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## **We Have the Land Titles: Indigenous Litigants and Privatization of Resguardos in Colombia, 1870s-1940s**

Gloria Lopera  
glope161@fiu.edu

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

WE HAVE THE LAND TITLES: INDIGENOUS LITIGANTS AND PRIVATIZATION  
OF RESGUARDOS IN COLOMBIA, 1870s – 1940s

A dissertation submitted in partial fulfillment of the

requirements for the degree of

DOCTOR OF PHILOSOPHY

in

HISTORY

by

Gloria Patricia Lopera Mesa

2021

To: Dean John F. Stack, Jr.  
Steven J. Green School of International & Public Affairs

This dissertation, written by Gloria Patricia Lopera Mesa, and entitled We Have the Land Titles: Indigenous Litigants and Privatization of Resguardos in Colombia, 1870s – 1940s, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Nancy Appelbaum

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Jenna Gibbs

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Bianca Premo

---

Dennis Wiedman

---

Victor Uribe, Major Professor

Date of Defense: June 10, 2021

The dissertation of Gloria Patricia Lopera Mesa is approved

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Dean John F. Stack, Jr.  
Steven J. Green School of International & Public Affairs

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Andrés G. Gil  
Vice President for Research and Economic Development  
and Dean of the University Graduate School

Florida International University, 2021

## DEDICATION

To my parents, for giving me the roots and the wings.

To the Cañamomo-Lomaprieta people, for planting their histories into me.



## ACKNOWLEDGMENTS

Every individual achievement is always collective in nature, as it results from the sum of efforts of all the people and institutions that, in manifold ways, contribute to making it possible. This dissertation is by no means an exception. It is the outcome of a personal and scholarly journey that began in 2007, across which I have received the intellectual, spiritual, affective, material, and financial support from many people and institutions to whom I am deeply grateful.

In “A Forest of Time,” ethnohistorian Peter Nabokov quotes Hopi artist Michael Kabotie when he says:

The Hopi believe that if you want to teach a person the history or the song that is deeply connected to our history you feed them corn. You're planting this history into this person. You're planting your song into this person. That way that history will grow inside him.<sup>1</sup>

By allowing me to accompany them as a “solidaria” and sharing their histories and archives with me, the Cañamomo-Lomapieta people planted the seeds out of which this dissertation grew. I am particularly grateful to don Ernesto Tapasco for his friendship and wise insights into his people's history. Don Ernesto and his family have provided me home in La Iberia and fed me corn, histories, and much more. Along with don Ernesto, doña Otilia Aricapa, don Pedro Alejandrino Campeón (R.I.P.), don Alirio Hernández Villaneda, and don Luis Anibal Restrepo generously took time to talk with me every time I sought them for conversation. Their memories of struggles for land and justice allowed me to find the questions that drove me to this research.

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<sup>1</sup> Quoted from Pat Ferraro's Film “Hopi: Songs of the Fourth World,” by Peter Nabokov, *A Forest of Time. American Indian Ways of History* (Cambridge: Cambridge University Press, 2002), 41.

While being the secretary of the Cañamomo-Lomaprieta's cabildo in 2008, Martha Isabel Hernández provided me a desk in her office, right near hers. Martha allowed me to stay there, witnessing the everyday workings of indigenous governance, peering into the cabildo's archive, and occasionally providing legal advice to her and the comuneros that stopped by the cabildo's headquarters looking for guidance on a wide array of matters. Many years later, I found out that the place Martha allowed me to occupy was the working desk of don Faustino Rotavista (R.I.P.), a former governor and one of the most respected leaders of Cañamomo-Lomaprieta. Don Faustino, who always kept a wary distance from outsiders and lawyers, nonetheless kindly ceded to me his place at the crowded headquarters of the cabildo. This spot of "participant observation" was critical in defining my relationship with the Cañamomo-Lomaprieta people and my positionality in the field. I am deeply grateful to Martha - and don Faustino, too - for providing me that spot. Out of our conversations in her office grew a long-lasting friendship between Martha and I that deeply honored me.

Building a relationship of collaborative research with the Cañamomo-Lomaprieta people has been possible because of the trust their authorities have placed in me. I thank former Governor Héctor Jaime Vinasco for welcoming me the first time I went to Riosucio in 2007 and trusting me, an outsider lawyer and wannabee anthropologist with no previous experience working with indigenous peoples. Since then, the cabildos headed by former governors don Efrén Reyes, Carlos Eduardo Gómez, Arnobia Moreno, and today's, don Javier Uchima, have always kept the doors open to me and offered their support to my research. All the members of the Consejo de Gobierno and the cabildo have made me feel

always welcome to the territory and the internal meetings and communal assemblies they have allowed me to participate in. Thanks a million to all and every one of them.

Having the trust of the Cañamomo-Lomaprieta authorities also enabled me to obtain permission from the cabildo of San Lorenzo for conducting this comparative study. I am especially grateful to Norman David Bañol, former governor of San Lorenzo and now Consejero Mayor of the Consejo Regional Indígena de Caldas (CRIDEC), for opening the doors of both the San Lorenzo cabildo and the CRIDEC to me. Don José Silvio Tapasco and José David Bueno were especially generous in sharing their memories with me, which helped me make better sense of the sources regarding the process of division of the San Lorenzo resguardo in the 1940s and its further restoration in the late twentieth century. I also thank Governors Carlos Emilio Durán Bañol, from La Montaña, and Juan Bautista Loaiza, from Escopetera-Pirza, for taking time to discussing my research project. Even though it focuses on the cases of Cañamomo-Lomaprieta and San Lorenzo, I hope this dissertation may give rise to further comparative studies integrating La Montaña's and Escopetera-Pirza's experiences in the face of privatization.

Some collaborators, who over generations have accompanied the Cañamomo-Lomaprietas and other local indigenous peoples, helped in many different ways to make this dissertation possible. Don Francisco Morales, who actively engaged with the Cañamomo-Lomaprietas' land struggles in the 1960s, generously shared his time and histories. His account helped me make better sense of the documentary sources I use in Chapter 8. While working for the cabildo's food sovereignty program in 2008, Andrés Felipe García welcomed me to the team of collaborators and, since then, became one of my dearest friends. Also, Andrés introduced me to Nancy Appelbaum's *Dos plazas y una*

nación and put me on the track of the Cañamomo-Lomaprieta resguardo titles, for which I will always be grateful to him. More recently, Francisco Vanegas, Dora Lucy Arias, Viviane Weitzner, Juan Pablo Muñoz, and Carlos Mario Calvo Largo have patiently bear with my long inroads into the past when we virtually meet to discuss today's territorial concerns. Our conversations have helped me understand better the significance of ethnohistorical research on resguardo titles for current legal battles for land and justice. While working as a legal advisor for the San Lorenzo cabildo and, later, the municipality of Supía, Carlos Mario did his best to help me access these institutions' archives. Though our efforts ultimately failed, I am deeply grateful to him for all his support. Beyond Riosucio, Álvaro Mejía, a long-lasting legal advisor of the Consejo Regional Indígena del Cauca (CRIC), generously shared his thoughts and writings about indigenous legislation and colonial resguardos.

Among the solidarios, my beloved friend and kindred spirit Luis Javier Caicedo deserves an especially warm thank you. His legal advocacy for indigenous peoples' rights and passion for historical research inspired the personal and transdisciplinary journey that brought me from being a lawyer to becoming (also) a historian. This dissertation greatly benefited from Luis Javier's historical research, especially his studies on the resguardo titles of San Lorenzo, Escopetera-Pirza, and Cañamomo-Lomaprieta, which represent significant contributions to the field.

Besides Luis Javier, other scholars inspired and helped me find my way toward this dissertation. Professor Robert V.H. Dover (R.I.P), my master's thesis advisor, encouraged me to study law on the ground and look at subalterns' legal agency. He guided my first inroad into ethnographic fieldwork in Riosucio and allowed me to be part of his research

team. Robert also introduced me to Joanne Rappaport's inspiring work, which has shaped my understanding of resguardo titles. In 2008, following Andrés García's recommendation, I devoured Nancy Appelbaum's *Dos plazas y una nación* and, shortly after, Luis Fernando Gonzalez Escobar's *Ocupación, poblamiento y territorialidades en la Vega de Supía*. These works sparked my desire to find my own angle to the history of the privatization of resguardos in the Riosucio-Supía area. Having Professor Appelbaum on my dissertation committee is a dream come true. She has given critical feedback on my proposal and now on this manuscript. She also wrote letters of recommendation to support my attempts to become a professor of history. Professor Gonzalez Escobar enthusiastically encouraged me to conduct this study. He advised me not to remain in the privatization era but dare to delve into the formation of indigenous territorialities in the Vega de Supía during the colonial era. He generously shared with me the box of research cards that record the findings of his archival research for the book on the Vega de Supía and has been always willing to solve all my questions about a territory he knows by heart, as it is his homeland.

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Profesor Germán Palacio in an event organized by the Constitutional Court in 2014. Profesor Palacio, an FIU alumnus, encouraged me to apply to the FIU doctoral program in Atlantic History and introduced me to Professor Víctor Uribe-Urán. And the rest is history, literally.

This dissertation would not have been possible without the enthusiastic and generous support of Professor Uribe-Urán. His confidence in me and my research project was critical to get admission as a funded graduate student in the FIU History Department. As my head advisor, Dr. Uribe-Urán provided the foundations of my formation in legal history and modern Latin American history. He gave critical substantive feedback on my work and patiently helped me polish my writing. While I take full responsibility for any errors contained within this manuscript, Dr. Uribe-Urán deserves credit for any contributions this dissertation may make. I will always be grateful to him for welcoming me to Miami and FIU and helping me become a historian.

Besides Dr. Uribe-Urán, other FIU's faculty members and staff significantly contributed to this dissertation come true. Professors Noble David Cook and Bianca Premo introduced me to colonial Latin American history. Dr. Cook taught me that "English is a terse language" and encouraged me to research colonial history. The Noble David Cook Atlantic History Fellowship provided financial support for the archival research on which Part I of this dissertation draws on. Dr. Bianca Premo generously has shared her insight on legal history in colonial Latin America and inspired my approach to native litigants. Professor Jenna Gibbs introduced me to American history through the lens of Native American history, for which I am deeply grateful. Professors Premo and Gibbs wrote letters of recommendation that helped me get the funding needed to complete this research.

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These years at FIU allowed me to interact with students from many different origins and backgrounds and create long-lasting friendships with some of them. Adrián Alzate received me as one of his roommates when I arrived in Miami. Being two years ahead of me in the doctoral journey, Adrián has been incredibly supportive whenever I have looked for his assistance. Melissa Gómez Hernández, the best roommate ever, provided me with friendship and hospitality both in Miami and in Colombia. Andrés Valero afforded me great conversation, insightful analysis about Colombian politics, and a place to stay during my final months in Miami, when I needed it the most. Morgan Gray, Karol Solís, Andrea

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This dissertation benefited from the contributions of many scholars who shared insights, sources, and contacts with me. Special thanks to Víctor Zuluaga Gómez, who traveled from Pereira to meet me in Manizales and share his memories and views about the indigenous land struggles he has accompanied as a committed scholar since the 1970s. Professor Albeiro Valencia Llano afforded me a long interview that helped me refine the



scope of my research and my understanding of the social history of the northwestern Caldas region. Thanks too, to Álvaro Gärtner in Riosucio, who gave me valuable insight into the local history. Professors John Jaime Correa Ramírez, Sebastián Martínez Botero, and Carlos Victoria from the Universidad Tecnológica de Pereira generously shared materials and conversations with me. So did professors Rocío Londoño, from the Universidad Nacional, Tatiana González Lopera, from the Universidad de Antioquia, and Juan Carlos Jurado from Universidad Eafit.

Esther Sánchez was extremely generous with her time and experiences, helping me contact other scholars in Bogotá. Among them was Roberto Pineda Camacho, who helped me understand the emergence of Colombian indigenismo. Gonzalo Sánchez and Medófilo Medina provided valuable clues to frame local struggles for land in Riosucio within the broader context of the 1920s-1930s peasant and leftist movements. Fernando Mayorga shared his view about the passage of Law 89 of 1890 and the overall legal frame of the privatization of resguardos. He also introduced me to Zamira Díaz López, professor at the Universidad del Cauca. Professor Díaz López welcomed me to her house in Popayán, let me access her library, and helped me read a sixteenth-century manuscript that otherwise I would not have been able to decipher. Concerning paleography, José Manuel González afforded me his transcription of excerpts of the 1627 visita by Lesmes de Espinosa Saravia and patiently assisted my attempts to read other colonial manuscripts on my own.

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and Stephanie R  ther, for the opportunity to discuss my project at the 2018 Summer Academy. During those weeks in Frankfurt, I met Karla Escobar, who was completing her dissertation on indigenous litigants in the Cauca region during almost the same period my study covers. Karla was also navigating the intricacies of a transdisciplinary journey, but relative to mine hers was the other way around: she is a historian pursuing a doctorate in law. Crossing paths with each other allowed us to share archival findings, bibliography, and great conversations. My dissertation owes much to Karla's interpretation of the significance of litigation in the making of indigenous citizenship. Another wonderful encounter was with Sof  a Lara Largo, who came to Miami in 2018 to present her research about the Black community of Guamal and its ethnic and territorial conflict with the Ca  amomo-Lomaprieta people. Since then, we began a fruitful dialogue that still continues and has nurtured me and my work in manifold ways.

The archival trips and fieldwork were the most enjoyable part of this long journey. I thank all the people who provided hospitality, allowed access, guided me through the archives, and helped me locate documents. Carol Mancera hosted me during my stays in Riosucio and made me feel at home. Cruz Edilia Correa Ram  rez opened the door of her house, the most beautiful one I have ever visited. In our memorable conversations in her kitchen, Cruz Edilia gave me valuable insight into Riosucio's history through the lens of her familial history. Thanks, too, to Mar  a Cristina Pinz  n and Oscar Velasco, who shared with me their memories and thoughts about Riosucio's culture and politics. Judge Clara In  s Naranjo Toro and the staff of the Riosucio Civil Circuit Court cleared a desk for me to work during the many weeks I spent digging into the treasures this archive contains (and witnessing the everyday workings of the Colombian judicial branch at the local level). The

Mayor of Riosucio, Bernardo Arley Hernández and Secretary of Government Darío Edgardo Tapasco gave me access to the municipal archive, where Nidia Cañas Betancur kindly provided me with a desk, guidance, and great conversation. The director of Riosucio's municipal library, Sergio Aboncé Trejos, and librarians Jorge Luis and Vidal assisted my search in the library's collection of local press and historiography. The staff of the Notary of Supía patiently bore with me during the three weeks I spent delving into its rich and well-preserved records of land transactions during the privatization era.

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archivist, for providing me with digital copies of lots of resguardo titles from the Cauca region and sharing his experiences assisting indigenous litigants in their search for archival records. Fernando Rosero guided my search for legal records in the archive of the Gobernación de Popayán.

In Bogotá, I enjoyed the hospitality of Cayena and Francisco, who rented me a room in their cozy apartment near the Biblioteca Nacional. My dear friends Gloria Amparo Rodríguez, Carolina Olarte Olarte, Jenniffer Astudillo, and Laura Rojas also hosted and nurtured me in multiple ways during the many times I visited Bogotá while doing this research. Special thanks to Laura, who patiently helped me transcribe some of the interviews for free. Thanks, too, to Susana Romero and Oscar Heladio Vargas for their guidance and help in the collection of sources in the Archivo General de la Nación, the Biblioteca Nacional, and the Biblioteca Luis Ángel Arango.

Back in Miami, the librarians and administrative staff of the FIU Green Library were always willing to assist me in the search for bibliographic material. Thanks for your incredible work. When I started writing, gaps in primary evidence emerged. Librarians Julián Mahecha and Wendy Cañón, and all the BBLA staff in charge of assisting researchers, were incredibly patient in helping me fill some of these gaps. Every time I requested, they sent me via email digitalized copies of documents that, otherwise, I would not have been able to access from Miami. I am deeply grateful to Judge Augusto Llanos for providing me with the email of the BBLA Cubículo de Investigadores service. Librarian Luis Fernando Acevedo, from the Universidad de Antioquia's library, was also extremely helpful in locating and sending materials to me. Thanks to Daniel Vallejo Soto for preparing the maps and patiently making all the changes I requested. Sharon Ciro took care

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Writing a dissertation is a challenging and rewarding exercise in self-discipline and solitude. I wrote most of this manuscript in a lovely room I rented at the house of Anolan and Otilia Fuentes in Miami, two sisters who emigrated with their parents from Cuba to Miami in the early 1960s. Those months living with Anolan provided me both the solitude I needed to write and the company of a wise woman who has taught me a great deal. Our opposite views on politics and many other things were not an obstacle but the spur that incited our dialogue and the reason why I hold Anolan's friendship as a precious gem amidst an increasingly polarized world. Another unexpected source of joy and great company came to me via Twitter. Diana Valencia (@DIANA\_VAL) had the felicitous idea of creating a writing retreat in Zoom for graduate students to share the joys and sorrows of the doctoral journey and, of course, a space for writing. I am deeply grateful to Diana, Lorena Campuzano, Natalia Santana, and Daniel Palma, the most assiduous attendees of our "retiro tesispiritual," for making it possible. The emotional and academic support we provide each other in our virtual meetings means a lot to me. The retreats, workshops, and tutoring sessions offered by the FIU Center for Excellence in Writing were greatly beneficial, too. I thank Glenn Hutchinson Jr. and Xuan Jiang for organizing them, and Diana Rivero for help me polish my writing.

My love and gratitude to those that in many ways supported me during this long journey. Thanks to Marcela Ramírez for encouraging me to find and obey the inner spirit that holds the thread of my life, to paraphrase Max Weber's words in *Science as a*

Vocation.<sup>2</sup> My friends in Colombia and elsewhere provided me with a loving network that kept me afloat all the way. Special thanks to Ana María Zapata, Jairo Marín, Clemencia Hoyos Hurtado, Jaime Mora, Lizethe Álvarez, Laura Rojas, Francisco Vanegas, Marcela Jiménez, Diana Patricia Arias, Esteban Hoyos, Liliana Rincón, Nicolás Ceballos, Daniel Gómez Mazo, Carolina Olarte, Jenniffer Astudillo, Juan Sebastián Ceballos, César Carvajal, Carolina Galindo, Omar Urán, Gabriel Nemogá, and Gregory Husband; each of you know why. Besides all the good I received from them while pursuing my first doctorate in Spain, Luis Prieto Sanchís and Perfecto Andrés Ibáñez remained steadfast long-distance mentors and friends during this second journey. I am deeply grateful for your faith and support. Thanks, too, to Raúl Antonio Castaño for advising me on how to run a marathon, which is what writing a dissertation is all about.

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<sup>2</sup> Max Weber, "Science as a Vocation," in Max Weber, *The Vocation Lectures*, edited and with an Introduction by David Owen and Tracy B. Strong, transl. Rodney Livingstone (Indianapolis: Hackett Publishing Company, 2004), 31.

ABSTRACT OF THE DISSERTATION

WE HAVE THE LAND TITLES: INDIGENOUS LITIGANTS AND PRIVATIZATION  
OF RESGUARDOS IN COLOMBIA, 1870s – 1940s

by

Gloria Patricia Lopera Mesa

Florida International University, 2021

Miami, Florida

Professor Victor Uribe, Major Professor

Pressures for the privatization of indigenous lands accompanied the making of nation-states in post-colonial Latin America and boosted the natives' quest for colonial legal documents suitable to prove their rights over indigenous communal landholdings (known in Colombia as "resguardos"). This dissertation compares the experiences of two communities - San Lorenzo and Cañamomo-Lomapieta - engaging with the law and producing legal and historical evidence to respond to the privatization of their resguardos. These communities inhabit the municipalities of Riosucio and Supía (Caldas) in the Western Colombian Andes. While the study explores the genesis of San Lorenzo's and Cañamomo-Lomapieta's communities and territories during the colonial era, its main focus is "the privatization era" that spanned from the 1870s to the 1940s.

Blending approaches and methods from legal history, social history, and ethnohistory, this dissertation discusses how Cañamomo-Lomapieta's and San Lorenzo's different trajectories in litigation during the colonial era impacted their production of resguardo titles in post-colonial times. It also analyses these communities' disparate

responses to the 1870s and 1940s campaigns for dismantling resguardos. This study draws on qualitative analysis of a wide collection of archival evidence that includes records of colonial land inspections; court and notarial records; censuses; newspapers; legislation; correspondence; and documentation of the privatization processes from the 1870s to the 1940s.

This study argues that resguardo titles trace indígenas' roots, in particular their connections to their lands and history, and encapsulate long-term processes of resistant adaptation. By engaging in title making and lawsuits, indigenous litigants left archival traces documenting their legal struggles for land and justice, enhancing their descendants' ability to prove their connection with ancestral territories and forebears. Thus, while playing by the rules of the colonial and post-colonial orders, the production of resguardo titles during the privatization era laid the foundation for today's indigenous legal, political, and moral resistance to dispossession. Finally, this study establishes that San Lorenzo's and Cañamomo-Lomaprieta's different attitudes toward litigation, dissimilar political stances, and their contrasting experiences during the 1870s campaign account for both communities' divergent responses to the last phase of the privatization process.



## TABLE OF CONTENTS

CHAPTER	PAGE
I.	INTRODUCTION..... 1
	Understanding Indians’ Land Titles..... 14
	Historiography on the Privatization of Indigenous Lands in Latin America and Colombia..... 25
	Indigenous Legal Agency and Citizenship..... 34
	Approaches, Methods, and Sources ..... 44
	Outline of Chapters ..... 52
PART ONE. THE MAKING OF INDIGENOUS COMMUNITIES, RESGUARDOS, AND LAND TITLES IN THE VEGA DE SUPÍA DURING THE COLONIAL PERIOD ..... 57	
II.	CHAPTER 1. THE APPROPRIATION OF NATIVES’ LAND AND LABOR, AND THE REMAKING OF NATIVE COMMUNITIES VIA ENCOMIENDAS AND RESGUARDOS ..... 63
	1.1. Early Colonization in the Vega de Supía (1539-1550) ..... 66
	1.2. For the Sake of the Free Vassals of the King. Legislation and Institutions to Control / Protect the Natives and Curb Encomenderos’ Power ..... 75
	1.3. The 1559 Visita to Anserma by Tomás López Medel and Juan del Valle..... 82
	1.4. Setting Possession by Dispossession. The Creation of Resguardos in the Vega de Supía (1590s-1627)..... 87
III.	CHAPTER 2. THE TRANSFORMATIONS OF COMMUNITIES AND RESGUARDOS IN THE POST-LESMES ERA..... 113
	2.1. The Transformation of Indigenous Communities, 1627-1729..... 114
	2.1.1. The Emergence of the San Lorenzo Community ..... 117
	2.1.2. The Emergence of the Cañamomo-Lomapieta Community ..... 121
	2.1.3. From Supía La Baja to the Supía Community ..... 125
	2.2. Land Disputes and the Reshaping of Resguardo Boundaries ..... 132
	2.3. The Traces of the Bourbon Reforms in the Vega de Supía..... 148
PART ONE. CONCLUSIONS ..... 173	

PART TWO. STRUGGLES FOR LAND, TITLES, AND JUSTICE DURING THE PRIVATIZATION ERA.....	180
IV. CHAPTER 3. DEFINING THE PLACE OF THE INDIANS AND THEIR LANDS IN THE EMERGING REPUBLIC.....	181
3.1. The Meandering Legal Road to the Privatization of Resguardos .....	184
3.2. The 1870s Land Rush and Its Legal Frame .....	211
V. CHAPTER 4. SETTING THE STAGE FOR PRIVATIZATION: THE VEGA DE SUPÍA IN THE 1870s.....	234
4.1. Between Cauca and Antioquia. The Borderline Districts of Riosucio, Supía, and Marmato.....	236
4.2. Demographic Landscape .....	242
4.2.1. Indians and Blacks. Parcialidades Indígenas and the Guamal Community .....	246
4.2.2. The Newcomers. Antioqueño Settlers .....	258
4.2.3. Local Elites. The Criollato Republicano .....	262
4.3. Alliances Between Elites and Indigenous Communities.....	271
4.3.1. Legal Mediation .....	272
4.3.2. The Administrators.....	275
4.3.3. Partnership in Mining Ventures .....	282
4.3.4. Partisan Politics .....	284
VI. CHAPTER 5. THE FIRST CAMPAIGN FOR PRIVATIZATION IN THE VEGA DE SUPÍA, 1874-1885.....	290
5.1. Law 44 of 1873 and its Contentious Implementation in the Vega de Supía: The Palau v. Sanz Dispute.....	293
5.2. The Controversy over the Resguardo Titles.....	298
5.3. The Makeup of Padrones de Indígenas .....	306
5.4. The Division of Resguardos: Privatization by Notarial Deeds .....	312
5.5. Legalizing the Wrongs: Law 47 of 1875 and the Denouement of the 1870s Privatization Campaign.....	326
VII. CHAPTER 6. THE REGENERATION AND THE LEGAL FRAMEWORK FOR PRESERVING RESGUARDOS.....	345
6.1. Civil Communities. Turning to the Civil Code to Protect Communal Lands .....	352
6.2. Forging Compromises: The Making of Law 89 of 1890 .....	364
6.2.1. The Genesis of Law 89 of 1890 .....	369
6.2.2. The Multiples Compromises Embedded in Law 89 of 1890 .....	378
6.3. Law 89 as an Arena of Contention.....	382
6.3.1. Making Sense of Law 89 on the Ground.....	384
6.3.2. Indígenas by Law. Asserting Indianness Under Law 89.....	392

VIII.	CHAPTER 7. INDIGENOUS LITIGANT CITIZENSHIP. STRUGGLES OVER LAND, LAW, AND TITLES DURING THE CONSERVATIVE ERA, 1890-1930 .....	399
	7.1. Land Conflicts in the Vega de Supía during the Conservative Republic....	403
	7.2. The Making of Resguardo Titles.....	412
	7.2.1. Across the Supía River. The Two Titles of Cañamomo-Lomaprieta.....	418
	7.2.2. San Lorenzo. Two Versions of (Almost) the Same Title.....	430
	7.3. The Use of Resguardo Titles in Court. Revisiting “the Fight Between the Ax and the Stamped Paper” .....	440
	7.3.1. Cañamomo-Lomaprieta. Lawsuits over La Rueda and El Peñol .....	441
	7.3.2. The Parcialidad of San Lorenzo v. Luis Horacio Zavala .....	450
IX.	CHAPTER 8. INDIGENISMO, LEFTIST POLITICS, AND RESGUARDO PRIVATIZATION DURING THE LIBERAL REPUBLIC, 1930-1946 .....	458
	8.1. Rural Mobilization, Land Policies, and the Rise of Indigenismo during the Liberal Republic.....	461
	8.2. Red and Blue Indígenas. Cañamomo-Lomaprieta and San Lorenzo during the Liberal Republic.....	471
	8.2.1. The Rise of Communist Indigenismo in Colombia.....	472
	8.2.2. Turning to the Left: Cañamomo-Lomaprieta in the 1930s .....	479
	8.2.3. San Lorenzo: Being Conservative in the Liberal Republic.....	498
	8.3. The 1940s Campaign for Resguardo Privatization .....	507
	8.4. Indigenismo v. Agrarian Individualism: The 1940s Debate Over the Breakup of Resguardos .....	518
X.	EPILOGUE AND CONCLUSIONS.....	528
	Resguardo Titles: Documentary Roots that Connect Indigenous Peoples with their Land and History .....	533
	On Indigenous Legal and Historical Agency .....	539
	Comparing San Lorenzo’s and Cañamomo-Lomaprieta’s Responses to the 1870s and 1940s Privatization Campaigns.....	545
	LIST OF REFERENCES.....	552
	APPENDICES. ....	591
	VITA .....	595

## LIST OF TABLES

TABLES	PAGE
Table 1. Indigenous Communities in Riosucio (Caldas), 2021.....	8
Table 2. Tributarios and Encomenderos in Anserma, 1559.....	84
Table 3. Encomenderos, Indians, and Enslaved Blacks in Anserma in the Visitas of 1559 and 1627.....	100
Table 4. Indians Resettled in the Vega de Supía, 1627.....	105
Table 5. Family Names in the Censuses of Sonsón and San Lorenzo.....	120
Table 6. Family Names in the Censuses of Pirza and Cañamomo – Lomaprieta.....	124
Table 7. Family Names in the Supía Censuses.....	127
Table 8. Indigenous Population in the Vega de Supía, 1729.....	131
Table 9. Population in the City-Province of Anserma, 1771.....	156
Table 10. Indigenous Population in the City-Province of Anserma, 1787.....	160
Table 11. Colombian National Laws on Resguardos, 1820-1850.....	187
Table 12. Resguardo Legislation in the State of Cauca, 1850s-1870s.....	223
Table 13. Population of the Districts of Riosucio, Supía, and Marmato, 1870-1871.....	243
Table 14. Indigenous Ancestry in San Lorenzo and Supía-Cañamomo, 1874.....	253
Table 15. Population of Riosucio, Supía, and Marmato, 1871-1919.....	408
Table 16. Estimated Population of Indigenous Parcialidades in Riosucio and Supía, 1939.....	480

## LIST OF CHARTS

CHART	PAGE
Chart 1. Ethnogenesis of Indigenous Communities in the Vega de Supía.....	115

## LIST OF MAPS

MAPS	PAGE
Map 1. Riosucio in Colombia, ca. 2021.....	6
Map 2. Riosucio and Neighboring Districts, ca. 2021.....	7
Map 3. Indigenous Territories in Riosucio, ca. 2021.....	9
Map. 4. Vega de Supía, ca. 1782.....	57
Map 5. The Vega de Supía within the Anserma Region.....	65
Map 6. Jurisdiction of the cities of Anserma, Cartago, Arma, and Antioquia by 1542.....	67
Map 7. Location of the Vega de Supía within the New Kingdom of Granada.....	69
Map 8. Relocation of Population to and from the Vega de Supía, 1627.....	103
Map 9. Indigenous Communities in the Vega de Supía, ca. 1729.....	130
Map 10. Riosucio, Quiebralomo, and the Vega de Supía, ca. 1765.....	146
Map 11. Geographic Chart of the United States of Colombia, 1864.....	214
Map 12. Borderland of the States of Antioquia, Cauca, and Tolima. Area of the Southward Antioqueño Colonization.....	216
Map 13. The Vega de Supía in the 1870s.....	241
Map 14. Nineteenth-Century Land Grants on the Southward Antioqueño Colonization.....	261
Map 15. Resguardos of Supías and Cañamomos Before the 1874 Division.....	318
Map 16. Results of the 1874 Notarized Repartimiento.....	319
Map 17. Department of Caldas, ca. 1915.....	405
Map 18. Areas Granted to the Cañamomo-Lomaprietas in the Disputes with La Montaña (1721) and Supía (1759).....	426
Map 19. Territory of the Cañamomo-Lomaprieta Resguardo, 1937.....	485

## LIST OF ABBREVIATIONS

ACC	Archivo Central del Cauca (Popayán)
ACCL	Archivo Cabildo Cañamomo-Lomaprieta (Riosucio, Caldas)
AGC	Archivo Gobernación de Caldas (Manizales)
AGI	Archivo General de Indias (Seville, Spain)
AGN	Archivo General de la Nación (Bogotá)
AJM	Archivo Judicial de Manizales (Manizales)
AMR	Alcaldía Municipal de Riosucio (Riosucio, Caldas)
BLAA	Biblioteca Luis Ángel Arango (Bogotá)
BNC	Biblioteca Nacional de Colombia (Bogotá)
JCCR	Juzgado Civil del Circuito de Riosucio (Riosucio, Caldas)
NUS	Notaría Única de Supía (Supía, Caldas)
RIPR	Registro de Instrumentos Públicos de Riosucio (Riosucio, Caldas)

## I. INTRODUCTION

*“Y dice José María, // y que estudien bien la Ley, // que en las manos los tenemos, // los títulos del virrey, // con estos nos presentamos, // al tribunal superior, // y nosotros les probamos // que sí tenemos valor.”<sup>1</sup>*

This stanza belongs to a piece entitled "Cuadrilla de Cabildantes," the lyrics of a song probably intended to be interpreted by one of the troupes (*cuadrillas*) that perform in the Carnival of Riosucio.<sup>2</sup> A typed copy of these lyrics is preserved at the Colombian National Archive. Interestingly, the lyrics are filed along with a petition the Cañamomo-Lomaprieta people - one of Riosucio's four indigenous communities - sent to the Colombian government in 1959. They requested President Alberto Lleras to redress the injustice resulting from the violent encroachment over their lands by local landowners over the past decades. The Cañamomo-Lomaprietias claimed:

It is not as the usurpers of our *resguardos* say. They contend they have deeds, and they are legitimate owners, forgetting that the *indígenas* have had a title for more than two hundred years. A title that was bequeathed to us by the Spaniards in

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<sup>1</sup> (“And José María says, // [we must] study the Law well, // as in our hands we have them, // the titles of the viceroy, // with these we present ourselves, // to the superior court // and we prove to them // that we do have value.”). “Cuadrilla de Cabildantes,” stanza II, by Clímaco A. Saldarriaga, AGN, Archivos Oficiales; Ministerio de Gobierno, Asuntos Indígenas, Litigios Resguardo Indígena Cañamomo Lomaprieta, caja 18, carpeta 4, registro 3 (caja antigua 188, carpeta antigua 1594), Fechas extremas 1959-59, fol. 172.

<sup>2</sup> The Carnival is a biennial festivity that inhabitants of the municipality of Riosucio (Caldas, Colombia) celebrate around the figure of a good devil. The Carnival commemorates this town's multiethnic and multicultural origin, which emerged from the conflictive coexistence between indigenous people, white-mestizos, and blacks in the disputed site of Riosucio. See Julián Bueno Rodríguez, *Carnaval de Riosucio. Estructura y Raíces*, T. 1 (Manizales: Editorial Madrigal, 2012). The Corporación Carnaval de Riosucio's website contains valuable materials about this festivity:

<https://www.carnavalriosucio.org/INICIO.html> (accessed March 24, 2021)



colonial times. Since then, we have believed we are the legitimate owners and that any deed within the *resguardo's* boundaries is absolutely null and void.<sup>3</sup>

These archival traces, relatively recent as they are, introduce us to a larger and older history: one that tells us about the symbolic power attached to colonial land titles, textual artifacts that have prompted indigenous' and peasants' struggles for land and justice; a history that in some way connects Riosucio's *indígenas* with Mexican revolutionary Emiliano Zapata and Colombian emblematic indigenous leader Manuel Quintín Lame. Historian John Womack tells that, in 1914, someone asked Emiliano Zapata why he and his peasant armies were fighting. Zapata pointed to an old box containing the colonial titles of Anenecuilco, his hometown in Morelos. These old, dusted documents embodied centuries-long struggles over land that fueled the Mexican Revolution.<sup>4</sup> In Colombia, meanwhile, Manuel Quintín Lame appealed to Law 89 of 1890 and colonial titles to seek the restitution of indigenous communal landholdings (known in Colombia as "*resguardos*"). Quintín Lame's legal and grassroots activism did not lead to a revolution but to an uprising - La Quintinada (1914-1917) - that spread among southern indigenous communities and ended up violently repressed by the government. The occupation of the town of Inzá, Cauca, by Lame and his forces signaled the most critical event of La Quintinada. According to

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<sup>3</sup> ("No es como dicen los usurpadores de nuestros resguardos; pues ellos alegan que tienen escrituras y que son legítimos dueños, olvidando que los indígenas tenemos un título desde hace más de doscientos años, título este que nos lo legaron los Españoles en la época colonial y que desde ese entonces estamos en la creencia de que somos los legítimos dueños y que cuanta escritura resulte dentro de los límites del resguardo peca de absoluta nulidad.") Parcialidad Indígena de Cañamomo Lomaprieta to President Alberto Lleras Camargo, Riosucio, May 10, 1959, AGN, Archivos Oficiales; Ministerio de Gobierno, Asuntos Indígenas, Litigios Resguardo Indígena Cañamomo Lomaprieta, caja 18, carpeta 4, registro 3 (caja antigua 188, carpeta antigua 1594), Fechas extremas 1959-59, fol.149.

<sup>4</sup> John Womack, *Zapata and the Mexican Revolution* (New York: Vintage Books, 1970), 371-372.

contemporary chroniclers, when Lame entered to the town of Inzá, Cauca, in November 1916, he stated:

I order my *cabildos* to take possession of their lands. I grant ten days of truce to the whites so that they may vacate. I accept no other titles of ownership but those *cédulas* granted by the King of Spain in Colombia.<sup>5</sup>

Long before the 1910s, and in regions other than southern Colombia, indigenous litigants were used to traveling to distant archives to retrieve colonial documents, which they assembled and notarized as their *resguardo* titles. They turned to these old, stamped papers to face both increasing land disputes and the policies of privatization of *resguardos* the Colombian government began to carry out - with inconsistencies and uneven results - from the 1830s up to the 1940s. Many indigenous communities went through the partition of their landholdings and, in the process, ended up assimilated into peasants. But many others did not. Those communities who refused privatization are known today as “colonial *resguardos*” (“*resguardos de origen colonial*”), which amount to sixty-five.<sup>6</sup> Since 1994, Colombian laws require colonial *resguardos* to undergo an administrative proceeding

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<sup>5</sup> (“[...] Ordeno a mis *cabildos* que tomen posesión de sus tierras; a los blancos concedo diez días de tregua para que desocupen; no acepto en ellos más títulos de propiedad que los que les otorguen las *cédulas* dadas por el Rey de España en Colombia [...].”) Jorge Villegas and José Yunis, *Sucesos colombianos, 1900-1924* (Medellín: Universidad de Antioquia, 1976), 270.

<sup>6</sup> Data provided by the Colombian Institute of Rural Development (INCODER) in 2012, in response to a personal request for information. See, Miguel Vásquez Luna, Director of INCODER’s Division of Ethnic Affairs, to Gloria Lopera, rad. 20122113241, Bogotá, May 8, 2012. These sixty-five colonial *resguardos* represent a tiny fraction of the total of indigenous *resguardos* existing in today’s Colombia, which amount to over 700. These newly created *resguardos* emerged out of the 1960s-1970s ethnic-based movements that pushed for the recovery of indigenous lands and identity along with state policies that, especially from the 1980s onward, favored the reestablishment of *cabildos* and *resguardos*. See Juan Houghton, “Legalización de los territorios indígenas en Colombia,” in *La Tierra contra la muerte. Conflictos territoriales de los pueblos indígenas en Colombia*, Juan Houghton, ed. (Bogotá: Centro de Cooperación al Indígena CECOIN – Organización Indígena de Antioquia OIA, 2008), 83-142.

intended to determine their land titles' legal validity (*vigencia legal*).<sup>7</sup> However, this legislation has been weakly enforced. Besides, some communities are reluctant to engaged in this process since they fear the government will dismiss their titles' validity, as it happened to others in the past. But, in the past decade, state agencies have begun to deny official recognition to the colonial *resguardos* that refuse to undergo the procedure intended to test the legal validity of their titles.<sup>8</sup>

Cañamomo-Lomaprieta is one of the sixty-five colonial *resguardos* that stand in today's Colombia. This indigenous territory straddles the border between the districts (*municipios*) of Riosucio and Supía in the province (*departamento*) of Caldas, Colombia. Located in the eastern slopes of the Andes' Western Mountain Range (Cordillera Occidental), Riosucio and Supía encompass the area this study focuses on. Being in the equatorial belt, Colombia does not have seasons, and the climate and ecosystem of each place vary according to its altitude. The district of Riosucio extends westward up to the Cordillera Occidental's ridges and eastward down to the Cauca River (see Map 1). This geography accounts for Riosucio to have three sub-ecosystems that correspond to three micro-climates (*pisos térmicos*): cold, temperate, and hot. Riosucio's cold highlands reach up to about 3,290 meters above sea level (10,800 ft.) and an average temperature of 10°C (50°F). The temperate midlands, where the town (*cabecera*) of Riosucio stands, range from 1,400 up to 1,800 meters (4,600 - 5,900 ft.) and enjoy a medium temperature of 20°C

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<sup>7</sup> This proceeding is required by Article 85 of Law 160 of 1994.

<sup>8</sup> Aiming to enforce this requirement, the Colombian government recently passed a new piece of legislation - Decree 1824 of December 31, 2020 - updating the proceeding to determine the legal validity of colonial *resguardos*' titles.

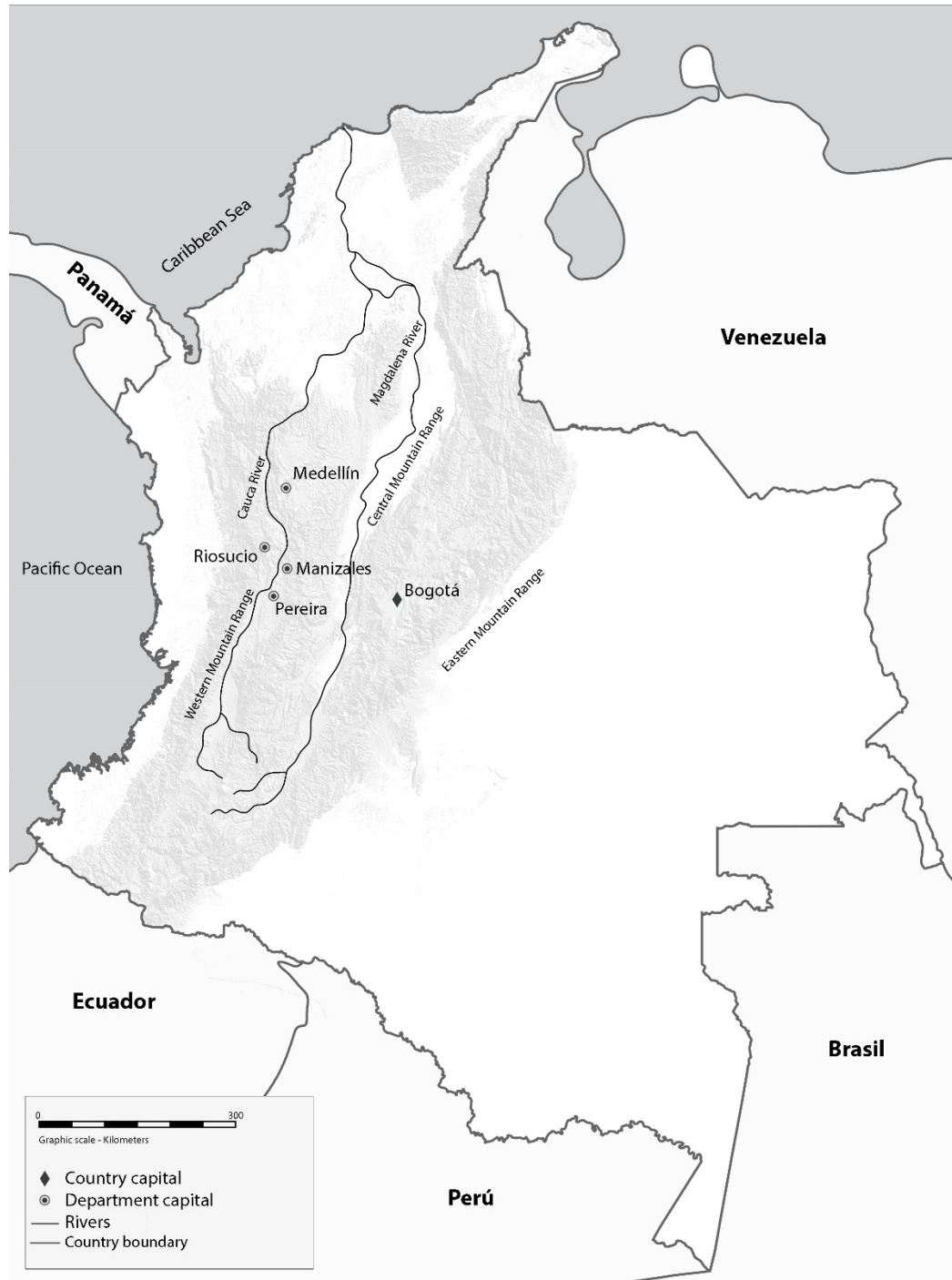
(68°F), which is ideal for growing coffee. The hot lowlands rivers stand in between 790 - 1,300 meters (2,600 - 4,200 ft.) and have an average temperature of around 28°C (82°F) that can reach up to 32°C (90°F). The town of Supía and most of this district are in the hot lowlands, an area highly suited for sugar cane crops for *panela*.<sup>9</sup>

Because of its location in the Chocó bio-geographical region, the area under study has heavy rainfall of around 100.6 inches per year.<sup>10</sup> It contributes to nourishing the many rivers and brooks that run across Riosucio and Supía, which serve as water sources and natural boundaries between the indigenous territories and the districts (see Map 2). Scattered among the plains and mountain plateaus that comprise the middle- and lowlands of Riosucio and Supía are the hills of Ingrumá, Carhunco, Sinifaná, Lomagrande, Campanario, and Alto Morón, which indigenous communities and other locals hold as sacred sites.

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<sup>9</sup> This description largely draws on the study by Laura María Gutiérrez Escobar, “The Political Ontology of Seeds: Seed Sovereignty Struggles in an Indigenous Resguardo in Colombia,” (PhD diss., University of North Carolina at Chapel Hill, 2016), 105.

<sup>10</sup> Gutiérrez Escobar, “The Political Ontology of Seeds,” 106.



Map 1. Riosucio in Colombia, ca. 2021<sup>11</sup>

<sup>11</sup> Made by Daniel Vallejo Soto, based on Nancy P. Appelbaum, *Muddied Waters. Race, Region, and Local History in Colombia, 1846-1948* (Durham: Duke University Press, 2003), 2.



Map 2. Riosucio and Neighboring Districts, ca. 2021<sup>12</sup>

<sup>12</sup> Made by Daniel Vallejo Soto, based on Appelbaum, *Muddied Waters*, 3.

Riosucio and the neighboring districts of Supía and Marmato encapsulate a fascinating history of colonization and its corollary: struggles over land, natural resources, and identities. This area’s gold deposits motivated the early settlement of Europeans and enslaved Africans, whose descendants remained in the region interacting closely with the indigenous population. According to the 2005 Colombian General Population Census, 75.4% out of Riosucio's total inhabitants identify themselves as *indígenas*.<sup>13</sup> They are distributed into four communities or *parcialidades*, as Table 1 and Map 3 illustrate:

**Table 1. Indigenous Communities in Riosucio (Caldas), 2021**

<i>Parcialidad</i>	Estimated Population	Estimated Territorial Area (in hectares) <sup>14</sup>	Districts
Cañamomo-Lomaprieta	24,080	4,826	Riosucio – Supía
La Montaña	17,506	20,300	Riosucio
San Lorenzo	12,542	5,264 – 6,299	Riosucio
Escopetera-Pirza	8,762	5,000	Riosucio - Quinchía

**Source:** Consejo Regional Indígena de Caldas – CRIDEC (website), accessed March 25, 2021, <http://crideccaldas.org/>.

<sup>13</sup> Yet, the indigenous ethnic adscription of Riosucio's inhabitants in the General Population Censuses (GPC hereinafter) has been quite mercurial. In the 1993 GPC, 41% of the Riosucio's residents identified themselves as *indígenas*, a figure that climbed up to 75,4% in 2005. The last GPC was taken in 2018, but ethnic data per municipality are not yet available. The information about the 1993 GPC is taken from Nancy P. Appelbaum, *Dos plazas y una nación: raza y colonización en Riosucio, Caldas 1848-1948* (Bogotá: ICANH-Universidad de los Andes-Universidad del Rosario, 2007), 22. For the 2005 GPC, see “Boletín, Censo General 2005. Perfil Riosucio – Caldas,” Departamento Nacional de Estadística – DANE, accessed March 25, 2021, <http://www.dane.gov.co/files/censo2005/perfiles/caldas/riosucio.pdf>.

<sup>14</sup> These data correspond to the areas either covered by the *resguardo* titles or claimed by each community as its territory. The area effectively possessed and controlled by each community may be shorter because of the presence of non-indigenous settlers and privately-owned estates within most *resguardos*. Information on San Lorenzo’s territorial area was taken from Luis Javier Caicedo, *Los Títulos de San Lorenzo. Recopilación y estudio de los títulos de propiedad del Resguardo Indígena de San Lorenzo, Riosucio, Caldas, con miras al saneamiento integral del territorio* (Riosucio: Cabildo Indígena de San Lorenzo, 2011), 146-148.



Map 3. Indigenous Territories in Riosucio, ca. 2021<sup>15</sup>

*Indigenas* from Riosucio are Spanish speakers and mostly Catholics. Native languages, religions, and other cultural distinctive features gradually vanished due to long-standing processes of colonization and acculturation. With some differences among each

<sup>15</sup> Made by Daniel Vallejo Soto, based on Appelbaum, *Muddied Waters*, 22, and a sketch made by Luis Javier Caicedo.



other, these communities' economic basis mostly consists of agriculture. They combine basic subsistence crops suitable for warm, middle-range, and high altitudes (sugarcane, maize, plantain, beans) with the production of coffee for domestic and export markets. Small-scale mining has been also an important part of their economy. In recent decades, indigenous women's work in the textile maquilas located in Riosucio urban area, or as domestic workers; and, remittances from *indígenas* working in nearby cities or abroad, have come to represent an ever-growing share of these communities' livelihood.

Like other indigenous peoples in Latin America, Indianness, governing structures, and communal life among Riosucio's communities have been largely shaped by institutions inherited from colonial times. The basic indigenous ethnic unity – the community - is also known as "*parcialidad*" and is ruled by a semi-autonomous government council called "*cabildo*." The term "*resguardo*" designates the territorial unit an indigenous community holds under a communal-property title granted either by colonial or post-colonial state authorities. "*Resguardo*" has been a polysemous notion, however. Besides this core meaning, the word "*resguardo*" was used in the colonial- and early republican times to refer to both the communal landholding and the title deeds that attested the community's land rights. Meanwhile, in recent times, *indígenas* from Riosucio mean by "*resguardo*" their communal landholdings and the community they belong to.

Today, the four *parcialidades* existing in Riosucio think of themselves as part of the Embera-Chamí indigenous nation and are recognized as such by other Embera-Chamí communities and the Colombian government. Like all ethnogenesis processes, the identification of these communities as Embera-Chamís has a history. This one began at

some point in the 1970s, long after the period this study covers.<sup>16</sup> Thus, to avoid anachronisms, this dissertation will not refer to Riosucio native communities as Embera-Chamís. Instead, it will call them by the specific names each one has taken over time.

I first contacted the Cañamomo-Lomaprieta people in 2007, when they allowed me to conduct a study on indigenous jurisdiction (right to administer justice through a system of courts run by the community and based on communally agreed sanctions) and land property rights within their community.<sup>17</sup> While doing fieldwork, I found two striking elements in the Cañamomo-Lomapietas' memories. The first is the central role that colonial titles played in these narratives. In our multiple conversations about the proliferation of private property claims within the community's territory, don Ernesto

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<sup>16</sup> Around the 1970s, the Colombian government officials began to identify indigenous communities settled in and around Riosucio as part of the Embera-Chamí people. Likely, geographical proximity and interactions between these communities and the Chamís who inhabit southwestward, in Mistrató, accounted for such identification. Thus, labeling *indígenas* from Riosucio as Embera-Chamí allowed the state to make sense of these peoples' Indianness in terms of the broader categories of indigenous ethnicity familiar to the 1970s Colombian anthropologists. Over time, the identification as part of the larger Embera-Chamí nation resonated with - and buttressed - the re-indigenization process that Riosucio's communities undertook from the 1980s on. Some locals, however, contend that such Embera-Chamí adscription taken by Riosucio *indígenas* is fake. Starting in 2008, a group of indigenous families from La Iberia - an emblematic site at the core of Cañamomo-Lomapietas' territory - began to distance themselves both from the Cañamomo-Lomaprieta community and the Embera-Chamí ethnic adscription as well. What started as an internal political dissent ultimately turned into an ethnic division that led to the emergence of the Cumba community. The Cumbas identify themselves as part of the Quimbaya Indian nation rather than as Embera-Chamís. On the process that led to the identification of indigenous communities of Riosucio and Supía as Embera-Chamís and the disputes about it, see Consejo Regional Indígena de Caldas CRIDEC, “¿Por qué pervivimos los indígenas en Caldas? Con comentarios de Julián Bueno Rodríguez,” (working document, CRIDEC, Proyecto Embera Kirimcha Harapadadé, Material para el componente de Planes de Vida, Riosucio, 2008). I thank Luis Javier Caicedo, who participated in the elaboration of this document, for sharing it; Esther Sánchez Botero, Oscar Vargas, Yefferson Dueñas, Carlos Ariel Ruiz, and Fernando Mayorga, “Documento de recomendaciones para la delimitación y titulación del Resguardo de Origen Colonial Cañamomo y Lomaprieta. Sentencia T-530 de 2016 – Grupo de Expertos” (Official Report submitted to the Agencia Nacional de Tierras by the group of experts appointed in fulfillment of the requirements set by Constitutional Court Decision T-530 of 2016, Bogotá, 2018), 125-128.

<sup>17</sup> Gloria Patricia Lopera-Mesa, “Territorios, identidades y jurisdicciones en disputa: la regulación de los derechos sobre la tierra en el resguardo Cañamomo-Lomaprieta,” *Universitas Humanística* 69 (2010): 61-81.

Tapasco, an elderly member of the *cabildo*, insisted that: "a lesser title deed cannot prevail over the greater title deed."<sup>18</sup> But when I asked Cañamomo-Lomaprieta's authorities to show me their colonial titles, they were reluctant to do so. The high symbolic value they attach to that "greater title deed," plus a long history of bad experiences with lawyers, well account for such resistance. Still, in 2010, after about three years of collaborative legal research with the Cañamomo-Lomaprieta people, they allowed me to consult and make a copy of a thick file that is kept in the *cabildo*'s archive. This bunch of legal papers, which they assembled and bundled as their *resguardo* titles, became the seed of this research. Another remarkable element of Cañamomo-Lomaprieta's memories is the story of how their ancestors refused to engage in the program of privatization of *resguardos* the Colombian government carried out in the 1940s. In their narrative of resistance, the Cañamomo-Lomaprietas compare themselves with the neighboring community of San Lorenzo that, by contrast, accepted the division of their *resguardo*. The aim of delving into that packet of photocopies and understanding both communities' seemingly disparate responses to privatization drove me to this dissertation.

This is a comparative study of how the communities of San Lorenzo and Cañamomo-Lomaprieta engaged in the production of *resguardo* titles and used these documents and the law to face the pressures for division and commodification of their communal lands during the critical decades from the 1870s to the 1940s. This period covers the two main campaigns for dismantling *resguardos* the state authorities carried out in the

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<sup>18</sup> ("Una escritura menor no puede prevalecer sobre una escritura mayor.")

region under study: the first one took place by the mid-1870s and the second one in the 1940s. This time span will be hereinafter referred to as "the privatization era."

Comparing the cases of Cañamomo-Lomapieta and San Lorenzo with one another sheds light on the three central themes that sum up the subject of this monograph: *resguardo* titles, privatization policies, and indigenous legal agency and citizenship. First, this dissertation discusses the circumstances surrounding the production and use of San Lorenzo's and Cañamomo-Lomapieta's *resguardo* titles during the privatization era. It disentwines the multiple layers of evidence these documents contain, including the archival traces of litigation whereby these indigenous communities built up and deployed historical, legal, and moral continuity with the colonial past. Through these archival traces, indigenous litigants sought the connection both with the lands they claimed as their *resguardo* and the forebears that had claimed and litigated the right to keep them as their territory. It also examines how indigenous litigants, their counterparts, and the courts made sense of the *resguardo* titles during the privatization era. By doing so, this study enhances our understanding of this genre of legal and historical evidence in its materiality, content, and historical nature.

Second, this monograph analyzes the privatization of indigenous land in the context of the country's trials of state-nation making and modernization. It discusses Colombian *resguardo* legislation against the backdrop of partisan politics, the swaying between federalist and centralist regimes, and the rush for land and natural resources that intensified with the drive towards an agro-export economy in the 1870s. This dissertation moves beyond legal texts to examine how the 1870s and 1940s campaigns for *resguardo*

privatization unfolded in the region under study and their impact on communities, territories, and identities.

Finally, this dissertation peers into *indígenas'* legal agency and how litigation became a primary avenue for indigenous citizenship during the privatization era. It contributes to the large and growing scholarship on Indians' legal agency by shedding light on the role of natives in the production and subsequent use of *resguardo* titles in intense litigation to maintain or restore their ancestral territory. It delves into the specific ways in which Colombian *indígenas* participated in shaping the legal framework within which disputes over privatization of their communal lands took place. This study advances scholarship on Colombian *indígenas'* legal agency during the privatization era, which has focused mainly on southern Cauca communities, by bringing attention to a region that has been far less studied from this perspective.

Following is an overview of the literature on these three broad themes in order to show how this dissertation engages with and contributes to advance scholarship on these various matters.

### **Understanding Indians' Land Titles**

Legally speaking, the notion of "title" refers to the basis or the foundation for a right, particularly the legal basis for property ownership. It also means the document or deed serving as evidence of having such a right.<sup>19</sup> In colonial Spanish America, however, the

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<sup>19</sup> For the concept of "*título*" see Mariana Armond Dias Paes, "Escravos e terras entre posses e títulos: a construção social do direito de propriedade no Brasil (1835-1889)" (PhD diss., University of Sao Paulo, 2018), 76-85.

concept of "title" entailed more than a single deed. As ethnohistorian James Lockhart explains

The notion of "title" in the colonial Spanish world went beyond the concept of a simple deed. Full title – whether to land, territory, or jurisdiction – involved not only an original grant or sale, but also an investigation on the spot to consult third parties and see if the situation was as described, and finally formal acts of giving and taking possession. Only then did the grant or sale, until that point merely virtual or hypothetical, enter into force. A Spanish notary would keep a running record of the whole proceeding, repeatedly signed by officials and witnesses; this record, appended to the original grant, order, or the like, constituted the title.<sup>20</sup>

Accordingly, Indians' land titles comprised all the documentary evidence of the proceedings whereby Spanish Crown representatives delimited Indian towns and their corresponding territories. The time and manner those proceedings unfolded were contingent upon how the policies aimed at setting up *pueblos de indios* and their respective land base were enforced across the Spanish empire. Concerning the New Kingdom of Granada, the establishment of *pueblos de indios* and their landholdings (*resguardos*) took place through a series of land inspections (*visitas a la tierra*) that judges (*oidores*) of the highest court in a territory (*Real Audiencia*) conducted from 1593 to 1670. Upon setting up the *resguardo* boundaries, Royal Court's *oidores* usually handed to the chief of the pueblo a written certificate of the community's right over the lands enclosed into said boundaries. Yet, as historian Diana Bonnett notes, these documents usually ended up in the hands of the priests, who became "the true holders of the *resguardo* land titles."<sup>21</sup> When a

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<sup>20</sup> James Lockhart, "Views of Corporate Self and History in Some Valley of Mexico Towns: Late Seventeenth and Eighteenth Centuries," in *The Inca and Aztec States 1400-1800*, eds. George A. Collier, Renato I. Rosaldo and John D. Wirth (New York: Academic Press, 1982), 367-393 (quote, 371).

<sup>21</sup> Diana Bonnett Vélez, *Tierra y comunidad. Un problema irresuelto. El caso del altiplano cundiboyacense (Virreinato de la Nueva Granada) 1750-1800* (Bogotá: Universidad de los Andes, 2002), 38.

community lost its original title deed, as it frequently happened, indigenous authorities usually tried to retrieve from the Royal Court archive a legalized copy of the excerpt of the corresponding *visita* containing the delimitation and allocation of their *resguardo*. This document became a centerpiece of the Indians' land title but was by no means the only one. As historical entities, indigenous communities and territories might change over time, and their land titles recorded those changes. During the remainder of the colonial era, some communities experienced the redefinition of their *resguardo* boundaries due to increasing land disputes, the consolidation of the hacienda system, and Bourbon policies merging Indian pueblos and shrinking *resguardos*. The trail of legal writing resulting from proceedings that settled disputes and requests for land protection (*amparos de tierras*) also became part of the *resguardo* land titles.

In that vein, a *resguardo* title may be defined as the composite set of documents, produced at different times and by various authors, recording the events that shaping the boundaries of a specific indigenous territory. These documents include excerpts from records of *visitas*, lawsuits, and notarized testimonies of ancestral possession and boundaries of a given *resguardo*. Indigenous litigants played a pivotal role in the production of this genre of legal and historical evidence. They journeyed to distant colonial archives seeking dusty colonial records of events that happened centuries earlier. By gathering, assembling, and notarizing these records, indigenous litigants created a documentary path that connects their land claims at a certain time with those events dating back to colonial times they hold as the foundational landmarks of their *resguardos*.

Scholarship on Indians' land titles - the broader genus to which *resguardo* titles belong - mostly comes from the field of ethnohistory. This literature has focused mainly on "*títulos*

*primordiales*" (primordial titles), a unique variant of land titles found most often among the Nahuas of central New Spain (today's Mexico) and some indigenous communities scattered through Mesoamerica.<sup>22</sup> What makes *títulos primordiales* so distinct is that they are neither the original records nor authorized contemporary copies of land grants, lawsuits, and other legal documents that usually comprise Natives' land titles. Instead, primordial titles are "parallel records," indigenous-language manuscripts, authored by native intellectuals, chronicling the history of an Indian town, its boundaries, and landmarks that shaped both the community and its territory.<sup>23</sup> These historical events include versions of the community's genesis in pre-conquest times, the coming of the Spaniards, the creation of a given Indian town and the delimitation of its communal lands by colonial authorities, the founding of the town's church, and the diseases that decimated its population, among others.<sup>24</sup> At the core of a primordial title is the identification of the area a community claims as its territory accompanied by a narrative that tells about the natives' memory of lands possessed or once possessed. Although some passages mimic official legal records, primordial titles convey the Indians' perspective, specifically that of the community's male-elite elderly members, with a tone of advice to future generations to protect the town and

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<sup>22</sup> Following Lockhart, most scholars hold that, although this genre dated from the mid-seventeenth century, its denomination as "primordial" titles came later, probably from the nineteenth century. Lockhart, "Views of Corporate Self," 370. By contrast, Mexican historian Margarita Menegus-Bodermann claims that the appellative "primordial" already appears in manuscripts dated from the mid-seventeenth century. Margarita Menegus-Bodermann, "Los títulos primordiales de los pueblos de indios," in *Dos décadas de investigación en historia económica comparada en América Latina. Homenaje a Carlos Sempat Assadourian*, ed. Margarita Menegus-Bodermann (México: El Colegio de México –CIESAS - Instituto Mora – Centro de Estudios sobre la Universidad, 1999), 207-230 (on the genesis of the "primordial" label, 219).

<sup>23</sup> Lockhart, "Views of Corporate Self," 372.

<sup>24</sup> Paula López Caballero, *Los Títulos Primordiales del Centro de México* (México: Conaculta – Cien de México, 2003), 55-62.



preserve its lands.<sup>25</sup> Most primordial titles include maps and other pictorial documents that, in some cases, take precedence over the written portions, which may appear only as prose interpretations of the former.<sup>26</sup>

From the mid-seventeenth century onwards, as land disputes increased, Nahua communities began to submit this type of evidence to viceregal courts to back their land claims as replacements for lost or non-existent official Spanish-language titles. While colonial authorities validated primordial titles as legitimate evidence in some cases, in many others, they were ignored or deemed as forgeries, and even seized and burned.<sup>27</sup> Indeed, primordial titles contain inaccuracies, anachronisms, chronological and thematic disjunctions that make them problematic in terms of Western models of historical narrative. Also, titles from different communities share common passages, seemingly copied and borrowed from one another, which suggests interchange of texts among the authors or even that the documents were crafted in a kind of centralized workshop.<sup>28</sup> Moreover, in many cases, the paper, handwriting, and pictorial features reveal these documents were crafted

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<sup>25</sup> In that vein, Wood argues that “the label ‘titles’ is unfortunate because these are not formal deeds in any sense of the term. They are subjective, interested versions or accounts of a long list of past events as they relate to a given town.” Stephanie Wood, “The Social vs. Legal Context of Nahuatl Títulos,” in *Native Traditions in the Postconquest World*, ed. Elizabeth Hill Boone and Tom Cummins (Washington, D.C.: Dumbarton Oaks, 1998), 201-231 (quote 210).

<sup>26</sup> Charles Gibson, “Prose Sources in the Native Historical Tradition,” in Robert Wauchope, ed., *Handbook of Middle American Indians*, vol. 15. *Guide to Ethnohistorical sources*, part. 4, Howard E. Cline et. Al. (Austin: University of Texas Press, 1975), 311-321 (on primordial titles, 320-321); Lockhart, “Views of Corporate Self,” 373; López Caballero, *Los Títulos Primordiales*, 39; Robert Haskett, *Visions of Paradise. Primordial Titles and Mesoamerican History in Cuernavaca* (Norman: University of Oklahoma Press, 2005), 5.

<sup>27</sup> Wood, “The Social vs. Legal Context of Nahuatl Títulos,” 201-203.

<sup>28</sup> Haskett, *Visions of Paradise*, 8.

centuries later than the dates their content attests.<sup>29</sup> For all these reasons, both contemporary colonial officials and some modern scholars deemed primordial titles as fake evidence in strict historical terms.

Early historiography holds the view of primordial titles as deliberate forgeries that Indians crafted to support their land claims. In that vein, Charles Gibson, one of the first scholars who addressed this genre, notes that the natives' memories that primordial titles encoded "might be misguided or deliberately contrived to support a claim."<sup>30</sup> Similarly, James Lockhart points that "as reports of certain events or justification of certain territorial claims," primordial titles are "patently inaccurate, poorly informed, false, and even in some sense deliberately falsified."<sup>31</sup> Nonetheless, both Gibson and Lockhart find primordial titles to be revealing sources about the permanence of pre-Hispanic institutions during the early colonial period and about the natives' views of and adaptation to the Spanish domination.

From a slightly different approach that draws on the history of mentalities, Serge Gruzinski argues that "the incomparable value of the Titles resides in the 'forgery' itself." He suggests that "what is fake according to the criteria of historiography and colonial law can express a different apprehension of the past, a singular grasp of the event and of

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<sup>29</sup> Wood, "The Social vs. Legal Context of Nahuatl Títulos," 210.

<sup>30</sup> Gibson, "Prose Sources in the Native Historical Tradition," 321; see also by Charles Gibson, *The Aztecs Under Spanish Rule. A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford: Stanford University Press, 1964), 271-287, 294.

<sup>31</sup> Lockhart, "Views of Corporate Self," 371.

history."<sup>32</sup> Gruzinski explores what primordial titles reveal about the natives' mastery of writing, how they appropriated alphabetic writing to crystallize the memory of the pueblos, and, by doing so, contributed to the construction of colonial identities. Similarly, Martin Lienhard addresses primordial titles as an indigenous literary genre whereby natives preserved oral memories in written form.<sup>33</sup>

Recent studies have shed new light on the social and legal context in which primordial titles were produced, their functions beyond supporting land claims, their intended audience, and the natives' knowledge and views on history and justice they convey. Margarita Menegus-Bornemann argues that Indians crafted primordial titles in response to the 1591 legislation on *composiciones de tierras* and, later, to Bourbon policies intended to merge *pueblos de indios* and downsize their landholdings. Spanish Crown land policies sparked Indians' need to write down the history of their properties. These documents convey natives' claim for colonial authorities to keep and respect the colonial pact whereby Indians accepted to submit to the Spanish Crown's authority, as long as their property rights were recognized.<sup>34</sup> Meanwhile, Stephanie Wood contends that the production of primordial titles grew out of pre-Columbian land tenure practices that the natives encoded in pictorial and written form since early colonial times. Wood places this genre's origin in Spaniards' request for Indians to bring forward evidence of their landholdings' boundaries to

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<sup>32</sup> Serge Gruzinski, "The Primordial Titles or the Passion for Writing," in *The Conquest of Mexico. The Incorporation of Indian Societies into the Western World, 16<sup>th</sup>-18<sup>th</sup> Centuries*, trans. Eileen Corrigan (Cambridge: Polity Press, 1993 [1988]), 98-145 (quote 99).

<sup>33</sup> Martin Lienhard, *La voz y su huella: Escritura y conflicto étnico-social en América Latina, 1492-1988* (La Habana: Ediciones Casa de las Américas, 1990), 76-77.

<sup>34</sup> Menegus-Bornemann, "Los títulos primordiales de los pueblos de indios," 213, 224-225.

determine which lands were "vacant" and, therefore, eligible for allocation to private settlers by royal land grants.<sup>35</sup> Robert Haskett explores the significance of primordial titles beyond serving as land documents. He argues these documents are indigenous texts that encoded "mythic visions of the past" intended to certify the political legitimacy of Indians rulers.<sup>36</sup> Eleanor Wake discusses the symbolic and ideological meaning of the celestial and cosmological references included in the text of some primordial titles and maps.<sup>37</sup> This broader examination of primordial titles' contents and functions has led to discuss their primary audience. Wood agrees with Lockhart's thesis that these documents were originally intended for an internal indigenous audience and only incidentally ended up serving as evidence in agrarian litigation.<sup>38</sup> By contrast, Menegus-Bornemann and López Caballero contend that Spanish courts were the primordial titles' intended audience.<sup>39</sup> All in all, what stands as a solid point of agreement among recent scholarship is that "primordial titles are not frauds and are far more than simple land records," as Wood states.<sup>40</sup>

While the aforementioned studies focus on the production and use of primordial titles during the colonial period, Ethelia Ruiz Medrano discusses the retrieval, creation, and use

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<sup>35</sup> Wood, "The Social vs. Legal Context of Nahuatl Títulos," 209-210, 220, 227.

<sup>36</sup> Haskett, *Visions of Paradise*, 21-24.

<sup>37</sup> Eleanor Wake, "The Dawning Places: Celestially Defined Land Maps, Títulos Primordiales, and Indigenous Statements of Territorial Possession in Early Colonial Mexico," in *Indigenous Intellectuals. Knowledge, Power, and Colonial Culture in Mexico and the Andes*, ed. Gabriela Ramos and Yanna Yannakakis (Durham: Duke University Press, 2014), 202-236.

<sup>38</sup> Wood, "The Social vs. Legal Context of Nahuatl Títulos," 210, 227; Lockhart, "Views of Corporate Self," 372-373.

<sup>39</sup> Menegus-Bornemann, "Los títulos primordiales de los pueblos de indios," 213, 224-225; López Caballero, *Los Títulos Primordiales del Centro de México*, 27, 75.

<sup>40</sup> Wood, "The Social vs. Legal Context of Nahuatl Títulos," 202.

of indigenous land titles (including primordial titles) in post-colonial times. As early as 1830, Mexican indigenous communities began to search for - and to craft - their land titles as part of their strategies to face the privatization of their communal lands. Indians' efforts to retrieve colonial documents intensified during the Porfiriato and continued long after the Revolution. Ruiz Medrano finds that it was usual that official paleographers translated, copied, and certified contents natives had crafted and written in their primordial titles, making it possible for indigenous' voices to enter the archives officially. Through extensive documentation, this author shows the significance Indians have attached to archival records and primordial titles as documentary shields to defend their lands.<sup>41</sup>

By contrast with the large body of literature on Mesoamerican primordial titles, Indians' land titles in the Andean region have been far less researched. Joanne Rappaport's seminal studies on the making of indigenous historical knowledge by Nasa and Cumbal intellectuals shed light on the *resguardo* titles' distinctive features. Her initial approach to the genre draws on colonial records that Colombian southern Indians retrieved from the archives and notarized in the decades after the passage of Law 89 of 1890. Rappaport's ethnohistorical research with the Cumbal people looks into the complex structure of their *resguardo* title, noting its polyphonic, intertextual, and multilayered nature.<sup>42</sup> But rather than focusing on the materiality or the conditions of production of *resguardo* titles, Rappaport's early works center on their reception and use. She explores how indigenous

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<sup>41</sup> Ethelia Ruiz Medrano, *Mexico's Indigenous Communities. Their Lands and Histories, 1500-2010* (Colorado: University Press of Colorado, 2010), Chapter 3, 151-210; Ethelia Ruiz Medrano, Claudio Barrera Gutiérrez and Florencio Barrera Gutiérrez, *La lucha por la tierra. Los títulos primordiales y los pueblos indios en México, siglos XIX y XX* (Mexico: Fondo de Cultura Económica, 2012).

<sup>42</sup> Joanne Rappaport, *Cumbe Reborn. An Andean Ethnography of History* (Chicago & London: The University of Chicago Press, 1994), 97-122.

intellectuals have interpreted these documents through the filter of native forms of memory and everyday experience to create narratives that emphasize the continuity between past and present struggles for land and self-government. Moreover, Rappaport emphasizes *resguardo* titles' pivotal role in nourishing ethnic identity for peoples, such as the Nasa (or Paez), whose territorial base has shifted over time and whose population has grouped and regrouped with members of other ethnic groups. In those cases, she notes, the historical continuity that defines the group as a distinct entity "is more moral than actual" and heavily relies on its members' active engagement with the production and transmission of historical knowledge. Rappaport draws on the notion of "textual community" to contend that the continuous interpretation of the *resguardo* titles provides "a source of moral continuity" upon which the Nasa people have built up their identity as a group and their moral link with the past and the territory.<sup>43</sup>

Rappaport and Cummins's more recent study on indigenous literacies in the Andes during the colonial era revisits the genre of Indian titles. This work provides a comprehensive examination of these documents' materiality, conditions of production, and the ritual and symbolic value attached to them. Borrowing Nicolas Thomas' expression, Rappaport and Cummins characterize Indians' title deeds (including land and chiefdom titles) as "entangled objects," palimpsestic sets of papers in which "the voices of numerous cultural actors and different historical periods are inextricably intertwined."<sup>44</sup> These

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<sup>43</sup> In her words, "the source of moral continuity that the Paez have always drawn with their past is born of the interpretation of key texts, most important among them being the *resguardo* titles." Joanne Rappaport, *The Politics of Memory. Native historical interpretation in the Colombian Andes* (Cambridge: Cambridge University Press, 1990), 183-184.

<sup>44</sup> Joanne Rappaport and Tom Cummins, *Beyond the Lettered City. Indigenous Literacies in the Andes* (Durham: Duke University Press, 2012), 118. For the notion of "entangled objects," see Nicolas Thomas,

authors delve into the titles' multilayered structure to explore their intercultural nature, emphasizing how indigenous voices and views entered into the colonial records mediated by those of translators, scribes, and notaries, most of them Spaniards. Their study points out the differences between Andean Indians' titles and primordial titles by exploring rare instances of the former that bear some resemblance with their Mexican counterpart (such as the Nasa people's title to Vitoncó). Moreover, drawing on Michell-Rolph Trouillot's framework on the process of historical production, Rappaport and Cummins discuss Indians' agency in the creation of sources, archives, narratives, and the attribution of retrospective significance to them. Notwithstanding their valuable contribution to understanding *resguardo* land titles, Rappaport's and Rappaport and Cummins's works remain primarily focused on Colombian southern indigenous peoples. Also, they center on the historical significance Indians attach to their titles, leaving non-indigenous litigants' and state officials' appraisal of these documents unaddressed.

This dissertation advances the available knowledge of *resguardo* land titles by discussing indigenous litigants' engagement in the production and use of these documents in the context of the privatization era. It enhances our understanding of the complex materiality of these "entangled objects." It also advances knowledge about their historical nature by discussing the circumstances that boosted the production of *resguardo* titles during the period from the 1890s to the 1930s. Moreover, this monograph delves into the different levels of Indians' historical agency that *resguardo* titles attest. These documents portray natives both as actors in the social processes that titles record and as contributors

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*Entangled Objects. Exchange, Material Culture, and Colonialism in the Pacific* (Cambridge, Mass: Harvard University Press, 1991).

to the making of this genre of legal and historical evidence. Finally, by shedding light on the ways state officials appraised *resguardo* titles during the privatization era, this dissertation contribute to set in historical perspective current debates on the legal validity of *resguardo* titles.

## **Historiography on the Privatization of Indigenous Lands in Latin America and Colombia**

A large and growing body of scholarship addresses the multiple political, legal, socioeconomic, and cultural questions surrounding the privatization of indigenous lands in post-colonial Latin America. This literature reveals that efforts to disentail indigenous communal landholdings were a crucial element of state-nation making processes in the newly independent republics that emerged from the collapse of the Spanish Empire. Altogether, these studies show how privatization policies' variances in timing and mode across the region were contingent upon economic forces, socio-cultural dynamics, and native peoples' agency.

Some of these studies explore the connection between the privatization of indigenous lands and Liberalism, as the credo that inspired creole lawmakers throughout the nineteenth century even across partisan lines. The edited volume *Liberals, the Church, and Indian Peasants* (1997), by Robert H. Jackson, analyzes how economic and political liberalism shaped corporate land reforms and how they unfolded in Mesoamerica and the Andean region. Jacobsen's and Langer and Jackson's contributions to this volume explore how contending liberal views on property rights impacted nineteenth-century debates over



the dismantling of indigenous communal lands in Perú and Bolivia.<sup>45</sup> Moving from ideological debates to partisan politics, Xiomara Avendaño-Rojas and Rene Reeves show how Guatemalan Conservatives pioneered the division of indigenous landholdings long before the advent of the Liberal Reform in 1871.<sup>46</sup> This dissertation engages in this conversation by showing that, in Colombia, the privatization of indigenous landholdings was a bipartisan policy. It also finds that nineteenth-century legislation intended to defer the dismantling of *resguardos* and protect indigenous communities did not result from Conservative governments' mercy but from the bargaining between *indigenas* and regional ruling elites.

Literature on nation-making highlights the close linkage between privatization policies and nineteenth-century debates on the place of Indians - and Indianness - in the post-colonial order. Brooke Larson's *Trials of Nation Making* offers a comparative survey on the different ways native peasantries negotiated with creole ruling elites a place for themselves within emerging Andean republics.<sup>47</sup> Tristan Platt's, Brooke Larson's, and Laura Gotkowitz's works about Bolivia, as well as by Mark Thurner's, and Charles Walker's studies on Perú, provide an in-depth approach to the linkage between land

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<sup>45</sup> Nils Jacobsen, "Liberalism and Indian Communities in Peru, 1821-1920," and Erick D. Langer and Robert H. Jackson, "Liberalism and the Land Question in Bolivia, 1825-1920," in *Liberals, the Church, and Indian Peasants. Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert H. Jackson (Albuquerque: University of New Mexico Press, 1997), 123-170, 171-192.

<sup>46</sup> Xiomara Avendaño-Rojas, "Pueblos indígenas y república en Guatemala, 1812-1870," in *La reindianización de América, siglo XIX*, ed. Leticia Reina (México: Siglo XXI - CIESAS, 1997), 109-119; Rene Reeves, *Ladinos with Ladinos, Indians with Indians. Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala* (Stanford: Stanford University Press, 2006).

<sup>47</sup> Brooke Larson, *Trials of Nation Making* (New York and Cambridge: Cambridge University Press, 2004).

policies, Indianness, and nation-making in the Andean region.<sup>48</sup> Altogether, these studies show that privatization policies made their way even in countries that did not think of themselves as mestizo nations and, instead, largely preserved social and racial boundaries between the native peasantry and creoles, as happened in Bolivia, Perú, and Ecuador. For Guatemala, Rene Reeves and Greg Grandin discuss the interplay of privatization policies with ethnic boundaries between ladinos and Indians.<sup>49</sup> Meanwhile, Jeffrey Gould's monograph on Nicaragua and Aldo Lauria-Santiago's study on El Salvador delve into the connection between the blueprint of a mestizo nation and the demise of indigenous communal lands.<sup>50</sup> These works show how the dismantling of natives' landholdings and communities was at the core of nation-making processes in countries that pursued the path of mestizaje.

Compared with these cases, Colombia took a middle path by embracing mestizaje while acknowledging the existence of "savage" *indígenas* in the country's peripheral areas and of some spots of "semi-civilized" *indígenas* in the Andean and Caribbean regions. This

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<sup>48</sup> Tristan Platt, *Estado boliviano y ayllu andino: Tierra y tributo en el norte de Potosí* (Lima: Instituto de Estudios Peruanos, 1982); Tristan Platt, "The Andean Experience of Bolivian Liberalism, 1825-1900: Roots of Rebellion in 19th-Century Chayanta (Potosí)," in *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18<sup>th</sup> to 20<sup>th</sup> Centuries*, ed. Steve J. Stern (Madison: The University of Wisconsin Press, 1987), 280-323; Brooke Larson, *Cochabamba, 1550-1900. Colonialism and Agrarian Transformation in Bolivia*, 2<sup>nd</sup> ed (Princeton: Princeton University Press, 1988; Durham and London: Duke University Press, 1998); Laura Gotkowitz, *A Revolution for Our Rights. Indigenous Struggles for Land and Justice in Bolivia, 1880-1952*; Mark Thurner, *From Two Republics to One Divided. Contradictions of Postcolonial Nation Making in Andean Peru* (Durham and London: Duke University Press, 1997); Charles F. Walker, *Smoldering Ashes: Cuzco and the Creation of Republican Peru, 1780-1840* (Durham and London: Duke University Press, 1999).

<sup>49</sup> Greg Grandin, *The Blood of Guatemala. A History of Race and Nation* (Durham and London: Duke University Press, 2000); Reeves, *Ladinos with Ladinos, Indians with Indians*.

<sup>50</sup> Jeffrey L. Gould, *To Die in This Way. Nicaraguan Indians and the Myth of Mestizaje, 1880-1965* (Durham and London: Duke University Press, 1998); Aldo A. Lauria-Santiago, *An Agrarian Republic. Commercial Agriculture and the Politics of Peasant Communities in El Salvador, 1823-1914* (Pittsburg: University of Pittsburg Press, 1999).

dissertation contributes to the conversation about privatization policies, Indianness, and nation-making. It documents how denying the actual existence of *indígenas* was a strategy widely deployed to delegitimize natives' land claims, particularly in regions where they had experienced long-lasting processes of acculturation and miscegenation. This study also indicates that, although Indianness was closely tied to the persistence of the *resguardo-cabildo* regime, some communities who ultimately accepted the breakup of their *resguardos* did not think of holding land under a private title as incompatible with Indianness.

Concerning approaches, some works provide general overviews of the relevant legislation and policies on privatization of indigenous lands, analyzing them against the background of the political and economic circumstances that accompanied their adoption. Remarkable examples of this approach are Donald Fraser's surveys on Mexican policies; Nils Jacobsen's on Perú; Edda Samudio's on Venezuela; Jorge Villegas and Antonio Restrepo's, Mónica Martini and Fernando Mayorga García's monographs on Colombian nineteenth-century *resguardo* legislation; as well as the comparative study by Carlos Murgueitio on Mexico and Colombia.<sup>51</sup> While these works offer a comprehensive picture

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<sup>51</sup> Donald J. Fraser, "La política de desamortización en las comunidades indígenas, 1856-1972," *Historia Mexicana* 21 (1972), reprinted in *Los pueblos de indios y las comunidades. Lecturas de historia mexicana*, ed. Bernardo García Martínez (México: Colegio de México, 1991), 219-256; Jacobsen, "Liberalism and Indian Communities in Peru," 123-170; Edda Samudio, "Las tierras comunales indígenas en el escenario agrario del siglo XIX venezolano. El caso de Mérida," *Historia Caribe* vol. X, no. 27 (2015): 25-68; Jorge Villegas and Antonio Restrepo, *Resguardos de indígenas y reducción de salvajes, 1820-1890* (Medellín: Centro de Investigaciones Económicas – Universidad de Antioquia, 1977); Mónica Patricia Martini and Fernando Mayorga García, "Los derechos de los pueblos originarios sobre sus tierras de comunidad. Del Nuevo Reino de Granada a la República de Colombia," in *Un giudice e due leggi. Pluralismo normativo e conflitti agrari in Sud America*, ed. Mario Losano (Milano: Giuffrè, 2004), 35-73; Fernando Mayorga García, *La propiedad territorial indígena en la provincia de Bogotá. Del proteccionismo a la disolución, 1831-1857* (Bogotá: Academia Colombiana de Jurisprudencia, 2012); Fernando Mayorga García, *Datos para la historia de la propiedad territorial indígena en el suroccidente Colombiano* (Bogotá: ICANH, 2017); Carlos Alberto Murgueitio Manrique, "El proceso de desamortización de las tierras indígenas durante las repúblicas liberales

of the matter, usually from a national perspective, they miss the complex dynamics that accompanied the enforcement of the privatization policies on the ground. To capture such complexities, most studies on the matter draw on case studies that are local or regional in scope. This close-up approach allows to capture the multiple – often clashing and shifting – interests, levels of governance, and social forces striving to shape land property rights, as well as the natives' strategies of resistance and accommodation to privatization policies.<sup>52</sup>

Some of these on-the-ground studies delve into the relationship between the emergence of agrarian capitalism and privatization policies. This historiography reveals that, despite significant differences in timing across the region, pressures for commodification of indigenous land and resources intensified from the 1850s on, when Latin American countries began to head toward agro-export economies. This trend is discussed by Florencia Mallon's study on peasant communities in Peru's central highlands and, more recently, in the first chapters of her trailblazing book on the Chilean Mapuche community of Nicolás Ailío.<sup>53</sup> This relationship is also explored by Tristan Platt's analysis of the 1874 Bolivian Disentailment Law; John Coatsworth's, Michael Ducey's, Jennie

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de México y Colombia, 1853-1876," *Anuario de Historia Regional y de las Fronteras* 20, no. 1 (2015): 73-95.

<sup>52</sup> Emilio Kourí highlights the importance of this close-up approach when it comes to study the privatization of communal lands. See Emilio H. Kourí, "Interpreting the Expropriation of Indian Pueblo Lands in Porfirian Mexico: The Unexamined Legacies of Andrés Molina Enríquez," *Hispanic American Historical Review* 82, 1 (2002): 69-117; and, *A Pueblo Divided. Business, Property, and Community in Papanlla, Mexico* (Stanford: Stanford University Press, 2004), 1-4, 256-257.

<sup>53</sup> Florencia E. Mallon, *The Defense of Community in Peru's Central Highlands. Peasant Struggle and Capitalist Transition, 1860-1940* (Princeton: Princeton University Press, 1983); and, *Courage Tastes of Blood. The Mapuche Community of Nicolás Ailío and the Chilean State, 1906-2001* (Durham and London: Duke University Press, 2005).

Purnell's, and Emilio Kourí's studies on the division of communal lands in Porfirian Mexico; Grandin's analysis on the privatization of Quetzaltenango's ejidos in Guatemala; and Lauria-Santiago's monograph on the rise of agrarian capitalism in El Salvador.<sup>54</sup>

One point that emerges from these studies is that the privatization of communal lands went hand in hand with the appropriation of public lands (*baldíos*). Yet, Colombian historiography usually tackles both issues separately. Literature on agrarian conflicts tends to focus on the appropriation of public lands, without addressing how the legislation on *resguardos* was enforced on the ground and how conflicts over *baldíos* were intertwined with those over indigenous lands. Taking the nineteenth-century laws on division of *resguardos* at face value, Colombian agrarian historiography tends to assume that, except for some spots of indigenous communal lands that endured in southwestern Cauca, *resguardos* had disappeared by the end of the nineteenth century elsewhere in Colombia. In her pathbreaking study on Colombian agrarian conflict, for instance, Catherine LeGrand assumed as a matter of fact that indigenous *resguardos* had been extinguished by the republican legislation and, therefore, the remaining Indians who inhabited areas of frontier expansion were “*colonos* occupying *baldíos*.”<sup>55</sup> This assumption overlooks that, in other

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<sup>54</sup> Platt, *Estado boliviano y ayllu andino*, chapters 3 and 4; John Coatsworth, “Railroads, Landholding, and Agrarian Protest in the Early Porfiriato,” *The Hispanic American Historical Review* 54, no. 1 (Feb. 1974): 48-71; Michael T. Ducey, “Liberal Theory and Peasant Practice. Land and Power in Northern Veracruz, México, 1826-1900,” in *Liberals, the Church, and Indian Peasants. Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert H. Jackson (Albuquerque: University of New Mexico Press, 1997), 65-93 (especially 82-85); Jennie Purnell, “With All Due Respect: Popular Resistance to the Privatization of Communal Lands in Nineteenth-Century Michoacán,” *Latin American Research Review* 34, no. 1 (1999): 85-121; Kourí, *A Pueblo Divided*; Grandin, *The Blood of Guatemala*, 110-129; Lauria-Santiago, *An Agrarian Republic*.

<sup>55</sup> Catherine LeGrand, *Frontier Expansion and Peasant Protest in Colombia, 1850-1936* (Albuquerque: University of New Mexico Press, 1986), 9-10, 20. In the foreword to the recent reissue of the Spanish version of this book, LeGrand acknowledges that this assumption was a “blind spot” in her research. Catherine LeGrand, *Colonización y Protesta Campesina en Colombia, 1850-1936* (Bogotá: Universidad Nacional – Uniandes – Cinep, 2016), xxix. Similarly, Kalmanovitz and Machado assume that, except for the Cauca

regions of the country, far beyond southwestern Cauca, indigenous communities managed to keep their *resguardos* undivided. Such a misleading narrative on the disappearance of *resguardos* displays an inaccurate picture of the complex nineteenth-century agrarian landscape in Colombia. It also carries negative implications for present-day land claims as it denies the persistence of indigenous territorialities that withstood the privatization policies.

Meanwhile, a large and growing body of research addresses the breakup of *resguardos* in Colombia, in the form of regional case studies. Altogether, this literature sheds light on the variations that the privatization and commodification of lands had in diverse regional and local settings due to differences in legal framework, political and socio-economic realities, and the various responses and strategies deployed by the actors involved. Most of these studies focus on the privatization of *resguardos* in the Colombian central highlands - Cundinamarca and Boyacá - proving the complexities and uneven enforcement of this policy even in those areas where the process was relatively successful.<sup>56</sup> Others discuss the interplay of the privatization of *resguardos* and the

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southwest, by 1850 there were no *resguardos* in Colombia. Salomón Kalmanovitz, “El régimen agrario durante el siglo XIX en Colombia,” in *Manual de Historia de Colombia II*, ed. Jaime Jaramillo Uribe (Bogotá: Procultura, 1984), 221-224; Absalón Machado (in collaboration with Julián Vivas), *Ensayos para la historia de la política de tierras en Colombia. De la colonia a la creación del frente nacional* (Bogotá: Universidad Nacional de Colombia, Facultad de Ciencias Económicas - Centro de Investigaciones para el Desarrollo, 2009), 49.

<sup>56</sup> On the privatization of *resguardos* in Colombian central highlands, see Orlando Fals Borda, *El hombre y la tierra en Boyacá. Bases socio-históricas para una reforma agraria* (Bogotá: Ediciones Documentos Colombianos, 1957), 98-110; Guillermo Hernández Rodríguez, *De los Chibchas a la colonia y al a república (del clan a la encomienda y al latifundio en Colombia* (Bogotá: Biblioteca Básica Colombiana – Colcultura, 1975, 1st. ed, 1949), 300-324; Glenn Curry, “The Disappearance of the Resguardos Indígenas of Cundinamarca, Colombia, 1800-1863,” Ph.D. Dissertation (Tennessee, Vanderbilt University, 1981); Juan David Delgado Roza, “Continuidades y reconfiguraciones de los pueblos ante el sistema republicano: gobierno local, organización espacial y propiedad comunal en la provincia de Bogotá, 1780-1857,” Ph.D. Dissertation (Ciudad de México, Colegio de México, 2017). On land surveyors’ role in the partition of *resguardos* along the high plains surrounding Bogotá and the contribution of this process to Colombian state-

expansion of cattle ranches in the Caribbean region.<sup>57</sup> The few existing studies on Tolima show how the privatization of *resguardos* in the tobacco region of Ambalema contributed to the emergence of agrarian capitalism in 1850s Colombia.<sup>58</sup> Concerning Antioquia, the scholarship highlights the early disappearance of most *resguardos* in this region except those of western Antioquia, where conflicts resulting from the allocation of *baldíos* within the Cañasgordas *resguardo* arose by the late nineteenth century.<sup>59</sup> Meanwhile, studies on southwestern Cauca emphasize how, amidst increasing pressures over indigenous lands and resources, local communities and regional ruling elites negotiated the passage of legislation ensuring the protection of Cauca *resguardos* throughout the nineteenth

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making, see Lina del Castillo, *Crafting a Republic for the World. Scientific, Geographic, and Historiographic Inventions of Colombia* (Lincoln: University of Nebraska Press, 2018), Chapter 3, 122-158.

<sup>57</sup> See Sergio Paolo Solano and Roicer Alberto Flórez, “Resguardos indígenas, ganadería y conflictos sociales en el Bolívar Grande, 1850-1875,” *Historia Crítica*, 34 (2007), 92-117; Sergio Paolo Solano and Roicer Flórez Bolívar, “La expropiación de las tierras del resguardo indígena de Tubará y las normas jurídicas de la época,” *Revista Justicia* 12 (2007): 81-89; Sergio Paolo Solano y Roicer Flórez B., “Indígenas, mestizaje, tierras y poder en el Caribe Colombiano, siglo XIX,” *Indiana. Ibero-Amerikanisches Institut*, 26 (2009): 267-95; Sergio Paolo Solano and Roicer Flórez Bolívar, “Indígenas, tierra y política en Colombia. Las comunidades indígenas del Bolívar Grande en la segunda mitad del siglo XIX,” *Mundo Agrario* 13, no. 25 (2012): 1-34.

<sup>58</sup> María Teresa Uribe de Hincapié and Jesús María Álvarez Gaviria, “El proceso de la apropiación de la tierra en Colombia 1821-1850: una perspectiva regional para el análisis,” *Lecturas de economía*, 16 (1985): 63-154 (on Ambalema *resguardos*, see 73-74, 95-97); Elías Castro Blanco, *La extinción de los resguardos indígenas de Colombaima y Paquiló en Ambalema en el siglo XIX* (Bogotá: Gráficas Sajor, 1999); Carlos Antonio Zambrano Burbano, “Participación política y resistencia indígena durante el Estado Soberano del Tolima, 1861-1886,” Undergraduate Monograph (Ibagué: Universidad del Tolima, 2016).

<sup>59</sup> See Roger Brew, *El desarrollo económico de Antioquia desde la Independencia hasta 1820* (Bogotá: Banco de la República, 1977), 191-196; Uribe and Álvarez, “El proceso,” 63-154; Lina Marcela González Gómez, “Indios y ciudadanos en Antioquia 1800-1850. Demografía y sociedad,” Undergraduate Monograph (Medellín, Universidad Nacional de Colombia, 1993); Wither Amalia Salazar, “Resguardos en Antioquia. Crisis y desintegración, 1750-1850,” Undergraduate Thesis (Medellín, Universidad de Antioquia, 1994); Julián Pérez Ríos, “‘Los indígenas no saben más que tejer canastos’. Despojo sobre las tierras del resguardo de Cañasgordas, al noroccidente de Colombia (1886-1920),” *Boletín de Antropología. Universidad de Antioquia*, Vol. 26, N. 43 (2012): 11-41; Yohana Patricia Ruffiner Méndez, “El resguardo de Cañasgordas Una fisura interna del pueblo ‘paisa’,” *Homo Habitus*, 5 (marzo 2008): 1-19; Daniel Palacios Gómez, “‘Nos veremos en la necesidad de ir a buscar la paz i el sosiego en las vastas soledades que nos rodean.’ Disolver, enajenar y resistir. Indios en Antioquia, 1845-1863,” *Revista Ciencias y Humanidades* Vol. VI, no. 6 (2018): 123-150.

century.<sup>60</sup> Recent monographs address the impact of the 1940s process of division of *resguardos* on some southern Cauca communities.<sup>61</sup>

Finally, historiography on the northern districts of Cauca - the area this study focuses on - discusses the role of local elites in the passage of the laws that boosted the 1870s campaign for *resguardo* privatization. This literature analyzes the real estate boom resulting from the commodification of indigenous lands and its consequences over territorialities and identities. In that vein, González Escobar discusses how this process reshaped territorialities in the Vega de Supía and allowed for the transition from foreign-controlled mining to one based on local mining ventures. Nancy Appelbaum discusses the interplay between Antioqueño colonization and the 1870s campaign for *resguardo* privatization and how the natives' divergent responses to the division process may account for its uneven impact on Riosucio's indigenous communities.<sup>62</sup>

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<sup>60</sup> See Juan Friede, *El indio en la lucha por la tierra*. (Bogotá: Punta de Lanza, 1976), 93-145; J. León Helguera, "Los resguardos indígenas en el sur: un aporte documental del año 1834," *Anuario Colombiano de Historia Social y de la Cultura*, 11 (1983): 342-349; María Teresa Findji and José María Rojas, *Territorio, economía y sociedad Páez* (Cali: Universidad del Valle, 1985), 61-101; Fernanda Muñoz, "De tierras de resguardo, solicitudes y querellas: participación política de indígenas caucanos en la construcción estatal (1850-1885)", *Historia Crítica*, 55 (Jan-March 2015): 153-177.

<sup>61</sup> Brett Troyan, *Cauca's Indigenous Movement in Southwestern Colombia. Land, Violence, and Ethnic Identity* (New York: Lexington Books, 2015), 65-82; Oscar Vargas, *Construcción de la Territorialidad Campesina tras la disolución de los resguardos en Turminá, Inzá, Cauca*. M.A. Thesis (Bogotá: Universidad Nacional de Colombia, 2015), 42-53.

<sup>62</sup> On the privatization of *resguardos* in the Cauca northern districts, see Víctor Zuluaga Gómez, *Vida, pasión y muerte de los indígenas de Caldas y Risaralda* (Pereira: Gráficas Olímpica, 1995); Víctor Zuluaga Gómez, *Extrañados en su tierra* (Pereira: Ediciones Oriana, 1996); Víctor Zuluaga Gómez, *Una historia pendiente. Indígenas desplazados en el Antiguo Caldas* (Pereira: Graficas Buda, 2006); Albeiro Valencia Llano, *Colonización, fundaciones y conflictos agrarios. Gran Caldas y Norte del Valle* (Manizales: Tizán, 2000); Nancy P. Appelbaum, "Remembering Riosucio. Race, Region, and Community in Colombia, 1850-1950" (PhD diss, University of Wisconsin-Madison, 1997);" and, *Muddied Waters. Race, Region, and Local History in Colombia, 1846-1948* (Durham and London: Duke University Press, 2003); Luis Fernando González Escobar, *Ocupación, Poblamiento y Territorialidades en la Vega del Supía, 1810-1950* (Bogotá: Ministerio de Cultura, 2002); Luis Javier Caicedo, *Cinco siglos de historia de Riosucio (Caldas). Con énfasis en la conformación del territorio* (Pereira: Universidad Tecnológica de Pereira, 2018), 65-111.



This dissertation advances historiography on the breakup of indigenous landholdings in two specific ways. First, it aims to bring together two subjects - *resguardos* and *baldíos* - that scholars have addressed separately despite their deep connection with one another. Specifically, this study reveals that controversies over the legal status - either *resguardos* or *baldíos* - of the lands *indígenas* claimed as theirs were at the core of the disputes that unfolded during the privatization era. Second, this dissertation sheds new light on the 1870s process of division of indigenous landholdings and shows its implications for the denouement of the 1940s privatization campaign in the region under study. By doing so, this study enhances our understanding of Cañamomo-Lomapieta's and San Lorenzo's different and paradoxical experiences facing privatization.

### **Indigenous Legal Agency and Citizenship**

Indians' active engagement with the law in Spanish America has been a broadly discussed topic from different perspectives.<sup>63</sup> Early monographs discuss the role of Indian Courts and *protectores de indios* as institutions that, by serving a modicum of justice to the natives, contributed to legitimizing colonial dominance in Spanish America.<sup>64</sup> A second wave of studies analyze courts as critical sites for the making of colonial legal culture.<sup>65</sup>

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<sup>63</sup> For a complete survey of the field, see Yanna Yannakakis, "Indigenous People and Legal Culture in Spanish America," *History Compass* 11/11 (2013): 931-947.

<sup>64</sup> In that vein, see Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, Los Angeles, and London: University of California Press, 1983); Charles Cutter, *The Protector de Indios in Colonial New Mexico, 1651-1821* (Albuquerque: University of New Mexico Press, 1986); Diana Bonnet Vélez, *Los protectores de naturales en la Audiencia de Quito. Siglos XVII Y XVIII* (Quito: FLACSO-Ecuador, 1992).

<sup>65</sup> A pioneering study in that trend is Charles Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of Mexico New Press, 1995).

Focused on Mexico, Kellogg highlights that colonial courts served as “powerful tools of acculturation” that altered natives’ views of family, property, and gender, and played a critical role in building up Spanish cultural hegemony.<sup>66</sup> Meanwhile, Herzog sheds light on how everyday rituals of justice displayed at Quito’s criminal courts shaped colonial legal culture and provided legitimacy by ensuring colonized subjects of the presence of a physically absent king.<sup>67</sup> This institutional-centered approach also prevails in more recently edited volumes that explore ecclesiastical courts as sites for indigenous litigation.<sup>68</sup>

Most studies, however, depart from this institutional-centered approach to focus, instead, on Indians as legal agents, discussing the natives’ engagement with the law in the context of colonial politics. Stern’s seminal contribution on the matter portrays indigenous litigation as a double-edged sword: both a space to confront oppression, and an instrument of colonial rule and exploitation that reinforced social hierarchies even within Indian society.<sup>69</sup> Some studies discuss the impact of natives’ litigation over local politics and the

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<sup>66</sup> Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman: University of Oklahoma Press, 1995).

<sup>67</sup> Tamar Herzog, *Upholding Justice. Society, State, and the Penal System in Quito (1650-1750)* (Ann Arbor: The University of Michigan Press, 2004).

<sup>68</sup> See Ana de Zaballa and Jorge Trasloheros, coords., *Los indios ante los foros de justicia religiosa en la Hispanoamérica virreinal* (México: Universidad Nacional Autónoma de México, 2010); Ana de Zaballa Beascoecha, ed., *Los indios, el Derecho Canónico y la justicia eclesiástica en la América virreinal* (Madrid, Frankfurt, Orlando, FL: Iberoamericana-Vervuert, 2011).

<sup>69</sup> Steve Stern, “The Social Significance of Judicial Institutions in an Exploitative Society: Huamanga, Peru, 1570-1640,” in *The Inca and Aztec States, 1400-1800*, eds. George A. Collier, Renato I. Rosaldo and John D. Wirth (New York: Academic Press, 1982), 289-320; and *Peru’s Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 2nd ed. (1982; Madison: University of Wisconsin Press, 1993).

colonial institutions that sustained the Spanish empire.<sup>70</sup> Others explore the genesis, significance, and strategic uses of the legal status of Indians as “miserable.”<sup>71</sup> Some others analyze how, besides playing within the colonial legal system, Andean native elites also resorted to a wide array of extralegal means - such as rebellion, witchcraft, theological knowledge, and pre-Conquest ideas of legitimacy - to confront colonial power and to carve out a place for themselves within the Spanish empire.<sup>72</sup>

While keeping an eye on the political angle of indigenous legal agency, a growing body of literature pays closer attention to the socio-cultural issues related to the natives’ litigation. Some of these studies focus on the role of native intermediaries as cultural

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<sup>70</sup> John Charles, “More *Ladino* than Necessary: Indigenous Litigants and the Language Policy Debate in Mid-colonial Peru,” *Colonial Latin American Review*, 16/1 (2007): 23-47; Luis Miguel Glave, “Gestiones trasatlánticas. Los indios ante la trama del poder virreinal y las composiciones de tierras (1646),” *Revista Complutense de Historia de América* vol. 34 (2008): 85-106; José Carlos de la Puente Luna, “Into the Heart of the Empire: Indian Journeys to the Habsburg Royal Court,” (PhD diss, Texas Christian University, 2010); Ethelia Ruiz Medrano and Susan Kellogg, eds, *Negotiation Within Domination* (Boulder: University Press of Colorado, 2010); Caroline Cunill, “La negociación indígena en el Imperio Ibérico: aportes a su discusión metodológica,” *Colonial Latin American Review* 21, issue 3 (2012): 391-412; Caroline Cunill, “Phillip II and Indigenous Access to Royal Justice: Considering the Process of Decision-Making in the Spanish Empire,” *Colonial Latin American Review*, vol. 24/4 (2015): 505-524; Nancy E. van Deusen, *Global Indios. The Indigenous Struggle for Justice in Sixteenth-Century Spain* (Durham & London: Duke University Press, 2015).

<sup>71</sup> Bartolomé Clavero, “Espacio colonial y vacío constitucional de los derechos indígenas,” *Anuario Mexicano de Historia del Derecho*, vol. VI (1994): 61-86; Thomas Duve, “La condición jurídica del indio y su consideración como persona miserabilis en el Derecho indiano,” in *Un giudice e due leggi. Pluralismo normativo e conflitti agrari in Sud America*, ed. Mario Losano (Milano: Giuffrè, 2004), 3-33; Caroline Cunill, “El indio miserable: nacimiento de la teoría legal en la América colonial del siglo XVI,” *Cuadernos Intercambio* 8:9 (2011): 229-248.

<sup>72</sup> Sergio Serulnikov, *Subverting Colonial Authority. Challenges to Spanish Rule in Eighteenth-Century Southern Andes* (Durham & London: Duke University Press, 2003); José Carlos de la Puente Luna, *Los curacas hechiceros de Jauca. Batallas mágicas y legales en el Perú colonial* (Lima: Pontificia Universidad Católica del Perú, 2007); Alcira Dueñas, *Indians and Mestizos in the “Lettered City”: Reshaping Justice, Social Hierarchy, and Political Culture in Colonial Peru* (Boulder: University of Colorado Press, 2010); Elizabeth Penry, *The People are King. The Making of an Indigenous Andean Politics* (New York: Oxford University Press, 2019).

brokers between indigenous communities and colonial authorities.<sup>73</sup> Many others delve into the rhetoric of the cases, the crafting of legal arguments and notions of justice in order to track indigenous participation in the making of colonial legal culture.<sup>74</sup> In that vein, Bianca Premo highlights how the natives and other subaltern litigants played an active role in producing, rather than reproducing, the Enlightenment and modern ways of thinking about law and justice.<sup>75</sup> Taking a gender approach, some studies discuss the role of the colonial legal system in reinforcing patriarchy and the limited chances litigation offered indigenous women to contest it.<sup>76</sup> Meanwhile, Owensby and Ross's edited volume addresses from a comparative perspective the issues of legal intelligibility and the

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<sup>73</sup> Berta Ares Queija and Serge Gruzinski, coords., *Entre dos mundos. Fronteras Culturales y Agentes Mediadores* (Sevilla: Escuela de Estudios Hispano-Americanos de Sevilla, 1997); Yanna Yannakakis, *The Art of Being In-Between. Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham and London: Duke University Press, 2008); John Charles, *Allies at Odds: The Andean Church and its Indigenous Agents, 1583-1671* (Albuquerque: University of New Mexico Press, 2010); Kathryn Burns, "Making Indigenous Archives: The Quilcaycamayoc of Colonial Cuzco," *Hispanic American Historical Review* 91/4 (2011): 665-689.

<sup>74</sup> Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2008); Renzo Honores, "Colonial Legal Polyphony: Caciques and the Construction of Legal Arguments in the Andes, 1550-1640," in *International Seminar on the History of the Atlantic World, 1500-1825* (Cambridge, MA: Harvard University, 2010), 1-24; Alcira Dueñas, "The Lima Indian Letrados: Remaking the República de Indios in the Bourbon Andes," *The Americas* 72, issue 1 (January 2015): 55-75; José Carlos de la Puente Luna, "That Which Belongs to All: Khipus, Community, and Indigenous Legal Activism in the Early Colonial Andes," *The Americas* 72, issue 1 (January 2015): 19-54; Bianca Premo, "Legal Writing, Civil Litigation, and Agents in the 18th-Century Spanish Imperial World," *Oxford Research Encyclopedia of Latin American History*, Feb 2017 (DOI: 10.1093/acrefore/9780199366439.013.247)

<sup>75</sup> Bianca Premo, *The Enlightenment on Trial. Ordinary Litigants and Colonialism in the Spanish Empire* (New York, NY: Oxford University Press, 2017).

<sup>76</sup> Susan Kellogg, *Law and the Transformation*; Steve J. Stern, *The Secret History of Gender. Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: The University of North Carolina Press, 1995); Susan Schroeder, Stephanie Wood and Robert Haskett, eds, *Indian Women of Early Mexico* (Norman: University of Oklahoma Press, 1997); Karen Graubart, *With our Labor and Sweat. Indigenous Women and the Formation of Colonial Society in Peru, 1550-1700* (Stanford, CA: Stanford University Press, 2007); Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth-Century Spanish Empire," *Comparative Studies in Society and History*, 53/2 (2011): 261-289; Victor Uribe-Uran, *Fatal Love: Spousal Killers, Law, and Punishment in the Late Colonial Spanish Atlantic* (Stanford: Stanford University Press, 2016).

transformations of notions of justice and law resulting from the British and Iberian colonialism in the Americas.<sup>77</sup>

As Yannakakis points out, "colonial legal culture persisted across the divide of Independence, forming a touchstone for collective identities and an idiom through which popular-state relations continued to be negotiated, even as constitutions and national legal codes came and went."<sup>78</sup> This continuity is particularly salient when it comes to legal struggles over land and natural resources, a domain in which evidence, laws, and notions of justice coming from the old regime have underpinned native litigants' claims in post-colonial times. Indeed, the broad timeframe covered by studies such as Ruiz-Medrano's monograph on Mexico and Belmessous' edited volume aims to bridge the divide - and highlight continuities - between the colonial and national periods.<sup>79</sup>

Following the long-lasting tradition of making legal claims before colonial authorities, *indígenas* also stood as active litigants in postcolonial Latin America. Native litigants contributed to shaping the legal framework within which disputes over privatization of indigenous communal lands took place throughout the nineteenth and the first half of the twentieth century. The Latin American historiography on indigenous legal agency during the privatization era points out that natives' engagement with the law went

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<sup>77</sup> Brian P. Owensby and Richard J. Ross, ed. *Justice in a New World. Negotiating Legal Intelligibility in British, Iberian, and Indigenous America* (New York: New York University Press, 2018).

<sup>78</sup> Yannakakis, "Indigenous People and Legal Culture in Spanish America," 939.

<sup>79</sup> Ruiz Medrano, *Mexico's Indigenous Communities. Their Lands and Histories, 1500-2010*; Saliha Belmessous, ed., *Native Claims. Indigenous Law against Empire, 1500-1920* (Oxford: Oxford University Press, 2012).

far beyond using it as a mere instrument for supporting their land claims. Rather, as the scholarship on Bolivian *caciques apoderados* demonstrates, indigenous litigants challenged experts' authority and monopoly over legal knowledge by asserting their own interpretations on privatization laws and, more broadly, their right to participate in the social making of the law.<sup>80</sup> Indigenous litigants appropriated some elements of colonial and republican legislation, which they blended and reinterpreted according to their views on law and justice.<sup>81</sup> They resorted to colonial documents and legislation to assert historical land rights while appealing to the liberal framework that privileged private property to claim legal protection of their communal lands and water resources.<sup>82</sup>

As it had been during the colonial era, legal intermediaries between the natives and the state continued playing a crucial role in post-colonial Latin America. But the Indians' legal defense, formerly provided by the colonial state through the *protectores de naturales*, increasingly fell into the hands of private lawyers and, more often, *tinterillos* (pettifoggers or informal attorneys). Latin American historiography on lawyers has delved into the

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<sup>80</sup> On Bolivian *caciques apoderados*, see Gotkowitz, *A Revolution for Our Rights*; Pilar Mendieta Parada, "Caminantes entre dos mundos: los apoderados indígenas en Bolivia (siglo XIX)," *Revista de Indias*, vol. LXVI, no. 238 (2006): 761-782. On bilingual scribes in post-colonial Bolivia, see Tristan Platt, "De mediación sin intérpretes a escribanos bilingües. Diglosia, bilingüismo y escritura en la provincia de Chayanta (Potosí) durante la República boliviana (1830-1950)," *Anthropologica* XXXVI, no. 41 (2018): 145-193.

<sup>81</sup> Thurner, *From Two Republics*, 139; Rossana Barragán, "Los títulos de la Corona de España de los indígenas: para una historia de las representaciones políticas, presiones y negociaciones entre Cádiz y la República Liberal," *Boletín Americanista* LXII, 2, no. 65 (2012): 15-37; Nuria Sala i Vila, "Indígena y abogado: el caso de José Domingo Coquehuanca de Azángaro," *Histórica* XLII, 2 (2018): 43-88;

<sup>82</sup> Ruiz Medrano, *Mexico's Indigenous Communities*, 151-210; Ducey, "Liberal Theory and Peasant Practice," 75-85. The legal agency of indigenous peasants in the context of the Mexican revolution is thoroughly discussed in a recent work by Helga Baitenmann, *Matters of Justice. Pueblos, the Judiciary, and Agrarian Reform in Revolutionary Mexico* (Lincoln: University of Nebraska Press, 2020).

institutional aspects of the legal profession, lawyers' familial, political, and intellectual networks, their participation in the independence movements and in the state-nation making.<sup>83</sup> The few studies on the legal profession that approach *tinterillos* mostly focus on the conflicts between trained lawyers and these informal practitioners.<sup>84</sup> Altogether, scholarship on the legal profession pays little attention to lawyers and *tinterillos'* engagement with subaltern groups. However, a growing body of literature discusses the role of these legal practitioners as mediators between the *indígenas*, the state, and local elites. This scholarship links *tinterillos'* increasing presence in indigenous litigation with changes in power dynamics at the local level and the growing disconnection between indigenous peoples and the central state that took place after independence.<sup>85</sup> These studies address issues of subaltern's representation and shared legal agency that such mediation involves.<sup>86</sup> Finally, they contest the stereotypical view of *tinterillos* as abusive players who

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<sup>83</sup> Victor M. Uribe-Uran, *Honorable Lives. Lawyers, Family, and Politics in Colombia, 1780-1850* (Pittsburgh: University of Pittsburgh Press, 2000); Rogelio Pérez Perdomo, *Los abogados de América Latina: una introducción histórica* (Bogotá: Universidad Externado de Colombia, 2004); for its English version, see Rogelio Pérez-Perdomo, *Latin American Lawyers. A Historical Introduction* (Stanford, CA: Stanford University Press, 2006); Ricardo Pelegrín Taboada, "Shades of Liberalism: Lawyers and Social, Political, and Legal Transformations in Nineteenth-Century Cuba," (PhD diss, Florida International University, 2018).

<sup>84</sup> Andrés Lira González, "Abogados, tinterillos y huizacheros en el México del siglo XIX," *Estudios Históricos – Instituto de Investigaciones Jurídicas UNAM* 17 (1984): 375-392; Juan Carlos Vélez Rendón, "Abogados, escribanos, rúbulas y tinterillos. Conflictos por la práctica del derecho en Antioquia, 1821-1843," *Estudios Políticos* 32 (2008): 13-51.

<sup>85</sup> Andrés Guerrero, "De protectores a tinterillos: la privatización de la administración de las poblaciones indígenas (dominadas)," in *Los pueblos campesinos de las Américas. Etnicidad, cultura e historia en el siglo XIX*, eds. Heraclio Bonilla and Amado A. Guerrero Rincón (Bucaramanga: Universidad Industrial de Santander, 1996), 193-211; Carlos Aguirre, "Tinterillos, Indians, and the State: Towards a History of Legal Intermediaries in Post-Independence Peru," in *One Law for All? Western Models and Local Practices in (Post-) Imperial Contexts*, ed. Stefan B. Kirmse (Frankfurt & New York: Campus Verlag, 2012), 119-152.

<sup>86</sup> Andrés Guerrero, "The Construction of a Ventriloquist's Image: Liberal Discourse and the 'Miserable Indian Race' in Late 19<sup>th</sup>-Century Ecuador," *Journal of Latin American Studies* 29, no. 3 (1997): 555-590; Thurner, *From Two Republics*, 144; Mark Becker, "In Search of 'Tinterillos'," *Latin American Research Review* 47, no. 1 (2012): 95-114; Aguirre, "Tinterillos, Indians, and the State," 143-145.

colluded with local landowners to defraud the natives. While acknowledging that *tinterillos* were all but a homogeneous group and recognizing the many competing views about them, this literature sheds light on the role that "red *tinterillos*" played in advancing rural communities' interests.<sup>87</sup>

Scholarship on Colombian *indigenas'* legal agency during the privatization era has focused mainly on the experience of Cauca's southern indigenous peoples. Delving into subaltern politics, historians have analyzed the different forms of "popular republicanism" and elite-subaltern bargaining that emerged in southern Colombia throughout the nineteenth century.<sup>88</sup> This literature shows how southern *indigenas'* role as soldiers, voters (after the introduction of universal male suffrage in 1853), and litigants, allowed them to carve out citizenship, defend their lands, and even negotiate the passage of pro-*resguardo* legislation that counteracted the mainstream push for privatization. In a recent study, Karla Escobar points out that, by the turn of the twentieth century, litigation became a primary avenue for indigenous citizenship, as *indigenas'* military and electoral participation decreased because of the end of the nineteenth-century cycle of civil wars and the voting

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<sup>87</sup> Thurner, *From Two Republics*, 144; Mark Becker, "In Search of 'Tinterillos,'" 108; Aguirre, "Tinterillos, Indians, and the State," 138-142.

<sup>88</sup> For indigenous citizenship during the Independence era, see Marcela Echeverri, "'Sovereignty Has Lost Its Rights.' Liberal Experiments and Indigenous Citizenship in New Granada, 1810–1819," in *Justice in a New World: Negotiating Legal Intelligibility in British, Iberian, and Indigenous America*, ed. Brian P. Owensby and Richard J. Ross (New York: New York University Press, 2018), Chapter 8, Kindle Edition. For the second half of the nineteenth century, see James E. Sanders, *Contentious Republicans. Popular Politics, Race, and Class in Nineteenth-Century Colombia* (Durham & London: Duke University Press, 2004); James E. Sanders, "Pertener a la gran familia granadina. Lucha partidista y construcción de la identidad indígena y política en el Cauca, Colombia, 1849-1890," *Revista de Estudios Sociales* 26 (April 2007): 31-32; Fernanda Muñoz, "De tierras de resguardo, solicitudes y querellas: participación política de indígenas caucanos en la construcción estatal (1850-1885)," *Historia Crítica*, 55 (enero-marzo 2015): 153-77.



rights restrictions imposed after 1886.<sup>89</sup> Literature on indigenous legal agency during the first half of the twentieth century has revolved around Caucaño leader Manuel Quintín Lame.<sup>90</sup> Because of his enduring activism and his remarkable ability to harness the language of the state law to articulate indigenous visions of justice, law, and history, Lame epitomized what some scholars term "indigenous legalism."<sup>91</sup> Recent studies have begun to move the debate on indigenous legal agency beyond Lame's emblematic figure, exploring other forms of indigenous legal engagement and political citizenship that

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<sup>89</sup> Karla Luzmer Escobar Hernández, "Ciudadanía, justicia e indigeneidad: una historia de las prácticas jurídicas en el Cauca, 1880-1938," (PhD. diss., Universidad de los Andes, 2020).

<sup>90</sup> On Lame's legal activism, see Dario Castrillón, *El indio Quintín Lame* (Bogotá: Tercer Mundo, 1973); Gonzalo Castillo, *Liberation Theology from Below. The Life and Thought of Manuel Quintín Lame* (Maryknoll, N.Y.: Orbis Books, 1987); Gonzalo Castillo, "Manuel Quintín Lame: luchador e intelectual indígena del siglo XX," in Manuel Quintín Lame, *Los pensamientos del indio que se educó dentro de las selvas colombianas* (Popayán: Universidad del Cauca, 2004); Joanne Rappaport, *The Politics of Memory. Native historical interpretation in the Colombian Andes* (Cambridge: Cambridge University Press, 1990), 81-126; Renán Vega Cantor, *Gente muy rebelde. T. 2. Indígenas, campesinos y protestas agrarias* (Bogotá: Ediciones Pensamiento Crítico, 2002), 62-122; Luis Guillermo Vasco, *Entre selva y páramo. Viviendo y pensando la lucha india* (Bogotá: Instituto Colombiano de Antropología e Historia, 2007) 357-362; Mónica L. Espinosa Arango, *La civilización montés: la visión india y el trasegar de Manuel Quintín Lame en Colombia* (Bogotá: Universidad de los Andes, 2009); Julieta Lemaitre, "Viva nuestro Derecho! Quintín Lame y el legalismo popular," in *La Quintiada (1912-1925). La rebelión indígena liderada por Manuel Quintín Lame en el Cauca. Recopilación de fuentes primarias*, ed. Julieta Lemaitre (Bogotá: Universidad de los Andes, 2013), 221-259; Yesenia C. Pumarada Cruz, "Othering Modernization: the Nasa Margins of Colombia (1890-1930s)" (PhD diss., University of Wisconsin – Madison, 2013); Troyan, *Cauca's Indigenous Movement*, 21-57; Paulo Illich Bacca, "Indigenizing International Law. Inverse Legal Anthropology in the Age of Jurisdictional Double Binds" (PhD diss., Kent University, 2018), 121-152; Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 24-40, 351-370.

<sup>91</sup> Ethnohistorian Juan Friede coined the term "indigenous legalism" to denote what he deemed Indians' "blind trust on and unconditional attachment" to the language and rituals of the state law. Friede, *El indio en la lucha por la tierra*, 35-39. In line with Friede's views, some scholars criticize Lame's legalism and, in general, indigenous legalism as a constraint upon natives' activism and an instance of colonized legal thought. See Miriam Jimeno and Adolfo Triana Antorveza, *Estado y minorías étnicas en Colombia* (Bogotá: Cuadernos del Jaguar - Fundación para las Comunidades Colombianas FUNCOL, 1985), 272; Castillo, "Manuel Quintín Lame," 44; Vega Cantor, *Gente muy rebelde*, 119. For a reappraisal of indigenous legalism in a more positive light, see Lemaitre, "Viva nuestro Derecho!," 220-259.

emerged during this period.<sup>92</sup> This literature, however, remains mainly focused on the experience of southern Cauca's *indígenas*.

This dissertation contributes to the scholarship on indigenous legal agency in several ways. First, it brings attention to regions other than southern Cauca. Specifically, it demonstrates that the experience of indigenous communities from Riosucio and Supía was critical in shaping the legal framework of the 1870s and 1940s campaigns for privatization. Second, this dissertation addresses *indígenas'* role in the making of *resguardo* titles, a facet of indigenous legal agency that has been far less explored. Third, this study highlights natives' participation not only in the battles over the interpretation and enforcement of legal texts but in the creation of the law itself. Specifically, it delves into the indigenous agency in the making of Law 89 of 1890 and how its further appropriation by the natives exemplifies one of the rare instances in which subalterns' interpretations prevail. Finally, this monograph discusses the interplay between indigenous legalism and leftist citizenship during the Liberal Republic. While studies on the matter tend to stress how *indígenas* who engaged in leftist politics used to take an anti-legalistic stance, this dissertation explores a case in which "red *indígenas*" remained being active players in the legal field.

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<sup>92</sup> In that vein, see Yesenia C. Pumarada Cruz, "Othering Modernization: the Nasa Margins of Colombia (1890-1930s)" (PhD diss., University of Wisconsin – Madison, 2013); Escobar Hernández, "Ciudadanía, justicia e indigeneidad."

## Approaches, Methods, and Sources

This dissertation is a comparative study intended to analyze Cañamomo-Lomaprieta's and San Lorenzo's experiences in producing *resguardo* titles and using these documents to face the privatization of their communal landholdings during the period from the 1870s to the 1940s. This study falls within what Marc Bloch terms "close comparison," as the units of comparison are two neighboring indigenous communities that share historical trajectories and socio-cultural features because of their proximity.<sup>93</sup> Despite their geographical and cultural closeness, these communities have certain dissimilarities that make them suitable subjects of comparison. Their involvement in land disputes during the colonial period was quite dissimilar. Such divergent litigation trajectories impacted not only San Lorenzo's and Cañamomo-Lomaprieta's territorialities but also the archival traces they left in the colonial archives; the records that further would be retrieved and assembled as their land titles. Their responses to the privatization campaigns were quite contrasting, too. In the 1870s, San Lorenzo refused to go through division while leaders of the neighboring communities actively engaged in the privatization process. Roles reversed during the 1940s when the communities of Cañamomo-Lomaprieta and La Montaña refused to parcel out their *resguardos* while the San Lorenzo ultimately accepted division.

The questions driving the comparison are: how did Cañamomo-Lomaprieta's and San Lorenzo's different trajectories in litigation during the colonial era impact their

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<sup>93</sup> On the comparative method and the usefulness of close comparison, see Marc Bloch, "Toward a Comparative History of European Societies," in *Enterprise and Secular Change. Readings in Economic History*, ed. Frederic C. Lane (Homewood, IL: Richard D. Irwin, Inc, 1953), 494-521 (specially 498).

production of *resguardo* titles during the privatization era? Why did both communities respond to the 1870s and 1940s campaigns for dismantling *resguardos* in such different ways? This comparative exercise pursues ideographic explanations and, in line with Theda Skocpol's analytical method, mid-range theoretical interpretations on the factors that account for these communities' contrasting experiences dealing with privatization.<sup>94</sup>

This work focuses on San Lorenzo and Cañamomo-Lomapieta, two out of the four indigenous communities existing in Riosucio. La Montaña and Escopetera-Pirza, the other two, appear in this history as secondary characters whose experiences will be contrasted in passing with those of San Lorenzo and Cañamomo-Lomapieta to address some specific points. During the time under study, La Montaña was politically, ethnically, and socio-culturally closer to San Lorenzo than to Cañamomo-Lomapieta. La Montaña's responses to privatization, however, were more like to those of Cañamomo-Lomapieta. Although these counterpoints make La Montaña an ideal unit of comparison, practical constraints hindered its inclusion as a case of study. While authorities of Cañamomo-Lomapieta and San Lorenzo gave me permission to consult their archives, conduct interviews, and engage in some ethnographical exercises, leaders of La Montaña did not. Besides, notarial records of land transactions in La Montaña during the privatization were lost in the fire that destroyed the Notary of Riosucio in 1952, while most of Cañamomo-Lomapieta and San Lorenzo are preserved at the Notary of Supía. This imbalance made it difficult to add La Montaña as a unit of comparison. Meanwhile, during the time under study, Escopetera-

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<sup>94</sup> On ideographic or within-case methods in comparative history, see Matthew Lange, *Comparative-Historical Methods* (Los Angeles, London, and New Delhi: Sage, 2013), Chapter 4. On the analytical method, see Theda Skocpol, "Emerging Agendas and Recurrent Strategies in Historical Sociology," in *Visions and Method in Historical Sociology*, ed. Theda Skocpol (Cambridge: Cambridge University Press), 356-391.

Pirza did not live under the *resguardo-cabildo* system but as an indigenous civil community under the Civil Code provisions. This legal difference placed Escopetera-Pirza out of the scope of the privatization campaigns and, therefore, disqualified it as a unit of comparison for this study.

Besides being comparative history, this dissertation falls within the field of microhistory.<sup>95</sup> It approaches broader historical processes - the making of *resguardo* titles, the demise of communal indigenous landholdings, and natives' legal agency during the privatization era - through the histories of two small communities of the mid-western Colombian Andes. As Emilio Kourí notes, this small-scale, on-the-ground, and from-below approach is a must to capture "the specific ecological, socioeconomic, cultural, and demographic contexts" in which privatization policies unfolded. This approach is also necessary to understand the communities' contrasting responses to privatization, the local forces that pushed for and against the breakup of *resguardos*, and the complex agency of indigenous leaders, local elites, and state officials in this process.<sup>96</sup> Moreover, a reduced scale lets us delve into the multiple layers of past events embedded in each *resguardo* title, and comprehend how, through these documents, indigenous people assert historical, legal, and moral roots with their territories. While rooted in San Lorenzo's and Cañamomo-

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<sup>95</sup> On the genesis and different ways to understand microhistory, see Carlo Ginzburg, "Microhistory: Two or Three Things That I Know about It," *Critical Inquiry* 20, no. 1 (Autumn 1993): 10-35. For a survey of recent debates on microhistory as part of a larger debate on scale in historical research, see Ghobrial's introduction and De Vries' contribution to a *Past & Present* special issue on the matter. John-Paul A. Ghobrial, "Introduction: Seeing the World like a Microhistorian," and Jan de Vries, "Playing with Scales: The Global and the Micro, the Macro and the Nano," *Past & Present* 242, issue supplement 14 (2019): 1-22 and 23-36, respectively.

<sup>96</sup> Kourí, *A Pueblo Divided*, 1-2.

Lomaprieta's grounds, this dissertation links these communities' histories with political, socioeconomic, and legal dynamics that unfolded in the broader society, both at the regional and national levels. By doing so, this study invites us to rethink larger issues in Colombian history that relate to the privatization of indigenous land.<sup>97</sup>

The subject of this dissertation demands the use of multiple time scales. *Resguardo* titles contain records of land inspections, lawsuits, and other events that shaped the boundaries of a given indigenous territory during the colonial era. Therefore, understanding how San Lorenzo's and Cañamomo-Lomaprieta's indigenous litigants produced and used these documents in post-colonial times requires us to be familiar with these communities' ethnogenesis and the formation of their territorialities during the colonial era. That is why, though focused on the period from the 1870s to the 1940s, this study also makes a foray into the colonial period. Discussing methods to study peasants' patterns of resistant-adaptation and rebellions, historian Steve J. Stern suggests combining multiple time scales, including long term ones that capture "the rebels' own historical memory."<sup>98</sup> Interestingly, to illustrate why such a long-term frame is needed, Stern refers to the significance of old colonial land titles in igniting peasant rebellion:

When the Mexican revolutionary Emiliano Zapata was asked why he and his peasant armies were fighting, he pointed to a box of old colonial land titles. For the peasants of revolutionary Morelos, the relevant time scales included not only the changes introduced under the recent rule by Porfirio Diaz (1876-1910), not only the

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<sup>97</sup> The connection between local, regional, and national scales this dissertation seeks is inspired by Florencia Mallon's approach to Chilean history through the history of the Mapuche Community of Nicolás Ailío. Mallon, *Courage Tastes of Blood*, 234.

<sup>98</sup> Steve J. Stern, "New Approaches to the Study of Peasant Rebellion and Consciousness: Implications of the Andean Experience," in *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18<sup>th</sup> to 20<sup>th</sup> Centuries*, ed. Steve J. Stern (Madison: The University of Wisconsin Press, 1987), 13.

immediate policies of their Constitutionalist contemporaries, who betrayed the peasants' version of the revolution, but also a centuries-long struggle over land that defined the peasants' aspirations and understandings of proper rights and obligations in their relations with the state.<sup>99</sup>

Like the peasants of revolutionary Morelos, the legal-and-historical significance that Cañamomo-Lomapieta and San Lorenzo litigants attached to those documents encompassed centuries-long struggles over land, which their *resguardo* titles recorded. Moreover, by retrieving and deploying these old documents to back their land claims, indigenous litigants aimed to bring forward elements of the colonial pact that had structured the relationship between the Indians and the Spanish empire, while carving out indigenous citizenship in the republican era.

In recounting the history of two indigenous communities through their experiences as litigants and makers of *resguardo* titles during the privatization era, this dissertation falls within the fields of legal history, social history, and ethnohistory. This is a work of legal history, as it analyzes the privatization of indigenous lands paying close attention to the laws that made it possible. It is a social history of law that explores *indígenas'* participation in the legal battles surrounding the creation and interpretation of this legislation, and how litigation was at the core of indigenous citizenship during the privatization era. It is ethnohistorical research because of its focus on indigenous peoples as legal agents and makers of legal and historical evidence, and its attempts to blend history and anthropology.

Indeed, the genesis of this study somewhat resembles the origins of ethnohistory as an interdisciplinary field in American scholarship. Ethnohistory emerged out of the need

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<sup>99</sup> Stern, "New Approaches," 12-13.

to produce historical knowledge required to decide about Indians' land claims.<sup>100</sup> This dissertation was born of the allure of the archival documents, particularly that of colonial land titles. It was driven by my desire to decipher these "entangled objects" to which indigenous peoples attach so much value whereas state officials have generally treated with so little regard. Certainly, the dream of becoming a historian and some acquaintance with anthropology have nurtured that desire. But what brought my attention to *resguardo* titles was my involvement in collaborative legal research with the Cañamomo-Lomaprieta community and the aim to produce knowledge that may contribute to current debates on the legal validity of these documents.

All these years accompanying the Cañamomo-Lomaprieta people as a pro-bono legal advisor (or *solidaria*, as they call me) put me on the track towards historical research while placing me in the field both as a lawyer and historian. This dual role raises issues of research positionality worth addressing. Wearing both hats entails the risk of digging into the past to make a case for current land claims, thus losing sight of a more complex and comprehensive understanding of the past on its own terms. A lawyer-historian may easily slip into what Carlo Ginzburg calls the "judicial model" of historiography, one in which judging the past prevails over understanding it.<sup>101</sup> Even though these are risks we must

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<sup>100</sup> By the 1950s, Native Americans began to bring claims for the restitution of, or compensation for, lost lands before the newly created U.S. Indian Claims Commission. Anthropologists and historians increasingly began to testify as expert witnesses in these cases. The need to dig into historic documents related to the Natives' land claims promoted ethnohistoric research and laid the foundation for this novel interdisciplinary field. On the genesis of ethnohistory in American scholarship, see Russell J. Barber and Francis F. Berdan, *The Emperor's Mirror: Understanding Cultures through Primary Sources* (Tucson: The University of Arizona Press, 1998), 27-28; Grace E. Riehm et al, "What Is Ethnohistory?: A Sixty-Year Retrospective," *Ethnohistory* 66:1 (January 2019): 145-162.

<sup>101</sup> Carlo Ginzburg, "Checking the Evidence: The Judge and the Historian," *Critical Inquiry* 18 (Autumn 1991): 81-82.



guard against, the lawyer-historian's gaze also may benefit historical research. Reading the sources through this twofold lens may enhance our understanding of the past, which is what history is about.

The use of court records is one of the terrains in which this dual gaze may enhance our understanding of past events. Ginzburg encourages the use of court records as they provide scattered fragments of evidence that enable historians to reconstruct "the lives of underprivileged individuals from a distant past." Using these materials, he warns, "does not imply that historians, disguised as judges, should try to reenact the trials of the past," an aim that Ginzburg regards as "pointless, if it were not intrinsically impossible."<sup>102</sup> Ginzburg's view makes sense when it comes to using court records as evidence for social history. But concerning legal ethnohistory, particularly one aimed at understanding past struggles over indigenous lands, court records represent much more than repositories of biographical data. They give us a glimpse of the kind of strategies, proofs, and arguments the different parties involved in those lawsuits deployed and of the way the courts appraised them. Revisiting "the trials of the past" is a must for studying indigenous legal agency and the legal mindset underlying the arguments of all the agents that took part in those lawsuits. In that regard, the lawyer-historian's gaze can add layers of analysis that the historian's eye might overlook.

Moreover, it is worth questioning whether "reenacting the trials of the past" is pointless when it comes to trials that cast their shadow over current land disputes. What should one do when one finds past judicial decisions and land transactions upon which

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<sup>102</sup> Ginzburg, "Checking the Evidence," 89-90.

today's claims of ownership over former indigenous land rest, but whose validity in terms of the contemporary legal frame is dubious? I contend that, even in those cases, one must keep the lawyer hat away and guard against the temptation of mixing up historical writing with legal briefs. Historical understanding must prevail over legal judgment. But, should one refrain from raising questions about the legal validity of judicial decisions and land transactions that still have consequences for indigenous communities? My answer is no, as long as this questioning does not take precedence over commitment to historical truth, to recovering the past in all its complexity, including those aspects that might not be supportive of current land claims. A lawyer-historian should be keenly aware of the fine line between the legal reasoning that enhances our understanding of the past and recasting history in the interest of present-day legal disputes. Crossing this line does not only compromise our ethical commitment as historians but does a disservice to the indigenous communities we may otherwise support and advocate for.

Besides making intensive use of court and notarial records dating from the privatization era, this dissertation relies on qualitative analysis of a series of primary sources gathered in archives at Riosucio, Supía, Manizales, Medellín, Popayán, Bogotá, and Seville (Spain). This documentary evidence includes records of colonial land inspections and lawsuits; censuses; maps; newspapers; records of *cabildos* swearing-in ceremonies; official memoirs and reports; legislation and legislative debates; correspondence between indigenous litigants and state officials; and documentation of the 1870s and 1940s campaigns for privatization, among others. Besides, I conducted some individual interviews with leaders and elderly members of San Lorenzo and Cañamomo-Lomapieta and a collective workshop with elderly members of the latter community.

Inspired by Joanne Rappaport's and Florencia Mallon's method of dialogue between archives and memory, these encounters revolved around the reading of some pieces of archival evidence.<sup>103</sup> These dialogues prompted memories of some forgotten aspects of these communities' history and helped me make better sense of the documentary sources.

## **Outline of Chapters**

Studying the ways indigenous litigants engaged with *resguardo* land titles involves two layers of analysis that somewhat correspond to what historian Michel-Rolph Trouillot calls "the two sides of historicity." Trouillot points out the distinction (and frequent overlap) between historical events and historical narratives about the past. In other words, between *history as social process* (what happened) and *history as knowledge* (what is said to have happened).<sup>104</sup> Accordingly, this dissertation is divided in two parts in each of which there are aspects that partially correlate with these two layers of analysis. Part One recounts the socio-historical processes that shaped indigenous communities and territories in the Vega de Supía during the colonial era.<sup>105</sup> The trail of colonial documents recording some of these historical events later became the raw material for *resguardo* titles. Moving to post-colonial times, Part Two discusses the privatization of *resguardos* as a social process

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<sup>103</sup> On the dialogical method between archives and memory, see Rappaport, *Cumbe Reborn*, 20-23; Mallon, *Courage Tastes of Blood*, 9-16.

<sup>104</sup> Michel-Rolph Trouillot, *Silencing the Past. Power and the Production of History* (Boston: Beacon Press, 1995) 23-26.

<sup>105</sup> The Vega de Supía was the name given to the area under study during the colonial era and up until the late nineteenth century.

(what happened) and a specific aspect of the production of historical knowledge: the making and use of *resguardo* titles by indigenous litigants during the privatization era.

Part One is made up of Chapters 1 and 2. Chapter 1 examines the events spanning from the founding of the Spanish first settlement in the region in 1539 to the land inspection by Lesmes de Espinosa Saravia in 1627, which set indigenous *resguardos* in the Vega de Supía. Chapter 2 discusses the transformation of indigenous communities and *resguardos* in the post-Lesmes era and indigenous litigants' experiences facing land disputes and attempts of removal from their lands during the Bourbon era. Altogether, Part One reveals how Spanish Crown policies and legislation framed the interactions between the natives and the diverse array of people that set up home in the Vega de Supía. It shows how these policies and legislation were enforced, adapted, and contested in this peripheral area of the Spanish Empire. Finally, it documents how these interactions shaped indigenous communities and territories throughout the colonial period.

Part Two comprises Chapters 3 to 8. Chapter 3 analyzes the extensive body of legislation that set the stage for the privatization of *resguardos* in the decades following Independence. This legislation swung between the breakup and the temporary protection of *resguardos*, revealing the opposite views on indigenous citizenship that accompanied Colombian state-nation making. This chapter shows how the gradual transition toward a federal regime made *resguardo* affairs a matter of provincial-state legislation from the 1850s onwards. Some states, such as Cauca and Bolívar, enacted pro-*resguardo* laws that were at odds with the mainstream trend toward the division of indigenous lands. These laws did not result from the mercy of Conservative governments but the bargaining

between indigenous peoples and regional elites. While focusing on *resguardo* legislation, this chapter argues that the 1870s laws on public lands (*baldíos*) and colonization were also an integral part of the legal frame that allowed the appropriation and commodification of indigenous lands.

Chapter 4 moves from the laws to the ground. It analyses the demographic and socioeconomic transformations the Vega de Supía experienced during its passage from colonial to republican territoriality, and how these changes paved the way for the 1870s campaign for privatization. It argues that pressures for land and natural resources resulting from the ongoing arrival of Antioqueño settlers and the 1870s mining boom prompted local elites to push for the passage of the State of Cauca Law 44 of 1873, which provided for the division of *resguardos*. This chapter looks at the patron-client alliances between local elites and indigenous leaders that would be critical for enforcing this legislation on the ground.

Chapter 5 contrasts the 1873 legislation on division of *resguardos* with how this process actually unfolded in the Vega de Supía from 1874 to 1885. It shows that disputes between local elites around the legal status - either *resguardos* or *baldíos* - of the lands the *indígenas* occupied, largely shaped the way privatization was conducted on the ground. It also substantiates that the uneven impact of this process among local indigenous communities to a large extent depended on the alliances that the promoters of the division of *resguardos* managed to build up with indigenous leaders.

The next two chapters explore the intricacies and multiple outlets of indigenous legal agency during the period of Conservative party rule that spanned from the mid-1880s to 1930. Chapter 6 focuses on *indígenas'* quest for legal frameworks suitable to protect

their communal lands during the time between the promulgation of the 1886 Constitution and the Thousand Days War (1899-1902). This period - known as the Regeneration - signaled the transition from a Liberal-federal era to a Conservative-unitary republic. During this time, *indígenas* turned to Civil Code provisions on common property (*comunidad de bienes*) and lobbied for the passage of a national statute - Law 89 of 1890 – that established a compromise between privatization and temporary protection of *resguardos*. *Indígenas* played a critical role not only in the passage of Law 89 but also in the subsequent battles over its interpretation and enforcement. This chapter reveals how local indigenous communities from Riosucio and Supía turned to this law to preserve their *resguardos*, *cabildos*, and, ultimately, their Indianness.

Chapter 7 analyzes litigation as a primary pathway for indigenous citizenship during the Conservative Republic (1905-1930). When military and electoral avenues for elite-subaltern bargaining narrowed, Law 89 enhanced legal tools for *indígenas* to produce *resguardo* titles and litigate in defense of their lands. Against this backdrop, this chapter explores the experiences of Cañamomo-Lomaprieta and San Lorenzo litigants in making *resguardo* titles and using them as evidence of ownership in recovery lawsuits. It also shows that indigenous litigation went beyond local courtrooms to also reach the judicial review of laws before the Supreme Court, prompting debates on the nature of indigenous communal property rights.

Chapter 8 discusses three significant events that unfolded during the era of social-liberal governments known as the "Liberal Republic" (1930-1946): the rise of rural leftist mobilization, the 1940s campaign for *resguardo* division, and the emergence of Colombian

*indigenismo*. It compares Cañamomo-Lomaprieta's turn toward leftist-Liberalism and San Lorenzo's Conservative allegiance and contends that these political differences influenced both communities' contrasting responses to the 1940s privatization campaign. The San Lorenzo community agreed to go through division and submitted its titles to the Ministry of Economy to prove the existence of its *resguardo*. The government dismissed the legal validity of San Lorenzo's titles, declaring the area this community occupied was not a *resguardo* but public land (*baldía*). This chapter argues that the Ministry's decision in San Lorenzo's case epitomized the agrarian individualist mindset that prevailed among officials responsible for designing and conducting land policies during the Liberal Republic. It also contrasts such agrarian individualism with the communally oriented projects of modernization devised by Colombian *indigenistas*.

## PART ONE.

### THE MAKING OF INDIGENOUS COMMUNITIES, *RESGUARDOS*, AND LAND TITLES IN THE VEGA DE SUPÍA DURING THE COLONIAL PERIOD



Map 4. Vega de Supía, ca. 1782<sup>106</sup>

<sup>106</sup> “Mapa de la Vega de Supía, Gobierno de Popayán, jurisdicción de la ciudad de Ancerma, con el río Cauca, pueblos de Supía, San Lorenzo, Cañamomo, Quinchía, Guática, La Montaña y minas de Guamal y del Morado,” AGI, MP-PANAMA, 356, 9.



Around 1782, an anonymous reporter crafted a detailed description of the Vega de Supía, a rich gold mining zone located on a peripheral area in the western mountains of the New Kingdom of Granada (today Colombia).<sup>107</sup> During the colonial period, the Vega de Supía fell under the jurisdiction of the city of Anserma, on the northwestern edge of the province of Popayán, a strategic region bordered by the provinces of Chocó and Antioquia, and the Cauca River as well. The map accompanying the report sets the “Zerro del Marmato” (1) and the “Real de Quiebralomo” (2) at the top of the list, as its purpose was to bring the region's underexploited riches to light, at a time when the Bourbon Crown sought to strengthen its control over revenue sources. Right after the mineral sites, the map sets the pueblos de indios of Supía (3), San Lorenzo (4), and Cañamomo (5) at the core of the Vega, surrounded not that far by Quinchía (6), Guática (7), and La Montaña (8). Along with Indians, the human landscape of the Vega de Supía by the late colonial period also included a thriving mestizo population (largely concentrated on sites 2, 9, and 11), and enslaved blacks (mostly settled in the site of Guamal - 10).

The territoriality and socio-ethnic landscape Map 4 depicts were gradually shaped by the social, economic, and legal interactions between the diverse range of peoples that set up home in the Vega de Supía throughout the colonial period: the Supías and other native peoples who occupied the region before the Spanish arrival; Spanish settlers and

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<sup>107</sup> The New Kingdom of Granada (*Nuevo Reino de Granada*) was a region of the Spanish empire located in the northwestern corner of South America. It was under the jurisdiction of the Audiencia of Santafé (based on present-day Bogotá) until the creation of the Viceroyalty of New Granada in the mid-eighteenth century.

authorities; enslaved Africans who were brought to work in the mines from the 1560s on; Indians who were resettled in La Vega during the 1627 land inspection conducted by an Audiencia judge, Oidor Lesmes de Espinosa Saravia, and those who gradually came into the region as *forasteros*; European mineralogists hired by the Bourbon authorities in the 1780s to enhance mining exploitation; and, the growing population of *vecinos* or *libres de todos los colores* resulting from the mixing of the aforementioned.

How did these socio-economic and legal interactions give shape to the Indian communities of San Lorenzo, Supía, and Cañamomo, and their communal lands (*resguardos*)? These communities - whose legal struggles for land are the subject of this dissertation - did not exist as such when the Spaniards took control over the region in 1539. Part I of this dissertation explores the formation of Indian communities and territories in La Vega de Supía during the colonial period. It covers the period from 1539 to 1819, a timespan that extends from the founding of Anserma, the first Spanish settlement in the region, until the year that signaled both the end of the colonial era and - as per a well-spread founding myth - the birth of Riosucio, the municipality that became the main urban and political center of the area in the post-Independence era.

One might break this time frame into three broadly defined periods corresponding to different moments in Spanish Crown policies toward indigenous peoples and lands. During the first one (1539-1592), the Spanish Crown largely focused on enacting and enforcing rules concerning Indian labor and tribute. Though the project of resettling natives in villages (*pueblos de indios*) also surfaced by that time, related legislation was weakly enforced and did not involve the delimitation of Indian landholdings (*resguardos*) yet.

Setting the boundaries of Indian lands emerged as a concern only during the second stage (1593-1670), when *resguardos* were established in the New Kingdom of Granada. The third period (1670-1819) witnessed the redefinition of *resguardo* boundaries resulting from the rise in land disputes, the consolidation of the hacienda system, and Bourbon policies of merging Indian pueblos and shrinking *resguardos*. This periodization allows us to understand how Spanish colonial policies and laws framed the interactions that shaped the ethnic and territorial boundaries of the San Lorenzo, Supía, and Cañamomo communities. It also sheds light on how those policies and legislation were enforced, adapted, and contested at the local level in a peripheral area of the Spanish Empire such as the Vega de Supía.<sup>108</sup> Chapter 1 addresses the first two moments, specifically from the Spanish arrival to the land inspection by Lesmes de Espinosa Saravia in 1627. The third period is the subject of Chapter 2, which discusses the transformation of indigenous communities and *resguardos* in the post-Lesmes era as well as the experiences of indigenous litigants facing land disputes and attempts of removal from the Vega de Supía during the Bourbon era.

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<sup>108</sup> This periodization rests on an understanding of Spanish colonial law (*derecho indiano*) not as a centralized, hierarchical, and uniform body of legislation created by the monarchy in the metropolis and merely enforced in the colonies, but rather as a “flexible and multiple” set of local and provincial normative systems emerging from the diverse geographical and human realities existing across the New World. This emphasis on the multiple and highly local-provincial nature of *derecho indiano*, however, does not preclude us from identifying some general rules and institutions concerning indigenous peoples and lands that were unevenly enforced, adapted, and resisted on the ground. For a provincial approach to *derecho indiano*, see Víctor Tau Anzoátegui, *¿Qué fue el Derecho Indiano?* (Buenos Aires: Abeledo-Perrot, 1982), 30-31; “Provincial and Local Law of the Indies. A Research Program,” in *New Horizons in Spanish Colonial Law. Contributions to Transnational Early Modern Legal History*, ed. Thomas Duve and Heikki Pihlajamäki (Frankfurt: Max Planck Institute for European Legal History, 2015), 235-255. On the coexistence of general rules and institutions with a noticeable particularism and localism in Spanish colonial law, see Jaime Jaramillo Uribe, “La Administración Colonial,” in *Nueva Historia de Colombia. 1. Colombia Indígena, Conquista y Colonia*, ed. Jaime Jaramillo Uribe (Bogotá: Planeta, 1989), 176.

The interactions that took place throughout this long time span left a long trail of legal writing in the form of notarized documents recording land inspections (*visitas a la tierra*), lawsuits, requests for land protection (*amparos de tierras*), petitions for lessening tribute, or complaints against *encomenderos* and *corregidores* about abuses and mistreatment.<sup>109</sup> These colonial legal records matter for this study not only because of their content but also as archival artifacts themselves, as documents subject to further deployment.<sup>110</sup> Some of these records, especially those dating from the seventeenth- and eighteenth- centuries, provided the raw material that Indian litigants utilized for crafting *resguardo* titles in the nineteenth- and twentieth- centuries. As Ann Stoler notes, “documents in these colonial archives were not dead matter once the moment of their making had passed. What was ‘left’ was not ‘left behind’ or obsolete.” Instead, colonial archives were (and still are) “an arsenal of sorts that were reactivated to suit new governing strategies” or, I must add, new anti-governing strategies from below.<sup>111</sup> That is precisely what postcolonial indigenous litigants did. They journeyed to distant colonial archives seeking dusty colonial records of events that happened centuries earlier. They availed themselves of notarized copies of some of these manuscripts to produce *resguardo* titles, a unique genre of legal and historical evidence that Indian communities held as legal shields

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<sup>109</sup> On the pivotal role of legal writing in the making of Spanish American empire and colonial Latin American archive, see Kathryn Burns, *Into the Archive. Writing and Power in Colonial Peru* (Durham and London: Duke University Press, 2010), 2-3.

<sup>110</sup> On the importance of approaching archival documents not only in terms of their written contents but also as tangible artifacts that carry a performative dimension, see G. Thomas Tanselle, “The World as Archive,” *Common Knowledge* 8:2 (2002), 403; Burns, *Into the Archive*, 143; Joanne Rappaport and Tom Cummins, *Beyond the Lettered City. Indigenous Literacies in the Andes* (Durham and London: Duke University Press, 2012), 24, 114, 149.

<sup>111</sup> Ann Laure Stoler, *Along the Archival Grain. Epistemic Anxieties and Colonial Common Sense* (Princeton and Oxford: Princeton University Press, 2009), 3.

to confront the privatization of their communal lands in the postcolonial era. Seen from this dual approach, these colonial records provide two layers of evidence for this study. Part I examines these documents' content to trace the genesis of indigenous communities and landholdings in La Vega de Supía during the colonial age. Part II addresses the ways San Lorenzo's and Cañamomo's indigenous litigants retrieved and deployed these archival artifacts to produce their *resguardo* titles during the privatization era.

**II. CHAPTER 1. THE APPROPRIATION OF NATIVES' LAND AND  
LABOR, AND THE REMAKING OF NATIVE COMMUNITIES VIA  
*ENCOMIENDAS AND RESGUARDOS (1539-1627)***

The Vega de Supía was at the northern edge of a larger territory that, before conquest, the natives used to call “Humbra.” The Spanish renamed it as “Anserma,” a word derived from “anser,” meaning “salt” in the natives' language.<sup>112</sup> The Humbra or Anserma region was enclosed by the Arquía River to the north, the Cañaveral River to the south, the Cauca River to the east, and to the west the top of the western mountain range (Cordillera Occidental). This region was inhabited by a cluster of scattered peoples that shared a common language, which anthropologist Abad-Salazar identified as “Ancerma” and classified it within the Chocó linguistic family.<sup>113</sup> These peoples' economy relied on gold and salt mining, pottery, goldsmithing, fishing, hunting, and farming (maize, beans, yucca, pumpkins, cotton, and tobacco were their main crops). They bartered surplus products and slaves with neighboring peoples.<sup>114</sup>

The natives' socio-political organization relied on kinship-based units or *cacicazgos* governed by local chiefs or *caciques*. Although these small groups related to each other through political and familial alliances, no one person held overall power over all the

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<sup>112</sup> Inés Lucía Abad Salazar, *Los Ansermas*, Tesis de grado (Bogotá: Universidad Javeriana, 1955), 19-23. This work, authored by anthropologist Abad Salazar under the direction of the renowned anthropologist Luis Duque Gómez, remains as the only monographic study of the peoples who inhabited this region at the time of the Spanish conquest.

<sup>113</sup> Abad Salazar, *Los Ansermas*, 27-33.

<sup>114</sup> Abad Salazar, *Los Ansermas*, 40-48.

existing *cacicazgos*. Polygamy was common among the chieftains and other male individuals. The first wife to give birth became the principal spouse and her child the heir.<sup>115</sup> The kinship system followed patrilineal lines of inheritance and political decision-making, though there were some matrilineal features. According to Abad-Salazar, the lordship or *cacicazgo* was hereditary. The son of the principal woman inherited, and in case of his absence, the eldest of the other sons. If the lord left no male descendants, the lord's daughter or the son of the lord's sister inherited, though this succession through the female line was merely subsidiary and exceptional.<sup>116</sup>

The region under study was the homeland of the Zopías, one of the *cacicazgos* existing in Humbera at the time of the Spanish conquest (see Map 5). The Zopías occupied the basin of the Supía River, an area that, due to its gold and salt production and its location at the crossroad of vital routes, stood out as a trading post since pre-conquest times.<sup>117</sup> A little further south stood the Pirsas, who inhabited a temperate valley along the Imurrá River (later renamed Río Sucio), surrounded by the Carhunco and Picará hills.<sup>118</sup>

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<sup>115</sup> Abad Salazar, *Los Ansermas*, 21-72. Based on a report on a indigenous rebellion that took place in 1557, in which the Ansermas joined the Quimbayas and other indigenous nations of the middle- and western-Andean region to resist the Spanish conquest, ethnohistorian Juan Friede lists around a dozen of *cacicazgos* in the Anserma region in the aftermath of the Spanish conquest: *Aytamara*, brother of the cacique of *Mapura*; *Azisqunga*, chief of the *Piojo* people and the *Carambra* province; *Atucifra*, chief of the *Mayma* province; *Don Francisco*, cacique of the *Acochare* people; *Don Francisco*, chief of the *Pirsa* province; *Guática*, chief of the *Santa María* Valley; *Ocupirama*, chief of the provinces of the “*Pueblo de la Sal*,” *Opirama*, son of the cacica of *Andica*; *Tuzacurara*, brother of the cacique of *Acochare*; *Tuzarma*, chief of the *Mapura* people; and, *Utayca*, chief of the *Ypa* province. Juan Friede, *Los Quimbaya bajo la dominación española. Estudio documental, 1539-1810* (Bogotá: Banco de la República, 1963), 77.

<sup>116</sup> Abad Salazar, *Los Ansermas*, 70.

<sup>117</sup> Luis Fernando González Escobar, *De la invención a la conquista* (unpublished manuscript), 61-62. For references to the Zopías by the seventeenth-century chroniclers, see Pedro Cieza de León, *Crónica del Perú* (Barcelona: www.Linkgua.com, 2011; New York: Digitalia Inc, 2012), 60-63.

<sup>118</sup> Luis Javier Caicedo, *Los Pirzas, origen de Cañamomo-Lomapieta* (unpublished manuscript), 1-2.



Map 5. The Vega de Supía within the Anserma Region<sup>119</sup>

<sup>119</sup> “Territorio habitado por los Ansermas y sus comarcas,” by Abad Salazar, *Los Ansermas*, 20. The green line indicates the Anserma region, while the orange one shows the area corresponding to La Vega de Supía. References to the renaming of the Humbera province as Anserma can be found in Jorge Robledo, “Anzerma,” in AGI, Patronato, 28, R-66, ff. 30r-38r (f. 30r), transcribed and published under the title “Relación de Anzerma,” by Hermes Tovar Pinzón, *Relaciones y Visitas a los Andes*, S XVI (Bogotá: Colcultura – Instituto de Cultura Hispánica, 1993), 335-361 (335).



## 1.1 Early Colonization in the Vega de Supía (1539-1550)

Two rival Spanish expeditions coming from Perú and Cartagena, respectively, undertook the conquest of the Humbera or Anserma region. Coming from Perú, in 1536, Sebastián de Belalcázar, a member of Francisco Pizarro's troops, explored the area but did not establish any Spanish town there. In 1538, Juan de Vadillo launched an expedition that started in Cartagena and passed through the region under study on their way south, to Cali.<sup>120</sup> By 1539, Jorge Robledo, a former lieutenant of Belalcázar's, founded the city of Santa Ana (also known as Anserma) which became the first Spanish settlement in the region. It was comprised not only of the urban center, but also of a vast territorial jurisdiction that stretched far north to encompass the Vega de Supía.<sup>121</sup> The dispute

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<sup>120</sup> Gregorio Saldarriaga Escobar, "Transcripción de la relación del viaje del licenciado Joan de Vadillo entre San Sebastián de Urabá y Cali, 1539," *Boletín de Antropología*. Universidad de Antioquia, Medellín, Vol. 26, No. 43 (2012), 42-65 (references to the region in pp. 55-59); Luis Javier Caicedo, "Ruta de Juan de Vadillo por el Viejo Caldas (agosto-septiembre de 1538)," *Ciencia Nueva. Revista de Historia y Política* 1, no. 1 (Jan-Jun, 2017): 71-102.

<sup>121</sup> As it happened in the case of other "mobile cities" during the colonial era, Anserma was founded, refounded, and relocated several times. Based on Robledo's account and historiographical sources, it is safe to conclude that, to assure the possession of a territory disputed by the expeditions from Cartagena and Perú, Robledo hastened to found the city of Santa Ana de los Caballeros (Anserma) on the Guarma Valley, on July 6th, 1538. Shortly after, on August 15th, 1539, Anserma was resettled on the Humbera or Umbra Valley, near today's municipality of Belén de Umbria, where it remained until 1717 when it was relocated on the Cauca Valley as Anserma Nuevo. See, "Relación de lo que subcedió en el descubrimiento de las provincias de Antiochia, Anserma y Cartago y cibdades que en ellas están pobladas por el Sr. Capitán Jorge Robledo (1540)," AGI, Patronato 28, R-66, reproduced in Tovar Pinzón, *Relaciones y Visitas a los Andes*, 235-262, especially pag. 241; Pedro Cieza de León, *Guerras civiles del Perú. Tomo Segundo. Guerra de Chupas* (Madrid: Librería de la Viuda de Rico, ca 1877), Cap. IV, 14-15; Juan Friede, "Historia de la antigua ciudad de Cartago," in Luis Duque Gómez, Juan Friede, and Jaime Jaramillo Uribe, *Historia de Pereira* (Pereira: Club Rotario de Pereira, 1963), 209; Ricardo de los Ríos Tobón, *Historia del Gran Caldas, Vol I. Orígenes y colonización hasta 1850* (Manizales: Imprenta Departamental – Biblioteca de Escritores Caldenses, 1983), 238-257; Zamira Díaz López, *Oro, sociedad y economía. El sistema colonial en la Gobernación de Popayán: 1533-1733* (Bogotá: Banco de la República, 1994), 66; Roberto Luis Jaramillo, *De Antioquia al Cauca: un conflicto en mapas* (master's tesis, Universidad del Valle, 2001), 1-7; Víctor Zuluaga Gómez, *Historia de Cartago la antigua. Provincia de Popayán* (Pereira: Gráficas Buda, 2002), 21-29; Albeiro Valencia Llano, *Raíces en el tiempo. La región caldense* (Manizales: Gobernación de Caldas, 2009), 92-99; Sebastián Martínez Botero, "Ciudades móviles, frontera y construcción de una región en los confines del imperio. Anserma, Cartago y Antioquia, siglos XVI-XVIII," *XXII Coloquio de Historia Canario-Americana*, XXII-034 (2017), 1-12; Caicedo, *Cinco siglos*, 13-22.

between northern and southern expeditions over the control of this territory was settled in favor of the latter in 1540, when King Charles appointed Belalcázar as governor of the newly created province of Popayán. Shortly after, Robledo and another Belalcázar's lieutenant, Miguel Muñoz, founded the cities of Cartago (1540), Antioquia (1541), and Arma (1542) that, along with Anserma, set the foundation for the conquest of the mid basin of the Cauca River, as Map 6 shows.<sup>122</sup>



Map 6. Jurisdiction of the cities of Anserma, Cartago, Arma, and Antioquia by 1542<sup>123</sup>

<sup>122</sup> Martínez Botero, “Ciudades móviles,” 2-7; Caicedo, *Cinco siglos*, 22-23.

<sup>123</sup> Taken from Caicedo, *Cinco siglos*, 23.

Parallel to the foundation of cities, the newcomers assured control over the region's mineral riches. Shortly after the foundation of the city of Anserma, Robledo commissioned his lieutenant Ruy Vanegas to "pacify" the provinces of Pirsá and Zopía.<sup>124</sup> Ruy Vanegas's military expedition, which some local historians wrongly interpret as the foundational act of today's municipality of Supía, certainly paved the way for the Spaniards to take over the area.<sup>125</sup> The Vega de Supía soon attracted Spaniards interested in exploiting its gold and salt deposits, which became pivotal in the incorporation of this area into the colonial economy and largely shaped territorialities and identities in the region.<sup>126</sup> By the 1540s, Spanish colonists began to settle around the mines located underground in a mountain slope halfway between Supía's lowlands and the higher lands near the Ingrumá Hill.<sup>127</sup> Over time, that settlement became the *Real de Minas* of San Sebastián de Quebralomo.<sup>128</sup> Cieza de León also reported the existence of some Spanish dwellings along the Supía River, a stream

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<sup>124</sup> Cieza de León, *Guerras civiles del Perú*, Cap. VI, 20-21; Lucas Fernández de Piedrahita, *Noticia Historial de las Conquistas del Nuevo Reino de Granada I* (Bogotá: Editorial Kelly, 1973), 352.

