

The Dissolution of Indian Community Lands in the Venezuelan Andes: The Case of La Mesa

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ABSTRACT

The paper examines the process by which Indian reserves (*resguardos*) were established in Venezuela in the late sixteenth century, and their dissolution three centuries later. Emphasis is placed upon the gradual usurpation of *resguardo* lands by Spanish and mestizo colonists, and the concomitant reduction in the economic basis of Indian community life. Details are provided for a case study --the *resguardo* of La Mesa, near Mérida, Venezuela-- that exemplifies the problems caused by the legal partitioning of *resguardo* lands, and the sales of water and land rights to non-Indians.

INTRODUCTION

Although the process of reorganizing Indian population within the new Spanish colonial settlement system began in Venezuela in the sixteenth century, its real impact was only felt from the seventeenth, when a systematic and coherent policy was implemented. This involved the establishment of two types of settlement: the *pueblos de doctrina*, and the *pueblos de misión*. However, the process of "reducing" Indians around a central village square, on lands poorly demarcated, facilitated the alienation of vast tracts of land that had previously been occupied by them, which remained free (*vacas*) and thus defined legally as Crown possessions (*tierras realengas*) (Durán Alcántara 1989). It is evident that the Crown's preoccupation with protecting Indian communities was diametrically opposed to the interests of the *encomenderos* who saw a golden opportunity to seize lands for their expanding estates.

It was quite clear that the Crown's interest in protecting the integrity of Indian communities by means of institutionalized reserves (*resguardos*¹) did not fit well with the avaricious ambitions of the new owners of land, the *encomenderos* (Liévano Aguirre 1974; Martínez Guarda 1982; Arcila Farías, 1979). From the beginning the Crown attempted to ensure that Indians were provided with sufficient land, and indeed by repeated legislative means tried to give lands to those who formerly had none (García Gallo 1979). In order to promote the more practical use of the vast, generally unoccupied rural lands, four royal cédulas were issued, the first in November of 1591, to legalize the "composition" of lands. This meant that Spaniards who had occupied lands illegally could now obtain legal title solely by paying a *composición* tax. At the same time new legislation also determined the proper areas of land required in the new Spanish settlements for the plazas and commons, as well as mentioning somewhat imprecisely that Indians should receive whatever lands they required for the cultivation of their crops and grazing for their animals.² Under Philip II a legal basis was established for the so-called "community goods" (*bienes de comunidad*), which included land, the crop and livestock production, and all benefits gained from those enterprises.

The adjudication of Indian reserves was initiated in New Granada in 1593, but in Mérida, which lay at the extreme eastern edge of the jurisdiction, it was delayed until 1594 when Juan Gómez Garzón, the [end p. 17] official land judge, awarded to each community an area of four square leagues (one league in each cardinal direction from the center of the pueblo). From that date all of the pueblos in Mérida's jurisdiction enjoyed legal title, something that would not come to the Province of Venezuela's pueblos until 1691. With the legalization of the *pueblos de indios* the Crown put into effect its institutionalization of the *república de indios* which was meant to control, protect, and guarantee the survival of its members, as well as fulfill the fiscal obligations of generating revenues via tribute payments, which in turn involved the regulation of Indian labor to prevent its exploitation (Fals Borda 1975).

The early years of the Bourbon regime saw a significant change of direction in colonial control over Indian reserves. With the cédula of 15 October, 1754, a new position was established; in all of its sixteen clauses only one mention was made of Indian community lands (Ots Capdequí 1945, 245-246). It was clear that now the focus was on grants, sales, and the "composition" of land (Reconocimiento 1946). The emphasis was now focused on maximizing the gains that would accrue from the alienation of Indian land by private land-owning Spanish and mestizo capitalists (González Luna 1974). Such may be inferred from the new royal cédula related to lands of 2 August, 1780, sent to Viceroy Flores in New Granada.³

In this precarious position--still protected by law, but thoroughly corrupted by the results of racial intermixture, acculturation, and the presence of a permanent population of non-Indians-- the pueblos de indios passed into the republican era. First, the Venezuelan constitution of 1811 stipulated that the Indian reserve land should be distributed amongst the families of each pueblo so that they would become private landowners; Decree CCVI of the Cádiz Cortés of 1812 ordered that:

... if the lands of the community were abundant in relation to the population of the pueblo to which they belong, in that case it will be just to distribute up to half of the said lands, remembering in all such distributions the Provincial Disputations that designated the proportions of land that correspond to each individual, according to the particular circumstances of this and each settlement (Materiales 1964, 98).

