

## The *Fundo Legal* or Lands *Por Razón de Pueblo*: New Evidence from Central New Spain

STEPHANIE WOOD  
Department of History  
University of Oregon, Eugene, OR

*"Since there were no towns or villages on the coast (...) I continued on my course, thinking that I should undoubtedly come to some great towns or cities."*

- Christopher Columbus, on  
exploring Cuba in 1492 -1

In concert with their quest for gold and other easily extractable trade goods, the earliest Europeans in the Indies searched for the human resources they hoped to find in indigenous towns and cities. In fact, the Spanish colonial ideal as it took shape in Mexico and Peru became dependent upon the presence of both precious metals in abundance and sedentary Indians living in semi-independent municipalities, prepared to serve as a source of draft labor, and yet engaged meanwhile in agrarian pursuits that would not only support their communities but provide an exploitable surplus for the conquerors and the royal treasury.<sup>2</sup> To preserve these human resources royal policy makers and colonial administrators took steps to protect and preserve Indian towns in the central areas. They could not put a stop to the plagues and their devastating effects as witnessed in the Caribbean especially, but they would legislate limits on the number of laborers drafted and the length of time workers spent outside their *pueblos*. They would order a safe distance to be kept between Indian towns and obtrusive settlers or their roaming cattle. And they would establish a minimum territorial base for every indigenous community in order to ensure its long term purveyance of goods and labor. It was in the interests of all to make these laws a reality.<sup>3</sup>

Alas, the inconsistencies between public policy and colonial reality are only too well known. Many of the same people entrusted with carrying out protective legislation were engaged in the very activities that eroded the integrity of the independent *pueblo*, gradually and permanently luring away its labor force and eventually encroaching on its lands. This, in turn, would continue to threaten the physical

and cultural survival of the indigenous people. After enduring the devastating population losses suffered even in the central areas, communities would encounter an acceleration of attacks on their territorial bases in the eighteenth century, as Spanish colonial agriculture responded to the growing market in the cities and mines. Yet, at the same time, policy makers would continue to try to shore up the vanishing corporate foundations of Indian towns.

The purpose of the present study is to examine the dynamics of that precarious balance between protection and exploitation, with a focus on the provisioning of corporate landholdings to Indian towns in central New Spain in the eighteenth century -in particular, the intent and impact of laws governing the *tierras por razón de pueblo* (which came to be known as the *fundo legal*, or legal allotment, in the nineteenth century.)<sup>4</sup> The location chosen for this initial inquiry is the highland Valley of Toluca, just over the mountains to the west of the Valley of Mexico. This fertile region, occupied by more than a hundred Indian towns, supplied maize and other products to the capital and mines. It was an attractive alternative center for Spaniards who found opportunities already sewn up in the Valley of Mexico by the mature colonial period. It therefore provides a useful context for studying the dynamics of land tenure. It is hoped that findings for Toluca will have a broader application in other populous regions ringing the Valley of Mexico.<sup>5</sup>

The principal rulings governing the Indians' right to a minimum town base are included in many compilations of colonial agrarian laws. The three most widely recognized edicts are the royal decree of 1567, which established a minimum distance of one thousand *varas* ('yards', equivalent to about 33 inches or some 84 centimeters each) between any Indian town and the nearest private estate and set the town base at five hundred *varas* (or as much more as might be needed) in the four cardinal directions; the decree of 1687, which extended the lands surrounded and pertaining to any Indian population center another one hundred *varas* in the four cardinal directions from the last houses, and called for eleven hundred *varas* to the nearest estate; and the decree of 1695, which rescinded the 'last house' ruling, ordering that the six hundred *varas* be measured from the principal church in each town.<sup>6</sup>

Interest in obtaining the legal endowment may have been slight until the indigenous population was recuperating and competition for resources intensified in the later seventeenth century. At this stage in the research, known cases of communities petitioning for the 500-*vara* town base cluster in the mid-1680s and come from such regions as Michoacán, Celaya, Puebla, Coyoacan, and the Toluca Valley.<sup>7</sup> This flurry of activity apparently prompted the legal revisions of 1687. Not only would the endowment be increased, but the question of where measurements should commence required clarification. The legal allotment in Mixcoac, Coyoacan, for example had been approved to begin from the "last house that was on the street grid, even though

