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I declare this to be my last will: Teobert Maler's testament and its execution

Abstract: Previously unknown, the notarial will of the Maya researcher Teobert Maler and its corresponding testamentary are examined here. These legal documents provide information about Maler's material legacy, its inventory and appraisal, the inheritors and other parties involved in this bequeathal, as well as how Maler's may have ended up in some archives and private collections after his death in 1917.

Keywords: Teobert Maler; Maya research; Testament; Mexico; 20th Century.

Resumen: Este artículo analiza detalladamente el hasta ahora desconocido testamento de Teobert Maler y el cómo se desarrolló el juicio testamentario relacionado con el mismo. Examina el inventario, la evaluación y distribución del legado de este explorador del área Maya.

Palabras clave: Teoberto Maler; Mayista; Testamento; México; Siglo xx.

Maler had an extraordinary, enigmatic, fascinating and eccentric personality; he was a maverick with vision and great discipline, a soldier, adventurer, linguist, photographer, architect, researcher, discoverer and archaeologist. His professional procedures equaled those of archaeologists, at a time when archaeology did not yet exist as a modern science in Mesoamerica¹ (Mayer 2001: 237).

Productive and polemic and always interesting, the Maya explorer Teobert Maler has fascinated experts in the field and lay people. Some of the difficulties and challenges of approaching Maler and his legacy reside in the fact that his scholarly material inheritance is dispersed in several countries and some of it has not been properly accounted for since his death in 1917 in Merida, Mexico.

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1 All translations from Spanish and German into English are our responsibility. Please note that when using numerals for the dates, the format day, month, year is used.

Although some attempts have been made to track down his property, up until now Maler's testament and its corresponding testamentary case in original form have not been examined in detail.² The purpose of this article is to bring to light the extent of Maler's legacy by analyzing three folders recently located at the *Archivo General del Estado de Yucatán*, in Merida, Mexico, presenting additional primary sources from other Yucatecan, German and North American archives, as well as relevant secondary works in order to provide the appropriate context. By examining Maler's last will and its corresponding testamentary case we hope, additionally, to contribute to the understanding of last wills³ as valuable objects of analysis that not only provide information about the property of a person and his or her social and institutional relationships, but also reflect contemporary social structures and macro-economic and political events (Boockmann 1983: 6f.).

1. Biographical notes⁴

Teobert Maler was born on January 12, 1842 in Rome, Italy, where his father, Friedrich Maler, was the Grand Duke of Baden's *chargé d'affaires* to the Vatican. The Maler family held German citizenship. Teobert spent his youth in Baden-Baden and later studied engineering and architecture at the Technical High School in Karlsruhe. In 1863 he moved to Vienna and at the end of the following year enlisted in the forces of Maximilian von Habsburg, arriving in Mexico on December 30, 1864. First as a cadet and later as a captain of the Imperial Mexican Army, he fought in one battle after another until the Second Mexican Empire collapsed in June 1867. The failure of the French Intervention notwithstanding,

2 In a very interesting epilogue to her doctoral dissertation, Leysinger (2008: 371-379) reconstructs how part of Maler's material legacy ended up in Berlin. Unfortunately, the only testament-related material she was able to locate was the "Copia certificada de constancias (sic) del juicio de testamentaria (sic) del señor don TEOBERTO MALER (emphasis in original)" stored in an archive in Berlin, (Leysinger 2008: 371, f. 3 and e-mail to Durán-Merk, 08.06.2011). When we compare the information reported from this source, however, to that contained in the files located in the *Archivo General del Estado de Yucatán* – which are analyzed in the present article – some discrepancies arise. One example is Maler's alleged bequeathal of "his furniture, books and other objects to his current landlord", Gerardo Manzanilla Montore (Leysinger 2008: 371, fn. 3). Here it must be specified that given that the citation in question summarizes three sources, it is difficult to identify the specific origin of the data. Regardless of its origin, the statement about Manzanilla Montore as Maler's heir is clearly refuted by the original testament and the testamentary files, as we will present in detail here.

3 The terms "last will" and "testament" are used as synonyms in this article.

4 The information presented in this short biography was mostly taken from Graham (1997), Kutscher (1971), and Mayer (1985; 2001; 2011), with the addition of some primary and secondary sources where relevant, which are indicated as such. Although Echánove Trujillo (1974) is widely used as a source, a significant proportion of his information is inaccurate and is contradicted by documentary evidence. We will provide some examples of this in the article.

Teobert Maler stayed in Mexico, traveled intensively in the central part of the country and later became a photographer of indigenous people and antiquities. His first encounter with the Mayan region dates back to 1877, when he visited and studied the ruins of Palenque.

The death of his father forced Maler back to Europe in 1878, where he had to settle legal matters concerning his inheritance.⁵ It was during this trip that he applied for Austrian citizenship, which he obtained in 1884. After successfully settling a claim against the state of Prussia, Teobert Maler returned to Mexico: on March 9, 1885, he landed in Progreso, Yucatan,⁶ and settled in its capital, Merida.

By March 11, he had already rented house no. 17 on *Segunda Calle de Peniche Gutiérrez*.⁷ He lived there for almost two years, after which he moved to Ticul and opened a photo studio there.⁸ This town became the base from where he started his major project: a systematic survey and investigation of the Maya ruins of the Yucatan and adjoining areas. Between December 1886 and June 1894, Maler undertook several expeditions through the Yucatan peninsula and was able to relocate and discover around one hundred archaeological sites.⁹ His manuscript entitled "Península Yucatán" was not published, however, until 1997. In 1895 the Peabody Museum engaged him to conduct surveys into remote regions of Mesoamerica. In three large expeditions during the next decade, Teobert Maler visited, found and documented Maya ruins in the jungles of Petén (Guatemala), Chiapas (Mexico) and British Honduras (now Belize). The results were published by the Peabody Museum.

