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## **A history of institutional function: Mexican notaries and wealth distribution – Yucatan, 1850–1900**

Juliette Levy

This paper uses probate records and records from notaries in the southeastern State of Yucatan in Mexico to explore wealth inequality in an ethnically heterogeneous economy. This paper will explore the elements that constituted Yucatan's institutional context, and how the inequality between its constituents contributed to it. Following the contribution of Monkkonen, who conducted an 'institutional archaeology' of the role of Mexican notaries in space, this paper will dissect their institutional function in time.

**Keywords:** inequality; institutions; notaries; probates; Mexico

### **Introduction**

Probate records are a unique documentary source. Their form is exceedingly standard across legal cultures, as is their function. Probates are the accounts of estates, recorded after death and for the purpose of redistribution among heirs. For as long as estate accounts and divisions have been practiced in Mexico (and elsewhere where the legal system is indebted to Roman law) notaries have recorded wills (which predate death) and probates (that follow). This paper uses a sample of probates recorded by notaries in Mérida, the capital of Yucatán, in southwestern Mexico, to explore inequality of wealth distribution in this ethnically diverse part of the country during the late nineteenth century.

While the probate is a standard legal instrument of estate dissolution and redistribution, it is not a standard product of a society that is as ethnically and economically heterogeneous as Yucatan was then, and largely remains to this day. Additionally, notaries – who recorded probates – operated as a *de facto* cadastral system for the better part of Mexico's colonial and post-colonial history. They recorded all transactions that affected the ownership of land, and until the establishment of a public property registry in the late nineteenth century, the notaries' archives were the only reliable records on property ownership in Mexico. Hernando de Soto's (2000) work on Peruvian land ownership articulates the way property rights influenced developing economies, and he has made explicit how difficult it is to assess property rights in the absence of certain institutions such as a cadastral system. Recently, Thomas Piketty (2014) made a very successful case for the effect of wealth concentration and distribution on long-term economic inequality in developed economies. The records explored in this paper will make a similar case for less developed economies in which ethnic heterogeneity plays an additional role in the perpetuation of inequalities.

In Paavo Monkkonen's contribution in this volume, the focus is on the contemporary role of notaries in Mexico. This paper will first explore their historical role, focusing specifically on the mid to late nineteenth century Yucatan during an export-led agricultural boom. Second, the paper analyzes wills and probates recorded by notaries during this period to see the relationship among growth, institutions and inequality in Yucatan. The paper considers the differences in wealth between the Maya citizens and citizens of Hispanic descent in this ethnically heterogeneous society. The institutionalist perspective on property rights would posit that Yucatan should be poised for growth and development since it had seemingly stable institutional support for private ownership and collateralization. And, in fact, the late nineteenth century was a period of extreme growth in the region – but not because of institutional conditions. Yucatan grew because of an agricultural export boom, and it did so until the early twentieth century. In the nineteenth century, the region's economy grew as henequen, a local cordage fiber, became a globally prized commodity. Sales of the cordage to the US agricultural market increased and US wheat binders used henequen exclusively. This growth radically reorganized Yucatan's traditional cattle-growing and subsistence-farming economy. Large henequen plantations replaced small cattle ranches, and communal property gave way to private property and large-scale agricultural projects. But once the market for henequen slowed, so did Yucatan's growth, and there remained little evidence of development. Growth in the nineteenth century also did not affect Yucatan's ethnic heterogeneity. The large rural population continued to be composed mostly of ethnic Maya, while in the cities, Maya, mestizo and Mexicans with direct Hispanic lineage lived side by side.

In this context, notaries adapted to the needs of the shifting market. They recorded more contracts and loans and became more involved in the growing commercial activity of the region. Contrary to lawyers who had no obligation to record their transactions, notaries recorded all civil agreements and contracts and kept detailed notes of those agreements between their clients. All civil procedures and enforceable contracts required a notary's signature, and were often drawn up by a notary in his office. These notaries may very well be the perfect embodiment of Peter Ho's credibility thesis (Ho 2014).