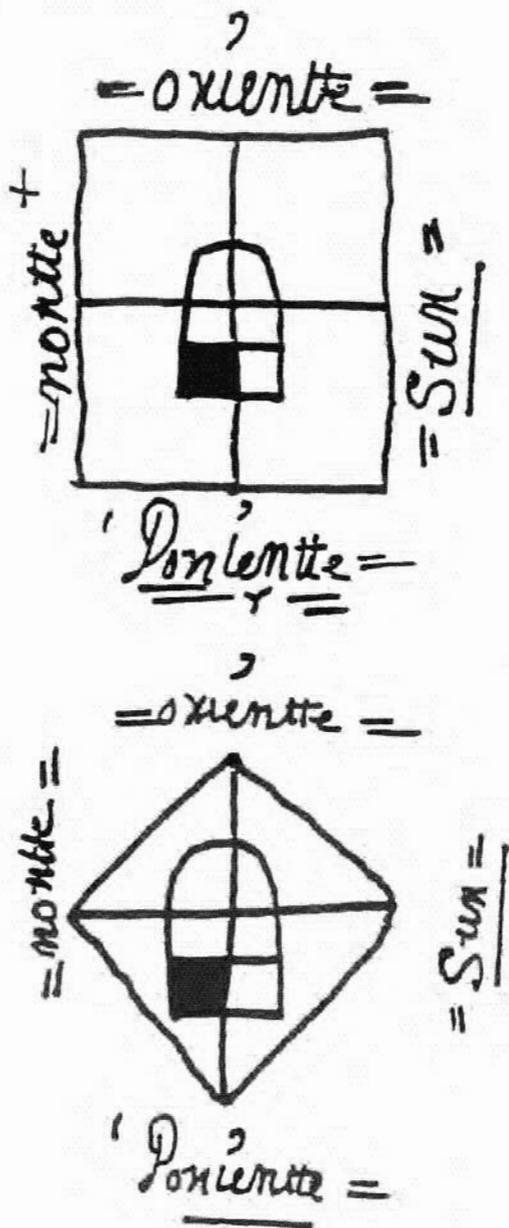
the building might be in ruins."<sup>8</sup> In another case, from the jurisdiction of Puebla in 1685, a legal official mentioned how Indians were deviously building houses at a great distance from the center of town and in a given, preferred direction in order to expand and influence the location of the town's territory.<sup>9</sup>

When the ruling of 1687 legalized and probably encouraged such activities, private property holders cried out in opposition. The royal government then felt compelled to standardize the size of the town allotment, having it commence from the church once again. Although the ruling of 1695 was less generous, momentum would continue to increase into the eighteenth century, as one community after another appealed to the courts for its 'six hundred *varas*' (as the precious endowment came to be called), '*por razón de pueblo*' (by right of township). The success of one town inspired the next, with word of mouth and sightings of survey teams about the valley surely contributing to the enthusiasm.<sup>10</sup> The more limited ruling of 1695 prevailed, but towns would take what they could get. Corporate lands that had not been included in the *composiciones* (programs legalizing faulty deeds primarily belonging to private or corporate holders) of the early to mid-seventeenth century could be safe-guarded, and the law could be invoked as a tool to get back some of what had been lost.<sup>11</sup>

As Charles Gibson found for the Valley of Mexico, in the Toluca Valley the 'six hundred *varas*' by right of township also enjoyed a popularity that overshadowed the pursuit of all other corporate properties allowed by law.<sup>12</sup> There is no comparison, for instance, between the popularity of this entity and that of the *ejido*, or commons, of one square league that was established in edicts of 1573, 1618, and 1713, but was fairly rare in the central areas.<sup>13</sup> An *ejido* shared by Spaniards and Indians just outside Toluca was one of the very few that existed in the entire valley, unless others have somehow escaped mention in the voluminous litigation records.<sup>14</sup> Perhaps the square league was unrealistically large for this time and place; it seems to have been better known in transitional and fringe areas, where the concepts of *ejido* and *tierras por razón de pueblo* may have been more synonymous.<sup>15</sup> The same explanation may also account for the relatively rare application of the 1100-*vara* girth around *pueblos* to keep ranches at bay and the vague supplement supposedly available above and beyond the minimum town base. In comparison, the 'six hundred *varas*' may have seemed more tangible.