5 For a detailed account of this procedure see Leysinger (2008).

6 *Ibero-Amerikanisches Institut Preußischer Kulturbesitz* (hereafter IAIPK), *Nachlass Teobert Maler* (hereafter NTM), notebook without a number.

7 *Lippisches Landesmuseum Detmold* (hereafter LLD), *Sammlung Rosenkranz* (hereafter SR), Maler to Rosenkranz, Ticul, 15.11.1893. Otto Rosenkranz (*23.07.1846 in Hemeringen, Lower Saxony, †16.02.1938 in Detmold) was a merchant and served as German Consul in Merida in the 1880s (Herrmann 1992: 5). Maler stayed in contact with Rosenkranz most likely because he wanted the ex-Consul's help to promote, and perhaps co-finance, a mayor project of his: A photographic atlas of the Maya ruins of Yucatan which was never carried on. On this project see – also in LLD, SR, Maler to Rosenkranz, Ticul, 15.11.1893 – the attachment entitled "Der grosse Atlas von Altertümern aus México und Centralamerika".

The Segunda Calle de Peniche Gutiérrez is nowadays Calle 62, from the 61 going north until 47; number 17 was probably located between 59 and 57, on the west side of the street (Emiliano Canto Mayén, e-mail to Durán-Merk, 05.06.2011).

8 Apparently, while already living in Ticul, Maler offered his services and his archaeological photos seasonally in Merida at the same house mentioned above, as advertised, for example, in "La Revista de Mérida" (Concha Vargas et al.: 170f.).

9 LLD, SR, Maler to Rosenkranz, Ticul, 15.11.1893. Almost all of those sites belong to the area now known as the archaeological Puuc region.

Teobert Maler lived the last twelve years of his life in Merida; from 1907 or 1908¹⁰ in a house he rented on the property of Gerardo Manzanilla Montore, located in Calle 59 no. 619. It was in this house that he died on Thursday 22 November, 1917.

Maler is still important today for two main reasons: first, his excellent photographic documentation of Mayan sites, many of which were subsequently severely damaged and sometimes disappeared completely, and, second, for his detailed descriptions and drawings of those ancient buildings.

2. The testament

Already on his deathbed, Maler dictated his last will and testament on November 21, 1917. This was a notarial will, that is, a will in public form prepared by a civil-law notary, in this case by public notary Tomás Aznar Rivas.¹¹ The latter was called to Maler's house and in the presence of three instrumental witnesses – Julius Otto Milke,¹² Pastor Milán Cervera and Francisco Gluekher¹³ – the explorer dictated four testamentary dispositions. In the first one he specifically bequeathed to the Museo Nacional de la República Mexicana his photographic negatives of Mexican archaeological monuments. Maler declared, in his second bequest, his will to transfer the property of his scientific works and archaeological objects to the Austrian-Hungarian consulate in Merida, represented by Enrique Korte,¹⁴ and in the absence of Korte, to the Austrian-Hungarian Government. The third clause contained instructions on how to dispose of his residuary estate. In it, he specifically instructed that the money coming from the 216 shares he had in the *Banco Peninsular Mexicano, Sociedad Anónima*, should be used first to pay for his matured debts and funeral expenses and the costs and taxes that were to arise from his testamentary. Whatever money was left after the above debts were

10 IAIPK, NTM, notebook without a number.

11 All information about Maler's testament here given comes from: *Archivo General del Estado de Yucatán* (hereafter AGEY), *Archivo Notarial* (hereafter AN), *Notario Tomás Aznar Rivas*, 1917, Protocolos, libro 2103, acta no. 238.

12 Julius Otto Milke (*17.11.1850 in Görlitz, †29.11.1918 in Mérida) was a German watchmaker who lived in the capital of Yucatan. In the text of Maler's last will, his name was misspelled as "Othon Hugo". Nevertheless, the signature is clear. All biographical information on the German-speaking immigrants mentioned in this article in connection with Maler has been collected from various primary sources and is part of the database built by Alma Durán-Merk for her doctoral dissertation (see footnote 1).

13 Francisco Gluekher (*05.05.1878 as Franz Glückher in Strasbourg, Alsace, then part of the German Empire) worked for Siemens & Halske and later for the German-owned hardware store J. Crasemann Sucesores, both located in Merida. He served as a German consul in the 1910s.

14 Enrique Korte (*09.11.1869 as Heinrich Korte in Lübeck, Germany) worked for the German-owned hardware store Ritter y Bock in Merida. Although Korte was the consul for Austria-Hungary, at the time of Maler's death he was living in the United States.

paid, plus whatever other property Maler had at the time of his death, he gave in equal parts to four universal heirs: Misses Isabel Galaz,¹⁵ her minor daughters Natalia and Lucila Galaz and the minor José Eduvigis Galaz. This last child was registered, according to Maler, as the legal son of Severiano Galaz. In his fourth disposal he expressly named Juan Clasing¹⁶ as executor of his last will with plenary power. Since Maler was not able to sign this notarial affidavit, Milke did it on his behalf.

