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From Ancient *Quèhui* to Colonial *Yòholàhui*.
Zapotec Sociopolitical and Territorial Organization in the Valley of Oaxaca, Sixteenth to Eighteenth Centuries.

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in History

by

Beatriz Cruz Lopez

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ABSTRACT OF THE DISSERTATION

From Ancient *Quèhui* to Colonial *Yòholàhui*.
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by

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Doctor of Philosophy in History
University of California, Los Angeles, 2024
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This dissertation studies the replacement of Zapotec dynastic rulers or *coquì* by *làhui,* Spanish-style municipal councils called *cabildos*, in the Valley of Oaxaca during colonial times, from the early sixteenth to the late eighteenth centuries. This transition involved a replacement of the ancient Zapotec palace, the *quèhui*, with the town hall or community house, the *yòholàhui*.

Using Spanish and Zapotec-language archival sources and texts, and pictorial writings, I examine the conversion of Zapotec *quèche* and lordships in the region into colonial *pueblos* and cabildos. But I also trace cultural and political continuities, for the new institutions succeeded because they were based on ancient sociopolitical structures and continued many of their functions in a new colonial context.

First, I study the traditional organization of Zapotec lordships, which articulated two or more semi-autonomous traditional collectivities that organized internally around a common head, a real or symbolic ancestor, shared lands and obligations, and collective ritual acts. Second, I analyze the establishment of the first cabildo office, the governorship, and the conflicts and

negotiations that ended the caciques' control of civil government and gave way to a corporate government. Third, I examine how *bèniquèche* or commoners organized and pressed for new arrangements of governance that would alleviate their workloads and the many contributions they were obligated to make to their towns' funds, which were managed by the làhui or community. The bèniquéche's overseers, called *collaba*, represented their demands before the làhui, and as a result commoners gained entry to cabildo membership. Fourth, I analyze conflicts between nobles and commoners over governance and the management and defense of community assets.

Finally, I examine two conflicts from the early decades of colonial rule that involved the làhui and many other actors, especially the Spanish Crown. One is a dispute between local authorities and the crown over tributes and tributaries. The crown sought to monopolize tribute entitlement, but native rulers resisted Spanish attempts to deprive them of community funds and labor. The second is a dispute over native lands and the concept of *baldíos* (vacant lands) that legitimized land dispossession by Spaniards, including the crown.

The legacy of the làhui persists in the ways that Zapotecs govern themselves in Oaxaca, where almost all of the communities studied in this dissertation continue to exist in the present day.

The dissertation of Beatriz Cruz Lopez is approved.

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2024

A los *bènizáa* que se han ido, a los que estamos, a los que vendrán.

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List of Acronyms

AGA-RTBC	Archivo General Agrario, México Reconocimiento y Titulación de Bienes Comunales.
AGEO	Archivo General del Estado de Oaxaca.
AGI	Archivo General de Indias, Sevilla.
AGN	Archivo General de la Nación, México.
AHNO	Archivo Histórico de Notarías de Oaxaca.
AMSBC	Archivo Municipal de San Bartolo Coyotepec, Oaxaca.
AMSJE	Archivo Municipal de San Juan del Estado, Oaxaca.
AMSPG	Archivo Municipal de San Pablo Güilá, Oaxaca
AMT	Archivo Municipal de Tlacolula de Matamoros, Oaxaca.
APSAZ	Archivo Parroquial de San Andrés Zautla, Oaxaca.
APSPH	Archivo Parroquial de San Pablo Huitzo, Oaxaca.
APT	Archivo Parroquial de Tlacolula de Matamoros, Oaxaca.
BIJC	Biblioteca de Investigación "Juan de Córdova", Oaxaca.
BFFB	Biblioteca "Fray Francisco de Burgoa", Oaxaca.
BNE	Biblioteca Nacional de España.
CA	Fray Juan de Córdova's *Arte en lengva çapoteca*
CDIDCO	*Colección de documentos inéditos relativos al descubrimiento conquista y organización de las antiguas posesiones españolas en América y Oceanía*.
CODIU	*Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de ultramar*.
CV	Fray Juan de Córdova's *Vocabvlario en lengva çapoteca*
ENE	*Epistolario de la Nueva España*.
FS	Family Search (website)
HCAR-GM	Helmerich Center for American Research at Gilcrease Museum, Tulsa, Oklahoma
HSA-HC	Hispanic Society of America -Huntington Collection, New York.
JR-JPB	Juicio de Residencia de Juan Peláez de Berrio (Doesburg, *Conquista y colonización*)
JR-JPB-A	Appendix of JR-JPB. (AGI Justicia 117, No. 6.)
LAZ	*La adivinación zapoteca*.
LCSBC	Libros de Cofradía de San Bartolo Coyotepec, Oaxaca.
LoC	Library of Congress, Washington, DC.
LLILAS	Teresa Lozano Long Institute of Latin American Studies. The University of Texas at Austin
NL	Newberry Library, Chicago.
PNE	*Papeles de Nueva España*
RAH	Real Academia de la Historia, Madrid, España.
SIEHO	Seminario Interinstitucional de Estudios Históricos de Oaxaca.
TTPCI	*Tasaciones de tributos de pueblos y corregimientos de indios* (AGI Contaduría 785a and 785b)

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Chapter 1. Introduction.

The *Bènizàa* or Zapotecs of the Valley of Oaxaca[1] called *quèhui* the buildings where their *coquì* or dynastic rulers lived, but also where they met with their councils of noblemen to resolve issues and make decisions, performed sacred ceremonies to their ancestors and held diplomatic meetings, among other important activities. Among the Bènizàa, the *quèhui* or "royal palace" was the seat of power.[2]

In the sixteenth century, the quèhui of the great lordship of Zaachila was represented in the *Pintura 1 de Santa Cruz Papalutla*, a pictorial document that recorded events occurred in pre-colonial times, when the rulers of the Zapotec lordships of Zaachila and Macuilxóchitl participated in a war that allowed the lord of Macuilxóchitl to gain certain lands.[3] In the *Pintura 1's* upper left corner the royal palace of Zaachila is represented by a single structure whose door leads to a large rectangular courtyard topped with *almenas* (battlements), in the old Mesoamerican style. On the patio, there are two coquì facing each other in a manner suggesting dialogue or negotiation, each seated on his woven palm throne. In front of the palace, a war scene was represented (Fig. 1.1).

The palace scene in the *Pintura 1* undoubtedly occurred in a quèhui of pre-colonial times,

---

[1] Bènizàa refers to Zapotecs who lived during the colonial period. *Zapotec* comes from the Nahua word *tzapotecatl* or "people from Zapotlan," probably referring to the lordship of Zaachila, which was called Teozapotlan in Nahuatl. Zapotecs' traditional places of residence are located in the Valley of Oaxaca, the Sierra Norte, the Sierra Sur, and the Isthmus of Tehuantepec, in the state of Oaxaca, Mexico. Current self-designations include Ben' Za, Bëni Xidza, Bene Xhon, Be'ne Urash, Mén Diisté, and Binni záa, among others.

[2] Córdova, Juan de, *Vocabvlario en lengua çapoteca* (México: Pedro Ocharte, 1578; hereafter, CV). CV 74r: "Casa real. Quèhui." 298r: "Palacio real hermoso. Quihuicoquí rey."
Palaces could have various functional sections: residential, ritual, court, royal treasury, throne room, archive or library, royal tombs, storage spaces, and craftsman workshops, among others. Manzanilla, Linda, "Introducción," (In Linda Manzanilla, ed., *Las sedes del poder en Mesoamérica*. Mexico: Universidad Nacional Autónoma de México, Instituto de Investigaciones Antropológicas, 2020), 14.
On the conformation of palaces and palace complexes in the nearby Mixteca region, see Diego Luna, Laura, "El complejo palaciego de Yucundaa. Una contrastación de los modelos ethnohistoricos a través de la evidencia arqueologica," (Mexico: BA Thesis, Escuela Nacional de Antropología e Historia, 2010).

[3] Oudijk and Doesburg, *Los lienzos pictográficos de Santa Cruz Papalutla, Oaxaca*, (Mexico: Universidad Nacional Autónoma de México, Fundación Alfredo Harp Helú-Oaxaca, 2010), 42-44. The *Pintura 1* is a nineteenth-century copy of a sixteenth-century original with additions made in the early eighteenth century. It shows how Pichana Pillala, the dynastic ruler of Macuilxóchitl, received from the ruler of Zaachila several lands located in the present-day town of Santa Cruz Papalutla due to his participation in a war that probably occurred in 1350. It also shows how those lands passed from one generation to another through some genealogies.

but the gloss added between the two coquì does not say quèhui but "lahui zachillatao," identifying this scene as happening in the "community of the great Zaachila." This phrase can be interpreted in two (related) ways: as if the building were the *casa de comunidad* (community house or town hall) of Zaachila, or as if the two rulers were members of the *cabildo* (town council) having a meeting. In New Spain, the native town council and the town hall were often called *comunidad* (community) in Spanish, and Zapotecs adopted the concept of comunidad as làhui. [4]

Fig. 1.1 The palace of Zaachila and the gloss "lahui zachillatao."



Pintura 1 de Santa Cruz Papalutla (detail).[5]

[4] CV 64r: "Cabildo lugar donde se juntan. Yòholàhuilàtetàcahuexija." This long Zapotec phrase means "town hall, where the town council is." Córdova registered *pènihuexijaticha* or "group of counselors" as an option to translate cabildo (CV 64r), but he also registered làhui as in CV 47r: "Avdiencia el corro de los que esta[n] en ella. Làhuihuexija."

[5] https://www.iifilologicas.unam.mx/ebooks/lienzoz-santa-cruz-papalutla/

The scribe who glossed the *Pintura 1* most probably lived during the first decades of the eighteenth century, when some information was added to the document.[6] He "projected" into the remote past the reality in which he lived, where the *yòholàhui* was the seat of power of the *làhui* or cabildo, a civil governing body implemented by the Spaniards and readjusted by the Zapotecs, a council that became the highest authority in colonial Zapotec polities and was also in charge of delivering justice and administering community goods and funds.

The term *yòholàhui* was a neologism registered in 1578 by fray Juan de Córdova and his Bènizàa collaborators in the *Vocabvlario en lengua çapoteca* to refer to the place where the cabildo met. The new term was created by combining the word *yòho* or "house" and the word *làhui,* which originally meant "between," but also "common" or "general."[7] In the context of the Zapotec lordships' political, territorial, and economic reorganization, làhui began to refer to the "common property," as well as to the economic regime of collective property known in Spanish as the *comunidad*.[8] The terms láhui and yòholàhui were widely adopted toward the end of the sixteenth century and appear in dozens of documents written in *Tichazàa*, the Colonial Valley Zapotec written language, during the seventeenth and eighteenth centuries.

The traditional seat of power, the quèhui, was also a yòho or house. Actually, it was the yòho of greatest prestige and power within each *quèche* or Zapotec lordship. During the sixteenth century, the quèhui, or at least a structure within it, functioned as the yòholàhui,[9] and the coquì

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[6] Other glosses were added to this document, referring to a conversation in which the lord of Macuilxochitl receives a site called Quetani, located in Quieyooxoba. These places were involved in a 1711 lawsuit. Oudijk and Doesburg, *Los lienzos pictográficos,* 27-29.

[7] CV 262r: "Medio entre dos. Làhui." 175r: "Entre arboles. Làhui." 211v: "Habla en comu[n] que se dize assi en general. Ticha làhui." CV 416v: "Vniuersal cosa. Ninalàhui."

[8] CV 205r: "General cosa de comun, Nilàhui." CV 83v: "Comunidad del comun. Niláhui." 50v: "Baldía cosa de comun o tierra. Yòo lahui." Lira, "La voz comunidad en la recopilación de 1680," (*Relaciones. Estudios de historia y sociedad* 18, 74-92, 1984).

[9] This was very common throughout Mesoamerica. In his analysis of the *Codex Sierra Texupan*, Terraciano noted that several expenses to arrange the *audiencia* (as the town hall was called in Santa Catalina Texupa) occurred in 1559, "perhaps creating a separate space within or adjacent to the tecpan." Terraciano, *Codex Sierra. A Nahua-Mixtec Book of Accounts From Colonial Mexico*, (Norman: University of Oklahoma, 2021), 29.

as the head of the làhui or governor. But soon after, they were differentiated, and the coquí also lost control of the cabildo. Although the term *quèhui* continued to be used in the colonial period to refer to the buildings inhabited by the native lords (then called *caciques*) it fell out of use.[10]

Speakers of other Mesoamerican languages developed their own strategies to name the town hall and the town council. Among the Nahuas of Puebla, it was called *tecpan* or "palace;" in Cuernavaca, *comonidadtecpan;* in Mexico Tenochtitlan *tecpan calli*, where *calli* is "house."[11] In the Mixteca region, *tay Ñudzahui* or "Mixtecs" called it *aniñe comonidad,* where *aniñe* means "palace," or *huahi tniño*, the "duty house," while cabildo members were called *tay natnay tniño*, "those who order/arrange the tniño."[12] Interestingly, in the Mazatec language, the town hall is still called *Niya basɇn* or "the house in the center (or in the middle)," which could be another translation of yòholàhui.[13] These linguistic strategies were part of a process of adaptation and appropriation of a new governmental institution, which differed from one lordship to the next, despite their similar characteristics.

No term derived from quèhui survives among today's speakers of the Valley Zapotec languages. Only in the Isthmus, in a Zapotec *libana* or "ceremonial speech" compiled in the mid-twentieth century, the archaicism *quèhui quiebaa* (*guíhui' guiba'*) was preserved with the meaning of "kingdom of heaven."[14] The term láhui has also ceased to refer to the town council.

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[10] For example, in 1676, the cacique of Zautla, don Pedro de Feria, inherited to his son, don Gabriel de San Pedro, a plot of land with a "teixpa [*sic pro* tecpan or "palace" in Nahuatl] que llamamos quehui." AMSAZ, Gobierno, Cuad. 33, Exp. 13, f. 1r.

[11] Tanck de Estrada, Dorothy. *Pueblos de indios y educación en el México colonial, 1750-1821*. (México: El Colegio de México, 2010), 42. Haskett, Robert Stephen. *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca*. (Albuquerque: University of New Mexico Press, 1991). Rovira Morgado, Rossend, "Cajas del común para beneficio particular: la gestión de Luis de Paz Huehuezaca, oficial de la república indígena de la ciudad de México," (*Boletin Americanista*, LXVII, 2, No. 75, 2017 135-152),141.

[12] Terraciano, *The Mixtecs of Colonial Oaxaca*, 191. *Tniño* means "work"

[13] Gabriela García García, Mazatec language speaker (personal communication).

[14] This is the libana for "The sending of the flowers" by the xuaana Pedro Guerra, part of a marriage ceremony. It was recorded by Enrique Liekens between 1910 and 1946 and later analyzed and translated by Víctor Vásquez Castillejos, "El libana: discurso ceremonial zapoteco. Una nueva mirada," (Mexico, MA thesis in Indo-American linguistics, CIESAS, 2010), 19-20, 112, 147. In the Sierra Norte, in Yatzachi el Alto and Yatzachi el Bajo Zapotec, the term *lao'*, a cognate of làhui, means "community." It also appears in the words *yo'olao'* or "town hall" and *žinlao'* or "tequio," that

However, in modern Valley Zapotec languages, cognates of làhui are preserved within terms referring to community work, such as *zèi'ny làài'* and *dzunläii*.[15] This is probably a legacy of the disputes between nobles and commoners that changed the làhui configuration in the seventeenth and eighteenth centuries.

The *casa de comunidad* was promoted by Spanish authorities as the place that housed the new corporate authority, the community treasury that contained the public funds that ensured tribute payment, and the local court or *audiencia*. But the yòholàhui also inherited the public functions of the quèhui. It was a meeting place to strengthen community ties, serving as a relatively safe place to preserve collective ceremonies and rites, such as collective fishing and deer hunts, that ended with communal meals.[16] The yòholàhui has hosted the làhui and its transformations until the present day. Speakers of some Valley Zapotec languages still use the terms *Yu'làài'*[17] or *Gyù'là>i,*[18] cognates of yòholàhui, to refer to the most important government building in each town, regardless of their official administrative category.[19]

This dissertation's primary objective is to analyze the replacement of the *coquì* or dynastic rulers by the làhui, the new Spanish-style corporate, municipal government, as symbolized by the

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is, communal work. Butler, Inez, *Diccionario Zapoteco de Yatzachi el Bajo, Yatzachi el Alto, Oaxaca*. (México: Instituto Lingüísitico de Verano, 2000), 246.

[15] Munro, Pamela, and Felipe H. Lopez, with Olivia V. Mendez, Rodrigo Garcia, and Michael R. Galant, *Di'csyonaary x:tèe'n dìi'zh sah Sann Lu'uc. San Lucas Quiavini Zapotec Dictionary, Vol. II*, (Los Angeles: UCLA Chicano Studies Research Center Publication, 1999), 621. Stubblefield, Morris and Carol Miller de Stubblefield, *Diccionario zapoteco de Mitla*, (México: Instituto Lingüístico de Verano, 1991),184.

[16] See Chapter 5. See also Tanck de Estrada, Dorothy, "El espacio del poder político de los indios: la casa de comunidad en los pueblos de indios, arquitectura civil del siglo XVI." (In Pilar Gonzalbo, editor, *Espacios en la historia. Invención y transformación de los espacios sociales*. México: El Colegio de México, 2014, 333-360).

[17] Munro, *et al.*, *Di'csyonaary X:tèe'n Dìi'zh Sah Sann Lu'uc. San Lucas Quiavini Zapotec Dictionary,* 369, 498, 528.

[18] San Pablo Güilá Zapotec. Sign at the entrance to the town hall.

[19] I thank Luisa López Santos (Villa Díaz Ordaz), Alejandro Cruz and Cornelio Cruz Pérez (San Miguel Albarradas), Jocelyn Chée Santiago (Unión Hidalgo), Zaira Hipólito López and Eva López (Tanetze), Antonio Bohorquez (Loxicha), and Francisco López (Quiaviní), for confirming the presence of yòholàhui's cognates in their languages. Another term used in Mitla Zapotec and in Güilá Zapotec is *Jusgad*, derived from the Spanish word *juzgado* or "court." Stubblefield and Stubblefield, *Mitla Zapotec Dictionary*, 37. López Cruz, Ausencia, "Morfología verbal del zapoteco de San Pablo Güilá." (BA Thesis in Linguistics, Escuela Nacional de Antropología e Historia, 1997).

transition from the ancient quèhui to the colonial yòholàhui. I investigate the changes that contributed to the governmental reconfiguration of the Zapotec lordships in this region as they converted into colonial *pueblos* and continued changing over time. I study how these processes developed at different levels (depending on available sources) in many of the twenty-one polities I have identified in the Valley of Oaxaca, comprising at least one hundred and six subject towns, most of them ancient quèhui or yòho. While my focus is on the Bénizàa, I do not exclude the lordships of Cuilapan and Huaxacac. Traditionally considered a Ñudzahui (Mixtec) lordship, Cuilapan's jurisdiction comprised various subject towns with a considerable Zapotec population whose particular processes, as those of the Nahuas of Huaxacac, contribute to my analysis of the region.

In this study, I pay attention to the external pressures that from above promoted the quèhui-yòholàhui and the coquì-làhui replacement, such as Spanish laws, but I also aim to show that the làhui and the yòholàhui were based on Bènizàa sociopolitical organization and resulted from the negotiation between each lordship's traditional form of government and the Spanish model of Christian civility. Hence, my second objective is to highlight the continuity and political importance of the quèhui and the yòho, the basic units of Zapotec sociopolitical organization, as well as the continuity of some ritual obligations to their deified ancestors, which legitimized their traditional leaders before their own people, at least during the first colonial century. This ancient organization also influenced the separation of polities since, in several cases, the first subject towns to adopt their own community system and their own cabildo or governor were the most autonomous quèhui, which were also the first to seek independence.

A third goal of this project is to identify and follow the trajectory of dynastic rulers (*coquì*, *pichana*), noblemen (*xoana*), and commoners (*bèniquèche*), who were involved in the political changes that drastically modified Zapotec traditional government. The high-ranking ruling nobility, as well as the low-ranking nobility and commoner administrators, called *collaba* or *tequitlatos,* contributed to shaping the làhui. The làhui changed during the colonial period as a

result of a series of disputes between bèniquèche and xoana, not only over political representation but also over the control of community goods, labor, and funds. From the early seventeenth century onward, these disputes led to the drafting of various local governance agreements that remained in force for several decades but also changed when new disputes arose and new agreements were reached. Thus, the làhui changed from a governing body controlled by the Bènizàa elite in the sixteenth century, bonded to dynastic ruling, to a more pluralistic and democratic corporation in the seventeenth and eighteenth centuries, which responded to local agreements over governance. Members of the lower class participated in governing, decision-making, and the administration and defense of communal goods.

This dissertation is an ethnohistory and regional history largely based on primary sources. Until now, the region, the topic, and the period have received limited attention. Finding, reading, cross-referencing, and sometimes translating the information that would allow the reconstruction of these processes of political change was essential. I collected sources from local, regional, and national archives and other repositories in Mexico and also benefited from consulting international collections in person and digitally. Sometimes I benefited from the generosity of researchers who shared with me their photographs and even their transcriptions of some files.[20] In recent years, various important primary sources have been published, contributing greatly to this project.[21]

Unlike other approaches to political change in the Valley of Oaxaca, this dissertation

[20] I thank Michel Oudijk for sharing his transcriptions of AGI Contaduría 785a and 785b (before their publication as TTPCI), HSA, Manuscript HC 417/114, and photographs of the LCSBC, as well as his transcription of Libro 1, with me. Sebastián van Doesburg shared with me his transcriptions of AGI Justicia 231 before its publication as the JR-JPB. Laura Waterbury also shared with me her transcriptions of AMT several years ago. In 2023, Dr. María del Carmen Martínez Martínez shared with me her photographs of AGN Hospital de Jesús 293-2, Exp. 140, before it was available for consultation at AGN. Maira Córdova shared with me some photographs of BIJC, Fondo Luis Castañeda.

[21] Doesburg, Sebastián van. *Conquista y colonización en Oaxaca. El juicio de residencia de Juan Peláez de Berrio (1531-1534)*. (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, Universidad Anáhuac Veracruz, 2022). Oudijk, Michel, coord. *La Adivinación Zapoteca,* 5 Vols. (México: Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México, Dirección General de Asuntos del Personal Académico, Universidad Anáhuac-Veracruz, 2021). Oudijk, Michel. *Tasaciones de Tributos de Pueblos y Corregimientos de Indios*. (Toluca: Universidad Autónoma del Estado de México, 2024).

considers studying each polity separately as a prerequisite for achieving an understanding of regional patterns. This meant that I grouped the sources and cases by lordship (or former belonging to a specific lordship) to highlight the singular problems that each polity faced during the colonial period, their responses, and the processes of unification and division that they experienced.

I have analyzed hundreds of original documents in detail, seeking to identify key actors whose personal trajectories, however briefly glimpsed, illustrate the types of conflicts and negotiations that shaped each lordship's làhui. By uncovering information about past Zapotec rulers, I also seek meaningful, detailed, and personal knowledge. Being a Zapotec myself, I am interested in highlighting the names and paths of those who contested colonial homogenization and contributed in different ways to the reconfiguration of local government, initiating changes that led to the current forms of collective self-government in our communities.

The sources I analyze are written in Spanish and Zapotec. The incorporation of Tichazàa-written documents, most of them testaments, affords me a closer look at the terms and categories that Zapotecs used to express their affiliations to collectivities within their quèche in different periods, as well as how they understood their authority and the duties that they performed. I have learned and applied linguistic analysis in working with texts written in Tichazàa. I have learned and benefited from courses in linguistics and my participation in the UCLA Zapotexts group, led by Kevin Terraciano and Pamela Munro, as well as the Zapotec texts analysis group led by Michel Oudijk and Rosemary Beam de Azcona.

In the first half of the sixteenth century, the Bènizàa and some Dominican friars developed a system to write Tichazàa or Colonial Valley Zapotec (CVZ) using the Spanish-language version of the Roman alphabet. Zapotec is a family of languages belonging to the greater Otomanguean stock; according to specialists, "CVZ likely represented spoken varieties that were the ancestors

of many current languages of the Valley Zapotec subgroup of the family."[22] Using Tichazàa, the friars wrote Christian doctrines, sermons, *exempla*, and other doctrinal and administrative texts. Among their earliest published works are the *Doctrina christiana en lengua castellana y çapoteca* by fray Pedro de Feria, the *Vocabvlario en lengua çapoteca* and the *Arte en lengua çapoteca*, by fray Juan de Córdova. [23] Zapotecs, for their part, wrote petitions, judicial processes, agreements, land purchases and donations, wills, and other European documentary genres.[24] But they also wrote local histories, primordial titles, booklets about their gods, their 260-day divinatory cycle, etc.[25] These texts are valuable sources to bring us closer to their thoughts, actions,

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[22] Munro, Pamela, Kevin Terraciano, Xochitl Flores-Marcial, Michael Galant, Brook Danielle Lillehaugen, Maria Ornelas, Aaron Huey Sonnenschein and Lisa Sousa. "The Zapotec-language testament of Sebastiana de Mendoza, C. 1675." (*Tlalocan*, vol. 23 (2018): 187- 211), 190. About CVZ syntax see Smith-Stark, Thomas C. "La flexión de tiempo, aspecto y modo en el verbo del zapoteco colonial del valle de Oaxaca", (In Ausencia López Cruz y Michael Swanton (coords.), *Memorias del Coloquio Francisco Belmar*. Serie: Conferencias sobre lenguas otomangues y oaxaqueñas II. 377-419. Oaxaca, México, Biblioteca Francisco de Burgoa, Colegio Superior para la Educación Integral Intercultural de Oaxaca, Universidad Autónoma Benito Juárez de Oaxaca, Fundación Alfredo Harp Helú Oaxaca, Instituto Nacional de Lenguas Indígenas, 2008). Lillehaugen, Brook Danielle. "Los usos y significados de loh 'cara' en el zapoteco del valle colonial". (In Rebeca Barriga Villanueva and Esther Hererra Zendejas, editors. *Estructuras, lenguas y hablantes. Estudios en Homenaje a Thomas C. Smith Stark*, 417-449. México: El Colegio de México, 2014). Foreman, John, and Brook Danielle Lillehaugen. "Positional Verbs in Colonial Valley Zapotec", (*International Journal of American Linguistics* 83, 2 (2017): 61-103). Plumb, May Helena. ("Conjunction in Colonial Valley Zapotec," *International Journal of American Linguistics*, 85, 2 (April 2019): 213-245). On the historical diversification of Zapotec languages, see Beam de Azcona, Rosemary G. "Realis morphology and Chatino's role in the diversification of Zapotec languages," (*Diachronica*, Vol. 40, No.4, December 2023, 439 – 491).

[23] Feria, Pedro de, Fr. *Doctrina Cristiana en lengua mexicana y zapoteca*. México: Pedro Ocharte, 1567. Córdova, Juan de, *Vocabvlario en lengua çapoteca*. México: Pedro Ocharte, 1578. Córdova, Juan de, *Arte en lengua çapoteca*, México: Pedro Balli, 1578. About other publications and manuscripts see Smith-Stark, Thomas C. "La trilogía catequística: Artes, Vocabularios y Doctrinas en la Nueva España como instrumento de una política lingüística de normalización.", In Rebeca Barriga Villanueva y Pedro Martín Butragueño, coord., *Historia Sociolingüística de México*. Vol. 1. 451-82.. Mexico: El Colegio de México, 2010. Tavárez, David, "Performing the Zaachila Word. The Dominican Invention of Zapotec Christianity," in *Words and Worlds Turned Around. Indigenous Christianities in Colonial Latin America*, David Tavárez, editor, pp. 29-62. Boulder: University Press of Colorado, 2018. Cruz López, Beatriz, "El árbol de ciruela y Los peces. Dos *exempla* en zapoteco colonial sobre los malos gobernantes." *Tlalocan* XXIX-2, otoño-invierno, 2024, pp. 199-235. Lillehaugen, Brook Danielle, George Aaron Broadwell, Michel R. Oudijk, Laurie Allen, May Helena Plumb, and Mike Zarafonetis. *Ticha: A Digital Text Explorer for Colonial Zapotec.* Oudijk, Michel. *Vocabvlario en lengva çapoteca de fray Juan de Córdova (1578).* 2015 Online: http://www.iifilologicas.unam.mx/cordova

[24] Smith-Stark, Thomas C., Áurea López Cruz, Mercedes Montes de Oca Vega, Laura Rodríguez Cano, Adam Sellen y Alfonso Torres Rodríguez. "Tres documentos zapotecos coloniales de San Antonino Ocotlán." In *Pictografía y escritura alfabética en Oaxaca*. 287-350. Sebastián van Doesburg, Coord. Oaxaca: Fondo Editorial del Instituto Estatal de Educación Pública de Oaxaca, 2008. Oudijk, Michel. "El texto más antiguo en zapoteco", *Tlalocan. Revista de fuentes para el conocimiento de las culturas indígenas de México* XV (2007): 227-38. Munro, Pamela, Kevin Terraciano, Michael Galant, Xochitl Flores-Marcial, Aaron Huey Sonnenschein, Brook Danielle Lillehaugen, and Diana Schwartz, ""Un testamento zapoteco del Valle de Oaxaca, 1614." (*Tlalocan:* 22, 2017, 15-43). Salgado Pérez, Marco Antonio. "La Historia también habla zapoteco. Traducción e interpretación de tres textos coloniales zapotecos del Istmo de Tehuantepec." M.A. thesis in Mesoamerican Studies, Universidad Nacional Autónoma de México, 2022.

[25] Romero Frizzi, María de los Ángeles y Juana Vásquez. "Un título primordial de San Francisco Yatee, Oaxaca." (*Tlalocan* XVII, 2011, pp. 87-120). María de los Ángeles Romero Frizzi y Juana Vásquez, "Memoria y escritura. La memoria de Juquila," (in María de los Ángeles Romero Frizzi, coord. *Escritura zapoteca, 2,500 años de historia.*

and institutions in the colonial period.

In this dissertation, Zapotec sources are cited following the orthography of the original source. As observed by many scholars, sources written in Tichazàa inconsistently represented vowels and consonants, even when written by the same scribe or author.[26] When I rely on the previous work by UCLA Zapotexts past and present members who, since 1999, have analyzed dozens of colonial documents written in Colonial Valley Zapotec,[27] I indicate in parentheses the internal classification of these working documents, formed by the first two letters of the name of the town from which the text originally came and the last three digits of the year it was produced. For example, a text from Teitipac dated 1614 is classified as Te614. Spanish sources, on the other hand, are cited in their original language following the orthography of the original source.

Archival sources analysis have enabled me to address various questions: how were quèche from the Valley internally organized? How did the introduction of cabildos alter quèche organization? In which quèche did caciques remain politically powerful, and for how long? How did *congregaciones* impact the political organization of Zapotec pueblos? How did commoners (*bèniquèche*) manage to participate in cabildo government? What factors, besides political representations, motivated political disputes? What types of other leaders emerged in these processes?

Approach and previous studies

For several decades, scholars have studied ethnic states in Mesoamerica and their changes in

México: Miguel Ángel Porrúa, Centro de Investigaciones y Estudios Superiores en Antropología Social, Instituto Nacional de Antropología e Historia, 2003, 393-448).

[26] Munro, *et al.*, "The Zapotec-language testament of Sebastiana de Mendoza, C. 1675." Smith-Stark, Thomas C. "La ortografía del zapoteco en el vocabulario de fray Juan de Córdova", (In *Escritura zapoteca, 2,500 años de historia*. 173-239. Compiled by María de los Ángeles Romero Frizzi. Mexico: Miguel Ángel Porrúa, Centro de Investigaciones y Estudios Superiores en Antropología Social, Instituto Nacional de Antropología e Historia, 2003), 187-234. Smith-Stark, Thomas C, et al., "Tres documentos zapotecos coloniales de San Antonino Ocotlán," 303-304.

[27] Aaron Broadwell, Michael Galant, Brook Lillehaugen, María Ornelas, Pam Munro, Aaron Sonnenschein, Diana Schwartz, Lisa Sousa, Kevin Terraciano, and Xóchitl Flores-Marcial.

colonial times.[28] Charles Gibson was among the first scholars to recognize these ethnic polities as the basis for both Spanish colonialism and Indigenous cultural maintenance. James Lockhart used Nahuatl-written documents to advance this argument for the Nahuas of central Mexico when he revealed the centrality and complexity of the Nahua *altepetl*. Kevin Terraciano applied this approach to the Mixtec *ñuu*, and Matthew Restall examined the Maya *cah*.[29] Thanks to these works, it became apparent that Mesoamerican states shared certain characteristics as polities made up of internal semi-autonomous subunits, which, in turn, could join to create more complex states, but they also exhibited relevant differences, especially in the Maya case.

Zapotec lordships also had a long history of complex political organization. I rely on previous studies of state formation in the Valley of Oaxaca, both archaeological and ethnohistorical, to illustrate this fact.[30] Michel Oudijk has reconstructed the arrival and integration of new Indigenous populations, especially the Mixtecs and Nahuas, in his groundbreaking studies of alliances and conflicts between Zapotec and Mixtec royal houses from the late Postclassic period (1100-1521 CE) to the first century of colonial rule by using a philological approach to study Zapotec pictorial and alphabetical sources. I use his works,

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[28] Mesoamerica is a cultural super area comprising "top cultivators" that developed stratified societies from around 2500 BCE to 1521. Their continuous interaction originated some shared material, religious, and intellectual characteristics. In the north, it begins with the Sinaloa River in Sinaloa, descends to the Lerma Basin, and rises again to reach the Soto La Marina River in Tamaulipas. The southern boundary runs from the Ulua River in Belize, across the rivers of Nicaragua, to the Nicoya Peninsula at Punta Arenas. Kirchhoff, Paul, "Mesoamérica. Sus límites geográficos, composición étnica y caracteres culturales." (Suplemento de la Revista *Tlatoani*, 1960). Mesoamerican cultural legacy continues today.

[29] Charles Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810*. (Stanford: Stanford University Press, 1964). James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries*. (Stanford: Stanford University Press, 1992). Kevin Terraciano, *The Mixtecs of Colonial Oaxaca: Ñudzahui History, Sixteenth Through Eighteenth Centuries*. (Stanford: Stanford University Press, 2001). Mathew Restall, *The Maya World: Yucatec Culture and Society, 1550-1850* (Stanford: Stanford University Press, 1997).

[30] For earlier archaeological periods: Marcus, Joyce y Kent V. Flannery. *Zapotec Civilization: How Urban Society Evolved in Mexico's Oaxaca Valley: New Aspects of Antiquity*. New York. Thames and Hudson, 1996. Kowalewski, S. A., Gary Feinman, Laura Finsten, Richard Blanton, and L. M. Nicholas. *Monte Alban's Hinterland, Part II: Prehispanic Settlement Patterns in Tlacolula, Etla and Ocotlán, the Valley of Oaxaca, Mexico*. (Ann Arbor: University of Michigan Press, 1989). Winter, Marcus. "Monte Albán: Su Organización e Impacto Político (ponencia magistral)." (In Nelly Robles, editor. *Estructuras políticas en el Oaxaca Antiguo: Memoria de la Tercera Mesa Redonda de Monte Albán*. México: Instituto Nacional de Antroplología e Historia, 2004). Spencer, Charles S. and Elsa M. Redmond. "Multilevel Selection and Political Evolution in the Valley of Oaxaca, 500–100 b.C." (*Journal of Anthropological Archaeology* 20 (2001): 195-229).

especially *Historiography of the Bènizàa*, to explain how this happened.[31]

Likewise, Oudijk has examined Zapotec political organization on the eve of the Spanish conquest and continuities and changes in the early decades of the colonial period, in *Cambiar para seguir igual. La fundación y caída del cacicazgo de Tehuantepec (siglos XV y XVI)*. I have also benefited from Judith Zeitlin's studies, such as *Cultural Politics in Colonial Tehuantepec*.[32] Oudijk and Zeitlin have identified subunits within the *quèche* and the existence of complex polities due to political alliances among various *quèche*. Their works have uncovered the general Zapotec sociopolitical structure in which two main social classes, nobility (*xoana*) and commoners (*bèniquèche*), interacted as members of the different *yòho* or customary subdivisions of the quèche. They differ, however, when explaining the nature of the links between people in the subunits and their leaders: whereas Oudijk emphasizes kinship and lineage, Zeitlin suggests, following John Chance's study of the "noble house" in Puebla, [33] a combination of patronage relations and rank.

In "Mesoamerican Philology as an Interdisciplinary Study: The Chochon (Xru Ngiwa) "Barrios" of Tamazulapan (Oaxaca, Mexico)," Sebastián van Doesburg and Michael Swanton examined how the organization of subunits' was also based on rotation for collective work, ritual

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[31] Oudijk, Michel. *Historiography of the Bènizàa. The Postclassic and early colonial periods (1000-1600 A.D.)*. (Leiden: CNWS Publications, 2000). Oudijk, Michel. "The Postclassic Period in the Valley of Oaxaca." 95-118. (In Jeffrey P. Blomster, editor. *After Monte Albán. Transformation and Negotiation in Oaxaca, México*. Boulder, Colorado: Colorado University Press, 2008). Oudijk, Michel. "Una nueva historia zapoteca. La importancia de regresar a las fuentes primarias." 89-116. In *Pictografía y escritura alfabética en Oaxaca*. Coordinated by Sebastián van Doesburg. Oaxaca: Fondo Editorial del Instituto Estatal de Educación Pública de Oaxaca, 2008.

[32] Oudijk, Michel. "The Zapotec City-State." (In *Seven Studies of City-State Cultures*. Edited by Mogens Herman Hansen. Copenhagen: Copenhagen Polis Center, 2002, 73-90). Oudijk, Michel. *Cambiar para seguir igual. La fundación y caída del cacicazgo de Tehuantepec (siglos XV y XVI)*. (Mexico, Universidad Nacional Autónoma de México-Instituto de Investigaciones Jurídicas, 2019). Zeitlin, Judith Francis. "Precolumbian Barrio Organization in Tehuantepec, Mexico". En Joyce Marcus y Judith Francis Zeitlin (eds.), *Caciques and Their People. A Volume in Honor of Ronald Spores*. (Ann Arbor: University of Michigan, 1994. 275-300). Zeitlin, Judith. *Cultural Politics in Colonial Tehuantepec. Community and State Among the Isthmus Zapotec, 1500-1750*. (Stanford: Stanford University Press, 2005). Other relevant studies are: Jiménez Cabrera, Vladimir. "*Xuaana'* y organización político territorial zapoteca del siglo XVI. Un acercamiento a través del *Vocabvlario* de Córdova." (MA Thesis. México, Universidad Nacional Autónoma de México, 2011). González Pérez, Damián y Vladimir Jiménez Cabrera, "Avatares del poder. Análisis etnohistórico y lingüístico del cargo zapoteco de *golaba*." (*Relaciones, Estudios de historia y sociedad* 32, No. 127, pp. 223-244).

[33] Chance, John, "The Barrios of Colonial Tecali: Patronage, Kinship, and Territorial Relations in a Central Mexican Community." (*Ethnology*, XXXV, No. 2, Spring 1996, 107-139).

action, and feasting.[34] And in her book *The Woman Who Turned Into a Jaguar,* Lisa Sousa documented how women and men in Nahua, Zapotec, and Mixtec households channeled labor and tribute to local Indigenous authorities for the benefit of their collective communities, and the tensions and conflicts brought about by colonial rule.[35]

These studies have informed my approach to the internal organization of quèche in the Valley of Oaxaca during the sixteenth century, seeking to go beyond categories imposed by Spanish authorities over these traditional subunits, which I call collectivities. Another influential study is Joseph Whitecotton's *The Zapotecs: Princes, Priests, and Peasants*, which was among the first to focus on Zapotec institutions and cultural practices.[36] I have also benefited greatly from Laura Waterbury's "In a Land with Two Laws: Spanish and Indigenous Justice in Eighteenth Century Oaxaca, Mexico," which studies legal pluralism, conflicts, and alliances between regional and local authorities, as well as the gaps between the Spanish legal system and consuetudinary law, or what was known as *usos y costumbres*.[37] Finally, Xochitl Flores-Marcial studied the multi-dimensional aspects of the Zapotec concept called "guelaguetza," which she defined as "an indigenous form of social cohesion based on the reciprocal exchange of gifts among households, labor for public works, and service to the community," in her UCLA dissertation titled "A History of Guelaguetza in Zapotec Communities of the Central Valley of Oaxaca, 16th Century to the Present."[38] Xochitl also studied the legal case against don Domingo de Mendoza, from Tlacolula, which I analyze in this dissertation.

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[34] Doesburg, Bas van and Michael Swanton, "Mesoamerican Philology as an Interdisciplinary Study: The Chochon (Xru Ngiwa) "Barrios" of Tamazulapan (Oaxaca, Mexico)," (*Ethnohistory* 58, No. 4, Fall 2011).

[35] Sousa, Lisa. *The Woman Who Turned Into a Jaguar, and Other Narratives of Native Women in Archives of Colonial Mexico*. (Stanford: Stanford University Press, 2017).

[36] Joseph Whitecotton, *The Zapotecs: Princes, Priests, and Peasants*. (Norman: University of Oklahoma Press, 1977) marked the beginning of modern studies of the history of the Zapotecs as a distinctive people.

[37] Laura Waterbury, "In a Land with Two Laws: Spanish and Indigenous Justice in Eighteenth Century Oaxaca, Mexico" (Ph.D. Dissertation in Anthropology, University of Illinois at Chicago, 2005), 8.

[38] Xochitl Flores-Marcial, "A History of Guelaguetza in Zapotec Communities of the Central Valley of Oaxaca, 16th Century to the Present" (Ph.D. Dissertation in History, University of California, Los Angeles, 2015), 23-24.

Other studies, while not focused on Valley Zapotecs, have also helped me understand the colonial processes that were taking place in the Oaxaca region, such as those by Ángeles Romero, Nancy Farris, Laura Diego and Marta Martin, among others.[39]

For decades, cabildo formation, the reduction of local governments' autonomy, and cabildo conflicts have been studied extensively in scholarship on New Spain.[40] Nevertheless, the cabildo among Zapotecs of the Valley of Oaxaca and other regions has received limited attention. William Taylor's classic study about land tenure in the Valley of Oaxaca, *Landlord and Peasant in Colonial Oaxaca,* offers an important but very brief contribution to the topic. He devoted some sections of his study to the role of caciques in local government. He did not delve much into specific cases, for it was not his main topic of interest, but he provided several references to important sources

[39] Romero Frizzi, María de los Ángeles. *El sol y la cruz. Los pueblos indios de Oaxaca colonial.* (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1996). Diego Luna, Laura. "Los zapotecos serranos: asentamientos, poder y paisaje en la subcuenca del Río Grande (sur de la Sierra Juárez), en los periodos prehispánico y colonial." (Ph. D. Dissertation in Mesoamerican Studies. Universidad Nacional Autónoma de México, 2021). Martín Gabaldón, Marta. "Territorialidad y paisaje a partir de los traslados y congregaciones de pueblos en la Mixteca, siglo XVI y comienzos del siglo XVII: Tlaxiaco y sus sujetos." (Ph.D. Dissertation in Anthropology, México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 2018). Tavárez, David. *The Invisible War: Indigenous Devotions, Discipline, and Dissent in Colonial Mexico*. (Stanford: Stanford University Press, 2011). Farris, Nancy, *Lenguas de fuego en la evangelización de México (siglos XVI-XVIII)* (Zamora: El Colegio de Michoacán, El Colegio de México, 2020).

[40] González-Hermosillo, Francisco. "Indios en cabildo: historia de una historiografía sobre la Nueva España," en *Historias. Revista de la Dirección de Estudios Históricos*. Núm. 26 (abril-septiembre. 1991), México: Instituto Nacional de Antropología e Historia. Gibson, Charles. *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810*. (Stanford: Stanford University Press, 1964). Gibson, Charles. "Rotation of Alcaldes in the Indian Cabildo of Mexico City". (*The Hispanic American Historical Review,* Vol. XXXIII, N° 2, (May 1953): 212-223. New York: Reprinted by Kraus Reprint Corporation), 1967. López Sarrelangue, Delfina Esmeralda, *La nobleza indígena de Pátzcuaro en la época virreinal*, (México: Universidad Nacional Autónoma de México, 1965). Martínez, Hildeberto, *Tepeaca en el siglo XVI. Tenencia de la tierra y organización de un señorío.* (México: Casa Chata, 1984). Cline, Sarah L. *Colonial Culhuacan 1580-1600. A Social History of an Aztec Town*, (Albuquerque: University of New Mexico Press, 1986). García Martínez, Bernardo. *Los pueblos de la sierra: El poder y el espacio entre los indios del norte de Puebla hasta 1700.* (México: CEH, El Colegio de México, 1987). Menegus Bornemann, Margarita. *Del señorío a la República de indios: El caso de Toluca, 1500-1600.* (Madrid: Ministerio de agricultura, pesca y alimentación, 1991). Haskett, Robert Stephen. *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca.* (Albuquerque: University of New Mexico Press, 1991). Horn, Rebecca, *Postconquest Coyoacan. Nahua-Spanish Relations in Central Mexico, 1519-1650.* (Stanford: Stanford University Press, 1997). Menegus Bornemann, Margarita. "El gobierno de los indios en la Nueva España, Siglo XVI. Señores o Cabildo," (*Revista de indias* 1999, Vol. LIX, No.217, 599-617). García Castro, René. *Indios, territorio y poder en la provincial Matlatzinca. La negociación del espacio político de los pueblos otomianos, siglos XV-XVII.* Zinacantepec: (El Colegio Mexiquense, Centro de Investigaciones y Estudios Superiores en Antropología Social, Instituto Nacional de Antropología e Historia, 1999). Castañeda de la Paz, María. *Conflictos y Alianzas en Tiempos de Cambio: Azcapotzalco, Tlacopan, Tenochtitlan y Tlatelolco (siglos XII-XVI).* (México: Instituto de Investigaciones Antropológicas, Universidad Nacional Autónoma de México. 2013).

and a general vision of these processes, including the major changes.[41]

Taylor's data and observations should be revised, complemented, and nuanced in light of new approaches, sources, and studies. For example, he did not comment on conflicts between dynastic rulers for the position of governor before 1650, the year that he noticed "the influence of the nobility was definitely on the decline."[42] This research discusses several early conflicts between dynastic rulers and other high-ranking traditional leaders who entered into disputes over the governorship, along with some other early problems that put dynastic rulers' control of the cabildo at risk.

Taylor observed that the participation of *macehuales* (commoners) as electors and cabildo officials began in the early decades of the seventeenth century. He interpreted this phenomenon as a sign of the macehuales' demand for political power "given substance by their wealth and numbers."[43] I show that these changes also involved economic demands related to forced labor allocation (*repartimientos*), personal services to traditional authorities and cabildo members, and the management of community enterprises and funds. I also demonstrate that these changes, while first led by some noblemen, were soon led by *collaba* or *tequitlatos*--that is, tribute collectors. A new powerful group emerged at the beginning of the seventeenth century, which advanced the representation of macehuales in local government but then attempted to identify with the higher-ranking group of *principales* (noblemen), contributing to the "double hierarchy" that Taylor observed. Macehuales, however, would continue to populate the cabildo in subsequent years.

By considering the political organization of quèche, and organizing cabildo conflicts according to each polity, I also was able to notice differences between electoral conflicts in the

[41] Taylor, William. *Landlord and Peasant in Colonial Oaxaca*. (Stanford: Stanford University Press, 1972.)

[42] Taylor, William. *Landlord and Peasant*, 49. The earliest conflict commented on was dated 1616, involving the cacique of Ocotlán. (p. 51).

[43] Taylor, William. *Landlord and Peasant*, 52.

cabeceras (head towns) and electoral conflicts in *sujetos* (subject towns). The latter were probably signals of much more political complexity within *sujetos* and indicated an electoral, if not political, independence.

Yanna Yannakakis 's *The Art of Being In-between,* centered in the Sierra Norte, is relevant to this research, for it studied the emergence of a new class of local and regional power brokers in the second half of the colonial period who claimed to be caciques and, despite some doubts of their origins, effectively mobilized people and resources and were thus recognized as leaders.[44] Yannakakis shows how intermediaries, including dynastic native rulers of the early colonial period and new local leaders and regional negotiators of the late colonial period, "co-constructed the symbolic order that allowed Spanish colonialism to endure for three hundred years."[45]

Other studies relevant to my research include those that analyze early local ordinances on government and written agreements (in Spanish and other languages) between caciques and principales and macehuales in New Spain. These include Luis Reyes García's study of "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," which were written in Nahuatl and translated by Reyes; Hildeberto Martínez' *Tepeaca en el siglo XVI*; Juan Manuel Pérez Zevallos' "El gobierno indígena colonial en Xochimilco (Siglo XVI)"; and Francisco González-Hermosillo Adams' "Macehuales *versus* señores naturales. Una mediación franciscana en el cabildo indio de Cholula ante el conflicto por el servicio personal" and "De *tecpan* a cabecera. Cholula o la metamorphosis de un reino Soberano naua en ayuntamiento indio del rey de España durante el siglo XVI."[46] These studies show how early local recognition of the cabildo as the central authority

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[44] Yanna Yannakakis. *The Art of Being In-between*: *Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham: Duke University Press, 2008): 141-150.

[45] Yannakakis. *The Art of Being In-between*, 2.

[46] Reyes García, Luis, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," (*Estudios de Cultura Náhuatl,* 1972: 245-313). Pérez Zevallos, Juan Manuel "El gobierno indígena colonial en Xochimilco (Siglo XVI)." (*Historia Mexicana*, 33, No. 4, (1984): 445-462). González-Hermosillo Adams, Francisco, "Macehuales *versus* señores naturales. Una mediación franciscana en el cabildo indio de Cholula ante el conflicto por el servicio personal" (In González-Hermosillo Adams, Francisco, coord. *Gobierno y economía en los pueblos indios del Mexico colonial*, México: INAH, 2001). González-Hermosillo Adams, Francisco, "De *tecpan* a cabecera. Cholula o la metamorphosis de un reino Soberano naua en ayuntamiento indio del rey de España durante el siglo XVI," (*Dimensión Antropológica*, Año 12, Vol. 33, Enero-Abril, 2005).

of native polities was a process that involved negotiation between various noble houses, and sometimes also included macehuales. They also show how cabildo officers' duties were assigned according to local circumstances.

The concept of *comunidad* in colonial times had two basic meanings: one as the economic regime of collective property and the other as a political body. The làhui also had those two meanings. Some elements of the *comunidad* as an economic regime have been extensively studied, especially in the seventeenth and eighteenth centuries, when the crown increasingly intervened in the management of the *caja de comunidad* or community funds and the *bienes y propios de comunidad* (community goods and properties), especially common lands.[47]

Some scholars have examined the roots of the colonial "community." Adolfo Lamas affirmed that a pre-colonial legacy of collective properties and labor persisted in the *comunidad*. For Lamas, the origin of communal organization can be found in the *altepetlalli* or "state-owned lands" which funded public expenses and were collectively worked, and likewise in the *calpullalli* or "calpulli lands," lands worked by households and collectively owned by each traditional collectivity or subunit of the Nahua altepetl called calpulli (or *tlaxilacalli*). He also referred to similar concepts in the Andes. Although he emphasized the local legacy of collectivities in the Americas, he also recognized the Spanish introduction of "communal lands."[48]

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[47] Scholars have been interested in how, during the seventeenth and eighteenth centuries, the Spanish Crown managed to regulate and administer community funds, benefitting from loans it never repaid, and later, it also sought to control the communal lands to rent them in the communities' name. They also have focused on the native cabildos' strategies to circumvent these regulations and how they managed these communal goods and increased their revenues. These studies have shown the importance of communities' funds and goods, because their revenues supported the cost of the colonial administration. For instance, Lira, "La voz comunidad en la recopilación de 1680." Tanck, *Pueblos de indios y educación en el México colonial, 1750-1821*. Margarita Menegus Borneman, "Los bienes de comunidad de los pueblos de indios a fines del periodo colonial", (In *Agricultura mexicana: crecimiento e innovaciones*, México, Instituto de Investigaciones Dr. José María Luis Mora, El Colegio de Michoacán, El Colegio de México, Instituto de Investigaciones Históricas-Universidad Nacional Autónoma de México, 1999). Bustamante López, Carlos, "Los propios y bienes de comunidad en la provincia de Tlaxcala durante la aplicación de las Reformas Borbónicas, 1787-1804," (*Estudios de Historia Novohispana* 43, julio-diciembre 2010, 145-182) Mendoza García, Edgar, "Crecimiento económico de las cajas de comunidad en la jurisdicción de Otumba, siglo XVIII," (Estudios de Historia Novohispana, 58, enero-junio, 2018, 73-113).