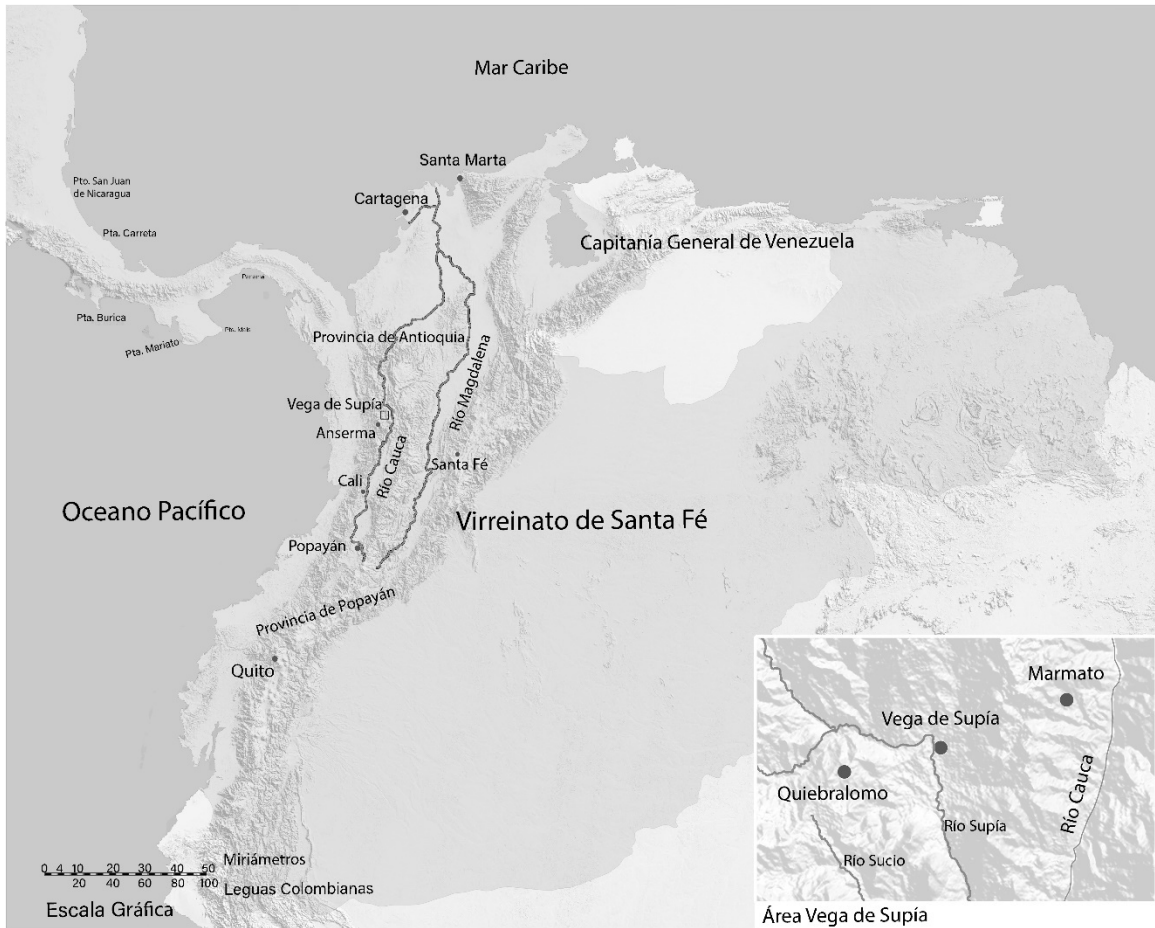
<sup>125</sup> For an in-depth examination of this episode and a solid rebuttal of Supía's "founding myth" as a Spanish city, see González Escobar, *De la invención a la conquista*, 27-49, 69-72.

<sup>126</sup> González Escobar, *De la invención a la conquista*, 83.

<sup>127</sup> Purificación Calvo de Vanegas, *Riosucio* (Manizales: Biblioteca de Autores Caldenses, 1963), 35-39; Julián Bueno Rodríguez, *Carnaval de Riosucio. Estructura y raíces. Tomo I* (Manizales: Editorial Manigraf, 2012), 166-168; Álvaro Gärtner, *Los misteres de las minas. Crónica de la colonia europea más grande de Colombia en el siglo XIX, surgida alrededor de las minas de Marmato, Supía y Riosucio* (Manizales: Universidad de Caldas, 2005), 37-39. Gärtner also refers to the establishment of the *Real de Minas* of Las Vegas in the plain of Supía (1540), and the *Real de Minas* of La Montaña (1597) in today's Santa Inés (Riosucio), though both were short-lived settlements.

<sup>128</sup> *Reales de minas* were settlements, most of them on a temporary basis, placed on mining areas intended to set the stage for its exploitation and the collection of the *Quinto Real*, as was known the tax that the Crown levied on mining exploitation. See, Germán Colmenares, *Historia social y económica de Colombia. Tomo II. Popayán: una sociedad esclavista, 1680-1800* (Bogotá: La Carreta, 1978), 142-143; Díaz López, *Oro, sociedad y economía*, 82; Martha Herrera Ángel, *Popayán: la unidad de lo diverso. Territorio, población y poblamiento en la provincial de Popayán, siglo XVIII* (Bogotá: Universidad de los Andes, 2009), 185-186; Caicedo, *Cinco siglos*, 25.

which the chronicler described as “rich in gold mines.”<sup>129</sup> Quiebralomo and Supía, along with the neighboring mining center of Marmato, soon grew into the most thriving economic pole of the Anserma region, as Map 7 illustrates.<sup>130</sup>



Map 7. Location of the Vega de Supía within the New Kingdom of Granada<sup>131</sup>

<sup>129</sup> (“Por medio destes pueblos corre un rio rico de minas de oro, donde hay algunas estancias que los españoles han hecho.”), Cieza de León, *Crónica del Perú*, 61; González Escobar, *De la invención a la conquista*, 91.

<sup>130</sup> Historian Germán Colmenares documents that, as early as 1544, the cities of Popayán, Cartago, and Anserma requested the Crown to authorize sending the Indians to the mines and provide for additional enslaved blacks workforce. Germán Colmenares, *Historia social y económica de Colombia I, 1537-1719* (Bogotá: Tercer Mundo, 1997), 304.

<sup>131</sup> Map made by Daniel Vallejo based on Herrera Ángel, *Popayán*, 12, 117.

Besides mineral riches, the “plunder economy” of the conquest rested on seizing natives' workforce and tribute by means of the *encomienda* system.<sup>132</sup> A 1509 Royal Instruction had established that “once the pacification was carried out,” the head of the conquest expedition should apportion the Indians among the conquerors who took part in the campaign.<sup>133</sup> This institutionalized distribution of the spoils became known as *encomienda*, and set the foundation for the exaction of natives' labor and tribute from the early stage of the colonial period until the institution's gradual disappearance throughout the seventeenth and the eighteenth centuries. As initially conceived, *encomenderos* were entitled to demand from natives both personal services and the payment of tribute; in return, *encomenderos* should grant protection to their Indians and the territory they inhabited, provide a parish priest, and teach them to “*vivir en policía*.” Bartolomé de Las Casas' denunciations of *encomenderos'* abuses led to an attempt to repeal the institution through the 1542 New Laws, which met fierce opposition by *encomenderos*. In response, the Spanish Crown kept the *encomienda*, though setting limits to its duration and content.<sup>134</sup>

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<sup>132</sup> On the “plunder economy” of the early Spanish colonization, see Karen Spalding, *Huarochiri. An Andean Society under Inca and Spanish Rule* (Stanford: Stanford U.P., 1984), 139.

<sup>133</sup> This Royal Instruction was further included in the *Recopilación de las Leyes de los Reinos de las Indias* (1681), Tomo II, Libro VI, Título VIII, Ley I (Madrid: Antonio Balbas, 1756, 2n ed.), 221.

<sup>134</sup> On the *encomienda* system, see Silvio Zabala, *De encomiendas y propiedad territorial en algunas regiones de la América española* (México: Porrúa, 1940); Robert G. Keith, “Encomienda, Hacienda and Corregimiento in Spanish America: A Structural Analysis,” *The Hispanic American Historical Review*, Vol. 51, No. 3 (Aug., 1971), 431-446. On encomiendas in New Granada, see Juan Friede, “De la encomienda indiana a la propiedad territorial y su impacto sobre el mestizaje,” *Anuario Colombiano de Historia Social y de la Cultura* 4 (1969), 35-65; Julián B. Ruiz Rivera, *Encomienda y mita en Nueva Granada en el siglo XVII* (Sevilla: Escuela de Estudios Hispanoamericanos, 1975), specifically Part II, which focuses on encomiendas in the Eastern Andean region (Santafé and Tunja); María Teresa Molino García, *La encomienda en el Nuevo Reino de Granada durante el siglo XVIII* (Sevilla: Escuela de Estudios Hispanoamericanos, 1976) provides a comparative study of the *encomienda* system in the costal and central regions of New Granada. On the province of Popayán, see Silvia Padilla Altamirano, María Luisa López Arellano, and Adolfo Luis González

The allocation of *encomiendas* in the area under study was fraught with bitter disputes between Belalcázar and Robledo.<sup>135</sup> Nonetheless, it was completed by the 1550s, when former conquerors, such as Hernán Benítez, Gómez Hernández, Gaspar de Loaiza, Antonio Sequera, Lucas and Miguel Dávila, now appeared in the records as *encomenderos*.<sup>136</sup>

The institutional architecture of the Spanish Empire in the Indies was gradually consolidated from the 1540s to the 1560s. The viceroyalties of New Spain and Peru were the largest political units at that time.<sup>137</sup> Each viceroyalty was divided into *audiencias*, administrative divisions ruled by a collegial body of *oidores* that exerted executive, legislative, and judicial functions alike.<sup>138</sup> Under the *audiencias*, the colonies were divided into uneven jurisdictional units (provinces or *gobernaciones*) whose limits were set depending on the luck and achievements of the conquerors to whom these provinces were

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Rodríguez, *La encomienda en Popayán. Tres estudios* (Sevilla: Escuela de Estudios Hispanoamericanos, 1977). For a comprehensive overview of the *encomienda* system from a socio-economic vantage point, see Colmenares, *Historia social y económica... I*, 109-135. For an in-depth examination of one *encomienda* in the Anserma region from an economic perspective, see Ángel Luis Román Taméz, *Indios mineros y encomenderos. Análisis sobre la composición y comportamiento de la renta de la encomienda de Opiramá, Provincia de Popayán, Nuevo Reino de Granada, 1625-1627* (Bogotá: Universidad Javeriana, 2017).

<sup>135</sup> Friede, "Historia de la antigua ciudad de Cartago," 207-264; Colmenares, *Historia social y económica...I*, 123.

<sup>136</sup> The "Relación de Popayán y del Nuevo Reino, 1559-1560," an anonymous report probably based on the land inspections conducted by Tomás López Medel between 1558-1560, contains a detailed list of *encomenderos* and *pueblos de indios* in the Anserma region. It was included in Víctor Manuel Patiño's compilation of *Relaciones Geográficas* of New Granada that was published in *Cespedesia* 45-46, no. 4 (Jan.-Jun, 1983), 23-103 (see reference to Anserma in p. 46-49).

<sup>137</sup> In the eighteenth century were added the viceroyalties of New Granada and Río de la Plata.

<sup>138</sup> The viceroyalty of Perú included the *audiencias* of Panamá (1535), Lima (1542), Santa Fe de Bogotá (1550), Charcas (1559), Quito (1563), Chile (1609), and Buenos Aires (1661). In the eighteenth century, the *audiencias* of Santa Fe de Bogotá, Panama, Quito, and Venezuela came under jurisdiction of the newly created viceroyalty of New Granada (1717 and reestablished in 1739).

bestowed.<sup>139</sup> Usually, the king conferred the title of *adelantado* and governor to the head of the conquest expeditions. In this capacity, governors were entitled to allocate *encomiendas* and land grants (*mercedes de tierras*), to appoint officials, and to rule as the highest political, judicial, and military authority in the territory under their jurisdiction.<sup>140</sup>

The establishment of the province of Popayán and the city of Anserma exemplifies the making of the Spanish empire at the local level. By Royal Decree (*Real Cédula*) of March 10th, 1540, King Charles V bestowed Sebastián de Belalcázar the title of Governor of the province of Popayán.<sup>141</sup> The newly erected *Gobernación* encompassed a vast territory that was gradually divided into a series of city-provinces, being Anserma one of them. Initially, the *Gobernación* of Popayán was subject to the Viceroyalty of Peru. This was the case until 1550, when it became part of the newly created *Audiencia* of Santafé. In 1563, Popayán came under the jurisdiction of the *Audiencia* de Quito, although some of its northern cities (Anserma, Arma, Cartago, and Toro, among others) remained subject to the *Audiencia* of

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<sup>139</sup> Martha Herrera Ángel discusses the thesis that provincial divisions might be explained as a result of the uneven interests and fate of those who led the invasion. Based on the case of Popayán, she argues that the configuration of the provinces cannot be explained in terms of the interests and will of an individual but stemming from the confluence of multiple factors such as geography, demography, and cultural dynamics. See Herrera Ángel, *Popayán*, 41-42, 202.

<sup>140</sup> For a detailed approach to the institutional architecture of the Spanish America, see José María Ots Capdequí, *Instituciones*. Vol. 14. *Historia de América y de los Pueblos Americanos* (Barcelona: Salvat, 1959), 249-307; a comprehensive overview in Matthew C. Mirow, *Latin American Law. A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), 19-32.

<sup>141</sup> By two Royal Decrees of March 10, 1540, Sebastián de Belalcázar was bestowed the titles of *Gobernador* of the Province of Popayán, *Mariscal*, and *Adelantado*. Shortly after, on May 31<sup>st</sup>, 1540, was enacted the *Capitulación* authorizing Belalcázar to discover and conquest the province of Popayán. See Jorge A. Garcés, *Colección de Documentos Inéditos Relativos al Adelantado Don Sebastián de Benalcázar, 1535-1565* (Quito: Imprenta Municipal – Publicaciones del Archivo Municipal de Quito, 1936), 33-56; Díaz López, *Oro, sociedad y economía*, 75; Calvo de Vanegas, *Riosucio*, 30. The 1540 Royal Decrees will become influential in Cañamomo-Lomapieta people's recollection of the origin of their resguardo, as discussed in Part I's conclusion.

Santafé. On ecclesiastic affairs, however, the *Gobernación* of Popayán fell under the jurisdiction of the Diocese of Popayán, except for the southern corner that belonged to the Diocese of Quito.<sup>142</sup> In this landscape of overlapping jurisdictions, the city of Anserma was subject to the *Audiencia* of Santafé and, on ecclesiastic matters, to the Diocese of Popayán.

As initially founded, the city of Anserma was ruled by a town council (*cabildo*), comprised of dos *alcaldes ordinarios*, one *alguacil mayor*, one *alférez*, and eight councilmen or *regidores*.<sup>143</sup> Although the composition of subsequent *cabildos* varied over time, the presence of more than one *alcalde*, one scribe, and several *regidores* remained relatively stable.<sup>144</sup> The *cabildos* had a mixture of administrative and judicial functions, including the appointment of council officials, the allocation of land grants (*mercedes de tierras*), the management of commons, and the first instance resolution of some court cases.<sup>145</sup> Typically, members of *cabildos* were former conquerors who had become *encomenderos*.<sup>146</sup> Besides the economic power resulting from the control of the natives'

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<sup>142</sup> On overlapping jurisdictions in the *Gobernación* of Popayán, see Peter Marzahl, *Province and Town. Government, Politics, and Society in Seventeenth Century Popayán* (Austin: University of Texas Press, 1978), 9-11; Herrera Ángel, *Popayán*, 24-84; María Luisa López Arellano, "Las encomiendas de Popayán en los siglos XVII y XVIII," in *La encomienda en Popayán*, 11.

<sup>143</sup> In the first ceremony of foundation, Jorge Robledo appointed Suero de Nava and Martin de Amoroto as *alcaldes ordinarios*, Ruy Vanegas as *alférez*, and designated "other eight *caballeros* as *regidores*" of the city of Anserma. "Relación de lo que subcedio..." in Tovar Pinzón, *Relaciones y Visitas a los Andes*, 241.

<sup>144</sup> Diógenes Piedrahita, *Los cabildos de las ciudades de Nuestra Señora de la Consolación de Toro y Santa Ana de los Caballeros de Anserma* (Cali: Biblioteca de Autores Vallecaucanos, 1962), 125-155.

<sup>145</sup> On the rules concerning foundation of cities, appointment and functions of council officials, and *cabildos*' jurisdiction, see Ots Capdequí, *Instituciones*, 270-287.

<sup>146</sup> On members of the Anserma *cabildo* in the period from 1540 to 1560, see Piedrahita, *Los cabildos*, 125; Juan Friede, *Vida y luchas de don Juan del Valle, primer obispo de Popayán y protector de indios. Estudio documental basado en investigaciones realizadas en los archivos de Colombia, España y el Vaticano* (Popayán: Arzobispado de Popayán, 1961), 178-179, 239-240; De los Ríos Tobón, *Historia del Gran Caldas*, 316.



labor and tribute, this emerging elite of *encomenderos* also embodied the colonial state at the local level. The jurisdiction of the Anserma cabildo and, thus, the political power of the *encomendero* elite that controlled it, reached far beyond the urban center to encompass also the vast rural area pertaining to the city's territory (*términos*) that stretched as far north as La Vega de Supía.

In this early stage, the advance of the Spanish domination paralleled and came at the expense of the declension of native societies. As in many other areas of the Spanish empire, the Anserma region experienced a demographic collapse resulting from the effects of converging conquest warfare, diseases, disruption of the natives' social fabric, and overexploitation of natives in the mines. Based on contemporary chroniclers and records of land inspections (*visitas a la tierra*), it might be estimated that the native population dropped from about 40,000 people at the time of conquest, to about 10,000 in 1559, and around 800-1500 in the 1580s.<sup>147</sup> The natives' responses to the Spanish conquest ranged from adaptation to the emerging colonial order to open rebellion.<sup>148</sup> Even though the

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<sup>147</sup> In a report delivered to the Consejo de Indias in 1582, Fray Jerónimo de Escobar wrote: "When the Spanish entered, there were many Indians, and they were great lords, as this sole province of Anzerma had more than forty thousand Indians. But they were ravaged by God's secret judgment in such a way that there are no more than eight hundred Indians..." ("*Los indios de cuando entraron los españoles eran muchos y grandes señores, porque sola esta provincia de Anzerma tenía más de cuarenta mil indios; pero hanse asolado por juicio secreto de Dios, de tal suerte que no hay ochocientos indios ...*"). Fray Jerónimo de Escobar, "Relación de Popayán, 1582," in *Cespedesia* 45-46, no. 4 (Jan.-Jun, 1983), 300. This estimation differs from Francisco Guillén Chaparro's, who in 1583 reported: "there are no more than fifteen hundred Indians in the entire province" ("*habrá en toda la provincia mil y quinientos indios escasos.*"). Francisco Guillén Chaparro, "Memoria de los Pueblos de la Gobernación de Popayán, 1583," in *Cespedesia* 45-46, no. 4 (Jan.-Jun, 1983), 314. Meanwhile, according to the records of the 1559 Lopez Medel's visita, there were 3,203 Indian tributaries in Anserma (see Table No. 1). This figure allows to estimate between 9,609 up to 12,812 the total of native population, depending on whether it is calculated based on a ratio of 3 or 4 Indians per *tributario*. On the methods for estimating indigenous population, see Jaime Jaramillo Uribe, "La población indígena de Colombia en el momento de la conquista y sus transformaciones posteriores. Primera parte," *Anuario Colombiano de Historia Social y de la Cultura*, 2 (1964), 246.

<sup>148</sup> González Escobar, *De la invención a la conquista*, 68-81.

Anserma peoples' military resistance did not go as far as that of the Armas's and other neighboring peoples, who fiercely fought against the Spaniards, chroniclers Cieza de León and Lucas Fernández de Piedrahita referred to Zopías and Pirsas's resistance against Ruy Vanegas's campaign of "pacification."<sup>149</sup> Also, historians have documented the participation of Anserma chiefs in the 1557 indigenous rebellion that took place in the provinces of Cartago, Anserma, Caramanta, and Arma.<sup>150</sup> The defeat of the natives signaled the end of the "pacification" and the consolidation of the Spanish control over the region.

### **1.2. For the Sake of the "Free Vassals of the King." Legislation and Institutions to Control/Protect the Natives and Curb Encomenderos' Power.**

The making of the Spanish empire involved far more than subduing the natives. Since private agents headed the Spanish venture in the New World, the consolidation of the empire also entailed the Crown's efforts to restrain the power of the elite of conquerors-*encomenderos* that because of its predominance in the city councils had held control not only over natives' labor and tribute but also over land and mineral riches. In response to Las Casas' campaigning against *encomenderos'* abuses, and aiming to protect the Indians as "free vassals of the King," throughout the second half of the sixteenth century the monarchy pursued a policy intended, first, to curb *encomenderos'* exaction of natives' labor

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<sup>149</sup> Cieza de León, *Guerras civiles del Perú*, Cap. VI, 20-21; Fernández de Piedrahita, *Noticia Historial*, 352.

<sup>150</sup> Friede, *Los Quimbaya*, 76-77; Friede, "Historia de la antigua ciudad de Cartago," 273-278; Valencia Llano, *Raíces en el tiempo*, 128-135.

and tribute; and, second, to gather the natives in villages known as *reducciones*, *congregaciones*, or *pueblos de indios*.

To achieve the first goal, the Crown enacted legislation ordering the clear assessment of Indian tribute (*tasar el tributo*), banning natives' serfdom (*servicios personales*), replacing corporate taxation with taxation per head, and transferring tribute collection from *encomenderos* to local officials (*corregidores de indios*). A 1549 Royal Decree ordered colonial authorities to determine the kind and amount of tribute that the natives were to pay in the New Kingdom of Granada.<sup>151</sup> Efforts of the newly created *Real Audiencia* of Santafé to enforce this legislation met harsh resistance from *encomenderos*, particularly in the southern province of Popayan, where they boycotted every attempt to control the tribute. Given that boycott, in 1554 the Bishop of Popayán, Juan del Valle, availed himself of his ecclesiastical jurisdiction to set an "arbitrary rate" (*tasa arbitraria*) intended to be in force until the Royal Audience eventually would set the official rate of tribute.<sup>152</sup> Additionally, after the 1542 New Laws, *encomenderos* were entitled to demand from the natives only in-kind tribute (gold, blankets, foodstuffs, wood loads, game and breeding animals, etc.), but not to avail themselves of Indian labor for free.<sup>153</sup> Also, collective taxation (per *encomienda*) was replaced with a poll tax to avoid charging the actual *tributarios* the share of those dead or absentee. Finally, upon the creation of the post of *corregidor de indios*,

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<sup>151</sup> María Ángeles Eugenio Martínez, *Tributo y trabajo del indio en Nueva Granada (De Jiménez de Quesada a Sande)* (Sevilla: Escuela de Estudios Hispano-Americanos, 1977), 233.

<sup>152</sup> Friede, *Vida y luchas de don Juan del Valle*, 108-110; Colmenares, *Historia social y económica...I*, 140.

<sup>153</sup> On the reforms concerning native labor and the ups and downs of their enforcement in the New Kingdom of Granada, see Eugenio Martínez, *Tributo y trabajo*, 333-552.

which in New Granada only took place in 1593, the newly appointed officials replaced *encomenderos* at collecting tribute.<sup>154</sup> Henceforth, the latter lost jurisdiction over their Indians and only were entitled to receive the tribute as apportioned and collected by the *corregidores*.<sup>155</sup>

The second element of the Crown's policy toward Indians was to resettle the natives in *pueblos de indios* within which non-Indians were banned from settling. Such spatial segregation embodied the distinction between the "Republic of Spaniards" and the "Republic of Indians," a dualism that shaped law and society in colonial Spanish America. The policy of *reducciones* was a device of Christianization and civilization that sought to habituate the natives to live in an urban environment under spiritual and temporal surveillance ("*vivir en policía*"), while keeping them away from the "bad example" and abuses of the Spanish. It also facilitated the collection of tribute, the control over the natives' workforce, the supply of food to the cities, and, indirectly, the appropriation of native lands.<sup>156</sup>

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<sup>154</sup> Eugenio Martínez, *Tributo y trabajo*, 225-332; Colmenares, *Historia social y económica...I*, 135-161.

<sup>155</sup> Keith, "Encomienda," 439-443.

<sup>156</sup> See Magnus Mörner, *La Corona Española y los Foráneos en los Pueblos de Indios de América* (Estocolmo: Almqvist & Wiksell, 1970); Francisco de Solano, *Ciudades Hispanoamericanas y Pueblos de Indios* (Madrid, Consejo Superior de Investigaciones Científicas, 1990), 333-53; Jaime Salcedo Salcedo, "Los Pueblos de Indios en el Nuevo Reino de Granada y Popayán," in Ramón Gutiérrez, coord., *Pueblos de Indios. Otro urbanismo en la región andina* (Quito: Ediciones Abya-Yala, 1993), 179-203; Sandra Reina Mendoza, *Traza urbana y arquitectura en los pueblos de indios del altiplano cundiboyacense. Siglo XVI a XVIII: El caso de Bojacá, Sutatausa, Tausa y Cucaita* (Bogotá: Universidad Nacional de Colombia, 2008), 48-57; Guadalupe Romero Sánchez, *Los pueblos de indios en Nueva Granada* (Granada: Editorial Atrio, 2010). On *congregaciones* in México, see Gibson, Charles. *The Aztecs Under Spanish Rule. A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford: Stanford University Press, 1964), 283-87; Peter Gerhard, "Congregaciones de indios en la Nueva España antes de 1570," *Historia Mexicana*, Vol. 26, No. 3 (1977): 347-95; Ethelia Ruiz Medrano, *Mexico's Indigenous Communities. Their Lands and Histories, 1500-2010* (Boulder: University Press of Colorado, 2010), 91-96. On Viceroy Toledo's project of resettlement of Indians in Peru, see Thomas A. Abercrombie, *Pathways of Memory and Power. Ethnography and History*

As early as 1503, a Royal Instruction had ordered the congregation of Indians in villages, a command that repeatedly appears in the legislation enacted throughout the first half of the sixteenth century, though the earliest regulations specifically concerning the New Granada only dated from 1551.<sup>157</sup> Legislation on *reducciones* ordered *encomenderos* to provide their Indians with churches and priests.<sup>158</sup> Each village was to have Indian authorities (*alcaldes* and *regidores*) with jurisdiction over internal affairs, as well as a common fund (*caja de comunidad*) for the community's expenses.<sup>159</sup> To enforce the separation between the "two republics," neither *encomenderos* nor their families were allowed to settle in Indian villages, a ban that also applied to other Spaniards, mestizos, and mulattoes.<sup>160</sup>

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*Among an Andean People* (Madison: The University of Wisconsin Press, 1998), 237-58; Jeremy Ravi Mumford, *Vertical Empire. The General Resettlement of Indians in the Colonial Andes* (Durham & London: Duke University Press, 2012), 75-140; Akira Saito and Claudia Rosas Lauro, eds., *Reducciones. La concentración forzada de las poblaciones indígenas en el Virreinato del Perú* (Lima: National Museum of Ethnology – Fondo Editorial Pontificia Universidad Católica del Perú, 2017).

<sup>157</sup> Royal Decree of March 21, 1551, addressed to the Governor of the Province of Tierra Firme; the 1559 Instructions issued by Tomás López Medel, Judge (Oidor) of the Audience of Santafé, to gather and settle the natives of Santafé ("*para juntar y poblar a los naturales de Santafé*"). On this legislation, see Francisco de Solano (edit.), *Cedulario de Tierras. Compilación de Legislación Agraria Colonial, 1497-1820* (México: UNAM, 1984), 109, 171-181; Martha Herrera Ángel, "Ordenamiento espacial de los pueblos de indios: dominación y resistencia en la sociedad colonial," *Fronteras de la Historia* 2, no. 2 (1998): 101; Reina Mendoza, *Traza urbana*, 93-128; Romero Sánchez, *Los pueblos de indios*, 63-73.

<sup>158</sup> *Recopilación*, Tomo II, Libro VI, Título III, Ley V.

<sup>159</sup> As per the legislation, "all the goods belonging to each pueblo's Indians" were to enter the community fund (*caja de comunidad*). The community should devote this fund to "what is needed for the common benefit of all," and attend to "their conservation and increase." ("*En las cajas de comunidad han de entrar todos los bienes, que el cuerpo y colección de indios de cada pueblo tuviere, para que de allí se gaste lo preciso en beneficio común de todos, y se atienda a su conservación y aumento [...]*"). *Recopilación*, Tomo II, Libro VI, Ley II. On the *caja de comunidad* as a distinctive feature of the Indian villages, see Mörner, *La Corona Española*, 49.

<sup>160</sup> *Recopilación*, Tomo II, Libro VI, Título IX, Leyes XI to XVI; Tomo II, Libro VI, Título III, Leyes XXI to XXIV.

The creation of *pueblos de indios* was a long process that met resistance from the natives, who used to go back to their scattered dwellings rather than stay in the villages.<sup>161</sup> It involved several steps: gathering the natives around a temporary chapel and dwellings; setting up the urban layout, the major buildings, and the government apparatus; and, finally, the demarcation of communal lands (*resguardos*). Some classic works conceived the creation of *pueblos de indios* and the delimitation of *resguardo* lands as concomitant.<sup>162</sup> Recent historiography, however, emphasizes the differences, both in timing and goals, between the resettlement of natives in *pueblos* and the subsequent demarcation of *resguardos* in New Granada, as the latter process was boosted by the 1591 legislation on *composiciones de tierras* (to be discussed in Section 1.3).<sup>163</sup> To bear in mind these differences is critical for a better understanding of the historical formation of indigenous landholdings.

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<sup>161</sup> Spanish authorities commanded that former natives' settlements were to be burned to discourage Indians from returning to their scattered pattern of residence. It seems, however, that this command was unevenly enforced. Concerning Mexican communities, Ruiz Medrano notes that in many cases "the uprooted Indians arrived in their new *pueblos* only to discover that they lacked shelter or housing [...] This abrupt and violent transition exacted a very high toll [...] many Indians died in transit, while others fled before being moved or, in some cases, took their own lives." Ruiz Medrano, *Mexico's Indigenous Communities*, 96. Conversely, Mumford remarks that the officials in charge of conducting the Indian resettlement in Perú were not interested in disrupting too aggressively Andean settlement patterns: "there is one thing that virtually no documents mention the inspectors doing: destroying the old villages, as Toledo ordered." Mumford, *Vertical Empire*, 138. In the case of central New Granada, after an initial period of direct resistance, the natives adopted strategies of passive resistance such as living in huts near to their farmlands rather than in the villages. Marta Herrera Ángel, "Los pueblos que no eran pueblos," *Anuario de Historia regional y de las fronteras* 4, no. 1 (1998), 34-37; also in *Ordenar para Controlar. Ordenamiento espacial y control político en las llanuras del Caribe y en los Andes Centrales Neogranadinos. Siglo XVIII* (Bogotá: La Carreta, 2001), 185.

<sup>162</sup> Orlando Fals-Borda, "Indian Congregations in the New Kingdom of Granada: Land Tenure Aspects, 1595-1850," *The Americas*, 13, v. 4 (1957), 331-51; Margarita González, *El Resguardo en el Nuevo Reino de Granada* (Bogotá: Inéditos, 1979, 2a ed.), 19.

<sup>163</sup> Herrera Ángel, "Los pueblos que no eran pueblos," 21; *Ordenar para controlar*, 180-82; Marcela Quiroga Zuluaga, "El proceso de *reducciones* entre los pueblos muisca de Santafé durante los siglos XVI y XVII," *Historia Crítica*, 52 (2014), 181; Reina Mendoza, *Traza urbana*, 79-179.

*Visitas a la tierra* (land inspections) were one of the main institutional procedures by which colonial authorities enforced the policies toward Indians discussed above.<sup>164</sup> Royal Audience judges (*oidores*), were in charge of conducting these on-site inspections in the territory under their tribunal's jurisdiction. The President of the *Audiencia* was to commission one of the *oidores* (usually the most senior one) who, accompanied by a royal scribe (*escribano*), should journey and examine directly (“*por vista de ojos*”) the region or province under inspection. Specifically, the appointed *oidor* was to count each encomienda's or pueblo's Indians; assess the tribute; examine how each pueblo's church and the local government were operating; enforce laws on residential separation;

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<sup>164</sup> On-site inspections (known as “*visititas*”) were one of the primary power/knowledge devices that the Spanish Crown deployed to enforce legislation, oversee officials' performance, get information, and, in sum, exert sovereignty over its colonies overseas. The “*visititas a la tierra*” were a specific type of inspections intended to enforce legislation concerning Indians as taxpayers, subjects of Christianization, and “free vassals of the King.” Legislation on *visititas a la tierra* is compiled in the *Recopilación*, Tomo I, Libro II, Título XXXI (“*De los oidores, visitadores ordinarios de los distritos de audiencias y chancillerías reales de las Indias*”), in a different title of that devoted to other types of visits (Title XXXIV, “*De los visitadores generales y particulares*”). Historiography has approached *visititas a la tierra* from different perspectives. For a legal-institutionalist approach, see John Leddy Phelan, “Authority and Flexibility in the Spanish Imperial Bureaucracy,” *Administrative Science Quarterly*, Vol. 5, No. 1 (Jun, 1960), 60-62; Guillermo Céspedes, “La Visita como institución indiana,” *Anuario de Estudios Americanos*, III (1946), 986-93; Ismael Sánchez Bella, *Derecho Indiano: Estudios I. Las Visitas Generales en la América Española. Siglos XVI-XVII* (Pamplona: EUNSA, 1991), 9-13. On *visititas a la tierra* as sources of demographic and social history, see Julián Ruiz Rivera, “Las Visitas a la Tierra en el siglo XVII como fuente de historia social,” in *Estudios sobre Política Indigenista Española en América*, V. I (Valladolid: Universidad de Valladolid, 1975), 197-214; Ruiz Rivera, *Encomienda y mita*, 3-88; Eugenio Martínez, *Tributo y trabajo*, 123-183; as ethnohistorical sources, see John V. Murra, “La visita de los chupachu como fuente etnológica,” in Íñigo Ortiz de Zúñiga and John V. Murra, *Visita de la provincia de León de Huánuco en 1562* (Huánuco, Perú: Universidad Nacional Hermilio Valdizán, Facultad de Letras y Educación, 1967); Frank Salomon, *Native Lords of Quito in the Age of the Incas: the Political Economy of North-Andean Chiefdoms* (New York : Cambridge University Press, 1986). From the 1990s on, influenced by the linguistic turn, historiography has emphasized the *visititas*' performative dimension as political rituals and arenas of negotiation between the natives and the Crown, as illustrated by Jorge Armando Guevara Gil and Frank Salomon, *La Visita Personal de Indios: ritual político y creación del 'indio' en los Andes coloniales* (Lima: Cuadernos de Investigación, Pontificia Universidad Católica del Perú - Instituto Riva Agüero, I, 1996); Paula C. Zagalsky, “Huellas en las revisitas: imposiciones coloniales y tensión social,” *Memoria Americana* 17, no. 2 (jul-dec, 2009): 241-79. More recently, *visititas* have been approached as sites for the natives to recall memories of past abuses and articulate claims for justice; see Luis Miguel Córdoba Ochoa, “La memoria del agravio en los indígenas según la visita de Herrera y Campuzano a la gobernación de Antioquia (1614-1616),” *Revista Historia y Justicia* 3 (october 2014): 228-55.

investigate mistreatments against the natives, as well as impose and enforce the corresponding sanctions.<sup>165</sup>

Although the *oidores* should conduct these land inspections on a regular basis, vast geographical distances, harsh climate and topography, scattered native settlements, as well as the resistance of encomenderos and local authorities, lessened the frequency of *visitas a la tierra*.<sup>166</sup> In the case of the New Kingdom of Granada, the practice of *visitas* began after the establishment of the Audiencia de Santafé in 1550. Based on differences in timing and purpose, three cycles of *visitas a la tierra* might be identified. The first round (1558-1572) focused on assessing tribute and enforcing rules on natives' labor and Christianization. Without disregarding those matters, the second cycle of *visitas* (1593-1675) was more focused on territorial issues such as resettlement of Indians and demarcation of *resguardo* lands. Finally, from 1750 onward, the Bourbon administration conducted a series of *visitas* intended to merge Indian communities, downsize *resguardos*, and transform many *pueblos de indios* into *parroquias* of whites and mestizos.<sup>167</sup>

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<sup>165</sup> Legislation on *visitas a la tierra* is collected in the *Recopilación*, Tomo I, Libro II, Título XXXI (“*De los oidores, visitadores ordinarios de los distritos de audiencias y chanchillerías reales de las Indias*”), in a separate title of that devoted to other types of *visitas* (Título XXXIV, “*go*”). The procedure of land inspections became so highly formalized that in the late seventeenth century Pedro Pérez Landero published a handbook providing a collection of standardized forms, questionnaires, and procedures to be used by inspectors and scribes. *Práctica de visitas y residencias apropiada a los reynos del Perú, y deducida de lo que en ellos se estila* (Napoles, Layno, 1696). Particularly relevant are the template questionnaires for *protectores de Indios* and *encomenderos* (p. 190-91), as well as the instructions concerning the “*revisita y numeración de indios*” (p. 204-28).

<sup>166</sup> According to a 1560 Royal Instruction, *visitas a la tierra* were to be carried out without a break, commissioning the next *oidor* in line once the last one had finished his visit. Subsequent laws, however, gradually established longer intervals between inspections, initially yearly, then tri-annually. Céspedes, “*La Visita...*,” 1001; Fernando Mayorga García, *La Audiencia de Santafé en los siglos XVI y XVII* (Bogotá: Instituto Colombiano de Cultura Hispánica, 1991), 133-36; Ruiz Rivera, “*Las Visitas...*,” 202.

<sup>167</sup> Colmenares, *Historia social y económica...I*, 79; Jaramillo Uribe, “*La Administración Colonial*,” 180.



### 1.3. The 1559 *Visita* to Anserma by Tomás López Medel and Juan del Valle

The 1559 land inspection to Anserma conducted by *Oidor* of the *Audiencia* of Santafé Tomás López Medel, and Bishop of Popayán Juan del Valle, exemplifies the focus on labor and tribute issues that characterized the first cycle of *visitas a la tierra*. It was part of the 1558-1559 land inspection to the province of Popayán, which seemingly was the first *visita* conducted in New Granada after the establishment of the *Audiencia* of Santafé in 1550.<sup>168</sup> King Phillip II commissioned specifically to López Medel and Del Valle to carry out an on-site inspection throughout the entire province of Popayán. The king ordered it in response to Bishop Del Valle's complaints about the *encomenderos'* abuses and the denunciation the latter made, in turn, against Bishop Del Valle. *Encomenderos* accused Bishop Del Valle of exceeding his ecclesiastical authority and invading civil jurisdiction by setting an “arbitrary rate” (*tasa arbitraria*) of tribute in the absence of an official assesement.<sup>169</sup> The king

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<sup>168</sup> López Medel started the land inspection to the Province of Popayán in the south region of Pasto, on November 9, 1558. Then, he moved to Almaguer, where Bishop Del Valle joined the commission. After visiting Almaguer, López Medel and Del Valle moved northern to Popayán, San Sebastián de La Plata, Neiva, Cali, Anserma, Caramanta, Arma, and Cartago, where the visit concluded in July 1559. See Tomás López Medel and Berta Ares Queija, *Visita de la gobernación de Popayán: libro de tributos, 1558-1559* (Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1989).

<sup>169</sup> Bishop Del Valle's resort to his ecclesiastical authority to curb *encomenderos'* power exemplifies the overlapped jurisdictions and legal pluralism that shaped the making of the Spanish Empire. Upon the establishment of the Popayán Diocese in 1546, Juan del Valle was appointed as the first Bishop and Protector General of Indians in the Province of Popayán, where he launched a campaign against *encomenderos'* abuses that closely resembles La Casas' pro-indigenous advocacy. Framing abuses against the natives as violations of religious precepts, Del Valle resorted to his ecclesiastical authority to enforce the legal (and moral) rule that required *encomenderos* to collect a fair tribute. In response to *encomenderos'* boycott against the tribute rate, in 1554, Bishop Del Valle set an “arbitrary rate,” which would be in force until civil authorities set an official one. Besides, Del Valle requested *encomenderos* to exhibit legal titles over their Indians, releasing those illegally held under servitude. He also ordered the restitution of overpaid tributes, enforced the prohibition of sending Indians to labor in the mines, as well as the transportation of people or cargo on Indians' backs, condemning those *encomenderos* who were not in compliance with these rules to be deprived of their *encomiendas*. Furthermore, Bishop Del Valle prohibited priests under his jurisdiction to hear *encomenderos'* confessions and absolve their sins without getting his previous authorization. *Encomenderos* and city councils contested Del Valle's “arbitrary rate,” as well as the measures he adopted to enforce it, denouncing him both to the *Audiencia* of Santafé and the Council of the Indies. Some *encomenderos* and

appointed Tomás López Medel to head the *visita* perhaps in the hope of finding a middle ground between Bishop's Del Valle and the *encomenderos*. Tomás López Medel was an experienced official who had served as *Oidor* in the *audiencias* of Guatemala and Yucatán before being transferred to the *Audiencia* of Santafé. He gradually shifted away from a moderate reformist and rather anti-lascasian view towards a more pro-indigenous stance, though less radical than Del Valle's. Such perspective consolidated itself after the 1558-1559 *visita*.<sup>170</sup>

As instructed by King Phillip II, this land inspection focused on the tribute rate and on enforcing laws on native labor and Christianization. Territorial issues were not part of its agenda, as inferred from the fact that López Medel and Del Valle did not inspect directly (“*por vista de ojos*”) the natives' settlements. They stated that direct inspection and account of the Indians were not feasible because “the land was so rough and lacking roads that it was not possible to ride on horses.” Besides, “the Indians were scattered instead of living gathered on Spanish-style pueblos, as they were supposed to live.”<sup>171</sup> The visitors stayed

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council members of the Anserma *cabildo*, such as Miguel Dávila and Antonio de Sequera, led the opposition against Bishop Del Valle, accusing him of usurpation of civil jurisdiction. In response, the *Audiencia* of Santafé admonished Del Valle that his competence as Protector of Indians only entitled him to denounce abuses against natives but not to punish the alleged offenders, since the latter is an exclusive power of the civil jurisdiction. Yet, the Bishop's complaints met with a positive response from the Spanish Crown, which issued Royal Instructions prohibiting some of the mistreatment denounced by Del Valle. Moreover, by Royal Provision of September 29, 1555, the Crown provided for the proceeding and criteria to assess the tribute (see *Recopilación*, Tomo II, Libro VI, Título V, Ley XXI). Just the same day, King Philip II issued another Royal Instruction, addressed to the *Audiencia* of Santafé, commanding it to conduct a *visita* in the province of Popayán to set the tribute rate. On this Royal Provision, see López Medel and Ares Queija, *Visita de la gobernación de Popayán*, 4-8; on Del Valle's campaign against *encomenderos*' abuses, see Friede, *Vida y luchas de don Juan del Valle*, 107-227.

<sup>170</sup> Berta Ares Queija, “El Oidor Tomás López Medel, visitador de Popayán. Estudio preliminar,” in López Medel and Ares Queija, *Visita de la gobernación de Popayán*, xix-lv.

<sup>171</sup> (“*Por ser alguna parte de la tierra muy fragosa y no poderse camynar a caballo y por no aver camynos y estar los indios derramados y no juntos como les esta mandado juntar y poblar en forma de pueblos de España.*”) López Medel and Ares Queija *Visita de la gobernación de Popayán*, 238.

in Anserma city, where they summoned the *encomenderos* to come forward accompanied by the *caciques* and *indios principales* to provide the information needed to set the tribute rate. After giving a period for local authorities and *vecinos encomenderos* to present their arguments and grievances, Lopez Medel and Del Valle carried out the “*tasación*” of the “*pueblos*” of Anserma on June 9th and 10th, 1559. Ares Queija's transcription of this *visita* does not specify whether López Medel and Del Valle actually interviewed the *caciques* and *indios principales*, nor indicates the way the visitors collected the information needed to determine the tribute rate. This source only informs about the kind and amount of tribute each *pueblo* was to pay, the number of *tributarios* per town, their marital status, and the *encomendero* whom they were entrusted to. The visitors counted a total of 3,203 *tributarios* unevenly distributed in 27 *pueblos* that were assigned to 18 *encomenderos* (see Table 2).

**Table 2. *Tributarios* and *Encomenderos* in Anserma, 1559<sup>172</sup>**

	<i>Pueblo</i>	<i>Tributarios</i>			<i>Encomendero</i>
		Married	Single	Total	
1	Guacayca	74	40	114	Juan Moreta
2	Unbria	35	10	45	Antonio de Pantoxa
3	Chatapa	65	12	77	Alonso Gomez
4	Opirama	135	28	163	Lazaro Martyn
5	Piojo y Tucifra	91	15	106	Gaspar de Loaysa
6	Zupinga	50	-	50	“De su Magestad”
7	Ypa	28	-	28	Pablo Pérez, el menor
8	La Bieja	70	20	90	Andrés Pérez
9	Mapura	206	37	243	Francisco Díaz
10	Tabuya	164	-	164	Francisco Díaz
11	Guática	160	-	160	Gil Rengifo
12	Yrra	20	15	35	Francisco Díaz
13	Alonso	29	-	29	Bartolomé de la Rossa
14	Tuza y Apia	42	20	62	Gil Rengifo
15	Andica	78	25	103	Antonio de Sequera

<sup>172</sup> López Medel and Ares Queija *Visita de la gobernación de Popayán*, 241-72. The light gray area includes the pueblos located in the “provincia de Anserma” (lines 1 to 17), while the darker gray one corresponds to those placed in “provincias de Pirza, Supía, Acumba y Gorrone de la ciudad de Anserma” (lines 18 to 27).

16	Chatapa	108	29	137	Miguel Dávila
17	Aconchare	85	17	102	Miguel Dávila
18	Amaspache ( <i>pueblo</i> of Supía)	55	37	92	Gaspar de Loaysa
19	Cumba	138	76	214	Antonio Sequera
20	Apia	150	36	186	Florencio Serrano
21	Pirsa	129	100	229	Gómez Hernández
22	Supía	175	80	255	Lucas de Ávila
23	Tutui	56	17	73	Antonio Pantoxa
24	Apayache	90	30	120	Hernán Benítez
25	Gorrones y Pito	65	55	120	Juan de Zúniga
26	Curumbí y Gorrones	125	-	125	Bartolomé de la Rossa
27	Guarma	41	40	81	Hernando de Parada
	<b>Total</b>	2,464	739	3,203	18

**Source:** López Medel and Ares Queija *Visita de la gobernación de Popayán*, 241-72.

According to the tribute rate set by López Medel and Del Valle, each *pueblo* was to pay a certain amount of cotton blankets, cotton yarn, espadrilles (*alpargatas*), pottery, poultry, and staples collectively, depending on its number of *tributarios*. As a rule, López Medel and Del Valle excluded tribute payment in gold to prevent the natives' work in the mines. Still, they made an exception in the case of Anserma and Caramanta by allowing the Indians to commute the payment of cotton blankets for their value in gold. This exception might have been a function of the importance of gold mining, the scarcity of cotton, and the resistance of *encomenderos* in these regions.<sup>173</sup> Upon completing the tribute rate, the visitors delivered a set of instructions (“*Declaraciones*”), reiterating the obligations *encomenderos* were to comply with under penalty of being deprived of their Indians. As per these instructions, *encomenderos* should collect the tribute according to the

<sup>173</sup> López Medel and Ares Queija *Visita de la gobernación de Popayán*, 241-79; Ares Queija, “El Oidor Tomás López Medel...,” xli-xlvi.

established rate and provide their Indians a priest (*doctrinero*) to evangelize them. *Encomenderos* were not allowed to send their Indians to work in mines, to use the natives for personal service, or to force them to transport people or cargo on their backs (Indians forced to this labor were known as “*tamemes*”). Finally, *encomenderos* must complete the settlement of their Indians to put them under complete spiritual and temporal surveillance (“*en toda pulicía espiritual y temporal.*”)<sup>174</sup>

Records of the 1559 *visita* to Anserma do not inform about patterns of indigenous settlement. Although the term “*pueblo*” appears repeatedly, it is not clear, e.g., whether “*pueblo de Supía*” denoted a tribal affiliation (pre-conquest *cacicazgos*), the belonging to the same *encomienda*, or an Indian village. The last meaning, however, seems improbable, as the visitors declared not having carried out the inspection directly (“*por vista de ojos*”) due to the poor accessibility and the dispersion of the natives. Moreover, as the visitors' final instructions suggest, the settlement of Indians in the Anserma region had not been (entirely or successfully) completed by 1559, since *encomenderos* were still expected and required to accomplish it. Rather than an Indian village, it is more likely that, at that time, the term “*pueblo*” (sometimes equated to “*repartimiento*”) meant the emerging socio-political entities resulting from the rearrangement of former *cacicazgos* into *encomiendas*.<sup>175</sup> Indeed, as Table 1 shows, the Supía Indians appear divided into two

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<sup>174</sup> López Medel and Ares Queija *Visita de la gobernación de Popayán*, 271.

<sup>175</sup> Analyzing the process of congregations among the Muisca in the sixteenth century, historian Marcela Quiroga Zuluaga points out that “the term '*pueblo*,' before signifying a town or a type of settlement, denoted the newly colonial socio-political units, meaning the former Muisca chiefdoms reshaped by the distribution of *encomiendas*.” (“*el término pueblo, antes de significar una localidad o de establecer una forma de asentamiento, delimitaba los nuevos conjuntos sociopolíticos en el contexto colonial, es decir, las jefaturas muisca redelineadas por la repartición de las encomiendas.*”) Quiroga Zuluaga, “El proceso de reducciones...,” 183.

“*pueblos*”: Amaspache (*pueblo* of Supía), entrusted to Gaspar de Loaysa (n. 18), and Supía, assigned to Lucas de Ávila (n. 22). In sum, the sparse information concerning territorial issues, as well as the fact that López Medel and Del Valle did not perform an on-site inspection to the natives’ settlement, confirm that tribute and labor, rather than land, caught the exclusive attention of the colonial authorities during the first cycle of *visitas a la tierra*.

#### **1.4. Setting Possession by Dispossession. The Creation of *Resguardos* in the Vega de Supía (1590s-1627)**

From a legal standpoint, the policy of gathering natives in *pueblos de indios* sought to keep them in possession of those lands they formerly had occupied while also granting them additional lands in the villages where they were to be resettled. A 1560 Royal Instruction commanded that “the Indians shall be resettled in towns without being deprived of the lands and crops they have in the places they left. We order not to change anything in that regard and to keep their lands as they have had so far.”<sup>176</sup> Meanwhile, a 1573 Royal Instruction established that *pueblos de indios* were to be set up in places with enough water sources, land, and forest. According to this Instruction, each *pueblo* was to have a communal landholding (*ejido*) of one league (*legua*) in length for the natives to raise their

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<sup>176</sup> (“...se reducirán a poblaciones los indios, si no (sic) se les quitan las tierras y granjerías que tuvieren en los sitios que dejaren. Mandamos que en esto no se haga novedad, y se les conserven como las hubieren tenido antes...”) *Recopilación*, Tomo II, Libro VI, Título III, Ley IX. In the same vein, a 1583 Royal Instruction ordered that allocations of land among non-Indians should be done “without damaging the Indians.” (“*ni agravio de los indios*.”). See *Recopilación*, Tomo II, Libro IV, Título XII, Ley VII.

livestock.<sup>177</sup> Still, surveying and demarcating Indian landholdings were not yet issues that colonial officials addressed on the ground.

Things began to change in 1591, when King Phillip II issued the “*Cédulas del Pardo*”, a set of Royal decrees declaring land in the Indies as Royal property.<sup>178</sup> This legislation came at a time when the Spanish empire sought new sources of revenue to cope with the rise of military expenditures caused by its engagement in transatlantic wars with other European powers. The Crown requested those who had occupied land lacking valid titles to undergo a procedure known as “*composición de tierras*” to legalize ownership by paying a fee.<sup>179</sup> Meanwhile, Indians were granted “the land they need for farming and raising livestock, confirming their rights over their current landholdings and granting back the land they were missing.”<sup>180</sup>

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<sup>177</sup> (“...los sitios en que se han de formar pueblos y reducciones tengan comodidad de aguas, tierras y montes... y un ejido de una legua de largo, donde los indios puedan tener sus ganados...”) *Recopilación*, Tomo II, Libro VI, Título III, Ley VIII.

<sup>178</sup> These are the “*Real cédula indicando las razones por las que son necesarias medidas conducentes a la composición de tierras, política que debe seguirse y anuncios de dos cédulas más sobre el mismo contenido*,” the “*Real cédula sobre restitución de las tierras que se poseen sin justos y verdaderos títulos*,” and the “*Real cédula solucionando las posesiones de tierras indebidamente tenidas mediante una composición*,” all issued in El Pardo on November 1st, 1591. See Solano (edit.), *Cedulario*, (Docs. 131, 132, and 133), 269-275; *Recopilación*, Tomo II, Libro IV, Título XII, Ley XIV.

<sup>179</sup> Originally intended to be a one-of sort of amnesty for irregular landholders, the *composición* ultimately became a way to access land ownership on a regular basis. Along with that of 1591, subsequent campaigns of *composiciones* took place in the 1630s and throughout the seventeenth and eighteenth centuries. On *composiciones* in New Granada, see Colmenares, *Historia social y económica...I*, 217-31. For Mexico, see Solano (edit.), *Cedulario*, 50-59; Ruiz Medrano, *Mexico’s Indigenous Communities*, 101. For Perú, see Steve J. Stern, *Peru’s Indian Peoples and the Challenge of Spanish Conquest. Huamanga to 1640* (Madison: University of Wisconsin Press, 1982), 116, 134; Spalding, *Huarochirí*, 181-83; Karen B. Graubart, “Shifting Landscapes. Heterogeneous Conceptions of Land Use and Tenure in the Lima Valley,” *Colonial Latin American Review*, Vol.26, No. 1 (2017), 75-78.

<sup>180</sup> (“lo que hubieren menester para hacer sus labores y sementeras y crianzas, confirmándoles en lo que tienen de presente y dándoles de nuevo lo que faltare.”) Solano (edit.), *Cedulario*, (Doc. 131), 270.

The policy of *composiciones* also came as a timely opportunity for *encomenderos* to find new sources of income with which to compensate the decline of tribute resulting from the declension of the native population. In such a context, mining and agricultural production became increasingly important and, thus, land ownership turned into a pivotal source of wealth that incited *encomenderos* to turn into *hacendados*.<sup>181</sup> The 1591 legislation enabled *encomenderos* (and other Spanish settlers) to become owners of those lands they already had taken over. Moreover, it created an incentive for them to keep seizing lands over which they could get ownership later through a *composición*. By contributing to the expansion of Spanish landholdings, *composiciones de tierras* set the foundation for the *hacienda* system.<sup>182</sup>

Although the 1591 legislation on *composiciones* originally did not intend to affect Indian landholdings, this institution boosted legal disputes over land and, hence, the need to produce legal evidence to support land claims. Besides, by granting the natives the right to those lands “they need for sowing and raising,” this legislation introduced “necessity” - rather than ancestral possession - as the decisive criterium for allocating Indian

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<sup>181</sup> On the role of the *encomienda* system as an actual avenue to land ownership and its relationship with the origins of the *hacienda* system, see. James Lockhart, “Encomienda and Hacienda: The Evolution of the Great Estate in the Spanish Indies (1969),” in *Of Things of the Indies. Essays Old and New in Early Latin American History*, ed. James Lockhart (Stanford; Stanford University Press, 1999), 1-26; Keith, “Encomienda...” 431-46; Magnus Mörner, “The Spanish American Hacienda: A Survey of Recent Research and Debate,” *The Hispanic American Historical Review*, Vol. 53, No. 2 (May, 1973), 183-216.

<sup>182</sup> For New Granada, see Friede, “De la Encomienda...,” 53; Juan A. Villamarín, *Encomenderos and Indians in the Formation of Colonial Society in the Sabana de Bogota, Colombia – 1537 to 1740*, Ph.D. Dissertation (Brandeis University, 1972), 147-50; Colmenares, *Historia social y económica...I*, 231; Salcedo, “Los Pueblos de Indios...,” 184; Solano, *Ciudades Hispanoamericanas*, 344. For Mexico, see Francois Chevalier, *Land and Society in Colonial Mexico. The Great Hacienda* (Berkeley & Los Angeles, University of California Press, 1970), 277. For Perú, see Stern, *Peru’s Indian Peoples*, 116.



landholdings.<sup>183</sup> It was against the backdrop of *composiciones de tierras* when the surveying and demarcation of Indian landholdings became relevant for colonial officials, for Spaniards interested in expanding their *haciendas*, and for the Indians themselves, who faced increasing pressures over their lands. In the New Kingdom of Granada, these demarcated communal Indian lands were (and still are) commonly referred to as “*resguardos*.”<sup>184</sup>

The allocation of *resguardos* in New Granada took place during the second round of *visitas a la tierra* launched by Antonio González upon assuming the post of President of the *Audiencia* of Santafé in 1590.<sup>185</sup> A set of instructions issued by *Oidor* Miguel Ibarra while conducting the 1593 *visita* to the province of Santafé set out the guidelines for the this second cycle of visitations, now involving provisions about the demarcation of *resguardos*.<sup>186</sup> Similarly to the previous *visitas*, Miguel de Ibarra's 1593 instructions

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<sup>183</sup> Solano (edit.), *Cedulario*, 270; Graubart, “Shifting Landscapes,” 75.

<sup>184</sup> Fals-Borda, “Indian Congregations,” 331; González, *El Resguardo*, 28-39; Juan Friede, *El indio en la lucha por la tierra*, 3rd. ed. (Bogotá: Punta de Lanza, 1976); Jorge Orlando Melo, “¿Cuánta tierra necesita un indio? Nota marginal sobre la disolución de los resguardos en el siglo XVIII,” in *Sobre historia y política* (Bogotá: La Carreta, 1979), 85-98; Colmenares, *Historia social y económica...I*, 231-40; Armando Martínez Garnica, *El Régimen del Resguardo en Santander* (Bucaramanga: Gobernación de Santander, 1993), 5-8; Lola G. Luna, *Resguardos coloniales de Santa Marta y Cartagena y resistencia indígena* (Bogotá: Fondo de Promoción de la Cultura del Banco Popular, 1993); Herrera Angel, “Los pueblos que no eran pueblos,” 15-6. By contrast with the New Granada generic denomination of “resguardo,” in the case of colonial Mexico, indigenous lands were known by different names depending on their specific function: “*terrenos de común repartimiento* (common croplands), *propios* (lands that supported village governments), *fundo legal* (lands that comprised the site of a pueblo), and *ejido* (a pueblo’s agricultural and pasturelands).” After the disentailment law passed in 1856, however, all types of indigenous lands became known as *ejidos*. Ruiz Medrano, *Mexico’s Indigenous Communities*, 185.

<sup>185</sup> Mayorga García, *La Audiencia de Santafé*, 40-3; Indalecio Liévano Aguirre, *Los grandes conflictos sociales y económicos de nuestra historia I*, 9th ed. (Bogotá: Tercer Mundo, 1980), 188-97.

<sup>186</sup> “*Relación del Orden que se lleva en la visita general que se va haciendo por el Lic. Miguel de Ibarra, oidor de la Real Audiencia de este Reyno de los naturales del Distrito de la ciudad de Santa Fe desde el 12 de febrero de 1593*,” AGI, Audiencia de Santa Fe, 17, R. 11, No. 80.

include provisions about the census (*numeración*) of Indians; the supervision of evangelization (*doctrina*), labor, and tribute; the examination of witnesses under secrecy to get information about abuses and mistreatments against the natives, among other aspects. The novelty consisted in including guidelines on “how *resguardo* lands are to be surveyed and allocated” (“*cómo se ven las tierras y se da resguardo*”), and how to distribute them among each *pueblo*'s natives. As per Ibarra's instructions, the amount of land was to be determined on a case-by-case basis, depending on the number of *tributarios* and the land's quality. As an example, the visitor suggested that a *pueblo* inhabited by 400-500 *tributarios* (equivalent to a total population of 2000 Indians) was to be granted 3000 footsteps of land around, counted “from the last houses and huts of each town” (“*desde las postreras casas y buyos de cada pueblo*”).<sup>187</sup> *Corregidores de indios* should distribute the lands, “giving the *caciques* more than the captains, and the captains more than the Indians, taking into consideration social hierarchy in a way that they all feel pleased.”<sup>188</sup> Besides the area surrounding the pueblos, the natives' traditionally cultivated land should also be granted as *resguardos* but under certain conditions. First, the allocation of Indians' traditional landholdings as *resguardos* only included the portion actually sowed (“*solo el sitio y tierra*

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<sup>187</sup> (“...al pueblo que es de 400 a 500 indios útiles tributarios sin sus mujeres, hijos e familias serán 2000 personas más y menos 3000 pasos de la medida que ahora se usa en esta ciudad...”). “Relación,” AGI, Santa Fe, 17, R. 11, No. 80, 4v. According to historian Marcela Quiroga, this amount of land corresponds to about 635 hectares, which is considerably smaller than the average tract of land granted to the Spanish in the province of Santafé. Quiroga Zuluaga, “El proceso de *reducciones*,” 192-93. For other ways of measuring *resguardo* lands in the provinces of Santafé and Tunja, see Diana Bonnett Vélez, *Tierra y comunidad. Un problema irresuelto. El caso del altiplano cundiboyacense (Virreinato de la Nueva Granada) 1750-1800* (Bogotá: Universidad de los Andes, 2002), 37.

<sup>188</sup> (“dando a los *caciques* más que a los *capitanes* y a los *capitanes* más que a los *indios*, de suerte que se tenga consideración y distinción de las personas y que todos queden contentos.”) “Relación,” AGI, Santa Fe, 17, R. 11, No. 80, 5r.

*que ocupan las dichas labranzas y no más*”). Second, it was granted to the Indians only as long as the same area would not have been already conferred to *encomenderos* or other people, and letting open the way to reallocate it to others in the future (“*sin embargo de cualesquier estancias proveídas y que se proveyeren a sus encomenderos o a otras personas particulares*”). As Ibarra's instructions suggest, rather than protecting the natives' ancestral lands the concession of *resguardos* sought to mark the geographical and socioeconomic place assigned to the Indians within the colonial order.<sup>189</sup>

Upon setting up the *resguardo* boundaries, the chief of the *pueblo* usually received the corresponding land title as written evidence of the community's right over the lands enclosed into said boundaries. Historian Diana Bonnett points out that it was usual for title deeds to end up in the hands of the priests, who became "the true holders of the *resguardos* land titles."<sup>190</sup> On another note, colonial legislation was ambiguous when it comes to the nature of the rights Indians held over their *resguardos*, whether full ownership or only rights of usufruct.<sup>191</sup>

The second cycle of *visitas a la tierra* in the New Kingdom of Granada started with the land inspection to Santafé by Férreas de Gómez, Bernardino de Albornoz, and Miguel

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<sup>189</sup> Bonnett Vélez, *Tierra y comunidad*, 36-37.

<sup>190</sup> Bonnett Vélez, *Tierra y comunidad*, 38.

<sup>191</sup> Bonnett Vélez, *Tierra y comunidad*, 30-33; Mónica Patricia Martini y Fernando Mayorga García, “Los derechos de los pueblos originarios sobre sus tierras de comunidad. Del Nuevo Reino de Granada a la República de Colombia,” in *Un giudice e due leggi. Pluralismo normativo e conflitti agrari in Sud America*, Mario G. Losano, edit. (Milan: Giuffrè Editore, 2004), 35-73; Fernando Mayorga García, *Datos para la historia de la propiedad territorial indígena en el suroccidente colombiano* (Bogotá: ICANH, 2017), 15-44. Though colonial legal scholars discussed the subject, Indians' land rights emerged as a contentious issue in the context of the privatization of *resguardos* in the postcolonial era. Therefore, it shall be fully addressed in Part II of this study.

de Ibarra (1593); to Tunja by Egaz de Guzmán (1595); and, to Tunja and Santafé by Luis Henríquez (1601-1603). These *visitas* consolidated the establishment of *pueblos de indios* and *resguardos* in the central high plains of the New Kingdom of Granada. Then, *oidores* began to inspect more peripheral regions, as proved by the *visitas* to Pamplona by Antonio Beltrán de Guevara (1601-1602); Cartagena (1611) and Pamplona (1623) by Juan de Villabona Zubiaurre; Antioquia by Francisco Herrera Campuzano (1614-1616); Vélez, Muzo, and La Palma (1617), and later to Anserma, Arma, Cartago, Toro, Ibagué, Tocaima, and Mariquita (1627) by Lesmes de Espinosa Saravia; and, to the Cauca Valley and Pasto by Antonio Rodríguez de San Isidro (1637). The second cycle of *visitas a la tierra* ended with the inspections to Vélez, Monquirá, and Sorocota (1670), and later to Cartagena (1675) by Jacinto de Vargas Campuzano.<sup>192</sup>

The *visitas* conducted in the Vega de Supía during the late sixteenth century have still not been researched enough.<sup>193</sup> It seems, however, that the *poblamiento* and allocation of *resguardos*, as well as disputes around the coveted Supía plains, had already begun by the 1590s, as a land dispute involving the Supía Indians, their *encomenderos*, and the Church suggests. In 1594, Don Francisco and Don Jorge, *cacique* and *indio principal* of

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<sup>192</sup> See José Mojica Silva, *Relación de visitas coloniales. Pueblos, repartimientos y parcialidades indígenas de la provincia de Tunja y de los partidos de La Palma, Muzo, Vélez y Pamplona* (Tunja: Imprenta Oficial, 1946); Juan David Montoya and José Manuel González (trans. and. prelim. study), *Visita a la Provincia de Antioquia por Francisco Herrera Campuzano, 1614-1616* (Medellín: Universidad Nacional de Colombia, 2010); Luna, *Resguardos coloniales*, 205-69; Colmenares, *Historia social y económica...I*, 231-40; Quiroga Zuluaga, "El proceso de *reducciones*," 191-96.

<sup>193</sup> In 1568, *Oidor* Diego Angulo de Castejón conducted another *visita* to the province of Popayán to reassess (*retasar*) the tribute. In 1585, the Governor of Popayán, Juan de Tuesta Salazar, carried out what seems to be the first *visita* specifically intended to resettle the native population under his jurisdiction. Juan Friede examines both *visitas* concerning the Cartago region, but the 1585 Tuesta Salazar's land inspection to Anserma remains unresearched. Friede, *Los Quimbaya*, 115-49. For an overview of the *visitas* conducted in the Anserma region, see Román Tamez, *Indios mineros y encomenderos*, 60-64.

the *pueblo de Supía*, appeared before the *alcalde ordinario* of Anserma asking for protection of their lands. As per their petition, upon the death of their former *encomendero*, Alonso de Loaysa, the Church asserted right of lien on the lands of the Vega de Supía arguing that Loaysa owed money to it. Then, the chiefs of the *pueblo de Supía* filed the petition for land protection to prevent the Church's seizure of their lands. Upon getting permission from the *alcalde*, they gave power of attorney to Gaspar de Ávila, their new *encomendero*, as well as to *Procuradores* Martín Camargo and Francisco de Zúñiga, to represent them before the *Real Audiencia*.<sup>194</sup>

The Indians' petition, penned by the Anserma *cabildo*'s public notary (*escribano público*), stated that “the Vega de Supía and its surroundings have been our ancestral and natural land,” where “our grandparents lived by the time the Spaniards came to conquest and to split up the natives into *encomiendas*.” Even after conquest, they said, their ancestors remained in possession of these lands “without any disturbance either by the *encomiendas* or by any other means.”<sup>195</sup> Furthermore, they claimed their rights were confirmed by “*Real Audiencia* inspectors and the Governors” who “settled us in the Vega de Supía, because it

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<sup>194</sup> “Anserma: Pleitos por tierras de resguardo, 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 805r-813r. I thank Professor Zamira Díaz López from the Universidad del Cauca for her assistance in the transcription of this manuscript. As illustrated in Table 2, the Supías were distributed into two *encomiendas* (see lines 18 and 22). It is not clear which one of them was involved in the land dispute documented in this manuscript.

<sup>195</sup> (“...nuestra tierra y natural desde su inicio son las Vegas de Supía y sus rededores donde nuestros padres y abuelos y bisabuelos y los demás antecesores fueron y somos pobladores como ahora, tierra y natural, y al tiempo que los españoles entraron a conquistar y repartir los naturales nuestros abuelos estaban en ellas como los demás antecesores discurriendo hasta ahora en la existencia y posesión sin se nos haber perturbado ni removidos ansi en las *encomiendas* que de los dichos indios han sido hechas ni en otra manera.”) “Anserma...1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 810r.

was our natural land.”<sup>196</sup> Concerning the latter, Hernán Benítez - *encomendero* and one of the witnesses - attested that the Supías used to live close to the mountains surrounding the Vega until Pedro Holguín came to this land, commissioned by the *Real Audiencia*, and settled the Indians at the head (*cabecera*) of the Vega.<sup>197</sup> As per Benítez, the resettlement took place “seven or eight years ago” (around 1586-87) which roughly coincides with the 1585 *visita* by Juan de Tuesta Salazar, Governor of Popayán.<sup>198</sup> Benítez's testimony also concurs partially with the record of the *visita* by Lesmes de Espinosa Saravia that refers to the allocation of *resguardo* lands by Pedro de Alvarado to the Indians of the Supía La Baja *encomienda*.<sup>199</sup>

Besides documenting the early allocation of *resguardos* to the Supías, the 1594 dispute also gives us insight on the existing confusion on whether *encomenderos* had any right over their Indians' lands. From a legal standpoint, the *encomienda* system only granted rights over Indians' labor and tribute but not legal title over their lands.<sup>200</sup> Still, it entailed

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<sup>196</sup> (“por la Real Audiencia y Visitadores han sido enviados y por los gobernadores nos poblaron en las cabeceras de las dichas Vegas de Supía por ser nuestro natural...”), “Anserma...1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 810r.

<sup>197</sup> (“...desde que vino a esta tierra Pedro Holguín con comisión de la Real Audiencia del Nuevo Reino de Granada están poblados los dichos indios de Supía a donde ahora están que puede hacer siete ocho años poco más o menos la cual dicha población esta fecha a las cabeceras de la Vega porque antes estaban arrimados a las sierras y que ordinariamente ha entendido que la dicha Vega y tierras de ella son de los indios del dicho Supía...”) “Anserma...1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 812r.

<sup>198</sup> Friede, *Los Quimbaya*, 137-49.

<sup>199</sup> “Anserma, Cartago, Arma, Toro: diligencias de visita a minas, 1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 122r. Riosucio writer Rómulo Cuesta echoes this event in his novel *Tomás*, which dates back to 1597 the allocation of *resguardos* by Pedro de Alvarado. Rómulo Cuesta, *Tomás* (Riosucio: Álvaro Gärtner – Grupo de Apoyo a las Danzas del Ingrumá, 2000), 115.

<sup>200</sup> Zabala, *De encomiendas*, 29; José María Ots Capdequí, *España en América. El régimen de tierras en la época colonial* (México: Fondo de Cultura Económica, 1959), 97-101.

a kind of lordship that gave *encomenderos* a *de facto* control over the space their Indians occupied, as evidenced in this case.<sup>201</sup> In their petition, the Supías stated that “the aforementioned Alonso de Loaysa did not own an estate there. We just allowed him to raise his cattle along with ours in the said Vegas, as he was our master and *encomendero*. Even though it caused damage to our crops, we tolerated it since we were under his dominion.”<sup>202</sup> Meanwhile, the witness Pedro Marmolejo, Loaysa's brother-in-law, contested the Indians' account by arguing, instead, that the deceased Loaysa held the legal title and a more than thirty-year possession over these lands.<sup>203</sup> In this case, Marmolejo's testimony and *encomendero* Loaysa's occupation of his Indians' lands served the Church to assert the right of lien over these lands to secure payment off his alleged debt.<sup>204</sup>

The Church's claim, in turn, sparked the interest of the new *encomendero*, Gaspar de Ávila, in supporting his Indians' petition for land protection as a legal strategy to retain control over the Supías' coveted lands. De Ávila's central role in this dispute opens an avenue to analyze the mediation of local elites in support of the natives' legal agency. The petition and the power of attorney were written in the first person to supposedly convey

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<sup>201</sup> James Lockhart points out that landholding was a *de facto* aspect of the *encomienda*. Lockhart, “Encomienda and Hacienda,” 7-9. Similarly, Keith, “Encomienda...,” 431-32.

<sup>202</sup> (“*el dicho Alonso de Loaysa no pudo tener allí estancia que pueda ser suya porque aún su ganado le consentíamos le tuviese con el nuestro en las dichas Vegas por ser nuestro amo y encomendero en aquella sazón habíamos en las dichas tierras las sementeras y aunque recibíamos de ello daño lo disimulábamos por estar debajo de su dominio.*”) “Anserma... 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 810r-810v.

<sup>203</sup> “Anserma... 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 811v.

<sup>204</sup> In other cases, these blurred boundaries between *encomienda* and landholding enabled *encomenderos* to claim possession over Indians' lands and, thus, to get ownership through *composiciones de tierras*, as will be examined later.

*cacique* Don Francisco and *Indio principal* Don Jorge's claim on behalf of their fellow Supía Indians. Since they were illiterate, not even their signatures nor any trace of their actual participation in the lawsuit appear on the records. As it was common in cases involving illiterate litigants, one of the witnesses, Juan Dávila de la Serna, signed on behalf of Don Francisco and Don Jorge.<sup>205</sup> The Supía chiefs requested permission from the *alcalde* to be represented in court by their new *encomendero*, arguing that “since we are minors, we need someone who protects us and our lands. And because nobody can do it better than our *encomendero*, we implore, your honor, to be licensed as minors to give power of attorney to our *encomendero* for him to carry out the said defense for us.”<sup>206</sup> Still, it remains unknown whether the Indians or de Ávila took the initiative to file the lawsuit or to be represented by the *encomendero*; or, the extent of the Supías' overall legal agency in this case. The records only let us know that Joan Llorente, *alcalde ordinario* of Anserma, conducted the ensuing proceedings in a smooth and expedited way.<sup>207</sup> On April 1<sup>st</sup>, Llorente ruled in favor of the Indians by granting them a sort of precarious possession over the Vega lands and warning that “no person may disturb their ancient possession unless

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<sup>205</sup> “Anserma...1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 809v.

<sup>206</sup> (“...como menores tenemos necesidad de quien nos ampare y defienda nuestras haciendas y tierras y porque a questo nadie lo puede hacer mejor que nuestro *encomendero* y para el dicho efecto nos queremos aprovechar y nos conviene se nos conceda licencia como menores para dar poder a dicho nuestro *encomendero* y para que nos haga la dicha defensa—suplicamos a vuestra merced que por ser cosa de nuestro provecho nos la conceda...” ) “Anserma...1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 808r.

<sup>207</sup> On March 28, 1594, Don Francisco and Don Jorge filed the petition to Joan Llorente, *alcalde ordinario* of Anserma, who right away authorized the Indians to give the power of attorney they had asked for. On March 30<sup>th</sup> and 31<sup>st</sup>, the *alcalde* Llorente heard testimonies of four Spanish witnesses: Miguel Morillo, Pedro Marmolejo, Hernán Benítez, and Joan de Chinchilla; all of whom, except for Marmolejo, attested to the Indians ancestral possession of the disputed lands.



they had been heard and defeated in a fair trial.”<sup>208</sup> On June 4<sup>th</sup>, two *procuradores*, acting on behalf of the Supías and their *encomendero*, addressed the Real Audiencia asking for full protection of the Indians' possession of the Vega in such a way that “my parts shall not be dispossessed of the said lands for any reason.”<sup>209</sup> The last recorded procedural act is a brief note, dated on June 7<sup>th</sup> and signed by Tomás Velázquez, announcing that the *Audiencia* had decided the case according to the law (“*proveyóse lo de suyo por ... la Real Audiencia de su majestad*”).<sup>210</sup> The records do not inform about the *Audiencia's* final decision.

What is known, however, is that by the seventeenth century, the natives remained in possession of their lands in an increasingly diverse Vega de Supía. Along with the Indians, a growing number of Spanish families and enslaved black people were weaving the social fabric of a region whose economy relied on mining, cattle raising, and farming. Since the 1590s, however, the mining boom experienced in the Vega de Supía came to an end. By 1622, mining had decreased dramatically in the region. Most mines had closed, and the enslaved black population had plummeted to less than half of that registered before the crisis.<sup>211</sup> More *encomenderos* and other Spaniards, who were supposed to live in

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<sup>208</sup> (“*..amparava e amparo a los dichos caciques e indios en la quieta posesión de las dichas tierras y Vegas como hasta aquí las han tenido y poseído y mandava y mando que ninguna persona les perturbe la dicha su posesion y asistencia antigua sin primero ser oídos y vencidos por fuero y por derecho...*”) “Anserma... 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 812v-813r.

<sup>209</sup> (“*y por ninguna forma los dichos mis partes no sean desposeídos de las dichas tierras e ninguna razón*”) “Anserma... 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 807r.

<sup>210</sup> “Anserma... 1594,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.29, 811r.

<sup>211</sup> Robert C. West, *La minería de aluvión en Colombia durante el período colonial*, trans. Jorge O. Melo and Camilo Domínguez (Bogotá: Imprenta Nacional, 1972), 19-20; Colmenares, *Historia social y económica... I*, 349; González Escobar, *De la invención a la conquista*, 83-87.

Anserma, steadily made their home in the Vega de Supía to run their estates and businesses closely. Meanwhile, the urban center of Anserma increasingly lost significance and population.<sup>212</sup> That was the social landscape that *oidor* Lesmes de Espinosa Saravia met in his 1627 landmark *visita* to the Anserma region. Anserma was the first stage of a broader land inspection that also included Arma, Cartago, Toro, Ibagué, Tocaima, Mariquita, and the rest of the hot-weather lands (“*partidos de tierra caliente*”) placed to the north of the province of Popayán. This inspection illustrates the pivotal role that territorial management played in the second cycle of *visitas a la tierra*.

Whereas the 1559 López Medel and Del Valle *visita* only documents the presence of *encomenderos* and *indios tributarios*, Espinosa Saravia's 1627 inspection depicts a demographic landscape in which enslaved blacks provided a minimal offset against the decline of the native population while the number of *encomenderos* remained the same. As per an executive report that Espinosa Saravia submitted to the Council of the Indies upon the inspection, Anserma had a total of 18 *encomenderos* and 538 *indios útiles* (tributaries), 105 of them working in mines along with 231 enslaved blacks. Whereas the number of *encomenderos* remained the same in both inspections, *indios tributarios* plummeted six-fold, from 3,203 in 1559 to 538 in 1627 (see Table 3).<sup>213</sup>

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<sup>212</sup> González Escobar, *De la invención a la conquista*, 92.

<sup>213</sup> For an executive summary of this land inspection, see “Carta de Lesmes de Espinosa Saravia, 1627,” AGI, Santa Fe, 20 R.7, No. 130.

**Table 3. *Encomenderos, Indians, and Enslaved Blacks in Anserma in the Visitas of 1559 and 1627***<sup>214</sup>

	<b>1559</b>	<b>1627</b>
<i>Encomenderos</i>	18	18
<i>Tributarios</i>	3,203	538
<b>Indian Population (estimate)</b>	9,609	2,152
<b>Enslaved Blacks</b> <sup>215</sup>		231

**Source:** López Medel and Ares Queija *Visita de la gobernación de Popayán*, 241-72; “Carta...1627,” AGI, Santa Fe, 20 R.7, No. 130, 1r-1v (images 5-6); “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 418r; Colmenares, *Historia social y económica... I*, 314.

As in 1559, issues of tribute and labor were at the core of the 1627 *visita*, but Espinosa Saravia also did a great deal of territorial management. Following a protocol that echoes Miguel Ibarra's 1593 instructions, Espinosa Saravia met with Indians, *encomenderos*, and masters of enslaved black gangs (“*señores de cuadrillas de esclavos*”) to instruct them about the purpose of the inspection. The *oidor* examined witnesses under secrecy, condemned those responsible for abuses against natives and blacks, and implemented the sanctions. Also, he numbered the Indians, reassessed the tribute rate, and oversaw the collection of native tribute and the mining tax (*Quinto Real*). It was, however,

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<sup>214</sup> López Medel and Ares Queija *Visita de la gobernación de Popayán*, 241-72; “Carta...1627,” AGI, Santa Fe, 20 R.7, No. 130, 1r-1v (images 5-6); “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 418r. Considering that the ratio between tributaries and the total indigenous population changed throughout the colonial period, Jaramillo Uribe suggests applying a ratio of 3 Indians per *tributario* (3/1) in the sixteenth century, 4/1 in the seventeenth century, and 5/1 in the eighteenth century. Accordingly, the total Indian population was estimated by applying a ratio of 3 Indians per *tributario* (3/1) in 1559 and 4/1 in 1627. Jaramillo Uribe, “La población indígena,” 246.

<sup>215</sup> Figures on enslaved black population slightly differs from that of Colmenares, who, also based on the 1627 inspection, refers to a total enslaved population of 237 individuals (79 in Vega de Supía, 71 in Marmato, 87 in Quiebralomo). Colmenares, *Historia social y económica... I*, 314.

Espinosa Saravia's territorial management that had a long-lasting impact, since it reshaped natives' territorialities and communal identities in the Anserma region.

Concerning southern Anserma, Espinosa Saravia resettled the natives around the *pueblos* of Opirama, Tabuya, Guática, Savana, and Tusa.<sup>216</sup> In northern Anserma, the *oidor* revamped the *reales de minas* of Quiebralomo and Marmato and provided for the creation of the *pueblos de indios* of La Montaña and La Vega. The Indians of La Montaña, entrusted to *Encomendero* Francisco Herrera, were already living in the highlands of today's municipality of Riosucio. Thus, in this case, while defining clear boundaries of their *resguardo* lands, Espinosa Saravia largely confirmed a preexisting situation.<sup>217</sup> By contrast, the creation of the *pueblo* of La Vega involved significant population movements. By 1627, the Vega de Supía was inhabited by the Supías (distributed into two *encomiendas*:

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<sup>216</sup> “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 312 and 332r-335v; Caicedo, *Cinco siglos*, 32.

<sup>217</sup> On March 15, 1627, Espinosa Saravia stated that “*habiendo visto por vista de ojos las tierras y montañas, sitio y asiento de este pueblo, y que está informado es sano y de buen temple, fresco y de buenas aguas, y que los indios están contentos y se huelgan de quedarse ahí por hallarse bien: mandaba y mando que estos indios de la Montaña, así de repartimiento como de mina se queden y sean poblados en este pueblo de la Montaña donde están...*” The *oidor* also demarcated La Montaña *resguardo* as follows: “*Y luego el dicho señor oidor visitador señaló por términos [linderos], tierras y resguardos a estos indios de la Montaña y de mina de esta encomienda para sus rocerías, labranzas, crianzas, propios pastos e ejidos y baldíos en común y en particular para todos ellos y sus familias. Por la parte de Pirza la loma que llaman en su lengua Hunca, y por la parte de hacia el Chocó otra loma que llaman Humbrumaya, y por la parte del Aguasal, otra loma que llaman Apa, y por la parte de hacia los indios de Supía la alta y Arquía hasta el río debajo de Supía, y por él abajo y por la parte de Quiebralomo hasta la quebrada de Anilla, en todo lo cual y en las tierras y montañas, aguas, pesquerías y salinas inclusas y comprendidas dentro dichos términos y resguardos señalados, les daba y dio, señalaba y señaló por suyo y por tal se lo aplica y adjudica para que sea suyo propio y lo labren, rosen y cultiven y usen de ellos como cosa suya propia, en lo cual les amparaba y amparo, y mandaba y mando que ninguna personas se lo quite, tome y ocupe en manera alguna y se lo dejen libre y desembarazado, y la justicias de su majestad les amparen en ello y no consientan que de ellos sean removidos y perturbados, sin primero ser oídos y vencidos por fuero y por derecho, con apercibimiento que vendrá persona a su costa con días y salarios a restituirles y enterarles en todo lo que se hubiese tomado o quitado y ocupado, y así lo proveyó, mandó y lo señaló.*” “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 120r-120v.

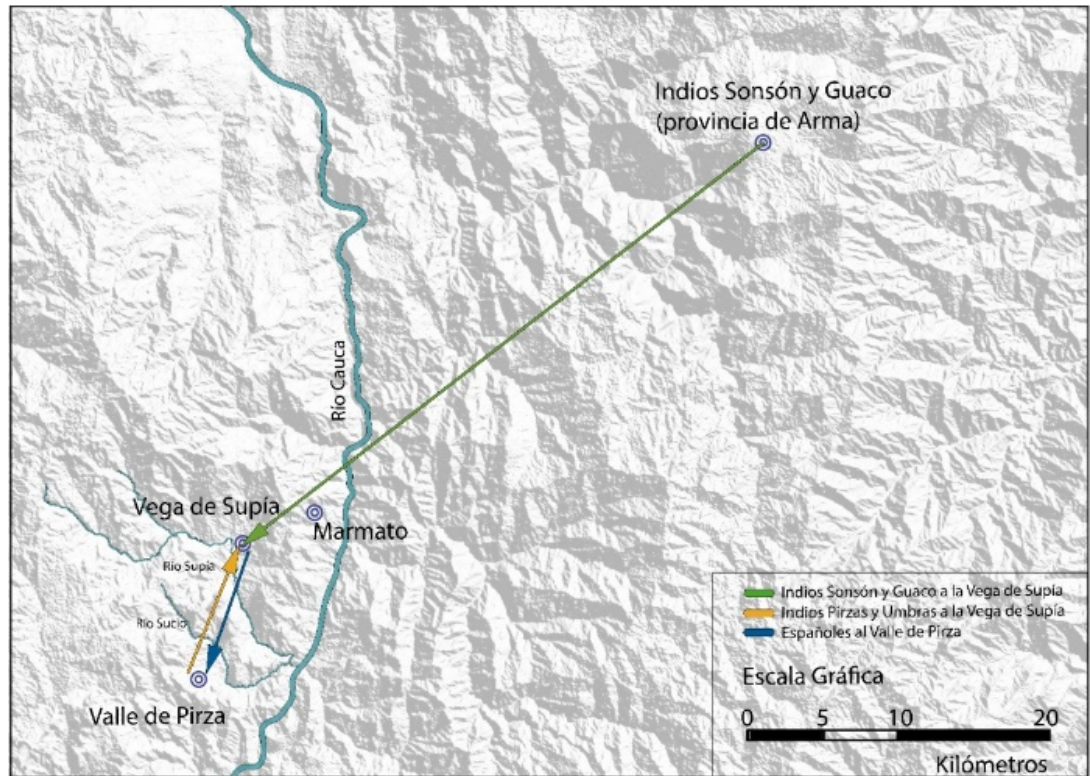
Supía La Alta and La Baja), thirteen Spanish families, and sixty enslaved blacks with their families.<sup>218</sup> Espinosa Saravia commanded the Spanish to move to a temperate climate valley located about one league (*legua*) southward and inhabited by Pirzas and Umbras, who, in turn, were to settle in the Vega. Additionally, the *oidor* commissioned Captain Pedro de Osma, who happened to be Espinosa Saravia's brother-in-law, to bring the Sonsón and Guaco Indians from their traditional homelands in the Arma province to be resettled in La Vega (see Map 8 and Table 4).<sup>219</sup> These population movements hint at the pivotal role the new *pueblo* of La Vega was supposed to play as a supplier of workforce and food for the neighboring mining districts of Quebralomo and Marmato. Espinosa Saravia asserted his purpose of making the *doctrina* of La Vega as “the most prominent of the entire province” since “it matters for the service of God our Lord and the increase of the King's mining revenue (*Reales Quintos*).”<sup>220</sup>

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<sup>218</sup> “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 61v to 64v; 122r to 123 r. Colmenares refers to a total population of 79 enslaved blacks in the Vega de Supía. Colmenares, *Historia social y económica... I*, 314.

<sup>219</sup> “Sonsón: diligencias de visita, 1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 913-942.

<sup>220</sup> (“*que sea la mejor de toda esta provincia porque me persuado que así importa al servicio de Dios Nuestro Señor y al aumento de los Reales Quintos.*”) “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 62r.



Map 8. Relocation of Population to and from the Vega de Supía, 1627<sup>221</sup>

The natives resettled in the newly created pueblo of La Vega had had previous contact with the Supías. As per Marcos, native from the Pirza community, both his people and the Supías were all “ladinos and Spanish speakers,” and they had maintained economic ties for a long time since the Pirzas' maize crops served to feed the mine workers of the Vega de Supía.<sup>222</sup> Even the Indians who were brought from the farther Arma province had had some contact with those of the Anserma region. When the Sonsón families arrived in Marmato on their way to the Vega de Supía, for instance, an elderly couple requested

<sup>221</sup> Made by Daniel Vallejo based on “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 61v to 64v, and “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 913-942.

<sup>222</sup> “Supinga y Pirsa: diligencias de visita, 1627-1628,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.2, 538v-540v.

authorization to stay in Marmato with their three granddaughters that had been living there since a long time ago.<sup>223</sup> Also, the census of the Sonsón families listed nine outsider Indians (*forasteros*), some of them originally from the Anserma *pueblos* of Pirza and Opirama, as well as from regions such as Antioquia, Mariquita, Tocaima, Cipacón, Ramiriquí, and Mérida.<sup>224</sup> These pieces of evidence document the mobility already existing within native communities, beyond and outside the resettlement policies implemented by colonial authorities.

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<sup>223</sup> “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 915r.

<sup>224</sup> “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 914r-917v.

**Table 4. Indians Resettled in the Vega de Supía, 1627.**

<i>Pueblo</i>	<i>Encomendero</i>	Population Categories <sup>225</sup>	Total Population per Pueblo <sup>226</sup>
Supía la Alta and Arquía	Lucas de Salazar	23 <i>útiles</i> 1 <i>cacique</i> 4 <i>reservados</i> 7 absentees 80 women and children	115
Supía La Baja	Manuel Barbosa	29 <i>útiles</i> 1 governor 5 <i>reservados</i> 6 absentees 74 women and children	115
Umbría	Garciperez	3 <i>útiles</i> 4 absentees 9 women and children	16
Pirza	María Redondo	23 <i>útiles</i> 1 <i>cacique</i> 3 <i>reservados</i> 6 absentees 104 women and children	137
Sonsón	Of the Crown, administered by Francisco Llorente	11 <i>útiles</i> 1 <i>reservado</i> 1 absent 54 women and children	67

<sup>225</sup> *Útiles* or *tributarios* were male Indians over the age of 18 up to 50 that were subject to labor draft and tribute payment. *Reservados* were male Indians exempt from tribute and labor because of disabilities or being older than 50. Absentees (*ausentes*) were Indians living outside their pueblos. See *Recopilación*, Tomo II, Libro VI, Título V, Ley VII.

<sup>226</sup> The indicated totals are based on the list of *pueblos* belonging to the newly created *doctrina* of La Vega, made on April 14<sup>th</sup>, 1627, and included in “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 335v-336r. These figures differ from the census of Supía La Baja Indians conducted during the on-site inspection on March 13<sup>th</sup>, 1627, which registered a total population of 126 Indians, classified into thirty (30) *tributarios*, five (5) *reservados*, five (5) absents, sixty-one (61) women, and twenty-five (25) children. “Supía la Baja: diligencias y causa criminal a encomendero, 1627,” AGN, Colonia, Visitas-CAU, SC.62, 6, D.3, 611r-615v; González Escobar, *De la invención a la conquista*, 114, 141-142. These figures also differ from the enumeration of the Pirza Indians conducted during the on-site inspection of this *repartimiento* on March 12<sup>th</sup>, 1627, which included a total population of 112 Indians, corresponding to 14 *útiles*, 5 *reservados*, 7 absentees, 31 women, and 55 children. “Supinga y Pirs..., 1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.2, 533v-536v. They also differ from the census of Sonsón Indians, conducted upon their arrival in Marmato on March 17<sup>th</sup>, 1627; this census registered 75 Indians classified in 7 *útiles* originaries (*naturales*) from Sonsón, 9 *forasteros*, 1 *reservado*, 1 absentee, 57 women and children (*chusma*). “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 914r-917v.



Guaco	Mateo de Castellón	3 <i>útiles</i> 8 women and children	11
<b>Total</b>			<b>461</b>

**Source:** “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 326, 335v-336r; *Recopilación*, Tomo II, Libro VI, Título V, Ley VII.

By the time of the 1627 inspection, Juan de Mesa Betanzos, parish priest of Marmato, occasionally toured to provide religious services to the Indians of La Montaña, Supía, and Pirza. The Pirzas declared that Father Mesa Betanzos attended them only “one month per year” and that “because of having been so long without a priest, some male and female Indians have died without confession.”<sup>227</sup> To redress this situation, Espinosa Saravia set up the parishes (*doctrinas*) of La Montaña, La Vega, Quiebralomo, and Marmato, providing detailed instructions on how these *doctrinas* were to be arranged and funded. The parish priest of La Vega was to be in charge not only of the Indians moved to the new population, but also of the enslaved blacks working in the mines of the Vega de Supía, and thirteen Spanish families. Yet, to enforce the separation between the “two republics,” Espinosa Saravia commanded the priest to celebrate two separate masses “one at the Indians' church and the other at the Spanish's one” (“*la una en la yglesia de los yndios y la otra en la de los españoles*”), which would be “less than a quarter of a league” away from each other. Thus, the priest of La Vega would hold the dual position of *doctrinero* of Indians and priest of Spaniards.<sup>228</sup>

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<sup>227</sup> (“*por haber estado tanto tiempo sin padre han muerto sin confesión algunos indios e indias.*”) “Supinga y Pirsa..., 1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.2, 538r.

<sup>228</sup> “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 62r.

Espinosa Saravia met with the Indians to explain through a painting how their pueblo would be like and to set the foundation for the new church.

“... through the painting of the urban layout that was made... all these Indians were explained how their village was going to be. And they were told that this house and hut may serve as a church for now. And in front of the church, toward the upper side, a large square and the priest's chambers must be made. And the village was to be built around the square distinguishing four quarters: Supía la Baja, Supía la Alta, Pirza, and Sonsón ... Then, the said Indians, following the said *oidor* inspector's command, cut and set the mud walls of the hut to build the new church and altar, and asked that the Supía La Baja chapel's bell be brought to the said new church.”<sup>229</sup>

In his zeal for arranging the new *pueblo*, the *Oidor* even delivered instructions on the exact location each of the communities gathered in La Vega should seat at the church.<sup>230</sup>

Besides urban affairs, Espinosa Saravia also redistributed lands in the rural area by allocating communal pasturelands or *ejidos* and *resguardos*. The plains of the Vega were allocated as a communal land (*ejido común*) to raise cattle and other livestock. In addition, the *oidor* demarcated separate *resguardos* for each community. Rather than applying the criteria defined by Miguel de Ibarra's 1593 instructions, Espinosa Saravia set the boundaries of each *resguardo* based on traditional possession (for the Supías that already

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<sup>229</sup> (“[...] con la pintura y figura que se hizo [...] se les dio a entender a todos estos indios para su población. Y se les dijo que esta casa y bohío es por ahora buena para iglesia, y delante de ella a la parte de arriba se ha de hacer una plaza grande cuadrada y aposentos del padre, y en su contorno de la plaza se ha de hacer el poblado por cuatro partes: Supía la Baja, Supía la Alta, Pirza y Sonsón [...] Luego los dichos indios por mandado de dicho señor oidor visitador cortaron y levantaron los bareques del bohío para que se haga la iglesia y el altar, y que se traiga la campana de Supía la Baja a la dicha nueva iglesia.”) “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 122r-122v. On the way the town and the church were to be arranged see also 124r, 126r.

<sup>230</sup> “Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 141v.

inhabited in the Vega), and natural borders or adjacent properties (for the newcomers Pirzas and Sonsones), as follows:

To the Sonsón Indians shall be allocated the estate that had belonged to Miguel Morillo Labrador. It includes from the stream called Gregorio de Rodas running said stream up to the top of the mountain, including all this mountain's lands until the limit with the pastureland of Supía la Baja and the stream of the red rock (*peña colorada*) up to the top of the hill. They shall distribute these lands among themselves and their families according to their customs.

To the Indians of Supía la Alta and Arquía shall be granted all the lands they had owned and enjoyed so far as their *términos* and *resguardos*. They shall be protected in their lands, orchards, fences, plantain trees, yucca crops, and fruit trees, all of which shall be left as theirs. And it is declared that the site where *encomendero* Don Lucas de Salazar has had his quarters is annexed to the said *resguardos* as lodgings for the *encomendero* of these Indians. Still, he cannot move closer to the new village that was set to protect the Indians.

To the Indians of Supía la Baja shall be granted all the lands, *resguardos*, and their limits (*términos*) they have owned and enjoyed so far until the plot currently owned by *cacique* Don Gaspar. From there, running the hill up to cross the royal road (*camino real*) that goes to the Río Grande (today's Cauca River) up to the Cosumbí Hill. From there, going straight up toward the mountain where the sun rises. And they shall be protected in their old village, houses, orchards, fences, plantain trees, yucca and *batata* crops [...]

To the Pirzas shall be granted the land that goes from the *cacique* Don Gaspar's plot, which is adjacent to Cristóbal Sánchez Hellín's estate, including all the ground that there is towards the mountains behind Cristóbal Sánchez Hellín's and Francisco Romero's estates. [...] And likewise, the said Indians shall be protected in the site of their old village of Pirza, as well as their orchards, fences, plantain trees, yucca and *batata* crops. [...] And the Umbría Indians, along with the said Pirzas, shall benefit from the said *resguardo* lands.<sup>231</sup>

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<sup>231</sup> (“A los indios de Sonsón se le señala la estancia de Miguel Morillo Labrador, lo que [...] incluye desde la quebrada que llaman de Gregorio de Rodas corriendo dicha quebrada arriba hasta la ceja del monte, todo lo que comprende la loma hasta la vertiente del potrero de Supía la Baja y hasta la quebrada de la peña colorada, en esta encima de la loma, para que las repartan entre sí y sus familias en conformidad de sus costumbres.

A los indios de Supía la Alta y Arquía les da, señala, y adjudica todas las tierras que tenían y poseían y han gozado y poseído antes de esta reducción y población han tenido por términos y resguardos, y se les ampara en ellos y en sus huertas, cercados y platanares, yucales y árboles frutales. Y se les deja todo ello, y se declara que el sitio donde el encomendero don Lucas de Salazar ha tenido y tienen sus aposentos

The quoted passages offer a glimpse into Indians' means of livelihood, the persistence of the traditional chiefdom (*cacicazgo*) among the Supías, as well as the existence of private landholdings (at least) among their chiefs. They also reveal that, by the time of the 1627 *visita*, both the Supía la Baja and Pirza Indians already lived in villages, and even Supía la Baja's chapel had a bell that was moved to the newly created pueblo of La Vega. Furthermore, they illustrate how Lesmes de Espinosa Saravia's territorial management in the Vega de Supía entailed a compromise between laws and facts. On the one hand, it aimed to enforce the residential separation between Indians and Spaniards as well as the laws protecting natives' landholdings. On the other hand, it acknowledged Spaniards' actual occupation of the Vega and even enabled *encomendero* Lucas de Salazar to keep his quarters next to his Indians' lands. By doing so, Espinosa Saravia's arrangement contributed to blurring the boundaries between the “two republics” and set the stage for subsequent land disputes.<sup>232</sup>

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*se declara quedar anejo a los dichos resguardos para que el encomendero que es o fuere de estos indios tenga sus aposentos sin que pueda acercarse más a la nueva población en que se les ampara.*

*A los indios de Supía la Baja les deja, ampara y adjudica en todas las tierras y resguardos y sus términos que han tenido, gozado y poseído hasta el día de esta reducción hasta la roza que actualmente tiene el cacique don Gaspar, y de allí corriendo la loma arriba atravesando el camino real que va al río Grande hasta dar en la loma de Cosumbí, línea recta hasta la cumbre hacia donde nace el sol. Y asimismo les ampara en los sitios de su pueblo viejo, casa, huertas y cercas, platanares yucales y batatales [...]*

*A los indios del pueblo de Pirza se les da y señala desde la dicha roza del cacique don Gaspar que esta linde con la estancia de Cristóbal Sánchez Hellín y toda la tierra que hay hacia la sierra a las espaldas de esta dicha estancia de Cristóbal Sánchez Hellín y Francisco Romero [...] Y así mismo les ampara a los dichos indios en el sitio y asiento de su pueblo viejo de Pirza y en sus huertas, cercados y platanares, yucales y batatales [...] Y los indios del pueblo de Umbría van comprendidos con esos dichos Pirzas en las dichas tierras y resguardos.”* Anserma...1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 140r-141v. I thank historian José Manuel González Jaramillo for his assistance with the transcription of this and other passages of Lesmes de Espinosa y Saravia’s 1627 *visita*.

<sup>232</sup> Similarly, though focused on the role of *visitas* in controlling the encomienda system, Román Tamez points out that *visitas a la tierra* may be understood as “the main on-site mechanisms in which royal authorities, *encomenderos*, and indigenous authorities negotiated, according to their different and multiple

Before departing, Lesmes de Espinosa Saravia issued a set of forty-two ordinances intended to enforce the provisions adopted during the inspection concerning labor, tribute, mining, territorial management, as well as civil and religious affairs. Ordinance 1 prohibited to move the Indians out of the pueblos where they were resettled without prior approval from the *Real Audiencia*. Furthermore, Espinosa Saravia designated the *Teniente de Gobernador* of Anserma as executor of these ordinances; in his absence, the town's oldest *alcalde ordinario* and, ultimately, the second *alcalde ordinario*. By doing so, the *oidor* aimed to prevent conflicts of jurisdiction, so that only one official shall enforce these rules, "instead of a mix of many judges, which causes great inconveniences to the Indians."<sup>233</sup>

The 1627 Lesmes de Espinosa Saravia's landmark inspection reshaped territorialities and communal identities in the Vega de Supía. Besides resettling peoples and setting up *doctrinas*, *pueblos*, and *resguardos*, the "*ordenanzas del señor Dn. Lesmes*" provided the framework for arguing and settling land disputes in the years to come. The *pueblo de indios* he set up, albeit it ultimately did not turn out as the *Oidor* envisioned, took his name and became known as San Lesmes de Supía. Furthermore, the memory of this inspection and the copies (*traslados*) of its records became critical in the making of

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interests and possibilities, the deviation from the rule." ("*los principales mecanismos in situ, a través de los cuales las autoridades Reales, los encomenderos y las autoridades indígenas negociaron conforme a sus diferentes y múltiples intereses y posibilidades la desviación a la regla.*"). Román Tamez, *Indios mineros y encomenderos*, 64.

<sup>233</sup> ("*de modo que solo haya un executor y no mezcla de muchos jueces que es causa de grandes inconvenientes para los indios.*") "Carta...1627," AGI, Santa Fe, 20 R.7, No. 130, 3r. For the ordinances, see "Anserma...1627," AGN, Colonia, Visitas-CAU, SC.62, 1, D.1, 312r-322r; for ordinances on mining, 343r-348v. The latter are transcribed in Román Taméz, *Indios mineros y encomenderos*, 273-282.

resguardo land titles, as discussed in the following sections. Yet, the enduring trace Lesmes de Espinosa Saravia left in the Vega de Supía contrasts with the inglorious denouement of his career.

A black and white photograph of a handwritten signature in cursive script. The signature is written on a light-colored, textured paper. The text is "Lesmes de Espinosa Saravia" with a decorative flourish at the end. The ink is dark, and the handwriting is fluid and characteristic of the 17th century.

Lesmes de Espinosa Saravia's Signature<sup>234</sup>

Born in La Palma island (Spain) in 1550, Espinosa Saravia got a bachelor's degree in arts and law from the University of Mexico as well as a doctorate in canons from the University of Sigüenza. After serving as a high-ranking official in Mexico and Perú, he was appointed as *Oidor* of the *Audiencia* of Santafé in 1613. By the time of the 1627 land inspection, Espinosa Saravia was the *Audiencia*'s senior *oidor* and shortly thereafter reached the peak of his career by being designated as the President of the *Audiencia* in 1628. His decline began in 1631, during Antonio Rodríguez de San Isidro Manrique's inspection of the *Audiencia* of Santafé.<sup>235</sup> The inspector suspended Espinosa Saravia of his

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<sup>234</sup> "Anserma...1627," AGN, Colonia, Visitas del Cauca, 62, D. 1, fol. 64r.

<sup>235</sup> The inspection (*visita*) conducted by Antonio Rodríguez de San Isidro Manrique to the *Audiencia* of Santafé between 1631-35 exemplifies a different type of *visita* than the *visitas a la tierra* discussed in this chapter. The former was a secret inquiry that could be made at any time to oversee the performance of colonial officials. For legislation on these *visitas*, see *Recopilación*, Tomo I, Libro II, Título XXXIV ("De los *visitadores generales y particulares*"). About these *visitas*, see Tamar Herzog, "Ritos de control, prácticas de negociación: Pesquisas, visitas y residencias y las relaciones entre Quito y Madrid (1650-1750)," in *Nuevas aportaciones a la historia jurídica de Iberoamérica I*, ed. José Andrés-Gallego (Madrid: Fundación

position, confiscated his goods, banished him from staying in Santafé, and levelled seventy-two charges against him. Some of these charges refer to his 1627 *visita* to Anserma and Cartago that, as per inspector Rodríguez de San Isidro, left these provinces and their neighbors “destroyed, impoverished, and annihilated” (“*destruidas, pobres y aniquiladas*”).<sup>236</sup> According to the allegations, the *oidor* traveled accompanied by his relatives and close friends and benefited them with paid commissions; overstayed and received gifts from *encomenderos* and local officials; engaged in gambling and trade; and, imposed excessive sanctions and punishments. Other charges against Espinosa Saravia ranged from using his position to make business and defrauding his creditors, to aspects of his private life such as having a concubine, and even committing child abuse.<sup>237</sup> Shortly after 1633, when inspector Rodríguez de San Isidro formally accused him before the Council of the Indies, Lesmes Espinosa Saravia died while his case was still pending a decision. By some accounts, the *Oidor* died lonely and impoverished, and his body was buried for charity in the Convent of Santa Clara in Santafé, where his born-out-of-wedlock daughter Isabel de San Miguel was the abbess.<sup>238</sup>

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Histórica Tavera, 2000), 1-198; Phelan, “Authority and Flexibility...,” 60-62; Céspedes, “La Visita...,” 1004-25; Sánchez Bella, *Derecho Indiano*, 14-17.

<sup>236</sup> “Carta de Antonio Rodríguez San Isidro Manrique sobre el oidor Lesmes de Espinosa, 1632,” AGI, Santafé 193, No. 106, 1r.

<sup>237</sup> On the seventy-two charges against Espinosa Saravia, see “Jueces de comisión y visita: Audiencia de Santafé, 1633,” AGI, Santafé 194, No. 132, imag. 11-38.

<sup>238</sup> Juan Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada I* (Bogotá: Biblioteca Nacional, 1943), 263; Manuel Lucena Salmoral, “Nuevo Reino de Granada. Real Audiencia y Presidentes. Tomo 2. Presidentes de Capa y Espada (1628-1654),” in *Historia Extensa de Colombia III* (Bogotá: Ediciones Lerner, 1967), 24-94; Mayorga García, *La Audiencia de Santafé*, 50-53, 98, 259-60, 267-69, 273-77; “Lesmes de Espinosa Sarabia,” Real Academia de la Historia DB-e, accessed February 17, 2020, <http://dbe.rah.es/biografias/76186/lesmes-de-espinosa-sarabia>

### III. CHAPTER 2. THE TRANSFORMATIONS OF COMMUNITIES AND *RESGUARDOS* IN THE POST-LESMES ERA

The long timespan from the late seventeenth century throughout the end of the colonial period witnessed a gradual redefinition of communal identities and *resguardo* boundaries in the Vega de Supía. The different communities that Espinosa Saravia gathered in the *pueblo de indios* of La Vega neither remained the same nor merged into one. Instead, out of them emerged three different Indian *pueblos* - Supía, Cañamomo-Lomaprieta, and San Lorenzo - whose communal identities rested less on ancestral lineage, linguistic commonalities, or *encomienda* ties than upon the defense of their respective *resguardo* lands. This transformation resulted from the joined effect of voluntary or forceful migration, and miscegenation processes, that ran parallel with growing land disputes both between Indians and non-Indians, and among Indian communities as well. The gradual change of communal identities and *resguardo* boundaries in the Vega de Supía occurred against the backdrop of the consolidation of the hacienda system and, from the 1750s on, Bourbon land policies. Those policies intended to merge *pueblos de indios* and downsize *resguardos* to accommodate the growing mestizo population.

This complex historical process is addressed in the three sections this chapter is comprised of. Section 2.1. delves into the ethnogenesis of the communities of San Lorenzo, Cañamomo-Lomaprieta, and Supía throughout the period after Espinosa Saravia's *visita* in 1627 to 1729, the first time they appear in censuses as distinct communities. Section 2.2. analyzes how the land disputes that took place in the Vega de Supía throughout the



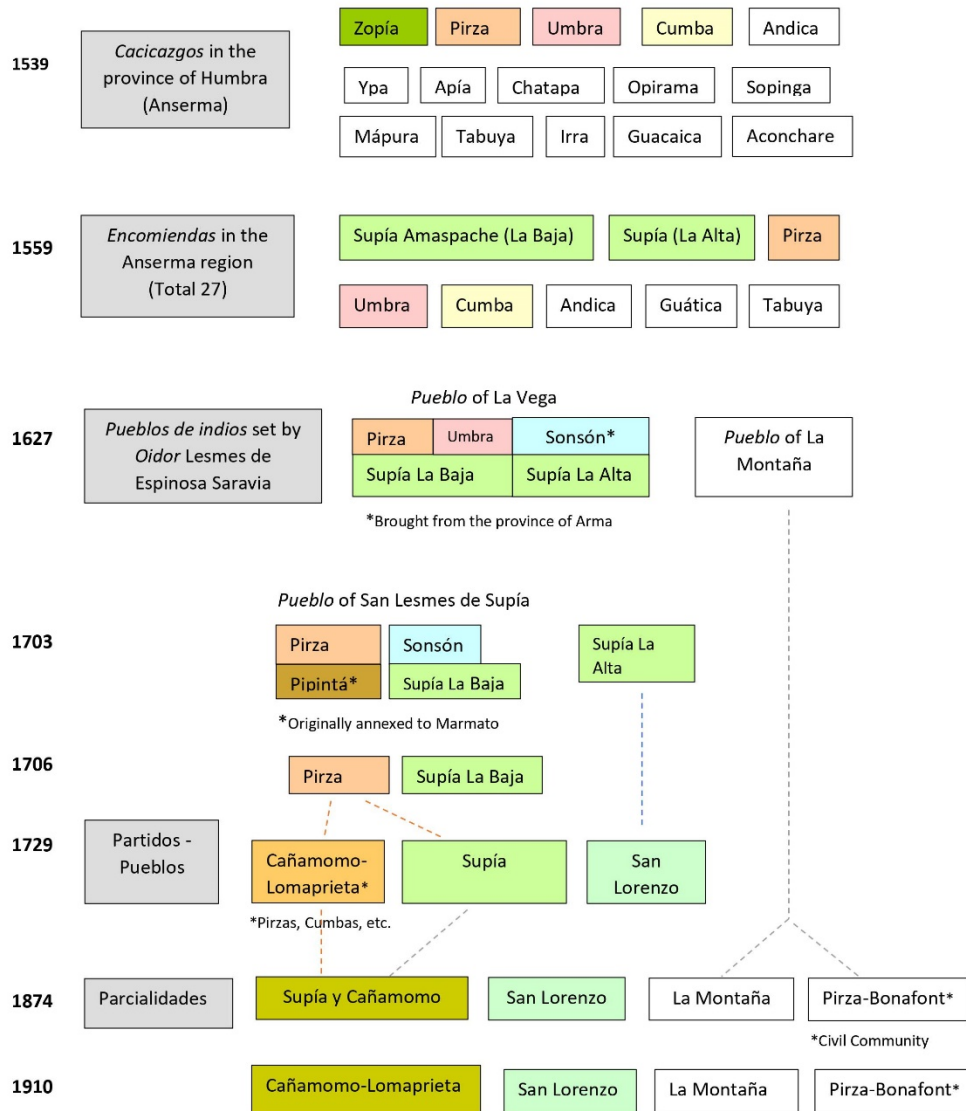
eighteenth century reshaped communal identities and *resguardo* boundaries, leaving a trail of legal records that would serve to craft land title deeds. Section 2.3. explores the impact of Bourbon reforms in indigenous territories and identities in the area under study.

## **2.1. The Transformation of Indigenous Communities, 1627-1729**

The processes of ethnogenesis that led to the emergence of the communities of San Lorenzo and Cañamomo-Lomaprieta are rooted in transformations dating back to the mid-sixteenth century. Chart 1 provides an overall view of these transformations in the *longue durée* that may help readers to make sense of the dense details and the many surnames this section requires. To put it in a nutshell, both San Lorenzo and Cañamomo-Lomaprieta communities, whose struggles over identity and land are the focus of this historical dissertation, only surfaced as such in the early decades of the eighteenth century. Each of them resulted from the relocation and transformations of the indigenous peoples that Spanish crown official Espinosa Saravia gathered in the *pueblo de indios* of La Vega. The Supías, descendants from the aboriginal Zopías, had been split into the encomiendas of Supía La Alta and La Baja by the mid-1550s, and resettled in the pueblo of La Vega in 1627. Ultimately, despite the eventual legal merger of the two encomiendas in the second half of the seventeenth century, Indians of Supía La Alta would become the San Lorenzo community. Meanwhile, those of Supía La Baja would remain as a distinct community (called Supía) throughout the eighteenth- and well into the nineteenth century. By the 1870s, these Supías and the Cañamomo-Lomaprietas would merge into the community of

Supía y Cañamomo. By the turn of the twentieth century this community would retake the name of Cañamomo-Lomaprieta, as it is still known today.

Chart 1. Ethnogenesis of Indigenous Communities in the Vega de Supía



How did the pueblos of Supía la Alta, Supía la Baja, Pirza, Umbra, Sonsón, and other resettled in La Vega, become in the eighteenth century the communities of San Lorenzo, Cañamomo-Lomaprieta, and Supía? The first point to consider is that, contrary to Espinosa Saravia's plan, the Indian communities resettled in the *pueblo de indios* of La Vega did not remain together in the same population center or, for lack of a better term, urban space. It is not even clear whether this town was built as envisioned by the *Oidor*. To be clear, in the first half of the seventeenth century San Lesmes de Supía came into existence as a *pueblo*, a political-jurisdictional entity that formally gathered the different communities (*partidos*) congregated in the territory broadly known as Vega de Supía. Each of them, however, settled separately.<sup>239</sup> Second, though the *encomienda* system endured until the late colonial period, it became ever less important to define communal identities. Thus, whereas the *encomiendas* of Supía La Alta and La Baja had merged into one around the 1670s, the Indians of these *encomiendas* did not become a single community.<sup>240</sup> Also, as evidenced in eighteenth-century censuses, it is common to find Indians from different *encomiendas* listed together in the same *pueblo* or *partido*. Based on the analysis of the available censuses from the period from 1627 to 1729, this section sheds light on the genesis of the communities of San Lorenzo and Cañamomo-Lomaprieta in the early

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<sup>239</sup> Caicedo, *Cinco siglos*, 43-44.

<sup>240</sup> By 1673, the *encomiendas* of Supía La Alta and La Baja merged into one belonging to Juana Franco Junguito. Upon her death, it passed to Diego de Manzano, who got the confirmation of his right over this *encomienda* in 1681. "Confirmación de encomienda de Supía Alta, 1681," AGI, Quito 57, No. 34; González Escobar, *De la invención a la conquista*, 110.

decades of the eighteenth century, and the demographic transformation and miscegenation the community of Supía (La Baja) experienced during the same period.

### 2.1.1. The Emergence of the San Lorenzo Community

Some scholars and indigenous intellectuals trace today's San Lorenzo people's ancestry back to the Sonsones and other indigenous families coming from the province of Arma in 1627.<sup>241</sup> Nonetheless, the available demographic data from the period between 1627 (the resettlement of Sonsones in La Vega) to 1729 (the first known census of San Lorenzo community) call this claim into question. The available evidence suggests that the Sonsones disappeared as a differentiated community. It also shows that the community that appears on the records after 1729 as the *partido* of San Lorenzo, likely developed out of the merging of Indians of Supía La Alta with other indigenous families of the Anserma region.

The dominant surnames of the *naturales* from the Sonsón people who were moved to the Vega de Supía in 1627 were Sonsón, Moraga, and Criollo.<sup>242</sup> A 1703 enumeration (*numeración*) of the four communities (*partidos*) belonging to the *pueblo de indios* of San Lesmes de Supía - at that time Supía la Baja, Pirza, Pipintá and Sonsón - only registered four Indians for the *partido* of Sonsón, under the surnames Sonsón, Beltrán, and Tumbo, all of them absentees. The Pipintás, who Espinosa Saravia had assigned to the *Real de*

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<sup>241</sup> Víctor Zuluaga Gómez, *Una historia pendiente. Indígenas desplazados en el Antiguo Caldas* (Pereira: Gráficas Buda, 2006), 39; José Silvio Tapasco, *Reseña histórica de mi pueblo. Resguardo indígena de San Lorenzo* (Riosucio, 2010).

<sup>242</sup> Surnames of the *forasteros* were not registered in the 1627 counting. "Sonsón...1627," AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 914r-917v.

*Minas* and *doctrina* of Marmato, migrated south to the Vega de Supía and ultimately merged into the *partido* of Pirza. Indeed, in 1706, the newly appointed *corregidor de naturales*, Antonio Bartolomé de Río Malo, conducted a new census that only listed two *partidos*: Supía and Pirza, the latter including the few remaining Pipintás. Sonsón no longer appeared as a *partido* of the *pueblo de indios* of San Lesmes de Supía, which suggests that it became extinct as such. Still, three Indians under the surname Sonsón were listed in the *partido* of Supía as “long-time absentees” living in Antioquia, over 100 miles north. Meanwhile, both the 1703 and the 1706 censuses referred to San Lorenzo as a neighboring Indian village (*pueblo de indios de la jurisdicción*) where some Supías and Pirzas had moved to or whose women were married to Indians of Supía and Pirza. These censuses did not link in any way that *pueblo* of San Lorenzo with the Sonsón Indians.

The first available census of the *pueblo* of San Lorenzo dates from 1729 when the *Teniente y justicia mayor y corregidor de naturales* of the cities of Anserma, Cartago, Toro, and Arma counted the Indian population under his jurisdiction.<sup>243</sup> The 1729 San Lorenzo's enumeration listed a total of eighty-seven (87) people whose family names also appeared in the census lists of other *pueblos* of the area. The only coincidence between the 1627 list of natives of Sonsón and the 1729 San Lorenzo's census is the surname “Criollo” that,

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<sup>243</sup> “Numeración de los indios de los pueblos de las jurisdicciones de las ciudades de Anserma, Cartago, Toro y Arma, del distrito de la Real Audiencia del Nuevo Reino, hechas por el Capitán Don José López de Ávila, Teniente y Justicia Mayor y Corregidor de naturales de dichos pueblos, de los tercios de San Juan y Navidad del año pasado de 1728,” ACC, Col, 3402 (CII-7t), 7r-13v. The cities of Anserma, Cartago, Toro, and Arma composed a single mining district (known as the district of the “four cities”) under the rule of a *Teniente general, Justicia mayor y Corregidor de naturales* and an *Alcalde de minas* of the four cities. See, West, *La minería*, 17-20; González Escobar, *De la invención a la conquista*, 87. Further research is needed to clarify the overlapping jurisdictions between the authorities of the District of the Four Cities and the *cabildo* of Anserma and its impact over the Vega de Supía.

interestingly, did not appear in the 1703 census of the *partido* of Sonsón. By 1729, only two Indians were registered under the surname Sonsón, but they did not belong to the *pueblo* of San Lorenzo. Instead, they appeared in the census of Cañamomo-Lomaprieta as natives “from Mariquita” (Table 6). Therefore, the available evidence did not support the thesis that the Sonsón families resettled in 1627 in the Vega de Supía over time became the community of San Lorenzo.

An alternative hypothesis arises from an excerpt of a 1758 document, that the Cañamomo-Lomaprieta litigants delivered in a lawsuit against the Supías, stating that Supía la Alta “is maintained today with the title of San Lorenzo.” This version concurs with the fact that Supía la Alta did not appear as one of the *partidos* of the *pueblo* of San Lesmes de Supía in any of the censuses from 1703 to 1729. Even though the available evidence does not allow to fully trace the ancestry of the San Lorenzo people, it suggests that this community came from the confluence between Indians of Supía La Alta with other indigenous families of the Anserma region, as shown in Table 5.

**Table 5. Family Names in the Censuses of Sonsón and San Lorenzo**

	Sonsón <sup>244</sup>		San Lorenzo <sup>245</sup>
	1627	1703	1729
Sonsón	37	1	
Moraga	2		
Criollo	2		4
Beltrán		1	
Tumbo		2	
Betancur			2
Motato			10
Tapasco			8
Batero			7
De la Cruz			5
Andica			5
Rueda			1
Gañán			14
De Ávila			6
Blandón			1
Ancho			4
Lanteros			3
Guapacha			1
Rivera			7
Tamayo			5
Cumba			1
Lengua			1
Calima			1

**Source:** “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 914r-917v; “Indios de Vega de Supía: pleitos por tierras de resguardos, 1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 759r-759v; “Numeración...1728,” ACC, Col, 3402 (CII-7t), 11v-13v.

<sup>244</sup> The 1627 census of the *repartimiento* of Sonsón registered seventy-five (75) Indians classified into seven (7) *útiles* original (*naturales*) from Sonsón, nine (9) *forasteros*, one (1) *reservado*, one (1) absentee, fifty-seven (57) women and children (*chusma*). “Sonsón...1627,” AGN, Colonia, Visitas-CAU, SC.62, 4, D.16, 914r-917v. Meanwhile, the 1703 census of the *partido* of Sonsón only listed four (4) Indians: two (2) *tributarios*, one (1) *reservado*, and one (1) woman, all of them absentees. “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 759r-759v.

<sup>245</sup> The 1729 census of San Lorenzo listed a total population of eighty-seven (87) Indians, classified into one (1) *alcalde*, fourteen (14) *tributarios*, one (1) absentee, seven (7) *reservados*, twenty-one (21) married women, two (2) widows, twenty-eight (28) boys (*chinos*), and thirteen (13) girls (*chinas*). “Numeración...1728,” ACC, Col, 3402 (CII-7t), 11v-13v.

### 2.1.2. The Emergence of the Cañamomo – Lomaprieta Community

The community of Cañamomo-Lomaprieta emerged out of the gradual displacement of families of the Partido of Pirza to the site of Lomaprieta, a steep slope near the Quiebralomo mines. As the evidence suggests, this displacement began in the last decades of the seventeenth century because of the increasing occupation of the plains of the Vega de Supía by Spaniards' cattle, causing a land conflict that shall be discussed in section 2.2. The displaced Pirza families merged with the Cumbas and other families coming from southern Anserma indigenous communities in what became indistinctly known as the *partido* of Lomaprieta, Cañamomo, or Cañamomo-Lomaprieta.

The Lomaprieta Indians first appeared in the archives in 1701, when they resorted to the *protector de naturales* of the *Real Audiencia*, Antonio de la Lana, asking not to be removed from the site of Lomaprieta to “the *pueblo* of San Lesmes de Supía la Baja.” According to the Indians, the *teniente general* of Anserma, Pedro Manzano de Leanos y Valdés, had ordered this removal seemingly to benefit his father’s *encomienda*.<sup>246</sup> In the petition on behalf of the Indians, the *protector de naturales* pointed out that “this *pueblo* of Lomaprieta is comprised of two *parcialidades*, the one called Pirza and the other Cumba, and they are all called Curicamayos,” meaning mine worker Indians.<sup>247</sup> As per this

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<sup>246</sup> At that time, Diego de Manzano was the *encomendero* of Supía la Baja and la Alta.

<sup>247</sup> (“*se compone dicho pueblo de Lomaprieta de dos parcialidades, la una llamada Pirza y la otra Cumba y todos se llaman Curicamayos.*”) The petition filed by Antonio de la Lana, protector de naturales, to the *Real Audiencia* of Santafé, May 28th, 1701, is one of the documents assembled and notarized by public deed 263 of May 24th, 1903, as the land title deed of the *parcialidad* of Cañamomo-Lomaprieta. The original public deed was lost in the fire that burned the Riosucio Public Notary in 1952. A copy remains in the Archive of Cabildo Cañamomo Lomaprieta (ACCL), where it was consulted. The expression “curicamayo” was not an ethnonym but meant mine worker Indians (“*indios de mina*”). See, Caicedo, *Cinco siglos*, 44.



document, upon the death of their last *encomenderos* (Antonio de Sequera and Bernabé Benítez), the Lomaprieta Indians were not under an *encomienda* but paying tribute directly to the King and aggregated to the parish of the *Real de Minas* of Quiebralomo. Similarly, in 1703, the *cacique* and *indios principales* of the *pueblo* of San Lesmes de Supía asserted that “the Lomaprieta Indians do not belong to our pueblo, as they live a league and a half far from us.” The authorities of San Lesmes de Supía also claimed that the Lomaprietas “are not more than five,” and “they do not have and never have had a town” in the Vega, but only “their crops and estates” that were located “a quarter league far from the Llano of Supía.”<sup>248</sup> Still, in the 1703 census of San Lesmes de Supía - by then comprised of the *partidos* of Supía La Baja, Pirza, Pipintá, and Sonsón – six (6) out of the twenty (20) Pirza families registered as “present” were also listed as “settled in Lomaprieta.” These families accounted for eighteen (18) individuals out of the forty-seven (47) Indians registered as “present.”<sup>249</sup> In the 1706 census, in which the partido of Pirza still appeared as belonging to the *pueblo* of San Lesmes de Supía, these families were listed as “present” and “residents of Quiebralomo.” The evidence suggests that the occupation of the plain of Supía with Spanish cattle forced Pirza families to gradually move from the jurisdiction of San Lesmes de Supía to the site of Lomaprieta. These families merged with others coming from neighboring communities in the emerging *partido* of Cañamomo-Lomaprieta that became

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<sup>248</sup> (“*los indios de Lomaprieta no se deben mirar como de este partido, porque distan de este pueblo legua y media [...] porque los dichos indios no pasan de cinco, no tienen pueblo en el dicho sitio ni nunca lo han tenido, sino solo sus labranzas y estancias*” *las cuales distan “un cuarto de legua del dicho Llano de Supía.”*) “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 752r.

<sup>249</sup> See Table 6.

aggregated to the parish of Quiebralomo. It is safe to say that those Pirza families that remained in the *pueblo* of San Lesmes eventually became integrated into the Supías.<sup>250</sup>

In 1721, in the context of a land dispute with the Indians of La Montaña, leaders of Cañamomo-Lomaprieta requested the priest of Quiebralomo to certify the existence of their *partido*, a legal concept broadly alluding to a social sub-group in a particular district or town. The priest stated that the *partido* of Cañamomo-Lomaprieta consisted of a total of seventy-nine (79) Indians who usually attended mass and provided both for the church and the Real de Minas of Quiebralomo.<sup>251</sup> As shown in Table 6, the surname Lengua, the most common in the old *partido* of Pirza, passed to Cañamomo-Lomaprieta whereas the ancestral name Pirza disappeared. Meanwhile, new family names appeared in the censuses of 1721 and 1729: Cumba, Blandón, Tapasco, Guarcaya, Tamayo, Tabuya, Motato, among others, which suggests the integration of families coming from neighboring communities into the emerging *partido* of Cañamomo-Lomaprieta.

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<sup>250</sup> The last time the *partido* of Pirza appeared as a distinct community is in the 1706 census. The surname Lengua, the most common in the old *partido* of Pirza, largely passed to Cañamomo-Lomaprieta (Table 6), proving that a significant part of Pirza families migrated to the site of Lomaprieta. Still, eight individuals surnamed Lengua appear registered in the 1729 census of Supía (Table 7), which suggests that some members of the old *partido* of Pirza remained in the plains of La Vega and became integrated into the *partido* of Supía.

<sup>251</sup> ACCL, Certification issued by Nicolás Ignacio de Saldariaga y Castrillón, Quiebralomo parish priest, on April 25th, 1721, concerning the Indians of the *partido* of Lomaprieta. This is one of the documents assembled and notarized by public deed 263 of May 24, 1903, as the land title deed of the *parcialidad* of Cañamomo-Lomaprieta. For an in-depth examination of the 1721 census, see María Elvira Escobar, “Sírvasse reconocer todos los indios que estamos en el partido de Lomaprieta,” *Virajes. Revista de Antropología y Sociología* 1 (1999): 6-17.

**Table 6. Family Names in the Censuses of Pirza and Cañamomo – Lomaprieta**

Names	Pirzas <sup>252</sup>		Cañamomo - Lomaprieta <sup>253</sup>	
	1703	1706	1721	1729
Lengua	26	32	17	34
Pirza	3	2		
Santiago	4	4		
Gómez	1	7		
Largo	1	1		
Popayán ( <i>forastero</i> )	3	2		
Grandes	1			
Gañán	2			1
Batero (from La Montaña)	3	1	1	2
Ancho	2	2	1	1
Silvestre	1			
Umbría	1			1
Velásquez		8		
Tronera		3		
Choré (from Supía)		9		
Bachiller (from Sopinga)		5		
Pipintá		8		
Quebrada		1		
Tamayo			3	2
Tabuya			5	9
Cumba			23	13
Blandón			3	10

<sup>252</sup> The 1627 census of the *repartimiento* of Pirza, conducted during Espinosa Saravia’s land inspection, registered a total population of 112 Indians, corresponding to fourteen (14) *útiles* or *tributarios*, five (5) *reservados*, seven (7) absentees, thirty-one (31) women, and fifty-five (55) children. “Supinga y Pirsá..., 1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.2, 533v-536v. Since the 1627 census does not provide information about last names, it will not be included in Table 6. Meanwhile, the 1703 census of the *partido* of Pirza registered a total population of sixty-six (66) Indians. Forty-seven (47) of them were listed as present (*presentes*), divided into thirteen (13) *tributarios*, two (2) *reservados*, nine (9) women, and twenty-three (23) children (*chinos y chinas*). Nineteen (19) Indians were absentees (*ausentes*): ten (10) *tributarios*, seven (7) women, and two (2) children. In 1706, the total population of the *partido* of Pirza (which had absorbed the extinct *partido* of Pipintá) increased to eighty-seven (87), corresponding to thirteen (13) present *tributarios*, five (5) absentee *tributarios*, two (2) *reservados*, and sixty-seven (67) women and children. “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 756v-759v, 765v-769r.

<sup>253</sup> As per the 1721 enumeration, the *partido* of Cañamomo-Lomaprieta consisted of seventy (70) natives (*naturales*) and nine (9) *forasteros* or *agregados*. The *naturales* were classified into fourteen (14) *tributarios*, five (5) *reservados*, fifty-one (51) women and children. In 1729, the census registered a total population of 101 Indians: one (1) *alcalde*, seventeen (17) *tributarios*, one (1) absentee, four (4) *reservados*, thirty-one (31) women, and forty-seven (47) children (*chinos y chinas*).

Guarcaya			7	8
Tapasco			12	4
Guasca			1	
Beltrán			3	3
Motato			2	5
De la Cruz			1	1
Boxcaya				1
Bueno				1
Fitata				1
Sonsón (from Mariquita)				2

**Sources:** “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 756v-768v; “Numeración...1728,” ACC, Col, 3402 (CII-7t), 10v-11r; “Supinga y Pirsa..., 1627,” AGN, Colonia, Visitas-CAU, SC.62, 1, D.2, 533v-536v.

### 2.1.3. From Supía La Baja to the Supía Community

The Indians of Supía La Alta did not stay where Espinosa Saravia had resettled them in 1627 nor appear in the census among the *partidos* belonging to the pueblo of San Lesmes de Supía. As the evidence suggests, they settled west in a site not far from the plains of La Vega, where they merged with other Indian families to give rise to what by 1729 appeared in the censuses as the *partido* of San Lorenzo. Meanwhile, the Supía la Baja Indians remained in the plains of La Vega and, after the disappearance of the *partidos* of Pirza, Pipintá, and Sonsón, stood as the only ones under the jurisdiction of the *doctrina* and *pueblo de indios* of San Lesmes. The Supías, as they became known, grew as the more populated and miscegenated community of the Vega de Supía.

In 1627, the census of the Supía La Baja Indians registered a total population of 126 Indians. In 1703, this number declined to eighty-five (85). Shortly after, in 1706, it

increased to 117 and, then, to 128 in 1729.<sup>254</sup> The fast population growth in the first third of the eighteenth century resulted more from the aggregation of families coming from other communities rather than demographic growth of the original families. As shown in Table 7, twelve (12) new surnames appeared in 1706 and twenty-two (22) more in 1729. Whereas some traditional family names disappeared (e.g., Amaspacha and Supía), others remained (e.g., Ancho, Largo, Chore, and Umbría).<sup>255</sup> The continuous presence of the latter in the Supía censuses suggests that the Umbras, whom Espinosa Saravia had grouped with the Pirzas in the same *resguardo* in 1627, ultimately joined the *partido* of Supía instead of that of Pirza. Meanwhile, the new surnames in the censuses of 1706 and 1729 reveal the growing migration to the Vega de Supía of families coming from neighboring communities (La Montaña, Guática, Savana, among others). Likewise, the growing presence of non-indigenous surnames, as well as the mention of marriages between Supía Indians, mestizos, and mulattoes, indicate a process of *mestizaje* among the Supías more pronounced than that of other Indian communities of the area.

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<sup>254</sup> In 1627, five (5) out of the one hundred and twenty-six (126) Indians listed in the census were absentees. In 1703, out of the total population of eighty-five (85) Indians, forty-three (43) were present, and forty-two (42) absentees. These figures changed significantly in 1706, the total population increased to one hundred and seventeen (117) Indians listed in the 1706 census, ninety-five (95) were present, and twenty-two (22) were absentees. The 1729 census of the pueblo of Supía registered a total population of one hundred and twenty-eight (128) Indians with no absentees. Instead, it includes a separate list of six (6) families belonging to the encomienda of Doña Petrona Manzano, five (5) of them belonging to the pueblo of La Montaña. “Supía la Baja...1627,” AGN, Colonia, Visitas-CAU, SC.62, 6, D.3, 611r-615v; González Escobar, *De la invención a la conquista*, 114, 141-142; “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 754r-756v, 760r-764v; “Numeración...1728,” ACC, Col, 3402 (CII-7t), 10v-11r.

<sup>255</sup> The surname Amaspacha appears in the records of the 1559 *visita* as the name of one of the two *encomiendas* into which the Supía people were distributed (see Table 2, line 18). In the 1703 census, only two elderly people held this family name: Doña María Amaspacha, registered as the *cacica*, and Bartolomé Amaspacha, age 73, the latter listed as absentee. Meanwhile, all the individuals holding the surname Supía were women.

Finally, the division between the *encomiendas* of Supía la Alta and la Baja gradually vanished in the records. The integration of these *encomiendas* after 1673, however, did not imply the merging of both communities into a single *partido*. Indeed, the 1703 census specified that the *partido* of Supía, belonging to the *pueblo* of San Lesmes de Supía, corresponded to Supía la Baja. Although Supía la Alta is mentioned as a different *partido* (where some Supía La Baja Indians lived or married local women), there is no available census of Supía la Alta nor any further mention in the censuses of 1706 and 1729.

**Table 7. Family Names in the Supía Censuses**

	1703	1706	1729
Amaspacha	2		
Herrero	2		
Ancho	13	13	8
De la Rosa	1	1	
Anduquima o Anduquia	1	1	11
Largo	5	6	7
Silvestre	1		
Supía	2	3	
Botas o Bocta	1	1	
Chori o Chore	11	8	11
Montaña	2	2	1
Moscas	1		
Barrios	1		
Cota	1	3	
Umbría	8	17	7
Blandón	3		
Bachiller (from Sopinga)	4	4	7
Guapacha		1	
Gala		1	
Romero		3	3
Rodríguez ( <i>forastero</i> )		1	
Sonsón (moved to Antioquia)		3	
Chachurra o Chaurra (from Guática)		2	6
Nungazeldo		1	
Uchima o Utima (from Savana)		1	2

Tronera		2	3
Gañán		2	
Grande		1	4
Popayán ( <i>forastero</i> )		2	
Quebrada			4
Gómez			8
De los Santos ( <i>mulata</i> )			1
Tavima			4
Lengua			8
Batero (from La Montaña)			15
De Ávila			3
Velásquez			1
Porras			2
Ruiz			3
González			5
De los Ríos			1
Echalarga			2
Villada (from San Antonio)			3
De la Rosa Gallegos ( <i>mestiza</i> )			1
Inga			1
Ladino (from La Montaña)			10
Morales			1
Mozo			2
López			3
Tabuya			1
Pipintá			2

**Source:** “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53,1, D.27, 754r-756v, 760r-764v; “Numeración...1728,” ACC, Col, 3402 (CII-7t), 7v-9r.

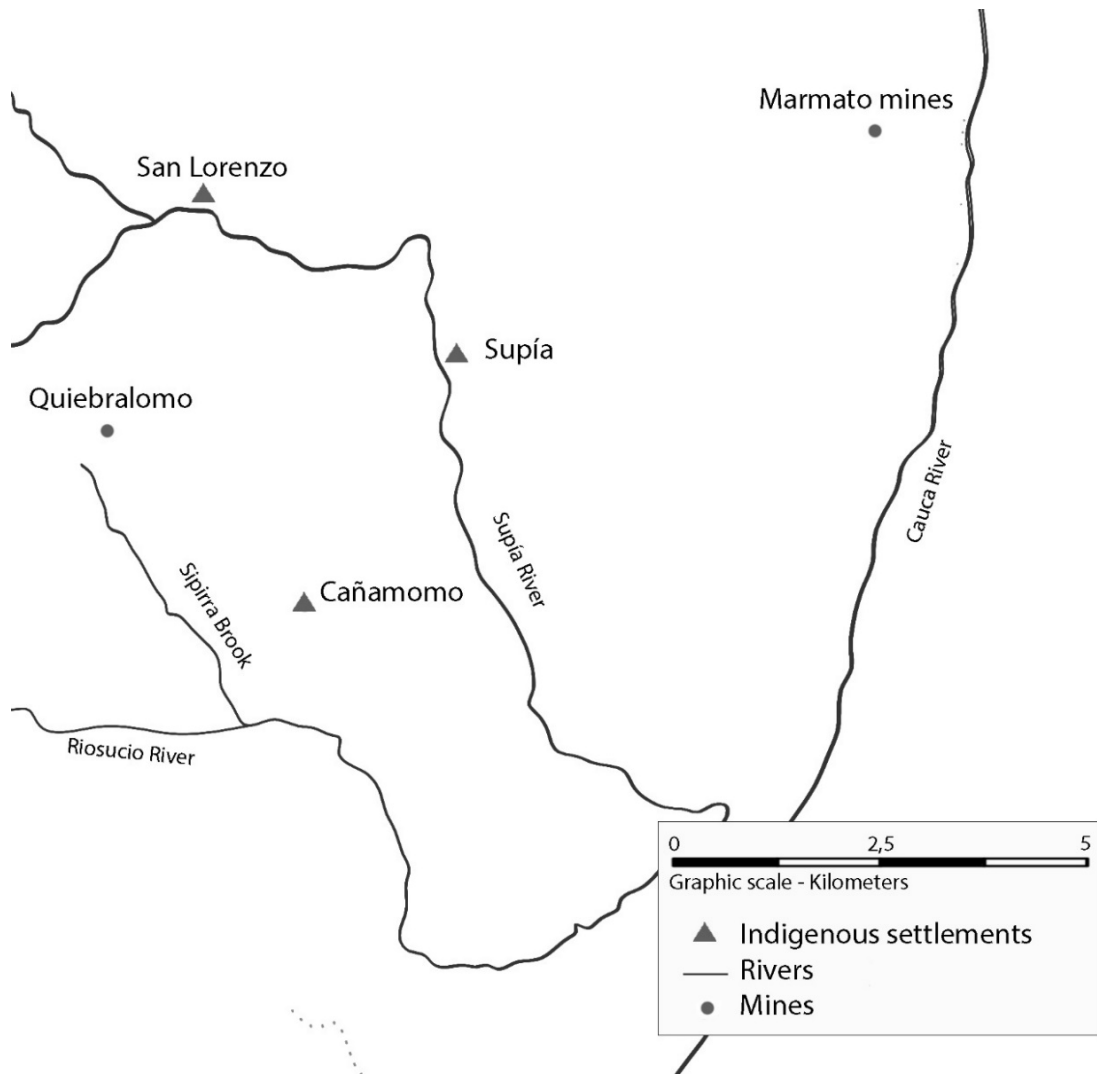
In short, Espinosa Saravia's project to resettle Supías, Pirzas, Umbras, and Sonsones in the new *pueblo* of La Vega was not fully accomplished. Even though the *pueblo* and *doctrina* of San Lesmes de Supía had come into existence, congregating by 1703 the *partidos* of Supía la Baja, Pirza, Sonsón, and Pipintá, two decades later the communal identities and parish jurisdictions had changed significantly. While the emerging communities of San Lorenzo and Cañamomo-Lomaprieta were under the

jurisdiction of the parish priest of Quiebralomo, only the Supías remained assigned to the *doctrina* of La Vega.<sup>256</sup> Still, as planned by the visitor, two churches were built in the Vega de Supía, that of the *pueblo de indios* and that of Our Lady of Candelaria in Sevilla, a Spanish settlement that gradually thrived in the area. Thus, as far as churches, the policy of separation between the “two republics” was lived up to. Yet, it seems that citizens of both republics were quite close to each other in their everyday lives, as attested by the fact that, despite having been relocated in the Pirza Valley, Spaniards increasingly expanded their landholdings and dwellings in the Vega de Supía. Map 9 shows the rough location of the communities of Supía, Cañamomo-Lomapieta, and San Lorenzo.

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<sup>256</sup> In a 1787 report, Joseph Sebastián Moreno de la Cruz, *corregidor de naturales* of Anserma summarized these transformations by saying that, despite having been resettled in the pueblo of San Lesmes de Supía, “as the nature of these Indians is conflicting, ultimately they became divided into three pueblos: Supía, San Lorenzo, and Cañamomo.” (“*como la naturaleza de estos indios es opuesta, unos de otros se dividieron en tres pueblos: Supía, San Lorenzo y Cañamomo.*”) Concerning the latter, the *corregidor* explained: Cañamomo “only exists as a pueblo in name, since they do not have a church nor an arranged village; for spiritual pasture, they attend the church of the Real de Minas of Quiebralomo, which is located one league far from them.” (“*sólo es en el nombre pueblo, porque ellos no tienen Iglesia, ni orden de población, y para la concurrencia del pasto espiritual van al Real de Quiebralomo, que distancia una legua.*”) On San Lorenzo, he noticed that “although they have a little chapel and live arranged as a pueblo, the place they inhabit is very limited, and their priest is the same one of the said Cañamomos.” (“*aunque tiene una corta capilla, y están en arreglo de pueblo, el lugar donde habitan es muy limitado, y el cura que les asiste es el mismo que a los expresados Cañamomos.*”) Meanwhile, the pueblo of Supía is located “at the head of a plain, which is the only one in these places.” (“*en la cabecera de un llano, que es el único que hay en estos parajes.*”) “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 846r.





Map 9. Indigenous Communities in the Vega de Supía, ca. 1729<sup>257</sup>

<sup>257</sup> Made by Daniel Vallejo Soto based on the information provided by Map 10. It should be noticed, however that maps for the colonial and nineteenth-century periods are somewhat approximations given the state of cartographic science during that period.

**Table 8. Indigenous Population in the Vega de Supía, 1729**

	Supía <sup>258</sup>	Cañamomo-Lomapieta	San Lorenzo
<i>Alcalde</i>	1	1	1
<i>Tributarios</i>	18	17	14
<i>Reservados</i>	8	4	7
Absentees	--	1	1
Married women	22	21	21
Widows	12	10	2
Boys ( <i>chinos</i> )	39	28	28
Girls ( <i>chinas</i> )	28	19	13
<b>Total</b>	<b>128</b>	<b>101</b>	<b>87</b>

Sources: “Numeración...1728,” ACC, Col, 3402 (CII-7t), 7v-13v.

By 1729, Supía was demographically the larger Indian community of the Vega (40.5% out of the total indigenous population of the area), followed by Cañamomo-Lomapieta (31.9%), and San Lorenzo (27.5%), as Table 8 illustrates. Whereas the neighboring community of La Montaña had recently restored its ancient chiefdom by appointing Don Andrés Motato as its *cacique*, traditional *cacicazgos* had become extinct in the communities of the Vega de Supía by the beginning of the eighteenth century.<sup>259</sup>

<sup>258</sup> These figures do not include the five (5) families from La Montaña belonging to the encomienda of Doña Petrona Manzano that are listed in the census of the pueblo of Supía.

<sup>259</sup> The 1703 census registered Doña María Amaspacha as the *cacica* of Supía la Baja, and Don Pedro as the *cacique* of Pipintá (though he was absentee, in the province of Mariquita). No more *caciques* appeared in the subsequent censuses of the communities settled in the Vega de Supía. “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 753v and 759r. Meanwhile, in 1720, Don Andrés Motato requested the Real Audiencia for his confirmation as the *cacique* of La Montaña, which he got in 1724. “Candelaria de la Montaña: títulos del *cacicazgo*, 1720-1724,” AGN, Colonia, *Caciques e Indios*, 37, D.4.

Internal leadership was now structured around the colonial institution of the town council (*cabildo*) headed by the *alcalde* and *regidores*, who represented the community in the increasing land disputes that took place in the final century of the colonial era.<sup>260</sup> Litigation in defense of *resguardo* lands became a pivotal element in building up Indian leadership and communal identities, as discussed below.

## **2.2. Land Disputes and the Reshaping of *Resguardo* Boundaries**

The Vega de Supía and the site of Riosucio - where today's municipalities of Supía and Riosucio are located - increasingly became coveted and disputed areas throughout the eighteenth century. Indians of La Montaña, Cañamomo-Lomaprieta, and Supía pitted against each other as well as against the local elites, the Church, and the growing mulatto population of Quiebralomo. This section focuses on three of these conflicts: (i) Supías vs. the Church on the plains of the Vega de Supía (1697-1750); (ii) Cañamomo-Lomaprieta vs. La Montaña on the site of Riosucio (1720-1751); and (iii) Cañamomo-Lomaprieta vs. Supías on the plains of the Vega de Supía (1757-1759). These disputes shed light on the complexities and nuances of indigenous legal agency, the strategic alliances between indigenous litigants and local elites, and how the latter boosted and availed themselves of Indians' litigation to advance their agendas. Along with reshaping *resguardo* boundaries, the eighteenth-century land disputes left a significant trail of legal documents that

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<sup>260</sup> According to the 1729 census, Antonio Quebrada (age 34) was the *alcalde* of Supía, Pedro Lengua (age 42) was the Cañamomo-Lomaprieta's, and Juan de Betancur (age 40) was the San Lorenzo's. "Numeración...1728," ACC, Col, 3402 (CII-7t), 7v-13v.

nineteenth-century indigenous litigants would retrieve, assemble, and deploy as land titles of their *resguardos*.

As discussed earlier, the *resguardos* that Lesmes de Espinosa Saravia allocated to the communities resettled in La Vega were adjacent to estates controlled by several Spaniards. The plains near the pueblo of La Vega, which Espinosa Saravia had assigned to the Indians as communal lands (*ejido común*) to raise cattle and other livestock, became increasingly occupied with the Spaniards' livestock. By the late seventeenth century, many Indian families had left the town seeking refuge in the mountain site of Lomapieta while others went to the city of Anserma seeking justice. According to Pedro Bachiller, alcalde of the *pueblo* of Supía in the early 1750s, his forebears went to Anserma holding their land titles (“*títulos y resguardos*”) in search of justice. They did not obtain, however, “anything but getting confused and losing the said titles and *resguardos*, leaving us defenseless” (“*sin lograr otro fruto que confundirnos y perdernos dichos títulos y resguardos hasta lo presente, dejándonos indefensos.*”). Persuaded by their priest, the Supía Indians accepted to lease the plains of the Vega to the Spanish in the hope of getting revenue to support their church and control the entry of additional cattle (“*porque habiendo de pagar arrendamientos entraría menos ganado y cesarían los daños.*”)<sup>261</sup>

Instead, in 1697, Manuel de la Peña Minaya, an influential Spaniard who is mentioned on the records as Secretary of the Holy Office, managed to get a land grant over

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<sup>261</sup> “Reintegro de tierras de resguardos, 1750-,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.32, 905v-910r.

the coveted plains of Supía.<sup>262</sup> He argued that these were vacant lands and committed to set up a new town called Nuestra Señora de la Candelaria in the site of Sevilla, a plain placed at the southern side of the Supía River. Subsequently, De la Peña Minaya succeeded in expanding his landholding via *composiciones de tierras*. In 1703, the *alcalde* and *indios principales* of San Lesmes de Supía argued that these lands were theirs and tried to get them back. They claimed to be defenseless since the *corregidor de naturales*, Antonio de Río Malo was De la Peña Minaya's son-in-law. In 1706, the Governor of the province ruled that the Indians had not proved their case, though he warned the *corregidor de naturales* to let the Indians pursue justice before the *Audiencia*.<sup>263</sup> From 1709 to 1715, the heirs of De la Peña Minaya sold these lands to the churches of San Lesmes de Supía y Nuestra Señora de la Candelaria de Sevilla, which made a profit by renting them to raise cattle. In 1749, the Supías turned to the *Audiencia*, this time supported by *Corregidor de naturales* Simón Pablo Moreno de la Cruz. They faced the adamant opposition of the parish priest of Quebralomo, Diego Joseph de Ayala, who was in charge of administering the rents of the churches of Supía and Sevilla.<sup>264</sup> Corregidor Moreno de la Cruz had retrieved the records of the 1627 Lesmes de Espinosa Saravia's *visita* which allowed the Supías to prove their

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<sup>262</sup> “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 769r. Manuel de la Peña Minaya appears in the records of the Anserma city council holding the positions of *alcalde ordinario* (1665, 1666, 1675, 1677, 1700), *procurador general y síndico* (1674), *alcalde de primer voto* (1676), *notario del Santo Oficio* (1688), and *alcalde capitular* (1698). Piedrahita, *Los cabildos*, 129-34.

<sup>263</sup> “Indios...1706,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.27, 770v.

<sup>264</sup> Father Diego Joseph de Ayala acted in the lawsuit in his capacity of “Juez conservativo de las rentas de las iglesias de Supía y Sevilla.” “Reintegro...1750,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.32, 876r.

rights over the disputed lands.<sup>265</sup> Eventually, the natives succeeded in their pursuit of justice, as in July 24th, 1750, Viceroy Joseph Alfonso Pizarro ordered the Indians of Supía to be reinstated in possession of the *resguardos* that Lesmes de Espinosa Saravia had granted to them over a century earlier, in 1627. On September 14, 1750, Francisco López de Vicuña, *Alcalde Ordinario* of Anserma, conducted the ceremony of return-to-possession by surveying the *resguardo* boundaries accompanied by 30 *indios tributarios* of San Lesmes de Supía.<sup>266</sup>

By the time the Supías regained the Vega de Supía plains, the Cañamomo-Lomapieta Indians were about to lose the legal battle they had fought against their peers of La Montaña over the lands where today's municipality of Riosucio is located. The dispute started in 1720, when La Montaña Indians began to settle on the site of Riosucio, a cool temperate sloping plain at the foot of Ingrumá Hill and near the Imurrá (or Rio Sucio)

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<sup>265</sup> On the retrieval of Lesmes de Espinosa Saravia's ordinances by Moreno de la Cruz, see "Indios de Supía: pleitos por tierras de resguardo, 1757-1759," AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 627v-629v, 713r.

<sup>266</sup> "Reintegro...1750," AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.32, 851r-861v, 924v-926v. The boundaries of the *resguardo* in the Vega de Supía were demarcated as follows: "...para la mejor inteligencia del conocimiento de dicha posesión, salieron en mi compañía 30 indios tributarios de San Lesmes de Supía desde el dicho pueblo que salimos todos juntos llano abajo hasta el primer lindero que está en tierra blanca de un nacedero en cuyo sitio hicimos parada para ver y reconocer los mismos asientos de la ordenanza que a este efecto los llevaba conmigo, y habiendo leído en alta voz dijeron los mencionados sujetos que me acompañaban, y los dichos Indios, que mirando por frente para abajo donde está el Salado llegaban hasta una quebradita que llaman Bolaños, y en el intermedio de estos linderos estaban las estancias de Francisco Romero, Christobal Sánchez Ellín, y Doña María Ramírez, y desde dicha quebrada de Bolaños frente para arriba hasta la sierra, y por el salado abajo hasta los encuentros del río que llaman el Salto del Burro, y desde dicho nacedero primero mirando en derechura para la Sierra hasta la piedra que llaman la Loma pelada y de ahí, corriendo la falda del cerro hasta la Loma que se intitula Mudarra, y todo lo que comprende el Llano según y como consta en la misma ordenanza, sin ir ni contravenir en manera alguna, y arreglándome en todo y por todo a lo mandado por su Ex.a y disposición del señor Don Lesmes de Espinosa en la posesión que les había dado, les doy la misma que tenían y constan en dichas ordenanzas, con las mismas cláusulas, y fueros que en dicha posesión constan para sí y los sucesores suyos propios, para que no puedan vender ni enajenar en ningún tiempo..." (925r-926r).

River, halfway between the old village of La Montaña and Quebralomo. By moving to this site, the Montaña Indians aimed to be closer to the thriving mining centers of Quebralomo and the Vega de Supía, where they could find markets for their crops. The move must have also been beneficial for La Montaña's priest, who had contended with the Quebralomo parish about the jurisdiction over both the site of Riosucio and the Cañamomo-Lomaprieta Indians. Along with asserting legal rights over Riosucio, La Montaña Indians argued that this site was barely inhabited by ten *indios forasteros*. Meanwhile, Manuel Cumba, Manuel Tabuya, Pascual Lengua, and Pedro Tabuya - the leading Indians ("*indios mandones*") of Cañamomo-Lomaprieta - opposed the natives of La Montaña's claim by arguing that this land belonged to their *resguardo*, and they had sowed their crops there for over a hundred years.

To make their case, the Cañamomo-Lomaprietas got a certification from the Quebralomo parish priest asserting the existence of seventy-nine Indians belonging to this *partido* who provided contributions to the church as well as food and workforce for the mines. They also got the notarized testimony of three witnesses who testified about the boundaries of the Cañamomo-Lomaprieta *resguardo*.<sup>267</sup> Holding this evidence, the Cañamomo-Lomaprieta litigants made their way to Santafé, where Antonio de la Lana, *protector de naturales* of the *Audiencia*, successfully advocated for them. On July 17, 1721, Viceroy Jorge Villalonga issued a decree protecting the Cañamomo-Lomaprieta's possession over their *resguardo* lands. The litigants went back home, bringing the Viceroy

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<sup>267</sup> Juan Jiménez Gamonares (age 50), Tomás Monroy (age 73), and Joseph de la Serna (age 34), all of them were *vecinos* of the city of Anserma.

decree that protected them. Still, the local officials refused to enforce it, arguing that La Montaña Indians had not been heard in court yet. Eventually, on November 4, 1722, Anserma's *Alcalde Ordinario* Juan Jiménez Gamonares, who previously had served as a witness in this case, reinstated the Cañamomo-Lomaprietas in the site of Riosucio and other lands within the boundaries of their *resguardo*.<sup>268</sup> Following what appears to have been a traditional legal ritual, Jimenez Gamonares took the hands of natives Manuel Cumba and Julián Blandón, walked together throughout the lands, and the Indians gathered some herbs to symbolize possession.<sup>269</sup>

Still, Cañamomo-Lomaprieta's victory was precarious since their possession was granted without prejudice of others that could prove a superior right ("*sin perjuicio del Patronato Real ni de tercero que mejor derecho tenga a ellas.*"). Accordingly, *Cacique* Andrés Motato and other leaders of La Montaña insisted that theirs was a superior right and kept litigating until they got the site of Riosucio back in 1751. A decisive turning point in this process was the intervention of Simón Pablo Moreno de la Cruz, who at that time served as *Teniente general, Justicia mayor, Corregidor de naturales, and Alcalde de minas* of the four cities of Anserma, Cartago, Toro, and Arma. Based on Lesmes de Espinosa Saravia's 1627 ordinances, which Moreno de la Cruz had recently retrieved, he reinstated

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<sup>268</sup> The boundaries of Cañamomo-Lomaprieta's *resguardo* were demarcated as follows: "from the stream called Anillo to the painted stone (*pedra pintada*); then, from the said painted stone following the stream down until the Sucio River; then, going down until the Sucio River flows into the Supía River; from here upstream until the Anillo stream." ("*...desde la quebrada que llaman Anillo hasta la piedra pintada, cogiendo desde dicha piedra pintada la quebrada abajo vertiente al río Sucio, y río Sucio abajo hasta el desemboque del río Supía, de aquí río arriba hasta la quebrada Anillo...*")

<sup>269</sup> Documents of this case were assembled and notarized by public deed 263 of May 24, 1903, as the land title deed of the *parcialidad* of Cañamomo-Lomaprieta. A copy remains in the Archive of Cabildo Cañamomo Lomaprieta (ACCL), where it was consulted.



La Montaña Indians in possession of the site of Riosucio in 1748. Both parties appealed Moreno de la Cruz's pronouncement arguing that it did not define the boundaries of their *resguardos* clearly. Specifically, they requested the clarification of the “Painted Stone” (*Piedra Pintada*) since it was not clear which this milestone was and whether it was within La Montaña's or Cañamomo-Lomaprieta's *resguardo*. In response, on September 4, 1750, Viceroy Joseph Alfonso Pizarro confirmed La Montaña Indians' rights over the site of Riosucio and commanded to clarify the boundaries of the disputed area. In compliance with the Viceroy's decree, on August 14, 1751, Simón Pablo Moreno de la Cruz, demarcated the boundaries of the disputed site of Riosucio and confirmed La Montaña Indians in their possession of it.<sup>270</sup> Furthermore, Moreno de la Cruz asserted Cañamomo-Lomaprieta's rights over the lands that Lesmes de Espinosa Saravia had granted to their forebears - Supías, Pirzas, and Sonsones - in the Vega de Supía. He encouraged the Cañamomo-Lomaprieta Indians to request him or another judge to reinstate them in possession of those lands.<sup>271</sup>

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<sup>270</sup> It was not possible to verify which the “painted stone” was since La Montaña's and Cañamomo-Lomaprieta's witnesses had conflicting versions about its location. Nonetheless, Moreno de la Cruz delimited the boundaries of La Montaña's possession on the site of Riosucio as follows: “...from the Supía River through the Gasparillo gutter up to the swamp of Tumba Barreto; then, running down through the Terraplén Hill [...] until the Sipirra stream; then, running down until it flows into the Sucio River, where the witnesses state that the (painted) Stone stands...though it was not verified which the Painted Stone is.” (“...*del Rio Supía por el canalón de Gasparillo a dar a la ciénega de Tumba Barreto corriendo por el filo de la cuchilla de Terraplén [...] a dar en la quebrada de Sipirra quebrada abajo hasta donde se encuentra con Rio Sucio a donde declaran los testigos esta la Piedra... no obstante de no haberse verificado cual sea la Piedra Pintada.*”) “Indios..., 1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 673v.

<sup>271</sup> “Indios..., 1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 674r. For a detailed examination of the dispute between La Montaña and Cañamomo-Lomaprieta for the site of Riosucio, see Luis Javier Caicedo, *Los títulos de Cañamomo Lomaprieta. Recopilación y análisis de los títulos del Resguardo Indígena entre 1627-1994* (Riosucio: Cabildo Indígena de Cañamomo-Lomaprieta, 2017) 63-110; Caicedo, *Cinco siglos*, 45-49; Álvaro Gärtner, “Fundación de Riosucio. Un pueblo del siglo XVIII” (unpublished manuscript, August, 1999); Escobar, “Sírvasse reconocer...,” 6-17; María Elvira Escobar Gutiérrez, “La comunidad indígena de Cañamomo y Lomaprieta (Colombia)” (master's thesis, University of Montreal, 1976), 88-98.

After this legal defeat, the Cañamomo-Lomaprietas withdrew towards their mountain site of Lomaprieta, where they remained out of reach of colonial authorities and evading the payment of tribute.<sup>272</sup> By 1757, Cañamomo-Lomaprietas accounted for a total of 55 Indians (10 tributaries, 15 women, 30 children) living in “eight houses scattered from each other.”<sup>273</sup> They had been removed from their original lands in the Pirza Valley; then, displaced from the *resguardo* Espinosa Saravia allocated to them in the Vega de Supía, and now expelled from the site of Riosucio. As things stood, in 1757, Juan Blandón, alcalde of Cañamomo-Lomaprieta, heeding Corregidor Moreno de la Cruz’s advice, filed a lawsuit demanding the restitution of the *resguardo* Lesmes de Espinosa y Saravia had granted to their forebears in the Vega de Supía.

Cañamomo-Lomaprieta Indians turned to the memories of Lesmes de Espinosa Saravia’s territorial rearrangement to make their case.<sup>274</sup> Based on Moreno de la Cruz’s

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<sup>272</sup> *Corregidor* Juan de Borja complained that Cañamomo Indians “live on the banks of a stream without having an arranged town; they do not live under the beat of the bell, as it is commanded, neither pay taxes to his majesty” (“*viven a orillas de una quebrada sin Pueblo formado, ni son de campana como está determinado; no pagan los tributos a su majestad.*”) He also pointed out that “Cañamomo Indians... are rebellious, and the place where they live is out of the reach and sight of the corregidor, as they stay among cliffs that cannot be reached by horseback. The road is terrible and a source of constant concern and plenty of risks of falling... so I do not know their settlements” (“*los indios de Cañamomo...están lebantiscos, y donde viven no puede el corregidor sujetarlos ni verlos porque están entre precipicios a donde no se puede entrar en cabalgaduras sin mucho afán y riesgo de caídas por ser el camino malísimo... por lo que yo no conozco su abitacion...*”) “Indios...1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 594r, 612r-612v.

<sup>273</sup> “Indios...1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 646v.

<sup>274</sup> According to *alcalde* Blandón’s account: “We used to have our town in the Pirsa Valley, and our *resguardos* were all the lands of the said valley. Then, we were removed from there by Mr. Oidor Don Lesmes de Espinosa Sarabia [...] who resettled us in the head of this Vega, [...] where we stayed until our titles were hidden away from us and our lands were unfairly taken over to be granted to the churches.” (“*Nosotros teníamos nuestro Pueblo, en el Valle de Pirsa y por resguardos de tierras todo el dicho valle de donde nos sacó el señor oidor Don Lesmes de Espinosa y Sarabia [...] y nos fundó en las cabeceras de esta Vega, [...] en cuya posesión nos mantuvimos hasta que ocultándonos nuestros títulos nos las quitaron injustamente y*

1751 dictum when he reinstated La Montaña Indians in possession of the site of Riosucio, the Cañamomo-Lomaprietas claimed their share in the legal triumph over the Church for the plains of the Vega de Supía that the Supías had recently achieved. As per the Cañamomo-Lomaprietas, the 1750 Viceroy Decree benefitted not only the Supías but all the communities that Lesmes de Espinosa Saravia had resettled in La Vega, being their Pirzas forebears one of them.<sup>275</sup> Meanwhile, Miguel Batero and other Supía Indians opposed the Cañamomo-Lomaprietas' claim. The Supías argued that the latter “no longer have any right to these lands” since they had deserted their town more than eighty years ago, enabling the whites to take over the lands. The Supías condemned Cañamomo-Lomaprieta's litigious nature that “has left them backward and poor” by contrast with the industriousness the Supías prided themselves on. In their view, “while one litigates, one cannot work, and our riches rests upon our people's work that enables us to provide for our livelihood and pay taxes.”<sup>276</sup> Still, the Supías asserted to be the sole owners of the plain, as they were the ones who successfully litigated for these lands “at the cost of a lot of work,

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*se las dieron a las Iglesias.*”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 590r-590v.

