ON THE SOCIAL ORGANIZATION AND MODE OF GOVERNMENT OF THE ANCIENT MEXICANS

BY AD F. BANDELLER

Two previous papers have already been devoted to some of the most prominent features of the life of the ancient Mexicans, namely warlike customs, and their mode of distributing and occupying the soil and their rules of Inheritance. The conclusions of both essays were chiefly negative, in so far as they tended to establish the non-existence of a condition which has, for three centuries, been regarded as prevailing. Thus, in the first, we have attempted to disprove the existence of a military despotism and in the second, the existence of feudalism among the natives of Mexico. More positive results were, however, foreshadowed in both instances by the suggestion, if not by the demonstration, that aboriginal society in Mexico rested on a democratic principle. The present essay is intended to show—if the organization of the natives of Mexico was not as it is commonly represented—that that organization really was according to our conception and what states


2 "Life of War" (pp. 127, 128, and 44)

3 "Pompey's War," (pp. 48 and 118). In both instances, as well as in the present discussion, the works of the Hon. L. H. Morgan have furnished to the writer his points of departure and lines of investigation. In spite, the distinguished American ethnologist has watched with more than friendly solicitude the progress of all these essays. If I seize the opportunity to recall here the debt of gratitude under which I stand toward him it is coupled with the wish to express heartily thanks to several of my friends, to whose kind assistance these and the preceding pages owe their existence, nearly as much as to my individual work. Let me name here, Mr. T. W. Putnam Curator of the Peabody Museum, Col. Fred Hocker of Sumnerfield, Illinois, Dr. G. B. Smith, of Cincinnati, Ohio, and the officers of the Mercantile Library at St. Louis, Missouri. Lastly, because most remote, though certainly not least, am I deeply indebted to the great documentary historian of the City of Mexico, Sr. Don Joaquín García Lorido, for nearly all information which could not be obtained from the usually known sources.

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of progress in Institutions can be assigned to the remarkable tribe which has become so prominent in history. In other words, one object is to reconstruct the mode of government of the ancient Mexicans, the nature of its offices and dignities, and especially the principles ruling and guiding their social agglomeration.

The distinguished Mexican scholar, Manuel Orozco y Berra, explains, as well as qualifies, the condition of the aborigines of Mexico in the following manner:

"If from the boundary-lines of the empire [of Mexico, according to his views] we now turn to the races populating its area, we find it to be a truth undeniable that no common nor mutual tie connected these numerous and diverse tribes. Each one was independent under its chiefs."4

4 "Geografía de los Pueblos y Cauas Humanas de México," por Manuel Orozco y Berra, Mexico, 1844 (Pueblos Pintos, IX Mexico p 272). "Se de las diversas razas del imperio pasamos a considerar a las que la población, encontrándose como una verdad innegable que tanto tribu diversa no tenían un foco común de union. Each one was independent under its chiefs."
This eliminates at once the notion of a Mexican state of empire, embracing in the folds of political society all the groups of abor-

la segunda poblacion de las del Valle." Further on quoting Juan Bautista Poma, "Relación de la ciudad de Tepozotlán" (MSS belonging to the biblioteca undated 1612) who says of Tepozotlán: "La colación del mismo es desde el norte del Tepozotlán, con todo lo que se comprende en la ciudad del Poma hasta el punto de la Veracruz salvo la Ciudad de Tepozotlán y Huexotzinco. The learned ethnographer adds (p. 216) Juan Poma gives the limits of the mono with the exaggeration that pueblo mi-

la fundación de Tepozotlán.

Por nuestra parte, hemos hecho en cuanto las relaciones que a la monarquía corresponden y hemos estudiado en el plano las lugares a que se refieren, y de las misiones de los other gigantes y son jamás que los vicios de Acultlucaan mandaron sobre las tribus avanzadas en la costa del Pacifico, no va a la misma de Mexico sino unas menores latitudes. He then enters upon a discussion of the number and names of settlements which gave tribute exclusively to Tepozotlán. We can only refer to it in general here as one of the most valuable contributions to Mexic history, and based upon authorities which ought to be published as soon as possible, some of which we mention at the back of this—

(1) "Memoria del viaje al Reyno Don Hernando Pimentel Veracruz, en carga y gobierno de la prohibición de Tepozotlán, etc." This is the celebrated Report used by Torquemada and Fernando de Alva Ixtlilxochitl and which the Cavanar, Boturini, Benavides, owned.

(2) "Relación de Supremacía del congo a los Obscuras," 1582 MSS
(3) "Relación de Ixcuatecas por el corregidor Luis Obispo," 1580, MSS
(4) "Relación de Ixcuatecas por el corregidor Luis Obispo," 1580, MSS
(5) "Relación de Michoacán por el abad de nación Gabriel de Castaños," 1582, MSS
(6) "Relación de Tepozotlán por el corregidor Luis de Eguiluz," 1582, MSS
(7) "Relación de Atolón por el corregidor Tepozotlán por solas," 1580, MSS
(8) "Relación de Acapulco por el adelantado don Juan de Guzmán," 1580, MSS
(9) "Relación de Culhuacán por el corregidor don Jerónimo Galván," 1580, MSS
(10) "Relación de Tepozotlán por el corregidor don Jerónimo Galván," 1580, MSS

Some of these valuable MSS are the property of in the hands of the only publication that of may be hoped for.

Sr. Obispo, but now reaches the important conclusion:

(a) That Acultlucaan or Tepozotlán had settlements tributary to it alone (p. 216)
(b) That the "Empire" had tributaries of itself
(c) That certain pueblos paid tribute both to Tepozotlán and to Mexico (p. 216) Epigra-

fica, a petenten, como también a Tepozotlán y en el mando de Tepozotlán queda por

mundo para México y para Tepozotlán fin de que de allí sacar en los imperiales las más

puras sus más..." Then probably from Relación.

The "Empires" were therefore, the condottiere not the "Empire" the con-

federacy. But within the area conquered by these condottiere each one of them received some share of tributary tribute, how could it be that task of tributary tributary to nationalize since each of the three associates composed but a part of that power, and their association was a voluntary one?

(2) None of the condottiere exercised any power over the others, beyond the exclusively military direction delegated to the Mexican project. "Rapport sur les difficultes chasses de de la Vaucouleurs, ou Anson de Zoute" translated from the French original by M. Thibaud Compin, and printed in 1840 by him in his "Rapports Relatifs et Monumens originaux pour servir à l'Histoire de la découverte de l'Amérique" (p. 11). La province de Mexico était aussi à trois principaux chefs-

celui de Tepozotlán, celui de Tezcuco et celui de Tlacopan, que don nomé, amour' lui

Tepozotlán. Tous les chefs intéressaient relâchement de ces souverains et leurs occupants.

Les trois chefs ouvrissent une confédération et se partagent les provinces dont ils se beaucoup.

Le souverain de Mexico avant allons de lui ceux de Tezcuco et de Tlacopan pour les affaires qui avaient rapport à la guerre, qu'a toutes les autres, leurs puissances étant égales, de sorte que l'on n'était que de mêmes des
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ignites settled within the area tributary to the valley-tribes. Consequently we need not look beyond the tribe, for any larger group
government des autres. (p. 10) "Chaque souverain confirmait l’élection de ses
vassaux; car ainsi qu’on l’a déjà dit, leur juridiction était indépendante pour les
affaires tribales et amoureuses."

El Rey don de Maudah, "Historia de los Indios de la Nueva España," in Vol. I, ch VI.

La parte del oeste tiene Mesco o Temuecatlan de una legua la ciudad o pueblo de
Tlaxcoapan, adonde residen el segundo señor de la tierra, al cual está sometida las
provincias: estos dos señores y dichos se ponían bien bien y señaladamente, porque no les
faltaba nada para lo que se necesitaba. (p. 181) Las de las provincias y principales pueblos eran
como señores de título o señores, por decirlo tal vez, en los pueblos principales los dos, el de
Tecuaco y el de Tlaxcoapan, y estos con todos los otros todo el tiempo se radicaban en
Mexico, y tenían cortes a Moretenzuma." We know, however, that the label of
resident of the headman chief of Tlaxco and Tlaxcoapan at Mexico, is not true,
though they frequent visits there on official business, and that prolonged stay after
the Spains had entered the pueblo may explain the error. The latter passage is
amended by the good father (P. III, cap VIII, p. 187) as follows: "y de estos
señores tiene existencia en el de Tecuaco."

centeno de orden de Moretenzuma y tenía su señorío junto al del dicho Moretenzuma, el
nombre era Huitzilac." Cortés further relates that when Cacamatzin threatened
to take up arms, "he requested Moretenzuma to direct him to come to Mexico but the chief
man of Tecuaco refused, saying that they wanted something of him in that might
come over on his land, where they would find out who he was, and what kind of obedience
he was to give." Moretenzuma even was afraid to upset this rule and would not
start open violence. "This shows clearly that the Mexica
had no authority over the Tecuacan and even were not to assault them.

Francisco Lopez de Gomara, Conquista de Mexico (Vedel Vol I, p. 146). "Ha
bía asimismo otros muchos señores y reyes, como los de Tecuaco y Tlacopan, que no
le debían nada sino la obediencia y homenaje;" also on the treachery's seizure of
Cacamatzin, he confirms Cortés (p. 43). "La presión de Cacamatzin, rey de Tecuaco." (Id. p. 431) to Chimalpopoca to get the other to his country, from the Tolteca. Este Tlaxco
señores a Acapulco Cacahual, Chialo, Colahuacan y Huehuacan, mas tuvo por
acompañados en el gobierno a Nezahualcoyotl señores de Tecuaco, y al señor de Tlaxco-
apán y de aquí adelante mandaron y gobernaron estos tres señores tantos reinos y
pueblos obteniendo y tributando a los de Cacahuatl, bien que el principal y el mayor dellos
era el rey de Mejico, el segundo el de Tecuaco y el menor el de Tlacopan."

Bernal Diaz de Castro, Historia verdadera de la Conquista de Nueva España (Vedel Vol II, cap II, p. 100). "Como el Cacahual señor de la ciudad de Te-
cuaco que después de Mejico era la mayor y más principal ciudad que hay en la Nueva
Espana." Also on the seizure of Cacamatzin confirms story of Cortes and of Gomara
(p. 101 and 102).

Gonzalo Fernandez de Oviedo y Valdes, Historia natural y general de Indias
Mundial (1544) (Lib. XXXI, cap VII, pp 244 and 258). The entire chapter is devoted
to the seizure of Cacamatzin, and is almost a verbatim copy of the report made by Cortes,
(Lib. XXXIII, cap III, p. 399). It contains a letter written to Oviedo by the viceroy of
Mexico, Don Antonio de Mendoza under date of 5 October 1541, in which this
functionary says: "And so you will know that what you intend would be a great effort and
not a small one, because although Moretenzuma is Mexico as far as what we are aware of,
the same."

of social organization. The confederacies of tribes, as we have already shown, carried no influence whatever on the organization.

We quote this passage merely as a general illustration:

"Long before the Spanish Invasion, the Aztecs had organized an empire by means of confederacies, which were formed by joining the various tribes or confederacies together, thus creating a powerful confederation that could withstand the Spanish conquest."

This passage is a brief summary of the political organization of the Aztec Empire, which was based on confederacies of tribes. The Aztecs were able to maintain their empire by forming alliances and confederacies with other tribes, which allowed them to resist external threats and maintain their power.

The text also mentions that the Aztecs had a system of governance that allowed for the organization of the empire. The primary leaders were the tlatoani, who were elected by the people and represented the interests of the empire.

The Aztec Empire was a complex system that allowed for the organization of a large population and the maintenance of power over a vast territory. The confederacies of tribes were an important part of this system, as they allowed for the pooling of resources and the creation of a powerful confederation that could resist external threats.

The text also notes that the Aztecs had a system of taxation and tribute, which allowed them to maintain their power and control over the various tribes and confederacies in the empire.

Overall, the text provides a brief overview of the political organization of the Aztec Empire, highlighting the importance of confederacies of tribes in the creation of a powerful confederation that could resist external threats and maintain power over a large population.
It was only a partnership, formed for the purpose of carrying on the business of warfare, and that intended not for the extension of

for, now in process of publication at Mexico. Acosta mentions and describes (Lab VII, Cap XVI, p. 190) the traditionary war between the Mexicans and Tecuans concluding, "Con esto quedó el Rey de México por suprema Real de Tezcantli, y no quedaron en Rey sino haziendo del suprema Consejo suyo." (Cap XVI, p. 40) Both chiefs, of Tezcantli and of Tlapaha, are mentioned by him as "electors" of the Mexican head chief.

Sebastian Ramirez de Ibarra, Bishop of San Domingo and President of the Royal Audiencia at Mexico, in his "Lettre à un ingénieux Charles," translated by Mr. Teresa Comps in his "Premier Recueil de Pieces relatives a la Nouvelle Espagne," and bearing date 1 Nov. 1712 (p. 274), "Les souverains de Tezcantli, de Tecame, qui étaient les plus puissants dans cette contrée, disaient que Montezuma. Ils partageaient entre eux et ce couple un le titre de leurs conquêtes, n'étant les souverains de Mexico et étant les plus puissants et ils eurent toujours une plus grande influence." The same words are repeated in the "Second Recueil" printed 1810, (the first Recueil) appeared in 1805, on p. 222. The Report is therein stated to be by the President and the Audiencia.

"Lettre des Chopmans," F. M. d'Urbain and F. Dieu D'Herbe à Don Luis de Velasco, etc., date St. Francois de Chihuahua, 27 Aug., 1714 (Teresa, "Recueil" I, p. 40), "Pour les autres abords à Montezuma, au souverain de Tezcantli et à celui de Tlapaha. Les plus princes étaient toutemment confédérés, ils partageaient entre eux tous les pays qu'ils surjugeont Montezuma exerçant la toute puissance dans les affaires relatives à la guerre et au gouvernement de la confédération.

"Un Geronimo de Mendosa, Historia echiustrum Indian," published by Lazardina in 1541, after having mentioned (Lab II, Cap XX, p. 129) that the chiefs of Mexico and Tezcantli sent challenges to foreign tribes to recognize "the chief of Mexico" as their superior, and to give him tribute, he says (Cap XXVIII, p. 142) "Es de saber que los señores de Mexico, Tezcantli y Tacuba, como reyes y señores supremos de esta nación..." (Cap XXXVII, p. 16) "Los señores de las provincias y pueblos que inmediatamente eran sujetos a Mexico, iban luego aliado con firmados en sus señorías, después que los presidentes de sus provincias los habían elegido, y con algunos en los pueblos y provincias que inmediatamente eran sujetos a Mexico y a Tacuba, tenían reconocido por la confederação los señores, que en esto y otros cosas los señores no reconocían superior..." I think my own.

Antonio de Herrera, "Historia general de los hechos de los Castellanos en las Islas y la Tierra Firme del mas occidente" 1726 Madrid (Lab II, Cap XII, p. 202) He almost opposes Gomara, and in regard to the seizure of Guatamalca not only confirms Gomara and Bernau Diaz, but is much more detailed and positive yet (Lab II, Cap IV, p. 217). Finally he states (Lab III, Cap IV, p. 16) Con Mexico estaba considerados el señores de Tezcantli, Tlapaha, que solo llaman Tacuba y piensan lo que ganaban al obedecer al Señor de Mexico en tanto de la guerra, tenían algunos pleitos reales en sus señorías mencionadas, como de los Mandrages e Indios,

We now turn to an author who plainly takes an opposite view of the question clinging, in place of a Mexicoan or Empire, the supremacy for the Tezcantli, or an ancient Empire, of the Chichimecs. The latter claim has already been discussed in "Lettres et Lettres," (pp. note by) This assumption,—which strongly demands the view that there was anything at all like an Empire, while it implies the existence of a mere confederacy,—is set forth in the following well-known Tezcantli native author.

Fernando de Oñate, "Historia de los Chichimecos," 1660 Madrid. This is the French translation of the original "Historie des Chichimeques, etc., etc.

contained in Loud Kingsborough's 4th volume. Since abstracts might prove too lengthy, I merely refer to (Cap XXXII), on the formation of the confederacy, as containing some very plain and remarkable passages (pp. 218, 219, and 220), among
territorial ownership, but only for an increase of the means of subsistence 6

which is one "Les trois dynasties gouvernent la Nouvelle Espagne jusqu'à l'arrivée des chichimecs; cependant, quelques insaisis échelons étant en rang, en puissance et en numbers, il y avait de ces trois tribus dont le roi de Tacopan ne relevait qu'un conquérant, lan-
dis que ceux de Mexico et de Texcoco, en revendant tant trois deux." See also (Cap., XXXIV. cap. XXXVI. pp. 269 and 273, cap. XXXVIII. pp. 290 and 293, cap. XXXVII. pp. 289 and 287, cap. XXXVII. pp. 289 and 287), and others. Nevertheless, Historical {*} approaches bitterly Montezuma with having usurped the leading power which belonged to the Mexicans (according to him), and having taken the direction of the confederacy into his hands - (Cap. XXXVII. p. 289, to XXXVI. p. 292, etc.) These charges are violently repeated in his other and more extensive work "Relaciones historicas." Also in Vol. IX of Lord Kinsebury's specimen, I refer to the 'Venda de los Espanoles.' Translated also by Mr. Ternaux under the title of "Cuentos horribles de los conquistadores del Mexico." In regard to the war between Tzetzahuil and Mexico, in which he, of course, attributes the title-victory to the former - see also "Undasian Rehacienda." (Kingsborough, II, pp. 518 and 408.) It is said to have been seconded and followed by his illustrious contemporary Fray Juan de Torquemada, 'Los antiguos libros rituales y monarquia indiana,' etc., etc.' Edition of 1522. This distinguished ecclesiastic is such a consistent advocate of feudatism, that he even assigns the division of Tepocatitlan into four quarters to an "edict" of the Chichimecan Emperor. (Lab. II., cap. VII. pp. 88 and 89, etc., also "Turas." (Kingsborough, IX, p. 295.) Still he is very plain about Texcoco being equal and not subject to Mexico. Compare for instance (Lab. II., cap. XXXVIII. p. 406), "Nunca perdio su antigua estimacion y siempre tuvo rez. y Senado legido, que se vean en el documento de Mexico." (Lab. II., cap. XXXIX. p. 114) about the confederacy. "(Cap. XI, p. 148.) About the pretended war between the two tribes (Cap. XVIII. p. 149), "Y no solo no es verdad, pero es directamente contra ella." On the supposed intrigue of Montezuma against the Texans. (Lab. II., caps. XXXIV.-XXXIV, etc., etc.), until the first passage of Cap. LXXXVII. (pp. 27-28), "muerto el Rey Negoralpilh de Tlacocan pero en lugar su Hijo Catame - con lo que la confederacion de los Rezas, como hasta entonces lo tenian acostumbrado..." (Lab. XI, cap. XXVI. p. 53), "no dejó de ser surgida y formando el de Tlacocan..." (Cap. XXVI. p. 55., cap. XXVII. p. 56., etc.) "Copies of Menudita." About the confederacy. (Lab. XII, cap. XI. p. 462., Lab. XIV, cap. I. p. 541., cap. II. p. 547.) Division of spoils and of Tributes. (Edin. p. 541., vol. 57., etc.), "porque era un asunto que el Rey de Mexico no era man

From these, but especially from Torquemada's history of the conquest, which occupies the entire fourth Book (Vol. I), enough can be gathered to show that this envious but important authority admits no Mexican Empire, but only a confederacy of Mexicans, Tezcuans, and Tacopans.

Fray Agustin de Velasco, "Teatro Mexicano." (Edition of 1670) admits the supremacy of the Mexicans (Parte III., cap. I. p. 298), "y temían que la gente que dando Tzetzahuil por rey supremo del imperio mexicano, por ser primero que nazuhn-ku-yoll, y este por rey de los antiguos val de Tzetzahuil, le hicieron rey de la parte de mexicano, etc." But the confederacy, "luga," of the three nations is acknowledged everywhere (Also cap. II., cap. III. p. 382) "cuando los Mexicanos, los tezcuca-

The conquerors never interfered with the government organization, and mode of life of tribes whom they had overpowered. No attempt, either direct or implied, was made to assimilate or incorporate them.

My friend Dr. G. Brühl, author of the highly interesting and conscientious work
Our investigations are therefore confined to the limits of the single tribe and we have selected for that purpose the Mexicans.
proper, who dwelt, as elsewhere established by us, on the partly artificial islands in the lagune of the Mexican valley. Besides the prominence acquired by them in the annals of history, it may safely be assumed that, in a general manner, then Institutions are typical of those of other sedentary tribes.

Tribal society, based according to Lewis H. Morgan upon kin, and not political society which rests, according to the same author, upon territory and property, must therefore be looked for among the ancient Mexicans. It remains for us to establish its degree of development, its details, and the manner of its working.

In order to comprehend the true nature of these questions, we should secure as much information as possible of the past of the tribe under consideration. Institutions are never wilfully or accidentally created, but evolved, in other words, they are the result of growth in knowledge and experience. The great difference existing between tribal society and political is explained as a dif-

dé Mexico," Col. de Doc. Vol II, Instabl, etc., p 561, and especially p 92), "Mexico tomó en su tiempo en el hacer guerra esta orden, que yo di a la guerra, al que se daba de paz no le temía sobre el tribunal cierto, sino que tantas veces en el año lo llevaban presen- te a la dictación del que le llevaba, pero si era poco recibido mal recibió y se mucho agradoceció. Y en estos no ponía más donde no recibieron cosa, el señor se era viento. Los que tomaban de guerra decían tequeyón toqueit, que quiere decir, túmban como esclavo. Los este ponía más ordenemos y recojedores y recojedores, y aunque los señores mandaban en su gente, era de bajo de la mano de los de Mexico ."

"Motulcun (Hist. III, cap VII, p 155); Granados y Galvez (5th night, p 168) a singular picture of priestly fealty, for which Gomara may be responsible in part: Badiano de Fuencalde (Letters of 4th Nov. 1532, 1st, "Record," pp 235, 246, and 247); Zurita, "Napole," (p. 16) to be compared with Mendieta and Tupanoma.

Consequently there was a tendency toward qualification or neutralization in all the successful and extensive raids which the Spaniards made on the valley of Mexico carried on for a full century. So organic, larger than the tribe, resulted from these venturesously, because the confederacy itself was not the end but the beginning of these undertakings. This justifies the view which I shall hereinafter advocate in regard to the nature of that confederacy namely, as a new partnership to carry on the business of waging the latter in turn being just that of subsistence.

5. Based upon territory and property, according to L. H. Morgan, in contrast distinction to tribal society, based upon "kin" (Ancient Society" chapter II, page 62).

6. "Int. or War," p 95.


8. Ledllichitch (Histoire des Chaosique," Cap. XXXVI, p 245) "Ainsi, tout ce qui se dit de Texaco dont s'estand on l'oi des deux autorités, Gomara (p 140, Vedi, 1) To speak of the Mexicans signifies as much as speaking of all New Spain."

Although Zurita (p 5) insists upon the variety of customs among the aborigines,—changing from settlement to settlement, from tribe to tribe,—his own report minishes the proof of the contrary, and it is evident from the text that he alludes principally to the diversity in languages and dialects.

different state of progress. But institutions have grown out of the relations between the sexes, and the increase of the human species and its propagation. Had political society existed in Mexico, we should be entitled to find there a plain and definite conception of the family. Whether such is the case a glance at the system of consanguinity of the ancient Mexicans, as far as it may be possible, will tell us.

Among American aborigines of low culture, in fact over the widest area once held by the "Indian" race, "mother-right" ruled supreme. The tangible fact, coarsely expressed, that a child was always sure of his mother, whereas it might not be equally certain of his father,10 created in course of time and with increased numbers a tendency to aggregate into clusters whose basis was certainty of descent in common. These clusters were the kinds, significantly termed "lineages" by Spanish authors. Such as traced back then descent to a common mother therefore composed one of these, regardless of other male procreators. The family—consisting of a group which includes children as descendants of both parents—was not yet recognized, and the kin took its place for all purposes of public life. It formed the unit of social organization. With the growth of knowledge and experience however, and a corresponding increase of wants, the importance of man rose correspondingly. "Mother-right" began to yield, female descent to change to "descent in the male line." Nevertheless the kin remained the unit of social agglomeration, with the only difference that it was reckoned through males instead of by females. It required the final overthrow of the kin as a public institution to bring about the present shape of that intimate group, the family, among the most highly advanced nations.12

The two extremes of growth of the family, as characterized by the inception of the kin, and by the family after the obliteration

10 (Ancient Society," Chap II, p. 78.) For the so-called "Descriptive System of Relationship" compare L. H. Morgan (Systems of Consanguinity and Affinity of the Human Family," Chap II pp. 76, 12, 11.)

11 This assertion is found in various authors. I shall quote but one Gregorio Cortés, ("Origen de los Indios de el Nuevo Mundo e Indias Occidentales," second edition, 1724, Madrid, Lab IV Cap XXIII, p. 247)

12 Although it is entirely out of the line of these researches to enter upon a discussion of Primitive Marriage, I was compelled to refer to the question of kin in such a manner as to explain at least the importance of that group in the history of society. For anything else the works of Mr. Morgan, Sir Henry S. Maine, John F. Mr. F. Lenman, and some publications of Dr. Ad. Bastin should be consulted, besides a great number of others too numerous to mention here.
of the former, are distinguished by the terminology of relationship. In the case of the former, relatives are at once classified, in the latter instance, they are merely described. Now, our investigations of the customs of Inheritance among the ancient Mexicans have led us to the conclusion that they had already achieved progress to descend in the male line. Actual family existed among them in its incept form at least.

But we meet here with a singular feature in designating relationships. Ascending from the "Ego," as point of departure, we find the following terms in the Mexican (Nahautl) language.

Father "tath"—"teta" 14
Brother of father or mother (paternal or maternal uncle) "thath"—"tella" 15
Grandfather "tecu" Granduncle "tecol" 16
Great-grandfather "achtounth" 17

13 Tenure of Land (p. 429, note 106)
14 Mohun (Vocabulario Pahua, p. 91) In p. 105 91) Besides the plural "tetatzaun," the names, "tecutatla," "tezicat un," are also mentioned (I, p. 91) The former is defined (II, p. 48) as "natural father." It derives from "Isla" or "unoxala"—"to give life" and "actaulth." The latter evidently is an abbreviation or corruption from "nuta teataunana"—"to be preferred in what is distributed, or in a distribution" (II, p. 2) which in turn is at the root of "teactunana"—"elder brother" (II, p. 91) It is superfluous here to quote authorities in support of the fact that actun is frequently corrupted to act or on the inverse. In Cakchiquel "ita" see Brasseur de Bourbourg ("Grammaire de la Langue Quichua, etc." pp. 217, 218) The root "ita" also found in other Indian idioms, see Gutschot (Zoology Sprachen aus dem Südwesten Nordamerikas," p. 177)

15 Mohun (I, p. 180, II, p. 140) All the difference consists in the insertion of the letter "r" after the "t." "Tella" is but an abbreviation of "Te-tath" from Tehuitl or "tath" from mother, which is also shown in the alteration of "tath" to "tyata" or "tatt," the name given by children to their father (p. 91, II) Corresponding to the Quechua "Iata" (Brasseur de Bourbourg, "Grammaire, etc." p. 215) and to the Mexican "Ze pacha" (Pacha" father) Morgan among the Cucufocha ("Systems of consonants," p. 285)

16 Mohun (II, p. 91, II, p. 93) Here again the change from "n" to "o" appears, which is so frequent among older authors. For not Tezoco and Tezoco, Oneotchtli and Oneotchtli, Pocopa and Pocopan Oto and Uto, etc., etc. Such changes are very excusable, they proceed from the Indian pronunciation of vowels. On this subject compare, although it concerns properly but the Quechua idiom of Peru, the excellent essay of Sorin Don Gervasio Pacheco y Zegarra of Puno, entitled "Alphabet phonétique de la langue Quichua," published in the 2nd volume of the "Compte Rendu du Congrès International des Américanistes" at Nancy, in 1875 He says (p. 281)

"D'autre part le khoana diffère essentiellement des langues romanes surtout en ce qui concerne les sons elementaires. Il est impossible de donner une note exacte de ces sons au moyen du seul alphabet latin. In regard to "o" and "u" see pp. 36, 367, 388 etc. What the author says of the Quichua applies exactly to the Nahautl also. See Mohun ("Piloro x Axvas. 3d pge. Axvo septimo")

17 Mohun (I, p. 117, II, p. 2) Literally, "little preferred one." Compare Sahagun (Lib X cap I, p. 5, 3d Vol)
Mother "mother"—"tenantzin"—"tecitlzth" 18
Aunt "aunt"—"team" 19
Grandmother as well as grand-aunt—"cith" 20
Great-grandmother "piptontli" 21
Descending from the "Ego"
Son "tepiltzin," "tetelpuich" But the women (mother, sisters, etc.), call him "noconeuh" 22

18 Molina (I, p. 80, II, pp. 63, 92, 93) "Cith" is probably the same as "Cith,"—have, or grand-aunt. The fact that the same name should be given to a near female relative or even to the mother, and to a fleet, brand quadruped is very singular. It may be that the timidity of the animal has given occasion to bestow the name, or, since its ha's han was frequently woven into fine mantles together with feathers that this also may have given rise to it. The latter is not mentioned by Peter Martyr, of Anglera; "De novo Obi," or the "History of the West Indies, etc., etc." London, 1612 An English translation by Michael Lok and Richard Eden, of the famous "Decades," al-so entitled "De Rebus Oceanibus," (Doc Y cap X, p 229), he mentions having seen among the objects brought to the court of Spain by Juan de Riber, among them "cith" which is mentioned in the "Cith,"—have, or grand-aunt. They are square, they set these feathers in such order between the Corn han, and intermingle them between the threads of the cotton and weave them in such difficulty, that we do not well understand how they might do it. "Sahagun (Lib XI, Cap I, p 175) mentions another animal to which the name "cith,"—have, or grand-aunt is given, which he translated "little old woman," basing upon its other designation of "ilamato.

The reverend Father de, however, in error The first name signifies literally, "woman medicine man," or "female doctor" (Indian notion of course), and the second "little medicine man," from "cithal" woman, Molina II, p 22, "clamit"—medicine man, (II 125) This animal seems to be the Racoon, as the following quotations prove J ohann Eusebium Mercemberg, ("Historia naturalis marinaris percor rente") Antwerp 1635 Lib IX, Cap XLII, p 17). "Intei cecantis montium atque colloium Texcoccoli hospitalem animal peregrinum, quod mota manibus praeventat Mapach ab indibus dicatur, sed non hunc nomine, aly ilamato sen vetulum appellant, ut maiest sen geruntium magistrum, aly cume matacuzque sen Aguacaliztan," "Quando y Indies" (Lib XII, Cap XXXIX, p 422), he calls Coquamatl, an animal which is probably the Coati, makes no mention of the "mapach," but Churubos (Lis I, Cap X, p 76) treats of this animal fully.

The naming of a female relation-hup, "Cith," appears the more strange, as this name is given, in the Mexican mythological title, to a god who tried to compel the sun to move, and lost his life in the attempt. This story is due to Andries de Olmos, neither Sahagun nor Motolinia mention the occurrence in this manner. Compare Sahagun (Lib VII Cap II, p 215 et seq., etc.), Mendez (Lib II Cap I, pp. 77, 78) and Torquemada (Lib VI, Cap XL I, p 70) both refer it to his authority. We shall refer to it in our essay on "Great and Belief." 19

Molina (I, 113, II 49, 91)
Molina (I 111, II 22) See note 18
Molina (I p 117, II, 82) There is also, "pifimia"—"parasce flaco de vegoz," and "Pumqui yacayo"—"viejo flaco y anguido." The flax "tonth" is a diminutive.

20 Molina (I, p 71) A singular etymology is shown here. The man says, {Thy boy or {Thy youth ("Tepiltzin")—"Te-keltuich," youth. (p. 96). The woman, however, calls "my child" (or boy, since the same name is for both
Daughter: "techpuch," "tepiltzin." Women call her "tecoenuh." 23

Grandson or granddaughter, male or female cousin, are called alike, to wit: "yximutili"—"tequiluh." 24

Nephew and niece are called "mactli"—"temach" by the males. The females however address them: "nopilo." 25

This brings to light some very curious facts.

In the first place, the following grades of consanguinity are called by the same names respectively: grandfather and granduncle, grandmother and grandaunt, father and uncle, grand-daughter, grandson and cousin, nephew and niece.

sexes) from "conciit"—"mio o miia" (II p. 24) and the possessive pronoun "no" according to H. H. Bancroft "Nature Races of the Pacific States" (Vol. III, Chap. IX, p. 74), or "noa'li"—"of me." (Molina, II 72) These are, however, not the only appellations we have besides.

Children of both sexes and grandchildren, collectively: "tepiltizan, tequiluah" (I, p. 71) The first one is easily decomposed into "te" then, "tepiltziluah." child, and a possessive suffix "tequiluan" Bancroft ("Nature Races," Vol. III, Chap. IX, p. 78)

Oldest son or daughter - tayacapan," "tayacapani" (p. 71, I) From "xayacatl" to be the first or leader (II, p. 22), "ayacalli." — nose probably on account of its protuberance, (II p. 22)

Second son or daughter, "tlaoreii" or "tellamamalo" (p. 71, I) The first one might possibly derive from "tlayaxol"—one half (I, p. 81); since Molina adds (II, p. 118), "el segundo hijo o hija, o de tres o cuatro engendradores o nacidos." The etymology of the other, if correct, would be singular. It is either from "tellah" uncle, and tlatl nina mamalla "hendel, metente entre mucha gente" (II, p. 52), or from "te" then and, "Tlalman" cause of a load (II, p. 125) In both cases it indicates an inferior position.

Youngest son or daughter - xocoyotl, "tecoyoatl" (I, p. 71) Definitions too doubtful. Finally there are the surnames or names, like, "tezcatlequetzalli," collar of changing green hues,—"tezcatlal"—"tezcatlalman." (I, p. 71) which all have the same significance in a general way, of 'precious gem' or 'jewel.' These metaphorical names are found profusely in Tezcatoloc ("Cosmica Mexicana").

The fact above noted, that white men, if strangers, address boys, 'then boy,' while women call them "my boy," is perhaps significant. It might be a lingering remnant of mother right.

23 Molina (I, 71), derives from "Ichpocatl" (gul, II, p. 32) So far techpeuh._the other two are already explained.

24 Molina (I, pp. 66, 75) But there is also "Ncto o meta dos veces," "ventontli." "ventontli"; Now, according to the same authority (II, p. 34), the older brother or sister calls the younger "un xalun." ("un" as abbreviation to "no") Consequently, the signification would be "little younger brother or sister." 25 Molina (I p. 165, II, 51, 74) In this case the woman again calls them "my child." ("no," "mx., and "piltzathan" child). The custom of giving different names to relationships, by women and by men, is found in Peru among the Quinchos and Inca Company Garcelvano de la Vega. "Historie des Inca Rois du Perou." (French translation from the original Spanish, by J. Baudouin, Amsterdam, 1701 Lib IV, Cap. XI Vol 1, pp. 195, 60) J.J. Von Tschudi ("Peru" Reisebilder, St. Gall, 1818, an excellent book. Vol II, Cap. X p. 300) A similar custom also appears in New Granada among the Muycas, L. H. Morgan ("Systems of Consanguinity, etc." p. 265, after Urcochean).
Secondly, the relationships in the descending scale are more closely described than those in the ascending scale.

Thirdly, in some instances women give different names from those given by men.

It results from it, that the classificatory system still, to a great extent, predominated in the ancient Mexican nomenclature for relationship, while the more modern descriptive system appears in a minority of cases only. This leads to the inference that the Mexican family itself was yet but imperfectly constituted. It was not yet so established as to form a definite group and hence cannot be expected to exercise any influence in the matter of public social life. We are, therefore, again justified in looking to the kin as the unit of social organization, within the limits of that widest aggregate, the tribe.  26

Traditional tales about the earliest settlement of man in Mexico as well as in Central America, distinctly ascribe it to "lineages" or relationships. The tribe is merely implied, and appears in a definite form only after this settlement has already occurred.

The "Popol-Vuh," or gathering of the cosmological and traditional records of the Q'eqchi' tribe of Guatemala, after enumerating the four wives of the four first men created, even says: "These [then spouses] engendered mankind, the large and small tribes and they were the stock of us, of the Q'eqchi' tribe." This indicates, perhaps, descent in the female line at a very early date.  25

25 Dr. Adolphus Bastian, "Ueber die Verehältnisse." (Zeitschrift für Ethnologie," Berlin, Vol. VI, 1874) presupposes a family, definite and distinct. Aus der Ehe, als erster Knoten des Gesellschaftsgefüges der Familie hervor, in angedeutet. Pompier, als gens (unter Erwähnung durch die Agnaten) aus unspezifischen Patronymen, wo der Clan unter Aufnahme neuer Verwandten und zugehörender Personen abschliesst unter den Patronymen besteht." Such views offer a sufficient explanation, when applied indiscriminately to the inhabitants of all the continents, why the organization of some aborigines of this continent is still regarded as monarchical. The nature and functions of the Indian kin are completely misunderstood and proportionately misrepresented. (See also id., p 39.)

26 "Popol Vuh" (Translated from the original Q'eqchi' by the Abbé Charles Etienne Brasseur de Bourbourg, Paris, 1861, Part III, cap III, p 265) "E pogol unmak, chunt unmak, numa unmak, a cat u ne kech i ni, qeqchi unmak, tante cat u ne ni, Abqeb ulejob, numa ya. E cahnu, x-unmak, xoe cahnu, gni, chuch, qeqchi unmak." Mr. Bastian translates 'unmak' alternately as men tribes, and nations. According to his own vocabulary however, it means but "many" or "the increase." (See "Grammaire Q'eqchique," p 21.) In his translation of the "Tahval Achi" ("Grammaire" First Scene, pp 87 and 88, and other places), "unmak" is also rendered as chief. But the true Q'eqchi' word for tribe is "amag." ("Grammaire," p 167) This alters the sense to the extent that instead of "Q'eqchi tribe" it should read "men of Q'eqchi" or rather "Q'eqchi"
The first settlement of Chiapas is ascribed, in the tale of Votan, to seven families. But there is still another and more remarkable tradition connected with it. Like the Aborigines of Mexico of Nahua stock, the Tzutuca of Michuacan, the Maya of Yucatan, and the Q'eqch'é, Cakchiquel and Zutuhil of Guatemala, the Aborigines of Chiapas had a month composed of twenty days, bearing each a particular name. It is positively asserted by very old authority, that these twenty days were named after as many chiefs of an equal number of lineages or kings, the latter being the earliest settlers of the country. Furthermore, among these twenty names, four are everywhere prominently distinguished men. The last words "xere cahb un chuch oh Quiche vinak," are literally "though four these (which, whom) certainly (surely) mother us (we) Quiche men."

The note by the celebrated Abbé (pp. 207, note 1), in which he states that "mother" is often applied to chief, finds a parallel in many passages of Tezozomoc when the tribe is also addressed as father and mother. Also Duran (Cap. XV, p. 127).

The creation of these four men and four women immediately precedes in the Popol-Vuh, the tale of the first sacrifice and the distribution of the idols, and is distinctly stated as having occurred during the time of obscurity the morning star then only gild and most brilliant luminary (Popol Vuh" pp. 209, 211, and 212). Now an analogous tale is told by Sahagún (Lib. VII, cap. II, p. 248, etc.), about the first appearance of both sun and moon. The Gods disputed about the place where the two celestial bodies would raise and four of them, together with four women, looked to the east for their coming. The Q'eqch'é tradition (p. 207), places the creation of these first people also in the East. It appears to be therefore, a tradition originally common to the "Nahuatl" and to the "Q'eqch'é" and its bearing upon the question at issue becomes still more prominent.