The principles of equality and individual liberty that inspired the independence struggles, such as the strengthening of the concept of private property, found early prominence in the republican laws directed at the impoverished Indian population. Following the theses of Montesquieu, Rousseau and others, the Indians were seen to have been free and prosperous until they were cruelly enslaved for the benefit of a minority of exploiters (Rivera Sierra 1985). The death knell of the *resguardo* as an institution was heralded by the second article of the decree of 24 September, 1810, which awarded equal rights to the aborigenes (now no longer *indios*) and, as a consequence, established the dissolution of the reserves.⁴

If the Federal constitution of 1811 signalled the beginning of the end of the *resguardos*, their liquidation promoted new problems. New legislation would be needed to

regulate education, wages, and the absorption of Indians in their now further reduced settlements. The total legal extinction of the *resguardos* would not be promulgated until 1885 (Samudio, 1992-93).

THE INDIAN RESERVES IN MERIDA DURING THE NINETEENTH CENTURY⁵

This study examines the factors that affected the process of elimination of *resguardos* in the province of Mérida, focusing on one specific case, that of Santiago La Mesa. During the last two decades, several studies have appeared describing the origins and dissolution of the *resguardos* in New Granada and beyond (González, 1977; Durán Alcántara 1989; Davidson 1984; Rodríguez Becerra 1977; Landázuri 1988). Colombia has benefitted from a number of important studies (Cabrera Moreno, 1942; Restrepo Ricaurte 1974; Tirado Mejía 1971, 1974; Friede 1969, 1972, 1974; Fals Borda 1973, 1975, 1982; Colmenares 1973, 1975; Tovar Pinzón 1975, 1979; González 1977, 1979; González Luna 1977, 1978; Melo 1977; Hernández Rodríguez 1978; Curry 1981). Venezuela has also received increasing attention (Valdés 1971; Martínez Guarda 1982; Merejeh de A. 1984; Prato-Parelli 1986; Bohórquez 1987; Amodio 1991; Ferrero Kellerhoff 1991; Yarrington 1992, 1994; Velázquez 1991, 1992). With notable exceptions (Samudio, 1996, 1996b) few have used the abundant documentation available in the public registry archive of Mérida. **[end p. 18]**

The early nineteenth century witnessed several fundamental changes in the structure of the *resguardo*. The acculturation of the Indians, and the increasing encroachment of mestizo population within their territories slowly but surely produced a complex cultural and ethnic mix. Data in the parish marriage registers of the Venezuelan Andes bear elegant witness to the racial mixing that was underway in zones that were legally the exclusive domain of Indians.⁶

The new non-Indian population steadily obtained rights to land in the *resguardos*, further complicating the situation of those only entitled to the usufruct. As early as 1832 a report by the governor of Mérida noted the consternation of the Indians confronting their loss of privileges, and their lack of confidence in the pettifogging legal apparatus which hardly favored their cause in the many legal cases that arose over rights over irrigation canals, fence lines, and grazing land (Picón 1832). His solution was to face what he regarded as the inevitable demise of the *resguardos*, and to appeal to the Congress in Caracas for a law permitting provincial governments to supervise the dissolution of the *resguardos*, and the redistribution of their holdings. He stressed that only provincial governments could carry out such a process, given the singularity of each province's *resguardo* system. In 1836 the governor of Mérida initiated legislation to dissolve *resguardos* in his jurisdiction (Fuero Indígena, 1977; Samudio 1995).

By 1845 governor Picón could comment on the problems deriving from the illegal sale of lands of the *resguardos*. Such sales, he argued, were obligated by the absolute poverty of the Indians. But the situation was continually exacerbated

... by their inveterate customs of pledging and alienating the pieces of land they hold or enjoy the use of, inevitably resulting from this sinful abuse a seedbed of suits and a complex confusion between individuals who have sold off portions [of land], and those who have purchased it, and others who have abstained from dispossessing of their possessions (Memorias Provinciales, 1845, 32)

The second half of the nineteenth century saw a further progression of land alienation, and an even more significant increase in non-Indian population in the Indian settlement areas.⁷ At the same time as Indians were being attracted away from their reserves towards the new labor demands of the developing sugar and coffee-cultivation zones, higher inter-marriage rates resulted in a rapid "whitening" of the *resguardo* population. The Indians provided excellent labor for the hundreds of small-holdings which

required permanent and intensive cultivation (Cunill Grau 1987). Yet others remained in the resguardos, resolute in their insistence on the formal allotment of lands based on usufruct rights. These were to be the origins of the many minifundio zones found throughout the Venezuelan Andes.

