

## CHAPTER IV

### LAND OWNERSHIP AND SURVEYING

Unfortunately for students of man-land processes the collection of data on land tenure and changes in ownership is very nearly impossible in the Guatemalan highlands. Cadastral mapping in well-settled parts of the country cannot be expected even in the near future: it would open too many skeleton-filled closets and demand final settlement of too many unresolved boundary disputes dating back to the Conquest.

A private individual attempting to assemble this kind of emotion-laden information could not hope for accuracy – supposing he were allowed any information at all – no matter whether he worked from documents or from interviews. His welcome in any locality would vanish within hours of the time when word of his interests hit the grapevine.

Titles are presumably kept up-to-date by Ladinos, but no Ladino would be so foolish as to put accurate figures on land area or value into the hands of a tax-levying government. On the other hand, such title as my Indian informants had was often in the name of long-dead grandparents. The cost of transferring title and the reluctance of heirs to agree to equal but uniformly insufficient final divisions of property are nearly immovable obstacles to current and valid title.

#### Land Tenure and Inheritance

A foreigner is only slightly more at sea than the ordinary Q'eq'chi' when it comes to coping with a legal system written by and

interpreted in favor of Ladinos. Almost any Q'eqč'i? can relate legal cases in which he lost money, liberty or property and these are among the most frequent topics of conversation at gatherings of men.

An Indian complies with property laws to the extent that his purse and his siblings will allow. A tradition of equal inheritance among all siblings is still the ideal but the bickering which results may be part of the reason why Q'eqč'i? families are more often nuclear than extended. The fees charged by Ladino lawyers for transferring, establishing or fabricating land titles are very high in relation to the annual cash income of an Indian family; on the order of Q50.00 versus a mean net income of Q140.00. If a lawyer did in fact track down all previous papers relating to each plot and its neighbors then he would earn his fee. However, in the one case of inheritance and one of purchase which I observed, the legal skills required seemed proportionate to my informant's skills as a surveyor (discussed below).

An *escritura* (deed) is a folio of papers naming the property owner and his designated heirs and the dimensions of the land in terms of rough compass directions and lengths of the boundaries. For an elderly man to transfer title to his heirs in the form of an *escritura sin registro* costs only Q15.00 to 20.00 in lawyer's fees, but this timely transfer also removes the best leverage by which to guarantee good care in one's dotage. A transfer *con registro* is different only in that it is registered in the books of the *Administración de Rentas* in Cobán, which levies a tax of three mills on the declared value, payable quarterly. The tax applies only to

properties valued above Q100.00 at sale (there is no effective official assessment) and the tax has gone uncollected for the last eight or ten years though recently reactivated – retroactively! In addition there are witness fees at Q1.00 each for either transfer: three are needed if the client is illiterate, two if literate.

A *titulo supletorio* is a provisional document supposedly taken out where the *escritura* has been lost or destroyed (frequently by fires or arson) or stolen. In it are listed the name of the person claiming ownership, the registry number if any, and the names of two male witnesses not less than forty years old. This claim to title is then published as a *noticia* in the principal towns nearby, supposedly to bring forward all counterclaims. The lawyer's fee for the work so far may range from Q55.00 to over Q60.00. A "map" must accompany the final typed document; it is made by self-styled surveyors like my informant using eyeball and rope and charging up to Q10.00, or around Q4.00 per heir where several are involved. When the resulting papers come before the judge (*juéz de 1º instancia*), he sends an order for the map to be verified by the *secretário* or *primero oficial* of the appropriate *municipio*. As much as Q20.00 or 30.00 may be charged by such a public servant merely to comply with his orders from the court and make a cursory round of the land. The resulting title is the only claim my informant and many other Indians have to the land on which their survival is based, and for all the Q90.00 or so it may cost the security it provides is minimal.

#### Surveying

Surveying is a folk art, at least among the Indians of San Juan

and vicinity. My informant was accepted by fellow Qʼeqʼičiʼ and by Ladino lawyers as a competent surveyor and recorder of property transactions, yet he has no training except by example from an old man he occasionally assisted. Though the resulting sketches are carefully made and accurate as the tools in use could make them, they could scarcely be reconciled into a cadastral map of a *municipio* even if a person had the insane persistence to dig through every document relating to land. A copy of the map drawn up for a widow living in Chamelco is provided as Map 4.

Living plants are used to mark the corners and boundary lines of property, rather than stones or stakes. The specific plants used are described in Chapter VII, p. 167.