Maler's testament shines a light onto his life and interests. The fact that two out of the three witnesses as well as the testament's executor were well-established members of the German-speaking community in Merida shows that he was in close contact with people who shared his cultural background. At the same time, Maler was able to establish meaningful relationships with locals, as represented by the third witness, the Galas family, and the fact that the public notary acknowledged knowing the Maya explorer personally. It is important here to note that the assumption made by Echánove Trujillo (1974: 119) that Gerardo Manzanilla Montore was present while Maler was in agony and that Maler asked his landlord to keep his belongings, so that these would not "fall into the hands of *those Germans*"¹⁷ who could barely wait for him to die, is not supported by the documentary evidence analyzed here.

The testament's first two clauses reflect some of the complexities of Maler's cultural and national identity, someone who at the same time "[...] designated himself as an Austrian scholar and hispanized his first name from Teobert, or Theobert, into Teoberto" (Mayer 2011: 330). Maler's donation of his photographic negatives portraying Mexican archaeological sites to a Mexican institution shows the explorer's interest in keeping his work in the place where it originated and where it would be, hopefully, valued and further studied. It is perhaps a symbol of gratitude towards his host country. Declaring, however, his wish to give his scientific works and archaeological objects to the Austrian-Hungarian consulate raises some questions: Was Maler's idea that the Consulate was to establish a library or something similar in Mexico to safe-keep his works and make them available for other researchers? If that was the case, nothing specific was mentioned in his last will. Did he want the Austrian-Hungarian government to get the material out of Mexico? While manuscripts could be taken out of the country, since the 1820s Mexican laws had prohibited the export of archaeological objects and Maler was aware of this, as his correspondence with Rosenkranz shows,

15 Please note that this family name was misspelled in the testament. Further details to follow later in this article.

16 Juan Clasing (*06.11.1875 as John Siegesmund Carl Clasing in Blankenese, Germany) worked for Ritter y Bock in Mérida. He became a naturalized Mexican in 1940.

17 Emphasis in original.

when he offered to send collections of objects to Germany clearly addressing the existent legal restrictions.¹⁸

The third disposition dictated by Maler referred to a specific distribution of the value of 216 shares he had in the *Banco Peninsular Mexicano*. Some narratives argue that he passed away in poverty (Concha Vargas et al. 2010: 17; Médez Bolio 1956: 264; Willard 1926: 224) while others doubt this (Brunhouse 1975: 26; Leysinger 2008: 124).¹⁹ The shares hereby mentioned were originally 260 items issued in 1905 by the *Banco Mercantil de Yucatán*²⁰ and valued at about 34,000 pesos, which amounted to almost all of Maler's capital at that time.²¹ The *Banco Mercantil de Yucatán* and the *Banco Yucateco* were two local banks founded by *hacendados* and business people in the 1890s (Suárez Molina 1977: 246-250). Although these financial institutions did quite well until about 1905, they were seriously affected by the world economic crisis that started in late 1906, by their own mismanagement and by lack of solid banking experience. With the economy almost paralyzed in the Yucatan peninsula and both banks on the brink of bankruptcy, the *Banco Nacional de México* intervened in June 1907, officially merging the two into the *Banco Peninsular Mexicano* by March 1908 (Anaya Merchant 2010; Marichal 2007: 18f.; Suárez Molina 1977: 249-255). The stock of these banks lost most of its value.

And who were these people named by Maler as his universal heirs? First of all, the family's last name was wrongly spelled in the testament as "Galaz". During the probate it was made clear that the correct spelling was "Galas". We will therefore use the latter. Isabel Galas was born in Valladolid, Yucatan, around 1889, and by the time of Maler's death had mothered four children out-of-wedlock. Of these children, only three were still alive in 1917: Natalia, born in 1910,²² Lucila, born in 1912,²³ and José Eduvigis, born in 1915.²⁴ The boy was registered,

18 LLD, SR, Maler to Rosenkranz, Ticul, 01.08.1894.

19 While the existence of these bank shares in 1905 has been mentioned briefly (Leysinger 2008: 124, fn. 101), their drop in value and how this impacted Maler's financial situation after 1906 has not been analyzed.

20 IAIPK, NTM, Karton 8, Teobert Maler, 28.02.1910, Apuntes sobre la substitución de mi depósito de dinero que yo tenía en la Casa de J. Crasemann S. con acciones del Banco Mercantil, desacreditadas.

21 According to Leysinger (2008: 103, 122), at the end of the 1880s Maler had around 33,000 pesos in capital, the majority of which came from his father's inheritance. The fact that he had approximately the same amount of money fifteen years later, even though he had to finance his own expeditions prior to 1895 when he started his assignments from the Peabody Museum, seems to indicate that he had some additional income as a photographer and perhaps from his selling of archaeological objects, besides being able to live frugally.

22 Archivo Histórico del Registro Civil del Estado de Yucatán (hereafter AHRCEY), Mérida, Nacimientos, 1910, libro 113, fojas 20-21, acta no. 1315.

23 AHRCEY, Mérida, Nacimientos, 1912, libro 122, fojas 116-117, acta no. 1315.

24 AHRCEY, Mérida, Nacimientos, 1915, libro 136, fojas 59-60, acta no. 2138.

as Maler said in his testament, as the son of Severiano Galas, who was most likely the children's uncle.²⁵ Isabel's mother was probably named Manuela Galas. Manuela bore at least two other children as a single mother in Valladolid between the late 1880s and the beginning of the 1890s – Emilio and Primitivo – who also carried her last name.²⁶ It is not known when the family moved from Valladolid into Merida, but at least one of its members, Primitivo Galas, was already there in 1912. Here, the Galas lived in Calle 80, no. 535.²⁷ The legal documents consulted make it clear that the family was illiterate.