<sup>275</sup> “At the request of the natives of the *pueblo* of Supía, and in view of the Ordinances of said Mr. Oidor Visitor [...], in the year of fifty, when our land titles were found, His Excellency, Mr. Viceroy of this Kingdom, asserted that this plain was ours. Based on His Excellency's Decree, Don Francisco Antonio López de Vicuña, in his capacity as *alcalde ordinario*, reinstated our possession. Then, in another decree, His Excellency provided for us to be included in the said possession.” (“*A pedimento de los Naturales del Pueblo de Supía en vista de las Ordenanzas de dicho Sr. Oidor Visitador [...] el año de cincuenta que pudieron hallar los instrumentos el excelentísimo Sr. Virrey de este reino declaro ser nuestro dicho Llano, y en virtud de despacho de Su excelencia, Don Francisco Antonio López de Vicuña, siendo alcalde ordinario, nos dio posesión y después en otro despacho manda su excelencia que se nos ampare en dicha asignación.*”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 590r-590v.

<sup>276</sup> (“*mientras pleiteamos nosotros no podemos trabajar, y nuestro caudal es el trabajo de nuestras personas para con él mantenernos y pagar tributos.*”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 592r.

journeys, and money;” even “at the expense of *Regidor* Mariano's life, having died while on his way to Santafé.”<sup>277</sup> Finally, the Supías rejected Cañamomo-Lomaprietas' appeal to a collective identity encompassing the different communities that Espinosa Saravia resettled in the pueblo of La Vega. Instead, the Supías claimed that “those to whom Don Francisco de Vicuña granted possession were us [...], and not the Cañamomos, nor any others, so we are the sole owners of the said plain.”<sup>278</sup>

Indians' legal agency was interwoven with alliances, not always free of complications, between native litigants and local elites. To push their own agendas non-Indians allies used to take sides in what seemingly was a land dispute among natives. In the case under discussion, Cañamomo-Lomaprietas' litigants were backed by Simón Pablo Moreno de la Cruz, who previously had retrieved the 1627 Espinosa Saravia Ordinances that enabled the Supías to get the plains back and reinstated La Montaña Indians in the site of Riosucio as well. Moreno de la Cruz belonged to a mighty family of mine- and slave-owners whose rise exemplified the transition from *encomiendas* to mining estates in the region.<sup>279</sup> In that vein, by 1750, Diego Joseph de Ayala, parish priest of Quiebralomo, complained that “some miners” who “only serve their own convenience” had instigated the

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<sup>277</sup> (“*porque después de perdido el derecho de estas tierras [...] los que las restauraron fueron los de nuestro Pueblo a costa de muchos trabajos, muchos pasos, y muchos pesos [...] y a costa de la vida del regidor Mariano que murió en ese camino de Santafé por defender el pleito, y acomodar a los de nuestro Pueblo en dicho Llano.*”) “Indios...1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 592r.

<sup>278</sup> (“*a quienes se les dio la posesión por Don Francisco de Vicuña [...] fue a nosotros, que habíamos vencido, y no a los Cañamomos, ni otros ningunos, por lo que sólo nosotros quedamos dueños del dicho Llano.*”) “Indios...1757-1759,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 592v.

<sup>279</sup> Gärtner, *Los misteres de las minas*, 72; Carlos Julio González Colonia, *Brujería, minería tradicional y capitalismo transnacional en los Andes colombianos. El caso del pueblo minero de Marmato* (Bogotá: ICANH, 2017), 84-90.

Indians to dispute the plains of the Vega de Supía to the Church.<sup>280</sup> Some years later, in 1757, the Supías were the ones grumbling that “Mr. Don Simón Moreno [...] helped us to recover our lands when they were taken over by the Church. Now, he helps the Cañamomos to take the lands away from us. And tomorrow, being theirs, he will help others to take the lands away from the Cañamomos.”<sup>281</sup> Indeed, Moreno de la Cruz testified in favor of the Cañamomo-Lomaprietas; furthermore, he probably was instrumental in scheming their sophisticated legal claim. Besides requesting their resguardo in the Vega de Supía, the Cañamomo-Lomaprietas also claimed for the money the Church had collected during the years their lands were leased for cattle grazing, which they calculated at eighteen thousand pesos. The plaintiffs requested for this money to be deposited in a communal fund (*caja de comunidad*) intended to pay the tribute they owed to the Crown.

The Supías, meanwhile, had the support of *Corregidor de Naturales* Francisco Javier de Borja, and Francisco José Corrales, the priest of San Lesmes de Supía, who had their own reasons to oppose the Cañamomo-Lomaprietas’ claims. They regarded this lawsuit as detrimental to the orderly collection of tribute, La Vega church's revenue, and the arrangement they had reached with the Supías on the use of the plains for cattle grazing. Besides, both the *corregidor* and the priest did not get along with Moreno de la Cruz, whom they considered as an “evil influence” that boosted Indians' litigiousness. *Corregidor*

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<sup>280</sup> “Reintegro...1750,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.32, 902r.

<sup>281</sup> (“el señor Don Simón Moreno [...] nos ayudó a quitar nuestras tierras estando en posesión de las Iglesias; ahora ayuda a los Cañamomos para que nos las quiten a nosotros; y mañana siendo de ellos ayudará a otros para que se las quiten a ellos.”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 626r.

Francisco Javier de Borja openly expressed his dislike for the natives, whom he considered as “bad, deceivers, and scheming people.” He grumbled that every single Indian under his jurisdiction “knows by heart the Laws of the New Compilation, so they are all legal experts.”<sup>282</sup> De Borja bore special animosity towards the Cañamomo-Lomapietas, who, in his words, were “worse than everyone else since they spend their whole lives litigating and wandering, and they have not paid taxes for many years.”<sup>283</sup> This confirmed other natives’ aforementioned impression about this community’s inclination to rely on lawsuits. Still, whereas he complained about Indians’ litigiousness and their overuse of Lesmes de Espinosa’s ordinances, *Corregidor* de Borja also claimed that *las ordenanzas del Sr. Don Lesmes* provided the key for settling the dispute between Supías and Cañamomo-Lomapietas.

These Indians and everyone else in this district avail themselves of Mr. Don Lesmes’ ordinances to back their claims. So, why do not use them as the guide to accommodate the [Cañamomo] Indians where the said Mr. Visitor had resettled them so that there are no more lawsuits? Mr. Don Lesmes had moved these Indians to the town of Supía, which is their own town. Why do not they accommodate there again?<sup>284</sup>

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<sup>282</sup> (“[...] porque cada uno de ellos, y todos los de este distrito tienen de memoria todas las Leyes de la nueva recopilación, por lo que todos son asesores letrados.”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 594v.

<sup>283</sup> (“Todos los Indios (señor) son malos, nobeleros y quimeristas; y estos de Cañamomo son más malos que todos los demás; toda la vida la pasan pleitiando y vagabundos, no pagan tributos muchos años ha...”.) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 690r.

<sup>284</sup> (“Estos indios y todos los demás de este distrito se valen para sus pedimentos de las ordenanzas del Sr. Don Lesmes; ¿pues por qué estas no han de ser la guía para arreglarlos a vivir donde dicho sr. visitador los puso y dejó, para que no haya pleitos? El Sr Don Lesmes dejó estos indios en el Pueblo de Supía este es su propio pueblo; ¿pues por qué no se han de arreglar a él?”) “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 612v.

Eventually, after lengthy litigation, the *alcaldes* of Supía and Cañamomo-Lomaprieta met with the *protector de naturales* in Santafé where they agreed to a settlement that would end the lawsuit. This agreement, approved by Viceroy Joseph Solís Folch de Cardona in a March 5, 1758 decree, closely resembled Lesmes de Espinosa Saravia's 1627 territorial arrangement. The Cañamomo-Lomaprietas were to move back to the *pueblo* of San Lesmes de Supía, where both communities would share their *resguardos*. Still, in the spirit of “together, but not mixed,” each community would remain as a distinct *parcialidad* with its own authorities. Besides, both communities were to set up a communal fund (*caja de comunidad*) to assure the timely payment of tribute, and the Cañamomo-Lomaprietas were granted debt forgiveness for the tribute they owed up until then. Finally, *alcaldes* Miguel Batero and Juan Blandón were rewarded with a six-year extension in their terms in office for agreeing to settle this lengthy dispute.<sup>285</sup>

Beyond this seemingly happy ending, the conflict over the plains of the Vega de Supía kept on. Both Supías and Cañamomo-Lomaprietas did not welcome the agreement their *alcaldes* had signed. Also, the alliances between Indians litigants and those who had sponsored them fell apart. In June 1759, the *Alcalde* of Supía, Miguel Batero, filed a complaint against *Corregidor* Francisco de Borja, denouncing that the latter had sponsored his travels to Santafé to litigate before the *Audiencia*, but now the *corregidor* was compelling him to give that money back.<sup>286</sup> Meanwhile, Pablo Moreno de la Cruz, recently reappointed as teniente general of the four cities, requested the *Audiencia* authorization for

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<sup>285</sup> “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 675r-689r.

<sup>286</sup> “Indios...1757-1759,”. AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 715r-715v.

the plains to be purchased in order to serve as communal pastures for the benefit of the growing population of *vecinos*.<sup>287</sup> He argued this land might serve for *vecinos*' cattle to graze, "since there is no Indian that takes care" of the lands.<sup>288</sup> Cañamomo Lomaprietas turned to the *protector de naturales* to oppose their former ally's request. Eventually, the *Audiencia* did not authorize that the lands be sold, but it permitted to lease those portions of lands the Indians did not need. Still, the administration of the rents was entrusted to Moreno de la Cruz, who had to deposit them in the communal fund (*caja de comunidad*) to assure the timely payment of tributes.<sup>289</sup>

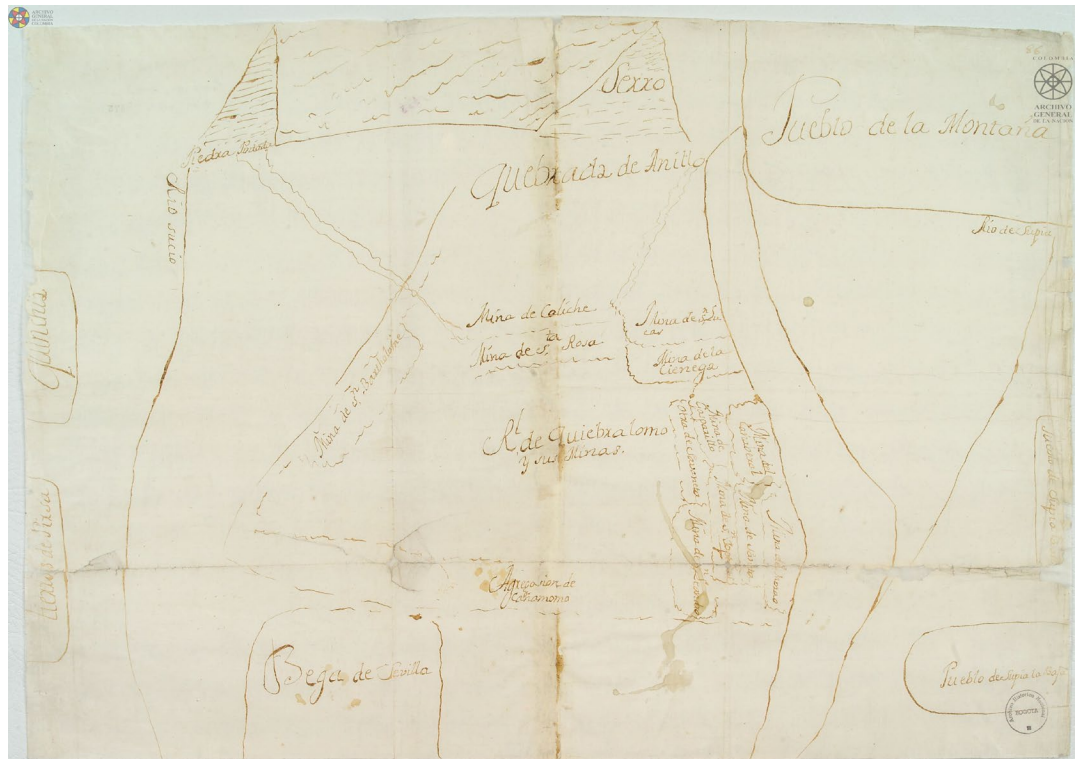
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<sup>287</sup> The term "*vecino*" was used in New Granada to refer to the mestizos, freed blacks, and white-poor population that began to settle within and around *resguardo* lands throughout the eighteenth century. See, Bonnett Vélez, *Tierra y comunidad*, 39.

<sup>288</sup> ("[...] que las tierras de aquel llano se compren para que puedan servir de *ejido* a el numeroso *vecindario* que vive en sus inmediaciones a causa de no haber indio alguno que lo asista ni pueda prevender [...]") "Indios...1757-1759,". AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 714r.

<sup>289</sup> "Indios...1757-1759,". AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25, 716r-717r. As Diana Bonnett points out, the lease of portions of *resguardo* lands to *vecinos* was a common procedure colonial authorities used throughout the eighteenth century to assure the payment of tribute debts and, at the same time, provide land for the growing population of *vecinos* or "free people of all colors" (*libres de todos los colores*). Bonnett Vélez, *Tierra y comunidad*, 41.





Map 10. Riosucio, Quiebralomo, and the Vega de Supía, ca. 1765.<sup>290</sup>

Map 10 is part of the lengthy court file of the dispute over the site of Riosucio that engaged La Montaña Indians and the mestizo and mulatto population of Quiebralomo throughout the rest of the colonial period. It gives a glimpse of the social production of territory going on in the region under study by the 1760s and indicates how contemporaries depicted this disputed area. At its center stand the mines (*Real de Minas*) of Quiebralomo, whose pivotal role in shaping colonial territoriality and society is thus made evident. As illustrated by the case of Quiebralomo, *reales de minas* contributed to blur the boundaries between the “two republics” by drawing people of different ethnicities and social strata who gathered and settled around the thriving mining center. The 1710-1714 mining boom

<sup>290</sup> “1765. Pueblo de La Montaña,” AGN, Mapas y Planos, No. 4, 277-A.

in the sites of Quiebralomo, Supía, and Marmato had transformed material conditions and attracted outsiders to the region.<sup>291</sup> Besides, the 1717-22 move of Anserma city, from its original location - eight-leagues far from the Vega de Supía - to a farther place in the Cauca Valley, prompted the relocation of Spaniards and creoles, who were supposed to live in the cities, closer to their mines and landholdings.<sup>292</sup> The growing *mestizo* and mulatto population settled around the parish of Quiebralomo and the site of Sevilla, placed on the southern side of the Supía River (left in the map), while the *pueblo* of Supía (La Baja) stood on the opposite shore of the river. Interestingly, at the right corner in the map appears the *pueblo* of Supía la Alta just in the place where San Lorenzo Indians were (and still are) settled, which confirms the linkage between both communities.

Finally, despite the 1758 Decree that commanded the Cañamomo-Lomaprietas to resettle in the *pueblo* of Supía (la Baja), they remained dwelling in-between their original homeland in the Pirza Valley (left corner in the map) and the *pueblo* where they were expected to live (right corner in the map). While the Supías, Montañas, and Quinchías appear in the map as “*pueblos*,” the Cañamomos were labeled as an “*agregación*,” meaning a group of Indians who lived distant from of the *pueblo* they belonged to.<sup>293</sup> This in-between and unsettled position of the Cañamomo-Lomaprietas might be understood as a consequence of the breakdown of their original organization and social fabric caused by

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<sup>291</sup> Gärtner, *Los misteres de las minas*, 68-69.

<sup>292</sup> Martínez Botero, “Ciudades móviles,” 10.

<sup>293</sup> The terms “*agregación*” and “*agregado*” were also used to mean those landless Indians whose *pueblos* were extinct and, as a result, were transferred and aggregated into other *pueblos*. On the polysemic nature and changing meanings of these terms, see Fals-Borda, “Indian Congregations,” 345-47.

their removal from the Pirza Valley in 1627. The second half of the eighteenth century would bring about new challenges to all the communities in the Vega de Supía region, in the form of a series of new land tenure policies introduced by the Spanish monarchy.

### **2.3. The Traces of the Bourbon Reforms in the Vega de Supía**

The early decades of the eighteenth century signaled the rise to power of the Bourbon dynasty in the Spanish Empire. Inspired by French Bourbons' governing philosophies and practices and aiming to tighten their hold on overseas territories, the Spanish kings conducted a series of economic, administrative, military, and social changes collectively known as the “Bourbon Reforms.” These reforms sought to, among other things, curb the power of the Church and Creoles, make the administration more efficient and controlled by peninsular officials, enhance revenue collection and Crown monopolies, and stimulate economic development by boosting mining and commercial agriculture. The pursuit of a tightened control over the colonies led to the creation of the Viceroyalty of New Granada (first in 1717, and definitively in 1739), and prompted a renovated interest for mapping territories and collecting on-site information about peoples, mines and other natural riches, as well as water and land resources.

The Bourbons' utilitarian stance toward Indians' landholdings challenged elements of the colonial pact that had characterized the relationship between the Indians and the Crown throughout the Hapsburg era. Influenced by contemporary physiocrat theories, the Spanish Crown promoted an agrarian policy intended to stimulate agricultural production and increase private property through the weakening of corporate lands. Also, the Royal

Instruction of October 15, 1754, launched a new campaign of *composiciones de tierras* that made mandatory for landholders lacking valid titles to legalize their occupation by paying a fee.<sup>294</sup> Meanwhile, lands that had remained unoccupied or unused since 1700 should be auctioned off.<sup>295</sup> Even Indian communities were to prove valid title to their *resguardos*, which prompted them to retrieve and assemble legal documents that could prove their land rights.<sup>296</sup> This reformist trend intensified under the rule of King Charles III, when the Royal Decree of August 3, 1774 provided for the reduction of colonial bureaucracy in the New Kingdom of Granada by merging *corregimientos* with few *indios tributarios* around the jurisdiction of a single *corregidor*.<sup>297</sup> Both pieces of legislation accentuated two practices that had started since the seventeenth century, but became much more common from the 1750s onward. The first one was the downsizing of *resguardos* by taking away what

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<sup>294</sup> An important antecedent was the creation, in 1692, of the “*Superintendencia del Beneficio y Composición de Tierras*,” a special department within the Council of the Indies intended to centralize the management of land directly from the metropolis. The new institution was responsible for improving the cadastral register, promoting more efficient use of land, enforcing the collection of *composiciones* fees, and auctioning vacant lands. See, Solano, “Estudio Preliminar,” in *Cedulario*, 60-8.

<sup>295</sup> Ots Capdequí, *España en América*, 102-26; Bonnett Vélez, *Tierra y comunidad*, 305-08.

<sup>296</sup> The legislation still proclaimed that Indians were to be treated with “softness, temperance, and moderation” (“*suavidad, templanza y moderación*”) and their lands protected. In practice, however, the protectionist stance toward Indians began to lose ground against a most utilitarian approach to land management. See Fals-Borda, “Indian Congregations...,” 341; William Paul McGreevey and Mireya R. de Fayard, “Tierra y trabajo en Nueva Granada, 1760-1845,” *Desarrollo Económico* 8, no. 30/31 (Jul.-Dec., 1968), 272. It seems that *composiciones de tierras* had become mandatory for indigenous communities since the late seventeenth century. Concerning Peru, Spalding notes that by 1695 it “was commanded that even Indian communities were to pay a *composición* for those lands that ‘have belonged to the Indian communities and, through the depopulation of the villages, have reverted to the possession of the Crown.’” Spalding, *Huarocharí*, 182. In the case of Mexico, *composiciones* became mandatory for indigenous communities by 1707. Ruiz Medrano, *Mexico’s Indigenous Communities*, 102-103.

<sup>297</sup> *Corregimientos* were administrative units comprised of several *pueblos de indios* that fell under the jurisdiction of a *corregidor de naturales*. This official was in charge of collecting tributes, supervising the labor *repartimiento* or *mita*, and ruling over indigenous affairs. See, Keith, “Encomienda...,” 441; on *corregimientos de indios* in the New Granada Andean region, see Herrera Ángel, *Ordenar para controlar*, 143-45.

colonial officials regarded as land held in excess to sell it to the *vecinos*. The second one was the integration (*agregación*) of *pueblos de indios* with few tributarios into others. Former *resguardos* became land available for auction. The extinct *pueblos* were, then, turned into *parroquias* of whites and mestizos. Thus, the increasing demand for lands posed by a growing “middle class” of *vecinos* was met at the expense of indigenous lands.<sup>298</sup>

The third cycle of *visitas* (1755 to 1780) was intended to enforce Bourbon agrarian legislation in New Granada. Particularly, the 1776-79 land inspection by Francisco Moreno y Escandón intensified the extinction of *resguardos* and the merging of *pueblos de indios* in the Central and East Andean region. Moreno y Escandón was a high-ranking creole official who before being commissioned to conduct the 1776-79 *visita* served simultaneously as *Protector de Indios* and *Fiscal* of the Audiencia of Santafé. He embodied the Enlightenment thought and the Bourbons’ modern and pragmatic style of governance. Historian Jorge Orlando Melo has noted that upon the 1776-79 *visita*, Moreno y Escandón's views on Indians communities changed from a protectionist approach to one that favored the dismantlement of *resguardos* and the conversion of Indians into mestizos.<sup>299</sup> Several other historians have documented Moreno y Escandón's active role in the liquidation of *resguardos* and how it was opposed both by the *Regente Visitador* Francisco Gutiérrez de

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<sup>298</sup> Bonnett Vélez, *Tierra y comunidad*, 26; Fals-Borda, “Indian Congregations...,” 343; Colmenares, *Historia social y económica...I*, 253-65; Jorge Orlando Melo, “¿Cuánta tierra necesita un indio? Nota marginal sobre la disolución de los resguardos en el siglo XVIII,” in *Sobre historia y política* (Bogotá: La Carreta, 1979): 85-98; Frank Safford, “Race, Integration, and Progress: Elite Attitudes and the Indian in Colombia, 1750-1870,” *The Hispanic American Historical Review* 71:1 (1991): 4-8. On differences between *pueblos de indios* and *parroquias* and the transformation of Indian villages into urban spaces shared by Indians and non-Indian population, see Herrera Ángel, *Ordenar para controlar*, 187-198.

<sup>299</sup> Jorge Orlando Melo, “Introducción. Francisco Antonio Moreno y Escandón: retrato de un burócrata colonial,” in Francisco Antonio Moreno y Escandón, *Indios y mestizos de la Nueva Granada a finales del siglo XVIII* (Bogotá: Banco Popular, 1985), 24-36.

Piñeres and the 1781 Comunero Rebellion.<sup>300</sup> Less known is Moreno y Escandón's role as *protector de naturales* and the trace left by this colonial bureaucrat in regions other than Central and East New Granada.

Besides shedding light on Moreno y Escandón's facet as *protector de indios*, the examination of historical events in Riosucio and Vega de Supía during the post-1750s Bourbon era reveals how the Ancient Regime separation between the “two Republics” gradually collapsed in a context of increasing land disputes that paralleled the growth of *vecino* population. Colonial authorities came to accept and even impose the coexistence of Indians and non-Indians within the same territorial space. This crucial period exemplifies the passage from the “two republics” to “one divided” that laid the foundation for today's municipality of Riosucio.<sup>301</sup>

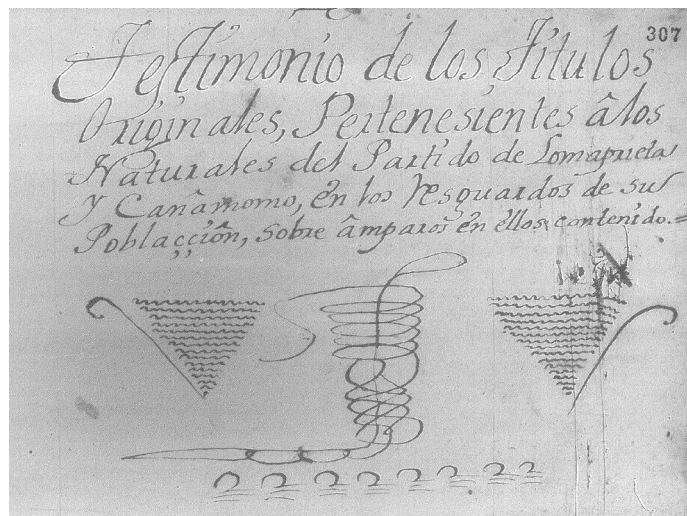
Disputes over the site of Riosucio did not end with La Montaña's legal victory over the Cañamomo-Lomapietas in 1751. By the 1760s, *mestizos* and mulattos of Quiebralomo also laid claims to this coveted site arguing they outnumbered the Indians and stating how much they needed these lands to keep the thriving mining center of Quiebralomo going on. In 1766, after lengthy litigation, Francisco Moreno y Escandón, in his double capacity as *Fiscal* and *Protector de Naturales*, requested “to impose perpetual silence on the mulattos of Quiebralomo,” as their persistent territorial claims disturbed the possession the

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<sup>300</sup> Bonnett Vélez, *Tierra y comunidad*, 73-95; on Indians' participation in the Comunero Rebellion, see Antonio García, *Los Comuneros 1781-1881* (Bogotá: Plaza & Janés, 1981), 85-97.

<sup>301</sup> The passage “from two republics to one divided,” to say it in Mark Thurner's words, is usually analyzed in the context of post-independence Latin American nation-state formation, but it is rooted in processes that began in the late colonial period. See Mark Thurner, *From Two Republics to One Divided* (Durham and London: Duke University Press, 1997), 8.

*Audiencia* had already granted to La Montaña Indians.<sup>302</sup> Despite Moreno y Escandón's request, the dispute kept on and, two years later, Quiebralomeños were on the verge of gaining it. In 1768, the Audience commissioned two officials to conduct an on-site inspection, whose travel expenses - according to local historian Alvaro Gärtner - were funded by the Quiebralomo mine owners.<sup>303</sup> The Cañamomo-Lomaprietas, who had not given up claim to legal rights over the site of Riosucio, attended the on-site inspection and submitted to the inspectors a set of documents proving the possession granted to them in 1721. This packet of legal papers, labeled “Testimony of the Original Titles,” became the first title deed Cañamomo-Lomaprieta's litigants submitted to prove their land rights.



Cañamomo-Lomaprieta's Land Title Deeds, 1768<sup>304</sup>

<sup>302</sup> [...] que en atención a estar executoriada el derecho que los Indios de La Montaña tienen a las tierras de Rio Sucio, se imponga perpetuo silencio a los Mulatos de Quiebralomo expidiéndose la más seria providencia [...], AGN, Colonia, Tierras Cauca, 475.

<sup>303</sup> AGN, Colonia, Tierras Cauca, 279-284; Álvaro Gärtner, “Fundación de Riosucio,” 10-11.

<sup>304</sup> “Testimonio de los títulos originales, pertenesientes a los Naturales del Partido de Lomaprieta y Cañamomo, en los resguardos de su población, sobre amparos en ellos contenido,” AGN, Colonia, Tierras del Cauca, T.6, 307-336.

The report resulting from the on-site inspection was highly beneficial for the Quiebralomeños, as it recommended granting them a vast tract of land that went far beyond the site of Riosucio. Fearing what seemed an impending defeat, Cañamomo-Lomaprieta's litigants made their way to Santafé in search for the *Fiscal Protector* Francisco Moreno y Escandón, who had previously advocated in their favor during the 1750 suit against La Montaña. On January 18th, 1769, Moreno y Escandón penned a compelling defense of the rights of La Montaña and Cañamomo-Lomaprieta Indians over the site of Riosucio. He argued that to dispossess La Montaña Indians of lands already granted to them “would mean to turn the law upside down” (“*sería alterar todas las reglas del derecho*”). After rebutting all the Quiebralomeños' arguments, Moreno y Escandón requested the Audiencia not to modify its 1751 decision in favor of La Montaña Indians. Still, if it were changed, he argued that “it would be fairer and more feasible to grant that land to the Cañamomo Indians” rather than to the mulattos of Quiebralomo, as the former “live in total narrowness and discomfort due to lack of land” after being defeated in the lawsuits against La Montaña.<sup>305</sup> Moreno y Escandón still appealed to the Ancient Regime paternalistic rhetoric by portraying Indians as “the most skinny and miserable,” those “who suffer the most” due to “their ignorance and rusticity” and “for being helpless in those remote areas.”<sup>306</sup> The

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<sup>305</sup> ([...] *los indios de Cañamomo viven en total estrechez e incomodidad por falta de tierras, y que esto nace del perjuicio que recibieron en el pleito seguido con los de la Montaña, en que se dio por lindero la piedra cincelada y no la que se dice pintada; de que resulta que en el evento de alterarse lo ejecutoriado (que no es factible), sería más justo y debido que aquella tierra quedase a favor de los indios de Cañamomo a quienes legítimamente corresponde en caso de quitarse a los Montañas, y de ninguna suerte a los mulatos vecinos de Quiebralomo [...]*), AGN, Colonia, Tierras Cauca, 379.

<sup>306</sup> ([...] *los indios, como más flacos y miserables, son los que sufren y padecen el quebranto, tanto por su ignorancia y rusticidad cuanto por ser desvalidos y no tener apoyo en aquellas remotas distancias [...]*), AGN, Colonia, Tierras Cauca, 379.



paternalism embedded in Moreno y Escandón's vigorous defense of La Montaña's and Cañamomo-Lomaprieta's land rights contrasts with the active role that, shortly after, the *Fiscal Protector* would play in the liquidation of *resguardos* in the Central and East Andean region.

Moreno y Escandón's defense of the Indians was not entirely successful. Rather than settling the dispute in favor of one of the parties involved, on February 17, 1769, the *Audiencia* issued a temporary measure providing for La Montaña Indians and *vecinos* of Quiebralomo to share the site of Riosucio “quietly and harmoniously, and without disturbing each other.” The *Audiencia*'s provision banned “other Indians” (meaning the Cañamomo-Lomaprietas) to resettle in the disputed site and ordered the removal of some mestizos that La Montaña Indians had authorized to reside there.<sup>307</sup> What was supposed to be a temporary measure - while “some Minister” could inspect the area to bring closure to “this tangled business” - consolidated a status quo of uneasy coexistence among Indians and *vecinos* that ultimately led to the creation of today's municipality of Riosucio.<sup>308</sup>

The Bourbon administration's quest for on-site information about its colonies overseas left a trace of chorographical maps and reports providing detailed descriptions of the demography, landscape, and socio-economic milieu of the Vega de Supía and

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<sup>307</sup> ([...] *que los vecinos del Real de Quiebralomo se aprovechen y gocen de las tierras de Riosucio, mancomunadamente con los indios de la Montaña que tengan allí casas establecidas; pero con la limitación de que éstos no mantengan más ganado que el que ciertamente fuere suyo, sin permitirles arrendatarios, ni tampoco el que se radiquen otros indios de nuevo y que a los mestizos existentes al abrigo de los naturales, dado el tiempo necesario para la saca de sus ganados y disfrute de las sementeras que tuvieren, se expulsen del expresado paraje, quedando indios y vecinos en inteligencia de que han de vivir quieta y armoniosamente y sin molestarse unos a otros, porque de lo contrario serán castigados gravemente [...]*), AGN, Colonia, Tierras Cauca, 380.

<sup>308</sup> Gärtner, “Fundación de Riosucio,” 2; Caicedo, *Cinco siglos*, 56.

surrounding areas in the period 1770s-1780s.<sup>309</sup> Three pieces are particularly significant. The 1771 *Estado General de las Ciudades y Pueblos del Cauca*, a comprehensive report made by local officials of the Province of Popayán at the Viceroy's request, describes the location, state of affairs, and population of all the "towns, cities, villages, and sites" under its jurisdiction.<sup>310</sup> The anonymous *Descripción de La Vega de Supía* (ca. 1782), to which belongs the map that opens Part I of this study (Map 4), focuses on the mineral riches and state of mining affairs in a region the author appraised as a "gold Potosí."<sup>311</sup> Finally, the 1787 *Mapa de los Pueblos que Comprehenden el Sitio de la Vega*, which is not a map but a written report authored by *corregidor de naturales* Josef Sebastián Moreno de la Cruz, describes Indians' population, their pueblos and resguardos, as well as balances of tribute collection.<sup>312</sup> As a whole, these reports depict the Anserma region, specially the Vega de Supía, as a frontier zone between the provinces of Cauca and Antioquia, whose economy relied on mining, cattle raising, and subsistence farming (corn, plantain, sugar cane), and populated by a mosaic of Indians, mulattos, enslaved blacks, mestizos, and whites (see Table 9).

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<sup>309</sup> On "chorography" as a graphic technique of representation of particular regions through maps, pictures, and writing, see Nancy Appelbaum, *Mapping the Country of Regions. The Chorographic Commission of the Nineteenth-Century Colombia* (Chapel Hill: The University of North Carolina Press, 2016), 36-37.

<sup>310</sup> "Estado General de las Ciudades y Pueblos del Cauca en 1771," in *Cespedesia* 45-46, no. 4 (Jan.-Jun, 1983), 405-23 (for the Anserma region, 409-23).

<sup>311</sup> "Mapa de la Vega de Supía...," AGI, MP-PANAMA, 356, 1-10. Published under the title "Paréntesis de La Vega de Supía," in *Cespedesia* 45-46, no. 4 (Jan.-Jun, 1983), 473-77.

<sup>312</sup> The map is a part of a larger report filed under the title "Tierras de resguardos, 1787-1788," AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 842-47 (for the map, 846). Transcribed by Víctor Zuluaga Gómez, *Documentos inéditos para la historia de Caldas, Chocó y Risaralda* (Pereira: Universidad Tecnológica de Pereira, 1990), 43-50.

**Table 9. Population in the City-Province of Anserma, 1771<sup>313</sup>**

Settlements	Population Categories	Sub-Total
Anserma la Nueva	Clergy (8) Spanish (230) Enslaved blacks (270) Mestizos (280) Mulattoes ( <i>pardos</i> ) and freed blacks (220) Indians (60)	1,068
Anserma Viejo	Whites (3) Enslaved blacks (11) Mestizos and mulattoes (156)	170
Pueblos de indios	Tachigüía (69) Guática (269) Quinchía (128) La Montaña (353) Supía, including Indians of Marmato (188) Cañamomo (91) San Lorenzo (114)	1,212
Real de Minas de Quiebralomo	Clergy (1) Mulattoes (701) Whites (10) Mestizos (55) Enslaved blacks (11) Indians (2, not included in the final account) Domestic servants (16) Zambos (12) Unclassified people (14)	822
Black population	Marmato (100) Guamal (130) Anserma Viejo mines (30)	260
<b>Total</b>		<b>3,532</b>

**Source:** Caicedo, *Cinco siglos*, 57, based on “Estado General...1771,” 409-23.

<sup>313</sup> These figures should be contrasted with those provided by the censuses of the Province of Popayán. The 1779 census registered 1,437 people in the Anserma jurisdiction (1.43% out of the total population of the province of Popayán, calculated in 100,366). The 1780 census registered 1,512 people in Anserma (1.54% out of 98,489 inhabitants of the province). The 1788 census counted 5,558 people in Anserma (5.13% out of the 108,414 people living in the province). Meanwhile, the 1797 census calculated the total population of Anserma to be 5,771 (4.24% out of the 136,183 inhabitants of the entire province). Hermes Tovar Pinzón, Jorge Andrés Tovar Mora and Camilo Ernesto Tovar Mora, *Convocatoria al poder del número. Censos y estadísticas de la Nueva Granada, 1750-1830* (Bogotá: Archivo General de la Nación, 1994), 305-24.

Concerning the Vega de Supía's indigenous population, the 1771 report describes all of them as "very poor people." It depicts the Supías as "lazy people, prone to drunkenness," who barely cultivated "corn and sugar cane for their *chichas* and *guarapos*" despite having "enough land" to farm. The Supías' landholding included the plains surrounding the Supía River, which were around "a league in length and five or six blocks in width." The Supías still leased the plains for cattle grazing to some *vecinos* and even to people from other jurisdictions. By contrast, land scarcity burdened both Cañamomo and San Lorenzo Indians, whose only crops were "some small corn patches, plantain trees, and sugar cane" planted on mountain slopes. The 1771 report confirms that both San Lorenzo and Cañamomo Indians lived far from the *pueblo* where Espinosa Saravia had resettled them in 1627 (and that the Cañamomos had been commanded to go back to in 1758). Both communities continued under the jurisdiction of the parish of Quiebralomo. Meanwhile, most of the black population of the Vega de Supía settled in Guamal, a site that grew up in the mining estate that Simón Moreno de la Cruz managed to set up on lands originally belonging to the Indians.<sup>314</sup>

Sixteen years later, patterns of settlement and land occupation by Supía, Cañamomo-Lomaprieta, and San Lorenzo communities had not experienced significant changes. In 1787, *Corregidor de Naturales* Josef Sebastián Moreno de la Cruz prepared a report on Indian affairs at the request of the Governor of Popayán, who had asked about

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<sup>314</sup> "Estado General...1771," 413; "Mapa de la Vega de Supía..." AGI, MP-PANAMA, 356, 5; Gärtner, *Los misteres de las minas*, 69.

the situation of each native community to decide how to carry out the policy of population mergers or *agregaciones* in the Anserma region. To do so, the *Corregidor* Moreno de la Cruz conducted an on-site inspection in which each pueblo's leading Indians (*indios mandones*) were asked to exhibit their land titles (“*los títulos y resguardos de sus tierras*”). No one submitted the required documents, though all of them claimed to know their resguardos' boundaries by heart. The Supías declared they used to have “two Royal Provisions of protection that had become illusory, though their landholding boundaries are crystal clear.”<sup>315</sup> Meanwhile, Indians of Guática and Sabana stated that their land titles had burned. Still, they claimed their possession to be “common knowledge” since “they acquired it from ancient times, and the superior courts have protected it.”<sup>316</sup> It remains unknown whether or not the Indians actually held their resguardo land titles, or if they just decided to keep them hidden from the *corregidor*. In light of previous experiences of loss of their land titles, the latter option might be a strategy of resistance intended to maintain control over their *títulos y resguardos*.<sup>317</sup> Either way, whether or not Indians had written documents proving their land rights, their answers to the *corregidor* suggest that the way

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<sup>315</sup> (“[...] *habiéndoles dicho hicieran manifestación de los títulos y resguardos de sus tierras dijeron que dos Reales Provisiones tenían de amparo y que estas se les han vuelto ilusorias, pero que están de manifiesto los linderos de que poseen [...]*”) “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 843v.

<sup>316</sup> (“[...] *habiéndoles pedido los títulos y resguardos de las tierras que poseen dijeron que no tenían por habérseles quemado y que es pública y notoria la posesión que tienen de haberla adquirido desde un primitivo tiempo y en ella haberlos amparado los superiores tribunales [...]*”) “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 844r.

<sup>317</sup> Keeping land titles out of the sight of colonial authorities might be considered as an instance of what James Scott analyses as the divergence between the public transcript and the hidden transcripts, which is embodied in many everyday forms of subaltern resistance to domination. James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven : Yale University Press, 1990), xi-xiii.

Indians learned “by heart” their *resguardos*’ boundaries was through oral traditions and memories rather than legal writing.

Whereas the description of indigenous territorialities in the 1771 and 1787 reports is somewhat similar, their demographic data show a striking decrease of the Cañamomo-Lomapieta population that contrasts with the parallel growth of both Supía and San Lorenzo. As tables 8, 9 and 10 show, the Supía population grew from 128 Indians in 1729 to 188 in 1771, and up to 209 individuals in 1787. Similarly, San Lorenzo increased from eighty-seven Indians in 1729 to 114 in 1771, and up to 155 individuals in 1787. Conversely, the Cañamomo-Lomapieta population plummeted from 101 Indians in 1729 to ninety-one in 1771, and sixty-seven individuals in 1787. Table 10 also reveals that the neighboring *pueblo* of La Montaña (with 449 individuals) outnumbered the total population of the three communities settled on the Vega de Supía - Supía, Cañamomo-Lomapieta, and San Lorenzo - that together accounted for a total of 431 Indians. Taken as a whole, the Vega de Supía communities also were less populated than the southern pueblos of Quinchía, Guática, and Tachiguía that together accounted for 485 Indians.

**Table 10. Indigenous Population in the City-Province of Anserma, 1787<sup>318</sup>**

	Supía	San Lorenzo	Cañamomo	La Montaña	Quinchía	Guática	Tachigúí	Anzerma Viejo
<i>Tributarios</i>	40	25	14	79	43	52	20	14
<i>Reservados</i>	06	11	02	16	06	12	01	04
Married women	26	28	12	84	32	40	12	05
Widows	32	14	02	21	11	06	06	08
Boys ( <i>Chinos</i> )	49	31	18	114	43	58	12	10
Girls ( <i>Chinas</i> )	56	46	19	135	41	65	25	12
<b>Total</b>	<b>209</b>	<b>155</b>	<b>[57] 67</b>	<b>449</b>	<b>176</b>	<b>233</b>	<b>76</b>	<b>53</b>

**Source:** “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 846v.

One of the issues the 1787 report addressed was the Governor of Popayán's request for information about “which natives should be added to other villages” and “on which village should they be resettled.”<sup>319</sup> *Corregidor* Moreno de la Cruz suggested for the Indians of La Montaña to complete their move to the site of Riosucio, and for Cañamomo-Lomapieta and San Lorenzo to be resettled in the *pueblo* of Supía, where both of them had been originally placed in the early seventeenth century by Lesmes de Espinosa Saravia.<sup>320</sup> Yet, in a context in which Quiebralomo's mulattoes and *vecinos* outnumbered Indians (see Table 9), and a flush of Europeans and other newcomers steadily arrived at this coveted

<sup>318</sup> The figure between [ ] corresponds to the total population of Cañamomo registered in the source consulted, which does not correspond to the total disaggregated population.

<sup>319</sup> (“[...] cuáles naturales convendrá se agreguen a otros pueblos, los motivos para ello, y en cuáles deben ser agregación [...]”) “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 842r.

<sup>320</sup> “Tierras de resguardos, 1787-1788,” AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.31, 846r.

mining region, many voices began to demand the removal of Indians from the Vega de Supía.<sup>321</sup>

Indeed, by the turn of the eighteenth century, *vecinos* and local authorities unsuccessfully attempted to move the Indians away from the Vega de Supía. The project began in 1793 when the Governor of Popayán conducted an on-site inspection in the Vega de Supía, where he proposed the creation of a new town in Benitez, a site located in the plains of Sevilla, on the southern side of the Supía River (see Map 10). As per the Governor's plan, Indians and *vecinos* were to live together in the projected settlement. Consequently, Supía and San Lorenzo communities would move out of their villages, which were placed at the opposite shore of the river, leaving the northern side of the river clear of natives. The Governor even set the layout of the new town, laid the first stone for the future church, and appointed a commission to carry out the project. When asked about the resettlement, the leading Indians (*indios mandones*) of Supía, San Lorenzo, and Cañamomo all stated they agreed with it and declared they did not use the plains where the town was to be erected.<sup>322</sup>

Some obstacles led to postponing the project for about a decade. By 1803, it came back with some variations. Instead of building up the new town on Benitez, it would be

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<sup>321</sup> On European migration to the region in the late eighteenth century, see Gärtner, *Los misteres de las minas*, 91-112.

<sup>322</sup> “Fundación de Población en la Vega de Supía, 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 942r-948v. Interestingly, Pedro de Otálora, one of the *vecinos* settled in the Vega de Supía, appears in the records as the donor of the Benitez estate. Otálora asserted his rights over the land by virtue of a *capellania* that Adrián Becerra, a former administrator of the Church's properties, had transmitted to Otálora's son. The Governor of Popayán gladly accepted the donation and, in return, awarded Otálora a plot placed at the square of the future town (948v-950r).



erected across the Supía River, whether at the *pueblo de indios* of Supía or at a site called Guamal Viejo. Also, the idea of a mixed town for Indians and *vecinos* lost ground against that of leaving the new town only for *vecinos* and removing the Indians south to the nearby pueblos of Quinchía and Tachigüí. Both the *alcalde ordinario* of Anserma and the *corregidor de naturales* proposed that Cañamomo-Lomaprieta be added to the pueblo of Quinchía, while Supía and San Lorenzo to that of Tachigüí. At this point, Diego Batero and Fernando Cruz, Indians of the *pueblo* of San Lesmes de Supía, turned to the *Fiscal Protector de Naturales* in Santafé, requesting him to prevent their removal. The Supías attached to their petition a brainy letter authored by their priest, Don Joaquín de Velarde, who vigorously opposed both the transfer of the Indians and the erection of a mestizo town at the Vega de Supía.<sup>323</sup>

On October 2, 1804, Manuel Martínez Mansilla, in his double capacity of *Fiscal del Crimen* and *Protector de Naturales*, advocated for the Indians of San Lesmes de Supía in a remarkable piece of legal writing that conveys the views of an Enlightened Bourbon official witnessing the twilight of the “two Republics.”<sup>324</sup> Mansilla - as the *Fiscal Protector* used to sign his writings - strongly opposed to moving the Indians out of the Vega de Supía. Conveying a critical stance toward the policy of *agregaciones*, Mansilla argued that “experience has proven with palpable, and sometimes sensitive, examples how badly they

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<sup>323</sup> “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 983r-992r.

<sup>324</sup> As noted by Nicolás Ceballos-Bedoya, who studies Mansilla's role in criminal prosecutions against Indians, his writing blends outstanding forensic argumentation, mastery of the *Derecho Indiano*, with the insight of an Enlightened Bourbon official committed to improving the living conditions of the Crown's subjects. Nicolás Ceballos-Bedoya, “Resistencia indígena por las vías del derecho colonial. Los usos indígenas del derecho en el Nuevo Reino de Granada durante las Reformas Borbónicas (1750-1810),” (master's thesis, Universidad Nacional de Colombia – Medellín, 2021), Chapter IV.

endure, and how little chances of survival those Indians transferred from one population to another have.”<sup>325</sup> Meanwhile, he seemed quite less reluctant to the idea of setting up a mixed town in the Vega de Supía for Indians and *vecinos* to live together, as they had actually coexisted in the region for a long time. At a time when legislation on spatial segregation was still in force, Mansilla did not defy it directly. Instead, he found a way to circumvent it by distinguishing this case from the facts the legislator had in mind when commanding the separation between the “two Republics.” The *Fiscal Protector* stated that, by that time, “Spanish *vecinos* dwell with the Indians, and it is not the same to prevent their congregation when they are separated than to dissolve or disrupt it when they already have come together.” He even acknowledged that the Bourbon administration was shifting its approach: “from now on, far from pursuing separation, the government needs to allow a closer and intimate union.”<sup>326</sup> Mansilla, however, requested the *Audiencia* not to decide this case until hearing the Bishop of Popayán, as well as “the voice and votes of the natives, who may have grounds for objection.”<sup>327</sup>

As a result of Mantilla's request, the natives' “voices and votes” about the projected resettlement entered the archive. Still, as usual in colonial legal records, Indian litigants'

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<sup>325</sup> (“*La experiencia ha acreditado con ejemplos palpables, y alguna vez sensibles, lo mal que prueban, y lo poco que subsisten los indios trasladados de unas a otras poblaciones.*”), “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 998v.

<sup>326</sup> (“*Los vecinos españoles moran con los indios, y no es lo mismo precaver o impedir su reunión cuando están separados que disolverla o trastornarla cuando ya están unidos [...] En adelante, muy lejos de propender el gobierno a la separación, se ha visto en necesidad de permitir una más estrecha unión e íntima correspondencia.*”), Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 1000v-1000r.

<sup>327</sup> (“[...] juzga ser preciso un mejor examen, oyendo no solamente el informe del gobernador, sino también el del Ilustrísimo Sr. Obispo, igualmente que la voz y votos de los naturales, quienes acaso tendrán motivos de contradecir.”), Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 1001r.

voices were captured in notarial templates and through “delegated writing” that may have distorted them.<sup>328</sup> Chances were particularly high in this case, as the natives' consent was collected and penned by Tomás Valencia, *alcalde ordinario* of Anserma, who adamantly advocated for moving the Indians out of the Vega de Supía.<sup>329</sup> None of the consulted Indians chiefs signed the records, as they declared being illiterate. Despite that, the nuances of natives' voices emerge amidst the regularity of notarial templates. For instance, León Tavima, the *alcalde* of the Supías, said that “by no means, he opposes to the superior orders and that, as far as he is concerned, he is prompt to obey what Your Excellency determines.”<sup>330</sup> Similarly, the *alcalde* of Cañamomo, Juan Francisco Tapasco, declared “he does not oppose the superior orders.” More cautious was Bernardo Tapasco, one of Cañamomo's *regidores*, who stated he needed “to get advice from a learned person in order to respond.”<sup>331</sup> Meanwhile, Alfonso Blandón, *alcalde* of San Lorenzo, answered that, before coming to a decision, they needed to consult their priest “to see whether he would allow his sheep to be removed from where they stay.” Manuel Bueno, *regidor* of San Lorenzo, conveyed his dislike for the removal by saying: “We are fine here, as we have a

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<sup>328</sup> Burns, *Into the Archive*, 37, 136.

<sup>329</sup> *Alcalde ordinario* of Anserma, Tomás Valencia, conducted the consultation to the natives throughout February and March 1805. Valencia penned and signed the records, accompanied by two witnesses “due to the lack of notary” (“*por falta de escribano*”).

<sup>330</sup> (“[...] *de ninguna suerte se opone a las órdenes superiores y que por lo que respecta a él está pronto a obedecer lo que S. Exa. determine.*”) Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 979v.

<sup>331</sup> (“[...] *que necesitaba aconsejarse de una persona que entendiera para poder responder [...]*”) Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 979v.

place to work.”<sup>332</sup> Clearly, notarial renditions could not hide the disparate voices of native leaders on such a sensitive matter.

Along with the *pueblos* to be transferred, the ones who were to host them also were consulted. Their testimonies look very similar to each other, as they repeat a ritual formula indicating the Indians “do not oppose the orders of the superior government,” as well as they “welcome to those who want to come to their population.”<sup>333</sup> Still, this sort of “consent by template” left some room for singularity.<sup>334</sup> For instance, the *indios mandones* of Quinchía declared they were willing to admit the Indians of San Lorenzo and Cañamomo, but not the Supías, “as they are already mixed and ill-suited” for coexistence.<sup>335</sup> Yet, the most dissonant voice that emerges from this case's records is that of the Guática Indians. A letter seemingly penned and signed by Bernardino Ribera, *Alcalde* of Guática, conveys that this pueblo unanimously (“*a una voz*”) decided not to permit to resettle other peoples in their lands. Rivera justified that decision by saying, “we do not have enough lands, and the few lands we hold are very cold.” In apologetic tone, *Alcalde* Ribera concluded his letter

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<sup>332</sup> (“[...] Alfonso Blandón [...], *alcalde del pueblo de San Lorenzo*, [...] dijo: que para responder era necesario ver al Sr. Vicario del Pueblo de Supía, Dr. Dn. Joaquín Velarde, a ver si permitía él que sus ovejas se despoblasen de donde estaban [...] Manuel Bueno, indio regidor del mismo pueblo [...] dijo: que donde se hallan poblados están bien, pues tienen donde trabajar.”) Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 979r.

<sup>333</sup> An example of this ritual formula is the declaration of Tabuya’s leaders: “[...] comparecieron los mandones de la agregación de Tabuya, quienes [...] dijeron: que por lo que respecta a ellos están prontos y son que [...] en admitir a cuantos quieran venir a su población. Dijeron no saber firmar y para que conste lo hago yo el citado Alcalde con los testigos [...]” Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 980v.

<sup>334</sup> Paraphrasing Burn’s concept of “truth by template,” meaning that which emerges from Spanish notarial records as “a truth recognizable not by its singularity, but by its very regularity.” Burns, *Into the Archive*, 37.

<sup>335</sup> (“[...] que están prontos a admitir a los del Pueblo de San Lorenzo, y agregación de Cañamomo y no a los del Pueblo de Supía, por ser ya revueltos y de mala condición.”) “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 980v.

explaining their refusal did not mean an act of disobedience.<sup>336</sup> It remains unknown whether the *Alcalde* of Guática wrote this letter himself, or if it was also an instance of “delegated writing.” The unpolished script and the similarity between the handwriting and his signature suggests the letter was penned by Ribera himself, though it could also be possible that another individual wrote and signed the document at Ribera's request. Either way, as can be seen in the second picture below (Guática’s dissident voice), the *Alcalde* Ribera’s letter exemplifies one of the few instances in which indigenous voices made their way into colonial archives via a manuscript that was not produced by colonial officials, but probably by an Indian scribe.<sup>337</sup>

Y  
 Inmediata mente comparecieron los mandados de la  
 Agregac.<sup>o</sup> de Tabuya; dándose impuesto de las Amé-  
 ricas Superiores Providencia, En su Intendencia dijeron  
 que p<sup>o</sup> lo que respecta a ellos estan prontos y son que  
 son en admitir aquantos quitasen venir a su Población.  
 Dijeron no haver firmado y p. a. d. contra lo hecho el Alcalde  
 Alc. con los Jtes Antecedentes.  
 Salencia Jno. Pedro Marcelo Benítez Jefe  
 Jno. Juan Antio Ledano  
 Jefe de Tabuya

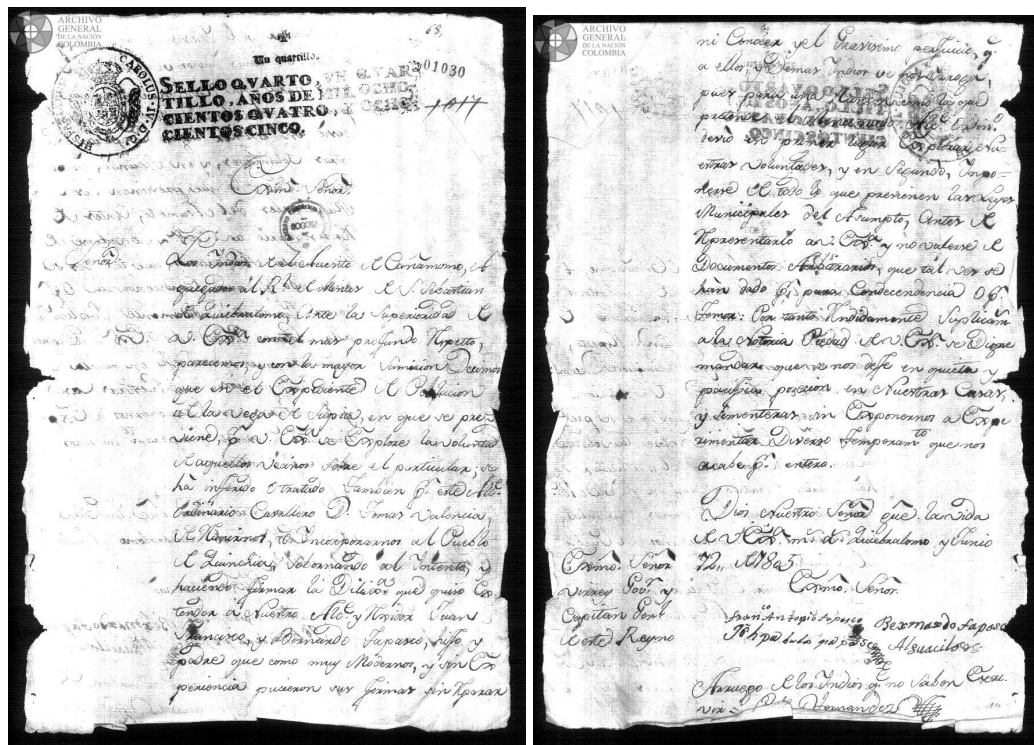
Tabuya’s “consent by template”

<sup>336</sup> (“Sr. Alcalde Ordinario Dn. Tomás Valencia. Muy señor mío [...] Según el llamado que el señor cura nos citó a ver la providencia que le había venido a V.M. del Sr. Gobernador de Popayán, mandado por su excelentísimo el Sr. Virrey, obedecimos y después pasé a mi pueblo y [...] les di el aperebimiento y [...] respondió todo el cabildo a una voz que no daban permiso [...] por hallarnos incómodos de tierras, aunque las y son muy frías [...]. Y así suplicamos y clamamos que no es por ser desobedientes. = Para que así conste lo firmo, alcalde Bernardino Ribera.”) “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 981r.

<sup>337</sup> At the reverse of the letter, there is an acknowledgment of receipt written by Tomas Valencia, *alcalde ordinario* of Anserma, who ordered the inclusion of this document into the corresponding file. This note marked the official entering of Bernardino Rivera's letter into the colonial archive.

ARCHIVO GENERAL DE LA NACION COLOMBIA  
 y sabana alta de nuevo traída 4h  
 1513 y 1514 de los señores 1581  
 S. Al. Cal de los dinarios con tomas  
 balensia = 46.5  
 M. S. como segun el yama da que el  
 Señor cura no sito a los lapro biden  
 sia que le a bia ~~en~~ de mandado de amo  
 del s. do ~~heredador~~ de pa pa yan  
 mandado por suen si mo el s. h. rey  
 lo be de si mo y des pues pased mi  
 pueblo y se Cabildo y les di el pa  
 her si miento a todo el Cabildo que  
 pondo todo el Cabildo a tuena  
 bos que no da ban per miso ena  
 que llo para oyar nos en Comodos de  
 tierras aun que los y son mis s. rios  
 por don dero podemos dar per miso  
 por que en el pueblo no mas ay bien  
 gente y asi se pil ca mo y de  
 ma mo que no hez por de so be di or  
 tes = para que con te lo fia mo  
 al C. Benan di no mi be ra di

Guática's dissident voice



Cañamomo's "delegated writing"

In-between the Tabuyas' "consent by template" and the Guáticas' dissident voice, the Cañamomo's petition, dated on June 12, 1805, exemplifies an intermediate form of legal agency worth examining. Four months after the *indios mandones* of Cañamomo rendered their consent to "the superior orders," the *indios del asiento de Cañamomo* addressed the Viceroy asking him to revoke that authorization. They explained that the *Alcalde Ordinario* of Anserma, Tomás Valencia, managed to persuade Alcalde Juan Francisco Tapasco and his son, Regidor Bernardo Tapasco, to sign the proceeding's minutes. Being "very modern and inexperienced" people, both Tapascos signed the document "without realizing the severe damage they caused to themselves and the rest of us," argued the petitioners. They also claimed that, in order to aggregate them into the

*pueblo* of Quinchía, the *Alcalde* Valencia “should have explored our wills,” as well as acted in full compliance with the law. Instead of that - the Cañamomos complained -, the official availed himself of “arbitrary documents” that “perhaps were signed because of mere patronizing” or “out of fear.”<sup>338</sup>

The 1805 Cañamomos’ petition to the Viceroy represents an instance of “delegate writing,” which was - and still is - a usual means of collaborative legal agency between indigenous litigants and non-Indian allies. It was written down on fourth-grade stamped paper (*papel sellado*), the cheapest type of official paper that Indians and other “solemn poor” subjects were supposed to use when addressing the courts.<sup>339</sup> When comparing the petition's handwriting with that of the signatures of the Cañamomo's *alguaciles* that autographed it - Francisco Antonio Tapasco, Bernardo Tapasco, and Jsh (Joseph) Pablo Tapasco -, it is apparent that someone else penned the document on their behalf. Seemingly, the amanuensis - and perhaps the author - is an individual named P. Hernández, whose name appears at the end of the letter as the person who signed *a ruego*, meaning “on behalf of the illiterate Indians.” Nothing is known about P. Hernández. Maybe he was a freelance legal writer the Indians hired at the gate of the *Audiencia* in Santafé. Perhaps he was a local legal counselor at Quiebralomo, where the document seems to have been produced (as stated in its final paragraph). We also do not know how the collaborative legal

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<sup>338</sup> (“[...] nuestro *Alcalde* y *Regidor* Juan Francisco, y Bernardo Tapasco, hijo y padre que como muy modernos, y sin experiencia pusieron sus firmas sin reparar el gravísimo perjuicio que a ellos y demás indios se nos iroga, pues para una reunión como la que pretende el mencionado *Alcalde Ordinario*, debió en primer lugar explorar nuestras voluntades, y en segundo, imponerse en todo lo que previenen las *Leyes Municipales del asunto*, antes de representarlo a *V. Exa.* y no valerse de *Documentos Arbitrarios*, que tal vez se han dado por pura condescendencia o por temor.”) “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10,1030r-1030v.

<sup>339</sup> Premo, *The Enlightenment on Trial*, 35.



agency between the Indians and the broker, Hernández, worked to produce this document: who took the initiative to address the Viceroy? To what extent did the Indians shape the petition? Which of its content did the Indians author and which one was crafted by Mr. Hernández? To what extent did Cañamomo litigants retain control over the petition's content, even when another person penned it? What was Mr. Hernández's incentive for coauthoring this petition? The pre-history of unwritten legal encounters that led to this petition – what Premo calls *lo extrajudicial* – as well as subsequent interactions between Cañamomo litigants and their legal broker remains behind the curtains of these pages.<sup>340</sup> What Tabuyas', Guáticas', and Cañamomos' records let us know, however, is the multiple ways in which Indian voices made their way into the colonial archives and the different degrees of natives' legal agency these documents convey. Even when others did the writing for them, neither the “consent by template” rendered by the Tabuya illiterate chiefs, nor Cañamomos’ “delegate writing” mean that Indians’ legal agency was absent. As Premo points out, “litigants - many of whom could not read or write alphabetically—still could be legally literate and shape the papers they submitted to the civil courts of the Spanish empire. In short, whoever their *agentes* might have been, they themselves can rightly be viewed as agents of their own histories.”<sup>341</sup>

After collecting a wide array of opinions, it became apparent that, except for the priest of San Lesmes de Supía and some Indians, all voices at the level of the Anserma city

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<sup>340</sup> Premo, *The Enlightenment on Trial*, 37.

<sup>341</sup> Premo, “Legal Writing,” 15. For an in-depth examination of the many questions involved and the multiple forms of collaborative legal agency embedded in civil courts records, see also Premo, *The Enlightenment on Trial*, 31-63.

jurisdiction agreed with the aggregation of Indians of the Vega de Supía to the neighboring pueblos of Quinchía and Tachigüí. The *alcalde ordinario* of Anserma, the *corregidor de naturales*, the priests of La Montaña, Queibralomo, and Anserma Viejo all agreed with the projected resettlement. By contrast, civil and ecclesiastical authorities at the provincial level disapproved of the removal of Indians from the Vega de Supía. The Bishop of Popayán overtly objected the idea, and the Governor of Popayán insisted in the original project of setting up a mixed town in Benítez while opposing the move of the Indians out of the Vega de Supía.

On August 8, 1805, *Fiscal Protector* Mansilla submitted a final allegation, strongly disapproving of the removal. For today's reader, accustomed to thinking of the rights to prior consultation and free-and-informed consent as late-twentieth-century legal novelties, Mansilla's argumentation looks strikingly modern. In line with the Cañamomos' petition, the first reason why the *Fiscal Protector* opposed the projected resettlement was that the Indians had not been truly consulted. Even though some *indios mandones* were asked about it, those who agreed did not do so out of "their free deliberation," but in the spirit of "not contradicting and opposing the superior orders," Mansilla remarked. The *Fiscal Protector* went even beyond by claiming that, according to the law, "not only the chiefs' will but that of all the Indians should be explored," as they all had a great deal at stake.<sup>342</sup> Mansilla also posed that none of the reasons justifying the extinction and aggregation of *pueblos de*

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<sup>342</sup> ("[...] se solicita la mudanza y agregación de los indios sin indagar su voluntad, que aunque se les hizo saber a algunos de los mandones, estos expusieron sus pareceres discordar, sin manifestar los que accedian su libre deliberar, sino por no contradecir y oponerse a las órdenes superiores. Sobre que es de notarse, que no solo a estos, sino a todos se les debió explorar su voluntad, como se estila en semejantes casos, por ser trascendental la utilidad y perjuicio a todos. [...]") "Fundación..., 1794-1805," AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 1028r.

*indios* was proved in this case. Therefore, the Indians "should not be removed from their homeland to which they are more attached than other people are," he concluded.<sup>343</sup>

All the petitions and reports on this case usually ended up with a ritual formula requesting the Viceroy to decide "whatever is to Your liking" ("*lo que sea de su Superior agrado*"). Yet, the Viceroy's final decision does not appear on the file, and it is not clear whether there is a final decree on this matter. The last piece of writing, dated September 4, 1805, contains the concept rendered by the Court of Auditors (*Tribunal de Cuentas*) of the *Audiencia*, which concluded that the projected aggregation of Indians is needless. Instead, the members of the Court proposed to appoint a Lieutenant Governor (*Teniente de Gobernador*) - preferably one who was also versed in mineralogy - to remedy the disorders existing in the Vega de Supía. Eventually, the highest authority that addressed the matter advised against the removal of Indians from the Vega de Supía, while it said nothing about the alternative proposal of setting a mixed town where Indians and *vecinos* would live together.<sup>344</sup>

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<sup>343</sup> (“[...] *del examen de las causas que motivan la extinción de unos pueblos y agregación a otros, a saber la utilidad de los indios, su corto número, la igualdad de temperamento y que sean sanos, y de las proporciones y las distancias para ser instruidos en los dogmas católicos y en policía. Habiendo en la actualidad bastante número de ellos, teniendo tierras abundantes y pingües donde se hallan radicados, y párroco que los administre, no se les debe extraer de su patrio suelo al que tienen más adhesión que el resto de los demás hombres [...]*,” “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 1028r.

<sup>344</sup> “Fundación..., 1794-1805,” AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 1031r-1032r.

## PART ONE. CONCLUSIONS

Nowadays, Cañamomo-Lomaprieta' litigants recall that their resguardo is “one of the oldest in the country, as it was created by Royal Decree issued by King Charles I of Spain, V of Germany, on March 10, 1540, and its boundaries redefined in 1627.”<sup>345</sup> This recollection weaves oral memories and the reinterpretation of local historiography - specifically Calvo de Vanegas's *Riosucio* - in a narrative intended to support Cañamomo-Lomaprieta's territorial rights by framing them as directly granted by the King at the earliest stage of the Spanish colonization. An in-depth examination of this founding myth falls beyond the scope of this dissertation. Still, when it comes to understanding the formation of indigenous communities and territories in the Vega de Supía it is worth mentioning this founding myth to illustrate the importance of adopting both a “glocal” and a “*long-durée*” approach.<sup>346</sup>

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<sup>345</sup> (“El señor Carlos Eduardo Gómez Restrepo, actuando en su calidad de gobernador y representante legal del Resguardo Indígena Cañamomo Lomaprieta (comunidad Embera – Chamí), ubicado en jurisdicción de los municipios de Riosucio y Supía, refiere que dicho asentamiento indígena es considerado uno de los más antiguos del país al haber sido creado mediante Cédula Real expedida por Carlos I de España en Madrid el 10 de marzo de 1540 y siendo redefinidos sus linderos en el año 1627.”) This narrative appears in multiple documents and oral memories produced by today’s members of the Cañamomo-Lomaprieta *cabildo*. The quoted passage is taken from a recent decision of the Colombian Constitutional Court (T-530 of 2016) in a lawsuit filed by this community.

<sup>346</sup> A “glocal” approach in legal history addresses the interplay between local and global spheres, aiming to achieve a right balance and accommodation between both perspectives. To do so, a glocal approach, albeit opens to the global, methodologically prioritizes the local. See Thomas Duve, “Global Legal History: A Methodological Approach,” in *Oxford Handbooks Online* (10 Jan. 2017), 12 <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935352.001.0001/oxfordhb-9780199935352-e-25> (accessed March 11, 2020). On the “*longue-durée*” perspective, see Fernand Braudel, “History and the Social Sciences. The *Longue Durée*,” in *On History*, trans. Sarah Matthews (Chicago: The University of Chicago Press, 1980), 25-54.

Albeit local, this history is inextricably connected to broader processes of colonization and empire-making that were going on through the Spanish empire. Specifically, it was linked to the Spanish Crown's policies intended to make the appropriation of natives' labor and lands compatible with the economic and spiritual goals of its colonial enterprise. A pivotal element of these policies was the spatial concentration of the natives that involved, first, their mandatory gathering in *pueblos de indios* and, from the 1590s on, the delimitation of their communal lands or *resguardos*. To keep in mind the differences in timing and purposes between both stages of the process of spatial concentration is critical for a better understanding of the making of indigenous communities and territories in the region under study. Having a clear sense of this process, in turn, helps to decipher the entangled trail of legal papers assembled in the composite land titles that indigenous litigants would use in the post-colonial era to face the privatization of their *resguardos*.

The archival evidence examined here does not support today's Cañamomo-Lomapieta leaders' assertion that the allocation of their *resguardo* took place via the 1540 King's Decree. As discussed in Chapter 1, the enforcement of Spanish Crown's policies concerning the natives was carried out in the New Kingdom of Granada throughout the land inspections (*visitas a la tierra*) conducted by judges (*oidores*) of the *Real Audiencia* of Santafé and other colonial officials from the 1550s on. The first cycle of *visitas a la tierra* (1550-1572) mostly focused on numbering *indios tributarios*, assessing tribute, and enforcing rules that limited *encomenderos'* power to exact natives' labor and tribute. As illustrated by the 1559 Tomás López Medel and Juan del Valle's *visita* to Anserma, territorial issues were not primarily at stake in the first cycle of land inspections. It was

only during the second round of *visitas* (1593-1670) when the creation of *pueblos de indios* and the allocation of *resguardo* lands became a central matter. This new interest in setting boundaries of indigenous territories was due not only to the Crown's concern over preserving and Christianizing the natives, but over making the natives' former lands available for land compositions (*composiciones de tierras*) or sale at auction. Indeed, the 1591 legislation on *composiciones de tierras*, which prompted the delimitation of *resguardos*, came at a time when the Spanish Empire sought new sources of revenue to face the fiscal deficit resulting from increasing warfare with other European powers.

The analyzed evidence suggests that early steps towards the spatial congregation of the native population in the Vega de Supía had already begun by the 1590s. It was, however, the 1627 Lesmes de Espinosa Saravia *visita* that marked a milestone in the territorial organization of the region. *Oidor* Espinosa Saravia removed Pirzas and Sonsones from their homelands to gather them with the natives of Supía in the new *pueblo de indios* that was to be erected in the plains of Vega de Supía. He allocated *resguardos*, commanded the Spaniards to move out to the Pirza Valley, and set up *doctrinas* and parishes for both Indians and the Spanish. By doing so, Espinosa Saravia drew the - somewhat blurred - boundaries between the "two republics" in the Vega de Supía.

The demarcation of *resguardos* that took place during the second cycle of *visitas a la tierra*, such as the 1627's by Lesmes de Espinosa Saravia, might be considered as a double-edged sword in terms of indigenous land rights. On the one hand, as ethnohistorian Juan Friede remarks, it meant a "legal and orderly" step forward in the path of Indian

dispossession.<sup>347</sup> As documented in the case of Colombia's eastern Andes, specifically in the Sabana de Bogotá, the settlement of natives in *pueblos de indios* and the allocation of *resguardos* entailed the loss of around 95% of the lands Indians formerly had held.<sup>348</sup> On the other hand, however, the records of *resguardo* allocations made during these *visitas* provided written evidence of the boundaries of Indian landholdings that enabled native litigants to support their land claims.<sup>349</sup> In that vein, the demarcation of *resguardos* paradoxically turned into a means to ensure legal protection for Indian lands at a time when the memory of the pre-Columbian past (as a source of land rights) was vanishing and "Spanish acknowledgment became more important than ancestral rights," as Herzog remarks.<sup>350</sup> Similarly, analyzing Indians' land claims in mid-seventeenth-century Mexico, Owensby notes that "the argument from ancient possession declined" while "the appeal to documentation strengthened." In such a context, "papers carried an enormous legal and perhaps even psychological weight."<sup>351</sup> Likewise, the trail of legal paperwork left by the second cycle of *visitas a la tierra* conducted in the New Kingdom of Granada perhaps helped to relieve Indians' anxiety over availing themselves of written evidence to support their land claims. By setting up and writing down boundaries of *resguardos*, records of *visitas a la tierra* made indigenous land rights legible in colonial terms, providing legal

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<sup>347</sup> Friede, "De la Encomienda a la propiedad territorial...", 53.

<sup>348</sup> Herrera Ángel, *Ordenar para controlar*, 181; Villamarín, *Encomenderos and Indians*, 148-51.

<sup>349</sup> Quiroga Zuluaga, "El proceso de reducciones...", 194; Villamarín, *Encomenderos and Indians*, 149.

<sup>350</sup> Tamar Herzog, "Colonial Law and 'Native Customs': Indigenous Land Rights in Colonial Spanish America," *The Americas* 63, No. 3 (January 2013), 308-09.

<sup>351</sup> Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2008), 101.

grounds to settle future conflicts over land. Thus, paradoxically, the allocation of *resguardos* that took place during the second cycle of *visitas a la tierra* set up possession by dispossession.

Arguably, that was the case in the Vega de Supía, where the 1627 land inspection by Lesmes Espinosa Saravia involved a great deal of dispossession but, all at once, set the legal foundation for indigenous land rights under the colonial (and postcolonial) order. As discussed in Chapter 2, Espinosa Saravia's ordinances set the legal framework for arguing and settling land disputes in the years to come. The retrieval of a notarized copy of this document by 1749 encouraged the Supías to file a lawsuit against the Church to get the plains of Vega de Supía back, which they eventually achieved in 1751. Espinosa Saravia's ordinances also provided legal grounds for *Teniente Corregidor* Simón Moreno de la Cruz to decide the dispute over the site of Riosucio between Cañamomo-Lomaprieta and La Montaña communities in favor of the latter. The Cañamomo-Lomaprietas, descendants from the Pirzas that the *oidor* had removed from their homeland, also turned to his ordinances in 1757 to assure their land rights in the Vega de Supía. Instead of claiming the ancestral rights over the lands in the Pirza Valley, they articulated their demands based on Espinosa y Saravia's territorial arrangement, even though his *visita* had removed them from their ancestral lands more than one century earlier. In some way, the eighteenth-century Cañamomo-Lomaprietas were keenly aware that playing with the rules of the colonial order meant accepting this sort of possession by dispossession.

The 1627 land inspection not only reshaped territories but communal identities as well. To be sure, Espinosa Saravia's project of gathering Supías, Pirzas, Umbras, and Sonsones in the envisioned *pueblo de indios* in the Vega de Supía did not turn out as



expected. Still, it accentuated a long process of change that had begun with the transformation of pre-conquest *cacicazgos* existing in the Humbra region into the *encomiendas-pueblos* listed in the 1559 *visita* (Table 2). Over time, the partition of the old Supía *cacicazgo* into two *encomiendas* led to the formation of the *encomiendas-pueblos* of Supía la Alta and Supía la Baja, both settled on the Vega de Supía when Pirzas, Umbras, and Sonsones were brought there in 1627. This resettlement, along with the steady migration of Indians coming from neighboring pueblos, as well as processes of miscegenation with non-Indian people, led to a melting pot out of which the *partidos* or *pueblos* of Supía, Cañamomo-Lomaprieta, and San Lorenzo emerged throughout the early eighteenth century. These three communities did not live together in the *pueblo de indios* of San Lesmes de Supía, as they were supposed to do. Instead, Cañamomo-Lomaprieta and San Lorenzo Indians settled separately in mountainous areas surrounding the plains of the Vega de Supía and came under the jurisdiction of Quiebralomo's parish priest. Each of these communities had relatively mixed ancestry (see Tables 5 to 7) and over time had lost their native languages. Thus, more than blood or language, what carved out Supía's, Cañamomo-Lomaprieta's, and San Lorenzo's communal identities were their *cabildos* and the defense of their *resguardos* based on "*las ordenanzas del señor Don Lesmes.*"

The latter is especially true for the Supías and Cañamomo-Lomaprietas, who were active litigants throughout the eighteenth century. Legal interactions of Supía and Cañamomo-Lomaprieta litigants reveal the complexities and nuances of natives' legal agency, the strategic alliances between Indians litigants and local elites, and how the latter boosted and availed themselves of Indians' lawsuits to advance their agendas. It does not mean, however, that Indians were puppets of their non-Indian allies. Instead, Indian

litigants retained control over their participation in land disputes and their voices entered the archives, whether by notarial templates, delegate writing, or their own handwriting.

Despite attempts to aggregate them into the neighboring pueblos of Guática and Quinchía, the communities of Supía, Cañamomo-Lomapieta, and San Lorenzo endured and remained in the Vega de Supía. Their efforts to produce land titles deeds and use them as legal shields to face the dismantling of their *resguardos* in post-colonial times are the subject of Part II of this dissertation. Meanwhile, just like the conflict between Indians and Quiebralomeños led to the gradual setting up of today's Riosucio, *vecinos'* attempts to set up a town in the Vega de Supía ultimately resulted in the establishment of today's municipality of Supía. Both urban centers emerged out of the transition from “two republics” to “one divided” that took place between the colonial twilight and the early post-colonial era.<sup>352</sup>

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<sup>352</sup> Gärtner, “Fundación de Riosucio,” 2-21; Caicedo, *Cinco siglos*, 43-90; González Escobar, *Ocupación*, 22-46.

**PART TWO.**

**STRUGGLES FOR LAND, TITLES, AND JUSTICE DURING THE  
PRIVATIZATION ERA**

#### IV. CHAPTER 3. DEFINING THE PLACE OF THE INDIANS AND THEIR LANDS IN THE EMERGING REPUBLIC

The post-Independence era signaled the formal end of the separation between the "two republics" and the beginning of a new society made up of individuals nominally free and equal before the law. The republican project involved rethinking the place of the indigenous population within the emerging nation and the foundation of their citizenship. The discussion on indigenous citizenship was closely related to the fate of their government bodies (*cabildos*) and communal lands (*resguardos*). Since private ownership was at the core of nineteenth-century liberal understandings of individual liberty and citizenship, deciding what to do with those corporate ties that prevented the integration of the indigenous population (and their lands) into the political community, and the market as well, was critical.

Two opposite blueprints framed nineteenth-century debates on indigenous citizenship. One, inspired by contemporary political and economic liberalism, proposed the full and immediate integration of the Indians - now called "*indigenas*" - into the nation as citizens and independent yeoman farmers. This project entailed the abolition of the tribute, the disappearance of *cabildos*, the disentanglement of *resguardos*, and the assimilation of indigenous people into the nation via education and miscegenation.<sup>353</sup> By contrast, an

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<sup>353</sup> On the liberals' views on the integration of Indians into the emerging republic, see Frank Safford, "Race, Integration, and Progress: Elite Attitudes and the Indian in Colombia, 1750-1870," *The Hispanic American Historical Review* 71, no. 1 (1991): 9-33; Sanders, "Pertenece a la gran familia granadina," 31-32.

opposite blueprint retained and reinterpreted some elements of the colonial pact that had structured the relationship between the Indians and the Spanish empire, especially during the Hapsburg era. Under this pact, Indians were to pay tribute to the Crown in exchange for preserving their communal lands and way of life, a certain degree of self-government, and special legal protection and privileges attached to their status as miserable persons.<sup>354</sup> Since tribute lasted shorter in Colombia than in other Andean republics, it did not play a significant role in the republican bargaining between Indians and the elites.<sup>355</sup> Thus, in post-colonial Colombia, the colonial land-for-tribute pact was reinterpreted as protection of their *resguardo* lands and communal ways of life, in exchange for Indians' political and military support for the divided elites that contended for rulership over the country.<sup>356</sup>

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<sup>354</sup> The notion of "colonial pact" or "tributary pact" has been used mostly to conceptualize the ways in which indigenous people in Perú and Bolivia appealed to certain elements of the old regime to negotiate indigenous citizenship in the emerging republics during the post-colonial era. See Tristan Platt, *Estado boliviano y ayllu andino. Tierra y tributo en el norte de Potosí* (Lima: Instituto de Estudios Peruanos, 1982); Tristan Platt, "The Andean Experience of Bolivian Liberalism, 1825-1900: Roots of Rebellion in 19<sup>th</sup>-Century Chayanta (Potosí)," in *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18<sup>th</sup> to 20<sup>th</sup> Centuries*, ed. Steve J. Stern (Madison: The University of Wisconsin Press, 1987), 280-323; Mark Thurner, *From Two Republics*, 34; Pilar Mendieta Parada, "En defensa del pacto tributario. Los indígenas bolivianos frente al proyecto liberal: S. XIX," *Revista Andina* 42 (2005): 131-154; María Luisa Soux, "Tributo, constitución y renegociación del pacto colonial. El caso altopereano durante el proceso de independencia (1808-1826)," *Relaciones. Estudios de historia y sociedad. El Colegio de Michoacán*, vol. XXIX, n. 115 (2008): 19-48; Héctor Cuevas Arenas, *Tras el amparo del rey. Pueblos indios y cultura política en el valle del río Cauca, 1680-1810* (Bogotá: Universidad del Rosario – Flacso Ecuador, 2020).

<sup>355</sup> Although disguised as "indigenous personal contribution" (*contribución personal de indígenas*), the colonial tribute remained as an essential source of revenue for the emerging Andean republics. It was gradually abolished in New Granada (1832), Perú (1854), Ecuador (1857), and Bolivia (1882), where it was replaced by another indigenous contribution that remained well into the twentieth century. See Larson, *Trials of Nation Making*; Gotkowitz, *A Revolution for Our Rights*, 29-30.

<sup>356</sup> This reinterpretation of the colonial pact is at the core of what Sanders terms as "popular indigenous conservatism" to analyze indigenous republicanism in the Cauca region. Sanders, *Contentious Republicans*, 32-43; Sanders, "Pertener a la gran familia granadina," 28-45. Similarly, Solano and Flórez explore the symbiosis between elements of the colonial pact and modern republicanism in the discourse that Indians and their allies deployed to protect *resguardos* in the Caribbean region. Sergio Paolo Solano and Roicer Alberto Flórez, "Resguardos indígenas, ganadería y conflictos sociales en el Bolívar Grande, 1850-1875," *Historia Crítica*, 34 (2007): 92-117.

The extensive body of legislation enacted during the five decades following Independence reveals the confrontation between and hybridization of these opposite notions of indigenous citizenship and their consequent viewpoints on the disappearance or protection of *resguardos*. Most of these laws provided for the division and distribution of *resguardo* lands as private property; others stipulated the protection of indigenous communal lands but on a temporary basis, while conditions to carry out their privatization were created. The discussion on the fate of *resguardos* was not a black-and-white partisan issue in which Liberals sided with privatization while Conservatives embraced protectionism across the board. Rather than an outcome of Conservatives governments, the defense of *resguardos* and *cabildos* brought as a carry over the old “colonial pact” that framed the bargaining between Indians and caudillos - liberals and conservatives alike – during the first stage of the republican era.<sup>357</sup> This renewed pact contributed not only to carve out republican indigenous citizenship but also to consolidate caudillos’ power in nineteenth-century Colombia.

To develop this argument, Section 3.1. addresses the meandering road to the privatization of indigenous lands in the five decades after independence (1810s-1860s). This section frames *resguardo* legislation in the context of Colombian trials of state-nation making, focusing on the place of indigenous lands in the emerging political parties' agendas and on how the gradual transition toward a federal regime made *resguardo* affairs a matter of provincial-state legislation from the 1850s onwards. Section 3.2. centers on the critical decade of 1870s, when Colombia took decisive steps towards an agro-export economy that

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<sup>357</sup> Broadly speaking, the first stage of Colombian republican period goes from Independence until the end of the Federal and Liberal Radical era in 1885.

led to the expansion of the agrarian frontier and intensified pressures for appropriation and commodification of lands. This section discusses the three major threads of legislation that wove the legal frame for the 1870s land rush: laws on public lands (*baldíos*); those concerning the colonization of the country's peripheral borderlands (generically termed as "*territorios*") and the reduction of the "savage" Indians that inhabited there; and, those providing for the division of *resguardos*.

### 3.1. The Meandering Legal Road to the Privatization of *Resguardos*

The expulsion of the viceroy in July 1810 and the creation of creole government boards (*Juntas Supremas*) in Santa Fé and other provinces of the viceroyalty signaled the beginning of the Independence period in New Granada, which lasted until the final military victory over the royalist forces in August 1819.<sup>358</sup> From July 1810 on, a majority of the insurgent territories joined in the Confederation of United Provinces of New Granada.<sup>359</sup> Inspired by liberal ideas circulating in the Iberian world, the autonomous provincial

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<sup>358</sup> For an overview of the Independence process, see Frank Safford and Marco Palacios, *Colombia. Fragmented Land, Divided Society* (New York: Oxford University Press, 2002), 80-102.

<sup>359</sup> During the convoluted 1810s, the city council of Anserma joined the Confederated Cities of the Cauca Valley, a cluster of northern cities of the province of Popayán that split apart from the royalist stance taken by the southern cities to side with the independentists. Meanwhile, the Vega de Supía stood as a coveted frontier zone between the Confederated Cities of the Cauca Valley and the newly created Republic of Antioquia, not only because of its mineral riches but also its location near strategic roads and bridges over the Cauca River. In 1813, a few members of the local elite signed what became known as the "Declaration of Independence of the Vega de Supía," by which they swore allegiance to the Republic of Antioquia. All the independentist turmoil happened while the conformation of today's municipalities of Riosucio and Supía was going on. While local historians refer to the participation of blacks and Indians in the patriots' troops, and even to enslaved blacks' uprisings in Marmato, further research is needed to know how local Indians reacted to creole liberal reforms during the independence era. See Alfredo Cardona Tobón, "Las guerras civiles en el alto occidente de Caldas," *Supía Histórico* 5 (Feb. 1989): 91-106 (on Independence wars, 93-96); Álvaro Gärtner, *Guerras civiles en el antiguo Cantón de Supía* (Manizales: Universidad de Caldas, 2006), 37-86; Albeiro Valencia Llano, "El territorio de Caldas en el proceso de independencia," *Impronta. Revista de la Academia Caldense de Historia* 17 (2019): 21-43; González Escobar, *Ocupación*, 31-46.

governments enacted legislation abolishing the tribute as well as the legal category of Indians, making them equal to other citizens.<sup>360</sup>

On September 1, 1810, Miguel de Pombo (1779-1816), one of the intellectuals who led the independence movement, articulated the first systematic blueprint of the liberal project for integrating Indians into the larger society of New Granada by dividing up their communal lands. Inspired by contemporary physiocrat views, De Pombo considered agriculture as "the true source of states' wealth and prosperity," as long as the land was not concentrated in latifundia but distributed among multiple independent farmers. De Pombo's plan entailed breaking up "the vast lands occupied by our brothers, the Indians" into small plots, just large enough for each household to farm and raise livestock. The Indians would hold full ownership over their plots, though they would not be allowed to sell their land for a period of up to 25-30 years after the partition. The surplus lands would be sold to well-off owners who could populate and cultivate them gainfully. The resulting income would be invested in buying farming supplies for the Indians and endowing each pueblo with a medical surgeon and a teacher.<sup>361</sup>

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<sup>360</sup> Even in the territories that remained royalist, such as the southern city of Pasto, liberal reforms abolishing the tribute and including Indians as citizens on equal terms to creoles and Spaniards came via the 1812 Cádiz Constitution. As Echeverri analyzes, the scope of these reforms was different from those enacted by creole insurgent governments, as were the responses of indigenous people who lived in royalist and insurgent regions. Echeverri, "Sovereignty Has Lost Its Rights." See also Victor Uribe, "La Constitución de Cádiz en la Nueva Granada, teoría y realidad, 1812-1821," in Heraclio Bonilla ed., *La Constitución de 1812 en Hispanoamérica y España* (Bogotá: Editorial Universidad Nacional de Colombia-Alcaldía Mayor de Bogotá, 2012), 273-303. On the different currents of liberalism circulating in the nineteenth-century Iberian world, see Gabriel Paquette, "Introduction: Liberalism in the Early Nineteenth-century Iberian World," *History of European Ideas* 41, no. 2 (2015): 153-65.

<sup>361</sup> See Miguel de Pombo, "Discurso político en el que se manifiesta la necesidad y la importancia de la extinción de los estancos de tabacos y aguardiente y la abolición de los tributos de los indios con los arbitrios que por ahora pueden adoptarse para llenar el vacío que sentirán los fondos públicos en estos ramos. Leído en la junta suprema de Santafé por su vocal el doctor don Miguel de Pombo, en 1º de septiembre de 1810," in *El 20 de Julio. Capítulos sobre la revolución de 1810*, Eduardo Posada, ed. (Bogotá, 1914), 350-362 (on



Although some provincial governments enacted legislation seemingly inspired by De Pombo's proposal, the fate of *resguardos* remained a controversial issue among liberal-minded creole legislators. The province of Antioquia ordered the partition of *resguardos*.<sup>362</sup> Similarly, the Juntas of Santa Fé and El Socorro commanded the allotment of *resguardo* lands as private-owned plots among each community's families under the condition of not selling or mortgaging the allocated parcel for a period of 20 and 25 years, respectively. The Junta of Cartagena took a more protectionist stance by ordering that "the league of land that by law belongs to each *pueblo de Indios* shall remain undivided for the time being."<sup>363</sup> Still, these early attempts to privatize *resguardos* remained unenforced as insurgent governments were busy enough grappling with the Spanish 'reconquest.' Besides, even though Indians availed themselves of the new republican citizenship to

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the partition of *resguardos*, 353-356). For an examination of Pombo's project, see Safford, "Race, Integration, and Progress," 9-11. Decades later, conveying a viewpoint shared by nineteenth-century liberals, intellectual and politician José María Samper (1828-1888) blamed *resguardos* as the major cause of Indians' backwardness. As per Samper, Indian *resguardos* were no other than "naked socialism" ("*el socialismo en toda su desnudez*"). They prevented Indians from reaching "the progress of civilization," which consisted of "a constant effort to individualize and harmonize individual forces." Keeping Indians tied up by communal property bonds has hindered them to ever be artisans, workers, or anything but "rudimentary farmers," Samper claimed. Moreover, the *resguardo* regime has imposed racial endogamy ("*la autogenesia de la raza*"), preventing Indians to mix with other races to produce a mestizo society which, as per Samper, was the cornerstone of democracy and republicanism. Consequently, in Samper's view, the privatization of *resguardos* would contribute to "the multiplication of small landowners" and to dynamize the land market, which would serve as "[...] a tool of civilization and peaceful conquest." It would also bring racial miscegenation, helping to produce "[...] a democratic society, a republican race" that would merge European's, African's, and Amerindian's blood. See José M. Samper, *Ensayo sobre las revoluciones políticas y la condición social de las repúblicas colombianas (hispano-americanas); con un apéndice sobre la orografía y la población de la Confederación Granadina* (París: Imprenta de E. Thunot y C, 1861), 58-64, 292, 299.

<sup>362</sup> Elizabeth Karina Salgado Hernández, "Indios, ciudadanía y tributo en la Independencia neogranadina. Antioquia (1810-1816)," *Transhumante. Revista Americana de Historia Social* 4 (2014): 26–43.

<sup>363</sup> ("*Que continúen proindiviso, por ahora, en todos los pueblos de Indios la propiedad de la legua de tierra, que tienen por ley...*"). See Mayorga García, *Datos para la historia*, 56-64 (quoted passage, 62).

protest priests' abusive practices against them, they largely opposed creole liberal reforms. As documented by numerous petitions requesting "to be left in our old status of Indians," they were not keen to be part of a new polity that, although nominally granted them equal rights to the creoles, actually would undermine their communal autonomy placing them under creole governments' control.<sup>364</sup>

During the years 1814-1816, the royalist forces regained control over the provinces that had declared independence, putting an end to the early trials of state-nation making. Efforts to set the place of the Indians and their lands in an independent nation would be resumed in 1820, upon the final victory of the independence movement. Creole lawmakers passed a considerable number of laws related to indigenous lands. In summarizing the legislation issued from 1820 to 1850, Table 11 provides a road map for the meandering path toward the privatization of *resguardos* and the state-nation-making process in the decades following independence.

**Table 11. Colombian National Laws on *Resguardos*, 1820-1850**

Year	Law / Decree	Content (on <i>resguardos</i> )	Issued by
1820	Decree of July 5	Orders the restitution and subsequent distribution of <i>resguardo</i> lands among the natives.	President Simón Bolívar
1821	Law of October 11	Eliminates the tribute, the category of " <i>pueblos de indios</i> " and rules on residential segregation.  " <i>Indios</i> " shall be called " <i>indígenas</i> ."  Orders the division of <i>resguardos</i> .	Passed by Congress under the government of Vice-president Francisco de P. Santander, acting President.

<sup>364</sup> ("[...] *se nos deje en nuestro antiguo estado de indios [...]*"), quoted from an 1812 petition signed by over a hundred Indians of Buriticá (Antioquia) discussed by Salgado Hernández, "Indios, ciudadanía y tributo...", 33; Echeverri, "Sovereignty"

1828	Decree of October 15	Reinstates tribute (now called “indigenous contribution.”)  Repeals the 1821 law that ordered the division of <i>resguardos</i> .	President Simón Bolívar
1832	Law of March 6	Repeals the “indigenous contribution.”  Reinstates the 1821 law and set a one-year period to conclude the partition of <i>resguardos</i> .	Passed by the 1832 Constitutional Convention, during the government of President Francisco de P. Santander
1834	Law of June 2	Refines the criteria and the proceeding for <i>resguardo</i> division.  Prohibits litigation against <i>repartimientos</i> .  Allows provincial governments to postpone the <i>repartimiento</i> in the regions they deemed it necessary.	Passed by Congress, during the government of President Francisco de P. Santander.
1834	Decree of November 18	Postpones <i>repartimientos</i> in the province of Popayán (including the Vega de Supía).	President Francisco de P. Santander
1835	Decree of November 21	Postpones <i>repartimientos</i> in the province of Cartagena.	President Francisco de P. Santander
1836	Decree of November 14	Postpones <i>repartimientos</i> in the province of Chocó.	President Francisco de P. Santander
1837	Decree of December 29	Postpones <i>repartimientos</i> in the cantons of Pasto and Túquerres.	President José Ignacio de Márquez (Ministerial, Proto-Conservative)
1838	Decree of December 7	Postpones <i>repartimientos</i> in the canton of Neiva.	President José Ignacio de Márquez
1843	Law of June 23	Orders provincial legislatures to produce reports on the consequences of the <i>repartimientos</i> , and to adopt measures to protect <i>indígenas</i> .  Sets additional limits to the lease and sale of indigenous lands.	Passed by Congress, under the presidency of Pedro Alcántara Herrán (Ministerial, Proto-Conservative)
1850	Law of June 20	Gives provinces autonomy to decide upon the division and sale of indigenous lands.	Passed by Congress, under the presidency of José Hilario López (Liberal)

After the victory over the royalist forces at the battle of Boyacá in August 1819, a congress meeting at Angostura proclaimed that the entire territory that comprised the former Viceroyalty of New Granada – Venezuela, New Granada, and Quito - shall be

united in the single Republic of Colombia. This first post-independence polity, retrospectively known as the "Gran Colombia," lasted from 1819 to 1830.<sup>365</sup> Simón Bolívar, the preeminent leader of the independence movement, was vested with the title of the Liberator and President of the emerging republic. In July 1820, Bolívar issued a decree that embraced the liberal blueprint of transforming Indians into yeoman smallholders while retaining the tribute and the ancient-regime's paternalistic approach toward them.<sup>366</sup> This decree acknowledged the natives as the "legitimate owners" of the *resguardo* lands, ordering that "all the lands that, as per their titles, were part of their *resguardos*, shall be returned to the natives, whatever title the current holders may claim over them."<sup>367</sup> Upon restitution, however, the local judges (*jueces políticos*) should apportion the *resguardos* among each community's families, who only could rent their plots if authorized by the *juez político*. The remaining lands were to be leased by public auction and the rents devoted to paying the tribute and the schoolteachers' wages. Besides land privatization, other elements of the 1820 Bolivarian Decree echoed the liberal-republican project of indigenous citizenship. It granted freedoms of movement, commerce, and work to the natives, and strongly condemned the clergy's abuses against them. It decreed mandatory schooling for

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<sup>365</sup> On the Great Colombia era, see David Bushnell, *The Making of Modern Colombia. A Nation in Spite of Itself* (Berkeley and L.A.: University of California Press, 1993), 50-73; Safford and Palacios, *Colombia. Fragmented Land, Divided Society*, 104-131.

<sup>366</sup> On Simón Bolívar's views toward Indians, see Libardo Ariza, *Derecho, saber e identidad indígena* (Bogotá: Siglo del Hombre – Universidad de los Andes, 2009), 139-146.

<sup>367</sup> ("1o. Se devolverán a los naturales, como propietarios legítimos, todas las tierras que formaban los *resguardos*, según sus títulos, cualquiera que sea el que aleguen para poseerlas los actuales tenedores.") Decree of July 5, 1820, "que ordena devolver a los naturales los *resguardos*," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado*. (Bogotá: Imprenta Nacional, 1926) Tomo VII. *Suplemento a los años de 1819 a 1835*, 15-18.

children, who were to be taught, along with basic literacy and numeracy skills, "the citizens' rights and duties in Colombia, according to the laws." Still, the 1820 Decree maintained the tribute and granted *jueces políticos* extensive powers to manage and oversee Indians' lands and affairs.<sup>368</sup>

Vice President Francisco de Paula Santander governed the republic from 1821 to 1826, while Bolívar headed south to continue the war for independence in other Andean territories. On October 11, 1821, the Congress passed a law, signed by Vice President Santander, that took a decisive step toward liberalism. Article 1 declared that "the *indígenas* of Colombia, called *indios* in the Spanish code, shall not pay henceforth the tax known by the demeaning name of tribute. They shall not be assigned to any service by any class of persons, without being paid the salary that both parties must have stipulated in advance. They shall be regarded in all respects as equal to other citizens and will be subject to the same laws."<sup>369</sup>

Creole lawmakers renamed the former colonial-era "*indios*" as "*indígenas*" in a speech effort to distance the emerging republican era from the old regime. The term "*indígena*" or "*indijena*" (as it was usually spelled in the nineteenth-century Spanish language) conveyed the linkage between the Amerindian population and the new

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<sup>368</sup> For detailed examination, see Mayorga García, *Datos para la historia*, 65-70.

<sup>369</sup> ("Art. 1. Los indígenas de Colombia, llamados indios en el código español, no pagarán en lo venidero el impuesto conocido con el degradante nombre de tributo; ni podrán ser destinados a servicio alguno por ninguna clase de personas, sin pagárseles el correspondiente salario que antes estipulen. Ellos quedan en todo iguales a los demás ciudadanos y se regirán por las mismas leyes") Law of October 11, 1821, in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado*. (Bogotá: Imprenta Nacional, 1924) Tomo I, 116.

republican polity.<sup>370</sup> Meanwhile, the colonial locution "*indio*" disappeared from the republican legal language, while it remained in everyday speech as a derogatory word that white and mestizos used (and still use) to distance themselves – intellectually, socially and racially - from the indigenous population.<sup>371</sup> Besides abolishing the tribute, equating indigenous people's tax burdens to those of other Colombians, the 1821 law repealed the category of *pueblos de indios* and the rules on residential segregation that had structured the division between the "two republics." Likewise, it ratified the 1820 Decree's provisions on the division of *resguardos* and set a five-year deadline to complete it.<sup>372</sup>

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<sup>370</sup> Ramírez Zavala's remarks about the semantic changes that the terms "*indio*" and "*indígena*" experienced in Mexico throughout the period from 1750 to 1850 largely apply in the case of Colombia. "*Indio*" (Indian) ceased to be a legal category to become a word conveying racial-social discrimination against the Amerindian population. The expression "*indígena*" (indigenous), which initially meant "people or thing native from a certain place," came to replace the former legal notion of "*indio*." Republican lawmakers aimed to find an expression that would erase old-regime differences in legal status linked to quality and blood-cleanliness. The term "*indígena*" suited that purpose as it conveys to closely related meanings. As defined in the 1492 Spanish dictionary by Antonio de Nebrija, it meant "being native of." Meanwhile, as defined by the 1798 *Dictionnaire de l'Académie Française*, it referred to the natives of the Americas. Ana Luz Ramírez Zavala, "Indio / Indígena, 1750-1850," *Historia Mexicana*. El Colegio de México 60, no. 3 (2011): 1643-1681.

<sup>371</sup> Even the Indians continued to utilize the term "*indio*," though its connotation changed over time. As historian James Sanders documents for the Cauca region, nineteenth-century highland Indians seeking protection for their *resguardos* identified themselves as civilized "*indijenas*" and distanced themselves from what they called "*indios salvajes*," those wandering in the jungles. The Caucano *indijenas* argued that, if they lost their *resguardos*, they would be forced to go to the forest and become "*indios*." They claimed to be included in the nation as they were not "*indios salvajes*" who, in the Caucano *indijenas*'s view, did not deserve the status of citizenship. Sanders, "Pertenece," 34. Still, other indigenous leaders retained the colonial term and continued to identify themselves as "*indios*," a trend that became more visible in the early twentieth century as epitomized by Manuel Quintín Lame's writings. By naming themselves as "*indios*," these leaders distanced themselves from the republican-liberal project of citizenship to advocate, instead, for a distinctive form of citizenship based on the preservation of *resguardos* and *cabildos*, the colonial institutions that had legally shaped Indianness since the colonial era. On Manuel Quintín Lame's view of indigenous citizenship, see Espinosa Arango, *La civilización montés*, 67-117; Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 24-40, 351-370.

<sup>372</sup> For detailed examination, see Mayorga García, *Datos para la historia*, 71-74.

As it had happened in the 1810s, the 1820s legislation on *resguardo* privatization remained largely unenforced.<sup>373</sup> A major difficulty was determining who was entitled to receive a parcel of *resguardo* land, a question tied to the issue of who was *indígena*. Long-standing processes of acculturation and miscegenation, and the fact that many Indians lived outside the *resguardos* while non-Indians lived inside them, had blurred the differences between Indians and *vecinos*.<sup>374</sup> The abolition of tribute faded such distinction even more, as tribute payment had served as a marker of Indianness and a pivotal criterion for allocating land rights. Furthermore, some provincial governments contested the abolition of the tribute and other provisions of the 1821 law.<sup>375</sup> In December 1825, for instance, the provincial junta of Chocó sent a report to the governor complaining that this law "had produced a total moral and civil abandon among the *indígenas*."<sup>376</sup> In October 1828, Tomás Cipriano de Mosquera, a prominent Caucaño political and military leader and by then intendant of the Department of Cauca, south of the country, sent a report to the national government pointing out the dire consequences for the region's economy resulting from the abolition of Indian tribute. Mosquera proposed, instead, to reestablish the head tax and appoint provincial protectors of Indians.<sup>377</sup>

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<sup>373</sup> On the reasons explaining the ineffectiveness of the 1821 law, see Del Castillo, *Crafting a Republic*, 131-33.

<sup>374</sup> See Safford, "Race," 14.

<sup>375</sup> Curry, "The Disappearance," 68-71.

<sup>376</sup> AGN, República, Indios, 52, 1, D.92, 382r. The junta proposed, instead, to appoint a protector of Indians in each parish that would be responsible for overseeing Indians' economic, religious, and civic affairs. The governor endorsed this proposal and forwarded it to the national government (379r-381v).

<sup>377</sup> AGN, República, Indios, 52, 1, D.103, 440r-443r.

These complaints came at a time when Bolívar had returned to the country and had moved toward a centralist and rather personalistic-authoritarian view of government that contrasted with Santander's more legalistic and liberal-minded approach.<sup>378</sup> By the late 1820s, the place of *indígenas* in the emerging republic became one of the contending issues in the larger dispute among Bolivarians and Santanderists. Indeed, on October 15, 1828, shortly after assuming dictatorial powers, Bolívar issued a decree reinstating the tribute under the guise of "indigenous contribution." In exchange, indigenous people would be exempt from other citizens' burdens, including military service. The 1828 decree repealed the 1821 law, thus, removing any legal grounds for privatization. Instead, it provided for the preservation of *pequeños cabildos* and *resguardos*.<sup>379</sup> The 1828 decree reveals, even more clearly than that of 1820, Bolívar's attempts to retain some elements of the colonial pact of land-for-tribute as groundwork for indigenous republican citizenship as well as his desire to keep in place a critical source of revenue at a time of fiscal crisis.

Yet, the Bolivarian regime and its protectionist stance toward *resguardos* did not last long, being soon replaced by a resolute shift toward privatization. By the end of 1830, Venezuela and Ecuador had seceded from Gran Colombia, and a politically defeated Bolívar had resigned office shortly before he died in December 1830. In March 1832, a constitutional convention passed the Constitution of the Republic of New Granada and

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<sup>378</sup> On the increasing antagonism between Bolívar and Santander, see David Bushnell, *The Santander Regime in Gran Colombia* (Newark: University of Delaware Press, 1954), 338-59; Safford and Palacios, 118-23.

<sup>379</sup> Decree of October 15, 1828, "*que establece la contribución personal de indígenas*," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado. Tomo III* (Bogotá: Imprenta Nacional, 1925), 420-26. For detailed examination, see Mayorga García, *Datos para la historia*, 74-80.



appointed Francisco de Paula Santander as its president. Santander's rule drove the country toward liberalism, restoring and deepening some of the liberal reforms that Bolívar had repealed during his dictatorship.<sup>380</sup>

The privatization of indigenous landholdings was a case in point. The same convention that signed the 1832 Constitution had taken the first step in this direction by passing the Law of March 6, 1832. This regulation repealed the indigenous contribution - equating indigenous people's tax burdens to those of the rest of *Granadinos* - and reinstated the rules to conduct the partition of *resguardos*, which was supposed to be completed no later than a year after the passage of the law.<sup>381</sup> The 1832 statute was followed by a myriad of administrative decrees clarifying the law and addressing the wave of questions that provincial authorities raised on the partition process.<sup>382</sup> Two years later, Law of June 2, 1834, refined the criteria for land distribution and set detailed rules to expedite the *repartimiento* proceeding.<sup>383</sup> One of these rules closed the way to indigenous litigation against privatization by providing that "no court or tribunal shall hear complaints whose

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<sup>380</sup> This assertion must be qualified when it comes to economic liberalism. As historian Frank Safford notes, the 1830s financial crisis led lawmakers to take some distance from liberal dicta concerning foreign trade and taxes. Still, liberal tenets remained to guide other policies such as the privatization of Indians landholdings. Frank Safford, "The Emergence of Economic Liberalism in Colombia," in *Guiding the Invisible Hand. Economic Liberalism and the State in Latin American History*, ed. Joseph L. Love and Nils Jacobsen (New York: Praeger, 1988), 35-62 (see specifically p. 36).

<sup>381</sup> Law of March 6, 1832, "*que da reglas para el repartimiento de los resguardos de indígenas, y declara abolida la contribución personal*," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado* (Bogotá: Imprenta Nacional, 1925) *Tomo IV*, 344-45.

<sup>382</sup> See Mayorga García, *Datos para la historia*, 90-109.

<sup>383</sup> Law of June 2, 1834, "*adicional a la de 6 de marzo de 1832, sobre repartimiento de resguardos de indígenas*," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado* (Bogotá: Imprenta Nacional, 1925) *Tomo V*, 349-52.

sole and specific purpose is to request for *resguardos* not to be distributed."<sup>384</sup> Although the colonial tribute and its republican substitute - the “indigenous contribution” – had been abolished, the 1834 law made tribute payments the decisive criterion to determine who was eligible to receive *resguardo* land. *Indígenas* were to prove they (or their ancestors) had paid tribute or indigenous contribution to qualify for a parcel of the divided lands. As a result of this standard, which also appears in subsequent laws on the matter, it is frequent to find certificates of tribute payment in the judicial files on *resguardo* land distribution, as shown in the picture below.



Certification of payment of “indigenous contribution” by Juan Motato, Indian of La Montaña.<sup>385</sup>

<sup>384</sup> (“Artículo 13. En ningún tribunal ni juzgado se oirán reclamaciones cuyo único y determinado objeto sea pedir que no se repartan los resguardos.”). Law of June 2, 1834.

<sup>385</sup> Descendants of Juan Motato submitted this certification in 1889 within the proceeding of division of the *resguardo* of La Montaña in Riosucio, as a proof of their rights over the community’s lands. JCCR, 1931-026, "Indígenas de La Montaña v. Cabildo de San Lorenzo y otros," fol. 850.

The 1832 and 1834 laws established that a substantial amount of land should be deducted before the distribution.<sup>386</sup> From eight to twenty fanegadas (28 to 570 square meters) were to be deducted to ensure that the neighboring towns would have available land for urban expansion. Then, the remainder would be apportioned into twelve portions of equal value. One to two of these portions would be destined to provide for the parish school, and another one could be sold to pay for the surveying and allotment expenses unless the community covered these costs themselves.<sup>387</sup> Only the remaining land would be distributed among the community's eligible families. Some authors note that the subtraction of *resguardo* lands for expanding towns and financing public schools entailed a veiled retaining of the tribute system since such a burden only fell on indigenous communities but not on other rural landowners.<sup>388</sup>

Although the 1830s legislation took an unambiguous step toward liberalism, it retained some guardianship elements such as the prohibition for *indígenas* to sell the allotted plots for ten years. Still, the chain of exceptions to this prohibition ultimately left the cantonal and provincial authorities the power to decide over the entry of Indian lands into the market. The 1832 Constitution had divided the territory of New Granada into provinces that, in turn, were divided into cantons. A governor appointed by the president and a legislative assembly known as *Cámara Provincial* ruled each province.<sup>389</sup> The 1834

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<sup>386</sup> According to Glenn Curry, about one-sixth to one-fourth of the total land of each *resguardo* would not be distributed among the Indians. Curry, "The Disappearance," 129.

<sup>387</sup> Del Castillo, *Crafting a Republic*, 135.

<sup>388</sup> In that vein, Curry, "The Disappearance," 187. Similarly, Villegas and Restrepo, *Resguardos*, 22.

<sup>389</sup> *Constitución del Estado de la Nueva Granada, dada por la Convención Constituyente en el año de 1832, 22° de la independencia* (Bogotá: Imprenta J. A. Cualla, 1840), 23-26 (Articles 150 to 168).

law on *resguardo* partition delegated to the provincial chambers and governors the competence to issue the regulations needed to conduct the process and to request the national government to suspend partitions in the regions where they deemed it necessary. Both the rule-and-exception system and the delegation of regulatory competences to the provinces stood as two usual legislative strategies in the nineteenth-century legislation, even before the transition to the federal regime in the mid-1850s.<sup>390</sup> Concerning *resguardos*, these legislative techniques served to adapt the privatization policy to local realities and to leave a wide space for bargaining between indigenous peoples and local and regional elites.<sup>391</sup>

Even though there were significant differences between regions, this time the land distribution or *repartimiento* policy went beyond "law in books" to actually become "law in action."<sup>392</sup> Throughout the 1830s, the first wave of privatizations made its way, especially in the high plains surrounding Bogotá, the rest of the Eastern Cordillera, and Antioquia. In none of these areas, however, was the division of *resguardos* fully completed at that time. The enforcement of *repartimiento* laws involved a series of steps, each one riddled with difficulties and conflicts: drawing up a census of each community's eligible families; delimiting and surveying the area of each *resguardo*; subtracting the mandatory

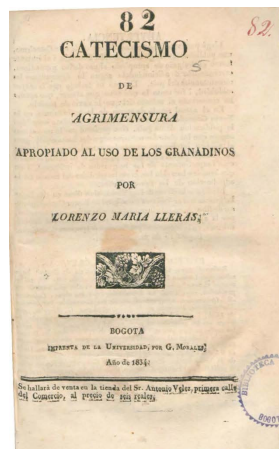
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<sup>390</sup> On the tendency to decentralize solutions concerning land appropriation in the period 1820-1850, see Uribe de Hincapié and Álvarez Gaviria, "El proceso de apropiación," 63-54.

<sup>391</sup> These legislative techniques allowed for bargaining practices between subalterns and elites. These practices contributed to shape republicanism in nineteenth-century Colombia. See Sanders, *Contentious Republicans*, 3-6.

<sup>392</sup> To freely paraphrase the well-known dichotomy coined by Roscoe Pound, "Law in Books and Law in Action," *American Law Review* 44 (1910): 12-36.

portions for urban centers, parish schools, and expenditures; finally, distributing the plots fairly. All this increased the demand for trained surveyors capable to deal with the technical and legal issues behind land distribution. Perhaps not by chance the same year the 1834 law was enacted, the renowned liberal educator Lorenzo María Lleras published a booklet titled “Catechism for Land Surveys, Appropriate for Use by Granadinos” that provided arithmetic criteria rooted in Bentham’s utilitarianism to conduct a fair partition of communal lands.<sup>393</sup> Meanwhile, the Colegio de San Bartolomé began to include the surveying of resguardos among the topics of examination of its students. Some years later, by 1849, the founding of the Military College (*Colegio Militar*), a national technical school lead by colonel Agustín Codazzi, would play a central role in the technical training of land surveyors.<sup>394</sup>



Lorenzo María Lleras’ 1834 *Catechism for Land Surveys, Appropriate for Use by Granadinos*.

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<sup>393</sup> Lorenzo María Lleras, *Catecismo de agrimensura apropiado al uso de los Granadinos* (Bogotá: Imprenta de la Universidad por G. Morales, 1834). On how Bentham's ideas of "equity, morality, and precision" influenced Lleras's numerical formula to partition communal lands, see Del Castillo, *Crafting a Republic*, 139.

<sup>394</sup> Del Castillo, *Crafting a Republic*, 139, 146-49. On colonel Agustín Codazzi’s role on the Chorographic Commission, see Appelbaum, *Mapping the Country of Regions*.

Still, the enforcement of the 1830s legislation on *resguardo* partition was quite uneven. Some provincial authorities requested the national government authorization to suspend the *repartimientos*. Among the reasons for deferring the distribution of *resguardos*, provincial governors argued the lack of proper demarcation and land titles, as well as the vast length and remote location of indigenous landholdings, which made the partition unfeasible. Others, instead, pointed out that the reduced size of some *resguardos* would lead to allocate insignificant portions of land to each family. The resistance of indigenous communities also stood as a reason for provincial governors to request the suspension of *repartimientos*. In the southern provinces of Popayán and Pasto, for instance, Indians' opposition to *repartimientos* led to the occupation of government offices, the interruption of business activities, and a climate of insurrection.<sup>395</sup> In response, the national government issued a series of decrees suspending the partition of *resguardos* in the provinces of Popayán, Cartagena, and Chocó, as well in some cantons and districts of the provinces of Riohacha, Pasto, and Neiva.<sup>396</sup> The decision of November 1834, that

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<sup>395</sup> On the contrasting attitudes of Popayán's and Pasto's governors toward Indians' resistance to the *repartimiento*, see Safford, "Race," 15-16.

<sup>396</sup> The national government approved the postponement of *repartimientos* in the province of Popayán in November 18, 1834. See Lino de Pombo, *Exposicion del Secretario de Estado, en el Depacho del Interior y Relaciones Exteriores del gobierno de la Nueva Granada al Congreso Constitucional del año de 1835 sobre los negocios de su departamento* (Bogotá: Imprenta de Nicomedes Lora, 1835), 57-58; Helguera, "Los resguardos indígenas...", 349; Mayorga García, *Datos para la historia*, 108-9. On the suspension in other regions see Decree of November 21, 1835, "suspendiendo el repartimiento de resguardos de indijenas en la provincia de Cartagena," in *Gaceta de la Nueva Granada*, no. 218 (Bogotá, November 29, 1835): 1; Decree of November 27, 1835, "suspendiendo el repartimiento de resguardos indijenas en la provincia de Riohacha," in *Gaceta de la Nueva Granada*, no. 219 (Bogotá, December 6, 1835): 1; Decree of November 14, 1836, "suspendiendo el repartimiento de resguardos indijenas en los cantones de la provincia del Chocó," in *Registro Oficial de la Nueva Granada. Año de 1836*, no. 16: 63; Decree of December 29, 1837, "suspendiendo el repartimiento de los resguardos de indijenas en los cantones de Pasto i Túquerres," (province of Pasto), in *Gaceta de la Nueva Granada*, no. 330 (Bogotá: January 7th, 1838): 1; and Decree of December 7, 1838, "suspendiendo el repartimiento de los resguardos de indijenas en el cantón de Neiva," (province of Neiva), in *Gaceta de la Nueva Granada*, no. 379 (Bogotá: December 6, 1838): 1.

postponed the partition of *resguardos* in the province of Popayán, included those located in the Vega de Supía, which at that time still belonged to this province.<sup>397</sup>

During the 1840s, the privatization momentum waned even in those regions where it had been most active. The civil War of the Supremes (1839-42) and the subsequent election as presidents of generals Pedro Alcantara Herrán (1842-45) and Tomás Cipriano de Mosquera (1845-49), who had been members of the Bolivarian faction, contributed to slowing down the *repartimientos*.<sup>398</sup> The adverse effects of the division of *resguardos* became visible in the aftermath of the civil war, particularly in the high plains surrounding Bogotá, where Indian farmers had been the main suppliers of vegetables for urban markets. The ten-year prohibition for *indígenas* to trade the allotted plots had proved to be ineffective in preventing the transfer of former *resguardo* lands to non-Indians holders, who increasingly used these lands for grazing livestock. As a result, local production of vegetables dropped, and food prices increased. Likewise, since livestock raising demanded fewer workers than agriculture, many landless and jobless Indians moved elsewhere in pursuit of a living. Many of them joined the flow of workers that migrated from the Andean high lands to the inter-Andean low plains of Tolima to work in the cultivation of tobacco,

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<sup>397</sup> The Vega de Supía was under the jurisdiction of the Canton Supía, which initially belonged to the province of Popayán. In May 1835, however, amidst the trend toward fragmentation of regions into ever smaller provinces, the cantons of Supía, Anserma, Toro, Cartago, Tuluá, Buga, and Palmira were segregated from the province of Popayán to create the new province of Cauca, with Buga as its capital city. See Mayorga García, *Datos para la historia*, 109-10.

<sup>398</sup> The *Guerra de los Supremos* (War of the Supremes) was a revolutionary outbreak that sparked in the southern province of Pasto against the decision of José Ignacio de Márquez's moderate liberal government to suppress the smaller monasteries in that region. The conflict spread nationwide and, rather than a religion-driven rebellion, the push for federalism ultimately became the rebels' central banner.

which by the 1840s rose as a promising crop for export and boosted the internal colonization of lowlands.<sup>399</sup>

To prevent Indians from selling out their lands, Alcántara Herrán's proto-conservative government promoted the passage of the Law of June 23, 1843. This protective statute extended by twenty years the prohibition to sale or mortgage former *resguardo* lands and set in three years the maximum term for leases. The 1843 law also designated municipal ombudspersons (*personeros municipales*) as "protectors of *indígenas*." In this capacity, they were to oversee and authorize lease agreements, and to bring judicial actions to nullify unlawful leases and sales of indigenous lands. Provincial governors should request the protectors of *indígenas* a report on the potential consequences of the *repartimientos*, for the provincial legislatures to adopt the necessary measures to protect "this class of Granadinos."<sup>400</sup> Yet, at a time when the country's insertion into the agro-export economy had just began, pressures for the commodification of indigenous lands intensified, and the 1843 law became just a feeble shield to curb that trend. Meanwhile, a growing bipartisan movement called for decentralization and the granting of greater provincial autonomy. All these factors account for the passage of Law of June 22,

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<sup>399</sup> Safford and Palacios, *Colombia*, 185-186; Uribe and Álvarez, "El proceso," 94-95. On the significant move of population and economic activity from the highlands to the lowlands that began by the end of the 1840s, see Germán A. Palacio Castañeda, "Civilizing the Tropics: the Highlanders' Failed Attempt to Transform the Colombian Amazon, 1850-1930," Ph.D. Dissertation (Miami, Florida International University, 2003), chapters V and VI; a summarized version of this study was published in Spanish as *Fiebre de tierra caliente. Una historia ambiental de Colombia, 1850-1930* (Bogotá: Universidad Nacional – ILSA, 2006). For a contemporary chronicle of the colonization of the hot lands, see Medardo Rivas, *Los trabajadores de tierra caliente (Reminiscencias)* (Bogotá: Imprenta y librería de M. Rivas, 1899).

<sup>400</sup> Law of June 23, 1843, "*sobre protección a los indígenas*," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la Ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado* (Bogotá: Imprenta Nacional, 1928) *Tomo X*, 315-17. See Mayorga García, *Datos para la historia*, 113-16.



1850, giving provinces autonomy to decide upon the division and sale of indigenous lands.<sup>401</sup> It was the last national norm on the matter issued during the first stage of the republican period (1820-1885). A series of constitutions passed after the aforementioned law (in 1853, 1858, and 1863) consolidated the shift towards federalism, granting to the provinces and, later, to the "sovereign states," the right to legislate on a wide range of matters, including Indian affairs.

The move toward federalism in the 1850s paralleled a series of liberal reforms as well as efforts at improving the incipient transportation infrastructure. These changes contributed to advance trade, both domestic and external, and intensified pressures for the commodification of land.<sup>402</sup> This era brought along the abolition of slavery in 1851. Moreover, a liberal constitution passed in 1853 established universal male suffrage, and established the election of provincial governors by direct and secret ballot, the official separation of Church and State, and religious freedom. The 1850s also witnessed the consolidation of the political parties. After the War of the Supremes (1839-42), the earlier division between Simón Bolívar's and Francisco de Paula Santander's followers had given rise to two political factions - the *Ministeriales* and the *Progresistas* - that from 1849 on

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<sup>401</sup> ("Art. 4°. Corresponde a las cámaras de provincia arreglar la medida, repartimiento, adjudicación y libre enajenación de los resguardos de indígenas, pudiendo, en consecuencia, autorizar a éstos para disponer de sus propiedades del mismo modo y por los propios títulos que los demás granadinos.") Law of June 22, 1850, "adicionando y reformando las de 3 de junio de 1848 y 30 de mayo de 1849, orgánicas de la administración y régimen municipal," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821. Obra publicada bajo la dirección del honorable Consejero de Estado Doctor Ramón Correa* (Bogotá: Imprenta Nacional, 1929), Tomo XIV, 155.

<sup>402</sup> For an overview of the economic transformations in the period 1845-1876, see Safford and Palacios, *Colombia*, 228-238.

became known as the Conservative and the Liberal parties, respectively.<sup>403</sup> Whereas both parties largely embraced economic liberalism, their central point of ideological contention revolved around the relationship between the state and the Catholic Church.

Throughout the 1850s, factions emerged within the Liberal party. Old-line Liberals, led by general José María Obando, were dubbed "*Draconianos*" as they opposed ending the death penalty and weakening the national army, and had a predisposition toward caudillo leadership.<sup>404</sup> Meanwhile, a group of young upper-middle-class intellectuals, who became known as "*Gólgotas*" (or Radicals) pushed for deepening liberal reforms.<sup>405</sup> The young radicals initially gained the supports of artisans and other urban subalterns that joined a series of political clubs, known as Democratic Societies, that flourished in the late 1840s. Their alliance, however, was short-lived as the artisans advocated for protectionism while the upper-middle-class intellectuals favored free trade and economic liberalism. As Radical Liberals distanced from the artisans, they became closer to the Conservatives. In 1854, after a short-lived military coup supported by artisans, an alliance of *Gólgotas* and Conservatives took power. This coalition regime, which lasted until 1857, paved the way

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<sup>403</sup> The war contributed to the formation of partisan clusters. Moderate liberals allied with former Bolivarians in what became known as the *Ministeriales*, and, from 1849 on, the Conservative Party. Their opponents, known as *Progresistas*, over time would give rise to the Liberal Party.

<sup>404</sup> On the reasons why Obando's (and later Mosquera's) faction became known as Draconians, see Safford and Palacios, *Colombia*, 210; Helen Delpar, *Red Against Blue. The Liberal Party in Colombian Politics, 1863-1899* (Alabama: The University of Alabama Press, 1981), 9, 92.

<sup>405</sup> According to historian Helen Delpar, regional origins played a prominent role in the divisions among Liberal factions. Whereas leaders of the *Gólgota* or Radical wing mostly came from eastern Colombia, especially from Santander, the Draconians tended to come from Cauca and the Caribbean Coast, especially from the state of Bolívar. Delpar, *Red Against Blue*, 44-47, 93.

for the Conservative Mariano Ospina to win the first presidential election held since the introduction of universal male suffrage.<sup>406</sup>

The liberal reforms and the convoluted political landscape of the 1850s opened new avenues for subalterns' political participation. Liberals and Conservatives needed to mobilize popular sectors both to win elections and to fight the multiple civil wars that political factionalism unleashed throughout the second half of the nineteenth century.<sup>407</sup> The push for land commodification, on the one hand, and the spaces that republican bargaining opened for subalterns to negotiate politics, on the other, account for the diverse pathways the policy of *resguardo* privatization took from region to region.

Cundinamarca, Antioquia, and Tolima stood among the states that went ahead with the division of the still existing indigenous landholdings and communities.<sup>408</sup> The case of the tobacco region of Ambalema (Tolima) provides a telling example of the rush for the appropriation of indigenous lands amidst the expansion of agrarian capitalism. By 1853, the tobacco firm Montoya Sáenz & Cía managed to acquire vast tracts of indigenous land in Ambalema by purchasing in advance the rights from members of the community even

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<sup>406</sup> On the origins of Colombian two traditional parties, see Safford and Palacios, *Colombia*, 132-156, 205-210; Bushnell, *The Making of Modern Colombia*, 91-99, 104-113; Uribe-Uran, *Honorable Lives*.

<sup>407</sup> On the rise of different forms of popular republicanism in the mid-nineteenth century, see Sanders, *Contentious Republicans*.

<sup>408</sup> See Villegas and Restrepo, *Resguardos*, 38-45. For Cundinamarca, see Hernández Rodríguez, *De los Chibchas*, 318-320; Curry, "The Disappearance," 155-201; Del Castillo, *Crafting a Republic*, 122-158; Safford, "Race," 17-20. For Antioquia, see Roger Brew, *El desarrollo económico de Antioquia desde la independencia hasta 1920* (Bogotá: Banco de la República, 1977), 189-194; Uribe de Hincapié and Álvarez Gaviria, "El proceso," 94-95; Salazar, "Resguardos en Antioquia;" Pérez Ríos, "Los indígenas," 19; Ruffiner Méndez, "El resguardo de Cañasgordas," 9-12; Palacios Gómez, "Nos veremos en la necesidad," 136-148. For Tolima, see Castro Blanco, *La extinción*, 19-37; Zambrano Burbano, "Participación política," 20-41.

before the division of their *resguardos* was accomplished. In a bizarre lawsuit, the company opposed the partition of the *resguardos*, arguing that since the Indians had sold their rights in advance to the company, there was no land to distribute among them.<sup>409</sup> The practice of purchasing-in-advance Indians' rights even before the actual partition of their *resguardos* has been also documented in Cundinamarca, and would be replicated in the region subject of this study, as will be discussed in Chapter 5.<sup>410</sup>

The states of Cauca and Bolívar, instead, issued legislation protecting *resguardos* and *cabildos*. Both cases challenge the common assumption that links the defense of indigenous lands and communities with Conservative governments. The Cauca Legislative Assembly passed Law 90 of 1859, the most emblematic piece of protectionist legislation of nineteenth-century Colombia.<sup>411</sup> This law provided for *resguardos* to remain undivided, with no timetable set for future partition. It declared any sale of *resguardo* lands null and void and established that land illegally sold or rented should be given back to the Indians. It stated that each community (*parcialidad*) was to be ruled by a “small council” - *pequeño cabildo* – elected for one-year term and headed by an indigenous governor.<sup>412</sup> Among their

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<sup>409</sup> Castro Blanco documents that ten non-Indian landowners managed to purchase a total of 361 shares of lands of the Ambalema *resguardos* during the partition process that took place in 1853. See, Castro Blanco, *La extinción*, 19-37. On this case, see also Zambrano Burbano, “Participación política,” 73-75; Uribe de Hincapié and Álvarez Gaviria, “El proceso,” 73-74 and 95-97.

<sup>410</sup> Hernández Rodríguez, *De los Chibchas*, 318-319.

<sup>411</sup> Law 90 of October 19, 1859, “sobre proteccion de indijenas,” in *Colección de leyes del Estado Soberano del Cauca, 1859* (Popayán: Imprenta del Colejio Mayor, 1860), 105-108.

<sup>412</sup> As ethnohistorians Findji and Rojas point out, by placing *parcialidades* ruled by *pequeños cabildos* as the single unity of communal life, this seemingly protective legislation undermined the old *cacicazgos*, bigger political unities that had endured among the Nasa people in the southern Cauca region. Findji and Rojas, *Territorio*, 68-69.

competences, *cabildos* were to maintain the community' census and land titles, and to distribute usufruct rights over parcels of *resguardo* lands among the members. The *cabildos* also could rent forest or available arable lands to outsiders to cover the community's expenses. They were also responsible to file lawsuits to recover unlawfully lost lands. Local state officials - acting as *protectores de indijenas* - were to back Indians in these disputes.<sup>413</sup>

The fate of indigenous *resguardos* was by no means a peaceful matter by the time Caucaño legislators passed the protectionist Law 90 of 1859. Pressures for privatization occurred throughout the 1850s, particularly in the northern Cauca districts, where investors in real estate aimed to make land available for the flux of Antioqueño migrants that began to settle in those areas.<sup>414</sup> Even in the southern Cauca, where most of the still existing *resguardos* were located, landed entrepreneurs interested in exporting cinchona bark sought access to Indian lands and workforce.<sup>415</sup> In response, Caucaño lawmakers issued an Ordinance in 1854 that provided for the division of *resguardos* and enabled *indígenas* to dispose of their lands “in the same way and with the same freedom as the [rest of]

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<sup>413</sup> See, Mayorga García, *Datos para la historia*, 122-128.

<sup>414</sup> During the Federal period (from the middle 1850s to 1885), the districts of Marmato, Supía, Riosucio, Quinchía, Guática, Arrayanal (now Mistrató), Anserma, Cartago, and Toro were labelled as the “northern districts” of the state of Cauca. See, Appelbaum, *Muddied Waters*, 53. While Appelbaum does not list Cartago and Toro among the “northern districts,” I include them because of their geographical location, and the fact that from 1863 to 1890 Supía and Riosucio fell under the jurisdiction of the Municipality of Toro. See González Escobar, *Ocupación*, 148.

<sup>415</sup> See Alonso Valencia Llano, *Empresarios y políticos en el Estado Soberano del Cauca* (Cali: Universidad del Valle, 1993), 82-92; Appelbaum, *Muddied Waters*, 56-63.

Granadinos."<sup>416</sup> Yet, this legislation remained unenforced mostly because of the 1854 civil war, which played a pivotal role in consolidating Cauca's protectionist policy concerning *resguardos*. According to historian James Sanders, Caucaño *indígenas*, especially in the southern districts, sided with the Conservatives in the 1851 and 1854 civil wars and supported this party at the polls as well.<sup>417</sup> In return, Conservative local governments issued ordinances upholding the authority of indigenous *cabildos* and protecting *resguardo* lands in, for instance, the southern municipalities of Túquerres and Pasto.<sup>418</sup> Still, Conservatives in the northern districts continued pushing for the privatization of Indians landholdings, as documented in a letter that inhabitants of Riosucio sent to the Constituent Assembly that drafted the 1857 Constitution of the State of Cauca.<sup>419</sup>

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<sup>416</sup> (“*disponer de sus terrenos i resguardos del mismo modo i con la misma libertad que los granadinos*”). Ordinance No. 25 of October 21, 1854, in *Ordenanzas Expedidas por la Lejislatura Provincial del Cauca, 1854* (Bogotá: Imprenta del Neogranadino, 1855), 21. See González Escobar, *Ocupación*, 102.

<sup>417</sup> According to Sanders, southern Caucaño *indígenas* sided with Conservatives to oppose Liberals' anticlericalism, which was a major issue at stake in the 1850s civil wars. By siding with Conservatives in defense of the Catholic moral, Caucaño *indígenas* were defending the patriarchal structure of indigenous communities that propped up both *cabildos'* authority and patterns of communal land tenure. James Sanders, “Pertener a la gran familia granadina,” 36-38. This does not mean, however, that Conservatives could take Indians' allegiance for granted. As scholars have documented, Caucaño indigenous communities took different sides for their own motives in the nineteenth-century civil wars. See Findji and Rojas, *Territorio*, 71-73; Joanne Rappaport, *The Politics of Memory. Native Historical Interpretation in the Colombian Andes* (New York: Cambridge University Press, 1990), 88-93 and 195 (note 5); Escobar Hernández, “Ciudadanía, justicia e indigeneidad,” 145-170.

<sup>418</sup> See “Ordenanza 6a sobre resguardos de indíjenas,” Túquerres, November 6, 1853, ACC, AM, paq. 54, leg. 36, and “Ordenanza 7a sobre resguardos de indígenas,” Pasto, October 18, 1855, ACC, AM, paq. 59, leg. 40, cited by Sanders, “Pertener,” 38. See also Muñoz, “De tierras de resguardo,” 159-160.

<sup>419</sup> Officials and residents of Riosucio to the Constituent Assembly, August 27, 1857, ACC, AM, paq. 64, leg. 41. Riosucio parish priest, Manuel Velasco, the Conservative leader Miguel Antonio Palau, the municipality officials, and around eighty male individuals signed the petition. Some prominent indigenous leaders were among the signatories, such as Indalecio Bañol, who later would appear as Governor of the *parcialidad* of La Montaña. Also, Juan Gregorio Trejo, who would act in the 1874 process of privatization as the administrator of the *parcialidad* of Supía-Cañamomo, signed this letter. The fifteen-page petition addressed a wide array of issues ranging from reforms in administration, the jury system, civil laws, to the request to place the district court at Riosucio rather than in the neighboring municipality of Supía. Such a broad scope might account for indigenous leaders' decision to join other local notables in signing this letter

By passing the protectionist Law 90 of 1859 the newly elected Cauca Governor Tomás Cipriano de Mosquera, now a Liberal, and his allies in the Legislative Assembly aimed to neutralize *indígenas'* support to Conservatives. Mosquera sought alliances with popular sectors to regain national power, at that time held by Conservative president Mariano Ospina Rodríguez (1857-61). Mosquera, member of a mighty family that stood as some of the Cauca's largest landowners, had joined Bolívar in the patriot armies and later been a prominent leader of the *Ministeriales* (proto-Conservatives). Since his first national presidency (1845-49), however, he began to move toward Liberalism. Thus, Mosquera's endorsement to the State of Cauca Law 90 of 1859, rather than pursuing a Conservative partisan agenda, aimed to attract Indians' support for the Liberals' cause.<sup>420</sup>

Cauca was not the only state that, while ruled by a liberal-minded caudillo, took a protectionist stance toward Indians. In 1863, the Radical wing of the Liberal party consolidated its power at the national level and passed a federalist and libertarian constitution that asserted the saleable and divisible nature of all real estate property.<sup>421</sup> The

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that, as Appelbaum notes, conveyed "a public statement on behalf of Riosucio," as well as "a bid for power and importance that went beyond the exclusive concerns of preserving the *resguardos*." Appelbaum, *Muddied Waters*, 91. Yet, the fact that the request for the privatization of *resguardos* headed the petition, and the derogatory terms towards Indians and their property rights, lead to question the extent to which *indígenas* signatories pursued the selfless defense of community interests. The letter depicts Indians as "averse to labor" by contrast with the "industrious" Antioqueño settlers to whom, as per the petitioners, the lands should be transferred. Moreover, the letter casts doubt on Indians' rights over the lands. The petitioners requested the Cauca Constituent Assembly to issue laws ordering Indians to exhibit their land titles before partitioning their *resguardos*.

<sup>420</sup> Sanders, *Contentious Republicans*, 116.

<sup>421</sup> ("Art. 6°. Los Estados convienen en consignar en sus Constituciones i en su Lejislacion civil [...] que la propiedad raíz no puede adquirirse con otro carácter que el de enajenable i divisible a voluntad exclusiva del propietario, i de trasmisible a los herederos conforme al derecho común."). Constitution of the United States of Colombia, issued on May 8, 1863, in *Constitucion i Leyes de los Estados Unidos de Colombia, espedidas en los años de 1863 a 1875* (Bogotá: Imprenta de Medardo Rivas, 1875) Tomo I, 6.

same year, the State of Bolívar issued a set of rules intended to protect *resguardo* lands. This legislation recognized the legality of *indígenas'* communal property and the authority of the *pequeños cabildos* to manage their landholdings.<sup>422</sup> By doing so, the State of Bolívar's legislation aimed to reconcile the protection of communal property with the provisions of the newly enacted Constitution of the United States of Colombia. The Liberal-Draconian caudillo Juan José Nieto, at that time President of the State of Bolívar, advocated for the passage of this protectionist legislation amidst the strong opposition of regional elites and provincial authorities that pushed for the immediate division of indigenous landholdings.<sup>423</sup>

As the cases of Cauca and Bolívar suggest, legislation defending *resguardos* and *cabildos*, rather than a banner of Conservative governments, resulted from the republican bargaining between Indians and regional elites – Conservatives and Liberals alike - during the nineteenth century. Although Conservative politicians tended to take credit as protectors of Indians, the evidence shows that elites of both parties embraced a liberal economic model that envisioned the privatization and commodification of indigenous

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<sup>422</sup> See, Resolution issued by the Bolívar Legislative Assemble on July 1, 1863, "*declarando que los Resguardos de indígenas no están comprendidos en el artículo 1º de la lei de 11 de Febrero de 1862, sobre policía jeneral,*" and the State of Bolívar Law of July 31, 1863, "*sobre administración i aplicación del producto de los resguardos de indígenas,*" in *Constitucion i leyes espedidas por la Asamblea Lejislativa del Estado Soberano de Bolívar en las Sesiones Extraordinarias de 1863* (Cartagena: Imprenta de Ruiz e hijo, 1864), 58-59 and 67. See also Regulatory Decree of October 10, 1863, "*sobre administración i aplicación del producto de los resguardos de indígenas,*" in *Gaceta de Bolívar*, October 11, 1863, cited by Solano and Flórez, "Resguardos indígenas, ganadería," 108.

<sup>423</sup> On Juan José Nieto's vigorous defense of *resguardos* in the State of Bolívar, see Solano and Flórez, "Resguardos indígenas, ganadería..." 107-113. On Nieto's liberal caudillism, see Orlando Fals Borda, *Historia doble de la costa, Tomo II. El Presidente Nieto* (Bogotá: Carlos Valencia Editores, 1986).



lands, but were ready to act otherwise when political expediency dictated it.<sup>424</sup> The case of Antioquia confirms this conclusion. Largely ruled by Conservatives during the federal era, Antioqueño lawmakers took the path of privatizing *resguardos* making no concession to protectionist policies whatsoever. The liberal economic mindset that characterized Antioqueño Conservatives might explain this outcome. Still, it also results from the fact that the indigenous population in Antioquia lacked the bargaining power that Caucaño *indígenas* had.<sup>425</sup>

Thus, legislation intended to preserve Indian landholdings did not follow top-down concessions but the vagaries of political bargaining. These negotiations updated the colonial land-for-tribute pact now reframed, in post-colonial terms, as protection for *resguardos* and *cabildos* in exchange for Indians' support to the divided elites that contended for power, both at the polls and in the battlefields. This republican quid-pro-quo opened new avenues for indigenous citizenship that defied the liberal project of

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<sup>424</sup> Discussing elites' attitudes toward Indians in nineteenth-century Colombia, historian Frank Safford points out that Conservative politicians oscillated between their commitment to liberal economic principles and a paternalistic stance toward Indians. In that vein, Mariano Ospina Rodríguez, one of the founders of the Conservative Party, promoted a project to accelerate the surveying and breaking up of *resguardos* in 1838. Still, some years later, acting as a Secretary of the Interior of Alcántara Herrán's government, Ospina advocated for the passage of the 1843 protective legislation. Safford, "Race," 16-18. In the case of Guatemala, Reeves points at the role of Conservatives in implementing liberal economic reforms, particularly concerning coffee production and division of indigenous lands, see René Reeves, *Ladinos with Ladinos, Indians with Indians. Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala* (Stanford: Stanford University Press, 2006).

<sup>425</sup> On Antioquia politics during the federal period, see Luis Javier Ortíz Mesa, "Antioquia durante la federación, 1850-1885," *Anuario de Historia Regional y de las Fronteras*, vol. 13, no. 1 (2008): 59-81; on the privatization of *resguardos* in Antioquia during the period from 1845 to 1863 and indigenous resistance to this process, see Palacios Gómez, "Nos veremos en la necesidad," 136-148.

assimilating them as mestizo peasants, while it also contributed to building up caudillos' power in nineteenth-century Colombia.<sup>426</sup>

Yet, the land rush the country experienced in the 1870s undermined the bargaining power of those advocating for keeping indigenous landholdings undivided. Investors in real estate, mines, cattle ranching, and agricultural export managed to sweep the protective legislation aside, setting the stage for the privatization of the remaining *resguardos*, as discussed in the next section and illustrated, more extensively, in Chapter 5.

### 3.2. The 1870s Land Rush and Its Legal Frame

The 1870s marked a watershed in Colombia's quest for modernization. The growth of the agro-export economy led to a rush for land appropriation, especially in the eastern and Caribbean low plains and inter-Andean lowlands that up to then had remained as sparsely inhabited frontier zones. The massive move of landless settlers and land entrepreneurs on to these areas was accompanied by a flow of laws that set the stage for the appropriation and commodification of lands. This legal frame rested on three pillars: the definition and allocation of public lands (*baldíos*); the colonization of peripheral borderlands (*territorios*) and the congregation and transfer of the "savage" Indians that

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<sup>426</sup> Like in Colombia, republican bargaining between indigenous communities and regional elites shaped the way liberal land reforms were carried out, opened spaces for indigenous citizenship, and bolstered caudillos' power in other Latinamerican countries. For Mexico, see Peter Guardino, *Peasant, Politics, and the Formation of Mexico's National State. Guerrero, 1800-1857* (Stanford, Stanford University Press, 1996); Guy P. C. Thomson with David G. LaFrance, *Patriotism, Politics, and Popular Liberalism in Nineteenth-Century Mexico. Juan Francisco Lucas and the Puebla Sierra* (Wilmington, DE: Scholarly Resources Inc, 1999); Karen Caplan, *Indigenous Citizens: Local Liberalism in Early National Oaxaca and Yucatan* (Palo Alto, CA: Stanford University Press, 2009). For a comparative approach to Mexico and Perú, see Florencia Mallon, *Peasant and Nation: The Making of Post-Colonial Mexico and Peru* (California: Berkeley, 1995). For Perú, see Thurner, *From Two Republics*; Walker, *Smoldering Ashes*. For Bolivia, Larson, *Cochabamba*, chapters 9 and 10; Gotkowitz, *A Revolution*. For Guatemala, Grandin, *The Blood of Guatemala*; Reeves, *Ladinos with Ladinos*, 176-192.

inhabited there; and, the division of *resguardos* in those states that had maintained protectionist legislation. This section examines the circumstances that led to the 1870s land rush and the legal frame that accompanied it, paying particular attention to the passage of State of Cauca laws that paved the way for the first campaign for *resguardo* privatization in the area under study. Previous studies have demonstrated the pivotal role that elites of the Cauca northern districts played in the passage of laws on *resguardo* division, particularly State of Cauca Law 44 of 1873.<sup>427</sup> This section contributes to that scholarship by examining how this legislation was part of a broader legal frame that would enable the appropriation and commodification of land and natural resources in areas of frontier expansion.

The shift of Colombia's economy toward an agricultural export model, which had timidly started in the middle 1840s, consolidated itself in the 1870s.<sup>428</sup> A decisive turning point was the rise of coffee exports that, along with those of tobacco and cinchona bark, began to challenge gold's prominent place as Colombian main export product.<sup>429</sup> First cultivated in the eastern region of Santander, from the 1870s on coffee crops spread steadily

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<sup>427</sup> See, Zuluaga, *Vida, pasión*, 80-94; Valencia Llano, *Colonización*, 352-365; Appelbaum, *Muddied Waters*, 61-63; González Escobar, *Ocupación*, 246-249.

<sup>428</sup> Scholars close to developmental-theories label the period from 1870 to 1930 as the "outward-oriented development" period, whose central feature was the predominance of agricultural export economies across Latin America. See, Marco Palacios, *El café en Colombia, 1850-1970. Una historia económica, social y política*, 2nd. ed. (México: El Colegio de México – El Áncora Editores, 1983), 40.

<sup>429</sup> During the period 1834-1845, gold accounted for around 73% of Colombia's total exports, followed far behind by brazilwood (4.0%), hides (3.8%), cotton (3.2%), and tobacco (3.1%). By the 1850s and 1860s, the tobacco boom, along with a broad array of tropical commodities, reduced the participation of gold to around 32% of the total exports. During the 1870s, gold decreased to approximately 23% of the total exports, closely followed by coffee (20%), cinchona bark (19.2%), and tobacco (15%). Palacios, *El café en Colombia*, 43; Safford and Palacios, *Colombia*, 228-230.

southwest through the slopes of the central cordillera in Cundinamarca and northern Tolima, to reach the western cordillera in southern Antioquia and the northern Cauca region. By 1890, coffee replaced gold as the dominant export commodity. This era also witnessed the establishment of commercial banks, as well as important advancements in transportation and communication infrastructure. Summarizing the significance of the 1870s, historian Frank Safford notes that it signaled the passage from an economy based on tobacco, mule trains, and gold to one based on coffee, railroads, and banks.<sup>430</sup>

These transformations involved the movement of people and resources from the Andean mountains and the plains surrounding the Caribbean cities of Cartagena and Santa Marta - which had been the centers of economy and power since the colonial era - to the middle and lowlands that comprised what historian Catherine LeGrand terms "the Colombian frontier."<sup>431</sup> It encompassed both the country's peripheral areas (known as *territorios*) and the "internal frontier," namely, the inter-Andean temperate and hot lands along the valleys carved out by the Magdalena and Cauca rivers. Internal frontier lands became especially coveted in the 1870s as their climate and soils were suitable for coffee and other staple crops that boosted the growth of the agricultural export economy.<sup>432</sup> As Map 11 illustrates, a significant part of the Colombian frontier belonged to the state of

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<sup>430</sup> Frank R. Safford, "Commerce and Enterprise in Central Colombia, 1821-1870," (Ph.D. diss., Columbia University, 1965), 12-13.

<sup>431</sup> LeGrand, *Frontier Expansion*, 1.

<sup>432</sup> Colombia is located in the Equatorial zone, which means it has no seasons, and the climate depends on the altitude above sea level. It gives rise to distinguish three climatic zones: hot land (1,000 - 3,000 feet), temperate land (3,000 - 6,500 feet), and cold land (above 6,500 feet). The tropical products that sustained the boom of agricultural export grow in temperate and hot lands. See, LeGrand, *Frontier Expansion*, 1-2.

Cauca, by far the largest of the nine states that comprised the United States of Colombia.<sup>433</sup> The state of Cauca encompassed the long belt along the Cauca River between the western and central cordilleras, the low plains and rain forest bordering the Pacific coast from the Ecuador border to Panamá and the Atlantic coast, as well as the southern Amazonas frontier.



Map 11. Geographic Chart of the United States of Colombia, 1864<sup>434</sup>

<sup>433</sup> The 1863 Constitution deepened the turn toward federalism that had begun in the 1850s. During the period from 1863 to 1886, Colombia became a federal state known as the United States of Colombia. It was composed of nine “sovereign states:” Antioquia, Bolívar, Boyacá, Cauca, Cundinamarca, Magdalena, Panamá, Santander, and Tolima.

<sup>434</sup> “Carta Jeográfica de los Estados Unidos de Colombia, antigua Nueva Granada. Construida de orden del gobierno jeneral con arreglo a los trabajos corográficos del Jeneral A. Codazzi y otros documentos oficiales

Throughout the second half of the nineteenth century, waves of landless peasants, former slaves, and Indians who had lost their land upon the privatization of their *resguardos* migrated to these areas and contributed to expanding the agricultural frontier. Along with subaltern settlers, a wide array of upper- and middle- class individuals with money and political connections were eager to profit from the growth of the export economy and the frontier expansion that accompanied it. These "land entrepreneurs," as LeGrand dubbed them, played a pivotal role in the 1870s rush for land appropriation and in the passage of the legislation that made it possible.<sup>435</sup> Among these processes of frontier expansion, the migration of inhabitants of the state of Antioquia into the neighboring states of Cauca and Tolima holds special relevance for this study. The Vega de Supía, the area inhabited by the indigenous peoples whose histories are the focus of this dissertation, stood as an internal frontier between the states of Antioquia and Cauca, as Map 12 shows.<sup>436</sup>

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por Manuel Ponce de León, Ingeniero miembro de la Sociedad Geográfica de Paris i Manuel María Paz. Bogotá, 1864," in *Atlas de mapas antiguos de Colombia: siglos XVI a XIX*, ed. Eduardo Acevedo Latorre (Bogotá: Litografía Arco, 1986), map LVIII.

<sup>435</sup> This category encompasses a wide variety of agents, such as merchants, lawyers, politicians, large landowners, moneylenders, investors in real estate, mines, livestock, and agricultural industries. LeGrand, *Frontier Expansion*, 33-61.

<sup>436</sup> The Antioqueño migration (mostly known as "Antioqueño colonization") has been widely studied. The first wave of historiographical research tends to portray the Antioqueño colonization as a democratic endeavor that contributed to shaping the western coffee region as a thriving society of family farmers. This early scholarship focuses on Antioqueños's agency in the settlement process, portraying Antioqueños migrants as more industrious-minded people than other Colombians. Such an idealized image was influenced by the pioneer study by James J. Parsons, *Antioqueño Colonization in Western Colombia*, 2nd, rev. ed. (Berkeley: University of California Press, 1968). On this approach, see, too, Luis Eduardo Nieto Arteta, *El café en la sociedad colombiana*, 5th. ed. (Bogotá: El Ancora Editores, 1983); Otto Morales Benítez, *Testimonio de un pueblo*, 2nd. ed. (Bogotá: Banco de la República, 1962); William Paul McGreevey, *An Economic History of Colombia, 1845-1930* (Cambridge: Cambridge University Press, 1971). A second wave of scholarship reappraised this account by emphasizing that Antioqueño colonization, like other processes of frontier expansion, was also fraught with exploitation and conflicts. This revisionist approach emphasized the pivotal role of land speculators and merchants, as well as how elites of Cauca and Tolima also participated and benefitted from this process. It also stressed how geographical and socioeconomic diversity influenced



Map 12. Borderland of the States of Antioquia [yellow], Cauca [pink], and Tolima [green]. Area of the Southward Antioqueño Colonization (close-up of Map 11)

the different dynamics of Antioqueño settlement from region to region. For this revisionist approach, see Álvaro López Toro, *Migración y cambio social en Antioquia durante el siglo diez y nueve* (Bogotá: Universidad de los Andes, 1970); Keith Christie, *Oligarcas, campesinos y política en Colombia: Aspectos de la Historia Socio-Política de la Frontera Antioqueña*, trad. Fernán González (Bogotá: Universidad Nacional de Colombia, 1986); the contributions by Luisa Fernanda Giraldo, Roberto Luis Jaramillo, and Víctor Álvarez in the edited volumen *La colonización antioqueña* (Manizales: FICDUCAL – Biblioteca de Escritores Caldenses, 1983); LeGrand, *Frontier Expansion*; Albeiro Valencia Llano, *Colonización, fundaciones y conflictos agrarios. Gran Caldas y Norte del Valle* (Manizales: Tizán, 2000); Hermes Tovar Pinzón, *Que nos tengan en cuenta. Colonos, empresarios y aldeas. Colombia, 1800-1900*, (Bogotá: Universidad de los Andes, 2015, 1ª. ed., Colcultura, 1995). Deepening this second trend, more recent studies have addressed the impact of Antioqueño colonization in specific areas. This close-up approach has shed light on the interplay between the Antioqueño migration and the privatization of *resguardos* in and around the Vega de Supía, the active mediation of Caucaño elites in both processes, and the complex dynamics of adaptation and resistance deployed by the indigenous population in this region. For this viewpoint, see Nancy Appelbaum, "Whitening the Region: Caucaño Mediation and 'Antioqueño Colonization' in Nineteenth-Century Colombia," *Hispanic American Historical Review* 79, no. 4 (1999): 631-667; Appelbaum, *Muddied Waters*; González Escobar, *Ocupación*. For a complete survey on historiography on Antioqueño colonization, see Luis Javier Ortiz Mesa, Lina Marcela González Gómez, and Oscar Almario García, *Caldas, una región Antigua y nueva, tradicional y moderna, local y nacional. Hacia un nuevo siglo XIX del noroccidente colombiano. Balance bibliográfico de Antioquia, Caldas y Chocó* (Medellín: Universidad Nacional de Colombia, 2015), Tomo 2.

The legal frame that set the stage for the frontier expansion, Antioqueño colonization included, encompassed three major sets of laws: first, those concerning the definition and allocation of public lands (*baldíos*); second, legislation promoting settlements in the country's borderland territories and the reduction of the "savage" tribes that inhabited there; third, laws providing for the division of *resguardos* in those states where this process had not been completed. Within their respective jurisdictions, both the Union and the states participated in the making of this complex legal fabric. While federal laws weaved the first two strands, the privatization of the existing *resguardos* remained as a prerogative of the states.<sup>437</sup> Altogether, these regulations framed up the 1870s rush for the appropriation and commodification of land, as well as the disputes this process was fraught with.<sup>438</sup>

After the 1860s, the legislation on public lands posed a serious threat to Indians' land rights by providing grounds for claiming that uncultivated portions of indigenous landholdings were *baldíos* up for grabs. As LeGrand points out, from 1820 through 1870, Colombian public land policy was primarily oriented to provide revenue for the meager state coffers. The Colombian government issued certificates of public debt redeemable in public lands to prop the national debt, reward veterans of the Independence war, and

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<sup>437</sup> According to the 1863 Federal Constitution, the Union was competent to regulate matters concerning the Union's public goods ("*bienes pertenecientes a la Unión*"), which included the public lands of the nation ("*baldíos de la Nación*") (see arts. 17.5, 30, and 49.2). The Union shared with the states the competence to issue rules on "civilization of *indígenas*" (art. 18.4), and to promote the colonization of those territories scarcely populated or inhabited by indigenous tribes (art. 78).

<sup>438</sup> The six-volume 1931 Report of the Colombian Ministry of Industries to the Congress provides a compilation of the most important pieces of legislation concerning public lands (vol. 3), colonization (vol. 4), and *resguardos* (vol. 6) from 1820 to 1931. Colombia, Ministerio de Industrias, *Memoria al Congreso Nacional en las sesiones ordinarias de 1931* (Bogotá: Imprenta Nacional, 1931).



finance the building of roads and rail lines. Since these were tradable certificates, some holders managed to accumulate debt papers that would entitle them to claim vast extensions of public land wherever they wished. By the middle 1860s, however, fiscal motivations took a back seat and the economic exploitation of frontier areas became the driving force of the *baldíos* legislation.<sup>439</sup> Law 70 of 1866 took a decisive step in that direction by ordering the delimitation and cadastral register of the nation's public lands. This law defined as "*baldíos de la nación*" all the country's peripheral territories of Mocoa, in the south, and La Guajira, up north, all the margins of navigable rivers, and the unpopulated islands.<sup>440</sup> Moreover, uncultivated areas along "the Andean cordilleras and valleys" were also classified as *baldíos*, unless "those who claim any right over them, prove it with title deeds or twenty-five years of continuous possession."<sup>441</sup> The 1873 Federal Fiscal Code reiterated those provisions, giving legal grounds to deem as *baldíos* not only the vast peripheral territories inhabited by "savage" tribes that had not been settled in a bounded territory but also the uncultivated areas of the central core of the country, where the

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<sup>439</sup> LeGrand, *Frontier Expansion*, 10-18.

<sup>440</sup> (*Art. 3º. Todas las tierras comprendidas en los territorios de Mocoa y La Goajira y las márgenes de los ríos navegables y las costas desiertas de los Estados Unidos de Colombia, se reputan baldías de propiedad nacional [...] Art. 4º. Se reputan igualmente baldíos de propiedad nacional los terrenos de las islas de uno y otro mar que no estén ocupados por poblaciones organizadas, o con justo título por pobladores particulares.*) Law 70 of July 4, 1866, "sobre deslinde I formación de catastro de las tierras baldías de la Nación," in *Constitucion i Leyes de los Estados Unidos de Colombia*, 390-391.

<sup>441</sup> ("*Art. 5º. Tienen el mismo carácter de baldíos pertenecientes a la Nación, los terrenos incultos de las cordilleras i valles, a menos que los que pretendan tener algún derecho a ellos, lo comprueben con pruebas legales o con la posesión por veinticinco años, continua, real i efectiva del terreno cultivado.*") Law 70 of July 4, 1866, "sobre deslinde I formacion de catastro de las tierras baldías de la Nación," in *Constitucion i Leyes de los Estados Unidos de Colombia*, 390-391.

remaining indigenous *resguardos* stood.<sup>442</sup> Meanwhile, laws 61 of 1874 and 48 of 1882 set forth husbandry as the decisive criterion for allocating property rights over public lands.<sup>443</sup>

Conflicts arose when land entrepreneurs and holders of public debt certificates turned their attention toward lands already tilled and improved by *colonos*, petitioning land grants over these areas. The 1882 statute sided with the settlers by forbidding certificate-holders to acquire areas already homesteaded by *colonos*. It also set limits on the size of land grants that certificate-holders could claim.<sup>444</sup> Thus, the 1870s-1880s legislation on public lands played a double-sided role for Colombian rural subalterns. It intended to favor landless peasants who nominally could gain access to property rights through homesteading. Yet, it also contributed to undermining indigenous landholdings by giving legal grounds for settlers and land entrepreneurs to claim that uncultivated areas that Indians called their *resguardos* were, instead, *baldíos*.<sup>445</sup>

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<sup>442</sup> Article 828 defines as *baldíos* the uncultivated lands located both in the country's peripheral unpopulated areas (known as "territorios") and on its cordilleras and valleys. *Código Fiscal de los Estados Unidos de Colombia (Ley 106 de 13 de Junio de 1873), sancionado por el Congreso de 1873. Edición Oficial* (Bogotá: Imprenta de Vapor de Zalamea Hermanos, 1882), 205.

<sup>443</sup> Although with some slight differences, both statutes established that whoever set a homestead in public lands for over five years shall be granted ownership over the cultivated area, plus an adjacent undeveloped tract. See Law 61 of June 24, 1874, "adicional al título X del Código Fiscal," and Law 48 of August 28, 1882, "sobre tierras baldías," in *Codificación nacional de todas las leyes de Colombia, Tomo XXVII. Años de 1874 y 1875*, 119-122, and *Tomo XXXII. Año de 1882*, 93-95, respectively.

<sup>444</sup> On the ways the 1870s-1880s legislation on public lands contributed to frontier expansion and framed the conflicts between *colonos* and land entrepreneurs, see LeGrand, *Frontier Expansion*, 13-18; Tovar Pinzon, *Que nos tengan en cuenta*, 77-110; Centro Nacional de Memoria Histórica, *Tierras y conflictos rurales. Historia, políticas agrarias y protagonistas* (Bogotá: CNMH, 2016), 36-42.

<sup>445</sup> On the role of this legislation in prompting conflicts over the legal status of indigenous landholdings in southern Cauca in the context of the expansion of cinchona bark extractive industries, see Findji and Rojas, *Territorio*, 85; Rappaport, *The Politics of Memory*, 93-95. Referring to Colombia, Larson notes that "after the 1860s, the *baldíos* system posed the worst threat to the indigenous territorial and political autonomy," as "it challenged *resguardo* rights and imposed borders where none had existed before." Larson, *Trials of Nation Making*, 96-99 (quotes 97-98)

The second set of laws that contributed to the appropriation and commodification of lands were those that allocated public lands intended to create new villages (known as *poblaciones*) in areas of frontier expansion. Antioqueño migrants benefited from this legislation, as it enabled them to set several coffee-producing villages in the slopes of the country's Central Mountain Range (*Cordillera Central*) during the years 1860-1890.<sup>446</sup> Yet, the dynamics of *colonos'* settlements, and the legislation that provided for them, varied in the country's borderland territories of Mocoa, Caquetá, and San Martín, south of the country. To clear land for the newcomers, laws promoting the colonization of remote borderland areas (*territorios*) usually included provisions for gathering the aboriginal nomadic tribes in reservations where these "savages" would be "civilized" by Catholic missionaries.

Although laws on "*civilización de indijenas*" had been repeatedly enacted (and weakly enforced) since the beginning of the republican era, those of the 1870s reveal a slight but significant difference with previous statutes.<sup>447</sup> Up until then, republican lawmakers, while providing for the dismemberment of *resguardos* in the country's central areas, still resorted to this Spanish colonial institution to "civilize" those nomadic tribes

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<sup>446</sup> Instances of this legislation are the laws 25 of May 4, 1866, "cediendo a los pobladores de Nueva Salento y Manzanares una extension determinada de tierras baldías," and 14 of April 21, 1870, additional to the former, in *Codificación nacional de todas las leyes de Colombia...*, Tomo XXII. *Años de 1865 y 66*, 283, and Tomo XXV. *Año de 1870 y 1871*, 18-21, respectively. Comparing the dynamics of colonization in southern Antioquia, Caldas, Santander, and Tolima, historian Hermes Tovar Pinzón argues that land grants intended to set *poblaciones* constituted a distinctive feature of the Antioqueño colonization, that did not operate in other regions of Colombia in such a way. These land concessions, and the towns founded upon them, contributed to control the chaotic penetration of *colonos* and create a unique socio-legal space for settlers and land entrepreneurs to handle the disputes for land rights and political power. Tovar Pinzón, *Que nos tengan en cuenta*, 113.

<sup>447</sup> For a detailed examination of Colombian nineteenth-century legislation on "savage" Indians, see Villegas and Restrepo, *Resguardos*, 55-76.

that had remained beyond the scope of the colonial state.<sup>448</sup> By contrast, the 1870s legislation combined borrowings from USA's contemporary Indian policy with traces of Spanish colonial institutions. Shortly after the USA Congress passed the 1871 law that banned the making of new treaties with Native American nations, Colombian Law 11 of 1874 introduced treaty-making as a novel strategy to deal with the tribes that inhabited Colombia's eastern frontier.<sup>449</sup> Along with treaties, this statute included provisions that bore some resemblance with the nineteenth-century American policies of removal, land reservations, and allotment.<sup>450</sup> Like previous statutes, Law 11 of 1874 still resorted to

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<sup>448</sup> For republican legislation setting *resguardos* in peripheral territories, see Law Decree of May 29, 1849, "sobre resguardos de indígenas, ejidos y escuelas en la provincia de Casanare y en el territorio de San Martín," in *Codificación nacional de todas las leyes de Colombia, Tomo XIII. Años de 1848 y 1849* (Bogotá: Imprenta Nacional, 1928), 435-436.

