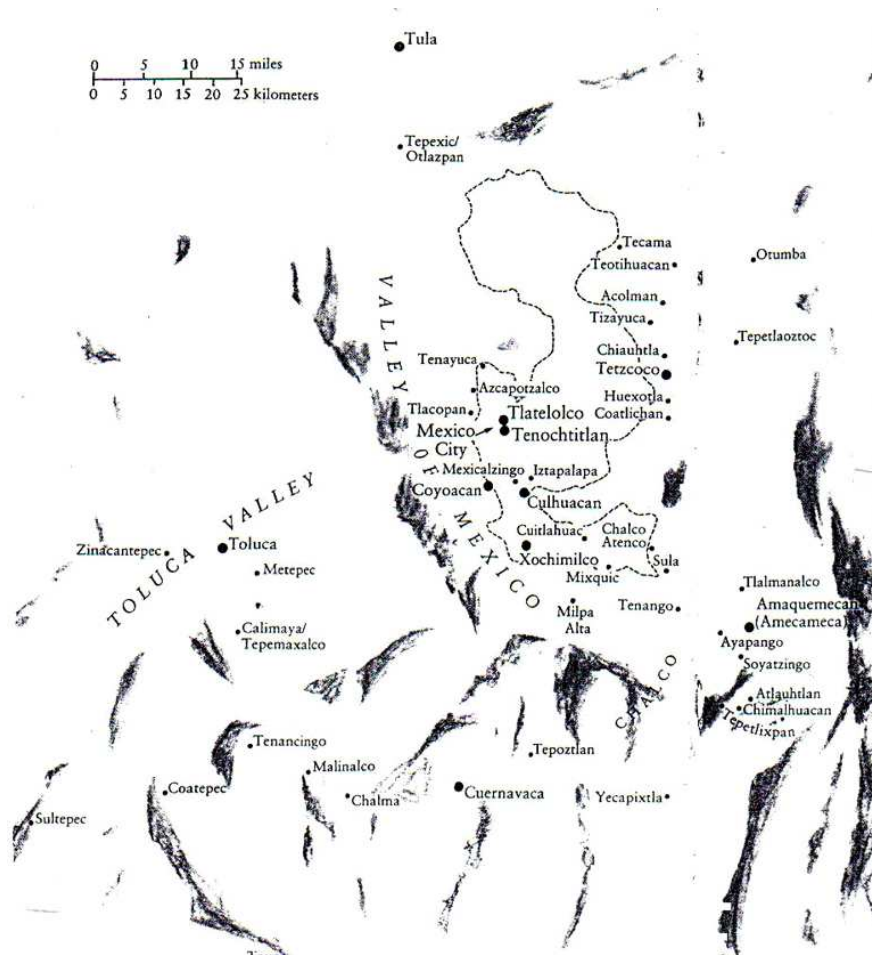


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The Household and Estate of a Mexica Lord: “Información de doña Isabel de Moctezuma”, México



Map 1. The Basin of México and surrounding areas mentioned in “Información de doña Isabel de Moctezuma” based on a map in Lockhart J. 1992:16.

Research Year: 2006

Culture: Aztec (Nahua)

Chronology: Late Post Classic

Location: Central Plateau, México

Site: Tenochtitlán

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Abstract

This research has been realized in course of my work in the General Archive of Indies (Archivo General de Indias) in Seville, Spain in November 2006. Its main objective is to propose new interpretation of the data contained in the “Información de doña Isabel de Moctezuma”, the collection of documents today belonging to branches Patronato Real 181 R8 and Patronato Real 245 R3 of the General Archive of Indies. It's detailed record of litigation initiated in 1546 by the conquistador Juan Cano on behalf of his wife, Tecuichpochtzin, the daughter of the last Prehispanic Mexica ruler Moteuczoma Xocoyotzin who after the baptism was called doña Isabel de Moctezuma. The objective of litigation was the restitution of vast land holdings, buildings and objects of value, claimed to be doña Isabel “patrimony” (*patrimonio*) that is the property she was to inherit from her parents and grandparents, members of the royal dynasty of Tenochtitlán, and of which she was unlawfully deprived during the Spanish conquest. The richness of the historical data provided by “Información de doña Isabel de Moctezuma” makes it invaluable source for study of such important topics as the structure of the Prehispanic Nahua society and response of the Nahua nobility to the challenge of the Colonial period. These topics I tried to examine in my research.

Resumen

Este trabajo de investigación se realizó durante mi estancia en el Archivo General de Indias en Sevilla (España). Su objetivo principal es dar nueva interpretación de datos contenidos en la “Información de doña Isabel de Moctezuma”, una serie de documentos que actualmente se localizan en el AGI, Real Patronato 181, R8 y en el AGI, Patronato Real 245 R3. Estos documentos constituyen un testimonio detallado del litigio iniciado en 1546 por el conquistador Juan Cano de Saavedra en nombre de su esposa Tecuichpochtzin, bautizada como doña Isabel, la hija de Moteuczoma Xocoyotzin, que era último gobernante prehispánico de los mexicas. La meta del litigio consistió en la restitución de las tierras, edificios y objetos de valor declarados patrimonio de doña Isabel, que ella debía heredar de sus padres y abuelos, miembros del linaje gobernante de Tenochtitlan. La riqueza de datos históricos que nos presenta esta fuente la hace indispensable para el estudio, por un lado, de la

tenencia de tierra entre la nobleza mexicana prehispánica, y, por otro lado, de sus alianzas matrimoniales y de las estrategias desarrolladas por sus descendientes para combatir las realidades del período colonial.

Introduction

The word *información* (literally “information”) in the title of the examined source directly indicate us that we have to do with well-established in the Castilian law procedure of verifying the sequence of events or situation which generally took place in rather recent past in order to use this past experience for better administration or to make justice to the loyal vassals of the Spanish king. In case of colonial New Spain this procedure could be applied for various purposes from gathering evidence about the Prehispanic tribute system to confirmation of individual’s former status or important services paid to the Crown in the years of the Conquest. In the latter case, the interested person should make a formal petition addressed either to the king directly or to his representatives in which he described the essence of his case and asked to start investigation by judicial authorities on the subject. In favorable situation this petition was followed by *cedula* (“decree”) issued by the king or by his representatives in his name ordering to the judges of the Royal Audiencia, the highest court of New Spain usually used for appellation to start investigation on behalf of plaintiff. The latter consisted of lengthy interrogation of witnesses presented by plaintiff. All the witnesses responded to a list of questions known as *interrogatorio*, and then their answers were written down and summed up to make *probanza* (“approbation”), a general picture on the base of which the final verdict was given (Kellog S.1995:12). If the plaintiff was unsatisfied by decision of local judges he might present appellation to the court of higher level including the General Council of Indies (*Consejo General de Indias*) and the decision of the latter was also included in corpus of *información*. That was the case of doña Isabel heirs, her last husband Juan Cano and her son of the previous marriage Juan de Andrade, who asked for revision of the entire suit in the General Council of Indies in Seville in 1560-1566 (Perez Rocha E. 1998:19). Their long battle with the Spanish bureaucratic machine and constant necessity to present all documentary proofs might have resulted in loss of original in 1560 in the Royal Chancellery of the New Spain where Juan Cano left it for copying in hands of Antonio de Turcios the principal notary (*escribano mayor*) of the Royal Audiencia (Perez Rocha 1998:19). But although the original of the “**Información de doña Isabel de Moctezuma**” has not survived till our days, by the present copies from the General Archive of Indies we can conclude that it might have included all these documents, and, therefore, was typical for the sources of this kind except for one moment. The women, especially indigenous women were regarded by the Castilian law in general as “eternally minors”, they were permitted to enter the court only in case if their husbands or of other male relatives were absent (Kellog S 1995:106). If they had husbands or other male relatives of appropriate age, it was their duty to defend woman’s interests in court. That’s why in pages of these documents we find as main actors Juan Cano de Saavedra, the last husband of doña Isabel, and Juan de Andrade, her son of the previous marriage with Pedro Gallego de Andrade.

In its present state the “Información de doña Isabel de Moctezuma” (in further text **IIM**) exists in two copies. The first one more complete was made in 1560 under peti-

tion of Juan Cano. Today it is kept in the Patronato Real 181 R8 of the Archivo General de Indias (further AGI). The second more abbreviated copy was made in 1566 by request of Juan de Andrade, and today it belongs to Patronato Real 245, R.3 of the same archive. Both copies were certified as valid and correct by public notaries (*escribanos publicos*) Antonio de Turció and Sancho López de Agurto respectively. Nevertheless, serious omissions, numerous errors in transliteration of Nahuatl place and personal names, introduction of the concepts and terms quite alien to Nahuatl mind even in the Early Colonial period must be attributed to this posterior copying of the lost original. The first copy consists of 210 folios, the second one of 125.

Today the entire corpus of documents of the **IIM** includes:

- The decree (*cedula*) of the prince Phillip (future king Phillip II of Spain) ordering to the president and judges (*oidores*) of the Royal Audiencia to examine the petition of Juan Cano made in name of doña Isabel and to start the procedures related to verification of the data presented in this petition, dated by October 6 1546 (AGI Patronato Real 245, R.3, f.2r-2v).
- Petition presented by Juan Cano in name of doña Isabel to the prince Philip describing possessions of her parents, Moteuczoma's services to the Spanish Crown, precarious condition of doña Isabel "their legitimate daughter and universal heir" and requesting for restitution or compensation of lost estates. This petition is finished by the list of the lands and towns supposedly belonged to Moteuczoma and his wife Tecalco, the daughter of Moteuczoma's predecessor Ahuizotl, undated (AGI Patronato Real 245, R.3, f.3r-5v).
- Petition of Juan Cano to the president of the Audiencia Real to pass the case to one of the judge (*oidor*) to start the process dated by January 4, 1548 (AGI, Patronato Real 245, R.3, f 6r.).
- **Probanza**, the largest part of the **IIM** consisted of **interrogatorio** (list of 39 questions) and responses of 29 witnesses given in the period from January 10 1548 to June 23 1553. Notably the copy of Real Patronato 245 R3 contains responses of only 11 witnesses; meanwhile, one of Real Patronato R8 presents testimonies of all 29 (AGI, Real Patronato 181, R.8:67v-153r, AGI, Patronato Real 245, R.3:17r-123v).
- Petition of Juan Cano Junior, the son of Juan Cano and doña Isabel de Motezuma on behalf of his father to the king Phillip II to restitute Moteuczoma's "patrimony" to his grandsons (AGI, Real Patronato 181 R8, f 57r).
- Order of **licenciado** Santader to ascertain what land grants were given to the daughters of Moteuczoma and Juan Cano by Hernan Cortés and whether they were temporary or constant April 17, 1561 (Real Patronato 181 R8, f 57r).
- Letter of the viceroy Luis de Velasco, and judges Zorita, Villalobos, Horozco, and Vasco de Puga to the king Phillip II informing that his order concerning judicial investigation was obeyed March, 1560 (AGI, Patronato Real 181 R.8, f.59r).
- Petition of Juan Cano to the king Phillip II to send the IIM to the president and judges of the Audiencia Real dated by October 5, 1556 (AGI Patronato Real 181 R 8 f.209 v).

- Petition of Juan Cano to the king Phillip II to deliver the IIM to the president and judges of the Audiencia Real dated by October 22, 1556 (AGI Patronato Real 181 R 8 f.209 v).
- Notification of the Audiencia Real regarding delivery of Juan Cano's petition dated by November 9, 1556 (AGI Patronato Real 181 R 8 f.210r).
- Notification of copying the original of the IIM by Antonio de Turcios **escribano mayor** dated by March 7, 1560 (AGI Patronato Real 181 R 8 f.210v).
- Copy of the final verdict of the Audiencia Real of the October 1556 dated by February 15, 1560 (AGI Patronato Real 181 R 8 f.210v).

Four clearly identifiable styles of handwriting are present in the copy of the Patronato 245, R.3. The folio 1r/ of the copy has a title written in clear rather large rounded letters "Ynformacion traida en la audiencia Real de oficio Por virtud de una cedula de su magestad sobre el patrimonio pereteneçiente a dona ysavel de monteçuma hija de monteçuma. Señor de esta tierra de la nueva espana ba antes su magestad a su consejo de yndias" (see [Figure 1](#), shown below), and the date 1546 written obviously by the same hand. In the upper part of the folio 2r. we find official statement of the copy's correctness and juridical validity made by minute accurate letters of Sancho Lopez de Agurto, the scribe of the Audiencia Real. All the words are divided by sufficient space. The rest of the document from the lower part of the folio 2r. to folio 115v. is written by the other hand which might have belonged to Antonio de Turcios. The letters are somewhat larger running into each other all the way across the page, the space between words is missed but division in paragraphs is slightly marked. From the folios 116r. to 125r. the handwriting changes again becoming smaller and neater with careful division in paragraphs. Nonetheless, all they share characteristics typical for the XVI century Spanish secular scribe styles. Among them there are abbreviations consisting of writing a few letters of the beginning in the word normal way, skipping some of the body of the word and putting final letters superscribed, marking of the end of paragraph by the long horizontal line and general omission of punctuation. As it was already mentioned the *interrogatorio* includes 39 questions and respectively the declarations of all witnesses should contain their responses to all of them. Nevertheless, it is necessary to point out that in the folio 73 v of the Patronato Real 181 R8. responses of the second witness named Juan Ecutlatoa to the last six questions are omitted entirely.