But the popularity of the 1695 ruling did not ensure that interpreters on the scene or modern historians fully understood it. The language of this and earlier decrees was ambiguous about how the town base was to be measured, allegedly leading to a few different interpretations as to its shape and overall size. For the Valley of Mexico, Gibson reproduces two colonial 'town site' shapes resembling cartesian coordinate systems, each with axes apparently measuring twelve hundred *varas* and crossing at right angles.<sup>16</sup> In one case, the quadrants are squared off, producing a total area of some 1,440,000 square *va-*

FIGURE I. TOWN SITE VARIATIONS AS REPRODUCED BY CHARLES GIBSON



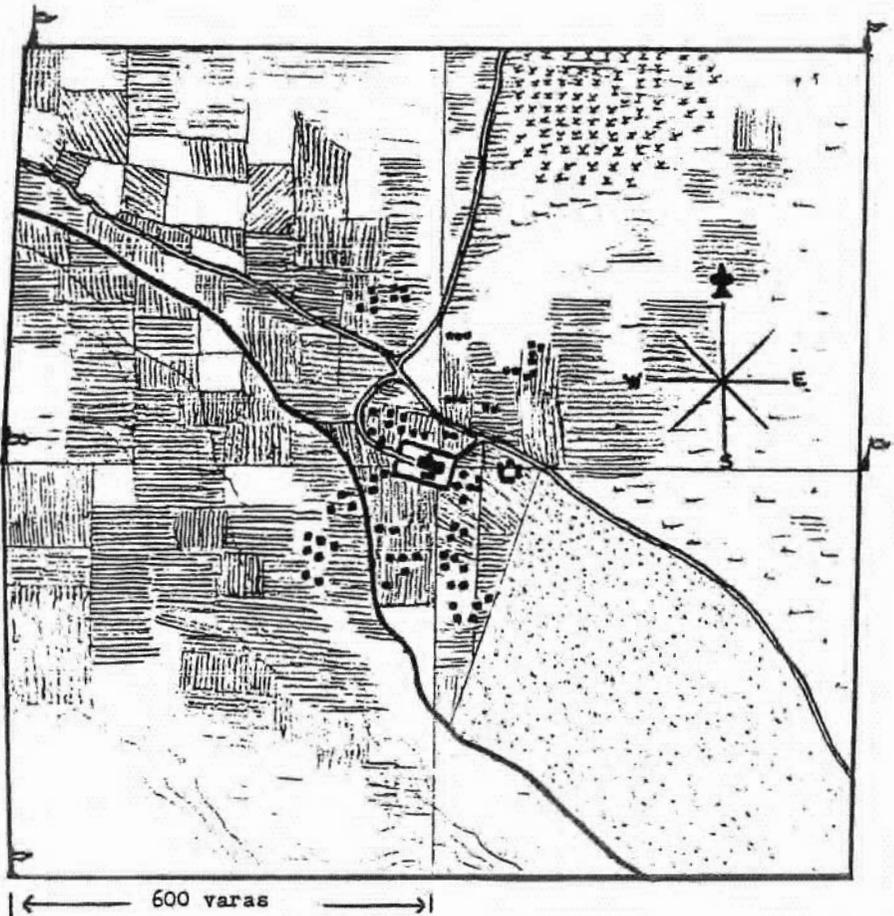
ras. In the other, the ends of the axes are connected with diagonal lines, resulting in what would be an overall area of only 720,000 square *varas*. While the larger one was usual, Gibson notes that the confusion over the outer boundaries sometimes led to the territory's reduction by half, as indicated in the smaller figure (see Figure I). When one tries to determine how well a community might be supported by its corporate holdings, the difference between the two types could be crucial.

Just as there was confusion about whether to square-off or cut corners, apparently some observers thought the coordinates should be joined by arcs, creating a circular town base with a radius of six hundred *varas*.<sup>17</sup> This rarer interpretation may have become erroneously popularized by Alexander von Humboldt's paraphrasing of a bishop of Michoacan who spoke in 1799 of the '600 *varas de radio*'.<sup>18</sup> The original law directed the measurements to stretch from the town limits out 'por todos cuatro vientos, como es 500 *varas o más a Oriente, y otras tantas al Poniente, Norte, y Sur*' ('in the four cardinal directions, that is 500 *varas* or more to the East, and another so many [500] to the West, North, and South').<sup>19</sup> Conceivably, the ends of these measurements might be connected with a circular line, but nothing like this is known for the Toluca Valley nor does Gibson mention having witnessed such a shape for the Valley of Mexico.