<sup>449</sup> It seems, however, that even before the passage of this law, the Colombian government had entered into covenants with indigenous tribes in western frontier areas. A report by the State of Cauca Secretary of Government refers to an agreement concluded by the national government and the Tule people, who inhabited the frontier between the states of Cauca and Panamá. Under this agreement, the government acknowledged the area occupied by the Tules as an official territory named "Tulenega." The covenant was signed on January 10, 1871. Manuel de J. Quijano, *Informe del Secretario de Gobierno del Estado Soberano del Cauca a la Convención de 1872* (Popayán: Imprenta del Estado, 1872), 22.

<sup>450</sup> Law 11 of April 27, 1874, "sobre fomento de la colonización en los Territorios de Casanare y San Martín," in *Codificación nacional de todas las leyes de Colombia..., Tomo XXVII. Años de 1874 y 1875*, 36-40. Passed at the peak of the Radical Liberal regime, Law 11 of 1874 reveals that Colombian lawmakers, while looking for new models for dealing with indigenous peoples in frontier territories, borrowed some elements from the USA's Indian policy. Law 11 of 1874 provided for treaty-making to conduct affairs between the government and the tribes that inhabited the country's eastern frontier. This statute recognized these tribes' authorities and internal rules, declining any attempt to subdue them to the laws, government, and religion that ruled among "civilized" populations. It also acknowledged tribes' ownership over the territory they had occupied. It commanded, however, to acquire their lands by a purchase-treaty and to relocate the tribes south of the Guaviare River. As per Article 17, each tribe would be resettled in a reservation ranging from 1,000 up to 25,000 hectares of arable lands. It is worth noticing the change in terminology. Instead of naming these newly set indigenous landholdings with the Spanish colonial term of "*resguardos*," the 1874 law introduced the more Americanized notion of land reservation ("*reservación especial*"). These reservations, however, would not remain as communal property. It would be gradually divided up into up to 50-hectares plots to be allotted to those families that abandoned the hunter-gatherer way of life to settle as "civilized" farmers. Finally, although this statute called for peaceful mediation, persuasion, and negotiation with the tribes, it also provided for army troops to remain in these territories to prevent Indians' attacks against the "civilized" population, as well as protect Indians from abuses and persecution by the whites. On treaty making in American Indian history, see Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (New York: Oxford University Press, 2013). For an examination of American nineteenth-century policies towards Native Americans from the perspective of land property rights, see Stuart

(Catholic) missionaries as central agents of the "civilizing" campaign that was to go along with the colonization of Colombia's eastern frontier territories. The novel treaty-making policy, however, was short-lived. Two months after the passage of Law 11, the Colombian Congress issued Law 66 of 1874 that fully restored the traditional paternalistic approach inherited from the Spanish empire. Instead of treaty-making, the new statute appointed a General Board of Missions in each of the six units (*corregimientos*) into which the law divided the country's remote borderlands or *territorios*. These boards, comprised of government officials and missionaries, were to oversee the "transfer and civilization" of indigenous tribes. The natives should be gathered in villages (known as "*reducciones*") governed by the missionaries and police superintendents (*comisarios*) who also would act as "*protectores de los indios*."<sup>451</sup>

Laws on "*civilización de indígenas*" were part of the legal frame that enabled the appropriation and commodification of lands by transferring "savage" Indians to enclosed landholdings and, in so doing, making frontier lands available for *colonos* and land entrepreneurs. Furthermore, this legislation allows us to compare the two types of Indigeneity that emerged in nineteenth-century Colombia, and the different legal responses to them. While "savage" Indians were to be resettled in newly delimited indigenous landholdings to be "civilized" by the Catholic Church, those "semi-civilized" *indígenas*

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Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge: Harvard University Press, 2005).

<sup>451</sup> Law 66 of July 1, 1874, "sobre reducción y civilización de indígenas," in *Codificación nacional de todas las leyes de Colombia...*, Tomo XXVII. Años de 1874 y 1875, 134-138.

living in the still existing *resguardos* were to be assimilated into the nation as rural peasants via the division and allotment of their communal lands.

Along with the legislation on *baldíos*, colonization, and “civilization” of nomadic tribes, laws providing for the division of the remaining *resguardos* were fundamental strands of the legal fabric that paved the way for the 1870s land rush. At that time, pressures for privatization intensified even in those states that had maintained protectionist legislation. In the State of Bolívar, for instance, the consolidation of extensive cattle farming and the expansion of municipalities took place at the expense of the division of indigenous landholdings.<sup>452</sup> Meanwhile, the offensive against *resguardos* in the State of Cauca came from two fronts. On the one hand, southern elites interested in profiting from the quinine boom called for excluding the quinine forests and other coveted areas from the indigenous landholdings. On the other hand, land entrepreneurs of the northern districts pushed for the privatization of *resguardos* aiming to make land available for Antioqueño migration and mining investments (see Table 12).

**Table 12. *Resguardo* Legislation in the State of Cauca, 1850s-1870s**

Year	Law / Decree	Content (on <i>resguardos</i> )	Issued by
1859	Law 90 of 1859	Protects indigenous <i>resguardos</i> and <i>cabildos</i> .  Provided for <i>resguardos</i> to remain undivided, with no timetable set for future partition.	State of Cauca Legislative Assembly, under the presidency of Tomás Cipriano de Mosquera (Independent Liberal)

<sup>452</sup> On the different strategies that led to the dismemberment of *resguardos* in Bolívar, see Solano and Flórez, “Resguardos indígenas,” 111-113; “La expropiación de las tierras del resguardo indígena de Tubará,” 81-89; “Indígenas, mestizaje, tierras y poder,” 276-287.

		Article 11th declared any sale of <i>resguardo</i> lands as null and void (the Senate of the Union nullified this article in 1872).	
1869	Law 252 of 1869	Allowed <i>indígenas</i> of the old Supía Canton and the District of Yumbo to divide their <i>resguardos</i> and to alienate their portions prior court approval.	State of Cauca Legislative Assembly, under the presidency of Andrés Cerón (Independent Liberal)
1869	Law 282 of 1869	State of Cauca Civil Code. Provide for the division of <i>resguardos</i> .	State of Cauca Legislative Assembly, under the presidency of Andrés Cerón (Independent Liberal)
1873	Law 44 of 1873*	Provided for the division of <i>resguardos</i> .	State of Cauca Legislative Assembly, under the presidency of Julián Trujillo (Independente Liberal)
1875	Law 47 of 1875*	Legalized the notarized agreements whereby indigenous <i>parcialidades</i> transferred <i>resguardo</i> lands to municipalities and private individuals in the northern districts.  Set additional rules to facilitate the division of <i>resguardos</i> .	State of Cauca Legislative Assembly, under the presidency of César Conto (Radical Liberal)
1879	Law 41 of 1879*	Set a fifty-year term to complete the division of <i>resguardos</i> . In the meantime, indigenous communities whose <i>resguardos</i> remained undivided continued to be ruled under the protective Law 90 of 1859, which Law 41 reproduced.	State of Cauca Legislative Assembly, under the presidency of Ezequiel Hurtado (Independent Liberal)

By 1869, the anti *resguardo* agenda had gained ground among the Caucano ruling class, though some voices, whether genuinely or just paying lip service to it, stuck to protectionism perhaps to ingratiate themselves with native allies. A report sent by the state Treasury Secretary to the federal government conveyed the view of indigenous landholdings as an obstacle to the exploitation of cinchona bark:

[...] Indian *resguardos* are, generally, passing into private hands for quinine extraction, with their consequent freeing from all fiscal obligations. But the Government should know that few *resguardos* have written title; instead, actual

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\* This legislation will be further analyzed in Chapter 5.

possession gives indefinite extension to the imagined properties of Indians in the high regions of the cordillera. It would be convenient and fair to require the small Indian *cabildos* to present their property titles in order to set boundaries between their *resguardos* and the *baldíos*. In the event of their being unable to present such titles, their *de facto* possession should be recognized; but there should be no corresponding guarantee of their ownership of the quinine forests and other precious substances, ripe for exploitation.<sup>453</sup>

The cited passage reveals the interest of the Caucaño government in setting the boundaries of *resguardos* to define the actual extension of public lands, which would require indigenous communities to exhibit their *resguardo* titles. It also sheds light on the increasing *de facto* privatization of indigenous landholdings through their exploitation by private investors who availed themselves of the legal status as *resguardos* to evade quinine extraction taxes.

Moreover, in 1869, the Cauca legislative assembly passed two laws that heralded the shift towards privatization in a state that had remained as the last bastion of *resguardo* protection. The lobby of northern districts' land entrepreneurs led to the passage of Law 252 of 1869, which allowed *indígenas* of the old Supía Canton and those of the District of Yumbo to divide their *resguardos* into privately-owned plots, and to alienate their portions

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<sup>453</sup> (“Los *resguardos* de indígenas son, por lo jeneral, los que están pasando como propiedad particular para la explotación de quininas, con la consiguiente esención de todo derecho fiscal. Pero es necesario que sepa el Gobierno que es mui raro el *resguardo* que descansa en títulos escritos; i que más bien la posesión de hecho es la que da una extensión indefinida a las imaginadas propiedades de los indígenas en las altas regiones de la cordillera. Sería conveniente, i a la vez justo, exigir a los pequeños *cabildos* de indígenas la presentación de sus títulos de propiedad, para deslindar sus *resguardos* de los *baldíos*. En caso de no poderse presentar tales títulos, reconocerles la posesión de hecho; pero sin garantizarles propiedad alguna en los bosques de quininas y demás sustancias preciosas, propias para la exportación.”) Report sent by Froilán Lagarcha, Treasury Secretary of the State of Cauca, to the Treasury Secretary of the Union, in “Oficios i resoluciones sobre explotación de bosques de propiedad nacional,” *Diario Oficial* (Bogotá), December 13, 1869: 1375-76. The English translation is based on Rappaport, *The Politics of Memory*, 100-101.



prior court approval.<sup>454</sup> State of Cauca President Andrés Cerón objected to the bill draft. Cerón claimed that, even though *indígenas* of Supía and Yumbo were "advanced enough" to be emancipated, the project would set a "terrible precedent" for other indigenous communities that still preserved their "racial unity." Cerón also pointed out the adverse effects of this policy in other states, such as Cundinamarca, where the privatization of *resguardos* led to the impoverishment of the indigenous population, as well as to the rise of food prices as formerly cultivated lands had become pastures for livestock.<sup>455</sup> Notwithstanding presidential disapproval, the Cauca assembly issued the law.<sup>456</sup> Shortly after, and despite his previous objections, President Cerón signed the regulatory decree that established how to conduct the community census and the partition of *resguardos* in Supía and Yumbo.<sup>457</sup> The same year the Cauca assembly passed the state's Civil Code (Law 283 of 1869), which contained a detailed regulation on how to dissolve indigenous communities and distribute their *resguardos*.<sup>458</sup> None of these laws made mandatory the division of

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<sup>454</sup> Law 252 of September 20, 1869, "que concede libertad a los indígenas del antiguo cantón Supía y a los del Distrito de Yumbo, para disponer de sus resguardos," in *Código de Leyes y Decretos del Estado S. del Cauca Expedidos en 1869 y 1871* (Popayán: Imprenta del Estado, 1871), 34.

<sup>455</sup> *Gaceta Oficial. Estado Soberano del Cauca*, Año XII, No. 303, September 19, 1869, 1022. President Andrés Cerón was seasoned Caucaño politician, close ally of General Mosquera. See Gustavo Arboleda, *Diccionario biográfico y genealógico del antiguo departamento del Cauca* (Bogotá: Biblioteca Horizontes, 1962), 110.

<sup>456</sup> Under articles 33, 34, and 37 of the Constitution of the State of Cauca, the legislative assembly might pass a bill into law even if objected by the president. "Constitución Política del Estado Soberano del Cauca, expedida en 16 de setiembre de 1863," in *Código de Leyes i Decretos del Estado Soberano del Cauca, Expedidos en 1863 i 1865. Edición Oficial* (Bogotá: Imprenta de Gaitán, 1866), 25.

<sup>457</sup> Decree 53 of November 20, 1869, "en ejecucion de la lei 252 'que concede libertad a los indígenas del antiguo cantón Supía y a los del Distrito de Yumbo, para disponer de sus resguardos'," *Gaceta Oficial. Estado Soberano del Cauca*, Año XII, No. 310, November 27, 1869, 1051.

<sup>458</sup> *Ley 283 o Código Civil del Estado Soberano del Cauca. Adoptado por la Legislatura de 1869* (Popayán: Imprenta del Estado, 1871), 213-214. Although Law 283 was passed in 1869, it only came into force until May 26, 1871. Provisions on *resguardos* (articles 2401 to 2411) were part of the chapter concerning the quasi-contract of condominium or *comunidad*. (Title 34th, Chapter 3rd). By framing communal ownership

*resguardos*. Yet, they signaled the transition from a legal regime that had preserved communal ownership over indigenous landholdings to one that encouraged privatization.

Still, the goal of dismembering *resguardos* was far from unanimous among Caucano lawmakers. Shortly after the Civil Code came into force in May 1871, the legislative assembly suspended the effects of the articles that provided for the division of *resguardos*, reaffirming the validity of the protective regime of Cauca's Law 90 of 1859.<sup>459</sup> This decision met with opposition from sectors of the Caucano elites that pushed for privatization. At the request of Manuel Benavides Campos, in 1872 the Senate of the Union nullified Article 11 of Law 90, the norm that established communal ownership over *resguardos* and forbade sales of their lands.<sup>460</sup> State of Cauca's Procurador José Fernández Guerra, who served in this capacity as "*protector de indijenas*," paradoxically welcomed

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as an implied-in-law contract (*cuasicontrato*), Caucano lawmakers followed the pattern of the 1856 Chilean Civil Code, which inspired the civil codes enacted in Colombia throughout the nineteenth century. This legislation was centered on the liberal notion of individual private property, conceiving communal forms of ownership as an anomaly, a transient situation that, albeit tolerated, was to evolve towards individual property. Thus, the regulation of condominium was more about the disentanglement of the communally owned good than the preservation of the community. Yet, as it will be discussed in Chapter 6, the Civil Code regulation on condominium served as a legal umbrella that both Indians and non-Indians alike resorted to aiming whether to preserve their communal landholdings or get access to land.

<sup>459</sup> In the report to the state legislature in 1872, the Secretary of Government informed that the suspension of the Civil Code articles concerning *resguardos* was commanded by Article 5 of State of Cauca Law 328 of September 21, 1871. See Quijano, *Informe del Secretario de Gobierno*, 34.

<sup>460</sup> Article 11 of Law 90 of 1859 decreed: "Until a comprehensive statute providing for the alienation of *resguardos* should be passed, *indigenas* will continue to possess them in common. Any sale of *resguardo* plots will be null and void, even those intended to sell only land improvements." ("Art. 11. Hasta que por una ley especial no se permita la enajenación de los *resguardos*, continuarán los *indigenas* poseyéndolos en común; y será nula toda enajenación que de ellos se haga, aunque sea a pretexto de venta de mejoras."). Under Article 51.6 of the Federal Constitution of 1863, the Senate was competent to decide on the legal validity of the state laws that were denounced as unconstitutional. One might assume that Manuel Benavidez Campos was a Caucano lawyer close to those elites interested in privatizing *resguardos*. Unfortunately, the available sources do not provide any information about the plaintiff's background. References to the lawsuit against Article 11 of Law 90 of 1859 might be found in the 1872 report by the Procurador of the State of Cauca. José Fernández Guerra, "Informe que presenta el Procurador General al señor Presidente del Estado," included as an appendix to Quijano, *Informe del Secretario de Gobierno*, 7-8 (of the appendix).

the Senate decision as it would remove the legal obstacles for the privatization of indigenous landholdings. In his view, a fair distribution of *resguardos* would prevent "greedy and mendacious" lawyers to encourage *indígenas* to engage in "fruitless and ruinous disputes about the extension of their landholdings" with the sole purpose of charging them onerous legal fees.<sup>461</sup> What Procurador Fernández Guerra did not foresee was that "greedy and mendacious" lawyers and land entrepreneurs would also thrive with the division of *resguardos*, as Chapter 5 will demonstrate.

The nullification of the norm that provided for indigenous communal ownership cleared the way for the Cauca assembly to pass Law 44 of 1873, a comprehensive statute that would set in motion the first privatization campaign in and around the Vega de Supía. Although Law 44 was general in scope, both the legislative debates over it and its actual implementation suggest that this statute primarily responded to the lobby by land and mine speculators from the northern Cauca districts. One of the most vocal advocates of the project was Deputy Ramón Elías Palau, a pro-Mosquera Liberal lawyer and politician who actively promoted and profited from the Antioqueño migration. He argued that passing the bill would align the state legislation with the 1863 federal constitutional guarantee of private property. Dividing the *resguardos* into privately-owned plots would also benefit the Indians, Palau argued, as they would be given titles over their parcels, enabling them

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<sup>461</sup> ("Salidos los indígenas del pupilaje embrutecedor, sus resguardos deben dividirse, acordándose lo conveniente para que esta división se efectúe de un modo justo y consultivo de la equidad. Entonces no habrá ya tiranuelos codiciosos y mendaces, que fomenten entre esta raza desgraciada e ignorante, estériles y ruinosas cuestiones sobre la extensión u ocupación de sus propiedades, con el exclusivo e inicuo objeto de esquilmarlos y arrebatarles, con el pomposo título de honorarios y expensas judiciales, la mayor parte de su escasa fortuna y del pan adquirido con el sudor de su frente.") Fernández Guerra, "Informe que presenta el Procurador General," 8.

to dispose of their property like the rest of the citizens. A flourishing real estate market, along with the Supía district's mineral riches, would attract Antioqueño homesteaders and mining investors who might bring progress to the region, Palau noted.<sup>462</sup>

Conversely, indigenous communities from southern Cauca complained about the ineffectiveness of protective *resguardo* legislation and adamantly opposed the 1873 draft bill on division of their communal lands.<sup>463</sup> Members of the *pequeño cabildo* of Cumbal wrote to the assembly asking for “a provision that clearly, decisively, and strictly protects our properties,” as the protective Law 90 had become “insufficient and ineffective.”<sup>464</sup> Meanwhile, Indians from Túquerres, Obando, and Pasto addressed the legislature criticizing deputies for not consulting them on the project of partitioning *resguardos*. The southern Indians warned that if the bill became law, they would stand “with the first who gave the shout for rebellion, as long as they assured us the repeal of the aforementioned law.”<sup>465</sup> Despite southern Indians' opposition, the Cauca assembly approved the project with two qualifications: the partition of *resguardos* would proceed only if the majority of

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<sup>462</sup> *Anales de la Legislatura I* (Popayán), no. 24 (October 8, 1873), 189-190, cited by Appelbaum, *Muddied Waters*, 62.

<sup>463</sup> The available evidence does not record the views of the Indians from the northern districts about the 1873 draft bill, which would impact their *resguardos* significantly.

<sup>464</sup> (“*Que cansados de sufrir los males que se nos causan quitándonos nuestros terrenos comunales, tan estrechos ya para vivir i mantener nuestras crecidas familias, nos vemos en el caso de solicitar de vosotros una disposición que proteja clara, decidida i terminantemente nuestras propiedades, pues la ley de resguardos o protección de indijenas es insuficiente e ineficaz...*”) “Pequeño cabildo de indígenas de Cumbal a los Ciudadanos Diputados,” Obando, July 22, 1873, ACC, AM, paq. 124, leg. 56. Cumbal Indians especially criticized the expropriation of their lands under the pretense of expanding urban areas (*áreas de población*). They denounced the overt complicity of local authorities (*alguaciles*) in such dispossession, and the lack of action of state officials and the deputies from the southern Cauca districts to protect their *resguardos*.

<sup>465</sup> “Miembros o vocales de los pequeños cabildos de indígenas de Túquerres, Obando y and Pasto a los Ciudadanos Diputados,” Pasto, July 29, 1873, ACC, AM, paq. 124, leg. 60, cited by Sanders, *Contentious Republicans*, 144.

the community requested it, and the protective Law 90 of 1859 would remain in force with some specific amendments.<sup>466</sup>

In what might be understood as a political gambit to satisfy both northern elites and southern Indians, President of the State, Liberal Julián Trujillo, objected to the 1873 bill. He warned that this initiative would leave the "indigenous race" at the mercy of land speculators. Indians *resguardos* - Trujillo said - "[...] are targeted by many land investors waiting for the moment to seize them, and this project gives them the means to do so."<sup>467</sup> Like former President Cerón had argued against Law 252 of 1869, President Trujillo also pointed out the negative consequences that the division and sale of indigenous lands had had in the state of Cundinamarca in terms of the impoverishment of landless Indians and the rise of food prices.<sup>468</sup> Like it had happened in 1869, ultimately the Cauca assembly passed Law 44 of 1873 disregarding the presidential objection, and President Trujillo promptly signed the regulatory decree that detailed the process for the division of *resguardos*.<sup>469</sup>

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<sup>466</sup> Upon completion of the mandatory debates, on October 3, 1873, President of the Cauca Assembly, Emigdio Palau, submitted the law "*sobre administración y división de los resguardos de indígenas*" to the President of the State. ACC, AM, paq. 124, leg. 57.

<sup>467</sup> ("...porque esas porciones de terreno son el blanco de muchos propietarios que asechan el momento en que puedan apoderarse de ellas, y este proyecto pone a su alcance los medios."). Julián Trujillo, "Observaciones al proyecto de ley sobre administración y división de los resguardos indígenas," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 12, Popayán, October 25, 1873, 3.

<sup>468</sup> Trujillo, "Observaciones," 3.

<sup>469</sup> Law 44 of October 17, 1873, "*sobre administración y división de resguardos de indígenas*," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 13, Popayán, November 1, 1873, 1, reproduced in Mayorga García, *Datos para la historia*, 139-143; Decree 28 of November 29, 1873, "en ejecución de la ley 44 de 17 de octubre del presente año," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 18, Popayán, December 6, 1873, 1.

The same year, the Caucano legislature enacted two additional laws that, along with Law 44, set the stage for the land rush in the state's northern districts. Until 1873, mining rights were contingent on denouncing a mining site and getting state approval to exploit it. Law 59 of 1873 established that henceforth mines shall belong to the owner of the land where they lie, who was entitled to mine them with no further requirements.<sup>470</sup> Meanwhile, Law 371 of 1873 prioritized the allocation of *baldíos*, among other advantages, to companies intended to promote the arrival of immigrant families and the creation of new villages (*poblaciones*) across the state. To be eligible for these legal benefits, migration companies' partners should own lands or capital worth three-to-five times their shares in the company.<sup>471</sup> Taken together, laws 59 and 371 introduced powerful incentives to acquire rural landed property as they made it possible to get mining rights and to profit from migration, at a time when Cauca's northern districts experienced a gold-and-silver mining boom and the arrival of Antioqueño settlers. Law 44, in turn, paved the way for the commodification of vast extensions of indigenous landholdings that land and mine investors were eager to acquire. It was not a coincidence that this set of laws was passed in 1873, a year when Ramón Elías Palau served as Deputy along with his brother Emigdio, a Radical Liberal who presided over the Caucano legislature at that time. They belonged to a prominent family of lawyers and politicians originally from Cartago, one of the northern Cauca districts.<sup>472</sup> As discussed in the next chapters, the Palau brothers, especially

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<sup>470</sup> Law 59 of October 25, 1873, "sobre minas," in *Constitución y Leyes del Estado S. del Cauca, expedidas por la Convención de 1872* (Popayán: Imprenta del Estado, 1873), 139-140. On the significance of this law in the Vega de Supía, see González Escobar, *Ocupación*, 210.

<sup>471</sup> Law 371 of September 8, 1873, "que fomenta la inmigración," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 5, Popayán, September 13, 1873, 2.

<sup>472</sup> On Palau brothers' biographical sketch, see Arboleda, *Diccionario biográfico*, 330-334.

Ramon Elías, played a critical role in the first round of *resguardo* privatization in and around the Vega de Supía.

This section's overview of the legislation that framed the 1870s land rush reveals that the frontier expansion not only involved conflicts over the appropriation of public lands, as Colombian agrarian historiography has tended to stress. It also entailed disputes over the legal status – whether *resguardos* or *baldíos* – of vast tracts of indigenous landholdings that still stood in southwestern Colombia and beyond, scattered across the Andean mountains and the Caribbean plains. Moreover, Colombian frontier expansion and the consolidation of an agricultural export model were accompanied by legislation pushing for the division and commodification of the existing *resguardos*. In a seeming contrast, this legal frame also envisioned the demarcation of new indigenous landholdings (now called “*reservas*”) in the country's peripheral borderlands, where “savage” Indians were to be settled down.

The tendency of agrarian historiography to overlook the role of *resguardo* privatization in late-nineteenth-century land conflicts might be explained as resulting from three closely related factors. First, the assumption that, except for those remaining in southwestern Cauca, *resguardos* had already disappeared by the 1870s.<sup>473</sup> Second, the idea that conflicts over *resguardo* lands comprise “a separate category” that needs to be treated in its own idiosyncratic terms.<sup>474</sup> Third, the national approach that most classic studies on

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<sup>473</sup> LeGrand, *Frontier Expansion*, 9-10, 20; Kalmanovitz, “El régimen agrario,” 221-224; Machado, *Ensayos*, 49.

<sup>474</sup> The report of lands and rural conflicts produced by the Colombian National Center of Historical Memory focuses on the legislation and titling of *baldíos* in the period 1874-1960, leaving conflicts over *resguardo*

Colombian agrarian conflicts adopt, which allows for a broad view of the land struggles accompanying Colombia's insertion into agrarian capitalism while missing the details and complexities that local or regional histories may unveil. Taken together, these factors explain why frontier colonization and resguardo privatization have been largely addressed as separate and unrelated chapters of Colombia's legal and social history. By contrast, a growing body of local and regional historiography has shed light on the complex interplay between Antioqueño colonization, mining-and-coffee boom, and privatization of indigenous landholdings in the area under study. Following this approach, chapters 4 and 5 provide a close-up to the 1870s land rush and its legal frame, examining how it led to the first round of privatization of indigenous landholdings in the Vega de Supía and the different responses of local communities to this process.

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lands out of the scope because they comprised "a separated category" that should be deal with apart. Centro Nacional de Memoria Histórica, *Tierras y conflictos rurales*, 32.



## V. CHAPTER 4. SETTING THE STAGE FOR PRIVATIZATION: THE VEGA DE SUPÍA IN THE 1870S

The nineteenth century signaled what María Teresa Findji and José María Rojas called the transition from colonial territorialities to republican ones.<sup>475</sup> This process entailed the redefinition of geopolitical boundaries and unities, the passage from colonial to republican institutions, and the transformation of spaces and communal identities according to postcolonial socio-economic dynamics. Some critical factors shaped this transition in the Vega de Supía: its borderline location between the states of Cauca and Antioquia; the Antioqueño colonization; the passage from foreign-capital-controlled mining to one controlled by local investors; and, the commodification of indigenous lands.<sup>476</sup> This transformation reached a turning point in the 1870s when State of Cauca laws 44 and 59 of 1873 sparked the first campaign for *resguardo* privatization that led to a significant transfer of landed property (and mining rights) from indigenous communities to the republican creole elites. As discussed in the previous chapter, members of the northern Cauca districts' elite played a pivotal role in the passage of this legislation.

The socioeconomic and demographic changes that the Vega de Supía experienced during its passage from colonial to republican territoriality led to a situation in which, by the early 1870s, indigenous people were far outnumbered by mestizos and mulattoes. This ever-growing non-indigenous population, which received the steady influx of Caucano and

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<sup>475</sup> Findji and Rojas, *Territorio*, 61.

<sup>476</sup> González Escobar, *Ocupación*, 49.

Antioqueño migrants, pushed for having legal access to land and, through it, to mining, water, and forest resources. Yet, by contrast with other internal frontier zones, most of the land in and around the Vega de Supía legally belonged to the indigenous communities that held it collectively, that is -as their *resguardos*. The land's legal status prevented non-indigenous settlers from petitioning for land grants under the existing legislation on public lands ("*baldíos*"). These circumstances shed light on why local elites pushed so hard to get a legal framework that made the division and commodification of *resguardo* lands possible. But to gain access to indigenous lands and resources required far more than propitious legislation. Without a vibrant network of interethnic and interclass alliances between local elites and indigenous leaders, those laws would have remained "on the books." Thus, patron-client relationships would pave the way for the 1870s privatization campaign.

This argument unfolds in the three sections that comprise this chapter. Section 4.1 describes the 1870s Vega de Supía territory. It discusses how the state-nation making process shaped geopolitical boundaries and settlements in this borderline area between Cauca and Antioquia. Section 4.2 focuses on the demographic landscape, showing the diverse ethnic and social groups in the Vega de Supía by the 1870s and establishing how the non-indigenous population came to outnumber *indígenas* in the region. This section sheds light on local ethnogenesis processes by discussing the reasons that led to the merging of Supías and Cañamomos into a single *parcialidad* in 1874. It argues that land speculators' interests in the division of these communities' *resguardos*, rather than a previous integration among Supías and Cañamomos, accounted for the creation of the joint *parcialidad* of Supía-Cañamomo. Section 4.3 discusses patron-client relationships between local elites and indigenous communities, examining legal mediation, partisan politics, and

mining ventures as threads that wove these alliances. Its specific contribution lies in bringing to light the figure of *administradores*, an ambiguous form of governance and legal representation of indigenous communities that emerged by the mid-nineteenth century and played a critical role in the privatization process. While this chapter discusses the local circumstances that set the stage for privatization, the way in which this process unfolded will be the subject of Chapter 5.

#### **4.1. Between Cauca and Antioquia. The Borderline Districts of Riosucio, Supía, and Marmato**

As it had been during the colonial era, the Vega de Supía remained in the federal republican period as a borderline area between the newly erected states of Antioquia and Cauca, which largely corresponded to the colonial provinces of Antioquia and Popayán (see maps 12 and 13). A significant difference, however, was the nation-making process set in motion by the middle-nineteenth century with the racialized regions and civil warfare it entailed.<sup>477</sup> Contemporary depictions cast Antioquia as a modern, prosperous, orderly, and industrious region populated by family-oriented, Catholic, and mostly white-mestizo people that thrived as semi-autonomous farmers, miners, traders, and entrepreneurs. By contrast, Cauca appeared as a highly stratified society riddled with class, racial, and partisan tensions, where an internally divided landed and mining elite of former

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<sup>477</sup> On the significance of the making of racialized regions as part of the process of nation formation in Colombia, see Appelbaum, *Muddied Waters*, 15-20; and, *Mapping the Country of Regions*, loc. 212 of 7614, Kindle. For Brazil, see Barbara Weinstein, *The Color of Modernity. São Paulo and the Making of Race and Nation in Brazil* (Durham & London: Duke University Press, 2015), 9-21.

slaveholders had not managed to consolidate its dominion over a populace mostly comprised of contentious Indians, blacks, and mulattoes. Since the 1850s, Antioquia stood as a Conservative stronghold where elites managed to reach hegemony through the imposition of strict codes of Catholic morality that went along with a liberal-oriented economy. Meanwhile, Caucaño Liberals gained the upper hand in Popayán, the state capital, and some central and northern districts. Still, internecine struggles between Liberal Radicals and the pro-Mosquera faction, along with the persistence of an important contingent of Conservatives, prevented Caucaño Liberals to consolidate the hegemony that their rivals enjoyed in Antioquia. These political divisions arose in the area under study, where Riosucio stood as a Conservative bastion while Liberals largely controlled Supía and Marmato, as well as the rest of the northern districts.<sup>478</sup>

The Colombian nation-making process during the federal period also involved a series of civil wars that, in western Colombia, primarily pitted the regional armies of Cauca and Antioquia against each other.<sup>479</sup> Military and political confrontations were coupled with pervasive discourses of racialized regional differences that, as Appelbaum summarizes, cast Antioquia and Cauca as "the beauty and the beast," respectively.<sup>480</sup> Antioqueño regionalist literature and travelers' accounts portrayed Antioquia as a white,

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<sup>478</sup> Appelbaum, *Muddied Waters*, 31-51.

<sup>479</sup> The three major partisan civil wars during the federalist period (1858-1885) occurred in 1860-61, 1876-77, and 1885. On the impact of civil warfare in the region under study, see Cardona Tobón, "Las guerras civiles en el alto occidente de Caldas," 98-104; Gärtner, *Guerras civiles en el antiguo Cantón de Supía*, 105-242; González Escobar, *Ocupación*, 151-183; Appelbaum, "Remembering Riosucio," 100-105; on participations of Indians in these civil wars, see Zuluaga Gómez, *Vida, pasión y muerte*, 51-56.

<sup>480</sup> Appelbaum, *Muddied Waters*, 31.

orderly, moral, industrious, prosperous, and, in every respect, model society, whereas Cauca was equated with non-whiteness, anarchy, violence, laziness, and backwardness. The expression “the blacks of Cauca,” as Antioqueños dubbed Mosquera’s Liberal armies and, by extension, all Caucanos, epitomized the racialized image of Cauca as the foil for Antioqueño regionalism.<sup>481</sup> Because of their location at the borderline between both states, the districts of San Juan de Marmato, Supía, and Riosucio usually were at the epicenter of these confrontations. Local elites straddled between these two rival political entities and regions. Throughout the 1860s, local Conservatives and anti-Mosquera Liberals signed declarations and promoted uprisings asking the annexation of these districts to Antioquia. Yet, those attempts to sever ties with Cauca were unsuccessful. The state of Antioquia rejected annexation to maintain neutrality toward Cauca’s internal conflicts and, in doing so, avoid confrontations with the federal government, controlled by the Liberals.<sup>482</sup> While unsuccessfully trying to be part of the state of Antioquia, local elites welcomed Antioqueño immigrants as a beneficial influence that would bring whiteness and progress to the region.

The context of high political instability meant a constant redefinition of geopolitical boundaries which, in turn, shaped territorialities and communal identities in the area under study.<sup>483</sup> By the 1870s, the Vega de Supía fell under the districts of Riosucio, Supía, and

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<sup>481</sup> Appelbaum, *Muddied Waters*, 43-49.

<sup>482</sup> González Escobar, *Ocupación*, 153-168.

<sup>483</sup> The Vega de Supía successively fell under the jurisdiction of the Canton Supía (1824-1855); the District of Supía (1855-1859); the District of Marmato, belonging to the Province of Quindío (1859-1863); the Municipality of Toro (1863-1890); and, the Province of Marmato (1890-1905). From 1905 on, the area under study and most of the Cauca northern districts were segregated from the (now Department of) Cauca to be placed under the jurisdiction of the newly erected Department of Caldas. For a complete overview of this political-administrative evolution, see González Escobar, *Ocupación*, 147-148, and the Appendix I chart (p. 531).

San Juan de Marmato, all of which belonged to the municipality of Toro.<sup>484</sup> Riosucio had emerged out of the relocation of the parishes of La Montaña and Quiebralomo to a new urban center that grew at the bottom of the Ingrumá Hill.<sup>485</sup> Riosucio quickly became the most prominent urban center of the area, as its temperate lands made it more attractive than the lowest and hottest plain of Supía. Although they had their business in the mining centers of Supía and Marmato, most members of the growing local elite set their homes in Riosucio.<sup>486</sup> Meanwhile, the racially mixed town that since the late colonial era had grown around the parish of La Vega and near the old *pueblo de indios* became the villa of Supía in 1824. It remained as the capital of the canton of the same name until 1855 when thriving Riosucio gradually superseded Supía as the main political and administrative center of the region.<sup>487</sup> Placed in northwestern Supía, the town of San Juan de Marmato held economic

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<sup>484</sup> The Municipality of Toro comprised the districts of Toro, Ansermaviejo, Ansermanuevo, Arrayanal, Hato de Lemos, Quinchía, Riosucio, San Juan de Marmato, and Supía. Each district had a major urban center (*cabecera*). The capital of the entire municipality was Toro until 1875, when Riosucio replaced it.

<sup>485</sup> A widely accepted narrative set the founding date of Riosucio on August 7, 1819, the very same day the pro-Independence forces won the Battle of Boyacá, which sealed the final military victory over the royalists and is celebrated as Colombia's Independence Day. Scholars, however, have found no evidence that substantiates this founding date. Instead, they point out that Riosucio emerged out of a lengthy process that began with the eighteenth-century disputes between Indians and Quiebralomeños over the site of the same name. It continued with the covenant signed in 1814 by fathers José Bonifacio Bonafont and José Ramón Bueno, parish priests of La Montaña and Quiebralomo, respectively, whereby they agreed to move both parishes to the site of Riosucio, a move that took over a decade to be completed. It was only in 1846 when the governor of Cauca officially declared Riosucio as a unified district. Unlike most Colombian towns, which are articulated around a single main square, Riosucio has two parishes and two plazas, the "plaza of the whites" and the "plaza of the Indians," which represent the incomplete melding of the two colonial republics into a single, albeit divided, polity. The novel *Tomás*, by Marmateño writer Rómulo Cuesta, recreates Riosucio's founding tale and the Vega de Supía's social and political milieu throughout the nineteenth century. For scholarly accounts of Riosucio's founding, see Álvaro Gärtner, "Tras las huellas del padre Bonafont en el Archivo Central del Cauca. Elementos para una nueva visión de la fundación de Riosucio," (lecture delivered in Riosucio on August 4, 1994, on the celebration of the 175th anniversary of the founding of Riosucio); Gärtner, "Fundación de Riosucio;" Nancy Appelbaum, "Remembering Riosucio," 229-235 and Chapter 9; González Escobar, *Ocupación*, 130-133; Caicedo, *Cinco siglos*, 65-78.

<sup>486</sup> González Escobar, *Ocupación*, 130-133.

<sup>487</sup> González Escobar, *Ocupación*, 49-56, 134-149.

and political significance due to its proximity to the mining center and for being head of the district of the same name. However, it lacked the urban development that Riosucio and Supía had reached at that time.<sup>488</sup>

Besides these three district capitals, a series of small villages and hamlets congregated the growing population that inhabited and was arriving in and around the Vega de Supía by the 1870s. Although the colonial regime of spatial segregation was not in force anymore, differences in Indians', blacks', and mestizos' territorialities persisted in the republican era. Most of the indigenous population lived around the villages of San Lorenzo and Sevilla. Indians that inhabited the old *pueblo de indios* of Supía had resettled in the site of Sevilla after their old town was destroyed by the collapse of the Tacón Hill around 1810.<sup>489</sup> The black population mostly lived around the hamlet of Guamal and in small settlements around the Marmato mines.<sup>490</sup> Meanwhile, emerging villages such as Oraida,

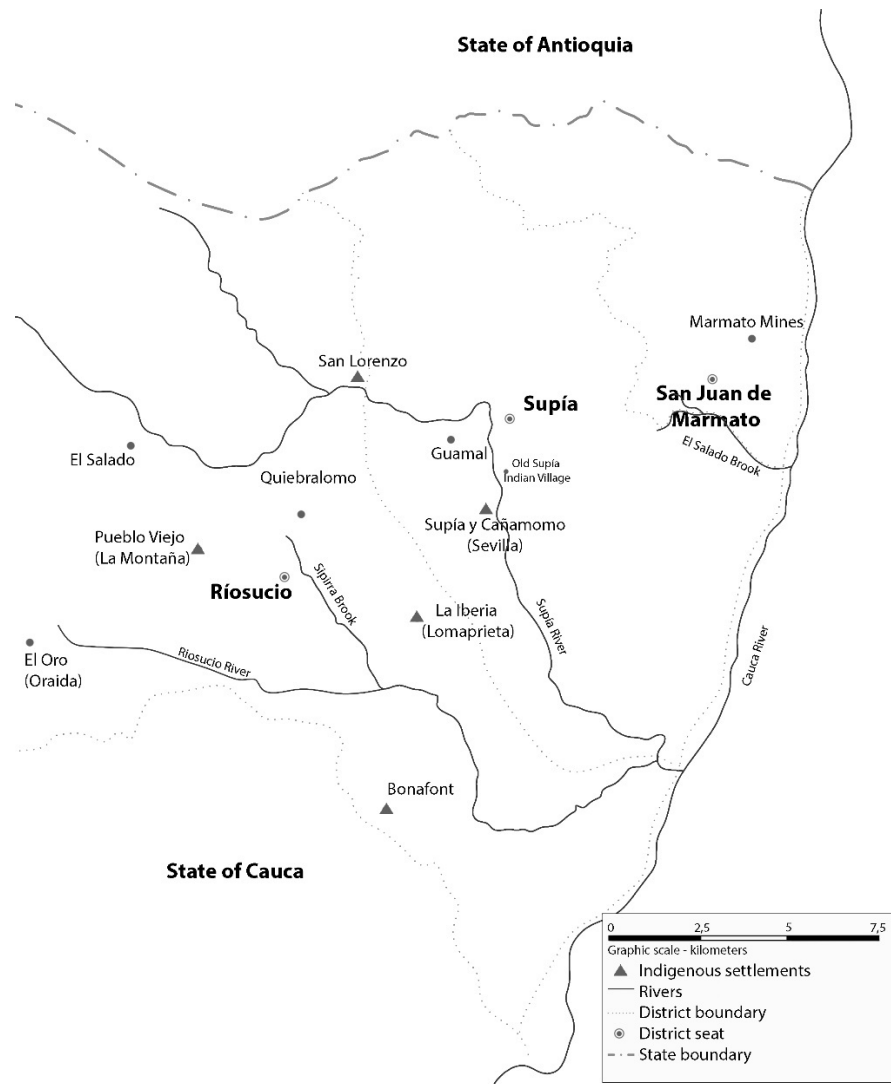
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<sup>488</sup> González Escobar, *Ocupación*, 133-134. On the transformations of Marmato throughout the nineteenth century, see Lida del Carmen Díaz, "Antropología y economía del oro en Marmato, Caldas" (thesis, Universidad Nacional, Bogotá, 1985); Gärtner, *Los misteres de las minas*, 139-408; González Colonia, *Brujería*, 90-95.

<sup>489</sup> In 1893, Riosucian lawyer and politician Carlos Gärtner mentioned this event in a written plead he submitted within a civil lawsuit. Gärtner pointed out: "[...] we must remember that right above the current town of Supía, there was an Indian village that was destroyed at the beginning of the century by the landslide of the Tacón Hill." ("*[...] debemos recordar que arriba de la actual población de Supía, hubo la de indios que destruyó a principios del siglo el tradicional derrumbe del cerro de Tacón.*") JCCR, 1894-001, "Juicio de Deslinde – Avelina de La Roche v. Parcialidad indígena de Cañamomo," f. 195. In a 1942 report of archaeological research in the area, anthropologist Luis Duque Gómez pointed out that the old hamlet of Indian huts known as San Lesmes had survived until 1810. By then, a landslide obstructed the course of the Rapado Creek, forming a lake that later spilled, taking away part of the Tacón Hill and destroying the old indigenous village. Luis Duque Gómez, "Excavación de un sitio de habitación en Supía," *Revista del Instituto Etnológico Nacional*, vol. 1 (1942), 95-114 (see p. 97); González Escobar, *Ocupación*, 141-142.

<sup>490</sup> On Guamal, see Nancy Appelbaum, "Guamal: Historia, identidad y comunidad" (unpublished manuscript, revised versión, December, 1994); "Remembering Riosucio," chapters 4 and 11; *Muddied Waters*, 217-222; González Escobar, *Ocupación*, 143-147; Sofia Lara Largo, "Imbrications identitaires. Les usages ethniques du territoire à Guamal, Caldas, Colombie," (PhD diss, Université Sorbonne Paris Cité, 2019).

in the district of Riosucio, and Murillo in Supía, congregated the growing population of mestizos and Antioqueño migrants (white and mestizo alike). This network of settlements, all of them located in lands formally belonging to the Indians, defined the territoriality of the region under study before the first round of *resguardo* privatizations in the 1870s, as Map 13 shows.



Map 13. The Vega de Supía in the 1870s<sup>491</sup>

<sup>491</sup> Made by Daniel Vallejo Soto, based on González Escobar, *Ocupación*, 51.



## 4.2. Demographic Landscape

Demographic data from the early 1870s give a glimpse of the people that lived in and around the Vega de Supía by the time of the first campaign for *resguardo* privatization. Available information is particularly rich because of the convergence of the national census of 1870-1871 and the headcounts of indigenous communities conducted in 1874 as the first step towards the division of their communal landholdings. According to the national census of 1870-1871, the total population of the three districts amounted to 11,500 people. Riosucio was the most populated of the three districts with a total population of 5,689 individuals, followed by Supía with 3,000 people, and Marmato with 2,811.<sup>492</sup> As Table 13 shows, women constituted the majority in all three districts, accounting for the 52.5% of the total population, which concurred with both the state and the national trends whereby women outnumbered men.<sup>493</sup>

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<sup>492</sup> AGN, República, Censos, “Censos de población 1869-1871,” Tomo 1, Caja 1, Carpeta 6, fols. 472 (Marmato), 538 (Supía), and 602 (Riosucio). When compared with the national census of 1851-1852, the population of the three districts increased in 1870 as follows: Riosucio from 4,104 to 5,589 (+1,585), Supía from 2,771 to 3,000 (+229), and Marmato from 1,559 to 2,811 (+1,252). See *Anuario estadístico de Colombia* (Bogotá: Imprenta de Medardo Rivas, 1875), 36. The lowest growth of Supía’s population when compared with their counterparts is consistent with the average annual growth rate of the three districts during the period 1843 to 1870, which was 1.2% for Supía, 3.7% for Marmato, and 2.2 % for Riosucio. See, González Escobar, *Ocupación, 186-187* (for detailed examination of population changes in the Vega de Supía from 1793 to 1852, see 108-116). Supía’s small increase in population is even more noteworthy given that the area (“*fracción*”) of San Lorenzo (which accounted for 418 inhabitants in the national census of 1870-1871) had been segregated from Riosucio and annexed to Supía in 1863. Despite this transfer, Supía’s population did not grow accordingly, which suggests that people were migrating out of Supía, as Appelbaum notes. Appelbaum, “Remembering Riosucio,” 184 (note 9). For San Lorenzo’s population in the 1870-1871 national census, AGN, República, Censos, “Censos de población 1869-1871,” Tomo 1, Caja 1, Carpeta 6, fols. 581-587.

<sup>493</sup> According to the 1870-1871 census, out of the 435,078 individuals that accounted for the total population of the state of Cauca, 211,864 (48.6%) were men and 223,714 (51.4%) women. Meanwhile Colombia’s total population reached 2,916,705 individuals, 1,410,145 of them were men (48.3%) and 1,506,560 women (51.6%). See, *Anuario estadístico 1875*, 47-48.

**Table 13. Population of the Districts of Riosucio, Supía, and Marmato, 1870-1871**

<b>District</b>	<b>Men</b>	<b>Women</b>	<b>Total per District</b>
<b>Riosucio</b>	2,712	2,977	5,689
<b>Supía</b>	1,444	1,556	3,000
<b>Marmato</b>	1,303	1,508	2,811
<b>Total</b>	<b>5,459</b>	<b>6,041</b>	<b>11,500</b>

**Source:** “Censos de población 1869-1871,” AGN, República, Censos, Tomo 1, Caja 1, Carpeta 6, fols. 472, 538, and 602.

According to the 1870-1871 national census, farming represented the primary activity in the districts of Riosucio and Supía, with 40.3% of the population listed as agriculturalists in Riosucio and 49.3% in Supía.<sup>494</sup> Despite their mineral riches, mining appeared as a marginal occupation in both districts since only 1.7% of the population of Riosucio and about 4.3% of Supía’s were listed as miners. Interestingly, it stood as a predominantly female occupation, as women accounted for 155 out of the 228 miners listed in both districts.<sup>495</sup> Taking together, these figures suggest that mining represented a supplementary source of income for many agricultural families, as Appelbaum notes.<sup>496</sup> Conversely, it represented the main economic activity in Marmato with 849 individuals (30.2% of the population) registered as miners. It was practiced by males and females alike

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<sup>494</sup> A total of 2,295 individuals were listed as agriculturalists in Riosucio (1,712 men and 583 women), and 1,481 in Supía (898 men and 583 women).

<sup>495</sup> Out of the ninety-six miners listed in Riosucio, twenty were men and seventy-six women. Supía registered 128 miners, forty-nine of them men and seventy-nine women.

<sup>496</sup> Appelbaum, “Remembering Riosucio,” 184.

with only a slight majority of men (434) over women (415). After mining, handicraft ranked as the second productive activity in Marmato, with 381 artisans (205 men and 176 women) that accounted for 13.5% of the population. Marmato's higher number of artisans, when compared with Riosucio and Supía, might be related to the production of mining supplies.<sup>497</sup> Meanwhile, agriculture occupied a marginal position in Marmato's economy with only 2.2% of the population (sixty-two men and one woman) listed as agriculturalists. These figures tell us about the notable symbiosis between farming and mining in the area under study: on the northern corner of the Vega de Supía, Marmato stood as the mining pole; on the southern side, Riosucio was the food supplier; amidst them, the district of Supía experienced what González Escobar refers as the struggle between the "mining society" and the "agricultural society."<sup>498</sup>

Even though some local businessmen had consolidated vast fortunes by the 1870s, being Bartolomé Chávez the main case in point, the national census of 1870-1871 did not register anyone in the columns of "capitalists" or "owners" for the three districts under study.<sup>499</sup> Perhaps Chávez and others well-to-do residents were part of the 106 individuals

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<sup>497</sup> While 101 individuals (about 1.8% of the population) were listed as artisans in Riosucio (eighty-one men and twenty women), Supía only registered forty-seven artisans (twenty-two men and twenty-five women) that accounted for about 1.6% of the population.

<sup>498</sup> González Escobar argues that the transition from the mining society inherited from the colonial period toward an agricultural society, and the tensions between both models, significantly shaped Supía's territoriality, particularly during the period from 1875 to 1925. González Escobar, *Ocupación*, 18-19.

<sup>499</sup> Bartolomé Chávez was the most prominent businessman in the Vega de Supía by the 1870s. His family owned the mines of Loaiza and Chaburquia in Marmato, salt-water springs, as well as vast landholdings that increased as the commodification of indigenous lands moved forward. He expanded his business beyond the region by engaging in the Cauca River navigation project and banking businesses in Antioquia. But Chávez was not alone. A thriving elite of land-and-mine entrepreneurs was emerging in the Vega de Supía in the years before the first campaign for resguardo privatizations. See, González Escobar, *Ocupación*, 233-244; Appelbaum, "Remembering Riosucio," 210-215.

that were listed as “merchants” in the three districts (fifty-one in Riosucio, twelve in Supía, and forty-three in Marmato, two of whom were women). Three individuals were registered as lawyers (“*legistas*”), two of them in Riosucio and one in Marmato where, interestingly, the only physician of the area resided.<sup>500</sup> Meanwhile, three teachers were listed in the district of Riosucio (two men and one woman), two in the district of Supía (one man and one woman), and no one in Marmato. Despite having almost no teachers, surprisingly Marmato registered 257 students (139 men and 118 women), the highest student population among the three districts, followed by Riosucio with 122 (ninety-four men and twenty-eight women), and Supía with 66 (thirty-two men and thirty-four women).

Although a significant number of women were listed as housewives (51.5% of Riosucio female population, 25.8% of Supía’s, and 26.5% of Marmato’s), female participation in economic activities such as agriculture, mining, and handicraft was noticeable. It was particularly striking in the districts of Supía and Marmato where the sum of women engaged in non-domestic labor clearly outnumbered the housewives.<sup>501</sup> Women also accounted for the majority of the domestic servants: out of the 249 residents of the three districts that were listed as servants, 190 were women.<sup>502</sup> As Appelbaum points out,

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<sup>500</sup> Presumably, demand for medical services resulting from the high risk of accidents in Marmato’s underground mines might explain why this physician was listed in Marmato instead of in the more populated and attractive Riosucio.

<sup>501</sup> In Supía, the sum of women engaged in non-domestic jobs (agriculturalists, miners, and artisans) accounts for 687, while 402 women were listed as housewives. In Marmato, the ratio was of 594 non-domestic female workers to 399 housewives. Conversely, in Riosucio, the number of women engaged in non-domestic jobs (679) lagged far behind the number of women that were listed as housewives (1,534).

<sup>502</sup> Seventy-six individuals were registered as “servants” in the district of Riosucio (twenty-four men and fifty-two women). In Supía, fifty-three residents were listed in this category (nine men and forty-four women). Marmato ranked the highest in terms of numbers of domestic servants with 120 (twenty-six men and ninety-four women).

the high presence of female workers indicates that many families were so poor that they needed their women to engage in productive activities outside the home.<sup>503</sup> The large number of female workers, particularly in the districts of Supía and Marmato, also suggests that many women may have been the sole breadwinners for their families.<sup>504</sup>

#### **4.2.1. Indians and Blacks. *Parcialidades Indígenas* and the Guamal Community**

While the national census of 1870-1871 contains plenty of data about gender, age, primary occupations, and even the names of each district's inhabitants, it does not inform about their ethnicity or race. To establish how many of them belonged to the *parcialidades indígenas* that by then existed in the districts of Riosucio, Supía, and Marmato one requires to compare the national census with the headcounts (*padrones de indígenas*) that communities' census boards conducted in 1874 as mandated by State of Cauca Law 44 of 1873.<sup>505</sup>

These *padrones*' main purpose was to determine who was entitled to receive a share of the *resguardos* that were to be divided. Only those who provided documentary or witness evidence of having been *tributarios*, or their descendants, could be lawfully

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<sup>503</sup> Appelbaum, "Remembering Riosucio," 184.

<sup>504</sup> Evidence from other sources validates this hypothesis. As discussed below, the 1874 *padrones de indígenas* show that 30.3% households in Supía-Cañamomo and 18.5% in San Lorenzo were headed by women (whether widows or single mothers).

<sup>505</sup> Article 2 of Law 44 of 1873 commanded that a census (*padrón de indígenas*) of each community should be taken before the eventual division of its *resguardo*. Regulatory Decree 28 of November 29, 1873, determined that each community was to appoint an administrator and a census board (*junta de empadronamiento*), comprised of six of its members, that would be in charge of taking the census. This decree set forth the criteria for inclusion in the *padrón de indígenas*, as well as the time and manner it was to be completed.

registered in the census. Government officials could amend the headcount made by the community's census board, as Decree 28 of 1873 entrusted municipal chiefs (*jefes municipales*) with deciding upon request to adding new inscriptions or taking names off from the *padrón*. For instance, by 1874, the municipal chief of Toro was Ramón Elías Palau, who the year before, while serving as deputy of the Cauca legislative assembly, had pushed for the passage of Law 44 of 1873. Palau himself would greatly profit from the division of *resguardo* lands.

The 1874 *padrones* were produced not only by state officials who had themselves an interest in the division of *resguardos*, but also by indigenous leaders. The members of a community also impacted their content. Since there was a great deal at stake, individuals with tenuous indigenous ancestry and ties with the communities strived to be listed as members of a *parcialidad indígena*, and some of them succeeded.<sup>506</sup> Therefore, the 1874 *padrones* do not provide accurate portraits of each community. Still, they inform about the *parcialidades* that existed by 1874 in the Vega de Supía, and the individuals who successfully claimed membership in them. They make it possible to draw some rough statistics about these communities and to grasp some commonalities and differences among them.<sup>507</sup>

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<sup>506</sup> As it will be discussed in Chapter 5 (section 5.2)

<sup>507</sup> Under Article 2406 of the State of Cauca Civil Code (Law 283 of 1869) and Regulatory Decree 28 of 1873, *juntas de empadronamiento* were required to make three copies of the *padrón de indígenas*. Upon approval by the circuit court judge, the first copy was to be submitted to the State's Secretary of Government; the second copy was to be notarized; and the third copy was to be kept in the circuit court. The Archivo Central del Cauca in Popayán preserves the copies that were submitted to the State of Cauca Secretary of Government. Regarding the indigenous communities of the northern districts (Municipality of Toro), this archive holds the censuses of the *parcialidades* of La Montaña, Supía-Cañamomo, San Lorenzo, Quinchía, Guática, Arrayanal, Tabuyo, and Tachiguí. See, ACC, AM, 1874, paq. 129, leg. 47. The Notary of Supía

Due to long-standing processes of colonization and acculturation, native languages, religious rituals, dress, and other externally distinctive features had gradually vanished in the indigenous communities settled in and around the Vega de Supía. They were predominantly Spanish speakers and Catholics, in striking contrast with the “savage” Chamís that inhabited to the west in Arrayanal (now Mistrató), who spoke (and still speak) the Embera-Chamí language. In the views of nineteenth-century residents and foreign travelers, *indígenas* from the Riosucio, Supía, and Marmato districts looked more “civilized” and their Indianness less authentic when compared with the “savage” Chamís.<sup>508</sup>

The four distinct *parcialidades indígenas* that existed in the area under study by the end of the colonial era - La Montaña, San Lorenzo, Supía, and Cañamomo – decreased to three by the 1870s, as the last two of them seemingly merged into one entity called Supía-Cañamomo.<sup>509</sup> Although environmental factors led the Supías to resettle near the

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preserved copies of the *padrones* of San Lorenzo and Supía-Cañamomo. See, NUS, Notarial Deeds 45 (Supía-Cañamomo) and 46 (San Lorenzo), both dated on September 24, 1874.

<sup>508</sup> In that vein, French mineralogist and agronomist Jean Baptiste Boussingault, who visited the area during the 1820s as an agent of English investors, provided detailed descriptions of the Chamís who he regarded to be morally superior to the more “civilized” Indians of Riosucio and the Vega de Supía. Boussingault’s memoir also hints at the existing interactions between the Chamís and residents of Riosucio and the Vega de Supía. Jean Baptiste Boussingault, *Memorias*, tomo I (Bogotá: Banco de la República, 1985), 329-333, 409-417.

<sup>509</sup> To track these changes over time, see Chart 1 in Chapter 2 (section 2.1). Besides the three *parcialidades indígenas* (La Montaña, San Lorenzo, and Supía-Cañamomo), there was another group of indigenous families in the area under study that was indistinctly known as the Community of Bonafont, Pirza-Bonafont, or Escopetera-Pirza. They were descendants of twenty-four indigenous families from La Montaña that, by the 1750s, moved from the cold land (*tierra fría*) where their resguardo was located to the temperate Pirza Valley. Since 1627, the Pirza Valley was inhabited by the group of Spanish families that the Real Audiencia’s Visitor Lesmes de Espinosa Sarabia had commanded to resettle there in order to bring the Pirza Indians to the new pueblo de indios that was to be set in the Vega de Supía (see Chapter 1). In 1759, those indigenous families purchased from the Spanish Catalina Jiménez Gamonares a tract of land in the Pirza Valley, where they resettled. Lacking legal existence as a *parcialidad indígena*, these families organized themselves as a “civil community” (“*comunidad civil*”) under the provisions of the State of Cauca Civil Code about condominium, following a pattern for legalizing communal entities that will be discussed in Chapter 6 (section 6.1). Since

Cañamomos, the available sources do not substantiate that an actual process of integration between both communities occurred. By the 1810s, a landslide destroyed the old *pueblo de indios* of San Lesmes de Supía, located on the northern side of the Supía River, near the place where the villa of Supía (today's urban center) later emerged. This circumstance led the Supía Indians to resettle in Sevilla, a site placed across the Supía River and relatively close to the mountain area where the Cañamomos had dwelled since the late 1600s (see Map 13).<sup>510</sup> The geographical proximity, and the fact that the 1874 *padrón de indígenas* portrayed Supía-Cañamomo as a single *parcialidad*, may lead to assuming that both communities had merged throughout the nineteenth century.

But the available evidence tells a different history. It suggests that the seeming fusion of Supías and Cañamomos had more to do with the interest of easing the privatization of their *resguardos* rather than with a pre-existing process of integration among both communities. A hint at that is the fact that in a document signed in 1872, only two years before the *padrón* was taken, indigenous leaders identified themselves as authorities of the *parcialidad* of Supía rather than the composite name “Supía-Cañamomo.”<sup>511</sup> Moreover, records of a 1891 land demarcation lawsuit (*juicio de deslinde*)

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their landholding was not legally regarded as a *resguardo* but as a civil condominium, the community of Pirza-Bonafont was neither registered in the 1874 *padrones de indígenas* nor it was targeted for division under State of Cauca Law 44 of 1873. On the history of the Community of Pirza-Bonafont or Escopetera-Pirza, see Caicedo, *Cinco siglos*, 53-55, 97-99.

<sup>510</sup> Duque Gómez, “Excavación,” 97; González Escobar, *Ocupación*, 141-142.

<sup>511</sup> NUS, Notarial Deed 8th of March 11, 1872, fol. 22v to 25r, whereby the Governor and Cabildo of the “*parcialidad de indígenas de Supía*” granted power of attorney to Ramón E. Palau. By contrast with the multiple sources documenting the activity of indigenous litigants of both Supía and Cañamomo during the late colonial period, almost no documents tell us about these communities in the decades before the 1874 process of privatization. The 1872 power of attorney to Palau, and a letter sent by Governor Julián Batero and his cabildo to the municipal chief of Toro in 1871 (cited by Appelbaum, *Muddied Waters*, 95) are the



show the Supías and the Cañamomos acting as counterparts by the time they had supposedly merged into a single entity.<sup>512</sup> Juan Gregorio Trejo, who represented the Supías in this lawsuit, explained that “in 1874, the municipal chief of Toro, in accordance with the royal laws, lumped together the *Parcialidad* of Cañamomo with that of Supía to take a single *padrón* of both sections.”<sup>513</sup> Trejo’s statement supports the thesis that the emergence of “Supía-Cañamomo” as a single entity did not result from a previous process of integration between both communities. Instead, such a composite was made up by Municipal Chief Ramón E. Palau perhaps with the acquiescence of indigenous leaders. Arguably, this move aimed at expediting the partition of *resguardos* and increasing the extension of indigenous lands available for distribution. While litigating against the Indians in an 1893 land dispute, Riosucian lawyer and politician Carlos Gärtner made a statement that sheds light on the reasons behind the fusion of both communities:

Your Honor must remember that, in 1874, an attempt was made to organize the indigenous community of Supía. But since there were no Indians in Supía, those who lived in Cañamomo were lumped together with some Supía residents – who had as much indigenous blood as You might have African - to create the so-called “Community of Supía and Cañamomo.”<sup>514</sup>

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only available sources concerning the *parcialidad* of Supía. I have not found post-colonial records related to the Cañamomos dated before the 1874 *padrón de indígenas* of Supía-Cañamomo.

<sup>512</sup> JCCR, 1891-039, “Juicio de Deslinde – Parcialidad indígena de Cañamomo.”

<sup>513</sup> (“[...] en el año de mil ocho sientos setenta y cuatro, el Jefe Municipal de Toro según las reales leyes, unió la Parcialidad de Cañamomo con la de Supía, para formar el Padrón de ambas secciones en una [...].”) According to Trejos, both *parcialidades* remained as a single entity until 1881, when the Cañamomos formed their own “*cabildo* and administration.” JCCR, 1891-039, “Juicio de Deslinde - Parcialidad indígena de Cañamomo,” fol. 33.

<sup>514</sup> (“El señor juez debe acordarse de que cuando en 1874 se trató de organizar la comunidad indígena de Supía, como no hubiese indios en Supía, se apeló a los que vivían en Cañamomo, y con ellos – y algunos vecinos de Supía, que tanto tenían de indígenas como Ud. de africano, se formó la ‘Comunidad de Supía y Cañamomo.’”) JCCR, 1894-001, “Juicio de Deslinde – Avelina de La Roche v. Parcialidad indígena de Cañamomo,” f. 195. Similarly, Riosucian lawyer Emiliano García disdainfully referred to the “*parcialidad ‘ad hoc’ de Supía y Cañamomo*” in a 1905 document submitted in a lawsuit in which García acted as a

The *parcialidad* of Supía-Cañamomo first appeared in the records as a single entity in 1874 and stayed as a composite for over a decade. At some point throughout the 1880s, the Cañamomos broke away from this made-up unity and resumed their own cabildo as the Cañamomo-Lomaprietas. Meanwhile, the *parcialidad* of Supía faded as an indigenous community and barely remained as a cover-up for Juan Gregorio Trejo's transactions involving lands that the Supía Indians had held as their *resguardo*. By the turn of the twentieth century, "Supía," the very name by which this region's natives and their descendants had been called, ceased to be an indigenous ethnonym, and only remained as the toponym of a municipal district.<sup>515</sup>

According to the 1874 censuses, La Montaña remained as the most populated of the three *parcialidades* of the region under study with a total of 1,247 members, followed by San Lorenzo with 393, and Supía-Cañamomo with 336 members.<sup>516</sup> These documents

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counterpart of this community. He went even further by claiming that “the so-called ‘Parcialidad de Supía y Cañamomo’” only “serves as a façade” to protect the interests of some local elites (“*Es de notarse que el representante de los señores de la Roche, Tascón, Hernández, Murillo, Zabala, León y Bermúdez, a quien sirve de pantalla la titulada Parcialidad de Supía y Cañamomo [...]*”) JCCR, 1927-035, “Tierras de Murillo, Quitambre y Arcón – Parcialidad de Supía y Cañamomo v. Manuel, Silvestre, Benito y Juan Monroy,” f. 18v.

<sup>515</sup> As González Escobar points out, the fact that the creole elites took over not only Indians' lands but their ethnonym as well "is too symbolic to go unnoticed." González Escobar, *Ocupación*, 289.

<sup>516</sup> “Padrón de los indígenas de la Parcialidad de la Montaña en el Distrito de Riosucio – Municipio de Toro. Año de 1874,” Padrón de la Parcialidad de indígenas de San Lorenzo. Año de 1874,” and “Padrón de los indígenas naturales de la Parcialidad de Supía i Cañamomo, formado por la Junta de Comuneros en el año de 1874,” all of them located at ACC, AM, 1874, pag. 129, leg. 47. Except where otherwise noted, figures are based on these versions. New names were added to the original census roll resulting from individuals who successfully sued for admittance to the *parcialidades*. Those latecomers are not included in our data set, which is based only on the original census roll. The calculation of La Montaña’s total population in the 1874 census relies on the analysis of this manuscript made by Luis Javier Caicedo, to whom I am deeply grateful. I also thank Sharon Ciro for her assistance with the statistics for San Lorenzo’s and Supía-Cañamomo’s censuses. My figures slightly differ from those by Appelbaum, who made her calculations based on the versions of the 1874 census of Supía-Cañamomo and San Lorenzo that are preserved at Supía’s notary. Her statistics for La Montaña rely on community census dated in 1871 as she was unable to find the 1874 *padrón*

arranged the community's population by households, listing the names of each family's members and stating whether their indigenous ancestry came from "two lines" (both parents) or "one line" (one parent).<sup>517</sup> There were 361 households in La Montaña, ninety-two in San Lorenzo, and eighty-nine in Supía-Cañamomo, with an average family size of 3.4 in La Montaña, 4.27 in San Lorenzo, and 3.77 in Supía-Cañamomo. By contrast with the national census of 1870-1871, where women outnumbered men, the sex ratio in the 1874 *padrones de indígenas* slightly tilted toward men: both in San Lorenzo and Supía-Cañamomo men were 50.6% of the population while women accounted for 49.4%.<sup>518</sup> Most of San Lorenzo's households (68.4%) fit into the pattern of nuclear family comprised of two parents and children, while this percentage decreases to 48.3% in Supía-Cañamomo. Meanwhile, twenty-seven of Supía-Cañamomo's households (30.3%) were headed by women, which represents a significantly higher rate when compared with eighteen female-headed households (18.5%) listed for San Lorenzo.<sup>519</sup> These female breadwinners probably swelled the ranks of women working as miners, farmers, artisans, and servants in the districts of Supía and Marmato, as documented by the 1870-1871 national census.

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for this community. Based on the 1871 census, Appelbaum provides a total population of 1,443 individuals for La Montaña. Appelbaum, "Remembering Riosucio," 174-183; *Muddied Waters*, 85-87, 242 note 7. My figures for Supía-Cañamomo also differ from those by González Escobar, who totaled 564 individuals distributed into ninety-eight families. González Escobar, *Ocupación*, 249.

<sup>517</sup> Those who had two indigenous parents were regarded fully indigenous and were entitled to full shares of the *resguardo*.

<sup>518</sup> A total of 199 men and 194 women appear in the census of San Lorenzo while Supía-Cañamomo's lists 170 men and 166 women.

<sup>519</sup> It includes households headed by single mothers and widows.

Along with significantly higher rates of female-headed households, Supía-Cañamomo also outnumbered San Lorenzo when it comes to children born out of wedlock (*hijos naturales*): twenty-seven individuals were listed as *hijos naturales* in Supía-Cañamomo (8% of the total population) while San Lorenzo registered thirteen (3.3% of the total population). Interestingly, most of the “*hijos naturales*” listed in San Lorenzo also were labelled as “*mestizos*,” which suggests some sort of connection between legitimacy, single motherhood, and ethnic lineage.<sup>520</sup>

**Table 14. Indigenous Ancestry in San Lorenzo and Supía-Cañamomo, 1874**

	<b>San Lorenzo</b>	<b>Supía-Cañamomo</b>
Total Population	393	336
Two lines (“ <i>indígenas puros</i> ”)	374	32
One line (“ <i>mestizos</i> ”)	16	235
Non-Indians	3	44
Unknown	---	25

**Source:** “Padrón de la Parcialidad de indígenas de San Lorenzo,” and “Padrón de los indígenas naturales de la Parcialidad de Supía i Cañamomo,” ACC, AM, 1874, paq. 129, leg. 47.

As Table 14 illustrates, ethnic or racial “purity” stood as the most striking difference between both *parcialidades*. Whereas 95.2% of San Lorenzo’s population (374 individuals) were considered fully indigenous (“*indígenas puros*”), only 9.8% of Supía-Cañamomo’s (thirty-two individuals) were of indigenous descent from both lines. Conversely, 235 people were listed in Supía-Cañamomo’s census roll as “descendant of *indígena* by only one of the two lines” (70% of the population) while only sixteenth people

<sup>520</sup> Appelbaum also points out and documents such a connection. See, Appelbaum, “Remembering Riosucio,” 179-180; *Muddied Waters*, 85-86.

in San Lorenzo were registered as “*mestizos*” or one-line indigenous (4.1% of the population).<sup>521</sup> Differences in the ways both censuses’ worded this category are worth noticing.<sup>522</sup> Individuals who claim indigenous heritage via one of their parents were listed in Supía-Cañamomo’s census as “descendant of *indígena* by only one of the two lines” while in San Lorenzo’s were registered with the more unspecific label of “*mestizos*.” Under Article 19 of Decree 28 of 1873, both expressions were synonyms. Still, the fact that individuals with mixed ancestry appeared in Supía-Cañamomo’s *padrón* as one-line *indígenas* points to census makers’ concern for emphasizing the indigeneity (albeit tenuous) of most members of this highly miscegenated *parcialidad*.

Adults with no indigenous ancestry claimed affiliation with the community via their partners, children, godchildren, or other relatives they cared for.<sup>523</sup> These individuals, who carried the annotations “*no indígena*” or “*no es indio[a]*,” accounted for over 13% of Supía-Cañamomo’s population and only 0.7% of San Lorenzo’s. Marriage was the most common way for non-Indians to gain membership into an indigenous community, a status that entitled them to use and inherit the parcel that had been assigned to their indigenous relatives within the community’s lands. Non-indigenous members of *parcialidades* also qualified for receiving shares of *resguardo* land in the process of division that was about

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<sup>521</sup> San Lorenzo’s *padrón* registers the indigenous ancestry of both parents and children. Supía-Cañamomo’s census does not inform about children’s ethnicity, except in a few cases in which non-indigenous adults claimed membership to the community via their nephews or godchildren. Therefore, the figures for Supía-Cañamomo count children of couples with a one-line indigenous parent as one-line indigenous.

<sup>522</sup> In that vein, see Appelbaum, “Remembering Riosucio,” 180-181.

<sup>523</sup> For example, Supía-Cañamomo’s census roll registered Dolores Enares with the annotation: “non-indigenous, but it is listed because of her goddaughter María Silveria Andaquia, who is descendant of indígenas by only one of the two lines.” (“[...] *no indígena, es por una haijada que es descendiente de indígena por una sola de las dos líneas, i se llama María Silveria Andaquia.*”).

to start. Because of that, indigenous communities usually regulated their members' sexual behavior and marital options, particularly those of women, as a way to maintain communal boundaries and retain control over their land and resources.<sup>524</sup> This was particularly true in the case of San Lorenzo, whose high proportion of "pure" Indians along with low rates of interethnic marriages suggest that endogamous kinship patterns were vigorously enforced in this community. The 1874 San Lorenzo's *padrón* listed three men (two "pure" Indians and one *mestizo*) who had married non-indigenous women. By contrast, no female members of the community were listed as having married non-Indians, though the *padrón* registered three "pure" indigenous women who had married *mestizos* (meaning one-line Indians). The absence of marital unions between San Lorenzo women and non-Indians suggests that women who had married outsiders lost membership in the community.<sup>525</sup>

Seemingly, a similar rule did not exist (or was weakly enforced) in Supía-Cañamomo, whose *padrón* registered fifteen indigenous women who married non-Indians.<sup>526</sup> Besides, some outsider men claimed affiliation with this *parcialidad* as the

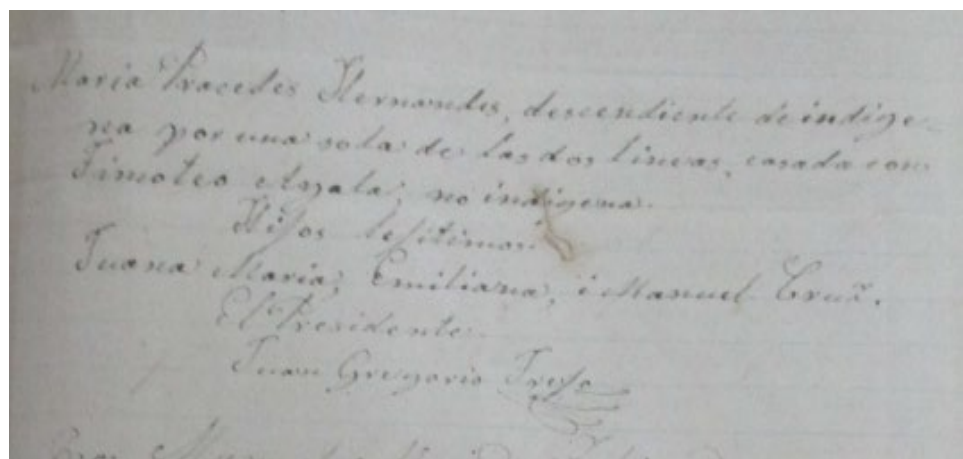
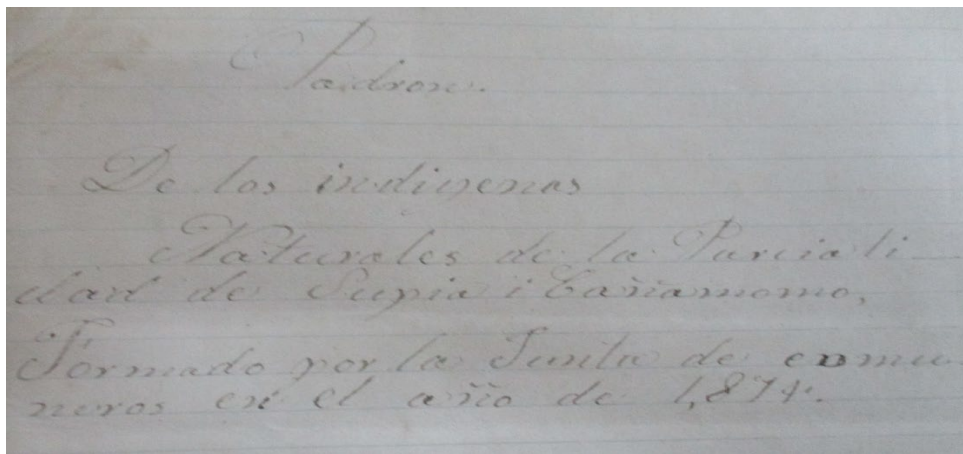
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<sup>524</sup> There is no written evidence of the way the communities under study regulated marriage and allocation of land rights during the 1870s, neither did contemporary state or national legislation on Indian affairs address the issue. A few decades later, Department of Cauca's Decree 74 of 1898 introduced a provision on that matter that hints at what might be a customary rule that nineteenth-century indigenous communities indeed enforced. Article 97 of this decree established that "an indigenous man who marries whether a non-indigenous woman or an indigenous woman from another *parcialidad* will keep the same rights and duties that correspond to him in the *parcialidad* he belongs to." ("*El varón indígena que se case con mujer no indígena o con indígena de otra parcialidad continuará con los mismos derechos y obligaciones que le correspondan en la parcialidad a la que pertenece.*") It may be inferred, *a contrario sensu*, that women who married non-indigenous men lost their rights (and legal membership) in the community. Decree 74 of 1898 will be further discussed in Chapter 6 (section 6.2).

<sup>525</sup> Appelbaum, *Muddied Waters*, 188.

<sup>526</sup> Except for one fully indigenous woman, the rest of Supía-Cañamomo female members who had married outsiders had indigenous ancestry only by one line. Meanwhile, a total of eighteenth men (six fully indigenous and twelve one-line Indians) were listed as having married non-indigenous women.

widowers of indigenous women. A significant case in point was Juan Gregorio Trejo who appeared in Supía-Cañamomo’s census roll as “non *indígena*, widower of María Carlota Tapasco.” Despite having no indigenous ancestry, Trejo became administrator of this *parcialidad*. In this capacity, he acted as President of Supía-Cañamomo’s *junta de empadronamiento* and, as suggested by the similarity between his signature and the manuscript’s handwriting, even was the person who penned the census roll document. Furthermore, Trejo played a critical role in the campaign for privatization and commodification of indigenous lands that took place in the Vega de Supía during the 1870s.



Juan Gregorio Trejo’s signature and handwriting in the 1874 *padrón* of Supía-Cañamomo.

Interethnic marriages give a glimpse of the people who had coexisted with the indigenous communities in the Vega de Supía for a long time, as well as others that had recently migrated to the area. The *padrón* of San Lorenzo informs that the *mestizo* Silverio Tapasco had married Virginia Moreno, non-Indian. Similarly, Supía-Cañamomo's census roll lists "Julián Moreno Tabima, descendant of *indígena* by only one of the two lines, married with Agustina Moreno," with no annotation about the wife's ethnicity.<sup>527</sup> Although the census takers did not register Virginia's and Agustina's ethnicity, the surname Moreno lets us infer that likely both were black women who were born and raised in Guamal. This black community grew out of the gang of enslaved people owned by the Moreno de la Cruz family, whose mining hacienda El Guamal stood on lands that colonial authorities had granted to the Indians of Supía and Cañamomo. The enslaved blacks of Guamal had dwelled around a small hamlet where Josefa Moreno de la Cruz, the Guamal heiress at the time of independence, erected a chapel dedicated to Saint Anne. Upon the abolition of slavery in 1851, they took the surname Moreno, stayed in Guamal, and asserted rights over the lands that, as they claimed, their former master had bequeathed to them.<sup>528</sup>

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<sup>527</sup> Compared with San Lorenzo's census roll, in which all the community's members are labeled whether as full Indians, mestizos, or non-Indians, the *padrón* of Supía-Cañamomo is quite less explicit when it comes to ethnicity. As Table 14 shows, no annotation on this matter accompanies twenty-five out of the 336 individuals listed as members of the community. Such silence might probably mean no indigenous ancestry.

<sup>528</sup> Appelbaum, "Remembering Riosucio," 127. Josefa Moreno de la Cruz's will, the document upon which Guamaleños largely have founded their legal claims and communal identity, remains lost. Indirect evidence from this source is provided by anthropologist Luis Duque Gómez, who conducted fieldwork in the area by the 1940s and quoted some excerpts of this document in his research report. Luis Duque Gómez, "Grupos sanguíneos entre los indígenas del Departamento de Caldas," *Revista del Instituto Etnológico Nacional* 3 (1944), 645-646. On the significance of Josefa Moreno de la Cruz's will for the historical memory of the community of Guamal, see Appelbaum, "Guamal," 2-6; Sofía Lara Largo, "Estrategias de apropiación territorial en un contexto de relación interétnica en Guamal, Caldas," *Revista Colombiana de Antropología* 52, no. 1 (2016): 117-138; "Imbrications identitaires," 46-93.



The case of Julián Moreno Tabima, cited above, exemplifies the long-standing interaction between Indians and black communities that inhabited the Vega de Supía by the 1870s.<sup>529</sup> Moreno Tabima, probably the mixed-raced son of a Guamaleño man and an indigenous woman, claimed membership in the *parcialidad* of Supía-Cañamomo for him, his (likely black) wife Agustina Moreno, and their two children. He even became member of the indigenous cabildo by 1878. The prevalence of Afro-descendant background did not prevent the Moreno Moreno family from successfully asserting indigenous identity. Such fluid interethnic relations took place notwithstanding tensions between the *parcialidad* and the black community around the lands of Guamal, an ethnic and territorial conflict that, with ebbs and flows, has persisted up to now.<sup>530</sup>

#### 4.2.2. The Newcomers. Antioqueño Settlers

The 1874 *padrón* shows that Indians of Supía-Cañamomo also had married non-indigenous partners whose surnames (Restrepo, Arango, Ramírez, Zuluaga, Ríos, etc.) hint at the *mestizaje* between natives and Antioqueño migrants. From the 1840s on, the newly built "Camino de Caramanta," a bridle path that connected the southwestern Antioqueño town of Fredonia with Supía, energized the traffic of goods and people across the Vega de Supía. It allowed for Antioqueño merchants to supply the region with food and imported

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<sup>529</sup> Julián Moreno Tabima's case was not unique. Anthropologist Duque Gómez examined records of marriages between blacks from Guamal and Indians - from San Lorenzo and Cañamomo alike - that were preserved at the parochial archives of Supía by the 1940s. These records, some of which dated back as earlier as the seventeenth and eighteenth centuries, document long-standing interactions between Indians and black communities in the Vega de Supía. Duque Gómez, "Grupos sanguíneos," 646.

<sup>530</sup> See, Appelbaum, "Guamal," 11-13; Lara Largo, "Estrategias," 123-134; "Imbrications identitaires," chapters 3 to 6.

merchandise while carrying back gold from the Marmato and Supía mines to the smelting facilities that began to emerge in Medellín. A new bridle path connecting the southwestern Antioqueño town of Andes with the State of Cauca through Riosucio was projected around 1863. Although it was not completed as originally envisioned, the "Camino de Riosucio" became an auxiliary path to the "Camino de Caramanta" that opened new avenues for the arrival of Antioqueño migrants to the region.<sup>531</sup> Some of the newcomers were landless peasants seeking land to farm. Others were poor people fleeing from the State of Antioquia's strict vagrancy laws and looking for a fresh start in the mining districts of Supía and Marmato.<sup>532</sup> There were also merchants and land entrepreneurs who aimed to profit from the frontier expansion southward.

The dynamics of Antioqueño colonization varied among the three districts. In Supía and Marmato, Antioqueño migrants performed mostly as merchants or mineworkers, though some of them cleared some lands for farming. Unlike the pattern that characterized Antioqueño colonization in other regions, the newcomers did not set new villages

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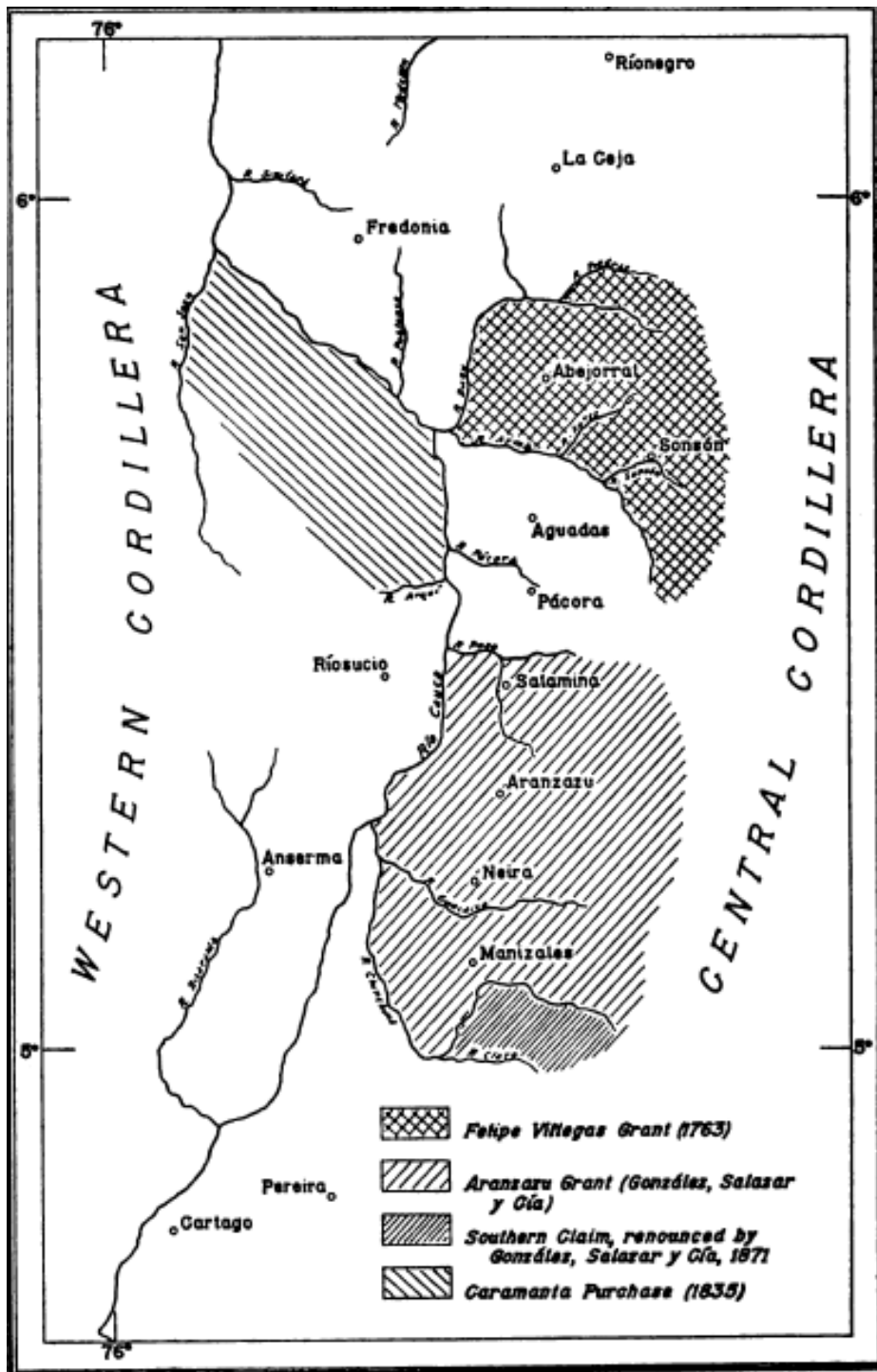
<sup>531</sup> The "Camino de Caramanta" was part of a broader project of colonization of the western side of the Cauca River that was initially promoted by a group of Antioqueño merchants who created the company "Uribe, Santamaría, and Echeverry Inc." In 1837, the Colombian Congress granted a vast tract of land to this corporation to build that road. After the company was dissolved, Gabriel Echeverry, one of the former partners, continued with the concession agreement, which became known as "Concesión Echeverry," and completed the building of the road by 1841. On the significance of the "Camino de Caramanta" and the "Concesión Echeverry" for Antioqueño colonization in the Cauca northern districts, see Uribe and Álvarez, "El proceso," 137-141; Jaramillo, "La colonización antioqueña," 70-73; González Escobar, *Ocupación*, 77-88; Caicedo, *Cinco siglos*, 104-109; Juan Carlos Vélez Rendón, *Los pueblos allende el río Cauca: la formación del suroeste y la cohesión del espacio en Antioquia, 1830-1875* (Medellín: Universidad de Antioquia, 2002) 23-29, who also refers to the "Camino de Riosucio." On the emergence of smelting facilities in Medellín by the 1850s and 1860s, see Vicente Restrepo, *Estudio sobre las minas de oro y plata en Colombia*, 2nd ed. (Bogotá: Imprenta de Silvestre y Cía, 1888), 31-32.

<sup>532</sup> On the strict vagrancy laws that were enacted in Antioquia in the 1860s, during the Conservative administration of Governor Pedro Justo Berrío, and how this legislation might well have stimulated frontier migration, see Appelbaum, *Muddied Waters*, 46-47.

(*poblaciones*) but integrated themselves into the existing urban and rural spaces in those districts. In Riosucio, however, Antioqueño migration was closer to that standard, as the arriving peasant families founded new villages such as Oraida, which was set by 1850 in a highland area within the boundaries of the *resguardo* of La Montaña Indians and officially integrated into the Riosucio district in 1854 (see Map 13).<sup>533</sup> Either way, the fact that locals acknowledged, albeit grudgingly, that most of the land of the three districts belonged to the Indians prevented Antioqueño migrants from following the colonization blueprint they could apply in other frontier areas that were legally regarded as *baldíos* "up for grabs." As James Parsons illustrates in Map 14, no land grants for Antioqueño settlements were issued in and around Riosucio. The absence of land grants in this area suggests that locals and state officials somewhat recognized as Indians' land the vast extension placed at the western strip of the Cauca River, southward from the Arquía River.

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<sup>533</sup> González Escobar, *Ocupación*, 84-86; Appelbaum, "Remembering Riosucio," 150-153; *Muddied Waters*, 59-60; Valencia Llano, *Colonización*, 351-352; Alfredo Cardona Tobón, "Ocupación de las tierras en la provincia de Marmato," *Supía Histórico* 17, vol. 2 (August 1993): 523-524.



Map 14. Nineteenth-Century Land Grants on the Southward Antioqueño Colonization<sup>534</sup>

<sup>534</sup> Taken from Parsons, *Antioqueño Colonization in Western Colombia*, 68.

### 4.2.3. Local Elites. The *Criollato Republicano*

The so-called Antioqueño colonization was not merely an Antioqueño endeavor, as Appelbaum has demonstrated. Elites of the Cauca northern districts actively advocated Antioqueño migration, not only aiming to bring "whiteness" and progress to the region but to profit from the business opportunities it entailed.<sup>535</sup> Concerning the districts of Riosucio, Supía, and Marmato, what González Escobar terms a new "republican creole elite" (*criollato republicano*) consolidated throughout the second half of the nineteenth century.<sup>536</sup> This emerging upper class took the place of the once-powerful elite of mine-and-slave owners, epitomized by the Moreno de la Cruz dynasty, whose influence declined with the transition from the colonial to the republican order and the abolition of slavery in 1851.

The *criollato republicano* was comprised of descendants of European immigrants, Caucanos, and Antioqueño newcomers. They became intertwined in a tight network of kinship and business alliances that enabled them to hold political, bureaucratic, and economic power in the region under study. Some of the European mineralogists that had arrived in the Vega de Supía since the late colonial era to work in the Marmato mines settled in the area, married local women, and became a prominent stratum of the local

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<sup>535</sup> Appelbaum, "Whitening the Region," 633, 645-663.

<sup>536</sup> González Escobar, *Ocupación*, 195. On local elites by the 1870s, see Appelbaum, *Mudied Waters*, 72-75; Gärtner, *Los misteres de las minas*, 313-408.

elite.<sup>537</sup> The Gärtner family holds particular significance for this study, as some of its members – whether acting as lawyers, judges, or politicians - played an active role in the privatization of *resguardos*.<sup>538</sup> Other European surnames like Cook (hispanicized as Gallo), Wolff, Bähr (or Bayer), De la Roche, Hencker, Richter, Goldsworthy, Morkum, Eastman, Greiffenstein, among others, frequently appear in the records as businesspeople, politicians, journalists, and local officials.

A group of conspicuous Caucaño families formed another strand of the republican creole elite that dominated the social, political, and economic life in the districts of Riosucio, Supía, and Marmato by the 1870s. Some of these families – such as the Zavalas, Cataños, and Cuestas - had longtime dwelled in the area and traced their ancestry back to

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<sup>537</sup> The national census of 1870-1871 registered twenty-seven foreigners as residents of the district of Marmato; all of them were men, except for three women. Their surnames were: Treherne, Williamson, Chegwin, Eastman, Evans, Harris, Bartle, Blumei, Perham, Edwards, Sutherland, Carlyon, Bath, Martin, Gartner, Löffner, Melan, and Richter. See, “Lista de los extranjeros residentes en el distrito de San Juan de Marmato, formada por el veedor Carlos Goldsworthy en el año de 1870,” AGN, República, Censos, “Censos de población 1869-1871,” Tomo 1, Caja 1, Carpeta 6, 474-475. Álvaro Gärtner fleshes out this census list with a well-documented account of the formation of this European-descended elite and its role in the political, economic, and cultural transformations that took place in the Vega de Supía during the time under study. Gärtner, *Los misteres de las minas*, 313-458.

<sup>538</sup> Carlos E. Gärtner Cataño (1854-1935) was one of the sons of the German mineralogist George Heinrich Friedrich Gärtner and the Supían mestiza María Columna Cataño García. As a Liberal politician (close to the Radical faction of this party), Carlos Gärtner held office as Deputy of the State of Cauca Assembly, where he unsuccessfully advocated for the passage of an 1879 bill intended to further the privatization of *resguardos* in the region. He also actively participated in multiple land disputes, serving as a Circuit Judge, or acting as a lawyer whether of the *parcialidades indígenas* or their counterparts (see Chapter 5). Moreover, Carlos Gärtner managed to acquire landholdings within the *resguardos* of Supía-Cañamomo and La Montaña and engaged actively in mining join-venture companies. Ulises Gärtner de la Cuesta (1884-1965), one of Carlos's sons, authored one of the few contemporary monographies on the legal situation of indigenous *resguardos* under Law 89 of 1890, which will be discussed in Chapter 6. The Liberal politician Jorge Gärtner de la Cuesta (1890-1982), another son of Carlos, served as the Ministry of National Economy by the time this agency launched the 1940s campaign for the division of *resguardos* (see Chapter 6). See, Álvaro Gärtner, *El último radical. Esbozo biográfico de Carlos Gärtner Cataño a manera de autobiografía* (Manizales: Universidad de Caldas, 2009); Jorge Gärtner de la Cuesta, *Mis memorias, o devaneos inútiles de un desocupado*, 2nd ed. (Manizales: Biblioteca de Escritores Caldenses, 1991).

Spanish colonial bureaucrats, *encomenderos*, and mine-and-slave holders.<sup>539</sup> Others came from the northern Cauca Valley. Upon the erection of Buga as the capital of the Province of Cauca in 1835, a wave of bureaucrats, politicians, and investors, mostly coming from Buga and Cartago, arrived in the old Canton of Supía to hold government offices, participate in electoral politics, and engage in business ventures.<sup>540</sup> One of the earliest to arrive was José Joaquín Chávez, originally from Cartago, who was appointed as *Juez Político* of the Canton Supía in 1829. His son, Bartolomé Chávez, stood as the wealthiest individual in the Vega de Supía throughout the last quarter of the nineteenth century.<sup>541</sup> Coming from Buga, Guillermo Santacoloma thrived as a mining investor, held positions as Notary of Supía in the 1870s and Circuit Court Judge in the 1890s.<sup>542</sup> Meanwhile, Francisco Senén Tascón, Eustaquio Tascón, and Rafael Tascón profited from land

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<sup>539</sup> Members of these families played crucial roles in the 1870s real estate boom in the Vega de Supía. Ismael Zavala performed as Notary of Supía by the time of the 1874 campaign for resguardo privatization. Shortly after, acting as a lawyer, he represented individuals that successfully claimed membership in the *parcialidad* of Supía-Cañamomo. He received a grant of 125 hectares of land in return for his services. See NUS, Notarial Deeds no. 45, September 24, 1874, fol. 107; no. 76, December 10, 1874, fol. 219v-222v; no. 118, October 28, 1879, fols. 814-816. Meanwhile, Bonifacio Escolástico Zavala served as the Supía District Procurador in 1878. In this capacity, he granted thousands of hectares of land originally belonging to the *parcialidad* Supía-Cañamomo to non-indigenous beneficiaries. Some examples of land transactions involving the participation Bonifacio Zavala in NUS, Notarial Deeds no. 33 to 35, July 31, 1878, fols. 263-286; González Escobar, *Ocupación*, 268-270. Meanwhile, others actively engaged in politics and culture. A case in point was Marmateño writer and Liberal politician Romulo Cuesta, who joined Liberal militias that fought in the 1876-1877 civil war and in the Thousand Days War (1899-1902). He authored *Tomás*, a historical novel that recreates the social, cultural, and political milieu in the Vega de Supía and interactions among elites, Indians, and blacks in the context of the nineteenth-century civil wars. See, Cuesta, *Tomás*, and the preliminary study by Otto Morales Benítez, “Tomás: novela con riqueza de datos sociales, políticos y económicos,” in *Tomás*, 7-25.

<sup>540</sup> González Escobar, *Ocupación*, 55.

<sup>541</sup> On Bartolomé Chávez’s familial origins, wealth, and unconventional life, see Appelbaum, “Remembering Riosucio,” 210; González Escobar, *Ocupación*, 91, 205-206. Interestingly, by 1865, Chávez served as Director of the Riosucio Registro de Instrumentos Públicos, the office in charge of keeping public records of real estate transactions. See RIPR, Libro de Registro Supía, 1837-1888, T. 1., fol. 6a, nos. 9-15.

<sup>542</sup> NUS, Notarial Deeds no. 7, March 4, 1872, fol. 20; no. 8, March 11, 1872, fol. 22; González Escobar, *Ocupación*, 198.

speculation while serving as brokers between the indigenous communities and Antioqueño migrants.<sup>543</sup> Similar was the role of Santiago Silva, a Conservative political boss, lawyer, and mining-and-land entrepreneur coming from the Cauca Valley, who actively promoted settlements of Antioqueño families in lands belonging to La Montaña Indians. He also owned the hacienda Benítez, located within the boundaries of the *resguardo* of Supía-Cañamomo.<sup>544</sup>

One of Santiago Silva's daughters married Miguel Antonio Palau, a Conservative official and lawyer who belonged to a prominent family from Cartago. The Palau brothers actively engaged in law and politics, though they did so from different partisan sides, and held important positions as lawmakers, judges, and high-ranking government officials both in the State of Cauca and the national government. As Riosucio was gaining precedence among the northern districts, some of the Palau brothers began to move there: Miguel Antonio arrived by 1857 while his brother Ramón Elías did so around 1871. They availed

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<sup>543</sup> Francisco Senén Tascón, descendant from a prominent family from Buga, was appointed by the *pequeño cabildo* of San Lorenzo as the Administrator of the *parcialidad* on September 11, 1858. See RIPR, Libro de Registro Supía, 1837-1888, T. 1, fol. 6v, no. 22. His profits from land and mining speculation allowed him to establish the "Banco Minero del Cantón Supía," the first banking company in the Vega de Supía in 1884, as announced in a local Conservative newspaper. See *El Iris*, no. 2., January 1884; no. 3, February 1884; no. 5, March 1884. Eustaquio Tascón, originally of Anserma, represented the indigenous community of Arrayanal during an 1870s lawsuit against settlers and speculators that had encroached on *resguardo* lands. Seemingly, he settled the dispute in a private agreement with the counterpart, whereby Tascón withdrew the case, and the non-indigenous settlers could stay in the *resguardo* lands. Eustaquio Tascón also managed to grab land from the *resguardos* of San Lorenzo and Supía-Cañamomo. Some decades later, around 1896, Rafael Tascón promoted the settlement of Antioqueño Liberal families in a village known as El Rosario, placed in the borderland between the *resguardo* of La Montaña and the territory of the Chamí Indians (in today's Mistrató). See Víctor Zuluaga Gómez, *Historia de la comunidad indígena Chamí* (Bogotá: El Greco Impresores, 1988), 67-70; *Vida, pasión*, 71-72; Appelbaum, "Remembering Riosucio," 135, 484; González Escobar, *Ocupación*, 198.

<sup>544</sup> Appelbaum, "Remembering Riosucio," 137-138.



themselves of their political connections and legal skills to promote Antioqueño homesteading and the privatization of *resguardos* in the region.<sup>545</sup>

However significant was the role played by his relatives and other Caucano land entrepreneurs, Ramón Elías Palau stood as the most active (and avid) agent of the commodification of indigenous lands in the northern districts. Throughout his long career, he wore multiple hats - political boss, lawmaker, public official, lawyer, and land speculator - that he consistently used to advance his agenda. It consisted of profiting - both politically and economically - from the Antioqueño migration and the partition of *resguardos*. In the late 1850s and 1860s, while serving as Governor of the Province of Quindío and later as Deputy of the Cauca Assembly in 1869, Ramón E. Palau promoted Antioqueño settlements in the eastern side (*banda oriental*) of the Cauca River. By 1870, he headed towards the opposite shore to settle in what he praised as "the jewel and the most valuable territory of the State," the northwestern mining enclaves of Riosucio, Supía, and Marmato.<sup>546</sup> After unsuccessfully running for reelection to the state legislature in 1871,

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<sup>545</sup> Emigdio Palau (ca. 1825-1897), the eldest of the Palau brother, joined the Radical wing of the Liberal party. He served as Judge, Deputy, Governor of the State of Cauca, and Ministry of Finance and Development (Ministro de Hacienda y Fomento) in the national government. Emigdio presided over the Cauca Legislative Assembly when Law 44 of 1873 was passed. Ramón Elías Palau (ca. 1825-1914) began his political career as a Conservative, but after 1857 moved toward the pro-Mosquera faction of the Liberal party. Among other positions, he served as Governor of the Province of Quindío, Deputy of the Cauca Assembly in the legislatures of 1869, 1873, 1875, 1879, and 1881, and Jefe Municipal of Toro in the middle 1870s and by 1880. By contrast, his brother Miguel Antonio Palau (1830-1896) stood as a Conservative political boss. Miguel Antonio held office as a Judge, acting Governor and Secretary of Treasure of the State of Cauca. By 1881, Miguel Antonio and his relative (nephew?) Gonzalo established a law firm ("Miguel Antonio y Gonzalo Palau & Cía") that played an active role in the legal disputes over land and mining rights that arose in the region under study by the 1880s. Miguel Antonio's son, Marco Tulio Palau, also became a prominent lawyer and Conservative official who acted, whether as a judge or as a lawyer, in many of the lawsuits that will be discussed in Chapter 5. On the Palau brothers, see Arboleda, *Diccionario biográfico*, 330-334; Appelbaum, "Whitening the Region," 646; "Remembering Riosucio," 118-121, 138-140; González Escobar, *Ocupación*, 198-202; Gärtner, *Guerras civiles*, 134-139, 171-175.

<sup>546</sup> Ramón E. Palau to Tomás Cipriano de Mosquera, May 10, 1871, ACC, Archivo Mosquera, carpeta 24-p, no. 53.146, cited by Appelbaum, "Remembering Riosucio," 138.

Palau began to provide legal services to the Indians. He quickly gained the trust of the cabildos of Quinchía and Supía, which granted him power of attorney to retrieve their *resguardos'* titles deeds and promote lawsuits in defense of their communal lands.<sup>547</sup> Shortly after, however, Palau recovered his seat in the state legislature in Popayán, where he sponsored the passage of Law 44 of 1873 which made possible the dismemberment of the *resguardos* he had committed himself to protect. The next year, he returned to Riosucio after being appointed as municipal chief of Toro. In this capacity, Palau oversaw the making of the 1874 *padrones de indígenas* as well as the cession of vast tracts of indigenous lands to non-indigenous hands under the guise of enforcing Law 44. Besides the land he had received from the *parcialidades* in return for his services, Palau increased his assets when he married Purificación Ortiz in 1881. She was the daughter - and heir - of retired colonel Felipe Ortiz, a Mosquera ally that had accumulated significant wealth by acquiring mining shares and land from the *resguardos* of Tabuyo and Tachiguí.<sup>548</sup> Amidst increasing controversy, Ramón E. Palau continued to be active in Riosucio politics and land speculation until the onset of the Liberal-dominated Federal period in the mid-1880s. Then, he left the state of Cauca and headed toward Antioquia, where he engaged in legal practice until the end of his career. He died in Envigado, a town located nearby to Medellín, in 1914.<sup>549</sup>

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<sup>547</sup> NUS, Notarial Deeds no. 7, March 4, 1872, fol. 20; no. 8, March 11, 1872, fol. 22.

<sup>548</sup> Appelbaum, "Whitening the Region," 652. On Felipe Ortiz, see Zuluaga Gómez, *Vida, pasión*, 68-69; González Escobar, *Ocupación*, 173.

<sup>549</sup> Arboleda, *Diccionario biográfico*, 334; Appelbaum, *Muddied Waters*, 52-79; "Remembering Riosucio," 114-168; González Escobar, *Ocupación*, 198-202.

As Appelbaum notes, whereas promoting Antioqueño migration, Ramón E. Palau's path life epitomized a sort of "Antioqueño migration in reverse."<sup>550</sup> Born in the Cauca Valley, he made his way north and ended up in Antioquia while thousands of Antioqueños were heading south, seeking for land and economic opportunities in Cauca. Some of them, like Palau, made their fortunes in and around the Vega de Supía and became part of the *criollato republicano* that dominated over the region. A case in point was Rudecindo Ospina, an Antioqueño land-and-mining speculator who owned large estates in the Cauca northern districts. After crossing paths, Ospina and Palau became political allies but ultimately turned into bitter rivals in the partisan skirmishes between Liberal factions that took place in the Cauca northern districts by the late 1870s.<sup>551</sup>

Despite political rivalries, members of the *criollato republicano* – descendants of European migrants, Caucanos, and Antioqueños alike - engaged in marital and business alliances that bridged differences in origins and partisan divide. German mineralogist Georg Heinrich Friedrich Gärtner married the local mestiza María Columna Cataño García. Carlos Eugenio, one of their sons, married Evangelina de la Cuesta Cock, daughter of Vicente de la Cuesta, a local mining-and-land investor descendant from the Spanish immigrant Francisco de la Cuesta. Evangelina's mother, Cristina Cock Bayer, descended from European immigrants.<sup>552</sup> Francisco Senén Tascón married Avelina de la Roche while

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<sup>550</sup> Appelbaum, "Remembering Riosucio," 169.

<sup>551</sup> On Rudecindo Ospina, see Zuluaga Gómez, *Vida, pasión*, 69-70; Appelbaum, "Remembering Riosucio," 157-158; González Escobar, *Ocupación*, 174-175; Gärtner, *Guerras civiles*, 217-219; Gärtner, *Los misteres de las minas*, 300-301.

<sup>552</sup> Gärtner, *El último radical*, 35, 60, 305-307; Appelbaum, "Remembering Riosucio," 211-212.

her brother Ricardo de la Roche married Adela Chávez, the sister of the wealthiest individual of the region, Bartolomé Chávez.<sup>553</sup> In some cases, kinship ties were not sanctified by marriage. Still, the resulting out-of-wedlock children might enter the local elite network via paternity acknowledgment, godparenthood, or by giving them shares in their parents' mining and commercial companies.<sup>554</sup> Participation in mining companies also provided a common ground for bitter political rivals to become joint venture partners. Liberal Carlos Gärtner and Conservative Clemente Díaz Morkum, fierce antagonists on the battlefield, partnered to exploit the mine El Congo. The Conservative boss Miguel Antonio Palau also joined Liberal brothers Carlos, Jorge, and Ricardo Gärtner to exploit the mine Cañaveral.<sup>555</sup>

While intraclass alliances wove a thick network that strengthened the power of these families, barriers to legally access large pieces of good (Indigenous) land (and the natural resources bounded to it) remained an obstacle for the *criollato republicano* to consolidate its economic dominance over the region. According to the 1870-1871 national census, a total of 11,500 people dwelled in the districts of Riosucio, Supía, and Marmato. Meanwhile, the population of the three *parcialidades indígenas* whose resguardos covered most of the land of these districts numbered a total of 1,976 individuals, according to the

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<sup>553</sup> González Escobar, *Ocupación*, 205.

<sup>554</sup> Bartolomé Chávez's out-of-wedlock descendants were a case in point. After divorcing his wife Ulpiana de la Roche, whom he accused of having an affair with Supía's local priest, Chávez bequeathed his fortune to multiple *hijos naturales* he had with another woman whose last name was Cataño. Supían folklorist and teacher Conrado Cataño, Chávez's great-grandson, recalled the memory of his forebear to historian Nancy Appelbaum. See, Appelbaum, "Remembering Riosucio," 210-211. On the strategies to incorporate out-of-wedlock children into the elite network, see González Escobar, *Ocupación*, 205-206.

<sup>555</sup> Gärtner, *Los misteres de las minas*, 357-358.

1874 *padrones de indígenas*. They accounted for only about 17.2% of the total population of the three districts. It means that a large majority of the population (82.8%) did not belong to the three indigenous communities that owned most of the land of the three districts.<sup>556</sup> This circumstance, however, had not impeded non-indigenous residents' access to land, mines, and other natural resources within the *resguardo* areas. Members of the *criollato republicano* had managed to consolidate sizable landholdings either by renting or buying plots of *resguardo* lands, in some cases by claiming them as *baldíos*, or even by bluntly encroaching on them. Yet, the state of Cauca protectionist legislation on *resguardos* had hindered non-indigenous residents in the Vega de Supía from acquiring full ownership over the land they occupied. That explains why local elites actively lobbied for the passage of legislation allowing for the dismantlement of *resguardos* or, at least, removing legal obstacles for acquiring indigenous lands. They accomplished that goal as the Cauca legislature enacted Law 252 of 1869, which allowed *indígenas* of the old canton of Supía to alienate their *resguardo* lands on prior court approval, and Law 44 of 1873, which set the stage for *resguardo* division.<sup>557</sup> Besides new laws, members of the *criollato*

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<sup>556</sup> In 1880, a Popayán newspaper published an unauthored article that described the "peculiar conditions" of land ownership in the Cauca northern districts. According to this piece: "a small part (of the land) belongs to private individuals and most of them to the numerous *parcialidades indígenas* existing in the region. In the towns of Marmato, Sanjuan, Supía, Riosucio, Quinchía, Guática, and Ansermaviejo are located the indigenous communities of Supía, Cañamomo, San Lorenzo, La Montaña, Guática, Quinchía, Tachigüí, Tabuyo, and Arrayanal; each of them has their landholdings called *resguardos*." ("*La propiedad territorial en aquellos pueblos se encuentra bajo condiciones especiales. Una pequeña parte pertenece a particulares i el resto a las parcialidades de indígenas que son numerosas, pues en los diversos pueblos de Marmato, Sanjuan, Supía, Riosucio, Quinchía, Guática i Ansermaviejo se encuentran las parcialidades de Supía, Cañamomo, San Lorenzo, La Montaña, Guática, Quinchía, Tachigüí, Tabuyo i Arrayanal; i cada una de estas tiene sus terrenos llamados resguardos.*") "¿Qué hai en Riosucio?," *La Paz* no. 38, Popayán, July 17, 1880, 3.

<sup>557</sup> On the passage of these laws, see Chapter 3.

*republicano* also sought to make alliances with indigenous leaders that would help them to consolidate economic and political dominance over the region.

### **4.3. Alliances Between Elites and Indigenous Communities**

Auspicious legislation was a necessary but insufficient condition for advancing the agenda of privatization and commodification of indigenous lands. This agenda also required local elites to weave ties with leaders of the *parcialidades indígenas*. Like Ramón Elías Palau, other members of the *criollato republicano* availed themselves of their political and business connections, and legal expertise as well, to engage in patron-client relations with indigenous communities. These relationships provided avenues through which local patrons could get access not only to communal lands and resources via real estate deals with the *parcialidades*, but also to obtain electoral and, when necessary, even military support from their clients. Indigenous leaders, in turn, sought alliances with legal literate and politically well-connected patrons as a way to successfully negotiate with the state, enter into partisan politics, enhance their political leadership, and even profit from taking part in land and mining ventures.

This section examines the threads that wove the elite-subaltern alliances that flourished in the Vega de Supía around the 1870s. They included the trade of legal services for *resguardo* lands; the emergence of "administrators" of *parcialidades*; the participation of indigenous leaders in mining partnerships with local elites; and, new republican ways of political socialization (partisan politics, elections, civil wars) that framed patron-client relationships and accompanied the state-nation making throughout the second half of the nineteenth century as well.

### 4.3.1. Legal Mediation

The provision of legal services to indigenous communities as a way to get access to indigenous lands characterized elite-Indians relationships both in the colonial and national periods. As early as 1594, Don Francisco and Don Jorge, *Cacique* and *Indio Principal* of the Supía Indians, conferred power of attorney to their *encomendero*, Gaspar de Ávila, to represent them in a lawsuit intended to prevent the Church's seizure of their lands. By representing their Indians, De Ávila aimed to secure access to the Supías' land that previous *encomenderos* had also enjoyed.<sup>558</sup> Later in the 1750s, the alliance that the *alcalde* and *indios principales* of Supía, and later those of Cañamomo, made with Simón Pablo Moreno de la Cruz was critical for both indigenous communities to retrieve written proof of their rights over the plains of Supía and to regain possession over them.<sup>559</sup> Arguably, Moreno de la Cruz's relationship with the Indians also allowed him to consolidate his estate Guamal on the very lands he had helped the Indians to recover.

Such a *quid-pro-quo* of legal services in exchange for land continued in the post-colonial era, as evidenced by the powers of attorney that authorities of the *parcialidades* of Quinchía and Supía conferred to Ramón Elías Palau. In March 1872, leaders of both communities entrusted Palau with the task of conducting “whatever proceedings were needed” to retrieve their *resguardos*' title deeds.<sup>560</sup> The governor and members of the

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<sup>558</sup> See Chapter 1.

<sup>559</sup> See Chapter 2.

<sup>560</sup> (“*practique todas las diligencias que sean necesarias hasta obtener los títulos de propiedad de los resguardos que pertenecen a la referida parcialidad.*”) This is the main clause included in both documents, which were notarized by Guillermo Santacoloma, who served as Notary of Supía at that time. NUS, Notarial Deeds no. 7, March 4, 1872, fol. 19v to 22r (Parcialidad de Quinchía's power of attorney to Ramón E. Palau); no. 8, March 11, 1872, fol. 22v to 25r (Parcialidad de Supía's power of attorney to Ramón E. Palau). The

*cabildo* of Quinchía signed the document by themselves.<sup>561</sup> Besides, Eduardo Palomino, Santiago Pizarro, Ruperto Cataño, and Ramón Molano signed the notarial deed as witnesses. These members of the local lettered elite also intervened in the notarization of the Supías' power of attorney to Palau. Along with serving as witnesses, they signed on behalf ("*a ruego*") of Supía's Governor, Feliciano Betancurt, and *cabildantes* Manuel María Tabima, Gregorio Gañán, and Benedicto Batero, who were illiterate. Only two *cabildantes* - Eusebio Anduquia and José Toribio Largo - signed the document by themselves.<sup>562</sup> Unfortunately, the page that contains most of the clauses of the Supías' document is missing. Based on the note of register attached to the notarial deed, we know that the search for land titles was at the core of the legal mandate the Supías conferred to Palau. Moreover, the fact that the Quinchías' and Supías' powers of attorney were produced by the same notary, almost by the same time (March 4 and 11, respectively), and following a similar template, makes it fair to assume that some specific clauses of the Quinchía's document were replicated in the Supías' one. By virtue of this contract, indigenous leaders were to hand Palau "written proof certifying their *resguardos*' original titles were burned and lost,

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1872 power of attorney signaled the beginning of the relationship between Ramón E. Palau and the *parcialidad* of Supía (shortly after Supía-Cañamomo), whereby Palau performed as a lawyer and legal representative of this community in the land transactions related to the process of division of its *resguardo*. Members of the *parcialidad* of Supía-Cañamomo gave subsequent powers of attorney to Palau in 1878 and 1881, which will be discussed later in this chapter. NUS, Notarial Deeds no. 30, July 25, 1878, fol. 239-246; no. 161, April 18, 1881, fol. 416-419v.

<sup>561</sup> On behalf of the *parcialidad* de Quinchía signed Gerónimo Manso (Governor), Manuel Chiquito, Sebastián Ladino, Gregorio Ladino, and Pascual Ladino (members of the *cabildo*).

<sup>562</sup> Interestingly, Governor Feliciano Betancurt and his *cabildantes* identified themselves as authorities of the *parcialidad* of Supía, with no mention of Cañamomo. Such silence in an 1872 notarial record casts doubts on whether the integration between both *parcialidades*, which seemed complete in the 1874 *padrón de indígenas* of Supía-Cañamomo, actually preceded the 1874 campaign for privatization or it was made up for the sole purpose of the *resguardo* division.



as well as subsequent evidence of possession granted by judicial authorities.”<sup>563</sup> They granted Palau full powers “to do and act in any way he considers convenient” to get the titles deeds, to guarantee the *parcialidad* the quiet and peaceful possession over its *resguardos*, and to advocate for its territorial rights before state authorities.<sup>564</sup> Although none of these documents made explicit how Palau would be paid, further evidence reveals that some sales of *resguardo* lands were intended to cover Dr. Palau's legal fees. He indeed appears to have received land in return for his legal services.<sup>565</sup> These were only the firsts of a series of powers of attorney that indigenous communities, particularly Supía-Cañamomo, granted to Ramón E. Palau.<sup>566</sup>

Quinchías' and Supías' powers of attorney exemplify the playbook that lawyers such as Palau used to follow when involved with indigenous communities: the trade-off of

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<sup>563</sup> (“*el Cabildo i Gobernador darán al referido Doctor Palau los comprobantes de haberse quemado i perdido los títulos originales i de la posesión dada por la autoridad judicial.*”) NUS, Notarial Deed no. 7, March 4, 1872, fol. 21v.

<sup>564</sup> (“*Que el individuo apoderado queda autorizado para hacer i obrar en todo lo que crea ser conveniente para obtener dichos títulos i poner a la parcialidad en quieta y pacífica posesión de sus resguardos, así como para promover i sostener ante las corporaciones i empleados mencionados los derechos territoriales de la parcialidad de indígenas de Quinchía, pues para todo le dan amplio poder con libre, franca i jeneral administración.*”) NUS, Notarial Deed no. 7, March 4, 1872, fol. 21v.

<sup>565</sup> Records of Supía Notary shows that, between November and December of 1874, the administrator of the *parcialidad de indígenas* of Supía-Cañamomo, Juan Gregorio Trejo, sold a total of 450 hectares of *resguardo* lands to the mining facilities of Taborda, Arcón, and Viringo. The proceeds of these sales, which totaled 1,680 pesos, were directly handed to Palau in payment for his legal services. See NUS, Notarial Deeds no. 65, November 19, 1874, fol. 160-163v; no. 75, December 9, 1874, fol. 213v-219v; no. 86, December 20, 1874, fol. 250r-254v. In other transactions, Palau transferred plots of *resguardo* land that, as per his statement, he had previously received from the Indians. A case in point was the sale of 192 hectares to Francisco Senén Tascón documented in NUS, Notarial Deed no. 81, January 23, 1879, fol. 652-659. These transactions will be discussed in Chapter 5.

<sup>566</sup> For other powers of attorney granted by *indígenas* of Supía-Cañamomo to Ramón E. Palau, see NUS, Notarial Deeds no. 30 of July 25, 1878, fol. 239-246; no. 161 of April 18, 1881, fol. 416-419v. These documents will be discussed in Section 4.4.

legal services for *resguardo* lands.<sup>567</sup> Such an exchange was not itself anything new, for as indicated above it had mediated the relationship between local elites and indigenous communities since the colonial era. This legal mediation that flourished in the Vega de Supía around the 1870s, however, was accompanied by other elements that differentiated the elite-subaltern alliances of this period from those of previous times. Among them stood the emergence of a new hybrid form of mediation known as "administrators" of *parcialidades*.

#### 4.3.2. The Administrators

The figure of administrator (*administrador*) was not part of the forms of indigenous communal governance and legal representation that republican legislation had adapted from colonial institutions. Instead, it was borrowed from Caucaño civil legislation on common property at a time when the division of *resguardos* was about to start. As discussed in Chapter 3, republican legislation on indigenous affairs provided that *parcialidades indígenas* were to be ruled by a "*pequeño cabildo*" headed by a governor, which held the legal representation of the community. This legislation also stipulated the appointment of local and state officials as *protectores de indígenas*, and the possibility for Indians to be represented by lawyers or *apoderados* in their legal claims. The first legal mention of the figure of "*administrador*" of indigenous communities appeared in the State

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<sup>567</sup> As historian Víctor Zuluaga points out, lawyers used to introduce themselves to the indigenous cabildos and persuade them of the need to have official land titles of their *resguardos* in hand. Since most of the cabildos lacked those documents, the lawyers offered to get the titles, charging exorbitant fees that the communities used to pay with plots of their *resguardos* due to the lack of cash. The cabildos used to notarize documents whereby they granted their "*apoderados*" broad powers of attorney to "retrieve the titles" and do whatever was needed to defend their land rights, including the partition of their *resguardos*. Most of these documents were signed "*a ruego*", as the indigenous leaders used to be illiterate. Zuluaga, *Vida, pasión*, 81-82.

of Cauca Civil Code (Law 283 of 1869), whose chapter concerning the legal institution of common property or *comunidad* included a set of rules on how to dissolve indigenous communities and distribute their *resguardos*.<sup>568</sup> According to this legislation, the rules governing the election and functions of administrators of civil communities also applied to *parcialidades indígenas*. Once appointed, the administrator, along with the community's census board, would take the *padrón de indígenas* that should be conducted before the partition of the communal landholding.<sup>569</sup> Like in civil communities, administrators of *parcialidades* also held the authority to represent the community and manage its communal goods. Subsequent State of Cauca laws on indigenous affairs, especially Law 44 of 1873, also contained some scant mentions of the administrator as a figure of governance and legal representation that ran parallel and even overlapped the *cabildos*.

Yet, long before its appearance in the Cauca Civil Code, the figure of administrators of *parcialidades* had emerged out in the Vega de Supía as a form of brokerage that not only shaped elite-Indians relations but facilitated the commodification of indigenous lands. Records of Riosucio's Registro de Instrumentos Públicos show that, in 1858, the "*indígenas* of San Lorenzo" hired Francisco Senén Tascón, a prominent

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<sup>568</sup> See Articles 2401 to 2410 of State of Cauca Law 283 of 1869. For further discussion of civil communities, see Chapter 6 (section 6.1)

<sup>569</sup> Article 2403 of State of Cauca Civil Code introduced the figure of "*Administrador*" of indigenous communities as follows: "Art. 2403. The indigenous community census will be taken by a board comprised of six of the eldest household heads of the community, who shall be appointed by the communal assembly, and by the Administrator that shall be designated following the previous provisions of this chapter." ("*Art. 2403. El padrón de indígenas de cada resguardo será formado por una junta compuesta de seis padres de familia indígenas de los más antiguos, nombrado por la junta general de comuneros y por el Administrador que se nombre conforme a las disposiciones anteriores de este capítulo.*") The previous provisions this article refers to are articles 2383 to 2392, which regulated the election and functions of administrators of civil communities.

member of the *criollato republicano*, as administrator of its community. They entrusted Tascón with “the government and administration” of their lands and the legal representation of the community. On the same day, they sold a vast tract of their *resguardo* lands to him.<sup>570</sup>

Francisco Senén Tascón’s patron-client relationship with San Lorenzo lasted for over three decades, throughout which he and his family engaged in land transactions and mining ventures with members of this community and benefited from its electoral and military support as well.<sup>571</sup> Similarly, Conservative political boss Santiago Silva performed as administrator of the *parcialidad* of La Montaña. In 1865, members of La Montaña’s “*pequeño cabildo*” entrusted Santiago Silva with the legal representation of its community. Specifically, they commissioned Silva and gave him “full power” to request “the repeal of the law on protection of *indígenas*,” and to conduct the partition and allotment of their communal lands.<sup>572</sup> Subsequent evidence shows Silva acting as administrator of La Montaña in 1874, amidst the real estate boom boosted by the implementation of the State

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<sup>570</sup> RIPR, Libro de Registro Supía, 1837-1888, T. 1, fol. 6v, no. 21-22. These records only provide brief register notes of the two separate notarial deeds containing the land sale and appointment of Tascón as administrator. Both notarial deeds were signed on September 5 and registered on September 11, 1858. The names of the “*indígenas* of San Lorenzo,” their position within the community, as well as the legal grounds whereby they hired Tascón as administrator and legal representative were not recorded in this brief register note. Unfortunately, the notarial deeds that contained this information, along with the entire notarial archive, were lost in the fire that destroyed the Riosucio Notary by 1952.

<sup>571</sup> Appelbaum, “Remembering Riosucio,” 484-489.

<sup>572</sup> RIPR, Libro de Registro Supía, 1837-1888, T. 1, fol. 6a, no. 14. This entry, dated on May 31, 1865, registered the Notarial Deed no. 4 of May 27, 1865 (Notary Second of Riosucio). According to this record, “the eight *indígenas* who constituted the *pequeño cabildo* of the *parcialidad* of La Montaña: Vicente Largo, Zeron Leandro Per, Manuel de Jesús Bañol, Cipriano Guapacha, Abel Morales, Patricio Largo, Juan Pablo Guapacha, and José María Largo,” gave power of attorney to Mr. Santiago Silva “*para que representando sus derechos y acciones, pida la derogatoria de la ley sobre protección de indígenas y para disponer del que se repartan los terrenos del distrito de la Montaña para cuyo fin le dan facultades enteras para pleitear.*”

of Cauca Law 44 of 1873. In December 1874, Silva signed the "fair and equitable agreement" whereby La Montaña Indians ceded a vast tract of land to the residents of Quiebralomo and Riosucio intended to expand the head of the district's urban center.<sup>573</sup>

The hybrid and ambiguous nature of *administradores* allowed for this position to be indistinctly held either by members of the indigenous community or non-indigenous individuals hired as employees or agents of the cabildos. Francisco Senén Tascón in San Lorenzo and Santiago Silva in La Montaña exemplify cases of outsiders serving as administrators. Most commonly, this position was held by indigenous members of the community such as Patricio Lengua, who served as administrator of San Lorenzo, and Indalecio Bañol, Vicente Largo, Nicolás Largo, and Luciano Guapacha in La Montaña.<sup>574</sup> Meanwhile, Juan Gregorio Trejo illustrates the case of a non-indigenous individual who gained membership in the community and, in his role of administrator, became an active agent of land dispossession.

A skilled *tinterillo* (empirical as opposed to formally trained, legal expert) who descended from a Quiebralomo family, Juan Gregorio Trejo managed to gain membership in the *parcialidad* of Supía-Cañamomo and to stand as its administrator from 1874 to

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<sup>573</sup> It is worth noticing that Santiago Silva's performance as administrator of La Montaña during this critical period was episodic and quite strategic. Silva did not act as the Administrator of the *parcialidad* of La Montaña in the *padrón de indígenas* that was completed on June 3, 1874. Instead, Indalecio Bañol appeared in this document as the "Administrador Presidente." Santiago Silva signed the *padrón* on behalf ("*a ruego*") of Apolinar Bañol, Juan Domingo Delgado, Lázaro Durán, Nicolás Morales, and Juan Motato, illiterate members of the *junta de empadronamiento*. However, a few months later, Silva appeared signing the agreement of December 20, 1874, as the administrator of La Montaña. This agreement will be discussed in Chapter 5.

<sup>574</sup> On Patricio Lengua and Luciano Guapacha, see JCCR, 1891-039, "Juicio de Deslinde – Parcialidad indígena de Cañamomo," fol. 27v-28r; on Indalecio Bañol, see "Padrón de los indígenas de la Parcialidad de la Montaña en el Distrito de Riosucio – Municipio de Toro. Año de 1874," ACC, AM, 1874, paq. 129, leg. 47; on Indalecio Bañol, Vicente and Nicolás Largo, see Appelbaum, "Remembering Riosucio," 246-251.

1896.<sup>575</sup> Trejo's piecemeal archival traces portray him as a lower-middle-class individual who benefitted from his literacy, political connections, and marriage with indigenous women not only to claim community membership (and the land rights it involved) but also to become a key broker between the Indians, the black community of Guamal, and the local elites. His first appearance in archival records dates back to 1857, when he figured as one of the eighty signatories of a letter that officials and male residents of Riosucio submitted to the Caucaño Constituent Assembly. The privatization of *resguardos* was at the top of the list of demands that the citizens of Riosucio requested to the assembly that drafted the 1857 State of Cauca Constitution.<sup>576</sup> Trejo reappeared as the penman of the 1874 *padrón de indígenas* of Supía-Cañamomo, in which he figured both as the administrator of the *parcialidad* and as a member of the community for he was the widower of the indigenous María Carlota Tapasco.<sup>577</sup> At this point, his connection with the Liberal boss Ramón E. Palau became apparent.

Trejo's role as the administrator of Supía-Cañamomo allowed for moving forward with the privatization and commodification of indigenous lands, a project in which Palau was highly involved. From 1874 to 1896, Trejo signed around forty-five notarial deeds that ceded rights over thousands of hectares of indigenous lands to prominent members of the

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<sup>575</sup> On Trejo's ancestry from Quiebralomo, see Appelbaum, "Remembering Riosucio," 200; Muddied Waters, 67.

<sup>576</sup> Neither Trejo nor Indalecio Bañol and Vicente Largo, two prominent indigenous leaders from La Montaña who also signed this letter, identified themselves as representatives of indigenous communities. See, Officials and residents of Riosucio to the Constituent Assembly, August 27, 1857, ACC, AM, paq. 64, leg. 41.

<sup>577</sup> "Padrón de los indígenas naturales de la Parcialidad de Supía i Cañamomo," ACC, AM, 1874, paq. 129, leg. 47.

local elite, some indigenous individuals, the districts of Supía and San Juan de Marmato, and the black community of Guamal.<sup>578</sup> While giving away indigenous lands, in 1888, Trejo submitted a paradoxical and passionate plea for keeping Cauca's protective legislation on *resguardos* at the time it was void due to the end of the federal regime. Interestingly, Trejo signed this petition as "administrator of the indigenous community of Cañamomo" (without mentioning Supía).<sup>579</sup> Still, a few years later, in 1891, Trejo acted as a counterpart of the Cañamomos in a lawsuit in which he represented the *parcialidad* of Supía.<sup>580</sup> Trejo's clients also included the black community of Guamal, despite the fact they occupied lands claimed by the Indians.<sup>581</sup>

Besides using his political connections and legal literacy, Juan Gregorio Trejo also resorted to marriage to get access to indigenous lands. After the passing of his wife María Carlota Tapasco, through whom he had gained membership in Supía-Cañamomo, Juan Gregorio Trejo married Dominga Tapasco, an *indígena* from La Montaña. Court records dated to 1889 show Juan Gregorio Trejo acting on behalf of his new wife in the proceedings

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<sup>578</sup> In his role of Supía-Cañamomo's administrator, Juan Gregorio Trejo alienated a total of 2,631.25 hectares of resguardo lands during the period from 1874 to 1896 (811.5 hectares from 1874 to 1875; 1,397 hectares from 1877 to 1885; and, 423.25 hectares from 1887 to 1896), as documented by González Escobar, *Ocupación*, 263-283, 509-515 (Appendices 9 to 11).

<sup>579</sup> Juan Gregorio Trejo to Deputies of Department of Cauca Assembly, June 15, 1888, AGN, Archivo del Congreso, 1888, Tomo IV, Informe de Comisiones No. 2, fol. 33r-34v. This document will be further discussed in Chapter 6 (section 6.2)

<sup>580</sup> JCCR, 1891-039, "Juicio de Deslinde - Parcialidad indígena de Cañamomo," fol. 33.

<sup>581</sup> In 1879, Trejo signed an agreement whereby the *parcialidad* of Supía-Cañamomo acknowledged the rights of Guamaleños over the lands they occupied within the *resguardo*. Then, he actively supported *guamaleños* in a lawsuit that the Fiscal of the District of Supía filed in 1888 aimed at nullifying the 1879 agreement between both communities. Trejos also appeared signing on behalf ("*a ruego*") of *guamaleños* in court testimonies and notarial deeds. JCCR, 1893-001, "Nulidad de donación que hizo la parcialidad indígena Cañamomo;" NUS, Notarial Deeds no. 88 of May 26, 1879, fol. 698-708; no. 76 of May 25, 1891, fol. 214-216.

of the division of La Montaña *resguardo*.<sup>582</sup> But despite his active role in the 1870s-1880s real estate boom, Trejo seemingly did not become himself a landowner. By the 1890s, his name was absent from the lists of real estate taxpayers for the districts of Riosucio and Supía.<sup>583</sup> Instead, he figured as a third-class contributor in the rosters of individuals who were to comply with "subsidiary personal work" ("*trabajo personal subsidiario*"), which suggests he ranked among the lower-middle class majority of the population.<sup>584</sup> After 1898, Trejo's archival traces faded away.

Regardless of their ethnicity and social status, administrators played a critical role in the real estate and mining boom that took place in the Vega de Supía in the 1870s and 1880s. Either outsiders, such as Francisco S. Tascón or Santiago Silva, full indigenous members of the communities like Vicente Largo, or non-indigenous who gained membership and leadership in the *parcialidades*, such as Juan Gregorio Trejo, were

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<sup>582</sup> JCCR, 1931-026, "Reivindicatorio indígenas de La Montaña vs Cabildo de San Lorenzo y otros," fols. 947-951.

<sup>583</sup> See, Municipal Council of Riosucio, Resolution no. 24 of November 10, 1895, "Sobre contribución directa sobre capital inmueble en 1896," and Municipal Council of Supía, Resolution No. 5 of November 26, 1896, "por el que se determinan las personas a quienes corresponde pagar la contribución directa en el año 1897," in ACC, AM, 1896, paq. 231, leg. 1 – Acuerdos expedidos por los Concejos Municipales Provincia de Marmato.

<sup>584</sup> The "subsidiary personal work" was a municipal contribution that male individuals from the age of 21 to 60 were required to comply with. The 1896 roster divided Riosucio's taxpayers into three categories. While first- and second-class contributors were to pay in money, third-class taxpayers might do it whether in cash or labor. A total of forty first-class contributors were listed for Riosucio, among whom stood local notables such as Jorge Gärtner, José Joaquín Bayer, Francisco Tascón, and Celio Díaz (the administrator of the civil community of Quiebralomo). Second-class taxpayers totaled 115, including well-known lawyers such as Marco Tulio Palau and Abigail Piedrahita. Juan Gregorio Trejo figured in line 1,148 out of the 1,301 individuals listed as third-class taxpayers. Trejo also appeared in the 1898 roster of Riosucio's third-class taxpayers. See Municipal Council of Riosucio, Resolutions no. 3 of November 17, 1896, "sobre reglamentación del trabajo personal subsidiario en el municipio," and no. 4 of November 12, 1898, "sobre reglamentación del trabajo personal subsidiario en el municipio de Riosucio para el año de 1899," in ACC, AM, 1896, paq. 231, leg. 1 – Acuerdos expedidos por los Concejos Municipales Provincia de Marmato.



administrators who signed the agreements that allowed the massive transfer of *resguardo* lands to non-indigenous hands. Besides, administrators and indigenous leaders engaged in mining partnerships with members of the *criollato republicano*. It became a common practice that allowed the later to gain access to mines, forests, water, and other resources they needed to consolidate economic dominance over the region.

### 4.3.3. Partnership in Mining Ventures

Several factors account for the proliferation of mining societies in the Vega de Supía throughout the 1870s and 1880s. A significant one was the transition from a foreign-controlled exploitation of Marmato and Supía mines to the participation of local investors in the mining industry.<sup>585</sup> A second factor was the 1860s silver mining boom in the Vega de Supía, which came at a time when silver still was used to mint coins. The opening of the Mint House in Medellín in 1867 boosted silver mining in Marmato and Supía, as well as the creation of new amalgamation facilities (*establecimientos de amalgamación*) such as Taborda, Arcón, and La Línea.<sup>586</sup> Silver production, along with relentless exploitation of gold and salt, increased demands for water, wood, and food to supply mining centers.

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<sup>585</sup> In the early 1820s, the emerging Colombian government included Marmato and Supía mines into the category of "special reserve mines" ("*minas de reserva especial*"). It meant these mines were left out of the regular system of mining rights allocation to, instead, be granted under concession to British investors that had sponsored the Independence wars. As a result, a series of British companies enjoyed the monopoly over the exploitation of Marmato and Supía mining districts from 1825 to the late 1860s. The bankruptcy of some of these companies, along with lengthy contractual disputes over the concession, opened a window of opportunity for creole investors to become prominent stakeholders in the mining business throughout the last quarter of the nineteenth century. On this transition, see González Escobar, *Ocupación*, 18, 187-194; Gärtner, *Los misteres de las minas*, 307-312; González Colonia, *Brujería*, 90-95; Gloria P. Lopera Mesa, "La parte alta del cerro es para los pequeños mineros.' Sobre la vigencia del régimen minero especial para Marmato y su influencia en la construcción de territorialidad," *Revista Derecho del Estado* no. 35 (July-Dec 2015): 107-114.

<sup>586</sup> On the 1860s silver mining boom in Marmato and Supía, see González Escobar, *Ocupación*, 206-210; Gärtner, *Los misteres de las minas*, 297-301.

At a time when primary forests near Marmato and Supía mines were almost depleted, natural resources in surrounding areas, most of which were indigenous *resguardos*, became a coveted asset to nourish the thriving mining industry.<sup>587</sup>

Moreover, the passage of State of Cauca Law 59 of 1873 changed the way mining rights had been allocated. Until that time, mineral resources belonged to the state. Getting a mining title was contingent on denouncing a mineral site and obtaining a government concession to exploit it. Under the 1873 law, ore deposits would belong to – and might be freely mined by – the owner of the land where they lie.<sup>588</sup> By coupling land- and mine-ownership altogether, this legislation made critical for the powerful but still "landless" local creole gentry to seek partnership with landowners. And it happened that indigenous communities owned most of the land in the 1870s Vega de Supía. All these legislative, economic, and environmental factors contribute to the emergence of a myriad of mining companies in the region, which not only strengthened societal and economic ties among the local creole gentry but boosted elite-subaltern alliances.<sup>589</sup>

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<sup>587</sup> In 1873, residents of San Juan de Marmato requested the Cauca Legislative Assembly to add to the State Mining Code provisions allowing them free access to forests surrounding the mining centers. They pointed out that colonial legislation provided for free access to nearby forests to protect the mining industry. On August 5, 1873, Caucaño lawmakers rejected such a petition arguing that the protection of private property and agriculture should take priority over benefitting the mining industry. See ACC, AM, 1873, pág. 124, leg. 56 ("Comunicaciones presentadas a la Legislatura"). On the depletion of primary forests nearby Marmato and Supía low plains, see González Escobar, *Ocupación*, 125-126.

<sup>588</sup> Law 59 of October 25, 1873, "sobre minas," in *Constitución y Leyes del Estado S. del Cauca, expedidas por la Convención de 1872* (Popayán: Imprenta del Estado, 1873), 139-140. On the significance of this law in the Vega de Supía, see González Escobar, *Ocupación*, 210.

<sup>589</sup> Based on the Notary of Supía's records, González Escobar documents the creation of a total of sixty-three mining societies in Supía during the period from 1867 to 1900. Eighteen of them emerged in the decade 1867-1877, thirty were created in the five-year period 1879-1884, and fifteen between 1887-1900. González Escobar, *Ocupación*, 195-245, 492-506 (Appendices 5 to 7).

Local historian Álvaro Gärtner explains that his forebears and other local notables engaged in mining partnerships with administrators of *parcialidades* and civil communities as a way to get access to these communities' lands and resources. Some cases in point were La Coralia Mining Company, whereby Carlos E. Gärtner and Felipe Lenis managed to work on lands located within the *resguardo* Supía-Cañamomo. In another case, members of the families Cock, Gärtner, De los Ríos, and Lenis invited Celio Díaz, administrator of the civil community of Quebralomo, to join La Trinitaria Mining Company as a way to get access to some mines located in the Quebralomo area.<sup>590</sup> Politics was another mechanism bringing together members of the *criollato republicano* and the region's indigenous communities or their proxies.

#### 4.3.4. Partisan Politics

Besides legal mediation and business partnership, politics were at the core of elite-indigenous alliances. Gaining subalterns' electoral and military support became more critical than ever in post-1850s Colombian politics, particularly in the State of Cauca.<sup>591</sup>

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<sup>590</sup> (“Una manera de comprar o trabajar terrenos pertenecientes a las comunidades indígenas o mulatas era convertir en socios a los administradores de esas comunidades.”) Gärtner, *Los misteres de las minas*, 356-357. For mining partnerships involving indigenous leaders of La Montaña and San Lorenzo, see Appelbaum, *Muddied Waters*, 65; “Remembering Riosucio,” 193-194, 484.

<sup>591</sup> The 1853 Constitution introduced universal male suffrage, which remained the law of the land in the state of Cauca throughout the Federal period (1857-1885). Married males or those over the age of 21, regardless of literacy or income level, were enfranchised. Thus, subalterns' votes became a coveted asset that candidates for popular elective office had to dispute. Moreover, balloting was a frequent practice in the State of Cauca, where yearly elections for municipal office, deputies to the state legislature, and court magistrates took place. Partisan politics were not only played on the polls but the battlefields. Considering the five big civil wars during this period (1851, 1854, 1861, 1876, and 1885), plus multiple skirmishes at the local and regional level, to gain subalterns' military support was a must for political patrons. For a detailed view of elite-subaltern bargaining in Cauca politics during this period, see Sanders, *Contentious Republicans*; José Benito Garzón Montenegro, *Mediadores interculturales y nación. El caso de las comunidades subalternas del sur del valle geográfico del río Cauca. Colombia, 1850-1885* (Cali: Universidad del Valle, 2013).

Against a backdrop of universal male suffrage, yearly elections of local and state officials, and persistent partisan warfare, patron-client relations took a turn towards what Karla Escobar calls "republican friendship."<sup>592</sup> This notion refers to a unique form of elite-subaltern political bargaining that shaped Caucaño politics throughout the second half of the nineteenth century.<sup>593</sup> Framing such relationships in terms of "republican friendship" does not preclude that patronage, with its paternalistic and asymmetric nature, was at the very core of alliances between local political bosses and indigenous leaders. Rather, it conveys how elites' badly needed electoral and military support, as well as their need to access to communal lands and natural resources, somewhat leveled Indians' bargaining power.

Throughout the second half of the nineteenth century, Conservatives and the two main factions of the Liberal Party sought to make alliances with the three *parcialidades indígenas* existing in the Vega de Supía. These alliances were influenced, to some extent, by the composition of partisan politics in the districts of Riosucio, Supía, and Marmato. Since the 1850s, Conservative bosses Santiago Silva and Miguel A. Palau, helped by Quiebralomo priest Manuel Velasco, managed to recruit a solid base in the district of Riosucio, which increased thanks to the growing migration of Antioqueños to the district's highlands. The town's upper plaza, San Sebastián, epitomized such Conservative predominance. Still, a Liberal minority, internally divided between pro-Mosqueristas and Radicals, exerted its influence over the lower half of Riosucio's town and district: the lower

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<sup>592</sup> Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 154-155.

<sup>593</sup> As argued by Sanders, *Contentious Republicans*, 3-6.

plaza, called La Candelaria, as well as Sipirra and other rural settlements that lay just east and below Riosucio town in the resguardo of Supía-Cañamomo.<sup>594</sup> The appointment of pro-Mosquera Liberal Ramón E. Palau as municipal chief of Toro in 1874, followed by the designation of Riosucio town as the cabecera of the municipality, challenged Conservatives' upper hand in Riosucio politics. Meanwhile, Mosquerista Liberals consolidated their dominance over the districts of Supía and Marmato, which remained Liberal bulwarks since the 1870s and thorough the period of this study.<sup>595</sup>

This partisan landscape helps to make sense of the complex political networks between local elites and indigenous communities. Harnessing Conservatives' dominance over Riosucio's highlands, Conservative bosses Santiago Silva and Miguel A. Palau gained the support of a faction of La Montaña's community headed by Vicente and Nicolás Largo. Such an alliance might explain why Silva managed to become the administrator of this *parcialidad* in 1865, remaining as La Montaña's political patron for over a decade. Still, some leaders of La Montaña joined the Liberal forces during the civil wars of 1860-61 and 1876-77.<sup>596</sup> Even members of Largo's faction, which had allied themselves with the

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<sup>594</sup> Riosucio's urban layout is structured around two plazas and parishes: San Sebastián and La Candelaria. This bipolar structure, which differs from most Colombian towns', resulted from the historical process that led to the creation of Riosucio. As discussed in Chapter 2 and Section 4.1, this town emerged from the settlement and incomplete integration of Quiebralomeños and Indians in the disputed site of Riosucio throughout the first half of the nineteenth century. Riosucio's two plazas have embodied the partisan, racial, and class divisions among Riosuceños. Locals have deemed San Sebastián, the town's upper plaza (the "*Plaza de Arriba*," as it is also known), the pole of the Conservative, white-and-mestizo upper class. Meanwhile, La Candelaria, the lower plaza (the "*Plaza de Abajo*"), has been associated with the Indians, the Liberals, and, on the whole, the non-white populace. Rómulo Cuesta's novel *Tomás* recreates the two-plazas divide and its role in Riosucio's founding tale. On the significance of Riosucio's two plazas, see Appelbaum, *Muddied Waters*, 1-9.

<sup>595</sup> Appelbaum, *Muddied Waters*, 95-96.

<sup>596</sup> Appelbaum, *Muddied Waters*, 91-97.

Conservatives, thrived under the patronage of Mosquerista Liberal Ramón E. Palau when the latter served as municipal chief of Toro. Around 1880, Nicolas Largo served as alcalde of the Riosucio parish district, in one of the few cases in which an indigenous leader gained access to political positions beyond his own community.<sup>597</sup> Ultimately, the defeat of the Radical Liberals by a National-Conservative coalition in the mid-1880s tipped the scale of local politics in favor of the Conservatives, who strengthened ties with indigenous leaders of La Montaña and San Lorenzo.

Concerning the latter, since the late 1850s, pro-Mosquera Liberal Francisco Senén Tascón had been the *parcialidad* of San Lorenzo's political patron, and even its administrator. His son, Francisco Tascón de la Roche, kept such political ties but channeled them in favor of the Conservatives. By the late 1890s, Tascón de la Roche helped to recruit San Lorenzo Indians to support the Conservative government in the eve of the Thousand Days War. At that time, San Lorenzo leaders openly proclaimed their historical loyalty to the Conservative party.<sup>598</sup> What at first sight might be understood as San Lorenzo's switch of sides from Liberals to Conservatives, was instead the result of the political twists whereby local Mosquera Liberals ended up as Conservatives. In that vein, Appelbaum

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<sup>597</sup> As Appelbaum documents, Largo's administration ended in a violent incident that provoked an armed uprising in 1880, which forced Largo and Palau to leave the town briefly, adding more scandal to Palau's controversial administration. Appelbaum, *Muddied Waters*, 93, 99-100.

<sup>598</sup> In 1895, authorities and members of the *parcialidad* of San Lorenzo sent a letter to the Governor of Cauca complaining of the abuses they suffered by the Supía district government due to their partisan affiliation. They requested to be segregated from "the very much liberal" district of Supía to be placed again under the jurisdiction of Riosucio. "Indígenas de la parcialidad de San Lorenzo al Gobernador del Departamento del Cauca," July 1, 1895, ACC, AM, paq. 221, leg. 51. (I thank Karla Escobar for sharing this source with me.) It should be noted that San Lorenzo had been part of the district of Riosucio until 1866, when it was annexed to Supía. The 1895 request proved to be effective, as San Lorenzo was reannexed to Riosucio around 1905. Appelbaum, "Remembering Riosucio, 466.

suggests that "the Conservatives of San Lorenzo began as Mosquera Liberals and segued into the National-Conservative movement that led to the Regeneration."<sup>599</sup>

By contrast with La Montaña and San Lorenzo, it appears that Conservatives did not exert any significant influence over Supía-Cañamomo. This *parcialidad* stood as a Liberal bastion since the 1870s and, along with the district of Supía, remained heavily liberal ever since. The alliance between Ramón E. Palau, Juan Gregorio Trejo, and indigenous leaders of Supía and Cañamomo did not only allow pro-Mosquera Liberals to recruit clients. It also facilitated the merging of both communities into a single *parcialidad*, Supía-Cañamomo, as a means of handling more easily the privatization of their communal lands, as discussed in the following chapter.<sup>600</sup>

The passage from colonial to republican territoriality in the Vega de Supía involved significant socioeconomic and demographic changes that set the stage for the 1870s privatization campaign. A growing non-indigenous population pushed for having legal access to the land, which belonged to the Indians, and the mining, forest, and water resources encompassed within the *resguardos'* boundaries. This push occurred when a mining boom, which paralleled the passage from foreign-capital-controlled exploitation to one controlled by local investors, sparked the interest of the emerging *criollato republicano* in the commodification of indigenous lands. They lobbied for the passage of the 1873 legislation on *resguardo* privatization. Moreover, they wove ties with leaders of the

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<sup>599</sup> Appelbaum, "Remembering Riosucio," 489-490.

<sup>600</sup> Appelbaum points out that "the partial privatization of the resguardo of Supía-Cañamomo was accompanied by the 'Liberalization' of Supía-Cañamomo and the district of Supía." Appelbaum, *Muddied Waters*, 95.

*parcialidades indígenas* that would make it possible to set in motion this process. As Chapter 5 will show, these patron-client relations' particular dynamics account for the different impact that the 1870s privatization campaign had on local indigenous communities.



## VI. CHAPTER 5. THE FIRST CAMPAIGN FOR PRIVATIZATION IN THE VEGA DE SUPÍA, 1874-1885

Ramón Elías Palau had an exquisite sense of timing and a great capacity to wear multiple hats with no concern for the conflict of interests that performing such diverse roles might involve. In 1872, shortly after his arrival to the Vega de Supía, Palau received powers of attorney from the *parcialidades* of Quinchía and Supía to retrieve their titles and defend their *resguardos*. A few months later, he headed to Popayán, where he took his seat as a deputy in the 1873 State of Cauca legislature and pushed for the passage of Law 44 of 1873. This statute made the division of *resguardos* possible and gave municipal chiefs (*jefes municipales*) a leading role in the process. Not surprisingly, he returned to the Vega de Supía in 1874, right after having sworn as municipal chief of Toro. It is safe to assume that he carried with him a copy of Law 44 and was eager to enforce it, starting in those communities that had entrusted him the defense of their *resguardos*. Palau's arrival to the Vega de Supía in 1874 set in motion the first campaign for privatization in the region.

Previous studies have discussed how the 1870s campaign for *resguardo* privatization unfolded in the region under study and its impact over communities, identities, and territorialities. Albeiro Valencia Llano's and Víctor Zuluaga's pioneering works shed light on the role that northern district elites played in passing and enforcing the 1873 legislation, and on how it "[...] became a feast for lawyers, mining companies, and

land speculators," as Zuluaga notes.<sup>601</sup> Similarly, Nancy Appelbaum refers to the "feeding frenzy" that Law 44 unleashed in the region.<sup>602</sup> Her work takes a step further by discussing how the interplay between Antioqueño colonization and the 1870s campaign for *resguardo* privatization shaped communities, identities, and racialized regions in this borderline area between Cauca and Antioquia. Moreover, Appelbaum explores how differences in the strategies of adaptation and resistance deployed by indigenous leaders may account for the uneven impact of the 1873 legislation over their communities. Specifically, her study sheds light on San Lorenzo's and Supía-Cañamomo's sociocultural differences and contrasting responses to the 1870s campaign for privatization.<sup>603</sup> Focusing on the impact of laws 44 and 59 of 1873 on the *resguardo* of Supía-Cañamomo, Luis Fernando González Escobar highlights how this legislation led to local elites' takeover of indigenous lands, reshaped territorialities in the Vega de Supía, and allowed for the transition from foreign-controlled mining to one based on local mining ventures.<sup>604</sup> More recently, Luis Javier Caicedo discusses how the 1870s process of *resguardo* division played a pivotal role in the consolidation of the Riosucio urban center ("*area de población*").<sup>605</sup>

While these studies rightly point out the significance of Law 44, they tend to assume a sort of correspondence between what this legislation stipulated and how the process of

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<sup>601</sup> ("*La aplicación de la Ley 44 se convirtió en un festín para los abogados, compañías mineras y traficantes de tierras, aprovechando el absoluto desconocimiento que en materia legal tenían los indígenas.*") Zuluaga, *Vida, pasión*, 80-94 (quote, 81); Valencia Llano, *Colonización*, 352-365.

<sup>602</sup> Appelbaum, "Remembering Riosucio," 146.

<sup>603</sup> Appelbaum, "Remembering Riosucio," and *Muddied Waters*.

<sup>604</sup> González Escobar, *Ocupación*, 245-310.

<sup>605</sup> Caicedo, *Cinco siglos*, 95-104.

*resguardo* division unfolded on the ground. Such an assumption leads to taking for granted the legality of this process in terms of contemporary standards which, in turn, carries consequences for today's debates on land property rights in the region under study. This chapter problematizes such an assumption by contrasting what the 1873 legislation on *resguardo* division provided and how actually this process unfolded in the Vega de Supía. Besides shedding light on the gap between laws and deeds (including notarial deeds), this chapter explores the reasons for such a divergence. It shows how enforcing Law 44 in the Vega de Supía sparked disputes among local elites over the legal status of the lands indigenous communities claimed as their *resguardos*. Those who sought to profit from the *repartimiento* asserted that local indigenous communities had valid titles to prove the legal existence of their *resguardos*. Others claimed the so-called "*resguardos*" were, instead, public lands that both indigenous and non-indigenous population had possessed since time immemorial. The controversy between Municipal Chief of Toro Ramón E. Palau and *procurador* of Supía District Ricardo Sanz epitomized this conflict and shaped the way privatization occurred in the Vega de Supía. Instead of distributing *resguardo* lands among indigenous families, as Law 44 provided, the division process ignited disputes that administrators of *parcialidades* and district authorities settled through a series of notarial agreements of dubious legality, in which indigenous voices seem to have remained largely silent. Law 44's actual impact over the indigenous communities across the northern districts was uneven. It largely depended on the alliances that Palau and other advocates of *resguardo* privatization managed to build up with leaders of those communities, as the contrasting cases of San Lorenzo and Supía-Cañamomo reveal.

This argument unfolds in the five sections that comprise this chapter. Section 5.1 introduces the legal blueprint for privatization as set by the 1873 legislation and the dispute between Toro Municipal Chief Ramón E. Palau and Supía District Procurador Ricardo Sanz. The following three sections discuss how this controversy impacted each of the elements that comprised the process of privatization - the exhibit of *resguardo* titles (Section 5.2.), the making of *padrones de indígenas* (Section 5.3), and the division of *resguardo* lands (Section 5.4) –, and how these three stages unfolded in the *parcialidades* that comprised the Vega de Supía. The final section analyzes the strategy to legalize the notarial agreements whereby the partial dismantling of the *resguardos* of La Montaña and Supía-Cañamomo took place, and the denouement of the 1870s campaign for privatization.

### **5.1. Law 44 of 1873 and its Contentious Implementation in the Vega de Supía: The Palau v. Sanz Dispute**

Under Law 44 of 1873 and its regulatory decree the partition of *resguardos* was a process that entailed three major elements: first, each indigenous community was required to submit to the municipal chief its land title deeds or, when lacking, witness testimony suitable to prove the existence and limits of its *resguardo*. Upon checking this evidence, the municipal chief was to call a communal assembly (*junta de comuneros*) to appoint the administrator and the census board (*junta de empadronamiento*). This set the stage for the second element of the process, consisting of gathering the community census (*padrón de indígenas*). The census roll was to be submitted to the circuit judge who should give notice to the circuit *procurador*, the indigenous *cabildo*, and local residents, all of whom could

request amendments.<sup>606</sup> After deciding on the requests, the circuit judge was to approve the *padrón*, which was a precondition for starting the third and final stage of the whole process: the division of the *resguardo*. The division was not mandatory, but contingent upon the decision of the majority of members of the *parcialidad* who, if interested, should petition it to the circuit judge.<sup>607</sup> In that case, the process would continue by appointing court experts to survey and appraise the *resguardo* lands. Upon approval of the measurement and appraisal, the cabildo would hire surveyors to apportion the land among the indigenous families registered in the *padrón*. The resulting division was to be approved by the indigenous *cabildo*, the circuit *procurador*, and the circuit judge. Once approved, the judicial file would be sent to the notary who would provide a notarized copy of the allotment title to each interested party.<sup>608</sup>

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<sup>606</sup> The term "*procurador*" is ambiguous. In colonial Spanish America (and today's Spanish legal system), *procuradores* (also known as *procuradores de número*) were a type of lawyer who handled procedural matters before the court, serving as a liaison between the client, the *abogado*, and the court. While *procuradores* and *abogados* were legal professionals, *procuradores* received less formal education than *abogados* and were below the latter in professional status. In another meaning, the one used here, *procuradores* were (and still are) officials that represent public interests and citizens' rights both in courts and in administrative proceedings. During the colonial era, *procuradores de naturales* were entrusted the defense of indigenous peoples. In nineteenth-century Colombia, *procuradores* had broader functions related to the defense of public interests and citizens' rights, including, but not limited, to serve as "*protectores de indijenas*." Each municipal district had a *procurador de distrito*, and each judicial circuit court had an adjunct *procurador de circuito*. On *procuradores*, see Mirow, *Latin American Law*, 26 and 41; Premo, *The Enlightenment on Trial*, 38-39, 175.

<sup>607</sup> In the 1875 report to the state legislature, the Secretary of Government of the State of Cauca stressed this point by stating that the government had enacted several resolutions making clear that the *resguardo* division cannot be carried out without approval of the majority of the members of the *parcialidad*. Buenaventura Reinales, *Informe del Secretario de Gobierno del Estado Soberano del Cauca a la Legislatura de 1875* (Popayán: Imprenta del Estado, 1875), 72.

<sup>608</sup> Law 44 of October 17, 1873, "sobre administración y división de resguardos de indígenas," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 13, Popayán, November 1, 1873, 1, reproduced in Mayorga García, *Datos para la historia*, 139-143; Decree 28 of November 29, 1873, "en ejecución de la ley 44 de 17 de octubre del presente año," in *Registro Oficial. Órgano del Gobierno del Cauca*, Año I, No. 18, Popayán, December 6, 1873, 1.

However, a close-up view of the 1870s campaign for *resguardo* privatization in the Vega de Supía reveals the distance between what Law 44 provided for and how it was enforced on the ground. A key element to make sense of this gap is the dispute over the legal status of the lands local indigenous communities claimed as their *resguardos*. Although land ownership had been a simmering issue since the colonial era, the impending division of indigenous landholdings unleashed by Law 44 brought this controversy to the surface. Unsurprisingly, Ramón E. Palau and land entrepreneurs who aimed at profiting from the partition of *resguardos* were not at all interested in questioning indigenous land rights at that time. They strategically sided with the *parcialidades*, advocating for natives' property rights while setting the stage for grabbing *resguardo* lands. Others contended that “the so-called *resguardos*” were in reality public lands that residents - mestizos, mulattoes, and the few *indígenas* that still remained – had occupied since time immemorial. Procurator of Supía district Ricardo Sanz was the most vocal advocate for the public land thesis. It was largely shared by non-indigenous residents interested in consolidating property rights over *baldíos* and local authorities aiming to expand the districts' urban areas and collect revenue over those lands. The Palau v. Sanz controversy contains critical elements for understanding the convoluted way privatization took in the Vega de Supía during the crucial years of 1874-1875.<sup>609</sup> Paradoxically, both parties in the controversy ultimately undermined the rights of the natives.

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<sup>609</sup> Records of this dispute are scattered in ACC, AM, 1874, paq. 129, leg. 47; 1875, paq. 130, leg. 15; 1875, paq. 133, leg. 75. Zuluaga, Appelbaum, and González Escobar briefly refer to the Palau v. Sanz dispute drawing on Zuluaga's partial transcription of a few of the documents of ACC, AM, 1874, paq. 129, leg. 47. See Víctor Zuluaga Gómez, *Documentos inéditos para la historia de Caldas, Chocó y Risaralda* (Pereira: Universidad Tecnológica de Pereira, 1990), 117-120 (doc. 15), and Vida, pasión, 85. Appelbaum and González Escobar also cite documents they consulted in the Archivo Municipal de Supía related to an alleged plot against Palau, in which Sanz and other local notables were accused to have participated. See Appelbaum,

The conflict emerged in March 1874, when *procurador* of Supía district Ricardo Sanz requested Municipal Chief of Toro Ramón E. Palau to suspend any proceeding concerning the partition of those lands "the so-called *indígenas*" claimed as their *resguardos*. Sanz argued that, under State of Cauca Law 61 of 1859, these lands were the district's common lands. Procurador Sanz also pointed at Palau's conflict of interest due to having received power of attorney to represent these *indígenas* in the past; thus, he considered Palau should recuse himself to intervene as municipal chief in this affair.<sup>610</sup> A critical reason why Sanz opposed Palau's campaign for *resguardo* privatization was that the district of Supía had leased vast areas of forest that supplied timber and water to a foreign mining company in Marmato. According to *procurador* Sanz, these contracts' proceeds were intended to fund the district's elementary school.<sup>611</sup> In response, Palau vigorously denied any conflict of interest and blamed *procurador* Sanz for not living up to his role as protector of *indígenas*. Palau resorted to a legal technicality to argue that the power of attorney he received should be regarded as ineffective, for it exceeded the subjects

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"Remembering Riosucio," 203-205, and *Muddied Waters*, 68-69; González Escobar, *Ocupación*, 260-262. A complete view of the records of the Palau v. Sanz dispute, most of which have remained untapped, provide keys for understanding 1870s debates on land property rights in the Vega de Supía, and the convoluted route that led to the partial division of the *resguardos* of La Montaña and Supía-Cañamomo.

<sup>610</sup> "Procurador del Distrito de Supía al Jefe Municipal de Toro," March 17, 1874, ACC, AM, 1874, paq. 129, leg. 47. Sanz referred to State of Cauca Law 61 of September 16, 1859 "sobre ejidos i bienes comunes de los pueblos," in *Colección de leyes del Estado Soberano del Cauca* (Popayán: Imprenta del Colejio Mayor, 1860), 27.

