

# A True and Faithful Copy: Reproducing Indian Maps in the Seventeenth-Century Valley of Oaxaca

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## Abstract

The use of indigenous maps in central and southern Mexico is well-documented for the sixteenth century but scholars have consistently overlooked later cartographic activities. Although the number of maps made by native hands decreased in the early seventeenth century, a small output of maps at the end of the century and into the eighteenth suggests indigenous mapping practices continued to inform spatial routines in the Valley of Oaxaca. This article examines the case of Santa Cruz Xoxocotlán, a Mixtec town that litigated on different occasions for half a century over a livestock ranch defined by an assortment of trees and stone markers. During one of these phases, officials from the town introduced an old map that required a copy. Copies circulated primarily in the Valley of Oaxaca where competition over natural resources intensified after the 1680s revealing the way social actors engaged with, maintained and generated collective memories about the past to negotiate the natural environment.

Keywords: *Indigenous cartography; Oaxaca; land tenure; collective memory; spatial practices; seventeenth century*

## Resumen

El uso de mapas indígenas en el centro y sur de México durante el siglo XVI goza de una rica tradición historiográfica que a su vez ha pasado por alto las actividades cartográficas posteriores a este período. Aunque la producción de mapas hechos por indígenas disminuyó a principios del siglo XVII, un número pequeño de mapas a finales de este siglo y a principios del XVIII sugiere que las actividades cartográficas de origen indígena continuaban informando prácticas espaciales en el valle de Oaxaca. En este artículo se analiza el caso de Santa Cruz Xoxocotlán, un pueblo mixteco que durante cincuenta años litigó los límites de una estancia de ganado menor definida por una serie de árboles y mojones de piedra. Durante la última fase del litigio, los oficiales de república introdujeron un mapa antiguo que requería una copia. Copias de mapas antiguos circularon principalmente en el valle donde se intensificó la competencia por recursos naturales después de 1680 arrojando luz sobre la forma en que los actores sociales se ocuparon, mantuvieron, y generaron memorias colectivas sobre el pasado para negociar el medio ambiente.

Palabras clave: *cartografía indígena; Oaxaca; memoria colectiva; prácticas espaciales; siglo XVII*

## Introduction

In the fall of 1686, Antonio de Abellán y Carrasco needed a map. As a regional judge known as *alcalde mayor* of the Cuatro Villas del Marquesado, an alignment of four principal towns in Oaxaca's central Valley (Figure 1), Abellán oversaw a range of civil and criminal cases involving the region's Indian, Spanish, and African members.<sup>1</sup> Abellán mediated a case between a local Spaniard named Bartolomé Ruíz, and Santa Cruz Xoxocotlán, a Mixtec town south of Antequera, the Spanish seat of power in the region (AGN, Tierras, Vol. 129, Exp. 4). The parties disputed five acres of a livestock ranch known as an *estancia de ganado menor* effectively under Ruíz's control.<sup>2</sup> On October 3, two political officers from Xoxocotlán appeared before Abellán to present an ancient map they said described all of the town's land.<sup>3</sup> The two men suggested the map would facilitate the *alcalde mayor's* impending survey of Xoxocotlán's property but because of its physical state, "worn by the passage of time," they petitioned a copy. Abellán evaluated the request and commissioned the task to a *maestro pintor*, a master painter. Three weeks later officials from the town accompanied an Indian cacique named Domingo de Zárate to meet with Abellán to examine the copy he had made of the ancient map (Figure 2). Why was an indigenous map used in a land dispute during the late seventeenth century and what did the map's audience have to say about those who commissioned and used it?

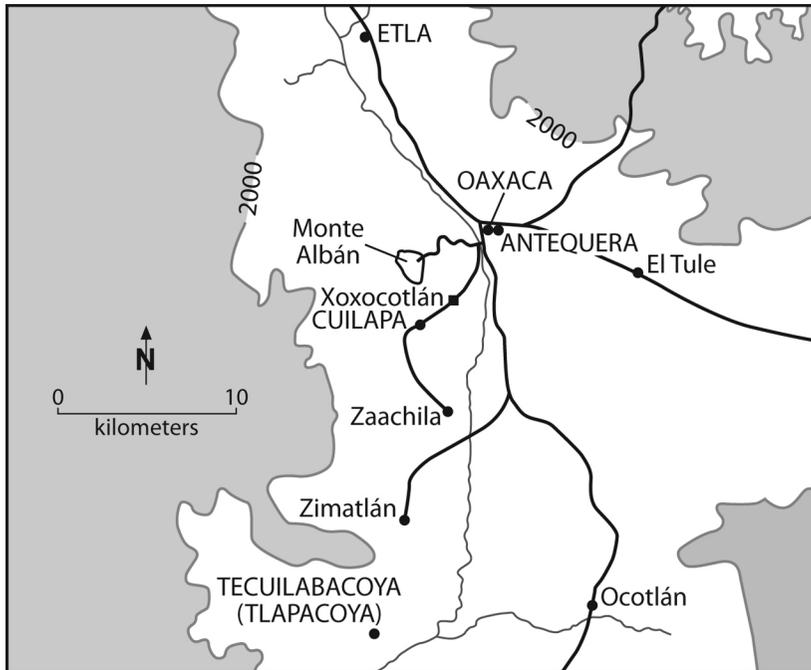


Figure 1. The Valley of Oaxaca

The story that unfolds in attempting to respond to these questions opens a unique window in the spectrum of social networks in the Valley of Oaxaca. The first part of this article overviews the region where the two Mixtec officials introduced the map, an area with a high concentration of land disputes. A close reading of the case contextualizes the commission and use of indigenous maps exposing political power

shifts, generational relationships, spatial practices, and legal strategies used to defend land. These elements recall the “multiplicity of complex conceptual structures, many of them superimposed or knotted into one another” described by Clifford Geertz in his interpretation of culture (1973: 10). Geertz’s so-called “thick description,” an ethnographic analysis to sort out the elements of signification among social groups, sought to find meaning behind every day customs, gestures, and rituals. Drawing from this insight, the case of Xoxocotlán, a lengthy docket of over three hundred folios and the copied map, allows us to scrutinize the strategies used by social actors to engage one another and the Spanish courts revealing the multiplicity of interests involved in the defense of land. A visual analysis of the copied map followed by an examination of the map’s reception within the legal circuits where it circulated reveal the advantages and limitations of pictorial manuscripts in legal disputes. The copied map, a strategic representation of space used to describe the town’s land as well as local social and political structures, formed a unique aspect of spatial practices in the Valley.



Figure 2. Map of Xoxocotlán, 1686. (Source: Archivo General de la Nación, Mexico City, No. 0625, Tierras, Vol. 129, Exp. 4. fol. 249.)

## The Setting

The seven-hundred-square-kilometer area of the Valley of Oaxaca is located in southwestern Mexico and is dissected by three large mountain ranges. During the colonial period, its rich soil, temperate climate, and thriving trade networks hosted a diverse population that included Zapotecs, Mixtecs, Nahuas, Spaniards, Africans, and *mestizos*, individuals of mixed-race ancestry. Unlike other regions of New Spain, Indian towns and individuals retained control of two-thirds of land in the region by the end of the eighteenth century. This unique situation contrasts sharply with northern and central Mexico where natives progressively lost territory to Spanish-dominated *haciendas*, landed estates with a mixed economy of cattle and agriculture.<sup>4</sup> William Taylor (1972: 198) has attributed the Valley's unique experience to a less violent conquest than central Mexico, a smaller number of Spaniards in the region, and a more effective enforcement of laws designed to protect Indians. *Repúblicas de indios*, the Spanish term most often used to designate native townships, competed fiercely over spatial boundaries contributing to the high rate of litigation in the region (Taylor 1972: 82-89, 209-10; Méndez Martínez 1999). These "micropatriotic" efforts to protect social organization and defend land from ethnic rivals characterized indigenous townships across Mesoamerica, a process also mirrored by Spaniards in New Spain (Haskett 1996: 111).

Land held unique value in the Valley. It yielded basic foodstuffs including maize, wheat, and sugarcane as well as variety of fruits and vegetables including beans, avocados, maguey, onions, figs, and tomatoes. Land provided pasture for goats, sheep, cattle, horses, and swine and supplied wood for fuel and building materials (Taylor 1972: 13-17). Spaniards held *haciendas*, *estancias de ganado mayor*, or cattle ranches, smaller livestock estates known as *labores* and larger ones such as *estancias de ganado menor* (Taylor 1972: 111-140). In addition to farming and livestocking sites, indigenous groups placed a high premium on land because of its ritual value tied to cellular units of social organization known as *ñuu* in Mixtec communities and *yetze* among Zapotec ones (Terraciano 2001: 102-132; Pohl 1994; Yannakakis 2008a: 20).<sup>5</sup> Marcello Carmagnani (1988: 13) suggests that in the seventeenth and eighteenth century, land among Mixtecs and Zapotecs was tied to a revival of ethnic values and political organization, efforts that sought to curb the effects of colonialism. "Territory," he writes, "was conceived as something altogether sacred and earthly. Sacred because it was the spatial dimension conferred by the gods to its children, and earthly because it was the human and geographical space capable of synthesizing the fulfillment of everyday needs and the reproduction of future generations" (*Ibid.*, 104). In the Valley, residents competed across ethnic lines to secure local boundaries, revealing in the process a web of interests that shaped spatial practices.

