologically. Knowing the date of a law is most important, although reference works and translations help here also.

American law is a bewildering combination of legislation, administrative decisions, and court decisions. The legislation has been compiled by the Committee on Public Lands and the General Land Office in chapters concerning New Mexico. Court decisions and some administrative decisions can be found by referring to the subject heading "Private Land Claims" in digests. Other earlier administrative decisions have been published as congressional documents or included in the Annual Reports of the General Land Office.

For information regarding use of the Land Grant Law Collection in the Law Library, inquire at the library Circulation Desk.

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BIBLIOGRAPHY

de Alba, Pedro and Rangel, Nicolás, eds.

Primer centenario de la Constitución de 1824. Obra conmemorativa, publicada por la H. Cámara de senadores de los Estados unidos mexicanos. Mexico: Talleres Graficos "Soria," 1924.

This edition of the Constitution of 1824 includes the constitutional documents written between Mexico's first attempts at independence in 1816 and its first constitution in 1824. That constitution was replaced in 1836 but reinstated in 1846. It was in effect when Mexico ceded California and New Mexico to the United States.

Annual Report of the Commissioner of the General Land Office.

Washington: Government Printing Office, 1875-1891.

Contains the Annual Report of the New Mexico Surveyor General, descriptions of the activities of the General Land Office, selected decisions of the Office, and reports on the progress on private land claims in New Mexico. At this time the Library has *Reports* for the years 1875 and 1880 through 1891 only.

The Arkansas Grant; a Brief History From the Time the Grant Was Made by the Mexican Government in 1832, Together with Copies of the Legal Documents That Have Been Recorded According to Law, Conveying the Title to the Present Owners, and the Opinions of Four Celebrated Land Attorneys: General Benj. F. Butler, Boston, Mass., Judge Francisco Sepulveda, City of Mexico, Hon. Aaron S. Everest, Atchison, Kans., Judge A. B. Bright, New York City. Compiled From the Official Records. 1901.

Contains the survey notes and title papers of the Arkansas Grant that covered a large area in eastern New Mexico and western Texas. The Grant was rejected by the Court of Private Land Claims.

de Balmaseda, Fermín Martín. *Decretos del Rey Don Fernando VII . . . se refieren todas las reales resoluciones generales que se han expedido por los diferentes ministerios y consejos . . .* 18 vols. Madrid. En la Imprenta Real, 1816-1834.

The library has only the first four volumes, 1816-17. It is not certain how much of this material from the absolutist reign of Fernando VII applies to Mexico; an edition of those laws published by Galvan is not among the holdings of the Library. The laws in these volumes are arranged chronologically with a chronological index in the front of each volume.

Blackmar, Frank Wilson. *Spanish Institutions of the Southwest.* Baltimore: The Johns Hopkins Press, 1891.

This is the first study of southwestern colonial institutions before there were adequate guides to primary sources. Blackmar thought that the history of California was replicated across the Spanish southwest. He brought to the study certain Anglo prejudices that have plagued this field of study. The book's strengths are that it relates Spanish institutions back to their Roman antecedents. It remains a classic that should be referred to by any researcher.

Bowden, Jocelyn Jean. *Private Land Claims in the Southwest.* 6 vols. L.L.M. Thesis, Southern Methodist University, 1969.

Volume I is a history of the methods the United States has used to adjudicate private land claims from Florida to California. Volumes II to VI contain the legal histories of individual land grants from their granting by Spain or Mexico to their confirmation by the federal government. The grants are arranged by county and the counties are listed only in the table of contents in Volume I, so it is sometimes difficult to find a particular grant. Bowden is not always accurate, but this is a good place to start when developing the history of a grant.

Bradfute, Richard Wells. *The Court of Private Land Claims: the Adjudication of Spanish and Mexican Land Grant Titles, 1891-1904*. Albuquerque: University of New Mexico Press, 1975.

This is the most extensive history of the Court to date. It is particularly valuable for the information presented about the personnel of the Court. However, it avoids some of the questions that have been raised concerning the fairness of that Court's and the Supreme Court's decisions on appeal from the Court of Private Land Claims.

Cedulario de Canarias. Transcripción y estudio preliminar por Francisco Morales Padrón. 3 vols. Sevilla: Escuela de Estudios Hispano-Americanos, 1970.

This is a chronological arrangement of the commercial regulations promulgated by the Council of the Indies between 1566 and 1709. Each volume is indexed chronologically and alphabetically.

Chavez, Angélico. *Origins of New Mexico Families in the Spanish Colonial Period*. Santa Fe: Historical Society of New Mexico, 1954.

This is a collection of biographical sketches of some of the individuals who lived in colonial New Mexico and who became involved in land grants.

Clagett, Helen Lord. *A Guide to the Law and Legal Literature of the Mexican States*. Washington: The Library of Congress, 1947.

Vance and Clagett's *Guide to the Law and Legal Literature of Mexico* is discussed below. Like that work this is a bibliographic-historic essay. Of the states discussed Coahuila and Chihuahua have published laws that have affected portions of present day New Mexico.

Los Códigos Españoles concordados y anotados. 12 vols. Madrid: Imprenta de la Publicidad, a cargo de M. Rivadeneyra, 1847-1851.