Here we need to address the suggestion that Maler – who never married – had offspring, although there is no documentary evidence to support this claim. Molina (1949) affirmed that the Austrian explorer had two children. A well-known American archaeologist reported to Graham (1997: xli) that he had met a lady who claimed to be a great-granddaughter of Maler's. For his part, Echánove Trujillo (1974: 96f.), going off second-hand oral information, wrote that Maler had a daughter named Pastora who lived nearby and whom he helped to support. There is proof that the Galas family, who lived only five blocks away, had received money from Teobert Maler regularly, at least since 1912.²⁸ The fact that the only people Maler personally wanted to look after in his last will were Isabel and her children, added to this undocumented hearsay evidence, could mean that there was a special relationship between the explorer and the young lady. Although it is possible to think that Isabel was perhaps Maler's daughter, it is still too early to venture this as fact. More archival research would have to be conducted.

With regard to Maler's appointment of Juan Clasing as executor of his last will, this appears to be the result of a relationship, initiated for business purposes that developed into one of mutual trust and perhaps friendship. Clasing was an employee of the German-owned hardware store and importer Ritter y Bock,²⁹ which, like many other businesses of this nature in Merida at that time, also functioned as a bank-like institution. This means that overseas and domestic money deposits and transactions were done through these houses, a practice that dated back to the nineteenth century (Suárez Molina 1977: 254-255). Around 1910, after

25 Children born out of wedlock were not uncommon among the underprivileged groups in Yucatan at that time. The practice of registering these babies under the names of other family members was also usual.

26 AGEY, Registro Civil (RC), Nacimientos, 1889, libro 50, acta no. 464; IAIPK, NTM, Karton 4, Notas T. M. 1912. 1913.

27 IAIPK, NTM, Karton 1, Notas 1913. T. M.

28 See for example IAIPK, NTM, Karton 1, Notas 1913. T. M.; Karton 4, Notas T. M. 1912. 1913. Each payment amounted to 50 pesos a month and was paid even during the times when Maler was abroad. This sum was equivalent to an employee's monthly salary, see footnote 44.

29 NARA, Office of Naval Operations (ONI Files), Confidential, Entry 78A, Box 43, Report no. 21, Morley to Taro, Mérida, Yucatán, April 20th 1918, pp. 14, 16.

a serious dispute about money with the J. Crasemann Company, Maler took his business to its competitor, Ritter y Bock.

3. Testamentary

The probate proceedings extended from November 24, 1917 until July 27, 1918 and are documented in about 65 double-sided pages of information divided into two workbooks.³⁰

Although Maler passed away at four o'clock on a Thursday afternoon,³¹ it was not until Saturday that Clasing, accompanied by his attorney Rudolfo Cantón Rivero, appeared in front of the judge of the first Civil Court of Merida, Héctor López Vales, with a request to secure the house and properties of the deceased, which was granted that same day. This means that the house could have been unguarded and unsealed for about two days.

Maler's belongings were inventoried for the first time between November 26 and 28, 1917. In charge of this were Clasing, Cantón Rivero, the court's official, José María Vales Acosta, and the public prosecutor Federico Aguilar Solís. On the first day José del Pozo and Miguel Ángel Fernández – local inspector of monuments and secretary of the *Escuela de Bellas Artes* respectively – were also present; on November 27 and 28 only the latter. The documents do not clearly explain what mission these last two people were to carry out, especially considering that they had not properly accredited themselves before the judge. Indeed, it was not until December 7 that José del Pozo received a telegram from Luis Castillo Ledón, Director of the *Museo Nacional*, appointing him to represent this institution in the affair. Juan Clasing was named as depositary of all goods, which were listed in about six pages.

This first inventory is confusing; amounts were not specified and no clear categories can be found. We have to remember that the task of the recorders was to list in detail every item found in the house. It is noticeable, however, that neither a single penny in cash, nor a single archaeological object was enumerated. Specifically in regards to archaeological artifacts, Leysinger (2008: 125, fn. 103) reports that del Pozo indicated to Castillo Ledón, in a letter dated December 11, that only a few minor pieces were among Maler's property. This contradicts the information officially recorded in this inventory.

30 The original, complete, testamentary of Teobert Maler can be found in three folders labeled as follows: AGEY, Justicia Civil (hereafter JC), 1917, caja 180, exp. 25, Juicio Testamentario de Teoberto Maler; AGEY, JC, 1917-1918, caja 180, exp. 23, Testamentaria de Teobert Maler, and AGEY, JC, 1917-1918, caja 180, exp. 25, Juicio Testamentario de Teoberto Maler (sic). All information analyzed in these segments comes from these folders.

31 AHRCEY, Mérida, Defunciones, 1917, libro 158, acta 2271, Teobert Maler.

Another peculiarity is that Maler's personal objects and furniture were scarce, simple and inexpensive, and that among his photographic equipment several pieces were either missing, very used or damaged. This seems to indicate that Maler's financial situation was less than adequate.

