

ORIGINAL ARTICLE

Surveying the Lands of Republican *Indígenas*: Contentious Nineteenth-Century Efforts to Abolish Indigenous *Resguardos* near Bogotá, Colombia

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Abstract

Nineteenth-century republicans across the political spectrum agreed: the Spanish monarchy produced ‘miserable Indians’. Abolishing tribute and privatising communal lands, known as *resguardos* in New Granada (roughly today’s Panama and Colombia), would transform that wretched class into equal citizens. Drawing on late eighteenth-century privatisation efforts by the Spanish Crown, early republican leaders in Gran Colombia inaugurated an era seeking equal access to wealth from communal land for all indigenous community members. After Gran Colombia (the first Colombian Republic, 1819–30) dissolved into New Granada, Ecuador and Venezuela in 1830, New Granada’s experiments with indigenous *resguardo* policies went further. By then, legislative efforts considered the needs of all *resguardo* members, including unmarried mothers and their illegitimate children. Complex laws, diverse ecological terrain and nuanced social realities required well-trained surveyors to ensure each eligible indigenous family received a fair share of land. Whereas indigenous communities in Pasto, Santa Marta and the Cauca river valley resorted to armed insurrection against liberal policies through the War of the Supremes (1839–42), those in the highlands near Bogotá did not. Instead, these republican *indígenas* – with their greater access to the levers of power housed in the national capital – chose to engage in the reforms of a decentralising state. This article reveals how contentious experiments seeking republican equality within indigenous *resguardos* as a path towards abolishing the institution were consistently stymied by efforts to ensure that indigenous community governance and communal landholding remained intact.

Keywords: New Granada; Colombia; *resguardos*; land surveys; republic; indigenous peoples

Introduction

Early republican elites repeatedly pointed to the misery of indigenous peoples living on communal lands as proof of Spanish malfeasance. They turned the legal status of ‘*miserable*’ afforded to indigenous populations under monarchical rule into a cultural and political tool.¹ Rather than acknowledge the legal protections previously

¹People deemed ‘*personas miserables*’ were exempted from certain legal charges and were afforded special legal protections under the Spanish monarchy. See Alejandro Cañeque, *The King’s Living Image: The*

enjoyed by ‘*indios miserables*’, republican state-makers argued that the Spanish Crown created the conditions that rendered indigenous populations ‘*miserables*’.² Republican ‘*indígenas*’ would be different.³ They would become republican citizens like all others. The extent to which the Spanish Monarchy was objectively exploitative of indigenous populations is less interesting for the purposes of this article than understanding how and why early republicans deployed this ‘colonial legacy’ trope about the Spanish Monarchy.⁴ The legal and cultural category of the republican *indígena* invented in opposition to a colonial-era ‘*indio miserable*’ became useful for an array of competing actors who were attempting to work out the meanings and practices of republican governance.⁵ These actors experimented legislatively and scientifically with abolishing tribute and privatising communally held land, but, because not all *indios* were equal under the Crown, republican *indígenas* could not receive equal shares of community land. Early republicans developed legislation and training for surveyors that permitted surveyors, backed up by science, to grant differently valued parcels of land to indigenous individuals and families according to the place that the surveyors believed each republican *indígena* – man, woman, or child – held within his/her community. Legislative and scientific calculations in equity would eventually produce republican equality within the *república de indios*.

During the period of Spanish rule, New World kingdoms had been separated into republics of Spaniards and *repúblicas de indios*.⁶ The indigenous communities that paid tribute enjoyed inalienable rights to the usufruct from indivisible community lands. Within the Kingdom of New Granada, these indigenous communities were called *resguardos*.⁷ As in other kingdoms, the Crown set up indigenous governing structures to administer *resguardos* under the supervision of civil and ecclesiastical authorities. These Indian towns constituted a specific juridical and political body within the monarchy, yet, as Steinar Saether has shown, several New Granada Indian communities legally recognised by the Spanish Crown had been thoroughly

Culture and Politics of Viceregal Power in Colonial Mexico (New York: Routledge, 2004), pp. 187–95. See also Magdalena Díaz Hernández, ‘La identidad de los esclavos negros como miserables en Nueva España: Discursos y acciones (siglos XVI–XVIII)’, in Aurelia Martín Casares (ed.), *Esclavitudes hispánicas (siglos XV–XXI): Horizontes socioculturales* (Granada: Universidad de Granada, 2014), pp. 41–57 and Paulino Castañeda Delgado, ‘La condición miserable del indio y sus privilegios’, *Anuario de Estudios Americanos*, 28 (1971), pp. 245–58.

²José María Samper, *Ensayo sobre las revoluciones políticas y la condición social de las repúblicas colombianas (hispano-americanas)* (Paris: Imprenta de E. Thunot y Cia, 1861).

³Terms used to refer to indigenous populations shifted from colonial-era ‘*indios*’ to Bolívar’s ‘*naturales*’ to a new term, ‘*indígena*’, with a ‘j’ (which gradually gave way to the modern ‘*indígena*’, with a ‘g’), meaning ‘indigenous’. For clarity, this article uses the modern spelling ‘*indígena*’. See Simón Bolívar, ‘Mediante un decreto expedido en el Rosario de Cúcuta ...’, in Simón Bolívar, *Doctrina del Libertador* (Alicante: Biblioteca Virtual Miguel de Cervantes, 2002), document no. 33, available at http://www.cervantesvirtual.com/obra-visor/doctrina-del-libertador--0/html/ff6f5f94-82b1-11df-acc7-002185ce6064_29.html#I_38_, last access 3 Feb. 2019.

⁴Lina del Castillo, *Crafting a Republic for the World: Scientific, Geographic, and Historiographic Inventions of Colombia* (Lincoln, NE: University of Nebraska Press, 2018).

⁵Rebecca Earle, *Return of the Native: Indians and Myth-Making in Spanish America, 1810–1930* (Durham, NC: Duke University Press, 2007).

⁶Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519–1810* (Stanford, CA: Stanford University Press, 1964).

⁷Margarita González, *El resguardo en el nuevo reino de Granada* (Bogotá: La Carreta, 1979).

Hispanicised by the late eighteenth century.⁸ That was the point: the object of Spanish legislation regulating *resguardos* was to convert indigenous people into good subjects of the Catholic monarchy.

In the wake of the dissolution of Spain's Atlantic Empire, republican officials faced a fundamental question: how to transform the *república de indios* into a seamless part of the republic of equal citizens without triggering, or worsening, monarchist Spanish-loyalist resistance.⁹ With the formation of the first Colombian Republic (1819–30) – comprised of the former Viceroyalty of New Granada, the Audiencia of Quito and the Captaincy General of Venezuela – republican leaders like Simón Bolívar tried to strike a deathblow against Spain's ability to mobilise armed indigenous support via indigenous elites.¹⁰ As president of this first Colombian Republic – also known as Gran Colombia – Bolívar decreed equal access to *resguardo* resources for all indigenous inhabitants, challenging elite indigenous control over communal lands via the *cabildos*, or indigenous governing bodies. More radical liberal republicans pushed to abolish tribute and *resguardos* outright, believing these policies created unequal distinctions among citizens, a move Bolívar reversed during his dictatorship starting in 1828. This tension within early republican leadership begins to point to the difficulties involved in implementing an idealised – yet still to be defined – republican equality within *resguardos*.¹¹ The 1830 dissolution of Gran Colombia into the republics of New

⁸Steinar Saether, 'Independence and the Redefinition of Indianness around Santa Marta, Colombia, 1750–1850', *Journal of Latin American Studies*, 37 (2005), pp. 55–80.

⁹For Indian responses to the monarchical crisis and liberal experiments with indigenous citizenship from 1810 to 1819, see Marcela Echeverri, "'Sovereignty Has Lost Its Rights": Liberal Experiments and Indigenous Citizenship in New Granada, 1810–1819', in Brian Owensby and Richard Ross (eds.), *Justice in a New World: Negotiating Legal Intelligibility in British, Iberian, and Indigenous America* (New York: New York University Press, 2018), pp. 238–69.

¹⁰Colombia's official name and claims to territory changed dramatically over the course of the nineteenth century. The first Republic of Colombia, or Gran Colombia (1819–30), dissolved into Venezuela, Ecuador and the New Granada Republic (today's Colombia and Panama). New Granada lasted from 1831 until 1858. The Granadine Confederation that replaced it lasted from 1858 until 1863. The United States of Colombia replaced the Confederation and lasted from 1863 until 1886. In 1886, the Republic of Colombia returned as a name for the country, but in 1903 Panama seceded.

¹¹The success of abolishing *resguardos* in Colombia during the nineteenth century varied by region. For the national level, see Frank Safford, 'Race, Integration, and Progress: Elite Attitudes and the Indian in Colombia, 1750–1870', *Hispanic American Historical Review*, 72: 1 (1991), pp. 1–33; Jorge Villegas and Antonio Restrepo, *Resguardos de indígenas 1820–1890* (Medellín: Universidad de Antioquia, 1977); Betty Valencia Villegas, 'Desintegración del resguardo indígena en la primera mitad del siglo XIX, 1810–1850', Undergraduate Thesis, Pontificia Universidad Javeriana, Bogotá, 1980. For the high plains around Bogotá, see Lina del Castillo, "'Prefiriendo siempre á los agrimensores científicos": Discriminación en la medición y el reparto de *resguardos* indígenas en el altiplano cundiboyacense, 1821–1854', *Historia Crítica*, 32 (July–Dec. 2006), pp. 68–93; Fernando Mayorga García, *La propiedad territorial indígena en la provincia de Bogotá: Del proteccionismo a la disolución (1831–1857)* (Bogotá: Ediciones Academia Colombiana de Jurisprudencia, 2012). For Santa Marta and the state of Bolívar: Saether, 'Independence and the Redefinition of Indianness'; Roicer Alberto Flórez Bolívar, 'Indígenas y ciudadanía: El problema de los *resguardos* en el Estado Soberano de Bolívar, 1863–1875', *Historia y Sociedad*, 16 (2009), pp. 49–72; Sergio Paolo Solano de las Aguas, 'Resguardos indígenas, ganadería y conflictos sociales en el Bolívar Grande, 1850–1875', *Historia Crítica*, 34 (July–Dec. 2007), pp. 92–117. For Cauca see James Sanders, 'Belonging to the Great Granadan Family: Partisan Struggle and the Construction of Indigenous Identity and Politics in Southwestern Colombia, 1849–1890', in Nancy P. Appelbaum, Anne

Granada, Venezuela and Ecuador yielded a continued host of challenges with respect to early republican governance and indigenous communal land holding.

By taking New Granada as a case in point, this article examines experiments seeking to redistribute *resguardo* land among indigenous inhabitants within the early republic. Some republicans feared indigenous *cabildos'* power to thwart these liberal efforts. Members of the Liberal party had reason for concern. Conservative political rivals formed armed alliances with the indigenous elites who dominated indigenous *cabildos*, leading to national legislation delaying the abolition of *resguardos*. Still, despite republican bargains between indigenous elites and some republican leaders, liberal and conservatives agreed: the *república de indios* was an *ancien-régime* engine of social and racial inequality. They argued that members of indigenous elite families who, in the main, held the leadership positions within *cabildos* benefitted from unequal access to *resguardo* resources, creating wealth for themselves and poverty among the majority of indigenous people. This article examines the oscillations in republican liberal policies that, on the one hand, were mindful of *cabildo*-led armed revolt and that, on the other, sought to undo the supposed 'miserable' state of poverty that oppressed indigenous peasants, including single mothers and illegitimate children.