[48] Lamas, Adolfo. "Las cajas de comunidades indígenas," (*El Trimestre Económico*, Vol. 24, No. 95(3), Julio-Septiembre de 1957, 298-337), 302, 305. He argued that the *senaras*, or small plots to farm, were part of Spanish legacy, although

In Perú, according to Carlos de la Puente, the Quechua term *sapçi* meant "that which belongs to all" and referred to "a widespread regime of production, consumption, and accumulation [...] a system that operated above and beyond the household and ayllu subsistence levels."[49] It was applied to foodstuffs, herds, and textiles and to the *collcas* or storehouses, which chronicler Guamán Poma called "depocito de la comunidad y sapci." Hence, when the Spanish community regime was established, it was paired or equated with the sapçi. There were "sapci chacara" or "sementera de la comunidad," which were collectively worked lands for the benefit of those who could not work.[50]

On the Spanish introduction of the concept of "community" in New Spain, Andrés Lira has pointed out that the existence of communities preceded their official recognition and legislation concerning them. The first friars fomented the establishment of community enterprises to finance evangelization and other public expenses. They envisioned these economies in harmony with their ideal of primitive Christianity. Prince Felipe II saw them as insurance for the payment of tribute and proceeded to legalize them in 1552. However, some ecclesiastical authorities considered comunidades harmful because they appeared to exploit macehuales, and perhaps because they did not directly benefit church leaders. Bishop Alonso de Montúfar, who favored tithe collection to finance evangelization, expressed in 1556:

> algunos santos religiosos de los primeros, para que estos pobres indios tuviesen de que sustentar los ministros de la iglesia, y para algunos beneficios públicos, sin que se les echasen tributos, dieron una orden cómo en algunos pueblos en que ellos estaban hiciesen los indios de aquella comarca una sementera, o caleras o criasen ganado, como en algunas partes lo crían en gran cantidad; otros hicieses compañias con españoles en sementeras, o trajesen leña y yerba, y todo con servicio de los pobres mazeguales, por sus ruedas [tandas de servicio forzoso], y el dinero que dellos se sacase se pusiese en una casa o caja para lo susodicho [...] Y no solamente los pueblos donde los religiosos están hay dichas casas y cajas, pero en cada cabecera y muchos [pueblos] subjetos han hecho cada día semejantes

other authors sustain that senaras were other kind of lands. Vassberg, David E. *Land and Society in Golden Age Castile*. (Cambridge: Cambridge University Press, 1984), 217.

[49] Puente Luna, Carlos de la, "That Which Belongs to All: Khipus, Community, and Indigenous Legal Activism in the Early Colonial Andes," (*The Americas*, 72, No. 1, January, 2015, 19-54), 36. According to Puente, John Murra and Frank Salomon were among the first to study the sapçi.

[50] Puente, "That Which Belongs to All," 35, 37, n.39 y 40.

> cajas y casas, donde hay muchos bienes, todo sudor de los pobres mazeguales[51]

Kevin Terraciano found that the establishment of community enterprises in the Mixteca region was attributed to fray Francisco Marín.[52] Chronicler Agustín Dávila attributed to Marín a whole program for the lordships' early reordering in that region, including establishing community houses and managing community goods, which, according to him, relieved the economic burdens on residents and prevented abuses. His narrative exemplifies Dominican perceptions of reality and their influence not only in the Mixteca but also in the Valley of Oaxaca and other regions.

> Quando llego á la nación Misteca, estauan los Indios en poca policia, mal vestidos, mal tratados, y en algunas cosas barbaros. Este bendito padre los industrió, y reduxo á la vrbanidad que oy tienen. Traçauales las Yglesias y casas de comunidad como architecto, y seruiales en ellas de mayordomo, qua[n]do le dauan lugar las ocupaciones del ministerio espiritual, para que pudiesse también acudir á lo temporal. Aconsejó á los Indios que tuuiessen bienes de comunidad, para los gastos del pueblo; Y para que huuiesse de que sacarlos, les mandó plantar nopales de grana, y morales para coger seda: para que lo que resultase de aquella cossecha se guardase como bienes comunes, excusándo vexacion de los particulares.[53]

Dorothy Tanck has observed that in 1550 viceroy Mendoza was well aware of the great interest in community management: "Acaece ordinariamente que sobre los negocios tocantes a la comunidad y gobierno de algún pueblo, vienen principales y macehuales, porque todos quieren tener noticias de lo que se manda y determina en tal caso."[54] Hans Roskamp, Cristina Monzón, and Rossend Rovira have studied early trials against local authorities for malfeasance regarding community funds.[55]

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[51] Montufar *apud* Lira, "Las cajas de comunidad," (*Diálogos: Artes, Letras, Ciencias humanas*, Vol. 18, No. 6, noviembre-diciembre 1982, 11-14), 11. Lira, "La voz comunidad en la recopilación de 1680," 81-82.

[52] Terraciano, *Codex Sierra*, 6.

[53] Dávila Padilla, Agustín, *Historia de la fvndacion y discvrso de la provincial de Santiago de Mexico de la Orden de Predicadores* (Brusselas: Casas de Ivan de Meerbeqve, 1625 [1596]), 241-242.

[54] Dorothy Tanck de Estrada. "El espacio del poder político de los indios: la casa de comunidad en los pueblos de indios, arquitectura civil del siglo XVI." (333-360) *Espacios en la historia. Invención y transformación de los espacios sociales*. Gonzalbo, Pilar (Ed.) México: El Colegio de México, 2014, 349.

[55] Roskamp, Hans, and Christina Monzón, "Usos y abusos de un uhcambeti en Tzirosto, Michoacán, siglo XVI: el caso de Cristóbal Tzurequi." (*Relaciones* 32, 128, Otoño 2011). Rovira Morgado, Rossend, "Cajas del común para el beneficio particular: la gestión de Luis de Paz Huehuezaca, oficial de la república indígena de la ciudad de México (1554-1568)," (*Boletín Americanista*, LXVII, 2, No. 75, 2017, 135-152).

Some scholars have examined rare books of accounts from Indigenous communities. Blanca Lara Tenorio analyzed the book of the caja de comunidad of Tehuacán, from 1586 to 1630, and observed that each caja had its own source of income, which changed over time. In Tehuacán the *granjerías* or enterprises included cattle raising, an inn, salt processing, a bakery, and a butcher's shop. Terraciano's study and translation of the *Codex Sierra Tejupan*, an account book written in Nahuatl that begins in 1550 and goes up to 1564, shows that in the Mixtec town of Santa Catalina Tejupan or Ñuundaa, silk cultivation provided three-quarters of the town's income. Together with cattle raising and wheat cultivation, proceeds from these enterprises enabled the payment of royal tributes and various other expenses related to religious worship and the cabildo. Another book, written in the Ngiwa or Chocholtec language, is under analysis.[56]

Finally, some scholars observed that only cabeceras had community houses and chests during the sixteenth century, even when they found examples of *sujetos* with their own chests or houses.[57] More recent studies have found cases of *sujetos* which possessed their own chests, funds, goods, books of account, and houses,[58] which were coordinated with those of their cabeceras.

All these studies show that there were different modalities of communal work and property among traditional collectivities or "houses" throughout Mesoamérica and the Andes, as well as a sense of belonging, which merged with ideas of *comunidad* introduced by Spaniards to facilitate the implementation of community economic regimes. I contend that the quèche and its members, especially other quéhui within them, rapidly adopted the concept of community because it helped them preserve or even increase their economic autonomy, despite some abuses that coquì or cabildo members from cabeceras could exert on certain *sujetos*' communal funds and goods, especially at the beginning of the sixteenth century. I propose that the management of

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[56] Lara Tenorio, Blanca, *Historia de una caja de comunidad*. (México: Instituto Nacional de Antropología e Historia, 2005). Terraciano, *Codex Sierra*. Swanton, Michael, "A History of Chocholtec Alphabetic Writing," (Ph. Dissertation, University of Leiden, 2016).

[57] García, *Los pueblos de la sierra*, 102-105. Tanck, "El espacio del poder político," 338.

[58] Roskamp and Monzón, "Usos y abusos de un uhcambeti en Tzirosto, Michoacán, siglo XVI." Swanton, "A History of Chocholtec Alphabetic Writing,"

community resources was one of the main reasons for sujetos seeking independence from their cabeceras. The management and misappropriation of resources also fueled internal disputes over tribute debts and community goods and funds.

Thus, cabildo conflicts were not only disputes over political power but also over economic functions. As administrators of local finances and collective goods, cabildo members were responsible for collecting taxes and delivering them to the local Spanish magistrate. They were also in charge of sending groups of workers to the cities, mines, or other Spanish properties; organizing labor for the community corn field through *tequio* or collective work; overseeing the market; organizing the labor rotation for collective enterprises, such as silk or cochineal production, mills, inns, cattle ranches; administering the *propios* or community properties designated to be rented, such as lands and houses; and taking care of and organizing access to communal lands.

Two other important studies have addressed the *comunidad*, or more precisely, the *común*, a term that referred to common persons, communal goods, and the collective people of a place, as a political concept. One focuses on the Andes, and the other on the Oaxacan regions of the Sierra Norte and the Mixteca. In *The People are King*, Elizabeth Penry studied the rise of the "rey comun," a radical version of the común during the late seventeenth and the eighteenth century; it referred to the people of a town as a sovereign entity. The rey comun was feared by some caciques and Spanish creoles because they could be killed if ordered by its authorities. The eighteenth-century común was "the Andean voice of popular sovereignty and an exclusionary term that referred solely to the common people, putting the hereditary nobility outside the bounds of their community."[59] Penry pointed out that the *community* had been a radical political movement that opposed the nobility and the Spanish Crown in the fifteenth and sixteenth centuries and reached

[59] Penry, Elizabeth, *The People Are King: The Making of an Indigenous Andean Politics*. (New York: Oxford University Press, 2019), 3, 13.

its peak in the Revolution of the Communities of Castile.

Yanna Yannakakis has recently published *Since Time Immemorial: Native Custom and Law in Colonial Mexico*, where she studies how "Native communities synthesized Indigenous and Spanish norms regarding self-governance, justice, landholding, labor, sexuality, morality, and ritual life to produce the realm of colonial Indigenous custom."[60] She found that among Zapotecs of the Sierra Norte, *el común* referred to the community, as "a political entity, a collectivity of people, and commonly held lands and wealth." In the eighteenth century, el común "came to refer to a shared commoner status, to the exclusion of the Native elite."[61] Yannakakis analyses the conflicts between commoners and nobles regarding *chiñalahui* or community work, which for the nobles meant cabildo representation while for the commoners meant manual labor. Commoners defied native nobles' privileges based on custom and proposed a new custom in which community labor obligations should apply to all who contribute to the common good. Her study helped me contextualize the agreements about labor and political representation that commoners and nobles of the Valley reached at the beginning of the seventeenth century and the arguments regarding the common good they used in their political conflicts.

The observations of Penry and Yannakakis are very useful for this study because, although in the Valley of Oaxaca, there were no radical acts such as those that Penry reported in the Andes, the native *comunidad* had the potential to confront not only local nobles who mismanaged the common goods or evaded their obligations to the community, but also the Spaniards and the crown. I contend that the làhui and the crown disputed tributes and land symbolically and institutionally. In doing this, Bènizàa communities continued what conquistadors did in the early colonial decades. Cortés legitimized his actions and protected his economic interests by

[60] Yannakakis, Yanna. *Since Time Immemorial: Native Custom and Law in Colonial Mexico*. (Durham and London: Duke University Press. 2023), 4.

[61] Yannakakis, *Since Time Immemorial,* 176-177.

establishing political and economic communities when needed.[62] In turn, he faced opposition from other conquistadors using the same resource. For instance, when he reported that some people disobeyed his instructions, he said "hicieron cierta liga y monipodio, convocando la comunidad, y hicieron alcaldes y contra la voluntad de otro que alli el dicho Pedro de Alvarado había dejado por capitán, despoblaron la dicha villa y se vinieron a la provincia de Guaxaca."[63]

The Spanish community culture was strong when Dominican friars discussed the concept of community with their Zapotec collaborators. In the 1560s, religious orders were almost branded as *comuneros* by tribute reformer Jerónimo Valderrama when he reported that religious orders' eagerness to evade bishops' authority had "cierto olor a comunidad."[64] It is very meaningful that the *Vocabulario en lengva çapoteca* translates the term for *baldía* or vacant land not as unused land or as royal land, but as communal land: "Baldía cosa de comun o tierra. Yòo lahui."

One additional concept that informs my approach is the "asymmetric negotiation,"[65] which occurs in the context of colonization, whereby subordinated peoples and individuals' resistance is limited. My research highlights the agency of dynastic lords but also low-ranking nobles and commoners, but it also recognizes that it was an unequal battle against the colonial state. In doing so, I acknowledge the double merit of preserving spaces of semi-autonomy that allowed them not

[62] For instance, there was a "comunidad de conquistadores" with its own treasurer besides the royal treasurer. The community treasurer was not linked to the Villa Segura de la Frontera or the Villa Rica de la Vera Cruz, the two Spanish municipalities at the time, he was responsible for "las arcas de la hueste." Rivero Hernández, Iván, and Daniela Pastor Téllez, "Al día siguiente. Un requerimiento de Hernán Cortés sobre el botín de Tenochtitlan." (*Estudios de Historia Novohispana*, No. 70 (enero-junio 2024): 247-263). See also Martínez Martínez, María del Carmen. "Al servicio del rey y bien de la comunidad: Hernán Cortés tras la toma de Tenochtitlan." (In José Ángel Calero Carretero y Tomás García Muñoz, coord. *Hernán Cortés en el siglo XXI. V Centenario de la llegada de Cortés a México*, 161-192. Medellín; Trujillo: Fundación Academia Europea e Iberoamericana de Yuste, 2020).

[63] Doesburg, Sebastian van, coord., *475 años de la fundación de Oaxaca. Vol. I: Fundación y colonia.* (Oaxaca: Ayuntamiento de la Ciudad de Oaxaca, Fundación Alfredo Harp-Helú Oaxaca, Proveedora Escolar, Editorial Almadía, Casa de la Ciudad, 2007), 55.

[64] Lira, "La voz comunidad en la recopilación de 1680," 90.

[65] Cunill, Caroline, "La negociación indígena en el Imperio ibérico: aportes a su discusión metodológica," (*Colonial Latin American Review*, Vol.21, No. 3, December 2012, pp. 391-412).

only to survive, but to do so based on practices and identities that were very much their own.

This dissertation has various shortcomings, which I hope to address in the future. For instance, it does not delve into the defense of the community's resources against Spaniards, including the crown, nor does it study one of the most important ways in which towns opposed losing control over their community enterprises and goods: their transfer to cofradías. However, I have begun to compile sources about these topics for future study.

1.5 Overview

Chapter 2 establishes the regional context in which the great political and territorial changes experienced by the Zapotec lordships of the Valley of Oaxaca occurred. It examines the emergence and development of the Zapotec states and lordships in the region of study, the migration of people from the Mixteca region and central Mexico, and the conflicts that confronted different lordships of the Valley of Oaxaca at the time of the Spanish-led invasion. It also analyzes the impact of the conquest and the Spanish presence: the establishment in almost all of the Bènizàa polities of the encomiendas and corregimientos, the establishment of the marquesado, the parishes or *doctrinas*, the early relocations and the reorganization of the lordships into cabeceras and sujetos. In addition, it briefly discusses the topic of population loss due to the impact of epidemics and the massive flight of families.

Chapter 3 presents the basic Zapotec sociopolitical categories and the diverse forms of political organization of the quèche or Valley Zapotec lordships in colonial times. Information from Zapotec-written sources reveals the vitality of traditional collectivities rooted in ancient Zapotec modes of organization that were at the core of colonial pueblos, either cabeceras or sujetos, throughout the colonial period. To illustrate the diversity of internal arrangements within each lordship, three quèche are analyzed in detail: Teitipac (Zeetoba), Tlacolula (Baaca), and Huitzo. These cases also exemplify some disputes resulting from the centralization of authority in

the cabeceras.

Chapter 4 analyzes the establishment of the làhui or cabildo in the sixteenth century, the leading role played by lineage lords and other high-ranking nobles during this transition, and the difficulties they faced to retain control of the new governing body. Negotiation was key to retain political power. Interestingly, some of the first governors were not dynastic rulers but subordinate nobles appointed by and serving their lords, but soon this changed. Some disputes over the office of governor arose by the mid-sixteenth century, leading to the recognition of two lines of succession (the cacique's lineage and the governor's lineage) to avoid further conflict. The candidates in dispute were heads of other yòho or quèhui, who mobilized members of their houses to support their claims. Rotation of the office of governor and the addition of other high-ranking cabildo positions made it possible to alleviate conflicts by sharing power. Other cabildo offices are examined, and women's participation in spaces of authority is considered.

Chapter 5 focuses on three main phenomena: the establishment of new cabildos in former subject towns, the pressure from macehuales to lessen their workload and gain the right to vote and be elected in cabildo elections (to govern themselves), and disputes between caciques and cabildo over common goods. I show that cabildo proliferation was precipitated by the relocations of settlements or *congregaciones civiles*, but also by the strengthening of some subject towns (some of them, previously important quèhui) through the existence of community goods and funds that backed their aspirations to control their own resources by having their own cabildos. I highlight the role of tequitlatos as local leaders who filed petitions and complaints on macehuales' behalf against higher authorities for abuses and even for the mismanagement of community goods and properties, and tribute. These disputes continued throughout the colonial period between principales and macehuales over the obligation to seek the "common good."

Chapter 6 studies disputes over tribute and tributaries between the crown and the authorities of the Zapotec towns in the Valley of Oaxaca. It focuses especially on the strategy of hiding tributaries and the legal, discursive, and direct-action strategies that both parties (the

Zapotec authorities and the colonial authorities) deployed to gain greater control over the communities' funds. These were conflicts in which the common people, the bèniquèche, also had something to say about their own labor, and in fact they had much to say on this topic.

Chapter 7 examines the ways in which towns resisted land dispossession by conquistadors, colonizers, and the crown, based on their own tradition of collective land ownership and the interplay between the concepts of baldíos, tierras realengas, and tierras comunales. The concept of baldíos as a synonym of royal lands was disputed first by the Zapotec elites, who claimed several lands as patrimonial, and later by the cabildos of the seventeenth and eighteenth centuries whose members equated them with communal lands and disputed them not only with the colonizers and the crown but also with the local Zapotec elites.

Chapter 8 offers a summary of this dissertation's findings and their contribution to current scholarship. It also discusses some possible paths to continue researching the topic of the *comunidad*.

Chapter 2. The Valley of Oaxaca: Native Lordships and Colonial Jurisdictions.

This chapter examines the Valley of Oaxaca as a cultural area and its political formations. I analyze the historical development of Bènizàa lordships, their confrontations and alliances, and their reorganization as they came into contact with the Ñudzahui (Mixtecs), the Nahua, and finally the European conquistadors. I show that the economic, political, and religious jurisdictions imposed by Spanish colonizers were possible because they relied on ancient modes of political organization. I also consider major problems faced by local populations from the very beginning of the colonial regime, such as violence, looting, and population loss. Despite all these challenges, the colonial *pueblos* gradually consolidated and took on a form that resembles the one they have today. Thus, this chapter sheds light on how Spanish institutions and terminology affected pueblos in the Valley of Oaxaca in the early colonial period.

2.1 The Valley of Oaxaca and its early social formations.

In geographic terms, the Valley of Oaxaca has been defined as an alluvial plain bounded by the Sierra Norte and Sierra Sur and the highlands of the Mixteca Alta, all parts of the Sierra Madre del Sur mountain chain. The Valley of Oaxaca spreads out at the union of three valleys: the Etla Valley (approximately 20 km), the Tlacolula Valley (29 km, approx.), and the Zimatlán-Ocotlán Valley (42 km, approx.). On average, this high plateau is located 1500 meters above sea level. Its climates range from temperate to semi-arid and is characterized by three physiographic zones: alluvial; high and low foothills; and mountains.[1]

In social and cultural terms, however, the Valley of Oaxaca is a region where human settlements have expanded and contracted in response to specific events and processes, such as the emergence of distinctive cultural practices or the development of complex sociopolitical

[1] Taylor, *Landlord and Peasant*, 9-10; Smith and Hopkins, "Environmental contrasts," 13-14. Winter, "La fundación," 210.

units.[2]

The oldest preserved traces of human activity in this region are related to the domestication of edible plants. Between 8900 and 2000 BCE, groups of hunter-gatherers and semi-nomads traveled the region camping in caves such as Guilá Naquitz, Gheo Shih, Cueva Blanca, and the Martínez rock shelter, located in the Tlacolula Valley. In addition to cave paintings and worked stone materials, such as arrowheads or grinding stones, some remains of pumpkin seeds and ears of a plant of the *Zea* genus related to *teocintle* and maize have been found in these sites.[3]

Later, the Valley of Oaxaca hosted the earliest Zapotec settlements, from the first housing units and villages to urban and state formations. The site of San José Mogote, in the Etla Valley, stands out as the first and largest settlement founded between 1500 and 850 BCE, during the Tierras Largas and San José phases, the oldest site of the archaeological period known as Formative or Preclassic.[4] San José Mogote constituted almost half of the total population of the Valley of Oaxaca. In addition to having the oldest public spaces, the site shows the first signs of social differentiation expressed by a few distinctive residences and types of burials that could have indicated a certain elite status, either acquired or inherited. Furthermore, the materials used to build the platforms and temples in San José Mogote suggest that its influence extended to villages located about 5 km away, where they acquired their building materials.[5]

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[2] For example, several authors consider the zone or sub-valley of Chichicapan separately. Kowalewski et al., *Monte Albán's Hinterland*, 17. Here, the Chichicapan sub-valley is considered part of the Valley of Oaxaca, as well as some towns in the sierras around, because of their strong political ties with the rest of the valley. On the other hand, the sub-valley of Ejutla and the valley of Miahuatlán, which are sometimes considered part of the Central Valleys of Oaxaca (*Ibidem*: 18) are not included here, although some references are made to the encomienda or republic of Ejutla.

[3] Flannery and Spores, "Excavated Sites of the Oaxaca Preceramic," 20-25.

[4] According to some authors, in the Formative period, not only were the knowledge and techniques for constructing buildings and manufacturing textiles, pottery, etc., established, but also ritual practices such as ancestor worship, ritual bloodletting and other forms of human sacrifice, as well as many agricultural techniques. Flannery and Marcus, *The Cloud People*, 41-42.

[5] Flannery, "The Tierras Largas Phase," 43. Kowalewski, Fish and Flannery, "San Jose and Guadalupe Phase," 51-53. Flannery and Marcus, *Excavations at San José Mogote 1: The Household Archaeology*. Ann Arbor: University of Michigan Press, 2005, 6-11.

Other civic-religious centers, such as the Barrio del Rosario in Huitzo (also in the Etla Valley), began to stand out in the Guadalupe phase (850-700 BCE).[6] For the next phase, the Rosario phase (700-500 BCE), more "chiefdoms" have been identified: one in San Martín Tilcajete (Zimatlán Valley), another in Yegüi (Tlacolula Valley), another in Xoxocotlán,[7] in the center of the Valley, and another one in El Guayabo, in San Pablo Huixtepec.[8] The burned remains of houses and even a temple in San José Mogote suggest that these populations fought and looted others.[9]

The great Zapotec city of Monte Albán, built on a group of hills in the central zone of the Valley of Oaxaca, was founded around 500 BCE, marking the beginning of the Early Monte Albán I or Danibaan phase.[10] For archaeologist Richard Blanton, Monte Albán was established in a neutral zone as a result of an alliance between several lordships in the Valley. For Kent Flannery and Joyce Marcus, it was the population of San José Mogote that moved its site to Monte Albán, and from there, its rulers sought to control the Valley of Oaxaca.[11] For his part, Marcus Winter has postulated that the founders came from the village of Xoxocotlan.[12] In any case, these proposals place the founders within the Valley and not outside, as had been thought much earlier.

The Zapotec "state" emerged at Monte Albán. According to Marcus and Flannery, the clearest evidence of this was the creation of the palace, which is understood not only as an elite living space but also as a public building specialized in certain government functions, along with

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[6] Alliances with Nochixtlán lordships allowed the site of Barrio del Rosario to mark its independence from San José. Flannery and Marcus, *Excavations at San José Mogote*, 12.

[7] According to Marcus Winter, this site includes, in addition to Xoxocotlán: El Rosario, Colonia Las Bugambilias, Tierras Largas and Hacienda La Experimental. Winter, "Monte Albán", 32-33.

[8] Winter, "La fundación," 213.

[9] Flannery and Marcus, *Excavation at San José Mogote s,* 13-14.

[10] Winter, "Monte Albán," 35. Among archaeologists there are differences in periodization and nomenclature as of the Early Monte Albán I (hereafter, MA-I) phase. A good correlation of both chronologies is found in Winter and Markens, "Arqueología de la Sierra Juárez," 126.

[11] Blanton, "The Founding," 83-87. Flannery and Marcus, *Excavations at San José Mogote*, 475.

[12] Winter, "Monte Albán," 36. Winter, "La fundación," 223.

the temple and other buildings with military functions.[13] Apparently, the first palaces date from two centuries after the foundation of Monte Albán, in the Early MA-I phase.[14] On the other hand, Winter states that Monte Albán and other early urban centers in Oaxaca first developed lordships with a ruling family and several elite families organized in "casas."[15] He considers that it was not until the Peche (500-600 CE) and Xoo (600-800 CE) phases until "aparece evidencia de que una sola familia mantuvo el control de una comunidad durante varias generaciones, creando el tipo de estabilidad asociada al estado."[16] Thus, scholars have associated state formations in the Valley with dynastic succession, marked social differentiation, and specialized government functions.

From 300 BCE to 200 CE (Late MA-I and MA-II phases, or Pe and Niza phases), Monte Albán began to expand its political influence in and beyond the Valley of Oaxaca, which is why some specialists affirm that it became an empire that extended to El Istmo, La Costa, and La Cañada. However, thers think that its scope was "more modest."[17] Charles Spencer and Elsa Redmond's excavations at San Martín Tilcajete have revealed the existence of burned palaces in both Early MA-I and Late MA-I, which, according to these authors indicate that the secondary centers of Tilcajete and Yegüih were rivals of Monte Albán for several centuries, although they ended up coming under its influence in MA-II.[18]

Monte Albán also developed strong links with the great city of Teotihuacan, in the Valley

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[13] These authors define the state as a strong and highly centralized type of government, totally detached from the kinship ties that characterize simpler societies. They also consider important the existence of a four-tier settlement hierarchy. Marcus and Flannery, *The Cloud People*, 79-80, viii-ix. A similar definition, emphasizing the role of delegation of authority, is found in Spencer and Redmond, "Multilevel Selection and Political Evolution in the Valley of Oaxaca, 500-100 B.C," (*Journal of Anthropological Archaeology* 20, 2001), 196.

[14] Spencer and Redmond, "Multilevel Selection."

[15] For Winter, each "casa" was a political-administrative unit that organized its members' political, economic, and religious activities. Winter, "Monte Albán", 41, 55.

[16] Winter, "La fundación," 234.

[17] During the Late MA-I phase, Monte Albán would have annexed the Cañada de Cuicatlán, Peñoles, and the Sola Valley, and in the MA-II phase, it would come to control the valleys of Tlacolula and Zimatlán, Ejutla, Miahuatlán, and perhaps Tututepec. Their "integration" strategies could have varied between direct control, military conquest, marriage alliances, and trade relations. On the different interpretations, see Winter, "Monte Albán," 45, and Diego Luna, "Los zapotecos serranos," 16-17.

[18] Marcus and Flannery, *The Cloud People*, 80. Spencer and Redmond, "Multilevel Selection," 196, 217-224.

of Mexico, between 200 and 500 CE (during the Late MA-II and MA-IIIa phases) to such a degree that there was a Monte Albán population living in the Tlailotlacan neighborhood in Teotihuacan, as well as a Teotihuacan population living in Monte Albán. Winter affirms that Teotihuacan subdued Monte Albán around the year 350 CE, but it was expelled later, in the Xoo phase (500-800 CE). Other authors admit that Teotihuacans had a great influence but conclude that they did not subjugate Monte Albán.[19]

The decline of Monte Albán is well identified by a total cessation of construction and a population drop during the Postclassic period, from 22,500 to 4,000 inhabitants.[20] The causes remain an enigma, but it has been proposed that this decline may have been due to a crisis of authority resulting from population growth, for it created disputes over fertile land and food shortages in drought years.[21] It has also been proposed that the fall of Teotihuacan discouraged Monte Albán's growth and fortification.[22] The end of the stage of high urban centralization gave way to a period of greater population dispersion but also of greater demographic growth and the strengthening of numerous city-states throughout the Valley.

The MA-V or Postclassic period (850-1521 CE) was a long period of decentralization. The results of the Oaxaca Settlement Pattern Project (OSPP) headed by Stephen Kowalewski indicate that in the MA-V phase, the population of the Valley grew steadily to nearly 230,000 people, but so did its dispersion.[23] Most sites identified by the OSPP are small: 1800 out of 2455 were inhabited by 25 people or less, classified as villages, hamlets, and even simple domestic units. 73

[19] Winter, "Monte Albán," 48-50.

[20] Kowalewski *et al.*, "Panorama arqueológico," 255.

[21] A possible example of intervention resulting from the agricultural shortage would be the destruction of buildings associated with local government at Lambityeco and the construction of new palaces for a different elite, which Michael Lind and Javier Urcid have documented. Diego Luna, "Los zapotecos serranos," 20.

[22] Blanton, "The Urban Decline," 186.

[23] Kowalewski *et al.*, "Panorama arqueológico," 253 (Table 1). The OSPP was carried out in the 1970s and 1980s to map the distribution of ceramic remains, architectural structures, and other cultural manifestations corresponding to different periods in the Valley of Oaxaca.

were occupied by 200-950 people each, and 19 by 1200-3400 people each. Only three sites (Jalieza, Tlalixtac, and Yagul) had populations of approximately 6000 people, and the three most prominent sites (Macuilxochitl, Cuilapan, and Mitla) were inhabited by 10500-13000 people (Fig. 2.1).[24]

This dispersion, Kowalewski argues, allowed the Valley's inhabitants better access to their farmland, that is, their *milpa*. For her part, Linda Nicholas affirms that during MA-V, the agricultural production of the entire Valley was sufficient to feed its population, even in years of drought.[25] Internally, however, some zones (several in the Tlacolula Valley) depended on others, a factor that would have strengthened the market system.[26]

Kowalewski and his colleagues affirm that in the Postclassic, several groups of sites could have created "small hierarchies" through different alliances.[27] Instead of a governing capital for the entire Valley, there were, depending on the author, *small states,* also called *lordships* or *chiefdoms, princedoms,* and *petty kingdoms* that, for Kowalewski, were related through a robust commercial network. Still, according to authors such as Marcus and Flannery, they lived in constant confrontation.[28]

[24] *Idem*. Kowalewski *et al*., *Monte Alban's Hinterland,* 307, 310, 317, 314, 324. There could have been another highly populated cluster site in Ocotlán (south of the Zimatlán Valley), but there is no explicit population data for it.

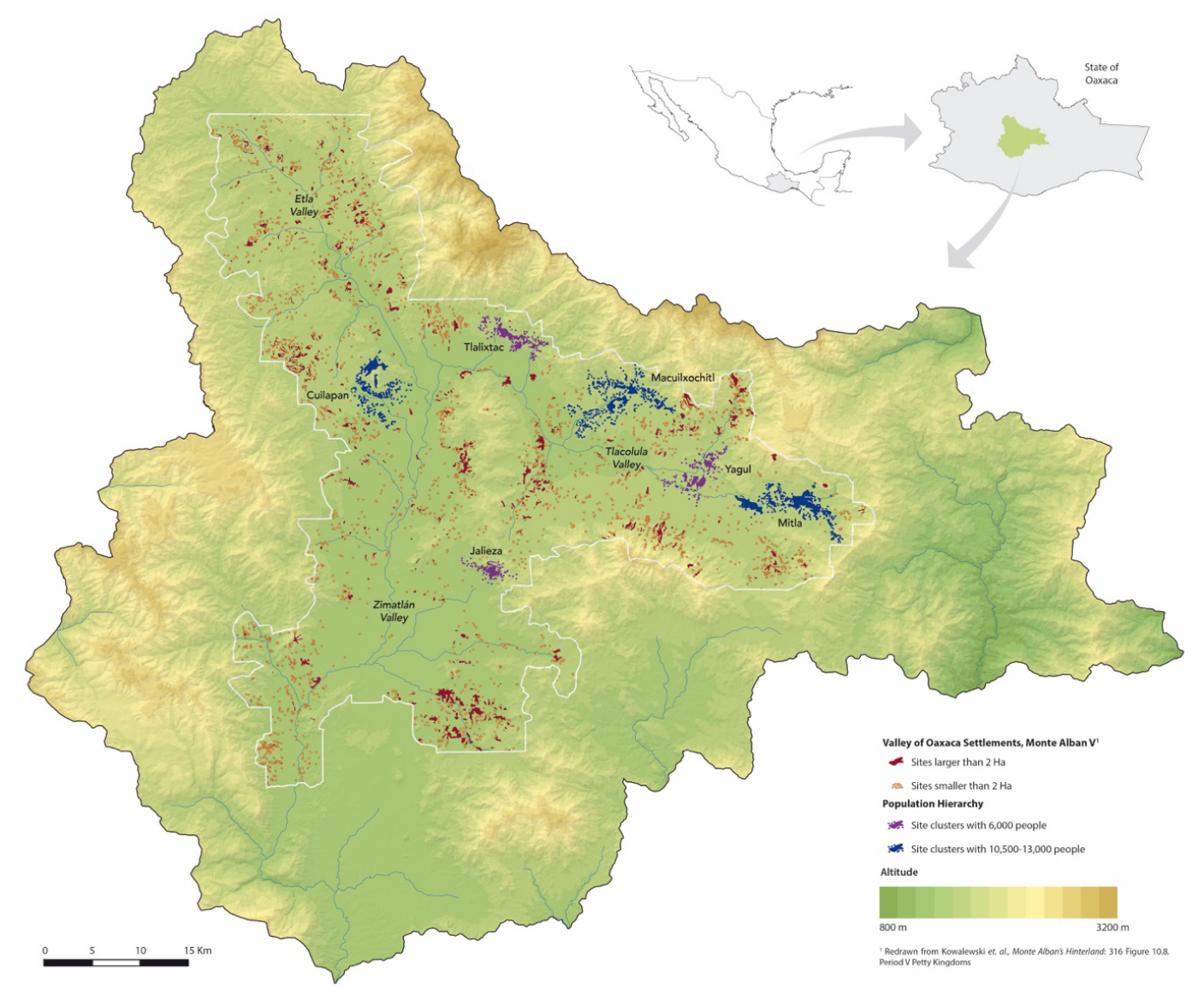
[25] Nicholas, Linda. "Land Use in Prehispanic Oaxaca," 463.

[26] Kowalewski *et al*., *Monte Alban's Hinterland*, 363-364.

[27] Kowalewski *et al*., *Monte Alban's Hinterland*, 310, 317-325. The authors affirm that economic relations and productive specialization must have played an important role in these social configurations.

[28] Marcus and Flannery, "The Postclassic Balkanization of Oaxaca," 217. Kowalewski *et al*., *Monte Alban's Hinterland*, 307. Whitecotton, *The Zapotecs,* 83-84. Chance, "Capitalismo y desigualdad," 196.

Figure 2.1 The Valley of Oaxaca and the most populated cluster sites in the MA-V phase.



Based on Kowalewski *et al.*, *Monte Alban's Hinterland*. Figures 10.2 and 10.8. Redrawn by Julio César Gallardo Vásquez.

2.2 The Late Postclassic period in the historical sources.

The archaeological data of the MA-V phase do not distinguish sites from different centuries. Members of the OSPP have acknowledged this could be a problem for a period that covers almost seven centuries because it seems as if all the sites were contemporary. However, in recent years, scholars began analyzing historical sources through philological and historical approaches and have made progress in identifying different stages, actors, and social processes in the Late Postclassic period.

Based on pictographic documents from the Valley of Oaxaca, the Sierra Norte, and the Istmo, philologist Michel Oudijk identified the moments when some ruling houses were established in the Valley of Oaxaca.[29] Considering the information in some Mixtec or Ñudzahui codices and other alphabetic sources as well, he proposed an ethnohistoric chronology of the Postclassic with four phases: Tanipaa, Quelatini, Zaachila, and Cuilapan.

The earliest phase, Tanipaa (963-1100 CE), would have been a period of conflict, represented in the *Codex Nuttall* by the so-called "War of the Stone Men" that Maarten Jansen and Aurora Pérez Jiménez have associated with Monte Albán (*Tanipaa*).

In the Quelatini phase (1100-1280 CE), ruling genealogies of 12 to 17 pre-colonial generations were founded in Quialoo (today Santa Cruz Mixtepec), Macuilxochitl, Teitipac, and Tepezimatlan (today San Bernardo Mixtepec). Some founders of these genealogies came from mythical places such as *Quelatinizoo* or the 'primordial blood lagoon' *Billegaa*, or 'Cave 9' and *Billegache* or 'Cave 7'. These places seemed to be associated with the Tolteca-Chichimeca people, and according to Oudijk, it is possible that Toltecas of Tollan-Cholula helped or took part in these dynastic foundations.[30]

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[29] He did so by counting the number of generations that passed until the arrival of the Spaniards in the Genealogies of Quialoo, Macuilxochitl, Quiavini, Etla, San Bernardo Mixtepec, Juan Ramírez (Asunción Zimatlán), and San Antonino or Oaxaqueña (Valle de Oaxaca); the Lienzos of Tabaá, Tiltepec and Yatao, as well as the *probanzas* of Zoogocho and Yatzachi el Bajo (Sierra Norte), the Lienzos of Guevea and Huilotepec and the *Probanza de Petapa* (Istmo). Oudijk, "The postclassic period," 99, 104-112.

[30] Oudijk, "The postclassic period," 107-111. Some Valley and Sierra documents, such as those from Macuilxochitl, Quiaviní, Yatzachi el Bajo, and Yojovi, reference the 'blood lagoon'.

In the Zaachila phase (1280-1440), Oudijk grouped royal dynasties of 6 to 9 generations, such as those of Zaachila and Etla. This was a period of integration through marriages and ties of reciprocity or clientelism both inside and outside the Valley, but also a period of military expansion into the Etla Valley and more distant regions, such as the Sierra Norte, Nejapa, and Petapa.[31] The ruling dynasty of Zaachila established alliances with ruling houses of the Mixteca region, such as Teozacualco, Tilantongo, and Tlaxiaco, resulting in the arrival of a sizeable *Ñudzahui* population that settled permanently in the Valley.

Finally, in the Cuilapan phase (1440-1521), the political crisis in the Valley of Oaxaca and the war for Zaachila forced people to migrate and led to the founding of lordships outside the Valley, such as those of Tehuantepec in the Istmo or Tabaa and Tiltepec in the Sierra Norte.[32]

2.2.1 The arrival of the *Ñudzahui* population.

Zaachila's alliances in the Valley of Oaxaca and the Mixteca region had several consequences for the Late Postclassic lordships' configuration, so reviewing them in more detail is important. The alliances between Bènizàa and Ñudzahui ruling houses were depicted in some codices, such as the *Codex Tonindeye* or *Codex Zouche-Nuttall* from Teozacualco.[33] In this Mixtec document, Zaachila's ruling lineage begins with *Coquì* 9 Serpent[34] and his wife, *Xonaxi* 11 Rabbit,[35] who governed around the mid-13th century. Their son, Lord 5 Flower, married Lady 4 Rabbit from

[31] Oudijk, "The postclassic period," 105-106.

[32] Oudijk, "The postclassic period," 104-105.

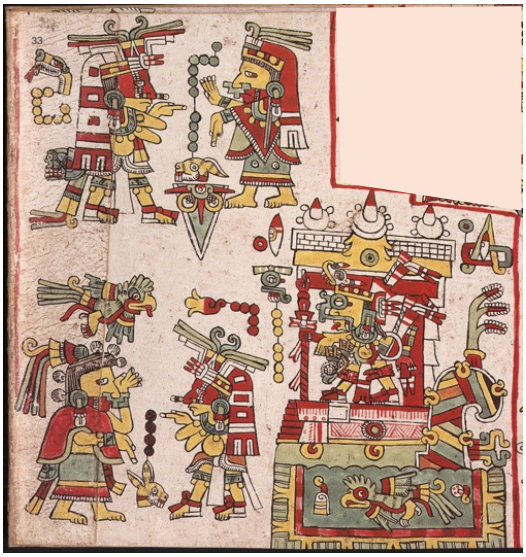
[33] Maarten Jansen showed that the royal dynasty represented on plates 33 to 35 of the *Codex Nuttall*, which Alfonso Caso had identified as the Cuilapan dynasty of rulers, was from Zaachila. Among other sources, Jansen's analysis was based on the *Lienzo de Guevea*, which shows the same genealogy in an abbreviated form. Jansen, "Monte Albán and Zaachila," 79-82.

[34] *Coquì* was the title of the highest dynastic ruler of a lordship. CV 377r: "Señor de casta. Coquì. Si es grande Coquìtào." Zapotecs had calendrical names, personal names, and birth-order names. Calendrical names combined one numeral and one day sign. Oudijk, Michel, "Ruptura y continuidad en la cuenta mántica zapoteca," in Michel Oudijk, coord., *La adivinación zapoteca*. México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, Universidad Anáhuac Veracruz, 2021. In this chapter, I alternate the use of *Coquì* with the use of Lord.

[35] Xonaxi was the title of the most important lady in a lordship. CV 377r: "Señora de linaje grande. Coquìtào xonàxi. xonàxi coquìtào." In this chapter, I alternate the use of *Xonaxi* with the use of Lady.

Teozacualco (Fig. 2.2). This couple's first-born son, Lord 2 Dog, was the founder of the fourth ruling dynasty of Teozacualco, while their second son, Lord 3 Alligator, was Coquì 9 Serpent's successor in Zaachila. [36]

Fig. 2.2. Rulers of Zaachila in the *Codex Tonindeye*.



Codex Zouche-Nuttall. Plate 33 (detail). 9 Snake and 11 Rabbit (top), 5 Flower and 4 Rabbit (bottom).

Coquì 3 Alligator's son was the next ruler of Zaachila. His name was 11 Water "Flint Rain," that is, Cocijoeza,[37] and he reigned during the second half of the 14th century. Cocijoeza reinforced alliances with Mixtec lordships by arranging the marriage of his heir, Coquì 6 Water "Colored Strips," with Lady 1 Reed of Tlaxiaco. According to *Codex Ñuu Tnoo - Ndisi Nuu* or *Codex Bodley* from Tilantongo, this couple settled in a place identified as "Valley of Cacaxtli,"[38] which Alfonso Caso identified as Cuilapan, and Maarten Jansen as Zaachila. In any case, it was located in the Valley of Oaxaca. The *Codex Bodley* also recorded that Lord 3 Reed, a brother of Lady 1 Reed,

[36] Oudijk, "The Genealogy of Zaachila," 19-21. Lord 5 Flor did not rule in Zaachila, probably because of premature death. His tomb in Zaachila shows his calendrical name.

[37] *Cocijo* is 'lightning' and is the name of the Lord (God) of the rain, while *eza* comes from *queza,* which is 'flint' (CV: 339r, 307r).

[38] A *cacaxtli* is a structure made of slats used by *tamemeh* (people who transported things from one place to another) to carry things on their backs. *Gran Diccionario Nahuatl*: https://gdn.iib.unam.mx/

came to settle in this "Valley of Cacaxtli." More precisely, he settled on the slope of a site identified as "Cerro Florido del Jaguar," probably Monte Albán (Fig. 2.3). [39]

Fig. 2.3. Rulers of the Valley of Cacaxtli in the *Codex Ñuu Tnoo - Ndisi Nuu*.



Codex Bodley 2858. Plate 24, line III. 6 Water and 1 Reed (right). 3 Reed (left).

The arrival of a Ñudzahui population to the Valley as a consequence of these marriages was recorded in sixteenth-century sources, too. In the *Relación Geográfica* (hereafter, RG) *de Teozapotlán*, the initial arrival of Mixtecs to the Valley of Oaxaca is attributed to "un casamiento q[ue] se Hizo de una misteca con un señor de teoçapotlan." It also states that the Ñudzahui lord who settled in Cuilapan received that place because "se casó con la hermana de la muger del señor y Rey de teoçapotlan."[40] The *RG de Cuilapan*, for its part, talks about migrations associated with "çiertos casamientos que ubo en diferentes t[iempos [...] y el uno de ellos era casami[ent]o con la hija del rrey de teoçapotlan...[el cual] dio a su hierno el sitio de este dicho pueblo [de Cuilapan]."[41] These records confirm that by the sixteenth century, marriages between Bènizàa and Ñudzahui

[39] Oudijk, "Una nueva historia zapoteca," 90, 106. Jansen, "Monte Albán and Zaachila," 21-23.

[40] *RG de Teozapotlan*. RAH 9-25.4/4663 16-xxiv: 3r. This *Relación* was written by fray Juan de Mata, who interrogated the principals of Zaachila and wrote their answers in 1581.
The RGs were written by order of King Philip II, who had a questionnaire or "Memoria de las cosas que se ha de responder" sent to all the towns of "Las Indias" to learn more about those territories' population and resources. Questions 13 and 14 inquire about the name of each town and its explanation, the language spoken, to whom they previously paid tribute, the rites and customs they had, the form of government, and the wars they fought. The questionnaire, several answers, and maps of the Oaxacan region can be viewed in the digital repository of the University of Texas. https://collections.lib.utexas.edu/?search_field=search&q=relaciones+geography (Accessed: December 2023).

[41] *RG de Cuilapan*. LLILAS Benson Latin American Studies and Collections, University of Texas. No. 23: 1v. The *Relación* was written by fray Agustín de Salazar. Year 1579.

nobles had been occurring for centuries, and, as a result, there was a considerable migration of people from the Mixteca region to the Valley of Oaxaca.

Oudijk has pointed out that the Ñudzahui nobles also received lands in the Valley of Oaxaca in reward for military alliances that they established with the lords of Zaachila. Sources such as the *Geográfica Descripción*, by Fray Francisco de Burgoa, and the *Probanza de Petapa*, a Zapotec-written document that narrates the history of the pueblos of Guevea and Petapa, inform about a conquest of the Istmo towards the last decades of the 14th century. According to Burgoa, this conquest was carried out by Zapotecs and Mixtecs, and the *Probanza* identifies Cocijoeza as the conqueror and the one who distributed lands for the foundation of those pueblos. Therefore, Oudijk has proposed that in the 14th century, the first military entrance to the Istmo occurred, facilitating the conquest or military expansion carried out by people from the Valley almost a century later.[42]

Coquì 6 Water "Colored Strips," Cocijoeza's heir, undertook other campaigns of conquest in and out of the Valley. In the *Genealogía de Macuilxóchitl,* it was recorded that he and Lord 2 Water from Macuilxóchitl militarily subdued the lords of Huitzo and Mazaltepec in the Etla Valley. *Codex Añute* or *Codex Selden* from Jaltepec, also reports the capture and death of these lords and dates these events to 1372, although it only mentions *Coquì* 6 Water as the conqueror.[43] The matrimonial and military alliances between Zaachila and Macuilxóchitl were continuous, and the lords of Macuilxóchitl received lands to reward their military help. Some of them are in what is now the town of Santa Cruz Papalutla.[44]

Another daughter of Cocijoeza, Lady 3 Alligator, also married a Mixtec ruler, Lord 2 Water, who ruled in Tilantongo and Teozacualco. One of their sons, Lord 5 Rain, married Lady 5 Flower

[42] Oudijk "Una nueva historia zapoteca," 101-103, 113. Oudijk, *Historiography of the Bènizàa*, 68-69.

[43] Oudijk, *Historiography of the Bènizàa*, 126-127. Oudijk "The postclassic period,"102 and 114 n.8. Oudijk "La Genealogía de Macuilxóchitl", 223, 227.

[44] Doesburg and Oudijk, "Los lienzos pictográficos," 42-44.

from Tlaxiaco and inherited that lordship. They, in turn, had a son born in 1420: Lord 8 Deer.[45] Meanwhile, in Zaachila, Coquì 6 Water died without an heir, and his brother Coquì 1 Grass was his successor in the government. Upon 1 Grass' death, Coquì Cocijopi ('Wind Rain') claimed succession. Still, Lord 8 Deer, the grandson of Lady 3 Alligator, also claimed rights over Zaachila, probably based on the Ñudzahui tradition that granted women the same right of succession as men. This led to an armed conflict for Zaachila.

Thus, the emergence of the lordship of Cuilapan, whose population was mostly Mixtec, was one of the effects that marriages between Zapotec and Mixtec royal elites had in the region. But the integration of the Ñudzahui into other lordships was also quite notorious.[46] William Taylor identified a strong Mixtec presence throughout the colonial period in Cuilapan and its jurisdiction, but he also noticed the existence of Ñudzahui *barrios* in polities such as Tenexpan, Zaachila, and the Villa de Tlapacoya.[47] However, he suggested that the Ñudzahui presence in these other polities, such as Huitzo and Etla, resulted from migrations that occurred later, in the seventeenth and eighteenth centuries.[48] In fact, these polities likely had a Mixtec presence to a greater or lesser degree since the Zaachila Phase.

The regional distribution of Mixtec-written sources corroborates that this language was spoken not only in Cuilapan but also in other polities in the early colonial period.[49] In Huitzo,

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[45] Oudijk, *Historiography of the Bènizàa,* 104.

[46] In the *RG de Chichicapan* (2r), it is stated that the marqués del Valle soon had the Mixtec population of the Valley of Oaxaca congregate in Cuilapan. Despite this effort, Mixtecs were living in unknown numbers in several other towns in the Valley. AGI, Indiferente, 1529, N. 21. *Relación de los pueblos de Chichicapam, Amatlán, Miahuatlán, Coatlán and Ozolotepec:* http://pares.mcu.es/ParesBusquedas20/catalogo/show/304141.

[47] The terms pueblo, cabecera (head town), sujeto (subject town), barrio, etc., are discussed below.

[48] Taylor, *Landlord and Peasant,* 23, lists San Juan Chapultepec, Xoxocotlán, Atzompa, San Jacinto Amilpas, Santa Ana Zegache, San Lucas Tlanechico, San Andrés Ixtlahuaca, San Pedro Ixtlahuaca and Suchilquitongo as towns with Mixtec-speaking populations.