Notaries were not by design intermediaries, nor did they overturn economic fundamentals, but they were and remained recorders of the civil record. They were intermediaries between clients and circumstances, whatever those circumstances were. In fact, one of the reasons their records are so useful is their historical constancy. Mexico's nineteenth century includes the last days of the colonial empire, two more independent empires (one imposed by Napoleon) and a revolving door of presidencies. None of these tumults interrupted the notarial form or his function. The notaries continued to record contracts and perform their civic duties. The notarial institution was brought to the New World by the Spaniards, but its function remained central in the independent Mexican society. The credibility of notaries rests in their function, and the particularities of the context in which they operated determined to what degree they could exact an influence on property rights and wealth distribution.

The first part of this paper explores the history of the notarial institution and its function in the local economy. The second part of the paper analyzes the probate records found in the notarial archives and considers the relationship between this institution and wealth inequality among ethnic groups in Yucatan.

### *The data*

The data for this paper was collected over several years and visits to the main Yucatan State Archive as part of a larger project on the role of notaries in the construction and growth of

the local credit market during the nineteenth century (Levy 2012). For that project, data was collected from all existing notarial records every five years between 1850 and 1895. All notarial records were identified manually from the bound books in which notaries kept their records for each year. The first set of probate data stem from this research strategy. Subsequent visits to the archive and the digitization of the civil court records allowed the expansion of the research to include probate records that had been recorded by a notary in years outside my initial years of sampling and registered with local courts. There is some loss of data in this strategy, since not all probate procedures required the involvement of the courts, so data from those intermittent years is constrained by this. The current sample consists of 339 probate records distributed over 54 years between 1847 and 1901. By way of comparison, Frank's study of Brazilian wealth distribution in Rio de Janeiro over the course of the nineteenth century used approximately 659 probates (Frank 2004).

The data were sorted by the ethnicity of the decedent, and this is only possible because of the distinctiveness of Maya language and name. When Mexico became independent from Spain, it also eliminated ethnicity-based qualifiers used in colonial record-keeping. In documents from the middle of the nineteenth century onward in most of Mexico, it is impossible to identify ethnicity. In Yucatan, however, Maya patronyms survived for more than 350 years, and continue to be the only way to identify ethnic origin in documents. The tradition of recording both the paternal and maternal family name expands the reach of this method. For the purposes of this research, if a person had either a paternal or maternal Maya name, they were considered Maya in the data set. The patronymic analysis is a standard approach to explore ethnicity in Yucatan (Caplan 2010).

### **Part 1: the credibility thesis embodied? Notaries and trust in nineteenth-century Mexico**

The term 'notary' springs etymologically from the very act of 'taking note', and that is what notaries have always done, and continue to do in most Latin American countries. Much of the recent scholarship on notaries is entirely driven by their copious notes (Hardwick 1998; Merwick 1999). Notaries are also becoming the subject of renewed interest as financial intermediaries, since they recorded and managed so many financial, commercial and property records (Hoffman, Postel-Vinay, and Rosenthal 2000; van Bochove and van Velzen 2014; Burns 1999; LeGrand and Corso 2004; Levy 2012).

The roles performed historically by notaries in Mexico position them as a link between the economy inherited from the Spaniards and Mexico's modern financial system. The notarial institution and the informal nature of their networks underscore the importance of informal institutions and traditional mechanisms in Mexico's transition to modernity. As scholars also have demonstrated for Brazil and Peru in the eighteenth and nineteenth centuries, notaries existed at the nexus of the personal and the public, and relied on a relationship based on trust and reputation (Sweigart 1980; Burns 1999; Levy 2012). While the role of notaries was formally codified and defined in legal texts and common practice, their presence at the center of civil and social life was an embodied consequence of these legal postulates that expanded if not their form, then certainly their function. Notaries inserted themselves in the history of wealth distribution in Mexico in a similar way – nowhere does it say that notaries should become the archive of a population's wealth distribution, but by virtue of laws that did not create a property registry until late in the nineteenth century, laws that required probate records for intestate deaths, and their position at the center of civil life, notaries became just that.