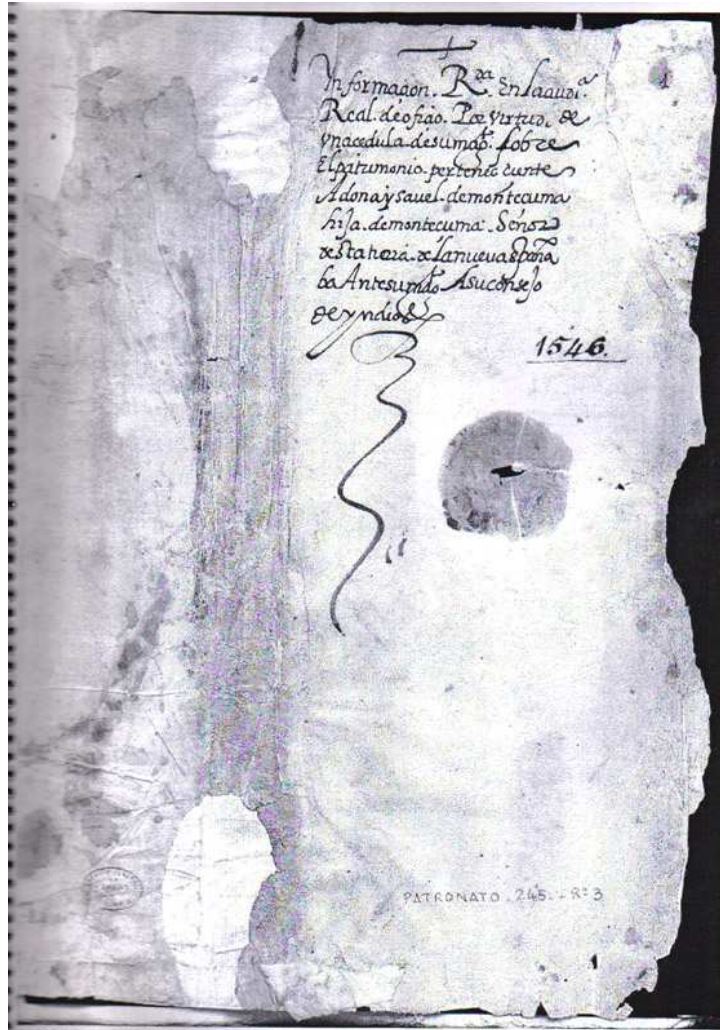


Figure 1. Folio 1r of the “Información de doña Isabel de Moctezuma” (AGI Patronato Real 245 R.3).

As for content of questions, they can be divided in **6 thematic groups** apart the first standard question of the XVI century Castilian juridical procedure about witness personal acquaintance with all individuals mentioned in lawsuit:

Questions from **II** to **V** focus on legitimacy of doña Isabel parents marriage and corresponding legitimacy of her birth, and premature death of her only brother Axayacatl assassinated after Cortes escape from Tenochtitlán (AGI, Patronato Real 245 R3:7v-8r).

Questions from **VI** to **XX** are centered on Moteuczoma’s status as legitimate ruler of Tenochtitlán and its dependents, and his private landholdings inherited from ancestors (AGI, Patronato Real 245 R3:8v-12v).

Questions from **XXI** to **XXXIII** all concern land holdings of doña Isabel’s mother and those of the ruler Ahuitzotl, the father of the latter. All these estates are described as the dowry of this “princess” which she brought to Moteuczoma. In this group we should include as well the extra question about general practice concerning the lands given as dowry in the Prehispanic period (AGI, Patronato Real 245 R3:12v-15r)

Questions **XXXIV** and **XXXV** emphasize the validity of Moteuczoma possessions and respective rights of doña Isabel as his “legitimate daughter and the only universal heiresses who was of her parents and grandparents” (AGI Patronato Real 245 R3:15v-16r);

Question **XXXVI** concerns doña Isabel rights to the residence of Viceroy and the Royal Audiencia as constructed on the place of Moteuczoma’s palaces (AGI Patronato Real 245 R3:16r);

Questions from **XXXVII** to **XXXIX** describe Moteuczoma’s friendly reception of Cortes and his help to conquistadors (AGI Patronato Real 245 R3:16v).

Previous study of the “Información de doña Isabel de Moctezuma”

As one can observe from the above made description, the **IIM** provides many important and sometimes unique data about the royal dynasty of Tenochtitlán, including some interesting biographical details concerning the most famous of Mexica rulers Moteuczoma Xocoyotzin, marriage practices and transmission of property among the Mexica elite before the conquest, the Prehispanic nobility land holding, obligations of commoners to their lords, and finally crucial events of the Spanish Conquest and strategies of the Moteuczom’s children for recognition of their former status. Surprisingly this source has received little attention from specialists in the Nahua Prehispanic and Colonial history. By the present time the only study of the **IIM** was realized by the Mexican anthropologist and ethnohistorian Dr. Emma Pérez Rocha of INAH who found both copies in the AGI. In 1998 in her book “**Privilegios en lucha: Información de doña Isabel de Moctezuma**” (“Privileges in struggles: Information of doña Isabel de Moctezuma”) she published an annotated text of the entire corpus putting together the both variants, so that omission of the responses given by the 18 witnesses in Patronato 245 R.3 was compensated by the earlier variant of Patronato Real 181 R 8. The introduction to this book was written in collaboration with Dr. Pedro Carrasco Pizana, the distinguished specialist in the Prehispanic Nahua social organization. Together they analyzed genesis of the **IIM**, examined social status and relationship to the royal Mexica family of all 29 witnesses, and composed the list of lands of Moteuczoma and Ahuitzotl comparing the data of the **IIM** with genetically related documents, written by Franciscans on request of Juan Cano in 1532 (Perez Rocha 1998:13-25). The introduction was concluded by brief remark about principles of paleographic transcription applied to the source (Perez Rocha 1998:45). The book is provided with toponymic and onomastic index. Later in 2000 Pérez Rocha included the undated first letter of Juan Cano to the prince Phillip in the book “**La Nobleza Indígena del Centro de México Después de la Conquista**”— (“**The Central Mexican Indigenous Nobility after the Conquest**”), the collection of documentary materials about the postconquest condition of the Nahua nobility edited in collaboration with distinguished Mexican historian Rafael Tena (Perez Rocha E, Tena R 2000:151-152). Unfortunately by this day no other publication of any documents forming a corpus of the **IIM** has been done.

The analysis of the **IIM** by E. Perez Rocha and P. Carrasco Pizana had entirely preliminary character, for their main objective was: “to make a reader aware of the importance of the document which is presented here and to motivate him to continue its study which would be in the field of the Mexica social organization having land

holding as key point in this case” (Perez Rocha 1998: 44). This encouraging address to reader has inspired my present study.

Research objectives

My study has been motivated by the above-quoted address to reader. The research work was carried out between February 15 and November 30, 2006 first in the libraries of Moscow and St. Petersburg in Russia and later in the AGI. It had the following objectives:

To analyze the historical context of the source and to elucidate the factors which might have influenced its evidence including possible motivations of witnesses who presented their testimonies during the litigation of 1548-1553;

To examine the system of the Central Mexican Prehispanic land tenure in order to separate the original Nahuatl concepts of land possession, land inheritance, land transfers, tributary obligations and their transmissions from those which were introduced by the Spanish conquerors;

To examine kin groups of Mexica rulers, their marriage practices, inheritance and distribution of lands and goods in light of the **IIM** evidence in order to reconstruct the model of the Prehispanic Mexica elite social organization.

Methodology of work

To meet these objectives I put the **IIM** in a broader range of written records of XVI-early XVII centuries comparing their evidence. For this task I used historical documents of the following types.

Documents (letters, royal decrees, petitions, laws, and official reports) related to the Crown's and local Spanish authorities politics in regard to the indigenous population of New Spain in the XVI century;

Documents (wills, claims, records of law suits, grants) related to the matters of land holding, land transfer, administrative and property disputes composed by the descendants of the Prehispanic nobility or sometimes by their representatives;

Historical works of the indigenous historians from the Central México, dedicated to Prehispanic and Colonial history of their native centers with the strong emphasize on genealogy of local dynasties;

“Ethnographic” works of the Spanish missionaries which contain evidence about kinship terminology, family structure and land tenure in the Prehispanica Mexica society due to close contact of their authors with indigenous population;

Dictionaries of the classical Nahuatl and Old Castilian of the XVI century which permit to analyze the key terms for concepts of authority, land tenure, property, property transfer and inheritance in both languages.

At first to recreate the circumstances which led to the composing of the **IIM**, I traced the biography of doña Isabel making accent on such aspects as her initial status and her fate during the Conquest, her position in the Postconquest indigenous society, and her status in the eyes of conquistadors including Hernán Cortés himself, the Spanish Crown and officials, her tactics to obtain from them at least partial recognition of her status as the only legitimate heiress of the last “natural lord of México and its provinces” (AGI Patronato Real 245,R.3,.f.6v).

Then to make my analysis more precise, I centered on content of the **IIM** and carried out two main procedures:

Statistical comparison of personal data of 29 witnesses in order to obtain a portrait of a typical witness in this case and to ascertain how their personal experience might have influenced their responses to the questions of *interrogatorio*. These personal data included: a) sex of witness; b) approximate year of birth and age in time of the Spanish Conquest basing on the age in the time of declaration presenting; c) general social status of witness and his connection to the household of doña Isabel’s parents.

Lexical analysis of the IIM content in relation to such concepts as “property”, “land tenure”, “land distribution”, “rent”, “tribute”, “kinship”, “marriage”, “legitimacy of birth”. It was based on calculation of the most frequently used terms for these concepts and its subsequent comparison with Nahuatl terms given for example in the dictionary of Franciscan missionary Alonso de Molina.

Textual analysis of the IIM in light of the related sources, especially those which were its antecedents.

Outline of doña Isabel de Moctezuma biography and antecedents of “Información”

Very little is known about doña Isabel’s life before the Conquest and immediately after it, because very few written records do contain some information about her birth and earlier years. Apart of the **IIM** these are “**Donación de las Tieras a doña Isabel de Moctezuma Hecha por Hernán Cortés**” (1526), “**Relacion de la Genealogia y Linaje de los Señores que Han Señoreado Esta Tierra de Nueva España**”, “**Origen de los Mexicanos**” (both of 1532) “**Historia General y Natural de las Indias, Islas y Tierra Firme del Mar Océano**” by Gonzalo Fernandez de Oviedo y Valdes (1545), “**Información de don Gonzalo Cano Monteçuma**” (1581-1586), doña Isabel younger son of her marriage with Juan Cano, and “**Historia Chichimeca**” (early XVII) by Fernando Alva Ixtlilxochitl the XVIIth century historian of Nahua-Spanish descent from Texcoco (DC 1993:1:377-381; Icazbalceta García 1941:240-308:Oviedo 1851-1855; AGI Patronato Real 245 R.7; Alva Ixtlilxochitl

1848). Contrary to the Western tradition, the sources of pure indigenous origin created by Nahuas and generally for Nahuas such as semi-pictorial “**Codex Cozcatzin**” (1576) or “**Codex Techialoyan García Granados**” (first half of XVII century) or written in alphabetical writing “**Cronica Mexicayotl**” commonly attributed to Hernando Alvarado Tezozomoc and “**Diario**” of Antonio Domingo Chimalpahin tell us about the position of doña Isabel in the genealogy of Mexica rulers and their colonial descendants rather than about “biographical facts” (Códice Cozcatzin 1994:1:6v; Códice Techialoyan García Granados 1992 A4 num.87; Alvarado Tezozomoc F. 1975:143, 156; Chimalpahin A. 2003: 402-403). No wonder that we are uncertain in respect of such indispensable for the Western biographical tradition facts as origin of her mother, her date of birth, and her true name before baptism. The sources present contradictory and often confused data.