[49] Mixtec documents from the Valley, included some from Cuilapan, Santa Cruz Xoxocotlan, and San Juan Chapultepec can be accessed in the digital repository Satnu: https://www.iifilologicas.unam.mx/satnu/ A very interesting Mixtec-written document from San Juan Chapultepec has been translated and analyzed by Sousa, Lisa and Kevin Terraciano "The 'Original Conquest' of Oaxaca: Late Colonial Nahuatl and Mixtec Accounts of the Spanish Conquest." (*Ethnohistory*, 50:2, Spring 2003).

parish records in both Zapotec and Mixtec languages are dated since the end of the sixteenth century.[50] Ñudzahui toponyms are also found in a 1586 document from Telixtlahuaca, one of its subject towns.[51] In Magdalena Apasco, there was at least one Ñudzahui barrio at the beginning of the eighteenth century: San Sebastián Xochimilco.[52] Finally, in San Andrés Ixtlahuaca, in Zaachila, some wills were written in Mixtec at the end of the seventeenth century.[53]

Most lordships in the Valley were neither entirely Mixtec nor purely Zapotec. In general, Mesoamerican lordships were formed through alliances between several collectivities, each with its own identity, even when they all spoke the same language.[54] Thus, it is not surprising that even the polity of Cuilapan was made up of various collectivities, not all of them were Ñudzahui or speakers of Mixtec.[55] For example, in Santa Ana Suchitepec (Zegache), in 1603, it was recorded that half of the population spoke Mixtec and the other half Zapotec, while in San Juan Chilateca, the majority was Zapotec-speaking. Also, it was known that in Tomaltepec, there were Zapotec speakers.[56] In San Pablo Cuatro Venados, most of the population spoke Zapotec until the beginning of the 20th century.[57]

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[50] APH, Libro de bautizos 1580-1658, f.74v-78v, *passim*.

[51] AGN Mercedes Vol. 12, f. 205r. Also in Enrique Méndez Martínez and Enrique Méndez Torres, *Historia del corregimiento de Guaxolotitlan (Huitzo)*, México: Centro de Estudios Históricos del Porfiriato, Instituto Cultural Oaxaqueño-FORO, 2000, 165.

[52] AGN Indios Vol. 39, Exp. 17, fs. 21r-22r. Méndez y Méndez, *op.cit*., 273.

[53] San Andrés Ixtlahuaca (FLM001356. AHNO, Joseph Manuel Albarez de Aragón, Libro 37, Exp. 18, ff. 293r-v (tr. ff. 294 r-v)/ [ff. 297r-v. tr. 298r-v]). https://www.iifilologicas.unam.mx/satnu/items/show/1864.

[54] Some of the most emblematic and complex cases, such as that of Cuauhtinchan, are documented in the *Historia Tolteca-Chichimeca*. https://archive.org/details/historia-tolteca-chichimeca/mode/2up

[55] Taylor, following Villaseñor's *Theatro Americano*, lists the towns of San Juan Chapultepec, Xoxocotlán, Atzompa, San Jacinto Amilpas, Santa Ana Zegache, San Lucas Tlanechico, San Raymundo Jalpa, San Agustín de la Cal, San Andrés Huayapan, Santa Lucía, San Sebastián Tutla, Santo Domingo Tomaltepec, San Juan Chilateca, San Pedro Guegorexe, Santa Catarina Minas, Santa Marta, San Martin Yachila, San Miguel de las Peras, San Pablo Cuatro Venados and San Pablo Etla, as speakers only Mixtec and Nahuatl. Taylor, *Landlord and Peasant,* 23.

[56] The case of Chilateca is discussed below. For Tomaltepec, there is a 1663 Zapotec text written by the cacique in AGN, Tierras 1335, Exp. 1, f. 1r.

[57] Steininger, G. Russell, and Paul van de Velde. *Three Dollars a Year. Being the Story of San Pablo Cuatro Venados, a Typical Zapotecan Indian Village That Hangs on the Slope of the Sierras in Southwestern Mexico*. (Detroit, Michigan, Blaine Ethridge-Books, 1971 [1935]).

It is clear, then, that ethnicity and language did not prevent alliances between houses, *barrios,* or lordships. But at times these differences could result in conflict. San Sebastián Xochimilco sought to separate from Apasco in 1712, arguing unfair treatment based on ethnic and linguistic differences.[58] It seems, however, that most of the time, people from different ethnicities lived together on good terms. Burgoa noted that in Tlapacoya Zapotecs and Mixtecs had their own barrios: some lived in the *barrio del Oriente* and others in the *barrio del Poniente*; but he also observed that despite being thus distributed, "se mezclan con casamientos y están muy emparentados."[59]

The case of Santa Ana Zegache sheds more light on the strategies of this coexistence. In 1603, during a resettlement campaign, the Spanish judge decreed sending the Mixtec-speaking half of the population to Santa María Celemini (Atzompa) and the Zapotec-speaking half to San Juan Chilateca. The authorities of Zegache were able to successfully oppose the proposed move, arguing that it was well located, had a large population (more than 300 tributaries), and that a population that spoke two different languages "no es causa bastante porque por el mucho tiempo que ha que estan juntos los unos saben la lengua de los otros y los otros la de los otros."[60]

The strong and complex ties that the Ñudzahui population forged with the Bènizàa population explain the role of Cuilapan as an ally of the ruling lineage that left for Tehuantepec after the great political crisis that ended with the war for the Zaachila throne.

2.2.2 The Mexica tributary province.

[58] According to the complaint, Xochimilco's population was assigned more *tequios* (communal work for public benefit) than the inhabitants of Apasco, interpreting this as an ethnic conflict: "por tenerlos y mirarlos como a extraños por ser de nación mixteca y los de dicho pueblo [de Apasco] de nación zapoteca." It also expresses that the priest spoke only Zapotec, so they were better off having their own church and that the *barrio* already had its own collateral *retablo* dedicated to San Sebastián inside the church of Apasco. AGN Indios Vol. 39, Exp. 17, f. 21r.

[59] Burgoa, *Geográfica descripción de la parte septentrional del polo ártico de la América*. (México: Instituto Oaxaqueño de las Culturas, Universidad Nacional Autónoma de México, Instituto de Investigaciones Antropológicas, Instituto Nacional de Antropología e Historia, Universidad Autónoma Benito Juárez de Oaxaca, Biblioteca Francisco de Burgoa, Grupo Editorial Miguel Ángel Porrúa. 1997 [1674]), 228r.

[60] AGN, Tierras 71, Exp. 5, f. 380r (26r). A married couple counted as one tributary, whereas a single person or a widow counted as half a tributary.

The war for Zaachila took place between 1440 and 1450. The rulers of Tlaxiaco, Teozacualco, Tilantongo, and Achiutla, in the Mixteca region, supported Lord 8 Deer due to the strong family ties between them. On the other hand, Lord Cocijopi was supported by Cuilapan, Macuilxóchitl, Mitla, Teitipac, and Quialoo, among other lordships of the Valley.[61] Ultimately, Lord 8 Deer won (Fig. 2.4), and Cocijopi went to the Isthmus, where he conquered and pacified Tehuantepec after making pacts with Huaves, Mixes, and Chontales.

Fig. 2.4. Lord 8 Deer as "Valley of Cacaxtli" ruler.



Codex Bodley 2858. Plate 22, line III.

Burgoa's account of this episode states that the one who left Zaachila and went to the Isthmus was Cocijoeza. However, in 1554, don Juan Cortés, who was the grandson of Cocijopi and was the ruler of Tehuantepec, testified and presented witnesses who pointed out that it his grandfather, called in Nahuatl Yecaquiahuitl or "Wind Rain," was the one who conquered Tehuantepec. Cocijopi married a woman of the *Ikoots* (Huave) nobility named Piosicachi, which enabled him to rule with much greater legitimacy over that region.[62]

The son and successor of Cocijopi, named Cocijoeza (as one of his ancestors), confronted the Mexica who wanted to take Tehuantepec and defeated them in the famous battle of Guiengola. They reached a truce, and Cocijoeza II married a daughter of the *tlatoani* (Mexica ruler) Ahuizotl

[61] Oudijk, *Historiography of the Bènizàa,* 182, 174.

[62] AGI Justicia 160B, Exp. 1: 46r, question III, and 48r-v, questions II and III. This document has been entirely transcribed by Oudijk, *Cambiar para seguir igual*, 223, 225.

named Quetzalcóatl, or Xilabela in Zapotec. Their son, Lord Lizard, who was baptized as Juan Cortés, also married an Ikoots noblewoman baptized as Magdalena de Zúñiga and ruled until his death in 1562 (Fig. 2.5).[63]

After Cocijopi's departure to Tehuantepec, Lord 8 Deer and his allies from the Mixteca region took control of the lordship of Zaachila. According to Oudijk, in the Valley, several royal lineages maintained their allegiance to the faction of Zaachila that migrated to the Isthmus and reoriented their political ties to the ruling house of Cuilapan.

Fig. 2.5. Rulers of Tehuantepec in the *Lienzo 1 de Guevea*.



Coquì Cocijopi and his descendants (bottom to top). Genaro García's Photos (detail).[64]

The Mexica, in their eagerness to control the main commercial route from Mexico to the Soconusco, further disrupted the political order of the Valley of Oaxaca. The *History of the Indies* of Fray Diego Durán and other related sources indicate that the tlatoani Moctezuma Ilhuicamina attacked the Valley, claiming that a group of ambassadors and *pochteca* (merchants) suffered an aggression in "Guaxaca." An army made up of Mexica, Tecpanecan, Tezcocan, Chalca, Xochimilca,

[63] Oudijk, *Cambiar para seguir igual*, 202, 406 (AGI Justicia 160B, 1: 19v and 279r). This author mentions that Judith Zeitlin was the first to identify Don Juan Cortés' Zapotec name as *Lachi* or 'Lizard' (*Cuetzpalli*, in Nahuatl) in a 2005 publication. Oudijk, *Cambiar para seguir igual*, p. 69, n.50.

[64] LLILAS Benson Latin American Studies and Collections, The University of Texas at Austin. Genaro García Photograph Collection, Box 23, Folder 8.

Cuauhtlalpanecan, and Tlalhuica warriors attacked and subdued the province.[65] On the other hand, the *Codex Tellerianus-Remensis* and the *Codex Mendoza* place the conquest of some lordships of this region in the period of *Tlatoani* Ahuizotl's government, at the end of that same century (Fig. 2.6). As Oudijk has already pointed out, these two scenarios are not necessarily incompatible, for it is possible that various campaigns were carried out against different lordships in the Valley.[66]

Fig. 2.6 Conquests of Mitla and Teozapotlan (1494 and 1495) reported in Nahua sources.



Codex Tellerianus-Remensis, f.40v (detail).[67]

The Mexica established a military garrison in the center of the Valley, in the lands of Cuilapan, in a place called Huaxacac in Nahuatl, Nuunduvua in Mixtec, and Looláa in Zapotec. From there,

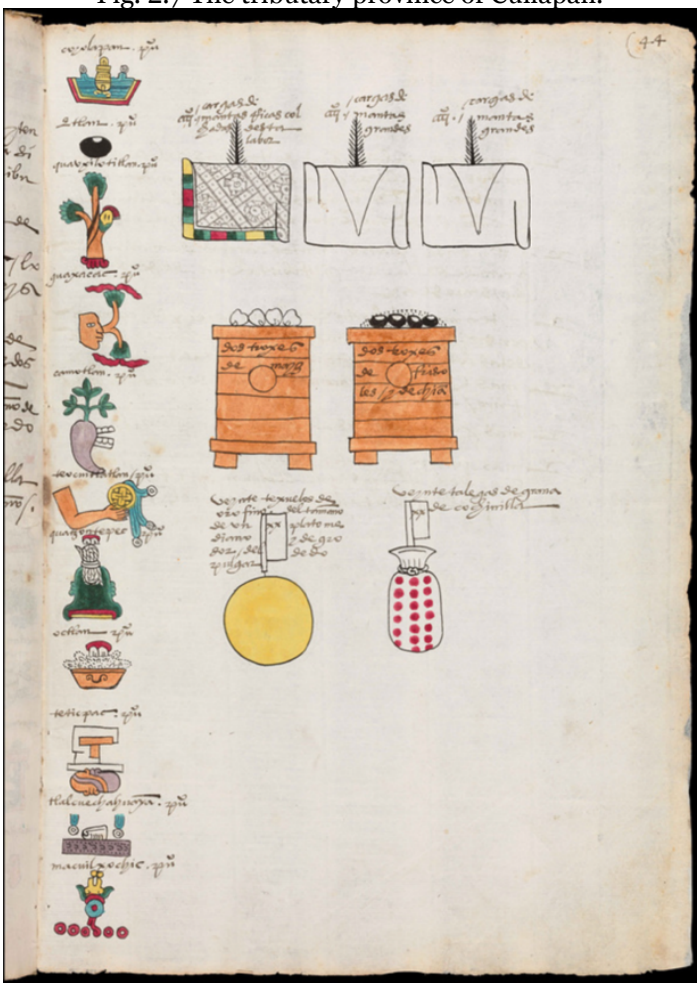
[65] Durán, Diego. *Historia de las Indias de Nueva España e islas de tierra firme*. Mexico: Consejo Nacional para la Cultura y las Artes, Cien de México, 2002, I: 283-287.

[66] The different points of view (Tenochca, Tlatelolca, etc.) present in the Mexica sources on Oaxaca are discussed in Oudijk, *Historiography of the Bènizàa*, 11-19.

[67] https://gallica.bnf.fr/ark:/12148/btv1b8458267s/f106.item

they administered, in coordination with the rulers of Cuilapan, their new tributary province.[68] According to the *Codex Mendoza* and the *Matrícula de Tributos*, this tributary province included the lordships of Cuilapan, Etlan, Cuauhxilotitlan (Huitzo), Guaxacac, Cimatlan, Teocuitlapacoyan (Santa Ana Tlapacoya), Mecatepec (Santo Tomás Jalieza), Octlan (Ocotlán), Teticpac, Tlacochahuaya, and Macuilxochic (Fig. 2.7, lordships' names from top to bottom as listed).[69]

Fig. 2.7 The tributary province of Cuilapan.



Codex Mendoza, f. 44r.[70]

[68] The site where the Mexica settled shows evidence of having been inhabited from 500 BCE to 650 CE and from 1350 to 1521. Doesburg, Sebastián and Gómez Serafín, Susana, *La Real Alhóndiga de Antequera. Historia y presencia de un predio fundacional de la Ciudad de Oaxaca*. (Oaxaca: Carteles Editores, 2014), 71. Those were lands of Cuilapan, as shown in Jiménez, Víctor, Rogelio González, and Joaquín Galarza. *La antigua Oaxaca-Cuilapan. Desaparición histórica de una ciudad*. (Mexico: Tule, CODEX editores, 1996).

[69] Doesburg, Sebastian van, "La fundación del Guaxaca de Cortés," 45, n.142. Recently, Doesburg has proposed that a toponym glossed in the Códice Mendoza as Quatzontepec should be read as Mecatepec, but specifically Santo Tomás Mecatepec in colonial sources, today's Santo Tomás Jalieza.

[70] https://codicemendoza.inah.gob.mx/index.php?lang=spanish

According to the *Codex Mendoza*, these lordships delivered every six months, "quatroçientas cargas de mantas colchadas de fina labor [... y ...] ochoçientas cargas de mantas grandes." Once a year they paid "quatro troxes grandes [...] llenos los dos de mayz y vno de frisoles y otro de chian[, ...] veinte texuelos de oro fino del tamaño de un plato mediano y de grosor como el dedo pulgar[, ... y] veinte talegas de grana de cochinilla." [71]

Some scholars have considered this tribute to be small compared to what other tributary provinces gave.[72] It is likely that the most important thing in this region for the Triple Alliance was to control the passage to Soconusco. On the other hand, some important lordships, such as Zaachila and Tlalixtac, do not appear in the *Codex Mendoza*. However, other sources list them as tributaries of the Triple Alianza of Tlacopan-Tezcoco-Tenochtitlan.[73] Perhaps they do not appear in the *Codex Mendoza* because they were conquered at different times or had another type of tributary arrangement.

Not all lordships accepted this situation. It is known that Mitla, for example, was continuously at war with the Mexica of Huaxacac.[74] An opportunity to defeat them appeared in 1521 when a new power group became present in the Valley of Oaxaca: the Spanish conquistadors and their Nahua allies from different regions.

2.3 New people dressed in iron. The Spanish Conquest.

The first Spanish expeditions in search of gold mines in what is now Oaxacan territory arrived from the north and entered the province of Tuxtepec in 1519 and 1520. Captain Pizarro, Alonso Luis, and another character with the surname Tovilla participated. Then, in 1520, Gonzalo de

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[71] *Codex Mendoza*, f. 43v. https://codicemendoza.inah.gob.mx/index.php?lang=spanish (Accessed May 7, 2024).

[72] Oudijk, *Historiography of the Bènizàa*, 13.

[73] As mentioned above, *Codex Tellerianus-Remensis* mentions Zaachila. The *Memorial de Tlacopan*, on the other hand, mentions Tlalixtac. Carrasco, *Estructura político-territorial. La Triple Alianza de Tenochtitlan, Tetzcoco y Tlacopan*. (México: Fideicomiso Historia de las Américas, El Colegio de México, Fondo de Cultura Económica. 1996), 434.

[74] The *RG de Mitla* reports that "tuviero[n] guerra con la gente mexicana q[ue] les ynbiava a haser guerra motiçuma." RAH, 9-25.4/4663-16(xxiv), *Relación geográfica de Miquitla*, 6v.

Umbria explored the Mixteca region; he passed Tamazulapan and Nochixtlán and arrived at Sosola.[75] But it was only after winning the war against the Mexica and seizing the city of Mexico-Tenochtitlan in 1521 that Cortés and his men took to the ancient roads of Mesoamerica again. They claimed other regions for the Castilian king and distributed native people among themselves and their men to begin to exploit them through the institution of the *encomienda* (a royal grant of native labor and tribute from a given community or communities). With this objective in mind, in November 1521, Francisco de Orozco arrived in the Valley to subdue the province of Oaxaca.

Orozco had been in Tepeaca, where he and other Spaniards had founded Villa Segura de la Frontera. While Cortés was trying to defeat the Mexica, Orozco attempted to seize the province of Oaxaca because its population was hostile to peoples who were the Spaniards' "friends"--a frequent argument in those years to justify conquest. Pacification of the Valley was essential to Cortés since it was on the route to the "Mar del Sur," as Spaniards called the Pacific Ocean. However, Orozco did not take enough troops of Native allies and barely twenty or thirty Spaniards, so the expedition had to return "aunque no tan despacio como él quisiera."[76]

Cortés and Orozco met in Central Mexico, and on October 30, 1521, Orozco left Coyoacán carrying "doce de caballo" and eighty Spaniards. He passed on to Tepeaca, where he was joined by many warriors from that province and arrived in Oaxaca. According to Cortés, Orozco reported to him that "aunque los naturales de la dicha provincia se pusieron en resistirle y peleó dos o tres veces con ellos muy reciamente, al fin se dieron de paz." Once the province was pacified, Cortés ordered Orozco to return to Segura de la Frontera and to send the other Spaniards to accompany Pedro de Alvarado, who, in early 1522, was on his way to Tututepec.[77]

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[75] Romero, *El sol y la cruz. Los pueblos indios de Oaxaca colonial*. (México: Centro de Investigación y Estudios Superiores en Antropología Social; Instituto Nacional Indigenista, 1996), 76-79. The map on page 78 shows the 17 routes that Native and Spanish conquistadors took in Oaxacan territory from 1519 to 1533. See also Rivero, "'Para servir a su majestad'."

[76] Cortés *apud* Doesburg, "La fundación de Oaxaca," 33-35.

[77] Cortés, *Cartas de relación*, 208-209, 213-214.

The Texcocan version of this episode is known thanks to the chronicler Fernando de Alva Ixtlilxóchitl. According to him, part of the warriors who participated in these battles had been sent by Ixtlilxóchitl, the ruler of Texcoco, "en favor de los de Tepeaca, Itzucan y otras ciudades sujetas a Tezcoco contra los reinos de la Mixteca, Tzapoteca y Huaxacac que les hacían mucho daño." According to this chronicler, in those three battles "murieron muchos de ambas partes."[78]

On the other hand, local sources offer more details about the diverse responses of peoples in the Valley before this new invasion. During an investigation carried out in 1564, the Spanish conquistador Francisco de Tarifa pointed out that upon arriving in Oaxaca "hallaron a los naturales de quylapa como a los mexicanos de guaxaca enpeñolados en dos peñoles que cada uno dellos tenjan su peñol de por si e los de la villa de quylapa vinieron luego de pas E los mexicanos de guajaca estuvieron Enpeñolados algunos días, que no se querían dar."[79]

But the people of Huaxacac and Cuilapan were not the only ones to oppose the Spaniards. The *Relación geográfica de Ixtepeji*, which deals with the ancient Zapotec lordship of *Yaxitza* (today Santa Catarina Ixtepeji, in the Sierra Juárez), reports that from the beginning, Cuilapan sent news to this lordship about "como avian llegado a la çibdad de mexico çierta gente nueva que venjan vestidos de hierro y que el agua o la mar los avia hechado en tierra, los quales se dezian ser hijos de dios o del sol." When the time came, Cuilapan requested support to fight the Spaniards, to which several lords of Yaxitza agreed:

> y dende a çierto tienpo Como obra de vn año o dos poco mas o menos llegaron a la çiudad de antequera del valle de guaxaca los d[ic]hos españoles en que venjan por capitan el marq[ue]s del valle y fulano maldonado y otros españoles y los del d[ic]ho pueblo de qujlapa questa a vna legua de la çibdad de antequera enbiaron a llamar A los señores y caçiques deste pueblo y a la gente del para que los fuesen A ayudar contra los d[ic]hos españoles que les venjan a subjetar y asi fueron A la d[ic]ha guerra por capitanes deste pueblo que a la sazon heran caçiques deste pueblo hoque beyotzi que en lengua mexicana qujere dezir açtatl tequjtli que en lengua española se dize señor de la garça y otro hoquj bilalaoh y otro hoquj bilana y que [sic, por hoque?] batzinaa que no supieron darles los nonbres en la lengua mexicana.[80]

[78] Alva Ixtlilxóchitl *apud* Doesburg, "La fundación de Oaxaca," 61.

[79] AGN, Hospital de Jesús, Vol. 775, Leg. 398, exp. 5, ff. 249v-250. Also in Jiménez, Víctor, Rogelio González, and Joaquín Galarza. *La antigua Oaxaca-Cuilapan. Desaparición histórica de una ciudad*. Mexico City: Tule, CODEX editores, 1996.

[80] RAH 9-25.4/4663,16-xiv, f. 6r.

On the other hand, in the legal suit of 1564, Mateo Luis Pillalo, a witness from Tlacolula, declared that when as a boy he heard news that "don Hernando Cortés y los españoles que con el vinieron [...] los venian a conquistar y ganar," he also sought protection with those of Cuilapan "y llevó a questas un poco de mayz," although after some days they came down from the *peñoles* and surrendered "y venyeron a obediencia." At the time of his deposition, Mateo Luis was 55 years old, so in 1521, he would have been 11 or 12 years old. It is likely that he was not alone, but with some more people from Tlacolula who helped supply food to those who resisted. Probably, he did not wish to present his polity as an enemy of the Spaniards; that is why he also pointed out that those who fled to that hill did so out of fear, "de miedo," and not to fight.[81]

In contrast, another witness, don Alonso Pérez Queagui, who was principal of Mitla and brother of the dynastic ruler or *cacique*, declared that "antes q[ue] los españoles venyesen a esta t[ie]rra a la conqujstar e ganar [...] tenjan guerra los indios de guaxaca con el d[ic]ho pueblo de mjqujtla." This is why they preferred to ally with the Spaniards to subdue their enemies:

> cuando El d[ic]ho marques vino a la conqujsta de los d[ic]hos pu[ebl]os los yndios del pu[ebl]o de este t[estig]o, y espeçialm[en]te don Pablo, su her[man]o, y ans[i] mjsmo este t[estig]o, con gente del dicho pueblo venjeron en fabor del d[ic]ho marques, porq[ue] los indios de cuylapa e guaxaca le fueron rebeldes y se enpeñolaron [...] hasta diez días, poco mas o m[en]os[82]

On the other hand, the *RG of Chichicapan* informs that the Spaniards' arrival put an end to the war that Chichicapan had waged against the Mixtecs after declaring war on the lord of Zaachila. Then, all of them allied with the Nahua from Huaxacac against the European invaders and their own allies:

> y estando en ella [la guerra con los mixtecos] muy trabada llego la nueba de la benjda de los españoles por cuya causa se conformaron y todos binjeron a q[ue] rreconoçiesen a montecçuma rrey de mex[i]co por señor y se profiriesen a ayudalle p[ar]a la guerra contra los españoles q[ue] ya benjan subiendo los quales pelearon contra monteçuma y los bençieron y ellos rretruxeron y se binjeron a su pu[ebl]o donde [e]stan.[83]

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[81] AGN, Hospital de Jesús, Vol. 775, Leg. 398, Exp. 5, ff. 303r-304r.

[82] AGN, Hospital de Jesús, Vol. 775, Leg. 398, Exp. 5, f. 291v.

[83] AGI Indiferente, 1529, N.21, *RG de Chichicapan*, f. 2r.

Thus, the lords of the Valley's myriad responses to the crisis that threatened Huaxacac and Cuilapan were influenced by their old alliances, quarrels, and experiences during the Mexica conquest.

2.4 Lordships assigned as *encomiendas*.

In its Roman origin, the *encomienda* or *commendatio* enabled individuals and villages to obtain powerful lords' protection (first moral and then economic and military) in exchange for some compensation. However, in the medieval period, this practice became, as Ruggiero Romano observed, an act of coercion by which a third party imposed a condition of servitude on "free" people who, in any case, were already vassals of a king.[84] Thus, it is not surprising that the *encomienda indiana* was a mechanism used by the conquistador-colonizers to obtain free labor for their livestock, agricultural and mining enterprises in return for their services in the conquest, even despite the crown's initial refusal to institute this forced labor regime.[85]

The encomienda underwent various stages in the Americas and its features changed over time. These changes adjusted to the perceived characteristics of the peoples on whom it was imposed, as well as the tensions between the European conquerors' interests and the legislation issued by the crown. These royal orders sought to reduce the conquistadors' power and violence, impose the Castilian crown's authority over them without losing their services, and protect its new vassals. Silvio Zavala distinguishes between the encomienda of the Antillean period, the one that developed on the continent in the first decades of colonization, and the one resulting from the attempt to implement the New Laws of 1542. The process was longer and more complex, but in the end, the Spanish crown succeeded in instituting the encomienda as a grant only given by the

[84] Romano, Ruggiero. "Entre encomienda castellana y encomienda indiana: una vez más el problema del feudalismo americano (siglos XVI-XVII*)"* (*Anuario IEHS*, III, 1988), 22-27. Rivero, "Llueve riqueza: los tributos mixtecos de encomienda, 1522-ca. 1570." (M.A. Thesis. Universidad Nacional Autónoma de México, 2019), 32-34.

[85] The crown had to yield because "the conquest was privately financed and the conquistadores had to be lavishly rewarded, or the whole business would come to a stop." Simpson, Lesley Byrd. *The Encomienda in New Spain: The Beginning of Spanish Mexico*. (Berkeley and Los Angeles: University of California Press, 1982), 64.

king, which did not include rights over the territory, personal services, or jurisdictional authority. It only ceded the right to receive tribute in kind, which should be determined by the *audiencia real* (the higher authority in New Spain). In addition, the holder was required to teach the Catholic faith to the population entrusted to him.[86]

In the Valley of Oaxaca, the encomiendas were short-lived (most of them ended in 1531 or 1532) but had a significant impact on the lordships of the region. It is well known that Cortés sought to control the tributary province from the beginning. To prevent other Spaniards from settling there, he ordered Orozco to return to Tepeaca and sent the rest of the armed men to Tututepec with Pedro de Alvarado. In 1522, while in Tututepec, Alvarado assigned several encomiendas in the Valley and surrounding regions that had to be approved by Cortés, who was Captain General and Chief Justice. However, upon Alvarado's departure, some men established a *cabildo* (local council) "convocando la comunidad," and returned to Huaxacac, probably eager to begin directly exploiting their encomiendas. Upon learning of this, Cortés captured most of them and handed them over to Diego de Ocampo, alcalde mayor, for imprisonment and trial. Although they were sentenced to death, as judge of the second instance, Cortés himself commuted the sentence to banishment.[87]

According to Francisco Flores, Hernán Cortés reassigned the encomiendas: "hizo el dicho repartimiento [de pueblos …] quitando de unos y dando a otros, diciendo que lo que el dicho Alvarado les había dado era mucho […] porque a este testigo le dijo que de los pueblos que el dicho Alvarado le había dado dejase uno de los que este dicho testigo tenía".[88] Thus, Cortés recovered some lordships, but not all of them: Chichicapan, Tlacochahuaya, and Iztepec remained out of

[86] Zavala, Silvio, *La encomienda indiana*. (Mexico: Editorial Porrúa, 1992), 15, 140. In those years, expressions such as "repartimiento" or "depósito" were also used to refer to the allocation of *encomiendas*. Zavala, *La encomienda indiana*, 41.

[87] Cortés, *Tercera Carta de Relación*, *apud* Doesburg, "La fundación de Oaxaca," 55.

[88] JR-JPB-A, 930. Juan Núñez Sedeño, who was among the men who had returned from Tututepec to Huaxacac, also complained of having been punished by Cortés by having his *encomienda* of Tlaxiaco taken away from him and commuted to Capulalpan. *Documentos inéditos relativos a Hernán Cortés y su familia*, 192.

Cortés' hands. The first was assigned to Gonzalo de Alvarado, Pedro de Alvarado's brother, and then passed through several hands until August 1, 1531, when it escheated to the crown.[89] The second was given to Cristóbal Gil and remained as an encomienda until the mid-seventeenth century.[90] The third was granted by Cortés to his secretary, Francisco Horduña, when he issued the order to return to Tututepec in 1522.[91]

Cortés took the rest of the Cuilapan-Huaxacac province as his own encomienda. But, as historian Bernardo García has pointed out, Cortés did so through the medieval practice of *presura*, that is, the direct occupation of a territory without a formal concession by the crown. Later, when the king rejected Cortés' granting of these and other encomiendas, the conquistador disobeyed these orders and set about convincing the king to confirm them, arguing that they were necessary to encourage the populating and safeguarding of territories won in the name of the crown.[92]

From the beginning, Cortés had his house built in the center of Huaxacac, on a platform with a religious and administrative building, where the *alhóndiga* would later be established.[93] From there, his relatives and servants sought to control the tributary province of Cuilapan-Huaxacac. However, his rivals encouraged the arrival of new colonizers a couple more times until

[89] JR-JPB-A, 920.

[90] Cristobal Gil participated in the capture of Tenochtitlan and accompanied Francisco de Orozco and Pedro de Alvarado in Oaxaca and Tututepec. In 1532, he received a coat of arms for his services to the crown. AGI, Mexico, 1088, L2, 91r. In 1538, Gil claimed to have settled an *estancia* (livestock site) in Tlacochahuaya "for more than fifteen years to this part." BFFB, Bethlemitas, Caja 2, Vol. 2, Exp. 52, f. 70r-v. Other authors have already mentioned this document or its copies. Taylor, *Landlord and Peasant*, 119. Waterbury, "In a Land With Two Laws," 103. In 1674, Burgoa reported that Tlacochahuaya was no longer an *encomienda* and was under the crown's jurisdiction. Burgoa, *Geográfica Descripción*, 256v.

[91] JR-JPB-A, 933.

[92] García Martínez Bernardo, *El Marquesado del Valle. Tres siglos de régimen señorial en Nueva España*, (México: El Colegio de México, 1969), 41-43, 51-53.

[93] Cortés' friend and servant Francisco Maldonado took a neighboring house as his. Doesburg, and Gómez Serafín, *La Real Alhóndiga de Antequera*, 36-39.

they managed to consolidate a Spanish *villa* called Antequera.[94] These new attempts, as Sebastián van Doesburg has pointed out, "coinciden con sus ausencias de octubre de 1524 a junio de 1526 (expedición a Honduras) y de abril de 1528 a julio de 1530 (viaje a España), años en que el poder de Cortés se debilitó considerablemente."[95]

Likewise, Cortés' rivals took advantage of his absences to try to take several lordships from his possession. A memorial dated 1531 mentions that in 1525 the *veedor* Pedro Almindez Cherino and the *factor* Gonzalo de Salazar took from Cortés "guajaca e Cuilapa y hetla, con todos los pueblos sus sujetos que son."[96] Apparently, this included all the lordships of the Valley, for Cortés and his servants argued that all of them were subject to Cuilapan and Huaxacac.[97] Conquistador Cristóbal Gil stated years later that during Cortés' expedition to "las Hibueras" in 1525, the *veedor* and the *factor* "repartieron ciertos pueblos de este Valle de Guaxaca de los que el dicho marqués tenía en las personas que quisieron y otros tenía[n] prometidos de dar y encomendar a quien querían." Among them was Coyotepec.[98] They assumed Cortés had died. However, most of these new encomiendas returned to Cortés' hands when "fue sabida la nueva que el dicho gobernador era vivo."[99] Treasurer Alonso de Estrada also took some encomiendas out of Cortés' hands. Between 1524 and 1528, he gave as encomienda to Pedro Asensio and Martín de la Mezquita the lordship of Teocuicuilco, near the Valley.[100]

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[94] In 1525 the Spanish villa of Antequera was established. It received authorization by royal decree on September 14, 1526. Then, on April 25, 1532 it was declared as a city. Martínez, José Luis. *Hernán Cortés*. (México, Fondo de Cultura Económica, 2015 (*epub*)).

[95] Doesburg, "La Fundación del Guaxaca de Cortés," 47.

[96] AGN, Hospital de Jesús, Vol. 467, Leg. 265-1, Exp. 5, f. 10r. Historian Iván Rivero located this document. Rivero Hernández, Iván. "La minería de oro en la construcción de Nueva España: el caso de Hernán Cortés (1519-1536)" (Ph.D. Dissertation in History. Universidad Nacional Autónoma de México, 2023), 101, 105.

[97] In 1526 Cortés stated that he considered Huaxacac should include "todo lo sujeto en tiempo de Muteczuma". Doesburg,"La fundación del Guaxaca de Cortés," 44. In 1531, conquistador Francisco Flores declared that "el dicho Gonzalo López [Cortés' mayordomo] aplicaba [los dichos pueblos de la pregunta] para el dicho Marqués diciendo ser sujetos a Cuilapa y a Guaxaca" JR-JPB-A: 930.

[98] Ruíz Medrano, Ethelia, *Gobierno y sociedad en Nueva España: Segunda Audiencia y Antonio de Mendoza*. (Zamora: Gobierno del Estado de Michoacán, El Colegio de Michoacán, 1991), 152.

[99] JR-JPB-A: 888.
[100] JR-JPB-A 866-867.

Later, the First Audiencia, whose members (the *oidores*) headed by Nuño de Guzmán were enemies of Cortés, supported the last and most successful attempt to populate a village of Spaniards in Huaxacac. On June 7, 1529, the First Audiencia appointed Juan Peláez de Berrio, oidor Diego Delgadillo's brother, as the *Alcalde Mayor* (Chief justice) of the Villa de Antequera. Then, on June 20, Bartolomé de Zárate was appointed as *Alcalde*. He received instructions to take possession of the pueblos reassigned to the crown, along with Peláez de Berrio, and renegotiate tributes.[101] The Audiencia had its own instructions from Spain: to assign vacant encomiendas to the crown and the conquistadors. The crown claimed the cabeceras, provinces, and towns that the oidores considered could be most useful and convenient for its service and instructed the Audiencia that "del restante hagáis el memorial y repartimiento de los dichos indios y pueblos e tierras e provincias dellos, entre los conquistadores y pobladores."[102]

In the Valley of Oaxaca, most of the lordships Cortés considered his were redistributed to other conquistadors by oidores Juan Ortiz de Matienzo and Diego Delgadillo. There are few detailed records of these changes, but it is known that Zimatlán and Tepezimatlán were reassigned on September 13, and Mitla and Tlacolula on September 20.[103] Some judicial processes against Cortés were expedited, too, which allowed other early changes. On July 9, the real audiencia assigned the encomienda of Macuilxochitl to Hernando Martin, *herrero* (blacksmith), as payment for his work in the construction of the famous brigantines used in the siege of Tenochtitlan.[104] Huaxacac was reassigned by Juan Peláez de Berrio as "propios"[105] of Antequera in July or early

[101] JR-JPB, 425.

[102] Zavala, *La encomienda,* 54.

[103] On July 19, 1529, the *encomienda* of Macuilxóchitl was reassigned because of the lawsuit that Hernán Martín held against Hernando Cortés. Martín asked for payment for his services during the siege of Tenochtitlan. Some witnesses say Macuilxóchitl was also an encomienda of Francisco de Santa Cruz; however, Santa Cruz was a servant of Hernando Cortés and collected tribute on his behalf. AGI Justicia 200, N1 R1, 1v-2r, 16v-17r.

[104] AGI Justicia 200 N1 R1, 16v-17v.

[105] "Bienes propios" or "propios" were part of communal property: "pastos, tierras de labor o montes [...] explotados por el cabildo para sufragar los gastos de la república, costas judiciales, salarios de los oficiales o en ocasiones para subsanar rezagos tributarios." Menegus, Margarita, "Los bienes de comunidad de los pueblos de indios.", 94.

August. However, such an assignment was made without the power to do so, and he revoked the said order on August 21 and decreed that the polity would remain under the crown's control while the Audiencia decided how to rule.[106] Thus, in 1529, practically all the lordships of the Valley were reassigned as encomiendas (see Table 1).

In 1531, Cortés' *apoderados* (proxies) demanded restitution of the encomiendas and revenues he had lost. Lordships included in this "provincia de guajaca," were Oaxaca, Cuilapan, Etla, Macuilxóchitl and Teotitlán, Chichicapa and Ocotlán, Iztepec, Tepecimatlán, Tlalixtac, Tlacochahuaya, Mitla, Tlacolula, Teticpac, Teocuitlapacoya, Zimatlán, Teozapotlan, Coyotepec, and Huitzo.[107]

According to Sebastián van Doesburg, Zimatlán, Tepezimatlán, and Iztepec made up a complex political entity, the same goes for Chichicapan and Ocotlán, as well as Macuilxóchitl and Teotitlán.[108] He based these observations on the fact that these three groups of lordships paid tribute together.[109] Certainly, this could be the case, and these complex entities could have been the result of either conquests or alliances between their lords. Still, the Spaniards did not consistently recognize them as political units, and some of their constituent members were assigned as single encomiendas, as were the cases of Chichicapan, Iztepec, and Macuilxóchitl.

[106] JR-JPB, 426-427.

[107] For Huaxacac, Cuilapan and Etla: AGN Hospital de Jesus, 293, Exp. 135. For Macuilxóchitl and Teotitlán, Chichicapa and Ocotlán, Iztepec, Tepecimatlán, and Los Peñoles: AGI Justicia 117, N. 6, published in JR-JPB-A. For Tlalixtac, Tlacochahuaya, Mitla, Tlacolula, Teticpac, Teocuitlapacoya, Zimatlán, Teozapotlan, Coyotepec, and Huitzo, along with Teocuicuilco, Amatlán, and Atepec: AGH, Hospital de Jesús, Vol. 527, Leg. 293-1, Exp. 140, f. 21r. I am grateful to historian María del Carmen Martínez Martínez for generously sharing her photos of the latter file (which she could consult in 2010) before I could access the original document.

[108] Doesburg, "La fundación del Guaxaca de Cortés," 44-45, n. 140, 143, 144.

[109] Doesburg, "La fundación del Guaxaca de Cortés," 46-47. Iztepec, however, was historically more closely linked to Zaachila. Oudijk, *Historiography of the Bènizàa*, 159-181.

Table 2.1. Early encomiendas in the Valley of Oaxaca and nearby regions.				
Lordships of the Valley of Oaxaca assigned as encomiendas.				
Entrusted lordship	*Encomendero*	Date of assignment	Passed to the crown	Source
Chichicapan	- Hernando (Gonzalo) de Alvarado, - Hernando Cortés (on his behalf, Juan Xuares, 2 years later) - Pero Ximenes - Hernando Cortés (on his behalf, Diego de Guinea) -Alonso de Pimentel (1529)	1522? 1529	Aug-1-1531 (and Titicpa[110]♣)*	JR-JPB-A, 920, 927, 929, 932 (Question xiii),
Iztepec (Santa Cruz Mixtepec)	-Francisco Horduña -Román Lopez	1522? 1529	Oct-2-1531* 1531 (and Teozapotlan)♣	JR-JPB-A, 926, 932-934 (Question vi)
Tlacochahuaya	-Cristobal Gil and his successors	1522?	--	JR-JPB-A, 867. Burgoa, *Geografica descripcion*, 256v
Coyotepec	-Bartolomé Sánchez and his successors	1525 1529-31 1542	1531-1542	Ruiz, *Gobierno y Sociedad*, 152. AGI, Justice 193A N8, 1r, 20-21. LCSBC, Libro 2.
Ocotlán	-Bartolomé de Zarate -Sancho de Frias -Pedro Zamorano and his successors	1529? 1529 1559	Sep-17-1531♣ - 1559	JR-JPB-A, 919, 931 (Question vi) TTPCI-b:107v-108v AGN Indiferente Virreinal 6705, 80.
Macuilxochitl	-Hernando Martin, blacksmith	Jul-19-1529.	May-8-1532 (and Teotitlán♣*)	JR-JPB-A, 861, 878. AGI Justicia 200 N1 R1, 16v-17v (Macuilxochitl).
Zimatlán and Tepecimatlan	-Pedro Regidor	Sep-13-1529	1531♣ Oct-22-1532♣ Oct-22-1533*	JR-JPB 497 and JR-JPB-A, 870.
Mitla and Tlacolula	-Francisco de Zamora	Sep-20-1529	Aug-1-1531 *♣	AGI, Justicia 192 N2 R5 4v-5r
Teozapotlan	-Martinez -Juan Ochoa de Lexalde -Diego de Guinea?	1529	Oct-2-1532*	JR-JPB-A, 886-887, 892, 926.
Teticpac	-Diego de Guinea	1529	Apr-24-1531*	JR-JPB-A, 892, 919, (Question vi)
Tlaliztac	-Juan Peláez de Berrio -Bishop Juan López de Zarate	1529 1538	Apr-17-1531 *♣ Apr-24-1544♠	JR-JPB-A, 919, 934 (Question vi). Ruiz, *Gobierno y sociedad*, 361 and 384.
Ayoquezco (and Teocuitlapacoya)	-Marqués, on his behalf Diego de Guinea	1521	Feb-4-1569 (only Ayoquezco)*	JR-JPB-A, 920, 925 (Question x)

				AGN, Hospital de Jesús 432, Exp. 2, 43r-v, 435v.
Etla and Huitzo (Cuauhxilotitlan)	-Pedro de Serrano or Samaño and Cristobal de Barrios	1529	Oct-2-1531♣* (only Huitzo)	JR-JPB-A, 874.
Lordships assigned as encomiendas nearby the Valley.				
Lordship	Encomendero	Date of assignment	To the crown	Source
Coatlán-Miahuatlán (including Ejutla)	-Jerónimo de Monjaraz and Alonso de Paz	Jul-12-1523		AGI, Justicia 214, N1 R4: 17r (for Monjaraz).
Capulalpa	-Juan Nuñes Sedeño	1524?		JR-JPB-A, 877. *Documentos inéditos*, 1935, 192.
Tecuicuilco	-Pedro Asensio and Martin de la Mesquita	¿1524, o 1526-1528?	Jul-31-1531♣	JR-JPB-A, 866-867.
Ixtepeji	-Hernando de Aragón (or Hernando Aragonés)# -Juan de Aragon -Hernando de Aragon	1529?		JR-JPB-A, 877[111] AGI, Justicia 215 N2 1 pza. (interrogation of 1557).
Chicomesuchil	-Gaspar de Tarifa	1529?		JR-JPB-A, 877
Ixtlan	-Juan Fernandez	1529?		JR-JPB-A, 877

♣ Doesburg, "Introducción," 56, n.184.
* TTPCI (AGI, Contaduría 785a): 66r-69v, 135r-138v, 202r-, 380r-382v. TTPCI (AGI, Contaduría 785b): 7r-10v, 107r-108v, 388r-391v, 457r-457v.
♠ *Libro de las Tasaciones*, pp. 219, 245, 435, 478, 506, 637.
In the *RG de Ixtepeji*, Pedro de Aragón appears as the first encomendero. He is also mentioned as such in Ruíz, *Gobierno y sociedad*, 145.

In the Valley of Oaxaca several encomiendas were based on pre-existing lordships. However, it also happened that members of complex political entities were assigned separately, strengthening the claims of independence that may have existed. Conversely, nearby lordships could be assigned together as one encomienda, as Mitla and Tlacolula.

In those early colonial years, the *encomienda* was still "de servicio personal." Its holders (and their *mayordomos* in their name) could claim tribute, labor, and almost anything else they wanted, despite various ordinances issued by Cortés and the crown itself to try to lessen these

[110] It is important not to confuse this town, sometimes called Tetiquipaque or Tetiquipa (today San Mateo Río Hondo) with Teticpac (today San Juan Teitipac).

[111] It appears as Iztepec (Yxtepeque) but the comparison between the sources that are cited allows to assure that it is Ixtepeji. There was a common confusion between these two toponyms in colonial times.

abuses.[112] Encomenderos used violence against Native lords and common people to get the recognition and riches they desired. This meant Spaniards plundered gold or forced people from their encomiendas to work in the mines. In 1528, during the *juicio de residencia* (trial) of Hernando Cortés, conquistador Juan Tirado said that it was well-known that Cortés,

> a las personas que tenia en sus pueblos e provincias por mayordomos les dava varas de justicia e questos quando ellos querian tomavan los yndios e señores e prencipales de los pueblos e provincias que tenian a cargo e echavanlos en cepos e prisyones e los tratavan mal apaleandolos e questo vido este testigo que fizo Juan Xuares mayordomo e cuñado del dicho D. Fernando Cortes con el señor de Guaxaca que se llamava Tacatecle e le dio palos e lo echo en un cepo.[113]

Mayordomos (stewards) and miners who worked for Cortés made occasional forays into the lordships to ask for goods and services. Miner Antonio de Cisneros, for example, said that he, "por mandado del dicho Diego de Guinea fue algunas veces a los dichos pueblos a que diesen gente para que fuesen a servir en las minas y en las cuadrillas que en ellas traía el dicho marqués y para hacer otros servicios de casas y a hacer maizales." [114]

As for other encomenderos and their servants, there is little information prior to 1529, but they must have exploited their encomiendas to the fullest. For example, according to conquistador Francisco Flores, during the military campaign to Guatemala (around 1524), Gonzalo de Alvarado went to the Valley of Oaxaca to reassert his authority over Chichicapan and demand its service:

> el dicho pueblo de Chichicapa el dicho marqués dio al dicho Hernando [*sic pro* Gonzalo] de Alvarado en depósito, y que cuando iba a conquistar las provincias de Guatimala este dicho testigo vido al dicho Hernando de Alvarado traer los señores del dicho pueblo de Chichicapa a Pedro de Alvarado que a la sazón estaba en Guaxaca para que les hablase y dijese cómo eran suyos del dicho Hernando de Alvarado y le sirviesen.[115]

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[112] Royal ordinances, such as the Leyes de Burgos (December 27, 1512), sought to limit the work time demanded from the native people and to commit the *encomenderos* to supply their workers with food and a place to rest. The royal letter of La Coruña (November 13, 1520) recognized Native peoples' freedom and stipulated that their work should be paid. Cortés, for his part, published the *Ordenanzas de buen gobierno* on March 20, 1524, in which he ordered not to demand gold using whipping and other violence at the risk of losing the *encomienda*. He also prohibited sending Native people from *encomiendas* to work in the mines, reserving this work for enslaved people. Zavala, *La encomienda indiana*, 23-24, 37-38, 41-42.

[113] Lopez Rayon, 1853, II, 36, *apud* "La fundación del Guaxaca de Cortés," 46.

[114] JR-JPB-A, 861.

[115] JR-JPB-A, 932.

It is known that Gonzalo de Alvarado took militias from the Mixteca to Guatemala; it is possible that he also took people from Chichicapan.

Finally, it should be mentioned that resistance and rebellions in areas surrounding the Valley of Oaxaca were used by the European conquistadors as a pretext to capture war slaves (real combatants or not) and to force them work in their mines.[116] As Doesburg has already pointed out, "es poco probable que estos títulos [de encomienda] hayan sido más que pretextos para hacerse de esclavos de manera ilegal y extorsionar y secuestrar ocasionalmente señores para hacerse de objetos y tejuelos de oro."[117]

One way in which local populations coped with the mistreatment and demands of encomenderos was to flee. In 1530 bishop Fray Juan de Zumárraga, who was appointed as the *Protector de indios*, received a letter informing him about the alarming depopulation of the Valley, warning that "se espantaría Vuestra Señoría de oírlo, cuanto más de verlo." Special emphasis was placed on the case of Mitla and Tlacolula, given as an encomienda to Francisco de Zamora, where "no ha quedado nadie en el pueblo e por los montes anda a montearlos y los que toma tiénelos con goardas en su casa."[118] In 1531, a principal of Iztepec named Atonal complained that the encomendero Román López "los fatigaba pidiéndoles oro en polvo y maíz de sus casas de los maceguales o tamemes, de lo cual los indios recibían fatiga y se iban y ausentaban del pueblo."[119]

2.5 New jurisdictions.

2.5.1 The *corregimientos* and the *marquesado*.

[116] Some of these rebellions were the Coatlán rebellion that began in 1525 and lasted more than two decades and the Tiltepec uprising of 1531. Doesburg, "Introducción,"12-13; "La Fundación del Guaxaca de Cortés," 47, 53. González Pérez, Damián, "Gente belicosa. Formas de resistencia indígena en el sur de Oaxaca en los primeros años de conquista: Coatlán, 1534-1547." (In Dora Sierra Carrillo, coordinator, *Problemas del pasado americano. Tomo II: Colonización y religiosidad*. México: Secretaría de Cultura, Instituto Nacional de Antropología e Historia. 2019).

[117] Doesburg, "Los antecedentes (1521-1531)," 35-36. Gonzalez, "Gente belicosa," 101.

[118] Cuevas, Mariano. *Historia de la iglesia en México*. Tomo I. (México, Editorial Patria, 1946), 516-517.
[119] JR-JPB-A, 906.

Not only encomenderos but even the oidores of the First Audiencia of New Spain committed great abuses due to their lack of observance of the royal orders. This situation led King Charles V to instruct the Second Audiencia to declare null and void all the encomiendas granted in that period.[120] Thus, the Second Audiencia revoked several encomiendas of the Valley. Despite their owners' lawsuits to recover them, only three remained: Coyotepec, Tlacochahuaya, and Ocotlán (see Table 2.1). In addition, the king granted only the so-called *Cuatro Villas del marquesado* to Cortés: Huaxacac, Cuilapan, Etla, and Teocuitlapacoya. The rest of the lordships passed over to the crown. New royal officials were immediately appointed, called *corregidores*, who were responsible for justice and collecting the king's taxes in these polities. Thus, provisionally, a new jurisdiction was created. However, it remained in place for almost three centuries: the *corregimiento*.[121]

Corregimientos established in the Valley of Oaxaca in the 1530s were Mitla and Tlacolula (1531), Teticpac (1531), Ocotlán (1531), Teozapotlan and Iztepec (1531), Cimatlán and Tepecimatlán (1532), Macuilxóchitl and Teotitlán (1532), and Chichicapa and Tetiquipac (1534). In addition, the Alcalde Mayor of Antequera was given jurisdiction over the region's encomiendas: Coyotepec, Ocotlán, Tlacochahuaya, and Tlalixtac (1538-1542), and later over the pueblos of Teozapotlan, Ixtepec, and Ayoquezco.[122]

Around 1550, there was a reorganization, and the corregimiento of Chichicapa and Tetiquipac was modified: Tetiquipac was removed, but Amatlán and the encomiendas of Coatlán, Miahuatlán, and Ocelotepec were added. In 1599, the jurisdictions of Chichicapan and Teticpac were joined under an Alcalde Mayor. Then, between 1676 and 1687, the jurisdictions of Chichicapan (including Teitipac but not Amatlán, Coatlán, Miahuatlán, or Ocelotepec) and

[120] See the secret instruction given to the Second Audiencia in 1530 in Zavala, *La encomienda indiana*, 57. Simpson, *The Encomienda in New Spain,* 73-83, 85.

[121] Zavala, *La encomienda indiana*, 57. It was not until the government of Viceroy Mendoza that specific legislation was created for the corregidores. It is also important to mention that the corregidores took high judicial powers away from the native lords. Ruíz, *Gobierno y Sociedad en Nueva España*, 70-71, 155.