The two leading sources on Chiapas names Nuñez de la Vega ("Constitution de la Provincia de Chiapas Roma," 1702), and Fray Antonio de Revallos ("Historia de la Provincia de Yucatan y Guatemala de la Orden de Santo Domingo," 1614), not being at my command now, I can but refer the student to them, and to the following works besides Lorenzo Boturini Bonaduce ("Idea de una Nueva Historia General de la America Septentrional," Madrid, 1776, § XVI, p. 115, copying Nuñez de la Vega 31, § XXX), Morano Veytia y Esquivel ("Historia antigua de México," 1816 by Otega, Vol. I, cap. II, p. 15), Casarejos (Lib. II cap. XII, pp. 164 and 165), Paul Felix Cabrera ("Teatro critico Americano," German translation by Lant General J. H. von Montfort, incorporated in the latter's book "Beschreibung einer alten Stadt, die in Guatemala (Neuwapanen) unfern Palenque antedelv norden st," p 30 et al.; see Vega also) Brassier de l'Isle Bourg (="Popol Vuh" Introduction pp. LXXXIII, LXXXVII, XXXII, etc.), Alex von Humboldt ("Voyage des Cordillères et monuments des peuples indigenes de l'Amérique," 1813, Vol. I, pp. 332 and 341, II, pp. 136 and 157), Benoist, H. H. (Vol. III cap. X pp. 160 and 161), and especially Vol. V, cap. III, from p. 199 on; A usual, very full and valuable although he does not mention any source older than Nuñez de la Vega. Finally, A. Bastian ("Das Culturleben der alten Amerikaner," 1878, Vol. II, pp. 360 and 361). The latter says that Votan found Chiapas already peopled. This is not confirmed by what I know of Vega and of the other (later) authority Don Ramos Ordóñez y Aguilar ("Historia de la Creación del Cuyo y de la Tierra" MS at the "Museo Nacional" of Mexico). Votan was "sent to divide and distribute the land" Cuyo era sayd ("Beschehrung, etc.", "Teatro" p. 33), basing upon verbal communications of Ordóñez y Aguilar: "He (Votan) asource, that he brought seven families to this continent, of Votum Votan, and assigned land to them."
They not only indicate the first day of each "week" of five days, but they also designate the years of the calendar. It is well-known that the largest authentically established cycle of Central American and Mexican natives consisted of 52 years, that is of a thirteen-fold recurrence of the same series of four, named alike, respectively as one of the four initial days of the weekly inductions. This peculiarity, coupled with the positive description furnished in the "Popol-Vuh" of the segmentation of four original kins into a number of smaller ones, and with the fact that nearly every aboriginal settlement, at the present time, divides into four principal groups of inhabitants, becomes suggestive of the inference, not only that the consanguine group was the original type of social organization at the remotest period, but that the ethnography of Mexico and Central America may even be derived from a segmentation of primitive kins, and reassociation of these fragments into tribes, under the influence of time and mutation of residence, dialectical variation aiding.

29 Without quoting superfluously to prove well-known fact—household words to say in Mexican and Central American archeology—we will place side by side the names of the days of the Mexican, Nahuatlan, Yucatecan, Quiche, Chapanecan, and Tarascan month:

<table>
<thead>
<tr>
<th>Nahuatl</th>
<th>Nippan</th>
<th>Tarascan</th>
<th>Maya</th>
<th>Quiche</th>
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<tbody>
<tr>
<td>Chipatl</td>
<td>Chipat</td>
<td>Intahal</td>
<td>Yuhua</td>
<td>Inuux</td>
</tr>
<tr>
<td>Edomat</td>
<td>Edomat</td>
<td>Inbant</td>
<td>Yk</td>
<td>Inux</td>
</tr>
<tr>
<td>Cali</td>
<td>Cali</td>
<td>Inbani</td>
<td>Akbal</td>
<td>Akbal</td>
</tr>
<tr>
<td>Cuetzpal</td>
<td>Cuetz</td>
<td>Inbani</td>
<td>Kan</td>
<td>Akbal</td>
</tr>
<tr>
<td>Cohuatl</td>
<td>Cohuat</td>
<td>Inbani</td>
<td>Cni</td>
<td>Qal</td>
</tr>
<tr>
<td>Muquitl</td>
<td>Muquit</td>
<td>Inbani</td>
<td>Chuhan</td>
<td>Can</td>
</tr>
<tr>
<td>Mazatl</td>
<td>Mazat</td>
<td>Inbani</td>
<td>Quiny</td>
<td>Camey</td>
</tr>
<tr>
<td>Tzutli</td>
<td>Tzut</td>
<td>Inbani</td>
<td>Manik</td>
<td>Quaik</td>
</tr>
<tr>
<td>Achi</td>
<td>Achi</td>
<td>Inbani</td>
<td>Lamat</td>
<td>Qaik</td>
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<tr>
<td>Yutzinith</td>
<td>Yutzin</td>
<td>Inbani</td>
<td>Muiti</td>
<td>Guel</td>
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<tr>
<td>Oromathi</td>
<td>Oromat</td>
<td>Inbani</td>
<td>Ol</td>
<td>Tol</td>
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<tr>
<td>Malinhi</td>
<td>Malan</td>
<td>Inbani</td>
<td>Chien</td>
<td>Tit</td>
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<tr>
<td>Acatl</td>
<td>Acat</td>
<td>Inbani</td>
<td>El</td>
<td>Ei</td>
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<td>Ocatl</td>
<td>Ocat</td>
<td>Inbani</td>
<td>Ehu</td>
<td>Ah</td>
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<tr>
<td>Quinatli</td>
<td>Quinat</td>
<td>Inbani</td>
<td>Gox</td>
<td>Jz</td>
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<tr>
<td>Corazquichl</td>
<td>Corazquich</td>
<td>Inbani</td>
<td>Men</td>
<td>Tzqun</td>
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<tr>
<td>Olin</td>
<td>Olin</td>
<td>Inbani</td>
<td>Quat</td>
<td>Ahamak</td>
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<tr>
<td>Tepatli</td>
<td>Tepat</td>
<td>Inbani</td>
<td>Calan</td>
<td>Sot</td>
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<tr>
<td>Quiahiti</td>
<td>Quiahit</td>
<td>Inbani</td>
<td>Edinab</td>
<td>Tihan</td>
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<tr>
<td>Aquili</td>
<td>Aqui</td>
<td>Inbani</td>
<td>Calan</td>
<td>Coik</td>
</tr>
</tbody>
</table>

The four leaders (as I may be permitted to call them), respectively in Mexico, Tocalli, Acaci, Tepatl, Calli in Mulhuanacan, In JOB, Inebuali, Inlodon, Inbant. In Chapanac Yolan, Lambat been Chixex in Guatemalan, Akbal, Cneel Ah, Tihan. Finally in Yucatan, Am, Malas Gah, Camax. I have not the means of discussing the Tarascan calendar of Mulhuanacan, it is suf
It is not surprising therefore if, of the earliest traces which are met with concerning such Aborigines as spoke the "good sound"

sufficient for my purpose to establish its identity, in system, with the others. The Niaquian days are corruptions of the Mexican names, the 'Niquan' being a "Nahuatl" dialect.

Taking now the four remaining groups, we place opposite to each word its translation or interpretation so far as I can trace it, which is of course not always possible.

<table>
<thead>
<tr>
<th>Mexican</th>
<th>Quiché*</th>
<th>Maya</th>
<th>Chonteco*</th>
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</thead>
<tbody>
<tr>
<td>Capath, Marinc mon</td>
<td>Inox Snowbird</td>
<td>Ymix Dragon</td>
<td>Inox</td>
</tr>
<tr>
<td>Eherat, Wind</td>
<td>Ig Breath</td>
<td>Yk, Breath or wind</td>
<td>Igh</td>
</tr>
<tr>
<td>Calli, House</td>
<td>Akil Chose (?)</td>
<td>Akbal, (See below)</td>
<td>Totan</td>
</tr>
<tr>
<td>Cuetzulum, Lizard</td>
<td>Cat, Lizard</td>
<td>Kau Snake</td>
<td>Cuanan, Snake</td>
</tr>
<tr>
<td>Cohnanti Snake</td>
<td>Can Snake</td>
<td>Cucutan</td>
<td>Akbal, Stone (?)</td>
</tr>
<tr>
<td>Miquathk Skul</td>
<td>Camey Death</td>
<td>Chucran</td>
<td>Abal</td>
</tr>
<tr>
<td>Maratlí, Deer</td>
<td>Quich Deer</td>
<td>Quinn, Death</td>
<td>Tox</td>
</tr>
<tr>
<td>Tooth, Rabbit</td>
<td>Guzul Rabbit</td>
<td>Manik, (See below)</td>
<td>Muxer</td>
</tr>
<tr>
<td>Ati, Water</td>
<td>Toh, Shower</td>
<td>Lani, Rabbit</td>
<td>Lambat</td>
</tr>
<tr>
<td>Yvzcunthk Dog</td>
<td>Try, Dog</td>
<td>Mob, (See below)</td>
<td>Moto</td>
</tr>
<tr>
<td>Ozomanti, Monkey</td>
<td>Batz Monkey</td>
<td>On</td>
<td>Elab</td>
</tr>
<tr>
<td>Mahalthk Monon</td>
<td>Co, Bium</td>
<td>Chen, (See below)</td>
<td>Ratz Monkey (?)</td>
</tr>
<tr>
<td>Acotl, Canoe</td>
<td>Ah, Cane</td>
<td>Fl, Stairesse</td>
<td>Kamb</td>
</tr>
<tr>
<td>Ocel tricks, Wild cat or</td>
<td>Hir, Wizard</td>
<td>Been</td>
<td>Beem</td>
</tr>
<tr>
<td>Tiger</td>
<td>Tequim Bird</td>
<td>G, Wizard</td>
<td>Hix</td>
</tr>
<tr>
<td>Quanabhit, Fangle</td>
<td>Ahnik, Owl</td>
<td>Men, Builder (?)</td>
<td>Tribun</td>
</tr>
<tr>
<td>Cozcaquamhit, Vila</td>
<td>Noh, Temperature</td>
<td>Quib, Gun on wa</td>
<td>Chalum</td>
</tr>
<tr>
<td>Ollin, Moton</td>
<td>Thax Olahsuan</td>
<td>Caham</td>
<td>Chu</td>
</tr>
<tr>
<td>Tepactl, Rat</td>
<td>Cook, Ram</td>
<td>Elznab</td>
<td>Chinaz</td>
</tr>
<tr>
<td>Quichunhi, Bann</td>
<td>Humahps, Shooter out of a tube</td>
<td>Ajan, Chief</td>
<td>Cagob</td>
</tr>
<tr>
<td>Xochihi, flower</td>
<td></td>
<td></td>
<td>Aginal</td>
</tr>
</tbody>
</table>

For the interpretation, as above attempted I have consulted the following very limited number of authors—Brousseur de Bourbouy ("Relation des choses de Yucatan, etc." "Popol-Vuh," "Grammaire Quiché" "Rumes de Palenque") H. E. Brinton, (Vol. II and III) Orozco y Herrera ("Geografia de las Lenguas") and other sources. Mr. Ransome translates the Quiché 'akbal' by "chose" I would suggest 'household' basing upon the following note of Mr. Brousseur "(Chronologia antiqua de Yucatan, etc.)" por Don Juan Pio Perez in "Choses de Yucatan," p. 575 "Akbal, not vieilli qui on retrouve dans la langue Quiché avec le sens de maître, race, peut être le même que le mot con ou connal des Mexicains" Si Perez says about the word "desconocido también se halla entre los dias chontecanos está en Aghnal" (p. 373). In this the learned Yucatan is mistaken, for Agnal corresponds to the Maya and Quiché 'Ahn' or "Aham" Now the pot or rather kettle, was distinctly connected with the housewife, and the word "Akhbal" being as the ABbe tells us, not at use, the suggestion that it may have been used to indicate something like the Mexican 'Calli'—house,—is at least permitted.

I have deliberately translated 'kan' by snake, instead of by 'cord of heaven quen' as Pio Perez has it (p 572) Compare note 1 by the ABbe.

Manik is interpreted by Pio Perez as follows "es perdida su verdadera acepción, pero si se divide la expresión manik viento que pasa quitse entendera lo que fue. If this is accepted then the signification might be 'fleetcue-s', 'swifness', or 'rapidity'—some of the attributes of the deer, which is the corresponding sign in both the Mexican and Quiché.

Chuen, for the reasons indicated by Brousseur (note 3, p. 372 of "Chronologia, etc.") should be 'monkey,' as well as in the three other idioms.

In regard to 'Gix' Si Orozco y Herrera (Part II, V, p. 103) copies the three interpretations of Don Pio Perez, one of which amounts to the act of plundering or rob.
of "Nahuatl" language in Mexico, we gather the information that they started off in bands constituted "lineages" or clans. This brings a tree." Might there be any vague connection between this and the Mexican "O.cloth" or "head of prey"?

The word "camax" is mentioned as "desconocido" or disused. Still the analogy in sound with the Quechua "Cuac" rain, is striking, as well as with the Tzental "Cobogho" and finally also with the Mexican "Quahult.

In regard to the calendar of Chiapas, I regret to say that the material at my command is by far too limited to warrant much of an interpretation. Not one of the few Tzental vocabularies or Grammars yet existing is within my reach. Still I must note here that in Tzental signifies Snake, therefore my translation of "Chamal," Draussen de Lionberg ("Recherches sur les Races de Palenque," Cap. II, p. 2, notes 4 and 7).


"Bat," as monkey, is identified with the three other signs of the same day by "Irass seur," ("Popol Vuh," 1st ed., p. CXXXV, note 5, Part II, cap. I, p. 99, note 4).

Furthermore, the signs Hnoh, Hix, and Cobogho are, in sound at least, analogous if not identical with the corresponding signs of the Quechua and Maya calendars, and the signs Lambat, Molot Been, and Ahual, are nearly alike to those of the same day of the Maya alone, whereas, Tribun reminds of the Tzunun in Quechua.

Taking now the Mexican calendar as a basis, we cannot fail to notice:

(1) That fifteen of its signs are identical with those of the Quechua.

(2) Three are absolutely identical with signs of the Maya, and five more are presumably identical also.

(3) Two are identical with signs of the Tzental, and two more presumably so.

Therefore our assumption appears justified, that —

(1) The Mexican and Quechua names of the days have a common origin.

(2) That the same is likely in regard to the Maya, since the Maya and Quechua are regarded as belonging linguistically to the same stock.

(3) That a presumption in favor of a similar relation towards the Tzental of Chiapas may be submitted since besides the four signs recognized as common to both calendars, there are at least eight more which, in sound, are identical with others of the Maya and Quechua.

I feel authorized consequently, to conclude —

(1) That the names of the days given by the four linguistic clusters above stated, were probably, originally identical.

(2) That these names, therefore, had a common origin.

This origin is stated as follows —

Mendelis (Lib. IV, cap. XI, p. 35), "and these Indians affirmed, that in ancient times there came to this land twenty men, and the order of them was called Cuauhtli.

This writer of the bishop Chiapas."

This bishop of Chiapas was Fraa Bartolomé de las Casas, who, in the Mss., "Historia apologética de Indios" (Vol. I, cap. 121) appears to be more detailed. I quote Las Casas from Bonnies and from H. H. Bancroft (Vol. I, p. 65), where he says (Cap. 121),—"the Mss. text not being accessible to me. Now it is commonly admitted, and this admission (whether correct or not) is so general, that no quotations are needed in evidence, that Cuacuch or Cuauhtli is identical with the Mexican Quahult."

To Quahult, however, is attributed the formation of the Mexican Calendar ("Quetzalcóatl," Lib. VI, cap. XIV, p. 31, Mendelis Lib. II, cap. XIV, pp. 97, 98).

In regard to the origin of the Tzental Calendar, the tradition is very clear. Bothin ("Ida, etc.," § XVI, pp. 115 to 121) quoting Nuño de la Vega (2, § XXVIII of the "Constitución de Doctrina") says: "Por lo cual he mandado el Calendario por el Derecho según los Indios dicen, con tres potestades lo tienen pintado en la cabaña a modo de cuaderno, quando dicho Costalhunex se ha de corregir en Yucatán, 0 Mix, y no ota puesto en el Calendario por Demosthenos,
was the case with the so-called "Toltecs," 30 and with all their successors, such as the "Tezcucans," "Tecpanecans," and others, including the ancient Mexicans 31

same por cabeza de los veinte Señores "símbolos" de los días del Año, y así viene a ser el primer símbolo de ellos." (See also Iden, pp 115, 119, quoting Nuñez de la Vega, 35, 36, and 59) "concluyendo el Sistema de los Calendarios de Chiappu, y Soo- munco con el Tulleco, pues en lugar de los cuatro Caracteres Tempatl, Cahí, Todílil, Atail, se sirven los de Chiappu de cuatro Figuras de Señores, Votan, Lambat, Been y Chimal, etc. etc."

Clavijero (Lib II, cap XII, p 144) "The Chiapanecs, if we can place any reliance upon then traditions were the first settlers of the New World. They claim that Votan, the grandson of the venerable old man who built the great ark in order to save himself..." Adopted and quoted also by Sr. Don Francisco Pimentel, ("Cuadro Descriptivo y Comparativo de las Lenguas Indigenas de México," 1855, Vol II, p 212) Clavijero (Lib VI cap XXIX, p 412 Vol 1) "The Chiapanecs instead of the figures and names of the tablet came, first, and house, used the names Votan, Lambat, Been, and Chimal, and instead of the Mexican names of the days, they adopted those of twenty celebrated men of their ancestry, among which the four names above mentioned took the same place among the Mexicans the Rabbit and the others." Compare also, in the appendix to the same volume, p 631, the "Letter of the Abbe Don Lorenzo Hervas" C.C.C.I., 31 July 1780 "Clavijero (Vol II, 'Discussions, etc.', Cap II, p 281) After recalling the tradition of Votan, quoting from Nuñez de la Vega, he adds in note b, Votan is the name of the leader of the 20 celebrated men, after which the 20 days of the month of the Chiapanecs are named."

These statements, which rest upon the writings of Nuñez de la Vega and of Ordorance y Aguilar, are adopted, among later writers, by...


The identity of the twenty days of the Chiapanec months with the names of twenty leaders of as many kings, is very likely, therefore, and since we have found the close resemblance of the Chiapanec Calendar with that of the Yucatecan Maya it is not unreasonable to suggest that the names of the Maya days originally denoted the same twenty kings also. If such is the case (as the tale of Cuculcan and of his nineteen followers also seems to indicate), then the twenty signs of the Quinte have a similar origin and finally the actual identity of the Quinte Calendar with the Mexican or Nahual proper leads to the inference that the twenty names of days of the Tzeltal, Maya, and Nahual groups of sedentary Indians in Mexico and Central America, indicate a common origin of these three clusters from twenty kings or clans, or genes, at a remote period.

Within these twenty kings there appear four more prominent than the other. This again may indicate a still older derivation from four, out of which the remaining sixteen sprang through segmentation. How such segmentation may occur is plainly stated in the 'Popol Vuh,' and has been fully related to me in 'Tenure of Land' (p 391 392, note 7), to which, in addition to the Indian authority and to Mr. Morgan's "Ancient Society" (Part II Chapter IV), I beg leave to direct the curious reader. In regard to the actually prevailing division of Indian settlements into four quaterons it is asserted by Brasseur de Bourbourg ("Popol Vuh," Introduction, p 114), "Enfin, presque toutes les villes ou tribus sont partages en quatre clans ou quartiers, dont les chefs forment le grand conseil."

I give the above as mere suggestions, begging for their acceptance in a kindly way, since they are not intended to be thrust upon the reader as "results." But I cannot resist the temptation to submit some remarks here, on other peculiarities exhibited
About the middle of the thirteenth century the Mexicans while on a migration towards more southern regions, made

by the so-called calendars just named, which peculiarities may throw some light on the questions raised, as to whether they originally denoted kins or not.

With a single exception (Cipactli) the Mexican and allied calendars contained the name of not one object or phenomenon, which might not be met with somewhere even the wide area which the three linguistic stocks occupied at the time of the Conquest. Still, as St. Guzmán y Bola strikingly proves (‘Geografía de las Lenguas,’ Parte Ila, Cap V., p. 107), the Mexican month contains the names of animals unknown to the ultimate home of the tribe as well as to more northern regions. Thus the monkey (‘Ozomatli’) is not found on the high central tableland. In regard to the sign Cipactli I shall elsewhere refer to this sign, which may perhaps denote a ‘cattle-fish’ of monstrous dimensions.

Supposing now (since we have no proof yet to the contrary), that this “marine mon-ter” was also an inhabitant of tropical seas, it must strike us that the twenty signs for the days of the aboriginal calendars under consideration

(1) Represent types and phenomena which are met with, not exclusively, but still all, within the area of Mexico and Central America.

(2) That some of the animal types are limited to tropical and low regions only.

(3) That none of the animals belong exclusively to the temperate zone of North America.

Consequently, that these signs are of a monothetic origin and even, taking into account that the monkey is not found in the valley of Mexico, that they originated to the north of it, still the four “Leaves” as I have called them (the first signs of each ‘week’ of five days), namely Rabbit, cane, fish, and house,—might as well have been selected at the north.

It is a fact abundantly proven, that the kins or genes composing the tribes of North America are named after a principle identical with that found in the naming of the days among the aborigines of more southerly latitudes, namely, objects and natural phenomena. Mr. Morgan has given the names of the genes or at least thirty tribes, consisting in all of two hundred and ninety-six genes. Of these two hundred and ninety-six names, ninety-eight are signs of the Mexican days, repeatedly found in the different tribes. These signs are as follows:—

<table>
<thead>
<tr>
<th>Name</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Itzamná Dog</td>
<td>mostly found, however as well 22 times</td>
</tr>
<tr>
<td>Quauhuitl, Leng</td>
<td>12</td>
</tr>
<tr>
<td>Coci-aquialth, Hawk (although it is the ‘raged volture’) 8</td>
<td></td>
</tr>
<tr>
<td>Mazatl, Deer Elk, Carbon Analex</td>
<td>20</td>
</tr>
<tr>
<td>Coci-aquialth, Eagle 9</td>
<td></td>
</tr>
<tr>
<td>Atl, Water (also as ‘low,’ ‘sea’ etc.) 4</td>
<td></td>
</tr>
<tr>
<td>Magnific, Skull (as ‘head’)</td>
<td>1 time</td>
</tr>
<tr>
<td>Ohlin (as ‘many seasons’ and ‘sun’)</td>
<td>2 times</td>
</tr>
<tr>
<td>Coci-aquialth, house (as ‘high village’ and ‘lodge’) 4</td>
<td></td>
</tr>
<tr>
<td>Topall Flint (as ‘knife’)</td>
<td>2</td>
</tr>
<tr>
<td>Coci-aquialth, Lizard (also as ‘panther’ and ‘wild cat’) 5</td>
<td></td>
</tr>
<tr>
<td>Lina, Wind</td>
<td>1 time</td>
</tr>
<tr>
<td>Azcatl, Cane (also as ‘Indian corn’) 8 times</td>
<td></td>
</tr>
<tr>
<td>Tocan, Raven (also as ‘heart’)</td>
<td>6</td>
</tr>
<tr>
<td>Coci-aquialth, Lizard (as ‘frog’)</td>
<td>1 time</td>
</tr>
<tr>
<td>Xochihitl Flower (as ‘tobacco’)</td>
<td>1</td>
</tr>
<tr>
<td>Quauhuitl, Rain</td>
<td>1</td>
</tr>
</tbody>
</table>

I beg to observe that if I have added “Coci-aquialth” to this list, supposing it to be the equivalent of “Hawk,” it is more a suggestion, and not an affirmation on my part.

Thus sixteen, if not seventeen, of the twenty signs of days of the Mexican month, are found in North America as “tutans” probably of aboriginal clans or iuds.

It is further interesting to note, that of the nine clans composing the Mogu tribes of Arizona, the names of seven correspond to signs of Mexican days (Ancient Society II Part II p. 179). What little is known of the Laguna Indians foretells a similar result (p. 180), thus permitting the query, whether the pueblo Indians of the
then first appearance in the northern sections of the former republic of Mexico, as a cluster of seven kings, united by the bond of common language and worship. The names of these seven kings are distinctly stated and it is not devoid of interest to notice that some of these names were perpetuated as late as 1690 among the numerous "Indian wards" of the present City of Mexico. We may as well add here, that these central west might not perhaps show a closer connection yet between the very ancient Mexican kings as denoted by their days, and the genus composing their tribes.

After these speculations, which I submit for what they may be worth, and with the distinct reserve that I do not attach any value to them save as limits and queries for further investigation, I beg leave to state, that in my fourth paper "On the Creed and Belief of the Ancient Mexicans," I mean to discuss all these points with more thoroughness, and that I hope, with the aid of more suitable material than that now at my command.

30 Littleditch ("Relaciones historicas," 2da Relacion," Kingborough, Vol IX, p. 325) says the last of these dates he jotted down the seven principal and the others once written to appear as the native or at least as adelante.

Also, Notas de los Pobladores y Naciones de esta Parte de America llamada Nueva-Espana ("Tercera Relacion de los Tlatelco," Kingborough, IX, p. 336), "Estos sieje caudillos con todas sus gentes vinieron descubriendo y poblando por todas las partes que llegaban," ("Histoire des Chichimecas," Cap I p. 13), "It was a sept chief and almost alternately an entourage for his governor. In addition to authorities quoted in the Tlatelco in "Tenure of Lands" (p. 386, note 7, to p. 322). I refer to Velasquez ("Teatro Mexicano," Vol I, Part II, Trad. I, Cap IV, p. 241) "Grandes y Guasca (2a Ed.), p. 31"


32 The number seven (7) is almost generally accepted. Compare "Tenure of Lands" (p. 399), and note 21. Besides the authors there mentioned as accepting seven kings, I refer to De Ad Bastian ("Die Culturkinder der Alten America," Vol II, p. 406, note 2) Cabrera (in Muntz's Patria, p. 77) United with 72.

I have gathered these names from the following sources: Duran (Cap III, pp. 29, 21), Tezozomoc (Cap I, p. 6, Kingborough, Vol IX), Velasquez (Lib. II, cap. XII, p. 91 of 2d Vol). They are stated as follows:—

<table>
<thead>
<tr>
<th>By Duran</th>
<th>By Tezozomoc</th>
<th>By Velasquez</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yopaia</td>
<td>Yopica</td>
<td>Yopica</td>
</tr>
<tr>
<td>Tlazolteca</td>
<td>Tezolteca</td>
<td>Tlazolteca</td>
</tr>
<tr>
<td>Tlaltenega</td>
<td>Tlaltenega</td>
<td>Tlaltenega</td>
</tr>
<tr>
<td>Chalnica</td>
<td>Chalnica</td>
<td>Chalnica</td>
</tr>
<tr>
<td>Tlaxcaltepecana</td>
<td>Tlaxcaltepecana</td>
<td>Tlaxcaltepecana</td>
</tr>
<tr>
<td>Yezquiteca</td>
<td>Yezquiteca</td>
<td>Yezquiteca</td>
</tr>
</tbody>
</table>
Indian wards, then peculiar organization, and then communal lands, disappeared only after the secession of Mexico from Spain, not more than fifty years ago.  

There is, however, a fundamental difference between Duran on one hand, and Veytia and Tovar on the other, as much as the former says that these seven names were those of the intelect words of the seven kings (‘barrios’), whereas the latter two give as the names of these kings themselves. The seven intelect words are also named by them, and called as follows: Quetzalcoatl, Tlahuici, Mixcoatl, Tetzcuetl, Chichimecuicatl, Tlahuicuh, and Metztli-Tecuicatl. (Teytia, as above quoted) Tovar (p. 6) calls these gods ‘Quetzalcoatl, Ometeotl, Mixcoatl, Tlahuici, Mixcoatl, Tlahuicuh, Tezcuel, Metztli-Tecuicatl, and others whom I cannot name.’ A discussion of these names is very difficult and its results appear doubtful. Still we must recognize that Quetzalcoatl is a plural of Tlahuici, therefore ‘men of the house of dates’ (See Art of War, p. 121 and note 104). Huiztlihuiahuatl, according to Molina (IV, p. 157), ‘huiztli’ is a pointed object, ‘huiztli’ is hence, but ‘huiztli’ is the south. Nahua; in this instance, probably (or rather possibly) signifies ‘among’ or ‘next to,’ thus perhaps ‘people from the south’ or ‘from near the towns.’ (Example ‘Quintanahuaiatl’—por los huaxots, Molina, II, p. 63 Puente et al. Cuatro descripc. de la Parte IV, pp. 150, etc.) Chichimecuicatl from ‘Cactatl’ vama and ‘tecpal’ official house ‘Tezcaltepec’ from Tlacatl man and ‘tecpal.’ Finally tlamatlihuatl seems to derive from ‘Iznilmoth’ dog, and ‘tecalen.’ The latter again decomposes into ‘mitl teca’ in the (Molina, II, p. 105), and ‘tecalen’ man therefore the whole would be ‘dog-eaters.’ ‘Yztalcoatl’ gives a more curious etymology, which is, however, so improbable that we refrain from mentioning it even.

It will be seen at a glance that none of these seven kings were named after the Mexican days, the last one done containing, perhaps, the word ‘Iztamih’ but even this is very doubtful yet. I shall but refer here to a singular passage in Duran (Cap. III, p. 20): ‘Ya hemos dicho como llamaban a su principal Dios, sin caer insistiendo en que es tan modesto nombre que como seis cuadras, que a contemplación de los sueños que dan en aquel lugar siembra congregaciones de gente se tiene para la mitad de lo que se renuncia en su comprava.’

After the capture of Tenochtitlan by Cortés, its site was reserved by him for the erection thereon of the Spanish city whereas the site of Tlatelolco became the Indian settlement for a time or rather was intended for that purpose. Cortés (Cortés ‘Crónica IV, pp. II, III, Vol. I) Molina (III, cap. VII, p. 180, 181) Orozco (Lib. XXXIII, cap. XXI, pp. 258, 570) Juan de Torquemada (Lib. IV cap. XII, p. 572 Lib. III, cap. XXVI, p. 590) Heredia (Descripción de los Indios de Teziutlan) Cap. IX, p. 17 Historia de Che III lib. IV, cap VIII, p. 322) Velázquez (Crónica de la Provincia del Santo Evangelio de México 4th Part of the ‘Teatro,’ pp. 124, 131, 132, 212, and 213) is the latter author, Velázquez (Crónica, pp. 131, 132, 212, and 213) who gives us the names and numbers of the Mexican quarters, ‘barrios’ or localized kings who, under the form of ‘Indian wards’ still existed in 1600. I assume this date from the fact that the ‘Teaching of the Vietnamese General of Indias’ is dated 17 April, 1602, (p. 11, Vol. I, ‘Teatro’). Besides mentioning the four great quarters of Mexico (p. 124), of which we shall hereafter speak, he says: ‘Los barrios son los de donde están cobran las tributas que son y para sustentamiento en ellos, los que no hacen cosa decente, sufriendo de muchos del barrio donde en las mezclan particularmente se viven con muchas ranzas y en algunas festas de devoción cuando la piden.’ He also gives us (pp. 212 and 213) information about Tlacolulco—information which proves that the abonones sold there ’en seis particulares, que cada uno tiene seis barrios, y vente cantos con sus titulares que celebran.’ This is rather obscure and I shall
While the seven consanguine clusters above mentioned composed, to all intents and purposes, one tribe as towards outsiders, there still appear among them germs of discord which, at a later date, caused a disruption of mutual ties. The details are too vague and too contradictory to allow any inference even as to the real nature of such dissensions. One fact, however, is ascertained, namely, that the whole group bore in common all the hardships and vicissitudes of a wandering life and the encroachments, aggressions and temptations from outsiders, that they had sheltered together in a safe retreat, and that only when relative safety from violence was secured, a permanent division took place. These considerations should dispose of the

therefore give the names of the Mexican "burno" by the side of the "ermitas" of Tlatelolco, leaving the reader to notice coincidences himself

<table>
<thead>
<tr>
<th>&quot;Burnos&quot; of Mexico</th>
<th>&quot;Ermitas&quot; of Tlatelolco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santo Cristo de Trappola</td>
<td>Santa Ana Ateneantech</td>
</tr>
<tr>
<td>Santa Verónica de Huelmenaco</td>
<td>Santa Lucía Telcuhuanitl</td>
</tr>
<tr>
<td>Santa Cruz de Tepecatlaltlán</td>
<td>La Concepción de Ateneantlán</td>
</tr>
<tr>
<td>San Pedro de Chia-lóaltlán</td>
<td>San Francisco Me-antlán</td>
</tr>
<tr>
<td>Espíritu Santo de Topaco</td>
<td>La Aunión de Apiztlan</td>
</tr>
<tr>
<td>San Felipe de Jesús de Tecalitlán</td>
<td>San Martín Mezapán</td>
</tr>
<tr>
<td>Santiago de Tlaquilpan</td>
<td>Santa Catalina Cohuatlan</td>
</tr>
<tr>
<td>Los Reyes de Tequixtitlán</td>
<td>San Pablo Tulques-huican</td>
</tr>
<tr>
<td>La Caucelita de Atlampa</td>
<td>Nuestra Señora de Belén Tlahoxhuco</td>
</tr>
<tr>
<td>La Ascensión de Tlaxcomoco</td>
<td>Los Reyes de Copautlán</td>
</tr>
<tr>
<td>San Diego de Amanaleco</td>
<td>San Simón Ixtadlá</td>
</tr>
<tr>
<td>El Niño Jesús de Topololán</td>
<td>Santa Inés Huipantlán</td>
</tr>
<tr>
<td>El Descimiento de Mazapan</td>
<td>San Francisco de Ixtahalá</td>
</tr>
<tr>
<td>San Judas de Xihuitongo</td>
<td>Santa Cruz Azcolucombe</td>
</tr>
<tr>
<td>La Santidad de Tequiquapan</td>
<td>San Antonio Iztapán</td>
</tr>
<tr>
<td>San Salvador de Noahuitlán</td>
<td>La Asunción de Tlayu altlán</td>
</tr>
<tr>
<td>La Concepción de Xocholol</td>
<td>San Francisco (the deep in</td>
</tr>
<tr>
<td>San Juan de Cincinecapan</td>
<td>San Juan Hurtezaluanac</td>
</tr>
<tr>
<td>San Antonio de Topololón</td>
<td>Se Apolicon de Layoc</td>
</tr>
<tr>
<td>San Sebastian Caculco</td>
<td>Santa Clara Acocas</td>
</tr>
</tbody>
</table>

I have italicized those names which are also found among those of the seven original ones above enumerated, and thus we find three of them in Mexico, and two among the "Ermitas" of Tlatelolco

31 *Fernán González de Estiâas ("Colección espirituales y Sacramentales, y Poesías Sagradas," Second Edition, 1877 by José de la Borda y Gutierrez.)* The learned editor makes the following note on page 57: "Cuando se recibió la ciudad de México, después de la conquista, se colocaron en el Centro las casas de los españoles, y los Indios levantaron las suyas al frente de aquellas. Esta población indígena se dividió en cuatro burnos o parcialidades regidas por campeones de su nación, sujetos a un gobernador de la misma, los burnos principales eran San Juan y Santiago." Calling my attention to this note in his letter of 11 Nov. 1878 my esteemed friend adds, "Con el tiempo se confundieron la población y desaparecieron los burnos, pero aún quedó el nombre y los bienes que poseían las parcialidades los cuales desaparecieron también en mi tiempo."}

The discussions between what subsequently became the Mexicans and the Tlathulcos are no variously described by the authorities that it is hardly worth while to discuss them.
assumption, frequently made, that the Mexicans were divided into two distinct clusters at the outset.

A council of chiefs, representing the seven kins meeting on equal terms, composed the government of the ancient Mexicans at that period of their history. Among these, occasional "old men" of particular ability loom up as leading advisers. But no permanent general office of an executive nature is mentioned, although even occasional braves acquired historical prominence through their deeds of valor and of sagacity.

But, while the organization was thus amply sufficient for the needs of a straggling band, Indian worship of "medicine" (as the native term implies) represented, inside of that organization, the lingering remains of what we have already suggested to be the oldest aboriginal clusters of society. Corresponding to the four original kins of the Quiché, to the four leading days of the calendar with the traditions attached to their origin, we find among the ancient Mexicans at that period four chief medicine men, or "old men," who at the same time are "carriers of the God."

36 "Tenure of Lands" (P. 398 and 399, Notes 21 and 22). In addition to the authorities quoted there, I refer to "Gomara ("Contrata de Mejico" Vedal I p. 411) "y dice que no trajeron señores sino capitanes," Ilium p. 411; "De los reyes de Mejico") Motolinía ("Epitola primaria," p. 5): "aunque se sabe que estos Mexicanos fueron los primeros, y que no llevaron señores principales, más de que se gobernaran por capitanes." -Mendosa (Lib. II, cap. XXIX, p. 118): "Don que el juego no mexicano fue por candidato o capitanes, sino principales que los region." -Entre estos elegían luego como hombre un sabio por 10 y 15 principales sobre a FErochi" -Toquemada (Lib. II, cap. I p. 78, cap. XII, pp. 91 and 95).

The task of the election of the so-called "King" of the ancient Mexicans, so generally acknowledged that no evidence of it is needed, is proof enough that, previous to it, the government of the Mexicans was at least, not monarchical. The words of Toquemada (p. 91, vol. 1): "Dios, que atendiendo pasado tiempo y siete años, que se governaban en común, los unos, y los otros, les tomo gana de dizer Rey..." are plain enough.

Aside from the "leaders" (candidatos) of the kins frequently mentioned, occasional war chiefs or directing brave-turn up during this period of their wandering existence. Thus a chief whom they called "Mexi" is mentioned by Acosta (Lib. VII, cap. IV p. 469) Sahagún (Lib. X, cap. XIX, p. 118 and 119) Herrera (Lib. III, cap. II, cap. X p. 59), and another very famous in Mexico, Humming Bird" (Huiztiluhuitl) led the Mexicans during their stay with the valley tribes at Chapultepec, losing his life in the battle by which they broke through their surrounding enemies. Duran (Lib. III, p. 27, IV, 30) Acosta (Lib. VII, cap. V, p. 453) Toquemada (Lib. II, cap. III, p. 54, IV, p. 84, Lib. III, cap. XXIII, p. 209) Pedan (Parente Hija Tlatol, cap. IX, cap. 34, cap. X, p. 253 and 263) Giron and Gallego (Poder Queda p. 171) Veiga (Lib. II, cap. XII, p. 97, cap. XV, p. 140, cap. XIV, p. 116, cap. XV, p. 130 and 131). He affirms that "Humming Bird" was the first "King of the Mexicans," which, however, is expressly disputed by other authors.