While none of the known survey records from Toluca or other regions of colonial Mexico have ever indicated that the 600-*vara* trajectories were connected by arcs, it is just as true that these records rarely specify how the terminal points were actually joined. It is as though participants assumed anyone reading about the surveys would automatically know the customary procedure. Occasionally, however, one does come across oblique comments that suggest the square with twelve hundred *varas* on a side was the intended norm. (The *de facto* unit typically was not a perfect square, but contained locally-stipulated adjustments.) After meting out the six hundred *varas* in each of the four directions in Atlacomulco, for example, surveyors were then consumed with '*cuadrando la dicha medida*' ('squaring off the said measurement').<sup>20</sup> Further research may sustain this general size and shape for other regions, too. The apportionment given in Celaya in 1687, just before the new law was announced, had one thousand *varas* on a side.<sup>21</sup> Cuernavaca citizens petitioned in 1780 that '*se nos midan un mil y doscientas varas en cuadro*' ('twelve hundred *varas* squared be measured for us').<sup>22</sup> The 1792 survey of town allotments in Michoacan indicates the square with twelve hundred *varas* on a side.<sup>23</sup> A rare map (see Map I) from San Juan Atzualoya, Tlalmanalco, about 1799 again upholds the more generous figure, as well. It also tells us something about the uses of the town base.<sup>24</sup>

Although the first rulings on the legal endowment for Indian *pueblos* mentioned that the land was designed for cultivation and pasture, the 1695 ruling did not specifically reiterate this. Because the latter

MAP I. TOWN SITE OF SAN JUAN ATZCUALOYA, TLALMANALCO,  
EIGHTEENTH CENTURY



Source: see note 24.

anchored the 'six hundred *varas*' in the center of town, furthermore, historians have assumed that this corporate property was no longer used for farming. For example, Lucio Mendieta y Nuñez describes the allotment as the place "on which the homes of the Indians would be constructed." In his view, it composed the 'town center' and it did not include the "cultivated fields designed for the subsistence of the inhabitants." It was not intended, he states further, for *ejidos* or cultivation.<sup>25</sup> Having consulted similar compilations of laws, Gibson also asserts that in the eighteenth century the "600-*vara* area (...) was not an additional territory outside the town site [in other words, the urban district] itself."<sup>26</sup>

The question of an agricultural purpose and use for the 600-*vara* apportionment is another crucial one if we are to understand its potential contribution toward the longevity of the Indian *pueblo* as a self-sustaining entity and one that could continue to provide labor and tribute. If the larger town base of 1,440,000 square *varas* was standard (about 250 acres), then it would not be difficult to imagine that some of it indeed was farmed, particularly given the still generally small size of many Indian settlements in the Toluca Valley at the time. Towns in the immediate vicinity of Toluca in 1635, for instance, varied from two to sixty families, with most hovering around fifteen.<sup>27</sup> Even if these communities had doubled in size by 1700, the church, municipal buildings, and cluster of modest houses might occupy only a few dozen acres, leaving the remainder for agricultural fields.

In reality, what seems to have made the *tierras por razón de pueblo* such an object of serious pursuit in the eighteenth century was their farming potential. The relative threat of alienation to the housing core probably was slight; in most cases its preservation would not depend upon an official demarcation. In one town in the province of Malinalco, citizens even asked that the *solares poblados* (house lots) be exempted from the 'six hundred *varas*' that were to be measured for them in 1712. They felt their entire grant should consist rather of *tierras laborias* (arable lands), taking in the corporate maize and wheat parcels that had been distributed to individual families, as was the custom in much of the region. Their request was appealing, in essence, for a reinstatement of the edict of 1687 that specified a gap for housing, with the corporate agricultural lands to extend beyond that.<sup>28</sup>

Cultivation of the *tierras por razón de pueblo* is obvious in the map from Tlalmanalco. Besides probably planting kitchen gardens around their houses, people also seem to have divided the extensions beyond the urban district into usufruct parcels. Evidence for this practice also comes such places as Teotihuacan, Queretaro, Cholula, Cuernavaca, and Celaya.<sup>29</sup> The example from Teotihuacan describes a need in 1809 for five *fundos* for a *pueblo* of 250 families, for "one *fundo* can only accommodate forty-eight houses or families, with each of these planting 11½ *cuartillos* [dry measures, about 1/32 bushel each] of

maize [seed], leaving them land for their church, cemetery, streets, houses and corrals."<sup>30</sup>