THE DISSOLUTION OF THE RESGUARDO: THE CASE OF LA MESA

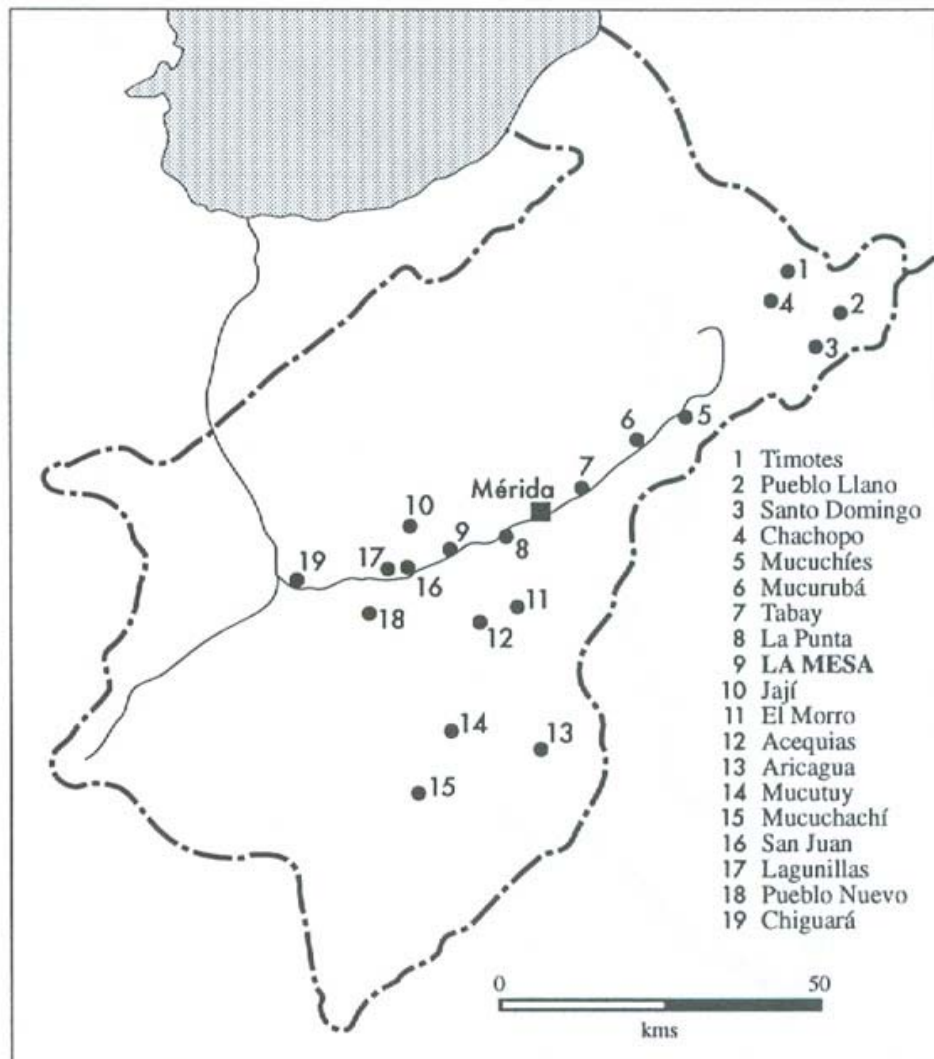
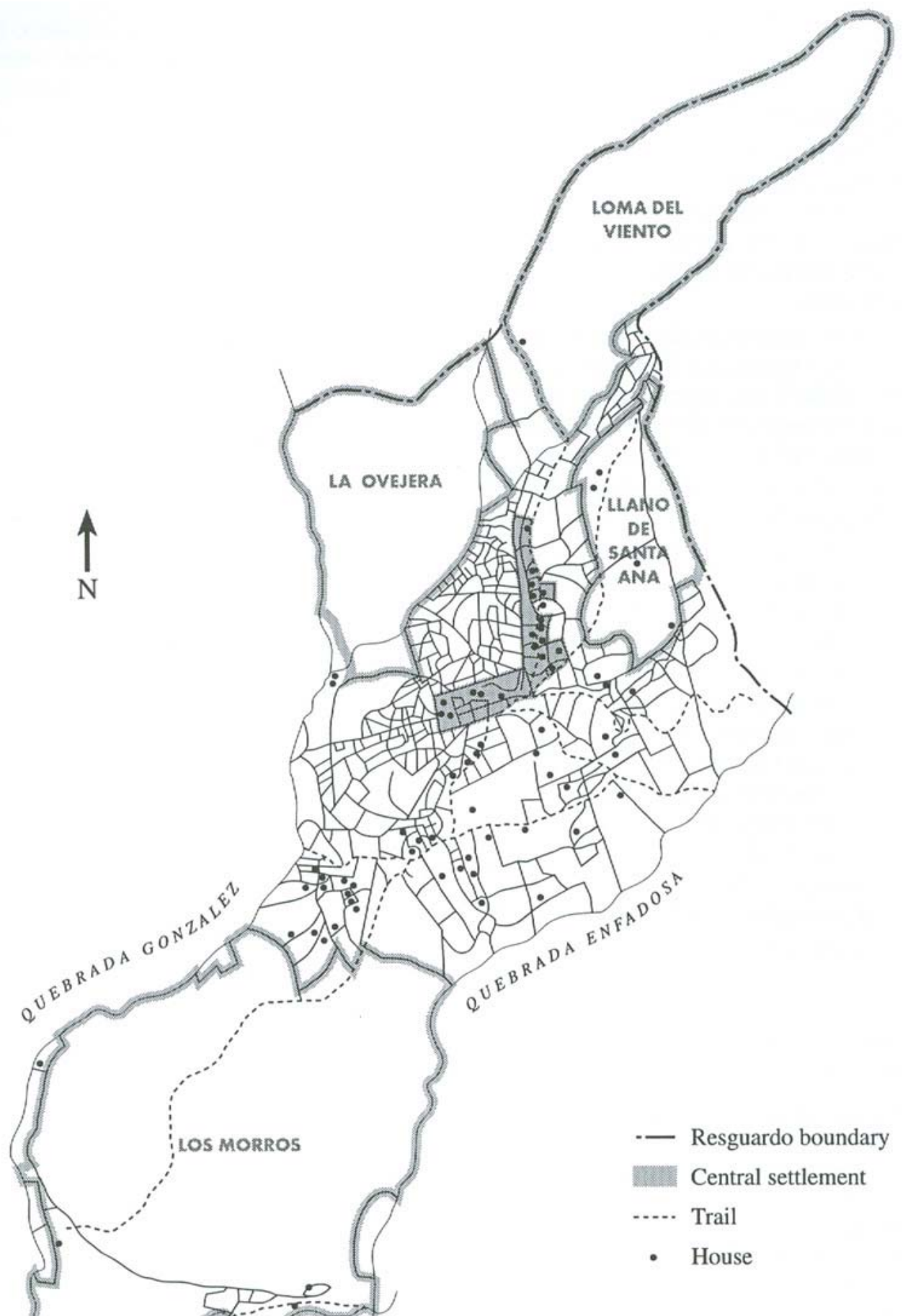