Maps usually entered the public record to facilitate claims to land. The region's rich manuscript culture, a loose association of scribes, clerks, lawyers, translators, mapmakers, and assorted Spanish and Indian officials, generated various types of handwritten documents for individuals and corporate entities engaged in commercial and legal affairs. Native lords and towns, the Church, Spanish landholders, and religious brotherhoods known as *cofradías* all procured titles, boundary surveys, maps, testimonies, and auction records to serve as evidence in matters related to land. A unique aspect of manuscript culture in Oaxaca involves the circulation of indigenous maps, pictorials, and alphabetic records written in native languages (Terraciano 2001: 15-65; Monaghan 1994; Smith 1973; Boone 2000). Individuals relied on the use of manuscripts to verify a claim, and on witnesses to legitimate that claim through memory. Both manuscripts and memory worked in tandem to secure a favorable judgment, but were themselves subjected to the power dynamics of each locality.

## Indigenous Mapmaking in Oaxaca

In the sixteenth century, Indian maps circulated in Oaxaca in local and regional courts and among private individuals and corporate entities. Scribes, officials, and painters invariably described them as *pinturas* (paintings) and in later centuries as *mapa y pintura* (map and painting), or *mapa* (map). Master painters such as Zárate known as *maestros pintores* or often simply *pintores*, belonged to elite groups within their own towns. We may infer from their maps that pintores possessed keen sensibility of local affairs that allowed them to visually express spatial and political relationships while functioning as guides to their Spanish audience when explaining the contents of their maps. Symbolically, pintores maintained a link with older pictorial traditions associated with *tlacuilo* (pre-Colombian painter/scribes) and early colonial Indian pintores (Robertson 1994[1959]: 25-44; Mundy 1996: 61-89; Leibsohn 1995: 267-69). They required the ability to select and mix organic and inorganic elements to color their products, and knowledge of local and regional geography including streams, mountains, rivers, and mineral deposits. The use of local and European materials to make maps and the choice of symbols applied to convey meaning made each piece a unique exercise in mapmaking.

From the 1570s through the 1600s painters in the Mixteca, Tehuantepec, Sierra Norte, and coastal regions made maps to petition or regularize land, to dispute boundary claims, to seek social privileges, and even to supply geographical information for royal efforts to account for their vast holdings in the New World (Figure 3). This period of map production coincided with a generational shift in Spanish and Indian populations that adjusted spatial boundaries as a result of resettlement campaigns in the sixteenth century (Taylor 1972: 21, 26-27, 37; Gerhard 1993: 51-52, 90-91, 159; Terraciano 2001: 119-21; Gibson 1964: 28, 54, 282-86; Lockhart 1992: 44-46, 415-416). Rich scholarship on indigenous cartography has revealed the varied approaches used by Amerindians to represent social and political space recognizing the value of maps as windows into local understandings of geography and culture (Russo 2005; Enfeld 2001; Mundy 1996; Leibsohn 1994 and 1995; Pohl 1987; and Gruzinski 1987). Maps from the late seventeenth century onward, however, have received less attention in some ways conditioning the study of Indian mapping to a temporal sphere (the sixteenth century) dismissing the style and function of later examples.<sup>6</sup> The maps from this later period, both originals and copies, possessed their own legal and pictorial identity that while drawing from earlier traditions utilized a modified set of tools to serve the needs of their patrons.

In the late seventeenth century and into the 1700s, patrons including Indian towns, caciques, *alcaldes mayores*, and Spanish landholders still petitioned maps from painters such as Zárate primarily to litigate disputes over land. After 1610, the output of maps in Oaxaca dropped dramatically with one recorded every other year until 1670. This pattern mirrors population decline in important centers of activity in the Valley. Antequera's tributaries, natives who paid a forced tax to Spanish authorities, fell from 8,000 in 1570 to a little over 2,000 by 1646. In the Cuatro Villas a 1570 census recorded 7,052 tributaries but only 849 by 1643 (Gerhard 1993: 51, 93). As the native population slowly recovered after the late seventeenth century, a scatter of maps every few years suggests indigenous cartographic practices sometimes informed spatial practices that included surveying, ritualized boundary walking, and witness testimony (Figure 4). The surges responded to royal efforts to enforce legislation including the *Composición de tierras* decree of 1631 for the parceling of land, and newer policies such as the extension of the *fundo legal*, the minimum space allocated to each Indian community, promoted in the 1680s.<sup>7</sup> Authorities sought to generate funds and to regulate land tenure in order to manage it more effectively at times reviving old rivalries or provoking disagreements

between neighbors that often led to litigation. Craib (2004: 64-65) has noted that “sharp lines of political and proprietary demarcation are neither timeless nor natural. . . . The result of requiring villagers to precisely fix their borders could often spur as many conflicts as it resolved.” While the majority of indigenous maps made in Oaxaca date to the late sixteenth century, the tradition of making them continued into the eighteenth.

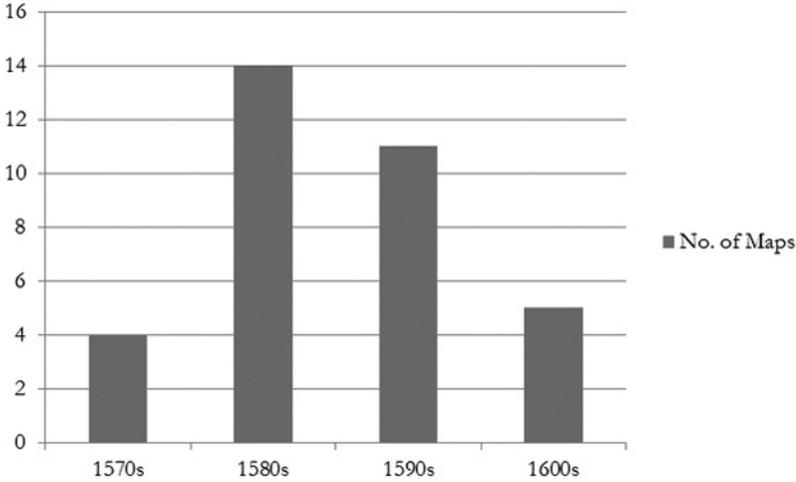


Figure 3. Map Activity in Oaxaca, 1570-1609

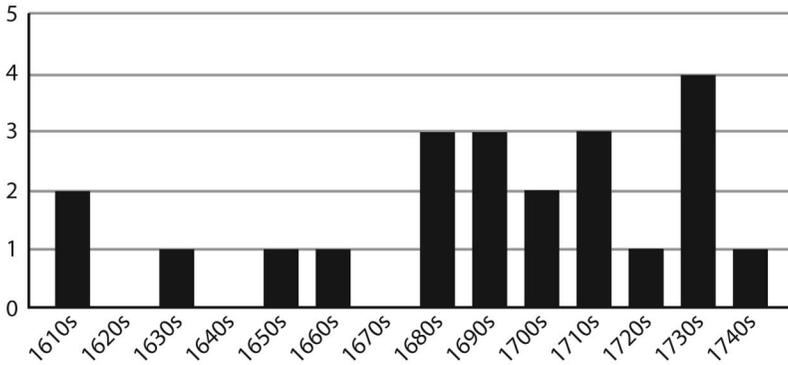


Figure 4. Map Activity in Oaxaca, 1610-1740

Some patrons commissioned copies of earlier maps. Extant examples suggest reproductions of late sixteenth- and seventeenth-century maps were made mostly in the central Valley after the 1680s, a pattern that continued into the late eighteenth century.<sup>8</sup> Copies accounted for nearly half of the indigenous maps made after the late seventeenth century. The copies themselves emerged as original productions that attempted to capture the details of the model but that also reflected the painter and the patron’s contemporary sensibilities and needs. In some cases, copies served as models

for newer commissions. Mundy and Leibsohn (1996: 340) have argued that in late nineteenth-century Mexico copies of sixteenth-century codices “became foundations for new narratives” that allowed the state to portray an image of a powerful pre-Colombian past bypassing the colonial context in which they were made. In the Valley of Oaxaca, those who commissioned copies attempted to establish a continuous thread with the past that often included negotiations with Spanish authorities in order to gain control over land. This is a particularly salient feature of *títulos primordiales*, indigenous titles made to resemble sixteenth-century legal documents (Wood 1987, 1989, 1998, and 2007; Sousa and Terraciano 2003: 375-76, 381).<sup>9</sup> Títulos circulated primarily during the late seventeenth century and early eighteenth as a result of the same pressures on land that prompted the commission of maps.