This set contains the Spanish, as opposed to the Spanish Colonial, codes. In effect in New Mexico were the *Fuero Real* (1255) in volume I, *Las Siete Partidas* (1263) in volumes II-V, and the *Nueva Recopilación* (1567) in volumes XI-XII. Mexican lawyers have disagreed over whether the *Novísima Recopilación* (1805), volumes VII-X, applied to Mexico. Each code is preceded by an historical introduction. The *Fuero Real* and *Las Siete Partidas* are followed by glossaries of obsolete words. Each code is indexed but there is no overall index.

Colección de leyes sobre tierras y disposiciones sobre ejidos . . . comprende del año de 1863 a 1912. Mexico: Imprenta y Fototipia de la Secretaria de Fomento, 1912.

The real property laws enacted during the presidency of Benito Juárez.

These laws are arranged chronologically and there is a brief chronological index in the back.

Colección de los decretos y órdenes que han expedido las Cortes Generales y Extraordinarias . . . mandada publicar de orden de las mismas. Reimpresa de order del Gobierno. 10 vols. Sevilla: Imprenta Mayor de la Ciudad, 1820-1821. *Colección de los decretos y órdenes de las Cortes de España, que se reputan vigente en la República de los Estados-Unidos Mexicanos.* Mexico: Imprenta de Galvan, a cargo de Mariano Arevalo, 1829.

The Library has the first five volumes of this set covering up to May, 1814. The laws in each volume are arranged chronologically with an alphabetical index in the back. Here are the laws promulgated for the entire Spanish world when the Cortes ruled Spain. Because Mexico was not represented in all the sessions, not all the laws applied to Mexico. Those that did were compiled by Galvan in 1829.

Colección de órdenes y decretos de la soberana junta provisional gubernativa, y soberanos Congresos Generales de la Nacion Mexicana. 2d. ed. corregida y aumentada por una comisión de la Camara de Diputados. 4 vols. Mexico: Imprenta de Galvan, a cargo de Mariano Arevalo, 1829. *Colección de las leyes y decretos expedidos por el Congreso General de los Estados-Unidos Mejicanos.* 4 vols. Mexico: Imprenta de Galvan, a cargo de Mariano Arevalo, 1831-1840 [Vol. 6 has imprint: Impreso por Juan Ojeda, 1833].

This is the eight volume set of Mexican federal law from 1824 to 1837 known as the Galvan collection. The library has the first 6 volumes, to 1833. Each volume is arranged chronologically with chronological and alphabetical indexes. For its time period, this should be used after the *Legislación Mexicana*.

Copp, Henry N. *Public Land Laws Passed by Congress from March 4, 1869, to March 3, 1875, with the Important Decisions of the Secretary of the Interior and Commissioner of the General Land Office, the Opinions of the Assistant Attorney General, and the Instructions, Issued from the General Land Office to the Surveyors General and Registers and Receivers During the Same Period.* Washington: Published by the compiler, 1875. Copp, Henry N. *Public Land Laws Passed by Congress from March 4, 1875 to April 1, 1882, with the Important Decisions of the Secretary of the Interior and Commissioner of the General Land Office, the Land Opinions of the Attorney General, and the Circular Instructions from the General Land Office to the Surveyors General and Registers and Receivers During the Same Period.* 2 vols. Washington: Published by the editor, 1883.

Part of the reformation of national land policies begun in the 1870's and resulting in the creation of the Court of Private Land Claims in 1891. Most of the federal sources on New Mexico Land Grants date from this period.

Decisions of the Department of the Interior and General Land Office in Cases Relating to the Public Lands. 52 vols. Washington: Government Printing Office, 1887-1931. *Digest of Decisions of the Department of the Interior in Cases Relating to the Public Lands.* Vols. 1 to 40, Inclusive, 2 parts. Washington: Government Printing Office, 1913.

A source of the administrative law which has had an important effect on the present land situations. These decisions do not show up in the New Mexico Land Grant microfilm collection. To assemble all the information concerning a grant, these *Decisions* must also be searched. Victor Westphall has examined the lowest levels of administrative decisions on land claims in New Mexico, but there is no study of the decisions made in Washington, what they tell about federal land policy, their fairness, or their effect.

Diaz, Albert James. *A Guide to the Microfilm of Papers Relating to New Mexico Land Grants*. Albuquerque: University of New Mexico Press, 1960.

This *Guide* lists the land grant cases filed before the Surveyor General, or adjudicated by the Court of Private Land Claims. It lists cases by the grant name, the case or file number, and the plaintiff's name, then refers each case to a reel of the microfilm of the land grant material made by the University of New Mexico in 1955. The originals of the land grant material are in the State Archives in Santa Fe.

Dobkins, Betty Eakle. *The Spanish Element in Texas Water Law*. Austin: University of Texas Press, 1959.

Dobkins applied modern historical analysis to the development of Spanish water law and to the changes it underwent in Texas. Her study is valuable for definitions of Spanish terms, for its brief description of Spanish colonial institutions, and for its bibliography.

Donaldson, Thomas. *The Public Domain: Its History, with Statistics*. Washington: Government Printing Office, 1880.