If the identity of doña Isabel’s father raises no question, historical records seriously disagree about origin and status of her mother. The Prehispanic Nahuatl elite especially the supreme rulers (Nahuatl *huei tlahtoque*) practiced polygamy as an established way to strengthen solidarity of their lineages, and at the same time to form strategic alliances with neighbors and maintain relations with dependent centers. So, the ruler’s consorts were numerous; for example the anonymous “**Codex Tudela**” attributed to Moteuczoma Xocoyotzin 600 wives (Códice Tudela 1980:2: 11v). Their circle included both female relatives of *tlahtoani* (generally his cousins or his nieces) and the daughters of rulers of dependent or allied cities and states. It seems that only one of them enjoyed official status of the “queen” or the principal wife, although the Spanish term *mujer legitima* (“legitimate wife”) applied to her in colonial sources is quite inadequate in this case (Muñoz Camargo D. 1947:45). According to the Franciscan missionary Toribio Motolinia the Mexica lords traditionally selected main spouses among the daughters of their political partners, rulers of Tezcoco and Tlacopan (Motolinia T. 1970:112). Maybe for this reason Fernando Alva Ixtlilxochitl states that doña Isabel’s mother, the “legitimate wife” of Moteuczoma Xocoyotzin was the daughter of the Tlacopan ruler Totoquihuaztli (Ixtlilxochitl 1848:277). However, this evidence is contradicted by the **IIM** itself in which all witnesses unanimously state that the mother of doña Isabel was the daughter of Mexica *tlahtoani* Ahuizotl, Moteuczoma’s predecessor (AGI, Patronato Real 245, R 3: 12v-15v). Some of them add that Moteuczoma married her being “*capitan general* of Ahuizotl” (AGI, Patronato Real 181, R 8: 71v, 74r, 79v.) *Capitan general* is likely to be translation of the Nahuatl title *tlacatecatl* which designated commander of military unit of 8000 men or more and which according to A. D. Chimalpahin Moteuczoma indeed had before succeeding to Ahuizotl (Chimalpahin 2003:2:135).¹ Most of witnesses (58, 62%) claimed to be present at this wedding (AGI, Real Patronato 181 R 8:68r, 71v, 74r, 79v, 107v,113 r, 119r, 125v, 132v, 139v, 150v: AGI, Patronato Real 245, R3:18r, 47r,83r, 92r, 118r). The same evidence that doña Isabel’s mother was a daughter of Ahuizotl we find in the “**Cronica Mexicayotl**” (Tezozomoc 1975:143). Since 58, 52% of witnesses who confirm this evidence were the former servants of

¹ “Cronica Mexicana” of Moteuczoma’s grandson Fernando Alvarado Tezozomoc states that before his election to rulership Moteuczoma had a rank of *tlacochcalcatl* (literally “the chief of the house of darts”), that is of official responsible for both military operation and state of arms kept in *tlahtoani* palace (Tezozomoc 2001: 363).

Moteuczoma or Ahuizotl well informed about family affairs of their masters, we can resume that the second version sounds much more plausible than that of Ixtlilxochitl.

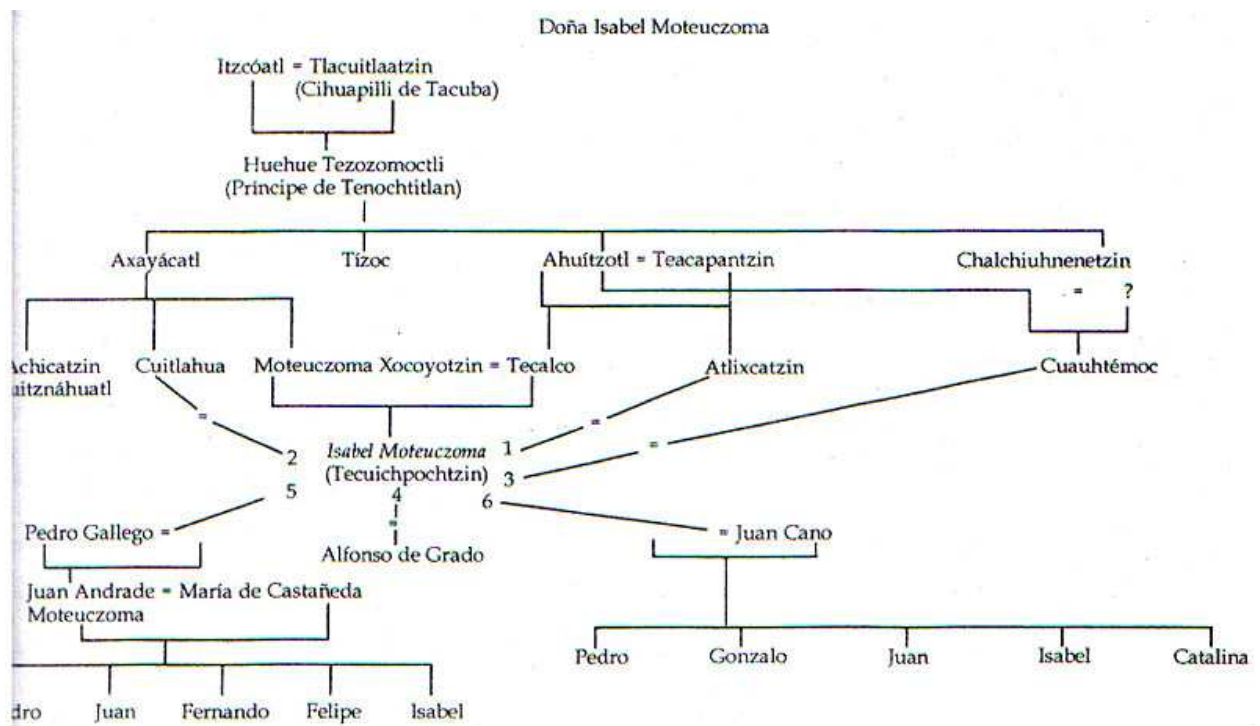


Figure 2. Genealogy and marriages of doña Isabel de Moctezuma according to the "Información de doña Isabel de Moctezuma"

It is commonly accepted that before the Conquest she was called Tecuichpo or Tecuichpochtzin with reverential suffix *tzin*.² There are two variants of this name's translation. The first one more common is "cotton flower" or more correctly "lordly flax of silk-cotton tree" (from *tecutli* or *teuctli* — "lord", *ichcatl* — "cotton" or "cotton flax"; and *pochotl* — "silk-wood tree"). Other variant is "daughter of lord", "princess" (from *tecutli* and *ichpochtli*—girl, and with possessive suffixes one's daughter). Although *ichpochtli* has the second meaning only with possessive prefixes, it is worthy to note that in present case the possessive prefix *i* (his, hers, their) must be completely absorbed by the first vowel of the word. If we assume the latter translation we again face with precise description of doña Isabel position in respect to her father and ancestors in general and it is not casual.³ "The venerable daughter of

² F. Alva Ixtlilxochitl affirms that doña Isabel's name before her baptism was Mihua xochtzin — "venerable flower corn cob" or "little flower corn cob" (Ixtlilxochitl 1848:277).

³ The name of doña Isabel's mother is also unresolved question. Usually the names of Nahuatl noble women were sophisticated and picturesque often including word *xochitl* — "flower". In the "Información" doña Isabel's mother is constantly called Tecalco or Teicalco. If we take in account the ending *co* — locative suffix "among in", Tecalco sounds like place name which possible meaning is "in the house of lord" (from *tecutli* or *teuctli* — lord and *calli* — "house") or "in the house of stone" (*te* can also be derived from *tetl* — stone as well) that is "in the palace". Place names in Classical Nahuatl never served as personal names rather as indications of someone's origin place or rank. Curiously "Cronica Mexicayotl" generally precise in respect of personal names fails to give the name of Ahuizotl's daughter as unimportant detail, accentuating instead her role in establishing affine ties between Moteuc-

lord” was doña Isabel’s position during all her life, the very essence of her identity which she was jealous to cultivate and to keep in the eyes of both Spaniards and Nahuas. (See Figure 3)

The Mexican historian of the late XIX century Alfredo Chavero stated that doña Isabel was born in July 1510 when her father Moteuczoma Xocoyotzin was already **tlahtoani** of México Tenochtitlán and its dependent areas (Chavero A 1953:1:857). However, this statement placed in Chavero’s “Ancient History of México and History of the Conquest” is not confirmed by any reference to documentary records, and I did not find any mention of it in any source related to the Mexica rulers. Neither had I found any document directly indicating the age of doña Isabel even in the time of her death in 1550. Amada Lopez de Meneses, the author of the first documented biography of doña Isabel simply repeats Chavero’s statement with some caution, and Charles Gibson who also indicated this date in his “Aztecs under Spanish Rule” (1964) refers to A. Lopez de Meneses essay (Lopez de Meneses A.1948:471; Gibson Ch 1964: 423).

Juan Cano in his conversation with historian Gonzalo Fernandez de Oviedo which took place in September 8, 1544 told him that in the time of Moteuczoma’s death in 1520 doña Isabel and her brother Axayacatl were “both children” (*muchachos ambos*) (Oviedo 1848:419). Evidence of somewhat different character we find in the **IIM**. One of the oldest witnesses Miguel Tuhnahuacatl (he was about 85 years in time of responding to *interrogatorio*) said that Moteuczoma's predecessor **tlahtoani** Ahuizotl “loved much” his grandchildren Tecuichpo and her brother Axayacatl (AGI, Patronato Real 181 R.8:f. 119v.). It means that at time of doña Isabel birth Ahuizotl was still alive. In normal state of things **tlahtoani** could receive power only if his predecessor was already dead. According to the “Tercera Relacion” of A.D. Chimalpahin both Ahuizotl’s death and Moteuczoma enthronization occurred in 1503 (Chimalpahin 2003:1:114). F. Alva Ixtlixochitl gives the same date and anonymous “Anales de Tlatelolco” place Moteuczoma coronation in 1502 (Alva Ixtlixochitl 1848:227; Anales de Tlatelolco 1948:61). Other witness of the “**IIM**” Diego Tepecomecatl who presented his testimony in 1553 said that “it could be 50 years more or less since he saw that the said Montezuma asked for wife the said Tecalco, daughter of the said Ahuizotl...” (AGI, Patronato Real, R.3, f.17v). If we assume both testimonies it means that Moteuczoma married Ahuizotl's daughter in 1500-1503 just before succeeding to him, and doña Isabel and Axayacatl would have been born not later than in 1503 to enjoy the love of their grandfather. If it was so by 1519 (the year of Cortés) arrival she would have been already of 17-19 years. Indirect proof that doña Isabel might have been born earlier than in 1510 we find in the “Información de don Gonzalo Cano”. In December 15 1581 old conquistador Juan de Nazera, said that:

zoma and Ahuizotl (Tezozomoc 1975:143). Here again social status and precise position in genealogy were much more important than individual’s name. If as E. Pérez Rocha supposes the witnesses called doña Isabel’s mother **tecalco cihuapilli** that is “lady in the house of lord” or “lady in the palace”, they quite explicitly referred to her social rank as a “princess” omitting personal name as a matter of no importance (Perez Rocha E. 1998:14). This might have been by Spanish interpreters and scribes as a proper name in full accordance with their own tradition and latter quite mechanically copied by Antonio de Turció who hardly was an expert in Nahuatl. It is interesting to note that in the diary of Antonio Domingo Chimalpahin doña Isabel herself is called **teticpac cihuapilli** (lady of Teticpac) and **tecalma cihuapilli** (lady of Tecalma) (Chimalpahin A.D.2003::402-403).

He knows and he saw that after Marques del Valle [title of Hernán Cortés-A.K.] and the other conquistadors had come to this city the said Montezuma gave and presented to the said Marques del Valle three maidens (moças in the original) saying through interpreters...that these maidens were his daughters and he was giving and presented them in sign of peace and friendship and this witness saw that one of them was doña Isabel (AGI Patronato Real 245, R.7, F.7r).

In the late XVI century the word *moça* (“girl”, “maiden”) used in the original of this document was applied to the adolescent girls and young unmarried women not children (Corominas y Pascual 1954:463). For example in the census “Matricula of Huexotzinco” (1560) Spanish judge Diego de Madrid uses this word only for individuals of 12 years or more (Matricula de Huexotzingo 1974:1:102r). Cortes in his donation of 1526 called doña Isabel the eldest of the three surviving Moteuczoma’s daughters (DC 1993:1:379).



Figure 3. Moteuczoma Xocoytzin with his children doña Isabel and don Pedro Tlacahuepantzin (sitting behind her) (Códice Cozcatzin 1994:1: f.1v).

The **IIM** contains another argument in favor of doña Isabel being adolescent at the time of Conquest. The witness named Juan Ecutlatoa affirmed that in early 1500's she already married her maternal uncle Altixcatzin, the son of Ahuizotl who in time of Moteuczoma Xocoyotzin reign also held a military rank of **tlacatecatl** and died in eve of the Conquest (AGI, Patronato Real 181 R8: 71v-72v, 129v). The socio-economic grounds of this marriage I examine further. Here I would like only to note that although Nahua girls especially from nobility often married in their early teens, the marriage of a child who not reaching even 9-10 years (the age of conscience in Nahua tradition) would have been quite exceptional event kept in people's memory as it was in similar case in Chalco.⁴ But notably we haven't any evidence of such kind in regard to doña Isabel before the Conquest except that of her last husband. But it is not unlikely that Juan Cano desired to explain Oviedo why Moteuczoma's children could not succeed him if they were the only "legitimate" heirs. As a matter of fact there were no strict order of dynastic succession in Tenochtitlán and Mexica **tlah-toani** was elected among broad circle of sons, younger brothers, and nephews of anterior **tlahoani**, and this practice was oriented on his younger siblings or nephews (Duran D 1967, 72; Sahagun 1953:8:31; Tezozomoc 2001:362-363; Torquemada 1723:1:196). Another moment of importance was candidate's position in the royal kin group which could be reinforced by prestigious matrimonial alliances (Gillespie S. 1989:186-189).