As part of their effort to wrest control over *resguardos* away from male *cabildo* elites and their powerful mestizo and priestly allies, early republicans developed a new science of land surveys. Surveyors who simply assigned equal acreage of *resguardo* lands to each *resguardo* inhabitant would not produce the kind of republican equity New Granada needed, however. New Granada's mountainous terrain meant that each plot of *resguardo* land would have a distinct ecology and history of land use. Moreover, each family – and each family member – also had a distinct place within a *resguardo* community. Surveyor expertise needed to go beyond land measurement to include relevant legislation, local history, ecology and aspects of what we now would call sociology and anthropology. Scientifically trained surveyors became responsible for granting all *resguardo* inhabitants, not just elite *cabildo* families, guaranteed access to *resguardo* land parcels. But they needed to do so through a calculus of equity, where each family would get their fair share of land. In due time, *resguardo* land parcels would become private property, dissolving distinctions between indigenous *resguardo* inhabitants and all other republican citizens.

The article reveals how these legislative and scientific experiments with producing republican equity within *resguardos* by gradually abolishing the institution were consistently met with overwhelming numbers of formal complaints by indigenous people or outright armed resistance – such as the War of the Supremes as it played out in Pasto, Santa Marta and the Cauca river valley. This tension

S. Macpherson and Karin Alejandra Rosemblatt (eds.), *Race and Nation in Modern Latin America* (Chapel Hill, NC: University of North Carolina Press, 2003), pp. 56–86; María Teresa Findji and José María Rojas, *Territorio, economía y sociedad Páez* (Cali: Universidad del Valle, 1985); 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), pp. 153–77. Although less directly about *resguardos*, Jane Rausch's body of work on the llanos frontier examines territoriality, indigenous populations and state formation far from the centre of Bogotá. See Jane Rausch, *From Frontier Town to Metropolis: A History of Villavicencio, Colombia, since 1842* (Lanham, MD: Rowman and Littlefield, 2007).

not only delayed the abolition of *resguardos* but also forced republican lawmakers to create legislation that ultimately ensured that core aspects of indigenous community governance and landholding remained intact. A robust body of literature has examined how abolishing indigenous tribute and privatising indigenous community lands influenced state formation and ethnic identity in various Spanish American republics.¹² Eliminating tribute in the wake of independence did indeed prove fairly straightforward in New Granada. Abolishing *resguardos* was another matter. The case examined here reveals how national legislation offered detailed criteria to ensure each eligible indigenous man, woman and child received a fair share of *resguardo* land. Obstacles to the process nevertheless proved so overwhelming that several provinces suspended *resguardo* land surveys.¹³ As in other parts of Spanish America, among the most oft-cited reasons for problems was the lack of trained expertise.¹⁴ However, the success or failure of technical expertise in the division and privatisation of *resguardos* is not the focus of this article.¹⁵ Instead, the article demonstrates how early nineteenth-century legislative experiments with producing republican equity within *resguardos* created a specific kind of scientifically trained surveyor. The article then suggests how republican experiments with equity in *resguardos* produced resistance that varied by region, ranging from armed insurrection against governing authorities, as was the case in several New Granada provinces during the War of the Supremes, to indigenous engagement with state-sanctioned channels of conflict resolution. The range of these reactions in turn impacted broader processes of national and provincial state formation, including the passage of national laws, shifting provincial boundaries and the regulation of official surveying work.¹⁶ Indigenous *resguardos* were dissolved and the lands

¹²This scholarship is vast and has primarily dealt with Peru, Mexico, Bolivia and Guatemala. See Martha Irurozqui, 'Las paradojas de la tributación: Ciudadanía y política estatal indígena en Bolivia, 1825–1900', *Revista de Indias*, 59: 217 (1999), pp. 705–40; Marten Brienens, 'The Clamor for Schools: Rural Education and the Development of State–Community Contact in Highland Bolivia, 1930–1952', *Revista de Indias*, 62: 226 (2002), pp. 616–49; Jeffrey Gould, *To Die in This Way: Nicaraguan Indians and the Myth of Mestizaje, 1880–1965* (Durham, NC: Duke University Press, 1998); René Reeves, *Ladinos with Ladinos, Indians with Indians: Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala* (Stanford, CA: Stanford University Press, 2006); Tristan Platt, *Estado boliviano y ayllu andino: Tierra y tributo en el norte de Potosí* (Lima: Instituto de Estudios Peruanos, 1982); Sarah Chambers, 'Little Middle Ground: The Instability of Mestizo Identity in the Andes, Eighteenth and Nineteenth Centuries', in Appelbaum et al. (eds.), *Race and Nation in Modern Latin America*, pp. 32–55; Laura Gotkowitz, *A Revolution for Our Rights: Indigenous Struggles for Land and Justice in Bolivia, 1880–1952* (Durham, NC: Duke University Press, 2007); Greg Grandin, *The Blood of Guatemala: A History of Race and Nation* (Durham, NC: Duke University Press, 2000).

¹³Art. 21, Lei 3.– Junio 2 de 1834: 'Adicional á las leyes sobre repartimiento de los resguardos de indijenas' allowed provincial authorities to opt out of surveys. See Lino de Pombo (ed.), *Recopilación de leyes de la Nueva Granada* (Bogotá: Imprenta de Zolio Salazar, por Valentin Martinez, 1845), pp. 101–2. As I show below, several provinces suspended surveys and did so by referring to Art. 21.

¹⁴Raymond Craib, *Cartographic Mexico: A History of State Fixations and Fugitive Landscapes* (Durham, NC: Duke University Press, 2004), pp. 100–6 and Michael Ducey, 'Liberal Theory and Peasant Practice', in Robert H. Jackson (ed.), *Liberals, the Church, and Indian Peasants: Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America* (Albuquerque, NM: University of New Mexico Press, 1997), pp. 65–95.

¹⁵Del Castillo, 'Prefiriendo siempre á los agrimensores científicos', pp. 68–93.

¹⁶I build on literature that understands the state not as a 'thing' but rather as a process, an idea, or a relationship. See Gilbert M. Joseph and Daniel Nugent (eds.), *Everyday Forms of State Formation:*

were privatised in the high plains surrounding Bogotá by the 1880s, but this was a process that took more than half a century to complete. Moreover, despite the dissolution of Suba and Bosa *resguardos*, indigenous *cabildo* leadership in those communities has seen a resurgence since the 1990s.¹⁷

Over the course of the early nineteenth century, the way in which indigenous communities in the high plains surrounding Bogotá expressed resistance to *resguardo* division was not primarily through armed rebellion. This is not to say that violence or the threat of violence by indigenous groups did not occur. Several members of the communities studied here probably witnessed or participated in the massive indigenous mobilisation comprising the 20,000-strong Comunero Revolution of 1781, sparked in part by changing monarchical policies regulating *resguardos*.¹⁸ Furthermore, the scope of armed indigenous mobilisation during the War of the Supremes in provinces such as Pasto, Santa Marta and the Cauca river valley impacted how the national government approached the question of indigenous *resguardos* thereafter.¹⁹ Still, little historical evidence exists suggesting that the indigenous population surrounding Bogotá rebelled against the central government during the War of the Supremes.²⁰ Neither did New Granada officials feel the need to send armed soldiers in to native communities near Bogotá to impose national policies on *resguardos*. Instead, governors, surveyors, civil engineers, legislators, indigenous peoples, judges and non-indigenous people with an interest in *resguardos* all employed and deployed a variety of strategies to either privatise *resguardos*, or to block privatisation and ensure *resguardo* continuity. Armed violence was not among the chosen strategies. The absence of armed conflict in this region seems to have led some scholars to conclude that *resguardos indígenas* surrounding Bogotá ‘disappeared’.²¹ The recent return of indigenous *cabildo* leadership in Bosa and Suba and the mobilisation of indigenous groups around environmental concerns in the region suggests otherwise.

Experimentation with the parcelling out of equitable shares of *resguardo* lands near Bogotá might not have sparked armed conflict, but it did require the massive mobilisation of legal, political and scientific resources at the local and national levels to meet the demands and answer the complaints of indigenous populations.

Revolution and the Negotiation of Rule in Modern Mexico (Durham, NC: Duke University Press, 1994), pp. 18–23.

¹⁷See <https://subamuisca.com/historia/> and <https://www.rcnradio.com/estilo-de-vida/medio-ambiente/con-mas-de-300-personas-se-realizo-audiencia-sobre-reserva-van-der>, both URLs last accessed 3 Feb. 2019.

¹⁸John Leddy Phelan, *The People and the King: The Comunero Revolution in Colombia, 1781* (Madison, WI: University of Wisconsin Press, 1978), pp. 89–94.

¹⁹Saether, ‘Independence and the Redefinition of Indianness’; María Teresa Uribe de Hincapié and Liliana María López Lopera, *Las palabras de la guerra: Un estudio sobre las memorias de las guerras civiles en Colombia* (Medellín: La Carreta Histórica, 2006), pp. 53–196. The War of the Supremes was waged between various regional leaders in opposition to elected President José Ignacio de Márquez. See further below.

²⁰*Ibid.*, pp. 85–6. The war – by spreading disease – nevertheless affected indigenous people in the high plains surrounding Bogotá: 5,000 to 6,000 people died of smallpox. See Andrés Soriano Lleras, ‘La medicina y la enseñanza médica en Colombia’, in Fernando Chaparro and Francisco R. Sagasti (eds.), *Ciencia y tecnología en Colombia* (Bogotá: Instituto Colombiano de Cultura), p. 215.

²¹See Glen Curry, ‘The Disappearance of the Resguardo Indígenas of Cundinamarca, Colombia, 1800–1863’, unpubl. PhD diss., Vanderbilt University, 1981.

Scholarship examining indigenous people's engagement with Spanish colonial laws has shown how those actions were a form of politics that actively shaped Spanish colonial legal culture.²² Historians such as Marcela Echeverri, Peter Guardino, Steinar Saether, Mark Thurner and James Sanders have explored not only the various ways indigenous peoples envisioned a state different from elite imaginings, but also how indigenous political engagement influenced processes of revolution and state formation at the local and national levels.²³ Instead of focusing on armed conflict, or delving into (the admittedly hard to find) indigenous voices in Bogotá archives, this article demonstrates how republican experimentation to produce equal citizens within *resguardos* was entangled with New Granada's broader legal culture, land tenure practices, scientific developments in land surveying and local governance. As such, this article challenges long-standing, still-influential, yet wholly inaccurate and simplistic interpretations whereby nineteenth-century Spanish Americans who sought to privatise communal land holding are seen as detached racist elites seeking to impose unworkable foreign models on local realities, impoverishing indigenous populations in the process.²⁴ The article also demonstrates how the supposedly scheming, immoral and poorly trained land surveyors were actually much more complicated historical actors.²⁵ As Sanders and others have shown, republican elites attempted to integrate indigenous people into republican society economically and culturally by striking republican bargains

²²For a pioneering book in this vein, see Steve Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640* (Madison, WI: University of Wisconsin Press, 1982). See also J. Michelle Molina, 'Fluid Indigeneity: Indians, Catholicism, and Spanish Law in the Mutable Americas', *The Immanent Frame: Secularism, Religion, and the Public Sphere* (12 July 2017), available at <http://blogs.ssrc.org/tif/2017/07/12/fluid-indigeneity/>, last access 14 Nov. 2018; Bianca Premo, *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (Oxford: Oxford University Press, 2017); Tamar Herzog, 'Colonial Law and "Native Customs": Indigenous Land Rights in Colonial Spanish America', *The Americas*, 69: 3 (2013), pp. 303–21; Yanna Yannakakis, 'Indigenous People and Legal Culture in Spanish America', *History Compass*, 11: 11 (2013), pp. 931–47.

²³Marcela Echeverri, *Indian and Slave Royalists in the Age of Revolutions: Reform, Revolution, and Royalism in the Northern Andes, 1780–1825* (Cambridge: Cambridge University Press, 2016); Saether, 'Independence and the Redefinition of Indianness'; Peter Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800–1857* (Stanford, CA: Stanford University Press, 1996); Mark Thurner, *From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru* (Durham, NC: Duke University Press, 1997); Sanders, 'Belonging to the Great Granadan Family'; Charles Walker, *Smouldering Ashes: Cuzco and the Creation of Republican Peru, 1780–1840* (Durham, NC: Duke University Press, 1999); John Tutino, *From Insurrection to Revolution in Mexico: Social Bases of Agrarian Violence, 1750–1940* (Princeton, NJ: Princeton University Press, 1986); Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and the Mexican Struggle for Independence, 1810–1821* (Stanford, CA: Stanford University Press, 2001); Florencia Mallon, *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley, CA: University of California Press, 1995).

