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The Testaments of Culhuacan

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OVER 400 YEARS ago a devastating epidemic swept through central Mexico, killing tens of thousands of indigenous people. During that epidemic of 1578–82, sixty-five men and women in the relatively small, if famous, Nahua settlement of Culhuacan dictated their last wills and testaments to Nahua notaries. Many other Nahua settlements of the time have left substantial records in the native language, but Culhuacan is unique in that a solid corpus of wills, now known as The Testaments of Culhuacan, has survived from a period of only a year or two. This group of wills in Nahuatl has been a rich source of information on local-level processes from an indigenous perspective. It continues to inform our understanding of the impact of the Spanish presence on a single indigenous community while also demonstrating the resilience of Nahua culture.

History of the project. The Culhuacan collection of wills appeared seemingly out of nowhere, a completely new corpus of Nahuatl documentation previously unknown to the scholarly community. Sometime in the early 1970s, Dr. Ignacio Pérez Alonso brought the Culhuacan documents to Dr. Miguel León-Portilla, the doyen of Nahuatl studies in Mexico, and gave him permission to photocopy the documents before donating them to the Universidad Iberoamericana library in Mexico City.

Don Miguel published a description of the corpus, with some samples, in *Estudios de Cultura Náhuatl* (León-Portilla 1976). Around that time, after I had passed my doctoral qualifying exams at UCLA, the expectation was that I would write my dissertation on the early sixteenth-century Cuernavaca censuses. Jim Lockhart, my director, having great respect for the extraordinary difficulty and recalcitrance of that material, and also seeing the magnitude of the project of publishing the entire Testaments of Culhuacan, went to León-Portilla with a proposal to which the latter readily agreed: that I would be furnished photocopies of the testaments, that I would gradually transcribe and provisionally translate them toward an edition by myself and León-Portilla, and that at the same time I would use them as the primary basis for a dissertation in ethnohistory.

I had no clear idea of what I was getting into, but the project sounded intriguing. My experience in Jim's paleography class made the task of transcribing the testaments appear a relatively straightforward process. I say that because sixteenth-century Nahuatl notarial hands are quite legible compared to the Spanish notaries' scrawls. But colonial Nahuatl presents its own challenges with its lack of divisions between what we consider words, capricious or absent punctuation, and standardized as well as idiosyncratic abbreviations. I can't remember which document I started with, but I do remember the process: write out the transcription as best I could by hand, type it on my portable electric typewriter, keeping at easy reach my bottle of white-out (a revolutionary invention at the time!). I would send these provisional transcriptions to Jim and wait for the

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pages with a sea of red by return mail. Then came the hard part, the daunting part: translating the Nahuatl.

Since the original plan was to publish the collection in Mexico, my next task was to translate the wills to Spanish, so the project was initially pursued in languages not native to me. I sent my first translation to Jim. There were big holes in it, doubtless garbled syntax. Usually I stumbled through the standard opening formulas well enough, since the opening Nahuatl testamentary phrases were essentially translations of sixteenth-century formulas such as those found in Fray Alonso de Molina's *Confesionario en lengua mexicana* [1569]. Molina's bilingual Nahuatl-Spanish confessional manual contains directives to priests for instructing Nahua notaries recording final wills, and León-Portilla had included the section in his *Estudios de Cultura Náhuatl* article. I waited with trepidation for the return mail: sometimes the transit from Montreal, where I was, to Santa Monica, where he was, took 10 days one-way, longer if the Canadian postal service was on strike. Jim was patient and kind, and never failed to put aside what he was doing to attend to what was the center of my intellectual life. He gently corrected the transcriptions that I thought so straightforward, untangled the Spanish translations, and filled in the holes that I'd left. Gradually I got better, and the process of transcription, translation, and correction went on toward its conclusion.

The old technology worked: pen, paper, typewriters, white-out, snail mail, note cards. Following the practice of my father, Howard Cline, I used three-ring binders to organize my work, one for the transcriptions, another for the translations, and I bought metal book stands so I could turn the pages more easily. Of course today all this sounds quite primitive. The transcribed and translated documents piled up from 1978 to 1980, over many snowy winter days in Montreal.

As the completed documents began to accumulate, I was drawn in to each individual life. Soon I discerned that in addition the information in the wills was a complex interlocking puzzle. Many, many pieces were missing, but those that were left gave tantalizing clues to the essential elements of the design. As a collection of wills and other documents, *The Testaments of Culhuacan* is a coherent whole. That is the essence of its beauty: a collection made in a concentrated period of time, 1580–81, in a single place, and kept together in a book from the beginning. One document [61]¹ gives tantalizing evidence that the collection's survival may have been due to the malfeasance of a notary, Miguel Jacobo de Maldonado. Town officials took the book from him "because he hid many testaments," and it was given to another notary, Juan Bautista.

When I began the project, the only Nahuatl wills I knew of were in *Beyond the Codices*, that first compendium of different types of Nahuatl documentation that Lockhart, Berdan, and Anderson published in 1976. In addition, Susan Kellogg (1979) had recently finished a dissertation at University of Rochester based largely on wills found in lawsuits of Nahua men and women in colonial Mexico City. She had meticulously analyzed 79 lawsuits from the mid-sixteenth-

¹Numbers in brackets refer to document numbers in the 1984 edition of the testaments rather than pages; the numbers will stay the same in any future edition.

century to the beginning of the eighteenth. In her corpus there were 23 sixteenth-century wills written between 1546 and 1584 by 9 men and 14 women. Thirteen were in Nahuatl and 10 in Spanish translation only. From these she created a series of hypotheses about colonial Nahua society and inheritance patterns. I quickly realized that the Mexico City testaments in lawsuits differed from the Culhuacan wills in that they were presented in cases of contested inheritance. Furthermore, the fact that they were from the Spanish capital rather than a small Nahua settlement in the hinterland potentially affected everything. The fact that there were just 13 Mexico City wills in Nahuatl restricted the potential of the set for linguistic comparison. But frankly, despite the limitations of the Mexico City Nahua testament corpus, I was grateful to have anything at all to which the Culhuacan wills could be compared.