For sure Moteuczoma's marriage with Ahuizotl's daughter was important step in his way to the throne. In fact it gave him the place of the most probable heir of Ahuizotl for if the Mexica "princesses" came to power in exceptional cases, they might act as linking agents between the previous **tlah-toani** and his successor (Icazbalceta 1941:253; Gillespie S. 1989:186-189). Moreover, as Mexica believed that every child possessed "the color, the blood, the essence" of both parents, the marriage between first cousins (according to the most widespread version Moteuczoma was Ahuizotl's nephew, son of his younger brother Axayacatl) guaranteed their children the same ancestors on both sides, and, therefore, purity of blood (FC 1950-82:6:126). So it is quite plausible that before the Conquest doña Isabel and her full brother Axayacatl as grandsons of the anterior **tlah-toani** had higher status than other Moteuczoma's children. This doesn't mean, however, that these others were "illegitimate" or "bastards" as Spaniards used to call them later. Notably the term **legítimo** came in Nahuatl from Spanish only in the middle of the XVI century (Kartunen F, Lockhart J 1976:61). The European concept based on monogamous marriage in church was inapplicable for the Prehispanic time when polygamy was effective measure to form complex network of reciprocal relations and to combat high infant mortality. The children born of these units served as a sort of living bank for leaders of dependent centers, their future consorts or successors. For example, from the time of the first Mexica **tlah-toani** Acampichtli the members of Tenochtitlán royal dynasty married women from the royal house of Tula in the present state of Hidalgo in Mexico (Alvarado Tezozomoc F. 1975:135, 151). Moteuczoma Xocoyotzin followed this practice

⁴ In "Septoma Relacion" A. Chimalpahin says "Huehuyotzintli Tlailotlacteuctli was the ruler of Tzacuatlan Tenanco...and governing already in Tzacuatlan Tenanco Huehuyotzintli Tlailotlacteuctli asked for wife the lady of Tlalmanalco Chalco called Chimalmantzin... As the elders tell the lady Chilmamantzin was hardly seven years old when Huehuyotzintli married her" (Chimalpahin 2003:2:176-177).

and married Mihuaxochtzin the daughter of Tula ***tlahtoani***, Ixtlilcuechahuacatzin his own half brother (Alvarado Tezozomoc F. 1975:135, 152). He also celebrated nuptials with the daughter of his cousin ad coadjutor Tlilpotonqui (Alvarado Tezozomoc 1975 154) (see [Figure 4](#), below). In total “**Cronica Mexicayotl**” mentions 19 children of Moteuczoma Xocoyotzin (Alvarado Tezozomoc 1975:150-154). Some of them shared with Moteuczoma his captivity and were afterwards killed in the disastrous Noche de Triste (“Night of Sorrow”) when Cortes tried to leave secretly Tenochtitlán and was attacked by enraged Mexica (Alvarado Tezozomoc F. 1975:150). Among the survivals apart of doña Isabel the most frequently mentioned in colonial documents are don Pedro Tlakahuepanztin (born of Mihuaxochtzin, the daughter of Ixtlilcuechahuacatzin), doña Leonor de Moctezuma, doña Maria de Moctezuma (both born of the Tlilpotonqui’s daughter) and don Martin Nezahualtecolotl (his mother was one of the daughters of Nezahualpilli, the Tezcocan ***tlahtoani***). After the Conquest they all became rivals of doña Isabel in struggle for royal favors and grants.

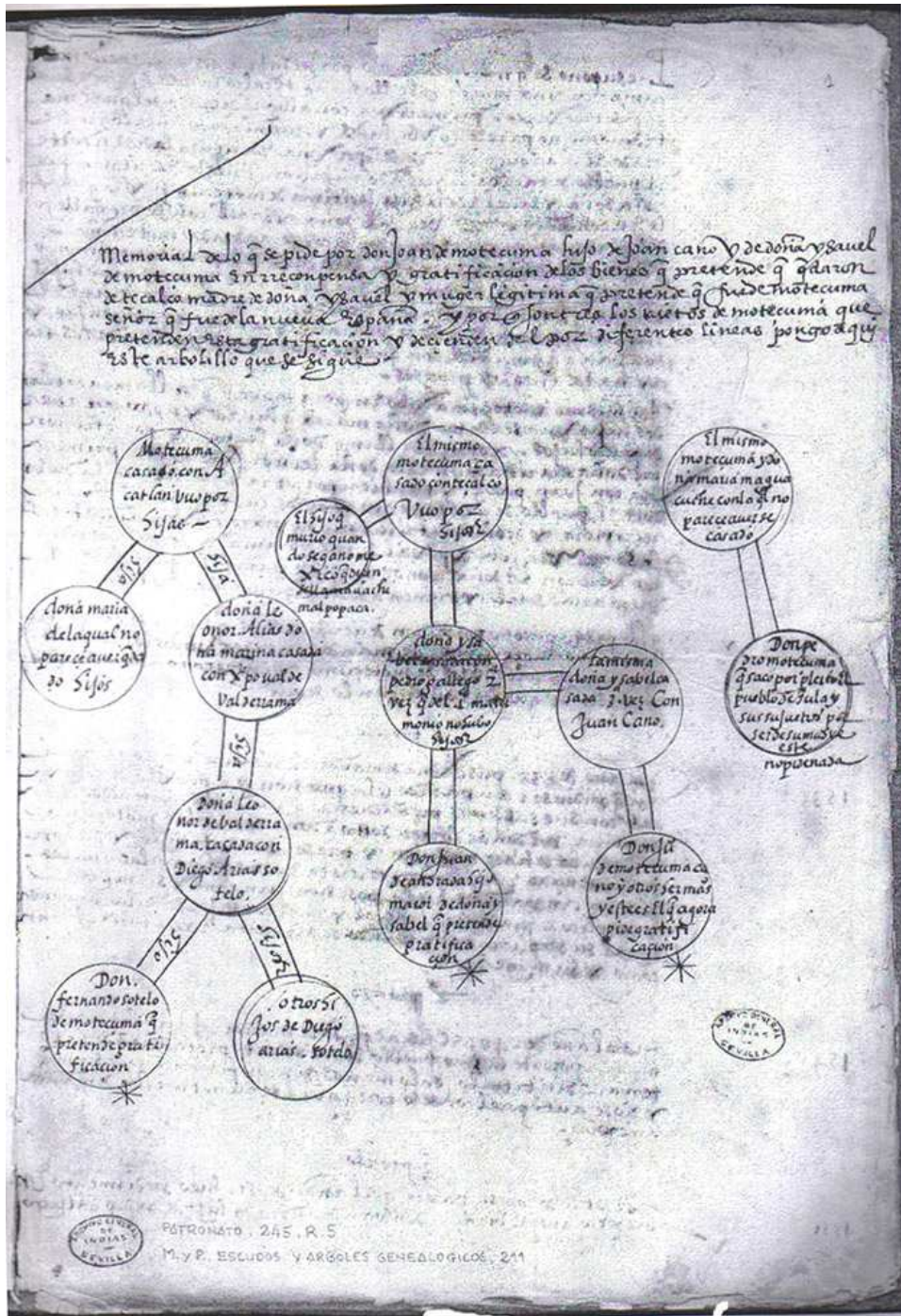


Figure 4. Matrimonial alliances of Moteuczoma Xocoyotzin and his descendants (AGI, Patronato Real 245, R.5:1).

The situation changed drastically with the Conquest. The above-mentioned giving of daughters to Cortés “in sign of peace and friendship” could be Moteuczoma's desperate attempt to establish similar alliance with new-comers. It is also probable that they were given as hostages. Later Cortés enemies accused him in having sexual relations with two of them baptized as doña Ana and doña Ines. Cortes himself declared that he received Moteuczoma's daughters fulfilling the last will of their father who dying “besought me very emotionally to look after them” (DC 1993:1:378).

Cortés could not fulfill this request immediately, at least in regard to doña Isabel. Before marching against Panfilo de Narvaez he probably sent her with three other women in Tlacopan and after beginning of the open conflict in May 1520 she came in hands of fighting Mexica (Lopez de Meneses 1948:471). The most dramatic events in the doña Isabel life occurred after Cortes escape from Tenochtitlán in June 30 1520. She had to become a wife of two Moteuczoma's successors Cuitlahuac and Cuauhtemoc (Garcia Icasbalceta J. 1941:277; Oviedo 1848:420). This event might reflect the importance of the former ruler's daughter in transmission and legitimization of new *tlahtoani* position. Juan Cano in his dialogue with Oviedo stated that it was Cuauhtémoc who killed doña Isabel's brother Axayacatl to get rid of the legitimate heir (Oviedo 1848:420).

In August 1521 Cuauhtémoc and his young wife were taken prisoners by Spaniards. Then in period from August 1521—till July 1526 she with two of her sisters lived in the house of Cortes who “ordered to show them and to teach them the rules of Our Holy Faith” (DC: 1993:1:379). In that time she was baptized and received her Christian name Isabel probably in honor of the Empress and Queen Isabel of Portugal, the wife of Charles V (DC: 1993:1:379). The instruction received in that time gave its fruits. Later Juan Cano and Franciscans admired much doña Isabel's piety (Oviedo 1848:420; Garcia Icasbalceta J. 1941:255-256). Nevertheless, it seems that Cortes didn't consider necessary to teach the Mexica “princess” reading and writing. Doña Isabel remained illiterate all her life and couldn't even sign her will in 1550 (AGI, Justicia 181:209r, AGN, Vínculos y Mayorazgos 73. f.6r).

In June 1526 being *capitan general* the chief administrator of the new-born colony of New Spain, Cortés arranged the first Spanish marriage of doña Isabel with his companion in arms Alonso de Grado from the town of Alcantara in Extremadura who in this time occupied an important post of *visitador general de indios*. To provide the new-wed with sufficient dowry Cortés in June 27, 1526 issued the first grant in favor of doña Isabel donating her in eternal possession “the realm (*señorio*) de Tacuba.” (Nahuatl Tlacopan) and Yetepeque...and y Chimalpan and Aescapulatingo and Jilcingo (Xilotzinco)...and Caetepec (Coatepec?) and other called Telasco, and other called Guatusco (Huatochco?) (DC 1993:1:380). In total Cortés estimated that this grant might include “one thousand two hundred twenty houses” (DC 1993:380). All they were *estancias* (dependent communities) of the neighboring *altepetl* (city-state) of Tlacopan (Tacuba in colonial times) former partner of Tenochtitlán in Triple Alliance. In Tlacopan doña Isabel received only 120 houses, but it seems that she always considered the entire town of Tlacopan as her possession.⁵

This document encapsulates all concepts further developed in the IIM. Here first time we find designation of doña Isabel as “legitimate heiress of Moctezuma, the natural lord of México and its provinces” (DC: 1993:1:380). Cortes refers to Moteuczoma as “great lord...of this great city of Tenochtitlán and the other provinces” recognizing implicitly his right for power. This implicit recognition echoed the famous thesis of St. Thomas of Aquinas that the mere fact of sovereign's “infidelity” didn't deprive him of

⁵ In her will doña Isabel left Tlacopan for her elder son Juan de Andrade “because it is mine and as I have owned it and own now I desire and it is my will that the said Joan de Andrade my legitimate son possesses it” (AGI, Justicia, 181: 206v).

legitimacy and the deposition of any non-Christian sovereign must have been made only if he openly resisted free communication of Christians with his subjects, prohibited propaganda of Christianity in his realms or committed notable excesses and abuses (Dougnac Rodríguez A. 1994: 314- 315). Although often debated this thesis was, nonetheless, present in Spanish law as basis for the Crown politics regarding the Indian nobility. Developing it further Cortes stressed that Moteuczoma showed no resistance to his army and on the contrary from the very beginning collaborated with Spaniards in the most active way, swore allegiance to Spanish king and finally sacrificed his life trying to save Spaniards (DC: 1993:1:377-378). Thus, he fulfilled his debt as a loyal vassal of the Spanish king and the land grant to his “main and legitimate heiress” is also given in recognition of her father’s status and merits (DC: 1993:1:378). Here as in the **IIM** the concept of natural law is joined with the concept of compensation for loyal services to secure property rights of beneficiary. All these ideas are repeated in the **IIM** but in more detailed way.

Nevertheless, doña Isabel’s status as the principal and legitimate heiress of Moteuczoma Xocoyotzin, and her rights for lands granted by Cortes were actively challenged and the rest of her life passed in constant litigation with colonial authorities. To justify their own acts conquistadors like Ruy Gomez affirmed that Moteuczoma was not “legitimate lord” but usurper and tyrant (ENE 1940:7:33). Other descendants of Moteuczoma and their Spanish consorts constantly questioned “legitimacy” of her birth.⁶ Tlacopan native leaders enraged by loss of their *estancias* and colonial authorities concerned with needs of growing México City actively campaigned for dispossessing doña Isabel of granted properties, and this actually took place around 1530, although for a brief period (Lopez de Meneses A. 1948:479) Spanish neighbors of doña Isabel including Cortés also caused her many troubles. Their livestock damaged her crops and their water-mills consumed all water necessary for irrigation of her fields (AGI, México, 1088:3:39v).⁷

Such situation was quite typical for the time immediate after the Spanish Conquest when the crash of Prehispanic institutes and general instability encouraged competition and struggle among particular persons and administrative bodies. Former dependents of the Triple Alliance and centers of secondary importance began to claim higher position. Nahua commoners refused to obey nobles and former leaders. Spanish conquistadors demanded compensation for their service on indigenous population expense (CDIAI 1870:2:222; ENE 1935:2:132). In this competitive environment doña Isabel’s position was doubly disadvantageous. Although of “royal blood” and “very good Christian” doña Isabel was both Indian and woman. Both categories were regarded by Spanish law as juridical minors, incapable to enjoy all civil

⁶ For example in 1546 the Spaniard Diego Arias Sotelo, son-in-law of doña Leonor de Moctezuma (doña Isabel’s half-sister) affirmed in court that if Cortes called Isabel “legitimate” granting her the town of Tlacopan “it was for particular affection he had to her and because he had a daughter of her” (AGI, Patronato Real 245 R5 (1): f4r).