²⁴Anibal Quijano, 'Coloniality of Power, Eurocentrism and Latin America', *Nepantla: Views from South*, 1: 3 (2000), pp. 533–80; Stanley Stein and Barbara Stein, *The Colonial Heritage of Latin America: Essays on Economic Dependence in Perspective* (Oxford: Oxford University Press, 1970).

²⁵Brooke Larson, *Trials of Nation Making: Liberalism, Race and Ethnicity in the Andes, 1810–1910* (Cambridge: Cambridge University Press, 2004), pp. 81–90, 266. On surveyor ineptitude and malfeasance, see Aydée García-Mejía, 'The Transformation of the Indian Communities of the Bogotá Sabana during the Nineteenth Century Colombian Republic', unpubl. PhD diss., New School for Social Research, New York, 1989, pp. 53–64, 81, 92–4.

with them.²⁶ Indigenous people, far from being passive victims, actively participated in post-colonial state-building precisely because they, much like other members of the New Granada republic, understood, engaged and – through that engagement – shaped the growing points of access that the republic offered. One result has been that, however much official documents may sharply refract them, some indigenous actions and voices can be perceived through the governors' reports, provincial ordinances and national legislation seeking to regulate *resguardo* governance.

The article's next section underscores the complex contradictions in governance policies over *resguardos* in the transition from the late colonial period to the first republic of Colombia in the 1820s. The following section examines how the New Granada republic that emerged from the dissolution of the first Colombian republic in the 1830s produced national laws that experimented with the gendered dimensions of indigenous eligibility for *resguardo* lands. These experiments to create republican equity nevertheless threatened the long-standing patriarchal underpinnings of indigenous community life that developed under Spanish rule. I then tease out what a variety of republican actors expected from the scientifically trained surveyors who divided up communal *resguardo* lands. Land surveying turned into a science of equity, one that could accurately calculate the extent to which ecological, gendered, sociological and historical variables affected how much of a *resguardo* land parcel individual inhabitants would receive, given their place in the community. The following section suggests how the War of the Supremes probably inspired new national legislation on the administration of *resguardos* as it also forced New Granada officials to engage in the decentralisation of governance, from the national capital to the provinces. I finally focus on how decentralisation got the better of scientifically trained surveyors who tried to divide the *resguardos* located in the high plains surrounding Bogotá.

Early Experiments: *Resguardos* from the Bourbon Reforms to Gran Colombia

The legal creation of indigenous *resguardos* and efforts to break up and privatise *resguardo* lands are rooted in the period of Spanish rule. Any simple 'private property' versus 'communal lands' opposition would miss the nuances of native property practices, especially given the complexity of property rights and practices in the Americas prior to contact with Europeans.²⁷ As with other Spanish American kingdoms in the seventeenth century, the Audiencia in Bogotá set aside substantial tracts of land in the name of the Spanish Crown and granted Indian inhabitants usufruct rights. Produce from *resguardos* in Santa Fe, Tunja, Vélez and Sogamoso helped pay annual tribute taxes and supported local Church functions.²⁸ Royal legislation forbade non-Indians from living on or

²⁶James Sanders, *Contentious Republicans: Popular Politics, Race, and Class in Nineteenth-Century Colombia* (Durham, NC: Duke University Press, 2004); Safford, 'Race, Integration, and Progress', and del Castillo, 'Prefiriendo siempre á los agrimensores científicos'.

²⁷Allan Greer, *Property and Dispossession: Natives, Empires and Land in Early Modern North America* (Cambridge: Cambridge University Press, 2018), p. 114.

²⁸Phelan, *The People and the King*, p. 90.

renting *resguardo* lands and required Indians to live on *resguardos*. Mid-eighteenth-century inspections of Vélez and Tunja made clear that this segregation policy had broken down, if it had ever worked at all.²⁹ The exchange of products from *resguardo* lands, the labour provided by Indian *resguardo* inhabitants to their non-Indian neighbours and the leasing of *resguardo* lands by Indians to Spaniards, mestizos and mulattoes meant that *resguardos* had long been woven into the warp and weft of local and regional economies and migration patterns.

The Spanish Crown continued the policy of indigenous communal land holding in the 1750s, but rising costs of imperial defence demanded new sources of revenue. Unoccupied lands belonging to the Crown, including unproductive *resguardos*, could be sold. By the 1770s, this shift in policy meant that Crown authorities dis-established *resguardos* with smaller Indian populations, moving inhabitants to other *resguardos* so they could sell off the remaining lands to the highest bidder. Across the empire, several indigenous families tried defending their rights by invoking legal titles, loyalty, service and the need for legal protection of a 'miserable' class;³⁰ but they were up against creole elites and mestizos who demanded the Crown abolish *resguardos* altogether. These different sectors of the population did not explode in conflict against each other in New Granada, however. Instead, a common enemy was found: *mal gobierno*, or bad government. In 1781, thousands of Indians joined thousands more creoles and mestizos in armed rebellion against royal authorities who, in their eyes, had failed to rule effectively.³¹ Viceroy Antonio Caballero y Góngora, together with Regent Visitor General Juan Francisco Gutiérrez de Piñeres, found a temporary solution to the *resguardo* question, placating indigenous rebels. Although they did not reverse the sale of *resguardo* lands that had already taken place, any further sales were prohibited. As long as the King of Spain reigned over New Granada, *indios* were guaranteed *resguardo* lands. The wars of independence sparked by Napoleon's invasion of the Iberian peninsula in 1808 reopened the *resguardo* question.

After over a decade of warfare, those fighting for independence understood that any change in policy with respect to *resguardos* needed to address a strategic question: how to channel indigenous support away from the Spanish Crown and towards independence and republicanism. Simón Bolívar, for one, understood this clearly. On 20 May 1820, as president of Gran Colombia, he issued a decree that sought to pit the more numerous popular sectors within indigenous *resguardos* against the Spanish Monarchy and against the ruling Indian caciques who tended to support royalism. Bolívar argued that '*naturales* deserve the most paternalistic attentions on the part of the government because they were the most mistreated, oppressed and degraded [peoples] during the period of Spanish despotism'.³² Bolívar's '*naturales*' would be like all other free men in Gran Colombia, with one exception: only *naturales* would enjoy access to *resguardos*, or communally held

²⁹E.g. Report by Oidor [Judge] Andrés Verdugo y Oquendo, 7 May 1757, in *Anuario Colombiano de Historia Social y de la Cultura*, 1: 1 (1963), p. 170.

³⁰Rachel Sarah O'Toole, *Bound Lives: Africans, Indians, and the Making of Race in Colonial Peru* (Pittsburgh, PA: University of Pittsburgh Press, 2012), pp. 81–6.

³¹Phelan, *The People and the King*, pp. 89–94.

³²Bolívar, 'Mediante un decreto expedido en el Rosario de Cúcuta'.

land.³³ With these words, delivered in the wake of a significant military victory against royalists, Bolívar initiated the creation of a new identity for indigenous populations under a republic. The *naturales*, Bolívar's new word for *indios*, would be protected under republicanism.

Bolívar's 1820 decree came only months after Rafael del Riego's rebellion in peninsular Spain, which brought the Cádiz Constitution of 1812 back into effect throughout the Spanish Monarchy. The Cádiz Constitution, one of the most liberal documents of its time, had abolished Indian tribute. Royalist Indian elites opposed the ending of tribute collection. Tribute ensured *cabildo* heads' access to wealth produced on *resguardos* as well as their continued control over popular Indian sectors within *resguardos*.³⁴ Therefore, to incentivise popular support for the Spanish Crown against insurgents, the Cortes de Cádiz decreed in 1813 that certain portions of common lands would be parcelled out to the defenders of the '*patria*'.³⁵ Bolívar's decree of 1820 hence challenged the liberal Cortes by continuing the policy of *resguardos*, but with a republican twist.

Bolívar's decree assured the continuity of *resguardos* in a way that would have transformed their labour and resource relations. The people who most benefitted from the produce of the *resguardos* would not be limited to elite cacique families that controlled indigenous *cabildos*, or even those who supported independence by taking up arms against the Spanish. Instead, each indigenous family, regardless of status or duties served, would have equitable access to the wealth produced on communally held lands. Bolívar framed his decree as part of a republican effort to protect native populations. If implemented, the decree would have revolutionised access to *resguardo* resources, guaranteeing each and every indigenous family equitable access in ways unlike anything they had seen under the Spanish Monarchy.

The Congress of the first Colombian Republic agreed that *resguardo* resources needed to be redistributed among indigenous inhabitants. Its law of October 1821 nevertheless went further, abolishing *resguardos* altogether.³⁶ Ironically, this measure drew on the liberalism of the same Spanish government that Gran Colombia was fighting against. With the Cádiz liberal framework in mind, and with Bolívar's republican decree as a model, the Congress sought to score a

³³John Lynch dismisses this and other decrees by Bolívar on the Indian question, arguing that they 'were limited in scope and misguided in intent', because they made Indians only more vulnerable. See John Lynch, *Simón Bolívar: A Life* (New Haven, CT: Yale University Press, 2006), pp. 154–5. Bolívar was nevertheless well aware of the need to gain legitimacy among indigenous populations, and his decree reflects this.

³⁴Marcela Echeverri, 'Popular Royalists, Empire, and Politics in Southwestern New Granada, 1809–1819', *Hispanic American Historical Review*, 91: 2 (2011), pp. 237–69.

³⁵España, Cortes de Cádiz, Decreto CCXIV de 4 de enero de 1813: 'Sobre reducir los baldíos y otros terrenos comunes á dominio particular: Suertes concedidas á los defensores de la patria y á los ciudadanos no propietarios', in *Colección de los decretos y órdenes que han expedido las Cortes Generales y Extraordinarias desde 24 de mayo de 1812 hasta 24 de febrero de 1813*, vol. 3 (Cádiz: Imp. Nacional, 1813), available at http://www.cervantesvirtual.com/portales/constitucion_1812/obra-visor/coleccion-de-los-decretos-y-ordenes-que-han-expedido-las-cortes-generales-y-extraordinarias-desde-24-de-mayo-de-1812-hasta-24-de-febrero-de-1813-tomo-iii--0/html/0027c598-82b2-11df-acc7-002185ce6064_195.html, last access 19 Nov. 2018.

³⁶[Congreso General de Colombia], 'Ley 4 de octubre [1821] sobre estincion de los tributos de los *indijenas*, distribución de sus *resguardos*, y esenciones que se les conceden', in *Cuerpo de leyes de la república de Colombia* (Caracas: Impr. de V. Espinal, 1840), pp. 87–8.

moral victory against Spain by promulgating a law that abolished the 'tax known by the degrading name of tribute'.³⁷ *Resguardos* would be broken up, and, as per Bolívar's decree, each and every indigenous family would possess their fair share of *resguardo* land, yet rather than continue as part of a *resguardo*, as Bolívar had envisioned, these land parcels would become privately held property. This would all occur 'when circumstances permit, but before the end of five years'.³⁸

Five years came and five years went. Few, if any, *resguardos* were distributed to indigenous families. In 1827, one of Bolívar's secretaries travelled through the high plains around Bogotá and Tunja. His report on his journey through Boyacá underscored how local authorities, or *jueces políticos*, had evaded their responsibilities. Among the litany of civic sins they had committed was 'apathy and indolence ... in carrying out their duties, [and] lack of compliance with the law on the distribution of lands to the *indígenas*'.³⁹ This lack of compliance might have frustrated members of the 1821 Gran Colombian Congress, who had insisted on the divisions and privatisation of *resguardos*, but it did not necessarily upset indigenous peoples themselves. Although the historical record does not easily yield up the voices of native people who actively and directly opposed the 1821 law passed by Congress, delays by those charged with carrying out the law may begin to suggest local indigenous opposition, particularly elite *cabildo* opposition.