For my dissertation I wanted to go beyond the wills and produce a larger study of Culhuacan. With Charles Gibson's *Tlaxcala in the Sixteenth Century* (1952) and *Aztecs under Spanish Rule* (1964) and the regional studies in *Provinces of Early Mexico* (Altman and Lockhart 1976) as models, I hoped to create a full picture of Culhuacan in the late sixteenth century. With great hope, I started to collect Culhuacan documentation beyond The Testaments themselves. I was delighted to find a reference in the *Handbook of Middle American Indians* indicating that there was a published *Relación geográfica* for Culhuacan, with a map (Gallegos 1927). I also found a photograph of the first page of a Culhuacan baptismal register (Gorbea Trueba n.d.). But my best help came from Mesoamericanists who were kind enough to share their archival materials with me. Jim Lockhart provided me with a transcription he had made of a document from the Archivo General de la Nación, the disposition of the estate of Culhuacan testator, doña Juana Luisa, that included pictorials of landholdings. UCLA anthropologist H.B. ("Nick") Nicholson, a member of my dissertation committee, loaned me a microfilm from the Bibliothèque Nationale de Paris that contained a lawsuit between Culhuacan heirs, including a pictorial genealogy and a house plan. Help also came from Edward Calnek at University of Rochester, who lent me Culhuacan land sales documentation for the late sixteenth century from the AGN. It turned out that these items shared so much as to nature and point and time of origin that they could simply be integrated into my corpus in many respects.²

With hopes that Culhuacan archival sources would be abundant, I escaped bleak Montreal Februarys with my mathematician husband and went to Mexico City, where I dug into the files in the AGN. Much to my regret, the archives did not yield massive documentation on colonial Culhuacan. But during one of those February visits, I went to modern Culhuacan, which is now swallowed in the megalopolis of greater Mexico City. I found at the church site still an impressive conventual building with wonderful black and white religious colonial-era frescoes. It is now a historic site, overseen by the Instituto Nacional de

²Anthropologists Jerome A. Offner, then at University of North Carolina, Charlotte, and the late H. R. Harvey, University of Wisconsin, were helpful later in the project as I sorted through information on Nahua law and land tenure.

Antropología e Historia. Culhuacan's landscape had changed over time; the chinampas are gone, but in 1980 there were still some vacant uplands. The Culhuacan Volkswagen dealership dominated the commercial district, and I wondered what ancient structures it had replaced. Working class Mexican residents went about their business, perhaps aware of Culhuacan's distinguished preconquest history, but certainly oblivious to my avid sightseeing, an aspiring scholar's hunt for the colonial past. After several relatively fruitless research trips to Mexico, it became clear that the main source of information I would have for my dissertation was the book of wills, but in terms of early postcontact Nahuatl history, it is a *veta grande*, a motherlode.

It has been a while since I finished my dissertation "Culhuacan 1572–1599: An Investigation Through Mexican Indian Testaments" (UCLA 1981) and nearly as long since *The Testaments of Culhuacan* (Cline and León-Portilla 1984) was published in Nahuatl transcription and English translation, with abundant commentary, in the UCLA Latin American Center's Nahuatl Studies series, under the editorship of Lockhart, and the monograph based on my dissertation was published as *Colonial Culhuacan, 1580-1600: A Social History of an Aztec Town* (Cline 1986). I count myself astoundingly lucky to have been given the gift of this documentary source to translate and analyze. As I sit in my faculty office at University of California, Santa Barbara, I know I owe my academic career not only to the long dead Nahuas of Culhuacan but also to the scholarly community that helped me bring their story to life.

While still drafting the dissertation, I got some unintended, anonymous feedback on early chapters from a prominent Latin Americanist, making me realize that I needed to frame my material so that it was more accessible to a non-specialist audience. Since I was the first of many UCLA doctoral students working on indigenous history, it was clear to me that I needed to be an advocate for the importance of historical research based on native language documentation. Most Latin Americanists, even historians, were unaware of the indigenous-language sources and their potential. My job talks spent a certain amount of time showing the depth of the existing field and the promise that native language documentation held out for illuminating colonial social history. Most important for connecting with readers was focusing on a just a few wills so that the collective information had a human voice. In the low-tech era of the early 1980s, I made a handout consisting of the handwritten Nahuatl testament, a typed-out transcription with Spanish loanwords underlined, and a typed translation. The audience of historians could more easily follow my unpacking of information and take something concrete away from the talk. But I think the most impressive thing for them was the xeroxed Nahuatl document, to see that sixteenth-century Nahuas actually wrote texts in their own language using Latin letters. I myself continue to marvel at the existence of this documentation and its value for scholars.

The Testaments of Culhuacan as a source. The Testaments of Culhuacan constitute a rich and important collection, which for many years has been the largest known extant corpus that was a unit from the beginning. The book of wills is bound in what appears to be the original parchment and contains 108 folios of European paper, measuring 31 x 21 cm. The corpus contains 65 wills in Nahuatl

and 36 related written records, some being lengthy items in Nahuatl and some brief annotations in Spanish. Most documents are dated, the earliest being 1572 and the latest 1606, with most recorded in 1580 and 1581 during a serious epidemic in central Mexico. The majority (52) of the wills are complete from opening formulas to the notary's closing signature. There are 13 testament fragments, some of which are substantially complete, others just a few lines long. A number of wills are annotated by Spanish friars and by Culhuacan town officials, sometimes a year or more after the testament was made.

The potential significance of the collection mounted when it turned out that a substantial number of individual wills contain explicit links between the particular dying person making the will—the testator—and other testators in the corpus. As a feminist I was delighted to find that well over a third of the 65 wills were of women testators; moreover, women also figured prominently as heirs and witnesses to wills. In the late 1970s and early 1980s, the historical literature provided no inkling of the prominent role that women played in early colonial Nahua culture, since most of the modern historiography on early Mexico barely mentioned them, with the exception of Cortés's translator and consort Marina, now usually called Malinche. With the abundant number of women in the Culhuacan documentation, I saw the possibility of vastly expanding our knowledge of colonial Nahua women.

Cataloging the testators was a key initial task, and it presented practical problems. There were four testators named María Tiacapan, three Juana Tiacapans, two Ana Tiacapans, and two María Teiucs, all clearly different women since they had different sets of kin. I differentiated between them by letter, giving A to the first identically named testator in the collection, B to the second, and so on. Sorting through all the Tiacapans, Tlacos, and Xocos, the stereotypical Nahuatl names for females based on birth order, was a frustrating task made somewhat easier because a number were listed as the wife or daughter of so-and-so. (Men were never identified by their connections to women.) Still, many women who may have appeared in multiple testaments could not be definitively identified because of their stereotyped names, so their roles can be only partially appreciated. After cataloging the testators, the next obvious step was to keep track of their kin connections. Almost immediately testament clusters emerged, such as between a wife and a husband or between two siblings.

