

THE REPORT OF ALONZO DE ZURITA

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## CHAPTER I

### ORIGINS OF THE SYSTEM OF ENCOMIENDA IN MEXICO

As the conquest and pacification of Mexico proceeded, the native society of that land underwent a profound revolution. The political structure of the native states was ruthlessly destroyed and the socio-economic foundation upon which the old society rested was drastically changed to advance the interests of the conquerors. In a word, conquest meant exploitation. Such an outcome was probably inevitable. New Spain was a heathen land and the average Spaniard was seeking worldly goods. But the subjugation and exploitation of the native was denounced by many ardent souls among the conquering race. Las Casas preached and plotted to bring about a more just reconstruction, and Alonzo de Zurita, a jurist, bore testimony, in the name of the law, to the evils of the new regime. Helps -- who might have taken his facts from a page of Zurita -- thus graphically describes Indian society of the generation following the conquest:

" It is a misfortune that, with the exception of one Italian gentleman, Benzoni,

we have no instance of an independent traveller going to the New World, and making his remarks upon the state of society in it. But, if there had been such travellers, the aspects which the country would have presented to them would have been very various, and very difficult to understand. They would have seen some Indians with marks in their faces, toiling at the mines; while other Indians, unbranded, and perhaps with their wives, were also engaged in the same unwelcome toil. They would have noticed some Indians at work in domestic offices in and about the Spanish houses; other Indians employed in erecting public buildings and monestaries; others working, in their rude, primitive way, upon their own plantations; others occupied in the new employment, to them, of tending cattle brought from Spain; others engaged in manufactures of silk and cotton; others reckoning with king's officers, and involved in all the intricacies of minute accounts. Everywhere, on all roads, tracts, and by-paths, they would have seen Indians carrying burdens; and these travellers must have noticed the extraordinary fact that an activity in commerce, war, and public works, greater than that of Europe at the same time, was dependent, as regards

transport, upon men instead of beasts of burden. . . . . If the travellers could have gained the opportunity of speaking a few words with any of the Indians engaged in these various ways, they would soon have heard narratives varying in a hundred particulars, but uniform in one respect, namely, that the Indians were all unwillingly engaged in working for alien masters. "

Antedating the conquest of Mexico, there had been established in the islands the systems of repartimiento and encomienda, the former brought into existence by a Patent of July 22, 1497, authorizing Columbus to distribute lands in the West Indies, but saying nothing of the aborigines. Later, Columbus decided that the Indians should work the land for those to whom it was given.<sup>1</sup> As early as 1503 the King of Spain sanctioned the system of Indian service, ordering that the natives work for the Spaniards when the latter should decide such service was necessary. At the same time it was ordered that the Spaniards treat the

<sup>1</sup> Ad. F. Bandelier, On the Distribution and Tenure of Land, and the Customs with Respect to Inheritance among the Ancient Mexicans, Peabody Museum Reports, V. II, 435

Indians as free persons and provide for their instruction.<sup>1</sup> By the Laws of Burgos, December 12, 1512, the duties of the Encomenderos were definitely defined.<sup>2</sup>

In Mexico, the two fundamental questions of land tenure and tribute, were adjusted without definite plan, uniformity, or consistency. Therein lay the root of the evils of which Zurita and others complain. Immediately following the conquest, Cortes divided the land among his followers.<sup>3</sup> He also took upon himself authority to confirm to native rulers lands which the Spaniards conceived of as belonging to them under native custom. As Bandelier points out, the natives had no conception of what they were accepting.<sup>4</sup> Under

<sup>1</sup> By Cédula of December 29 -- Medina del Campo -- D. Joaquin F. Pacheco, D. Francisco de Cárdenas, y D. Luis Torres de Mendoza, Colección de Documentos Inéditos, Series 1, V.XXXI, 209-212

<sup>2</sup> Ibid., I, 237-241

<sup>3</sup> Bandelier, Distribution and Tenure of Lands, etc., Peabody Museum Reports, V. II, 435

<sup>4</sup> The oldest document issued by Europeans on American soil embodies a negotiation of Cortes with the chiefs of Axapuzco and Tepeyahualco, promising to them lands of their own. "It was the object of the Indians merely to become free of tribute to the Mexicans, as they had been previously; but no thought entered their

their government, the land had been the property of the calpulli or kinship, not of private individuals, whether chiefs or commoners. It is true certain lands were set aside for the chiefs, not however, as their private property, but as attached to the office. The produce of such lands served as remuneration for the public services of the chiefs. The substitution of the Spanish conception of private ownership for the native scheme of kin ownership with individuals holding land for use under fixed restrictions,<sup>2</sup> meant a profound change.

minds, at that time, of the ownership of the soil." On March 9, 1617 Leonardo de Salazar appeared before the Viceroy, Marques de Guadalcazar, in the name of the governor, alcalde, and fiscales of Azapusco and Tepeyahualco, seeking confirmation of the grant of Cortes to the pueblos. It was alleged that the grant was so torn that it would not bear handling. The petition being granted, it was ordained March 19, 1617 that a copy of the original be executed, common belief to prevail where the document was torn beyond legibility. The copy and certificate were accordingly issued March 21, 1617. The grant had been confirmed November 2, 1557 by Charles V and Council. Ibid. 433-434

The document is published in Icazbalceta, Colección de Documentos para la Historia de México, Vol. II.

<sup>1</sup> See Zurita, Report

<sup>2</sup> See Zurita, Report

The encomienda, according to Sir Arthur Help's definition, was a " 'right conceded by royal bounty ( a merced y voluntad del Rey ) to well-deserving persons in the Indies, to receive and enjoy for themselves the tributes of the Indians who should be assigned to them, with a charge of providing for the good of those Indians in spiritual and temporal matters, and of inhabiting and defending the provinces where these encomiendas should be granted to them.' " <sup>1</sup> Theoretically, there was nothing in the encomienda to merit the series of scathing denouncements it called forth, or to necessitate the consequent group of enactments issued to abolish or modify it. It is then to the manner of its development that we must look for the source of the complaints. Meant to mitigate the evils of repartimiento, it allowed other evils as serious to develop. Cortes upon his arrival in Mexico, possessed no power to grant Indians in encomienda, but he apportioned land to his followers. On the fifteenth of October, 1522 two decrees were

<sup>1</sup> Sir Arthur Helps, *The Spanish Conquest in America*, V. III, 79

issued in Valladolid to Cortes. One granted to him the title of Governor and Captain-General of New Spain, while the second amplified the instructions contained in the first in regard to the treatment and care of the Indians.<sup>1</sup> Power was given Cortes practically to divide New Spain into encomiendas. However, the question was again and almost immediately reconsidered by the Spanish Court. A junta of lawyers, theologians, and jurists was called by Charles V and the question of encomiendas discussed. In accord with its decision, an instruction was issued to Cortes to refrain from giving the Indians in encomienda or repartimiento.<sup>2</sup> In view of the experience in Española, the depopulation of the islands, and the ill-treatment and too arduous labor inflicted on the natives, the order undertook also to revoke grants already made. However, the interests of the Spaniards prevented the order from being enforced. In a Memorial to the King the follow-

<sup>1</sup> Pacheco y Cárdenas, Series 1, V. XXVI, 59-65; 65-67

<sup>2</sup> Instruction issued at Valladolid, June 26, 1523. Ibid. V. XII, 213-215

ing year, Cortes recommended that for the conservation of the natives, they be divided among Spaniards who wished to live in New Spain.<sup>1</sup> In the division regard should be had for the deserts of the Spaniards. Each to whom Indians were given should be specifically informed of the purpose of the grant, in order that he might shelter and care for those assigned to him. The question of encomienda was, therefore, left unsettled. Accordingly, when Ponce de Leon was sent out in 1536 to hold a residencia of Cortes, he was ordered to take up the problem.<sup>2</sup> In accord with this instruction, Marcos de Aguilar, Justicia Mayor of New Spain, called a junta at Temistitán, Mexico.<sup>3</sup> It would seem from the content of the official act of the junta, that the opinions of all those present must have been given. Only those of the Franciscan fathers, of Alonzo de Castillo, of Gonzalo de Sandoval, Alonzo de Grado, Jorge de Alvarado and Bernardino de Santa Clara, have, however been

<sup>1</sup> Pacheco y Cardenas, Series 1, V. XII, 277- 285

<sup>2</sup> Ibid., V. XXIII, 368-381; 382-384

<sup>3</sup> July 6, Ponce de Leon conferred upon Marcos de Aguilar, his powers. Ibid., V. XXVI, 226 -229

found. There is also an opinion of the Franciscan and Dominican monks, given before the junta, but no doubt with it in view.<sup>1</sup> Marcos de Aguilar sent the opinions to the King, accompanied by a letter, dated October 8, 1526.<sup>2</sup> As the opinions produced no immediate effect, it is not necessary to discuss them in detail. It is a matter of some interest that the monks, who from the time of their arrival had championed the cause of the Indians and were to continue their unflinching friends,<sup>3</sup> should declare themselves in favor of perpetual repartimiento of lands, especial care being taken that anyone married to a native should

1 Joaquin García Icazbalceta, Colección de Documentos para la Historia de México, V. II, page XXXII. Icazbalceta gives the opinions that have been found.

2 Ibid., II, 545

3 The first monks to come to Mexico were three Franciscans of Flanders, Fray Juan de Tecto, Fray Juan de Aora, and Fray Pedro de Gante. They came without authorization from the Pope but with the permission of the Emperor. April 25, 1521, Pope Leo X issued a Bull, granting permission to Fray Juan de Clapion, a Flemish monk, former confessor of the Emperor, and Fray Francisco de los Angeles, brother of the Count of Luna, to pass to New Spain. However, neither came to Mexico. Francisco de los Angeles was chosen General of the Order by the Capitulo in Burgos in 1523 and Fray Clapion's plans were cut short by death. Before this, in fact, soon after the arrival of Francisco de los Angeles and Fray Clapion in Spain, where they had gone upon receiving the Papal Bull, Pope Leo X died and Adrian VI was elected. The latter issued a Bull, dated in

should not be without a repartimiento. That the system is not at that time ideal is evidenced by the fact that in the same document they advocated the appointment of three or four visitadores to take care that the Indians be well treated. They likewise protested against the natives'

the city of Zaragoza, of the kingdoms of Aragon, May 9, 1522, granting permission to all monks of the mendicant orders to go to America, upon being named by their prelates for the purpose. The first monks to come to Mexico with permission of the Emperor and license of the Pope, were the Franciscans, led by Fray Martin de Valencia; Fray Francisco de Soto, Fray Martin de la Coruna, Fray Juan X Suarez, Fray Antonio de Ciudad Rodrigo, Fray Toribio de Benevente, Fray Garcia de Cisneros, Fray Juan de Fuensalida, Fray Juan de Ribas, Fray Francisco Ximenez, Fray Andres de Cordoba, and Fray Bernardino de la Torre. The twelve on their arrival found five monks who had come without Apostolical authority, the three Flemish monks already mentioned and two who came from the islands at the time of the conquest. Two died shortly. The territory was divided into four localities, centering around Mexico, Tezcuco, Tlaxcala, and Guaxocingo and the monks began learning the native languages, converting the Indians, and championing their cause as occasion arose. In eight or nine months, more monks arrived to aid the twelve.

The first of the Dominicans arrived in 1526 and those of the Augustinians in 1533

Fray Geronimo de Mendieta, *Historia Ecclesiastica Indiana*, Book III, 187-248; Book IV, 365-367

Toribio de Benevente o Motolinia, *Historia de los Indios de la Nueva Espana*, Published in Icazbalceta, *Coleccion de Documentos para la Historia de Mexico*, V. I. Tratado I, Capitulo I; Tratado III, Capitulo II

Bernal Diaz, *The True History of the Conquest of New Spain*, V. IV, Hakluyt Society Publications, V. XXX, 357-359

having to go over five miles from their homes to work in the mines, and against their being too heavily burdened.<sup>1</sup> Bandelier rightly asserts that the protection afforded by the monks would have been more rational had they understood Indian land tenure.<sup>2</sup>

Cortes was superseded by the first Audiencia, which possessed the power of granting encomiendas.<sup>3</sup> "They exercised that power so badly, and with so much favoritism, that their repartition was annulled. They were superseded by a second Audiencia, which had for its president the Bishop of St. Domingo. ... This second Audiencia did not possess the power of granting encomiendas; that is, if an encomienda by the death of its original possessor, had lapsed to the Crown, they did not possess the power of

<sup>1</sup> Icazbalceta, Coleccion de Documentos, V. II, 549-551

<sup>2</sup> Tenure of Land, etc., Peabody Reports, V. II, 442

<sup>3</sup> "And they brought greater powers than were ever afterwards given to the Presidents or Viceroyes of New Spain, and this was in order to carry out the perpetual assignment ( of Indians ), giving preference to the Conquistadores and conferring rewards on them, for so His Majesty had commanded. -Bernal Diaz, True History of the Conquest of New Spain, V. V, Hakluyt Society Publications, V. 40, 155

regranting that encomienda. The power they did possess was, to deal with the grants which had been unjustly made by the former Audiencia. The New Auditors were to make a new repartition, not of the lapsed but of the current grants. This they did; but their repartition was never formally confirmed; and the conquerors of New Spain continued to hold their encomiendas merely by tacit permission."<sup>1</sup> In 1536 the Law of Succession granted encomiendas for a second lifetime and in 1559 the grant was extended to a third.<sup>2</sup> Before this, the famous New Laws had been enacted. By them future grants of encomiendas were prohibited and existing encomiendas regulated. In case it appeared the Encomendero had demanded excessive labor from his Indians or had mistreated them, the Audiencia was empowered to deprive him of his Indians.<sup>3</sup> It was provided that the Encomendero should forfeit his grant if he failed to reside where it had been

<sup>1</sup> Helps, IV, 237

<sup>2</sup> Law of 1536 issued in Madrid, May 26, that of 1559 in Valladolid, June 9. -- Recopilación de Leyes de los Reynos de las Indias, T. II, Lib. VI, Tit. XI, Law I; T. II, Lib. VI, Tit. XI, Law XVI

<sup>3</sup> New Laws issued at Valladolid, November 20, 1542.

made.<sup>1</sup> Don Tello de Sandoval was sent as Visi-  
tador from Spain to put the New Laws into execu-  
tion. News of his coming and of the content  
of the ordinances he was bringing, had reached  
Mexico ahead of him. " The despair that took  
possession of the inhabitants was shown by their  
resolution to clothe themselves in mourning robes,  
as at a funeral, and go out of the city to meet  
the messenger of their evil fortunes. But the  
Viceroy dissuaded them from carrying out this  
plan. On the 8th of March, 1544, Sandoval arrived  
at the City of Mexico, and was almost immediately  
met with petitions and remonstrances concerning  
the publication of the laws he had come to execute.  
But in spite of the strong and universal opposi-  
tion of the Spanish settlers, the laws were  
published in the City of Mexico, March 24, 1544.  
They were read publicly in the presence of the  
viceroy, the special commissioner, the judges,  
and the other royal officials. This action of  
the authorities, showing a determination on their  
part to disregard the wishes of the encomenderos,

<sup>1</sup> Laws supplementary to the New Laws issued,  
Valladolid, June 4, 1543.

raised a storm of indignation, which threatened to break into open revolt. At this point Bishop Zumarraga poured oil on the troubled waters by calling a meeting at the cathedral, and there leading the Spanish settlers to believe that wherever the laws were opposed to the interests of the Spaniards, they would not be enforced. ....

" In view of the great losses that the execution of the New laws would entail on large numbers of Spanish settlers, and of the resistance to the authorities that might be aroused by an attempt to enforce them, both Mendoza, the viceroy, and Sandoval saw the necessity of at least delaying action. Commissioners representing the municipality and the religious orders were sent to Spain to ask the king to revoke at least those parts of the New Laws which threatened the interests of the settlers. "1 Accordingly, October 20, 1545, a decree was issued at Malinas " that notwithstanding the result of the New Laws, Indians be given in encomienda to the meritorious. "2

<sup>1</sup> Bernard Moses, The Spanish Dependencies in South America, V. I, 214-4

<sup>2</sup> Recopilación de Leyes de los Reynos de Indias, T. II, Lib. VI, Tit. VII, Law IV

Thus the matter of land tenure stood at the time Zurita wrote, encomiendas held by tacit consent, sanctioned by the confirmations given for a second and third lifetime. Where land had not been given in encomienda or granted as private property to natives, who had previously held it for use only, it remained the common property of the calpullec.

## CHAPTER II

### BEGINNINGS OF PEONAGE

The number of edicts, ordinances, and laws issued by the Spanish Crown to correct the evils resulting from the failure to at once establish a satisfactory basis of land tenure, are as effective testimonial to the burdening of the Indians as are the numerous and rabid protests of ecclesiastics and civil authorities. That the situation that developed was inevitable, is conceded. The Spaniards who came to Mexico were fighters and gold hunters and the Indians a heathen people whose services could be used to their advantage. Before the Court could know what was happening or could make provision for new and distant conditions, the beginnings of the systems of personal service and even of slavery had insidiously taken root.

The purposes of the suggestions made by Protectors of the Indians in America and of the edicts of the Court, were to prevent the Indians' being forced to serve for private individuals or the public in addition to paying tribute in

metal or produce. Even though the exactions of personal service were not discontinued, notwithstanding the prohibitions against forced and regulations of voluntary service, the Indians were, according to law, compensated a nominal amount for their labor.<sup>1</sup> Nevertheless, the protests against the system and suggestions that the natives be permitted to work under agreements made by themselves, are frequent.<sup>2</sup> Under pretext that the services were for the good of the community,

1. Recopilacion de Leyes de los Reynos de las Indias, IV. II, Lib. VI, Tit. I, Law XIII; V. II, Lib. V, Tit. II, Law XIII; V. II, Lib. VI, Tit. II, Law III; V. II, Lib. VI, Tit. XII, Law I; V. II, Lib. VI, Tit. II, Law II; V. II, Lib. VI, Tit. II, Law XLIV

#### New Laws of the Indies

Ordenanzas hechas por el Virrey de la Nueva Espana, 30 June, 1536 --- Garcia, Documentos Ineditos del Siglo XVI para la Historia de Mexico, 52-54

<sup>2</sup> See Zurita, Report

Carta of Fray Francisco de Mayorga to the President of the Audiencia -- Garcia, 46-48

Icazbalceta, Nueva Coleccion de Documentos para la Historia de Mexico, V. IV, p. XV

Carta de los Senores y Principales de las provincias y ciudades de la Nueva Espana mas principales, para el Rey D. Felipe -- Ibid. 128-136

Carta de Mendieta, Oct. 8, 1565 -- Ibid. 36-49

Memorial que envio Fr. Hieronimo de Mendieta al Rmo. Padre General Fr. Francisco de Gonzaga, -- Ibid. 243-254

the natives were taken to work on the roads, on public buildings, on Churches and monasteries, and even in the mines.<sup>1</sup> Notwithstanding legal prohibitions, they were taken from their villages, in which case they received compensation only for the time spent at work and not for the total time they were forced to give.<sup>2</sup> There was in practice nothing to prevent the Encomendero from using some Indians for longer periods than others.<sup>3</sup> They were not only forced to travel long distances but on the travels were used as beasts of burden.<sup>4</sup> Even when the natives were not subjected to the inconveniences of leaving their homes, they might

<sup>1</sup> See Zurita, Report

Laws regulating the construction of Churches --- Recopilacion de Leyes de Los Reynos de las Indias, T. I, Lib. I, Tit. II, Laws II, III, V, VI

Lettres de Don Juan de Zumarraga, Eveque Elu de Mexico, -- Ternaux-Compans, Voyages, Relations et Memoires, ( Pieces sur le Mexique ), V. VIII, 1-85

<sup>2</sup> In December, 1563, an order was issued from Moncon, that the Indians should be paid for the time they worked, for the time spent going and coming, and that they not be required to go over ten leagues. -- Recopilacion de Leyes de los Reynos de las Indias, T. II, Lib. VI, Tit. XII, Law III

<sup>3</sup> See Zurita, Report

<sup>4</sup> See Zurita, Report

be brought in to serve any chance Spaniard who happened to drift into their pueblos, or to give supplies and service to officials who came to take a census or collect tributes.

Where tributes were so excessive that they could not be met, the native caciques were accustomed to give slaves or even free Indians in lieu of taxes, not understanding, or perhaps not caring that the slavery of the Spaniards was a much more burdensome condition than that of the natives. Indians had been seized during the conquest or made slaves afterwards for resistance

1 See Zurita, Report

Carta de Fray Francisco de Guzman, Toluca, 10 May, 1551, Garcia, Documentos Ineditos, 167-169

Recopilacion de Leyes de los Reynos de las Indias, T. II, Lib. II, Tit. XV, Law LXXXIV; T. II, Lib. V, Tit. II, Law XXVI; T. II, Lib. VI, Tit. III, Laws XXIII, XXVII

Lettre de Zumarraga, 27 August, 1529 -- Ternaux-Compans, ( Pieces sur le Mexique ), V. VIII, 1-71

2 Helps, III, 80-90

Lettre de Zumarraga, 27 August, 1529 -- Ternaux-Compans, ( Pieces sur le Mexique ), V. VIII, 1-71

Motolinia, Historia, T. I, C.I -- Icazbalceta, Coleccion de Documentos, I

Memorial of Mendieta, 1567 -- Icazbalceta, Nueva Coleccion de Documentos, IV, 58-67

to the Spaniards. Attempts were at first made to evade the laws prohibiting slavery by taking Indians to serve for a term of years, which condition amounted to practical slavery.<sup>1</sup> The Crown recognized slavery under regulations as to title, branding, etc.

Among worthy persons, there was doubt as to the comparative desirability of abolishing slavery entirely or of allowing it but regulating it so as to prevent the abuse of the natives by unjust masters. Oddly enough, with all the protests made by ecclesiastics against the systems of personal service and slavery, only once did the Church through its Supreme Head express itself on the

Ordenanzas hechas por el Virrey -- Garcia, Documentos Ineditos, 52-54

New Laws of the Indies

Carta Collectiva de los Franciscanos de Mexico al Emperador -- Garcia, Documentos Ineditos, 13-16

Bernal Diaz, V, Publications of Hakluyt Society, V. 40, 161-172

Recopilacion de Leyes de los Reynos de las Indias, T. I, Lib. I, Tit. I, Law XIII; T. II, Lib. VI, TIT. II, Law II .

<sup>1</sup> So called slavery by way of Naboria

subject, that time to the effect that the Indians should be left free. <sup>1</sup>

There could not have been anything like uniformity in the enforcement of the royal decrees or in the burdens suffered by the natives. Where there were a number of Spaniards and few or corrupt officials, the abuses must have been serious. Near the Audiencias, the laws must have been more closely observed and the Indians' portion better. Even granting good laws and wise officials, the Indians were handicapped in securing justice by their ignorance of Spanish legal procedure and their inability, because of lack of funds, because of distance, or because of corruption, to get their case before the courts.

<sup>1</sup> Bula de Su Santidad, el Papa Paulo III -- Roma, 2 de Junio de 1537 --- Garcia, Documentos Ineditos, 84-86

### CHAPTER III

#### BIOGRAPHICAL NOTES ON ZURITA

"Of all that is done in any great transaction, so small a part can be told, that the historian is often most unwillingly compelled to commit an act of seeming injustice, when he carefully commemorates the deeds of the chief of a party, to the exclusion of those of many of his associates. Las Casas was but one, though immeasurably the first, of a numerous body of men who may rightly be called the Protectors of the Indians: Amongst these Protectors was an ex-Audotes of the Audiencias of Guatemala and Mexico, named Zurita.<sup>1</sup> His REPORT, given in translation at the end of this paper, shows that he was an ardent champion of the rights of the natives. In fact, as with Las Casas, his enthusiasm seems at times to have carried him too far. He sees the native rulers as just, compassionate, and kindly, and their subjects as obedient and satisfied. The REPORT here given, addressed to the King of Spain, seems never to have been delivered to that monarch.<sup>2</sup>

1 Helps, IV, 232

2 Muñoz failed to find the copy of the document that would have been presented to the Council of the Indies

It, therefore, was probably not instrumental in effecting reform. Its very existence has been in danger of being forgotten. Its historical importance is, however, considerable. It presents a picture of native conditions before and after the conquest by a Spaniard who had lived in the country he describes. It is true that as Zurita's stay in America was some time after the conquest, he could not have had first hand information of all of the matters he discusses. However, our information concerning him gives us a right to assume that he was well informed, and a man who would make a careful study of the situation before venturing an opinion. Zurita was in America approximately twenty years as a judge in the service of the King of Spain. Ten years of this period was spent in Mexico itself. His having lived under the conditions he discusses insures his thorough acquaintance with facts, while his legal service

‡ Zurita in the Report says nineteen years, in the Parecer written from Granada, March 10, 1584, twenty. The latter is given in Garcia, Documentos Ineditos.

should prove an ability to weigh the merits of a case. If, then, Zurita had no selfish motive in writing his Report, and I find nothing to suggest that such might be the case, we may assume that he presents a fairly accurate picture of New Spain in the middle of the sixteenth century.

As to the man, Zurita, our information is at best meagre. Prior to his coming to America, we know only that he was born in Spain about 1511 or '12, that he studied law in the then flourishing University of Salamanca, and that he married.<sup>1</sup> About 1545 he came to America to serve as an Oidor to the Audiencia of Santo Domingo, in which capacity he was employed for two years (1545-46).<sup>2</sup> In his REPORT OF THE CLASSES OF CHIEFS OF NEW SPAIN, appended hereto, he says of his stay in America, "I have always desired to state what I have learned during nineteen years residence in this country in the service of Your Majesty.

1 Icazbalceta, Nueva Coleccion, V. III, p. XI; Garcia, Documentos Ineditos, p. XXXI

2 Icazbalceta takes the year 1545 or 1546 for Zurita's coming to America, Garcia 1544.

The first two years I served in Santo Domingo as an Oidor, the three following in the kingdom of New Granada, and in Santa Marta, Cartagena, and Cabo de la Vela, where by the order of Your Majesty I went to hold a residencia of the Governor of these provinces. On returning to Santo Domingo to complete my term of office, I received a decree of Your Majesty, which did me the honor to order me to serve as an Oidor to the Audiencia of the Confins, where I remained three years, and visited almost all the province of Guatemala. The rest of the time I was in Mexico. " If we accept the approximate date of 1545 for Zurita's arrival in Santo Domingo, this means he spent the years 1546-49 in South America and must have gone to the Confins about 1550.<sup>1</sup> When he disembarked at Honduras he had the good fortune to be one of seven of the seventy-seven arriving on the ship, who escaped with their lives. The others, according

<sup>1</sup> The approximate dates accepted by Icazbalceta

to the view accepted by pamirez, fell victims to chapetonada, the disease of acclimatization, within the first few days after their arrival. Europeans were frequently subjected to this disease. Because of the rapidity with which the passengers were carried off, Icazbalceta is inclined rather to believe that the ship was infested with plague, as was frequently the case on navigations to the Indies.<sup>1</sup> As Zurita says, he spent three years in Guatemala, and about 1554 went to New Spain, having been commissioned an Oidor to the Audiencia of Mexico. "November 20, 1556 (and not in 1555 as Berestain says) he took his Doctor's degree in the recently founded University of Mexico."<sup>2</sup>

<sup>1</sup> Icazbalceta, Nueva Coleccion, V. III, p. XI-XII

<sup>2</sup> Ibid. p. XII

Garcia, p. XXXI

The University was founded by a law of September 21, 1551. The 3rd of June, 1553, studies were opened. Recopilacion de Leyes de Los Reynos de las Indias, T. I, Lib. I, Tit. XXII, Law I

" In 1557 we find him in Teotihuacán, where he went under commission of the government to pacify the disturbance raised by the Indians because they did not wish to admit the Dominican monks to their village. Although he was ' a very Christian man, beloved by the Indians because of his kindness' as Mendieta truthfully says, 'it seems he did not conduct himself in this case with entire rectitude. ' Finding by the information turned in that it was a case of Fuenteovejuna,' <sup>2</sup> and that some were no more to blame than others, he nevertheless caused sixty Indians to be seized, in order that it might not be said that he had not accomplished anything. Of these, he had twenty thrown into the mills to serve six months as

<sup>1</sup> Icazbalceta, Nueva Coleccion, V. I, 92-98. Incorporated in the Historia Eclesiastica Indiana, Lib. III, Cap. 59

<sup>2</sup> That is to say, the whole community and not some of the Indians, had revolted. A comedy of Lope de Vega, entitled Fuente Ovejuna, gave rise to the proverb. --- Icazbalceta, Nueva Coleccion, V. III, p.XII n

a warning to others. The other forty he ordered set free. This done, he returned to Mexico. If some were no more to blame than others, why should the twenty pay for the sins of the rest, and with a penalty so heavy as service in the mills ? The warning was not effective, for the Indians persisted in their resistance and after much efforts secured their ends, as the Dominicans left and the Franciscans returned. "

In 1561 Mendieta wrote to Bustamante that one of the matters that most needed attention at Court was a measure to mitigate the evils of numerous suits among the Indians. He proposed that a special tribunal be named, composed of " two or three persons, or of one only, the most distinguished in the land for Christianity, kindness, experience and affection for the natives, " to visit the pueblos and on their own authority, without appeal, decide all land questions. The persons who in the opinion of Mendieta combined these qualities were Dr. Sedeño, the Contador Montealegre,

1 Icazbalceta, Nueva Coleccion, V. III, p. XII

and Dr. Zurita, proof of the credit the latter enjoyed in the colony. <sup>1</sup>

" Before this, Zurita had sought permission to return to Spain, being worn out and having lost his hearing, as the Viceroy testifies in a letter to His Majesty, September, 1559, in which he says, ' With this is sent an article of a letter I wrote Your Majesty January 28th of the past year, 1558, concerning the license the Lic. Zurita sought from Your Majesty, saying he felt a decline in his hearing and that conscience dictated his begging such permission, as he was handicapped as a judge. I wrote the defect was not as serious as he indicated. Since then, it has increased, and I am certain he hears very little..... It is inconvenient both for him to take part in affairs intelligently and to dispatch business with suitable secrecy. ' From the Provinciales of the three Orders, we know that the license was granted, because in 1561 they urged the King to revoke it, in consideration of Zurita's having recovered his hearing and because of the injury that would result to the land from his absence. At the same time they

<sup>1</sup> Icazbalceta, Nueva Coleccion, V. III, p. XII-XIII

testified that he was poor, having spent his salary to sustain himself, as he had no other source of income.