The 1695 ruling could discriminate against the more populous towns if the clause allowing for more land in cases of greater need was not invoked or not recognized by the courts. But, in at least a few cases, pleas for extensions were granted. For example, the families of Santiago Tlacotepec and its two dependencies in 1747 claimed they would each have less than four *varas* to cultivate if the town was given the standard 'six hundred *varas*'. Asking for more, they reminded the courts how "*tributes, parish obligations, and necessities*" were dependent upon having sufficient community land. Sympathetic to their plea, the surveyor skipped over the cemetery, a hill behind town, and all infertile fields he came across, expanding the town allotment.<sup>31</sup> Using a similar strategy with the same positive outcome was the representative of the community of Cacalomacan, near Toluca, who spoke in 1767 of the need for lands "*upon which the residents could live with some comfort and space, and have a place to sow and make enough headway to pay tributes and ecclesiastic fees.*"<sup>32</sup>

How could petitioners be turned down when casting their arguments in terms that appealed to Spanish economic interests? Actually, such reminders apparently were necessary as competition over land heightened in the late colonial period. In the Villa de Etila, Oaxaca, for instance, the *Audiencia* refused to alter the allotment *por razón de pueblo* even though it took in mainly rocky land.<sup>33</sup> Perhaps it was becoming less clear whether Spanish colonists were better served by protecting the Indian corporate land base or by incorporating such areas into their private estates, encouraging the growth of a free but dependent labor force as *repartimiento* (the draft labor system) declined. While indigenous success rates in the courts have yet to be quantified, it may surprise some observers that this late in the game communities could win the sympathy of the officials at all. But not only would people in the Toluca Valley be effective in procuring adjustments for housing, they would achieve more than occasional attention to their demands for fertility and relative productivity.

In case after case, legal representatives talked of "*attending to the fertility and cultivation of land*" and incorporating in the *tierras por razon de pueblo* 'fruitful land' or '*tierras de pan llevar*' (designed for grains).<sup>34</sup> Lawyers were willing to accept fields planted in cacti and fruit trees as part of the demarcation, but they pushed harder for the more highly valued maize and wheat fields. In one town, Tlacotepec, in 1747, a long discussion arose as to the relative value of land suitable only for *maguey* plants, the cacti that served as fencing, produced the alcoholic beverage called *pulque*, and, when dried, could be burned as fuel. It was generally agreed that the *maguey's* greatest value lay in converting it to *pulque*, but this could generate a low profit at best. Witnesses testified to the length of time needed for the plant's maturation, for hiring people to extract the juice, for transporting the liquor, marketing it, and then paying taxes. The townspeople's con-

cerns were sufficient to win the town an extra 154½ *varas* over the six hundred in one of the four cardinal directions to make up for the lesser desirability of the *maguey* land.<sup>35</sup>

Besides making adjustments to ensure fertile soil, surveyors sometimes found they had to make alterations in the *tierras por razón de pueblo* with regard to intrusive private properties. Parcels held by Indian *cabildo* officers, judging by one case, were apparently not a concern, probably because they were considered a legitimate part of the corporate holdings.<sup>36</sup> But private land held by Hispanics or by *caciques* who were not serving in municipal government, if that land fell within the reaches of the 'six hundred *varas*,' did cause problems.<sup>37</sup> The 1695 ruling specified that in case of conflict, alternate fields should be chosen to the satisfaction of all parties, and neutral, royal lands could be used for the purpose if necessary. The royal government seemed to support equality under the law for private cultivators and usufruct holders alike, yet it also added the prescriptive phrase, "*y atenderéis muy especialmente al bien y provecho de los indios*" ("*and attend very especially to the well-being and profit of the Indians*").<sup>38</sup>

But the crown's call for equality or possibly even some preference to be shown to the Indians fell on deaf ears in the Valley of Mexico. According to Gibson, whenever a conflict arose in association with the 600-*vara* grant, the *pueblo* generally was compensated elsewhere while the *hacienda* maintained its previous possession.<sup>39</sup> In contrast, in the more distant Valley of Oaxaca, Taylor found that "*the fundo legal took precedence over other land titles.*"<sup>40</sup> The situation in the Toluca Valley was more analogous to that in Oaxaca, or perhaps there was a more even balance of interests. In one case from 1752, for example, townspeople appealed and overturned an initial ruling that preserved lands of neighboring estate owners during the process of marking a town's territory.<sup>41</sup> In another case, *hacienda* owners who in 1746 feared some of their most fertile lands would be lost in the process of a 600-*vara* demarcation, offered to give the Indian town in question some six *caballerías* (105 acres each) in a different vicinity. This was much more land than the estate owners stood to lose, but the disputed area was of higher quality. The Indians not only refused the swap, but threatened to seek additional legal endowments for each of the two *barrios* adjoining town.<sup>42</sup> A third *pueblo*, Santiago Acutzilapan, was even more ardent in defending its allotment *por razón de pueblo*, originally granted at the expense of a *cacique's* private estate in 1700. In the face of recurring encroachments and costly litigation, the people won confirmation of their 'six hundred *varas*' in 1707, 1722, and 1723. Nearly forty years later, however, they suffered a temporary setback as the *Audiencia* reversed its stance. The *Audiencia* discovered that the town's church lay about a thousand *varas* north of the center of the *pueblo* and four hundred *varas* north of the last house. The legal endowment here consisted entirely of flat, fertile land, and contained little of the physical settlement of the communi-

