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# Visions of Municipal Glory Undimmed: The Nahuatl Town Histories of Colonial Cuernavaca

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ROBERT HASKETT

By the order of our great ruler Señor don Fernando Cortés, Marqués del Valle: in his presence, all of us elders and nobles showed and related where the boundary markers of each *calpulli* [district] were established, how and where they went....<sup>1</sup>

This statement, extracted from a document belonging to the genre now known as *títulos primordiales* (primordial titles), was written down in the Nahuatl language by a citizen of Cuernavaca sometime during the middle of Mexico's Spanish era. As with most manuscripts of its type, this particular title was obviously concerned with the authentication of this important indigenous municipality's corporate land ownership. Its 1732 appearance in the public record was deeply enmeshed in the escalating property struggles of the eighteenth century. The fate that befell the title in the colonial courts was also fairly typical: it was dismissed as a forgery by the Spanish authorities to whom it had been presented as an authentic and true record.

The initial dialogue over the truth or falsity of primordial titles has been revived in more recent times, most often in scholarly publications and at academic conferences rather than in the courts. Few would now hold that the genre is composed solely of rather quaint indigenous efforts to fabricate land claims and to create a presentable municipal pedigree. Some, in fact, regard those land claims as completely true and accurate, and fear that any attempt to prove otherwise could jeopardize the modern land tenure of the communities involved. More sophisticated interpretations of the *títulos*, however, are finding that they contain layered visions of the origins of the community and its claims to corporate stature. Yet there is still disagreement as to the

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<sup>1</sup> Archivo General de la Nación, Mexico, Hospital de Jesús (hereafter cited as AGN, Hospital de Jesús), leg. 447, exp. 7, *títulos primordiales* of Cuernavaca, allegedly discovered in the early eighteenth century.



exact nature of the documents, how much in them is fabricated, how much is myth, how much is "fact," or even if such scholarly differentiations have any validity at all. And perhaps this last inquiry may be the most perceptive, for the other questions seem grounded in western-centered notions of what "myth" and "history" actually are; these are notions, moreover, that may well have been considered irrelevant by those who authored the *títulos* of Cuernavaca and elsewhere.

It is easy for outside observers to dismiss as "myth," for instance, anything which does not seem to agree with familiar cultural norms or ideology. Thus what one group considers a valid construction of the past, or in other words "history," can be regarded by another group as "legend" if it does not conform to their standard notions of what constitutes legitimate historical memory.<sup>2</sup> Even James Lockhart, who has done as much as anyone to demonstrate the actual complexities and importance of the documentary type of primordial titles, is reluctant to label them "histories," concluding that they are "some combination of corporate ideology, special pleading, oratory, and myth."<sup>3</sup> But another student of the titles, Stephanie Wood, is more willing to accept the documents as a kind of local "history."<sup>4</sup>

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<sup>2</sup> Victoria Bricker, *The Indian Christ, the Indian King: The Historical Substrate of Maya Myth and Ritual* (Austin: University of Texas Press, 1981) and Susan D. Gillespie, *The Aztec Kings: The Construction of Rulership in Mexica History* (Tucson: University of Arizona Press, 1989), regard history and myth as "symbolic narratives." Both speak of the artificiality of differentiating between the two forms.

<sup>3</sup> James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries* (Stanford, forthcoming), 987-88. Lockhart had already done important groundbreaking work on the primordial titles genre in his "Views of Corporate Self and History in Some Valley of Mexico Towns: Late Seventeenth and Eighteenth Centuries," in *The Inca and Aztec States, 1400-1800: Anthropology and History*, George A. Collier, Renato I. Rosaldo, and John D. Wirth, eds. (New York: Academic Press, 1982). For an earlier discussion of the genre see Charles Gibson, "A Survey of Middle American Prose Manuscripts in the Native Historical Tradition," in *Handbook of Middle American Indians*, Vol. 15: Guide to Ethnohistorical Sources, Howard F. Cline, ed. (Austin: University of Texas Press, 1975), 320-21.

<sup>4</sup> Wood recently presented this view in an excellent and thorough discussion of the historicity of titles at the International Congress of Americanists, New Orleans, July 1991, in an unpublished manuscript entitled "Pros and Cons: The Historicity of *Títulos* and Techialoyan Codices." She concludes that the fact that titles were introduced as evidence in Spanish courts "speaks volumes for the community's faith in them as representative of legitimate local history, present concerns, and immemorial claims."



Much of the difficulty in "typing" the documents arises from their very nature. Their language is often obscure, at times actively confusing. The veracity of their many land claims is hard to determine at this time, and other types of internal evidence contradict claims of sixteenth-century composition. In the Cuernavacan titles, names of the supposed indigenous eyewitnesses to conquest era events turn out with distressing frequency to be pure fiction, or to have been real people anachronistically placed out of their true historical context. One such indigenous "hero" of the Cuernavaca titles conquest era narrative, Don Toribio Sandoval de San Martín Cortés, was a real person wielding real power in the sixteenth century. But he flourished from the 1560s through the 1580s, the wrong part of the century. He could only have witnessed the Spanish invasion, the coming of the first friars, and the establishment of Spanish-style indigenous municipalities described in the *títulos* as a very young boy, if at all.

Yet the very presence of such figures as Don Toribio in the titles, and the events and entities with which they are associated, provides a key to unlock some of the secrets of the genre. Why were people such as Don Toribio remembered years later as the pivotal indigenous characters in Cuernavaca's odyssey into colonialism? Why did these people become, in the words of James Lockhart, "symbolic incarnation[s] of the altepetl [city-province]"?<sup>5</sup> In what ways can the

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In "The Cosmic Conquest: Late Colonial Views of the Sword and Cross in Central Mexican *Títulos*," *Ethnohistory* 38 (1991): 176-95 (quote is from 176) she has stated that she regards the genre as "informal municipal histories" containing the "popular consciousness" of indigenous peoples. She discusses this theme in relation to several examples from the valley of Toluca in "Corporate Adjustments in Colonial Mexican Indian Towns: Toluca Region, 1550-1810," (Ph.D. dissertation, University of California, Los Angeles, 1984), 322-43. For discussions of the propriety of applying "western" historical standards to the traditions of other cultures see Willard Gingerich, "Critical Models for the Study of Indigenous Literature: The Case of Nahuatl," in *Smoothing the Ground: Essays on Native American Oral Literature*, Brian Swann, ed. (Berkeley and Los Angeles: University of California Press, 1983). He cautions against judging Nahuatl literature by European literary or historical standards, asking investigators to consider whether or not such documents are "emblematic of a socio-historical process." See also Clifford Geertz, "From the Native's Point of View: On the Nature of Anthropological Understanding," in *Interpretive Social Science: A Reader*, Paul Rabinow and William M. Sullivan, eds. (Berkeley and Los Angeles: University of California Press, 1979), 225-41.

<sup>5</sup> Lockhart, *The Nahuas*, 986.



forces of historical memory, the identity of the authors of titles, their motives for composing the titles, and the internal corporate view of its own centrality be illuminated through the analysis of the Cuernavaca corpus and the role of legendary and historical figures within it? And if answers to these questions can be found, at least provisionally, should we conclude that the Cuernavacan titles contain a legitimate historical remembrance of the community's coming to terms with the Spanish invasion and its consequences?

There are now sixteen known primordial titles of various lengths and complexity from Cuernavaca and its *sujetos* (subject communities). The most familiar of them, the so-called "Municipal Codex of Cuernavaca," has long been accessible only in the Bibliothèque Nationale of Paris through what appear to be nineteenth-century copies of an incomplete Nahuatl text and full Spanish translation.<sup>6</sup> Recently, however, a major collection of ten distinct Cuernavacan primordial titles, including originals of the complete Nahuatl text and Spanish translation of the "Municipal Codex," has been discovered in the University of Michigan's Clements Library.<sup>7</sup> Together with several

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<sup>6</sup> Bibliothèque Nationale de Paris, Manuscrit Mexicain, 291 (Nahuatl) and 292 (Spanish), (hereafter cited as BNP, Manuscrit Mexicain). The Spanish version of the "Municipal Codex" has been published, but not analyzed, twice: *Código Municipal de Cuernavaca. Anónimo del siglo XVI* (México: Vargas Rea, 1951), and G. Micheal Riley, *Fernando Cortés and the Marquesado in Morelos, 1522-1547* (Albuquerque: University of New Mexico Press, 1973), 100-09. For a brief description see Charles Gibson and John B. Glass, "A Census of Middle American Prose Manuscripts in the Native Historical Tradition," in *Handbook of Middle American Indians, Vol. 15*, 335, entry 1034.