" At the middle of that year, far from contemplating a return to his native land, Zurita besought His Majesty to appoint him captain of an expedition he proposed to undertake for discovering and colonizing land toward the north, as far as Florida, a request in which the Franciscans backed him. . . . But it appears the project did not find favor at Court and Zurita returned to Spain in 1564. The last notice we have of him is that he was living in Granada in 1585, at which time he was seventy-three years old. " <sup>1</sup>

<sup>1</sup> Icazbalceta, Nueva Coleccion, V. III, p. XIII-XIV

## CHAPTER IV

### ZURITA'S "BRIEF AND SUMMARY REPORT"

The BRIEF AND SUMMARY REPORT OF THE DIFFERENT CLASSES OF CHIEFS OF NEW SPAIN AND THE NEIGHBORING PROVINCES was, as Zurita says in the document, written in reply to a royal ordinance issued in Valladolid in December of 1553. This ordinance contained a series of questions concerning the Indies which the Audiencias were, after careful consideration, to answer. "And because the decree sent to the Audiencia of the Confine was somewhat more extensive than that sent to Mexico", Zurita chose to answer the former. He explains that he is making the report individually as he was leaving the Confins at the time the decree was received and before opinions were sent, while he did not reach Mexico in time to take part in the investigations made by the Audiencia

there. Zurita, then, could not have gone to Mexico before 1554 at the earliest. When these decrees were received, the Audiencias in accord with His Majesty's commands, secured opinions from leading men in the land<sup>1</sup> and on the basis of them and their own experience, sent in reports.

As to the document, THE BRIEF AND SUMMARY REPORT OF THE DIFFERENT CLASSES OF CHIEFS OF NEW SPAIN AND THE NEIGHBORING PROVINCES, I have had access to the three copies, that published in French translation in Ternaux-Compans' VOYAGES, Vol. VII, a cut copy published in the second volume of the Cárdenas and Pacheco collection of DOCUMENTOS INÉDITOS, and that published by Icazbalceta in Vol. III of the NUEVA COLECCIÓN DE DOCUMENTOS PARA LA HISTORIA DE MÉXICO. Ternaux assures us that neither Antonio de León Pinelo nor Barcia,

<sup>1</sup> Garcia, Documentos Ineditos, contains three answers to the requests of the Audiencia of Mexico for opinions --- a letter of Fray Nicolas de Witte to an illustrious lord", August 27, 1554, a letter of Fray Toribio de Motolinia and Fray Diego de Olarte to Velasco, 27th of August, 1554, and a Relation of Fray Domingo de la Anunciacion, September 20, 1554

his successor, mention the work, that Alonzo de Vetancourt in the preface of his *TEATRO MEXICANO* speaks only vaguely of it, saying that the original belonged to a celebrated antiquarian, Don Carlos Sigüenza y Góngora. Boturini possessed a copy which he cites p.21 of his catalogue. In a note he speaks of having copied, November of 1738, the original which he found in the library of the College of Saint Peter and Saint Paul of Mexico, case 48, n<sup>o</sup> 19. This manuscript had a note, "This manuscript fell into my hands in 1683.--- Lic. Pensada." Ternaux thinks that the copy of Boturini passed after his death to Muñoz, from Muñoz to Uguina, and that the copy he himself possessed was that of the latter.<sup>1</sup> According to this theory, Ternaux would, therefore, have had the Boturini copy. As I will show later, Tozbalceta produces proof sufficient to invalidate Ternaux's claim.

<sup>1</sup> Ternaux-Compans, *Voyages*, V, VII, p. IX-X of the *Avertissement de l'Editeur* concerning the "Rapport"

The editors of the COLECCIÓN DE DOCUMENTOS INÉDITOS DEL ARCHIVO DE INDIAS, state that the copy used for publication, was compared with that extant in Tomo XLI of the COLECCIÓN of D. J.B. Muñoz,<sup>1</sup> which it will be noted is the copy Ternaux claims to have acquired. García states merely that the document was known to Clavigero, Sigüenza y Gongora, and Boturini.<sup>2</sup> Icazbalceta gives a lengthy and logical discussion of the manuscript. He thinks Betancurt the first to present Zurita as a writer, as he enumerated his manuscript, without giving the title, among those of which Sigüenza y Gongora possessed originals. "The diligent Barcia, in the second edition of the Epitomy of Pinelo (1737) placed Zurita among the writers 'of whose works there is doubt'. The first clear notice of the existence of the RELACIÓN is

<sup>1</sup> Pacheco y Cárdenas, V. II, in

<sup>2</sup> García, p. XXXI of Noticias Biográficas

due to Boturini who on p.21 of the CATÁLOGO of his MUSEO gives the true title of the work and speaks of having copied it from the original without telling where the latter existed. Clavigero was the one who said it was in Mexico in the library of the College of Saint Peter and Saint Paul of the Company of Jesus.<sup>1</sup> The original, according to Icazbalceta, later fell into the hands of D. José F. Ramírez. At the time of publication, Icazbalceta was ignorant of its whereabouts. From it he took in 1867 the copy he used for publication. He says that Ramírez also had two other copies, one in the hand of Boturini, the other he thinks probably the one Beristain said was in the Archive of the Franciscan Monestary.<sup>2</sup> At the time of publication, Icazbalceta had in his possession the Boturini copy, which at that time belonged to D. Vicente de P. Andrade. At the end of it was a note:

<sup>1</sup> Icazbalceta, Nueva Colección, V. III, p. XIV-XV

Francesco Saverio Clavigero, History of Mexico, V. I, p. XV

<sup>2</sup> Icazbalceta, Nueva Colección, V. III, p. XV

" ' I, Lorenzo Boturini, Senor of Hono,  
took this copy this month of November, 1738,  
from its original in the College of Saint Peter  
and Saint Paul of the Company of Jesus of  
Mexico, in the library of the said College, est.  
48, n<sup>o</sup> 19. The original has 124 sheets of  
manuscript, and a note at the beginning which  
says: In the year 1683 this came into my hands.  
Ldo. Pensada; on the title page is the signature:  
Pensada, and on the cover this title: CORITA,  
RELACION DE COSAS DE INDIAS; I have found that  
the original must have come here from Spain,  
and it appears that the author himself was cor-  
recting some things and adding others.' " <sup>1</sup>

The description of the original corresponds  
with the Ramirez copy, save that the latter had  
one hundred and twenty-five sheets of manuscript,  
not counting the title page.<sup>2</sup> Icazbalceta explains  
Boturini's statement as due to the fact that  
the number of the last page, which had only  
five lines of text, was torn away, so that

1

Icazbalceta, Nueva Coleccion, V. III, p. Xv

2

Ibid.

Boturini might easily have overlooked it. As to the Ternaux copy, Icazbalceta feels certain it could not be the one owned by Muñoz, as that document was still in the Muñoz collection. The Uguina copy could not have been Boturini's, since the one owned by Andrade and in Icazbalceta's possession at the time he wrote, was obviously that.

Prior to securing the pamfrez copy, Icazbalceta had obtained one from Spain in 1851, with the note:

" 'I, Lorenzo Boturini, took this copy from its original in the College of Saint Peter and Saint Paul of the Company of Jesus. The original has 144 sheets of text, and in this form passed to the hands of His Majesty.

" 'From the copy of Boturini, D. Diego Panes, Lieutenant Colonel of Artillery, took another, from which the present one was taken. --- Madrid, 9th of March, 1791. --- J.B. Muñoz. '"

<sup>1</sup> Icazbalceta, Nueva Colección, V. III, p.XVI

This text first secured by Icazbalceta, taken from the Muñoz copy, which had in turn been taken from that of Panes, is the same as the text published in the DOCUMENTOS INÉDITOS DEL ARCHIVO DE INDIAS. It is much shorter than the original or that translated into French by Ternaux. At the beginning the two Spanish texts are almost identical. From page 126 of the Icazbalceta document, page 65 of my translation, the Pacheco y Cárdenas document has omissions. From the reply to article XVI, it has omitted almost all of the remainder. The Ternaux copy includes the material of the longer text, in readable translation, which is free and not always accurate. The only explanation that Icazbalceta has to offer of the existence of these two texts, is that the one in the Muñoz collection, from which his shorter copy was taken, and with which that of the Pacheco and Cárdenas collection was compared, was taken from that of Panes. He suggests that Panes or his secretary in copying must have cut the original, a supposition which does not satisfy him as explanation.

Ramírez thought that the BRIEF AND SUMMARY REPORT was written in Mexico and revised in Spain. He based this claim on the fact that on the title page and in the introduction to the President and Oidores of the Council of the Indies, Zurita signed himself Oidor "que fue", the "que fue" obviously inserted after the first draft was made. The document says that notes were taken by the author on his travels and that the document was put in shape in Spain, which is clear enough to remove all doubts on that score. Icazbalceta explains the insertion of the "que fue" by saying Zurita in first writing signed himself as he had for ten years, "Oidor", and that on re-reading he inserted the "que fue" for accuracy. As to Boturini's statement that the document passed to the hands of the king, that cannot, or has not been determined. Boturini did not say how it then got to Mexico, how he knew the facts, or how the manuscript passed to Pensada and then to the Jesuits.

<sup>1</sup> Icazbalceta, Nueva Colección, V. III, p. XVIII

Besides the BRIEF AND SUMMARY REPORT OF THE DIFFERENT CLASSES OF CHIEFS OF NEW SPAIN, Zurita wrote a SUMMARY OF TRIBUTES, mentioned in the Report, but not in existence as a separate work, the MEMORIAL in which he proposed an expedition to the north, and the RELATION OF NOTABLE THINGS OF NEW SPAIN, in the Library of the Royal Palace of Madrid, as well as various letters.

The BRIEF AND SUMMARY REPORT OF THE DIFFERENT CLASSES OF CHIEFS OF NEW SPAIN was, as has been said, written in reply to a request for information sent by the King of Spain to the Audiencias of Mexico and the Confines in the year 1553. This decree was published in the Cedula<sup>2</sup>rio de Puga. Zurita answers all the questions, but in doing so gives a long discussion of native customs. As already stated,

<sup>1</sup> Icazbalceta, Nueva Coleccion, V. III, p. XXI. The Memorial is contained in Icazbalceta's Coleccion de Documentos para la Historia de Mexico, II.

<sup>2</sup> Philippus Hispaniarum et Indiarum Rex. Provisiones, Cedulae, Instruccion de S.M., Ordenanzas de Difuntos y Audiencia, para la buena expedicion de los negocios y administracion de justicia y gobernacion de esta Nueva Espana, y para el buen tratamiento y conservacion de los indios, desde el ano de 1525, hasta este presente de 63. Published in Mexico at the House of Ocharte, May 3.

the report was not delivered to the King and therefore could not have been instrumental in affecting reform, which is unquestionably the purpose of the report. Even had it been turned in, the probabilities are that it would not have achieved its end. The answers to the royal questions are disguised under a long discussion of revelant material, which is not, however, necessary to a reply to the king's decree. The answers are not always sufficiently definite to serve as a basis for reform. For example, Zurita says that before the conquest each Indian paid little tribute, but as many paid, the total was considerable, while after the coming of the Spaniards, tributes were much heavier. For constructive reform, such a statement would not be especially usable. Also, Zurita's proposals are essentially those offered from time to time by others. The evils of which he complained were repeatedly presented. His most valuable discussion from the point of view of service to the Crown was that of the system of land tenure, which it was essential the Court should know thoroughly.

So far as results are concerned, then, THE BRIEF AND SUMMARY REPORT would not be worth lengthy consideration. As a historical source, it is, however, valuable. Zurita was in a position to know the facts which he discusses. It is true that in his championship of the cause of the natives, he undoubtedly does not do the Spaniards justice. His reiteration of the general fact that the Indians were oppressed, is useless. He fails to take into consideration that the macehualas' position was not ideal under native government. Yet Zurita's tendency to elaborate upon native conditions, makes the report more valuable for the historical student of today. His picture of the situation is reasonably complete and accurate. He tells much worth knowing that would of necessity have been omitted had he confined himself to a concise answer to the royal decree. His citation of historical facts is good. Occasionally he substantiates facts by such general statements as "I knew a lord, I believe of Chia ...", which cannot be verified and are of no value save as

serving to help paint the general picture. Yet he does give specific cases to prove his statements. In the discussion of tributes, he tells of the agreement made by Cortes with the native chiefs in 1520 and of the assessments of Zumarraga. The REPORT, then, as a portrayal of native customs and the rule of the Spaniards in Mexico in the middle of the sixteenth century, is worth consideration. Translation of the greater part of it is appended hereto.

BRIEF AND SUMMARY REPORT  
OF THE DIFFERENT CLASSES OF CHIEFS IN NEW SPAIN  
AND THE NEIGHBORING PROVINCES.

Laws, Habits, and Customs; System of Taxation before the Conquest; Levy and Distribution of the Tributes Paid to His Majesty and to others in his Royal Name; Suggestion for Meeting the Injunction for Tithes without its being considered a New Levy on the Natives.

Addressed  
to the Royal Crown of King D. Philip, our Lord,

by

Dr. Alonso de Corita

Ex-Oidor of the Royal Audiencia which resides in the great and worthy city of Mexico, New Spain.

C. R. M.

Varius Geminus, desiring one time to speak to Julius Caesar upon matters of importance, began his discourse in these terms: "Those who dare address you, Oh Caesar, are ignorant of your power; those who dare not address you do not know your kindness." With more reason could this be said of Your Majesty, most Christian and powerful prince, our king and lord, since so justly you are placed at the head of a state more secure than was that of Caesar at the time Varius Geminus spoke. In fact, the omnipotent God has made you sovereign of many great and powerful states in Europe, of part of Africa and Asia, and universal king and master of all the Indies where Your Majesty possesses more realms and provinces than any other prince in the world. Moreover, each day there are being discovered and brought to your royal service a multitude of peoples, innumerable and vast lands, and riches never seen nor heard of, in such abundance that the most powerful kings tremble and wonder on learning of them.

Your servant and loyal vassal, in view of the fearful grandeur of Your Majesty and his humble estate, hesitates, in spite of his desires, to present this Brief and Summary Report concerning the Classes of Lords and Lordships of New Spain, succession, the systems of tributes before and after the conquest, the present levy and distribution of taxes paid to Your Majesty and to others in your royal name, the suitability of imposing tithes on the natives. But recognizing

in Your Majesty the quality that Varro said he found in Caesar, that kindness and clemency with which God has so generously endowed Your Majesty, I am encouraged to overcome the fear that restrains me and to speak.

I humbly beg Your Majesty to accept this small service as I have dared offer it, in order to comply to the best of my ability with the wish of Your Majesty, expressed in the royal decree on which this report is based. If Your Majesty deigns to accept it, it will confer an honor on his servant, who has with considerable pains gathered the facts herein contained, will give character to the report, and will inspire others to perform similar services for other provinces, for, because of the vast realms, of diverse habits and customs, which Your Majesty possesses in this part of the world, such services from many people are needed. May the Lord for many happy years protect and prosper the royal Catholic person of Your Majesty, for the increasing good of mankind.

TO THE VERY ILLUSTRIOUS LORDS,  
PRESIDENT AND OIDORES OF HIS MAJESTY'S ROYAL COUNCIL OF  
THE INDIES

Dr. Alonso de Corita

Formerly Oidor of the Royal Audiencia which resides in the  
worthy and great city of Mexico in New Spain.

It is a maxim, Very Illustrious Lords, of the great philosopher Plato, whom Cicero and after him the glorious Saint Jerome, called the divine, that it would be a very grievous thing if the Lord should pay more attention to our offerings and sacrifices than to the motive with which they are presented. Our Lord and Master confirmed this when he praised the poor widow who threw into the treasury two coins, preferring the poor offering of this good woman who gave what she had, to the greater ones of the rich and powerful, who gave of their abundance.

Reflecting on this, very illustrious lords, I have found courage to offer this meagre and poorly arranged treatment of the Lords, Lordships, and taxes of New Spain, of the order of succession observed by the natives, their government before the conquest and other matters pertaining thereto, of the method which should be observed in the collection of tithes, in order to fulfill the injunction without its being considered a new levy. I trust that His Majesty, imitating the King of Heaven, may receive this poor service with favor considering the motive with which it is offered rather than the merit

of the work itself.

I beg you in his royal name, very illustrious lords to receive it and order its examination, giving it your sanction in order that it may be presented to His Majesty. It is worthy of persons so illustrious as you to receive with equal favor the efforts of those who can do much and those who can do little, in order that the former may consider themselves rewarded and the latter may be encouraged to greater service. If so marked a favor be granted me, it will encourage me to finish other works which I have commenced and still others planned. May God grant to you, Illustrious Lords, the good fortune which you merit, and at the end of a long life may he give you the reward of his eternal glory.

THE REASON FOR WRITING THIS REPORT AND  
WHY IT HAS NOT BEEN DONE BEFORE

In December of the year fifty-three, there was dispatched from Valladolid a royal decree, commanding the Audiencias of the Indies to make certain investigations upon questions concerning which His Majesty desired to be enlightened. These pertained to the former Lords, the taxes paid by the natives of these regions in the time of their idolatry, and those paid since they have been under the crown of Castile. The results of these investigations were to be sent to His Majesty together with the opinions of the magistrates.

When this royal decree was received in the Audiencia of the Confins, where I was in the capacity of the Oidor, I set out for Mexico in accordance with the order of His Majesty that I serve as an Oidor in the Audiencia of that city. When I arrived, the investigations had been made and sent to His Majesty with the suggestions of the Audiencia, while those of the Confins were made after my departure. Persuaded that I was under obligation of giving my opinion upon the subjects in question, inasmuch as I was in the service of His Majesty when the decree was received, the investigations made, reports sent, and my absence from the two Audiencias at the time the matters were discussed does not excuse me from replying, I have always desired to state that which I have learned during nineteen years residence in

this country in the service of His Majesty. The first two I served in Santo Domingo as an Oidor, the three following in the kingdom of New Granada, and in Santa Marta, Cartagena, and Cabo de la Vela, where by the order of His Majesty I went to hold a residencia for the governor of these provinces. On returning to Santo Domingo to complete my term of office, I received an order of Your Majesty, which did me the honor to order me to serve as an Oidor to the Audiencia of the Confins, where I remained three years, and visited almost all the province of Guatemala. The rest of the time I was in Mexico. The numerous tasks with which I have been constantly occupied, have prevented my doing this which I have always so much desired. At the present time finding myself unoccupied, having returned to these kingdoms with the permission of His Majesty, since on account of ill health I was not able to serve him with my customary diligence and care, I decided to set down the substance of what I have had in my notes and papers for many years, in the form of a reply to each paragraph of the royal decree. In traveling, I have always attempted to find out the habits and customs of the natives. However, as I intended to reply to this ordinance when occasion should present itself, in accord with the commands of His Majesty, I gathered especially detailed information while in Mexico from learned monks, who have spent many years among the natives and who have with the greatest care endeavored to inform themselves. Much of the

information was gained in my presence. I have also gathered information from old Indian leaders, whose veracity is unquestionable. It is certain that in matters pertaining to customs and government, no general rule can be set down, because within each province there are the widest differences. Even in the same pueblo there are two and three different languages, so that the inhabitants can hardly communicate with or know each other. I have heard that it is thus in all the Indies. From what I have seen in traveling in many provinces, I can affirm that this is true. If something is ascertained contrary to that which is here set forth, it will be due to this diversity rather than to any negligence in the search for truth. And it is not surprising that today there are found some variations in the statements of different Indians. Usually they are to be attributed to the incompetence of interpreters, as the natives have no knowledge of writing and all their antiquities are preserved in pictures of which most have been lost and destroyed; also memory is undependable. At all events, most of the old men who could know former customs are fast disappearing. Consequently there are different accounts of all subjects. A further cause of the variation is the slight attention that has been paid to learning Indian customs, as though they were matters of little or no importance.

I can guarantee the exactness of the statements that I advance here, because I was aided by three Frandiscan

monks, to say nothing of those of other orders long established in the country, as they came in shortly after the conquest. One of them was one of the first twelve who came to Mexico, all faithful servants of Our Lord, having associated continually with the natives, propagating the faith throughout New Spain, in Michuacan, Jelisco (sic), New Galicia, and Panuco. They have always taken great pains to instruct themselves in the habits and customs of these peoples which they ascertained better than could be done at the present time, as the old men from whom they could draw information have since died. There also existed at that time some paintings entire and well preserved, from which they drew information faithfully by the aid of old Indian chiefs who understood well this manner of writing and who had seen the events or heard them recounted by their ancestors. I have drawn upon the information secured by the monks and that contained in my notes for what pertains to the royal decree, putting it down in the best order that I can. That which I have in my notes I also learned from the old Indians, using as interpreters monks well versed in the language of the country.

Without speaking of each province in particular, I will relate the facts that are of importance and have a general bearing on New Spain or the greater part of it. And because the decree that was sent to the Audiencia of the Confins was somewhat more extensive than that sent to

Mexico, I will quote the paragraphs of the former and reply to each separately, not, however, following the order of the paragraphs, but rather, beginning with the ninth, stated as follows:

#### CAPITULO IX.

"Moreover, ascertain what lords among the caciques held their sovereignty by succession and right of blood, and which by election of their subjects, what power and jurisdiction these caciques exercised in the time of their idolatry, what authority they have at present, and what advantage their subjects derive from this system of government, either from the administration or the police".

#### RESPONSE

This paragraph contains four questions. For greater clarity, I will reply to each separately.

Among these natives there were, and still are commonly (where they have not been displaced) three supreme lords in each province, although in some there are four, as in Tlaxcala and in Tepeaca; each of these lords had his dominion and jurisdiction known and apart from the others. There were other inferior chiefs, commonly called caciques, a term of the Spanish Isle.

I observed the same custom, on an official trip into Utlatan, the chief province adjacent to Guatemala, where I was an Oidor of Your Majesty; I also found the same custom, as I will tell in detail further on, in the Valley of Matlalzinco and Iztlabac which are adjacent to Mexico, where

I went to fulfill a commission of Your Majesty.

In Mexico and its province there were three principal chiefs, the lords of Mexico, of Tlezcuco, and Tlacopan, which is now called Tlacuba. All the inferior chiefs served and obeyed these three lords, who formed a confederation and divided among them lands which they subjugated.

The lords of Tlezcuco and Tlacuba gave obedience to the lords of Mexico in matters pertaining to war; in other matters the three had equal power, for one did not interfere in the government of the other. However, they had some pueblos which they held in common, dividing the tributes among them. The tributes from some were divided equally, from others they were divided into five parts, two parts going to the lord of Mexico, two to the lord of Tlezcuxo, and one to the lord of Tlacuba.

The order of succession of these supreme lords varied from province to province. There was little difference in the usages of the provinces of Mexico and its consorts, and Tlaxcala.

The most common succession was by right of blood and in direct line from fathers to sons. Daughters did not succeed but only the eldest son of the principal wife whom the sovereign had chosen with this intention. She was held in especial esteem by the other wives and by the vassals. When the sovereign took one of his wives from the family of Mexico, she occupied the first rank and her son succeeded, if capable. This custom prevailed in the territory of

Mexico, Tlaxcoco and Tlacuba and in the provinces subject to them.

If the eldest son was incompetent to govern, the father designated one of the others, the one who seemed most able and competent to succeed him, choosing always among the sons of the principal wife, who were given preference in everything.

If the sovereign had only daughters some of whom had sons, he chose the most able of the grandsons. Grandsons by sons were always given preference over grandsons by daughters, the descendants of the principal wife, always being chosen, if capable. If the sovereign had no sons or grandsons capable of ruling, he did not designate a successor but left the choice to the leaders of the country to elect one according to the form that will be given later on.

Thus the lords preferred to leave the lands and vassals to a successor capable of ruling them rather than to leave them to their sons and grandsons, or to their lieutenants as did Alexander the Great. In this case, the successor succeeded also to the partimonial vassals and lands, called even yet "Mayeques" and he divided them at will among his sons and heirs, as will be told further on.

If the lord had no sons or grandsons, or when they were incapable, a brother was elected to succeed, for when the succession was not to sons or grandsons, whom the lords named, as has been said, the most competent of the brothers

was elected.

In default of brothers, or none being capable, then the most capable relative of the sovereign was chosen, and in default of relatives another chief was chosen but never one of the macehuales, who are the common people.

If the sovereign of Mexico died without a successor, the chiefs and leaders of his domain chose one, the election of whom was confirmed by the supreme lords of Tlaxcoco and Tlacuba. If either of the latter lacked a successor, the chiefs and lords of the land elected and confirmation was made by the sovereign of Mexico. The confirming chiefs informed themselves as to whether or not the election had been conducted in the proper form and if not, they ordered a new election.

The same order was followed in the election of the higher lords subject to the sovereigns of Mexico, Tlaxcoco, and Tlacuba. Each of the three sovereigns confirmed the elections of his subjects, because as has been said, each one of them had a known and separate domain, over which he had jurisdiction in civil and criminal affairs. And the highest lords of the three sovereigns confirmed their own inferiors. So on the same rule was followed in all New Spain with very little variation.

In the kingdom of Michoacan almost the same order was followed. During his life the sovereign chose a successor among his sons or grandsons, who at once took part in the government according to usage with the consent of the

sovereign; this custom was observed only in this realm.

If the sovereign arrived at his last moments without choosing a successor, the people begged him to do so and he whom he named succeeded. But the most ordinary rule was for the sovereign while in good health to name his successor, who after special ceremonies was considered the recognized successor.

In some places, especially in the realm of Mexico, brothers succeeded even though there were sons and they governed successively if capable. The reason the natives give for this is that, being the sons of the same father, they have the same rights. The brothers, having all ruled, the succession returned to the sons of the original ruler, in the order that has been told. Thus it happened that in Mexico Motenzuma (sic) succeeded two of his brothers who ruled before him as has been told. In Tecnan Guatemala, a very important city near Guatemala, I knew a chief who succeeded his brother and also I knew the son of the predecessor. He had some revenues and mayequés which had been the patrimony of his father and the uncle had the Lordship. But also it was said that the former lord had done this because the son was blind, and he placed in the dignity of a chief the brother, he who governed at that time.

If a son, presumptive heir, or any other having the right of succession, showed himself too eager for authority, if he sought to outdo others with fine clothing or meddled in governmental affairs or took command before his time, although the lord had chosen him for this purpose and

although he might be the oldest or the most capable, the people did not allow him to succeed, and the sovereign who had to confirm his election refused to do so, for the ceremony of investiture took place only after the death of the sovereign. In this case, several days were consumed in determining which was the most capable of the sons or grandsons or other persons having the right of succession. The election was made in the form stated and confirmed by the supreme lord.

As wars were so continuous among them, much attention in either the succession or election was paid to who was the most valiant, if he were also capable of governing. The chief who had done nothing brilliant nor distinguished himself in war, did not wear any jewels or marks of distinction upon his clothing.

Some say that the most ordinary form of succession was from brother to brother and then the sons of the lord according to age in the order stated. But what I have told is the most general rule of succession and election as I have found it. Fray Francisco de las Navas confirms what I have told in an account which he has given me.