ty. Judges did not insist that the allotment be centered on the houses, but they did agree to the estate owner's request for an adjustment on one side. Still, when a new survey was attempted to transfer some of the corporate land to the estate owner, over five hundred Indian men and women turned out to block it, and their original town base was upheld once more. In a last ditch effort, the estate owner offered in 1762 to pay five hundred *pesos* for a 'grant' of alternate land for the Indians if they would give him the contested area, but they refused.<sup>43</sup> The position of a community soliciting its *tierras por razón de pueblo* was less secure when a delineation would bring injury to a neighboring town. In one case the applicants won, in another they withdrew, and in a third the courts had not achieved a resolution before the paper trail ended.<sup>44</sup> Many factors entered into a decision in these kinds of cases, such as a demonstrated need on the part of the applicants, and on the part of neighboring towns, some proof of legal ownership and clear boundaries.

Another element that weighed heavily was how the vying communities ranked in the Spanish system of town hierarchy, in other words whether they were considered of greater or lesser status in the broad range that stretched from neighborhood to city. The original ruling of 1567 provided that a community did not have to hold the rank of *cabecera* ('head town,' a title granted to towns with resident *tlatoque*, or high indigenous rulers) to acquire the minimum town base. Rather, all needy *pueblos* extant at that time or founded in the future would have a right to it.<sup>45</sup> By the eighteenth century, however, numerous disputes would arise about what constituted a true *pueblo*—how large a community would have to be, how grand its church must be, and so on. Frequently in question were *barrios* and *sujetos* (small outlying dependencies of towns). As these communities grew and sought elevation to the rank of independent *pueblo*, they would also seek their 'six hundred *varas*'. Because of their proximity to the *pueblos* from which they wanted to break away, finding the space for their corporate territories posed problems. And since private farms and ranches had come to fill in the spaces between towns over the seventeenth century, estate owners' fears were also roused by the thought of all *barrios* and *sujetos* soliciting the legal allotment. On this subject the voices of estate owners and *cabildo* officers of *cabeceras* might be heard in unison, demanding a growing body of criteria for smaller settlements desirous of *pueblo* status.<sup>46</sup> One town was forced into a double bind, with *pueblo* status being denied because the community lacked its 'six hundred *varas*,' when this endowment was usually one of the principal objects in the pursuit of *pueblo* status.<sup>47</sup> It would take time for *barrios* to develop the criteria to call themselves true *pueblos* and receive their 'six hundred *varas*'. Many would have to share, meanwhile, in the common lands of the *pueblo* to which they were attached.<sup>48</sup> But, eventually, their day would come. When viewed in the aggregate, the specter of this cellular subdivision reaching

maturity, with a multiplicity of communities claiming rights to their own separate territorial holdings, is an impressive one.

Agrarian historians have long recognized the existence of this form of corporate holding in New Spain. But they have rarely agreed about its size, shape, or use, nor its importance in the larger struggle between common lands and private property. One of the few positive views of it comes from William Taylor's study of Oaxaca where, for example, a survey found twenty-one of twenty-eight towns in Antequera in 1776 had the 'six hundred *varas*' and more.<sup>49</sup> It is logical that a greater retention of Indian land would be seen in Oaxaca, a region densely populated by indigenous communities and attracting a large Spanish population interested in serious agrarian pursuits somewhat later than the more central highland valleys.

But evidence from Toluca suggests that these lands *por razón de pueblo* were important even there, much closer to the colonial capital. Furthermore, the features of the *de facto* legal endowment, whether in the Toluca Valley or in other regions of Mexico, are also proving worthy of greater attention. The 'six hundred *varas*' seem to have been measured most often with the largest possible area allowed after the ruling of 1695, 1,440,000 square *varas*. This allotment was not treated uniformly as a maximum, but could be extended. Except in perhaps the most populous communities, even the standard endowment did not just involve the housing district of a community. Besides taking in probable garden plots within the urban core, it included agricultural fields. And, finally, because of its farming application, surveyors were continually asked to distribute it in fertile lands and they were known to do just that (which rendered it, at best, an irregular square). Hundreds of towns across New Spain petitioned for and received their *tierras por razón de pueblo*, especially in the eighteenth century. While there is a need for better quantification of the ratios of population to agricultural land in these communities and, if possible, between Indian corporate holdings and private property, and how these ratios changed over time, it does appear that the 'six hundred *varas*' contributed to the vital resources sustaining the independent indigenous provincial unit through the end of the colonial period.