One large testament cluster that gradually emerged allowed me to start thinking systematically about how testators acquired, held, and subsequently bequeathed property in a period of epidemic mortality. It is composed of Pablo Huitznahuatl [47], his daughter Angelina Mocol [50], her husband Juan Velázquez [57], Angelina's uncle Antonio Tlemachica [30], and her aunt María Tiacapan [C] [49], all five of whom died within a few months of one another and left wills. Subsequently I realized that this cluster is linked to doña Luisa Juana in the Tierras documentation that Jim Lockhart had transcribed (AGN, Tierras 58).

Although the testament clusters had obvious potential, testaments that were not directly linked to others contributed equally vital information. A few individuals, such as noblewoman doña María Juárez and the notary Miguel García, were clearly important local personages whose lengthy and complete wills are

chock full of information capable of throwing systematic light on a whole career. But testament fragments, posthumous statements, and annotations in Spanish by the resident friars were also useful pieces in the mosaic of late sixteenth-century Culhuacan. Short or fragmentary documents often added examples to emerging patterns or provided unique information. Overall, the wills provide information about social relations, gender, wealth, status, land tenure, cultural and linguistic change, town government, and obviously, inheritance patterns, just to name some of the categories of interest. Doubtless any collection of testaments will do much the same, but the Culhuacan corpus, coming at a time when issuing Nahuatl testaments had not yet become so routine, adjustments to Spanish modes had not been completed, and Nahuatl writing was reaching its height, is richer in revealing details than most other such materials.

Wealth, social status, and gender. One of my working assumptions, after it was obvious that women as well as men made wills, was that the testators were Culhuacan's elites, since I considered it likely that only those with substantial property would take the trouble to make a will (or be encouraged to do so). However, rather than take that assumption as proven, I remained alert to indicators of social and wealth—and their absence. There were very few men and women identified in the collection who had the Spanish noble titles of don and doña, which at that time were not nearly as widespread among indigenous people as later. However, there were in fact four testators with the titles of don and doña. Other testators had Nahuatl lordly titles (*huitznahuatl teuctli*, *tlacochealcatl*, etc.). Three Nahua men with Hispanic surnames served as notaries; they may not have been high nobles, but they were important local officials. In addition to those who had titles themselves, seventeen testators were related to titled kin. But others' names gave no obvious clues to their noble connections, such as Angelina Mocol [50], whose father was Pablo Huitznahuatl teuctli [47].

Not surprisingly then, Culhuacan testators were not all connectionless commoners, but the picture is more complex than might be anticipated. Not all testators were wealthy in their own right, even when they had ties to known elites. For example, the brother of a town councilor (*regidor*), one Mateo Juárez [24], was not obviously wealthy himself. He described himself as poor or an orphan (“*nicnot!*”). He then enumerated holdings that included a small house, some stones he had gathered, a row of trees and “a digging stick with a metal point” that he paid 6 reales for, as well as an old boat. Perhaps he had access to more property via his office-holding older brother, but Mateo himself does not appear to be wealthy, since he highlights his top-of-the-line digging stick, likely not a high-status possession of an elite member of society.

A posthumous declaration of the estate of Ana Xoco [76] indicates she owned little of worth, just a small amount of maize, “a huipil, a small chest, and a hoe” worth a grand total of 6 pesos, all of which were to be sold for masses. Another posthumous declaration for one Antonio Toca (54) also listed mainly foodstuffs, “all the things that he left, the unshelled maize, the beans, and all that belonged to him.” In such cases, the deceased may have once been wealthy and well connected, but the declarations show no evidence of it. The inclusion of posthumous declarations for paltry estates suggests the importance to town

officials and the clergy of formal transmission of property.

Testators' protestations of poverty are not to be taken entirely at face value. Tomás Motolinia [46], whose name in fact means "poor person," declared "I keep nothing for our lord God [i.e., I have nothing] with which to make an offering at the church." He then says that his daughter Bárbara Inés is also "poor"; however, he proceeds to bequeath her chinampas he had purchased for 6 pesos, some other land, and a recently finished house. His initial declaration of not having the means to make an offering to the church may have meant he did not have cash on hand to do so, since he orders various pieces of property sold for masses in his name.

In most cases, testators have no clear profession or trade, but a few men could be linked to occupations. One was the notary Miguel García [31], who also apparently engaged in trade part time. Another trader was Antonio de Santa María, father of the testator Luis Tlahpotonqui [41], and father-in-law of a yet another trader, Mateo Opan, husband of Antonio's daughter María Tiacapan [53]. By following the fine detail of this cluster one can derive much information about Nahua commercial transactions in that time and place. Our knowledge of Antonio comes from Luis's testament, since father and son did considerable business together, outlined in Luis's will, and after the father's death, son Luis continued in commerce. Antonio de Santa María was a moneylender as well as a trader; when he died, many people, some of them quite prominent, owed him money. His son Luis Tlahpotonqui enumerated the same debts now owed to him, indicating the expectation that debts would survive the creditor's death. Luis's will lists Antonio's debtors, who received both loans in cash and goods on credit. Although most Culhuacan transactions were in quite small amounts of Spanish money, Antonio made loans in the tens of pesos. He acted as a bail bondsman to a man in jail for assault. A nobleman got a loan from Antonio to engage in litigation. Antonio's son Luis Tlahpotonqui was less successful but continued in the same vein within a far-flung network. Thus we are able to discover that the equivalent of the preconquest *pochteca* or large-scale traders still existed in late-sixteenth century Culhuacan, and something of the nature of their activities, even though the actual word *pochtecatl* is hardly used. A vestige or variant of it does appear in Luis's will, however, giving additional confirmation: the verb *pochtecati*, "to trade," or more literally "to act as a pochtecatl."