This study and Britton's compilations of laws on the public domain form the set published by the Public Land Commission which was empowered to investigate the state of the public domain and the General Land Office in 1880. Donaldson is the best account of the public domain and private land claims to date.

Dublán, Manuel and Lozano, José María, comp. *Legislación Mexicana, ó colección completa de las disposiciones legislativas expedidas desde la independencia de la República*. 19 vols. Edición Oficial. Mexico: Imprenta del Comercio, 1876-1890.

This set contains 42 volumes; the first 19 held by the Library are an official compilation of Mexican federal law from 1687 to 1889. Some omissions have been noted but this is the most important source for Mexican law. The Library has four incomplete sets of collections of Mexican law that cover different parts of the same period. The appropriate set should also be referred to guard against omissions in this set. The laws in the *Legislación Mexicana* are arranged chronologically. Each volume has a chronological and subject index.

de Encinas, Diego. *Cedulario indiano*. Reproducción facsimil de la edición única de 1596; estudio e índices por Alfonso García Gallo. 4 vols. Madrid: Ediciones Cultura Hispánica, 1945.

The *Cedulario indiano* was in use in Mexico for about one hundred years before it was replaced by the *Recopilación*. It is a compilation of laws affecting Mexico.

Escrache y Martín, Joaquín. *Diccionario razonado de legislación civil, penal,*

commercial y forense, o sea resumen de las leyes, usos, prácticas y costumbres, como asimismo de las doctrinas de los jurisconsultos, dispuesto por orden alfabético de materias, con la explicación de los términos del derecho, y con citas del derecho, notas y adiciones por Juan Rodríguez de San Miguel. Mexico: Impreso en la oficina de Galvan, 1837. Escriche y Martín, Joaquín. *Diccionario razonado de legislación y jurisprudencia . . . y un suplemento que contiene el código de comercio, la ley de enjuiciamiento, las ordenanzas de minería, las ordenanzas de tierras y aguas y la nueva ley de enjuiciamiento civil, . . .* Nueva edición corregida notablemente, y aumentada con nuevos artículos, notas y adiciones. sobre el derecho americano por Don Juan B. Guim. Paris: Ch. Bouret, 1888. Escriche y Martín, Joaquín. *Diccionario razonado de legislación y jurisprudencia . . . con la inclusion de la parte vigente del suplemento escrito por D. Juan María Biec . . . y D. José Vicente y Caravantes. . .* Nueva edición reformado y considerablemente aumentada por D. León Galindo y de Vera y D. José Vincente y Caravantes. 4 vols. Madrid: Imprenta de Eduardo Cuesta, 1874-1876.

This is the *Black's Dictionary* of the Spanish language. The first two editions were written for the Americas. The supplements of the second edition are reprints of separate works. The *Ordenanzas de minería* and the *Ordenanzas de tierra y agua* appear in this collection both as supplements and as separate works.

The Existing Laws of the United States of a General and Permanent Character, and Relating to the Survey and Disposition of the Public Domain, December 1, 1880. Embracing References to Previous Legislation, and Citations of Decisions from the Federal and State Courts and from the Executive Offices of the United States. Prepared Pursuant to the Authority of an Act of Congress and Under the Direction of the "Commission on the Codification of Existing Laws Relating to the Survey and Disposition of the Public Domain." With Supplement, Embracing the Laws of Like Character Passed at the Third Session of the Forty-sixth and First Session of the Forty-seventh Congresses, and a Digest of Late Decisions Under the Land Laws, in Continuation of the "Citation of Decisions" of the Land Commission, Prepared Under the Direction of the Commissioner of the General Land Office. Compiled by Alexander T. Britton. Washington: Government Printing Office, 1884. *Laws of the United States of a Local or Temporary Character, and Exhibiting the Entire Legislation of Congress Upon Which the Public Land Titles in Each State and Territory Have Depended. December 1, 1880. Embracing, Also, a Digest of All Indian Treaties Affecting the Titles to Public Lands; an Abstract of the Authority for, and the Boundaries of, the Existing Military Reservations; and a Table of Judicial and Executive Decisions Affecting the Various Subjects Arising Under the Public Land System. Prepared Pursuant to the Authority of an Act of Congress and Under the Direction of the "Commission on the Codification of Existing Laws Relating to the Survey and Disposition of the Public Domain." With Supplement, Embracing the Laws of Like Character Passed at the Third Session of the Forty-sixth and First Session of the Forty-seventh Congresses and a Digest of Late Decisions under the Land Laws, in*

Continuation of the "Citation of Decisions" of the Land Commission, Prepared Under the Direction of the Commissioner of the General Land Office. Compiled by Alexander T. Britton. 2 vols. Washington: Government Printing Office, 1884.

There is little that can be added to the titles of these works. They contain the statutes confirming land grants in New Mexico and other material. These compilations are a result of the reforms that were going on in the government during the 1870's and 1880's. Together with Donaldson's *The Public Domain*, they form the set of volumes published by the Commission on the Public Domain.

Gay, Vicente. *Leyes del imperio español, las leyes de indias y su influjo en la legislación colonial extranjera.* Valladolid: Universidad de Valladolid, 1924.