In a way it is fortunate that Indians are still able to get other Indians to do their surveying, since the cost might otherwise be double and the result no different. In addition, the existence of surveying as a skill among the Maya is so widespread – in terms of the perennial measuring and marking of milpa outlines and the daily work-units (*kʼa:m*, including the sense of Sp. *tarea* as well as  *cuerda*) within them – that it is an integral part of the culture.

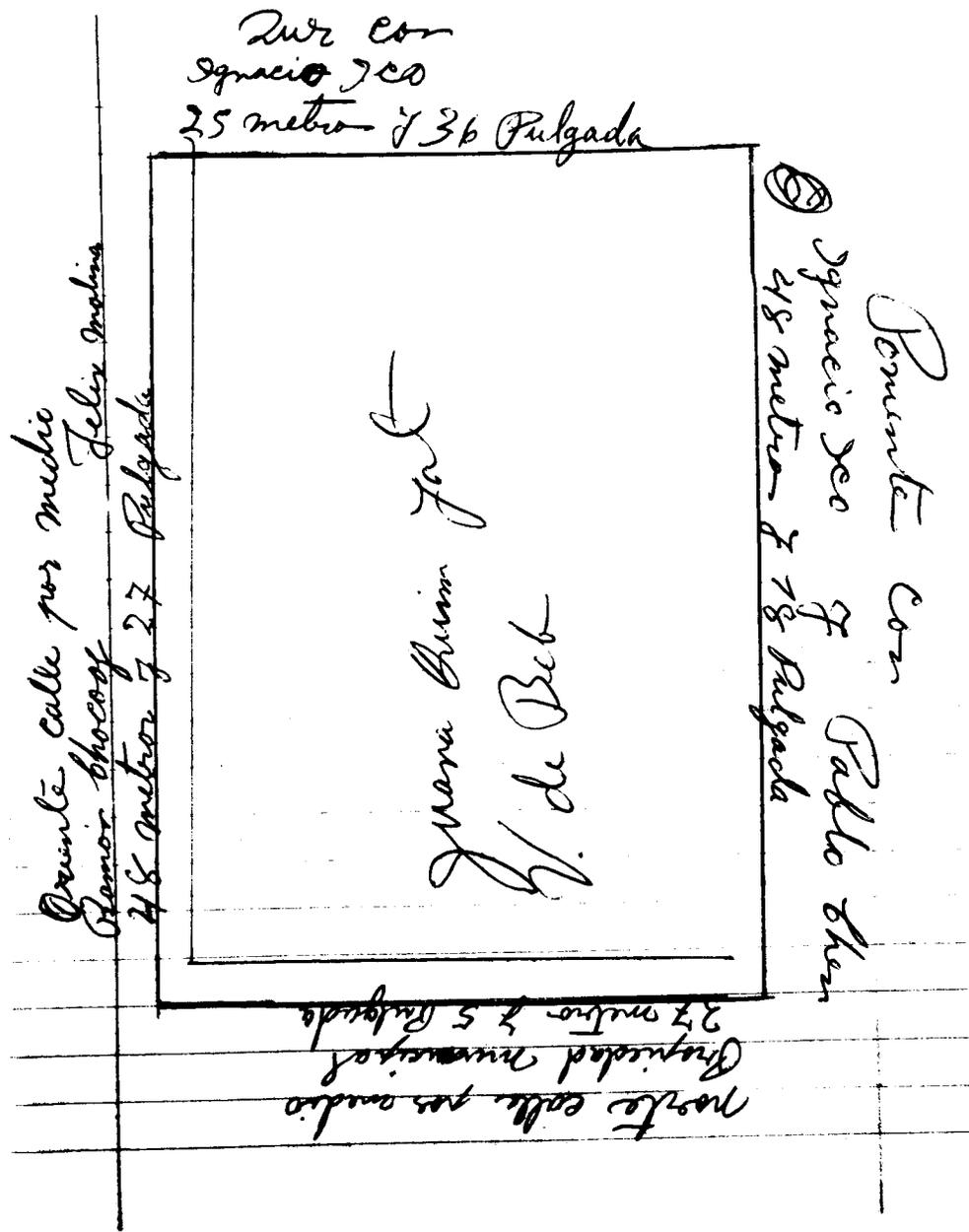
#### Survey of Aldea Cojilá

The field site happened to be an enclave claiming allegiance to Cobán rather than San Juan Chamelco, by way of the origins of the "original" settlers.<sup>1</sup> It is shown as *Colonia Cojilá* on ozalid-copy

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<sup>1</sup> For confirmation and details as of twenty years past, see Goubaud C., 1944: 121.