In December the probate took place. As the legatees accredited themselves on the sixth of that month, the judge López Vales agreed that Severiano Galas could act on behalf of his legal son José Eduvigis, but stated that there could be a conflict of interest with Isabel representing her minor daughters, Lucila and Natalia. A few days later López Vales named a tutor for the two girls, Rudolfo Cantón Rivera, who was, as mentioned above, Clasing's attorney. The question arises: how could the judge not see this as a 'conflict of interest'? But even more control was to be concentrated in Clasing's hands. On December 24, he appeared before the judge again to explain that he as *gerente*, that is manager, of the Austrian-Hungarian consulate, was to represent in this case the interests of Consul Enrique Korte, who was in the United States. The judge immediately accepted this without raising any questions. This means that the power to make decisions was left to Clasing and his attorney. Korte, who was one of the directors and partners of Ritter y Bock, had in fact been living for more than a year in Weehawken, New Jersey. In the light of events resulting from the First World War, he was under investigation by the Secretary of State in Washington, D.C.³² Although this explains why Korte could not come back into Yucatan for some time, it is not possible to deem that the testator was not aware of this and, more specifically, of the conflict that would arise through Clasing representing the interests of the consulate while simultaneously serving as the testament's executor.

Despite these dubious procedures, the explorer's last will was declared legally valid on January 22, 1918, with Clasing as its executor. A few days later Clasing requested authorization to proceed with an extrajudicial appraisal of Maler's inheritance. Contrary to the rule of having two appraisers, only one was appointed: Saul Andrade.³³ Official publications were posted in the governmental newspaper "Diario Oficial", and apparently no-one contested the will.

A second inventory ordered by Clasing, this time with an itemized assessment, was presented to the judge on May 2. In its nine pages it shows a total of 182 entries, several of which comprise items without specific descriptions. It

32 National Archives and Records Administration (hereafter NARA), Records of the Department of State relating to World War I and its Termination (hereafter DS-WWI), Neutral Commerce (hereafter NC), 763.72112/4370, 259, August 1917, p. 6, Gaylord Marsh, American Consul in Progreso, Yucatan, to the Secretary of State (Washington), Progreso, 09.08.1917, Enemy Propaganda and Import Privileges.

33 Although at that time there were instances where a small inheritance was estimated and only one appraisal was ordered, it is unlikely that the people involved in this case did not understand the value of Maler's material legacy.

is noteworthy that low prices were apparently assigned to the items. For example, in 1893 Maler estimated each simple silver-print at 0.85 to 1.25 pesos depending on the size.³⁴ According to the testamentary appraisal, the price of photos ranged from 0.20 to 0.50 pesos.³⁵ This brings up the question of whether this evaluation was underestimated for tax purposes or with the goal of later, after the adjudication, offering the inheritors little money in exchange for the property.

Among the priced items there were two archaeological drawings – one of Chichén Itzá and another one of Tikal.³⁶ Maler left 1,088 “placas fotográficas impresionadas de monumentos arqueológicos” – that is, negatives – and a total of 1,388 prints of different sizes and in a variety of conditions. Inventoried were also one album with photos, three cameras – of the Middlemiss, G. Hare and Sharp and Hitchmough brands – with a few lenses, several tripods, three dry presses, a *Camera Lucida* and other material such as cast paper and picture frames.³⁷ Many pamphlets and hundreds of books in different languages were itemized, as well as five boxes containing Maler’s manuscripts and notes. As far as archaeological objects are concerned, only one is specifically listed in this inventory: a decorated vase that was assessed at one peso; all others were grouped under the label “box filled with archaeological objects”; this record appears twice, and the total value of these objects was estimated at 2.50 pesos. Unfortunately, it is unclear how large these two boxes were and how many objects with these particular characteristics were in them. If the pieces were uninteresting, Graham’s suggestion (1997: xxxviii) that Maler probably had to sell his collection of antiquities to acquire some cash would bear credence. We have to remember that even when his financial situation was good, Maler sold and illegally exported archaeological objects.³⁸

The 216 shares deposited in the *Banco Peninsular Mexicano* and mentioned by Maler in the third disposition of his last will, give us an insight into how much money he had lost during his final years. These bonds, which in 1905 represented 34,000 pesos, were evaluated in 1917 at 648 pesos total.³⁹ That means that their value dropped about 80%. Additionally, a 1,000-franc bill equal to

34 LLD, SR, Maler to Rosenkranz, Ticul, 15.11.1893.

35 All prices in this legal case were quoted originally in “pesos oro nacional”. The closest exchange rate is that of 1914 (Schmidt 1925: 42), when the peso was 0.498 to a dollar and 2.09 to a German mark.

36 Mislabeled as “Tinal”.

37 The Middlemiss camera was 10 x 12 inches, the Sharp and Hitchmough 12 x 16. On Maler’s photographic techniques, see Graham (1997: xlvi-ii).

38 LLD, SR, Maler to Rosenkranz, Ticul, 01.08.1894 and 10.02.1895.

39 IAIPK, NTM, Karton 8, J. Crasemann Sucesores S. en C. to Teoberto Maler, Mérida, 20.08.1907.

344 Mexican pesos, and a promissory note valued at 342.72 pesos, were accounted for among Maler's possessions.

The total inheritance was estimated at 3,064.90 pesos. A comparison between the first inventory (November 1917) and this one (May 1918) shows that some items were not accounted for in the second inventory, such as a minimum of eighty books in Spanish, a box with books in the Mayan language, a camera, an unspecified number of negatives, the Camera Lucida, some furniture as well as personal objects like clothing. Clasing as depositary of the bequeathal was responsible for the goods; however no-one asked any questions about their whereabouts. Another question that this inventory leaves unanswered is whether Maler had a balance in his favor at Ritter y Bock: on June 30, 1912, he registered as having 5,479 pesos available.⁴⁰

Up to this point only one debt of Maler's was registered: eleven months of overdue rent – from the first day of the year until the end of November 1917 – owing to Gerardo Manzanilla Montore, which amounted to 440 pesos. This evidence refutes Echánove Trujillo's contention (1974: 116) that Manzanilla Montore allowed Maler to live for free at the house he inhabited in Calle 59.