<sup>7</sup> I would like to thank John Frederick Schwaller for generously calling the existence of these documents, the Clements Library Cuernavaca Papers (hereafter cited as CLCP), to my attention. Thanks are due, as well, to the staff of the Clements Library for their help in obtaining microfilm of the collection. Titles featuring Don Toribio in a leading role are as follows: CLCP, fols. 25r-7r, 39r-41r (two copies of a title featuring Axayacatzin as well as Don Toribio); fol. 35v; fols. 110r-v, 111r-13v (two copies of the same *título*, with 111r-13v representing the older version); fols. 38r-v (a fragmentary copy of the "Municipal Codex"), 121r-31r (a complete copy of the "Municipal Codex," dating from sometime around 1713), and 132r-41r (earlier copy of the "Municipal Codex," in poor condition. In a note affixed to 131r dated July 4, 1713, the Franciscan friar, Pedro de Arana, states that it was the older copy from which the Spanish translation (fols. 142r-51v) was made. There is more than one titles tradition present in CLCP, found as well in other sources. A major one is the Axayacatl tradition, which displays some overlap with the Don Toribio tradition, but



other titles located in Mexico's Archivo General de la Nación, another in Paris referred to here as the "Axayacatl Titles," and another of unknown provenance published as "Unos títulos de Cuernavaca" by Robert Barlow in 1946, these documents represent the single largest collection of individual titles from an indigenous community.<sup>8</sup>

As with numerous examples in the state of Mexico analyzed by historians Stephanie Wood, James Lockhart, and others, most of the Cuernavaca documents move far beyond the mere cataloging of a corporate land base. Rather, the land is only one key attribute of a much larger issue addressed by the titles, the very essence of its corporate stature. In them can be found a perception of this *altepetl's* right to political autonomy, its spiritual credentials, and the validation of its rulers' pretensions to *tlatocayotl* (rulership) and *pillotl* (nobility). As always, the existing documents seem to represent a synthesis of oral tradition, and perhaps earlier written records, preserved over the course

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is largely distinct: CLCP, fol. 34r and fols. 160r-63v (Spanish version only), along with the Don Toribio-Axayacatl documents of fols. 25r-7r, 39r-41r. One example of a third important tradition, again with some limited overlap with the other two, is the Díaz tradition, referred to as the "Díaz Titles" and represented here by fols. 42r-v (title headed by Don Lazaro Díaz de Santiago). Other titles showing less relationship to these three traditions are: fol. 28r, fols. 158r-v (titles headed by Don Francisco García) and fols. 116r-17r (titles headed by Don Baltasar Bautista). Stephanie Wood, "Cosmic Conquest," 178, finds that multiple copies of single titles are commonly found.

<sup>8</sup> Titles of Cuernavaca and its *sujetos* in Mexico are as follows: AGN, Hospital de Jesús, vol. 48, 2nd part, exp. 9, cuad. 3, fols. 564r-67r (Baltasar Bautista tradition); vol. 79, exp. 4, fols. 121r-24r (titles of Chiamilpa); leg. 447, exp. 7, fols. 1r-6r (Díaz tradition, this example headed by Don Francisco Díaz de Aquino Cortés); and leg. 447, exp. 81, fols. 6v-7v, 8r-v (two titles of Ocotepc). The Bibliothèque Nationale of Paris title in the Axayacatl tradition is numbered BNP, Manuscrit Mexicain 102, which Gibson and Glass in *Handbook of Middle American Indians*, vol. 15, 335, entry 1035 called the "Títulos del pueblo de Quauhcomulco," not a completely accurate characterization. Also included in BNP, Manuscrit Mexicain 102 is a presumed Spanish translation of another unpublished Nahuatl *título* known as the "Réedification de la ville de Cuernavaca," which was not available for the present article. See also Robert Barlow, "Unos títulos de Cuernavaca," *Tlalócan* 2 (1946): 213-22. Barlow states that the document was supplied by Dr. Arnulfo Velasco, a native of Tepoztlan, who, along with members of the Sociedad Pro-Lengua Nahuatl of Mexico City, translated it. Its current whereabouts are unknown.



of years, sometimes centuries.<sup>9</sup> They are internally and regionally focused, using Cuauhnahuac, the *altepetl*'s pre-Hispanic name, rather than Cuernavaca, and rarely mentioning anything beyond municipal borders. "Unos títulos" goes so far as to declare that Cuauhnahuac is one of the greatest *altepetl* in existence, on a par with Mexico City and with the *altepetl* of Spain.

Except for the shortest examples, which are barely more than boundary lists, the majority of the Cuauhnahuac examples have many elements in common.<sup>10</sup> One is indeed a stress on land surveys and grants of property won soon after the conquest for the *altepetl* and its various *calpulli* from Cortés and the king (who in the *títulos* of other regions is sometimes mistakenly referred to as viceroy or even *duque*).<sup>11</sup> The *tlalquauhochitl* (boundaries) themselves are typically described as twisting and turning past verifiable places and plausible landmarks (trees, hills, rocks, ravines, and the like).<sup>12</sup> The *títulos* authors were anxious to establish their right to extensive and diverse corporate lands, said to total 4,500 *varas* (a *vara* was slightly less than a yard) in "Unos títulos" and the "Díaz Titles." This was far in excess of what later became the standard colonial townsite of 600 *varas* (Cuauhnahuac did hold much more land than the latter measure through the eighteenth century). The "Municipal Codex" adds a lengthy

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<sup>9</sup> Though some may regard this as an inadvertent admission of fraud, a reference to earlier sources of this type is likely what was meant when, in 1707, litigants from Cuernavaca's *barrio* (district) of San Antonio requested that the Marquesado translate some "papeles escritos en la ydioma mejicana" (a section of the "Municipal Codex"), asserting that the documents had been "*echos por nuestros antepasados*," CLCP, fol. 15r (notables of San Antonio to the Marquesado, June 1707).

<sup>10</sup> Most of the traits under discussion bear a general resemblance to those found in titles written in other parts of central New Spain. For comparison see Charles Gibson, *The Aztecs Under Spanish Rule* (Stanford: Stanford University Press, 1964), 271, 287-88, Lockhart, "Views of Corporate Self," 372-73, and Wood, "Corporate Adjustments," 325-28.

<sup>11</sup> Lockhart, "Views of Corporate Self," 369, 388-89, notices a confusion between king and viceroy in the titles of the Chalco region.

<sup>12</sup> For a discussion of similar boundary markers used in titles from the Valley of Toluca see Wood, "Corporate Adjustments," 333.



recounting of the landholdings of thirty-six members of the local elite.<sup>13</sup>

A second characteristic trait of all the titles is an emphasis on the ready acceptance of the Spanish conquerors and their Christian faith (glossed as *tlaneltoquiliztli* by Cuauhnahuac's nobility). They aided rather than fought the Spaniards, in one picturesque tale giving food and drink to a weary Cortés seated at a place that came to be known as the "cross of the marqués." Indeed, the *títulos* authors typically suffer no anguish over the fact of conquest, massive demographic loss due to epidemics, or the social and political subordination inherent in the triumph of the Spaniards. There is no apparent remembrance of the struggles between Cortés and other Spaniards over control of the region and its indigenous population during the 1520s, nor is there any reference to conflict from 1531 to 1534 between the marqués and the *villa's* (town) leaders over the size of their tribute obligations. Perhaps, though, there is a fragmentary memory of this era behind some rather vague references to "forty days" or "forty years" of boundary litigation carried out by Don José Axayacatzin and the leaders of the *sujeto* of Panchimalco in the *hueli altepetzontecomatl* (great head *altepetl*) of Mexico City.<sup>14</sup> Assertions are usually made that the conquerors recognized Cuauhnahuac's authority over a number of subject communities, given variously as twenty-one *tlahuilanalli* (dependencies, the standard term in Cuernavaca) in the "Axayacatl Titles," twenty-two *tlahuilanalli* according to the "Municipal Codex," and in the "Díaz

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<sup>13</sup> These lands are described as being held in a typically dispersed pattern, common among the elite of Cuernavaca and elsewhere for much of the colonial period. For evidence of this sort of land tenure in the Cuernavaca region see AGN, *Tributos*, vol. 52, exp. 17 (the Jiménez and Hinojosa families of Cuernavaca, sixteenth century to 1697), AGN, *Tierras*, vol. 1661, exp. 1 (the Hinojosa family of Tlayacac, 1530-1681), and vol. 1939, exp. 3 (elite families of Tepoztlan, 1783).

<sup>14</sup> See Riley, *Fernando Cortés and the Marquesado in Morelos*, 21-34, 43-46, for details about the area's early Spanish history. Lockhart, "Views of Corporate Self," 381, 386, mentions an integration of pre- and post-conquest elements in the titles of the Chalco region. On page 388 he discusses the absence of anguish about the conquest, and on page 391 talks of a "lack of general history" in the texts. See Wood, "Cosmic Conquest" for a comprehensive discussion of the portrayal of the coming of Christianity in primordial titles.



Titles" and "Unos títulos" as twenty-five *altepemaitl* (*altepētīl* appendage, not a standard term in Cuernavacan Nahuatl documents).<sup>15</sup>

Prominent among those aiding the Spaniards in their temporal and spiritual enterprises is a narrator, such as Don Toribio Sandoval de San Martín Cortés, who claims to have been present at the events described. The legitimacy of municipal land ownership and power is reinforced as well, because prominent *pipiltin* (nobles), *huehuetque* (elders), and *cabildo* (town council) officers witnessed the surveys and land grants. During the colonial era boundary surveys were indeed customarily witnessed in this manner. In fact, the cooperation of the narrator and the local elite is given as the reason the corporate land base and jurisdictional authority was recognized by Cortés and the crown in the first place. Invocations of the authority and approval of the marqués, the king, and the Christian God (the "Axayacatl Titles" lists them in standard catechistic order, God first, and afterwards the secular authorities) add verisimilitude to the proceedings, and hence to the titles themselves.