37 "Tezozomoc." ("Crónica" cap. 1, p. 6), mentions the four old men who called the so-called sister of Huiztiluhuitl, 'ya esto dino Tlalcazqui Huiztiluhuitl á los viejos
It seems to indicate, that as riches of four very ancient kings, a kind of superstitions ("standing over") defence was paid to them, implying a voice and vote in the councils of the tribe as

que la soberanía era cuestión, que se llamaban (Chimuhuyshcique, y Ayoaba el segundo y el tercer llamado "Hamanqui Chimuhuy, y el cuarto "Chuchuchul") (Cap III p 6) al Chapulepe, y allí les habló Huntahopochl, a los sacerdotes que son nombrados Teomamques, cargadores del dios que eran Chimuhuyshcique, Ayoaba, Thamaimani y Asocotlani, a estos cargadores de este dios, llamados "sacerdotes les dio" "Haman (Cap III p 21) "Llegados a aquel lugar de Poweroa, viendo tan apacible y alzada consultaron en cada los sacerdotes y príncipes el dios "Huntahopochlit respondió a sus sacerdotes en muchos "These words repeat them selves almost seven times in cap IV V and VI. Finally he is very positive, (Cap VI p 46)," with the four words of "Huntahopochlit the words are visibly and lo habían que se llamaban (Chimuhuyshcique, el segundo "Chuchuchul" y el cuarto "Ichchipi", las cuales eran como hoy, pudientes, amplios y repetidos á aquella gente, "Asonra (Lib VII cap IV p 140).) Con estos se fueron llamando á su yehbo metido en un arca de mimos, la que habian cuatro sacerdotes principales, con quien él se comunicaba, y decía en secreto los sucessos de su nuevo amo, á donde le los que de enredar dichos en los, y ensimismos, tres ceremonias y ritual. No se movían un pimiento y mandato del dicho yehbo "Hameri (Dúo III, lib II cap X p 60) "Llevaban este ídolo en una fara de fara en hombres de cuatro sacerdotes los quies enseñaban los Ritos y Sacramentos, y sin pañales no se movían en nada. "Benditos estos sacerdotes exclusivos de los Mexicanos, los que otros se han dedicado en parte a estos dons chief mede man el "Hamanqui" from "Chama"—mede man (Molda II, p 125) is proven by author who rather than move to the town in sole Tororomanda (Lib II, cap I p 72), and order that quatro de ellos estaban sus sacerdotes, para que también los nombrados (Quimohuyshcique, Ayoaba, Chuchuchul, Chumaimani ("Lib V cap XXI, p 4), but especially Lib IX cap XIX, p 207) "Do los primeros Mexicanos que vinieron á estas tierras, á lo que, que no traueron, ni otro Cuitilí ningún (conta los que tienen, o alguno lo contienen) sino que tienen regales de los sacerdotes, y ministros del Demonio, sobre esos hombres venía la imagen del Dios Huntahopochlit y á los sacerdotes, y determinaciones de estos ministros en obeliscos calles.

The most explicit of all, however, is again "Hemeriti (Lib I, cap XII, p 9) At the death of Huntahlit, y aqui, donde suponémos, los obeliscos de los tiempos y sacerdotes que van más modernos trabajan á Huntahlit, porque o concibiendo, y el ambicioso deseo de quedarse con el mando del pueblo, o para disuadirle, á este dios que debía estar á tan gran pericli, "(p 96) Esto es el origen de la fama de Huntahlipochlit (p 96), hace Venegas en error in stating that Porras's reports that the four priests were left with Malinohuyshcique, and Huntahlit, "This author mentions them again at Chapulepe, y aqui, donde suponemos, los obeliscos de los tiempos y sacerdotes que van más modernos trabajan á Huntahlit, (p 108). "Ya no pensando ya que es distinto, que O eloom y sus discípulos traen los cuatro Thamaimani que imponen el embriague del rapto de Huntahlit, (p 109) he said that the old priests opposed the election of a head war chief ("choe") nor do they the mando. "(Elphi Cap XV, p 18)

It results from these statements, that the four "Caños of the God" indeed exercised at least claimed some governmental power. In truth such power can only come through some kin, hence lie, in machine men, represented in very old clans in relationships, whose names even may have been lost, whereas the former power "stood over," in the form of a participation in "machine" in worship in the tribal business. Here is what the important attendance of Pociartah (Lib); pp III and 112 of XVII, "commonly the custodians of the gods power not people, produce Signares in the mays have by a woman see gallo numerous. Pueblos and gentes y este dicho que se pueden haber sido siete principales Cabezas de dados Parentescos, that they esconían bajo los
When the Mexicans, thus constituting a migratory cluster of kins, reached the present central valley of Mexico, they found it occupied by a number of tribes of the same language as their own, though dialectically varied. The arrival of the new-comers was to those who had already settled, a matter of either war or of adoption. Adoption became very difficult, as well on account of the number of the immigrants as of the rivalry between already settled tribes. Therefore the Mexicans were tossed to and fro, until at last the straggling remnant found a shelter on some dry patches protruding from the marsh along which the other tribes had formed their settlements.

This settlement occurred about 196 years previous to the Spanish conquest, and it limits therefore the time, within which the nombrares de sus Conquistadores," What the unfortunate Itzon Cuauhtecuah here says of the Toltecs, is applicable to all the other branches of the Nahuaí stock, and bears also on the form "Carrier of the God," under discussion.

Teyoaahaua (Cap XIX, p. 116, line 11), that after the election of the Hamanahuatl mentioned in my note 36 the god Huiztliopochtli "did not dare to claim the government of the people." Is this an indication to the effect that the town "popult" exercised a military command?

Referring to note 27 concerning the form names of the years and leading days in the Mexican and Central American Calendars, and the probable connection with as many very ancient kinships, I beg leave to add here some additional data in regard to the singular part played by the number four in Central American and Mexican mythology and earliest tradition. In note 27 I have already alluded to the four original pairs, as mentioned by the "Popult Vich" as well as by Sahagun. Previous to the creation of the four men the "Popult Vich" had the following remarkable passage (Part III, Cap I, pp. 97-98), in Paxi and in Cuyahla, as this place is called there, are the caves of yellow and of white corn. These are the names of the barbaram ("Chap. 9") who went up and intermarried with Ix (Yuc) the wolf (Uma) the parrot (Qel) and the raven (Hoh), who gave names of corn the cue of yellow corn and of white corn which grew in Paxi and from which the road to Paxi. There they found at last the nourishment which went into the flesh of man made of man and formed this was his blood, it became the blood of man, this corn which went into him by the care of him who engenders and of him who gives being." This Quichque title of four andres or barbarami" (the latter is in interpretation of Mr. Blasius, since "chapop" signifies simply a head) carrying the material out of which man was made, also finds an equivalent in Mexican traditions of the same period (cf. Sahagun, Lib X, cap. XXIX, 32, p. 110), of four wise men who remained in the earthly paradise of "Tamoanchan," inventing there "judicial astrology and the art of interpreting dreams. They composed the account of the days, of the nights of the hours, and the differences of time, which were kept while the chris of the Toltec, of the Mexica, and of the Chichimecs were made". "Tamoanchan," as paradise, is strictly equivalent to "Paxi in Cuyahla" of the quichque. The tradition of the town "Tzun Tzur" among the Yaquis may also be classed among these tales ("Series of Katun"," Epochs of Maya History", "This is the Series of Katun on Maya", "Relaciones de los chales de la Tozuran") also in J. E. Stephens "Incidents in Yucatan," Vol II, p. 465, appendix. Also Duyan (Cap XXVII, p. 222, 223)."
organization and Institutions of the ancient Mexicans must have reached their ultimate development, to less than two centuries. 39

"In the midst of canes of reeds" the remains of the Mexican tribe found their future home upon a hunted expanse of sod, which even then enemies on the mainland seemed to regard but as a spot fit to die upon. 40 Although much reduced in numbers, the kins themselves remained and a settlement necessitated at once their localization. How this took place, can best be told in the words of one of the native chroniclers, the Dominican monk, Fray Diego Durán.

"During the night following, after the Mexicans had finished to improve the abode of their god, and the greatest part of the lagune being filled up and fit for to build thereon, Vitzilopochtli spoke unto his priest or keeper and said to him: "Say unto the Mexican community that the chiefs, each with their relatives, friends and connections, should divide themselves in four principal quarters, with the house which you have built for my resting place in the middle, and that each kin might build within its quarter as best it liked." These quarters are those remaining in Mexico to this day, viz. the ward of San Pablo, that of San Juan, of Santa María la Redonda as it is called, and the ward of San Sebastián. After the Mexicans had divided into these four places their god sent word to them that they should distribute among themselves their gods, and that each quarter should name and designate particular quarters where these gods should be worshipped. Thus each of these quarters divided into many small ones according to the number of idols called by them Calpulteona, which is to say god of the quarter. I shall not recall here their names because they are not of importance to history, but we shall know that these quarters are like unto what in Spain they call a collation of such and such a saint.” 41

This statement we do not hesitate to accept as expressing gen-

39 My friend, Prof. Ph. Valentine, of New York has in hand the study of Central American Chronology proper as well as Mexican. In his latest work ‘The Mexican Calendar stone” (published first in German as a “Lecture,” and afterwards in No. 71, of the “Proceedings of the American Antiquarian Society”), he has given a general idea of his researches, but not any details yet about their results. It therefore I here admit 127, A.D. as about the date of the so-called “foundation” of Tenochtitlan-Mexico. It is subject to correction by him.

40 Turpin (Cap IV, p 32), Herrera (Dec. III, lb II, cap XI p 61)
41 ‘Letter of Lords” (p 400 note 29, and p 402, notes 32 and 33). In addition to the authorities quoted I refer to Herrera (Dec. III, lb I, cap XI p 61), and Samuel Purchas (‘His Pilgrimages,” 1625, Part III, lb V, cap IV, p 1005)
ume aboriginal traditions, notwithstanding the attempt, on the part of Fray Juan de Torquemada, to impugn its truthfulness and consequently its validity,\(^{42}\) It results from it that while the kins, which for the first time in Mexican history are distinctly identified here with the "calpulli," are settling, "as best they liked," the creation of four geographical divisions, composed each of a number of kins, is attributed here to the influence of worship on, as we have already termed it, of "medicine." This connects those, who subsequently became the four "Indian wards" of Mexico, with the four "carriers of the gods" already mentioned, and this perhaps may be considered a reminiscence of the four original relationships. Of these the sections mentioned appear like a shell, geographically enclosing a number of settled kins. The supposition is not, therefore, devoid of interest that they may have represented brotherhoods of kins for purposes of worship and warfare. If now we substitute for "kin the term: *gens*" adopted by Mr. Morgan, those brotherhoods necessarily appear in the light of as many: "*phratries*."\(^{43}\)

The time of this occurrence seems almost to coincide with a division (already indicated as in progress) of the original Mexican band into two sections. It now culminated in the secession of a part of the tribe and its settlement apart from the main body, though not far away from it and within the lagoon also. While the "place of the stone and prickly pear" (Temecuitlatl) remained, virtually, ancient Mexico, the seceding group founded the Pueblo of Tlatilco as an independent community at the very door of the former. It appears as its rival even until forty-eight years previous to the Spanish conquest.\(^{44}\)

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\(^{42}\) "Tenure of Lands" (p. 102, notes 12 and 13).

\(^{43}\) Morgan ("Animal Society," Part II, Cap III, p. 82) "The phratry is a brotherhood, is the term imports and a natural growth from the organization into genera. It is an organized union of association of two or more genera of the same tribe, for certain common objects. These genera were usually such as had been formed by the segmentation of an original genus." If we recall the manner in which the four quarters of Mexico first appeared it will easily be seen that the analog, with phratries instead striking (compare, *Art of War* "p. 101 and note 22, and pp. 120 121 and notes 91, 99, 100 and 101). In "Tenure of Lands" (pp. 100 and 101), I have rather favored the view that those four were *calpulli* which subsequently aggregated into major quarters as "barrios." I now confess having become convinced that the so-called minor quarters already existed at the time of settlement (compare notes 15 and 41).

\(^{44}\) *Coblenz* (Part III, Cap VII, p. 180) mentions a division into but two "barrios" in course of time through increase of population. "Después andando el tiempo y multiplicándose el pueblo, cuando la vecindad tuvo esta cantidad de barrios o dos ciudades," *Lettres chilots* (Hist des Chicas*" Cap p. 72), merely states they were
It is much to be regretted that our information on this point is so meagre and unsatisfactory, as not to enable us to ascertain whether several entire kins separated from the rest to form the new tribe, or whether fragments of kins only composed the secessionists. In fact even the cause of the division is stated in such a varied and contradictory manner, that we must withhold any expression of positive views on the subject.

Without losing sight altogether of the tribe of Tlatilco, we still must devote our attention chiefly to the inhabitants of Tenuichitlan, in which we recognize the ancient Mexicans proper. The number of kins composing the latter at the time of their division into two bands," without saying why and how this division occurred. Díaz de la Peña (Cap IV, p. 45) says: "How this division occurred Durán (Cap VI, p. 41) says: "How this division occurred Durán (Cap III, p. 45) says: "How this division occurred Durán (Cap IV, p. 42) says: "How this division occurred Durán (Cap V, p. 43) says: "How this division occurred Durán (Cap VI, p. 43) says: "How this division occurred Durán (Cap VII, p. 48)." And Merriam (Dec. III, Lib II, cap XII, p. 62), both are but concise repetitions of the above. Turquemada (Lab III, cap XXIV, pp. 271 and 272) opposes both Acosta and Herrera, as well as the "Codex Rorrouc," and substantiates a story about voluntary settlement of the Tlatilcoans. On a sandy ridge near by, but apart from the others, in consequence of the old grudge or feud already mentioned. There is but little difference between this version and the preceding and the actual act of secession in both, being voluntary. One singular fact is mentioned by Fernández (Part II, lib I, cap XI, p. 27), namely, that the Tlatilcoa made a market place for both parties. Otherwise (p. 275), he concurs with Turquemada. Granados y GuiJo. (Codex, p. 171), after saying that both "titanes de los pueblos" came to an agreement about something, adds: "whether this division proceeded from past quarrels, or out of the necessities which they suffered among canes and reeds, it is certain that they divided peaceably." Tevyta (Lab II, cap XV, pp. 135 and 136) reporting on all the various traditions about the foundation of Tlatilco, comes to the conclusion that the nobles of Tlatilco, where is the common people, returned to Mexico Cholula (Lab II, cap XV, p. 173), agrees with Tevyta in regard to the real import of the tribes told concerning the ancient land among the migratory band, but (Cap XVII, pp. 157 and 138), he accepts the version that these old traditions were the causes of the final division.

I have not been able, yet to find whether the seceding Tlatilcoans formed one kin or one brotherhood of kins, or whether they were disintegrated fragments of kins remaining. Had Tevyta given us the names of the "barrios" of Tlatilco, we might possibly infer something from them. As is the fact of the four "principals" mentioned by Durán seems to indicate four kins, or rather perhaps disintegrated fragments of four kins whom want of space probably caused to remove. They may have been crowded out, and in course of time the feeling of jealousy and rivalry springing up, of which the authorities speak both freely and frequently — see Tevyta (Lab II, cap XV, p. 135).
settlement is not stated, but while some sources mention twenty chiefs as composing the original council of the tribe, others speak of but ten leaders. This might, according to the view taken, indicate in both instances ten kings, or twenty in the former and ten in the latter. At any rate the number is larger than that originally composing the tribe, thus showing that the segmentation so characteristic of tribal society according to Mr. Morgan, had already begun. Of the government of the tribe Clavigero says "The whole nation was under a senate or college of the most prominent men." No mention is made anywhere of a head-war-chief.

56 Clavigero (Lib. III, cap. I, p. 190) Torquemada (Lib. II. cap. XII, p. 94) Lab III. cap. XXII. pp. 289, 290 and 291) Dunn (Cap. VI, p. 47)

It is difficult to ascertain the actual number of kings composing the Mexican tribe at that time. The number of chiefs and their names are variously stated. Dunn (Cap. VI, p. 47) mentions six chiefs and four priests. Mendoba (Lib. II, cap. XXXIV, p. 148) mentions ten chiefs. The "Codex Mendobano" also has ten chiefs (Tab. I, Vol. I, Kingsborough). Clavigero (Lib. III, cap. I, p. 190) notes twenty. It is interesting to compare the names, also those of the twenty leaders of Torquemada (Lib. II, cap. III, p. 8), with those of the twenty "battons" of Velanent.

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I have italicized such names as are alike. We see that of the ten chiefs named by Dunn and Mendoba, six are also named by the two other authorities. As might be expected there hardly any concordance between these names of chiefs and those of the Mexican "batrons." If it were known to us whether, in this case each "chief" represented a kin only, or whether Dunn, Tezamí, and Mendoba alone indicated the true number we could, or might, of course, determine the number of the captains. The chief is used to denote his kinship in the old authors is distinctly stated by Dunn (Cap. XXXII p. 224) This chapter relates the mission of sixty "warriors" ("tupas") (the heroes," sent by the chief "Montezuma Xihuanacac" (the first stern or wealthy chief of that name) to an old woman or goddess, purported to be "Huitzilopochtli"'s mother. As lived before the old bag (as she is described) she inquires of them for her son and lo
as yet, this peculiarly military office was not yet established in permanence. However, there are indications that one executive chief was for tribal affairs may, at least rudimentarily, have existed namely the "Snake-woman" (chinacoahuitl). But the attributes of this office did not assign to it any marked prominence.

The position of the Mexican tribe, about the middle of the fourteenth century, was still a very precarious one. With barely sufficient sod to dwell upon, blockaded, so to say, by powerful tribes along the lake shore, with the independent cluster of Tlatiluca, jealous and threatening, within an arrow-shot of its homes, it was forced into a peculiar attitude of military defence. The elements for a warlike organization were contained in the autonomous kins, which were grouped into the still larger cluster of the brotherhood, and all together composing the tribe. The leaders were found in the officers and chiefs of the kins. But the state of insecurity then prevailing required an office whose incumbent should be in constant charge of the military affairs of the tribe. This was plainly within the scope of tribal society, such functions had already been exercised previously, in times of particular need. Now, under the pressure of circumstances, and with a permanent settlement, permanence of the charge became a necessity.

The seven chief, "which seven went for leaders of each quarter" (p. 222). The wizards reply among other things, "Great and powerful Lady (?) we have neither seen nor spoken to, the chiefs of the "olpiles." Judging from this the original number of them was ten and it is presumable that if such was the case they were the war chiefs, whereas the others were more properly the administrative officers analogous to the "aztecas" of the Boguins (Compare Morgen, "Ancient Society" Part II, cap II, pp. 71, 72 and 73 Cap IV, p. 114 Cap V pp. 121, 130, etc., etc., to 145). We shall have occasion to return to this again in a subsequent note.

The office of "Chinacoahuitl" is very old. "Refloxivo" ("Relaciones" "Segunda Relacion," pp. 321 and 321), after speaking of the seven leaders of the Toltecs, mentions "Zulcohuitl" among the five captains infantes" as discoverer of Jalisco. Confirmed (the last mention excepted) by Turenoamatl (Lab I, cap XIV, p. 37) Fregia (Lab I, cap XXII, p. 220). The "Codex Mendocino," Plate II in Vol I of Lord Kingborough, represents the first regular head war-chief of the Mexican "Handful of Poles" (Acamapichtli) with a head and face of a woman and snake surmounting his own head or rather the backhead whereas the "name" proper stands, as usual, behind the occupant. The explanatory note therefore (Vol VI, p. 8), says: "The first figure probably denotes that Acamapichtli, before he was elected king possessed the title of Chinacoahuitl, or supreme governor of the Mexicans, when Mexico afterwards became a Monarchy this title was retained."

Duran (Cap V, pp. 43 and 44) Acosta (Lab III, cap 8, p. 48) Herrera (Dec III lib II, cap XII p. 62) Turenoamatl (lib II cap XIII, p. 95). "The cause of his election was the increase in numbers, and then being surrounded by enemies who made war upon them and damaged them." "La causa de su eleccion, fue, estar en estado de numero, y estar muy rodeados de Enemigos, que les hacian guerra, y afligian."
Therefore, near the eighth decade of the fourteenth century, or about thirty years after the settlement of Mexico, the office of "chief of men" (Tlacatecuhtli) appears to have been established. This is commonly heralded as the creation of monarchy, thus abolishing the basis of organization of tribal society itself. It is however overlooked that only an office was created, and not a hereditary dignity with power to rule. Its first incumbent, "Handful of Reeds" (Acampauchitl), was duly elected, and so were his successors. We have already seen that the Mexican family itself was so imperfectly constituted as to preclude the notion of a dynasty, and it was therefore, as we shall further establish, to the "kin" that the so-called succession or rather the choice was limited. We do not know, nor would it be safe to guess, which

Veitena (Lib IV, cap XVIII, p 159, cap XXI, pp 185 and 187) Chaucgero (Lib III, cap I, pp 190 and 191) It was a military measure.

48 The dates are variously given. Duran (Cap VI, p 51) says 1364 or rather he states that "Handful of Reeds" died at the age of 60 and that his death occurred 1364. He had been elected when 20 years old therefore one year previous to the latter date, or in 1364 A.D. Tellez Guzman (Plate I, cap I, p 270), says 3d of May, 1364, or 1368. According to Sahagun and from his lists of Mexican kings "Lib VIII, cap II, pp 258-259," it would be about 1369, but (Lib VIII, cap V, p 280) he says he was elected in 1384. Veitena (quoting also Carlos de Sigüenza), says (Lib II, cap XXI, pp 156 and 158) 1364. Chaucer (Lib III, cap I, p 191, Appendix to 1st Vol, p 598) Vol II, Sec'd Dissertation, Cap II, p 127 says 1352. Mendizeta (Lib II, cap XXXIV, p 148, 154) in the "Real Enciclopedia" (Cap de Doc., Vol II, p 9, and 1384 appears, but the date is of doubtful origin. The first real Enciclopedia" (Vol I, Kings, Plate I, and Explanation, Vol VI, p 144) says in the year 1350. "Lib IV, Cap VI, p 135), 1350. Prof. Valencia (The Mexican Calendar Stone, p 108) 115, Acad., 1375.

In regard to the title of "Tlacatecuhtli compare "Art of War," (p 127 note 104) there is a singular analogy between it and the title of "Great War Soldier," given by the Iroquois confederacy to its head was chiefs (Ancient Society, "p 146") under men." the Mexicans also understood "braves." Therefore "chief of the braves" also.

49 In a general way the following passages are interesting. Duran (Cap LXIV, p 498), "because in these times the brothers sons of the King inherited one another, although from what I have noted of this history, there was no hereditary succession, but that only those which the electors chose, whether brother or son, nephew or cousin, in the second degree, of him who died, and the order it strikes me they carried on in all their elections, and so I believe that many of those who claim and pray for lordships ("señorios") because of their fathers having been Kings and Lords at the time of their minority do not as I understand, justly claim ("no piden justamente") For according to their ancient law there were taken elections than successions and inheritances, in all kinds of lordships" I shall give the full text of this very important passage further on. Torquemada (Lib XI, cap XXXVII, p 358) of the Mexican republic. I confine the matters of succession and that sometimes they were elected without regard to anything save their personal qualification.

50 Sahagun (Lib VIII, cap XX, p 318)

51 Compare Duran (Cap LXIV, pp 198 and 199) Torquemada (Lib XI, cap XXVII, p 358) The former says in addition to what is quoted in note 49: "in all the other lordships only found but elections and the will of the electors," and that they never could fail to have a King of that lineage, even to the end of the world, because if to
was the particular "calpulli" of Mexico who furnished the Mexican head-war-chiefs down to 1520 A.D.

Analogous to the New Mexican pueblo, the tribe of Mexico had, from that time on, its supreme council and finally two executive head-chiefs, for with the creation of the military office of "chief of men," the "Snake-woman" rose correspondingly in importance. No change in that organization took place until the Spanish conquest although within the period of nearly one hundred and fifty years (approximately) thus indicated, we find, at three distinct epochs, mention of virtual changes or subversions of the aboriginal institutions of the Mexican tribe.

The first one of these critical dates agrees with the third decade of the fifteenth century, or the time when, through a well executed dash, the Mexicans overthrew the power of the Teapanecas on the mainland.

This successful move, perhaps originally conceived in self-defense, finally brought about the confederacy of the "nahualt" tribes of Mexico, Tezcuco, and of Tlacopan. We have nothing to add to our first picture of this military partnership, as drawn in "Tenure of Lands." Still the event deserves special mention.

At the time Francisco Vázquez de Coronado reached and conquered New Mexico, its solitary Indians were governed by a council of old men and besides the head governors and captains. This is explicitly stated by Pedro de Cieza de León, ("Relación de los asentamientos de los indios," who went with Coronado in 1540 in the French translation by Mr. Turanni, Companie, 1858 (Cap. VI p. 64), about this in Cibola although slightly contradicted again by himself (Part II, cap. III p. 164, in regard to Cibola, Torquemada (Lib. IV, cap. XL p. 681), mentions the "mandón" (commander) and after him what he calls a "riveteros" and "después de esto es el que pregonerá las cosas que son de República y que se han de hacer en el Pueblo." The same author is also very explicit (Lib. XI, cap. XVII, p. 157), when he distinctly states: "El Gobierno de los del Nuevo México parece de Senado, y de Señoría," mentioning also the two other officers. For the actually prevailing governmental system of the New Mexican Pueblos the sources are very numerous. I simply refer to H. H. Bancroft (Vol. I, pp. 460 and 417); E. J. Díaz ("The Spanish Conquest of New Mexico," 1839, p. 415 note 4); Andrade ("Lieutenant H. M. Wheeler's Zircn Expedition nach New Mexico und Colorado, 1874," in Petermann's "Geographische Mittheilungen," Vol. 22, p. 212). All the other main sources it would be useless to enumerate.

54 Pp. 416, 417 and 418, and notes 61 to 70 inclusive. Also note 4 of this paper.
tion here, because of its unveiling, so to say, the full organization of the ancient Mexicans as they preserved it until the time of their downfall.

Upon the occasion of the division of spoils gathered from the defeated Teapanecas, and of the establishment of regular tribute, there appear the following war captains and leaders of the Mexicans as representatives of the latter’s organization.

The “Chief of Men”

Four captains of the four principal quarters of Mexico

Twenty war-chiefs of as many lines composing the tribe

One chief representing the element of worship or “medicine”

The “Snake-Woman”

and to the date of its occurrence, Bonnet (Vol V, p. 97) says about, or immediately after, 1411 following Bracon de Bomrango’s Chronography (Lab IV cap III p. 211), 1126, “Itakenwal” (“Hist. Chichimeca” Cap XXXII, p. 217), also 1411, Vonlten (Lab III, cap III p. 165) 1411, The “Codex Telleriano-Remensis” (Kingsb. Vol I, p 7, and Vol VI, p. 135) has it 7, “Teuchitl” in 1404.

51 Duran (Cap XI, p. 94) Besides distributing land “juntamente con diarios y repartiendo la tierra que aves ganado, para que te quiera renta para el sustento de vuestros estados y persona segun el monto de ellas, he gave them “ditados” or titles y (quienes) hacemos señores de tablas” (the latter would be to make them noblemen). I must add here that “ditado o título de honra” as expressed in the Mexican language by “teuchitl” “lubacatl” “manu” (Molina “Vocabulario” Part I, p. 40). These words however mean but, respectively “chieftainship, “speakership” and “honour” (the latter see Molina II, p. 54) all of them terms which, as we shall have seen, apply to personal merit and not to hereditary privilege among the Mexican aborigines. Duran then proceeds (p. 97) to give these titles as follows —

“Chieftain principal a su general dio por ditado

A Xoc Molchacuma Texcallitzin dio por ditado

A Tlachalco, d p d

A Cuiltecatl, d p d

A Yan/categories, d p d

A Art omatl, d p d

A Chilitzin, d p d

A Tompanan, d p d

A Echcimiton, d p d

A Chilxochitl, d p d

A Tlacolhuac, d p d

A Cozcruactlec, d p d

A Chichimecatl, d p d

A Xicongo, d p d y renombre

A Tlalocatl, d p d

A Xoc vetem, d p d

A Xochtitl, d p d

A Mexictlatl, d p d

A Tlacmaztli, d p d

A Moctep, d p d

A Tlayochtli, d p d

A Texcallitl, d p d

To these he adds (pp. 98 and 99), five more, namely Quemheotl, Chumiqui amaci, Ixmalitl, Cuchtmatl, and Hucamatl. The three last were from the basin Adding to this the “Chief of Men”, himself, who was “Flint Snake,” or
The existence of twenty autonomous consanguine groups is thus revealed, and we find them again at the time of the conquest,

"Olsahun Snake" (Rzobato) we have twenty five chiefs in all. Now we cannot fail to notice —

1. "Rzobato," the "chief of men" or head was chief.
2. "Thracoliacht," "Thracolact," "Etenahuatli," and "Cahmanochtli," the four military leaders of the four great quarters ("phrases") of Tenochtitlan. (See "Art of War," pp. 120, 121, and 122, also notes 97 to 101 inclusive.)
3. "Thlanilcam" — "Man of the black house," a chief connected with "medicine" or worship, as I shall hereafter show. He was rather a consul or advisor than a captain, as Acua (Lib. VI, cap. XXV, p. 441) and Herrera (Dec. IV, lib. II, cap. XIX, p. 75) positively state, whereas Duran (Cap. XI, p. 109) asserts the religious origin of his office.
4. "Thracoliacht," who as Duran and Tezozomoc both repeatedly and plainly assert, was the "snake woman" or "Cihuatlcameltli." In this instance, however, he is graced with the title of "Man of the house of darts" ("Thracoliacht"), and thus made one of the four leaders of the "phrases." This is an evident mistake, as the latter belongs to Montezuma (the first, or old one). Compare Torquemada (Lib. II, cap. XXXVI, p. 140, cap. XLIII, p. 140, where he is called "captain general"). Vetancurt (Part II, Tit. I, cap. XV, p. 241), also Duran (Lib. VA, Part II)
5. Twenty war chiefs, each one of whom commanded the warriors of one kin or calpulli; hence they were the military leaders of twenty Mexican kins. Besides the indications to that effect furnished by Duran (Cap. XXVII, p. 224), "E los señores de los calpullis no los ímamos en nuestro habitar," said the soldiers who had been sent to Huitzilopochtli's mother, after she had asked them about the chiefs or captains—seven in number—which had led the Mexicans originally. (See note 11) Tezozomoc ("Cron. A," Cap. XV, pp. 21 and 25), while corroborating the statements of Duran (with the exception that he omits the chief "Mexcallitli," and thus gives only twenty-seven chieftains), insert the following explanation about these twenty (or twenty-one after Duran) captains. "After these four (the four in stones) go the figures, called valiant soldiers, surnamed captains." The "Duran" or "thirteenth" properly teucaltitlan, "elder brother" was the military chief of each "barrio" or "calpulli" therefore of each kin ("Art of War," p. 119, notes 95, 92, and 93), consequently these twenty chieftains represent here as many consanguine relations-compounding the tribe of the ancient Mexicans.

It will be noticed, however, that Duran has twenty-one chieftains whereas we assume but twenty, according to Tezozomoc. The latter omits "Mexcallitl," and, perhaps properly too. This word signifies but "Mexican chief," in general, and cannot therefore be the title of one peculiar leader. It recurs occasionally in the course of Mexican history. Still, this is only a suggestion on my part, for the matter is far from being proven. Torquemada (Lib. IV, cap. III, p. 571) mentions "Mexcallitl-acahuitl" among the chiefs who went with Quauhtemoc before Cortes on the day after the resistance of the Mexicans had ended. Again, Tezozomoc mentions—two chieftains of the same title "Cahmanochtli," as also does Duran. Now this would be impossible, since Tezozomoc calls the second one of that name, a son of "Cahmanochtli." It may be now that the latter author has omitted the "Mexcallitl," and that "Caahmanochtli" is to be counted but once. It results from the statements of Vetancurt already alluded to that there were twenty Mexican "calpulli" consequently there were but twenty leaders of kins. The analogy between these "barrios" and the chiefs of Duran and Tezozomoc is greatly increased by the fact that for the three chiefs of Callahunac mentioned by the latter, we have also three barrios of "Obomites" therefore, in each case but seventeen original kins of Mexicans proper (Vetancurt "Cron. A," Vol. III, p. 192).
while then last vestiges were perpetuated until after 1690, when Fray Augustin de Vetancurt mentions four chief quarters with their original Indian names, comprising four subdivisions into twenty "barrios." Now the Spanish word "barrio" is equivalent to the Mexican term "calpulli." Both indicate the kin, localized and settled with the view to permanence.

What is often conceived as the establishment of a vast feudal monarchy at the time just treated of, resolves itself therefore into two very plain features. One of these consists in the establishment of the confederacy, the other is but the appearance in broad daylight of the peculiar organization of aboriginal society among the Mexicans. Thus we have no sudden change of base, no revolution in the institutions of the tribe, the only progress achieved consisted in the extension of inter-tribal relations and in then assuming the shape of a military partnership.

The year 1473 witnessed another event which seemed to affect

All these titles were permanent though not hereditary, as it is plainly seen in the case of the four leaders of the four quarters," about which Sahagun says (Lib. VIII cap. XXX p. 315) "The chief elected, fortwith they elected others from among the four popular persons that always had to be by his side.--(These four had different names in different places)."

"Duran (Cap. XI p 101) "To these four lords and titularies, after they were elected princes, they made them of the royal council, like presidents and members ( "cyrones") of the supreme council, without whose opinion nothing should be done. When the king died, his successor had to be taken from those, neither could any others, but brothers or sons of kings be clothed with these dignities. Thus if one of these was elected they put another in his place. We must know that they never put a son of him who had been elected ("king") or of the deceased, as it has been said, the sons never succeeded (in office) by inheritance, to the titles of lord hips, but through election. Therefore whether son, brother, or cousin, it elected by the king and those of his council, to that dignity, it was given to him, being sufficient his being of that line and next relative, and so the sons and brothers went on inheriting gradually, little by little and the title and lordship never went out of that descendancy ("generation") also kin, being filled by election, little by little."

The other titles are frequently met with up to the time of the conquest, as a few instances will abundantly prove. Assuming, with the majority of authors, the date of 1431 for that of the formation of the confederacy, we meet, during the unlucky war of the conquistadores against Michoacan about fifty years later with the following war-chiefs of the Mexican: Tlaclatli Huizanmacatl, and Quetzalcoatl (Kan GU. Cap. LI, pp 81 and 82), also Cortes (Cuanhtemoc). At the time of Cortes' first arrival on the coast (1518) we meet in the council of Mexico with Huizanmacatl, Hueacamatl (Turquemada, Lib. IV cap. XIII p. 379). Finally when after the resistance of the Mexican had ceased Cortes assembled all the chiefs in his presence, we again meet with Huizanmacatl, Mexcaltitlan, Tlaxcaltecaqui (Turquemada, Lib. IV cap. XII p 371). Evidence of this kind could be produced in profusion, but it would only increase inevitably the size of this annotation. Compare the titles of the highborn sachemships in Morgan (Ancient Society," Part II Cap. V pp 130 and 131).

55 Compare note 41 Also Molina (IV, p. 13), and others.
the Mexican tribe in a more direct manner. It was the overthrow and capture, after a short but bloody struggle, of the pueblo of Tlatilulco.\(^56\) Owing to the close connection of the latter with the Mexicans both had remained on a non-hostile footing, for the suspicious watchfulness with which each viewed the other did not comport with any more intimate relations, those of trade and exchange excepted. When the confederacy came into existence, Tlatilulco was counted in as a part of Mexico, since its people acknowledged themselves to be Mexicans, but there is no evidence authorizing the conclusion that the Tlatilulca played any other role, beyond that of auxiliaries to their kindred of Tenochtitan.\(^57\) The rash attempt of the former at the organization of a conspiracy to become “Mexico alone” terminated fatally; then place was taken and barbarously sacked, then leaders were killed in the fray or sacrificed afterwards, and the Mexicans, exasperated at the conduct of their treacherouskinsmen treated them in an unusually severe manner. We have seen already that, in any conquest, the conquered tribe, if not exterminated, was only subjected to more or less heavy tribute. But the Tlatilulcan were dealt with far worse— they were degraded to the rank of “women,” their public market was ordered closed, their council-house left to decay and their young men, expressly debauched from the privilege of carrying arms in aid of the Mexicans, were required to become the carriers of supplies to their captors. Such a punishment was unknown in the annals of Indian conquest, and appears even to militate against our views of aboriginal society in Mexico, still it was in perfect harmony with the institutions of the latter. The Tlatilulca were, as we should never forget, not only a tribe

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\(^{56}\) The “Codex Telleriano Remensis” (Plate XIV also explanation Vol VI, p 135), contains in this date of the year seven “calí” which is indeed 1173.

\(^{57}\) This acknowledgment—“to be Mexicans”—on the part of the inhabitants of Tlatilulco, was in the nature of a clam, and with a spirit of jealousy and envy. Although Durán says (Cap XXXII, p 257), “ameno estado hasta entonces sujetos a la corona real de México” this affirmation is utterly disproven, not only by all the other sources, but by his own statements (Cap V, pp 43 and 46). The confused and contradictory tales about the state of war preceding the formation of the confederacy still make the Tlatilulca always appear as assisting their neighbors of Tenochtitan, more or less. Sometimes they were neutral only, and at times they may have felt in alarm to forestall attempts at destruction of their rivals by outsiders, but they still were afraid of the consequences of it for their own independence. Durán (Cap V, p 46) the singular statement that the Tlatilulca even attempted though fruitlessly, to withdraw the Tezcatlians and thecopans from Tenochtitan, inducing them to become their abscesses in the work of its overthrow, is significant. See To quemada (Lib II, Cap LVIII, p 176) “Quise que con los de Tlacua y Tetzoco, los quales no le acojonar”
connected, through stock-language or even dialect, with the Mexicans, but they were actually "kin of their own kin." Then punishment therefore was that of a crime committed against kinship and tribe. As we shall hereafter attempt to show, such debuts entailed death. Instead of exterminating a whole settlement however, the Mexicans treated the survivors as outcasts from the bond of kinship, degrading them to manual, therefore female labor. 

"The descriptions of the capture of Tlatilhua by the Mexicans while "Face in the Water" (XXXVIII) was the latter's birth-land, as it was numerous and in them females-laden as the subject of this paper is concerned, so generally connotant that I may be permitted to forgone quotations. I simply refer to the best known authors on ancient Mexico in general. Still these authors seem to report but the 'Tlatilhua' side of the story. Although Boturini ("Italia": Catalogo del Museo Italiano," p. 24), mentions the copy of 'Un Mapa en papeil Europeo, donde estan pintadas los Rios de Tlatilhuay de Mexico' as the only known till 'Tlatilhua' document of which he knows there still is preserved to us a title of the overthrow of the pueblo of Tlatilhua which bears distinctly the stamp of a genuine Tlatilhua version. We owe it to Orsolo y Valdes ("Historia general y not de indios," Lib. XXXVIII cap XLIV, pp. 594 and 595), "Avix dos particularidades o bandos en aquella república, la una se decia Mexicano, la otra Tlatilhuay, como se dice en Castilla Oaxaquenos y tabemusos, o guayas e negrejas. Y estos dos apellidos tuvieron grandes diferencias e Montezuma, como era un noble de linaje grande amistad con el señor principal del bandó Tlatilhuay, que se decia por su nombre propio Samanco e tomó por yerno e dixo una su hija por la asegurar. Con esto debido en certa fiesta e convite todos Señores e a todos sus capitanes e parentes e hombres principales, hizos embbedad e despojó de todos bienes y buenos de los de esta y de los de la otra parralidad Mexicana. E todos los que tuvo por sus esposaos e desterrados de la ciudad, que fueron mas de quatro mil hombres, y en los bienes y mantos destos hizo que viviesen los que quiso embbeda con bienes que fueron de aquellos que desta, hijos que poblson quatro leguas de ellos in un pueblo que de aquella gente se hizo, que se llama Menozahuc, y e se convisten de pequeños e calvarios. E así como la ciudad se decia, y es su propio nombre Temozonas. hizó e llamó Tlatilhua por muchos Mexico donde aquella ciudad comenzó por Montezuma. This story is repeated by him with less detail (Cap I, p. 531). Although manifestly incorrect it is still interesting to compare with the current version.