The third and final stage in this testamentary case, the liquidation and participation project, was presented by the executor to all interested parties on June 14, 1918. According to Maler's first testamentary disposition, a totality of 1088 negatives, valued at 544 pesos, were transferred to José del Pozo as legal representative of the Museo Nacional, who signed a receipt for the material. As envoy of the Austrian-Hungarian consulate, Clasing was entitled to collect, based on the second testamentary clause, Maler's scientific works and archaeological objects. These were defined as follows: three *tomos* (2, 3, and 5) of Maler's "Exploraciones en el valle de Usumansinta";⁴¹ Maler's two archaeological drawings; five boxes with Maler's notes; 1,388 photos and, finally, the above-mentioned two boxes containing archaeological objects. Satisfying Maler's third request, his mortuary debts were paid from the remaining inheritance. Besides the rent of his house, the following costs and expenses, in Mexican pesos, were covered:

40 IAIPK, NTM, Notas 1912. 1913 Teobert Maler.

41 There are inaccuracies in the way these books were registered in the testamentary. Maler's "Researches in the Central Portion of the Usumatsintla [sic] Valley" (vol. 2 of the Memoirs of the Peabody Museum of American Archaeology and Ethnology, Harvard University) is composed of only two numbers: 1 and 2. Therefore, the recorder wrongly identified *tomos* 3 and 5. If what he meant with the word *tomo* was "volume", the record is still incorrect: volume numbers 3 and 5 are not dedicated to the Usumacinta valley.

85.10	Notary fees, paid to notary Tomás Aznar Rivas
64.20	Cleaning up Maler's house and transporting the deceased's property to one of the rooms in the hardware store Ritter y Bock, as per Clasing's instructions, which occurred before May 28, 1918.
105.50	Reimbursement of legal expenses
325.00	Attorney's fees paid to Rudolfo Cantón Rivero
101.91	Accountant payments
50.00	Payment issued to Dr. Francisco Caamal for attending Maler
20.00	Fees paid to the appraiser, Saul Andrade
301.85	Costs of Maler's funeral

The 301.85 pesos bill paid to a funeral parlor in Merida requires special attention.⁴² First, the amount indicates that this was not a low-cost service, and second, it contradicts the legend that the German colony in Merida paid for Maler's burial (Cásares Cantón 1998: 28), which stems from the belief that he was penniless when he died.

Once all the costs and expenses of the administration of Maler's estates had been deducted and after all inheritance, transfer and succession taxes had been paid, only the equivalent of 110.95 pesos were left as a bequest to be distributed among the four members of the Galas family,⁴³ the universal inheritors. Although this amount could have been disputed, all parties accepted it. By July 27, 1918 the case was closed and all had acknowledged having received the property to their satisfaction.

The substantiation here presented clearly refutes the notion that Salvador Alvarado⁴⁴ ordered Maler's archive to be picked up (Cásares Cantón 1998: 28). The Galas family received objects as payment, such as maps, camera equipment, photographic material, furniture, and a few of Maler's personal belongings. This would open up the possibility that other people acquired the items directly after the settlement, most probably cheaply. This would mean that Gerardo Manzani-lla Montore did not keep Maler's property as a favor to his prior tenant, as was presumed (Cásares Cantón 1998: 28; Leysinger 2008: 371), but bought it directly from the Galas.

42 Here are some examples to show how much money this was: the sum was equivalent to renting Maler's house for about seven and a half months; in 1915 an upper middle level employee in a merchant's house made around 50 pesos a month and a manager made 250, see AGEY, JC, 1915, caja 81, exp. 7, sucesión testamentaria de German Ravensburg.

43 One of the originally named heirs, José Eduvigis Galas, had passed away by this time. The court accepted his legal father, Severiano Galas, as succeeding inheritor.

44 General Salvador Alvarado Rubio (*16.09.1879 in Culiacán, Sinaloa, †10.06.1924 in Tabasco) was a Constitutionalist who brought the Revolution to the Peninsula. He served as Governor and Military Commander of Yucatan from 1915 to 1918.

In general, the closing of Maler's bequeathal shows irregularities in the inventory and the appraisal, as well as a concentration of decision-making power in the hands of the executor. It appears to be a dishonest liquidation. It seems that rather than honoring Maler's wish to care for the Galas family, an attempt was made to cover up a commercial deal.