<sup>611</sup> In a letter submitted to the President of the State, denouncing Palau's scheme, Sanz stated: "If there is an elementary school in this place is because of the proceeds of the contracts signed by the District and Mr. Percy Brandon on timber extraction for the Marmato District Mining Facility. Without this revenue, teaching will necessarily end since no other secure income is exclusively destined for this purpose." ("sí existe en este lugar Escuela primaria es debido a la renta que producen los contratos hechos por el Distrito con el señor Percy Brandon sobre extracción de maderas para el Establecimiento de minas del Distrito de Marmato, sin esta renta la enseñanza se concluirá necesariamente por no contarse con otra renta segura y la que esta exclusivamente destinada a este fin.") "El Procurador del Distrito al Ciudadano Presidente del Estado," July 13, 1874, ACC, AM, 1874, paq. 129, leg. 47.

that *indígenas* could entrust their representatives (*apoderados*) under articles 21 and 22 of Law 90 of 1859. Taking the offensive, the municipal chief of Toro forewarned he would inform the state government about Sanz's disregard of his duty towards *indígenas*. Palau dropped a veiled threat by warning Sanz that the President of the State, also a pro-Mosquera Liberal, "is, as this signatory, essentially protective of the *indígenas*' just rights."<sup>612</sup>

The dispute between Palau and Sanz escalated in the following months by both officials accusing each other before the state government.<sup>613</sup> Officials of the Cauca Secretary of Government noticed Palau's alleged double role as *indígenas*' lawyer and municipal chief in charge of overseeing the distribution of *resguardos*, requesting the circuit court and *procurador* for reports about the matter.<sup>614</sup> Meanwhile, Palau defended his campaign for "clarifying and settling disputes over indigenous property rights." He blamed *procurador* Sanz for the anonymous slanders against the municipal government that appeared in the newspapers at that time, casting these libels as attempts to unsettle the state of affairs created by the Liberal Constitution of Rionegro.<sup>615</sup> Municipal Chief Palau

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<sup>612</sup> ("[...] *no será Ud. y si el Jefe Municipal que suscribe, el que dará cuenta al Poder Ejecutivo del Estado, con la relación y los documentos convenientes al negociado del Resguardo de Supía y mi legítimo conocimiento en su aseguro. Por fortuna el ilustre colombiano encargado de aquel es, como el que suscribe, esencialmente proteccionista de los justos derechos de los indígenas.*") "Jefe Municipal de Toro al Procurador del Distrito de Supía," March 20, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>613</sup> "Jefatura Municipal de Toro al Secretario de Gobierno," April 2, 1874; and, "El Procurador del Distrito al Ciudadano Presidente del Estado," July 13, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>614</sup> "Antonio Paz al Secretario de Gobierno," April 30, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>615</sup> "Jefatura Municipal de Toro al Secretario de Gobierno," April 2, 1874, ACC, AM, 1874, paq. 129, leg. 47. Subsequent letters written by Palau's supporters echoed his denunciation. Specifically, they pointed at an article published in edition no. 175 of Cali newspaper "Los Principios." See "Vecinos del distrito de San Juan de Marmato a la Legislatura del Estado," June 26, 1875; and, "Habitantes del distrito de Riosucio a la Legislatura del Estado," June 27, 1875, ACC, AM, 1875, paq. 130, leg. 15.



admonished *procurador* Sanz not to disturb *indígenas'* efforts to prove their land rights; otherwise, Palau warned, “I will prohibit the district of Supía to collect the proceeds of forest leases.”<sup>616</sup> Palau's and Sanz's moves in this dispute would impact how the three elements of the legal blueprint for privatization - the exhibit of *resguardo* titles, the taking of padrones, and the *resguardo* division - unfolded in the following months.

## 5.2. The Controversy over the *Resguardo* Titles

Law 44 of 1873 and its regulatory decree required indigenous communities to submit their land titles to the municipal chief, who should verify the existence and limits of each *resguardo* before its partition. This legislation introduced a standard of substitute evidence - later known as "*prueba supletoria*," - which allowed indigenous communities that lacked *resguardo* titles to make them up through witness evidence.<sup>617</sup> Article 16 of State of Cauca Law 44 of 1873 provided that those *parcialidades* that had lost their land titles "for reasons beyond their control, or fraudulent and speculative schemes by some people," may prove their rights through alternative means. The means consisted of sworn testimonies of five "well-known and trustworthy witnesses" who would declare about the community's possession over their land for over thirty years as well as that they knew or

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<sup>616</sup> (“*Si Ud. y otros empleados continúan reprimiendo a los indígenas en la comprobación de sus derechos, en el acto prohibiré el que se sigan cobrando arriendos de los bosques, y adoptaré otras providencias más serias y eficaces para impedirlo.*”) “Jefatura Municipal de Toro al Procurador del Distrito de Supía,” June 13, 184, ACC, AM, 1874, paq. 129, leg. 47.

<sup>617</sup> This standard of substitute evidence, subsequently taken up by national Law 89 of 1890, would shape the making of *resguardo* titles, as will be discussed in chapters 7 and 8.

had heard from their ancestors about the *resguardo's* boundaries.<sup>618</sup> At first sight, it seems paradoxical that the very same laws that paved the way for the privatization and commodification of *resguardos* also introduced protective measures that enabled indigenous communities to replace written proof of ownership with oral memories. This standard of substitute evidence served to protect natives' communal lands, as it acknowledged - and aimed at redressing - the obstacles indigenous communities had faced in accessing archives to retrieve suitable proof of their land rights. By doing so, this provision allowed indigenous communities to prove rights over those *resguardos* that land entrepreneurs such as Ramon Palau and his allies targeted for privatization. From the latter's standpoint, the inclusion of the standard of substitute evidence in the very same law intended to dismantle *resguardos* made perfect sense.

There is no proof that any of the three *parcialidades* existing in the Vega de Supía had submitted its land titles to Municipal Chief Palau, or that this official had requested them to do so. The little evidence available on matters of indigenous land titles during the 1870s concerns the *resguardo* of Supía-Cañamomo, the main target of Palau's campaign

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<sup>618</sup> (“Art. 16. El derecho de cada parcialidad al resguardo, en caso de haber perdido sus títulos de propiedad por causas independientes de su voluntad, o por las maquinaciones dolosas y especulativas de algunas personas, se comprobará por el mismo hecho de la posesión judicial, o no disputada por más de treinta años, en caso de que no se cuente con esa solemnidad, y de conformidad con lo preceptuado en el artículo 790 de la ley 283. Este último requisito, de la posesión pacífica, se acreditará por el testimonio jurado de cinco testigos de notorio abono, examinados con citación del Procurador del Circuito, los que expresarán lo que les conste o hubiesen oído decir a sus predecesores, exponiendo los linderos del resguardo.”). This alternate way to prove indigenous land rights entailed applying the standards and proceedings governing the proof of possession, as the reference to article 790 of Law 283 (Cauca Civil Code) indicates. Similarly, Article 2 of Regulatory Decree 28 of 1873 established: “La comprobación de la existencia del resguardo, se hará por la parcialidad con los documentos fehacientes que posea, y en defecto de éstos, con la información de cinco testigos que bajo de juramento afirmen que la parcialidad ha poseído por más de treinta años, quieta y pacíficamente el resguardo, por los límites que demarcarán en sus exposiciones.”

for privatization.<sup>619</sup> By contrast with the Supías' and Cañamomos' intense litigation during the colonial period, both communities largely disappeared from the republican archives throughout the nineteenth century.<sup>620</sup> Supías' indigenous litigants resurfaced in the early 1870s. In 1871, Supía's Governor Julián Batero and his *cabildo* wrote to the municipal authorities asking for a copy of their colonial title, the mining code, and laws protecting *indígenas*, which they needed to defend their lands against speculators that were staking mining claims within the *resguardo*.<sup>621</sup> As Appelbaum notes, this letter illustrates both *indígenas*' attempts to protect their landholdings and the limitations of their self-advocacy. Without an attorney or any outsider patron, petitions authored by indigenous leaders did not go far. In this case, Toro municipal authorities merely sent the Supías' 1871 petition to the Supía district's mayor, who likely filed it away without any reply.<sup>622</sup> Such lack of

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<sup>619</sup> Issues of land titles concerning La Montaña's and San Lorenzo's *resguardos* were seemingly nonexistent in the 1870s. The retrieval of colonial documents and the collection of witness evidence intended to serve as *resguardo* title deeds intensified after the passage of national Law 89 of 1890, in the context of the lawsuits over *resguardo* lands that pullulated in area under study from the 1890s to the 1930s. See Chapter 7.

<sup>620</sup> For Supías' and Cañamomos' efforts to search for and produce *resguardo* land titles during the colonial era, see Chapter 2, sections 2.2 and 2.3.

<sup>621</sup> “Una petición de los indíjenas de la parcialidad de Supía,” June 12, 1871, cited by Appelbaum, *Muddied Waters*, 94; *Dos plazas y una nación*, 149-150. Appelbaum consulted this document at Archivo Municipal de Supía, which I had no access to during my archival research. According to Appelbaum, the 1871 letter was apparently authored by an *indígena*, probably José Toribio Largo, secretary of the *cabildo*, as the Governor Batero and the majority of the *cabildo* were illiterate. The Supía Indians reported that the increase of mining in the area was contaminating their water supply, depleting the community's natural resources, and deprived of arable land. They complained that their previous requests to local and state authorities to get copies of those laws protecting indigenous *parcialidades* remain unanswered so that they lacked access to legal documents they needed to defend their *resguardo*. Moreover, they claimed to be “representing itself without an Attorney for having no way to Appoint one because this Ancient Pueblo is very poor.” (“*personando de por ci sin Apoderado por no haber como hotorgarle Poder porque Este Pueblo Antiguo Esta muy pobre de Solemnidad.*”)

<sup>622</sup> Appelbaum, *Muddied Waters*, 94.

response might explain why the following year the Supía Indians turned to the newcomer lawyer Ramón E. Palau and gave him power of attorney to retrieve their land titles.<sup>623</sup>

It is unknown whether Palau ever recovered these documents. Arguably, his role as *apoderado* of the Supía Indians put him on the track of the records - or at least the memories - of the allocation of *resguardos* made by Oidor Lesmes de Espinosa Saravia during the 1627 land inspection to the Vega de Supía.<sup>624</sup> Perhaps, finding out these documents or hearing memories of that *visita* allowed Palau to realize how profitable the privatization of these *resguardos* could be. What is known is that, in a very timely manner, Palau moved to Popayán in 1873 to take his seat as deputy of the Cauca legislative assembly, where he promoted the passage of Law 44 on *resguardo* division. Then, he returned to the region the following year, this time as the municipal chief of Toro, the official in charge of deciding about the validity of the titles proving the existence and limits of indigenous communal landholdings.

After that, discussions on *resguardo* titles took place against the backdrop of the dispute between Municipal Chief of Toro Ramón E. Palau and *procurador* of the Supía District Ricardo Sanz. When Sanz challenged *indígenas'* land rights, Palau displayed some acquaintance with the history of indigenous territorialities in the area by asserting: "the *resguardo* of the *parcialidad de indígenas* of Supía comprises the territories of 'Supía Alta'

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<sup>623</sup> NUS, Notarial Deed no. 8, March 11, 1872, fol. 22v to 25r, discussed below in Section 4.3.1.

<sup>624</sup> Records of the dispute between Palau and Sanz reveal the former's acquaintance with the genesis of indigenous *resguardos* in the area. It suggests that perhaps Palau actually did some research to retrieve the colonial documents that the Supías had deployed as their land titles. For the 1627 Lesmes de Espinosa Sarabia's land inspection to the Vega de Supía, see Chapter 1, Section 1.4.

and 'Supía Baja,' the one that in ancient times occupied the 'Cañamomo' tribe, and the one possessed by the "Sonsones."<sup>625</sup> Palau categorically affirmed that Supía *indígenas'* land titles indeed existed. On their whereabouts, he said these titles could be found "[...] in the Viceroyalty archives, in some offices in the state capital city, in the notarized copies and testimonies of trustworthy witnesses that (the *indígenas*) had submitted to this office, or in the very consciousness of those who systematically challenge them."<sup>626</sup>

Meanwhile, Sanz insisted on claiming that there were no true *indígenas* nor *resguardos* in the district of Supía. In July 1874, Sanz sent a report to the president of the state accompanied by sworn testimonies of seven elderly residents who declared that Supía's *indígenas* did not have either *resguardo* titles or other documents that replace the said titles.<sup>627</sup> All the witnesses also asserted that the Supía *indígenas* had not been in

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<sup>625</sup> (“[...] el Resguardo de la parcialidad de indígenas de Supía (está) compuesta de los territorios de “Supía alta” y “Supía baja,” el que ocupó en antiguos tiempos la tribu de los “Cañamomos” y el que poseyó igualmente la de los “Sonsones.”) “Jefe Municipal de Toro al Procurador del Distrito de Supía,” March 20, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>626</sup> (“[...] teniendo, como tienen, estos muchos documentos que obran en favor de su derecho de propiedad, ora en los archivos del Virreinato, ora en algunas de las oficinas de la capital de este Estado, ora en los que en copia auténtica y en testimonios de testigos intachables han presentado a este despacho, ora en la misma conciencia de los que sistemáticamente los contradicen.”) “Jefe Municipal de Toro al Procurador del Distrito de Supía,” March 20, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>627</sup> “El Procurador del Distrito al Ciudadano Presidente del Estado,” July 13, 1874, ACC, AM, 1874, paq. 129, leg. 47. This report is accompanied by testimonies of Luis Cortines, Juan Ignacio Velarde, Ramón A. Monsalve, Juan Valencia, Estevan Moreno, Manuel M. Tabima, and Gregorio Gañán. They declared at the Supía District Court on June 9, 1874, as per *procurador* Sanz's request. Witnesses Manuel María Tabima and Gregorio Gañán appeared as members of the *cabildo* of the *parcialidad* of Supía that granted power of attorney to Palau in March 1872. 1874 records also show them as members of the indigenous *cabildo* and the census committee that took Supía-Cañamomo's *padrón*. Both Tabima and Gañán were mestizos. They were listed in the 1874 *padrón* as “descendants of *indígenas* by only one of the two lines.” According to the census and the information they rendered at the Supía District Court, Manuel M. Tabima was seventy years old and married to non-indigenous woman Sebastiana Iglesia. Gregorio Gañán was thirty years old and single. Interestingly, only Tabima identified himself as a member of the *parcialidad* of Supía in his testimony before the Supía District Court. Conversely, Gañán did not claim any ethnic affiliation by depicting himself merely as a district resident (“*vecino de este distrito.*”)

possession of those *resguardos*; instead, they asserted the district of Supía had possessed these lands for over forty years. Finally, they said that Supía's *indígenas* could not demonstrate their indigenous ancestry since they lacked an old census roll. Some witnesses even cast doubt on claims of Indianness coming from anybody in Supía. A case in point was Juan Valencia, who declared that the "so-called *indígenas* of Supía [...] not even at first glance look like *indígenas*, some of them because of their colored skin, others because of their whiteness."<sup>628</sup>

Procurador Sanz's report led the State of Cauca government to issue an executive order on September 22, 1874, suspending the division of *resguardos* in the Supía district until the courts decided the competing claims existing over those lands.<sup>629</sup> In response, Municipal Chief Palau submitted a report intended to persuade the state government to repeal that decision. The municipal chief insisted that *indígenas* of Supía-Cañamomo had already exhibited their *resguardo* titles. This time, Palau gave more details on how this evidence was produced:

The *indígenas* of Supía and Cañamomo, legally represented by their cabildo, conclusively proved the existence of their *resguardos*. They did so through documents taken from Popayán's Circuit Court, certified by this court's Secretary Eusebio Casas, and the concordant testimonies of six trustworthy citizens who declared before this circuit judge. These documents were accepted as enough evidence by the Procurator of this Circuit and this letter's signatory. The latter also holds intimate awareness [of the existence of these *resguardos*] because of the

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<sup>628</sup> (“[...] en cuanto a los indijenas que se titulan indijenas cree que no podrán probar clara y evidentemente que son descendientes de indijenas por ambas líneas pues estos ni tienen padrón antiguo ni aun a la simple vista demuestran ser indijenas pues unos por su color y otros por su color blanco.”) Testimony of Juan Valencia, included in “El Procurador del Distrito al Ciudadano Presidente del Estado,” July 13, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>629</sup> “Antonio Paz al Secretario de Gobierno,” September 8, 1874; and, State of Cauca Executive Order of September 22, 1874, ACC, AM, 1874, paq. 129, leg. 47.

judicial records he has seen and copied from seven files kept at the Viceroyalty archives.<sup>630</sup>

Meanwhile, the Governor of the *parcialidad* of Supía-Cañamomo Feliciano Betancurt resorted to witness evidence to refute Sanz's claims and enhance the proof of *indígenas'* land rights. On October 27, 1874, Betancurt requested the Supía Circuit Judge to take sworn testimonies of five local notables, including the *procuradores* of Supía and Riosucio districts.<sup>631</sup> Among other questions, the witnesses were asked: "whether it is true they cannot assure, under oath, that the lands where the districts of Supía and Sanjuan de Marmato are located do not belong to the *resguardo* of *indígenas* of Supía and Cañamomo, as those lands belong to said districts."<sup>632</sup> As foreseeable from such a tricky question, none of the witnesses could assure the disputed lands did not belong to the *indígenas*. Even Sanz,

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<sup>630</sup> ("Que los indígenas de Supía y Cañamomo representados legalmente por su Cabildo comprobaron fehacientemente, por medio de los documentos tomados del Juzgado del Circuito de Popayán y autorizados por el secretario de ese despacho señor Eusebio Casas, así como por los testimonios acordes de seis ciudadanos abonados examinados por el señor Juez de este circuito = La existencia de sus resguardos = documentos que aceptaron como suficientes el Procurador de este Circuito y el que suscribe, el que de ello tiene además íntima consciencia por los estados que ha visto y tiene en su poder copiados de siete expedientes que existen en los archivos del Virreynato, los que pidió del archivo el señor Doctor José Arango para remitírselos a su solicitud.") Though the copy of this report I consulted lacks date, it is safe to assume that Municipal Chief Palau sent this report to the Cauca Secretary of Government by middle October 1874. It was transcribed by Major of the Villa of Supía Liborio Gutiérrez de Celis in a letter he sent to the *procurador* Ricardo Sanz. "Alcaldía del Distrito de la Villa de Supía al Procurador del Distrito," November 29, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>631</sup> On October 27, 1874, Supía-Cañamomo's governor requested the Circuit Judge to collect sworn statements of *procurador* of the Supía District Ricardo Sanz, *procurador* of the Riosucio District Juan B. Gutiérrez, and the citizens Francisco Seferino Moreno, Justiniano Machado, and Polidoro de La Roche. They were summoned to answer a seven-point questionnaire related to *indígenas'* land rights and witnesses' participation in the notarial agreements whereby the *resguardo* division took place. Palau attached these testimonies to the letter he sent to the Cauca Secretary of Government on December 1, 1874. "Jefatura Municipal de Toro al Secretario de Gobierno," December 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>632</sup> ("2. Digan si es cierto que los absolventes no pueden asegurar bajo el juramento que acaban de prestar, que los terrenos en que están situados los Distritos de Supía i Sanjuan no sean pertenecientes al resguardo de indígenas de Supía y Cañamomo, por serlo de los expresados Distritos.") The double negative this tricky question involves suggests the questionnaire was crafted by a skilled lawyer, probably Palau.

the most adamant critic of the *resguardo* thesis, was rather hesitant when he declared: "I cannot assure who the owner of such lands is. Previously it was said they belonged to the *indigenas*. But I have noticed the districts claim to be the owners, as they have leased the forests as well as the water sources."<sup>633</sup> In response to another question, Sanz further explained:

I heard my father and other elders from the town of Supía say these lands belonged to the indigenous race that existed when the Tacón Hill collapsed. I cannot be positive whether there are still descendants of that race, for I cannot assure that those who claim to be so are indeed *indigenas*. But those that remain may be descendants (of *indigenas*). They identified themselves and are regarded as such in the town. These descendants are very mixed in with mulattos.<sup>634</sup>

Despite the State of Cauca executive order that suspended the *resguardo* division until the dispute over land titles were judicially settled, neither party brought its case to courts. Instead, the process went ahead with Palau and his allies finding ways to circumvent the legal obstacles. In parallel with the discussion on *resguardo* titles, the making of *padrones de indigenas*, the second element of Law 44's blueprint for privatization, was going on in the Vega de Supía.

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<sup>633</sup> ("Yo no puedo asegurar quien sea el dueño de tales terrenos – anterior se decía que eran de los indigenas, pero yo he notado que los distritos como que se han reputado los dueños y han utilizado de los bosques arrendándolos lo mismo de las aguas.") Testimony of Ricardo Sanz, included in "Jefatura Municipal de Toro al Secretario de Gobierno," December 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>634</sup> ("Oí decir a mi padre, y he oído conversando a los ancianos del pueblo de Supía, que dichos terrenos pertenecían a la raza de indigenas que existía cuando el derrumbe del cerro de Tacón – yo no puedo dar información segura de si de esa raza quedaron descendientes, pues los que así se titulan, yo no puedo asegurar que lo sean, pero los que quedan si pueden ser por muchos motivos descendientes y se reputan así en el pueblo. Dichos descendientes están muy mezclados con mulatos.") Testimony of Ricardo Sanz, included in "Jefatura Municipal de Toro al Secretario de Gobierno," December 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.



### 5.3. The Makeup of *Padrones de Indígenas*

Besides demographic data, which were analyzed in Chapter 4, a procedural approach to the *padrones* of La Montaña, San Lorenzo, and Supía-Cañamomo sheds light on significant differences between them. Throughout 1874, all the *parcialidades* in and around the Vega de Supía took their censuses and, upon court approval, submitted them to the Secretary of Government of the State.<sup>635</sup> By June 1874, La Montaña's and San Lorenzo's census committees had completed the initial *padrón de indígenas*.<sup>636</sup> Supía-Cañamomo's census roll lacks date, but probably it was also taken around June 1874.<sup>637</sup>

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<sup>635</sup> These copies are kept at the Archivo Central del Cauca in Popayán. See, ACC, AM, 1874, paq. 129, leg. 47. In the 1875 report to the state legislature, the Secretary of Government of the State of Cauca informed that the *parcialidades* of La Montaña, Supía-Cañamomo, San Lorenzo, Quinchía, Guática, Arrayanal, Tabuyo, and Tachiguí had submitted their padrones to the state government. Reinales, *Informe*, 72.

<sup>636</sup> La Montaña's initial padrón was concluded on June 3, 1874. It listed a total of 1,247 individuals distributed into 361 households. Indalecio Bañol signed La Montaña's padrón as Administrator and President of the Census Board (*Junta de Empadronamiento*). Other members of the board were Apolinar Bañol, Juan Domingo Delgado, Lázaro Durán, Nicolás Morales, Juan Motato, and Casimiro Bartolo, who served as the secretary. Except for the president and the secretary, all the census board members were illiterate, as the Conservative boss Santiago Silva appeared signing on behalf of them ("*a ruego*"). At that time, La Montaña's cabildo was headed by Governor Celestino Largo and Alcalde Manuel M. Ladino. The *parcialidad* of San Lorenzo concluded its *padrón* on June 11, 1874. It listed a total of 393 individuals distributed into ninety-two households. Hermenejildo Tapasco, one of the few members of the community labeled as a mestizo, presided over San Lorenzo's census board. Other members were Francisco Bueno, Bartolo Blandón, Eduviges Gañán, Calisto Lengua, Pedro Gañán, and the secretary was José Toribio Gañán. Like in La Montaña, all the members of San Lorenzo's census board were illiterate, except for the president and secretary. Non-indigenous Ruperto Cataño, Froilán Palomino, Justiniano Palomino, Miguel Garrido, among others, signed on behalf of the census board's illiterate members. Given similarities in handwriting, it seems that Miguel Garrido penned San Lorenzo's census roll. At that time, the Governor of the *parcialidad* was Eucebio Gañán, who was labeled in the census as a "pure Indian."

<sup>637</sup> Supía-Cañamomo's initial *padrón* listed a total of 336 individuals distributed into eighty-nine households. Juan Gregorio Trejo penned the census roll and signed it as the administrator and president of the census board. Supía-Cañamomo's census board was integrated by Manuel María Tabima, Gregorio Gañán, Cornelio Ramírez, Isidro Veliz, Felipe Anduqía, Francisco Miranda, and Bibiano Romero, who served as the secretary. Like in the cases of La Montaña and San Lorenzo, all the members of Supía-Cañamomo's census board were illiterate, except for the president and the secretary. At that time, Supía-Cañamomo's cabildo was headed by Governor Feliciano Betancurt, who was labelled in the census as "descendant of *indígenas* by both lines" ("*descendiente de indígena por ambas líneas*"). The lack of date in the census roll and the non-submission of a mandatory report on how the *padrón* had been taken led the Cauca government to delay state approval to Supía-Cañamomo's census, as stated in the State of Cauca Executive Order of July 23, 1875. ACC, AM, 1874, paq. 129, leg. 47.

Regulatory Decree 28 of 1873 authorized municipal chiefs to make amendments to the initial census roll, which Municipal Chief of Toro Ramón E. Palau did by annexing "*padrones adicionales*" to San Lorenzo's and Supía-Cañamomo's censuses on June 28 and to La Montaña's on December 11, 1874. These additions did not alter San Lorenzo's and Supía-Cañamomo's initial padrones significantly, as Palau only added two families to San Lorenzo's and one to Supía-Cañamomo's. By contrast, Palau's "*padrón adicional*" for La Montaña added about two hundred households to the original census roll. Palau submitted the original *padrones* and their amendments to Riosucio Circuit Court, where a public announcement was posted to notify all those interested. Nobody requested modifications within the statutory twenty-day period. Subsequently, the newly appointed Supía Circuit Judge, Reginaldo de La Roche, approved San Lorenzo's census on August 19, Supía-Cañamomo's on September 14, and La Montaña's on December 11, 1874. It is worth noticing that right before taking his seat as Supía Circuit Judge, De La Roche had served as secretary to Municipal Chief Palau.<sup>638</sup>

Records of the Notary of Supía show that, after the judicial approval of the Supía-Cañamomo *padrón*, over 166 individuals were belatedly added to the census of this *parcialidad* through a series of notarial deeds dated from October to December 1874. These documents were similarly worded and produced. In most of them, Administrator Juan Gregorio Trejo, accompanied by members of the community's census board, recognized

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<sup>638</sup> In documents issued by the Jefatura Municipal of Toro as late as March 20, 1874, Reginaldo de La Roche appeared signing as Palau's secretary. Sanz reported this collusion to the president of the state to substantiate his claim that the circuit judge was a proxy of Palau's. "Jefe Municipal de Toro al Procurador del Distrito de Supía," March 20, 1874; and, "Procurador del Distrito de Supía al Ciudadano Presidente," November 1, 1874, in ACC, AM, 1874, paq. 129, leg. 47.

affiliation with the *parcialidad* to individuals who had not been registered in the *padrón* "[...] for not having claimed membership within the legal term."<sup>639</sup> In one case, seventy-nine new members were added to the census. This time, the acknowledgment of membership was not made by Trejo and the census committee but by over one hundred individuals who identified themselves as members of the *parcialidad* Supía-Cañamomo.<sup>640</sup> Most of the latecomers, over two thirds, were mestizos: out of the 166 new members, only fifty-two were descendants of *indígenas* by both lines.<sup>641</sup>

In all cases, claimants of membership acted through *apoderados* who highly profited from this mediation. They typically signed contracts whereby the claimants committed to transfer to their legal representatives one-third of the share of resguardo land they were entitled to receive if accepted as new members of the *parcialidad*. A case in point was the contract concluded on October 8 between Eustaquio Tascón and thirty-two individuals who the day before had been accepted as members of the *parcialidad* of Supía-Cañamomo:

Because of his services and efforts in supporting our claim to have our rights over the *resguardo* of this *parcialidad* recognized by other community members, and

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<sup>639</sup> (“[...] después de haberse recibido el testimonio de personas fidedignas y el de la propia conciencia de varios de los concurrentes de dicha comunidad respecto al derecho que tienen al Resguardo de Supía varios individuos que siendo descendientes legítimos y naturales de indígenas tributarios no fueron inscritos en el padrón a virtud de no haber reclamado dentro del término legal [...] Hemos convenido por lo mismo en reconocer y aceptar como participes [...] los que van a expresarse [...]”) NUS, Notarial Deeds no. 52, October 7, 1874, fols. 118-120 (thirty-two individuals); no. 58, October 12, 1872, fols. 141v-145 (twenty-four individuals); no. 62, November 16, 1874, fols. 153-154 (four individuals from Quinchía); no. 63, November 16, 1874, fols. 154v-157v (twenty-seven individuals). In these notarial deeds the acknowledgments of membership were made by Juan Gregorio Trejo, Gegerio Gañán, Manuel María Tabima, Isidro Vélez, Cornelio Ramírez, Francisco Miranda, and Felipe Anduquia, all of them members of the community’s census board. Except for Trejo, all of them were illiterate.

<sup>640</sup> NUS, Notarial Deed no. 70, November 29, 1874, fols. 184v-193v.

<sup>641</sup> González Escobar, *Ocupación*, 258.

because we are descendants of tributary indigenous people, we are bound by this deed to give Mr. Tascón one-third of the share or plot of the *resguardo* that corresponds to each of us. From now on, we renounce any right over the said third part for the benefit of Mr. Tascón, to whom we transfer ownership over it.<sup>642</sup>

Shortly after, Eustaquio Tascón signed similar contracts with two groups of twenty-five and seventy-seven individuals, respectively, who hired Tascón as their *apoderado* to claim membership in the *parcialidad* of Supía-Cañamomo.<sup>643</sup> Other forty-seven claimants for membership granted power of attorney to Juan Gregorio Trejo and Ismael Zavala, who signed the contract, and accepted to receive *resguardo* shares in return for their services, despite the blatant conflict of interests.<sup>644</sup> Trejo was the administrator of Supía-Cañamomo and president of the census committee. Zavala, who served as the Notary of Supía at that time, signed all the notarial deeds whereby new members were accepted. In recognition of Zavala's services, twenty-seven of these latecomers turned one-third of their *resguardo* shares over to him right after he signed the notarial deed that legalized their affiliation with the community.<sup>645</sup> This profitable business attracted *apoderados* and claimants from

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<sup>642</sup> (“[...] a virtud de sus servicios y esfuerzos en el sostenimiento de nuestro reclamo para que se nos reconozca como partícipes en el resguardo de esta parcialidad por los demás comuneros empadronados, y por ser descendientes nosotros de indígenas tributarios, nos obligamos por la presente escritura a dar al señor Tascón la tercera parte de la acción o lote que corresponda a cada cual de los otorgantes en virtud de tal reconocimiento. Renunciamos desde ahora a todo derecho que pudiera tocarnos sobre dicha tercera parte en beneficio del señor Tascón, al que traspasamos el dominio de ella.”). NUS, Notarial Deed no. 53, October 8, 1874, fols. 122v-124.

<sup>643</sup> NUS, Notarial Deeds no. 59, October 12, 1874, fols. 145 a 147v (twenty-five individuals); no. 79, December 12, 1874, fols. 229v-323 (seventy-seven individuals).

<sup>644</sup> NUS, Notarial Deed no. 76, December 10, 1874, fols. 219v-222v.

<sup>645</sup> NUS, Notarial Deed no. 64, November 16, 1874, fol. 195. Polidoro de La Roche, acting as ad-hoc notary, signed the document that legalized the transfer of *resguardo* shares to Zavala. The grantors had been accepted as members of the *parcialidad* of Supía-Cañamomo by Notarial Deed no. 63, November 16, 1874, fols. 154v-157v, signed by Zavala.

neighboring towns such as León Hernández from Riosucio, and Erasmo Trejos and Deogracias Franco from Quinchía. They represented a total of twenty-four residents of Quinchía who claimed to be descendants of tributary *indígenas* from Supía-Cañamomo.<sup>646</sup>

The legality of the agreements that belatedly added new members to Supía-Cañamomo's *padrón* is highly debatable. The inclusion of latecomers took place by notarial agreements instead of the court proceeding that the 1873 legislation established. Besides, these contracts were signed between October and December 1874, right after the state government issued the executive order of September 22 that suspended this *resguardo*'s division. Even more suspicious were the transfers of *resguardo* shares these latecomers did in favor of their *apoderados*. Law 44 and its regulatory decree provided that, before the division was completed, *resguardos* would continue to be subject to Law 90 of 1859, which prohibited to alienate any portion of indigenous lands.<sup>647</sup> Finally, it is not clear whether the grantors were fully aware of the terms of the agreements they signed, since most of them, if not all, were illiterate. Signing on their behalf ("*a ruego*"), or acting as witnesses ("*testigos instrumentales*") appeared prominent members of the *criollato republicano* such as Bartolomé Chávez (the wealthiest individual of the region), Rudecindo Ospina, Leon Velarde, Polidoro de la Roche, Ramón Molano, Avelino Santamaría, Justiniano Palomino,

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<sup>646</sup> NUS, Notarial Deeds no. 62, November 16, 1874, fols. 153-154 (four individuals from Quinchía to Deogracias Franco). 1874 records of the Notary of Supía contain copies of two documents from the Notary of Riosucio whereby residents from Quinchía granted power of attorney to claim membership in Supía-Cañamomo: Notarial Deed no. 64, October 20, 1874 (Manuel Quebrada to León Hernández); no. 93, November 26, 1874 (nineteenth *vecinos* of Quinchía to León Hernández and Erasmo Trejo).

<sup>647</sup> See State of Cauca Law 44 of 1873 (art. 21) and Decree 28 of 1873 (art. 41). State of Cauca authorities seemed to be concerned about the flush of land transactions and the impending dispossession that Law 44 could arise, as the 1875 Cauca Secretary of Government's Report to the State Legislature suggests. Reinales, *Informe*, 72-73.

and Miguel Garrido, among others.<sup>648</sup> The constant presence of land speculators surrounding these transactions hints at the broad interest that the making up of indigenous censuses and the privatization of *resguardos* aroused among the local elites.

Records of the Notary of Supía show no evidence that authorities of the *parcialidad* of San Lorenzo or individuals claiming affiliation with this community had entered into contracts of this sort. Since San Lorenzo fell under the Supía district jurisdiction at that time, notarized documents regarding this *parcialidad* were produced and kept at the Notary of Supía. Thus, the lack of contracts like the mentioned above suggests that, unlike Supía-Cañamomo, belated amendments to the community's census accompanied by transfers of *resguardo* shares to the claimants' *apoderados* did not occur in San Lorenzo.<sup>649</sup> Such a difference supports the thesis, already posed by Appelbaum, that Supía-Cañamomo became the main target of the 1870s campaign for privatization in the Supía district. The contrasting experiences of these communities facing the third element of Law 44's blueprint for privatization confirm this conclusion.

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<sup>648</sup> Justiniano Palomino and Miguel Garrido also appeared in the *padrón* of San Lorenzo, signing on behalf of some of the census committee's illiterate members.

<sup>649</sup> This conclusion cannot be extended to the *parcialidad* of La Montaña, which belonged to the Riosucio district, where transactions over La Montaña *resguardo* were made and recorded. Unfortunately, a fire destroyed the Riosucio Notary building by 1952, and the official books for Riosucio district during the crucial years of 1874-75 are missing from the Riosucio Registry of Public Instruments. It makes it difficult to prove whether additions of new members to the community's census in return for transfers of *resguardo* shares to the *apoderados* took place in La Montaña.

#### 5.4. The Division of *Resguardos*. Privatization by Notarial Deeds

Under Law 44, upon completion and approval of *padrones de indígenas*, privatization would conclude with the partition and allotment of *resguardos*, a process also known as “*repartimiento*.” This final stage of the privatization process was to be conducted in a court proceeding upon request of the majority of the members of the *parcialidad*. Concerning the Vega de Supía, while the community of San Lorenzo spared itself from this process, La Montaña's and Supía-Cañamomo's *resguardos* went through division. The division happened, however, in an incomplete manner and out of compliance with the 1873 legal framework. The partial *repartimiento* of these *resguardos* took place through a series of notarized agreements between these *parcialidades'* administrators and district *procuradores*, with no substantial participation of indigenous people. These agreements provided an expedited - albeit legally dubious - way of handling privatization and settling - out of court - contending claims over the lands that went through division. To do so, administrators of La Montaña and Supía-Cañamomo granted vast tracts of *resguardo* lands to the districts of Riosucio, Supía, and Marmato, as well as to private mining-and-land speculators. These grants furnished the districts with a land base that would make it possible to establish private property rights and expand their urban centers (“*areas de población*”). They also sparked a real estate and mining boom that enabled the *criollato republicano* to consolidate their economic and social status. Still, the 1870s division did not result in the entire dismantlement of La Montaña's and Supía-Cañamomo's *resguardos*. Both communities retained their *cabildos* and other markers of indigenous identity and their communal land base, albeit drastically diminished.

San Lorenzo's well-preserved ethnic boundaries and its lack of direct patron-client ties with Ramón E. Palau might explain why this community remained aloof of the partial dismemberment that its neighbors of La Montaña and Supía-Cañamomo underwent. As discussed in Chapter 4, San Lorenzo's higher proportion of "pure Indians" and lower rates of interethnic marriages suggests this community enforced endogamous kinship patterns more than its neighbors did, particularly more than the highly miscegenated Supías. Endogamy allowed San Lorenzo's *cabildo* to retain control over communal institutions, lands, and resources by preventing outsiders from gaining access to them via marriage with community members. San Lorenzo's endogamy, however, did not preclude this *parcialidad* from engaging in patron-client relationships with local political bosses, as discussed in Section 4.3. Still, unlike what occurred in Supía-Cañamomo and La Montaña, Ramón E. Palau, Santiago Silva, and other political patrons most actively involved in the 1870s campaign for privatization, seemingly did not consolidate strong patron-client relationships with San Lorenzo's *cabildo* at that time. By 1875, internal political disputes led to the ousting of Governor Rufino Gañán and his allies from San Lorenzo's *cabildo*. According to Appelbaum, the defeated faction might have had some alignment with Palau since at least one of its members had belonged to the census committee that took the 1874 *padrón de indígenas*.<sup>650</sup> Still, there is no conclusive evidence of San Lorenzo's leaders' stance towards division or their alliances with political patrons during the crucial years of 1874-1875. The precise reasons why this community's leaders did not participate in the notarial agreements that led to the partial dismemberment of their neighbors' *resguardos* remain

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<sup>650</sup> Appelbaum, "Remembering Riosucio," 486-488.



somewhat elusive. One might argue that the *parcialidad* of San Lorenzo spared its *resguardo* from division not only thanks to its well-preserved ethnic boundaries but also because Palau and his allies found an easier target for privatization elsewhere.

Indeed, the easiest target for privatization was right adjacent to San Lorenzo, in the highly miscegenated indigenous community of Supía. Contemporary accounts point at the destruction of their old village by the collapse of the Tacón Hill around 1810 as a turning point toward the disintegration of Supía Indians' territoriality and communal bonds. The survivors resettled around the site of Sevilla, but the available evidence provides no information about them in the decades before the 1870s. All that we know is that by 1871 the *parcialidad* of Supía's governor Julián Batero was looking for legal assistance to defend the *resguardo* and that in 1872, a renewed cabildo, headed by Governor Feliciano Betancurt, granted power of attorney to Ramón E. Palau to retrieve the community's land titles. Palau's relationship with Governor Betancurt and his cabildo likely opened Palau a promising inroad into the Supía indigenous community. Perhaps, getting acquainted with written records (and memories) of the creation of *resguardos* in the Vega de Supía by Lesmes Espinosa Saravia in 1627, and Supías' and Cañamomos' quests for retrieving them by the 1750s, allowed Palau to envision the profitable business the division of these *resguardos* would represent.

A convenient step towards this goal was to merge Supías and Cañamomos into a single entity, as Palau and his allies did when crafting the 1874 *padrón de indígenas*. This move could prevent the resurgence of historical conflicts over *resguardos* between both communities and increase the land base eventually available for division. The Cañamomos,

whose relentless litigiousness made them highly visible in eighteenth-century sources, vanished from the nineteenth-century archives up to the 1890s. Thus, it is difficult to know the extent of their actual participation in the hybrid indigenous entity that emerged in 1874 as the *parcialidad* of Supía-Cañamomo. Except for Supía's Governor Feliciano Betancurt, his cabildo, and the ubiquitous administrator Juan Gregorio Trejo, no other voices spoke on behalf of the Supía-Cañamomo *parcialidad* during the 1874-78 *repartimiento*. This archival silence might hint at Cañamomos' and Supías' grassroots acquiescence with their communities' fusion and the division of their *resguardos*. But this silence might suggest, instead, that dissident voices did not reach writing or, if written, did not make their way into the archives.

It was precisely the partition of Supía-Cañamomo's *resguardo* that ignited the controversy between Municipal Chief Palau and *procurador* Sanz. As mentioned, Sanz's complaints had led the state government to issue the Executive Order of September 22, 1874, suspending the *repartimiento* in the Supía district. This legal response, however, did not stop *resguardo* privatization in the Vega de Supía. Instead, Palau and his allies found a way to expedite it via notarized agreements. These contracts opened a shortcut intended to settle - out-of-court - the dispute with the district authorities and other stakeholders over the lands that Supías and Cañamomos claimed as their *resguardos*.

The first and most significant of these agreements was accorded on October 8, 1874, by the administrator of the *parcialidad* of Supía-Cañamomo, the *procuradores* of Supía and Marmato districts, and six local notables that acted as adjuncts to the parties

involved.<sup>651</sup> Under this covenant, Supía-Cañamomo's Administrator Juan Gregorio Trejo committed to sell a total of 450 hectares of *resguardo* land to the mining facilities of Taborda, Arcón, and Viringo, the proceeds of which were to cover the fees of "the lawyer who secured for the indigenous community the property over their *resguardos*," who was none other than Ramón E. Palau.<sup>652</sup> The remaining *resguardo* lands were to be divided into three parts, each of one to be allocated to the *parcialidad*, and the districts of Supía and Marmato, respectively. The agreement detailed how to allocate lands belonging to the *parcialidad* and the districts: Indigenous residents ("*vecinos naturales*") were entitled to receive ownership title over up to one hectare of the land they had populated and cultivated and purchase the portions exceeding that limit; non-indigenous ("*vecinos no naturales*") who had lived in the area for over ten years were entitled to receive up to half a hectare of the land they had occupied. Moreover, fifty hectares were intended to expand each district's urban center ("*area de población*") and one hectare was for the school.

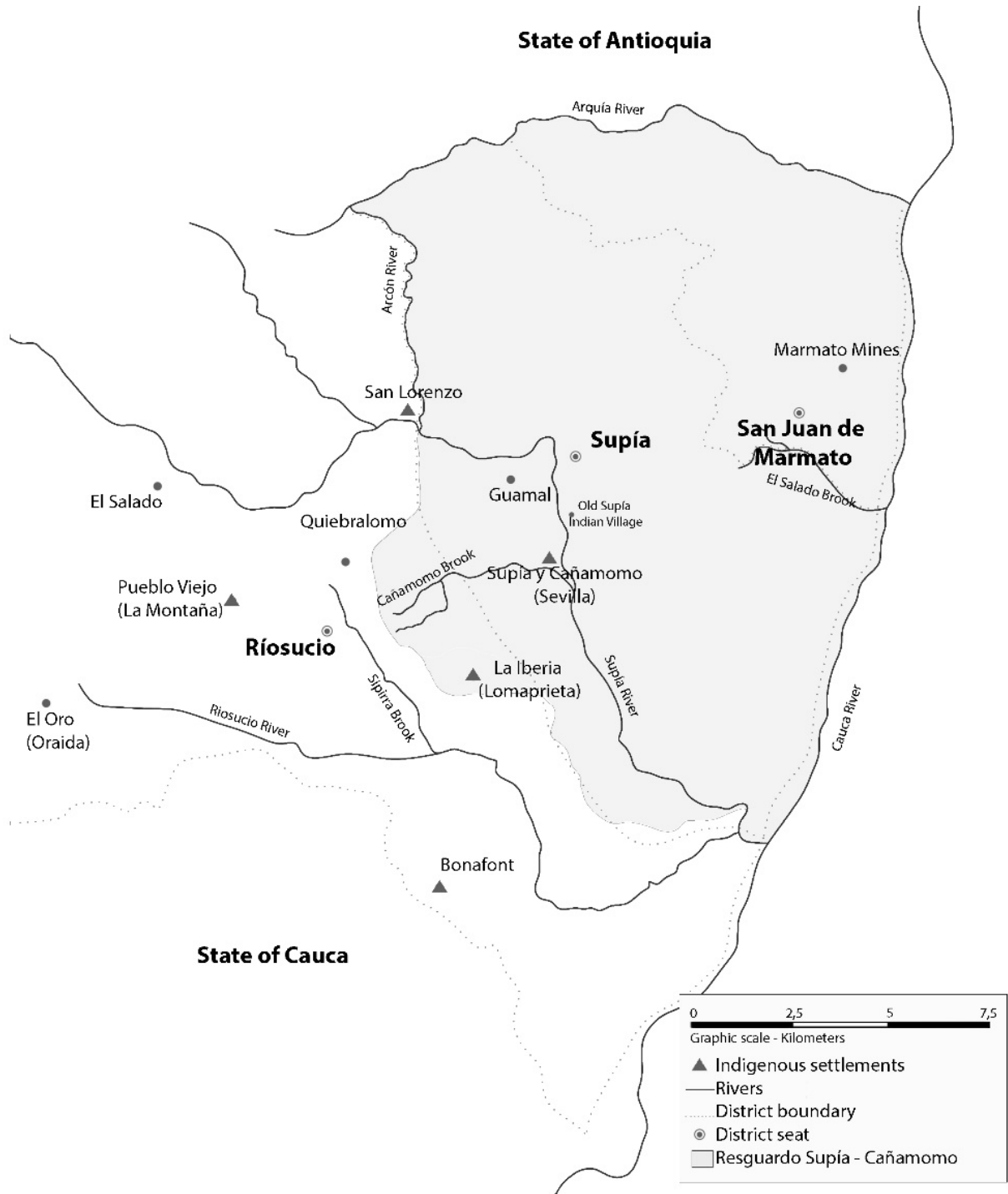
The signatories agreed to recognize third-parties' property rights over large landholdings longtime existing within the boundaries of the *resguardo*, such as the estates

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<sup>651</sup> The committee that negotiated "the Basis for the Distribution of the Resguardo of the *Parcialidad* of Supía-Cañamomo" was comprised of the administrator of the *parcialidad*, Juan Gregorio Trejo; Ricardo Sanz and Fausto Zapata, *procuradores* of the districts of Supía and Marmato, respectively; Guillermo Santacoloma and Santiago Silva, acting as adjuncts to the administrator of the *parcialidad*; Juan Bautista Gutiérrez and Polidoro de la Roche, adjuncts to the *procurador* of Supía; and, José María Arango and Hermenegildo Villa, adjuncts to the *procurador* of Marmato. NUS, Notarial Deed no. 54, October 8, 1874, fol. 128. On the significance of this agreement, see Zuluaga Gómez, *Vida, pasión*, 84-85, and "Resguardo indígena de Cañamomo y Lomapieta," *Supía Histórico* 6, no. 18, vol. 2 (October 1993): 597-598; Valencia Llano, *Colonización*, 352-354; Appelbaum, "Remembering Riosucio," 200-201, and *Muddied Waters*, 67-68; González Escobar, *Ocupación*, 249-552; Caicedo, *Cinco siglos*, 95-97.

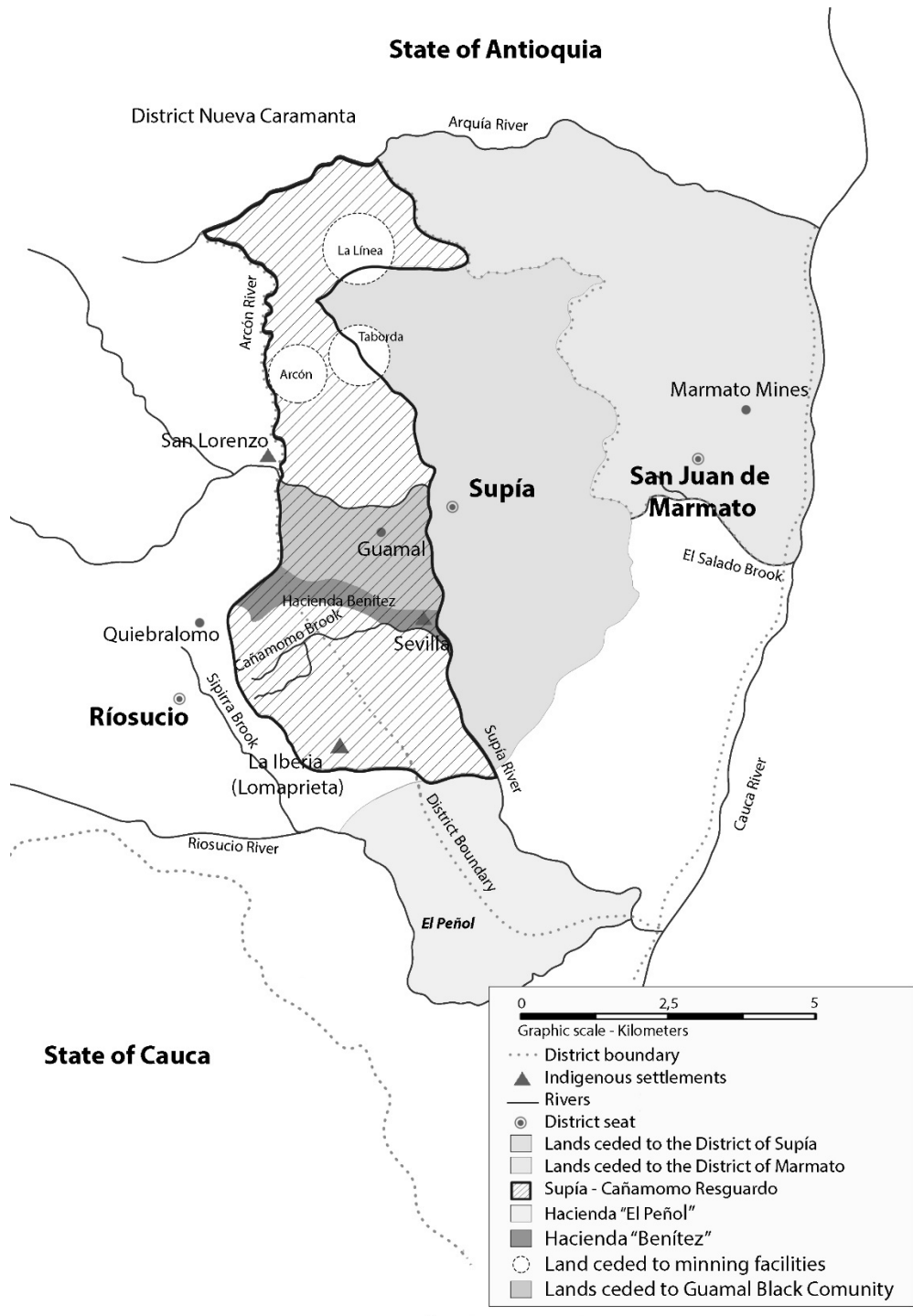
<sup>652</sup> Pursuant to this clause, Trejo sold 150 hectares to the owners of the mining facilities of Taborda, Arcón, and Viringo, respectively. The proceeds, which totaled 1,680 pesos, were directly handed to Ramón E. Palau. See NUS, Notarial Deeds no. 65, November 19, 1874, fol. 160-163v; no. 75, December 9, 1874, fol. 213v-219v; no. 86, December 20, 1874, fol. 250r-254v.

of Benítez, El Peñol, Aguacatal, the lands of the black community of Guamal, and any other claimed with valid titles. The parties committed to selling to mining rights' holders the plots of land needed to exploit their mines, including access to water sources and timber. Finally, in a clause that clearly addressed *procurador* Sanz's concerns, the parties agreed to respect the preexisting rental agreements whereby the foreign mining company in Marmato had access to forests in the district of Supía to supply wood for its furnaces. Maps 15 and 16 show the contrast between the areas that Supías and Cañamomos claimed as their *resguardos* and the substantial loss of *resguardo* lands resulting from the 1874 notarized repartimiento.



Map 15. Resguardos of Supías and Cañamomos Before the 1874 Division<sup>653</sup>

<sup>653</sup> Made by Daniel Vallejo Soto based on González Escobar, *Ocupación*, 254.



Map 16. Results of the 1874 Notarized Repartimiento<sup>654</sup>

<sup>654</sup> Made by Daniel Vallejo Soto, based on González Escobar, *Ocupación*, 255, and NUS, Notarial Deeds no. 54, October 8, 1874, fols. 124-124, and no. 10, May 18, 1878, fols. 62-70.

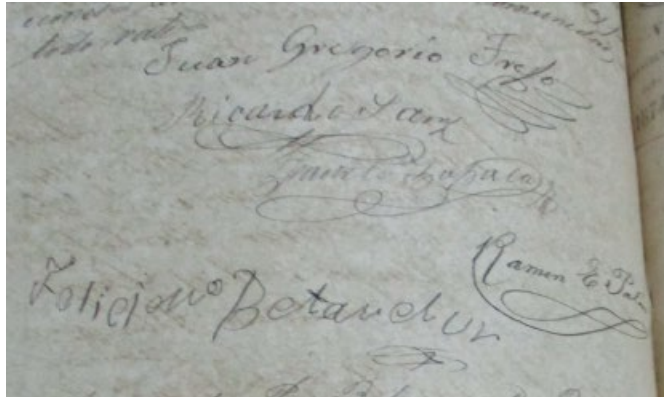
No *indígenas* negotiated the agreement whereby the *parcialidad* of Supía-Cañamomo lost over more than two-thirds of their *resguardos*. The same day of its conclusion, however, it was notarized at the Notary of Supía, where the full Supía-Cañamomo's *pequeño cabildo* along with fifty-two members of the community (thirty-one men and twenty-one women) signed the notarial deed that formalized the covenant.<sup>655</sup> According to this document, the *indígenas* "absolutely approved all the commitments made by the Administrator on behalf of the community," giving Trejo "full powers" to conclude the contracts needed to comply with the agreement. They declared there was "no deception or injury" in those arrangements and waived "the right to any claim whatsoever against their validity."<sup>656</sup> It is unclear to what extent they were fully aware of what they were signing up for. Except for Gobernador Feliciano Betancurt and other four members of the *parcialidad*, who signed by themselves, the remaining *indígenas* signatories were illiterate, for others appeared signing on their behalf ("*a ruego*").<sup>657</sup>

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<sup>655</sup> NUS, Notarial Deed no. 54, October 8, 1874, fol. 132. As members of Supía-Cañamomo's *pequeño cabildo* appeared: Feliciano Betancurt (Gobernador), Pio Betancurt (Regidor), Benedicto Batero (Alcalde), Martín Batero, Manuel Batero, and Fermín Betancurt (vocales).

<sup>656</sup> ("[...] que dan por suficiente i ampliamente autorizado al Administrador de la Comunidad para la celebración de los arreglos significados en las cláusulas precedentes, ratificando en consecuencia todas y cada una de las estipulaciones contenidas en estas [...], aprueban en absoluto todos los compromisos contraídos en aquella por el señor administrador en representación de la comunidad [...] Las partes otorgantes aceptan esta escritura por estar a su satisfacción, i que en ella no ha habido engaño ni lesión, i que renuncian cualquiera derechos que pudieran oponer contra la validez de los contratos en ella consignados.") NUS, Notarial Deed no. 54, October 8, 1874, fol. 131.

<sup>657</sup> Among those who signed on behalf of the *indígenas* appeared local notables Liborio Gutiérrez de Celis (at that time alcalde of the district of Supía) and Guillermo Santacoloma. Shortly after, each of them received twenty and fifty hectares of *resguardo* land, respectively, in return for his "great and important services" to the *parcialidad*. NUS, Notarial Deeds no. 55, October 9, 1874, fols. 134-137 (Juan Gregorio Trejo to



Signatures of Juan Gregorio Trejo, Ricardo Sanz, Fausto Zapata, Ramón E. Palau, and Feliciano Betancurt in Notarial Deed no. 54, October 8, 1874

Viewed from its signatories' perspective, the October 8 Agreement might be interpreted as a win-win deal. Under this covenant, *procuradores* of Supía and Marmato secured these districts' land base and control over natural resources. Supía-Cañamomo's governor and administrator got formal recognition of the *resguardo*, albeit reduced to one-third of what Supías and Cañamomos claimed as theirs. Such acknowledgment positioned Governor Betancurt and Administrator Trejo as crucial brokers in the real estate boom that was about to start. For Palau, meanwhile, this agreement might have cleared the obstacles for concluding the *resguardo* partition and appeasing *procurador* Sanz's adamant opposition by having him as one of the signatories of the document. Beyond each party's particular profit and agenda, the covenant's wording emphasized that the signatories' sole

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Guillermo Santacoloma, fifty hectares); no. 85, December 20, 1874, fols. 246v-250 (Juan Gregorio Trejo to Liborio Gutiérrez de Celis, twenty hectares).



purpose was to foster "public good and peace, by settling competing interests that had clashed with each other since immemorial times."<sup>658</sup>

The signatories pursued such "public good and peace" at the expense of the interest of grassroots *indígenas* of Supía and Cañamomo, who were absent from the deal and whose rights were neglected by all the parties involved. Appealing to quite a strategic pro-*indígena* rhetoric, Palau pointed out that "as a tribute to social harmony and peace," local indigenous people "yielded part of the rights bequeathed by their ancestors, who had gained them with blood and pain."<sup>659</sup> Indeed, Administrator Trejo's and indigenous Governor Betancurt's willingness to compromise Supías' and Cañamomos' land rights made the agreement possible. As *procurador* Sanz stated, "*indígenas*' right was recognized [...], and we consented to such arrangements because the *indígenas* were willing to share with the *vecinos*."<sup>660</sup> Some *vecinos*, however, did not recognize *indígenas*' land rights. Cases in point were Polidoro de La Roche and Juan Bautista Gutiérrez, who acted as negotiators on

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<sup>658</sup> (“[...] “teniendo por único norte el bien y tranquilidad públicos, conciliando a la vez intereses encontrados desde un tiempo casi inmemorial [...]” NUS, Notarial Deed no. 54, October 8, 1874, fol. 124v.

<sup>659</sup> (“[...] estos arreglos los aceptaron los indígenas sacrificando parte de los derechos legados por sus antepasados y adquiridos con sangre y dolores, en obsequio de su tranquilidad futura y como un tributo a la concordia y paz sociales”). The quoted belongs to a report that Municipal Chief Palau sent to the Cauca Secretary of Government by mid-October 1874. The report was copied in "Alcaldía del Distrito de la Villa de Supía al Procurador del Distrito," November 29, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>660</sup> (“[...] se reconoció el derecho de los indígenas quienes quisieron darle a los vecinos – según los prenotados armisticios o arreglos – y admitimos nosotros en consentir tales arreglos porque los indígenas se prestaron en partir con los vecinos.”). Testimonies of *procurador* Ricardo Sanz and other local notables who negotiated the October 8 Agreement were attached to a letter sent by Municipal Chief of Toro Ramón E. Palau to the Cauca Secretary of Government. “Jefatura Municipal de Toro al Secretario de Gobierno,” December 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.

behalf of the *vecinos* of the Supía district. De La Roche refused to sign the document, while Gutiérrez declared that "no title whatsoever was recognized to the *indígenas*."<sup>661</sup>

Contrary to what might be expected, the October 8 Agreement did not end the dispute between Palau and Sanz, which reached its peak by late 1874. On November 1, *procurador* Sanz complained that this covenant served as Palau's stratagem for circumventing the executive order that suspended the division of *resguardos*. Sanz justified to have entered into this agreement and signed the notarial deed "to avoid the conflicts with which we were threatened." The *procurador* of Supía announced that he and other district's *vecinos* were going to file a lawsuit intended to nullify that notarial deed. Sanz warned that, if they failed, "it is rightly feared that once people's rights have been violated, insurrection will be one of their duties."<sup>662</sup> On that basis, *procurador* Sanz request the state government to remove the Municipal Chief Palau or at least prevent him to continue with the illegal repartimiento. On December 26, Sanz followed up on his previous report, insisting on Palau's conflict of interests, complaining about the flood of land transactions from which

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<sup>661</sup> Polidoro de la Roche declared: "*Yo no firmé las referidas bases y no concurrí a la última reunión por no firmarlas, porque yo siempre había oído decir que los dichos terrenos eran comunes.*" Juan Bautista Gutiérrez testified: "*no se les ha conocido título a los indígenas de ninguna clase "[...] En las bases que nosotros presentamos como representantes del distrito de Supía, es decir, los señores Sanz, Roche y yo, para el arreglo con dichos indígenas no reconocimos la referida propiedad de aquellos indígenas.*" Testimonies attached to "Jefatura Municipal de Toro al Secretario de Gobierno," December 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.

<sup>662</sup> ("*[...]nos preparamos para pedir la nulidad de tal escritura; mas como el círculo dominante del señor Jefe Municipal apoyado por un juez i un procurador de Circuito que por intrigas de aquel empleado fueron nombrados como ad hoc para aprobar sus procedimientos, harán nugatoria nuestra demanda, se teme con razón que conculcados los derechos del pueblo, la insurrección sea para éste uno de sus deberes [...]*") "Procurador del Distrito de Supía al Ciudadano Presidente," November 1, 1874, ACC, AM, 1874, paq. 129, leg. 47.

Municipal Chief Palau was profiting, and about his collusion with the alcalde of the Supía district, Liborio Gutiérrez de Celis.<sup>663</sup>

Indeed, in the months following the October 8 Agreement, Supía-Cañamomo's Administrator Juan Gregorio Trejo transferred about 811.5 hectares of *resguardo* land to the owners of the mining facilities and other local notables.<sup>664</sup> Aiming at expediting these transactions, in December 1874 Palau commanded the alcalde of the Supía district to request the notary to legalize all the sales that the administrator of the Supía-Cañamomo *parcialidad* would conclude to pay legal and surveying costs. Municipal Chief Palau also instructed Alcalde Gutiérrez de Celis to post an announcement offering those lands to potential buyers. Palau admonished that, if any opposition arose, the alcalde should issue a decree declaring a public order disturbance and use force to restore it.<sup>665</sup>

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<sup>663</sup> Sanz denounced that because of the personal interest that Municipal Chief Palau has "[...] as the supposed *indígenas'* representative and lawyer, he requested them to pay his fees by selling the most important and valuable lots of lands. These lots were already transferred to the buyers without previous assessment, survey, and map. He still expects other shares of the *resguardo* to be sold to pay the surveyor, along with a considerable lot [...] he has offered to cede to the alcalde of this District, Liborio Gutiérrez de Celis." ("*por el interés personal que tiene este funcionario como apoderado y abogado de los supuestos indígenas les exigió que para el pago de su honorario vendieran varios lotes de tierra los más importante i valiosos que sin preceder el avalúo, mensura i plano ya pasaron al poder de los compradores i aun pretenden se vendan otros derechos para pagar el agrimensor, a mas de un lote considerable que [...] ha ofrecido ceder al alcalde de este distrito Liborio Gutiérrez de Celis.*"). "Procurador del Distrito de Supía al Ciudadano Presidente," December 26, 1874, ACC, AM, 1874, paq. 129, leg. 47. Indeed, Gutiérrez de Celis had already received twenty hectares transferred by Supía-Cañamomo's Administrator Juan Gregorio Trejo in return for his "great and important services" to the *parcialidad*. NUS, Notarial Deed no. 85, December 20, 1874, fols. 246v-250.

<sup>664</sup> Out of the 811.5 hectares that Trejo transferred in the years 1874-1875, 745.5 correspond to 1874 and 66 to 1875. See, González Escobar, *Ocupación*, 263 and 509 (Appendix 9), with detailed qualitative and quantitative analysis of the land transactions that accompanied the privatization of Supía-Cañamomo's *resguardo*.

<sup>665</sup> ("*[...] que el señor Notario de esa sección [...] preste inmediatamente y sin obcecación ninguna, su oficio al otorgamiento de todas las escrituras que el Administrador de la comunidad de indígenas de Supía y Cañamomo [...] quiera hacer para vender el terreno necesario para pagar la mensura. [...] Avise, además, Ud. por carteles y en el acto a los que quieran comprar el terreno destinado para el pago de la mensura y peritos, para que de acuerdo con el Administrador ocurran a la Notaría a asentar el respectivo contrato = Y si es que representare alguna resistencia [...], en el acto mismo espida Ud. un Decreto declarando turbado*")

The use of notarized agreements as expedited ways to privatization and shortcuts to settle disputes over *resguardo* lands also happened in the district of Riosucio. By the time Administrator Trejo was selling off the best lands of Supía-Cañamomo's *resguardo* at the Notary of Supía, the Conservative boss Santiago Silva, acting as administrator of the *parcialidad* of La Montaña, transferred "full ownership" over a quarter of its *resguardo* to the "vecinos of San Sebastián de Quebralomo or Riosucio." Quebralomo parish priest Manuel Velasco, who had actively advocated for Quebralomo's land claims in La Montaña, hosted the meeting where Silva, *procurador* of Riosucio Juan Betancourt, and León Severo Betancourt and José María Romero, acting on behalf of the "vecinos of San Sebastián of Quebralomo or Riosucio," signed the agreement on December 20, 1874. Remarkably, no members of La Montaña's *cabildo* attended this meeting or signed the "fair and equitable covenant" whereby this indigenous community ultimately yielded its rights over the historically disputed site of Riosucio.<sup>666</sup>

As a skilled lawyer, Palau might be keenly aware of the legal flaws that the privatization by notarial deeds strategy had.<sup>667</sup> First, these notarized agreements openly

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*el orden público, y para restablecerlo haga en el momento uso de la fuerza [...], dando parte a la Jefatura sin pérdida de tiempo. = Prevengo también a Ud. que inspeccione activa y diligentemente a los pocos ilusos y extraviados que torpe y malignamente aconsejados quieren hacer sentir allí el espíritu de la anarquía y de el desorden y servir de rémoras en el camino del adelanto y del Progreso.”). “Jefe Municipal de Toro al Alcalde del Distrito de Supía,” December 12, 1874, ACC, AM, 1874, paq. 129, leg. 47.*

<sup>666</sup> The agreement between the *parcialidad* of La Montaña and the “vecinos of San Sebastián de Quebralomo or Riosucio” was notarized by Notary of Riosucio Deed no. 58 of May 12, 1875. A copy of this document is kept in JCCR, 1886-02, 1927-035, “Licencia judicial Celio Díaz,” fol. 1v-4r. Another copy is preserved in “Solicitud y documentos en el asunto de Quebralomo,” December 13, 1890, ACC, AM, 1890, paq. 191, leg. 57. See Appelbaum, *Muddied Waters*, 64; “Remembering Riosucio,” 187-189.

<sup>667</sup> Besides Supía-Cañamomo and La Montaña, Palau and his allies deployed a similar strategy in other *resguardos* in the northern districts. As *procurador* Sanz reported, Municipal Chief Palau was conducting “those same deceptive and fraudulent operations” in the *resguardos* of Quinchía and Guática. “Procurador del Distrito de Supía al Ciudadano Presidente,” November 1, 1874, ACC, AM, 1874, paq. 129, leg. 47. On

challenged the State's executive order of September 1874 that had suspended the division of *resguardos*. Second, this strategy circumvented the court proceeding established by Law 44. Third, and most important, these contracts openly defied the still-in-force protective Law 90 of 1859, which banned any transfer of *resguardo* lands. Under such a legal frame, the notarial arrangements, whereby *resguardo* privatization was taking place in the Vega de Supía, bore serious flaws of both form and substance.

### **5.5. Legalizing the Wrongs: Law 47 of 1875 and the Denouement of the 1870s Privatization Campaign**

Thus, the next move in Palau's strategy was to figure out how to legalize such deeds. The first step towards that goal was the Municipality of Toro's Ordenanza no. 143 of January 12, 1875, which approved the notarized agreements concluded between, on one hand, *procuradores* of Supía and Marmato and, on the other, indigenous communities of those districts. Moreover, this regulation authorized *procuradores* to enter into similar pacts, legalized all the land transactions resulting from these covenants, and set detailed rules for distributing the lands that indigenous communities transferred to the districts.<sup>668</sup> Antioqueño land entrepreneur Rudecindo Ospina presided over Toro Municipal Assembly

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the 1870s campaign for privatization in other *resguardos* of the northern districts, see Zuluaga, *Vida, pasión*, 80-94.

<sup>668</sup> Municipality of Toro Ordenanza no. 143 of January 12, 1875, "*Aprobando los convenios celebrados entre los Procuradores de los Distritos de Supía y San Juan de Marmato con las comunidades de indijenas de los mismos sobre cesión de parte de los resguardos; autorizando para iguales convenios a los Procuradores de los distritos donde haya resguardos, y dictando reglas a los Cabildos para la distribución y enajenación de tales terrenos; ratificando y facultando el otorgamiento de otros actos.*" ACC, AM, 1875, paq. 133, leg. 75.

when it passed Ordenanza no. 143, right before Palau left office as Toro municipal chief. Even though this regulation underpinned the privatization by notarial deeds strategy, this legal support was still weak. Ordenanza no. 143 only had force within the jurisdiction of the Municipality of Toro, meaning it could not prevail over the state executive orders and laws that made that strategy illegal. The need for further legal steps became more pressing when, in response to Sanz's follow-up reports, the state government issued a second executive order, on July 1875, reiterating the suspension of the repartimiento in the Supía district.<sup>669</sup> A state law condoning the notarized dispossession of *resguardo* lands would provide a much more solid foundation to Palau's strategy. Proving - again - his exquisite sense of timing, Palau left his post as municipal chief of Toro and moved to Popayán to take a seat as deputy of the Cauca Assembly for the 1875 legislature.

The fate of indigenous communal lands became a central issue of the 1875 legislative agenda. Citizens of the state submitted conflicting requests to the Cauca Legislative Assembly. *Indígenas* from Pasto, in southwestern Cauca, asked for the repeal of Law 44 and the protection of their communal property under Law 90 of 1859. They argued that this "wise, useful, and necessary law" only might be enforced among those *indígenas* whose knowledge and culture enable them to retain the plots they would receive upon the division of their *resguardo*. "But as civilization and culture are very backward among the *indígenas* from the South, this law is not suitable for their circumstances," they claimed. Because of their poverty, they would have to sell or lease their parcels. And because of their ignorance, "it is very easy for astute people to deceive them and take over

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<sup>669</sup> State of Cauca Executive Order of July 23, 1875. ACC, AM, 1874, paq. 129, leg. 47.

their property." Finally, southern *indígenas* warned the deputies that "with the division of *resguardos*, envy and ambition have been aroused among the surrounding *vecinos*, who eagerly expect the partition to rapidly take over each *indígena*'s property, either legally or illegally."<sup>670</sup>

Some *indígenas* from Quinchía, in the northern district of Ansermaviejo, also opposed the partition of their *resguardo*. Yet, it was a divisive issue among the Quinchías, and the arguments of those who opposed the repartimiento were quite different from those of southern *indígenas*. Unlike the Pastos, the Quinchías did not request the repeal of Law 44. Instead, they resorted to it to complain that the division of their *resguardo* did not comply with its Article 20, which required the consent of the majority of community members. They accused Palau of cheating them, as they had hired him "to take our *resguardo* documents to the legislature for their approval, and, instead, he returned them with the law of *repartimiento*."<sup>671</sup> They complained that Palau, as well as other lawyers

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<sup>670</sup> (“[...] esta ley es sabia, útil y necesaria y puede muy bien ejecutarse entre los indígenas que por sus conocimientos y cultura puedan conservar la parte que les corresponda en la división de los terrenos de resguardo para su familia [...]; pero como la civilización y cultura están muy atrasadas entre todos los indígenas del Sur [...] no es admisible esta ley para sus circunstancias, porque divididos los terrenos y puesto cada indígena en la posesión de la porción que le correspondiera, permanecería en ella por muy poco tiempo [...] porque siendo sus necesidades muy graves y urgentes [...] tendría que arrendar o vender el terreno en que estaba en posesión; y por consiguiente quedaría reducido a la miseria sin tener en donde trabajar [...] Como todos los indios son imbéciles, infelices e ignorantes hay mucha facilidad para que los astutos les engañen y vayan adquiriendo dominio sobre su propiedad [...]. Con la división de los resguardos se ha despertado entre los vecinos colindantes y no vecinos la envidia y aspiración, y sólo desean con ansia que se lleve a efecto para adueñarse pronto de la propiedad de cada indígena legal o ilegalmente [...]). “Cabildos pequeños de indígenas de los municipios de Túquerres, Obando y Pasto a los Diputados de la Legislatura,” July 19, 1875, ACC, AM, 1875, paq. 133, leg. 75.

<sup>671</sup> (“Se nos ha enajenado por el señor Ramón Palau la salina titulada Anchuria. El cabildo del año 1873 se la ofreció en pago de doscientos fuertes, para que llevase los documentos de nuestros resguardos a la legislatura para su comprobación, y los devolvió con la ley de repartimiento, y la salina la vendió al señor Santiago Silva, en más de mil pesos, y se nos privó en general de este derecho.”). “Indígenas y vecinos de Quinchía al Presidente del Estado del Cauca,” June 10, 1875, transcribed in Zuluaga Gómez, *Documentos inéditos*, 118-120. I was unable to locate this document in the archive cited.

and surveyors, were taking over their *resguardo*'s best lands and salt mines. Finally, they pointed the partition was costly and unnecessary: "the few arable lands are already occupied by *indígenas* and *vecinos* alike so that we can say we already distributed them among ourselves, with no need of bearing such high costs."<sup>672</sup> It seems that the Quinchías who opposed the repartimiento were a dissenting voice among the community. On June 15, the *cabildo* of the *parcialidad* of Quinchía requested the legislature to disregard the petition sent by those dissidents. Noticeably aligned with Palau, the Quinchía *cabildo* argued that deferring the partition "would suspend us on the path of progress in which we have entered thanks to the law that the 1873 legislature so wisely issued."<sup>673</sup>

The views of Quinchía's *cabildo* mirrored those of residents of the neighboring northern districts. They lauded the *repartimiento* as the path to assure private property rights, which - in their views - would bring public peace and progress to the region. In what seems like a coordinated campaign by Palau's supporters, *procuradores* and *vecinos* of the districts of Riosucio and Marmato flooded the Cauca Assembly with letters and reports. These communications unanimously praised Palau's achievements in enforcing Law 44, requesting deputies to approve the notarized agreements between district *procuradores* and

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<sup>672</sup> ("[...] los pocos terrenos que se pueden cultivar se hallan ocupados de todos los indígenas y vecinos con sus habitantes, de manera que podemos decir que estamos repartidos por sí mismos, sin necesidad de sufrir gravísimos costos, pues el repartidor es un extranjero, que sin consideraciones puede hacer lo que le parezca, llevándose la mayor parte como está ocurriendo."). "Indígenas y vecinos de Quinchía al Presidente del Estado del Cauca," June 10, 1875, transcribed in Zuluaga Gómez, *Documentos inéditos*, 118-120.

<sup>673</sup> ("Al dar vida a la solicitud de que venimos hablando no haría otra cosa la Legislatura que suspendernos en la vía del progreso en que hemos entrado al benéfico soplo de la lei que con tanto tino expidieron los legisladores de 1873."). "Cabildo de indígenas de la parcialidad de Quinchía a los Diputados de la Legislatura," June 15, 1875, ACC, AM, 1875, pág. 133, leg. 75.



indigenous communities.<sup>674</sup> The arguments backing those petitions convey contemporary views on land property rights that would become a common element in the disputes over *resguardos* throughout the next century and into the present. Residents of Riosucio claimed that long time cohabitation and miscegenation between all the races had created "shared rights" over those lands that "[...] today have been declared as *indígenas'* *resguardo*." They highlighted that non-indigenous people also had legal title over those lands on the grounds of adverse possession ("*prescripción legal*"). In a somewhat dramatic rhetorical manner, *procurador* of Riosucio Juan Betancourt warned that "[...] any limitation of these rights would turn this town into a theater of alarm and desolation."<sup>675</sup> In similar terms, *Procurador* of Marmato Nicodemo García urged the legislature to approve the notarized agreement between the districts and the *parcialidad* of Supía-Cañamomo, for it had settled "[...] a most delicate and dangerous issue."<sup>676</sup> Circuit *procurador* Julio Meléndez, a close ally of Palau, submitted an extensive report endorsing the way the *repartimiento* was being carried

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<sup>674</sup> "Vecinos del Distrito de San Juan de Marmato a la Legislatura del Estado," June 26, 1875; "Habitantes del Distrito de Riosucio a la Legislatura del Estado," June 27, 1875; "Procurador del Distrito de Riosucio a la Legislatura del Estado," June 28, 1875; "Procurador del Distrito de San Juan de Marmato a la Legislatura del Estado," August 4, 1875, ACC, AM, 1875, paq. 130, leg. 15, and paq. 133, leg. 75. Noticeably, neither the *vecinos* nor the *procurador* of the Supía district joined their neighbors in such requests. Such absence hints at the fact that Palau's campaign for *resguardo* privatization was a quite divisive issue among this district's elites.

<sup>675</sup> ("Hará, quizá, más de sesenta años que los indígenas y vecinos han poseído en común los terrenos que hoy se han declarado del *resguardo* de los indígenas, i en ese lapso de tiempo se ha efectuado una completa fusión de la raza indígena con la blanca, mestiza, proviniendo de ella una comunidad de derechos sobre tales terrenos."): "Habitantes del Distrito de Riosucio a la Legislatura del Estado," June 27, 1875, ACC, AM, 1875, paq. 130, leg. 15. ("Hai ya derechos preconstituidos, tanto por el cruzamiento de la raza indígena con la blanca, mulata i de otros colores, i lo que aún es más por la *prescripción legal*, i cualquier cercen o limitación de esos derechos, convertiría este pueblo en un teatro de alarmas i desolación.") "Procurador del Distrito de Riosucio a la Legislatura del Estado," June 28, 1875, ACC, AM, 1875, paq. 133, leg. 75.

<sup>676</sup> ("[...] el convenio escriturario número 54 de fecha 8 de octubre de 1874 [...] puso término a la cuestión más delicada y peligrosa; cuestión que no transada habría arruinado por completo nuestras poblaciones y sepultado para siempre su bienestar y su tranquilidad."). "Procurador del Distrito de San Juan de Marmato a la Legislatura del Estado," August 4, 1875, ACC, AM, 1875, paq. 133, leg. 75.

out in the districts of Riosucio, Supía, and Marmato. Echoing an opinion shared by many, Melendez deemed the consolidation of private property rights resulting from *resguardo* partition as "[...] the sole principle of progress." Therefore, he urged the deputies to approve all the notarized agreements that were concluded in those districts upon the passage of Law 44. A law of that sort was needed to prevent "[...] any further litigation that could later unsettle the districts, paralyze their industry, and discourage the industrious men who dedicate themselves to the promotion of mining and agricultural wealth." In his view, land transactions between *indígenas* and non-indigenous residents "[...] have been so widespread, and so legally and morally effective, that it would be more difficult to reverse them than to continue to foster private property until it is completely grounded."<sup>677</sup>

This flood of petitions set the stage for the now deputies Ramón E. Palau and Rudecindo Ospina to introduce a bill that became the State of Cauca Law 47 of 1875.<sup>678</sup> It legalized all the notarized agreements whereby indigenous communities' cabildos and administrators transferred *resguardo* lands to municipal authorities and private individuals

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<sup>677</sup> ("Los distritos de que he hecho relación [...] no sólo aspiran con avidez ver establecidas la propiedad, como el único principio del progreso, sino también que anhelan ardientemente que la Legislatura dicte un acto legislativo que selle todos sus convenios y corrobore todos sus contratos que se hicieron buscando un medio de equidad, y cuyo acto prevenga y conjure todas las cuestiones litigiosas que mas tarde pudieran intranquilizar los distritos, paralizar su industria y desalentar a los hombres laboriosos que se consagran al fomento de las riquezas mineras y agrícolas [...] Las transacciones que se han sucedido después de la vigencia de la ley 44, consistentes en ventas, permutas, hechas por los indígenas con los habitantes no indígenas, han sido tan multiplicadas y tan efectivas moral y legalmente, que serían mayores las dificultades que se encontrarán en retroceder y destruir lo ya consumado, que en seguir fomentando la propiedad hasta dejarla completamente cimentada.") "Procuraduría del Circuito de Supía al Presidente de la Legislatura," August 14, 1875, ACC, AM, 1875, paq. 133, leg. 75.

<sup>678</sup> "Proyecto de Ley. Adicional y reformativa de la Ley 44 de 1873, sobre administración y división de los resguardos de indígenas," August 13, 1875. On September 16, Deputy Emigdio Palau suggested some amendments to the original bill. ACC, AM, 1875, paq. 130, leg. 15. State of Cauca Law 47 of September 23, 1875, "sobre administración y división de los resguardos de indígenas," *Registro Oficial. Órgano del Gobierno del Cauca*, Año III, No. 121, Popayán, September 29, 1875, 2; reproduced in Mayorga García, *Datos para la historia*, 144-146.

in the northern districts. Moreover, this law deemed indigenous *resguardos* as severable estates that were subject to the same rules governing the partition of goods held in common (*comunidad de bienes*) and other types of communal property. Law 47 made repartimiento easier by enabling *indígenas* to implement the "amicable division" of their *resguardo*, as long as they submit the division to court approval and then notarize it. Besides, it authorized *indígenas* whose *resguardos* went through division to alienate their land plots or shares upon judicial approval. Meanwhile, indigenous communities that decided to keep their *resguardos* undivided would remain subject to Law 90 of 1859. Finally, Law 47 repealed the executive orders that had suspended the *repartimiento* in the district of Supía, clearing the path to move forward with the privatization of the Supía-Cañamomo *resguardo*.

Law 47 of 1875 signaled Ramón Palau's victory over Ricardo Sanz, the most vocal critic of both the idea of indigenous land rights and the division of *resguardos*. A few days before the new law was passed, Sanz was accused of taking part in a plot to assassinate the German immigrant Julio Richter and other supporters of the *repartimiento*. Along with Sanz, other local notables such as Bonifacio Zavala, Juan B. Gutiérrez, and Francisco Moreno were among the alleged co-conspirators. No *indígenas* took part in the plot, which was supported, instead, by some mestizos and mulattos from Quiebralomo.<sup>679</sup> The absence of *indígenas* in this alleged conspiracy confirms what the dispute between Palau and Sanz has made clear enough: both sides of the controversy about the division of *resguardos* in the Vega de Supía represented anything but a defense of indigenous landholdings. As

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<sup>679</sup> See Appelbaum, "Remembering Riosucio," 204-205; González Escobar, *Ocupación*, 261-262. Sources related to this conspiracy are kept at Archivo Municipal de Supía, which I had no access to during my archival research.

Appelbaum notes, partisan political factionalism between Supía's Radical Liberals, who supported the conspiracy against Richter, and the pro-Mosquera Liberal faction locally head by Palau was one of the driving forces behind the clash over the division of *resguardos*. Appelbaum points that, beyond politics, elites' internal disputes over the spoils of the *repartimiento* also ignited this controversy. Indeed, Bonifacio Zavala, one of the plotters, was later appointed *procurador* of Supía. In this capacity, he was in charge of distributing the lands the Supía-Cañamomo administrator had transferred to the district by the notarized agreement of October 8, 1874, which allowed Zavala to benefit himself from the spoils of the *repartimiento*.<sup>680</sup> Not all the alleged plotters had the same luck. After this episode, former *procurador* of Supía Ricardo Sanz vanished from the archival records. Such a silence suggests Sanz did not participate in the real estate boom resulting from the division of *resguardos* that he so adamantly opposed.

The civil war of 1876-77 curbed the frenzied feast of land and mining speculation unleashed by the 1874 repartimiento. The hustle and bustle temporarily moved from the notary offices to the battlefield, as most of the northern districts' male population became involved in this war. Its borderline location between the states of Cauca and Antioquia placed the Vega de Supía as a strategic point for the warring parties. The 1876-77 war resulted in a Liberal victory over the Conservatives that ended a decade and a half of Conservative hegemony in Antioquia and intensified racial and regional rivalries between

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<sup>680</sup> Appelbaum, "Remembering Riosucio," 205. According to González Escobar, *procurador* Bonifacio Zavala allocated 1,035.5 hectares of land to the district's residents during the period 1878-1881. In his capacity of *procurador* of the Supía district, Zavala even granted himself a twenty-hectares plot. Gonzalez Escobar, *Ocupación*, 268-269.

Antioqueños and Caucanos.<sup>681</sup> Land transactions significantly dropped in number during the wartime but quickly began to increase from 1878 on.

The second wave of land transactions in the Vega de Supía took place between 1878 and 1885. In May 1878, representatives of the *parcialidad* of Supía-Cañamomo and the districts of Supía and Marmato signed a new agreement defining the boundaries of the landholdings that corresponded to the *indígenas* and each district under the 1874 notarized repartimiento, as Map 16 shows.<sup>682</sup> The 1878 agreement also ratified the land sales and grants that the Supía-Cañamomo administrator and the *procuradores* of Supía and Marmato districts had concluded up to then. Thereafter, district *procuradores* became, along with Supía-Cañamomo's administrator, the major agents of privatization in the Vega de Supía as they were in charge of allocating land plots within their respective jurisdiction. During the period 1878-1885, Supía-Cañamomo's administrator Juan Gregorio Trejo

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<sup>681</sup> On the partisan disputes that led to the 1876-77 civil war, see Bushnell, *The Making*, 129-131; Delpar, *Red Against Blue*, 110-123. For an analysis of this war at the regional level, see Valencia Llano, *Estado soberano del Cauca. Federalismo y Regeneración* (Bogotá: Banco de la República, 1998), 165-259; at the local level, see Gärtner, *Las guerras civiles*, 143-214. On the significance of the 1876-77 civil war in the making of racialized regions in the area under study, see Appelbaum, *Muddied Waters*, 98, 169, and 179. Rómulo Cuesta's novel, *Tomás*, provides a fictionalized historical account of this war in the context of the region's political and socioeconomic conflicts.

<sup>682</sup> NUS, Notarial Deed no. 10 of May 18, 1878, fols. 62-70. This agreement was signed by Juan Gregorio Trejo (Administrator of the Parcialidad of Supía-Cañamomo), Marco Tulio Palau (Procurador of the Circuit of Toro), Bonifacio E. Zabala (Procurador of Supía), and Hermenejildo Valencia (Procurador of Marmato). Clause third defined the boundaries of the resguardo of Supía-Cañamomo as follows: “*por el oriente, el río Supía, desde en frente del cerro que se denomina Carhunco, aguas arriba, hasta el desboque de la quebrada Taborda; esta arriba hasta su nacimiento y de aquí línea recta a encontrar el camino que jira del Establecimiento de Arcón para Arquía, pasando por “Hojas Anchas”, siguiendo por dicho camino a buscar los nacimientos de las quebradas “La Miel” y “La Sucia” y siguiendo así a línea recta a buscar el camino que conduce de Supía a Nueva Caramanta, y seguir por éste hasta la quebrada “Arquía”, aguas arriba hasta su nacimiento; de aquí en línea recta hasta el lindero con el Estado de Antioquia y después volteando [...] a buscar los nacimientos de la quebrada “Arcón”, esta abajo hasta su desemboque en el río Supía; de aquí al alto de Guática; de aquí en línea recta a la quebrada de “San Sebastián” en dirección de los nacimientos de la quebrada de “San Bartolo”, de aquí por todo el alto de Sipirra en dirección al cerro de “Sinifaná”; de aquí línea recta al cerro de “Gallo”; de aquí al cerro de “Carhunco” y de aquí línea recta al río Supía, punto de partida del primer lindero.*”

transferred a total of 1,397 hectares of *resguardo* lands to twenty individuals. Five out of this twenty recipients were members of the *criollato republicano*, who received a total of 596 hectares, while the remaining fifteen recipients were *indígenas*, who received 801 hectares.<sup>683</sup> This illustrates the massive transfer of indigenous lands to non-indigenous hands that followed the 1874 repartimiento: about 43% of the allocated land went to only five non-indigenous individuals, while the remaining 57% was distributed among fifteen *indígenas*.<sup>684</sup> Among the latter figure leaders of Supía-Cañamomo and their relatives. Isidro Vélez, who was member of the 1874 community census board and became governor of the *parcialidad* by the 1880s, received 140 hectares. Bibiano Romero, secretary of the indigenous cabildo, was granted 106 hectares. Marcelino Betancurt, possibly Governor Feliciano Betancurt's brother, was granted fifty-five out of the eighty hectares he already possessed in the *resguardo*.<sup>685</sup> Along with Supía-Cañamomo's Administrator Juan Gregorio Trejo, Vélez, Romero, and Betancurt frequently appeared in the Notary of Supía's records, whether granting or selling *resguardo* plots to members of the *criollato*

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<sup>683</sup> See González Escobar, *Ocupación*, 266-267, and 510-513 (Appendix 10).

<sup>684</sup> The non-indigenous recipients of the land grants were Enrique Wagner, Francisco Senén Tascón, Bartolomé Chávez, Ismael Zavala, Jesús and Manuel A. Molina. The latter two lived in Medellín. González Escobar, *Ocupación*, 267.

<sup>685</sup> González Escobar, *Ocupación*, 510-513 (Appendix 10); Appelbaum, "Remembering Riosucio," 202.

*republicano*.<sup>686</sup> They were part of an elite of indigenous brokers who actively contributed to and profited from the privatization of their *resguardo*.<sup>687</sup>

Notary of Supía's deeds also recorded multiple cases in which *indígenas* sold their land plots to non-indigenous land entrepreneurs. Some of these transactions occurred shortly after or even the same day the indigenous sellers had received their individual land title. A case in point was Isidro Vélez, who sold to Mariano Orozco and Jesús Ma. Vallejo the 140 hectares that Administrator Juan Gregorio Trejo had just granted to him.<sup>688</sup> Many real estate brokers (known as "*compradores de tierras*") thrived at that time. These intermediaries used to purchase shares of *resguardo* lands from *indígenas* (who usually received one hectare per household), to sell them en bloc to a single buyer. As González Escobar documents, 120 hectares that had been allocated to an equal number of indigenous families ended up in the hands of Francisco Senén Tascón. Tascón acquired the land by purchase from the land broker Polidoro de La Roche, who himself had bought them from the 120 families.<sup>689</sup> Primary evidence also shows how Eustaquio Tascón accumulated

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<sup>686</sup> NUS, Notarial Deeds no. 19, June 13, 1876, fols. 49v-52v; no. 20, June 14, 1876, fol. 52v-55; no. 116, October 17, 1879, fols. 105-108; 118, October 28, 1879, fols. 814-816; no. 134, December 16, 1879, fols. 850-853; nos. 56 to 58, September 2, 1880, fols. 144v-151; no. 94, November 8, 1880, fols. 238-241; no. 95, November 9, 1880, fols. 241-243v; nos. 127 and 128, October 5, 1882, fols. 293-297; no. 83, August 6, 1883, fols. 194v-197; no. 19, March 3, 1883, fols. 39v-42v; no. 41, April 3, 1884, fols. 86v-88v.

<sup>687</sup> The real estate boom that followed the 1874 repartimiento did not only impact Supía-Cañamomo's but also La Montaña's *resguardo*. For land transactions in La Montaña and other *resguardos* in the northern districts, see Appelbaum, *Muddied Waters*, 64-65; and "Remembering Riosucio," 149-155.

<sup>688</sup> NUS, Notarial Deeds nos. 56 and 57, September 2, 1880, fols. 144v-149.

<sup>689</sup> González Escobar, *Ocupación*, 267.

many shares of the Supía-Cañamomo's *resguardo*, both as a direct owner and on behalf of others. He later sold them to multiple buyers, including Antioqueño investors.<sup>690</sup>

All the recorded land sales made by *indígenas* of Supía-Cañamomo in the decade following the 1874 *repartimiento* lacked prior judicial approval, which was mandatory under Law 47 of 1875 and other contemporary legislation. In what seems like a pretense of such authorization, Administrator Juan Gregorio Trejo gave “license” to the *indígena* Isidro Vélez to sell thirty hectares of land to Bartolomé Chávez.<sup>691</sup> This example shows how far the strategy of privatization by notarial deeds went in terms of circumventing the very same laws Palau and his allies had managed to pass in order to legalize dispossession. Most of the *resguardo* lands that non-indigenous people acquired during this period were located on the east side of the Supía River, surrounding the mining facilities of Arcón, Taborda, La Línea, and Viringo.<sup>692</sup> Over time, the indigenous community lost the vast northeast area enclosed by the rivers Supía, Arquía, and Arcón, which had been part of the lands granted by Oidor Lesmes de Espinosa Saravia in 1627 and had been kept as part of Supía-Cañamomo’s *resguardo* in the 1874 notarized division (see Map 16).

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<sup>690</sup> As documented in a letter from Eustaquio Tascón to Ramón Palau, November 26, 1883, published in Supía local newspaper *El Iris*, no. 1, January 1, 1884. In response to this publication, Palau explained that Tascón had reached him out to discuss “[...] the sale of part of many shares that, as direct owner and on behalf of others, he has in the *resguardo* of the said *indígenas*.” *El Iris*, no. 2, January, 114. (“*Bajo aquel rubro se publica en el primer número de ese simpático periódico [...] un artículo suscrito por J.C.O. precediendo la inserción de una carta que me dirigió el señor Eustaquio Tascón [...] referente a hablarme como apoderado general de los indígenas sobre la venta de parte de muchas acciones que, como dueño directo y en representación de otros, tiene en el Resguardo de dichos indígenas.*”). Tascón’s letter and the controversy surrounding its publication will be further discussed at the end of this section.

<sup>691</sup> NUS, Notarial Deed no. 127, October 5, 1882, fols. 293-297.

<sup>692</sup> González Escobar, *Ocupación*, 268.



*Indígenas* of Supía-Cañamomo participated in the dismantling of their *resguardo* while also attempting to oppose it. They resorted to the law to articulate such resistance, though in a paradoxical and ineffective way: by entrusting the very Ramón E. Palau with the tasks of reversing privatization. In 1878 and 1881, Supía-Cañamomo's Administrator Juan Gregorio Trejo, the *cabildo*, and members of the *parcialidad* granted "general and absolute" power of attorney to Palau.<sup>693</sup> They commissioned him to pursue "the nullification of any acknowledgment of ownership over *resguardo* lands made in favor of private companies or individuals who lacked valid titles proving old acquisition."<sup>694</sup> Supía-Cañamomo's *indígenas* also wanted Palau to reverse all the contracts that were concluded through malice or deceit ("*dolo o engaño*") to harm the community. Not surprisingly, the final clause stipulated that Palau would receive a third of the recovered lands in return for his legal services. It is somewhat ironic that Trejo and the very same indigenous leaders that acted as the major agents of the *repartimiento* also promoted this attempt at reversing it. It is possible that signing notarized documents conveying the promise to recover the

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<sup>693</sup> NUS, Notarial Deeds no. 30, July 28, 1878, fols. 239-243 (Administrator Trejo, the *cabildo*, and twenty-eight members of the community signed it); no. 42, August 5, 1878, fols. 343-352 (it included a final clause concerning Palau's legal fees and was signed by seventy-two male and female members of the community, along with the *cabildo* and Administrator Trejo); and, no. 161, April 18, 1881, fols. 416-419v (it also contains the final clause on Palau's fees and was signed by Administrator Trejo, the *cabildo*, and thirty-seven male and female members of the community). The members of the 1878 *cabildo* were: Eusebio Anduquia (Governor), Julián Moreno (Alcalde), Eusebio Tapasco (Governor's Secretary), Eulogio Tapasco (Alcalde's Secretary), Benedicto Batero, Francisco Miranda, Indalecio Largo, Silvestre Vélez, and Juan Tapasco (Vocales). By 1881, the *cabildo* was comprised of Isidro Vélez (Governor), Julián Moreno Tabima (Alcalde), Indalecio and Manuel Largo (Vocales), Estanislao Román (Secretary). The majority of the *cabildo* members, as well as the grassroot *indígenas* who subscribed to the document, were illiterate since a few literate members of the community signed on their behalf ("*a ruego*").

<sup>694</sup> ("*hacer declarar sin ningún valor y efectos todos y cada uno de los reconocimientos de dominio o propiedad a favor de compañías o particulares que de alguna parte del *resguardo* de los otorgantes se hubiere verificado por estos o sus representantes sin tener títulos legítimos de antigua adquisición de compañías o individuos.*"). NUS, Notarial Deeds no. 30, July 28, 1878, fols. 239-243; no. 42, August 5, 1878, fols. 343-352; and, no. 161, April 18, 1881, fols. 416-419v.

dispossessed lands was just a legal ritual to appease and co-opt grassroots *indígenas'* resistance to privatization. Perhaps it was just another way for Palau to grab indigenous lands disguised as payment of legal fees. Still, the circumstances surrounding the production of these powers of attorneys remain unknown.

While *indígenas* of Supía-Cañamomo relied on Ramón E. Palau to turn back dispossession, a group of *indígenas* of La Montaña took up arms against him and the Riosucio district alcalde. The uprising took place in June 1880 and resulted in the temporary overthrow of Palau as Municipal Chief of Toro. As Appelbaum documents, the revolt was primarily the work of *indígenas* from La Montaña in alliance with Radical Liberals headed by Ulpiano Quintero. Upon the revolt, Quintero declared himself as "Military and Civil Chief" of the municipality of Toro. Shortly after, however, the state government reinstated Palau as municipal chief. It is uncertain to what extent the privatization of *resguardos* accounted for *indígenas* taking up arms. The rebels' statements, authored by Quintero, focused on political administration and corruption and included some vague allusions to property rights, without any explicit mention of indigenous land rights.<sup>695</sup> Yet, an 1880 anonymous newspaper article, allegedly based on the *indígenas* rebels' account, pointed at Palau's mishandling of the *repartimiento* as one of the major grievances that led them to rise in arms:

It is claimed that Municipal Chief Dr. Ramón E. Palau has performed as *apoderado* of the *indígenas*. But far from advocating for their rights, he has done just the opposite. The *indígenas* saw their land being sold by their *apoderado* without giving them their share of the proceeds. He allocated the said *indígenas'* land plots

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<sup>695</sup> Appelbaum, *Muddied Waters*, 99-101.

in barren wasteland mountains. Because of all that, they have been very annoyed and wanting to find a way to improve their situation.<sup>696</sup>

Because of the lack of contemporary documents authored by *indígenas*, the scant traces of indigenous resistance against the 1870s-1880s campaign for privatization come to us in sources produced by non-indigenous people, as this quote exemplifies. By contrast, local elites' criticism against Palau's ambiguous role in promoting indigenous property rights and profiting from the dismantling of *resguardos* is much better documented and lasted throughout the entire Palau era. In 1884, a decade after *procurador* Sanz's crusade against Palau's repartimiento, a sequel of this dispute reemerged in the pages of *El Iris*, the first known of Supía's local newspapers, founded by Conservative opponents of Palau's. *El Iris*'s first issue contains the transcription of a letter that Eugenio Tascón sent to Ramón Palau concerning a plot of Supía-Cañamomo's *resguardo* land they were going to sell to two Antioqueño buyers. The letter gives a glimpse of the everyday working of land dispossession, hints at Palau's patronage over the indigenous community, and at the

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<sup>696</sup> (“Se asegura que el doctor Ramón E. Palau Jefe Municipal, ha sido apoderado de los indígenas para abogar por los derechos de estos, i que lejos de patrocinarlos ha obrado en sentido contrario, que los indígenas veían se hacían ventas por su apoderado, i el precio de ellas no aparecía ni se les daba la parte que les correspondía i que se les adjudicaba a los expresados indígenas su respectiva porción en los yermos i eriales de las estériles montañas; todo lo cual, los ha tenido quejosísimos, deseando buscar un medio de mejorar su situación.”) “¿Qué hai en Riosucio?,” *La Paz* no. 38, Popayán, July 17, 1880, 3. The newspaper's director was Aparicio Paz, who possibly wrote this anonymous piece. As per its author, the article drew on the version of two *indígenas* who had participated in the uprising and, shortly after, traveled to Popayán to hand their grievances over to the president of the state. According to this article, the revolt took place at the backdrop of the municipal chief's order of collecting the guns the *indígenas* still kept after the last civil war. While enforcing this order, the *alcalde* of Riosucio killed an *indígena* who refused to submit his rifle, being this skirmish what triggered the rebellion. The article framed this episode within broader issues concerning sales of *resguardo* lands and Palau's mishandling of the *repartimiento*.

alignment of Supía-Cañamomo's Governor Isidro Vélez with the interests of these land-entrepreneurs.<sup>697</sup>

Someone who signed as "J.C.O" authored a brief article that introduced the letter. The piece blamed a clique of some "Caucano malefactors" who, under the pretense of defending *indígenas'* lands, "[...] want to seize what honest individuals had acquired, by law and by work, near or within those *resguardos*."<sup>698</sup> The author accused Palau of cheating both *indígenas* and prominent citizens, such as Francisco Senén Tascón. But J.C.O.'s major complaint centered around Palau's role in passing legislation on indigenous *resguardos* and availing himself of it to monopolize access to land. By doing so, Palau hindered the advance of private property and discouraged "hardworking and honest" Antioqueño migrants to bring progress to the region, J.C.O said. The author elaborated on this viewpoint in a second piece, published shortly after, that chastised Palau's "advocacy"

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<sup>697</sup> In this letter, dated November 26, 1883, Eustaquio Tascón wrote Ramón Palau that: "I was yesterday in Caramanta, where I spoke with Mr. Eujenio Restrepo [...] He is going to buy in partnership with another man. They propose to meet with us next Sunday in Supía [...]. I assured them you will attend this meeting with me to arrange the contract since you will be in town that day attending the *indígenas'* general assembly." Then, Tascón suggested the lot to be sold to Restrepo might be made up of leftover lands of the parcels that other non-indigenous individuals had acquired. Tascón concluded by suggesting that Isidro Vélez – by then Supía-Cañamomo's governor - might represent him and take care of his claims, so that Tascón can perform as the mediator in this transaction. ("*Ayer estuve en Caramanta. Hablé con el señor Eujenio Restrepo, que así se llama el comprador. Este compra en compañía de otro señor. Estos me dijeron que [...] el domingo próximo, dos del entrante mes por la tarde los aguardara en Supía, i que ojalá estuviera U. allí también para arreglar en definitiva con ambos. Yo les aseguré que ese día estaría U. conmigo allí, i los aguardábamos para arreglar el contrato, contando que U viene a la junta general de indígenas comuneros. // El señor Francisco Suárez, de Caramanta, fue quien le compró a Rafael Ortiz. No pude hablar con él, no dudo que allí sobra terreno. También sobra del de Dn. Senen, [...] del de Cruz Ortiz, i del de Floriano Murillo, i de estos sobrantes se les puede acomodar un lote a esos señores. // Aguardo pues nos veremos en Supía el día 2 i arreglamos algo. // Tengo pensado, siempre que yo pueda desempeñar como árbitro, que se encargue de mis reclamos, con poder Isidro Velez.*") *El Iris*, no. 1, January 1, 1884.

<sup>698</sup> ("*Lo que hoy acontece nos demuestra, hasta la saciedad, que no son los Antioqueños, trabajadores y honrados por virtud ingénita, los que quieren constituir predominio sobre lo que no les corresponde, sino que son los malhechores Caucanos los que quieren quitar a los individuos honrados lo que por la ley y por el trabajo adquirieron, cerca o dentro de esos resguardos.*") J.C.O., "Propiedad Territorial," *El Iris*, no. 1, January 1, 1884.

for indigenous land rights. He wondered, "[...] what have we gained from the fact that a few *indígenas* have become the sole owners of a huge amount of land they neither cultivate nor sell?"<sup>699</sup> J.C.O further argued that, because of Palau and the legislation he helped to advance, "[...] mining remains stagnant, [...] land property rights remain undefined, [...] many honest men have abandoned their farms, [...] and many capitalists [...] have stopped settling in the old Supía Canton."<sup>700</sup>

In response, Palau portrayed himself as the champion of private property rights in the northern districts. Moreover, disregarding the actual opposition between both agendas, he claimed to be the true defender of both indigenous land rights and the Antioqueño and Caucaño settlers' claims within the *resguardos*:

I was and have been the principal motor of territorial property [in this area]. To begin with, I authored the laws that established the basis for this laudable purpose and provided the means for *indígenas* to prove their legitimate rights. From the Legislature I pledged to guard the property of the Antioqueño and Caucaño improvers [*mejoradores*] in the Resguardos [...] As municipal chief I battled for the Antioqueño improvers to gain ownership of the soil, fighting against the prejudice there was then against them.<sup>701</sup>

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<sup>699</sup> ("¿Qué hemos ganado con que unos cuantos indígenas hayan adquirido para ellos únicamente, un mundo de tierra que ni cultivan ni venden?") J.C.O., "Propiedad Territorial," *El Iris*, no. 3, February 1, 1884.

<sup>700</sup> ("Espero que basten estos ligeros apuntes para dar a conocer los méritos que el Dr. Palau ha contraído para con los habitantes del antiguo Cantón Supía: Por él permanece extacionaria (sic) la minería. Por él no se ha definido la propiedad territorial. Por él han abandonado muchos hombres honrados sus labranzas. Por él muchos hombres capitalistas [...] han dejado de establecerse en el Cantón.") J.C.O., "Propiedad Territorial," *El Iris*, no. 3, February 1, 1884.

<sup>701</sup> ("Como lo saben todos los habitantes de esta sección, fui y he sido yo el principal motor de fui y he sido yo el principal motor de la fundación de la propiedad territorial en ellas, comenzado por ser el autor de las leyes que establecieron las bases para ese laudable propósito y que facilitaron a los indígenas las medidas de la comprobación de sus legítimos derechos: que desde la Legislatura me empeñé en cautelar la propiedad de los mejoradores antioqueños y caucanos situados en los Resguardos [...] Como Jefe Municipal batallé porque los mejoradores adquirieran la propiedad del suelo, combatiendo para el efecto la prevención que entonces había contra los antioqueños.") Ramón E. Palau, "Propiedad Territorial," *El Iris*, no. 2, January, 1884.

This controversy captures the anxieties that indigenous property rights elicited among residents of the Vega de Supía in 1870s-1880s Colombia, when the commodification of land and natural resources, the consolidation of an extractive economy, and the racialized making of regions were going on. Undoubtedly, the economic and political interests of Palau and his opponents underlaid this dispute. Yet, leaving these factors aside, both parties shared the widespread belief in private property and Antioqueño migration as gateways to progress. Their fundamental disagreement laid in how indigenous property rights fit into this scenario. For some people, such as Procurador Sanz and J.O.C., there was no place for indigenous *resguardos* in the emerging order. Any historical and legal land right that *indigenas* could have claimed had faded away because of miscegenation and longstanding coexistence of natives, blacks, and mestizos in the Vega de Supía. From this viewpoint, these lands had become *baldíos* up for grabs. By contrast, Palau sponsored legislation that would help *indigenas* to produce *resguardo* titles via the standard of substitute evidence ("*prueba supletoria*") in order to prove their land rights. But he did so just as a way - one he could easily handle and profit from - to transform communal indigenous landholdings into privately-owned plots.

While the commodification of indigenous lands went ahead in and around the Vega de Supía, the State of Cauca Assembly issued Law 41 of 1879, the last piece of state legislation on *resguardos* enacted during the Federal era. This statute reached a compromise between the northern districts' push for dismantling *resguardos* and southern indigenous communities' demands for protecting their communal lands. To do so, Law 41 provided that the division of *resguardos* should continue under the provisions of the State of Cauca Civil Code, but it set a fifty-year term to complete it. In the meantime, indigenous

communities whose *resguardos* remained undivided continued to be ruled under the protective Law 90 of 1859, which the new statute reproduced as a way to assert its legal force.<sup>702</sup>

Law 41 of 1879 had a short life, however. The Federal and Liberal Radical era began to crumble away with the election of Rafael Nuñez as president of the Union in 1880. The Liberal party's division between Radicals and Independents (the latter included the pro-Mosquera faction) reached its peak at this time. A coalition of Conservatives and Independents supported Rafael Nuñez against the Radical Aquileo Parra. Political tensions led to civil war in 1885, which sealed the Radicals' political and military defeat. Right after the final battle, in June 1885, President Nuñez declared, "[...] the 1863 Constitution has ceased to exist." The coalition in power launched a National-Conservative political platform known as the Regeneration that crystallized in the 1886 Constitution. The new constitution adopted a centralized system whereby the "sovereign states" became '*departamentos*' with no political autonomy. In the future, only the national congress was competent to legislate on all the matters, including indigenous affairs. This meant that the State of Cauca Law 41 of 1879, as all the state laws, lost legal force under the new constitution. Yet, the compromise between privatization and protection it embodied would serve as the blueprint for national Law 89 of 1890, the Regeneration's statute on indigenous affairs, as discussed in next chapter.

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<sup>702</sup> State of Cauca Law 41 of October 4, 1879, "sobre protección de indígenas," *Registro Oficial. Estado Soberano del Cauca*, serie 1, no. 32, Popayán, October 25, 1879, 1-3; reproduced in Mayorga García, *Datos para la historia*, 149-159.

## VII. CHAPTER 6. THE REGENERATION AND THE LEGAL FRAMEWORK FOR PRESERVING *RESGUARDOS*

In 1906, Provincial Administrator Francisco Trejos reported to the governor of the newly created department of Caldas about the situation in the northwestern province of Marmato. In the section concerning "disturbances in the administration," the official complained about "the intense nightmare of the *comunidades* and *parcialidades de indígenas*," which he accused of hampering progress, threatening private property, and flooding the provincial offices with relentless litigation. Trejos recounted that the administration was overwhelmed with over 242 lawsuits, not to mention many others that local officials had to settle verbally in order to save time. He blamed Law 89 of 1890 for such a "nightmare:"

The progress of Riosucio and Quinchía is stagnant due to such *parcialidades*. And even though men of sound judgment have promoted the division of the *comunidades* and *parcialidades* to set property rights on solid foundations, they have not succeeded because our representatives in Congress have been unaware of that troublesome situation. [...] The lawmakers who issued Law 89 of 1890 probably believed that *indígenas* of Riosucio, Quinchía, and Nazareth [...] were semi-savages, like those of other places. But I have met here *indígenas* with such sound reasoning that they are able to comment on an intricate article of the Civil Code with such lucidity, as any lawyer would do it after racking his brain. [...] Since *indígenas* can litigate on the cheapest ordinary paper available at retail stores, it is sufficient they feel animosity towards any non-indigenous individual to sue him so that the latter should bear the cost of the sealed paper. [...] There are also many individuals interested in the existence of the *comunidades* and *parcialidades de indígenas* because they enable administrators and pettifoggers to engage in considerable speculation. But those of us who are concerned with the advancement



and progress of these towns, we want the said communities to be divided. It could be done more efficiently by a legislative decree or by an act passed by Congress.<sup>703</sup>

Francisco Trejos' report hints at the political, legal, and social milieu wherein conflicts over communal landholdings unfolded in the area under study during the period of Conservative hegemony that lasted from 1886 to 1930. Under the motto "Regeneration or Catastrophe," a coalition of Conservatives and moderate Liberals formed the National Party, whose candidate, Rafael Nuñez, won against the Radical Liberal Aquileo Parra in the 1880 presidential election. Nuñez's arrival to power and the defeat of the Liberal forces in the 1885 Civil War inaugurated a new period in Colombia's political and legal history. The Regeneration - as it became known - signaled the transition from the federal and Radical Liberal era to one of Conservative party dominance that lasted until 1930. The Regeneration aimed to foster national unity and modernization on the basis of political centralism, strong executive powers, economic protectionism, and the celebration of

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<sup>703</sup> ("El progreso de Riosucio y Quinchía está estancado gracias a tales parcialidades; y aun cuando los hombres de criterio levantado han deseado promover la división de las Comunidades y Parcialidades, para asentar sobre sólidas bases la propiedad, no se ha hallado el medio de conseguir ese fin, porque desde hace muchos años no concurren a los Congresos de la República individuos que tuvieran pleno conocimiento de aquel mal. [...] Los legisladores que expidieron la Ley 89 de 1890 probablemente creyeron que los indígenas de Riosucio, Quinchía y Nazareth estaban como los de otros lugares, en estado semisalvaje; y yo conozco aquí indígenas con tan buena sindéresis, que comentan con tanta lucidez un intrincado artículo del Código Civil, como lo hiciera cualquier letrado acalorándose los sesos. [...] Como los indígenas pueden establecer sus litis en papel común, y del más barato que se vende en las tiendas de comercio, basta que le tengan inquina a otro individuo que no sea indígena, para establecerle querrela con el objeto de hacer a este costear el papel sellado. [...] Hay también muchos individuos interesados en la existencia de las Comunidades y Parcialidades de indígenas porque con ellas hacen notables especulaciones los administradores y los leguleyos. Mas los que tenemos interés por el adelanto y progreso indefinido de estos pueblos, queremos que dichas comunidades sean divididas, lo cual podría hacerse más fácilmente por un Decreto legislativo o por un acto del Congreso que el Gobierno convocara.") Francisco Trejos, "Informe...Alcaldía Provincial de Marmato. Riosucio, 8 de octubre de 1906," *Registro Oficial* (Departamento de Caldas), año II, no. 188, Manizales, March 1, 1907: 1178-1180 (quote, 1178-1179).

Colombia's Hispanic inheritance. Whiteness, Hispanic culture, and Catholicism were the pillars of the Regeneration's national project, which historian Jorge Orlando Melo dubbed as the "white republic."<sup>704</sup> With the passage of the 1886 Constitution, the Regeneration's tenets became the law of the land.<sup>705</sup>

Under the unitary republic proclaimed by the 1886 Constitution, the former "sovereign state" of Cauca became the province or 'department' of Cauca. The departments were mere administrative divisions with no political autonomy and ruled by governors appointed by the president of the republic.<sup>706</sup> After 1886, the former state of Cauca laws protecting *resguardos* lost validity. The new Constitution (Transitory Article H) provided that legislation that had governed each sovereign state would continue to rule in the departments until the legislators provided otherwise. Shortly after, Law 57 of April 15, 1887, unified the country's legislation by defining which of the former states' codes and laws would become the law of the land. Law 57 did not establish anything about indigenous *resguardos*. It led to uncertainty about the legal regime under which the existing indigenous *parcialidades* would hold their communal lands.

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<sup>704</sup> Jorge Orlando Melo, "Etnia, región y nación: el fluctuante discurso de la identidad (notas para un debate)," *Colombia es un tema. Jorge Orlando Melo* (blog), [http://www.jorgeorlandomelo.com/etnia\\_nacion.htm#\\_ftnref16](http://www.jorgeorlandomelo.com/etnia_nacion.htm#_ftnref16)

<sup>705</sup> On the Regeneration, see Margarita Garrido, *La Regeneración y la cuestión nacional estatal en Colombia* (Bogotá: Banco de la República – Programa Centenario de la Constitución de 1886, 1983); Antonio Barreto Roza, *Venturas y desventuras de la Regeneración. Apuntes de historia jurídica sobre el proyecto político de 1886 y sus transformaciones y rupturas en el siglo XX* (Bogotá: Uniandes, 2011); Bushnell, *The Making of Modern Colombia*, 140-154. On the Regeneration in the area under study, see Appelbaum, *Muddied Waters*, chapter 4, 107-123.

<sup>706</sup> In the Regeneration's political geography, the districts of Riosucio, Supía, and Marmato belonged to the Province of Marmato. This province remained under the jurisdiction of the department of Cauca until 1905 when it became part of the recently created department of Caldas.

To fill this legal vacuum, some indigenous communities, such as San Lorenzo, turned to Civil Code provisions on co-ownership (*comunidad de bienes*). This institution allowed them to keep their communal lands and way of life by constituting themselves as "civil communities" (*comunidades civiles*). At a time when the fate of *resguardos* was quite uncertain and embracing private property seemed the only way to secure land rights and enter into modernity, Indians turned to a civil law institution that originally was not intended to preserve natives' communal landholding and appropriated it to protect their *resguardos* and their legal existence as communities as well. But the vacuum on *resguardo* legislation did not last long. It was filled by Law 89 of 1890. The Regeneration's national statute on indigenous affairs replicated the compromise between privatization and temporary protection of *resguardos* embodied in the former state of Cauca legislation.

Francisco Trejos' complaint on *comunidades*' and *parcialidades*' tireless litigation also hints at how actively rural folks engaged with the law and carved out a place for themselves within the legal field. Pierre Bourdieu's concept of "legal field" leads us to view the law as a discursive space wherein individuals and social groups dispute each other around the distribution of different types of social power ("capital," in Bourdieu's terms). Through its language, procedures and codes, the law shapes the social struggles that take place within the legal arena. At the same time, by taking part in these disputes, individuals and social groups play an active role in shaping the legal field and, ultimately, in defining the law's meaning.<sup>707</sup> Whereas Bourdieu tends to focus on the role of legal experts, a

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<sup>707</sup> According to Bourdieu, "(t)he practical meaning of the law is really only determined by the confrontation between different bodies (e.g., judges, lawyers, solicitors) moved by divergent specific interests. Those bodies are themselves in turn divided into different groups, driven by conflicting (indeed, sometimes hostile) interests, depending upon their position in the internal hierarchy of the body, which always corresponds rather

growing body of scholarship highlights subalterns' legal agency. This literature provides a more comprehensive picture of the legal field by showing that, even though social power is unevenly distributed among the legal agents, the law is not only produced by professionals or dominant groups. Nonprofessionals and marginalized individuals and groups are also active legal agents. They tap into the law for advancing their agendas and, in so doing, they also contribute actively and purposefully to shape the legal field. Peruvian legal scholar Fernando de Trazegnies gives valuable insights into how subalterns participate across the different moments and spaces the law involves: the disputes over the creation of legal texts and the subsequent battles over their interpretation, enforcement, and reform.<sup>708</sup>

As their forebears did during the colonial period, *indigenas* continued to be active litigants in postcolonial times. They contributed to shaping the legal framework within which disputes over privatization of indigenous communal lands took place. Like Bolivian

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closely to the position of their clients in the social hierarchy." Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field", *The Hastings Law Journal* 38 (1987): 821-22.

<sup>708</sup> Trazegnies defines the law as a social space, "a place where powers are defined through multiple skirmishes" ("*un lugar donde se definen los poderes a través de múltiples escaramuzas*"). According to this author, "a first major battle occurs in the process that creates the law itself. In this process, those who hold the political power have the certainty of becoming winners; but not without fractures and wounds which other social groups use to their own advantage [...] And the battle continues upon the adjudication and through the judicial reasoning, whose open nature allows for several different interpretations of a same legal text. Such interpretations and judicial decisions generate a "bouncing effect" that ends up altering the integrity of the system." ("*una primera batalla de tono mayor se desarrolla en el proceso de creación misma de la ley. En este proceso, quienes detentan el poder político tienen la seguridad de salir vencedores; pero no sin fracturas y heridas que son aprovechadas por otros grupos sociales... Y en el proceso de aplicación de la ley la batalla continúa a través del razonamiento jurídico, cuya naturaleza abierta permite su utilización bajo la forma de diferentes interpretaciones. Y a su vez estas aplicaciones tienen un efecto de irradiación y de rebote, que modifica la integridad del sistema.*") Fernando de Trazegnies, *Ciriaco de Urtecho. Litigante por Amor. Reflexiones sobre la polivalencia táctica del razonamiento jurídico* (Lima: Pontificia Universidad Católica del Perú: 1981), 81.

*caciques apoderados* and native litigants in Perú and México, Colombian indigenous litigants challenged experts' authority and monopoly over the legal knowledge by asserting their own interpretations on privatization laws and, more broadly, their right to participate in the social making of the law. They resorted to colonial documents and legislation to assert historical land rights while appealing to the liberal framework that privileged private property to claim legal protection of their communal lands.<sup>709</sup>

Chapters 6 and 7 delve into the intricacies and multiple outlets of Indians' legal agency during the period of Conservative hegemony. This chapter focuses on the quest for legal frameworks suitable to protect indigenous communal lands during the Regeneration era. The next one will center on the ways *indígenas* participated in the production of *resguardo* titles and used these documents in courts in the decades following the passage of Law 89 of 1890.

Harnessing Civil Code provisions on co-ownership (*comunidad de bienes*) and lobbying for the enactment of Law 89 were two key strategies indigenous litigants employed during the Regeneration. Section 6.1 discusses how San Lorenzo's *indígenas* and other indigenous and mestizo communities in and around the Vega de Supía turned to the Civil Code to claim legal protection for their communal lands. In doing so, they blurred the already tenuous frontier between indigenous and non-indigenous people in the region under study. The two remaining sections of this chapter discuss the circumstances

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<sup>709</sup> On *caciques apoderados* in Bolivia, see Gotkowitz, *A Revolution for Our Rights*; Mendieta Parada, "Caminantes entre dos mundos," 761-782. On native litigants in post-colonial Perú and México, see Thurner, *From Two Republics*, 139; Ruiz Medrano, *Mexico's Indigenous Communities*, 151-210; Ducey, "Liberal Theory and Peasant Practice," 75-85.

surrounding the passage of Law 89 of 1890, the ambivalent significance of this legislation, and the battles over its interpretation. Section 6.2. focuses on Law 89's making process. It challenges the narrative that links Law 89's temporary protection of *resguardos* with the Regeneration's paternalistic stance toward *indígenas* and its attempt to preserve racial boundaries and hierarchies. Although Law 89 certainly embodied such views, they did not explain why lawmakers declared a fifty-year moratorium on *resguardos*' division all over the country. Instead, Law 89 resulted from two bargaining processes that imbricated on each other. On the one hand, this statute represents the final outcome of the nineteenth century's "republican friendship" between Caucaño indigenous communities and elites. On the other, it embodied the compromise between the Regeneration's centralist tenets and local demands for preserving some regional legislative arrangements that the federal regime had made possible.

Law 89's compromise between protection and privatization gave *indígenas* (and even landless peasants) tools for defending communal land rights while setting the legal frame for dispossession via land sales and rules on *resguardo* division. Section 6.3. examines how Law 89 became an arena of contention, one in which *indígenas* used this legislation to pursue opposite agendas while local officials and elites deemed it a hindrance to progress and complained about its enforcement. This section approaches interpretative battles over Law 89 from a local perspective. It shows how local indigenous communities from Riosucio and Supía used this law to preserve their *resguardos*, cabildos, and, ultimately, their Indianness. By doing so, they contributed to keeping Law 89 alive far beyond the fifty-year period it was supposed to endure.

## 6.1. Civil Communities. Turning to the Civil Code to Protect Communal Lands.

The triumph of the centralist forces in the 1885 civil war and the passage of the 1886 Constitution meant the end of the regional autonomy that had provided the legal basis for indigenous *cabildos* and *resguardos*. The national government filled this legal vacuum by assimilating indigenous communities and their landholdings to civil law's common properties. Governors of some departments, such as Tolima, consulted the national Ministry of Government on how to handle *resguardo* issues.<sup>710</sup> Others, like Cauca and Bolívar, issued administrative resolutions declaring that indigenous *parcialidades* and their *cabildos* lacked legal existence and could not exert any jurisdiction; therefore, *indígenas* were subject to the civil legislation, like the rest of Colombians. The Ministry of Government (viz. Interior) endorsed Cauca's and Bolívar's regulations.<sup>711</sup> Concerning *resguardos*, the Ministry instructed the governor of Tolima to apply Civil Code provisions on *comunidad de bienes* or common property, and procedural rules governing its division, due to the lack of special legislation on the matter.<sup>712</sup>

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<sup>710</sup> "Ministerio de Gobierno. Consulta y Resolución," in *Diario Oficial*, no. 7,166, September 11, 1887, 1025.

<sup>711</sup> "Ministerio de Gobierno. Memorial y Resolución," in *Diario Oficial*, no. 7,418, June 15, 1888, 619; and, "Ministerio de Gobierno. Los cabildos de indígenas no tienen personería jurídica," *Diario Oficial*, no. 7,813, June 17, 1889, 641. Excerpts of these resolutions were reproduced in Manuel J. Angarita, *Compilación de leyes adicionales y reformatorias relativas a los Códigos Civil, de Comercio, Penal, de Organización y Judicial de la República de Colombia* (Bogotá: Imprenta de la Luz, 1890), 72. On the assimilation of *resguardos* to civil condominiums during the period 1886-1890, see Villegas and Restrepo, *Resguardos*, 49-51.

<sup>712</sup> ("En lo relativo a *resguardos* no hay disposición especial que rija. Debe Usía atenerse, si lo estima conveniente, a las reglas generales que determina el Código Civil sobre *comunidad de bienes* y que están en

Against this backdrop, some indigenous communities in the region under study turned to the Civil Code seeking protection for their communal landholdings. In 1889, 106 indigenous families of San Lorenzo constituted themselves as a civil community to keep their *resguardo* as joint property.<sup>713</sup> The community's charter clearly stated the reasons why San Lorenzo *indígenas* resorted to the Civil Code:

The signatories here present declare: that under the country's new legislation, the laws protecting *indígenas* came to be broken, and they became subject to the same rules governing civilized people. Yet, the reasons that led to issuing those beneficial laws have not disappeared from most indigenous tribes that still exist scattered in Colombia, particularly in the Caucaño territory. Therefore, (the signatories) have decided, by their own free and spontaneous will, to organize themselves as a community through this notarial deed. They do so with the sole purpose of legalizing their association and keeping the communal exploitation of the land they inherited from their elders, with the same freedom, rights, and obligations under which they have owned and exploit it since time immemorial, and under the following terms and conditions [...].<sup>714</sup>

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*relación con el Capítulo IV del Título IX del Código Judicial sobre división de bienes comunes, y a lo estatuido en el artículo 224 de la Ley 57 de 1887.*”) “Ministerio de Gobierno. Consulta y Resolución,” in *Diario Oficial*, no. 7,166, September 11, 1887, 1025.

<sup>713</sup> The community's charter was legalized by Notarial Deed no. 93, August 12, 1889, Notary Third of the District of Toro, transcribed and analyzed by Caicedo, *Los Títulos de San Lorenzo*, 103-118. According to Caicedo, this notarial deed was kept at the archive of San Lorenzo's church until 1984, when the parish priest gave it to the indigenous cabildo that, after its extinction in 1943, had been newly reconstituted. This document listed a total of 475 individuals (266 men and 209 women) distributed into 106 households as signatories of San Lorenzo community's charter. These figures reveal San Lorenzo's population growth when compared with the 1874 *padrón de indígenas*, which registered a total of 393 individuals distributed into ninety-two families. These data also suggest that the entire indigenous community (and not just a group of families) took part in the new association. For the 1874 *padrón* of San Lorenzo, see Chapter 4, Section 4.2.

<sup>714</sup> (“*Expresan los otorgantes aquí presentes: que como en virtud de la nueva legislación del país vinieron a quedar vulneradas las leyes sobre protección de indígenas y sujetas por eso mismo éstos a iguales condiciones de gente civilizada, aunque por otra parte la causa de la expedición de aquellas benéficas leyes no haya desaparecido de la mayor parte de tribus de raza indígena que aún existen diseminadas en Colombia, muy especialmente en el territorio caucano, han resuelto de su libre y espontánea voluntad organizarse en comunidad por medio de la presente escritura, con el exclusivo fin de dar carácter legal a su entidad y seguir explotando en su conjunto el lote de terreno que les corresponde por herencia de sus mayores, con la misma libertad, derechos y obligaciones que lo han poseído y explotado desde tiempo inmemorial, bajo las bases y condiciones que van a expresarse...*”) Notarial Deed no. 93, Notary Third of the Circuit of Toro, August 12, 1889, reproduced in Caicedo, *Los Títulos de San Lorenzo*, 110-111.



This document specified the boundaries of the "land plot known as Resguardo de Indígenas de San Lorenzo," being "the very same boundaries that General Visitor Lesmes de Espinosa Sarabia set when he granted possession over the said land to the signatories' forebears." The new association's governing bodies were a hybrid of long-lasting forms of indigenous authority and those governing civil communities. In a clear resemblance to the traditional *cabildo*, a "Council of *Indígenas*," comprised of five reputable members of the community, would decide over San Lorenzo's internal affairs. Patricio Lengua, one of the community members, was appointed as administrator and legal representative.

San Lorenzo's *indígenas* availed themselves of the civil rules on co-ownership to keep their *resguardo* undivided, a goal that was not entirely consistent with this legislation's intended purpose. Inspired by the 1856 Chilean Civil Code, the Colombian Civil Code framed communal ownership under the quasi-contract of common property or *comunidad*.<sup>715</sup> This legislation privileged the liberal notion of individual property rights, deeming collective ways of possessing and owning as an anomaly, a transient situation that, albeit tolerated, was to evolve towards individual ownership. Thus, rather than fostering communal property, rules on *comunidad* paved the way for and encouraged its division. In that sense, "*condominios* [*common properties*] were born to die in the short term," as Cacciavillani and Farberman note.<sup>716</sup> By contrast, under Clause 5 of the San

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<sup>715</sup> Law 57 of 1887 adopted the 1873 Civil Code of the United States of Colombia as the Civil Code of the Republic which still remains in force, though with substantial amendments. Articles 2322 to 2340 regulate the quasi-contract of condominium (*comunidad*).

<sup>716</sup> ("*Que los condominios habían nacido para morir en el corto plazo lo prueba la impronta de la división/partición como forma de extinción por antonomasia del derecho real de condominio.*") Discussing the Argentinian case, these authors note that by reframing old forms of collective ownership under Civil Code provisions on *condominio*, this legislation encouraged the division of communal landholdings and the extinction of communities. Pamela A. Cacciavillani and Judith Farberman, "Del campo común al condominio

Lorenzo community's charter, its members committed "not to request for any reason the division of the communal landholding," and neither to sell nor mortgage it.<sup>717</sup> Still, the agreement left some room for the commodification and gradual dismemberment of San Lorenzo's *resguardo*. Upon the council of *indígenas*' approval, the administrator might rent and even alienate some parcels and timber forest to third parties, as long as the proceeds were invested in covering the community's expenses. Also, sales of land plots were allowed among *comuneros* in case of urgent need.

The notarial deed containing San Lorenzo civil community's charter reveals the active role local lawyers played in undertaking this legal strategy. As usual in contemporary notarized documents, non-indigenous individuals appeared signing on behalf ("*a ruego*") of most of San Lorenzo's *indígenas*. Although illiteracy itself does not preclude legal agency, it suggests less control over the documents' production and a heavier dependence on the literate legal brokers.<sup>718</sup> In this case, Emiliano García served as one of the witnesses and paid the notarial deed's registration fee, which suggests his active role in the strategy of turning San Lorenzo into a civil community. The available evidence portrays García as a Liberal politician and lawyer. From the late 1880s to the 1920s, he performed as *apoderado* of indigenous communities, circuit judge, *personero municipal* (a sort of

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y del condominio a la propiedad individual. Normatividad y prácticas en Santiago del Estero (Argentina), 1850-1920," *Revista Historia y Justicia* 13 (2019): 1-26 (quote, 7).

<sup>717</sup> ("*Los otorgantes se obligan a no vender, hipotecar ni empeñar el lote de terreno que poseen en común y a no solicitar por ningún motivo la división de él [...]*") Notarial Deed no. 93, August 12, 1889, reproduced in Caicedo, *Los Títulos de San Lorenzo*, 112.

<sup>718</sup> On the legal agency of illiterate litigants and the role of legal-writing mediators, see, Premo, "Legal Writing," (specially the section on "Unofficial Agents"). As Aguirre notes, "it is at the very intersection of legal and writing practices, understood as arenas of contestation around rights and power, where *tinterillos* and other legal intermediaries came to play a crucial role." Aguirre, "*Tinterillos*, Indians, and the State," 128.

local ombudsman), and even as one of the local Liberal heroes of the Thousand Days War.<sup>719</sup> By 1889, Emiliano García played an active role as San Lorenzo's legal counselor. Besides taking part in the creation of the civil community, García helped San Lorenzo's Governor Pascual Gañán and Administrator Salvador Bueno to register, along with local notable Francisco Senén Tascón, joint claims to two mines, and to create a society to exploit them.<sup>720</sup> Emiliano García surfaced again in 1907 when San Lorenzo's authorities hired him to represent the *parcialidad* in a series of lawsuits against non-indigenous settlers.<sup>721</sup> García received a plot of *resguardo* land in payment for his legal services. Yet, his relationship with the San Lorenzo community ended in a legal quarrel since the *parcialidad* successfully sued García in 1916, claiming the restitution of this and other plots García had acquired within the *resguardo*.<sup>722</sup> What is striking in this case is that San Lorenzo, which stood as a very conservative community both socially and politically,

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<sup>719</sup> On Emiliano García's role as Liberal politician and hero of the Thousand Days War, see Ramón Marín and Emiliano García To Rafael Uribe Uribe, August 18, 1909, ACH fondo Uribe Uribe, fols. 9857-9858, cited by Appelbaum, "Remembering Riosucio," 266, 364-365; Gärtner, *Guerras civiles*, 247, 256. His name repeatedly appears in the records of Riosucio Civil Circuit Court whether performing as *apoderado* of the *parcialidades* of Quinchía, Cañamomo, La Montaña, and San Lorenzo or as a circuit judge. For some of these cases, see JCCR, 1921-030, "Licencia judicial Bibiana Villada Tapasco y otras;" JCCR, 1921-033, "Parcialidad indígena de Cañamomo vs. Zacarías Cook y otros (La Rueda);" JCCR, 1922-031, "Celio Díaz vs. Emiliano García;" JCCR, 1922-037, "Parcialidad indígena de Quinchía vs. Pastor Trejos y otros;" JCCR, 1923-030, "Licencia judicial Natividad Quebrada;" JCCR, 1923-035, "Alejandro Morales y Gregorio Trejos vs. Gregorio Manso;" JCCR, 1923-040, "Deslinde y amojonamiento Resguardo indígena La Montaña y San Lorenzo;" JCCR, 1924-036, "Vicente Caña y otros vs. Obdulio y Alejandro Toro (Mata de Guineo);" JCCR, 1926-040, "Parcialidad de La Montaña vs. Álvaro Hoyos y otros;" JCCR, 1927-001, "Felipe Vinasco y Polidoro Calvo vs. Parcialidad de La Montaña;" JCCR, 1927-035, "Tierras de Murillo, Quitambre y Arcón – Parcialidad de Supía y Cañamomo v. Manuel, Silvestre, Benito y Juan Monroy;" JCCR, 1931-026, "Reivindicatorio indígenas de La Montaña vs Cabildo de San Lorenzo y otros."

<sup>720</sup> Appelbaum, "Remembering Riosucio," 484.

<sup>721</sup> Notarial Deed no. 6, Notary of Riosucio, January 14, 1907, included in JCCR, 1924-010, "Reivindicatorio Parcialidad de San Lorenzo vs. Emiliano García," fols. 39r-40v.

<sup>722</sup> JCCR, 1924-010, "Reivindicatorio Parcialidad de San Lorenzo vs. Emiliano García," which will be discussed later in this chapter (Section 5.4.)

entrusted its legal affairs to a Liberal lawyer at a time when the partisan divide was at its peak.<sup>723</sup> Knowing that Emiliano García joined the Liberal army during the Thousand Days War (1899-1902), it is safe to assume he fought against the *indígenas* of San Lorenzo who enlisted in the Conservative troops.

Emiliano García's involvement as San Lorenzo's legal advisor leaves some unanswered questions. On the one hand, it raises doubts about partisan politics' role in the alliances between indigenous communities and legal intermediaries. On the other, it leads to questioning the extent to which San Lorenzo's *indígenas* actually involved in making the 1889 San Lorenzo civil community's charter. Did they act as mere signatories of a document entirely authored by García? If not, how did San Lorenzo's litigants engage with the Civil Code rules of common property (*condominio*) and adapt them to protect their communal landholding and way of life?

What is sure is that creating a shareholding community was by no means a novel strategy. Even before the end of the federal era, both *indígenas* and non-indigenous residents in and around the Vega de Supía had begun to form civil communities to consolidate land property rights and keep communal ways of life. That was the case of the community of Pirza-Bonafont (also known as Escopetera-Pirza or Bonafont), comprised of the descendants of a group of indigenous families from La Montaña that moved to the Pirza Valley by the 1750s and settled on lands they purchased from the Spanish Catalina Jiménez Gamonares. The Pirza-Bonafont's landholding entered the republican era lacking

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<sup>723</sup> On San Lorenzo community's conservatism and the participation of its members in the Thousand Days War, see Chapter 4 (Section 4.3.4); Appelbaum, "Remembering Riosucio," Chapter 10, 460-513; *Muddied Waters*, Chapter 8, 184-205.

legal status as *resguardo*, for it was purchased by the Indians instead of being granted to them by colonial authorities. By the late 1870s, the indigenous families of Pirza-Bonafont organized themselves as a civil community under the provisions of the State of Cauca Civil Code, remaining as such during the time covered by this study.<sup>724</sup> The black families of Guamal resorted to the same legal figure to assert their existence as a community and manage the lands they inhabited (and still inhabit) within the boundaries of the *resguardo* of Supía-Cañamomo.<sup>725</sup>

Yet among all the *comunidades* in and around the Vega de Supía, the civil community of Quiebralomo gained a reputation as the most quarrelsome and was viewed as a mere scheme for land speculation.<sup>726</sup> In May 1881, a group of "descendants of the

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<sup>724</sup> Records of Riosucio Civil Circuit Court document the election of Pirza-Bonafont's administrator for the year 1924 and provide a community's census roll. JCCR, 1924-037, "Nombramiento de administrador. Comunidad Escopetera Pirza y Bonafont." By 1945, Anthropologist Duque Gómez reported that the "Community of Bonafont" comprised around 3,000 indígenas who were not ruled by Law 89 of 1890, as other indigenous communities were. He explained that "this community arose spontaneously" from a group of descendants of La Montaña Indians. In his view, the existence of this community demonstrates *indígenas'* "communal spirit," which not only resulted from "their primitive ways of life" but was shaped by colonial legislation and institutions. Luis Duque Gómez, "Problemas sociales de algunas parcialidades indígenas del occidente de Colombia," *Boletín de Arqueología* I, no. 2 (1945) Bogotá: Instituto Etnológico Nacional: 185-201 (quoted passage, 189). On the history of the Community of Pirza-Bonafont or Escopetera-Pirza, see Luis Javier Caicedo, *Los títulos de Escopetera y Pirza. Recopilación de los títulos del Resguardo Indígena de Escopetera y Pirza, Riosucio (Caldas) – Quinchía (Risaralda), 1538-2003* (Riosucio: Cabildo Indígena de Escopetera Pirza, 2012); Caicedo, *Cinco siglos*, 53-55, 97-99.

<sup>725</sup> On the community of Guamal, see Chapter 4 (Section 4.2). Records of Riosucio Civil Circuit Court documents Guamaleños' involvement in several lawsuits related to the election of the community's administrator and the defense of their lands. See JCCR, 1893-001, "Nulidad de donación que hizo la parcialidad indígena Cañamomo a la comunidad de Guamal;" JCCR, 1920-055, "Impugnación elección administrador comunidad de Guamal;" JCCR, 1924-034, "Nombramiento de administrador. Comunidad de Guamal."

<sup>726</sup> Even before the 1906 Francisco Trejos' report, which opens this chapter, provincial authorities had complained about *parcialidades'* and *comunidades'* relentless litigiousness and land greediness. In 1892, Provincial Prefect of Marmato Rodolfo Velasco reported that civil communities "were collective entities of a worse kind than the *parcialidades*." In his view, the former "have a higher degree of malice, and there are pettifoggers among them, who flood courts and public offices with the many lawsuits they file against anyone who wants to invest in agriculture." ("*son agrupaciones colectivas de peor condición que las parcialidades, porque tienen mayor grado de malicia y hay entre ellos tinterillos que mantienen a los juzgados y demás*

*vecinos* of the old Real de Minas of Quiebralomo" formed a civil community under the provision of the State of Cauca Civil Code.<sup>727</sup> This corporation's main purpose was to claim rights over the tract of land that the *parcialidad* of La Montaña had ceded to the "*vecinos* of San Sebastián de Quiebralomo or Riosucio" in 1874.<sup>728</sup> Since its inception, the community of Quiebralomo and Celio Díaz, its conspicuous administrator, were involved in controversy and lengthy litigation.<sup>729</sup>

The most bizarre of these disputes dated from 1886, when Judge of the Circuit of Toro, Pedro Serna, refused to recognize the Quiebralomo community's legal existence arguing this entity lacked valid titles over the land it claimed as its commonly owned estate. Therefore, Judge Serna denied legal capacity to the community's administrator to represent this entity and decide over the land its members claimed as theirs. Along with the *personero*

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*oficinas del orden público en constante efervescencia, con los muchos litigios que intentan contra todo aquel que desea invertir un capital en el trabajo de la agricultura.*") Likely, Velasco had the community of Quiebralomo and its administrator, Celio Díaz, in mind when we wrote this statement. See, "Agricultura. Nota del Prefecto Provincial de Marmato," *Registro Oficial* 3, no. 420 (August 22, 1892), 1679, cited by Appelbaum, "Remembering Riosucio," 188.

<sup>727</sup> Around 195 individuals (all of them male) attended the community of Quiebralomo's founding meeting that took place on May 2, 1881. They appointed León Severo Betancur, Manuel Trinidad Uchima, and Celio Díaz as the community's president, secretary, and administrator. The community's charter was legalized by Notarial Deed no. 203 of July 8, 1881, Notary of Riosucio. A copy of this document is preserved at JCCR, 1888-002, "Licencia judicial Celio Díaz (Administrador Comunidad Quiebralomo)," fol. 7r-1r.

<sup>728</sup> This donation was part of the 1874 notarized agreements that the administrators of La Montaña and Supía-Cañamomo indigenous communities signed with the *procuradores* of the districts of Riosucio, Supía, and Marmato, as discussed in Chapter 5 (Section 5.4.)

<sup>729</sup> For some of the lawsuits that involved the community of Quiebralomo, see JCCR, 1884-024, "Licencia judicial José María Díaz (Administrador Comunidad de Quiebralomo);" JCCR, 1888-002, "Licencia judicial Celio Díaz (Administrador Comunidad de Quiebralomo);" JCCR, 1894-023, "Comunidad de Quiebralomo vs. Benigno Gutiérrez;" JCCR, 1894-032, "Francisco Guendica y Jesús M. Taborda vs. Celio Díaz y otros (Deslinde terrenos Guacamayero);" JCCR, 1894-051, "Celio Díaz vs. Distrito de Riosucio;" JCCR, 1913-077, "Deslinde. Comunidad de Quiebralomo vs. Jesús María Taborda;" JCCR, 1921-031, "Deslinde y amojonamiento. Parcialidad indígena de Quinchía y Comunidad de Quiebralomo;" JCCR, 1921-034, "Deslinde y amojonamiento. Basilio Cataño vs. Celio Díaz;" JCCR, 1924-082, "Deslinde y amojonamiento. José Alirio Betancur (administrador comunidad Quiebralomo) vs. Resguardo de La Montaña."

of Riosucio, Judge Serna asserted the 1874 donation by the *parcialidad* of La Montaña to the "*vecinos* of Quiebralomo or Riosucio" was intended for all Riosucio district inhabitants. Both officials remarked that the civil community of Quiebralomo, which emerged long after the district of Riosucio and the said donation came into existence, was just as a scheme to grab lands that belonged to the district. Administrator Celio Díaz appealed the Circuit Judge's decision, and the case reached the District of Buga High Court, where it took a quirky turn. Mistaken Quiebralomo's for an indigenous community, the Court ruled that the Fiscal should intervene in this case before taking a final decision, as the rights of "*the parcialidad de indígenas* of Quiebralomo" were at stake.<sup>730</sup> Although the Fiscal made it clear that Quiebralomo was not a *parcialidad indígena*, but a communal shareholding corporation, the District of Buga High Court kept mistaking the plaintiffs for an indigenous community. Ultimately, in 1888, this Court upheld Judge Serna's decision of denying recognition to the Quiebralomo community's administrator, but it did so appealing to quite a confusing argument. The Court ruled that, under the new legislation, indigenous people were equated with the rest of the citizens. Therefore, the appointment of administrators to protect their businesses were no longer necessary.<sup>731</sup> Yet, this Court's decision did not prevent Celio Díaz from continuing performing as the community of Quiebralomo's administrator in the multiple lawsuits and land transactions in which this communal entity was involved.<sup>732</sup>

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<sup>730</sup> Like *procuradores* and *personeros*, *fiscales* were entrusted with the defense of public interests and citizens' rights, including, but not limited, to serve as "*protectores de indígenas*."

<sup>731</sup> JCCR, 1888-002, "Licencia judicial Celio Díaz (Administrador Comunidad Quiebralomo)," fol. 11r-39v.

<sup>732</sup> Celio Díaz continuously surfaced in the archives until the 1920s, when accusations against Díaz and his scheme to grab the Riosucio district's lands still appeared in the newspapers and court records. In April 1920,

The 1886-88 dispute and the confusion surrounding the civil community of Queiebralomo hint at the locals' legal strategies for claiming land rights at a time and place in which many "imagined communities" overlapped and competed with each other.<sup>733</sup> On the one hand, by creating the Civil Community of Queiebralomo, Celio Díaz and his allies tried to take advantage of the ambiguity regarding who the intended beneficiaries of La Montaña's donation to the "*vecinos* of Queiebralomo or Riosucio" were. Such ambiguity resulted from the historical process that led to the emergence of the municipality of Riosucio throughout the nineteenth century, out of the conflictive coexistence between mestizos and mulattos of Queiebralomo and the indigenous population.<sup>734</sup> By 1874, when *indígenas* of La Montaña ceded a quarter of their *resguardo*, the boundaries of the larger collectivity intended to be the recipient of this grant were still unclear. Availing themselves of this confusion, Díaz and his allies formed a legal entity aimed at representing the "real" beneficiaries of that donation. On the other hand, the community of Queiebralomo navigated the tenuous borderline that separated *indígenas* and non-*indígenas* in the region under study. This entity was quite diverse in its ethnic and class composition.<sup>735</sup> Yet, the

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the local Conservative newspaper *La Opinión* published the acquittal decision of its director, Clemente Díaz, in a libel suit filed by Celio Díaz. The latter sued the newspaper's director in response to an editorial note accusing "the administrator of the Community of Queiebralomo" of being involved in a shady deal regarding the land that *indígenas* of La Montaña had donated to the *vecinos* of Queiebralomo. "Para mayor dolor," *La Opinión*, año 10, no. 365 (Riosucio, April 21, 1920), 2-3 (A copy of this issue of *La Opinión* is preserved at Riosucio Civil Circuit Court in an unrelated judicial file. See, JCCR, 1921-059, "Licencia judicial para vender derecho de usufructo en el resguardo indígena de Quinchía. Maximiliano Tapasco.")

<sup>733</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, rev. ed. (London & New York: Verso, 1991), 6. Nancy Appelbaum borrows Anderson's concept, usually applied to nations, to discuss the overlapping formation of a number of collective entities (regional, local, racial-ethnic) in the district of Riosucio. See Appelbaum, *Muddied Waters*, 20-27.

<sup>734</sup> For this process, see chapters 2 (Section 2.2) and 4 (Section 4.1).

<sup>735</sup> Some *comuneros* of Queiebralomo held indigenous surnames, such as Uchima, Motato, Guapacha, or Largo. Many others' last names did not carry a clear ethnic affiliation (Díaz, Trejos, Hernández, Betancur),



*comuneros* of Quiebralomo seemingly did not care for - and even benefitted from - the fact of being mistaken for a *parcialidad indígena* when litigating at the regional appeals courts.<sup>736</sup> By contrast, at the local level, Quiebralomeños historically had carved out their communal identity as a non-indigenous cluster of white, mestizo, and mulattos who stood amidst the neighboring indigenous communities.

Beyond Riosucio, indigenous and mixed-race communities in Colombia and across Latin America created civil corporations to hold communal lands when legal and socioeconomic pressures for privatization and commodification of lands intensified. In Colombia, Karla Escobar refers to the creation of an Afro-indigenous community in Belálcazar (Cauca) by 1888 and the widespread use of this legal device by indigenous communities from the department of Tolima.<sup>737</sup> For Mexico, Kourí documents how Totonac communities in Papantla (state of Veracruz) resorted to "*condueñazgos*" to oppose

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and some of them even corresponded to local elite families (such as Becerra, Taborda, Monroy, and Cock). A significant number of Quiebralomo community's members were signed for by proxy ("*a ruego*"), presumably because of their illiteracy. Still, some others belonged to the lettered elite as, for instance, Fortunato Cock, a descendant from German immigrants who served as the secretary of the Circuit Court and was an active member of the Quiebralomo civil community. For rolls and signatures of the Quiebralomo community's members, see JCCR, 1888-002, "Licencia judicial Celio Díaz (Administrador Comunidad Quiebralomo)," fol. 7r-11r; JCCR, 1884-024, "Licencia judicial José María Díaz (Administrador Comunidad de Quiebralomo)," 2r-5r.

<sup>736</sup> For other cases in which the community of Quiebralomo was mistaken for an indigenous community, see JCCR, 1894-032, "Francisco Guendica y Jesús M. Taborda vs. Celio Díaz y otros (Deslinde terrenos Guacamayero)," fols. 106, 138, 147-154; "Informe del Prefecto Provincial de Marmato al Secretario de Gobierno," Riosucio, April 10, 1896, ACC, AM, 1896, paq. 233, leg. 49.

<sup>737</sup> Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 311. An undated report (probably produced by the 1960s) by the Colombian Office of Indigenous Affairs listed the indigenous communities still existing in the country. According to this document, most of the indigenous groups in Tolima held land under the figure of civil communities, a figure that also existed among indigenous communities in Cundinamarca and Cauca. See, Narciso Matus Torres and Jorge Osorio Silva, "Distribución de las tribus indígenas en Colombia," n.d., BLAA, Sala Libros Raros y Manuscritos, Archivo Gregorio Hernández de Alba, MSS1013. It suggests that Civil Code provisions on common property allowed many indigenous families to keep a communal land base upon which many of them reconstituted their *resguardos* after the 1980s, when indigenous mobilization and public policies encouraged reindigenization processes.

1870s privatization policies during Porfirio Díaz's age. This strategy initially allowed Totonacs to maintain collective ownership. Yet, it did not preclude internal socioeconomic differentiation as well as intra-and inter-ethnic conflicts that eventually led to full-scale privatization of landed property by the late 1890s.<sup>738</sup> In the case of Argentina, a growing body of historiography documents the diverse modalities of collective ownership - *campos comunales*, indigenous condominiums - to which rural population turned to, aiming at navigating the nineteenth-century policies on disentanglement of communal landholdings.<sup>739</sup>

Altogether, this historiography reveals that the use of liberal laws and institutions to retain collective ownership did not always ensue from a collective ethnic impulse to resist privatization and preserve traditional forms of social organization. Instead, late-nineteenth-century *condueñazgos*, civil communities, and other joint shareholding forms resulted from diverse motivations and interests. They led to different outcomes depending on communities' internal dynamics, local realities, and legal frames. The contrasting cases of the 1880s Riosucio civil communities illustrate such diversity. Whereas this strategy

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<sup>738</sup> See Kourí, *A Pueblo Divided*, 157-187. On *condueñazgos* in México, see also Christopher Boyer, *Political Landscapes: Forests, Conservation, and Community in Mexico* (Durham: Duke University Press, 2015), 805 (Kindle Loc.); Antonio Escobar Ohmstede, "Los *condueñazgos* indígenas en las huastecas hidalguense y veracruzana: ¿Defensa del espacio comunal?," in *Indio, nación y comunidad en el México del siglo XIX*, ed. Antonio Escobar Ohmstede (México: CIESAS, 1993), 171-178. For a comparative approach to Mexico and Argentina, see Cecilia A. Fandos, "La formación histórica de *condueñazgos* y copropiedades en las regiones de las Huastecas (México) y las tierras altas de Jujuy (Argentina)," *Universia. Revista de Historia Iberoamericana* 10, no. 2 (December 2017); 49-79.

<sup>739</sup> See Carlos Díaz Rementería, "Supervivencia y disolución de la comunidad de bienes indígena en la Argentina del siglo XIX," *Revista de Historia del Derecho "Ricardo Levene,"* 30 (1995): 11-39; Fandos, "La formación," 49-79; Judith Farberman, "Los avatares de la mancomunidad. Propiedad indivisa, armonías y conflictos en las costas del río Dulce. Santiago del Estero, siglos XVIII y XIX," *Revista de Indias*, LXXXIX, no. 275:4 (2019): 111-142; Pamela A. Cacciavillani, "De propiedad comunal a propiedad individual. El régimen jurídico de la propiedad en Córdoba, 1871-1885," (PhD diss., Universidad Nacional de Córdoba - Argentina, 2018); Pamela A. Cacciavillani, "De comuneros a poseedores: reflexiones en torno a la construcción de la propiedad privada en la comunidad indígena de Soto a finales del siglo XIX," *Derecho, Lima* 82 (2019): 121-148; Cacciavillani and Judith Farberman, "Del campo común al condominio:" 1-26.

allowed Pirza-Bonafont indigenous families to preserve their land base, in the case of Quiebralomo, it worked as a scheme for land commodification. Meanwhile, *indigenas* of San Lorenzo's experience as a civil community was short-lived. The year after they signed the 1889 community's charter, the Congress filled the legal vacuum left by the end of the federal regime with Law 89 of 1890. This national statute provided for the temporary protection of indigenous *cabildos* and *resguardos*, enabling San Lorenzo people to return to their traditional forms of indigenous governance and collective ownership.

## 6.2. Forging Compromises: The Making of Law 89 of 1890

Right after the passage of the 1886 Constitution, the Regeneration's only policy regarding indigenous people was to entrust to Catholic missions the government of "savage" *indigenas*. Under this label, nineteenth-century lawmakers meant mainly lowland non-sedentary Indians who inhabited the country's most peripheral regions (known as "*territorios*") and had remained out of the scope of colonial and republican authorities. Initially, Regeneration state-makers remained silent about the fate of *indigenas* from the Andean highlands and Caribbean plains, who were already living in sedentary communities and whose Indianness rested heavily upon the colonial-inherited institutions of *cabildos* and *resguardos*. Specifically, neither the executive nor the legislative branch seemed very much interested in addressing the thorny issue of indigenous communal lands.<sup>740</sup> Indeed,

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<sup>740</sup> Laws 57 and 153 of 1887 set the backbone for the legislative transition from the federal regime to the unitary republic. None of them included provisions on indigenous *resguardos* and *cabildos*. Except for articles 318 to 320 of Law 153, which authorized the government to issue rules and sign agreements with the Holy See to missionize the "savage and barbaric tribes," there is no mention of indigenous people in those statutes that laid the legal foundation of the Regeneration. The Concordat between Colombia and the Holy

when the Ministry of Government introduced to the 1888 legislature the draft bill that two years later became Law 89 of 1890, this proposal comprised a single article. It provided that the Colombian laws shall not rule among the "savages" who, instead, should be placed under the authority of Catholic missionaries.<sup>741</sup> The government's initial draft bill said nothing about *indígenas* already settled in *resguardos* and organized in *parcialidades* ruled by *cabildos*. Yet, the law finally passed by Congress was quite different. Along with that initial provision about "savage" *indígenas*, Law 89 included forty-one articles intended to prolong the life of existing *resguardos* and *cabildos* for fifty years.<sup>742</sup>

To make sense of that addition, Law 89 classified Colombian *indígenas* into two explicit categories, each of them subjected to a different legal regime. First, the "savages" who, following the government's initiative, were totally exempted from Colombian laws and should be placed under the governance of Catholic missionaries to undergo civilization (art. 1). Second, *indígenas* "already reduced to civilized life," meaning those living in *resguardos* with *cabildos* ruling over communal affairs. These "semi-civilized" *indígenas*

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See was signed on December 31, 1887 and approved by Law 35 of 1888 (art. 31). See, *Leyes de la República de Colombia expedidas por el Consejo Nacional Legislativo en sus sesiones de 1888* (Bogotá: Imprenta de Vapor de Zalamea Hermanos, 1888), 124-131.

<sup>741</sup> Under the administration of Conservative Carlos Holguín, Ministry of Government José Domingo Ospina introduced the bill to the House of Representatives' session of August 20, 1888. See, "Proyecto de Ley. Por la cual se determina la manera como deben ser gobernados los salvajes que vayan reduciéndose a la vida civilizada," in AGN, Archivo del Congreso, Leyes Autógrafas, Tomo VI, fol. 36. It was published in *Anales del Congreso*, serie 1, no. 4, August 18, 1890, 19.

<sup>742</sup> Law 89 of November 25, 1890, "by which should be governed the savages over the course of their reduction to civilized life," ("por la cual se determina la manera como deben ser gobernados los salvajes que vayan reduciéndose a la vida civilizada"), reproduced in Adolfo Triana Antorveza, edit, *Legislación Indígena Nacional. Leyes, Decretos, Resoluciones, Jurisprudencia y Doctrina* (Bogotá: Fundación Comunidades Colombianas – FUNCOL – Editorial América Latina – 1980), 121-129. For a detailed description of Law 89's approval process, see Fernando Mayorga García, "Norma general, norma especial: el Código Civil de 1887 y la Ley 89 de 1890, un caso de regulación protectora de las minorías durante la Regeneración", *Revista Mexicana de Historia del Derecho. Instituto de Investigaciones Jurídicas UNAM*, XXVII (2013): 159-182.

were placed at an intermediate stage of cultural evolution, more advanced than the "savages," but still not fully assimilated to the rest of Colombians.<sup>743</sup> Concerning *resguardo* issues and communal internal affairs, "semi-civilized" *indígenas* were subject to the special regime provided by Law 89 (arts. 2 to 42). For other matters they were subject to penal and civil code, though they were legally deemed as under-age minors. Law 89 left out of its scope a third category of *indígenas*: those who no longer lived under the *resguardo-cabildo* regime due to either the dismantling of their communal institutions under the nineteenth-century laws on repartimiento or migration out of their communities. Most of these *indígenas* had lost their lands and made a living as sharecroppers or domestic servants. They were deemed "civilized" enough to be entirely assimilated to the rest of Colombians and, thus, fully subject to criminal and civil laws. Legally speaking, they were not regarded as *indígenas* even though their racial and ethnic traits led others to derogatorily label them as "*indios*."<sup>744</sup>

Law 89's taxonomy institutionalized an ethnic hierarchy in which full citizenship was contingent upon "civilization," meaning overcoming Indianness. The Indians' place within the nation depended on how far they were from reaching "civilization" or, put it inversely, from erasing their indigenous identity. Rather than (explicitly) framing Indianness in terms of racial or essential biological traits, Law 89 portrayed it as a transitory cultural condition that ultimately rested upon communal landholding under the *resguardo-*

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<sup>743</sup> Although Law 89 did not include the concept "semi-civilized" *indígenas*, Congressmembers introduced it during the legislative debates to make sense of this intermediate category. Moreover, as the 1906 report quoted at the beginning of this chapter illustrates, contemporary officials adopted this expression to refer to the indigenous population that lived under the *resguardo-cabildo* regime.

<sup>744</sup> Despite pressures for cultural assimilation, some of them still identified themselves as *indígenas* or *indios* and claimed to be legally treated as such, Manuel Quintín Lame being a significant case in point.

*cabildo* regime.<sup>745</sup> This regime was meant to expire in fifty years, at the end of which "semi-civilized" *indígenas*, like those of San Lorenzo and Cañamomo-Lomaprieta, were to be fully civilized or deindianized and, thus, completely integrated into the dominant society.<sup>746</sup>

Why did a legislative proposal that initially had left *resguardos* out of its scope end up providing for its preservation and becoming the legal shield that Colombian *indígenas* used to protect their communal landholdings and self-governance? The congressmen who appended provisions on *resguardos* and *cabildos* to the original bill justified such an addition arguing that "all Conservative governments" had issued laws protecting indigenous people.<sup>747</sup> The idea that *resguardos* survived thanks to the Conservatives' mercy became a commonplace that politicians and local authorities harnessed for gaining

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<sup>745</sup> Law 89's underlying view of Indianness as a sign of cultural backwardness that might be overcome through civilization does not capture the more pessimistic views about Indians as a "degenerate race" held by prominent Regeneration intellectuals Sergio Arboleda and Miguel Antonio Caro. See Ariza, *Derecho, saber e identidad indígena*, 179-200. Also, the culturalist approach to Indianness embedded in Law 89 would change by the early twentieth century when Colombian intellectuals embraced the discourse of "scientific racism" and became more explicit in defining race and Indianness in terms of biological qualities. On the transformations of discourses on race among early twentieth-century Colombian intellectuals, see Aline Helg, "Los intelectuales frente a la cuestión racial en el decenio de 1920: Colombia entre México y Argentina," *Estudios sociales* 4 (March 1989): 39-53; Appelbaum, "Remembering Riosucio," 22-27, 380-382, 519-524; Catalina Muñoz Rojas, "Estudio Introductorio. Mas allá del problema racial: el determinismo geográfico y las 'dolencias sociales,'" in *Los problemas de la raza en Colombia. Más allá del problema racial: el determinismo geográfico y las 'dolencias sociales,'* ed. Catalina Muñoz Rojas (Bogotá: Universidad del Rosario, 2011), 11-58.

<sup>746</sup> On the concept of Indianness embedded in Law 89 of 1890, see Rappaport, *Cumbe Reborn*, 26-28; Appelbaum, "Remembering Riosucio," 286-297; Ariza, *Derecho, saber e identidad indígena*, 207-212.

<sup>747</sup> ("[...] por espíritu de equidad y justicia, valiéndonos aquí de la gráfica expresión, dicha en ocasión solemne, por el ilustrado mandatario que rige hoy los destinos del país, "todos los gobiernos conservadores" [quotation marks in the text] han empleado medios de protección, dictando leyes especiales que atiendan a la condición particular de los indígenas [...]"). Committee Report (Informe de Comisión) authored by Representatives Gustavo S. Guerrero and Marco Antonio Torres, Bogotá, August 28, 1888, in AGN, Archivo del Congreso, Leyes Autógrafas, Tomo VI, fol. 38v. It was published in *Anales del Congreso*, serie 1, no. 4, August 18, 1890, 22-23. See, Mayorga García, "Norma general," 165.

indigenous allegiances and even for subduing this population.<sup>748</sup> Even some scholarly accounts take it at face value.<sup>749</sup> Yet, this widespread belief runs against the evidence. As discussed in Chapter 3, nineteenth-century laws protecting *resguardos* did not result from top-down concessions but from the vagaries of political bargaining between Indians and regional elites - Conservatives and Liberals alike. Moreover, the complete silence about indigenous communal lands in the government's bill that led to the passage of Law 89, and the anti-*resguardo* legislation issued during the Conservative republic, seriously challenge the Conservative's mercy thesis.<sup>750</sup>

A more refined variant of the Conservative thesis links Law 89's temporary protection of *resguardos* with the Regeneration's national project aimed at preserving racial boundaries and hierarchies within the "white republic."<sup>751</sup> This approach sheds light on how the maintenance of *resguardos* allowed for keeping spatial, social, and legal hierarchies/boundaries that reinforced white dominance and might prevent the risk of "racial degeneration" via miscegenation.<sup>752</sup> Yet, focusing on intellectuals' and lawmakers'

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<sup>748</sup> Discussing this idea, Karla Escobar documents the case of Caucaño indigenous communities of Julumito and Puelenje whom, in 1905, local authorities commanded to broom the streets of Popayán in compensation for enjoying their *resguardos*. Escobar Hernández, "Ciudadanía, justicia e indigenidad," 166-168.

<sup>749</sup> In that vein, Brooke Larson gave full credit to the Conservatives for the issuance of Law 89. See, Larson, *Trials of Nation Making*, 99-100.

<sup>750</sup> Law 55 of 1905 ceded municipalities the property over *resguardo* lands placed within their jurisdiction. Meanwhile, laws 104 of 1919 and 19 of 1927 intended to expedite the division of *resguardos*. This legislation will be discussed in Chapter 7.

<sup>751</sup> Libardo Ariza establishes such a linkage by analyzing discourses of Regeneration intellectuals and lawmakers from a biopolitical approach. Ariza highlights the connection between Sergio Arboleda's and Miguel Antonio Caro's views on racial degeneration; their project of building a nation upon the Hispanic inheritance with no traces of indigenous ancestry; and, Law's 89 recourse to Catholic missions and *resguardos* as technologies of segregation and normalization of the indigenous population. Ariza, *Derecho, saber e identidad indígena*, 179-216.