This monograph examines the impact of Spanish law, especially the *Recopilación*, on colonialism in the Americas.

Giral Delphino, Joseph. *A Dictionary, Spanish and English, and English and Spanish: Containing the signification of words, with their different uses; the terms of arts, sciences, and trades: the constructions, forms of speech, idioms used in both languages, and several thousand words more than any other Dictionary, with their proper, figurative, burlesque, and cant significations. Also the Spanish words accented and spelled according to the modern observations of the Royal Spanish Academy of Madrid.* London: Printed for A. Millar, J. Nourse and P. Vaillant in the Strand, 1763.

This is a valuable aid for translating the Spanish in some of the primary sources in this collection which contain obsolete words.

Haferkorn, Henry E. *The War with Mexico 1846-1848; a Select Bibliography on the Causes, Conduct, and the Political Aspect of the War, Together with a Select List of Books and Other Printed Material on the Resources, Economic Conditions, Politics and Government of the Republic of Mexico and the Characteristics of the Mexican People, with Annotations and an Index.* Washington: Documentary Publications, 1970.

This is a reprint of a 1914 annotated bibliography, one of the few that contains Mexican items.

Hall, Frederic. *The Laws of Mexico: a Compilation and Treatise Relating to Real Property, Mines, Water Rights, Personal Rights, Contracts, and Inheritances.* San Francisco: A. L. Bancroft and Co., 1885.

This is a reworking of portions of Lislet and Carleton's translation of *Las Siete Partidas* and Charles Thompson's translation of the *Ordenanzas de minería*. There are some corrections of those earlier works.

Hamilton, Leonidas, ed. *Hamilton's Mexican Law: a Compilation of Mexican Legislation Affecting Foreigners, Rights of Foreigners, Commercial Law, Property Real and Personal, Rights Pertaining to the Inhabitants of the Republic, Sales, Prescription, Mortgages, Insolvency, Liens, Rights of Husband and Wife, Donations, Dower, Quit-rent, Leases, Inheritance, Commercial Companies, Partnership Agency, Corporations . . . Procedure, Attachment, Levy Under Execution, Property Exempt, Registry, etc. Land Laws and Water Rights—Mexican Constitution—Jurisdiction of Courts—Writ of Amparo—*

Extracts from Treaties—Mexican Decisions of Federal and State Courts, and Mexican Mining Law. San Francisco, 1882.

The title is self-explanatory. The book was written as a handbook for people interested in traveling to Mexico or engaging in business there.

Hanrahan, Gene Z., ed. *Documents on the Mexican Revolution.* 2 vols. Salisbury, N.C.: Documentary Publications, 1976.

This is a collection of photo-duplicated English documents and typed translations of Spanish documents that were generated in 1910-1911, during the Mexican Revolution that overthrew Porfirio Díaz. Volume I concerns the activity of individuals and the United States government along the border. Volume II concerns the activities of the American Embassy in Mexico City.

Hoffman, Ogden. *Reports of Land Cases Determined in the United States District Court for the Northern District of California. June Term, 1853 to June Term 1858, Inclusive, Volume I.* A report of the 1862 edition published by Numa Hubert in San Francisco. Buffalo, N.Y.: Dennis, 1966.

The decisions in the California land grant cases that were appealed from the decisions of the California Land Claims Commission which adjudicated land grants in California. Appended is a table of the claims presented to that commission.

Keleher, William A. *Maxwell Land Grant, a New Mexico Item.* Revised ed. New York: Argosy-Antiquarian Ltd., 1964.

Keleher described the history of New Mexico's largest and most controversial grant from its beginning in 1841 to the time the squatters were ejected in 1885. Implicit in the story is a conflict between the legal ownership and appropriate use of over one million acres of grazing, timber, and mineral land. *The Laws of Las Siete Partidas, Which Are Still in Force in the State of Louisiana.* Translated by L. Moreau Lislet and Henry Carleton. 2 vols. New Orleans: Printed by James McKaraheer, 1820.

A translation of *Las Siete Partidas* prepared for the State of Louisiana. Excepted from the translation are the materials on the Catholic religion and criminal justice which were not in force in Louisiana.

The Laws of Spain Relative to the Acquisition, Holding and Working of Mines in Mexico. 1783.

The title page was added when the book was bound in the 1880's. The text is a certified copy of *Ordenanzas de minería* promulgated in Mexico City on May 25, 1783.

Legislación Mejicana, ó sea colección completa de las leyes, decretos y circulares que se han expedido desde la consumación de la independencia. 14 vols. Mexico: Imprenta de Juan R. Navarro, 1854-1856.

This library has only one volume of this set from the era of Santa Ana's presidency. It covers material from January 1852 to April 1853. This volume should be consulted after one has looked at the *Legislación Mexicana*. The laws are arranged chronologically with a chronological and a subject index.

Leonard, Olen E. *The Role of the Land Grant in the Social Organization and Social Processes of a Spanish-American Village in New Mexico.* Albuquerque: Calvin Horn Publisher, Inc., c. 1970.

This study was done in 1940 and the introduction was written in 1970. They detail the decline of the village of El Cerrito on the San Miguel del Vado Grant. The village gradually lost access to its common lands after the United States denied the villagers ownership of those lands in *United States v. San-doval*, 167 U.S. 278 (1897).

