

## **Passing On: The Cuernavacan Testaments of Don Juan Ximénez, His Daughter, Doña María Ximénez, Don Toribio Cortés, and Juan Bautista**

Los testamentos de don Juan Ximénez, su hija, doña María Ximénez, don Toribio Cortés y Juan Bautista, todos de Cuernavaca colonial

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**ABSTRACT** Large numbers of Nahua men and women left testaments in which they passed on material objects, land, and, inadvertently, other kinds of cultural and historical bequests. All of this is certainly true of the four wills that are under review in this article. Collectively they provide insights into colonial Nahua familial and marital relationships, individual and community property holding, evolving material cultures, gender, social and interpersonal relationships, religious beliefs and practices, and the human costs of epidemic disease.

**KEYWORDS** Religious Beliefs and Practices, Cuernavaca/Cuauhnhuac, Inheritance, Kinship, Burial Practices, Land Tenure, Nahuatl Testaments, Primordial Titles

**RESUMEN** Un gran número de hombres y mujeres nahuas dejaron testamentos con los cuales transmitieron objetos materiales, tierras e, inadvertidamente, otro tipo de legados culturales e históricos. Lo anterior es particularmente cierto en el caso de los cuatro testamentos que estudia este artículo. En conjunto, estos textos proporcionan información sobre las relaciones familiares y conyugales, los pleitos de tierras individuales y comunitarias, las culturas materiales en evolución, el género, las relaciones sociales, las creencias y prácticas religiosas y los costos humanos de las epidemias durante la época colonial.

**PALABRAS CLAVE** creencias y prácticas religiosas, Cuernavaca/Cuauhnhuac, herencia, parentesco, prácticas de entierro, tenencia de la tierra, testamentos en nahuatl, títulos primordiales

# Passing On: The Cuernavacan Testaments of Don Juan Ximénez, His Daughter, Doña María Ximénez, Don Toribio Cortés, and Juan Bautista

Robert Haskett

It is a truism to say that life is full of various sorts of passing. At death people pass from this existence to another one, at least in the view of many. If they are lucky, the memories of their lives pass on to friends, relatives, and later to their descendants. And in many cultures, including the indigenous ones in colonial New Spain, large numbers of Nahuas, Zapotecs, and others left testaments in which they passed on material objects, land, and sometimes inadvertently other kinds of cultural and historical bequests. This was certainly true of the four wills that are under review in this article. Collectively they provide insights into colonial Nahua familial and marital relationships, the nature of individual and community property holding, evolving material cultures, gender, social and interpersonal relationships, religious beliefs and practices, the human costs of epidemic disease, and even responses to growing threats to indigenous land tenure. And though all of the testaments adhere more or less to the characteristic format of this genre, laid out in the model will created by fray Alonso de Molina, each has its own points of interest. All of this makes it particularly worthwhile to examine the lives and after-lives of these men (two noble, one humble) and woman (a noble) who are the subjects of these texts. Later memories of them and their possessions passed on in such a way as to become useful socio-cultural tools for their descendants (direct and indirect), including those of us who know them only thanks to the traces they left in the written word.

The two Nahuatl testaments left by don Juan Ximénez and his daughter doña María have survived thanks to the alleged crimes of one of the testators' descendants. In 1694, the long-time *Gobernador* of Cuernavaca, don Antonio de Hinojosa, was charged with the embezzlement of several thousand *pesos* worth of the *villa*'s tribute, or at least was held responsible for this huge debt. The extensive records of the resulting investigation include the testaments of the sixteenth-century indigenous lord don Juan, and of his daughter doña María, who dictated her will in the early seventeenth century; don Antonio based his claims of indigenous nobility and political power in part on his descent from the pair.

As the authorities of the Marquesado del Valle<sup>1</sup> as well as don Antonio de Hinojosa's own lawyers gathered evidence, the beleaguered *Gobernador* remembered that two decades earlier, in November 1674, he had requested and received Spanish translations of both Nahuatl wills. At that time, he had claimed that the testaments proved his legitimate ownership of a good deal of land in and around Cuernavaca, land that he had been renting (but which he had never sold) to Spanish estate owners for twenty-five *pesos* a year. The translations were written on outdated stamped paper bearing the slogan *sello quarto, un quartillo a años de mil y seiscientos y cinquenta y quarto y cinquenta y cinco*; the two much older Nahuatl originals were not written on such official foolscaps.<sup>2</sup>

On November 10, 1674, a royal notary named Andrés Moreno de Aldaña wrote down don Antonio's statement about these wills: "I have some papers which I am presenting to your worship, which are a testament made by my great grandfather named don Juan Ximénez and the other by my grandmother doña María Ximénez. In these said papers they left me some houses in which I now live, and lands in different locations."<sup>3</sup> Don

1 The Cuernavaca region was an important component of this semi-autonomous "state within a state" or super *encomienda* that had been granted by king Carlos V to Hernando Cortés in 1529.

2 Despite the incongruity of the dates of the seals on the paper and the dates of the official endorsements written on the documents, there is no reason to doubt their authenticity. One of the three seals on f. 142r bears the date 1665, suggesting that the paper had been "recertified" at least once since its first production. Here is royal parsimony (or surplus production) in action.

3 AGN, *Tributos*, v. 52, exp. 17, f. 142r.

Juan's will is that of a wealthy indigenous lord who had adopted many of the trappings of Spanish culture, yet a man who also retained many cherished items with strong Mesoamerican roots. Taken together with doña María's somewhat simpler will, and linked to don Antonio de Hinojosa's later stature and possessions, the two testaments allow us to glimpse family and lineage, property-holding strategies, shifts in material culture over time, and what happened when a noble indigenous family failed to produce living male heirs over the course of several generations.

The wills of don Toribio Cortés and Juan Bautista come down to us thanks to another sort of litigation, an early eighteenth-century property dispute pitting the holder of the sugar *ingenio* of Santa Ana Amanalco versus the indigenous town leaders of Cuernavaca. Embedded as they are in the extensive folios of a heated property dispute, the testaments of don Toribio Cortés and Juan Bautista wills show us, first, how indigenous properties could end up being claimed by non-indigenous landholders. The urgency of the situation prompted Cuernavaca's early eighteenth-century Nahuatl town leaders to solicit Spanish translations of both wills, which were presented (along with the Nahuatl originals) to the adjudicating authorities as evidence of legitimate corporate landholding.

Yet there is more here than first meets the eye. Why are lands belonging in some way to the *altepetl* of Cuernavaca or its *tlaxilacalli* mentioned in these supposedly personal last wills and testaments? Are these documents, or at least the existing copies, solely artifacts of earlier times or did they enjoy new life in the later colonial era in a somewhat different guise? The two testaments were eventually collated with a larger array of Nahuatl-language manuscripts (and Spanish translations of some of them) submitted by Cuernavaca's Tlalhuica leaders, records that include a number of partial or complete *títulos primordiales* (primordial titles), which usually feature narratives about episodes of early post-conquest *altepetl* history (sacred and profane), extensive descriptions of lands and boundaries, and sometimes even references to pre-contact times. The Cortés and Bautista wills are not unaffected by their association with this other genre, and to greater and lesser extents have taken on primordial title-like characteristics.

## DON JUAN

Don Juan Ximénez's Cuernavaca boasted not only one of the first Franciscan houses to be built in New Spain (founded in 1525) but also the fortress-like *Palacio de Cortés* (Cortés Palace); as Marqués del Valle, Hernando Cortés lived here for a time with his second, noble wife. But despite this early (and thereafter growing) Spanish presence in the *altepetl* and its environs, politically Cuernavaca remained a semi-autonomous Nahuatl community governed by an active and self-conscious indigenous *cabildo* (town council) dominated by lords like don Juan who traced (or at least claimed to be able to trace) their ancestral roots back before the Spaniards arrived on the scene.<sup>4</sup> Don Juan had been married twice, with his second wife and principal heir still living in 1579. The unexplained death of the first wife could have been a result of one of the outbreaks of epidemic diseases that plagued central Mexico in the sixteenth century, but the testament is typically mute on this point. Don Juan himself may have died in the great sickness that raged in central Mexico between 1576 and 1581.<sup>5</sup>

Don Juan's testament (Figure 1) is written in what James Lockhart has called Stage 2 Nahuatl, in which loanwords consist primarily of names, nouns with no ready equivalents in the original language, and the like.<sup>6</sup> The 1579 will standardly opens with an invocation of the Holy Trinity, assurances that though his body is ill there is nothing wrong with his mind, and that he is voluntarily making the testament.<sup>7</sup> Also standard are the

4 For more details see Haskett, *Indigenous Rulers*; Haskett, *Visions of Paradise*.

5 Cline, *Colonial Culhuacan*, p. 13; most of the wills studied by Cline date from the end of this period, 1580-81.

6 Lockhart, *Nahuatl as Written*, p. 114-125; Lockhart, *The Nahuas*, chapter 7. Aside from basic nouns and names, a few loans typically have forms such as *testigosme*, in which a plural Spanish word, "witnesses", receives a second Nahuatl plural suffix, *-me*, and in which the loan noun *firma* (signature) has been transformed into a verb with the addition of the indefinite third-person prefix *mo-* and the Nahuatl suffix *-tia*, to provide that thing: *mofirmatia*.

7 AGN, *Tributos*, v. 52, exp. 17, f. 430r-432r. A number of scholars have remarked on these standard traits: Anderson, Berdan, and Lockhart, *Beyond the Codices*, p. 23-27, provide a groundbreaking summary of the enduring characteristics of Nahuatl testaments; Cline, *Colonial Culhuacan*, was the first major English-language study of the genre; see also





requests and bequests related to his burial and other donations to the church, as well as the document's general format, in which these kinds of introductory items are followed by the distribution of his property and possessions to the heirs. The testament ends with an equally typical identification of his executors (three in this case, including a younger brother named Francisco de San Pedro), an invocation of witnesses—five men who seem to be prominent indigenous lords—and the attestation of Juan Méndez, the notary who wrote it. The language laying out the duties and responsibilities of these eight people includes similar kinds of “perorations” (admonitions that the testator’s desires are to be upheld or protected in some way) discussed by Caterina Pizzigoni in her study of Nahuatl wills from Toluca.<sup>8</sup> Don Juan’s executors are to “remind my wife [...] when the Mass is to be said for me” (*ymeyxtin quitlalnamicitzq y nonamic* doña Barbara *yn iquac missa nopā mitoz*), and make sure that “no one will take anything from my wife; they are to see to it” (*quimocuitlahuizq ynic ayac tle quicuiliz yn nonamic ypā tlahtozque*). The notary Méndez added customary language guaranteeing the veracity of this will, expressing the generic notarial belief that the presence of the witnesses would insure that “no one at all will be able to violate it [the testament] (*ayac huel quitlaçaz*)”.<sup>9</sup>

The elevated status of don Juan’s all-male roster of witnesses and executors reveals some of his familial and social relationships, but the “meat” of the document describing the properties he held, the personal possessions he sees fit to mention, and the identities of those receiving bequests makes it even easier to discern patterns of this kind. In the process, the state of a Nahua lord’s material and intellectual culture in the later sixteenth century in an important (but also provincial) colonial *altepetl* (city-province) can be glimpsed. Don Juan’s landed properties included a complex of

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Wood, “Adopted Saints”, p. 264. Caterina Pizzigoni, *Testaments of Toluca*, p. 9, notes that most of these traits are typical of Stage 2 Nahuatl. The opening formula—common on a basic level across the genre regardless of location—was shaped by a model testament included in the 1569 confessional manual of Fray Alonso de Molina; see Cline, “Molina’s Model Testament”, p. 13-33, and Lockhart, *The Nahuas*, “Appendix B. Molina’s Model Testament”, p. 468-476.

<sup>8</sup> Pizzigoni, *Testaments...*, p. 21.

<sup>9</sup> AGN, *Tributos*, v. 52, exp. 17, f. 431v.

houses (more properly, a collection of separate rooms and inter-connected buildings that was typical of lordly indigenous dwellings at the time), the house lot (*calmilli*), and a number of named rural lands that seem to have been scattered geographically around the greater Cuernavaca area; his holdings were referred to collectively by the diaphrase *nomil notlal* (my cultivated fields, my lands).<sup>10</sup> A marginal note, “noble land [*pillalli*] in the *calpulli* [subdivision of the *altepetl*]” may also refer to all of don Juan’s properties, but possibly just to one or a few specific plots.<sup>11</sup> One of these would be what seems to have been don Juan’s most important parcel, a property called Teoquauhco, land that more than a century later remained a key possession for his descendants. This land was described as being “my cultivated field Teoquauhco, [which is] ruler’s land, my patrimony” (*nomil teoquauhco tlah-tocatlalli nopatrimonio*). While in pre-contact times *tlah-tocatlalli* may have been *altepetl* land assigned to rulers (*tlatoque*) rather than private property, by the late 1570s don Juan seems to have regarded it as his private possession; it certainly retained this status over the next several generations.<sup>12</sup> Don Juan also held nine other plots of land, referring to them collectively as *Tepepan tlalli*. He bequeathed two other *amiltzintli*, or irrigated fields; in this case the *-tzintli* suffix is undoubtedly acting as a diminutive rather than an honorific. Finally, don Juan left three plots of land glossed as *tlacpactlalli*. The seventeenth-century Spanish translation of the will rendered this literally as *tierras de arriba* (lands above, or “high-lands”), and this could be so. The center of Cuernavaca lies at a point between the lower slopes of the mountains separating it from the Valley of Mexico and the lands of its own valley. It is a landscape cut by many

10 For a recent discussion of houses, house lots, and other properties see Pizzigoni, *Testaments...*, p. 22-25. For instance, the author notes that in that region through the later seventeenth century were complexes of separate structures, each of which might be used by a nuclear family, arranged around a “patio” (p. 22). Rather than *calmilli*, the majority of the Toluca wills used the term *ihuicalló tlalli* (the land going with [the house]). See also this author more recent study of landholding patterns and types in *The Life Within*, particularly in chapters 1 and 2.

11 Cline, *Colonial Culhuacan*, p. 141, defines *pillalli* as “private lands of the nobility”.

12 *Ibid.* Cline believed that in that late-sixteenth-century *altepetl* the term *tlatocatlalli* continued to refer to lands attached to the office of the ruler, rather than to private properties held by him.



ravines, so that parcels located on these slopes or on the elevated areas at the edge of ravines would merit the designation “highlands”.<sup>13</sup>

Don Juan’s second wife, doña Barbara, was his principal heir. She benefitted from the persistence of indigenous-style inheritance patterns in which property was often left to multiple heirs, both male and female, and because of what seems to be the early death of his son, don Diego Moquihuix.<sup>14</sup> While according to Catarina Pizzigoni “despite the preference given to males [in the wills of Toluca as well as in other regions], [...] females receiv[ed] large bequests [...] and not only when they are the only child left alive”.<sup>15</sup> Doña Barbara was of course a spouse, not a child, but don Juan seems to have considered his only surviving legitimate child, María, too young to deal with such things. Perhaps for this same reason doña Barbara was referred to repeated in a way that suggests she was to play a major role as executor. Don Juan did have an illegitimate son, Juan Moquihuix (*amo teoyotica nopiltzin ytoca Jhoan moquihuixtli*), but his father left him nothing aside from doña Bárbara, who was assigned the responsibility of looking after the boy’s welfare.<sup>16</sup>

The bequests of land in this testament were not without their complications and uncertainties. A nephew, don Diego de San Gerónimo, was the only male to receive any kind of landed bequest, a small section of Teoquauhco. Yet the statement immediately following this bequest—“everything located on [the land] belongs to my wife, doña Bárbara. Perhaps she will cultivate it, or rent it; she will decide”—suggests that don

13 It is possible that the word *tlacpactlalli* may have had a more specific meaning of some sort that differentiated it from other kinds of land (highland pasture, perhaps, or land on wooded slopes that was a source of firewood); on balance, it is certainly worth keeping an open mind about this term.

14 This kind of inheritance pattern can be discerned in the testaments collected in Anderson, Berdan, and Lockhart in their pathbreaking *Beyond the Codices*, p. 44-79.

15 Pizzigoni, *Testaments...*, p. 20, 30. On the latter page the author notes that while the vast majority of executors in the Toluca region were men, a few wills, such as that of María Salomé (1654), do name a woman as executor. Like doña Barbara of Cuernavaca, this executor was a noblewoman, doña María de Guzmán. The author also notes that women executors are not found in any of the wills she studies after 1711.

16 Cline, “Molina’s...”, p. 22-23, discusses the ways in which the legitimacy and illegitimacy of heirs could affect their inheritances, noting that the latter could inherit, but at least in ideal terms “no more than a fifth of his goods”.

Diego may have received use rights rather than outright ownership. A man named Andrés de Santiago, who was apparently renting one of the plots of *tlacpactlalli*, was given the chance to buy it for sixteen *pesos* payable to doña Barbara; it is not certain that he ever did so.<sup>17</sup> Aside from the illusive category of *tlacpactlalli*, don Juan's property holding strategies do not depart in any starkly significant way from well-studied and understood norms associated with the majority of central Mexican Nahuatl testaments, here found in a provincial area whose testaments have received little scholarly attention.<sup>18</sup> On the other hand, his tendency to concentrate his properties in the hands of a single heir, despite a few minor bequests to other relatives, may betray a certain amount of Spanish influence, since in central New Spain Nahua testators tended to divide properties and possessions among multiple heirs.<sup>19</sup>

Don Juan seems to have held tender memories of his first wife (or a strong enough sense of Christian duty) in that he wished to be buried next to her; this was apparently a very old arrangement, perhaps a vow made by don Juan when this first María had been on her deathbed.<sup>20</sup> Don Juan wished that his internment would be a pious, Christian one. He told the notary that "I want my body to be wrapped in a habit, a cloak of the friars of Saint Francis (*nicnequi çentetl abito yn intilmatzin teopixque S.<sup>t</sup> Fran.<sup>co</sup> yc moquimiloz yn nonacayo*)", and that it be interned inside the church (probably the church of the Franciscan *convento*, now Cuernavaca's cathedral); long after his death, all of this would remind people that he had been among the local Nahua great and good.<sup>21</sup> He seems to have been a member

17 AGN, *Tributos*, v. 52, exp. 17, f. 430v.

18 For excellent discussions of these topics see Cline, *Colonial Culhuacan*, p. 59-85; Pizzigoni, *Testaments...*, p. 11-13, 27, and Kellogg and Restall, "Introduction", p. 2-4. For instance, following Pizzigoni, while at least in Toluca it was not usual for a wife to be her husband's principal heir, "the testator generally preferring blood kin of the following generation", doña Barbara may have received the land with the kind of understanding identified by this author that "she will hand it on to the children later" (p. 20-21), which in fact she did.

19 Lockhart, *The Nahuas*, p. 152.

20 Pizzigoni, *Testaments...*, p. 16-17, discusses the burial requests of Toluca testators, noting that only a few of them made a request to be buried next to a relative as don Juan did.

21 AGN, *Tributos*, v. 52, exp. 17, f. 430r. Don Juan's notary may have adopted the loanword *hábito* (habit), but unlike his admittedly somewhat later counterparts in Toluca did not

of a *cofradía*, and left some money for the good of his soul in Purgatory, as well.<sup>22</sup> Yet the depth of his personal piety and the nature of his beliefs as a Nahua Catholic remain inscrutable. No images of saints, no crucifixes, no paintings of the Virgin Mary, are mentioned in the body of the testament. Apart from his landholdings, he mainly seemed concerned that other kinds of material possessions found in his house—a European table and chairs, saddles, storage boxes of various sizes and designs, some pre-contact-style musical instruments, shields, and feathered headdresses—were properly disposed of (Figure 2; Plate 1).



Figure 2. Three *teponaztli* drums, one shaped like a jaguar.  
 Photo by the author, American Museum of Natural History, New York, NY, 2012

use any Spanish loanword meaning “shroud”, who on the other hand eventually abandoned “habit” and replaced it with the Nahuatl *-tlaquentzin* (one’s garment, garb); Pizzigoni, *Testaments...*, p. 15-16. A burial in an advantaged position inside a church was most often attainable by only the most prominent of Nahua citizens (even if other, more humble people made similar requests). See Wood, “Adopted Saints”, p. 269; Cline, *Colonial Culhuacan*, p. 24; Pizzigoni, *Testaments...*, p. 16-17; based on the study of her own extensive group of testaments, Pizzigoni concludes that this kind of request to be buried near a spouse was comparatively rare. An analysis of a similarly large body of wills from Cuernavaca obviously would be necessary to determine if don Juan’s request is similarly unusual for his time and place.

- 22 For a discussion of similar bequests, see Pizzigoni, *Testaments...*, p. 17-18; the author notes that mentions of *cofradías* and requests to them for help in mass, burial, etcetera, are very rare in her sample.

It was not unusual for indigenous lords to use an ostentatious display of Catholic piety as proof of their socio-political standing and legitimacy (they were certainly not unique among elites in this way).<sup>23</sup> Through the years, Cuernavaca's *cabildo* oversaw a significant part of the finances connected with local Catholic observances, and administered a number of bequests made by local citizens to the church and its saints.<sup>24</sup> Well into the eighteenth century, *cabildo* elections were memorialized with Nahuatl documents that, among other things, stressed the obligations of the *Gobernador* and other officers "who are to serve our lord God's town, the Holy Church, the viceroy who is our ruler, and the Marqués".<sup>25</sup> Even in the very late colonial era, indigenous lords who wielded political power in their communities, and in connection with their churches, actively engaged in and promoted public rituals, saints' worship, and church maintenance, in part to bolster their socio-political standing.<sup>26</sup> But to conclude much about the interior devotional life of these men from such evidence as is found in wills and these other kinds of records and acts remains difficult. Though don Juan wanted to be buried in a prominent location in the church, be shrouded in a Franciscan habit, and have his soul sped on its way with sung masses, none of this went much beyond the standard and expected, and certainly does not reveal him to be a fervent zealot of Christ's church. He was probably a good Catholic within his own context, but possibly not much more than that.<sup>27</sup>

23 See Haskett, *Visions...*, p. 253-267.

24 Haskett, *Indigenous Rulers*, p. 69-71.

25 AGN, *Civil*, v. 2195, exp. 3, f. 7r. Election document featuring the selection of don Antonio de Hinojosa as *Gobernador*, Cuernavaca, 1679: "ynic quimotequipanilhizque yn ialtepetzin totecuiyo dios yhuan Santa yglesia yhuan yehuatzin visorey yn totlatocatzin yhuan marquez".

26 Osowski, *Indigenous Miracles*, p. 132-160.

27 Both preambles to don Juan and doña María's wills lack the kind of "eloquent" and lengthy devotional details found in some Oaxacan Mixtec wills that Terraciano, "Native Expressions of Piety", p. 125-126, believes "were eloquent speeches packed with reverential vocabulary and expressions, continuing for entire paragraphs" that expressed "an indigenous perspective". At first glance, this would seem to limit what the Cuernavacan texts can tell us about personal piety, or to identify what Terraciano sees as "a complex range of beliefs illustrating the convergence of native and Christian ideologies [...]" [134]. Yet even Terraciano concludes that "an individual's belief cannot be assessed through the limited format of a will" (p. 134), a more cautious approach to this issue echoing what

On the other hand, don Juan seems to have esteemed certain pre-contact-style feathered and musical paraphernalia with possible “pagan” socio-political and religious associations. As is well known, long before the *conquistadores* landed on the Gulf Coast lordly men such as don Juan regarded feathers as important markers of elite status and martial prowess, as precious items wielded as well in dance and ritual display (Figure 2, Plates 1 and 3). The works of sixteenth-century friars such as Bernardino de Sahagún and Diego Durán are full of descriptions of the many qualities and uses of feathers. Fray Diego Durán records that “before the arrival of the Spanish no one could wear featherwork objects and clothing without permission from the *tlatoani* [...] because the feather was ‘the shadow of nobles and kings’”.<sup>28</sup> In this same connection, Durán records what purports to be a speech given by the *cihuacoatl* Tlacaelel in which he emphasized that valiant, successful warriors would no longer have to purchase “splendid and beautiful feathers or a rich gilded shield, or weapons done in featherwork” for themselves. Instead, “the sovereign will deliver them as payment and prize for heroic feats, for memorable deeds [...] that he [the noble warrior] can display [...] as proof of his worth”. Those who did not “dare to go to war [...] who has no [fighting] spirit [...] will not wear feathers [...] like the great lords”.<sup>29</sup> The *Codex Mendoza* famously depicts the costumes of war leaders and of the several elite warrior grades, based on the number of enemies captured in battle (Figure 4).<sup>30</sup>

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Cline, *Colonial Culhuacan*, p. 34, meant when she opined that will preambles show that “the Indians had fully absorbed the *outward* expressions of religious belief”, and Wood, “Adopted Saints”, p. 264, a nuanced discussion of this issue as it emerges from her study of later-colonial testaments of the Calimaya/Tepemaxalco region of the Toluca Valley.

