

# Chronicles of Land Tenancy in Mexico

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The land in Mexico has experienced several types of tenancy over the past 400 years. Prehispanic Indians recognized different kinds of property tenancy classes. The Spaniards later abandoned these and passed laws to allow other types of tenancy. Some of these laws prevailed into the nineteenth century.

In the twentieth century the Mexican revolution forced changes in the law again. These changes were the basis for the present land tenancy system.

The objective of this paper is to give a historical view of this system in order to understand the current laws of land tenancy in Mexico. Four chronological periods will be discussed: Prehispanic Epoch, Colonial Epoch, Independent Epoch, and Modern Epoch.

## Prehispanic Epoch

(Prior to 1492)

Prior to the arrival of the Spaniards, there were three cities that dominated most of the Mexican territory, Aztec o Mexica, Tepaneca, and Acalhua o Texcocano. These cities were located in close proximity and appeared to be one large city although they were separate kingdoms. They were organized very similar to an absolute monarchy.

In general, prehispanic land tenancy can be divided into three groups.

**The King's, nobles' and warriors' properties.** The King disposed of this group of properties without limitation. He could act freely to take and to give land. These lands belonged to the King and his family and were usually the best quality and the largest tracts.

The nobles and the warriors received land from the King as compensation for favors. Sometimes they were given with conditions and sometimes without it. These lands were worked by individual men called Macehuals or in partnerships called Mayeques.

**Properties of the towns.** These properties were called calpullallis and the people living on these lands were called Calpulli or Barrio (neighborhood). These properties belonged to families and were delineated by stone or agave fences. These lands were passed on from father to son, had to be worked every year, and owners had to live on the land. A second kind of community property was called Altepetialli. These lands were unfenced and were used in common by members of the community. The income from these common lands was taxed to meet community expenses.

**Army and religious properties.** These were large tracts of land called Mittichimallis. The income from this land

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Rangelands around Monterrey with El Cerro de la Silla (Saddle Mountain in the background).

was ear-marked for army expenses. A second class of land under this category was called Teopantiallis. These lands were worked collectively to raise revenue for the King and for religious expenses.

### Colonial Epoch (1492-1810)

When the Spaniards arrived they took the Mexican territory by force. In order to grant a legal appearance to the conquest, policies were implemented in the name of Pope Alejandro VI, who conferred the land and the native inhabitants to the Spanish.

During the conquest, four kinds of land tenancy were recognized: Reparto de Tierras, Mercedes Reales, Propiedad Eclesiastica, and Encomiendas.

**Reparto de Tierras.** The King and Queen of Spain did not have funds to conduct the conquest of New Spain. When an Indian town was defeated, the booty, including the land, was distributed between the captains and soldiers according to social level. This distribution was authorized by the Spanish laws referred to as the Partidas laws enacted on July 13, 1573 (also known as "Las Leyes de Las Indias").

**Mercedes Reales.** This kind of tenancy was granted as a reward for favors by authorities. The objective was to increase the settlement of New Spain. This distribution was supported by a law decreed June 18, 1513.

**Propiedad Eclesiastica.** After the conquest a law enacted on October 27, 1535, prohibited the clergy from owning property except that necessary for churches and monasteries. Due to the religious spirit of those years, however, the clergy received land donations from their parishioners to build their churches and monasteries. Later, through individual donations, the properties increased beyond that necessary for religious purposes.

**Encomiendas.** This type of properties was also called mercedades (a grant of land). It was property given to people who collaborated with the conquest. The property included both the land and the native inhabitants to assist in converting the natives to the Catholic religion and also to till the land.

In respect to the agrarian lands belonging to the Indians, the Spaniards only confiscated the properties belonging to King Xicotencatl and King Moctezuma. They respected the callpulli land (communal land) of which there were four classes:

1. **Fundo Legal.** This kind of property was the area designated by the Indians as communal property for their homes. The size of the Fundo Legal was 600 yards beyond the church on all four sides.
2. **Ejidos.** These lands were for common grazing use by the Indians' cattle. The name comes from a Latin word "Exitus" which means "Exit" and relates to the physical location around the town.
3. **Tierras de Repartimiento.** This land belonged to the families who had been living in the town prior to the Spanish. The land was the cultivated land located just outside the communities. These families had the duty

of working the land. If they ceased to work it, it was considered abandoned and anyone could claim it.

4. **Las Propias.** This kind of land was individually cultivated and anyone in the town could lease it. The produce from these lands was used to pay the public expenses.

### Independent Epoch (1810-1910)

When Mexico became Independent, the new government tried to solve the agrarian problem, which consisted primarily of poor land ownership and poor distribution of people throughout the territory.

The government thought that the main problem was poor distribution of people. During the years of 1821 to 1856, a series of settlement laws were enacted. These laws granted tax exemptions to foreigners or others who wanted to settle the uninhabited lands of the country.

Later, from 1857 to 1910, the ecclesiastical properties were expanded to such an extent that in the nineteenth century, 80% of agricultural land belonged to the clergy. These lands were not being cultivated, the owners paid no taxes, and the lands could not be sold.

In 1856, President Sebastian Lerdo de Tejada promulgated a decree requiring all church properties to be confiscated. This started the 3-year "War of Reformation". In 1857 the Lerdo law was replaced by the Reform law, which required that all properties of the church be nationalized without reimbursement. This law was enforced by President Benito Juarez.