It is not necessary to give an account of the ceremonies performed when a chief was elected or succeeded. It seems to me sufficient to tell how he was conducted into the temple. There accompanied him a multitude of people in silence. Two chiefs carried him in their arms up a long flight of stairs. At the top, the priest in charge of the

temple, invested him with the royal insignia, complimented him in a few words, put upon him two cotton mantles, one blue, the other black, upon which were painted many skulls and crossbones to remind him that he had to die like others. When these ceremonies were completed the priest addressed him in the following terms;

"My lord, consider the honor your vassals have done you and now that you are recognized chief, you must take the greatest care of them and look upon them as your children. See to it that they are not harmed and that the weak are not imposed upon by the strong. You see before you, the leaders of your country and all your vassals, to whom you are father and mother, and as such you should protect, defend and rule them justly, for the eyes of all are upon you. It is to you to command and govern. You must take care to provide for matters of war, oversee and punish the guilty, chiefs as well as the others, and punish and correct the disobedient. The service of God and his temple should be the object of your greatest care. See that nothing is lacking in the sacrifices, for by this means, you will be sustained in all your enterprises and God will take care of you."

At the end of the discourse, the sovereign gave assent to what had been said, thanked the priest for the advice and descended into the court where the other chiefs were awaiting him to render him homage. After having saluted him they offered him jewels and rich mantles and accompanied him to an apartment in the same court. He did not

come out for four days, during which he fasted, and at fixed hours betook himself to the temple to give thanks to the idols. At the end of these four days, all the lords came to take him with pomp and rejoicing to his palace where the great feasts and festivities began. Thence forward he commanded as a sovereign and was so obeyed and feared that his subjects scarcely dared raise their eyes to look upon his face, except when he indulged in recreation with chiefs or favorites.

In Tlaxcala, Huexocingo, and Chololan the presumptive heir was first promoted to the dignity or title that was called "tecuitli" the most honorable among them for which ceremonies were gone through with in the temple. This done the people insulted him and spoke injurious words, and even struck him in order to test his patience. Such was his fortitude that he did not utter a word or even glance around to see who it was who injured or mistreated him.

These people are by nature very patient and nothing troubles them or irritates them. They are very submissive and corrigible. If one reproaches them or accuses them of negligence or vice, they are humble and attentive, and do not reply other than "I have sinned." The higher their rank the more submissive they are. Sometimes they say "I have sinned. Do not be angry, consider what you are demanding." I speak of the Indians in their native simplicity because those who have been enslaved or live in contact with the Spaniards are much changed. In the relations of the Indians with their new masters we can see their humility

and patience.

Having been treated in the manner related, the new sovereign was conducted into a room off the temple where he remained a year and sometimes two to do penance. He sat on the ground. At night he was given a mat upon which to lie. At fixed hours of the night he went to the temple to burn incense. The first four days he did not sleep save a little during the day, in an upright position. Near him were guards who when he became sleepy pricked his arms or legs with thorns of metl o maguey, which are like puncheons, saying, "Awaken, you must not sleep but wake and care for your vassals. You did not take your office to sleep but to keep vigil. Sleep must flee from your eyes and they must remain open in order to guard your subjects."

When the time of his penance was finished his relatives and servants provided all the necessary objects for the feast which was to take place, made a list of the chiefs, leaders, friends, relatives and allies to be invited, and prepared rooms for that number. When all was ready, a day was chosen for the ceremony, by counting with the greatest care from the day of the birth of the sovereign so that it should not fall on an even day, which was considered bad luck.

As soon as the day was chosen, invitations were sent to the neighboring lords, friends, and relatives. The messenger who went to each one, came back ahead and provided all that was necessary.

If some lord was sick or unable to come, he sent in his place one of his leading vassals accompanied by many other chiefs. The seat for the lord was brought and put in its place, because one was designated for each, according to his rank. It was left vacant, but next to it was seated the one who came in the place of the absent lord. Before his chair were placed presents and food and he was paid all the honors and respect that would have been paid the lord, if present.

On the feast day, all the lords who had assembled conducted the new chief to the temple accompanied by a crowd of people taking part in the dances, songs and rejoicings. There he was given the title of sovereign. The ceremonies over, all the guests were given food, and gifts. These solemnities occasioned great expense because many were present, lords, their servants, relatives, and allies. Many alms were also given the poor.

Although the Indians had no knowledge of the true God when they were to receive these dignities, they imposed upon themselves penances, fastings, proofs of their patience and endurance, prayers to their idols, the giving of alms and of performing of other works of piety, which however, had no merit because they lacked the true faith. As Lactantius says in speaking of the Gentiles, Book VI. cap. 9, although they had some idea of works of mercy, and performed them, these acts were comparable to a body without a head because they lacked the knowledge of the true God,

who is the head and principal source of our knowledge, and without whom all virtues are as lifeless members.

In the kingdom of New Granada, I heard that the lord of Sogamoso, in order to succeed to power, did penance for seven years, buried in the temple, away from the sunlight and without seeing anyone other than those who waited upon him, as a proof of his patience. He traveled from his pueblo more than thirty leagues to see me, followed by a numerous retinue. Passing through each village, the first thing that he did was to find out who were the Indians and Spaniards in need and to have distributed to them food, and fuel, because this country is very cold. However, through the negligence of those whose duty it was to instruct him, neither he, his subjects, nor the other inhabitants of that land were Christians. During my stay in this country, monks began going in to instruct them.

Another lord, I believe of Chia, had to first govern a smaller state, in order to give evidence and satisfy himself that he was capable of administering the larger government. In Cabo de la Vela I was told that the inhabitants of that coast had certain fast days called "Coyma" which they kept inviolably, yet they were not Christians. I happened to be there and I understood with what rigor they were observed. During my stay in Guatemala a wise and good monk, today a bishop, told me that the natives of that region, whom he had charge of instructing, were accustomed before their conversion to go through certain supplications

and fastings, getting up many times during the night to pray. In order not to let sleep overtake them, those who were the most devout slept with their legs crossed so that, growing tired, they would awaken and get up to pray. I am omitting other matters which could be said on this subject in order to go ahead with the discussion in hand.

When an inferior chief or a person of distinction came to visit the sovereign or to proffer condolences in case of a misfortune, he offered a discourse, without organization, it is true but full of sage advice, which gives a better effect in the original than in translation. The monk who translated this one affirms that he has not changed the substance in the slightest detail.

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Reply of the sovereign:

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The women who went to visit the sovereigns' wives addressed themselves to them in these terms.

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Reply of the sovereign's wife:

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Those who have had some contact with these people will not be surprised that there should be in these discourses such sound reasoning and good advice.

While visiting in Guatemala, traveling over mountains and ridges, by poor and difficult roads, each day messengers came, on behalf of distant chiefs, to see me and ask me

when I would go to their pueblos. If near, the chiefs themselves came. All spoke in such friendly fashion, thanking me for the fatigue I had endured for them in such a rugged country, that it gave me great satisfaction to hear them and encouraged me to endure the hardships necessary to accomplish the purpose of my visit, to see and learn for myself. These people said they came to see me on behalf of themselves, their wives, and their children, that all thanked me, and sent regards to me. Those close, brought with them their children, although young.

The Indians are unjustly accused of lacking intelligence and being ungrateful. If they give any reason for this belief it is when they are troubled by fear, because of the cruelties that have been inflicted and are still being inflicted upon them. Because of this we have difficulty on our part to believe the good which we hear of them. There is not an Indian, however barbarous, who when not provoked, not having seen Spaniards or having had intercourse with them would not give to them anything they asked or render to them any sort of service. They have such good intelligence, that they are able to deliver well their message or state their case, without confusion even though it be before the Viceroy or the Audiencia, as though they had been raised among very well informed people and had been occupied all their lives with this kind of affairs. Since this and other things that will be said are somewhat beside the point, I beg Your Majesty to pardon me, as my only desire is to serve you; that you may see on what small

grounds these people have been slandered, and because I do not know that another occasion will present itself for saying this. However, I do not state and will not add all that could be offered.

The sovereigns were and still are called "tlatoques" from a verb tlatoa, meaning to speak, because as supreme chiefs, they were invested with civil and criminal jurisdiction as well as the entire government and command of all the provinces and pueblos of which they were lords. There were subject to these two other classes of chiefs, which will be discussed further on.

On the death of the sovereign, if he left a son or grandson, the normal successor, under age, the most capable older relative governed, in the order which has been told, that is, the nearest relative, and if he were not capable the next, and if there were no competent relative, another chief. He was chosen to this position and confirmed in office by the sovereign, one for Mexico by the sovereigns of Tlezcucó and Tlacuba, ones for Tlezcucó and Tlacuba by the sovereign of Mexico. This man acted as tutor or a guardian of the young lord; when this guardian died (for during his lifetime he was not deprived of his authority) the domain passed to the successor. This rule applied as well to the supreme sovereigns as to lower chiefs who within their provinces were supreme. Some say that if the regent or associate were a relative he was not deprived of command during his life even though the sovereign reached the age of maturity.

and he administered as he saw fit, while if he were not a relative the new ruler on coming of age took over the authority. I was a witness to such a condition in an important city near Guatemala. The age at which one was considered competent was thirty years or over.

From what has preceded, it will be seen that aside from the ceremonies almost all the practices in relation to the election and succession of chiefs, were in conformity to natural law, to some extent to divine law, and even to civil and canon law, although these were unknown to the natives. Other examples could be added to show that these people are not as devoid of reason as some persons picture them, as will be shown in this "Suma" and that on tributes, and as will be pointed out and noticed as occasion offers.

The second class of chiefs are called "Tectecutzin" or "teules", of whom there are so many kinds, drawing their title from their dignities and preeminences, that I will refrain from recounting them, since they are unimportant to the subject in hand. These are like the knights of Spain who have encomiendas. Among them some are more important, and have higher titles and greater revenues than others.

It is here fitting to make a note concerning their names. Names of dignities and offices, of pueblos, or ridges, of mountains, etc., are taken from the qualities, characteristics, fertility or sterility of the region. Thus Michuacan was called by this name as it is a region

abounding in fish, and Tehuantepec means a mountain of serpents, and so on with other names.

These lords who, as has been said, were called Tectecmtzin or teules in the plural, held their authority only for life, because the supreme lords promoted them to these dignities for deeds done in war or for service to the public or to the chiefs, for which these dignities were given as payment or remuneration, as Your Majesty gives an encomienda or commission for life. Among these offices there were higher and lower ones.

The homes of these chiefs were called Teccalli, which means palace of these lords, from Teccutli the lord, and calli a house. This Teccutli or chief had command of a group of people, more or less extensive, surrounding the Teccalli.

The advantages which these chiefs derived were that they were given service for their house and wood and water, each according to his rank. The people worked their lands, for which they were relieved from the service of the supreme lord, being held only for military service, from which no one was excused. Besides this, the sovereign gave them a stipend and furnished some rations; they resided in his house.

These lords had charge of the cultivation of the lands for themselves and for the private individuals, for which purpose they had subordinates. They were charged also with watching over, directing, representing, defend-

ing and aiding the people under them; so that these lords worked for the good of the community as well as for that of the sovereign who held the domain.

When one of these chiefs died the sovereign awarded the office as has been told to one who merited it because of services, for the son did not succeed, unless appointed. Nevertheless, the sovereigns always took account of the merits of the son and promoted him in preference to others if worthy. If sons did not receive office, they received the rank of Pilles, who are the nobles or hidalgos of a wort.

The third class of chiefs were and still are called "Calpullec", or "Chinancaltec" in the plural, which means heads or "patriarchs" of very old families, since calpulli or chinancalli, which means the same, signifies quarter of a known or old line, which has from ancient times had known land and boundaries belonging to the family, quarter or lineage. Such lands are calpulli.

There are many calpullec<sup>s</sup>, lineages, or quarters, in each province. There are also calpullec in the lands given for life to the lords of the second class. The lands possessed were divided as soon as the Indians came into the country, all the lineages or bands taking known boundaries, marked out for them and their descendents. Thus, even today, the lands are held in the name of the calpulli. These lands are not the individual property of the members of the quarter, but the common property of the calpulli. He who possesses them cannot alienate them, but may enjoy them

for his lifetime and leave them to his heirs.

Calpulli is singular, calpullec plural. Some of these calpullec, quarters, or lineages were larger than others, depending on the division made by the ancient conquerors of the territory to the lineages and to their descendants. When a family becomes extinct through the death of all its members, the lands possessed by it return as common property to the calpulli and the chief or patriarch distributes them to those of the same quarter who have the greatest need of it, as will be told further on.

Thus, land was and is never given to one outside the calpulli or quarter, as among the Israelites lands could not pass from one tribe to another. This, among other things, is one of the reasons why some people believe that the natives of this country are of Jewish descent, for many of their ceremonies, habits and customs are similar to those of the Jewish people: The language of Mechuacan, an important realm, it is said, contains many Hebrew words, while the pronunciation of this one and almost all others is similar to the Hebrew. Persons who have been in the provinces of Peru and other parts of the Indies say the same things concerning rites and ceremonies there. Finally the calpullec of the Indians correspond to the tribes of the Israelites.

In case of public and common necessity, these lands could be rented to members of another barrio or calpulli. Under these circumstances and no other was it permitted

that the lands be leased, for if avoidable it was not and is not yet permissible for members of one calpulli to work the fields of another. This rule was followed to prevent the intermingling and corruption of the lineage.

The reason for renting lands instead of taking those given out by the calpulli was that lands already farmed were secured for a small rent or part of the crops, according to custom and the agreement made, or because the lands were better than those given in their calpulli, or because the calpulli had insufficient lands, or it might be some Indians could and wished to till both.

If it happened that a member of one calpulli or quarter left it to go live in another, he forfeited the lands that had been assigned to him to cultivate according to a very ancient custom which has been observed inviolably. These lands reverted to the calpulli and the chief divided them among those of the barrio who had no lands.

When there is in the calpulli unoccupied tillable lands, great care was and still is taken of them that members of another calpulli shall not settle on them. The defense of these lands occasioned serious quarrels among the Indians.

If there were some without lands, the chief upon the advice of the old men, awarded them lands in proportion to rank and ability to cultivate them, which lands passed to their heirs, according to the rule given above.

The chief never does this without the advice of the old men of the calpulli or quarter.

If an Indian held lands which he was cultivating, no one else had the right to establish himself on them or could they be given to another. If the lands were poor, he could abandon them and seek better ones from the chief, which were given if vacant so that they could be awarded without injury to others.

If one holding lands of the calpulli did not cultivate them for two years, through negligence or fault of his, without good cause, such as being a minor, an orphan, or very old, or sick, or incapable of working, he was warned to work them another year. If he did not do so they were given to another.

These lands being held in common by the calpullec or quarters, much disorder has resulted from their being given to the Spaniards, for seeing or being informed that some of the lands are unworked the latter ask the government for them. The officer who is named to go see them, pays little attention to the case of the Indians. If, by chance, there is named for this purpose an honest Christian, he who is seeking the land takes measures to impede him, in order that another may be appointed to his liking, especially if there is someone of importance with an interest in the affair which is always the case. Thus it always happens that it is held that the lands can be adjudged to him who asks them, as it can be done without prejudice

since they are not cultivated. Even though there are signs that the lands have been cultivated and the members of the quarter or calpulli fight the award, alleging that the lands are being held for those who may marry or have no lands, it avails them nothing, for the Spaniards say they make these statements maliciously. Thus several persons misinformed Your Majesty fo their claims, as appears by a paragraph of a letter which Your Majesty ordered written to the Audiencia of Mexico, Sept. 56. No farm nor lands have been given the Spaniards without the greatest injustice to the Indians because of injuries they receive, being driven from their lands, having their boundaries restricted, and being forced to keep watch over their crops, which the cattle of the Spaniards destroy in spite of their efforts. Sometimes even though the lands have a proprietor and are under cultivation this does not prevent their being awarded to Spaniards, under pretext that the Indians cultivated them only for spite, to prevent their being given to the white man. Whence it follows that in certain parts of the country the pueblos are so enclosed and surrounded by farm land of the Spaniards that there remains no tillable land for the Indians. And in others the towns are so enclosed by cattle ranches that great inconveniences result. Since the herds wander at large, they eat up and destroy the little that the Indians do sow, even though the Indians watch their crops day and night. Because of this, the Indians suffer great need and hunger the whole year. In

addition to these are other hindrances to their sowing or profiting by what they do sow, as I will show further on.

Because of the lands being owned in common by the calpulleo or quarters and because of this fact not being understood, there has been left no tillable land especially near the Spaniards, or where the land is unusually good. This has occasioned great excesses and disorders, as has also the injury the Indians receive from the herds of the encomenderos which are always in their villages.

The calpulli or quarter always has a head, taken from within the quarter who must be a leader and capable of aiding and defending the Indians. He used to be and still is elected among them and the one chosen is considered the lord, like the pariente mayor of Biscay or the mountains. The office of chief is not hereditary. When one dies, another is chosen for the place, an old man, the most respected, wise, and most capable for that kind of a position. If there is a son of the deceased, who is capable the choice falls upon him and in any case a relative is chosen, if there is one who is capable.

This chief has charge of and defends the lands of the calpulli. He preserves paintings representing the estates, the landmarks, the situation and limits of the lands, who cultivates them, what each has, which are vacant, which have been given to Spaniards, by whom, when, and to whom they have been given. These paintings are continually revised and records are very well kept by

them.

As has been said, it is the duty of the chief to give land to those who have none to cultivate, or those who have too little for the size of their families. They have charge of defending the people of the calpulli and of representing them before the courts and the governors. In the governor's house, the members of the calpulli assemble to consider matters pertaining to the calpulli, tributes, and the feasts, which last occasion much expense, because at all of them, and there are many during the year, food and drink is distributed, which is a necessary measure to keep the Indians content and tranquil.

The rights and advantages which the lords had and now have as well as how they meet the expenses of the community will be told further on in reply to the fourth question.

The harmony maintained in the calpullec is a strong reason for protecting them legally and not throwing them into disorder, for most of them have been thrown into such confusion and been so divided they will never return to the good order that previously existed. The lack of desire to understand this institution and the slight attention paid to it, has caused us to award many of the lands which individual Indians held from the capulli, for cultivation only, to them upon the simple assertion that they and their ancestors before them possessed and cultivated them. In doing this they have followed the advice of the Spaniards, mestizos and mulattoes, who profit by and earn a living

ffrom these contests as will be explained further on. It avails the leaders (principales) nothing to contradict these claims and say the lands belong to the calpulli or to raise a protest because they are not listened to. This system is prejudicial to those who do not get what they seek for those to whom the lands are adjudged sell them and alienate them to the detriment of the calpulli.

There is another or fourth class of chiefs who have no lordship or command but are nobles by blood who are called Pipiltzin, a general word meaning persons of distinction, as in Castile we say caballeros. All the sons of sovereigns are called Tlacopipiltzin meaning sons of lords, and grandsons and greatgrandsons, Pipiltzintl. Besides these, there are others called Tecuibac, which are nobles, the sons of those who had the offices above mentioned. All the above and their successors were free from tribute, being nobles and warriors. They were constantly in the palace of the sovereign, a number serving as ambassadors to various places or, in turn, as ministers and executors of justice. Besides exemption from taxes they enjoyed many preeminences, being given food and lodging by the sovereign. Now they are much debased, made subject to tribute, very miserable and poverty stricken.

As to the second part of this chapter, which pertains to the power and jurisdiction the caciques and lords exercised over their subjects in the time of their idolatry, the reply is inferred from the above that the sovereigns had civil and criminal jurisdiction and governed the entire

country. Under them, were governors, officers and ministers charged with rendering and executing justice. In response to the third and fourth part of the paragraph, full details of this subject will be given.

In replying to the third part of the chapter, in which is asked what kind of authority the chiefs exercise today, it will be necessary to set forth the character of government during the first few years following the conquest. To make it clearer, it must be understood that the Mexican kings and their allies of Tlezcucu and Tlacuba, whenever they conquered provinces were accustomed to maintain both the superior and inferior native chiefs in authority, to leave the community its lands and wealth and to keep intact native customs and form of government. They designated lands in proportion to the amount of territory taken, which the vanquished cultivated in common planting them to crops suitable to the locality. The produce, paid as tribute and a symbol of vassalage, was brought to the overseers or officers appointed by the sovereign to make collection. These persons brought it to others appointed by the sovereigns of Mexico, Tlezcuba, or Tlacuba according as the vanquished had become vassals of the one or the other. Moreover, they were liable for obedience and for military service, an obligation imposed upon all the conquered provinces. The chiefs remained lords as before the war, retaining civil and criminal jurisdiction throughout their domains.

In the provinces which were not subject to them, such

as Michuacan, Mextitlan, Tlascala, Tepeaca, Chololan, Huexocinco and Ocolcincos, Acapulco, Acatepec, and others, their lords governed and collected tributes from the sowings, which was the general method of paying tribute. These taxes were light, but as the population was numerous, the total was considerable.

When New Spain was conquered this system of government remained for several years. Montezuma alone had lost his realm and lordship which was united to the crown of Castile and some of the pueblos were given in encomienda to the Spaniards. All the other lords of the province, whether subject or not to Montezuma, and those of Tlezcuco and Tlacuba retained their former power, although Your Majesty or encomenderos were superior to them. Nevertheless, their rents and the number of their vassals were decreased. Following the custom established before the conquest the contributors continued to pay the lords the produce and taxes which they paid Your Majesty or the encomenderos. The officers appointed for this purpose received them from the hands of the chiefs, so that the chiefs lost nothing of their ancient dignity, authority, the obedience of their subjects, and of the consideration due them. Their subjects gathered as formerly with taxes and for rendering personal service. Hence, it happens that today both in the pueblos of Your Majesty and the encomenderos one addresses himself to the chiefs for taxes, which causes them vexations, because as we will see further on they are deprived of their authority and

their subjects no longer obey them.

There was not at first introduced the charge of alcalde, governor nor alguacil which later has been the cause of the loss of prestige of the lords. The power the Encomenderos had to depose the chiefs on their own authority when they were not satisfactory for the collection of taxes and personal services has done much to lessen the respect in which they are held. They were replaced by a macehual who was entirely submissive. The same has been done by the calpisques, persons placed in the villages by the Encomenderos to exact personal services daily, send men to the mines, oversee the collection of tributes, and molest the lords and community in all conceivable ways. They removed and created lords whenever it pleased their fancies.

It has resulted from the abuse of the institution of alcaldes, regidores, alguaciles, and fiscales at present that a large number dissipate the public funds since they are in authority and are not controlled. The public scribe amasses a fortune every year because all the officers have to appear before him to be confirmed in their offices. A large number of the officers, even a majority, fall sick or die on the roads on account of the changes of climate and the distances, for some come a hundred leagues or more. They spend on the journey almost all they possess or make a levy for expenses. It is necessary to avoid their having to come for confirmation in their offices and it ought to suffice that they be elected in their pueblos; however, it

would be better to abolish the offices of alcaldes, and alguaciles for these officers only rob and molest the people, remain idle, and do not pay taxes. In all localities there are alcaldes mayores, corregidores, tenientes, and Spanish alguacils who have civil and criminal jurisdiction in their pueblos. As I will show in another place it would be better if there were none in the Indian villages.

When the native chiefs ruled the land the country was submissive and peaceful. They collected tributes from their subjects, had the land of the community and individuals cultivated, and brought together from each village the Indians who owed personal service to the Spaniards. They took into consideration the means and character of each village in deciding what it had to give and each one had to give in proportion to its wealth, and they went themselves to receive the taxes. This has brought upon them the vexations to which they are today the victims. At this time all the villages were tranquil, there were no intrigues nor lawsuits, the chiefs enjoyed in peace what remained of their domains, their lands, vassals, renters, and patrimonies, levying their imposts according to their ancient custom, like the lords that they were, as they had done before they were brought under Your Majesty, according to their time honored customs.

Under this good government so suitable to the chiefs and their subjects, some monks, actuated by pious zeal, began to treat with the caciques and lords who came to confess

and to be instructed in doctrine and truths and to give account of their lordships and imposts, to relieve their subjects of part of the tributes, in virtue of those paid to Your Majesty and his Encomenderos in his royal name, in return for the doctrine and ministers being provided for them, for justice, and the Royal Audiencia instituted to protect and favor them. These Indians decided to obey what these servants of God said, as they had the greatest respect for them. The agreement was reduced to writing and signed, in order to keep a record of what had to be given. It was approved and sanctioned by lawyers and learned men. It was also sanctioned by the Viceroy governing at the time, who decreed that the same rule be followed by the other lords, which was done. This agreement drawn up with pious zeal for the benefit of the macehuales, the common and laboring people, has been the cause of their unrest and of the downfall and complete destruction of all the native chiefs, because from this time forward their lords did not comply with this regulation which they had either agreed to or been commanded to follow. They were encouraged to rise against their chiefs by the Spaniards, mestizos, and mulattoes who live by these quarrels. The disorder has come to such a pass that both chiefs and subjects have suffered spiritually and materially while those who incite and arouse them prey upon them.

Thus under the ancient government, all the country was tranquil and both Indians and Spaniards content. The

tributes were paid better and with less effort because the native chiefs ruled. This continued until some of the subjects began to attack the chiefs as aforesaid. They were sustained by ambitious and turbulent persons, Spaniards, mestizos, or mulattoes, who know the language of the country and who go among the Indians to rob them. As soon as they knew there was discontent in any province they went there. The Indians came to them urging that, as they were familiar with the affairs of the country, they reverse the authority of the ancient chiefs. Thus began in all New Spain the suits, one against the other, villages against villages, subjects against their leaders, from which have resulted great damages, a multitude dead in the roads, going and coming to suits, not knowing what they should have, what they ask, what they wish, what they seek, upon what they are pleading, nor why they go to the Audiencia; thus, they only waste their money and their lives, urged on by those who desire nothing but to devour their fortunes.

There have died chiefs and leaders, as well as many common people, men, women, and children, who always go along to carry the necessities for their sustenance. Many chiefs, leaders, and macehuals have been sentenced to the mines and public works and there have died or been lost and forgotten by their wives and children. The result is general confusion and serious revolts and people have been impoverished, destroyed and plundered. All have been injured spiritually and materially. The greatest disorder

reigns in all New Spain as a result of the common peoples' having lost respect for their lords and leaders, and having risen against them. This respect was necessary for good government, for the chiefs directed the people in both spiritual and material affairs. For the common people are like children, who, losing fear and respect, lose all their good qualities. The chiefs and lords are needed to make the Indians perform their duties, as these chiefs and no others understand them. Great inconveniences have resulted which can be understood from the aforesaid, however little knowledge one may have of those people, and it can also be understood that there must not be in the solution of this problem passion, interest, nor self-seeking, else will their condition be made still worse than that of disorder and confusion that now exists.

If one had not furnished the Indians the occasion for entering into confusing suits, they would not have destroyed each other, so many people would not have perished, and there would have been avoided the complete ruin which exists today. It would have been much more prudent to have put them back under the authority of their caciques and lords who know and understand the rights of each one, rather than to have listened to the troublemakers, for thus would have been avoided many offenses against God, false oaths, hatreds, animosities, destruction of states and provinces, all the machinations of those who stir up quarrels in order to rob, finally, the extreme confusion which exists today

which has reached such a point that it seems impossible to remedy it. All this will end if the provisions of one of the New Laws is kept, which prohibits the judging of a matter between Indians or with Indians by an ordinary or long process, but orders a summary judgment, according to native usages and customs, when not clearly unjust. One ought not permit that the contestants be represented by attorneys, lawyers, or solicitors since all these affairs can easily be straightened out and the lawyers and solicitors only obscure the issues. It is easy to ascertain the truth from the Indians, as the chiefs, the nobles, and many others set it forth sincerely as do even the parties themselves unless those representing them instruct them otherwise. Even when they do not tell the truth there are always many others present who set forth the truth of the matter.

As soon as the people began to rise against their lords, the instigators of revolts, calling their ambition to destroy the chiefs and themselves assume their authority by the name of zeal for the public welfare, exploited the common people, pretending to protect them and to deliver them from their masters. Thus factions arose. As the lords were unable to defend themselves they ended by succumbing, because the first measure taken by the mutineers was to incite the vassals, and secure the non-payment of customary imposts and personal services. Lacking these resources, the chiefs become poor, abject, wretched, frightened,

not daring to speak nor knowing what to say, what to do, whom to address, nor to whom or of whom to complain. Everyone was and is against them, because they are predisposed and wrongly informed that the chiefs rob and molest their subjects. The encomenderos pay little attention because their tribute is not lost but rather, increased so that they will keep still or rather take the side of those who are leading the people. Thus in a little while the chiefs are ruined since all their being and sustenance consists of the service of their vassals, and as soon as this fails them, even if it be only a day, they lack food and all the necessities of life. Their enemies who are numerous and who rob the people for themselves and for those who encourage and sustain them in their quarrels lack nothing as they enjoy the revenues of the chiefs in addition to what they get by plundering. It is thus that the nobility has been destroyed and its ruin is being completed every day.