⁷ It seems that doña Isabel’s relations with the Indians of Tlacopan were far from idyllic. In 1552, already after her death don Antonio Cortés Totoquihuaztli, the Indian governor of Tlacopan complained to the Charles V that Moteuczoma’s daughter “although of our blood and race showed herself so alien to humanity, that instead of compassion and natural love which the persons of same land and nation feel to each other, executed tyranny and treated us born of noble and famous parents as serfs” (Pérez Rocha E, Tena R. 2000: 169).

rights and to carry out respective activities. Considering as well that Spanish juridical practice was based on examining written records doña Isabel's illiteracy made her dependent on assistance of a qualified lawyer or at least a person capable to write petition in accordance to established form. It is not surprising she selected the only possible in her case strategy — marriage alliances with persons who had enough rights and material wealth to protect her against constant claims and territorial pretensions representing her interests in local and metropolitan administrative bodies. Doña Isabel was the first woman of the Mexica royal house who in order to preserve at least a part of her privileges broke the Prehispanic practices of in-marriages, and married Spanish conquistadors, for in the new order they occupied higher place than any of indigenous nobles and enjoyed all civil rights.

If the first marriage of doña Isabel with Alonso de Grado was arranged by Cortés and lasted only a year, because Alonso de Grado died of “natural death” by the March 1 1526, her later marriages in 1528 and in 1531 with former conquistadors Pedro Gallego de Andrade and Juan Cano de Saavedra could be acts of her own will (Lopez de Meneses A. 1948:473, 476, 480). These marriages were antedated by short relationship with her old protector Hernán Cortés, of whom doña Isabel had a daughter doña Leonor Cortés Moctezuma (Lopez de Meneses A. 1948:476). It seemed that after the sudden death of Alonso de Grado deprived of sufficient portion of her grant she had no choice but to seek refuge under the roof of her former tutor, who remained to be the most influential man in New Spain. In 1528 already being pregnant of Cortés doña Isabel married Pedro Gallego de Andrade who came in México with Panfilo de Narvaez and held in that time the *encomienda* of Izquiquitlapilco (DC 1993:1:379). In this marriage doña Isabel had her first son Juan de Andrade (born ca 1529) who played a prominent role presenting witnesses of the **IIM**. This matrimonial union lasted till April 1531 when Pedro Gallego died. In the same year doña Isabel concluded her last marriage with *hidalgo* from the city of Cáceres in Extremadura Juan Cano de Saavedra (Lopez de Meneses A.1948 :480).

In Spain the Cano family occupied relatively high position. Pedro Cano, the father of Juan was *alcalde* of city fortress and his uncle Diego Cano was *escribano* of the prince Don Juan, the eldest son and official heir of the Queen Isabel the Catholic (Lopez de Meneses A. 1948::480; Oviedo G.1848: 419). Coming in México in 1520 with Panfilo de Narvaez as a young man of 17-20 years, Juan Cano participated in fighting with Cortés and probably since that time got notable antipathy to him (Oviedo 1848:419-421). This didn't prevent Cano to serve Cortés during the siege of Tenochtitlán in 1521, and later he took active part in conquest of Oaxaca, Michoacán and the Huastec region. For these merits he received in *encomienda* the town of Macuilxochilco and land plot in the México City (Lopez de Meneses A. 1948:480). He was the man of both energy and ambition, and his marriage with doña Isabel was based on mutual interest. Marrying the Mexica “princess”, daughter of famous and once mighty Moteuczoma Xocoyotzin Juan Cano increased both his prestige and fortune for according to Spanish law he received in his disposal all lands and towns of his wife. As for doña Isabel she had at last an active representative of her interests, who possessed enough training and skill for this task, and had some connections at Spanish court. In turn Juan Cano employed as a main weapon in his endeavors the information about marriage practices, land tenure, and inheritance which he received from doña Isabel.

It must be noted that Juan Cano was indeed very active in campaigning for his wife properties. Around April 1532 unknown Franciscan missionaries composed on his requests two documents “**Relacion de la Genealogia y Linaje de los Señores que Han Señoreado Esta Tierra de Nueva España**” and “**Origen de los Mexicanos**” destined to the king and his officials. These texts were aimed to show that Mexica lords, ancestors of doña Isabel were true “natural lords” of México governing it since times immemorial, that they committed no tyranny and abuses against natural and divine law (such as, for example, incest), that apart of state land holdings they like European monarchs owned vast estates consisted of both land plots and towns, and that the last of them Moteuczoma Xocoyotzin voluntarily accepted sovereignty of the Spanish king, and, therefore, there were no reasons why doña Isabel “the only legitimate heir” and “very good Christian” should be deprived of her ancestral possessions (Garcia Icazbalceta 1941:245, 251, 256, 270-273, 275-276) . Just the same concepts we find presented in the **IIM**). It is also relevant that both **RL** and **OM** contain lists of towns, which doña Isabel parents possessed as their private hereditary property. Both documents were sent in April 30, 1532 to Spain with bishop Juan de Zumaraga (Lopez de Meneses A. 1948:480).

In following years from 1531 to 1550 (the year of doña Isabel’s death) Juan Cano and his wife were involved in three law suits all based on territorial claims. First in 1533 Juan Cano presented claim for the town of “Ocoyacac” referring to the land grant issued by Cortés in which this settlement was mentioned as a part of doña Isabel’s dowry and won the case (AGI, Patronato 245: R.5:1r). The success, however, was only temporal, for in 1540 the *fiscal* stated that doña Isabel and Juan Cano possessed this town illegally without title or at least confirmation. The suit was carried to the Royal Audiencia, and it seemed that Juan Cano and doña Isabel won again (AGI, Patronato 245: R.5:1r). At least in the “**Memorial de los pueblos de Tlacopan**” (around 1562) Ocoyacac is mentioned among 5 towns “which Juan Cano took and they serve him” (Perez Rocha E, Tena R. 2000:249). But ambition of this couple was far beyond unquestionable possession of doña Isabel’s dowry granted by Cortés. They decided to claim the entire patrimony of Mexica *tlahtoque* including lands and towns given to doña Isabel half sister doña Leonor and half brother Don Pedro Tlacahuepantzin (AGI, Patronato Real 245, R.3:8v-9r).

As neither of previously composed relations had results , in next decade doña Isabel and Juan Cano initiated new campaign for her recognition as “legitimate daughter and universal heiress” of Moteuczoma and his wife, and respective restitution of her inheritance which culminated by the long law suit of 1546-1556 reflected in the **IIM**. In 1546 in name of his wife Juan Cano wrote his first petition “claiming lands and towns of her patrimony” and obtained the *cedula* of prince Phillip to start judicial investigation on this subject (AGI Patronato Real 245 R3:f2r). Around November 1548 he presented in Royal Audiencia new petition with list of towns and lands held by doña Isabel’s parents (AGI Patronato Real 245 R3:5v-6r). Two months later in January 4 1548 it was followed by one more petition also addressed to the president of Royal Audiencia and contained list of 39 questions (the above referred *interrogatorio* of the **IIM**) with detailed description of Moteuczoma and Ahuitzotl possessions. In comparison with previous documents of 1532 the amount of estates in question was much more impressive (AGI Patronato Real 245: R3: 5v-16v). If both **RL** and **OM** numbers 15 towns in the Basin of México and near-by areas as Moteuczoma’s “patrimony”, in **IIM** the claimed estate was increased to 117 towns and land plots within

their limits (AGI Patronato Real 245: R3: 5v-12v; Garcia Icazbalceta J. 1941: 255, 277-278) The properties supposedly belonged to Moteuczoma's wife, the daughter of Ahuizotl in **IIM** include lands in 39 towns against 10 mentioned in **RL** and **OM** (AGI Patronato Real 245: R3: 12v-15r; Garcia Icazbalceta J. 1941:277-278). Doña Isabel and Juan Cano also made claims for the palaces which served as residence to Viceroy and the Royal Audiencia, for they were constructed in site of Moteuczoma palace (AGI Patronato Real 245: R3:16r). Among the claimed areas are Ecatepec, held by Isabel's half sister doña Leonor as well as various lands and some **estancias** claimed in that time by don Pedro de Moctezuma Tlacahuepantzin (AGI, Patronato Real 245, R.3:8v-9r).⁸ Notably these two half siblings of doña Isabel aren't mentioned in the **IIM** at all as if they were non-existent. Moreover, in his last petition to the president of Royal Audiencia dated by January 4 1548 Juan Cano stressed that doña Isabel was "*the only and universal heiress, because there was not any other daughter and today there is no any other legitimate one or son.... and the said estates about which I gave relation to His Lordship and many other I didn't put in it ... belong to the said doña Isabel, my wife and your Lady* [Italics mine–A.K.] (AGI, Patronato Real, R3:f6r). The latter definition of doña Isabel as "your Lady" (*vuestra señora* in original) in regard to Audiencia officials is especially curious, because it throws light to self-perception of doña Isabel as legitimate heiress of her ancestors power and dominions of which she was illegally deprived, and for the restitution of which she with help of her last husband struggled for so many years. Contrary to suggestion of Charles Gibson that this campaign was entirely the fruit of Juan Cano ambitions I suppose that he acted rather as his wife's agent, due to doña Isabel juridical status of eternally minor and her illiteracy (Gibson Ch. 1964:453). Noteworthy, in her will doña Isabel refers to both petitions made in 1546-1548, and corresponding litigation as her own initiative.⁹

Doña Isabel died in July 11, 1550 not having seen the end of lawsuit (Lopez de Meneses: 1948:488). The litigation on Mexica rulers' patrimony lasted without any positive results till 1556. In this year, when doña Isabel was already six years, dead the Royal Audiencia confirmed that estates in questions were lawfully her inheritance, but, as they were already distributed and held by other persons, and to dispossess them would have caused great discontent, the restitution of these properties to her children was absolutely impossible (AGI Patronato Real 181 R8:210v).

⁸ For example, Iztla large *estancia* near Tula is describer in **IIM** as once belonged to doña Isabel's maternal grandparents that is to Ahuizotl and his wife Tiacapan. Nonetheless, almost in the same years it was claimed by don Pedro Tlacahuepantzin, the half-brother of doña Isabel as own his patrimony inherited from his mother doña Maria Mihuaxochtzin (AGN, Vinculos y Mayorazgos 256, leg.1, f.1r- 2v, f.15r, f.19r-19v, f.71-78). This lengthy law suit between don Pedro and Tula elders who represented the town was started in 1541 even earlier than one of doña Isabel and with some interruptions lasted till October 1561 when finally the Royal Audiencia decided in favor of don Pedro and his mother (AGN, Vinculos y Mayorazgos 256, f.315 r.) Curiously neither of parties in this law suit mentions Ahuizotl or his wife and children as owners of Iztla.

⁹ Literally the text runs as "Also, as I have petitioned His Majesty to make me favor of lands left of the said Motezuma my father..." (AGI Justicia, 181:209r).

The “Información” ideological content and casting of witnesses

In course of their campaign for ancestral inheritance doña Isabel and her husband developed well formed set of argumentation represented in its most complete form in the IIM interrogatorio, composed by Juan Cano very probably with active participation of doña Isabel who might contribute information for it. The objective of this argumentation was to undermine any possible objection of any opponent regarding doña Isabel rights to her parents estates and make judges give a positive verdict. So Juan Cano’s petition of 1548 and interrogatorio also composed in the same year stress that doña Isabel must be restored in all her ancestral possessions because:

- Her father Moteuczoma Xocoyotzin was a “natural lord” of Tenochtitlán and its provinces, continuing the line of rulers since times immemorial;
- Her father made no resistance to Spanish conquistadors as emissaries of the Spanish king and Catholic Church. On the contrary he friendly received them in his capital, willingly accepted sovereignty of the Spanish king, agreed to pay tribute and even was converted to Christianity (AGI, Patronato Real 245, R.3 f3r). Moreover, he was killed trying to pacify his former subjects, who rebelled against Cortés—the deputy of the Spanish king. So, his conduct was reason for approval and dutiful compensation to his children not dispossession;
- Although doña Isabel parents were “gentiles”, they married legitimately according to all established norms of their law. Prehispanic practices which not evidently contradicted Castilian ones were regarded as “natural law” acceptable in colonial realities as legal. Therefore, their children of this marriage were legitimate;
- The only children Moteuczoma had of this marriage were doña Isabel and Axayacatl. As this only legitimate male heir was murdered during the Conquest all his rights passed to doña Isabel;

The lands in question did not belong to state but were private properties (*patrimonio*) of Moteuczoma and his wife inherited from their ancestors ¹⁰ (AGI, Patronato Real 245 R3:12v-16r).