<sup>752</sup> Brooke Larson notes that Colombian dominant discourses on race tended to cast mestizaje as a progressive force that eventually could lead to whiteness, in contrast with the negative connotations that mestizaje carried

discourses overlooks indigenous agency in this outcome. Tracing the latter requires paying closer attention to Law 89's making process and the political context surrounding it. This examination shows that Law 89's temporary protection of *resguardos* had to do more with political bargaining between Caucaño *indígenas* and regional elites than with Regeneration intellectuals' racial anxieties.

### 6.2.1. The Genesis of Law 89 of 1890

Concerned about what the transition from the federal regime to a centralized republic might entail for their *resguardos*, Caucaño *indígenas* repeatedly requested Regeneration lawmakers to keep in force the former State of Cauca protective legislation. As early as February 1886, indigenous communities of southern Cauca addressed the Consejo Nacional de Delegatarios - the constituent body that authored the 1886 Constitution - requesting them not to repeal Caucaño laws 90 of 1859 and 41 of 1879.<sup>753</sup> This petition fell on deaf ears and remained unanswered so that Caucaño *indígenas* changed their strategy. Rather than addressing national authorities, they flooded regional government offices with petitions. Echoing these requests, Cauca Governor Juan de Dios Ulloa asked the 1888 legislature either "to adopt the former State of Cauca's law protective

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in the more deeply racially divided societies of Ecuador, Perú, and Bolivia. Larson, *Trials of Nation Making*, 85. Yet, such an optimistic stance toward mestizaje was far from unanimous among Colombian intellectuals. Contrasting with Manuel Ancizar's and José María Samper's celebration of miscegenation, other creole writers such as Santiago Pérez and Soledad Acosta de Samper were much less optimistic on racial mixture. On these opposite views, see Ariza, *Derecho, saber e identidad indígena*, 160-178; Appelbaum, *Mapping the Country of Regions*, loc. 4071-4126 of 7614, Kindle. Embracing miscegenation was also at odds with the stainless "white republic" envisioned by Regeneration intellectuals.

<sup>753</sup> "Miembros de los cabildos de varias parcialidades de indígenas del Sur del Cauca al Honorable Consejo Nacional de Delegatarios," Pasto, February 4, 1886, AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, Consecutivo 1164, fol. 37r.



of *indígenas*, or issue a general provision guaranteeing the rights that *indígenas* had acquired under that legislation." Governor Ulloa warned that if Caucaño *indígenas* were subject to the general legislation, "their fate would be as miserable and sad as that of [*indígenas* of] the rest of the Republic," so that they would regard "the new political system" as "the cause of their greatest disaster."<sup>754</sup> It is worth noticing that Ulloa's request went beyond the usual appeal to compassion for miserable Indians, slipping a note of caution about the need to keep indigenous allegiance to "the new political system." Rather than mere subjects of government's mercy, Ulloa's letter portrays *indígenas* as citizens whose demands should be taken seriously.

Along with Governor Ulloa's, some petitions by northern and southern Caucaño *indígenas* made their way to Bogotá and ended up in the files of the 1888 legislature. For instance, the governor and cabildo of the *parcialidad* of La Montaña in Riosucio urged Congress to keep Caucaño Law 90 of 1859 "in entire force." As grounds for their petition, La Montaña's authorities complained that mining and Antioqueño migration continuously disturbed their quiet possession over their *resguardo*. They asked lawmakers to bear in mind "our deplorable situation" and honor the tradition of "all past governments" that had protected indigenous land rights. They also claimed for self-governance and the national government to be attentive to locals' needs. They argued that because of their ignorance

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<sup>754</sup> ("Obedeciendo, pues, a un sentimiento de [huma]nidad, y atendiendo a las numerosas solicitudes que he recibido de varias parcialidades [roto] a S.S. con el objeto de recabar se [adop]te por el honorable Consejo Nacional, la ley del extinguido Estado del Cauca sobre protección de indígenas o se dicte una disposición general que ampare y proteja los derechos que, conforme a aquella legislación, habían adquirido los indios. De lo contrario, se considerará sometido estos a la legislación común, la suerte de ellos en este Departamento será miserable y tan triste, como en el resto de la República, y el nuevo sistema político sería, a su juicio, la causa de su mayor desastre.") Governor of Cauca to the Ministry of Government, in *Registro Oficial*, no. 149, Popayán, January 14, 1888, 2-3 cited by Valencia Llano, *Empresarios y políticos*, 88-89.

and illiteracy, "indigenous people require a closer government, emerged from within, as they live immensely far away from the authorities' headquarters."<sup>755</sup>

Even the ubiquitous Juan Gregorio Trejo, who played a critical role in the 1870s dismemberment of Supía-Cañamomo's *resguardos*, now surfaced in the records of the 1888 legislature.<sup>756</sup> Attuned with the new political environment, the administrator of the Cañamomo indigenous community wrote to the lawmakers: "today, when a true Regeneration reigns in the country, you have the inescapable obligation [...] to repair many injustices." Among these injustices, Trejo pointed to one he was very much responsible for. "The divisions of *resguardos*," he wrote, "were made with no regard for the common interest, justice, and the law, as many *indígenas* were not entitled to even one hectare of land. Currently, others take advantage of their lands and mining sites, as it happens in the community I administer." On that ground, Trejo urged Regeneration lawmakers to issue legislation protecting natives' land and mining rights.<sup>757</sup> He submitted this letter to the

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<sup>755</sup> ("Que el estado de ignorancia de todos los indígenas en general y por consiguiente necesitan más de cerca de un gobierno de su propio ceno, toda vez que viven a inmensas distancias del centro de acción de las autoridades.") "Gobernador y pequeño cabildo de la parcialidad de La Montaña al Presidente de la Cámara Legislativa," Riosucio, August 5, 1888, AGN, Sección República, Archivo del Congreso, 1888, Negocios sin considerar, Tomo/Legajo V, consecutivo 1167, fols. 73r-74v.

<sup>756</sup> On Juan Gregorio Trejo and his role in the partial dismemberment of Supía-Cañamomo's *resguardos*, see Chapter 4 (specially sections 4.3.2 and 4.4)

<sup>757</sup> ("[...] hoy que una verdadera Regeneración impera en el país, estáis en la obligación ineludible de atender a muchos justos clamores y de reparar muchas injusticias. Se ha olvidado, desgraciadamente, en tiempos pasados, a la infeliz raza indígena, se le han conculcado sus derechos, y se la ha dejado en casi absoluta pobreza [...] En las divisiones de sus resguardos no se ha consultado el interés común, ni se ha llevado por norma la justicia ni el derecho, pues a muchos indijenas no les ha tocado ni una hectárea de terreno. Actualmente otros son los aprovechados de sus haberes y se les denuncian y explotan sus minas sin consideración de ninguna especie, como acontece en la comunidad que se soy Administrador.") "Administrador de la Comunidad de Indígenas de Cañamomo a Diputados de la Asamblea Departamental del Cauca," Supía, June 16, 1888, AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fols. 33r-34v. By contrast with most of Trejo's archival traces, which he used to pen with his unmistakable handwriting, this letter was signed by Trejo but written by someone else. Considering the petition's polished writing and legal jargon, perhaps one of the local

Cauca Departmental Assembly, which sent it to Congress. The Senate dispatched Trejo's request arguing that "under Article 37 of the Constitution, the Senate cannot legislate to deprive [*indígenas*] of the freedom they have to dispose of their properties." According to the Senators, it was impossible to keep in force State of Cauca laws on *resguardos* - as Trejo and other petitioners had requested - because "the laws of the extinct states have been repealed by Article 321 of Law 153 of 1887."<sup>758</sup>

By contrast with *indígenas* from the northern districts, whose petitions usually were signed by leaders of a single *parcialidad*, southern Cauca indigenous communities acted jointly when addressing state authorities.<sup>759</sup> In June 1888, around a thousand *indígenas* from the southern Cauca provinces of Túquerres and Pasto petitioned the Senate, as they had done in 1886, not to repeal the former State of Cauca laws that protected their

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lawyers that used to work for the indigenous cabildos was the "masked man" behind the pen, as Thurner would say. Thurner, *From Two Republics*, 144. It is worth noticing that, this time, Trejo introduced himself as the administrator of the indigenous community of "Cañamomo" rather than "Supía-Cañamomo," as he used to do in the documents related to the 1874 repartimiento. The available evidence tells us nothing about internal dynamics within the indigenous communities that Trejo supposedly represented. So, it is not easy to establish whether an explanation for the erasure of the Supías might be that, by 1888, Supías and Cañamomos had returned to be separate communities as they were before the 1874 privatization process. Or perhaps the scant traces of Indianness among the Supías had faded away, and the Cañamomos remained as the only recognizable indigenous element within the former *parcialidad* of Supía-Cañamomo. Either way, the fact that the 1888 petition was signed only by Trejo with no participation of the Cañamomo's cabildo raises questions about Trejo's actual relationship with the indigenous community he claimed to represent.

<sup>758</sup> ("Contéstese al señor Juan Gregorio Trejo, administrador de la Comunidad de indígenas de "Cañamomo", que de conformidad con el art. 37 de la Constitución, el Senado no puede legislar para privarlos de la libertad que tienen de disponer de sus propiedades, y que en materia civil las leyes de los extinguidos Estados han quedado abrogadas por el art. 321 de la Ley 153 de 1887 [...].") Senators Miguel Ortíz Durán, Simón de Herrera, and Nicasio Barreiro drafted this resolution, which the Senate approved on August 17, 1888. AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 31v.

<sup>759</sup> Sanders brings attention to regional intercommunal alliances as a feature of southern Cauca *indígenas'* political mobilization that allowed them "to create a much more powerful republican indigenous discourse and to redefine the meaning of 'indígena' in the Republic." See Sanders, "Perteneceer," 39.

*resguardos*.<sup>760</sup> They provided three major reasons to support this request: first, keeping this legislation in force would put an end to indigenous land dispossession; second, it would prevent landless impoverished *indígenas* from becoming a menace to public order; finally, it would prove lawmakers' responsiveness to local customs and needs. As they had argued in previous petitions, southern Cauca *indígenas* insisted that "without the protective legislation that had been in force since the colonial times [...] a large portion of *indígenas* would be deprived of their property because of the frequent sales, some of them fraudulent and most of them underpriced, of their plots of communal lands."<sup>761</sup> Moreover, the petitioners warned about the social and political turmoil that would result from depriving indigenous people of their livelihood. They cautioned that "this significant mass of destitute *indígenas* might become a social threat, as in any political emergency it would be ready to support those agitators who want to harness it for anarchical purposes disguised under any political color."<sup>762</sup> By doing so, southern Cauca *indígenas* linked the traditional trope of "miserable Indians" to that of indigenous soldiers or, as Karla Escobar frames it,

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<sup>760</sup> "Miembros de los cabildos de varias parcialidades de indígenas del Sur del Cauca al Senado," Túquerres, June 30, 1888, AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 37r-47v. The last nineteenth pages of this petition were filled with around 1,000 names of *indígenas* from the cabildos of Túquerres, Yamues, Sapuyes, Ipiales, Muellamues, Yascual, Guaitarilla, and Guachucal, all located in the southern Cauca province of Pasto.

<sup>761</sup> ("*Sin la protectora ley de resguardo, que ha estado vigente por más de trescientos años, desde los tiempos de la Colonia, va a suceder, lo que ya empieza a verse desde ahora, que quedará una numerosa porción de indígenas privada de su condición de propietarios, por las frecuentes ventas, fraudulentas algunas y a bajo precio casi todas, de los lotes que les corresponden en los terrenos comunales.*") "Miembros de los cabildos," AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 37v.

<sup>762</sup> ("*Esta masa considerable e indigente, puede llegar a ser hasta una amenaza social, que en cualquiera emergencia política esté pronta a secundar la voz de algunos perturbadores del orden público que quieran valerse de ella para fines anárquicos bajo cualquier color político que disfrace el objeto.*") "Miembros de los cabildos," AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 37v.

an "indigenous armed citizenship."<sup>763</sup> During times of deep political divide, Indians from Túquerres and Pasto slipped a veiled reminder of the role they had played throughout the nineteenth-century civil wars and how their support might tip the scale in the wars to come.<sup>764</sup>

Finally, when the country was transitioning from federalism to a unitary republic with a centralized legal system, southern Cauca *indígenas* made a case for legal particularism. They urged Regeneration lawmakers to be responsive to local customs and needs by keeping *resguardo* legislation in force since it "has taken deep roots in the customs of the indigenous race." However, the petitioners framed their defense of the indigenous custom in terms of cosmopolitan modernity and civilization. They claimed that "in the most civilized countries of the world, like Inglaterra, there are special and local laws" attuned to the particular realities of, for instance, Irlanda and the Eastern Indias. "This example proves that the laws of a nation should fit with the needs of its members, even if they are peculiar or local in nature," they concluded.<sup>765</sup>

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<sup>763</sup> Karla Escobar refers to a "*ciudadanía indígena en armas*." Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 147.

<sup>764</sup> For further examination of this argument, see Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 49-53.

<sup>765</sup> ("La tradicional ley de resguardos, ha echado hondas raíces en las costumbres de la raza indígena, quien la mira como una salvaguardia de sus intereses especiales [...] Las leyes de un país, como bien lo sabéis vosotros, Honorables Señores, deben ser el reflejo de las costumbres nacionales y concordantes con sus peculiares necesidades [...] En los países más civilizados del mundo, con Inglaterra, se ven consignadas en sus instituciones, leyes especiales y de carácter local, como sucede con Irlanda [...] [and] las Indias Orientales [...] Esto es un ejemplo más de que las leyes de una nación deben corresponder a las necesidades de sus miembros, aunque revistan un carácter peculiar o local.") "Miembros de los cabildos," AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 37v-38r.

When the Senate was about to dismiss the petition of southern Cauca's *indígenas*, the debate took another turn. The Senate's plenary postponed the discussion and appointed a commission for drafting a bill "on the sale of indigenous property under the new institutions."<sup>766</sup> Meanwhile, the House of Representatives (*Cámara de Representantes*) had just begun to discuss the bill on "civilization of savage *indígenas*" proposed by the government on August 20, 1888. Representatives Gustavo S. Guerrero and Marco A. Torres were commissioned to study this initiative.<sup>767</sup> On August 28, just the day after the Senate postponed the debate on the *indígenas*' petition, Guerrero and Torres presented to the House's plenary a draft that embraced the natives' proposal. It complemented the government's bill with a comprehensive regulation intended to rule over those "semi-civilized" populations who still lived in *resguardos*.<sup>768</sup>

Representatives Guerrero and Torres justified their proposal on reasons that closely resemble the *indígenas*' case for legal particularism and the preservation of the old *resguardo* laws. Both lawmakers welcomed the government's initiative of entrusting

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<sup>766</sup> Senators Miguel Ortíz Duran, Nicasio Barreiro, Simón de Herrera, and Andrés Obregón drafted a resolution like that the Senate had approved to dismiss Juan Gregorio Trejo's petition. Its core argument was that the maintenance of *resguardos* was contrary to Article 37 of the 1886 Constitution, which established the saleable nature of all real estate property. Yet, on August 27, 1888, the Senate decided to postpone the discussion on this matter until September 3, when the plenary commissioned Senators Carvajal and Barco to draft a bill on the sale of indigenous lands. Thus, the Senate seemed still reluctant to legislate protecting *resguardos* but opened the door to discuss indigenous property rights, a thorny issue that Regeneration lawmakers had avoided to address up to that point. See AGN, Sección República, Archivo del Congreso, 1888, Informes de Comisiones No. 2, Legajo/Tomo IV, consecutivo 1164, fol. 35r-36v.

<sup>767</sup> Gustavo S. Guerrero was representative for the department of Cauca, and Marco A. Torres for Boyacá. See, "Ministerio de Gobierno. Relación nominal de los Representantes principales y suplentes de los Departamentos en que está dividida la República – Año de 1888," *Diario Oficial*, año XXIV, no. 7,457, Bogotá, July 20, 1888, 775.

<sup>768</sup> This bill was authored by Representatives Gustavo S. Guerrero and Juan Clímaco Burbano (for the Department of Cauca), and Marco A. Torres (for Boyacá). "Proyecto de ley sobre protección de indígenas," AGN, Archivo del Congreso, Cámara, Tomo VIII, Proyectos Pendientes 1888, Legajo 5, fols. 3r-12v.

missionaries with the task of "bringing the light of the Christian civilization to those territories of the Republic where it has not yet penetrated."<sup>769</sup> But they also urged to provide for those indigenous communities a long time ago settled in the Andean region. "Owing to their special circumstances," Guerrero and Torres claimed, "these communities require particular protective measures." Then, they made a case for the old *resguardo* laws by asserting that those protective means "are not new," as they are embedded "in the different laws that have ruled in the country from the remote times of the Councils of the Indies up to the present." Guerrero and Torres noted that this legal tradition had been recently interrupted when Congress unified the Republic general legislation but involuntarily omitted to address "this special branch."<sup>770</sup> They encouraged lawmakers to fill such a gap by passing a bill that reproduced, almost verbatim, the former State of Cauca Law 41 of 1879. This legislation, in turn, extended the old Law 90 of 1859's protective regime for fifty years, during which the division of *resguardos* was to be completed.

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<sup>769</sup> ("Hallamos que la idea es altamente conveniente y satisfactoria [...] ya que se trata de emprender una conquista por medio de misioneros, encargados de llevar la luz de la civilización cristiana a parajes donde no ha penetrado todavía en el territorio de la República.") Commission Report (Informe de Comisión) authored by Representatives Gustavo S. Guerrero and Marco Antonio Torres, Bogotá, August 28, 1888, in AGN, Archivo del Congreso, Leyes Autógrafas, Tomo VI, fol. 38r. It was published in *Anales del Congreso*, serie 1, no. 4, August 18, 1890, 22-23. See, Mayorga García, "Norma general," 165.

<sup>770</sup> ("Vuestra Comisión encargada del examen de aquel proyecto para segundo debate estima conveniente proponeros que hagáis extensiva tal idea, con el desarrollo preciso, a las comunidades o tribus indígenas constituidas en el país de años atrás, las cuales por su naturaleza y circunstancias especiales demandan medidas protectoras de carácter particular [...] Los medios de protección que deban emplearse en favor de aquellos a quienes aludimos en este informe [...] no son nuevos, y [...] se registran en las diferentes legislaciones del país, desde los remotos tiempos de los Consejos de Indias hasta el presente, con cortos interregnos, como el ocurrido desde la expedición de la ley 57 del año pasado, la cual, al unificar la legislación general de la República, omitió, involuntariamente sin duda, atender a ese ramo especial.") AGN, Archivo del Congreso, Leyes Autógrafas, Tomo VI, fol. 38r-39r; also published in *Anales del Congreso*, serie 1, no. 4, August 18, 1890, 22-23; Mayorga García, "Norma general," 165-166.

The House of Representatives resumed the discussion of this initiative in the next legislature, beginning in July 1890. Representatives Juan Clímaco Burbano and Gustavo S. Guerrero, both from the department of Cauca, actively promoted its passage by the House's plenary.<sup>771</sup> Upon its approval in the first debate, the House entrusted the Commission of "*Civilización de Indígenas*" with the study of the bill.<sup>772</sup> Its members endorsed the entire project, including the provisions on temporary protection of *resguardos*, arguing that "it serves the interests of that semi-civilized portion [of *indígenas*] that populates some parts of the country."<sup>773</sup> After being approved by the House of Representatives with no further modifications, the bill passed to the Senate where it also ran smoothly. On November 25, President Carlos Holguín signed what became Law 89 of 1890.<sup>774</sup>

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<sup>771</sup> "Cámara de Representantes. Sesión del lunes 28 de julio de 1890," *Anales del Congreso*, serie 1, no. 5, August 19, 1890, 39.

<sup>772</sup> The members of the House's Commission of "*Civilización de Indígenas*" were Representatives Benjamín Reyes Archila (Boyacá), Juan B. Pérez y Soto (Panamá), Manuel José Santos (Santander), and Julio Arboleda (Cundinamarca). See "Cámara de Representantes. Cuadro de Comisiones," *Anales del Congreso*, serie 1, no. 6, August 20, 1890, 42; "Ministerio de Gobierno. Relación nominal de los Representantes principales y suplentes de los Departamentos en que está dividida la República – Año de 1888," *Diario Oficial*, año XXIV, no. 7,457, Bogotá, July 20, 1888, 775.

<sup>773</sup> ("Entre el estado de cultura y el de naturaleza de los colombianos existe una clase que, sin ser completamente salvaje, se halla aún muy distante de poder entrar como los demás ciudadanos al pleno goce de los derechos civiles que no aprecian y desconocen [...] Esa Comisión, decimos, formuló un proyecto por el cual se atiende principalmente a los intereses de esa porción semicivilizada que puebla algunos puntos del país, pero sin desechar la primordial idea de S.S.") Commission Report (Informe de Comisión) Bogotá, July 30, 1890, in AGN, Archivo del Congreso, Leyes Autógrafas, Tomo VI, fol. 48r-49r. It was published in *Anales del Congreso*, serie 1, no. 4, August 18, 1890, 24. See, Mayorga García, "Norma general," 173-174.

<sup>774</sup> Under the 1886 Constitution, legislative chambers shall meet every two years (art. 68). To become law, a bill had to be approved in three rounds of debates by the majority of the members of the House of Representatives and the Senate, respectively, and then signed by the President of the Republic (art. 81). In this case, the three debates in the House of Representatives were completed on July 28, July 31, and October 27. The three debates in the Senate took place on November 4, 13, and 15. See, "Cámara de Representantes. Sesión del 31 de julio de 1890," *Anales del Congreso*, serie 27, no. 4, October 6, 1890, 210; "Cámara de Representantes. Actas de las sesiones de los días 25, 27, 28 y 29 de octubre de 1890," *Anales del Congreso*, serie 7, no. 135, February 24, 1891, 1075; "Senado de la República. Sesión del martes 4 de noviembre de



### 6.2.2. The Multiple Compromises Embedded in Law 89 of 1890

The genesis of this statute demonstrates that, rather than from the mercy of Conservative governments or the Regeneration's intellectuals' racial anxieties, Law 89's temporary protection of *resguardos* resulted from two negotiation processes that, in this case, imbricated on each other. First, it was an outcome of the nineteenth-century tradition of bargaining between Caucano indigenous communities and elites, which Karla Escobar frames as the "republican friendship." Second, it embodied the compromise between, on the one hand, the Regeneration's push for centralization and unified legislation, and, on the other, demands for keeping some regional legislative arrangements that the federal regime had made possible.

Concerning the first element, nineteenth-century civil wars and the expansion of male suffrage after the 1850s had strengthened ties of asymmetric dependency between indigenous leaders and elites. Mutual gestures of "friendship" shaped elite-subaltern political bargaining, particularly in southwest Cauca. In exchange for indigenous communities' electoral and military support, Caucano elites helped to advance legislation protective of indigenous communal lands and self-governance, such as the emblematic Law 90 of 1859 and its sequel, Law 41 of 1879.<sup>775</sup> Although the limitations to male suffrage

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1890," *Anales del Congreso*, serie 7, no. 139, February 28, 1891, 1105-1106; Mayorga, "Norma general," 174-175; Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 46-48.

<sup>775</sup> As previously discussed in chapters 3 and 5. See also Sanders, *Contentious Republicans*, 115-116, 143-144. Karla Escobar analyzes multiple instances of "brotherly governance" at the local level that, along with legislative bargaining, epitomized the "republican friendship" between Caucano *indígenas* and elites. Escobar Hernández, "Ciudadanía, justicia e indigeneidad," chapters 2 and 3.

after 1886 reduced subaltern's bargaining power, civil wars still left room for negotiation between indigenous leaders and political bosses. Indeed, Law 89 of 1890's passage happened when the memories of the 1885 Civil War were fresh, and the partisan divide kept the risk of another armed conflict still possible.<sup>776</sup> *Indígenas* from Túquerres and Pasto were keenly aware that their military support to local elites might open avenues for political bargaining, as their 1888 petition to Congress reveals; so did Caucaño Representatives Gustavo S. Guerrero and Juan Clímaco Burbano. It was not by chance that they added to the bill the forty-one articles providing for the temporary protection of *resguardos* and actively contributed to the passage of Law 89. Both Guerrero and Burbano came from the province of Pasto, where they had their constituency and a network of patron-client ties with indigenous leaders that likely helped to advance their careers.<sup>777</sup> As Karla Escobar notes, by sponsoring the inclusion of these provisions, Guerrero and Burbano sent a gesture

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<sup>776</sup> Which ultimately occurred with the civil war of 1895 and the Thousand Days War (1899-1902).

<sup>777</sup> Gustavo S. Guerrero (1824-1927) and Juan Clímaco Burbano graduated as lawyers from the Academic College of Pasto and became prominent regional political and military leaders. Before taking his seat as representative for the department of Cauca in the 1888 legislature, Gustavo S. Guerrero had served as a circuit judge, magistrate of the Superior Court of Pasto, prefect of the provinces of Pasto, Bolívar, and Obando; and, secretary of government of Cauca. Along with his prominent role in the passage of Law 89, while serving in Congress, Representative Guerrero also advocated for the protection of territorial rights of the indigenous community of Ancuyá during the debate of a bill draft specifically related to this matter. A decade later, General Guerrero headed the southern Conservative troops during the Thousand Days War (1899-1902). In 1910, he was appointed as governor of the newly created department of Nariño. Meanwhile, Juan Clímaco Burbano served as prefect of the province of Obando and governor of the short-lived department of Ipiales, created in 1908. For Guerrero's biography, see Ignacio Rodríguez Guerrero, "El Historiador, Dr. y General Gustavo S. Guerrero," *Cultura Nariñense*, vol. VI, no. 59 (May 1973): 341-343. On the circumstances surrounding the election of Guerrero and Burbano as representatives for the Department of Cauca, see Gustavo S. Guerrero, *Asunto eleccionario* (Pasto: Imprenta de A. Ramírez Z, 1888) in BLAA, Sala Libros Raros y Manuscritos, Misceláneas, Misc. 1339. On Guerrero's advocacy for the indigenous community of Ancuyá, see AGN, Fondo Academia Colombiana de Historia, Colección Gustavo Guerrero, rollo 2 (microfilme), caja 4, carpeta 7; *Anales del Congreso*, serie 1, no. 12, August 29, 1890, 95-96. On Guerrero's participation in the Thousand Days War, see "Correspondencia Guerra de los Mil Días," AGN, Fondo Academia Colombiana de Historia, Colección Gustavo Guerrero, rollo 1 (microfilme), carpeta 6. For Juan Clímaco Burbano and his patron-client ties with southern indigenous communities, see Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 53, 160-165.

of "friendship" that might ensure the allegiance of their indigenous clientele for the political and military battles to come. Meanwhile, the political capital that southern Cauca *indígenas* had built at the local level allowed them to gain legal protection for indigenous communal lands and self-governance through a national law that would rule not only in Cauca but all over the country.<sup>778</sup>

Besides gestures of "republican friendship" between Caucano *indígenas* and politicians, Law 89's temporary protection of *resguardos* resulted from the compromise between the Regeneration's strong push for centralism and demands for some degree of regional autonomy. One of the contention points between the Radical Liberals and the Regeneration's project revolved around preserving the federalist experiment or returning to a unitary republic, which eventually happened in 1886. Right after enacting the 1886 Constitution, there was a rush to unify the country's legislation. This unifying trend was at odds with the tendency towards decentralizing regulation on *resguardo* matters.<sup>779</sup> Under the 1886 Constitution, however, there was no place for regional legislative autonomy, so that any regulation on *resguardos* should be made at the national level. How was the passage of a general statute providing for the maintenance, albeit temporary, of *resguardos* possible, at a time when the transformation of indigenous communal landholdings into privately-owned plots was a mainstream bipartisan cause? Law 89's making process shows that lawmakers from regions other than Cauca endorsed this initiative, and no one raised

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<sup>778</sup> Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 53, 161, 379.

<sup>779</sup> This decentralizing tendency had existed even before the transition to the federal regime in the mid-1850s, as discussed in Chapter 3.

explicit objections against it. What accounted for such a broad support was a compromise whereby lawmakers enacted a national law by which they meant to address what they conceived as a regional issue: the survival of *resguardos* in some areas of the department of Cauca.<sup>780</sup> A compelling proof of lawmakers' intention to give Law 89 a regional scope is that they entrusted department governors, rather than the national government, the issuing of the law's regulatory decrees and even the filling of its gaps (art. 41). Such a space for regional lawmaking was at odds with the Regeneration's centralist trend. Not surprisingly, Cauca was the only department that passed regulatory decrees intended to enforce Law 89.<sup>781</sup>

Moreover, Law 89 of 1890 and its regulatory Decree 74 of 1898 reproduced the compromise between *resguardo* protection and privatization embodied in the former State of Cauca Law 41 of 1879. Concerning the protection of indigenous communal lands and self-governance, Law 89 bestowed *pequeños cabildos* powers to take community censuses, rule over the distribution and usage of *resguardo* lands, and solve disputes among commoners (arts. 3 to 11). The law commanded the *cabildos* to legalize and notarize their *resguardo* titles, maintaining the standard of substitute evidence ("*prueba supletoria*") for those communities whose colonial land titles had been lost (arts. 12 to 13). Besides, Law

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<sup>780</sup> I thank historian Fernando Mayorga García for suggesting this interpretation. Personal communications with the author, August 2016 and November 2018.

<sup>781</sup> The Governor of Cauca issued Decree 74 of 1898, a comprehensive statute comprised of 182 articles that regulated in detail issues concerning the *resguardo-cabildo* regime; membership in indigenous communities; rules on marriage and inheritance; sales and division of *resguardo* lands, among others. It was later reformed by decrees 162 and 357 of 1920. Upon the creation of the departments of Caldas (1905) and Nariño (1910), whose territories formerly fell under the jurisdiction of Cauca, these regional governments also passed decree that kept in force Decree 74 of 1898 in the newly created departments. These regulations are compiled in Triana Antorveza, edit, *Legislación Indígena Nacional*, 166-193, 211-214, 220-228, 234-241, 258-272.

89 preserved some of the old-regime paternalistic measures intended to facilitate indigenous litigation. *Indígenas* were legally deemed as "extremely poor" ("*pobres de solemnidad*"), so they were exempted from the mandatory use of stamped paper for legal documents and from paying judicial or administrative fees (arts. 23 to 29). *Indígenas* were entitled to litigate by themselves or through *apoderados*, and to be sponsored by *fiscales*, a category of court officials who were to perform as "*protectores de indígenas*." Besides, they were considered as legal minors when it came to selling their *resguardo* plots, for which both prior judicial approval and public auction were mandatory (art. 40).

Along with this protective regime, however, Law 89 and its regulatory Decree 74 also undermined indigenous communal property and set the stage for the dismantling of the *resguardo-cabildo* system. Following the trend to expand municipalities at the expense of indigenous communal lands, this legislation authorized the subtraction of up to seventy hectares of *resguardo* lands to set or expand "*areas de población*." It also provided that when it was not possible to determine which *indígenas* had rights over a certain *resguardo*, it would be allocated as common land (*ejido*) to the neighboring municipality. Moreover, this legislation provided detailed rules to carry out the division of *resguardos* within a fifty-year period.

### **6.3. Law 89 as an Arena of Contention**

Due to its compromise between protectionism and privatization, Law 89 became an arena of contention between these opposite agendas. By lobbying for the maintenance of the old Caucaño protective legislation, indigenous people played a pivotal role in the

passage of Law 89 of 1890, as discussed above. Indigenous legal agency would also be critical for defining this law's practical meaning, which includes its spatial and temporal scope.

Colombian ethnohistorians have focused on the counterhegemonic interpretation of Law 89 of 1890 by Caucaño emblematic indigenous leader Manuel Quintín Lame.<sup>782</sup> This literature discusses Lame's idiosyncratic views on law, justice, and history. It highlights how Lame resorted to colonial titles and the republican legal framework to advance a bold interpretation of Law 89 of 1890 that challenged what lawmakers meant when passing this statute. Arguably, by issuing Law 89, members of Congress intended to pave the way for a gradual and smooth dismantling of the *resguardo-cabildo* regime. Conversely, Lame's reading of Law 89 aimed at preserving this institution. Yet, Lame went far beyond than claiming for the protection of the still existing *resguardos* and *cabildos*. Armed with Law 89 and colonial titles, he advocated for the restitution of the already dismantled *resguardos*

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<sup>782</sup> Manuel Quintín Lame Chantre (1880-1967) was an indigenous leader from southern Cauca, who combined legal and grassroots activism to advocate for indigenous land rights, self-governance, and citizenship. Lame fought in the government ranks during the Thousand Days War (1899-1902), where Conservative general Carlos Albán instructed him in writing skills, law, and history. After the war, Lame continued his legal self-training. While serving as a sharecropper in southern Cauca haciendas, Lame became involved in grassroots mobilizations against *terraje* (sharecropper's duty to deliver non-waged labor to hacendados in return for living within the hacienda). This movement soon evolved into a broader struggle for land rights supported by emerging leftist parties, although Lame himself remained closer to the Conservative party. This movement spread among communities from Cauca, Huila, and Tolima leading to a grassroots indigenous uprising known as La Quintinada (1914-1917). La Quintinada was violently repressed and ended up with the imprisonment of Lame, José Gonzálo Sánchez, and other indigenous leaders. While serving time in jail, Lame kept his legal activism and consolidated as a prolific writer. His booklet "*Los Pensamientos del Indio que se educó dentro de las selvas colombianas*" (Thoughts of the Indian Educated in the Colombian Forests) became Lame's centerpiece and reignited indigenous activism in the 1970s. Upon his release from prison in the 1930s, Lame moved toward the department of Tolima, where he continued advocating for the restitution of indigenous *resguardos* in the area until his death in 1967.

to landless *indígenas* who, like Lame himself, worked as sharecroppers in the haciendas that had expanded at the expense of former indigenous lands.<sup>783</sup>

Notwithstanding Lame's significance, recent historiography aims at writing a history of Colombian indigenous activism during the critical period of *resguardo* privatization that goes beyond his iconic figure.<sup>784</sup> This literature reveals a more complex and nuanced landscape of indigenous legal agency, one in which not all *indígenas* embraced Law 89 as a legal shield to protect their communal landholdings and self-governance. Some communities, instead, availed themselves of this law to apportion their *resguardos*. This happened in several regions. While most of this historiography remains focused on the experience of southern Cauca communities, the scope of the process was much wider. The struggles for defining Law 89's meaning and enforcing it did not only take place in southern Cauca, as the experience of the indigenous communities from Riosucio and Supía reveals.

### 6.3.1. Making Sense of Law 89 on the Ground

All in all, indigenous and non-indigenous residents made sense of Law 89 in different ways and moved by diverse purposes. Local officials and elites deemed it a hindrance to progress and complained about its enforcement in a region where, they

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<sup>783</sup> On Lame's counterhegemonic interpretation of Law 89 of 1890, see Rappaport, *The Politics of Memory. Native historical interpretation in the Colombian Andes* (Cambridge: Cambridge University Press, 1990), 81-126; Lemaitre, "Viva nuestro Derecho," 236-243; Karla Escobar, "What is the 'Cultural Baggage' of Legal Transfers? Methodological Reflections on the Case of La Quintiada, Tierradentro-Cauca, 1914-1917," *Rechtsgeschichte – Legal History* 24 (2016): 203-217; Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 24-40, 351-370; Bacca, "Indigenizing International Law," 121-152.

<sup>784</sup> In that vein, see Pumarada Cruz, "Othering Modernization;" and Escobar Hernández, "Ciudadanía, justicia e indigeneidad,"

claimed, *indígenas* were civilized enough to be treated like the rest of Colombian citizens. By contrast, local indigenous communities, including many from southern Cauca and across the country, generally infused great symbolic value into Law 89 by using it as a legal shield to preserve their *resguardos*, *cabildos*, and, ultimately, their Indianness. Still, their responses were diverse.

The passage of Law 89, for instance, elicited different responses among indigenous and non-indigenous inhabitants of Riosucio, Supía, and other northern districts now belonging to the Province of Marmato. Some *parcialidades*, such as those from Riosucio and Supía, resorted to Law 89 to protect their communal lands and self-governance. By contrast, authorities of the neighboring *parcialidad* of Quinchía, southward from Riosucio, harnessed Law 89 to continue the division of their *resguardo*, which exacerbated internal factionalism. Meanwhile, Law 89 and subsequent legislation heightened conflicts between *parcialidades* and municipalities due to the expansion of urban areas at the expense of indigenous lands. Such disputes, therefore, sparked the need for *indígenas* and local officials to produce suitable evidence regarding the existence of *parcialidades* and their corresponding *resguardos*.

Upon the passage of Law 89, provincial authorities began to collect information about the indigenous communities that existed under each municipality's jurisdiction. In 1896, the Prefect of the Province of Marmato reported the existence of the indigenous *parcialidades* of La Montaña and Cañamomo in the municipality of Riosucio; San Lorenzo in the municipality of Supía; and Quinchía, Guática, and Chamí in Nazareth. According to the Prefect, all of them were ruled by governors and *pequeños cabildos* under the



provisions of Law 89 of 1890.<sup>785</sup> This information was needed for enforcing the Department of Cauca's ordinances that exempted *resguardos* from paying real estate taxes.<sup>786</sup> Since municipalities were expanding their urban areas, they also needed this information to conduct territorial management. In many cases, such urban expansion took place at the expense of indigenous lands, as Law 89 of 1890 enabled municipalities to take away portions of *resguardos* to set “*areas de población*,” which sparked conflicts between *parcialidades* and local governments.<sup>787</sup>

Law 89's Janus-faced policy of protection and privatization allowed for *indígenas* to pursue such opposite agendas. While Quintín Lame and many other *indígenas* all over the country embraced it as a legal shield to preserve their *resguardos*, *cabildos*, and carve out indigenous citizenship, others used it to expedite the division of their communal lands. Noticeably, a significant part of Law 89's regulatory decree was devoted to regulating in detail the division of *resguardo* lands, setting the legal framework for processes of privatization and commodification that already were going on.<sup>788</sup> Following the trend of former Caucaño legislation, Law 89 did not make the division of *resguardos* mandatory. Division was contingent upon the approval of the *cabildo* and the majority of the members of the *parcialidad*. Knowing that a top-down mandate of dismantling *resguardos* was

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<sup>785</sup> “Prefectura Provincial de Marmato al Secretario de Gobierno,” No. 24, Riosucio, April 10, 1996, fol. 5, in ACC, AM, 1896, paq. 233, leg. 49 (Comunicaciones Prefecto de Marmato a Secretario de Gobierno).

<sup>786</sup> See Department of Cauca Ordinance of August 3, 1892, “por la cual se exime del pago de la contribución directa sobre el capital inmueble a los *resguardos* de indígenas,” ACC, AM, 1890, paq. 189, leg. 23.

<sup>787</sup> Disputes around the establishment of “*áreas de población*,” which substantially increased after the passage of Law 55 of 1905, will be discussed in Chapter 7.

<sup>788</sup> Articles 115 to 141 of the Department of Cauca Decree 74 of 1898 regulated the division of *resguardos*.

politically costly and unenforceable, lawmakers opted to harness the communities' already existing divisions about whether to keep their lands in common or seek partition, as Karla Escobar notes.<sup>789</sup>

The case of the Quinchía community, southward from Riosucio, provides a telling example of how some *cabildos* used Law 89 to pursue the division of their *resguardos* and the internal conflicts it led to. Domestic clashes over the privatization of the Quinchía *resguardo* dated back to the mid-1870s, when a cabildo aligned with Ramón E. Palau undertook the repartimiento under the State of Cauca Law 44 of 1873, and a sector of the community strongly opposed it.<sup>790</sup> Seemingly, both the partition and the internal strife it sparked went on. Twenty years later, in 1896, about fifty *indígenas* of this community wrote to the governor of Cauca complaining that:

Our *parcialidad's* small council, mistakenly interpreting the provision of Law 89 of 1890, has divided the land of our small and already dismembered *resguardo*, allocating parcels to those [families] the cabildo wants and dispossessing many others that perhaps are more entitled. Since these proceedings are undue and illegal, for they violate constitutional rights and especially the sacred one of property, we come to Your Honor, begging you to nullify the allotments already done and the subsequent sales resulting from them, and prohibit to continue the partition.<sup>791</sup>

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<sup>789</sup> Escobar Hernández, “Ciudadanía, justicia e indigeneidad,” 97-98.

<sup>790</sup> As discussed in Chapter 5 (Section 5.5.)

<sup>791</sup> (“*El pequeño cabildo de nuestra parcialidad, interpretando erróneamente las disposiciones de la Ley 89 de 1890, ha prosedido a dividir el terreno que forma nuestro pequeño y desmembrado resguardo, entregándolo a los que son de su agrado y despojando a muchos de los que tienen acaso mejor derecho. – Como estos prosedimientos son indebidos e ilegales y como con ellos se violan derechos constitucionales y con especialidad el sagrado de propiedad, venimos a Usía suplicándole se sirva dictar alguna providencia que ponga remedio a tan graves males, - declarando nulas las entregas hechas y las ventas que de ellas se han desprendido y prohibiendo la continuación de tales entregas.*”) “Indígenas de la parcialidad de Quinchía al Gobernador del Cauca,” Quinchía, February 9, 1896, ACC, AM, 1896, paq. 231, leg. 34 (Asuntos sobre

Notwithstanding Law 89's two-faced policy, local officials and elites did not welcome this legislation. In their view, except for the "savage" Chamí Indians of Arrayanal, all the *indígenas* of the Marmato province were civilized enough to be treated like the rest of Colombian citizens, so there was no reason for granting them the special privileges and rights afforded by Law 89. The 1906 report by Provincial Administrator Francisco Trejos that opens this chapter conveys local elites' arguments against this legislation's protective regime. Trejos blamed Law 89 for the surge of indigenous litigation that flooded the provincial offices and local courts. He noted that *indígenas* of the Marmato province were not "semi-savages" whatsoever, as some of them "can comment on an intricate article of the Civil Code with such lucidity, as any lawyer would do it after racking his brain."<sup>792</sup> He believed that the region's progress was contingent upon the division of communal landholdings but did not place any hope that Law 89 would serve that purpose. Like Trejos, other officials voiced their objections against the enforcement of Law 89 in the region.<sup>793</sup>

Besides official reports, local elites articulated their concerns about Law 89 in academic fashion. Ulises Gärtner, member of a prominent Riosucian family with German

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policía de indígenas). The governor commissioned the prefect of the province of Marmato to handle this issue, instructing them to correct any wrongdoing that would have been done in the partition.

<sup>792</sup> (“[...] yo conozco aquí indígenas con tan buena *sindéresis*, que comentan con tanta lucidez un intrincado artículo del Código Civil, como lo hiciera cualquier letrado acalorándose los sesos.”) Francisco Trejos, “Informe,” 1178.

<sup>793</sup> See Rodolfo Velasco V. “Agricultura. Nota del Prefecto Provincial de Marmato e Informe a que ella se refiere,” *Registro Oficial* (Popayán) 3, no. 420 (August 22, 1892), 1879; Griseldino Carvajal, “Exposición descriptiva del camino del Chamí,” *Registro Oficial* (Popayán) 7, no. 930 (February 19, 1896), 3738-39, and no. 943 (March 31, 1896), 3747. These reports are discussed by Appelbaum, *Muddied Waters*, 116-122; González Escobar, *Ocupación*, 287-291.

ancestry, authored the only known contemporary monography about Law 89 of 1890.<sup>794</sup> He completed this thirty-six-page booklet in 1909, in fulfillment of the requirements to get his law degree from the Universidad Republicana in Bogotá.<sup>795</sup> Gärtner chose a topic deemed as marginal and rather neglected by contemporary legal scholars, as implied by his advisor's introductory note:

The very distinguished student Mr. Gärtner could have written about one of the many topics of the National Civil Law, as he has plenty of skills to do so [...] But it seems to me that he preferred to comment on Law 89 on indigenous *resguardos*, moved by the concern for the social class to which the Law refers. Besides, it is in the old Department of Cauca - Mr. Gärtner's birthplace - where the aforementioned Law is most applied, as it is there where there are more *resguardo* lands governed by it.<sup>796</sup>

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<sup>794</sup> Ulises Gärtner de la Cuesta (1884-1965) was one of the sons of Riosucian Liberal politician and lawyer Carlos E. Gärtner Cataño and Evangelina de la Cuesta, and grandson of the German mineralogist George Heinrich Friedrich Gärtner. In 1906, Ulises moved to Bogotá to study law at the Universidad Republicana, from which he graduated three years later. Upon graduation, Ulises returned to Riosucio, where he practiced the legal profession in multiple positions. By 1923, he assumed the direction of the local Liberal newspaper *El Impulso*, founded by his father, which earned Ulises the animosity of political rivals and even a gun-fire attack from which he emerged unscathed. After that, he moved to Manizales and continued his involvement in politics, though without reaching the prominence of his brother Jorge. The latter, who became the Minister of National Economy in the late 1930s, would play a critical role in the 1940s campaign for *resguardo* privatization, as discussed in Chapter 7. On the Gärtner's family ties with other members of the local *criollato republicano*, see Chapter 4. Ulises' biographical information is scattered across Álvaro Gärtner's well-documented memory about his grandfather Carlos. Gärtner, *El último Radical*, 104-105, 119-121, 189, 208, 308.

<sup>795</sup> Ulises Gärtner, *Resguardos de Indígenas. Ley 89 de 1890. Tesis presentada por Ulises Gärtner para optar al título de Doctor en Derecho y Ciencias Políticas* (Bogotá: Imprenta Colombia, 1909), available at BLAA, Sala Libros Raros y Manuscritos, Archivo Guillermo Hernández de Alba. Dr. José A. Llorente was the thesis' director and the readers were prominent legal scholars Dr. Nicolás Esguerra, Dr. Eduardo Rodríguez Piñeres, Dr. Jesús María Arteaga, and Dr. Vicente Olarte Camacho.

<sup>796</sup> (“Pudo el muy distinguido alumno Sr. Gärtner - pues le sobran capacidades para ello - escribir sobre uno de los tantos puntos del Derecho Civil Patrio [...] Pero se me antoja creer que prefirió para tema de su tesis el comento de la Ley 89 de 1890 sobre Resguardos de indígenas, movido por el interés que despierta la clase social a la que la Ley se refiere, y por la circunstancia, además, de ser en el antiguo Departamento del Cauca - cuna del Sr. Gärtner - donde más se aplica la Ley comentada, a causa de ser también allí, donde hay más tierras de Resguardos regidas por ella.”), José A. Llorente, “Informe del Presidente de Tesis,” in Gärtner, *Resguardos de Indígenas*, 5.

But rather than an unqualified concern for indigenous people's rights, what moved Gärtner to address this topic was a "patriotic duty," as he declared in his thesis's opening statement. Such a duty was "to advocate for setting private property rights in the most convenient way among those groups that are known by the name of *indigenous communities*."<sup>797</sup> To do so, Gärtner briefly surveyed the legislation on *resguardos* from the colonial period up until Law 89 of 1890. He noted that lawmakers wisely placed education and privatization of communal lands as the cornerstones of the policy towards indigenous people since the inception of the republic. Gärtner blamed the Hispanic tradition whereby law "is obeyed, but not fulfilled" for the inefficacy of this legislation, which, if rightly enforced, would have solved "the tricky issue of *resguardos*."<sup>798</sup>

Gärtner approached Law 89 critically, pointing out the inconsistency between its title and its content: while the former stated that the law ruled over *indígenas* not yet civilized, all its provisions, except from Article 1, referred to those "already inducted into civilized life."<sup>799</sup> In the finest part of his study, Gärtner discussed Law 89 in light of civil law categories. He focused on the consequences resulting from the status of minority age that Law 89 assigned *indígenas* when it came to disposing of their land rights. Since the Civil Code set special rules for minors to acquire property through adverse possession, Gärtner analyzed how the time period needed for *indígenas* to claim adverse possession

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<sup>797</sup> ("Dos móviles informan este trabajo: el primero es el cumplimiento de un deber reglamentario: presentar [...] un estudio sobre Derecho para optar a grado en la Facultad; es el segundo, un deber de patriotismo: creemos cumplirlo abogando para que se defina de un modo más conveniente la propiedad privada en aquellas agrupaciones que se conocen con el nombre de Comunidades de indígenas.") Gärtner, *Resguardos de Indígenas*, 7.

<sup>798</sup> Gärtner, *Resguardos de Indígenas*, 17-24.

<sup>799</sup> Gärtner, *Resguardos de Indígenas*, 28.

should be calculated. Moreover, given that *indígenas* were legally capable in matters other than real estate transactions, he wondered whether the obligations Indians might contract in their regular business could be enforced by claiming their *resguardo* plots in payment. Ulises Gärtner's questions hint at the position from which he studied Law 89: that of a lawyer interested in mastering *resguardo* legislation for representing clients that, like Gärtner and his family, were engaged with their indigenous neighbors in everyday business and were eager to acquire property over *resguardo* lands.

Gärtner concluded his study recommending lawmakers set rules for the immediate and straightforward division of *resguardos* in those regions where *indígenas* were already assimilated to the rest of the population. Implicitly referring to his natal Riosucio, Gärtner stated: in some parts of the country, "indigenous *parcialidades* are already civilized; their members have no special customs or languages; they have interbred with non-indigenous individuals; they sell portions and shares of their *resguardos*; they contract freely, etc." In those regions, "*resguardos* are currently a hotbed of litigation and a hindrance to the free play of property," so that the only viable solution is their forthright division, he claimed.<sup>800</sup>

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<sup>800</sup> ("toda vez que muchas *parcialidades* de indígenas están ya civilizadas; sus miembros no tienen costumbres ni lenguas especiales; se han mezclado con individuos de raza no indígena; venden porciones y derechos en sus Resguardos, contratan libremente, etc; resulta, pues, que en algunas secciones del país, los Resguardos son hoy un semillero de litigios y un estorbo al libre juego de la propiedad. El modo de conciliar los intereses, y de desarraigar los males que tal sistema entraña, es la división de esas porciones en donde sus poseedores sean aptos para manejarlos. [...] A nada conduce el que se siga legislando sobre la materia si no se ha de tratar el asunto con el tino que se requiere; debe preocuparse el Legislador por allanar las dificultades nacidas de esa prodigalidad de leyes que [...] forman una intrincada malla en tan sencillo problema. La división de los Resguardos se impone; cuando ella se haya efectuado prudencialmente, habrá voces de aplauso para sus autores.") Gärtner, *Resguardos de Indígenas*, 35-36.

### 6.3.2. “Indígenas by Law.” Asserting Indianness Under Law 89

Despite Ulises Gärtner's and local officials' objections to Law 89's protective regime, the three *parcialidades* at that time existing in Riosucio and Supía - La Montaña, San Lorenzo, and Cañamomo - tapped into this legislation not only to support their land claims but to assert their Indianness as well.<sup>801</sup> As Joanne Rappaport notes, “although the original intent of Law 89 was the *cultural* integration of indigenous peoples, however, it ultimately defines the Indian as a *legal* rather than a cultural being.”<sup>802</sup> Law 89’s legal construction of Indianness rested on institutions dating back to the colonial era, which the Caucaño protective legislation had adapted to republican times. This legislation defines a *parcialidad* as “an indigenous community linked by shared beliefs, language, customs, etc., which possesses a more or less extensive portion of land not interrupted by privately owned lands.”<sup>803</sup> Communal landholding under a notarized *resguardo* title, the yearly election of a *pequeño cabildo* in charge of ruling over communal affairs, and the regular taking of censuses to validate membership in the *parcialidad* were the bedrock of indigenous identity under Law 89 and its regulatory Decree 74 of 1898.

La Montaña, San Lorenzo, and Cañamomo communities incorporated these practices to display Indianness suitable to Law 89's requirements. Due to long-lasting

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<sup>801</sup> During the period covered by this dissertation, *indígenas* of Pirza-Bonafont or Escopetera-Pirza remained as a “civil community.”

<sup>802</sup> Rappaport, *Cumbe Reborn*, 28.

<sup>803</sup> Article 14 of Department of Cauca Decree 74 of 1898 defines “*parcialidad*” as: “*una comunidad de indígenas, ligados por vínculos de creencias, idiomas, costumbres, etc., que posee una porción de terreno más o menos extensa y no interrumpida por terrenos de propiedad particular.*”

processes of acculturation and miscegenation, most *indígenas* of the area, particularly those of Cañamomo, largely lacked other visible markers of racial or cultural difference. Clinging to legal Indianness was, therefore, critical for these communities to preserve their land base, since their territorial rights were contingent upon asserting an Indian identity that local officials and residents permanently called into question.<sup>804</sup> Following the passage of Law 89, indigenous leaders of La Montaña, San Lorenzo, and Cañamomo assembled and notarized their *resguardo* titles to use them as evidence in the multiple lawsuits these *parcialidades* were involved throughout the 1890s to the 1930s.<sup>805</sup> Moreover, the yearly election of *cabildos* followed by a swearing-in ceremony before municipal authorities became a regular practice during this period.<sup>806</sup> The fact that municipal mayors were legally required to acknowledge indigenous *cabildos*, being subject to fines and criminal liability if they refused, probably contributed to the institutionalization of this practice.<sup>807</sup> The earliest available evidence coming from this period are the minutes of the election of

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<sup>804</sup> In a 1976 ethnohistorical research about the Cañamomo-Lomapieta indigenous community, anthropologist María Elvira Escobar notes that its members defined themselves as "*indígenas* by law" ("*indígenas por ley*") as their only visible markers of Indianness were the institutions that the Spanish imposed during the colonial era. Escobar Gutiérrez, "La comunidad indígena de Cañamomo y Lomapieta," 158.

<sup>805</sup> The production and use of *resguardo* land titles will be discussed in Chapter 7.

<sup>806</sup> Under Article 3 of Law 89, "each indigenous *parcialidad* shall have a small council appointed by the community according to its customs. The said council's term will be one year, from January 1 to December 31. To start their period in office all the members of the *cabildo* need is to be recognized by the *parcialidad* before the outgoing *cabildo* and in the presence of the district mayor." ("Art. 3o – *En todos los lugares en que se encuentre establecida una parcialidad de indígenas habrá un pequeño cabildo nombrado por éstos conforme a sus costumbres. El período de duración de dicho Cabildo será de un año, de 1° de enero a 31 de diciembre. Para tomar posesión de sus puestos no necesitan los miembros del cabildo otra formalidad que la de ser reconocidos por la parcialidad ante el Cabildo cesante y a presencia del Alcalde del Distrito.*"). This provision reproduced Article 1 of former State of Cauca Law 90 of 1859, only adding the swearing-in ceremony before the mayor.

<sup>807</sup> Article 11 of Department of Cauca Decree 74 of 1898.



the *cabildo* of Cañamomo for the term 1891.<sup>808</sup> Meanwhile, the books of official appointments ("*libros de posesiones*") kept at the Archivo Municipal of Riosucio (AMR) reveal that the swearing-in ceremony before the municipal mayor began in 1901, was resumed in 1904-1905, and became a regular practice from 1910 up to 1945.<sup>809</sup> Records of these ceremonies provide valuable information about each *cabildo's* composition, differences in its structure over time, changes and continuities in each community's leaders, and even some information about their internal election processes.

Evidence regarding the regular practice of community censuses during this period is more elusive. Under Law 89, *cabildos* were to take the census and update it yearly by registering any new births and deaths. Since there was no legal requirement for *cabildos* to submit the censuses to municipal authorities, these censuses, if taken, were mostly kept at the communities' archives, making their preservation and access difficult.<sup>810</sup> Still, it seems that the *cabildos* used to turn in census rolls to Riosucio's municipal authorities seeking to produce evidence suitable to prove the existence of the *parcialidad* when their rivals in

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<sup>808</sup> The voting process took place on December 22, 1890, and were elected Eusebio María Tapasco (Governor), Juan Mateo Tapasco (Alcalde), Cruz Alcalde (Vocal 1o), Eulogio Tapasco (Vocal 2o), Juan B. Tapasco (Administrator or legal representative), Manuel María Tapasco (Secretary) and José Esteban Tapasco (Presidente de la Junta, who was under-aged by the time of his election, as the label "menor" suggests). The original minute of this election is kept at JCCR, 1891-039, "Deslinde Parcialidad Indígena de Cañamomo," fol. 12.

<sup>809</sup> These books contain minutes of the swearing-in of the *cabildos* of Cañamomo-Lomaprieta, San Lorenzo, and La Montaña for every year through the period 1910 to 1937. Swearing-in minutes corresponding to the years 1938-1945 lack regularity. AMR, Libros de Posesiones, 1889 to 1945.

<sup>810</sup> The archive of the Cañamomo-Lomaprieta community does not hold census lists for the period under study (or I was unable to find them). I had no access to the archives of the communities of San Lorenzo and La Montaña during my archival research.

lawsuits challenged it.<sup>811</sup> For instance, in a lawsuit over the lands of El Peñol, the Manizales District Court, at the request of the counterpart of the Cañamomo community, asked Riosucio's municipal authorities to certify the number of *indígenas* belonging to this *parcialidad* based on its census roll. On July 22, 1932, the secretary of the Riosucio Municipal Council attested that "the census of the *parcialidad* of Cañamomo-Lomaprieta' registers 850 individuals;" moreover, "this *parcialidad*'s census roll is on the table of the Municipal Council pending its approval."<sup>812</sup>

Law 89's significance for Colombian *indígenas* laid not only in providing legal tools for defending *resguardos*, and an Indianness playbook for communities, like Cañamomo, whose claims of Indian identity were permanently challenged. Additionally, Colombian *indígenas* infused deep symbolic value into this law in different ways. The Cumbal people, in the southern department of Nariño, embedded Law 89 in their oral tradition, linking its advent with the Spanish conquest. As Rappaport documents, Don Miguel Taimal, Governor of Cumbal in 1984, told her that "Law 89 arrived in America aboard Columbus' ships."<sup>813</sup> Some *indígenas* from Tolima even turned Law 89 into an

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<sup>811</sup> The certificate of the *cabildo*'s swearing-in before the mayor was usually taken as enough evidence of the existence of the *parcialidad* and the *cabildo*'s legal capacity to represent it. In some cases, however, their counterparts questioned those claims and requested proof of the *parcialidades* census lists.

<sup>812</sup> ("El suscrito secretario del Consejo [...], visto el libro de censos de indígenas existentes en el archivo del Concejo, certifica: 1. Que en el censo de la *parcialidad* de indígenas de "Cañamomo y Lomaprieta" aparecen ochocientos cincuenta individuos inscritos (850) [...] 2. Igualmente se certifica que el padrón de la *parcialidad* de indígenas de Cañamomo y Lomaprieta se halla sobre la mesa del Concejo para la H. Corporación impartirle su aprobación.") JCCR, 1951-081, "Parcialidad de Cañamomo y Lomaprieta vs. Obdulio y Alejandro Toro," caja 1, año 1951, puesto 31, fol. 54v. This certification suggests that the *parcialidades*' censuses were kept at the Riosucio Municipal Council's archive. I could not find these documents during my archival research.

<sup>813</sup> Rappaport, *Cumbe Reborn*, 25.

object of religious worship.<sup>814</sup> Moreover, mastering Law 89 became a cornerstone of indigenous leadership. Carrying a copy of the law in a *mochila* (a crocheted bag typically worn by *indígenas*) to harness it in everyday affairs became common for members of the *cabildos*. The 1970s indigenous grassroots movements that spread across the country wielded Law 89 to assert historic land rights and, in doing so, legitimize the seizure of haciendas they claimed as belonging to their *resguardos*.<sup>815</sup> Even in recent times - after the passage of the 1991 Constitution and other pieces of domestic and international legislation quite protective of indigenous rights - elderly leaders still hold on to Law 89 to assert indigenous identity and jurisdiction.

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<sup>814</sup> Miriam Jimeno and Adolfo Triana mention the creation of a *cabildo* "Redeemer of Law 89 of 1890" ("*Redentorista de la Ley 89 de 1890*") in the department of Tolima. Jimeno and Triana Antorveza, *Estado y minorías étnicas*, 272.

<sup>815</sup> Christian Gros, *Políticas de la etnicidad. Identidad, Estado y modernidad* (Bogotá: Instituto Colombiano de Antropología e Historia – ICANH, 2012), 66.



The late indigenous leader, don Pedro Alejandrino Campeón (R.I.P.), then a member of the Cañamomo-Lomaprieta *cabildo*, pointing at his copy of Law 89 of 1890 during a community meeting (December 6, 2008).<sup>816</sup>

Ultimately, Colombian *indígenas* managed to impose their emancipatory reading of Law 89 over what lawmakers meant when they passed this statute. Instead of facilitating a gradual and smooth demise of the *resguardo-cabildo* system, Law 89, as interpreted by Manuel Quintín Lame and many other indigenous litigants, allowed for the endurance of communal lands and self-governance, and became the legal bedrock of Indianness in twentieth-century Colombia. In one of the rare instances in which subalterns'

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<sup>816</sup> I took this picture on December 6, 2008, while attending a meeting at San Pablo (one of the thirty-two communities into which the *resguardo* Cañamomo-Lomaprieta is currently divided for administrative purposes). The assembly's objective was to distribute the inheritance of a deceased member of the community. Members of the *cabildo* performed the inheritance proceeding (known as "*mortuoria*") under the community's customary law. Don Pedro took his copy of Law 89 out from his bag and pointed to the article that authorizes the *cabildo* to allocate land rights among members of the community. By doing so, he asserted his jurisdiction to conduct the probate (*mortuoria*) before the family of the deceased *comunero*.

interpretations prevail, the counterhegemonic reading advanced by Colombia *indígenas* became mainstream. Even the Constitutional Court embraced such "indigenous interpretation" in a recent decision. In 2014, the Court declared that Law 89 of 1890 remains in force except for those provisions that do not intend to guarantee indigenous rights and are openly contrary to the Constitution.<sup>817</sup>

The Constitutional Court's 2014 ruling allows us to appreciate the paradoxical path of Law 89 for over a century. The draft bill originally introduced by the Ministry of Government in 1888 left *indígenas* from *resguardos* out of its intended scope. But these very Indians managed to carve out a place for them within this legislation and, ultimately, turned it into their legal banner to fight for territory, self-governance, and Indianness until long after the fifty years that Law 89 was supposed to stay in force. It is time now to go back to the years following the passage of this statute, for they witnessed the making of the indigenous litigant citizenship that Law 89 encouraged and, in turn, made possible for this law to keep alive.

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<sup>817</sup> ("La lectura histórica e indígena de la Ley 89 de 1890 (es decir, la lectura de sus destinatarios) permite llegar a las siguientes conclusiones: las disposiciones de ese ordenamiento solo resultan contrarias a la Constitución Política si incluso su interpretación evolutiva no permite armonizarlas con la Carta; si la disposición cuestionada [...] constituye un instrumento valioso para la defensa de los derechos indígenas, la Sala se orientará a su conservación en el ordenamiento jurídico, sin perjuicio de las precisiones interpretativas que deban efectuarse para garantizar su armonía con la Constitución.") Colombian Constitutional Court, Decision C-463 of 2014 (Reporting Justice: María Victoria Calle Correa).

**VIII. CHAPTER 7. INDIGENOUS LITIGANT CITIZENSHIP. STRUGGLES  
OVER LAND, LAW, AND TITLES DURING THE CONSERVATIVE ERA, 1890-  
1930**

Winds of civil war began to blow by the late 1890s. It became apparent in the way the presidential election of December 5, 1897, unfolded in the Province of Marmato and, especially, in the small indigenous village of San Lorenzo. Disputes within the National Party, the coalition of Conservatives and moderate Liberals that headed the Regeneration in the 1880s, deepened throughout the 1890s leading to a division between pro-government Nationalists and Historical Conservatives (Históricos).<sup>818</sup> This divide escalated during the presidential campaign for the period 1898-1904. The incumbent president, Nationalist Miguel A. Caro, imposed the candidacy of Manuel A. Sanclemente, an elderly lawyer of over eighty years of age. Some Conservatives (including the Históricos) supported General Rafael Reyes. Meanwhile, Miguel Samper ran as the Liberal candidate.<sup>819</sup>

Among Reyes's followers was the prefect of the Marmato province, Jesús Constaín, who encountered fierce opposition by General Benigno Gutiérrez. Notwithstanding his

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<sup>818</sup> Contrary to that the label suggests, the Historical Conservatives held a quite liberal economic mindset. According to Charles Bergquist, the Históricos had ties with the growing coffee export economy and, therefore, supported laissez-faire and other economic policies intended to insert the country into North Atlantic capitalism. Charles W. Bergquist, *Café y conflicto en Colombia, 1886-1910. La Guerra de los Mil Días: sus antecedentes y consecuencias* (Medellín: FAES, 1981), 59; for its original English version, see Charles Bergquist, *Coffee and Conflict in Colombia, 1886-1910* (Durham: Duke University Press, 1978), 51. For a discussion of Bergquist's thesis, see Appelbaum, "Regenerating Riosucio," 302-303.

<sup>819</sup> For an account of the 1897 presidential election at a national level, see Delpar, *Red against Blue*, 161-169.

service as Antioquia's Militia Inspector, Gutiérrez lived in Riosucio, where he had built strong ties with local Conservatives-Nationalists. He accused Prefect Constaín of opposing the national government by supporting Reyes instead of Sanclemente. General Gutiérrez raised his concern that, due to Prefect Constaín's disloyalty, local Conservatives might not back him if the prefect called them to quell any Radical Liberals' uprising. Against this backdrop, on the eve of the 1897 election day, General Gutiérrez sent this message to the governor of the *parcialidad* of San Lorenzo:

Amidst the high political agitation caused by the electoral struggle between the three parties in which Colombians are divided today, there are concerns that the public order will be upset by uprisings against the National Government [...]. As an agent of the National Government, in charge of maintaining peace wherever I am in the exercise of my functions, I summon you, and the *parcialidad* that you govern, to be ready to respond to any call I made for you to support the Government, if necessary. [...] If you fail to do so, you and all members of the *parcialidad* will be considered enemies of the Government, and, therefore, will be treated as such.<sup>820</sup>

We know this communication thanks to a copy that Prefect Constaín attached to an extensive report he sent to the Secretary of Government in Popayán, defending himself of the accusation of disloyalty made by General Gutiérrez. According to this report, Rafael Reyes triumphed in all the Marmato province's municipalities, except Supía and Marmato,

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<sup>820</sup> (“República de Colombia – Inspección General de la Jefatura Militar de Antioquia – Ejército Nacional – No. 173 – Riosucio a 4 de diciembre de 1897 – Sr. Gobernador de la Parcialidad de San Lorenzo – En la agitación exaltada que se hallan hoy los tres partidos políticos en que estamos divididos los colombianos, por motivo de la lucha electoral, es de temerse que el orden público sea trastornado por levantamientos en contra del Gobierno Nacional [...] Como agente del Gobierno Nacional, encargado de sostener la paz donde quiera que me halle en ejercicio de mis funciones, exhorto a Ud para que, con la Parcialidad que Ud. gobierna, estén listos al llamamiento que les haga en sostenimiento del Gobierno dicho, llegado el caso. – Por demás está decir a Ud. que si así no lo verificare serán considerados Ud. y toda la Parcialidad como enemigos del Gobierno, y por consiguiente sufrirán como tales las consecuencias. - Dios guarde a Ud. – Benigno Gutiérrez.”) Copy of the telegram sent by Benigno Gutiérrez to Governor of San Lorenzo, December 4, 1897, ACC, AM, 1897, paq. 244, leg. 54.

where the Liberal candidate won.<sup>821</sup> Although Sanclemente ultimately won the election by a landslide, it seems that Conservative-nationalists in the Marmato province and all over the department of Cauca preferred Reyes over the official candidate.<sup>822</sup> Prefect Constain also reported that, on Election Day, General Gutiérrez showed up in the small village of San Lorenzo to intimidate those who were casting ballots for Reyes. But things calmed down after the timely intervention of the San Lorenzo parish priest demanding freedom of voting. Seemingly, General Gutiérrez did not make effective his call for San Lorenzo *indigenas'* military support, at least this time.

Less than two years later, not only the *indígenas* but a significant number of men all over the country were drafted to fight in what became known as the Thousand Days War (1899-1902). The increasing opposition to Sanclemente's government both by Liberals and Conservative dissidents, and an economic crisis due to the fall in the coffee world price by 1898, precipitated the war. It ended up with a peace treaty in 1902, which sealed the Conservatives' triumph. This victory marked the end of the Regeneration era and the beginning of three decades of Conservative rule. Along with the casualties, the Thousand Days War led to the loss of Panamá in 1903 and reinforced the country's split

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<sup>821</sup> According to Constain's report, Reyes won in Riosucio with eighty-nine popular votes that gave him eight electors; in Anserma with 115 popular votes that gave him five electors; and in Apía with 60 popular votes. Meanwhile, the Liberals won three electors in Supía and two in Marmato. Copy of telegram sent by Jesús Constain to Secretary of Government, December 6, 1897, ACC, AM, 1897, paq. 244, leg. 54.

<sup>822</sup> The general results were as follows: The National Party's candidate Manuel A. Sanclemente received 1,606 votes from the electoral assemblies, followed by Liberal Miguel Samper 318 (two-third of them from Cundinamarca and Antioquia), and Conservative Rafael Reyes 121 votes, all of them from Cauca. See Delpar, *Red against Blue*, 169; Bushnell, *The Making of Modern Colombia*, 290 (Appendix B).



along Liberal/Conservative lines.<sup>823</sup> Like in many other parts of the country, in the Marmato province, the conflict quickly became a guerrilla war in which locals split along partisan lines and fought against each other. San Lorenzo's *indígenas* joined the Conservative side, while *indígenas* of Quinchía and Pirza-Bonafont took part in the Liberal militias, as did blacks and mulattoes from Supía and Marmato.<sup>824</sup>

The Thousand Days War closed the cycle of continuous civil warfare that characterized nineteenth-century Colombia, ending one of the critical factors that had backed indigenous bargaining power during the republican era. This circumstance, along with the 1886 Constitution's restrictions on voting rights and the gradual commodification of indigenous lands, deepened the asymmetry by reducing spaces for negotiation between Indians and elites. Such imbalance in power intensified while Law 89 revamped tools for indigenous litigation, and land conflicts increased in the region under study and all over the country. Against this background, litigation became a primary avenue for indigenous citizenship, as Karla Escobar analyzes in the case of Cauca's southern communities.<sup>825</sup> *Indígenas* from Riosucio and Supía also contributed to the consolidation of indigenous litigant citizenship during the Conservative era. Indians actively engaged in producing

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<sup>823</sup> On the Thousand Days War, see Bergquist, *Café y conflicto*, 117-224; Delpar, *Red against Blue*, 158-191; Bushnell, *The Making of Modern Colombia*, 148-154; Safford and Palacios, *Colombia*, 249-251.

<sup>824</sup> For a local approach to the Thousand Days War, see Gärtner, *Guerras civiles*, 243-275; Alfredo Cardona Tobón, *Quinchía mestizo* (Pereira: Gobernación de Risaralda, 1989), 68-80. For the participation of *indígenas* of San Lorenzo, see Appelbaum, "Remembering Riosucio," 489-490; González Escobar, *Ocupación*, 183-185; Zuluaga Gómez, *Vida, pasión y muerte*, 54-55. Available sources did not refer specifically to the involvement of *indígenas* of La Montaña and Cañamomo. Still, considering the widespread participation of the male population in this war, along with Cañamomo's liberal tradition, it seems likely that members of this parcialidad were among rank-and-file soldiers of the liberal militias.

<sup>825</sup> See Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 106-170, 267-320.

*resguardo* titles suitable to serve as evidence in the multiple lawsuits they filed in defense of their land rights. They also challenged the constitutionality of laws aimed at dismantling *resguardos*. Notwithstanding the primary role litigation played during this period, it did not preclude direct confrontation on the ground. *Indígenas* combined *de jure* and *de facto* resistance to land dispossession.

This argument unfolds in the three sections that comprise this chapter. Section 7.1 summarizes political, legal, and socioeconomic changes in the aftermath of the Thousand Days War that set the stage for the land conflicts in the decades to come. The remaining three sections of this chapter address three manifestations of the indigenous litigant citizenship that unfolded during the Conservative era. Section 7.2 examines the making of the San Lorenzo and Cañamomo-Lomaprieta *resguardos*' land titles, delving into these documents' polyphonic nature, discussing *indígenas*' agency and the influence of Law 89 in the production of this genre of legal and historical evidence. Section 7.3 discusses how San Lorenzo's and Cañamomo-Lomaprieta's litigants used those land titles in the lawsuits both *parcialidades* engaged in during this period. It also shows that indigenous litigation went beyond the dispute over *resguardo* lands in local courtrooms to also reach the judicial review of laws before the Supreme Court, prompting debates on the nature of indigenous communal property rights.

### **7.1. Land Conflicts in the Vega de Supía during the Conservative Republic**

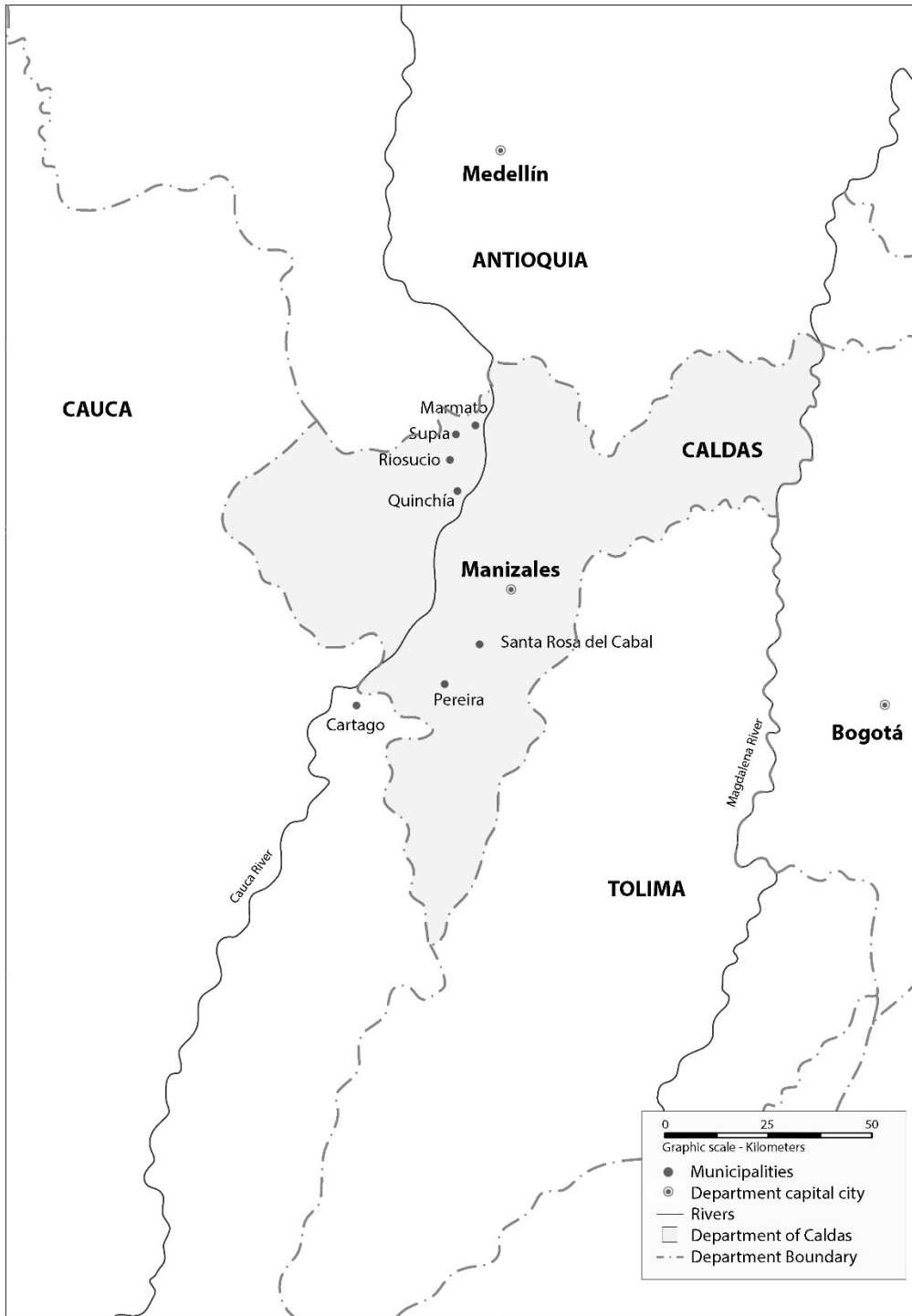
The end of the Thousand Days War gave way to the presidency of General Rafael Reyes (1904-1909). The Reyes administration undertook a series of reforms to modernize

the country's economy, infrastructure, and territorial organization.<sup>826</sup> The latter included carving a number of new departments out of the former ones, being the creation of the department of Caldas in 1905 a case in point. The new administrative entity broadly encompassed the areas where Antioqueño colonization spread, which overlapped with the coffee-growing region. Antioqueño migrants had founded Manizales, Caldas's capital city. Manizales became a Conservative bastion whose inhabitants proudly portrayed themselves as descendants of the white and industrious "Antioqueño race." The former Cauca province of Marmato, to which Riosucio, Supía, and other former Caucano northern districts belonged, was annexed to the newly created department. Placed at the northwestern corner of Caldas, this area remained a spot of indigenous and black population on the margins of the "model department" that epitomized the racial, cultural, economic, and political ideals of the Conservative Republic. (See Map 17)<sup>827</sup>

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<sup>826</sup> On Reyes's administration, see Bergquist, *Café y conflicto*, 263-287.

<sup>827</sup> On the creation of the department of Caldas as a "centerpiece" of the Conservative republic, and how some Riosucio intellectuals appealed to their Caucano, indigenous, and black heritage to challenge the discourse of regional homogeneity embraced by Manizaleños, see Appelbaum, *Muddied Waters*, chapter 6, 142-163; González Escobar, *Ocupación*, 365-375.



Map 17. Department of Caldas, ca. 1915<sup>828</sup>

<sup>828</sup> Made by Daniel Vallejo based on Appelbaum, *Muddied Waters*, 143.

Some of the Reyes administration's reforms aimed at promoting homesteading and the expansion of the agrarian frontier by strengthening municipalities' control over rural lands. This policy accentuated disputes between *parcialidades* and municipalities, as the latter increasingly demarcated "*areas de población*" in lands that *indígenas* claimed as part of their *resguardos*. Law 89 of 1890 had set the stage for these disputes by enabling municipalities to take portions of *resguardos* off to expand urban areas. But conflicts intensified upon the passage of Law 55 of 1905, which endorsed previous laws and judicial decisions that had declared indigenous *resguardos* as public lands ("*vacantes*").<sup>829</sup> Moreover, this law ceded to municipalities the property over *resguardos* located within their jurisdiction.<sup>830</sup> Still, Law 55 admonished local authorities to respect the rights that previous laws granted to *indígenas* who inhabited these *resguardos* and formally kept in force Law 89's protective regime. These cautions, however, did not prevent municipalities from expanding urban areas at the expense of indigenous lands. Concerning the region under study, the 1874 notarial agreements between the *parcialidades* and district authorities had paved the way for the delimitation of "*áreas de población*" in Riosucio and Supía out of former indigenous lands, even before laws 89 of 1890 and 55 of 1905

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<sup>829</sup> ("Art. 1. La Nación ratifica y confirma las declaratorias judicial y legalmente hechas, de estar vacantes globos de terrenos conocidos como Resguardos de Indígenas, así como también las ventas de ellas efectuadas en subasta pública [...]") Law 55, April 29, 1905, "por la cual se ratifica la venta de varios bienes nacionales y se hace cesión de otro," reproduced in Triana Antorveza, ed., *Legislación Indígena Nacional*, 196-197.

<sup>830</sup> (Art. 2. La Nación cede a los Distritos municipales los terrenos de Resguardos Indígenas ubicados dentro de su jurisdicción; pero los Distritos agraciados respetarán los derechos de los indios que residen en ellos y que les han sido otorgados por leyes anteriores. [...] Art. 9. Las disposiciones de esta ley no alteran en ningún sentido las prescripciones establecidas en la Ley 89 de 1890 para defensa de los derechos de los indígenas, asimilados a menores de edad por el artículo 40 de dicha ley.") Law 55, April 29, 1905.

strengthened municipalities' powers to do so.<sup>831</sup> Still, the wave of indigenous complaints about municipalities seizing *resguardo* lands to expand urban areas that followed the passage of this legislation reached the neighboring northern districts.<sup>832</sup>

The significant population growth the region experienced around the time of the Thousand Days War contributed to deepening land conflicts. Riosucio's population tripled while Supía's and Marmato's doubled between 1871 and 1905, as Table 15 shows. The rise in population was partly due to the arrival of a new wave of Antioqueño settlers. These newcomers sought a fresh start after the war in a region where the thriving coffee economy and the growing commodification of indigenous lands encouraged homesteading. The intermediate slopes of Riosucio were particularly suitable for coffee crops, which began to flourish in the area by the 1890s. The higher and steady population growth in Riosucio, when compared to Supía and Marmato, hints at the role the coffee boom played in attracting newcomers and shaping settlement patterns in the region.

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<sup>831</sup> The 1874 notarized agreements are discussed in Chapter 5. Based on the 1874 agreement, Riosucio Municipal Council issued Acuerdo no. 2 of October 8, 1890, “reglamentando el área de población y policía de ella.” It defined the boundaries of the “*área de población*” and set rules concerning proof of ownership and land usage within this area. ACC, AM, 1890, paq. 189, leg. 40 (Acuerdos expedidos por la Provincia de Marmato). For a detailed discussion of the 1890 Acuerdo and the creation of Riosucio urban area, see Caicedo, *Cinco Siglos*, 99-104. For Supía, see González Escobar, *Ocupación*, 357-365.

<sup>832</sup> In February 1905, the indigenous community of Tabuyo, in the municipality of Ansermaviejo, wrote to the Governor of Cauca complaining that the municipality deprived them of their lands as a result of the delimitation of the “*area de población*.” They requested the governor to give them “the protection we are entitled to.” “Vecinos indígenas de la fracción de Tabuyo al Gobernador del Departamento del Cauca,” Tabuyo, February 27, 1905, ACC, AM, 1905, paq. 332, leg. 89 (Solicitudes de indígenas 1905 y 1906). This bundle of documents contains similar complaints by indigenous communities from southern Cauca. See also, “Pequeño Cabildo de Túquerres al Gobernador del Departamento del Cauca,” Túquerres, March 8, 1903, ACC, AM, 1904, paq. 323, leg. 28 (Solicitudes de indígenas). On conflicts over the delimitation of *áreas de población* in southern Cauca, see Findji and Rojas, *Territorio*, 94-97; for a detailed discussion of the cases of the *parcialidades* of Cajibío and Timbío in southern Cauca, see Escobar Hernández, “Ciudadanía, justicia e indigenidad,” 113-121, 177-180.

**Table 15. Population of Riosucio, Supía, and Marmato, 1871-1919**

<b>District</b>	<b>1871</b>	<b>1905</b>	<b>1912</b>	<b>1919</b>
Riosucio	5,689	17,785	16,506	19,031
Supía	3,000	6,630	5,722	6,447
Marmato	2,811	5,959	5,074	5,376
<b>Total</b>	<b>11,489</b>	<b>30,374</b>	<b>27,302</b>	<b>30,845</b>

**Sources:** “Censos de población 1869-1871,” AGN, República, Censos, Tomo 1, Caja 1, Carpeta 6, fols. 472, 538, and 602; “Censo del Departamento del Cauca,” *Registro Oficial* (Departamento del Cauca), año V, no. 263, Popayán, March 22, 1905: 1058; AGC, Asamblea Departamental de Caldas, Ordenanzas no. 22, April 18, 1912; no. 23, March 26, 1919.

In some cases, land entrepreneurs promoted the settlement of Antioqueño peasant families in newly founded villages, such as El Rosario, which emerged after 1896 in a highland area within the boundaries of the La Montaña *resguardo*. By 1905, El Rosario accounted for 1,000 inhabitants and stood as one of the most thriving townships (*corregimientos*) of Riosucio.<sup>833</sup> In other cases, the newcomers – helped by members of the *criollato republicano* - claimed rights over lands suitable for coffee cultivation. A case in point was La Rueda, an estate located within the Cañamomo-Lomaprieta *resguardo* that, after 1878, ended up in the hands of Fortunato and Zacarías Cock. They later transferred it to other local notables and Antioqueño land entrepreneurs. The indigenous community tried to recover La Rueda both at the civil courts - where they were ultimately defeated - and on the ground, where they were evicted by public force.<sup>834</sup> The conflict over La Rueda,

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<sup>833</sup> Zuluaga Gómez, *Vida, pasión y muerte*, 71-73; Appelbaum, “Remembering Riosucio,” 331-335.

<sup>834</sup> Cardona Tobón, “Ocupación de las tierras en la provincia de Marmato,” 528.

which will be further discussed, exemplified how Cañamomo's *indígenas* combined *de jure* and *de facto* resistance to dispossession.

Land and mining conflicts in Supía and Marmato sparked after President Reyes granted the administration of these districts' mines to General Alfredo Vásquez Cobo. Local historiography and literary accounts portray the social and economic crisis resulting from Vasquez Cobo's violent strategies to ensure his mining monopoly in the region, which lasted from 1906 to 1926.<sup>835</sup> Most of the local mining societies that arose after the 1870s disappeared in the period from 1905 to 1930. The few that remained came to be controlled by Vásquez Cobo or the Western Andes, the English company to which he subletted the mines' exploitation. González Escobar argues that the disappearance of local mining societies and the concentration of mining activities in Marmato during this period contributed to consolidating the shift from mining to agriculture and cattle as Supía's primary economic activities. Moreover, Vásquez Cobo's control over mining extended to the saltwater springs existing in the region, including El Peñol. Vásquez Cobo's cession of rights over El Peñol saltwater spring and the surrounding land in favor of local elite families led to lengthy litigation between these families and the *parcialidad* of Cañamomo-Lomapieta, which claimed El Peñol as part of its *resguardo*.<sup>836</sup>

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<sup>835</sup> González Escobar, *Ocupación*, 375-382; Gärtner, *Los misteres de las minas*, 411-454; Lopera Mesa, "La parte alta del cerro," 111-114. Contemporary fiction provides vivid accounts of this period. The novel *La bruja de las minas*, published in 1938 by Chocoano writer Gregorio Sánchez Gómez, portrays the dispossession of land and mines that residents of Marmato suffered during the Vásquez Cobo era. Gregorio Sánchez Gómez, *La bruja de las minas* (Bogotá: Ministerio de Cultura – Biblioteca de Literatura Afrocolombiana, 2010)

<sup>836</sup> Conflicts over La Rueda and El Peñol will be discussed later in this chapter (Section 7.3.1).



The 1870s privatization campaign set in motion the gradual commodification of indigenous lands, a trend that intensified in the early twentieth century due to the demographic, socioeconomic, and political dynamics mentioned above. Sales, leases, and mortgages of *resguardo* plots became frequent not only in the *parcialidades* of Cañamomo and La Montaña but also in San Lorenzo, which had spared itself of the 1870s-1880s real estate boom that affected most indigenous communities in and around the Vega de Supía. While some *resguardo* land sales met Law 89's requirements of prior judicial authorization and public auction, many others did not.<sup>837</sup> Indigenous authorities occasionally sued to

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<sup>837</sup> Evidence of land sales in Supía-Cañamomo and Cañamomo-Lomaprieta that got prior judicial approval and were made through public action is very scant. Some archival traces of seemingly lawful land transactions in NUS, Notarial Deed 22 of March 25, 1897, fol. 64-67; JCCR, 1893, "Solicitud de la Parcialidad de Indígenas de Cañamomo, sobre venta de un lote de tierra en su Resguardo," cited by Appelbaum, "Remembering Riosucio," 349 (note 21). For one of the few advertisements of sales of Cañamomo-Lomaprieta's *resguardo* lands in public auction, see *La Opinión*, no. 287, Riosucio, November 23, 1918. By contrast, records of the Supía Notary contain plenty of evidence of land transactions in Supía-Cañamomo and Cañamomo-Lomaprieta that were made by notarized private agreements without judicial approval. See NUS, Notarial Deeds 46 of July 10, 1898, fols. 117v-121r; no. 76 of October 9, 1899, fols. 218r-219v; no. 78 of October 10, 1899; no. 3 of January 23, 1902, fols. 3v-5r; no. 50 of August 19, 1902, fols. 67v-69v; no. 54 of October 1, 1902, fols. 73r-76v; no. 58 of October 29, 1902, fols. 87r-89v; no. 93 of August 21, 1904, fols. 268r-270v; no. 98 of September 1, 1904, fols. 285r-287v; no. 6 of January 22, 1905, fols. 15r-17v; no. 103 of October 27, 1919, fols. 281r-283v; no. 109 of November 4, 1919, fols. 295r-297v; no. 12 of January 29, 1921, fols. 34v-37r; no. 36 of April 17, 1921; fols. 126v-128v; no. 6 of January 17, 1922, fols. 63r-65v; nos. 14 to 21 of February 6 and 7, 1922, fols. 88r-106v; no. 39 of April 24, 1922, fols. 166r-168r; no. 61 of June 5, 1922, fols. 270r-272r; no. 65 of June 17, 1922, fols. 289r-291r; no. 39 of April 17, 1923, fols. 103r-105r; no. 30 of March 5, 1924, fol. 79; no. 71 of June 2, 1924, fol. 194; no. 74 of June 3, 1924, fol. 202; no. 31 of February 2, 1925, fol. 84; no. 46 of February 26, 1925, fol. 122v; no. 48 of March 2, 1925; no. 72 of April 2, 1925, fol. 269; no. 97 of May 7, 1925, fol. 325; no. 180 of October 4, 1926, fol. 485v; no. 211 of November 29, 1926, fol. 575r; no. 58 of March 30, 1927, fol. 155; no. 74 of April 20, 1927, fol. 199; no. 12 of January 23, 1928, fol. 32; no. 75 of May 14, 1929, fols. 204v-208r; no. 149 of October 8, 1929, fol. 409; no. 5 of January 27, 1930, fol. 15; no. 16 of January 11, 1930, fol. 43; no. 55 of May 2, 1930, fol. 219; no. 58 of May 5, 1930, fol. 227; no. 93 of June 19, 1930, fol. 326; no. 72 of April 16, 1931, fol. 200; no. 62 and 63 of June 7, 1934; no. 69 of June 22, 1934; no. 99 of August 27, 1934, fol. 269v; no. 100 of August 28, 1934, fol. 270v; no. 14 of February 10, 1935, fol. 41; no. 51 of May 7, 1935, fol. 149v; no. 13 of January 27, 1936, fol. 71; no. 63 of May 18, 1936, fol. 210v; no. 17 of January 29, 1937, fol. 46-60; no. 85 of June 6, 1939, fol. 233v; no. 134 of November 4, 1940, fol. 596v; no. 126 of July 22, 1943, fol. 606; no. 145 of August 19, 1943, fol. 679v; no. 53 of March 16, 1946, fol. 144; no. 61 of March 28, 1946, fol. 162. For land transactions in San Lorenzo with prior judicial approval, see the April 1, 1909 sale of a plot by Isaias Roman to Rafael Motato and family, mentioned in Manizales Superior Court's rule of March 9, 1943, in "Resguardo de San Lorenzo, Riosucio (Caldas)," AGN, Ministerio de Gobierno, División de Asuntos Indígenas, Caja 2, Carpeta 1, Registro 2, fols. 122-127. For advertisements of sales of San Lorenzo's *resguardo* lands in public auction, see *La Opinión*, no. 290, Riosucio, October 6, 1918; no. November 23, 1918; and no. 312, March 12, 1918; *La Unión*, no. 388, Riosucio, February 27, 1932, 3; no. 390, March 12, 1932, 3; no. 675, November

reverse unlawful sales.<sup>838</sup> In some cases, however, the *cabildos* themselves took part in these transactions, whose proceeds usually were intended to cover the expenses of growing litigation the *parcialidades* engaged in. Amidst this real estate boom, in April 1919, the editorialist of the Riosucio conservative newspaper *La Opinión* urged municipal authorities to oversee *pequeños cabildos'* involvement in land transactions.<sup>839</sup>

Marriages between indigenous women and outsiders also contributed to the loss of communal lands. Under Decree 74 of 1898, indigenous women who married outsiders forfeited their rights over communal lands. This provision intended to preserve communities' land base by preventing outsiders from gaining control over their wives' shares of *resguardo* lands. There is no evidence of this legislation's enforcement in the Cañamomo-Lomapieta community. By contrast, San Lorenzo's authorities brought legal

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20, 1937, 3. For land transactions in San Lorenzo without prior judicial approval, see the sale of the estate "La Loma" from the San Lorenzo Cabildo to Mesías González by Notarial Deed no. 426 of December 12, 1931, Notary of Riosucio, in "Resguardo de San Lorenzo, Riosucio (Caldas)," AGN, Ministerio de Gobierno, División de Asuntos Indígenas, Caja 2, Carpeta 1, Registro 2, fol. 105-107; NUS, Notarial Deeds no. 138 of September 1, 1924, fol. 373; no. 74 of April 26, 1931, fol. 205; no. 155 of November 17, 1931, fol. 424v; no. 111 of October 15, 1934, fol. 303; no. 91 of July 31, 1935, fol. 250; no. 141 of September 3, 1937, fol. 375v; no. 173 of October 11, 1943, fol. 808. Land entrepreneur Mesías González partook in most land sales in San Lorenzo. For a broader and well-documented discussion on land transactions in the region after 1890, see Appelbaum, "Remembering Riosucio," Chapter 7.

<sup>838</sup> See, JCCR, 1925-006, "Parcialidad de Cañamomo vs Juan Bautista Hernández;" 1924-010, "Parcialidad indígena de San Lorenzo vs Emiliano García;" 1930-040, "Resguardo San Lorenzo vs Alfredo Orozco."

<sup>839</sup> ("[...] hoy corresponde al Personero Municipal la vigilancia de las malas operaciones que hacen los pequeños cabildos con perjuicio de las comunidades. Con alguna frecuencia se ha visto que indígenas de alguna civilización entran en liga con negociantes particulares, llevando parte en las utilidades del negocio; por este sistema han enagenado grandes lote de terreno, que si las ventas son nulas conforme a las leyes, el tiempo se encarga de legitimar por medio de la prescripción.") "Real Cédula, para que el Fiscal de la Real Audiencia ayude y favorezca a los indios," in *La Opinión*, no. 315, Riosucio, April 6, 1919, 1.

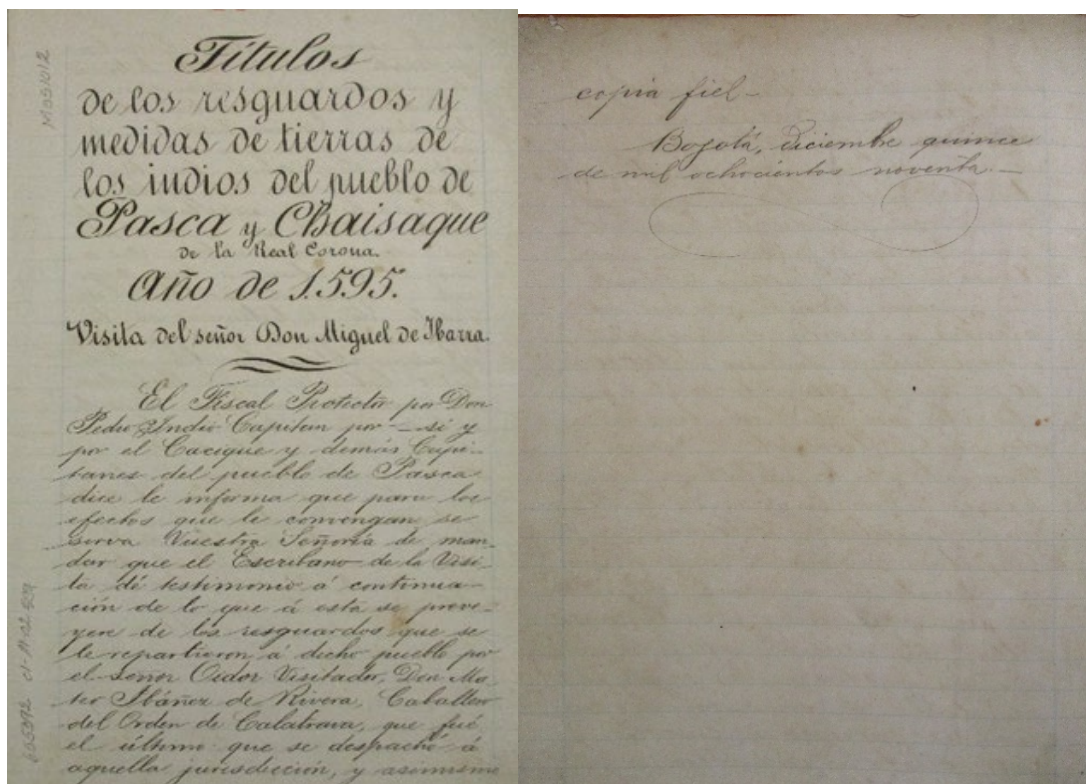
proceedings against outsiders who occupied lands within the *resguardo* because of having married indigenous women.<sup>840</sup>

## 7.2. The Making of *Resguardo* Titles

Increasing agrarian conflicts and Law 89's tools for protecting indigenous communal lands set the stage for the rise in the production of *resguardo* land titles. By the turn of the twentieth century, indigenous litigants intensified efforts to retrieve colonial documents from distant archives, collect testimonies of ancestral possession, and assemble and notarize this evidence in notarial deeds intended to serve as their *resguardo* land titles. It occurred not only in those areas of the department of Cauca where indigenous landholdings remained but also in other parts of the country where *resguardos* supposedly had disappeared a long time ago.

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<sup>840</sup> See, JCCR, 1914-009, "Reivindicatorio Parcialidad indígena de San Lorenzo vs. Pedro Mina y José Romero." For a detailed examination of the enforcement of communal and patriarchal values in the San Lorenzo community, see Appelbaum, "Remembering Riosucio," Chapter 10, and *Muddied Waters*, Chapter 8.



First and last pages of Resguardo Titles of Pasca y Chaisaque (Cundinamarca), 1890<sup>841</sup>

The pictures above show a 1595 manuscript retrieved and copied in December 1890, shortly after the passage of Law 89. Although the circumstances surrounding the production and further use of this twenty-six-page document are unknown, it is fairly sure that this manuscript was produced at the request of the descendants of the pueblo of Pasca y Chaisaque in Cundinamarca to brandish it as their *resguardo* title. Even peasant communities in San Martín de Loba, Bolívar, in the Caribbean region, undertook the search for the titles of a former indigenous *resguardo* which they inhabited, as mestizo peasants and land entrepreneurs claimed it as theirs based on alleged colonial grants. In 1925, this

<sup>841</sup> BLAA, Sección Libros Raros y Manuscritos, Archivo Gregorio Hernández de Alba, MSS1012.

area's peasants created the *Junta Colectiva para la Defensa del Resguardo Indígena de San Martín del Peñon* intending to raise funds to retrieve the *resguardo* title and, thus, secure their land rights.<sup>842</sup> These examples suggest that rural folks harnessed Law 89 to produce evidence and revitalize indigenous identities in regions where, allegedly, the division of *resguardos* had been completed several decades ago and *indígenas* transformed into peasants. Moreover, the active pursuit of colonial documents and land-titles making during the late nineteenth- and first decades of the twentieth century fit into a broader trend of subalterns' responses to increasing agrarian conflicts.<sup>843</sup>

Law 89 of 1890 set the legal framework for proving Indians' land rights and the extent of the natives' agency in the making of *resguardo* titles. Under Article 7.2, the *pequeños cabildos* were responsible for notarizing and registering the community's land titles within the six months following the passage of this law, as well as safekeeping the notarized titles.<sup>844</sup> Meanwhile, Article 12 introduced the standard of substitute evidence

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<sup>842</sup> "Personería Jurídica de la Junta Colectiva encargada del resguardo de indígenas de San Antonio del Peñón, en la isla del Papayal. San Martín de Loba (Bolívar)," in AGN, Sección República, Ministerio de Gobierno, Sección 4ª, Personerías Jurídicas, Tomo 15, 1927, fols. 25-67v. On the conflicts over the "Terrenos de Loba," see LeGrand, *Frontier Expansion*, 55.

<sup>843</sup> As Ruiz Medrano documents for Mexico, Indians' efforts to retrieve colonial documents from official archives led to establishing the Archivo de Búsquedas y Traslado de Tierras in 1869, a special section at the Mexican National Archive intended to gather, copy, and safeguard all the documentation on Indians' land titles. The search for land titles intensified during the Porfiriato as a means to protect endangered communal lands. It continued after the Revolution as indigenous communities sought to regain lost lands through the restitution policy conducted by the National Agrarian Commission. This author discusses instances of fake titles, such as the discovery, in 1871, of a gang of counterfeiters who crafted and sold titles and maps to over twenty-five pueblos of the Tlaxcala region. See Ruiz Medrano, *Mexico's Indigenous Communities*, 151-210; Ruiz Medrano and Barrera Gutiérrez, *La lucha por la tierra*, 44-72.

<sup>844</sup> The difficulties indigenous communities faced in retrieving archival evidence suitable to serve as their *resguardo* titles made it unfeasible to meet the six-month period that Law 89 set to notarize these documents. As it shall be illustrated below, the Cañamomo-Lomaprieta's and San Lorenzo's *resguardo* titles were notarized much later (in 1903 and 1920, respectively). Still, the out-of-time notarization seemed not to have been a source of disputation or one reason why the courts dismissed the validity of these documents.

(*prueba supletoria*) for those *parcialidades* that had lost their colonial land titles by accident (*caso fortuito*) or because of "fraudulent and speculative schemes by some people." In those cases, lost colonial titles might be replaced with affidavits of five "well-known and trustworthy witnesses" who would declare before the Fiscal of the judicial circuit about the community's possession over their land for over thirty years and about what they know or have heard from their ancestors concerning the *resguardo's* boundaries.<sup>845</sup>

Indian agency in the making of *resguardo* titles differs from the more direct forms of authorship that can be found, for instance, in the *títulos primordiales* crafted by some indigenous communities in Mesoamerica. Whereas primordial titles are native-made manuscripts, *resguardo* titles are made of copies of multiple legal briefs recording the milestones that have shaped the boundaries of a given indigenous landholding over time. These documents range from records of the demarcation of a given *resguardo* during the land inspections conducted through the 1590s to the 1670s and eighteenth- and nineteenth-century lawsuits that settled land disputes and updated a *resguardo's* boundaries, to witnesses affidavits attesting the community's possession over - and boundaries of - its

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<sup>845</sup> ("Art. 12. En caso de haber perdido una parcialidad sus títulos por caso fortuito o por maquinaciones dolosas y especulativas de algunas personas, comprobará su derecho sobre el resguardo por el hecho de la posesión judicial o no disputada por el término de treinta años, en caso que no se cuente con esa solemnidad, y de acuerdo con lo dispuesto en el Código Civil. Este último requisito de la posesión pacífica se acredita por el testimonio jurado de cinco testigos de notorio abono, examinados por citación del Fiscal del circuito, los que expresarán lo que les conste o hayan oído decir a sus predecesores, sobre la posesión y linderos del resguardo."). Articles 39 to 42 of the Department of Cauca Regulatory Decree 74 of 1898 set further rules on the making up of *resguardo* titles through the standard of substitute evidence. The provision on *prueba supletoria* originated in Article 16 of the former State of Cauca Law 44 of 1873. The infamous lawyer, politician, and land entrepreneur Ramón Elías Palau sponsored it to facilitate the privatization of *resguardos* in the northern Cauca districts, as discussed in Chapter 5. Paradoxically, twentieth-century indigenous litigants ended up harnessing this standard of substitute evidence to partially redress the obstacles they had faced in retrieving from the archives suitable proof of their land rights.

landholding. This lengthy trail of bureaucratic writing is peppered with the natives' petitions requesting copies of their land titles and voicing the long journeys they made to retrieve such documents. The natives' languages, voices, and views enter into the Mesoamerican primordial titles with few or no mediation by state officials. By contrast, colonial and republican bureaucrats authored the bulk of documents assembled in a *resguardo* title. Indian voices and views enter in these records but indirectly. Those of indigenous litigants are mediated by *protectores de naturales* or hired lawyers, who generally worded natives' petitions and translated their complaints into acceptable legal discourse. Meanwhile, the voices and views of native witnesses are filtered by questionnaire templates that produce formatted testimonies, the translators' interpretation, and the scribes' pen.<sup>846</sup>

Even though Indians did not author the documents that comprised their *resguardo* titles, they actively participated in the making of this genre of legal and historical evidence. First, through their litigation, Indians set in motion the bureaucratic machinery that left the trail of legal briefs *resguardo* titles are made up of. Second, they journeyed to distant archives to retrieve those colonial records or hired lawyers to do so in exchange for expensive legal fees or even tracts of *resguardo* lands. Third, they requested courts to take witness evidence about the existence and boundaries of their *resguardos*, searched for the witnesses, and, in many cases, they testified themselves. Fourth, indigenous *cabildos* assembled and notarized evidence of their *resguardo* titles. They safeguarded these documents, usually at home archives, and passed them to the incoming *cabildos*. Finally,

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<sup>846</sup> On the mediations and filters through which Indians' voices enter in the *resguardo* titles, see Rappaport and Cummins, *Beyond the Lettered City*, 143.

indigenous litigants and historians have read their *resguardo* titles over time, appropriating and incorporating bits of their content into their oral memories and using them to build up legal and historical arguments.

The operations listed above show that, over time, indigenous litigants have participated both as actors in the social processes that *resguardo* land titles document and as makers of the historical knowledge this genre of evidence conveys. These two levels of historical agency correspond to the distinction (and frequent overlap) between *history as social process* - what happened - and *history as knowledge* - what is said to have happened -, to put it in Michel-Rolph Trouillot's terms.<sup>847</sup> Part I of this dissertation addresses the first level. It discusses Indians' participation in the historical events that shaped indigenous territories and identities in the Vega de Supía during the colonial era. Those events left the trail of legal briefs that later became *resguardo* titles' raw material. Meanwhile, sections 7.2 and 7.3 of this chapter focus on the second level, namely, the production of historical knowledge by indigenous litigants from the communities of Cañamomo-Lomapieta and San Lorenzo. It involves the making of sources and archives via the retrieval, assemblage, and notarization of those legal briefs and witnesses' affidavits to compose *resguardo* titles, as well as the creation of legal and historical arguments based on these documents. These workings fit into three out of the four moments into which Trouillot divides the process of

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<sup>847</sup> Trouillot, *Silencing the Past*, 26.



historical knowledge: the making of sources (fact creation), the making of archives (fact assembly), and the making of narratives (fact retrieval).<sup>848</sup>

Since land title production is a historical process itself, the specific set of evidence that a given community assembles and uses as their *resguardo* title may change over time. Below is an examination of the titles that Cañamomo-Lomaprieta's and San Lorenzo's indigenous litigants produced and deployed from 1890 to 1930.<sup>849</sup> It aims to disentwine the "entangled objects" that *resguardo* titles are, in order to understand what they tell us about the conditions of production of this genre of legal and historical evidence.<sup>850</sup>

### **7.2.1. Across the Supía River. The Two Titles of Cañamomo-Lomaprieta**

The making of *resguardo* titles represents a looking-backward search for archival traces connecting a community's land claims at a given time with those past events that have shaped the community's territorial boundaries and defined its land rights since the colonial era. The three *parcialidades* that existed in the area by the 1890s - Cañamomo-

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<sup>848</sup> The fourth moment, which Trouillot calls "the moment of retrospective significance" or "the making of history in the final instance," falls out of the scope of this study. Trouillot, *Silencing the Past*, 26. For an approach to Indians' titles from the lens of Trouillot's classification, see Rappaport and Cummins, *Beyond the Lettered City*, 153-167.

<sup>849</sup> Leaders of the *parcialidad* of La Montaña also actively engaged in the production of land titles during the period under examination. Notarial deeds no. 162 of December 3, 1895, and 377 of October 16, 1918, both from the Notary of Riosucio, contain La Montaña's *resguardo* titles. Copies of these documents are preserved at JCCR, 1931-026, "Reivindicatorio indígenas de La Montaña vs Cabildo de San Lorenzo y otros," fols. 19r-27r.

<sup>850</sup> This analysis draws on Joanne Rappaport's inspection of Deed 228 of 1908, which contains the *resguardo* titles of the community of Cumbal, Nariño. Rappaport, *Cumbe Reborn*, 101-112. For the characterization of *resguardo* titles as "entangled objects," see Rappaport and Cummins, *Beyond the Lettered City*, 118.

Lomaprieta, San Lorenzo, and La Montaña - tried to build up a documentary path that could connect their contemporary land claims with the 1627 *visita* by Oidor Lesmes de Espinosa Saravia. This landmark event stands as the founding moment of their territorialities in the colonial era.<sup>851</sup> The land disputes that redefined or updated each community's territorial rights throughout the eighteenth- and nineteenth centuries represent intermediate steps toward the ultimate connection with that 1627 foundational event.

Two land disputes that took place in the eighteenth century opened different avenues for the 1890s Cañamomo-Lomaprieta people to reconstruct the documentary path that could connect them with the 1627 allocation of *resguardos*. On the one hand, the 1720s dispute with La Montaña Indians for the site of Riosucio; on the other, the 1750s conflict with the Supías for the low plains of the Vega de Supía.<sup>852</sup> Both lawsuits validated the Cañamomo-Lomaprietas' land rights by acknowledging them as the descendants of the Pirzas that Lesmes de Espinosa Saravia moved from the Pirza Valley to the Vega de Supía in 1627. But since the disputed area varied in each case, each lawsuit traced the Cañamomo-Lomaprieta's territorial boundaries differently. The dispute with La Montaña placed the Cañamomo-Lomaprietas' *resguardo* on the southern side of the Supía River. Meanwhile, the 1757-59 conflict with the Supías focused on Cañamomo-Lomaprietas' rights over the plains located on the northern side of the Supía River. This difference is

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<sup>851</sup> As discussed in Chapter 1, the 1627 land inspection involved the resettlement of Pirzas, Sonsones, and Supías (from the two *encomiendas* of Supía La Alta and La Baja) in the newly created *pueblo de indios* of La Vega de Supía and the allocation of *resguardos* to each of them.

<sup>852</sup> These disputes are analyzed in Chapter 2 (Section 2.2).

critical for understanding the production and use of *resguardo* titles by Cañamomo-Lomapieta's indigenous litigants from the 1890s to the early 1900s (see Map 18).

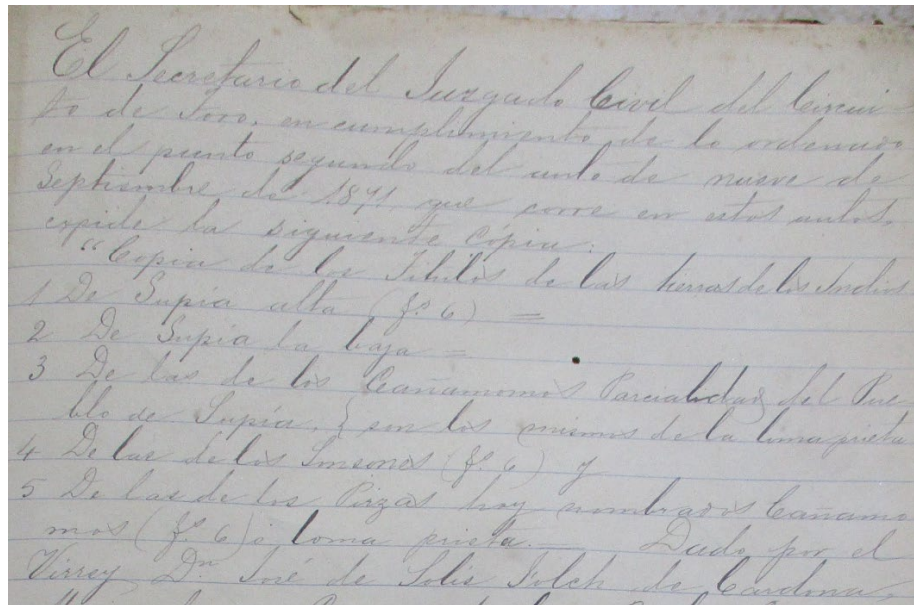
The first *resguardo* title produced by Cañamomo-Lomapieta's indigenous litigants dated from 1768. It consisted of a set of documents proving the possession that Viceroy Jorge Villalonga and Anserma's *Alcalde Ordinario* Juan Jiménez Gamonares granted to the Cañamomo-Lomapieta people in 1721-1722, during the land dispute with La Montaña Indians. According to these documents, the Cañamomo-Lomapieta's *resguardo* stood on the southern side of the Supía River, and a milestone called the "Painted Stone" (*Piedra Pintada*) defined its limit with La Montaña's *resguardo*. Members of the Cañamomo-Lomapieta's cabildo submitted this packet of legal briefs to the Audience officials that conducted an on-site inspection of the area in 1768 to settle the long-lasting dispute over the site of Riosucio.<sup>853</sup>

More than one century later, by the 1890s, Cañamomo-Lomapieta's leaders seemingly had lost track of the 1768 title. In 1891, the *parcialidad*, represented by lawyer Marco Tulio Palau, filed a land demarcation lawsuit (*juicio de deslinde*) intended to get a judicial decision that confirmed and updated its *resguardo*'s boundaries. As proof of its land rights, the *parcialidad* submitted a manuscript containing copies of the records of the 1757-59 lawsuit with the Supía Indians. By contrast with most *resguardo* titles produced after the passage of Law 89 of 1890, this one was not legalized through a notarial deed but certified by a court of justice. As per the notes attesting the document's authenticity, the

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<sup>853</sup> As discussed in Chapter 2 (Section 2.3).

first copy of this title was taken on May 20, 1856, from a judicial file located at the Popayán Civil Court to be submitted as evidence before the Toro Civil Circuit Court. This court's secretary issued the second copy of the document in September 1871. Based on the latter, the same office produced a third copy in October 1891, at the request of Cañamomo-Lomapieta's lawyer, Marco Tulio Palau. These notes suggest that indigenous litigants - either from Cañamomo-Lomapieta or Supía - had drawn on this title to support their land claims from the mid-1850s onwards. The notes also reveal the role judicial files came to play as repositories of *resguardo* titles. Once litigants got the first copy of a title from the archive that kept the original manuscript, subsequent copies used to be requested to and issued by the courts in which the said title had been submitted as evidence.



“Copies of the Land Titles of the Indians of 1. Supía alta; 2. Supía la baja; 3. Cañamomos Parcialidad del Pueblo de Supía; 4. Sonsones; and 5. Pirzas, today called Cañamomos or Loma Prieta, granted by Viceroy Dn. Jose de Solís Folch de Cardona in 1759,” 1891<sup>854</sup>

<sup>854</sup> “Copia de los Títulos de las tierras de los Indios de: 1. Supía alta; 2. Supía la baja; 3. los Cañamomos Parcialidad del Pueblo de Supía (son los mismos de la Lomapieta); 4. los Sonsones; y 5. los Pirzas hoy

As the manuscript's head reveals, the 1891 [1759] Cañamomo-Lomaprieta's title was broader in scope. It not only refers to this *parcialidad's* land rights but also those of the communities that *Oidor* Lesmes Espinosa Saravia resettled in the old *pueblo de indios* of Supía in 1627. The historical event that connects the 1891 Cañamomo-Lomaprieta's land claims with the 1627 founding event is the 1757-59 dispute with the Supía Indians.<sup>855</sup> Such a connection is provided by the four layers of documentation that the 1891 [1759] title contains:

1. A May 10, 1759 decree by Viceroy José Solís Folch de Cardona approving the agreement reached by the indigenous *alcaldes* of Supía and Cañamomo-Lomaprieta and the protector de naturales. Under this agreement, the Cañamomo-Lomaprietas were to move back to the *pueblo* of San Lesmes de Supía. Both communities would remain as distinct *parcialidades* though they would share their *resguardos*, according to the allocation made by Espinosa Saravia in 1627.
2. A copy of the March 22, 1627 allocation of *resguardos* by *Oidor* Lesmes de Espinosa Saravia to the Indians of Supía la Alta, Supía la Baja, Pirza, and Sonsón.
3. A May 26, 1759 petition by the *protector de naturales*, on behalf of the Indians of Cañamomo-Lomaprieta, requesting the 1627 delimitation of the *resguardos* to be updated according to contemporary place names and territorial changes detailed in the petition.<sup>856</sup> In response, a May 29, 1759 Viceroyal Decree accepted the *protector de naturales'* requests. A side note indicates that "the plain of Supía belongs to the Indians of Cañamomo or Lomaprieta."
4. A July 24, 1759 Viceroyal Decree denying the request made by Simón Pablo Moreno de la Cruz for authorization to sell lands in the plains of Supía to the

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nombrados Cañamomos o Loma Prieta, dado por el Virrey Dn. José de Solís Folch de Cardona en 1759," in JCCR, 1891-039, "Juicio de Deslinde – Parcialidad indígena de Cañamomo," fols 4-44.

<sup>855</sup> A comparison between the 1757-59 original document and the 1891 copy adapted as a land title would give further insight about the production of *resguardo* titles, but it falls beyond this study's scope. The former is available at "Indios de Supía: pleitos por tierras de resguardo, 1757-1759," AGN, Colonia, Resguardos Antioquia-Cauca-Tolima, 53, 1, D.25.

<sup>856</sup> For instance, it mentions that the miners diverted the course of the Supía River and how this change altered the boundaries between *resguardos* in the area. It also asks for making explicit that the Cañamomo-Lomaprietas are descendants of the Pirzas.

growing population of *vecinos*. The decree did not authorize that the lands be sold, but it permitted to lease those portions of lands the Indians did not need.

Parallel to the *juicio de deslinde* in which the Cañamomo-Lomaprietas submitted the 1891 [1759] title, Avelina de la Roche filed a similar lawsuit intended to secure her rights over the hacienda El Peñol. De la Roche claimed to have inherited this estate from her husband Francisco Senén Tascón, who, in turn, had purchased it from Rudecindo Ospina in 1874. Prominent lawyer and politician Carlos Gärtner represented Avelina de la Roche in this lawsuit. The *parcialidad* of Cañamomo-Lomaprieta, represented by its lawyer Marco Tulio Palau, opposed De La Roche's claim over El Peñol based on the 1891 [1759] *resguardo* title. The Cañamomo-Lomaprietas argued that Ms. De La Roche only had rights over El Peñol saltwater spring and twenty-five leagues of land surrounding it while the rest of this large estate belonged to their *resguardo*. De La Roche's lawyer, Carlos Gärtner, contested that, according to the very titles the Indians submitted, their *resguardo* was located on the northern side of the Supía River while the hacienda El Peñol was right across the river, on the southern side (see Map 18).<sup>857</sup>

To enhance their clients' evidence, Marco T. Palau requested the collection of several proofs, including copies of the colonial records that certified the possession granted

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<sup>857</sup> (“[...] *El testimonio de lo que llaman ‘sus títulos’ [...] es la única prueba seria que han presentado [...] Y mientras más se lee y más se estudia, más robusta crece la convicción de que la Parcialidad de Cañamomo no tiene su resguardo donde hoy pretende, es decir, del lado acá del río Supía. Según ese testimonio, el resguardo de Cañamomo está del lado allá del mismo río.*” JCCR, 1894-001, “Juicio de Deslinde – El Peñol,” fol. 193v-195v. It should be noticed, however, that the 1759 documents asserted Cañamomo-Lomaprietas' right on the northern side of the Supía River, as it was the area disputed with the Supía Indians. Still, these documents did not deny the rights this *parcialidad* retained on the southern side of the Supía River, as lawyer Gärtner interpreted.

to the Cañamomo-Lomaprieta Indians during the land dispute with La Montaña. Palau noted that "these documents are kept at the Real Audiencia archive" in Bogotá. De La Roche's attorney, Carlos Gärtner, opposed this petition. He argued that asking for documents kept at such distant places was just a delaying tactic. In response, the judge issued a warrant requesting that evidence be contingent upon the *parcialidad* to post a 100-pesos bail bond intended to secure the timely arrival of these documents. Eventually, on October 6, 1892, the Ministry of Government issued a certification signed by the colonial archivist, Ramón M. Lotero. This official declared that "having carefully searched the documents requested by the said warrant, they have not been found in this archive."<sup>858</sup>

After lengthy litigation, in June 1893, Riosucio's Civil Circuit Judge ruled that El Peñol belonged to Avelina de La Roche. The judge dismissed the Cañamomo-Lomaprietas' claim over this property on the grounds that the *resguardo's* boundaries, as defined in the title, do not coincide with the boundaries asserted by the *parcialidad* and its attorney.<sup>859</sup> Marco T. Palau appealed the decision on behalf of his clients. A few days later, however, the Cañamomo-Lomaprieta's *cabildo* waived its right to appeal while asking to be allowed to file a new lawsuit once they find the *resguardo* title that proves their rights over El Peñol.<sup>860</sup> Palau sent a statement endorsing his clients' waiver. This move caused a split in the community. A group headed by José Tapasco and Pedro Sabas Cataño disallowed the

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<sup>858</sup> JCCR, 1894-001, "Juicio de Deslinde – El Peñol," fols. 125v, 140r-148v, 179v.

<sup>859</sup> JCCR, 1894-001, "Juicio de Deslinde – El Peñol," fols. 210-215v.

<sup>860</sup> This statement was signed by Governor Eusebio Ma. Tapasco, Valeriano Tapasco (alcalde 1), José del Carmen Alcalde (alcalde 2), Cruz Alcalde (regidor), Manuel María Largo (secretary), and Juan B. Tapasco (administrator). JCCR, 1894-001, "Juicio de Deslinde – El Peñol," fols. 216-217.

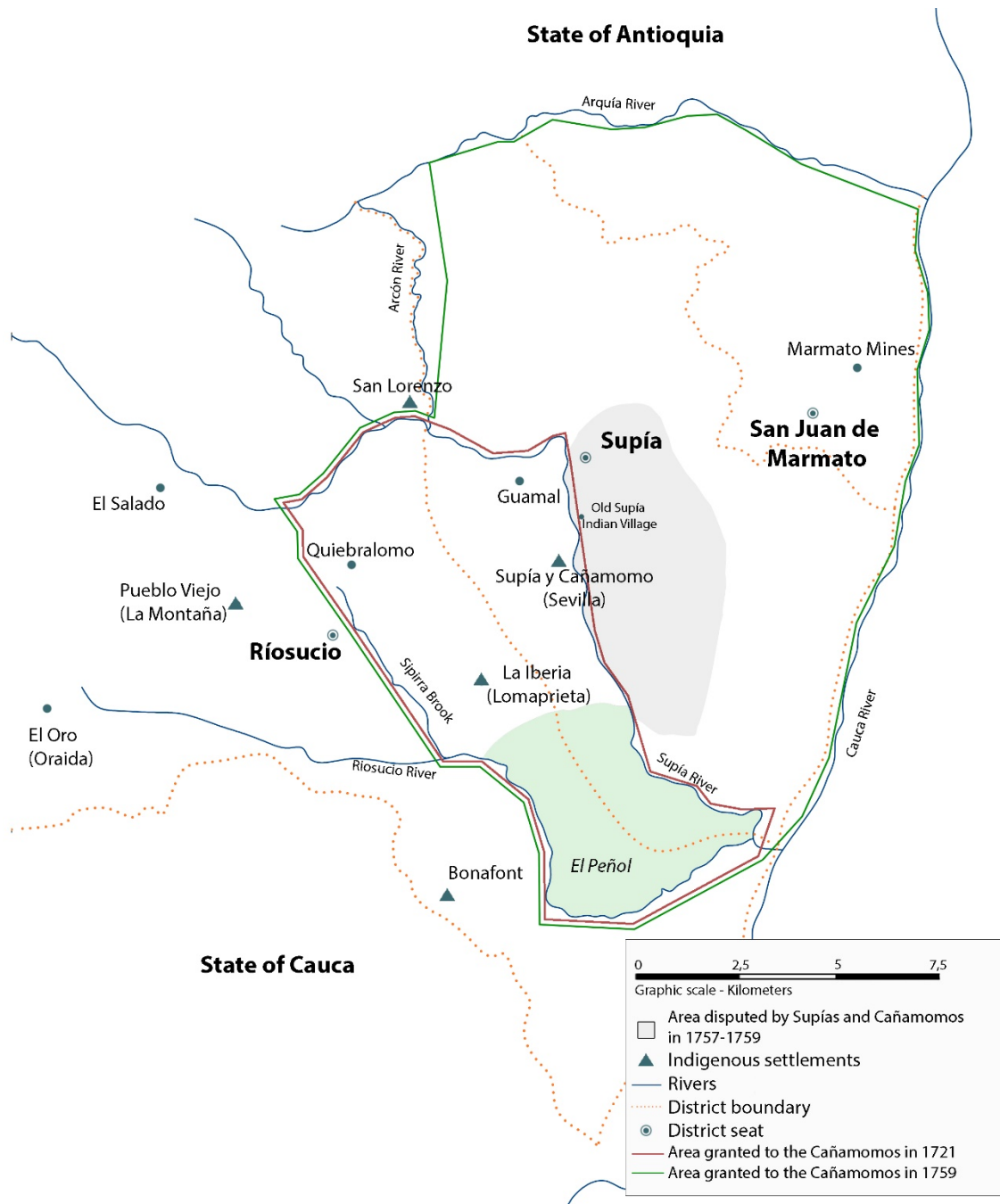
*cabildo's* capitulation. They also accused Marco Tulio Palau of colluding with Carlos Gärtner to favor De La Roche's interests at the expense of those of the *parcialidad*.<sup>861</sup> In a letter dated October 1, 1893, a group of over 169 members of the *parcialidad* (both male and female) addressed the Fiscal of the Cauca Superior Court denouncing Palau's plot and asking for protection. The petitioners figuratively claimed: "if the Fiscal, with all his influence and authority, does not favor us, we will not have other option but going to the Viceroy to ask him to demarcate our *resguardo* again in another place. But, where to find that Viceroy!"<sup>862</sup> Despite this passionate plea, the case ended up in 1894 with De La Roche being granted possession over El Peñol and the eviction of the Cañamomo-Lomaprieta Indians that dwelled there.

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<sup>861</sup> Indeed, both Avelina de la Roche and Carlos Gärtner admitted having given 200 pesos to Palau in exchange for the *cabildo's* waiver of the appeal. Also, Palau did not recuse Civil Circuit Judge Guillermo Santacoloma despite the latter disclosed he was De La Roche's cousin. JCCR, 1894-001, "Juicio de Deslinde – El Peñol," fols. 74-77v, 224-228, 244v-245v.

<sup>862</sup> ("[...] Si el Sr. Fiscal con la influencia de su ministerio y el poder de su autoridad no nos favorece, sin duda quedaremos solo con la vía de ocurrir donde el Virrey a que nos demarque resguardo de nuevo en otra parte pero ¿dónde hallar ese Virrey!") JCCR, 1894-001, "Juicio de Deslinde – El Peñol," fol. 252-255 (quote fol. 252v).





Map 18. Areas Granted to the Cañamomo-Lomaprietas in the Disputes with Indians of La Montaña (1721) and Supía (1759)<sup>863</sup>

<sup>863</sup> Made by Daniel Vallejo Soto based on the 1891 [1759] and the 1903 [1721-22] Cañamomo-Lomaprietas' *resguardo* titles and Luis Javier Caicedo, *Los Títulos de Cañamomo Lomaprieta. Recopilación y análisis de los títulos del Resguardo Indígena Cañamomo Lomaprieta entre 1627 y 1994* (Ríosucio: Resguardo Indígena Cañamomo Lomaprieta, 2020), x.

Upon this defeat, the Cañamomo-Lomaprietas renewed their efforts to retrieve colonial documents suitable to demonstrate their rights over the lands on the southern side of the Supía River. Finding this evidence became critical for this community, as it pertained to the area they actually inhabited since the late seventeenth century.<sup>864</sup> In 1899, a new cabildo headed by the young Governor José Esteban Tapasco finally recovered those documents. Governor Tapasco himself traveled to Bogotá to deliver a petition to the Minister of Government. On behalf of his community, he requested the Minister to order the National Archivist the issuance of "certified copies of the boundaries of the *Parcialidad de Indígenas de Cañamomo*." Tapasco urged the Ministry to deal with his petition "as soon as possible," as he should return to his *resguardo* soon to avoid the increasing expenditures resulting from his stay in Bogotá.<sup>865</sup> The Minister of Government authorized the issuance of the copies on January 21, 1899, and a few days later, on January 30, Tapasco received them. But it took over four years for Governor José Esteban Tapasco to bring those documents to the Notary of Riosucio, where they were notarized, as the Cañamomo-

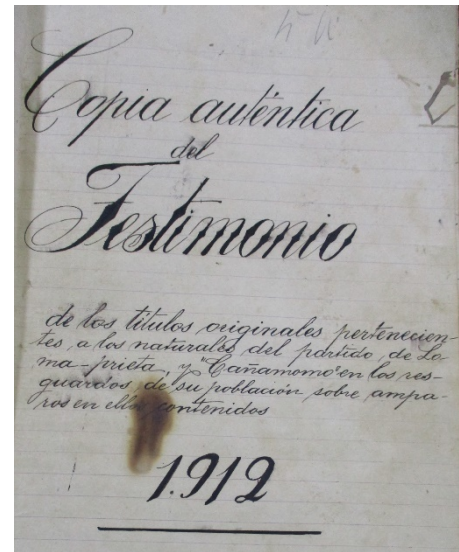
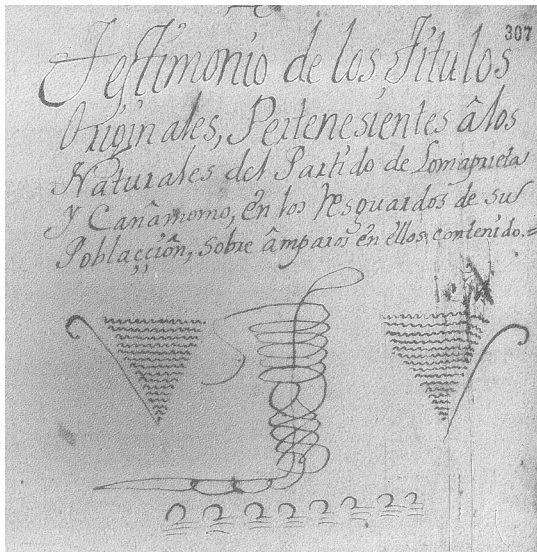
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<sup>864</sup> By the late seventeenth century, due to the increasing occupation of the Vega de Supía by Spaniards' cattle, the Cañamomo-Lomaprietas' forebears left the old *pueblo de indios* of Supía - placed at the southern side of the river - to seek refuge in the site of Lomaprieta, located across the river. On this displacement, see Chapter 2 (it is illustrated in maps 9 and 10). Moreover, the area located at the northern side of the Supía River was ceded to the districts of Supía and Marmato as a result of the 1874 notarized agreement between the *parcialidad* of Supía-Cañamomo's administrator, Juan Gregorio Trejo, and the procuradores of those districts. On this land cession, see Chapter 5 (Map. 16).

<sup>865</sup> (“[...] *Habiendo venido a esta capital [...] en nombre de la comunidad indígena expresada [...] me encuentro en esta y vengo a pedir, como en efecto pido, a vuestra señoría: 1º. Que se sirva ordenar al señor archivero nacional que, en vista de los datos allí existentes, me dé copia auténtica, a mi costa, de los linderos de la parcialidad de indígenas de Cañamomo [...] Teniendo que regresar pronto a mi resguardo y para no recargarme con más gastos de permanencia en Bogotá, ruego y suplico a vuestra señoría se sirva hacerme despachar este memorial lo más pronto que sea posible,*”) José Esteban Tapasco to the Ministry of Government, Bogotá, January 21, 1899, included in Notarial Deed 263 of May 24, 1903, Notary of Riosucio. A copy of this deed is kept at JCCR, 1921-060, “Oposición – Hospital San Juan de Dios de Riosucio vs Parcialidad de Cañamomo y Lomaprieta,” fol. 3r-43v, where it was consulted.

Lomaprieta *resguardo* title, by Deed 263 of May 24, 1903. The turmoil of the Thousand Days War, which began in October 1899 and lasted until late 1902, might account for such delay. One should also consider the time Tapasco and his *cabildo* spent delving into these copies and, perhaps, picking the pieces they deemed suitable to assemble the narrative Deed 263 of 1903 conveys.

The copies Governor Tapasco retrieved from the National Archive and notarized were taken from the *resguardo* title his forebears assembled in 1768. As illustrated below, the cover sheet that accompanies a copy of Deed 263, that the Cañamomo-Lomaprietas brandished as their *resguardo* title in the late 1910s, mimics the 1768 title's coversheet.



Cover Sheets of Cañamomo-Lomaprieta's *Resguardo* Titles, 1768 and 1919<sup>866</sup>

<sup>866</sup> AGN, Colonia, Tierras del Cauca, T.6, fol. 307; and, Notarial Deed 263 of May 24, 1903, Notary of Riosucio, in JCCR, 1921-060, "Oposición – Hospital San Juan de Dios de Riosucio vs Parcialidad de Cañamomo y Lomaprieta," fol. 3r.

Concerning its content, Deed 263 of 1903 contains a forty-page-manuscript comprised of the following layers of documentation:

1. A January 21, 1899 petition to the Ministry of Government by indigenous Governor José Esteban Tapasco, requesting certified copies of the Cañamomo-Lomaprieta's *resguardo* titles.
2. A set of documents dated from January to April 1721 that record: a. the complaints by Manuel Cumba and Manuel Tabuya, *alcaldes* of the *partido* of Lomaprieta, concerning the encroachment over their lands by Indians of La Montaña; b. on-site inspections by *Alcalde* of Anserma Diego Martín de Guevara to verify these complaints; c. testimonies by Juan Jimenez Gamonares, Tomás Monroy, and Joseph de la Serna concerning the boundaries of Cañamomo-Lomaprietas' *resguardo*; and, d. petitions of documents by Cañamomo-Lomaprieta Indians.
3. A May 2, 1713 provision by Bishop of Popayán that banned the transfer of the Indians of Cañamomo from the Quebralomo parish to that of La Montaña.
4. A set of documents dated from May to September 1701, concerning the request by *Protector of Naturales* Antonio de la Lana not to move the Lomaprieta Indians from the site of Lomaprieta to Supía La Baja.
5. An April 25, 1721 certification by Quebralomo parish priest about the Indians belonging to the *partido* of Lomaprieta.
6. A July 17, 1721 Decree by Viceroy Jorge Villalonga that granted the Cañamomo-Lomaprietas possession over their *resguardo* lands.<sup>867</sup>
7. Records of the November 4, 1722 proceeding whereby Anserma's *Alcalde Ordinario* Juan Jiménez Gamonares enforced the 1721 Viceroyal Decree that reinstated the Cañamomo-Lomaprietas in their possession over the site of Riosucio and other lands within the boundaries of their *resguardo*.
8. A series of provisions issued in 1723, 1727, 1731, and 1737 by authorities of Anserma and Popayán, granting the Cañamomo-Lomaprietas possession over their *resguardo*.

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<sup>867</sup> The 1721 Viceroyal Decree demarcated the boundaries of Cañamomo-Lomaprieta's *resguardo* as follows: "[...] from the stream called Anillo to the painted stone (*pedra pintada*); then, from the said painted stone following the stream down until the Sucio River; then, going down until the Sucio River flows into the Supía River; from here upstream until the Anillo stream [...]." ("[...] desde la quebrada que llaman Anillo hasta la piedra pintada, cogiendo desde dicha piedra pintada la quebrada abajo vertiente al río Sucio, y río Sucio abajo hasta el desemboque del río Supía, de aquí río arriba hasta la quebrada Anillo [...]").

9. A November 31, 1768 note stating that the Indians of Cañamomo submitted this packet of documents to the Audience officials that conducted an on-site inspection in the site called Anillo.<sup>868</sup>

Right after notarizing the new title, Governor José Esteban Tapasco registered Deed 263 of 1903, at the Riosucio Registro de Instrumentos Públicos, in compliance with Law 89 of 1890. This instrument became the *resguardo* title Cañamomo-Lomaprieta's indigenous litigants brandished in the multiple lawsuits they engaged in the following decades, as discussed in section 7.3.

### **7.2.2. San Lorenzo. Two Versions of (Almost) the Same Title**

Like their neighbors of Cañamomo-Lomaprieta, San Lorenzo's indigenous litigants also actively sought documents that could link their early twentieth-century land claims with the 1627 allocation of *resguardos* by *Oidor* Lesmes de Espinosa Saravia. But, unlike the Cañamomo-Lomapietas' tireless litigiousness, San Lorenzo Indians seem to have been far less engaged in legal disputes during the colonial period. Therefore, the archival traces that could connect the San Lorenzo people back with that 1627 founding moment and provide the raw material for their *resguardo* title were also scant. A brief land dispute in the late colonial period (1782-86), Governor Juan de la Cruz Andica's quest for land titles in 1835, and the 1836 judicial proceeding of possession resulting from Andica's pursuit,

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<sup>868</sup> Notarial Deed 263 of 1903 is reproduced and analyzed in Caicedo, *Los Títulos de Cañamomo Lomaprieta*, 49-81.

became the milestones that bridged the gap between 1627 and the early twentieth century.<sup>869</sup>

The available evidence suggests that, except for a 1782-86 dispute with some *vecinos* of Quiebralomo over a site known as Supía-Barranca, the San Lorenzo community did not enter into lawsuits during the colonial era. This conflict did not reach the Real Audiencia, as it ended up with an *amparo* issued by Anserma's *Alcalde Ordinario* in 1786 that confirmed the San Lorenzo community's rights over the disputed area.<sup>870</sup> Therefore, records of the 1782-86 dispute probably remained at regional archives, unlike those of the Cañamomo-Lomaprieta's colonial lawsuits, which were kept at the more distant but better-organized archives of the Real Audiencia in Santafé (later Bogotá).

The conflict over Supía-Barranca seemingly resurfaced by 1835, prompting the first documented attempt by San Lorenzo's authorities to produce *resguardo* titles. In

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<sup>869</sup> The following narrative is based on the documents assembled in the “Copia de los títulos de la parcialidad de indígenas de San Lorenzo, expedida el 14 de mayo de 1913 en el Juzgado Municipal de Riosucio,” in JCCR, 1925-003, “Reivindicatorio Parcialidad de San Lorenzo vs. Juan de D. Echeverri y Daniel Rojas,” fols. 12-38.

<sup>870</sup> This dispute's first record dated from November 4, 1782, when authorities of the San Lorenzo community requested the *Alcalde Ordinario* of Anserma to protect their rights over the site called Supía-Barranca. The Indians accused Ignacio and Esteban Trejo, *vecinos* of the Real de Minas of Quiebralomo, of encroaching over this area. On November 5, the *Alcalde Ordinario* of Anserma issued a writ of protection (*amparo*), ordering the defendants to return the disputed area to the Indians. Still, the defendants refused to obey that command. They argued that their family had occupied this property for many generations, as their great-great-grandmother had received it in payment for a 100-patacones loan she lent San Lorenzo Indians to rebuild their parish church after a fire destroyed it. Before giving a final ruling, the *Alcalde* of Anserma required the opinion of Dr. Don Miguel Jerónimo de Escobar, a lawyer at the Reales Consejos (abogado de los Reales Consejos) who resided in Cartago. Dr. Escobar asserted that the transaction was null and void for lacking prior judicial approval, which was mandatory for any sale or mortgage of Indian lands. The legal expert also said that the usufruct that the defendants' family had enjoyed for such a long time overpaid the said loan. Based on that dictum, on February 10, 1786, the *Alcalde Ordinario* of Anserma ruled that the defendants must reconstitute the Supía-Barranca lands to the San Lorenzo community.

March 1835, Manuel Ignacio Bueno and José Pablo Tapasco, members of the San Lorenzo's *cabildo*, traveled to Anserma Nuevo to retrieve documents proving the 1786 *Amparo* and their *resguardo*'s boundaries as well. The discouraging response they received from Anserma's Alcalde Cantonal Felipe Durán hints at the precarious condition of regional archives in the early republican era. Alcalde Durán certified: "after spending thirty hours searching for the requested papers, they have not been found. It is probably that Commander Antonio Alais' soldiers pulled out these documents by 1820, as it happened with many others that they destroyed to make cartridges."<sup>871</sup> Upon this failed attempt, San Lorenzo's authorities turned to witness evidence. They requested the Supía Canton Judge to hear testimonies of five witnesses who were asked, among others, about the boundaries of San Lorenzo's *resguardo*, whether those limits were the same set by Lesmes de Espinosa Saravia, and the titles' whereabouts.

To better ensure his community's rights, San Lorenzo's Governor Juan de la Cruz Andica traveled to Bogotá in October 1835 to personally deliver a letter to President Francisco de Paula Santander. Besides requesting protection for his people's lands, Governor Andica urged President Santander "[...] to ask to the archives that exist in the capital city, either from the time of the Viceroyalty of New Granada or more recent times, for information about the document that may undoubtedly prove our ownership."<sup>872</sup>

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<sup>871</sup> (“[...] *habiéndose gastado treinta horas en este archivo en la busca de los papeles que se solicitan por el anterior pedimento no han sido hallados, por lo que se infiere los sacarian los soldados del comandante Antonio Alais en la época del año ochocientos veinte, como sucedió con muchos de los que dañaron en este archivo para hacer cartuchos [...]*”)

<sup>872</sup> (“[...] *que pida Su Excelencia a los archivos existentes en la capital, bien del tiempo del Virreinato de Nueva Granada o de otro posterior, noticia del documento que sin duda acredite nuestra propiedad.*”)

Governor Andica returned to San Lorenzo without the evidence he was seeking at the capital city's archives. Still, his journey proved to be fruitful. The presidency forwarded Andica's request to the Governor of Cauca, who, in turn, sent it to the *Jefe Político* of the Supía Canton. This official instructed the local ombudsman (*personero*) to file a lawsuit intended to protect San Lorenzo's communal lands. At the request of the *personero*, Supía Canton Judge Manuel A. Betancur reset the boundaries of San Lorenzo's *resguardo* and granted this community possession over it on March 18, 1836.<sup>873</sup>

Two decades later, in 1859, local notable Francisco Senén Tascón, acting as administrator of the *parcialidad* of San Lorenzo, got copies of the 1782-86 dispute and the 1835-36 quest for land titles, which remained in a judicial file at the Circuit Court.<sup>874</sup> San Lorenzo's leaders kept these documents at the *cabildo*'s archive. In 1909, amidst increasing land conflicts and facing Law 89's requirement for *cabildos* to legalize their land titles, San Lorenzo's authorities registered this packet of copies at the Riosucio Registro de Instrumentos Públicos. A few years later, in 1913, Governor Gervasio Tapasco, accompanied by all the members of his *cabildo*, brought this twenty-six-page manuscript to Riosucio Municipal Court and requested a certified copy of "the title that indicates our

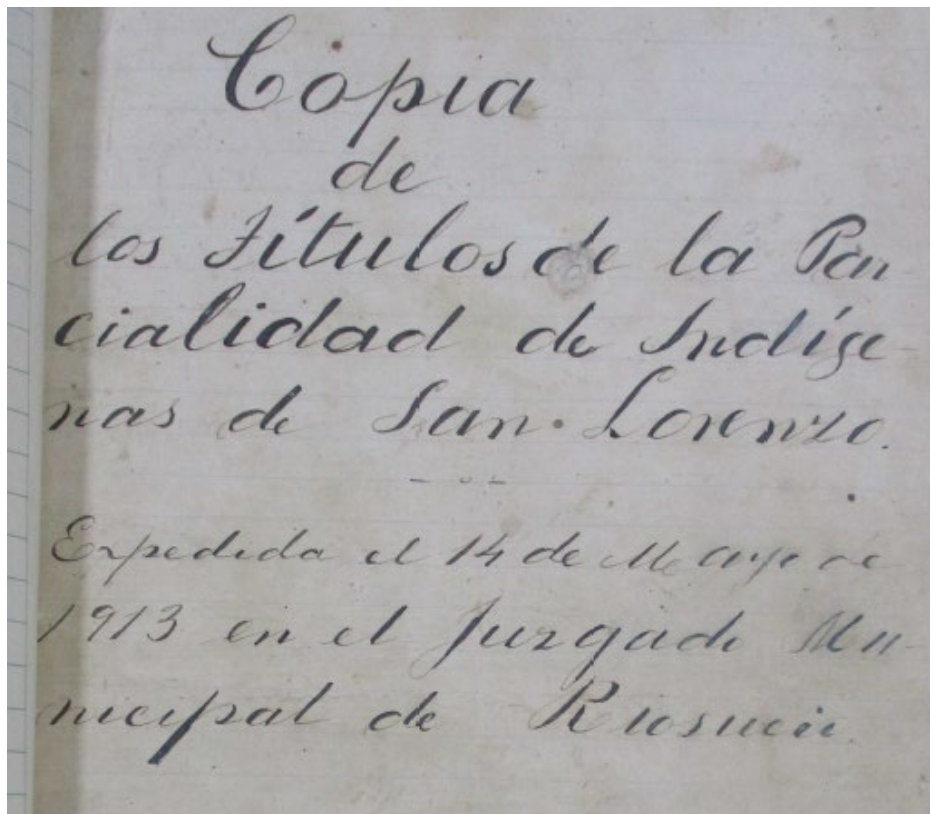
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<sup>873</sup> Authorities of San Lorenzo and the neighboring *parcialidad* of La Montaña attended this ceremony of possession, at a time when both communities began to contend about their *resguardos*' boundaries.

<sup>874</sup> Retrieving these documents proved to be costly. The same day San Lorenzo's *cabildo* entrusted Tascón the administration and legal representation of the *parcialidad*, they sold him a vast tract of their *resguardo* lands. This trade-off of lands in return for legal representation, which usually included the search for titles, was at the core of the land-titles making. On Francisco Senén Tascón's role as administrator and political boss of the San Lorenzo community, see Chapter 4 (section 4.3.2).



*parcialidad*'s boundaries." On May 14, 1913, Riosucio Municipal Judge Ricardo Gärtner issued the copy, which San Lorenzo's authorities labeled as their *resguardo* title, as follows:



Cover Sheet of San Lorenzo's *Resguardo* Titles, 1913<sup>875</sup>

This manuscript contains the following layers of documentation:

1. A May 5, 1913 certification by the Secretary of Riosucio's Alcaldía Municipal on the swearing-in ceremony of the 1913 Cabildo of the *parcialidad* of San Lorenzo.
2. A May 3, 1913 petition by indigenous Governor Gervasio Tapasco and his cabildo requesting Riosucio Municipal Judge to certify a copy of their *resguardo* titles, followed by a May 7, 1913 court provision authorizing the issuance of the certified copy.

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<sup>875</sup> "Copia de los títulos de la parcialidad de indígenas de San Lorenzo, expedida el 14 de mayo de 1913 en el Juzgado Municipal de Riosucio," in JCCR, 1925-003, "Reivindicatorio Parcialidad de San Lorenzo vs. Juan de D. Echeverri y Daniel Rojas," fols. 12-38.

3. A January 30, 1859 petition by Francisco Senén Tascón to Riosucio's Circuit Judge requesting certified copies of the 1780s lawsuit over the site of Supía-Barranca, and the proceedings resulting from the 1835 Governor Juan de la Cruz Andica's petition to the national government.
4. Records of the 1782-86 lawsuit between the San Lorenzo community and Esteban e Ignacio Trejo, *vecinos* of Quiebralomo, over the site of Supía-Barranca.
5. A March 16, 1835 petition by San Lorenzo's *cabildo* to the Alcalde Cantonal of Anserma requesting its *resguardo* titles. This communication is followed by Alcalde Felipe Durán's certification that the requested documents were not found.
6. A September 11, 1835 petition by San Lorenzo's *cabildo* to Supía Canton Judge José Joaquín Zabala to hear five witnesses' testimonies according to the attached questionnaire. This communication is followed by affidavits of Francisco Vinasco (83 years old), Manuel Guapacha (70 years old), Antonio Taborda (70 years old), José Cruz León (70 years old), Joaquín Moreno (72 years old), and certification by Judge Zabala himself concerning the existence of San Lorenzo's *resguardo*.
7. An October 3, 1835 petition by San Lorenzo's Governor Juan de la Cruz Andica to the President of the Republic, followed by a note dated the same day whereby the Secretary of Interior instructed the Governor of Cauca to handle this petition.
8. A November 20, 1835 letter from the Governor of Cauca to the Jefe Político of the Supía Canton forwarding Andica's petition. This message is followed by a February 15, 1836 provision by Jefe Político of Supía Juan Agustín de Lemos requesting the *personero* to take action in defense of the San Lorenzo community.
9. A February 15, 1836 petition by *Personero* Francisco Botero Arango to Supía Canton's Judge requesting to guarantee the San Lorenzo community possession over its *resguardo*. Following this petition, there are records of the judicial proceeding that ended with the March 18, 1836 ceremony of possession.

San Lorenzo's leaders used the 1913 *resguardo* title to successfully claim the restitution of *resguardo* lands in three lawsuits they filed in 1915, 1916, and May 1920. Local lawyer Luis B. Salas, whom the *cabildo* had granted power of attorney in 1914, represented the *parcialidad* in the three lawsuits. In each case, the Manizales Superior Court ruled that the certified copies the plaintiffs presented as a replacement of the original

title constituted a valid proof of ownership under Article 12 of Law 89 of 1890.<sup>876</sup> In light of these decisions, the 1913 [1782-1836] *resguardo* title proved to be solid evidence of the San Lorenzo community's land rights.

But out of the blue, just a few months after San Lorenzo's leaders filed the third of those lawsuits, a packet of documents labeled as the "*Título de propiedad del Resguardo de la Parcialidad de Indígenas de San Lorenzo*" was notarized before the Riosucio Notary by Deed 506 of October 30, 1920. Unfortunately, the original deed disappeared in the fire that destroyed the Notary of Riosucio in 1952. The two existing certified copies of this document were both issued by Riosucio Notary Ramón Hoyos in 1931 at the request of the San Lorenzo *cabildo* to be submitted as evidence in court.<sup>877</sup> Deed 506 of 1920 looks quite atypical in its form. Public deeds usually begin with a detailed description of the notarized event, including place and date, the identification of the notary, the parties involved, the witnesses, and the type of act to be certified. Accordingly, deeds that notarize *resguardo* titles identify the indigenous authorities that submitted the documents, describe their extension, and state that the titles will be recorded at the notarial books so that the interested parties can get certified copies of them. It is only after this preamble that the reproduction of the documents that comprise the title begins. By contrast, Deed 506 of 1920 skips the

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<sup>876</sup> Manizales District Court, Civil Chamber, Decisions of March 6, 1918 (Parcialidad de San Lorenzo vs Alfredo Orozco), September 13, 1923 (Parcialidad de San Lorenzo vs Emiliano García), and July 3, 1924 (Parcialidad de San Lorenzo vs Juan de Dios Echeverri and Daniel Rojas). They are kept, respectively, in JCCR, 1930-040, fols. 51r-54v; 1924-010, fols. 89r-105v; and 1925-003, fols. 75r-78v.

<sup>877</sup> The second copy of Deed 506, issued on March 6, 1931, is kept at JCCR, 1932-018, "Reivindicatorio Parcialidad Indígena de San Lorenzo vs. Sociedad Arango Hermanos." The third copy, issued on December 3, 1931, is preserved at JCCR, 1935-007, "Parcialidad Indígena de San Lorenzo vs. Luis Horacio Zavala," fols. 77-89.

preamble and, instead, directly starts reproducing the documents that comprise this title, as illustrated below.

El suscrito Notario Principal del  
circuito de Riosucio Compulsa el  
Título de propiedad del Resguardo  
de la Parcialidad de Indígenas de  
San Lorenzo, el cual se halla proto-  
colizado <sup>cupra</sup> por escritura N: 506 de 30  
de Octubre de 1.920. =

S. Tues 1<sup>a</sup> de 2<sup>a</sup> insto. = Juan José Bañol y Juan  
Motato Jueces de la Parroquia de Antio de la Can-  
delaria de la montaña - Indígenas Colindantes con los  
de la Viceparroquia de San Lorenzo. Ante V. m. según  
dijo y con Antio acostumbrado respeto parecieron y de-  
cimos q<sup>ta</sup> habiendonos citado V. m. el 12 del co-  
mune p<sup>o</sup> q<sup>o</sup> asistiésemos el derecho aver poner  
en posesion a Antio indígenas en sus resguardos  
lo q<sup>o</sup> así se verifico = En cuya atencion y estan-  
do estos vecinos en descubiertos, suplicamos a la rec-  
ta Justicia mande en su Judicial decreto. (esta desga-  
nado) de testimonio (del expediente y diligencias (esta  
desganado) p<sup>o</sup> autenticadas, en la posesion de los res-  
guardos de los Antio presados indígenas, que es Justicia  
que solicitamos y Junamos no proceder de nulidad  
y en lo necesario p<sup>o</sup> = Parroq<sup>ta</sup> de la montaña 20  
de Marzo de 1836. = Juan José Bañol =  
Juan Motato =

Third Copy of the Notarial Deed 506 of October 30, 1920<sup>878</sup>

<sup>878</sup> JCCR, 1935-007, "Parcialidad Indígena de San Lorenzo vs. Luis Horacio Zavala," fol. 78r.

The circumstances surrounding the production of Deed 506 remain unclear. Lacking the preamble, it is unknown who submitted the documents notarized as San Lorenzo's *resguardo* title in October 1920, as well as the notary and the individuals who served as witnesses. One may assume that members of San Lorenzo's 1920 *cabildo* assembled and notarized this title. But the content of Deed 506 casts doubts on this hypothesis. The first document of this title is a March 20, 1836 petition by Juan José Bañol and Juan Motato, *indígenas* from La Montaña. They requested a certified copy of the proceedings whereby the Supía Canton Judge had granted the *parcialidad* of San Lorenzo possession over its *resguardo* two days before.<sup>879</sup> The subsequent documents assembled in the Deed 506 coincide with the 1835-36 records included in the 1913 title, as analyzed above (documents 5 to 9). Likely, Bañol and Motato got copies of these legal briefs in response to their petition. Thus, except for the 1782-86 lawsuit over Supía-Barranca, which is lacking in Deed 506 of 1920, the content of both titles is substantially the same. In both documents, the 1835 Governor Andica's pursuit of titles and justice and the resulting 1836 judicial confirmation of San Lorenzo *resguardo*'s boundaries became the milestones connecting this community's land claims in the 1910s-1920s with the 1627 allocation of *resguardos* by Lesmes de Espinosa Saravia.

Suppose the authorities of San Lorenzo were the ones who notarized these documents in October 1920. Why did they present as their *resguardo* title a package of documents that apparently came from their neighbors (and rivals) of the partiality of La Montaña? Why did not they notarize, instead, the 1913 title, which documents San

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<sup>879</sup> Being their *resguardo* adjoining to San Lorenzo's, La Montaña Indians certainly might be interested in having copies of the proceeding that defined the boundaries between both *resguardos*.

Lorenzo's territorial rights since colonial times and not only in the Republican period? Authorities of San Lorenzo had kept the 1913 title for a long time ago. By October 1920, the *parcialidad's* trusted lawyer had submitted it as evidence in three lawsuits, the last of them in May 1920, and had achieved a crucial legal victory in 1918 backed by that title. It might be assumed that San Lorenzo's leaders knew the whereabouts of the 1913 title - and attached high significance to it - by the time Deed 506 of October 30, 1920, was produced. This assumption leads to questioning whether San Lorenzo's authorities were the ones who participated in the production of this atypical notarial deed. If they did so, to what extent did they really take cognizance of the content of the documents they held as their *resguardo* titles?

While the conditions of production of Deed 506 remain unknown, what is clear is that this was the title that San Lorenzo's leaders brandished in a decisive lawsuit they litigated in the 1930s, as discussed in the following section. It was also the title they submitted to the Ministry of National Economy in 1939 when they accepted the division of their *resguardo*.<sup>880</sup> Moreover, Deed 506 is the title that San Lorenzo's leaders eventually retrieved in the late 1970s, when they began to reconstitute the cabildo and look for archival traces proving the existence of their former *resguardo*. Deed 506 is kept today at the San Lorenzo cabildo's archive as the title that protected the community's land rights during the privatization era.<sup>881</sup> Meanwhile, the more comprehensive, traceable, and successful 1913

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<sup>880</sup> See Chapter 8 (Section 8.3).

<sup>881</sup> The third copy of Deed 506 of 1920 is reproduced and analyzed in Luis Javier Caicedo, ed., *Los Títulos de San Lorenzo. Recopilación y estudio de los títulos de propiedad del Resguardo Indígena de San Lorenzo* (Riosucio: Cabildo Indígena de San Lorenzo, 2011), 87-102.

title faded away from this community's archive and memories. Luckily, its only existing copy remains at the Riosucio Civil Circuit Court's archive.

### **7.3. The Use of *Resguardo* Titles in Court. Revisiting “the Fight Between the Ax and the Stamped Paper”**

Under the trope "the fight between the ax and the stamped paper", Colombian historiography refers to the disputes between landless *colonos* and land entrepreneurs during the first half of the twentieth century. Whereas the former claimed land rights based on actual possession of the soil and improvements ("*mejoras*") they made on it through their workforce, the latter used to back their claims with colonial documents and other kind of written evidence of ownership. In this usage, subalterns appear as the “titleless” while the use of documents, especially colonial titles, is reserved for elites and land entrepreneurs.<sup>882</sup> But when it comes to disputes over *resguardo* lands, "the fight between the ax and the stamped paper" used to work the other way round, being indigenous litigants the ones that resorted to ancient documents to make their cases.

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<sup>882</sup> Antioqueño Liberal Engineer Alejandro López coined the expression in a 1926 essay that argued for the fair distribution of lands as the grounds for the nation's social and economic progress. López referred to "the muffled struggle between the stamped paper and the ax" ("*la lucha sorda entre el papel sellado y el hacha*") to mean the two ways to back land ownership claims under the nineteenth-century legislation on *baldíos*: the factual occupation and improvement of the land through human workforce (“the ax”) and the exhibit of stamped papers – either colonial titles or republican certificates of public debt. See, Alejandro López, “La cuestión agraria,” originally published in Alejandro López, *Problemas Colombianos* (Paris: Editorial París-América, 1927), 20-65 (especially, 44-46); reprinted in Alejandro López, *Escritos escogidos*, ed. Jorge Villegas (Bogotá: Instituto Colombiano de Cultura, 1976), 19-52. On the use of the opposition between the ax and the stamped paper to make sense of the Colombian agrarian conflict in the period under study, see LeGrand, *Frontier Expansion*, 50-61, 135-136; Machado, *Ensayos*, 174. For the Antioqueño colonization, see Palacios, *El café en Colombia*, 293-316; Giraldo, “La colonización antioqueña,” 85-104 (especially 101); Jaramillo, *De Antioquia al Cauca*, 46; Ortiz Mesa, *Caldas*, 55-67; Otto Morales Benítez, *Testimonio de un pueblo* (Bogotá: Banco de la República, 1962), 57.

Records of the Riosucio Civil Court show *parcialidades'* tireless litigation during the 1890s to the 1930s. A comprehensive examination of these lawsuits falls far beyond this dissertation's scope. Thus, this section analyzes only a few cases that bear particular relevance because of two reasons. First, they are recovery lawsuits (*juicios reivindicatorios*) whereby the Cañamomo-Lomaprieta and San Lorenzo communities claimed restitution of *resguardo* lands that were possessed by non-indigenous individuals. Since recovery actions (*rei vindicatio*) require the plaintiff to prove ownership over the claimed good, discussions about the legal value of *resguardo* titles were at the core of these lawsuits.<sup>883</sup> Second, some of the cases under examination reached the Supreme Court, and these decisions became influential rulings in the legal struggles to come. These cases give us a glimpse of how indigenous litigants, their counterparts, and the courts made sense of the *resguardo* titles during the privatization era.

### **7.3.1. Cañamomo-Lomaprieta. Lawsuits over La Rueda and El Peñol**

Conflicts over La Rueda estate began in the 1900s when Zacarías Cock and other local notables managed to evict a group of indigenous families who lived and had their crops in this property. Cock and his fellows asserted ownership over La Rueda based on purchases they made by 1878, during the first privatization campaign. The Cañamomo-Lomaprieta *cabildo*, by then headed by Governor Víctor Nazario Calvo, unsuccessfully tried to revert such dispossession. Although Governor Calvo gained the support of the

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<sup>883</sup> Under Article 946 of the Colombian Civil Code, the recovery or dominion action enables the owner of a thing, of which the said owner is not in possession, to claim restitution of it to the actual possessor. ("Art. 946. *La reivindicación o acción de dominio es la que tiene el dueño de una cosa singular, de que no está en posesión, para que el poseedor de ella sea condenado a restituirla.*")



Procurador General de la Nación, who denounced the collusion between Cock and Riosucio local authorities to evict the Indians illegally, the courts of Riosucio and Manizales repeatedly ruled against the *parcialidad* in 1907, 1910, and 1911.<sup>884</sup> Then, La Rueda became a commodity that local land entrepreneurs transferred to each other through successive sales.

In 1925, a new *cabildo* headed by Governor Inocencio Guerrero filed a recovery lawsuit against Celedonio Gómez, who by then was in possession of La Rueda. Interestingly, Governor Guerrero and his *cabildo* litigated by themselves in all the instances this lengthy case involved, with no visible intervention of an attorney. *Indígenas'* direct litigation before courts, albeit not exceptional, contrasts with most of the examined cases, in which the *parcialidades* were represented by hired lawyers. Governor Guerrero seemingly penned all the writings the *parcialidad* submitted in this case. Yet, these briefs' wording and legal reasoning suggest that a behind-the-scenes legal advisor helped to craft the arguments posed by Cañamomo-Lomapieta's litigants.

Based on Article 946 of the Civil Code, the *cabildo* claimed the restitution of La Rueda, as well as the payment of the "loss of profits and consequential damages" ("*lucro cesante y daño emergente*") caused by the destruction of the community's crops and forests by the defendant. The *cabildo* submitted the *resguardo* title notarized by Deed 263 of 1903 as proof of ownership, as well as witness evidence of the community's ancestral possession

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<sup>884</sup> See Procurador General de la Nación to Personero Municipal de Riosucio, Bogotá, October 1, 1909, in JCCR, 1921-033, "Posesorio Parcialidad Indígena de Cañamomo vs Zacarías Cock y Rafael Garcés," fol. 24-25. Records of this lawsuit contain telling evidence of the violent eviction of the Cañamomos by the local police in August 1909.

over the disputed lands.<sup>885</sup> Cañamomo-Lomaprieta's litigants argued that "Don Celedonio Gómez, despite having no title that derives from the one the community has held for over two hundred years, calls himself the owner of this land [...] and has taken upon himself the task of depriving the community members of their cropland."<sup>886</sup> Meanwhile, the defendant's case relied on a claim of adverse possession (*prescripción adquisitiva de dominio*). Gómez argued that the *parcialidad* had lost possession over La Rueda since 1878, and he had been in good-faith possession of this estate for the time legally required for gaining ownership. Thus, in this lawsuit, the *indígenas* were the ones backing their land claims on "sealed papers," while Gómez resorted to actual possession – “the ax” - to make his case.