Yet most of the titles contain a dualistic attitude towards Spaniards. Indigenous readers are warned that the lands are not to be sold, especially not to a *caxtiltecatl* (Spaniard), and at least two of the documents claim that Cortés would fine anyone who dared to usurp Cuauhnahuac's properties. Whereas high Spanish officials are considered benefactors, the general external population is mistrusted, with good reason, as far as the integrity of corporate landholding is concerned.<sup>16</sup>

The Cuauhnahuac titles are unique in their lack of lengthy tales about the time before Spaniards and Christianity. None give any coherent treatment of the fifteenth-century triumph of the Mexica (Aztec) over Cuauhnahuac, nor its subordination to the Triple Alliance thereafter. As far as the Spanish era is concerned, and unlike their

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<sup>15</sup> Though a compound using *maitl* for appendage was not common in Cuauhnahuac, a related form was known in the larger region. In Tepoztlan, the standard term for political dependency was *calmaitl* (*calli* or house plus appendage). Whether or not Tepoztecán interests had a hand in writing this title is not clear, but for an example of *calmaitl* see a 1632 Nahuatl election document of Tepoztlan, AGN, leg. 59, exp. 2, fols. 29r-v.

<sup>16</sup> Lockhart, "Views of Corporate Self," 391, remarks on a similar wary attitude towards the general Spanish population in the titles of the Chalco region. See also Wood, "Cosmic Conquest," 186-88.



counterparts in the state of Mexico, the Cuahnahuac writers do not mention by name such early viceroys as Don Antonio de Mendoza and the two Velascos, perhaps because the region was administered by the Marquesado del Valle rather than the crown.<sup>17</sup>

In common with other examples of the genre from other regions of New Spain, the Cuernavacan titles have usually been preserved within the context of land disputes. Most, in fact, seem to have been compiled or at least copied in their surviving form in the face of late seventeenth- and eighteenth-century population growth and the resulting increase of pressure on the indigenous land base.<sup>18</sup> The documents in the Clements Library were assembled in the early eighteenth century during the course of several land disputes. One in 1707 pitted the *barrios* of San Antonio and San Francisco against one another over the possession of some agricultural plots, and two others, after 1715, involved San Antonio and San Juan, another Cuernavacan *barrio*, versus the sugar *ingenios* (mills) of Temixco and Amanalco. The indigenous litigants and their *procuradores* (lawyers) employed a number of documentary types in their defense, including an array of seventeenth-century Nahuatl petitions concerning the properties in question, two Nahuatl testaments, one of them from the mid-sixteenth century, and Spanish translations of several late seventeenth-century rental agreements between the affected communities and Spaniards. It was hoped that, in the absence of officially recognized titles (royal grants, agreement records, and the like), such documents would prove that the land had been corporate property for generations.

For the same reason, two copies of the so-called "Municipal Codex," one of them a badly damaged version seemingly dating from the later seventeenth century and the other, an apparent eighteenth-century copy, were also presented to the authorities. Each time, translations of what were thought to be the pertinent sections were made. In the *ingenio* disputes, the Spanish officer in charge of the case, while not questioning the authenticity of the titles, concluded that they did not adequately delineate the specific plots in contention. Surprisingly, on

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<sup>17</sup> Idem, as well as Wood, "Corporate Adjustments," discusses stories of the pre-contact era in titles.

<sup>18</sup> In the words of James Lockhart, the reason for the gathering together of the information preserved in titles was the "new need for legal justification of land occupancy," *The Nahuas*, 978.



July 7, 1707, the authorities accepted the veracity of a translated portion of the "Municipal Codex," and confirmed San Antonio's possession of the properties in question. This was not entirely unusual, however, for when in 1732 the Cuernavaca governor, Don Joseph Gaspar Díaz, presented a title (the "Díaz Titles") purporting to show his family's "immemorial" ownership of several pieces of land, the authorities granted the requested possession, despite their dismissal of the title as a fraud.<sup>19</sup>

In spite of the early eighteenth-century context of most of the surviving documents, all assert a far older date of composition. In fact, the precise dating of any of the surviving examples is fraught with difficulty. Though most purport to be eyewitness accounts of events taking place in the years immediately following the conquest, many include dates that in some way contradict this implication. For example, the "Axayacatl Titles" has the implausible date of Saturday, October 11, 1419, with the month and day in Spanish and the year count rendered entirely in Nahuatl: (*zan no ipan xihuitl yetzonli ipan matlacpohualli ipan caxtollí ihuan nahui xihuitl*). The author or authors seem to have intended to write 1519 but got the addition wrong; even 1519 would be too early as Cuauhnahuac was not conquered until

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<sup>19</sup> Information about these land disputes and the use of primordial titles in them can be found as follows: the Cuernavaca-Temixco dispute, CLCP, fols. 15r-9v (investigation of land possession in San Antonio using a translation of part of the "Municipal Codex," July 1707); fols. 20r-2r (petition from Don Melchor de Hinojosa to the Marquesado authorities, February 9, 1715); the Cuernavaca-Amanalco dispute, fols. 29r-32r (petition from Don Joseph Gaspar Díaz, governor, to the Marquesado authorities, 1719, translation of two land rental documents dated May 15, 1676 and June 24, 1696); fols. 33r-v (translation of Nahuatl petition concerning a land rental, November 8, 1687); fol. 37r (translation of a rental receipt dated June 22, 1673); fol. 43r (land rental agreement between the council of Cuernavaca and Mateo de Espinosa, April 29, 1687); and fol. 44r (statement that Espinosa's sons are to continue with the rental after their father's death, undated). For another case involving Don Joseph Gaspar Díaz, in 1732, see AGN, Hospital de Jesús, leg. 447, exp. 7. In the 1707 dispute, CLCP, fol. 15r, petitioners had stated that the lands in question were of various types, both irrigated and non-irrigated, and included an orchard and plots used to grow *cacahuatales* (either peanuts or cacao). Perhaps they were of a type which held little attraction for Spaniards, hence the latter's ready acceptance of any kind of documentary evidence that seemed to prove possession. More penetrating scrutiny undoubtedly would have been given any document presented in evidence during the course of a dispute between indigenous communities and powerful Spanish economic interests, as seems to have been the case in the 1715 litigation.



1521. The "Municipal Codex" contains two dates, 1524 and 1532, but these refer to occurrences that had supposedly taken place when the document was set down in writing. "Unos títulos" was allegedly composed on Wednesday, October 22, 1552 "Spanish time" and the "Díaz Titles" are dated the day of San Francisco, Monday, October 4, 1608, even though the document is ostensibly a first-hand account of the coming of Cortés, the establishment of Christianity, and so on. All of these and other dates in the Cuauhnahuac titles can be translated as "a long time ago."<sup>20</sup>

A later date of composition for the *títulos* is suggested by the sometimes distorted or contradictory nature of their historical contents. For instance, though surveys to establish and confirm the *villa's* land base probably took place periodically beginning in the early post-conquest era and extended through the eighteenth century, they have been collapsed into one early episode by people who wanted to emphasize the antiquity and legitimacy of their claims. A similar chronological telescoping is apparent in the "Municipal Codex's" treatment of the arrival of the first twelve Franciscan friars in New Spain. Though it is correctly dated in 1524, only eight of the twelve named in the title were actually part of this group. A ninth, Fray Antonio Ortíz, was one of the second group of Franciscans to arrive and among those who helped found Cuauhnahuac's monastery in 1525 (see appendix 1).<sup>21</sup> The others may have been friars who served the *villa* at some later time.

The physical organization of Cuauhnahuac's *cabildo* as portrayed in the *títulos* is equally at odds with a sixteenth-century date of composition. Historically, until sometime after 1630 the council had representatives from four major districts, but in the *títulos* it is divided into five parts, as it was in the later seventeenth century (see appendix

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<sup>20</sup> Lockhart, "Views of Corporate Self," 390. Lockhart has concluded that *títulos* authors had not fully grasped the operation of the Spanish calendar but included dates both because they were anxious to please Spanish officers known to regard them as important and perhaps because Spanish-style dates may have been thought to have magical qualities. This may not have been true of Cuauhnahuac, since the *títulos* were probably written by people with a good knowledge of the European calendar.

<sup>21</sup> Mendieta, Fray Gerónimo de, *Historia Eclesiástica Indiana* (Mexico: Atlas, 1971), 248, 611-16, 621-23, 628 and Ricard, Robert, *The Spiritual Conquest of Mexico* (Berkeley: University of California Press, 1966), 21.



2).<sup>22</sup> By the time these documents were written, this five-part council division must have been the norm for so long that any earlier organization was forgotten. Moreover, the style of land measurement used in the closely related "Dfáz Titles" and "Unos títulos" (in four directions from the church) was not actually codified or widely practiced until 1695.<sup>23</sup>

Orthographic analysis also can be used to date the documents. In the "Dfáz Titles" and "Unos títulos" the letter "s" is used in place of either "z" or "c." Within and outside of the Cuernavaca region, "s" replaced these other two letters only in the late seventeenth century.<sup>24</sup> Further, the "Municipal Codex" and "Unos títulos" pluralize Nahuatl inanimates, producing *altepeme* for several *altepetl* or *tlalhuan* for numerous pieces of land. According to the work of Nahuatl scholars Frances Karttunen and James Lockhart, this sort of pluralization represents an intrusion of Spanish conventions which did not take place until the late seventeenth century, a pattern borne out by the analysis of diverse Nahuatl documentation from Cuauhnahuac as well.<sup>25</sup> As far as Spanish loanwords are concerned, the correct employment of the Spanish particle *hasta* (until, as far as) in "Unos títulos" and in the "Axayacatl Titles" is quite revealing. According to Karttunen and Lockhart, the adoption of such particles took place in what they identify as the third stage of loanword penetration, beginning in the second half of the seventeenth century and continuing to the present. There seems to have been even greater resistance to the adoption of particles in the Cuernavaca region. *Hasta* does not appear in any known Nahuatl

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<sup>22</sup> See Nahuatl documents from Cuauhnahuac, AGN, Hospital de Jesús, leg. 208, exp. 9, 1579 and leg. 59, exp. 3, fols. 14r-v, 1630.