### Negotiating Landscapes

Individuals and corporate entities in the Valley often turned to the courts in matters related to land. For a large part of the seventeenth century, Xoxocotlán and the owners of a neighboring hacienda to the west of the town quarreled over the limits of five acres of land defined by an assortment of trees (Figure 5). According to Xoxocotlán, the five acres formed part of their patrimonial lands since time immemorial. Three successive hacienda owners argued the five acres formed part of an estancia de ganado menor sold by a cacique from Cullapa to Francisco Muñoz de Tejada, a Spanish landholder, to add to the property. Beginning in the 1640s, the natives and hacienda owners litigated on separate occasions over the course of fifty years for control of this property. During each instance, the parties involved presented written evidence, witnesses provided oral testimony, and officials surveyed the physical terrain resulting in a verdict, followed by a break in litigation. Tensions usually resurfaced when a new owner took over the hacienda property, each new tenant claiming the right to the estancia including the five acres of land and contesting the limits declared by Xoxocotlán. The records indicate the natives relied on the testimony of elder Indian males and some influential Spaniards to attest to the town’s claims. After decades of successful litigation, Xoxocotlán lost the right to the five acres in the early 1680s when they failed to provide a written title. The two phases analyzed below contextualize spatial practices used to divide, to defend, and to assign meaning to the natural environment, all of which led to the introduction of the copied map in 1686.

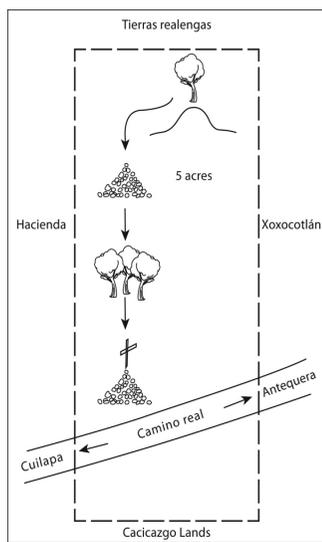


Figure 5. Disputed land

### The Red Roses Tree (1643-1649)

In 1643, officials from Xoxocotlán complained to the courts about the Spanish landholder Francisco Muñoz de Tejada. According to the complaint, Muñoz violently expelled Diego Juárez, Juan Jacinto, and other Indians on September 24 as they cut wood along a contested boundary northwest of Xoxocotlán’s church. Muñoz, they argued,

attempted to kill Juárez and the others with a spear and took away their axes humiliating them and committing other, unspecified, offenses (AGN, Tierras, Vol. 129, Exp. 4, f. 67). Muñoz had also prevented Xoxocotlán's horses and oxen from grazing freely further angering the Indians and causing the animals much harm. In order to prevent additional altercations, the officers from Xoxocotlán petitioned Hernando Ortiz de Sepúlveda, the alcalde mayor of the Cuatro Villas, to affirm the limits of their town's land in a process known as *amojonar*, a survey of natural and manmade boundaries to define property limits (Beyersdorff 2007: 130). Yanna Yannakakis (2008b: 164) contends that "ritual boundary marking emerged as a particularly salient spatial practice because of the degree to which indigenous people accepted Spanish notions of property, in which firm boundaries were critically important." Amojonar comprised a key element to assign value to space in Oaxaca.

On September 28, the town's political officers and other members of the community along with Ortiz, Muñoz, and Nicolás Rodríguez, a bilingual scribe who spoke Nahuatl, gathered at the top of a hill toward the western portion of Xoxocotlán's domains. The Indian officers pointed to a tree that blossomed with red roses (*árbol de rosas coloradas*) and said it was the first boundary marker, or *mojón*. They led the group southward down the hill stopping along the way long enough to rebuild an ancient boundary stone (*mojón antiguo*) as they journeyed towards the next marker that skirted el Camino Real, the King's Highway. When they reached this ancient mojón—the source of the conflict—the scribe recorded the following passage: "When we arrived at the Royal Highway that comes from Antequera to the Villa of Cuilapa, we found another stone mojón the Indians said was ancient and they placed a cross there. They asked the alcalde mayor to witness the way they had arranged the markers" (AGN, Vol. 129, Exp. 4, f. 6).<sup>10</sup> This symbolic act of possession sought to preserve both the boundary marker and the memory of its renewal in written form. The act was designed to serve as a memory trigger allowing later generations to reference it in their own disputes with neighbors.

Muñoz had purchased the estancia nine years earlier from Don Gerónimo de Lara y Guzmán, a powerful cacique from nearby Cuilapa. Lara, a Spanish-speaking Indian described as *ladino* who wore Spanish dress boasted, "for some of us, selling them is of no consequence, there are many more lands that form part of our *cacicazgo* [entailed Indian estate] which we farm and lease to others" (AGN, Vol. 129, Exp. 4, f. 20). When called to testify about the limits of his estancia, Lara agreed with Xoxocotlán that the piece of land in dispute did not form part of the original sale. Five witnesses, including four Spaniards and an Indian cacique, confirmed Lara's reputable character and proper lineage swaying the alcalde mayor to recognize the boundary claimed by Xoxocotlán. Except for Lara's testimony, no written title appears to have accompanied the Indian town's defense of its boundary, a fact not lost on Muñoz.

Muñoz urged the alcalde mayor to reconsider his decision. For Muñoz, the lack of a written title placed the Indians of the town, not himself, at a disadvantage, a point he made clearly in a deposition before a scribe on October 3, 1643. He asserted that his title, a *merced* (royal land grant) issued in 1591 to cacique Juan Guzmán, a relative of Don Gerónimo, specified the location of the estancia and he petitioned authorities to measure the landscape.<sup>11</sup> He further argued that "the Indians had not presented authentic proof to confirm that the lands were theirs," adding that, in fact, he was one of the first holders (*primeros poseedores*) of the property, a testimony of time that sought to bind him to the land (AGN, Vol. 129, Exp. 4, f. 67). On the surface, Muñoz's appeal fulfilled the key elements for a successful lawsuit in New Spain, namely the presentation of an official title of ownership. In 1644, judges at the Real Audiencia in Mexico City, the Viceroyalty's highest judicial authority, reviewed the case issuing an *auto*, an official

sentence that instead confirmed alcalde mayor Ortiz de Sepúlveda's decision to uphold Xoxocotlán's claim on the five acres of land.

In Oaxaca, the notion "time immemorial," especially among fiercely competitive *ñuu*, served to strengthen the bonds between individuals and place by according first settlers a privileged status. Royal decrees issued in 1588 and again in 1594 stipulated that "estancias and lands awarded to Spaniards should not be detrimental to Indians" embedding an element of time into the possession of land.<sup>12</sup> Recourse to this device, especially in the absence of a legal title, appealed to an official's sense of tradition calling into play the elements of custom and local rule.<sup>13</sup> When the natives from Xoxocotlán brought caciques and elder witnesses to testify on their behalf, they sought to establish an ongoing relationship between the past and present that had a direct bearing on land disputes by drawing from peoples collective memories. Collective memories expressed a continual link to the past pliable by those who used them and constantly in danger of disappearance (Crane 1997: 1373-1377; Nora 1989: 9). Muñoz's claim as a first settler on the property near Xoxocotlán sought to challenge the Indian's own claim of time immemorial. Indeed, memories played an important role in shaping the contours of the Valley of Oaxaca's spatial boundaries but they "represented a construct that masked competing claims through the political domination of a particular group of elites" (Yannakakis 2008b: 173). During this first moment of contention, a period that lasted roughly from 1644 through 1649, the natives from Xoxocotlán successfully retained the property that bordered the neighboring hacienda. They did so without a formal title, relying instead on powerful Indian witnesses such as Don Gerónimo de Lara to support their claim.