Manzano Manzano, Juan. *Historia de las Recopilaciones de Indias*. 2 vols. Madrid: Ediciones Cultura Hispánica, 1950-1956.

This work details the writing of the *Recopilación* and the story of the scholars that were involved in it. Work on the *Recopilación* was started in 1530 but was not completed until 1680. Manzano has carefully documented the sources of many of the ideas in the *Recopilación*.

de Marfá de Quintana, Juan. *Manual del Jurisconsulto; Principios fundamentales del derecho y sus axiomas, aplicados a los diversos códigos, vigentes, de procedimientos*. Edited by José Miret. Barcelona: Establecimiento Tipográfica-Editorial de José Miret, 1875.

This is a catalogue of Spanish legal axioms arranged alphabetically by subject. The left column of each page contains the original text; the right contains a restatement in modern Spanish.

Martínez Cardos, José. *Gregorio Lopez, consejero de Indias, glosador de las Partidas (1496-1560)*. [Madrid]: Instituto Gonzalo Fernández de Oviedo, 1960.

A biography of Lopez, a sixteenth century Spanish lawyer. He is famous today for his annotations to *Las Siete Partidas* which are still used.

Montiel y Duarte, Isidro Antonio. *Derecho Público Mexicano*. En virtud de orden del C. Ministro de Justicia, Lic. José María Iglesias, 4 vols. Mexico: Imprenta del Gobierno, en Palacio, 1871-1882.

An official compilation of Mexican constitutional documents beginning with the Plan of Iguala, containing the Treaty of Cordova and the various constitutions of Mexico up to the Constitution of 1857. There is a brief index at the end of each volume.

Muniments of Title of the Barony of Arizona. Translated by R. C. Hopkins. San Francisco: The Bancroft Company, 1893. (Bound with *Peralta Reavis v. United States*, Cause no. 110 in the Court of Private Land Claims; Depositions of Witnesses (May 9-11, 1893); and Evidence for the Claimants (November 15, 1890)).

A collection of documents relating to the most famous fraudulent claim presented to the Court of Private Land Claims. The compilation was done in 1893 by J. A. Peralta Reavis who was involved in the fraud.

Ordenanzas de minería y colección de las órdenes y decretos de esta materia posteriores á su publicación a las que van agregadas las reformas de que son susceptibles algunos de los artículos vigentes de las mismas ordenanzas. Nueva edición. Mexico: Librería de J. Rosa, 1846.

The mining laws that were in effect when the Mexican war began. A detailed table of contents is in the back of the volume.

Ordenanzas de tierras y aguas, ó sea: formulario geométrico-judicial para la designación, establecimiento, mensura, amojonamiento y deslinde de las pob-

laciones, y todas suertes de tierras, sitios, caballerías, y criaderos de ganados mayores y menores, y mercedes de aguas: recopiladas a beneficio y obsequio de los pobladores, ganaderos, labradores, dueños, arrendatarios y administradores de haciendas, y toda clase de predios rústicos, de las muchas y dispersas resoluciones dictadas sobre la materia, y vigentes hasta el día en la república Mexicana. 2d ed. Mexico: Obra publicada por Mariano Galvan, 1844.

A handbook of practical information and procedural laws concerning the establishment of land grants. It was used as a source by the General Land Office to determine such things as the length of a *vara*.

Orejón, Antonio Muro, ed., *Cedulario Americano del siglo XVIII, Colección de disposiciones legales indianas desde 1680 a 1800 contenidas en los Cedularios del Archivo General de Indias.* Sevilla: Escuela de Estudios Hispano-Americanos de Sevilla, 1956.

This library has only Volume I of this set, to 1700. The set publishes the *cédulas* promulgated after 1680 when the first edition of the *Recopilación* was printed. The *Recopilación* plus any later pertinent *cédulas* was the law in the Americas. However that law could be altered by local custom.

Ots Capdequi, José María. *El estado Español en las Indias.* 3d ed. Buenos Aires: Fondo de Cultura Económica, 1957.

A study of Spanish colonial institutions from the Mexican viewpoint. The work is valuable for showing how the laws of the *Recopilación* were put to use.

Ots Capdequi, José María. *Estudios de historia del derecho español en las Indias.* Bogotá: Editorial Minerva, S.A., 1940.

A collection of essays concerning real property rights during the Spanish Colonial period. It is an aid to finding meaning in the *Recopilación*, but caution should be used in applying specific points to the situation in New Mexico where custom may have altered the law.

Private land claims in New Mexico. 4 vols. Washington: Government Printing Office, 1856-1891. *Reports of the Committees on Private Land Claims of the Senate and House of Representatives from the Second Session of the Nineteenth Congress to the Close of the First Session of the Forty-fourth Congress.* 3 vols. Washington: Government Printing Office, 1879.

This is more properly archived material; it is a compilation of U.S. House and Senate reports, the printed version of the Surveyors' General reports that make up a part of the New Mexico Land Grants microfilm collection. The volumes in this Library were assembled by Pierce Rodey. The Coronado Room of Zimmerman library has a compilation that used to belong to Clinton Anderson. A third which was collected by William Cole in 1890 is owned by Bernalillo County Abstract Company. The Senate and House compilation contains some of the same material, but no maps.