[122] In addition to Table 2.1, see Gerhard, *Geografia Histórica*, 50-51. The case of Ayoquezco is discussed below.

Zimatlán were joined under the Alcalde Mayor, who resided in Zimatlán. In 1680, Macuilxóchitl, Teotitlán, Mitla, and Tlacolula became a jurisdiction headed by an Alcalde Mayor based in Teotitlán.[123]

In the Valley of Oaxaca, some of the first corregidores had been encomenderos who were thus compensated for the loss of their encomiendas. Some others were still encomenderos, but in other regions (see Table 2.2). All of them were improvised magistrates. Also, their experience as encomenderos often led to increased mistreatment and abuse of the local population. They sought to increase their profits by exploiting or plundering jewels, natural resources, and labor in their corregimientos.[124] Over time, their practices would moderate or modify, but such abuses did not disappear. In the following centuries, corregidores resorted to the so-called "repartimientos de efectos" to coerce the production to purchase products that the officials brought in and out of their jurisdictions.[125]

Moreover, several of these early royal officials were the first to dispossess local people of their lands and to establish their own cattle ranches on those vacated lands. Thus, in their role as *corregidores*, they possessed the right to punish crimes and harmful practices against the population under their authority. Usually, these were the same practices that they carried out against the neighboring pueblos of their estancias or in their own encomiendas.[126] Their ambivalent and contradictory actions reflected the crown's policy. On the one hand, it sought the conservation of the native population and, on the other hand, profits resulting from the colonizers' exploitative enterprises and, of course, tribute payments to the king.

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[123] Gerhard, *Geografia Histórica,* 50-51, 73-74, 196-197.

[124] Ruiz, *Gobierno y sociedad en Nueva España*, 72. For a more complete list of corregidores in the Valley of Oaxaca, based on the work cited above.

[125] See, for example, Baskes, Jeremy, *Merchants and Markets: A Reinterpretation of the Repartimiento and Spanish Indian Economic Relations in Late Colonial Oaxaca, Mexico, 1750–1821*. Stanford: Stanford University Press, 2000. Machuca Gallegos, Laura. *Haremos Tehuantepec, una historia colonial (siglos xvi-xviii)*. Oaxaca: Dirección General de Culturas Populares-CONACULTA, Secretaría de Cultura del Gobierno del Estado de Oaxaca, Fundación Alfredo Harp Helú, Centro de Investigaciones y Estudios Superiores en Antropología Social, 2008.

[126] Cruz López, Beatriz. "Pueblos, estancias y ganado. Cambios y conflictos por los nuevos usos y formas de tenencia de la tierra. Valle de Oaxaca, siglo XVI," *Americanía* No.19 (January-June 2024), 6-7.

Table 2.2. Corregidores-encomenderos of the Valley of Oaxaca in the first decades of the sixteenth century.			
Corregimiento	Corregidor	Appointment as corregidor	Encomiendas
Guaxolotitlan	Lorenzo Genovés	Feb-19-1537	Minzapa
	Tristán de Arellano	Sep-3-1544 Sep-23-1545	Justlaguaca, Chicomeaguatepec, and Teposcolula
Zaachila	Luis de Castilla	Nov-11-1540 Nov-19-1541	Tututepec and Nopala
	Francisco Maldonado	Oct-27-1543 1545	Tecomastlaguaca, Chicomeaguatepec, and part of Teposcolula.
Macuilxochitl and Teotitlan	Pedro de Aragón	Jan-17-1545	Ixtepeji
	Bartolomé Sánchez	Nov-26-1537 Jan-14-1539	Zola (until 1525), Cuyotepec (from 1525), Popoyutla, Costatan, Cempoala, and Pechucalco
Tetequipaque (and Ocotlan)	Lorenzo Genovés	Feb-7-1538 Feb-11-1539 May-13-1540 Mar-29-1542	Minzapa
Chichicapa and Tetequipa	Pedro de Aragón	Feb-7-1539 Aug-20-1540 Aug-30-1541 Nov-6-1542	Ixtepeji
Cimatlan and Tepe[c]imatlan	Bachiller Pedro Diaz de Sotomayor	Sep-12-1542 Sep-15-1543	Pachuca and Cuestlaguaca

Based on Ruiz, *Gobierno y sociedad en Nueva España*, 145-154, 351-384, Table 4 and Appendix 1.

As for the *marquesado*, on July 6, 1529, while in Spain, Cortés received the donation of up to 23,000 vassals by royal grant. He also received the title of *marqués* or marquis.[127] Upon his return to New Spain, Cortés and his proxies sought to regain possession of the entire Valley of Oaxaca but were unsuccessful. Nevertheless, he kept four lordships in the Valley that received the name of *Cuatro villas del marquesado* along with other lordships throughout New Spain, where he would exercise a particular authority, for he was granted "[un] señorío jurisdiccional del tipo castellano." He had *mero et mixto imperio*; that is, he had criminal and civil (or high and low) jurisdiction over these lordships.[128] In the following decades, the crown subtracted the port located in Tehuantepec from Cortés' marquesado and, in 1560, defined its territorial and

[127] Arteaga Garza, Beatriz and Guadalupe Pérez San Vicente (editors), *Cedulario Cortesiano*. (México, Editorial Jus, 1949), 125-132; 132-135.

[128] García, *El marquesado del Valle*, 53.

population extension with greater precision.[129]

The *Cuatro villas* also experienced some adjustments, but these were promoted from below. In 1555, the authorities of Ayoquezco claimed to be a *cabecera* (head town) *per se* and not a subject town of Teocuitlapacoyan, as claimed by the authorities of this other polity and the marqués' servants. It is unclear if Teocuiltlapacoyan and Ayoquezco were part of a complex political entity or were different lordships, but this lawsuit not only involved these two polities, it also had consequences for the crown's and the marquesado's jurisdictions. In 1569, Ayoquezco won recognition as an "independent" pueblo from Teocuitlapacoyan, and it separated from the *Cuatro villas*.[130]

In general, complex polities underwent fragmentation into their constituent lordships, even when they were in the same colonial jurisdiction (for example, Macuilxochitl and Teotitlan, which were part of the same corregimiento). All these separations resulted in twenty-one colonial polities, each one of them comprising a *cabecera* (head town) and usually one or more *sujetos* (subject towns). Some of these new colonial polities were unexpected, such as La Magdalena, which apparently was part of Tepezimatlán until the 1550s or 1560s. Tepezimatlán, in turn, seems to have been associated with Zimatlán.[131] This example shows that even what was perceived as a single lordship had a complex internal conformation, as will be shown in Chapter 3.

Figure 2.8 presents the twenty-one *cabeceras* (head towns) of the Valley during the sixteenth century. Table 2.3 shows the toponyms that were probably most used locally by their inhabitants throughout the colonial period, either in Mixtec, Nahuatl, or Zapotec languages, and their correspondence with their current official names.

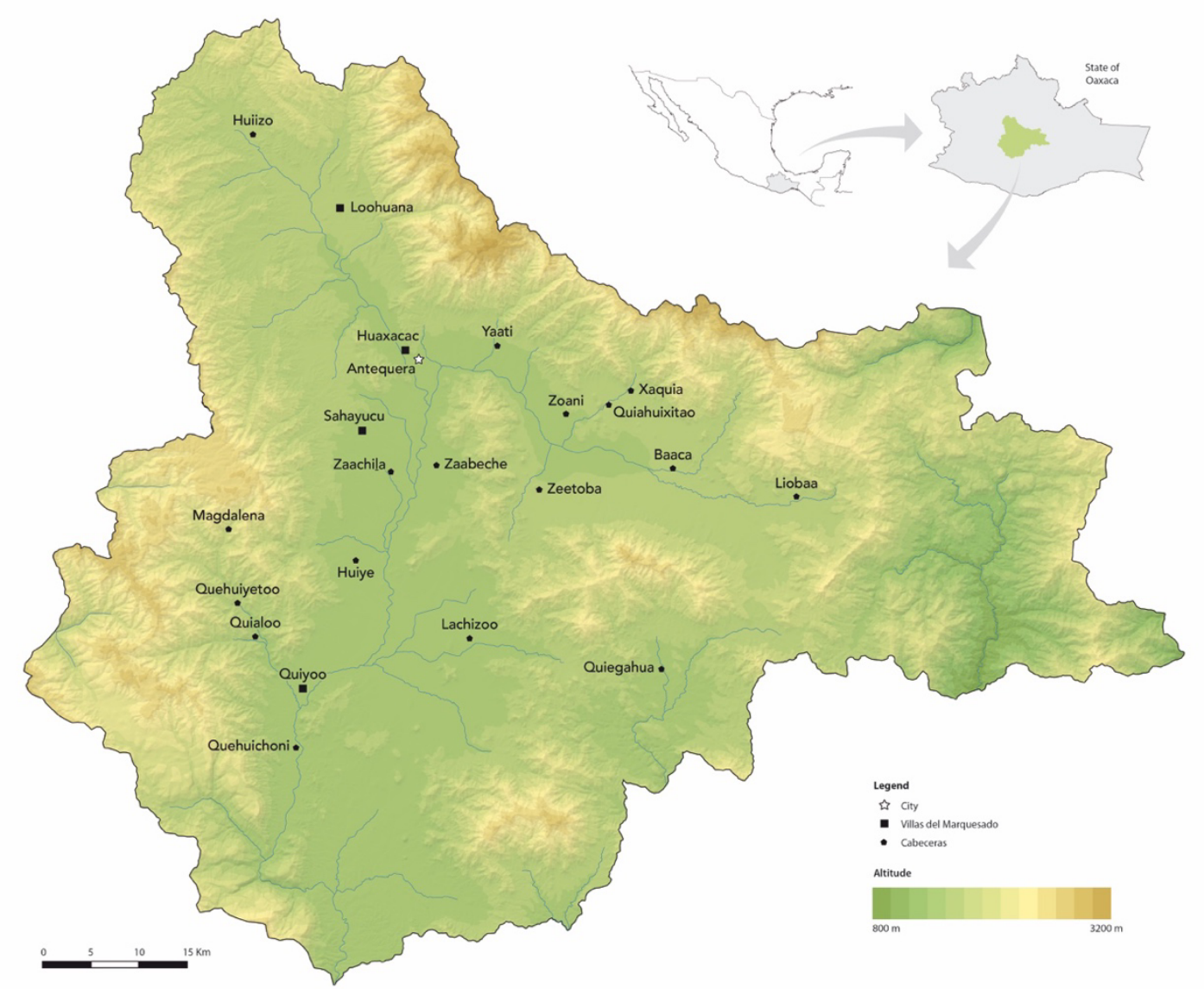
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[129] García, *El marquesado del Valle*, 53, 59.

[130] AGN, Hospital de Jesus, Leg. 432, Exp. 2.

[131] Doesburg, "La fundación del Guaxaca de Cortés," 44, n.140. La Magdalena probably separated in the 1560s, for its first tribute assessment is dated 1565. AGI Contaduría 785a, f. 138r-v, in TTPCI.

Fig. 2.8. Cabeceras in the Valley of Oaxaca.



Drawn by Julio César Gallardo Vásquez.

Table 2.3. Cabeceras in the Valley of Oaxaca. Sixteenth Century.		
Crown's jurisdiction (including encomiendas)		
	Colonial (Local) Name (normalized orthography)	Current Official Name
a	Huiizoo	San Pablo Huitzo
b	Zaachila	Villa de Zaachila
c	Yaati	Tlalixtac de Cabrera
d	Zoani*	San Jerónimo Tlacochahuaya
e	Quiahuixitao	Macuilxóchitl de Artigas Carranza
f	Xaquia	Teotitlán del Valle
g	Baaca	Tlacolula de Matamoros
h	Zaabeche*	San Bartolo Coyotepec
i	Zeetoba	San Juan Teitipac
j	Liobaa	San Pablo Villa de Mitla
k	[Magdalena Tepezimatlan]	Magdalena Mixtepec
l	Quehuiyetoo	San Bernardo Mixtepec
m	Huiye	Zimatlán
n	Quialoo	Santa Cruz Mixtepec
o	Quehuichoni	Ayoquezco de Aldama
p	Lachizoo*	Ocotlán de Morelos
q	Quiegahua	San Baltazar Chichicapam
Cuatro Villas del Marquesado		
	Colonial (Local) Name (normalized orthography)	Current Official Name
A	Loohuana	Villa de Etla
B	Huaxacac	Ex-marquesado (barrio)
C	Sahayucu/Yuchaca	Cuilapam de Guerrero
D	Quiyoo	Santa Ana Tlapacoya

*Encomienda

2.5.2 Parishes (*doctrinas*).

Doctrinas or parishes were religious jurisdictions and areas for exercising political and economic power. Friars promoted Christianization, but they also implemented traditional Spanish social and political institutions and a new territorial reconfiguration. Therefore, understanding friars' labor and presence is important to understanding how Spanish institutions were spread throughout the Valley of Oaxaca.

In this region, the Dominican friars, also known as the Order of Preachers, were in charge of evangelization. In 1529, Fray Gonzalo Lucero and Fray Bernardino de Minaya arrived in the Valley of Oaxaca, settled in Antequera, and began to visit the region's lordships.[132] They returned to Mexico City in 1530, but Lucero returned to the Valley three years later to continue his work. In 1535, Minaya was again assigned to the region with the official creation of the vicariate of Santo Domingo de Oaxaca. Despite the large Dominican presence in the Valley, Mitla had a secular priest from 1550 onward and Huitzo until 1554 or 1555.[133]

The minutes of the Dominican chapter meetings show how new *conventos* and *casas de religiosos* (monasteries) were approved and founded in various regions of Oaxaca, including the Valley. The first casas in the Valley were those of San Pedro Etla and Santiago Cuilapan, approved in 1550 and already built by 1552. Between 1555 and 1556, the houses of San Juan Teitipac, Santo Domingo Ocotlán, and Huaxolotitlan (Huitzo) had already been approved and founded, as well as the *casa de visita* or *visita* (dependent convent) of Iztepec (Santa Cruz Mixtepec), subjected to the convent of Oaxaca in 1556 but which became independent in 1564.[134]

Friars from the convent of Teitipac visited (to preach and administer the sacraments) the pueblos of Tlacochahuaya, Macuilxóchitl, Teotitlán, and Tlacolula. The *casa* of La Natividad de Santa Maria in Teozapotlan (Zaachila) was approved in 1572, but it was not completed until 1578, as well as the house of Tlacochahuaya and the *visita* of Tlalixtac. From Tlacochahuaya's new convent, friars visited Macuilxóchitl and Teotitlán. Later, in 1583, the *casas* of Teotitlán and Zimatlán were established. Friars from Teotitlán's *casa* visited Macuilxóchitl and Tlacolula.[135]

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[132] Ricard, Robert, *La conquista espiritual de México*. (México: Fondo de Cultura Económica), 2010, 149.

[133] Gerhard, *Geografía Histórica,* 197, 147.

[134] Vences Vidal, Magdalena. "Fundaciones, aceptaciones y asignaciones en la provincial dominicana de Santiago de México. Siglo XVI (Primera parte)," (*Archivo Dominicano. Vol. XI*, Salamanca: Editorial San Esteban, 1990), 140. Vences Vidal, Magdalena. "Fundaciones, aceptaciones y asignaciones" en la provincial dominicana de Santiago de México. Siglo XVI (Segunda parte)," (*Archivo Dominicano. Vol. XV*, Salamanca: Editorial San Esteban, 1995), 109.

[135] Vences, "Fundaciones… (Segunda parte)," 111, 113, 134, 144. Gerhard, *Geografía Histórica,* 74.

These are the official dates of the approvals and designations, but it is known that there was already a house in Zimatlán by 1560.[136]

Thus, unlike the encomiendas and the corregimientos, doctrinas or parishes in the Valley of Oaxaca were not established simultaneously in all the lordships, nor was there a convent in each one of them. The limited number of friars or secular priests who evangelized the local population meant that, in the beginning, only the most important, populated *cabeceras* near Antequera were chosen as parish headquarters. In these places, a convent or house was built in addition to the church, and from there, the friars or priests visited other nearby pueblos' churches. Thus, the first parishes comprised more than one single lordship, but over time, new parishes were created following the political organization of lordships.

The criteria for founding new parishes changed according to ecclesiastical, economic, or political logic. During the early seventeenth-century relocations or *congregaciones civiles*, a new category of ecclesiastic administration was created: the *asistencias de doctrina* or vicariates.[137] In the Valley, these asistencias were established in former subject towns chosen as relocation sites, contributing to these settlements' claims to independence.

2.6 *Cabeceras* and *sujetos*.

Spaniards used the term *pueblo* to refer to the ancient Mesoamerican lordships. This term derived from the Latin *populus*, which at that time was related to the concepts of lordship and nation because it implied the existence of a state with a complex political, territorial, and ethnic organization.[138] Thus, unlike today's use of the term to refer to any village or location, in the

[136] AGI Mexico 357, L6.

[137] Aguirre, Rodolfo, "Repercusiones de la congregación de indios en las doctrinas de frailes. Centro de Nueva España, 1603-1625," (*Revista de Historia de América*, No. 161, July-December 2021: 13-41), 25-29.

[138] García Martínez, Bernardo. "La naturaleza política y corporativa de los pueblos de indios." (In Bernardo García Martínez. *Tiempos y lugares: antología de estudios sobre poblamiento, pueblos, ganadería y geografía en México*. Mexico: El Colegio de México, 2014, 138-142). The author emphasizes that the term *pueblo* in the first colonial century should not be understood as a simple town or locality, in the way it is used today.

sixteenth century, *pueblo* referred to a complex political unit that usually included more than a single settlement.

Europeans used various terms to make sense of a social, political, and territorial reality that was not entirely compatible with what they knew. As Kevin Terraciano has pointed out, Spaniards conceived pueblos as districts with continuous territories governed from a center by a single native ruler. Instead, many Mesoamerican lordships were the result of alliances between several semi-autonomous entities with their own lords, whose lands were not contiguous and whose population was not evenly distributed across them.[139] However, the European words and concepts used to understand the pueblos' internal organization over time influenced their colonial configuration.

The Spanish term *cabecera* (head town) was the colonial variant of the term *cabeza*, which in Castile was the ecclesiastical or secular capital of a district.[140] In Mesoamérica, the places where a greater concentration of population or public buildings was seen were usually the areas where several constituent entities of a lordship adjoined. These were identified by Spaniards as cabeceras of their respective lordships or pueblos.[141] The places where the highest ruler of a lordship or district resided were also called cabeceras.[142]

The term *sujeto* or *pueblo sujeto* (subject town) was used to refer to villages or minor locations that were perceived to be subordinate to a cabecera; the word *estancia* was also applied to them. On the other hand, the term *barrio* was used to refer to subdivisions within the cabecera, but sometimes it was used to refer to sujetos as well.[143] Later on, as Spaniards' knowledge of

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[139] Terraciano, *The Mixtecs of Colonial Oaxaca*, 121-123.

[140] Gibson, *The Aztecs Under Spanish Rule*, 33.

[141] Lockhart, *The Nahuas After the Conquest*, 19-20, explains that within an *altepetl* (lordship) may have been a zone in which the inner zones of each *calpulli* ("barrio" or constituent part) were closer, creating an agglomeration that could be mistaken for a city.

[142] This is what happened in the Maya area. Quezada, *Pueblos y caciques yucatecos, 1550-1580*, 64. Also in the Matlatzinca province. García Castro, René. *Indios, territorio y poder* 9, 130.

[143] Gibson, *The Aztecs Under Spanish Rule*, 33. Such was the general tendency, but sometimes pueblos *sujetos* were also called barrios.

lordships' internal organization deepened, the term *parcialidad* was used to name the semi-autonomous entities that made up a complex lordship or pueblo.[144]

2.6.1 Early relocations and *congregaciones*.

From the early decades of the sixteenth century, some pre-conquest outstanding settlements located in hills and other "inconvenient" places were relocated to the plains throughout the Valley. These relocations, called *congregaciones*, *juntas* or *reducciones* facilitated Spaniards' access to these populations and responded to early royal decrees ordering to bring together the dispersed population and impose on them the ideal of Christian order and good government, that is, the *buena policía* or civility.[145]

For example, in 1538, Charles V issued a royal decree expressing that "para que nuestra santa fe católica sea ampliada entre los indios naturales de esa tierra y más aprovechen en ella, sería necesario ponerlos en policía humana [...para que] viviesen juntos en sus calles y plazas, concertadamente."[146] In 1555, the church pronounced itself in favor of the congregaciones, and the *provinciales* (heads of the religious orders) instructed those in charge of the bishoprics to make sure that "los dichos indios sean persuadidos, y si menester fuere compelidos por la Justicia Real, con la menos vexacion que ser pueda á que se congreguen en lugares convenientes, y en pueblos acomodados, donde vivan política y cristianamente, y les puedan ser administrados los Santos Sacramentos."[147]

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[144] Lockhart, *The Nahuas After the Conquest*, 21. Gibson, *The Aztecs Under Spanish Rule*, 37. However, this word was eventually used as a synonym for "faction" during the seventeenth and eighteenth centuries.

[145] The term policía "designates honorable conduct befitting citizens," and it is etymologically linked to the *polis* or republic. Hanks, William, *Converting Words. Maya in the Age of the Cross*. (Berkeley, Los Angeles, London, University of California Press, 2010), 1.

[146] "Al virrey de la Nueva España, que procure por todas vías de poner a los naturales en policía, sin hacerles opresión alguna, dándoles a entender los provechos que de ello se les seguirán. Valladolid, Agosto 23 de 1538." *Apud* Martin, "Territorialidad y paisaje,"220.

[147] Lorenzana, 1769: LXXIII, 148, *apud* Martin, "Territorialidad y paisaje,"226.

In the Valley of Oaxaca, the early relocation of important population centers, such as Cuilapan and Tlacolula, are well-known cases. In 1554 or 1555, Cuilapan, which was located at the foot of Monte Albán, was moved, by the friars' advice, to its current location, even changing its Mixtec name from *Saa Yucu* ("at the foot of the hill") to *Yuchaca* ("river of bells").[148] For their part, the inhabitants of what is now the archaeological site of Yagul moved to a lower site and re-founded their cabecera, called *Baca* in Zapotec (today's *Ba'ahc*) and Tlacolulan in Nahuatl. It is not known exactly when this move occurred, but around 1550 most of the population had already moved to the plains.[149]

On July 20, 1558, the oidor Lorenzo Lebrón de Quiñones, received the order from Viceroy Luis de Velasco to visit and reorganize the towns of the province of Oaxaca into orderly pueblos.[150] He did visit various lordships and relocated them, not only the cabeceras but also the subject towns. In March 1559, it was reported that several inhabitants of Yaxitza (Santa Catarina Ixtepeji), a town located in the mountains adjacent to the Valley of Oaxaca, had fled to more distant areas, "por razón de no juntarse en congregación ni pulicía ni deprender la dotrina xriptiana y ser industriados en las cosas de nuestra sancta fé católica."[151]

In the 1560s, viceregal authorities were well aware of the sites that remained to be "ordered" in the Valley, and those that needed to be reordered again. In 1563, viceroy Velasco informed the corregidor of Chichicapa and Amatlán that near Ejutla there were some twenty *casillas* (small houses) whose inhabitants "no tienen doctrina horden ni puliçia para biuir como xpianos." In addition, they traded wine and engaged in public drunkenness and other excesses.

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[148] In 1580 it was said that the transfer had occurred 25 or 26 years earlier. Fray Agustín de Salazar and Pedro de Herrera (scribe), *Relación de Cuylapa (*1580-11-20).LLILAS Benson Latin American Studies and Collections, Joaquín García Icazbalceta Collection. https://collections.lib.utexas.edu/catalog/utblac:a56bebca-9296-472a-a60c-11c36c1c9c1b

[149] Around 1550, most of the population of Tlacolula was already living "en la cabecera," that is, in the lowlands, while another part lived "en la sierra." *Libro de Visitas de los pueblos de la Nueva España*, BNE, Ms. 2800: 175v. Munro and Lopez, *Di'csyonaary x:tèe'n dìi'zh sah Sann Lu'uc, Vol. II*, 624.

[150] ENE, VIII: 108-224.

[151] ENE, VIII: 230. Martin, "Territorialidad y paisaje,"

Velasco ordered the corregidor to make them go live in orderly pueblos.[152] In 1565, a new reorganization had been made in Tlacolula; many houses had been demolished so people would not return to them.[153]

Then, in 1575, the population of Santa Marta Chichihualtepec was ordered to move to a site called Lachichila. This new congregación was ordered by the alcalde mayor and the bishop, but they refused, and the Cuilapan authorities supported them and filed a complaint to prevent the congregación.

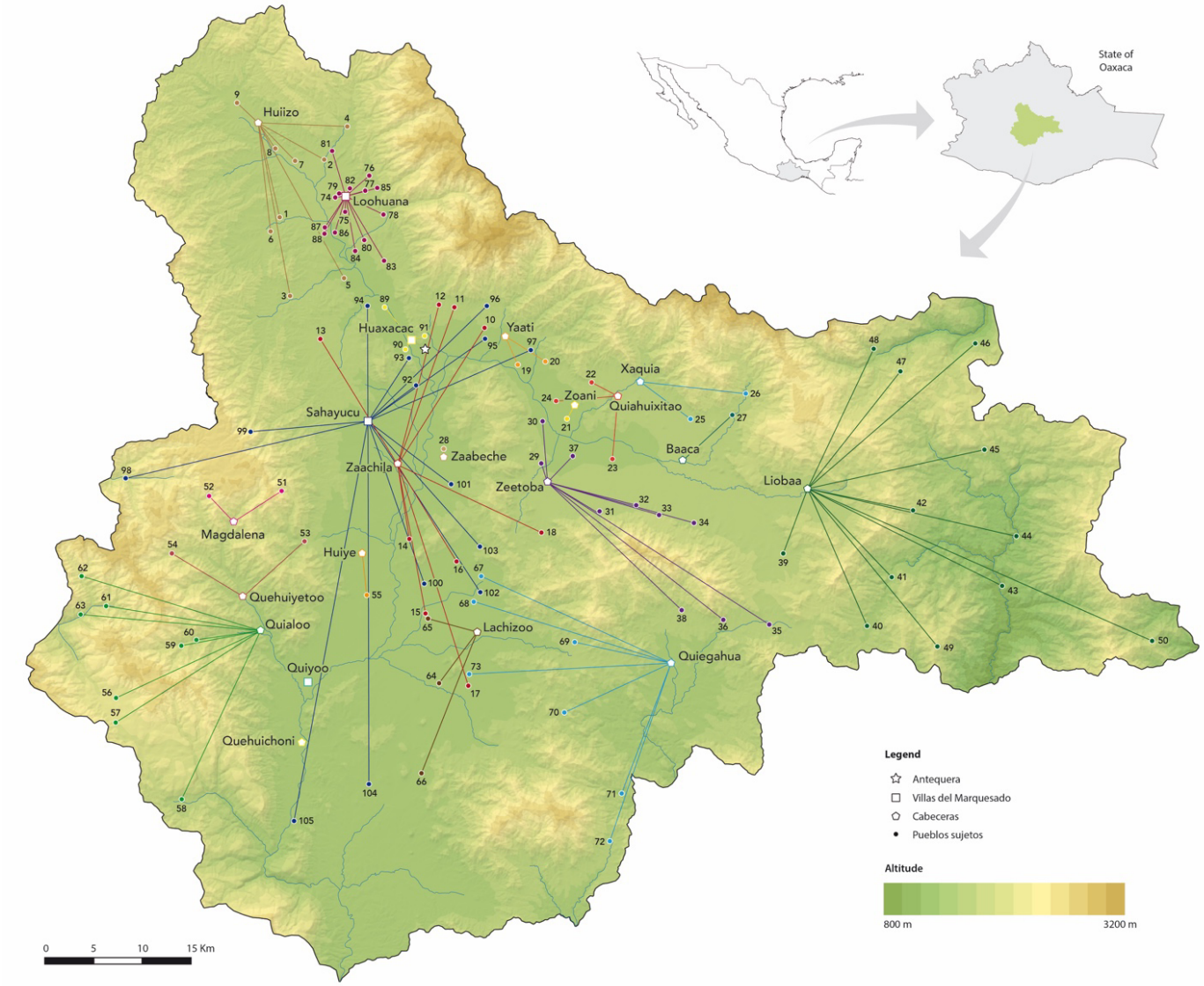
With the creation of these new colonial pueblos, both cabeceras and sujetos received a Spanish name after a patron saint, but they also kept their names in their own languages. Their political and territorial organization changed over time to fit Spanish expectations, but they also preserved their own traditional collectivities. Figure 2.9 shows the cabeceras and sujetos constituting the 21 colonial pueblos registered in the Valley of Oaxaca around 1600.

Some of the sujetos were quite far from their cabeceras; several of them were located in the mountains, which explains why the Valley of Oaxaca presented and studied here does not correspond to the geographic definition that has guided other studies. Political relations have been taken into account to define this region. Thus, this map also contrasts with the one presented by William Taylor some decades ago, where the cabecera-sujeto relationships were not represented. Table 2.4 presents the toponyms in Zapotec, Mixtec, Nahuatl, and Spanish found for each cabecera and each sujeto. The sources for each toponym and the standardization criteria can be found in Appendix 1.

[152] AGN Mercedes 7, f. 139r.

[153] AGN Mercedes 8, f. 166.

Fig. 2.9 Colonial *pueblos* of the Valley of Oaxaca *ca*. 1600. Cabeceras and sujetos.



Multiple sources (See Appendix 1). Drawn by Julio César Gallardo Vásquez.

Table 2.4 Cabeceras and sujetos. Valley of Oaxaca, *ca*.1600.					
Crown's jurisdiction.					
	Colonial Zapotec Name	Colonial Nahuatl Name	Colonial Mixtec Name	Spanish (Patron Saint)	Current name
a	Huiizoo	Cuauhxilotitlan	Ñuundodzo	San Pablo	San Pablo Huitzo
1	Xihui	Tzauctlan		San Andres	San Andres Zautla
2	Lieni	Apazco		La Magdalena	Magdalena Apasco
3	Quiebati	Xalapan		San Felipe	San Felipe Tejalapam
4	Azaabe	Hueyotlipan		San Juan del Rey	San Juan del Estado
-	Quelaba			San Ildefonso	[not found]
5	Zeche	Acahuipecpatecpan (*sic pro* Acahuitecpan)		San Lorenzo	San Lorenzo Cacaotepec
6	Yalachina	Ma[z]atepec		Santo Tomás	Santo Tomas Mazaltepec
7	Huita Yay	Itztenanco		Santo Domingo	Santo Domingo Tlaltinango
8		Xochiquitonco		Santiago	Santiago Suchilquitongo
9		Tlilixtlahuac		San Francisco	San Francisco Telixtlahuaca
b	Zaachi̲la	Teozapotlan	Tocuis	Santa María	Villa de Zaachila
10	Quetateni	Ixtepetlapan		San Agustin	San Agustin Yatareni
11	Looquiti	Cuauhtenco		San Luis	Agencia San Luis Beltran
12	Lachiquego	Xoxocoyoltenco		San Felipe	San Felipe del Agua
13	Xihui Quiabaxi	Ixtlahuacan		San Andrés	San Andres Ixtlahuaca
14	Quiane	Xochitepec		Santa Catarina	Santa Catarina Quiane
15	Zobayoo	Teteltitlan		San Lucas	[possible location]
16	Ticalano?	Tlilcaxtonco		San Martin	San Martin Tilcajete
17	Quegolato	Atenco		Santa Lucia	Santa Lucia Ocotlán
18	Quelalao	Tlaxomulco		Santa Cecilia	Santa Cecilia Jalieza
c	Ya[t]i Yatiqui Lachi[y]aati	Tlaliztac	Ñucuisi	(San Miguel)	Tlalixtac de Cabrera
-	Lachi̲la			Santiago	[not found]
19	Luguiaga			Santa María	Santa María del Tule
20	Lanipeo			Santa Catalina	Santa Catalina de Sena
-	Quiaxeni			San Juan	[not found]
d	Zoani, Zooni	Tlacuechahuayan		San Jerónimo	San Jerónimo Tlacochahuaya
21	Yulachi			San Sebastian	San Sebastian Abasolo
e	Quiahuixitao Huiixi Quiabelagayo	Macuilxochitl		San Mateo	Macuilxochitl de Artigas Carranza
22		Iztactepetitlan		Santiago	Santiago Ixtaltepec
23	Quelabia	Apazco		San Juan	San Juan Guelavia

24	Lachilao	Iztlayutlan		San Francisco	San Francisco Lachigoló
f	Xaaquia	Teotitlan		Natividad	Teotitlan del Valle
25	Quiahuiza			Santa Ana	Santa Ana del Valle
26	Quiabe			San Miguel	San Miguel del Valle
g	Baaca, Paca	Tlacololan		Santa María de la Asunción	Tlacolula de Matamoros
27	Niaquego, Quiaquego	Atenco		Santo Domingo	Villa Díaz Ordaz
h	Zaabeche	Coyotepe	[Ñuu ñaña]	San Bartolomé	San Bartolo Coyotepec
28	Quechequija			Santa María	Santa María Coyotepec
i	Zeetoba Quehui quiezaa	Teticpac	Miniyuu	San Juan	San Juan Teitipac
29	Quiaguia	Teticpac		San Sebastian	San Sebastian Teitipac
30	Zuana [Guelazee]			Santo Domingo [Santa María]	[possible location] [Santa María Guelacé]
31	Taba			Santa María Magdalena	Magdalena Teitipac
32	Quiapite			San Marcos	San Marcos Tlapazola
33	Quechelana			San Bartolome	San Bartolome Quialana
34	Quiabine			San Lucas	San Lucas Quiavini
35	Lachiguise	Ocotepec		San Dionisio	San Dionicio Ocotepec
36	Bi̲laa			San Pablo	San Pablo Güilá
37	Quiachachiila			La Santa Vera Cruz	Santa Cruz Papalutla
38	Quie			San Felipe	San Felipe Güilá
j	Lyobaa	Mictlan		San Pablo	San Pablo Villa de Mitla
39	Sabaje			Santiago	Santiago Matatlan
40	Que̲labi̲la			San Baltazar	San Baltazar Guelavila
41	Lauza	Ixtapan		San Francisco	[possible location]
42	Lachibize			San Lorenzo	San Lorenzo Albarradas
43	Toagui			Santa Ana	Santa Ana del Rio
44	Quelaa			San Juan	San Juan del Rio
-	Quiaqueche			San Andres	[not found]
45	Lachiato			Santa María	Santa María Albarradas
46	Cuilapa			Santo Domingo	Santo Domingo Albarradas
47	Cunzeche			San Miguel	San Miguel Albarradas
48	Xaquiee			Santa Catalina	Santa Catarina Albarradas
49				Santo Tomás	Santo Tomas de Arriba
50	Quiatoni			San Pedro	San Pedro Quiatoni
k		Tepezimatlan		Santa María Magdalena	Magdalena Mixtepec
-	Quiaxila			San Vicente	[not found]
51				Santa Ines	Santa Ines del Monte
52		Mixtemeltepec		Santiago	Santiago Clavellinas?
l	Quehuiyeetoo Quiachila	Tepezimatlan		San Bernardo	San Bernardo Mixtepec

53	Xolaa			San Jerónimo	[possible location]
54	Quegolai			Santa María Asunción	Asuncion Mixtepec
-	Zecachi			Santo Domingo	[not found]
m	Huyelachi Huiye	Zimatlan		San Lorenzo	Zimatlan
55	Quegolooqueche	Huixtepec		San Pablo	San Pablo Huixtepec
n	Quialoo	Ixtepec		Santa Cruz	Santa Cruz Mixtepec
56	Lachixio	Ixtlahuacan		Santa María	Santa Maria Lachixio
57				San Vicente	San Vicente Lachixio
58				San Sebastián	San Sebastian de las Grutas
-				San Martín	[not found]
59				San Miguel	San Miguel Mixtepec
60				San Mateo	San Mateo Mixtepec
-				San Juan	[not found]
-				San Francisco	[not found]
61				San Antonio	San Antonino El Alto
62		Tliltepec		San Andres	San Andres El Alto
63				San Pedro	San Pedro El Alto
o	Quehuichoni Quegochooni	Ayocuexco		Natividad de Maria	Ayoquezco de Aldama
p	Lachizoo	Ocotlan	Ñuundedzi	Santo Domingo	Ocotlan de Morelos
64				San Pedro	San Pedro Martir?
65				Santiago	Santiago Apostol?
66				San Martin	San Martin de los Cansecos?
q	Quiegahua	Chichicapan		San Baltazar	San Baltazar Chichicapam
67		Mecatepec		Santo Tomas	Santo Tomás Jalieza
68				San Cristobal	San Cristobal Ixcatlan?
69	Quegotee			San Miguel	San Miguel Tilquiapam
70				San Jerónimo	San Jerónimo Taviche
71				San Pedro	San Pedro Taviche
-				San Antonio	[not found]
72				San Juan	San Juan Lachigalla
73				San Dionisio	San Dionisio Ocotlan?
Cuatro Villas del marquesado					
	Colonial Zapotec	Colonial Nahuatl	Colonial Mixteco	Spanish (Patron Saint)	Current Name
A	Loohuana	Etlan	Ñuunduchi	Villa de Etla San Pedro y San Pablo	Villa de Etla
74				Santos Reyes	Reyes Etla
75				Santo Domingo	Santo Domingo Barrio Alto
76				San Juan	San Juan Guelache

77				San Miguel	San Miguel Etla
78				San Agustin	San Agustin Etla
79				Natividad de María	Nativitas
				San Jacinto	[not found]
80				San Sebastian	San Sebastian Etla
81				Santa Martha	Santa Martha Etla
82				Nuestra Señora de la Asunción	Asunción Etla
83				San Pablo Etla	San Pablo Etla
84				Santiago	Santiago
85				San Gabriel	San Gabriel Etla
86	Lagotao			Guadalupe	Guadalupe Etla
87	Lachibizia			Jesus Nazareno	Nazareno Etla
88	Lachi			La Soledad	Soledad Etla
B	Loolaa	Huaxacac	Nuunduvua	Villa de Oaxaca Santa Maria	Ex-marquesado (barrio)
89				San Jacinto	San Jacinto Amilpas
90		Mexicapan		San Martín	San Martin Mexicapan
91		Xochimilco		Santo Tomás	Santo Tomas Xochimilco
C	Xaaquietoo	Coyolapan	Sahayucu Yuchaca, Yutacaha	Villa de Cuilapan Santiago	Cuilapam de Guerrero
92		Xoxocotlan	Ñuhu yoho	Santa Cruz	Santa Cruz Xoxocotlan
93		Chapultepec	Yucha yta	San Juan	San Juan Chapultepec
94		Ozumba	Dzinimini	Santa María	Santa María Atzompa
95		Teutlan	Ñuhu huyyo	San Francisco	San Francisco Tutla
96	Yohobee	Hueyapan	Yucha cano	San Andres	San Andres Huayapan
97	Pirochi, Biryuchee	Tomaltepec	Yucu tinana	Santo Domingo	Santo Domingo Tomaltepec
98			Yucu qua	San Miguel	San Miguel Peras
99	Bichiña Tapa		Ydzu qini	San Pablo	San Pablo Cuatro Venados
				San Cristobal	[not found]
100	Zegache	Xuchitepec	Cosichi?	Santa Ana	Santa Ana Zegache
101			Ñuundizi	San Pablo	[possible location]
102		Chilatectlan		San Juan	San Juan Chilateca
103	Quegorexi		Chanduco?	San Pedro	San Pedro Guegorexe
104		Chichihualtepec		Santa Martha	Santa Martha Chichihualtepec
105	Yachila			San Martin	San Martin Lachila?
106		Xoxoquiapa		Santa Catalina	Santa Catarina Minas
D	Quiyoo	Teocuitlapacoyan		Santa Ana	Santa Ana Tlapacoya

2.7 Population loss.

The Spanish invasion of the Valley of Oaxaca involved alterations and violence that, in turn, caused a precipitous decline in population from the very early period. As already mentioned, some witnesses indicated in 1531 that the populations of Mitla and Tlacolula decreased dramatically because most people fled from their encomendero, as did the inhabitants of Iztepec.[154] The authorities of Etla, Zimatlán, and Ocotlán reported during the 1530s and 1540s that people from their pueblos continued to flee in order to avoid mistreatment and the new tax burdens imposed on them.[155] But it was not only humble people who were trying to escape. In 1531, Don Domingo, a younger brother of the ruler of Huitzo, reported that mistreatment by Juan Peláez de Berrio and Pedro de Sámano caused many people to leave this pueblo, including his brother and ruler, lord *Ecatle* (Ehecatl, 'Wind'), although he later returned.[156] The lack of precise records on the population of the Valley in the early colonial years makes it almost impossible to know how many people fled from the Valley.

The greatest cause of depopulation was, however, the many recurring epidemics. One of the earliest and most terrible outbreaks was the *cocoliztli* that occurred between 1545 and 1548. It was described as "una pestilencia grandísima y universal, donde en toda esta Nueva España murió la mayor parte de la gente que en ella había."[157] According to Peter Gerhard, another epidemic occurred between 1567 and 1568 in Tehuantepec, but it also reached the Valley of Oaxaca. In 1568, Mitla and Tlacolula obtained reductions in their *tasaciones* (tribute

[154] See notes 119 and 120.

[155] For Etla see Zavala, Silvio, "Contienda legal y de hecho entre españoles ganaderos e indios agricultores en el pueblo de Etla (Oaxaca), 1537", (In *Tributos y servicios personales de indios para Hernán Cortés y su familia (Extractos de documentos del siglo XVI)*, AGN, México, 1999). For Ocotlán and Zimatlán: AGN, Hospital de Jesús, Leg. 432, Exp. 5, ff. 12r, 40v.

[156] AGN, Hospital de Jesús, Leg. 293, Exp. 140, f. 100r.

[157] Fray Bernardino de Sahagun. *Historia general de las cosas de Nueva España*, apud Calderón Fernández, Andrés and Ernest Sánchez Santiró, "Epidemias, población y tributo en Nueva España en el siglo XVI," (*Tzintzun. Revista de Estudios Históricos*, 78, Julio-Diciembre 2023), 9. Gerhard, *Geografia Historica*, 23, Tabla D.

assessments) due to population loss.[158] Soon after, a deadly *huei cocoliztli* or *matlazahuatl* ravaged New Spain from 1576 to 1580.[159] Several more epidemics occurred locally or regionally until another general epidemic struck from 1736 to 1739, which in the Valley of Oaxaca reached levels of "super crisis" or demographic catastrophe.[160] Finally, from 1779 to 1780 and from 1797 to 1798, the region suffered two last major epidemics which mainly affected children, the first of which was most devastating.[161]

The exact number of the population decline is difficult to determine. The first general record of the tributary population of New Spain, known as the *Libro de Visitas* or *Suma de Visitas*, was made between 1548 and 1550.[162] This source provides valuable data, but it has limited use in calculating the total population because not everyone paid taxes when it was compiled. The percentage of taxpayers in each polity is known, but in the following years and decades the royal officials incorporated several sectors of the population that had not paid taxes previously, resulting in an increase in the number of taxpayers by the mid-1560s.[163] This increase did not signify population growth but crown officials' increased capacity to collect tribute from previously exempted populations.[164]

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[158] AGI, Contaduría 785b, f. 7r-10v. In Oudijk, Michel. *Tasaciones de tributos de pueblos y corregimientos de indios*. Toluca, Universidad Autónoma del Estado de México, 2024.
[159] Gerhard, *Geografía histórica*, 23, Table D.

[160] Aguilera Núñez, Ana Rosalía. "El Valle de Tlacolula, Oaxaca, bajo los efectos de la epidemia de *matlazahuatl*, 1738-1739." In: José Gustavo González Flores (coord.). *Epidemias de matlazahuatl, tabardillo y tifo en Nueva España y Mexico. Sobremortalidades con incidencia en la población adulta del siglo XVII al XIX*. Saltillo: Universidad Autónoma de Coahuila, Escuela de Ciencias Sociales, 2017.

[161] Aguilera Núñez, Ana Rosalía. "La epidemia de viruela de 1796-1797 en Oaxaca (México): variolización, discursos, (re)acciones e impacto demográfico," *Historelo. Revista de Historia Regional y Local*. XV, No. 34, September-December 2023.

[162] *Suma de visitas de pueblos de la Nueva España, 1548-1550*. Edited by René García Castro. Toluca: Universidad Autónoma del Estado de México, Facultad de Humanidades, 2013. BNE, Ms. 2800. *Libro de visitas de los pueblos de la Nueva España*. http://bdh-rd.bne.es/viewer.vm?id=0000051228&page=1.

[163] Among the groups exempt from payment were nobles, *mayeques* or serfs, and those assigned to church work or public service. Cook, Sherburne and Woodrow Borah, *Population of Central Mexico 1531-1610*. (Berkeley & Los Angeles: University of California Press), 5-6. https://hdl.handle.net/2027/mdp.39076005669143 This changed with the tax reforms implemented by Jerónimo de Valderrama. José Miranda. *El tributo indígena en la Nueva España durante el siglo XVI*. (México: El Colegio de México, 2005), 151-155.

[164] This was the case in the Maya zone, where the recovery of the population was due in part, according to historian Laura Caso Barrera (who relies on Manuela García Bernal), to "la eficaz reducción de los fugitivos por parte de las

Nevertheless, it is interesting that the number of estancias or sujetos reported by each polity increased during the sixteenth century. It is likely that in 1548, there were more sujetos than those reported, but still, some effort was made to keep these sites populated. If they were new settlements, the determination to populate them under these difficult circumstances would be even more remarkable. However small these colonial pueblos were, their presence allowed jurisdictional and territorial claims to be made by each polity, which would eventually contribute to maintaining the integrity of each pueblo.

Appendix 2 compiles reported data on estancias, houses, and people who paid tribute in each polity in the Valley of Oaxaca from 1548 to 1646, as well as estimates by historians Sherburne Cook and Woodrow Borah for the total population in different years. Although the data from the primary sources do not allow us to know for certain the total population on the dates reported, they do show a downward trend, even when the crown's efforts to increase the tax base resulted in an increase in the number of tributaries reported. It also highlights the polities' efforts to occupy or reoccupy as much of their territory as possible, sometimes maintaining very small hamlets that would eventually disappear. Nevertheless, most colonial pueblos managed to consolidate and survive.

2. 8 Summary.

The lordships of the Valley of Oaxaca were complex entities formed more than two millennia ago by numerous collectivities that, over centuries, had learned how to organize and coexist in different and complex ways. They had Bènizàa, Ñudzahui, and Nahua populations at different degrees, but each lordship forged its own identity at the local level, with its own network of alliances and rivalries, which determined the way they reacted to the European and Mesoamerican invaders who, in 1521, broke into the region to subject it.

autoridades coloniales." Caso Barrera, Laura. *Caminos en la selva. Migración, comercio y resistencia. Mayas yucatecos e itzaes, siglos XVII-XIX*. (México: El Colegio de México, Fondo de Cultura Económica, 2002), 123-130.

Once the region was conquered, Cortés tried to control the entire tributary province. However, other conquistadors disputed control from the very beginning and ultimately received support from the crown. As a result, two main jurisdictions were established: seventeen lordships were under the crown's jurisdiction and four under Cortés' marquisate.

Spaniards superimposed new forms of authority and dominion on the existing political organization that these lordships had built over the course of centuries: the encomiendas, the corregimientos, and the doctrinas. The concepts of pueblo, cabecera, and sujeto, and several other Spanish sociopolitical designations were also projected on them, which, over time, forged new and strong social, political, and territorial identities.

Much of the complex traditional organization remained beneath this new layer of terms and power relations. The following chapter will trace and examine some of these ancient social and political relationships in the historical record.

Chapter 3. The *Quèche* or Zapotec Polity in Colonial Times.

This chapter examines the political and territorial organization of the Zapotec polities of the Valley of Oaxaca in colonial times and some important changes that they experienced. In particular, it discusses the concepts of the *quèche*, that is, the 'lordship," the *quèhui* or "lordly palace" and the *yòho* or "house," and how these forms of organization interacted with the new categories of *cabeceras* and *sujetos*.

I begin by reviewing previous studies of Bènizàa social and political organization in precolonial and early colonial times, examining a number of basic concepts. Then, I discuss some archival sources from the Valley written in Tichazàa, or the Zapotec language. The sources show that each quèche was made up of various differentiated and organized collectivities, with their leaders or heads occupying different hierarchical positions. These collectivities adopted some colonial labels and practices but maintained many functions and terminology from their traditional organization.

Finally, I discuss in more detail the cases of Tlacolula-Baaca, Teitipac-Zeetoba, and Huitzo and incorporate examples from other quèche. The case studies illustrate the diversity of internal arrangements that could be found in this region and the various ways in which traditional Zapotec forms of organization coped with the colonial system and its demands.

3.1 Previous approaches.

3.1.1 Rulers, nobles, and common people.

During the 1970s, historians, anthropologists, and archaeologists such as Joseph Whitecotton, Kent Flannery, Joyce Marcus, and Ronald Spores began to study ancient Zapotec social and political organization. In their early publications, they identified terms related to Zapotec rulers and society using printed sources: the most widely used was the *Vocabvlario en lengva çapoteca* by Fray Juan de Córdova was the most widely used, followed by the sixteenth-century *Relaciones*

Geográficas and the seventeenth-century *Geográfica Descripción* and *Palestra historial* by Fray Francisco de Burgoa.

The study of these sources made it possible to identify the existence of a Zapotec political and aristocratic elite strongly based on lineage. This type of government was headed by the *coqui*, a title that the authors found in entries of the *Vocabulario* for "Rey" or "señor" whose wives bore the title of *xonaxi*.[1] Whitecotton noted that among the *coqui* there might be a most important one, and although he found the term *coquitao* to name this supreme ruler, he favored the use of *coquihualao*, which he found as a translation of "principe o principal."[2] He found that other nobles called *joàna* or *xoana*, as well as religious leaders headed by the *huijatao* or high priest, were also part of the Zapotec elite.[3] Marcus and Flannery, for their part, distinguished a hierarchy mostly based on the European model that inspired Cordova's translations: the *coquitào* or "king" followed by the *coquihualào* or "prince," the *joána* or "knight," and the *joánahuini* or "hidalgo."[4]

Outside this elite group were the commoners, a group composed of the *bèniquèche* or "gente del pueblo,"[5] the "terrazgueros," servants or people who did not possess lands, and enslaved people.[6] Flannery and Spores proposed that among commoners, there were *golaba*, persons in charge of collecting tribute and organizing collective work.[7] Decades later, Judith in claimed that *collabachiña* were part of the minor nobility.[8] As will be discussed later, both

[1] CV 349r: "Rey. Todos los nombres sacando el primero son nombres del oficio de rey. Coquì Rey." "Reyna. Coquìxonàxilechèla rey." CV 377r: "Señor de casta. Coquì. Si es grande. Coquitào." "Señora de linaje grande. Coquìtào xonàxi. xonàxi coquìtao."

[2] Whitecotton, *The Zapotecs*, 307-308, n. 38. CV 327v: "Principe o principal. Coquíhualào."

[3] CV 377r: "Señor como cauallero o hidalgo. joàna lahuìti." CV 367: "Sacerdote sumo o Papa vide Papa. Vuijatáotáo."

[4] Marcus and Flannery, *Zapotec Civilization*, 13-14.

[5] This term is similar to *macehualli* in Náhuatl (in Spanish, macehual). CV 252r: "Macehuatl, ò vezino del pueblo o popular. Pèniquèche."

[6] Neither Whitecotton nor other authors give Zapotec terminology for terrazgueros. For enslaved people, the information compiled by Whitecotton includes *choco*, *pinijni*, *xillani*, *hueyaana*, *pigaana* and *pinijni gonna* (female slave). Whitecotton, *The Zapotecs*, 151-152.

[7] Spores and Flannery. "Sixteenth-Century Kinship and Social Organization," 340.
[8] Zeitlin, "Precolumbian Barrio Organization," 293.

positions seem to be correct, as there were certain hierarchies among the *collaba*.