### The Plum Trees (1676-1692)

In 1676, ownership of the Muñoz hacienda passed to another Spaniard, a captain named Bartolomé Ruíz. By 1680, Ruíz reclaimed the five acres now planted with corn and beans by a set of plum trees near the red rose tree identified in the previous survey. When Xoxocotlán complained to the courts, Ruíz's attorney, Diego Fernández de Córdoba, argued that the five acres in fact formed part of his client's property. According to him, it was Xoxocotlán's residents who had breached the boundary of the plum trees, the halfway point between the hill with the crimson roses and the cross by the King's Highway. Ruíz's attorney recognized that *amparos*, legal documents that sheltered its holder under the law, existed which protected the boundaries in favor of Xoxocotlán but he claimed the town had succeeded in retaining the land for so long because of the "improper and impetuous ruling of the alcaldes mayores who against all justice" protected the natives in the first place (AGN, Vol. 129, Exp. 4, f. 81). This comment sought to discredit past legal verdicts that according to the attorney reeked of complicity between Spanish authorities and natives. Ruíz capitalized on the fact that Xoxocotlán had no legal title to the land grounding his claim to it in the recognition of a legitimate bill of sale like his own.<sup>14</sup> Since he physically controlled the five acres of land in question he believed the lack of a proper title did not work against him. To resolve the dispute, the alcalde mayor ordered both parties to present evidence of ownership in early 1682 including their legal records and witnesses.

Xoxocotlán assembled a group of elder males, mostly Indian lords with ties to the region, whom they called on to support their claim. It presented ten witnesses—eight Indian men and two Spaniards—who testified about the boundaries that divided the lands of the town from those of the Ruíz estate. Luis de San Juan, a 95-year-old cacique agreed that the plum trees marked Xoxocotlán's legitimate boundary; he knew this, he said, because he attended the *amparo* described above when serving as a political officer

for Cuilapa. San Juan's testimony presents a dilemma since the plum trees were not mentioned during the 1643 boundary walk. It is possible Xoxocotlán's council members and Spanish officials chose not to reference the trees in writing but that local residents identified them as a natural marker. An alternative explanation suggests, as Ruíz's attorney later commented, that San Juan lied to authorities in order to support the town's claims. Andrés de Velazco, another cacique from Cuilapa, testified that he witnessed Ruíz's son, Francisco, enter to the East beyond the plum tree *mojones* that marked the property limits, ruining the Indians' sweet potato fields. Velazco had participated in an official boundary perambulation in 1657 and knew the borders well. According to the scribe who transcribed his deposition, Velazco, San Juan, and several other caciques who gave testimony wore Spanish clothing (*traje de español*) and spoke Spanish, both symbols of prestige usually recognized in notarial records.

The testimony of the two Spanish witnesses also hints at the way interests shaped declarations in the Valley. Juan de Almogabar, a 38-year-old landholder, reluctantly confirmed he had acted as a witness in a boundary survey during a former dispute between Xoxocotlán and another property owner. When questioned if he knew anything about the conflict between Ruíz and Xoxocotlán, he stated simply, "No, I know nothing." When asked about the relationship between Ruíz and the Indian town, the witness said, "I only know that they contested [the estancia] this year." But Almogabar could not deny that during an earlier land survey he witnessed the boundaries "started at a tree with crimson flowers leading to a triad of plum trees," the same marker currently under contention. Although he confirmed the boundaries, he made a point of emphasizing he had witnessed Bartolomé Ruíz utilize the five acres of land in the past and that this was the first time Xoxocotlán complained: "I have seen Antonio Rendón [the hacienda's prior owner] and then Bartolomé Ruíz sow beyond the boundaries but I have never known the Indians to do the same or to contest [this boundary] until now" (AGN Vol. 129, Exp. 4, f. 100).<sup>15</sup> Hardly the compelling testimony the Indians had hoped for. Weeks later, Xoxocotlán's legal counsel criticized Almogabar's deposition suggesting he feared Ruíz and deliberately provided false testimony. A second Spanish witness, Marcial de Molano, also testified. Molano told authorities he knew the land belonged to Xoxocotlán because he had witnessed a boundary survey presided by an *alcalde mayor*. Ruíz's attorney, Diego Fernández de Córdoba, later challenged Molano's testimony suggesting the witness had ulterior motives to verify Xoxocotlán's claim.

Ruíz's attorney brought together a group of individuals that included nine Spanish men and one Indian from a range of trades including farmers, cattlemen, butchers, scribes, and public officials. These witnesses emphasized their own connection to the past and to the hacienda in order to establish a legitimate claim. The testimony of two men, a Spaniard and an Indian cacique, added a layer of complexity to the suit when they suggested Don Félix de Mendoza, a powerful cacique from Xoxocotlán with a penchant for *pulque* and public displays of violence, also conspired to appropriate the five acres (AGEO, Alcaldías Mayores, Leg. 48, Exp 10). Francisco de Medina, a local scribe from Antequera recalled that eight months prior to his testimony he had assisted the *alcalde mayor* of the Cuatro Villas in giving possession of lands to Simón de Chávez, another cacique from Cuilapa. Chávez was married to Doña María de Guzmán, a descendent of the original holders of the merced land owned by Ruíz and a relative of Don Félix; the couple sought to protect their assets. During the survey, Chávez and Don Félix gathered in Xoxocotlán with a cadre of nobles and other Indians to claim the land that bordered with Ruíz's property. According to Medina, Chávez and Guzmán intended to claim the entire estancia as part of their patrimony before Bartolomé Ruíz met them at the boundaries to protest the claim. Medina testified Ruíz challenged the two caciques

asking, “How can you claim my estancia and lands that were sold legitimately by your wife’s grandfather and which I possess with just title?” Chávez and Guzmán responded they no longer wished to take possession of the estancia and proceeded to survey other parts of the cacicazgo (AGN, Vol. 129, Exp. 4, f. 401). The final witness, a 48-year-old Indian cacique in Spanish dress named Juan de Aguilar suggested a conspiracy in Xoxocotlán to deprive Ruíz of his property. Aguilar, an Indian notable from Xoxocotlán, assured the judge that the estancia, presumably including the five acres belonged to Ruíz having passed down legitimately from Francisco Muñoz. He stated that because he believed Ruíz to be the rightful owner, the other native officials avoided and refused to speak to him lest he reveal the truth of their schemes. Aguilar’s testimony exposed a clear rift within Xoxocotlán’s indigenous elite, many of whom supported the powerful Don Félix. During the earlier dispute between the town and Francisco Muñoz in the 1640s, officials from Xoxocotlán relied on assistance from Don Gerónimo de Lara, a wealthy cacique from Cuilapa, to verify the limits of the estancia. Following the same strategy to litigate against Ruíz proved more complicated since Mendoza’s actions raised suspicion among his critics.

In a petition to the *alcalde mayor* in June 1682, Ruíz’s attorney, Fernández de Córdoba claimed Don Félix de Mendoza had persuaded the witnesses to provide false testimony in order to strengthen their case. He stated the witnesses testified at the behest of Don Félix, “an enemy of mine, who for this occasion incited this conflict persuading the other natives from the town to do it with his great authority as a powerful nobleman.”<sup>16</sup> Fernández claimed Mendoza imposed *derramas*, forced payments that exceeded Spanish demands for tribute, on Xoxocotlán’s residents and noted that Mendoza’s father-in-law, 95-year-old cacique Luis de San Juan, and other kin made up the great portion of Xoxocotlán’s witness list. The lawyer capitalized on the tension between Xoxocotlán’s ruling elite arguing that Aguilar’s privileged position as a *mayordomo*, a custodian of community lands or other town possessions that yielded income, confirmed his client’s testimony.

The picture that emerges from the testimony of these witnesses describes a complex web of relationships tempered by competing interests in land and in some cases leading to hostile accusations and open enmity. “The question of boundaries,” argues Yannakakis (2008b: 165), “became a fraught one in which local knowledge of land tenure on the one hand, and of Spanish property law on the other, could be wielded as weapons by indigenous elites acting as witnesses in pursuit of varied objectives.” In the Valley, alliances took on various shapes that often pitted townspeople and lesser nobles seeking access to resources against more powerful caciques looking to retain traditional rights and privileges.<sup>17</sup> The fact that Juan de Aguilar, an Indian notable, testified against Mendoza and Xoxocotlán’s officials evinces the differences of indigenous interests and memory in matters related to land. Fernández’s comments about Mendoza’s sphere of power suggests key Indian figures held influential positions in local affairs that threatened Spanish and indigenous interests alike. Likewise, individuals such as Bartolomé Ruíz played an active role in shaping the region’s spatial contours.

In Mexico City, judges at the Real Audiencia reviewed the case in September 1682 issuing a verdict in favor of Bartolomé Ruíz. In Antequera, the *alcalde mayor* validated the disputed boundaries as described by Ruíz and warned the Indians not to disturb the Spanish landholder’s possession (AGN, Vol. 129, Exp. 4, f. 415). During this phase of litigation, Ruíz secured the five acres of land under dispute near Xoxocotlán. Although this moment marked a shift in the relationship between Xoxocotlán and the neighboring hacienda, it did not deter the town from appealing the decision and further pursuing the claim. Four years later, the Real Audiencia in Mexico City granted

Xoxocotlán an appeal (AGN, Vol. 129, Exp. 4, f. 172). The introduction of the old map in 1686 and the subsequent commission of its copy were directly related to the chain of events described above.