28 Quoted in Russo, “Plumes of Sacrifice”, p. 231. Russo links Durán’s “shadow” with the idea of *tonalli*, which among other things can mean “soul” if one applies a sort of equivalent from Christian ideology and belief. According to this author, modern ethnographers say that in today’s world the human shadow is equated with the old *tonalli* belief, so that the loss of shadow as well as *tonalli* is bad. Since the *tonalli* and shadow both result from the influence of the Sun, when Durán was referring to a brilliant feather as a shadow of elites, he was repeating a metaphor for the *tonalli* of nobles and kings (p. 233-234).

29 Durán, *The History of the Indies of New Spain*, p. 234. The Dominican repeatedly emphasizes the sacred, ritual, and social importance of feathers throughout this work. See also Olko, *Turquoise Diadems and Staffs of Office*; Anawalt, *Indian Clothing Before Cortés*, p. 27-28, 78-79, 216-218.

30 Berdan and Anawalt, *Essential Codex Mendoza*, p. 213-214.





Figure 3. Detail from a Tlaxcalan genealogy bundled with fragments of the *Lienzo de Tlaxaca*, showing a seated indigenous lord holding a feathered fan.

Photo by the author, Nettie Lee Benson Library, University of Texas at Austin, 2014

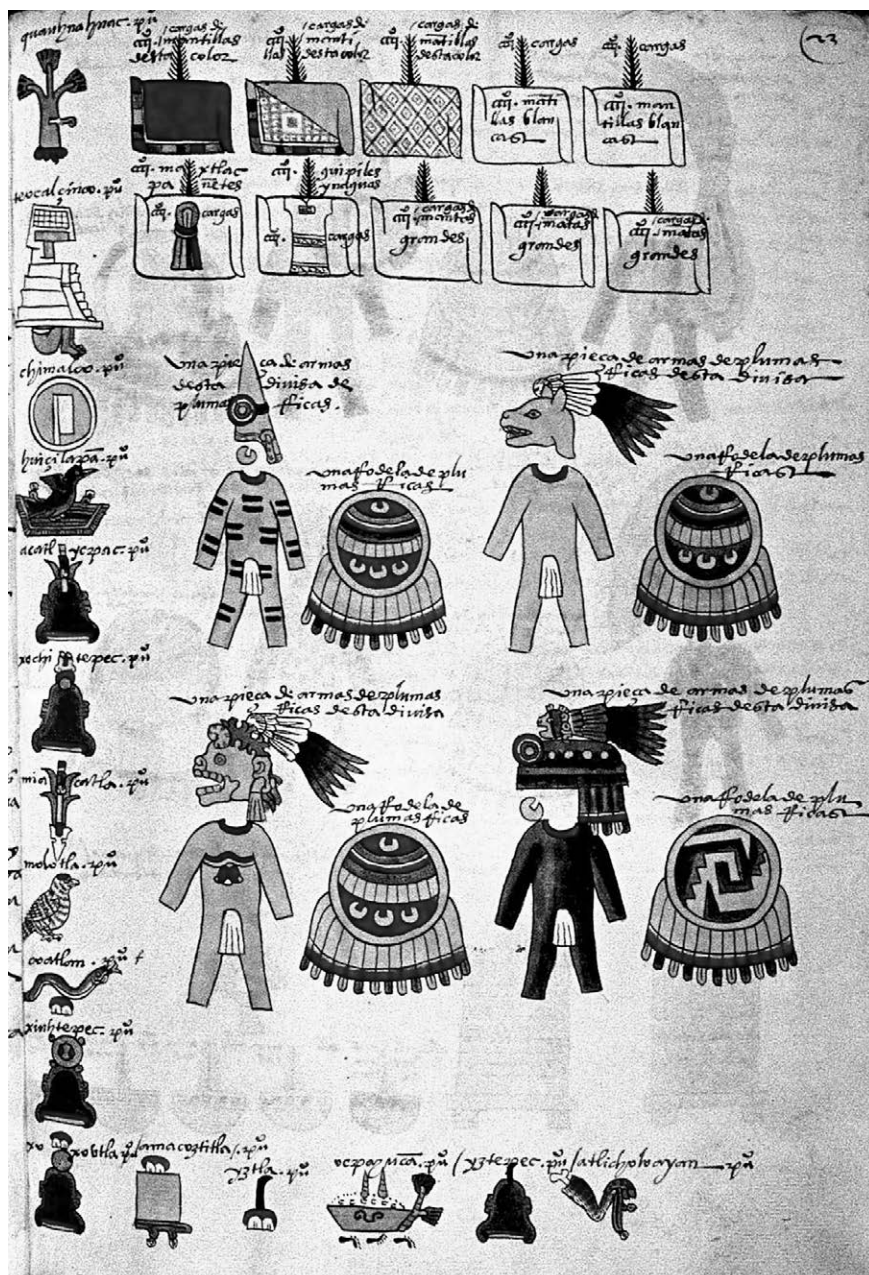


Figure 4. Folio 23r of the *Codex Mendoza* with Cuauhnahuac's tribute depicted, including feathered warrior outfits and shields. Fair use image from the Bodleian Library, Oxford, UK, [bodl Arch.Selden.A.1 roll113D frame 25](#)



The *teponaztli* (log drum), as well as the larger cylindrical *huehuetl* drums (usually with deerskin head), had long been played on ritual occasions (Figures 2 and 5; Plate 2).<sup>31</sup> A famous scene in the *Codex Tovar* (1583-87) displays dancers in a circle wearing feathered headdresses and carrying feathered devices in their hands, while two musicians play a *teponaztli* and *huehuetl* (Plate 3).<sup>32</sup> In a description of a similar rite, fray Bernardino de Sahagún's *Florentine Codex* recalls that "they beat the upright drums; they sat beating gourd rattles; they sat rattling gourd rattles and beating turtle shells".<sup>33</sup>

The Franciscan fray Toribio de Benavente Motolinia had already written about importance of singing and dancing among Mexico's indigenous lords, the feathered adornments worn on these occasions, and the prominence of large and small drums (in other words, the *huehuetl* and *teponaztli*) in the accompanying music.<sup>34</sup> The Dominican fray Diego Durán wrote that in "Mexico [City], in Tetzco, and in many other places of the land [the *teponaztli*] was honored as a god, given offerings and made ceremonies as a divine thing". He noted that when the "god of dance" who was worshiped "in the province of Tlalhuic, which we call the Marquesado" was brought out into a temple courtyard during the yearly festival dedicated to it, it was set next to a *teponaztli* as dancers—many wearing feathered costumes—whirled around.<sup>35</sup>

Durán also noted the post-contact persistence of the old tradition of lordly participation in "solemn dances" that he believed were still "done for a good reason and to prevent the lowering of the authority of their persons".<sup>36</sup> Thus it is quite likely that, in common with many of his brethren,

31 Katzew, "Remedo de la ya muerta América", p. 152-155.

32 *Ibid.*, p. 157.

33 "veuetl in qujtzotozna, aiacachotoque, aiacachquetztoque, aiotl qujtztzona, aioujtec-toque, aiochiuhtoque"; Sahagún, *Florentine Codex*, lib. II, p. 72.

34 Motolinía, *Memoriales*, p. 537-530; on p. 543 the friar calls for "new songs" celebrating the Christian faith to be written to replace these old ones which had honored "demons". In his *History*, p. 245-246, the friar discusses the growing use of such "new songs" by the Catholic clergy in central Mexico.

35 Durán, *Book of the Gods*, p. 290; see also p. 295-296.

36 *Ibid.*, p. 299. On p. 300, at the end of this Chapter 221, "The God of Dance", Durán optimistically concluded that "the problem [of paganism] has been solved, praised be our Lord".



Figure 5. Carved wooden huehuetl drum, with some feather elements.  
Photo by the author, Museo del Templo Mayor, 2010

don Juan Ximénez had not been convinced that the drums that he owned (*teponaztli*, *huehuetl*, and *tlalpanhuehuetl*) and little dancing shields (*chimaltotontin nehtotiloni*) had lost their sacred potency, nor that dancing with a (possibly) feathered shield while wearing a feathered headdress (*yhuitzoncalli*) like those featured in his testament were incompatible with Catholic worship.<sup>37</sup> Indeed, other Nahua lords bequeathed similar kinds of things in their testaments. For instance, in 1566 Tlaxcala's don Julián de la Rosa left a shield with 200 quetzal plumes and some other plumes in the care of two men named Diego and Bautista, and ordered that the figure of a monkey apparently covered with feathers and (possibly) wearing a pheasant's head be sold to pay for candles for the church of San Pedro.<sup>38</sup>

<sup>37</sup> These terms can be seen in the context of the will on fols. 430v-431r.

<sup>38</sup> Anderson, Berdan, and Lockhart, *Beyond the Codices*, p. 51.

In 1650 the Xochimilcan lord don Martín Cerón de Alvarado bequeathed “two shields decorated with feathers on which are emblazoned Saint Francis and Our Lady” (*yhuítlachichihualli oncan moetztica San Francisco yhuan Totlaçonantzin* / dos escudos hechos de pluma en que están estampados San Francisco y Nuestra Señora).<sup>39</sup>

The Nahuas’ Catholic mentors seemed to have embraced and encouraged the use of feathers to adorn liturgical items such as vestments and feather mosaic “paintings” of Christ, the Virgin Mary, and the saints.<sup>40</sup> The opening songs of Sahagún’s *Psalmodia Christiana*, a Nahuatl-language didactic text known to have been in use until the eighteenth century, celebrated the spiritual gifts of God as “incomparable feathered bracelets”, as “spiritual feathered bracelets” that are “the sign of the cross, the Creed, and the Lord’s Prayer, the Ave Maria, and the Salve Regina”.<sup>41</sup> Feathered mosaics of saints, Christ, and biblical scenes created by post-contact Nahuas “were also used to adorn the bases of crosses, monstrances containing the sacred host, and the litter and *palio* (canopy) in which the host was carried during the Corpus Christi festival as well as on the feast days of various saints”.<sup>42</sup> In his *Historia* (c. 1536-1541), Motolinia wrote that all over central Mexico, “in the churches and on the altars the crosses are of gold and silver and feather-work, not of solid gold but of gold leaf and feathers applied to the wood”.<sup>43</sup> The persistence of a ritual use for feathered decoration required the continued expertise and labors of traditional *amanteca* (featherworkers) practicing the art of *amantecayotl* (featherwork). The Franciscan lay brother fray Pedro de Gante “founded the Escuela y talleres de Artes Mecánicas” in the Franciscan chapel of San José de los Naturales “where pre-Hispanic traditions, such as feather art, were mixed with Christian iconographies to educate neophytes as well as to

39 Reyes García, *Documentos sobre tierras y señoríos en Cuauhtinchan*, p. 167 (don Joseph Sánchez); Rojas Rabiela *et al.*, *Vidas y bienes olvidados*, v. 3, p. 242-243 (don Martín Cerón). See also Menegus, “La nobleza indígena en la Nueva España”, p. 516, who presents an excerpt from the testament of don Gonzalo Sánchez that among other things lists plumed devices used for dancing.

40 See Lara, *Christian Texts for Aztecs*, p. 129-137.

41 Sahagún, *Psalmodia Christiana*, p. 17-19.

42 Katzew, “The Construction of Festive Rites”, p. 155.

43 Motolinía, *History of the Indians of New Spain*, p. 215.



produce works for European exportation” (Plate 4).<sup>44</sup> In fact, well-to-do and noble Europeans soon began to collect what to them seemed to be fascinatingly exotic emblems of beguiling far-off lands and peoples. According to Elías Trabulse, these early collectors of American and other “wonders” came to “admire the beautiful colors of the plumes and the work and skill used to create the figures with them [...]”.<sup>45</sup>

Nahuas also used precious feathers more actively in their Catholic celebrations. Pedro de Gante had noted the importance of music and dance in traditional indigenous worship quite early in his tenure in the Valley of Mexico. Recalling this later in a letter to Philip II (1557), Gante wrote that after being in Mexico for three years he realized that

their whole worship had consisted in dancing and singing before their own gods [...]. Upon comprehending this and realizing that all their songs were composed to honor their gods, I composed a very elaborate one myself, but the subject-matter was God’s law and our faith that Christ was born of the holy and undefiled Virgin Mary. About two months before Christmas I also gave them some designs to paint on their dancing togs because they always danced and sang in costumes that bespoke happiness, sorrow, or victory.<sup>46</sup>

This kind of active, participatory worship proved to be enduringly popular. Motolinia described how traditional dancing and drumming had become a significant part of Christian celebrations among the indigenous people.<sup>47</sup> For his part, the Nahua Amecamecan chronicler Chimalpahin

44 Estrada de Gerlero, “La Plumaria”, p. 73. See also Donahue-Kelly, *Art and Architecture*, p. 66-69.

45 Trabulse, “Historia del coleccionismo”, p. XV: “admiraban el hermoso color de las plumas y la labor y habilidad para formar figuras con ellas [...]”.

46 Stevenson, *Music in Aztec and Inca Territory*, p. 93. Gante’s first musical efforts must have dated from around 1526 or 1527, since he arrived in Mexico in August 1523.

47 Motolinia, *History...*, p. 143, 159. See also Escalante Gonzalbo y Rubial García, “Los pueblos, los conventos y la liturgia”, p. 373-374, and Lara, *Christian Texts...*, p. 165, who notes that “dancing, soon an integral part of the service, reinforced the festive nature of the liturgy, especially when masks, shields, and feather batons were reemployed in the new Catholic context”. This author discusses the persistence of pre-contact-style percussion instruments in such settings on pages 205-206.

mentions dancing in connection with these kinds of events in his historical annals; the entry for September 5, 1593, notes that “there was dancing next to the pole for head-flying [the *volador*]”, apparently by people from Xochimilco and several other *altepetl* south of Mexico City. A “fish song” (*michcuicatl*) was sung, suggesting that the indigenous contributions to the festivities that Sunday took a quasi-pre-contact form.<sup>48</sup> The so-called *Anales de Juan Bautista*, from Mexico City, mention many festivals of the later sixteenth century that featured indigenous-style dancing, song, and the *volador*. On Monday, June 24, 1566, for example, a song known as the *papalocuicatl* (butterfly song), was performed during a festival dedicated to San Juan; the event as well featured musicians from Cuernavaca playing wind instruments. On September 15, 1566, during a festival staged at Tepeyacac in honor the Santa María de Guadalupe, people from Tlatelolco offered their version of the *yaocuicatl* (war song), a pre-contact form that appears in the *Cantares mexicanos*.<sup>49</sup> The Tlaxcalan annalist Juan Buenaventura Zapata y Mendoza tells us that in early November 1676, during a celebration in honor of the crowning of Spain’s new king, the indigenous town council and nobles processed while *chirimías*, *huehuetl*, and other indigenous instruments played.<sup>50</sup> A seventeenth-century painting by artist José Juárez of the purported 1533 transfer of the image of the Virgin of Guadalupe to her new shrine shows musicians playing *huehuetl* and *teponaztli* near indigenous men dressed in traditional dance costumes, complete with feathered devices and headdresses.<sup>51</sup> As depicted in colonial art, at least, these dances seem to be the type known as *mitote*, dances which became particularly popular in the mature colonial period among

48 Chimalpahin, *Annals of His Time*, p. 45. The Nahuatl text: “Yn ipan Domingo a v. de Septiembre yquac macehualloc y noncan quanpatlanilizquauhtitlan...” (p. 44).

49 Reyes García, *Anales de Juan Bautista*, p. 149, 151. Other similar references can be found on pages 155, 165, 185, 197, 299, and 327, with dates ranging across the years 1564–1566. The reference to a festival dedicated to the Virgin of Guadalupe at Tepeyac in 1566 may or may not be linked to the Guadalupe said to have appeared to Juan Diego, since it is fairly certain that an image of the Spanish Guadalupe was maintained there in the sixteenth century. While Luis Reyes believed that these annals were written no later than 1582, this is not the place to go into this issue, nor the question of the identity of the Guadalupan image, at any length.

50 Zapata y Mendoza, *Historia cronológica de la noble ciudad de Tlaxcala*, p. 547.

51 *Ibid.*, p. 158.

both Spaniards (who sometimes dressed as indigenous lords in their renditions of this dance) and their indigenous allies because they commemorated Motecuzoma's allegedly willing submission to the Spanish monarch and his representative, Hernando Cortés (Plate 5).<sup>52</sup>

It is quite possible that the process James Lockhart dubbed "double-mistaken identity" was at work here. It may have been easy for the majority of Nahuatl Catholics to believe that the sacred force they had always thought was expressed in such singing and dancing, and which infused precious objects such as quetzal figures was the same as, or perhaps reinforced by, God's cosmic energy.<sup>53</sup> Spaniards may have seen the *mitote* in a self-legitimizing way as signaling a "memory of the purportedly voluntary transfer of power", but by the same token for Nahuas the dance likely commemorated the continued existence of a compact between king and indigenous rulers that recognized the latter's socio-political legitimacy and their *altepetl*'s enduring autonomy as a corporate entity.<sup>54</sup> The text of one of Cuernavaca's *títulos primordiales*, the so-called *Códice municipal*, suggests that the memory—if not the actual practice—of pre-contact-style ritual dancing endured into the last decades of the seventeenth century, when this manuscript seems to have been written in alphabetic Nahuatl. The *Códice* notes that in celebration of the arrival of the first *Alcalde Mayor* "the nobles gathered to make a festival. With the beating of drums and dancing they came out and met the *Alcalde Mayor*, and brought him to the palace".<sup>55</sup>

Yet once again the fact that don Juan owned these kinds of things—and regarded them highly enough to mention them in his testament—does not necessarily tell us all that we would like to know about his religious beliefs. It is likely, however, that don Juan's "local religion" incorporated elements

<sup>52</sup> *Ibid.*, p. 152, 165.

<sup>53</sup> Lockhart, *Of Things of the Indies*, p. 98-119. Louise Burkhart, in such important works as *The Slippery Earth*, provides persuasive analysis of the processes through which Christianity entered existing faith systems in various ways. See also Gruzinski, *Painting the Conquest*, p. 152.

<sup>54</sup> *Ibid.*, p. 169.

<sup>55</sup> William L. Clements Library, University of Michigan, Cuernavaca Papers, fols. 128v-129r.

from both the old and the new, emblematic of the indigenous socio-political order that emerged over the course of the colonial era.<sup>56</sup>

## DOÑA MARÍA

Most of don Juan's landed properties seem to have been passed on by his second wife, doña Barbara, to their daughter doña María, and certainly from doña María to her own daughter, doña Juana Ximénez, who is the principal heir in this testament.<sup>57</sup> Doña Juana eventually married into the Hinojosa family, which is how most of these lands ended up in the hands of the alleged embezzler don Antonio. Doña María, whose will was made just about a generation after don Juan's, was married to a man named Juan Ximénez, a potential point of confusion save for the notary's scrupulous use of kinship terms to differentiate the two men (Figure 6). Accordingly, don Juan was called either *notatzin* (my precious father) or, at one point, *notecuiyotzin catca* (my late, precious lord), while Juan (who was never referred to with the lordly title "don") was *nonamic* (my husband/spouse). Doña María seems to have venerated her late father, to the point that she requested "And I want my body to be wrapped just in a cloth, and I want my body be buried where my late, precious lord don Juan Ximénez lies buried, for such is our agreement", which would mean a high-status internment inside Cuernavaca's monastery church.<sup>58</sup> Unlike her father's will, she does not enumerate any specific bequests to the church, since "I have no money", but instead leaves this kind of thing up to "my spouse Juan Jiménez" (who presumably may be able to pay for such things) and "the father guardian fray Juan de Ulloa".<sup>59</sup> Thus doña María actually may not have been too badly off in terms of disposable income, but rather her capital was to be controlled by her husband who was to act as executor based on

56 See Burkhart, *The Slippery Earth*; Christensen, *Nahua and Maya Catholicisms*; Haskett, *Indigenous Rulers*; Haskett *Visions...*

57 Unfortunately, doña Barbara's testament does not seem to be extant.

58 AGN, *Tributos*, v. 52, exp. 17, f. 423r.

59 *Ibid.*

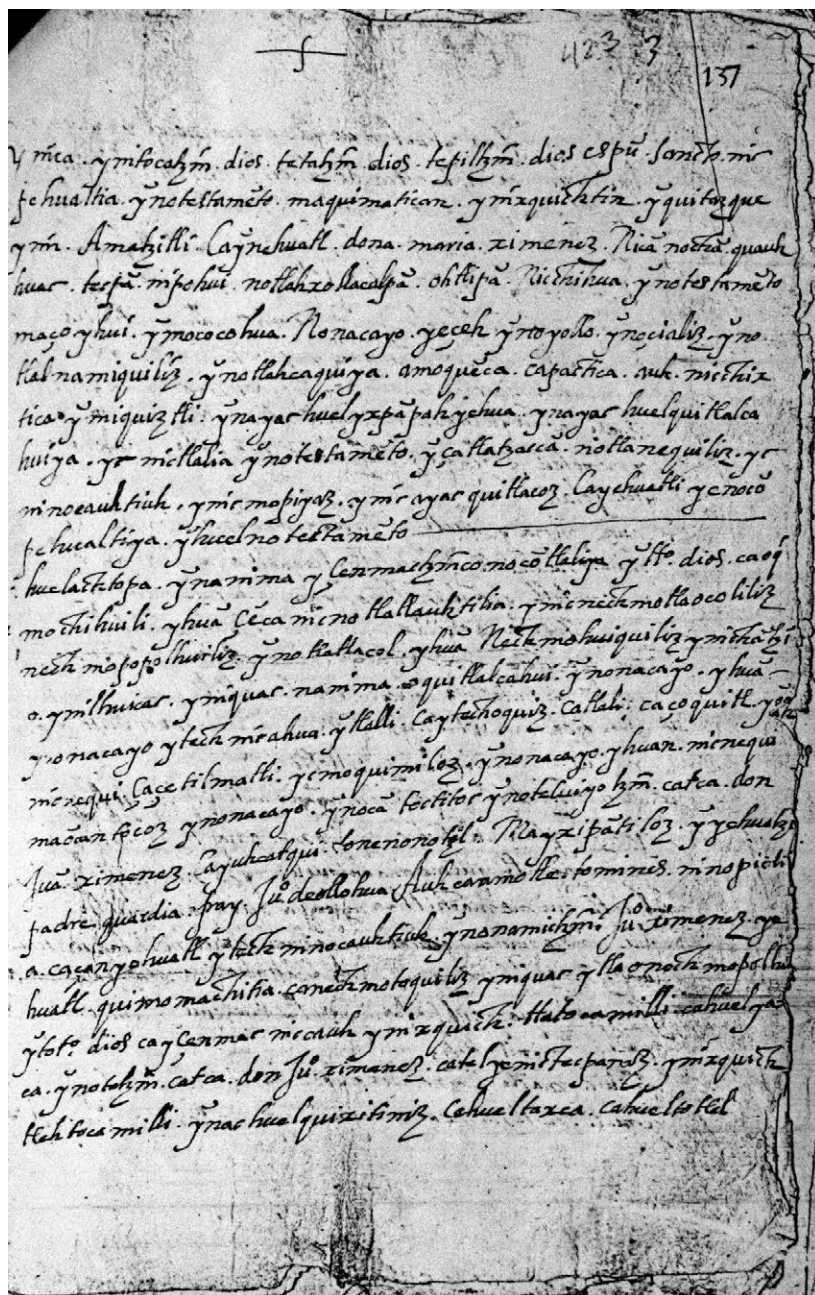


Figure 6. First page of doña María Ximénez's testament. AGN, *Tributos*, v. 52, exp. 17, fol. 423r.



some prior agreement between the two of them not spelled out in the testament itself.<sup>60</sup>

It is not unusual to find Nahuatl-language testaments drawn up for noble and even humbler women, as is made clear by a number of different published collections of wills.<sup>61</sup> As of now, fewer testaments created for women are known than those for men, but still somewhat over a third of known indigenous-language wills studied by various scholars of colonial New Spain's ethnohistory are those of female testators.<sup>62</sup> Doña María's will (also written in Stage 2 Nahuatl) was not that much different from her father's (nor from most other Nahuatl testaments) as far as its basic format is concerned. It opened with the same kind of formula about life, the inevitability of death, and her burial preferences. Like don Juan, she had one principal heir, her daughter Juana, though she also left a small amount of property to her two younger sisters. Doña María, who unlike her father could not read or write, relied on the notary to "sign" her name, and on four male witnesses to endorse the veracity of the proceedings.<sup>63</sup> Typically, she or the notary added standard perorations such as the warning that any earlier will of hers would "count as nothing".