Bolívar recognised the significance of native opposition to *resguardo* privatisation for the Gran Colombian independence project. Upon assuming dictatorial powers in September 1828, he annulled the congressional law of 1821 abolishing *resguardos*, arguing that the measure worsened the condition of indigenous people.⁴⁰ Building on his decree granting equitable access to *resguardo* resources for all indigenous inhabitants, he authorised enhanced rights and protections for indigenous communal landholding. In return, he required a voluntary 'personal contribution from *indígenas*', a republican term for tribute.⁴¹ By bringing back tribute, Bolívar not only developed a mechanism that would allow him to gauge the extent of indigenous support for independence, he also found a source of revenue that could help finance the Gran Colombian front of the war of independence. The Gran Colombian government upheld Bolívar's 1828 decree. The collection of republican tribute from indigenous people continued as late as 1832 in New Granada, well after Bolívar had died and the first Colombian Republic had dissolved.⁴²

As noted above, when the Spanish Monarchy had altered its policies on *resguardos* in the late eighteenth century, violence ensued in the form of the Comunero Revolution, and the Crown learned its lesson. The question of *resguardos* and

³⁷*Ibid.* For the liberalism of the Cortes de Cádiz, see Jaime O. Rodríguez, 'We Are Now the True Spaniards': *Sovereignty, Revolution, Independence, and the Emergence of the Federal Republic of Mexico, 1808–1824* (Stanford, CA: Stanford University Press, 2012).

³⁸Congreso General de Colombia, 'Ley 4 de octubre [1821] sobre estincion de los tributos'.

³⁹'Boyacá', in Suplemento a la *Gaceta de Colombia*, no. 284, 25 March 1827.

⁴⁰'Decreto del Poder Ejecutivo', *Gaceta de Colombia*, no. 379, 19 Dec. 1828, trimestre 30.

⁴¹*Ibid.*

⁴²'Tesorería Departamental de Cundinamarca', *Gaceta de Colombia*, no. 545, 16 Oct. 1831, trimestre 43; 'Tesorería de Bogotá', *Gaceta de la Nueva Granada* (hereafter GNG), no. 11, 5 Feb. 1832, trimestre 1; 'Nombramientos en el ramo de hacienda ...', GNG, no. 15, 19 Feb. 1832.

tribute came to be at the centre of how the Spanish Monarchy recruited popular sectors towards royalism during the period of independence.⁴³ The contradictions between Bolívar's decrees and congressional laws reveal how early republican experiments with policies on *resguardos* also formed part of their effort to win support for independence and republicanism. Contradictions in decrees, laws and policies regulating *resguardos* would only increase after independence, as the case of the New Granada republic illustrates.

Legislative Experiments with Gendered Equity in New Granada *Resguardos*

With the end of Bolívar's dictatorship and the dissolution of the first Colombian Republic in 1830 came the constitutional convention that gave form to New Granada in 1832. Beyond providing checks and balances between the legislative, judicial and executive branches at the national level, New Granada's constitution outlined the functions of government.⁴⁴ Indigenous *resguardos* and tribute payments became a priority.⁴⁵ Lawmakers claimed that several *granadino* citizens, 'known by the name of *indígenas*', complained about the imposition of a personal contribution by Bolívar's 'dictatorial government' in 1828.⁴⁶ Apparently in response to indigenous complaints, the newly formed Congress passed a national law in 1832 ending the collection of indigenous contributions, arguing that the only way to fully 'emancipate' indigenous populations from the 'degrading' state in which they subsisted as a result of Spanish colonial rule was to abolish communal lands.⁴⁷ That same Congress then passed another law regulating the *resguardo* land surveys and partitions that would aid in their ultimate privatisation.⁴⁸

An entire generation of jurists and lawmakers argued that New Granada's future as a republic depended on avoiding what they diagnosed as a colonial-era legacy: the perpetuation of a parallel and separate *república de indios* within the polity.⁴⁹ The ills suffered by *indios* under Spanish colonial rule were widely accepted as sociological fact among several Spanish American intellectuals including the noted jurist, José María Samper.⁵⁰ Samper argued that communal, indivisible indigenous landholding had discouraged colonial-era *indios* from working in anything other than agriculture. Most deplorably, he argued, colonial-era laws on *resguardos* isolated indigenous peoples from society at large. The effect of these laws and practices perpetuated what Samper called '*autogenésia [sic] de la raza*', or a legal, institutional situation that forced indigenous peoples to avoid mixing with people of a

⁴³Echeverri, 'Popular Royalists, Empire, and Politics in Southwestern New Granada'.

⁴⁴Nueva Granada, *Constitución Política del Estado de Nueva Granada de 1832*, in Biblioteca Virtual Miguel de Cervantes, available at http://www.cervantesvirtual.com/obra-visor/colombia-21/html/0260fdcf-82b2-11df-acc7-002185ce6064_1.html#I_1_, last access 19 Nov. 2018.

⁴⁵GNG, no. 9, 29 Jan. 1832, trimestre 1.

⁴⁶*Ibid.*

⁴⁷*Ibid.*

⁴⁸For the law, see Lei 2.– Marzo 6 de 1832: 'Sobre repartimiento de los *resguardos* de *indígenas*', in Pombo (ed.), *Recopilación de leyes de la Nueva Granada*, pp. 100–1.

⁴⁹Thurner, *From Two Republics to One Divided*.

⁵⁰Samper, *Ensayo*, pp. 60–4.

different 'raza ó casta'.⁵¹ *Resguardos* restricted human exchange and reproduction as well as the functioning of the market for land. The effective distribution and privatisation of *resguardos* became a critical site of democratic republican experimentation. Legislators passed a series of laws in the 1830s seeking to transform republican *indígenas* into citizens like all others.

Confusion quickly ensued after the first set of *resguardo* laws were passed in 1832. Tribute, after all, determined who was eligible to receive a *resguardo* land parcel, yet tribute had been legally abolished in 1821. Although Bolívar reinstated a personal contribution for indigenous people in 1828, determinations of eligibility were nevertheless unclear given the gap in tribute collection. New Granada's Department of the Treasury tried to clarify the situation by asking provincial officials if they had received personal contributions from *indígenas*, what measures they had adopted to collect the contribution and, if they had not done so, why not.⁵² Adding to the confusion was the fact that *resguardo* lands had long been intricately woven into local mestizo economies, well beyond the usufruct that indigenous families derived from them. The 1832 legislation threatened to alter the warp and weft of those economies. Two years later, apparently in response to an overwhelming cascade of complaints unleashed by the 1832 legislation, the New Granada Congress tried to clear up the confusion by passing yet another law.⁵³

The most difficult question the new 1834 national law tried to settle was who was eligible to receive a parcel of *resguardo* land. Despite efforts to abolish them, tribute payments became the principal way Congress determined eligibility. The gendered detail of this legislation reveals how well versed national lawmakers were in the Spanish Crown's methods for collecting tribute. Perhaps they had personal experience with tribute collection in the period prior to independence. Alternatively, indigenous people, perhaps through their spokespersons, may have described the history and processes of tribute collection to lawmakers. Nevertheless, we do know that the 1834 law stipulated that tribute-paying indigenous males or those males who served on the indigenous *cabildo* and the families of these individuals were eligible to receive *resguardo* lands.⁵⁴ These men could claim lands for themselves and for all of their legitimate children, no matter whom they married. Emancipated – i.e. non-tribute-paying – men whose fathers had paid tribute could claim *resguardo* lands for themselves but did not have the right to do so for their children. Women posed a more complex problem. Women had never paid tribute nor were they allowed to serve on *cabildos* under the Spanish Crown. However, as daughters and wives of tribute-paying men or *cabildo* members they counted as emancipated non-tribute-paying indigenous men, but with a significant difference. The illegitimate children borne by these women did have a right to *resguardo* lands, unlike any children fathered by emancipated indigenous men. However, if an eligible indigenous woman married a 'vecino' – or non-tribute paying male – that woman could obtain *resguardo* lands only for herself, and not

⁵¹*Ibid.*, p. 63.

⁵²*Gaceta de Colombia*, no. 530, 21 Aug. 1831, trimestre 42.

⁵³Lei 3.– Junio 2 de 1834: 'Adicional á las leyes sobre repartimiento de los resguardos de indíjenas'.

⁵⁴*Ibid.*

for the legitimate children born of that marriage. All *resguardo* land parcels distributed to all eligible *indígenas* would become private property after ten years.

This national legislative experiment would not only transform inalienable indigenous usufruct rights into private property, it would do so in ways that amounted to a gendered revolution in land tenure. Families headed by single mothers with illegitimate children would have as equal a share in *resguardo* lands as families headed by the wealthiest married tribute-paying male or the most powerful indigenous male *cabildo* leader. Not only did this law raise the status of unwed indigenous mothers as compared to that of indigenous males, it also potentially discouraged marriage for indigenous women who wished to ensure *resguardo* lands for themselves and their children. As James Sanders has demonstrated for the Cauca region, marriage as sanctioned through Catholicism granted indigenous males the ability to control dependent women and children, thereby legitimising indigenous male citizenship.⁵⁵ The 1834 law, which sought economic equity among all eligible indigenous people, including women, threatened the patriarchal ideological and structural system upon which indigenous communities rested.

Beyond the gendered detail in eligibility requirements that the 1834 law evinces, the law's articles also reveal the array of complications that arose from the deep entanglements between *resguardos* and local economies. Although lands that paid for religious services needed to be accounted for in surveys, the parts of *resguardos* that had been mortgaged out to pay for outstanding debts could not be. Litigants were afforded specific access points they could appeal to should disputes arise over *resguardo* surveys. They included provincial judges, provincial legislatures, provincial governors, the local protector of *indígenas* and cantonal *jueces políticos*. Finally, the 1834 law provided for the kind of expert knowledge *resguardo* land surveyors needed to possess. Scientifically trained surveyors were always to be preferred.⁵⁶ Such legislation was in the spirit of ensuring an equitable process: these surveyors would yield the best possible results for this republican experiment.

The Meaning of 'Scientifically Trained Surveyor'

The same year the detailed 1834 law on *resguardo* partitions came out, Lorenzo María Lleras (1811–68), a noted educator and intellectual, published a 33-page booklet entitled *Catecismo de agrimensura, apropiado al uso de los granadinos*.⁵⁷ As a former provincial lawyer and government official, Lleras understood the reality of indigenous *resguardo* divisions all too well.⁵⁸ Several of Lleras'

⁵⁵Sanders, 'Belonging to the Great Granadan Family', p. 68.

⁵⁶Art. 5, Lei 3.– Junio 2 de 1834, p. 101.

⁵⁷Lorenzo María Lleras, *Catecismo de agrimensura, apropiado al uso de los granadinos* (Bogotá: Imprenta de la Universidad, 1834), in Biblioteca Nacional de Colombia (hereafter BNC), Fondo Anselmo Pineda, 711, pieza 9, available at http://catalogoonline.bibliotecanacional.gov.co/client/es_ES/search/asset/75118/0, last access 19 Nov. 2018.

⁵⁸See Victor Uribe-Uran, *Honorable Lives: Lawyers, Family and Politics in Colombia, 1780–1850* (Pittsburgh, PA: University of Pittsburgh Press, 2000), p. 193; Jaime Torres Sánchez and Luz Amanda Salazar Hurtado, *Introducción a la historia de la ingeniería y de la educación en Colombia* (Bogotá: Universidad Nacional, 2002), p. 194.

contemporaries agreed that properly trained surveyors would solve the problems associated with *resguardo* partitioning. For instance, the Colegio de San Bartolomé, New Granada's first institution of higher learning, began holding public exams to test its students on a range of topics, including the survey of indigenous *resguardos*.⁵⁹ Lleras joined other liberal-minded Spanish Americans of his generation in the belief that the equitable distribution of *resguardo* land among *indígenas* was critical for republicanism.