The punishment which the Tlatilhua received is also mentioned by a number of authors. The prominent sources however, are Duran (Cap XXXIV pp. 270 and 271) Tlazomoc (Cap XLVI, pp. 74 and 75). Both of these relate that besides the great market place of Tlatilhua about which the latter says: "Such the Tlatilhua (market) was esteemed beyond, as if they had gained five tribes." The Tlatilhua were. As we shall hereafter see mostly traders and as one of them old men is made to say to "Face in the Water" by Tlazomoc (p. 71) "We are traders, merchants, and will give you (follows a long list of articles promised) since by force of arms this Tlatilhua has been gained" Duran, (p. 278). After this was done the King commanded that the place and market which they had gained should be distributed among the lords, since the Tlatilhua had no other soil. Compare also the statements in regard to trading and bartering in aboriginal Mexico, and to the beginning of the trade at Tlatilhua, in Salzmann (Lib IX cap I pp. 315 and 316).

"Kin of their own kin." In regard to this statement I beg to refer to one made by Leyden (Lib II cap XV, p. 15). "Some modern nation writers say that this separation did not occur precisely as between nobles and plebeians, but that eight families
Still, this low condition did not remain forever. The Tlatululca were in a measure "re-adopted" into the tribe. After this, they formed a fifth quarter, or "phratry," which Father Vetancurt (in 1690) mentions as containing six "parcialidades." But this rehabilitation never extinguished the fire of revenge kindled once among the Tlatululca towards the Mexicans. The latter treated the former therefore, not as a tribe subject to tribute, but as a suspicious group, to which the rights and privileges resulting from consanguinity could not well be denied, but to which voice and vote in the leading councils should not be accorded. In this singular position, not strictly inferior, but evidently more "distant," we find the Tlatululca at Mexico at the time of the conquest.

or tribes, in which there were of both kinds, were those who divided themselves from the rest." (See note 44.) It is much to be regretted that the eminent Mexican scholar has not given us the names of these "Aguas escotores nacionales modernos".

According to Duran (Cap. XXXIV, p. 211), they remained in a degraded condition for 160 days at least, or eight aboriginal months. "Y que los tuviese esta penitencia y castigo hasta los ochenta dias del segundo tributo" But they were, according to him, relieved of it but conditionally: "y asi le quitaran aquellos entedios que e contado, los cuales en falsandos, eran tomados a poner." In order to comply with the demands of the Mexicans for slaves the Tlatululca were forced to carry arms again, so as to take part in the war. Tezozonoc (Cap. XLVI, p. 75) confirms, but implies previously (p. 75) that the Tlatululca were specially obligated to be the traders for Mexico. "y hayos de ser nuestros tabletos y mercaderes en los lugares de Huejotzingo, Tlaxcallan, Tlaxmiquiepec, Zacatlan, y Cholula." A similar punishment was meted out to them by "stein chief" the younger (the last Montezuma), after an unsuccessful campaign against Huejotzingo, Cholula, and Atlixco. Duran (Cap. LIX pp. 468, 469), Tezozonoc (Cap. XCVI, p. 170). It is, besides, positively asserted by the former (p. 271) that the "medicine lodge," or temple of Tlatululca, was closed thereafter, abandoned and left to ruin and decay ("y asi dice la ystoria que hasta entonces lleno de yednas y de vasnas y caian las paredes y dormitorios del"). It is, of course, confirmed by Tezozonoc (p. 75 Cap. XLVI): "y asi fue que lo estuvo muchos anos hasta la venida que hizo Don Fernando Cortes, Marques del Valle en esta nueva Espana, como adelante se dara, a que me relebe." It is somewhat difficult to reconcile these statements with those of Bernal Diaz de Castillo (Cap. XII, pp. 88, 91, 92, 93, 94, Velas, Vol. II), and of Sr Jocahuleta in Converses Salazar ("Tres Dialogos, note 40 to 2d Dial. p. 201) to the effect that Cortes visited that temple of Tlatululca and found "stein chief" worshipping in it, and still more difficult is it to reconcile the relation of Bernal Diaz with that of Andres de Toyua ("Relacion, etc., etc.,," pp. 582-586, Col de Doc. II), who, as an eye witness too, deserves similar credit.

Tlatululca formed a quarrel, a fifth great one of Mexico at the time of the conquest. This is distinctly stated by Motolinia (Historia, etc., Trat III, cap. VII pp. 180 and 181), Torquemada (Lib. II, cap. XI, p. 93) confirms Motolinia in general (Lib. III, cap. XXIV, p. 294) Mendeta (Lib. III, cap. II, p. 182), "en el barrio llamado Tlatululco," (Lib. IV, cap. XV p. 414), "y el barrio se dice Tlatehulco," adding (p. 418) "que son del mismo pueblo de Tlatululco," (Cap. XVII, p. 421), "El convento de Santiago de Tlatehulco que es como barrio de Mexico," (Cap. XXVIII, p. 466), "pueblo de Tlatehulico." (Lid., p. 463, Cap. XXIX) That this fifth great quarrel was again divided into six smaller ones is proven by Vetancurt ("Cronica, etc.,," pp. 207 and 212). "Tiene cuatro religiosos que con el ministro colado administran a mas de mil quinientas personas en
This incident in Mexican history does not exhibit any features different from those found at the basis of tribal society, and it is not until the first decade of the sixteenth century that we are referred to the period when aboriginal institutions of ancient Mexico emerged from then former condition into that of political society proper and exhibited the features of rule as despotic as any on the three eastern continents. Even Robertson has so far yielded to this preconceived idea as to write, "This appearance of inconsistency has arisen from attention to the innovations of Montezuma upon the Mexican policy. His aspiring ambition subverted the original system of government, and introduced a pure despotism. He disregarded the ancient laws, violated the privileges held most sacred, and reduced his subjects of every order to the level of slaves." In general, many deeds, creditable and disreputable, are charged to that ill-starred "chief of men" of the Mexican tribe, whose tragical death has furnished a welcome topic to the most brilliant writers. "Wrathly chief" (Montezumah or Montezuma) was however innocent of many of the most, if

"his partahales que cada cual tiene sus barritos." This is indefinite and vague, and we are still left in doubt as to whether there were only six or whether there were more. The words "each of which has its quarters" would indicate that each of these parahales was divided into smaller ones. Still "parahale" and "barrio" are regarded as equivalent terms and both signify law. The history of the capture of the Mexican pueblo has, in some details of the siege preserved to us the names of some aboriginal "barrio" of Tlatilco. Velencourt (Vol II, Part III, Chap II, p 194) mentions two of them: "Yoctanoleo" (with the emita of Santa Ana) and "Amaza," (emita of Santa Lucia), the latter of which is again named (Cap X, p 206) by him, and by Torquemada also. Torquemada gives a number of names even Nonohualco (Lab IV, Cap XII, pp 551, 552), Ya exalto (p 552) Tlacuilaco (p 552), Amazac, Coyotlaczoc (p 552). This gives the names of five barrios of Tlatilco. It is true we add "el Barrio, que se llama Xolotlitan, que es agora San Francisco que por otro nombre se llama Quitatlan," (p 552), we would have the sixth quarter also.

That the administration of Tlatilco remained separate from that of Tenochtitlan is proven by the fact that Montezuma was assisted by twenty chiefs corresponding to the twenty kings of the Teotihuacan only, and without representation for the Tlatilco. See Bernal Diaz de Castillo (Cap XCV, p 95 Veida II) But the war chief of Tlatilco was present at the council. Thus "Itzcoatl" is frequently mentioned as the companion of Montezuma. Sahagun (Lab XII, Cap XVI, p 24, Cap XVII, p 25, Cap XXI, p 28, Cap XXIII, p 31) Torquemada (Lab IV, Cap XXI, p 37, Cap XXIV, p 49) Velencourt (Vol II, Cap XV, Parte III, p 142) CieÃ±ero (Vol II, Lab IX, Cap XIX, p 153)

Of the hatred between Mexican proper and Tlatilco the last days of the siege of Mexico furnish numerous instances. Both Torquemada (Lab IV, Cap XII, p 550) and Velencourt (Parte III, Cap VI of Chap City, p 193) mention the flight of the latter into Tlatilco as taking refuge among enemies. Finally the following passage is sufficiently plain: Duran (Cap XXXIV, p 275), "Era tanto la perturbacao de los Mexicanos, que hasta que los espaÃ±oles vinieron a la tierra no les dejaron tomar libertad ninguna, mÃ©ntierna templo particular"

not all, of these good or bad actions, and thus simply for the reason that he had not the power to commit them. Thus he is charged with remodelling his household, removing certain assistants, and filling the vacancies with "sons of noble stock," creating, at the same time, hereditary charges. It may be that, in the case of simple runners for instance, the "chief of men" held ample authority to select his men, consequently to remove them, but it is certain that for any office of permanence with the kin or tribe, he had not the least discretionary power. How insignificant his influence even was, when severed from organized tribal government, is amply shown by his utter helplessness from the very moment that the Spaniards had once treated him as a lettered captive.

61 The name is variously written "Matuzuma," "Mutezuma," "Montezuma," "Montezuma," "Montezuma," "Montezuma," "Mutezuma," "Montezuma," and "Mutezuma," is the most current interpretation. On the tables of Diodor (That I, 7, 3, 5, 23, 24, 25) and in general, the name is spelled as the headless "Xinhuhtzollotl" of the calihon, trans-}

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It is therefore vain to look for any important change in the institutions of the ancient Mexicans even at this third and latest date, which was the last chance, so to say, if any at all, for such

out. Keep your dress clean and in order, also his own dress and ornaments, his jewels, metal and cloth, also every five days his bow tube and bow, that he may recreate himself with it. Attend to him at meal time, morning and evening, serving him with pachac tamales, pulques, with much humility and respect: never looking into his face under pain of death. Take care that the cooking be well done and that the stewards provide for all. But while you stay, beware, for many of these women, who have been taught to look after everything, will be raised and lived in our families, and you must see that everything is done properly.

At the close of this and other less important talk it is said and in course of time they become so well bred, refined, and instructed, and skilled that they were of the most prominent chiefs and leading men in this house and court. Duran (Cap LXI, pp. 416-417) does not fail to confirm the statements of Tovar, extending, however, the removals to nearly all the offices in the service of Viceroy's person, and in the regiments of the people as sons-in-law (p. 417), also excluding illegitimate offspring ("hijos bastardos"), and giving a number of more or less pertinent details. He even asserts that the offices of the king were removed. In short, he represents it as the introduction of absolute despotism, surrounding at the same time the throne by a powerful nobility. Acoya (Lab VII, cap. 21, p. 509) and Huitzing (Doc XIV, lab. II, cap. XIV, p. 50), "porque mando que no lo sirviesen sus nobles y que la gente humilde estuviese en su público, y ejerciese objetos de su Casa, a Gorte". Toquemeda (Lab II, cap. IX, p. 140) Festrond (Part II, cap. XIX, p. 192), and others confirm, although in a more concise style than the first named authors. It is evident that all these authors must have gathered from the same source, which cannot be Montezuma, nor Montezuma neither Montezuma nor any of the known conquerors. The story is told and detailed by Duran presupposes a class of hereditary nobles already formed and in full vigor, but excluded in part from tenure of office or rather sharing such right of tenure equally with those of the common class. This is distinctly acknowledged by Tovar, and more particularly yet by Duran himself. "y en uno todos los que que no tuvieron a mano de los que se raya y onde de la parte que más se raya de ser de buenos hombres," p. 147, etc. Now I have proven (Tenure of Lands, pp. 419, 420, etc., to p. 446) that there was no privileged class based on tenure of the soul. The revolution as named presupposes that there was, up to the last "bony chief" a number of nobles in exclusive possession of the offices. Consequently, even if the "chief of men" in question had any inclination or desire to out the common people from their official positions, the main reservoir namely the common people, where with to replace them and for whose benefit the whole affair was planned, were not on hand. For nobility not based on hereditary ownership, or hereditary command of some kind, is no nobility at all. As far as hereditary of office is concerned, Duran himself is one of the most powerful witnesses against it (e.g., Cap LXIV, p. 498 and 499). If, therefore, "bony chief" created a class of privileged office holders about the year 1500, it must have been very short-lived for it was certainly out of existence sixteen years later, at the beginning of the Spanish conquest.

The version of Tovar is evidently the correct one, and thus the whole story dwindles down to the selection of certain boys probably of his own kin, for the special service of the tribal house of government which took place with the knowledge and consent of the council only. Whether this act it converted into a custom might have gradually merged into evidence of a certain kin over the rest is another question which the interfering conquest of Mexico by the Spaniards has left without decisive answer. About the helplessness of Montezuma while a captive, see authors on the Conquest in general.
a revolution before the advent of Europeans. We are consequently, by this investigation of the history of aboriginal Mexico, justified in claiming the state of its society to be as yet exclusively tribal.

Tribal society presupposes equality of rights among all members of the kin composing the tribe. Hence it follows that "caste" and hereditary rank could not exist, that there could not be any division, among the ancient Mexicans, into higher and lower classes, into "nobles" and "common people," or into hereditary professions or vocations like "priests," "warriors," "merchants," "artisans," and "tillers of the soil." In vindication however of our assertion, which might otherwise appear as too sweeping, we may be permitted here to dwell at some greater length on this particular question.

Nobility is based upon hereditary privilege of some kind. Either it consists in landed property with heredibility of title and (at least originally) office, or in a hereditary charge alone, or privilege or power over others transmitted with the blood. While the former has become more usually known and is therefore regarded as characteristic, the latter, always accompanied by "loose wealth," at least, is still found among pastoral nations. It may even have been the incipient form of the other. Now, among the ancient Mexicans, we have seen that —

1. The notion of abstract ownership of the soil, in any shape, had not yet arisen.
2. Individuals, whatever might be their position or office, without any exception, had but a right to use certain tracts, and no possessor rights, even, to land were attached to any office or dignity.
3. No office itself, whether of the kin or tribe, was hereditary in any family, since the Mexican family, as such, was yet in but a nascent state.
4. Furthermore loose property was subject to such diminutions occasioned by the mode of worship, and especially of burial.

62 The Arabs for instance. See Kremes ("Geschichte der herrschenden Ideen des Islam").

63 For these three points see "Tenure of Lands" in general, and pp 447-48 in particular.

64 Motolinia (Tlat 1 cap IV, p 31) "Otros trabajaban y adquirían dos o tres años cuantos podían; para hacer un festa al demonio, y en ella no solo gastaban cuanto tenían más aun se acudaban, de manera que tenían que servir y trabajar otro año y aun otros dos para salir de deuda, "
that it could not accumulate so as to exert any influence in the hands and in behalf of any individual or of his immediate relatives.

Consequently, aboriginal Mexico could have neither nobility nor patriciate, and when such a privileged class does not exist, it is useless to seek for another to which the term “unprivileged” or “common” can be applied.

In a future essay we shall attempt to prove that the Mexicans had no hereditary caste of “medicine men” or priests. We have elsewhere shown that there was no caste of warriors. The mode of Tenure and distribution of the soil precludes all possibility of the existence of a permanent class of “tillers.” It yet remains to cast a glance at the so-called artisans, and at the traders or “merchants.”

Neither of these two professions were held to personal improvement of their garden lots (“tlachtli”) but, like officers, they could have them improved by others under their names and for their benefit. The statement of Zurita “that a quarter was composed of all kinds of people” dismisses the opinion, that such quarters contained each but members practising a single trade. Thus there was no geographical agglomeration by professions. Again, no rule existed enforcing or establishing heredity in kind of work, or manner of sustenance. The son might embrace, at his choice, his father’s occupation, but nothing

66 Compare the burial rites of the Mexicans as reported by the majority of old sources.

66 "Art of War" (p. 98, notes 8, 46) Zurita “Report” (p. 48), “Il existent tenus seulement au service militaire, pour lequel aucune excuse n’était admise.”

67 “Tenure of Lands” (p. 426 note 98) Consult the authorities therein quoted.

68 “Report” (p. 221)

69 It is mostly on the authority of Sahagun (Lib IX vol. II), that the settlement by professional clusters is admitted. Historia Chichimeca” Cap XXXVIII, pp. 262 and 263. “Diaforemos Relacion” pp. 358, Kearsborough, Vol IX also says that, at Tenango each profession had its own quarter in the pueblo. But an attentive reading of the first author named (Cap XVIII, p. 392), where he treats of the featherworkers “De los obreros que labran plumas, que hacen plumajes, y otras cosas de pluma,” satisfies us at once of the fact that the veritable author only refers to worship of certain idols in a certain quarter, and not to communal residence therein, of certain kinds of working men. Nowhere does he say that the “Amante�” were all featherworkers. He mentions a barrio “Amatlan” “O Amatla.” Might it be the “Amatlan” of Velandot? Compare also Torquemada (Lib VI cap XXX, pp. 59 and 60), Motolinia (Lib I, cap. XII, pp. 67 and 98). “El conquistador Azteca” (Col de Don, Vol 1) “Le priere de la mestizas.” (pp. 92 and 93) Although concerning the markets exclusively, Herrera (Doc III lib IV, p. 138, cap 138) “estos indaban por los Barrios porque en ellos había todo gênero de gentes.” Copied after Zurita Velandot (Part II Text I, cap IV), Clavigero (Lib VII, cap IV, p. 561)
compelled him to do it. 601 It is true, that such as formed gold or silver into pleasing or (as viewed from eastern notions of taste) rather striking shapes, enjoyed some particular consideration, but this was not so much in deference to their skill, as to the material upon which they exerted it. Gold ("teo-ecutan") and silver ("Itzac-teo ecutan") were regarded as "offal of gods." Thus they became objects of "medicine," and those who wrought them into useful or decorative articles, were near to the "physicians" themselves. Furthermore, the manner and method of working was so slow, it relied so exclusively upon that patient disregard of time which characterizes even the manufacture of a simple arrowhead, that no accumulation of wealth could result from it. Besides, the artisan had, like any other member of the kin, to furnish his share towards the requirements of public

601 *Zarista ("Rapport éch.," p. 129) "Les chefs inférieurs et les personnes du peuple élevaient aussi, enfants et vieux beaucoup de sous leur respect l'honneur du vice, leur commandant le respect des dieux, les conduisant aux temples et les faisant travailler suivant leurs dispositions, cependant en général ils embarquaient la profession de son père." *Goma et Conquista etc. (Vedra Vol I p 43)

Los pueblos enseñaban a sus hijos sus oficios, no porque no tuviesen libertad para mandarles sino porque los aprendiesen sin gasta con ellos." Carlos Maria de Bustamente Tercero en los últimos Tiempos de sus antiguos Reyes, 1829. Parte tercera (Cap III, p 219) "Enseñaban además los oídos que tenían afición." *Clavigero (Lib VII, cap V, p 462) "Y los más, generalmente aprendieron el oficio de sus padres," pero ellos no eran tan serios, y, por tanto, no "taste.

59 The words are composed of *Itzac," a white object (Motien II, p 49); "Teotl," god (II, p 101); "Cuitlatl," metal, therefore gold, was called as "metal of God," and silver, "white offal of God." The working of gold and silver was regarded, by the Mexicans, as an invention of "Quetzalcoatl," Sahagun (Lib III cap III, p 243) y los vasallos que teniendo todos oficiales de antícas naciones y distintos para habitar las piedras verdes que se llaman chichihuites y también para fundir plata, y hacer otras cosas, estando todos tuvieron principio en origen del dicho Quetzalcoatl." (Also Lib X, cap XXIX, p 111 etc.) Theft of gold or precious stones was punished by death through sacrifice. *Clavigero (Lib VII, cap XVII, p 487) *Letemmi (Parte II Trat 1°, p 48) "Leyes de los Mexicanos"

58 A very remarkable way of manufacturing their most admired works—those made of feathers—is reported by *Mendoca (Lib IV, cap VII pp 405 and 406) "And there is, besides, something else to notice of this featherwork, namely that if there are twenty artisans they will undertake jointly the manufacture of one piece ("imagen"), for, dividing among themselves the figure of the image, in as many parts as there are of their number, each one takes his piece home and finishes it there. Afterwards they all meet again and put their pieces together, thus finishing the image in as perfect a manner as if one alone had made the whole." (Copied by *Torquemada, Lib XIII, cap XXIV, p 484, and with slight variations, also in *Letemmi, Vol I p 88). In regard to the manner of working, *Torquemada (Lib XIII, cap XXXIV, p 487), makes the pertinent remark: "All this they worked (as we have said) with other stones, and with flint, and according to the subtlety of the work, I think they must have spent long time in finishing it." See in general B. H. Tylor (Researches into the Early History of Mankind, Cap VII, pp 187 and 188), also *Motien (Treat 1, cap IV, pp 31 and 32)
life 73 hence little was left to him beyond his legitimate wants. We see thus, that hardly any chance was given for the formation of a class which, resting upon the kind of occupation, might assume the position of “caste” in the organization of aboriginal Mexican society.

It is repeatedly asserted, and on high authority, that the merchants or traders of Mexico enjoyed particular privileges. We must premise here that merchants, in the sense of venders of other people’s manufactures or products (thus living off of the difference between cost and proceeds) were known only in one way 74. The name for merchant was “man who exchanges one

71 That the tin miners contributed a portion of their wages in the shape of tribute, is amply proven. See for instance Oviedo (Lib XXIII cap I p 530. Early misunderstood!) This passage of Oviedo explains the action of “wealthy chief” towards the jewellers and “gold-smiths” at the capital of Cortés, as related by Tezozómoc. But in and by permission see also Cazuela (“La Roja,” p 222) “Impotencia” (“Cuando el, etc.” Parte III, cap V, p 232) Hervara (Dec. III, lib IV, cap XVII, p 118) Chavero (Lib VII, cap XV, p 489) Bancroft (Vol III, cap VI, pp 231 and 232.)

72 The existence of currency, or of money in the shape of grains of cacao, that shaped pieces of tin or copper and quills filled with gold dust is generally admitted. See for instance Prescott (Conquest of Mexico, Book IV, cap II p 140) II Bancroft (Vol II, cap XII pp 231, 232 and 381) Cacao played, among the ancient Mexicans, the same role as “wanum” did among the northern Indians for purposes of exchange, but did not go beyond it. In regard to the so-called copper or tin coins or rather marks on cacao, it is well to examine the matter more closely. Cortés (“Carta Quarta” in Vida I, p 111), says very positively that at Tula he observed sundry small pieces of tin very thin money (“de moneda de moneda muy delgada”), which he indeed found to have been used as currency by the natives, (“halla que en dicha provincia, aun en otras, se trabajaba por moneda”) Bernal Diaz (Cap XXII, p 80) Vida I mentions axes of “tin or copper and tin,” (“hachas de latón y cobre y estano”), bought at the market place of Tlatelolco and before we left this square (“plaza”) we met with other traders, who from what they said, sold gold in grains as they obtained it from the mines, and enclosed in quills of the gese of the land and so thin (“tan blancos” so white) that the gold might be seen, and by the length and size of the quills they determined how many minas or “jimpúchis” (bags of 500 grains) of cacao they were worth, or slaves, or any other things for which they bartered it, (“o osta cualquier cosa a que lo trocan”) González (Conquista, etc., p 348 and 499) But the thing one is cachuchal which serves as coin. Then buying and selling consisted in exchanging one thing for another (Id., p 411) No tenían moneda, teniendo mucha plata con cobre, y saliendo del humilde labran, y contratando mucho en ferias y mercados, su moneda usual y corriente es cachuchal o cacao.” Oviedo (Lib VIII, cap XXX pp 316, 317) Lib XXXIII, cap I, p 530) mentions only cacao as currency Topquenta (Lib XIV, cap XIV p 260) It was customary at those mines (“en estos minas”) to exchange (“trato”) one thing for another and even nowadays this is sometimes practised, but everywhere cacao is most commonly used. In other parts they used besides some small mantles which they call Patol quatchi. Elsewhere they used plentifully some copper coins, almost like unto (“de herenza”) a Tau T, two or three fingers wide and made of thin plates (“planchuelas”) some thicker others less thick. Where there was much gold (“dueiba avia mucho Oro”), small quills filled with it, circulated among the Indians (“traían unos cactitillos de ello, y andaba entre los Indios mucho de este”) Alonso Zúñiga (“Carta
thing for another” (“tlanamacam”), and such was every artisan, since, in the market place of aboriginal Mexico, every artisan batered his own manufactures for whatever he needed for sub-

al Padre Fray Luis de Pignieros” Santiago de Cuba, 14 Nov., 1521 Col de Doc Vol I, p 361) “Hay una moneda entre ellos con que venden y compran, que se llama cacahuate.” “Anonymous Conqueror (p 380, etc.) mentions Cacao, “e moneta la piu comune, ma molto inmoda dopo l'oro e l'argento” Acosta (Lib IV, cap 3, p 298) “No se halla que los Indios usassen oro, ni plata, ni metal para moneda, ni para piezo de la co-as usamam para ornato, como esta dicho.” The statement of Toquemada is plain. While it explains the gradual ascent and development of the notion that the Mexicans had an equivalent to money it clearly proves that only bater and exchange and no actual buying took place. The copper plates which, as Mr Bancroft judiciously remarks, “constituted perhaps the nearest approach to coined money,” were not intended even for such a purpose, since they were of varying size and thickness. But the story of the copper or golden “Eagles” given to the Mexican traders as money wherewith to buy, as faithfully reported and gravely discussed by Mr Bancroft also, deserves some special ventilation. This story is taken from Sahagun (Lib IX, cap II, p 312) “y dabanos 1600 toldillos, que ellos llaman quauhchh para recatar.” These toldillos they divided into two parts of 800 each. Now Sahagun’s editor, Sr C M de Bastamante, very confidently asserts in note a, (p 342) “Era una moneda que consistia en unos pedazos de cobre contados en llaga de T.—Clavigero, tom I, pag. 349.” The reference to Clavigero is for Lib VII, cap XXXVI now “Toldillo” is derived from “toldar” that is, to shroud or cover and means merely a cover, and not a piece of metal. “Used also as a covered litter or portable chair.” Besides, “quauhchh” indeed signifies Eagle, but it is an evident misprint and should read “quauhchh,” which signifies a mantle or sheet, thus perfectly agreeing both with the “toldillo” and with the “patolquachh” of Toquemada. The “golden eagles” of Mr Basteur are therefore rendered utterly useless.

Anyone reading Tezozomoc will see at a glance what a conspicuous part these mantles “Quauhchh” (Molina, II, p 81) played in intercourse and bater. According to Ramus de Eusebio (Letter etc., Col de Doc’s conc le Mexique, I, p 251) they formed to a certain extent the basis of tribute. These cotton-sheets are well described by Peter Martyr (“De novo Orbe,” Dec V, cap X, p 238) “Concerning the shape and fashion of their garments. It is ridiculous to behold they call it a garment, because they cover themselves therewith but it hath no resemblance with any other garment, of any fashion it is only a square covering like unto that, which your holiness cast on your shoulders, sometimes in my presence, when you are about to kiss your head, to preserve your garments least here, or any other stuff fail upon them. That covering they cast about then neck, and then knitting two of the four corners under their throat they let the covering hang down, which scarce covereth the body as the leggins. Having seen these garments I ceased to wonder, that so great a number of garments was sent to Cortes as we mentioned before for they are all of small moment, and many of them take uppe but little room.”

With the absence of money the profession of merchant as one who lives from the profits of his sales, becomes limited almost to what he can gather from outside of his own community, in other words, to what he can import. Their main and almost exclusive business consisted in effecting intercourse between the tribes. At home every artisan sold or rather exchanged his own wares in the public markets. See Cortes (“Carta Segunda,” Vela I, pp 32 and 33), Vernal Diaz (“Hast verdad,” etc., Vela II, p 89, cap XXI), Comarca (“Conquista,” p 348, Vela I), “Cada oficio y cada mercader tiene su lugar señalado.” Sahagun (Lib X, cap XVI p 41), “El que vende piedras preciosas, elo padrito es de esta propiedad, que sabe labrar sutilmente las pie- dras preciosas y pulirlas.” He mentions as manufacturers of their own goods the following “platos de oro” (41), “Tlatantles en m tanas” (Cap XVII, 42), “que venden mantas,” “que venden eotatas” (Cap XX, pp 48, 49 and 51), “ollerinos,” “que
Another name for the same profession was "man who takes more than he gives" "umiqueui." It is with this title that traders appear among the ancient Mexicans, as privileged people. But such they became always only under peculiar circumstances. At certain intervals of time a number of men gathered, forming a company for the purpose of visiting the market places of other tribes and exchanging their home products for those of distant regions. Such an enterprise was always a great venture, and required a peculiar organization. The participants were to be numerous enough to resist the assaults of struggling bands, but they should not appear so numerous as to arouse suspicion. They should be well armed, but at the same time anxious to avoid collision. They needed a certain number of cariers, not only for the wares which they took along, but for their supplies, still the number of these carriers could not be too great. Such an expedition was in reality not a private, but a tribal undertaking. Its members not only carried into distant countries the industry of their tribe, but they also had to observe the customs, manners, and resources of the people whom they visited. Clothcd with diplomatic attributes, they were more traders than spies. Thus they cautiously felt their way from tribe to tribe, from Indian fair to Indian fair, exchanging their stuff for articles not produced at home, all the while carefully noting what might be important to their own tribe. It was a highly dangerous mission. Frequently they never returned, being waylaid, or treacherously butchered even while enjoying the hospitality of a pueblo in which they had been bantering.

The safe return however of such a party to the pueblo of Mexico was always an important and joyful event. The reception was sometimes, in solemnity of exercises and in barbarous

Molina (Parte 1a, p 84) From "nite tamicaquia" "mcdhtliu" (II, p 112)

Molina (I, 84), also (II, 81, 84) Sahagun (Lib IX, cap III p 118, cap V, pp 354, 355, cap X, p 372 etc.) calls them also "mamobuzomeca," literally "peddlers of the Nahual." Molina (II, p 78) The derivation of both words I am unable to give.
pomp, second only to that of the tribal forces returning from a successful campaign or foray. The traders went first to the central place of worship, there to stoop before the idols in token of adoration. From the great “medicine-lodge” the band repaired to the “tepecan,” where they met the council of the tribe and its leading officers. Sometimes in presence of a concourse of people, and again if required, in “secret session” the traders communicated, for the benefit of the tribe, any results of their explorations. After this their particular quarters gave them appropriate receptions also, and in some instances even the whole tribe celebrated their return with solemn dances, and a distribution of viands corresponding to what in our time would be called a popular feast.

In order to realize the substantial results of such expeditions we must bear in mind, that whatever they brought back had to be carried by men. As already intimated, the number of these men was limited. They could not, without jeopardizing the object of their mission or enterprise, take large bodies of assistants along. Besides, as these assistants also had to carry their own food, providing for many journeys through uncultivated (“neutral”) wastes, thus also restricted the amount of material brought home. However precious that material might be to the Mexican tribe, it was certainly limited in quantity. Finally, custom demanded that the most highly prized articles should be offered up to worship, to the stores of the tribe and of the kings. Little material gain therefore, remained to the courageous travellers themselves. The proceeds of their enterprise were largely for the benefit of the community and the reward bestowed upon them by that community rather than the profits derived from any traffic, composed the personal gain of the participants. This reward consisted of presents out of the public stores, and especially in the marks of distinction bestowed upon them.

Thus the so-called “merchants” of ancient Mexico became equivalent to distinguished braves, and their deeds entitled them frequently to the rank of chiefs. But if, on one hand, they had no opportunity to secure anything like personal wealth, on the other the rewards of merit did not attach to their offspring. No class of traders, no caste of merchants, can therefore have existed, and if a certain well-earned consideration attached itself to the person of those who embraced occasionally such a hazardous
and important occupation, this consideration did not go beyond the persons themselves, and was in proportion to the value of the achievements. 

Prenest ("Conquest," Book I, cap V, p. 147); Ramn y Cañada (Vol. II, cap. XII, p. 377, etc.); Bautista ("Cultivadores," Vol. II, pp. 695 and 696); and others like Brasseur de Bourbourg ("Histoire des Nations américaines du Mexique et de l’Amérique Centrale," 1857-1859, Paris, Vol. III, p. 612, etc.) have given more or less detailed descriptions of the Mexican mode of traffic and commerce. Among the older sources, and those which 

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After this review of the question of stratification, so to say, among the ancient Mexicans, it may appear strange on our part from Tlatelolcoan sources ("Prologo", pp 4 and 5, Vol I) This diminishes necessarily in this instance the value of his otherwise very full and highly important testimony.

The existence of such a body, powerful through wealth as well as through mental and intellectual faculties would even as much as novelty, at once have destroyed the tribe as such, by breaking up the kin. The inconsistency of such a picture with the historical facts is glaring, and is shown even by the statements of modern writers. Compare for instance, Mr H H Bancroft's statement of the condition of Tlatelolco after its capture by the Mexicas (Vol V, p 431) "heavy tributes were imposed, including many special taxes and menial duties of a humiliating nature" with his description of the state of its 'merchant princes' (Vol II, pp 380 and 381). One fact is evident: if the traders formed occasionally, for certain purposes, clusters of their own, they selected their own leaders or directors and this was the case with trading expeditions as well as with levies. See on these: Sahagun, Lib IX, Cap III to XIV inclusive, Lib I, Cap. XIX, pp 29 to 32 Motolinia, Cap III, p 47 Acosta, Lib V Cap XXIX, p 484, etc Torquemada, Lib VI, Cap XXVIII, pp 57 and 58 Lib XIV, Cap XXVIII, pp 586 and 587 Clavijero, Lib VI, Cap VII, p 460 Lib VII, Cap XXXVIII, p 526, etc. But as to any separate, permanent government of their own, this rests exclusively upon the authority of Sahagun, whereas it is simply proven, on the other hand, that any thing committed in trade or barter, was summarily disposed of by the regular officers of the kin or tribe without regard to the traders or merchants. We shall furnish the evidence in regard to this point in another note.

That the "pochtecas," occupied but one calpulli, that of Poctltlan, is also disproved, and even by Sahagun himself (Lib I Cap XIX, p 31) "En este calpulli donde se contaba el mercader" (Lib IX, Cap III, p 347) "respondiendo los mercaderes principes de los barrios que son uno que se llama Poctltlan, otro Acocltlan, y otro Atlantlaco como esta en la letra") (Cap III, p 349) "contulban a solo los mercaderes de su barrio, en el que hablan de n por capitán de la compañía de los que iban, no solamente contulban a los de su barrio sino también a los que hablan de n con el" Also by Zurita ("Rapport," etc., pp 225 and 234).

Lastly the question of wealth amassed in such quantities as to become an influential power in the hands, is also summarily disposed of by Sahagun. However often he speaks of riches gathered by them, the following quotations show how it must be understood (Lib IX, Cap II, p 39, Speech of one of the traders) "quando lleguemos a nuestra tierra, veréis tiempo de usar los barrotes de amñas, y las orgenas que se llaman queztalcoyotl amñas y los aventurados y queadores de moscas, las mantas rojas que hemos de traer y los mantles preciosos, solo esto nos nuestra paga, y la señal de nuestra valentia," (p 341) "y que las otras prestas que les dio que arriba se dieron, solo ellos las usaron en las grandes fiestas" It thus appears that hoarding of any actual wealth was not to be expected. The lack of currency alone made it almost impossible for want of space, and gold and silver being only used for ornamental purposes and as a part of "medicine," we should mistake in expecting anything like treasures. Here, as anywhere else, the supply was regulated by the demand, and this demand was in turn created by the numbers of the population, and by the use made of the metal. Since the latter was used only in a few ways, this had its effect on the amount also. Another cause, which is not sufficiently estimated, is found in the fact that carriers had to be used for everything, including food. Now, even if thousands went along (of which there is hardly any proof), the load of each hardly exceeded sixty pounds "y daban a cada uno de estos que tenían alquilado, para que llevasen estas la carga que tenían señalada y de tal manera las compraban que no eran muy pesadas" (Cap III, p 360, Lib IX) Don Antonio de Mendoza ("Avers les prestations personnelles et les Timoires, 1er Recueil de Timbres Comptes," says in 1550, "They must not carry any loads heavier than two arrobas, or about thirty pounds." Bartolome de las Casas ("Breve discurso de la destrucción de las Indias," Venetia, 1643, Italian and Spanish, p 161), complains of three to four arrobas of
to concede, that nevertheless there were two very distinct classes within the area occupied by the tribe enjoying each a very different quality of rights. Now equality of rights is the fundamental principle of kinship, if therefore there was a body connected with the tribe whose rights and privileges were inferior, it follows that the members of this body must have stood outside

seventy-five to one hundred pounds, as an excessive load. Churbur (Lib VII, cap XL, p. 520), sixty pounds.

To conclude, I advert to the fact that the traders were held to tribute and especially to offerings for worship, as strictly as any other members of the tribe I merely refer to Herrera (Dec. III, Lib IV, cap XVII, p. 138), who embodies in a few words the statements of other writers Motauna (That I, cap IV, p. 70) "No se desvelaban en aduanas ninguna," and further on to p. 77, al-o (That I, cap IV, p. 31), "otros trabajaban y adquirían dos o tres años cuanto podían, para hacer más fiesta al demoño, y en ella no solo gustaban cuanto tenían mas más se adueñaban." The picture of the trading expedition is only taken from Sebahon (Lib IX, cap II, III, IV) and Torque nada (Lib XIV, cap XXVII). The reception only applies to cases of great importance, but every departure of a merchant as well as his return was treated by the traders of his ‘barrios,’ sometimes with the consequence of other barrios and of the chiefs and others.

That in consequence of their deeds, the merchant and traders were treated with distinction and created chiefs, follows from Sebahon (Lib I, cap XIX, pp. 30 and 32), "pues que hace honrado en el pueblo y teniendo por valiente, poniendo un balbuceo de ambas, que es una idea larga amarrilla, transparente, que cuega del benéfico. alaba rado en señal de que era valiente y era noble, y esto se tenía en mucho." But especially (Lib IX, cap II, pp. 42-III). Estos mercaderes eran ya como caballeros, y tenían disfrazadas particularidades por sus hazañas". "Des Ceremonies observées aux fêtes par les Indiens Torquenil lorsqu'elles se font un bien" (Ternaux, 1er Revue, pp. 225 and 231) the custom of giving the rank of chief (‘tezcatl’) to traders remained after the conquest when the chief became transformed into the Spanish ‘hidalgo’ in consequence of a misconception of the former dignity. This is shown plainly by the archbishop, Fray Antonio de Montesay (‘Supplicia a Charles V en favor de los Mestizos, Mexico 30 Nov. 1551,’ French translation by M. Ternaux, Appendix to the ‘Estatut des indigènes des Conquêtes du Mexique,’ p. 275). It was done to evade taxation.

The true position of the Mexican traders in their tribe and society is also stated plainly by Sebahon (Lib I, cap XIX, p. 30) ‘Son estos mercaderes, salvo enfitre en todos los hechos (algunos) de comercio y muy adentro para tratar con los estranjeros. sin adivinando sus lenguas, como tratando con aquellos con benevolencia para atraerlos, y con su habilidad’ (Lib IX, cap II p. 469) ‘pues que aunque nos llamamos mercaderes y lo parecemos, somos soldados que al mismo tiempo nos agrimpamos a la conquista’ (Id. p. 341) ‘Los dichos mercaderes del Teotonio se han conocido en todas partes, y soldados en el juego de la guerra.’ (Id. p. 342) ‘Cuando quería que el señor de México quiera enlazar a los mercaderes que eran cantantes y soldados disfrazados, en el juego de la guerra’ (Id. p. 352). They were infrequently but official spies and used as such, not only by the Mexicans but against the Mexicans by foreign tribes: Mendonza (Lib II, cap XXVII, p. 130) copied by Torque nada (Lib XIV, cap II, p. 538).

of any connection by kin. This presupposes a class of outcasts from the bond of kinship.