<sup>23</sup> Wood, "Corporate Adjustments," 157, discusses the legal standardization of such measures in 1695. The directions used in the Cuernavaca titles are always the same: east, west, *Cuautlacopa* (towards Cuautla, the south), and *itatzintlan* (the place above or north).

<sup>24</sup> See Nahuatl petitions dating from 1607 for the use of "z" and "c," AGN, Hospital de Jesús, leg. 210, exp. 47 bis, fol. 1r and exp. 56, fol. 1r and a 1630 land rental document, AGN, Hospital de Jesús, leg. 442, exp. 6, fol. 133r. For late seventeenth-century "s" substitution see Nahuatl election documents in AGN, Civil, vol. 2195, exp. 3, fol. 72, 1679, AGN, Hospital de Jesús, leg. 59, exp. 17, 1730, and Karttunen, Frances and James Lockhart, *Nahuatl in the Middle Years* (Berkeley and Los Angeles: University of California Press, 1976), 5.

<sup>25</sup> Karttunen and Lockhart, *Nahuatl in the Middle Years*, 25.



manuscript there until 1731, when it was employed in a petition written by a notary of the town of Cuentepec.<sup>26</sup>

In combination, all of this evidence and the historical context of the documents strongly suggest that the surviving copies could not have been written until the last years of the seventeenth century, with an even later date of formulation being entirely possible. This was after all the era of population resurgence causing mounting internal and external pressure on corporate lands. It is too much of a coincidence that documents such as the "Díaz Titles" appeared for the first time in this period. Yet this does not necessarily mean that the documents were consciously fraudulent or composed on the spur of the moment. There are several hints that the authors of these titles were drawing, at least in part, from earlier documents or oral traditions as they composed their records. The "Díaz Titles" contain a garbled reference to the five unlucky or bad days of the pre-conquest Aztec calendar. Numerology of possibly pre-Hispanic origin is also evident in the grouping of festivals in fives in "Unos títulos" and the propensity of all the documents to stress the number four in connection with the church. For example, four churches are founded; the first church is erected on four small hills in Cuahnahuac; or the first church is decorated in four separate parts. These are perhaps surviving references to the *altepetl*'s traditional four-part division in both pre-Hispanic times and in the sixteenth century.

In addition, the "Municipal Codex" includes a fragmentary reference to an eclipse of the sun, suggesting that the author or authors had access to or knowledge of local *anales* (annals). Finally, in a statement from the council of the *sujeto* of Quauhcomulco in the last section of the "Axayacatl Titles," it is alleged that the existing manuscript is actually a newly-made copy of some earlier version. It is quite evident that whoever wrote this section, which is orthographically distinct, had access to a more standard Cuahnahuac manuscript, which was modified to serve the needs of Quauhcomulco.

The names and identities of the indigenous figures mentioned in all of the titles, apparently anachronistic or legendary, are actually part of the same process of historical memory. Moreover, the ubiquity

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<sup>26</sup> AGN, Hospital de Jesús, leg. 90, exp. 7, fol. 31r (Cuentepec, 1731). The first instance of the use of *hasta* found by Karttunen and Lockhart was in 1653, *Nahuatl in the Middle Years*, 49, 71.



of certain narrators or "heroes" of events described in the documents, provides at least some tentative answers to the difficult question of who actually wrote the Cuernavacan *títulos*. Some of the protagonists, such as Don Francisco Díaz de Aquino Cortés as well as the many notables named in the "Municipal Codex" seem to have had some historical veracity and were probably ancestors of later members of the town's elite. But with one exception (the Jiménez family) they do not appear in Cuauhnahuac's general sixteenth-century documentary record and are undoubtedly products of the typical *títulos* telescoping of time and space. Many other prominent characters seem to be creatures of fiction.

One of them is Don José Axayacatzin, *huey pilli* (great or high noble, not a typical usage in the Cuauhnahuac region), speaker of the "Axayacatl Titles," and active as a witness or landholder. His surname is derived from Axayacatl, a Mexica ruler from 1469-1479 or 1481, who was a favorite indigenous monarch of the authors of a sub-set of the primordial titles genre, the so-called Techialoyan codices.<sup>27</sup> While Axayacatl is said to have solidified Triple Alliance control of Cuauhnahuac, other figures had far more impact on its pre-conquest history. These include the *altepetl's* own ruling lineages (see appendix 2), Cuernavaca's actual conquest era indigenous ruler, dubbed Don Hernando Cortés by the Spaniards, Huitzilihuitl, the Mexica *tlatoani* (ruler) who married a princess of Cuauhnahuac, and their son, Moctezuma I, who probably conquered the area sometime around 1438.<sup>28</sup>

This same lack of local authenticity is seen in the personnel of the typical *títulos* town council (see appendix 2). The mixture of Christian first names and Nahuatl surnames exhibited in the listings was a common enough pattern, but in the early sixteenth century the uniform use of the title *Don* by the council was not. On the other hand, it was a tendency among the elite of later years to gratuitously add *Don* to names of their forebears.<sup>29</sup> None of the named council members of the *títulos* can be found in any indisputably sixteenth-century documen-

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<sup>27</sup> While no Techialoyan documents have been found for Cuernavaca, it is possible that the region's titles authors came into contact with the Techialoyans and the Axayacatl tradition when they mingled with indigenous litigants of other regions in Mexico City. Members of Cuernavaca's ruling elite constantly traveled to the capital in the course of their own property disputes.

<sup>28</sup> Riley, *Fernando Cortés and the Marquesado in Morelos*, 3-6.

<sup>29</sup> Lockhart, "Views of Corporate Self," 387, finds in contrast that the use of *Don* was accurate in the Chalco area *títulos*.



tation from the area. Instead, their names are either rather fanciful creations or the surnames of Valley of Mexico monarchs. Once again they are apparently drawn from historical traditions that also appear in other central New Spain *títulos* and the Techialoyan codices. Whatever the derivation, it was probably hoped that the aristocratic surnames of the generic, legendary council, connected as they were with the rulers of conquest era Mexico, would impress outsiders and give force and legitimacy to the proceedings described in the manuscripts.

The reasons why other *títulos* "heroes" were selected are much easier to establish. Don Toribio Sandoval de San Martín Cortés is the most commonly cited town leader in Cuernavaca's many primordial titles, appearing in no less than nine of them. In the historical memory of Cuernavaca only one other figure, the fictional Don José Axayacatzin, approached this level of importance. The very real Don Toribio served continuously as Cuernavaca's governor for well over two decades, from the late 1560s through 1591, when it was reported that he was too ill to continue in office.<sup>30</sup> The position of governor had been created by the Spanish to serve as chief executive of reorganized indigenous town governments, and as such echoed and was intended to replace rule by *tlatoque* (*tlatoani* in the singular). Towards this end, governors, as well as other officers such as *alcaldes* and *regidores*, were to be elected every one or two years, with re-election deemed illegal. By the 1560s, however, when the system was well established in Cuernavaca, re-election of officers, especially governors, was the norm. Spanish officials winked at this apparent continuation of pre-contact dynastic traditions if the governor in question was a cooperative intermediary, or in other words an essential cog in the wheel of colonial administration, tribute collection, and the like.

Don Toribio was such a governor, favored both by numerous and powerful Cuernavacan indigenous elites, who represented the electorate, and by Marquesado officials. He was a fully literate representative of the highest local nobility who, because he was

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<sup>30</sup> AGN, Indios, vol. 5, exp. 609, fols. 237v-38r (request to the viceroy for permission to select a new governor, as Don Toribio is too ill to continue, June 28, 1591). For a more general discussion of the governors of Cuernavaca and its environs, as well as the structure and operation of municipal government there, see Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca* (Albuquerque: University of New Mexico Press, 1991).



governor, received a yearly salary of 200 pesos plus the weekly services of two indigenous workers provided by the community.<sup>31</sup> He was a forceful leader and left a documentary legacy giving evidence of his activities as a champion of local interests, and, it seems, an upholder of elite privilege. In 1568 he was embroiled in a lawsuit to recover salaries owed, but not paid, to indigenous carpenters of Cuernavaca who had worked at the Cortés sugar *ingenio* of Tlaltenango.<sup>32</sup> In the 1570s and 1580s he repeatedly appeared as an actor in land and tribute disputes. In 1582, for instance, a rare Nahuatl record of an internal land dispute shows him ruling in favor of noble claimants and against a commoner who vainly sought to prove that the plot in question was corporate, and not private, property.<sup>33</sup>

More often than not, in fact, Don Toribio seemed intensely concerned with broader questions of corporate and elite interests, but not with the welfare of Cuernavaca's common indigenous citizens. The defense of carpenters' salaries in 1568 had been as much about local control of workers and defense of sources of tribute income as it was support of labor rights. At other times Don Toribio overtly put access to municipal finance and personal aggrandizement ahead of popular welfare. In 1570 he and his council disputed the status of a large plot of land with a group of commoners. The council's position, that the land was *tierra de comunidad* (property which was to be worked for the municipality to provide tribute income), was counterpoised against the commoners' argument that usufruct on the plot was to be distributed among local citizens.<sup>34</sup> At other times, the governor was charged repeatedly with imposing too much tribute on the people, forcing them

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<sup>31</sup> Ibid., vol. 1, exp. 1, fol. 1r (salary of Don Toribio, February 4, 1574).