### A True and Faithful Copy

The map of Xoxocotlán, copied by Zárate in 1686 (Figure 6) emphasized the town's natural boundaries to legitimize the claims against Ruíz.<sup>18</sup> Oriented to the West (top of the map) towards the archeological site of Monte Albán's southern range, an important ritual center in Oaxaca's central valley, the map's upper portion includes a chain of stylized mountains that extend downward on the right hand side. An ocelot (Figure 6, No. 1) sits atop the mountain at the top left while a stylized tree with red-feathered leaves stands on the right (Figure 6, No. 2). The ocelot suggests a symbolic relationship with the mountain reminiscent of the place-glyph used in earlier indigenous mapping to convey meaning, in this case describing Ocelotepeque, ocelot hill (*ocelotl*=ocelot/*-peque*=hill). Smith (1973: 37) explains place signs as logograms, "pictorial representations of a place-name in which the pictorial units are the equivalent of one or more words." Indigenous painters used logographic expression in local maps throughout the sixteenth century but this practice declined by the early seventeenth. The moon in the map's top center (Figure 6, No. 3) suggests nightfall to indicate the cardinal direction west. The second moon on the farthest right hand side (Figure 6, No. 4) appears to blend into the landscape perhaps as an attempt to evoke *noo yoo*, literally "moon-faced," a reference to the flower that gave the town its first Mixtec name. After subduing the region in the late fifteenth century, the Nahuas rechristened the town Xoxocotlán, the "land of abundant sour fruits" because of the many plum trees in the region, a group of which defined the property under dispute. The presence of multiple names reveals a layer of ordering used to assign meaning to social and political space (Herrera, Muñoz, and Paredes 2012). In Zárate's copy, alphabetic glosses in Mixtec next to specific places (Figure 6, No. 9-21) inscribed the landscape to fit Mixtec needs, a practice that as Barbara Mundy (1996: 175) has noted witnessed an attempt to control the blank spaces of a map but instead rendered them virtually unreadable to their Spanish audience.

On the map's right hand edge, an unnamed town represented by a church (Figure 6, No. 5) connects to another town (Figure 6, No. 7) by a southern road marked by footmarks, the pre-Colombian sign for travel, and hoof marks, a sixteenth-century device that signaled the arrival of horses and beasts of burden in Oaxaca.<sup>19</sup> A series of *mojones*, or boundary markers (Figure 6, No. 8a-c), define the town's borders along the road. A *mojón* with a cross on the top (Figure 6, No. 8b) suggests it represents the boundary described during the land survey conducted in 1643 when upon arriving at the Royal Highway, officers from Xoxocotlán petitioned the *alcalde mayor* to witness their placing of a cross on an ancient marker. Below this stretch of land lies the town of Xoxocotlán in the center of the manuscript, symbolized by a church. Zárate inscribed it "*huce ñoho Santa Cruz*," the "sacred house of Santa Cruz," rather than Xoxocotlán. One may note the use of a Catholic theme, "The Holy Cross," a symbol that catered to Spanish sensibilities about religion and the state but also to indigenous peoples' incorporation of Catholicism in their daily lives. Leibsohn (1995: 273) argues that the use of the church sign occupied a progressively privileged position on Indian maps, gradually replacing hill glyphs in the sixteenth century. Churches, symbols laden with value across cultural spheres in the colonial world, allowed officials to identify towns on maps while drawing attention to indigenous spatial ordering.<sup>20</sup> It is no coincidence that Zárate and the painter before him situated the key town in the center of the map, to emphasize its importance. Harley (2001: 157) noted that such practices added "geopolitical force and meaning to

representation” found on maps. A partitioned area with a black and green border in the central left portion of the map (Figure 6, No. 11) encases a series of boundaries, perhaps an attempt to indicate the old map’s original purpose since none of them appear to have any direct relationship with the Ruíz case. At the map’s bottom center, a bright orange sun signals east.

The map’s material condition played an important role in framing its message. Zárate used a large piece of coarse linen fabric (88 x 79 cm) and medium brown pigment for the background combining white, green, red, and violet colors to define mountains, streams, and buildings. His choice of materials reveals a distinct aspect of the map’s message. As Harley (*Ibid.*, 163) has argued, “all maps employ the common devices of rhetoric such as invocations of authority . . . and appeals to a potential readership through the use of colors, decoration, typography, dedications, or written justifications of their method.” The 1686 map followed pictorial traditions that required the application of specialized knowledge for the selection and preparation of organic and inorganic materials to paint, a distinct aspect of indigenous cartography throughout Oaxaca and other parts of Mesoamerica. The use of cloth and its size evoke a genre of native pictorial manuscripts known as *lienzos*, painted genealogies and elite histories usually made on linen material typically produced during the second half of the sixteenth century.<sup>21</sup> Together, these elements gave the map a unique visual presence that intentionally summoned the past.

Indigenous maps did not strictly depend on spatial precision, relying often on the visual and symbolic elements that characterized their appearance. This rhetorical strategy appealed to an earlier period, a time immemorial when pictorial documents carried legal value in the Spanish courts helping native towns and individuals secure grants of land and social privileges (Cummins 1995). Yannakakis (2008b: 176) has observed that in the Zapotec sierra in northern Oaxaca, the importance of a native title “rested on its form—a title that straddled the eras of their ‘gentility’ and colonialism and that legitimized political power and landholding by virtue of both local lineage and royal authority—and not on its specific content.” In the case of the map of Xoxocotlán, the actual site of the dispute, a mere five acres, was not as relevant to the town as the fact that they controlled specific territorial boundaries tied to a long line of nobles predating the arrival of the Spaniards. By deploying the map, the town council attempted to reinforce this notion.



Figure 6. Map of Xoxocotlán, 1686 [with interpretative grid]. (Source: Archivo General de la Nación, Mexico City, No. 0625, Tierras, Vol. 129, Exp. 4. fol. 249.)

## Key to numbers on Figure 6

1. Ocelotepeque [hill of the ocelot]
2. Tree with red feather leaves
3. Moon (West)
4. Second moon; possible moon-faced hill
5. Villa of Oaxaca
6. Camino Real [the Royal Highway]
7. Villa of Cuilapa
- 8a. Double-mound boundary marker
- 8b. Boundary marker with cross
- 8c. Boundary marker with plant
- 8d. Estancia
9. *huee ñobo Sta crus* (*huee*=house) (*ñobo*=sacred)/sacred house of the Holy Cross
10. *cuiti yuyucha noyoo* (*cuiti*=mound) (*yuyucha*=riverside, river mouth) (*noyoo*=moon-faced)/moon-face mound on the riverside
11. *cuiti Sn Mi[gu]el* (*cuiti*=mound)/mound of San Miguel
12. *ñoo yud[ɜ]abui* (*ñoo*=place) (*yu*=stone) (*dɜhɜi*=rain)/the place of stone rain
13. *nodɜabui coybo* (*no*=place) (*dɜabui*=rain) (*coybo*=land that retains water, wet)/place where rainwater is collected
14. *ñobo miniyu[yu?]* (*ñubu*=land) (*mini*=lake, wet, moisture) (*yu[yu?]*, *yojo*=plain)/plain saturated with water
15. cu[ɸ]a sie[ɸ][ta] [N/A]
16. franco martin [Francisco Martín]
17. *cuiti meeño* (*cuiti*=mound) (*mee*=in the middle) (*ño*=place, settlement)/mound in the center of the town
18. *ñobo chee ni sa nobo cabua nduqun* (*ñubu*=land) (*chee*, *nchee*, *ndaa*=flat, extended) (*ni*, *nee*=wholeness, complete) (*sa nobo*=that which contains) (*cabua*=cliff, rock) (*nduq*=square)/completely flat land that contains the square rock
19. *cuiti coo caa* (*cuiti*=mound) (*coo*=serpent, *caa*=metal/rattlesnake)/mound of the rattlesnake
20. *cuiti sacuaa* (*cuiti*=mound) (*sacuaa*=deer)/mound of the deer
21. This site most likely refers to Masatepeque, “deer hill” in Nahuatl; no *nicaa ydzu*, “where there was a deer” in Mixtec according to Smith (1973: 210) who notes a similar place sign on the 1718 and 1778 maps of Xoxocotlán.
22. En Veinte y cinco de Octubre de 1686 años se aprouó esta mapa p<sup>r</sup> el señor Alcalde m<sup>or</sup> y lo rubrique [rúbrica]
23. Por orden del cap<sup>tan</sup> dn Antt<sup>o</sup> de Abellan Al<sup>dc</sup> M<sup>or</sup> de las quatro Villas del Marquesado cupie [copie] esta Mapa según su original que se me dio sin estrep[estrop] ni disminuir cosa Alguna segun se acostumbra en mi arte de la pintura que ba sierto y berdadero como co[n]stara por el original qnda[concuerta?] con esta y en caso nesesario y antepongo el Juramento nesses<sup>o</sup> fho en Antequera octubre 25 de 1686 años Dn Domingo de sarate
24. Sun (East)
25. Stream [red line]

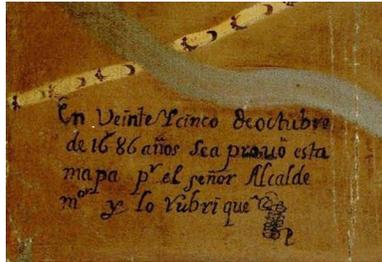


Figure 7. Map of Xoxocotlán, 1686 (Certifying Text No. 1). (Source: Archivo General de la Nación, Mexico City, No. 0625, Tierras, Vol. 129, Exp. 4. fol. 249.)