There is no evidence of the formation of such a cluster prior to the permanent settlement of the tribe. Neither can we trace its gradual increase from a given time. But a glance at some of the rules of kinship, and at the practical working of these rules finally crystallizing into an equivalent for laws, will enable us to discern its origin.

The relation of sexes being at the bottom of society based upon kin, it follows that sexual intercourse gradually assumed a regulated shape, proportionate to the progress in institutions. The ancient Mexicans had, as we have already established, advanced into descent in the male line, and had secured a nascent state of the modern family. Marriage was well known to them as a rule. But so powerful was the influence exercised by the kin, as unit of public life that, once the ritual union of a couple acknowledged as a necessity for future joint life, it exacted of its male members the obligation to marry for the purpose of propagating and increasing the kin. Only such as were naturally helpless, and such as in view of "medicine" made vows of permanent chastity, were excused. Any other youth therefore, who refused to take a wife at the proper age, was treated with contempt and consequently expelled from the kin.

Women, among the aboriginal Mexicans, was in a singular predicament. Though the establishment of descent in the male line she lost her hold on public life, (which she latter regained through the establishment of the family proper) and thus remained little else than a chattel in the power of man. Still, the ritual act of marriage being once adopted, the same obligation to marry, which we have already found incumbent upon the male, also devolved upon the female, and any girl therefore, who did not "take vows" for "medicine," or who was physically not mis-

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60 Clavigero (Lib VII cap V p 461) Zurita ("Rapport, etc."); pp 133 and 134) "s'ils ne voulent pas prendre des femmes on les congédient," Menditha (Lib II, cap XXIV, p 125), "Llegados a la edad de casarse. Si pasando la edad se descubran, y vean que no se quieran casar (esquilabanos, y despedianos de la compañía de los munecos." This meant exclusion from the kin line, as soon as they married. "they were classified, since, according to their custom, they were divided into sections each of which had a chief or captain, as well for the collection of taxes as for other reasons." There "chiefs or captains" were those of the culpiti Zurita, (p 135), also Bustoamante, ("Tézococo" Part III, cap 311), "Cuando se casaban los españidonesaban." Torquemada (Lib IX, cap XII, p 186. Almost a copy of Menditha)
shapen, if she did not join a husband at the proper age, was also regarded as a reprobate.

To these two kinds of outcasts others should be added. It is a known fact that, if any member of a calpulli failed to cultivate his garden lot for two years, or if he failed to have it cultivated under his name, then he lost every and all rights thereto. This implied expulsion from the calpulli, consequently again, expulsion from the bond of kinship. Any one who removed from the quarter of calpulli to which he belonged, lost his rights thereby, in other words he became an outcast.

The lot of such people, thrust, as they were, outside of the pale of regular society, was an unenviable one. Removal to foreign tribes was not only dangerous, but even impracticable in the earlier times, when the class came into existence. Still they had to live. Therefore the males bargained then services to such members of the kin, as could afford to nourish them in return for manual labor.

No other remuneration but subsistence could be thought of. For the sake of subsistence therefore the outcast became, what the majority of authorities have called a slave.

Fray Juan de Torquemada writes as follows,—"The manner, in which these Indians made slaves, was very different from that of the nations of Europe and other parts of the world. It was very difficult at the outset of their conversion to understand it properly, but to make it clear (especially as the customs of Mexico, and Tetzuaco had it, since other Provinces not subject to these king-

1 Anonymous Conqueror (Vol. I, Col. de Dov., p. 397) & gente che stiam men information of the nations of the world, because they are commancheable but half tis up, which is the cause of the half of the people not to come."

2 Bartolomé de las Casas (Vol. II, cap. III, p. 266) on "mohaches," in general regard to women who refused to marry, though living a solitary life. Also Sahagún (Lib. X, cap. XV, p. 57), Zuñiga (p. 129) If such abandoned her house, she might finally be disposed of as a slave, or be abandoned ("en las abandonan.

3 Zuñiga (p. 50) "El pradomparla que me eli ciudada no parea en dos amores, pero ha en su cuenta, y una para de los cultivos, y s'il ne le fere pas, lo hara d'entre el en dançant a un autre" (Ibid. p. 54). "So, par hazard, le nombre d'un calpulli le quittant pour être demené dans un autre, on lui retirait les terrains qu'il avait en possession."

Adopted also by Herrera (Dec. III, cap. XV, p. 115) Compacta "Territoriae et LANDS" (p. 120)


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doms, had other ways to make slaves) we say: that many conditions were lacking, to create them actual slaves. For of these slaves of this New-Spain, some had means, might own and possess them of their own, and they could not be sold again except under the conditions mentioned hereafter. The service rendered to their master was limited, not for always, nor ordinarily. Some, upon marrying, became released, then relatives or brothers taking their place. There were also skillful slaves who, besides serving their masters, still kept house, with wife and children, purchasing and holding slaves themselves. The children of slaves were born free."84

The Mexican term for slave was, literally a "purchased man" ("tlacotli"). He was in fact but a "bondsmen." Through a special contract, made before authorized witnesses, his services, the proceeds of his labor, and not his person, became pledged to another. The member of a kin had no direct ownership in him whom he employed, he could not sell him again without that employer's consent, nor could he take his life in punishment of crime. If the latter broke his contract through repeated evasion he might finally be "collared," that is, his neck was enclosed in a wooden yoke, by means of which he was fastened to a wall at night. If the man still continued to escape, then he was turned over to worship and sacrificed; but in case he succeeded in secreting himself in the official house without being intercepted by his master or one of that master's people, then he was spared, and even liberated from his bonds. 85 In addition to the supply furnished to the class of outcasts in the manner above indicated, there were accessions to it from outside. Fugitives were of rare occurrence, since such, if from a tribe against which war was waged, were regarded as precious additions, too important to be ranged among the outcasts. 86 But we have several instances, in the ancient history of Mexico, of destructive droughts as well as of disastrous inundations, depriving the inhabi-

84 "Monarchia Indiana" (Lib XIV, cap XVI, p 564)
85 I have gathered these details mostly from Torquemada (Vol II, pp 564-566) Compare besides others, Velanduarte (Vol I, pp 483, 484, and 485) and nearly all modern writers.
86 "Mendoza (Lib II, cap XXVI p 130): "Y sin de la parte contraria salía alguno a descubrir y los avisó como su señio a su gente venían sobre ellos, al tal dabanle mantaas y pagabanle bien." Copied by Torquemada (Lib XIV, cap II, p 548), and Velanduarte (Parte II Tercer II, cap III, p 384)
tants of the valley of their annual crops. In order to escape threatened famine, fathers bartered their services and those of their children for food, to such tribes as possessed sufficient stores.

If the consequence of expulsion from the bond of kinship or of voluntary abandonment of the rights as members, were, for the male, a degradation to work for others, it was altogether different for the female. The position of women was, as we have already intimated, little better than that of a costly animal, and protection was awarded them only in so far as they represented a part of their husbands' property. Thus the kin itself was obligated to defend and protect. The wife, however, had no other right than that she could not complain if her lord and master increased his "family-stock" by the addition of one or more concubines, nor if he strayed about to satisfy his desires with other females. Such acts were even subservient to the kin's interest, since they led to an increase of numbers. But the women themselves who gave their persons away for such purposes could only belong to the class of outcasts, for illicit intercourse with wives and daughters of the kins was, as we shall hereafter see, severely punished. Through the formation of the class of outcasts, or at least along with it, prostitution became tolerated among the ancient Mexicans, while polygamy in the shape of concubinage was introduced as a legitimate custom.

67 Besides the famine recorded since the conquest, the older authors and sources in general notice several (at least two) previous to 1520. It is not to our purpose to discuss their dates. They are given with the usual variation and discrepancy. Thus for instance the "Codex Telleriano Remensis" (Kingborough, Vol I plate VII and Vol VI, p 190) mentions one in 1494 (1 English) which is evidently incorrect, since it Tochtli would be 1492. The Se Tochtli that mentioned in 1491. In that year Duran (Cap XXX, p 217) places the beginning of the great drought which, after three years duration, so completely exhausted the Mexican stores and supplies that "wretched chief" the old, ("Huichol Motacaluma") told the people "que cada uno tenga un bultar en remedio" (p 217). In consequence of it, it is reported that many people sold their sons and daughters to the merchants and princes (servitors) of the tribes that had wherewith to give them to eat, and they gave for a baby (or boy rather "niño") a small basket of corn (maize) to the father or mother, obligating themselves to sustain the child as long as the famine might last, but that afterwards the father or mother might wish to redeem if they should be obligated to pay the aliment. This r.-e. was also noted by Teguizpoca (Cap XL, p 64) though with less details. Torquemada (Lib II, cap LXXX, p 203) reports the same but placing it fifty years later, under the last "wretched chief" (Cap CA, p 217) in 1505. A. D. Sahayan (Lib VIII, cap I, p 269) agrees with Duran and Teguizpoca, so does Clavigero (Lib I, cap XIV, p 263). "Many sold themselves for food." This date is also 1491-1494. It is singular that Torquemada (Lib II, cap XLVII, p 150) also relates the famine under the older "wretched chief," and his words are almost verbatim copied by Clavigero.

68 The possession of more than one woman, or rather the enjoyment of more than
We thus witness, among the ancient Mexicans and beneath the kins composing the tribe, a lower class of society, a floating
one, was a mere matter of subsistence. As already remarked by Peter Martyr (Dec. V cap X, p 282) "He further saith, that the common sort of people content themselves with one wife, but that every prince may maintain his harlots at his pleasure." Comarru (Compastra et, Velza I, p 438) "Cuatro cautu-uel dan para tener tantas mujeres la primera es el viento de la carne en que mucho se deleitan, la segunda es por tener muchos hijos, la tercera por reputación y servicio, la cuarta por gradieria, y esta postera son más que otros, los hombres de guerra, los de palacio, los Halga zanos y tamás, hacen las trabajas como esclavas, etc." The same author adds "Aunque tienen muchas mujeres, no más tienen por legitimas, otras por amigas, y otras por mancha." Amiga llama a la que después de casados demandaban y manchaba a la que ellos se tomaban. According to this statement, a husband could entertain three classes of women: one legitimate wife, one which he obtained with permission of their parents and prostitutes or mistresses; and a third, Decueta de Torquemada, however (Lob XII cap III, p 156), says Otra especie de mancha basta, y se permita, que era la que los señores principales o las tomaran ellos, o las pedían después de casados con la Señora, y mujer legítima, que llamaban chau- paúchi. This reduces the "stock" to two kinds at least. Molinera (Part II, cap VII, pp 121-128) mentions polygamy as a rule and describes the minute trouble of the priests to find out the legitimate wife, assuming it to be "aquella con quien estaba en su gentilidad primero habían contado matrimonio." (p 127) According to him the first legitimate marriage took place in October, 1256 (p 124) but nevertheless for three of four years afterward "no se celebraban, sino que todos se celebraban con las mujeres que querían, y había algunos que tenían hasta doscientas mujeres, y de ello abajo cada uno tenía las que quería." (p 125) In defense of the state of polygamy the Indians alleged "también las tenían por manera de gradiertia, porque las hacían a todos tesor y hacían mantas y otros objetos de esta manera." (p 125) Molinera (Lob III, cap XLVII and XLVIII, pp 100-106) is very explicit on the same point. He asserts that the early missionaries found "Por otra parte se hallaba que el común de la gente vulgar y pobre no tenían ni habían tomado sino una mujer, sino que los señores y principales, como poderosos, excedían los límites del nudo matrimonial tomando después otras, las que se les antojaba." (p 101) The final result of these trouble-some disputes and investigations is expressed as follows (p. 98): "y que se observaba que en la primera mujer, en cierta cosa, en aquella la legítima, viviendo aquella, otra cualquiera había de ser mancha." The question is as to whether a daughter of any member of the kin could ever lawfully become a concubine or whether this was only the care with female matrils. The stories about 'Handful of Heels' who, his first wife being 'tooth', was subsequently married to a number of daughters of chiefs (see Duran Cap VI, pp 48 and 49 Torquemada Lib II cap XIII p 196), Tolsam, Parte II, That I, cap XI, 270, Churique, Lob III cap III p 194) is manifestly untrue. The object of these subsequent marriages is given as an order to obtain hens to the throne. Now it is well known that there was no succession, but only an "election," consequently there was no such object as the one claimed. The chief certainly had concubines, but there is no evidence to show that he obtained them from the kins. Again we are treated to long descriptions of the dazzling polygamy of the chiefs of Tecuan. For instance, Itiuhuachtli (Histo des Charlemagnes, Cap X, p 309 and 310) relates of a "fasting well," tertuamalcoyotl, from tertuamalcoyotl (Tecuan II 64), and "The way how he had a number of concubines previous to his marriage with an Indian girl of Coatlican. Further on he relates the well known 'Ulah and Balabahbii' story (pp 309-311), attributed to the same chief, and which has been so often recited. His success in office, 'fasting boy,' tertuamalcoyotl, compare the picture of this name in Duran, Loc II 24 and 24. That is, is reported by him to have had 300 concubines. But, besides the queen, he had intercourse with forty.' (Cap LVII, p 33 of 19 Vol) His marriage with that only legitimate spouse is described (Cap LAIV, p 66, Vol II) He is, of course, supported by Torquemada.
population of "hangers-on to the tribe." This class was yet not very numerous, still it grew slowly and steadily. Prohibited from carrying arms, and therefore from taking any part in warfare other than that of carriers and, perhaps, runners, the heavy drudgery of work was at their charge. Even the tillage of lots appears to have been frequently assigned to them, and it may be that what is commonly termed the class of "macchuanas" consisted of the outcasts who improved "talumpa" for the benefit of members of the kin. Besides, it is distinctly implied, if not stated,

(Lib II. cap XLV, pp. 147 f., cap LXII, p. 181, Lib XIII. cap XI., p. 416) H II. Bancroft (Vol II. p. 265) admits two classes of combinations for married people, one of which he calls "the less legitimate wives." Among other authorities, he adduces evidence Otolo (Lib XXXIII. cap I, p. 260) "unesa este Otolo uyuyu muges dentro de su casa con quien el damna. A las quales servian mas de censo en vs." The same statement is also found in Guaneri (Conquesto ...), Verdi I. (p. 441) "las mala muges de su cuerpo, que lo deba de balar sin las que bien pagan, se vendian por esclavos por bien que alguna haga, la venta de los desembarazos, que en quita por las puertas." Torquemada (Lib XIV. cap XVI. p. 560) "Havia también muges que se daban aviendo suelta y libertamente, y por su engano eran muy codicadas, teniendo necesidad de verse curada, y al no poder encontrar, vendian por muchachas muchachas, y por su engano eran muy codicadas, teniendo necesidad de verse curada, y al no poder encontrar, vendian por muchachas." Finally, the Amanceo says (p. 97) "Nelle nostre di questo patrone principale hanno alcune dimentiche il non osservata nelle altre." There is no evidence that a married man could produce the number of his women even with the consent of the parents, in other words, many a girl. But if the latter had, through her own free consent, become abandoned and cast off, then he could associate with her as his mistress without regard to his wife proper. Also, if he might purchase (or rather buy for) a female and afterwards make a combination of her, even if she was of a foreign tribe. Prisoners of war (females) may occasionally have been spared also, but this suggestion rests on very slight evidence (compare "Amanceo," p. 175) and may apply only to prisoners of war purchased from other tribes (Salazar Lib I. cap XIX. p. 12).

"They were the 'manes,'" carriers. The Mexican word is "lanama," from "lanam"—man, and "mama"—to carry a load (Molina, II. p. 51) Don Antonio de Mondaca, "Ila la las Prestaciones personales," etc. p. 138 (Molana, Recueil) Zuniga (pp. 290, 291, and 240) "Lettera de salutare; Salazara, Molinando, Cenign et Guarrara, l'Imprevisio." (Mexico 30 March 1531 in 24 Recueil, etc. pp. 143 and 144) Les Indiens ont de dont temps payé des fidules, il y sont accoutumés.

This is a true suggestion. The majority of descriptions, however, are such that the "manes" may have been, and probably was a member of the kin. Still in such cases, when that member could not improve his host himself, families of "bondmen" may have done the work for him and thus become included in the general picture. Quotations are superfluous since the information is not, as yet, positive enough.
that for actions of merit such people might be re-adopted, and thus restored to their original rights. The anonymous conqueror asserts that the performer of any valorous deed was highly rewarded and made a cheiftain, "even if he was the vilest slave". But without such formal re-adoption, no outcast could emerge from his inferior and unprotected condition. The overwhelming majority of Mexico's aboriginal people, however, consisted of members of the twenty kinds shown to have composed the tribe. These all enjoyed equal rights, consequently all had the same duty. Both right and obligation were governed by the organization of kinship. While it is impossible for us to follow here strictly the order of enumeration of these rights and obligations, established in the admirable researches of M. Morgan, we still can distinctly trace all of them in ancient Mexican society, operating with more or less unimpaired vitality.

The kin claimed the right to name its members. A family name was unknown to the ancient Mexicans, and thus our assertion that the modern family was not yet established among them, acquires further support. Within a few days after the child's birth, its mother in presence of all the neighbors (consequently of the "calpulli" or kin) gave the child a name through the medium of the women assisting her delivery. This name, generally taken from that of the day of birth, had a superstitious bearing, and was to accompany the child during the period of its utter helplessness. A second "naming" took place several

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91 "Relazione di alcune Cose della Nuova Spagna" (Col de Doc., I, p. 371) Torquemada (Lib XIV, cap XVII, p. 566) "y Esclavos hasta que regían y mandaban la casa de su Señor, como hacen los Marrónes."

92 Morgan ("Ancient Society," pp. 71 and 72)

93 Molinari (Trad I, cap V, p. 37) "Todos los Niños cuando nában tomaban nombre del día en que nában" Torquemada (Lib XIII, cap XXII, pp. 454 and 455)

The family name was introduced by the Spaniards, who gave other names at the time of baptism.

94 Molinari (Trad I, cap V, p. 37) Sahagun (Lib IV, cap I, pp. 283 and 284, in general the entire fourth book, which gives a very full idea of all the superstitions connected with birthdays, more especially cap XXXV and XXXVI and Lib VI, cap XXXVII, pp. 217-219) "All the children of the quarter were invited to the festival. En este tiempo que estas cosas se hacían, juntaban los niños de todo aquel barrio, y acababan todas estas ceremonias, entrando en la casa del y tomando la comida que allí les tenían aparejada."

The naming took place in presence of "todos los parientes y vecinos del niño, viejos y viejas" (p. 218) Mendizábal (Lib II, cap XIX, p. 107) "E-los nombres tomaban de los niños o de las niñas, que en aquellas regiones están, y 3 veces de aves y animales y de otras cosas menester, como se es antojaba" (Lib XIII, cap XXXV, p. 267) Torquemada (Lib XIII, cap XX, pp. 450) "Luego hacen convocatoria de todos los Deudos, y Parientes, de los Padres, y de todos los Amigos, y
months later, which was performed by the medicine-man of the
kin. Both of these names were preserved, but if the full-grown
man ever performed some action of merit in the service of the
whole tribe, then the tribe bestowed upon him a third name as
an honorable title attached to his person in reward for his deeds.

It was the duty of the kin to educate or train its members to every
branch of public life. For all public purposes, men only must be
taken into account. This appears obvious from what was said
already concerning the position of women in general. Now each
calpulli, or localized kin, among the ancient Mexicans had, as
we have shown in "Art of War," its "House of the Youth"
("telpuch-call") joined to its "medicine-lodge" or temple. Thither
the boys were brought at an early age, to be instructed in whatever
was needed for after-life. In order to train them bodies they
were held to manual labor, and to the ordinary duties of worship.
The use of weapons was made a prominent object of teaching,
so was the dance and song, the latter coupled with ordinary
Indian rhetorics. These houses of education were under the

Vecinos, que para este acto se junta un y entonces le ponian el nombre. Aiso
(Cap. XXII, p 455, cap. XXIII, p 455) "De la misma manera, que cuando alguna de
estas Indias podía, se unían junta de toda la Parentela y las vecinas y amigas,
de esta misma manera lo acostumbraban hacer para el ingredo Bautismo."*
Gomara
(Conquista)."Vedla I, p 448) "En este lavatorio les ponian nombre, no como queían,
 sino el del mismo día en que nacieron." Tetawurt (Parte II, Traf. III, cap. VIII, p
462)
*This is stated by Gomara (Vedla I, p 448) y donde éstas veces, que son de los
mamis dos, los llevaban al templo, donde un sacerdote que tenía la cuenta y cien-
dario y signos, les daba otro sobrenombre, habiendo muchas ceremonias, y
declaraba las gracias y virtudes del niño, que nombre le ponía, prometiendo atodos los
hijos a los Medoloma (IIR. I, cap. V, p 37) "Después desde años meses presenta-
taban aquellas criaturas en el templo del domino, y daban su nombre, no dejando el que
sobrenombre, y también entonces comen de regocijo,"

Gomara (Vedla, p 448) Medoloma (Traf. I, cap V, p 37) Tzoumasch (Lib. XIII,
cap. XXII, p 461) Claxgero (Lib VI, cap XXXVII, pp 437-438) Dutan (Cap I, pp
96, 97, and 98)

"Art of War," p 101 Relying on Humboldt I assumed fifteen years to be the
age when military instruction began, and the general instruction began much sooner.
See note 98

Gomara (Vedla, p 448) Sahagun (Lib. III, cap IV, cap V, p 268) "Habiendo
entrado en la casa del Telpuchcall el niño, iba dando cargo de huarne, limpiaba la
casa pones huarne, y hace los servicios de penitencia que se obligaba. En costumbre
que a la puerta del sol, todos los muchachos iban a bailar, y danzaban en casa que se
llamaba Cucucaltli y bailarían con los otros muchachos, llegando a los quince años y siendo ya madurado, iba danzar con los muchachos mayores al manto de la lenza, que era necesaria para la casa del Telpuchcall y
Cucuralco y cargaban las muletas para que las llevase a vueltas." (p 269) "La vida
que tenían era muy aspasa."
(Cap VI, pp 270 and 271, Lab. VI, cap XXIX, p
221) and other incidental notices Mendolla (Lib. II, cap. XXIV, pp 124, 125) Torque
special direction of experienced men, called therefore “Speakers of the Youth” (“telpuchtitlaoca”) and “elder brothers” (“teacht-ecauhtin,”) in another capacity. They had not only to provide for the physical training of their pupils, but also for their intellectual development, as far as the state of knowledge permitted. Such places of training were called, also “the place where I grow” (“nezahaltioyan”), or “the place where I learn” (“nemachtioyan.”) It is not true that the youth were constrained to a permanent, almost monastic residence in such houses, but while they improved in common certain special plots of land, in all likelihood the so-called “temple-tracts,” out of which the daily wants of worship were supplied. In connection with this mode of education we have to consider here an objection which cannot fail to be raised against our views.

It is frequently given out as a fact, that besides the “Houses of the Youth” mentioned, there was a special place of education for the children of “noblemen” and this is added as a proof of

moda (Lab IX, cap. XII, pp. 185 and 186) Lab XIII, cap. XXVIII, XXIX and XXX) and others.

*Art of War* (pp. 101, 119 and 120) Mendoza (Lab II cap. XXIV, pp. 124 and 125) “Los otros se llaman como en capitania, porque en cada barrio hubo un capitán de ellos, llamado telpuchtitla, que quiere decir, guardián o capitán de los monarcas.” Torquemada (Lab IX, cap. XII, p. 157) y llamaban un Reydon, que los regia y governaban, que se llamaba Telpuchtitla que quiere decir, guardia o Capitán de los Monarcas el cual Telpuchtitla tenia gran cuidado de doctrineros y enseñadores en buenas costumbres.” Sabogin (Lab III cap. V, p. 209) y se era ya hombre valiente y diestro, elegido para regir a todos los muchachos, y para castigarlos, y entonces se llama “Telpuchtitla.” (Lab VIII, cap. XIII, p. 301) “El también daban de comer á los que se llamaban los muchachos que se llamaban telpuchtitles” (Cap. XVIII, p. 107) “en este lugar se juntaban los maestros de los muchachos que se llamaban telpuchtitles y telpuchtitlotes.” (Als Cap. XXXVIII, p. 143) Valenort: Part II, Triph III, cap. VI, p. 141) y un vector que llamaban Telpuchitla el que habla y guía a los muchachos.” Codex Mendoza (Vol. I of Kingsborough plates 62 and 63).

Sagen usually calls the “teacht-ecauhtle” “ignazdle” or executors of justice. But above we see that he calls the “teacht-ecauhtle” also “masters of the youth.” Both names are corruptions of “teacht-ecauhtle.” It seems (Lab XXXVIII, p. 106) calls the “Ach ecauhtle maestros de armas y de doctrina y de campo” (Cap. LXV, p. 97) “Tras ellos vinieron los que llamaban Achauchuhtle, es decir los telpuchtitles, maestros y maestros de maestros” (Lab LXVI, p. 121) “maestros y maestros y los hicieron juntos como escuelas en cada un barrio que llamaban telpuchtitles” (Lab XXXVIII, p. 114) “Los muchachos de cada barrio a los varios maestros de armas á la escuela de armas telpuchtitles, donde los enseñaban con los escudos armados, y las maneras de combate.” Finally Clavigero (Lab VII, cap. II, p. 452) refers also to the 19th prinie of the Mendoza Codex, representing a boy of fifteen years who is turned over to an “ach acauhtle” or other to be instructed in the art of war.

“Molina (La habielia III, pp. 66 and 72); P. Ignacio de Pavales (“Instrucción Breve sacada del Catálogo Nahuatl.” Report of 1809).”
the existence of a privileged class of nobles. Besides the other evidence which we have mentioned, as against the existence of nobility in ancient Mexico, we shall state here that the place called "calmecac" which is the name given to that supposed "school for the nobles," was in reality something quite different.

Fray Bernardino Sahagún, in his description of the central medicine-lodge or great temple of the Mexican tribe, says that in the house called calmecac those who devoted themselves to "medicine," or to the priesthood were trained for that office and lived in said house along with the medicine-men themselves. There were several buildings or rooms bearing that name, all within the square occupied by what is commonly termed the "great temple of Mexico," and these were the places where the medicine-men and whoever was attached to them and to their offices, actually dwelt. Consequently these places were also

pp.) Zárate (pp. 113-133) asserts that "certain fixed days, the children of landholders had permission to shine their father's labor." That the "temples" were probably identical with those worked by the young men is made evident by Sahagún (Cap. V, Lib. III, p. 221, cap. VIII p. 275). Zárate (p. 113) says: "Ils étaient obligés de ten”

valles aux fortres a ces établissements." Torquemada (Lib. IX cap. XII p. 185) says: "Levan sus Triendas y Heredades para sustento (que deben de ser de las dedicadas al uso, y gasto de los Templos) en ellas sembran, y logran P in para su sustento." Mendizábal (Lib. II cap. XXIV pp. 141 and 129) says: "Governou (Vexia, p. 185) The latter is very plain connecting all the "schools" and then those with the temples.

108 H. Bouchard (Vol II, pp. 243 and 244)Nearly all the older writers call it a higher school, but I shall hereafter discuss those statements. See also Prescott's "Mexico," Book IV, ch. III p. 609.

109 Historical general de las Cosas de Nueva España," (Lib. III. cap. VII, p. 271) "Los sacerdotes, o principales, o ancianos, ofrecían a sus hijos a la casa que se llaman Calmecac, era su intención que allí se crian para que hiciesen ministros de los niños" Id. (Cap IV p. 266) y lo ofrecían a la casa de los niños que se llamen Calmecac para que fueren ministros de ellos y ministros de todo perfecto. But especially (Lib. VI cap. XXXIX, p. 221) "si los principios a la casa Calmecac ve para que hiciesen perfectos de enversa y los doses viviese en limpieza, en humildad y castidad y para que del todo se gran dise de los viejos canales..."

110 The description furnished by Sahagún (Lib VI, Appendix, Relación de los Edificios del Gran Templo de México, pp. 197 to 211) mentions seven eight parts of edifices among which were the following with the name "Calmecac."

The 12th edifice, "Tlalpancalmeac," a shrine to the goddess Cívocaíl and inhabited by three priests, medicine men (p. 201).

14th edifice, Mexico almeac," called by him "a monastery wherein the priests dwelt who served daily in the Ca of Tlaloc" (p. 201)

24th edifice, "Vizcaíno Calmecac," inhabited by the priests of the idol Vizcaíno (p. 205)

27th edifice, "Tlalpanocalmeac," where the priests of the temple dedicated to the goddess Chaac hielo in and in a "monastery." (p. 201)

15th edifice, "Tlamanácome Calmecac," a monastery, inhabited by the priests of the god Tlamatemi (p. 201)

16th edifice, "Tepozco Calmecac," a monastery inhabited, (p. 207)

61st edifice, "Tzommeleco Calmecac," a monastery where dwelt the priests of the god Xuthitecaúl." (p. 207)
the abodes of such men as underwent the severe trials preliminary to their investiture with the rank of chief ("tecutli"). The word "calmecac" is often interpreted as "dark house" but its etymology is probably quite different. In no case, however, was that building a school for a "privileged class of children."

The kin had the right to regulate and to control marriage. We have seen that the obligation to marry rested upon every member of a "calpulli." Where tribal society is still in its pure and original condition marriage in the same kin is absolutely prohibited. The matrimonial customs of the ancient Mexicans were closely scrutinized by the Catholic church, and a rigid investigation by the early missionaries has proven that not only was marriage between close relations strictly prohibited, but it was also discouraged (if not forbidden) between members of the same kin.

In all, seven "calmecac" within the enclosure surrounding the great "house of god" of Mexico-Tenochtitlan Torquemada (Lib VIII, cap XI to XVI) also describes the various places, mentioning "Huitznahua, calmecac," "Casa de reconocimiento, y habitation of the Sacerdotes, and ministers of this house" (p 195) "Tlatzatzinac calmecac," donde vivian y tenian su asistencia los Sacerdotes, y ministros de este dicho Templo" (p 191) "Yopico calmecac," donde habitaban, y se criaban los muchachos" (p 153) "Calmecac"—donde se criavan los niños" (p 149). Besides these statements, the two authors just quoted allude to the Calmeac in the same manner at various places. Sabagun (Lib III, Appendix, cap VII, and especially Cap VIII pp 274-276). Already the title of this chapter is significant. "De las costumbres que se guardaban en la casa que se llamaba Calmecac, donde se criavan los Sacerdotes, y ministros del templo desde niños." Torquemada (Lib XIII, cap XXVIII pp 406-471) Johannes Enserbus Nerenberg ("Historia Natural" Lib VII, cap XXII, pp 143-146). He copies Hernandez who, in turn, almost totally agrees with Sabagun Oviedo (Lib XXXIII, cap X, p 302, Cap L, p 557) Comana (Ved1a 1 p 438).

Alarcón (II, p 16) "Calmecac/tlatollin," "palabras dichas en corolores largos" and "Calmelachitl."

"Habla grande y prolongada, o corolodo de la casa." The word may be decomposed into "caltl"—house and "metayoll"—consanguine relationship, or "mecaltl" a cord of the "House of Tre." 2

204 "Ancient Society" (p 74)

205 Already Motolina (Tit II, cap VII) pictures vividly the difficulties encountered by the priests in regard to regular marriage. The first question to be determined was that of the legitimate spouse. This has already been investigated in a former note. The next question was that of the degrees of consanguinity, or affinity. It was rigidly required into whether, perhaps, custom had sanctioned intermarriage of brothers and sisters. Comana (Ved1a, p 439) "No casan con su madre ni con su hermana, en los común pares, o guardan, aunque algunos se hallan casados con sus propios hermanas," thus admitting the fact that intermarriage of that kind existed. Mendeta (Lib III, cap XVIII, p 405) also concludes that such may have been the ease, and infers that these marriages should be regarded as valid. The question of intermarriage between children of the same issue becomes important through the statements and discussion of Torquemada (Lib XIII, cap VII, p 436) about the matrimonial customs of the Indians of Veracruz. "The Indians of Veracruz were compelled frequently, on account of their customs of relationship, to marry brothers with sisters for this reason. It was not customary for those of one clan, or tribe, to marry the women of the same tribe (pueblo), and thus they sought for them from others, because
H H Bancroft to whom every student of American antiquities must look with a deep feeling of gratitude for his valuable services, says on the subject "marriages between blood relations or those descended from a common ancestor were not allowed." The act of marriage itself was preceded by negotiations on the part of one calpulli (that of the man) with another (that of the woman), the negotiations terminating in something like a purchase of the girl. It is beyond our purpose, at present, to dwell on the

they did not reckon the children born in foreign tribes or lineages as belonging to their family although the mother had issued from them lineage, and the reason for this was that this relationship was only attributed to the men. Now this is a very plain statement and picture of descent in the male line, with the rules of kinship as strongly and fully in vigor as with "descent in the female line" among the Iroquois. The inhabitants of Vera Paz spoke, according to Herrera (Vie IV, cap X, cap XIV, p 229) "various Languages," but they selected one at the instance of the Dominican fathers, "to use it in general." Dr Berton l "Remarks on the Centuries of Ancient Civilization in Central America and their Geographical Instruotion," addresses read 1870, 1876 pp 9 and 10 mentions in Vera Paz three idioms— the "Kekchi" (Alta Verapaz), the "Pokomán" (in the South), and the "Q'eqchi." (Western Verapaz). See also E G Squier (Monogr of Authors who have written on the Languages of Central America) Introd p IX H H Bancroft (Vol III, cap IX p 760) Diego Garcia de Palermo (Report to the King of Spain in 1770) German translation in the late Dr Alonzo Franck's pp 4 and 54) Pimentel (Cuadro de descripción de los Lenguas) etc., Vol I, pp 81-84. The close connection in customs and institutions (see my notes in regard to the calendar of Mexico and Central America) between the Q'eqchi and the Mexicans, and the probable identity of their origin, make it not unlikely that the latter had also the same rule, "not to marry with the tribe or lineage," or rather in the kinship. As every tribe in Mexico consisted of a number of Calpullis, there was no need of selecting the wife from outside of the settlement. The manner of arranging marriages furnishes direct evidence of the fact, that the wife was at least usually from another kinship (See note 109) see especially, he-sides, Sahagun (Lib II, Appendix, p 225)

109 "Notas de hechos" (Vol II, cap VII, p 250)

108 Not only the consent of the young man's parents was requisite but also that of the telpuchilato (speaker to the youth) of his báton or calpulli, i.e. of his kin. This last is abundantly proven. Sahagun (Lib I, cap XXII, pp 152, 153) says The "speaker" was invited to the house and after having "eaten and smoked," "the old parents of the young man and the old men of the báton sat down," and the case was told to them. The "speaker" then took formal leave of the youth "y deciñam al moso en su casa de su padre." (Lib III, Appendix, cap VI, p 271) he again insists that the consent of the maceños de los mañechos was required. Zusi ("Reaport," p 112) "Los maceños de las casa de su mujer, deciñan que an un po no, en dem uandent la autoridad." (p 114) Mendive (Lib II, cap XVIII, p 125) "Llegados a la edad de casarse, pedían licencia para buscar mujer, y sin licencia por maravilla alguna se casaba, y al que lo hacía, demas de darlo su penitencia lo tenían por traidor, diciendo y como apoya." - "Paiquenoles" (Lib XIII, cap XXX) It was the kin of the man that selected the girl, and this solicitation was carried on by women. The committee, however, which brought pressure, comprised also H H Bancroft (Vol II, p 251 and 262) Alonzo Franc's (Lib II, Pts VI, VII) p 477 "Tratado Mexicano," Vol I.) It was necessary to "the community," as so often seen above authorities, and others.

The controlling influence of the kin in matters of marriage was officially recognized, as late as 1775, by the first provincial committee held at Mexico in that year. It was ordained "That since it is customary among the Indians Mazateca to not to marry without permission (licencia) of their principals, not to take any women, unless it
ritual details themselves, but we must lay particular stress on the fact, that the wife became the property of her husband and that she was, as such, placed under the direct protection of his kinsmen. Such marriages could be annulled by mutual consent, provided the kin gave its approbation. In such a case the woman was at liberty to marry again, and also to return to the calpulli from which she issued.\textsuperscript{110}

We might now be expected to cast a glance at the funeral rites of the ancient Mexicans since it was one of the attributes of the kin to enjoy common burial.\textsuperscript{111} But this question is so intimately connected with that of creed and belief that we refrain from trespassing too much on that field. The Mexicans practised cremation and, in the case of warriors slain in battle, at least, it is known that the exercises were conducted by the officers and leaders of each kin, all its members, and not the special relatives and friends only of the deceased, attending the ceremony.\textsuperscript{112} Our knowledge of the burial places of aboriginal Mexico is still very indeli-

\textsuperscript{110} It is singular that some of the earliest ecclesiastical writers imply that there was no rule of repudiation or divorce among the ancient Mexicans. Mendiz\textsuperscript{al} (Lab. III. cap. XLIII. p. 305) The same authority, however, attributes this to the beneficent effects of contact with the Spaniards, in consequence of which the customs of the natives grew more or less dissolute and immoral (p. 304). Zu\textsuperscript{ida} (p. 97) confirms, and Torquemada (Lab. XVI, cap. XXXII. p. 146) copies Mendiz\textsuperscript{al} literally. For the customs of divorce see Zu\textsuperscript{ida} (p. 97), Mendiz\textsuperscript{al} (Lab. III. cap. XLVIII. p. 304), Torquemada (Lab. XIII. cap. XV. pp. 441 and 442). Guanajuato (Veja I. p. 440), Herrera (Dec. III, Lab II. cap. C. XVII. pp. 72 and 73). Ruschenbury ("Religion," p. 190) and others. The division of property mentioned as accompanying the divorce applies only to personal effects, since the wife brought nothing else. See "Interest of Lands," p. 429, and note 107.

The matrimonial customs of the ancient Mexicans will be more thoroughly discussed by me in another monograph subsequent to one on "Religious Beliefs."

\textsuperscript{111} "Ancient Society" (pp. 71 and 83).

\textsuperscript{112} Compare Duran (Cap. XVIII. pp. 154 and 155), and Tizoc (Cap. XV. pp. 35 and 38)
nite, owing, in part, to the treasure-seeking propensities of the Spanish immigrants as well as to the diligence of the clergy in obliterating all objects to which the aborigines attached superstitious notions.

For the same reason we refrain here from entering into a detailed account of the customs of worship. Still we feel obliged to state that the feature of "separate religious rites" so characteristic of society based upon kin, is plainly visible among the ancient Mexicans. There are some very remarkable evidences of this, to which we must allude.

It has already been established at the outset, that each calpulli had "its particular god," which was worshipped, as a tutelary deity, within the territory of that calpulli. Consequently each kin had its particular medicine-lodge or temple. Besides, the last one of the seventy-eight places into which Father Sahagun subdivide the great central "teo calli" of the tribe, is described by him as follows:

"The seventy-eighth edifice was named calpulli, these were small buildings enclosing the inside of the square, these little houses they called calpulli, and there the principals and officials of the republic gathered, to do penance for four days preceding each festival occurring at twenty days interval. Then vigils thus lasted four days, during which time some of them ate at midnight and others at noon."

This statement, which is confirmed (according to the learned Jesuit John Erschelius Nieremberg) by the celebrated physician and naturalist Francisco Hernandez, is followed by another one, not less important, also of Sahagun:

"They offered up many things in the houses which they called "calpulli," which were like churches of the quarters, where those of the same gathered, as well for to sacrifice, as for other ceremonies they were wont to perform."