<sup>32</sup> AGN, Hospital de Jesús, leg. 387, exp. 8 (Don Toribio and the Council of Cuernavaca vs. the Cortés *ingenio* of Tlaltenango, concerning carpenters' salaries).

<sup>33</sup> AGN, Tierras, vol. 1962, exp. 8, fol. 23r (Don Toribio rules in favor of the elite women, Francisca Xoco and María Tlaco, and against commoner, Diego Hernández, a Nahuatl record).

<sup>34</sup> Ibid., vol. 1506, exp. 2, fols. 1r-6v, 1570 (is the property in question *tierra de comunidad* or *tierra de repartimiento*?). For a similar case see AGN, Civil, vol. 831, exp. 6, fols. 10r-66v, 1573.



to pay various extra fees in cash or kind, or compelling them to work against their will on local Spanish estates.<sup>35</sup>

All of this made Don Toribio a controversial figure, probably much more highly regarded by Cuernavaca's indigenous elite, Spanish officers, estate owners, and friars than he was by the majority of those he ruled. Moreover, his aggressive assertion of power embroiled him in factional struggles within the body of the ruling nobility itself. Such conflicts lurked beneath the surface of some of the later sixteenth-century tribute and land disputes, as elite rivals sided with common litigants as they sought to discredit the governor. In 1581 an extensive lawsuit set Don Toribio and his faction, who were enforcing the community's obligation to send weekly levies of tribute workers to the Taxco silver mines, against another faction seeking to end this obligation. Backed by powerful Spanish interests, as it often was, Don Toribio's side prevailed.<sup>36</sup>

Don Toribio's activities as upholder of corporate and elite interests, as well as the factional struggles among the ruling nobles of the time, are all relevant to the study of Cuernavaca's primordial titles. Factional alignments established in the sixteenth century can be linked to the later appearance of titles "heroes" and can suggest possible titles authorship. Don Toribio's faction included a wealthy member of the elite named Don Juan Jiménez and a locally prominent Spaniard named Antonio de Hinojosa, both of whom later acted as *albaceas* (executors) for the governor.<sup>37</sup> The Jiménez and Hinojosa families were linked by marriage, which allowed, during the seventeenth and early eighteenth centuries, the mestizo Hinojosa family to provide a series of very powerful governors for Cuernavaca. Here is a possible connection between Don Toribio and a family that dominated Cuernavaca

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<sup>35</sup> AGN, Civil, vol. 690, exp. 2, fols. 1r-5r, 10r-v, 13r-v, 23r-36v, 50r-63v, and 68r (Don Toribio is charged with forcing the commoners to pay too much tribute and making them provide an extra two *almudes* (measures) of maize each, 1572-1573); AGN, Tierras, vol. 1962, exp. 8 (Don Toribio is accused of charging the commoners illegal *derramas* (taxes), 1582); AGN, Indios, vol. 4, exp. 489, fol. 149r (Don Toribio and the *guardián* of Cuernavaca's Franciscan monastery are accused of forcing the *sujeto* of Guauhchichinola to send six tributaries per week to work on a Spanish estate, 1590).

<sup>36</sup> *Ibid.*, vol. 831, exp. 6, fols. 10r-66v (factional dispute surrounding the Taxco mine *repartimiento*, 1581).

<sup>37</sup> See AGN, Tierras, vol. 1506, exp. 2, fols. 1r-6v, 1570.



politically during the period in which the extant versions of the primordial titles were being written down. It is probably no coincidence that Don Melchor de Hinojosa, who was one of the governors involved in the Temixco land dispute, was a representative of this line. It does not stretch the imagination too far to suggest that the Hinojosa faction had something to do with the production of the Don Toribio titles, of which the "Municipal Codex" is the most extensive, for Don Toribio would have been seen by this group as an important political ancestor.

The exact identity of who among the Hinojosa faction authored the titles remains elusive, as does precise authorship for any of New Spain's known titles. In Cuernavaca, as elsewhere, linguistic anomalies in the texts (though much less marked here than in other regions) suggest that someone other than a highly skilled, professional notary wrote the documents.<sup>38</sup> Yet the pool of literate individuals was always small, usually elite, and involved few beyond the limited group of the community's notaries. It is possible that one or more *fiscales* (elite indigenous legal aides to the friars and priests), who tended to be literate, were responsible for some of the texts. The "Municipal Codex" seems preoccupied with religious matters and with the duties of the *fiscal*. The title "discovered" at an opportune moment by the governor, Don Joseph Gaspar Díaz, in 1732, may actually have been compiled by this literate former *fiscal*. It is also possible that factional leaders such as the Hinojosas, all of whom were literate in both Spanish and Nahuatl, could have written the texts themselves, but unfortunately titles authors remain determinedly anonymous.<sup>39</sup>

Nonetheless, factional links can go a certain way towards explaining the existence of the several titles traditions in Cuernavaca. A second major titles tradition involves the apparently mythical Don José Axayacatzin, discussed earlier. While this line includes references to Don Toribio, it is more closely associated with a third tradition, that of the Díaz family. By the early eighteenth century, a long-standing

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<sup>38</sup> Lockhart, "Views of Corporate Self," 370, *The Nahuas*, 981, and Wood, "Corporate Adjustments," 324.

<sup>39</sup> CLCP, fols. 121r-31r ("Municipal Codex") and AGN, Hospital de Jesús, leg. 447, exp. 7, fols. 1r-6v (Díaz Titles, "discovered" in 1732). A discussion of literacy among Cuernavaca's ruling groups can be found in Haskett, *Indigenous Rulers*, 142-43. See also Frances Karttunen, "Nahuatl Literacy," in *The Inca and Aztec States, 1400-1800*, 400.



rivalry existed between the Díaz and Hinojosa families. One of them, Don Joseph Gaspar Díaz, was a rather violent-tempered but influential representative of his family. His faction, among whom was Don Juan Bautista, was engaged in a complex struggle with Don Melchor de Hinojosa and his backers.<sup>40</sup> Again, it does not seem coincidental that Don Joseph, as governor in 1719, was active in the land dispute between Cuernavaca and the *ingenio* of Amanalco. A number of *títulos* in the Clements Library feature a Díaz, Axayacatzin, or a notable named Baltasar Bautista as their main characters.<sup>41</sup>

If the authors of these titles were members of a political group, such as the Díaz faction which was at odds with the Hinojosas, they would have undoubtedly selected sixteenth-century *altepetl* "heroes" from their own lineages, or, in the case of Axayacatzin, individuals who avoided a connection with Don Toribio Sandoval de San Martín Cortés, their rivals' "hero."<sup>42</sup> Yet the break was never clean, and Axayacatzin, a Díaz "hero," and Don Toribio could and did appear as prominent witnesses in various Cuernavaca titles traditions. While the nature of specific factional alignments can go a certain way towards explaining why figures such as Don Toribio were selected as titles "heroes," their ubiquity stemmed as well from their stature as symbols of noble privilege and the *altepetl*'s corporate integrity.

The significance of this symbolism was overlooked by Spanish officials at the time, and has not been given uniform attention since. The anachronistic appearance of Don Toribio as a "hero" in Cuernavaca's conquest era experiences, the mythic stature of Don José Axayacatzin, and other anomalies of the texts have made it all too easy

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<sup>40</sup> See, for example, CLCP, fols. 23r-4r (power of attorney drawn up on behalf of Don Joseph Gaspar Díaz and Don Juan Bautista regarding the re-election of Don Melchor de Hinojosa as governor, 1716). A detailed discussion of the Hinojosa family and their rivalry with the Díaz group can be found in Haskett, *Indigenous Rulers*.

<sup>41</sup> *Ibid.*, fols. 29r-32r (petition from Don Joseph Gaspar Díaz, governor, to the Marquesado, 1719).

<sup>42</sup> It is of interest here to note CLCP, fols. 158r-v, a brief title which features Don Francisco García as governor and purports to date from 1687 (the paper it is written on has a stamp showing the dates 1689-1690). However, Don Antonio de Hinojosa, not García, was governor in 1687, and in any event, García appears as "hero" in a more orthodox, but still brief title, fol. 28r. The studied omission of a Hinojosa governor from fols. 158r-v, which must have been written when the Hinojosas were still in power, strongly suggests that the title was written by or for political rivals.



to dismiss them as fabrications. But for those involved in the creation of the Cuernavacan titles, the fact that a Don Toribio Sandoval de San Martín Cortés may not actually have witnessed all the events with which he is associated, and that in reality these events may not have occurred when and how they are described, would undoubtedly be beside the point. The role of such protagonists as Don Toribio and Don José in the Cuernavacan titles, as well as the occurrences and symbols with which they are most closely linked, played a crucial role in the corporate body's vision of its own historical significance.

The process by which figures such as Don Toribio and Don José came to embody the corporate integrity of Cuernavaca must have been complex, and it may never be possible to recover it fully. However, in the case of Don Toribio, a political memory of this powerful governor lived on into the early eighteenth century, a memory associated with his long and well-documented rule of the municipality during a critical era in which its administrative system and relations with the outside world were being fine-tuned.<sup>43</sup> In this way, Don Toribio's governorship was just as important for corporate evolution as the rule of the first colonial *tlatoani* of Cuernavaca, Don Hernando Cortés. But Don Hernando, who died in the 1540s, apparently left no lasting dynastic legacy. His widow assumed some kind of role in the town's governmental system, becoming an ally of Don Toribio late in her long life, but there is no memory of the *tlatoani* himself in the surviving late sixteenth century documentary record.<sup>44</sup>

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<sup>43</sup> Don Toribio presumably would have been in office at the time the investigations recorded in *Relaciones Geográficas*, AGN, Hospital de Jesús, vol. 49, exp. 8 (Nahuatl), were made. It is possible that some version of these documents, or at least some kind of historical tradition associated with them, would have lived on in a place such as Cuernavaca. The concern of the *Relaciones* for local history and geographic description, both major elements in the titles, as well as Don Toribio's link to the *Relaciones Geográficas* process, could have influenced the later primordial titles. Unfortunately, for the moment this theory must remain speculative, for Cuernavaca's *Relación* has apparently been lost. However, those studying primordial titles from other places for which *Relaciones* do exist may want to pursue this line of inquiry.