***Formal role: the legal foundations of the notary in Mexican society***

Most notaries lived and worked locally and interacted with clients from a very broad social and demographic spectrum. They were learned men who recorded and witnessed the documents and contracts that framed their clients' lives, among which land sales, labor contracts, guardianships, business associations, wills and testaments, and credit contracts were the norm.

It was, and continues to be, the notarial signature that made contracts legal and enforceable. The notaries' central role in civil record-keeping has its roots in the very early days of colonial rule, when notaries arrived with Spanish conquerors to the New World in the sixteenth century to record and lend legitimacy to their spoils. The civil procedure of New Spain was based on Spanish law, where notaries had an integral role in the legal system. The notary's signature – and therefore his presence – represents not just the agreement between the parties, but also the legality of the agreement. The basis for the notary's archive as a de facto cadastral system stems from the legal requirement that any contracts affecting the ownership of property had to be notarized.

This practice did not change with independence. On the contrary, record-keeping was as important to the independent Mexico as it had been to colonial New Spain. The rule of Emperor Maximilian of Mexico in the middle of the nineteenth century reinforced the legal structure of independent Mexico. Maximilian introduced legal codes similar to the Napoleonic code, including a commercial code and notarial code that were kept in place after the Mexican Republic was restored for the final time in 1867. With respect to notaries, Maximilian imposed a stricter definition of their duties, reinforced the administrative organization of notarial activity and maintained the notary's primacy in the property-recording process:

Mortgages had to be recorded by notaries because they could affect the ownership of a parcel of land, but loans that were not collateralized did not have to be recorded. The collateral built into the mortgages represented a legal promise not only to repay but also to transfer ownership of the collateralized land in case of default. (Levy 2012)

In the postcolonial and modern period, the office of the notary was divided into two main categories: (1) national notaries (equivalent to the royal scribes), and (2) public notaries (who owned their numbered offices) (Perez Fernandez del Castillo 1979). Granting of title was transferred in 1863 to the judicial power of the French occupation. This would prove to have indelible effects on the formal role of notaries. The Mexican Congress enacted the first comprehensive postcolonial Notarial Code under Maximilian – a code that has served as the model for each successive Notarial Code ever since. The *Ley Organica del Notariado y del Oficio de Escribano* established clear rules for notarial function and made them applicable throughout the entire nation. The law formalized the use of the term 'notary' – previously, notary and scribe were being used interchangeably to refer to both the notary and his assistants. The law also mandated that the notarial office keep a copy of all contracts signed by the notary or his assistants together with an inventory or an index of the documents, increasing the record-keeping responsibility of notaries. The 1865 Code further standardized the notary's duties across the country by establishing the necessary components of legal public documents that were recorded by notaries, requiring the name, birthplace, residence, civil status and occupation of each party to a contract; a detailed explanation of the contract; and the signatures of all parties and witnesses as well as that of the notary.

The 1865 law formalized the duty of the Mexican notaries and reinforced their educational requirements. Notaries were legal scholars, who then apprenticed with more

senior notaries to learn how to write and keep public documents, much like notaries continue to do to this day. Apprentices in Yucatan could become notaries by presenting their completed exams and degrees to the local ministry of justice and Superior Tribunal Courts. This last step conferred the title of *notario*. The assignment to a particular notarial office was determined by the local civil court (in Yucatan this would have been in Mérida), which allocated the offices as they became available. In contrast to the European notarial tradition that allowed offices to be handed down through generations, each notarial office in Mexico was assigned to one specific notary who had the right to sell or transfer his office to another notary, something that usually occurred at the end of a notary's career.

Notaries charged fees for their services in order to maintain their office and pay their employees; notaries often hired assistants (some of whom were apprenticing notaries) and clerks, who often appeared as witnesses on notarial contracts. State congressional budgets established fee schedules for notarial documents since the documents were considered public services.

In sum, the notarial figure was a formal, explicitly and publicly regulated one. Notaries were public figures and instruments of the public record, who interacted widely with the public in a variety of ways, constrained only by their duty to record what was brought to them, and guarantee that what was being recorded was legal.