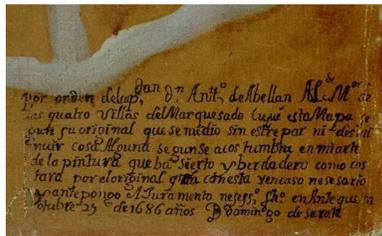


Figure 8. Map of Xoxocotlán, 1686 (Certifying Text No. 2). (Source: Archivo General de la Nación, Mexico City, No. 0625, Tierras, Vol. 129, Exp. 4. fol. 249.)

In a highly unusual act in the cartographic process, Domingo de Zárate inscribed two certifying texts at the bottom of each corner of the map. In the first (Figure 7) he stated the *alcalde mayor* approved the map on 25 October 1686; his rubric appeared below the inscription. The second gloss (Figure 8) reads, “By order of Captain Don Antonio Abellán . . . I copied this map based on the original given to me; [I made it] according to the traditions of my art of painting without damaging or diminishing a single thing.”<sup>22</sup> Mundy (1996: 62) has observed that indigenous painters rarely signed their maps making Zárate’s words the more revealing. For one thing, he understood the importance of his trade, *his* art of painting, a visual system with a distinct form and style that required the application of certain skills honed by masters in their craft. In another respect, Zárate’s written glosses as well as Abellán’s earlier commission bear witness to an exchange of services prompted by the demand for an indigenous map. At the end of the meeting, Medina the scribe recorded the following in a separate folio:

I certify under oath that the natives of the town of Xoxocotlán, subject to the Villa of Cuilapa in this marquisate, presented two maps, one of them old, torn, and frayed with the passage of time, the other copied and produced according to and as the ancient one by Don Domingo de Zárate, cacique

and a master of painting. [The map was] mandated and licensed by Captain Don Antonio de Abellán y Carrasco . . . [to recognize] the borders and boundary markers of this entire jurisdiction. Having seen and compared one with the other, his lordship declared it true and faithfully copied and detailed, seemingly with the same boundary signs and expositions as the old one (AGN, Tierras, Vol. 129, Exp. 4, f. 176).

The scribe's words accredited the relationship between the Indian master painter, the native town, and the Spanish official in the process authenticating the map's contents and bringing the exchange of this service to an end.

The act of certification represents an important element of mapmaking in Oaxaca. Certification legitimized the use of native maps in a court of law. The lack of a proper certifying mark, usually in the form of a gloss and signature that verified the "true and faithful" depiction of a site could render a map worthless from a legal standpoint. "What is crucial," notes Cummins (1995: 158) of indigenous pictorial records in the sixteenth century "is that a forum for the presentation of non-European evidence could be constructed so as to be judged as 'true.'" The copied map's inspection in the late seventeenth century suggests a degree of familiarity between scribe, painter, official and the use of pictorial documents recalling legal practices from a century earlier (Boone 1998: 149). Admitting a map was an important part of the process but it did not guarantee the owner a victory in litigation. Yannakakis (2008b: 166) observes that judges in Oaxaca during this later period "valued the written text above both orality and the image, especially where legal evidence was concerned." In other respects judges seemed to have grown accustomed to native pictorial records so much so they could often identify titles of dubious origin (Sousa and Terraciano 2003: 351). For Xoxocotlán, the *alcalde mayor's* certification allowed the town to introduce the map into the proceedings.

### The 1686 Map's Reception

The introduction of the map followed the Real Audiencia's decision in 1686 to grant Xoxocotlán an appeal on the verdict issued in 1682 in Bartolomé Ruíz's favor. An appeal meant mounting another full-scale inquiry including land surveys, presentation of written evidence, and witness testimony. In preparation for the upcoming legal battle, two *regidores* (councilmen) from Xoxocotlán presented the map to facilitate an impending survey. They claimed the map described the town's territorial limits, its battered state impressing its age upon viewers and providing a unique memorial device to its holders. But the copy does not indicate with any precision the location of the disputed property. Instead, Domingo de Zárate, the map's painter, represented a visual order from a century earlier that described the town's spatial boundaries.

Indian maps aroused suspicion precisely because they interpreted the natural environment and its social relationships according to native traditions. In the case of Xoxocotlán, Ruíz's attorney questioned the officers' use of the map stating that:

The reproduction of the map presented by the natives with the *alcalde mayor's* certification [and] its convenient comparison with the old painting, is useless. Without an accompanying title, the map does not give, nor can it give [its holders] legitimate right over land because it is an instrument that completely lacks the juridical authority to make it valid; it depends entirely on the will of those who make it and those who commission it (AGN, Tierras, Vol. 129, Exp. 4, f. 184, 14 May 1688).

In fact, a decree issued by the crown in 1643 validated the use of pictorial documents, at least theoretically, in New Spain (Florescano 2002: 241). Still, most officials could not make sense of an Indian map unless guided by a native painter who could explain its content. Yannakakis (2008b: 166) has argued that patrons of indigenous maps and manuscripts lost control of their reception “especially if the readers of the maps and texts did not share the cultural assumptions and codes that the maps and texts expressed.” Accepting an indigenous map into a legal proceeding allowed parties to make claims on land, but that did not guarantee the map a favorable reception nor did all parties consider them appropriate forms of evidence. Despite the fact that Abellán y Carrasco, the *alcalde mayor*, certified the map and the copy’s inspection, the attorney’s comments challenged their authenticity.

After entering the public record, the 1686 map underwent further scrutiny in the hands of attorneys, magistrates, and other scribes who had access to it during Xoxocotlán’s appeal. Juan López de Pareja, the town’s attorney, introduced it as evidence in Mexico City in the fall of 1687. By the time Ruíz’s lawyer petitioned the Audiencia in 1688 to drop the native’s suit he had also inspected the map noting, “as a new copy it relies on the details of the ancient original that is not included [in the brief]. Even though [the original] could assist the natives [in their case], they refuse to exhibit it without a clear reason” (AGN, Vol. 129, Exp. 4, f. 184).<sup>23</sup> Authorities in Oaxaca mentioned the map in 1691 where it functioned as a guide during a *vista de ojos*, a boundary inspection, and a measurement of land in March of that year ordered by the Audiencia (AGN, Vol. 129, Exp. 4, f. 197). Weeks later, authorities questioned witnesses for the native town about their knowledge of the five acres. Their testimony foregrounds the map’s role at the community level where its introduction by Xoxocotlán’s political officers and its use during the case by Spanish authorities served to reinvigorate community ties and spatial boundaries.

Witnesses responded questions about the location of the five acres and about the parties involved in the dispute. During the interrogation, authorities referred all witnesses to the map and the legal documents the town had collected over time. Six of them, including 80-year-old Juan Pérez, declared they had seen the map. Jacinto Gómez, a native from Atzompa who relocated to Xoxocotlán after marriage and several others testified they had heard about the map. Two natives from neighboring San Pedro Apostol testified they knew “[Xoxocotlán] had a mapa/pintura and titles,” both declaring they had “seen them and heard them read aloud, and they included the [disputed] piece of land” (AGN, Vol. 129, Exp. 4, f. 210-211).<sup>24</sup> The testimony of the last two witnesses suggests the map may have served as a tool used by prominent elders to orally recount the history of the town during ritual festivities and other important occasions (Sousa and Terraciano 2003: 351; Yannakakis 2008b: 164). But which map did witnesses reference, the original or the copy?

During the interrogation witnesses would have had access only to the copy because of the frail state of the original, the reason given for commissioning the copy in the first place. The two Indians from San Pedro, however, surely referred to the old map in their testimony, especially since up to that point in time the copy itself circulated primarily within the region’s legal channels. Others who had just heard about the map confirmed its existence during the deposition. In both instances, the act of viewing the “true and faithful” copy established a symbolic link with the past setting a precedent that certified the town’s response to spatial threats regardless of the outcome of the case. The interplay between witnesses, native officers, translators, and Spanish officials to define the map’s use in a formal legal setting reveals the various stages of authentication, a joint effort between social actors with diverse, often conflicting interests.