Thus the right of the kin to "separate worship" appears not

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113 Ancient Society" (p 71)
114 Besides the positive assertions of Sahagun (Lib II, Appendix, p 211 Lib I, cap XIX p 41) "the por un en una de las casas de un don que tenian en los barrios que ellos llamaban calpulli que quiere decir iglesia del barrio o parroquia," and (Lib II, cap XXXVII etc.) we have also the testimony of Junson (Cap V, pp 42 and 43 and Cap I, pp 71 and 80) and Oviedo (Lib XXXII, Cap X p 302)
115 "Historia general." (Lib II, Appendix, p 211)
116 "Historia natural," (Lib VII, cap XXII p 116)
117 "Historia general." (Lib II, Appendix, p 211. See note 114)
only established within that kin's territory, but it is also recognized even at the central medicine-lodge of the tribe.

A further evidence of it is found in the manner of distribution of the captives, upon the return of a successful war-party. It is known that prisoners were always offered up to the idols. Such a person, therefore, as soon as secured, became an object of "medicine," he was so to say a sacred object. Well treated as long as he was not needed for the slaughter-block, nothing could in the end save him from sacrifice. But this sacrifice itself was not made in behalf of his captor, but on behalf and for the kin to whom the captor belonged. Therefore upon arrival at the pueblo, the prisoners of war were turned over to the respective calpulli as they share thus furnishing another illustration of "Separate Rites of Worship" of the kins composing the ancient Mexicans. 118

Having already discussed, in a former paper, the tenure of Lands and customs of Inheritance 119 we now pass on to one of the most essential features of tribal society, and one which involves some of the vital points of organization and customs.

The kin was obligated to protect and defend the persons and property of its members, and to resent and punish any injury done to them, as if it were a crime committed against the kin itself. 120

The impression justly prevails, that the so-called "penal code" of the Mexicans was simple but severe, death being, in most instances, the punishment of offenders. This resulted, in a great measure, from the fact that any offence against an individual

317 Mendetta (Lib II, cap XXVII p 142), rather contradicts himself when he says just that the captive belonged to his captor, but at the same time that this captor was even killed if he gave away his prisoner to another man. Second that each one had to watch his own prisoners, and at the same time they were guarded in common. And at the risk of the "barrido" or kin which was responsible for their safe keeping Torquemada (Lib XIV, cap III p 509) copies this almost literally. Much more positive and clear is Duran (Cap XIX pp 172 and 175) 120mando Thoaciel repartir los cautivos, porque eran muchos por todos los bairros y que cada bairro se emargaza de guardar y sustentar tanto. 318 Los mandones de los bairros repartian los prendos a cada bairro, a como los camas. (Cap XVI p 186) 121Montecenaus los mandana vestir y atarían y llamavan a los calpasques, que son los mandonillos de los bairros y emarganadas para que tuvieren cuidado de ellos, quedando que cada la merced del sol, siendo de la tierra que los diera para el sacrificio. (14, cap XXII, p 192 Cap XXVIII, p 287) "luego fueron repartidos entre los bairros y encomiendas a los mandonillos." (Cap XLII p 334, etc.) Tecoamor ("Cremona," cap XXIX, p 47, XXXII p 51, XXXIII, p 51, XXXVIII, p 61, XLIX p 89, etc.) confirms Duran as might be expected.


became, according to rules of kinship, one against the social group to which he belonged. This presupposes again a general division of crimes into two classes, one of which includes such as were committed by members of the kin against other members thereof or against institutions of the same group to which they belonged. The other comprises offenses committed by inhabitants of one calpulli against those of another. It is only the first class which we take under consideration here, the second we reserve for our discussion of the mode of government. Crimes committed within the kin can be classified as against persons, against property, and against medicine.

The aborigines of Mexico are generally represented as being, in their every-day's intercourse, of a quiet, peaceable, inoffensive disposition, contrasting strongly with their savage ferocity in warfare. This was not however due to any innate gentleness and mildness of nature, but only to the peculiar restraint enforced upon them by the law of retaliation or revenge. Brawls resulting in bodily injury were therefore of extremely rare occurrence, and then it was left to the parties to settle it among themselves. In such cases, as in the event of mutual jealousy, a challenge often passed between them, and this challenge brought about an encounter at the next campaign when, while the warriors were engaged with the enemies of the tribe, the contestants fought as if they had belonged to opposite camps, until one of them

121 The character of the Mexican Aborigines is variously depicted by other writers. It appears as a mixture of childlike docility and fierce passions. Cortés ("Carta Segunda," p. 18; Vedaú Vol. I) speaks of them according to the reports of the Tlaxcaltecas. Bernal Díaz ("Historia," pp. 304 and 310; Cap. CCLVIII; Vedaú II) specially dwells on their vices and their cruelty, as evidenced in their sacrifices. "El Conquistador Aquemnos" (Col. de Documentos, I, pp. 371, 884, 887 and 857), places great stress on their ferocity, although he also says that they are very obedient. The missionaries generally extant their good qualities - their docility and faithfulness. Compare Motolinia (Tit I, cap. XIV, pp. 70 and 77). The same (Tit II, cap. II, pp. 20 and 21) mentions, however, their vices also, attributing nearly all of them (ordinarily excepted) to their inclination towards intemperance. (Tit II, cap. XV, p. 114) "lo que de esta generación se puede decir es que son muy extranos de nuestra condición." Zurita (p. 195-207) is very bitter against such as treat the Indians as barbarians (Id., 42 and 43). Mendíeta (Lib. III, cap. XLIII, p. 290) says that they were very willing to forgive and ask to be forgiven, the latter taking place before going to contest themselves, sometimes before all the relationship and the neighbors. "Algunos juntos (al tiempo que se quieren...toda su patrieta y vecinos con quien comunica y pedidos piden en la maternidad." Against this, it is reported by Torquemada (Lib. XIV, cap. I, p. 585), that these people were naturally more vindictive than all the rest of the world. Compare also the description of the character of the Mexicans in Clavigero (Lib. I, cap. XV).
was disabled or until he voluntarily withdrew. Slanderers, however, were punished by the kin, having their lips cut off or publicly shielded. Homicide, and murder, were invariably punished by death.

Intemperance in public was free to people more than seventy years old, while if grown men below that age appeared in a drunken state (festivities excepted), their heads were shown clean in punishment. But whenever the delinquent was a chief he was publicly degraded, and any officer was forthwith removed and relieved of his duties. Women who attempted to act as

122 *Gomera* (Vda. I, p. 410) "No se toman armas uno en la guerra, y ahi avengan sus penurias por desafios." *Bartolomé de las Casas* (*Historia Apologética de Indias*), cap 23 and 24. Vol VIII of Loud Kingsborough note XLV, p. 121, By standers interfered separating the parties, if they came to blows. *Molotzuma* (Tlat I cap II, p. 25), says that such strife and quarrels only occurred when they were drunk. "Ya tenia de esto los hombres en los pecados, que cuando iban mucho se empujan uno a otro, y apenas nunca dan veces, sino es las mujeres que algunos veces ebben dan gigos." (Cap XIV p. 76) *Sin renuncios ni menudos pasan sin viola* "Torquemada" (Lib XII, cap XV, pp. 398 and 399.) *Herrera* (Dec II, Lib IV, cap XVI, p. 190).

123 *Zutida*. "Reporte," etc., pp. 129 and 130 speaks only of children punished by splitting the lips for laviing. This is copied by *Herrera* (Dec II, Lib IV, cap XVI, p. 190) and *Torquemada* (Lib XIII, cap XXX, p. 478) *Velancurit*: (Part II, Trat III, p. 482) however declares the punishment to have been meted out to adults, adding "today there would be many without lips, so much do they he." *Gomera* ("Contrapues* p. 488, Vda. I) speaks of this punishment as having been instituted in Quetzalcoatin, and for adults as well as for children. Thus, attributing it to Quetzalcoatin is, an evident error. Compare *Sahagun* (Lib III, cap III, p. 264) *Clavigero* (Lib VII cap XVIII, p. 489), is positive about adults "Busquen sitio: (Zeeco," p. 395) says that slanders were killed.

124 *Las Casas* ("Historia Apologética" cap 21; Kingsb Vol VIII, p. 121.) *Destos* era el que mataba uno a otro, el cual mataba por ello "Gomera" (Vda. I, p. 412) "Malan mal melacho sin excepcion ninguna." *Moneda* (Lib II, cap XXIX, p. 139), "Sustenian a miento a los que comian emores y graves delitos nos como a los homicidas. El que mataba otro monto por ello." *Torquemada* (Lib XII, cap XVIII, p. 373) almost copies the preceding. Nearly all the authors agree on this point, except, according to Mr. Bancroft ("Nature Races," Vol II, p. 470 note 59) Duan, who is said to assert "that the misdeeds did not suffer death but became the slave for life of the wife or relatives of the deceased." In this Duan agrees with the "Cédice Romeres." *Velancurit* ("Indios," Vol I, p. 485) says that even for murder committed in a drunken state, the culprit was killed (hang). *Clavigero* (Lib VII, cap XVIII, p. 481) briefly states that all homicide was punished with death. As to the manner of execution, it is variously stated. It would be un-safe to attempt going into detail.

125 It is well known that there was an idol for the drunkards. *Sahagun* (Lib I, cap XXII, p. 40) even gives the name of thirteen "dioses del vino." According to *Gregorio Guan* ("Origen de los Indios") etc Lib III cap II, XVI, p. 92, who mentions an *ayto* or *ayto* of the drunkards in *Sahagun*. "Este es lo que en los Indios Mexicano nos ha sido en un apunte." They had three hundred gods of the drunkards and a thousand gods of the drunkards, which among the *Torquemada* (Lib I, cap XXIX, p. 58) and others. The punishments are given by me after *Moneda* (Lib II, cap XXX, pp. 119 and 140).* Velancurit* (Vol I, p. 485) *Clavigero* (Lib...
processes were severely punished, though not with loss of life.\textsuperscript{126}

While clandestine relations between young men and girls were known to exist and, if not sanctioned, still not punished,\textsuperscript{127} it was different if a married man attempted to seduce a maiden who was not an outcast. The seducer was invariably punished.\textsuperscript{128} Intercourse between unmarried people was tolerated, as a preliminary to marriage and the consequent increase of kinship, but if a husband, in contravention of the obligation "not to marry in the kin," endeavored to satisfy his lusts upon one of that kin's wards, as the daughters of members all were, then he committed

\textit{VII, cap XVII p 488} all afirm besides, that young people while yet in care of the "houses of training," if intoxicated, were killed. This is also continued by \textit{Sahaguen} (Lib III appendix cap VI, pp 270 and 271). Except in \textit{Mendoza} (Lib IV, cap II pp 23 and 24), it is generally conceded that drunkenness was well controlled in aboriginal Mexico.

\textsuperscript{126} Although prostitution was tolerated, still houses of ill fame did not exist, \textit{Torquemada} (Lib XII, cap II p 176). "Esto pareció porque no estaban con los que querían, y se andaba mucha voltereta, y gambazona, como las de nuestra España y otras tierras, pues que no tenían casa señalada, ni pública para la ejecución de un mal oficio sino que cada quien makaba donde le parecía, y el actor de honesto, en que se ocupaba, servía de lugar público y en el mismo sitio se hacía pública y se manifestaba." \textit{Vicente} (Vol I p 489). "Perturban los mexicanos, mujeres que se olviesen con sus cuerpos, aunque no tenían lugares señalados." It is, therefore, not quite clear what may be meant by the term "abahuitl." In the sense of the French word "entreteneuse," alone, they were unmentionable to punishment since it was the duty of the man to hunt his "female" although he sometimes employed women called "amansnafig" for that purpose. I suppose that such women were punished, not for the immorality of their conduct but for their unauthorized forwardness in addressing themselves to men, and thus trespassing upon the dignity of their superior being. In regard to authorities on the mode of punishment, I but refer to those quoted by \textit{M. H. E. Dunant} (Vol II p 469, note 101).

\textsuperscript{127} I have already shown that young people held intimate relations with each other before the preliminaries of marriage were arranged. Thus while he was yet at the "Telpuachiltl" the youth had his female friend "amansnafig" or "mancocha" outside. This is positively stated by \textit{Sahaguen} (Lib III appendix, cap VI p 271) y estos mancochas tenían sus amansnafig cada uno dos o tres, que una tenían en su casa, y las otras estaban en las de sus familias. And \textit{Torquemada} (Lib XII, cap III, p 176) that these female friends were regarded with more than a feeling of platonic love, is directly expressed by \textit{Sahaguen} (Lib IV, cap V p 270) "y los que eran amansnafig se amaban con sus amansnafig." It is also asserted by \textit{Torquemada} (se above) "que después que aquel mancocha haya un hijo en la dicha mancocha luego lo cria bien, o dejaría, o resistirá por mucho tiempo," \textit{Vicente} (Vol I, p 489) los mancochas antes de casarse tenían sus mancochas y solían pedir las mismas. This almost establishes promiscuity among the aboriginal Mexicans as a preliminary to formal marriage.

\textsuperscript{128} \textit{Chayeno} (Lib VII, cap XVII, p 485) says that the punishment was not like that of the adulterer, "because the husband was not required to the same amount of conjugal fidelity as the wife." With "slaves" cohabitation was permitted and the result of childbirth was freedom to the child. Death was invariably the punishment of those who held, or attempted to hold, intercourse with girls in care of the house of worship. \textit{Zuda} (p 106, etc.) \textit{Mendibuc} (Lib II, cap XXIX, p 146) "Un que hace fuerza a una en el campo, o en casa del padre muere por ello."
a crime which the calpulli was bound to punish in the most exemplary manner.

While we are not at all surprised at such severity in the cases above stated, it cannot fail to astonish us, that such apparently harmless acts as those of a man wearing female dress and of a woman appearing in male attire were visited upon the offenders with death. Still, the ancient Mexicans could assign from their peculiar point of departure good cause for such cruel punishments. The position of woman was so inferior, they were regarded as so far beneath the male, that the most degrading epithet that could be applied to any Mexican, aside from calling him a dog, was that of "woman." It was more injurious than coward. Now, for a man to assume the garb of such an inferior being became almost equivalent to a crime against nature. It was an act of wilful degradation which was a deadly insult to his own kin. On the other hand, if a woman presumed to don the dress of her lord and master, it again was a crime of an equally heinous nature. In both cases the dignity of the whole consanguine group became deeply affected, and death alone could satisfy its honor. After this, it is needless to say how the actual crimes against nature were regarded and punished.

It was also a capital crime for any man, to assume the dress or ornaments peculiar to an office, without being himself that office's lawful incumbent. Besides being a grave insult to the rightful officer, it was a dangerous offence towards the kin, especially in case of war, when it amounted to actual treason.

Since it was the kin's duty to protect, not only the persons, but also the property of its members, it follows that adultery committed with a married woman entailed deadly punishment upon the male, whether he was married or not. His crime was that of stealing the most precious chattel of one member of the calpulli.

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129 This is so generally mentioned by all authors, that special references are superfluous.

130 All authors insist that incest was punished with death. Torquemada (Lib XII, cap IV, p 180) "Todas las que cometen incesto en el primer grado de consanguinidad, tenían pena de muerte, si no fueran cuñados y cuñadas." Mendibert (Lib II, cap XXIX, p 115). Vetancurt (Vol I, p 485). All these authors appear to have gathered their information from the same source, or rather Torquemada is frequently Mendibert's plagiarist, while Vetancurt often copies Torquemada. To avoid superfluous quotation, I beg to refer on the subject of "unnatural crimes" to Bancroft (Vol II, pp 466, 467 and 468, "Native Races").

131 Mendibert (Lib II, cap XXVII, p 132), copied by Torquemada (Lib XIV, cap III, p 540), Duran (Cap XXVI, pp 214, 215 and 219), and others.
The woman, as participant in the offence, was also killed. Both were executed in public. Theft of objects was variously punished. If the article was of small value and could be returned, its restitution settled the matter, but if it were of greater value and could not be returned, then the thief became "bondman" to the injured owner or, even, suffered death for his crime. The

128 If, however, the husband killed the wife himself, even if he caught her flagrante delicto, he lost his own life. This shows clearly, that the crime was considered as one not so much against the woman as against the cluster of kindness to which she belonged, and they were consequently only bound but entitled to avenge it. Evidence of this punishment of the injured husband in cases he avenged himself, is found in many authors. See Mendelssohn (Lib II, cap XXIX, p 486), Torguesworth (Lib XII, cap IV, p 758), Chastigno (Lib VII, cap XVII, p 481), and H. H. Beauchef (Vol II, p 465)

In strange contrast with the frequent assertions of the high-minded manner in which the chiefs are said to have used, at that time and good pleasure, the women of the land, as for instance in Gomara (Vol I, pp 448 and 449), Motelena (Prat II, cap VII, p 125) and others, we find it positively stated that adultery and rape were severely punished even in the case of the highest officers and chiefs. Thus, the case of the chief of Hawallan, who was executed for adultery, is related with full details by Las Casas (Hit apologetic, cap 211, in Vol Vili, of Kingsborough, p 125), Zamora (pp 107 and 108) and Torguesworth. Another story of a son of the chief of Taraco killed in intercourse with girls, then, in the houses of worship, is also fully given (Hit de Chichemquez, Cap XXIX, pp 35-420). Torguesworth (Lib II, cap LXV, p 189) etc. These are strange contradictions and are, sometimes, found even between fact and fact as told by the same author.

124 Gomara (Vol I, p 412), says "El ladron era esclavo por el primer huto"; but this is not sustained by others in the case of small thefts. For instance, Mendelssohn (Lib II, cap XXIX, p 182) "El ladron que hurtaba huto notabile, por la primera vez era hecho esclava" Torguesworth (Lib XII, cap V, p 381) but especially (Lib XIV, cap XXI, p 591) "A que hurtaba pequeños hurtos sin endurecerlo frecuentemente con pagar lo que hurtaba hasta pago." Chastigno (Lib VII, cap XVII).

The statements are positive in that effect Mendelssohn (Lib II, cap XXIX, p 138), Torguesworth (Lib XII, cap V, p 381) Ternacnel (Vol I, p 481) "Amnínus" (Gal de Doel, cap I, pp 88) exageretes "De lourd de successions desvairé par les Indiens" Mr. Tenamys Companys' translation of a spaniards M. (1st Recueil, p 220) contains the "among mourns." Fray Francisco de Bologna (Lettres au R P Chievoll de Monibus, 1st Recueil p 211) tells nothing of these cases in the punishments that inflicted upon the companies. Gabriel de Cheva (Repart sur la province de Missouri, 1st French translation by Mr. Tenamys 2nd Recueil, p 812—original held by St. Isidore's) Herrera (Duc IV, Lib IV, cap VII p 127), about Nicaragua. "Costaban los cabeces al Ladron, reputaban Elclaro del Dueno de la hurtada, hasta que pagase" (Lib III, cap XV, p 181) al Izcalan "con los bienes del Ladron desprise de justicado, sat instan al aggiunto Istelchochit (Hit de Chichemquez, Cap XXVIII, p 260) "Celus qui volait dans les villages ou dans les maisons devenait l'esclave du voila, quand il taisait pas comme d'habitation et que le voila de pas d'importance, dans le cas contre il chant paleau." C. Ortiz (Appendix to Vejer, Vol III, p 255) "Car siempre se castiga con pena de muerte, a menos que de la parte olvidada conviniese en ser inmune por el ladron. Tambien tenia el ladron la pena de ser esclavo del don de lo que robara si esto no lo queria, era vendido por los jueces, y con su precio se pagaba el ruido." Bustamante (Lettres, Parte III, cap I, p 197) Several of the authors above quoted relate the well-known tale about "worthy chief" (Montezuma) picking some ears of corn in a gardenplot, for which he was ap-
duration of this bond, whether for certain time or for life, is not stated. If any one changed the limits (lines) of the individual lots ("talmilpa"), or of the official tracts, he lost his life. His offence was not so much against the occupant as against the kin, who had fixed the destination of each particular plot of land, and determined its boundaries. It is also mentioned that "he who squandered the property of minors left to his care" suffered death for it. The case could only be that of an oldest son, or of a father's brother, in whose care the "talmilpa" improved by the deceased was left, to be improved for the benefit of the latter's children. If now this warden failed to have that lot tilled for two years, it became lost to his wards, who were thereby left without means of subsistence. There was no restitution possible, therefore the negligent administrator paid with his life for the neglect.

In general, we discern the ruling principle that for theft there were but two ways of atonement. One consisted in the return of the stolen property, and if that was no longer possible, then the person of the thief had to suffer for it. Wherever no bodily labor could replace the value of the loss (as in the last case mentioned) the life of the criminal became forfeited to the kin, since the sufferers looked to that cluster for redress. This carries us

prehended by its owner or at least occupant. This story shows that no chief was exempt from punishment even for slight misdeemors.

I refer to Torquemada (Lib XIV, cap XXI, p. 344) Betancur ("Testo," Vol I, p. 485), Borratamea ("Testo," p. 95) for the assertion that the kin of the thief asssisted him in discharging the penalty for his crime. The former asserts that no one of that kind of property, three or four times, the parents were left to the care of the deceased son, or of a father's brother, in whose care the "talmilpa" improved by the deceased was left, to be improved for the benefit of the latter's children. If now this warden failed to have that lot tilled for two years, it became lost to the wards, who were thereby left without means of subsistence. There was no restitution possible, therefore the negligent administrator paid with his life for the neglect.

135 To the authorities so frequently quoted on other subjects, I will add here Letilzochitl ("Relaciones históricas," Vol IX, Lord Kingsborough, p. 397).
136 Torquemada (Lib XII, cap VII, p. 386) calls this an "extravagant law." Further quotations useless.

137 It is stated by A de Betancut ("Testo Maravillo," Vol I, p. 481) "En los nuestros era muy general que siendo cosa de valor tenían poco de mente, y si la parte se convenia, pagaba en muchas la cantidad al dueño y otra más para el fisco real, a esto acudían los parientes. This "obligation to help" on the part of the kin we have already met with in the case of marriage, where the kin assisted the newly married couple (See Zarda, "Repas," p. 132) "Si le jeune homme était pauvre, la communauté ou les aunts, etc. élève le fiancé." We had it subsisting after the conquest, as when an Indian died, leaving debts, his kinship paid them for his estate (which in most cases was insolvent), or "worked it out for him." This is asserted as follows by Fray Agustín David Padilla ("Historia de la Fundación y Discursos de la Provincia de
to a class of thefts and other similar offenses, committed against worship or "medicine."

Any attempt at seduction of a female who had taken the pledge of chastity in behalf of medicine, was most cruelly punished, both in the persons of the seducer and the female, and if a medicine-man broke his vows, he suffered a horrible death. We have already mentioned that it was a capital crime on the part of a warrior to take for himself a prisoner of war secured by another. Such cases occurred only during an engagement or immediately after it. Why an action of that kind should entail so rigorous a punishment can be easily inferred, if we recollect that a captive of that kind became at once sacred—an object of medicine. No return could alone fort the offence, since it had been committed against the "rites of worship," one of the kins's most sacred and important attributes. Under the same head must be placed the capital punishment of such as wrongfully appropriated to themselves gold or silver. Both of these metals were regarded as objects of medicine, and whoever seized them unlawfully, committed a crime against worship also.

Santiago de M. ex.," 2d Ed. 1625, Lib I, cap XXVI, p 81. "Si muere alguno dellos con deudas, como si los deudos las heredassen en paterno de deudas y deudas en el nombre, pregunta luego entre los padres de aquellos pueblos, porque el animal de su dudrno no dilate la entraida en el cuello. Y si usen cuidado para pagar, procuran que se pordone la denda, y son salvos con esta traza, se dan luego todos en servicio al atacador hasta que del todo se pague lo que el dudrno deixa. Viviendo yo en el colegio de San Luis, de predicadores el ano de 1789, sucedo mucha un indio que trabajaba en aquel sumptuoso edificio en el muy distinto camino, ama terribile moneros adelantados, y quanto mucho queda de devorando veinte pesos, o sedales de azote. Viniendo luego al colegio los padres reclamaba la deudas, y dictando que los ocuperan en servicio del colegio para que se descontase lo que su dudrno deixa. No se les daba mucho a los padres del colegio por cobrar estos moneuros, porque dones de seis pocos no parecia que aula modo para cobrarlos, y más por acabo la devoracion de los deudos le divirtieron a uno que vienes a arribar en la fuerta. En eui, malhumoso el cuidado del indio, ansi en veran cada dia como en veran muy de mierda, y preguntandole un religioso la causa de su cuidado dijo que lo temia porque su padre se incesa al cuello y desde alli se acerbe con Dios y no estuviese en el mismo consuelo, que los predicadores llamau pronto otro."

My friend Col. F. Becker, to whom I communicated the above, at once recognized it as an allusion to the ancient Rantons—"German Burjchait." He called my attention to the remarkable organization of the Germans. Compare Ledge ("Geschichtc," etc., Vol. I, p. 392) which valuable source I also owe to the kindness of the distinguished German priest.

"In regard to "priests" it is also stated that they were merely degraded and cast away, but this is hardly probable since the higher the position of the outcast, the severer was his punishment.


"Menfica (Lib II, cap XXIX, p. 138) Vetamort (Vol I, p. 481) Al que huttaba
In the above review of those offences and their punishments, immediately connected with that rule of tribal society which places the persons and property of the members of a kin under that kin’s special protection, we cannot pretend to have furnished more than illustrations, and not at all a full catalogue. Still, enough has been told, we believe, to explain what is frequently styled the “penal code” of the ancient Mexicans. It is well known, that no actual written laws existed, but on the other hand, at the time of the Spanish conquest, the natives still had a large number of paintings which represented their own manners and customs. Since a considerable proportion of these picture-leaves bore on the same subjects, the inference could be easily drawn that they indicated forms for the guidance of the people, or in other words, that they were a substitute for a written code. This was not at all then object. They were simply efforts of native art intended to represent scenes of everyday life, since these were the most handy subjects for such purposes. Therefore such pictures are to be regarded as convenient remains of aboriginal art, out of which many details concerning aboriginal customs may be gathered, but not as “official” sources, from which to seek information as to the “law of the land.”

plata y oro se desollaban vivo y sacrificaban al dios de los plateros, que llamaban Xipe, y lo sacaban por las calles para escamoteo de otros, por ser el dentro contra el dios fingido.” This sacrifice to one particular idol, however, is neither mentioned by Torquemada nor by his predecessors and main source, Mendieta. Clavigero (Lib VII, cap XVII, p. 487) copies Velázquez almost verbatim: “So does Ortega (Vol. III, p. 225, Appendix to Veytia’s “Hist Antigua”), Buadante (“Tezcozc,” p. 150) copies the former again. Still it is singular that the older the source, that is, the nearer in date to the time of the conquest, the less positive it is on the point of sacrifice. It will be safe to admit that the criminal was killed for a crime committed against worship, without insisting upon a particular place or mode of punishment.

144 Elsewhere (“On the Sources for Aboriginal History of Spanish America,” in Vol. XXVII of the Proceedings of the American Association for Advancement of Science,” 1878) I have attempted a discussion of the nature of Mexican paintings, and of their value as sources of history. I will add here but two positive declarations, on the subjects of the paintings, which I had not noticed at the time the above paper was read at St. Louis, Missouri Aug. 1878 Juan de Solorzano Torreya (“Disputationem de Indiarum Jure” 1629, Vol. I, Lib. II, cap. VIII, p. 371, § 96): “Quod de Phenecibus tradit etiam Lucanus et in Mexicani nostri experto fuisse, qui non litteris, magnisibus tamen, et figulis ea omnia, quae ibi memoriae vulnerablem, significant, et conservabant” The other is of recent date, being taken from a discourse of mine before the “Academia Mexicana,” by my friend Señor D. J. G. Icazbalceta (“Las Bibliotecas de Espíritu y de Bertulay,” p. 53 of No. 4, Vol. I, of “Memorias de la Academia”): “El antiguo pueblo que seulpaba este suelo no conocía las letras, y con eso era dicho que no podía tener escritores ni literatura. Su imperfectísimo sistema de representar los objetos ideales, tema que limitarse a satisfacer, hasta donde podía, las necesidades mas urgentes de la sociedad, sin aspirar a otra cosa. Así es que no se empleaba sino en registrar los tributos de los pueblos, en señalar los límites de las
In this rapid sketch, we have failed to find, among aboriginal modes of punishment, two which were common to almost every nation of the old world, namely, whipping, and imprisonment.

Whipping, beating, or lashing was, among the Mexicans as well as amongst all American natives, known only as a deadly insult. It is nevertheless true that the Mendoza Codex contains pictures representing a Mexican father who applies to a son the rod of punishment. Again, the candidate for the office of chief had to endure beating along with the other sufferings incident to his time of trial. But no "bondman" was ever whipped or flogged, neither was a criminal subjected to this degrading penalty, for which death would have been a thousand times preferable.

The Mexicans had places of confinement—dark and gloomy recesses with entrances compared to "pigeon-holes." Every official building, and also the places of worship contained them. They were called "place of the taken one," Telpiloyan, "place of entombment or confinement," Tecaltzaquiloyan, and "house of wood." Quauhealth. The latter, which is particularly described as a wooden cage placed within a dark chamber, was reserved for those whose doom was sealed, whether they were criminals sentenced to immediate execution, or captives to

heredades en recordar las ceremonias de la religión y en contribuir a conservar la memoria de los sucesos más notables, que aún con ese vuelo habían pasado, a no perpetuarse en las tradiciones recogidas por los primeros predicadores del Evangelio."

"Mendoza Codex," (Kingsborough, Vol. I., plates LX, p. 362), Claargeo (Lab VIII, p. 472), etc., etc.

"It was no dishonor to suffer torture, but whipping was a deadly insult, as among other Indians." 145

"Mendoza Codex" (Lab II, cap XXVIII, p. 157) - "Tequipaaia (Lab XI, cap XXIX, p. 362) Claargeo (Lab VIII, p. 472), etc., etc.

"It is no dishonor to suffer torture, but whipping was a deadly insult, as among other Indians." 145

"Mendoza Codex" (Lab II, cap XXIX, p. 157) - "Tenían las carceles dentro de una casa oscura y de poca claridad y en ella hacían su jaula o jaula, y la puerta de la casa que es pequeña como puerto de palomas, cerrada por deducir con tabla y animadas grandes piedras." "Tequipaaia (Lab XI, cap XXV, p. 353).

"Molina (II, p. 91), "tequip" — el que puede a empujada a otro — "tequipate" "predimiento fiel" (Id. I, p. 98) "prender" "mexipata." Among the 78 edifices of the great central place of worship Sahagun (Lab II, Appendix, p. 210) mentions one place "Acayta de capín Veracpulul" — está en una casa donde montaban los esclavos que hubieran matado a hombre de los Tlatoquines." (Id., Lab VIII, cap XV, p. 301) Cap XXI, p. 299 mentions "jaula" in connection with the official house of "capán." That the different capulli or "capana" had each its place of confinement is noticed by Díaz en (Cap XXI, p. 187) - "Los calpulques los veían y los ponían en las casas de sus vecindades o del sacerdote de tal barrio."

"Molina (II, p. 91) "Tecalli" a yautli, "casa de boveda." Since the Mexicans had no atoles it means actually a tomb.

"Molina (II, p. 84) "Jaula grande de palo, adonde estaban los presos por sus delitos."
be sacrificed forthwith. The two former kinds of prisons were used for lighter degrees of offenders. At any rate they were but temporary places of detention, for any prisoner left there for any length of time invariably died of hunger, filth, and bad air. Permanent confinement simply meant death.

The execution of all these penalties necessarily presupposed for the kin a regulated administration. It therefore leads us to the governmental machinery proper of the calpulli. The nature of this government is expressed by the following rule of kinship, already found in vigor among more northern Indians:

The kin had the right to elect its officers, as well as the right to remove or depose them for misbehavior.

This at once establishes the calpulli, as we have already stated in several places, to be an autonomous body, enjoying self-government, consequently a democratic organization. The truth of this we intend to show by an investigation of the different offices to which the care of the kin's business was committed.

A convid, consisting of a number of old men, formed the highest authority of the calpulli. How many they were is not stated, but it is probable that their number varied according to that of the members of the kin. Medicine-men may, also, have been members of this body, which held its meetings at intervals in the official house of the "quarier." It exercised criminal jurisdiction as well as civil, and attended to all grave questions affecting the kinship. It is also stated that, on certain occasions, a general meeting of all the members of the calpulli was convened.

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149 No better illustration of the 'Quintilla ala' can be found than that given by H. H. Bancroft ("Native Races," cap. XIV, p. 473, Volume II).

150 The cruel and unwholesome nature of aboriginal places of detention previous to the conquest is amply stated. As it is very justly remarked by Mr. Bancroft (Vol. II, p. 471), 'They had prisons, it is true, and very cruel ones, according to all accounts; but it appears that they were more for the purpose of confining prisoners previous to their trial, or in between their condemnation and execution than for punishment.' To the authorities quoted by the celebrated Californian I will add here in further support of his views and mine: Cumaera (Necho I, p. 442). "Los calaboces eran bajos, inmediatamente para que la gente de entrar y salir." Cumaera (Vol. I, Part II, cap. I, p. 550), "Los calaboces" (Cumaera) cap. XI, p. 150, "mandones llevan a los calaboces, que han ahumado mucho, que en una manera como cuando en el horno, a una persona que les dan de comer por onzas."  

151 Anthropology." (Part II, chapter II, pp. 73, 74, and 75, and Chap. VIII, p. 225, cap. XI, pp. 257 and 258).

152 It is singular that this council of the kin on "gana," while some parts of its functions are preserved in nearly every author, has as a body been so generally overlooked. Zavan (pp. 53 and 54) says, "the chief does nothing without consulting the other old men of the calpulli." Indirect evidence of it is given by Sehapa (Lab. II, cap.
This council however, while it thus united both the highest administrative powers, required other offices for

XXXVII, p 185), in his description of the least of the month 'Izalal'. These 'old men' reappear again in connection with celebrations affecting the calpulli, at least occasionally. This council however, still existed at a recent date (1871) among the natives of Guatemala. Si D Juan Guzman, the City of Guatemala (La Nueva) writes to me under date of 11th March, 1871: 'Cuando en el pueblo hay varias parcialidades o calpullis, cada una de ellas tiene su calpulli o consenso de su numero de Ancianos y estos reunidos eligen las Autoridades comunales del pueblo, nombrando tambien audos de sus autoridades. En las diversas parcialidades'. In his Introduction to the 'Real Espejo' (Col de Don II, pp XII and XIII), the late Sr. Jose F. Ramirez attributes the creation of an elective municipal council to an act of policy of the Spanish government. It is clear, however, from the authors of the XIX century, especially from Zuniga, that this 'democratic element' ('el elemento democracia') as Sr. Ramirez calls it, was an abon ex novo. Therefore the council still subsisting in Guatemala is an original feature, with changes in names and functions made to suit the laws of Spain. Ramirez de Fonseca (Letter of 11 Nov., 1874) says 'con los oficiales de Ayuntamiento se relevaron de las personas que cededan sus derechos, y se pusieron a favor de los habitantes del pueblo. Sin embargo, de los anteriores, las iglesias, el ayuntamiento en el Estado Exéquias Procesan Como de Montes Rego, substituido el mando, en el progreso de los negocios sobre la adhesión, mantuvieron su apoyo en sus actos frecuentes, obligaciones y actos. Todo esto ejemplifica que se comuniquen los acontecimientos de la misma manera que se comuniquen las demás noticias. This was published in 1669.

In all likelihood there was no regular time of meeting of these 'old men'. They met as emergency required, and as they were called together. There is even a trace of a general meeting of the inhabitants of a calpulli, in Zuniga (p 62): 'Dans ces communautés les habitants du calpulli se réunissent pour toutes les intérêts communs, et exécuter la répartition des impôts, etc.' We thus witness in the calpulli the following methods of exercising authority through the joint meeting of all its members for the discussion of matters affecting the whole community, through the 'old men' controlling the regular business, and through what the old authorities called 'theirs' of executive offices, of whom I shall treat hereafter. An important question remains to be examined here namely, whether the calpulli really had as I have asserted, criminal jurisdiction over its members, or whether this pertained to higher officers of the same calpulli.

Against the assumption that questions of life and death could be decided by the 'quarters' 'quartos' or 'calpulli' there is we confess it, apparently weighty evidence. In order to examine this vital question critically, I am compelled to take each author by himself, comparing his various statements (of these are more than one) on the same subject with each other I must premise however, that neither Cortes, nor Andria de Tapia nor别说 the De Castillo mentions having seen any one judge and condemned by the head-man chief of the Mexican tribe. This, however, may be a simple omission on their part.

Subaguan (18h VIII, cap XXV, p 314): 'y los casos muy diminutivos y graves, llevaban los señores que los sentenciaban juntamente con tres principales muy calificados, que con el alcalde y escribían. Los últimos eran los mayores jueces, que ellos llamaban juez techo, estos casaban con gran diligencia las causas que iban a sus manos, y en muchos que esta audiencia que el juez mayor sentenciaba alguna a mucha, luego los entregaban a los jefes de la misma.' Thus is the jurisdiction of the tribal officers only comes into play. But the same author also mentions the
everyday business, who should at the same time be the executors of its decrees. Of these officers there were two, both strictly

power of certain officers of the king to kill in punishment of certain crimes. (Lib III, Appendix, cap VI p 271) If a young man was caught drunk "castigaban dandole de palos hasta matarle, & le daban garrote dentro de todos remedios." This being done in the case of a youth committed to the 'telpurchelel' it necessarily follows that the power to punish by death, was vested in the king to which the particular 'tel

purchelel' belonged.

Zustu (p 101 and 106) intimates rather than asserts that all grave matters involving life and death had to be submitted to the highest 'court of appeals,' "los jueces d'appeal" over which the king presided. But he does not state that this body had exclusive jurisdiction.

Gomara (Veitia I, p 442, "Conquesta") evidently mistake in confounding the gatherings of tribute with judicial offices and says nothing in regard to criminal jurisdiction. His statements will be examined elsewhere.

Menchete (Lib II cap XXVIII, pp 111-116) says that all the "Judges" remained in the official house of each tribe "cada uno de ellos en su propio palacio tenia sus audiencias de orders que determinan las causas y negros que se oficiaban en civilles como criminales, repartidos por sus salas, y de unas habia a peeacion para otras." Further on he says that every eighty days "se sentianiam todos los casos criminales y duraba esta consulta diez o doce dias." Torquemada (Lib XI, cap XXV, pp 522 and 523) is remarkably indefinite on the point. To him, the tribal officers alone appear prominent in the case (Cap XXVI pp 341 and 355), however whereas he fully treats of the judicial organization of Tezcuco enables us to discern the separate jurisdiction of each calpulli. The textual rendering of the whole chapter would be too lengthy, and I must therefore confine myself to abstracts. He begins by saying that, while Tezcuco had fifteen "provinces" subject to it ("nuevas a su señora") "not all of them had supreme Judges" ("pero no en todas hasta jueces de estos inmediatos, y Supremos") Therefore it was ordained that there should be six courts ("audiencias"), like chancery offices ("como chancillerias") in six particular pueblos to which the other said provinces were reduced, and to them they applied from all over the kingdom. He further states that at each of these houses (which he subsequently calls "te palma") were stored the "royal tribunals" "se reoigan los tribunales Reales, por los mismos Jueces." Besides there were "four Judges" at the 'palma' and at each of these six courts two "Judges" and one executive officer ("alcalazal)".