These early studies also discussed the existence of different social strata. Whitecotton proposed three: nobility, priests, and common people. Flannery and Spores proposed two: high and low, each with its own subdivisions. In the upper stratum were the kings and the nobility, and in the lower stratum were the common people, servants, and enslaved people. Marcus and Flannery would take up this last proposal some years later. [9]

3.1.2 The *barrio*.

In 1994, archaeologist Judith Zeitlin proposed a shift in perspective to look "beyond the individual authority of the ruler" and focus on the internal organization of city-states, specifically what she called the *barrio*. In a text entitled "Precolumbian Barrio Organization in Tehuantepec, Mexico," Zeitlin showed that the barrio was the institution that enabled the survival of Tehuantepec and other city-states after the fall of the native rulers in the era of Spanish colonialism. Based on her excavations at the Panteón Viejo site (Barrio de Tagolaba) in Tehuantepec, she described the Zapotec barrio as a spatially well-defined residential site. She also pointed out that it was not only a residential area but also a "corporate community" with an administrative and religious center dominated by a palace.[10]

Zeitlin examined the *Vocabulario* entries "Barrio," "Parcialidad de gente en un pueblo para los trabajos del pueblo, o como esquadra" and "Escuadra de gente junta o como para guerra," and based on her analysis of their Zapotec equivalences proposed that the barrio was a social unit with various functions. She took up the term *quiñaqueche* (interpreting *quiña* as "sementera") to argue that the barrio was a unit of land tenure, specifically a unit of communal agricultural fields. The term *collaba* allowed her to suggest that the barrio was the basis for forming work crews also called *collaba*. On the other hand, she interpreted the term *cozaana* ("línea colateral [...] de vn

[9] Marcus and Flannery, *Zapotec Civilization*, 13-14.

[10] Zeitlin, "Precolumbian Barrio Organization," 276, 291-292.

linaje"), as an indication that there was a kinship component in the barrio. Finally, she suggested that barrio people could also be mobilized for war.[11]

At the head of the barrio, according to Zeitlin, was an overseer or *collabachiña*, also known as *tequitlato*,[12] who was responsible for organizing the collective work and collecting tribute. Other authors had suggested that this position was assigned by the coquì,[13] but for Zeitlin the existence of the term *tijacollaba* (*tija* being lineage) implied that the position was inherited, so she argued that the *coqui* only confirmed the legitimate successor.[14] Furthermore, unlike Flannery and Spores, who placed the golaba within the stratum of commoners, Zeitlin considered them minor nobility.

Zeitlin cautioned against idealizing barrio relationships, for better-studied regions showed that tax obligations weighed as heavily as kinship relations and that differences in wealth, social class, and access to land among barrio members could be very marked. In archival documents, she found a very early judicial complaint about excessive taxation in Tehuantepec, suggesting that the Zapotec barrio may have been similar to the Nahua *calpulli*, a noble house with subject people receiving plots of land in exchange for labor and military support for the lord or head of the noble lineage.[15]

Later, in her book *Cultural Politics in Colonial Tehuantepec. Community and State among the Isthmus Zapotec, 1500-1750*, published in 2005, Zeitlin deepened and extended her study to other sectors of Tehuantepec. She distinguished two types of subject communities: one

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[11] Zeitlin, "Precolumbian Barrio Organization," 292. Zeitlin, *Cultural Politics*, 48-49. CV 246r: "Linea colateral que sale de vn linaje como dezimos otra es mi linea. Cozáana."

[12] Zeitlin, *Cultural Politics*, 50. From *tequitl* or "work" (a term Hispanicized as *tequio*) and *tlatoa*, "to speak." Fray Alonso de Molina translated it as "mandon or merino, o el que tiene cargo de repartir el tributo o el tequio alos maceuales." Molina, *Vocabulario*, 105r.

[13] Whitecotton, *The Zapotecs*, 144. He does not use the term *colaabachiña*, but the Nahua *tequitlato,* although he did know it and registered it once. *Ibidem*, 308-9, n. 43. Spores and Flannery. "Sixteenth-Century Kinship and Social Organization," 340.

[14] Zeitlin, "Precolumbian Barrio Organization," 293.

[15] Zeitlin, "Precolumbian Barrio Organization," 292-294.

of tributaries and the other of patrimonial vassals. In the first type, people were obligated to perform military tasks and give tribute in exchange for the plots they received as members of the barrio, governed by a minor nobleman who came from among themselves. In the second type, people worked the lands of the coquì and delivered a part of their harvest to the royal house, but they also performed personal services.[16]

However, Zeitlin also noticed the existence of many small barrios organized as "noble houses," with patronage relationships that she thought resembled the coquì's patrimonial communities, for she noted several terrazgueros directly linked to high-ranking nobles. References to various characters related to the same barrio and even acknowledged as barrio namesakes at different times revealed the complexity of internal arrangements within the barrios of Tehuantepec.[17]

3.1.3 *Xoana* and *collaba* through time.

In 2011, Zapotec ethnohistorian Vladimir Jiménez Cabrera studied the functions of the colonial *joána* and *collaba* to understand the origins of the *xuaana',* a present-day dignitary or *principal* with a prominent role in a civil celebration in Tehuantepec called *Saa Guidxi* or "feast of the pueblo." In his MA thesis, entitled "*Xuaana'* y organización político territorial zapoteca del siglo XVI. Un acercamiento a través del *Vocabvlario* de Córdova," Jiménez proposed that *joàna* (xoana) and *pejoána* were equivalent and generic terms for lord or "señor," a noble member of any rank.[18] Both terms implied authority over something or someone and perhaps even ownership, but unlike *coquì* or *pichana*, they were not associated with the names of Zapotec gods

[16] Zeitlin, *Cultural Politics*, 53-57.

[17] Zeitlin, *Cultural Politics*, 50.

[18] Jiménez, "*Xuaana'* y organización político territorial," 69. In many Zapotec colonial documents joàna is written as xoana, and even abbreviated as x^{a} or xo^{a}. See AHNO, Joachin de Amador, 1759-60, Libro 101.

or ancestors. Therefore, Dominican friars chose pejoàna to refer to the Christian god.[19]

Regarding the term collaba, Jiménez proposed that it could be translated as "accountant" or "administrator."[20] In the colonial period, the xoana and the collaba headed the barrios or "parcialidades" (as he preferred to call them) that made up a quèche or city-state. The xoana were the leaders who belonged to the nobility, while the collaba were officials or administrators within the parcialidades who organized the people for work, tribute, or war.

In 2011, Jiménez and Damián González published the article "Avatares del poder. Análisis etnohistórico y lingüístico del cargo zapoteco de *golaba*," in which they traced the functions of this office in different Zapotec towns from the colonial period to the twentieth century. They reviewed the RGs of Nexapa; Huitzo; Atlatlauca and Malinaltepec; Miaguatlán, Ocelotepeque, Coatlán, and Amatlán, and noted that the collaba were those who collected tribute, oversaw public order, assigned and supervised work, supervised attendance at religious services, and mediated between the coqui and the estancia or barrio.[21]

Through ethnographic work in several Zapotec villages, the authors were able to document the functions of the collaba during the twentieth century. In these cases, the collaba or tequitlatos usually performed their functions in the temple or in ceremonial events and worked in close collaboration with the *xiaga*, that is, the colonial quixiaga or bearer of the rod of justice.[22] The collaba or tequitlato had, in these cases, greater or equal authority than the xiaga, but both were below the xoana.

In Teotitlán del Valle, at the beginning of the twentieth century, a collaba (*gulaba*) was elected every year for each section of the town. There, the collaba could punish foreign persons

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[19] The expression *Pejoànana*, meaning "our lord," whereby the last morpheme *-na* can be interpreted as the first person plural (our), appears in the earliest known evangelical texts: the *Doctrina Christiana* published by Fray Pedro de Feria in 1576 as well as the *Vocabulario* and the *Arte* published by Fray Juan de Córdova in 1578.

[20] In fact, he argues that there were two similar words: one was *colaba* and the other, *collaba*. The latter was associated with governorship. Jiménez, "*Xuaana'* y organización político territorial," 90-91.

[21] González and Jiménez, "Avatares del poder," 225-226. I have changed to ortography of the titles they documented.

[22] González and Jiménez, "Avatares del poder," 232.

who committed crimes in the town and even the municipal president himself.[23] A collaba was elected in Tehuantepec until 1955, as well. He helped the *xoana* to maintain and clean the church, and he called meetings of local notables of *principales*. Formerly, he also went around the pueblo collecting flowers and candles for the church. In Santiago Xanica, until 1969, the collaba *(nwla'b*) collected food for the priest, house by house; he also had to look for a cook and dishes. The collaba coordinated the xiaga, and, generally, had three xiaga under his charge. Also, in the annual cabildo renewal, he had to prepare a ritual dish called *xob zaa* or "mole de frijol" for the new authorities and offer *tepache* and *atole de panela* to those in attendance. [24]

Thus, these authors showed that in the Valle, Istmo, and Sierra Sur, the position of collaba was still in force until the beginning of the twentieth century, sometimes linked to sections within the village, still fulfilling functions of organizing collective activities and collecting specific things from each domestic unit in the community.

3.1.4 The *quèche* and its internal organization.

Michel Oudijk's findings on social, political, and territorial organization from a philological approach began in this century. Oudijk has identified some of the most outstanding general characteristics of the Bénizàa political and territorial organization, which he considers were in force since a century before the arrival of the Spaniards, using pictographic documents and early colonial texts, especially those written by Zapotecs of different regions. His approach relates to the New Philology, which had already enabled authors such as James Lockhart, Kevin Terraciano, and Mathew Restall to deepen our knowledge of the Nahua, Mixtec, and Maya colonial societies, respectively.[25]

In his 2002 work, "The Zapotec City-State," Oudijk highlighted the concept of *quèche*, a

[23] González and Jiménez, "Avatares del poder," 229.

[24] González and Jiménez, "Avatares del poder," 229-231.

[25] Lockhart, *The Nahuas After the Conquest*; Terraciano, *The Mixtecs of Colonial Oaxaca*; Restall, *The Maya World*.

term used by the Bènizàa to refer to their most important political units, which in the archaeological studies of the Postclassic period had been labeled as city-states, lordships, chiefdoms or petty kingdoms.[26] The term had already been identified by Whitecotton and Zeitlin, but it was not part of their analysis.[27] To Oudijk, *quèche* refers to "a nucleated settlement where the hereditary ruler had his palace, surrounded by some communities subject to that ruler." His definition likens it to the concepts of the Nahua *altepetl*, the Mixtec *yuhuitayu*, and the Maya *ahawlel*.[28] But besides emphasizing that the quèche was the main political unit among Zapotecs, Oudijk pointed out the importance of the *yòho* or "house," a political subunit or barrio whose legitimacy resided in the possession of a *quiña* or "sacred bundle," and the leadership of the *pichana*, whom at that time he defined as the ruler of a dependent city-state.[29]

Later, in his book *Cambiar para seguir igual. La fundación y caída del cacicazgo de Tehuantepec (siglos XV y XVI)*, 2019, Oudijk expanded his proposal. He described the quèche as a "pueblo compuesto," that is, the sum of several "lineages" or "houses" or *yòho*, each with their own history, political organization, and identity, that came together over time. These houses enjoyed great autonomy within the quèche, but also had the obligation to collaborate in certain well-defined activities.[30] According to Oudijk, historically each yòho began with a physical structure of "four rooms around a courtyard" where nuclear families and their relatives and incorporated others lived. As the number of members increased, at some point, some of them moved to nearby or distant places but continued to belong to the same *yòho*. Thus, these houses could have hundreds of members.[31]

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[26] Whitecotton uses petty *lordships* and *princedoms*, but also town and community. Whitecotton, *The Zapotecs*, 121, 139. Zeitlin uses *petty kingdoms* as well as *city-state*. Zeitlin, "Precolumbian Barrio Organization," 275-6.

[27] Whitecotton, *The Zapotecs*, 139 and 307, n. 37. Zeitlin, "Precolumbian Barrio Organization," 275.

[28] Oudijk, *The Zapotec City-State*, 77.

[29] Oudijk, *The Zapotec City-State*, 77. The sacred bundles represented the physical or symbolic remains of the yòho's founders or sacred ancestors.

[30] Oudijk, *Cambiar para seguir igual*, 32.

[31] Oudijk, *Cambiar para seguir igual*, 33.

At the head of each yòho was the pichana, who was usually its founder. This founder had a sacred origin and could establish contact with the supernatural forces that influenced events in this world. He watched over the welfare of his yòho, and at his death, his remains were kept in a sacred bundle to be venerated in the temple. His descendants inherited his power and prestige, so they received tribute and personal services from the other house members.[32]

Each *yòho* experienced processes of growth and fragmentation. For example, if there were a crisis that the *pichana* could not solve, his authority was likely to be questioned and some type of secession was possible. On the other hand, if the number of members increased significantly, the *yòho* could experience fragmentation, but this type of separation occurred on better terms, creating internal hierarchies. This hierarchical relationship, Oudijk explains, turned the pichana into a coquì, and his house into a quèhui or "palace." For their part, the new yòho and its pichana had to pay tribute and personal service to the coquì, but otherwise, they could conduct themselves quite autonomously. From the new yòho could, in time, emerge other houses. This new generation of yòho would be headed by the *xoana*, increasing the complexity of the quèche.[33]

The territory of each yòho was not necessarily continuous, "aunque las tierras de los dependientes de una casa generalmente tendían a concentrarse en un lugar." All members were entitled to land, but it was the xoana, pichana, or coquì who administered it and distributed it to members of his or other households, receiving part of their harvest as compensation. Each yòho's autonomy allowed its leader to grant migrants permission to cultivate its lands, and only this lord and his yòho would receive the due tribute and services.[34] Thus, the heads of the *quehui* and its subordinate *yòho* could descend from the same founder, but when a *yòho* was established by migrants, they had a different origin and identity (and, sometimes, language).

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[32] Oudijk, *Cambiar para seguir igual*, 33.

[33] Oudijk, *Cambiar para seguir igual*, 33-35.

[34] Oudijk, *Cambiar para seguir igual*, 35-36. Migrants were people fleeing from wars or bad harvests in their regions of origin. In colonial times, people fled from Spaniards' violence and abuse.

Oudijk identified the relationship established between the members of a *yòho* and its head as patrimonial and the hierarchical relationship established between a quèhui's head and one or several yòho as lordly. The lordly relationship was established and reinforced by mutual recognition ceremonies between the heads and by the establishment of marriage alliances.[35]

Finally, in the mid-sixteenth century, the coquì and pichana received the title of *gobernador*, and the leaders of the lower yòho became *principales* and occupied the offices of *alcaldes*, *regidores*, *fiscales,* and *escribanos*. In addition, "si el *yoho* estaba físicamente separado del *quehui*, se le asignaba el término 'pueblo sujeto,' mientras que los *yoho* que estaban cerca del *quehui* se llamaban 'barrios.'"[36]

3.1. Similar Mesoamerican sociopolitical entities.

Studies in other Mesoamerican regions have found similar sociopolitical organizations. Their discoveries are useful in approaching the Zapotec case. In central Mexico, the Nahua *altepetl* or pueblo was made up of collectivities called *calpolli* ("great house") or *tlaxilacalli*. James Lockhart described them as "microcosms of the altepetl," as they had their own god, territory, leader, and internal divisions of 20, 40, 80, or 100 houses administered by a person responsible for distributing land and organizing work.[37]

John Chance, for his part, focused on the *teccalli* ("lordly house") of the Puebla region. He defined it as a "noble house," that is, as a corporate entity whose members, beyond the question of kinship ties, shared the possession of certain goods, a name, and titles, and sought to preserve them by different means. The teccalli was not a lineage, but it combined bilateral kinship among the nobility and patronage relationships to integrate macehuales. [38]

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[35] Oudijk, *Cambiar para seguir igual*, 36-37.

[36] Oudijk, *The Zapotec City-State*, 37. For the cabildo and its officers, see next Chapter.

[37] Lockhart, *The Nahuas After the Conquest*, 15-17.

[38] Chance, John, "La casa noble mixteca: Una hipótesis sobre el cacicazgo prehispánico y colonial,"1-25. (In Nelly Robles (ed.). *Estructuras políticas en el Oaxaca antiguo. Memoria de la Tercera Mesa Redonda de Monte Albán.* México, INAH, 2004), 3-5. See also Chance, John, "The Barrios of Colonial Tecali: Patronage, Kinship, and Territorial Relations

The subdivisions of the *ñuu* or Mixtec lordship were defined by Kevin Terraciano as "a corporate group unified by ethnic and kinship ties, common origin, and political and economic relations." Depending on the region, these subdivisions were called *siña*, which could mean "belonging to people;" *siqui*, which seems to refer to something square or something that is divided into four; and *dzini*, which has two meanings: "head" and "bunch."[39]

For the Ngiwa or Chochon area, Sebastián van Doesburg and Michael Swaton defined the *sindi* or "section" of the *saçê* or Ngiwa colonial polity as a customary subdivision in which articulation between the household and the *sindi* was achieved through an orderly rotation for communal labor, ritual action, and feasting.[40] They were spaces to deploy adaptive strategies "with the ultimate goal of maintaining autonomous spaces for social and cultural reproduction and communal undertakings."[41] In the late sixteenth century, *sindi* were led by a council of elders assisted by a *xu chao* or tequitlato. These collectivities persisted until the twentieth century.

3.2 The *Queche* of the Valley of Oaxaca.

3.2.1 Some relevant changes.

As mentioned in the previous chapter, during the sixteenth century, various processes impacted the people of the Valley of Oaxaca and their ancient political and territorial organization. The tragic population decline and the establishment of colonial *pueblos* made up of *cabeceras* and *sujetos* were among the most outstanding.

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in a Central Mexican Community." (*Ethnology*, 35, No. 2, Spring 1996, 107-139). It's important to note that part of this argument concerns the late colonial house.

[39] Terraciano, *The Mixtecs of Colonial Oaxaca*, 106.

[40] They took the expression "customary subdivisions" from Eileen M. Mulhare, and defined them as "alliances of households or domestic groups that merge kinship, territoriality, and other criteria to differing degrees and exhibit the following features: 'an established set of co-equal subdivisions; community rules for changing the number of recognized subdivisions; community rules for assigning subdivision affiliation, such that all or virtually all the households in the community are incorporated into the system; and the formal or informal authority to draft labor from the members for both the benefit of the constituent households and the benefit of the community'." Doesburg, Bas van and Michael Swanton, "Mesoamerican Philology as an Interdisciplinary Study: The Chochon (Xru Ngiwa) "Barrios" of Tamazulapan (Oaxaca, Mexico)," (*Ethnohistory* 58, No. 4, Fall 2011), 641, n. 7.

[41] Doesburg and Swanton, "Mesoamerican Philology as an Interdisciplinary Study," 638.

The demographic decline was due to the epidemics that attacked an overworked population with a deficient diet and lacking adequate immunity. The Spanish authorities who wrote some of the *Relaciones Geográficas* emphasized that young people died the most: "en tiempo de su antiguedad bibian mucho mas que agora por que entonçes los mas morían biejos y agora todos mueren moços."[42] Nevertheless, they attributed these deaths to the fact that they supposedly worked less in colonial times than before. The corregidor of Teotitlán del Valle recorded that "en el qual tiempo tenian poco rregalo e descanso y beuian mucho e agora trabaxan menos e se mueren,"[43] and the corregidor of Miahuatlán wrote that "debe ser el menos trabajo que agora tienen al que entonçes tenían," attributing these words to the Zapotecs of that polity.[44] The colonizers' efforts to concentrate the population in more compact spaces, sometimes seen as a response to this catastrophe, had the opposite effect and facilitated the transmission of diseases. As the local friar and the corregidor of Nexapa noticed, "anse muerto muchos después que se juntaron en poblaçiones formadas."[45]

On the other hand, many people abandoned their houses, fed up with the abuses and demands of conquistadors, encomenderos, corregidores, and, in general, the European settlers, which added to their traditional workloads. The cases of Mitla, Tlacolula, Etla, Zimatlán, Ocotlán, and Huitzo have already been mentioned. It is possible that some of the families that fled returned to their former pueblos soon afterward but under different conditions. Tehuantepec is a case that illustrates the types of changes that could have occurred; Spanish officials of the marquesado imposed a Nahua *gobernador* in 1538 in place of the Zapotec lord, don Juan Cortés, which led to

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[42] AGI Indiferente, 1529, N.21, *Relación del pueblo de Miaguatlan* [*Relación geográfica de Chichicapan*], f. 10v. http://pares.mcu.es/ParesBusquedas20/catalogo/show/304141 In the *RG of Huitzo* it was also noted that "ay también entre las criaturas viruelas y mueren de ellas muchas porque no las saben guardar, antes las lleuan a bañar al rrío." RAH 9-25.4/4663-16(xxii), *Relación geográfica de Guaxilotitlan*, 4v.

[43] RAH 9-25.4/4663-16(xix), *Relación geográfica de Teutitlan*, f.7v.

[44] AGI Indiferente, 1529, N.21, *Relación del pueblo de Miaguatlan*, f. 10v.

[45] AGI Indiferente1529, N.20, f.4v. The authors of this *Relación* were fray Bernardo de Santa María and Johan Díaz Canseco. Available at https://relacionesgeograficas.inah.gob.mx/relaciones-geograficas/a6db8ffb-ee52-4de2-97ea-b8de9f1cc21d

a massive flight of people from the polity. Don Juan negotiated with the families who had fled so that they would return, and he apparently "convirtió sus huertas y sementeras patrimoniales ocupadas por unos pocos esclavos en barrios y estancias llenos de gente que le daban tributo y servicios personales."[46] That is, don Juan would have integrated these families into the barrios that he headed, establishing a patrimonial relationship with them when previously they may have belonged to other barrios and had a lordly relationship with his quèhui.[47]

Not all people who fled returned. What is interesting is that these actions were carried out, according to some testimonies, in a collective and organized manner. In 1542, the authorities of Zaachila complained that without any apparent cause, "algonos tequjtatos y maçeguales" had gone to Cuilapan. When they tried to return they were imprisoned and prevented from doing so: "dizque el governador del d[ic]ho pueblo de cuilapa[n] y otros prinçipales los detienen en el por fuerça y contra su voluntad echandolos en çepos y prisiones."[48]

The need to retain and recover as much of the population as possible in order to meet tribute demands generated disputes among local authorities, as well as problems with Spanish officials. In 1580, the authorities of Mitla and Nexapa disputed jurisdiction over several families from the "estancias" of San Pedro and San Miguel who had fled Mitla to avoid paying tribute and making other contributions to the *comunidad* and the gobernador. These families migrated together, led by their collaba or tequitlato, as had happened in Zaachila. According to Mitla authorities:

> vn yndio llamado fran[cis]co tequitato de la estançia de san pedro sujeto al d[ic]ho pu[ebl]o se abia absentado della y llebado consigo mas de çinCuenta yndios Casados y solteros trjbutarjos y se abia ydo con ellos al d[ic]ho pu[ebl]o de nexapa y asimjsmo otro yndio tequitato de la estançia de sa[n] mjguel sugeta al d[ic]ho pu[ebl]o se abia ydo absentado con otros diez yndios

[46] Oudijk, *The Zapotec City-State*, 88-89.

[47] Zeitlin, who also analyzed this case, points out that in the controversy that ensued, while Hernán Cortés' administrators accused don Juan of having forced the people to move to his patrimonial lands, others, such as Fray Bernardo de Santa María, claimed that don Juan had gone to the mountain to look for these people to remind them of the relationship they had, similar to that of a father and his children, and begged them to return to their estancias. From then on they began to pay tribute to him *again* and not to the marquis. Zeitlin, *Cultural Politics*, 54-56.

[48] AGN Mercedes 1, Exp. 358, f. 167v.

> tributarios y todos andaban bagando de bna parte a otra solo a fin de no tributar de cuya cabsa eran vexados y molestados por la paga de los tributos.[49]

Then, in 1582, Mitla authorities claimed that the remaining inhabitants of San Pedro (Quiatoni) were being "persuaded" by the people of Nexapa to move to their pueblo. When some of them refused, people from Nexapa took things from them (chickens, corn, blankets) and usurped their lands. The aggressors even tied up and tormented Gaspar López, *principal* of San Pedro, and Domingo García, *alguacil mayor*.[50]

The Nexapa authorities argued that people had been migrating for several years and were already integrated into their pueblo, married and registered: "estan asentados y matriculados por tributarios y tienen en el sus cassas tierras y sementeras q[ue] benefician."[51] To make matters worse, in 1544 the Spanish Crown "authorized" native people to change their residence, "siempre y cuando pagasen normalmente el tributo y no desamparasen y abandonasen los pueblos."[52] The Spanish *teniente de alcalde mayor* ordered the Nexapa authorities to present the disputed people publicly, but they refused, arguing that said people had fled again and that it was not up to them to do so. They also warned Spanish authorities not to force people who had fled to return to Mitla because they were already tributaries of Nexapa, and that their tributes would be lost for them and the Spaniards: "si algun daño se nos siguiere y rreçibiere en n[uest]ro pueblo y personas en no poder cunplir los tributos rreales por las rrazones d[ic]has lo cobraremos de b[uestra] m[erce]d y de sus bienes hasta tanto q[ue] su mag[estad] sea ynformado de todo lo suso d[ic]ho o su muy ex[celen]te señor bisorrey."[53] The teniente imprisoned and punished Nexapa authorities by putting them in the stocks.

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[49] AGN Tierras 2762, Exp. 11, f. 1r-v.

[50] AGN Indios 2, Exp. 247, f. 61v-62r.

[51] AGN General de Parte 2, Exp. 650, f. 131v-132r.

[52] Miranda, *El tributo indígena*, 253, n.115-117. He cites Silvio Zavala.

[53] AGN Tierras 2762, Exp. 11, f. 120v.

As for the formation of *cabeceras* and *sujetos*, this new political and territorial arrangement was part of the congregaciones, which sought to "order" the lordships' territories. It was crucial for Spaniards to define which settlement was the most important (the cabecera or head town, where the most visible ruler lived) and which were the secondary localities or subject towns. Then, to relocate the population to more compact settlements within more contiguous territories. But in traditional Zapotec modes of organization, members and populations subject to different noble houses were dispersed and lived intermingled with each other. Therefore, defining who belonged to a new, specific, contiguous territory and to a specific *cabecera* or *sujeto* was not always easy. It is not surprising, then, that conflicts arose between *pueblos* (or polities) concerning jurisdiction over people living in ambiguously defined areas. [54]

Some *pueblos* were able to negotiate the "transfer" of subject towns without much trouble. The town of San Francisco Lachigoló, for example, went from being an "estancia" subject to Teitipac in 1550 to being a *sujeto* of Macuilxóchitl in 1580. On the other hand, the town of Santa Cruz Papalutla, whose lands, according to its own documents, were granted by the lord of Zaachila to the warriors of Macuilxochitl, appeared from 1580 onward as a *sujeto* of Teitipac.

Even the designation of *cabeceras* and *sujetos* was not unambiguous. Known lordships from the pre-colonial period, such as Mazaltepec or Mecatepec, appeared at the beginning of the colonial period as *sujetos* to the *cabeceras* of Huitzo and Chichicapan, respectively. In fact, Santo Tomás Mecatepec (Jalieza) was one of the few documented towns that tried to become independent from its *cabecera* in the first colonial century; it tried in 1580 but did not entirely succeed until some decades later.[55] Nevertheless, Santo Tomás behaved quite autonomously from a very early date, suggesting that complex arrangements based on ancient Zapotec forms of organization defied the simplified colonial categories of *cabecera* and *sujeto*, but that people and

[54] The colonial word "pueblo" meant any complex society ruled by a state. I use polity to imply this sense.

[55] AGN General de Parte 2: 976, f. 209r-v. I will discuss the case in the next chapter.

settlements were forced to adapt to the colonial system. In the following sections, I will discuss some examples of this complexity.

3.2.2 *Cabeceras* and *sujetos* in Zapotec terms.

In general, the system of *cabeceras* and *sujetos* did not correspond to how Zapotecs formed their polities, but their introduction unleashed a series of rearrangements and adjustments that, due to the Zapotecs' resourcefulness, made it possible to combine old and new forms of political organization to create colonial pueblos. Thus, Zapotecs began to refer to these new categories, but in their own terms.

Zapotecs used a variety of strategies to convey the meanings of cabecera and sujeto status, demonstrating they they were dealing in different ways with a new system and adapting it to their own realities. I analyze a sample of Zapotec-language or Tichazàa-written sources to highlight differences between Spanish and Zapotec concepts, and how locals adapted to the new system. Most of the Tichazàa sources examined here are testaments, including many from Teitipac. I believe that these documents represent changes that occurred everywhere in the Valley of Oaxaca. In their last testaments and wills, people identified themselves as members of different collectivities. They mentioned where they were born using the expression *bèni hualachi* (literally, "person of the quèche…" but understood as "native of") and where they lived or were registered as tributaries using the phrase *ni nagaba* or *nagabaya* (literally, "who is counted" or "I am counted"). Other documents, such as deeds of sale, also indicate where the legal action occurred.

Unlike other Mesoamerican languages that had different words to identify different types of complex polities made up of more than one pueblo,[56] in Tichazàa they still were named *quèche*, or sometimes *quèchetao* (great or big quèche).[57] It is possible that many colonial pueblos of the

[56] In Mixtec, for example, the concept of *yuhuitayu* designated the temporary union of two independent lordships or *ñuu* through the marriage of their rulers. Terraciano, *The Mixtecs of Colonial Oaxaca*, 158.

[57] CV 332v: "Pueblo gra[n]de o pequeño o ciudad. Quéche."

Valley of Oaxaca were made up of various *quèche,* meaning various *quèhui*, but this was not always reflected in colonial texts. The labels *cabecera* and *sujeto* were superimposed on these complex structures. Thus, in each case presented here, it is important to understand as much context as possible before determining if the sense of the word *quèche* could be equated with cabecera, sujeto, the polity as a whole, or even other internal arrangements not entirely understood.

To talk about *cabeceras*, some Zapotec testators simply used the Spanish loan word "cabecera." This was the case of Sebastián López, born in San Sebastián but who in 1626 asked to be buried in front of the altar of San Juan in the church of San Juan, the cabecera of Teitipac, referring to that site as *cauecera*. He also contrasted the terms "there," as in *ruacani cabecera* (there at the cabecera), and "here," simply using *ruarinij* (here), to distinguish the alms he donated to the saints' altars in the church of San Juan from those he gave to the saints' altars of his own pueblo, San Sebastián.[58] Likewise, in 1646, when writing the last will of Juan García, the *escribano* (scribe) indicated that the diligence was being carried out in the town hall of San Juan Teitipac he wrote *ruarini audiencia de la cabeçera* (here in the *audiencia de la cabecera*).[59]

At other times, Zapotecs added the Tichazàa word for pueblo to the Spanish words *cabecera* or *villa*, depending on whether their pueblos were in the crown's jurisdiction or the marquisate. In his will, Pedro Martín referred to his pueblo as the *quèche cabecera* of the great Zaachila (*Gueche Cavesera Saachillatoo*).[60] In Etla, the expression *villa gueche luana* (Villa of Etla) was protocol to refer to both the cabecera and the polity; it appears in the first lines of dozens of records of sale carried out in both the cabecera and Santo Domingo Etla between 1660 and 1746.[61] For their part, in 1707, Andrés Martín used the phrase *queche cabesera queche Huiso* to

[58] AGN Tierras 256, Exp.2, f. 88r.

[59] AGN Tierras 256, Exp.2, f. 88r. AGN Tierras 388, Exp.1, f. 231r.

[60] AGEO Alcaldías Mayores, Leg. 41, Exp.22, f. 1r (Za719).

[61] AHNO, Joachin de Amador, 1759-60, Libro 101: 2. In Libro 111, f. 20v, year 1760, there is another reference to these texts.

refer to Huitzo as the *cabecera* of the polity with the same name, and Juan Rodríguez, in 1739, referred to the *cabecera* of Santa Maria Natividad Ayoquezco as *queche Cavezera Santa Maria Natividad quehuechonnij*.[62]

In other cases, Zapotecs translated the concept of cabecera by using the Tichazàa word for "head," *quique*, followed by the word *quèche* to be understood as "the head of the pueblo." For example, in 1577, Pedro Hernández, from San Sebastián Teitipac, used the expression *yohotao monesterio quique gueche*, to indicate that he wanted to be buried in the "monastery church of the cabecera," that is, in San Juan Teitipac.[63] Likewise, in a 1643 deed of sale written in Santo Domingo Tlaltenango, the escribano identified Huitzo, not the whole polity but specifically the cabecera, San Pablo Huitzo, as *queque queche Huitzo*.[64]

Some people, however, used more traditional referents, such as the word *pecogo*, which meant "chair," "seat," "altar," or any higher place where something or someone could stand, including the ruler's seat.[65] This word and the word *táha* ("reed mat" or *petate*) were paired in a very popular Mesoamerican *difrasismo* meaning "government," "rulership," or "throne."[66] *Pecogo* pointed to the cabecera as the place where the ruler's seat was located. In a deed of sale dated 1656, the escribano located the legal act in the cabecera of Tlalixtac by using the phrase *tuariyni lao pecohogo san migueel ya[t]i*, "here in the seat of San Miguel Yati." For his part, in

[62] AGN Tierras 350, Exp. 4, f. 391r (Qu707). AGEO Real Intendencia 16, Exp. 37, f. 3r.

[63] AGN Tierras 256, Exp.2, f. 130r. (Te577).

[64] AGEO Alcaldías Mayores, Leg. 51, Exp.1, 20r (Hu643).

[65] CV 24r: "Altar qualquiera. Pecògo." CV 380r: "Silla Real. Pecògonàachi, xipecògo coquì."

[66] CV 377v: "Señorio los dos vltimos es methapharice. […]taha, pecogo." CV 413v: "Trono o assentamiento en forma, como el de vn rey y el de dios y los angeles su assiento y corte. […] xitàha xicògo dios."
The *difrasismo* has been defined as a grammatical construction to express an idea by means of two other words. The *tàha pecògo* difrasismo appears in the *Genealogy of Quiaviní* and the *Mapa de Santo Domingo Niaguehui*. Oudijk, *Historiography of the Bènizàa*, 152. Cruz, "Las pinturas del común," 59-60. On difrasismos and the Nahuatl version of this particular one, see Mercedes Montes de Oca Vega, *Los difrasismos en el náhuatl de los siglos XVI y XVII*. (Mexico: Universidad Nacional Autónoma de México, 2013), 137-138. https://www.iifilologicas.unam.mx/ebooks/los-difrasismos-en-el-nahuatl/

1740 testator Bartolomé Esperanza identified the cabecera of Ocotlán, where he was born, as *tuatini becogo Santo Domingo Lachijssoo*, "here, the seat of Santo Domingo Ocotlán."[67]

As for the concept of subject town, I have not located any instances in Tichazàa-written texts where the Spanish word loans *pueblo sujeto* or *sujeto* were used. The only known Spanish term for a subject town is *barrio*. In 1646, in Juan Garcia's will, he identified himself as *beni hualachi ruarini queche s[an] ju[an] setoba nagabaya bario s[an]ta cruz*, "native of here, the *queche* of San Juan Zeetoba, I am counted in the barrio of Santa Cruz." At the time, Santa Cruz was an urban barrio relocated in the cabecera of San Juan Zeetoba; by 1700, it moved back to its former location as a separate subject town.[68] In 1694, an agreement between the subject towns of Guadalupe or Laotao and Jesús Nazareno or Lachi besia, in the Villa of Etla, was approved by the authorities of both sujetos. They identified themselves as *benni bario que Jeso nasareno* ("people of the barrio of Jesús Nazareno") and *bennij bario qui xoñaxi nachona santa maria huadalupe* ("people of the barrio of *Xonaxi* Virgin Santa María de Guadalupe").[69]

Another Spanish word loan that made it possible to express this relationship between cabeceras and sujetos was that of *jurisdicción*,[70] which appears in a will from 1707, when the *xoana* Andrés Martin, from San Felipe Tejalapam, introduced himself as a native of *ruari queche san felipe quijebari Juridicion queche cabesera queche huiso*, "here the town of San Felipe Quijebari, jurisdiction of the *quèche cabecera* of the polity of Huitzo."[71] In this latter example, as in several others, the subject town is classified as a *quèche* or pueblo.

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[67] AGEO Alcaldías Mayores, Leg. 35, Exp.3, f.5v.

[68] AGN Tierras 388, Exp. 1, f. 232r. Indios 34, Exp. 165.

[69] AGN Tierras, 211, Exp. 2, 19r-20r (Et694).

[70] Kevin Terraciano found this loanword, too. The Ñudzahui also developed terms for cabeceras and sujetos, which appear in late colonial election records and legal petitions before the royal *audiencia*. Terraciano, *The Mixtecs of Colonial Oaxaca*, 123-124.

[71] AGN Tierras 350, Exp. 4, f. 391r (Qu707).

The phrase *naa quèche* appears with some frequency in phrases associating subject towns with their head towns. There are two ways to interpret this statement. In the *Vocabvlario* entry "Estancia o barrio de pueblo," a similar expression, *ñaaq[ue]che*, appears. It could refer to "hand of the pueblo." Such an expression resembles the Mixtec term *daha ñuu* (hand pueblo or tribute pueblo) developed to convey the meaning of "subject town."[72]

But *naa* can also be analyzed as the neutral aspect of the positional verb "to lay, be laying."[73] This word is often used to indicate where a piece of land is located and could simply be translated as "is [laying in/located in]." Thus, *naa quèche* could be interpreted as "is located in the pueblo."[74] While the first interpretation is very appealing, *naa quèche* would be expected to appear before the name of the subject town, like the terms barrio or quèche do.

Juan López in 1618 and Martín de Mendoza in 1675 introduced themselves as natives of the *q[ue]che san sebastian setoba naa q[ue]che s[a]n Ju[an]o*.[75] This phrase can be translated as "pueblo of San Sebastián Teitipac, which is located in the pueblo of San Juan." Similarly, María García in 1644 and Marcos Martín in 1664 identified Santa Cruz Papalutla as *gueche santa crus naa gueche san ju[an]o setoba*.[76] In the case of Etla, the expression changed a little to incorporate the designation of villa. Thus, in the documents drawn up in the subject town of Santo Domingo, escribanos wrote *gueche Santo Domingo na villa gueche luana*.[77]

Frequently, however, people did not mention the status of their localities as subject towns

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[72] CV 188v. This reading was proposed by Kevin Terraciano (Te618a-1, n. 5). Depending on the tone, the Mixtec word *daha* (as in *daha ñuu* or "subject people") could mean "tribute" or "hand." Terraciano compared it to the Nahua term *calmaitl*, a term used in Cuernavaca to refer to the affiliated estancias or altepetl, found by Haskett. Terraciano, *The Mixtecs of Colonial Oaxaca*, 428, n. 119. Hasket, *Indigenous Rulers*, 10. Another similar term would be *altepemaitl*, meaning districts, according to Benjamin Johnson. Johnson, *Pueblos Within Pueblos*, *Tlaxilacalli Communities in Acolhuacan, Mexico, ca. 1272-1692*. (Colorado: University Press of Colorado, 2017), 86. In Zapotec, "mano" is *naa* or *ñaa* (CV 257v) while "tributo" is *chijna* or *yàzi* (CV 412r).

[73] CV 396v : "Tendida cosa estarlo assi. Nàaya, naxòbaya."

[74] Similarly, Brook Lillehaugen proposed interpreting *naa queche* as "which is in the pueblo." (Te618a-1, n. 6).

[75] AGN Tierras 256, Exp. 2, f. 91r.

[76] AGN Tierras 388, Exp. 1, 230r and 226r.

[77] AHNO, Joachin de Amador, 1759-60, Book 101, Exp. 2, 163r.

or did so indirectly. Some identified themselves primarily as natives of the whole polity, and to specify the part to which they belonged, they mentioned the patron saint of their locality or even the church. For the latter, they used the neologism *yòhotào*, the union of the Tichazàa words for "house" (*yòho*) and "big" (*too* or *tào*) to refer to Christian churches. Thus, in 1577, Pedro Hernández first identified himself as *b[e]ne hualachi tohua tini gueche cetoba* or "native of here, the pueblo of Zeetoba," and immediately specified that he was *ni nagaba yohotao san sebastiaan,* "who is counted in the church of San Sebastián." In 1654, Gracia de Lérida declared that *nacabaya roacani yaotao s[an]ta la beracruz*, "I am registered there in the church of the Santa Vera Cruz."[78]

Many people from San Sebastián included the toponym of the polity (Zeetoba) in the name of their own locality, implying its belonging to the whole pueblo. This addition was made by Gabriel Luis in 1610, Domingo Hernández in 1616, Ambrosio López in 1678, Martín Luis in 1693, Lorenza Valencia in 1702, and Baltazar Hernández at an unknown date.[79] San Sebastián's Zapotec toponym was Quiaguia, as recorded in the *RG de Teitipac*.[80] However, in their wills, they referred to their town as San Sebastián Zeetoba. Only Juan López, in 1626, distinguished between his place of origin from the name of the polity by stating that he was from *gueche rua rini san sebast[i]a[n] gueche çetoba,* "the pueblo here, San Sebastián, polity of Zeetoba," but used the same term, "gueche," for both places[81]

In 1589, Sebastián Hernández employed a revealing term in reference to his identity. He introduced himself as enrolled in San Sebastián in the following manner: *ni nagaba S[an] Sebastia[n] letubi gueche S[an] Ju[an]o Zitoba*. In 1709, the translator interpreted the phrase as "San Sebastian suxeto del pueblo de San Juan Tectipaque," suggesting that *letubi* indicated the hierarchical relationship between the two pueblos.[82] But *letubi* means "the whole thing," or "the

[78] AGN Tierras 256, Exp. 2, f. 99. AGN Tierras 388, Exp. 1, f. 239r.

[79] AGN Tierras 256, Exp. 2, f. 108r, 106r, 93r, 97r, 114r and 100r.

[80] RAH 9-25.4/4663-16(xviii), *Relación geográfica de Tetiquipac,* f. 4v-5r.

[81] AGN Tierras 256, Exp. 2, f. 88r.

same." [83] Thus, the phrase could be read as: "who is counted in San Sebastián, whole (or same) quèche of San Juan Zeetoba." That is, San Sebastian was part, maybe an equal part, of the whole polity named San Juan Zetoba.

Some other inhabitants of San Sebastián simply omitted any reference to the cabecera, such as doña Beatriz [de Montemayor] in 1607, Sebastián López in 1614, and don Jacinto de Montemayor in 1666. Each expressed that they were native of San Sebastián, *bene hualachi s[an] sebastiani*, without mentioning San Juan or even Zeetoba-Teitipac.[84] Likewise, Tomás de Zárate introduced himself as *bene hualachi lao queche santa crus,* just "native of the pueblo of Santa Cruz."[85] Although these examples are from Teitipac, in most seventeenth and eighteenth-century Zapotec documents written in the subject towns, categories referring to cabeceras or sujetos are absent.

From this analysis, it can be asserted that Zapotec escribanos and testators employed diverse strategies to talk about colonial pueblos. No noticeable tendencies can be associated with greater or lesser contact between Zapotec and Spanish speakers. Sometimes, they simply used the Spanish term; other times, they combined these loanwords with their own categories, but often, they created new phrases or terms to describe or name new colonial realities. In doing so, they highlighted the features and elements that they considered most representative of these new entities: the site where local authorities meet or the presence of a convent or church. The examples analyzed here suggest that people from subject towns perceived the relationship between cabeceras and sujetos more as a complementary or paired arrangement than a hierarchical one.

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[82] AGN Tierras 256, Exp. 2, f. 84v (translation in f. 120r).

[83] CV 330r: "Lo mismo. s. es esto que aquello. Letobi,." CV 403v: "Toda vna cosa entera toda vna pared. Letobi." The prefix *le-* is a nominalizer, and the word *tobi* can be either "one" or the verbal root "to be the same way." CA 56v-57r: "Esta sillaba, le, anteponiendose a los nombres o adiectiuos los torna nombres infinitiuos como nosotros los tenemos.s. el comer, el beuer, el dormir, el ser &c" CA 99r: "Vno. Tóbi. vel. chäga." CV 137r: "De vna manera. s. ser todo. […] titòbi."

[84] AGN Tierras 388, Exp. 1, 337r. AGN Tierras 256, Exp. 2, f. 104r. AGN Tierras 388, Exp. 1, 339r.

[85] AGN Tierras 388, Exp. 1, f. 220r.

3.3 Traditional collectivities: the *quéhui* and the *yòho*.

Tichazàa-written documents (and some Spanish documents) reveal the vitality of traditional collectivities rooted in ancient Zapotec modes of organization that enabled the continued existence of colonial pueblos. Bènizàa used the loanword "barrio" to refer to these internal autonomous collectivities, but sometimes they accompanied it with their own terms, revealing their original status. One of the most frequent was *quèhui*. In some cases, *quèhui* was incorporated into the name of the barrio; in others, it seems to be optional, as it is alternately included and omitted in some statements. Less frequent, but equally interesting, is that some barrio names incorporated the term *quèche*.

In 1695, Pedro Fabián, a native of the cabecera of San Juan Zeetoba (Teitipac), said he was enrolled in the *barrio quehui Quieçaa*."[86] Other known barrios in that cabecera were those of Loyuxe and Guechigueguey (probably Queche quehui), whose residents, by 1701, came into violent conflict in their competition for cabildo offices.[87] Doña Rosa de Zárate, *cacica* or heiress of the ruling dynasty of San Miguel Yati (Tlalixtac), reported in 1656 that her father, don Diego de Zárate, was *Coqeehe goola*, "old coqui," of the *qeehui lachi yaçe*, which was also identified as a barrio.[88] In San Jerónimo Zoani (Tlacochahuaya), in 1675, Gregorio Mendoza said he was enrolled in the *bario quehuitao*; in 1738, Juan Martín declared that he was enrolled in the *barrio quiasee*, while a record in Spanish from 1705 mentions the barrios Yazee (Quiasee), Queguitoo (Quehuitao) and Quiague.[89] In Zaabeche (Coyotepec), in 1694, the list of tributaries mentioned eight barrios, including the subject town of Santa María. The eight barrios, in order of appearance, were San Marcos, Santa María, San Jacinto Gueguiruayaa (Quehui ruayaa), La Asunción Guechinitovie, San Pedro Queguilogotaa (Quehui logotaa), San Juan Lachiazee, the new barrio of terrazgueros

[86] AGN Tierras 388, Exp. 1, f. 223r.

[87] AGN Indios 35, Exp. 38, f. 68r.

[88] AGEO Alcaldías Mayores, 42, Exp. 9, f.4r.

[89] AGEO Alcaldías Mayores, 42, Exp. 10, f.4v, and Vol. 43, Exp. 10, f. 3r. AGN Indios 36: 279, f. 245r.

of San Bartolomé, and the Terrazgueros de las Ánimas of the barrio San Bartolomé.[90] Other records in the Cofradía of San Bartolomé's books of accounts indicate that the last two terrazguero barrios worked and lived in the lands of the cofradías of San Bartolomé and Las Ánimas.

In Huitzo, the way people expressed belonging to one of the customary subdivisions of the cabecera was by means of a phrase that began with the name of the person, the affirmation that he or she was from Huitzo, then the term *liyoo*, which means "within" or "inside," and finally the name of the specific collectivity, probably a yòho.[91] For example, in 1611 and 1613, the escribano expressed that doña Isabel de Zárate and her daughter, Beatriz de Zárate, were natives of the barrio Quezehe, in Huitzo. He wrote that they were *peni hualachinij queche huizo leyo quezehe*, "native of the town Huitzo, *whitin* Quezehe." Likewise, an *alguacil* or *quixiaga* named Tomás de Aquino, from the barrio of Lacohui, was identified as *peni hualachinij queche huizo leyo lacohui.*[92]

Data on these collectivities come mostly from Zapotec wills but also from Spanish texts written throughout the colonial period. In Teotitlán, in 1704, during an inquiry into "los conplises en las derramas (i.e., illicit contributions) que se an echado en este Pueblo," the existence of five barrios or yòho was recorded. Their names were Xassee or Yassee, Gueroguechi (*sic pro*, Guegorechi?), Xinibayo, Queagueche, and San Miguel.[93] Later, the tribute collection register corresponding to the month of April 1763 indicates what was delivered by "cada barrio de este pueblo." A total of six barrios were recorded: El Rosario, San Miguel, San Nicolás, La Soledad, San José, and Santísima Trinidad.[94] Apparently, each barrio adopted a patron saint, and that devotion was already a strong element of identity. Also, new barrios emerged because the

[90] LCSBC, Libro 3, f. 1 (87)r to 22 (108)r. Terrazgueros worked for a share of the crop.

[91] CV 9v: "Inside. Liyoo, quiyoo, lani." CV 114v: "De dentro, por de dentro, adentro, dentro, dentro. Lànini, liyòo."

[92] AGN Tierras 956, exp.3, f. 65r, 67r-v, 68v. Of four examples, in the first one it says *leoyo* and in the others *leyo*.

[93] AMT 159, f. 3r, 5v, 6v, 7v and 8v. The money collected was used to pay the expenses of land litigation. Transcription by Laura Waterbury. I thank her for generously sharing her transcriptions of AMT with me.

[94] AMT 596, f.1r.

population of many pueblos began to increase from the late seventeenth century onward, integrating more people into their local organizations through customary practices.

Some subject towns were constituted by a single yòho, but others were quèhui by themselves, and their populations were affiliated with different yòho, as well. For example, in 1667, in the town of Santiago (Suchilquitongo), in Huitzo, the xoana Francisco Vázquez belonged to the "bario que llaman xanaquiacobicha." For his part, in 1793, Nicolás Blas testified to belong to the barrio of Lubiobi, in the subject town of San Antonino, polity of Ocotlán. In Santa Cruz Papalutla, in Teitipac, Tomás de Zárate identified himself as a native of the *bario rua quego*.[95]

In Teitipac, the subject town of San Sebastián is one of the most complex cases known because people belonged to at least six barrios. Gabriel Luis (1610) declared that he was from the *bario* Quiaqueza. Testators Juan López (1618), Juan López (1626), Juan López (1678), Jacinto Lopez (1693), Baltasar Hernández (n.d.), and Francisco Nechilla (n.d.) said they were from the barrio Quiexoza (sometimes referred to as barrio Quehui Quiexoza). Lorenza de Valencia (1702), widow of Domingo Valencia, was from the barrio Quiasee.[96]

Some people identified their barrios by referring to the name of the *xoana* or *collaba* in charge of them; they could also be their founders.[97] Sebastián López (1614) referred to his barrio as *bario quehui [Crist]obal Ramirez*. Inés Hernández (1609), on the other hand, declared that she belonged to the *bario de Esteban de Baleriano*, but she was more specific and added that this barrio was the *yohobee quehui yanee*, "great temple and palace of Yanee."[98] This expression

[95] AGEO Alcaldías Mayores 51, Exp. 1.2, f.10r. AGEO Real Intendencia 42, Exp. 35, f. 5r. AGN Tierras 256, Exp. 2, f. 220r.

[96] AGN Tierras 256, Exp. 2, f. 108r, 113r, 88r, 93r, 95r, 131r, 114r.

[97] John Chance has documented that in Tecali, Puebla, 45 noble houses founded in the sixteenth century still bore their founders' names in the eighteenth century. Chance, "The Noble House in Colonial Puebla, Mexico: Descent, Inheritance, and the Nahua Tradition," (*American Anthropologist*, 102, No.3, September 2000, 485-502), 490.

[98] AGN Tierras 256, Exp. 2, f. 104r, 102r. See CV 74r: "Casa del demonio donde estaua el principal satrapa o papa. *Yòhopèhè* ". In the entry "Templo de idolos", Córdova explains that the morpheme pèhè means "where many enter" and gives as another example that of *nezapèe*, a road where many people walk (CV 396v).

probably referred to the whole palace complex of the pre-colonial era, which apparently persisted as an important reference for certain people's identities.