### Wither the Plum Trees

On May 12, 1691, the *alcalde mayor* of the Cuatro Villas, Gerónimo Fernández Franco, ordered a measurement of the disputed five acres. He solicited persons knowledgeable in surveying, appointing two Spaniards with direct ties to the case. Juan de Almogabar and Joseph Rodríguez, the two men selected, had both testified a decade earlier during Xoxocotlán's first embroilment with Bartolomé Ruíz. Even though Almogabar had appeared on behalf of the native town, he had seemed reluctant to support their claim eliciting a warning from Xoxocotlán's attorney that the witness surely feared Ruíz. Joseph Rodríguez, a scribe and former *alcalde mayor*, had testified for the Spanish landholder questioning the timing of the Indian town's suit. This obvious conflict of interest went unmentioned by Fernández Franco, the ranking official on the case. Two days later at seven in the morning, Spanish and native authorities, Ruíz, the surveyors, a translator, and assorted witnesses met at the town's church to initiate the inspection. The *alcalde mayor* used a *cordel*, a rope that for the occasion measured 100 varas, assigning it to Almogabar and Rodríguez to mark distances after which he mounted his horse giving the order to begin the survey.

The group traveled west towards the old plum trees. When they arrived at the spot, the trees had withered. According to the scribe, the roots on the ground provided the only physical evidence of their existence:

We walked east to west nearly half a league from the town until we reached a boundary marker for a maize field [that had been] recently harvested [*“está en rastrojo,”* noted the scribe, “in stubble.”]. Both the natives and Captain Bartolomé Ruíz said that was the location of the plum trees mentioned in the royal dispatch; you could still find the trees' noticeable roots (AGN, Vol. 129, Exp. 4, f. 213).<sup>25</sup>

For Xoxocotlán, the remainder of the inspection seemed to reflect the loss of the trees. Almogabar and Rodríguez determined the distance between the town's last house and the plum tree *mojoneras* measured 1,518 varas, well in excess of the *fundo legal*.<sup>26</sup> “From what has been seen and inspected,” wrote the scribe, “the *alcalde mayor* finds that not only does the town possess the 600 varas mandated by the recent Royal decree [*real cédula*], but it exceeds [the mandate] by 918 and one half varas” (AGN, Vol. 129, Exp. 4, f. 215). This revelation seemed to weigh heavily on the *alcalde mayor* more than any argument over an old boundary. By the end of the inspection, the official declared he found Xoxocotlán's petition vague and unfounded, with so much access to land, he couldn't understand why the Indian town would wish to penetrate the five acres of land. One year later, the Real Audiencia ratified the five acres in favor of Ruíz absolving the Spanish landholder from the accusations from the native town. The scribe who informed Xoxocotlán of the formal verdict noted that they did not challenge the decision.

### Conclusion

To resolve conflicting interests, litigants were hard pressed to trace and document the origins of their claims, a process that often included the presentation of a variety of written and pictorial manuscripts as well as oral testimonies. In the case of Xoxocotlán, the period from 1643 to 1649 suggests Spanish officials recognized oral testimony as an appropriate form of evidence in a land dispute despite the presence of written titles in the case. By the 1680s, the lack of a written title to verify ownership of land worked against the town that then proceeded to introduce an old community

map. By deploying a copy of that map, Xoxocotlán sought to establish a connection with the past in order to legitimate their use of land in the present. The copied map circulated across multiple settings including town councils and the local and regional courts of Oaxaca and Mexico City where it was scrutinized by a range of officials, legal professionals, and witnesses.

In Oaxaca, a growing interest in the occupation of land for agricultural development and cattle ranching starting in the second half of the seventeenth century generated competition for natural resources. Entry into a land dispute involved following a set of rules and protocols including the use of scribes, cartographers and legal professionals, topographical surveys, ritual boundary walks, and the deployment of witnesses and manuscripts. Witnesses, especially elder Indian males functioned as carriers of knowledge who played important roles in defining spatial boundaries. Spatial boundaries relied on written titles but also included indigenous maps. Natives demonstrated considerable shrewdness navigating Spanish legal channels, though as the case of Xoxocotlán suggests, their efforts could sometimes go unrewarded.

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### Notes

<sup>1</sup> A villa was smaller than a city (*ciudad*) but larger than a village (*aldea*) usually enjoying some privileges including self-government. The four villas included Etlá, Tecuilabacoya (later Tlapacoya), Huaxyácac (later Oaxaca), and Cuilapa which hosted at least two-thirds of the region's combined residents. The Valley was under the authority of the Marqués del Valle, a title held by the heirs of Hernán Cortés to whom the crown bestowed a seigniorial grant. Cortés and his heirs designated the *alcaldes mayores* for the Cuatro Villas and collected revenue from the property they held. A royal sanction in 1526 authorized the establishment of the Villa of Antequera, controlled by an independent town council known as a *cabildo* which included a representative of the crown. By 1532, royal authorities granted Antequera the status of a city, serving as the Spanish seat of power in the region during the rest of the colonial period. Together with Oaxaca, they functioned as twin cities in the region (Gerhard 1993: 48-52, 88-91).

<sup>2</sup> A *medida*, or measure, equaled about one half acre. An *estancia de ganado menor* measured around three square miles; the larger *estancia de ganado mayor*, or cattle ranch, measured close to seven square miles.

<sup>3</sup> They belonged to the town's *cabildo*, the municipal council that administered local matters. The size of each *cabildo* varied according to the size of each municipality. In

1691, Xoxocotlán's cabildo included two *alcaldes*, five *regidores*, two *alguacil mayores*, and a scribe. The town received a license in 1640 to elect their own officials (Taylor 1972: 30), a growing trend among Indian republics that sought independence from head towns known as *cabeceras* as the native population recovered from epidemics (Yannakakis 2008a: 100-102).

<sup>4</sup> William Taylor's *Landlord and Peasant* is a basic text to understand land tenure patterns in the Valley of Oaxaca (Taylor 1972). Writing in the 1970s, Taylor challenged the idea that haciendas functioned as the dominant form of land tenure in Mexico, an idea advanced in François Chevalier's *Land and Society in Colonial Mexico* (Chevalier 1970). Although haciendas existed in Oaxaca, Taylor argued they were simply another type of land holding rather than the principal form of social organization proposed by Chevalier. Later studies further contextualized regional variances that challenged the hacienda model of an earlier generation of scholars (Lockhart, 1999; Van Young 1983). More recent scholarship has drawn on Oaxaca's unique land holding patterns to examine the role of native intermediaries in the negotiation of power and natural resources in the region's northern sierra (Yannakakis 2008a: 131-157).

<sup>5</sup> The *n̄nu* or ethnic state formed the basic unit of organization for Mixtec societies in Oaxaca equivalent to the *altepetl* in central Mexico. Each one controlled specific areas of land where individuals contributed crops and service for the benefit of the altepetl (Lockhart 1992: 14-47).

<sup>6</sup> This trend is the product of a rich collection of extant sixteenth-century maps but also of directions in scholarship guided by issues examining continuity and change in pictorial representation of the pre-Hispanic and early colonial periods (Kubler 1961; Robertson 1972; Mundy 1996; Boone and Mignolo 1994).

<sup>7</sup> Royal authorities increased the fundo legal from 500 varas, roughly 1,375 feet, to 600 varas or 1,605 feet (AGEO, Alcaldías Mayores, Leg. 62, exp. 12; Florescano 2002: 241; Taylor 1972: 6-7, 68). Each vara equaled roughly 33 inches.

<sup>8</sup> In the AGN, examples of copies made in the Valley of Oaxaca include Zimatlán y Ocotlán, 1686 (AGN No. 3009), 1734a (AGN No. 3018), and 1734b (AGN No. 3039); Xoxocotlán, 1686 (AGN No. 0625; original lost); and Guelacé, 1778 (AGN No. 0956; 1690 original lost). At the Mapoteca Orozco y Berra, see Xoxocotlán, 1718 (MOB No. 1176-OYB-7272-A; 1660 original lost; 1771 copy lost, but image available in [Smith 1973: 338]). For the Mixteca, see the original Map of Guaytlatlauca 1609 (AGN No. 2005) and its copy made 1709 (AGN No. 0663).

<sup>9</sup> For the Valley of Oaxaca, see AGN Tierras Vol. 236, Exp. 6 and its accompanying map purportedly made in 1523 (AGN No. 0660). For the títulos genre, see (Florescano 2002; Wood 1998, and 2007; Lockhart 1992: 357, 360-364, and 410-418; Sousa and Terraciano 2003: 350-353).

