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## A Review of *Pueblo Santa Ana vs. Baca*

**I**n this installment of Footsteps we are going to review a court decision in a boundary dispute from New Mexico titled *Pueblo Santa Ana versus Baca*. This is a very interesting case that beautifully illustrates a couple of fundamental boundary surveying principles. To reach its decision in this case, the appeals court had to reach all the way back to the early 1700's when New Mexico was still controlled by the Spanish government. Before we examine the key legal questions, let's get some background and review the timeline of the case.

### Background

This is a boundary dispute between the Pueblo of Santa Ana and the Baca Family. The northern boundary of the Pueblo Santa Ana lands is also the southern boundary of the lands of the former Pueblo of San Felipe. The Baca Family now owns the former lands of Pueblo of San Felipe.

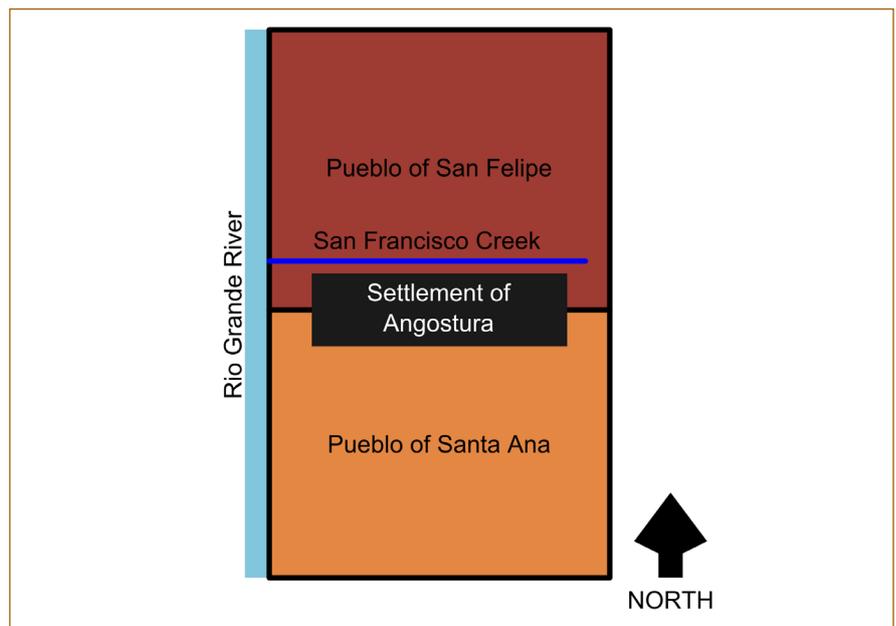
### Timeline

**Early 1700's:** The Pueblo of Santa Ana begins to purchase lands along the Rio Grande in New Mexico.

**1763:** The Pueblo of Santa Ana purchases a large tract of land known as "El Ranchito" for 3000 pesos. This parcel becomes the center of the boundary dispute in this case.

????: Shortly after the purchase a conflict begins between the Pueblo of Santa Ana and the Pueblo of San Felipe over the location of their common boundary, the northern boundary of the El Ranchito parcel.

????: A local government official from the Spanish government investigates



the boundary dispute, including an inspection of the property involved and a review of documents. He rules in favor of the Pueblo of Santa Ana.

????: The Pueblo of San Felipe appeals the decision of the local government official to the Real Audiencia of Guadalajara. (This is essentially the Spanish Supreme Court for this territory.) The high court affirms the location of the common boundary determined by the local government official.

????: Despite the rulings of the Spanish government, the Pueblo of San Felipe continues to sell land to Spanish settlers in the disputed area over the next 80 years. This creates clouds on the title of the Pueblo of Santa Ana.

**1897:** The Court of Private Land Claims confirms a new northern boundary for

the lands of the Pueblo Santa Ana based on the sales of lands by the Pueblo of San Felipe. The confirmed boundary is about 1/2 mile south of the boundary determined by the Spanish high court.

????: The General Land Office issues overlapping patents to the Pueblo of San Felipe and the Pueblo of Santa Ana.

**Early 1930's:** The Pueblo of Santa Ana erects a fence along the disputed boundary. It then grazes cattle on its side of the fence.

**October 1980:** The Baca Family, which own lands once a part of the Pueblo of San Felipe, tears down the fence erected by the Pueblo of Santa Ana in the 1930's.