<sup>44</sup> There seems to be a remote possibility that Don Toribio was related to Don Hernando, or perhaps to his wife, but this cannot be confirmed at the present time. In the indigenous governments of colonial New Spain, it was common for a representative of the traditional *tlatoani* line to be replaced by other members of the high nobility, but not necessarily of *tlatoani* status. For a discussion of this theme in relation to Cuernavaca see Haskett, *Indigenous Rulers*.



This was not true for Don Toribio. His name endured beyond his death in or around 1591. He had been a wealthy man, holding extensive property in Cuernavaca and its hinterland. In the *barrios* of Olac and Amatitlan, for instance, he owned several houses, which continued to be known as the houses of Don Toribio in 1635.<sup>45</sup> In addition, the governor had designated rental income from a parcel of land, known as *la huerta* (garden), cultivated by the sugar *ingenio* of Atlacomulco. The rental income (thirty pesos a year) was then used to support a *capellanía* (benefice), where masses were celebrated for his soul. As late as 1743, the town council of Cuernavaca was administering this bequest; but the funds were being used to support Cuernavaca's titular festival. Is it a coincidence that an orchard figures prominently in the description of Don Toribio's lands in the "Municipal Codex"?<sup>46</sup> The governor's prominence had even led to a hill just outside Cuernavaca being named "Don Toribio." This information comes from 1697, ironically enough, during the course of land litigation with the sugar *ingenio* of Temixco. In fact, indigenous witnesses (not surprisingly members of the Hinojosa group) claimed at this time that Don Toribio had authored a four-page Nahuatl land document pertinent to the case, a clear reference to one of the titles.<sup>47</sup>

Don Toribio's name, associated with the church, land, and corporate income, obviously continued to loom large in Cuernavaca until late in the colonial period. Among the local indigenous elite, who were responsible for the production of titles, the luster of his memory as an advocate of noble and municipal interests must have focused attention on him as the personification of *altepetl* sovereignty. As more factual remembrance of the sixteenth century faded, Don Toribio and a few other titles "heroes," such as Don José Axayacatzin, came to overshadow other earlier town leaders about whom little knowledge remained.

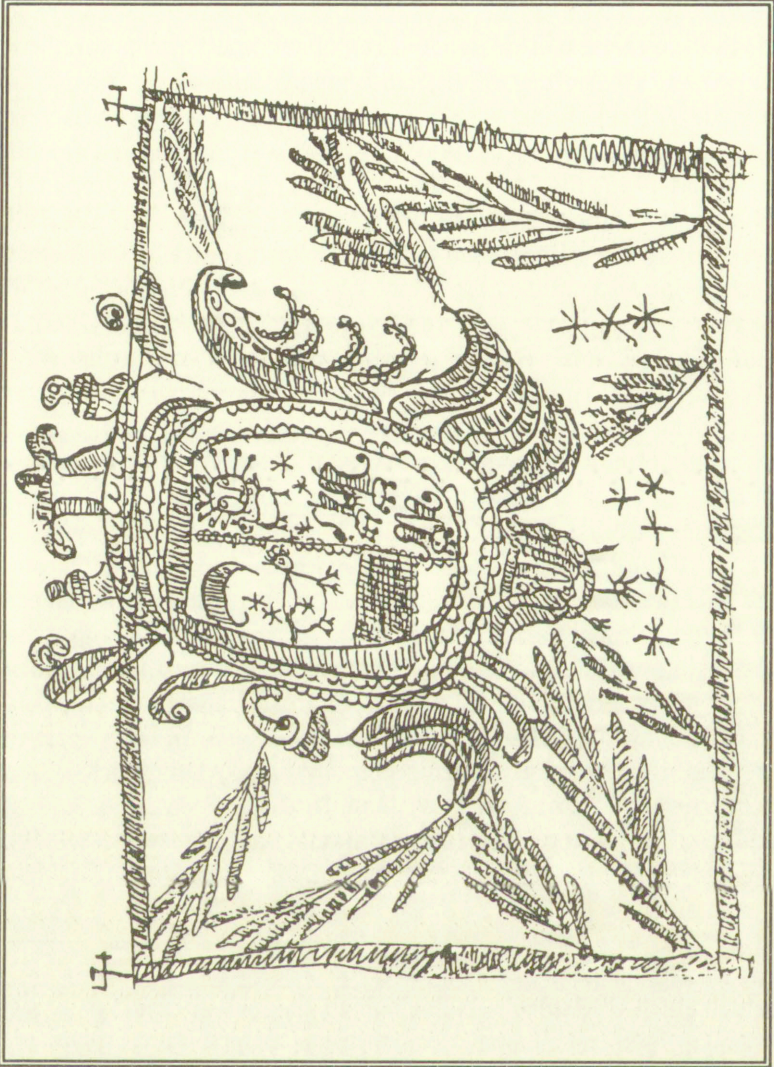
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<sup>45</sup> AGN, Hospital de Jesús, vol. 52, exp. 8, fols. 1r-12v.

<sup>46</sup> The land had been rented to this estate for 140 years or more at this point. See AGN, Hospital de Jesús, vol. 48, exp. 9 (information about land rented by the sugar *ingenio* of Atlacomulco, various dates, including 1743). For a more thorough discussion of *la huerta* and its association with Atlacomulco see Ward Barrett, *The Sugar Hacienda of the Marqueses del Valle* (Minneapolis: University of Minnesota Press, 1970), 29-30.

<sup>47</sup> AGN, Hospital de Jesús, leg. 312, exp. 20, fols. 1r-4r (land survey carried out in the course of litigation between Cuernavaca and the *ingenio* of Temixco, 1697).





Coat of Arms, Titles of Chiamilpa, AGN, Hospital de Jesús, vol. 79, exp. 4, fol. 122r.



In the process, these titles "heroes" assumed an omnipotence which modern "western" observers would consider legendary. The tireless Don Toribio and Don José witnessed, participated in, and facilitated what James Lockhart calls "*altepetl*-shaking" events, as Spaniards arrived, reorganized the community, introduced Christianity, and granted a corporate land base.<sup>48</sup> In other words, as symbols of the *altepetl*, they were associated with various events which were, to the indigenous ruling elite, at any rate, emblematic of local political autonomy.

The most visual of these symbols was a coat of arms, a device frequently mentioned in the titles of central New Spain.<sup>49</sup> In the Cuernavacan titles, the coat of arms is said to have been conferred on the *altepetl* by Cortés, the king, or both, as a reward for the rapid and voluntary acceptance of Christianity by people such as Don Toribio and the local nobility. Once obtained, the coat of arms became a protective talisman which would secure Cuernavaca against the activities of hostile Spaniards and Spanish clergy. The powerful device secured the *altepetl*'s land from harm, provided a graphic representation of the Spanish monarch's recognition of the *altepetl* elite's nobility and rulership, and was, in short, a manifestation of Cuernavaca's corporate vigor. The following translated excerpt, from the Nahuatl of the "Municipal Codex," is typical:<sup>50</sup>

The king our lord granted us the [right] to make this coat of arms; it is our strength and our assistance. It will be made so we can free ourselves of the Spaniards, so they will not dishonor us or take something from us, nor will our priests afflict us. For with this protection we will be aided. The reason he [the king] gave it to us [was because] we immediately received the Faith when our ruler Cortés arrived. We won

<sup>48</sup> Lockhart, *The Nahuas*, 979.

<sup>49</sup> See, for example, Tulane University, Latin American Library, Viceregal and Ecclesiastical Manuscript Collection, leg. 24, exp. 3, fols. 1r-5v (titles of Huejotzingo) and leg. 64, exp. 30 (titles of San Juan Tenango Tepopula, Chalco).

<sup>50</sup> CLCP, fol. 121r. Drawings of coats of arms are found in CLCP, fols. 14r, 40v, 111r, and 139v. See also AGN, Hospital de Jesús, vol. 79, exp. 4, fol. 122r, for a drawing of a titles coat of arms from Cuernavaca's *sujeto* of Chiamilpa. Wood, "Cosmic Conquest" also reproduces a version of this quotation.



nobility [*pillotl*] and rulership [*tlatocayotl*] because we served in the thing we discuss here.

In another title the relationship of the coat of arms to the protection of land tenure was made explicit,<sup>51</sup>

Concerning the land...no one is to evict us, for our great ruler Cortés and our great ruler the king granted us this coat of arms, with which we will be aided and strengthened.... I, Don Toribio, have heard it and know where the patrimonial land is located, where the stone boundary markers are placed....

Corporate sovereignty and autonomy were asserted in other ways in the *títulos*. Several in the Don Toribio tradition claim that the same kind of service which won the *altepetl* its coat of arms also brought it, or at least the nobility, exemption from the hated obligation to give tribute labor in the silver mines of Taxco.<sup>52</sup> It is true that nobles were excused by law from such service, which began after 1550. The establishment of this privilege, which recognized the indigenous nobles' exceptional social status, must have loomed large in the consciousness of the later colonial ruling elite. Thus the Taxco exemption, like Don Toribio anachronistically projected back to the earliest days of the colony, became one of a battery of grants signifying the establishment of Cuernavaca's corporate independence in the face of the Spanish intrusion.