### ***From form to function: Ho's credibility thesis, probates and notaries***

There is some overlap between the population that needed mortgage contracts recorded and the people whose probates the notary would draw up, since both of these would be populations with significant assets during life and at death. Often, especially in the case of wealthy individuals, the probate was one of the many documents the notary had recorded over a relationship that had built up over years. People needed a notary's service at many times in their lives, and they trusted him. The notary was an inevitable part of people's lives when they inherited a piece of land, sold their home, made a loan, entered into a business association with a partner or signed their will. The important personal and business relationships that notaries had with their clients developed over time, and, not surprisingly, notaries had very long careers (Levy 2012). Notaries recorded a wide variety of civil contracts and a large proportion of the population, even citizens with few assets, would at some point require a notary's services.

One of the notary's main functions was embodied in his most traditional role, namely as the record-keeper. Recording mundane and personal documents additionally put to the notary at the center of people's lives at crucial moments, which is how the notary gained so much information about his clients, and how clients built up their trust in him.

In countries with more developed formal financial systems, banks play the role of information brokers in credit transactions. Without banks, kinship networks can play the role of monitors and informal enforcers of moral codes, as we can still observe among current-day rotation credit associations as well as nomadic communities (Ensminger 1996). In nineteenth-century Yucatan, notaries assumed both these roles as (1) information brokers and (2) monitors who created incentives for good behavior, and, wrapped up in these two functions, notaries became the embodiment of trust to their clients.

Notaries in Yucatan not only held information about debts, collateral, and ownership in their ledgers, they also had significant amounts of information on their clients via other interactions – guardianships, incorporations, contracts, land deeds, wills and probates. Notaries were constantly called upon to record civil contracts and interactions, and, as a consequence, notaries became the keepers of information about the current and historical

value of collateral presented for a mortgage; they held the documents guaranteeing the rightful ownership of the collateral; and they also had additional information about any other liens on the collateralized property and assets of the borrower.

This information chain compelled lenders to lend, and compelled borrowers to repay – the information chain in the notary’s network was credible to everyone involved, and it was credible because it reflected both the behavior of the clients with whom the notary worked, and the trustworthiness of the notary himself. This trust was not unique to one notary; the institution itself embodied it.

The personal relationship notaries developed with their clients in discovering these details gradually put notaries in an intermediary position to vouch informally for the reputation of anyone who had transacted regularly through their offices. The notary’s role in this intermediation remained largely covert since there were no official stipulations in the Notarial Codes about brokering of credit contracts or about advising in matters of financial affairs.

To quote Peter Ho, the trust the notaries embodied was ‘a collective expression of the functionality’ of this institution; it was ‘the reflection of actors’ cumulative perceptions of endogenously emerged institutions as a common arrangement’ (Ho 2014, 16). In this case, the notarial institution was not endogenous – this is an institution that is consciously created and imposed by the colonial regime. But the trust that notaries came to represent, and the networks of information and trust that they built and upon which their clients relied, and on which a large part of the local mortgage market rested – these were the product of cumulative interactions that led to an endogenous transformation.

## **Part 2: inequality and the limits of notaries**

The size of the growing Yucatan credit market was at odds with the size of its population, and this can only be understood as a reflection of Yucatan’s fractured society. The nineteenth-century cordage boom affected the growth of private credit in the notarial offices, but it could not overcome the ethnic scission in its society. The Maya population of Yucatan was overwhelmingly poor, and this poverty was historical, and perhaps also endemic. Hispanic conquerors, and their Mexican descendants, always fared better than those of Mayan descent.

Nowhere is this more evident than in the records of notaries – records that undeniably demonstrate that (1) in their formal role, notaries recorded contracts across all social strata; and (2) their intermediary function did not permeate across all levels of society. Notaries were intermediaries, but they did not become financial intermediaries for everyone. This demonstrates that we have to integrate yet another factor into our institutional analysis. As Peter Ho remarks, there is no wrong or right institution; institutions exist when they are the cause and the effect of development. The inequality among Mexicans in Yucatan ‘is’. It is both the cause of a series of institutional decisions, and it is its effect (Ho 2014).