????: The District Court rules in favor of the Pueblo of Santa Ana, holding

the boundary at the location of the 1930's fence.

## Legal Questions

This dispute centers on the location of the common boundary line between the Pueblo of Santa Ana and the Pueblo of San Felipe. The difference between the lines claimed by both parties is not small. It is at least 1/2 mile. Here are the legal questions the appeals court considered in this case:

1. What was the proper weight to be given to the decisions of the Spanish government in this boundary dispute?
2. Was the boundary claimed by the Pueblo of San Felipe, and shown on GLO surveys, immune to legal attack in this dispute?
3. Did the Pueblo of Santa Ana establish ownership of any disputed land because of its long standing possession of the parcel on the south side of the 1930's fence?

**“The willingness of the appeals court to respect the decisions of the Spanish government reflected a sincere humility and a deep respect for legal precedent.”**

## The Court's Decision

The appeals court rules in favor of the Pueblo of Santa Ana, and against the Baca family. Given the Pueblo's long occupation of the property, this decision won't surprise many of my readers. But what were the reasons behind the appeals court decision?

Let's first consider the evidence given by the appeals court to the early decisions of the Spanish government in this property dispute. The appeals court logic on this issue is so crisp I'll quote from the court decision directly. First the court describes the process followed by the Spanish Government in this dispute, based on testimony it heard during the trial:

“In May 1813, Santa Ana complained to local officials that San Felipe had sold farmland within its boundaries. An official discussed the dispute with both parties and viewed the area before deciding the issue in favor of Santa Ana.

San Felipe successfully petitioned for review. Jose Maria de Arze, the First Lieutenant of the Presidial Company of Santa Fe, held three days of hearings during which both parties submitted documents describing the boundaries of their land. At the conclusion of these hearings, De Arza found that the San Felipe had trespassed on lands owned by Santa Ana. Still dissatisfied, San Felipe appealed to the Real Audiencia in Guadalajara. In March 1818, the Audiencia ruled in favor of Santa Ana and ordered San Felipe to return lands it had sold in the disputed parcel.”

Then the court explained the weight that would be given to this historical judicial process by the Spanish government:

“This multi-tiered judicial system served as a full-scale boundary adjudication with a trial, appeal *de novo*, and further appeal. The decision-makers evaluated a relative wealth of evidence over a considerable period of time.

Because of their thorough review of this matter, substantial weight should be given to the findings of the Spanish authorities.”

I thought this willingness of the appeals court to respect the decisions of the Spanish government, who were much closer in time to the origin of the dispute, reflected a sincere humility and a deep respect for legal precedent.

What about the second legal question raised in this case? The Baca Family claimed the boundary shown on a General Land Office survey couldn't be challenged in court because it enjoyed sovereign immunity.

The appeals court disagreed with this assertion. It had a simple explanation for this:

“Defendants fail, however, to properly distinguish between the determination of private titles against the government and the determination of conflicts solely between private title holders.”

## Important Lessons

- A government patent is a quitclaim deed, not a warranty deed.
- General Land Office patents and surveys do not always enjoy sovereign immunity in a boundary dispute.
- General Land Office documents can have a statement excluding lands claimed by private parties, even if these lands are shown within the surveyed parcels.

In its decision, the appeals court goes on to explain that a government survey only holds sovereign immunity in a dispute between the government and a private party over the extent of lands patented by the government. It does not have the same special protection in a dispute between private parties. The court reasons that the patents issued by the GLO to the Pueblo of Santa Ana and the Pueblo of San Felipe were essentially quitclaim deeds. The US government could not convey to the Pueblo of San Felipe any land already owned by the Pueblo of Santa Ana, no matter what the official government plats showed. This is powerful logic. It is also a powerful reminder that government patents are quitclaim deeds for whatever federal interest is held in the described land. Patents are not warranty deeds.

The court offers another reminder of this principle in its decision when it says:

“The very Act which confirmed the San Felipe grant states, “this confirmation shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights, should such exist.””

The court decision speaks in greater detail about the Baca Family's reliance on the General Land Office surveys in its decision. I don't have room to discuss that part of the decision here, but you can read more about it on the Footsteps Boundary Surveying Blog. I'll also address that last legal question related to the long standing possession of the Pueblo of Santa Ana on my blog. I encourage all of my readers to read the full text of this very interesting court decision.

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