The next step was careful casting of witnesses to confirm all these evidences. This task was fulfilled with admiring skill. First, all 29 witnesses were males. Although Castilian legal practice didn’t exclude women from the circle of witnesses, their evi-

¹⁰ Similar argumentation used don Pedro Tlacahuepantzin, the son of Moteuczoma Xocoyotzin in his letters to the king Phillip II. For example in his last letter dated by March 31 1570 don Pedro first refers to the “voluntary submission” of his father, his death from hands of former subjects, then to his mother doña Maria Miahuaxochtil as “legitimate wife “ of Moteuczoma and calls himself “the only universal heir” (AGI Patronato real 245, R4: 1v).

dence was generally considered as less trustworthy and reliable than that of male witnesses.¹¹ Second moment of importance is age casting of witnesses.

The largest group of 10 witnesses (34, 48%) were born between 1484-1490 and met the Spanish Conquest as mature men of 31-35 years (AGI Patronato 181:R8: 67v, 71v, 91v, 125v, 139v 98v, 150v, AGI Patronato Real 245, R3: 17v, 60v, 91v.) 7 persons born in 1492-1498 presented Spanish arrival as young men of 21-27, another 7 (20,60%) as mature men of 36-41 years (AGI, Patronato 181:R8: 74v, 88 r, 95r, 101 v, 107v, 113r, 119 r, 145 v; AGI Patronato Real 245, R3: 47 r, 75v, 82r, 103r, 111v). Only 3 witnesses (10, 34%) of total born ca. 1500-1503 were in that time teenagers or youths of 14-19 years (AGI Patronato Real 245, R3:33v, 99v, 118r). As the majority of them (89, 73%) grew up, and formed as personalities entirely in the Prehispanic period, one could expect that they would present quite reliable testimonies in respect of past realities. It seems, that all witnesses were ethnic Nahuas and almost half of them (44, 82%) were natives and constant residents of Tenochtitlán with interesting predominance among them of individuals from San Sebastian *barrio* (38, 46% of total) called in the Prehispanic time Atzacualco (AGI, Patronato 181:R8:67v, 71v, 107r, 113r, 125 r-v, 132v, 139r, 145v; AGI Patronato Real 245, R3:17r). Only 3 witnesses (10, 34%) were from Tlaltelolco (AGI, Patronato 181:R8:74v, 118v-119r, 150r). Notably considerable group of witness (11 individuals or 37, 93%) were residents of areas outside Tenochtitlán, mostly of its former dependents in the Basin of México, Toluca and Matlaltzinco valleys (present state of México). In this group 3 (10, 34%) persons were from the town of Ecatepec in the actual México D.F., other 3 (10, 34%) from the village (*estancia*) of Popotla and the rest of 5 witnesses from Toluca and Matlaltzinco centers such as Huey Tenanco (Gueytenango in text), Toluca (Tolucan), Teotenanco, Tepemaxalco, Tlacotepec, and Metepec (AGI, Patronato 181:R8:87v, 92v, 96r, 98r, 101r, 104v; AGI Patronato Real 245, R3: 75r, 82r, 99r, 102v, 11r, 118r). Notably 4 of these centers (Toluca, Teotenanco, Metepec, and Tlacotepec) are mentioned in the “Codex Mendoza” as conquests of *tlahtoani* Axayacatl, Moteuczoma’s father (CM 1979:9v).

As for social status 3 witnesses had an honorable title *don* which Spaniards gave to direct descendants and relatives of Prehispanic rulers. These 3 persons are Moteuczoma’s half brother, don Juan García Achicatzin Huitznahuatl the younger son of *tlahtoani* Axayacatl (ruled in 1469-1481), don Miguel Tuhnahuacatl (the second name is in fact honorable title of a warrior who captured four prisoners and had functions of officer), and don Juan de Zacualpa (Tzacualpan), son and successor of the Tzacualpan Prehispanic ruler (AGI, Patronato 181:R8: 98r, 118v-119r; AGI Patronato Real 245, R3:99r). 13 witnesses (44, 82 %) are called *principales* (AGI, Patronato 181:R8:74v, 95r, 98; AGI Patronato Real 245 R3:33r, 46r, 75r, 82r, 102r, 11r, 118r). This term meaning “persons of importance” was commonly used in colonial times as Spanish equivalent of Nahuatl term *pipiltin* — “nobles” (Lockhart 1992:152). One of these 13 witnesses Miguel Huecamecatl had the Prehispanic title of *teuctli* (*tecuhlli*), which might designate either high ranking judge or a leader of noble kin group *tecalli* (AGI, Patronato 181:R8:150r; Carrasco P 1966:145; Rounds

¹¹ When Hernan Cortes was accused in murder of his first wife Catalina Juarez Marcaida, his advocates refuted the charge as presented by “women and persons of low condition and breeding” (DC 1994:2:206).

J. 1977:358-360). All the rest are described as **vecinos** (“residents”) or **naturales** (“natives”). Nonetheless, they hardly were commoners **macehualtin**. 17 witnesses (58, 62%) took part in festivals at the wedding of Moteuczoma with Ahuizotl’s daughter and according to Prehispanic practice only nobles had access to such events (AGI, Real Patronato 181 R 8:68r,71v, 74r,79v, 107v,113 r, 119r, 125v, 132v, 139v, 150v: AGI, Patronato Real 245, R3:18r, 47r,83r, 92r, 118r). Fifteen (51,72%) witnesses declared that they were in some way involved in Moteuczoma negotiations with Cortés, when the latter was still on the Mexican Gulf Coast (AGI, Real Patronato 181 R 8:71r, 78v,112v, 118v, 124v, 132r, 138v, 145r, 150r, 153r; AGI Patronato Real 245, R3:32r, 45r, 59r, 73v, 98v, 110r, 122v). Taken in account that arrival of strangers was at first a matter of great secrecy hidden from common knowledge, the persons who got access to this secret, and witnessed Moteuczoma’s consultations with his councilmen must enjoy great confidence of **huey tlahtoani**. Finally 18 witnesses (62, 06%) told that they accompanied Moteuczoma at his first meeting with Cortés in November 8, 1519 (AGI, Real Patronato 181 R 8:71r, 78v, 97v, 112v, 118v, 124v, 132r, 138v, 145r, 150r, 153r; AGI Patronato Real 245, R3:32r, 45r, 59r, 73v, 98v, 110r, 122v).

Indeed 16 of 29 witnesses (55, 4%) were closely related to the Mexica royal house being former servants of Moteuczoma or Ahuizotl (AGI, Real Patronato 181 R 8: 67v, 71v, 74v, 80r, 120v, 118r-1119v, 139r; AGI Patronato Real 245, R3: 17r, 30r, 46r, 60r, 75r, 91r, 99r, 102v, 111r, 118rr). All they constantly resided in their houses. Four of them (13, 7%) were in this or that way related to economic life of the royal household and Mexica state. Witness named Miguel Tescaguacatl (Tetzcoatl) served to **petlalcatl**, the chief treasurer and head of **tlahtoani** stewards (Nahuatl **calpixqui**) (AGI, Real Patronato 181 R 8:74v). Witnesses named Anton (his Nahuatl name is omitted in text) and Antonio Huyzpopocatl (Huitzpopocatl) were respectively son and nephew of **tlahtoque** stewards (AGI, Real Patronato 181 R 8:113r, 132v, 135v). The witness Martin Mexicatl himself used to be steward (**calpixqui**) of Ecatepec (AGI, Real Patronato 181 R 8:80r). Among the rest 25 witnesses 3 were “pintores” or rather “scribes”, who “recoded all that occurred” for Spaniards regarded Nahuatl writing system as “painting”, and in fact the Nahuatl term **tlacuilo** designates both painter and scribe (AGI, Real Patronato 181 R 8: 71v, 139r; AGI Patronato Real 245, R3:91r). One witness Miguel Chimalystepetla (Chimalixtepetla) declared to be guard (**tapia** in text) in Moteuczoma’s house and, one more Cristobal Quahnoctli (Cuahnochtli) used to make lighting in spite of his military sounding Nahuatl name or rather title (AGI, Real Patronato 181:67 R 8:67v; AGI Patronato Real 245, R3:75r).¹² The functions of other 20 are not clearly described. Among the 5 witnesses from Toluca and Matlaltzinco valleys, the first one Pedro Ixquen used to be the interpreter (**nahuatlato**) of Toluca ruler, for main languages spoken in Toluca valley were Otomi and Mazahua. Another one Martin Mexicatetl often came to Moteuczoma’s house in Tenochtitlán “to bring wood and other things” (AGI Patronato Real 181 R8: 91r, 96r). The functions of rest are not indicated at all, but it seems that they also maintain some connection with Moteuczoma’s household.

¹² According to XVI century historian Francisco Cervantes de Salazar **cuahnochtli** is a warrior who took 5 prisoners (Cervantes de Salazar F. 1974:235).

So as one can observe the choice of witnesses was hardly casual but quite deliberate and its main aim was to assure the judges of Audiencia in absolute veracity of their testimonies. In fact who could be better informed about estate of Mexica **tlah-toque** than their former servants and persons of confidence born long before the Conquest and actively involved in daily life of the royal household? With support of such witnesses doña Isabel and her husband might be sure to win the case, as it nominally occurred. Of course, due to the time past and different personal experience witnesses of the **IIM** disagree in details. For example all witnesses from Toluca and Matlatzinco valleys provided information only regarding their own area and failed to confirm any evidence about towns and lands outside it. Nevertheless, all the witnesses who were servants of Moteuczoma or Ahuitzotl confirmed that the general form of land holding was private hereditary property. This important semantic nuance was later emphasized by Spanish interpreters and copyists. In the **IIM** present version the most frequent term for Mexica princes territorial possessions is **patrimonio** (met 325 in responses to **interrogatorio**), a bit less frequent (317 times) is the standardized formula **tener and poseer por suyos y como syuos en su vida** — “to hold and to possess as their own and like their own during lifetime”), and its variant **gozar como suyo** — “enjoy as one’s own” (289 times). So, the officials of Royal Audiencia and General Council of Indies might get impression that in Prehispanic times the members of the Mexica royal house really possessed vast territorial properties just in the same form like the Spanish royal family and magnates of the epoch. This was the main aim of entire lawsuit. Was it so in reality?

As I have suggested the casting of witnesses among the former servants was a deliberate, well-calculated act to avoid any substantial contradictions to the claims presented. Notably, these former servants and persons of confidence often directly expressed their affection to Moteuczoma Xocoyotzin describing him as benevolent, fair, and magnanimous lord, and felt pity for his unmotivated imprisonment and tragic death (AGI Patronato Real 181 R8: 114-115v, 132r, 147 r; 124v). Some of them like witnesses Juan Ecatl wondered why the only Moteuczoma’s legitimate heiress had not been restored in her rights (AGI Patronato Real 181 R8:129v). The devotion and affection of former servants, especially if they were deliberately selected, could strongly influence their evidence, and make them confirm doña Isabel claims.

In contrast with former servants only one witness Don Juan Garcia Achica was a close relative of Moteuczoma Xocoyotzin, his elder brother according to his own words or more exactly his half-brother. He is mentioned in two evidently related sources “**Cronica Mexicayotl**” and “**Septima Relación**” of Domingo Francisco Chimalpahin among the children of **tlah-toani** Axayacatl as don Juan Garcia Achicatzin Huitznahuatl (Chimalpahin 2003:2: 117; Tezozomoc 1975:135, 138). E. Pérez Rocha supposed him to be the son of Iyacuetzin, the daughter of Achica Huitznahuatl-lailotlac, who was the grandson of Tlacateotl, **tlah-toani** of Tlatelolco. “The custom to take a name of one of grandfathers is well-known”— she noted (Pérez Rocha 1998:21). If this hypothesis is correct don Juan Achica of **IIM** must be don Juan Axayaca(tl) from letters of don Pablo Nazareo, an indigenous noble from Xaltocan dated by February 11 and February 12 1561, and by March 17 1566 (Pérez Rocha E, Tena R. 2000: 235, 243, 333, 341-344, 352, 366). In them don Pablo Nazareo refers to don Juan Axayacatl as his father-in-law, and presents the detailed genealogy of the latter according to which don Juan Axayacatl was the son of Axayacatl and Iyacuetzin, the “princess” from Tlatelolco, the daughter of Achicatzin Huitznahuatl-

lailotlac (Pérez Rocha E, Tena R. 2000:336, 352-355). The difference in Nahuatl names of this person (Achica in the **IIM** and Axayaca in letters of don Pablo Nazareo) could be explained by the practice to use father's name as a sort of surname, just like in proper case of doña Isabel. If Don Juan Achica from the **IIM** and don Juan Axayca from letters of don Pablo Nazareo is in fact the same person, it might explain don Juan conduct at litigation. For don Juan Garcia Achicatzin is the only witness whose evidence undermines almost entirely all set of argumentation elaborated by Juan Cano and doña Isabel. If all the rest of witnesses disagreeing in details unanimously describe estates in question as Moteuczoma and Ahutzotl private properties inherited from ancestors and freely transmitted, don Juan Garcia Achica again and again states that areas and towns presented in **interrogatorio** as private possessions were in fact corporate holdings of entire royal lineage, which served to sustain every member of this lineage including him and they were undividable and unalienable (AGI Patronato Real 181 R 8:108v-109r. 110v). According to don Juan Achica, Moteuczoma Xocoyotzin acted only as principal manager of these estates. He actually with help of his stewards collected all that was produced in these lands and distributed these products among his brothers, nephews, cousins and other relatives descendants of Mexica **tlahtoque**, because these lands were granted for all members of the royal lineage "not because all was of the said Monteçuma" (AGI,181 R.8:108v-109v). The same don Juan Garcia Achica repeated in respect of Ahutzotl lands. Some towns like those of Toluca and Matlaltzinco valleys don Juan Achica completely excluded from category of **patrimonio** describing them as tributaries of the Mexica state (**del señorío**) (AGI,181 R.8:110v).