<sup>10</sup> The original transcription reads, "Hasta llegar al Camino Real que se viene de la Ciudad de Antequera a la Villa de Cuilapa de donde así mismo pareció otro mojón de piedras que dijeron los dichos naturales ser antiguo y allí pusieron una cruz y pidieron al dicho alcalde mayor se les diese por testimonio de cómo habían puesto los dichos mojones" (AGN, Vol. 129, Exp. 4, f. 6).

<sup>11</sup> A copy of the original document included in the case states that a *merced* was issued to “Don Juan de Guzmán indio principal de la Villa de Cuilapa de un sitio de estancia para ganado menor de ella en la parte y lugar que en lengua zapoteca dicen Tepeacatonze y en mixteca dicen Cuyen; una loma yerma que va a dar unas tierras altas peladas que por la una baja una quebradilla y por las dichas lomas a sus lados están unas quebradillas la cual por mi mandato y comisión fue a ver y vido Luis Suárez de Peralta, alcalde mayor de la Ciudad de Antequera” (AGN, Vol. 129, Exp. 4, f. 68-69). For the sale of the estancia to Francisco Muñoz de Tejada, Guzmán’s heirs described the location of the property in more detail: “Decimos que nosotros [The Guzmán caciques] tenemos y poseemos un sitio de estancia despoblado en una loma yerma a la falda de un cerro alto en el pago que llaman Tepeacatonstui en términos de la Villa de Cuilapa que linda por la parte del Oriente con tierras del pueblo de Xoxocotlán de esta jurisdicción y por la parte del norte con unos cerros altos que son tierras realengas y por la del poniente con tierras del cacicazgo de Mecatepeque y Huihui que son dos barrios de la dicha Villa de Cuilapa y por la del sur con tierras patrimoniales del cacicazgo de Doña María de Mendoza cacique fue de la dicha villa” (AGN, Vol. 129, Exp. 4, f. 19-20).

<sup>12</sup> The section that regulated land tenure in the *Recopilación de las leyes de los reinos de Indias* includes numerous edicts issued during the course of the sixteenth and seventeenth centuries instructing cabildos to divide lands but to leave Indian lands untouched. That authorities reissued them on a regular basis reflects the difficulties in upholding these prescriptions. *Recopilación de las leyes de los reinos de Indias* (1680) in <http://www.congreso.gob.pe/ntley/LeyIndiaP.htm> (accessed on September 10, 2011).

<sup>13</sup> The idea of “time immemorial” appeals to customary practices defined by publicly accepted guidelines. Similar rhetoric appeared in early modern Spain when different social groups negotiated privileges and natural resources with authorities (Nader 1990; Kagan 1981).

<sup>14</sup> Ruíz’s *traspaso*, a transfer of rights and responsibilities from one individual to another, on November 16, 1676 included the transfer cost (1,300 pesos) and the mortgage (*censo*) on the property stipulating, “Antonio Rendón otorga que traspasa el dicho sitio y tierras de labor y casas en el edificadas con todas sus tierras, mercedes, pastos, aguas, y abrevaderos.” The parties agreed to survey the property in the near future noting, “se obliga de entregarle un mandamiento [a Bartolomé Ruíz] para ajustar la medidad del dicho sitio y estancia que se le despachó en virtud de los títulos,” but no such document accompanied the docket. Ruíz did obtain the original *merced* awarded to Don Juan de Guzmán described in n. 11 as well as subsequent transfers agreements, boundary surveys, and other related documents associated with the property (AGN, Vol. 129, Exp. 4, f. 77-78).

<sup>15</sup> The original reads, “ha visto que sin embargo de dichos mojones a sembrado cogiéndolos dentro el dicho Antonio Rendón y después el dicho Capitán Bartolomé Ruíz sin que sepa que los dichos Indios lo hayan hecho nunca ni contradicho sino es en esta ocasión” (AGN, Vol. 129, Exp. 4, f. 100).

<sup>16</sup> “Don Félix de Mendoza, principal del dicho pueblo de Xoxocotlán, enemigo de mi parte y quien por dicha ocasión le movió dicho pleito persuadiendo a los demás naturales de dicho pueblo a ello con la mucha mano que tenía como principal y poderoso” (AGN, Vol. 129, Exp. 4, f. 129).

<sup>17</sup> In the Valley, 18 cases—political disputes from 1582 to 1762; land disputes 12 cases from 1576 to 1814 (Taylor 1972: 239).

<sup>18</sup> The 1686 map of Xoxocotlán (AGN No. 0625) has enjoyed little of the attention directed at the more popular maps of Xoxocotlán made in 1718 and 1771 (see n. 8). All three maps share some similarities yet the traces of logographic writing and the representations of Monte Albán has drawn the attention of pre-Colombianists much more closely to the 1718 and 1771 models than to the 1686 copy which has typically appeared as a sort of footnote to the other two maps (Smith 1973; Jansen 1998; Jansen, García Rios, and Rivera Guzmán 2011). Méndez Martínez and Méndez Torres (2007) published the 1686 map with a transcription of the written glosses and a short passage of the court case between Xoxocotlán and Bartolomé Ruíz.

<sup>19</sup> Though not mentioned on the map, the prominent size of each church and their positioning on the map suggest the original painting described de Villa of Oaxaca and Cuilapa, to which Xoxocotlán was subject. Also see notes 1 and 3.

<sup>20</sup> Frances Karttunen argues that sacred directions (east, north, west, south, and center) represented one of the most enduring aspects of pre-Hispanic culture during the colonial period (Karttunen 1992: 242). I find Louise Burkhart's assertion that the layout of native homes, "a microcosmic establishment of order, laid out to the four directions with the fire at the center of the house," reflected indigenous ideas of spatial ordering found on maps (Burkhart 1989: 59-60).

<sup>21</sup> Exceptions to this rule include the Lienzo of Analco, Lienzo of Tlaxcala, and the Lienzo of Quauhquechollan, all of which deal with the Spanish conquest (Yannakakis 2011; Kranz 2010; Asselbergs 2008).

<sup>22</sup> The original inscription reads, "Por orden del Capitán Don Antonio de Abellan . . . cupie [copie?] esta Mapa según su original que se me dio sin estropear [estropear?] ni disminuir cosa Alguna según se acostumbra en mi arte de la pintura."

<sup>23</sup> "Porque como nuevo trasunto supone la pintura del original antiguo que no se haya presentado, que cuando pudiera aprovechar a dichos naturales, de necesidad precisa se reúsa exhibir" (AGN, Vol. 129, Exp. 4, f. 184).

<sup>24</sup> The scribe recorded virtually the same response for 38-year-old Joseph de Santiago, "Por constarle de que tienen mapa pintura y títulos que los ha visto y oído leer;" as he did for Lucas de los Santos, "que sabe este testigo que los susodichos tienen mapa y títulos por haberlos visto y oídos leer y que en ellos se incluye este pedazo de tierra" (AGN, Vol. 129, Exp. 4, f. 210-211).

<sup>25</sup> "Se fue caminando de oriente a poniente como media legua de distancia de dicho pueblo a llegar a un paraje [de] tierras de sembrado de maíz que está en rastrojo en donde dijeron así dichos naturales como el dicho Cap. Bartolomé Ruíz ser donde estaban los árboles de ciruelas que se contenían en dicho Real despacho de que se hallaban todavía las raíces patentes de dichos árboles" (AGN, Vol. 129, Exp. 4, f. 213).

<sup>26</sup> The decree directed officials in New Spain “to designate and give agricultural land to all Indian towns from all the provinces of New Spain, not just the 500 varas of land surrounding the town. The distance should be measured from the [town’s] last house, not from the churches . . . and not only will it be the aforementioned 500 varas, but one hundred more to equal six hundred [se dé y señale generalmente a los Pueblos de Indios de todas las provincias de Nueva España sus sementeras no solo las 500 varas de tierra del rededor de la Población y que estas sean medidas no desde las iglesias, sino de la última casa . . . y que no solo sean las referidas 500 varas sino 100 más a cumplimiento de 600].” Authorities intended the Royal decree to curb Spanish encroachment of Indian lands: “Se van entrando los dueños de estancia y tienen la de los indios quitándose las y apoderándose de ellas unas veces violentamente, y otras con fraude, por cuya razón los miserables indios dejan sus casas y pueblos (que es lo que apeteçen).” (AGEO AM, Leg. 62, Exp. 12, 1687). Also see n. 7.

<sup>27</sup> “Por lo que ha visto y reconocido dicho señor alcalde mayor halla que no tan solamente tiene dicho pueblo las 600 varas de ordenanza y nueva Real cédula sino que le sobran 918 varas y media hasta dichos mojones” (AGN, Vol. 129, Exp. 4, f. 215).

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