Thanks to her father don Juan, doña María was endowed with a house (which she left to her daughter, "the small child Juana") and quite a bit of

60 This Juan Ximénez's lack of the noble title "don" suggests that he may have been considered a good match for doña María because he possessed material wealth, rather than high noble status. His "Spanish" surname suggests that he enjoyed social status somewhat above that of the majority of Nahuas, however, since it is neither the typical second "first name" found among the Nahuas majority or saint's name (such as "Santiago" or "de la Cruz", names that were not necessarily stable across families or generations), and one supposes that he could even be some kind of distant cousin. For a discussion of naming patterns, see Horn, "Gender and Social Identity", p. 105-122; and Pizzigoni, *Testaments...*, p. 11-12.

61 This is true of all of the collections cited for this article, and not just those linked to Nahuatl testators, but also to Maya ones, such as are found in Restall, *Life and Death in a Maya Community*.

62 Pizzigoni, *Testaments...*, p. 8.

63 See *Ibid.*, p. 29-32, for a discussion of testamentary witnesses. The author notes that witnesses could be both men and women (the later rare in Spanish wills), particularly in Stage 2 wills such as doña María's and don Juan's. Pizzigoni finds evidence that higher status witnesses—again such as those present in the two wills under study in the present article—can indicate a higher status testator (p. 31).

land in the Cuernavaca area, including some *calpullalli* (usufruct property distributed to citizens by district—*calpulli*—officers) that the family may or may not have been holding properly; the cautious language in the text, which seems to be answering some unvoiced criticism, suggests that there may have been an attempt by the Ximénez to transform it into their own private property: “no one can say anything about it, because [we] have a judgment about [how] it will be exchanged”, as if there was or had been an attempt to sell or otherwise alienate this property.

The lands still held more obviously as private possessions in 1607 were usually glossed with the same kinds of Nahuatl terms as in the 1579 will—*milli*, *tlalli*, *calmilli*—and some parcels were labeled just as they were in the earlier will; one property was singled out as an *amilli* (an irrigated field) in both wills, and others were still described as *tlacpactlalli*. In doña María’s will Teoquauhco was still called a *milli* that was *tlahtocatlalli*, but the entirety of her landed properties was referred to as *yn ixquich tlahtocamilli* (“all the ruler’s cultivated fields”).<sup>64</sup> Teoquauhco is described in the testament as measuring “100 long and 85 wide”. The linear measure is not specified, but given typical usage in the Cuernavaca region, was probably a *quahuítl*, or about three meters in length, giving it a possible measurement of 300 by 255 meters.<sup>65</sup> A plot of land at a place called Atl Ynepillohuayan was “40 [*quahuítl*] square”. She also continued to hold the “Tepepan land”, which still amounted to nine named parcels, Tzaqualpan, Olactzinco, Quauhchiltonco, Ahuacaquauhyo, Yotlica, Techialco, Tepetitlan, Coatepec, and Tzaqualpan (the irrigated *milli*). Like her house, most of the landed property was left to “the little child Juana”. Doña María’s

<sup>64</sup> This seems to reverse which might have been a more general usage wherein *tlalli* tends in these and other wills to mean “land in general”, while *milli* designates specific, named cultivated fields. *Tlatocamilli* appears in the 1572 testament of Andrés Tohcehuiltecatl of Tepanecapan, Tulancingo. In this will, which is nearly contemporary with that of don Juan rather than doña María, the usage appears to be similar to that of the latter Cuernavacan will. See Rojas Rabiela *et al.*, *Vidas y bienes olvidados*, v. 2, p. 166-169. Unfortunately, it is difficult to come to any firm conclusions about the evolution of this word’s meaning from such a small sample, and from the work of just two notaries operating at different times and places.

<sup>65</sup> AGN, *Tributos*, v. 52, exp. 17, f. 423r. For a discussion of *quahuítl* see Haskett, *Indigenous Rulers*, p. 175; Lockhart, *The Nahuas*, p. 145-146. See also Wood, *Nahuatl Dictionary/Diccionario de Náhuatl*.

two younger sisters, Juana Tlaco and Ana Teiuc, each were left a *mecatl* of land (around 20 *matl*, equated with a *braza de indios*, c. three meters each, yielding a plot of 60 square meters), a bequest to be overseen by “my spouse Juan Jiménez” who, since the location of these plots is not specified, was to “decide where he is to give it to them”.<sup>66</sup>

Aside from these two bequests, doña María’s strategy clearly was to keep her ancestral properties intact. Indeed, by the late seventeenth century most of them were still held by her descendant, don Antonio de Hinojosa. Neither Nahua women nor men followed this testamentary strategy that regularly, but doña María followed her father’s lead by keeping the lion’s share of properties together. Whether or not doña María’s husband had properties of his own, and how he disposed of them, awaits the discovery of his testament.

Points of difference between doña María’s and don Juan’s testaments included her lack of bequests of material or household goods. There was no mention of the pre-contact-style feathered headdresses and shields, nor of musical instruments, so it is impossible to know if doña María still possessed any of these heirlooms, if they had been lost, sold, or destroyed over the years, or if they were specifically “male” possessions she would not have retained or enumerated.<sup>67</sup> Yet a woman of doña María’s status pre-

<sup>66</sup> AGN, *Tributos*, v. 52, exp. 17, f. 423v. According to Lockhart, *The Nahuas*, p. 145, wrote that the *mecatl* was generally regarded as a unit of 20 *matl* or *braza de indios*. According to him, “*mecatl* (rope, cord), had the extended meaning of a plot of land of a certain size.... [T]he *mecatl* seems to have been the basic standar plot twenty units square, called by Molina ‘an allotment of land’ (una suerte de tierra)”. He notes, however, that exact measures varied from place to place. In Cuernavaca, a *braza de indios* is considered to have equaled about three meters; see Haskett, *Indigenous Rulers*, p. 175. Pizzigoni, *Testaments...*, p. 25-26, discusses land measurement and types of properties. For other examples of *mecatl* meaning and usage, see Wood, *Nahuatl Dictionary...*

<sup>67</sup> By this time Cuernavaca’s ruling Nahua elite seem to have been embracing high-status Spanish-style clothing as a marker of their legitimacy as nobles; see Haskett, “Living in Two Worlds”, p. 34-59, and *Indigenous Rulers*, p. 161-165. However, recall that in 1650 the noble testator don Martín Cerón de Alvarado still owned and bequeathed two feathered shields, albeit emblazoned with images of St. Francis and the Virgin Mary; Rojas Rabiela *et al.*, *Vidas...*, v. 3, p. 242-243. Whether or not feathered items were specifically “male” in terms of gendered patterns of possession is a subject worthy of further study. Thus far, however, bequests of these kinds of goods seem to be found only in the wills of Nahua elite men; see Rojas Rabiela *et al.*, *Vidas...*, v. 3, p. 234-235, 242-243, 264-265.

sumably had clothing, jewelry, a range of household goods, and probably even various kinds of saints' images. She must have expected her husband to make sure that her daughter and heir Juana would receive these kinds of domestic and personal items. Without being able to study a life portrait, it is thus impossible to know how doña María dressed, whether she wore some combination of European and Nahua-style garments (as indigenous women were depicted in later-colonial art, such as in the *casta* paintings or eighteenth-century portraits of young, elite indigenous women entering religious orders), or if in the early seventeenth century Nahua noblewomen continued to emphasize more traditional clothing styles indicating their rank. The lack of little or any mention of the bulk of one's personal possessions can be observed in other late sixteenth and seventeenth century wills drawn up for prominent Nahua women. For example, a wealthy Nahua testator of San Pablo Tepemaxalco, Pasiontitlan, in the Toluca region (1654), María Salomé, left a "wooden corncrib and a metate" to her daughter, Luisa María, and ordered that another "wooden corncrib is the inheritance of my son Gabriel de Santiago". But the testament did not mention any mundane household items, clothing, or other material objects beyond this.<sup>68</sup> Unfortunately, in doña María's case this same kind of thing makes it impossible to say much of anything about most aspects of her material culture—did her household feature Spanish-style kitchen utensils along with the presumably ubiquitous *mano y metate*, for instance—even though her father's testament suggest that this was probably the case.

The Ximénez, a noble indigenous family that seemed to lack legitimate male heirs for at least three generations, finally found them through marriage to the Hinojosas. While the testaments of these Hinojosa men have

68 Pizzigoni, *Testaments...*, p. 137. Most of the Toluca wills date from the eighteenth century, or in other words a century or more after doña María had her testament drawn up, so that the possessions left by women in them cannot be compared; one of these later testators, the prosperous widow Polonia María, also of San Pablo Tepemaxalco, Pasiontitlan (1710), bequeathed a total of four saint's images—San Pedro, San Diego, San Antonio, and Santa Efigenia—to a nephew and a sister (two each). However, no other household items nor any clothing are mentioned in this will, either. Frustratingly, the only will dictated by a noblewoman in S. L. Cline's and Miguel León-Portilla's collection of testaments from Culhuacan (*The Testaments of Culhuacan*, p. 246-251), the will of doña María Juárez, April 17, 1577, lacks any mention of material goods, too.

yet to be discovered, it is clear that they bequeathed and scrupulously been held together over successive generations most of the landed properties that had belonged to don Juan Ximénez in the later sixteenth century. The 1694 inventory of don Antonio de Hinojosa's properties and possessions does not list heirloom feathered headdresses or traditional drums, but those officials who were trying to recover money lost through the governor's alleged tribute debts may not have seen them as viable money makers. Religious art was on offer. Don Antonio owned two paintings of the Virgin of Guadalupe (a large one around two *varas* [c. 6 feet] tall of the Virgin alone, and another depicting her apparition to Juan Diego), several other paintings of the Virgin (Nuestra Señora de la Asunción, Cuernavaca's patron saint, Nuestra Señora de los Remedios, Nuestra Señora de la Consolación), paintings of San Nicolás, San Miguel Arcangel, San Cayetano, and San Juan, a wooden crucifix draped with black felt cloth, a statue of San Felipe de Jesús on his cross standing on a pedestal, statues of San Antonio and San Pedro, each on gilded pedestals; some of these were displayed in the main sala of his home, others in a stone *oratorio* (small private chapel) graced by an imposing wooden door set in an elaborate stone frame. Inside this structure one found a gilded *collateral* [retablo] that was three *varas* tall and one and a half *varas* wide graced by a statue of Nuestra Señora de la Limpia Concepción.<sup>69</sup> Thus by don Antonio de Hinojosa's era the family's faith as it emerges on paper was overtly Catholic, proclaimed by the many images of saints in his home and *oratorio*.

#### DON TORIBIO

At first glance, the format and language of this sixteenth-century testament seems much the same as that encountered in don Juan Ximénez's will (and for that matter, in doña María Ximénez's will). Typically, don Toribio's testament begins with an invocation of the Trinity, and a statement that while his body was sick, suffering from "my *cocoliztli*", his spirit was

<sup>69</sup> AGN, *Tributos*, v. 52 exp. 17, f. 323r-325v, 390r-394v, 1694-1695; see also Osowski, *Indigenous Miracles*, for extensive commentary about the politically-charged piety of Nahua town leaders in 1760 central Mexico.



“happy”, or in other words healthy (Figure 7). Don Toribio left his soul in God’s hands, his body to the earth from which it came. The testator invoked his witnesses, naming ten men, some identified as “noble elders”. Several of the witnesses had “surnames” that translate as “person of [a specific district of the *altepetl*]”: Felipe Ollacatl, Francisco Tlapaltecatl, and Miguel Analcatl.<sup>70</sup> Only one witness had the title “don” (don Miguel García), and he was joined by Toribio Sánchez as the only two witnesses with fully Spanish names; this kind of naming pattern was entirely consistent with usages in mid-sixteenth-century Cuernavaca. Don Toribio Cortés asked to be buried in the “newly built” church, undoubtedly the Franciscan monastery church that still dominates the center of town. As in the cases of don Juan and doña María Ximénez, this would be a proper and desired burial location for a lord of don Toribio’s presumed stature, as would his burial in a “habit” (*ixiptla* / *hábito*) undoubtedly a Franciscan one.<sup>71</sup> A bit of pomp and circumstance would have been added to his funeral by the activities of singers (glossed in parallel by the Nahuatl *cuicanime* and its Spanish equivalent *cantores*) performing four *responso* (*sic*; prayers for the dead, part of the divine office for the dead) on the road as his body was brought to the church.<sup>72</sup> Don Toribio asked that two *pesos*

70 Ollac, Tlapallan, and Analco were three of Cuernavaca’s main wards; *-catl* means “person of” a specific place.

71 It is interesting that whereas the building is referred to by the loanword “yglesia”, the offering for the burial is to be given to the *teopan* (church, temple). Perhaps the locative *-pan* is essential here, reinforcing the entry of the money for the burial into the “church” in the generic sense of the church as an organization, while “yglesia” is specifically about the new, obviously Spanish-style building (even if the labor was undoubtedly provided by the indigenous people of Cuernavaca). The paring of *ixiptla[tl]* and *hábito* here is interesting: either the Spanish is seen as the equivalent of the Nahuatl, or this is a specific kind of *hábito*, not one actually worn by a friar, but a “substitute” made specifically for use in burials. This would be especially true if, as seems possible, *ixiptla* is meant to be run together with *hábito* to form a compound noun *ixiptla* / *hábito*. Unfortunately, the typically spar and workmanlike colonial-era Spanish translation of the will does not clear up this issue, ignoring the *ixiptla* altogether and referring only to an *hábito*. William L. Clements Library Cuernavaca Papers, f. 92r.

72 At least one of these may have been the ancient and traditional “Libera me, Domine, de viis inferni qui portas æreas confregisti et visitasti inferum et dedisti eis lumen... qui erant in poenis... advenisti redemptor noster”, etcetera. This is one of the few texts in the Roman Liturgy alluding to Christ’s descent into hell, according to the *Catholic Encyclopedia* (New Advent, <http://www.newadvent.org/cathen/11220a.htm>).



be given to the local hospital, to be used to provide lit candles along the road where his funeral procession passed (it is not clear whether these candles were to be set along the road, or carried by those in the procession).<sup>73</sup> In the will's sixth paragraph the testator asked that ten Masses be celebrated for him, ordering that a large amount of money—25 *pesos*—be offered to pay for them. All of this indicates that the lordly don Toribio wanted to have a send-off worthy of a wealthy, high status individual.

As to specific bequests of properties, don Toribio's principal heir (echoing the situation facing don Juan Ximénez) was his adult granddaughter, doña Luisa Cortés. Instead of leaving her his house, described as a *tecpancalli* (palace), he instructed his witnesses—who seem to have acted as *albaceas*, too—to sell off the stone but not the land, and to distribute the resulting 100 *pesos* from the sale as follows: forty *pesos* to his granddaughter, forty *pesos* to the church to fund three more Masses, and twenty *pesos* to be divided among the 10 witnesses. Doña Luisa was to get the houselot, as well; the borders of this plot were described in the testament, typically marked with features such as tree stumps and the edge of a road. Doña Luisa was also to receive two plots of *pillalli* (noble land) described as *tlalhuactli* (non-irrigated land) bordered by other fields, named places, churches or chapels (*teopancalli*; *teopan*) and natural features (for instance, “Ahuehuetitlan”, which could be a placename, or could mean “by the cypresses”). Of note in relation to these fields was the reference to the former presence of *mayeque* (dependent workers) who used to take care of them. They have gone away—a hint at the disruptive effects of the onset of the colonial regime, perhaps, or maybe due to epidemic disease—but would have to resume their work on the fields for the granddaughter if they should ever return, suggesting that don Toribio lived in what was undoubtedly the forlorn hope that “his” dependents still had an unaltered obligation to serve him and his family, even if these people were

73 It is also possible, of course, that there is no connection between the offering to the hospital and the candles, which were simply two things lumped together in this section either by the whim of the notary, or because the testator mentioned them in more or less the same breath.

not technically slaves in the classic sense. Thus, the family seems to have experienced at least some decline in their former power and influence, at least in comparison to what it must have been in pre-contact times. They were obviously still land rich, and if the bequests to the church are any indication, had some amount of liquid capital at their disposal.

Yet a certain amount of familial decline—and the lack of a direct male heir—might explain why a nephew named don Francisco Quauhpathiuhqui was to receive three irrigated fields and three non-irrigated plots. The heir don Francisco was also connected to a touchy situation connected with another irrigated field he was to inherit at, or called, Tzaqualpanapan, where he was to take over control of the *mayeque* who apparently still lived on and worked this land. However, at the time the testament was drawn up, these *mayeque* worked for a woman described as a “daughter-in-law” named doña Juana. Our testator apparently told his notary that this doña Juana’s father (yet another don Toribio) did not love his daughter and was trying to wrest control of the *mayeque* from her; unnamed “nephews” allegedly disliked doña Juana, too. These familial relations are not described more explicitly, and so are now somewhat confusing. However, if the nephew don Francisco was being regarded as a “son” by our testator, then his wife would be a “daughter-in-law”. The unnamed relatives who share in her father’s lack of regard must have been her siblings. If she was indeed don Francisco’s wife, our testator don Toribio may be transferring the *mayeque* to the husband’s control to protect them from the machinations of the other don Toribio and his relatives.<sup>74</sup> In the end, it seems obvious that the family was losing control of some of its remaining dependent workers. The allusion to this situation in the will may signal the existence of a lawsuit between the two don Toribios over this very question.

Another heiress is don Toribio’s niece, Francisca Xiuhtlamiyahuatl, daughter of his deceased younger brother, don Melchor de los Ángeles. Our testator bequeathed her a *calmilli* house lot; in the midst of boundary

<sup>74</sup> It is just possible to interpret the Nahuatl as saying that doña Juana doesn’t love her father or the nephews, so that the testator don Toribio may be punishing her by taking the *mayeque* away from her.

descriptions don Toribio recalled a successfully concluded dispute between him and the “governor Cortés”. Whether or not this is Hernando Cortés the conqueror, or an indigenous governor with the Cortés surname, is not made clear: the first post-conquest indigenous governor of Cuernavaca was a *tlatoani* with the baptismal name don Hernando Cortés, yet it is also known that the first Marqués del Valle engaged in a number of lawsuits with local indigenous nobles over land tenure issues, as did the second Marqués. Both were embroiled in various lawsuits with local indigenous leaders (including the Nahua governor don Hernando Cortés), until a settlement was finally reached in the most important litigation in 1551, by which time the indigenous don Hernando had passed away.<sup>75</sup> This means he could not have been the “governor Cortés” still threatening to take the land in question (f. 97r), another indication that the reference here may be to the second Marqués del Valle, don Martín Cortés (or more likely his officials). Whatever the case might have been, Francisca was to receive two *tlalhuactli*, as well.

Aside from these fairly standard sorts of bequests that were spread among a number of different relations and heirs, both male and female—the most common strategy pursued by Nahua testators—this complex will also has more statements that, like the *mayeque* question and the reference to a property dispute, hint at conflict. For instance, don Toribio singled out two men or boys—Gaspar and Baltasar—barring them from inheritance and claiming that they were “dissolute youths”. The testator also made a rather puzzling declaration that he was leaving so much property to his nieces and nephews because God did not give him any children. Of course, one of his heirs is called a granddaughter, so that he would have had children, so this statement probably has the sense of “I have no living children”. There is a strong indication that his second wife and her children were not going to receive equal treatment in comparison to his granddaughter, nieces, and nephew. For instance, don Toribio left his current wife, doña Magdalena Cortés, 20 *pesos*, a couple of kettles, a bed, four *metates*, and a portion of stored maize kernels, or in other words some domestic items that, for some reason, were his property rather than hers.

75 Haskett, *Visions...*, p. 205-206.



While the testator also remembered his two stepdaughters, girls from doña Magdalena's presumed first marriage, they did not get much except for a few more kitchen items. Moreover, the two girls were described almost as if they were servants. This rather shabby treatment of his second family may have been based on the existence of marital discord. Don Toribio stated that had his wife stayed in Cuernavaca, he would have provided a house for her. Instead, she seems to have gone off to her original home in neighboring Tlaquiltenango, a move that prompted him to order his witnesses to sell the Cuernavaca house (possibly a different structure from the *tecpancalli* that was to be dismantled). It seems as if don Toribio's second marriage had been intended to form an alliance between him and an elite family from Tlaquiltenango, but the arrangement does not seem to have been a huge success.

The main body of the testament ends with the standard disclaimers about the document being an authentic record of the testator's wishes, as guaranteed by the presence and signatures of the witnesses; actually, none of the witnesses were able to write, so the notary provided their "signatures" himself. The codicil that follows the main body of the will concerns lands that allegedly became property of the *altepetl* itself; commentary about this part of the testament will be dealt with separately, after the Juan Bautista manuscript has been discussed.

#### JUAN BAUTISTA

This document begins like a standard testament of a relatively poor testator, but then shifts to a long digression about lands dedicated to the support of the saint San Pedro, or perhaps belonging to the *tlaxilacalli*, or barrio, of San Pedro (most likely San Pedro Acohuic Tecpan, one of the five principal subdivisions of Cuernavaca), or both. Orthodox testament content includes the opening lines, in which one finds an invocation of the Holy Family, and the Trinity, as well as the name of the testator's home district, which is Atliyacan. There was a statement (possibly added later) that the ward has been assigned to "my precious father, the Saint San Pedro", making it a subdivision of Acohuic Tecpan (Figure 8). The notary

added standard clauses about the disposition of Juan's body and soul. The humble testator stated that he had no property or goods at all—not entirely true—and left it up to his wife to raise the four *pesos* that will be used for his burial, about which no other details are given. No witnesses or albaceas are mentioned in this part of the will; the wife seems to have been assigned a duty that an *albacea* would fulfill.<sup>76</sup>

Juan's wife was not named in the testament, nor was she an heir. Instead, he bequeathed his house to his children, two boys, who were to divide it. The testator endearingly expressed his hope that the boys would not quarrel about the bequest, and that the older one would look after his younger brother. The boys also received a bit of moveable property, sharing some large (or perhaps old) cloaks or capes (probably serapes), and two wicker baskets. The older son is charged with dividing three *metates* with his younger brother (a neat trick). While one would expect these *metates* to be given to Juan's still-living wife, he may have hoped that, once married, his sons would pass them on to their wives. The boys' mother may have had a range of domestic items of her own; this is the kind of thing the sparse language of the bequests never resolves for us. Following the section providing a survey of San Pedro's boundaries, the testator returns as a more active presence. In this last part of the testament he left his "big piece of land" to the two sons. The notary added the standard peroration that no one was to evict them from this property. Then the testament abruptly comes to an end with a listing of the names of witnesses (who were not mentioned before this), all of them town officers with the title "don", and one of them—don Diego Tezozomocztin—with an anachronistic (for 1640) name and no officer title. There was no standard statement from the notary affirming the veracity of the will nor saying that the witnesses affixed their names and signatures; whoever wrote the will obviously added all the names himself, since they were all written in the same hand.