Prontuario de leyes y decretos del estado de Coahuila de Zaragoza. . . contiene, en extraco, todas las disposiciones que en cada ramo de la administración pública, ha expedido el Poder Legislativo, desde el 15 de Agosto 1824 en que se instaló el primer Congreso de Coahuila y Texas con el nombre de Constituyente, hasta el 31 de Diciembre de 1900 que terminó el Siglo XIX, y un

Apéndice en que se insertan íntegras las que están vigentes hasta el presente. Arreglado por Cosme Garza García. Saltillo: Oficina Tipográfica del Gobierno en Palacio, 1902.

An alphabetical arrangement of laws affecting the states of Coahuila and Texas from 1824 to 1900. This supplements Mexican federal law in that area. *Public Land Statutes of the United States, a Compilation of the Principal Statutes of Practical Importance at the Present Time Relating to the Public Lands . . . Printed for the Use of the Senate Committee on Public Lands.* Compiled by John W. Keener. Washington: Government Printing Office, 1916. Keener, John W. *Supplement No. 1: Public Land Statutes of the United States Enacted by the Sixty-Fourth Congress, First Session, Also the 640-acre Homestead Law.* Harrisburg: James J. Nungesser, 1917.

This contains statutes relating to the survey of land grants. Although all existing grants had been confirmed by 1916 many were not yet surveyed or patented. The *Supplement* continues the coverage of the first volume and contains a list of errata in the first volume.

de Puga, Vasco. *Provisiones cédulas instrucciones para el Gobierno de la Nueva España.* Obra impresa en Mexico, por Pedro Ocrarte, en 1563 y ahora editada en facsimil. Madrid: Ediciones Cultura Hispánica, 1945.

While most of the laws in the *Cedulario de Puga* were incorporated into the *Recopilación*, the texts of those laws were edited out, so this is a valuable source for the original version of many of the *cédulas* that make up the *Recopilación*. This served as one of the codes used in the Americas prior to the *Recopilación* in 1681.

La Real Academia Española. *Diccionario de la lengua castellana.* 12th ed. Madrid: Imprenta de D. Gregario Hernando, 1884.

The official dictionary of the Spanish language. The 1884 edition contains enough presently obsolete words to aid in the translation of some of the primary sources in this collection.

Recopilación de leyes, decretos, bandos, reglamentos, circulares y providencias de los Supremos Poderes y otras autoridades de la República mexicana . . . formada de orden del Supremo Gobierno. Compiled by Basilio José Arrillaga. 17 vols. Mexico: Imprenta de J. M. Fernandez de Lara, 1834-1850.

The library has an incomplete set covering the years 1828 to 1836. It should be referred to after *Legislación Mexicana*. Each volume contains laws arranged chronologically followed by a chronological and a subject index.

Recopilación de leyes, decretos y providencias de los poderes Legislativo y ejecutivo de la Unión . . . desde que se restableció en la ciudad de México el Supremo Gobierno, en 15 de Julio de 1867 . . . 87 vols. Mexico: Imprenta del Gobierno, en Palacio, 1870-1912. (On title page of vols. 1-3, "Formado por el licenciado Manuel Azpiroz, oficial mayor del Ministerio de Relaciones Exteriores;" vols. 4-87, "Formado por la redacción del 'Diario Oficial.'") *Co-lección de leyes, decretos y circulares expedidas por el Supremo Gobierno de la República. Comprende desde su salida de la capital en 31 de Mayo de 1863 hasta su regreso a la misma en 15 de Julio de 1867.* 2 vols. Mexico: Imprenta del Gobierno, en Palacio, 1867.

The *Diario Oficial* is a collection of laws arranged chronologically. Each volume has a chronological and a subject index. After the *Legislación Mexicana*, this is the most extensive collection of Mexican law. It covers the presidency of Benito Juárez. The library at present has an incomplete set, only the first 26 volumes, covering up to June 1877. The two volumes of *Colección*, which have only a subject index, cover the period between 1863 and the start of the *Diario Oficial* in 1867. This collection should be checked after the *Legislación Mexicana*.

Recopilación de leyes de los reynos de las Indias. Facsimile reprint of the 4th ed. published in Madrid por la Viuda de D. Joaquín Ibarra, 1791. 3 vols. Madrid: Consejo de la Hispanidad, 1943.

The code that governed the Americas throughout most of the Colonial period. There are five editions: 1681, 1756, 1774, 1791, and 1841. New editions were printed as laws changed, so it will be important for the library to obtain a copy of each for this collection. The laws of the *Recopilación* are largely procedural. The substantive law is contained in the Spanish codes. Volume III has a lengthy subject index. The laws themselves are arranged into books and chapters.

Reynolds, Matthew G. *Spanish and Mexican Land Laws. New Spain and Mexico*. St. Louis: Buxton & Skinner Stationary Co., 1895.

The compilation relied on by the Court of Private Land Claims and written by staff personnel of that Court's U.S. Attorney. The book is criticized more for what it omits than the quality of its translations. The laws are arranged chronologically and there is a chronological index in the back of the book.