#### ENDNOTES

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1. *The Four Voyages of Christopher Columbus*, J. M. Cohen, ed. (Baltimore, 1969), 116.
2. See James Lockhart and Stuart B. Schwartz, *Early Latin America. A History of Colonial Spanish America and Brazil* (Cambridge, 1983) for a fuller explanation of the key elements that made up these 'central areas'.
3. Prominent works examining the Indians under colonial rule in Mexico and Peru include Charles Gibson, *The Aztecs under Spanish Rule. A History of the Indians of the Valley of*

*Mexico, 1519-1810* (Stanford, 1964), and Steve J. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest. Huamanga to 1640* (Madison, 1982).

4. Because I have not seen the term *fundo legal* in records earlier than the 1790s, I will refrain from any further use of it in my discussions of colonial corporate landholding.

5. This study forms part of a larger examination of Indian community adjustments to colonial rule in the Toluca region, 1550-1810. See Stephanie Wood, "Corporate Adjustments in Colonial Mexican Indian Towns: Toluca Region, 1550-1810" (Ph.D. diss., University of California at Los Angeles, 1984).

6. Eusebio Bentura Beleña, *Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta Nueva España, y providencias de su superior gobierno* (2 vols., Mexico City, 1787), I, 122, 382; Francisco F. de la Maza, *Código de colonización y terrenos baldíos de la república mexicana* (Mexico City, 1893), 25-27.

7. Many of these are found in the Archivo General de la Nación (hereafter, AGN), Ramo de Indios, vol. 29.

8. AGN, Hospital de Jesús, vol. 318, exp. 6.

9. AGN, Ramo de Indios, vol. 29, exp. 50.

10. That the 'six hundred varas' were much sought after across central New Spain in the eighteenth century is supported by Woodrow Borah's discussion of the phenomenon in the General Indian Court; see Woodrow Borah, *Justice by Insurance. The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, 1983), 136-138.

11. Regarding the preference shown private holders in the mid-seventeenth century *composición* programs see Wood, "Corporate Adjustments," 115-118.

12. Gibson, *Aztecs under Spanish Rule*, 286-287. Published evidence for Toluca and the present State of Mexico as a whole can be seen in Mario Colín's indexes: *Antecedentes agrarios del municipio de Atlacomulco, Estado de México. Documentos* (Mexico City, 1963), *Indice de documentos relativos a los pueblos del Estado de México. Ramo de Tierras del Archivo General de la Nación* (Mexico City, 1966), *Indice de documentos relativos a los pueblos del Estado de México. Ramo de Mercedes del Archivo General de la Nación. Tomo I* (Mexico City, 1967), *Indice de documentos relativos a los pueblos del Estado de México. Ramo de Mercedes del Archivo General de la Nación. Tomo II* (Mexico City, 1967).

13. See William B. Taylor, *Landlord and Peasant in Colonial Oaxaca* (Stanford, 1972), 67; *Recopilación de leyes de los reynos de las Indias. Edición facsimilar de la cuarta impresión hecha en Madrid el año 1791* (3 vols., Madrid, 1943), I, 209.

14. AGN, Hospital de Jesús, vol. 380, exp. 8. See also volume 15 for occasional references to *ejidos* around Toluca as of 1636. Informal *ejidos* may be disguised in the sometimes extensive lands called *demasías* regularized in the *composición* proceedings of 1690-1725.

15. The town base or *ejido* of one square league existed, for example, in Jalisco, Honduras, and Nicaragua, though it was often irregular. See Agueda Jiménez-Pelayo, "Indian Community Landholdings in Northern Nueva Galicia" (Paper presented at the American Historical Association annual meeting, Washington, D.C., 1987); Linda A. Newson, *The Cost of Conquest. Indian Decline in Honduras under Spanish Rule* (Boulder, 1986), 210-211, and *Indian Survival in Colonial Nicaragua* (Norman, 1987), 175.

16. Gibson, *Aztecs under Spanish Rule*, 293 and Plate X. I favor abandoning the term 'town site' which has a much more limited connotation in English than was intended by Spanish law.