Don Jacinto de Montemayor (1666), who at some point had held the office of gobernador of Teitipac and was probably one of the descendants of don Baltazar de Montemayor, cacique and gobernador of Teitipac in 1560, simply identified himself as a native of San Sebastián, from the *bario guehui*, that is, from the "barrio of the palace."[99] Don Jacinto headed the most important quèhui within San Sebastián, it was probably one of the most important in Teitipac as a polity, so perhaps no further clarification was needed at the time.

Interestingly, some people in San Sebastián identified themselves as members of some barrios with the same name as those in San Juan, the cabecera. One of these barrios was *Guechigueguey* or Quèche quèhui. In San Sebastián, Domingo Hernández (1616) and Martín Luis (1693), identified themselves as members of the *bario queche quehuij*.[100]

Another barrio related to San Juan was Quehui Quiezaa. In 1664, fray Francisco de Burgoa mentioned that this was another Zapotec name for Teitipac, besides Zeetoba,[101] and in 1695, Pedro Fabian identified himself as a member of the *bario quehui quieçaa* in San Juan.[102] Thus, Quehui Quiezaa could refer to the polity, the cabecera, or a very important barrio. Variations of this toponym were mentioned in 1618 and 1675 by people from San Sebastián. First, testator Juan López declared he was *beni hualachi queche sant sebast[i]a[n] naaquechi s. Ju[an] queyaçaa* "native of San Sebastián, a pueblo located in San Juan Queyaçaa,"[103] and later Martín de Mendoza declared that he was *beñe hualachij tao Ruareni q[ue]che san sebastian setoba naa q[ue]che s[a]n Ju[an]o q[ue]huij lachi quiesaa*, "native from here, the town of San Sebastián Zeetoba,

[99] AGN Tierras 388, f. 339r.

[100] AGN Tierras 256, Exp. 2, 106r and 97r. CV 95r: "Corte del rey. el lugar donde esta. Quéchequéhui chiñaa rey, xipecogo rey"

[101] Burgoa, *Geográfica Descripción*, 233r.

[102] AGN Tierras 388, Exp. 1, f. 223r.

[103] AGN Tierras 256, Exp. 2, f. 112r.

which is in the town of San Juan, Quehuij Lachi Quiesaa."[104] Some lines ahead, Mendoza added that he was registered in the *bario q[ue]che q[ue]huij quiesee*. This could be a different way to refer to Quehui Quiezaa, but it also could be a totally different quèhui. In colonial times, people could be born in one quèhui or yòho, and then moved to another as long as they were registered and keep paying tribute.

There were different levels of integration between quèhui and yòho -not only in Zeetoba but also in other polities in the Valley of Oaxaca. The existence of multiple barrios has also been documented in some detail for Tlacolula, as will be examined in the next section.

3.4 The Case of Tlacolula.

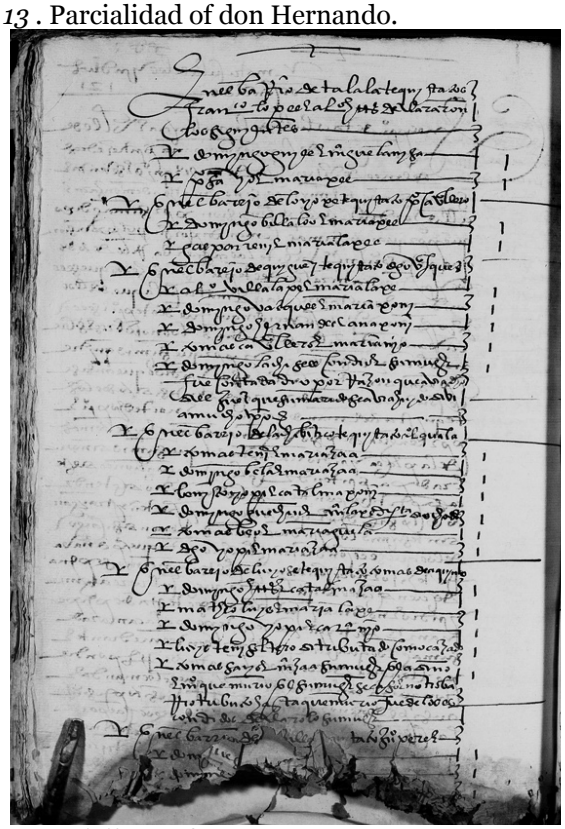
In the sixteenth century and throughout the colonial period, the pueblo of Tlacolula, or *Baaca* in Tichazàa, consisted of a cabecera under the patronage of the Virgen de la Asunción and a subject town under the patronage of Santo Domingo. In 1576, some inhabitants denounced the gobernador, don Domingo de Mendoza, for acting against the crown and the local population. Among other things, he was accused of hiding tributaries in the official account and not paying salaries to the people who provided personal services in his house. To investigate the case, three partial lists of the tributary population of Tlacolula were drawn up, and many people were interrogated. The information obtained is fragmentary and was recorded by Spaniards who did not always understand Tichazàa words, but the case gives a glimpse of the complexity of Tlacolula's internal organization at a relatively early time, despite the changes already noted, such as its dramatic depopulation.

3.4.1 The Sources.

[104] AGN Tierras 256, Exp. 2, f. 91r. The case against don Domingo de Mendoza has been studied by Xochitl Flores-Marcial, "A History of Guelaguetza in Zapotec Communities of the Central Valleys of Oaxaca, 16th Century to the Present."

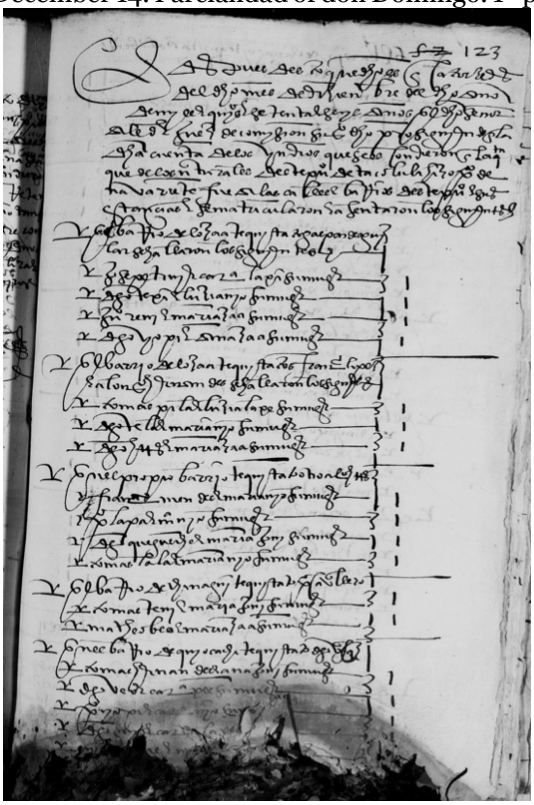
The first record was made on December 13, 1576. It was to be an account of some 140 hidden tributaries, titled *Matrícula de indios escondidos*. But it is an incomplete account in that only the information given by "la parte y parcialidad de don Hernando cacique y principal de este pueblo y sus principales y tequitlatos" was recorded. Tributaries in this list amounted to only 23 couples; each line registered a couple that equaled one tributary (Fig. 3.1). The plaintiffs accused don Domingo de Mendoza of impeding the registration of "sus principales y tequitlatos," and requested a new account to include them. Consequently, on December 14, a second *matrícula* or tributary record was made, amounting to 35 and a half tributaries (Figs. 3.2 and 3.3). As for the third list (Fig. 3.4), it is a *Relación* (record) of persons to whom the gobernador owed salaries and was drawn up on December 18.

Fig. 3.1 *Matrícula de indios escondidos. December 13* . Parcialidad of don Hernando.



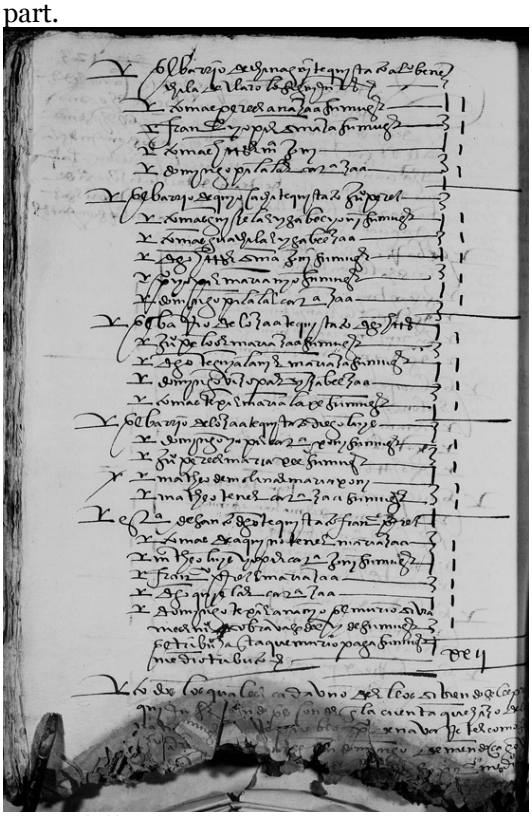
AGN Civil 822, f. 122v

Fig. 3.2 *Matrícula de indios escondidos*. December 14. Parcialidad of don Domingo. 1st part.



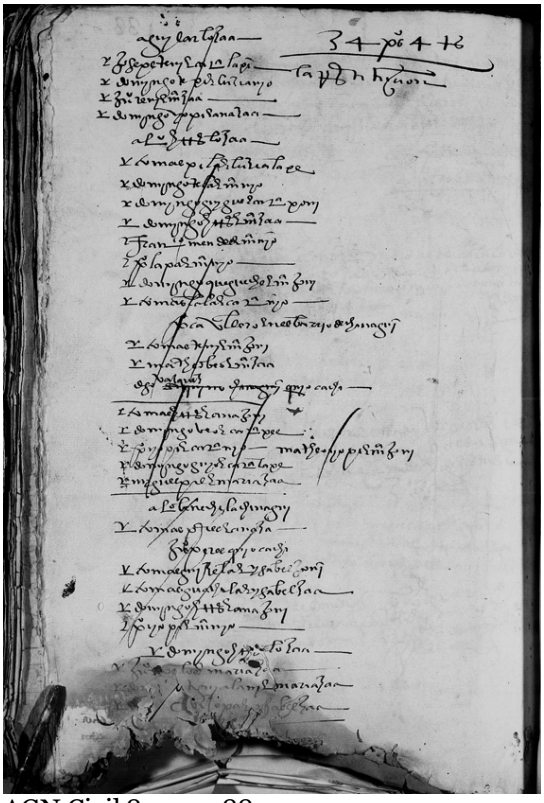
AGN Civil 822, f. 123r.

Fig. 3.3 *Matrícula de indios escondidos*. December 14. Parcialidad of don Domingo. 2nd part.



AGN Civil 822, F. 123v

Fig. 3.4 *Relación of bèniquèche who haven't gotten paid.*



AGN Civil 822, F. 188v

In all these lists, the tributaries were registered by barrios headed by their respective collaba or tequitlatos. Although these records did not aim to cover the entire population of Tlacolula (only the people who had been hidden and those who had not been paid), they are the only known sources on the barrios and parcialidades of that polity and its leaders in the first colonial century.[105] In addition, during the trial, several witnesses mentioned the names of the barrios of the hidden tributaries and their *collaba*, as well as their own affiliations. All this information is helpful for my analysis of sociopolitical organization in Tlacolula.

[105] No early censuses are known for any of the pueblos in the Valley such as those known for the region of Cuernavaca, made between 1537 and 1544 to determine the number of tributaries under the power of the Marquesado del Valle. Pedro Carrasco. "La casa y la hacienda de un señor tlalhuica," (*Estudios de Cultura Nahuatl*, No. 11, 1974: 225-244). Brígida von Mentz. *Cuauhnáhuac 1450-1675. Su historia indígena y documentos en "mexicano." Cambio y continuidad de una cultura nahua*. (México: Miguel Ángel Porrúa, 2008).

3.4.2 The two *parcialidades*.

The first thing that stands out is the very existence of the two *matrículas*. It emphasizes that there were two important "parcialidades" in Tlacolula, one led by the *cacique* or heir of the ancient dynastic rulers, named don Diego, and the other led by the gobernador, don Domingo. These two *coqui* were family, for don Domingo referred to don Diego as his uncle.[106]

It is not clear if this subdivision was traditional , and Tlacolula was a dual *quèche* with two *quèhui* sharing and rotating the functions of government, or if it was a consequence of colonial politics, especially the introduction of the cabildo and the Hispanic office of gobernador. In the *repúblicas de indios*, disputes to control the cabildo were not uncommon. During the sixteenth century, these quarrels were carried out by the heads of preexistent quèhui or yòho. On the other hand, introducing the rival authority of a gobernador could create or exacerbate internal problems, accelerating the separation of noble houses.

3.4.3 Barrio names.

There were at least twenty-one barrios in Tlacolula, plus the subject town of Santo Domingo.[107] The first matrícula recorded six barrios: Talala, Loyoxe or Luyose, Quiguey (quèhui?), Lachibitico, and Tabila.[108] Some of these names are repeated in the relación but under different *collaba*. The second matrícula listed four barrios: Lozaa, Chinagui and Quiocachi, and finally the *estancia* or subject town of Santo Domingo. In the relación, the barrios of Lozaa, Chinagui, and Quiocachi appear again, and the order in which the collaba of these barrios appear is the same as in the second list, suggesting that some sort of hierarchy is being respected in naming them.[109] As for

[106] AGN Civil 822, f. 203r.

[107] In Zapotec, this subject town was known as Niaguego, Xaguego, or Quiaguego ("next to/on the river") and in Nahuatl as Atenco ("place at the edge of water"). See Appendix 1.

[108] AGN Civil 822, f. 121v. The list is obscured, and only the end of the name, *bila*, can be read, but on sheet 265r, this barrio is mentioned again. It was located "on the other side of the river that passes behind the church."

[109] These barrios provided personal services to don Domingo de Mendoza in his capacity as gobernador. It is possible that these three barrios were not patrimonial in character but lordly or statal.

the interrogations, some witnesses gave names of other barrios: Leosi, Quiguegue, Beneguiguia, Binicaguia, Yoguyxiguy, Benecosicha, Quiaxoba, Xilaguina, Penyqueo, Belabicho, Zeche, Tucaneça and Açaba (See Table 3.1).

Several authors have noted that barrio names throughout Mesoamerica could refer to religious devotion, a geographic characteristic of their location, their ethnic composition, their belonging to another "larger" barrio, etc. Barrios could also have an economic specialization or a shared history that unified them in a special way.[110]

Most of Tlacolula's barrio names, as well as other barrio names mentioned in the previous sections, reveal a territorial basis. They are toponyms that begin with references to the local geography and related elements, such as "valley" or "plain" (*lachi*), "rock"‘ (*qui*, *quie*), and "land" (*yoo*). Thus, Lachibesia, the colonial Zapotec name of Nazareno Etla, can be translated as "The valley of the eagle."[111]

Others begin with locatives, such as "above" (*quia*, also meaning "hill") and "within" (*leo*), and some others with relational nouns (body or component part words) such as "face" ("in" or *lao, lo, lu*), "buttocks" ("at the bottom" or *xa[na]*), and "foot" ("at the bottom" or *nia*). For example, the name of the barrio Xanaquiacobicha, in Huitzo, includes the words for "buttocks", "hill," and "sun." Thus, it can be read as "Under the hill of the sun."[112] The name of the barrio Loyoxe, in Tlacolula, can be analyzed as the union of "face" and "sand," meaning "in the sand."[113]

Some names begin with the Tichazàa word for "person" or "people" (*bene*, *bini*, and *peny*), but what follows is not always clear. As with toponyms, it is very risky trying to suggest the meaning of all these names, but in the case of the Benecosicha barrio, the word *coxijcha* can be

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[110] Horn, Rebecca. *Postconquest Coyoacan, Nahua-Spanish Relations in Central Mexico, 1519-1650.* (Stanford, CA: Stanford University Press, 1997), 22. Terraciano, *The Mixtecs of Colonial Oaxaca*, 105-116. Johnson, *Pueblos Within Pueblos*, 12-15.

[111] CV 15r: "Aguila real. Picija."

[112] CV 383r: "Sol planeta. Copijcha."

[113] CV 37r: "Arena. […] yòoxe."

translated as “brave” or “strong.”[114] This suggests that its members could have been warriors or descendants of warriors. Finally, it is noteworthy that, unlike Teitipac, barrio names in Tlacolula did not refer to quèhui. This is probably because these registers were made by Spaniards. or because most of them were yòho.

Table 3.1 Some barrios of Tlacolua and their collaba.			
Parcialidad	Barrio	Collaba	Source, observations.
don Diego	Talala	Francisco López and Alonso Hernández	Matrícula ...December 13
don Diego	Loyoxe	Pedro Caballero	Matrícula ...December 13
don Diego	Luyose	Tomás de Aquino	Matrícula ...December 13
don Diego	Quiguey	Domingo Vázquez	Matrícula ...December 13
don Diego	Lachibitico	Alonso Quala	Matrícula ...December 13
don Diego	[Ta]bila	Juan Pérez	Matrícula ...December 13
	Tabila	Domingo Yope Lachi	Interrogatory witnesses
don Domingo	Lozaa	Gaspar de Aguilar	Matrícula... December 14 Relación of bèniquèche ... Interrogatory witnesses
		Gaspar de Aguilar	Interrogatory witnesses
don Domingo	Lozaa	Francisco López and Alonso Hernández	Matrícula... December 14
don Domingo	Lozaa	Alonso Hernández (“otro”)	Matrícula... December 14 Relación of bèniquèche ...
don Domingo	Lozaa	Domingo Hernández	Matrícula... December 14 Relación of bèniquèche ...
		Domingo Hernández	Interrogatory witnesses (barrio where Domingo Vazquez Bila lives)
don Domingo	Lozaa	Diego Luis	Matrícula... December 14
		Diego Luis	Interrogatory witnesses
don Domingo	Chinagui	Pedro Caballero	Matrícula... December 14 Relación of bèniquèche ...
don Domingo	Chinagui	Alonso Benechila	Matrícula... December 14 Relación of bèniquèche ...
don Domingo	Quiocachi	Domingo Vázquez	Matrícula... December 14
don Domingo	Quiocachi	Juan Perez	Matrícula... December 14 Relación of bèniquèche ...
don Domingo	estancia de Santo Domingo	Francisco Pérez	Matrícula... December 14
	estancia de Santo Domingo	Francisco Quiçape	Interrogatory witnesses
	Quiguegue	Francisco López (but he lives in the Leosi barrio)	Interrogatory witnesses
	Benecosicha	Alonso Hernández Cuala	Interrogatory witnesses

[114] CV 202r: “Fuerte hombre valiente esforçado. coxijcha”; CV 418r: “Valiente esforçado fuerte animoso. coxijcha.”

	Beneguiguia	Alonso Quala	Interrogatory witnesses
	Quiaxoba	Alonso Hernández	Interrogatory witnesses
	Yoguyxiguy		Interrogatory witnesses (barrio where alcalde Gaspar de Aguilar's house is located)
	Binicaguia		Interrogatory witnesses
	Xilaguina		Interrogatory witnesses (barrio where the cacique Diego Hernandez' house is located)
	Penyqueo		Interrogatory witnesses
	Belabicho		Interrogatory witnesses
	Zeche		Interrogatory witnesses
	Tucaneça		Interrogatory witnesses
	Açaba		Interrogatory witnesses
		Tomás de Aquino Quiolo	Interrogatory witnesses
		Domingo Çe	Interrogatory witnesses
		Domingo Pérez	Interrogatory witnesses
		Tomás Hernández, son of Alonso Hernández	Interrogatory witnesses

Source: AGN Civil 822.

3.4.4 The *collaba* of Tlacolula.

At least fifteen different tequitlatos were identified in these records. They were in charge of collecting tribute and organizing other contributions in kind and in labor. Witnesses mentioned the construction of public buildings as well as houses for the authorities, and corrals. Collaba were expected to send bèniquéche to care for and provide these houses, corrals, and *sementeras* or "sown fields," whether they belonged to the community, the cacique, or the gobernador. They also collected contributions for extraordinary or out-of-schedule events, such as weddings of the gobernador's children. Collaba had to watch over the good treatment of the people in their charge, listen to their complaints and seek redress for any harm or mistreatment received. That is why several collaba who were interrogated declared that "los indios que este testigo tenía a su cargo como tequitlato se le quejaban de que no les pagaba su trabajo el dicho don Domingo."[115]

The variable number of collaba or tequitlatos associated with each barrio could indicate a difference in size and category. It would be risky to claim that the largest barrio in Tlacolula was Lozaa, but it had the largest number of collaba (6) registered. On the other hand, some tequitlatos

[115] AGN Civil 822, f. 82v. Tequitlato Alonso Hernández' declaration.

could be in charge of more than one barrio. Unless they had namesakes who were also collaba, Pedro Caballero, Domingo Vázquez, Juan Pérez, and Alonso Quala attended to at least two barrios each. The clearest case of collaba in charge of more than one barrio is the duo of Francisco López and Alonso Hernández, since both are mentioned together as collaba of the Talala and Lozaa barrios. What is more interesting and puzzling is that they appear in both *Matrículas*, so they were in charge of people from both the parcialidad of don Diego and the parcialidad of don Domingo.

3.4.5 Principal and secondary *collaba*.

In colonial documents, the Spanish word *barrio* and the Tichazàa word *quèhui* were used ambiguously, so each could refer to different levels of internal organization within the *quèche*. This was not uncommon. Only a few Mesoamerican polities have detailed registers about the subdivisions within parcialidades, such as those found for Texcoco's *tlaxilacalli* or those known for Cuernavaca's *calpulli* and *tlaxilacalli*.[116] In Coyoacán, Rebecca Horn identified the names of more than one hundred *tlaxilacalli*, but only 24 were the most important and had their own tribute books and a widely recognized overseers. She proposed that the term *tlaxilacalli* covered "a wide range of subunits, from large important ones to small insignificant ones."[117] Horn identified the use of *acohuic* and *tlalnahuac* to make a distinction between barrios with the same name but which were differentiated as high and low. The difference could be geographic, but "*acohuic* might mean upper in the sense of original or senior, *tlalnahuac* meaning lower or

[116] In Texcoco, the first level of organization that Benjamin Johnson distinguished beyond the houses were the domestic groups (unnamed in Nahuatl) of 2 or 3 houses administered by the *tepixque*, then the *altepemaitl* or sub-districts supervised by the *topileque* and then the *tlaxilacalli* or districts organized by the *calpixque*. All these leaders were macehuales. Johnson, *Pueblos Within Pueblos*, 3, 97-100. In the Cuernavaca region, the *cencaltin* were the basic domestic units, and *chinamitl* were the hamlets with a few domestic units. Next in complexity were the *tlaxilacalli*, the major and minor *calpulli*, the estancias or small kingdoms, and finally the altepetl. Mentz. *Cuauhnáhuac 1450-1675,* 105-108, 197-198, 205.

[117] Horn, *Postconquest Coyoacan*, 22.

junior."[118]

This distinction is relevant because some witnesses said there were five main collaba in Tlacolula, four in the cabecera and one in the subject town of Santo Domingo: "Y así con este acuerdo llamaron a los tequitlatos del dicho pueblo y de la estancia Santo Domingo sujeta a él que de esta cabecera son cuatro principales y de la dicha estancia uno."[119] This suggests that in Tlacolula there were five main barrios headed by these five main tequitlatos, and therefore, that the other collaba were, in a sense, "secondary" and acted at a more internal or "lower" level.

Apparently, in 1570 Alonso Hernández was the most important of the five principal collaba: "esto se lo habían mandado al dicho Alonso Hernández y a otros cuatro tequitlatos los dichos gobernador y alcalde para que asi lo hiciese y escondiesen los dichos indios."[120] He probably was the same collaba acting along with Francisco López under the orders of both the cacique and the gobernador.

Francisco López introduced himself as a native and nobleman ("principal") of the barrio Leosi.[121] López first declared that in the Leosi barrio nine tributaries were hidden. But when he testified again, he said he was in charge of the Quiguegue barrio, where six tributaries were hidden, while the other three were from another barrio, whose tequitlato was Domingo Hernández. [122] Thus, it seems that other "small" barrios were included inside the Leosi barrio.

As for the collaba of the estancia of Santo Domingo, he was recorded in the *Matrícula* as Francisco Pérez, but a witness said Santo Domingo's collaba's name was Francisco Quiçape. It is possible that they were two different persons, as their surnames suggest: the main collaba would be Francisco Pérez, and the secondary would be Francisco Quiçape.

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[118] Horn, *Postconquest Coyoacan*, 42-43.

[119] AGN Civil 822, f. 13r.

[120] AGN Civil 822, f. 18r.

[121] AGN Civil 822, f. 27r.

The names of the other two principal collaba are unknown, but all of them must have been registered in the Matrículas. They could have been *xoana*, inheriting their position from father to son, as suggested by Whitecotton. For their part, the secondary collaba could have been *xoana* from the minor nobility, as suggested by Zeitlin, or bèniquèche, depending on the complexity of each barrio. If bèniquèche, they likely received their appointment from the xoana or local ruler, as Flannery and Spores proposed.

The principal and secondary collaba should have had different responsibilities and ways of achieving their status. But in some colonial sources about Zapotecs, both were named collaba without further distinction. The ambiguity in using this term would explain the disparity of functions attributed to these functionaries and the different sizes of their barrios. For example, in the *Relación geográfica de Nexapa* the collaba is described as a beloved high-ranking nobleman who inherited his title and received benefits and honors, not only for himself but also for his extended family:

> fundavan sus pu[ebl]os por parentelas, y a aquel [que era cabeza de la parentela] obedeçían todos y conforme a como yban prevaleçiendo ansí yban defendiendo y acometiendo en guerras a sus vez[in]os a este cabeça de parentela que nosotros llamamos cabeças de bando, todos los otros trabaxaban para sustentarlo ansí de ornato como de mantenimi[en]to las parentelas que de este deçendian hasta el quarto grado de cada una era la cabeça el pariente mayor de su primero grado a estos llamaban en la lengua mexicana tequitatos y en la çapoteca golaba y en la lengua mixe nimuhoo y en la lengua chontal lapucna q[ue] quiere dezir en n[uest]ra lengua todos estos nombres los q[ue] hablan En razón o En fabor de la rrepu[bli]ca o de los consejos y más propiamente quiere dezir soliçitadores del señor mayor que ellos tenían, y esto no era por bía de sujeción forçoso sino obligatoria y así le tenyan grande amor.[123]

In Huitzo, on the other hand, the collaba were appointed by the *cacique* or "señor natural," and they were in charge of collecting tributes and reporting problems: "nombraua en cada barrio y estançia vn yndio que le llamauan tequitato ques a manera de jurado en las collaçiones d[e] españa el qual tenia cargo de los yndios de aquel barrio o estançia y este rrecogia los tributos y daua notiçia de los delitos que entre ellos avia y de los pleytos que armauan Asi de tierras como de otras cossas."[124]

[123] AGI Indiferente 1529, N.20, f.4v. *Relación* by fray Bernardo de Santa María and Johan Díaz Canseco. https://relacionesgeograficas.inah.gob.mx/relaciones-geograficas/a6db8ffb-ee52-4de2-97ea-b8de9f1cc21d

Finally, according to the *Relación de Ocelotepec* of 1609, this polity (the cabecera and ten estancias) was made up of twenty-five parcialidades or barrios, each composed of ten, twenty, or thirty people and a collaba (*golave*) who collected tribute and organized the work. It also informs that Amatlán (the cabecera and three subject towns) had nine barrios or parcialidades. Each parcialidad had ten, fifteen, twenty, or twenty-five tributaries and was administered by a collaba.[125]

The collaba of Tlacolula were both xoana and bèniquèche, with different responsibilities and number of people to oversee. The inquiry happened at a time when personal names still suggested rank distinctions between nobility and common people. The examination of these names indicates that there were at least five beniqueche among the collaba, and these were probably "secondary" collaba. There were probably many more of them. Recently, scholars such as Benjamin D. Johnson have insisted on macehuales' important role in the construction of local hierarchies, as they were the ones who sustained the bonds of compulsion and community that held the domestic complexes together.[126]

3.4.6 Personal names and social differences.

In the sixteenth century, among Zapotecs, the personal name could distinguish the xoana from the beniqueche, but this was a dynamic, changing process. During the 1520s and 1530s, dynastic rulers were the first to be baptized and adopt Christian names along with the title "don," but often they retained their calendrical names, which Spanish sources registered in Nahuatl. For example, the lord of Tlalixtac was don Hernando Ucelo (Ocelotl, "jaguar") and the lord of Zimatlán don Alonso Calsyn (Caltzin, "house").[127] In the following decades, the adoption of Christian names

[124] RAH 9-25.4/4663-16(xxii), *Relación geográfica de Guaxilotitlan*, 3v.

[125] BNE, Biblioteca Digital Hispánica, Mss/3064. *Descripción de Indias. Tomo I* [Manuscrito], *Relación del pueblo de Amatlán*, 238v.

[126] Johnson, *Pueblos Within Pueblos*, 3, 97-100.

[127] AGN Hospital de Jesús 293, Exp. 140 and 444, Exp. 1.

extended to all people regardless of their status. At that point, the xoana began to identify themselves, at least in the sources, by their European last names. The coquì adopted the last names of conquistadors, encomenderos, corregidores, friars, viceroys, and saints. Don Domingo de Mendoza, the gobernador of Tlacolula, clearly adopted the surname of the first viceroy of New Spain, Antonio de Mendoza. Other common last names were Velasco, Hernández, López, Pérez, etc.

Beniqueche adopted only a Christian given name to which they added one or two Zapotec names. Usually, their first Zapotec name was a birth-order name (first son, second son, first daughter, second daughter, etc.). Thus, for example, in the *Matrículas* there is a Benito Yopi and his wife, Catalina Xoni, who were the first son (*yobi*) and the second daughter (*xoni*).[128] It was common for women to retain only the birth order name, while men could have up to two traditional names. The second name was usually based on the Zapotec *piye* (counting) of 260 days. For example, Benito Tixe Lache, was the third son (*texi*) and was born on the day 4 Jaguar or 8 Jaguar (*Lache*, the exact meaning probably depended on pronunciation tone).[129] Another name type very common among Zapotecs was a metaphorical or personal (descriptive) name. For example, María Guelanjsa, whose name could be read as "lagoon" but also as "soul of water."

3.4.7 Tributaries and the household complex.

Not even half of the 140 denounced hidden tributaries were registered during the official inquiry in Tlacolula. It is possible that they had hidden again, but it is also very likely that several had already died. Some widows, such as María Zaa, remarried, but "en otro barrio," so they could have changed their ascriptions. These barrio changes, also reported by the collaba, made it more

[128] CA 122v: "Notable. Tenian tambien otros nombres, conforme a el orden como nacian."

[129] The complete list of names, and the numeral corresponding to each of them is found in CA 115v-122r: "Siguese la qventa o Kale[n]dario, de los dias, meses, y año que tenian los yndios en su antiguedad." The root of the sign day "jaguar" is *eche*, according to Smith-Stark, but also Justeson and Tavárez. See Oudijk, "Ruptura y continuidad en la cuenta mántica zapoteca," 94-97.

challenging for Spanish authorities to identify the hidden tributaries.[130]

Local authorities and collaba had detailed records of tributaries and their contributions, but outsiders always found it difficult to determine their real number. The Zapotec household complex or joint household usually housed more than one nuclear family. Later in the sixteenth century, Spanish authorities suggested that judges should count the number of hearths in each household complex to at least know how many nuclear families lived there.[131]

Each yòho or household "consisted of one married couple and later their unmarried children, if any" but other people could join, too; for example, widows. According to Lisa Sousa, the concept of family among Zapotecs, as well as other Mesoamerican peoples, was not based on consanguinity but on the experience of sharing life together and helping feed and shelter each other. Usually, the most prestigious male was considered the head.[132]

The household was a unit of land tenure and, therefore, a unit of agricultural production and consumption of food and other goods. It was also a unit of craft production (for example, textiles), and a socialization space for children, the place where they learned and practiced moral precepts. In addition, each house had a sacred space for the veneration of deities and ancestors.[133]

Bonds between households were formed in everyday life, by establishing marital and ritual kinship ties among their members through the extension of mutual care, the exchange of gifts, and feasts. Articulation between household and community was established in various ways, for example, in the tribute contribution of each house and in the jurisdiction that authorities had in all kinds of matters, including family matters.[134]

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[130] AGN Civil 822. The case of María Zaa in f. 123v and the changes of barrio in 77r.

[131] See Chapter 6.

[132] Sousa. *The Woman Who Turned Into a Jaguar*, 225-233. Brígida von Mentz also found that the higher the family's status, the greater the number of members that could be added. Brígida von Mentz. *Cuauhnáhuac 1450-1675. Su historia indígena y documentos en "mexicano." Cambio y continuidad de una cultura nahua*. México: Miguel Ángel Porrúa, 2008, 150-176

[133] Sousa, *The Woman Who Turned Into a Jaguar*, 235-239, 244-245.

[134] Sousa, *The Woman Who Turned Into a Jaguar*, 250-261.

Thus, when the xoana Domingo García, from the estancia of Santo Domingo, complained that he had delivered at least nine very high-quality textiles to don Domingo (for his children's weddings) without any reciprocity, he was defending the work of his household members and his barrio. These "mantas de algodón pintadas con tochomite" were made of cotton and possibly, *tochomitl* or "rabbit hair," a luxury material often compared with silk, which required the work of cotton growers, rabbit breeders or hunters, and very experienced weavers.[135]

Thus, the case of Tlacolula shows that there were at least two types of collaba (and probably, barrios): five main or principal collaba and at least another ten "secondary" collaba that were subordinated to the first. One of these main collaba oversaw the estancia of Santo Domingo. In this estancia, there was a xoana, Domingo García, and probably two collaba; the primary would be Francisco Pérez, and the secondary Francisco Quiçape. But this estancia was also part of the parcialidad of don Domingo. It is unclear what the nature of the two parcialidades was, but all this fact says a lot about the multiple levels of organization in a relatively "small" polity such as Tlacolula. Other pueblos in the Valley were still more complex.

3.5 Two *quèhui* in conflict. The case of Teitipac.

3.5.1 The *pueblo* of Ixtlahuaca and don Domingo, its gobernador.

In 1551, viceroy Luis de Velasco gave his verdict regarding a conflict involving don Juan, cacique and gobernador of Teitipac, and don Domingo, who was identified as the ruler of Ixtlahuaca, a pueblo near Teitipac. Don Domingo claimed that his pueblo was independent of Teitipac, that it was "pueblo por sí y deuidido y apartado del d[ic]ho pueblo de tetiquipac" and that it had never been subject to don Juan nor to his ancestors, but he acknowledged his pueblo had paid some

[135] AGN Civil 822, f. 52r. *Tochomitl* could also mean "dyed yarn," but there are numerous mentions of rabbit hunting in the document. Villegas, Pascale, "El tochómitl, un artículo de comercio entre la Nueva España y la provincia de Yucatán. Siglo XVI," in Janet Long Towell y Amalia Attolini Lecón (coord.), *Caminos y mercados de México*. México, Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, Instituto Nacional de Antropología e Historia. 2009, 311-323. 313.

tribute to Cuilapan (presumably he was talking about the Mexica tributary province). Don Juan pointed out that Ixtlahuaca had always been an estancia or barrio of Teitipac, but lately they had refused to serve or pay any tribute to the cabecera.[136]

Details of the case are not fully known, but both parties presented evidence of their claims, and don Juan proved, in the opinion of viceroy Velasco, that his father, named Yezcuaçe (Itzcoatzin, "Obsidian Serpent"), had had authority over both pueblos. Don Juan was recognized by the audiencia real as gobernador of Teitipac "e estançia de ystlavaca." Velasco's resolution states that don Juan was confirmed as gobernador but says nothing about his status as a cacique or "señor natural." This omission and the prerogatives that the viceroy assigned to don Domingo suggest that his authority was not to be underestimated because he also descended from a ruling dynasty within Teitipac.

According to the resolution, Ixtlahuaca was located at a very short distance from the cabecera. Thus, Velasco ordered don Juan and don Domingo to build a single church for both pueblos. He also ordered that both receive tribute and services. To each *coqui*, members of their own barrios would sow a corn field of 150 "*brazas en cuadra*," one of beans of 50 brazas, and one of chili of 25 brazas. Each coqui would be assigned four "indios de servicio." However, from the "sobras de tributos" of the whole polity, don Juan would receive 70 pesos a year, corresponding to his salary as gobernador, whereas don Domingo would receive 50 pesos.[137]

The viceroy's resolution omited clarifying in what capacity Don Domingo would receive his salary. It is likely that playing with ambiguity helped Spanish authorities to avoid further conflict.[138] Interestingly, when don Domingo requested a copy of the viceregal resolution, it was

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[136] Library of Congress. Krauss Collection, Mss. 31013 (Viceregal order book), f. 158v-159v. http://hdl.loc.gov/loc.mss/mss31013.mss31013-14000

[137] According to Charles Gibson, a "braza" measured two *varas* (thirty-three inches each), and the "sobras de tributos" were the remainder after subtraction of the tribute due from the total amount collected. Gibson, *The Aztecs Under Spanish Rule*, 600, 604.

[138] In theory, there was only one gobernador per polity, but there are various examples of gobernadores in the subject towns. See the case of Santa Catarina Ixtepeji and the subject town of San Pedro Nexicho in Cruz Lopez, *Las pinturas del común*, 142. In the Mixtec region, complex lordships or *yuhuitayu* that were transformed in colonial pueblos also

recorded in the registry book that he was the gobernador of Ixtlahuaca, probably because this is how he presented himself in his own writings. Some years later, in 1560, in a collective complaint signed by the caciques and gobernadores of the Valley, don Domingo and don Baltasar de Montemayor appeared together, and both were identified as "caciques y gobernadores" of Teitipac.[139]

3.5.2 Ancient Conquests.

There are various indications that the dispute between Ixtlahuaca and Teitipac was a quarrel between two main quèhui or "traditional" collectivities rather than a conflict between the colonial cabecera and one of its subject towns. First, Teitipac was a polity with various subject towns. According to the *Libro de Visitas*, by 1550 there were six: Ciautepeque, Yztlayutla**,** Ciltepeque, Xinachtepeque, Gueguetitlan, and Ocotepeque.[140] No Ixtlahuaca was registered there. Second, Ixtlahuaca (probably, the palace and some associated households) was located so close to the cabecera that it was easier to have one church for both pueblos and the "tasación" of viceroy Velasco reorganized the cabildo to assign both pueblos an equal number of officials. Also, the common treasury of Teitipac was assigned as if there were only these two rulers in the entire polity. Third, it seems like no other ruler of any other sujeto asked for the same treatment as don Domingo, and he was acknowledged as one of the (only) two caciques and gobernadores of Teitipac in later documents.

Thus, it seems like Ixtlahuaca was, in reality, a quèche (and quèhui) that was part of the new colonial cabecera but whose members lived there and probably in various subject towns, a quèche with enough power and population to rival Teitipac. Although Spaniards used the words

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had multiple gobernadores and caciques. Martín Gabaldón, Marta. "Territorialidad y paisaje a partir de los traslados y congregaciones de pueblos en la Mixteca, siglo XVI y comienzos del XVII," 171-172.

[139] Library of Congress. Krauss Collection, Mss. 31013 (Viceregal order book), f. 159v. AGI Justice 190, N2: 13v.

[140] BNE, Ms. 2800. *Libro de Visitas de la Nueva España*, f. 225r. These Nahua toponyms did not appear in other sources, but were replaced by Zapotec toponyms. I have not been able to equate all of them.

parcialidad, barrio, or even estancia to refer to Ixtlahuaca, other sources show the importance and complexity of this collectivity, and that it really was a quèche.

One event that explains the dual organization in Teitipac is the conquest of the local population by other Zapotec lordships in precolonial times. In his *Geográfica Descripción*, fray Francisco de Burgoa explains that Teitipac was an important lordship whose Zapotec name, Zeetoba, "quiere dezir otro sepulchro, ó lugar de entierros á distinción del entierro general que tenían los Reyes Zapotecos en el pueblo de Mitla, que se llama Yooba."[141] It was a place where pichana and xoana were buried and where priests with great authority in religious and ritual matters lived.[142] But Burgoa also reports that Zeetoba was not the original name of the lordship. It had "otro nombre de su antigüedad, y primera fundación, Quehuiquijezaa, que quiere dezir Palacio de piedra, de enseñança, y doctrina." Zeetoba was the result of a conquest led by two captains from Macuilxochitl named Baloo and Balachi, who established a new ruling dynasty loyal to Macuilxochitl and Zaachila:

> Fue este Pueblo [de Teitipac] en su gentilidad muy célebre, de grande población, y multitud de gente, en distancia de una legua continuada vivian, y en sus caracteres y figuras, refieren, que los principales pobladores fueron dos Capitanes valerosos, que salieron del pueblo de Macuilsuchil y favorecidos del Rey de esta Zapoteca, subieron á vna Montaña, vezina de este pueblo, y corre al Oriente altíssima, como quatro leguas, con vna singularidad notable en estos Valles [...] En esta cumbre hauia vna gente montaras, y barbarissima que no reconocia á otro Señor de la Zapoteca [...] hasta que los dos esforçados Capitanes, se resolvieron á acometerlos, por diuersas partes [...] y con grande carniceria de ambas partes los vencieron.[143]

Burgoa reveals the existence of two main populations in Teitipac: the conquerors and the conquered, whose leaders at some point had an agreement (probably through some marriage alliances) to share power. Don Juan and don Domingo could have been related to these two quéche, as leaders of their respective *quèhui*.

3.5.3 The two *quèche* and their successors.

[141] Burgoa, *Geográfica Descripción*, 230r-v.

[142] Burgoa, *Geográfica Descripción*, 233r.

[143] Burgoa, *Geográfica Descripción*, 245r-v, 256r.

Chances are don Juan was able to retain the title of gobernador for his son or some relative. Don Juan was succeeded as gobernador by don Baltasar de Montemayor. The last name Montemayor appears in the following decades associated with the caciques of San Sebastián Teitipac. These caciques had *cacicazgo* lands not only in San Sebastian but also in Santa Cruz Papalutla, another subject town of Teitipac. According to their own documents, their ancestors received those lands from the coqui of Zaachila in reward for their military support, as they participated in a war alliance between their original quèche, Macuilxochitl, and the quèchetáo of Zaachila.[144] Thus, it is likely that don Juan and don Baltasar were part of a lineage from Macuilxochitl involved in the conquest of various lordships in the Valley, including Quehui Quiezaa.

By 1566 don Baltasar had died and was succeeded as gobernador by don Mateo de Sosa, who, in reality, was "coadjutor de gobernador de un hijo de don Baltasar." Don Mateo de Sosa was replaced as governor four years later, in 1570, by don Gaspar de Aguilar.[145] But don Gaspar was not the son of don Baltasar, who had finally come of age; don Gaspar was older and had held cabildo offices since 1560, being first regidor, later alcalde, and finally gobernador, all while being acknowledged as cacique, as well.[146]

Don Gaspar de Aguilar seems to have been the direct successor of don Domingo, the gobernor of Ixtlahuaca. He did not inherit the title of gobernador because it had been given to another noble house or *yòho*, but he worked and waited for it until he won. In 1574, don Gaspar was accused of "idolatrías" (idolatry) and mistreating people of certain subject towns of Teitipac for at least nine years. One of the witnesses in the investigation declared that don Gaspar's father was don Domingo, who had never demanded as many things as his son did.[147] The idolatry investigation also revealed other details about the customary subdivisions in Teitipac, and the

[144] Oudijk and van Doesburg. *Los lienzos pictográficos de Santa Cruz Papalutla, Oaxaca*.

[145] In 1576, don Mateo de Sosa testified in a trial for idolatries. HSA, Manuscript HC 417/114, f. 22v.

[146] He appears as regidor in AGI Mexico 358, L10, f. 6r. AGI Justicia 279, N1, f. 8r.

[147] A witness said that don Gaspar's father had died in 1565. HSA, Manuscript HC 417/114, f. 37r.

different roles that don Gaspar and other Teitipac coqui and xoana had within their parcialidades.

Burgoa confirmed this internal division and these successions when he wrote that "no devia de hauer muchos años, q[ue] hauia passado esta conquista, quando vino la de el Evangelio, por que estaba[n] frescas las memorias y recie[n]tes las Casas, y dos Caziques de quienes haze memoria en vnos escritos el gran Fr. Domingo Grixelmo, que se dixo antes, se llamaron en el Baptismo D. Gaspar, y D. Baltasar, en cuyo govierno estaba diuidido en barrios el Pueblo."[148]

3.5.4 *Sacred bundles* and authority in Teitipac.

Only a portion of the 1574 idolatry investigation is known. It revealed that in Teitipac, several people were in charge of sacred objects or places linked to their deified Zapotec ancestors. This was a remarkable act of cultural resistance, especially considering several earlier efforts (in 1544, 1560, 1564, and 1573-1574) to eradicate Zapotec religious practices and beliefs in that cabecera and its sujetos. Some of those eradication attempts involved the implementation of exemplary punishments.[149]

In 1574, at least a dozen people were denounced for being in charge of "ydolos" (idols, but in reality, sacred figures), boxes, and tombs. The boxes and sacred figures reported by witnesses were in the hands of xoana: the gobernador don Gaspar, the fiscal Tomás de Aquino, and a *principal* San Pablo (Billaa or Güilá), Diego Vázquez. The boxes were wooden chests, and inside them, there were precious stones, stone figures or ídolos, and textiles. Unfortunately, these objects are not described in detail.

Food, tobacco, and wine were offered before these "idols," and the chests they were inside, and they had a special place inside the house of whoever was in charge of them. The testimonies noted that the sacred figures were abundant in the cabecera, while the tombs were concentrated in the estancia of San Pablo. Surely, by that time, the tombs of Teitipac had already been opened,

[148] Burgoa, *Geográfica Descripción*, 245v.

[149] Burgoa, *Geográfica Descripción*, 241r-243v. AGI Justicia 279, No. 1, 8r-15r. AGI Mexico 358, Leg. 10, 7, 8 fs.

while those of San Pablo and other subject towns had remained unnoticed because of their remoteness. However, testimonies indicate that at least nine were finally opened between 1573 and 1574 to send some of their contents (idols or figures) to the cabecera.

Apparently, the boxes and their content were treated as sacred bundles or representations of the Zapotec ruling ancestors.[150] The "idols" and some tombs had Zapotec names, hierarchical titles, or both, revealing an active relationship between these sacred powers and the people of Teitipac (Table 3.2). The titles reported for these representations of sacred ancestors were Chan[a], Pichana, Coqui, Xonaxi, and Coquitao. Also, it was reported that Domingo García, principal of San Pablo, possessed an image of the rain god Gozio, a much more widespread devotion than lineage ancestors.

Table 3.2. Persons in charge of sacred goods and burials.

Place	Name and status of the guardian	Type of object	Sacred figure's names	Witnesses	Page
San Juan	Don Gaspar, gobernador	"devil," sacred figure, boxes	Coquy Binilo and Xonaxi Bilapia	[Juan de la Cruz] Diego Vázquez	6v
San Juan	Don Gaspar, gobernador	sacred figure	Changuyatao	Domingo García, principal of San Pablo	35v
San Juan	Tomás de Aquino, fiscal	sacred figure	Lapanelo	Diego Vázquez	7v
San Pablo	Diego Vázquez, principal	sacred figure, box	- - -	Diego Hernández	1r
San Juan	Juan Bautista	sacred figure	Apocechaa Cobicha	Diego Vázquez	7v
San Juan	Tomás Chilla	sacred figure	- - -	Diego Vázquez	7v
Teitipac	Melchor Tixi Quetela	sacred figure	Pechana Pelaxono	Domingo Quiaguela Mateo de Sosa	13r 21r
Teitipac	Domingo Lape	sacred figure	- - -	Domingo Quiaguela	13r
?	Tomas de Santa María	sacred figure	Peche Conelopa	Mateo de Sosa	21r
?	Juan de la Cruz	sacred figure	- - -	Mateo de Sosa	21r
San Pablo	Diego Quyebelachi	tomb with sacred figures, stones, gold jewelry	Coquytao	Diego Hernández	1r

[150] Pre-colonial sacred bundles were depicted in códices and described in early colonial sources as embroidered cotton blankets wrapped around sacred remains, such as bones, personal objects, jewelry, precious stones, seeds, and other things associated with past rulers or deities. They were cult objects. Hermann Lejarazu, "Religiosidad y bultos sagrados en la Mixteca prehispánica," (*Desacatos*, No. 27, mayo-agosto 2008, pp. 75-94). Wooden chests were the colonial version of these bundles. About sacred bundles and boxes in the Sierra Norte and their content, see Alcina Franch, José, "Calendario y religión entre los zapotecos," (Michel Oudijk, coord., *La adivinación zapoteca*, Tomo I. México: Universidad Nacional Autónoma de Mexico, Universidad Anáhuac Xalapa, 2021), 202-205.

San Pablo	Francisco Tixe	tomb with sacred figure, stones, gold jewelry	Pecheçopalache	Diego Hernández	1r
San Pablo	Domingo Tiebela	tomb with stones and jewelry	Pecheçopalache	Diego Hernández	1r
San Pablo?	Gaspar Viuñoo	tomb	Pillao Quyagueche	Diego Hernández	1v
?	Juan Chu	sacred figure?	[Gozio, Lord of the rain]	Domingo García, principal of San Pablo	35v

Source: HSA, Manuscript HC 417/114.

According to several witnesses, don Gaspar had a stone figure called Chan[a] Guyatao (Lord Big Flower/Mountain?), which he handed over to the friars at some point. But he did everything he could to hide two boxes related to his deified ancestors: Coquy Binilo (Lord 12 Monkey) and Xonaxi Pilapia (Lady 10 Grass), the founding couple of don Gaspar's lineage. Some witnesses claimed that he buried them, while others said he wrapped them in blankets and sent them secretly to San Juan Chilateca or to his son-in-law's house in Teitipac.[151] While in don Gaspar's house, these boxes presided over important events. One witness stated that

> vyo que ençendieron copal en un aposento donde estava una caxa a manera de cofre y pusieron allí çerca de la caxa çiertos caxetes de comyda e xicaras de cacao y luego lo tornaron a sacar y lo davan a aquellos prencipales que lo comyesen y ansi lo comyan y que esta manera de comyda es rrito antiguo de su ynfidilydad porque conbydavan aquella caxa primero o a lo que estava en ella dentro.[152]

Don Gaspar was in charge of the sacred bundles of his lineage ancestors because he was the head of his yòho. His office as gobernador was obtained by participating in the new local political hierarchy, but his status as coqui derived from his belonging to an ancient ruler dynasty and the social recognition still enjoyed by this ancient form of legitimization of the Zapotec ruling class, despite all the changes occurring in this period.

3.5.5 Don Gaspar's quèche.

Testimonies from the idolatry inquiry of 1574 provide more details about *quèche* organization in Teitipac, especially the barrios. The exact Zapotec terms used by the witnesses to talk about these

[151] HSA, Manuscript HC 417/114, f. 17v, 20v, 21v-22r, 23r.

[152] HSA, Manuscript HC 417/114, f. 15r-v.

collectivities are unknown because only their Spanish translations were registered. In general, *estancia* was used to refer to the subject towns, but sometimes, they are called pueblos in the record. *Pueblo* was mainly applied to the cabecera, either called San Juan or Titiquipaque. The term *barrio*, on the other hand, was used to identify houses or *yòho* based on a real or symbolic kinship with the founding ancestors represented by the sacred bundles.

Four barrios are mentioned in the interrogatory, identified by their leaders or heads. Since the inquiry focused on the figure of don Gaspar, most references are to "don Gaspar's barrio." Of course, the participation of his wife, doña Elena, must have been essential, for they were the couple that was to head the *yoho* as successors to the founding couple.