Rockwell, John A. *A Compilation of Spanish and Mexican Law, in Relation to Mines, and Titles to Real Estate, in Force in California, Texas and New Mexico; and in the Territories Acquired Under the Louisiana and Florida Treaties, When Annexed to the United States. Volume I. Containing a Translation of the Mining Ordinances of New Spain—Gamboa's Mining Ordinances—the Laws in Relation to Mines of Gold, Silver and Quicksilver, Contained in the "Novísima recopilación," and the "Recopilación de las Indias;" and in the Decrees of the Cortes of Spain and of Ferdinand VII., Also of the Laws and Decrees of Mexico, on the Subject of Mines, Colonization, and the Right of Foreigners to Hold Real Estate. Also, Extracts From Public Documents, and from the Laws of California, in Relation to Mines and Mineral Lands: Together with a Digest of the Common Law, on the Subject of Mines and Mining*. New York: John S. Voorhies, 1851.

Rockwell compiled translations and made some translations of laws in the *Recopilación* and the *Novísima recopilación*, decrees of the Cortes and Fernando VI, and the laws of Mexico. This compilation contains more procedural law than Lislet and Carleton or Hall. Although the title indicates this is volume I, no additional volumes were published.

Rodriguez de S. Miguel, Juan N. *Pandectas Hispano-Mejicanas, ó sea código general comprensivo de las leyes generales, útiles y vivas de Las Siete Partidas, Recopilación novísima, la de Indias, autos y providencias conocidas por de Montemayor y Belena, y cédulas posteriores hasta el año de 1820, con exclu-*

sión de las totalmente inútiles de las repetidas, y de las expresamente derogadas. Nueva edición. 3 vols. Mexico: Librería de J. F. Rosa, 1852.

A reference work by a prominent Mexican jurist of the nineteenth century. It contains the laws Rodriguez considered to be in force in Mexico. The laws are arranged according to the organization of *Las Siete Partidas*. Volume III has a Table of the Laws, of the Spanish codes that are included in and excluded from this compilation. It also has a detailed subject index.

Rodriguez de S. Miguel, Juan. *La República mexicana en 1846, ó sea directorio general de los supremos poderes, y de las principales autoridades, corporaciones y oficinas de la nación.* Mexico: Imprenta de J. M. Lara, 1845.

A directory of Mexican government officials in office when the United States declared war on Mexico.

Sala, Juan. *Ilustración del derecho real de España . . . reformada y añadida con varias doctrinas y disposiciones del derecho novísimo, y del patrio.* 5 vols. Mexico: Imprenta de Galvan, a cargo de Mariano Arévalo, 1831-1833.

An encyclopedia of law. This edition was published to include changes caused by Mexican independence in 1821. An essay at the beginning of volume I discusses these changes. The volumes are organized into books and titles, and there is a lengthy subject index in volume V.

Schmidt, Gustavus. *The Civil Law of Spain and Mexico. Arranged on the Principles of the Modern Codes, with Notes and References. Preceded by a Historical Introduction to the Spanish and Mexican Law; and Embodying in an Appendix Some of the Most Important Acts of the Mexican Congress.* New Orleans: Printed for the author by Thomas Rea, 1851.

This is a brief survey of Louisiana civil law, the result of Schmidt's study of the subject. The later works of Rockwell, White and Hall are more complete. Scott, S. P., ed. and trans., *The Civil Law including the Twelve Tables, the Institutes of Gaius, the Rules of Ulpian, the Opinions of Paulus, the Enactments of Justinian, and the Constitutions of Leo.* 17 vols. Cincinnati: The Central Trust Company, c. 1932.

Roman Civil Law is the source of much of the Spanish real property law. Scott's translation is a usable version of the classical works that transformed Spanish law in the twelfth and thirteenth centuries.

Las Siete Partidas del sabio rey don Alonso El IX, glosadas por el lic. Gregorio Lopez. 4 vols. Madrid: Oficina de d. León Amarita, 1829-1831.

The most impressive work in Spanish legal literature. The compilation was published in 1263, yet much of the substantive law is still used. When published, it embodied many of the principles of Roman law, went a long way toward reestablishing a uniform law in Spain, and was comparatively a very humane document. Linguistically, *Las Siete Partidas* had as an important influence on the formation of the modern Spanish language as Geoffrey Chaucer's writings had on the formation of the English language.

Simmons, Marc. *Spanish Government in New Mexico.* Albuquerque: University of New Mexico Press, c. 1968.

This is by far the best and most comprehensive study of Spanish governmental institutions in New Mexico. It should be referred to by anyone with

questions about the structure and function of the Spanish government and definitions of Spanish official positions. There is no comparable study of either the Mexican or the early Territorial periods, although they are greatly needed.

Spanish and Mexican Land Grants. Reprint ed. New York: Arno Press, 1974.

This is a reprint of three works; their inclusion was intended to illustrate the controversy over land grants. The first is *Spanish and Mexican Private Land Grants* by William W. Murrow. Murrow concluded that the land problem was the fault of Mexico in failing to preserve the necessary documents. The second work is Herbert Brayer's biography of William Blackmore. It is a study of land grant speculation in the latter part of the nineteenth century. The third is the *Spanish Land Grant Question Examined* by the *Alianza Federal* which argues that the grants have a right to exist and function as they did under Mexico.