In the will of Luis's sister, María Tiacapan, we learn that she was a commercial investor and owned a pack animal herself. In the precontact period, women are said to have invested in such enterprises, so María's involvement in trade is not a postconquest phenomenon. The testament of another woman confirms that María Tiacapan was not unique, for Ana Tlaco [52] also owned a pack animal for trade. In fact, from the wills we gradually come to realize that the ownership of a horse or mule, then a very expensive item, is a diagnostic trait, a strong indication that the owner is a trader. Formerly of Culhuacan, María had moved to Yecapixtla in the Cuernavaca area, where her husband lived, yet she had clearly maintained ties with her natal community. A reasonable hypothesis is that she met her husband via his regional travels for trade; such ties hint at the existence of a regional trading network.

A number of testators owned boats. Since Culhuacan was located right on the

southern shores of Lake Tetzoco, traders could take advantage of the inland sea to transport goods quickly and cheaply. One boat owner was Pablo Quechol [28], who owned large amounts of foodstuffs when he died, which suggests he was engaged in trade. He owned a cache of 2,000 cacao beans, which were intrinsically valuable as food, but also used as a medium of exchange. At least one woman, Ana Tiacapan, owned a boat, perhaps also used in trade [29]. Here we have another useful diagnostic characteristic.

What's in a name? Having early on confronted the practical problem of differentiating the women testators, I knew that names and naming patterns were an obvious category for analysis, particularly the differences between men's and women's names. After examining testators' estates and kin networks, I concluded that Spanish surnames indicated a person's high status. Women bore a few stereotyped Spanish and Nahuatl names, while men's names were much more individual. In general, men's names were unique, with a variety of Spanish given names and a plethora of second Nahuatl names that in the preconquest period would have served to identify them. A few men and women had normal Spanish surnames, and the size of their estates or their kin connections suggest that such surnames were used by Culhuacan elites. Virtually all Culhuacan's women had stereotyped names, María, Ana, and Juana accounting for the majority of Spanish given names, while Tiacapan, Tlaco, Teiuc, and Xoco (Eldest, Middle, Younger, and Youngest) were the most common second names, even for high status women (e.g., María Teiuc, wife of don Juan García). Dual Spanish given names, such as Ana Juana or more obviously, noblewomen with the title doña (e.g., doña Luisa Juana, doña Elena Constantina) also indicate high status in a woman. Later, double Spanish first names would become the norm for the vast majority, but that had not yet happened at this time.

Nahua Piety. Christian religious formulas were part of the opening section in most wills. I was interested in Nahua piety and the extent to which the opening formulas might give clues to Nahuas' religious beliefs sixty years after the conquest. Although there were some differences in wording from one will to another, I reluctantly concluded that these were more likely the result of a particular notary's repertoire of phrases than the pious final words of the individual dying Nahua. Occasionally there were touches indicating that the testator was a participant in creating the opening phrases. But far more telling, I thought, were the times that notaries used the loanword phrase "et cetera" in the opening formulas: "And I believe all that the Holy Church of Rome believes. Therefore now I make my testament, etc." [44]

A number of French scholars have attempted to track changes in religious belief over time by examining religious formulas in wills, but I remain convinced that the formulas in the Culhuacan wills bring us little closer to understanding most sixteenth-century Nahuas' religiosity. Occasionally there were slips in the standard formulas, which could indicate either little more than the notary's inadvertent error in wording or profound lack of understanding of matters as important as the Three Persons of the Trinity.

However, as I began to keep track of other types of information in the body of the wills, particularly pious donations and movable property of a religious

nature—crucifixes, breviaries, books of hours, religious statuary—it became obvious that several men and women in Culhuacan had acquired Christian paraphernalia. Religious objects were important in Christian Europe, but also in the precontact Nahua region. Such Christian items were entirely orthodox and in the post-Trent era they reinforced Catholic practice among the common folk. What I did not find among the religious property were the numerous household saints' images that decorate later Nahuatl wills so profusely. A few crucifixes or Christs on the cross were the limit of such phenomena, indicating that the great household saints cult came later in the development of central Mexican indigenous religiosity.

Judging by the number of masses Culhuacan testators requested in their wills, they were quite concerned about their souls as well as those of their kin. Most testators set aside money so that the Spanish friars would say masses, with the cash usually coming from the sale of particular pieces of property. Although various entities of the church eventually became large holders of real estate in the colonial era, at the end of the sixteenth century there is no evidence from the Culhuacan wills that Indians contributed to those holdings. In no case does there appear to be a direct donation of real estate to the local church or order.

Another religious absence in the wills is confraternities. Although *cofradías* eventually became an important institutional vehicle for lay piety for all classes and races in colonial Mexico, the Culhuacan wills show no explicit evidence of their existence in the late sixteenth century. Confraternities had an important function as burial societies, but there is no evidence of such a function in the Culhuacan testaments; Culhuacan testators arranged their own final rites. A good number of testators not only requested masses, but also specified candles, shrouds, and indicated where they wished to be buried. Thus with saints and *cofradías* we see that the absence of expected phenomena can be as significant as the presence of unexpected phenomena; in both cases very close attention and an open mind are required.

The large number of masses that testators requested may have been prompted by individual testators' theological concerns or merely norms of pious practice. Clearly, though, the local religious personnel had a vested interest (whether they recognized it as such or not) in encouraging this particular act of Nahua piety, since the fees for masses helped support the clergy. There is no known precontact precedent for such practices, but the Nahuas embraced public and collective aspects of Christian piety. Aspects of Nahua Christianity can be gleaned from statements of the dying which emphasized pious behavior in orthodox Christian form. Obviously the friars were explicit with their parishioners about the expected accoutrements, as fray Juan Núñez attested to cash used for "wax and alms and singers" as part of two high masses he said for a couple [33A]. One posthumous declaration [23B] indicates that relatives sometimes borrowed money to pay for a proper burial: noblewoman doña Ana de Coronado's relatives pawned a valuable greenstone so that she could be buried.

Frequently but not invariably, the Spanish friars in Culhuacan recorded in their own scrawls the fact they had celebrated mass in the name of a departed soul, and when. If these notations are present, they usually occur directly on the

page containing the will, sometimes well after it was issued. More masses seem to have been ordered than are accounted for in the notations. Testators sometimes request a mass which they were going to have celebrated for a relative but failed to (“nicchihuilizquia missa”). The Augustinian prior fray Juan Núñez wrote the majority of the notations, which can be considered a form of spiritual receipt. The friars’ remarks are an integral part of the corpus despite being written by Spaniards in Spanish, and close attention to them helps in the understanding of both corporate and individual matters.