<sup>76</sup> Pizzigoni notes that in some places, such as in the Toluca area, most testators named *albaceas*, while in Calimaya/Tepemaxalco more wills lack them than have them; Pizzigoni, *Testaments...*, p. 30-31.

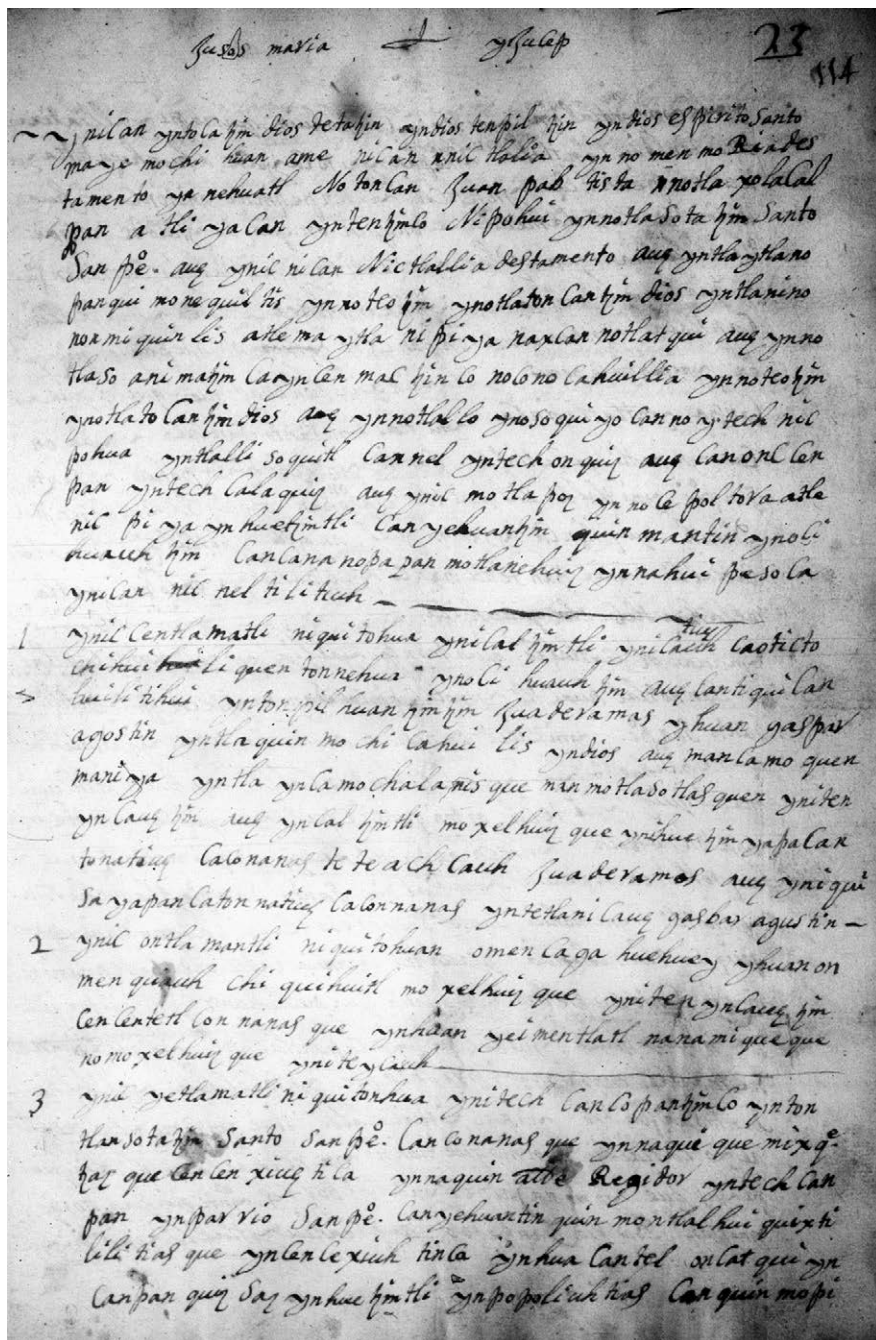


Figure 8. First page of Juan Bautista's testament. CLCP, fol. 114r.

## THE PRIMORDIAL TITLE CONNECTION

The language of the testament does not explain whether Juan Bautista left the lands of San Pedro to the saint, or if this insertion describes properties in the area where the testator may have had his own property. But Juan Bautista's statement that he needed a loan to pay his offering to the church makes it seem like he would have lacked the extensive landed properties described in this part of the will. The goods and land the testator left to his sons—the house, the “large” plot of land, and the household goods—do not seem to have been very large in reality, and possibly not worth much. The boundaries of this personal property are not described in any real detail, unlike those of the San Pedro lands, so their location, type, and exact size are difficult to determine.

The long digression about lands of San Pedro, as well as the name of the witness don Diego Tezozomocztin, are the first clues that the Juan Bautista testament might be more than a simple will drawn up for a relatively poor commoner. It has many characteristics of the genre known as *títulos primordiales* (primordial titles), local histories—usually written in an indigenous language—containing extensive descriptions of a corporate land base and, often, information of a religious nature, as well.<sup>77</sup> The name don Mateo Tezozomocztin shows up in the Cuernavacan primordial title known as the *Réédification de la ville de Cuernavaca* (as well as in at least one other *título* from this area). In this manuscript, don Mateo was glossed as an *alcalde* of the district of San Pablo, not San Pedro.<sup>78</sup> Another of the witnesses to Juan Bautista's will, the *fiscal de la santa iglesia* named don Baltasar de Santa María Valeriano, had the same name and title as an important character in the primordial title known as the *Códice municipal de Cuernavaca*.<sup>79</sup> One of the signers of another Cuernavacan primordial

77 See, for example, Haskett, *Visions...*; Lockhart, “Views of Corporate History”; López, *Los títulos primordiales*; McDonough, “Plotting Indigenous Stories, Land, and People”; Sousa and Terraciano, “The ‘Original Conquest’ of Oaxaca”; Wood, *Transcending Conquest*.

78 William L. Clements Library Cuernavaca Papers, f. 160v. This same don Mateo Tetzotzomocztin is a witness to the primordial title Barlow called “Unos títulos”, p. 220.

79 William L. Clements Library Cuernavaca Papers, f. 125v.

title was a don Juan Bautista, sharing a first and last name, if not a title of nobility, with our testator.<sup>80</sup> The entire witness section in the Juan Bautista testament was very unlike those found in the other three wills, reading much more like the rosters of town officers that are found in orthodox municipal documentation as well as in primordial titles.<sup>81</sup> In the Bautista testament, this section must have replaced whatever final matter existed in the original 1640 version, if such a will was ever really written at that time.

The San Pedro boundary survey was constructed like similar elements found in the *Código municipal* and other primordial titles. It included landmarks such as a cave, a corral, an aqueduct, a road, and various named plots of land (or perhaps descriptions of these plots). One of these plots, Atliyacan—the placename of testator Juan Bautista’s home ward—was described in several primordial titles, too, featured as part of the *altepetl*’s major ward of San Pedro Acohuic Tecpan.<sup>82</sup> There is an “Atliyacan” among the placenames associated with San Pedro Acohuic Tecpan in the *Réedificación* title, a placename that also appears in association with San Pedro Tecpan in the *Código municipal*, featured among lands supposedly belonging to the *gobernador* don Lucas de San Martín y Sandoval.<sup>83</sup> And like Cuernavaca primordial titles boundary surveys, which read like prose translations of traditional pictorial cartographic histories, the landscape triggered the memory of an apparent lawsuit in the past conducted by San Pedro’s “grandfathers”; the implication was that this was settled in favor of the community and saint. There is also a reference to the elected *alcaldes* and *regidores* of the “barrio of San Pedro”, who were to make sure each year that an offering (presumably raised from the area being described) for the

80 AGN, *Hospital de Jesús*, leg. 447, exp. 7, f. 6r.

81 Pizzigoni finds that social status of the testator usually was linked to the nature and number of witnesses, with humble testators having fewer and lower status witnesses on the whole than more privileged testators. Thus, if one looks at two wills left by humble men in her collection (both mid-18<sup>th</sup>-c. wills), the witness list is short and consists mainly of church officers (a *fiscal*, but nothing like the long officer list found in the Bautista will); Pizzigoni, *Testaments...*, p. 31, 112-114.

82 AGN, *Hospital de Jesús*, leg. 447, exp. 7, f. 2v; Barlow, “Unos títulos de Cuernavaca (1552)”, p. 215-222.

83 BNF, 102, f. 8 (*Réedificación*); William L. Clements Library Cuernavaca Papers, f. 137r (*Código municipal*).



saint was spent properly. At the end of the boundary survey the *alcaldes* and *regidores* were enjoined to ensure that no litigation about this land was ever to be pursued, a will-like peroration, to be sure, but also the kind of statement often found in primordial titles.

Orthographically, the notary who wrote this copy of the Juan Bautista will used “s” in place of “ç” and “z”, or sometimes both together (as in “*quizsa*”, found on fol. 114v, and “*tequipanosque*”, found on fol. 115r). At first glance, this would suggest that the date of 1640 is about right for the document, since these characteristics are typical of central Mexican Nahuatl written at the end of Stage 2 (c. 1540/45-1640/45) and the beginning of Stage 3 (c. 1640/45 to the present).<sup>84</sup> It is significant to note, however, that the way “s” was used in the present testament is more like Stage 3 than Stage 2. In the latter, “if you find an s written by Nahuas during Stage 2, it will usually represent [sh], as in *isquich* for standard *ixquich*”. Lockhart notes that early in Stage 3 both Stage 2 and Stage 3 usages of “s” were often mixed together, and that is certainly true of the present will.<sup>85</sup> Other orthographic quirks of the present document, such as the liberal use of capitals (especially “C” and “S”) were characteristic of Stage 3. Lockhart could be describing the Juan Bautista testament when he writes, “Nahuatl documents of the late seventeenth and the eighteenth centuries look different from their predecessors. Capitals are seen much more frequently (though distributed quite haphazardly, often in the middle of a root); the letters, especially *l*, are higher, and they slant more. In such things, Nahuatl calligraphy was following the trend in Spanish writing, to which those who wrote Nahuatl were even more exposed”.<sup>86</sup> What is more, the presence of a Spanish loan verb complete with a Nahuatl “-oa” ending—“*onquipredaroque*” (*pleitear*)—was another mature Stage 3-type phenomenon.<sup>87</sup> Finally, there were a number of what seem to be copying mistakes in the existing version of the testament, either in the form of omitted syllables added back in the proper location just above a word (shown in the present transcription as super-

<sup>84</sup> Lockhart, *Nahuatl as Written*, p. 115.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*, p. 114.

<sup>87</sup> *Ibid.*, p. 123.

scripts), or as syllables or words that were crossed out as once again someone tried to correct the copy after the fact. If the San Pedro boundary information is taken out, one ends up with a quite plausible commoner's will: short, and with bequests of only a few properties (see a reconstruction of this possible original version of this testament in Appendix 2).

Taken together, all of this suggests quite strongly that the existing testament is a copy of a 1640 manuscript—the will of a humble man named Juan Bautista who coincidentally shared the surname of a Cuernavacan primordial title town founder/narrator—into which a boundary survey of lands belonging to the *barrio* or dedicated to the saint San Pedro was inserted at a later time, probably around the turn of the eighteenth century (or about the time of the lawsuit between the *villa* and the Spanish-owned sugar estate), as written proof of the legitimacy of the *tlaxillacalli* (subdivision or ward of an *altepetl*) Acohuic Tecpan's corporate land tenure (See Appendix 1).<sup>88</sup> This makes the Juan Bautista testament a “will-título” of the kind described by Stephanie Wood, fusing “traditions of municipal history (titles) with the founding family's final wishes (testaments).”<sup>89</sup> The testator Juan Bautista was “fused” with the primordial title founder/narrator of the same name, explaining why this particular will was selected by someone for use as written evidence in a lawsuit.

Turning to don Toribio Cortés' testament, one finds in the name of the testator another, even more famous narrator-hero of Cuernavaca's primordial titles, a legendary figure who was quite possibly himself a fusion of several ruling class men who lived in Cuernavaca during the post-conquest sixteenth century (though he seems to have been based mainly on a powerful *Gobernador* of the latter decades of that era, rather than our present testator).<sup>90</sup> The main body of the will presents some boundary descriptions, but none of them had to do with bequests of land to the *altepetl*. Yet the

88 William L. Clements Library Cuernavaca Papers, f. 116r-117r is a Cuernavacan primordial title narrated by Baltasar Bautista.

89 Wood, “Testaments and Titulos”, p. 85.

90 The testator don Toribio is not likely to have been the famous governor of the same name, who was still alive a couple of decades after the present will was written, though it is remotely possible that the *Gobernador's* testament had been drawn up at a time when he had been ill but then survived.

“history in the landscape” reference to litigation found in one of the testament’s short boundary surveys was similar to what is found in the Bautista will and, hence, in primordial titles. Perhaps some of these properties were among those being contested in the early-eighteenth-century litigation with the sugar estate, or had defaulted to the community in some way since even in 1559 it seems that the family was losing what could be described as legitimate sons, daughters, and their offspring, who might otherwise have inherited the land. Such speculation aside, the part of don Toribio’s will that is most primordial title-like, however, is its codicil.

This codicil bears the same date as the main body of the will, and is signed by the same notary (Figure 9). It contains descriptions of lands that seem to have been left to the *altepetl* by don Toribio, though upon closer inspection there is no will-like language specifically stating that the testator is bequeathing some of his properties to Cuernavaca to add to its *altepetlalli* (land of the *altepetl*). That the codicil may have been added to a early eighteenth-century copy of an older testament is suggested, first, by the Spanish translation that was collated along with the Nahuatl text (written on paper stamped “1696/1697”; see Appendix 3), which does not include the text of the codicil. Comparing the names of the witnesses registered in the main body of the will with those found in the codicil raises a few more red flags. While the codicil witness list was almost the same as that of the testament’s main body, it had the addition of don Toribio Cortés as “witness” as well as some other more subtle differences. Plain Toribio Sánchez of the main body became “don” Toribio in the codicil. There was a “Francisco López Tecpanecatl” in the codicil, but just plain “Francisco Tocalpanecatl” in the main part of the will. The codicil “signatures” (all written by the notary) lack the little crosses above them that one finds in the main body, and there are far fewer names broken between two lines in the codicil than previously.

As in Cuernavaca’s primordial titles, whoever wrote the codicil was quite concerned that non-Indians might try to appropriate the land being described in it: Spaniards, Spanish priests, mestizos, and mulattoes. This part of the manuscript enshrined the typically dualistic attitude towards Spaniards found in titles, as well: the good king (often Carlos V) and/or



conqueror Cortés, conveniently far removed in time and space, versus potentially troublesome Spaniards and other non-Nahuas living among them in their present. The codicil even includes the placename “Quauhtamala” in its boundary description, a location somewhere in the Cuernavaca area (rather than the better-known Kingdom of Guatemala) that was associated with the narrator-hero don Toribio featured in some of the *villa*’s primordial titles.<sup>91</sup>

While the entire text of the testament is obviously in a hand that is not of sixteenth-century origin, and therefore must be a later copy, the codicil and the main body exhibit some internal orthographic differences. There are far fewer abbreviations in the codicil, for one thing, and no use of *auh* to introduce new phrases or sections; instead, *ca* is used for this purpose. The codicil had almost as many loanwords in its single folio as there were in the much longer “original” section. While some of these loans are shared between the two sections, the majority are only found in the codicil: officer titles and other words having to do with local and colonial government of the type that were ubiquitous in various kinds of municipal documentation as well as in Cuernavaca’s primordial titles. In the context of the present manuscript, in other words, they were exceptional and “unwill-like”. In all sections of don Toribio’s testament, “s” was commonly used in place of “ç” and “z” in the same manner as in Juan Bautista’s will, as was the frequent insertion of capital letters, often where they did not actually seem to belong.

There also are a number of what seem like copying errors in the present text. For instance, early on folio 96r, the first page of the testament, a seemingly impossible work *heneh* is found in the section in which the testator declares that he is ill and that God will be taking him off. The most likely explanation is that *-neh* is the pronoun *nech* minus its “c”, which would work perfectly in the verb that follows (*[nech]huamono-chilisnequi*). This does not explain the first *he-*, however, but in the end the meaning of the passage is clear despite all of this.<sup>92</sup> On folio 96v,

91 See Haskett, *Visions...*, p. 133.

92 It is just possible that the original had *yece* (“but, new thought or phrase indicator; nevertheless; still; yet”, WHP, *Nahuatl Dictionary/Diccionario del náhuatl*), which is a word



where the testator is explaining how his burial is to be handled depending on the time of day he might pass away, the text is somewhat confused, probably based on an error of copying that seems to have rendered *teotlac* (“in the afternoon”, or “at sunset”) as *otlac*.<sup>93</sup>

In the end, the existing manuscript is pretty clearly from Stage 3 and, given the absence of a Spanish translation of the codicil, likely from the time of the Amanalco sugar estate dispute. This expanded copy of a 1559 manuscript—the will of a lord named don Toribio Cortés, a mid-sixteenth-century noble Nahua who shared the surname with the best known primordial title founder/narrator—was finished off with a primordial title-like codicil that was added much, much later. As in the case of the Bautista document, this means that don Toribio’s testament is really a “will-title”, a conscious repurposing of a modified sixteenth-century original. The new version of the testament provides a will for the *altepetl*’s storied narrator hero of such important primordial titles as the *Código Municipal de Cuernavaca*, and gives his blessing to corporate landholding. The juxtaposition of the codicil with the testament implies by association, rather than through explicit testamentary language, that don Toribio presided over the creation of the *altepetlalli* glossed in the added folio’s boundary description. The recreation of this manuscript came at a time when Cuernavaca’s

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that appears approximately in this kind of context in fray Alonso de Molina’s model testament, as found in his *Confessionario mayor, en la lengua Mexicana y castellana*, f. 61r. The word is spelled *hece* in some of the testaments of Culhuacan transcribed by S. L. Cline and Miguel León-Portilla in *The Testaments of Culhuacan* (see the will of Juan Tezca, 1580, p. 30, and Miguel Sánchez Tlacatecuhtli, n. d., p. 38), which adhere more closely to the Molina model than don Toribio’s will. The WHP dictionary, following Karttunen’s *Analytical Dictionary*, p. 336, notes a variant of the word with a final “h”, or *yeceh*, making *heceh* a possibility, something that could conceivably have been mistaken for *heneh* by a later copist depending on the state of the original document at this point in the text. I am still happier with the *nech*- rendering, which is endorsed by Stephanie Wood, personal communication, August 4, 2016, but this other theory does a better job explaining the extra syllable *he*-.

<sup>93</sup> This is how the colonial Spanish translation handles the text at this point: “digo ques mi voluntad que si al tiempo que me muriere que si fuere por la mañana quando se entierre mi Cuerpo me Canten una missa, o si es a la tarde me Canten una vixilia onfriere sobretar [...] e o de noche o la oras que fuere se acuerden de Dios quando mentierren [*sic*] mi cuerpo si es por la mañana que se me diga una missa onfriere sobretar [...] e o de noche o la oras que fuere se acuerden de Dios quando mentierren [*sic*] mi cuerpo si es por la mañana que se me diga una missa...”. William L. Clements Library, *Cuernavaca Papers*, f. 92v.

indigenous leaders were trying to expand their arsenal of written evidence for their immemorial and legitimate possession of properties threatened by an expanding Spanish-owned sugar estate.

The apparent later-colonial manipulation of earlier testaments links their analysis to a recent debate over whether or not primordial titles more generally speaking were the product of local authors, or were actually contrivances generated by *talleres* (workshops) whose owners and workers took advantage of an expanding market consisting of *pueblos* desperate to produce written proof of their immemorial possession of a legitimate land base.<sup>94</sup> Paula López, among others, has concluded that, by and large, titles were created for an external, rather than internal audience, without arguing that they therefore lacked any kind of local vision.<sup>95</sup> But Beatriz Cruz López, who has studied a number of Zapotec primordial titles, found that the documents she examined seemed to lack much in the way of truly local information.<sup>96</sup> Don Toribio's and Juan Bautista's testaments were certainly presented along with more typical kinds of primordial titles to an external audience made up of Spanish lawyers and magistrates. Yet every document appears to contain at least some specific, local information, such as names of members of the local nobility and, sometimes, verifiable land tenure. Eighteenth-century Spanish magistrates actually confirmed the authenticity of at least some of the titles' land claims and boundary descriptions.<sup>97</sup> Yet the *altepetl's* *títulos primordiales* and the two manipulated testaments were at the same time clearly part of a "dynamic process" in which they came to be instruments of what Ethelia Ruiz Medrano sees as an effort to "validate the ancient possession of their lands".<sup>98</sup>

94 See Wood, "La producción de manuscritos en talleres", p. 29-30. Wood notes that Beatriz Cruz López, who has been studying Zapotec primordial titles, has tentatively identified two rough subgroups that may have been produced by two different workshops (p. 40).

95 López, *Los títulos primordiales*, p. 5-76. Ethelia Ruiz Medrano has addressed this same issue, noting that they were indeed presented to external authorities, but that they were "fruits of a dynamic process of negotiation with the colonial state" that should be analyzed with this in mind; see Ruiz Medrano *et al.*, *La lucha por la tierra*, p. 11.

96 Wood, "La producción", p. 40, referring to Cruz López, "Las pinturas del común".

97 Haskett, *Visions...*, p. 245-248, 297-317.

98 Ruiz Medrano *et al.*, *La lucha...*, p. 11. Kelly McDonough has argued that "stories that appear to be grounded in pre-Hispanic practices would not necessarily have been aimed solely at an indigenous audience; Spaniards may have expected such characteristics as

## CONCLUDING REMARKS

It is the concern for property and social stature that links all four of these testaments. All of them are evidence of the efforts that Nahua individuals, families, and communities took to preserve their own socio-cultural integrity as they negotiated the challenges and opportunities offered by Spanish colonialism in New Spain. Don Juan Jiménez and doña María Jiménez were trying to ensure that their family would retain their extensive landed properties, in part so that their social prominence in Cuernavaca would endure. Their descendant don Antonio de Hinjosa used the wills as evidence to support his own claims of socio-political ascendancy and property holding. But don Antonio was also intent on using his ancestral lands for more immediate material purposes as he sought to stave off complete ruin when he was charged with various forms of financial corruption. The apparent later-colonial manipulation of the sixteenth-century lordly will of don Toribio Cortés, as well as the apparent additions made to the humble Juan Bautista's testament, were part of a strategy to preserve the security of Cuernavaca's corporate landbase. What were probably the original versions of these wills feature testators who followed the much more common Nahua strategy of dividing property and possessions among a number of different available heirs rather than concentrating on just one beneficiary. It is thus somewhat ironic that both were reworked at a later date as "will-*título*" to preserve the unitary character of a municipal land base that was threatened with loss and possible division.