Members of don Gaspar's "barrio" were both xoana and bèniquèche. Several lived in the mountains. All of them were required to make extraordinary contributions to don Gaspar and his immediate family on various occasions. Witness Catalina Çaa stated that "quando se caso don Juan su hijo les pidio a todos los prençipales a tres y a quatro pesos y a todos los maçeguales una gallina cada uno y quatrozientos cacaos esto a los yndios del barrio de don Gaspar q[ue] son en todas las estançias de la sierra q[ue] son de la p[ar]te de d[ic]ho don Gaspar."[153]

The "estancias de la sierra" were those of San Pablo, San Lucas, San Bartolomé, San Marcos, San Dionisio, and La Magdalena. Almost all of them were mentioned by Diego Vázquez as the estancias from which contributions were collected for don Gaspar's children's weddings, but he also included San Juan (the cabecera) and omitted to mention (perhaps because it was obvious) the estancia where he lived, San Pablo.

As for the other "barrios," witness Domingo González introduced himself as "tequytato en esta d[ic]ha estançia [de San Pablo] del barrio de diego bazquez." González's statement could be read as an indication that members of the noble houses of don Gaspar and Diego Vázquez lived together in San Pablo. González also stated that he collected what don Gaspar had demanded: "a este

[153] HSA, Manuscript HC 417/114, f. 10r.

conf[esant]e le cupo a pagar lo q[ue] el d[ic]ho don gaspar abya pedido y todo lo llevo el d[ic]ho domyngo garçia p[ar]a pagar lo q[ue] don gaspar dio q[ue tiene] d[ic]ho e mas una medalla q[ue] costo siete pesos y todo lo llevo el d[ic]ho don gaspar quando se caso don sebastian."[154] Diego Vázquez, like don Gaspar, was in charge of sacred bundles, but in the Teitipac hierarchy, Vázquez was probably a xoana, not a coqui, so he does not bear the title of "don." The names of Diego Vázquez's sacred bundles are not known, but the partial list of bundles and tombs shows that only don Gaspar was in charge of a couple of deified ancestors acknowledged as coqui and xonaxi. Thus, the "barrios" of don Gaspar and Diego Vázquez operated at different levels, but that of Vázquez was included in or subordinated to don Gaspar's.

Another barrio was mentioned by Alonso Tine, an inhabitant of the cabecera, who said he was "natural del pu[ebl]o de titiquypaq[ue] del barrio de don baltasar." It is difficult to know whether this "barrio de don Baltasar" was part of the barrio de don Gaspar or was a separate barrio. Still, the title of "don" suggests that this head was another cacique at the level of don Gaspar. The only Baltasar mentioned in sources from the time is Baltasar Vázquez, regidor, but he is not recognized as "don."[155] "Don Baltasar" could also refer to the former gobernador don Baltasar de Montemayor, the head of the other quèche within Teitipac. By 1574, don Baltasar had died, but Alonso Tine was about 30 years old and could have known personally the late don Baltasar.

On the other hand, several witnesses referred to the subject town of San Sebastián Teitipac not as an estancia but as the "barrio de San Sebastián." A possible head or future head of this barrio was don Sebastián. In 1571, he married don Gaspar's daughter named Penylache. Don Sebastián sent Gaspar Quala, a *colany* or ritual specialist from San Sebastián, to arrange his marriage. Only a close and trustworthy person could have been entrusted with such a task, so it is very possible both were from the same pueblo. After that, don Sebastián resided in San Juan and,

[154] HSA, Manuscript HC 417/114, f. 37v-38r.

[155] HSA, Manuscript HC 417/114, f. 14r. RAH, 9-25.4/4463, 16-xviii, Relación de Teitipac, f. 4r.

in 1574, while still in his twenties, held office as alcalde.[156] The "barrio de San Sebastian" could have had members in San Sebastián and San Juan, but also in other subject towns that were not mentioned in the idolatry inquiry but were listed in the *RG de Teitipac* in 1580: Santa Cruz Quiachachila and Santo Domingo Çuana.[157]

3.5.6 "Palace gods" in the Valley of Oaxaca.

When hierarchies existed between noble houses or *yòho*, the sacred bundle or deified ancestor of the most prominent house was considered the protector deity of the whole *quèche*, although other yòho kept their own protector divinities. Thus, for example, the *RG de Iztepec* (Quialoo) reports that: "tenian vn dios q[ue] dezían dios del palaçio al qual adorauan todos y sacrificaua[n] y q[ue] demas deste cada uno En particular tenia sus dioses."[158]

Until the end of the sixteenth century, several deified ancestors were still remembered and revered in festivities in different pueblos of the Valley. In Tlacolula, for example, the most prestigious ancestor was called Coqui Çehuiyo, "Al cual ofreçian e sacrificauan perros E gallinas y yndios e fecho El sacrifiçio se enborrachauan e dançavan a su modo." In Macuilxóchitl it was Coqui Bila (2/7/10 Wind, or 2/6/10 Reed), and before him, people fastened and offered blood from their tongues and ears; they also danced and got drunk. In Tlalixtac it was Coqui Huani, or the Lord of Light, to whom they offered sacrifices of humans, dogs, quails, parrots, and feathers.[159]

An incident reported in 1574 reveals that in Teitipac class distinctions derived from relations to the primordial couple. When María Billalo lost a chicken and went to look for it at the house of the *fiscal* (an important church officer), she ended up being apprehended, as she had offended this *xoana* who was related to the palace's sacred couple:

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[156] HSA, Manuscript HC 417/114, f. 5v, 6r, 27v, CV 13v: "Agorero que declara los agueros. Peni colanij"

[157] RAH, 9-25.4/4463, 16-xviii, f. 5r.

[158] LLILAS Benson Latin American Collection, JGI XXIV-9, *Relación geográfica de Iztepec*, 1v.

[159] RAH 9-25.4/4663-16(xxiv), 4v. RAH 9-25.4/4663-16(xix), 4r. RAH 9-25.4/4663-16(xxii), 4r. Other "ídolos" were reported in the *Relaciones Geográficas*, but they were pan-Zapotec deities, not deified ancestors.

> esta t[estig]o fue a buscar una gallina q[ue] abia perdido a casa del fiscal q[ue] se llama tomas de aquino e dixeronle q[ue] no estava all[i] e un m[art]yn lopez alguazil llevo presa a esta t[estig]o y dixo el d[ic]ho m[art]yn lopez tu conoçes al señor fiscal q[ue] ansi bas a su casa sin mirar quyen es q[ue] no heres una legartija o un rraton en comparaçión del no bes q[ue] rrepresenta el y el s[eñ]or y al[ca]l[d]es y rregidores al coquy binylo xonaxi pilapia q[ue] son sus dioses macho y henbra y tubieron a esta t[estig]o un día en la carçel porq[ue] fue a buscar su gallina.[160]

These accusations and obvious differences between the noble ruling class and commoners, in terms of special treatment and access to resources, reinforce Zeitlin's observations about the nature of barrio relationships. As John Chance demonstrated in his study of the *teccalli* in colonial Puebla, Zeitlin showed that beyond the discourse of common ancestors and kinship, these relationships were also based on patronage that benefitted those in power.[161]

3.6 The case of Huitzo.

Huitzo was a complex lordship or a confederation of quèche, the result of the union of various autonomous noble houses, whose population was made up of both *Bénizàa* and *Ñudzahui* (Mixtecs) Although it is unclear which quèhui were the founders of this confederation, some clues reveal that those who showed more independence during the first colonial century were Zautla, Apazco, Hueyotlipa, Mazaltepec, and Suchilquitongo.

When the complex internal organization of Huitzo was confronted with the new demands and expectations of the colonial regime, the lords of the different quèhui were forced to renegotiate their participation in the government that was established in the cabecera. Political factions were formed, the nature of which is still difficult to determine. But while the cabecera had to face all these problems, the other constituent quèche experienced less pressure and in fact acquired some privileges to their advantage, like being named cabeceras de doctrina.

3.6.1 The most autonomous quèhui.

[160] HSA, Manuscript HC: 417/114, 15v.

[161] Chance, John, "The Barrios of Colonial Tecali: Patronage, Kinship, and Territorial Relations in a Central Mexican Community." Zeitlin, *Cultural Politics*, 50.

The existence of various quèche within Huitzo is suggested by evidence of the status of their heads. During the first decades of the colonial period, when the titles "señor," "cacique," and "gobernador" were reserved for the rulers of the most recognizable or prominent lordships, the lords of Zautla and Apazco were identified this way. In 1537, for example, in an inquiry about a land dispute, one important witness presented by the authorities of Etla was don Cristóbal (perhaps don Cristóbal de la Cueva), who was acknowledged as "señor de Apasco."[162] Later, in 1548, it was reported that negotiations took place between the authorities of Huaxacac and don Jusepe (probably don Jusepe de Sosa), referred to as the "cacique" of Zautla, so that he would agree to "renting" some workers to clean the marqués' fields.[163]

Later, in 1559, a collective complaint about the loss of terrazgueros was filed by the "señores" of Huitzo (don Tomas Maldonado, gobernador, and Juan de Zárate), Zautla (don Jusepe de Sosa), and Hueyotlipa (Jusepe de Luna).[164] A principal of Apazco named Francisco del Valle affirmed that the said terrazgueros, a decade before, did not pay tribute to anyone except their respective señor. In the case of Zautla, Francisco del Valle affirmed that some sixty terrazgueros used to pay tribute to don Jusepe de Sosa and recalled that "antes tributaron a Quelaniça padre del d[ic]ho don Jusepe."[165]

The case of Zautla stands out because there is a *tasación* for this town (not for the polity or the cabecera, but for this subject town) issued in 1563 by viceroy Luis de Velasco. It states that don Pedro de Feria, heir to the cacicazgo of the said don Jusepe de Sosa, was "cacique y gobernador" of Zautla and confirms his right to receive the same goods and services that had been assigned to his father, which indicates the existence of an even earlier tasación. Don Pedro was to

[162] LoC, The Harkness Collection, Series 1, Document 4, "Nuevo interrogatorio." Cristobal de la Cueva was gobernador of Huitzo in 1551-1552 and again in 1557. LoC, Kraus Collection, Viceregal Orderbook, 292r, 402r-v. AGI Mexico 358, L10: 3v, 5v-7v (1557).

[163] AGN Hospital de Jesús 282: 7, f. 4r, 5r, 8r.

[164] AGI México 96, R2: s/n, 14 fs.

[165] AGI México 96, R2, f. 10r.

receive every week three service persons for his house "pagad[a]s de la comunidad;" every twenty days a *carga de ocote*, and every year 20 small blankets, 10 *huipiles*, 1 *xiquipil* (that is, 8000 seeds) of cacao and 25 *guajolotes*. Additionally, bèniquéche from Zautla were to spin for him 2 bales of cotton that he would provide. Finally, he would receive as his salary "veinte p[es]os cada año de la caxa de la comunidad del pu[ebl]o de guaxolotitlan donde se le dan las sobras de tributo de d[ic]ho pueblo ."[166]

Another later record, a 1586 agreement that will be detailed in the next section, indicates that there was also a "señor natural" in Suchilquitongo named Luis Garcés. It also suggests that, in that year, there was no official successor in Hueyotlipa, so only the presence of the *principal* Simón de León was recorded. However, the internal hierarchy of Hueyotlipa is evident in the presence of don Felipe de la Cueva, who was identified as "señor del barrio de *Quelapa* en la dicha estancia."[167] This barrio was located outside Hueyotlipa and had San Ildefonso as its patron saint. An agreement between San Ildefonso Quelapa and San Juan Hueyotlipa, written in Tichazàa and dated 1616, allows a comparison of rank and authority: whereas in San Juan there were *coqui*, *chana*, *quixiaga*, and *colaba*, in San Ildefonso there were only *quixiaga* and *colaba*.[168] In 1657, San Ildefonso appeared as a separate subject town of Huitzo, but this is the last mention of the estancia that I have found.[169]

As for Mazaltepec, the *Genealogy of Macuilxochitl* (ca. 1560) and the *Codex Añute* (1556) mention that Lord 6 Water from Zaachila defeated two lords from *Queche quiezo* and *Queche Yalachina*, which have been interpreted by Oudijk as the lordships of Huitzo and Mazaltepec, respectively. This conquest happened in the last decades of the fourteenth century, suggesting

[166] AGN Mercedes 7, f. 222r-v.

[167] AGN Tierras 2705, 2a pte, Exp. 15, f. 348v. The text was published by Méndez y Méndez, but it has various misreadings and omitts some parts without any warning. Méndez y Méndez, *Historia del corregimiento de Guaxolotitlan*, 95-100.

[168] AMSJE, s/n, f. 1r. Agreement about the *mesón* ("inn"). AGNT 2705, 2a pte, Exp. 15, f. 348v.

[169] AGN Indios 21, Exp. 243.

that they were separate entities, at least in that period. The *Genealogy* reports that Lord 2 Water of Macuilxochitl helped to subdue these two coqui militarily, depicting and identifying them as *domigo çiila* (Lord ? Alligator) and *domigo pilala* (Lord 7 or 10 Owl) (Fig. 3.5).[170] The *Codex Añute*, on the other hand, shows the mortuary bundles of these two lords, Coqui 3 Alligator and Coqui 7 House (Owl, in the Zapotec 260-day cycle), in front of Coqui 6 Water "Colored Strips" from Zaachila and dates these events in 1372 (Year 9 Flint, day 7 Rabbit), although it does not refer to Lord 2 Water from Macuilxochitl as conqueror (Fig. 3.6).[171]

Fig. 3.5. Lord 6 Water from Zaachila and his prisoners, the Lords of Huizoo and Yalachiña.



Genealogía de Macuilxóchitl (detail). The Hispanic Society of America.

Fig. 3.6 Conquest of Lords 7 House (Owl) and 3 Alligator by Lord 6 Water "Colored Strips" of Zaachila.



Codex Añute (Jaltepec). Bodleian Library, MS Archi. Selden A.2 Plate 13, line 1 (left), Plate 12, line 4 (right).[172]

[170] Oudijk, *Historiography of the Bènizàa*, 126-127; see Phase 5 of the *Genealogy*.

[171] Oudijk "The Postclassic Period in the Valley of Oaxaca,"102 and 114 n.8.

[172] https://digital.bodleian.ox.ac.uk/objects/5fb5517b-0539-4531-b996-44fa52ede044/

Thus, in a complex quéche like Huitzo, there were various lords or heads of lineage, both in alliance and in competition. Balancing power among all of them was not easy, but they managed to accomplish it to a certain degree.

3.6.2 The *xoana* agreement of 1584.

In June 1584, the authorities of Huitzo tried to end their differences and avoid future lawsuits through an agreement that apparently was endorsed several times between 1584 and 1587 by all kinds of authorities, from the corregidor of Atlatlauhca (probably appointed as "juez de comisión") to the viceroy, passing through the vicar of Huitzo, friar Diego Serrano; the vicar of Etla, friar Lorenzo de la Huerta; and the provincial of the Dominicans, friar Juan de Mata.

This agreement stipulated, among other things, that: 1) the election was to be held in the cabildo with the presence of the gobernador, outgoing alcaldes and regidores, plus the señores and principales of the estancias, and 2) personal services for cultivation and other properties that the gobernador, alcaldes, and principales required were to be provided only by their own people, "de sus mesmos barrios e yndios que tuvieren a cargo e no de fuera parte." On this second point, and for further clarification, it was stated:

> que se entienda que el que tuviere yndios en la caveçera que si pidiere servi[ci]o se le de de los yndios de la caveçera que tuviere a su cargo y si lo pidiere algun prinçipal de qualquier estançia se le de de la d[ic]ha estançia de los yndios quel tuviere a su cargo y no de otro barrio ni subjeto y lo mesmo se entienda con el gouernador ques o fuere quel servi[ci]o que se le vuiere de dar sea de los yndios de su varrio y no de otros [173]

This quote confirms that every barrio or estancia managed its affairs almost as a separate pueblo, with no obligations except to its own coqui and xoana; but some of these lords took advantage of the new positions of power in the cabildo and tried to expand their influence either in the cabecera itself or over other towns.

On the other hand, frequent matrimonial alliances between the different noble houses within the polity of Huitzo had created intricate networks, somehow legitimizing the authority

[173] AGNT 2705, 2a pte, 15: 350r-v.

claims of xoana of one quèhui over the lands and population of another. Also, the Mixtec population of Huitzo probably followed their own tradition of full recognition of rights for noblewomen, creating a more complex political scenario. The 1584 agreement and other related sources show at least two major factions vying for power. According to the audiencia real's interpretation, one side was headed by don Luis Garcés, from Huitzo, don Pedro de la Cueva, probably one of don Cristobal de la Cueva's heirs, from Apazco, and don Luis de Zárate. The other faction was led by don Pedro Maldonado, from Huitzo, don Pedro de Rojas, probably from Apazco, and don Gabriel de San Pedro, from Zautla.[174]

3.6.3 "Barrios," cabeceras, and sujetos beyond the sixteenth century.

Some examples already discussed testify to the longevity of the Zapotec "customary subdivisions" throughout the colonial period. The quéhui (or quéche) and yòho within republicas de indios or colonial towns not only survived but increased in membership and even in number. Some prospered to such a degree that their xoana ended up pushing for the independence of the pueblos to which they belonged. But that is where the significant change lies. Quéhui and yòho changed over time and adjusted to the new sociopolitical units called cabeceras and sujetos. They created new identities and loyalties, besides their traditional ones, centered in the colonial pueblos.

The processes by which the subject towns managed to become "pueblos por si" and even cabeceras were various and will be discussed in the following chapters, but in a general overview, they had to do with the creation of *cabeceras de congregación* and new vicariates or doctrinal cabeceras, electoral conflicts, land titling (*composiciones*), taxation and delivery of tribute, etc. At the same time, it is possible to see that each polity had its own processes.

In Etla, for example, some separate settlements, which in other polities would be called subject towns because they were far from the cabecera, were always referred to as barrios, clearly

[174] AGN Tierras 2705, 2a pte, 15. There was at least one other don Luis Garcés, from Suchilquitongo, but this don Luis Garcés was said to be "de esta cabecera."

establishing a hierarchical distinction between barrios and subject towns. When they managed to "ascend" in the local hierarchical scale, they became subject towns and were able to have their own church and their own authorities. Thus, in 1672, the barrio of Guadalupe was granted permission to elect its own authorities and became officially a subject town; in 1692, Nazareno was granted permission to build its own hermitage.[175]

In Huitzo, not only sujetos but also barrios within subject towns achieved independence. These were the already mentioned cases of San Ildefonso, which in 1657 was no longer subject to San Juan, and San Sebastian Xochimilco, a Ñudzahui barrio that separated from Apazco in 1714.

In Chichicapan, the ancient *quèche* of Mecatepec (Santo Tomas Jalieza) failed to separate in 1580, but in 1600, it was appointed as the cabecera of an independent *doctrina* or parish. After 1620, Chichicapa was recognized as the head of the pueblo of Santo Domingo Jalieza.[176]

3.7 Conclusions.

Zapotec sociopolitical organization was primarily based on the yòho, a concept with two main meanings: the physical household complex and the social unit of the "noble house." Bènizáa yòho could incorporate more yòho through conquest, admission of migrants, or population growth. The yòho at the top of this hierarchical organization became a quèhui, a "palace" or ruling noble house, and the whole sociopolitical entity was known as a quèche. Two or more quèche could join through conquest or political (marital) alliances, and the resulting polity would be known as quèche, too, or sometimes quèchetáo.

Quèche's population was divided into a ruling noble class (xoana) and a subordinate class (bèniquèche). Members of the noble class were not only coquì (higher rulers) or pichana (lords); they could also be xoana or chana (noblemen). Members of the subordinate class were the

[175] AGN Indios 33, Exp. 248 (Guadalupe, 1672). AGN Indios 31, Exp. 36 (Nazareno, 1691). Another license to build a hermitage, to Nuestra Señora de la Soledad Lachi in AGN Indios 24, Exp. 497 (1673).

[176] Scott Cook, *Land, Livelihood and Civility in Southern Mexico*, 191

bèniquèche (also called macehuales), the terrazgueros or servants, and enslaved persons. Between these two classes, there were also religious leaders, merchants, and local administrators (collaba, quixiaga); some belonged to the noble class, especially the priests, but others could be common people.

In the Valley of Oaxaca, polities had different internal arrangements. But whatever they were, they had to add two new categories in colonial times: cabecera and sujeto. The hierarchical relation between cabecera and sujetos did not reflect the Bènizáa's own organization. However, these introduced concepts influenced local organizations from the very beginning. Tichazáa-written documents show how the concept of cabecera was broadly adopted, but many people living in subject towns tended to avoid using the terminology of sujeto. Instead, they referred to their pueblos as members of the polity or towns within a specific jurisdiction. Some people, especially xoana, did not mention these categories, preferring to acknowledge their pueblos by their Christian names.

On the other hand, there are numerous references to the different customary collectivities to which people belonged. The most notorious are the quéhui and the yòho, translated by Spaniards and Bènizáa as *barrios*, but in reality, noble houses. Some barrios bore the title quèhui in their names, indicating their difference from other yòho. Sometimes, quèhui members lived in the head town and various subject towns.

The examples of Tlacolula (Baaca), Teitipac (Zeetoba), and Huitzo (Huiizo) shed light on how different lordships adapted to colonial changes while retaining many aspects of customary Zapotec organization. Tlacolula's division into two "parcialidades" led by related coqui (uncle and nephew) seems to have been precipitated by the introduction of the new office of *gobernador*. On the other hand, the distinction between primary and, therefore, "secondary" collaba in Tlacolula, helps us understand that there was also an internal hierarchy within quéche subdivisions.

The Teitipac case shows the existence of dual quèche encompassing conquerors and conquered populations. Within these two principal quéhui, there were other quèhui and yòho,

whose members lived in the cabecera but also in various subject towns, but they still acknowledged their primary quèhui or yòho affiliation. Despite friars' constant efforts to eradicate idolatry, ancestor worship persisted and legitimated Teitipac dynastic rulers at different levels. With the introduction of the Spanish-style municipal council, the two main quèhui leaders had to negotiate and share the cabildo offices.

Finally, the Huitzo case highlights the existence of confederations in which almost all quéche involved had well-defined spheres of influence. However, the intricate marital alliances among quèhui heads, along with the Ñudzahui practice of acknowledging noblewomen's rights to govern, which they could pass on to their children, and the introduction of the cabildo, created a complex scenario whereby some coqui tried to take advantage of the new arrangement and control people over whom they had no legitimate authority. After some litigation, the xoana managed to reach an agreement and avoid disintegration.

Although quéhui or "barrios" persisted through the colonial period, they had to adapt to the new system of cabeceras and sujetos. This change resulted in new political and territorial identities, which did not replace quéhui identities but added others that unified them in a new way. In this process, an important institution was the *láhui* or colonial cabildo and community, which will be discussed in the following chapters.

Chapter 4. The Zapotec *Làhui* as the Cabildo.

The *làhui*, or colonial Zapotec civil government, had various functions but only one body: the officials of the Spanish-style municipal council called the *cabildo*. From a Spanish point of view, they were the political body or *república*, the administrators of the common properties or *comunidad*, and the first-instance judges or *justices*. At the same time, most early cabildos were formed by dynastic rulers and leaders of quèhui and yòho within each polity and were based on native traditional government structures. Thus, the colonial cabildo inherited many preconquest functions of local rule, like the supervision of tribute and labor and the dispensing of justice.[1]

This chapter studies some aspects of *làhui* organization, focusing on the native rulers who sought control of cabildo offices during the sixteenth and early seventeenth centuries and how they operated when they occupied those offices. I examine how the role of the *gobernador* (governor), the highest-ranking position on the cabildo, changed from a lord elected as a dynastic ruler to a prominent leader who suited Spanish expectations and was appointed and legitimized by the viceroy. Some dynastic rulers were appointed *caciques-gobernadores,* and they successfully retained the title for various generations, but in many other cases, different people assumed the titles of cacique and governor, and the positions were separated. I present the different trajectories of several lordships based on available data.

Chapter four shows how lineage rulers and other heads of quèhui or yòho competed for the office of gobernador and how they reached agreements to share power. In this context, the offices of *alcaldes* and *regidores* were useful in accommodating their conflicting interests, thus avoiding further disagreements that could risk their lordships' integrity. In the sixteenth century the *làhui* appeared as a political body resulting from and based on conflict and negotiation among quèhui and yòho leaders, which would be its defining characteristic in the following centuries.

[1] Terraciano, *The Mixtecs of Colonial Oaxaca*, 182.

4.1 Overview.

William Taylor noted that in the Valley of Oaxaca various dynastic rulers or *caciques* successfully retained their territorial possessions and high status for much of the colonial period.[2] Certainly, they did retain properties and some privileges, but on the other hand, from the 1540s, they began losing political control, authority, and prestige to governors and the Spanish-style *cabildo* (municipal council). This process does not mean they were separated from the local government, but it means they and their polities lost a great deal of autonomy under colonial rule and had to seek other ways to maintain some power.

In the Valley of Oaxaca, Spanish authorities implemented all the same mechanisms to undermine caciques' power that they employed in other regions of New Spain: the creation of cabildos; the appointment of a *gobernador* (governor) who might not be the cacique; the regulation of tribute and labor; the implementation of regular elections, etc. Some of these changes resembled practices in precolonial times. For example, the hereditary ruler was elected and was assisted by councils of lords, but now they were designed and instructed to serve the crown. As a result, in the Valley, as in other regions, dynastic rulers began to lose prestige and power, but they still managed to retain a certain degree of authority through negotiation.

Sixteenth-century records on caciques and cabildos in the Valley reveal how dynastic rulers adopted strategies to cope with the changes and challenges that they faced. Three principal strategies stand out: 1) In the early colonial period, there were *gobernadores* (governors) who were not caciques. These early governors emerged from local governmental traditions, were appointed by caciques, and their presence was not a threat to dynastic rulers; on the contrary, they helped them in times of crisis. 2) In the last years of the 1540s, when a separation between the cacique and the governor was inevitable, in various polities, two ruling dynasties were

[2] He attributed this achievement to "the strength of the caciques before the conquest and the significant role they played in the peaceful transition to Spanish domination," adding that thanks to Hernando Cortés, the Valley did not suffer from the proliferation of encomiendas, which helped maintain the status of the caciques. Taylor, *Landlord and Peasant in Colonial Oaxaca*, 35-36.

acknowledged: one belonging to the cacique and the other to the governor. Over time, they both aspired to the governorship. 3) The mechanism of annual elections and cabildo hierarchies was used to accommodate candidates who were running for the governorship and delayed conflict for some time. High nobles were appointed to the offices of alcalde and regidor, acquiring leadership experience and waiting for their turn as governor.

Various other strategies were adopted. Caciques drew on the governmental traditions of their own lordships to remain in power. From the very beginning of colonial times, they learned that their position had changed.

4.2 The lords' prestige in question.

In the Valley of Oaxaca, dynastic rulers' political power began to decline soon after the imposition of Spanish colonial rule. Conquistadors and early colonizers targeted them and their prestige, often resorting to coercion and violence. As discussed in Chapter 2, Cortes' own employees and numerous encomenderos threatened and abused the local population, including traditional rulers, however brief their appointments. Even royal officials who were supposed to protect local people from encomenderos' abuses ended up extorting and abusing Valley native rulers, to the point of murder.

In March 1529, Cristobal de Barrios was named *juez visitador* (visiting justice) for the province of Oaxaca. He was in the region from April to August of that year. Barrios had sent people to a hill near Oaxaca to look for gold in some tombs, and they found "calavernias de indios muertos de mucho tiempo." Barrios accused doña Isabel, the dynastic ruler or *señora* of Cuilapan, of performing idolatry sacrifices.[3] He imprisoned her, her two sons, Cuilapan's governor, and two interpreters or *nahuatlatos* (Mendoza and Huecameca, later called Juan Ome). He put them all in the *cepo* (stocks), including doña Isabel, at the time an elderly woman (she was called "la vieja

[3] Doesburg, "Introducción," 17, n.22; 28, n.76. Grave robbing at another site is documented in the same file. JR-JPB, 174-176.

de Cuilapan" by Spaniards), whom he hung by the feet while in the stocks. Barrios demanded gold from them and did not let them go until he got it.[4] He legalized his actions by drafting a whole process, now lost, sentencing doña Isabel and her children to attend church for thirty days to hear mass and learn the Catholic doctrine. They would pay four pesos in gold for each day they missed, including thirty pesos in gold for the cost of the proceedings. The proceedings were a pretense to conceal and continue the extortion.[5]

Cristobal de Barrios committed another extortion in Etla. According to witness Cristobal Gil, Barrios had the native lords imprisoned for similar accusations of idolatry until they gave him seven or eight *tejuelos* (small pieces) of gold, each weighing twelve to fifteen pesos. Later, according to Diego de Guinea, Barrios captured Etla's cacique along with other noblemen and tried to force them to pay more gold for the services of the *nahuatlato* (interpreter), but they managed to escape and he could no longer continue this new extortion.[6]

The appointment of Juan Peláez de Berrio as the first *alcalde mayor* of Antequera did not end these abuses. Peláez de Berrio was no less ambitious and ruthless than Cristobal de Barrios. In 1531, during an interrogation over tributes, native rulers and noblemen denounced some of his excesses, such as the practice of siccing dogs on them, as testified by don Alonso Ulache, *principal* (nobleman) of Ocotlán.[7] The most serious accusation, however, was made by the lord Miquiztli, governor of Tepecimatlán, who denounced Berrio for having the coquì of that polity hanged:

> Juan Peláez de Berrio les hacía malos tratamientos y era público que todos lo saben que los maceguales se ausentaban por ello, y que al señor del pueblo de Tepecimatlan, donde este testigo es gobernador, el dicho Juan Peláez de Berrio lo ahorcó y que por eso no les tiene buen corazón [...] Fue preguntado por qué le ahorcó al dicho su amo, dijo que porque tan presto no le traía unas vigas que el dicho Berrio quería para su casa que hacía, y porque no le llevaron gallinas y comida al camino cuando el dicho Berrio fue al pueblo de Cimatlan.[8]

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[4] JR-JPB, 139-142.

[5] JR-JPB, 141.

[6] JR-JPB, 140-141, 215. (AGIJ231, 1: 61v-62v). Alonso de Barrios and Pedro de Sàmano were assigned the towns of Etla and Guaxolotitlan in encomienda. See Table 2.1, also AGN Hospital de Jesús, 293(2), Exp. 140, f. 46v.

[7] JR-JPB-A, 902.

[8] JR-JPB-A, 904.

Other rulers did not denounce specific damages, but they said they preferred paying tribute to Cortés again to continuing to pay tribute to Berrio and the oidores who appointed him.

That same year, another visiting judge, Gaspar Pacheco, committed more abuses against both Spaniards and native rulers of the Valley. He imprisoned the lords of Huaxacac and Cuilapan to extort them, demanding slaves, gold, chickens, and other services.[9]

In summary, from the first decades of Spanish colonization, Valley dynastic rulers experienced coercion and violence. Later, they faced new changes that were not always violent but were undoubtedly irreversible. Their power began to erode, but they maintained considerable influence for some time through negotiation.

4.3 The *cabildo* in New Spain.

Bellicose clashes between Spanish conquistadors and their native allies against local indigenous populations were often followed by mutual acknowledgment. Dynastic rulers acknowledged the Spanish king as the new, highest ruler to whom tribute must be paid (and conquistadors as his representatives), and Spanish officials recognized rulers and their lordships who accepted this situation.[10] Short after this initial acknowledgment, necessary to secure the exploitation of local resources and workers, the crown implemented mechanisms to limit and weaken native rulers' power. The creation of *cabildos* (town councils) based on the model of Spanish municipalities was one such mechanism, designed to replace the *señores naturales* (dynastic rulers) as the most important authorities within lordships, while at the same ensuring native polities' "orden" (order) and "buena policia" (good government).

In 1530, the crown ordered that *regidores* (council members) and *alguaciles* (constables)

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[9] JR-JPB, 123-124.

[10] García Castro, Rene, *Indios, territorio y poder en la provincia matlatzinca*, (México: Instituto Nacional de Antropología e Historia, El Colegio Mexiquense, 1999), 101-107. He argues that sometimes this new situation restored ancient lineages subjugated by the Mexicas, as was the case in the Matlatzinca region.

be selected in New Spain "para que los indios se entiendan más con los españoles y se aficionen a la manera de su gobierno." By 1532, the appointments of alguaciles had been approved, but in 1533 the order to appoint regidores was revoked because it had caused "some inconveniences."[11] In those same years, debates and inquiries on Mesoamerican people's capacity to govern themselves and about the best way to teach them a Christian and "civilized" way of life led the Crown to pursue the separation of Spaniards and native peoples and the relocation and reorganization of native settlements with their own authorities.[12]

The creation of *governors* was the first step in the formation of a new governing body. In the beginning, most dynastic rulers were acknowledged as governors, and they kept the title for life and even bequeathed it. But, in the 1540s, a separation between the positions of cacique and governor was brought about, and the displacement of caciques began.

Viceroy Antonio de Mendoza (1535-1550) took on the task of establishing cabildos in select native communities. He recognized dynastic rulers as governors and even sought to reestablish "legitimate lineages" that had been displaced by conquistadors and encomenderos due to local disputes.[13] He also sought to incorporate other high-ranking members of the indigenous nobility into cabildos and issued ordinances for gobernadores, alcaldes, regidores, and alguaciles so that they would know their roles and responsibilities. For example, in the *Ordenanzas de Tepeaca de 1539*, he assigned these cabildo members the responsibility of banishing idolatry, collecting tribute, organizing the labor force, and sustaining the new cult and its ministers.[14] Thus, although

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[11] CDIDCO, 2nd series, Volume XXI. *Gobernación espiritual y temporal de las Indias*. II, Title X, 321-322. https://bdh.bne.es/bnesearch/detalle/bdh0000206125

[12] Zavala, Silvio, "Parecer colectivo de 1532 sobre la perpetuidad y población de la Nueva España," (*Historia Mexicana*, 33, No. 4, abril-junio 1984), 512. Vasco de Quiroga, "Carta al Consejo de Indias." Aguayo Spencer, Rafael. *Don Vasco de Quiroga: pensamiento jurídico. Antología*, (México, Miguel Angel Porrúa, 1986). Díaz Serrano, Ana, "Las repúblicas de indios: ¿fronteras interiores de la monarquía hispánica?" (pp. 267-290. En Diana Rosell y Gerardo Pérez, coord., *Vivir en los márgenes Fronteras en América colonial: sujetos, prácticas e identidades, siglos XVI-XVIII*. México, Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 2021).

[13] Castañeda de la Paz, María. *Conflictos y alianzas en tiempos de cambio: Azcapotzalco, Tlacopan, Tenochtitlan y Tlatelolco (siglos XII-XVI) (*Mexico: Universidad Nacional Autónoma de México, Instituto de Investigaciones Antropológicas, 2013), 241.

[14] Martínez, Hildeberto, *Tepeaca en el siglo XVI. Tenencia de la tierra y organización de un señorío* (Mexico, Ediciones de la Casa Chata-CIESAS, 1984). 27-128, n.211.

dynastic rulers were at the head of the cabildo as gobernadores, they began to share power with a broader group of noblemen. During his *residencia* trial, when defending his administration, Mendoza pointed out that the cabildo officials were

> elegidios por los pueblos y confirmados por el dicho visorrey en nombre de su Magestad, de lo cual ha resultado que como la jurisdicción estaba en poder de los dichos caciques y gobernadores, ahora está toda puesta en cabeza de su Magestad, que ha sido uno de los mayores servicios que a Su Magestad se le ha podido hacer, y gran beneficio a los naturales.[15]

A *cédula real* (royal decree) of October 9, 1549, ordered annual or biannual elections to renew cabildo members.[16] In practice, viceroys acknowledged the right of sons to succeed their fathers as governors, but they also promoted elections whenever possible.

Some scholars have regarded the cabildo as an agent of Hispanization and conquest and an instrument that allowed the crown to exploit the local population more effectively; others have considered it as an institution that reinforced corporate identity and unity and gave continuity to certain forms of precolonial political organization.[17] These positions are not mutually exclusive. The cabildo was a space for negotiation between new and old political and economic interests and between new and old forms of government.

The following sections will analyze how colonial institutions impacted the power of dynastic rulers in the Valley of Oaxaca in the early colonial period, and how the governorship was created and consolidated. This process involved dynastic rulers, other native leaders, and their lordly establishments or parcialidades throughout the sixteenth century and beyond.

4.4 The dynastic rulers and *their* governors.

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[15] García Icazbalceta *Colección de documentos para la historia de México*, II, 139, apud Castañeda, *Conflictos y alianzas en tiempos de cambio*, 241.

[16] Haskett, *Indigenous Rulers*, 28. González-Hermosillo Adams, Francisco, "Indios en cabildo: historia de una historiografía sobre la Nueva España," (*Historias. Revista de la Dirección de Estudios Históricos del INAH*, 26, 1991), 25, 31.

[17] González-Hermosillo*, Indios en cabildo*, 39-41.

Scholars have noted that in the 1520s Spaniards referred to native leaders with whom they came into contact as gobernadores. Gibson observed that lordships in central Mexico responded to this change "by putting forth the existing tlatoani as gobernador" but continued using his native title.[18] However, Lockhart observed that it was from 1535 onwards that Spanish officials named "the ranking tlatoque of important altepetl to *formal* governorship."[19]

In the Valley of Oaxaca, early governors came to light in the context of these first encounters, but they were not the *señores naturales* of each polity. They played a role within local government structures that responded to local traditions and necessities as well as Spanish influence. Their presence in early colonial records highlights how other regions interacted with Spaniards in the first decades of the colonial period.

In 1531, native rulers in the Valley of Oaxaca were summoned as witnesses in one of the various lawsuits that Cortés and his servants brought against the former oidores, Juan de Matienzo and Diego Delgadillo. In this case, it was to claim tribute from the towns of which he had been deprived since 1529. These interrogations and other sources provide valuable insight into ruling dynasties in the Valley, their interactions with Spaniards, and early gobernadores.

According to the interpreters and the scribe, the lords who attended the interrogations identified themselves and others using three categories: señor, gobernador, and principal. These authorities were the "señor and gobernador" of Macuilxochitl, the señores of Huitzo, Zaachila, Tlalixtac, Teitipac, Coyotepec, Teocuitlapacoya, Tlacolula, Mitla and Etla, the governors of Cuilapan, Tepecimatlan and Chichicapan, Huitzo and Huaxacacac, and four principals of Ocotlan, Iztepec, Teotitlan and Chichicapan (Table 2). Their traditional names were translated into Nahuatl, and the majority seem to refer to their calendrical names, for they correspond to one of the twenty day signs of the 260-day Mesoamerican calendar. Unfortunately, the numerals that would accompany each sign were lost in translation.

[18] Gibson, The Aztecs Under Spanish Rule, 167.

[19] Lockhart, *The Nahua After the Conquest*, 30-31. Emphasis is mine.

In 1531, several lords claimed to be Christian and baptized, but it is clear that they were not familiar with Christian doctrine, nor did they use their names frequently, to the extent that the lords of Teitipac, Coyotepec, Macuilxóchitl, and Iztepec had forgotten them. The lord of Macuilxochitl declared that his new name "se le perdió, que lo traía atado en su manta, pero que es cristiano y bautizado." Other rulers' claims were similar. Their insistence on being Christians reveals that they knew the importance that Spaniards gave to religious conversion (or, at least, to the acceptance of the new god) as a requisite to recognizing their authority.

Some other coquì and xoana of the Valley, on the other hand, were not baptized and declared that they were not Christians: the lords of Mitla and Teitipac, the governors of Chichicapan and Tepezimatlan, a principal of Chichicapan, another of Tlacolula, another of Teotitlan, and two more from Tepezimatlan.[20] As non-Christian witnesses, each one made the oath before his testimony in his own way, putting his finger on the ground and then touching his mouth and tongue while promising to tell the truth. This oath did not satisfy the colonizers, who warned them that they would be punished by pulling out their teeth if they lied.[21]

Table 4.1 Señores and principales of the Valley of Oaxaca, 1529-1531.

Lordship	Title	Name (translated into Nahuatl by the interpreter)	Christian name	Religion	Age
Huaxolotitlan# [Huitzo]	Señor	Coatle/Qotle (Cuauhtli, "Eagle", or Coatl,"Serpent")	Domingo	[Christian]	14/15 years old
	Señor (who fled)	Ecal/Ecatle (Ehecatl, "Wind")	Domingo	[Christian]	older than Coatle
	Gobernador	Cale (Calli, "Casa")	Juan	[Christian]	
Teozapotlan# [Zaachila]	Señor	Esquençi (Itzcuintzin, reverential form of "Dog")	Martin	[Christian]	
	The lord's brother		Francisco	[Christian oath]	
Tlalixtac# [Yaati]	Señor	Vzelo (Ocelotl, "Jaguar")	Fernando	[Christian]	
	Principal	Qujavy (Quiahuitl, "Rain")	Domingo	[Christian]	
Macuilxochitl*. [Quiahuixitao]	Señor and Gobernador	Suchil (Xochitl, "Flower")	forgot it	Christian	40 years old
Teutitlan [Xachia]	Señor (mentioned)		Gaspar	[Christian]	"young"
	Principal	Auzelo/Ucelo ("Jaguar")		Non-Christian	25 years old

[20] Lord Itzcuintzin (reverential for "Dog" in Nahuatl) from Teococuilco and a principal who accompanied him, named Ehecatl, identified themselves as non-Christians, too.

[21] JR-JPB, 852-853. Martínez Martínez, María del Carmen, "'En forma de derecho' o 'por su ley'. Testigos indígenas en pleitos entre españoles (1528-1538)." (In Solange Alberro y Guillermo Correa Lonche, editors. *México: 500 años. Descubrimiento, Conquista y mestizaje*, (México: Instituto Nacional de Antropología e Historia, 2022).

Tlacolula[#] [Baaca]	Señor	Atonal (“one born under the Water sign”)	Pedro	Christian	
	Principal	Olinçi (Olintzin, reverential of “Movement”)		Non-Christian	
Titiquipaque[#] [Zeetoba]	Señor	Çipaque (Cipactli, “Lizard”)		[Non-Christian oath]	
	The lord’s brother	Çipaque (Cipactli, “Lizard”)	forgot it	Christian	
Cuyotepeque[#] [Zaabeche]	Señor	Vçvmatle (Ozomatli, “Monkey”)	forgot it	Christian	
Miquitla[#] [Liyobaa]	Señor	Macatle (Mazatl, “Deer”)		Non-Christian	
Tepecimatlan* [Quehuiyetoo]	Señor (dead, mentioned)	Mesquicitle (Miquiztli, “Death”)			
	Gobernador	Mequizalle/Mequistli (Miquiztli, “Death”)		Non-Christian	30 years old
Tepecimatlan[♦]	The lord’s brother	Escuyuce (Itzcuintzin, reverential of “Dog”)			
Zimatlan[♦] [Huiye]	Señor	Suchil (“Flower”)			
	Principal	Cepaque (“Lizard”)			
Zimatlan *[#]	The lord’s brother	Acali (Acatl, “Reed”)	Alonso	Christian	30 years old
	Gobernador	Mequiztle (Miquiztli, “Death”)	Juan	Christian	30 years old
Iztepec [Quialoo]	Señor (mentioned)	Ucelo (Ocelotl, “Jaguar”)			
	Principal	Atonal (“Water” or “one born under the Water sign”)	forgot it	Christian	25 years old
Ocotlan [Lachizoo]	Principal	Quiavil (“Rain”) / Ulache (unknown meaning)	Alonso	Christian	30 years old
Chichicapan [Quiegahua]	Gobernador	Cale (Calli, “House”)		Non-Christian	20 years old
	Principal	Yzque (Itzcuintli?, “Dog”) /Yzquence (rev. of “Dog”)		Non-Christian	25 years old
Cuilapan [Sahayucu]	Señor	?	Isabel	Christian	“old lady”
	Gobernador	Hecaci/Ycaçi (“Wind”)	Juan Garcia	Christian	35 years old
	Principal		Domingo	Christian	
Etla[♣] [Loohuana]	Señor	Vçelo (Ocelotl, “Jaguar”)	Francisco Maldonado		
	Principal		Fernando		
	Principal		Francisco		
	Principal		Pablo		
Huaxacac[α]	Señor	Tamacinga (Tlamatzinca, name of a deity)	Juan		
Huaxacac[♣]	Gobernador	Tacatetle[β]	Domingo		
	Principal	Tacuscalcal[β]			
	Principal	Xapocancalqui (“one who has a house in Xapocan?”)			
	Principal	Mezvacin (Mezhuatzin, rev. of “Thigh”)			
	Principal	Tepetenchicalq[ue] (“one who owns a house in Tepetenchi”).			
Teoquitlapacoya[#] [Quiyoo]	Señor	Qujavçi (Quiauhtzin, rev. of “Rain”)	Gaspar	[Christian oath]	
	The lord’s brother/ Principal	Acatecapatle (?) /Acatle (Acatl, “Reed”)		Non-Christian	
	Principal	Qujzpal (Cuetzpalli “Lizard”)		[Non-Christian oath]	

Sources: JR-JPB-A, 830 "Testigos a favor de Hernán Cortés" *JR-JPB-A, AGI Justicia 117, 6 (September 1531), #AGN Hospital de Jesús 293-2, Exp.140 (September 1531),♦AGI Justicia 231, f. 569r, 570r (October, 1529),♣AGN Hospital de Jesús Leg. 293-2, Exp. 135, f. 74r-75r (June 1531). αAGN Hospital de Jesús 398, Exp. 5, f. 71v (1529). βAlthough they were recorded as their names, they were titles: Tlacateuctli, "lord" and Tlacochcalcatl, "lord of the house of lances (warlord)."

In those early years, most dynastic rulers did not identify themselves or were identified as gobernadores. Only lord Xochitl of Macuilxochitl presented himself as "señor y gobernador." However, some lordships did have governors. It is unclear what these authority figures were called in precolonial times, but they were anchored in the Zapotec and even the Mesoamerican tradition of governance and could play a prominent role in times of crisis.

The *RG de Atlatlauca y Malinaltepec* indicates that in those Cuicatec and Chinantec lordships the dynastic rulers had persons acting as their representatives. Spaniards equated them with the *ayos* or tutors of European royal houses. These representatives were persons of advanced age, close relatives of the lord who lived in a part of his palace. They were in charge of taking care of the lordship's affairs in the caciques' names, both before people of their lordships and before strangers or ambassadors:

> [Los caciques] tenian sienpre en sus casas vno o dos parientes mas cercanos, de los mas ançianos, los quáles bebian en otro patio aparte donde el caçique bebia, y todas las quexas y demandas del pueblo y embaxadas que de otra parte benian acudían ante el, y el las trataua con el señor y declaraua al pueblo su voluntad; y ni mas ni menos quando el señor queria mandar alguna cosa: las declaraua y mandava a este viexo, que propiamente era como ayo suyo, y este tal las comunicaua con los demás prencipales; y declarado lo que el caçique mandaua, luego se ponia en execucion [22]

This same information appears in folio 6v of the *RG de Tecuicuilco, Atepec, Zoquiapa y Xaltianguis*. The corregidor of those Zapotec lordships copied all the *RG de Atlatlauca y Malinaltepec,* but he made some adjustments. He could have left some parts out, but he did not do it, so it is possible that he observed a similar situation in those polities.[23]

Another example, from Tehuantepec, in the Isthmus region, suggests that these representatives, who might not always be elders but must have had experience in the

[22] Paso y Troncoso, *Papeles de Nueva España*, IV, 168.

[23] LLILAS Benson Latin American Studies and Collections, JGI XXIV-19, *RG de Tecuicuilco*. René Acuña, *Relaciones Geográficas del siglo XVI: Antequera. Tomo II*, (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Antropológicas, 2017), 48.

administration of that quèche, were identified as governors in the early colonial years. Don Juan Cortés, coquì of Tehuantepec, was very young in 1522, so the first contacts he had with Spaniards, such as the conquistador Pedro de Alvarado and Francisco de Maldonado (Cortés' *mayordomo* or steward), were carried out by *his* governors. According to don Juan Coala, xoana of the barrio Tecolapa (nowadays, Tagolaba), when Pedro de Alvarado's troops were attacked by the Chontales of Tequisistlan, around 1522, Alvarado solved the matter along with "Xolo q[ue] a la sazon governaba esta provinçia por don juan caçiq[ue] della q[ue] al presente era peq[ue]ño q[ue] no le q[ue]rian descobrir."[24]

In 1528, don Juan assumed the lordship of Tehuantepec, and in 1533, during an inquiry in which he testified, he identified himself as both lord and governor of the province. But he associated the latter position with the Spanish presence: "es della señor antes q[ue] los [crist]ianos viniesen e despues governador y otras personas en su nombre." He identified Xolo and don Diego Chontal as his former governors and stated that "entonzes este t[estig]o era pequeño e no governaba ni mandava sino los d[ic]hos sus governadores."[25] Not much is known about Xolo other than he was a principal. By 1527, he had been succeeded as governor by another xoana named Quiavze and a Mexica governor named Çacapetla.[26] Don Diego, for his part, claimed to be principal of the barrio Tepetepuzco and to have performed other duties, such as *calpixque* (overseer) of Chiltepec. He did not identify himself as a governor or a former governor; instead, he said he had been "mayordomo mayor" (chief steward) or "mayordomo de toda esta provincia" and recounted that together with Xolo, he sought to resolve the Chontal attack in Tequisistlán,

[24] HCAR-GM, Spanish Colonial Manuscript Collection, Document 79, part 1, f. 44r. Zavala states that from the very beginning of Cortés expedition, political annexation was possible through the "pacto de vasallaje" by which indigenous rulers accepted to obey the Spanish king. Once accepted, local rulers should give gold and let the Spaniards take some of their children hostages to be educated in the language and culture of Spaniards. Zavala, *Las instituciones jurídicas en la conquista de América* (México: Porrúa, 2006),137-139.

[25]HCAR-GM, Spanish Colonial Manuscript Collection, Document 79, part 1, f.42r, 43r. Apparently, "Chontal" is a nickname to refer to the ethnic or linguistic identity of this character.

[26] Ibid., 43r, 44r, 51r. The name Çacapetla or Çacayetla seems to be a toponym, perhaps associated with his barrio or parcialidad.

first by diplomatic means and finally by war.[27]

The figure of gobernador recorded in the interrogations of 1531 in the Valley of Oaxaca resembles this type of representative of the dynastic lord, and in most cases, his presence also seems to respond to critical situations. The governor of Chichicapan, Cale, declared that "el dicho pueblo de Chichicapa no tiene señor de muchos tiempos a esta parte." Thus, the responsibility of collecting and delivering the gold tribute from his polity fell on him as governor.[28] In Tepezimatlan, the hanging of dynastic lord Miquiztli, ordered by Peláez de Berrio, left the polity without its traditional ruler, and only a governor, also named Miquiztli, was in office. Finally, in the case of Huitzo, the departure of the dynastic lord, Ehecatl, led to his younger brother, Coatle, who was barely 14 years old, to be recognized as lord. Coatle must have found great support in Juan Calli, to whom the notary referred as "another yndio que dizques su governador." [29]

The case of the Mixtec lordship of Cuilapan is also illuminating. Among the Ñudzahui, both noblemen (*yya*) and noblewomen (*yya dzehe*) had the right to inherit and govern lordships or *ñuu*. When two rulers married, both ruled the complex lordship (*yuhuitayu*) that was created by the union of their ñuu. The yuhuitayu ended until both rulers were dead, for each chose the heir of their respective ñuu.[30] Thus, unlike the Nahua, Bènizàa, and Spanish societies, the role of women as *señoras* or dynastic rulers was common among the Ñudzahui. Spanish authorities acknowledged Mixtec señoras' right to inherit property and cacicazgo titles,[31] but they did not allow them to appear before courts of justice and to participate in the cabildos as titleholders. In lawsuits over their properties and noble titles, cacicas were represented by their husbands, who

[27] Ibid, 41r, 46r.

[28] JR-JPB-A, 911 (AGIJ117, 6: 109v).

[29] AGN Hospital de Jesús 293-2, Exp.140, f. 99v-100r.

[30] Terraciano, *The Mixtecs of Colonial Oaxaca*, 165.