Map 4  
MAP FOR TITULO SUPLETORIO



maps used by the DGE in planning the 1964 census although officials insist it is an *aldea* of San Juan.

Within living memory the boundaries of the *aldea* (or *Colonia*) were surveyed or re-surveyed by its group of elders and marked by rows of *c?inte?* which still stand. Dating from this time, or perhaps before, is an "original map" of the land supposedly in custody of the *yuwa? č?oč?* (father of land). This office is conferred for life, yet in trying to get photographic documentation of the map nobody would admit to its possession and each of two men claimed the other was *yuwa? č?oč?*. If nothing else, this sort of run-around is quite effective in blocking outsiders from the sight – much less the confiscation – of a document which is the true title to their land in the eyes of the local people.

#### Place Names

The topographic maps of Alta Verapaz are dense with place names, but the real density is even greater. Within his radius of frequent travel a *Q?eqči?* can specify locations to within a few tens or hundreds of meters of trail by naming an *aldea*, *caserío*, *finca* or *hacienda* and the name of a springs, cliff, cave, bridge, chapel or way-side cross. The religious nature of the latter was never clarified, but old wooden crosses decorated with flowers mark innumerable spots and each has a name of its own.

Most place names in Alta Verapaz are based on plant, animal and mineral names prefixed with the modern locative *sa?* or *se*, the older

locative *čih* or the Pokomchi? locative *pan*.<sup>2</sup> Nearly all place names are translatable, though the hispanicised spelling given on topographic maps does not always allow translation. For example, "Chiquequaj" is in fact *Či q?eq wax*: place of black maize. However, a number of *aldea* names cannot be translated with any certainty, among them Cojilá (*Koxila*), Chajaneb (*Čaxaneb*) and Xucaneb (*Šukaneb*). A list of place names not on the Cobán topographic sheet, with tentative translations, is provided in Table 7.

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<sup>2</sup> The eastern margin of Pokomchi? language territory is on the west-facing slopes of the Montaña Piedras Blancas (see Map 2, p. 20)

TABLE 7

## PLACE NAMES AND THEIR LOCATIONS

<u>Name</u>	<u>Translation</u>	<u>Map reference</u> (Sht. 2162-III)
A:QAMAL (springs)	agouti + suffix	891051
AMOČTUN (cross)	frog drum	919070
BE:NHO:RN (hill)	above oven	863053
ČIAXUČ (cliff)	place of opossum	860071
ČANQ?AN (trail fork)	like yellow	861068
ČIAXPOLOK? (cross)	place of thin bird	905071
ČIPA:R (cave)	place of skunk	865058
ČIK?UM (cross)	place of squash	898072
ČIREPUE:RT (lost*cross)	around the door	916070
ČITAMTE? (caserío)	place of TAM tree	876035
ČIČUN (cross)	place of lime	869077
ČIK?ONČI:N (cross)	place of bent orange tr.	869008
ČITUBTU (cross)	place of the heap	872067
ČIPAYAM (ridge & spr.)	place of responsible one	897054
KUTUM ČAHIM (ermita)	star view	880071
KOXO? PUR (cemetary)	- snail	844035
K?A:MČAX (lost cross)	<i>Lycopodium</i> sp.	874088
MARIKO:K (cross)	Mary scratch (?)	876100
Š-PEK AX WILLIŠ (cave)	swallow's rock	860053
Q?A SALČE? (bridge)	bridge (of) mange tree	871071
RAŠONIL (cross)	bird (tanager?) + suffix	888070
ROIMAŠ (ermita)	ape's avocado tree	905065
SAČ?AMAČ? (caserío)	at the guava tree	889058
SAČ?ALIB (springs)	at the Calliandra sp.	881045
SAK?IB (ermita)	at the <i>Chamaedora</i> sp.	882094
SAKAMPANA (ermita)	at the bell	895036
SAWIHA? (lost cross)	white water	876081
SARASTRO PEK (rock)	at the slaughterhouse	863068
SASIBČE? (caserío)	at the <i>Xylosma</i> sp. (?)	861079
SASIWAN (sinkhole)	at the sinkhole	886089
SEMESČE? (cross)	at the <i>Carpinus</i> sp.	883070
SA Š-HA? AJ OU (spr.)	at the raccoon's water	894073
SALIHA? (ermita)	fork of the stream	923021
ŠO?OTILHA? (springs)	<i>Saurauia</i> sp. water	862036

\*"Lost" in this context means abandoned upon conversion of the population of that locality to Protestantism: recipients of the Nazarene Mission, locally called *creyentes* ("believers").