Four years later, in 1929, Riosucio Circuit Court ruled in favor of the defendant on the grounds that the *parcialidad* had not proven ownership over La Rueda. The first-instance court argued that the colonial records submitted by the *indígenas* were not a valid title since they lacked any "[...] Cédula, Decree or Mandate issued by the King or the Colonial Government granting to the Indians of today's *parcialidad* of Cañamomo-Lomaprieta ownership of the *resguardo* of which they were given possession."<sup>887</sup> Besides,

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<sup>885</sup> On the conditions of production of Deed 263 of 1903, see Section 7.2.1.

<sup>886</sup> (“Don Celedonio Gómez, sin un título que arranque del que tiene la comunidad, mayor de doscientos años, se llama dueño del lote [...] y se ha dado a la tarea de hacer perder a los comuneros sus labranzas [...]”) JCCR, 1928-007, “Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez,” fol. 3r.

<sup>887</sup> (“[...] en ninguna parte de ellas aparece copia de Rescripto, Cédula, Decreto o Mandato del Rey o del Gobierno de la Colonia, que conceda a los mentados indios de la hoy llamada “Parcialidad de Lomaprieta y Cañamomo” el dominio de los terrenos del Resguardo de que se dio posesión [...] y por estas circunstancias el suscrito Juez estima que las diligencias en mención no constituyen lo que se pueda llamar, con propiedad, TÍTULO o INSTRUMENTO legal que acredite el derecho de dominio [...]”) JCCR, 1928-007, “Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez,” fols. 21r-22v.

the documents notarized by Deed 263 were "a copy of a copy," so they lacked value as legal evidence, the local court asserted. Finally, it ruled that, under Law 89, indigenous communities held mere usufruct rights as long as their *resguardos* remain undivided. They would only become owners upon dividing their communal lands into private plots. Therefore, the Cañamomo-Lomaprieta community was not entitled to claim the restitution of La Rueda through a recovery action (*acción reivindicatoria*), as this legal means is reserved to owners under Article 946 of the Civil Code.<sup>888</sup>

Governor Inocencio Guerrero appealed the decision. In April 1930, he traveled to Manizales to personally deliver the written appeal before the second-instance court. Guerrero's brief adopted the humble tone typical of the "miserable Indian" rhetoric, apologizing for his author's lack of knowledge of spelling, grammar, and laws. Yet, its legal reasoning reveals that its author was well acquainted with Law 89 and other pieces of civil and *resguardo* legislation, as well as Supreme Court decisions. Guerrero noted that the 1722 legal briefs did include the Viceroy's decree ordering that the Cañamomos were to be reinstated in possession of their *resguardo*. Governor Guerrero interpreted the Viceroy mandate as a proof of full ownership. Drawing on the "Decree of the Liberator" (Simón Bolívar) of May 20, 1820, which acknowledged the natives as the "legitimate proprietors" of *resguardos*, Governor Guerrero asserted that *indígenas* were owners - rather

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<sup>888</sup> The idea that indigenous communities only had usufruct rights but not ownership of their *resguardos* was the mainstream interpretation at the time under study. It relied on a textual interpretation of Article 38 of Law 89 of 1890, which established that "[...] as long as the *resguardo* remains undivided, the *indígenas* will continue to hold it as usufructuaries, as has been the case so far [...]." ("*[...] mientras dure la indivisión, los indígenas continuarán como hasta aquí, en calidad de usufructuarios [...]*") According to the "usufruct thesis," indigenous communities did not have the right to oppose land dispossession through the recovery action (*acción reivindicatoria*) since only owners were entitled to file it under Article 946 of the Civil Code.

than mere usufructuaries - of their lands. He also appealed to antiquity as grounds for Cañamomo-Lomapietas' full ownership over their *resguardo*: "[...] May the property over which possession has been granted for more than 200 years be deemed as full-property? Is the property recorded in such an old title bared ownership? [...].", Guerrero rhetorically asked.<sup>889</sup> Concerning antiquity, he concluded that, "when comparing two titles, the older one should be preferred."<sup>890</sup>

In response to the dismissal of their titles for being "a copy of a copy," Governor Guerrero argued: "The community cannot go to the General Archivist of the Nation and demand him to deliver the (original) titles for us to notarize them in Riosucio. That would be an absurdity [...] It is a copy what must be requested to notarize it at the capital of the province."<sup>891</sup> Guerrero offered a fine rebuttal to the "usufruct thesis" by arguing: "The judge says that we are only usufructuaries and, therefore, we cannot claim restitution because our *resguardo* is still undivided. But how do you divide something that you do not possess? It is necessary to claim restitution first, and then, undertake the division that recent

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<sup>889</sup> ("[...] ¿Será plena la propiedad de que se ha dado posesión hace más de 200 años? ¿Será nuda la propiedad que consta en un título tan viejo? ¿Será fiduciaria la propiedad de una parcialidad que ha venido heredando su derecho por sangre ya que el derecho del que muere no se reparte, sino que el que nace tiene su derecho igual al viejo que está tocando las puertas del sepulcro?") JCCR, 1928-007, "Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez," fol. 43v.

<sup>890</sup> ("[...] Puesto un título en frente o en contraposición a otro se preferirá el más antiguo y más cuando los títulos del señor Gómez no tienen una continuidad de derecho pues no se sabe de dónde arrancan para saber si se desprendieron de los de la comunidad [...].") JCCR, 1928-007, "Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez," fol. 44v.

<sup>891</sup> ("[...] No podría la comunidad irse ante el Archivero General de la Nación y exigirle que le entregara los títulos para hacerlos protocolizar en Riosucio, eso sería un adefesio. [...] Es copia lo que hay que pedir para hacer la protocolización en la capital de la provincia [...].") JCCR, 1928-007, "Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez," fol. 44r.

laws have been ordering.”<sup>892</sup> Moreover, Governor Guerrero claimed that *resguardo* lands could not be acquired through adverse possession (*prescripción adquisitiva de dominio*), as it was forbidden by Article 13 of Law 89. Governor Guerrero concluded by referring to Supreme Court’s recent rulings that - in his view - supported the *parcialidad*'s claim. Guerrero was unable, at first, to identify such decisions: "whose number I do not remember, but I did see them," he asserted.<sup>893</sup>

The fiscal submitted a thoughtful plea for indigenous land rights that might well have contributed to persuading the Manizales District Court to overturn the first instance ruling. On February 18, 1931, this tribunal ruled that the Cañamomo-Lomapieta community was the owner of La Rueda estate because it was within its *resguardo*'s boundaries. Therefore, the appeals court ordered the defendant to restitute the property to the *parcialidad*. Concerning the *resguardo* title, the tribunal established that the plaintiffs' true ownership title was the law issued by King Phillip II on November 20, 1578. This colonial piece of legislation confirmed Indians' rights over the lands they occupied and ordered colonial authorities to grant the natives as much land as they needed to farm and raise livestock. According to the tribunal, even though the 1722 documents submitted by

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<sup>892</sup> (“[...] Dice el señor juez que solo somos usufructuarios y que por eso no podríamos reivindicar por estar en indivisión y, ¿cómo se divide lo que no se posee? Es preciso reivindicar primero para después dividir, ya que leyes recientes vienen ordenando la división [...].”) JCCR, 1928-007, “Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez,” fol. 44r.

<sup>893</sup> (“[...] cuyo número no recuerdo, pero sí las ví.”) JCCR, 1928-007, “Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez,” fol. 44v. In a postscript to this legal brief, Governor Guerrero pointed that one of the decisions he mentioned was published in the Gaceta Judicial, issues 1655 and 1656 of 1926. Cañamomo-Lomapieta’s governor referred to the Supreme Court ruling of October 30, 1925, that decided one of the lawsuits that Caucaño indigenous leader José Gonzalo Sánchez filed against some anti-*resguardo* laws issued during the Conservative era. These lawsuits will be discussed later in this chapter.

the plaintiff did not prove ownership by themselves, they did demonstrate the *indigenas'* "immemorial possession" over those lands. This proof of possession, along with the 1578 law, comprised the Cañamomo-Lomapietas' *resguardo* title.<sup>894</sup> Drawing on the "ownership thesis," the appeal court asserted indigenous communities' right to claim land restitution through recovery actions. The tribunal provided a fresh interpretation of Article 38 of Law 89, by ruling that the "usufructuary" status applied only to indigenous individuals while the *parcialidades*, as collective entities, were owners of their *resguardos*. Finally, in line with one of the arguments posed by Governor Guerrero, the appeals court ruled that indigenous communal lands could not be acquired through adverse possession.

The defendant Celedonio Gómez, represented by lawyer Eduardo Serna, filed an cassation appeal before the Supreme Court. On August 30, 1933, this high tribunal overturned the legal victory the Cañamomo-Lomapieta community had gotten at the Manizales District Court. The Supreme Court ruled that, even accepting the appeal court's thesis that the Indians' ownership title derived from the 1578 law, the plaintiff community was to prove its right over the claimed land. According to the Supreme Court, the copies of the 1722 proceeding of possession did not provide such evidence. Therefore, lacking a valid title, the *parcialidad* should have produce substitute proof in accordance with Article 12 of Law 89. Under the Supreme Court's interpretation, this norm required the *pequeños cabildos* to prove, first, that the community lost its original titles either by accident (*caso fortuito*) or due to "fraudulent and speculative schemes by some people." Once this was established, the *cabildos* might replace the lost titles with affidavits of five trustworthy

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<sup>894</sup> JCCR, 1928-007, "Reivindicatorio Parcialidad Indígena de Cañamomo vs Celedonio Gómez," fols. 56r-70v.

witnesses who testify about the community's possession over their land for, at least, the last thirty years. In the court's view, the Cañamomo-Lomaprietas complied with none of these two requirements. On the one hand, the plaintiffs did not demonstrate how their original title got lost. On the other, even if accepted that the Cañamomo-Lomaprietas were granted possession of their *resguardo* in 1722, they did not prove that they occupied the disputed area by 1878, when the Cock family purchased the estate that years later the defendant Gómez acquired and began to possess.<sup>895</sup> In the Supreme Court's view, proving ancient possession since colonial times was pointless. What really mattered was to demonstrate that the community had retained such possession up to contemporary times.

The Supreme Court reaffirmed this precedent in 1934 when deciding the lawsuit whereby the Cañamomo-Lomaprieta *cabildo* claimed the restitution of El Peñol.<sup>896</sup> Thirty years after the defeat against Avelina de la Roche, the community made a new attempt to regain this coveted estate. In 1924, Governor Inocencio Guerrero and his *cabildo* sued Obdulio and Alejandro Toro, who occupied the property at that time.<sup>897</sup> The dynamics of this lawsuit closely resembled those of La Rueda case. Governor Guerrero and his *cabildo* signed most of the briefs. In this case, however, indigenous litigants received legal advice from Jesus María Salazar, a "red tinterillo" from Guática who penned the briefs the *cabildo*

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<sup>895</sup> Colombian Supreme Court, Civil Chamber, Decision of August 30, 1933, in JCCR, 1944-007, "Dominio de terreno. Resguardo Cañamomo-Lomaprieta vs Celedonio Gómez," fols. 31r-37v.

<sup>896</sup> Colombian Supreme Court, Civil Chamber, Decision of May 23, 1934, in JCCR, 1951-081, "Parcialidad indígena Cañamomo vs Obdulio y Alejandro Toro," fols. 70r-76v.

<sup>897</sup> By 1908-12, Avelina de La Roche's heirs sold their rights over El Peñol to General Alfredo Vásquez Cobo, who transferred the property to Obdulio and Alejandro Toro in 1915. See JCCR, 1951-081, "Parcialidad indígena Cañamomo vs Obdulio y Alejandro Toro," fol. 72r.

submitted to the Supreme Court and even signed one of them.<sup>898</sup> Like in the La Rueda lawsuit, the *parcialidad* relied on the title notarized by Deed 263 of 1903 as proof of ownership over El Peñol. After lengthy litigation, in 1932, the Riosucio Circuit Court ruled against the indigenous community, a decision that Manizales District Court overturned in July 1933. The appeals court ordered the defendants to restitute El Peñol to the Cañamomo-Lomaprietas based on the same reasoning this tribunal deployed to grant this *parcialidad*'s rights over La Rueda. Eduardo Serna, the same lawyer that represented Celedonio Gómez before the Supreme Court in the La Rueda lawsuit, authored Obdulio and Alejandro Toro's cassation appeal. Not surprisingly, the Supreme Court overturned the Cañamomo-Lomaprietas' legal victory over the Toro family using the very same arguments it advanced in the 1933 ruling in the La Rueda case.

Cañamomo-Lomaprieta's defeats in the lawsuits over La Rueda and El Peñol significantly impacted this community's territoriality and its strategies to confront land dispossession, as will be discussed in Chapter 8. Moreover, these Supreme Court decisions set the standard under which local courts and government officials appraised the legal validity of *resguardo* titles in the 1930s and the 1940s. Thus, the legal blows this

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<sup>898</sup> See JCCR, 1951-081, "Parcialidad indígena Cañamomo vs Obdulio y Alejandro Toro," fols. 33r-40v, 50r-53v, and 68. These writings' rhetoric, legal reasoning, and shared legal agency deserve further analysis than is possible in this chapter. It is also open to further research whether Salazar also was – borrowing Mark Thurner's expression – the "masked man" behind the pen, the legal advisor that coauthored the legal briefs Governor Guerrero and his *cabildo* submitted in the La Rueda lawsuit. The available evidence suggests that Jesus María Salazar's engagement with *indígenas*' struggles for land and justice extended beyond financial motivations and even led him to be imprisoned for a short time. That is why Salazar may fit into the pattern of "red *tinterillos*." On the concept of "red *tinterillos*," see Thurner, *From Two Republics*, 144; Becker, "In Search of 'Tinterillos'," 108-109; Aguirre, "Tinterillos, Indians, and the State," 138-143.



community received in 1933 and 1934 soon would extend to the neighboring *parcialidad* of San Lorenzo.

### **7.3.2. The *Parcialidad* of San Lorenzo v. Luis Horacio Zavala**

Compared with their neighbors of Cañamomo-Lomaprieta, the San Lorenzo community had been less litigious yet more successful in court. San Lorenzo's litigants had gotten critical victories at the Manizales District Court in 1918, 1923, and 1924, all of which acknowledged the community's ownership over their *resguardo*.<sup>899</sup> These decisions ordered non-indigenous settlers and land entrepreneurs to restitute lands to the community. Moreover, in 1931, San Lorenzo defeated La Montaña in a lengthy dispute over *resguardo* boundaries that proved costly and sparked rivalries among both communities.<sup>900</sup> Luckily for San Lorenzo's litigants, their counterparts seemingly lacked the legal and financial muscle to appeal these decisions before the Supreme Court, unlike that had occurred with Cañamomo-Lomaprieta.

By the late 1920s, the community engaged in a dispute with Luis Horacio Zavala, a local land-and-mining entrepreneur. He possessed a 200-hectare estate he had purchased from the administrator of the *parcialidad* Supía-Cañamomo in 1884. This landholding - called El Silencio - was adjacent to the *resguardo* San Lorenzo and, as claimed by the *indigenas*, Zavala was enlarging his property at the expense of their lands. Members of

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<sup>899</sup> JCCR, 1930-040, “Ordinario avalúo de mejoras Alfredo Orozco vs Parcialidad de San Lorenzo,” fols. 51r-54v; 1924-010, “Parcialidad de San Lorenzo vs Emiliano García,” fols. 89r-105v; and 1925-003, “Parcialidad de San Lorenzo vs Juan de Dios Echeverri and Daniel Rojas,” fols. 75r-78v.

<sup>900</sup> JCCR, 1931-026, “Reivindicatorio indígenas de La Montaña vs Cabildo de San Lorenzo y otros.”

the *cabildo* opposed the encroachment and tried to recover the land. In April 1930, they were fined by Supía's municipal authorities for disturbing Zavala's possession.

To recovering the grabbed land, the *parcialidad* of San Lorenzo sued Luis Horacio Zavala in May 1931. By contrast with previous lawsuits, the community was not represented by a hired lawyer but by the *pequeño cabildo*'s head, Governor Celedonio Blandón.<sup>901</sup> His briefs contain quite less legal jargon and citations than those of Cañamomo-Lomapieta's indigenous litigants. Governor Blandón's arguments focused more on the factual than the normative aspects of the case. Still, his plain reasoning pointed at demonstrating that the *parcialidad* met the conditions Article 946 of the Civil Code set for claiming land restitution through a recovery action. He even cited prominent legal scholar Fernando Vélez to argue that no one could get ownership over *resguardo* lands by claiming adverse possession.<sup>902</sup> Governor Blandón submitted the title notarized by Deed 506 of 1920 as proof of the *parcialidad*'s ownership over their *resguardo*. Meanwhile, the defendant mocked the Indians' title by saying: "[...] the so-called title is a record, dated from 1836, on the information provided by some illiterate "little old men" who testified hearsay about what they were asked [...]."<sup>903</sup> Zavala contended the disputed area was outside the borders of the San Lorenzo *resguardo* and claimed rights over it on the grounds

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<sup>901</sup> Lawyer Luis B Salas had successfully represented the *parcialidad* of San Lorenzo in most of the lawsuits the community partook from the mid-1910s onwards. By the early 1930s, however, it seems that the relationship between Salas and the *cabildo* had come to an end.

<sup>902</sup> On the condition of production of Deed 506 of 1920, see Section 7.2.2.

<sup>903</sup> (“[...] “el tal título es una actuación, levantada en el año de 1836, sobre una información de unos “viejitos”, que no sabían firmar y que depusieron de oídas sobre lo que se les preguntó [...].”) JCCR, 1935-007, "Parcialidad Indígena de San Lorenzo vs. Luis Horacio Zavala," fol. 129v.

of adverse possession. Moreover, he challenged Governor Blandón's capacity to litigate on behalf of the community by arguing that, under Law 89, the whole *cabildo* - rather than the governor - bore the *parcialidad*'s legal representation. This argument was at odds not only with the mainstream interpretation of Law 89 but with the firmly entrenched practice for indigenous governors to represent their communities in court.

The first instance judge accepted Zavala's thesis, notwithstanding all its legal shortfalls. In February 1933, Riosucio's Circuit Judge Ernesto Bueno Cock dismissed the lawsuit on the basis that Governor Celedonio Blandón had no legal capacity to represent the *parcialidad*.<sup>904</sup> Blandón objected to the decision but did not submit any allegations backing the appeal. Instead, all *cabildo* members endorsed the plea raised by Fiscal Manuel Lombana Villegas. This official urged the appeals court to reverse the first-instance decision and protect the San Lorenzo community's land rights. But the fiscal's request was not persuasive enough. In February 1935, the Manizales District Court confirmed the Riosucio Circuit Judge's decision and brought up additional arguments to dismiss the case. The appeal court ruled that the notarized copies of the 1836 judicial proceeding were not valid proof of ownership. Echoing the defendant's reasoning, the Manizales District Court disregarded this evidence as "it relied on statements of witnesses whose knowledge about the facts was merely vicarious."<sup>905</sup> The tribunal concluded that the documents notarized by

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<sup>904</sup> Judge Bueno Cock belonged to a prominent family of Conservative politicians and journalists. On the Bueno Cook family, see Appelbaum, "Remembering Riosucio," 417-418; Gärtner, *El último radical*, 143-144.

<sup>905</sup> ("[...] la diligencia de posesión de que se ha hablado [...] se dio con base en declaraciones de testigos que expusieron por meras referencias [...]"). Manizales District Court, Civil Chamber, Decision of February 19, 1935, in JCCR, 1935-007, "Parcialidad Indígena de San Lorenzo vs. Luis Horacio Zavala," fols. 162r-169v (quote, 166v).

Deed 506 of 1920 could not be regarded even as a valid substitute proof (*prueba supletoria*) under Article 12 of Law 89 of 1890, as interpreted by the Supreme Court in the 1933 ruling in the case of La Rueda. Drawing on a long quotation of this decision, the appeals court dismissed the San Lorenzo *resguardo* title's legal value using the very same arguments whereby the Supreme Court had disallowed the validity of the titles of the neighboring *parcialidad* of Cañamomo-Lomapieta.

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The analyzed lawsuits demonstrate that the "fight between the ax and the stamped paper" metaphor does not capture the dynamics of conflicts over *resguardo* lands in 1890s-1930s Colombia. This widely used trope places the "stamped papers" on elites' hands while leaving "the ax" as the only means for subalterns to claim land rights. But when it came to struggles between indigenous litigants and land entrepreneurs, the former used to brandish "stamped papers" that contained *resguardo* titles as their most cherished tool to fight for land and justice.

Part of the value indigenous litigants attached to their *resguardo* titles lies in how costly it was to produce this evidence. These rural and barely literate folks traveled to distant archives to retrieve old papers they had heard about, but whose whereabouts proved elusive and whose content challenging to grasp. Native litigants paid expensive notary and register fees and further expenses for the subsequent copies they made of the judicial records and notarial deeds that contained their titles. But leaving costs aside, Indians valued *resguardo* titles as priceless documents because of the histories they conveyed. These

entangled papers attested their historical, legal, and moral linkage with the land indigenous litigants claimed as their *resguardos*. The legitimacy of Indians' land claims was rooted in those old, stamped documents.

Cañamomo-Lomaprieta's and San Lorenzo's authorities did not think of their *resguardo* titles as documents that had been lost. Instead, they saw them as the very records they had painstakingly retrieved and notarized. At first, this is why they did not try to produce substitute evidence (*prueba supletoria*) under Article 12 of Law 89 of 1890. They regarded Deeds 236 of 1903 and 506 of 1920, respectively, as their true *resguardo* titles, substitute ones thus being unnecessary. By contrast, Indians' counterparties in court dismissed these documents' legal value and even mocked them. Meanwhile, those who had the legal authority to decide whether these stamped papers served as valid land titles held contrasting views on the matter. In a series of rulings, the Manizales District Court interpreted these documents in light of colonial and early republican legislation, to conclude they were valid proof of Indians' ownership. But the 1933 Supreme Court decision in the case of La Rueda marked a critical turning point. By dismissing the legal value of the Cañamomo-Lomaprietas' *resguardo* titles, the Supreme Court set a precedent that, henceforth, swayed state officials' assessment of these documents and undermined indigenous communities' chances to get judicial protection for their lands. This legal setback impacted the different ways leaders of the Cañamomo-Lomaprieta and San Lorenzo communities confronted land dispossession in the years to come.

At a time when *indigenas'* bargaining power as voters and soldiers declined while land conflicts increased, litigation became a primary venue for citizenship. A forum that

Law 89 fostered by providing tools for native communities to oppose dispossession. But indigenous litigation during the Conservative era went far beyond claiming land restitution in particular cases. Native litigants also harnessed the newly introduced judicial review of laws. Under the 1910 Constitutional Amendment, Colombian citizens gained the right to sue before the Supreme Court laws they deemed unconstitutional. Caucaño indigenous leader José Gonzalo Sánchez pioneered subaltern participation in the judicial review and, by doing so, widened the spectrum of indigenous litigant citizenship in 1920s-1930s Colombia.

Sánchez had acquired legal literacy as the pupil and former secretary of the legendary leader Manuel Quintín Lame and played an active role in the indigenous grassroots movement known as “La Quintinada” (1912-1925). In response to the 1916 uprising that the Lamistas (followers of Lame) headed in Inzá (Cauca), the Conservatives in power passed a series of laws intended to speed up the division of *resguardos*.<sup>906</sup> José Gonzalo Sánchez filed two lawsuits against this legislation.<sup>907</sup> He accused these laws of violating Article 31 of the 1886 Constitution, which guaranteed property rights.<sup>908</sup> Sánchez

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<sup>906</sup> On the anti-*resguardo* legislation enacted during the Conservative era, especially in the aftermath of the 1916 uprising, see Escobar Hernández, “Ciudadanía, justicia e indigeneidad,” 267-319; Mayorga García, *Datos para la historia*, 221-233.

<sup>907</sup> Sánchez initially sued laws 55 of 1905, 104 of 1919, 32 of 1920, and 38 of 1921. Law 104 of 1919 made the division of *resguardos* mandatory, while the other pieces of legislation undermined indigenous communal property in different ways. On October 30, 1925, the Supreme Court ruled that the accused laws were constitutional. Three justices signed a concurring opinion that, though in agreement with the majority’s decision, questioned its justification. Shortly after, Sánchez sued Law 19 of 1927, which set new procedural rules for the division of *resguardos*. Again, in a ruling of November 19, 1928, the Supreme Court dismissed Sánchez’s claim. Copies of these decisions are available at AGN, Sección Archivos Oficiales, Fondo Ministerio de Gobierno, Sección División de Asuntos Indígenas, Transferencia No. 2, Caja 1, fols 1-13 (CO.AGN.AO/100.MGOB[2]-3//1).

<sup>908</sup> Sánchez supported his claim on the following passage of Article 31 of the 1886 Constitution: “Rights that individuals or corporations acquired with just title under civil laws cannot be disregarded or infringed by

claimed that indigenous communities were owners rather than mere usufructuaries of their communal lands, so that they were entitled to the very same constitutional guarantees that individual owners enjoyed. By framing the debate in such terms, Sanchez's lawsuits raised questions about the type of property the Constitution protected while updating colonial-era discussions on indigenous property rights according to the 1920s legal culture and legislation.

The Supreme Court dismissed Sanchez's claims in 1925 and, again, in 1928. The Court argued that, rather than violating property rights, the disentailment of indigenous communal lands intended to consolidate *indígenas'* private ownership over their plots. Both decisions explicitly endorsed the mainstream view that *indígenas* were merely usufructuaries for as long as their *resguardos* remained undivided. Yet, three Supreme Court justices signed a dissenting opinion to the 1925 ruling. Although the dissenting justices did not endorse the "ownership thesis" held by indigenous litigants, they did point out at the conceptual inconsistencies of the "usufruct thesis."

Perhaps what Governor Inocencio Guerrero had in mind in 1933, when he referred to those Supreme Court decisions - "whose number I do not remember, but I did see them," - was a vague memory of this concurring opinion. The silver lining of José Gonzalo Sánchez's unsuccessful attempt to defeat anti-*resguardo* legislation in court was the criticism a few dissenting justices raised against the "usufruct thesis." A critique that, in Governor Guerrero's recollection, might support the Cañamomo-Lomapietas' assertion of

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subsequent laws." ("Los derechos adquiridos con justo título con arreglo a las leyes civiles por personas naturales o jurídicas no pueden ser desconocidos ni vulnerados por leyes posteriores.").

ownership over their *resguardo* in the lawsuit over La Rueda. Guerrero's remembrance provides us a tenuous, incidental - albeit anticipatory - connection between José Gonzalo Sánchez and Cañamomo-Lomaprieta's indigenous litigants.

By the time José Gonzalo Sánchez was suing anti-*resguardo* laws before the Supreme Court, he had joined the emerging Socialist Revolutionary Party (PSR) and, after 1930, became a prominent leader of the nascent Colombian Communist Party (PCC).<sup>909</sup> These left-wing parties embraced a peasant and indigenista agenda supporting the flourishing rural-folks mobilization against landlords that accompanied the transition from the Conservative era to the Liberal Republic. The leftist indigenous citizenship that grew out at that time - and that Sánchez epitomized - would resonate with the experiences of some indigenous leaders from Riosucio, as will be discussed in the next chapter.

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<sup>909</sup> For a thoughtful discussion of José Gonzalo Sánchez's lawsuits before the Supreme Court, and the type of indigenous citizenship Sanchez embodied, see Escobar Hernández, "Ciudadanía, justicia e indigeneidad," 292-319, 343-351.



**IX. CHAPTER 8. *INDIGENISMO*, LEFTIST POLITICS, AND THE  
PRIVATIZATION OF *RESGUARDOS* DURING THE LIBERAL REPUBLIC,  
1930-1946**

After almost five decades in the opposition, the Liberal party regained power in 1930. The moderate Liberal Enrique Olaya Herrera defeated Guillermo Valencia and Alfredo Vásquez Cobo, the two Conservative candidates that ran for president that year. But Conservatives were not the only ones facing division in 1930. The indigenous movement that had grown in Cauca and Tolima around the figure of Manuel Quintín Lame since the mid-1910s also underwent a schism. The Lamista movement had gained some recognition at the national level and, by the mid-1920s, became acquainted with Colombia's emerging political left wing. Yet, by 1930 Lame distanced himself from the Left and endorsed Vásquez Cobo's Conservative candidacy. José Gonzalo Sánchez, who had been one of Lame's closest collaborators, harshly criticized this endorsement and blamed Lame for lacking "class consciousness."<sup>910</sup> Along with Eutiquio Timoté, another former ally of Lame, Sánchez attended the Colombian Communist Party's foundational meeting in July

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<sup>910</sup> Meschkat and Rojas' compilation of the documents about the Colombian Left kept at the archives of the former Soviet Union contains evidence of José Gonzalo Sánchez's harsh criticism against Lame. In a report dated July 7, 1930, Sánchez stated: "[...] He [Lame] has not been imprisoned for class struggle issues. He is nothing but a drunkard. Lame supported Vásquez Cobo, while we, the indigenous, have class consciousness. We voted for and seconded the workers' and peasants' candidate." ("*[...] Él no ha estado preso por cuestiones de lucha de clases, es un ebrio y nada más. Lame fue partidario de Vásquez Cobo, mientras que los indígenas tenemos conciencia de clase, votamos y secundamos al candidato obrero y campesino.*"). Klaus Meschkat and José María Rojas, comps., *Liquidando el pasado. La izquierda colombiana en los archivos de la Unión Soviética* (Bogotá: Taurus – Fescol, 2009), 488 (see also 482-483).

1930. The assembly elected Sánchez as the delegate of "the indigenous race" into the PCC's Central Committee. Four years later, the Communists chose Eutiquio Timoté, a humble indigenous man from Coyaima (Tolima), as the PCC's first presidential candidate. Timoté joined the 1934 race against Liberal Alfonso López Pumarejo, who won by a landslide as the Conservative party did not put up a candidate. The Conservatives, who had still not solved their internal divide, decided not to participate arguing that the Liberal party in power would not allow a fair election.<sup>911</sup>

The different paths that Lame and his former allies took in the 1930s hint at the new avenues for political participation that the emergence of leftist movements opened for Colombian *indígenas* during the brief era of social-liberal governments that are known as the "Liberal Republic" (1930-1946). Leftist forms of citizenship made their way to Riosucio, where the Cañamomo-Lomapietas embraced new forms of mobilization and resistance to land dispossession that resembled - albeit were not apparently connected with - those the PCC promoted among *indígenas* from Cauca, Huila, and Tolima. Other communities stuck to more conservative values both in their partisan allegiance and their reluctance to challenge the state's and the church's authority, San Lorenzo being a case in point. Such different ways of articulating indigenous citizenship might have influenced both communities' contrasting responses to the *resguardo* privatization campaign that the

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<sup>911</sup> On the 1930 and 1934 presidential elections, see Bushnell, *The Making of Modern Colombia*, 181-185, 291; Safford and Palacios, *Colombia*, 287-288. On Eutiquio Timoté's presidential candidacy, see Medófilo Medina, *Historia del Partido Comunista de Colombia* (Bogotá: Centro de Estudios e Investigaciones sociales, 1980), 231; Roberto Pineda Camacho, "Cuando los indios se vuelven comunistas (1910-1950)," in *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía (Bogotá: Universidad Nacional de Colombia, 2009), 183-222; Pumarada Cruz, "Othering Modernization," 433-438.

Liberal government unleashed by 1940. While the *parcialidad* of Cañamomo-Lomaprieta managed to circumvent this process, keeping its *resguardo* legally undissolved, San Lorenzo's ultimately accepted to go through division in the hope of protecting its land base. The breakup of *resguardos* elicited a public debate between the director of the Department of Lands at the National Ministry of Economy, who devised and carried out the privatization campaign, and the progressive Liberal intellectuals that created the Colombian Indigenista Institute. This controversy sheds light on two opposite views that Liberals held about integrating *indígenas* into a Colombia in pursuit of modernization. In tune with the mainstream agrarian individualistic mindset, the Department of Lands' director conceived the breakup of *resguardos* into privately-owned plots as the Indians' gateway to modernity. *Indigenistas*, instead, envisioned communal landholding as a safe harbor for *indígenas* to endure modernization.

This chapter is divided into four sections. Section 8.1 describes the political, socioeconomic, and cultural milieu of the Liberal Republic. It focuses on the threads that weave this chapter's argument: the rise of rural leftist mobilization, the broader land policy that framed the privatization of *resguardos*, and the emergence of Colombian *indigenismo*. Whereas Section 8.2 compares Cañamomo-Lomaprietas' leftist indigenous citizenship with the more conservative of San Lorenzo's, Section 8.3 discusses both communities' responses to the 1940s privatization campaign. Finally, Section 8.4. contrasts the agrarian individualistic mindset that inspired the dismantling of *resguardos* with the project of modernization that Colombian *indigenistas* envisioned.

## 8.1. Rural Mobilization, Land Policies, and the Rise of *Indigenismo* During the Liberal Republic

The sixteen years of social-liberal governments known as the Liberal Republic began while the Great Depression was shaking the world economy. This era paralleled the rise of fascism in Europe, the Spanish Civil War (1936-1939), and its twilight roughly coincided with the end of World War II (mid-1940s). These critical events had an impact on Colombian domestic politics and the modernizing agenda that Liberals pursued. The four administrations that comprised the Liberal Republic endowed the state with legal and institutional tools necessary to advance import substitution industrialization, the integration of domestic markets, timid labor and agrarian reforms, welfare policies, as well as to promote public education and research institutions.

The "social question" ("*la cuestión social*") became a central subject of political and ideological confrontation during the Liberal Republic. This term encompassed the debates on how to respond to the growing demands for land and better living and working conditions raised by *colonos*, *indígenas*, sharecroppers, and rural and urban workers.<sup>912</sup> Most of these claims came from the peasant leagues and agricultural workers' trade unions that blossomed in the 1920s-1930s Colombian countryside, especially in areas of agro-export crops (banana and coffee), frontier colonization, and indigenous territories.<sup>913</sup>

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<sup>912</sup> On the "social question" see Rocío Londoño Botero, "Concepciones y debates sobre la cuestión agraria (1920-1938)," in *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía (Bogotá: Universidad Nacional de Colombia, 2009), 47-115 (especialmente, 47-48).

<sup>913</sup> On land-and-work conflicts and grassroots movements in the Colombian countryside during the first half of the twentieth century, see LeGrand, *Frontier Expansion*, 91-134; Gonzalo Sánchez (not to be confused with indigenous leader José Gonzalo Sánchez), *Los Bolcheviques del Líbano. Crisis mundial, transición capitalista y rebelión rural en Colombia* (Bogotá: Ediciones El Mohán, 1976); Gonzalo Sánchez, *Las Ligas*

These grassroots organizations had close ties with the three major leftist groups that engaged with rural folks' struggles. The Colombian Communist Party (PCC), which emerged in 1930 out of the transformation of the former Socialist Revolutionary Party (PSR), was a revolutionary Marxist-Leninist organization affiliated with the Communist International. The PCC primarily appealed to workers in the coffee-growing regions, sharecroppers, and *indígenas* opposing land dispossession. The Revolutionary Leftists National Union (Unión Nacional de Izquierdas Revolucionarias - UNIR) was a populist organization that charismatic Liberal politician Jorge Eliécer Gaitán founded in 1933 upon his split from the Liberal Party. The UNIR mostly accompanied *colonos* and squatters in their struggles with landowners over public lands. However, it competed with the PCC to gain rural population's support in different regions all over the country, as both organizations aimed at consolidating their constituency at the national level. By contrast, the National Agrarian Party (PAN), founded in 1935 by lawyer and journalist Erasmo Valencia, focused its base among *colonos* in the Sumapaz region in Cundinamarca.<sup>914</sup>

The Liberals in power responded to the "social question" with a reformist agenda whose first steps came during the government of moderate Liberal Enrique Olaya Herrera (1930-

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*Campesinas en Colombia. Auge y reflujó* (Bogotá: Ediciones Tiempo Presente, 1977); Gloria Gaitán, *La lucha por la tierra en la década del treinta. Génesis de la organización sindical campesina* (Bogotá: El Áncora, 1984); Pierre Gilhodes, "Agrarian Struggles in Colombia," in *Agrarian Problems and Peasant Movements in Latin America*, ed. Rodolfo Stavenhagen (New York: Anchor Books, 1970), 407-452; Pierre Gilhodes, *Las luchas agrarias en Colombia*, 4th ed. (Bogotá: Editorial Presencia, 1988), 21-36; Pierre Gilhodes, "La cuestión agraria en Colombia (1900-1946)," in *Nueva Historia de Colombia. III. Relaciones internacionales, movimientos sociales*, ed. Jaime Jaramillo Uribe (Bogotá: Planeta, 1989), 307-337; Vega Cantor, *Gente muy rebelde T. 2*, 123-206; Rocío Londoño Botero, *Juan de la Cruz Varela. Sociedad y política en la región de Sumapaz, 1902-1984* (Bogotá: Universidad Nacional de Colombia, 2014), 73-107, 187-400.

<sup>914</sup> On leftist movements' engagement with peasant struggles during the Liberal Republic, see LeGrand, *Frontier Expansion*, 122-127; Sánchez, *Las Ligas Campesinas*, 9, 61-100; Gilhodes, "Agrarian Struggles," 412-421; Londoño Botero, *Juan de la Cruz Varela*, 323-368.

34) and peaked during Alfonso López Pumarejo's first government (1934-38). Under the motto "La Revolución en Marcha" ("The Revolution on the March"), López Pumarejo launched a bold package of social reforms that increased workers' bargaining power by passing labor legislation and strongly supporting unionization. López Pumarejo administration sponsored the 1936 Constitutional Amendment, which set the social function of the property and allowed expropriation for social utility reasons. It authorized the state's intervention in private companies when needed to rationalize production or protect workers' rights. Moreover, the 1936 Amendment provided for making schooling obligatory and authorized the government's inspection over education, a domain that had been mostly within the Church's province.<sup>915</sup>

López Pumarejo's reforms met with strong resistance from business associations, Conservatives, moderate Liberals, and the Church. The rising radical wing among the Conservatives' ranks, headed by confrontational-style politician Laureano Gómez, framed López's "revolution" as a subversive attempt to install a communist regime. This portrayal gained traction when President López Pumarejo appeared on the presidential balcony accompanied by Communist leaders in the 1936 May Day celebration. Such an unusual scene was possible because the PCC decided to support the Liberals in power following the anti-fascist Popular Front policy dictated by the Communist International in 1935.

The fierce opposition led López Pumarejo to "pause" his reformist agenda during the last two years of his term. This "pause" continued during the administration of moderate

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<sup>915</sup> Bushnell suggests that López Pumarejo's "La Revolución en Marcha" played a role in contemporary Colombian history comparable to that of Roosevelt's "New Deal" in the United States. See Bushnell, *The Making of Modern Colombia*, 185.

Liberal Eduardo Santos (1938-42). Santos's agenda shifted from land and labor issues - the focus of the previous two Liberal administrations' reformist efforts - to boosting industrialization, public-funded housing, sewer infrastructure, and U.S. technical assistance. López Pumarejo returned to the presidency in 1942. Rather than a resurface of the "Revolución en Marcha," López's second administration reversed some of the pro-peasants and pro-workers reforms passed during his first term in an effort to appease the ever-growing Conservative opposition. Still, right-wing opposition continued and even led to an abortive coup attempt that took place at the Pasto barracks, south of the country, in July 1944, during which the president was briefly taken prisoner. Amidst growing partisan violence and the intense ideological confrontation - both domestic and abroad - that accompanied World War II, López resigned in 1945. His successor, Liberal Alberto Lleras Camargo, conducted a bipartisan government until 1946 when the Conservatives regained power. The Liberals' divide between two candidates - moderate Gabriel Turbay and leftist Jorge Eliécer Gaitán - allowed Conservative Mariano Ospina Pérez to win the 1946 presidential election, bringing the Liberal Republic to an end.<sup>916</sup>

Land distribution had been at the core of the "social question" and, therefore, become a critical element of the Liberal Republic agenda. From 1930 to 1936, Liberal governments aimed to address two major sources of social unrest in the Colombian countryside: on the one hand, struggles between landless peasants (*colonos*) and land entrepreneurs over public lands in areas of frontier expansion; on the other, land-and-labor disputes between

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<sup>916</sup> On the Liberal Republic, see Bushnell, *The Making of Modern Colombia*, 181-200; Safford and Palacios, *Colombia*, 288-296.

sharecroppers and the owners of large estates (*hacendados*). Both types of conflicts entailed a confrontation between "the ax and the stamped paper," to put it in terms of Alejandro López's well-known trope.<sup>917</sup> While *colonos* and sharecroppers backed their property claims on the actual occupation and improvement of the land through human work ("the ax"), *hacendados* and land entrepreneurs resorted to written titles ("the stamped paper") as proof of ownership. The Olaya Herrera and López Pumarejo administrations drafted two bills intended to achieve three interrelated goals: (i) set clear rules to prove land ownership so that the nation could recover those public lands (*baldíos*) that had been taken over by private individuals through the years; (ii) promote a wider distribution of landholding; and (iii) encourage the economic exploitation of the land. But Olaya's and López's draft bills approached the critical issue of land ownership quite differently from each other. The 1933 Olaya Herrera proposal established the actual use of land - human workforce - as the decisive criterion for setting property rights. Under this bill, all the uncultivated land would be presumed to be public land. This initiative, which prioritized the ax over the stamped paper as the foundation of property rights, was defeated in Congress. The López Pumarejo administration introduced a new proposal that, after a complicated legislative process, became Law 200 of 1936. This legislation sided with the landlords by accepting that a chain of written titles - deeds, wills, court documents - showing possession for at least thirty years sufficed as proof of ownership.<sup>918</sup> As LeGrand

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<sup>917</sup> On the genesis of this expression, see Chapter 7 (Section 7.3).

<sup>918</sup> For in-depth examination of Olaya Herrera's and López Pumarejo's draft bills, see Londoño Botero, "Concepciones y debates," 65-115; LeGrand, *Frontier Expansion*, 141-153.



notes, “Law 200 proposed a compromise between the interests of the *colonos* and those of the landlords that favored the latter in the long run.”<sup>919</sup>

Along with the 1936 Land Act, a Liberal Republic’s enduring legacy on agrarian matters was the campaign for *resguardo* privatization that the Santos administration launched in 1939-1940. By then, Law 89’s fifty-year moratorium to conduct the partition of indigenous landholdings was about to expire. In 1939, Riosucian Liberal Jorge Gärtner de la Cuesta headed the Ministry of Economy, the unit responsible for land issues. In his 1939 Report to Congress, Minister Gärtner advocated for the breakup of *resguardos* as follows:

Inherited from the colonial era and preserved with few modifications by the Republic, this institution currently represents a serious obstacle for the country’s agricultural development. In the Government’s view, it is critical to undertake the division of large *resguardos* at the places where indigenous people have become capable of managing and exploiting the land. This crucial measure will rescue from economic stagnation vast regions suitable for agricultural production, which today are outside the market and lack access to credit because of the communal regime.<sup>920</sup>

The following year, Decree 1421 of 1940 set the legal frame for the division of the indigenous communal landholdings still in place.<sup>921</sup> Interestingly, the government issued

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<sup>919</sup> LeGrand, *Frontier Expansion*, 149.

<sup>920</sup> (“*Resguardos de indígenas. Esta institución derivada de la Colonia y mantenida con escasas modificaciones por la República, presenta en el estado actual del país serios inconvenientes a su desarrollo agrícola; la división de grandes resguardos donde los indígenas han adquirido capacidad para el manejo y explotación de la tierra, es en concepto del Gobierno una medida de carácter trascendental que sacará del estancamiento económico grandes regiones propias para la agricultura y colocadas hoy fuera del comercio, desprovistas del uso del crédito, a causa de la comunidad [...]*”). Jorge Gärtner, *Informe del Ministerio de la Economía Nacional 1939* (Bogotá: Imprenta Nacional, 1939), 67-68.

<sup>921</sup> Decree 1421 of July 18, 1940, “whereby some measures are taken to facilitate the division of indigenous *resguardos*,” (“*por el cual se toman algunas medidas tendientes a facilitar la división de los Resguardos de Indígenas*”), reproduced in Triana Antorveza, *Legislación Indígena Nacional*, 253-256; also in Mayorga García, *Datos para la historia*, 234-237. The decree was signed by the President and the Ministers of

this decree based on Law 54 of 1939, which bestowed extraordinary powers on the Executive to face the economic and fiscal effects that might result from World War II, which had just begun.<sup>922</sup> The decree provided the mandatory partition of *resguardos* to be conducted by special commissions appointed by the Ministry of Economy. During the initial stage of the proceeding, each indigenous community was to submit its land titles for the Ministry to evaluate them and decide whether the *resguardo* legally existed or not. Thus, parallel to the debates over the proof of ownership that were at the core of the 1936 Land Act, the division of *resguardos* also entailed the appraisal of *resguardo* titles as evidence of indigenous property rights. As shall be discussed in Section 8.3, state officials gave no legal value to the stamped papers - the *resguardo* titles - that indigenous communities submitted to the Ministry of Economy in the 1940s. By dismissing the value of *resguardo* titles, the Liberal Republic treated these communities as *colonos* occupying public lands rather than as *indigenas* that had forged historical, legal, and moral ties with the land they claimed as their ancestral territories.

The way officials responsible for conducting the division of *resguardos* approached indigenous issues clashed with the cultural and political *indigenismo* that grew up within the Liberal Republic. Since the 1920s, a segment of the emerging intellectual middle class began to call into question the "white republic" archetype, which had modeled the quest for national identity since the Regeneration era. This move away from the "white"

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Government and Economy. Jorge Gärtner, who in 1939 held the Ministry of Economy, signed the 1940 decree in his new capacity as the Minister of Government.

<sup>922</sup> But nothing in Decree 1421's preamble explains how the division of *resguardos* might contribute to face such a crisis, nor even it refers to the end of Law 89's fifty-year period as a justification to issue this decree.

paradigm was linked to a broader pursuit of what might cement Latin American identity and cultural independence both from Europe and the United States. Influenced by similar developments in México and Perú, a sector of Colombian progressive intellectuals reappraised native cultures as the very roots of national - and Latin American - identity. *Indigenismo*, as this cultural and social movement is known, involved a positive assessment of indigenous cultures and a political agenda committed to uplift indigenous people's living conditions. The group of artists, writers, and intellectuals that in the late 1920s converged around the Bachué movement - which took its name from the Muisca's goddess of fertility - epitomized the Colombian cultural *indigenismo*.<sup>923</sup> Some of these intellectuals - Gregorio Hernández de Alba, Antonio García, and Juan Friede being significant cases in point - also engaged in diverse forms of activist, collaborative scholarship on indigenous issues that fall within what some authors term as organic or political *indigenismo*.<sup>924</sup>

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<sup>923</sup> Some prominent members of the Bachué movement were painters Pedro Nel Gómez, Luis Alberto Acuña, Ignacio Gómez Jaramillo, Carlos Correa, and Gonzalo Ariza; sculptors Rómulo Roza and José Domingo Rodríguez; poets and writers Darío Achury Valenzuela, Tulio González, Armando Solano, Darío Samper, and Rafael Azula Barrera; scholars Antonio García Nossa, Gregorio Hernández de Alba, Juan Friede, and Germán Arciniegas, among others. On the Bachue movement as epitome of cultural *indigenismo*, see Brett Troyan, "Re-imagining the 'Indian' and the State: Indigenismo in Colombia, 1926-1947," *Canadian Journal of Latin American and Caribbean Studies* 33, no. 65 (2008): 81-106 (especially 91-95). On the Bachué movement and Juan Friede's involvement on it, see José Eduardo Rueda Enciso, *Juan Friede. 1901-1990: vida y obras de un caballero andante en el trópico* (Bogotá: ICANH, 2008), 68-79.

<sup>924</sup> As Brett Troyan explains, cultural *indigenismo* emerged out of the search for a more inclusive national identity encompassing indigenous cultures. Meanwhile, political (or organic) *indigenismo* moved toward a more active support of indigenous struggles and a rethinking of the socioeconomic structures that favored indigenous peoples' land dispossession and marginalization. Troyan, "Re-imagining the 'Indian' and the State," 85, 97. On the genesis of Colombian *indigenismo*, and the role played by Antonio García, Gregorio Hernández de Alba, and Juan Friede on it, see Antonio García, "El indigenismo en Colombia. Génesis y evolución," *Boletín de Arqueología. Instituto Etnológico Nacional*, vol. 1, no. 1 (1945): 52-71; Roberto Pineda Camacho, "La reivindicación del indio en el pensamiento social colombiano," in *Un siglo de investigación social: antropología en Colombia*, ed. Jaime Arocha Rodríguez and Nina S. de Friedemann (Bogotá: Etno, 1984), 197-251; Rueda Enciso, *Juan Friede*, 68, 125-140; Simón de la Pava Salazar, *Antonio García Nossa. Un pensamiento revolucionario para Colombia y Latinoamérica* (Bogotá: Ediciones Aurora, 2004); Jenny Marcela Rodríguez, ed., *Gregorio Hernández de Alba (1904-1973). Su contribución al pensamiento indigenista y antropológico colombiano* (Bogotá: Universidad Nacional, 2016). Valuable primary sources and analysis on the matter were published in the journal *Baukara*, Vol. 1 (2012), Vol. 2

Some elements of the *indigenista* agenda resonated with the Liberal Republic's educational and cultural policies. Liberal governments encouraged the study of rural Colombia in order to understand its diversity and modernize the countryside. The creation of the Escuela Normal Superior in 1936 meant a significant step towards the institutionalization of social research, as it hosted the first department of social sciences in Colombia. Prominent pioneers of Colombian *indigenismo*, such as Antonio García and Gregorio Hernández de Alba, taught at the Escuela Normal Superior. In addition, a cadre of European intellectuals, who migrated to Colombia fleeing the Spanish Civil War and the rise of fascist regimes in Europe, joined this institution as faculty members. In that milieu, President Eduardo Santos invited Paul Rivet, the recently dismissed director of the Musée de l'Homme in Paris, to found and direct the Instituto Etnológico Nacional, which began operating in 1941 as part of the Escuela Normal Superior.<sup>925</sup>

Through these institutions, the Liberal Republic sponsored research that increased the available knowledge about the country's indigenous past and the remaining native communities. Gregorio Hernández de Alba's discovery of ancient archaeological sites in Tierradentro and San Agustín and his ethnographic research among the Wayuu in La Guajira are among the best-known examples of this scholarship. Particular significance bears Luis Duque Gómez's 1940s research among indigenous peoples in the department of

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(2012), and vol. 3 (2013), monographic issues devoted to the origins of Colombian *indigenismo* (available at: <http://www.humanas.unal.edu.co/baukara/numeros-de-la-revista/>).

<sup>925</sup> On the creation of these institutions, see Jaime Eduardo Jaramillo Jiménez, "La Escuela Normal Superior: un semillero de las ciencias sociales y humanas," in *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía (Bogotá: Universidad Nacional de Colombia, 2009), 557-603; Pineda Camacho, "La reivindicación del indio en el pensamiento social colombiano," 231-234; and "Cuando los indios se vuelven comunistas," 219-221; Rueda Enciso, *Juan Friede*, 130-134.

Caldas, the area this dissertation is focused on.<sup>926</sup> Most of these studies appeared in the *Revista del Instituto Etnológico Nacional* and the *Boletín de Arqueología*. These two journals contributed to the dissemination of the corpus of knowledge about indigenous cultures produced during the 1930s and 1940s.<sup>927</sup>

Antonio García took an active part in the First Inter-American *Indigenista* Conference held in Patzcuaro, Mexico, in 1940. The following year, García and Gregorio Hernández de Alba founded the Colombian *Indigenista* Institute (IIC), a private association linked to the Inter-American *Indigenista* Institute that resulted from the Patzcuaro conference. According to its charter, the IIC aimed at "studying the cultural and socioeconomic problems of Colombia's indigenous peoples." Its members also sought "to promote indigenous groups' social improvement and effective incorporation into the political, economic, and cultural life of the nation."<sup>928</sup> In 1944, the Colombian *Indigenista* Institute was attached to the newly founded School of Economics at the National University and was granted consultive status to the government on indigenous affairs.<sup>929</sup> Along with

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<sup>926</sup> Luis Duque Gómez, "Excavación de un sitio de habitación en Supía," *Revista del Instituto Etnológico Nacional*, vol. 1 (1942), 95-115; "Informe de la Comisión Etnológica al departamento de Caldas," *Boletín del Museo Arqueológico de Colombia* I, vol. 2 (1943): 15-31; "Informe de la Comisión Etnológica al departamento de Caldas (continuación)," *Boletín del Museo Arqueológico de Colombia* II, vol. 1 (1944): 19-22; "Grupos sanguíneos entre los indígenas del Departamento de Caldas," *Revista del Instituto Etnológico Nacional* 3 (1944): 623-653; and, "Problemas sociales de algunas parcialidades indígenas del occidente colombiano," *Boletín de Arqueología* I, vol. 2 (1945): 185-201.

<sup>927</sup> Both journals stopped circulating at the early 1950s. Digitalized issues are available at: [https://www.icanh.gov.co/nuestra\\_entidad/grupos\\_investigacion/divulgacion\\_publicaciones/revistas\\_cientificas](https://www.icanh.gov.co/nuestra_entidad/grupos_investigacion/divulgacion_publicaciones/revistas_cientificas) (accessed February 23, 2021)

<sup>928</sup> "Estatutos del Instituto Indigenista de Colombia," Bogotá, October 2, 1942. Reproduced in Rueda Enciso, *Juan Friede*, 481-483.

<sup>929</sup> Pineda Camacho, "Cuando los indios se vuelven comunistas," 219.

García and Hernández de Alba, prominent progressive intellectuals such as Juan Friede, Blanca Ochoa, Edith Jiménez, Gerardo Molina, Luis Duque Gómez, and Guillermo Hernández Rodríguez became active members of the IIC.<sup>930</sup> These *indigenistas* engaged in a sort of committed scholarship that led them to tackle critical issues such as the role of the Catholic missions and the division of *resguardos*, as will be discussed in Section 8.4.

Altogether, the Liberal Republic gave rise to leftist forms of peasant and indigenous mobilization for land rights; agrarian policies intended to modernize the country via the allocation of private property rights and the erasure of *resguardos*; and critical voices that contested the privatization of indigenous landholdings both on the field and within the academic institutions fostered by the Liberal governments. The following sections will discuss how these elements unfolded in the region under study.

## **8.2. Red and Blue *Indígenas*. Cañamomo-Lomaprieta and San Lorenzo during the Liberal Republic**

Until the mid-1920s, *indígenas'* participation in partisan politics followed a pattern of patron-client alliances between indigenous leaders and local patrons, Liberals and Conservatives alike. The emergence of leftist movements brought new forms and spaces of political sociability for rural subalterns, as well as class-based languages and ideas of justice, which differed from those that had framed the relationship between indigenous communities, local politicians, and the state. Historiography on indigenous leftist

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<sup>930</sup> Rueda Enciso, *Juan Friede*, 134-140.

mobilization during the Liberal Republic tends to place "red *indígenas*" in some areas of Cauca, Huila, Tolima, and the Sierra Nevada, all of which were under the influence of the Colombian Communist Party (PCC).<sup>931</sup> But the available evidence suggests that, as early as the 1930s, some rural communities in and around Riosucio embraced leftists forms of mobilization, though it is not clear whether they were linked to the PCC at their inception. The *parcialidad* of Cañamomo-Lomapieta provides a case in point of the rise of "red *indígenas*" in the area under study. Meanwhile, the neighboring community of San Lorenzo remained staunchly "blue," meaning conservative, both socially and politically. From this conservative stance, San Lorenzo's *indígenas* faced the changes the Liberal Republic brought about.

### **8.2.1. The Rise of Communist *Indigenismo* in Colombia**

The Colombian Left's engagement with indigenous peoples did not only arise from a class-based concern for this stratum of the subaltern rural population. Leftists also sought to address the specific forms of injustice these "oppressed nationalities" bore and to support their right to self-determination. Such a concern for ethnic minorities was linked to a broader debate about the "national question," which became part of the Communists' anti-

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<sup>931</sup> See Vega Cantor, *Gente muy rebelde T. 2*, 62-117, 277-287; Pineda Camacho, "Cuando los indios se vuelven comunistas," 202-212; Mauricio Archila Neira, "Memoria e identidad en el movimiento indígena caucano," in *Una historia inconclusa. Izquierdas políticas y sociales en Colombia* (Bogotá: Cinep, 2009), 463-534 (especially 517-520); Pumarada Cruz, "Othering Modernization," 387-474; Yesenia Pumarada Cruz, "Las raíces locales y ramificaciones internacionales del 'indigenismo comunista' en Colombia," in *Actas del XVII Congreso Internacional de la Asociación de Historiadores Latinoamericanistas Europeos* (AHILA), Freie Universität, Berlin, September 9 – 13, 2014, 3013-3026. (Available at Academia, February 13, 2021, [https://www.academia.edu/23972409/Las\\_ra%C3%ADces\\_locales\\_y\\_ramificaciones\\_internacionales\\_del\\_indigenismo\\_comunista\\_en\\_Colombia](https://www.academia.edu/23972409/Las_ra%C3%ADces_locales_y_ramificaciones_internacionales_del_indigenismo_comunista_en_Colombia)).

colonialist agenda since Lenin founded the Third International in 1919.<sup>932</sup> As Pumarada explains, the "national question" did not only relate to the liberation of formal colonies, but to the liberation of informal colonies (such as the Latin American countries vis-à-vis United States imperialism). It also included the liberation of the "oppressed nationalities" within countries, which included the Latin American indigenous peoples.<sup>933</sup> The Third International called to support national liberation struggles as a critical component of the global revolution against capitalism. In that vein, the "indigenous question" was discussed by the Latin American Communist Conference held in Buenos Aires in 1929, where some attendees proposed the creation of an Indigenous Quechua-Aymara Republic with natives of Perú and Bolivia, and of the Independent Black Republic of the East in Cuba.<sup>934</sup>

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<sup>932</sup> See Pineda Camacho, "Cuando los indios se vuelven comunistas," 203.

<sup>933</sup> Pumarada Cruz, "Othering Modernization," 409. See also Marc Becker, *Indians and Leftist in the Making of Ecuador's Modern Indigenous Movements* (Durham: Duke University Press, 2008), 33-36.

<sup>934</sup> On the 1929 Latin American Communist Conference see, Pineda Camacho, "Cuando los indios se vuelven comunistas," 203-204. Peruvian intellectual José Carlos Mariátegui, founder of the Peruvian Communist Party, attended this meeting, where he submitted his famous essays on "the problem of the Indian," and "the problem of land." Mariátegui argued that "the problem of the Indian is rooted in the land tenure system of our economy" and only can be solved through a socialist revolution. He also advocated for the preservation of indigenous communal lands, which he conceived as an element of "practical socialism." José Carlos Mariátegui, "El problema del indio," and "El problema de la tierra," in *Siete ensayos de interpretación de la realidad peruana* (Lima: Amauta, 1928). Quotes are taken from the English version, José Carlos Mariátegui "The Problem of the Indian," and "The Problem of Land," in *Seven Interpretive Essays on Peruvian Reality*, trans. Marjory Urquidí with an introduction by Jorge Basadre (Austin: University of Texas Press, 1971), 22-76 (quotes 22 and 33). On Mariátegui's communist *indigenismo*, see Mark Becker, "Mariátegui, the Comintern, and the Indigenous Question in Latin America," *Science & Society* 70, no. 4 (Oct. 2006): 450-479. Two decades later, in 1947, Colombian leftist activist and intellectual Ignacio Torres Giraldo completed an essay that became the first approach to the Colombian indigenous question from a Marxist perspective. He proposed that, in order to reach the "indigenous national liberation," a progressive government should create a National Indigenous Council, which would coordinate the indigenous communities' autonomous governments. This Council of Nationalities would create plans for incorporating indigenous people into modern life while preserving their autonomous organization and communal land tenure. In his view, the relationship between the Colombian state and the indigenous peoples "should be based on a principle of unalterable equality." Ignacio Torres Giraldo, *La cuestión indígena en Colombia* (Bogotá: La Rosca de Investigación y Acción Social, 1975), 103-113 (quotation from p. 110).



Accordingly, the nascent Colombian Communist Party included in its platform the defense of indigenous self-governance.<sup>935</sup> However, the PCC's 1936 conference concluded that the Third International's call for indigenous peoples' self-determination, if understood as national independence, lacked practical significance in the Colombian context. Rather, the party decided to focus "all its attention" on the actual claims raised by the country's *indígenas*.<sup>936</sup> In that vein, land-and-labor issues stood at the core of the PCC's *indigenista* agenda. Colombian Communists pursued the end of the sharecropping system, the restitution of lands to those indígenas who had lost their *resguardos* and now worked as sharecroppers, and the protection of the indigenous landholdings still in place. They criticized the abuses, indoctrination, and cultural deprivation that *indígenas* suffered at the hands of Catholic missionaries. Communists also embraced some specific demands raised by the Lamista movement, such as *indígenas'* right to education and to be schooled by indigenous teachers; the elimination of church tithes and municipal property tax; and the end of abuses against Indians by local officials and landowners.<sup>937</sup> Even though some identity-based elements colored the PCC's agenda, they were merged into a discourse that, altogether, emphasized class struggles over ethnic claims.<sup>938</sup>

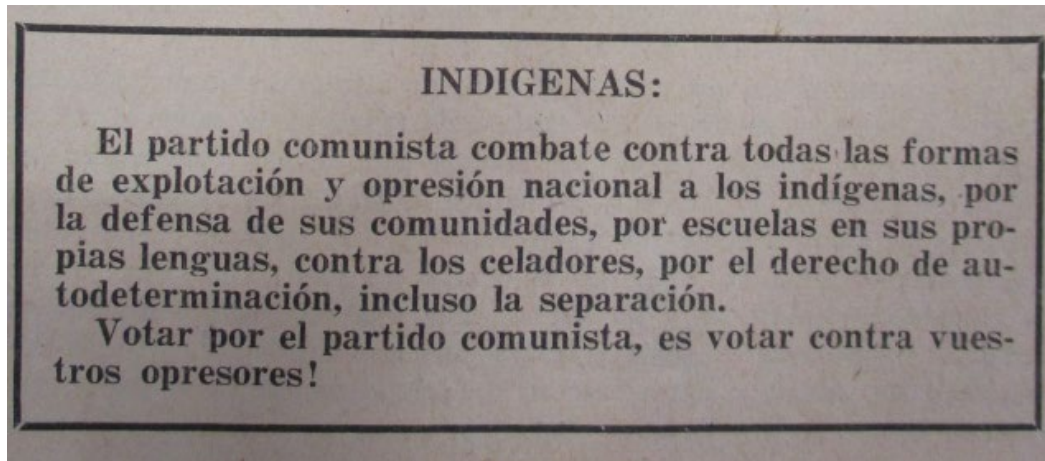
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<sup>935</sup> The 1934 PCC's guidelines on its work in the countryside ("*Resolución sobre Trabajo del Partido en el Campo*") included among its nine points one regarding "the acknowledgment of the indigenous communities' entire freedom and their own governments' self-determination." ("*5°. Reconocimiento de las comunidades indígenas, de su completa libertad y de la autodeterminación de sus propios gobiernos.*") Cited by Medina, *Historia del Partido Comunista de Colombia*, 218.

<sup>936</sup> Medina, *Historia del Partido Comunista de Colombia*, 273.

<sup>937</sup> José Gonzálo Sánchez, "Conclusiones sobre el trabajo del Partido en el campo," *Tierra*, December 2, 1938, 6.

<sup>938</sup> On the PCC's *indigenista* agenda, see Pineda Camacho, "Cuando los indios se vuelven comunistas," 202-209; more broadly in Pumarada Cruz, "Othering Modernization," 432-474, with an in-depth discussion of the shortfalls of Colombian Communist *indigenismo*.



Political advertisement in the Communist newspaper *El Bolchevique*, 1935<sup>939</sup>

Most of the PCC's indigenous base was concentrated across the eastern and central Cauca. By 1935, out of the twenty-five "indigenous cells" ("*células indígenas*") that existed in Colombia, seventeen of them were in the province (*departamento*) of Cauca with a total of 150 members.<sup>940</sup> Apparently, the remaining indigenous cells were active in southern Tolima (especially in Coyaima, Ortega, Natagaima, and Chaparral), eastern Huila (Yaguara and Campoalegre), and in the Sierra Nevada of Santa Marta.<sup>941</sup> Communist newspapers *Tierra* and *El Bolchevique* included a regular section in which "indigenous correspondents" denounced the abuses that local authorities, landlords (or their henchmen), and the Church committed against *indígenas* in these areas.<sup>942</sup> They also informed about

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<sup>939</sup> ("**Indígenas:** The Communist Party fights against all forms of national exploitation and oppression of indigenous people, for the defense of their communities, for schools in their own languages, against security guards, for the right of self-determination, including separation. To vote for the Communist Party is to vote against our oppressors!"), *El Bolchevique*, Bogotá, May 4, 1935, 4.

<sup>940</sup> Medina, *Historia del Partido Comunista de Colombia*, 229.

<sup>941</sup> Pumarada Cruz, "Othering Modernization," 404-405.

<sup>942</sup> The Bogotá-based daily newspaper *Tierra* first appeared in August 1932 as the PCC's official organ, under the direction of Gilberto Vieira. During its first season, *Tierra* only circulated for a few months and then

the persecution, imprisonment, and violent repression that the "indigenous comrades" endured during the 1930s.<sup>943</sup>

Through these notes, the communist press also gives us a glimpse of the strategies that red *indígenas* set in motion to confront land dispossession and police violence. The PCC encouraged the formation of Peasant Leagues (*Ligas Campesinas*) among its rural constituency, including the indigenous one.<sup>944</sup> Peasants organizations, usually called peasant leagues/unions, had begun to blossom since the late 1910s and kept growing

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disappeared due to persecution by the Olaya Herrera's administration. *Tierra* reappeared towards the end of 1935 and circulated until, at least, 1938, under the direction of Lino Gil Jaramillo, Jorge Regueros Peralta, and Ignacio Torres Giraldo. Founded by poet and leftist intellectual Luis Vidales, the Bogotá-based newspaper *El Bolchevique* replaced *Tierra* as the PCC's official organ. *El Bolchevique* was short-lived, as it only circulated from July 1934 to June 1935. The Colombian National Library (BNC) preserves some digitalized issues of *Tierra* from 1932 (August-September) and 1938 (January-December), as well as some (non-digitalized) issues of *El Bolchevique*. Although *Tierra* published indigenous-related notes since its inception in 1932, the "Sección indígena" only became a regular section in *El Bolchevique* (1934-35) and continued, under a new format, during *Tierra*'s second epoch. Manuel Tránsito Sánchez (José Gonzalo Sánchez's brother) and Ángel María Guachetá used to be the correspondents in charge of *El Bolchevique*'s indigenous section and later of that of *Tierra*. After returning to the country from a two-year stay in Moscow, José Gonzalo Sánchez joined them as one of *Tierra*'s indigenous correspondents. On these newspapers' history, see Maryluz Vallejo Mejía, "Los 'padrecitos' fundadores de la prensa comunista en Colombia," *Signo y Pensamiento* 39 (2001): 35-45. On their indigenous correspondents, see Pumarada Cruz, "Othering Modernization," 453.

<sup>943</sup> To mention just a few examples, the indigenous correspondents denounced the "dreadful situation" endured by indigenous sharecroppers that worked in some large Caucaño haciendas (*Tierra*, August 2, 1932, 4). They blamed police forces under the command of the Popayán's mayor for the assassination of indígenas on the roads ("Los indígenas son asesinados en los caminos por las autoridades. El sanguinario alcalde Olano." In *Tierra*, August 30, 1932, 4). The Communist press published denunciations made by *indígenas* Salvador Torres and Nemías Izquierdo against the Capuchin missionaries that ruled over the indigenous village of San Sebastián del Rábago in the Sierra Nevada of Santa Marta (*Tierra*, September 17, 1932, 1). *El Bolchevique* demanded the immediate release of the "indigenous comrades" of Coyaima (Tolima) that were imprisoned for protesting the government's abuses (*El Bolchevique*, September 8, 1934, 2). Correspondent Ángel María Gachetá reported the "savage attacked" that the "indigenous comrade" Agustín Yandí suffered at the hands of three Liberal local bosses (*manzanillos*) during the midterm election day (*El Bolchevique*, May 25, 1935, 4). *Tierra*'s indigenous correspondent reported that, in southern Cauca, landowners' henchmen set fire to the *indígenas*' houses and steal their tools, poultry, provisions, and garments in order to take over indigenous lands. (*Tierra*, August 13, 1938, 2).

<sup>944</sup> Medina, *Historia del Partido Comunista de Colombia*, 219-222. On PCC's Peasant Leagues among Cauca indigenous communities, see Pumarada Cruz, "Othering Modernization," 454-464.

throughout the 1920s.<sup>945</sup> The passage of the 1931 Trade Unions Act at the beginning of the Liberal Republic enabled these organizations to become legally incorporated entities - to get *personería jurídica* - while allowing Liberal governments to institutionalize and, to a certain extent, bring under control rural mobilization.<sup>946</sup> Liberal governments even promoted the creation of peasant leagues throughout the 1930s to counteract the Communists' influence in the countryside. In that context, a distinctive feature of the PCC's leagues was the lack of *personería jurídica*, as Liberal governments systematically denied registration to these organizations and, at some point, Communists decided not to ask for such a legal recognition.<sup>947</sup>

Along with advancing the PCC's rural agenda, the Communist peasant leagues also served as budding units of "self-defense" against attacks from landowners, their stewards, and local authorities.<sup>948</sup> League members were instructed to blow a horn to alert their comrades whenever they saw or suffered an attack or to call for assembly. In December

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<sup>945</sup> Sánchez, *Las ligas campesinas*, 61-63.

<sup>946</sup> Law 83 of June 23, 1931, "Sobre sindicatos," in Colombia – Ministerio de Justicia, *Sistema Único de Información Normativa*, February 27, 2021, <http://www.suin-juriscol.gov.co/viewDocument.asp?id=1627577> .

<sup>947</sup> Sánchez, *Las ligas campesinas*, 64-65.

<sup>948</sup> Violence against red *indígenas* intensified in the areas under PCC's influence throughout the 1930s. For instance, on May 6, 1931, lawyer Paulo Sabogal, member of the Red Aid (*Socorro Rojo*), wrote to the Procurador General de la Nación denouncing the massacre of *indígenas* and peasants who attended the celebration of May Day in Coyaima (Tolima). According to Sabogal, eighteen people were killed, and thirty-two more were wounded by forces under the control of local landowners with the complicity of Liberal regional authorities. Sabogal's letter is reproduced in Vega Cantor, *Gente muy rebelde*, 283-285. Another violent attack took place on June 30, 1935, when police forces attacked *indígenas* who attended a fund-raising festival organized by the local peasant league in El Trapiche, in northwestern Jambaló (Cauca). The "massacre of El Trapiche" left a contested number of casualties: three *indígenas* and two local officials dead, according to the Cauca governor; eight *indígenas* killed and twenty more wounded, according to historian Medófilo Medina. See Pumarada Cruz, "Othering Modernization," 455-456; Medina, *Historia del Partido Comunista de Colombia*, 230.

1934, *El Bolchevique* reported that "the new use of the horn sound" ("*el nuevo uso del toque del CUERNO*") was among the central topics discussed during a peasant assembly in Jambaló.<sup>949</sup> In April 1935, this newspaper's indigenous correspondent warmly praised a member of the local Youth League for having blown the horn when private guards sent by landowner Gabriel Caicedo raided the home of "comrade" Francisco Campo in Novirao (Cauca).<sup>950</sup> Interestingly, in both notes (and in many others), the word "horn" appears written in upper case letters to emphasize the high significance attached to this symbol, which became a distinguishing mark of the Communist peasant leagues, particularly in indigenous areas and the coffee region.<sup>951</sup>

Another distinctive feature of the 1930s leftist indigenous mobilization was their anti-legalistic stance. Red *indígenas* distanced themselves from the long-standing tradition of indigenous litigation to embrace, instead, "the revolutionary struggle." Communist leader José Gonzalo Sánchez, who in the mid-1920s had pioneered subalterns' use of the judicial review of laws by suing anti-resguardo laws before the Supreme Court, a few years later turned against Quintín Lame's legalistic strategy.<sup>952</sup> By the time he joined the PCC, Sánchez accused his former mentor of being in cahoots with the government and

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<sup>949</sup> "Asamblea campesina en Jambaló," *El Bolchevique*, December 29, 1934, 2.

<sup>950</sup> "De los indígenas," *El Bolchevique*, April 6, 1935, 6.

<sup>951</sup> Sánchez, *Las ligas campesinas*, 112. Historian Yesenia Pumarada thoroughly documents how calls for sounding the Leagues' horn became ubiquitous in the communist press. Pumarada Cruz, "Othering Modernization," 459-464.

<sup>952</sup> José Gonzalo Sánchez's lawsuits against anti-resguardo legislation were discussed at the end of Chapter 7.

“swindling the poor *indígenas* with legal briefs that are never fulfilled.”<sup>953</sup> As Communists gained traction among indigenous communities in which Lame's legalistic methods had proved unsuccessful, some of them voiced their rejection of such a strategy. In a letter published in *El Bolchevique* on March 9, 1935, *indígenas* of Yaguará (Tolima) declared they had joined "the revolutionary struggle" and invited their working-class fellows to do the same instead of persisting in litigation. They wrote:

We encouraged all the workers who, like us, had not wanted to join the revolutionary struggle, to unite, dispensing with lawyers, stamped paper, stamps, and so much legalism, for all that only works to weaken us and make stealing from us easier.<sup>954</sup>

Still, while beginning to embrace leftists' strategies and a class-based language, other indigenous communities remained deeply legalistic. The Cañamomo-Lomaprieta community is a case in point.

### **8.2.2. Turning to the Left: Cañamomo-Lomaprieta in the 1930s**

In August 1939, the Ministry of Economy commissioned lawyer Adolfo Romero to report which of the existing *resguardos* in the provinces (*departamentos*) of Cauca and Caldas were best suited for division. Romero's report gives a glimpse of the demographics and land base of the three *parcialidades* existing in the area under study. According to this

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<sup>953</sup> (“[...] *Quintín Lame estafa a los pobres indígenas, con memoriales que nunca se cumplen. Está en combinación con el Gobierno [...].*”) “Comité Ejecutivo Nacional Ampliado, Sesión Nocturna del 10 de Julio,” Bogotá, July 10, 1930, reproduced in Meschkat and Rojas, *Liquidando el pasado*, 471-487 (quote 483).

<sup>954</sup> (“[A]consejamos a todos los trabajadores que como nosotros, no habíamos querido tomar parte en la lucha revolucionaria, que nos unamos prescindiendo de los tales abogados, del papel sellado, de las estampillas, y de tanto legalismo, pues todo esto sólo sirve para debilitarnos y podernos robar fácilmente.”) “Sección De Los Indígenas. Copia de un telegrama,” *El Bolchevique*, March 9, 1935, cited by Pumarada Cruz, “Othering Modernization,” 402-403.

source, the Cañamomo-Lomaprieta community was composed of about 1,400 individuals distributed into 175 families, being the smallest of the three *parcialidades* that existed in the districts of Riosucio and Supía during the Liberal Republic (see Table 16). These figures represented only the 16.6% of the *indígenas* of the area who lived under the *resguardo-cabildo* system, and a tiny fraction of the total population of Riosucio and Supía.<sup>955</sup>

**Table 16. Estimated Population of Indigenous *Parcialidades* in Riosucio and Supía, 1939**<sup>956</sup>

<i>Parcialidad</i>	Families	Total Population
San Lorenzo	600	4,000
La Montaña	not available	3,000
Cañamomo-Lomaprieta	175	1,400
<b>Total</b>		<b>8,400</b>

**Source:** “Informe presentado por el Dr. Adolfo Romero B. sobre el resultado de la Comisión que le fue confiada por Resolución 421 de 3 de agosto último,” Bogotá, September 29, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fols. 45-49.

<sup>955</sup> According to the 1938 National Census, Riosucio's population totaled 27,684 people (5,801 urban / 21,883 rural) while Supía had 10,622 individuals (2,035 urban / 8,587 rural). República de Colombia, Contraloría General de la República – Dirección Nacional de Estadística, *Anuario General de Estadística 1938* (Bogotá: Imprenta Nacional, 1939), 9.

<sup>956</sup> Romero's figures partially agree with those provided by anthropologist Luis Duque Gómez, who conducted research in the region by the early 1940s. The latter estimated the population of San Lorenzo in 4,500 *indígenas*, 3,000 for La Montaña, and 2,500 for what he identified as the *parcialidad* of La Iberia (which corresponded to Cañamomo-Lomaprieta). Duque Gómez also reported demographic data for the indigenous "civil community" of Pirza Bonafont, though his figures are quite inconsistent. In his 1944 study about blood groups of indigenous communities in the province (*departamento*) of Caldas, Duque Gómez assessed the population of Pirza Bonafont in over 4,500 indigenous individuals. Yet, he calculated the same community's population in about 3,000 people in an article published a year later. Duque Gómez data for Cañamomo-Lomaprieta (aka. La Iberia at that time) significantly exceeds Romero's. Romero's data for Cañamomo-Lomaprieta are based on the information provided by this community's *cabildo*. See, “Parcialidad de Indígenas de Cañamomo y Lomaprieta to Adolfo Romero B., abogado de resguardos del Ministerio de Economía Nacional,” Riosucio, September 5, 1939, ACCL. Since Duque Gómez did not include the Cañamomo-Lomaprieta community in his study of bloody groups, it is unclear how he got its demographic data. See Duque Gómez, “Grupos sanguíneos,” 625-632; and “Problemas sociales,” 188-189.

This demographics hints at the land pressures the Cañamomo-Lomaprieta community faced by the late 1930s. In September 1939, authorities of this *parcialidad* reported that the community only controlled 300 hectares out of the over 4,500 hectares that the original *resguardo* encompassed. 3,062 hectares of the remaining land was held by the civil communities of Sipirra, Quiebralomo, Tumbabarreto, and Guamal, while the rest had been taken over by private individuals.<sup>957</sup> Concerning the latter, the same report detailed that, at that time, the *parcialidad* was pursuing four lawsuits against the "white usurpers" and was going to file another five soon.<sup>958</sup>

Although Cañamomo-Lomaprieta's authorities complained that these lawsuits had been "a real tragedy," they did not withdraw from litigation as a means to recover the lands that had been stolen from the community.<sup>959</sup> Indeed, after the two successive defeats the community suffered at the Supreme Court in 1933 and 1934 Governor Israel Tapasco and

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<sup>957</sup> ("La extensión aproximada superficial de los terrenos del Resguardo primitivo, creemos que sea de 4,500 hectáreas. Pero es preciso decir que las comunidades de Cipirra, Quiebralomo, Tumbabarreto y Guamal, están aposentadas dentro de una superficie de 3.060 hectáreas y dentro de estas está la población de Riosucio y los caseríos de Tumbabarreto, Quiebralomo, Guamal y Cipirra. De las 1440 hectáreas restantes, la Parcialidad de Cañamomo y Lomaprieta sólo posee para beneficio común de los indígenas 300 hectáreas y dentro de estas el caserío de Iberia."). "Parcialidad de Indígenas de Cañamomo y Lomaprieta to Adolfo Romero B., abogado de resguardos del Ministerio de Economía Nacional," Riosucio, September 5, 1939, ACCL.

<sup>958</sup> ("Actualmente se ventilan cuatro pleitos así: Contra Alejandro y Obdulio Toro [El Peñol]; contra Vicente y Sixto Garcés [La Rueda]; contra Vicente y Víctor de la Cuesta, y contra Vicente Orozco [...] Tenemos para instaurar los pleitos contra Constantino Hernández, por la usurpación del terreno de Paneso; contra José J. Gallego Toro, por el terreno de Benítez; contra Tiberio Cadavid, por el terreno denominado El Japón; contra Israel y Adam Becerra, por el terreno de Paneso o La Unión y contra Pastor Largo, por el terreno de El Brasil."). "Parcialidad de Indígenas de Cañamomo y Lomaprieta to Adolfo Romero," ACCL.

<sup>959</sup>("Estas luchas han sido una verdadera tragedia, pues los usurpadores, mejor acondicionados económicamente, nos aventajan con mejores abogados y las autoridades nos han abandonado, pues los agentes del ministerio público no saben llenar sus obligaciones (Ley 89 de 1890)."). "Parcialidad de Indígenas de Cañamomo y Lomaprieta to Adolfo Romero," ACCL.



his *cabildo* notarized a new *resguardo* title by Deed 79 of 1936.<sup>960</sup> This time, instead of drawing on colonial documents to prove their land rights, Cañamomo-Lomaprieta's authorities strictly followed Law 89's standard of substitute evidence (aka *prueba supletoria*).<sup>961</sup> Accordingly, Deed 79 of 1936 is an eight-page document that contains affidavits of five witnesses who, in response to the questionnaire prepared by the *cabildo*, testified about the *resguardo*'s boundaries and the community's ancestral possession over these lands for over 150 years.<sup>962</sup> They explicitly asserted that this time frame included the last thirty years, as, under Article 12 of Law 89 of 1890, indigenous communities were required to prove recent possession (for at least thirty years) rather than ancient one. The witnesses were asked - and all of them were positive – about how the *indígenas*' quiet possession began to be disturbed in the last years, when,

the whites and the rich have tried to take away their [the *indígenas*] lands, turning to violent means and having them arrested. But they have not been able to make the *indígenas* to vacate the *resguardo* even amid this turmoil.<sup>963</sup>

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<sup>960</sup> Deed 79 of February 13, 1936, Notary of Riosucio. The original Deed 79 was lost in the fire that destroyed the Riosucio Notary building in 1952. Shortly after, the *cabildo* notarized a copy of this document by Deed 565 of December 18, 1953, which, since then, has served as the Cañamomo-Lomaprietas' *resguardo* title. This *prueba supletoria* is reproduced and analyzed in Caicedo, *Los Títulos de Cañamomo Lomaprieta*, 147-159.

<sup>961</sup> As discussed in Chapter 7 (Section 7.3.1.), the Supreme Court's central argument to rule against the Cañamomo-Lomaprieta community was that its *resguardo* title did not comply with the requirements of Article 12 of Law 89 of 1890.

<sup>962</sup> The witnesses were José María Taborda, Manuel Quintero, Clímaco Lemos, Juan F. Cataño, and Miguel Flórez.

<sup>963</sup> (“[...] *Por más de treinta años estuvo la parcialidad en quieta y pacífica posesión [...] pero esta tranquilidad ha venido a ser interrumpida en parte de los blancos y los ricos que han pretendido quitarles sus tierras, para lo cual han apelado a medios violentos – haciéndoles conducir a la cárcel, pero no han podido hacer que los Indígenas desocupen el resguardo aún en medio de esta barahúnda.*”) Deed 79 of 1936, reproduced in Caicedo, *Los Títulos de Cañamomo Lomaprieta*, 155.

Yet, while Cañamomo-Lomaprieta's authorities prepared new evidence to fight in court against land dispossession by "the whites and the rich," they also authorized local notables to mine within the *resguardo's* boundaries. On August 10, 1936, Governor Israel Tapasco and his cabildo, acting on behalf of the indigenous community, signed a document authorizing Bartolomé de la Roche to claim a placer mine located on the banks of the Supía River. De la Roche, in turn, committed to compensating the *parcialidad* for all the damages that the mining activities could produce. Néstor Ossa, who served as personero of Supía, also signed the document to attest the validity of the agreement.<sup>964</sup> The *cabildo's* willingness to allow a prominent local person to exploit mineral riches within the territory seems somewhat inconsistent with its more confrontational and "class-conscious" approach towards elite land grabbers.<sup>965</sup> This seeming inconsistency, however, reveals the strategies of resistant-adaptation whereby an indigenous community, outnumbered by mestizo settlers, negotiated territoriality within its *resguardo's* boundaries. At a time when the very existence of the Cañamomo-Lomaprieta's *resguardo* was so much contested, the 1936 mining agreement entailed an explicit recognition - by a prominent member of local society and the *personero* of Supía - of the *cabildo's* jurisdiction over the area located at the southern bank of the Supía River.

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<sup>964</sup> NUS, Notarial Deed 17 of January 29, 1937, whereby it was notarized a private document signed, on August 10, 1936, by Israel Tapasco (Governor of Cañamomo-Lomaprieta), Cayetano, José María, and Rómulo Tapasco, Felipe Cataño, and Enrique Guerrero (cabildantes); Bartolomé de la Roche; and Nestor E. Ossa, personero of Supía.

<sup>965</sup> Interestingly, the year after the Cañamomo-Lomaprieta cabildo signed this agreement, Pereira-based leftist newspaper *Pluma Libre* published a front-page note denouncing De La Roche's abuses against the workers of his mine "Vendecabezas" in Riosucio. "Los patrones de 'Vende-cabezas' se burlan de las leyes obreras," *Pluma Libre*, Pereira, December 24, 1937, 1.

Whereas Governor Israel Tapasco and his cabildo negotiated their authority and struggled against "the whites and the rich" in the legal field, some community members began to take direct action against land dispossession and embraced leftist strategies of mobilization. The lack of legal protection for the Cañamomo-Lomaprieta *resguardo* resulting from the 1933 and 1934 Supreme Court rulings in the cases of La Rueda and El Peñol emboldened outsiders to encroach over the natives' lands. Landowners of estates near the Riosucio River began to expand their holdings northwards, moving fences closer and closer to La Iberia, the central hamlet of the Cañamomo-Lomaprieta community. At this point, some *comuneros* decided to go up against the usurpers.<sup>966</sup> The murder of Noé Cadavid by Luis Ángel Díaz in 1937 marked a turning point.

Noé Cadavid epitomized this class of "white-and-rich" landowners that had taken over a huge area of the Cañamomo-Lomaprieta community's most fertile lands. Born in Barbosa (Antioquia) around 1891, he moved to Riosucio by the early 1910s, where he married Inés Restrepo, another Antioqueño migrant.<sup>967</sup> Cadavid began working as land-and-mine administrator for wealthy Antioqueños who held property in and around Riosucio until he himself amassed a small fortune and became a prominent member of the local society.<sup>968</sup> By the mid-1920s, Cadavid entered in possession of half of the La Rueda estate,

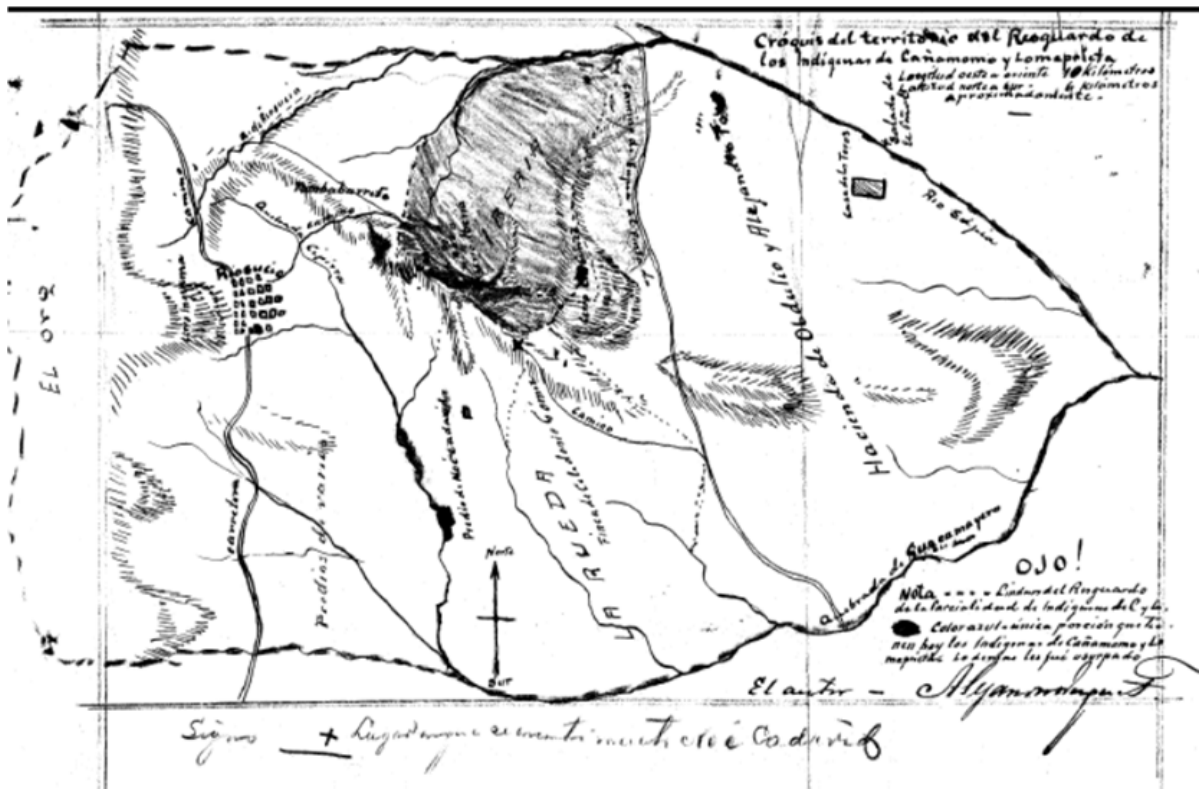
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<sup>966</sup> Caicedo, *Los Títulos de Cañamomo Lomaprieta*, 149.

<sup>967</sup> AJM, "Causa No. 517, Extinto Juzgado 1 Superior. Delito: Homicidio, Procesado: Luis Ángel Díaz, Ofendido: Noé Cadavid." (This judicial file lacks pagination).

<sup>968</sup> As documented in the *Libros de Posesiones* kept at Riosucio's Municipal Archive, Noé Cadavid was appointed as a member of the local *Junta de Ferias* in 1929, and of the Municipal Road Board (*Junta de Caminos Municipales*) in 1934. In February 1936, he took a seat at the Board of Directors of the *Colegio Oficial de Varones de Riosucio*. In November of that same year, Cadavid became a member of the local electoral jury. AMR, *Libros de Posesiones*, 1929, 1934, and 1936.

which he probably acquired from Celedonio Gómez. Then, Noé Cadavid began to expand the estate toward La Iberia at the expense of the few lands still held by the Cañamomo-Lomaprieta community (see Map 19). Among the *indígenas*' parcels he encroached upon was the one that Luis Ángel Díaz's mother had inherited from her father and cultivated along with their children. Cadavid's employees seized the Díaz family plot, knocking down coffee and plantain trees to turn the land into pastures for livestock.



Map 19. Territory of the Cañamomo-Lomapieta Resguardo, 1937.<sup>969</sup>

<sup>969</sup> Authored by Alejandro Duque, Luis Angel Díaz's defense attorney. Duque submitted this sketch map as evidence in the criminal trial for the murder of Noé Cadavid. The shaded part at the top corresponds to the lands actually occupied by the indigenous people. AJM, "Causa No. 517."

Along with other *comuneros*, and perhaps with the *cabildo*'s assent, Luis Ángel Díaz began to take action against the usurpers by cutting their barbed wire fences and attacking their cattle. On the morning of April 12, 1937, when Noé Cadavid and his assistant were touring the area to assess some recent damages in Cadavid's property, they crossed paths with Luis Ángel Díaz, who was accompanied by other four *comuneros*. During the quarrel resulting from such an encounter, Díaz deadly shot Cadavid with a hunting rifle. A few hours later, the police captured Díaz and their fellows in La Iberia while working on a *minga* (community work) to build the hamlet's school.<sup>970</sup>

News about Noé Cadavid's murder reached the front page of *La Patria*, a Manizales-based Conservative newspaper with the widest circulation across Caldas. The day after the event, a short note signed by "Bueno Cock" - *La Patria*'s Riosucio correspondent - warned that this "heinous crime" signaled "the beginning of land-issues-related terrorism."<sup>971</sup> A longer report published a few days later informed that "two or three members of the leftist phalanx" had been jailed as the "alleged instigators" of the crime. The author blamed the Liberal government – from top to bottom – for remaining silent and passive before such a "deadly poison."<sup>972</sup>

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<sup>970</sup> My narrative about Luis Ángel Díaz's story blends documentary evidence taken from newspapers and the criminal trial's file with the memories *don* Alirio Hernández Villaneda - a seasoned Cañamomo-Lomapieta *comunero* - shared in a series of interviews we had in October 2018, while doing fieldwork in Riosucio.

<sup>971</sup> ("Se trata de la iniciación del terrorismo fomentado por cuestiones de tierras que envuelven un delicado problema social."). "Villanamente fue asesinado en Riosucio Noé Cadavid ayer," *La Patria*, Manizales, April 13, 1937, 1. The Bueno Cock was a prominent Conservative Riosucian family. Interestingly, Ernesto Bueno Cock - who might be the *La Patria*'s local correspondent - served as the Riosucio Second Circuit Court secretary and occasionally as its temporary judge in 1937. This local court conducted the initial investigation of Noe Cadavid's murder.

<sup>972</sup> ("Dos o tres izquierdistas de las falanges de choque han sido encarcelados como presuntos instigadores y continúa una bola encendida contra la siniestra ala [...] El telégrafo, los teléfonos transmiten una plegaria

The criminal case against Luis Ángel Díaz provides a rich glimpse at Riosucio's social, racial, and political tensions during the Liberal Republic. This case reveals the fear of local elites - Liberals and Conservatives alike - of what they perceived as the rise of communism in the region, which some of them linked to President López Pumarejo's "Revolución en Marcha," at that time at its peak.<sup>973</sup> Moreover, this trial's denouement hints at novel criminal justice views, attuned with concerns for social justice and fair land distribution, that emerged during the Liberal Republic.

Because of conflicts between local authorities concerning the case, the trial was assigned to a Criminal Court in Manizales. Once there, the first instance court released with no charges the four *comuneros* that had been arrested along with Luis Ángel Díaz and indicted the latter for murder in the first degree (*homicidio premeditado*). Both the defendant and his counsel appealed the indictment. Their allegations aimed to bring the judges' attention to the ever-increasing land dispossession suffered by Díaz's family and the indigenous community to which he belonged. Díaz's counsel also highlighted all the Cañamomo-Lomaprietas' failed attempts to seek justice in the courtrooms. The defense

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*de reclamos al Gobierno de Caldas y al Procurador en demanda de remedio o del antídoto al veneno que ya es mortal. Pero nadie se mueve. Hay un silencio, una mudez más que sospechosa desde las alturas del olimpo hasta la sima [...].*”). “Completo detalles sobre el asesinato del Sr. Noé Cadavid,” *La Patria*, Manizales, April 17, 1937, 7. The same day, local Conservative newspaper *La Unión* extended its condolences and expressed concern about the crime. “Duelo,” *La Unión*, Riosucio, April 17, 1937, 2.

<sup>973</sup> Julio Vinasco, Cadavid's assistant, testified that Apolonio Vinasco (no relation to Julio) was seen while he was organizing political meetings in La Iberia a few days before April 12. Some witnesses declared they knew Apolonio Vinasco as a local leftist agitator, but nobody confirmed Julio Vinasco's hearsay nor was Apolonio summoned to court to testify. Still, throughout the trial's records resurfaced the hypothesis linking the events with communist agitators or suggesting that "the country's new legal order" encouraged people "to destroy fences, steal cattle, and kill their owners." Conservative local newspapers added fuel to the political tension surrounding the trial by warning about the "Bolshevism on the March" in clear allusion to President López Pumarejo's motto. See, “El Volcheviquismo en Marcha,” *La Unión*, Riosucio, August 28, 1937, 1.

claimed that, by shooting Noé Cadavid, Luis Ángel Díaz acted in defense of his life and his family's - and his community's - lands.<sup>974</sup> The Manizales Appeals Court partially accepted the defense's thesis by modifying the accusation of assassination for the much more lenient of manslaughter (*homicidio simplemente voluntario*). In a bold decision, the Manizales Appeals Court established that the circumstances surrounding Díaz's criminal act would lead to a significant attenuation of liability, as he acted in defense of his family's and community's lands.<sup>975</sup>

The appeals court established that Díaz's act fell within Article 587 num 3 of the Criminal Code of 1890, under which "homicide is considered simply voluntary when it is committed: [...] 3. because of robbery, arson, invasion, trespassing, or assault of a property, which the murderer sees committed immediately before the homicide."<sup>976</sup> To support this decision, the tribunal pointed out, first, that "both civil and criminal laws seek to defend [peasant] land ownership in order to avoid the disintegration of the peasant unit."<sup>977</sup> Second, the appeals court emphasized peasants' and especially *indígenas'* attachment to the

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<sup>974</sup> Manizales lawyers Alejandro Duque and Víctor Urrea served as Díaz's counsels. Evidence from the judicial file shows that former Cañamomo-Lomaprieta's Governor Inocencio Guerrero actively sponsored Luis Ángel Díaz's defense. As per don Alirio Hernández's memories, the *cabildo* sold a piece of *resguardo* land, which the community used to use as common pasture, to cover the attorneys' fees.

<sup>975</sup> Manizales District Court, Criminal Chamber, Decision of September 20, 1938, in AJM, "Causa No. 517." José J. González was the reporting judge, and Judge Eduardo Posada Arango endorsed the decision. Judge Luis M. Arcila submitted a dissenting opinion.

<sup>976</sup> ("El homicidio se reputa simplemente voluntario cuando se comete: [...] 3. Por el robo, incendio, invasión, escalamiento o asalto de una propiedad, que el homicida vea cometer inmediatamente antes del homicidio.") (underlined by the court).

<sup>977</sup> ("[...] la legislación tanto civil como criminal [...] ha buscado en forma especial la defensa de la propiedad de la tierra, y con ella evitar la desintegración de la unidad campesina, mucho más revelada en la hora actual con el famoso estatuto conocido con el nombre de "Ley de Tierras.")

land, which both conceive as "an integral part of [their] own personality."<sup>978</sup> Third, the tribunal asserted that Noé Cadavid had no legal grounds for taking over Luis Ángel Díaz's family plot as it was indigenous land. Regarding this point, the appeals court pointed out that the law "strictly prohibits the adjudication of public lands (*baldíos*) if indigenous people occupy them." The land that Cadavid seized "not only was occupied by the *indígena* Díaz's family, but it was part of the *parcialidad* of Cañamomo-Lomapieta, under the jurisdiction of its governor." Quoting and underlining a report submitted by Cañamomo-Lomapieta's Governor Israel Tapasco, the tribunal highlighted that, acting through his employees, Cadavid "knocked coffee and plantain trees down [...] and then released cattle, thus doing away with the sprout [...]."<sup>979</sup> In the appeals court's view, Díaz committed the homicide when Cadavid's invasion was still going on, so that his action fell under Article 587.3 of the Criminal Code, which required the homicide to be committed "as the invasion's was taking place" to be considered as simply voluntary.<sup>980</sup>

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<sup>978</sup> (“[...] Para el campesino, la tierra adquirida con su esfuerzo personal forma parte integrante de su propia personalidad, siendo ello tan evidente que la mayoría de sus diferencias civiles y muchos de los delitos de sangre [...] son una consecuencia o efecto de la defensa de unos centímetros de tierra [...]. Se toma como punto de partida y de apreciación al campesino, por hallarse éste, dada la escala cultural, en un plano superior al que ocupa el indígena que se llama semi-civilizado. [...] El indígena en su tierra solo ve su propiedad, y mucho más si ella tiene el antecedente, como aquí lo ocurre, de haber pertenecido a uno de sus antepasados, continuada en su madre, como mujer y como indígena, incapaz para defenderse de ‘la invasión’ de que fue víctima.”)

<sup>979</sup> (“[...] el artículo 3 de la Ley 60 de 1916 prohíbe terminantemente la adjudicación de terrenos baldíos cuando estén ocupados por los indígenas [...] Y en el caso concreto [...], el terreno que de hecho se adjudicó don Noé Cadavid porque legalmente le era imposible, no solo estaba ocupado por la familia del indígena Díaz, sino que formaba parte de la *parcialidad* de Cañamomo y Lomapieta, bajo la jurisdicción del gobernador respectivo, cuyo informe [...] relata que Cadavid “derribó cafetales y plantaciones por medio de sus recomendados y luego soltó ganado, acabando así con el retoño [...]” (subraya el Tribunal).”)

<sup>980</sup> (“[...] este acto se acerca más al artículo 587 porque [...] el homicidio se cometió cuando se estaba en el momento actual de la ‘invasión,’ desde luego que la actualidad viene a constituir una modalidad permanente o inseparable de aquél fenómeno, que solo deja de subsistir cuando la invasión haya desaparecido.”)



The Manizales Appeals Court decision set the tone of the subsequent jury trial. Drawing on this tribunal's argumentation, Díaz's counsels succeeded in swaying the jury to the defendant's side.<sup>981</sup> Asked whether Luis Ángel Díaz was guilty of having voluntarily murdered Noé Cadavid, the jury's verdict was "yes, [he is], but by excess or imprudence, as the defendant acted in defense of his life or property."<sup>982</sup> Based on this verdict, on March 16, 1939, the first instance judge, Roberto Acebedo-Gómez, sentenced Díaz to one year in prison plus other accessory penalties. Judge Acebedo-Gómez chose the lowest penalty that it was possible to impose for homicide under the 1890 Criminal Code (arts. 591 and 608). He also ordered Luis Ángel Díaz's immediate release, as the defendant had been already jailed for almost two years.

The lawyer of Cadavid's widow appealed the decision arguing that such a lenient punishment would lead to impunity and encourage violence against local landowners. The private prosecution provided affidavits of Riosucians who attested that Luis Ángel Díaz's release "has endangered the lives of owners of estates near La Iberia and those of all honest citizens." Besides, it claimed that these estates' value "has dropped too much because of the continuous threats Díaz and his fellows make against landowners and stewards in the region."<sup>983</sup> Despite local proprietors' plea for harsher punishment, the Manizales Appeals Court ultimately confirmed the first instance ruling and, thus, Díaz's unconditional

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<sup>981</sup> Interestingly, far-right Manizales intellectual and politician Gilberto Alzate Avendaño was initially chosen by lot to be part of the jury. But Alzate Avendaño was excluded of the jurors' final list after the defendant's lawyers successfully objected.

<sup>982</sup> ("*Si, pero por exceso o ligereza, creyendo obrar en defensa de su vida o sus bienes.*")

<sup>983</sup> Affidavits of Evelio López, Hernando Trujillo, and Gregorio Guzmán, Riosucio, April 11, 1939, in AJM, "Causa No. 517."

release.<sup>984</sup> Díaz was 37 years old when he was set free. He died about two years later – “apparently poisoned” - *don* Alirio Hernández told me.

*Don* Alirio, a seasoned Cañamomo-Lomapieta *comunero*, has become the keeper of Luis Ángel Díaz's history and the one who best knows its details.<sup>985</sup> But all members of the community have heard about "the Indian Luis Angel Díaz," for its anthem's chorus repeats: "With the sound of the horn, / the cacique gathered [the community]. / We must pay homage / to the Indian Luis Ángel Díaz."<sup>986</sup> This chorus hints at the significance people of Cañamomo-Lomapieta attach to this memory, which tells about dispossession, resistance, collective action, and dignity. Karl Marx defined "the so-called primitive accumulation" as "the historical process of divorcing the producer from the means of

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<sup>984</sup> Manizales District Court, Criminal Chamber, Decision of September 28, 1939, in AJM, “Causa No. 517.” This time Bernardo Salazar Grillo was the reporting judge and judges Clímaco Sepúlveda and Victoriano Velez signed with him. This ruling’s language and rationale, however, were quite different from those of the decision that Appeals Judges José J. González and Eduardo Posada Arango had signed on September 20, 1938. Rather than framing Díaz's crime as a defense - albeit excessive - of his family's and his community's land, the appeals court's final ruling took a more orthodox path by arguing that Diaz fired in the belief that he was acting in defense of his own life. The 1939 ruling did not mention land issues whatsoever. Besides, it portrayed the defendant in quite derogatory and racist terms: "A very ignorant Indian, of the lowest social position, and extremely poor. A descendant of a vanquished race, sullen by atavism and temperament, he has considered himself in any case humiliated by the whites. Therefore, he belongs to those individuals who - in certain situations - do not conceive of more protection than what their brute strength can provide." (“*un indio muy ignorante, de bajísima posición social, y muy pobre – descendiente de una raza vencida, huraño por atavismo y por temperamento, se ha considerado en todo caso humillado por los blancos, y por lo mismo pertenece a aquellos individuos que – en determinados trances – no conciben mas amparo que lo que puede su fuerza bruta.*”

<sup>985</sup> *Don* Alirio's vivid account, entirely based on oral memories, put me on the track of the documentary evidence I later found and gave me key elements to interpret it and write this section. Now 67 years old, he dreams of composing and directing a play entitled "The Liberation of the Cañamomo Lomapieta *Resguardo* by Luis Ángel Díaz." *Don* Alirio's proposal has not yet found an echo among current Cañamomo-Lomapieta's authorities, who are pretty busy dealing with the process of land dispossession that is still going on. May this chapter's section, which owes so much to *Don* Alirio, be a little contribution to make his dream come true.

<sup>986</sup> (“*Con el sonido del cuerno / el cacique reunía. / Hay que hacerle un homenaje / al indio Luis Ángel Díaz.*”)

production [...] the historical movement which changes the producers into wage-laborers." "The history of their expropriation" - Marx wrote - "is written in the annals of mankind in letters of blood and fire."<sup>987</sup> Drawing on this insight, historian Jeffrey Gould delves into the production and transmission of "memories of 'primitive accumulation'" by subaltern groups to explore the interaction between memories of mestizaje and Nicaraguan nationalist narratives. The study of such memories of accumulation - made up of "memorable events of 'blood and fire'" - may "shed much light on the evolution and transformation of a particular subaltern group," Gould suggests.<sup>988</sup> Luis Ángel Díaz's story represents one of these "memorable events of blood and fire." It conveys memories of dispossession and the emergence of new resistance strategies in the 1930s, which added to the Cañamomo-Lomaprietas' long-lasting legalistic tradition and marked a turning point in this community's recent history and identity.

Cañamomo-Lomapieta's anthem ties the memory of "the Indian Luis Ángel Díaz" with that of "the horn." There is no direct evidence proving that "the sound of the horn," which characterized the PCC-affiliated peasant leagues, actually accompanied the Cañamomo-Lomapietas' leftist turn in the 1930s. There are, however, archival traces showing the existence of a peasant league in La Iberia. On November 17, 1938, Manuel Antonio Reyes, acting as the president of the *Liga Campesina de La Iberia*, addressed Colombian President Eduardo Santos. In his letter, Reyes asserted that "since time

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<sup>987</sup> Karl Marx, *Capital. A Critique of Political Economy*, trans. Samuel Moore and Edward Aveling, ed. Frederick Engels (Chicago: Charles H. Kerr & Company, 1906), 1: 786.

<sup>988</sup> Jeffrey L. Gould, *To Die in This Way. Nicaraguan Indians and the Myth of Mestizaje 1880-1965* (Durham: Duke University Press, 1998), 231-232.

immemorial we have been the legitimate owners of the lands known as 'La Iberia' and 'Cañamomo Lomapieta,' as attested by the enclosed documents."<sup>989</sup> He complained that, in complicity with local authorities, "some rich people took possession over our lands, squeezing us in such a way that, today, we do not even have a place to live." Therefore, Reyes requested President Santos to intervene, adding that he was "the only one who could remedy our sad situation."<sup>990</sup>

The Peasant League of La Iberia also voiced its complaints of collusion between Riosucian authorities and landowners in the regional press. In September 1939, Pereira-based leftist newspaper *Pluma Libre* published a letter the Peasant League of La Iberia sent to the department of Caldas governor complaining about "a serious case of administrative immorality." The League accused the secretary of the Riosucio Mayor's Office, Jesús M. Taborda, of colluding with local landowners Vicente and Sixto Garcés to dispossess a group of indigenous peasants of the Cañamomo-Lomapieta community. After representing a group of *indígenas* - the letter explains - Taborda began to work for the Garcés brothers. He crafted a series of sale documents whereby the *indígenas* would transfer their parcels to the Garcés. But "the Indians soon realized the danger such

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<sup>989</sup> Reyes attached copies of Deed 79 of 1936, which contains the *prueba supletoria* notarized by Cañamomo-Lomapieta's Governor Israel Tapasco and his cabildo in February 1936.

<sup>990</sup> ("Desde tiempos inmemoriales somos legítimos poseedores de las tierras conocidas con el nombre de 'La Iberia, Cañamomo y Lomapieta', como lo atestiguan las copias que con esta le remito. Pero es el caso, Excelentísimo Señor, de que en esta población algunos ricos se han adueñado de ellas, estrechándonos de tal manera que no tenemos siquiera donde vivir, acontentamiento de las autoridades de ésta, y éste el motivo para dirigirme a Ud. como único que podrá remediar nuestra triste situación. Le enviamos copia de los Títulos de propiedad para que Ud. se entere del derecho que nos asiste.") President of the Peasant League of La Iberia to President of the Republic of Colombia, Riosucio, November 17, 1938, AGN, República, Ministerio de Gobierno, Asuntos Indígenas, Resguardos Departamento de Caldas, caja 4, carpeta 2, registro 4 (caja antigua 186, carpeta antigua 1559), fechas extremas 1935-1945, fol. 125.

documents represented for them and, thus, refused to sign them." Now, acting as the secretary of the Mayor's Office, Taborda summoned them to notify a resolution that ordered them to stop farming on a land tract the Garcés claimed as theirs, but which actually belonged to the Cañamomo-Lomaprieta community, the League stated. The Peasant League of La Iberia requested the governor of Caldas to sanction Taborda and, in so doing, contribute to solving "the problem that has arisen in Riosucio for the workers of the Land."<sup>991</sup>

Along with the League's president, Manuel Antonio Reyes, vice-president Marco T. Guerrero, and secretary Eulogio Guerrero signed the 1939 letter. None of them was part of the Cañamomo-Lomaprieta *cabildo* at that time.<sup>992</sup> Manuel Antonio Reyes, however,

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<sup>991</sup> ("En los últimos días fueron citados algunos campesinos a la Alcaldía [...] fin de notificarles la suspensión de cultivos en los terrenos de la Comunidad Indígena de Cañamomo y Lomaprieta. Tal procedimiento fue originado por las quejas que formularon los señores Vicente y Sixto Garcés, quienes [...] se han apropiado de unos terrenos pertenecientes a la comunidad aludida. [...] Queremos que el señor Gobernador de Caldas se entere de un hecho demasiado grave, para que interpretando el pensamiento del Excelentísimo Señor Presidente de la República, Doctor Eduardo Santos, quien aspira según sus propias palabras a ser el Presidente de los Campesinos, nos haga justicia. El caso es el siguiente: El señor Jesús M. Taborda fue el primer defensor de un grupo de indígenas, a quienes explotó económicamente hasta el momento en que no tenían ya que gastar. Luego se hizo abogado de los señores Garcés y tuvo el cinismo de hacer un poco de documentos de venta a favor de los terratenientes nombrados. Los indios se dieron cuenta pronto del peligro que para ellos representaban tales documentos y se negaron a firmarlos. Taborda es nada menos que Secretario de la Alcaldía y en sus notificaciones tuvo el cinismo de decir que la escritura de los señores Garcés tenía más de 100 años, tratándose únicamente de una cédula precolonial [sic] que pudieron haber levantado en el año de 1924. Este es el único argumento que aducen para ejercer la violencia contra los pobres indios, violando el derecho de estos consagrados en leyes vigentes. Esperamos que el señor Gobernador sancione ejemplarmente el caso de inmoralidad administrativa que dejamos denunciado y contribuya en cuanto esté a su alcance a la solución del problema que en Riosucio se ha planteado a los trabajadores de la Tierra.") "Los Campesinos de La Iberia denuncian al Gobierno Departamental un grave caso de Inmoralidad Administrativa," *Pluma Libre*, Pereira, September 8, 1939, 6 and 8.

<sup>992</sup> The members of the 1939 Cañamomo-Lomaprieta *cabildo* were: Israel Tapasco (Governor), Jerónimo Calvo (Substitute Governor), José María Tapasco (Alcalde 1º), Cayetano Tapasco (Alcalde 2º), Emilio Guerrero (Substitute Alcalde 1º), Dámaso Tapasco (Substitute Alcalde 2º), Manuel Villaneda (Regidor 1º), Alfonso Trejos (Regidor 2º), Rómulo Tapasco (Substitute Regidor 1º), Alfonso Ramírez (Substitute Regidor 2º), Lisandro Bolaños (Secretary), and Miguel Ángel Guerrero (Substitute Secretary). AMR, *Libro de Posesiones*, January 1, 1939.

served as a defense witness in the Luiz Ángel Díaz case and was appointed as the Cañamomo-Lomaprieta substitute governor in 1943.<sup>993</sup> Meanwhile, Eulogio Guerrero, the League's secretary, also served as the secretary of the 1942 *cabildo*.<sup>994</sup> These coincidences suggest that the Peasant League of La Iberia emerged at some point in the 1930s and ran parallel - and perhaps in some alignment - with the Cañamomo-Lomaprieta *cabildo*. As its 1938 and 1939 letters reveal, this association made a claim for justice based on a dual entitlement to land. The Peasant League of La Iberia blended *indígenas'* traditional appeal

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<sup>993</sup> AMR, *Libro de Posesiones*, January 1, 1943. The principal governor of the 1943 *cabildo* was José María Tapasco. It is worth noticing that Manuel Antonio Reyes also surfaced in the interviews with Don Francisco Morales, Don Ernesto Tapasco, and Don Alirio Hernández in October, 2018. Don Francisco, now 90 years old, is a leftist activist who accompanied the Cañamomo-Lomaprietas and other rural communities in Riosucio and Quinchía from the 1960s to the 1990s. He recalls Manuel Antonio Reyes as a member of the Liberal Revolutionary Movement (Movimiento Revolucionario Liberal - MRL), a dissident faction of the Liberal Party that Alfonso López Michelsen (former president Lopez Pumarejo's son) founded in 1960. Manuel A. Reyes was elected as governor of Cañamomo-Lomaprieta in the mid- 1960s, being the first time that a leftist occupied this position, "which up to then had been in the hands of the traditional parties," *Don Francisco* said. *Don Ernesto Tapasco*, now 80 years old, is a member of Cañamomo-Lomaprieta's Consejo de Gobierno (the community's highest governance body, comprised of the actual governor and the former ones). *Don Ernesto* began his path in the community's organization in the 1970s, mentored by Manuel Antonio Reyes. *Don Francisco* and *Don Ernesto* agree that the Manuel Antonio Reyes they knew - over 60 years old in the mid-1960s - might be the same individual who presided over the Peasant League of La Iberia in 1939. Meanwhile, Don Alirio Hernández has a different - and quite more intriguing - account. He explains that "there were two governors Manuel Antonio Reyes." One of them was known as "El Brujo" (The Wizard / Shaman), and the other one was among the leaders of the 1971 land occupation movement. Don Alirio explains: "Manuel Antonio Reyes 'El Brujo' was first. I don't remember the time. He was a brujo (wizard/shaman) because he could be at once attending a judicial proceeding in a court and a meeting here. He could transform himself into a different one. [...] He only stayed in that *cabildo* for about two years, because he - how can I explain to you - had a different charisma, a cultural one, so that he could not continue in the *cabildo* for a long time. [...] And then, Manuel Antonio Reyes, the other one, in 1971, he was the one who was at the foot of the land occupations that we carried out in 1971, which I joined when I was sixteen years old [...]." ("Manuel Antonio Reyes 'El Brujo' fue primero. No recuerdo la época. Fue brujo porque él podía estar en una diligencia en un Juzgado y podía estar en una reunión aquí. Se transformaba, él era como la diferencia. No estuvo sino como dos años en ese Cabildo, por el estado de ser... como te dijera... tener un carisma diferente, o cultural, entonces no pudo seguir mucho tiempo en el Cabildo. [...] Y pues ya, Manuel Antonio Reyes, el otro, fue en 1971, fue el que estuvo al pie de las tomas de tierras que tuvimos en 1971, yo entré en esas tomas de tierras, tenía 16 años y medio, iba para los 17, y yo ya ahí el Gobernador dijo que la tierra tenía que ser gratis para los indígenas y el INCORA decía que teníamos que pagarla. Y no, la legislación indígena la Ley 89 de 1890 dice que la tierra debe ser gratis para los pueblos indígenas, y se cerró, y por eso nos mandaron fue la represión.") Whether Manuel Antonio Reyes, the "Brujo," was the same individual who presided over the Peasant League of La Iberia in 1939 remains an open question.

<sup>994</sup> AMR, *Libro de Posesiones*, January 1, 1942.

to ancient possession - documented in *resguardo* titles - with new class-based arguments that emphasize indigenous-peasants' rights as "the workers of the Land." When some Colombian *indígenas* began to understand and experience Indianness both in terms of class- and ethnic- identity, the emergence of La Iberia Peasant League suggest that at least a sector of the Cañamomo-Lomaprieta community began to embrace a class-based Indianness.<sup>995</sup>

The Peasant League that grew up in La Iberia by the late 1930s seemingly was closer to the Liberal Left than the Communists. As noted, the PCC-affiliated leagues were not the only peasant organizations that sprouted at that time. Other opposition political parties and even the Liberal governments encouraged the creation of peasant leagues and unions.<sup>996</sup> Indeed, another organization - the Peasant League of the Municipality of Riosucio - was granted legal standing (*personería jurídica*) in late 1944.<sup>997</sup> By contrast, the Peasant League of La Iberia lacked such official recognition, which, at first glance, would hint at some proximity to the Communist party.<sup>998</sup> Yet, the fact that this organization

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<sup>995</sup> Historian Mauricio Archila uses the concepts "peasant-*indígenas*" and "indigenous-peasants" to convey how the tension between class and ethnicity has shaped Indianness in Colombia, with particular reference to the Caucaño indigenous movement. Archila Neira, "Memoria e identidad en el movimiento indígena caucano," 465-470.

<sup>996</sup> Gloria Gaitán reported the existence of five association of agricultural workers in the department of Caldas in the period from 1938 to 1939. Gaitán, *Las luchas por la tierra*, 67-68.

<sup>997</sup> The *Liga Campesina del Municipio de Riosucio*'s board members were Tobías Morales, Heriberto Bueno, and Alfonso Morales (with no apparent relation to San Lorenzo or Cañamomo-Lomaprieta indigenous communities). See, Ministry of Government, Direction of Justice, Resolution 297 of December 28, 1944, "por la cual se reconoce personería jurídica a un sindicato," *Diario Oficial*, Año LXXXI – No. 26071, Bogotá, February 28, 1946, 1.

<sup>998</sup> The 1945 report by the Minister of Work contains a list of all the labor unions that had been granted legal standing since 1909 up to the first semester of 1945. The Peasant League of La Iberia is absent from such a list, whereas the Peasant League of the Municipality of Riosucio appears in entry no. 90 out of the 109 unions listed for the Department of Caldas, being the only association registered for Riosucio. See, "Estadística de las organizaciones sindicales que han obtenido personería jurídica desde el año 1909 al primer semestre de

lacked any mention in the much active "*Sección Indígena*" of the PCC's press and, instead, voiced its complaints in the leftist outlet *Pluma Libre*, suggests otherwise. Initially linked to the pro-gaitanista UNIR, from mid-1936 on, this Pereira-based newspaper began to identify itself as a "socialist weekly paper" that gave voice to different leftist currents of the Liberal party.<sup>999</sup> A couple of notes *Pluma Libre* published in November 1937 illustrate the overt hostility between its editors and the Communist newspaper *Tierra*.<sup>1000</sup> Altogether, the available evidence indicates that the cadre of "red *indígenas*" that emerged in La Iberia throughout the mid-1930s was not connected with the PCC-affiliated indigenous peasant leagues that grew up in Cauca, Tolima, Huila, and the Sierra Nevada of Santa Marta. Rather, the Peasant League of La Iberia's political network remained at a regional level and, seemingly, closer to the Liberal Left that unfolded in Pereira and western Caldas during the Liberal Republic.<sup>1001</sup>

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1945," in *Anexos a la Memoria del Ministro de Trabajo, Higiene y Previsión Social. Tomo II 1944-1945* (Bogotá: Imprenta Nacional, 1945), 416. As historian Gonzalo Sánchez notes, a distinctive feature of the PCC's leagues was the lack of *personería jurídica*, as Liberal governments systematically denied registration to these organizations and, at some point, Communists decided not to ask for such a legal recognition. Sánchez, *Las ligas campesinas*, 64-65.

<sup>999</sup> On *Pluma Libre*'s editorial line, see Carlos Andrés Charry Joya, "Unirismo y *Pluma Libre*. Expresiones y transformaciones de la prensa gaitanista de los años 30," *Sociedad y economía* 38 (2019): 66-90 (especialmente 81-87).

<sup>1000</sup> "'Pluma Libre' y las Izquierdas de Colombia" and "Los dirigentes comunistas contra la prensa de izquierda," *Pluma Libre*, Pereira, November 19, 1937, 1, 5, 6. Interestingly, the specific issue that gave rise to these contentious editorial notes reflected both newspapers' different stance toward the candidacy of moderate Liberal Eduardo Santos to the upcoming presidential elections. Following the PCC's policy of Popular Front, the Communist newspaper *Tierra* supported Santos's candidacy. Meanwhile, *Pluma Libre* did not endorse Santos.

<sup>1001</sup> During the period of intense partisan violence that intensified after the assassination of Liberal populist leader Jorge Eliécer Gaitán in 1948, northwestern Caldas, particularly the district of Quinchía and its surroundings, became known as a Liberal stronghold. As Sánchez and Meertens document, this area was the hub of the legendary Liberal bandit "Capitan Venganza" (Revenge Captain). Gonzalo Sánchez and Donny Meertens, *Bandoleros, gamonales y campesinos. El caso de La Violencia en Colombia*. With a foreword by Eric J. Hobsbawm (Bogotá: El Áncora, 1983), 177-190; Jefferson Jaramillo Marín, Alberto Antonio Berón Ospina and Carlos Alfonso Victoria Mena, "Pacificación territorial e insubordinación social en una "Plaza



In sum, the Cañamomo-Lomaprieta community faced the 1930s ever-increasing land pressures with a strategy that combined its long-lasting legalistic tradition with new leftist forms of direct action and mobilization. While at least a sector of the Cañamomo-Lomaprieta community was becoming “red,” San Lorenzo’s *indígenas* remained “blue.”

### 8.2.3. San Lorenzo: Being Conservative in the Liberal Republic

The 1939 report by the Ministry of Economy’s official Adolfo Romero noted that San Lorenzo’s authorities estimated their *resguardo* spanned a length of fifty-five kilometers, though they were unclear about how many hectares this area corresponded to. The same source indicated the *resguardo* was inhabited by 4,000 *indígenas*, distributed into 600 families, plus thirty-four people “of other races” who had possessed their land plots for over thirty years.<sup>1002</sup> By contrast with its neighbors of Cañamomo-Lomaprieta and La Montaña, the San Lorenzo community had spared itself from the significant land loss resulting from the 1870s privatization campaign. Still, its land base had diminished due to the joining effects of population growth and the increasing commodification of indigenous lands in the area.<sup>1003</sup>

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Roja.” El caso de Quinchía, Colombia,” *Anuario Colombiano de Historia Social y de la Cultura* 47, vol. 2 (2020): 113-150.

<sup>1002</sup> (“El Cabildo no sabe de cuántas hectáreas se compone el Resguardo, pero afirma que está encerrado por una longitud de 55 kilómetros [...]. Dentro de los terrenos del Resguardo y con posesiones de más de 30 años se encuentran unas 34 personas de otras razas.”). “Informe presentado por el Dr. Adolfo Romero B. sobre el resultado de la Comisión que le fue confiada por Resolución 421 de 3 de agosto último,” Bogotá, September 29, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fols. 44-46.

<sup>1003</sup> As discussed in chapters 5 and 7. For the examination of land sales in San Lorenzo, see Section 7.1 (note 20)

Along with sales and leases of *resguardo* lands to outsiders, *indígenas'* indebtedness became a significant source of disputes and land losses. Appelbaum refers to the role played by Santiago González. This Antioqueño merchant used to sell clothes and provide credit to San Lorenzo's *indígenas*, which allowed him to gain considerable landholdings within the *resguardo* by foreclosing mortgages and crop liens.<sup>1004</sup> But González was just one among the many creditors that took indigenous lands as collateral. Aiming at recovering unpaid amounts, creditors filed executive lawsuits (*procesos ejecutivos*), which usually finished with judicial orders of seizing and auctioning the debtors' *resguardo* parcels. For instance, in February and March 1932, Riosucio Conservative newspaper *La Unión* advertised the seizure and public auction of three land plots located within the San Lorenzo *resguardo* in lawsuits filed by Isaías Román, Juan Francisco García, and other creditors.<sup>1005</sup>

Although San Lorenzo's authorities tried to control and even sued to revert unlawful land sales by members of the community, in some cases, the *cabildo* itself engaged in such transactions. On December 12, 1931, Governor Celedonio Blandón and his *cabildo* signed a notarial deed whereby the *parcialidad* sold a tract of *resguardo* land to land entrepreneur

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<sup>1004</sup> Appelbaum, "Remembering Riosucio," 501.

<sup>1005</sup> "Edicto de embargo de un lote de terreno en la parcialidad de indígenas de San Lorenzo en proceso ejecutivo del Sr. Isaías Román contra los señores Eustacio Bañol, Matías y Gregorio Bueno," *La Unión*, February 20, 1932, 3; "Edicto de embargo de un lote de terreno en la parcialidad de indígenas de San Lorenzo en proceso ejecutivo verbal del Sr. Isaías Román contra los señores Matías y Simeón Bueno," *La Unión*, February 27, 1932, 3; "Remate de un lote de mejoras en terreno perteneciente a la parcialidad de San Lorenzo en el juicio ejecutivo que adelanta el señor Juan Francisco García contra el señor Julián Salazar," *La Unión*, March 12, 1932, 3.

Mesías González for the price of 300 pesos.<sup>1006</sup> This sale did not comply with Law 89's requirements of prior judicial authorization and public auction. Neither did a 1940 private document whereby the San Lorenzo *cabildo* committed to transfer a land tract to Manuel Felipe Restrepo for the price of 200 pesos. As the justification for this transaction, San Lorenzo's authorities stated:

The *cabildo* proceeds to this sale because the *parcialidad* lacks resources and has no income of any kind to cover the expenses that the defense of its rights involves. All the more since its [the *resguardo*'s] legal existence is not well defined and protected by the judiciary, which is why the community members daily engage in all kinds of land transactions.<sup>1007</sup>

This passage hints at how the 1935 legal defeat the *parcialidad* suffered in the lawsuit against Luis Horacio Zabala undermined San Lorenzo's leaders' confidence in the legal system and their capacity to enforce rules concerning land transactions. As discussed in Chapter 7, the 1935 Manizales District Court's ruling dismissed the validity of the San Lorenzo *resguardo* title, leaving the community with no legal tools to secure its landholdings. Still, like the neighboring *parcialidad* of Cañamomo-Lomaprieta, San Lorenzo's leaders kept trying litigation to recover lost land. The 1939 report by Adolfo Romero noted that the *parcialidad* of San Lorenzo had a pending lawsuit against Juan de

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<sup>1006</sup> Notarial Deed 426 of December 12, 1931, Notary of Riosucio. AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, Resguardo de San Lorenzo, Riosucio (Caldas), caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols 105r-107v.

<sup>1007</sup> (“[...] a esta venta procede el Cabildo por cuanto que la *parcialidad* carece de recursos y no tiene rentas de ninguna clase para atender a los diferentes gastos que le ocasiona la defensa de sus derechos, máxime si se tiene en cuenta que su existencia no está bien definida y amparada por el poder judicial, motivo por el cual se ve a diario en ella transacciones de todo género efectuada por sus comuneros.”) Promise to sale agreement (*promesa de venta*) signed by members of the San Lorenzo *cabildo* and Manuel Felipe Restrepo, San Lorenzo, February 1, 1940. AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, Resguardo de San Lorenzo, Riosucio (Caldas), caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 119-120.

Dios Dávila, Inocencio Valencia, and Rómulo Guerra.<sup>1008</sup> But unlike its neighbors of Cañamomo-Lomaprieta, the San Lorenzo community was unwilling to take direct action against those who had taken over its lands. San Lorenzo's conservative values deterred its members from challenging the status quo in such a confrontational way.

Catholicism was a crucial element of San Lorenzo's communal identity. As Appelbaum notes, the chapel became the centerpiece of San Lorenzo's village and communal life.<sup>1009</sup> It had been so since the colonial era. The San Lorenzo community became indebted - and even was at the risk of losing a vast tract of land - to cover the expenses resulting from the rebuilding of its village's chapel after a fire destroyed it around the mid-1700s.<sup>1010</sup> Moreover, in 1804, indigenous authorities of Supía, Cañamomo, and San Lorenzo were asked about the project of resettling their communities out of the Vega de Supía to the nearby pueblos of Quinchía and Tachigüí. The *alcalde* of San Lorenzo was the only one who answered that, before coming to a decision, the community needed to consult its priest "to see whether he would allow his sheep to be removed from where they stay."<sup>1011</sup> The village's church continued to be at the center of San Lorenzo's communal

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<sup>1008</sup> "Informe presentado por el Dr. Adolfo Romero B. sobre el resultado de la Comisión que le fue confiada por Resolución 421 de 3 de agosto último," Bogotá, September 29, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fol. 50.

<sup>1009</sup> Appelbaum, "Remembering Riosucio," 480.

<sup>1010</sup> This episode is recorded in the 1913 San Lorenzo *resguardo* title, as discussed in Chapter 7 (Section 7.2.2).

<sup>1011</sup> ("[...] Alfonso Blandón [...], *alcalde del pueblo de San Lorenzo*, [...] dijo: que para responder era necesario ver al Sr. Vicario del Pueblo de Supía, Dr. Dn. Joaquín Velarde, a ver si permitía él que sus ovejas se despoblasen de donde estaban [...]") Fundación..., 1794-1805," AGN, Colonia, Poblaciones Cauca, 46, 1, D.10, 979r. This episode is discussed in Chapter 2 (Section 2.3)

life in post-colonial times, when communal work rotations organized by the cabildo used to include labor for the chapel.<sup>1012</sup> This church's centrality stood in striking contrast with the neighboring *parcialidad* of Cañamomo-Lomapieta, whose central hamlet – La Iberia – even lacked (and still lacks) a chapel.

Catholic patriarchal values also allowed the San Lorenzo community to maintain its ethnic boundaries and, in so doing, to prevent land losses resulting from interracial marriages. The 1874 *padrón de indígenas* depicts San Lorenzo as a highly endogamous community: 95.2% of San Lorenzo's population were registered as fully indigenous (*indígenas puros*); no women were listed as having married non-Indians, and only thirteen children were registered as born out of wedlock (*hijos naturales*).<sup>1013</sup> These figures suggest how the enforcement of a Catholic patriarchal familial model contributed to maintaining San Lorenzo's endogamous kinship patterns throughout the nineteenth century.<sup>1014</sup> Seemingly, this situation remained substantively unchanged during the first half of the 1900s. When anthropologist Luis Duque Gómez visited the region in the early 1940s, he was impressed by San Lorenzo's greater degree of racial purity when compared with the surrounding indigenous communities.<sup>1015</sup> In Duque Gómez's view, San Lorenzo female *indígenas'* behavior was "extremely adjusted to the Christian morality." He noticed

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<sup>1012</sup> Appelbaum, "Remembering Riosucio," 477-482.

<sup>1013</sup> For a comparative analysis of San Lorenzo's and Supía-Cañamomo's demographics based on the 1874 censuses, see Chapter 4 (Section 4.2.1).

<sup>1014</sup> For further discussion, see Appelbaum, "Remembering Riosucio," 179-180, 470-477; *Muddied Waters*, 186-191.

<sup>1015</sup> Duque Gómez, "Grupos sanguíneos," 628-629, 638.

that these women "hardly have sexual contact with individuals of other ethnic groups. They only have it with those of their race and after contracting Catholic marriage". He estimated this community's percentage of born-out-of-wedlock children in less than 10% percent.<sup>1016</sup>

San Lorenzo's *indigenas* were conservative both socially and politically. Their allegiance to the Conservative party had allowed them to successfully navigate the institutional and political changes resulting from the transition from the Radical Liberal era to the Regeneration in the 1880s and, later, to the Conservative era.<sup>1017</sup> By 1905, the village of San Lorenzo - which gained the status of *corregimiento* - was transferred from the jurisdiction of the traditionally Liberal district of Supía to the more Conservative Riosucio. Under the 1886 Constitution, the President was in charge of appointing governors in each province (*departamento*); governors, in turn, appointed mayors in each districts under their jurisdiction. Thus, the Liberals' ascension to power in 1930 meant that the "red" party controlled provincial and local governments even in predominantly "blue" districts, like Riosucio. But Conservatives still controlled some of the widest circulated local newspapers - *La Unión* and *Ingrumá* - which became outlets for criticism against the Liberal Republic.

San Lorenzo remained a Conservative stronghold during the Liberal Republic, judging by the extensive coverage it received from the local press. For instance, in October 1937, *La Unión's* editor complained about the strategies Riosucio authorities deployed to

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<sup>1016</sup> (“[...] la conducta de las indias en este resguardo es sumamente ajustada a la moral cristiana, difícilmente se prestan para el contacto sexual con los individuos de otros grupos étnicos, sólo lo hacen con los de su raza y eso después de contraer el matrimonio católico. Según los datos que pudimos conseguir en los libros del registro civil del corregimiento, el porcentaje de hijos naturales entre los miembros de esta parcialidad no alcanza ni al 10%.”) Duque Gómez, “Grupos sanguíneos,” 638-639.

<sup>1017</sup> See Appelbaum, “Remembering Riosucio,” 485-495.

restrict voting in San Lorenzo during the municipal councilmembers' election.<sup>1018</sup> These fraudulent moves enabled Liberals to gain the local elections, but only by fifty-one votes, the editor complained.<sup>1019</sup> Yet, Riosucio continued to be staunchly "blue," as proved by the results of the 1942 Presidential election. Locals cast 2,914 ballots for the Conservative candidate, Carlos Arango Vélez, while Liberal Alfonso López Pumarejo - who eventually was the victor - only got about half as many, 1,564 votes, in Riosucio.<sup>1020</sup> The demands of San Lorenzo's inhabitants received a great deal of attention in the Conservative local media both before and after the May 7, 1942, presidential election. The *Ingrumá's* pages weekly complained of how neglected the San Lorenzo *corregimiento* was by the Riosucio Liberal administration and how its population desperately needed educational facilities, a post and telegraph office, roads and bridges, etc.<sup>1021</sup>

In the Liberal Republic's political landscape, San Lorenzo remained a "blue" spot within a broader political entity - Riosucio - which also stood as a Conservative bastion amidst a region - northwestern Caldas - and a country predominantly Liberal. Because of

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<sup>1018</sup> Because of these strategies, only sixty-three out of the 600 San Lorenzo inhabitants entitled to vote could cast their ballots, the editor wrote. "La Traba," *La Unión*, Riosucio, October 9, 1937, 2.

<sup>1019</sup> "Constancia," and "Concejo," *La Unión*, Riosucio, October 16, 1937, 1 and 2. The elected councilmembers were: Liberals (5) Gabriel De La Roche, Mario Gärtner, Moises Ibarra, Gabriel García C, and Emiliano Arcila; Conservatives (4) Luis Ángel Velásquez, Jorge H. Palomino, Daniel Restrepo J., and Néstor Bueno Cock.

<sup>1020</sup> "De como transcurrieron las elecciones en Riosucio," *Ingrumá*, Riosucio, May 9, 1942, 6.

<sup>1021</sup> "San Lorenzo, un pueblo cuasiolvidado. Sus habitantes carecen de elementos que sobran en los centros," *Ingrumá*, April 18, 1942, 1 and 8; "Los vecinos del corregimiento de "San Lorenzo" se dirigen al H. Concejo Municipal para solicitar un auxilio en el ramo educativo," *Ingrumá*, April 25, 1942, 1; "San Lorenzo demanda su carretera a Riosucio, correos y mayor atención a la educación primaria," *Ingrumá*, May 2, 1942, 3; "Correos y telégrafos para San Lorenzo," *Ingrumá*, May 9, 1942, 8; "San Lorenzo y una calzada," *Ingrumá*, May 16, 1942, 2; "Por San Lorenzo. Corresponsalia," *Ingrumá*, May 23, 1942, 8; "De San Lorenzo," *Ingrumá*, July 8, 1944, 5; "De San Lorenzo. Médico, Correos, Carretera," *Ingrumá*, July 29, 1944, 1.

its political alignment with local Conservatives, the San Lorenzo community managed to gain visibility in local newspapers and as well as support from local elites and the church. This "blue" political network enabled San Lorenzo's leaders to negotiate with Liberal governments to receive some state care in the form of road plans or health services.<sup>1022</sup> Yet, local Conservatives cared about the San Lorenzo community as electoral clientele rather than as a *parcialidad indígena* worth preserving as such. Tellingly, neither *La Unión* nor *Ingrumá* referred to Sanlorenzanos as *indígenas*, except for a couple of articles. One of them addressed the ban of distribution and consumption of a homemade corn beer or liquor called *chicha fermentada*, which was widely produced in San Lorenzo.<sup>1023</sup> The other praised the recent division of this community's *resguardo* as a step toward "*indígenas*' legal emancipation."<sup>1024</sup> The latter note suggests that, when it came to the privatization of indigenous landholdings, Conservatives and Liberals were both on the same side.

Nancy Appelbaum argues that "San Lorenzo was targeted for dissolution rather than either of the other two *resguardos* that formed part of Riosucio district."<sup>1025</sup> In her interpretation, San Lorenzo's lesser engagement in land transactions with outsiders - compared with its neighbors of Cañamomo-Lomaprieta and La Montaña - hindered local private landowners from gaining access to this community's fertile land, most of which was especially well-suited for coffee cultivation. Moreover, according to this author, San

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<sup>1022</sup> "Visita de la unidad sanitaria a las escuelas de San Lorenzo," *Ingrumá*, May 16, 1942, 1 and 8; "Cesión al Municipio, carretera a San Lorenzo, minas de Marmato," *Ingrumá*, May 23, 1943, 2.

<sup>1023</sup> "La chicha fermentada y los indígenas de Riosucio," *Ingrumá*, November 21, 1942, 2 and 3.

<sup>1024</sup> "San Lorenzo. Interesante aparte de un estudio de Honorio Pérez Salazar titulado: Emancipación jurídica del indígena," *Ingrumá*, July 15, 1944, 3 and 5.

<sup>1025</sup> Appelbaum, *Muddied Waters*, 197.



Lorenzo might have been targeted for privatization because this community's allegiance to the Conservative party left it vulnerable after Liberals gained power in the 1930s. Appelbaum's interpretation of the dissolution of the San Lorenzo *resguardo* in the 1940s largely rests on oral histories recorded in the 1990s. Yet, documentary evidence of this process kept at the Archivo General de la Nación tells a different history.

The following section reveals that San Lorenzo was, indeed, prioritized for privatization, but it was because this community accepted to go through this process while its neighbors of Cañamomo-Lomapieta and La Montaña did not. San Lorenzo's leaders gave their consent in the hope of protecting the community's land base. They did so at a time when disputes with outsiders increased, the courts dismissed the *resguardo* title's validity, and litigation seemed a costly and ineffective way to secure their lands. Appelbaum is right in suggesting that San Lorenzo's lesser engagement in land transactions with outsiders might have made this *resguardo* a target for privatization. But the way this author connects the dots misses a key point. Appelbaum argues that local private owners' frustration at their inability to gain access to San Lorenzo's lands made this *resguardo* a more coveted target for dissolution. The evidence shows, instead, that the San Lorenzo community's lesser involvement in land transactions with outsiders led to fewer legal disputes, which made the partition of its *resguardo* easier than those of *parcialidades* highly engaged in litigation, like Cañamomo-Lomapieta. In sum, the San Lorenzo *resguardo* became a target for division not so much because it was more coveted by local private landowners but because it was easier to divide it up. Meanwhile, San Lorenzo's Conservative affiliation seemingly did not play a significant role in this process, at least in the sense that it put San Lorenzo at a disadvantage compared with indigenous communities

aligned with the Liberal party. Rather, San Lorenzo's and Cañamomo-Lomaprieta's different political stances might have influenced both *parcialidades'* contrasting responses to the 1940s privatization campaign. The "red *indígenas*" of Cañamomo-Lomaprieta refused to go through division. Instead, they kept on fighting hoping to recover their lost lands, both in courts and on the ground. The "blue *indígenas*" of the San Lorenzo community took a path that remained faithful to their conservative values, as it was seemingly less risky and did not defy the state authority.

### **8.3. The 1940s Campaign for *Resguardo* Privatization**

Efforts to privatize *resguardos* intensified during Eduardo Santos' administration (1938-1942), coinciding with the end of the fifty-year period that Law 89 of 1890 had set as a moratorium to complete the division of indigenous communal lands. Decree 1421 of 1940 gave new legal support to this policy. Before its passage, however, officials of the Ministry of the National Economy had already begun to survey the existing *resguardos* and engage indigenous communities in the privatization process, particularly in the provinces (*departamentos*) of Cauca and Caldas.<sup>1026</sup> In August 1939, the Ministry commissioned lawyer Adolfo Romero to prepare a report on the matter. Romero requested

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<sup>1026</sup> Riosucian Jorge Gärtner de la Cuesta, in his capacity as the Minister of the National Economy in 1939 and later as the Minister of Government, might have influenced the inclusion of northwestern Caldas within the regions targeted for privatization. In his 1939 Report to Congress, Minister Gärtner noted that, although Cauca and Nariño concentrated most of the existing *resguardos*, "in the Department of Caldas there are regions of full civilized life still subjected to this regime and stopped in their progress." ("[...] *El problema es principalmente grave en Cauca y Nariño donde existen 53 y 89 resguardos, pero también se presenta aunque menos agudo en otras secciones. En el Departamento de Caldas hay regiones de plena vida civilizada aún sometidas a este régimen y detenidas en su progreso.*"). Gärtner, *Informe del Ministerio de la Economía Nacional 1939*, 68.

indigenous governors of the *parcialidades* existing in Riosucio, Quinchía, Guática, and Mistrató to submit their land titles and provide information about boundaries, population, and pending lawsuits. The seven-point questionnaire also inquired each *cabildo's* opinion on "whether it is convenient to proceed with the division of the *resguardo*."<sup>1027</sup>

The *parcialidades* of La Montaña and Cañamomo-Lomaprieta refused to go through partition, but their reasons were quite divergent from one another. La Montaña's leaders stated that a majority of over 150 *indígenas* did not accept the partition based on two reasons. They argued that, giving the fact that their *resguardo* was inhabited both by *indígenas* and "private individuals," the government's plan would not work for them because, under its terms, only *indígenas* were eligible to partake of the allotment of *resguardo* lands. Moreover, La Montaña's leaders suggested that the partition was pointless since, in the exercise of its land distribution competences, the *cabildo* had already divided the *resguardo* lands into family-held plots.<sup>1028</sup> Cañamomo-Lomaprieta's leaders shared the latter argument. They noted that the *parcialidad's* existing regime of land distribution was "perfect and fair," as it had allowed them to survive "within the small land

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<sup>1027</sup> (“[...] 7o. *Qué conceptúa u opina el Cabildo de la Parcialidad sobre si conviene o no proceder a la división del Resguardo, en cumplimiento de la Ley 19 de 1927 [...].*”) “Informe presentado por el Dr. Adolfo Romero B.,” Bogotá, September 29, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fol. 42.

<sup>1028</sup> (“*El Cabildo de la Parcialidad de La Montaña por inorar [sic] las disposiciones de la ley 19 de 1927, y como también aparece una mayoría de indígenas más de ciento cincuenta que no aceptan la división, porque los terrenos se encuentran ocupados por ellos, y en unión con los particulares; y como según los anuncios la división es únicamente para los indígenas, y por lo mismo el Gobernador y Alcalde del Cabildo no convienen en la división, porque están divididos con diligencias del Cabildo.*”) “Cabildo de La Montaña a Adolfo Romero B.,” Riosucio, September 2, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 12, carpeta 2, registro 2 [Resguardo de La Montaña, Riosucio, Caldas], (caja antigua 265, carpeta antigua 2525), fechas extremas 1939-1954, fol. 177v. The letter was signed by Juan Román Pescador and Rosalino Bañol, governor and alcalde of the La Montaña's *cabildo*.

plot left by the usurpers." Except for this coincidence, the content and the tone of Cañamomo-Lomapieta's reasoning to refuse the division of their *resguardo* diverged considerably from La Montaña's. The Cañamomo-Lomapieta's *cabildo* noted that the partition was highly disadvantageous because a significant portion of the community's lands had been taken over by "usurpers." Leaders of this community stated that the lawsuits intended to recover these lands were either still pending litigation or about to be filed. They highlighted the need to regain the lost lands before considering the division. "If distributed the small portion we possess," they argued, "we would not even be entitled to half a hectare, and life would become precarious and unsustainable." In such an event, "the *parcialidad*'s people would migrate looking for better accommodation and would be unable to defend themselves from the whites or rational people."<sup>1029</sup>

The dissimilar reasons why La Montaña and Cañamomo-Lomapieta refused to divide their *resguardos* hint at both communities' different strategies to deal with the presence of outsiders within their territories. Both *parcialidades* pointed out their lands' occupation by non-indigenous individuals as one of the major grounds for not parceling out their *resguardos*. But while La Montaña's authorities depicted these outsiders as "private

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<sup>1029</sup> ("Por ahora la división de los terrenos del Resguardo no conviene en forma alguna por las siguientes razones: 1<sup>a</sup>. Porque queda pendiente el derecho de los terrenos usurpados y cuyo reclamo se está haciendo o que se instaurará. 2<sup>a</sup>. Porque si se distribuyera la pequeña porción que tenemos en posesión no nos correspondería siquiera de media hectárea, y la vida se haría precaria e insostenible. 3<sup>a</sup>. Porque el régimen interno que tiene la Parcialidad para la distribución del usufructo de las tierras es considerado perfecto y justo, ya que ha permitido sobrellevar la vida dentro de la pequeña parcela que han dejado los usurpadores. 4<sup>a</sup>. Porque si se distribuyera el terreno, las gentes de la parcialidad emigrarían buscando mejor acomodo y serían incapaces de defenderse de los blancos o racionales, quienes esperan este caso para quebrantar la disciplina de los indígenas amparados hoy por el estatuto legal."). ACCL, "Parcialidad de Indígenas de Cañamomo y Lomapieta to Adolfo Romero," Riosucio, September 5, 1939, 3. The letter is signed by Governor Israel Tapasco and members of the *cabildo* José María Tapasco, Dámaso Tapasco, Manuel Villaneda, Alfonso Trejos, and Lisandro Bolaños.

individuals" whom the indigenous community to some extent had accepted to live with and who would be affected by the government's plan, Cañamomo-Lomaprieta's leaders framed them as "usurpers" who had seized the community's best lands.

Out of the three *parcialidades* existing in Riosucio, San Lorenzo was the only one that accepted to undertake privatization. In their reply to Romero, Isidro and Teodocio Gañán, governor and alcalde of San Lorenzo respectively, stated: "following the unanimous will of all the community's families, the *Cabildo* does consider that the *parcialidad* we represent should be dissolved."<sup>1030</sup> Still, they cautioned that such a partition should be done "by recognizing to each family its possession over the crops and the land granted by the *cabildo*."<sup>1031</sup> Along with San Lorenzo, indigenous communities of the nearby municipalities of Guática and Quinchía also accepted to go through division. Based on this survey, Adolfo Romero recommended undertaking the partition of the *resguardos* existing in northwestern Caldas, starting with San Lorenzo, in Riosucio. The Ministry's official suggested prioritizing the latter because:

"the community members agreed with its division; it is the one that has fewest pending problems; the aforementioned district [Riosucio] is the one that most needs this measure, given its importance; and the division of this *resguardo* can pave the way for that of 'Cañamomo' and 'La Montaña,' which refused."<sup>1032</sup>

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<sup>1030</sup> ("En conformidad con la voluntad unánime de todas las familias que forman la *parcialidad*, sí conceptúa el *Cabildo* que debe procederse a la eliminación de la *parcialidad* que representamos.") "Cabildo de la *Parcialidad* Indígena San Lorenzo a Adolfo Romero B.," San Lorenzo, August 30, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 12, carpeta 2, registro 1 [Resguardo de San Lorenzo, Riosucio (Caldas)] (caja antigua 265, carpeta antigua 2519), fechas extremas 1939-1943, fol. 4v.

<sup>1031</sup> ("[...] que la división se dé por hecha reconociéndole a cada familia la posesión que tenga sobre sus plantaciones y terrenos adjudicados por el *cabildo*.")

<sup>1032</sup> ("Debe principiarse por el Resguardo de "San Lorenzo" [...] por estas razones: porque su división la reclaman los *parcialistas*; porque es el que menos tiene problemas pendientes; porque el municipio citado es el que más necesita esa medida, dada su importancia; y porque la división de este resguardo puede

On December 27, 1939, President Eduardo Santos and Minister of Economy Jorge Gärtner signed the decree providing for the division of the San Lorenzo *resguardo*.<sup>1033</sup> A special commission -comprised of a lawyer, an engineer, and a “practical” individual knowledgeable about the territory - was appointed to conduct the partition.<sup>1034</sup> The commission's work was fraught with logistic and financial difficulties. The partition almost failed because of the commission's obstinacy in dividing the *resguardo* into equal plots, disregarding the community's actual patterns of land tilling and occupation. Eventually, the Ministry appointed a new commission and instructed it to conduct the partition so that each family could keep the plots they had farmed.<sup>1035</sup>

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*encauzar la de 'Cañamomo' y 'La Montaña', que fueron de concepto adverso.*”) “Informe presentado por el Dr. Adolfo Romero,” Bogotá, September 29, 1939, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fol. 61.

<sup>1033</sup> Decree 2454 of December 27, 1939, “que ordena dividir el Resguardo de San Lorenzo.” Reproduced in Caicedo, *Los Títulos de San Lorenzo*, 119-121. Interestingly, San Lorenzo's leaders Isidro and Teodocio Gañán, who had given their consent to the partition, requested the revocation of this decree in a letter they signed along with a group of “vecinos of Riosucio.” This petition's legal grounds, however, seemed at odds with the interest of the San Lorenzo community, as it asserted the district of Riosucio's ownership over the San Lorenzo *resguardo*. The signatories challenged Decree 2454 on the basis that, under Law 55 of 1905, *resguardo* lands belonged to the municipalities, so that competence for undertaking the partition lay with Riosucio authorities rather than the national government. On February 27, 1940, Minister Jorge Gärtner dismissed this objection and asserted the Ministry's competence to conduct the partition of the San Lorenzo's *resguardo*. While this objection hints at disputes among local elites and local and national authorities over the control of the division process, it also raises questions on the extent to which San Lorenzo's leaders Isidro and Teodocio Gañán were aware of the content of the documents they signed. The Ministry's decision to this objection was published in *Tierras y Aguas*, a journal edited by the Department of Lands and Waters of the Ministry of Economy. “Ministerio de la Economía Nacional – Departamento de Tierras – Sección de Colonización – Bogota, febrero veintisiete de mil novecientos cuarenta,” *Tierras y Aguas*, no. 18 (February 1940): 23-25.

<sup>1034</sup> Luis María Arcila (lawyer), Gabriel Llanos García (engineer), and Crisanto Álvarez (practical) were initially appointed as the members of the commission.

<sup>1035</sup> Documents concerning the division of the San Lorenzo *resguardo* are scattered in various folders at the AGN, Sección Archivos Oficiales, Fondo Ministerio de Gobierno - Asuntos Indígenas. Some of the most relevant are: “Resguardo de San Lorenzo, Riosucio (Caldas),” caja 2, carpeta 1, registro 2 (caja antigua 186,

Still, San Lorenzo's authorities withdrew their consent in early 1943. The newly elected Governor Juan Francisco Betancur and his *cabildo* stated their categorical opposition to the division of their *resguardo* "because it seriously harms the future of the *indígenas* [we] represent."<sup>1036</sup> Then, the Ministry of the National Economy commissioned lawyer Enrique Zúñiga Rey to travel to Riosucio to calm things down. Zúñiga succeeded as he returned to Bogotá with a letter signed by all the *cabildo*'s members assenting to go ahead with the partition.<sup>1037</sup> As a gesture of goodwill, the Ministry sent to the community some grass seeds and instructive leaflets on farming through the municipal ombudsman (*personero*) of Riosucio, Gabriel Llanos. This official - who also had been a member of

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carpeta antigua 1561), fechas extremas 1935-1944; "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 12, carpeta 2, registro 1 (caja antigua 265, carpeta antigua 2519), fechas extremas 1939-1943; and, "Comisión Divisora del Resguardo Indígena de San Lorenzo," caja 14, carpetas 1 to 3, (caja antigua 267, carpeta antigua 2535), fechas extremas 1940-1941.

<sup>1036</sup> ("[...] *el actual Cabildo de la Parcialidad Indígena de San Lorenzo está resuelto de manera absoluta y definitiva a oponerse a la división de los terrenos del Resguardo por cuanto esto lo perjudica seriamente al futuro de los indígenas que representa [...].*") Cabildo of San Lorenzo, "Acta No. 2," San Lorenzo, January 31, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fol. 121.

<sup>1037</sup> ("*Los suscritos miembros del Cabildo de la Parcialidad indígena de San Lorenzo en el Municipio de Riosucio dejamos expresa constancia que después de haber escuchado la exposición del abogado comisionado del Ministerio de Economía Nacional, doctor Emiliano Rey Zúñiga, declaramos que nuestras dudas y temores por los cuales nos oponíamos a la división de este Resguardo, han quedado absolutamente resueltas y hemos llegado al convencimiento de que los indígenas no sufrirán perjuicio de ninguna clase. // Por consiguiente manifestamos que estamos dispuestos a prestarle toda la cooperación y ayuda que sea posible al Gobierno Nacional para llevar a cabo tan pronto como las circunstancias lo permitan la partición del susodicho resguardo.// Así mismo, manifestamos que las dudas de que arriba se habló consistían en el temor de que poseedores actuales de terrenos fueran a ser despojados de ellos; como también no fuera hacer adjudicados muchos lotes de terreno situados en partes montañosas.// Dado en San Lorenzo a 1 de marzo de 1943.*") Certification issued by the San Lorenzo *cabildo*, San Lorenzo, March 1, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fol. 128.

the commission responsible for carrying out the division - played an active role as mediator between the national government and San Lorenzo's leaders.<sup>1038</sup>

In April 1943, shortly after Zuñiga's visit to Riosucio, San Lorenzo's Governor Juan Francisco Betancur and his *cabildo* submitted a six-page manuscript to the Ministry of Economy. This document tellingly conveys the reasons why this *parcialidad* ultimately decided to go through with partition. San Lorenzo's leaders addressed the Ministry to claim for their rights "before the high authorities who are responsible for protecting the weak from strong strangers."<sup>1039</sup> They requested the government's help to recover the lands that Santiago and Mesías González, Luis Horacio Zabala, and other "strong surnamed outsiders or non-indigenous rich ones" had taken over.<sup>1040</sup> San Lorenzo's leaders also voiced their frustration with the court ruling that recently had denied legal existence to their *resguardo* under the pretext that "copies of titles are not valid." They insisted, instead, that their original titles did exist. This letter reveals that San Lorenzo's *indígenas* accepted to go through with partition in the hope of getting from the government the recognition of their *resguardo* and the protection of their lands, which courts had previously denied them.

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<sup>1038</sup> See letters sent by Gabriel Llanos, *Personero* of Riosucio, to Justo Díaz Rodríguez, Chief of the Lands Department – Colombian Ministry of National Economy, on March 3, 1943; by Justo Díaz Rodríguez to Gabriel Llanos on March 30, 1943; by Justo Díaz Rodríguez to Gabriel Llanos on March 31, 1943. AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 130-132.

<sup>1039</sup> ("[...] *en uso de conciencia en reclamo de nuestros derechos ante altas autoridades encargadas de proteger a los débiles de los fuertes extraños [...].*") Cabildo of San Lorenzo to the Ministry of National Economy, San Lorenzo, April 11, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 134-136v.

<sup>1040</sup> ("[...] *por los apellidados fuertes extraños o ricos no indígenas [...].*")



Ironically, drawing on the very court ruling that San Lorenzo's leaders complained about, the Colombian government determined that the lands this community deemed to be its *resguardo* were not indigenous property but public lands (*baldíos*).

By Ministerial Order of May 20, 1943, the Ministry of Economy declared that "the 'San Lorenzo' *resguardo* lacks original titles that prove its legal existence."<sup>1041</sup> The government concluded that the documents submitted by San Lorenzo's authorities – Deed 506 of 1920 – were neither the original titles nor valid proof of ownership. Lacking legal status as a *resguardo*, the lands occupied by the *parcialidad* of San Lorenzo should be deemed public lands (*baldíos*), the Ministry determined. Accordingly, San Lorenzo's *indígenas* were given the legal status of "*colonos* or cultivators of public lands," which enabled them to be granted fee simple title over the plots that each one had farmed plus an additional parcel of uncultivated lands.

The 1943 Ministerial Order's backbone - the dismissal of San Lorenzo's titles' legal validity - drew on an extensive quotation of the 1935 ruling by the Manizales Appeals Court in the lawsuit the *parcialidad* of San Lorenzo filed against Luis Horacio Zabala.<sup>1042</sup> Besides, this resolution openly criticized Law 89's protective regime of indigenous lands

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<sup>1041</sup> ("El *resguardo* de "San Lorenzo" no tiene títulos originarios que acrediten su constitución o nacimiento a la vida jurídica.") "Resolución No. 1, Ministerio de la Economía Nacional, Departamento de Tierras, Sección de Baldíos," Bogotá, May 20, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 139-149 (quote 139v). Also reproduced in Caicedo, *Los Títulos de San Lorenzo*, 122-138. Minister of Economy Santiago Rivas Camacho and Ministry's Secretary Jorge Merchán signed this ministerial order.

<sup>1042</sup> This ruling, in turn, harnessed the 1933 Supreme Court decision in the Cañamomo-Lomapieta's lawsuit over La Rueda estate, as discussed in Chapter 7 (Section 7.3). So, ironically, both *parcialidades'* failed attempts to get legal protection from courts paved the way for the 1943 Ministerial Order that declared San Lorenzo people were not *indígenas* living in their *resguardo* but *colonos* occupying public lands.

and communities, particularly its Article 12's standard of substitute evidence (aka. *prueba supletoria*). Along with treating *indígenas* as legal minors, this legislation "suffers from serious legal flaws" - the Ministry wrote - since it allowed to replace *resguardo*'s original titles with mere testimonies. Finally, the 1943 Ministerial Order noted the legal and practical reasons why deeming *resguardos* as public lands was a much better option both for the government and the community members:

For those *parcialidades* pursuing division, such as "San Lorenzo," it is more convenient to lack solid land titles deeds. The partition based on these [*resguardo* titles] demands costly surveys, the creation of allotment commissions and arbitration courts that never managed to solve the intricate disputes that arise during the division process [...]. Meanwhile, the allotment of a *parcialidad* that lacks proper land titles could be done automatically by declaring the [*resguardo*] inexistence and allocating individual plots of land to each member [...]. This way spares from costly and long-lasting division proceedings while achieving the same goal: the automatic disintegration of a *de facto* community whose continuance only creates conflict both with outsiders and among its own members.<sup>1043</sup>

The utilitarian reasons argued by the Ministry of Economy did not persuade the San Lorenzo community of the advantages of declaring that their *resguardo* lacked legal existence. In a letter dated July 7, 1943, Governor Juan Francisco Betancur and his *cabildo* addressed the Minister to express their disappointment and frustration at being treated as *colonos* occupying public lands. They insisted that their *resguardo*'s colonial title did exist,

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<sup>1043</sup>“(P)ara las *parcialidades* que, como la de “San Lorenzo” anhelan la división, es más favorable la carencia de sólidas titulaciones, porque mientras la división basada en éstas exige costosas mensuras, constitución de comisiones divisoras y Tribunales de Arbitramento que nunca logran desatar las intrincadas controversias que se suscitan y que a la postre se disuelven sin lograr su objetivo, la división de las *parcialidades* sin títulos ciertos, se opera automáticamente con la declaratoria de inexistencia y la adjudicación individual de sus parcelas a cada miembro [...]. En esta forma, sin necesidad de divisiones costosas y dilatadas que conducen al mismo objetivo, se obtiene la desintegración automática de una comunidad de hecho, cuya permanencia sólo sirve para crear conflictos no sólo con terceros sino también entre sus propios miembros.” (fol. 144r-144v).

although they were ignorant of its whereabouts. If that were not the case - they asked the Minister - "from whence, then, came the copy of the Decree issued by Viceroy José Solís Cardona?" and that of the 1627 *visita* by Lesmes de Espinosa Sarabia that set the boundaries of each community's property.<sup>1044</sup> San Lorenzo's leaders emphasized:

Our *parcialidad* has had its old name and has never been *baldía* or abandoned. Rather, perhaps it has been the best organized since all the previous administrative and judicial lawsuits filed in defense of its *resguardo* had been decided in its favor. Therefore, the *parcialidad*'s land had been previously respected. That is why we insist that such land titles have existed and must exist.<sup>1045</sup>

The first immediate consequence of the 1943 Ministerial Order that declared the non-existence of the San Lorenzo *resguardo* was that, thereafter, this *parcialidad* was excluded from Law 89's protective regime.<sup>1046</sup> This implied, for instance, that its members were required to address the state authorities using stamped paper rather than the ordinary one that *indígenas* were allowed to use under Law 89.<sup>1047</sup> The declaration of San Lorenzo's

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<sup>1044</sup> ("Entonces preguntamos al señor Ministro: ¿De dónde, pues, salió la copia del Decreto expedido por el Virrey D. José Solís Cardona [...]? ¿Y de dónde también, pues, el argumento constitutivo del Comisionado y representante de la Real Audiencia de Santa Fé que llegó en el año de 1627 a estos territorios y que señaló a cada comunidad los límites de sus respectivos dominios, Visitador General D. Lesmes de Espinosa y Saravia del Concejo de su Majestad [...]?" Cabildo of San Lorenzo to the Ministry of National Economy, San Lorenzo, July 7, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols 176r-177v (quote 176r).

<sup>1045</sup> ("la Parcialidad nuestra ha tenido su antiguo nombre y nunca ha sido baldía, ni abandonada, antes quizá la mejor organizada y porque en los pleitos anteriores como remotos en defensa de sus resguardos ante lo administrativo y judicial fallaban a favor de ella, por consiguiente, los terrenos de la Parcialidad en mención eran anteriormente respetados, por eso insistimos que tales títulos han existido y deben existir.") (fol. 176r-176v).

<sup>1046</sup> See the telegram sent by Justo Díaz Rodríguez, Head of the Department of Lands of the Ministry of Economy, to Riosucio Civil Circuit Judge, Bogotá, July 26, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fol. 182.