The inequality between the indigenous peoples and their Hispanic counterparts in Mexico is still an observable fact, but we have very little historical data to analyze this with. Even Acemoglu, Johnson and Robinson’s impactful study of the effect of historical income and wealth inequality in developing countries takes for granted that this inequality has been persistent over time (Acemoglu, Johnson, and Robinson 2001). Similarly, Jeffrey Williamson has aggregated data at the national level in his comparisons of global inequality, but disaggregating these figures to understand wealth inequalities along ethnic lines is more complicated (Williamson 2011). It is particularly complicated when censuses no longer record ethnicity as a variable.

### ***Recording death and wealth: probates***

Probates are an effective quantitative tool to build a picture of the distribution of wealth in Latin America before modern data sets and statistical aggregators. Death produces a significant number of documents, many of which can be translated into quantitative evidence. Wills are one of these documents, but they don't reveal much in terms of wealth or income, since they are often written before death, and rarely establish an accurate valuation of the assets to be distributed. Probates, on the other hand, are prepared after death, and with the explicit purpose of assuring the accurate valuation of the estate before dissolution. Probates are both exact in terms of wealth they are assessing and exact as to the point in time when this wealth is assessed.

Probate records in Yucatan show that *henequen* permeated everyone's life; from the henequen barons to the humblest of dwellers, all their probates made some reference to henequen in their estate inventories – everyone save for the most unfortunate who died leaving no real estate at all. The poverty of the Maya is not a contested fact; historians, anthropologists and economists all refer to the destruction of Maya social structures during the colonial period (Farriss 1984; Quezada 1993), the tragic conditions of their existence during the nineteenth century (González Navarro 1970; Joseph and Wells 1996), and the continued marginalization of indigenous people in the twentieth and twenty-first centuries (Alston, Mattiace, and Nonnenmacher 2009) – and the probates provide the material reality and context that underscored it.

Yucatan probate data is particularly valuable because it includes the poor. Intestate deaths automatically resulted in probate in Yucatan, which means that if someone died without a will, their estate had to be inventoried, even if that estate was equal to zero. Probate also had to be drawn up if the death left under-aged dependants – even if there was no estate to dissolve, so the Yucatan data offers two circumstances in which zero-asset probates were recorded. These two circumstances significantly affect the number of probates and the size and type of the population that left probates – the poor (who died without a will) and widowed fathers or mothers (who were survived by minor children) were included. Notaries again were central to this recording process – even if this time their role and function was entirely as it was defined.

### ***Recording inequality and ethnicity***

The lifestyle of the Yucatan elite contrasted sharply with that of most Maya plantation workers and peasants who supported the cordage boom (Joseph 1988; Joseph and Wells 1996; Rugeley 1996, 2001). The 1895 census of Mérida illustrates that in this city where the indigenous population was in a minority, Mayas were employed as domestic workers, masons, carpenters, street vendors, cooks and seamstresses. The differences between the Maya and Hispanic socio-demographics were fueled by extreme variations in demographic representation – it is only in the main capital of Mérida and a few smaller cities where the indigenous population of Yucatan was not in the majority, as Figure 1 illustrates. Yucatan was otherwise an indigenous state, while most of the wealth of the state was concentrated in the hands of Mexicans of mixed of Hispanic heritage.

Although probate inventories were not documents required for everyone, the sampling strategy here has been as exhaustive as possible. It includes every probate in all the available boxes of Mérida court documents and notarial registries by year.

The number of probates is constrained by the fact that not all deaths led to probate. The probate process was tied to the inheritance regime and the existence of a will as well as the

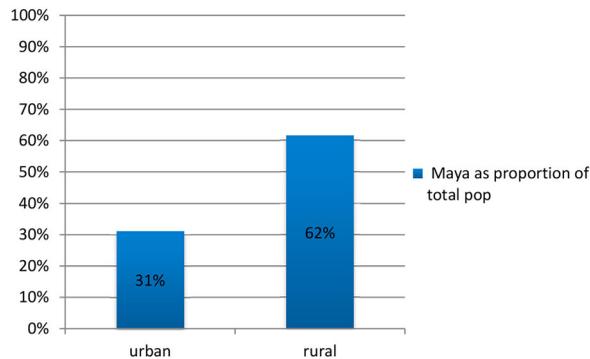


Figure 1. Maya as proportion of total population in urban and rural Yucatan, 1881.  
Source: *Geografía Política de Yucatan*, Tomo II, 1989.

specifics of the decedent's estate. In other words, probate was not a standard or universal practice. Unlike births and deaths, which were all recorded in parish records, probate inventories were the result of special circumstances that determined the need for the lengthy and costly procedure that a probate could become.