Lleras considered that equitable land parcelling required surveying the *resguardo* in its entirety using accurate instruments and geometrical calculations. Lands with different levels of fertility, elevation and/or location could then be assigned value; it was not the same to own an acre of well irrigated river-valley land in the savannah as an acre in a high, treeless plateau. Equal size in land plots did not mean equity.⁶⁰ To properly assign value, a surveyor needed to know the economic and environmental history of the different lands contained within a *resguardo*. This included taking stock of the improvements tenants had made to the plot they inhabited, the kinds of crops grown on different parts of the *resguardo*, the parts of the *resguardo* used for pasture and how elevation and proximity to water affected the potential value of a tract of land. Once this array of land variables was accounted for, the surveyor then had to identify eligible *indígenas*.

Scientifically trained surveyors needed to be careful interpreters of New Granada laws when taking a census of eligible *indígenas*. As Lleras explained, 'The law only says that one must keep in mind the number of individuals, but if the law had wanted that distribution to be made among them equally, then it would have stated as much without leaving room for doubt.'⁶¹ Lleras considered that parishes that allocated an equal share to each member of each indigenous family had produced unfair results, since 'it does not seem fair that individuals that have such different rights and obligations in society should be equal to each other'.⁶² Lleras offered what he considered to be a prudent alternative so that 'equity could be achieved without infringing the law'.⁶³ Lleras' solution offered an abstract formula that had, as its base, the single tribute-paying male with no family.⁶⁴ If a surveyor considered that different family members deserved less of a share of *resguardo* land than this base unit, then the surveyor could count those less-deserving individuals as fractions. Rather than give geometrically equal plots of land to each inhabitant of a *resguardo*, Lleras proposed that a scientifically trained surveyor needed to engage in a form of sociological research within the *resguardo*. Indigenous *cabildo* heads in New Granada were required by law to accompany the surveyor in order to explain the various aspects of community life, and they were to do so without

⁵⁹Colección de asertos de las materias que se defenderán en certámenes públicos en el Colegio de San Bartolomé ... (Bogotá: Nicolás Gómez, 1835), p. 16, catalogued by the BNC, Fondo Anselmo Pineda, 887, pieza 45. For the history of the Colegio de San Bartolomé, see Roberto de Zubiria, *Antonio Vargas Reyes y la medicina del siglo XIX en Colombia* (Bogotá: Academia Nacional de Medicina, 2002), pp. 41–5.

⁶⁰Lleras, *Catecismo*, pp. 1–29.

⁶¹*Ibid.*, pp. 29–30.

⁶²*Ibid.*, pp. 29, 30.

⁶³*Ibid.*, p. 30.

⁶⁴*Ibid.*

any compensation.⁶⁵ That they did so points to the importance of the endeavour. Surveyors learned about the roles and responsibilities of *resguardo indígenas* to determine the appropriate amount of land an indigenous family received.

A close reading of governors' reports reveals that both governors and indigenous *cabildo* members understood the significance of selecting a surveyor to divide *resguardo* lands. Governors preferred scientifically trained surveyors, i.e. surveyors who could prove their educational credentials by submitting their diplomas to the governor, or passing a series of tests administered by the provincial government, or both. The problem was that, when they were not resisting the survey process in its entirety, indigenous *cabildo* heads would insist that untrained surveyors carry out the work. In his 1835 report to the Bogotá legislative chamber, Governor José María Mantilla complained about the obstacles indigenous *cabildos* posed to hiring trained surveyors. He described the *cabildos de indígenas* as corporations made up of influential individuals who had long held control over the majority of the territories in the *resguardos*. 'It was natural that these corporations ... resist a measure that was directly opposed to their personal interests', explained Mantilla. 'For this reason', he continued, 'not only do they not cooperate in any way, but they also try to evade the division of the *resguardo* by suggesting individuals who are the least prepared to carry out the work of surveying in the way it should be done'.⁶⁶ From Governor Mantilla's perspective, elite indigenous *cabildo* members who enjoyed control over *resguardo* land and resources either resisted *resguardo* partitions outright, or tried to delay the process by selecting surveyors Mantilla deemed ineffectual.

There may have been other reasons for indigenous *cabildo* resistance to hiring scientifically trained surveyors. As Ray Craib has suggested for the Mexican case, villagers understood the implications of surveys for the lands they inhabited and worked.⁶⁷ Although the question requires further research within the context of New Granada, it is reasonable to assume that the republic's surveyors could potentially turn *resguardos* into discrete plots of land that did not necessarily – if at all – coincide with the ways local people put land to use. A plausible reason explaining indigenous *cabildo* resistance to hiring trained surveyors in particular may come down to the bottom line. The salaries for evaluators and surveyors in New Granada were set according to the 1824 national law on duties.⁶⁸ While untrained surveyors could earn up to 4 *reales* for every hour of work, trained surveyors earned 16 *reales* per hour and 8 *reales* for each part of an hour thereafter.⁶⁹ Scientifically trained surveyors increased the cost of the survey, one borne by the indigenous community in question.

⁶⁵ *El Constitucional de Cundinamarca* (Bogotá), 6 Nov. 1836, pp. 195–6.

⁶⁶ José María Mantilla, *Esposición que el general José María Mantilla, gobernador interino de la provincia de Bogotá, presenta a la cámara de la misma en sus sesiones de 1835* (Bogotá: Nicomedes Lora, 1835), pp. 17–18, catalogued by the BNC, Fondo Anselmo Pineda, 242, pieza 1, available at http://catalogoenlinea.bibliotecanacional.gov.co/client/es_ES/search/asset/78620/0, last access 5 Dec. 2018.

⁶⁷ Craib, *Cartographic Mexico*, p. 115.

⁶⁸ Art. 4, Lei 3.– Junio 2 de 1834, p. 101.

⁶⁹ Art. 146, Cap. 21, 'Concluye la ley que fija los derechos que corresponden a los jueces ...', *Gaceta de Colombia*, no. 164, 5 Dec. 1824, trimestre 13.

Governor Mantilla's vision of a republic of equal citizens seems to have made him oblivious to the economic hardship a scientifically trained surveyor would bring to indigenous communities. He also was dismissive of indigenous *cabildo* participation in the selection of a surveyor. Mantilla seemed to think that *cabildo* insistence on hiring surveyors who lacked training was due to an effort on the part of indigenous elites to undermine the process overall by allowing inaccuracies to creep in. Mantilla therefore proposed the nullification of all contracts with existing surveyors so that formally trained surveyors could replace them. With trained professionals, and with clear instructions defined by the Bogotá chamber, Mantilla believed Bogotá *resguardos* could be surveyed and parcelled out within the year.⁷⁰ Governor Ramón Villoría succeeded Mantilla in 1836. He also insisted that delays in *resguardo* privatisation in Bogotá were caused by the ineptitude and lethargy of poorly trained surveyors and indigenous *cabildo* resistance. He argued that the only solution was to grant the governorship total control over the naming of these surveyors without having to accept the proposals coming from the *jefes políticos*, or the representatives of the executive branch in the cantons who, according to national law, needed to consult with the *cabildo de indígenas*.⁷¹

Tensions mounted. *Cabildo* leaders, spokespersons for *resguardo* communities, individual *indígenas*, the array of state actors regulating *resguardo* partitions and people with no legal claim to indigenous identity yet whose economic interests were tied to *resguardos* all increasingly faced off against one another. Provincial governors bore the brunt of claims, counter-claims and complaints. Yet another governor of Bogotá, Alfonso Acevedo, grumbled to the provincial legislature that at least half his workday was dedicated to handling *resguardo*-related problems. His words echoed those of dozens of overwhelmed provincial governors: 'The stupidity of the Indians, the avarice of some whites and the ignorance of the majority of the surveyors has produced such commotion and confusion in the partitioning, that a magistrate dedicated solely to the quick execution of all the processes related to the survey and distribution of *resguardos* is needed.'⁷²

In October 1836, Bogotá's provincial legislature complied with governor recommendations by issuing an ordinance stipulating that 'the Governor will name the surveyor to each parish without the need for proposals'.⁷³ This essentially foreclosed indigenous *cabildo* consultation when the time came to select a surveyor, a measure that went directly against the law of 1834.⁷⁴ But because that law stipulated that scientifically trained surveyors were always to be preferred, the Bogotá ordinance had grounds to stand. Still, by 1839, 17 years since the first independent republican law ending tribute and dissolving *resguardos* had passed, and three years

⁷⁰*Ibid.*

⁷¹Ramón Villoría, 'Extracto de la esposición de la provincial de Bogotá, presentado por su gobernador interino, Dr. Ramón Villoría a la Cámara Provincial en sus sesiones de este año', *Gaceta de la Nueva Granada* (Bogotá), 22 Oct. 1837, catalogued in BNC, Fondo Anselmo Pineda, VFDUI-1574, pieza 1.

⁷²Alfonso Acevedo, *Memoria del Gobernador de Bogotá a la Cámara Provincial en sus sesiones de 1843* (Bogotá: n.p., 1843), BNC, Fondo Anselmo Pineda, 733, pieza 9.

⁷³'El Gobernador nombrará agrimensores para cada distrito parroquial, sin necesidad de propuesta': in Art. 16, Cap. 3, *Ordenanza 15 Sobre repartimiento de resguardos indígenas*, 3 Oct. 1836, BNC, Fondo Antiguo, VFDUI-349fa.

⁷⁴Lei 3.- Junio 2 de 1834.

after the Bogotá ordinance demanding that only trained surveyors be hired, most *resguardos* in the province had yet to be successfully surveyed and partitioned.

Bogotá was not the only province facing delays. As Minister of the Interior Pedro Alcántara Herrán noted, each province, and even each canton within each province, had different concerns and needs. He echoed complaints from an array of provincial officials about the lack of trained surveyors, and underscored how, even for trained experts, the job was complicated given the legal requirement that each indigenous family receive an equitable share of *resguardo* land. Resistance from the indigenous *cabildos* on this point was palpable in Alcántara Herrán's report. The minister proposed that the best measure would be to nullify existing laws, and instead issue a new, broader law that allowed provincial authorities more leeway in determining how to carry out the process.⁷⁵ Furthermore, because so many provincial reports had identified *cabildos de indígenas* as responsible for delaying the process of *resguardo* partitions, Alcántara Herrán suggested that these *cabildos* be abolished. The proposal was tempting. The New Granada Senate in 1840 contemplated such a bill. The bill never became law.⁷⁶

The War of the Supremes and the Return of the *República de Indios*

As the bill seeking to abolish indigenous *cabildos* was winding its way through Congress, the first civil war since the dissolution of the first Colombian Republic exploded in New Granada. Now known as the War of the Supremes, after the self-proclaimed title assumed by the 'Supreme' leaders of provincial armies, the war continued the fragmenting territorial logic unleashed by Napoleon's invasion of the Iberian peninsula 30 years earlier.⁷⁷ Only the provinces of Bogotá and Neiva remained loyal to the central government from 1839 to 1842. Indigenous populations in the provinces of Pasto, Cauca and Santa Marta joined the armed struggle. As the conflict drew to a close, the forces for the central state violently and systematically executed several indigenous leaders, yet the threat of armed revolt by indigenous peoples continued.⁷⁸ The intricacies of this war and its broader impact on New Granada state formation merit further study. This section, however, focuses on how armed indigenous mobilisation, together with provincial rejection

⁷⁵Pedro Alcántara Herrán, *Exposición del Secretario de Estado en el Despacho del Interior i Relaciones Exteriores del Gobierno de la Nueva Granada, al Congreso Constitucional del año de 1839* (Bogotá: Imp. de N. Lora, 1839), pp. 49–51, catalogued in BNC, Fondo Vergara, 264, pieza 3.