Spaulding, George W. *A Treatise on the Public Land System of the United States. With References to the Land Laws, Rulings of the Departments at Washington, and Decisions of Courts, and an Appendix of Forms in United States Land and Mining Matters*. San Francisco: A. L. Bancroft and Co., 1884.

Using cases and statutes, Spaulding described the General Land Office and the private land claims situations. This treatise relies heavily on the publications of the Committee on the Public Domain made a few years earlier.

Springer, Frank. "Annual address." *Minutes of the New Mexico Bar Association* (1890): 11-31.

This is the address that provided impetus for the formation of the Court of Private Land Claims. The address condemns the past record of adjudications of New Mexico land claims and outlines what Springer would like to see as the powers of such a court.

Stone, Wilbur F. "History of the Court of Private Land Claims." *Minutes of the New Mexico Bar Association* (1904): 5-26.

This is a brief history of the court by one of its justices.

Taylor, George C. *Notes on Community-owned Land Grants in New Mexico*. [Albuquerque]: Section of Human Surveys, Soil Conservation Service, Region Eight, 1937.

This traces the development and outlines the problems of the Cañon de San Diego, the Jacona, the Cundiyo, and the La Joya Land Grants. Taylor reached the conclusion that the inhabitants of these grants are facing a diminishing resource base. His history of the Cundiyo Grant is very inaccurate.

Twitchell, Ralph Emerson. *The Leading Facts of New Mexican History*. 5 vols. Cedar Rapids, Ia.: The Torch Press, 1912-1917.

Both the earliest and longest of the State histories. Twitchell shared many of the prejudices of Blackmar when talking of the Spanish and Mexican Periods. However, his numerous biographical sketches of the late Territorial and early State periods are more balanced and more valuable, because he was personally acquainted with most of the people. Twitchell was a land attorney who represented some petitioners before the Court of Private Land Claims. His chapter on the subject is a brief but informed account.

Twitchell, Ralph Emerson. *The Spanish Archives of New Mexico, Compiled and Chronologically Arranged with Historical, Genealogical, Geographical, and Other Annotations, by Authority of the State of New Mexico*. 2 vols. [Cedar Rapids, Ia.]: The Torch Press, 1914.

Adolphus Bandelier was hired by the Territorial Governor in 1891 to copy, translate, and index those Spanish Archives of historic interest. The result was a list of 1,074 archives and no copies, translations or indexes. Twitchell expanded the list to more than 3,400 items and added descriptions of the contents. Twitchell numbers are still used to cite archives and they were used by the Court of Private Land Claims. Some of the archives were translated by the W.P.A. A transcript of those translations is in the Coronado Room of Zimmerman Library.

Vance, John Thomas. *The Background of Hispanic-American Law, Legal Sources and Juridical Literature of Spain*. Washington: The Catholic University of America, 1937.

This is an historical study of the development of Spanish law, based largely on the Spanish codes. It was written in preparation for Vance and Claggett's *Guide to the Law of Mexico*. It provides useful information on the relative importance of those codes.

Vance, John T. and Claggett, Helen L. *A Guide to the Law and Legal Literature of Mexico*. Washington: The Library of Congress, 1945.

A bibliographic-historic study of those Spanish and Mexican law books that have formed the written part of Mexican law. It is a valuable aid in finding one's way in this strange body of literature.

Walton, Clifford Stevens. *The Civil Law in Spain and Spanish-America, Including Cuba, Puerto Rico and Philippine Islands, and the Spanish Civil Code in Force, Annotated and with References to the Civil Codes of Mexico, Central and South America, with a History of all the Spanish Codes, and Summary of Canonical Laws, of the Principal Fueros, Ordenamientos, Councils and Ordenanzas of Spain from the Earliest Times to the Twentieth Century, Including the Spanish, Mexican, Cuban and Puerto Rican Autonomical Constitutions, and a History of the Laws of the Indies—Recopilación de leyes de los Reynos de las Indias*. Reprint by University Microfilms. Washington: W. H. Lowdermilk & Co., 1900.

This work is valuable for its lengthy historical introduction which is an overview of the development of Spanish law.

Westphall, Victor. *The Public Domain in New Mexico 1854-1891*. Albuquerque: University of New Mexico Press, c. 1965.

This documents what the Surveyors General had to face in addition to investigating private land claims. It provides information about the character and quality of work of each of the Surveyors General. It also shows Washington's lack of understanding of land problems in New Mexico and the Anglo-American attitude toward the land.

White, Joseph M. *A New Collection of Laws, Charters and Local Ordinances of the Governments of Great Britain, France and Spain, Relating to the Concessions of Land in Their Respective Colonies; Together with laws of Mexico and*

Texas on the Same Subject. To Which is Prefixed Judge Johnson's Translation of Azo and Manuel's Institutes of the Civil Law of Spain. 2 vols. Philadelphia: T. & J. W. Johnson, 1839.

A compilation of the real property law of former sovereigns in the Territories. The collection was published to assist the adjudication of private land claims within those territories.