One of the most powerful causes of the ruin of the chiefs is that they have been given the titles of governors of the provinces and pueblos which they possessed. As there were many among their own people and among the Spaniards and mestizos who aided those who were envious, the chiefs were convicted of not ruling well, for their accusers proved what they wished and secured condemnation, so that the Audiencia deprived the chiefs of their authority which took away their domain. The Audiencia put in their place one of their subjects making the chiefs vassals of their

vassals. This is the condition which exists today throughout the country; the overturning is complete, the chiefs have been ruined and other individuals placed in control.

Many of the lords, seeing the success and power of the rebels allied themselves with them in order not to be overthrown. They rose up with a part of their own pueblos and allowed the revolt to go on in others. They asked to be able to rob more easily. The lords follow the desires of the common people, the insurgents, oppressors, and macehuals. As the confusion is general, in a short while they secure what they desire, whence it results that the country has lost all the splendour and dignity which it enjoyed under the good administration of the native sovereigns, before there were alcaldes, regidores, alguacils, or governors, when the chiefs exercised full authority and administered all affairs, were obeyed punctually and everyone did what they commanded. Persons were appointed to collect the imposts in a manner less vexatious than that which exists at the present time, when there are so many officers and ministers of justice. All the provinces and villages were peaceful, the chiefs obeyed and respected. The ruin has become complete since the chiefs have been dispoiled of their authority and their form of government has been overturned.

Due to the facts above stated, the Spaniards have taken occasion to say that the chiefs rob the macehuals although they themselves have been the cause, having urged

some to rob, as has been said, having deprived them of their domains, tributes, renters, and mayequés, who are the laborers of their fields and these have seized the land and those who have not, pay what they wish and the lords dare not say anything for fear their subjects start a suit and revolt. It is wrong to say that in general the lords rob their vassals because there are some who do so. These are the ones who have taken the part of the rebels and insurgents, who have succeeded in gaining the title of chief by the means just given, and who rob to live as they do. These are public and pernicious robbers, who have revolted and received that which does not belong to them, and who fear that some day another rebellion will drive them out as they drove out the native lords; meantime, while authority lasts, they rob as much as they can without fear or shame, because immediately upon their loss of authority, they will return to their former position, as is the usual course of tyrants. Since the Spaniards incorrectly call these persons caciques and principales, while they are really usurpers, they say that in general the lords rob.

The native chiefs take care to support their vassals, because they love them as their patrimonial property and fear losing them. They try not to injure them, in order that they may not revolt as they see so many others have done. They watch over them to the best of their ability. They treat them like children, defending and aiding them. There are few of this class of lords remaining. Those who

do not govern in this way are those who follow the lead of the insurgents and the wishes of the instigators of revolts, who rob and live at the expense of the poor people, who do not know how to resist nor what is to their interest but believe those who say that they are acting for their welfare. Only great misfortunes can teach the Indians as the masses are unsuspecting and very frank and because love of liberty and freedom from their lords who correct them and compel them to live virtuously blinds them, as has happened in similar cases to other nations considered much more prudent and capable, and among whom there are persons of learning and authority.

It has been necessary to dwell thus at length on the subject of the chiefs and nobles, to note the differences that exist among them, their titles, and rule of succession, in order to reply to the questions of Your Majesty. When Your Majesty commanded the Audiencias to make an investigation upon the subject of the content of the aforesaid ordinance, it was thought that the intention was to command the restoration of the lords in their domains. If this should be done, as is fitting and even necessary, it would be of advantage to have described here in detail the titles and lords, the domains, the mode of succession, what is known of the deposition and destruction of the chiefs, and which should be restored. This can all be determined, on the basis of what has been told.

There is left the reply to the fourth part of the

chapter, namely, what advantage the subjects derived from this system, either in matters of government or police. Although the reply can be deduced from what has already been said, I will enter into the greatest detail upon this subject, discussing these people from the time of their idolatry to the present in such a way that in answering the fourth question, I will return upon the second and third.

The advantage derived was great and would still be if the former system were adopted, for the lords had established all the order possible and an administration suitable to these people. There was not the confusion which has existed since their system was overturned. Matters were accomplished with less vexation than at present. Imposts were paid, the fields were cultivated, the officers fulfilled their duties, the people were recruited and divided and sent out to the service of the Spaniards. There was no robbery as is general at present. Pains were taken to see that the Indians should go to the explanations of doctrine, the sermons, and the mass and to prevent their giving themselves up to vices and drunkenness. But today all is in disorder and confusion and some of the lords themselves live dissolute lives. Formerly when the chiefs were negligent, they were careful that the people should not know it in order not to set a bad example. To make this more clear, I will set forth the order maintained in government and justice for some years after the conquest, as I have heard it from monks, eye witnesses.

There were three principal lords, as I have said, in New Spain to which almost all the principal provinces and pueblos were subject: these were the lords of Mexico, of Tlezcucu and Tlacuba. In these lands there was better order and justice than in any other because in each city there were tribunals, like our Audiencias, and there was little or no difference in laws and procedure. In setting forth the usages current in one, the others will be made known. I will set forth in detail the customs of Tlezcucu, because there was there a lord named Nezabalcoyocin, who ruled forty-two years, a prince of sound judgement who enacted many laws for the good order and conservation of his large domain. His son, Nezabalpilcintle, who succeeded him, ruled forty-four years, promulgated new laws, because times having changed, new measures were necessary to suit the remedies to time and circumstance. The fact that these lords, father and son, had great skill in ruling their lands and establishing good order, caused the lords of Mexico and Tlacopan to look upon them as fathers, because of close relationship and the esteem in which they held their persons and to rule in accord with orders and laws of Tlezcucu and those which they themselves and their ancestors had given. They remitted many cases to Tlezcucu for determination there. In matters of war Mexico held the preeminance, and it was only in that city that it was discussed and determined upon.

Each of the numerous provinces under the sovereigns,

maintained at Mexico, Tlezcuco, and Tlacopan, the capitals, two judges, men of sound judgement chosen for this purpose, some of whom were relatives of the sovereigns. As compensation, the lord designated lands which were sowed and the products of which were employed for the support of their families. On these lands were houses for the Indians who cultivated them for a portion of the harvest. They furnished service, water and wood for the houses of the judges in place of the tribute due the sovereign. On the death of a judge, the lands passed to the one who succeeded in the office and judicature, because these lands and the people living on them were applied to this purpose.

In the houses of the lord were large apartments and rooms, raised seven or eight steps up from the ground like entresols, set apart as the residence of the judges, who were numerous. Those from each province, pueblo, and quarter had their section. There the subjects of each presented themselves. The judges also heard and determined questions of marriages and divorces.

When there was presented a matter of divorce, which was infrequently, the judges sought to reconcile the parties, reprimanding severely the one to blame, urging them to consider with what good harmony they had married. They begged them not to bring shame and dishonor upon their parents and relatives who had arranged the marriage, warning them the matter would be discussed by the people where it was known that they were married. They said everything

they could think of to bring about harmony.

The monks, long established in the country, say after the natives became subject to the Spaniards good order began to disappear, police and administration of justice was lost, suits and divorces have become frequent, finally confusion is general.

An Indian chief of Mexico, upon being asked the cause of the number of suits and amount of viciousness among the Indians replied: It is because you do not understand us and we do not understand you nor know what you desire. You have deprived us of our good administration and form of government and have imposed one we do not understand; thus, all is in confusion and disorder. The Indians have given themselves over to suits because you have urged them to do so. They follow your advice and never secure what they seek because you are the law, the judges, and the parties, and you decide according to your own pleasure and fancy. Those who are far away and have no connection with you have no arguments but live in peace. In the time of our idolatry we have had but few differences which were settled quickly because there was no difficulty in discovering which party had justice on his side. We did not know the delays or trickeries so common today.

Another having heard that a visitador was coming from Spain to visit the land said: "It is not in our interest that each day there should arrive judges and visitadores for what purpose we do not know. The justice of Heaven is the

only fair one." Another said that the justice of earth was crooked and that of the sky alone was straight and good. Another while a Spaniard was disputing with him, calling him a knave, liar and other injurious names said: "You have taught us to be that." The old Indians assert that with the arrival of the Spaniards a great change and upheaval took place. Justice is no longer executed, crimes no longer punished, liars, perjurers, and adulterers escape punishment. This is why there are so many falsehoods, crimes, and fallen women. It would take too long to report all they said.

At dawn the aforementioned judges took their places upon platforms of mats. The people came with their requests. Early in the morning food was brought from the palace. After having eaten the judges rested a short time, then again resumed court, which held until two hours before sunset. Appeals were carried before twelve other judges, who decided all cases of appeal, rendering sentences in accord with the advice of the sovereign.

Every twelve days, there was a court, assembly or junta of all the judges, presided over by the sovereign, to decide all difficult and criminal cases. All facts pertaining to the case were examined and ascertained with care. The witnesses told the truth, because of the oath which was administered and on account of their fear of the judges, who were very clever at ascertaining the truth, and displayed great skill in framing their questions and cross

questions. Perjury was punished with great severity.

The judges did not receive <sup>any</sup> gifts whatever, nor did they make any distinction between persons, small, rich or poor; in judicial processes they acted with entire rectitude as did likewise other ministers of justice.

If it was found that a judge was receiving presents or that he gave himself over to drunkenness or was guilty of negligence, if the fault was slight the other judges reprimanded him severely in private; if, after three admonitions, he did not mend his ways, he was condemned to have his head shaved and was publicly and dishonorably deprived of his office which was considered among them the greatest ignominy. If serious, the prince deprived him of office for the first offense. A judge of Texcuco, having favored a noble against a plebian and made a false report of the affair to the king, the king had him hanged and ordered a review of the case, where the plebian gained his cause.

There were among them very skillful scribes or painters who with their characters represented the parties to the suit, the issues of the case, the witnesses, the decision or sentence. No delay nor appeal, except that carried before the sovereign assisted by the judges of the last resort was permitted. The suit lasted eighty days at most, the term of the general assembly, as will be told further on; once determined, no one dared reopen a case. It was not as today when those who have started a case do not

finish it, but before new judges, renew it, especially when it has not been carried before the Audiencia. It is certain that the Indians who are still in their natural simplicity and who have not been in contact with the Spaniards and mestizos who urge them into suits, are strangers to this mania. Traveling in Guatemala as visitador I saw and understood the situation clearly, for there happened to come before me Indians to seek lands taken from them; summoned, the defenders said: It is true that I took them, for they were uncultivated. Told on what ground the others claimed them, they said, then give them to them. Others said: When I took their land it was uncultivated, and I have planted cacahuatal or other trees; let us divide the land; the other party consented and said for me to issue a decree to that effect, and thus the affair was terminated without writing and the sentence respected as law. Such cases arose every day.

The Indians presented affairs to me with simplicity and candor, not denying the truth because no one had urged them to do so. The same thing happens in regard to criminals, who as soon as taken confess the whole thing frankly, but as soon as put in prison or as soon as they communicate with anyone, only after a long time or never can one obtain a confession, because they are firm in following advice.

Those twelve judges of appeal had twelve officers similar to alguaciles to arrest prominent persons, to go into the pueblos to apprehend or seize those whom the

sovereign or judges designated. Being chief messengers of the lord and his high justice, they were everywhere paid the greatest respect. Others served as summoners and messengers; when they undertook a case, they worked with the greatest diligence, traveling day or night, through rain, snow, or hail, without rest.

In the provinces and pueblos were ordinary justices, who had limited jurisdiction for settling affairs of little importance. They could seize delinquents, examine and dispatch difficult suits, reserving judgement for the general assembly presided over by the sovereign every four months, for a month had twenty days. People from all parts of the land appeared before the lord at this Junta, where all important and criminal cases were decided. This session lasted ten or twelve days. In addition to the determination of suits, a discussion of all matters pertaining to the public good and the realm was held, as in a Cortes.

They had their laws under which many crimes were punished by the death penalty. At first adulterers were stoned although later this penalty was changed and they were hanged or put to death in other ways. The greatest care was taken to see that no one committed the crime against nature, which was punished by death; they considered it a grave sin and said it did not exist among animals. The sin of bestiality was never found among them. The lords executed the penalty prescribed by law, without discrimination, their own sons not being excepted. Thus,

the lord of Tlezcico had put to death a son and one of his wives who were guilty of incest, in accordance with a law that prescribed the death penalty for both. Another sovereign of Tezcuco for the same offense commanded four of his sons on different occasions to be killed and the women with them. In Tlazcala, a powerful lord, who possessed many pueblos and vassals, a brother of Maxiscatzin, having committed adultery, all the lords of Tlazcala came together, and with them Maxuscatzin, a brave man and second of the four chiefs of Tlaxcala, captain general of all the province, and it was decided the guilty man should be put to death, that the laws could not be broken for anyone; the death penalty was inflicted upon both the man and the woman. Anyone who penetrated the precincts where the young girls were confined and raised, incurred the death penalty, as he did also if one admitted him. A son of a leading lord scaled the walls of the apartment where the daughters of the sovereign of Tlezcoco lived, had a short conversation with one of them and nothing more; when the lord learned of this, the young man, having been warned, took to flight so that he might not be arrested, while the daughter, though much loved and the child of a lord, was strangled, for her pardon could not be secured although many urged it, because the chief said the law could not be broken for anyone, that such a course set a bad example to others, that he would be much dishonored, and that he would be considered unjust if he executed the law against his

subjects and not against his children; and that such a crime should be punished. This lord, named Nezabalpitzintli, ordered that one of his married daughters and her lover be put to death. The law was executed although the husband forgave his wife, because the lord said it would be said that the pardon was given on his account and not of the husband's free will. The daughters and the wives of the court were present when these penalties were inflicted; they were informed of the reason for the sentence in order that they might not be guilty of a like crime; but the young girls were not brought, in order that they might have no occasion to think of vice. Those who were the cause of scandals, especially in the markets and public places, were sentenced to death. "Go-betweens" were punished by death. There were public prisons for the delinquent.

No one was allowed to drink wine without permission of the chiefs or judges, and then it was given only to the sick and men above fifty years because they said these needed it as it reheat the blood; they were allowed only three small glasses at a meal. This wine, in reasonable quantities, was not intoxicating. Those above thirty years were permitted two glasses at weddings and feasts, and when they carried wood and large stones for building, in consideration of the heavy work in which they were engaged. At the birth of a child, women were allowed to drink the first few days; there were many who, whether well or ill, did not desire to drink. The chiefs, nobles, and

warriors considered it a disgrace to drink; they regarded those who drank as infamous. The penalty for drunkenness, for either a man or a woman, was that they have their heads shaved publically and their house torn down, because these people said that those who were so given over to drink as to lose their reason did not deserve to have a house in the pueblo nor to be counted among its citizens; they were deprived of public offices and disqualified for holding them in future. These penalties have been pictured in detail because some wise monks have had scruples concerning the penalties inflicted today for drunkenness. They consulted other Spanish monks, who said that if the Spaniards were not punished for drunkenness, it was not fair to overlook the offense in their case, and punish the Indians, especially if in the time of their idolatry they were not punished. For this reason I have recounted with what severity they were punished.

The Spaniards and some monks, except some older ones who have sought to inform themselves on the primitive customs of the natives, are much deceived when they say that in the time of their idolatry there was great disorder due to drinking; they took occasion to say and believe this because as soon as we gained the country the Indians gave themselves up to drunkenness in a frightful manner; they took this license when the authority of their native judges to punish them as formerly, ended. The old Indians say that this vice and others were due to the freedom given each to follow his own inclination, as the Spanish officers

of justice did not exercise themselves with as much zeal as the native ones to ascertain and punish such excesses; little by little the old forms of authority and justice have fallen into disuse until there is no longer a trace of it so that good order is destroyed.

An important cause of drunkenness among the Indians is that Spaniards and mestizos, men and women, desiring to get money without work, have taken to making wine; they receive the Indians in their homes, conceal them, get them intoxicated, so that they will pay any price they are asked. After these persons get the Indians intoxicated, they take their clothes and money, turn them into the streets, say they are robbed, and the Indians dare not complain, as they would be punished for drunkenness. This offers considerable gain, because the expense of making the wine is little and it will sell at whatever price is asked; excommunications and penalties have not been able to remedy this abuse.

There were laws and legal dispositions opposing marriages in certain cases. It was held illicit and dishonorable for a marriage to be negotiated on the part of the woman as that was the duty of the young man. There were honored elderly women who negotiated the affair. The parents or relatives of the girl never said yes the first time although the proposal was a desirable one; they gave excuses postponing an answer but not declining the proposal. As soon as the marriage had been performed according

to their customs the newly married couple before considering themselves fully married did penance, fasting four days without leaving their apartment. In some countries they fasted and remained secluded twenty days.

It was considered dishonorable to have concubines. When some had them, to avoid a still greater abuse, they took care to conceal the matter; both parties had to be unmarried; otherwise the death penalty was incurred as aforesaid. Those who had concubines requested them of their parents in a different form than that used in requesting marriage. As soon as a concubine had a child her father and mother asked the young man to marry her or to free her. He either married her or let her return to her parents and had nothing more to do with her.

Other laws pertained to war and the reasons for undertaking it. The murder of a merchant or messenger, was considered a legitimate cause for war, in which case, all the old men and warriors came together in assembly, where the sovereign informed them that it was his intention to declare war on a certain province for a certain reason. If the cause was one of the aforementioned, all declared it to be right and just. If it was a matter of less importance they stated two or three times war should not be declared, that they had no just cause for it. Sometimes the sovereign desisted; but if he renewed his proposition several times and persevered in his intention the old men out of respect for him told him to do as he thought best, that they had given their advice and they could do no more.

If war was decided upon, shields and mantles were sent to those against whom it was to be waged, to inform them of what was coming; immediately upon receiving the message and declaration of war the inhabitants of the province came together and organized for defense if they considered themselves strong enough; otherwise they collected gold trinkets, feathers, and other presents, and marched forth to declare submission.

The peoples who thus presented themselves without war paid tribute as allies, were forced to present themselves when required and to furnish troops for war; those who took up arms, were submitted to heavier tributes.

If a chief, taken prisoner in war, escaped and returned to his own people he was at once condemned to death, because they said that as he had not shown himself sufficiently brave to die in war, he should have died a prisoner, which was more honorable than to return, a fugitive.

There were laws regulating the creating, buying, and selling of slaves. The Indians did not lend at usurious rates of interest; when loans were made, was upon liberal terms, the word of the borrower, or upon security. They exercised many mechanical arts, in which they were very skillful as we will see further on.

The greatest care and attention was taken in raising, training, and disciplining the children of chiefs and plebians. Usually the children of chiefs were nursed by their mothers but when they could not do it another was

carefully chosen. To make sure that this nurse was of sufficiently good health they placed a drop of milk on their fingernail and if it was too thick to flow the nurse was considered healthy. The mother or nurse did not change her food while she was nursing; some ate meat and some wholesome fruits. The child was nursed for four years; the Indians are so affectionate and so careful in raising their children that they did not have other children while nursing. If a woman becomes a widow she does not remarry until the child is weaned. Women who did otherwise were considered disgraced. Great care was taken to allow the child of a chief to have only one kind of diet.

At five years, the sons of the lords were taken to the temple for service there, in order that they should be instructed in the service of the gods; they were submitted to training and discipline, which were most highly valued. A child who was not diligent in the service was punished severely. They remained in the service of the temple until their marriage or until old enough to take up arms.

The daughters of nobles were raised with extreme care and modesty by their mothers, governesses, and older brothers and sisters. At four years, the Indians charged them to be modest in their speech and manners whether in company or alone. Many never went out of the house until they married; some were taken a few times to the temple in fulfillment of a vow taken by their mothers at their birth or during sickness, accompanied by aged women, and they were so modest that not one raised her eyes from the ground; if one

did do so, a sign was made for her to drop her eyes. They did not speak in the temple save to recite the prayers that had been taught them. They did not speak during meals. It was a rule that the men should not eat with women, even with sisters, before they were married.

The houses of the chiefs which were spacious had the apartments raised about five and a half feet or more on account of the dampness. There were in them gardens and orchards; the apartments of the women were apart. The young girls did not go into the gardens without their governesses, for if they took a single step outside of the door they were punished severely, especially if they were over ten or twelve years. Those who raised their eyes or looked behind them or were negligent or slovenly were punished. It was prescribed how they should talk to wives of the chiefs and other women and if they failed to follow the regulations they were punished. They were admonished to be obedient always to the good advice given them.

When five years old, they were taught to work, to spin, and to weave, care being taken that they should not be idle. They had times set apart for recreation in the presence of their mothers, servants, and guardians. But one who quit her work without permission, even though a child, was punished; if the servants were careless in caring for the children or inflicting punishments, they were imprisoned. The young women had to act as though deaf, blind, and mute.

The girls were made to rise early to go to work in order that idleness should not make them lazy. They were

forced to keep clean and to bathe frequently. When any were accused of carelessness they denied it, swearing it was not true and saying, "Has our Lord God by chance not seen me?" and they named the most powerful of their gods; this excuse was sufficient as no one would have dared be guilty of falsehood for fear that the god sworn by would inflict serious illness.

When the sovereign wished to see his daughters, they went to his house, marching in procession, conducted by a matron and accompanied by a numerous suite; it was only with permission of the father that they went. As soon as they arrived in his presence he asked them to be seated, the governess greeted him on behalf of all, while they maintained the most profound silence and meditation, even though very young. The governess offered the father the presents which they had brought, roses, flowers, fruits, and things they had made, mantles of cotton, embroidered cloth woven for their father, which still serves as clothing among the Indians, all very delicately and beautifully made.

The father addressed all of them, exhorting them to be good, obedient to the admonitions of their mothers and teachers, and respectful; he thanked them for the presents they had brought him, in recognition of their care and effort. None replied, but they approached their father, each in turn and bowed as when taking leave of anyone. No one smiled in his presence, but all were all prudent and humble. Then they withdrew, satisfied with what he had said to them.

The lower chiefs and common people raised and advised their children with much care, inspired them with a horror of vice, recommended the respect of their gods, conducted them to the temple, and required them to work and serve according to their ability and inclination although they usually followed the occupation of the father. They punished them cruelly if vicious; if the children left the home of their fathers, the parents received them back two or three times and even more, but if they were incorrigible they were given up as hopeless and usually ended by becoming slaves.

Falsehood was severely punished; if one lied viciously, the lip was cut a little so that the Indians usually told the truth. Some old men, having been asked why the Indians lie so much at present, say that it is because there is no punishment inflicted, and because the Spaniards are so haughty and cruel that the Indians have been so filled with fear that they dare not reply anything but what is agreeable, saying yes to everything, although impossible. They are always cautious to reply only at the Spaniards' pleasure as they do not trust them nor understand them. Thus it happens that when a Spaniard asks an Indian something he considers before he replies and seldom answers carelessly. Also, it is said they learned this from the Spaniards.

As there were many children, a certain number, the sons of sovereigns, as has been said, and some of the

children of nobility were raised in the temples. The others were raised in the capitánias in each quarter, over which was placed an old man who had oversight of the boys, instructed them, saw to it they carried wood for and cared for the temples, as well as the houses in which they lived, that they cultivated and improved the lands and estates which they had to sustain themselves. They saw to it the boys observed fasts at fixed times. They did not permit them to be idle; they punished them severely for any vice, having hours set apart for instruction and discipline, finding out in what each had offended. Some of them, who were able set out for war while the others went to see and learn how fighting was done. They were all so submissive that they made no excuse to any request but obeyed promptly regardless of time or hour.

When they were old enough to marry, that is, twenty years or more, they asked permission to do so. He who failed to get this permission was considered ill-bred and an ingrate. If the young man was poor the community aided him with things raised there; if those to be married were wealthy, the parents brought presents to the house and to the military chief who had charge of the education of their children. This permission was additional to that of the parents; rarely did one marry without obtaining this license because he who did so was considered disgraced.

While they remained in this group, at certain infrequent days, the sons of laborers had permission to go to

work with their parents, and they brought back to the college a certain quantity of products for its use. They were strictly raised; they ate only a little hard bread; they slept lightly clothed exposed to the dampness, in rooms and apartments open like porticos, for as wars were frequent they said they should be hardened to fatigue.

When the age for marriage passed, if the young men did not wish to marry, they were discharged from the company, especially in Tlaxcala; but rarely did they not marry when admonished to do so.

When the young men left the house in which they had been raised, their captain gave a long discourse, telling them to be diligent in serving their gods, to not forget the instruction received in the house they were leaving, to work to sustain their wife and household, to not neglect the education of their children, to be brave in war, that the gods would aid them if they conducted themselves well; he recommended that they cherish their parents, respect the aged and follow their advice.

As soon as the young people were married, they were registered because they had subalterns and captains to facilitate the collection of imposts and for other reasons, because all was ordered with much regularity. Although the country was thickly populated, all, great and small, were classified and each held himself in readiness to obey orders of his chief without fail or carelessness.

Besides raising their children with the care and discipline aforesaid, the fathers also were careful to give

them excellent advice, as we see today by the pictures that the Indian chiefs preserve. A monk who has resided for a long time in this country and who has all the time been in close contact with the natives and occupied in converting them, has made a translation. He says he urged some nobles to write these counsels down in substance, that they organized them and wrote them down in their language without his being present, taking them from their paintings, which are similar to writing and which they understand very well. He says he did not change a letter of what was given him, but divided it into paragraphs and articles so that the meaning might be grasped more easily. This monk urged them to replace the name of their idols by that of the true God, our Lord. In order that it may be clearly seen that the Indians are not, as has already been said, as devoid of intelligence as some make them out, they are put in here verbatim.

I humbly beg Your Majesty to pardon me if I appear to depart from the subjects upon which he desired to be instructed, because, as I have said before, I have no other intention than to serve Your Majesty and I believe that a knowledge of these precepts will be serviceable to him since they are verified facts, ascertained by the servants of God.

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Such is, Royal Catholic Majesty, the system of government of these people before their conversion, their judicature, administration of their affairs, the discipline and

sagacity with which they reared their children. It is true they had some unjust and poor laws, cruel customs, tyrannical law, like other infidels; but thanks to the kindness of God all their errors have disappeared since they have received the saving gospel of Jesus Christ, our Redeemer. The advantage drawn from the propagation of the gospel is considerable but would be greater still if circumstances were more favorable.

In order that it may not seem that I have made use of only what the monks have ascertained, although they are persons who merit the greatest confidence and have been witnesses of a part of what I have set forth, in addition to what I have learned and found out I will relate what Hernando Cortes wrote to His Majesty the Emperor, our Master, who is in glory, when he entered the land; speaking from Tlaxcala, he writes:

"Finally, they presented themselves as subjects and vassals of Your Majesty, offering their persons and incomes for your royal service; until the present they have kept their word and I believe that they will always do so, as Your Majesty may see by what follows." Further on he says, "By their request, I came to the city which is so great and worthy of admiration that, although much could be said of it, the little I will say I fear will seem incredible, because it is much larger and stronger than Granada, has as good buildings and is more populous than was Granada at the time it was taken, is well supplied with the things of the land, grain, fowls, game, fish, vegetables, and other things

which the Indians eat. There is in this city a market in which daily may be seen thirty thousand persons buying and selling besides other smaller markets in different parts of the city. In this market are all kinds of objects for food, clothing and footwear. There is gold and silver jewelry, stones, other trinkets and feathers, as well arranged as in any plaza or market in the world. There are all kinds of utensils as good as the best of Spain. There is sold wood, charcoal, food and medicinal herbs. One notices finally the order and police control, for these Indians are so reasonable and orderly that the most advanced, people of Africa cannot be compared with them. This province has many flat, beautiful valleys, all cultivated and planted, without any waste land. It is ninety leagues or more around. The order these people have secured in government is almost comparable to that of the states of Venice, Genoa, or Pisa, for there is no general ruler of all. There are many lords residing in this city and in the pueblos of the land are peasant vassals of the lords, each having land for himself. Some have more than others; for their wars which are frequent they assemble and organize their subjects. It is thought that they must have some kind of justice for punishing the guilty. A native, having stolen some gold from a Spaniard, I made it known to Maxiscacin, the principal chief; inquiry was made and the robber was followed as far as Chololan, a city a little distance away; from there he was brought back with the gold and turned over for punishment. When I thanked them for the pains which they had taken, and told them that since the

affair occurred in their land that they should punish the guilty according to their custom, that I did not wish to meddle and inflict punishment on their subjects in their own territory, they thanked me. And they took him to the great market of which I have spoken conducted by a crier, calling out the charge. The robber was led to the foot of a kind of platform in the centre of the market, which the crier mounted and published the offense anew in a loud voice. Seeing this, everyone struck him upon the head with clubs, until they killed him. We have seen a large number of persons locked up in prisons for robbery and other crimes, it is said."