⁷⁶*Diario de Debates de la Camara del Senado en sus sesiones del año de 1840*, pp. 1–2, BNC, Fondo Anselmo Pineda, 365, pieza 1, available at: http://catalogoenlinea.bibliotecanacional.gov.co/client/es_ES/search/asset/88558/0, last access 3 Feb. 2019.

⁷⁷For the fragmenting logic unleashed in New Granada by the abdication of the Spanish kings to Napoleon, see Daniel Gutiérrez Ardila, *Un nuevo reino: Geografía política, pactismo y diplomacia durante el interregno en Nueva Granada (1808–1816)* (Bogotá: Universidad Externado de Colombia, 2010), pp. 41–234. For the War of the Supremes, see Uribe de Hincapié and López Lopera, *Las palabras de la guerra*, pp. 53–196; Rebecca Earle, 'The War of the Supremes: Border Conflict, Religious Crusade or Simply Politics by Other Means?', in Rebecca Earle (ed.), *Rumours of Wars: Civil Conflict in Nineteenth-Century Latin America* (London: Brookings Institution Press, 2000), pp. 119–34.

⁷⁸Repression went beyond indigenous guerrillas to include the men fleeing slavery in Cauca who also joined General José María Obando against the central government. See Uribe de Hincapié and López Lopera, *Las palabras de la guerra*, pp. 95–7.

of the central authority in Bogotá, impacted republican experiments with *resguardo* governance and privatisation at the national level.

One year after the war ended, New Granada's legislative branch did an about-face on Minister Alcántara Herrán's recommendation that indigenous *cabildos* be suppressed. The national law passed on 23 June 1843 offered new regulations on *resguardo* governance.⁷⁹ Incidentally, 1843 was to be the year that indigenous people would finally be able to assume private ownership of their land parcels across New Granada. Although indigenous *resguardo* members were legally barred from selling their allocated land parcels, lawmakers reported how several indigenous individuals had already treated their allocated land parcel as their private property prior to the passage of the 1843 law. Congress declared the sales illegal, arguing that they harmed the interests of *indígenas*. The law then delayed the date indigenous people could assume private ownership for another 20 years (until 1863). The new law also included provisions that indigenous populations would have found remarkably similar to those from the period of monarchical rule. For instance, the law clarified the role of the *protectores de indios* in the republic, a post that existed under the Spanish Monarchy.⁸⁰ For all their efforts to forge equal citizens out of indigenous people within a republic, New Granada legislators, wary following the destabilising effects of the recent civil war, recognised the value of returning to colonial-era mechanisms as a way of striking a republican bargain that appeased a significantly powerful portion of the population: indigenous *cabildo* leaders.

Perhaps there was some truth to the observations made by provincial governors in the 1830s that indigenous *cabildo* interests were negatively affected by the republican impulse towards economic equity in *resguardos*. This impulse, which was rooted in Bolívar's effort to secure mass support for the independent republican cause, had the potential to spark social and economic transformations within *resguardos*. Early republicans noted how powerful indigenous *cabildo* leaders and their wealthy families feared that they would lose control over how *resguardo* lands could be used, and especially the income that could come from renting the lands out. And yet, by mid-century, the *resguardo* inhabitants who did not necessarily enjoy indigenous *cabildo* patronage nevertheless did understand the levers of the state they could lean on to enable them to sell their lands. Consider how in June 1848, despite the passage of the 1843 law – or perhaps because of it – a group calling themselves the 'indios de Chopo' petitioned New Granada's House of Representatives for permission to sell the lands they had been assigned during the partitioning of their *resguardo*.⁸¹ It is likely that graft, greed and corruption on the part of surveyors, government functionaries and other non-indigenous people with an interest in *resguardo* lands resulted in unfavourable outcomes for scores of indigenous individuals who sold their *resguardo* land parcels. Nonetheless, it is also worth noting how some land sales may have benefitted some *resguardo* members, much to the chagrin of elite male indigenous *cabildo* leaders who lost control

⁷⁹Lei 4.– Junio 23 de 1843: 'Sobre proteccion á los indíjenas', in Pombo (ed.), *Recopilación de leyes de la Nueva Granada*, pp. 102–3.

⁸⁰Art. 7 in *ibid.*, p. 103. For this post under Spanish rule, see Mauricio Novoa, *The Protectors of Indians in the Royal Audience of Lima: History, Careers and Legal Culture, 1575–1775* (Leiden: Brill Nijhoff, 2016).

⁸¹'Cuadro de los negocios que se han pasado a la segunda comision de peticiones ...', *Gaceta Oficial* (Bogotá), no. 984, 1 June 1848, p. 340.

over those lands. Just as some sectors within indigenous *resguardos* sought to bypass the 1843 national laws delaying *resguardo* privatisation, several government officials experimented with ways to work around the robust protections for indigenous *cabildos* enacted by the 1843 legislation.

Decentralisation offered a tempting solution. If the War of the Supremes had taught central authorities anything it was that provincial authorities demanded autonomy. Also by the 1840s, as province after province opted out of the *resguardo* survey and partitioning process, some national authorities believed government decentralisation could perhaps work towards solving the problem of *resguardo* privatisation.⁸² In 1848, New Granada's Minister of the Interior, Manuel María Mallarino, proposed that the national government desist from overseeing the *resguardo* survey and partitioning process. He argued that a more decentralised approach was needed: 'Provincial authorities should, to the exclusion of all other official powers, be in charge of this business that is by its very nature so complex.'⁸³ He admitted that abuses would undoubtedly occur, but the current system had not resolved abuses either. Besides, all reports detailing *resguardo* problems came from local agents anyway; they were the only eyes through which the national government could see. Within one year, it seems Mallarino's proposal bore fruit. In his report to Congress, he noted that ever since his office had devolved all responsibility regarding *resguardos* to the provinces, the process was finally beginning to proceed at a reasonable pace. 'Every day I find new reasons to congratulate myself for excising this [*resguardo*] and other business from the action of the central government.'⁸⁴ Despite Mallarino's optimistic view, and as the following section demonstrates, decentralisation helped keep *resguardos* intact, even when the most outstanding, well-trained scientific surveyors were put to the task of partitioning them.

Decentralisation Foils Trained Expertise

The problems of surveying indigenous *resguardos* in the high plains surrounding Bogotá so overwhelmed provincial government offices that Bogotá's legislature suspended all *resguardo* surveys in 1848.⁸⁵ After Minister Mallarino called for the decentralisation of *resguardo* partitions, newly elected Governor of Bogotá Vicente Lombana informed the provincial chamber that successful *resguardo* partitioning was at hand. His 1849 report was printed in the province's official

⁸²Art. 21, Lei 3.– Junio 2 de 1834: 'Adicional á las leyes sobre repartimiento'. For a selection of provinces that delayed or suspended *resguardo* partitioning by the 1840s, see 'Extracto de la exposición que el jefe político encargado de la Gobernación de Neiva presentó a la Camara', *Gaceta Oficial*, no. 1027, 18 Feb. 1849, trimestre 72, p. 49; 'Informe que el Gobernador de Tuquerres presenta a la H. Camara Provincial', *Gaceta Oficial*, no. 969, 6 April 1848, trimestre 69, pp. 217–21, here p. 221; 'Extracto de la exposición que el Gobernador del Chocó presenta a la Camara Provincial en su última reunion', *Gaceta Oficial*, no. 1024, 28 Jan. 1849, p. 26.

⁸³'Informe del Secretario de Relaciones Exteriores i Mejoras Internas', *Gaceta Oficial*, no. 979, 14 May 1848, pp. 300–4, here p. 302.

⁸⁴'Informe del Secretario de Gobierno al Congreso Constitucional de 1849', *Gaceta Oficial*, no. 1032, 25 March 1849, trimestre 72, pp. 93–8, here p. 95.

⁸⁵*Ordenanza 47 de 5 de Octubre de 1848* (Bogotá), BNC, Fondo Caro, 2057.

newspaper, *El Constitucional de Cundinamarca*. By serendipitous coincidence, the issue preserved in the Biblioteca Luis Ángel Arango is autographed by Governor Lombana himself and is dedicated to ‘Commander Agustín Codazzi, Inspector of the Colegio Militar [Military School]’.⁸⁶ This archival trace underscores how Governor Lombana understood that the national military school and its inspector would play a critical role in the surveying and mapping of the province.⁸⁷ The outstanding scientific expertise of New Granada’s elite military school would produce the effective and equitable republican distribution of *resguardo* lands among all eligible inhabitants in Bogotá province.

Arguably, the training that Colegio Militar cadets received in the 1850s was rooted in the republican needs articulated by legislators and educators a generation earlier. Lorenzo María Lleras’ *Catecismo* offered surveying lessons in the abstract through a manual that Colegio San Bartolomé students probably studied in their classrooms in the 1830s. Starting in the 1850s, Agustín Codazzi taught several military school cadets through hands-on mapping of Bogotá’s urban space, rural common lands and proposed roads in the national capital.⁸⁸ Codazzi sold the merits of the school by arguing in the national newspaper that Colegio Militar graduates would successfully survey lands, providing clear boundaries so as to avoid conflict.⁸⁹ Of all possible candidates, military school graduates possessed sophisticated training that would finally allow for the effective, fair, legal and equitable division and distribution of *resguardos* once and for all. This was precisely because Colegio Militar graduates would most effectively include necessary gendered, historical, sociological and ecological variables in their surveying work. Sophisticated training in tabular calculations, a method they learned from the Minister of the Interior, Lino de Pombo, would allow graduates to relate these variables to each other.⁹⁰ The location of the school in Bogotá facilitated the logistics of hiring these scientifically trained individuals to survey the *resguardos* in the high plains surrounding that city.

The stage was set in the savannah of Bogotá for the positive role Colegio Militar-trained surveyors could play in the effective and equitable distribution of *resguardo* lands (see [Figure 1](#)). One of the more successful graduates, Manuel Ponce de León, led his classmates in taking on those *resguardos*.⁹¹ Ponce’s proposal eventually became the template for drawing up subsequent *resguardo* partitioning contracts in Bogotá.⁹² Ponce, together with his business partner Joaquín Solano Ricaurte, won the contracts to survey and distribute the

⁸⁶Hand-written dedication at the top of *El Constitucional de Cundinamarca* (Bogotá), 24 Sept. 1849, in Biblioteca Luis Ángel Arango, Bogotá, Fondo Hemeroteca, no. topográfico 32819.

⁸⁷Nancy Appelbaum, *Mapping the Country of Regions: The Chorographic Commission of Nineteenth-Century Colombia* (Chapel Hill, NC: University of North Carolina Press, 2016).

⁸⁸For maps drawn by Colegio Militar students, see Archivo General de la Nación (AGN): Sección Mapas y Planos (SMP) 1, ref. 67; SMP 1, ref. 69; SMP 1, ref. 143; SMP 2, ref. 1246; SMP 2, ref. 1–21; SMP 6, ref. 142; SMP 6, ref. 246; SMP 6, ref. 242 bis.

⁸⁹Agustín Codazzi, ‘No oficial: Colegio Militar’, *Gaceta Oficial*, no. 1028, 25 Feb. 1849, pp. 62–4.

⁹⁰Luis Carlos Arboleda, ‘Introducción del sistema métrico decimal en Colombia a mediados del siglo XIX’, *Cuadernos de Investigación y Formación en Educación Matemática*, 9: 12 (2014), pp. 73–86.

⁹¹Manuel Ponce [de León], ‘Representación’, *El Constitucional de Cundinamarca* (Bogotá), 22 Nov. 1851, p. 201.

