

The Sangre de Cristo Land Grant in Costilla County

by

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From the end of the seventeenth century to the mid-nineteenth century, Spain and later Mexico, made land grants to individuals, towns and groups to promote development in the frontier lands that now constitute the American Southwest. In New Mexico, these land grants fulfilled several purposes: to encourage settlement, reward patrons of the Spanish government, and create a buffer zone to separate hostile Native American tribes from the more populated regions of New Spain. Spain also extended land grants to several indigenous pueblo cultures, which had occupied the areas granted long before Spanish settlers arrived in the Southwest. Under Spanish and Mexican law, common land was set aside as part of the original grant for the use of the entire community.¹ The number of grants made during this period in New Mexico total about two hundred ninety-five including the Sangre de Cristo Grant in present day Costilla County in Colorado.

The Sangre de Cristo Land Grant was conferred by Mexico to Beaubien and Lee in 1844 and was later patented by the U.S. government in 1880 in the amount of 998,780.46 acres. Settlement was unsuccessful until April 1851 when settlers from the northern New Mexico frontier established the town of San Luis, then known as *San Luis de la Culebra* and which today lauds itself arguably as "San Luis – The Oldest Town In Colorado." These hardy pioneers were farmer/ranchers in pursuit of a better life while meeting the needs of the Mexican government of asserting its northern boundaries as the expansionist tendencies of the young United States ran rough shod embracing the Doctrine of Manifest Destiny. By 1848, the United States had defeated Mexico, claimed/purchased over 40% of Mexico and signed the Treaty of Guadalupe-Hidalgo promising to respect the language, religion and property of the Mexicans now become Americans.

The Sangre de Cristo land grant settlers and then their heirs engaged in the quiet agricultural use of the fertile bottomlands and the communal use of the mountain uplands for over a century. The land was apportioned in long narrow strips called *vara* strips. For 109 years, a family-oriented, religious, communal agrarian and self-sufficient community flourished although rich Anglo land speculators frequently threatened it. In 1960, this pattern was violently shattered by an arrogant North Carolina lumberman by the name of Jack Tarland Taylor. He purchased 77,524 acres, the last unfenced portion of the vast land grant, for less than seven dollars an acre. His deed, as had that of preceding owners, contained the clause "and also subject to claims of the local people by prescription, or otherwise to rights to pasturage, wood, and lumber and so-called settlement rights-in, to, and upon said land..." The conflict, dubbed the 'Costilla County Range War' by the press, began then and continues even today under new owner, Lou Pai, of Enron infamy.

Jack Taylor immediately fenced the community out of the "Taylor Ranch" which is known locally as *La Sierra*. He instituted a regime of violence against the "inferior Mexicans" who continually "trespassed" on "his" mountain. He filed suit in the U.S. District Court in Denver, *J.T. Taylor vs. Pablita Jaquez, et.al.* to clear his deed under the Torrens Title Registration Act. Five years later, Taylor prevailed in court, Judge Olin Hatfield Chilson ruling that "Spanish-Americans cannot make claims to another's land based on old Mexican law."

The Land Rights Council, formed in 1978, filed a class-action lawsuit in 1981 against Taylor. The LRC sought to regain the use rights to *La Sierra*, which the community was legally entitled to as confirmed by the Mexican and U.S. governments. After twenty-one years of acrimonious litigation and after many disheartening community defeats, the Culebra drainage settlement towns have been vindicated. On June 24, 2002, the Colorado Supreme Court overturned the lower court rulings against the San Luis community stating "It is an understatement to say that this is an injustice." The details and ramifications of this legal victory are yet to be unraveled but the local community is filled with hope and anticipation.

¹United State General Accounting Office, Treaty of Guadalupe Hidalgo - Definition and List of Community Land Grants in New Mexico, (Washington, D.C.: U.S. General Accounting Office, 2001), p. 1.

Land Rights Council, Inc.
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A Brief History

The Land Rights Council (LRC) is a 501(C)(3) non-profit, grass roots organization formed in 1978 to reestablish traditional "usufructory rights" (rights of the original settlers to use *La Sierra*) and thus enable local people to regain access to *La Sierra*, aka the Taylor Ranch, aka The Mountain Tract aka Cielo Vista Ranch. *La Sierra* is a 77,524-acre parcel of private land on the Sangre de Cristo Land Grant in Costilla County, Colorado.

The LRC has been supported by grants from various foundations over the past thirty-six years of its existence. Grants, donations and fund raising keep the Land Rights Council viable. LRC activities are conducted by volunteers, through a local board of directors, by Legal Teams (pro bono attorneys), and by those who support the cause.

The LRC concentrated its first efforts in gathering critical documentation, historical research, and preparing legal briefs. The LRC organized two national land conferences early in its operation and various regional conferences and community meetings thereafter. On March 11, 1981, The LRC filed a class-action suit, *Rael v. Taylor*, to quiet title and re-establish settlement rights to *La Sierra*. One hundred nine plaintiffs filed on behalf of more than 1,000 property owners and their families. On June 24, 2002 after 21 years of legal battles, the Colorado Supreme Court (Case No. 00SC527) found in the community's favor. The Supreme Court ruled that successors in title to the original settlers do have the right to access *La Sierra* for grazing, gathering firewood and timber. About 2,500 property owners have been granted access to the mountain and have been given keys to access *La Sierra*'s ten gates. Yet, today 33 years after filing the lawsuit against Taylor, the LRC continues litigation efforts to gain access rights for community property owners yet to be certified. The Land Rights Council continues its work to develop a Sustainable Use Rights Management Plan than ensures the community is a group of good stewards who will use best practices of mountain and environmental sustainability.

Rael vs. Taylor (now Lobato vs. Taylor) – The Lawsuit

An area known as *La Sierra* or the Taylor Ranch, now the Cielo Vista Ranch, in Costilla County, Colorado has been the center of controversy and violence since 1960. Its 77,524 acres are part of the Sangre de Cristo Land Grant, a Mexican land grant dating back to 1844 and patented by the U.S. government in 1880. Mexican settlers who had moved north from Mexico and New Mexico established Colorado's first permanent settlement, San Luis, in 1851.

In 1960, Jack Tarland Taylor, a North Carolina lumberman, purchased *La Sierra* for less than seven dollars an acre. His title contained the clause "*... and also subject to claims of the local people by prescription or otherwise to rights to pasturage, wood, and lumber and so-called settlement rights in, to, and upon said land.*" Taylor fenced the land and extinguished the "so called settlement rights" written in the property's title. He did so by filing a federal action against the local people by invoking the Torrance Title Registration Act.

The Land Rights Council, formed in 1978, filed a class-action lawsuit in 1981 against Taylor. The LRC sought to regain the use rights to *La Sierra*, which the community was legally entitled to as confirmed by the Mexican and U.S. governments. The LRC pro bono chief attorney, Jeffrey A. Goldstein, eventually put together a legal team of various areas of expertise. After twenty-one years of litigation and after many disheartening community defeats, the Culebra Creek drainage settlement towns were vindicated. On June 24, 2002, the Colorado Supreme Court overturned the lower court rulings against the San Luis community by ruling that successors in title to the original settlers do have the right to access *La Sierra* for grazing and firewood, and timber. To date, the litigation is still on-going to determine the remainder of those qualified for access to *La Sierra*.