From further details given, it follows that these six pueblos were so near to the official house of the tribe, as to make it more than likely, that they were the six Calpulis of Tezcuco, mentioned by Iturbide (12th 'Relacion' or "Pintura de Mexico," Vol IX of Kingsborough p 302) as having been established by "Pasting wolf" (Nozahualcoyotl), which story he repeats in the "Histoy des Chichimeques" (Cap XXXVIII pp 341 and 342).

The description of Tezcuco by Torquemada (Lib III, cap XXVII, p 304) "pero no se ha de entender que toda esta ciudad era recogida y junta, porque aunque en su mayor parte lo estaba, otra mucha estaba repartida, como en Punitas, y Batos, y de tal manera con esta población desde el corazón de ella (que era la Motila y Palacio de la Reina) que se iba dilatando, por tres o cuatro legues," shows that the calpulis of that ancient pueblo were scattered over a great expanse. At the close of the 17th century (1690, about) it is stated by Velaszqui ("Crónica de la Provincia del Santo Evangelio de México," pp 159 and 160), that besides the "city" there were "29 pueblos de visita, en cinco parroquias repartidos." All this corroborates our assumption that the six 'pueblos' of Torquemada were in fact but the six 'badinos' of km each of which exercised, for itself and through its officers, criminal jurisdiction over its members.

There is no need of proving the fact that the several tribes of the valley had identical customs, and that their Institutions had reached about the same degree of development. It is even asserted by some (Prestow, Book I, cap II, p 30) that 'In Tezcuco
the judicial arrangements were of a more refined character. If now, as I have shown, the council of the Kin exercised power over life and death among them, it certainly had the same power among the ancient Mexicans. Besides, the same thing is inferable from the nature of many of the crimes punished by death: Consequences among those are the same which attend kinds of death. If a member of the Kin changed the limits of a Calpulli, it was a crime over which the calpulli alone had jurisdiction, and the same occurred if any member neglected to attend to the lots of children placed in trust. We have seen that in both instances the penalty was death.

It is of course understood that this power did not go beyond the limits of the Kin and of such outcasts as were attached to its members. Over members of other Kins it had no jurisdiction. The adjustment of matters between Kin and kin became exclusively the duty of the tribe.

One of the most characteristic remarks, however, on the general functions of the Kin is that of Zurita ("Rapports," etc., p. 5): "Finally, what is called in New Spain Calpulli, answers to what among the Indians is called a tribe."

Zurita ("Rapports," p. 50): "The chiefts of the minor classes are still called Calpulli in the singular and in the plural Chaman also, that is to say, chiefts of very ancient race or family from the word Calpulli or Chaman also, which is the same and signifies a quarter (barrio) inhabited by a family, known as of very ancient origin, which for a long time owns a territory with well defined boundaries and all the members of the same lineage."

This statement is copied by Herreria (Des. III lib IV, cap XV, p. 135) with the exception that he calls the names substituting that of "patiente mayor." In regard to this it is added by Zurita (pp. 60 and 61): "The calpulli have always been necessary in the tribe. He must be one of the principal inhabitants, an able subject who can assist and defend them. The calpulli is made among them. They are called as such to him as the inhabitants of his land and of the mountains are to him who is called patrón mayor. The office of these chiefs is not hereditary whenever one dies they elect in his place the most respected, the ablest and wise old man. If the deceased has lost a son who is qualified he is chosen, and if there is no former chief is always preferred." Herreria (Id., p. 135).

Although the above two authors speak but indistinctly of the "chieft" of the calpulli, it is likely that they mean two chiefts, one of which is the calpulli, and the other the teacuaultli. This is indicated by the name of "patiente mayor." Zurita does not say according to Mr. Tenan's translation, that this chieft was thus called, but Herreria who copies him, writes very distinctly "que llamamos patrones mayores." Now, according to Molina (II p. 91), "teacuaultli" signifies elder brother. "Torquema apellida a los que ocupan en cualquiera dignidad o en cualquier oficialidad," (p. 564) gives to each "barrio particular" two officers, namely, teacuaultli or gatherer of tribute or store and a "regidor" (equivalent of regidor or mayor). The latter is a "regidor" that he was always in the "palace" y todos los días se hallan en el Palacio a ver que se les ordena. y mandaba, y ellos, en un grande sala, que llamaban Calpulli, se juntaban, y trataban de los negocios tocantes a su cargo.

De l'ordre de succession observé par les Jumexes ("1er Règlement" de Tenanx, p 221) que la succession doit être régulière par rapport à la juridiction et l'élection des éléments et des nations des villes qui dépendent des personnes nobles qui portent le titre de teacuaultli qui est un nom de charge comme l'est aujourd'hui celui d'ignatius. Les tribunaux de ces officiers étaient établis dans la capitale." "Il n'y avait pas de nouvelles élections d'officiers." And further in the same document says (p 227) "Ces tribunaux
"teachcaultin" or "achcaaultin" 154 Both were, in turn, ex-officio members of the council itself 155 The "calpullec" or "chinancallec" was, in fact, what is still known among Indian communities of Mexico, Central America and New Mexico, as the "governor," or rather his office was, for the len, what the office of "gobernador" now is for the whole tribe 156 Upon his

"This is not an qu'on nous, remplissant les fonctions d'alcaldes. Pour le moment peut-être, c'est a dire pour saxon d'us, seulement du moins, le comandamento a la potence. The singular feature is here asserted to exist, that the same office should have been Judge ('adulce') and councilor of his own decree ("alzalizli"). We meet also with the flagrant contradiction of "alzalizli" elected for the villages, but whose courts resided "at the capital." Every where the same lack of distinctness is witnessed, the confusion between aboriginal institutions and Spanish organization is apparent.

Sahagun Ramo ez de Fuenleal "Letture," 1 Nov., 132, p. 247 gives quite a clear picture of the "calpulli," adding: "... Ces contribuables ont un chéf et des commandants," (p. 249) "... Ils ont parmi eux des officiers que nous appellerons principales (chefs), il y en a deux dans chaque quartier que portent impaire les non de presser."

"Finally, I refer to what has been said in the preceding note 122 about Tezucuo and the two officers of each so called pueblo." The fact that there were two of them is thus established, likewise that of their election, and for then titles, they are found in the quotations just referred to and copied.

It is further continued through a statement of Velasquez ("Teatro Mexicano," Vol. I, p. 371) "... en cada parcialidad que llamaban calpulli y ahora tezucuo, habia uno como regidor que llamaban tezucuo y estos asustan v palman todos los dias de saber lo que el mayoritario les ordenaba, estos entre si elegian cada anno en lugar de tezucuo, que llamaban tajinacae, y tequilohas, que especificaban lo que por los tezucuos se les mandaba, y para ejecutar tenian unos alza lios que hoy llaman tepito."

The term "tayamacue" is defined by Sahagun (Lib. II, cap. XXI, p. 142) as "cudrilieno," Motula (I, p. 120) has "tezucuo," or "tajinacae," or "tezucuo," or "tayamacue." Torquemada (Lib. XIV, cap. VI, p. 847) calls the tayamacue "en lugar de mensas." 154 Motula (I, p. 59)

155 This results necessary from the duties of the officers alone, as permanent repre-

sentatives of the council of the kan or calpulli.

156 The "Gobernador," as we shall here after see, was the successor to the "Chinacal-

matl," according to the Spanish's notion of the nature of the latter's office. It is very

interesting to note that the "Chinacalmatl" was, in the tribal government, the exact

counterpart of the "calpulli" in the kan. I am indebted to Sr. Don Juan Gutierrez, of the City of Guatemala (la Nueva), for the following descriptions of the office of "Gobernador," as it is still found among the aboriginal settlements of Guatemala. This gentleman, whose name is associated with that of my friend Dr. Valentine, in a noble effort to preserve the historical treasures of his country, wrote to me under date of 14th of March 1879:

Los pueblos formados por los antiguos mixtecos o por los conquistadores, y que son los que hasta el dia de hoy, han sido siempre gob-

ernados por un Gobernador virtual elegido entre las familias nobles de la tribu (capa que), y un consejo de la usanza espafia comprendido de los grandes (capas de consejeros llamados Regidores entre quienes se dividian las comisiones de

ser vice publico y un regimiento.

La dignidad de Gobernador, por la cual elegían en nombre del Rey los antiguos Capitanes Generales, y después los Presidentes de la Republica; es muy apete-

ceda por los indios nobles, y mientras que la exigencia da las motivas por su mala con-

ducta para ser renovado puede contar con la permanencia y aun con dejada a sus hijos.
death "they elected, to fill his place, the most respected old man, the most able and most popular." It appears that though the choice often fell upon a son or near relative of the deceased, provided he evinced sufficient ability.

It was the duty of this officer to preserve a plat of the territory dwelt upon by the kin, showing the location of each "talimilla," of the official tracts, of those of the "houses of the youth" and of worship, if the latter two were not, as we suspect, perhaps identical. These simple records he had to renew from time to time, according as mutations or additions occurred. The stores of the kin were under his supervision, though he could not dispose of them at his pleasure, but only for public purposes. Thus, aside from the presents, which always had to go with any public act of importance, it was his duty to provide, out of these stores, for everything requisite for the numerous religious and other festivities. He had, under his immediate orders, the "stewards," "calpizqui," which attended to the details connected with the gathering, housing, and dispensing of all supplies. It is prob-

El cargo de gobernador traza consigo los privilegios de uso Don, mantén a caballo, usat hasun y tene una numerosa servidumbre no tienen jurisdicción civil, pues esta competencia a los Alteños, pero si tienen en lo criminal en los débiles leyes, siendo su poder principal sobre lo econ-

omigo y gubernativo."

152 Zaleta (Rappoprt, etc., pp. 60 and 61)
153 Zaleta (Rappoprt "et., pp. 51 to 60) Copied in a condensed form by Herrera

154 "The term "calpizqui," gatherer of crops, is so indiscriminately applied that it becomes necessary to investigate what kind of officers were really meant by it. In general the "calpizqui" were sent to subjected tribes, as representatives of their conquerors. For each such officer abroad there was one in the pueblo of Mexico, to receive and house the tribute which the former collected and sent. The calpizqui of the kin, however, needed no officer of the same kind properly, because they owed no tribute to the tribe. The assertion of Torquemada (Lib XIV cap VI, p. 94) "que el Mañomeno mayor de la Rei, se llamaba Elm calpizqui, A diferente de otros muchos que haya, que se llamaba Memore," porque tuvo cada parcialidad el suyo," applies in this case to the tax-collectors and stewards themselves and not to the stewards of the kin. The confused notions about the true nature of the office is also shown in the name of the official house. It is called by Torquemada, alternately "tecopu," "calpizqui," finally also "calpizqui que era la casa del comun del Pueblo." (Lib XIV cap 1, p. 94) In confirmation of what has already been said in "Tenure of Lands" (pp. 41-42), I here refer to Zaleta (pp. 210-212), "De l'ordre de successions" (p. 220), Motolinia y deothers ("Letter," 7 Aug., 1531, pp. 404-406). We must never forget that tribute of tax was only due from a conquered tribe to its conqueror. No taxation is made anywhere to tribute, tax gathered inside the pueblo of Mexico but it tributary, however, was obliged to pay a certain contribution (Durin, Cap XXIV, p. 270).

Nevertheless, the term "calpizqui" is found applied very distinctly to an office of the kin (Durin, Cap XXI, p. 268) calls then "mañominos de los baring." With equal propriety the calpizqui are termed "governors" and "captains." It only proves that, while each kin had its stewards, they were under the direction of a "mañomin,"
able that he himself, appointed the stewards subject to approval by the council.\footnote{60} Aside from these subalterns, the "calpullec" had his runners and attendants, mostly members of the household, perhaps "bonded" people. His judicial power was limited to minor cases, and it is more than doubtful if he held, alone, any authority to decide upon matters of life and death. But it is stated on high authority, that it was the duty of this officer, "to defend the members of a calpulli, and to speak for them."\footnote{61} We may be permitted to inquire, whether this, perhaps indicated, that the "calpullec" was also the "tlatomí" or speaker, who represented the king in the tribe's supreme council. This must, however, be answered in the negative, for the obvious reason that he could not be in two places at the same time. The king's official building was assigned to him as a residence, that he might be there on duty always, consequently he could not spend his time outside of it at the official house of the tribe.\footnote{62} Alongside of this officer (who corresponds almost to the "Sachem" of northeastern tribes), we find the "elder brother"—"teachcauhim," "ach cacacauhtin," or through corruption, "tiacuah." He was, as already stated, the king's military commander or war-captain, and the youth's instructor in warlike exercises, but besides he was also the executor of justice—not the police magistrate, but the chief of police (to use a modern term of comparison) or rather "sheriff" of the calpulli.\footnote{63} As military commander he could

\textit{Zurita} (p 62) "...\textit{la loi des assemblées annuelles, qui sont très nombreuses, il distribue gratuitement des vivres et des bolsos}" This had to be done out of the stores of the king.

The term "tequitlato" is probably equivalent to "calpullec." It is derived from "ni-tequim," to work or pay tribute (\textit{Motina}, II, p 100) and "ni tlatoa," to speak (Id., II, p 140), therefore "tributary speaker" or "speaker of tribute." But this is only used in the case of subjected tribes, where the "calpullec" was the one who cared for the tribute due by his king even collecting it. See \textit{Fray Domingo de la Annunciaci\'on} ("Lettre," Cha\'ton 20 Sept., 1534, in 2d Recueil, p 340), "les tequitlatos ou percepteurs"\footnote{64} \textit{Schagen} (Lib VIII, cap XXXVIII, pp 329-331) devotes a whole chapter to "De los grados por donde subian hasta la ense Tequitlato," without saying, however, what the latter means. I suspect it is intended for Tequitlatoques.\footnote{65}

\textit{Zurita} ("\textit{Rapport}," etc., p 62) "Il a soin de defendre les membres du calpulli de punir ceux devant la Justice et les gouvernements."\footnote{66}

\textit{Tenure of Lands} (p 410 and note 52). \textit{Zurita} (p 266).\footnote{67}

\textit{Scan} (p 119 and note 91) in regard to the various and contradictory notions about the nature of the office. Still, the prevailing idea is that, besides being the "teachers" and the "captains," they also were the "executorns" of the king. \textit{De l'ordre de succession} (p 225) "ils nommaient des
appoint his subalterns in the field, and as executor of justice he had the same privilege while at the pueblo. The "teachcaultin," therefore selected his own assistants and runners. Accompanied by them and carrying his staff of office, whose tuft of white feathers intimated that his coming might threaten death, the "elder brother" circulated through his calpulli, preserving order and quietness in every public place thereof. If he found or heard of any one committing a nuisance or crime, he could seize him forthwith and have him carried to the official house, there to be disposed of as the custom and law of the kin required. But it is doubtful whether, except in extraordinary instances, he was authorized to do justice himself without the council's knowledge and consent.

ERE we pass over now from the functions of the kin to those of the ancient Mexican tribe, we must however dwell at some length on a peculiar institution, yet shared by the Mexicans in common with Indian tribes in general. We refer to the rank and dignity of chief among them. Chieftaincy and office are far from being equivalent. The former is a purely personal, non-hereditary distinction, bestowed in reward of merit only, whereas the latter is a part of the governmental machinery. Hence it follows that a chief might fill an office or not, and still remain a chief, whereas

persons notables qui portaient le titre de ahecaultin qui est un nom de charge, comme l'est aujourd'hui celui d'alignable." - Solis y Garcia (Lib VIII, cap. XVII, p. 463) calls the Ahecaulth "los verdugos" that taken care of matar a los que condonaban el señor." Torquemada (Lib XI, cap XXVI, p. 553) "Hablananse ahecaulth, que quiere decir matorres." There is hardly any doubt as to their functions.

White was the color of death (Beating skulls and bones!) Thus is amply proven by the mode of declaring or rather announcing war. The custom of carrying "staffs of office" is well established.

Torquemada (Lib XI, cap XXVI, p. 457) Clavigero (Lib VII, cap XVI, p. 492) calls those "who are-ted" delinquents "opulfs." But this word means simply "red, or baton of justice, staff, etc." (Volunte, II, p. 170), and not office. There is no evidence that these officers might kill, without previous decision of the council, except perhaps in the great market place Cortés ("Carta Segunda," Veda I, p. 42). Hay en la dicha plaza otras personas que asisten continuo sobre la gente mirando lo que se vende y lo median con que miden lo que venden, y se ha visto que han algun que estaba tuba." Oviedo (Lib XIII, cap X, p. 301) copies Cortés adding, however, e quebran lo que esta tuba, e ponan al que usaba ello." Romual Díaz de Castillo (Cap. XCI, p. 89) simply remarks: "los calpulli como algunos ejecutores que mataban las mercaderías." (Veda, Vol. II) I hardly need any reference in regard to the manner of acting and mode of appearance of the "elder brothers." Their functions of "police" are repeatedly described in the older sources.

L. H. Morgan ("Ancient Society," p. 71). Nearly all the American Indian tribes had two grades of chiefs who may be distinguished as sachems and common chiefs. Of these two primary grades all other grades were varieties. The office of sachem was hereditary in the gene, in the sense that it was filled as often as a vacancy occurred, while the office of chief was non-hereditary, because it was bestowed in reward of per-
it was not necessary to become a chief in order to fill certain offices. Still it is evident that, as chiefs were always men of peculiar ability, the higher charges were generally filled by chiefmen.

The title and rank of "grandfather" ("Teculth,") which was the Mexican term for chiefman in general, was open to any one who strove to deserve it. It was conferred.

1 In recompense for warlike prowess, and actions of personal intrepidity and superior shrewdness, courage alone could not secure it, therefore the "distinguished braves" were not always chiefs.

2 In reward for actions denoting particular wisdom and sagacity, and in acknowledgement of services in the councils, or as traders.

sonal merit, and died with the individual. I have selected the term "officer" as a substitute for Mr. Morgan's "actor," because the latter is a northern Indian word, whereas the former while it expresses the nature of the charge and dignity, is more widely known, and therefore better understood. It is out of the union of the attributes, of both officer and chief that nobility and monarchy have been claimed to exist. Among the Mexicans, in fact among the most highly advanced Indian tribes (the Incas of Peru not excepted), the dignity of chief was still a personal matter, and not necessarily connected with office. The chiefs are the "knighted" mentioned by Garcilaso de la Vega ("Historia de las Indias," Lib VI, cap XXIV, XXV, XXVI) and Herrera (Dec, V, Lib IV, cap VII p 61, Lib IV, cap I, p 81). With the Mayas of Bogota, compare H. H. Taylor's "The Guatemalan Indians" § XXVII, pp 67 and 83. Quehui y Rabal (Lib XXVI, cap XXXI p 426) Herrera (Dec, V, Lib V, cap VI, pp 110 and 117). Compare also, in regard to the dignity of military chief, among the wild tribes of the Rio Orinoco and of its tributaries, P. José Gómez's "Historia natural, civil, et topographica de l'Orinoco," translated by Mr. Edmonson, 1786, (Vol II, chapter XXXV p 280-292) Ver important.

161 Molina (II, p 94), "ahual"; "teco" It evidently should be "ahual," and is therefore only a misprint. This applies to the word "teco" and only the latter makes sense (those after the year 1730) begin to write it "tecoth," "teccuth," "tectuth." Whether the "tecoth" meant really "goal," or rather "tecohut," as plural of "tecoth," is yet doubtful. It is almost a truism to recall here the Roman "venex" and the German "grove," or "ghost." Among American tribes we have, in Quechua, "ahuap" "ahuap," "ahuap," or "ahau"—chief, in Maya, "Hachyum," "Hahyoom," or "ahau"—chief. Also "ahuap."—brave.

162 Subahag (Lib VIII, cap XXXVIII, pp 329-332) De los indios por donde quieran hasta hacerse Pecuifitores especially (p 338) y a los que por el mandato de los superiores, mandaba el rey que los cantara los caballeros como a capitan, llamaban tal diezente el capitán mexicano o el capitán toledano, u otros nombres que correspondían a los capitanes. De allí adelante se podían sentar en los estrados que ellos usaban de pétaras y palos en la sala donde se sentaban los otros capitanes y valientes—hombres que usaban por primores y principales en los asuntos, y tenían bar- botes largos cubiertos de ondas, y bordas en las cabezas como están comunes, Zorrilla ("Rapport," p 47) y los que como nosotros los hacemos se llamaban Tecuculth, or Tenesly en pleno mandato, no veían en su manejo el que se pusiera que los vecinos supieran no les convenía a las dignidades que reconoce los dispuestos que quieran hacerse a la guerra y las conferencias en su presencia? Mundeta (Lib II, cap XXXVIII, p 159) Torquemada (Lib XI, cap XXIX, p 361) Clavijero (Lib VII, cap XII, pp 471 and 472), and others.

In both the above instances (or kinds of instances) actions of particular merit facilitated, at least, the acquisition of the title, but it could, also, be obtained —

3 By the observance of rigorous and even cruel rites of "medicine" for a stated time, which put the courage, fortitude, and self-control of the candidate to the severest tests. Although a detailed account of these rites might perhaps be withheld for a subsequent sketch of ancient Mexican worship, yet they equally deserve a place here.

The candidate appears to have been presented at the great central place of worship by the representatives of his kin, perhaps also, by the other chiefs of his tribe. There he underwent four days and four nights of the most cruel torments. While but little nourishment was allowed him (some went even so far as not to eat anything at all during this time), his blood was drawn freely, and no sleep was permitted to settle on his weary eyes. From time to time he was exposed to taunts, to injurious words, to blows and even to stripes. While he was thus hungry and thirsty, weakened from loss of blood through self-sacrifice, others ate and drank plentifully before his eyes. Finally, his clothes were torn from his body, and with nothing on but the breechcloth or diaper, he was at last left alone at the "callencae," there to do the rest of his penance. When these four initiatory days were past, the candidate went back to his calpulli, to spend the remainder of the time (about a full year), in retirement, and abstinence, frequently attended with more or less self-inflicted bodily suffering. When the kin had seemed the necessary amount of articles to be offered up in worship, or given to the medicine-men, officers, chiefs, and guests attending the installation, this final solemnity was allowed to take place, provided always that the courage and personal strength of the novice had not forsaken him. Another period of fasting, sacrifice, and torture, similar to the one at the opening of the career of preparation, closed the probation. Some of the ordeals were again of the most trying nature. Finally the store of gifts was distributed, eating and drinking alternated with


\textit{Gomara ("Conquesta," Feit. I p. 156).} \textit{Des Ceremonies observées, etc.} (pp. 242, etc.) \textit{Monteith (p. 150).} \textit{Torgemenda (Lab. XV, cap. XXIX and XXX, etc.)}

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solemn dances to the monotonous rhythmic noise called Indian music. The candidate was, at last, once more dressed in becoming apparel, and could recuperate, being himself now the "feasted one." 171

Men, however young in years, who had successfully endured such great trials, certainly deserved to be looked upon thereafter as persons of uncommon fortitude. Hence indeed the chiefs or "tecuhtli" were particularly fitted for responsible offices of any kind. They were looked upon with deference, their voice was heard and listened to, and it is no wonder if higher charges, especially those of a military nature, were filled by such as had, in one way or another, achieved this distinction. 172 But no privilege was connected with their dignity, except that of wearing certain peculiar ornaments, and none was transmitted through them to their descendants. 173 That the "tecuhtli," besides, did

171 For the above description of the formalities of creating a "Tecuhtli," I refer to the sources quoted in the preceding three notes. It is interesting to compare similar ceremonies used by the Indians of the Othoco, Guatilu ("Historic," etc., Vol. II, cap. XXXI) or the Yncas Gareciado de la Vega (Lib. VI, cap. XXIV to XXVI); Cristóbal de Molina ("An account of the Fables and Rules of the Yncas," translated by C. H. Markham, in Hacklur's Society's Volume of 1875). "Narratives of the Rules and Laws of the Yncas" Herrera (Dec. V, lib. III, cap. VII, p. 66, etc.) We are forcibly reminded of the words of the quaint old poet and soldier, Alonso de Ercilla.

"Los cargos de la Guerra y preeminencias
No son por falsos medios provenidos,
Ni van por calidá, ni por herencia,
Ni por herencia y ser mejor nacidos,
Mas la virtud del linaje y la excelencia,
Esta hace los hombres pretenidos,
Y da la luz de tal sabiduría, perfección.
Y quita el valor de la persona."

("La Araucana," Parte I, Canto I. Edition of 1784, p. 2)

172 "Mendeta" (Lib. II, cap. XXXIX, p. 161). "Los que tienen el diozado de Tecuhtli, tienen las preeminencias, y entre ellas es que en los ranchos y ayuntamientos sus votos son principales." "Gomara" ("Conquista," Vedado I, p. 436). "Torquemada" (Lib. X, cap. XXXI, p. 86). It should always be remembered that the dignity of Tecuhtli appears most prominent in Tlaxcallan. This people, however, was but a league very similar to that of the northern imigrants, only consisting of four, instead of six tribes. Among them, the peculiar nature of the dignity of chief became more evident than it was among the Mexicans to the Spaniards. But there is no difference between the "Tecuhtli" of Tlaxcallan and the "Tecuhtli" of Mexico or Tenoch. That the head-chiefs of Mexico were always "Tecuhtli" themselves previous to their election, needs hardly any proof. Domingo Muñoz Camargo ("Histoire de la République de Tlaxcallan," Translation by M. Ternaux Compans, in Vol. 98 and 99, of "Nouvelles Annales des Voyages," 1843. See Vol. 98, p. 176, etc.)

173 About the privileges of the Tecuhtli, compare Gomara ("Conquista," Vedado I, p. 436). Mendeta (Lib. II, cap. XXXIX, p. 161). "Torquemada" (Lib. X, cap. XXXIX, p. 866). Zuniga (p. 49, etc.). It is evident however, that the latter confounds the rank of chief with the particular office which might have been entrusted to him, else the "cultivation of lands" could not be included in the list of advantages derived from the position. Compare "Tenure of Lords," Bustamante ("Tezozomoc," etc., p. 225). Dr. Bustamante frequently copies Zuniga. Herrera (Dec. III, Lib. IV, cap. XV, p. 138). In regard to the non-heredity of the dignity, I refer to the above authorities, and more especially to A de Zuniga ("Rapport," p. 49. "Lorsqu'un des chefs mourait, le prince accordait
not form as it is often stated, an order of chivalry, is amply proven by the fact that the bond of kinship interposed a barrier between them and such an imaginary association and furthermore, because their number could not be very great. The formalities required were so numerous and dilatory, the material for distribution in the shape of gifts was so large, that a frequent repetition of the occurrence lay beyond the power of the kin. After this necessary digression, we return once more to the Mexican calpulli.

Besides being as already established in "Tenure of Lands," the unit of territorial possession, we found the Mexican kin to be a self-governing, therefore democratic cluster. Every one of these clusters had, within itself, all the elements required for independent existence as an organized society. Except for assistance and protection against outsiders, it needed no associates. Hence it follows, that since we find twenty Mexican kins aggregated into a tribe, this tribe was a voluntary association, formed for mutual protection.

Three attributes of the tribe are next to self-evident.

1. A particular territory.

2. A common dialect.

All three we find very plainly among the ancient Mexicans. Since the tribe was formed of kins associating together voluntarily, it must be admitted that they stood on an equal footing, and had, all, an equal share in the tribal government. It was scarcely possible, however, from what we know of the population of aboriginal Mexico, that all the male members of the kins, at a general gathering, could form its directive power. The latter consisted of delegates, elected by the kins to represent them, which body of delegates was the supreme authority, from whose decisions there should be no appeal.

176 "Ancient Society." (Part II cap VII)

177 There is no evidence of a general gathering of the tribe of Mexico, subsequent to the election of "Humming Bird" (Huitziluhuitl) to the office of "chief of men." This occurrence which, according to the Códice Mendoza (Plate III), took place in 1366, is mentioned by Duran (Cap VII, p. 54). "Y así haciendo su consulta y cuidado entre los grandes y menha de la gente comun" Tezozómente la Cómica Mexicana," edited by Sr. José María Véjar and annotated by Sr. Gerace y Herrera, Mexico, 1898, cap IV, p. 231, distinctly mentions delegates: "Casi con esto los mas principales y suscitadores de los Mexicanos, de los cuatro pueblos" "The Codex Ramírez," ("Relación del Origen de los Indios que Habitan esta Nueva-España según sus Historias," Biblioteca Mexicana," p. 39), uses the same words as Duran "Subcorta," (Lib VIII, cap XXX, p. 418), gives probably the best and clearest picture of the most important meetings of the tribe—those for election of the chiefs, and distinctly mentions only old men, officers, and medicine men.

178 Evidence in regard to the existence and to the supreme authority of this body is found in many authors. In the first place we have the direct admission, that they elected the "chief of men" or so called "king" and that the "affaires of government" lay in their hands, in that (yet) anonymous Relation taken from the Archives of Simancas, translated and printed by Mr. H. Thomes Companys under the title "De l'Ordre de Succession obserw. par les Indiens" (Lo Record, p. 224). "Des conseillers étaient chargés des affaires d'état, c'étaient pour la plupart des gens de distinction et des teuques ou chaves, comme nous les appelons. On choisissait toujours des vieilliez âgees, pour lesquelles le souverain avait beaucoup de vénération et de respect, et qu'il honorait comme ses pères." The supremacy of the council is positively affirmed, besides in the following authorities:

1. In a fragmentary MS of the sixteenth century, found along with the "Codex Ramírez," and incorporated with the latter in the "Biblioteca Mexicana" ("Cómica Fragmento I, cap p. 147). "Considérons le nouveau Rév de Mexico la fuerza que el español tenía junto a con-ego y hieroles representación de aquésto, y lo que estaba prometido que de Inixituchitl habia de salir la rama de los Mexicanos, que ve desen con buenas condiciones pues era menos mal que no mier a sus manos y alas de los españoles. No quiso con por tener conceptus de estos que eran insalables y inicios-

2. In same collection—Fragmento I (pp. 121 and 123), acknowledging the final decisions of the council at the time of the older "worthy chief" y asen este tiempo
It is therefore a tribal council, called in the Mexican language “place of speech” (“Tlatocan”), which constituted the highest power among the ancient Mexicans. In all probability it consisted of as many members as there were kings in the tribe.

(1) The proper words of the first “kings chief” (Montezuma II), as reported by Tezozomoc ("Codex Mendoza") Vol. IX of Kingborough Cap XXI, p. 172 are:

...joyo y sobre cielo y sobre los otros principios de los mexicanos de todo el mundo de Mexico descanso. This reply was given by the reputed “dispot” to the delegates from Huehuetenango who came to negotiate for peace and alliance against the Aztecs. In connection with this we meet with the remarkable passage already quoted, which while proving the fact that the Mexico in tributary could not, alone, even hope, for itself, with a hostile tribe, establishes not absolutely, also, the supremacy of the Mexican confederation over its head chief. Habiendo venido ante Montezuma todo el mundo de Mexico y consultado sobre ello, dijo Tezozomoc: "si se ha de hacer guerra los reyes de Atzlan y Tecamatl, y el de Tezcuanac y Tlahcaytl, he hase entero y su acuerdo ha acordado asi."

(4) Diego Durán (Cap XI, p. 103) “A estos quios siénes y listados, después de eleclos prínceps los hacen del consejo real como presidentes y oficeros del consejo supremo sin pares delos que ningún caso se arna de hacer.” (Cap XII, p. 108)

El rey tomó parte con los grandes de la que quiso hacer Tlacocel, princepe de los escuelas y los que del supremo consejo” (Cap XIV, pp. 117 and 118) describes a called meeting of "los mas principales de toda la ciudad de Mexico" with the two chiefs (Cap XVI, p. 112). Tlacocel responded that the prince was just as powerful and just as all the chief determination of what he heard” (P. 113) “Montezuma replied to them, by personal me, saying that although he was not present in person, he was present by proxy.” I further refer to Cap XVIII (p. 19) and other places.

(7) Indications of the supreme power of the council is found in the descriptions of the mode of consultation on war or peace as given by Mendoza (Lib VI, cap XXI, p. 129). Torquemada (Lib XIV, cap II, p. 517). The latter even mentions old women along with the men in participating in the debate on peace or war, and describes this debate as truly Indian.”

(12) Motlana (II, cap. 106) “Tlatocan,” o cuart o palacio de grandes señores.” (Ibid., p. 29)

"Consejo real," U. tamazcaluctlatlaxh. "Torquemada (Lib XIV, cap VI, p. 59) indica en la cuarta, a quién llama Tlatocan, que es lugar o de Juzgado o Audiencia."

We have already noted that there were twenty barrios” (Libs) in the tribe. Now we are told by Hernán De Castilla: "Hicis veredas" etc. (Liba, cap XXI, p. 95) “y siempre a la confina estaban en su compañía veinte grandes señores y consejeros y capitaneos, y se hizo a esta puesta muestr a todos person en ella.” (Cap XVII, p. 99) “y el dicho o cuarto en el cual todos de ello había, de la manera que estaban a
each calpulli sending a "speaker" ("Tlatoani") to represent it. Such positions could only be filled by men of acknowledged ability and reputation, who had acquired the distinction of chiefs, and hence then other title—"speaking chiefs" ("Tecuhtlatoac," which was everywhere recognized, in aboriginal Mexico, as the highest office and charge 181

negojar s el acato que le tenían y como siempre estaban en su compañía en aquel tiempo para despachar negocios veinte hombres ancianos, que eran jueces, y porque estaba ya retenido, no lo toman a retení." Furthermore it is positively asserted by Torquemada (Lib XIV, cap VI p 544) "En lugar de Regidores, ponían en cada Batallón, o Parcialidad, un Tecuhtlatoac, que se ocupaba en ejecutar lo que nuestros Regidores ejecutaban, y para que todos los que se hallaban en el Pueblo, se sepa lo que se les ordenaba, y mandaba." Consequently each calpulli or kin held one representative constantly at the official house of the tribe, and as there were twenty kins we necessarily have here the twenty chiefs or "Judge," mentioned by Bernal Díez. The above statement of Torquemada is repeated (or copied?) by Velasco in the "Teatro," p 47.

Durán (Cap XXVI, p 215) mentions "los grandes señores, que eran hasta doce" Tlatelolco ("Histoire des Chichimeques," Cap XXXIV, p 29) says "there were fourteen great lords in the kingdom of Mexico" Tezozomoc (Cap XXXIV, p 57, Kings), Vol IX enumerates first twelve, then three more. This is the more singular after the detailed list giving twenty chiefs, which list I have already referred to in a previous note.

That the members of the tribal council were elected each one by his calpulli or kin follows from the statements of Zurita ("Reparto," etc., p 50) "Los calpullis son los jefes que más necesariamente se hallan en la tribu. La elección se hace entre ellos. La que ha de elegir se presenta al jefe para que el decida la elección." (p 51) "El que es jefe es el que tiene los principales cargos de la tribu y de la casa de sus señores." (p 52) "El que ha de seleccionar los hombres calpulli para que defiendan la justicia y los gobernantes." Consequently, this officer represented the kin to the other kins of the same tribe, and this could only be done in the tribal council, as one of its members. How this election took place, the same authority tells us (p 56) also that the office was hereditary, and that as capacity was the first condition, incapacity or unfaithfulness necessarily brought about removal.

181 Molina (II p 14) "Tlatoani," 182 hablador o gran señor "The plus el Tlatoqui Pimentel ("Cuadro," p 174) There is ample evidence of the high offices which bore this title Compare Torquemada (Lib IV, cap XVI, p 262) "los Tlatoque (que son los Señores, y Poderosos)", Tezozomoc uses the term "Zemanahuitl Tlatoqui" Zurita (p 43) "Los cuartiers se nombran y se nombran entre Tlatoques, mot qui viene del verbo tlatlan, que viene de parle" Bernal Díez de Castillo (Cap XXXVIII, p 32, Veiga, II) "Real Ejecutiva." (Col de Díez, Vol III p 12 and note 96)

In this document the word is used in the plural "y los que se hallaban en el Pueblo," which would be inadmissible to quote further authorities. I shall only state that, according to Sr. D Juan Guazante the term, as applied to "pueblos" or "old men," is still used among the Indians of Guatemala. Among the Ancianos, the function of such public officials is exercised in smaller villages. The same authority says (Ibid., Cap XXV p 314) "Estos eran los mayores jueces, que ellos llamaban tecuhtlatoac." Molina (I, p 108) "senador," tecuhtlatoac."
The place where this council assembled, was necessarily the official house of the tribe or "tecpan," and there they met at stated intervals, possibly twice every Mexican month of twenty days. Such meetings were fully attended, and they could be called, besides, at any time. There is evidence that, during

Bustamante ("Tezoco," p 191): "Había también abogados y procuradores, a los primeros llamaban Tepehtlatlauh, el que habla por otro"

Moctesuma (II, p 93) "Casa o palacio real, o de algún señor de tlama" But of special importance is the following definition (I, p 91) "Palacio real" — "tecpán, tlacoloc, tlaxcalactan." This shows that the tecpan was really the place where the council met.


This fact is implied by Itelchichilt ("Hist des Chichuâques," Cap XXXVIII, pp 267-268 and 269), when he affirms that in notifying a hostile tribe of the intention to make war upon it, the notification was repeated three, at intervals of twenty days. Veyta ("Hist des Amériques," Lab III cap VII p 209), says that every twelve days "cada doce días," the courts met to report to the "emperor." This is rather strange since (I, p 202, etc.), he says that these courts sat daily in what he calls the "palace." Torquemada (Ib XI, cap XXVI p 377) "De diez a diez días, y unas tardar, de doce a doce hasta punto el Re de todos los pueblos, si de los Audiencias del Reino como de los de sus Consejos." In this case he speaks of Tezcaco Mendelta (Ib II, cap XXVIII, p 141) "Y así a lo más largo, los pueblos audíntos, se convierten a la consulta de los ocho días, que llamaban aapolliatteuhcatl, donde que cada doce o doce días el señor con todos los jueces tomaba acuerdo sobre los casos audíntos y de más calibre." Zárate ("Rapport," etc. p 191) "Tous les douze jours il y avait une assemblée générale des juges présidée par le prince. On y jugeait les affaires difficiles, celles de crimes qualifiés, et l'on examinait minutieusement tous les détails." Chavero (Lab VII cap XVI p 482), is very positive: "Each Mexican month, or within twenty days a meeting of all the judges was held in presence of the King, to deliberate upon all cases not yet disposed of." He evidently bases the statement upon Guaman ("Compararse," etc., Veyta I p 412) "Consultan con los señores cada mes una vez todos los negocios," according to Ortez and Berea ("Opuscolo sobre Cronología Mexicana," Introduction to the "Ciencia Mexicana," published under the supervision of Señor José M Vigil, pp 174 and 175) Guaman refers principally upon an unpublished series of documents, entitled "Libro de Oro," now in possession of my friend Sr. Urbacheta, which collection was formed by the Franciscans under the auspices of the usually famed Fray Juan de Zumarraga between 1511 and 147. The statement of Chavero is therefore, not to be rejected. The "Codice Ramírez" (p 66) says: "Los quales daban noticia al Rey cada cuarto tiempo de todo lo que en su Reyno pasara y se habia hecho." It is, therefore, to say the least, likely, that the full council met once a month, but, as we have stated in order to be just toward all, it is equally possible that it may have met twice. The reference to "Judges" need no explanation. It is self-evident that for judicial matters, alone, such meetings of executive officers were superfluous. Matters of government came up also—and this is decisive of the kind of officers that were members of the tribal council, since they alone could fill such positions. These meetings were, therefore, full meetings of the council, and nothing else.