⁹²Januario Salgar, ‘Invitación’, *El Constitucional de Cundinamarca* (Bogotá), 3 Jan. 1852, p. 4.

resguardos of Engativá, Suba, Fontibón, Cota, Usme, Tocancipá, Cucunubá and Ubaté.⁹³ Joaquín Barriga, another noted graduate of the Colegio Militar, won the contracts to survey the *resguardos* of Anolaima and Cipacón nearby. The newly elected governor of Bogotá, Rafael Mendoza, boldly predicted positive results from the conscientious work of these trained engineers: 'I have no doubt that after the course of one year, the period of their contract, not a single indigenous person will be left in the province that will not be able to make use of their right to freely dispose of their properties, in line with the principles of a liberal system.'⁹⁴ Governor Mendoza joined elites in championing the efficient probity and skills of the military school graduates.⁹⁵ These young men would finally bring an end to *resguardos* in the high plains surrounding Bogotá.

And yet, during the short time of Governor Mendoza's tenure, as the Solano, Ponce and Barriga surveys were under way, problems emerged. Ponce and Solano had originally agreed in their 1852 contracts that they would conclude their operations within the year. But in February of 1853 they requested a six-month extension. They cited unseasonable rains as their excuse.⁹⁶ Nature was not the only force working against them.

The most significant obstacle proved to be the same experimentation with decentralisation that the national state had set in motion starting in the 1840s. From 1845 to 1853, New Granada sought to move government closer to the people by increasing the number of provincial governments from 20 to 36. This territorial transformation formed part of several mid-century efforts to decentralize governance in New Granada.⁹⁷ Experiments with the decentralisation of republican governance were most keenly felt in the life of *resguardos*. By 1852, when Solano and Ponce began their work on the Tocancipá *resguardo*, the area no longer lay under Bogotá's jurisdiction. Instead, it came under the jurisdiction of the newly formed province of Zipaquirá. Scientific expertise was no match for decentralisation's ability to expand the number of government agents with a stake in *resguardo* partitions.

Contrary to the rosy expectations of Bogotá governors, Zipaquirá's governor, Juan Miguel Acevedo, did all in his power to put a stop to the surveys by the Colegio graduates.⁹⁸ When Ponce and Solano signed their contract to survey Tocancipá in January of 1852, that *resguardo* lay under Bogotá's jurisdiction. Three months later, the province of Zipaquirá assumed jurisdiction over Tocancipá. By then, Governor Acevedo of Zipaquirá had received overwhelming numbers of complaints from Tocancipá *resguardo indígenas*.⁹⁹ In his report to

⁹³'Contrata', *El Constitucional de Cundinamarca* (Bogotá), 14 Feb. 1852, pp. 27–8.

⁹⁴Provincia de Bogotá: Informe del gobernador de la Cámara Provincial, Indígenas', *Gaceta Oficial*, no. 1435, 18 Oct. 1852, pp. 701–2, here p. 701.

⁹⁵Secretaría de Guerra, 'Informe sobre los exámenes del colegio militar', *Gaceta Oficial*, no. 1336, 7 April 1852, p. 246.

⁹⁶*El Repertorio*, no. 3 (1853), cited in García-Mejía, 'Transformation of the Indian Communities', p. 101n76.

⁹⁷For decentralization see Paola Ruiz, 'La génesis del federalismo en la Nueva Granada: Federación y descentralización a mediados del siglo XIX', unpublished M.A. Thesis, Colegio de México, 2017; del Castillo, *Crafting a Republic for the World*.

⁹⁸J. Miguel Acevedo, 'Provincia de Cipaquirá: Informe del gobernador a la Cámara Provincial', *Gaceta Oficial*, no. 1435, 18 October 1852, pp. 702–4, here p. 703.

⁹⁹'Contrata', *El Constitucional de Cundinamarca* (Bogotá), 14 Feb. 1852, pp. 27–8.

the newly formed provincial legislature, he noted how the Tocancipá *resguardo* had already undergone a partial survey, and that it had been a disaster for its indigenous populations. None other than José María Solano Ricaurte, brother of Joaquín Solano Ricaurte, had conducted that survey in the 1830s. 'La Comunidad', a valuable section of that *resguardo*, was offered up in public auction to pay for José María Solano's surveying work. He received an amount supposedly greater than what he was owed. When asked to return the excess money, he disappeared.¹⁰⁰ Governor Acevedo's address to the Zipaquirá chamber signalled how another survey of Tocancipá would only have the effect of 'encumbering those wretches with yet another unbearable expenditure'.¹⁰¹

The re-drawing of provincial jurisdictions together with targeted indigenous *cabildo* complaints to the newly established provincial authorities worked against the Colegio-trained surveyors. By 1856 Ponce and Solano had still not met the terms of their contract. Cota and Suba were the only *resguardos* that Ponce and Solano had managed to distribute to indigenous families during that five-year period. But even these surveys had to be revised because, according to indigenous complaints, the surveyors had appropriated the best lands, leaving to the *indígenas* 'desolate terrain'.¹⁰² As of 23 April 1853, military school graduate Joaquín Barriga, for his part, never showed up to survey and partition the *resguardos* of Anolaima and Cipacón. Changing jurisdictions may have also played a role in Barriga's apparent dereliction of duty. Barriga's contract from 1852 had been with the province of Bogotá. By 1853 Anolaima had passed to the jurisdiction of the newly created province of Tequendama. The Tequendama governor's office opened up a new bid in May 1853 to survey Anolaima *resguardos*.¹⁰³

The move towards decentralisation of governance from the national level to that of the provinces had another effect beyond changing jurisdictions. A more decentralised state also increased the points of access that people could use to right perceived wrongs; these helped delay *resguardo* surveys and partitions. Consider the *resguardos* that remained under the jurisdiction of the Bogotá province. According to Bogotá Governor Mendoza, landowners adjacent to *resguardos*

appropriated *resguardo* lands with ease. As indigenous peoples are now on the same terms as the rest of the Citizens, with their same rights and obligations, they see themselves forced either to sell the small plot of land that they were adjudicated at a tenth of its value, or to fence the plot at a cost that is several times the value of their possessions.¹⁰⁴

¹⁰⁰García-Mejía, 'Transformation of the Indian Communities', p. 112.

¹⁰¹Acevedo, 'Provincia de Zipaquirá: Informe del gobernador a la Cámara Provincial', p. 703.

¹⁰²Request from the *indígenas* of Suba and Cota to the provincial chamber, April 1853, AGN, Sección República, Gobernación de Bogotá, vol. 34, fos. 314r–315v, cited in García-Mejía, 'Transformation of the Indian Communities', p. 102n77.

¹⁰³Gobernación de la provincia de Tequendama, 'Invitación', *Gaceta Oficial*, no. 1507, 28 April 1853, p. 328–9, here p. 328.

¹⁰⁴Provincia de Bogotá: Informe del gobernador de la Cámara Provincial, *Indígenas*, p. 701.

The result was that hundreds of *indígenas* brought complaints before Mendoza, a governor who had originally been in favour of an expedited survey of indigenous *resguardos* by Colegio graduates.

Governor Mendoza's report also reveals how local and national authorities experimented with republican governance on the question of *resguardos* legislatively and through the court system. Mendoza argued that Bogotá province had resolved complaints in ways that were favourable to indigenous populations, but the national government overturned provincial decisions. To avoid future doubts and litigations on this issue, Mendoza recommended that the provincial chamber should issue an act that 'defined once and for all *resguardo* borders in ways that put the best interests of that wretched class [of *indígenas*] first'.¹⁰⁵ Although the national government carefully sidestepped the legal category of 'miserable' in its 1843 national law on indigenous peoples, Mendoza openly evoked this category in his report to the Bogotá chamber. Perhaps he had heard the term 'miserable' in the many appeals brought to him by indigenous people? In any case, the problems outlined by Mendoza were a harbinger of the obstacles to *resguardo* distribution that would continue well into the end of the nineteenth century, obstacles that ultimately defeated Colegio-trained surveyors. The *resguardos* that Colegio students were hired to survey and partition proved remarkably resistant to their work. Although several of those *resguardos*, such as those of Engativá, were eventually dissolved, indigenous *cabildo* leadership in the region has recently sought to bring back *resguardos* in Bosa and Suba.

Conclusion

In 1984, don Miguel Taimal, governor of Cumbal, a recently reconstituted *resguardo* in the Nariño department near the Cauca river valley, spoke with anthropologist Joanne Rappaport about his people's historical relation to the land. According to don Miguel's account, Christopher Columbus himself brought Law 89 of 1890 to Colombia.¹⁰⁶ Law 89, referred to by don Miguel, was a piece of Colombian legislation that residents of Cumbal invoked to successfully gain recognition for their *resguardo* in the eyes of the national government. As Rappaport is right to argue, this dynamic illustrates how Colombian indigenous communities and the state shared and accepted legal definitions of indigenous identity when the time came to create and implement public policy regarding *resguardos*.¹⁰⁷ The emergence of this shared juridical idiom can nevertheless be dated prior to 1890.

The republican '*indígena*' who emerged in the wake of independence was a legal co-creation resulting from political negotiations between republican lawmakers, indigenous people and several others with a stake in *resguardo* land. During the first half of the nineteenth century, as independent Spanish American republican governments tried to work out the meanings and practices of governance, *resguardos*

¹⁰⁵*Ibid.*

¹⁰⁶Joanne Rappaport, *Cumbe Reborn: An Andean Ethnography of History* (Chicago, IL: University of Chicago Press, 1994), p. 24. By 1890, what had formerly been New Granada was known as the Colombian Republic.

¹⁰⁷*Ibid.*, p. 26.

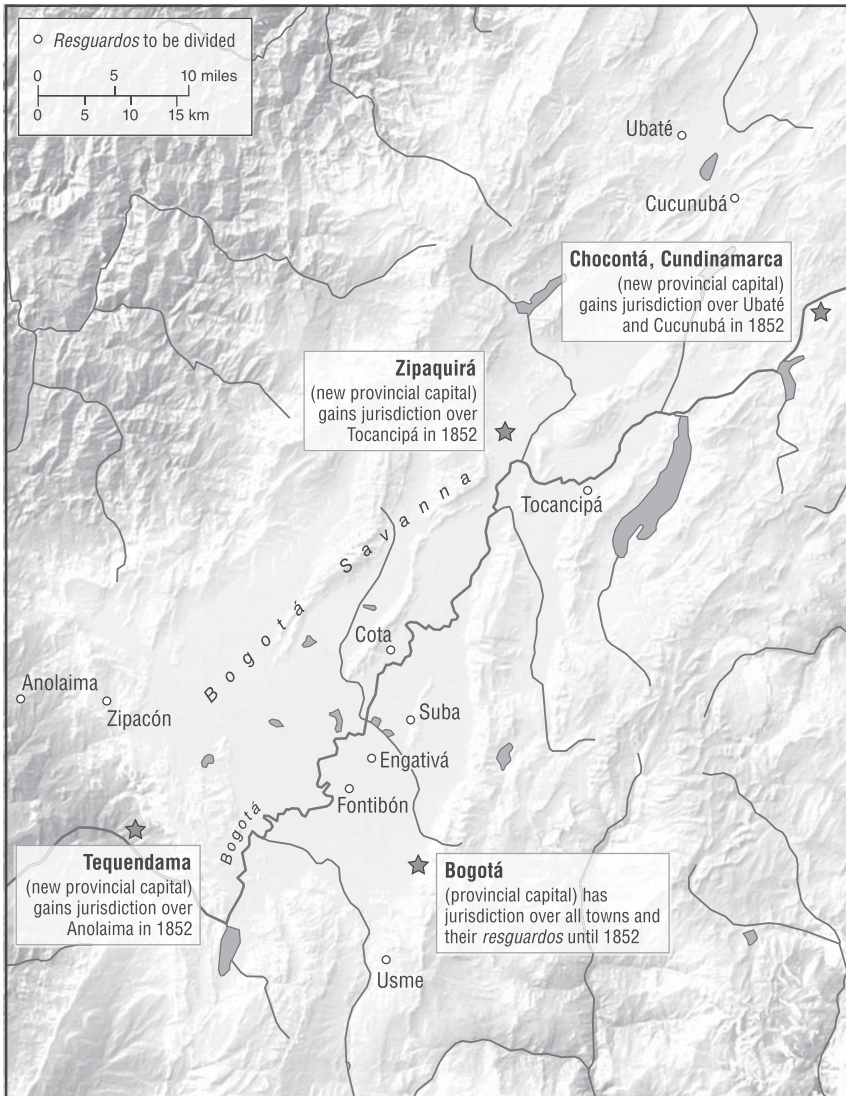


Figure 1. Map of indigenous *resguardos* located in the high plains near Bogotá to be divided by Colegio Militar graduates.