The three relatively wealthy testators, don Juan Ximénez, his daughter doña María, and don Toribio Cortés all scrupulously mandated burials in prominent places of the type reserved for those of elevated social status and some material wealth. Their (or their notaries') formulaic statements about Catholic beliefs—echoed by the humbler Juan Bautista, who could not afford a fancy burial and a lot of Masses—positioned all four testators as pious Christians. Only don Juan Ximénez's will hints at a survival of regard for pre-contact-style sacred objects (and perhaps the rituals that

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signs that these documents truly were memories of the deep past". See McDonough, "Plotting Indigenous Stories", p. 17-18.

went with them) in the form of his cherished drums, feathered headdresses, and shields. Yet these survivors from an earlier age could simply have been cherished family heirlooms that had come his way from his parents and grandparents, things that evoked the memory of his forebears but which were devoid in his mind of their earlier sacred qualities (though feathered headdresses may still have been remembered as signaling warrior and noble, even regal, status).<sup>99</sup> None of them were mentioned in doña María's testament, nor in the 1694 inventory of his descendant don Antonio de Hinojosa's properties and possessions, who instead possessed a significant number of Catholic images of various kinds.<sup>100</sup>

Don Antonio's political power (however threatened in the 1690s), his high social status, and his material wealth are all a testimony to the success of his ancestors' decisions to keep as much of their properties together as possible. Even the relatively poor Juan Bautista had been concerned about preserving what little he might have had, even if he could not somehow enjoy some kind of posthumous social mobility otherwise. Just as the testaments of don Juan and doña María were revived for a different purpose in the late seventeenth century, to bolster don Antonio de Hinojosa's desperate efforts to preserve his political power and economic wellbeing, Juan Bautista's will, along with that of don Toribio Cortés, came to be manipulated to serve a different role in the early eighteenth century. Both men's names echo those of later heroic primordial titles narrators, apparently suggesting to whoever modified them that these documents could be used to assert the legitimacy of Cuernavaca's land tenure in a primordial title-like way.

Wood concludes that at present it is difficult to be sure which primordial titles were created by workshops, and which were the products of local authors; the fact that the originals for the modified don Toribio and Juan Bautista testaments likely came from local archival sources of some

99 Katzew, "The Construction...", p. 155, suggests that colonial-era but quasi-pre-contact dancing was adapted by the Nahuas "to their new circumstances under Spanish rule, without necessarily connecting them to any preconquest deity or festival in particular".

100 AGN, *Tributos*, v. 52, exp. 17, f. 323r-325v, 390r-394v, 1694-1695; see also Osowski, *Indigenous Miracles*, for extensive commentary about the politically-charged piety of Nahua town leaders in 1760+ central Mexico.

kind suggests that later was probably the case. Whoever crafted them, however, they were a response to the increasingly pressured land tenure situation of the later colonial era.<sup>101</sup> Following Matthew Restall, this made the two testaments ““authentic eighteenth-century contrivance[s]””.<sup>102</sup> The positive assertions in both about the nature and legitimacy of municipal land tenure do not depict the Nahuas of the Cuernavaca area as conquered peoples. Coupled with the ready-made stress on the Christian piety of the testators found in the opening lines of each document, the wills echo typical primordial titles assertions that the people had voluntarily and enthusiastically embraced and served the Catholic Church. As far as the Ximénez and their descendants were concerned, by don Antonio de Hinojosa’s era a century or more later, the family’s faith was overtly Catholic, proclaimed by the many images of saints in his home and *oratorio*. Whether don Antonio could still be found dancing with feathers as musicians played the *teponaztli* and *huehuetl* in honor of the Virgin Mary in public, to celebrate the wedding of one of his children, or to welcome a new *alcalde mayor* to Cuernavaca, as his ancestor don Juan may have done, is for the moment lost in time.

101 Wood, “La producción...”, p. 62.

102 Referring to a Maya land document from Yaxkukul, quoted in Wood, *Transcending Conquest*, p. 109.



## APPENDIX 1. TESTAMENTS

*I. Testament of don Juan Jiménez, Tecpan, Cuernavaca, 1579*[AGN, *Tributos*, v. 52, exp. 17, f. 430r-431v.]

/430r/ Yn ica ytocatzin dios tetahtzin dios tepiltzin dios espû sancto Nicpehualtia y notestamento. ma quimatican yn ixquichtin yn quittazque ynin amatzintly. ca ÿ nehuatl nidon Jhoan ximenez. nican nochan quauhnac tecpan nipohui notlaxilacalpā ohtilpan nicchihua ÿ notestamento. maçoyhui ÿ mococohua no[na]cayo / yeçeh ÿ noyollo ÿ nocializ ÿ notlalnamiquliz ÿ notlacaquia amo quen ca çan pactica. / auh nicchixtica ÿ miquiztly yn ayac huel yxpampa yehua yn ayac huel quitlalcahua yc nictlalia ÿ notestamento. yn ça tlatzaccā notlanequiliz yc ninocauhtih ynic mopiaz. ynic ayac quitlacoç. ca yehuatl in ye noconpehualtia huel achtopa ÿ nanima ymactzinco nocōtlalia yn tot.<sup>o</sup> dios. ca oquimochihuilli yuan çenca nicnotlahtlauhtilia ynic nechmotlaocoliliz nechmopolhuiliz ÿ notlahtlacol. yuan nechmohuiquiliz yn ichantzincō yn ilhuicac yn iquac nanima oquitlalcah[ui] y no[tlallo] yuan nonacayo ytech niccahua ÿ tlalli. ca ytech oquiz. ca tlalli çoquitl /. yvan nicnequi çentetl abito. yn intilmatzin teopixque S<sup>t</sup> fran.<sup>co</sup> yc moquimiloz. yn nonacayo. auh yc niquixiptlatiz macuilli ps.<sup>o</sup> yuā nicnequi. ma ôcan tocoç ÿ nonacayo. yn ôcan toctitoc nonamic catca dōña maria. ca yuh catqui tonenonotzal /. ma yxpantiloz ÿ yehuatzin toguardian fray andres guerrero. / yuā nicnequi yn ipampa ypalehuiloca nanima ynic amo purgatorio huecahuaz. yn ichicomilhuiyoc çentetl missa nopā mihtoz. macuilli pesos nichuēchiva ytech niccahua ÿ nonamic dōña barbara yehuatl quimati. / auh ÿtla oc quezquitetl. missa nopā mihtoz. çan yehuatl ytech ninocauhtih ÿ çihuapilli nonamic dōña barbara. yn iuh huelitiz yuh nechmopalehuiliz. yuan nicnequi yn iquac tocoç ÿ nonacayo. ÿ nopilhuā cuicanime ce p<sup>os</sup>. macozque ynic nechpalehuizque ytechpa nanima , yvā nahui t<sup>os</sup>. cofradia yc nitlamantiuh. nahui t<sup>os</sup>. hospital mocahuaz. ytech pohuiz ÿ cocoxque

/430v/ y Auh yz catqui nictenehua ÿ huel nixcoya naxca. ÿ nocal yxquich yc mani. ca huel nixcoyā onicnochihihuilli ÿ mochi. yn yzqui[ch] mochi nicnemactihtiuh. ÿ nonamic dōña barbara ypampa ca omotlaca-chihuilli oncatqui ceh piltzintly. maria / oncan quimohuapahuiltez. yoan yxquich ÿ nocalmil nimā ayac achi quicuiliz / çā huel yxquich yn ipā nehcoc amo ma onichueylli

v̄ yoan nictenehua ȳ nomil teoquauhco tlahtocatllalli nopatrim[o]nio. /  
 auh niccotonia ȳ nomach don die-go de san Jeronimo /. cempohualli ynic  
 patlahuac quicuz. auh quinalquixtiz. tlacxitlā ȳ momacatiuh. / auh yn  
 ixquich yc manic mochi ytetzinco pohui[z] y nonamic dōnā barbara aço  
 quimelimiquiliz anoço quitetlaneuhtiz yehuatl quimati. auh ynic ôteti  
 tlapac tlalli y[to]- [d̄ barpola nixcoya oniconnamaç [sic] ytech pohui  
 dñā barbara (inserted above line)] ~~eyocan atl ynepillohuayan. necoe õ-  
 pohualli~~ /. auh ynic Etetl ytocayocan tlatzallan

tlapac tlalli. ye ytech pohui ȳ andres de Santiago /. auh ynic huel cemi cō  
 cuiz oc quimanaz caxtolli ypā çe pesus. quimomaquiliz ȳ nonamic dōnā  
 barbara

[in the margin: calpolpa pillalli] v̄ auh nimā yehuatl nictenehua y nomil  
 nicā tepepan tlalli / chiconauhtetl /. ynic cēteti. tzacualpan. ynic ôteti  
 olactzinco / ynic Etetl quauhchiltōco. / ynic nauhtetl. ahuacaquauhyoh .  
 ynic. 5. yaoh[tl]ica. / ynic 6. tetl techialco. ynic. 7. tetl tepetitlan. ynic 8.  
 tetl cohuatepec. / ~~ynic. 9. tetl tzaqualpā amilli / yzquitetl ȳ ȳ huel nomil  
 notlal nocaltzin ypan cate yeuā quimocuitlavizque~~

v̄ yoā nictenehua ȳ nopiltzin catca. don diego moquihuix / çe tetl  
 amiltzintly. quimacac ȳ don bar<sup>me</sup> ~~ealnepantlah huel caxcatihuih necoe  
 eēpohualli~~ /. ȳ manic xalmomolocayā tlanihuic tzapotitla ytocayoca ynic  
 ôteti. ytocayocā xochtlan atlauhtzinco /. ycohcolhuā. quimacac amo  
 huey. çā quexquich [...] ynin mochi ytech nicpouhtih ȳ çihuapilli.  
 nonamic dōnā barbara macayac tle quicuiliz yn ixquich onicteneuh. ca  
 huel mochi nomil notlal ayac yyaxca

v̄ yoan nictenehua. çeh ònemi amo teoyotica nopiltzin ytoça Jhoan mo-  
 quihuixtly. ytech onicchiuh. ytoça maria calihuacā ychan [...] ma  
 quimaniliz. ȳ nonamic dōnā barbara quimohuapahuiliz

v̄ yoan nictenehua yn ixquich ȳ nican nocalitic mopia çe[te]tl cavallo yoā  
 silla freno. / yoā sillaz. netlaliloni chicuetetl yoā çeh teponaztli / çentetl  
 huehuetl. çeteti tlalpan huehuetl /431r/ yetetl mesas. yvan nauhtetl.  
 alome / mochi ytech pohuiz ȳ nonamic yoan casas. tzatzaccayoh chicue-  
 tetl. yc chicuhnauhtetl tepiton / yoan yetlamantili. chimaltotontin neh-  
 totiloni /. ynin mochi ytech niccauhtih ȳ nonamic dōnā barbara. yehuatl  
 quimati ȳtlah quimonahnamaquiz. yoā nauhtetl yhuitzoncalli

y yoan niquinteneuhtih ŷ quimocuitlahuizque ynin notestam̃to yehuatl ŷ noteyccauh fran.<sup>co</sup> de s<sup>t</sup> pedro. yoan baltasar yoan lorenço de sandoval. ymeyxtin. quitlalnamictizq̃. y nonamic doña barbara. yn iquac missa nopā mitoz. yoan yxquich ŷ naxca ŷ nomil quimocuitlahuizq̃. ynic ayac tle quicuiliz yn nonamic. ypā tlahtozque /.

y yzquitlamantly. ŷ notestam̃to. ypan nictlalitih ŷ. auh ŷtla oc çentetl notestam̃to. cāpa neçiz. ŷtla noço aca quipia notlahtol ynic niquilhui. yn iquac nimiquiz. ytla nicmacatiaz mochi nicpolohua atle ypan pohuiz çan ixquich neltiz mochihuaz yn axcan / onicchiuh yn imixpan testigosme / auh ŷtla quēmanian yxpā neçitih yxpan Justiçia yca yehuatly. / ŷ notestamento ŷ huel noyollocacopa onictlalli /. axcan miercoles yc caxtolilhuitl. oçeh. ŷ metztli setiembre de 1579 a<sup>os</sup>. auh ynic nicneltilia huel nomatica nicā nictlalia notoca yoā nofirma

don Juan ximenez

y nican mihcuillohua yn intoca yn izquintin testigosme yn imixpan omotlali testam̃to. ynic çe thoribio acolnahuacatl. ynic ome miguel de sant pedro. ychā metlah ynic ey fran.<sup>co</sup> de chavez quecholactzinco ychan ynic nahui fran.<sup>co</sup> de s<sup>t</sup> pedro. ynic macuilli. lorenço de santoval auh ynic tlaneltitilia nicā mofirmatia t<sup>o</sup> Doribi.<sup>o</sup> acolnahuacatl. t<sup>o</sup> fran.<sup>co</sup> de chavez t<sup>o</sup> fran.<sup>co</sup> d. S. p.<sup>o</sup> t<sup>o</sup> migl de S. pedro t<sup>o</sup> Lorenzo de Sandoval ju.<sup>o</sup> mē dez escrivano /431v/ yn nehuātl dō Juā ximenez yz catqui quin oniḡ lnamic yn ipa notestameton yn ça niman ayac huel quitlacozyntla [...] ytlah<sup>ah</sup> nicapa quitoz Ça niman amo neltōcozyntla yxpa neciz Justia [*sic*] nica cemi nictzaqua yn ipa notestameto yntla haca nicapa tlatotinemi yn amo nixpa macamo neltocozyntla itlatol ahui nehuatl ça huel yxq̃ch naxca yn oniḡlpi yn ipa notestameton

## TRANSLATION

/430r/ In the name of God the father, God the child, and God the Holy Spirit, I begin my testament. Let all know who see this document that I, don Juan Jiménez, whose home is here in Cuernavaca, belonging to Tecpan in the *tlaxilacalli* of Otlipan, make my testament. Although my body is sick, nothing is wrong with my spirit and will, my thought and understanding, but they are healthy. I await death, from which no one can flee or escape, so that I am issuing my testament, my final will, which I depend on being observed, so that no one will violate it. It is this that I am beginning. First of all I place my soul in the hands of our lord God, for he made it, and I urgently implore him to show me the favor of pardoning me of my sins and carrying me to his heavenly home when my soul has left my earthly form. And I leave my body to the earth, for it emerged from there and is earth and clay.

And I want my body to be wrapped in a habit, a cloak of the friars of San Francisco; with 5 *pesos* I will pay for it. And I wish that my body be buried where my late spouse doña María lies buried, for this is our agreement. Let our father guardian, fray Andrés Guerrero, be instructed about it. I also desire for the aid of my soul, so that it will not spend a long time in purgatory, that a Mass be said for me on the seventh day; I make an offering of 5 *pesos*. I leave it up to my spouse doña Bárbara; she is in charge of it. And as to whether a few more Masses should be said for me, I leave myself in the hands of the noblewoman my spouse doña Bárbara; she is to help me as much as she can. I also desire that when my body is buried my children the cantors be given 1 *peso* to help me concerning my soul, and 4 *reales* to the *cofradía*; I offer 4 *reales* to be delivered to the hospital, which is to belong to those who are ill.

/430v/ y Here I mention what is truly my own property. My house and everything in it is truly my own; I arranged it entirely on my own. I am bequeathing it all to my spouse doña Bárbara, because she has given birth and there is an infant, María. She is to bring her up there, and no one whosoever is to take anything of my house fields from her. It was absolutely all there when I arrived; I did not enlarge it.

¶ And I declare that my field at Teoquauhco is ruler's land, my patrimony. I detach [a piece of] 20 [*quahuatl*] wide for my nephew don Diego de San Gerónimo; he is to take it. What he is being given goes through to the other side, down below. Everything [else] there belongs to my spouse doña Bárbara. She is either to cultivate it or rent it out; she will decide. The second piece is high land [*tlacpac tlalli*] [crossed out section: at the place called Atl Inepilohuayan, 40 square.]. I myself [sold it but it now?] belongs to doña Bárbara. The third is at the place named Tlatzallan and is high land. It already belongs to Andrés de Santiago. He is to take it once and for all, but first he is to present 16 *pesos* for it, which he is to give to my spouse doña Bárbara.

[in the margin: noble land in the *calpolli*] ¶ Next I mention my fields, lands here in Tepepan. There are nine of them: The first is in Tzacualpan, the second in Olactzinco, the third in Quauhchiltonco, the fourth in Ahuacaquahyo, the fifth in Yaotlica, the sixth in Techialco, the seventh in Tepetitlan, the eighth in Cohuatepec, [crossed out section: and the ninth an irrigated field in Tzacualpan. These are all truly my fields, lands, and houses. Those who are on the land are to take care of them.]

¶ And I declare that my deceased child don Diego Moquihuix gave an irrigated field to don Bartolomé [crossed out section: of Calnepantla; he really made it his property. It is 20 square and located at Xalmomolocayan at a place called Lower Tzapotitlan]. [don Diego's] grandparents gave him a second piece at the place called Xochtlan Atlauhtzinco. It is not big, just a few [...] All of this I am assigning to the noblewoman my spouse doña Bárbara. Let no one take any of what I mentioned from her, for they are really all my fields and lands; they are no one else's property.

¶ And I declare that I have an illegitimate child living named Juan Moquihuixtli, whom I engendered with one named María of Calihuacan [...]. Let my spouse doña Bárbara take him and bring him up.

¶ And I mention everything that is kept here inside my residence: a horse, saddle, and bridle; eight [Spanish-style] chairs; one log drum; one skin-headed drum;



one upright skin-headed drum; /431r/ three tables; and four large parrots. All of it is to belong to my spouse. And there are eight large chests with latches and a ninth small one, and three little shields used for dancing. All of this I am leaving to my spouse doña Bárbara. She can decide whether or not she will sell them; and there are four feathered headdresses.

¶ And I am naming as those who are to take care of this testament my younger sibling Francisco de San Pedro; Baltasar; and Lorenzo de Sandoval. All three will remind my spouse doña Bárbara when a Mass is to be said for me, and they will take care of all my property and fields so that no one will take anything from my spouse; they are to see to it.

¶ These are all the different things that I am ordering in my testament. If another testament of mine should appear somewhere, or if someone has my word that I said I would give something to him or her when I die, I cancel it all and it is to count as nothing. The only one which is to be carried out is the one I made today before witnesses. If this, my testament, is ever brought before the authorities, it is truly with my voluntary will that I issued it today, Wednesday the 16th of September of the year 1579. In order that I verify it with my own hand I affix my name and signature here:

don Juan Jiménez.

¶ Here are written the names of all the witnesses before whom the testament was issued: The first is Toribio Acolnahuacatl, the second Miguel de San Pedro of Metla, the third Francisco de Chaves of Quecholactzinco, the fourth Francisco de San Pedro, and the fifth Lorenzo de Sandoval. In order to verify it, they make their signatures here: Witness, Toribio Acolnahuacatl. Witness, Francisco de Chaves. Witness, Francisco de San Pedro. Witness, Miguel de San Pedro. Witness, Lorenzo de Sandoval. Juan Méndez, notary. /431v/ Here is what I, don Juan Jiménez, remembered in my will afterward: No one at all will be able to violate it. If [anyone] says something after I have died, he/she is not to be believed at all if he/she appears before the authorities. Here I close my testament once and for all. If someone goes around saying things after my death and not in my presence, let his or her statement not be believed. Everything that I have put in my testament is really my property.

## II. Testament of doña María Jiménez, Tecpan, Cuernavaca, 1607

[AGN, *Tributos*, v. 52, exp. 17, f. 423r-424r]

/423r/ Yn ica. yn itocatzin. dios. tetatzin. dios. tepiltzin. dios ešp̄u. Sancto. nicpehualtia. ỹ notestamēto. ma quimatican. yn ixquichtin. ỹ quitazque ynin. Amatzitli. Ca ỹ nehuatl. dona. maria. ximenez. Nicā nochā quauhhuac [sic] tecpā. nipohui. notlahxollacalpā [sic] ohtlipā. Nicchihua. ỹ notestamēto maçoyhui ỹ mococohua. Nonacayo. yeçeh y noyollo. ỹ noçaliz. ỹ notlalnamiquliz. y notlahcaquiya. amo quē ca. ca pactica. auh. nicchixtica ỹ miquiztli. yn ayac huel ixpāpah yehua. yn ayac huel quitlalcahuiya. yc nictlalia ỹ notestam ē to. ỹ ça tlatzacc ā. notlanequiliz. yc ninocauhtih. ynic mopiyaz. ynic ayac quitlaco. Ca yehuatli ye nocōpehualtiya. ỹ huel notestamēto

v̄ huel achtopa. ỹ nanima yÇenmactzinco. nocōtlaliya ỹ tt<sup>o</sup>. dios. ca oq̄ mochihuili. yhuā Ç ē ca nicnotlatlauhtilia. ynic nechmotlaocoliliz nechmopolhuiliz. ỹ notlatlacol. yhuā Nechmohuiquiliz yn ichātzīco. yn ilhuicac. yn iquac. nanima. oquitlalcahui. ỹ nonacayo. yhuā y nonacayo ytech nicahua. ỹ tlalli. Ca ytech oquiz. Ca tlali. ca çoquitl yo nicnequi.

Ça çe tilmatl. yc moquimiloz. ỹ nonacayo. yhuan. nicnequi ma ôcan tocoz y nonacayo. ỹn ocā toctitoc ỹ noteCuiyotzin. catca. don Juā. ximenez. Ca yuh catqui. tonenonotzal. Ma yxipātiloz [sic]. ỹ yehuatzī[n] padre. guardia. fray. Ju<sup>o</sup> de ollohua Auh ca amo tle. tomines. ninopielia. ca çan yehuatl ytech ninocauhtih. ỹ nonamictzin. Ju<sup>o</sup> ximenez. yehuatl. quimomachitia. ca nechmotoquiliz yn iquac ỹtla onechmopolhui ỹ tot.<sup>o</sup> dios ca yÇenmac niccauh [sic] yn ixquich tlatocamilli ca huel yaxca. ỹ notatzin. catca. don Ju<sup>o</sup> ximenez. ca tel ye nictecpanaz. yn ixquich. tlahtocamilli. ỹn ac [sic] huel quixitiniz. Ca huel taxca. ca huel total /423v/ v̄ Auh Niz catqui. y huel nixcoyā. naxca nocal ynic manic. Nechcahuilitih. notatzin. catca. dō Ju.<sup>o</sup> ximenez. mochi nicnemactia ỹ piltzintli. Ju.<sup>a</sup> ca ô-cat [sic]. yn itatzin. yehuatl quimati. ca quimopieliz

v̄ yhuā. nictenehua. y nomil. teoquauhco. tlahtocatlalli huel ypadrimonio ỹ notatzī. catca dō Ju.<sup>o</sup> ximenez. Auh yn ixquich yn [...]milli. macuillpohuali. ynic hueyac. auh y milpatlahuac napo[huali] ômacuilli. mochi nicmacatiuh yn piltōtli. Ju.<sup>a</sup> mochi cōcuiz

y ynic ontetl. tlacpactlali. atl y nepillohuaya. ytocayocā Necoc ōpohualli. mochi ytech pohuiz. y piltontli Ju.<sup>a</sup>

y ynic yetetl ytocayocā. tlatzalla. tlacpactlalli. ca ye çacayo[...] mochi ytech pohuiz. Ju.<sup>a</sup>

y auh. nim ā yehuatl. Nictenehua. ȳ nomil nic ā tepepa tlalli. chiuhcnauhtetl. ynic çetetl. tzaqualpā. ynic ōtetl. olactzinco – ynic yetetl. quauhchiltōco. ynic nauhtetl. ahuacaquauhyo ynic maCuiltetl. yaooh-tlica. ynic chiquaçetetl. techialco. ynic. 7. tetl. tepetitla. ynic. 8. tetl. cohuatepec. ynic. 9 tetl. tzaqualpa amilli. yzquitetl in. ȳ huel nomil. notlal

y auh. yoā. niquitotiu. ȳ xochtla. milli çā quexquichto. aço quēmaniya moCuepaz. ytech pohuiz ȳ piltontli Ju.<sup>a</sup>

y Auh. niz catqui. niquitohua. ȳ yehuātin niuhctzitzīhua. omētīn ynic çe. yto. Ju.<sup>a</sup> tlahco. ynic ome. anā teyiuch. niquinemactitia çeçenmecatl. quīmomaquiquiliz [sic] ȳ nonamictzin Ju.<sup>o</sup> ximenez yehuatl. quimomachiltiya. ȳ cāpa quimomaquiliz.

y Auh yn ixquich. nocalmil. ca huel naxca. nechcahuilitiuh ȳ note-Cuiyotzin. dō. Ju.<sup>o</sup> ximenez. auh ȳ calpollali. analco. ca ye omixiptlat[i] ytocayocā. quaquauhtzōtla. ayac tle huel quitoz. ca mopiya. ȳ Senteçia yn ipā. mixipatlitz

y yzquitlamatli ȳ. ȳ notestamēto. yn ipa nictlalitiuh y. auh ȳtla oc çetetl. notestamē to. Canapa neçiz. yntla noço. aca quiپیya. no /424r/ Notlahtol. [sic] ynic niquilhui. yn iquac. nimiquiz ytla nicmacatiyaz mochi. nicpollohua / Atle ypā pohuiz. Çan ixquich neltiz. mochihuaz yn axcan / onicchiuh yn imixpā. testigosme Auh ytla quēmania yxpā neçiz. Justiçia. ca yehuatl i. ȳ notestamēto. ȳ huel noyollocacopa onictlali. axcā. martes. a 9. de octubre. de 1607 ās /. ynic amo quiximati. amatl yn amo huel tlaCuillohua. nictlalia nomatica nehuatl. matheo de los angeles. nictlaliliya yn ifirma. yhuā yn itoca

+ maria ximenez

y Nican micuillohua ynin testigosme. yn intoca yn izquintin yn imixpā.  
 omotlali. testamēto ynic çe ytoca Ju[o?]achin. gomez. ynic ome Ju.<sup>O</sup>  
 huitznahuatl ynic yey. thoribio mollarez. ynic nahui di<sup>O</sup> ximenez. ytlah-  
 xollacalpa. texihuacā. auh. ynic tlaneltilia. nica. mofirmatiya yn intoca.  
 quitlalia. ŷmatica huaxtla thoribio mollaresh tecpātzinco Jhuā huitz-  
 nahuatl nixpā barthasal tetlacatl

nixpan Matheo de los angeles escr<sup>O</sup>

#### TRANSLATION

/423r/ In the name of God the father, God the child, and God the Holy Spirit, I am beginning my testament. Let all know who see this document that I doña María Jiménez, whose home is here in Cuernavaca, in Tecpan, belonging to my *tlaxilacalli* of Otlipan, make my testament. Although my body is ill, yet nothing is wrong with my soul, will, mind, and understanding, which are sound. I am awaiting death, which no one can flee or avoid, so that I set down my testament, my last will, trusting that it will be observed and that no one will violate it. It is this that I am now beginning, my true testament.

y First of all I place my soul entirely in the hands of our lord God, for he made it, and I urgently implore him to favor me by pardoning my sins and carrying me to his precious home in heaven when my soul has left my body. And my body I leave to the earth, for it emerged from there, for it is earth and clay. And I want my body to be wrapped just in a cloth, and I want my body to be buried where my late lord don Juan Ximénez lies buried, for such is our agreement. May [the matter] be put before the father guardian fray Juan de Ulloa. I have no money, and I am just trusting to my spouse Juan Jiménez to decide; he is to bury me when our lord God has effaced me. I am leaving entirely in his hands all the ruler's fields that were truly the property of my late father don Juan Jiménez. Although now I will make the arrangements about all the ruler's fields; no one can undo it, for it is really our property, really our land.