Figure 1. Resguardos in the Venezuelan Andes.

Santiago La Mesa, capital of the municipality of the same name, represents the smallest municipality in the state of Mérida (Figure 1). Its altitudinal range, from 780 m to 2,120 m produces a highly differentiated climatic regime with temperatures in the lowlands around the Río Chama averaging 23°C and in the northernmost highlands of Lorna de Viento no more than 2°C. Precipitation also increases in direct relation to altitude with the southern sector the driest and hottest, conditions exacerbated by the dry winds that penetrate the Chama valley. Given these physical variations, the most easily cultivated and productive agricultural land was to be found in the center of the resguardo around the pueblo. It was in this area, on well-watered, gentle slopes, that [end p. 19]



[end p. 20]

the land became to be most sub-divided (Figure 2). In the 1880s, when the legal partition of La Mesa began, it had a population some 1,653, revealing little growth during the preceding thirty years. On June 30, 1882, Eusebio Rojas, knowing of the existence of an official file relating to the land of the community of La Mesa in the archive of the Public Registry in Mérida, requested the judge of First Instance to order the Registrar to expedite copies of those affidavits that substantiated claims to title, possession, and property in the parish of La Mesa. With the presentation of titles before the competent authorities, the formal legal partition began.

The delays that plagued the progress of the process were attributed to the political disturbances of the period, as well as to conflicts between the Indian members of the community and the person charged with the subdivision.⁸ On 18 February, 1887, a group of Indians, "descendants of the founders," assembled before the judge requesting on behalf of all participants the partition of the community lands. As required, the petition was published in the *Registro de Noticias* of Mérida from 23 February, 1887, summoning all persons claiming rights in the case to appear.⁹ The parish judge was asked to provide all evidence in support of the case, and to participate in the formation of a census (*padrón*) of Indian families, as well as assist in the selection of the surveyor, and the expert valuers of property, so that all requirements would be completed for the judge of First Instance. This was completed by 11 March, 1887, producing an estimated total valuation of more than 8,000 pesos.

The Junta charged with preparing the census of community families included the parish judge, the chief civilian authority (*Jefe Civil*), the municipal attorney, and two of the "oldest and best-reputed" Indians,¹⁰ all of whom after the publication of the twelve summons and the posting of the notice, were to make it known to all residents that they had personally appear to register. This census list allows us to identify the number of persons in each family, as well as the number of orphans and incompetents.¹¹ The first count was undertaken between June 16 and July 16 of 1887, revealing a total of 115 families and 711 individuals. However, by July of 1888 it had been modified by the addition of newborn children, and the deletion of others who had died. By that date a guardian had been appointed to represent the rights of orphans and incompetents in the case. Meanwhile the adults legally delegated their representation to a lawyer who was to represent and defend their rights. Soon afterwards the representatives of the Indian community named a surveyor and an expert in valuing property, both of whom were duly sworn before the court.

Ramón Corredor, resident of Ejido, assessed, valued, and divided the lands of La Mesa's resguardo, taking into account their quality, location, and other factors (Table 1). The representatives of the La Mesa community decided that the lands called Los Morros, Las Piedras Rajadas, and those occupied by Mata Tilano, should be used to defray the costs of the subdivision. They also fixed the fee to be paid for each right (*derecho*) at four pesos, and the charge to cover the costs of the license at six pesos per person.

The need to fulfill these obligations (which were not met) was the justification, at least in part, for the request by Febres Cordero, to alienate the rights (pro-indivisos) of married women and minors, with powers of attorney.¹² This he did before the parish judge on behalf of 27 individuals on 18 April, 1888. The Indians' representative argued that sufficient testimony had demonstrated the need to alienate the rights of the participants, as well as the need to sell some land, since the Indians were so poor that they would otherwise not be able to cover the costs of the sub-division. The authorizations of the women for their husbands, as well as proof of past sales of rights were all included in the file of the case.¹³ Whether the seller was an owner of a right, or a representative of the same, was also carefully noted, as well as the differentiation between rights to land, to water, or to both. The existence of improvements (*mejoras*) was recorded, and reasons for the absence of title-holders listed. Some, it was stated, had left the resguardo due to the lack of suitable agricultural land; others had left because they had found work on private estates. Yet others stated that the land to which they had usufruct rights was not sufficient to support their families.¹⁴

The resignation of surveyor Emilio Maldonado, and his replacement by Elio Quintero, reflected the many problems that arose between the officials involved in the sub-division and the Indians. In this case the Indians had taken umbrage at his comments that "they had more than enough land for their needs ... " In 1888 the partition process was again [end p. 21] interrupted by national political unrest, as well as the recruitment of many Indians into regional armed forces. A completely new census of the resguardo had to be undertaken again in 1895.