Interestingly the same towns of Toluca and Matlaltzinco in letters of don Pablo Nazareo written partly on behalf of his father-in-law are described as **estancias** which **tlahtoani** Axayacatl (don Juan's father) "held for his personal service", and for this reason don Pablo Nazareo in name don Juan Axayaca asked their restitution (Perez Rocha E, Tena R. 2000:351). These letters are really pathetic in description of this family extreme poverty Pérez Rocha E, Tena R. 2000:333, 238, 362, 366). If we take in account precarious material state of don Juan and his own interest in towns and lands requested by his niece his evident desire to refute doña Isabel's claims is quite explainable. Don Juan reluctance to support his niece can explain the absence of other relatives, at lawsuit except Anton who was "very distant relative of doña Isabel beyond the fourth degree" (AGI Patronato 181 R8: 113r). Doña Isabel and her husband might be seriously afraid that like Don Juan Achica other surviving members of the Mexica ruling lineage wouldn't have confirm their claims and instead would present their own pretensions. Thus, could don Juan's statements regarding corporate character of land holding of Mexica elite have real grounds or were they simple inventions of discontented impoverished relative? What kind of social unit was hidden under rather vague term **parentela** ("kinfolk") employed by Spanish interpreter to translate his words? These questions can be answered only if we examine the **IIM** evidence in light of data from other sources.

Land holding, kin groups and marriage alliances of the Mexica elite in “Información”: A “house society”?

Such sources as anonymous “Relación de la orden que tenían los indios en suceder en las tierras y valdios” (ca. Middle XVI century), letter to the king Phillip II of judge Vasco de Puga (1567), “Breve y Sumaria Relacion de los Señores de la Nueva España” by Alonso Zorita (ca.1569), “Monarquía Indiana” by fray Juan de Torquemada (1600-1621), and “Historia Chichimeca” by F. Alva Ixtlilxocitl (early XVII) inform us that there were 4 general categories of lands in the Prehispanic Central Mexico:

Calpullalli (literally “lands of big house”)—community lands distributed among its members for cultivation. These lands were in common possession and those who cultivate them were not allowed to sell or lend them. Spanish documents name them “empty lands” (*baldios*) or “lands of wards” (*tierras de barrios*).

Tlahtocatlalli or **tlahtocamilli** (literally “lands of ruler” or “fields of ruler”)—office lands of a ruler given to him for fulfilling functions of supreme judge, commander-in-chief and chief administrator. In Spanish documents this category of lands is called “lands of realm” (*tierras de señorío*). These lands were unalienable as well, and passed with office to new ruler after the death of the previous one.

Tecpantlalli (“lands of lord place”)—lands reserved for daily needs of ruler’s household. People who live in them (**tecpanpouhque**) were obliged to perform various tasks in ruler’s residence such as cleaning, repairing, cooking and water carrying. Their status was hereditary and they could not neither sell nor lend them. If one of **tecpanpouhque** died without children his lands were returned to **tlahtoani** and he gave them to other person of this category. Spanish authors refer to them as “lands of royal chamber” (**tierras de recamars de los reyes**).

Pillalli (“lands of children” that is nobles)—lands given by ruler to **pipiltin** his close and distant relatives, descendants of anterior rulers or to **cuauhpiltin**—the warriors distinguished in battles who gained the status of lower nobility for their military services. It is this category of lands which Spaniards used to call *partimonio*. Therefore, it is probable that most of the IIM witnesses in their responses to judges referred to the estates as **pillalli**. Actually most of ethnohistorians tend to describe **pillalli** as private properties of Nahua nobles, although this notion is not quite adequate, at least in regard to some parts of them which were given by ruler to a certain noble together with their tenants (**terrazgueros**) (AGI Patronato 20, R22:5: 266; Alva Ixtlilxochtil F. 1892:2:168-171; ENE 1940:10:33; Torquemada J. 1723: 2:541; Zorita A. 1893: 76-77, 199).

Some sources mention three other categories of lands: **altepetlalli**—lands of cities, often identified with **calpullalli**, and **yaotlalli** (literally “lands of war” or “lands of enemy”)—lands located in frontier zone or in the conquered areas used to sustain army and **teotlalli** — “lands of temples” (ENE 1940:10:33; Torquemada J. 1723: 2:541).

It seems from historical records that ruler (**tlahtoani**), especially **huey tlahtoani** the supreme ruler of a certain territorial unit was considered as principal holder of all lands. At least he enjoyed the right of land distribution in all territory of his domain. For example, F. Alva Ixtlilxochtil describes how the Tezcocan **tlahtoani** Nezahual-

coyotl after his restoration to Tezcocan throne divided all lands of his realm in the above mentioned categories providing his numerous kinsmen with sufficient estate (Alva Ixtlilxochtil F. 1892:2:168-169). The similar information we have in respect of Tlaxcala Puebla valley where in the period of migration, a leader of a certain “tribe” or “clan” divided the new gained territory (transformed with time in *altepetl*) among its members (Camargo Muñoz D 1943: 85; Carrasco P. 1996: 140-141; Zorita A. 1893: 76-77). According to D. Chimalpahin the same practice was main principle of land division in Chalco “province” (Chimalpahin D. F. 2003:1: 110-112). Since XV century when Chalco “province” was subdued by Mexica, Mexica rulers obtained the right to distribute its lands and to establish land boundaries according to their own taste (Chimalpahin D.F. 2003:2: 145). **RL** and **OM** also mentioned land grants made by Mexica rulers to their children (Garcia Icazbalceta J. 1941:255, 277-278).

This pattern provides us with key to question about origin of Nahua elite land holdings including *pillalli*. Historical records show that Nahua rulers within their realms always tried to provide their children with their respective portions, and the latter transmitted these grants to further generations. If these rulers like Mexica *tlahtoque* led expansionist politics in regard to their neighbors, he and his kinsmen benefited receiving established rent from plots and settlements in the conquered areas. “**Cronica Mexicana**” describes division of the conquered *altepetl* lands among Mexica elite as following almost immediately after its conquest (Alvarado Tezozomoc F. 2001:99,102-103, 105, 113, 132-133). Concretely it meant that from that time people of the conquered town were obliged to cultivate these lands and to give all harvest from them to Mexica lords. They were also obliged to pay tribute in form of various goods made in their households (for example cloths) (Scholes France V., Adams E. 1957:29-30, 35-36). They could be also called to perform a certain task of emergency in Tenochtitlán itself or in their own area (Scholes. F.V., Adams E. 1957:41, 47, 51). The control over these activities was in hands of *calpixque* (“tribute collectors”) whom Spaniards called *mayordomos* (Pérez Rocha 1998:21). Due to lack of animals of burden and corresponding problems with transportation the practice described here was used only in regard to the lands in the Basin of México and nearby territories. The largest and the best lots were always given to *tlahtoani* and his closest relatives, generally brothers and sons.

According the “**Cronica Mexicana**” such division took place immediately after the Tepanec war (1428-1431) in all subjected centers in the Basin of México and later in neighboring areas like Toluca and Mataltzinco valleys. These centers include Coyoacan, Xochimilco, Azcapotzalco, Chalco, Cuitlahuac, Mizquic in the basin of México and Metepec, Toluca and Teotenanco in the present state of México (Alvarado Tezozomoc F. 2001:99,102-103, 105, 113, 132-133, 218). Just the same cities appear in Codex Mendoza as conquests of Mexica rulers from Acamapichtli to Axayacatl and as *patrimonio* of Moteuczoma and Ahuitzotl in the **IIM** (CM 1979: 2v-9v; AGI Real Patronato 181 R8: 63-67rr, AGI Patronato real 245 R.3:6v-16v).

It is important to stress that nothing in this practice gives reason to interpret land holdings appeared in course of these divisions including the ones which followed after military campaigns as private properties in traditional Western sense of this term. According to J. Torquemada those *pipiltin* who received their lands from ruler were not allowed to sell them. These lands returned to ruler if the beneficiary died childless or committed some crime against his lord. Were any alternative ways of land

acquiring which permitted to form private properties as it declared in the **IIM**? And could be some of *pillali* actually purchased? Did the notion of land as commodity really exist in Prehispanic times or we should take it as colonial development?

Alternative ways of acquiring patrimonial were donations and dowry. According to the **IIM** Tezcocan rulers donated Moteuczoma Xocoyotzin an orchard in their territory in sign of friendship (AGI 181 R.8: 82r). But as one can observe from the evidence of the **IIM** the sizes of these plots were relatively small and they could not compose an impressive estate of 117 towns and land plots attributed to Moteuczoma by this source. The dowries of new-wed spouse appear to be more suitable way to form such patrimony. **IIM** constantly refers to this practice explaining the abundance of Mexica rulers "private properties". It states that all lands given by Ahuitzotl to his daughter as her dowry came in complete disposal of Moteuczoma after their wedding. Among the sources which mention this practice is the late XVI century Codex Ramirez in which we found evidence that at wedding parents of both bridegroom and bride: "learned by memory all that he and she had brought of house articles, lands (sic!), jewels and dresses" (CD 2001: 177). But it is further added that in case of divorce former spouses made division of their properties, and each one took away his or her portion including lands (CD 2001: 177). Prehispanic marriage practice included such mechanism as levirate (widow's marriage with her brother-in-law) to prevent the loss of estate but it worked only in case of widowhood not divorce (HMP 1882:106). Another description of new-wed noblewoman dowries we find in "Septima Reacion" of A.D. Chimalpahin give us nothing in this respect. D. F. Chimalpahin states that one of Moteuczoma's daughters while marrying Necuametzin, the ruler from Tzacuatlan Tenanco Chalco, received from her father as a "dowry" two Otomi communities (*tlaxilacalli*) to use their services in new place (Chimalpahin A.D. 2003:2:145). But this text clearly tells us about people in service not land.

The problem of land purchasing in Prehispanic times is one of most debated. The same don Juan Achica in **IIM** states twice that Moteuczoma "*purchased some lands on his own money*" (AGI, Patronato Real 181 R8: 110r) I am sure that these phrases were products of free translation common in Spanish documents of that time. Another witness of **IIM** Miguel Huecamecatl who later in 1554 was asked to evaluate the total cost of tributes paid to Moteuczoma Xocoyotzin in money failed to do this in regard to the Prehispanic times, because "there was no money in that period" (Scholes F.V., Admas E. 1957:37) The very term for money in colonial and modern Nahuatl *tomin* appeared only around 1545 (Karttunen F. Lockhart J. 1976:54).

However, we do possess several testimonies concerning land sale and purchase in Prehispanic period. Juan de Torquemada states that *cuauhpiltin*, warriors who gained noble status through military services and received from ruler lands in recognition of them: "could not have tenants and could sale [these lands] to other nobles because it was not considered that the lord made this favor on certain conditions and to nobody of them was allowed to sale them to any *macehual* (that is commoner)" (Torquemada J. 1723:2:546). We have one more testimony in the "**Parecer de fray Domingo de la Anunciación, sobre el modo de tributar que tenían los indios en el tiempo de la gentilidad**" (1554) detailed report of Dominican monk, who interviewed six Indian nobles from Chimalhuacan, the main city of Chalco "province". Fray Domingo wrote: "they say that lands they possessed were of town (*pueblo*) and of common use and of wards which they had distributed [among them] and some

nobles sold a part of these lands to private persons, those who purchased them, left them to their descendants but originally these were lands of towns which they call **altepetlalti** (ENE 1940:7:261). In early XVI century census from Morelos we find respective term **ymilcoval** (“his purchased field”) and in the “**Florentine Codex**”, the final version of “**Historia General de las Cosas de la Nueva España**” we have another term **tlalcohualli** (“purchased lands”) (Cline S 1993:70; FC 1950-1982:10:21). Nonetheless, these testimonies should not be regarded as unquestionable proofs, for Spanish authors could misunderstand explications of Nahuatl informants and put in them the notions they initially lacked.