In some of the titles Don Toribio witnessed the arrival of two other important corporate symbols, the Spanish *alcalde mayor* (district mayor) and the weekly market. Only important *altepetl* were designated *cabeceras* (head towns) and of these, even fewer became seats of this influential regional officer. According to the "Municipal Codex,"<sup>53</sup>

<sup>51</sup> Ibid., fol. 110r.

<sup>52</sup> Ibid., fol. 38r.

<sup>53</sup> Ibid., fol. 121v. There was no early *alcalde mayor* by the name of Don Francisco de la Peña, and the origin of this name is not clear. According to Riley, *Fernando Cortés and the Marquesado in Morelos*, the first *alcalde mayor* was the *licenciado* Juan Altamirano, who arrived in June or July of 1531. For an informative discussion of titles treatment of the arrival of Spanish authority see Wood, "Cosmic Conquest," 180-84.



When our *alcalde mayor* entered Quauhnhuac it was the 30th of January. He came to put Quauhnhuac in order, and his name was Don Francisco de la Peña. The market began right away. He was offered a chair, which was set down in the midst of the market. Many things were sold in his presence. He made good measurements and saw to the *almud* and *vara* [both units of measure].... He makes sure that no one will cheat with *chilli* or salt.

Here the *alcalde mayor* is acting like a pre-conquest market judge, linking him to the *altepetl*'s traditional rulers. He is said to be aided by an indigenous *topile* (constable), a pre-conquest carryover existing in Cuernavaca to the end of the colonial era and beyond. In the Spanish era, a *cabecera* with a resident *alcalde mayor* and a well-regulated market recognized by that authority figure was indeed a significant place, hence the establishment of these important attributes in the Cuernavacan titles.

Later sections of the "Municipal Codex" expand on this theme, again with some pre-contact associations. One colorful bit of prose tells of the gathering of the nobles, who went out dancing to the sound of a drum to greet the *alcalde mayor* when he entered town. The group accompanied him to the municipal palace where a mass was celebrated in his honor.<sup>54</sup> The title describes the building of this municipal palace, "the home of our *alcalde mayor*," stressing its elaborate stone construction. Here tribute was collected and under its protective arches the elite sat as judges for local crimes much as they had always done, threatening wrongdoers with the loss of their all-important nobility and rulership. It reads further: "they really take care of [God's] children [the commoners], so that no one will dishonor them."<sup>55</sup>

Here is a compelling picture of corporate integrity and concern for the proper regulation of community life, now under the umbrella of Spanish colonial authority. These examples are charged with potent

<sup>54</sup> Ibid., fol. 128v.

<sup>55</sup> Ibid., fol. 129r. This kind of timeless mixing of pre- and post-conquest traditions, usually with little apparent recognition that there was any difference, is a common feature in titles according to James Lockhart, *The Nahuas*, 987. See also his "Views of Corporate Self," 381, 386.



symbols of Cuernavaca's political sovereignty, the ruling group's continued autonomy in local matters of law and behavior, and the realization that this sovereignty, glossed as "nobility and rulership," is a fragile, easily-lost commodity. The very fact that the titles dwell so lovingly on the stone construction and arches of the municipal palace is an assertion of corporate substance. So, too, is the concern of the titles authors to establish the deep religious faith of the "hero" and his noble colleagues.

All of the Cuernavacan examples carefully juxtapose eager conversion to Christianity with the granting of coats of arms, recognition of political and social status, and the *altepetl's* land base.<sup>56</sup> But it is Don Toribio who has the most direct and intimate relationship with the church. The "Municipal Codex" carries the religious theme farther than any other title. Not only do each of the nobles named in this document assert that they "helped with the Holy Sacrament and with the building of the church," but the "Codex" also includes four different versions of the coming of the Faith and extensive descriptions of the establishment and operation of the new Catholic system. Even the most prominent boundary marker for Cuernavaca's corporate property is a religious symbol, the "cross of the marqués," which in reality was a large cross located on a shoulder of land to the north of the town that indicated the extent of Marquesado lands in that direction.<sup>57</sup>

Don Toribio, on behalf of the *altepetl's* nobility, takes great pains to describe the building of the church, as well as the gathering of people together from Cuernavaca and a number of *sujetos* for Easter celebrations. He relates how the first image of Our Lady of the Assumption, Cuernavaca's patron saint, was brought by the nobles from Xochimilco, an assertion that cannot at present be verified. The first sacrament of confession was made, and an altar, complete with

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<sup>56</sup> For example, the titles of Chiamilpa, not of the Don Toribio tradition, assert that "God made this our patrimonial land, because we quickly received the Faith...", AGN, Hospital de Jesús, vol. 79, exp. 4, fol. 124r. Similarly, the Ocotepc titles claim that "our great ruler Cortés made it [patrimonial land] for us because we helped him with all the tribute, and we helped him gather the people, who became Christians...", AGN, leg. 447, exp. 81, fol. 7r. For an excellent discussion of the titles view of Christianization, see Wood, "Cosmic Conquest," 184-86. Lockhart, "Views of Corporate Self," 391, found that authors of the Chalco area titles had a good grasp of Christianity.

<sup>57</sup> William H. Prescott, *The Conquest of Mexico* (New York: Dutton, 1967), 530.



bells, was erected to Saint Joseph. Early on, the nobles placed 100 crosses in the *altepetl* and its environs, "so that they will remember how our God [Christ] died."<sup>58</sup> In another place, the title asserts that

we will remember how [H]e was born, and we will remember how our God died; thus [H]is memorial will be made. And you are to know of it, when a star appeared, and how it led the three rulers, the kings, when our God was born.... [God] cares for us both in the daytime and through the night.

On a more pragmatic level, the arrival of the famous twelve Franciscan friars in 1524 is related, as is the appearance of Cuernavaca's first father *guardián*. The daily operation of the church in the town is detailed at length through a statement attributed to a *fiscal* named Don Baltasar Valeriano (see appendix 3). The *fiscal* discusses his duties, which include care for the physical plant of the church, supervision of the indigenous sacristans, cantors, and porters, and even the punishment by whipping of sinners. Here the *fiscal* reminds those who would not conform of the danger of losing their nobility and rulership.

All of this portrays Don Toribio, the nobility, and the *altepetl* as thoroughly and willingly Christian. They have not only erected the physical symbols of the Catholic church, but with the help of the friars have learned what those symbols mean. The *fiscal's* statement proves that the nobility, at least, is quite capable of caring properly for these symbols and enforcing religious orthodoxy, one of the pillars of their own nobility and political sovereignty. Most significantly, this title includes a story of a miracle which connects the *altepetl*, as well as Don Toribio himself, directly to the Christian God without the aid of non-indigenous intermediaries or externally imposed imagery:

Now you are to know how the Holy Cross appeared: a noblewoman named doña María Salomé made it appear. She ordered a black Zapote tree to be cut, and from it appeared the Holy Cross. She ordered the *fiscal* of the church to come to see it, and he saw and spoke

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<sup>58</sup> Unless otherwise noted, all quotes come from the first several folios of the "Municipal Codex," CLCP, fols. 121r-25v.



about it. Then the friars came to see it, and she displayed it to them and to all the Spaniards, so that they adored it in His house, the church, where a mass to the Holy Cross was made. The nobles established an offering, which entered the church.

Here a noble indigenous woman, according to the titles, the wife of Don Toribio, himself the personification of the *altepetl*, is the vessel through which the cross miraculously appears. The cross is formed out of the body of a native tree, and it is the indigenous woman and the local nobility who display this powerful symbol of the Christian God's favor to Spaniards, not the other way around. What more potent evidence for the importance and sovereignty of the *altepetl* and its rulers could be found? It was in the acceptance of the Catholic faith, it seems, that the final proof of the *altepetl*'s loyalty and corporate worth was grounded.

In conclusion, it is simple for modern scholars to label much of what is contained in Cuernavaca's numerous primordial titles as distortions of reality or outright myth. A thoroughly "western" interpretation could easily conclude that the land claims made in the documents, spuriously dated from the time of the conquest, were concocted to fool Spaniards into granting properties for which the community had no legally recognized proof. Perhaps there was some level of conscious fabrication in the documents, for the people who wrote them were often engaged in a desperate and unevenly balanced struggle to preserve one of the major ingredients in corporate survival. But too often such researchers overlook a different sort of reality and a distinct way of defining "history," such as that found in the titles.

It is true that the collection of the many Cuernavacan titles into a body, their presentation as evidence, and perhaps even the composition of surviving examples was prompted by a crisis of land access set off by population growth in both the indigenous and Spanish sectors. But most of the Cuernavacan titles did not simply concern landholding, nor were they primarily intended for an external audience. In spite of their lack of concern for "western" historical conventions, they did enshrine an elite vision of the *altepetl*'s past and its survival within the context of Spanish rule.