In May of 1875, the general law of settlement was enacted. This law allowed the immigrants or foreigners to buy land at low prices. This changed the land tenancy in Mexico from the large ecclesiastic properties to large foreign ownerships and did not accomplish the object of the Settlement Laws. Large United States companies, such as Hartford of Connecticut, Sherman of Kansas, and Green and Bealt of Arizona, were able to acquire large expanses of land in northern Mexico under these laws.

The agrarian movement began during the period of 1911 to 1925. The people felt that the government had the duty to manage the use of the land. In October of 1910, the "Plan de San Luis" was signed to promote use of the land. After that, General Emiliano Zapata decreed his famous "Plan de Ayala" that clearly stated the basis for the agrarian legislation during the Mexican Revolution (1910-1917), i.e., that the land belongs to the people who work it.

On January 6, 1915, General Venustiano Carranza passed the law of Agrarian Reform, which states that the nation has the right over the use of the land based on the public interest. On February 15, 1917, when the Mexican Constitution was signed, the Agrarian Reform provisions were included as Article 27. It allowed for a group of individuals to request a certain tract of land for cooperative cultivation or grazing use. The request was to be made to the Secretary of Agrarian Reform. These lands are referred to as "Ejidos" (the term derived from the communal grazing lands of the Prehispanic Epoch); they cannot be rented, sold, or used as collateral guarantee.

Although agrarian reform was in the Constitution, it did not solve the problem of poor ownership distribution because the government did not enforce its requirements.

### Modern Epoch (1910-Present)

After the adoption of the Mexican Constitution in 1917, there was a slow acceptance of the Agrarian law. In the beginning the law only considered land restitution to native Indian people who had lost their property. Later, the constitution was amended to include the amount of land available for common use by communities.

Until 1934, parcelling of lands was slow. The principal thought was that it was a transitory situation to convert the people to small land owners so that very small tracts were given to the people to satisfy the law's requirements. The agrarian apportionment increased during the years of 1934-40. The amount of land apportioned during this period was greater than during all previous years.

In 1946, Article 27 of the Mexican Constitution was amended to provide for the enlargement of small properties.

Since 1965 there has been a low rate of agricultural production due to the fact that land apportionment had increased and the large land owners refused to invest in increased production on land with an insecure title. Consequently, agrarian policy was modified and, in 1971, the federal law of the Agrarian Reform was enacted stipulating the amount of land an individual could own.

From 1971 to 1976 the policy of land tenancy was to support the organization of the ejido with emphasis on collective-use of the land and the creation of rural enterprises. Also in this period, Federal water law (1972) and the General Law of Rural Loan (1975) were enacted. The Federal water law ensured that water for irrigation was available for all people, not just the large landowners. The General Law of Rural Loan is important because it pro-

vided funds for the improvement of ejidos and for cooperative ventures such as local facilities to process their own products.

In summary, the purpose of the Agrarian legislation is supported by Article 27 of the Mexican Constitution and these three regulatory laws, the federal law of agrarian reform, the federal water law, and the rural loans law.

Finally, land apportionment was terminated by President Carlos Salinas de Gortari on November 1, 1989. The new federal policy emphasizes economic support to agricultural enterprises allowing the copartnership of private institutions and Ejidatarios (individuals who live on and work the ejidos).

The significance of this change is that the Ejidatarios can now enter into an agreement with an outside investor to increase the productivity and profit of the ejido. Another significant change is that the new federal policy supports the individual ownership of land, thereby providing greater security for private landowners. This has revived interest in investing in the improvement of their lands. Mexico today is entering a new Epoch in agricultural productivity. The changes are not only in agriculture but in all areas of economic growth.

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## The "Gustavo Aguirre Benavides" Botanical Garden

*This garden is one of the tour attractions at the Summer Meeting in Monterrey in July.*

Botanical gardens are natural or artificial areas where live plant collections are exhibited. They provide valuable information that can be useful for teaching, research, conservation, and recreational purposes.

The Universidad Autónoma Agraria "Antonio Narro", located seven km south of the city of Saltillo, Coahuila, Mexico, has, in the botanical garden "Gustavo Aguirre Benavides", a garden which contains the plants from the arid and semi-arid zones of northern Mexico. It consists of 2.5 hectares located at 25 degrees 22' 41" latitude N and 101 degrees 00' 00" longitude W at an altitude of 1,743 m.

The plant collections are representative of vegetation types most common in northern Mexico. These include Chihuahuan Desert Shrub, Lechugilla Shrub, Yucca Woodland, Alkali Shrub, Gypsophilous Shrub, Arborescent Cactus Shrub; Grasslands with grama, sacaton and

tobosa; Montane Chaparral, and Montane Woodlands. The special collections also include forage and medicinal plants, cacti and succulents, a Pinetum, and an area of rare and threatened plants. The plant families best represented in the garden are: Cactaceae, Poaceae, Agavaceae, Asteraceae and Fabaceae. The collection includes a total of 47 families, with 147 genera.

The main objectives of the botanical garden are (1) collection and conservation of plants with taxonomic, ecological, genetical value and plants listed on the categories of the International Union of Conservation of Nature (IUCN) and (2) collection of plants of forage, industrial, medicinal, and ornamental value.

The botanical garden "Gustavo Aguirre Benavides" has an important collection of plants from the arid and semi-arid zones and is one of the more important gardens of northern Mexico. It serves as a reference library for natural resource students, technicians and range managers.