Only one testator is known to have been concerned with Purgatory, with one testament containing the Spanish loanword. We know virtually nothing about the testator, Ana Mocel [5], whose testament fragment contains nothing except her religious concerns. She wanted to be buried “right in the church,” going on to say “and as a special aid to my soul, in order that it not stay long in Purgatory (‘purgatori’), I want a vigil and a mass when my body is buried.” Although Ana Mocel’s testament is a fragment and she cannot be connected to other Culhuacan residents, this bit of unique testamentary formula provides significant information about the penetration of European religious concepts. It is one of the few formulaic passages that seems to have been directly shaped by the testator rather than solely by the notary, but even it is in the first bequest and not in the preamble.

Testaments as testimony. Although most wills contain fairly standard and non-committal religious formulas, requests for masses, and property bequests, a number of wills include passages, in line with the oral tradition behind Nahuatl testament production, where the voice of the testator comes through strongly. One Nahua lay dying, apparently assaulted by a black (*tliltic*), a person of African descent. Diego Sánchez [60] said that “the person who attacked me was banished . . . and now I say, if the black man by whose hand I was wounded by a knife should appear, he is to pay [what it costs] here in the church hospital.” The testator feels justified because “there was no fault on my part” (“atle notlatlacol”). Since Sánchez doesn’t name his attacker, he was likely an outsider. Another testator used her will to denounce her uncles, whom she claimed mistreated her. María Tiacapan of Coatlan and her sisters were left orphaned and not cared for by their uncles, the usual surrogate parents. She complained in her will, “During all the time we lived here on earth we have been the dependents of others, and those uncles of mine, my relatives, never said, ‘Our nieces are afflicted [poor], they just live in the corners of other people’s houses; they are poor and perhaps they have nothing to eat.’ Nor do my uncles even now say ‘Our niece is sick, let’s go see her.’ They show me no affection.” [40] In the case of Ana Juana [26], widowed twice and currently married to a third husband, she takes the occasion to denounce him saying he was a “great scoundrel,” and describing how he neglected her. He was unsympathetic, stingy, and a spendthrift with his wife’s money. Ana Juana put her illustrious compadre, don Francisco Flores, an *alcalde*, to watch out for her son. Despite the apparent spontaneity, such passages are usually well motivated and repay analysis. María Tiacapan wanted to justify leaving her uncles out of her bequests in favor of someone else; Ana Juana wanted to protect the rights of her son by a previous marriage against her present husband, the pro-

verbally untrustworthy stepfather. There are no instances in the Culhuacan wills of a man delivering similar denunciations, and the lack of felt necessity of doing so is probably related to a difference in the status of the genders. In any case, passages like these are much rarer in wills from other times and places.

Among the most important things The Testaments give us is insight into the quality of human relations. As we have just seen, relationships were not always harmonious, and the dying sometimes took the opportunity to disinherit kin. Bequeathing property to family members was an obvious way to honor the relationship and attempt to insure survivors' well-being. At times this was done implicitly, with no further elaboration by the testator, but occasionally the dying were explicit about their reasons for bequeathing property. Angelina Mocol [50] ordered a chest ("caxa") sold so that her baby son, Nicolás, "will be given milk." Pablo Quechol's parents left him 2,000 cacao beans to get married [28]. Two men made explicit provisions so that their surviving wives could take care of their children [47, 51]. The quality of marital relations is well documented by a number of testators, who acknowledged their partners with warmth. On one occasion, a testator gave a gift to the prior fray Juan Núñez. In his will Tomás de Aquino [20] declares that he has already made an offering to the priest and puts his statement on that occasion in his will: "My dear father, here is my voluntary offering of six pesos that I make for no special reason; neither did I steal it, but I say that during all the time I have lived, our Lord gave me all that I needed; let me likewise thus return it to him." The vast majority of bequests have no embellishments, but the ones that do are of immense value, both for analysis and for empathy.

Estate administration. Making a will was a public process in which both town officials and an array of other Culhuacan residents were deeply involved. The Spanish friars actively encouraged Indians to make final testaments, and Spaniards had originally been instrumental in training Nahuas as scribes or notaries. How the Culhuacan notaries learned their trade is not known, but likely one taught another. Molina's *Confesionario* contains Nahuatl translations of Spanish formulas and lays out procedures for properly recording a will, though actual wills veer widely from his phraseology and model, and it is clear that other friars generated their own, which the Nahuas writers freely varied upon. Nahuatl notaries were key indigenous officials in recording and maintaining these legal documents. Although there appears to have been no precontact tradition of written wills, there are indications that making public declarations at the point of death about the disposition of property was a Nahua tradition. In the Culhuacan collection there is no evidence of multiple wills by the same individual.

Although the Culhuacan wills follow patterns of Spanish testamentary practice, the role of witnesses (called by the loanword *testigos* in the wills) appears to differ significantly in Nahua practice. In the sixteenth century Nahuas generally had many more than the standard three witnesses usually found in Spanish wills (see Lockhart 1991, p.109, for the broader context and implications). One Ana Mocol [58] had eighteen people witness her will, and Domingo Yaotl [15] had fifteen. In Spanish wills, women were almost uniformly excluded from acting as witnesses, whereas in Nahua wills of the sixteenth century they are quite prominent, sometimes the only witnesses even for male testators, e.g., Miguel

Cerón [19] and Juan Rafael Tlacochealcatl [42]. However, as in Europe, Nahuas apparently excluded minors from serving as witnesses. Quite frequently in the Culhuacan wills, those receiving bequests are witnesses, perhaps insuring that estate division would proceed smoothly. Close attention to the witness list often reveals connections or confirms ones hinted at in the body of the wills.

Town officials participated in most aspects of testamentary process, from the recording and preservation of testators' wills to the sale of goods and real estate and conveyance of the proceeds to designated recipients, and also the adjudication of disputes at the local level. These processes differed in several ways from Spanish practice. Although among Spaniards and even generally among postconquest Nahuas, executors of wills (*albaceas*) were usually chosen individually by the testator, in Culhuacan the *albaceas* were normally town officials. The case of Angelina Mocol [50] shows typical activities of executors, with the Nahua notary Miguel Jacobo de Maldonado and the executors delivering the proceeds of her estate to the prior. Other examples of *albaceas*' activities are laid out in a posthumous declaration [23A] for several people. The fiscal (the highest-ranking indigenous religious official), Gabriel Maldonado, and three executors, all of whom served at various times in various municipal posts, delivered 11 pesos to the prior, who noted that three masses were said for the deceased [23C]. Another aspect of estate administration was apparently notaries' involvement in property transactions. If other notaries' practice was similar to Miguel García's [31], they functioned as middlemen in disposition of property, often delaying transactions and sometimes taking advantage of the situation for their own enrichment. Thus Miguel declares that one Magdalena made an offering of six pesos in money to buy wood for the church of Transfiguración. "I kept it and borrowed it; it is to be paid back."