TABLE 1. VALUE OF LOTS IN THE RESGUARDO OF LA MESA, 1888

Lots	Value (Bols/ha)
Lote Los Morros (general estimate)	2,400
Lote de Las Piedras Rajadas en la Vega de la Enfadosa	144
Terreno ocupado por Juan Mata Tilano	229
Terrenos superiores en el Mamey y La Laguna	240
Terrenos superiores del Cují	192
Terrenos superiores del Corozo, Agua Dulce y Arenal	168
Llano y vegas de Surbarán	96
Terrenos regables del Cacao	72
Terrenos del Llano de Santa Ana	57
Terrenos o faldas mejores del Cují; terrenos pendientes de La Laguna y los de las Rosas Nuevas	48
Terrenos del Juraguito y partes barrancosas del Mamey	38
Tierras irregables del Cacao, las peñascosas de Agua Dulce y las faldas occidentales del Llano de Santa Ana hasta la acequia	29
Faldas peores del Cují y La Laguna, peñas del Cacao y terrenos peores de la Enfadosa Arriba	24

Source: Registro Principal de Mérida. Encomiendas y Resguardos. Caja. Partición de las Tierras de los Indios de La Parroquia de La Mesa. Distrito Campo Elías. Juzgado de 1era. Instancia en lo Civil. Primera Pieza. 1887–1897. Aprecio de los terrenos de los Resguardos de los indios de La Mesa. Parroquia de La Mesa, 31 de julio de 1888. fols. 112–112v.

THE PROCESS OF SUBDIVISION

The partition of the La Mesa lands (1, 543.5 ha)¹⁵ included one tract that was subdivided into small plots, and others, much larger in size, that were left intact (Figure 2). The sub-divided sector, some 71 percent of the total, was divided into 370 lots, several of which were sold off to cover the costs of the partition process. Lot 356 (Los Morros) in the Cerro Sulbarán, between Quebradas González and Enfadosa, with 403 ha. was valued at 2,400 pesos, some 37 percent of the sub-divided area. This parcel was adjudicated to Eusebio Rojas and Rufino Moreno to whom the community owed 3,800 and 1,400 pesos respectively, and to Carmelo Rangel, also owed some 1,400 pesos.

From details contained in the legal documentation related to the case it is clear that of the total of 1,543.5 ha of the resguardo, owners of rights controlled 689 ha (44.65%). If the available land was divided into 370 lots, then each lot averaged 1.86 ha. However, if the land area was divided by the 848 registered holders of rights, then each would have been able to obtain no more than 0.81 ha, or 4.0 ha per family.

The list of sales of land annexed to the file of the La Mesa case that date from June 1887 to December 1896 demonstrate that the population of the resguardo, like the tenancy and landuse, experienced significant changes. It is evident that there was an acceleration in the sale of rights, which had no legal authority until the legal termination of the case, as soon as it became known that La Mesa was to be privatized.¹⁶ In the purchase of rights, a significant proportion were vecinos, non-Indians who had familial relationships with community members. Some were traders, one even a public employee. Almost all were involved in the profitable cultivation of small plots of coffee which was planted with guayacán, plantain, ceibos and guamos shade trees.¹⁷ Of the 22 whose exact residence can be ascertained, ten were from the nearby pueblo of Ejido, six from La Punta, four from Jají, and one each from Mérida and San Juan.

In relation to the buyers during the period 1887-1896, the role of vecinos from within the La Mesa resguardo is again significant. The rights to land were sold at 20 pesos, plus four more to cover the costs; a right to water at eight pesos. Improvements, of course, raised the value of each type of right. One [end p. 22] of the buyers of the subdivision was Esteban Muñoz who purchased a total of 21 rights, including water and land, some with improvements, for prices ranging from 32 to 600 bolívares. He managed to sell off some of the land. By 1893 he had sold land and water rights with improvements of coffee and sugarcane to David Flores, of Ejido, for 3,200 bolívares.

In March, 1896, the owners of rights in La Mesa opposed the per capita contribution of 12 pesos towards the closing costs, alleging that they had already paid four pesos, and that it should be understood that not all rights had the same value, and that almost all the *comuneros* were poor. They argued that if they paid these costs they would effectively be left with nothing, and that

they had set aside sufficient payment in kind (the land) to cover such charges. If costs had to be paid, they insisted that they should be in relation to the improvements on each parcel. They noted that what was happening was that persons from outside the community were buying up land cheaply from impoverished Indians.¹⁸ Others argued that they should not have to pay the quota until the actual subdivision had been carried out.

TABLE 2. POPULATION OF THE INDIAN COMMUNITY OF LA MESA, 1887–1895

Year	Rights-owners	# Families	Avg. family size
1887	727	115	6.3
1895	848	166	5.1

Source: Registro Principal de Mérida. Encomiendas y Resguardos. Caja: Primera Pieza, 1887-1897. Partición de las Tierras de los Indios de la parroquia de La Mesa.