In most cases, death would be followed by the reading of the will, and the dissolution of the estate without any recourse to legal action. If, however, the death happened unexpectedly and without a written will, the process was quite different.

The circumstances that led to a probate inventory were:

- (1) Intestate death (the lack of a will establishing the dissolution of the estate);
- (2) If the sole inheritor was an institution (as was the case for many unmarried women and men who died without heirs and bequeathed their wealth to a local hospital or orphanage);
- (3) Disagreement over distribution or value of the estate (which was usually a case reserved for very large estates with long lists of creditors arguing over their precedence in the line of creditors);
- (4) The existence of debts in estate; and
- (5) If there were minor children among the inheritors (in these cases, even if the deceased parent left no estate because he or she was so poor s/he did not own anything, the probate inventory established this poverty and provided evidence for the courts to assign a guardian to the surviving and destitute children).

This last trigger for probate – the existence of minors among the heirs to a parent – is key. Here the Mexican probate system affords us a rare opportunity to see what was commonly thought to be outside the range of probates. If probates had only been triggered by the existence of debts or disagreements among heirs, then the probate data would be heavily skewed toward members of the middle class and the elite, most of which in Yucatán would have been of Hispanic descent. In a state that had such a high proportion of indigenous citizens, this would generate a sample of probates representative of a limited social stratum. But the fifth condition for probates produces a significant number of probates. In fact, among the 339 probates analyzed, more than one third are from Maya decedents. This is a significant proportion, since Mayas in no way accounted for one third of the wealth in the state. This fifth condition guarantees less upward bias in the sample, and the issue

that has often rendered probate analysis problematic in areas with high inequality is tempered.

Once probates were drawn up, there were strong variations among them, especially in the items listed, the details of the inventory, and the complexity from one probate to the next. Nevertheless, as in all legal documents, certain rules and patterns prevailed, and a logical sequencing of the inventoried assets and liabilities is to be found in all of the sampled probates. The listing of real estate wealth always preceded the itemization of furniture and fungible assets that were part of an assessed home. Servants' debts were usually included as assets belonging with a particular real estate property, while other forms of outstanding loans owed to the estate were listed separately. Outstanding debts owed by the estate were always the last item on the list, whether the debt was for 67 pesos or 3000 pesos.

**A quantitative look at probate and debt data**

Probates were not a standard document – they were not a standard requirement of civil law, and their existence is a factor of mortality and wealth – two variables that are quite variable on a year-to-year basis. The sampling strategy was to record all probates in notarial records every 5 years and all probates registered in court records between 1847 and 1901, and this yielded the results seen below in Figure 2. Since probates existed to assess the value of an estate before dissolution, the existence of probates in the records is highly responsive to economic growth. The rise in number of probates per year in the last quarter of the century reflects the effect of the henequen boom on wealth in Yucatan.

One of the main arguments among Yucatan historians is that the period of the henequen boom only benefitted the few, especially the wealthiest elite families. If we take wealth at time of death as a measure of the effect of the boom, the probate figures in Table 1 show that, indeed, a small minority of very wealthy people held the bulk of the wealth during this time.

The first two lines show the average and the median net worth of the 339 decedents, since average values are very susceptible to extreme figures, and these are aggregate figures over the entire period. To illustrate these extreme values, the last two lines show the net worth of Roque Jacinto Campos, whose probate skews the average significantly. When he died in 1889, he left an estate of more than one million pesos (a considerable wealth at the time, equivalent to more than 1889 USD 750,000). This millionaire's net worth accounted for more than 30 percent of the total wealth, and he, together with other members of Yucatan's ultra rich, held almost 90 percent of the population's wealth.