Town officials were in charge of a variety of estate transactions. When noblewoman doña Luisa Juana's large estate was divided, town officials took charge [AGN, Tierras 58] of measuring fields and publicly giving the allocations to the testator's father and aunt. One testament gives clues that town officials also divided property in disputed estates. When Simón Moxixicoa died, he wanted his widow María Justina to remain in the marital residence and raise their children there [45]. She had other ideas, and four months after he wrote his will (presumably dying shortly thereafter), she went before town officials accompanied by her relatives to divide her goods from her late husband's [45A]. The *alcaldes* instructed her to leave the house taking along the firewood, the unshelled maize that was acknowledged to be hers specifically, and all her woman's things [personal gear]. The *alguacil mayor* (chief constable) was to oversee the division. Officials gave some valuable property of the deceased husband to a third party in safekeeping for his children, perhaps not trusting the disgruntled widow to pass it on to them. Thus from a minor administrative action we can deduce a major dynamic of household relations.

One Culhuacan lawsuit shows how wills were used in attempts to prove title to property, one of the primary reasons that they were often included in lawsuits. In a Culhuacan lawsuit found in French archives (BNP 110) a stepdaughter sued her stepmother—her father's second wife—who had withheld from the young

woman property from her father's estate she felt entitled to. The stepmother's will, recorded by one of the notaries of The Testaments of Culhuacan, makes no mention of the stepchild. In essence, the testator Cristina Tiacapan asserted rights to disputed property by bequeathing it; her will was the record of the transaction. In this case, however, the stepdaughter succeeded in breaking the will and regaining her right to her father's property.

Goods and chattels. Although land was the most frequently mentioned property Culhuacan residents owned, the movable goods, the stuff that men and women accumulated or inherited, give us a great deal of information about cultural continuity and change. When the nobleman don Juan Téllez [13] died, the goods sold from his estate included many practical and decorative items of indigenous material culture, but also European items called by their Spanish names. Surprisingly, even old and broken goods were included in his estate sale and therefore must have been considered to have value. They were described with great specificity even when worth less than the smallest Spanish denomination, so that the prices were given in cacao beans. Some of the goods that were sold include an "old wooden basket with a handle, tied with maguey cords, that cost a real"; "a collapsed tecomate (a gourd container) with a cracked rim, which cost 15 cacao beans"; and "an old jícara for 15 cacao beans." He also had some European items including a green glass bottle, worth a real, a chest with a lock, a pair of scissors, and an axe. Shoes were a high-status item in the pre-Hispanic period, and don Juan owned some "old white boots" ("botasçolli yztac") and some leather shoes ("vaqueta zapatos"), both doubtless Spanish style, given the Spanish loanword names for them, even if they were not Spanish made.

Another will enumerating a significant array of movable goods, that of notary Miguel García [31], gives hints about the pace of change for Nahua elites. He owned traditional items, such as reed mats and tecomates, including a specialized one for his ink ("notlilteco"),³ but also Spanish-style furniture including a writing desk ("escriuania") and a chest ("caxa"). He also owned Christian religious items, including a book of hours, a breviary in Nahuatl, a confessional manual, and three rosaries. He ordered that the religious paraphernalia be sold to the Nahua church officials ("teopantlaca"). He may have been a skilled artisan as well as a notary, since he owned Spanish-style carpenter tools (a chisel, two awls, a plane, and a saw) that were to be sold for debts. Another possibility, though, is that he somehow acquired these valuable items without knowing how to use them himself. A high-status and valuable item in his estate was a horse, which he wanted "always to be hired out to someone." This notary was in a key position within his own community, recording testaments, selling and conveying proceeds to the church, while accumulating a significant personal estate that included the largest number of Spanish goods—especially religious—of any Culhuacan testator.

Real estate. Many testators owned houses, but they were not particularly valuable in late sixteenth-century Culhuacan. An exception was a residence left by doña Luisa Juana, worth 40 pesos (AGN, Tierras 58), which was sold to relatives of the

³It is possible that this item was an inkpot of the normal Spanish type.

Augustinian prior, so it was apparently grand enough even for Spaniards. Another disproportionately valuable house is found in a notation in Spanish saying that the house of Pablo Otoncihuatl was sold for 15 pesos (28B). Some others went for 8 to 15 pesos, yet others for 2 or 3. In several cases, testators ordered their houses torn down and the component parts sold or distributed to heirs, sometimes as firewood. The practice was so widespread that the testator Ana Juana [26] tried to make sure her house would not be torn down after her death. Stone in foundations and wooden beams or lintels were valuable and salvageable, as were doors, called by the Spanish loanword *puerta*, the only evidence of Spanish modification in construction. Thus from scattered bits in the corpus it is possible to deduce the ephemeral nature of most house construction in this chinampa area.

The Culhuacan wills contain a number of terms denoting different kinds of structures, from very commonly bequeathed single one-room houses, usually within a multi-structure complex (*calli*), to two instances of two-story houses (*calnepanolli*) [20, 34] to a thatch hut (*xacalli*) [29]. Specialized buildings included a sweat house (*temazcalli*) (29). One baffling term that appears in several wills is “woman house” (*cihuacalli*), which conceivably could denote a kitchen or other building primarily used by a woman, but the term might equally well be a civil category of property, indicating it was part of a woman’s dowry, and the latter interpretation seems more likely, looking closely at all the instances. Several men as well as women owned “woman houses,” and one of them [47] bequeathed his to his daughter, who ordered it sold to pay for her burial [50].