The time elapsed during the process of partition of La Mesa certainly did not favor the participants. For one, the net increment of population (Table 2), some 14 percent in eight years, meant more rights of usufruct and hence subdivision. The number of female-headed households had increased, and the average size of family had been reduced (Table 3). By 1895 over 28 percent of the resident families had members who were not of Indian origin.

TABLE 3. FAMILY SIZE BY SEX OF HEAD OF HOUSEHOLD, RIGHTS-HOLDERS, LA MESA, 1887–1895

Number in Family	Male Head				Female Head				Total			
	1887		1895		1887		1895		1887		1895	
	N°	%	N°	%	N°	%	N°	%	N°	%	N°	%
1	—	—	5	4.3	1	3.3	1	1.9	1	0.8	6	3.6
2	5	5.8	12	10.5	—	—	6	11.5	5	4.3	18	10.8
3	9	10.5	20	17.5	7	23.3	5	11.5	16	13.9	25	15.0
4	10	11.7	19	16.6	2	6.6	6	11.5	12	10.4	25	15.0
5	9	10.5	12	10.5	7	23.3	10	19.2	16	13.9	22	13.2
6	14	16.4	12	10.5	1	3.3	6	11.5	15	13.0	18	10.8
7	7	8.2	12	10.5	3	10.0	6	11.5	10	8.6	18	10.8
8	13	15.2	5	4.3	4	13.3	3	5.7	17	14.7	8	4.8
9	4	4.7	5	4.3	2	6.6	4	7.6	6	5.2	9	5.4
10	6	7.0	6	5.2	—	—	2	3.8	6	5.2	8	4.8
11	3	3.5	3	2.6	3	10.6	2	3.8	6	5.2	5	3.0
12	2	2.3	1	0.8	—	—	—	—	2	1.7	1	0.6
>12	3	3.5	2	1.7	—	—	1	1.9	3	2.6	3	1.8
Total	85	100	114	100	30	100	52	100	115	100	166	100

Source: Registro Principal de Mérida. Encomiendas y Resguardos, Caja: Primera Pieza, 1887–1897. Partición de las Tierras de los Indios de la parroquia de La Mesa, 1888.

CONCLUSIONS

From their very beginnings, the Indian resguardos of Spanish America came under attack. In the colonial period their population became the target of avaricious labor markets. Equally significant was the progressive penetration of non-Indian population into the community structures. By the end of the eighteenth century there were few resguardos that did not contain large mestizo [end p. 23] populations, many having married into the Indian community and occupying the best agricultural land.

The republican period accelerated the alienation of Indian lands in the haste to improve agriculture and expand economic activity. The privatization of the resguardos meant more land for capitalist production; the privileged Indian communities were sacrificed for the benefits of the state; their lands converted by new owners into small-holdings (*minifundios*).

As the case of La Mesa demonstrates, the actual process of subdivision, and of titling often proved difficult. Arguments over the factors to be taken into account in deciding costs, differences of opinion between surveyors and community members over property lines, and values of improvements, and the effects of the continual change in the number of those with rights to usufruct --all combined to create delays. In the case of the Mérida region, political disturbances at the federal level also proved to be a major obstacle in the 1880s. What had been thought of in the sixteenth century as the best means of protecting Indian communities had, by the eighteenth century, become little more than a regional variant in land-holding practice. By the late nineteenth century the *resguardos* were viewed as an obstacle to development. They had to be eliminated and their members given the false hope of competing in the new economic context. The only landscape vestiges that remain now are distinctive patterns of minifundio parcels reflecting a communal system that had effectively ended with the nineteenth century.

NOTES

1. The *resguardo* was an institution that defined collective ownership of land for Indians, as deemed appropriate by the Spanish (Samudio, 1995). In that sense they were created to preserve and protect the pre- Hispanic patterns of usufruct (Bagú, 1952, 31). It was also one of the means used by the Spanish Crown to maintain separation of the Indian population in the *república de indios* (Mörner).
2. The *cédula* of 1591 was followed by another in 1598 in which the Crown determined that in the case of the Indians finding themselves short of land, Spaniards would have to relinquish hold over certain territory in exchange for other lands, as well as receiving some form of reparation.
3. This revealed the importance that land had achieved as a productive commercial item, especially for those who had the wherewithal to buy and sell it (Liévano Aguirre: 418-419).
4. It is interesting to note several points in Chapter IX of the General Dispositions, Article 200, in which it is stated that:

Whereas that part of the citizenry that until now has been called Indians has not obtained the benefits of several laws that the Spanish monarchy promulgated in their favor, for those charged with the government of those countries forgot to execute them; and whereas the bases of the system of government that this Constitution of Venezuela has adopted are none other than those of justice and equality, the Provincial Governments ... are charged with [the task] of trying, by all means possible, to attract those aforementioned citizens to the houses of learning, to make them understand the intimate relationship they have with the other citizens, the considerations that they merit of the Government, and the rights that they enjoy as men equal to all others; in this way bringing them out of their depression and rusticity in which they have been maintained under the old state of affairs.
(Fuero Indígena, II: 17).
5. Some of the *resguardos* such as *Bailadores* suffered an early demise, the result of especially destructive violence during the struggles for political independence.
6. In the parish registers of Mucuchíes, as in *EI Morro* and *Tabay*, among others, are to be found marriages, baptisms and burials of "blancos" in 1816, and in the registers of *Santiago de Lagunillas* and *Timotes* are also found "pardos."
7. Mucuchíes, for example, that had attained the status of *villa* by the beginning of the second decade of the XIX century, and was the principal settlement of the *corregimiento* of the *Partido de Arriba de Mérida*, by 1873 had a population of 2,164 of which less than 14 percent were Indians. For the same date, *Tabay*, a settlement near Mérida, with a population of 2,300 had a majority of blancos.
8. The interruption of the judicial process was caused by the political problems of the revolution that broke out in June of 1886, interrupting the constitutional regime. Though general Pedro Vallenilla, as national delegate, was appointed chief of state, the administration of justice in Mérida remained paralyzed until the end of December when a new tribunal was appointed (*Registro Principal de Merida, Encomiendas y Resguardos. Caja: Partición de las Tierras de los Indios de la parroquia de La Mesa, 1887-1897: fols. 9-9v. [Hereafter RPM, La Mesa]*).
9. In their request the Indians stated that they were petitioning the subdivision of the lands so that "...the community be terminated because of the serious inconveniences it brought with it, and in order to reserve their rights ..." (RPM, La Mesa: fol.1).
10. Indian in this context was defined in article 3 of the Law of 16 June, 1884 which read: "Se consideran indígena para los efectos de esta Ley, los descendientes legítimos o naturales, en línea recta o colateral de los aborígenes de esta parte de la

América. This was confirmed in Article 3 of the Law of 25 May, 1885, which stated that: "Se consideran indígenas para los efectos de esta Ley los descendientes en línea recta de los aborígenes de esta parte de la América y también los parientes dentro del cuarto grado de consanguinidad."

11. Incompetents (*incapaces*) in this context meant those individuals who legally did not have the capacity to carry out [end p. 24] civil acts such as sales of property. Orphans (minors without father and mother) had rights equal to all other comuneros.

12. RPM, La Mesa: fols. 96-109. The term *pre-indivisos* referred to those rights that were in effect prior to the land being divided.

13. When the rights belonged to the wife, but were represented by the husband, he had to demonstrate that he acted on her behalf.

14. RPM, La Mesa: fols. I 09v- I 10.

15. According to the league established by the colonial legislation, the original area of La Mesa was 3,105 ha.

16. There were cases in which, for example, a mother not only sold her water rights, but also those of her newborn daughter who had only recently been added to the census. Unfortunately the documentation does not include a list of all those who obtained lots by means of the subdivision.

17. By way of example, in 1889, one of the rights-holders sold his water and land rights with the improvements which consisted of a small coffee grove, shaded by *curo*, *guamo*, and *ceiba* trees; one year later the same was re-sold to another when it was said to consist of a plantation of coffee, banana, and sugercane.

18. RPM, La Mesa: fols. 166-167.

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RESUMEN

Este estudio examina la evolución de los resguardos indígenas en Venezuela desde su formación el siglo XVI hasta su demembramiento a finales del siglo XIX. Se nota la penetración de las tierras de los resguardos por blancos y mestizos durante el siglo XVIII y su impacto en la economía y la comunidad de los indios. Para el caso de La Mesa, (un pueblo de resguardo cerca de Mérida), se presentan detalles del proceso de la repartición de las tierras en lotes, y la compra de los derechos de agua, tierras, y mejoras, por gente que no son miembros de la comunidad indígena. [end p. 26]