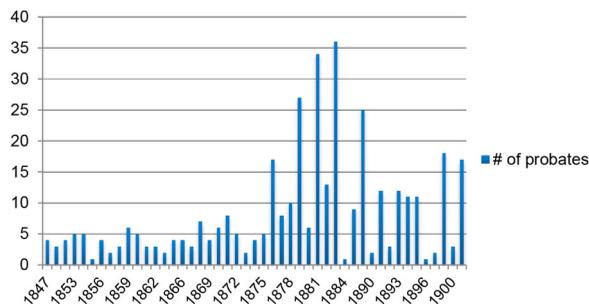


Figure 2. Number of probates per year in Yucatan. Source: AGEY, Fondo Justicia Civil, Fondo Notarial.

Table 1. Aggregate net worth, Yucatán, 1847–1901.

Average net worth	\$16,766
Median net worth	\$1,054
Proportion of wealth held by richest person	31.06%
Proportion of wealth held by above-average net worth	88.63%

Source: AGEY, Justicia.

The sample of probates reflects Yucatan's ethnic heterogeneity. [Table 2](#) shows that two thirds of probates are from Hispanic and European-origin decedents, which reflects the geographical bias of the data that privileged Mérida over other towns.

It is also a reflection of the conditions under which Mayas died. In any town in Yucatan, even in towns that were largely Maya, they were less likely to leave large estates or be involved in large credit deals that would trigger a probate. Similarly, a large number of probates are from female Maya decedents because the decedent was a single mother with surviving minor children. On the other end of the spectrum, probates for estates of Hispanic women were triggered because wealthy widows died leaving large estates and/or debts.

[Table 2](#) summarizes the data set and the breakdown between Maya and Hispanic decedents during the course of the boom. There are significantly more probates for the post-1871 period – which corresponds to the boom period. Mortality figures are difficult to compile, but there is no evidence of a secular increase in mortality that could otherwise explain a rise in probates. In short, as wealth increased, so did the number of probates.

With that in mind, the ethnic distribution of probates is relatively stable across both periods, which only exacerbates the results illustrated in [Figure 3](#). If we add wealth data from the probates to the numbers in [Table 2](#), the discrepancy in the distribution is even greater.

[Figure 3](#) shows that any growth in the average wealth of Mayas over the two periods was dwarfed by the rise in the wealth of Hispanic or European-descent Mexicans. Indigenous Mayas who survived into the boom died wealthier than Mayas who died before the boom, but Hispanic and European Mexicans saw much higher gains. This discrepancy in wealth between ethnicities became exponential after 1871.

[Figure 3](#) points to an important qualification: during the nineteenth-century economic boom, wealth increased for everyone, and inequalities of wealth were exacerbated. Mayas who died in Mérida after the boom were twice as wealthy as Mayas who died before the boom, but Hispanic Yucatecans were more than three times wealthier after the boom, and the gap between average wealth at time of probate between Maya and Hispanic is larger after the boom. Once the henequen boom started, everyone got wealthier, and as everybody's absolute wealth increased, relative wealth levels became increasingly unequal. The absolute wealth of Mayas doubled, but their relative wealth compared to their Hispanic compatriots was abysmal.

Table 2. Summary data of Maya and Hispanic probates.

	Maya	Hispanic
Number of probates, total	128	211
Number of probates 1847–1870	28	40
Number of probates 1871–1901	100	169

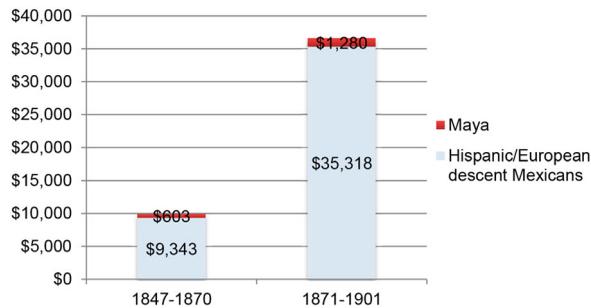


Figure 3. Average wealth at time of probate, Maya and Hispanic.  
Source: AGEY, Fondo Justicia Civil, Fondo Notarial.