By closely associating titles "heroes" such as Don Toribio Sandoval de San Martín Cortés with what were considered important



and traditional attributes of corporate strength and autonomy—a land base, the Christian religion, respect for external authority, the ability to be self-governing, and a coat of arms—they were made personifications of the *altepetl*.<sup>59</sup> Their persons and experiences became the mirror of the corporate experience. Moreover, their loyalty to the colonial regime was proof of the entire ruling group's loyalty and, by extension, of the loyalty of the *altepetl* itself. For in the process of assembling shreds of a collective memory of bygone times of municipal reorganization and Christianization, the titles authors fashioned a pedigree of corporate worth that was true to colonial realities. They well knew that their legitimacy ultimately derived as much from external recognition and favor as from internal social ordering, and that such recognition could only be enjoyed so long as they upheld at least the outward appearance of adherence to the Spanish state in all its forms. Hence the projection of that realization to the earliest days of their colonial experience, the reverent treatment of Cortés and the king (even when local Spaniards were regarded with suspicion in the documents), and the use of titles "heroes" such as Don Toribio, who best symbolized this realization.

Yet this was not a cynical manipulation of "history," for by the late colonial period it was a matter of faith that, with all its faults, the present system was and had always been the best guarantee of corporate sovereignty and autonomy. What had come before remained only a vague memory, not consciously separated from post-conquest elements with which it had become thoroughly mixed. Yet not all links to the indigenous past had been abandoned. Cuauhnhuac was preeminent because of its grandeur before the arrival of Cortés. The status of the ruling group, who obviously continued to consider themselves a true nobility, was proven by their descent from an early, hereditary elite whose ascendancy had been recognized by the all-powerful Spaniards.

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<sup>59</sup> Before and after the conquest, these attributes seem to have been criteria for true corporate status. For instance, they were enshrined in colonial law by the 1690s as elements of true, independent *pueblo* status as invoked by countless towns thereafter as they sought access to a basic, landed townsite. See Wood, "Corporate Adjustments," 188-90. For the pre-Hispanic era see Susan Parry Schroeder, "Chalco and Sociopolitical Concepts in Chimalpahin: Analysis of the Work of a Seventeenth-Century Nahuatl Historian of Mexico" (Ph.D. dissertation, University of California, Los Angeles, 1984), 140-45. Pre-Hispanic *altepetl* status had depended on the possession of a temple and palace, among other things.



The Díaz *tlamecayotl* (lineage), for instance, stretched from the noble Don Francisco Díaz de Aquino Cortés to his eighteenth-century descendant, Don Joseph Gaspar Díaz. The titles authors fervently believed in their links to a *pilotl* and *tlatocayotl* of immemorial origin, and that the conquest had buttressed, not debased, their position in society.<sup>60</sup> In this way, the Cuernavacan *títulos* are indeed an authentic vision of the *altepetl*'s journey through invasion and colonialism.

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<sup>60</sup> See Lockhart, "Views of Corporate Self," 384-85 and Wood, "Corporate Adjustments," 341, who finds that the author or authors of the Capulhuac titles had a positive image of such things as the *congregación* era.



APPENDIX I:  
 THE TWELVE FIRST FRANCISCANS  
 ACCORDING TO THE "MUNICIPAL CODEX OF CUERNAVACA"

"It [Christianity] was established in Cuauhnhuac when the Marqués arrived. Then the friars brought the faith [*tlaneltoquiliztli*] here to Cuauhnhuac. Here are the names of the friars of the year 1524" [listed in order of appearance in the text]:

**Fray Martín de Valencia:** one of the "Twelve," their Superior.

**Fray Francisco Martínez:** identity unknown.

**Fray Ortíz:** probably Fray Antonio Ortíz, among the second group of Franciscans to arrive and member of the group which founded Cuauhnhuac's monastery in 1525.

**Fray Luis:** probably Fray Luis de Fuensalida, one of the "Twelve."

**Fray Juan de Cervantes:** identity unknown.

**Fray Francisco de Soto:** one of the "Twelve."

**Fray Pedro:** identity unknown.

**Fray Andrés de Córdoba:** one of the "Twelve."

**Fray García de Cisneros:** one of the "Twelve."

**Fray Martín de Jesús:** or de Coruña, one of the "Twelve" who later served as *guardián* of the Cuauhnhuac monastery.

**Fray Juan Xuáres:** one of the "Twelve."

**Fray Juan Motolinía:** probably Fray Toribio de Benavente Motolinía, the most famous member of the "Twelve."

Friars among the "Twelve" not named in the "Municipal Codex" include: Fray Juan de Palos, Fray Antonio de Ciudad Rodrigo,



**Fray Juan de Ribas, and Fray Francisco Jiménez.**

Friars involved in the establishment of Cuauhnahuac's monastery of Nuestra Señora de la Asunción but not listed in the "Municipal Codex" include: **Fray Alonso de Herrera, Fray Diego de Almonte, and Fray Antonio Maldonado.**

Information about the "Twelve" and the Cuauhnahuac monastery taken from Mendieta, *Historia*, 248, 611-16, 628 and Ricard, *Spiritual Conquest*, 21.



APPENDIX 2:  
THE TITLES *CABILDO* OF CUAUHNAHUAC

I. SCHEMATIC OF THE GENERIC TITLES *CABILDO*

Governor	<i>Alcalde</i> of San Pedro
Judge	<i>Alcalde</i> of San Pablo
Notary	<i>Alcalde</i> of San Juan
	<i>Alcalde</i> of San Miguel
	<i>Alcalde</i> of San Francisco

II. *CABILDO* OFFICERS BY NAME

Documentary appearance: 1 ("Municipal Codex"); 2 ("Axayacatl Titles"); 3 ("Díaz Titles"); 4 ("Unos títulos").

**Atenantzín, Don Diego;** 2,3,4: Described as a judge. Origin of the name is unknown.

**Axayacatzín, Don José;** 1,2,3,4: Name derived from Axayacatl, ruler of Tenochtitlan from 1469-1479.

**Cochteoctli, Don Cristóbal;** 2: Described as *alcalde* of the *barrio* of San Francisco. Origin of name unknown, but could be from *cochteuctli* (lord of sleep).

**Cortés, Don Toribio Sandoval de San Martín;** 1,2,3,4: Actual governor of Cuernavaca in the later sixteenth century.

**Nexcohuatzín, Don Francisco;** Described as notary. Origin of name unknown.

**Quauhximatzín, Don Juan or Don Pedro;** 1,2,3,4: Origin of name unknown.

**Tantzín or Tatzintli, Don Juan;** 2,4: Origin of name unknown, but the Nahuatl means father.



**Tecuecpiltzintli, Tecuicpiltzintli, Teucpiltzin, Tecpiltzin, or Piltzintli, Don Juan; 1,2,3,4:** Described as the *alcalde* of the *barrio* of San Miguel, except for Tecpiltzin, who is associated with the *barrio* of San Francisco in "Unos títulos." Origin of name unknown, but connotes high noble status.

**Tetzin, Don Miguel; 4:** Origin of name unknown.

**Tzotzomocztzin or Tzotecomocztzin, Don Mateo; 2,3,4:** Described as *alcalde* of the *barrio* of San Pablo. Derived either from Tezozomoc Tzotzomatzin, king of Coyoacan c. 1498, or from Tzotecomatl, leader of the Acolhua who established themselves at Coatlichan in the reign of Xolotl.

### III. PROMINENT INDIGENOUS WITNESSES OR PARTICIPANTS IN THE "AXAYACATL TITLES"

**Acamapixtzin, Don Joseph:** Described as a noble of the *barrio* of Panchimalco. Acamapichtli was the first ruler of Tenochtitlan.

**Nezahualcoyotzin, Don Mateo:** Described as a noble of the *barrio* of Panchimalco. Nezahualcoyotl was a famous king of Texcoco, in the Valley of Mexico.

**Tecuecpiltzintli, Don Santiago:** Described as a noble of the *barrio* of Panchimalco. Origin of the name unknown, but the surname is the same as that of the *alcalde* of San Miguel.

### IV. KNOWN MONARCHS OF PRE-CONQUEST CUAUHNAHUAC

**Tehuehuetzin** (founded a new dynasty c. 1491-1504)

**Izcoatzin** (1504-1512)

**Yaocuixtli** (1515-1519)

**Yaotzin** (1519-1521)



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Sources: Francisco Javier Clavijero, *Historia Antigua de México* (México: Mariano, 1979); Rafael García Granados, *Diccionario biográfico de la historia antigua de Méjico* (México: n.p., 1953); Fray Alonso de Molina, *Vocabulario* (México: n.p., 1977); Fray Bernardino de Sahagún, *Historia general de las cosas de Nueva España* (México: Editorial Nueva España, 1979); Riley, *Fernanado Cortés and the Marquesado in Morelos*; Rémi Siméon, *Diccionario de la lengua Náhuatl o Mexicana* (México: Siglo Veintiuno, 1981); and Fray Juan de Torquemada, *Monarquía Indiana* (México: Editorial Porrúa, 1943).



APPENDIX 3:  
STATEMENT OF THE FISCAL, DON BALTASAR VALERIANO,  
"MUNICIPAL CODEX OF CUERNAVACA"

"I serve here in Cuauhnahuac; I served the holy sacrament and our noble woman ruler and mother, Santa María, with all the work. Firstly, I clean the altars [by] directing the sacristans, who clean them with plumes, and [direct] all of the officials, cantors, porters, [and] bell ringers. On Sunday they set out the altar cloths. The cantors celebrate the *Pascua de la Navidad* [and] the *Misa de Aguinaldo*. Each week they set up candles in the choir before the [image of] the Holy Christ. I do a great deal among the railings [of the choir]. I really care for everything that is done, which is how I served the Holy Church in what the cantors did in the *prima*, the *nona*, in the mass, in the *salve*, in vespers, and in the *doctrina*. And in all the sermons I really bow down with great reverence and humbleness, not with frivolity nor with drunkenness. Those who have done this have been tested and considered, and are being punished."