In the same letter, speaking of Montezuma, who was the most powerful lord of all the country, of the obedience of his subjects, of unusual presents he gave the Spaniards, and of the great city of Mexico, he tells:

"Besides the positive value of these gifts, they were so marvelous that they might be considered invaluable because of their rarity and novelty and it might well be believed that no prince of the known world could possess objects of such worth. May what I tell not seem fabulous to Your Majesty, for it is true that Montezuma possessed representations in gold, silver, precious stones, and feathers of all the creatures living upon the earth or in the sea of which he could have information, so well done that they might have been taken for nature itself. He gave me a large number for Your Majesty, in addition to others which I

sketched for him and which he ordered to be made in gold, such objects as images, crucifixes, medals, trinkets, and other objects useful to us. They brought also to your Majesty as his fifth of the silver, over a hundred marks, which I had the workers of the country make according to my instructions into dishes of various sizes, bowls, cups, and spoons.

Besides this, Montezuma gave me many garments of his, which, considering that they were of cotton, not any of silk, were of finer weave and more varied and natural colors and workmanship than could be found elsewhere in the world. There were marvelous garments for both men and women, hangings for beds that could not have been more beautiful had they been of silk. There were materials like tapestry that could be used in salons and churches. There were coverlets and counterpanes, of feathers as well as of cotton of various colors, of rare beauty and in such quantity and of such quality that it is impossible to give Your Majesty an idea of them. Also, he gave me a dozen blow-guns of those he used, of indescribable perfection, for they were decorated with paintings of perfect coloring, of birds, animals, trees, and flowers and other objects. They had the rings and sights of gold six inches in length and in the middle an equal amount, beautifully carved. He made me a gift of a girdle of gold filet to hold the balls, which he promised would be of gold. Finally he gave me quivers of gold and an almost infinite number of other things, for to give an account of the grandeur, the strange and marvelous things of this city

and realm, and of the power of Montezuma, lord of it, and of the usages and customs of the people, of the government and order maintained in this city and others of the realm, would require much time and many expert narrators. I can not relate the hundreth part of what could be told; but I will do my best to tell some of the things I saw which are so marvelous that they are beyond belief for those who see them cannot comprehend them. The fault to be found with my relation will be rather that of cutting short than of exaggerating facts, in this as well as what I will tell later, for it seems to me right to relate the truth clearly to my master without taking from or adding to it."

Having told where Mexico was founded, and other things, he says:

"This great city of Mexico is in the salt lake for it is two leagues from the mainland to the heart of the city by whatever route one takes, for there are four paved causeways made by man, each two lances wide. The city is as large as Seville and Cordova; the principal streets are wide and straight, usually half land and half water, so that canoes and boats are used; along all the streets at certain distances are openings, by which the water passes from one into another. Over these openings, although wide, there are bridges well made of strong wide beams, on many of which ten horsemen can cross abreast.

"The city has many plazas and markets where buying and selling is continuous. There is one plaza, two times

as large as that of the city of Salamanca, enclosed by porticos, where there are continually sixty thousand Indians buying and selling, where there are all kinds of merchandise of the country, food, trinkets of gold and silver, of lead, of brass, of copper, of tin, of stones, of bone, of shell, of corals, of feathers. There is sold lime, stones cut and uncut, bricks, tiles, wood carved and otherwise. There is one street given over to game where are sold all kinds of fowls of the land: hens, partridges, quails, African vultures, egrets, turtle-doves, pigeons, small birds in reed cages, parrots, buharros, eagles, falcons, sparrow-hawks, and wind-hovers. The skins of birds of prey are sold, with the feathers, heads, beaks, and claws. There are sold rabbits, hares, deer, and small dogs, which they raise to eat. Another street is assigned to those who sell all kinds of medicinal roots found in the country, to apothecary shops, where are sold medicines in liquid form or as salves or plasters. There are barber shops, where heads are shampooed and hair cut. There are eating houses. There are men like those called porters in Castile for carrying loads. Wood, charcoal, clay braziers, mattresses of all kinds for beds, and other finer ones to sit upon, and for carpeting bedrooms and sitting rooms are seen. There are all kinds of green stuffs, especially onions, garlic, leeks, common cress, water-cress, borages, sorrels, golden thistles. There are fruits of all kinds, among which are plums and cherries, similar to those in Spain. There is sold honey, wax, cane syrup, sweet like sugar, and juices which is better than

syrup. From these plants is made sugar and wine, also sold. Many kinds of cotton yarns of all colors in small skeins which look appropriate for the silk market of Granada, are sold in greater abundance than in Granada. There are sold for the painters, as many colors as are found in Europe and of as good quality as found anywhere. There are sold buck skins, with hair, or without, or dyed different colors. There is sold pottery in abundance, pitchers of various sizes, jars, dishes, and an infinite number of other kinds of utensils, all of rare clay, most of them glazed and painted. There is sold considerable quantity of corn as grain and as bread, which in size and taste is superior to that of the islands and Tierra Firme. There is offered a meat pie made from birds or fish. There are sold many fish, fresh and salt, raw and cooked. There are sold in large quantity eggs of chickens, geese and all other kinds of fowls I have mentioned as well as omelets. Finally, in these markets are sold all the products of the land, so varied and of so many different kinds that I will not dwell upon them, as I do not recall or know the names of them.

"Each kind of commodity is sold in its street, no others being permitted there. Everything is sold by measure or count and not by weight.

"There is in this market a beautiful building similar to a tribunal where ten or twelve judges are seated constantly to decide all contests that arose and who punished the offenders. There are others who parole the market continually,

watch over the merchants, inspect their measures, and have been seen to destroy measures when false.

"In this large city there are many mosques and houses of the gods, very beautiful edifices for the wards and districts. In the principal ones reside the priests who never leave them. Besides the houses for the idols, there are fine apartments for the priests, who dress in black and never cut nor comb the hair from the time they are initiated into the cult until they leave it. All the sons of lords and nobles enter these religious communities at the age of seven or eight years and remain until the time of their marriage; this custom is observed especially in regard to the eldest sons who are the presumptive heirs. The priests do not marry nor do they permit a woman to enter the temple. They abstain from certain foods, especially at fixed times of the year. Among the mosques is a principal one which human language cannot describe in all detail, because it is so large that within the circuit of its walls which are high one could build a good sized city. All around the precincts are spacious buildings wherein are large rooms and corridors destined to the service of the priests. There are at least forty towers, high and well built, so that to reach the top of the highest one fifty steps are necessary. The principal one is higher than the tower on the cathedral of Seville. These towers are so skillfully constructed of stone and wood that they could not be better built in any country; the stonework within the sanctuary which houses the idols,

is covered with imagery and carving and the wainscotting is of masonry, highly decorated, with monsters and other figures. These towers are the burial places of chiefs and the chapels are each dedicated to one of the idols to which they pay devotion. There are in the principal temple three halls of marvelous grandeur and height in which are the principal idols, adorned with a considerable number of carved figures in stone and wood.

"There are in this great city many fine large houses. This multitude of houses is due to the fact that the lords of the land, vassals of Montezuma, have houses and resided there certain times of the year. Also, many citizens have beautiful houses. All these, in addition to having large apartments, have beautiful gardens of different kinds of flowers, in the lower apartments or upon the roofs. By one of the causeways that leads to this great city, enter two cement conduits, two paces wide and six feet high; in one flows a stream of fresh water, the size of a man's body, which supplies the city, for drinking and other purposes. The other which is empty is used when the natives wish to clean the first; only then do they pass water through it. As the water has to pass over the bridges, because of the opening through which flows the salt water, the fresh water was passed through conduits the size of the body of an ox and the length of the bridge; by this means all the city was supplied. The water was sold from boats in all the streets. To fill these boats with water the Indians bring

bring them under the bridges where the conduits are. There, men placed for this purpose direct the water from the conduits into the boats and receive pay for doing so. At all the entrances of the city and in all the streets designed for the unloading of the boats, which serve to transport almost all provisions, are established barracks for lodging the overseers, charged with receiving a percentage upon all the objects which enter. I do not know whether these taxes are received in the name of the sovereign or by the citizens to provide for the upkeep of the city as I have not been enlightened upon this point. Nevertheless, I think it is in the name of the sovereign.

"There are in all the markets and all the public places every day a large number of workmen and masters of all crafts seeking employment. The population of this city take more pains and care in dress and service than the natives of other cities, because Montezuma resides here continually and all the lords, his vassals, make frequent trips here; behaviour and administration are better. For fear of too far extending this narration, I will only add that for the obedience that they show their sovereign and in their manner of living these Indians are almost equal to the Spanish; and there is almost as much order as in Spain. If we consider that these people are barbarians, deprived of the knowledge of God, of all acquaintance with other nations and civilization, it is remarkable to see how wisely all is managed."

He tells many things of the other cities, their buildings, temples, and of the service of Montezuma: that this prince, whenever he went out, was always preceded by a chief carrying three slender staves; it is thought this was an insignia of royalty. When he descended from the litters in which he rode he took one of these and carried it wherever he went. The ceremonies practiced in regard to this sovereign were so numerous that for him to describe them he thinks would require more space and a better memory than he had, because he believes that no Sultan nor other infidel lord so far heard of had such ceremonies in his service. He tells many other admirable things of his power and grandeur, of the government, of the other chiefs, of the mechanical arts practiced among them or those learned from the Spaniards. Among the Indians are many singers, and musicians on the flutes, oboes, sackbuts, trumpets, and violins; they know how to read and write and make good books for both vocal and organ music, bound and adorned with beautiful lettering on the front. A large number know Latin; they know everything necessary for their sustenance, of labor in the fields or in the city. An Indian never needs to call upon another to construct a house nor to procure the necessary materials; wherever they may be, they find a way to cut, bind, sew, or to build a fire. From childhood, they know the names of all the birds, animals, trees, and herbs, and for what they are useful, as well as a multitude of roots which they use for food. They know how to cut stone, build a house, twist a rope and cord, finding what is needed

to make them; they know all the trades which do not require great talent or delicate tools. If night overtakes them on a journey, they construct cabins or huts, especially when journeying with chiefs or Spaniards. They use great skill in everything.

All these things are related by one of the first twelve monks who came to this land, in a book which he wrote on the customs of these peoples, their conversion, and Christianity.

After the Indians received the gospel of Jesus Christ, our Redeemer and Lord, they have not been negligent in matters of religion and are very pious; the same monk in the work already cited devotes a chapter to this subject; this book being in manuscript, part of it is here given though not verbatim, for the authorities he cites are not given. He says:

"The Spaniards marvel and are prone to disbelieve the progress made by these people, especially those who do not leave the Spanish pueblos and do not see for themselves. They say actions and particularly the penance they do must be feigned. How marvelous indeed it is that these people have been converted to God by the word of Christ, that they come so far to receive baptism, to have the marriage ceremony performed, to confess and to listen to the word of God, which is powerful enough to work such a change, and wise and merciful enough to ~~to~~liven these stones and transform them into children destined for conversion and salvation.

How remarkable the faith of these new Christians, the like of which I have not seen in Israel. Will not God who has redeemed these creatures, created in his image, accord to them his grace and glory? They never saw the casting out of devils, making the lame to walk, giving of hearing to the deaf and sight to the blind, nor the resurrection of the dead; SED IN AUDITU AURES OBEDIERUNT FIDEI. And what is preached to them is meagre; like the bread of the Apostle Saint Philip, they get only the crumbs, but God magnifies his word and causes it to grow in their souls and understandings, so that the fruit of it is greatly multiplied. These people have almost none of those shackles which prevent the greater number of those surrounded by and submissive to the Spaniards from going to heaven, because they are content to live a simple life. Their food and clothing is very plain; they sleep upon a mat and most do not even have that. The greed for riches does not trouble their sleep, nor do they kill each other to acquire position and titles. One poor mantle is sufficient; waking they are ready for prayer. If they desire to give themselves the strictest discipline nothing embarrasses them nor hinders them. They are patient and long-suffering to excess, docile as lambs; I do not recall having seen a single one holding a grudge. They are humble, self-abnegating, obedient to all. They know only service and work; if they are sick their patience and resignation is remarkable. They sleep on the ground; scarcely does one have an old mat, a stone, or piece of

wood for a pillow. Their houses are small, some of straw. This is the kind of life sought by the saints, which is our example and at which we marvel much. We read in living books and see with our eyes the same thing and what we see surpasses what we read and what we know that which we would believe.+++++

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It will also be understood by the kind of government and judicature, the observance of laws, the administration of justice, education of the children of these people in the time of their idolatry and since the introduction of Christianity, with how little reason, or rather with the total absence of reason these say the Indians are so devoid of understanding that they are human only in figure. So printed, this is incorporated in the letters of Saint Jerome, without its being known for certain that the glorious saint really had this opinion or if it was not simply the idea of the translator, who gave it as such and not as being truly that of the learned saint. This error has become so common that almost all adopt it, without seeing if what they affirm is true or not. Due to this same error Hernando Cortes in the passage cited from his letter addressed to the Emperor, praises the wise government and good administration. Speaking of Tlaxcala he says that among them government and police are wisely handled, that the people are intelligent and sensible, that they surpass the most civilized of those of Africa. Further on, speaking of Mexico he says: "The people

of this city have more care and neatness in their clothing and service than those of other towns. This is because Montezuma and all the other lords, his vassals maintain there customs, police services, and treatment of the people. In manner of living, order, and administration this city is almost equal to Spain." Immediately following he adds; "Considering that this is a barbarous people, deprived of the knowledge of God, without any acquaintance with other nations and civilization, it is remarkable to see how wisely everything is managed."

If he says the order maintained in everything is remarkable, how do they then find these people are lacking in reason and are barbarous? After he has told such things of their police and government and said many times that he cannot make the facts plain, and that those with him cannot understand the remarkable things seen in the country, nor the grandeur of the sovereign, nor his service or government, or that however much he tells he will state only a part of the whole, he adds many other words of praise and truly because he is in accord on this point with the work of the monk whom I have cited. Both recount remarkable things of other chiefs. If this is true, why does he conclude by saying that the order established in all their affairs is remarkable? It is certain that his opinion is the result of the popular error pointed out and into which almost all people, even learned men, have fallen through failure to investigate and learn for themselves the customs and usages

and who have simply repeated what authors have written in Latin or the vernacular, supporting themselves by the authority of people who have not seen the Indians any more than they have. This may be because we are wont to call all infidels barbarians as did the royal prophet in Psalm 113, IN EXITU ISRAEL DE EGYPTO, DOMUS JACOB DE POPULO BARBARO where he calls the Egyptians barbarians because they were idolators although they were very learned, since the Scriptures to praise the wisdom of Solomon has expressed it thus: ET PRÆCEDEBAT SAPIENTIA SALOMONIS SAPIENTIAM OMNIUM ORIENTALIUM ET AEGYPTIORUM: the Egyptians from whom almost all the sciences are said to come, and who were the most learned of all the ancient philosophers, even the Greeks taking information from them. Aristotle, in the first book of his Metaphysics says that the science of mathematics was found in Egypt; Plato in Timaeus says that from earliest times the Egyptians knew the courses of the stars; it is said they were famous for their learning before the Greeks, as a note in the fifth book of the divine Providence of Seneca asserts; Cicero, at the first of Book I of Divinatione, says the same thing; Pythagoras and Plato, desiring to learn more, went to Egypt to study, as Lactantius says in Book 4, c. 2 and Saint Jerome in the letter to Paulina beginning Frater Ambrosius. Marcial also called them barbarians in his first epigram because they spoke a different language from the Romans and because their customs and religion were different. For the same

reason the Latins and Greeks called any people who did not speak their language barbarians, although it is certain that there existed at that time other nations with good governments and many and just laws. In the civil code are many laws which make it clear UT IN TITULO DE EUNUCHIS, IT IN TITULO QUAE RES EXPORTARI NON DEBEANT L., and Cardinal Adrian, IN ELEGANTIIS LENGVAE ROMANAE, says BARBARUM QUOD EXTERNUM, ALIENUM, PEREGRINUM, as Gisbertus Longolius in the annotations to Plautus' comedy Asinaria, concerning the prologue, where telling what Plautus says, he states: MARGUS VORTIT BARBARE; AT SI, INQUIT, SIGNIFICATIONE HUIUS DITIONIS PENITUS INTROSPICIAT, BARBARI NIHIL ALIUD ERIT QUAM ROMANAE GRAECIS SIQUIDEM NON MODO SCYTHAE, SED ETIAM LATINI BARBARI CENSEBANTUR ATQUE HINC EST CUR PLAUTUS ALIBI NAEVIUM BARBARUM PORTAM APPELLAT; For this reason Mercurius Trimegistus, the Egyptian, calls those of other nations, who did not observe Egyptian ceremonies, barbarians, as is shown by the dialogue DE VOLUNTATE DIVINA in chapter 9 where he says the religion of Egypt was destroyed because INHABITAVIT EGYPTUM SCYTHES AUT ALIQUIS TALIS, ID EST VICINIA BARBARA. It is in the sense that a nation that speaks a foreign language, that Saint Paul says in writing to the Corinthians, "If I do not understand the meaning of the expression, I will be a barbarian to him to whom I speak as he will be a barbarian to me. And the learned saints, writing of the infidels, also call them barbarians.+++++

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The Spanish call the Indians barbarians because of their great simplicity and lack of duplicity and malice, like those of Sayago in Spain and peoples who live in villages and mountains and places apart without acquaintance with civilized people. Because of the great simplicity of these, the Spaniards who deal with the natives deceive them readily, selling them at exorbitant prices objects the use of which they do not know or which are useless to them, in exchange for cocoa, cotton, or clothing, which practice is very profitable to the Spaniards. The natives who are still in their natural simplicity receive in exchange small trinkets from Paris, glass beads, jingles, and other toys. For this they give good bargains and gold and silver. But in this sense the Spaniards also could be called barbarians since today even in well regulated cities publically are sold small swords, toy horses, brass whistles, small copper snakes, and small strings of bells. Many strangers come with those of their lands and other inventions.

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It will also be judged from what has been said if the famous Romans and other ancients surpassed the Indians, whether in enforcing their laws with all rigor even upon their own children, or their order of government or if they justified their wars better. Certainly if well considered, it will be found that the Indians equalled the ancients in everything or in nearly everything. As Alexander the Great envied Achilles for having a poet like Homer to praise his

exploits so these people might envy the ancients who have had such excellent and so many historians to sing their praises. For as Salust says in a passage cited by Saint Jerome in a life of Saint Hilary; the lives of virtuous men have as much authority as the clever talents of the writers are able to give them. The ancient paintings of the Indians are badly deteriorated or lost, and with the exception of very few monks there are none who have taken pains to study them. Because I am not writing a history but a simple abridged report, I will not go into detail on everything that I might; what has been told suffices for what pertains to the subject. I fear I am not only telling enough but too much.

To ascertain also the advantage that the subjects derived from the rule of these lords, in government and police, is the subject of the fourth question. In order to understand more clearly the evil which has resulted from despoiling the native chiefs and upsetting their form of government, there will be set forth what has happened since the destruction of their administration, which was so good and so profitable to the people.

The officers who have replaced the native lords, encourage robbery, and are delighted that there are delinquents so that they may impose penalties and they do not desire nor seek reform because it is more profitable not to.

Those who call the Indians together to instruct them conceal who it is who pays for their instruction, and invite

them, for the Indians have not their former enthusiasm and the monks have not the zeal or authority they once had, which results in the present disorder and confusion, as the monks do not have the credit they formerly had with the natives.

In the punishment of crimes and misdemeanors there is the greatest disorder and excess, due to the faults of the officers, because the character of the natives is changed and far removed from their ancient simplicity, and because those who fill offices frequent the Spaniards, go into their pueblos, are capable of committing all sorts of unjust actions, which they dare do because of the great simplicity of all the common people. It is general in all the land that those who hold the offices of regidores, alcaldes, or alguaciles, scribes, or fiscales are officials who have been raised with the Spaniards or in their service, or who have been their slaves or who have had continuous intercourse with them. These officers are cunning and aggressive.

The Indian alguaciles go about keeping watch on those whom they meet in the streets or in the highways, who are coming to the city to sell goods or on other business, seizing those who are drunk. Those who have anything with them give it to the officers for letting them go, and those who have not are taken to jail. They remain there three, four, or more days until Saturday when the Oidor goes on an official visit and they pay the jail fees. The officers punish the Indians, turn them over to service, because all

the alguaciles, and they are many, as a unit say the Indians were drunk; as do also the scribe, and jailer, who are all Indians. The Indians lose their crops, cannot follow their trades, they lose what they were going to sell, and their wives and children suffer unjustly. If some undertake to defend themselves, seeing the injury the alguacils do them, the latter pretend that they have broken the insignia of office, while they themselves have broken it; they tear their clothing and say that those whom they took tore them. The Oidor who makes the visit condemns the Indians to pay more, and the officers go still further, and pretend the Indians injured them and make the Indians pay for the injury and medical treatment and to get more money the officers remain at home, pretending they are incapacitated by their injuries; while it is the poor prisoner himself who is bruised and beaten and whose clothing has been incapacitated. He dares not speak and does not know what to say because all are against him and have the information arranged according to their desires, which is the evidence upon which the Oidor must decide. The poor wretch remains in prison; the Oidor orders that doctors visit the alguacil and as all are in concert to extract money from the prisoner, the doctors say that he is sick. If the Oidor sends a Spaniard to visit him the alguacil pretends to be sick, which he knows how to do well, and they anoint themselves with preparations to make them appear weak and all their relatives come to see them and state their complaints,

because all have their parts of what is obtained. Because, as has been said, all those who fill these offices of justice and live among the Spaniards are overcome with evil and have lost their ancient and natural simplicity, are changed for the worse. Those who live apart are simple people. During all this time the poor wretch suffers in prison from the delay. Two or three visits pass before the alguacil says he is better; he gains by retarding his recovery as damages are in proportion to the duration of his sickness; besides what the prisoner, his wife, and children suffer from this long imprisonment, the officers finally demand an exorbitant sum and send the prisoner into slavery to pay it. They punish him severely for the resistance they claim he made. It sometimes happens that the Indians arrested by the alguacil abandon their mantles well content to lose them to avoid being taken to prison and seeing themselves threatened with slavery and all the injustices that have been recounted. When the mantle, which is a piece of cloth the Indian wears like a cape, is good the alguacils drop the matter as they have what they desire; otherwise, if not worth much, they pursue the Indian, who cannot escape, arrest him, and the fact of his flight is used to prove his resistance and drunkenness.

The officers charged to oversee the cultivation of the fields punish unjustly any Indian who could not work his field because of having to go to the public works or because he fell ill following service, which often happens

as will be related further on. Of those who have cultivated the fields, the officers say the work has not been done or is poorly done and they impose fines and other penalties. They even confiscate the harvest, driving the Indians from their lands under the pretext that they cannot cultivate them and that they had been given only for cultivation as has been said, or they accuse them of some other failure as I will explain later; always they punish them.

Those who assemble the Indians for the assignment of service performed each week in the houses and fields of the Spaniards, also abuse the Indians, for they go from house to house to assemble the Indians and bribe the natives to give them what they have, to be released from the forced labor. In this case, the Indians give double what they would have to give in service. Other Indians who have served the week before, but who are poor and have nothing to offer are forced to work again. If any complain and say that they have already worked, it avails them nothing because it is asserted that they owe the Spaniards service and that they have to work their estates and fields, and do whatever else is necessary to their profit and advantage. Those who make the assignments care little as they seek only their welfare and those who assemble the Indians have a right to a quartillo, the amount paid per Indian. It would be much better to abolish the assignment and that each village should send each day or each week a certain number of Indians according to the population and that they

should be hired, as many offer themselves of their own free will; but there are few people who desire this, as in the assignment they get them for half as much. Those who are unable to get Indians by assignment are the only ones who hire Indians. If the assignments were abolished all the natives would come to the plazas and the places where one would seek them and all the inconveniences which result from the corvees would be done away with, as would also the damages which the Indians experience from the loss of their harvest, as they do not have time to work in their fields at the right season, for which reason they sometimes experience considerable loss in a single day. This not being taken into account, they are punished for not having cultivated the fields even when it is not their fault. The Alcaldes mayores and Corrigodores, under pretext of serving the state, impose on the Indians fines for their own profit taking from them costs and fees for time spent in prison. If they were allowed to come and work when they wish or if caciques sent those who wished to work by the day at an agreed price, each would be present when his crops would not suffer from his absence for the Indians harvest at different times. The caciques would take care to send those who were least busy, taking into consideration time and season. Day laborers would never be lacking, because there are Indians so poor that their small patches are soon harvested. The merchants and artisans who gain more from their trade or business in a day than

we pay them in a week, without leaving their homes and families, would be exempt from forced labor, from which they receive great injustice.

There are so many other facts of this kind, all vouched for, that could be cited that one would never finish if one wished to relate all the vexations suffered by the poor Indians. What I have said suffices to make plain all the evils and misery that the people suffer and the necessary remedy which is the object of the questions asked in the Royal Ordinance of Your Majesty.

It is necessary to pass to the fourth paragraph of the decree to which it is best to reply before taking up the others. If sometimes I repeat what has already been said or will be told, or something has been or will be told out of its logical order, it is because I cannot do otherwise; it is necessary to return two or three times to the same subject to conform to the maxim of Plato, by which it is permitted to repeat when repetition will give a better appreciation of what is to be said; moreover, there are some subjects referred to in different paragraphs of the decree.

The fourth question which now must be answered is couched in these terms: Paragraph IV. "Also, you will inform yourself what classes of people paid tributes, if the merchants and others paid a tax, if among them there was any class exempt from tribute."

This paragraph contains two questions: first, what

classes paid tribute: second, whether any were free from tribute. As to the first question, so far as I can ascertain four classes, in which were included all the community, paid tribute.

The first class of contributors is called teccallec, which means persons belonging to the chiefs, for they are submissive to the tectecultzin, chiefs of the second class, whose offices, as has been said, are not hereditary, but are given by the sovereigns to those distinguished in war, in the service of the state or the Lord. This second class of Lords paid tribute to the sovereign as has already been stated in the reply to the first question of the paragraph in which was discussed the different classes of chiefs.

The second class of contributors is called calpullec or chinancallec which means inhabitant of a known quarter or member of an old and known family; these were numerous as were the calpullec, comprising all who paid tribute to the sovereigns. For their own chiefs they cultivated certain fields for their sustenance and gave certain service in proportion to the population. These are compensation for the care taken of them and to meet the expenses of the assemblies held each year in the palace of the chief to discuss the public welfare. These contributions were not obligatory, but were paid in virtue of an old custom and were independent of the imposts payable to the sovereign.

The third class of contributors was the merchants, belonging to well known families, for no one could follow

an occupation without inheriting the right or getting permission from the chiefs. They enjoyed certain privileges, because, as the natives said, their occupation was useful to the state. The artisans paid their contributions in products of their labor and merchants in the objects they sold. These were not liable to personal service nor for the public works save in case of necessity, nor were they obliged to work on the milpas or fields the products of which were destined for the expenses of the lords, because they fulfilled their duty by contributions. There was always a chief among them who represented them before the sovereigns or governors. This usage existed in the calpullec and teccallec because the quarter was composed of all kinds of people.

These tributes, which were given to the supreme lords, were for the upkeep of the state, for the numerous wars, and the supreme lord, recognized as such by the other chiefs. From it the governors and officers of justice were paid and rations were given to chiefs according to their position and the number of captains sustained. Ordinarily all these people ate in the palace of the sovereign, where each had an apartment of his own, according to his rank, and the state. The Lord could not at will dispose of these tributes, because the people got angry and the chiefs also if he did not favor them, and all the other classes of whom mention has been made.

There being many people the tribute amounted to a good deal, sufficient for all needs.

The fourth class of contributors which is called tlalmactes or mayeques which means laborers of the fields of another to distinguish them from the two classes of contributors who have their own land or that of the quarter or calpulli as has been said, while those of the fourth class, on the contrary, cultivate land that does not belong to them. This is the result of the fact that originally when the Indians divided the land they had conquered, as has been said, the latter did not receive any, as happened when the Christians conquered the country when some received lands and Indians and others received none.

It was forbidden the mayeques to leave some land and take up others. There is not a single example of a man abandoning the land that he cultivated nor even of one trying to do so, because no one would have dared to fail in his duty. These lands passed to the heirs of the chiefs together with the mayeques on them subject to the obligation of service and rent which their predecessors had paid without any change or new imposition. The rent was a portion of the harvest, or cultivation of land for the sovereign in proportion to the population and the contract made. They also furnished water and wood for the house of the sovereign.