/423v/ v Here is something that is fully my own property, my house as it now is, that my late father don Juan Jiménez left to me. I bequeath it all to the small child Juana. Her father is there; he knows about it and will keep it [for her].

v And I mention my field at Teoquauhco, ruler's land, truly the patrimony of my late father don Juan Jiménez. The entire field is 100 [*quahuitl*] long and 85 wide. I am giving all of it to the child Juana; she is to go ahead and take it all.

v A second parcel is high land at the place called Atl Ynepillohuaya[n], 40 square; all of it is to belong to the child Juana.

v The third parcel is at the place called Tlatzallan, high land, grown up in weeds; all of it is to belong to Juana.

v Next I mention my nine fields that are Tepepan land here. The first is at Tzaqualpan, the second at Olactzinco, the third at Quauhchiltonco, the fourth at Ahuacaquauhyo, the fifth at Yaotlica, the sixth at Techialco, the seventh at Tepetitlan, the eighth at Coatepec, the ninth an irrigated field at Tzaqualpan; all of these are truly my fields and lands.

v In addition I say that the field at Xochtlan, just a bit of [land], will perhaps be returned sometime; it is to belong to the little child Juana.

v And I say this, that to my two younger siblings, the first named Juana Tlaco and the second Ana Teiuc, I bequeath a mecatl [of land] each. My spouse Juan Jiménez will give it to them; he can decide where he is to give it to them.

v And all my house fields are truly my property; my lord don Juan Jiménez left them to me. And there is *calpolli* land at Analco; it was already exchanged [for land] at Quaquauhtzontlan; no one can say anything about it, because [we] have a judgment about [how] it will be exchanged.



y These are all the things in my testament, which I issue in it on departing. But if another testament of mine should appear from somewhere or someone has /424r/ my word that I gave him/her that when I would die I would give him/her something, I cancel it; it will count as nothing. Only the one I have now made before witnesses is to be carried out and executed. If it should appear sometime before the authorities, this is my testament that with my fully voluntary will I issued today, Tuesday the 9th of October of the year 1607. Because she is not acquainted with documents and cannot write, I Mateo de los Ángeles with my own hand am setting down her signature and name:

+ María Ximénez

y Here are recorded the names of these witnesses, all those in whose presence the testament was issued. The first is named Joaquín Gómez, the second Juan Huitznahuatl, the third Toribio de Morales, the fourth Diego Jiménez of the *tlaxilacalli* of Texihuacan. To verify it, here they sign their names, set down by their own hands:

Huaxtla: Toribio de Morales. Tecpantzinco: Juan Huitznahuatl. Before me, Baltasar Tetlacatl.

Before me, Mateo de los Ángeles, notary

*III. Nahuatl testament and codicil of don Toribio Cortés, of Ollac Tepetenchi, December 5, 1559*

[William Clements Library, *Cuernavaca Papers*, f. 96r-99r.]

/96r/ ma moyectenahua yn itocCatzin yn dius tetatzin y dius tepiltzin dius eSpirito santo niquitohua y nehuatl don toribio Cortez niCan noChan ollac tepetenchi Ca ye ninomiquilisnequi heneh [?] hualmonochilis<sup>ne</sup>qui yn noteouh y notlatoCauh auh maçihui y ÇenCa moÇotlahua y nonaCayo auh y noCoColis y notlalnaCayo miquilis Ca amo quē Ca Ca pactiCa auh y aCachtopa ymactizinCo noConCahua y noanima y noteouh y notlatoCauh Ca itlachihualtzin auh y nonaCayo ytech niCahua yn tlali Ca ytech oquis Ca çan tlali Ca Çan Çoquitl y nehuatl don toribio Cortes niCan nictlalia y notestamento Ca noÇenyoloCaCopa yn aiac nechcuitlahuiltia yn imixpā y notestigohuan y nahuintin pipiltin yn ollac huehuetque chiquaÇen tlacatl Jua<sup>o</sup> tlapaltecatl ollac fran<sup>co</sup> tlapalteCatl tlapallan don migel gar<sup>a</sup>: analco thoribioSanchez calnahuac felipe ollaCatl ollac migl analCatl analCo fran<sup>co</sup> thocalpaneCatl yxtlahuaCā: pedro chiapaneCatl huaxtla fran<sup>co</sup> huitznahuatl thotlan o yehuantinin y noteStigohuā yn imixpan y motlalia y noteStamento yn izquitlamātli y notlanequilis yn itech monequiS y nanima

V yniC Çentlamātli niquitohua y nehuatl don toribio Cortez yntla ninomiquiliis honCan ninotlaytlania y iacuic mochihua yglesia onCā motoCaS y nonaCayo auh ynic motoCas y nonaCayo Calaquis yn huentzintli yn teopā ome ps.<sup>o</sup> ypan nahui tomin

V auh ynic ontlamantli niquitohua y notlanequiliS Çentetl haBito niquitlatiuh yc quimiliuhitiaS y nonaCayo auh calaquiS yn huentzintli y teopā macuili pe.<sup>s</sup> yn ixiptla haBito Ca noyolcacopa y niquitlantiuh haBito

V auh ynic yetlamātli niquitohua y notlanequiliS yn CuiCanime yn Cantores niquinmaCatiuh ome p<sup>s</sup> ynic Canaquihui y nonaCayo auh niquitlantiuh nauhtetl respoSo yn õpan quiteCaSque yn otliCa auh yehuantin quimati yn topilhuantzitzihuā y çaÇo quesquitetl nechmotlalyoColilisque respoSo

V auh ynic nahui Capitulo niquitohua y notlanequilis oSpital nicC<sup>a</sup>chiuhtiu ome ps<sup>s</sup> yc quiSaz yn CandellaS onCan tlatlatias yn otlica yn iquac Canaquihui nonaCayo

V auh ynic Cuiltlamātlī [sic] niquitohua y nehuatl don torbio Cortez y notlanequilis niquintlantīuh matlactli miSSa y nopa mitos Calaquīs yn huēntzintli Çēnpohuali o maCuili ps yn teopā auh yn iquaC yn oninomiquli Çan nimā moCahualiuh yn çēnpohuali o macuili ps<sup>s</sup> yn teopan yehuātin quiCahualihi [sic] in imixpan onictlalia y notestamento y notestigohuā

96v/ V ynic ChiquaÇentlamantli niquitohua y notlanequiliS yntla Cuenmanian ninomiquiliS yntla yohuatzinCo auh yn iquac toCos y nonaCayo yn teotlac niman pisperas nopā mitos auh yntla otlac [sic] ninomiquilis anoÇo yohuatzinCo yn ÇaÇo quenmanian nechmolnamiquilis y note<sup>o</sup>uh dius auh yn iquac yn toCos y nonaCayo y yohuatzinCo nimā Çentetl miSSa nopā mitos amo polihuiS yn isquiltlamātlī y notlanequilis yn oniquito yn itech monequiS y nanima ynic quimotlayoColilis y noteouh dius ynic quimac noyliliS [sic: noyoliliz(tli)]

V ynic ChiContlamantli niquitohua y nehuatl don toribio Cortez çetl oCatCa nochpotzin ytoCa doña ana Cortez Xiloyectzin çan niçel nopiltzin oCatca auh omomiquili auh çetl yc moCauhtiuh noxhuihtzin ytoCa doña loÇia Cortez Ca noÇihuatzintli omonamicti teteCala don thomas triSuel auh niquitohua y notlatol y notlanequiliS y nehuatl don toribio Cortez ytla Cana Çan niCan omonamictiani y noxhuiuh doña loSia ma yca<sup>mo</sup>yeztacan yn ixquich y noCal auh ynin Ca hueCa yn omonamicti auh niquitohua y notlanequiliS yn ixquich noCatl [sic] yn tecpanCali yc Catqui ymac niCahua y noteztigoshuan quinamaCasque yn tetl auh yn aquin quiCohuas maCuilpohuali ps<sup>s</sup> = 100 p<sup>s</sup> = quitemaCas yn tomin auh yn aquin quiCohuas yn tetl yn ano Caxtiltecatl niman quiquixtlis auh amo yhuan yn tlali y monamaCas Çan yxquich y tetl auh yn iquac yn omoten yn maCuilpohuali peso maCos yn noxhuiuh yn doña loçia Cortez honpohuali psus auh yn onpohuali peSuS notech monequiS yey miSSa nopan mituz auh yehuan quiCahualihui y teopā y noteztigohua yn onpohuali peSuS auh yn Çēnpohuali peSuS niquinmaCatiuh y noteztigohua quimoxexelhuisque yn izquintin tlacpac teneuhtiCate

V auh ynic chiCuetlamātili niquitohua y notlanequilis yn Calmili yn tonatiuh yCalaquian manic nicmaCatiuh y noxhuiuh y doña LoSia Cortez yc hualaliz yn apantli yn quahuatl tequi yn temotiCac yn ochpāteco yn quahuatl tenqui [sic] honasi yn tlanihuis ayac quiCuilis Ca niCan nictlalitiuh y notlatol

V auh ynic chiuhnahutlamātlī niquitohua y notlanequilis yehuatl y noxhuiuh dona LoÇia Cortez nicmaCatiuh yn ahuehuetitlan manic yn tlalquactli [*sic*] yhuan yn oCotepec manic yn tlalhuactli yn tlallapāco yn otentli quitoCatoc yhuan y milpitzactli yn teopāCaltitlan yhuā CopalhuaCan mili yhuā teopan quiahuac y hueymili ynahuaCayotoc auh y mayeque oCatCa Ca mochtin tequitCapan omopuhque Ca ye oquiCauhque yn pilali auh yehuātin quimati yntla ocçepa quihualmatiSque yn pillali Ca quitequipanosque y noxhuiuh doña LoÇia Cortez

97r/ V ynic matlactlamātlī notlanequilis niquitohua y yehuatl y nomach don fran<sup>co</sup> quauhpackiuhqui momaCatiuh yn tzaqualpanapan manic amilli yn ipa yoque [*sic* = yolque] mayeque auh yn mayeque quitequipanoque y noÇihuamotzin yn doña Juana Ca yuh quimatiuh y noyolo amo quitlaçotla yn ita yn don thoribio y nomachhuan auh oCÇepa niquitohua y notlatol ynin mayeque amo huel quinCuilis yn don thoribio ca ye ytech onicpuh y nomach don fran.<sup>co</sup> quauhpackiuhqui Ca nechtequipanohuaya yn mayeque

V auh ynic matlactlamātlī õçetl niquitohua y notlanequilis i yehuatl y nomach don fran<sup>co</sup> quauhpackiuhqui nicmaCatiuh yn aCatonCo amilli yhuā yn tlnecictepec manic amilli yhuan y tetlalpā manic amilli quauh-tla tlatzintla: yhuan y çaCamilpā manic yn tlalhuactli nicmaCatiuh y nomach don fran<sup>co</sup> quauhpackiuhqui

V auh ynic ma<sup>c</sup>tlactlamātlī omome niquitohua y notlanequilis yn yehuatl y nomach fran<sup>Ca</sup> xiuhtlamiyahuatl yn quimoCahuilitiuh noteiCaCauhtzin yn don melor de los angeles nicmaCatihi [*sic*] yn Calmili y noCal ypān iCac Ca tlacpateneuhtiCa yn tetl monamaCas auh yn Calmili yn tlali nicmaCatiuh ytech nipuhtiuh y nomach fran<sup>Ca</sup> xiuhtlamiyahuatl yn onaÇi ochpantenco y tlanihuic yc tlamelatiCaC yn apantli yn quahuitl tenqui yn temotiCac auh y tonatiuh yquiSayan oxomalCactiCa yn Calmili yn õcan oquitlaliCa tenextepantli GoVernador Cortez yhuan niCmaCatiuh y nomach yn fran<sup>Ca</sup> xiuhtlamiyahuatl yc çan Çe mieS yn iCamil y noteyCauhtzin oCatCa don melCõr de los angeles ayac onCan tlatoS Ca nitiachCauh ynic nicxelotuih yn tlali Ca nictlalitiuh notlatol Ca yn iquac yn otechCuilisquia y donor<sup>o</sup> Corthez yn toCamil yhuan toCal Ca yc otitoteylhuique yn ixpantzinCo JustiÇia ynic otiquixtique yn tona<sup>or</sup> Cortez auh y nehuatl Ca niteachCauh yaCachtopa onitlaCat auh yn iquac otimaCoque yn toCal yhuā yn toCamil auh niman onicxelhui yn don thoribio yn Calmili yn axcan ypan Ca Çan ixquich onicmaCac amo

tlalhuactli onicmaCac auh amo tle quimixtoquilis yn tlali y nomachhuan y noxhuihuan yni Capa Ca niCan nictlaitiuh yn notlatol auh y noteyCautzin don melor: oCatCa onicmaCac yn Calmili yhuā y tlalhuactli yn tlalcomolCo auh yn axCan yn ipan nomiquistêp[an]

/97v/ y notzonquiÇaliSpan oCÇepa niquinxelhuitiuh yn tlalli y nomachhuan y noxhuihuan yniC amo yn nechmotlatzaCuilitis y noteouh dius auh y nomach yn fran<sup>ca</sup> xiuhtlamiyahuatl aya<sup>c</sup> quiCuilis auh ca niquitohua y notlatol yntla momiquilis y nomach yn fran<sup>ca</sup> xiuhtlamiyahuatl yn tlali onicmaCac ConCuizque yn ioquichtihuan auh yn ipanpa amo tleyn niquinmaCatiuh yn gaspar yn Balthasar anmoquitohua [anmo quitohua] yn motolinia yn totlatzin yn ma tiqualehuaCan ma ytlantoYeCan Çan telpochtlahueliloque

V ynic matlactli homei niquitohua y notlanequilis yn yehuatl y nomah yn fran<sup>ca</sup> xiuhtlamiyahuatl nicmaCatiuh yn temetlayoCan y manic tlali tlalhuactli yhuan yn oCotepec manic tlalhuactli y texCalticpac opehua onaÇi othotliCa ayac quiCuilis y nomach yn fran<sup>ca</sup> xiuhtlmiahual yn isquitetl onicmaCac Ca niCā nictlalitiuh notlatol nicneltilitiuh auh yn ixquich yn oniquinxexelhui y tlali y nomachhuan y noxhuihuan Ca mochi onicchiuaya Canel niteachCauh Ca notech quiCauhtiuh yn totatzin Catca yn teohuatzin yntla oCate nopilhuā Ca yehuātin yntech niCauhtias yn tlali auh ynin Cayac onechmomaquili yn toteouh dius Ca yehuātzin y nomachhuā y noxhuihuā y niquinmaCatiuh yn tlali yn imeyxtin y niCan ypan y CuiliuhitiCate y notestamento y niquinteneuhtiuh

V auh ynic matlactlamātli onahui niquitohua y nehuatl don toribio Cortez y noxhuihuan y nomachhuan yntla quimonequitis yn tote<sup>o</sup> dius, yntla quinmoÇepahuapahuiliS yntlaCamo mopilhuatisque auh yn tlali yn oniquinmaCatehua yn oniquinxexelhuitehuac yehuantin quichihuasque yn aquique onemisque auh oCÇepa niquitohua y notlatol yntla Çetl quimohueyquechilis yn tote<sup>o</sup> dius y nomachhuā y noxhuihuan yntla mopilhuatisque yehuatl quiÇentlalis yn ixquich yn tepetenchi yn tecpilali ayac onCan tlatos yn amo totlaCameCayo yn amo tohuayolqui Ca Çan yehuantinin y nomachhuan y noxhuihuan yn imeyxtin y niquinteneuhtiuh yn ipan y CuiliuhitiCate y notestamento

/98r/ V ynic Caxtoltlamatli niquitohua y notlanequilis y yehuatl y nonamiC Çihuapilli doña madallena Cortez ayoCac ytechpa onicquixima yn



piltzintli auh nicmaCatiuh Çenpohuali pso<sup>s</sup> ytech monequiS yhua CaSo ontetl tlapectli çentel metlatl nahui

ayac onCan tlatos Ca nicneltitlitiuh nictlalitiuh notlatol

V ynic Caxtotlamätli oÇetl niquitohua notlanequilis omentin otlacpahuitectzitzihuan Çihuatzitzintzin onechmotequipanilhuique atoltzintli onechmomaquilique auh niquitohua y notlanequiliS y maria tiaCapan nicmaCatiuh ChiquaÇen ps<sup>s</sup> yhuan Çentetl CaSo yhuā çe tlatli [*sic* = metlatl] auh y Juana teiÇictiuh nicmaCatiuh maCuili ps<sup>s</sup> yhuan Çetl CaSo yhuan metlatl Çetl auh yn ixquich yn tocalaqui yn teContzintli yn Contzintli mochi niquinmaCatiuh y notlacpahuitectzitzinhuā yehuatl quimati yn innätzin y doña magnallena Cortez quinxelhuiz ypilhuan Ca ytech niCauhtih

V ynic Caxtolamätli omome niquitohua y notlanequiliS y yehuatl y nonamic y doña mag<sup>na</sup> Cortez yntla oc niCan omoyetzinotaz yn quexquich cahuitl oquitech opouhtiez yn Cali auh yntla mohuiCaS yn ichantzincó yn tlaquiltenācó nimā quinamaCasque y noteztigohuā yn Cali yn iquac yn ontlamis nomiSSa yn isquitetl y niquitlantiuh yn tlapca teneuhtica y Cuiliuhtica

V ynic Caxtolamätli ome y niquitohua y notlanequilis yn ixquich omopixCac y Çentli yn quexquich moyaz yn tlayoli quixelhuisque y nonamic doña mag<sup>na</sup> cortez oc niCan quimoqualtitez a<sup>h</sup> yn ixeliuhCa yn tlayoli notech pohuis yn iquac miSa nopan mitos - yn acme [?] notepalehuiCahuan yntech monequiS

V oyzquitlamätli yn yn [*sic*] onicteneuh yn ipan noteStamento y niquiliuhica y notlanequilis yn imixpā y noteztigohuan yn iSquintin yn tlapac teneuhcate ma quimatiCan yn quimoCuitlahuia yn JuStiSia yntla quenmanian ymixpan neSis y n<sup>o</sup>teztamento onCan quitasque yn iuh onichipan [*sic*: onichuipan] yn izquitlamantli y notlanequilis yn itech monequis yn nanima - yhuan y no yuh niquitlamamaCatiuh y noxhuihuan yn nomachhuan yn imeyxtin yn tlapca teneuhticate ca imixipan /98v/ y noteztigohuan don migl gar<sup>a</sup> thoribio Sanchez frn<sup>co</sup> tlapalteCatl Juan tlapalteCatl huehuetque felipe ollaCatl migl analCatl fran<sup>co</sup> thoCalpaneCatl pe<sup>o</sup> ChiapaneCatl fran<sup>co</sup> huitznahuatl o yehuantinin y noteztigohuan auh yn otlamiC yn otzonquis y noteztamento axCan llones yc maCuililhuatl yn itlapohuallo meztli disiembre = 15:59 años

auh ynic niCneltilia niCan nictlalia yn notoCa yhuan y nofirma yhuan y  
noteztigohuan quitlalia yn intoCa yhuan ynfirma auh yn amo quimati  
tlaCuilloli ypāpa quitlaliz yn intoCa: es°

don martin CortEs

Juan tlapaltecatl

don miguel gar<sup>a</sup>

thoribio Sanchez

fran<sup>co</sup> tlapalteCatl

feliipe olaCatl

migl analcatl

fran<sup>co</sup> thoCalpaneCatl

pe° chiyapaneCatl

fran<sup>co</sup> huitznauatl

nixpā omochiuh = fran<sup>co</sup> romano es°

/99r/ [Codicil]

Yn tehuantin pipiltin: Don torivio Cortes: gobernador yhuan tehuātin:  
alcaldes regidores: nican villa quauhnahuac: Santa maria aSupSion:  
ticpachuhua tictequipanohua yn ialtepetzin: yhuan toJusSia [*sic*] yn  
ixpantzinco: yn tohueytlatoCatzin: rey yhuan totlatoCatzin marqueS del  
balle: anmo aquin quixitiniS: yn notlatol ynic niCan nictecpantiuh: Ca  
mochi altepetlali yn niCan villa quauhnahuac Ca ypan tlaCalaquisque:  
yn ipilhuantzitzinhuan diuS: ypan quimantasque yn itlaCalaquiltzin:  
noeStro Señor rey: yhuan totlatoCatzin marques del balle hamo  
quemanian: tleyn quitoS noSo quinquixtiliS: quimaxCatis yn tlali: anmo  
quenmanian: aca Se CaxtilteCatl: noSo mestiSo: noSo molato noSo çe  
teopixCatztinli: Ca huel toaxCa altepetlali yn aquin quinmonemiltis:  
dius Ca quiteytitiS ynin noteztamento: yn aquin quimaXCatiS: Ca  
quimomachiltiS noestro Señor rey: yehuatzin quinmopalehuilis: yn ipil-  
huantzintzinhuan dius: yntla yxpan yn pipiltin yhuan noteztigohuan  
tlantiCa tlamelahua: SaCanCo ytlamian telihiuitl: tlamelahua yhuetzian  
tonatiuh ypan huey atl hualamelahua telquechecan tlamelahua mi-  
Chapan tenanpa: tlamelahua tetziCaaC tlamelahua tlapitzaCo tlaltataCo  
tlalmachiotl tlamelahua atzinco yhuan popotla tlamelahua quauhtamala  
tlamelahua quauhtla: yca huitzillac tlamelahua Cuezcontitlan: hual temo  
quexomalitlan yCa tlamelahua tetenCo: hual tlamelahua texalpan yca  
xiuhtepec hualamelahua tetzontepeC yCa yzCuintepec yCa CoCo-  
tehuaCan hual pano yca huey atl quihualnamiqui SaCanCo yn ipan lones  
yhuan metzli yc maCuil ylhuitl ytlapohual diSiemBre: ypan xihuitl =  
15:59 años

niCan tictlalia totoCa yhuan tofirma ynic neltlistli  
 Don martin Cortez = Don torivio Cortez = Juan tlapaltecatl  
 Don migl garsia Don toribio Sanchez = fran<sup>co</sup> lopes tecpanecatl fran<sup>co</sup>  
 tlapaltecatl felipe olacatl migl analcatl = pe<sup>o</sup> chiapamecatl fran<sup>co</sup> huiz-  
 nahuatl = nixpan omochiuh fran<sup>co</sup> ramano eSC<sup>no</sup>

#### TRANSLATION

96r/ May the name of God the Father, God the Son, and God the Holy Spirit be praised. I, don Toribio Cortés, am here in my home of Ollac TepetENCHI. I already am about to die [*heneh*] my God and my ruler wants to come and summon me. Even though my flesh is very weak [and] from my sickness my earthly body will die, nothing is wrong with [my soul]; it is healthy. First, I am leaving my soul in my ruler God's hands, for it is his creation. And I leave my flesh to the earth, for it emerged from there; it is just dirt, just clay. I, don Toribio Cortés, set down my testament here; it is [done] with my complete voluntary will, for no one forced me. Before my witnesses, four of whom are noble elders of Ollac [and] six [other] people: Juan Tlapaltecatl of Ollac, Francisco Tlapaltecatl of Tlapallan, don Miguel García of Analco, Toribio Sánchez of Calnahuac, Felipe Ollacatl of Ollac, Miguel Analcatl of Analco, Francisco Tocalpanecatl of Ixtlahuaca, Pedro Chiapanecatl of Huaxtla, Francisco Huitznahuatl of Otlán. They are my witnesses, before whom is set down my testament, the many things down my testament, my wishes about the many things that are to be necessary for my soul.