<sup>1047</sup> Indeed, the subsequent letters sent by members of the San Lorenzo community to the Ministry were not handwritten but typed on stamped paper. See, for instance, Vecinos of San Lorenzo to the Minister of

territory as a public land, made by state authorities from Bogotá, also had immediate effects on the ground. Letters sent to the Ministry by local officials and members of the San Lorenzo community talk about the commotion the 1943 Ministerial Order created among Riosucio's inhabitants, the rise of land transactions, and the massive influx of outsiders to San Lorenzo's territory eager to get title to a parcel of this "public land."<sup>1048</sup>

In the following months, Caldas's Secretary of Government J. Enrique Gärtner requested the national government extend the decision adopted in the case of San Lorenzo to the neighboring *parcialidades*. Gärtner aired the complaints from Riosucio authorities who called for the dissolution of the *parcialidad* of "La Iberia" (Cañamomo-Lomaprieta) to put an end to the chaos created by "subversive elements" who continued destroying fences and disturbing the possession of local landowners.<sup>1049</sup> In response, the head of the Department of Lands of the Ministry of Economy, Justo Díaz Rodríguez, reported that it would not be possible to extend to "La Iberia" the same treatment given to San Lorenzo since the legal situations of both *parcialidades* were quite different.<sup>1050</sup>

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Economy, San Lorenzo, August 14, 1943, fol. 188-191. Ministry's officials refused to answer petitions that were not written on stamped paper. See Justo Díaz Rodríguez to Pascual Motato Morales, Bogotá, October 11, 1943, fol. 200. These documents are kept at AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944.

<sup>1048</sup> See communications kept at AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 175-212.

<sup>1049</sup> Secretary of Government of Caldas to the Ministry of Government, Manizales, March 22, 1944, AGN, República, Ministerio de Gobierno, Asuntos Indígenas, Resguardos Departamento de Caldas, caja 4, carpeta 2, registro 4 (caja antigua 186, carpeta antigua 1559), fechas extremas 1935-1945, fol. 181-187.

<sup>1050</sup> Head of the Department of Lands to the Ministry of Government, Bogotá, April 11, 1944, AGN, República, Ministerio de Gobierno, Asuntos Indígenas, Resguardos Departamento de Caldas, caja 4, carpeta 2, registro 4 (caja antigua 186, carpeta antigua 1559), fechas extremas 1935-1945, fol. 188.

Meanwhile, the allotment and titling of parcels to San Lorenzo's families went ahead. According to a report dated June 11, 1945, the Ministry's officials had made 492 allotments that comprised a total of 615 hectares, and there were still 400 pending applications. The same report notes that out of the thirteen *resguardos* whose dissolution had been decreed by the Ministry, San Lorenzo was the only one in which the actual partition was going on.<sup>1051</sup> Besides those thirteen, the Ministry of Economy listed a total of 124 indigenous *resguardos* still in place in the country, which had not yet engaged in the division process.<sup>1052</sup>

#### **8.4. *Indigenismo* vs Agrarian Individualism: The 1940s Debate Over the Breakup of *Resguardos***

The 1943 Ministerial Order declaring San Lorenzo's *resguardo* as legally non-existent set the rule by which other *parcialidades* were dissolved.<sup>1053</sup> The Ministry's

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<sup>1051</sup> Report by Germán Alvear, Abogado de Islas y Resguardos, to the Head of the Department of Lands, Bogotá, June 11, 1945, AGN, República, Ministerio de Gobierno, Asuntos Indígenas, Resguardos Departamento de Caldas, caja 4, carpeta 2, registro 4 (caja antigua 186, carpeta antigua 1559), fechas extremas 1935-1945, fols. 203-204.

<sup>1052</sup> See “Lista de los Resguardos de Indígenas, con sus áreas y poblaciones,” and “Lista de los Resguardos de Indígenas, cuya disolución se ha efectuado o ha sido declarada,” *Tierras y Aguas*, no. 63-64 (March – April, 1944): 62-67. Both lists are included as appendices of this dissertation.

<sup>1053</sup> The Ministry of Economy drew on the very same arguments used in the case of San Lorenzo to declare legally non-existent and, therefore, as public lands, the *resguardos* of Turminá (Ministerial Order of January 31, 1944) and Cohetando (August 2, 1944), both located in the region of Tierradentro, Cauca. In an extensive report about the *parcialidades* existing in that area, Ministry’s official Víctor Gutiérrez suggested to apply the same rule the Ministry set in the case of San Lorenzo. Víctor Gutiérrez Velásquez, “Estudio sobre los Resguardos de Indígenas de Tierradentro (Cauca),” *Tierras y Aguas*, no. 63-64 (March – April, 1944): 34-61 (see specially 59). For the case of Turminá, see Oscar Vargas, *Construcción de la Territorialidad Campesina tras la disolución de los resguardos en Turminá, Inzá, Cauca*. M.A. Thesis (Bogotá: Universidad Nacional de Colombia, 2015), 42-53. The dissolution of the Cohetando *resguardo* and the experience of other Caucaño indigenous communities – Chapa and Pedregal de Topa - that engaged in the 1940s privatization process is discussed in Troyan, *Cauca’s Indigenous Movement*, 65-82. Still, further comparative research is needed to

officials commended it as an ingenious legal solution, published it in the journal *Tierras y Aguas*, and distributed it among judiciary and government authorities in the regions that concentrated most *resguardos*.<sup>1054</sup> This decision rested on a set of core beliefs on the law, property rights, and modernization that epitomized what historian Marco Palacios terms "agrarian individualism."<sup>1055</sup> Such a mindset influenced how the Ministry's officials and other state authorities approached *resguardo* titles and decided over the fate of indigenous communities.

The law is not comprised only of legal norms and judicial decisions. Values, beliefs, ideologies, and attitudes of legal experts and laypersons also play an active role in shaping the legal field and, ultimately, defining what the law is. Legal historian Giovanni Tarello uses the concept of "legal culture" to mean "the set of attitudes, modes of expression, ways to argue used by legal operators."<sup>1056</sup> Historian Marco Palacios points out the importance of analyzing the legal culture or the mindset under which judges and other state officials approached land disputes in 1930s-1940s Colombia. He poses the

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establish whether the precedent set by the 1943 Ministerial Order also was applied to dissolve other *parcialidades* that went through this process.

<sup>1054</sup> "Resolución No. 1 de 1943 (mayo 20), sobre extinción del resguardo indígena de *San Lorenzo* (Riosucio, Caldas)," *Tierras y Aguas*, no. 52 to 54 (April – June, 1944): 6-16. See letter sent by Justo Díaz Rodríguez, Head of the Department of Lands of the Ministry of Economy, to the Governor of the Department of Cauca, Bogotá, January 26, 1944, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fol. 193-196.

<sup>1055</sup> Marco Palacios, *¿De quién es la tierra? Propiedad, politización y protesta campesina en la década de 1930* (Bogotá: Fondo de Cultura Económica – Universidad de los Andes, 2011), 71.

<sup>1056</sup> Giovanni Tarello, *Cultura giuridica e politica del diritto* (Bologna, Il Mulino, 1988), 24. Lawrence Friedman distinguishes between "internal" and "external" legal culture. The former refers to "the values, ideologies, and principles of lawyers, judges, and others who work within the magic circle of the legal system." "External" legal culture is related to ordinary people's beliefs, values, and attitudes toward the law. Lawrence M. Friedman, *The Legal System. A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 193-194.

notion of "agrarian individualism" to conceptualize how civil law's concepts and values shaped not only state officials' mindset but the mainstream understanding of land property rights during those critical years.<sup>1</sup> This agrarian individualistic mindset is comprised of a set of viewpoints that includes: (i) the predominance of private ownership over communal property; (ii) the view of Indianness as a sign of backwardness to be overcome; and (iii) an approach to indigenous land rights that privileges civil law's rules and institutions rather than Law 89's special regime. The 1943 Ministerial Order's final paragraph encapsulates these ideas as follows:

Upon declaring the non-existence of the *resguardo*, the *indígenas* automatically become freed from the rule of Law 89 of 1890. They shall acquire the rights that all citizens are entitled to, including full civil and political capacity. They shall also have a preferential right to get from the State simple title over the respective parcel and a portion of the noncultivated adjacent area. In this way, without any diminution of their alleged rights, the State shall provide them with new, firm, and valid titles, which would enable them to enjoy all the advantages resulting from full ownership. Official credit institutions, which have benefited so much the "capable" peasant class, shall then be able to enter the "San Lorenzo" *parcialidad* - so far enclosed within the Chinese Wall of "incapacity" - to offer its members help in money, tools, farm implements, and so on. This would allow *indígenas* to change their blunt and primitive work tools for more efficient and modern ones, with the consequent relief from their tiring work.

Absolute owner of his parcel, the *indígena* shall feel more rooted to it, would feel again that traditional attachment to the land that has been his only source of life. So, he would be careful not to transfer his plot to the mestizo for any crumb, as *indígenas* have done under the communal regime. In such a system, everything belongs to everyone, and nothing belongs to anyone; everyone longs to free himself by selling his hypothetical right for a few coins that at least give him the pleasure of tasting, even if only temporarily, the joy of feeling himself the owner of something real [...].<sup>2</sup>

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<sup>1</sup> Palacios, *¿De quién es la tierra?*, 71-97.

<sup>2</sup> ("Declarada la inexistencia del *resguardo* como tal, los *indígenas* quedan automáticamente liberados del imperio de la Ley 89 de 1890, con todos los derechos inherentes al común de los ciudadanos, con su plena capacidad civil y política y con el derecho preferencial de adquirir del Estado el título de adjudicación de la respectiva parcela y otro tanto del adyacente inculto [...]). En esta forma, sin mengua alguna de sus

The 1943 Ministerial Order conveys the agrarian individualistic mindset shared by the group of Liberal bureaucrats who worked for the Ministry of Economy's Department of Lands and devised the 1940s campaign for *resguardo* privatization. Lawyers Justo Díaz Rodríguez, Víctor Gutiérrez Velásquez, and Honorio Pérez Salazar, all of whom served as officials at the Department of Lands, stood among the most active advocates for what the latter called "the *indígena's* legal emancipation." In an essay that bears this title, Pérez Salazar argued for the need to set indigenous people free from the burden of communal property and Law 89's special regime to transform them into smallholder peasants.<sup>3</sup> This piece and similar ones were published in the Department of Lands' journal *Tierras y Aguas*, which became the main outlet for the dissemination of this agrarian individualistic mindset.<sup>4</sup>

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*pretendidos derechos, serán provistos de títulos nuevos, firmes y válidos, que los pondrán en ventajosa posición frente a todas las transacciones que pueden surgir de un derecho de dominio pleno y perfecto. Las instituciones oficiales de crédito que tanto han beneficiado a la clase campesina "capaz", podrán entonces sí entrar a la parcialidad de "San Lorenzo" – encerrada hasta ahora dentro de la muralla china de la "incapacidad" – a ofrecerles a sus miembros ayuda en dinero, herramientas, implementos agrícolas y demás elementos que le permitan al indígena cambiar sus groseros y primitivos instrumentos de trabajo por otros más eficaces y modernos, con el consiguiente alivio para su fatigosa brega.// Dueño absoluto de su parcela, el indígena se arraigará más a ella, volverá a sentir ese apego tradicional a la que ha sido su única fuente de vida y se cuidará de traspasarla al mestizo por cualquier mendrugo, como lo han hecho bajo el régimen comunal en que todo es de todos y nada es de nadie y en que cada cual anhela libertarse vendiendo su hipotético derecho por unas cuantas monedas que al menos le den el gusto de saborear, aunque sea transitoriamente, la dicha de sentirse propietario de algo real [...].") "Resolución No. 1, Ministerio de la Economía Nacional, Departamento de Tierras, Sección de Baldíos," Bogotá, May 20, 1943, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, "Resguardo de San Lorenzo, Riosucio (Caldas)," caja 2, carpeta 1, registro 2 (caja antigua 186, carpeta antigua 1561), fechas extremas 1935-1944, fols. 148r-148v.*

<sup>3</sup> Honorio Pérez Salazar, "Emancipación jurídica del indígena," *Tierras y Aguas*, no. 63 to 64 (March – April, 1944): 3-31.

<sup>4</sup> For an index of the articles and pieces of legislation published at this journal, see "Índice alfabético de la Revista *Tierras y Aguas*, del número 1, octubre de 1937, al número 100, enero a abril de 1947," *Tierras y Aguas*, nos. 97 - 100 bis (1947): 1-16.



Colombian *indigenistas*, however, challenged that view of the breakup of *resguardos* into privately-owned plots as the *indígenas'* gateway to modernization. Instead, they viewed communal landholding as an asset that would allow native communities to carve out a strong place for themselves within modern Colombia. They proposed to protect indigenous communal landholding while infusing a modernizing culture into it. The passage of Decree 918 of April 19, 1944, which provided for the division of *resguardos* in the region of Tierradentro (Cauca), elicited a public debate between Department of Lands' officials and the progressive intellectuals that gathered around the Colombian Indigenista Institute (IIC). On April 21, Bogotá-based Liberal daily *El Tiempo* - the country's newspaper with the highest print circulation - published an interview with anthropologist Gregorio Hernández de Alba, co-director of the IIC, that warned about the "national problem" that would result from the privatization of *resguardos*. In his view, this legislation was authored by officials unaware of the indigenous communities' realities and the impact this policy would bring in terms of land dispossession.<sup>1061</sup> Two days later, a sardonic reply by the head of the Department of Lands, Justo Díaz Rodríguez, asserted the parcellation program's solid legal foundation and questioned the expertise of the "six intellectuals" that made up the IIC. According to Díaz Rodríguez, these intellectuals failed to distinguish the "ethnological, historical, and anthropological issues" they studied from the "social, economic, and legal problems" surrounding indigenous *parcialidades*, which the privatization policy sought to address.<sup>1062</sup>

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<sup>1061</sup> "Disolución de los Resguardos de Indios crea un problema nacional," *El Tiempo*, April 21, 1944, reproduced in *Baukara* 3 (2013): 148-151.

<sup>1062</sup> "Ningún problema nacional se creará con la disolución de los resguardos indígenas," *El Tiempo*, April 23, 1944, reproduced in *Baukara* 3 (2013): 151-153.

*Indigenistas* went deeper in their criticism against the breakup of *resguardos* in a series of letters and statements authored by IIC board members Antonio García, Gregorio Hernández de Alba, and Luis Duque Gómez. The IIC published these documents in a booklet with a preface by Antonio García that conveys the major issues this debate revolved around.<sup>1063</sup> Underlying this dispute was a disciplinary - and somewhat political - rivalry between the Department of Lands' officials, mostly lawyers and agronomists, and the IIC's members, who stood among the pioneers of anthropology and other social sciences in Colombia. *Indigenistas* complained about the dubious strategies Ministry's officials deployed to snatch the indigenous communities' consent by promising state subventions that they would receive only if amenable to the division process. They also raised questions about the economic interests behind the breakup of *resguardos* in Tierradentro, as this policy surfaced when land values increased because of some infrastructure developments in that region. But what stood at the core of this debate was the *indigenistas'* critique against the legalistic and individualistic "spirit" that inspired the parcellation policy, which here we term "agrarian individualistic mindset." Drawing on his background in law, Antonio García articulated this criticism as follows:

The main activity of the Department of Lands, in recent years, has not consisted [...] of organizing the rational and effective incorporation of indigenous groups, nor in taking the most elementary measures of social protection [...] but of fulfilling an obsessive task of parceling out indigenous communities, with explanations rigidly taken from the absolutist philosophy of classical Roman law and the Napoleonic civil code. The Department of Lands is governed by an exclusively legal criterion, but none of the modern scientific conceptions of Law have reached it. This department has thus become an administrative dependency - the one

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<sup>1063</sup> Antonio García, "Explicación previa," in *El Instituto Indigenista de Colombia y la parcelación de resguardos* (Bogotá: Ediciones de divulgación indigenista, 1944), reproduced in *Baukara* 3 (2013): 144-146.

destined to determine no less than the country's policy on lands and *resguardos* - with the spirit of a civil court.<sup>1064</sup>

As an alternative to the privatization of *resguardos*, *indigenistas* proposed "the methodical incorporation of indigenous people into national life" while preserving those positive aspects of the natives' communal way of life.<sup>1065</sup> At the core of *indigenistas'* plan was preserving as much as possible communal ownership while providing technical and economic assistance to transform the natives' landholdings into economic productive units. In that vein, Antonio García envisioned an indigenous policy that would adapt that basic idea to the disparate realities of indigenous peoples across the country.<sup>1066</sup> Regarding the specific case of the *parcialidades* of northwestern Caldas, García suggested: (i) for the Chamí area, the preservation of indigenous communities with proper economic and technical assistance by state agencies; and, (ii) the transformation of indigenous

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<sup>1064</sup> ("La principal actividad del Departamento de Tierras, en los últimos años, no ha consistido —desde luego— en organizar la incorporación racional y efectiva de los grupos indígenas, ni tampoco en tomar las más elementales medidas de protección social (utilizando sus suficientes instrumentos legales y administrativos), sino en cumplir una obsesiva tarea de parcelación de comunidades indígenas, con explicaciones rígidamente tomadas de la filosofía absolutista del derecho clásico romano y el código civil napoleónico. El Departamento de Tierras se rige por un criterio exclusivamente legal, pero hasta él no ha llegado ninguna de las modernas concepciones científicas del Derecho: así se ha convertido en una dependencia administrativa —la destinada a determinar, nada menos, que la política de tierras y resguardos— con espíritu de juzgado civil.") Antonio García, "Explicación previa," reproduced in *Baukara* 3 (2013): 146.

<sup>1065</sup> Luis Duque Gómez, "Réplicas y aclaraciones al Director del Departamento de Tierras," in *El Instituto Indigenista de Colombia y la parcelación de resguardos* (Bogotá: Ediciones de divulgación indigenista, 1944), reproduced in *Baukara* 3 (2013): 153.

<sup>1066</sup> Antonio García Nossa, "El cooperativismo agrícola y el desarrollo de las comunidades indígenas," undated manuscript (probably from the early 1960s) reproduced in *Baukara* 3 (2013): 123-143; "La cuestión indígena en Colombia y América," compiled in Antonio García, *De la República Señorial a la Nueva Sociedad*, comp. Luis Emiro Valencia (Bogotá: Contraloría General de la República, 2006), 375-391.

communities into agricultural cooperatives in those areas - such as Riosucio, Quinchía, and Guática - where *indígenas* were already adapted to the peasant economy.<sup>1067</sup>

The division of *resguardos* in Cauca also sparked criticism from leftists' grassroots movements. Communist leader Víctor J. Merchán published a harsh reply to Honorio Pérez Salazar's article on the "*indígenas*' legal emancipation," accusing this piece of portraying *indígenas* in a racist and derogatory way in order to justify the breakup of their communal lands.<sup>1068</sup> Meanwhile, Communist indigenous leader José Gonzalo Sánchez, who presided over the Federación Departamental Indígena y Campesina del Cauca, addressed President López Pumarejo and the Minister of Economy to communicate the declaration approved by the Fourth Indigenous and Peasants Conference of the Department of Cauca on September 1, 1944.<sup>1069</sup> The indigenous and peasant leagues that gathered in that assembly declared their unrestricted support for President López Pumarejo on the occasion of the abortive coup attempt of July 10 in Pasto. Shortly thereafter, they demanded, "the national government to renounce the policy of dividing or parceling up indigenous *resguardos* to, instead, adopt measures intended to avoid their destruction [...]."<sup>1070</sup> A few days later, the Popayán Construction Union asked the Ministry of

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<sup>1067</sup> Antonio García, *Geografía Económica de Caldas*, 2nd. ed. (1937; repr., Bogotá: Banco de la República, 1978), 238-242.

<sup>1068</sup> Víctor J. Merchán, "En Defensa del Indígena," *Diario Popular*, Bogotá, October 5 and December 19, 1944, 1, 5.

<sup>1069</sup> Federación Departamental Indígena y Campesina del Cauca to the President of the Republic, Popayán, September 8, 1944; to the Minister of Economy, Popayán, October 3, 1944, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fols. 230, 234.

<sup>1070</sup> ("3º. *Movilizar a todas las masas campesinas e indígenas en torno a la consigna de exigir al Gobierno Nacional renuncie a la política de dividir o parcelar las tierras de los Resguardos Indígenas y antes por el contrario dicte medidas tendientes a evitar su despedazamiento, por el mejoramiento de la producción agrícola, por una ayuda efectiva con técnica, semillas, herramientas, abonos, cooperativas, crédito a largo*

Economy not to carry out the distribution of the *resguardos*, "in view of the serious damage this has caused to agriculture in Cauca."<sup>1071</sup> The head of the Ministry's Department of Lands, Justo Díaz Rodríguez, replied to both communications by saying that it was not possible to comply with that request because the parcellation of *resguardos* was "the most appropriate measure to be taken," and the commission responsible for conducting it was already doing its job.<sup>1072</sup>

The 1940s debate between Department of Lands' officials and *indigenistas* reveals the contrasting views on how to integrate indigenous peoples into a country in pursuit of modernization. At that time, the agrarian individualism underpinning the Ministry of Economy's policy of dissolving *resguardos* prevailed over the communally oriented projects devised by Colombian *indigenistas*. Some *parcialidades* accepted the government's offer of privatization, San Lorenzo being a case in point. Many others refused to engage in this process, though their reasons for rejecting privatization were quite diverse from each other, as the cases of La Montaña and Cañamomo-Lomapieta suggest.

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*plazo, devolución de las tierras usurpadas por los latifundistas, curas y misioneros, entrega de más tierras a las Comunidades que carecen de ellas para una mejor distribución de la misma a los indígenas que tienen muy poca o no tienen nada.*") "Resolución general de la Cuarta Conferencia Departamental Indígena y Campesina del Cauca," Popayán, September 1, 1944, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fols. 235-236.

<sup>1071</sup> Sindicato de la Construcción de Popayán to Minister of Economy, Popayán, September 15, 1944, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fol. 231.

<sup>1072</sup> Director of the Department of Lands, to the secretary of the Sindicato de la Construcción de Popayán, Bogotá, September 28, 1944; and to the president of the Federación Departamental Indígena y Campesina del Cauca, Bogotá, September 29, 1944, AGN, República, Archivos Oficiales, Ministerio de Gobierno, Asuntos Indígenas, caja 2, carpeta 4, registro 1 (caja antigua 185, carpeta antigua 1553), fechas extremas 1933-1946, fols. 232-233

*Indigenistas'* plan of protecting *resguardos* while bringing modernization to them did not find its way during the Liberal Republic. The group of progressive intellectuals who gathered around the IIC became increasingly marginalized from public office as the Liberal era came to an end and La Violencia (1946-1957) began. But *indigenistas* would still have a chance to bring some of their views into official policy. Starting in 1958, Liberals and Conservatives agreed to alternate the presidency and share power in what became known as the *Frente Nacional* (1958-1974). In 1958, Alberto Lleras Camargo's Liberal government appointed Gregorio Hernández de Alba as the head of the newly created Bureau of Indigenous Affairs. This agency led a policy intended to revert the dismantling of *resguardos* and restore indigenous communities' land base. This new approach resonated with Lleras Camargo's broader agrarian policy, which in 1961 promoted the acquisition of lands to distribute among landless peasants. A few years later, peasant and indigenous mobilization thrived around the Peasants National Association (Asociación Nacional de Usuarios Campesinos -ANUC) created in 1967. The seeds planted by the 1960s land policies and 1960s-70s mobilization of the rural folk paved the way for the restoration of indigenous *cabildos* and *resguardos* from the 1980s onwards. But this is another story.

## X. EPILOGUE AND CONCLUSIONS

The passage of Law 81 of 1958 and the creation, the same year, of the Bureau of Indigenous Affairs signaled a departure from privatization and an attempt to restore indigenous *resguardos* and communities.<sup>1073</sup> This new approach was part of a broader social-agrarian policy embodied in Law 135 of 1961, which provided for the purchase of large estates to distribute among landless peasants. The 1960s land reform, which came in the aftermath of La Violencia, aimed to prevent social upheaval and counteract the influence of leftist organizations and the nascent Communist guerillas over the rural population.

Meanwhile, rural mobilization thrived around the ANUC (National Peasant Association) and the emerging indigenous organizations. In 1971, the ANUC coordinated a national-scale movement of land invasions that became a major milestone in the history of the Colombian peasant movement. The same year, and in close relationship with the ANUC mobilization, a group of Caucaño indigenous communities founded the CRIC (Regional Indigenous Council of Cauca). The CRIC took up the legacy of Manuel Quintín Lame and inspired indigenous mobilization and the recovery and strengthening of indigenous ethnic identity in rural communities nationwide. The CRIC's experience led to the creation, in the early 1980s, of the ONIC (Colombia's Indigenous National Organization) and a series of regional associations, including the Riosucio-based CRIDEC

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<sup>1073</sup> Law 81 of 1958, “on agricultural development of indigenous parcialidades,” (“sobre fomento agropecuario de las parcialidades indígenas”), *Diario Oficial*, no. 29859, January 24, 1959, 1. For legislation on *resguardos* enacted during this period and in the following decades, see Mayorga García, *Datos para la historia*, 237-274.

(Caldas Regional Indigenous Council). This nationwide organization accompanied the renewed assertion of indigenous citizenship by rural communities that in the past had erased their markers of Indianness to become peasants. Some of the *parcialidades* that had been dismantled in the 1940s reinstated their *cabildos* and pursued the restoration of their *resguardos*, San Lorenzo being a case in point.<sup>1074</sup>

Members of the Cañamomo-Lomaprieta and San Lorenzo communities became actively involved in the 1960s-1980s rural mobilizations. Under the leadership of governors Manuel Antonio Reyes and Gabriel Campeón, a generation of young men and women from Cañamomo-Lomaprieta – including Faustino Rotavista, Luis Anibal Restrepo, Ernesto Tapasco, Alirio Hernández, Pedro Alejandrino Campeón, and Otilia Aricapa, among many others - joined the 1971 land recovery movement (*recuperación de tierras*). In that way, Cañamomo-Lomaprieta regained control over La Rueda, El Peñol, and other lands the community had lost after the 1870s privatization campaign and had unsuccessfully fought for in the courtrooms.<sup>1075</sup> Meanwhile, Silvio Tapasco and other ANUC activists from San Lorenzo managed to reinstate the *cabildo* in 1984 and pursued

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<sup>1074</sup> On the 1960s-1970s agrarian policies and peasant and indigenous mobilization, see Leon Zamosc, *The Agrarian Question and the Peasant Movement in Colombia. Struggles of the National Peasant Association 1967-1981* (Cambridge: Cambridge University Press and United Nations Research Institute for Social Development, 1986); Daniel Ricardo Peñaranda Supelano, coord., *Nuestra vida ha sido nuestra lucha. Resistencia y memoria en el Cauca indígena. Informe del Centro de Memoria Histórica* (Bogotá: Taurus – Semana – Centro de Memoria Histórica, 2012); Troyan, *Cauca's Indigenous Movement*, 127-173; Archila Neira, “Memoria e identidad en el movimiento indígena Caucano,” 463-534.

<sup>1075</sup> Don Ernesto Tapasco, don Luis Anibal Restrepo, don Alirio Hernández, don Pedro Alejandrino Campeón (R.I.P.), and doña Otilia Aricapa shared their memories of the 1971 land recovery movement in multiple interviews and conversations during my first research sojourn to Riosucio in 2008-2009. In October 2018, during the fieldwork trip for this dissertation, I had the chance to interview again to don Ernesto Tapasco and don Alirio Hernández. Escobar Zuluaga's master thesis recounts some of these memories. See Claudia Andrea Escobar Zuluaga, “Memorias de la Masacre de la Rueda. Identidad y luchas por la recuperación de la tierra en el Resguardo Indígena de Cañamomo Lomaprieta,” (master's thesis, Universidad Nacional de la Plata, 2019), 176-186.



the reconstitution of the *resguardo*, which finally occurred in 2000. The newly reinstalled San Lorenzo *resguardo*, however, does not encompass the entire area the community claims as its ancestral territory, as defined by the titles notarized by Deed 506 of 1920.<sup>1076</sup>

The restoration of the San Lorenzo *cabildo* and *resguardo* epitomizes the broader process of re-indigenization that unfolded in Colombia and other Latin American countries by the late twentieth century.<sup>1077</sup> The year 1991 marked a watershed in this process and in Colombian politics as well. A widely participatory National Constituent Assembly passed a new constitution that recognizes Colombian ethnic and cultural diversity and grants social, economic, political, and cultural rights for its ethnic minorities, especially for the indigenous and black population. The same year, Colombia ratified the 169 ILO Convention on Indigenous Peoples' Rights. The 1991 Constitution buttresses the communities' self-governance and jurisdiction. It also provides for legally recognized *resguardos* to receive state revenues intended to fund social investment projects. Moreover, this multicultural legal framework has bolstered new forms of ethnic citizenship and

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<sup>1076</sup> Don Silvio Tapasco and don José David Bueno shared their memories of this process in interviews conducted in October 2018. Besides, don Silvio authored a couple of books with his recollection of the history of the San Lorenzo community. See José Silvio Tapasco, *Reseña histórica de mi pueblo. Resguardo Indígena de San Lorenzo* (Riosucio: self-pub., 2010); and *Pervivencia del Pueblo Embera de Riosucio Caldas* (Riosucio: Cabildo Indígena Resguardo San Lorenzo, 2016). On the participation of don Silvio and other leaders of San Lorenzo in the ANUC movement and the reconstitution of the *cabildo*, see Appelbaum, "Remembering Riosucio," 505-508; Caicedo, ed., *Los Títulos de San Lorenzo*, 139-164; Erika Yuliana Giraldo Zamora, "Memoria de un pueblo que se niega a desaparecer. Relatos sobre el despojo y la lucha por el territorio en el Resguardo Indígena San Lorenzo, Riosucio, Caldas, 1940-1980," (undergraduate monograph, Universidad de Antioquia, 2018).

<sup>1077</sup> On the multicultural turn in Latin American constitutionalism and politics by the late twentieth century, see Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburg: University of Pittsburgh Press, 2000); José Bengoa, *La emergencia indígena en América Latina* (Santiago, Chile: Fondo de Cultura Económica, 2000); Raquel Yrigoyen, *Pueblos indígenas. Constituciones y reformas políticas en América Latina* (Lima: IIDS, 2010).

stimulated people to embrace indigenous and Afro-Colombian identities to access some basic social rights through affirmative action.<sup>1078</sup>

The process of re-indigenization and the consolidation of the indigenous movement in local electoral politics ran in parallel with the escalation of the armed conflict in the region. Violent disputes between guerillas, paramilitary forces, and the Colombian army took a heavy toll on indigenous communities in and around Riosucio via the assassination of leaders, forced displacement, and land dispossession, among other human rights violations. Because of that, in 2002, the Interamerican Commission of Human Rights granted precautionary measures to the Cañamomo-Lomaprieta, San Lorenzo, and other Embera-Chamí communities of the department of Caldas.<sup>1079</sup> In 2018, a Court of Land Restitution declared the San Lorenzo community as a victim of the Colombian armed conflict and granted full legal protection over its ancestral territory.<sup>1080</sup> San Lorenzo's authorities still lobby for the implementation and enforcement of this ruling.

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<sup>1078</sup> The impressive growth of the indigenous population in the general population censuses (GPCs) of 1993 and 2005 shows the extent to which ethnic identities burgeoned by the turn of the twentieth-first century. The number of indigenous people grew from 532,233 in the 1993 GPC to 1,378,885 in the 2005 GPC, representing an intercensal growth rate of 159%. Meanwhile, the total Colombian population only increased by 25.24% during the same period. Figures for Riosucio show a similar trend: from 41% of residents that identified themselves as indígenas in the 1993 GPC, the figure climbed up to 75.4% in the 2005 GPC. For an examination of the indigenous presence in Colombian GPCs, see Gloria Patricia Lopera Mesa, "Who Counts Indigenous People, How are They Counted, and What For? Census Policies and the Construction of Indigeneity in Colombia," in *Everlasting Countdowns: Race, Ethnicity, and National Censuses in Latin American States*, eds. Luis Fernando Angosto Ferrández and Sabine Kradolfer (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2012), 94-127 (specially 111).

<sup>1079</sup> See Escobar Zuluaga, "Memorias de la Masacre de la Rueda," 13-16; 55-91.

<sup>1080</sup> Juzgado Primero Civil del Circuito Especializado en Restitución de Tierras de Pereira, decision no. 025 of December 19, 2018, "Restitución de Derechos Territoriales a Comunidad Indígena del Resguardo de San Lorenzo, pueblo Embera Chamí."

Meanwhile, the Cañamomo-Lomaprieta people grapple with the difficulty to get full recognition for their territory as a colonial *resguardo*. The community recovered possession over La Rueda, El Peñol, and other estates that were at the core of the land disputes during the privatization era. Still, Cañamomo-Lomaprieta faces ongoing menaces over its territory, which also endangered its existence as an indigenous community. Among these threats are the increasing interest of foreign mining companies and locals to exploit natural resources within the *resguardo* boundaries; internal political dissents that have turned to ethnic conflicts and led to the emergence of the Cumba-Quimbaya faction in La Iberia and the recent creation of a community council (*Consejo Comunitario*) in the Afro-descendant community of Guamal; the expansion of Riosucio's urban area at the expense of the community's territory; and the lack of recognition of Cañamomo-Lomaprieta as a colonial *resguardo* by state agencies. Following their long-lasting litigation tradition, in 2014, Cañamomo-Lomaprieta's authorities filed a writ of protection (*acción de tutela*) demanding that the community's territorial rights be guaranteed. The Colombian Constitutional Court ruled in favor of the *parcialidad* in 2016. The Court ordered the government to delimit the boundaries of the *resguardo* and grant full legal protection to the Cañamomo-Lomaprietas' territory.<sup>1081</sup> The National Agency of Lands has not yet complied with this order as it insists that the legal validity of Cañamomo-Lomaprieta's colonial titles should be examined first.

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<sup>1081</sup> Colombian Constitutional Court, Decision T-530 of 2016 (Reporting Justice: Luis Ernesto Vargas Silva).

## ***Resguardo* Titles: Documentary Roots that Connect Indigenous Peoples with their Land and History**

This ethnohistorical inquiry into the *resguardo* titles has given us insight into several aspects of this genre of legal and historical evidence that have not been sufficiently researched. Among them are the titles' materiality; historical nature; significance for indigenous peoples; the different levels of Indians' agency involved in their production; and, how indigenous litigants and state officials appraised *resguardo* titles' legal validity during the privatization era.

Regarding form and materiality, this study makes clear that a *resguardo* title is a bundle of documents recording the events that have shaped the boundaries of a particular indigenous territory over time. These documents, produced at different times and by various authors, consist of copies of excerpts of colonial land inspections (*visitas*); lawsuits whereby the boundaries of a given *resguardo* were confirmed or modified; affidavits attesting the community's ancestral possession, among others. The content of each *resguardo* title is contingent upon not only the community's particular history but the specific records indigenous litigants were able to retrieve from colonial archives. A large part of this evidence consists of lengthy excerpts from court records that interweave court proceedings, copies of earlier-dated documents submitted as proof, a series of testimonies, legal briefs, and court rulings. The multiple layers of historical evidence bundled in a *resguardo* title are not arranged in neat chronological order but interweaved in complex sequences the reader must first disentangle to make sense of them.

The circumstances of production of *resguardo* titles during the privatization era give us insight into these documents' historical nature. Growing land conflicts and the tools for protecting indigenous communal property in Law 89 of 1890 prompted the retrieval and assemblage of *resguardo* titles during the period from the 1890s to the 1930s. At that time, San Lorenzo's and Cañamomo-Lomaprieta's litigants turned to colonial archives in search of archival traces that might connect their contemporary territorial claims with the 1627 land inspection by the Royal Audiencia's *Oidor* Lesmes de Espinosa Saravia. They recollect this event as the founding moment of their territorialities in the colonial era. The eighteenth- and nineteenth-century disputes that confirmed or reshaped each community's territorial rights stand as intermediate steps toward the ultimate connection with that 1627 landmark event.

In the case of Cañamomo-Lomaprieta, two eighteenth-century lawsuits opened different avenues for connecting this community's land claims in the 1890s with the 1627 allocation of *resguardos* by Lesmes de Espinosa Saravia. One was the 1720s dispute with La Montaña over the site of Riosucio; the other was the 1750s conflict with the Supías over the low plains of the Vega de Supía. The latter was the base of the first *resguardo* title that Cañamomo-Lomaprieta's litigants retrieved and used during the privatization era, specifically in the 1891 lawsuit over the hacienda El Peñol. This title emphasized this community's rights over lands on the northern side of the Supía River. It happened, however, that El Peñol and the territory that Cañamomo-Lomaprietas inhabited by the 1890s was located right across the river. After being defeated in this lawsuit, Cañamomo-Lomaprieta Governor José Esteban Tapasco made his way to the National Archive in Bogotá to retrieve the copies of the 1720s land dispute with La Montaña. These documents

attested the Cañamomo-Lomaprietas' right over the lands they actually occupied on the southern side of the Supía River. The *cabildo* notarized these documents as its *resguardo* title by Deed 263 of 1903 and deployed it in the multiple lawsuits they engaged in during the following decades, including those over La Rueda and El Peñol.

After the 1933 and 1934 Supreme Court rulings dismissing this title's legal validity, Cañamomo-Lomaprieta's authorities produced and notarized a new title by Deed 79 of 1936. This time, the *cabildo* followed the Law 89's standard of substitute evidence (aka *prueba supletoria*). Thus, instead of drawing on old colonial documents, the 1936 title contains affidavits of five contemporary witnesses who declared about the *resguardo's* boundaries and the community's possession over these lands. Upon the fire that destroyed the Riosucio Notary in 1952, the *cabildo* notarized a copy of this *prueba supletoria* by Deed 563 of 1953, which remains as the Cañamomo-Lomaprietas' title.

Unlike Cañamomo-Lomaprieta, the San Lorenzo community barely engaged in legal disputes during the colonial period. Therefore, the archival traces that could connect the San Lorenzo people back with the 1627 land inspection were also scant. Records of the dispute over the site of Supía Barranca (1782-86), Governor Juan de la Cruz Andica's quest for land titles in 1835, and the 1836 judicial proceeding of possession that resulted from that search, became the raw material for San Lorenzo's titles. The San Lorenzo *cabildo* got a copy of this bundle of documents in 1859 through a local notable who served as the *parcialidad's* administrator at that time. After keeping it in the *cabildo's* archive for a long time, in 1913, Governor Gervasio Tapasco and his *cabildo* brought this packet of documents to Riosucio Municipal Court. They requested the judge to deliver a certified

copy of these documents, which the cabildo brandished as its *resguardo* title in the lawsuits to come. In the early 1930s, however, the San Lorenzo cabildo began to use Deed 506 of 1920 as its *resguardo* title. Deed 506's circumstances of production remain unclear. Regarding its content, Deed 506 consisted of the same documents bundled in the 1913 title, except for the records of the 1782-76 dispute over Supía Barranca. The San Lorenzo cabildo continued holding Deed 506 as its title until the division of the *resguardo* in 1943.

Altogether, the circumstances of the production of Cañamomo-Lomaprieta's and San Lorenzo's titles reveal some commonalities. In most cases, the mediation of lawyers and local notables was critical for *indígenas* to retrieve the colonial and early republican records of which *resguardo* titles were made up. Such a mediation, however, proved to be costly. Ramón E. Palau, Francisco S. Tascón, and other intermediaries received vast tracts of *resguardo* lands from these communities in return for helping them to recover their titles. Moreover, in entrusting outsiders with the search of these documents, communities such as Supía and Cañamomo-Lomaprieta became an easier target for privatization in the 1870s. His role as *apoderado* of the Supía parcialidad allowed Ramón E. Palau to find out the records - or at least the memories - of the 1627 allocation of *resguardos* by Lesmes Espinosa Saravia. This information might well have prompted Palau's interest in merging Supías and Cañamomos into a single *parcialidad* and parceling out their *resguardos*.

Barriers in accessing colonial archives stand as another significant commonality among the experiences of Cañamomo-Lomaprieta's and San Lorenzo's litigants in producing their *resguardo* titles. In the lawsuits in which the *cabildos* requested the collection of colonial records from distant archives, they had to pay expensive bails to

secure the timely arrival of these documents. Those requests, however, proved unsuccessful. Thus, indigenous governors traveled to archives in Bogotá and Anserma to retrieve old papers they had heard about but whose whereabouts were quite elusive. Once the *cabildos* got the first copy of a title from the archive that kept the original manuscript, subsequent copies used to be requested to and issued by the courts in which the said title had been submitted as evidence. By turning to local and regional courts to request copies of their land titles, indigenous litigants spared themselves long and costly trips to archives in Bogotá and other distant cities where colonial manuscripts suitable to serve as *resguardo* titles used to be kept. In some sense, judicial files provided shortcuts to overcome barriers to access archives that indigenous litigants faced. Therefore, to a large extent thanks to indigenous litigants, local courts' archives became rich repositories of copies of colonial documents assembled as *resguardo* titles.

The significance of *resguardo* titles lays far beyond their role as legal evidence in the lawsuits in which indigenous litigants submitted these documents. Historian John Womack beautifully conveys the value that Mexican revolutionary leader Emiliano Zapata attached to the Anenecuilco's land titles that Zapata's uncle had passed on to him in 1909. These "almost sacred" documents - Womack writes - were "no mere bundle of legal claims that Zapata took charge of, but the collected testimony to the honor of all Anenecuilco chiefs before him, the accumulated trust of all past generation in the pueblo." It was not the Anenecuilco's titles as legal documents what moved Zapata to take up arms against the Mexican government. It was, instead, the "record of constancy and uprightness" embedded



in those papers what inspired him, the legacy he wanted to live up to by joining the Revolution.<sup>1082</sup>

For people of Cañamomo-Lomaprieta and San Lorenzo, their *resguardo* titles convey a sense of historical, legal, and moral continuity between past and present struggles for land and identity. Drawing on the notion of "textual community," Rappaport argues that *resguardo* titles provide a source of "moral continuity" with the past for communities, such as the Nasa people, whose territorial base has shifted over time and whose population has intermingled with other ethnic groups.<sup>1083</sup> Something similar happens with Cañamomo-Lomaprieta and San Lorenzo. Although to a different extent, both communities experienced territorial resettlement and merging with other populations during the colonial era. Since then, they have resorted to their titles to prove their linkage with the indigenous peoples to whom Lesmes de Espinosa Saravia allocated *resguardos* in the Vega de Supía and whom Viceroy Solís confirmed in their rights in the eighteenth century. By doing so, they aim to legitimize their land claims and ethnic identity, which have been so much disputed. In that vein, *resguardo* titles represent documentary roots linking Cañamomo-Lomaprieta and San Lorenzo peoples with their land and history.

*Resguardo* titles also encapsulate long-term processes of "resistant adaptation" by indigenous peoples. Steve Stern coined this concept to refer to the combination of strategies and practices whereby indigenous peasants have both fought against and come to terms

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<sup>1082</sup> Womack, *Zapata and the Mexican Revolution*, 371-372.

<sup>1083</sup> Rappaport, *The Politics of Memory*, 183-184.

with colonial and post-colonial orders over time.<sup>1084</sup> As Appelbaum notes, this concept allows us to overcome the duality of "resistance" versus "accommodation" and "helps us to understand how people can participate in their own oppression while placing limits on its detrimental effects (and laying the basis in some instances for more direct resistance in the future)."<sup>1085</sup> By engaging in title making, native litigants have accommodated themselves to colonial and post-colonial legal orders that enclosed their territories within *resguardo* boundaries and compelled them to prove their land rights through written evidence produced by state authorities. In doing so, indigenous litigants have left traces of their history of land struggles in the archives. Those traces make it possible for their descendants to bridge the gap between current land claims and the historic events that have shaped their legal struggles for land and justice. Thus, while playing by the rules of the colonial and post-colonial orders, the production of *resguardo* titles also have laid the foundation for today's indigenous legal, political, and moral resistance to dispossession.

### **On Indigenous Legal and Historical Agency**

This dissertation delves into three interrelated forms of indigenous legal engagement: *resguardo* title-making, litigation, and lawmaking. Each of them reveals how *indigenas'* legal and historical agency are deeply intertwined.

Trouillot's distinction between history as a social process and history as knowledge is helpful to analyze the natives' agency in the making of land titles. Over time, indigenous

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<sup>1084</sup> Stern, "New Approaches," 9-11.

<sup>1085</sup> Appelbaum, "Remembering Riosucio," 221.

litigants have participated both as actors in the social processes/historical events that *resguardo* titles record and as makers of the historical and legal evidence this genre conveys. As actors in social processes, Indians took part in the land inspections whereby *resguardos* were first set and the lawsuits that, later, confirmed or redefined the boundaries of indigenous landholdings. Litigation provides a junction point between both levels of history making. By engaging in lawsuits, natives make history in the first sense while, at the same time, contributing to create historical evidence. Indigenous litigants set in motion the bureaucratic machinery that left the trail of legal records of which *resguardo* titles are comprised. Thus, litigation works, in itself, as a means of producing legal/historical evidence.

The creation of sources via legal records is just one of the moments of the broader process that the production of historical knowledge involves. It is also just one of the forms whereby indigenous litigants participate in the making of *resguardo* titles. Besides, the production of historical knowledge entails the making of archives and narratives, to put it in terms of Trouillot's framework.<sup>1086</sup> Native litigants engaged in these two operations through the production and use of *resguardo* titles during the privatization era. They engaged in the making of archives by retrieving old colonial records from distant archives; by assembling and notarizing them as their *resguardo* titles; and by safekeeping their titles in home archives and passing them to the incoming *cabildos*. Finally, indigenous litigants and historians have read their *resguardo* titles over time, appropriating and incorporating

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<sup>1086</sup> Trouillot, *Silencing the Past*, 26.

bits of their content into their oral memories and using them to build up legal and historical arguments.

Indigenous litigants' agency, both as actors and makers of historical knowledge, has allowed the Cañamomo-Lomaprieta and San Lorenzo communities to build up and prove their historical, legal, and moral linkage with their lands and the forebears that litigated to maintain them. In some sense, the multilayered sets of documents assembled as their *resguardo* titles epitomize these communities' roots, tangible objects whose possession and apprehension nourish their ethnic identities and bolster their land claims. Through the making of land titles, indigenous litigants have contributed to developing these roots. Moreover, their active engagement in the production of land titles during the years from the 1890s to the 1930s was critical to unearth and preserve sources dated from the colonial or early republican times and memories of contemporary witnesses that otherwise might remain unknown. Thanks to indigenous litigants' workings, this evidence still exists copied and assembled in the notarial deeds whereby *resguardo* titles were constituted and the judicial proceedings in which they were submitted as proof. The evidence these documents provide is critical not only for delving into indigenous communities' histories but for understanding broader socio-economic dynamics, land conflicts, and legal history in the region under study.

Besides its significance in the production of historical evidence and *resguardo* titles, litigation was one of the strategies Cañamomo-Lomaprieta and San Lorenzo communities resorted to defending their land base during the privatization era. Whether by themselves or through hired lawyers or "red *tinterillos*," the *cabildos* of both

*parcialidades* filed multiple lawsuits aiming to recover lands that non-indigenous settlers and neighboring communities occupied. In terms of its practical outcomes, litigation proves to be a double-edged sword that has both upheld and undermined these communities' territorial rights. This dissertation shows that, during the colonial era, Cañamomo-Lomaprieta's and San Lorenzo's litigants successfully harnessed the justice system to confirm their *resguardos*' existence and boundaries, recover lost lands, and prevent their removal from the Vega de Supía. Although both communities enjoyed some critical legal victories during the privatization era, litigation's results became increasingly contingent and unpredictable. Eventually, indigenous litigation enabled the Supreme Court to declare that Cañamomo-Lomaprieta's titles lacked legal validity in rulings dated from 1933 and 1934. Drawing on these precedents, the Manizales Appeals Court and, later, the Ministry of Economy denied the legal value of the San Lorenzo *resguardo* titles.

Even today, indigenous litigation continues to be such a double-edged sword. Still, the significance of litigation to defend indigenous peoples' lands lies far beyond its actual outcomes (in terms of the rulings that result from it). Litigation provides an avenue for leaving archival traces recording the efforts made by indigenous peoples to secure their land base over time. These archival traces of litigation do not only serve as legal evidence in today's lawsuits but, perhaps more importantly, as historical evidence of the roots that link today's communities with their territories and their forebears.

Moreover, by delving into the social history of Law 89 of 1890, this monograph sheds light on *indígenas*' role in lawmaking, meaning the social struggles over the creation, appropriation, and interpretation of legal texts. This dissertation challenges a widespread

view according to which Regeneration lawmakers' racial anxieties and paternalistic stance toward *indígenas* account for Law 89's temporary protection of *resguardos*. The genesis of Law 89 reveals, instead, that the preservation of the *resguardo-cabildo* regime corresponds to what Karla Escobar terms the "republican friendship" between Caucano indígenas and elites. Indígenas played a critical role in the passage of Law 89 and the subsequent battles over its interpretation and enforcement. Contrary to lawmakers' expectations, indigenous litigants managed to keep Law 89 alive long after the fifty years it was supposed to be in force. In one of the rare instances in which subalterns' interpretations prevail, the counterhegemonic reading advanced by Colombian *indígenas* became mainstream. Under this subaltern interpretation, Law 89 has served as the legal bedrock of Indianness in twenty-century Colombia and even today.

Law 89's compromise between privatization and protection of *resguardos* epitomized the two-faced policy the Colombian state has maintained toward indigenous peoples. This seeming ambivalence has extended beyond Law 89 to become a core element of Colombian policy towards indigenous lands. On the one hand, Colombian lawmakers have passed constitutional provisions and domestic legislation protective of indigenous communal lands. Colombia has also ratified any international conventions and treaties on indigenous peoples' rights. On the other, the Colombian state grants special safeguards to private property rights and sponsors extractive economic policies that pull exactly in the opposite direction. Bearing some resemblance with the Colombian case, Florencia Mallon points out the "Janus-faced policy" of the Chilean state toward the Mapuche people.<sup>1087</sup>

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<sup>1087</sup> Mallon, *Courage Tastes of Blood*, 234-235.

This author gives us insight into how, within this complex and contradictory set of rules, indigenous peoples exert their legal agency. Mallon notes that:

On one side, the Chilean state seems to set the rules of the game, in the sense that it establishes the structures, institutions, and political discourses within which people must struggle and exist. But on the other side, the poor and oppressed push at the boundaries of these discourses, structures, and institutions, trying to modify and adapt them to their own requirements for struggle and identity. The result, therefore, is neither the system that those in power originally conceptualized and hoped for, nor the way of life desired by subaltern groups.<sup>1088</sup>

This quotation's last sentence describes what ultimately has resulted from the struggles over the interpretation of Law 89 of 1890. Colombian indígenas certainly managed to turn Law 89 into something different from what Regeneration's lawmakers had in mind when they enacted it: a transitional regime towards the privatization of indigenous lands. Instead, indigenous people transformed it into a statute that has helped them to preserve their *resguardos*, *cabildos*, and Indianness even far beyond the privatization era. However successful this subaltern interpretation of Law 89 has been, the protection it provides to indigenous lands is still precarious. The same happens with the interpretative struggles over the 1991 Constitution and the subsequent legal texts whereby the Colombian state has set in motion its Janus-faced policy towards indigenous peoples' lands. Indigenous litigants have gotten some critical legal victories, but they are still precarious. For instance, the Colombian state nominally recognizes the existence of colonial *resguardos* such as Cañamomo-Lomapieta while leaving unabated the private properties that have

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<sup>1088</sup> Mallon, *Courage Tastes of Blood*, 237-238.

mushroomed within this indigenous territory because of long-term processes of privatization and land dispossession.

*Don* Ernesto Tapasco, one of the eldest members of the Cañamomo-Lomaprieta *cabildo*, voices his frustration with this situation by insisting that: "a lesser title deed cannot prevail over the greater title deed." *Don* Ernesto means by the latter the *resguardo* title, which attests to the community's collective right. Today, the "greater title deed" has come to be abated by the "lesser title deeds," to wit, the private properties that have been set upon the communal property right. I cited the same sentence in the introduction to explain the path that led me to inquire into *resguardo* titles. I bring it again to the conclusion in the hope this monograph may contribute to making sense of *don* Ernesto's words from a historical perspective and do the same regarding Cañamomo-Lomaprieta's and San Lorenzo's struggles for land and justice.

### **Comparing San Lorenzo's and Cañamomo-Lomaprieta's Responses to the 1870s and 1940s Privatization Campaigns**

The privatization era, as defined in this dissertation, covers the time elapsed between the 1870s and the 1940s campaigns for dismantling *resguardos* that state authorities carried out in the region under study. Besides sharing the purpose of parceling indigenous communal lands, a significant commonality between both processes lies in the critical role members of the *criollato republicano* played in each of them: Ramón E. Palau in the 1870s, and Jorge Gärtner de la Cuesta in the 1940s. There were, however, important differences between the 1870s and the 1940s privatization processes. Some of them relate to the scope and the way each campaign unfolded. These variances, in turn, shed light on



the diverse forms and extent to which Ramón E. Palau and Jorge Gärtner de la Cuesta acted upon each privatization process. Other differences relate to Cañamomo-Lomaprieta's and San Lorenzo's contrasting responses to the 1870s and 1940s campaigns.

The 1870s process was regional in scope, focusing on the State of Cauca and, specifically, in its northern districts. Local elites and well-connected newcomers interested in profiting from the land and mining resources in the northern districts pushed for the partition of indigenous lands. They lobbied and actively participated in the passage of State of Cauca Law 44 of 1873, which set the rules for the division of *resguardos*. Lawyer, politician, and land entrepreneur Ramón E. Palau stood as the most visible character of the 1870s privatization campaign in his triple role of lawyer of the *parcialidades* of Quinchía and Supía, deputy of the Cauca Legislative Assembly, and municipal chief of Toro.

Under Law 44, the division of indigenous landholdings was to be conducted in a court proceeding upon request of a majority of the members of the *parcialidad*. Far from complying with these requirements, the (partial) allotment of *resguardos* in the Vega de Supía unfolded through a series of notarized agreements between the *parcialidades'* administrators and district *procuradores*, with no substantial participation of the indigenous communities. Keenly aware of the legal flaws of these transactions, Palau sponsored the passage of State of Cauca Law 47 of 1875, which condoned the notarial agreements whereby vast tracts of *resguardo* lands passed on to non-indigenous hands. Palau promoted this privatization by notarial deeds as an expedited way of circumventing the strong opposition from the non-indigenous population of the Supía district. Represented by Procurador of Supía District Ricardo Sanz, opponents to the parceling of indigenous

lands claimed the so-called "*resguardos*" were, instead, public lands that indigenous and non-indigenous people had possessed since time immemorial. The dispute between Palau and Sanz is critical for understanding the convoluted way the 1870s privatization process unfolded in the Vega de Supía.

The actual impact of the 1870s privatization campaign over the indigenous communities across the northern districts was uneven. It largely depended on the alliances that Palau and other advocates of *resguardo* privatization managed to build up with leaders of those communities. The *parcialidad* of San Lorenzo spared its *resguardo* from division. San Lorenzo's well-preserved ethnic boundaries partially account for this community's reluctance to engage in the privatization process. Moreover, the fact that Palau and his allies found an easier target in the nearby *parcialidades* explains why San Lorenzo fared better than its neighbors. Indeed, the more miscegenated *parcialidad* of Supía, whose leaders had entrusted Palau with the retrieval of their *resguardo* titles, bore the brunt of this process. As the municipal chief of Toro, Palau promoted the merging of the Supía and Cañamomo-Lomapieta indigenous communities into a single *parcialidad* called "Supía-Cañamomo." This fusion, probably made with the acquiescence of leaders of both communities, allowed the promoters of privatization to expedite the process and increase the extension of indigenous lands available for distribution. The *parcialidad* of Supía-Cañamomo was represented by Administrator Juan Gregorio Trejo and a *cabildo* that went along with - and profited from - the privatization by notarial deeds. Indigenous voices opposing this process barely made their way into the archives. The few ones recorded by the sources show that Supía-Cañamomo *indígenas* articulated their resistance to land dispossession in a paradoxical and ineffective way: by entrusting the very Ramón E. Palau

with the tasks of reversing the notarial agreements whereby the privatization unfolded. The composite *parcialidad* of Supía-Cañamomo came to an end by the late 1880s, when over two-thirds of *resguardo* lands had been transferred to non-indigenous hands. The few remaining Supía Indians either vanished within the local mestizo population or integrated into the *parcialidad* of Cañamomo-Lomapieta, which continued administering the lands *indígenas* managed to retain on the southern side of the Supía River.

The 1940s campaign for dismantling the remaining *resguardos* was national in scope. Still, like in the 1870s one, *resguardos* from Riosucio were at the core of this process. While serving as the Minister of Economy, Riosucian Liberal politician Jorge Gärtner de la Cuesta promoted the breakup of *resguardos*, signed the decrees that made it possible, and might well have favored the inclusion of northwestern Caldas within the regions targeted for privatization. But unlike Palau's micromanagement of - and direct profit from - the 1870s process, Minister Gärtner did not involve himself in the workings of the 1940s division of *resguardos*. Rather, this campaign was carried out by a cadre of middle-rank bureaucrats (lawyers, engineers, and land surveyors) who epitomized the agrarian individualistic mindset that drove the privatization of indigenous lands.

San Lorenzo's and Cañamomo-Lomapieta's contrasting experiences during the 1870s campaign in part account for both communities' divergent responses to the 1940s privatization process. After the 1870s, a significant portion of Cañamomo-Lomapieta's lands had ended up in non-indigenous hands. Multiple attempts to recover the lost lands through litigation made Cañamomo-Lomapieta's legal situation quite messy, since most of the area this *parcialidad* claimed as its *resguardo* was under dispute. Accepting division

when most of its land base was occupied by outsiders made little sense for the Cañamomo-Lomaprietas. So, they decided to keep fighting, both in courts and, increasingly, on the ground, to get their lands back. By contrast, though it experienced increasing pressures from outsiders, the San Lorenzo community still retained most of its land base by the late 1930s. The 1935 defeat in the lawsuit against Luis Horacio Zabala had proved San Lorenzo's litigants the risk of relying on colonial land titles and litigation as means to protect their lands. Thus, albeit hesitantly, San Lorenzo ultimately accepted division in the hope of securing its land base against a backdrop of mounting mestizo settlers' encroachment and land commodification.

Besides their land dispossession trajectories and attitudes toward litigation, Cañamomo-Lomaprieta's and San Lorenzo's different political stances account for their divergent responses to the 1940s privatization process. San Lorenzo's "bluish" or conservative stance did incline this community to go along with the government's plan. By accepting partition, the *parcialidad* of San Lorenzo remained faithful to its conservative values since this course of action seemed less risky and yielded to the state's authority. Meanwhile, the "reddish" Cañamomo-Lomaprieta community decided not to engage in the parcellation process to, instead, take a more confrontational attitude toward both land dispossession and the state.<sup>1089</sup>

Debates on the Liberal Republic's land policies tend to focus on the attempts of agrarian reform that crystallized in the Land Act of 1936, leaving the 1940s process of

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<sup>1089</sup> These contrasting cases call into question Troyan's thesis that those indigenous communities that accepted the breakup of their *resguardos* did so because they embraced the 1930s Liberal Party's ideology. Troyan, *Cauca's Indigenous Movement*, 59.

privatization of *resguardos* out of the analysis. A common rationale underpinned both policies: the belief in the formalization of private property rights as the way to achieve modernization, development, and the prosperity of rural folk. Still, there is a significant difference in the value that lawmakers and state officials conferred to written titles - the stamped paper - as proof of land rights. The 1936 Land Act prioritized the landlords' stamped papers over the *colonos*' and sharecroppers' toil ("the ax") as the basis for allocating property rights over public lands. But when it came to *resguardos*, state officials gave no legal value to the stamped papers - the *resguardo* titles - that indigenous communities submitted to the Ministry of Economy in the 1940s. The 1943 Ministerial Order proclaiming that the lands inhabited by the San Lorenzo community lacked the legal status of *resguardo* and were, instead, public lands represents this trend. It also set the rule by which other indigenous *parcialidades* were dissolved and their lands officially declared as *baldíos*.

By dismissing the value of *resguardo* titles, the Liberal Republic treated these communities as *colonos* occupying public lands rather than as *indígenas* that had forged historical, legal, and moral ties with the land they claimed as their ancestral territories. Such a treatment bears a deep sense of irony and entails the erasure of history. The concept of "Indian" is constitutive of the colonial order, one in which Europeans arrogated to themselves the right of conquest, and Amerindians played the role of colonized subjects. Asserting Indianness means, at its core, identifying oneself as a descendant from the colonized peoples. For the Cañamomo-Lomapieta and San Lorenzo communities, it entails recognizing themselves as the descendants from the Zopías who inhabited the Vega de Supía before the Spanish conquest; from the Pirzas and Sonsones who were brought to

the region in 1627; from those who came later and, intermingled with all the former, gradually giving rise to the *parcialidades* of Cañamomo-Lomapieta and San Lorenzo. In making land claims based on colonial *resguardo* titles, these peoples assert rights that predate the colonial order. They do so brandishing old, stamped papers whereby colonial authorities acknowledged those rights and, in doing so, made them visible and legible in terms of the colonizers' legal order. The colonial records that indigenous litigants retrieved and assembled as *resguardo* titles during the privatization era trace *indígenas'* roots to their lands and history. Dismissing the legal value of the *resguardo* titles means, in some sense, ripping out these roots.

## LIST OF REFERENCES

### 1. Archives and Collections

#### 1.1. Spain

Archivo General de Indias (Sevilla) – AGI  
Audiencia de Santa Fe  
MP- Panamá  
Quito

#### 1.2. Colombia

##### Bogotá:

Archivo General de la Nación - AGN  
Sección Colonia. Fondos: Caciques e Indios; Poblaciones Cauca; Resguardos Antioquia-Cauca-Tolima; Tierras Cauca; Visitas del Cauca.  
Sección República. Fondos: Censos de Población; Indios; Archivo del Congreso; Leyes Originales de la República.  
Sección Archivos Oficiales. Fondo Ministerio de Gobierno: División Asuntos Indígenas; Personerías Jurídicas.  
Sección Colecciones. Fondo Academia Colombiana de Historia: Colección Gustavo Guerrero.  
Sección Mapas y Planos

Biblioteca Luis Ángel Arango – BLAA  
Sección Libros Raros y Manuscritos. Archivo Gregorio Hernández de Alba

Biblioteca Nacional de Colombia – BNC

##### Popayán:

Archivo Central del Cauca - ACC  
Colonia (Col)  
Archivo Mosquera  
Archivo Muerto (AM)

##### Manizales:

Archivo Gobernación de Caldas – AGC

Archivo Judicial de Manizales – AJM

Causa No. 517, Extinto Juzgado 1 Superior. Delito: Homicidio, Procesado: Luis Ángel Díaz, Ofendido: Noé Cadavid.

Riosucio (Caldas):

Alcaldía Municipal de Riosucio – AMR

Libros de Posesiones

Archivo Cabildo Cañamomo-Lomapieta – ACCL

Juzgado Civil del Circuito de Riosucio - JCCR

Registro de Instrumentos Públicos de Riosucio - RIPR

Supía (Caldas):

Notaría Única de Supía – NUS

## **2. Press and Newspapers**

*Anales del Congreso*, Bogotá, 1890, 1891.

*Diario Oficial*, Bogotá, 1869, 1887, 1888, 1889, 1946, 1949.

*Diario Popular*, Bogotá, 1944.

*El Bolchevique*, Bogotá, 1934, 1935.

*El Iris*, Supía, 1884.

*El Tiempo*, Bogotá, 1944.

*Gaceta de la Nueva Granada*, Bogotá, 1835, 1838.

*Gaceta Oficial. Estado Soberano del Cauca*, Popayán, 1869.

*Ingrumá*, Riosucio, 1942, 1943, 1944.

*La Patria*, Manizales, 1937.

*La Opinión*, Riosucio, 1918, 1919, 1920.



*La Unión*, Riosucio, 1932, 1937.

*La Paz*, Popayán, 1880.

*Pluma Libre*, Pereira, 1937, 1939.

*Registro Oficial de la Nueva Granada*, Bogotá, 1836.

*Registro Oficial* (Cauca), Popayán, 1873, 1875, 1879, 1888, 1892, 1896, 1905.

*Registro Oficial* (Caldas), Manizales, 1907.

*Tierra*, Bogotá, 1932, 1938.

### **3. Printed Primary Sources**

*Anexos a la Memoria del Ministro de Trabajo, Higiene y Previsión Social. Tomo II 1944-1945*. Bogotá: Imprenta Nacional, 1945.

Angarita, Manuel J. *Compilación de leyes adicionales y reformatorias relativas a los Códigos Civil, de Comercio, Penal, de Organización y Judicial de la República de Colombia*. Bogotá: Imprenta de la Luz, 1890.

*Anuario estadístico de Colombia*. Bogotá: Imprenta de Medardo Rivas, 1875.

*Atlas de mapas antiguos de Colombia: siglos XVI a XIX*, ed. Eduardo Acevedo Latorre (Bogotá: Litografía Arco, 1986).

Boussingault, Jean Baptiste. *Memorias*, tomo I. Bogotá: Banco de la República, 1985.

Caicedo, Luis Javier. *Los Títulos de Cañamomo Lomaprieta. Recopilación y análisis de los títulos del Resguardo Indígena entre 1627-1994*. Riosucio: Cabildo Indígena de Cañamomo-Lomaprieta, 2017.

Caicedo, Luis Javier. *Los títulos de Escopetera y Pirza. Recopilación de los títulos del Resguardo Indígena de Escopetera y Pirza*, Riosucio (Caldas) – Quinchía (Risaralda), 1538-2003. Riosucio: Cabildo Indígena de Escopetera Pirza, 2012.

Caicedo, Luis Javier. *Los Títulos de San Lorenzo. Recopilación y estudio de los títulos de propiedad del Resguardo Indígena de San Lorenzo, Riosucio, Caldas, con miras al saneamiento integral del territorio*. Riosucio: Cabildo Indígena de San Lorenzo, 2011.

Calvo de Vanegas, Purificación. *Riosucio*. Manizales: Biblioteca de Autores Caldenses, 1963.

Cieza de León, Pedro. *Crónica del Perú*. Barcelona: www.Linkgua.com, 2011; New York: Digitalia Inc, 2012.

Cieza de León, Pedro. *Guerras civiles del Perú. Tomo Segundo. Guerra de Chupas*. Madrid: Librería de la Viuda de Rico, ca 1877.

*Codificación nacional de todas las leyes de Colombia desde el año de 1821. Obra publicada bajo la dirección del honorable Consejero de Estado Doctor Ramón Correa*. Bogotá: Imprenta Nacional, T. I (1924), T. III (1925), T. IV (1925), T. V (1925), T. VII (1926), T. X (1928), T. XIII (1928), T. XIV (1929), T. XXII (1932), T. XXV (1941), T. XXVII (1943), T. XXXII (1952).

*Código de Leyes i Decretos del Estado Soberano del Cauca, Espedidos en 1863 i 1865. Edición Oficial*. Bogotá: Imprenta de Gaitán, 1866.

*Código Fiscal de los Estados Unidos de Colombia (Ley 106 de 13 de Junio de 1873), sancionado por el Congreso de 1873. Edición Oficial*. Bogotá: Imprenta de Vapor de Zalamea Hermanos, 1882.

*Colección de leyes del Estado Soberano del Cauca*. Popayán: Imprenta del Colejio Mayor, 1860.

Colombia, Ministerio de Industrias, *Memoria al Congreso Nacional en las sesiones ordinarias de 1931*. Bogotá: Imprenta Nacional, 1931.

Consejo Regional Indígena de Caldas – CRIDEC. “¿Por qué pervivimos los indígenas en Caldas? Con comentarios de Julián Bueno Rodríguez.” Working document, CRIDEC, Proyecto Embera Kirimcha Harapadadé, Material para el componente de Planes de Vida, Riosucio, 2008.

*Constitución del Estado de la Nueva Granada, dada por la Convención Constituyente en el año de 1832, 22º de la independencia*. Bogotá: Imprenta J. A. Cualla, 1840.

*Constitucion i Leyes de los Estados Unidos de Colombia, espedidas en los años de 1863 a 1875*. Bogotá: Imprenta de Medardo Rivas, 1875.

*Constitucion i leyes espedidas por la Asamblea Lejislativa del Estado Soberano de Bolívar en las Sesiones Estraordinarias de 1863.* Cartagena: Imprenta de Ruiz e hijo, 1864.

*Constitución y Leyes del Estado S. del Cauca, expedidas por la Convención de 1872.* Popayán: Imprenta del Estado, 1873.

Cuesta, Rómulo. *Tomás*. Riosucio: Álvaro Gärtner – Grupo de Apoyo a las Danzas del Ingrumá, 2000 [1st. ed, 1923].

Duque Gómez, Luis. “Excavación de un sitio de habitación en Supía.” *Revista del Instituto Etnológico Nacional*, vol. 1 (1942), 95-115.

Duque Gómez, Luis. “Grupos sanguíneos entre los indígenas del Departamento de Caldas.” *Revista del Instituto Etnológico Nacional* 3 (1944): 623-653.

Duque Gómez, Luis. “Informe de la Comisión Etnológica al departamento de Caldas.” *Boletín del Museo Arqueológico de Colombia* I, vol. 2 (1943): 15-31.

Duque Gómez, Luis. “Informe de la Comisión Etnológica al departamento de Caldas (continuación).” *Boletín del Museo Arqueológico de Colombia* II, vol. 1 (1944): 19-22.

Duque Gómez, Luis. “Problemas sociales de algunas parcialidades indígenas del occidente colombiano.” *Boletín de Arqueología* I, vol. 2 (1945): 185-201.

Duque Gómez, Luis. “Réplicas y aclaraciones al Director del Departamento de Tierras.” In *El Instituto Indigenista de Colombia y la parcelación de resguardos*. Bogotá: Ediciones de divulgación indigenista, 1944, reproduced in *Baukara* 3 (2013): 153.

Escobar, Fray Jerónimo de. “Relación de Popayán, 1582.” *Cespedesia* 45-46, suplemento n.º 4, 1983.

Fernández de Piedrahita, Lucas. *Noticia Historial de las Conquistas del Nuevo Reino de Granada I*. Bogotá: Editorial Kelly, 1973.

Flórez de Ocariz, Juan. *Genealogías del Nuevo Reino de Granada I*. Bogotá: Biblioteca Nacional, 1943.

Garcés, Jorge A. *Colección de Documentos Inéditos Relativos al Adelantado Don Sebastián de Benalcázar, 1535-1565*. Quito: Imprenta Municipal – Publicaciones del Archivo Municipal de Quito, 1936.

García Nossa, Antonio. "El cooperativismo agrícola y el desarrollo de las comunidades indígenas." Undated manuscript (ca. 1960s), reproduced in *Baukara* 3 (2013): 123-143.

García, Antonio. "El indigenismo en Colombia. Génesis y evolución." *Boletín de Arqueología. Instituto Etnológico Nacional*, vol. 1, no. 1 (1945): 52-71.

García, Antonio. "Explicación previa." In *El Instituto Indigenista de Colombia y la parcelación de resguardos*. Bogotá: Ediciones de divulgación indigenista, 1944, reproduced in *Baukara* 3 (2013): 144-146.

García, Antonio. *Geografía Económica de Caldas*, 2nd. ed. Bogotá: Banco de la República, 1978 [1<sup>st</sup>. ed., 1937]. Gärtner de la Cuesta, Jorge. *Mis memorias, o devaneos inútiles de un desocupado*. 2nd ed. Manizales: Biblioteca de Escritores Caldenses, 1991.

Gärtner, Jorge. *Informe del Ministerio de la Economía Nacional 1939*. Bogotá: Imprenta Nacional, 1939.

Gärtner, Ulises. *Resguardos de Indígenas. Ley 89 de 1890. Tesis presentada por Ulises Gärtner para optar al título de Doctor en Derecho y Ciencias Políticas*. Bogotá: Imprenta Colombia, 1909.

Guerrero, Gustavo S. *Asunto eleccionario*. Pasto: Imprenta de A. Ramírez Z, 1888.

Guillén Chaparro, Francisco. "Memoria de los Pueblos de la Gobernación de Popayán, 1583." *Cespedesia* 45-46, suplemento n.º 4, 1983.

Gutiérrez Velásquez, Víctor. "Estudio sobre los Resguardos de Indígenas de Tierradentro (Cauca)." *Tierras y Aguas*, no. 63-64 (March – April, 1944): 34-61.

"Índice alfabético de la Revista Tierras y Aguas, del número 1, octubre de 1937, al número 100, enero a abril de 1947." *Tierras y Aguas*, nos. 97 - 100 bis (1947): 1-16.

*Ley 283 o Código Civil del Estado Soberano del Cauca. Adoptado por la Legislatura de 1869*. Popayán: Imprenta del Estado, 1871.

*Leyes de la República de Colombia expedidas por el Consejo Nacional Legislativo en sus sesiones de 1888*. Bogotá: Imprenta de Vapor de Zalamea Hermanos, 1888.

"Lista de los Resguardos de Indígenas, con sus áreas y poblaciones." *Tierras y Aguas*, no. 63-64 (March – April, 1944): 62-66.

“Lista de los Resguardos de Indígenas, cuya disolución se ha efectuado o ha sido declarada,” *Tierras y Aguas*, no. 63-64 (March – April, 1944): 67.

Lleras, Lorenzo María- *Catecismo de agrimensura apropiado al uso de los Granadinos*. Bogotá: Imprenta de la Universidad por G. Morales, 1834.

López Medel, Tomás y Berta Ares Queija. *Visita de la gobernación de Popayán: libro de tributos, 1558-1559*. Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1989.

López, Alejandro. “La cuestión agraria.” In Alejandro López, *Problemas Colombianos*. Paris: Editorial París-América, 1927 (reprinted in Alejandro López, *Escritos escogidos*, ed. Jorge Villegas. Bogotá: Instituto Colombiano de Cultura, 1976).

Mariátegui, José Carlos. *Siete ensayos de interpretación de la realidad peruana*. Lima: Amauta, 1928. English version, *Seven Interpretive Essays on Peruvian Reality*, trans. Marjory Urquidi with an introduction by Jorge Basadre. Austin: University of Texas Press, 1971), 22-76.

“Ministerio de la Economía Nacional – Departamento de Tierras – Sección de Colonización – Bogota, febrero veintisiete de mil novecientos cuarenta.” *Tierras y Aguas*, no. 18 (February 1940): 23-25.

Mojica Silva, José. *Relación de visitas coloniales. Pueblos, repartimientos y parcialidades indígenas de la provincia de Tunja y de los partidos de La Palma, Muzo, Vélez y Pamplona*. Tunja: Imprenta Oficial, 1946.

Montoya, Juan David y José Manuel González, transc. y est. prelim. *Visita a la Provincia de Antioquia por Francisco Herrera Campuzano, 1614-1616*. Medellín: Universidad Nacional de Colombia, 2010.

*Ordenanzas Espedidas por la Lejislatura Provincial del Cauca, 1854*. Bogotá: Imprenta del Neogranadino, 1855.

Pérez Landero, Pedro. *Práctica de visitas y residencias apropiada a los reynos del Perú, y deducida de lo que en ellos se estila*. Napoles, Layno, 1696.

Pérez Salazar, Honorio. “Emancipación jurídica del indígena.” *Tierras y Aguas*, no. 63 to 64 (March – April, 1944): 3-31.

Pombo, Miguel de. “Discurso político en el que se manifiesta la necesidad y la importancia de la extinción de los estancos de tabacos y aguardiente y la abolición de los tributos de los

indios con los arbitrios que por ahora pueden adoptarse para llenar el vacío que sentirán los fondos públicos en estos ramos. Leído en la junta suprema de Santafé por su vocal el doctor don Miguel de Pombo, en 1º de septiembre de 1810.” In *El 20 de Julio. Capítulos sobre la revolución de 1810*, ed. Eduardo Posada. Bogotá, 1914.

Quijano, Manuel de J. *Informe del Secretario de Gobierno del Estado Soberano del Cauca a la Convención de 1872*. Popayán: Imprenta del Estado, 1872.

*Recopilación de las leyes de los Reinos de las Indias. Mandadas imprimir y publicar por la magestad Católica del Rey don Carlos II, nuestro señor. Va dividida en cuatro tomos, con índice general, y al principio de cada tomo el especial de títulos que contiene*. Tomo II, 5.<sup>a</sup> ed. Madrid: Boix Editor, 1841 [1681].

Reinales, Buenaventura. *Informe del Secretario de Gobierno del Estado Soberano del Cauca a la Legislatura de 1875*. Popayán: Imprenta del Estado, 1875.

República de Colombia, Contraloría General de la República – Dirección Nacional de Estadística. *Anuario General de Estadística 1938*. Bogotá: Imprenta Nacional, 1939.

“Resolución No. 1 de 1943 (mayo 20), sobre extinción del resguardo indígena de *San Lorenzo* (Riosucio, Caldas).” *Tierras y Aguas*, nos. 52 - 54 (April – June, 1944): 6-16.

Restrepo, Vicente. *Estudio sobre las minas de oro y plata en Colombia*, 2nd ed. Bogotá: Imprenta de Silvestre y Cía, 1888.

Rivas, Medardo. *Los trabajadores de tierra caliente (Reminiscencias)*. Bogotá: Imprenta y librería de M. Rivas, 1899.

Samper, José M. *Ensayo sobre las revoluciones políticas y la condición social de las repúblicas colombianas (hispano-americanas); con un apéndice sobre la orografía y la población de la Confederación Granadina*. París: Imprenta de E. Thunot y C, 1861.

Sánchez Botero, Esther, Oscar Vargas, Yefferson Dueñas, Carlos Ariel Ruiz, and Fernando Mayorga. “Documento de recomendaciones para la delimitación y titulación del Resguardo de Origen Colonial Cañamomo y Lomapieta. Sentencia T-530 de 2016 – Grupo de Expertos.” Official Report submitted to the Agencia Nacional de Tierras. Bogotá, 2018.

Sánchez Gómez, Gregorio. *La bruja de las minas*. Bogotá: Ministerio de Cultura – Biblioteca de Literatura Afrocolombiana, 2010 [1938].

Solano, Francisco de. *Cedulario de Tierras. Compilación de Legislación Agraria Colonial, 1497-1820*. 2.<sup>a</sup> ed. México: UNAM, 1991.

Torres Giraldo, Ignacio. *La cuestión indígena en Colombia*. Bogotá: La Rosca de Investigación y Acción Social, 1975 [1947].

Tovar Pinzón, Hermes, Jorge Andrés Tovar Mora and Camilo Ernesto Tovar Mora, *Convocatoria al poder del número. Censos y estadísticas de la Nueva Granada, 1750-1830*. Bogotá: Archivo General de la Nación, 1994.

Tovar Pinzón, Hermes. *Relaciones y Visitas a los Andes*. Bogotá: Universidad de Los Andes, 2010.

Triana Antorveza, Adolfo edit, *Legislación Indígena Nacional. Leyes, Decretos, Resoluciones, Jurisprudencia y Doctrina*. Bogotá: Fundación Comunidades Colombianas – FUNCOL – Editorial América Latina – 1980.

Villegas, Jorge and José Yunis. *Sucesos colombianos, 1900-1924*. Medellín: Universidad de Antioquia, 1976.

Zuluaga Gómez, Víctor. *Documentos inéditos para la historia de Caldas, Chocó y Risaralda*. Pereira: Universidad Tecnológica de Pereira, 1990.

#### **4. Bibliography**

Abad Salazar, Inés Lucía. *Los Ansermas, Tesis de grado*. Bogotá: Universidad Javeriana, 1955.

Abercrombie, Thomas A. *Pathways of Memory and Power. Ethnography and History Among an Andean People*. Madison: The University of Wisconsin Press, 1998.

Aguirre, Carlos. “Tinterillos, Indians, and the State: Towards a History of Legal Intermediaries in Post-Independence Peru.” In *One Law for All? Western Models and Local Practices in (Post-) Imperial Contexts*, ed. Stefan B. Kirmse, 119-152. Frankfurt & New York: Campus Verlag, 2012.

Álvarez, Víctor. “La estructura interna de la colonización antioqueña.” In *La colonización antioqueña*, 107-154. Manizales: FICDUCAL – Biblioteca de Escritores Caldenses, 1983.

Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, rev. ed. London & New York: Verso, 1991.

Appelbaum, Nancy P. *Dos plazas y una nación: raza y colonización en Riosucio, Caldas 1848-1948*. Bogotá: ICANH-Universidad de los Andes-Universidad del Rosario, 2007.

Appelbaum, Nancy P. *Mapping the Country of Regions. The Chorographic Commission of the Nineteenth-Century Colombia*. Chapel Hill: The University of North Carolina Press, 2016.

Appelbaum, Nancy P. "Whitening the Region: Caucano Mediation and 'Antioqueño Colonization' in Nineteenth-Century Colombia." *Hispanic American Historical Review* 79, no. 4. 1999: 631-667.

Appelbaum, Nancy P. "Remembering Riosucio. Race, Region, and Community in Colombia, 1850-1950." PhD diss, University of Wisconsin-Madison, 1997.

Appelbaum, Nancy P. *Muddied Waters. Race, Region, and Local History in Colombia, 1846-1948*. Durham: Duke University Press, 2003.

Appelbaum, Nancy. "Guamal: Historia, identidad y comunidad." Unpublished manuscript, revised versión, December, 1994.

Arboleda, Gustavo. *Diccionario biográfico y genealógico del antiguo departamento del Cauca*. Bogotá: Biblioteca Horizontes, 1962.

Archila Neira, Mauricio. "Memoria e identidad en el movimiento indígena caucano." In *Una historia inconclusa. Izquierdas políticas y sociales en Colombia*, 463-534. Bogotá: Cinep, 2009.

Ares Queija, Berta and Serge Gruzinski, coords., *Entre dos mundos. Fronteras Culturales y Agentes Mediadores*. Sevilla: Escuela de Estudios Hispano-Americanos de Sevilla, 1997.

Ariza, Libardo. *Derecho, saber e identidad indígena*. Bogotá: Siglo del Hombre – Universidad de los Andes, 2009.

Avendaño-Rojas, Xiomara. "Pueblos indígenas y república en Guatemala, 1812-1870." In *La reindianización de América, siglo XIX*, ed. Leticia Reina, 109-119. México: Siglo XXI – CIESAS, 1997.

Bacca, Paulo Illich. "Indigenizing International Law. Inverse Legal Anthropology in the Age of Jurisdictional Double Binds." PhD diss., Kent University, 2018.

Baitenmann, Helga. *Matters of Justice. Pueblos, the Judiciary, and Agrarian Reform in Revolutionary Mexico*. Lincoln: University of Nebraska Press, 2020.

Banner, Stuart. *How the Indians Lost Their Land: Law and Power on the Frontier*. Cambridge: Harvard University Press, 2005.



Barber, Russell J. and Francis F. Berdan. *The Emperor's Mirror. Understanding Cultures through Primary Sources*. Tucson: The University of Arizona Press, 1998.

Barragán, Rossana. "Los títulos de la Corona de España de los indígenas: para una historia de las representaciones políticas, presiones y negociaciones entre Cádiz y la República Liberal." *Boletín Americanista* LXII, 2, no. 65 (2012): 15-37.

Barreto Rozo, Antonio. *Venturas y desventuras de la Regeneración. Apuntes de historia jurídica sobre el proyecto político de 1886 y sus transformaciones y rupturas en el siglo XX*. Bogotá: Uniandes, 2011.

Becker, Mark. "In Search of 'Tinterillos'." *Latin American Research Review* 47, no. 1 (2012): 95-114.

Becker, Mark. "Mariátegui, the Comintern, and the Indigenous Question in Latin America." *Science & Society* 70, no. 4 (Oct. 2006): 450-479.

Belmessous, Saliha, ed., *Native Claims. Indigenous Law against Empire, 1500-1920*. Oxford: Oxford University Press, 2012.

Bengoa, José. *La emergencia indígena en América Latina*. Santiago, Chile: Fondo de Cultura Económica, 2000.

Bergquist, Charles. *Coffee and Conflict in Colombia, 1886-1910*. Durham: Duke University Press, 1978.

Bloch, March. "Toward a Comparative History of European Societies." In *Enterprise and Secular Change. Readings in Economic History*, ed. Frederic C. Lane, 494-521. Homewood, IL: Richard D. Irwin, Inc, 1953.

Bonnet Vélez, Diana. *Los protectores de naturales en la Audiencia de Quito. Siglos XVII Y XVIII*. Quito: FLACSO-Ecuador, 1992.

Bonnett Vélez, Diana. *Tierra y comunidad. Un problema irresuelto. El caso del altiplano cundiboyacense (Virreinato de la Nueva Granada) 1750-1800*. Bogotá: Universidad de los Andes, 2002.

Borah, Woodrow. *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real*. Berkeley, Los Angeles, and London: University of California Press, 1983.

Bourdieu, Pierre. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38. 1987.

- Boyer, Christopher. *Political Landscapes: Forests, Conservation, and Community in Mexico*. Durham: Duke University Press, 2015.
- Braudel, Fernand. "History and the Social Sciences. The Longue Durée." In *On History*, trans. Sarah Matthews. Chicago: The University of Chicago Press, 1980.
- Brew, Roger. *El desarrollo económico de Antioquia desde la Independencia hasta 1820*. Bogotá: Banco de la República, 1977.
- Bueno Rodríguez, Julián. *Carnaval de Riosucio. Estructura y Raíces*, T. 1. Manizales: Editorial Madrigal, 2012.
- Burns, Kathryn. "Making Indigenous Archives: The Quilcaycamayoc of Colonial Cuzco," *Hispanic American Historical Review* 91/4 (2011): 665-689.
- Burns, Kathryn. *Into the Archive. Writing and Power in Colonial Peru*. Durham and London: Duke University Press, 2010.
- Bushnell, David. *The Making of Modern Colombia. A Nation in Spite of Itself*. Berkeley and L.A.: University of California Press, 1993.
- Bushnell, David. *The Santander Regime in Gran Colombia*. Newark: University of Delaware Press, 1954.
- Cacciavillani, Pamela A. "De comuneros a poseedores: reflexiones en torno a la construcción de la propiedad privada en la comunidad indígena de Soto a finales del siglo XIX," *Derecho, Lima* 82 (2019).
- Cacciavillani, Pamela A. "De propiedad comunal a propiedad individual. El régimen jurídico de la propiedad en Córdoba, 1871-1885." PhD diss., Universidad Nacional de Córdoba - Argentina, 2018.
- Cacciavillani, Pamela A. and Judith Farberman, "Del campo común al condominio y del condominio a la propiedad individual. Normatividad y prácticas en Santiago del Estero (Argentina), 1850-1920," *Revista Historia y Justicia* 13 (2019).
- Caicedo, Luis Javier. "Los Pirzas, origen de Cañamomo-Lomaprieta." Unpublished manuscript.
- Caicedo, Luis Javier. "Ruta de Juan de Vadillo por el Viejo Caldas (agosto-septiembre de 1538)." *Ciencia Nueva. Revista de Historia y Política* 1, no. 1, Jan-Jun, 2017.
- Caicedo, Luis Javier. *Cinco siglos de historia de Riosucio (Caldas). Con énfasis en la conformación del territorio*. Pereira: Universidad Tecnológica de Pereira, 2018.

Calloway, Colin G. *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History*. New York: Oxford University Press, 2013.

Caplan, Karen. *Indigenous Citizens: Local Liberalism in Early National Oaxaca and Yucatan*. Palo Alto, CA: Stanford University Press, 2009.

Cardona Tobón, Alfredo. "Las guerras civiles en el alto occidente de Caldas." *Supía Histórico* 5. Feb. 1989.

Cardona Tobón, Alfredo. "Ocupación de las tierras en la provincia de Marmato." *Supía Histórico* 17, vol. 2. August 1993.

Cardona Tobón, Alfredo. *Quinchía mestizo*. Pereira: Gobernación de Risaralda, 1989.

Castillo, Gonzalo. "Manuel Quintín Lame: luchador e intelectual indígena del siglo XX." In Manuel Quintín Lame, *Los pensamientos del indio que se educó dentro de las selvas colombianas*. Popayán: Universidad del Cauca, 2004.

Castillo, Gonzalo. *Liberation Theology from Below. The Life and Thought of Manuel Quintín Lame*. Maryknoll, N.Y.: Orbis Books, 1987.

Castrillón, Dario. *El indio Quintín Lame* (Bogotá: Tercer Mundo, 1973).

Castro Blanco, Elías. *La extinción de los resguardos indígenas de Colombaima y Paquiló en Ambalema en el siglo XIX*. Bogotá: Gráficas Sajor, 1999.

Ceballos Bedoya, Nicolás. "Resistencia indígena por las vías del derecho colonial. Los usos indígenas del derecho en el Nuevo Reino de Granada durante las Reformas Borbónicas (1750-1810)." Master's thesis, Universidad Nacional de Colombia – Seccional Medellín, 2021.

Centro Nacional de Memoria Histórica, *Tierras y conflictos rurales. Historia, políticas agrarias y protagonistas*, coord. Rocío Londoño. Bogotá: Centro Nacional de Memoria Histórica – Taurus, 2016.

Céspedes, Guillermo. "La Visita como institución indiana." *Anuario de Estudios Americanos*, III, 1946.

Charles, John. "More *Ladino* than Necessary: Indigenous Litigants and the Language Policy Debate in Mid-colonial Peru." *Colonial Latin American Review*, 16/1 (2007): 23-47.

Charles, John. *Allies at Odds: The Andean Church and its Indigenous Agents, 1583-1671*. Albuquerque: University of New Mexico Press, 2010.

Charry Joya, Carlos Andrés. “Unirismo y Pluma Libre. Expresiones y transformaciones de la prensa gaitanista de los años 30.” *Sociedad y economía* 38 (2019): 66-90.

Chevalier, Francois. *Land and Society in Colonial Mexico. The Great Hacienda*. Berkeley & Los Angeles, University of California Press, 1970.

Christie, Keith. *Oligarcas, campesinos y política en Colombia: Aspectos de la Historia Socio-Política de la Frontera Antioqueña*, trad. Fernán González. Bogotá: Universidad Nacional de Colombia, 1986.

Clavero, Bartolomé. “Espacio colonial y vacío constitucional de los derechos indígenas.” *Anuario Mexicano de Historia del Derecho*, vol. VI (1994): 61-86.

Coatsworth, John. “Railroads, Landholding, and Agrarian Protest in the Early Porfiriato.” *The Hispanic American Historical Review* 54, no. 1 (Feb. 1974): 48-71.

Colmenares, Germán. *Historia social y económica de Colombia. Tomo I, 1537-1719*. Bogotá: Tercer Mundo, 1997.

Colmenares, Germán. *Historia social y económica de Colombia. Tomo II. Popayán: una sociedad esclavista, 1680-1800*. Bogotá: La Carreta, 1978.

Córdoba Ochoa, Luis Miguel. “La memoria del agravio en los indígenas según la visita de Herrera y Campuzano a la gobernación de Antioquia (1614-1616).” *Revista Historia y Justicia* 3 (October 2014): 228-255.

Cuevas Arenas, Héctor. *Tras el amparo del rey. Pueblos indios y cultura política en el valle del río Cauca, 1680-1810*. Bogotá: Universidad del Rosario – Flacso Ecuador, 2020.

Cunill, Caroline. “El indio miserable: nacimiento de la teoría legal en la América colonial del siglo XVI.” *Cuadernos Intercambio* 8:9 (2011): 229-248.

Cunill, Caroline. “La negociación indígena en el Imperio Ibérico: aportes a su discusión metodológica.” *Colonial Latin American Review* 21, issue 3 (2012): 391-412.

Cunill, Caroline. “Phillip II and Indigenous Access to Royal Justice: Considering the Process of Decision-Making in the Spanish Empire.” *Colonial Latin American Review*, vol. 24/4 (2015): 505-524.

Curry, Glenn. “The Disappearance of the Resguardos Indígenas of Cundinamarca, Colombia, 1800-1863.” PhD diss, Vanderbilt University, 1981.

Cutter, Charles. *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of Mexico New Press, 1995).

Cutter, Charles. *The Protector de Indios in Colonial New Mexico, 1651-1821* (Albuquerque: University of New Mexico Press, 1986).

Del Castillo, Lina. *Crafting a Republic for the World. Scientific, Geographic, and Historiographic Inventions of Colombia*. Lincoln: University of Nebraska Press, 2018.

Delgado Rozo, Juan David. "Continuidades y reconfiguraciones de los pueblos ante el sistema republicano: gobierno local, organización espacial y propiedad comunal en la provincia de Bogotá, 1780-1857." PhD diss, Colegio de México, 2017.

Delpar, Helen. *Red Against Blue. The Liberal Party in Colombian Politics, 1863-1899*. Alabama: The University of Alabama Press, 1981.

Dias Paes, Mariana Armond. "Escravos e terras entre posses e títulos: a construção social do direito de propriedade no Brasil (1835-1889)." PhD diss., University of Sao Paulo, 2018.

Díaz López, Zamira. *Oro, sociedad y economía. El sistema colonial en la Gobernación de Popayán: 1533-1733*. Bogotá: Banco de la República, 1994.

Díaz Rementería, Carlos. "Supervivencia y disolución de la comunidad de bienes indígena en la Argentina del siglo XIX." *Revista de Historia del Derecho "Ricardo Levene"* 30. 1995.

Díaz, Lida del Carmen. "Antropología y economía del oro en Marmato, Caldas." Master's thesis, Universidad Nacional de Colombia - Seccional Bogotá, 1985.

Ducey, Michael T. "Liberal Theory and Peasant Practice. Land and Power in Northern Veracruz, México, 1826-1900." In *Liberals, the Church, and Indian Peasants. Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert H. Jackson, 65-93. Albuquerque: University of New Mexico Press, 1997.

Dueñas, Alcira. "The Lima Indian Letrados: Remaking the República de Indios in the Bourbon Andes." *The Américas* 72, issue 1 (January 2015): 55-75.

Dueñas, Alcira. *Indians and Mestizos in the "Lettered City": Reshaping Justice, Social Hierarchy, and Political Culture in Colonial Peru*. Boulder: University of Colorado Press, 2010.

Duque Gómez, Luis, Juan Friede and Jaime Jaramillo Uribe, *Historia de Pereira*. Pereira: Club Rotario de Pereira, 1963.

Duve, Thomas. "Global Legal History: A Methodological Approach." In *Oxford Handbooks Online* (10 Jan. 2017), <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935352.001.0001/oxfordhb-9780199935352-e-25> (accessed March 11, 2020).

Duve, Thomas. “La condición jurídica del indio y su consideración como persona miserabilis en el Derecho indiano.” In *Un giudice e due leggi. Pluralismo normativo e conflitti agrari in Sud America*, ed. Mario Losano, 3-33. Milano: Giuffrè, 2004.

Echeverri, Marcela. “‘Sovereignty Has Lost Its Rights.’ Liberal Experiments and Indigenous Citizenship in New Granada, 1810–1819.” In *Justice in a New World: Negotiating Legal Intelligibility in British, Iberian, and Indigenous America*, ed. Brian P. Owensby and Richard J. Ross, Chapter 8, Kindle Edition. New York: New York University Press, 2018.

Escobar Gutierrez, María Elvira “La comunidad indígena de Cañamomo y Lomapieta (Colombia),” Master’s thesis, University of Montreal, 1976.

Escobar Gutierrez, María Elvira. “Sírbase reconocer todos los indios que estamos en el partido de Lomapieta,” *Virajes. Revista de Antropología y Sociología* 1, 1999.

Escobar, Karla. “What is the ‘Cultural Baggage’ of Legal Transfers? Methodological Reflections on the Case of La Quintiada, Tierradentro-Cauca, 1914-1917.” *Rechtsgeshichte – Legal History* 24 (2016): 203-217.

Escobar Hernández, Karla Luzmer. “Ciudadanía, justicia e indigeneidad: una historia de las prácticas jurídicas en el Cauca, 1880-1938.” PhD. diss., Universidad de los Andes, 2020.

Escobar Ohmstede, Antonio. “Los condueñazgos indígenas en las huastecas hidalguense y veracruzana: ¿Defensa del espacio comunal?” In *Indio, nación y comunidad en el México del siglo XIX*, ed. Antonio Escobar Ohmstede. México: CIESAS, 1993.

Escobar Zuluaga, Claudia Andrea. “Memorias de la Masacre de la Rueda. Identidad y luchas por la recuperación de la tierra en el Resguardo Indígena de Cañamomo Lomapieta.” Master’s thesis, Universidad Nacional de la Plata, 2019.

Espinosa Arango, Mónica L. *La civilización montés: la vision india y el trasegar de Manuel Quintín Lame en Colombia*. Bogotá: Universidad de los Andes, 2009.

Eugenio Martínez, María Ángeles. *Tributo y trabajo del indio en Nueva Granada (De Jiménez de Quesada a Sande)*. Sevilla: Escuela de Estudios Hispano-Americanos, 1977.

Fals Borda, Orlando. “Indian Congregations in the New Kingdom of Granada: Land Tenure Aspects, 1595-1850.” *The Americas*, 13, v. 4 (1957): 331-351.

Fals Borda, Orlando. *El hombre y la tierra en Boyacá. Bases socio-históricas para una reforma agraria* (Bogotá: Ediciones Documentos Colombianos, 1957.

Fals Borda, Orlando. *Historia doble de la costa, Tomo II. El Presidente Nieto*. Bogotá: Carlos Valencia Editores, 1986.

Fandos, Cecilia A. “La formación histórica de condueñazgos y copropiedades en las regiones de las Huastecas (México) y las tierras altas de Jujuy (Argentina).” *Universia. Revista de Historia Iberoamericana* 10, no. 2 (December 2017): 49-79.

Farberman, Judith. “Los avatares de la mancomunidad. Propiedad indivisa, armonías y conflictos en las costas del río Dulce. Santiago del Estero, siglos XVIII y XIX.” *Revista de Indias*, LXXXIX, no. 275:4 (2019): 111-142.

Findji, María Teresa and José María Rojas. *Territorio, economía y sociedad Páez*. Cali: Universidad del Valle, 1985.

Fraser, Donald J. “La política de desamortización en las comunidades indígenas, 1856-1972.” In *Los pueblos de indios y las comunidades. Lecturas de historia mexicana*, ed. Bernardo García Martínez, 219-256. México: Colegio de México, 1991.

Friede, Juan. *Vida y luchas de don Juan del Valle, primer obispo de Popayán y protector de indios. Estudio documental basado en investigaciones realizadas en los archivos de Colombia, España y el Vaticano*. Popayán: Arzobispado de Popayán, 1961.

Friede, Juan. “De la encomienda indiana a la propiedad territorial y su impacto sobre el mestizaje.” *Anuario Colombiano de Historia Social y de la Cultura* 4, 1969.

Friede, Juan. *El indio en la lucha por la tierra*. Bogotá: Punta de Lanza, 1976 [1<sup>st</sup>. ed., 1944].

Friedman, Lawrence M. *The Legal System. A Social Science Perspective*. New York: Russell Sage Foundation, 1975.

Gaitán, Gloria. *La lucha por la tierra en la década del treinta. Génesis de la organización sindical campesina*. Bogotá: El Áncora, 1984.

García, Antonio. “La cuestión indígena en Colombia y América.” In Antonio García, *De la República Señorial a la Nueva Sociedad*, comp. Luis Emiro Valencia, 375-391. Bogotá: Contraloría General de la República, 2006.

García, Antonio. *Los Comuneros 1781-1881*. Bogotá: Plaza & Janés, 1981.

Garrido, Margarita. *La Regeneración y la cuestión nacional estatal en Colombia*. Bogotá: Banco de la República – Programa Centenario de la Constitución de 1886, 1983.

Gärtner, Álvaro. "Tras las huellas del padre Bonafont en el Archivo Central del Cauca. Elementos para una nueva visión de la fundación de Riosucio." Unpublished manuscript, 1994.

Gärtner, Álvaro. *El último radical. Esbozo biográfico de Carlos Gärtner Cataño a manera de autobiografía*. Manizales: Universidad de Caldas, 2009.

Gärtner, Álvaro. *Guerras civiles en el antiguo Cantón de Supía*. Manizales: Universidad de Caldas, 2006.

Gärtner, Álvaro. *Los misteres de las minas. Crónica de la colonia europea más grande de Colombia en el siglo XIX, surgida alrededor de las minas de Marmato, Supía y Riosucio*. Manizales: Universidad de Caldas, 2005.

Garzón Montenegro, José Benito. *Mediadores interculturales y nación. El caso de las comunidades subalternas del sur del valle geográfico del río Cauca. Colombia, 1850-1885*. Cali: Universidad del Valle, 2013.

Gerhard, Peter. "Congregaciones de indios en la Nueva España antes de 1570." *Historia Mexicana*, Vol. 26, No. 3 (1977): 347-395.

Ghobrial, John-Paul A. "Introduction: Seeing the World like a Microhistorian." *Past & Present* 242, issue supplement 14 (2019): 1-22.

Gibson, Charles. "Prose Sources in the Native Historical Tradition." In Robert Wauchope, ed., *Handbook of Middle American Indians, vol. 15. Guide to Ethnohistorical sources*, part. 4, Howard E. Cline et. al., 311-321. Austin: University of Texas Press, 1975.

Gibson, Charles. *The Aztecs Under Spanish Rule. A History of the Indians of the Valley of Mexico, 1519-1810*. Stanford: Stanford University Press, 1964.

Gilhodes, Pierre. "Agrarian Struggles in Colombia." In *Agrarian Problems and Peasant Movements in Latin America*, ed. Rodolfo Stavenhagen, 407-452. New York: Anchor Books, 1970.

Gilhodes, Pierre. "La cuestión agraria en Colombia (1900-1946)." In *Nueva Historia de Colombia. III. Relaciones internacionales, movimientos sociales*, ed. Jaime Jaramillo Uribe, 307-337. Bogotá: Planeta, 1989.

Gilhodes, Pierre. *Las luchas agrarias en Colombia*, 4th ed. Bogotá: Editorial Presencia, 1988.

Ginzburg, Carlo. "Checking the Evidence: The Judge and the Historian." *Critical Inquiry* 18 (Autumn 1991): 81-82.



Ginzburg, Carlo. "Microhistory: Two or Three Things That I Know about It." *Critical Inquiry* 20, no. 1 (Autumn 1993): 10-35.

Giraldo Zamora, Erika Yuliana. "Memoria de un pueblo que se niega a desaparecer. Relatos sobre el despojo y la lucha por el territorio en el Resguardo Indígena San Lorenzo, Riosucio, Caldas, 1940-1980." Undergraduate thesis, Universidad de Antioquia, 2018.

Giraldo, Luisa Fernanda, "La colonización antioqueña." In *La colonización antioqueña*, 87-106. Manizales: FICDUCAL – Biblioteca de Escritores Caldenses, 1983.

Glave, Luis Miguel. "Gestiones trasatlánticas. Los indios ante la trama del poder virreinal y las composiciones de tierras (1646)." *Revista Complutense de Historia de América* vol. 34 (2008): 85-106.

González Colonia, Carlos Julio. *Brujería, minería tradicional y capitalismo transnacional en los Andes colombianos. El caso del pueblo minero de Marmato*. Bogotá: ICANH, 2017.

González Escobar, Luis Fernando. "De la invención a la conquista." Unpublished manuscript, 2019.

González Escobar, Luis Fernando. *Ocupación, Poblamiento y Territorialidades en la Vega del Supía, 1810-1950* (Bogotá: Ministerio de Cultura, 2002).

González Gómez, Lina Marcela. "Indios y ciudadanos en Antioquia 1800-1850. Demografía y sociedad." Undergraduate thesis, Universidad Nacional de Colombia – Seccional Medellín, 1993.

Gotkowitz, Laura. *A Revolution for Our Rights. Indigenous Struggles for Land and Justice in Bolivia, 1880-1952*. Durham and London: Duke University Press, 2007.

Gould, Jeffrey L. *To Die in This Way. Nicaraguan Indians and the Myth of Mestizaje, 1880-1965*. Durham and London: Duke University Press, 1998.

Grandin, Greg. *The Blood of Guatemala. A History of Race and Nation*. Durham and London: Duke University Press, 2000.

Graubart, Karen B. "Shifting Landscapes. Heterogeneous Conceptions of Land Use and Tenure in the Lima Valley." *Colonial Latin American Review*, Vol.26, No. 1 (2017).

Graubart, Karen. *With our Labor and Sweat. Indigenous Women and the Formation of Colonial Society in Peru, 1550-1700*. Stanford, CA: Stanford University Press, 2007.

Gros, Christian. *Políticas de la etnicidad. Identidad, Estado y modernidad*. Bogotá: Instituto Colombiano de Antropología e Historia – ICANH, 2012.

Gruzinski, Serge. "The Primordial Titles or the Passion for Writing." In *The Conquest of Mexico. The Incorporation of Indian Societies into the Western World, 16<sup>th</sup>-18<sup>th</sup> Centuries*, trans. Eileen Corrigan. 98-145. Cambridge: Polity Press, 1993 [1988].

Guardino, Peter. *Peasant, Politics, and the Formation of Mexico's National State. Guerrero, 1800-1857*. Stanford, Stanford University Press, 1996.

Guerrero, Andrés. "De protectores a tinterillos: la privatización de la administración de las poblaciones indígenas (dominadas)." In *Los pueblos campesinos de las Américas. Etnicidad, cultura e historia en el siglo XIX*, eds. Heraclio Bonilla and Amado A. Guerrero Rincón, 193-211. Bucaramanga: Universidad Industrial de Santander, 1996.

Guerrero, Andrés. "The Construction of a Ventriloquist's Image: Liberal Discourse and the 'Miserable Indian Race' in Late 19<sup>th</sup>-Century Ecuador." *Journal of Latin American Studies* 29, no. 3 (1997): 555-590.

Guevara Gil, Jorge Armando and Frank Salomon. *La Visita Personal de Indios: ritual político y creación del 'indio' en los Andes coloniales*. Lima: Cuadernos de Investigación, Pontificia Universidad Católica del Perú - Instituto Riva Agüero, I, 1996.

Gutiérrez Escobar, Laura María. "The Political Ontology of Seeds: Seed Sovereignty Struggles in an Indigenous Resguardo in Colombia." PhD diss., University of North Carolina at Chapel Hill, 2016.

Haskett, Robert. *Visions of Paradise. Primordial Titles and Mesoamerican History in Cuernavaca*. Norman: University of Oklahoma Press, 2005.

Helg, Aline. "Los intelectuales frente a la cuestión racial en el decenio de 1920: Colombia entre México y Argentina." *Estudios sociales* 4 (March 1989).

Helguera, J. León. "Los resguardos indígenas en el sur: un aporte documental del año 1834." *Anuario Colombiano de Historia Social y de la Cultura*, 11 (1983): 342-349.

Hernández Rodríguez, Guillermo. *De los Chibchas a la colonia y al a república (del clan a la encomienda y al latifundio en Colombia)*. Bogotá: Biblioteca Básica Colombiana – Colcultura, 1975 [1st. ed., 1949].

Herrera Ángel, Martha. "Los pueblos que no eran pueblos." *Anuario de Historia regional y de las fronteras* 4, no. 1 (1998).

Herrera Ángel, Martha. "Ordenamiento espacial de los pueblos de indios: dominación y resistencia en la sociedad colonial." *Fronteras de la Historia* 2, no. 2 (1998).

Herrera Ángel, Martha. *Ordenar para Controlar. Ordenamiento espacial y control político en las llanuras del Caribe y en los Andes Centrales Neogranadinos. Siglo XVIII*. Bogotá: La Carreta, 2001.

Herrera Ángel, Martha. *Popayán: la unidad de lo diverso. Territorio, población y poblamiento en la provincial de Popayán, siglo XVIII*. Bogotá: Universidad de los Andes, 2009.

Herzog, Tamar. "Colonial Law and 'Native Customs': Indigenous Land Rights in Colonial Spanish America." *The Americas* 63, No. 3 (January 2013).

Herzog, Tamar. "Ritos de control, prácticas de negociación: Pesquisas, visitas y residencias y las relaciones entre Quito y Madrid (1650-1750)." In *Nuevas aportaciones a la historia jurídica de Iberoamérica I*, ed. José Andrés-Gallego. Madrid: Fundación Histórica Tavera, 2000.

Herzog, Tamar. *Upholding Justice. Society, State, and the Penal System in Quito (1650-1750)*. Ann Arbor: The University of Michigan Press, 2004.

Honores, Renzo. "Colonial Legal Polyphony: Caciques and the Construction of Legal Arguments in the Andes, 1550-1640." In *International Seminar on the History of the Atlantic World, 1500-1825*, 1-24. Cambridge, MA; Harvard University, 2010.

Houghton, Juan. "Legalización de los territorios indígenas en Colombia." In *La Tierra contra la muerte. Conflictos territoriales de los pueblos indígenas en Colombia*, ed. Juan Houghton, 83-142. Bogotá: Centro de Cooperación al Indígena CECOIN – Organización Indígena de Antioquia OIA, 2008.

Jacobsen, Nils. "Liberalism and Indian Communities in Peru, 1821-1920." In *Liberals, the Church, and Indian Peasants. Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert H. Jackson, 123-170. Albuquerque: University of New Mexico Press, 1997.

Jaramillo Jiménez, Jaime Eduardo. "La Escuela Normal Superior: un semillero de las ciencias sociales y humanas." in *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía, 557-603. Bogotá: Universidad Nacional de Colombia, 2009.

Jaramillo Marín, Jefferson, Alberto Antonio Berón Ospina and Carlos Alfonso Victoria Mena, "Pacificación territorial e insubordinación social en una "Plaza Roja." El caso de Quinchía, Colombia." *Anuario Colombiano de Historia Social y de la Cultura* 47, vol. 2 (2020): 113-150.

Jaramillo Uribe, Jaime. "La Administración colonial." In *Nueva Historia de Colombia. 1. Colombia Indígena, Conquista y Colonia*, ed. Jaime Jaramillo Uribe. Bogotá: Planeta, 1989.

Jaramillo Uribe, Jaime. "La población indígena de Colombia en el momento de la conquista y sus transformaciones posteriores. Primera parte." *Anuario Colombiano de Historia Social y de la Cultura*, n.º 2 (1964).

Jaramillo, Roberto Luis. "De Antioquia al Cauca: un conflicto en mapas." Master's thesis, Universidad del Valle, 2001.

Jaramillo, Roberto Luis. "La colonización antioqueña." In *La colonización antioqueña*, 33-86. Manizales: FICDUCAL – Biblioteca de Escritores Caldenses, 1983.

Jimeno, Miriam and Adolfo Triana Antorveza, *Estado y minorías étnicas en Colombia*. Bogotá: Cuadernos del Jaguar - Fundación para las Comunidades Colombianas FUNCOL, 1985.

Kalmanovitz, Salomón. "El régimen agrario durante el siglo XIX en Colombia." In *Manual de Historia de Colombia II*, ed. Jaime Jaramillo Uribe, 221-224. Bogotá: Procultura, 1984.

Keith, Robert G. "Encomienda, Hacienda and Corregimiento in Spanish America: A Structural Analysis." *The Hispanic American Historical Review* 51, no. 3 (August 1971).

Kellogg, Susan. *Law and the Transformation of Aztec Culture, 1500-1700*. Norman: University of Oklahoma Press, 1995.

Kourí, Emilio H. "Interpreting the Expropriation of Indian Pueblo Lands in Porfirian Mexico: The Unexamined Legacies of Andrés Molina Enriquez." *Hispanic American Historical Review* 82, 1 (2002): 69-117.

Kourí, Emilio. *A Pueblo Divided. Business, Property, and Community in Papantla, Mexico* (Stanford: Stanford University Press, 2004).

Lange, Matthew. *Comparative-Historical Methods* (Los Angeles, London, and New Delhi: Sage, 2013).

Langer, Erick D. and Robert H. Jackson, "Liberalism and the Land Question in Bolivia, 1825-1920." In *Liberals, the Church, and Indian Peasants. Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert H. Jackson, 171-192. Albuquerque: University of New Mexico Press, 1997.

Lara Largo, Sofía. "Estrategias de apropiación territorial en un contexto de relación interétnica en Guamal, Caldas." *Revista Colombiana de Antropología* 52, no. 1 (2016): 117-138.

Lara Largo, Sofía. "Imbrications identitaires. Les usages ethniques du territoire à Guamal, Caldas, Colombie." PhD diss, Université Sorbonne Paris Cité, 2019.

Larson, Brooke. *Cochabamba, 1550-1900. Colonialism and Agrarian Transformation in Bolivia*, 2<sup>nd</sup> ed. Princeton: Princeton University Press, 1988; Durham and London: Duke University Press, 1998.

Larson, Brooke. *Trials of Nation Making* (New York and Cambridge: Cambridge University Press, 2004).

Lauria-Santiago, Aldo A. *An Agrarian Republic. Commercial Agriculture and the Politics of Peasant Communities in El Salvador, 1823-1914*. Pittsburg: University of Pittsburg Press, 1999.

LeGrand, Catherine. *Colonización y Protesta Campesina en Colombia, 1850-1936*, 2<sup>nd</sup> ed. Bogotá: Universidad Nacional – Uniandes – Cinep, 2016 [1<sup>st</sup> ed., 1988].

LeGrand, Catherine. *Frontier Expansion and Peasant Protest in Colombia, 1850-1936*. Albuquerque: University of New Mexico Press, 1986.

Lemaitre, Julieta. “Viva nuestro Derecho! Quintín Lame y el legalismo popular.” In *La Quintiada (1912-1925). La rebelión indígena liderada por Manuel Quintín Lame en el Cauca. Recopilación de fuentes primarias*, ed. Julieta Lemaitre, 221-259. Bogotá: Universidad de los Andes, 2013.

Lienhard, Martin. *La voz y su huella: Escritura y conflicto étnico-social en América Latina, 1492-1988*. La Habana: Ediciones Casa de las Américas, 1990.

Liévano Aguirre, Indalecio. *Los grandes conflictos sociales y económicos de nuestra historia I*, 9<sup>th</sup> ed. Bogotá: Tercer Mundo, 1980.

Lira González, Andrés. “Abogados, tinterillos y huizacheros en el México del siglo XIX.” *Estudios Históricos – Instituto de Investigaciones Jurídicas UNAM* 17 (1984): 375-392.

Lockhart, James, “Encomienda and Hacienda: The Evolution of the Great Estate in the Spanish Indies (1969).” In *Of Things of the Indies. Essays Old and New in Early Latin American History*, ed. James Lockhart, 1-26. Stanford; Stanford University Press, 1999.

Lockhart, James. “Views of Corporate Self and History in Some Valley of Mexico Towns: Late Seventeenth and Eighteenth Centuries.” In *The Inca and Aztec States 1400-1800*, eds. George A. Collier, Renato I. Rosaldo and John D. Wirth, 367-393. New York: Academic Press, 1982.

Londoño Botero, Rocío. “Concepciones y debates sobre la cuestión agraria (1920-1938).” In *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía, 47-115. Bogotá: Universidad Nacional de Colombia, 2009.

Londoño Botero, Rocío. *Juan de la Cruz Varela. Sociedad y política en la región de Sumapaz, 1902-1984*. Bogotá: Universidad Nacional de Colombia, 2014.

Lopera Mesa, Gloria Patricia. “‘La parte alta del cerro es para los pequeños mineros.’ Sobre la vigencia del régimen minero especial para Marmato y su influencia en la construcción de territorialidad.” *Revista Derecho del Estado* 35 (July-Dec 2015): 101-150.

Lopera Mesa, Gloria Patricia. “Territorios, identidades y jurisdicciones en disputa: la regulación de los derechos sobre la tierra en el resguardo Cañamomo-Lomapieta.” *Universitas Humanística* 69 (2010): 61-81.

Lopera Mesa, Gloria Patricia. “Who Counts Indigenous People, How are They Counted, and What For? Census Policies and the Construction of Indigeneity in Colombia.” In *Everlasting Countdowns: Race, Ethnicity, and National Censuses in Latin American States*, eds. Luis Fernando Angosto Ferrández and Sabine Kradohler, 94-127. Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2012.

López Caballero, Paula. *Los Títulos Primordiales del Centro de México*. México: Conaculta – Cien de México, 2003.

López Toro, Álvaro. *Migración y cambio social en Antioquia durante el siglo diez y nueve*. Bogotá: Universidad de los Andes, 1970.

Lucena Salmoral, Manuel. “Nuevo Reino de Granada. Real Audiencia y Presidentes. Tomo 2. Presidentes de Capa y Espada (1628-1654).” in *Historia Extensa de Colombia III*, 24-94. Bogotá: Ediciones Lerner, 1967.

Machado, Absalón (in collaboration with Julián Vivas). *Ensayos para la historia de la política de tierras en Colombia. De la colonia a la creación del frente nacional*. Bogotá: Universidad Nacional de Colombia, Facultad de Ciencias Económicas - Centro de Investigaciones para el Desarrollo, 2009.

Mallon, Florencia E. *The Defense of Community in Peru's Central Highlands. Peasant Struggle and Capitalist Transition, 1860-1940*. Princeton: Princeton University Press, 1983.

Mallon, Florencia. *Peasant and Nation: The Making of Post-Colonial Mexico and Peru*. California: Berkeley, 1995.

Mallon, Florencia E. *Courage Tastes of Blood. The Mapuche Community of Nicolás Ailío and the Chilean State, 1906-2001* (Durham and London: Duke University Press, 2005).

Martínez Botero, Sebastián. “Ciudades móviles, frontera y construcción de una región en los confines del imperio. Anserma, Cartago y Antioquia, siglos XVI-XVIII,” *XXII Coloquio de Historia Canario-Americana*, XXII-034 (2017): 1-12.

Martínez Garnica, Armando. *El Régimen del Resguardo en Santander*. Bucaramanga: Gobernación de Santander, 1993

Martini, Mónica Patricia and Fernando Mayorga García. “Los derechos de los pueblos originarios sobre sus tierras de comunidad. Del Nuevo Reino de Granada a la República de Colombia.” In *Un giudice e due leggi. Pluralismo normativo e conflitti agrari in Sud America*, ed. Mario Losano, 35-73. Milano: Giuffrè, 2004.

Marx, Karl. *Capital. A Critique of Political Economy T. I*, trans. Samuel Moore and Edward Aveling, ed. Frederick Engels. Chicago: Charles H. Kerr & Company, 1906.

Marzahl, Peter. *Province and Town. Government, Politics, and Society in Seventeenth Century Popayán*. Austin: University of Texas Press, 1978.

Mayorga García, Fernando. *La Audiencia de Santafé en los siglos XVI y XVII*. Bogotá: Instituto Colombiano de Cultura Hispánica, 1991.

Mayorga García, Fernando. *La propiedad territorial indígena en la provincia de Bogotá. Del proteccionismo a la disolución, 1831-1857*. Bogotá: Academia Colombiana de Jurisprudencia, 2012.

Mayorga García, Fernando. “Norma general, norma especial: el Código Civil de 1887 y la Ley 89 de 1890, un caso de regulación protectora de las minorías durante la Regeneración.” *Revista Mexicana de Historia del Derecho. Instituto de Investigaciones Jurídicas UNAM*, XXVII (2013): 159-182.

Mayorga García, Fernando. *Datos para la historia de la propiedad territorial indígena en el suroccidente Colombiano*. Bogotá: ICANH, 2017.

McGreevey, William Paul. *An Economic History of Colombia, 1845-1930*. Cambridge: Cambridge University Press, 1971.

McGreevey, William Paul and Mireya R. de Fayard, “Tierra y trabajo en Nueva Granada, 1760-1845.” *Desarrollo Económico* 8, no. 30/31 (Jul.-Dec.), 1968.

Medina, Medófilo. *Historia del Partido Comunista de Colombia*. Bogotá: Centro de Estudios e Investigaciones sociales, 1980.

Melo, Jorge Orlando. “¿Cuánta tierra necesita un indio? Nota marginal sobre la disolución de los resguardos en el siglo XVIII.” In Jorge Orlando Melo, *Sobre historia y política*. Bogotá: La Carreta, 1979.

Melo, Jorge Orlando. “Etnia, región y nación: el fluctuante discurso de la identidad (notas para un debate).” Colombia es un tema. Jorge Orlando Melo (blog), [http://www.jorgeorlandomelo.com/etnia\\_nacion.htm#\\_ftnref16](http://www.jorgeorlandomelo.com/etnia_nacion.htm#_ftnref16).

Melo, Jorge Orlando. “Introducción. Francisco Antonio Moreno y Escandón: retrato de un burócrata colonial.” In Francisco Antonio Moreno y Escandón, *Indios y mestizos de la Nueva Granada a finales del siglo XVIII*. Bogotá: Banco Popular, 1985.

Mendieta Parada, Pilar. “En defensa del pacto tributario. Los indígenas bolivianos frente al proyecto liberal: S. XIX.” *Revista Andina* 42 (2005): 131-154.

Mendieta Parada, Pilar. “Caminantes entre dos mundos: los apoderados indígenas en Bolivia (siglo XIX).” *Revista de Indias*, vol. LXVI, no. 238 (2006): 761-782.

Menegus Bornemann, Margarita. “Los títulos primordiales de los pueblos de indios.” In *Dos décadas de investigación en historia económica comparada en América Latina. Homenaje a Carlos Sempat Assadourian*, ed. Margarita Menegus-Bornemann, 207-230. México: El Colegio de México – CIESAS - Instituto Mora – Centro de Estudios sobre la Universidad, 1999.

Meschkat, Klaus and José María Rojas, comps. *Liquidando el pasado. La izquierda colombiana en los archivos de la Unión Soviética*. Bogotá: Taurus – Fescol, 2009.

Mirow, Matthew C. *Latin American Law. A History of Private Law and Institutions in Spanish America*. Austin: University of Texas Press, 2004.

Molino García, María Teresa. *La encomienda en el Nuevo Reino de Granada durante el siglo XVIII*. Sevilla: Escuela de Estudios Hispanoamericanos, 1976.

Morales Benítez, Otto. *Testimonio de un pueblo*. 2nd. ed. Bogotá: Banco de la República, 1962.

Mörner, Magnus. *La Corona Española y los Foráneos en los Pueblos de Indios de América*. Estocolmo: Almqvist & Wiksell, 1970.

Mörner, Magnus. “The Spanish American Hacienda: A Survey of Recent Research and Debate.” *The Hispanic American Historical Review* 53, no. 2 (May 1973), 183-216.

Mumford, Jeremy Ravi. *Vertical Empire. The General Resettlement of Indians in the Colonial Andes*. Durham & London: Duke University Press, 2012.

Muñoz, Fernanda. “De tierras de resguardo, solicitudes y querellas: participación política de indígenas caucanos en la construcción estatal (1850-1885).” *Historia Crítica*, 55 (January-March 2015): 153-177.



Muñoz Rojas, Catalina. “Estudio Introdutorio. Más allá del problema racial: el determinismo geográfico y las ‘dolencias sociales.’” In *Los problemas de la raza en Colombia. Más allá del problema racial: el determinismo geográfico y las ‘dolencias sociales,’* ed. Catalina Muñoz Rojas, 11-58. Bogotá: Universidad del Rosario, 2011.

Murgueitio Manrique, Carlos Alberto. “El proceso de desamortización de las tierras indígenas durante las repúblicas liberales de México y Colombia, 1853-1876.” *Anuario de Historia Regional y de las Fronteras* 20, no. 1 (2015): 73-95.

Murra, John V. “La visita de los chupachu como fuente etnológica.” In Íñigo Ortiz de Zúñiga and John V. Murra, *Visita de la provincia de León de Huánuco en 1562*. Huánuco, Perú: Universidad Nacional Hermilio Valdizán, Facultad de Letras y Educación, 1967.

Nabokov, Peter. *A Forest of Time. American Indian Ways of History*. Cambridge: Cambridge University Press, 2002.

Nieto Arteta, Luis Eduardo. *El café en la sociedad colombiana*, 5th. ed. Bogotá: El Áncora Editores, 1983.

Ortiz Mesa, Luis Javier. “Antioquia durante la federación, 1850-1885.” *Anuario de Historia Regional y de las Fronteras*, vol. 13, no. 1 (2008): 59-81.

Ortiz Mesa, Luis Javier, Lina Marcela González Gómez, and Oscar Almario García. *Caldas, una región Antigua y nueva, tradicional y moderna, local y nacional. Hacia un nuevo siglo XIX del noroccidente colombiano. Balance bibliográfico de Antioquia, Caldas y Chocó*. Medellín: Universidad Nacional de Colombia, 2015.

Ots Capdequí, José María. *España en América. El régimen de tierras en la época colonial*. México: Fondo de Cultura Económica, 1959.

Ots Capdequí, José María. *Instituciones. Vol. 14. Historia de América y de los Pueblos Americanos*. Barcelona: Salvat, 1959.

Owensby, Brian P. *Empire of Law and Indian Justice in Colonial Mexico*. Stanford: Stanford University Press, 2008.

Owensby, Brian P. and Richard J. Ross, ed. *Justice in a New World. Negotiating Legal Intelligibility in British, Iberian, and Indigenous America*. New York: New York University Press, 2018.

Padilla Altamirano, Silvia, María Luisa López Arellano, and Adolfo Luis González Rodríguez. *La encomienda en Popayán. Tres estudios*. Sevilla: Escuela de Estudios Hispanoamericanos, 1977.

Palacio Castañeda, Germán A. “Civilizing the Tropics: the Highlanders’ Failed Attempt to Transform the Colombian Amazon, 1850-1930.” Ph.D. diss., Florida International University, 2003.

Palacio, Germán. *Fiebre de tierra caliente. Una historia ambiental de Colombia, 1850-1930*. Bogotá: Universidad Nacional – ILSA, 2006.

Palacios Gómez, Daniel. “‘Nos veremos en la necesidad de ir a vuscar la paz i el sosiego en las vastas soledades que nos rodean.’ Disolver, enajenar y resistir. Indios en Antioquia, 1845-1863.” *Revista Ciencias y Humanidades* Vol. VI, no. 6 (2018): 123-150.

Palacios, Marco. *El café en Colombia, 1850-1970. Una historia económica, social y política*, 2nd. ed. México: El Colegio de México – El Áncora Editores, 1983.

Palacios, Marco. *¿De quién es la tierra? Propiedad, politización y protesta campesina en la década de 1930*. Bogotá: Fondo de Cultura Económica – Universidad de los Andes, 2011.

Paquette, Gabriel. “Introduction: Liberalism in the Early Nineteenth-century Iberian World.” *History of European Ideas* 41, no. 2 (2015): 153-165.

Parsons, James J. *Antioqueño Colonization in Western Colombia*, 2nd, rev. ed. Berkeley: University of California Press, 1968.

Pava Salazar, Simón de la. *Antonio García Nossa. Un pensamiento revolucionario para Colombia y Latinoamérica*. Bogotá: Ediciones Aurora, 2004.

Pelegrin Taboada, Ricardo. “Shades of Liberalism: Lawyers and Social, Political, and Legal Transformations in Nineteenth-Century Cuba.” PhD diss, Florida International University, 2018.

Penry, Elizabeth. *The People are King. The Making of an Indigenous Andean Politics*. New York: Oxford University Press, 2019.

Peñaranda Supelano, Daniel Ricardo, coord. *Nuestra vida ha sido nuestra lucha. Resistencia y memoria en el Cauca indígena. Informe del Centro de Memoria Histórica*. Bogotá: Taurus – Semana – Centro de Memoria Histórica, 2012.

Pérez Perdomo, Rogelio. *Los abogados de América Latina: una introducción histórica*. Bogotá: Universidad Externado de Colombia, 2004.

Pérez Perdomo, Rogelio. *Latin American Lawyers. A Historical Introduction*. Stanford, CA: Stanford University Press, 2006.

Pérez Ríos, Julián. “‘Los indígenas no saben más que tejer canastos’. Despojo sobre las tierras del resguardo de Cañasgordas, al noroccidente de Colombia (1886-1920).” *Boletín de Antropología. Universidad de Antioquia* 26, no. 43 (2012): 11-41.

Phelan, John Leddy. “Authority and Flexibility in the Spanish Imperial Bureaucracy.” *Administrative Science Quarterly*, Vol. 5, No. 1 (Jun, 1960).

Piedrahita, Diógenes. *Los cabildos de las ciudades de Nuestra Señora de la Consolación de Toro y Santa Ana de los Caballeros de Anserma*. Cali: Biblioteca de Autores Vallecaucanos, 1962.

Pineda Camacho, Roberto. “La reivindicación del indio en el pensamiento social colombiano.” In *Un siglo de investigación social: antropología en Colombia*, ed. Jaime Arocha Rodríguez and Nina S. de Friedemann, 197-251. Bogotá: Etno, 1984.

Pineda Camacho, Roberto. “Cuando los indios se vuelven comunistas (1910-1950).” In *República Liberal: sociedad y cultura*, ed. Rubén Sierra Mejía, 183-222. Bogotá: Universidad Nacional de Colombia, 2009.

Platt, Tristan. “De mediación sin intérpretes a escribanos bilingües. Diglosia, bilingüismo y escritura en la provincia de Chayanta (Potosí) durante la República boliviana (1830-1950).” *Anthropologica* XXXVI, no. 41 (2018): 145-193.

Platt, Tristan. “The Andean Experience of Bolivian Liberalism, 1825-1900: Roots of Rebellion in 19th-Century Chayanta (Potosí).” In *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18<sup>th</sup> to 20<sup>th</sup> Centuries*, ed. Steve J. Stern, 280-323. Madison: The University of Wisconsin Press, 1987.

Platt, Tristan. *Estado boliviano y ayllu andino: Tierra y tributo en el norte de Potosí*. Lima: Instituto de Estudios Peruanos, 1982.

Pound, Roscoe. “Law in Books and Law in Action.” *American Law Review* 44. 1910.

Premo, Bianca. “Before the Law: Women’s Petitions in the Eighteenth-Century Spanish Empire.” *Comparative Studies in Society and History*, 53/2 (2011): 261-289.

Premo, Bianca. “Legal Writing, Civil Litigation, and Agents in the 18th-Century Spanish Imperial World.” In *Oxford Research Encyclopedia of Latin American History*, Feb 2017 (DOI: 10.1093/acrefore/9780199366439.013.247).

Premo, Bianca. *The Enlightenment on Trial. Ordinary Litigants and Colonialism in the Spanish Empire*. New York, NY: Oxford University Press, 2017.

Puente Luna, José Carlos de la. “Into the Heart of the Empire: Indian Journeys to the Habsburg Royal Court.” PhD diss, Texas Christian University, 2010.

Puente Luna, José Carlos de la. "That Which Belongs to All: Khipus, Community, and Indigenous Legal Activism in the Early Colonial Andes." *The Americas* 72, issue 1 (January 2015): 19-54.

Puente Luna, José Carlos de la. *Los curacas hechiceros de Jauca. Batallas mágicas y legales en el Perú colonial*. Lima: Pontificia Universidad Católica del Perú, 2007.

Pumarada Cruz, Yesenia C. "Othering Modernization: the Nasa Margins of Colombia (1890-1930s)." PhD diss., University of Wisconsin – Madison, 2013.

Pumarada Cruz, Yesenia. "Las raíces locales y ramificaciones internacionales del 'indigenismo comunista' en Colombia." In *Actas del XVII Congreso Internacional de la Asociación de Historiadores Latinoamericanistas Europeos (AHILA)*, 3013-3026. Freie Universität, Berlin, September 9 – 13, 2014.

Purnell, Jennie. "With All Due Respect: Popular Resistance to the Privatization of Communal Lands in Nineteenth-Century Michoacán." *Latin American Research Review* 34, no. 1 (1999): 85-121.

Quiroga Zuluaga, Marcela. "El proceso de reducciones entre los pueblos muisca de Santafé durante los siglos XVI y XVII." *Historia Crítica*, 52 (2014).

Ramírez Zavala, Ana Luz. "Indio / Indígena, 1750-1850." *Historia Mexicana*. El Colegio de México 60, no. 3 (2011): 1643-1681.

Rappaport, Joanne. *The Politics of Memory. Native historical interpretation in the Colombian Andes* (Cambridge: Cambridge University Press, 1990).

Rappaport, Joanne. *Cumbe Reborn. An Andean Ethnography of History*. Chicago & London: The University of Chicago Press, 1994.

Rappaport, Joanne and Tom Cummins, *Beyond the Lettered City. Indigenous Literacies in the Andes*. Durham: Duke University Press, 2012.

Reeves, Rene. *Ladinos with Ladinos, Indians with Indians. Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala*. Stanford: Stanford University Press, 2006.

Reina Mendoza, Sandra. *Traza urbana y arquitectura en los pueblos de indios del altiplano cundiboyacense. Siglo XVI a XVIII: El caso de Bojacá, Sutatausa, Tausa y Cucaita*. Bogotá: Universidad Nacional de Colombia, 2008.

Riehm, Grace E. et al. "What Is Ethnohistory?: A Sixty-Year Retrospective." *Ethnohistory* 66:I (January 2019): 145-162.

Ríos Tobón, Ricardo de los. *Historia del Gran Caldas, Vol I. Orígenes y colonización hasta 1850*. Manizales: Imprenta Departamental – Biblioteca de Escritores Caldenses, 1983.

Rodríguez Guerrero, Ignacio. “El Historiador, Dr. y General Gustavo S. Guerrero.” *Cultura Nariñense*, vol. VI, no. 59 (May 1973).

Rodríguez, Jenny Marcela, ed., *Gregorio Hernández de Alba (1904-1973). Su contribución al pensamiento indigenista y antropológico colombiano*. Bogotá: Universidad Nacional, 2016.

Román Taméz, Ángel Luis. *Indios mineros y encomenderos. Análisis sobre la composición y comportamiento de la renta de la encomienda de Opiramá, Provincia de Popayán, Nuevo Reino de Granada, 1625-1627*. Bogotá: Universidad Javeriana, 2017.

Romero Sánchez, Guadalupe. *Los pueblos de indios en Nueva Granada*. Granada: Editorial Atrio, 2010.

Rueda Enciso, José Eduardo. *Juan Friede. 1901-1990: vida y obras de un caballero andante en el trópico*. Bogotá: ICANH, 2008.

Ruffiner Méndez, Yohana Patricia. “El resguardo de Cañasgordas Una fisura interna del pueblo ‘paisa’.” *Homo Habitus*, 5 (March 2008): 1-19.

Ruiz Medrano, Ethelia. *Mexico’s Indigenous Communities. Their Lands and Histories, 1500-2010*. Colorado: University Press of Colorado, 2010.

Ruiz Medrano, Ethelia and Susan Kellogg, eds. *Negotiation Within Domination*. Boulder: University Press of Colorado, 2010.

Ruiz Medrano, Ethelia, Claudio Barrera Gutiérrez and Florencio Barrera Gutiérrez, *La lucha por la tierra. Los títulos primordiales y los pueblos indios en México, siglos XIX y XX*. Mexico: Fondo de Cultura Económica, 2012.

Ruiz Rivera, Julián B. “Las Visitas a la Tierra en el siglo XVII como fuente de historia social.” In *Estudios sobre Política Indigenista Española en América, I*, 197-214. Valladolid: Universidad de Valladolid, 1975.

Ruiz Rivera, Julián B. *Encomienda y mita en Nueva Granada en el siglo XVII*. Sevilla: Escuela de Estudios Hispanoamericanos, 1975.

Safford, Frank. “Commerce and Enterprise in Central Colombia, 1821-1870.” Ph.D. diss., Columbia University, 1965.

Safford, Frank. "The Emergence of Economic Liberalism in Colombia." In *Guiding the Invisible Hand. Economic Liberalism and the State in Latin American History*, ed. Joseph L. Love and Nils Jacobsen. New York: Praeger, 1988.

Safford, Frank. "Race, Integration, and Progress: Elite Attitudes and the Indian in Colombia, 1750-1870." *The Hispanic American Historical Review* 71:1 (1991).

Safford, Frank and Marco Palacios. *Colombia. Fragmented Land, Divided Society*. New York: Oxford University Press, 2002.

Saito, Akira and Claudia Rosas Lauro, eds. *Reducciones. La concentración forzada de las poblaciones indígenas en el Virreinato del Perú*. Lima: National Museum of Ethnology – Fondo Editorial Pontificia Universidad Católica del Perú, 2017.

Sala i Vila, Nuria. "Indígena y abogado: el caso de José Domingo Coquehuanca de Azángaro." *Histórica* XLII, 2 (2018): 43-88.

Salazar, Wither Amalia. "Resguardos en Antioquia. Crisis y desintegración, 1750-1850." Undergraduate thesis, Universidad de Antioquia, 1994.

Salcedo Salcedo, Jaime. "Los Pueblos de Indios en el Nuevo Reino de Granada y Popayán." In *Pueblos de Indios. Otro urbanismo en la región andina*, coord. Ramón Gutiérrez, 179-203. Quito: Ediciones Abya-Yala, 1993.

Saldarriaga Escobar, Gregorio. "Transcripción de la relación del viaje del licenciado Joan de Vadillo entre San Sebastián de Urabá y Cali, 1539." *Boletín de Antropología*. Universidad de Antioquia, Medellín, Vol. 26, No. 43 (2012): 42-65.

Salgado Hernández, Elizabeth Karina. "Indios, ciudadanía y tributo en la Independencia neogranadina. Antioquia (1810-1816)." *Transhumante. Revista Americana de Historia Social* 4 (2014): 26-43.

Salomon, Frank. *Native Lords of Quito in the Age of the Incas: the Political Economy of North-Andean Chiefdoms*. New York: Cambridge University Press, 1986.

Samudio, Edda. "Las tierras comunales indígenas en el escenario agrario del siglo XIX venezolano. El caso de Mérida." *Historia Caribe* vol. X, no. 27 (2015): 25-68.

Sánchez Bella, Ismael. *Derecho Indiano: Estudios I. Las Visitas Generales en la América Española. Siglos XVI-XVII*. Pamplona: EUNSA, 1991.

Sánchez, Gonzalo. *Las Ligas Campesinas en Colombia. Auge y reflujó*. Bogotá: Ediciones Tiempo Presente, 1977.

Sánchez, Gonzalo. *Los Bolcheviques del Libano. Crisis mundial, transición capitalista y rebelión rural en Colombia*. Bogotá: Ediciones El Mohán, 1976.

Sánchez, Gonzalo and Donny Meertens. *Bandoleros, gamonales y campesinos. El caso de La Violencia en Colombia*. With a foreword by Eric J. Hobsbawm. Bogotá: El Áncora, 1983.

Sanders, James E. "Pertener a la gran familia granadina. Lucha partidista y construcción de la identidad indígena y política en el Cauca, Colombia, 1849-1890." *Revista de Estudios Sociales* 26 (April 2007).

Sanders, James E. *Contentious Republicans. Popular Politics, Race, and Class in Nineteenth-Century Colombia*. Durham & London: Duke University Press, 2004.

Schroeder, Susan, Stephanie Wood and Robert Haskett, eds, *Indian Women of Early Mexico*. Norman: University of Oklahoma Press, 1997.

Scott, James. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press, 1990.

Serulnikov, Sergio. *Subverting Colonial Authority. Challenges to Spanish Rule in Eighteenth-Century Southern Andes*. Durham & London: Duke University Press, 2003.

Skocpol, Theda. "Emerging Agendas and Recurrent Strategies in Historical Sociology." In *Visions and Method in Historical Sociology*, ed. Theda Skocpol, 356-391. Cambridge: Cambridge University Press.

Solano, Francisco de. *Ciudades Hispanoamericanas y Pueblos de Indios*. Madrid, Consejo Superior de Investigaciones Científicas, 1990.

Solano, Sergio Paolo and Roicer Alberto Flórez, "Resguardos indígenas, ganadería y conflictos sociales en el Bolívar Grande, 1850-1875." *Historia Crítica*, 34 (2007): 92-117.

Solano, Sergio Paolo and Roicer Flórez B., "Indígenas, mestizaje, tierras y poder en el Caribe Colombiano, siglo XIX." *Indiana. Ibero-Amerikanisches Institut*, 26 (2009): 267-95.

Solano, Sergio Paolo and Roicer Flórez Bolívar, "Indígenas, tierra y política en Colombia. Las comunidades indígenas del Bolívar Grande en la segunda mitad del siglo XIX." *Mundo Agrario* 13, no. 25 (2012): 1-34.

Solano, Sergio Paolo and Roicer Flórez Bolívar, "La expropiación de las tierras del resguardo indígena de Tubará y las normas jurídicas de la época." *Revista Justicia* 12 (2007): 81-89.

Soux, María Luisa. "Tributo, constitución y renegociación del pacto colonial. El caso alto peruano durante el proceso de independencia (1808-1826)." *Relaciones. Estudios de historia y sociedad. El Colegio de Michoacán*, vol. XXIX, n. 115 (2008): 19-48.

Spalding, Karen. Huarochirí. *An Andean Society under Inca and Spanish Rule*. Stanford: Stanford U.P., 1984.

Stern, Steve J. "The Social Significance of Judicial Institutions in an Exploitative Society: Huamanga, Peru, 1570-1640." In *The Inca and Aztec States, 1400-1800*, eds. George A. Collier, Renato I. Rosaldo and John D. Wirth, 289-320. New York: Academic Press, 1982.

Stern, Steve J. *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 2nd ed. Madison: University of Wisconsin Press, 1993 [1<sup>st</sup>. ed., 1982].

Steve J. Stern, "New Approaches to the Study of Peasant Rebellion and Consciousness: Implications of the Andean Experience." In *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18<sup>th</sup> to 20<sup>th</sup> Centuries*, ed. Steve J. Stern, 3-25. Madison: The University of Wisconsin Press, 1987.

Stern, Steve J. *The Secret History of Gender. Women, Men, and Power in Late Colonial Mexico*. Chapel Hill: The University of North Carolina Press, 1995.

Stoler, Ann Laure. *Along the Archival Grain. Epistemic Anxieties and Colonial Common Sense*. Princeton and Oxford: Princeton University Press, 2009.

Tanselle, G. Thomas. "The World as Archive." *Common Knowledge* 8:2 (2002).

Tapasco, José Silvio. *Pervivencia del Pueblo Embera de Riosucio Caldas*. Riosucio: Cabildo Indígena Resguardo San Lorenzo, 2016.

Tapasco, José Silvio. *Reseña histórica de mi pueblo. Resguardo Indígena de San Lorenzo*. Riosucio: self-pub., 2010.

Tarello, Giovanni. *Cultura giuridica e politica del diritto*. Bologna, Il Mulino, 1988.

Tau Anzoátegui, Víctor. *¿Qué fue el Derecho Indiano?* Buenos Aires: Abeledo-Perrot, 1982.

Tau Anzoátegui, Víctor. "Provincial and Local Law of the Indies. A Research Program." In *New Horizons in Spanish Colonial Law. Contributions to Transnational Early Modern Legal History*, ed. Thomas Duve and Heikki Pihlajamäki, 235-255. Frankfurt: Max Planck Institute for European Legal History, 2015.

Thomas, Nicholas. *Entangled Objects. Exchange, Material Culture, and Colonialism in the Pacific*. Cambridge, Mass: Harvard University Press, 1991.



Thomson, Guy P. C. and David G. LaFrance, *Patriotism, Politics, and Popular Liberalism in Nineteenth-Century Mexico. Juan Francisco Lucas and the Puebla Sierra*. Wilmington, DE: Scholarly Resources Inc, 1999.

Turner, Mark. *From Two Republics to One Divided. Contradictions of Postcolonial Nation Making in Andean Peru*. Durham and London: Duke University Press, 1997.

Tovar Pinzón, Hermes. *Que nos tengan en cuenta. Colonos, empresarios y aldeas. Colombia, 1800-1900*. 2nd ed. Bogotá: Universidad de los Andes, 2015 [1<sup>a</sup>. ed., Colcultura, 1995].

Trazegnies, Fernando de. *Ciriaco de Urtecho. Litigante por Amor. Reflexiones sobre la polivalencia táctica del razonamiento jurídico*. Lima: Pontificia Universidad Católica del Perú: 1981.

Trouillot, Michel-Rolph. *Silencing the Past. Power and the Production of History*. Boston: Beacon Press, 1995.

Troyan, Brett. "Re-imagining the 'Indian' and the State: Indigenismo in Colombia, 1926-1947." *Canadian Journal of Latin American and Caribbean Studies* 33, no. 65 (2008): 81-106.

Troyan, Brett. *Cauca's Indigenous Movement in Southwestern Colombia. Land, Violence, and Ethnic Identity*. New York: Lexington Books, 2015.

Uribe de Hincapié, María Teresa and Jesús María Álvarez Gaviria. "El proceso de la apropiación de la tierra en Colombia 1821-1850: una perspectiva regional para el análisis." *Lecturas de economía*, 16 (1985): 63-154.

Uribe-Uran, Victor M. *Honorable Lives. Lawyers, Family, and Politics in Colombia, 1780-1850* (Pittsburgh: University of Pittsburgh Press, 2000.

Uribe-Uran, Victor. "La Constitución de Cádiz en la Nueva Granada, teoría y realidad, 1812-1821." In *La Constitución de 1812 en Hispanoamérica y España*, ed. Heraclio Bonilla, 273-303. Bogotá: Editorial Universidad Nacional de Colombia-Alcaldía Mayor de Bogotá, 2012.

Uribe-Uran, Victor. *Fatal Love: Spousal Killers, Law, and Punishment in the Late Colonial Spanish Atlantic*. Stanford: Stanford University Press, 2016.

Valencia Llano, Albeiro. "El territorio de Caldas en el proceso de independencia." *Impronta. Revista de la Academia Caldense de Historia* 17 (2019): 21-43.

Valencia Llano, Albeiro. *Colonización, fundaciones y conflictos agrarios. Gran Caldas y Norte del Valle*. Manizales: Tizán, 2000.

Valencia Llano, Albeiro. *Raíces en el tiempo. La región caldense*. Manizales: Gobernación de Caldas, 2009.

Valencia Llano, Alonso. *Empresarios y políticos en el Estado Soberano del Cauca*. Cali: Universidad del Valle, 1993.

Valencia Llano, Alonso. *Estado soberano del Cauca. Federalismo y Regeneración*. Bogotá: Banco de la República, 1998.

Vallejo Mejía, Maryluz. “Los ‘padrecitos’ fundadores de la prensa comunista en Colombia.” *Signo y Pensamiento* 39 (2001): 35-45.

Van Cott, Donna Lee. *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America*. Pittsburg: University of Pittsburgh Press, 2000.

Van Deusen, Nancy E. *Global Indios. The Indigenous Struggle for Justice in Sixteenth-Century Spain*. Durham & London: Duke University Press, 2015.

Vargas, Oscar. “Construcción de la Territorialidad Campesina tras la disolución de los resguardos en Turminá, Inzá, Cauca,” master’s thesis, Universidad Nacional de Colombia – Seccional Bogotá, 2015.

Vasco, Luis Guillermo. *Entre selva y páramo. Viviendo y pensando la lucha india*. Bogotá: Instituto Colombiano de Antropología e Historia, 2007.

Vega Cantor, Renán. *Gente muy rebelde. T. 2. Indígenas, campesinos y protestas agrarias*. Bogotá: Ediciones Pensamiento Crítico, 2002.

Vélez Rendón, Juan Carlos. *Los pueblos allende el río Cauca: la formación del suroeste y la cohesión del espacio en Antioquia, 1830-1875*. Medellín: Universidad de Antioquia, 2002.

Vélez Rendón, Juan Carlos. “Abogados, escribanos, rúbulas y tinterillos. Conflictos por la práctica del derecho en Antioquia, 1821-1843.” *Estudios Políticos* 32 (2008): 13-51.

Villamarín, Juan A. “Encomenderos and Indians in the Formation of Colonial Society in the Sabana de Bogota, Colombia – 1537 to 1740.” PhD diss., Brandeis University, 1972.

Villegas, Jorge and Antonio Restrepo. *Resguardos de indígenas y reducción de salvajes, 1820-1890*. Medellín: Centro de Investigaciones Económicas – Universidad de Antioquia, 1977.

Vries, Jan de. "Playing with Scales: The Global and the Micro, the Macro and the Nano." *Past & Present* 242, issue supplement 14 (2019): 23-36.

Wake, Eleanor. "The Dawning Places: Celestially Defined Land Maps, Títulos Primordiales, and Indigenous Statements of Territorial Possession in Early Colonial Mexico." In *Indigenous Intellectuals. Knowledge, Power, and Colonial Culture in Mexico and the Andes*, ed. Gabriela Ramos and Yanna Yannakakis, 202-236. Durham: Duke University Press, 2014.

Walker, Charles F. *Smoldering Ashes: Cuzco and the Creation of Republican Peru, 1780-1840*. Durham and London: Duke University Press, 1999.

Weber, Max. "Science as a Vocation." In Max Weber, *The Vocation Lectures*, edited and with an Introduction by David Owen and Tracy B. Strong, transl. Rodney Livingstone, 1-31. Indianapolis: Hackett Publishing Company, 2004.

Weinstein, Barbara. *The Color of Modernity. São Paulo and the Making of Race and Nation in Brazil*. Durham & London: Duke University Press, 2015.

West, Robert C. *La minería de aluvión en Colombia durante el período colonial*, trans. Jorge O. Melo and Camilo Domínguez. Bogotá: Imprenta Nacional, 1972.

Womack, John Jr. *Zapata and the Mexican Revolution*. New York: Vintage Books, 1970.

Wood, Stephanie. "The Social vs. Legal Context of Nahuatl Títulos." In *Native Traditions in the Postconquest World*, ed. Elizabeth Hill Boone and Tom Cummins, 201-231. Washington, D.C.: Dumbarton Oaks, 1998.

Yannakakis, Yanna. "Indigenous People and Legal Culture in Spanish America." *History Compass* 11/11 (2013): 931-947.

Yannakakis, Yanna. *The Art of Being In-Between. Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*. Durham and London: Duke University Press, 2008.

Yrigoyen, Raquel. *Pueblos indígenas. Constituciones y reformas políticas en América Latina*. Lima: IIDS, 2010.

Zabala, Silvio. *De encomiendas y propiedad territorial en algunas regiones de la América española*. México: Porrúa, 1940.

Zaballa Beascoecha, Ana de, ed., *Los indios, el Derecho Canónico y la justicia eclesiástica en la América virreinal*. Madrid, Frankfurt, Orlando, FL: Iberoamericana-Vervuert, 2011.

Zaballa, Ana de and Jorge Trasloheros, coords., *Los indios ante los foros de justicia religiosa en la Hispanoamérica virreinal*. México: Universidad Nacional Autónoma de México, 2010.

Zagalsky, Paula C. “Huellas en las revisititas: imposiciones coloniales y tensión social.” *Memoria Americana* 17, no. 2 (jul-dec, 2009): 241-279.

Zambrano Burbano, Carlos Antonio. “Participación política y resistencia indígena durante el Estado Soberano del Tolima, 1861-1886.” Undergraduate thesis, Universidad del Tolima, 2016.

Zamosc, Leon. *The Agrarian Question and the Peasant Movement in Colombia. Struggles of the National Peasant Association 1967-1981*. Cambridge: Cambridge University Press and United Nations Research Institute for Social Development, 1986.

Zuluaga Gómez, Víctor. “Resguardo indígena de Cañamomo y Lomaprieta.” *Supía Histórico* 6, no. 18, vol. 2. October 1993.

Zuluaga Gómez, Víctor. *Extrañados en su tierra*. Pereira: Ediciones Oriana, 1996.

Zuluaga Gómez, Víctor. *Historia de Cartago la antigua. Provincia de Popayán*. Pereira: Gráficas Buda, 2002.

Zuluaga Gómez, Víctor. *Una historia pendiente. Indígenas desplazados en el Antiguo Caldas*. Pereira: Graficas Buda, 2006.

Zuluaga Gómez, Víctor. *Vida, pasión y muerte de los indígenas de Caldas y Risaralda*. Pereira: Gráficas Olímpica, 1995.

## 5. Websites

Colombia, Departamento Nacional de Estadística – DANE. “Boletín, Censo General 2005. Perfil Riosucio – Caldas.” Accessed March 25, 2021. <http://www.dane.gov.co/files/censo2005/perfiles/caldas/riosucio.pdf>.

Colombia, Ministerio de Justicia, *Sistema Único de Información Normativa*, <http://www.suin-juriscol.gov.co/>

Consejo Regional Indígena de Caldas – CRIDEC (website), accessed March 25, 2021, <http://crideccaldas.org/>.

Corporación Carnaval de Riosucio. Accessed March 24, 2021. <https://www.carnavalliosucio.org/INICIO.html>

Instituto Colombiano de Antropología e Historia – ICANH. “Revistas científicas.”  
Accessed February 23, 2021.

[https://www.icanh.gov.co/nuestra\\_entidad/grupos\\_investigacion/divulgacion\\_publicacion\\_es/revistas\\_cientificas](https://www.icanh.gov.co/nuestra_entidad/grupos_investigacion/divulgacion_publicacion_es/revistas_cientificas)

Real Academia de la Historia DB-e “Lesmes de Espinosa Sarabia.” Accessed February 17, 2020, <http://dbe.rah.es/biografias/76186/lesmes-de-espinosa-sarabia>

**APPENDIX I**  
**RESGUARDOS IN COLOMBIA, 1944**

No.	Name	Estimated Population	Municipality	Province (Departamento)
1	Kunas-Kunas	380	Turbo	Antioquia
2	San Carlos de Cañasgordas		Urrao	Antioquia
3	San Antonio del Peñón	446	San Martín de Loba	Bolívar
4	Salina de Gámeza	100	Gámeza	Boyacá
5	Quipama y otras parcialidades	675	Muzo	Boyacá
6	Guática	813	Guática	Caldas
7	San Antonio de Chamí	4,500	Mistrató	Caldas
8	La Robada	250	Mistrató	Caldas
9	Quinchía	3,300	Quinchía	Caldas
10	La Montaña	2,204	Riosucio	Caldas
11	Cañamomo y Lomapieta	1,400	Riosucio	Caldas
12	Caquiona	2,560	Almaguer	Cauca
13	Araújo	463	Belalcázar	Cauca
14	Avirama	831	Belalcázar	Cauca
15	Belalcázar	911	Belalcázar	Cauca
16	Chimas	366	Belalcázar	Cauca
17	Lame	652	Belalcázar	Cauca
18	Cohetando	1,410	Belalcázar	Cauca
19	Mosoco	1,050	Belalcázar	Cauca
20	Ricaurte	804	Belalcázar	Cauca
21	Huila	1,680	Belalcázar	Cauca
22	Suin	187	Belalcázar	Cauca
23	San José		Belalcázar	Cauca
24	Togaima	938	Belalcázar	Cauca
25	Tóez	267	Belalcázar	Cauca
26	Vitoncó	2,047	Belalcázar	Cauca
27	El Cabujo		Belalcázar	Cauca
28	La Troja		Belalcázar	Cauca
29	Caldono	2,006	Caldono	Cauca
30	La Aguada	538	Caldono	Cauca
31	Pioyá	518	Caldono	Cauca
32	Puebloviejo		Caldono	Cauca
33	Calderas	817	Inzá	Cauca
34	Guanacas	723	Inzá	Cauca
35	La Laguna	1,000	Inzá	Cauca
36	Santa Rosa	400	Inzá	Cauca
37	San Andrés	769	Inzá	Cauca
38	Topa	683	Inzá	Cauca
39	Yaquivá	774	Inzá	Cauca
40	Jambaló	1,126	Jambaló	Cauca
41	Guachicono	1,944	La Vega	Cauca
42	Pancitará	1,654	La Vega	Cauca
43	Coconuco	808	Puracé	Cauca
44	Puracé		Puracé	Cauca

45	San Sebastián	2,000	San Sebastián	Cauca
46	Tigres-Muchinque		Santander	Cauca
47	Rióblanco	2,038	Sotará	Cauca
48	Guambía	3,903	Silvia	Cauca
49	Pitayó	1,907	Silvia	Cauca
50	Quichaya	670	Silvia	Cauca
51	Quizgó	1,355	Silvia	Cauca
52	Alto del Rey	345	El Tambo	Cauca
53	Chapa	694	El Tambo	Cauca
54	Tacueyó	1,058	Toribío	Cauca
55	Toribío	1,484	Toribío	Cauca
56	Totoró	900	Totoró	Cauca
57	Paniquitá		Totoró	Cauca
58	Polindara	674	Totoró	Cauca
59	Ubaté	3,000	Ubaté	Cundinamarca
60	Puebloviejo		Ciénaga	Magdalena
61	San Andrés		Ciénaga	Magdalena
62	Aldana	1,327	Aldana	Nariño
63	Buesaco	780	Buesaco	Nariño
64	Rosal del Monte	656	Buesaco	Nariño
65	Carlosama	1,733	Carlosama	Nariño
66	Consacá	220	Consacá	Nariño
67	Aldea de María	360	Contadero	Nariño
68	Córdoba	3,952	Córdoba	Nariño
69	Cumbal	3,900	Cumbal	Nariño
70	Chiles	900	Cumbal	Nariño
71	Panán	766	Cumbal	Nariño
72	Chuilismal		Cumbal	Nariño
73	Guaical		Cumbal	Nariño
74	Guan		Cumbal	Nariño
75	Nazate		Cumbal	Nariño
76	Tasmag		Cumbal	Nariño
77	Terreros	1,460	Funes	Nariño
78	Colimba	900	Guachucal	Nariño
79	Guachucal	1,803	Guachucal	Nariño
80	Muellamués	2,429	Guachucal	Nariño
81	Gualmatán	366	Gualmatán	Nariño
82	Gumag y San Nicolás	374	Guaitarilla	Nariño
83	Imués	400	Imués	Nariño
84	Ipiales	515	Ipiales	Nariño
85	Iles	145	Iles	Nariño
86	Las Aradas y Juan López	672	La Cruz	Nariño
87	La Florida	268	La Florida	Nariño
88	Matituy	1,050	La Florida	Nariño
89	Ospina	445	Ospina	Nariño
90	Mallama	153	Piedrancha	Nariño
91	Aranda	122	Pasto	Nariño
92	Botanilla	245	Pasto	Nariño
93	Buesaquillo	800	Pasto	Nariño
94	Chachaguy	1,017	Pasto	Nariño
95	Jenoy	950	Pasto	Nariño
96	Jamondino	409	Pasto	Nariño

97	Jongobito	494	Pasto	Nariño
98	La Laguna	1,947	Pasto	Nariño
99	Males	103	Pasto	Nariño
100	Mocondino	770	Pasto	Nariño
101	Obonuco	700	Pasto	Nariño
102	Pejendino	578	Pasto	Nariño
103	Gualmatán	269	Pasto	Nariño
104	Puerres	113	Pasto	Nariño
105	Tescuel	197	Pasto	Nariño
106	Canchala	47	Pasto	Nariño
107	Anganoy	690	Pasto	Nariño
108	Cuaspud		Potosí	Nariño
109	Muses	258	Potosí	Nariño
110	Potosí		Potosí	Nariño
111	Quelazam y otras parcialidades		Pupiales	Nariño
112	San Mateo	200	Puerres	Nariño
113	Chucunés		Ricaurte	Nariño
114	Roberto Payán		San José	Nariño
115	Santa Rosa de Cunchuy	722	Sandoná	Nariño
116	Santa Bárbara de Anganoy	235	Sandoná	Nariño
117	Santa Bárbara de Cunchuy	307	Sandoná	Nariño
118	Guachavés y Manchag		Santa Cruz	Nariño
119	Tambo		Tambo	Nariño
120	Túquerres		Túquerres	Nariño
121	Yacual	1,151	Túquerres	Nariño
122	Yacuanquer	29	Yacuanquer	Nariño
123	Zanjón		Ansermanuevo	Valle del Cauca
124	Sibundoy		Putumayo	Putumayo (Comisaría)

**Source:** “Lista de los Resguardos de Indígenas, con sus áreas y poblaciones,” *Tierras y Aguas*, no. 63-64 (March – April, 1944): 62-66



## APPENDIX 2

### RESGUARDOS WHOSE PARTITION HAD BEEN DECLARED, MARCH 1944

No.	Name	Estimated Population	Municipality	Province (Departamento)
1	Anolaima		Anolaima	Cundinamarca
2	Gachancipá	287	Gachancipá	Cundinamarca
3	Soacha		Soacha	Cundinamarca
4	Sopó		Sopó	Cundinamarca
5	Churuguaco	200	Tenjo	Cundinamarca
6	Tocancipá		Tocancipá	Cundinamarca
7	San Lorenzo	3,600	Riosucio	Caldas
8	Tálaga	1,133	Belalcázar	Cauca
9	Turminá	1,146	Inzá	Cauca
10	Tangua	743	Tangua	Nariño
11	Catambuco	255	Pasto	Nariño
12	Pandiaco	296	Pasto	Nariño
13	Ortega y Chaparral	11,940	Ortega y Chaparral	Tolima

**Source:** “Lista de los Resguardos de Indígenas, cuya disolución se ha efectuado o ha sido declarada,”  
*Tierras y Aguas*, no. 63-64 (March – April, 1944): 67

VITA  
GLORIA PATRICIA LOPERA MESA

Born, Medellín, Colombia

1998	JD Universidad de Antioquia Medellín, Colombia
2000	AECI Fellowship for doctoral studies in Spain
2005	PhD, Law Universidad de Castilla-La Mancha Toledo, Spain
2005-2015	Associate Professor Universidad Eafit, School of Law Medellín, Colombia
2010	MA, Anthropology Universidad de Antioquia Medellín, Colombia
2013-2015	Assistant Justice (Magistrada Auxiliar) Corte Constitucional Bogotá, Colombia
2015-2020	Teaching Assistant and Writing Tutor Florida International University Miami, Florida
2016	Tinker Research Field Grant
2018	Doctoral Candidate Florida International University Miami, Florida
2018-2019	Dissertation Evidence Acquisition Fellowship Florida International University Miami, Florida

2020

Dissertation Year Fellowship  
Florida International University  
Miami, Florida

## PUBLICATIONS AND PRESENTATIONS

2020. “Authority, Interpretation, and Justice: Writing Indigenous Histories Around the Globe,” Plenary Session at American Society for Ethnohistory (ASE), 2020 Conference. November 5.

2020. “Creando posesión vía desposesión. Visitas a la tierra y conformación de resguardos indígenas en la Vega de Supía, 1559-1759.” *Fronteras de la Historia* 25-2: 120-156.

2019. “Los resguardos indígenas y la cuestión agraria en el siglo XIX.” In *La República, 1819-1880*, ed. Pablo Rodríguez Jiménez and Karim León Vargas, 91-100. Bogotá, Universidad del Rosario.

2018. “‘We Have the Land Titles.’ Indigenous Litigants and Privatization of *Resguardos* in Colombia, 1873-1945.” Max Planck Summer Academy for Legal History 2018. Frankfurt A.M., Germany, July 24.

2015. “‘La parte alta del cerro es para los pequeños mineros.’ Sobre la vigencia del régimen minero especial para Marmato y su influencia en la construcción de territorialidad.” *Revista Derecho del Estado* 35: 101-150.

2013. Gloria P. Lopera Mesa and Robert V.H. Dover, “Consulta previa, ciudadanía diferenciadas y conflicto socioambiental.” *Boletín de Antropología* 28, no. 45: 76-103.

2012. “Who Counts as Indigenous People: How are They Counted and What for? Census Policies and the Construction of Indigeneity in Colombia,” in *Everlasting Countdowns: Race, Ethnicity and National Censuses in Latin American States*, Luis F. Angosto and Sabine Kradolfer (edits.), Newcastle upon Tyne, Cambridge Scholars Publishing, 94-127.

2010. “Territorios, identidades y jurisdicciones en disputa: la regulación de los derechos sobre la tierra en el resguardo Cañamomo – Lomapieta,” *Universitas Humanística* 69, 61-81.

2006. *Principio de proporcionalidad y ley penal. Bases para un modelo de control de constitucionalidad de las leyes penales*, Madrid, Centro de Estudios Políticos y Constitucionales - CEPC.