Graham is right when he says that it is difficult to track down what happened to Maler's bequeathal (Graham 1997: xxxviii). Although we know that today his original photographs, manuscripts, notebooks, drawings and plans can be found in various publications as well as in public and private collections in several countries, the question is: how did they get there? Here we will address only the two major collections in Germany. The collection kept in the Ibero-American Institute in Berlin actually corresponds to the items adjudicated under Maler's testamentary clause Number 2 to the Austrian-Hungarian consulate. As discussed above, Clasing, representing the consulate, received all scientific works and archaeological objects. Through Leysinger (2008: 372f.), we learn that in the late 1920s Clasing declared that he had bought these objects – namely sixty-four books, maps of Mexico and journals – from Manzanilla Montore, who had supposedly “inherited” them. Clasing sold these items to B. Hagen for 109 pesos and Hagen in turn handed them over to the *Ibero-Amerikanisches Institut* in Berlin. In the light of the information contained in the testamentary, Clasing's assertion is untrue: perhaps the major part of the books he sold was the specific bequest to the Galas family and the rest, as well as the journals and maps, were assigned to the consulate. It is obvious that Clasing also sold Maler's notebooks to Hagen, given that these are still part of the IAIPK in Berlin. Another way in which Clasing attempted to disguise his keeping of Maler's material can be seen when he explained to Hagen, according to Leysinger (2008: 373), that in 1919 he decided to spare Maler's bequest from destruction and housed it in his offices in Merida. As we have documented above, Maler's estate was brought into Ritter y Bock's offices by 1918. Those items now maintained in the *Völkerkundemuseum* in Hamburg, Germany, which according to Graham (1997: xxxviii) are mostly platinum prints and perhaps copies of Maler's notes, may have been

sold by Ernst Strothmann⁴⁵ to Franz Böker⁴⁶ in Mexico City, who in turn passed them on to Franz Termer⁴⁷ after 1935.

4. Final comments

A weak judicial system is reflected in this testamentary. It is questionable whether all parties acted in good faith and in the best interest of Maler's estate and his beneficiaries. Instead of protecting the Galas family, officially named by Maler as his heirs, some legal procedures apparently allowed personal interests to get in the way of this inheritance. An array of debatable actions was found to occur in this case, which most likely does not represent an exception to the way testamentary litigations were handled at that place and time. On the other hand, Teobert Maler could have seen that a conflict of interest was probable in the naming of Clasing as executor of the testament. Perhaps Maler, a thorough scientist, was however "ignorant in business matters", as was presumed by the then German General Consul in Mexico.⁴⁸

As we have demonstrated in this article, Maler had lost most of his money by the time of his death. The drastic drop in value of his investment in bank shares, the result of a deep national and regional economic crisis, took a toll on the finances of the explorer.

The fact that Maler's house was not sealed for some time after his death, as well as the numerous inaccuracies in the way the two inventories were carried out, make it very plausible that some people could have easily helped themselves to Maler's property. This might explain how many objects ended up in unlikely hands.

Irregular legal practices and a global armed conflict inhibited the compliance of an important last wish of Maler's: that a large part of his material bequeathal would be given to the Austrian-Hungarian government. It is true, as argued by Clasing in one of his communications to Hagen (Leysinger 2008: 373), that after the First World War this empire did not exist as such, but Austria did. Was there

45 Ernst Otto Strothmann Muehl (*14.06.1882 in Elberfeld, †29.08.1958 in Merida) was a merchant and partner in Ritter y Bock. According to Echánove Trujillo (1974: 119) he was a friend of Maler's.

46 Franz Böker (*24.03.1877 in Remscheid, †18.08.1965 in Mexico City) was the son of Roberto Böker, a merchant. In 1865 Roberto Böker founded the Casa Boker, which became the most important hardware store in the whole country, in the Mexican capital (Buchenau 2004: 104 and passim).

47 Franz Termer (*05.07.1894 in Berlin, † 15.04.1968 in Hamburg), cultural anthropologist and Americanist, served as Director of the *Museum für Völkerkunde* in Hamburg from 1935 to 1962.

48 *Politisches Archiv des Auswärtigen Amtes*, Berlin (PAAA), *Altes Amt*, Mexiko (AA, M), Paket 9, Mérida, B1, Glükher to Rieloff, Mérida, 01.03.1910, see handwritten comment from Rieloff. F. C. Rieloff was appointed General Consul of the German Empire to Mexico in 1906.

perhaps a lack of interest on the part of the Austrian government in accepting Maler's legacy?

The nature of the relationship between Maler and the Galas family – the only individuals *per se* whom the Maya explorer wished to protect – remains unclear. This could be a subject for future research.

5. Acknowledgements

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Sources

AGEY	Archivo General del Estado de Yucatán
	AN Archivo Notarial
	JC Fondo Justicia Civil
	RC Fondo Registro Civil
AHRCEY	Archivo Histórico del Registro Civil del Estado de Yucatán
IAIPK	Ibero-Amerikanisches Institut Preußischer Kulturbesitz, Berlin
	NTM Nachlass Teobert Maler
LLD	Lippisches Landesmuseum Detmold
	SR Sammlung Rosenkranz
NARA	National Archives and Record Administration, Washington D. C.
	ONI Office of Naval Operations (ONI Files)
	RDS-WWI, NC Records of the Department of State relating to World War I and its Termination, Neutral Commerce
PAAA	Politisches Archiv des Auswärtigen Amtes, Berlin
	AA, M Altes Amt, Mexiko