Land tenure and inheritance. Land appears to have been the single most important type of property that testators owned. It quickly became apparent that women as well as men owned significant amounts of land in scattered plots, often with different agricultural potentials. I was initially surprised to find so many women holding so much property. One possibility is that although there is evidence of elite women holding property in the precontact period, particularly land as dowry, the substantial numbers of women holding all types of land was primarily a result of the devastating epidemics. Female heirs of male testators could be an alternative to the preferred heirs, other males. Settling questions, particularly of a quantitative nature, about sociocultural continuities between preconquest and postconquest times is rendered highly speculative by the presence of detailed, contemporary, incontrovertible evidence on such matters in sources like The Testaments of Culhuacan and the lack of any such evidence for the precontact period.

As women inherited property, they may have then preferred female heirs; the evidence so far is ambiguous. In The Testaments, women on occasion ordered their entire estate to be sold for masses, but no men made such a request, always designating at least some kin as heirs. It may be that women were more often residual family members, left with no heirs. In the late sixteenth century, Nahua women had significant property to bequeath, but that, of course, says nothing about how long they continued to hold property in their own right. The Culhuacan wills have both the great advantage and the disadvantage of being concentrated in a short time span. With so many examples from a single time and place we can systematically investigate many phenomena, determining whether they are

exceptional or fit into a larger pattern, but we cannot tell much about the geographical and temporal spread and trend without comparison with documents from other times and places, a process which is now ongoing.

The Culhuacan documentation is rich in the details of local land tenure, some indicating continuity of patterns from the precontact era, while others show the rapid change going on three generations after the conquest. Most testators, women as well as men, had several parcels of lands in scattered named locations. “Dry land” (*teuhtlalli*, literally “dust land”) was distinguished from chinampas [51]. There are also a number of references to entities called *tlalmilli* (*tlalli*, land; *milli*, cultivated field); the exact meaning does not emerge, but these too are clearly not chinampas. A parcel’s location was often specified by a toponym or name of a local sociopolitical unit, and sometimes the owners of adjacent fields were named. In a compact region where landowners’ holdings were known, such references situated particular parcels in collective memory. Sometimes details were given about the crops planted on particular parcels, with the surprising result that maize is mentioned more frequently on chinampas than the specialty crops they were famous for.

The precontact civil categories of land so well known from postconquest histories are little seen in The Testaments of Culhuacan. A standard category of land found in the principal sources is calpolli land (*calpollalli*), but in all the Culhuacan documentation, there are only two explicit references to this category [42, 51].⁴ Here we have another case in which information about preconquest categories comes from posterior, often idealized and Hispanized sources and refers to the larger corporate aspect, whereas postconquest information is much more reliable, contemporary, specific, local, and emphasizes the household aspect. Something as crucial as *callalli*, “house land,” never got into the chronicles and other traditional sources. The largest contribution of the Culhuacan testaments in the area of land tenure is to show through repeated instances that the general, basic Nahuatl distinction between house land attached permanently to the residential compound and scattered holdings at a greater distance applies also when the land involved takes the form of chinampas. A set of chinampas is often designated as going with the house, sometimes called *iatentlallo*, “its land at the edge of the water” [14, for example].

I concluded that a real estate market existed in Culhuacan, as evidenced by the labeling of fields as being purchased, either by the testator personally or by a buyer who then bequeathed it to the testator. A number of testators described particular parcels as being *tlalcohualli*, purchased land, a term that appears in Sahagún’s list of land terminology (Sahagún 1950–82, Book 11, p. 251) and the

⁴*Tlatocatlalli*, “ruler-land,” much discussed in preconquest-oriented postconquest histories, hardly appears in The Testaments. In the one case where it does, an apparent commoner held it by virtue of a court judgment (*justiciatica*) [19]. This case may be an illustration of the widespread reduction of the land held by rulers specifically on the basis of their office. However, since in the earliest documented times, as in the Cuernavaca region censuses, rulers parceled out their lands to others who held them on a long-term basis, the present instance could possibly be accommodated within a framework not very distinct from the traditional one.

Tepoztlan census (ca. 1535), the earliest extant local-level Nahuatl documentation includes the term (MNAH-AH 550, f. 55). The retention of the designation of “purchased land” even when it was subsequently bequeathed indicates that distinctions between types of land retained importance, and likely indicates that the owner had more freedom to dispose of the property. In other words, The Testaments and similar sets of texts give us a way of synthesizing social categories from actual use in working documents as opposed to the traditional method of culling them already synthesized out of chronicles.

With contemporaneous Spanish land sales records from the AGN (Tierras 279) showing that one Spaniard was purchasing property in Culhuacan, the specification in the will of doña María Juárez [71] that “no Spaniard is to buy [this land]” can be seen as her recognition of the danger of alienating land outside the community.⁵ The Spaniard buying land was a court reporter (*relator*) named Cristóbal de la Cerda, whose name does not appear in any will. However, the land sales records indicate he was buying property that he seems already to have been using for raising cattle. The sellers include titled Culhuacan men and women, the dons and doñas of the Indian elite of the time. In these Spanish records, a number of the elite women were described with the designation “india principal.” The biggest seller of Culhuacan land was doña Juana de San Gabriel, who sold 6 parcels totaling nearly 40,000 square brazas for 88 pesos, followed by don Francisco Flores, who sold 11 parcels totaling 21,000 square brazas for about 85 pesos. In 1586, Culhuacan officials including the governor don Juan Ramírez, don Francisco Flores, and five other officeholders sold a single parcel measuring 2,800 x 80 brazas (224,000 sq. brazas) for 33½ pesos. It is unclear who originally owned the property and where the money went.

In this case Spanish governmental records can be put into meaningful connection with The Testaments. The just mentioned alcalde don Francisco Flores figures in them several times, and he is not the only such figure. Others include Bernardino Vázquez [78], whose testament fragment dated 1588 shows he bought land from another wealthy property owner, Juan de San Miguel, a kinsman and father of Culhuacan testator doña Juana Luisa (AGN, Tierras 58). Both men sold land to the Spanish official. These land sales records, as with the Culhuacan lawsuit found in French archives and doña Luisa Juana’s estate division in ramo Tierras of the Archivo General de la Nación, enrich our understanding of processes seen in The Testaments. Perhaps further collateral Culhuacan documentation will also emerge, giving us an even more nuanced picture.