In nineteenth-century Yucatán, agricultural collateral was the main source of wealth (Levy 2012). This is backed up in the literature, and is clear when looking at the collateral offered for mortgage contracts, but the probates support this too. Only 11 of the 69 estates recorded before the henequen boom were worth more than the average, which was, without accounting for ethnicity, 5572 pesos. This means that 85 percent of the population died owning less than the average net worth of the decedents in the data set. To make matters worse, the *henequen* boom exerted significant upward pressure on real estate prices, making property ownership even less accessible. Under these circumstances, a significant portion of the population living during the henequen boom did not have enough wealth, and would never acquire enough, to capitalize on the boom as it happened. Maya bore the brunt of this inequality.

### Part 3: conclusion: the credibility thesis in Yucatan

The function of notaries, and the fact that they were a credible institution shared and trusted by all members of society, and a key institution in the recording and maintaining of property records, cannot overturn the context in which they operated. This context is a product of, among other things, the legal and political structure that gave rise to and supported the institution of notaries in Mexico since its colonial inception. It is impossible to say what the level of inequality among the native inhabitants of the area was before Spanish colonization – the Mexica of the highlands of Mexico were a highly hierarchical society, so inequalities can be assumed. But the heyday of the Maya civilization was long gone by the time Spaniards settled the area and established colonial institutions in Merida and the surrounding towns. It is no exaggeration to say that notaries produced the first records with which we can begin to trace economic, social or cultural transformation in the area. To be sure, by the nineteenth century there were many other documentary sources and records, but the notaries continued to produce the most systematic and stable records of mundane civil interactions, and thereby also evidence of the inequality of the society in which they functioned.

It was not the job of notaries to do anything more than to record contracts. It was also not their job to construct wealth records, but this is exactly what they have left us.

Notaries have been shown to be important intermediaries in pre-modern credit markets, and in the Yucatan context, notaries helped institutionally in creating greater wealth for everyone (Levy 2012). This paper has shown the extent to which notaries were embedded in the social fabric, and the degree to which their services cut across ethnic and economic divides. What the probate records also demonstrate is that even when economic theory has all but concluded that financial intermediaries are overwhelmingly supportive of economic

growth, we see in Yucatan that even in the presence of such an institution, certain historical conditions are difficult to overturn.

The inequality in wealth that this summary of probates has shown between Maya and Hispanic Yucatecans has long been commented on anecdotally and accepted as a natural outcome of colonialism. The data presented here illustrates the rampant inequality in wealth between Maya and Hispanic Yucatecans, an inequality that preceded the boom, and became exponential during the boom.

The probate records explored show us that all 128 Mayas for whom we have probates were mostly poor members of society. They may have experienced a slight increase in fortune over the course of the boom, but this shift would not have been apparent in their relative fortune compared to the Hispanic plantation owners for whom they worked or for whom they hemmed skirts or cooked meals. We have seen just how great the distance between average wealth among Maya and Hispanic Yucatecan became, which must make us question a context in which the benefit of economic growth is so skewed. Some inequality is to be expected – but not this much.

The existence of an institution like the notaries, who represented civil trust and enforceable property rights, could not overturn centuries of inequality. Even in the context of economic growth in the nineteenth-century henequen boom, the pre-existing conditions of economic inequality remained and were not resolved or even aided by economic growth or institutional change. Instead, the data shows that the boom exacerbated inequality, even as, or if, the nineteenth-century reforms strove to modernize the institutional structure of the economy. This forces us to consider that the role notaries deployed so usefully during the boom might actually have exacerbated the multiplier effect of inequality in its aftermath. As the final contribution in the ‘Land’ section, this paper has demonstrated that land-based institutions, ahead of explicit form and function, need to be assessed in a variety of contexts to confirm the robustness of their function across social and demographic groups. In the following section, the analysis of the credibility thesis will be applied to the other modes of production – labor and capital – as well as beyond these.

#### **Abbreviations used**

CAIHY: Centro de Apoyo a la Investigación Histórica de Yucatán.

AGEY: Archivo General del Estado de Yucatán.

ANEY: Archivo Notarial del Estado de Yucatán.

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