✓ The first thing I say, I, don Toribio Cortés: When I die, I ask that my body be buried there in the newly built church. For my body to be buried, an offering of two *pesos*, four *tomines* is to be paid to the church.

✓ The second thing I say about my desires: I ask that my body be wrapped in a habit. An offering of five *pesos* is to be paid to the church for the substitute habit, for I am asking for the habit voluntarily.

V The third thing I say about my wishes: I am giving the singers, the cantors, two *pesos* so that they will come to take my body. I ask that they say [sing] four prayers for the dead for me on the road. My children know about however many of the prayers for the dead they are to make for me.

V The fourth chapter I say about my wishes: I am leaving 2 *pesos* to the Hospital; [the funeral procession] will be celebrated<sup>103</sup> with candles; they are to be burnt along the road when they come to take my body.

V The fifth thing I say, I, don Toribio Cortés, about my wishes: I ask for ten Masses to be said for me. An offering of 25 *pesos* is to be paid to the church. When I die, the 25 *pesos* are [to be] left to the church immediately. They are to deliver it as I set down in my testament before my witnesses.

/96v/ V The sixth thing I say about my wishes: If I die sometime early in the morning, my body is to be buried in the afternoon, whereupon an evening Mass<sup>104</sup> is to be said for me. If I die in the afternoon or in the early

103 While I originally translated “*quizas*” as “will come out/emerge”, I now think that a better sense is the less common meaning of “*quiza*”, to celebrate a fiesta, referring to the “celebration” of the funeral procession, as indicated by the burning of the candles along the road.

104 This is what the Catholic Encyclopedia has to say about Vespers: “In the sixth century the Office of Vespers in the Latin Church was almost the same as it has been throughout the Middle Ages and up to the present day. In a document of unquestionable authority of that period the Office is described as follows: The evening hour, or vespertina synaxis, is composed of four psalms, a capitulum, a response, a hymn, a versicle, a canticle from the Gospel, litany (Kyrie eleison, Christe eleison), Pater with the ordinary finale, oratio, or prayer, and dismissal (Regula Sancti Benedicti, xvii). The psalms recited are taken from the series of psalms from Pss. cix to cxlvii (with the exception of the groups cxvii to cxxvii and cxxxiii to cxlii); Pss. cxxxviii, cxliii, cxliv are each divided into two portions, whilst the Pss. cxv and cxvi are united to form one. This disposition is almost the same as that of the ‘Ordo Romanus’, except that the number of psalms recited is five instead of four. They are taken, however, from the series cix to cxlvii. Here, too, we find the capitulum, versicle, and canticle of the ‘Magnificat’. The hymn is a more recent introduction in the Roman Vespers; the finale (litanies, Pater, versicles, prayers) seems all to have existed from this epoch as in the Benedictine cursus. Like the other hours, therefore, Vespers is divided into two parts; the psalmody, or singing of the psalms, forming the first part, and the capitulum and formulæ the second. Vesper time varied according to the season between the tenth hour (4 p.m.) and the twelfth (6 p.m.). As a matter of fact it was no longer the evening hour, but the sunset hour, so that it was celebrated before

morning in any manner [when] my deity, God will remember me [*i.e.* when I am dead], my body is to be buried in the morning [and] a Mass is to be said for me. Nothing I have stated in my will is to be destroyed; what is necessary for my soul is to be fashioned by my deity God, for he gave me my life.

✓ The seventh thing I say, I, don Toribio Cortés: My late daughter doña Ana Cortés Xiloyactzin was my only child. But she died. Now only my granddaughter named doña Lucía Cortés is left, and she was married in Tetecala to don Tomás Trisuel. I say in my statement that it is my wish, I, don Toribio Cortés, that if somehow doña Lucía had just been married here, my entire house would be with her. But she was married a long way off. Thus, I say that it is my wish that I am leaving my entire house, the palace, in the hands of my witnesses. They are to sell the stone. Whoever buys it is to pay 100 *pesos* in cash. Whoever will buy it is not to be a Spaniard. Then [the buyer] is to take [the stone] away, but the land is not to be sold, just the stone. When the 100 *pesos* are paid, my granddaughter doña Lucía Cortés is to be given 40 *pesos*. Forty *pesos* will be required so that three masses will be said on my behalf. My witnesses are to leave the 40 *pesos* to the church. And I am giving 20 *pesos* to my witnesses. They are to divide up everything mentioned above.

✓ The eighth thing I say about my desires: I am giving the *calmili* [field associated with the house] on the west to my granddaughter doña Lucía Cortés: When it comes to a canal at a cut tree [*i.e.* stump] it descends to Ochpantenco [or “to the edge of a wide road”], [and] at a tree stump it arrives at its end. No one is to take it from her, as I am setting it down here in my statement.

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the day had departed and consequently before there was any necessity for artificial light (Regula S. Benedicti, xli)”. This is a point to be noted, as it was an innovation. Before this epoch this evening *synaxis* was celebrated with all the torches alight. The reason of this is that St. Benedict introduced in the cursus, another hour—that of Compline—which was prescribed to be celebrated in the evening, and which might be considered as a kind of doubling of the Office of Lucernarium.  
(<http://www.catholic.org/encyclopedia/view.php?id=12008>).

V The ninth thing I say about my wishes: I am giving my granddaughter doña Lucía Cortés the non-irrigated land at Ahuehuetitlan and the non-irrigated land at Ocotepec, which is low-lying land following the edge of the road, and the narrow field next to the church, and the field at Copalhuacan and the large field laid out next to the entryway to the church. There were *mayeque* [dependents] assigned to work on it, but they have already left the *pillalli* [land of a noble]. They know that if they return again to the *pillalli* they are to serve my granddaughter doña Lucía Cortés.

/97r/ V The tenth thing I say about my desires: My nephew don Francisco Quauhpaquihqui is being given the irrigated field located at Tzaqualpanapan, upon which the *mayeque* live. These *mayeque* serve my daughter-in-law doña Juana. In this way, my heart knows that her father, don Toribio, and my nephews do not love her. Again, I say in my statement that don Toribio will not be able to take the *mayeque*, for I have already assigned them to my nephew don Francisco Quauhpaquihqui, for the *mayeque* had served me.

V The eleventh thing I say about my will: I am giving my nephew don Francisco Quauhpaquihqui the irrigated field at Acatonco, the irrigated field at Tlalnecictepec, and the irrigated field at Tetlalpan, And I am giving the non-irrigated land at Quauthtla, Tlatzintitla, and Zacamilpa to my nephew don Francisco Quauhpaquihqui.

V The twelfth thing I say about my will: My younger brother don Melchor de los Ángeles is leaving behind my niece Francisca Xiuhtlamiyahuatl [*i.e.* he has died]. I am giving her the *calmili*, which is the site of the house sold off as stone mentioned above. I am giving the *calmili*, the land, to her; I am assigning it to my niece Francisca Xiuhtlamiyahuatl. It arrives at Ochpantenco [or “at the edge of the wide road”], below it goes straight to a canal; at a tree stump it descends in the east towards the *calmili* at Oxomalacac where the governor Cortés<sup>105</sup> built a plaster wall. I am leaving it

105 This could refer to the early indigenous governor of Cuernavaca, don Hernando Cortés, who lived into the late 1540s. But it is more likely that the reference is to the first Marqués



to my niece Francisca Xiuhtlamiyahuatl, for it was always the *calmili* of my younger brother, the late don Melchor de los Ángeles. No one is to speak up about it, for I, the older brother, shared the land with him, as I am setting down in my statement. When our governor Cortés tried to take our *calmili* and house from us, we complained before the authorities [*justicia*], so we evicted our governor Cortés. I am the older brother, who was first born. When we were given our house and our *calmili* I, don Toribio, shared the *calmili* with him [the younger brother]. Now I have given everything on it; it was not non-irrigated land that I gave him.

He [the governor Cortés] is not to claim anything from my nephews and grandchildren, where I am setting it down here in my statement. I left the *calmili* and the non-irrigated land at Tlacomulco to my late younger brother, don Melchor. Today, at the edge of my death /97v/, at the end of my life, again I am dividing the land among my nephews and grandchildren so that my deity, God, will not punish me. No one is to take it from my niece Francisca Xiuhtlamiyahuatl. I say in my statement that if my niece Francisca Xiuhtlamiyahuatl dies, her older brothers are to take the land I gave her. I am not giving anything to Gaspar and Baltasar: You say that “our uncle is poor”, that “he brought us up this way”.<sup>106</sup> But they are just dissolute youths.

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del Valle, Hernando Cortés, and perhaps even to the second Marqués (or both), who were embroiled in various lawsuits with local indigenous leaders (including the Nahuatl governor don Hernando Cortés), until a settlement was finally reached in the most important litigation in 1551, by which time the indigenous don Hernando had passed away. See Haskett, *Visions...*, p. 205-206.

- 106 This is more or less how the colonial-era Spanish translation rendered this phrase, “lo lebantemos questamos....”. The Nahuatl is in an optative form, and as of this writing I have not been able to reconcile the Spanish with it satisfactorily, unless in this case the *ma* works as “that” in English, as it can in some other forms (see Lockhart, *Nahuatl as Written*, p. 181), and instead of *tiqualehuacan*, which is clearly what the Nahuatl text has, should really be *tihualehuacan*, which would work more like the Spanish, in that *hualehua* can mean “rise”, though the normal verb meaning to raise children is *huapahua*. If this will is a later copy of a sixteenth-century original, which I believe is so, then it is not completely beyond the realm of possibility that *qualehua* is a copist’s error for *huapahua*. I cannot come up with a plausible original form for *ylantoyecan*, unfortunately, no matter how I have broken it apart and analyzed the results. This would certainly be convenient, but perhaps a reader will easily see what is actually going on and enlighten

V The thirteenth [thing] I say about my will: I am giving my niece Francisca Xiuhtlamiyahuatl non-irrigated land at Temetlayopan [or “place covered with stone used for *metates*”], and the non-irrigated land at Ocotepec. It begins above the crag and arrives at the edge of the roads. No one is to take it from my niece Francisca Xiuhtlamiyahual. Everything I gave her I set down here in my statement and am verifying it. I divided all the land among my nephews and my grandchildren, for I have done all of it, since I am the eldest brother. Our late father, Teohuantzin, left it to me. If my children existed I would leave them the land. But my deity God did not give any to me. So, I give the land to all three of my nephews and grandchildren, as is being written here on my testament; I am naming them.

V The fourteenth thing I say, I, don Toribio Cortés: If our Lord God desires it, if he will cause all of my grandchildren and nephews to grow up [*i.e.* let them survive]; if otherwise they do not have children, [then] the land I left to them, which I divided among them, those who survive are to do it [divide the land]. Once again I say [in] my statement that, if our Lord God makes [even] one [of the offspring] of my nephews and grandchildren become an adult,<sup>107</sup> if they have children, [someone] is to gather/combine the Tecpilali at TepetENCHI. No one there is to say that “he is not of our lineage, it is not of our relatives.” For they are just my nephews and grandchildren, all three of whom I name in the writing of my testament.

/98r/ V The fifteenth thing I say about my wishes: My wife, the noblewoman doña Magdalena Cortés, and I no longer have living children. I am leaving 20 *pesos* that will be needed by her, and two kettles, a bed, and 4

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us all. In the meantime, the Spanish translation seems to capture the spirit of the passage pretty well.

107 This seems to be a very conditional sentence about the survival of his heirs and the possibility that they will have children. The verb I am translating as “to become an adult”, is “*yntla cetl quimohueyquechilis*”, which I firmly believe refers to a possible offspring of one of the nieces/nephews and/or grandchildren. The root is *quechilia*, which Lockhart, *Nahuatl as Written*, p. 231, translates as “to make someone rise up; to make something to higher”, an applicative of “*quetzal*”. I think that by adding the *huey* onto it, it has the sense of “becoming an adult” or at least “growing big”.

*metates*. No one is to say anything there, for I am verifying [what] I am setting down in my statement.

✓ The sixteenth thing I say about my desires: Both of my stepdaughters served me [with] *atole*, they gave it to me. I say that it is my wish that I am giving María Tiacapan six *pesos*, a kettle, and a *metate*. To Juana Teicictiuh I am giving 5 *pesos*, a kettle, and a *metate*. Everything we possess [in the house],<sup>108</sup> the clay pot and clay ladle [*tecontzintli*; *xontzintli*],<sup>109</sup> I am giving it all to my stepdaughters. Their mother, doña Magdalena Cortés, is to divide it among her children, for their mother, doña Magdalena Cortés, knows [how] she is to divide [these things] among her children, for I am leaving it up to her.

✓ The seventeenth thing I say about my wishes: If my wife, doña Magdalena Cortés, had always still had a house here forever, it would have been assigned to her;<sup>110</sup> but if she will go to her home in Tlaquiltenango then my witnesses are to sell the house when my Masses end, however many I am requesting [as] mentioned above in writing.

✓ The eighteenth thing I say about my desires: They are to share all the ears of maize that were harvested [and] however many maize kernels will come of it with my wife, doña Magdalena Cortés, who is to consume it here. And separately maize kernels will be assigned on my behalf when a Mass will be celebrated for me to those who<sup>111</sup> are my aides, as is necessary for them.

108 The Nahuatl here is “*yn tocalaqui*”, with could be a copying error or a simple mistake for “*yn titocalaqui*” (we entered), or in other words other possessions, for their nature things found in the house.

109 These are reverentials of *tecomatl*, the standard term for “pot”, and *xomatli*, which Molina, *Vocabulario*, f. 161r (Nahuatl to Spanish section) defines as “*cuchara de barro*”. It is tempting to see this as some kind of pot and a ladle, but a stirring spoon would also seem just as likely.

110 We have here “*oquitech opouhtiez*”, which I think is: “*oc itech*” and the following verb.

111 There is a phrase here, “*yn acme*”, that I think has at its root *ac*, which is an interrogative meaning “who”. However, when something like this is proceeded by the article *yn* it often loses its interrogative sense.

All the things I mention in the testament I am writing in the presence of all of my witnesses named above are my desires. May he who takes care of it, the magistrate, know [that] if sometime my testament will appear before them [Spanish officials], there they [the witnesses] are to see how I arranged all of the things, my wishes that are necessary for my soul, and also how I am thus giving things to my grandchildren and nephews [and] nieces, all three of whom are mentioned above. It is [done] in the presence, /98v/ of my witnesses: don Miguel García, Toribio Sánchez, Francisco Tlapaltecatl, Juan Tlapaltecatl, elders, Felipe Ollacatl, Miguel Analcatl, Francisco Tocalpanecatl, Pedro Chiapanecatl, Francisco Huitznahuatl; all of them are my witnesses. Here my testament ends; it concludes, today, Monday, the fifth day counted in the month of December, 1559. So that I verify it, I set down my name and my signature here, and my witnesses set down their names and signatures; they do not know how to write, so the notary will set down their names.

Don Martín Cortés

Juan Tlapaltecatl

Don Miguel García

Francisco Tlapaltecatl

Felipe Olacatl

Miguel Analcatl

Francisco Tocalpanecatl

Pedro Chiyapanecatl

Francisco Huitznahuatl

It was done in my presence, Francisco Romano, notary

/99r/ We the nobles, don Toribio Cortés, governor, and we the *alcaldes* [and] *regidores* here at the Villa of Santa María de la Asunción Quauhnauc: We govern and serve here at her *altepetl*, and our authority is in the presence of [*i.e.* in the name of] our great ruler the King and our ruler the Marqués del Valle. No one is to destroy my statement about how we are laying out all the *altepetl* land [*altepetlalli*; corporate property] here in the Villa of Quauhnauc. God's children [*i.e.* the people] are to enter it; from it they are to pay the tribute of our Lord the King and our ruler the Mar-

qués del Valle. Never is someone to speak about it, nor is someone to evict them [or] appropriate the land, never a Spaniard, nor a mestizo, nor a mulatto, nor a priest, for it is really our property, *altepetl* land. God is the one who is to maintain them, for he is to make people see this, my testament. Our lord the King is to know about whoever will appropriate it; he is to help God's children. In their presence, the nobles and my witnesses, it is being laid out: straight at Zacanco, as it ends at a ridge [*telilhuitl*], straight to the west at the large river [*huey atl* = possibly a lake?], comes straight to Telquechecan, straight to Tenanpa, straight to Tetzicaac [Tetzi-coal?], straight to Tlapitzaco Tlaltataco [or "place of humped, bumpy land?"] at the land marker [*tlalmachiotl*], straight to Atzinco and Popotla, straight to Quauhtamala, straight to Cuauhtla by [*yca* = "by way of?"] Huitzillac, straight to Cuezcontitlan, coming to descend at Quexomalitlan, by way of straight to Xiuhtepec, comes straight to Texalpan by way of Yzcuintepec, by way of Cocotehuacan, comes to ford at the big river, [and] comes together at Zacanco. On Monday, the 5th of December, in the year 1559.

Here we set down our names and signatures, so that it is true.

Don Martín Cortés

Don Toribio Cortés

Juan Tlapaltec atl

Don Miguel García

Francisco López Tecpanecat l

Francisco Tlapaltec atl

Felipe Olacatl

Miguel Analcatl

Pedro Chiapamecatl

Francisco Huitznahuatl

It was done in my presence, Francisco Romano, notary

## IV. Testament of Juan Bautista, of Atliyacan, Cuernavaca, 1640

[William L. Clements Library, *Cuernavaca Papers*, f. 114r-155r.]

/114r/ Jesus maria + y JuCep

y niCan yntoCatzin dios tetatzin yn dios tenpiltzin yn dios eSpirito Santo ma ye mochihuan ame niCann nictlalia yn nomenmoRia destamento yn nehuatl NotonCan Juan pabtista nnotlaxolaCalpan altiyaCan yntentzinCo Nipohui yn notlaSotatzin Santo San p<sup>o</sup>e. auh ynic niCan Nictlallia deStamento auh yntla ytla nopan quimonequiltis yn noteotzin y notlatonCantzin dios yntla ninononmiquilis [sic] atle ma ytla nipiya nax-Can notlatqui auh yn notlaSoanimatzin Ca yn CenmaCtzinCo noCono-Cahuillia yn noteotzin y notlatoCantzin dios auh yn notlallo y nosoquiyo Can no ytech nicpohua yn tlalli soquitl Cannel yntech onquiz auh Can onC Cenpan yntech Calaquiz auh ynic motlapoz yn noCepoltora atle nicpiya yn huetzintli Can yehuantzin quinmatin y noÇihuahtzin Can Cana nopapan motlanehuiz yn nahui peso Ca y niCan niCneltitliuh

1 Ynic Centlamatli niquitohua yni Caltzintli y nicauh<sup>tiuh</sup> Ca otiCtochihuiliquen tonnehua y noCihuahtzin auh Can tiquiCanhuilitihui yn tonpilhuantzintzin Jua de ramas yhuan gaspar agostin yntla quinmochiCahuilis yn dios auh mancamo quenmaniya yntla ynCa mochalanisque man motlaSotlaSquen yn itenynCauhtzin auh yn Caltzintli moxelhuizque yn ihuetzinyapaCan tonatiuh Ca conanas te-teachCauh [sic] Jua de ramos auh yn iquiSayanpanCa tonatiuh Ca Connanas yntetlaniCauh gaspar agustin

2 Ynic ontlamantli niquitohuan omen Capa huehuey yhuan onmen quauhchiquihuitl moxelhuizque yn itenynCauhtzin Cen centetl ConnanaSque yn huan yei mentlatl nanamiqueque no moxelhuizque yn iteyCauh

3 ynic yetlamatli niquitonhua yn itechCanCopantzinCo yn tontlansotatzin Santo San p<sup>o</sup>e. Can conanasque ynn aqui que mixq.<sup>c</sup>tzazque CenCen xiuhtiCa ynn aquin alde Regidor yntech canpan yn parrio San p<sup>o</sup>e. Can yehuantin quinmontlalui quixtililitiaSque yn Cen Ce xiuhtinCa ynhua Can tel onCatqui yn Canpan quizSaz yn huentzintli yn popoliuhitiaS Can quimpi/114v/yaliya yn<sup>n</sup> tlaltzin yn itentzinCo pohuin quimopiyallia tinaquiztenCo tenliuhCan tlalli <sup>tlalhuactli</sup> yn opan yn itoCayoCan ahuehue-titla yn itech onpeuhtiCa yntench yn tenpetzintli yn itonCa yzhuan-



tenContzin tleCo tlamelahua onpa onquizsa yn oCotepecque tlamelahuan quauhtlan yn tlaticCa yn itlaltzin Santo San pe.<sup>o</sup> yn ipan tenquipannohua yn tinanquiztenCatlaca yhua tenliuhcantlaca ynhua Ca tel onpan Cate ~~yhua~~ onCotepeCque quizquitin yn itentzinCo pohui yehuatin quinmen<sup>la</sup>huaSque quitosque yn Canpa yn tlatlatinCa yn itlaltzin Santo San pe.<sup>o</sup> yhuan onCan ynn atliyaCa tlalli San no yntechtzinCo pohui yn Santo San pe.<sup>o</sup> yni tlalli tlalhuaCtli Sa no <sup>on</sup>pan onquizSa yn oCotenpec yn itech quiztinCa y San miguel angele yn itlaltzin yn xalteCa tlalli yn ixpan tentepanCo ynic tiahuiya onCo<sup>te</sup>pecque tlamelahua tleCo ~~la~~ quauhtla ynhua oC Cen tlalli quinmopiyallia ynn aCxotenCan tlalli San no tlalhuactli ynn olaCtzinco San no ytechtzinCo pohuin Santo San pe.<sup>o</sup> yni tlalli onnehua anmencältenCo yn atlauhtenCon tlapan huetzinya ynn oCa Ca tenpanCalli ynhua yauh quinnamiquiz yn itech oztonquatiCpaC yn iquizsanyat~~iepaC~~ ya tonnatih yntech anpantli huey anquimotinizque ynn oztotl onCan pehua yn itlaltzin Santo San pe.<sup>o</sup> tlamelahua ynn otli yni mohui Santo San loreso tlaca Cate onpan ixpan quizsa tlamelahua quauhtla ynhua Ca tel onpa Caten yn ipilhuantzintzin Santo San pedro yehuantin quinmelahuazque quitozquen yny quexquich yn itlaltzin yn Capan tlatlatoC yn quexquich onca namaCaC yn sa onquipredaroque<sup>112</sup> yn toColhua yn itlaltzin Santo San pedro ynn acCxotenCa tlalli auh yn Comonidar mochi aCxotla tlalli anmo quemaniya nechallanaliztia quipiayaSque ynn~~ana~~ aldes yn Regidorres yn<sup>ca</sup> tequipanosqe [sic] yn ipan Barrio San pedro auh Cen huey tlalli y niCpiya / 115r / yn oniCtenCoCoCahui yn oniCSaCamo Ca yehuantin niquiCahuilitiuh y nopilhuatzintzin Jua de ramos ynhua gasbar agustin yehuantin niquimaCatiuh ynpan tequipanosque ayac anqui quiquixtiliS ynpan tequipanosque ytla dios quimochiCahuiliz ayac anqui quiquixtiliS quemania tlatoS quichalanizque auh Can niCa niCtzoqzixtia yn nomemonria deStamento yn nehuatl Jua pabista ynhua y nodestigohua d. BalthaSar de S.ta maria de ballelliano fiscal santa ygleCia

- d. Jua de San laSaro alde
- d. Balthasar loys alhuacil mayor
- d. Jua pab.tan eSCribano
- d. diego tetzotzomoctzin

yniC melahua yn tehuantin Senpa Barrio titlaCa ypan xihuitl de 1640 año

112 This seems to be the verb *pleitear*, to litigate, with a Stage 3 (1640 on) *oa* verb ending.

## TRANSLATION

/114r/ Jesus, Mary, and Joseph

Here are the names of God the Father, God the Son, and God the Holy Spirit. May it be done, Amen. Here I set down my memorial testament, I who am named Juan Bautista, of my district of Atliyacan, [where] I belong to my precious father, the Saint San Pedro. This is how I compose my testament here: If my honored deity, my honored ruler God wants something for me, if I die [*i.e.* if God desires my death], I have no property or goods at all. I leave my precious soul entirely in the hands of my honored deity, my honored ruler God. But I just assign my earth and clay [*i.e.* body] to the earth and clay, since it emerged from them; once again it is to enter them. As to how my tomb is to be opened, I do not have an offering [for it]. My wife knows about this; four *pesos* are just to be borrowed from somewhere on my behalf. Here I am verifying it.