Source: Changes to territorial divisions based on maps in AGN, SR, Fondo Gobernaciones, Catálogo Documental Tomo 1, available at <http://www.archivogeneral.gov.co/consulte/fondos-documentales> (last access 21 Jan. 2019). Map created by Erin Greb Cartography.

offered a critical place of experimentation. Bolívar's radical effort to assure economic sustenance for each person with a legitimate claim on *resguardo* lands – while nevertheless maintaining *resguardos* and tribute – formed part of early republican efforts to win mass support and legitimacy away from the Spanish monarchy. Although Congress agreed with Bolívar's efforts, they thought he needed to go further and

abolish *resguardos* and tribute altogether. Tensions between New Granada's executive and legislative branches on the question of *resguardo* governance did not die with Bolívar. Subsequent republican state-makers continually attempted to experiment with laws that would forge equal citizens of the indigenous people who, they argued, had been left in 'misery' due to life under Spanish rule. The effects of these legislative and scientific experiments to produce equity among *resguardo* inhabitants through censuses and land surveying were felt well after the 1850s.

As a concluding case in point, consider the resilience of the Suba *resguardo* that was subject to countless surveys and partitions, including one by Colegio graduates Solano and Ponce, whose unsuccessful survey demanded yet another revision. José Leiva Millán, also a Colegio Militar graduate, conducted that subsequent survey in the 1850s.¹⁰⁸ None of this survey work effectively dissolved the Suba *resguardo*. The partitioning of the Suba *resguardo* that took place in 1877 reflected further changes to national legislation on *resguardos* as well as that specific *resguardo*'s resilience.

After gathering together all the Suba *comuneros* (the people of Suba eligible to receive a *resguardo* land parcel), the surveyor read off names from his list. He tried to ensure that all *comuneros* eligible to receive land parcels were on it. He invited those who thought they had been unjustly excluded to state their claims – and claims abounded. How the surveyor noted them is worth citing at length, for it evokes continuities with the ways surveyors were trained in the 1830s under Lleras' manual, while also suggesting the new ways people understood indigenous identity after the tribute-paying generation had long died off:

In effect, Juana Bulla claimed [*resguardo* lands] for herself and for her two children, Gregoria and Timoteo, and so did Antonia Nínque, who, because they were indigenous on both parental lines, were inscribed in the list under the first division. Eustaquio Cabiativa asked that his daughter, María, be inscribed in the first division, as a pure *indígena*, and she was immediately added because, in reality, she was. Santos Niviayo immediately followed by asking that her natural son, José Catarino, be included, and, [the fact of his being the son of an *indígena*] being true, he was included in the second division which lists the names of the natural children of single *indígena* mothers. Joaquín Mususú, *indígena* married to a white woman, asked that his daughter, Rufina, be included as well, and she was, under the third division that includes the names of the mestizos.¹⁰⁹

By the late 1870s, eligibility requirements for *resguardo* land had changed. The tributary status of the father or maternal grandfather mattered less than being able to prove to the surveyor indigenous identity and marital status along both parental lines. By the 1870s, another notable change was that 'mestizos', legitimate or illegitimate, could claim *resguardo* land rights. The nature of the claims *indígenas* could make, however, was still subject in part to surveyors' calculations.

¹⁰⁸José Juan Leiva Millán, *El Neo-Granadino* (Bogotá), 1 Dec. 1853, p. 441.

¹⁰⁹En cumplimiento del art. 7 del decreto ejecutivo de 31 de Octubre de 1861 sobre "formación de padrones", AGN Notarías, Notaría 4a/1888, f.161rv.

The mediating role of surveyors in the 1870s continued a trend from the 1830s, despite significant legal changes over the course of those 40-odd years. Surveyors continued to determine who was an eligible *indígena*, while also calculating what kind of land, and how much of it, eligible *indígenas* could obtain. As the above quote from the 1877 survey report on the Suba *resguardo* suggests, surveyors no longer created abstract indigenous families made up of fractions. They considered individual *indígenas* as whole persons, one by one. Parental lineages and legitimacy mattered, but whereas in the 1830s single indigenous mothers could legally claim *resguardo* lands for their children, 1870s indigenous children born out of wedlock received a lesser share.¹¹⁰ *Comuneros* born of legitimate marriages between *indígenas* were classified as belonging to the 'first' division and obtained the most highly-valued lands. Children of illegitimate unions were 'second class', which meant they were probably assigned shares in less fertile or less advantageously located areas. 'Mestizos', or children born from the marriage of one indigenous parent to one non-*indígena*, were categorised in the third division and were allocated smaller 'units' of *resguardo* shares according to acreage and value. By 1888, several people had challenged the 1870s Suba *resguardo* survey, arguing unfair practices. Their petitions were heard, and another revision of documents and land distributions went forward, but surprisingly, even despite the passage of Law 89 of 1890 that again sought to abolish *resguardos* once and for all, the Suba *resguardos de indígenas* still existed as late as 1895.¹¹¹ After the devastating War of a Thousand Days (1899–1902) and under the Rafael Reyes presidential administration (1904–9), it seems the *resguardos* of the high plains surrounding Bogotá, including those of Suba, were finally parcelled off and sold to the highest bidder.¹¹² The 1991 constitution nevertheless inspired over 2,500 *indígenas* in Suba to once again form an indigenous *cabildo*, one that has recently mobilised in defence of Suba's water and natural resources.¹¹³

Over the course of the nineteenth century, surveyor manuals, together with national laws and provincial governor reports, reveal that, when it came time to survey and parcel out indigenous common lands, the meaning of equity was always up for debate. This uncertainty was, in and of itself, an important aspect of republican national state formation. Surveyors were among the first state agents to arbitrate the value of *resguardo* land, and then assign land shares to the individuals deemed eligible *indígenas*. Given extensive censuses and the implications of *resguardo* partitions for the entire community, indigenous *cabildo* leaders and elite families would not have been the only people interested in the process. Less influential people within these indigenous communities would have known about *resguardo* surveys. The fact that governors encountered complications, complaints, corruption and conflict when the abolition of tribute and partitioning of *resguardo* laws


¹¹⁰Copia del Padrón de indígenas comuneros en el Resguardo del Distrito de Suba Año de 1877', AGN Notarías, Notaría 4a/1888, f. 189r–200rv.

¹¹¹'Casación: Negocios civiles Corte Suprema de Justicia – Bogotá, diciembre siete de mil ochocientos noventa y cuatro', *Gaceta Judicial: Órgano oficial de la Corte Suprema de Justicia*, Año X, Bogotá 23 de Febrero 1895, no. 497, pp. 225–9.

¹¹²Adolfo Triana Antorveza, *Legislación indígena nacional: Leyes, decretos, resoluciones, jurisprudencia y doctrina* (Bogotá: Librería y Editorial América Latina, 1980), p. 33.

¹¹³'Así viven los muiscas que sobreviven en Suba', *El Tiempo* (Bogotá), 7 Feb. 2014.

went into effect within their jurisdiction is evidence of indigenous awareness and participation. Much like their non-indigenous *granadino* counterparts, *resguardo* inhabitants understood the levers of power they could press to obtain resolution for their needs and concerns. Some indigenous people in places like Cauca, Santa Marta and Pasto resorted to armed violence to ensure their needs were met. The indigenous peoples living in the *resguardos* along the high plains near Bogotá chose less violent strategies. They turned to the growing points of access offered by a decentralising national state to obtain resolution when conflict over *resguardo* resources emerged. *Indígenas* had become republican citizens after all.

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Spanish abstract

Los republicanos del siglo XIX de todas las tendencias políticas estaban de acuerdo con una idea: la monarquía española había producido 'indios miserables'. Se pensó que abolir el tributo y privatizar las tierras comunales, conocidas como *resguardos* en la Nueva Granada (aproximadamente lo que es hoy Panamá y Colombia) transformarían a esta clase miserable en ciudadanos iguales. Basándose en las medidas de privatización de la Corona española de fines del siglo XVIII, los primeros líderes republicanos de la Gran Colombia (la primera república Colombiana, 1819–30) inauguraron una era que buscaba un acceso igualitario a la riqueza de las tierras comunales para todos los miembros de las comunidades indígenas. Tras la disolución de la Gran Colombia en Nueva Granada, Ecuador y Venezuela en 1830, los experimentos con los *resguardos* indígenas habían ido más lejos. Para entonces, los esfuerzos legislativos tuvieron en cuenta las necesidades de todos los miembros del *resguardo*, incluidas madres solteras y sus hijos ilegítimos. Leyes complejas, diversos terrenos ecológicos y realidades sociales específicas requerían de agrimensores bien capacitados para asegurarse que cada familia indígena elegible recibiera una parte justa de terrenos. Mientras que algunas comunidades indígenas en Pasto, Santa Marta y el valle del Cauca recurrieron a la insurrección armada en contra de las políticas liberales en la Guerra de los Supremos (1839–42), aquellas en las tierras altas de Bogotá no lo hicieron. Más bien, estos indígenas republicanos – con su mayor acceso a las palancas del poder establecidas en la capital – se involucraron en las reformas de un estado descentralizador. Este artículo muestra cómo experimentos contenciosos que buscaban una igualdad republicana al interior de los *resguardos* como camino hacia la abolición de la institución fueron consistentemente bloqueados por otros esfuerzos para asegurar que la gobernanza sobre comunidades indígenas y la tenencia de la tierra se mantuvieran intactas.

Spanish keywords: Nueva Granada; Colombia; *resguardos*; mediciones de tierra; república; pueblos indígenas

Portuguese abstract

Republicanos do século dezanove em todo o espectro político concordaram: A monarquia Espanhola produziu ‘índios miseráveis’. A abolição de tributos e a privatização de terras comunitárias indígenas conhecidas como *resguardos* em Nova Granada (região que hoje abrange o Panamá e a Colômbia) transformariam essa classe ignorada em cidadãos iguais. Partindo das medidas de privatização da Coroa Espanhola aos fins do século dezoito, os primeiros líderes republicanos da Grã-Colômbia (a primeira república Colombiana, 1819–30) inauguraram uma era que buscava acesso igualitário à riqueza de terras comunitárias para todos os membros da comunidade indígena. Após a Grã-Colômbia ter se transformado em Nova Granada, Equador e Venezuela em 1830, os experimentos de Nova Granada com as políticas de *resguardos* indígenas foram mais longe. Nessa época, os esforços legislativos consideravam as necessidades de todos os membros do *resguardo* incluindo mães solteiras e seus filhos ilegítimos. Leis complexas, terreno ecológico diverso e realidades sociais diferenciadas requereram agrimensores bem treinados que pudessem garantir que cada família indígena elegível recebesse uma parte justa de terrenos. Diferentemente das comunidades indígenas em Pasto, Santa Marta e no Vale do Rio Cauca, que recorreram a insurreições armadas contra políticas liberais através da Guerra dos Supremos (1839–42), as comunidades no planalto perto de Bogotá não o fizeram. Ao invés disso esses indígenas republicanos escolheram se engajar com as reformas que o Estado descentralizante ofereceu, tendo grande acesso aos eixos de poder localizados na capital nacional. Este artigo revela como experimentos contenciosos que buscavam igualdade republicana dentro dos *resguardos* indígenas como maneira de abolir tal instituição foram consistentemente obstruídos através de esforços para assegurar que a governança da comunidades indígena e posse de terra permanecessem intactos.

Portuguese keywords: Nova Granada; Colômbia; *resguardos*; levantamento topográfico; república; povos indígenas

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