

ARTICLE 8 Nuestra Senora del Rosario, San Fernando y Santiago Grant

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49-8-1. Nuestra Senora del Rosario, San Fernando y Santiago Grant; trustees; election.

The government and control of the common lands of the land grant known as the "Nuestra Senora del Rosario, San Fernando y Santiago land grant" is vested in five trustees, to be known officially as "the board of trustees of the Nuestra Senora del Rosario, San Fernando y Santiago land grant", who shall be elected biennially by the owners of interests in the grant either by inheritance from the original grantees or by purchase from an heir.

History: Laws 1909, ch. 52, § 1; Code 1915, § 862; C.S. 1929, § 29-801; 1941 Comp., § 9-801; 1953 Comp., § 8-8-1; **Laws 1997, ch. 16, § 1.**

ANNOTATIONS

Compiler's notes. — This article, which was identical with Article 7 of Chapter 22 of the 1915 Code, was not reenacted by its inclusion in that codification, but was compiled for convenience only.

The 1997 amendment, effective June 20, 1997, added the section heading, substituted "five trustees" for "three trustees" and "elected biennially" for "elected annually", and made minor stylistic changes.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 73B C.J.S. Public Lands § 205.

49-8-2. Elections; right to vote.

A. On the first Monday of April of each alternate year, an election shall be held after the trustees have given at least seven days notice thereof by posting not less than five notices in conspicuous places within the grant, which shall include the post offices at Truchas, Cordova, formerly known as Quemado, and Chimayo. Except as provided in Chapter 49, Article 8 NMSA 1978, the election shall be conducted as nearly as practical in the same manner as provided in the Election Code [Chapter 1 NMSA 1978] for the conduct of general elections, provided that the board of trustees of the Nuestra Senora del Rosario, San Fernando y Santiago land grant and the secretary of the board shall perform the functions designated in that code for the county commission and the county clerk, respectively, and provided further that no registration shall be required.

Official ballots for voting shall contain the names of not less than five owners of interests in the grant. The five persons receiving the highest number of votes shall be elected as trustees for the ensuing two years.

B. At all elections, every owner of an undivided interest in the grant shall be entitled to one vote. The trustees in charge of the election shall prepare from the best information obtainable a list of all owners of interest in the grant and shall deliver the list to their successors. Any person claiming to be the owner of an interest whose claim is not admitted by the trustees may file with them an oath in writing, stating that he is an owner and giving as fully as he can the chain of title to his interest. If his claim is substantiated by the oaths in writing of two owners of such interests, he shall be permitted to vote at the election.

History: Laws 1909, ch. 52, § 2; Code 1915, § 863; C.S. 1929, § 29-802; 1941 Comp., § 9-802; 1953 Comp., § 8-8-2; **Laws 1997, ch. 16, § 2.**

ANNOTATIONS

Compiler's notes. — This section first appeared in its present form in the 1915 Code. As originally enacted in 1909, it appointed three named individuals as commissioners to hold the first election of trustees and provided that a similar election be held in each succeeding year, on like notice and in like manner, at which the existing trustees should act as inspectors. The 1915 Code compilers deleted the temporary provisions and rephrased the portions thereof governing the manner of subsequent elections.

The 1997 amendment, effective June 20, 1997, added the section heading and rewrote this section.

49-8-3. Officers; meeting; vacancies.

The members of the board of trustees so elected shall meet within one week after the election and organize by the election of a president, secretary and treasurer who shall perform such duties as may be required of them by the board. A majority of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be open to all owners of interests in the grant, who shall have the right to be present and to be heard on all matters on which they may be interested. If a vacancy occurs in the board, the remaining members shall fill the vacancy by appointment until the next election. The board may make such rules as to its meetings and order of business as it deems proper.

History: Laws 1909, ch. 52, § 3; Code 1915, § 864; C.S. 1929, § 29-803; 1941 Comp., § 9-803; 1953 Comp., § 8-8-3; **Laws 1997, ch. 16, § 3.**

ANNOTATIONS

The 1997 amendment, effective June 20, 1997, added the section heading, inserted "trustees" following "board" at the beginning of the first sentence, substituted "deems proper" for "shall think proper" at the end of the last sentence and made minor stylistic changes throughout the section.

49-8-4. Board of trustees; powers.

The board of trustees shall have the following general powers:

- A. to control, care for and manage the common lands of the grant and all the property pertaining thereto, to prescribe the terms on which they may be used and to make all necessary and proper regulations for the government thereof;
- B. to sue and be sued under the title set forth in Section 49-8-1 NMSA 1978;
- C. to lease any portions of the common land or the pasturage thereon and to sell any timber, wood, stone, grass or other product or personal property of the grant;
- D. to pay all taxes and other expenses due on the common land; and
- E. in case the income exceeds the expenses, to expend the balance to benefit all the owners equitably or for improvements upon the common land that will be for the general benefit of the owners.

The board of trustees shall make a report in writing of its transactions during the preceding year, including an account of all money received and expended, at the opening of the annual meeting of the owners.

History: Laws 1909, ch. 52, § 4; Code 1915, § 865; C.S. 1929, § 29-804; 1941 Comp., § 9-804; 1953 Comp., § 8-8-4; **Laws 1997, ch. 16, § 4.**

ANNOTATIONS

The 1997 amendment, effective June 20, 1997, added the section heading, substituted "board of trustees" for "board" in the introductory paragraph, substituted "set forth in Section 49-8-1 NMSA 1978" for "aforesaid" at the end of Subsection B, substituted "to benefit all the owners equitably or for" for "in such" in Subsection E, substituted "board of trustees" for "board" at the beginning of the last paragraph, and deleted "of interests at the time of each annual election" at the end of that paragraph; and made minor stylistic changes throughout the section.