1 The first thing I say: I am leaving this house, for my wife and I built it together; we are leaving it to our children, Juan de Ramos and Gaspar Agustín, if God gives them strength. May they never quarrel about it; may [Juan] and his younger brother [Gaspar] love each other. They are to divide the house: On the west the older brother Juan de Ramos is to take it; and on the east his younger brother Gaspar Agustín is to take it.

2 The second thing I say: [The older brother] is to divide two old cloaks and two wooden baskets with his younger brother. They are to take one each. And [he] is also to divide the three *metates* they find with his younger brother.

3 The third thing I say concerning our precious father, the Saint San Pedro: Those who are elected each year, the *alcaldes* and *regidores* of the *barrio* of San Pedro, are to take [charge of] him. They advise them that each year they are to respect him and from where his offering will come and is to be spent, for he has /114v/ land assigned on his behalf. He has non-irrigated land at Tianquiztenco Teliuhcan, there at a place called Ahuehuetitlan. [The boundary] begins there next to a hill called Izhuatcotzin, ascending

straight to where it emerges at Ocotepec, [going] straight to Cuautla, which is the layout of the land of San Pedro, where the people of Tianquiztenco and Teliuhcan serve.

Nevertheless, there at Ocotepec are some that belong to him: They will explain [and] tell them where the lands of San Pedro are located. And there at Atlyaca land is also just devoted to the saint San Pedro. This is non-irrigated land. It also comes out at Ocotepec, emerging next to the land of San Miguel [Arch]angel, Xalteca land, in front of Tetepanco, so that we go to Ocotepec, ascending straight towards Cuauhtla. And he has other lands, Acxotenca land, also non-irrigated land, at Olactzinco. This land also belongs to the saint San Pedro. This land [boundary] rises at Amecaltenco next to a barranca at Tlapan in the west, where there is a corral, and goes to meet them next to Oztoquaticpac<sup>113</sup> in the east next to a large waterway. You all are to look for a cave where the land of the saint San Pedro begins, [from where] it goes straight to the road where the people of the saint San Lorenzo are. In front of it there it comes out straight toward Cuauhtla, and then to there where the children of the saint San Pedro are. They are to declare to them, are to speak about all the various lands of his [San Pedro], where they are located, and however much was sold. Our grandfathers brought a lawsuit about the saint San Pedro's land at Acxotenca. The community, the *alcaldes* and *regidores* who serve in the barrio of San Pedro are never to dispute about who has it. I have a large plot of land /115r/ [that] I have owned and cultivated. I am leaving it to my children Juan de Ramos and Gaspar Agustín; I am giving it to them [and] they are to work on it. No one is to exict them. They are to work it if God gives them strength [*i.e.* if they live long enough to do so]. No one is to evict them; [if] someone speaks up about it [their ownership] they are to dispute this. I conclude my memorial testament here, I

113 As with many of the apparent place names in this text, Oztoquaticpac could well be the description of a natural feature or other boundary marker. For instance, the present word could be made up of *oztotl* (cave), *coatl* (serpent), and *icpac* (on top of), or “on top of serpent cave”, or perhaps “cave with a [carved] serpent on top of it”.

Juan Bautista, with my witnesses, don Baltasar de Santa María de Valeriano, Fiscal of the Holy Church.

Don Juan de San Lázaro, Alcalde  
Don Baltasar Luis, Alguacil Mayor  
Don Juan Bauhtista, notary  
Don Diego Tezozomocztin

Thus it is true, [attested by] we people of the barrio, in the year 1640.

## APPENDIX 2

*Suggested reconstruction of the original 1640 testament of the humble Juan Bautista of Atliyacan, Cuernavaca*

/114r/ Jesus maria + y JuCep

y niCan yntoCatzin dios tetatzin yn dios tenpiltzin yn dios eSpirito Santo ma ye mochiuan ame niCann nictlalia yn nomenmoRia destamento yn nehuatl NotonCan Juan pabtista nnotlaxolaCalpan altiyaCan yntentzinCo Nipohui yn notlaSotatzin Santo San p<sup>o</sup>e. auh ynic niCan Nictlallia deStamento auh yntla ytla nopan quimonequiltis yn noteotzin y notlatonCantzin dios yntla ninononmiquilis [sic] atle ma ytla nipiya naxCan notlatqui auh yn notlaSoanimatzin Ca yn CenmaCtzinCo noConoCahuillia yn noteotzin y notlatoCantzin dios auh yn notlallo y nosoquiyo Can no ytech nicpohua yn tlalli soquitl Cannel yntech onquiz auh Can onC Cenpan yntech Calaquiz auh ynic motlapoz yn noCepoltora atle nicpiya yn huetzintli Can yehuantzin quinmatin y noÇihuahtzin Can Cana nopapan motlanehuiz yn nahui peso Ca y niCan niCneltitliuh

1 Ynic Centlamatli niquitohua yni Caltzintli y nicauh<sup>tiuh</sup> Ca otiCtochihuiliquen tonnehua y noCihuahtzin auh Can tiquiCanhuilitihui yn tonpilhuantzintzin Jua de ramas yhuan gaspar agostin yntla quinmochiCahuilis yn dios auh mancamo quenmaniya yntla ynCa mochalanisque man motlaSotlaSquen yn itenynCauhtzin auh yn Caltzintli moxelhizque yn ihuetzinyapaCan tonatiuh Ca conanas te-

teachCauh [sic] Jua de ramos auh yn iquiSayanpanCa tonatiuh Ca  
Connanas yntetlaniCauh gaspar agustin

2 Ynic ontlamantli niquitohuan omen Capa huehuey yhuan onmen  
quauhchiquihuitl moxelhuizque yn itenynCauhtzin Cen centetl Con-  
nanaSque ynhuan yei mentlatl nanamiqueque no moxelhuizque yn  
iteyCauh

3 ynic yetlamatli niquitonhua auh Cen huey tlalli y niCpiya /115r/ yn  
oniCtenCoCoCahui yn oniCSaCamo Ca yehuantin niquiCahuilitiuh y  
nopilhuatzintzin Jua de ramos ynhua gaspar agustin yehuantin  
niquimaCatiuh ynpan tequipanosque ayac anqui quiquixtiliS ynpan  
tequipanosque ytla dios quimochiCahuiliz ayac anqui quiquixtiliS que-  
mania tlatoS quichalanizque auh Can niCa niCtzoqxixtia yn no-  
memonria deStamento yn nehuatl Jua pabtista ynhua y nodestigohu

#### TRANSLATION

114r/ Jesus, Mary, and Joseph

Here are the names of God the Father, God the Son, and God the Holy Spirit.

May it be done, Amen. Here I set down my memorial testament, I who am named Juan Bautista, of my district of Atliyacan, [where] I belong to my precious father, the Saint San Pedro. This is how I compose my testament here: If my honored deity, my honored ruler God wants something for me, if I die [*i.e.* if God desires my death], I have no property or goods at all. I leave my precious soul entirely in the hands of my honored deity, my honored ruler God. But I just assign my earth and clay [*i.e.* body] to the earth and clay, since it emerged from them; once again it is to enter them. As to how my tomb is to be opened, I do not have an offering [for it]. My wife knows about this; four pesos are just to be borrowed from somewhere on my behalf. Here I am verifying it.

1. The first thing I say: I am leaving this house, for my wife and I built it together; we are leaving it to our children, Juan de Ramos and Gaspar Agustín, if God gives them strength. May they never quarrel about it; may [Juan] and his younger brother [Gaspar] love each other. They are to divide the house: On the west the older brother Juan de Ramos is to take it; and on the east his younger brother Gaspar Agustín is to take it.

2. The second thing I say: [The older brother] is to divide two old cloaks and two wooden baskets with his younger brother. They are to take one each. And [he] is also to divide the three *metates* they find with his younger brother.

3. The third thing I say, I have a large plot of land /115r/ [that] I have owned and cultivated. I am leaving it to my children Juan de Ramos and Gaspar Agustín; I am giving it to them [and] they are to work on it. No one is to exict them. They are to work it if God gives them strength [*i.e.* if they live long enough to do so]. No one is to evict them; [if] someone speaks up about it [their ownership] they are to dispute this. I conclude my memorial testament here, I Juan Bautista, with my witnesses [which presumably would have been followed by a different roster of names and the generic ending matter typical of a will of this era, including a date phrase and a verification of the veracity of the testament provided by the original notary].

### APPENDIX 3

*Spanish translation of the don Toribio Cortés will, made in or around 1696-1697, or at least written on paper with official stamps bearing these dates; CLCP 92r-94v*

/92r/ En el nombre de Dios padre Dios hijo Dios espiritu santto = Digo yo Don thoribio Cortes [--] del barrio de Olac Tepetenchi que estando mio enferme ya para morir quando nuestro Sr. cea seruido y [--] estos mui



enfermo me hablo con mi huicio y con todo mi entendimientto y que mi alma y mi espirita aa dejo delante de la Presienssa de Nr senor y mi Cuerpo lo dejo a la tierra que de ella sali y que soy tierra y lodo yo Don thoribio Cortes Digo yo que Pongo mi testamento Contodo mi corason para que naiden me q consele delante de los testigos que son quarto prinsipales del Barrio de Olac viejos y seis personas Juan tlapaltecac olac Fran.co tlapalteca tlapala Don Mig.<sup>1</sup> Garzia de Analco, thoribio Sanches Calnahuac feliphe olacte Olac. Migel analco - fran.<sup>co</sup> [ ]calpanecal yxtlahuacan = pedro Chiapanecal quatla = fran.<sup>co</sup> huisna[hual] tzotlan = questos son mis testigos y delante de ellos hago mi testamento de todas las cosas que yo dispusiere para lo que es menester para mi alma

el Primer Capitulo Dice yo Don toribio Cortes que si me muriere pido [ ] vamento que se haga en la yglecia mi entierro de mi cuerpo que cea de enterrar y an de entrar la limosna en la Yglecia dos pessos y quatro tomines

otro Capitulo digo yo ques mi voluntad un abito que pido para mi mortaja de mi Cuerpo y que se de la limosna a la vol[ ]cia sinco *pesos* por el abito ques de mi corason esta petision

otro Capitulo digo you ques mi voluntad que a los cantores d[ ] dos *pesos* para que bengan por mi Cuerpo y pido quatro responsoz que digan en el Camino, y que mis jijos Saben lo que an [ ] dar y que se digan los responsos

otro Capitulo que hasen quatro Digo ques mi Voluntad que en el hospital dexo una limosna de do pesos de Alquileer de la Sera que arda en el Camino quaaando bengan por mi Cuerpo

Con esto son sinco Capítulos, Digo yo Don thoribio Cortes que es mi Voluntad que se me digan dies misas por mi alma [-----] la limosna de veintte y sinco pesos en la Yglesia [--] /92v/ que luego se baian a dexar los Veinte y sinco pesos a ala Yglesia delante de mis testigoz

otro Capitulo seis digo ques mi voluntad que si al tiempo que me muriere que si fuere por la manana quando se entierre mi Cuerpo me Canten una missa, o si es a la tarde me Canten una vixilia onfriere sobretar[] e o de noche o la oras que fuere sea cuerden de Dios quando mentierren [sic] mi cuerpo si es por la manana que se me diga una missa que no falta lo que engo dho y es mi uoluntad y es menestter para mi alma pues es mi Voluntad y la del senor Dios primero por que sea seruia

Capitulo Siette Digo yo don toribio Cortes ques una mi hija llamada D.a Ana cortes xilosechil sola ella mi hija la qual murio y otra mi nieta D.<sup>a</sup> Ana cortes, y otra llamada D.<sup>a</sup> lucia Cortes muger que se Casso en el pueblo de Tetecala con don Thomas Crisue[]

Digo Con estas palabras ques mi Voluntad que yo don toribio cortes que si fuera de aqui con quien casso mis nieta D.a lusia que se tubieran quanto tiempos quisieran en mis cassas y aora estan tan lexoz adonde se casaron y digo yo ques mi Voluntad que yo don toribio Cortes que quando a mis casas se la dexo a mis testigoz que las vendan y las piedras quien la mecare que den siento peso y el que Comprare las piedras si es sepanol que las saque luego que las tierras no, que solo las piedras y quando aigandad [?] los sient [sic] peso que se los den a mi nieta D.<sup>a</sup> lusia Cortes quarenta peso y i otros quarenta que se me digan de missas que [] a dexar los a la yglesia mis testigoz y los otros veinte se los doy a mis testigoz para que se los repartan todos los questan ya asenta[]

otro Capitulo digo yo ques mi Voluntad que las tierras de juntta a mi cassa questan Por donde Se mete el Sol se las dexo a mi nieta D.<sup>a</sup> lucia Cortes y que las tierras ligan hasta el Camino real dode llegan y mas abajo que naiden solas quite pues los pongo aque ser mi palabra

otro Capitulo ques mi Voluntad ue mi nieta D.<sup>a</sup> lusia le doy las tierras donde esta el sabino que no tiene vieg[] y otras tierras questan en ocotepec que no tienen riego que banp[] el apantle mui angostas questan estan detras de la Yglecia [] las tierras questan en Copalhuacan junto a la Yglecia que

los /93r/ mas grandes las quales dejaron y[]asas unos tirbutarios y aora se las tengo dadas a otroz paraque tributen con ellas y que si quisieren bolber los primeroz que las colan y trauajen y sirban a mis nietta D.<sup>a</sup> lucia Cortes

otro Capitulo es mi Voluntad y digo que mi sobrino D.<sup>n</sup> fran.<sup>co</sup> quaupahuic le doy las tierras questan en Chaqualpanapa debajo de riego donde labran los que le sirban a mi nietta que ya se que no han de querer a mi nuera y el padre de mis sobrinos, otra ves digo que mis palabra vale y no les quite don thoribio nada por que yo se las doy a mi sobrino don fran.<sup>co</sup> cuauhua-pahuic porque me a seruido

otro Capitulo digo yo ques mi voluntad que mis sobrino don fran.<sup>co</sup> cuauh-pahuic le doy la milpa llamada acatengo debajo de riego y otras tierras llamadas tlanehichtepec questan debajo de riego y otras llamadas tetlalpa tambien dejbajo de riego y otras tierras llamadas cuautla tlachintetla tambien otras llamadas sacamilpan no tienen riego que todas se las doy a mi sobrino Don fran.<sup>co</sup> cuauhpuhuic

otro Capitulo digo yo ques mi Voluntad que tengo otra sobrina fran.ca huistlamiahual le dejo las tierras que son de mi milpa que eran de Don Melchor de los Angeles las quales le doy y mi cassa questa mas ariua que se bendan las piedras, y las tierras se las dejo a mi sobrina D.<sup>a</sup> fran.<sup>ca</sup> y llegan al camino mas abajo derecho por el apantle por el Arbol Cortado para abajo por donde sale el sol asia el rincon junto a la milpa donde habian puesto tenextlepanthe el G.<sup>or</sup> don thoribio Cortes se las dejo a mi Sobrina d.<sup>a</sup> fran.<sup>ca</sup> huistlamiahual y que estan juntas con las tierras de mi her.<sup>o</sup> don melchor de los Angeles que nadien hable que soy her.<sup>o</sup> maior y dexo las tierras quando nos las queria quitar toribio Cortes y las casas y tierras, por lo qual nos querellamoz delante de nuestra justisia y las Sacamos con nuestro gobernador Cortes y yo que soy hermano mairo y el primero que nassi, y quando noz dieron las tierras y cassas las partimos con don toribio las /93v/ las [sic] dichas tierras, donde esta aora solo fueron [] que le di sin tierras de riego las quales no le pide a ellos = y a mis nietoz detras aqui dejho dicho ques mi palabra y a mi hermano D.<sup>n</sup> melchor que fue le di mi milpa y mis tierras y otras tierras sin riego en tlalco-

mulco y aora que estoy para morir despues de muerto se parto[] las tierras a mis sobrinos y a mist nietos porque no me Castigue Dios y mi sobrina fran.ca []miyahuac naiden se las quite sus tierras = Digo yo ques mi palabra que si se muriere mi sobrina las tierras que le doy se las den a sus hermanos porque no [] deajo nada a mis sobrinos gaspar que disen questa mui pobr[] nuestro tio y lo lebantemoz questamos con el mas son muy picaros

otro Capitulo Digo ques mi Voluntad que mi sobrina fran,ca le deajo las tierras llamadas temetlaiuca sin riego y en ocotepec otras tierras sin riego llamadas tescaltipac que empiesan por el Camino nadien se las quite a mi sobrina fran.ca las quales tengo dadas que le dexo y el mi palabra y lo bueluo a desir ques verdad las que tengo repartidas todas las tierras a mis sobrinos y a mis niettoz y a todos asi todo esto como hermano maior y que me deajo mi padre que fue llamado theohachin [] qual me deajo que si tubiera hijos que nosotros les dejaram[os] las tierras y digo que no tube mas que a mi hija y mis nietos hijos de mi hija les deajo las tierras a todos tres questan y [] mentadoz en mi testamento y en Catorse Capítulos, Digo yo dn thoribio Cortes que mis nietos y sobrinos si quieren y dios criarze y si tubieren hijos las tierras que les deajo y las [] les reparto ellos hagan los que vivieren y nros parientes y dha ves digo por mi palabra que si alguno vi biere dios le diere vida a mis sobrinos y niettos si tubieren hijos ellos juntaron las tierras de tepetenche y las cassas que nos den hable los que no fueren parientes que solo /94r/ mis sobrinos y nietos los mantada[] [?] y escrittos en mi testamento

otro Capitulo digo yo ques mi Voluntad que dos entenadas mias mugeres me siruieron y me hisieron atole digo mi voluntad que maria tiacapan la maior le doy sies peso y un casso y un metate y a Juana la menor le doy sinco peso y un casso y un metate no mas y los trastes de cassa ellas todo lo dexo a mis entenadas y ellas lo saben y a su M.<sup>e</sup> D.<sup>a</sup> Magdalena Cortes que les parta a sus hijas que en ella lo deajo otro Capitulo Digo ques mi Voluntad que de mis entenadas ella las Cuidara y las cassas y que si se fuere a su cacassa [*sic*] ques tlaquilténango luego bendar mis testigos las casas quando se acaben de desir las missas que pedi arriba

otro Capitulo digo ques mi voluntad no mas que las masorcas que coxieron de la milpa que se desgrane el mais y que lo reparta a mi muger d.<sup>a</sup> magdalena Cortes y que lo coma y la mitad de el mais que lo Coman mis testigos y los que alli se hallaren todo lo que aqui tengo dho en este mi testamentto y lo escripto es mi voluntad y delante de mis testigoz los que aque estan ariua dhos que sepan que lo que han de quardar con justisia y si en algun tiempo delante de ellos paresiere mi testamento beran lo que digo todo lo questa asentado es mi voluntad y lo que menester a mi alma y lo que les dejo dado a mis nietoz y a mis sobrinos a todos los tres arriba y a dhos delante de mis testigoz - Don Miguel garzia throribio Sanches - fran.<sup>co</sup> tlapaltecalt = Ju.<sup>o</sup> tlapaltecalt biejos fran.<sup>co</sup> olacalt migel analco - fran.<sup>co</sup> tocalpanecalt pedro chiapanecalt - fran.<sup>co</sup> huisnahual, feliphe olacalt, mis testigoz y que sea cabo y dio fin mi testamento aora unes sinco dias del mes de disiembre mill quinientoz y sinquenta y nueue anos que los que aqui digo y aqui pongo mi nombre y mi firma y las de mis testigoz que firman su nombre las que no /94v/ lo firmo el scribano = Dn throribio Cortes = Ju.<sup>o</sup> tlapalteca[] don miguel garzia toribio sanches = fran.<sup>co</sup> tlapaltenca[] felipe olcal miguel analcal, fran.<sup>co</sup> tecalpanecalt, Pedro chiapanecalt fran.<sup>co</sup> huisnahual delante de mi se hiso fran.<sup>co</sup> Romano escribano.

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Plate 1. Replica of a feathered *chimalli* given to Hernando Cortés by Motecuhzoma II.  
Photo by the author, Museo del Templo Mayor, 2010



Plate 2. *Teponaztli* carved with representations of sacred feathers.  
Photo by the author, Museo Nacional de Historia, Castillo de Chapultepec, 2016





Plate 3. El modo de baylar de los mexicanos. 17a y última del primer tratado (during the Toxcatl Festival), from Juan de Tovar, *Historia de la benida de los indios a poblar Mexico*..., c. 1585.  
Fair use, John Carter Brown Library, Archive of Early American Images





Plate 4. San José con el niño Jesús, c. 1700, a featherwork mosaic.  
Image thanks to Ethnologisches Museum Berlin, item IV Ca 25



Plate 5. Detail from a c. 1690 Mexican *biombo*, or painted folding screen, depicting a wedding celebration and mitote dance in an indigenous village; here a masked and plumed figure representing Motecuhzoma takes center stage.  
Photo by the author, Los Angeles Country Museum of Art, October 2018