These last contributors did not pay any impost to the sovereign nor to any save their chief, as has been said, nor did they work any lands save those cultivated in common;

because in place of the tribute due the sovereign, they paid it to the lord of the lands they cultivated and they considered the lands as belonging to them, because they had from time immemorable, by consent of the sovereigns, had the use of land while their masters held direct title; they served only in time of war when no one was exempt. The chief had civil and criminal jurisdiction over them.

When the lord dies and leaves sons, he can divide the patrimonial lands and mayequés as he sees fit, because there is no right of primogeniture. Other persons who had lands and magueyes enjoyed the same privilege.

The first two classes of contributors, that is to say, the teccallec and calpullec, which form all the common people, as has been said, and the merchants and artisans who live among them have become contributors to Your Majesty and to Encomenderos. The nobles alone and some who have magueyes on their patrimonial lands had retained them, but all have now been despoiled, as we will show further on.

There were and are lands designated as part of the sovereign's domain, called Tlatocamilli, which means land of the Lord. The Lord could not dispose of them as they were attached to the domain, but he rented them as he wished. The Lord got the rent, which was considerable as there were many good lands among them. These princes were in the habit of using in the royal palace all the tributes and rents from the royal domain, as all travelers and paupers ate at the palace in addition to

the nobles and others of whom we have spoken. For this reason the lords were much respected and obeyed. To meet these expenses, the chiefs spent their patrimonial tributes when they ran short of others.

In the second part of the paragraph it is asked if there were any among the natives exempt from tribute.

All that could be ascertained is that the laborers paid real and personal tributes while the merchants and artisans paid only contributions, but were not subject to personal service save in time of war. Neither was paid by the tecutles nor pilles as has been said, because they were like hidalgos or caballeros and served in wars, and public offices, as governors and officers of justice, or served in the palace of the sovereign. Some accompanied him always as squires; others served as ambassadors, carrying on the affairs of the sovereign; others assembled the laborers for the cultivation of the fields or for the public works or for the fetes and services of the Lord. It was for this purpose that the pueblos were divided into quarters. Among these nobles a certain number had no other employment than to accompany the sovereign; they were all exempt from taxation. They were fed and lodged by the prince who assigned common people to serve them, to provide them with wood and water and to work their lands, the number of whom was in proportion to the rank of the officer. Their service was not perpetual but different ones performed the duties in turn. They were not obliged to work the milpa not to comply with other personal services as they fulfilled

their obligation by serving these nobles. Also it must be understood that they always served some lord or noble except in time of war; so that they did not pay tribute to two masters and their tribute was the service which they gave, or that on the milpa or the fields which they cultivated for the supreme lord or another by his command.

Minors and orphans were also exempt from taxes, because when their parents died, after the good order that prevailed in the education of children has disappeared, as has been said, they were and are taken to one of their relatives who boards them and makes them work until they are married; they never received wages. Widows, the crippled, or those unable to work do not pay taxes although they have lands, because they cannot work their fields. Those who needed someone to sow their lands, could not be held responsible if their lands were not cultivated and could not be deprived of them. Also, mendicants and nobles did not pay taxes, as has been said, nor did the mayeques of chiefs or individuals, because their services were given in lieu of what was due the sovereign.

Those who served in the temples or were assigned to the service of the gods, were forever exempt from tribute and all service save that pertaining to the cult.

I now must return to the beginning of the decree of Your Majesty to reply to the first paragraph, which is in the following form.

#### THE PRINCE

"President and Oidores of the Royal Audiencia of the

Confins. Desiring to be informed upon the matters indicated below, we command that as soon as you receive this, a matter of the greatest importance concerning which we desire to be enlightened, the President and one of the Oidores, inform yourselves from old Indians, upon oath, what tributes the villages and their inhabitants, natives of these lands paid in the time of their idolatry to their chief and to his predecessors or to another chief who held the universal command; what was the nature, quantity, the value in gold pesos per annum of these tributes."

This paragraph contains three questions: the first, what tributes were paid and upon what were they levied, second, what was the quantity and nature of the taxes, third, what was their value each year, reduced to gold pesos.

The payment of imposts was well regulated; each province and village paid according to its character, population, and extent of territory. Each pueblo or province paid in the product of its labor, without having to go seek objects in other countries, from a warm land to a cold one, or a cold one to a warm one.

Most commonly the imposts were paid in corn, axi, (a kind of pepper), kidney-beans, and cotton, each pueblo having land set aside for the cultivation of these crops; the Lords had a large number of slaves who guarded and cultivated them, aided by the people of the village. Neighboring Indians also assisted if they did not have their own for this purpose because if they had lands in their pueblos they did not leave

them to work on others. The people who paid taxes were also held to furnish wood and water for the house of the chief. The artisans paid in the products of their industry. Imposts were never levied on the individuals but each village or trade was told what it had to give. The people divided the amount, supplied their shares, and brought them in at the allotted time, as will be told further on. The system was like that used in collecting the poll tax in Castile.

Thus the laborers cultivated the lands, improved them, collected and cared for the crops; the artisans paid in products of their industry, the merchants of their merchandise, cloth, feathers, jewels, and stones, each one in what he handled. The tributes of the latter class were the greatest, as they were the wealthiest.

In the countries where cotton was produced the Indians cultivated it to meet the tribute; in some places, although cotton was not grown, tributes were paid also with this product as vassals raised it. Cotton was given to other pueblos to be made into cloth, for the Indians made excellent cloth.

The best fabrics were made by the inhabitants of the cold regions where cotton was not grown, who are more capable than those of a warm country. Thus, some pueblos paid their imposts in cotton, others by making it into cloth. In provinces where corn, pepper, and beans were grown, tributes were paid in these products. In others they were paid with fruits, fish, and game.

In the countries where gold was procured, in rivers

without much labor, the natives paid their tributes in small quantities of this metal. There was system to their taxation so that some were not more heavily burdened than others. Although each one paid very little the total amount of the tax was considerable as there were many people. Lastly, there was little expense, little work, no vexations in the collection of tributes.

As to the second question, what was the amount of these tributes, the character, and value of them, it has already been said that each individual paid little, but that the total was considerable as the population was numerous. At this time everything was valued low and money was not in use among them. Trade was carried on by exchange, the form of trade most ancient, most honorable, and most in conformity with nature.

The Indians levied heavier tribute upon conquered cities who had revolted than on others, as has been stated in reply to the fourth part of paragraph IX, answered first.

The inferior chiefs gave gifts to the sovereigns in token of submission and vassalage at certain feast times during the year.

Besides the ordinary imposts, the merchants as they were rich, prosperous, and esteemed by the lords, were accustomed at feast times to offer voluntary gifts; they did not bring their gifts individually, but brought together what each wished to give, and the chief of the merchants presented all of them to the lord. This was done because of the expense of the feasts.

When the rejoicings were ended the sovereign gave to the inferior chiefs, their subjects, and strangers present rich mantles and other things, according to the rank of each, so that they went away content, feeling well paid for what they had brought.

All the lords, supreme or inferior, and other individuals had their own patrimonial lands, with their mayeques and tlalmaites as has been said. The tributes they paid belonged to the chief, and he could dispose of them as he saw fit, as if they were his own. Thus, taking up the aforesaid, the two classes of contributables, teccallec, and calpullec, comprising almost the whole community, are those who now pay tribute to Your Majesty and the Encomenderos, as do the merchants and artisans, who were classed as a third group of contributors.

The fourth class of contributors, the mayeques or tlalmaites, serve and pay tribute to the lords whose lands they work, where the chiefs have not been deprived of their lands, and there are few who still possess lands.

As to the third question, concerning the value of the imposts reduced to gold pesos, one cannot well find out, because each contributor paid little, and it had small value at that time although now the value has much increased. It is certain that today one contributor pays more than six paid formerly and one village more in pesos than six then gave in gold, because they got gold then more easily and it was not valued as highly. But as near as one can infer, each Indian paid a tribute of three to four reales at most in addition

to the service he gave, so well was the impost distributed so that each Indian paid little, and did not have to work more than once or twice a year, and those who worked twice were those who lived near, so that they should not waste time going or coming.

## Paragraph II

"You will also inform yourselves what was the quantity and value of the tributes paid the caciques who were subject to the sovereigns, and to how much they amounted in a year, independently of what was paid the sovereign."

This paragraph contains two questions: first, what tributes were paid the inferior lords, and what was their value; second, what they were worth a year independently of those paid the sovereign.

To the first question, I will say that the Indians in provinces tributary to Mexico, Tlezcuco, and Tlacuba paid imposts to their native chiefs in the same manner they were paid to the sovereign, because the vanquished chiefs were not deprived of their revenue and they spent them as indicated in talking of Mexico and its allies. We have likewise told in what manner they discharged the imposts and personal services to the chief of Mexico. All these chiefs, superior or inferior enjoyed the same rights and possessed patrimonial lands, mayequés and fixed domains over which they exercised authority.

What these tributes amounted to cannot be estimated, as has been said, other than that they were little, and that the general tribute was a part of the crops.

As to the second question, what they were worth each year, it is impossible to express their value in present day terms.

## Paragraph III

"Besides the information that you secure from

witnesses you will have presented all kinds of paintings, tablets, or other accounts pertaining to this time by which you may enlighten yourself upon the subjects in question; you will have the monks procure them, and seek among them those who know the language of the country, and you will gain information from these monks and all others who can inform you."

I have made all the possible recommended investigations to discover the truth of what I have said and what I shall say.

#### CAPITULO IV

I have already answered this paragraph.

#### CAPITULO V

"You will inform yourself also at what time or year taxes were paid; what rule was followed in the division and collection of tributes."

This paragraph contains two parts or questions: first, at what time did the Indians pay their tributes; second, what rule was followed as to distribution, collection, and payment.

As to the first, the crops were collected at the time of harvest, stored in houses or barns set aside in each town for this purpose; from here they were taken out to use as has been indicated, save in the vicinity of Mexico where they were taken to the city to provide sustenance for the inhabitants who did not have lands to cultivate as the city surrounded by water.

Several customs were followed in regard to the levy

paid by merchants and artisans. In certain countries tributes were collected every twenty days, in others every eighty, for there were twenty days to the month. Thus, each paid two or three times each year; because the imposts were divided by towns or trades according to the nature of the objects paid and the distances which separated the villages. So everyone did not pay the taxes uniformly every twenty or eighty days, but in turn as they were divided. Thus, throughout the year there were some paying tributes and the palace of the chief lacked for nothing. The same rule was followed in collection of fruit, fish, game, pottery, other things for food, or other uses. Each contributor paid in two, three or more payments, as convenient.

As to the second question, which refers to the mode of division, there were in each village lands designated for cultivation in proportion to the character and population of the village and there was planted on these lands what was suitable to the soil for, as has been said, the most general tribute was that paid in produce. The merchants and artisans were held to pay in proportion to their number in a village or province, depending on what they handled, and the people whom they had to supply for service and what they had to give for war. In everything attention was paid to the ability of the people and the quality of the land. There was no variation in the general proportion of imposts nor any confusion because the Indians did not move from the village to village nor even from quarter to quarter, in accord with custom observed as law,

and rarely broken, although not enforced, as an Indian lived and died where his forefathers and parents had lived and died.

To collect tributes, oversee the cultivation of the fields, both those for common usage and belonging to individuals, and observe how commands were fulfilled, the sovereigns and inferior chiefs had majordomos chosen from the pilles as we have said. These collected the tribute from their vassals, and the provinces subject to them. Where there were inferior lords, majordomos were not necessary because the chiefs performed the duties of majordomos, bringing the tributes to the sovereign or someone designated by him. In time of pestilence or scarcity the inferior chiefs or majordomos presented themselves to the supreme and universal sovereign to tell him of the public misfortune. The truth being stated, as was always the case, for they would not have dared do otherwise, the sovereign ordered that for that year the imposts should not be collected in the villages that had been the objects of these calamities; and if necessary there were distributed food and seed for the following year, for the Sovereign's attention was devoted to relieving and preserving his vassals so far as possible.

As to collection and payment, the rule has already been stated.

The personal and ordinary service which consisted in furnishing each day wood and water for the palace was divided by days among the pueblos and quarters so that an Indian was called upon at most twice a year. As has

been said, it was only the subjects of the neighborhood that were called upon and in return for this they were relieved of part of the tributes. Sometimes a village presented itself with all the wood that it had to furnish, especially if a distant one. Most often personal service was paid by slaves who were numerous.

#### CAPITULO VI

"Also, you will find out if tributes were paid in proportion to the lands possessed and cultivated, in proportion to possessions, or in proportion to population, being thus a capitation tax."

As to what this paragraph contains, there were different customs although they were similar in what is called New Spain, made up of Mexico, Tlascala, Huexocinco, Cholula, Oaxaca, and many other provinces. In Michuacan there were different customs than in Mexico and the others of the vicinity, because there all the inhabitants in general, nobles or laborers, possess their own lands and there are fields in common on which are cultivated the products destined for the sovereign, the inferior chiefs and the temples. The imposts were not in proportion to the lands nor possessions, for the fields cultivated in common were intended to pay imposts, except that of the artisans, fishermen, hunters, merchants and those who had to furnish wares from pottery and products of their industry.

The mayequés who worked the lands of another paid rent and service to the proprietor as has been said in response to the first part of paragraph IV which dis-

gussed the fourth class of contributors.

The renters who cultivate the lands of another pay rent to the lord as agreed upon. These are different from the mayerques in that they take the lands to rent for one, two or more years, and give nothing else to the lord, because they owe service to the sovereign as other subjects and help cultivate common land to satisfy the imposts.

The Indians did not pay a poll tax nor anything similar, as has been said. Therefore, the census taken a few years ago to redistribute the imposts occasioned much trouble and difficulty, as will be told further on.

In some places the revenue of certain lands was applied to the needs of the state. These lands were inalienable. Whoever cultivated them, lord or otherwise, even the sovereign, had to pay rent for them as agreed upon. These were called tributary lands.

#### CAPITULO VII.

"Likewise, to whom belonged the lands and the inheritance possessed by the Indians; if those held in feudal tenure paid taxes and as such responded with tributes to the lord of the lands, or whether the payment was in virtue of the sovereign or particular domain of the lords."

The response to this paragraph may be deduced from what has been said. Thus, it is useless to repeat. In summing up, I will add that almost all possessed land of their own, individually or in common, as the teccalleques and calpulleques as we have said. Those who did not have land or did not desire common land or land from the quarter

were renters of other lords, individuals, or quarters. These rented for one or more years the land they could work, as agreed upon and paid taxes like other tributary vassals to the sovereign.

The mayeques were feudal holders and as such made payments to the lord of the lands they worked as has been said. They were not liable for imposts to the sovereign except in time of war or public necessity, when they were obliged to serve in virtue of the sovereignty and jurisdiction of the prince.

#### CAPITULO VIII.

"Also you will learn what imposts are now divided and paid to the caciques and nobles and what they amount to; if they are the same as in the time of the idolatry of these people; if payment is made in the same manner or if anything new has been introduced."

The answer to this can be gathered from what has been said in reply to the third question of paragraph IX, the first one discussed, which in brief says that all the lords, sovereigns as well as inferior ones, caciques or nobles, are so poor that they scarcely have enough to eat and are despoiled of their domains, lands, renters, and mayeques. One of the causes of their ruin has been that they have been deprived of the title of lords and have been made governors, of which offices their adversaries deprive them without giving just cause, which is equivalent to depriving them of their title of chief. Many have done this as they say that the service of Your Majesty and the good of the country demand that these lords should not exist and thus

the lords are replaced by macehuales. When I was traveling as visitador, some chiefs resigned their offices and domains into my hands, and I was unable to induce them to keep their offices. When asked for a reason why they did this they said that it was because their macehuales brought suits over tributes, travelers and others demanded food and mistreated them, that the officers of Your Majesty and the Encomenderos molested them and seized them on account of tributes, as has already been explained. Today, the Indians do not pay anything to the cacques or other chiefs as they did formerly because all the chiefs have been dispossessed and made tributary as was said in the summary of tributes. It avails them nothing to say that they are free from tribute. The mayeques, in order to be free of tribute to the nobles assert that the intention of Your Majesty is that all subjects pay taxes, that whoever claims otherwise should be seized deprived of his mayeques and forced to pay tribute to Your Majesty or his Encomendero. As the nobles do not know what to seek, to whom nor before whom to plead, and as they have not the means for a suit, they lose their liberty, mayeques, and lands. The mayeques revolt and say that the lands are theirs from their ancestors. As customs of land tenure are not understood, these pretentions are listened to and the lords are lost, destroyed, and cowed without daring to speak nor knowing what to say, as has been lengthily discussed, although much more could be said and I will tell more in summing up the tributes.

Paragraph IX

Has already been answered.

## CAPITULO X

"You will also inform yourselves, if, when the Christian Spaniards discovered and conquered this land, they imposed upon the Indians any new tributes other than those paid in the time of their idolatry, how imposts were paid, if care was taken to not impose other taxes nor require other personal services than those formerly given the sovereign, or if a new imposition was put on the natives to give sustenance to the Spaniards to whom villages were given in encomienda, and what rules have been followed."

The demands of the Spaniards at first were, and even now in some places so exorbitant and unreasonable, that to answer all this paragraph contains, would make a long discussion. Cutting the matter short wherever possible the paragraph will be answered as briefly as possible considering the infinite number of things to be told. It will be necessary to draw somewhat upon the past as well as present to better answer what is asked.

This paragraph contains two questions, one whether new tributes were imposed upon the Indians when the land was conquered, second, what use was made of the Indians.

As to the first question, as soon as the land was conquered, Captain Don Hernando Cortes commanded that all the caciques and lords come together at Coyoacan, a leading Indian pueblo two leagues from Mexico, which he took for himself as well as other chief pueblos of the vicinity of Mexico; all those who could come and when assembled he

told them that they did not have to pay tributes to the lords of Mexico, Tlezcuco nor Tlacopan as formerly, but to the Emperor and in his name to the Spaniards who were with him, that they no longer had to sow the fields as they were accustomed to do, and that all villages of prestige should be independent. Those present accepted, remembering the manner in which they and their subjects had just been treated. From which it may be judged how free was their consent, and he divided the land for himself and among his followers without any regulation of the amount of imposts, or the time at which they were to be paid. Each Spaniard arranged with the lord or chief of the pueblo which he had received what was to be paid every eighty days; some, though few, went to the captain for confirmation of the agreement. The conqueror's caprice and avarice was the measure of the rate of taxes, of personal services, and of slaves, no heed being given to the ability of the Indians to meet the demands. From this it can be seen if attention was paid to not levying more tributes than the Indians had paid their lords, as the Spaniards compelled them to give what they asked, to secure which they tortured them with torments and cruelties unknown up to this time. These cruelties and the pestilences that have afflicted the land, as will be told in detail further on, have so decreased the population that there is not the third part of what there was formerly.

The second question has to do with the service rendered. Much could be said on this subject, but I will be as brief as possible. I have said in reply to the first

question that due to the evils and cruelties inflicted on the Indians, and the pestilences which have occurred, there is not one-third the former population, and all the Spaniards, among them some Cidores have thought it a proven fact that the Indians performed more work in the time of their idolatry than now and that personal services are thus not the cause of the decrease in population and that if there is any excessive labor it is the construction of monasteries and churches, the cultivation of the fields of their caciques and the community, and the public works, which they did not perform in the same way under their government. How the Indians performed their personal services before and after the conquest will suffice to make clear the destruction of the natives which has taken place and still continues. It is not fair to take into consideration in the present tributes, the personal services performed under the native government to draw the conclusion that being relieved of this work the Indians are better off; because aside from the fact that it is impossible to abolish the custom of personal services, it being a very ancient one among the Indians, they do still perform them in another way when they serve on the public works or on the property of particular Spaniards. Thus will be understood in what way the Indians serve, which is the subject of the second question of the paragraph.

Under the native governments the Indians worked in their own pueblos. The work was and still is light and the Indians well treated. They did not or do not leave

their homes nor their families but eat as usual at their usual hours. The work in common is performed with much rejoicing, for the Indians are a people who, although each one alone does little, together accomplish something. Six peons will not accomplish as much as a Spaniard, for as their food is light they have little strength. Their temples, the houses of the chiefs, and their public buildings were always built in common, and the people when together were quite gay. They left their houses soon after the cool of the morning had worn off, after having eaten a light meal, in keeping with their habits and their poverty. They worked a little, as they could, without anyone pressing them or maltreating them. In winter and spring to avoid the rigor of the cold they quit work early before the cold of evening made itself felt, for all in general are naked or wear so few clothes that it is as though they wore none. At a little rain they got under shelter because if they get even slightly wet they tremble with cold. Thus they work in harmony and are satisfied. They return to their homes, which are small and protected and serve them for protection in the place of clothing. Their wives have made a fire and prepared the meal; they entertain themselves with their wives and children; the question of pay for this work was never discussed. Thus the churches and monasteries of their pueblos have been made with pleasure, rejoicing, and ease and far from being so sumptuous as some way are very moderate and only conform to needs.

Some say that one of the causes of the depopulation

is that the Indians work the fields of their caciques, chiefs and the common fields. They are much deceived, because this was always done in the time of their idolatry and they do it according to their habits, all working together two or three hours, returning home early. They go such a short way they can return any time they wish. This is also true in working the common fields, which are near. They set out for work, having eaten according to their custom. They go with their wives, children, relatives, and neighbors. If a wind arises or it rains or turns cold which it often does in the afternoon they return home and as soon as the bad weather is over they go back if time remains to work. They aid each other; the women and children, though small, sometimes help. When they return home they find food and drink ready. Their houses are secluded and sheltered, which is necessary for as I have said they wear few clothes, the most they wear being a loin cloth and some a miserable shirt to cover their nudity.

Others say that drunkenness is the cause of the depopulation that occurs, because the Indians die of it and kill each other while drunk. In this also they deceive themselves since the same vice exists in other countries without a decrease in population. However, it will be necessary to stop drunkenness because it is the cause of grave sins and misdemeanors and of excesses committed while the Indians are drunk. This is not said to excuse the Indians, but to make it clear that this is not the cause of the depopulation.

Thus it is not the public works under the native government that kills the Indians for the wise order prevailed in these works, but the public work and service of the Spaniards, much at variance with native habits and usages. In order to better understand this, I will set forth what have been and are the customs in regard to public service.

What has been said, of the customs followed in regard to public works has been general in all the Indies; I have seen it wherever I have traveled and where I have not been I know that it is true also, as I have been informed by eye witnesses.

The evils which will be related of New Spain have also been general in all the Indies in the same way and under the same circumstances so that they are supposed to be the result of similar orders. This has destroyed and decreased the population in all places and will cause total depopulation if a remedy is not found, because, although in some places the abuses have been stopped, in others the officers of justice disguise them or do not see them, in others the officers consent to the evils, in others even enforce them.

That which has destroyed and is still destroying the Indians is the construction of great buildings of stone and mortar which have been and are being built in the Spanish towns, the Indians being taken for this purpose from their homes, from a cold to a warm country or a warm to a cold one, twenty, thirty, forty or more leagues, their customs changed altogether, as to occupation, times of

work and mode of living. They went many days and weeks without rest, forced to work from break of day until much after sundown. I saw, after the angelus, a large number of Indians dragging a beam as large as a royal Spanish pine to the work of an influential man. When they stopped to rest a negro who followed with a whip forced them to continue their march, striking them from first to last to keep them from resting, not in order to gain time and finish other work, for the day's work was finished, but so as to not lose the evil habit so general of beating (the Indians) unceasingly and mistreating them. Since they wore only a loin cloth, and the negro struck with all his might, the blows of the whip took effect. Not one said a word or turned his head because all were cowed and submissive. It is usual to urge them all the time and not let them rest and to injure them. On account of the above, I left the office of Oidor with the authorization of Your Majesty.

A monk, a good servant of Our Lord, one of the first twelve who came to New Spain, sums up in one of his works ten plagues which have and are destroying the miserable natives, comparing them to the plagues of Egypt. He was a man of great virtue and kindness and would not say anything false. Speaking of the edifices he says:

"The seventh plague was the construction of the city of Mexico, in which in the first years almost as many people came together as in the building of the temple of Jerusalem in the time of Solomon. The multitude of workers and those bringing materials and food to the workers and those bringing food and service to the Spaniards was so great that a

man could scarcely pass through the streets and causeways although they are quite wide. During the work while some were crushed by beams, others fell from high places. On some fell parts of the buildings that were being torn down to construct others. Everything was built at the cost of the Indians, as they furnished and brought the materials. They paid the Spanish stone-cutters, carpenters, and masons and if they did not bring food from home they did not eat. They brought and still bring all the materials on their shoulders, dragging the stones and large beams with ropes. As they can do little work, four hundred men were used (for a job which should require a hundred). The Indians have a custom when carrying materials in a group, of singing and giving cries to lessen the fatigue of the work; these cries did not cease day or night, so great was the celerity and fervor with which the city was built in the first two or three years."

And further on he says, "Pride was a factor in the building of such buildings as in order to build them they had to tear down the houses and pueblos of the Indians, because there were built many edifices besides the Spaniard's houses and they brought materials from afar for the building of the superb city."

The excessive imposts the Indians have paid and are still paying because of the terror inspired in them have caused the depopulation. They gave the Spaniards all they possessed. As these tributes were excessive and continuous, in order to comply the Indians were forced to sell their lands at less than value and their children as slaves.

Failing to meet the tributes, many died in prison or if they escaped from prison, they were in such wretched condition that they lived only a few days. Others died under torture in an attempt to make them confess where they had concealed their gold. Altogether, they were treated like beasts.

There has been a decrease in the number of slaves who served the Spanish and worked the mines, such was the impatience of the Spaniards the first few years in Mexico and in all other parts of the Indies. The Indians were grouped like sheep in chains. The ardor of the Spaniards to reduce the Indians to slavery and the terror they inspired in them was so great that to meet their demands the natives brought their vassals and even their children when they had no others to deliver. Now, in spite of the prohibitions which Your Majesty has published in this respect the Spaniards continue to reduce the Indians to slavery, under pretext that they have revolted.

Many have died from taking them by the thousands to the gold and silver mines, heaping upon them exertions to which they were not accustomed, sending them eighty to one hundred leagues from home. Many died on the road of hunger, cold, of fear, of fatigue, and under the heavy loads they were forced to carry, of iron tools for the mines and other objects of great weight. For the Spaniards were not content with working the Indians at such distances, but they forced them to travel burdened. If they took provisions from home, it was little because they could not carry much and they used up these provisions before arriving at the end

of the trip or before being sent home. Thus an infinite number died and depopulated many pueblos, in the vicinity of the mines or en route to them. The Indians fled to the mountains, leaving their houses their wives and their children abandoned. They are still compelled to go to the mines, under pretext that they are going to work on buildings, of their own free will and that Your Majesty has not prohibited this, but just the work in the mines, and that they are not taken against their wishes. It is certain that they are always taken by force since the Spaniards compel them and force them to it in virtue of the assignment of service and by provision of the Audiencia, against the orders of Your Majesty.

The population has also been diminished by the fact that Indians were forced to travel by the thousands, carrying enormous loads of merchandize for several days journey, were made to pass from a warm to a cold country or visa versa, which is fatal to them because they are not acclimated. They were made to carry household furniture, beds, chairs, tables, other household furnishings, kitchen utensils, and provisions, the wives and children of the Spaniards, and even the men themselves over bad roads and through the mountains, being harassed during the trip. They returned to their homes almost dead, so that when they arrived they took sick and soon died or even died on the road. In addition to their loads they had to carry their food. It is in this way that the Encomenderos still travel when they go to and from villages with their entire families. While going and coming

and during their sojourn in the pueblo almost all the population is occupied in serving them.

The construction of a number of enclosures for sheep, cattle, cows, and hogs, is another cause of the mortality of the Indians because the work is not suitable to their habits, their constitutions, or their manner of working. They busy them for many days or weeks with this work or in putting up buildings in the country, and in working on the estates, gardens, roads, bridges, fountains, causeways, and sugar plantations. The Indians bring all the materials at their own expense, carrying them on their backs without pay or even being given food. If they are paid today it is so little that they cannot live on it. They take part in these works with the license of the Audiencia, which fact causes the Indians to be the more molested.

We ought also to consider as a cause of depopulation the habit of making the Indians carry throughout the year imposts upon their backs in distant countries and different climates, with poor and little food. When they arrive, worn out and dying of hunger, they are forced to carry wood and water, to sweep the houses and barns, to cart the sweepings and manure, for two or three days or more without their being given anything to eat, so that they use up what little food they have brought from home and return without anything. This is still the case.

The ordinary personal services have diminished the population. They still in certain provinces give services for the houses of the Encomenderos, or hire themselves for work in the mines. Those who have to serve their week, or

bring service of wood and water to the Encomenderos, have in some places to set out two weeks ahead of time so that to serve a week they have to put in four going and coming. The roads are full of Indians, worn out, dying of hunger, tired, afflicted, and dead, men, women and children whom they brought with them, carrying their provisions, a thing never seen before.