This is abundantly proven by what has at last been recognized by Sr. Orozco y Berra as well as by my friend, Sr. Chavero ("Opuscolo," etc.) as specifically Mexican sources of aboriginal history. See for m-t "Codice Ramírez," (pp 52, 62, 66, 67, 69) "Fragmento No 1" (pp 134, 127, 131, etc.) "Fragmento No 2" (pp 135, 147, etc.)
the critical period of Cortés’ first stay at Tlachtitlán, the twenty "speakers" held daily meetings at the official house.\footnote{Duran (cap. X, p. 83) XI, pp. 107, 108, 169, XIV, pp. 117, 124, XVI, pp. 132, XVIII, p. 130.}

In a society based upon kin we cannot expect a clear division of the powers of government, particularly as there were no written laws.\footnote{Duran (cap. X, p. 83) XI, pp. 107, 108, 169, XIV, pp. 117, 124, XVI, pp. 132, XVIII, p. 130.} and custom alone ruled. The functions of the ancient Mexican council were not properly legislative, but they were rather executive and judicial combined. One of its first duties was, however, to maintain harmony among the kins.

The twenty independent social units composing the Mexican tribe, while bound together by the necessity of mutual aid to secure territorial independence, could not be expected always to live in peace with one another. Difficulties would necessarily arise between kin and kin, and to prevent such disputes from leading to actual warfare,\footnote{Duran (cap. X, p. 83) XI, pp. 107, 108, 169, XIV, pp. 117, 124, XVI, pp. 132, XVIII, p. 130.} the council as a body of official arbitrators was needed.

According to the rules of kinship, the calpulli was not only bound to avenge any wrongs suffered by one of its members, but it was also responsible for the offences committed by the kinfolk towards any kinsman.\footnote{Duran (cap. X, p. 83) XI, pp. 107, 108, 169, XIV, pp. 117, 124, XVI, pp. 132, XVIII, p. 130.} Hence theft committed outside of the

\[\text{Duran (cap. X, p. 83)}\]
calpalli, and especially the slaying, wilful or accidental, of members of one kin by those of another, became the cause of a claim by the offended calpalli upon that of the offender. This claim was submitted to the tribal council by the "speaker" of the complainant kinship. He produced his evidence, sometimes even in the shape of paintings, not so much to prove the facts as to sustain his claim. From the opposite side, the "speaker" defended the interests of his clan, and he also supported his pleadings with whatever testimony he might command. The remaining "tlatoca" listened attentively to both parties, and when the argument was concluded, they deliberated among

139 II Bancroft ("Nature Races," Vol II pp 458 and 479) was the first, to my knowledge, to call attention (in note 79) to the difference of opinion among authors in regard to the punishment of murdcrs. He refers to the unpublished parts of the work of Fray Diego Durán. We find in the Codex Ramirez ("El Tra bajo de los Ríos y Cuernos y Pueblos que en su fe familiar habían los Indios de la Nueva España" Cap I, p 109) El mata uno cabido en muy prohibido y aunque de se pereza con morte, hazan el hombre en lo propio por la mujer o padres del muro lin para que los suyos e simples la tierra del muro ganando el sustento de los hijos que debían. This is very interesting since it shows the autonomy of the km. The murderers stood, towards the calpalli of the slain, in the same relation as, among northern Indians, a person of war towards the hostile tribe. Both could be adopted and thus combined the deed. The remaining kin lost one member, the offended kin lost one member for the one that had been killed. However, this is only in exception does the rule, as established by the majority of authors was that the slave could become free. In the same manner, and under the same head, the contributory reports must be placed about the punishment of theft, which have already been noticed. These are some quite different, for each crime or kind of crime, two classes, one, of such as were committed within the km, and the other of such as were committed without.

140 Siboney (Lab VIII cap XV p 304) "Otra sala del palacio se llamaba tecal, o tecalca. En este lugar residen los senadores y los ancianos para opinar y practicar, que son el sabio de la gente popular, y los jueces propios de hacer en historia con mucha prudencia y sagacidad y que los despachan, porque porque tienen mucha sabiduría y práctica e interpretación de las causas como hacen cosas de muchos años y después cuando va que se quería el pleito buscan los senadores los testigos." I quote this passage although it applies particularly to the judicial functions of the council, because the mode of proceedings therein illustrated is found in Tzotilco (Lab VIII cap VII p 207), speaking of Tzotilco is very positive. Habla también sobre sus propiedades, y los problemas entre ellos, repetitivamente que quiere decir que había por otro. "I need not dwell here that 'tlatocí' (plural Tlatoca') was the title of the members of the council, and that consequently these attorneys' belonged thereto. The same statement (drawn from Tzotilco also) is found in Tzotilco ("Tzotilco" Parte II, cap VII p 191). These two works contain (in the chapters indicated) the most detailed information as to the proceedings. Still, there is evident confusion in the minds of these authors in general if they fail to distinguish between arbitration and tribal jurisdiction. The bulk of the other authorities commit the same mistake - Compare Zutaría (Kapítsa') pp 102-105, whom Mendizábal (Lab II cap XXVIII p 138) has almost verbally copied Tzotilco (Lab XI, cap XXVI, pp 121 and 175).

The absolute lack of division of powers which characterizes so well ancient Mexican society is well established by Tzotilco (III, cap VII, p 206) speaking of what he
themselves until they finally agreed upon an award. The same thing occurred when two calpulli claimed possession or enjoyment of the same piece of land. No appeal was possible to any higher authority, but every eighty days an extraordinary gathering took place at the "teopan," consisting of the council and the executive chiefs, the war-captains of the four great quarters, the "elder brothers" of the kins, and the leading medicine-men, and any cause pending before the "tlatoani" might be deferred until the next of these general meetings, and even in case a decision had been rendered, a reconsideration thereof, on that occasion, was sometimes agreed upon.

calls "supremo consejo" "Tratándose en este consejo todo genero de negorios de estado, justicia, guerra, hacienda etc., etc." 193

191 This picture is mainly based upon Veytia ("Historia antigua," III cap VII) and Bustamente ("Tezozómoc," pp 191 and 192) The statement in the latter is only worthy of credit because copied from the former.

192 Veytia (Lab III, cap VII, p 207) Churango (Lab VII, cap XVI, v 48) For a copy of the paintings reproduced, see 4 de Humboldt ("Vues des Cordillères," etc., Vol I, plate V, Ed 80)

193 I affirm this in the face of all the authorities on the subject, who, without exception, assert that there was no appeal to the "king." The Codex Mendez (plate LXV, "Declaion de la figado") is even more positive. "Y si era negocio de calidad del consejo haces apelacion por via de avravante Montequeuma, en donde habia comision de la cauza." My opinion is based on what precedes about the authority of the council, on what I expect to prove in relation to the true nature of the duties of the head chiefs and which will hereafter follow, and on the contradictions among the authors themselves. Thus the "Codex Ramirez" (p 78) places the supreme power into the hands of the councils, "sin parecer de los quales ninguna cosa se habia de hacer," and (pp 64 and 65) it does not mention any power of appeal whatever. Zarda (pp 100 and 101) "Les appels contest portes devant donne autres juges superieurs qui prononcent d'apres Paris du soutien." It is queer to notice, how the writers of the tezozomoc school, appeal eager to place the power of final decree in the decision of final appeal in a "high tribunal," or rather simply a supreme council of their tribe. Torquemada (Lab II cap XXXI, p 146) mentions a supreme council, "a los quales avian de vear todas las cosas graves, y criminales..." For those two foes supreme no se apelaban las causas graves, los quales las admitian pero no determinaban, ni sentenciaban, sin parecer, y acuerdo de el Rei." Veytia (Lab III, cap VII, p 199) speaks of the establishment of "tribunals" by "Paying wolt" ("Nezahualcoyotl")—properly "la-ting coyote") and adds "...pues concediendo a las partes el recurso de apelacion para el gran tribunal de justicia que ejercio su corte de Tecucan." This so-called tribunal was, as we have shown at the close of note 190, the "Council of the tribe." Mendez (Lab II, cap XXVIII, p 115) almost copies Zarda Sahagun ("Historia general," etc., Lab VIII, cap XXV, p 414) "y los casos han demudibanos y graves, llevabamos al seor para que los sentencias juntamente con tres principales muy calificados, que con el arribaban, y juzgaban." Estos fue crano los mayores jueces, que ellos llamaban teritulatique. In this case the learned father speaks of tribal jurisdiction and not of arbitration still it is plain that he admits the council's decrees as final. The chief, "señor," appears only as member of this council, a position of which we shall hereafter speak. Without making any further quotations from similar authorities, I beg to refer to those which place by the side of the so-called "King," an independent "supreme Judge"—the "Chiaacoacuil," whose tribunal
Aside from these arbitrating functions, other duties occupied the council's time at its full meetings. If any calpulli felt wronged in the distribution of the incoming tribute, it might through its delegate or "speaker," complain about the tribal officers answerable for it to the "hatoacan." The investiture of chiefs and officers of the kins belonged to the highest authority of the tribe is positively mentioned as the final court of appeals. That this "Chimachauhtli" occupied a high position was already noticed by Cortés ('Carta tercera,' Vedía I, p. 89) and subsequently, when he became still more prominent, by Tezozomoc. But Tezozomoc has been to my knowledge the first one to establish his position as independent supreme judge. It is not devoid of interest to notice what he writes about this office ('Historia Indígena,' Lib. XI cap. XV, p. 52): "Después del Rey, habia un Presidente, y Juez mucho, cuyo nombre por razón del oficio, era Chimachauhtli.

De este Presidente no se podía para el Rey ni para otro Juez alguno ni podía tener Temente ni subordinato, sino que por su misma persona habia de determinar y decidir todos los negocios de su juego y audiencia. He further adds, 'lo que no cura en este duro Juez Chimachauhtli, porque de su última determinación no habia remedio a otro' ('Fray Augustin de Velasco,' 'Teatro Mexicano,' Vol. I, Parte 2o, cap. 2o, p. 89): "Después del Rey, había un virre que llamaban Chimachauhtli, que el rey provocab, y era su segunda persona en el gobierno, de esa sentencia no habia apelación a otro. Tan absoluía era la autoridad del que daba, que recibiendo el rey en su autoridad, era en la judicatura igual." These statements distinctly butt the existence of an appellate judicial body of which this Chimachauhtli was foreman and over which the so-called 'King' had no control. Churumoro ('Lib. VII, cap. XV, p. 45') even states that while there was no appeal from the Chimachauhtli, whatever there was one of the others at the court and the principal seats of the kingdom. These views in regard to the 'Chimachauhtli' have been plainly accepted by W. H. Prescott ('Conquest of Mexico,' Vol. I, p. 29): "There was no appeal from his sentence to any other tribunal, not even to the king," and W. H. Bancroft ('Native Races,' Vol. II, cap. XIV, pp. 434 and 135).

The confusion is apparent, for we have here three different views of the same case. One is that the 'head chief' was the highest appellate authority, the other that the head chief, with the council, formed the court of last resort, and the third that a 'supreme judge' was appointed by the so-called 'King' to render final decisions. Now we have already seen that the supreme authority was the council of 'Hatoacan,' consequently what is commonly called the 'king' could not be the last resort in judicial matters, still less could he appoint an officer for that purpose. Our proposition appears therefore, sustained that there was no appeal from the decisions of the council to any superior authority whatever.

But, finally, it was possible to reconsider so to say the cases decided by the council, and for such the so-called 'Nahuapohuallateli' or 'eighty days talk,' was instituted. Authorities are almost unanimous on this point, although it is commonly ascribed to Tezozomoc alone and I refrain from quoting them in detail, referring but to Bancroft ('Native Races,' Vol. II, p. 439, etc.)

104 This becomes evident from the relative positions of kin and tribe. As we shall hereafter see, the office-gathering and those receiving the tribute were tribal offices, consequently subject to the council. It was to the council therefore that any complaint had to be brought against them and this could be done only through the 'speaker' of a particular kin. That the tribute was distributed partly among the 'calpulli' is indicated by Barcia ('Cap. IX, p. 76): 'Tambien dieron a sus barrios para el culto de sus dioses, a cada barrio una suerte, etc.,' and Tezozomoc ('Cronica Mexicana,' Cap. X, p. 18): "y aunque venian a darlo a Yetzcuatl era para todos los Mexicanos en comun."
also 195 This "right to invest officers and chiefs of the kins" is commonly distorted into a right to appoint or at least to confirm an appointment or election, 196 whereas it was merely an act of courtesy ultimately converted into an established custom. But paramount in importance was the preservation of independence towards the outside world, and hence all relations with other tribes, and all final decisions concerning alliances, declarations of war and treaties of peace were, as we have elsewhere stated, in the hands of the council 197. No maid of foray could be started unless by its direction, and delegates from foreign or hostile tribes, though not always admitted into the presence of the "tlatoani," always had to wait until that body agreed upon and formulated an answer 198.

195 Ton quenada (Lib Xi, cap XXIX, p 364) "elegen Dia de buen signo en el cual llegaban a todos los señores, y principales de la República a y a todos los Patentes y Amigos los que acompañaban al mismo en etc., etc." (Cap XXX, pp 364 365) This author copes from Mendata (Lib II, cap XXXVIII and XXXIX, pp 156 to 161) who partly gathers from Zurita ("Rappott," pp 23 to 29) Comarca ("Conquista," etc., Veda I, p 453) "Los señores, los amigos y patentes que convocados estaban, los subían por las gradas al altar:
El día que había de subir venían todos los que primero lo nombraron, y luego por la mañana se iban y humaban muy bien, y se turnaban al templo de Camaxtle con mucha música, dansas y negoco Subíanle á cerca del altar etc. etc." Although these quotations apply mostly to Tlaxcala, the dignity of Tlacbtl was common among all the sedentary tribes and the customs of investiture were also about identical. Compare, "Des Ceremonies observées toutesfors par les Indiens lorsqu'ils réussissent une telle" (Pères relatifs à la conquête du Mexique," Tenaux Companys, pp 214 and 218.

196 Zurita ("Rappott," etc., p 47) "parce que les souverains suprêmes ne les éclatent a ces dignitaires qu'en recomposant des exploits qu'ils avaient faits à la guerre" etc.

Besides, there are numerous evidences that the older authors all believed the ephes was to be nominated by the highest tribal authority. The distinction was never made as between officers of the kins and officers of the tribe. I have formerly discussed the point.

197 "Art of War" (p 129) In addition to the authorities there quoted, and those alluded to in note 178 of the present essay, I beg to refer with great pleasure to a paper written by a learned Peruvian, Sr. Jesus Fernandez Nodal ("Legislacion civil comparada des Mexicanos, sous les emperes Aztecas et des Peruvians a Piepooke des Incas") This memoir was presented at the "Congres international des Americastes," at Lucem bourg in 1877, but only a short summary of it was published in the "Compte Rendu" (Vol I, pp 215-217) Sr. Nodal states that among the Mexicans' monarchy (?) was elective and controlled by a Council. "El consejo" It is to be sincerely regretted that this interesting paper was thus neglected.

198 Evidence in regard to this latter detail are numerous. Compare Tezozomoc ("Crónica Kingborough Vol IV, cap XLVII, p 172); Dugan (Cap XV, p 127) "El rey Montezuma le respondí con rostro muy alegre y amoral, que se lo agradecía el amor que les tenían y que era muy contento de conservar la paz y de tener con ellos perpetua amistad, pero para estas treguas estuviesen con más seguridad y vinculo, que lo quiera comunicar con sus grandes señores y principales y que le da a su respuesta. El rey de Tezoco fue aposentado á descansar en un aposento de la casa real, con mucha honra, y luego el rey mandó venir a todos los de su consejo y á los demás señores y principales, y estando presentes, luego los propuso la plata.
Such were, in a general way, the higher functions of the Mexican council, and they appear, if we are permitted to characterize them to be only arbitrating and directive. Yet the members of that council had other duties of a purely judicial nature.

No conflict occurred between its jurisdiction and that of the king: it was neither superior nor inferior to it, but wholly independent, even without any connection with it. Hence it extended:

1. Over the unattached class, the hangers-on to the tribe, or outcasts from the bond of kinship.

2. Over all the people composing the tribe, irrespective of kinship, at places specially placed under tribal care, or reserved for tribal business, and therefore neutral ground for the members of all the calpullos. These neutral localities were the official buildings, the central or tribal "house of god," and especially the great "tranquilo" or market places.

The outcasts were, happily for the preservation of tribal society, not very numerous. Still, from their very origin, they were the most disorderly part of the people and crimes were certainly more common among them than among those upon whose passions the tie of kinship and the obligations resulting therewith acted like a wholesome check.

It required a judicial power constantly on hand to repress and punish the misdemeanor committed among this class.

The "teopan," the great central "teocalli" and the square on which it stood and the market, were regular meeting-places of
people from all the calpullis, but over which no single kin could exercise any control. This control had been delegated to the

200 In regard to the “tecpan,” the simple term “casa de comunidad,” used particularly by Torquemada (Lab VI, cap XXIV, p 45 and again Lab XIII, cap XXX, p 477) for the “tecpan,” which is the palace,” explains much. It is based, self-evident that the tribal places of business and of worship were under the control of no particular kin, being expressly reserved for the tribe. There is, however, no definite expression as yet, in fact it hardly amounts to a clear conception of the number and position or location of the original “trance” of Tenochtitlan. There are four witnesses of the conquest reporting upon the markets. Cortes, Andres de Tapia, the anonymous conquistador, and Bernal Diaz de Castillo. I quote these in succession. Cortes (“Carta Segunda,” Vedula, I p 32) “Tiene esta ciudad muchas plazas, donde hay continuos mercados y trato de compara y vender. Tiene otra plaza tan grande como dos veces la ciudad de Salamanca, toda encada de portales al rededor, donde hay coti dienamente mas de setenta mil almas comprando y vendiendo.”

Cortes Ter cera” (p 74) “habita otra puente que esta junto a las plazas de los principales aparentes de la ciudad.”

Note 2 of the Archbishop Lorenzana. Antes de llegar a la plaza de la Universidad hay muchas puertas, y naturalmente habia aqui donde esta plaza 6 mercado que era muy grande.”

“Porque este trabajo era incomparable, acordó de pasar el real al cabo de la calzada que va a dar al mercado de Tenochtitlan, que es una plaza tanto mayor que la de Salamanca, y toda encada de portales a la redonda.” (Id p 79) “seguimos nuestro camino y entramos en la ciudad. A la cual llegamos y repartimos la gente desta manera, habia tres calles donde que teniamos ganado, que iban a dar al mercado al cual los indios llaman Tianquizco, y a todo aquel sitio donde esta calla de Tlatelolco, y la una destinada la principal, que iba a dicho mercado. Las otras dos calles van desde la calle de Tzlapa al mercado.”

“Id (p 57), antes del repulso de la bandada “todos los españoles vivos y muertos que tomamos los llevaron al Tlatelolco, que es el mercado.”

“Id (p 57) “E aquel dia acabamos de ganar toda la calles de Tzlapa y de adobar los malos pasos dellos, en tal manera que los del real de Tlatolco. Alquilando se podian comunicar con nosotros por la ciudad y por la calle principal, que iba al mercado, se ganaron otras dos puentes y se vino bien el agua.”

“Id “y seguimos la calle grande, que iba a dar al mercado.” (p 86) “Otro dia siguiente, estando achezado para volver a entrar en la ciudad, a los nueve horas del dia vimos de nuestro real saltar humo de doradores muy altas que estaban en el Tlatelolco o mercado de la ciudad.”

Andres de Tapia (Relacion, etc., in Col de Do, II, p 582) mentions only the “poto de los indios” (“El Conquistador anónimo” (Col de Do, I p 39)) “Son llama de Tenochtitlan Mesato grandísimo, en llamarse piazza, donde se venden mas de los hombres dellos, en especial la piazza mayor donde es que abaniamo el Tlatelolco, que que eso esto grande como alrededor de voto la piazza de Salamanca, y es el interno de la ther piazza, ” (p 394) “Y otra que esta gran piazza ve no son de unos, y mercati en que se venden cosas de marquises, de diversas partes de la ciudad.”

Hernando Diaz de Castillo (“Historia verdadera,” Vedula cap XCI, p 89) “y quando llegamos a la gran plaza, que se dice el Tlatelolco, como no habianos visto tal cosa, quedamos admirados de la multitud de gente y mercaderías que en ella habia.”

He also states that the “gran piazza” was “cercado de portales” (Cap CLXII, p 183) “que se nos pone que fuesmos entrando de golpe en la ciudad hasta entrar y llegar al Tlatelolco, que es la plaza mayor México, que es muy ancha.”

“Cap CLV, p 193” “que les entremos todo cuanto podamos, hasta llegares al Tlatelolco que es la plaza mayor, donde estaban sus alta sus y adoratorios.”

We note at once a contradiction Cortes first mentions a market of Tenochtitlan, and afterward he calls it of Tlatelolco. Archbishop Lorenzana identifies it with the “plaza de la Universidad,” or in the neighborhood of the Cathedral. See Corts Salazar (Tres Dialogos, p 9) “en la esquina de las calles del Arzobispal y Seminario.”

There were two great market places in ancient Mexico, one of which was in Tenochtitlan, and the other in the conquered neighboring pueblo of Tlatelolco. This is very
"thatocan" as a consequence of the formation of the tribe. Crimes committed at such offences were punished with unusual severity, because they were offences desecrating neutral ground which was plausibly stated by Torquemada (Lib XIV, cap XIII p 555) and it would even appear as if, notwithstanding the importance attached to Titchichol by many authors, that the principal market was the one mentioned by that author as el que esta en la poblacion de San Juan" and consequently the proper 'trankux' of the Mexican tribe. This could only be neutral ground, over which no single kin exercised any authority. It may have been different in regard to the "trankux" of Titchichol, it is lest the following indications of Duran (Cap XXXIV, p 250) deserve full attention. 'Fecho esto mando el rey que aquella plaza y mercado que ellos ganaron, pues los titchichol no tenian mas tierra, que fueren repartido entre los vecinos y que la parte que aqui uno cupiese, que de todos los titchichol que alli tienen asiento, de todo lo que vendiesen les dieran alcantara, de uno a uno y asi se repartiu la plaza entre todos, de donde cada uno obraba alcantara de lo que en el lugar que le preveio se vendia.' The above is not quite definite enough, hence the "plaza y mercado" of which the friar speaks. Similarly the one mentioned by him (p 263) "y encuadrando en la plaza de su mercado han podido los titchichol hacer mas beneficio y lucro al lugar que le fue dado que se vendia." Whereas he says (p 291) "que alli tienen asiento" as if the plaza was built over. The fact that the "trankux" of Titchichol was "sub-distributed among the Mexicans" is further asserted by Tezozonotl ("Codex Mexicano" Cap XI, VI p 75 Kinkshonlouch, Vol 9) 'Alexarando tambien se hicieron departamentos del trankux de Titchichol a los Mexicanos, y comenzaron a mediar primero gentes de la de la primera gente Nazari' luego Zinacantec hidalgo Titchenchil, luego por orden Tichaehcal y a todos los capitanes, que fué tenido el trankux mas de enti ganan bien pueblos.' It would therefore appear, if we interpret this "distribution" as it should be done namely as a division of profit among the less that the latter claimed a share of tribute from the traffic or better going on in the "trankux" of Titchichol a fact corroborated besides by that other statement of Duran (p 251) El rey lo mando, que pues aun solo traduises a un cierto real que de alli adentro queria en un valencid que aquella parcialidad de Mexico al trankux se tengan tributarios y pequefios como los demas indios y provincias. 'This, and the uncertainty as to which trankux is always meant favours the assumption that Comora ("Conquista," p 409 Videla 1) mentions Titchenchil when he says: Los que venden pagan algo del asiento al Rey, o por alcabala o porque los guardan de ladrones." Cortes ("Cortes Segundos," pp 12, 31 and 41) does not mention it for the words donde estan personas por guardas y que venden estacion de cada cosa que entra do no aplicarle a the market which he describes as having visited and which in spite of Hernando Diaz ("Histo Trenchacan," Cap XII, p 89) I still believe to have been that of Tenuchtitlan, and not that of Titchenchil. Cortes is strictly followed by Oviedo (Lib XXXIII, cap X, pp 300 and 301) whereas Herrera (Dec II, lib VII, cap XVI, p 193) copies Guzman.

I have dwelt thus long on this question because it depends on the notion that the "government" of Mexico levied a tax on the traffic of the members of the tribe. Titchenchil limits itself to a tribute paid by the subject tribe of Titchenchil alone, since, as Duran says (p 278) "they had no more soil than that of their trankux." This tax was distributed among the kin like any other tribute. But it does not follow that therefore the kin exercised judicial power over the Titchenchil market. This power remained with the Titchenchil tribe or devolved upon the officers of the tribe of Tenuchtitlan. The former is more likely although the latter might also have been the case since the Titchenchils were treated with great severity, as natives and outcasts (Duran, Cap XXXIV, pp 246-251) in which case the tribal authorities would have had to punish them.

That the central or tribal "teocalli" and the courts surrounding it were committed to the care of the tribe as representing all the kins, on equal terms, in the sense which each had in it, is self evident, and needs no further proof.
then respected as open to use for all the kings in common. So many people met there daily, that the daily exercise, at least the presence, of judicial authority was absolutely necessary.

201 Las Canas ("Historia Apologética," Cap. 214, in note XLV of Lord Kingsborough, Vol. VIII, p. 124) "pero todo toman en los mercados, como a granadas y otros

tamaños del pueblo en muy gravemente castigados." Sakaquy (Lab. VIII, cap. XXXI, p. 235) "are even of those who disposed of stolen articles" "the Judges and
echieves took them and sentenced them to death." Tongemah (Lab. XII, cap. 269.) "El que vendido en la Plaza Mercado, que llaman el Tranquino, luego allí era muerto a pararse, por tener por muy grave culpa que en semejante lugar, y un público, tuviese

un trasvimento." Chalketo (Lab. VII cap. XXI, p. 431) "He who charged the men that established the government in open market, was executed on the spot," and (p. 287) "He who stole in the market was at once beaten to death." Mendetla (Lab. II, cap. XXIX, p. 116) "Porque tenían por grave el peso tomado en la plaza o mercado." 202

202 We have again here the eye witnesses Cortés ("Carta Segunda," Velia, I, p. 82) "Había en esta gran plaza una manzana cruzada como de arquitecto, donde están siempre sentados dos o doce personas que son jueces y hacen todos los casos y cosas que en el dicho mercado atinan, y mantienen a los tranquinos. Hay en la dicha plaza otras personas que andan continuo entre el gentío puntando lo que se vende y las medidas con que miden lo que venden, y se ha visto quebán alguna que está talas;

ían sido por castigo los mercados. (Cap. XIX, p. 210) Velia, II "y tan unanires, donde judúan las tres jueces y otros, como almacenes y mercaderes que tuvieron las mercaderías. "These two statements with more or less variation, are at the base of all that has been subsequently said on this subject, except by Sakaquy (Lab. VIII cap. XXXI, p. 245) El señor también compitía del tranquino y de todas las cosas que en él se vendían por amor de la gente popular, y de toda la gente le entera que allí venían, para que nadie los hiciea francos, ni sin tenlos en el conocimiento de lo sucedido. Por esta causa podían por orden todas las cosas que se vendían o una en su lugar y elegían por la misma oficiales que se llamaban tranquinos; y aunque los cuales tenían trozo del mercado, y todas las cosas que allí se vendían de cada género de mantenimientos o mercaderías, tenían uno de estos trozos para poner los precios de las cosas que se vendían, y porque no hiciesan francos entre los compradores y vendedores. "Tranquinos. Hasta que se conocieran entre los tranquinos. (Lab. II, p. 110), and Playa, in "cosa primero del interior." (Ibid. p. 120.) Consequently the expressions of the names of those who trade in open market. We have to distinguish these two names, and such offices as "sell" (sean siempre sentados) say: Courts within that "very good house" in the market on rather close by, and acted as Judges. Herencia (Dec. II, Lib. VII, cap. XXVI, p. 195) says the house was called the "Mercado," a statement which he afterwards changes to "la plaza de México." (Dec. III, Lib. IV, cap. XVII, p. 117). We are now informed by joung medical (Ibid. IV, cap. XVIII, p. 155) that the tecpán of Tulchilco is such that the Casa de Chulho, y Anduana was at its time on one of the sides (acera) of the market of Tulchilco, and it appears to have been customary for the natives to have the official building facing the tranquino. Such was the case at Tepozolán if we are to believe J. R. Bataille ("Histoire des Chichimeques," Cap. XXXIX, p. 247): "Le palais avait deux cours dont la première qui est la plus grand se donnait à place publique et de manière, elle est même encore aujourd'hui de taille à cet usage," and if the market of Tenamintan really was where Archbishop Lorenzo puts it (see note 200), then it is evident that the Mexican tecpán must have been very near it if not actually facing the square. The great house mentioned by the eye witnesses, quoted, was therefore, in all probability, not the council or official house of the tribe and the old men who in number from three to twelve are said to have sat as Judges. They were members of the "tetana" or supreme council on judicial duty as we shall hereafter see. Those officers who consulted among the people maintaining peace and order were executive..."
It therefore demanded the daily attendance at the official house of the tribe of a body of men sitting as "judges." The decisions of these judges had to be final even in matters of life and death. Therefore the chiefs composing the highest authority of the tribe, the members of the council of "tlatoca," were also its supreme judges. It is stated that for this daily work the twenty "speakers" were subdivided into two bodies sitting simultaneously in two different halls of the "teoxtlan." One of these bodies is called "court of the nobles" because it attended not merely to tribal cases, but especially to the preparatory business of government in general, whereas the other limited its decrees to judicial questions only.

This division of the council into two bodies for the purpose of greater dispatch of judicial work is particularly affirmed by Sahagun (Lab VIII, cap XV, p 301, Cap XV p 304, and Cap XXV, pp 314 and 315), who, however, contradicts himself in regard to the position and rank of his "judges." Thus (p. 301) he calls his officers of the "sala de la judicatura" "el rey los señores, consules odores, principales nobles," as distinguished from those of the "audencias de las causas civiles," whom he designates as "los senadores y los ancianos," thus intimating if not asserting that the former were superior to the latter in rank and power. The hall wherein the former met is called "teoxtlan," the latter "teoxtli." I shall return to these terms again.

He further asserts (p. 314) speaking of the former: "Estos eran los mayores juicios, que ellos llamaban teoolotlques..." and establishes them as a court of appeal for the lower court. Now (Cap XXV p 315) he says: "Justamente los senadores que llamaban teoxtlan..." Consequently, he tacitly admits that the "senadores" who, according to him, composed the lower court, were also the equals of those of the higher, and all belonged to the same class of officers. Finally his picture of the duties of both bodies is rather obscure. The even (p. 314) might be construed to apply to both these courts. If we now examine the names given by him we find that of the lower to be "house of chiefs," from "teoxtli" and "call" house indeed, Molina (II, p 92) his "teoxtli," casa o audencia real." "Teoxtlan," however, signifies (II, p 120) "lo propio, o al juez de los juzgados, o de casas reales..." The proper derivation, however, is from "in this house," to correct writings, or count over what has been already counted" (p. 120), which would indeed correspond to a court of appeals. "To appeal" is "mexicaepai," appeal, "tlatlapatl, o de cam. notahuitl..." Molina (I, p 12). It stands properly for the act of demanding, or of returning folding, doubling up and it is not likely to have been used by the natives to define an appeal in the sense of the word. Father Sahagun has probably introduced the word "teoxtlan" himself. At all events he is responsible for the notion of a superior body of judges, to whom a lower court, sitting in the same house, referred all cases of importance, contenting itself with taking testimony and dispatching unimportant cases, while at the same time he tells us that the members of both groups held the same office, and were consequently equal and had the same title. The title we have found to be that of the members of the council, consequently the two groups formed but fractions of that body, co-ordinated and assisting each other, and not a higher and a lower branch of a tribal judiciary.

Father Sahagun and contemporary authors of the Franciscan school whose writings have just now come to light in the "Libro de Oro," can easily be traced as the sources of most of the later pictures of Mexico in judicial customs as in the present instance. Thus his highest tribunal of these "senadores" reappears in Gomara ("Conquista," p 442,
We thus have found in the "tlatocan" or council, the high directive authority of the tribe, the arbitrator between its organic component parts, and the chief judicial power within the tribe. It is easy to recognize in it a counterpart to the council of the kin.

Like the kin also which, subordinate to its councils decrees had two superior officers for the execution thereof, the tribe had two chief executive functionaries.

Even at a comparatively remote period in the history of the ancient Mexicans we may discern two offices, not formally created, but naturally growing from what was left of tribal organization, which mark the beginning of a chief tribal executive. One of these is the "wise old man" conducting the "talk," the other is the "big warrior" who led the brave to battle. The former subsequently became "foreman" in the council, the latter "war-chief" to the tribe. There are indications to the effect that, for a while, both offices were held by one person. From the time the confederacy had been formed, however, we recognize two chief executive agents, one of which is called the "Snake-woman."

*Veitch* (1) "Les Jueces eran due con un juez de tercer cuarto, en all fourteen, equal to the shagun with the Senor of the Zundas ("Rapport" etc. pp 100 and 105) "Les douze juges d'appel." *Mendelssohn* (Lab II, cap. XXXVIII, p. 180) copies Zundas almost literally. In the case of this early Franciscan group of writers, there is the picture drawn by the two great Franciscans, Torquemada and Velasco, representing a supreme judge, "Criminali," and four tribunals beneath him in authority. This picture is evidently based on such paintings as the "Codex Mendelssohn" (plates LXIX and LXX). In my opinion the thirteen Judges of Shagun should be connected with the judicial offices mentioned by Cortés as sitting at the "tpecan" (see note 202), rather than regarded as constituting a court of appeals.

Finally, I refer to *Lettres à Mariette* ("Histoire des Chichimiques") cap. XXXVI and XXXVII, *Vegas* (Lab III, cap. VII, pp. 199 and 200 and others), in regard to Tecpan. While they distinctly prove the subdivision, for judicial work, of the supreme council into two sections, they also show a very marked inumer, the confusion and contradiction arising from a misconception of the real case.

Perhaps the earliest mention of such a "wise old man," foremost in the "talk" among the Mexicans prior, is that of the tale of the crafty old men *Huitz妾lan* and Teopete, who are said to have persuaded the Mexicans to emigrate from Azitan, as related by Torquemada, who is often quoted (Lab. II, cap. I, p. 76). In early times they are also called Captains and leaders and must not be confounded with the "mediccemen" (id., p. 78) subsequently these latter sometimes appear as leading speakers. Much information can be gathered on this point by carefully and critically reading *Vegas* (Lab II, cap. XII, XIII, XV and XVIII), *Codex Barrios* (pp 25 to 38), *Duran* (cap. IV, V and VI), *TesoComo* (cap. I, II, and III).


*204* This appointment of the duties of chief executive among two heads is found in many tribes of Mexico and Central America. Thus in Tlaxcalan, Maxican, and Xochimilca, the two head chiefs were able and equal in power (Cortés, "Corta Segunda" (pp 18 to 60) *Bernal Diaz del Castillo* (cap. LXXVII, p. 100) "los dos mas prin-
(‘Cihua-cohuatl,’) and the other (erroneously termed ‘King’),
the ‘chief of men’ (‘Thaca-tecolth’).

The ‘Cihua-cohuatl’ was elected by the council for life, or
couples caciques,” “Anonymous Conqueror” (p. 388), ‘an anchor in certain mode at
habita requito a uno che el mage or Signor, che twee tenova un Capitan gen-
erale per la guerra” “Molotlana,” “Hist de los Indios” etc (Part III cap XVI, pp 229
and 230) Querido (Lib. XXII, cap III p 575) copies Cortes’ Gomara (p. 324) Torque-
mundo (Lib. XI cap XXII p 157) thus form, of which Maxica, who was captured, through
the is contradicted by the conquistors Xicotencatl being v chief’ Herrera (Dec. IV, cap VI, cap X, p 432) reports the speech of Xicotencatl ‘que buen delia de saber, que
era Xicotencatl Capitan General de la Republica de Tlascala” and especially his in-
teresting tale of the Tlaxcaltecan council in Cap III, pp 139 and 140 Pe-olamoe (Cap. LXIII, cap 170) ‘el que Xicotencatl’ (cap. LXIII, p 172) ‘Cetes Mayaguiz-
atzin’ About Chalco compare Pe-erico Insular’ (p. 287 note 11) also about Xochi-
nahualli and the Tepochacans. In regard to the Tlatelolco Zuta (Rapport, etc p. 389) was there three, chiefs, who occupied the highest power in succession. This
statement is copied by Herrera (Dec. III, cap IV, cap XVIII p 179) The Tlatelolcos had two chiefs. Dutau (Cap. XXI p 181 Cap. XXIV, p 205) The Insular’ of
Monzual is represented by Herrera (Dec. III, cap III, cap V p 8) as being assisted by
‘his capitan general’ and the anonymous document copied by
Don Hernando Joro from the Codex C-IV of the Essential Library and published,
without date, though evidently written between 1543 and 1546 entitled ‘Relacion de los
ceremonias y ritos, poblacion y gobierno de los indios de la provincia de Me
dico, hacia al Indiano y don Antonio de Mendoza, virrey y Gobernador de Nueva Espana’
was (‘Pompeo Ponce’ p 111) ‘ques habia un rey y una su gobierno don y un capitan
general en las guerillas y compuesto, como el mismo casamiento.” This is very sign-
ificant, especially because it is represented as being substantiated by divine will
‘Dicho se en la primera parte hablando de la historia del dios Cihua tequil como los
dioses del cielo lo dijeron como habia de ser el rey y que habia de conquistar toda la
terren, y que habia de haber uno que estuviese en su lugar que entendiese en mandar
y en la manera de los que.” The evidence is positive about the Quichue of Guatemala, and
the manner very interesting Zuta (Rapport) etc pp 405 and 406) mentions
three chiefs, in manner exactly similar to those of Maltolmote, and Herrera (Dec.
III, cap IV, cap XVIII p 110) follows him implicitly Torquemada (Lib. XI cap
XXII, pp 158 and 160) is of the same opinion, although it is easy to see that in fact there
were two head chiefs and not three, since he says ‘En el primero de todos el Rey
actual, es a sabi el Abdul luego el Rey electo por después de sus dias, trasl.
et que tenia nombre de Eleazu, etc.” Consequently there were always two with the
principal title Pe-jo de Humado (‘Relacion a Hernando Cortes” Udalban, 11 of
April, 1524 Vodka p 426) speaks of quatro seones de la ciudad de Udalban” An-
other eye witness of the conquest of Guatemala Bernal Daz de Castillo (Cap. CIXIV,
p. 220) speaks of dos capitanes seones of Udalban. We have fortunately, in regard to
the times of Quichue language, a very positive source of great value. This is the
‘Papal Yahu’ (p. 339) Luminating the ‘Nin-Hi Cihuatsik’ it speaks from the
fourth generation on (‘U-cul-le’), always two chiefs, stating positively ‘Oxih-
quahol, Ehelehu Yahu, cu al hanc el abun Ateut que abahato, la xal Donaquil, se
hiza en rural Cuauhtlickyik.” (p 336) Consequently Alvarado executed two chiefs.
Besides (p 446), it even mentions that 1st ancestors, with Spanish names. At the
close these great elected ones? (‘Nin Coahuil’) are mentioned but only two are
named the one from ‘Ninab’ and the other from ‘Mano Quichue.” We find here
the exact counterpart of the Mexicas, before, then with Tlatelolco —two chiefs of
Mexico, and two chiefs of Tlacolula, Moquich and Tepocali. See the authors on that
subject. In regard to the Mix of Udalban see Lizarda (‘Descripción de Nuestra
Señoría de Humal’ § IV, also Villahermosa and Udalban (‘Historia de la Conquista y
Reducciones de los Nacel y Laudosones,” Lib. VIII, cap XVI, p 341).