Language. The Spanish goods that Culhuacan residents owned, as well as many introduced practices and concepts, were often denominated by loanwords. As Lockhart and Karttunen showed in the mid-1970s, nouns were the most common type of loanword into Nahuatl, and in a Stage 2 stretching from mid-sixteenth to mid-seventeenth century, including the time of The Testaments, they were

⁵It is noteworthy that she did not say that the land was to be bought by indigenous people, Nahuas, local people, or by members of any broad category, but by “nican altepehuaque,” “altepetl citizens here,” i.e., citizens of the altepetl of Culhuacan specifically.

virtually the only type (Karttunen and Lockhart 1976). Karttunen and Lockhart showed patterns of sound substitutions to fit Nahuatl phonemics and the integration of Spanish loanwords into everyday Nahuatl discourse during this time. The Culhuacan wills conform to the analysis, also providing some additions to the inventory of loans from Spanish. The extensive analysis of the nature and chronology of the Nahuatl adaptation to Spanish over the centuries, first by Karttunen and Lockhart and later by Lockhart within a broader framework (1992, especially ch. 7), was carried out on the basis of a general survey of all then available Nahuatl texts. In *The Testaments* I was presented with a different sort of opportunity, one large-scale, coherent corpus from a specific time and place. In *Colonial Culhuacan* I presented a list of the loanwords in the text (pp. 177–81), which proved to be a microcosm of the larger trend, thus adding a strong element of confirmation. Later Lockhart (1992, pp. 289–90 and *passim*) carried out a systematic tabular comparison of the loanwords in *The Testaments* with general Stage 2 loanwords for the same purpose, and also used the corpus to cement other linguistic trends. A specific corpus like *The Testaments* makes it very clear that language change occurs within and is congruent with a much larger process of cultural change and continuity. Further more detailed analysis of the vocabulary and grammar of *The Testaments* and sources like them, including frequency counts, holds great promise for future insights.

Presenting the corpus to the public. Perhaps the exact details of transcribing, printing, and publishing or making available electronically a corpus such as *The Testaments of Culhuacan* may seem too technical or trivial a matter for the present context, but such things play a large role in the process of making the texts accessible and useful for audiences of various kinds.

In the first and to date only edition of *The Testaments*,⁶ the innovation was made of providing each and every main documentary item with its own brief commentary or introduction, not of course comprehensive but highlighting some of those features judged by the editors to be most revealing, new, unusual, or in general interesting. The payoff has been so great in increased comprehension by both students and experts that one could say that only sheer infeasibility would justify not adopting it in any collection of Nahuatl documents containing many distinct short items.⁷ It was also important for the use of the edition by students and scholars that the Nahuatl transcription and the English translation were printed on facing pages. Indeed, it has long been recognized that facing columns or pages are the only format that does justice to full editions of Nahuatl texts.

It becomes increasingly clear that in a modern transcription a form of the Nahuatl as close to the original as can be achieved in print tells us the most, for even the orthography, the diacritics, and the punctuation or its lack place a text in

⁶An edition is being prepared for publication in Mexico which will be essentially the same as the first edition except for being in Spanish.

⁷The lack of individual commentaries in the first example of this kind of philology (*Beyond the Codices*, Anderson, Berdan and Lockhart 1976) has been sorely felt after the fact, and introductions to each item are meant to be included in a planned future edition. (The volume eds.)

a certain tradition and a certain time slot. The manner of transcription in the 1984 edition went far beyond the older policy of partially modernizing the Nahuatl text in its orthography, capitalization, and punctuation. The original spellings were retained, as well as abbreviations. For convenience at that time, however, overbars—the lines over vowels replacing a final nasal consonant (*n* or *m*)—were resolved as *n*. It has gradually become clear since that the number of overbars in a written text corresponds to the time of its composition and that not all apparent overbars mean a nasal consonant. Ignored in the transcription were what appeared at that time to be haphazard dots or periods spread here and there. It has since become clearer that though never used with full consistency, these dots are invaluable clues to the phonological and syntactic phrases into which the texts fall, and also that they are hallmarks of a particular style of Nahuatl writing. Plans thus exist for a future edition in which the Nahuatl will follow the original even more closely, restoring the overbars and reproducing the dots.

Problems arise to the extent that different forms of the text are better for distinct purposes. The planned form of the transcription in a future edition will be optimal in the sense of providing a fully trained scholar of Nahuatl texts what is needed to place this corpus in its tradition and to differentiate one of its writers from another or place them in subgroups. But if it should ever be distributed electronically, it would present many difficulties to one who wanted to search it for certain key terms or names. Because of the nature of the complex formulas required for visual reproduction of overbars and many abbreviations, the electronic form of the first edition is actually easier to search than would be the case with the new form. Indeed, by resolving abbreviations and perhaps standardizing some orthography, one could make the Nahuatl text of the first edition even easier to search. Perhaps there should ultimately be two forms, an uncompromising reproduction fully representing the original and an electronic form making certain well announced compromises but easier to search.

Translations are not problematic in this respect, and neither are scholarly studies based on the materials; my *Colonial Culhuacan* is now available on the World Wide Web,⁸ so that now with the click of a mouse the readers can immerse themselves in a treatment of the lives and world of those Culhuacan Nahuas who lived so long ago. They still have a great deal to tell us. The Testaments have an inexhaustible quality even beyond most Nahuatl texts; many cohorts of students have read them now, and they still come up with thoughts and interpretations that never occurred to anyone before. Whether the reason is the organic unity of the texts from the beginning or their being written at an early high point of Nahuatl literacy or something else, they show something new to each new person who reads them and even to the same person on each new reading, and they yield new

⁸*Colonial Culhuacan* debuted on the World Wide Web in 2003. This is a good option for publications temporarily or permanently out of print. For some years my UCSB History Department website included the picture of the book's original cover. I received numerous requests from as far away as Russia to get access to the text, and I have always been interested in readers having easy access to information that I think valuable. Thus I digitized the text, to which I presently hold the copyright, and made it available. <http://www.history.ucsb.edu/faculty/Cline/books/ColonialCulhuacan/htm>

results with each new method applied.

I think that doña Luisa Juana got her wish. She asked, “Remember me,” and she as well as the others is indeed remembered.⁹

⁹Even though doña Luisa Juana’s will was not in the collection proper, it is diagnostically fully one of the group. Some within the corpus proper also wanted to be remembered, though appealing more specifically to a spouse or the church staff. I must add that in later Nahuatl wills when testators asked to be remembered they specifically meant having masses and other rites performed for them, and such may already have been the meaning in the time of The Testaments.

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