One cannot estimate the multitude of Indians who have died on the conquests and voyages of discovery, on which they were forced to carry the burdens or serve the conquerors. They were taken by force from their native land, separated from their wives and children, friends, and relatives. Very few or none returned for all perished far from home, along the roads, or on reaching home. I heard many Spaniards say in the Kingdom of Granada that in going from there to Popayan one could not lose the road because the bones of dead Indians mark the way. Birds gather along the roads and when an Indian falls pick out his eyes, kill him and eat him. As if they were warned of it these birds gather where there are voyages of exploration or discoveries of mines. It has happened that Indian women, traveling burdened with loads, killed the children that they were carrying at their breasts, saying that they did not wish that they should suffer the evils that come to them. In Guatamala I heard a procurador of the Audiencia, a soldier, say that going on a voyage or discovery, he saw a soldier crossing a marsh or swamp drop a poinard, which the mud covered. He could not find it since it was dark. An

Indian woman, happening to come along carrying her child and a load, he tore the child from her, and threw it where the poinard had fallen. He left it there and in the morning returned to find the poinard, saying he had left the child as a marker. One cannot describe how the Indians were driven in harness and the treatment given them in the journey, how when an Indian fell from fatigue under his burden his head was cut off to save the trouble of having to unfasten the harness, and his load divided among others.

It is impossible to compute the number that have died in the ports where were constructed the vessels for the Marquis for the expedition to California, those that went to Especeria, and to the islands to the west. The natives went forty or fifty leagues for the purpose, thus depopulating a formerly densely populated coast region. They were forced to carry provisions and loads of household goods, supplies, and munitions. By the thousands they made long trips accross mountains and hills, by poor roads, crossing rivers and marshed, far from home, contrary to their customs, without provisions, clothing, and shelter. The Corrigidores, Alcaldes Mayores, their lieutenants, their Alguacils each within his jurisdiction inspected them, heaped excessive tasks upon them, punished them, took their living and whatever they pleased, under pretext that these things were needed for the fleet. So their work was never finished, because when an Indian had procured the objects required of him the magistrate appropriated them and ordered him to replace them for the need of the vessels.

It is useless to speak of the causeway made to Mexico and the great enclosure in the Valley of Toluca, built to guard against the Spanish cattle which do great injury to the fields of the Indians. The causeway did no good, so some Spaniards have told me. All the people were called and came from thirty and forty leagues. It was built at the expense of the Indians although they derived no advantage from it. It is always thus. It is not sufficient that they furnish their work and food without pay but they also paid for all the materials which they brought for these public works and others similar. The cost was inestimable both in lives and property. They supplied the land, stone, and piles so that their work, the expense, and their lives were wasted without the work being of any service to them. An estimation of the cost is three hundred thousand ducats.

It is said that the number of peons and bricklayers occupied on the work exceeded more than two millions, because the causeway is very long and the work took a little less than four months. Each day a large number of persons worked there, exposed all day to the cold, working in the water and mud. The work was heavy and they did not have shelter either during the day or night. Thus, they returned to their homes at the end of the week worn out, fell sick and died of fatigue.

It is useless to speak of the people who were brought together to bring water each time the aqueduct of Chalpul-tepeque, which brings the water to Mexico, broke: day and night, feast days or not, they worked in the water and cold,

without pay, as the work was public work established by the Spaniards. This work, it is true, did not last long but it was very hard.

Such are the causes of the depopulation of this land; the natives are taken from their usual work, food and shelter, away from their families, from their rest and the good order to which they are accustomed. It is believed that the pestilences or maladies that decimated the Indians, might be attributed to their suffering from cold, hunger, fatigue, heat, wind, sleeping on the ground in the open, exposed to the cold and night air. They have no medical attention comfort and the fourth or fifth day they succumb, regarding death as the alleviation and remedy for their torments, which during life never cease.

Other causes of the mortality of these wretched people could be cited. I will tell only one which will be sufficient: it is the quantity of the tillage of the Spaniards, for ten, fifteen, or twenty years ago, little was seen here and the Indians were much more numerous. The Indians were driven to this work by force. They suffered much from it, but when there were many the fact was not so noticeable. Now that the number of Indians is greatly decreased the fields are numerous and vast. The Indians are forced to prepare the soil, to work it, to gather the harvest, and to return the produce. All these works fall upon the few who remain. One can count ten times as many Spaniards who possess estates, farms and lands and there is not one third the former Indian population. The Indians are frequently the victims of epidemics that carry off large numbers and

cause the work to be heavier for the few who remain. As these corvees are very harsh the Indians abandon their homes, their land and villages, seek the mountains and forests, wander from place to place seeking rest, but wherever they go they find only hardships, misery and misfortune.

It is customary for the Audiencias to send ordinances of assignment to the chiefs to send persons to the villages of the Spaniards and the lands depending on them. Where there are public works, estates and herds of cattle, each Indian is paid two and a half or three reales for the week. Some come twenty or twenty-five leagues depending on the chief whose subjects they are, and depending on the distances of the places to which they are assigned. To arrive on Monday they have to set out the Wednesday or Tuesday before. They are set free Sunday at mass or Saturday the night before if they have satisfied their masters very well. They do not get back to their homes until the following Wednesday or Thursday. Many drop by the roadside worn out by suffering, work, and lack of food, because what they bring from home does not last so many days. They have been deprived of their poor mantles, for when they enter the house where they were to work, these were taken under pretext of their being held as a guarantee against the Indians fleeing. So that for serving a week for two and a half or three reales, they spent two or more weeks away from home. As the estates, works, cattle ranches are numerous and large, the Audiencias make more provisions so that the Corregidores and Alcaldes Mayores, force the

Indians to work, although the damage that results and the extermination of the Indians, are understood, because they pay attention only to the welfare of the Spaniards. It does not avail the nobles to complain nor say they have not sufficient persons to meet the demands. They are seized, punished, and mistreated for these refusals. The monks report this matter, but are not believed; it is always answered that they should fulfill the commands, work and aid the Spaniards. Thus, with this intolerable plague, the population is becoming exterminated. Indians die without confession and instruction, because they have no opportunity. The fewer there are, the greater is the burden on those who remain. For this reason and because of the ill treatment received, the Indians return to their homes troubled. Finally, calamities do not cease throughout the year, or during life, as the causes are not removed. When the Indians leave home to go to public works or labor, they take biscuits or corn cakes for the whole time. The third or fourth day these mould or sour, the cakes sour or rot, become hard as boards, but the Indians have to eat them or die. They lack these even, as has been said, when their poverty prevents their bringing food from home or they have no one to prepare it. They go to the estates, or other places, as has been said. They are made to work from dawn until after dark exposed to the rigorous cold of morning and evenings, in wind and storm, without other refreshment than stale bread or dry cakes, and even lack sufficient of that. They sleep on the ground, in the open, naked, without shelter. Even

though they wish to buy food with their wretched wages, they can not, for they do not receive any pay until they leave. At the time of harvest, after having worked all day, the Indians are forced to carry the wheat or corn on their backs, each a hundred weight, afterwards forced to carry water, sweep the house, take away the manure, and clean the stable. At the end, they are not paid their complete wage, for pretexts are not lacking for holding back wages or mantles. Sometimes one breaks a jar in which water is carried to the master's house. This is deducted from the wages. Thus he returns home fatigued, without money or his mantle and with his food used up. The Indians are always famished, exhausted, sad, afflicted, unhappy, discouraged, for this pestilence never ceases, because when they arrive home, they hasten to satisfy their hunger, which in addition to fatigue, gives them dysentery or other diseases which soon carry them off. They will soon all be dead if the situation is not remedied.

From the requisition of the Indians another inconvenience of some importance results. As there are few Indians and many services to be performed, each one's turn occurs often, and in spite of the regulations of Your Majesty the Indians are made to serve when they should be sowing or working their fields, which is all they possess and all they have to sustain themselves. The harvest can be lost in a week. Thus when they return it is too late and as they do not do their work or do it too late they do not receive half what they would have if the work had been done at the proper time. Moreover, when they return, they fall ill and

cannot work or cultivate their crops and thus they do not receive any or if any, very little. For this reason, throughout the year they and their families suffer hunger, grow sick and die. Even on this score, they are punished as has been said, under pretext that they have not worked their lands, while it is not their fault. However, they are seized and fined.

Who could completely recount all the misery and calamities which these miserable and unfortunate Indians suffer, without succour, ~~or~~ human assistance, persecuted, afflicted, and abandoned? Who is there who is not against them? Who does not persecute and injure them? Who does not rob them and profit by their labor? Since one cannot tell all, what has been told will suffice to show how great is the need of remedy. An infinite number of true facts might be told, both those which I have seen and verified or been told by persons of credit.

The ancient kings and chiefs never governed thus; they did not take the Indians from their villages or upset their habits and customs. It must be believed that Your Majesty and the members of his Catholic Council do not know what is happening, for if they knew they would take the necessary measure to preserve for Your Majesty these wretched vassals, and would not permit that at the will of the Spaniards they would be exterminated, for Your Majesty is losing these realms, since at the rate the Indians are disappearing, the land will soon be depopulated, as has happened in all the islands, in the great province of Venezuela, along the coast

and in other vast regions, which are depopulated in our day. The wish of Your Majesty and his Royal Council is manifested by the ordinances which are issued each day in favor of the Indians and for their conservation and augmentation. But the loss of life among the Indians does not cease as these decrees are not obeyed nor complied with; some persons do not even seek to know what Your Majesty has provided. How many provisions, decrees, letters were sent by the Emperor, our Lord, who is in glory, how many important dispatches does Your Majesty send each day, all without effect! On the contrary, the more the laws and provisions, the more the Indians suffer, due to the false and captious interpretation put on them, turning them to the advantage of the Spaniards. It seems to me that the word of a philosopher applies very well: as there is little health where there are many doctors, so there is little justice where there are many laws. Laws abound, we have judges, Viceroy, Governors, Presidents, Oidores, Corregidores, Alcaldes Mayores, and a million lieutenants and another of Alguaciles. The Indians need none of them nor do these officers remedy their situation. Rather, the more of them there are, the more enemies the Indians have. The more the officers oppose the Indians, the more they are advanced, honored, called saviors of the country, preservors of the state, just and upright. The more they oppose the Indians and monks, the more honored they are with false titles and epithets. If one is well disposed toward the Indians and monks whose interests are the same and who depend on each other, it only makes him hated, because the interests of the Spaniards are

alone considered and it matters little if these miserable natives die, on whom depend, however, all the richness and sustenance of the country. God blinds people and stullifies their understanding, so that watching what is happening they do not see it and understanding the destruction they do not comprehend it, because of the slight attention paid and the slight interest taken. An Oidor has dared say publically from his bench that when there is no more water to irrigate the fields of the Spaniards it will be necessary to water them with the blood of the Indians. I have heard others say that it is for the Indians and not the Spaniards to work, let them work and die like dogs for they are numerous and rich. They say this because they do not understand and have not seen the Indians' hardships and misery, having drawn their salary for sitting in the shade. All that they say is to gain the good will of the Spaniards and get favors, for they have sons-in-law, brothers-in-law, relatives, friends, or connections who receive the advantages and have large numbers of farms and herds of cattle of which they often possess the better part. Thus they are blinded to the extent of saying and doing what they do. Under the Indians' government there were few laws and everyone knew them by heart as is said of the Lacedaimonians and Scythians and no one dared violate them. Thus the people were well governed, they increased in numbers, and lived contented and tranquil. There were lords of small farms. They enjoyed their families and relatives, whom they did not leave day or night

according to their habits. They were not forced to leave them to seek sustenance. They paid their tributes without effort and hardship in the manner already told.

There are so many things to say that it would become tiresome and wearisome to relate them all. It does not seem fitting, when speaking to so just, upright and Christian a prince who is such a friend of justice to overemphasize that which of itself is overemphasized and so notorious that there is no one zealous of the service of God and Your Majesty who denies it.

#### CAPITULO XI.

"Also, you will inform yourselves of the rules followed in fixing the rate of the tributes to be given the Spanish Encomenderos, how the matter was regulated, if care was taken that the tributes should conform to those paid to native sovereigns and the other chiefs, or if there has been any new imposition, more than what was paid the lords."

The first valuation was carelessly made by the Bishop of Mexico, Protector of the Indians. It is said that afterwards he wept everytime one mentioned the matter before him, but that he eased his conscience by lessening somewhat the large amount that the Indians gave by the agreement which they had made with their Encomenderos. There were false testimonies, because many caciques and nobles, through fear of displeasing their Encomenderos, said they could give what they did, or urged to it, even increased the tributes so that, as the levy had been decreased somewhat, it remained as before.

Later the Audiencia and some Visitadores made other

valuations and as the first ones had been exorbitant it seemed well to decrease the tributes somewhat. Thus the Indians clamor and seek to have their taxes lowered as they are very heavy, because they have not all been determined at one time. Some have been lowered and others not. Some have been increased, even doubled, and then returned to the same amount as before or practically so by frauds in collection. From this it happens the Indians continually go to the Audiencia, wasting their money and lives without ever obtaining justice.

For some years it has been the custom for the Encomenderos to allege and say that the Indians can pay more tributes than they are paying, as they are numerous. Permission is given for a new census and the Audiencia names a commissioner. The Encomendero secures the appointment of the man he wishes. If he is not satisfied with the appointee, he gets the Indians to refuse to accept him and advises the choice of another, because he never fails to secure one he wants or he gets a third commissioner chosen and so on until he secures the one he wished. To keep the commissioner under his influence, he reminds him he was named on his recommendation. The commissioner is accompanied by an interpreter and a scribe. All carry a considerable train of servants, negroes, mestizos, mulattoes, and horses. They take the census, after having notified the Governor, Alcaldes, and Regidores, who have already been informed of what is to take place and frequently bribed. The taking of the census takes four or five days, or ten or fifteen, depending on the size of the town. The officers live off

the community, giving the Indians at the end a record of what they have had, paying for it what they wish or sometimes nothing. The census of the pueblo taken, the Encomendero presents it to the Audiencia and the pueblo is taxed. The Indians come to say the census is not fair and to seek relief, because the tribute imposed is excessive. An account is given the Encomendero. The process lasts a year or so, more or less, during which the Indians continue to pay the tax, and another commissioner is sent to take the census anew. The expense of supporting the commissioner and his following and the cost of the suite amounts to as much as taxes for a year or two. The case ends by the census being verified; since the verification, like the original work is the result of intrigues and corruption. The Indians are always in the wrong and so are left with their hardships and their fortunes ruined and destroyed. They are made to pay such taxes that God alone can deliver them, because it is an old custom for the Spaniards to profit by whatever occasion presents itself. During the taking of the census, the Indians furnish provisions for the commissioner and his officials and are made to meet other expenses under various pretexts, which the Spaniards never lack. Each married contributor is forced to pay eight reales, a half measure of corn, a real and a half for the community. A widow or widower is made to pay half this as are also the unmarried who have no parents, but have lands. These facts produce the inconveniences which I have indicated and many others I will relate

further on. Never since the conquest has there been the consideration of which Your Majesty speaks in this paragraph. Regard has been had only for the welfare of the Spaniards, and the Indians die, are lost, along with their wives and children. No remedy has been found. Finally what they pay now is incomparably more than what they paid when they were infidels and the sufferings unbearable, as much on account of the taxes as other circumstances, which have been related.

The census has been a novel thing to the Indians, because they never took one, nor was it necessary, as they almost always paid their tribute in produce and by towns. All were enrolled in the pictures in each town or quarter as soon as they were five or six years old; the names of those who died were removed. Thus, the Indians are discontented, with the exception of those who devote themselves to robbery, as has been said, and who under pretext of public welfare, impose charges, go before the Audiencia to beg accountings, which they wish to continue, as during them they eat and move about at their pleasure. The complaints are communicated to the Encomendero, which occasions a long delay, especially if he lives far from the Audiencia. These persons ask a revision of the census when it pleases them or every three months as they say many Indians have died or have fled. Upon these dispositions, the Audiencia establishes new taxes, while paying that, another, and if the judge permits, still others; and every day a new tax is laid on food. They take ten hens, pullets, or eggs from each inhabitant of the pueblo and other things in like ratio.

The Indians are injured for when the Judge pays for what has been given him, they do not get its value, and those who collect the money keep it. The officers collect other imposts for presents, for presentation of the account to the Audiencia, for advocates, prosecutors solicitors, scribes, and interpreters, so that the whole year they are occupied only with collection of taxes, and the poor macehuales suffer. When the matter is decided, they pay the same tributes as before. Whether or not people grow less numerous, imposts are not lessened, so that hardships are increased. As those who levy the imposts are macehuales who have been made commanders, Alcaldes, Regidores, or Alguacils, and are not native lords, as has been said, they rob as much as they can while their command and office lasts, as do also their successors. Some lords have done the same, as has been said. The Indians have nothing with which to pay, so are condemned to the mines or other service, which results in hardship to the town and community, the tributes falling upon those who are left.

Some Encomenderos are accustomed to appoint chiefs of the pueblos or of others to accompany them to take the census. These, to please their Encomenderos, influenced by gifts or for other reason, do all they can to make the population appear numerous. I have seen and verified the fact that the Encomenderos do this also, for they bring persons from neighboring pueblos, saying they have moved there to live. These newcomers are counted as tax payers. When the census has been taken, when they wish, or when it

is time to pay the tribute, these strangers return to their native lands or go elsewhere. Thus, the tribute falls on those who are left.

Another inconvenience results from taking the census. The tribute is levied as a capitation tax; yet, although the population decreases the tribute is left unchanged, because although the Civil Code makes provisions for this case, they are not followed, for the Indians do not know what is their due, being a very simple people, and bear their ill fortune. If some, moved for the welfare of the community, more sagacious, protest in the name of all, in the way we have stated, the other evil we have cited is the result, for they waste their lives and fortune on the suit and the tribute is collected in accord with the first levy. At the end, justice is not secured, because the suit is dropped for lack of money, because the Encomendero corrupts the magistrates, because the Indians die or cannot prove who has died or fled, nor the error of the census. Meanwhile, the population decreases while the tribute goes on, those who are left paying for those who have died or fled, so that those who are alive would be better off dead. If another census is decreed, it only means more expense. Even though fewer people are counted, as the imposts are not cut on this score, the Indians pay more than they owe, which is contrary to natural, divine, and human right. As the depopulation and payment of tributes go on, suits and censuses never cease, for which the Indians spend more than they gain. The Encomenderos almost always tell those who

complain that they are rebels and they get the cacique and leaders to say they lie, that the pueblo is content, that the natives can pay the tribute, and they ask that a person go to ascertain the truth from the people of the town, who have already been told what to say. All those who complain get the name of rebels and imprisonment for some months, during which they suffer from hunger and are abandoned. The Encomendero proves what he wishes. The Indians are condemned to serve in the mines or are thrown into chains for a year or more, and are whipped and have their heads shaved, which is a severe penalty. They, their wives and children, wander lost far from home, lose their houses, lands, and fortunes; they become vicious and neglect their religious duties. Sometimes they are made to bear all the expense. Their goods are sold at public auction, under their eyes. They succumb to misery, are sad and unfortunate, not knowing what to say or to whom to complain.

While the census is being taken, the people were kept in the chief town, even those who were required to come fifteen or twenty leagues or more, which forces them to neglect their affairs and crops. The officers who take the census keeps them as long as it pleases them, for as they are getting money, they do not hurry. Before they leave some of those counted have died, but are counted as taxpayers and their imposts paid by those who are left. If they cut down the taxes on this score, they are punished, and deprived of office. If they do not, they have to pay

them from their resources or they are arrested and die in prisons, because if they delay paying, the caciques, Governors, Alcaldes, and Regidores are seized. These officers have no other reason for existence than this and to enable them to rob more easily, as has been said.

They have found a means of not admitting those who complain, that is, they demand their appeals. As some come from a hundred leagues distance or more and are a simple people they are ignorant of what is being asked. They remain around bewildered for several days and finally return without being heard. If they do not leave, the Encomendero goes to the governor and chiefs to get them to say that they have nothing to reclaim. And then, as I have told, they are seized and punished. Many others, who have nothing to do with the affair, ask them why they come to the Audiencia. Believing that these people ask them through kindness, they reply that they come to ask a moderation of imposts. These people tell them to look at others who have sought the same thing, that they have been whipped and taken to the mines, that the same thing will happen to them. As these are a timid people, poor, and very ignorant, especially those who live far from the Spanish villages and who are the most burdened with imposts because they do not know how to protest, as soon as this is called to their attention, they are frightened, go away without daring to speak and the miserable wretches who have been the cause of it are satisfied and think they have done something brilliant.

Since censuses have been taken and tributes levied by

individuals, the crippled, blind, lame and other poor unfortunates who can not work and who have not the means of existence, children and young girls, are taxed, which causes grave offenses against the Lord. All these were exempt in the time of their idolatry. Although the collectors are given to understand these persons do not have to pay tribute they cannot do anything but collect from all in order to comply or die in prison or use their fortunes and pay costs, for, as has been said, the leaders answer for the others.

Those who take the census live in idleness and to delay the completion of the task they place on the lists even nursing children, those still under the control of their parents, the poor and injured and others, as has been told, lords, caciques, chiefs and mayeques, as according to the levy each one pays a peso. These go onto the tax roles which are supposed to include only contributables. It is required that the number and proportion be always the same. The tax of those missing is distributed among those remaining because they say all were counted and all must pay. The Encomendero pays little attention as he is only interested in collecting his entire tribute. If it is found out that tributes have been collected from those exempt, the blame is thrown upon the chiefs and it is claimed that they desire to rob while the rigor which with they are forced to collect the entire tribute is the reason for their actions. So that in one way or another the injury and blame and punishment is visited upon the Indians.

Aside from the inconveniences noted which result from

the census and others that could be told and which are each day being discovered, there is one of not less importance. It is that those who go to take the census have brought before them the tax list of the governors, the Alcaldes, Regidores and Tequitlatos, who are those who count the quarters, and they take oath from the officers that these are exact and that they will not conceal any contributors. When the census has been taken, the officers are required to take a new oath and almost always some officers perjure themselves and think it legitimate to conceal some other for their own interest or to supply the deficits of contributors and they say persons are their contributors who are not. Although these false oaths are often obvious, they are not heeded as all that is wanted is contributors. There is much perjury also as to the richness of the soil, the population on it, in the information given by the Encomenderos or Indians.

A monk, of much authority told me that since these censuses have been taken, he and other monks of his order who were spreading the doctrine among the Mixes and Chontales who live near Guajaca knew how the Indians came together and agreed to not raise more children. The monks have done all they could to make the Indians understand the error of this course and to show them the offense to God involved in it. They replied that they have nothing with which to pay taxes as many would die and flee into the mountains, that they do not wish to have children to suffer the evils they are suffering, that they cannot

pay the tribute levied on them and support their wives and children. As these are a stupid people nothing can change them.

These and many other inconveniences result from the census and from levying the tribute in money instead of in the form to which they were accustomed and from making the tax a capitation tax. Although this kind of tax is in conformity with the Civil Code, to prevent the inconveniences and others yet greater it is better that the census be renounced and that taxes according to the former customs of the country be reestablished, as will be reported in replying to paragraph XV.

#### CAPITULO XII.

"Also, how the assessment was made, if the Indians were called to the pueblos to make it and if the pueblos gave their consent to such an assessment; how the pueblos came together and how the consent was obtained, if it was forced or voluntary."

What was done at first has already been told in the paragraphs X and XI. What is now done when a valuation is made is that information is taken on the part of the Encomendero and the Indians, of the quality, fertility or sterility of the soil. Everything is valued at what the Encomendero testifies, as he knows better how to go about it and obtain it. The pueblo is counted as has been told. For this purpose the Governor, Alcaldes, and Regidores are assigned although they know nothing of these matters or who if they do, do not know what to say and agree to everything.

Not only is the consent of the pueblo not asked but its wishes are even contraverted. It avails the inhabitants nothing to seek relief; they get only expense, suits and find themselves ruined, as has been said. Because what has been said in reply to other paragraphs makes the reply to this obvious, I will only say that now consideration is taken only of the advantage of the Spaniards. The gathering of the people of the pueblos is only for the purpose of taking the census, for the census when taken, is sent to the Audiencia and the levy made, without consulting the pueblo, which, therefore, does not give its consent. Rather, this done against its wishes, upon the statements of the Encomendero or an Indian who does not understand such matters.

### CAPITULO XIII

"If, in making the levy care was taken that the Indians should be relieved and have sufficient to raise their children, marry them, succour their children themselves in time of need and sickness, and accumulate something from their work and diligence, or if the levy was made without any such consideration, but only with a view to what could be extracted from the Indians."

The reply for this paragraph is made clear by what has been told. No attention has been paid to the content of the paragraph, for with the exception of a few merchants and leaders the total wealth of an Indian does not amount to as much as the tax required, and many are not worth a peso but have only their labor to sustain them. They

have nothing for marrying their children or accumulating anything; thus many young people marry secretly or live all their lives in concubinage, they nor their parents not having four to six reales to spend, because what they get from their crops is scarcely enough to buy food and they have no other means nor wealth. From that they are barely able to buy food, clothing, and the most necessary articles. With great difficulty they supply clothing for themselves and children. Many even, not being able to do so, do not go to mass nor instruction; many are so desperate at not being able to support their wives and children, become perplexed and abandon them. If they fall ill, they have nothing to eat, for, when unable to work, they have nothing. They have nothing with which to build a fire which is essential as they have little clothing or shelter. Visiting a certain part of the country, I learned of some Indians who had been thrown in prison, who had told their wives and neighbors they wished to be imprisoned as they could not pay their tributes and keep themselves alive. In Mexico, I learned that the daughter of Montezuma, in her final illness, was placed on a mat on the ground and would have had nothing to eat if food had not been sent from the Franciscan monastery. And she was a noble. Those who do not visit the land do not know of these needs and miseries nor do they take care to inform themselves, but content themselves with remaining at home in the shade, drawing their salaries, gaining the good will of those in town, laughing at those who inform them of these miseries and

needs, attributing these reports to presumption and exaggeration.

Thus, taxes are not levied in proportion to ability to pay. No consideration or respect is given the subjects contained in this paragraph. Although the Indians are dying off, tributes are collected. It is a pity to see what is happening so contrary to what Your Majesty has provided.

#### CAPITULO XIV

"Also, you will inform yourselves what classes of people pay these taxes to the Spaniards, if only laborers, or if merchants, artisans and other also pay if the contributors are rich or poor, how able they are to pay the tributes.

This paragraph has replied to especially in paragraph IV. All kinds of people now pay tribute, even the nobles and chiefs who were under their government exempt and to whom the common people paid tribute. The others who were exempt as has been said, now pay tribute and give service on the public works, for few escape. The other matters referred to in the paragraph, have been answered, especially by paragraph XIII, where it has been said the people are wretchedly poor.

To better answer paragraph XV, it will be answered with the latter part of paragraph XVI.

#### CAPITULO XV

"The investigation made, if by chance it seems suitable for discharging the royal conscience to give new or-

ders relative to taxes, I command you all to send your opinions of what you think whould be done, getting opinions from monks and others of good repute, stating how much tribute should be paid, to give the Indians peace, justice and instruction in the Catholic faith, and suitable support for those Spaniards necessary for the defense of the land, increase of the faith, conservation of religion, and stating what rule should be established for the division and collection of tributes among the pueblos, that they may be as little burdensome as possible to the Indians."

#### CAPITULO XVI

"Inasmuch as it has seemed suitable that imposts should be fixed and not variable as today when they change according to the means of the Indians, since it seems unjust that they should pay all they have, which is demanded of slaves and not of free men, and which is contrary to the wishes of His Majesty who shows by his laws that he wishes the imposts moderated and less than in the time of their idolatry."

These paragraphs contain many things which to reply to demand deep thought. The saintly zeal of Your Majesty, the Emperor, Our Lord, and his Royal Council, is well known. What has been said will show how very contrary to their wishes are the things done and the levies of tributes.

As to the investigations Your Majesty commands each Oidor to make concerning what should be done regarding the matters contained in these paragraphs and others, by get-

ting information from monks and other person, I did all I could to find out what I have told, informing myself in detail on each point, which findings I did not set forth in the Audiencias of the Confins or Mexico, or the opinion sent to Your Majesty, being away from the Audiencias at that time, as I said at the beginning of this Summary.

In reply to paragraph V the order followed in the time of the idolatry of the natives in collection and payment of taxes was told and in paragraph XI was set forth the rule followed for some years after obedience was given to Your Majesty, the inconveniences resulting therefrom, from the census, from all being made to contribute equally without any distinction between rich and poor, although there is little difference in the Indians' ability and wealth.