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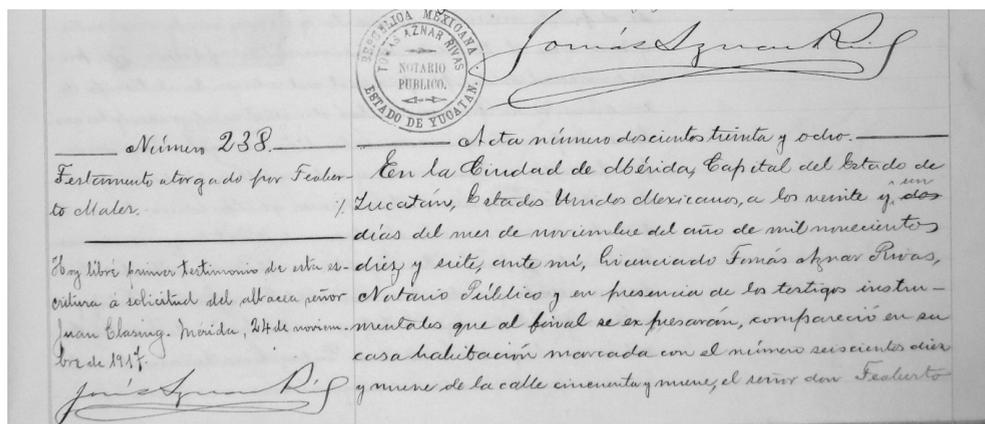


Figure 1. AGEY, AN, Protocolos, 1917, Notario Tomás Aznar Rivas, libro 2103, acta no. 238. Last will and testament of Teobert Maler.

Maler, quien expuso ser de retorta y cinco años de edad, saltero, Ingeniero Civil, austriaco, domiciliado en esta ciudad de Olerida, a quien doy fe de que es mayor y de que se halla en su cabal juicio y libre de toda coacción, y dijo: que libre y espontáneamente ha determinado disponer de sus bienes para después de su muerte y llevando a efecto esta determinación, otorga su testamento con sujeción a las cláusulas siguientes:

Primera. Declara que es su voluntad legar y desde luego lega al Obrero Nacional de la República Mexicana, los negativos fotográficos de monumentos arqueológicos de esta República que son de la propiedad del otorgante y tiene en su poder. Segunda. Declara que es su voluntad legar y desde luego lega al Consulado de Austria-Hungría en esta ciudad representado por el Cónsul que lo es actualmente don Enrique Korte, y a falta de éste, al Gobierno de Austria-Hungría, las obras científicas y objetos arqueológicos que son de la propiedad del otorgante y tiene en su poder. Tercera. Del remanente de sus bienes que consisten en doscientos diez y seis acciones del Banco Peninsular Mexicano, veintidós acciones, numeradas del sesenta y cuatro mil cinco tres al sesenta y cuatro mil doscientos treinta y dos mil cinco veinte y seis mil ciento sesenta y cinco al cinco mil veinte y seis mil doscientos ochenta y dos, que tiene actualmente depositadas en el mismo Banco, según certificados de depósito número noventa y seis y cinco cuarenta y seis que el testador conserva en su poder y que permanezcan de la propiedad del otorgante al tiempo de su muerte, se pagaron las dudas mortuorias y los gastos e impuestos que causen la herencia y los legados especificados enteramente y del saldo o líquido que quede y de cualesquiera otros bienes que pudiesen tener al tiempo de su muerte el otorgante, instituye universal herederos, por partes iguales a la señora Isabel Galaz, a sus hijas las señoras Natalia y Lucila Galaz y al menor don Edmundo Galaz que aparece en el Registro Civil como hijo de Benigno Galaz. Cuarta. Otorga albacea y executor universal suyo al señor don Juan Chasing

en relevación de toda garantía. Y por lo presente revo-
 ca cualesquiera otras disposiciones testamentarias en
 términos al presente testamento, el cual quere se cumpla
 y ejecute después de su muerte, como su última y deli-
 berada voluntad. Yo el Notario doy fe de que este tes-
 tamento fué dictado de un modo claro y terminante
 por el testador, en mi presencia y en presencia de los tes-
 tigos instrumentales; habiendo yo el Notario redactado
 por escrito las cláusulas y leído en voz alta la
 presente escritura, con cuyo tenor me certifico estar
 conforme el testador. En cuyo testimonio, siendo las
 once de la tarde así lo otorgó y firmó ante mí y en
 presencia de los testigos instrumentales ciudadanos,
 Othon Hugo Eblitke, Pastor Obisón Cervera y Fran-
 cisco Gluekher; todos ellos de esta vecindad y ma-
 yores de toda excepción, quienes declaran conocer al
 testador y que se halla en su cabal juicio y libre de
 toda coacción. Yo el Notario doy fe de este otorgamiento
 y de haberse cumplido y practicado en él todas las
 formalidades legales, acto continuo, sin interrupción
 alguna. Otorgó esta acta en el mismo acto del otor-
 gamiento. Day fe. Testador: "No vale. Testado: "do: "No
 vale. Entre líneas: "un: Vale. Por no haber podido fir-
 mar el testador, firmó a su nombre el señor Julius
 Otto Eblitke, quien declara conocer al testador, en su ca-
 bal juicio y libre de toda coacción. Day fe.



Julius Otto Eblitke Francisco Gluekher

Miler P. Milán

José Juan Ruiz



Número 240. Acta número doscientos cuarenta.
 Poder otorgado por Ramona Clara Ten la Ciudad de Mérida, Capital del Estado de
 Zandita de Teller a favor del Sr. Don Yucatán, Estados Unidos Mexicanos, a los veinte y nueve
 y también Obisón Cervera. días del mes de noviembre del año de mil novecientos diez
 y siete, ante mí, Licenciado Tomás Aguar Pires, Nota-
 rio Público, y en presencia de los testigos instrumentales

Hoy habí primer testimo-