First of all the term **ymilcoval** met in Morelos census: “does not appear as a standard item in the other volumes of census” (Cline S 1993: 70-71). “**The Florentine Codex**” finished about 1579 is a late source, and contains significant portion of colonial elements. Finally the only detailed account of the Prehispanic land purchase we have now raises some question whether it was really a purchase in true sense of term. In curious document known as “**Verba Sociorum Domini Petri Tlacahuepantzi**” (“Words of don Pedro Tlacahuepantzin companions”) written in Latin in 1541 as part of **información** in favor of don Pedro Tlacahuepantzin, one of witnesses named Andres Tlaylotlac said that: “a field called Xicococ bought from Tollan elders the lord Ixtlilcuechaoacatzin [the ruler of Tullan Xicotitlan and maternal grandfather of don Pedro—A.K]; he paid for it 100 precious feathers of quetzal bird, 140 loads of cacao and 120 clothes...also it was paid for the field of Xicococ 60 loads of seeds we call *chien* and 40 loads of vegetables” (Pérez Rocha E. Tena R. 2000:142). It should be noted that due to the absence of money in Prehispanic times clothing, feathers and crops did play the role of “currency”. However, the declaration of other witness Alonso Chichimecateuctli completely undermines Andres Tlaylotlac’s evidence for Alonso Chichimecateuctli explains that: “*all these things not were given to our elders as payment to buy field, but as gift and present; and all that he gave to our elders they didn’t welcome, because they put them in a certain place to be rotten there [italics mine] and as for precious feathers called quetzalli they returned them to the lord Ixcuecetzli, son of Ixtlilcuechaoacatzin and the latter used them in his dances*” (Perez Rocha E. Tena R. 2000:147). If it was land purchasing the way of using the “money” doesn’t suit to the concept of commercial transaction. Neither land here is treated as true “commodity”. The entire history sounds rather like making gifts in order to obtain certain rights of land use, typical for early societies. In brief there is no unquestionable evidence that land in Prehispanic period was really commodity and could be sold and purchased as such. The scarcity and ambiguity of testimonies shows that even if this practice did exist, it had very limited sphere of use, and, therefore, could not be base for acquiring of large estate. So the war expansion appears to be the main way of formation of both **tlatocamilli** and **pillalli**, for the “**Breve y Sumaria Relacion de los Señores de la Nueva España**”, “**Cronica Mexicana**” by Tezozomoc and “**Monarquia Indiana**” permit to say that **pillalli** emerged in course of territorial division of Mexica the conquests as lands reserved for their relatives (Alvarado Tezozomoc F. 2001: 99,102-103, Torquemada 1723:2: 546; Zortia 1893: 76-77).

The analysis of Nahuatl terms for “patrimony”, “estate” and “property” found in Alonso de Molina dictionary, the most complete sample of the Classical Nahuatl gives little in favor of the **IIM** interpretation of the claimed lands and towns as “hereditary private property” held by Moteuczoma and Ahuitzotl, apart of their office lands

(*tlahtocamilli*). First Nahuatl part of Molina dictionary makes no distinction between *patrimonio* (“patrimony”), and *señorio* (“realm, state”) so emphasized in the IIM. The both terms are translated as *tlatocayotl* (derived from *tlahtoani* — “ruler” with addition of collective nominal ending *yotl*) (Molina 1571: f140r). The most common term for “estate” and property in Molina is *tlatquitl* which in its literal significance designates rather “movable properties”.¹³ In fact its second significance according to Molina is “clothing” (Molina A. 1571:142 r.).

Does it mean that in fact there were no strict divisions between office lands of ruler and “private” lands of his relatives who formed a category of hereditary nobility in Prehispanic time? And was distinction between state and private of Mexica lords relevant at all for this period? Interesting results to answer this question give comparison of the IIM list of Moteuczoma and his principal wife estates with one of tributary cities and provinces from well-known “**Codex Mendoza**” (ca 1545) and less known “**Informacion sobre los Tributos que los Indios Pagaban a Moctezuma**” (1554). All 117 toponyms numbered in the IIM are situated completely in terms of the Aztec state tributary provinces. Some of the claimed estates like the towns of Toluca and Matlaltzinco valleys in “**Codex Mendoza**” and “**Informacion sobre los Tributos que los Indios Pagaban a Moctezuma**” are attested simply as tributaries of Moteuczoma without any indication that they were his private properties or office holdings (CM 1979: 19v-25v; 27v-33v; Scholes F. V. Adams E 1957: 30, 32-35, 42-44). Both “**Codex Mendoza**” and “**Informacion sobre los Tributos que los Indios Pagaban a Moctezuma**” were directed to inform the Spanish crown about tribute system of the conquered state rather than about Mexica lords private land holdings. Moreover, in the “Memorial de los pueblos de Tlacopan” (ca .1562) such “Moteuczoma’s patrimonies as Xilotzinco, Ocelotepec, Xochiacan, Tepexic, Itzquitlalpilco are declared to be tributaries of Tlacopan, Tenochtitlán former partner in the Triple Alliance (Perez Rocha E; Tena R: 200:249). The last curious moment is that according to IIM Moteuczoma’s estates in the Basin of México were often situated side by side with that of Ahuitzotl. For example the IIM states that both had lands and houses in the towns of Cuitlahuac and Mixquic located in the southwestern part of Tezcoco lake (AGI Patronato Real 245 R.3: f 11r-11v; 13 r).

How should we interpret all these coincidences? It’s quite probable that in their ambitious endeavor Juan Cano and doña Isabel deliberately put *tlahtocamilli* and *tecpanllalli* in category of Mexica lords “patrimonial lands” and selected witnesses ready to confirm this fraud. Another suggestion which seems to me more plausible in light of Prehispanic Mesoamerican social realities is that the distinction between “state holdings” and “private holdings”, between “realm” and “patrimony” was appeared already in colonial times under Spanish influence. As the various sources show us in Prehispanic times, *tlahtoani* was an absolute master of the both territorial unit he governed and its tributaries , and as such he had a right of dividing the land in this area as he considered necessary (see for example land distribution made by Nezahualcoyotl). As every Prehispanic Nahua ruler was representative of a numerous kin group which in fact monopolized power in the Basin of México, and due

¹³ Literally it means “something to carry” from *tla* — indefinite personal prefix: as object or verb”, the verb *itqui* — carry and *tl* absolutive singular ending of noun.

to polygamy left many children (according to the “**Cronica Mexicayotl**” only Axayacatl had 20 children most of whom left their own posterity) to provide all them with means to maintain their high status might be one of his priorities. In conditions of early pre-modern economy without money this situation could be possible only through distribution of lands or tributes among the certain branch of members of ruling house. With time and corresponding growth of this branch some internal division of estate might have taken place, and, thus, one Mexica prince could receive tribute from one ward of a town, and his brother or cousin from another one. Nonetheless, usually children of **tlahtoani** held their lands together, as it was in case of Ahuitzotl’s son Atlixcatl and his sister until the latter married Moteuczoma, and “took away” her portion. In the next generation the balance was restored when the daughter born in this marriage married Atlixcatl, and brought with her a part of mother’s dowry (AGI Patronato Real 181 R.8:71v-72v). This practice to marry relatives (generally cousins or uncles and nieces) is traced through generations of the Mexica rulers’ lineage (Carrasco P 1976: 30-31). It has sense only if estate belongs to corporate body and regarded as common possession of this group, for in this case it is crucial to hold it within this group through in-marriages. The corporate nature of Mexica elite land tenure can explain J. de Torquemada evidence that **pipiltin** were not allowed to “sale” their lands to commoners (Torquemada 1723:2:546). Mexica **pipiltin** were descendants of certain ruler and, therefore, the members of different branches of the same kin group. As such they held lands which were in fact corporate property not their own, and so they could transmit it only within their kin group. In a whole the situation reminds much the model of “house” described by the famous French anthropologist Claude Levi-Strauss in his book “**The way of masks**”. C. Levi-Strauss defines house as “a corporate body holding an estate made up of both material and immaterial wealth, which perpetuates itself through the transmission of its name, its goods, and its titles down a real or imaginary line, considered as long as this continuity can be express itself in the language of kinship or of affinity, and most of both” (Levi-Strauss 1982: 174). We should add that texts written by Nahua nobles including Mexica in colonial times constantly refers to Prehispanic rulers’ kin groups as **tlacamecayotl** (“link of people”), no paying much attention to the principle of descent reckoning (see for example Alvarado Tezozomoc F. 1975: 3-5; Chimalpahin 2003:1: 1170118).

Taking in account the corporate nature of the Mexica nobility land tenure, flexibility of status transmission through both lines, double reckoning, absence of the strict rules of inheritance, we can assume that like Nahuas of Tlaxcala Puebla region the Prehispanic Mexica were the “house society” as well. This model functioned till the Spanish Conquest. and in Colonial times it faced introduction of quite different norms which include individual properties holding instead of corporate, free sale and disposition of estates, patrilineal descent reckoning instead of double one, monogamous marriage between non-kinsmen instead of polygynous unions with relatives and predominating rights of the children born in this “legitimate” monogamous union. Paradoxically in unstable conditions of colonial era some members of most powerful in Prehispanic times “houses” like doña Isabel de Moctezuma raised claims for the former corporate estate basing their pretensions on these newly introduced concepts.

Summary

The study of “**Información de doña Isabel de Moctezuma**” realized in terms of this project permits to suggest considerable and deliberate distortion of Prehispanic nobility land tenure in interests of particular person, descendent of the Prehispanic Mexica rulers. This distortion might be result of two factors: 1) the specifics of witnesses’ casting directed to confirm that doña Isabel’s parents had really “private estates” like Spanish landlords; 2) rather imprecise and tendentious interpreting of witnesses declarations made by Spanish interpreters and later enforced by copyists. Such distortions oriented to the benefit of certain individuals of the Indian nobility were typical for Colonial times. The data of contemporaneous sources and evidence presented by one witnesses in “**Información de doña Isabel de Moctezuma**” itself point rather to corporate land holding of Prehispanic nobility, based on social model known as “house society”.

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List of Abbreviations

AGI, Archivo General de Indias

AGN, Archivo General de la Nación

CDIAI, Colección de Documentos Inéditos Relativos al Descubrimiento, Conquista y Organización de las Antiguas Posesiones Españolas de América y Oceania
Sacados de los Archivos del Reino y Muy Especialmente del de Indias

CM, Codex Mendoza

CR, Codex Ramirez

DC, Documentos Cortesianos

ENE, Epistolario de la Nueva España

HMP, Historia de los Mexicanos por sus Pinturas

FC, Forentine Codex

ITIM, Información sobre los Tributos que los Indios Pagaban a Moctezuma

OM, Origen de los Mexicanos

Glossary

Altepetl (Nahuatl from *atl in tepetl*, “water, hill”) — city-state, the main political unit in the Prehispanic Central México

Altepetlalli (Nahuatl) — common lands of *altepetl*

Audiencia (Spanish) — court as a rule to appeal and advisory body, The Royal Audiencia of the New Spain function as both high court and consultative body for the chief administrator the Viceroy

Calpixqui (Nahuatl) — tribute collector

Calpulli (Nahuatl “big house”) — community or subdivision within the larger political units; 2) the largest room in house

Calpullalli (Nahuatl) — community lands

Capitan general (Spanish) — military governor of new subjected land or land located in frontier zone

Cedula (Spanish) — official decree issued by the Crown

Cihuapilli (Nahuatl) — noble woman

Encomienda (Spanish) — grant for temporary land holding given in recognition of service made to the Crown

Estancia (Spanish) — dependent Indian community

Hidalgo (Spanish) — member of low ranking nobility

Información (Spanish) — 1) procedure of judicial investigation to ascertain the anterior or actual state of determined matter; 2) documentary corpus reflecting the course of this procedure

Interrogatorio (Spanish) — list of questions used at law suits, generally part of *información*

Escribano (Spanish) — scribe, notary

Mayorazgo (Spanish) — entailed property

Mayordomo (Spanish) — steward

Mujer legítima (Spanish) — legitimate wife

Moça (Spanish) — adolescent girl, maiden

Nahuatlato (Nahuatl) — Nahuatl-speaking interpreter

Oidor (Spanish) — judge

Parentela (Spanish) — kinsmen

Patrimonio (Spanish) — inheritance, consisting in land holding

Pillalli (Nahuatl) — lands of nobles

Pilli (Nahuatl) — hereditary noble, pl. *pipiltin*

Probanza (Spanish) — document to prove individual's merits of noble birth or former estate

Repartimiento (Spanish “distribution”) — granting of lands with their inhabitants Indians to a certain person with right to use their work for various needs

Señorio (Spanish) — 1) state; 2) authority of a sovereign

Tecalli (Nahuatl) — “noble house” refers to both ruler's palace and lands and descent group of Nahua nobility, in the latter meaning it was commonly used in the Tlaxcala-Puebla region

Tecuhtli, teuctli (Nahuatl “lord”) — title of a Prehispanic ruler or high-ranking official with judicial functions

Tecpan (Nahuatl) — residence of ruler, palace

Tecpanpouhqui (Nahuatl “those belonging to palace”) — people living on the lands belonging of the ruler’s household who were obliged to do various services in palace

Tecpantlalli (Nahuatl “lands of palace”) — lands of the ruler’s household

Tequitl (Nahuatl) — tribute, also public work for ruler of his family

Tlacamecayotl (Nahuatl) — “linkage of people” refers to both Ego bilateral kindred and descent group

Tlacatecatl (Nahuatl) — Nahua high military rank:1) commander of military unit of 8000: 2) one of four assistants of ruler elected with him

Tlahtoani (Nahuatl “speaker”) — title of Prehispanic ruler pl. *tlahtoque*

Tlahtocatlalli (Nahuatl) — lands belonging to *tlahtoani*, also *tlahtocamilli*

Tlahtocayotl (Nahuatl) — large political unit governed by *tlahtoani*

Tlaxilacalli (Nahuatl) — ward, community subdivision

Tulnahuacatl (Nahuatl) — title of warrior who captured 4 prisoners and had functions of officer

Yaotlalli (Nahuatl “lands of war”) — lands located in frontier zone or in the conquered areas, probably used to sustain army in the Prehispanic times

Visitador general de indios (Spanish) — inspecting judge responsible for solving lawsuit among Indian population

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