17. José Miranda, "La propiedad comunal de la tierra y la cohesión social de los pueblos indígenas mexicanos," in *Cuadernos Americanos*, 149 (1966), 168-181, esp. p. 173.

18. Manuel Fabila, *Cinco siglos de legislación agraria (1493-1940)* (Mexico City), I, 53-57.

19. Maza, *Código de colonización*, 26.

20. AGN, Tierras, vol. 3672, exp. 5.

21. AGN, Ramo de Indios, vol. 29, exp. 303.

22. AGN, Tierras, vol. 1499, exp. 10.

23. Claude Morin, *Michoacán en la Nueva España del siglo XVIII. Crecimiento y desigualdad en una economía colonial* (Mexico City, 1979), 14. The *fundo* of 1,440,000 square

varas was also apparently the norm in a 1760 survey in Oaxaca, see Taylor, *Landlord and Peasant*, 69-70.

24. AGN, Tierras, vol. 1928, exp. 2. See also Tierras, vol. 1932, exp. 2, for another map of the 'six hundred varas' from the same town. Orozco also supports this size and shape, see W. L. Orozco, *Legislación y jurisprudencia sobre terrenos baldíos* (Mexico City, 1895), II, 1110.

25. Lucio Mendieta y Nuñez, *El problema agrario de México* (Mexico City, 1966), 57 and 59-62.

26. Gibson, *Aztecs under Spanish Rule*, 293.

27. AGN, Hospital de Jesús, vol. 413, exp. 3.

28. AGN, Tierras, vol. 1692, exp. 6.

29. AGN, Tierras, vol. 1644, exp. 4; vol., 2998, exp. 19; vol., 2344, exp. 2; vol., 1688, exp. 3; Ramo de Indios, vol. 29, exp. 303.

30. Santa María Tulpetlac, 1809, in AGN, Tierras 1644, exp. 4, cuad. 2, ff. 43-44.

31. AGN, Tierras, vol. 2234, exp. I, cuad. 3.

32. AGN, Tierras, vol. 2944, exp. 242.

33. Taylor, *Landlord and Peasant in Colonial Oaxaca*, 70.

34. See, for example, AGN, Tierras, vol. 1865, exp. 6; vol. 2944, exp. 242; vol. 1506, exp. 1; and vol. 1671, exp. 11.

35. AGN, Tierras, vol. 2234, exp. 1, cuads. 3 and 4.

36. Santiago Tlacotepec, Malinalco, 1747, in AGN, Tierras, vol. 2234, exp. 1, cuad. 3.

37. By Hispanics I mean anyone in the Spanish world of the colony, including all Europeans and castas. See, for example, AGN, Tierras, vol. 1605, exp. 9, and vol. 1708, exp. 5.

38. Maza, *Código de colonización*, 30.

39. Gibson, *Aztecs under Spanish Rule*, 287.

40. Taylor, *Landlord and Peasant in Colonial Oaxaca*, 70.

41. Santa María Magdalena Tapaxco, AGN, Tierras, vol. 2229, exp. 4.

42. Santiago Tlacotepec, AGN, Tierras, vol. 2234, cuads. 3 and 4. See also the compromises offered by estate owners in the jurisdiction of Cholula (AGN, Tierras, vol. 2344, exp. 2) and Chalco (AGN, Tierras, vol. 1518, exp. 6, f. 131 v.).

43. Santiago Acutzilapan, AGN, Tierras, vol. 1763, exp. 2; vol. 3672, exp. 5; and vol. 2142, exp. 2.

44. AGN, Tierras, vol. 2238, exp. 1; vol. 1641, exp. 3; and vol. 1506, exp. 1.

45. Maza, *Código de colonización*, 26.

46. Wood, "Corporate Adjustments," 183-190; and Gibson, *Aztecs under Spanish Rule*, 293. See also, Dehove's essay in this volume.

47. San Sebastián, Toluca, 1791, in AGN, Tierras, vol. 2857, exp. 4.

48. Such was the case in San Mateo, near Temascalcingo, in 1729; AGN, Tierras, vol. 1585, exp. 2.

49. Taylor, *Landlord and Peasant in Colonial Oaxaca*, 68-69. Claude Morin also found that 4/5 of the *pueblos* of Michoacán in 1792 had at least the 'six hundred varas,' but he emphasizes the difficult situation of the other 1/5; see Morin, *Michoacán en la Nueva España del siglo XVIII*, 284.