Before continuing, I will make some observation upon what has been provided by Your Majesty in this case. Your Majesty commands that the tributes and personal services given the caciques and lords in the time of their idolatry be given them, if not excessive or tyrannical, and that in that case they be moderated. In another place Your Majesty commands that tributes paid the Encomenderos be regulated so that they may sustain themselves well without prejudice to or vexation of the Indians, following his commands in the matter. Again, Your Majesty orders the tributes to be decreased so as to be less than those paid by the Indians before the conquest so that they may recognize the good will of Your Majesty.

This seems to imply a contradiction, because if tributes are paid to the caciques and Encomenderos, how can they be less than those paid to the caciques and lords; they rather be more than doubled?

Your Majesty has also commanded that taxes not be levied upon reports of the ability of the pueblos, but upon examination of the quality, character, fertility, or sterility of the land of each, so that tributes may be divided more justly, that each Indian be informed what he owes and has to pay, so that he may pay it and no more, that taxes be collected in things of the province or neighboring ones with which the Indians can pay without hardship. Taxes are to be paid in two or three products of agriculture and industry, depending on the pueblo. What is to be paid for each article is to be declared exactly. Care is to be taken that the Indians not pay all they can, that they be allowed to grow richer, instead of getting poorer, that they be left something for cases of sickness and the marriages of their children, that they be aided and relieved, that the population be conserved and the faith propagated, that the Oidores, in turn visit the land continually, to lay taxes on those who pay none and relieve those who pay too much, that great care be taken to observe all the aforesaid for the service of Our Lord and Your Majesty. The matter being so grave and important, the Emperor, our Lord, in a Royal Provision to the persons to whom was committed the taxation of a province, ordered that everyone be brought

together to hear first a solemn mass of the Sacred Spirit so that it might illuminate their understandings and give them grace to do well, justly, and rightly what they were commanded. After mass, the Indians should solemnly promise and swear before the priest that they have told and will tell the truth. Then the assessors should see the pueblos personally, find out the number of natives and the character of each one's land. After being informed what they can and ought justly and readily pay in recognition of sovereignty, they should declare and moderate the amount of tribute, as God and their consciences dictate. Whence it is clear the Emperor, Our Lord, understood the matter. For this reason, in other provisions, he prohibits the sending of judges of commission, forbids an increase or commutation of taxes, even with the Indians' consent. For this, there were laid down penalties and loss of Indians. This does not prevent the violation of orders.

Your Majesty has provided for this situation many times, by royal provisions, decrees, letters, ordinances and instructions, some to one place, some to others. I have many besides those printed in Mexico. I have taken the substance of those most pertinent to the case, though the provisions of all are just and necessary. Considering the large number of necessary matters Your Majesty commands to be kept, I have imagined what order might be followed to fulfill all. Sometimes, seeing the inconveniences presented in all these affairs, I would have preferred avoiding a reply to this paragraph. For,

although the provisions made are wise and necessary, it seems impossible to follow them entirely. But, in order to fulfill Your Majesty's command and do my duty, I will say what I can.

In general, in all the Indies, the population is decreasing, although some try to maintain the contrary. They are afflicted by tributes; not being able to keep their wives and children, they leave them though they love them dearly. They leave their small homes, and little property, go to other localities, wander from place to place, or go to the mountains where tigers and other wild beasts devour them. Some, desperate, from the misery caused by the levy and collection of tributes, hand themselves, as I have found while traveling. Thus, it seems impossible to issue an order or plan to establish tributes permanently, because it is clear it is necessary to investigate and moderate them each year, which measure should be taken at once. And in this, there are the difficulties that have been related. If not done the few who remain will pay for those counted in the census and levy, many of whom dead or fled to the mountains. Thus always, those who are left suffer.

The Indians are not strong, as has been said, so that they sow so little that their crops are scarcely sufficient for a year, for each raises only what he and his family can work. Of the little they raise a half hundred weight is taken as tribute. When crops are poor, great hardship results, although Your Majesty has ordered that on poor

years no tribute should be paid. Although a half hundred weight seems little, it is a great deal to the Indians, for they raise very little which is their sole source of food and clothing as they have no place or means to buy. If they run short, they die of hunger, eat herbs, roots and fruits which make them sick, and cause dysentery. They die easily because, in addition to the above stated, they have little relaxation, because most of them are very poor, having only what they get by the work of their hands and some a little land around their houses, a poor mantle to cover them, a mat on which to sleep, a stone to grind the maize for the bread to eat each day, some hens, all not worth over ten pesos. Some do not even have this. Some, as I have said, have for the tribute and the sustenance of their families only the labor of their hands.

To ask reales is also the greatest hardship, because if the Indians are not near the Spanish pueblos or well-traveled roads, or have no cocoa, cotton, cloths, fruits, etc., and the majority do not, they have no money. There are places where the natives have never seen a real or do not know what it is. Thus, they have to leave their homes and pueblos, leave their families without support, go thirty or forty leagues, to different climates. Sometimes they die, or desperate, do not desire to return home, or become vicious, and leave their duties to their wife. Those who have no money and do not know where to seek it, are thrown in prison and sold to the Spaniards for

tribute and costs, for two, three or four months, depending on what they owe and at what their service is valued, not having goods which can be sold. Usually, they do not understand why this is done. This also happens to those who have some means, as the tributes are excessive. Those who buy them advance some money, cloth, or cocoa, and the Indians are never set free. The Encomendero pays little heed, as his tribute is not decreased, since those who are left pay the tribute for all.

There is another inconvenience resulting from forcing the Indians to pay in money; the mines are being used up. Each year less silver is obtained, and this taken to Spain. In the mint in Mexico less is made than formerly, and of that made, a great quantity is taken each year to Guatemala for the cocoa brought from there by merchants, because this is an important business among the Indians. Much is taken to Yucatan and other places for wax and clothing. Much is brought to Spain by each boat, for Your Majesty, merchants, and individuals and that brought by persons on the ships. There will not be left a real among the Indians, as all they sell or work they receive payment for in cocoa, so that they will not have a real for tribute or anything else. The little money they have will soon be gone, because they pay out a large number of reales each year, many more than are made in the mint. This will ruin the natives, as they cannot get money and their trade with Guatemala and Yucatan will cease. Unless

it goes from Mexico there, they will not have it as it is not coined there, and the ~~an~~umerated inconveniences as to tributes will result.

The command to pay tributes in money has been a terrible affliction to the natives and one of the great calamities suffered by them, because all suffer from it; it is contrary to the decrees, provisions, and ordinances of Your Majesty, which command that tributes be paid in the produce of the pueblos. In addition to the scarcity of money and the excessiveness of the tribute, this custom is injurious to Indians and Spaniards, because in order to try to get money, the Indians leave the fields and crops, which are necessary for both races. For this reason, grain is high, and is decreasing in quantity. Both lose, and only the Encomenderos derive any advantage, for they get the tribute in money, and so do not desire to understand the evil that results, as for this reason, there is a shortage of produce, which is, therefore, dear.

These estimates have been necessary to show how necessary it is to give some order to remedy the situation so that this miserable people, who sustain the land, shall not be extinguished, as has happened in all the islands, in Venezuela, and all that coast. All this is contrary to the service of the Lord and Your Majesty and a great obstacle to the conversion and instruction of the wretched people.

Supposing the aforesaid to be true, and in view of the command of Your Majesty that I should send an opinion concerning the order that should be followed in collection of tributes, stating the quantity which it seems necessary

for the Indians to pay, the rule that should be followed in dividing the sum among the towns and in collecting it, so that it may be without prejudice to the Indians.

In order that these people may not suffer the evils which they have up to the present from excessive tributes that they pay, in order that the native lords may not be leaders follow the custom they formerly followed as to the tributes and services that the Indians gave, in order that the investigations Your Majesty commands be made, in order that the evils due to collections made under the pretext of their being tributes now done the Indians may cease, in order that it may be known who has to pay tribute and who does not, in order to undo many evils to the Indians and offenses against the Lord, in order to fulfill the many times repeated commands of Your Majesty, it is fitting, as a matter of much importance to the service of Our Lord, to the common good of the lands and the natives, to the increasing well being of the land, to Christianity and doctrine, and to the discharge of the royal conscience, that Your Majesty should command that the land, towns, cattle ranches, sugar plantations, farm land, sowings, and cloth factories be visited by two, three, or more Oidores. There are in Mexico eight Oidores, Alcaldes of the court, and Corregidores, who do not have affairs to attend to nor suits to oversee, because, although there are now some being retried they will shortly be concluded. There will not be enough suits to occupy even one chamber. Thus, the four Oidores

will be sufficient to inspect the towns, find out their character, their gains and profits, crops, markets, and population, which can all be learned by the method given, without a census, as there are inconveniences attached thereto. They will learn the trades and resources of each, who are native lords, caciques, and leaders, what advantages these derive from their Lordships and dignities, in order to comply with the command of Your Majesty, find out who are free from tribute, follow former customs and keep them exempt, even though this investigation occasioned some expenditure of time and expense, as the matter is important. All this can be more easily ascertained as conditions are notorious and well known and the Indians discuss them freely. Provided this be once done, as it should be, and if it is not forgotten or delayed, the matter will in the future be a simple one. Assessments of tributes should be made, the people and Encomenderos being brought together for the purpose. In the towns of Your Majesty is fiscales and financial oficiales should be summoned to name someone to assist, for which there need be no expense, as they name one of those who goes to inspect, so that levies may be made with the consent with those who have to pay tribute, opportunity being given them to discuss and decide what they can pay, which they must then comply with, without delay and within a specified time. If Your Majesty sees fit, he should order a levy to last four or five years. This time past, if fitting, a new levy should be made. It is necessary to find out at these intervals what the natives can give,

if there is an augmentation or decreased inability to pay. If on account of famine or plague the natives can not pay they should notify the Audiencia, so that the matter may be provided for in accord with Your Majesty's commands.

There is some inconveniences attached to the Indians' going to the Audiencia, for the natives have no money to spend for the information they are required to give, for advice, nor for other investigations necessary for seeking a new levy or a lowering of tribute. Besides this, in the meantime, time is passing and in the end the officers of Your Majesty or the Encomenderos collect the tribute in full. This does great injury to the Indians. It will be well for the Corregidor or Alcalde Mayor and priest to inform themselves of the famine or plague which makes the payment of the tribute impossible, so that a decision may be arrived at more quickly, with less expense, less vexation, and with greater fairness.

The tribute being paid according to the richness of the territory and the population, but not as a capitation tax, the division would be committed to the native lords of the pueblo to be made as formerly, because they know and understand the ability of each individual. If necessary, this could be done each year. The division made, they would give a report to the Corregidor or Lieutenant of the pueblo, or if there was none, a neighboring one for him to send to the Audiencia. As the Oidor who had inspected and assessed, would be present, he would see and know how the division had been made, if any injury had

been done, or if the rate was too high. If the levy had been well made, he would approve and order its execution, if not it would be made again. In fixing the imposts, one would take care that each married taxpayer pay no more than four reales, and single ones half that, in case they pay in money, of which system we have stated the inconveniences. This impost is sufficient. It will be paid every three or four months. Provided there be regularity, Your Majesty and the Encomenderos will receive more tribute and the Indians less vexation.

After the approval of the division, as has been said, the people will be brought together on a feast day in the church, and in the presence of the Corregidor or Lieutenant, and the monk or priest who teaches them, they will be informed of the quantity of the tribute, what each is to give, called out by name, and what has to be paid for the entire year, however, many contributors there may be, if there is no just cause for excusing them. If there is an excess, it shall go to the community, if a shortage, it will be made up from the surplus of previous years, or if there is none, it will be made up among the inhabitants, for according to this rule, all will know exactly what they have to pay and will not enter suits and objections, and the expenses involved will be avoided. Also, the recensensus will be done away with. If, as has been said, an epidemic or crop failure occurs, notice will be given the Viceroy or Audiencia so that what should be done will be determined.

The inspections and assessments should be made only by

Oidores, although these might be negligent the same as others. However, it is to be expected that they will act with more care and fidelity than the private persons usually sent, who have occasioned many disorders.

To lay the tax, a census is not necessary. The population can be learned from the tax lists of the community, the collectors for each quarter, and the monks or Churchmen. In this way the inconveniences mentioned, delays and expense will be avoided. The levies should be made in proportion to the population, character and fertility of the soil. Divisions should be left, as has been said, to the lord or cacique of the pueblo.

The tributes in kind should be collected in the community house, having three keys, or, if money should be put in a box with three keys in the same house. The governor or native lord, an Alcalde, and a Regidor, should each have a key to the box. The keys to the house should be held, one by the other Alcalde, the other two by the two by the two mejordomes whom it is usual to have in a pueblo. In the box will be kept a book telling what contributors there are each year, the amount of the tribute, what is put in and taken out of the house and box, for what and by whose command these changes are made, what they amount to, what is paid the Encomendero, the nature and date of payment, what is left in the house and box. The Encomendero and his representatives, will be allowed in a pueblo only at the time of collection of tributes, and then not over three days. He shall not go until given notice that the tributes are collected, which the

collectors shall see to at the proper time, the contributors being informed of it two weeks ahead of time in the church on two or three feast days, so that each may get ready what he has to pay. The collector shall pay for the food given him while in the pueblo; tributes shall be collected in the chief town and from there remitted to the Encomendero, who may take them where he wishes at his and not the Indians' expense. It is fitting that anyone violating these provisions be punished. The Encomendero shall never go to the pueblo with his household, as they now do, because great inconveniences result from the excesses against the Indians committed by these persons, their servants, and negroes, because of injuries done the crops, fields, and orchards of the natives, because of the natives not being permitted to sell their crops to whom, how, when, and at the price they please, because of bad examples and impediments to teaching the Indians which result, as these persons get their service and food of corn and fodder for themselves and horses, without paying for them. They bring in wine and other unnecessary articles, which situation cannot be remedied, unless the Spaniards are kept away from the Indians, as they do not realize the evil they do and those who receive the injuries do not dare complain, because the masters menace them, say they belong to them, that when the judge is gone they will make them pay, as they do in fact.

Finally, the remedy is so forbid, under grave penalties, the Encomendero and his people from going into the

into the pueblos save to receive tributes and command execution of orders. To fulfill Your Majesty's command, to comply with the former customs of these people as to tributes, to stop the present inconveniences and injury, so the land may be rich and abound in produce necessary for the sustenance of the people, it is fitting that tributes should be paid in products of each pueblo, land being set aside in two parts for the purpose, one to be planted one year, the other the next. The Encomendero will be responsible for giving the Indians the seed. The Indians will be obliged to work the land, sow it, water it if irrigation is necessary, gather the crops, clean them, and store them in the house designated by the Encomendero, where they will be kept at his risk. No Indian's house shall be taken for this purpose. A house, a room, or part of the community house shall be rented. Depending on the soil, corn, sage, kidney-beans, and peppers will be planted. These have a good market; there will be an abundance, worth considerable money. The amount of land and seed to be sown will be designated depending on the population. At planting time and harvest, the Encomendero may send a man or go himself to see that the work is done, because the Indians must not be made to pay a fixed quantity, but just the crops raised on these lands, whether much or little.

If the Indians contribute in crops, as in the time of their idolatry, the assignments and other devices in regard to laborers become useless, for they have to pay

as tribute only what they raise, whether little or much. This system is advantageous to the Indians, who work together, old and young, women and children. They are not oppressed because they serve only two or three days at each task and would not suffer the present injustices of collection and of statements that the chiefs rob. There would be plenty in the land Your Majesty, the Encomenderos, the mass of Indians, and Spaniards would profit. Everything would sell at fair and moderate prices because as has been said, all is salable, as those who now buy up the tributes for their profit find. This is a hardship for the Indians, being burdened as they are, the officials being in the pueblos when they wish, harassing the Indians and living off them. This would cease if the officials of Your Majesty and the Encomendores were occupied with caring for, and seeing to the augmentation of the lands and the paying of tributes.

Paying tributes as now in money, has caused the lack of supplies felt in New Spain, for all devote themselves to traffic and commerce. Corn, wheat, and other products the Indians used to sow, and raise are very dear, and getting more scarce every day. This is very hard on the people. Only the Encomenderos have enough to live on, because in addition to money they are given maize, the surplus of which they sell at their own price, while others suffer.

The Indians should not be ordered to plant wheat as it causes them hardship, since they do not understand how

to do it and have no suitable plows. They, therefore, have to pay the Spaniards to cultivate it. They plant corn easily, for they know how. Spaniards have farms where a quantity of wheat is raised.

The Encomendero must indicate what days he or his representative will be present to oversee the planting, harvesting, and storing of crops. He must not stay longer than the fixed time in a pueblo and must pay for his food while there.

The Indians will be commanded to cultivate other fields in common, the extent of which shall be designated, for the purpose of meeting the expenses of the community, for which provision must always be made. These crops shall be stored in the community house and be registered in the book which has been said must be kept there. They shall be used to pay the Governor, the Alcaldes, the Regidores, the Alguaciles, the majordomos, others employed for the community and in the schools, churches, and monasteries. The quantity shall be written in the book with the day of payment and to whom paid. Each year or every two years, there will be sent to the Audiencia an account of these matters, signed by the priest or monk who has charge of them. Officers of justice should not have charge of them, in order that the expenses they would occasion may be avoided.

To provide for the caciques and lords without injury to the Indians, another culture should be established, the lands and seeds being furnished. The Indians will work the land, store the crops, give the chiefs service in

their house, bring water and wood, and fodder to their horses and mules if they have any. These services will be performed in turn. Food will be provided and they will be paid as before the conquest. Care should be taken that the chiefs be given enough to keep themselves comfortably which is fitting, in order that religion, justice, good administration of the town and respect for the chiefs may be advanced.

The pueblos that raise cocoa, cotton, or fruit, could pay their imposts in money as could also the merchants, artisans, and Indians who live within fifteen or twenty leagues of Spanish towns, the same distance from the mines, or on the public roads. As these Indians are richer than the others, they could pay as much as six reales per married man and three per widow or bachelor. They should not be forced to work on the fields the produce of which is destined for the Encomenderos, nor to contribute to the public expense, or to the taxes for the lords, as they will meet their taxes by the levy I propose. This impost should not be divided by individuals. The amount should be determined after the population is known, and the division left to the Lord or Governor, as I have suggested.

The Indians should not be required to pay tribute in cloth even when they make it, as the system is vexatious to them. The poor persons and women who make the cloth suffer. Many women miscarry in childbirth because of the heavy labor. This does not happen when they work

for themselves because they work at their leisure. When, on the other hand, the cloth is to go for taxes, they have to work at fixed hours. The quantity and quality is fixed. As one piece of cloth amounts to more than the tax of a person, it has to be given for several. It is impossible to equalize taxes. Some give more and others less, depending on how they are urged on by those who oversee their work and collect tributes. The fact that some say there would be a shortage of cloth if the Indians did not furnish it as tribute is not an obstacle, for it is more important that the people should not perish. In countries where cloth is made, more than enough is made for the inhabitants. There are many Spanish and Indian merchants who handle cloth.

In imposing the tributes, in kind or money, consideration should be had for what the Indians pay to their lords and what they pay as tithes, which will be discussed at the end of paragraph XVI. The tribute should not be increased, as that would work an injustice, as has been said and will be further discussed in answer to paragraph XVI. The Indians cannot now pay what is assigned to them on account of their excessive poverty. There is great need and it is fitting that tributes be lowered considering the poverty of these people. It suffices for each Indian to pay what I have stated, whether in kind or money. The total of the tribute shall be divided in ten parts, one to be applied to the tithes so that the Indians shall not consider this a new tax, as Your Majesty has command-

ed, and as will be further discussed in the same paragraph XVI. The other nine parts should be divided in half, one for the Encomenderos and the other for the native lords, which shall not prevent the Indians' cultivating the fields belonging to the chiefs, set aside in each town in accord with their ancient practice, for what each chief will receive of the half of the nine parts will not be a great deal. The Indians should not be relieved of personal service which they owe according to ancient customs.

If the Encomenderos say that what is given the lords, is taken from what is due them, with better reason could the lords say that what is given the Encomenderos is taken from them. But it is necessary that the matter should be thus arranged, as the Encomenderos are needed in some provinces to keep the land secure. Those who receive the land as a gift should be content since it is not for them to say what shall be given. As Your Majesty has done them a favor, they should not complain of the quantity or quality of what is given. They would, moreover, have the advantage of getting the contributions free from tithes as the latter would already have been taken upon the whole impost. They would also be relieved of providing for the salary of the Curate, the ornaments for the Church and of a charge upon their consciences. It is not necessary to give them what they ask which amounts to aiding them to commit excesses, to live in luxury, to provide expensive clothing, and inordinate expenditure in their homes and for food, but they should be given an honest living. If

they wish more, let them seek it and earn it as one does in Spain, especially as all Spaniards possess other incomes of resources, from which they derive advantage so they are quite rich and would be still richer if they would moderate their excessive expenditures. As there will be order in the regulation of tributes, what is collected will, as has been said, be more than now. There will be fewer hardships for the Indians, as the evils and robberies will stop and the occasion for them, which now exists and would exist if tithes were collected, will be removed.

Because in many provinces there have been excessive tributes paid to the Encomenderos, Your Majesty has ordered that these be moderated and that what is taken away be given to the conquerors who have no Indians in order that they may have an honest living. It is fitting for Your Majesty to command that these orders be executed, but it is necessary that he should declare at what sum the revenue of each Encomendero be left. In order to avoid the delays which there have to this time been in the execution of these dispositions, it seems to me that it is not fitting that Your Majesty assign to one Encomendero more than 3,000 ducats. Attention should be paid to the personal character and merit of each and even less than the stated sum should be assigned if possible. This sum is sufficient to enable the Spaniards to live comfortably, especially as most of them have incomes, resources, and rents. In this way there will be enough people to insure the tranquility of the country. There are some in the

country who have mines, large incomes, and much wealth. These when they arrived, most of them after the conquest and colonization, were poor. As to the Spaniards who are not rich it is necessary to issue some orders to increase their means of sustenance or to send them back to Spain, for these for the most part are the cause of the troubles and insurrections which have taken place in the country. It is also necessary to prevent other Spaniards from coming here as there are too many Spaniards. Far from letting more come some who are here should be sent back.

As the tithes and the revenues of the chiefs are comprised in the levy I have proposed to raise, if it is thought necessary that the Indians pay more, Your Majesty might well command that each village should furnish a certain number of natives and Spanish hens, not a certain number per Indian, but a fixed number for the village in proportion to the population, in such a way that each married individual should not give more than a Mexican hen and widowers and bachelors a Spanish hen which is worth half as much. In the countries where honey be given in place of the hens, attention being paid to the value of the gourds of honey, so that one married individual does not pay more than the value of two reales and widowers and bachelors half that much as they must also meet the contributions in products of the soil, as is right, or in money, in spite of the inconvenience we have pointed out. This impost should not be laid on each individual. The chief or governor should be charged

with making the division. All these contributions should be brought to the community house in the capital from where distribution will be made to needy persons, and the remainder left for the community.

Good public administration and suppression of the vexations of which the Indians are victims demand that each village shall be ordered to send every week a certain number of Indians to the neighboring Spanish towns to work for wages, and to send every day a fixed quantity of wood and forage. However, no price should be fixed either for the labor of the Indians or the sale of these products. They should be allowed to bargain freely. The chiefs and governors should be charged with overseeing the execution of this order. If the contributions in kind are collected as I have proposed, it will not be necessary to order the Indians to pay taxes in corn, which system is detrimental to them, for there will be a great abundance.

It would be likewise fitting to order the villages near the Spaniards to bring on Fridays and during Lent, fish and eggs without any price being fixed for these products as has been said. These should be brought to a fixed place as is now done to avoid the evils that would result if no one were responsible for them, and there should be a person appointed as now who would not allow force to be used against the Indians. If this provision is adopted, it will stop the injuries now received by the Indians from being forced to bring products to sell at a fixed price, while they cost them twice that at home, as

stated in the treaties on imposts. These measures will also stop the excesses resulting from the Indians being forced to the public works. It is necessary to establish the amount to be given and where it is to be taken. A price for day labor should not be set, but the Indians should be allowed to work freely by the day or week, as they arrange. This disposition will be of advantage to the Spaniards, as all the Indians will be glad to work for the public, and will not engage themselves to work for private individuals as they do today when they see they are going to have to work out an impost, for a wage lower than they can get elsewhere. The poor, as well as others, gather each day to engage themselves as day laborers who get more wages than those working for the public. There is never a shortage of day laborers.

The visits and the censuses made for the division of tributes, which occasion an excessive expense, will cease, as will also the injuries the natives receive from the domestics, negroes, mulattoes, mestizos, and the horses the visitadores and their officials take with them. The people will be freed from the obligation of furnishing food every day and impositions laid to pay salaries. The Indians will not be brought together in the chief town for the census, for which they are forced to spend some days, leave their homes, go to different kinds of climate, as most of the capitals are in the cold regions and have subjects in warm ones, especially those on the coast. They are forced to leave their fields and duties while the

census is being taken. This plan will stop many of the suits with Encomenderos and chiefs, the necessity of going to seek an inspection and census, the suits between individuals, occasioned by the inspection and census. There will be avoided many of the perjuries that take place today, and there will not exist the large number of inferior officers who are appointed only to rob, and incite the people against their lords. The latter will be respected, obeyed and feared, which is necessary to the execution of what I have proposed, to the Indians' fulfilling the duties of religion, devoting themselves to the catechism, sermons, and the mass, so that all may be careful to do their duty and work their fields as they did formerly. It has already been set forth in the third part of paragraph IX, which was answered first, that the Spaniards and Indians will be provided with all that is necessary to satisfy their needs, without the natives being harassed as today, since the chief or governor will take care that the division of workers be well made and time not lost. Injustices received from furnishing forage and other things will be removed. The lords will be relieved, will not suffer the need, misery, and dejection that they do at present.

Because it is possible that it still be said that it is fitting that the Indians pay some tribute in money, in addition to that paid in kind, so that the desire to get the wherewithal to meet the imposts should induce them to hire out more readily and to be more anxious to sell what they have, if it seems that this argument is of

weight in spite of the inconveniences involved, it is fitting that Your Majesty should order that each married Indian pay two reales, and a single man, one, and that the taxes paid in kind be reduced in the ratio that those in money are increased. The tax should be laid in the manner suggested. Crops should, nevertheless, be raised for the lords and for the community. The taxes paid in money should be met every six months and those in kind at the time of harvest.

Your Majesty should command that the inspections made by the Oidores in turn should be continuous, even though the Oidores do not assess the land, because these inspections are needed to secure justice, hold residencias of the governors and other officials, Spaniards, as well as Indians. This measure will cut down the expense involved in sending other persons, will remedy the evils suffered by the natives, will remove hardships, as the Oidores will provide a way for doing away with the damages received from the Spaniards and from infinite other causes. It is not fitting to entrust duties to other individuals, as is done today, because they have no other object than to collect their salaries and there are always reasons why they cannot or dare not render justice. This will not be the case if the Oidores make the inspections as there is reason to believe they enjoy the greatest liberty, and that they will not allow their domestics or other officials who accompany them to do the Indians any harm or take anything without paying for it. The judgements they will render, will correct the evils that have been committed. They will

collect fines for the treasury of Your Majesty. Your Majesty will provide for the salaries of these magistrates, as you see fit.

Your Majesty will forbid the Oidores' taking any of their relatives, associates or domestics as alguaciles, scribes, interpreters, or other officials; they shall not be accompanied by anyone attached to another Oidor, fiscal, Viceroy, or President. They shall be required to report concerning their visits, to see if the orders of Your Majesty are obeyed. This control will avoid all the evils and injustices that have resulted from the visits of the Audiencias. The Oidores should be forbidden to marry in their jurisdiction, as should also be their sons and relatives. They should be forbidden to receive presents in the land inspected so that the injustices inflicted on the Indians may be avoided, as dishonest persons will not care to go if their trips are not profitable.

This answers paragraph XV and part of XVI. I will answer the rest after answering the remaining paragraphs, as it requires special treatment.

#### CAPITULO XVII

"If there are diverse opinions, send them all, with reasons given for each. As this is an important matter, we order that with care and diligence the investigations be made, so that suitable orders may be issued. Send the opinions well guarded on the first ship that comes to Spain after the inquiries have been made. Valladolid, the twenty-third of December, fifteen fifty-three."

What has been said to paragraph XV concerning the investigations ordered, answers this paragraph and I have told why my opinion has not been given before.

#### CAPITULO XVIII

"Also, find out what the Indians paid in their infidelity for the sun and temples, and what foods and rents were applied to the temples of the idols and sun. Send a special report on the matter. Valladolid, the twenty-third of December, fifteen fifty-three.

El Principe--By Command of His Majesty, Juan de Samano."

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