[31] Cacicazgos were patrimonial rights to land, houses, and tributes that nobles inherited. Over time, cacicazgos adopted some rules of Spanish *mayorazgos* (nobles' estates). See Menegus Bornemann, Margarita and Rodolfo Aguirre Salvador, *El cacicazgo en Nueva España y Filipinas* (Mexico: Universidad Nacional Autónoma de México, Plaza y Valdés, 2005).

appeared in the courts of justice as their "conjuntas personas." Although cacicas, like caciques, received a salary from the community coffers, they did not hold cabildo positions or the office of gobernadoras.[32]

Doña Isabel, the ruler of Cuilapan, was an elderly widow. She had two sons named don Domingo and don Jerónimo, and another one, don Luis Cortés, who participated in some war campaigns along with the Spaniards since 1523 and who later became the cacique of Cuilapan.[33] Perhaps because of the Ñudzahui form of government as well as the pressure from Cortés' people, a nobleman named Hecaci (Ehecatzin), baptized as Juan García, constantly accompanied doña Isabel in her contacts with the Spaniards and was identified as her governor. Ehecatzin played a significant role in the early colonial years as Spaniards' interlocutor, sometimes alone and other times at doña Isabel's side. He must have been a high-ranking nobleman and may have participated in several military campaigns of conquest alongside don Luis, Cuilapan's cacique, between 1523 and 1526.[34]

Diego de Guinea, Cortés' *mayordomo* (steward), could not fail to admit consistently in his testimonies that it was doña Isabel who held the highest authority among the Valley rulers and by whose mediation he received their tribute. However, some of his statements also suggest that the governor provided advice and took decisions:

> Y que en lo que toca al servicio de casa, que este testigo no se sabe determinar qué es lo que cabía a los dichos pueblos contenidos en la pregunta, porque la dicha señora de Cuilapa y su gobernador tenían entre ellos su concierto. [...] Y que asimismo en lo que toca a lo del maizal que los dichos pueblos labraban y daban, se tenía entre la dicha señora de Cuilapa y los dichos pueblos y todos los demás que tributaban al Marqués esta orden que ella y el dicho su gobernador y este testigo se concertaron en cada pueblo de labrarse el maizal segun que lo pudiesen sembrar.[35]

It is unclear how long Ehecatzin served as governor. The military departures of don Luis, the next

[32] Terraciano, *The Mixtecs of Colonial Oaxaca*, 183-190.

[33] AGN Hospital de Jesús 398, Exp. 5, f. 67r-v.

[34] A document presented in 1777, of which only the summary is known, indicates that don Luis Cortés "señor de Quilapa," don Jerónimo de Guzmán and don Juan García (Ehecatl?), would have participated in several military campaigns in the years 1523, 1525 and 1526 together with the Spaniards. AGN Tierras 1016, Exp. 5, f.10r.

[35] JR-JPB, 883 (AGIJ117, 6: 63-64).

lord of Cuilapan, must have necessitated the action of some alternate authority, at least at certain times. Like other early governors obeying their native rulers, he probably ceded the office when the time came. One of his sons, don Bernardino (de Mendoza), was alcalde of Cuilapan in 1555 and 1563.[36]

Finally, in the case of Huaxacac, the *tlacateuctli* ("lord") was identified by the Spaniards as the governor. This office, as well as the *tlacochtectli*, were appointed by Tenochtitlan's tlatoani to govern the tributary province on his behalf. Thus, they were not the dynastic lords of Huaxacac but its administrators. Both officials are called "gobernadores" in the *Codex Mendoza* (Fig. 4.1). However, in Huaxacac, there was also a *señor*, don Juan Tlamatzinca. In 1529 Juan Peláez de Berrio summoned him to recognize the new authority of the crown over Huaxacac and to be warned that Cortés should no longer receive the tributes of that polity.[37]

Fig. 4.1. Nahua governors of Huaxacac.



Codex Mendoza, f. 17v (detail).[38]

To summarize, in the Valley as well as in other regions such as the Isthmus, there were

[36] In 1555 several witnesses testified that don Bernardino's father had been governor and *mayordomo* of Cuilapan since the time of Moctezuma. AGN Hospital de Jesús 432, Exp. 2, f. [50v, 420v]. Gerhard, Peter. *Síntesis e índice de los mandamientos virreinales 1548-1553*, (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 1992), 486.

[37] AGN Hospital de Jesús 398, Exp. 5, f. 70v-71r.

[38] https://codicemendoza.inah.gob.mx/index.php?lang=spanish

early gobernadores who were appointed by and responded to dynastic rulers. Besides the title of governor, some of them were called in Spanish *ayos* and *mayordomos*, but they probably had their own title, like the *angatácuri* of Tzintzuntzan.[39] Dynastic rulers quickly understood the importance that Spaniards gave to this title and reserved it for themselves, as don Juan Cortés of Tehuantepec and lord Xochitl of Macuilxochitl did in the 1530s.

4.5 Governors appointed by the viceroy.

4.5.1 Appointments and duties

From 1535 onwards, dynastic rulers of independent lordships were officially appointed as gobernadores. Viceroy Mendoza took advantage of special conjunctures such as caciques' deaths or internal disputes to mediate conflicts, appoint governors, and through *tasaciones de salarios* (salary assessments) began to regulate "la comida y tributo que los macehuales dan a los caciques y gobernadores y otros principales." He advised his successor, Luis de Velasco (1550-1564), to do the same.[40]

Governors were officially appointed through *nombramientos* (appointments) or governor titles. These documents usually mentioned their names, the name of the polity they were to rule, the time they would serve, their salaries, and their duties. Viceroys also issued *tasaciones de salarios* in which they assigned a specific amount of tribute as payment to the governor and the cacique, or to the cacique-gobernador, and the term of service.

One of the earliest known salary assessments in the Valley was issued for the governor and the cacique of Coyotepec. In 1549, the governor don Juan Sánchez was assigned "una sementera de maiz de rregadio que tenga çinq[uen]ta braças en quadra del pie a la mano y otra de secano de dozientas braças en quadra y mas le han de dar de ochenta en ochenta dias dos xiquipiles de cacao

[39] Delfina López Sarrelangue found that, in Tzintzuntzan, Michoacán, the *cazonci* or dynastic lord had a "gobernador" those title was *angatácuri*. López, *La nobleza indígena de Pátzcuaro*, (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 1965), 39.

[40] Miranda, *El tributo indígena en la Nueva España*, 22.

y cada dia tress yndios y tres yndias de serbiçio y tress cargas de leña." On the other hand, the cacique, don Joseph de Aguilar, was assigned "vna sementera de secano de maiz de çient braças de pie a mano en quadra y quatro mill almendras de ochenta en ochenta dias."[41]

Likewise, an early example of a governor title is that of don Francisco de Mendoza, who in 1551 was appointed Mitla's new governor. He was the legitimate son of the late governor, don Alonso. In the document, don Francisco was advised about his duties to Mitla's population, which include protecting them from outsiders' abuses and eradicating "public sins" associated with their ancient religious practices:

> que como tal gouernador tenga el anparo y defendimiento de los naturales del d[ic]ho pueblo para que no se les hagan ningunas fuerças ni agravio ni otros malos tratamientos ni se les pidan ni lleven tributos demasiados ni los carguen por tamemes contra su voluntad y de evitar por todas bias las borracheras sacrifiçios y otros pecados publicos y que los d[ic]hos yndios vayan a oyr la doctrina y entiendan en las mas cosas tocantes al buen gouierno del pueblo y como tal gouernador conoscays de los casos que pueda y deva conosçer conforme a las hordenanças[42]

Don Francisco was to receive the same salary and amount of food as his father, which was not specified. Although don Alonso inherited the title of governor, he was not the cacique of Mitla. In that polity, as in others of the Valley of Oaxaca, an early separation between caciques and gobernadores occurred.

Governor titles and salary assessments were intended to confirm governors as public officials serving the crown (thus, they received a salary) who were obligated to serve their people, the Christian god, and the king. However, native rulers used these documents to reaffirm their position of power and to continue receiving tribute, as usual.[43] The royal audiencia made constant

[41] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 44, second numbering.

[42] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 119r-v.

[43] New Spain dynastic rulers' reluctance to accept a reduction in their tribute and to accept a salary that they did not consider sufficient led them to continue demanding the same tribute as always. But times had changed, and they were soon taken to court for abuses. This was the case of don Antonio Huitzimengari, governor of Tzintzuntzan, in Michoacán, who was accused of various wrongdoings by principales and macehuales. In 1561, the viceroy ordered a *juicio de residencia* against him. Aguilar, J. Ricardo y Angélica Afanador. *Don Antonio Huitzimengari. Información y Vida de un Noble Indígena en la Nueva España del Siglo XVI*. Morelia: Universidad Michoacana de San Nicolás de Hidalgo, Instituto de Investigaciones Históricas. Universidad Nacional Autónoma de México, Escuela Nacional de Estudios Superiores, 2018.

efforts to change this situation. In 1558, the oidor Lebrón de Quiñones was instructed to visit the province of Oaxaca and, among other things, investigate "lo que los tales naturales de los pueblos por donde visitaredes dan y acostumbran dar al tal gobernador o prencipales o caciques e a los demas que tuvieren oficios *e si es por mandado mio, en nombre de su majestad*." In case he found out their salaries were excessive, he should "moderate" them.[44]

In the *Vocabvlario en lengva çapoteca*, published in 1578, when most governors in the Valley were totally different persons from caciques, the Spanish term "Gouernador" is translated and explained in Tichazàa by using the same expressions used for the traditional duties of the dynastic lord or coquì. Thus, he is the judge or *huetòcoticha*, the mediator or *coquiche pèa,* the legislator or *cobèe pèa*. And he is also "one with the last word" or *huezàalào ticha,* "one who rules the quèche" or *napani quèche* and "one who carries the quèche in his arms" or *nallàni quèche*.[45] In Mixtec, gobernador was translated as tay yondadzi tayu or "one who guarded the tayu."[46] Although major changes had occurred, old and new ruling lords had the same (ideal) responsibilities towards their quèche or polity.

4.5.2 The caciques-gobernadores.

Dynastic rulers who first served as governors were called "caciques y gobernadores" or "señores y gobernadores" since the same person exercised the role of señor natural and the office of governor.[47] Their existence is considered to be temporary. Once a person other than the cacique exercised the role of governor, scholars thought of it as a rupture, "a very considerable transformation [...] in the nature of the highest political office of the altepetl [lordship]."[48]

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[44] ENE, VIII, 213. Emphasis is mine.

[45] CV 207r: "Gouernador. Vide rey, regir." In Zapotec colonial documents the loanword gobernador is preferred.

[46] Terraciano, *The Mixtecs of Colonial Oaxaca*, 183.

[47] Gibson, *The Aztecs Under Spanish Rule*,167.

[48] Lockhart, *The Nahuas After the Conquest*, 32.

However, this change would have been less dramatic if a lord bequeathed the title of "cacique y gobernador" over the course of generations. Some lords were successful in achieving this transferrence, but others were not, as shown in the following cases.

Macuilxochitl

When lord Xochitl ("Flower") presented himself as cacique and governor of Macuilxochitl in 1531, he did not remember his Christian name, but it is possible that he bore the name Domingo, for that was the name of Macuilxochitl's cacique in 1549;[49] he would have been 58 years old by then. A couple of years later, in 1551, don Luis de Castilla, "señor natural," received the title of governor and exercised it until at least 1563, when the last news about him indicated that he requested an *amparo* for his patrimonial lands.[50]

In those years, don Luis had his image added to the *Genealogy of Macuilxóchitl*. This document originally depicted a dozen generations of this lordship's ruling couples. Other events and a short alternate genealogy were added later. Don Luis and his wife were added above the last original couple. A third ruler and a standing Spaniard also were added to the right of the former couple (Fig. 4.2). The original glosses indicate that the ancient ruling couple was Xonaxi Lapa or Lady 8 Rabbit and Pichana Queguina or Lord 1 Eagle.

No mention of lord Xochitl or don Domingo is found here. The name of the third Zapotec lord who was added to the *Genealogía* has been interpreted by Oudijk as Hierba. However, he and don Luis de Castilla carry a very similar type of flower in their hands, showing a link between them that is not present between don Luis and Lord 1 Eagle. Actually, this character seems to have been added to legitimize the presence of don Luis as his ancestor or predecessor. It is difficult to identify this person as Lord Xochitl, unless interpreting that the flower he carries alludes to his

[49] AGN Hospital de Jesús 432, Exp. 5, f. 8v.

[50] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 299r. AGN Mercedes 6, f. 530v. Spores y Saldaña, *Documentos para la Etnohistoria [...] Índice del Ramo de Mercedes*, 91.

other names. The alternative is that don Luis and Lord Xochitl belonged to different houses, and the reasons for this change in government would remain unknown.

Fig. 4.2 Don Luis de Castilla, governor of Macuilxochitl, and his ancestors



Genealogy of Macuilxóchitl (detail). Library of the Hispanic Society of America HC427/46

Information about don Luis' direct successors is not clear, but it is possible that one of his descendants was don Gaspar de Velasco, mentioned as Macuilxochitl's *señor natural* in 1598. He was not old enough to act as governor, but his right to that office was acknowledged.[51]

Tlalixtac

Another early cacique-governor seems to have been don Hernando Ocelotl, who first appears as the ruler of Tlalixtac in 1531 (probably from 1529). Then, in 1543, records mention him as gobernador, so he held both titles. Unfortunately, there is not enough data to trace his lineage or his descendence with certainty. [52] He could have been the ancestor of the Zarate family of caciques

[51] BFFB, Diocesano, Bethlemitas, Caja 2, Exp. 2, f. 34r.

[52] JR-JPB, 485. AGN, Mercedes 2, Exp. 416, f. 173r. Some early records attributed by Spores y Saldaña to this lordship are actually of Teulistaca, Telistaca or even Atlistac (sometimes spelled Talistaca), towns located in the present states of Morelos and Guerrero. Spores y Saldaña, *Documentos para la Etnohistoria [...]Mercedes*, 208-209.

in Tlalixtac.

Teotitlán

Teotitlán's dynastic ruler in 1531 was don Gaspar Ocelotl. He was very young or "pequeño," and did not attend the interrogatory. No governor represented him, so it is possible that he may have claimed the new title later. In 1549, a cacique named don Pedro joined a collective lawsuit against Spanish *estancieros* (cattle ranch owners). His surname seems to have been López, according to other records of 1552 and 1560, in which don Pedro López appears as the governor, so he probably was both cacique and gobernador.[53] Still, there is no information about the exact relationship between these two early colonial rulers.

4.5.3 Caciques and gobernadores.

In various towns, two or more lords within the same polity disputed the title of governor and the one who won the dispute bequeathed the office to their descendants. However, the other lord was officially acknowledged as the cacique. Thus, in some lordships, two lines of succession were established by mid-sixteenth century. Both the cacique and the governor represented their polity and worked together on very important matters, such as land disputes, complaints against Spaniards' abuses, petitions to the crown about reassessing tribute, rejecting tithes, etc. Differences among them included their titles, salaries, and prestige, for caciques received fewer benefits than governors, at least in the *tasaciones de salarios*. Some decades later, dynastic rulers who were not given the title of governors managed to acquire that office through the cabildos' electoral and hierarchical mechanisms.

Tlacochahuaya

[53] AGN Hospital de Jesús 432, Exp. 5, f.8v. Gerhard, *Síntesis e índice de los mandamientos virreinales*, 497. ENE, Tomo XVI, p. 68. AGI México 160, N2, f.13v.

In late 1542 or early 1543, in Tlacochahuaya or Zoani, differences arose over who was to be governor. Don Jerónimo claimed to possess that right as the son of the *señor natural*, but another *coquì*, don Cristobal, also sought that title. Was he the descendant of a previous "governor" from the Zapotec traditional political structure? Was he a close relative to don Jerónimo? Was he from a different noble house, contrary to don Jerónimo's? Don Cristobal's claims are unknown, but he must have had a compelling argument, for they came to the agreement that don Jerónimo would receive the title of cacique and don Cristobal the title of governor, and so they were recognized as such on January 13, 1543, by viceroy Mendoza.[54]

From that moment on, don Cristobal was identified as "cacique and governor" of Zoani, as another document of the same year shows.[55] It is not clear if don Cristobal died without descendants or was simply replaced by election, but by 1560 don Jerónimo de San Gabriel (presumably, the same don Jerónimo of 1543) was recorded as "cacique and governor" of Zoani. Decades later, in 1591, his son don Pedro de San Gabriel was recorded as cacique and governor, as well. He probably served in the cabildo before officially inheriting the title, for he was active decades before. He was the interpreter in the idolatry case in Teitipac.[56]

Teitipac

The dispute for the title of governor in Teitipac, discussed in Chapter 3, must have begun in the 1540s, as well. In this case, it is clear that differences arose because of the existence of two main quèhui: one (Quèhuiquieza) as the "original" population and the other (Zeetoba, or maybe Quèchequèhui) resulting from the conquerors sent by Zaachila and Macuilxochitl. In 1531, the dynastic ruler was Cipactli, who at the time was not a Christian, so he did not have a European

[54] AGN Mercedes 2, Exp. 3, f.2r. There is no data on Tlacochahuaya's dynastic ruler prior to this date.

[55] AGN Mercedes 2, Exp. 416, f. 173r.

[56] AGI México 160, N2, 13r (LoC- Spain Reproductions Manuscript Division) and Mexico 168, f. 243r (for don Jerónimo). AGN Mercedes 16, f. 123v and Mercedes 19, f. 120v (for don Pedro). HSA, Manuscript HC 417/114

name. He was accompanied to the interrogatory by his brother, who had the same name, Cipactli. Years later, in 1551, when don Domingo and don Juan disputed the right to be appointed gobernador, don Juan said his father's name was Yescuace (Itzcoatzin), successfully proving his right to the title, according to viceroy Velasco. Thus, Cipactli must have been don Domingo's ancestor.

This arrangement is a good example of how viceroys took advantage of internal disputes to position themselves as mediators between señores. In this case, the disagreement began some years earlier. In 1543, don Domingo received a license to ride a horse because he was cacique of Teitipac, but by 1549, he was already presenting himself as cacique of Ixtlahuaca, which he claimed was a separate polity from Teitipac, perhaps in protest for not having received the title of governor.[57] In 1551, viceroy Velasco officially designated don Juan as governor and assigned a salary to don Dominigo from the community's chest. Usually, only caciques and gobernadores had the right to receive such a payment. However, the title of don Domingo was not specified. This ambiguity allowed don Domingo to present himself as cacique and governor of Teitipac, at least from 1551 until 1560. He, along with don Baltazar de Montemayor (don Juan's successor as governor), signed petitions to the crown in the name of Teitipac against the imposition of tithes in 1560.

The position of governor alternated between these two noble houses. Don Domingo's son, don Gaspar de Aguilar, served as regidor and alcalde in Teitipac, and finally became governor; thus, he was recognized as cacique and gobernador until 1574, when he was accused of idolatry and other abuses. On the other hand, don Baltazar's daughter, doña Beatríz de Montemayor, married don Juan Pérez de Guzmán, a nobleman who served at least in 1560, 1566, and 1568 as alcalde of San Sebastián Teitipac. At least from 1587 to 1592, don Juan was governor of Teitipac, but in the last year of his term he faced opposition and was accused of mistreating the

[57] AGN Mercedes 2, Exp. 419, f. 173r. AGN, Hospital de Jesus 432, Exp. 5, f.8v.

bèniquèche.[58]

Mitla

In Mitla, lord Miquiztli may have been baptized as don Pablo, who in 1543 was identified as Mitla's cacique and received a license to ride horses. In 1549, he participated in the collective complaint against the Spanish estancieros.[59] No governor was mentioned at the time, but there was a governor, don Alonso, who died in 1551. His son Francisco inherited his title because, according to viceroy Luis de Velasco "es buen yndio y persona qual conviene para el d[ic]ho cargo."[60]

A possible clue about the origin of don Alonso and don Francisco de Mendoza is that in 1552, as governor, don Francisco complained that "those of Tlacolula" wanted to claim as theirs three estancias "que el y su padre y antepasados an tenido y poseydo de muncho tiempo a esta parte." The estancias were called "mavtatlan y maxcaltepeque e ystapa." At least two of these toponyms correspond with subject towns or estancias of Mitla: Santiago Sabaje or Matlatlan, and San Francisco Lauza or Ixtapan.[61] Matatlan was probably a semiautonomous quèhui within Mitla, and it is possible that don Alonso and his son don Francisco were heads of that parcialidad. Don Francisco de Mendoza continued as cacique and governor of Mitla until at least 1573.[62] From 1578 and perhaps until 1591, don Luis Cortés served as both, "governor and natural lord," but no information about his relatives is known.[63]

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[58] See Chapter 3 and Cruz, *Pueblos en movimiento*, 128.

[59] AGN Mercedes 2, Exp. 417, f. 173r. Hospital de Jesus 432, Exp. 5, f.8v. A previous license, for a mule, was granted in the same year to don Pablo, where he was called "yndio de Miquitla." AGN, Mercedes 2, Exp. 53, f.29v.

[60] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 119r-v.

[61] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 398v. AGN Mercedes 8, f. 184r. Gerhard, *Síntesis e índice de los mandamientos virreinales*, 492. There is an important archaeological site in Matatlan. Ixtapa was abandoned after 1599, probably due to the congregaciones, but Matatlan was a separated cabecera with their own pueblos sujetos by 1710. AGN Indios 41, Exp. 56 f. 74v.

[62] AGN Mercedes 10, f.2r. In 1599 the population of Matatlán was larger than that of San Pablo, the cabecera of Mitla, and it was proposed as a cabecera de congregación. Another possible sub-cabecera was San Pedro Quiatoni, with a slightly smaller population than San Pablo. AGN Indiferente virreinal 757, Exp. 39.

[63] AGN Indios 2, Exp. 256, f. 62v. RAH 9-25.4/4663-16(xxiv), *Relación geográfica de Miquitla*. AGN Mercedes 17, f. 1r, 60v and 85v.

Tlacolula

In Tlacolula, cacique and governor were two different persons from the 1540s onwards. In 1531, don Pedro Atonal was the coquì. He probably was the father of don Diego, who was recorded as the cacique in 1549. That same year, the governor was don Joseph.[64] It is probable that don Joseph's successor was don Domingo de Mendoza, who appeared, along with don Diego and don Joseph, settling land matters between Mitla and Tlacolula in 1553.[65]

Don Domingo took office as governor in 1560 and served until 1576, when he faced accusations of concealing tributaries by a faction led by a son of the recently deceased cacique don Diego, named Hernando de Mendoza. As mentioned in Chapter 3, both don Diego and don Domingo concealed tributaries for years, and both of them participated in clandestine ritual ceremonies in Teitipac, too. Shortly after the death of his father, don Hernando accused don Domingo. He probably wanted to be appointed governor. Don Domingo was removed from office, but the new governor was not don Hernando but one of his allies and nephews, don Diego de Velasco. He apparently was related also to don Domingo. In 1580 don Diego acted as alcalde, and signed the *RG de Tlacolula*. Then, from 1591 until 1609 he served most years as governor until he was removed, accused of mistreating people.

On the other hand, don Jerónimo de Mendoza, the son of don Domingo, was acknowledged not as governor but as cacique from 1575 to at least 1604.[66] Both he and the governor, don Diego de Velasco, represented Tlacolula in official petitions and as witnesses presented by nearby polities. Thus, despite earlier differences, new-generation members of these two main ruling lineages reached an agreement to share power. In 1592, a cabildo member, named

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[64] AGN Hospital de Jesús 432, Exp. 5, f. 8v.

[65] AGN Tierras 485, Exp. 1, f. 95r, 104r.

[66] AGN Mercedes 10, f. 85v. AGN Indios 6, 1a. pte, Exp. 37, f.9v. AGN Tierras 35, Exp. 7, f. 331v.

Cristobal de Mendoza was authorized to ride a horse every time he should deliver Tlacolula's tributes in Mexico City. That same year, a José de Velasco was referred to as a cacique. From that year on, various caciques whose last names were either Velasco or Mendoza have been documented until 1804, occasionally acting as governors after 1609.[67]

Coyotepec

Lord Ozomatli, ruler of Coyotepec, could not remember his Christian name in 1531. He could have been baptized as don Josepe de Aguilar, who was the cacique of Coyotepec in 1549. That year, don Juan Sánchez was appointed as governor.[68] Sánchez remained in the office until at least 1560,[69] and may have left his title to don Juan de Monterrey, governor in 1563.[70] For his part, don Josepe de Aguilar was probably the father of don Bartolomé, cacique in 1563, who might have been the father of don Juan de Zárate, who is mentioned as cacique in 1591, and as cacique and governor in 1618.[71]

4.5.4 Heirs and coadjutors.

Besides internal conflicts, ruling dynasties in the Valley faced the premature death of various caciques-gobernadores between 1548 and 1550, probably due to epidemics. In the early decades, dynastic rulers successfully retained the title of governor for life and passed it on to their children.[72] To formalize this situation, viceroys usually stated in the governor's title that he would serve until the crown, or they, ordered otherwise. Thus, in the Valley, viceroys intervened to

[67] Cruz, *Las pinturas del común*, Apéndice 3, Cuadro 2, lvii-lviii.

[68] LoC, Hans Peter Kraus Collection, Mss. 31013, Viceregal orderbook, f. 44, second numbering.

[69] AGI, Justicia 160, N2, f.13v.

[70] AGN Mercedes 6, f. 445r and 7, f. 90r (114r). Several towns in the province of Oaxaca bear the name Coyotepec and Quiotepec, whose records can easily be confused. Spores y Saldaña, *Documentos para la Etnohistoria [...] Index to the Ramo de Mercedes*, 29.

[71] AGN Indios 5, Exp. 409, f. 110r-v. LCSBC, Libro 2, f. 30v.

[72] Lockhart, *The Nahuas After the Conquest*, 32.

appoint interim governors or *coadjutores*.[73]

Extant records refer to cases when the title of gobernador was inherited. Caciques' successions were probably managed locally and internally without the viceroys' intervention, unless there were strong disagreements about the legitimacy of the heir. Thus, it is possible that in some of the following cases, a separation between cacique and governor already existed, but the lack of records does not allow us to detect them all.

Etla

In 1531, the coquì of Etla was don Francisco Maldonado Ocelotl. When he gave his testimony, he was accompanied by the *principales* Fernando, Francisco, and Pablo. None of these names correspond with don Diego and don Joseph, mentioned as señores of Etla six years later, in 1537, or with don Domingo Tochtli, the governor.[74] Don Joseph remained the señor of Etla and don Domingo Tochtli remained the governor at least until 1548.[75] In 1558, don Miguel de León was recorded as both cacique and governor. Being too young to exercise the office, he had Pedro Núñez as coadjutor, at least from 1558 to 1550.[76]

Ocotlán

The dynastic ruler of Ocotlan did not attend the interrogation in 1531. A nobleman named don Alonso Quiahuitl did, but he did not give any information about his coquì. In 1549, the cacique and governor was a person called Juan. Apparently, he died prematurely, and one of his sons, don Alonso, served (at least from 1549 to 1552) as coadjutor of his brother, don Juan, who inherited

[73] The average age accepted by Spaniards to exercise an inherited title was 25 years old. This happened in the case of Martín Cortés, son of Hernán Cortés. On the other hand, in the "Ordenanzas de Cuauhtinchan" it is stated that the governor had to be 30 years old. Reyes, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," 253.

[74] Zavala, "Contienda legal y de hecho," 122. LoC, The Harkness Collection, Ms. M5, Container 23.

[75] AGN Hospital de Jesús, 282, Exp. 7, f. 4-14v.

[76] AGN Hospital de Jesús, 444, Exp. 38, f. 35. AGI México 160, N2, 13v.

the office of governor.[77] This shows that the line of succession was strictly observed and that besides birth order or age, other factors mattered; in this case, probably don Juan's mother's lineage. Don Juan de Mendoza had assumed the office of governor in 1560.[78] After a long information gap, in 1581, don Felipe de Mendoza was serving as governor and claimed that he was cacique "por legitima sucesion." In 1591, don Juan de Mendoza (or someone with the same name) re-appears as cacique and governor, and his son Miguel de Mendoza claims to be cacique in 1592.[79] Here, probably, two lineages with the same last names rotated in the office of governor.

Zimatlán

A bill of sale dated July of 1529 mentions don Alonso Caltzin as the lord of Zimatlán. He sold a large tract of land in Zimatlán to Cortés' steward, Diego de Guinea.[80] However, in September of that same year, the ruler who was summoned to acknowledge Pedro Regidor as the new encomendero of Zimatlán was lord Xochitl. He attended the meeting accompanied by a nobleman named Cipactli.

Don Alonso Caltzin was surely the Alonso Cale who was identified as the brother of Zimatlan's ruler in the interrogatory of 1531.[81] How these lords related to don Alonso de la Cruz and don Alonso de Toledo, who in 1549 presented themselves as "caciques y gobernadores" of that polity, is not known.[82] But don Alonso de la Cruz was in reality coadjutor of don Domingo de Figueroa, the cacique and gobernador. Cruz served as coadjutor at least until 1560, when both he

[77] AGN Hospital de Jesús 432, Exp. 5, f. 4v, 8v; Gerhard, *Síntesis e índice de los mandamientos virreinales*, 485.

[78] AGI México 160, N2, f. 13r; AGN Mercedes 7, f. 91v.

[79] AGN General de Parte 2, Exp. 1172, f. 257v. AGN Indios 2, Exp. 626. AGN Mercedes 18, f. 79r, 172v.

[80] AGN Hospital de Jesus 444, Exp. 1, f. 1r.

[81] In 1531 Alonso "Cale" said that he lived "en [e]l barrio nonbrado abebe [ahuehuetl] çerca de vn arbol," presumably in Huaxacac. AGN Hospital de Jesús 293, Exp. 140, f. 27v.

[82] AGN Hospital de Jesus 432, Exp. 5, f. 46r.

and don Domingo signed a petition as caciques and governors.[83] Don Lorenzo de Figueroa was recognized as cacique in 1570 and as governor in 1580 and 1588.[84] No additional information about don Alonso de Toledo was found.

Tepezimatlán

In Tepezimatlan, after lord Miquiztli's murder, his brother, lord Itzcuintzin, may have inherited the title of cacique and probably governor.[85] Another premature death occurred by 1552, for don Mateo (de Velasco?) was appointed as governor, but only "hasta que pueda gobernar don Josephe."[86] Decades later, in 1592, don Tomás de Mendoza was the governor. [87]

4.5.5 Polities with more than one governor.

In disputes over the title of governor, sometimes caciques took advantage of the ambiguities of the official appointments and simply decided to call themselves caciques. Other times, more than one cacique received the title of governor in the early colonial decades by the viceroy, like don Jusepe de Sosa, the lord of Zautla, a "subject town" of Huitzo. As head of the semiautonomous quèhui of Zautla, in 1559 don Jusepe successfully defended his right to receive tribute from *terrazgueros* (landless agricultural workers) attached to his lordly house and lands. This practice probably resulted in a tributary assessment for the lord. His son, don Pedro de Feria, inherited in 1563 this right to tribute and the title of "cacique y gobernador," as discussed in Chapter 3. But

[83] AGN Hospital de Jesús 432, Exp. 5, f. 8v, Gerhard, *Síntesis e índice de los mandamientos virreinales*, 488. AGI México 160, N2, f. 13r.

[84] AGN Hospital de Jesús 85, Exp. 6, f. 113r, 107r. AGN General de Parte 2, Exp. 890, f. 188v. BFFB, Dominicos, Caja 4, Exp. 81, f. [2v]. In the catalog it says Amatlan, but it is Zimatlan (çimatlan).

[85] JR-JPB 498.

[86] NL, Ayer Collection, Ms,1121, f. 354v. Perhaps don Mateo's surname was Velasco. In a *sui generis* document, a kind of Título primordial known as the *Genealogía de Juan Ramírez*, several sixteenth-century characters from both Zimatlán and Tepezimatlán are mentioned, including don Mateo, who took (governed) "el estado arriba," i.e., Tepezimatlán. Oudijk, *Historiography of the Bènizàa*, 323.

[87] AGN Tierras 65, Exp. 5, f. 3r, 5r.

those were not the only cases in which polities had more than one governor.

Chichicapan

In Chichicapan, the early governor Calli declared in 1531 that there had been no lord in that polity for several years. No early records of caciques have been found, only records of governors; possibly, they were caciques-gobernadores. In 1551 don Baltazar received the title of governor, and in 1577 don Jerónimo López received, along with the members of the cabildo, the tasación de salario.

Within Chichicapa, there was the ancient quèhui of Mecatepec, depicted in the Codex Mendoza as one of the tributary lordships of the Valley. In 1578, Santo Tomás Mecatepec authorities asked for their own tasación de salarios. Apparently, there was a governor, an alcalde, two regidores, a *mayordomo de comunidad* (steward of the public treasure), and a scribe. They were already functioning as such and apparently only wanted the salary assessment to recognize the arrangement legally. Mecatepec was accused in 1580 by Chichicapan authorities of seeking independence through the formation of a complete cabildo, which prompted an inquiry. The final report is unknown, but Santo Tomás authorities remained, and in 1591 they complained against the alcalde mayor of Antequera.[88]

Cuilapan

In Cuilapan, after doña Isabel had passed and Ehecatzin was replaced, records show that the office of governor simply rotated among various noblemen, or it was applied to various noblemen at the same time, so no serious disputes are known. In 1552, don Luis was mentioned as the cacique, as was his son, don Fernando. But don Luis was governor, too, as he was recorded in 1553. However, in 1553, it was noted that there were at least two other governors: don Jerónimo and don Félix.

[88] AGN Indios 1, Exp. 156, f. 57v. AGN, General de Parte 2, Exp. 976, f. 209r-v. AGN Indios 3, Exp. 861, f. 208v-209r.

These names correspond with captains who, in 1547 and 1549, participated in conquest campaigns along with the Spaniards, namely, don Luis Cortés, don Jerónimo de Guzmán, and don Félix Mendoza; a fourth captain mentioned was don Francisco Cortés.[89]

Some years later, in 1560, don Diego Luis was the cacique and governor, while don Jerónimo de Guzman and don Felix de Mendoza served as regidores. Then, in 1563, the cacique was don Diego, but the governor was don Jerónimo de Guzman, while don Francisco Cortés, the fourth captain, served as alcalde. In 1576 and 1577, don Pedro de Guzman, who ten years earlier, in 1563, had served as alguacil mayor, was governor. [90] All these appointments make it clear that several caciques served in different cabildo offices, whether as governors, alcaldes, or regidores, and that there could be various governors at any given time.

Teocuitlapacoya and Ayoquezco

Another interesting and complex case is that of Teocuitlapacoya and Ayoquezco. At some point there was a governor for both towns and then each town had its own governor before Ayoquezco passed to the crown's jurisdiction. It is not clear whether these towns constituted a complex lordship. In early colonial records, they are frequently mentioned together, perhaps because they were neighboring towns.[91] In 1529, a land sale contract indicated that don Martín Quiauhtzin was the lord of Teocuitlapacoya, but in the interrogation of 1531 it was Gaspar Quiauhtzin.[92] There is no information about the lord of Ayoquezco at that time, but in 1549, the lawsuit against the estancieros was joined by don Josepe of Teocuitlapacoya and don Tomás of Ayoquezco.[93]

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[89] NL, Ayer Collection, Ms,1121, f. 172v-173, 268v-269r. Gerhard, *Síntesis e índice de mandamientos virreinales*, 493, 498, 500. AGN Tierras 1016, Exp. 5, f.10r. As mentioned before, besides don Luis, doña Isabel had at least two other sons: don Jerónimo and don Domingo. Could don Jerónimo de Guzmán be one of these other sons? Or was don Jerónimo sent to another polity to establish a marital alliance?

[90] AGI México 160, N.2, f. 13r. AGN Hospital de Jesús 432, Exp. 2, f. 420v.

[91] JR-JPB-A, 925. It is also true that there were villages with two names, reflecting their dual composition.

[92] BIJC. Colección Luis Castañeda Guzmán 23, 1: 1r.

[93] AGN Hospital de Jesús 432, Exp. 5: 4v, 8v.

In 1555, don Tomás de Aquino, from Ayoquezco, complained of having to deliver his tribute in Teocuitlapacoya because, he argued, Ayoquezco was not its subject town but a "pueblo de por sí" (polity by itself). But the cacique and governor of Teocuitlapacoya, don Pedro, presented a tasación issued in 1551 in which he was recognized as "gobernador del pueblo de teoquilabacoya y ayoquexco [...] atento que por Eleçion de los prinçipales e naturales del fue elegido y le perteneçe por subçesion de su padre" whereas don Tomás appeared as the principal of Ayoquezco and was assigned a salary and certain services. [94]

The dispute between the lords of Teocuitlapacoya and Ayoquezco involved the crown prosecutor and the marquesado authorities, for if Ayoquezco was not part of Teocuitlapacoya, it should not pay taxes to the marqués but to the king. Despite a ruling in favor of Ayoquezco (and the crown) in 1556, appeals extended the litigation for several more years. Cleverly, Ayoquezco authorities ratified in 1563 "que no son sujetos de teoquilabacoya e que son vasallos de su m[a]g[esta]d y que ellos tienen pedido que el señor fiscal de su m[a]g[esta]d los defienda y siga El d[ic]ho pleyto por Ellos y defienda El patrim[on]io E hazienda Real." The litigation ended on April 30, 1568, with a final ruling against the marqués and in favor of Ayoquezco.[95]

In the midst of this process, in 1563, the marqués won a lawsuit to take legal possession of the villas of Etla, Huaxacac, Cuilapan, and Teocuitlapacoya and to exercise jurisdiction, for up to that time he had received only their tributes. From March to June 1563, a proxy named Juan Bautista de Marín took possession of each villa in the marqués' name. Marín settled in the cabildo houses and hung canvases showing the marqués' coat of arms in each of them; he visited the jails and granted pardons to the prisoners, supervised the construction of *picotas* (pillories) for punishments, and ordered new cabildo elections to approve them in the name of the marqués.[96]

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[94] AGN Hospital de Jesús 432, Exp. 2, f. [1r], [9r], [193r] and following. FS: 81, 91, 328-342 and 371, 376, 381. Don Pedro's father was, according to several witnesses, Juan Aguzio (not don Josepe or don Gaspar or don Martin), and he ruled since the time of Moctezuma.

[95] AGN Hospital de Jesús 432, Exp. 2, f. [356v] and [430r-v]. FS: 386 and 474-475.

[96] AGN Hospital de Jesús 432, Exp. 2, f. [411r-428r].

Previously, the viceroy was the one who confirmed the authorities of the Cuatro Villas, but from 1563 on, the marqués approved the cabildo elections and had the right to intervene when necessary.

On June 12, Marín found two cabildos in the villa of Teocuitlapacoya, one in Ayoquezco led by governor Tomás de Aquino, and the other in Teocuitlapacoya led by governor Pedro Luis. This arrangement ended that day. In the new election approved by Marín, there was only one governor, don Pedro Luis, while don Tomás de Aquino had been demoted to alguacil.[97] This situation changed again in 1568 when Ayoquezco won its independence, and don Tomás was restored as its cacique-gobernador.

As the colonial period continued, other governors emerged in former subject towns. For example, Taylor reports that in Matatlan (the aforementioned semiautonomous quèhui within Mitla), there was a governor in 1722.[98] This case will be analyzed in the following Chapter.

4.5.6 Judge-governors

Another way in which viceroys intervened in local affairs was through the appointment of *jueces-gobernadores* (judges-governors). In central Mexico, native judges began to operate in 1539 on the instructions of Antonio de Mendoza, and, in the beginning, they were noblemen who had been educated by Franciscans at the Colegio de Tlatelolco. Decades later, they came from other places, such as Xochimilco and Tecamachalco. At first, they were *jueces de residencia* (residency judges) assigned by the viceroy to resolve the constant complaints from townspeople against some of their caciques-governors; when the complaints were set, these judges remained in the government and became judges-governors. As María Castañeda has pointed out, the good performance of these

[97] The two cabildos were "Tomas de Aquino governador de la d[ic]ha villa e sus sujetos e a don Francisco alcalde y a Tomas Lopez alguazil y a Juan Gallego alcalde y alguaziles del pueblo de Ayocuexco y a don Pedro Luis *governador* y a Juan Garçia alcalde y alguazil de la d[ic]ha villa de Teocuilavacoya y Alonso Garcia y Alonso Caballero y a Martin Lopez."AGN Hospital de Jesús 432, Exp. 2, f. [425v]. FS: 468. Emphasis is mine.

[98] Taylor, *Landlord and Peasant*, 52.

judges was due not only to the friars' teachings but also to their knowledge of their own polities' functioning, which allowed them to understand local affairs better and to resolve internal problems in other places.[99] The appointment of judges-governors was an expression of viceroys' power but also a strategy to further undermine local caciques' and governors' authority.

The appointment of judges-governors became popular from the 1550s onwards in central Mexico, but in the Valley of Oaxaca they are not found until the end of the sixteenth century and first half of the seventeenth century.[100] In this region, there was no college where caciques' children and other nobles received an education like the one offered at the Colegio de Santa Cruz in Tlatelolco. Churches and convents were the places where friars began to train young noblemen and probably other children to learn the alphabet and serve as examples of Christian morality.[101] This experience, plus that of having governed their own people, made some caciques or noblemen suitable candidates to govern other places. In other cases, services to the crown were enough to appoint them as a reward for their loyalty.

Zaachila

The appointment of a juez-gobernador In Zaachila happened in 1590, when the cacique don Luis de Velasco inherited the title of cacique-governor. In addition to don Luis, other caciques, such as don Juan Vázquez and don Melchor de Avendaño, were active, requesting licenses, grants of estancias and personal services, etc., and serving in the cabildo.[102] Don Luis de Velasco was too

[99] Castañeda, *Conflictos y alianzas en tiempos de cambios*, 245-250. The *juicio de residencia*, or just *residencia*, was the account of acts performed by a public official at the end of his term of office. It was called "residency" because the official should stay in the place where he served his office to facilitate the judge's work. Mariluz Urquijo, José María, *Ensayo sobre los juicios de residencia indianos* (Sevilla, Publicaciones de la Escuela de Estudios Hispano-Americanos de Sevilla, 1952), 3.

[100] In fact, in the bishopric of Oaxaca from the 1560s onwards, residency trials against native governors were carried out both by native nobles and by the Spanish corregidores or alcaldes mayores. Spores y Saldaña, *Documentos para la Etnohistoria [...]Mercedes*, 18, 58, 74, 198.

[101] In 1560, in San Miguel Sola, there was talk of "unos mochachos yndios de los d[ic]hos frayles." AGI Mexico 358, L8 (5), f. 2r-v, 4r-v.

[102] AGN Indios 3, Exp. 12, f. 3r-v Spores y Saldaña, *Documentos para la Etnohistoria [...]Indios*, 276-277.

young to take office, and there were many conflicting interests among Zaachila noblemen, so viceroy Álvaro Manrique appointed an external coadjutor, don Domingo de la Cruz, who was from Huitzo.

Don Domingo was not very well regarded for being an "yndio estrangero." Thus, in November 1590, he was accused of wrongs and vexations, and the new viceroy, don Luis de Velasco "el mozo" (1590-1595), was asked to remove him from office and appoint don Luis regardless of his age. At the same time, don Luis himself was the object of complaints of abuses, and his legitimacy was apparently questioned. Don Luis, in turn, complained about don Juan Vázquez and other cabildo members, calling them troublemakers. After some inquiries entrusted to the alcalde mayor of Antequera, don Domingo was named in that same November of 1590 not as coadjutor but as judge-governor and, in 1591, his appointment was renewed for another year, in spite of the new accusations against him. In 1592, the *republica* officers of Zaachila requested one more time that he be removed from office and proposed that only the alcaldes govern until don Luis reached the appropriate age to assume the duties of his office. [103]

It is unknown how the viceroy decreed in this case, nor when don Luis de Velasco finally took office. But the number of requests, complaints, and disqualifications between caciques, the cabildo, and the governor make it clear that these were years of great political turmoil in Zaachila. In 1646, don Luis de Velasco presented himself as "cacique y natural" of Zaachila to dispute, on behalf of himself and some inhabitants of the barrio Bease, certain lands that don Juan Vázquez' descendants wanted to sell. He argued that the deceased cacique had obtained those lands in bad faith. By then, the governors in Zaachila were elected, and don Luis served as governor in 1648.[104]

Very little is known about don Domingo de la Cruz, except that he was from Huitzo and served as coadjutor and then as judge-governor in Zaachila between 1590 and 1592. In 1591, he

[103] AGN Indios 3, Exp. 17, 154, 158, 197, 160, 161, 163, 197, 237, 511. Indios 4, Exp. 459, 500, 514, 806. Indios 6, 2a pte, Exp. 311, 400. Mendez y Mendez, *Historia de Zaachila, Cuilapan y Xoxocotlán*, 38-45, 49.

[104] AGN Tierras 103, Exp. 4, f. 14r-v, 40r. Mendez y Mendez, *Historia de Zaachila, Cuilapan y Xoxocotlán*, 132.

was appointed as commission judge to resolve a boundary conflict in Cuilapan. Don Domingo must have been able to read and write, surely taught by the friars who lived in Huitzo, and it is very likely that in 1587 he served as *alguacil de doctrina* (church constable).[105]

Huitzo

In 1631 don Felipe Garcés requested to be named judge-governor of Huitzo. He argued that his father and grandfather had been governors and alcaldes, and he himself had served the crown well, denouncing the concealment of "mas de quarenta yn[di]os en la vltima quenta que dieron que estauan escondidos." He had also served the king "con sus armas y cavallos a su costa y minsion quando el enemigo olandes llego a el puerto escondido del mar del sur e hizo vna barca para el d[ic]ho efecto sustentando a los soldados que con el yban gastando su hazienda."[106]

Don Felipe Garcés was the son of don Luis Garcés and grandson of don Pablo Garcés, probable caciques of Suchilquitongo. In 1559 don Pablo was granted a license to ride a *haca* (small horse) with saddle and bridle, a license which was ratified for his son don Luis in 1590.[107] Around 1584, don Luis Garcés and don Pedro de la Cueva, cacique of Apazco, denounced the governor and alcaldes of Huitzo for hiding tributaries in the assessment. These officers were condemned to pay damages to the crown and were deprived of their offices. In retaliation, Huitzo authorities accused don Luis and don Pedro of being troublemakers and exiled them.[108]

Two factions or parcialidades were formed in Huitzo: one supported don Pedro de la Cueva (Apazco) and don Luis Garcés (Suchilquitongo), and the other supported don Pablo Maldonado (Huitzo) and don Gabriel de San Pedro (Zautla). All these xoana reached an agreement in 1584, ratified in 1586, so that the office of governor could be reestablished in 1587, and don Pedro de la

[105] AGN Indios 5, Exp. 289, f. 78r-v. AGN Tierras 2705, Exp. 15, f. 354v.

[106] AGN Indios 10, Exp. 134, f. 252r.

[107] AGN Indios 3, Exp. 72, f. 18v.

[108] AGN Tierras 2976, Exp. 118, f. [1r-v], FS: 314-315; Lands 2948, Exp. 21, f. 37r-v; Lands 2955, Exp. 65, f. 117r-v. Mendez y Mendez, *Historia del corregimiento de Guaxolotitlan*, 94-95.

Cueva won the office in the new election.[109] This election broke the continuity in Huitzo's governorship. Don Tomás de Maldonado and his son, don Pablo Maldonado, were governors between 1559 and 1583.[110] Before them, don Cristobal de la Cueva had been cacique and governor between 1551 and 1557. This don Cristobal de la Cueva could have been the descendant of don Domingo Coatle or Domingo Ehecatl, the lords of Huitzo in 1531.[111]

The agreement between xoana was ratified in 1588 to add a clause by which the two parcialidades could name a *principal* with a perpetual vote and replace him in case of death, a clause that was ratified in 1622.[112] The two sides were still identified as the parcialidad of don Pablo Maldonado and the parcialidad of don Pedro de la Cueva, but by then, the caciques of Huitzo (head town) and Apazco were other men.[113]

Don Felipe Garcés was appointed as juez-gobernador of Huitzo for the years 1631-1633, making it clear that the viceroy could appoint governors from outside the cabecera if he deemed them to be the most suitable persons. On the other hand, as mentioned in Chapter 3, the network of marital alliances connecting caciques and nobles of the pueblos that made up the polity of Huitzo could have minimized the aggressiveness of these impositions, for various caciques had relatives in any of those pueblos. For example, the son of don Felipe Garcés and doña Catalina de Chávez, don Luis Garcés, was acknowledged as cacique of Suchilquitongo in 1675, and don Francisco Garcés, his possible heir, was registered as cacique of Huitzo, Santiago Suchilquitongo,

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[109] AGN Tierras 2705, Exp. 15, f. 348v-349v. Mendez y Mendez, *Historia del corregimiento de Guaxolotitlan*, 96-97.

[110] AGI Mexico 96, Ramo 2, f.1r y ss. AGI México 160, N2, f. 13v. Gay, *Historia de Oaxaca*, 370-371, n.7. AGN Tierras 2705, Exp. 15, f. 348v. In 1592 don Pablo requested recognition of his cacicazgo and to receive a salary from the leftover tributes Indios 6, 1a pte, Exp. 174 and 284, f. 44v, 77v.

[111] The lord of Apazco in 1537, and probable ancestor of don Pedro de la Cueva, was named Cristobal as well. Gerhard, *Síntesis e índice de los mandamientos virreinales*, 484, 493. AGI Mexico 358, L13(10), f. 5v. LoC, The Harkness Collection, Ms. M5, Container 23. Zavala, "Contienda legal y de hecho," 129.

[112] AGN Indios 9, Exp. 384, f. 191v-192r.

[113] In 1609 don Gregorio de la Cueva, son of don Pedro de la Cueva, was cacique of Apazco. His son was probably the renowned don Cristóbal de la Cueva, of whom Burgoa indicates that he was well versed in law, and "the love with which [he] regarded the poor Indians, obliged him to occupy the capacity that [God] had given him in defense of his nation." Burgoa, Geogràfica descripción, 205r

and San Juan del Rey in 1694. [114]

4.5.7 The marquesado and the appointment of a foreign governor in Etla.

In the marquesado, at least one governor was appointed from outside the cabecera in which he was to exercise his office. He was not called judge-governor, but he acted in a very similar context whereby local conflict was to be avoided through the imposition of an external authority with experience in government.

In 1622, don Juan de Zúñiga, governor of Cuilapan, was appointed by the marqués as governor of Etla. Zúñiga was not pleased with the decision and argued that he did not know their language and that Etla's climate might aggravate certain ailments he had, but in the end he was forced or persuaded to comply.[115] Zúñiga was head of the barrios Yuhin and Yuchatio, in Cuilapan, and son of don Juan Guzmán, a cacique who was elected governor in 1606. Don Juan de Zúñiga, for his part, had been elected governor of Cuilapan in 1621 and reelected in 1622; in fact, he declared that he had served as alcalde and governor for sixteen years.[116]

In Etla, a 1619 election agreement between xoana and bèniquèche established that the governor's appointment fell to the marqués "por ser m[erce]d que haze."[117] Even so, the xoana elected in 1619 don Andrés de Mendoza y León, who had been seeking to be appointed governor since 1615. He argued that he was the son of the former governor, don Jusepe de Mendoza, grandson of the cacique and governor, don Miguel de León, and great-grandson of the Emperor Moctezuma.[118] Don Andrés de Mendoza had the xoana's support, but the bèniquèche filed a lawsuit against him, which was withdrawn in 1619. In 1620, Mendoza was again elected governor,

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[114] Mercedes 58, f. 57r-58v. Indians 32, Exp. 196, f. 177-178r.

[115] Palma Silva, Marlen Donají. "El gobierno indígena de Cuilapan en el siglo XVII. De cabildos, gobernantes y caciques." 16-17. Manuscript discussed in the SIEHO, 26-February-2024.

[116] AGN Hospital de Jesús 102-1, Exp. 11 (5), f. 2r, 4r, 5v. One of these barrios was also known as the barrio of Cuicatlan.

[117] AGN Hospital de Jesús 102-2, Exp. 46, f. 7v.

[118] AGN Hospital de Jesús 85, Exp. 1, Cuad.1.

and so was his brother, don Francisco de León, in 1621.

In the 1622 cabildo election, however, a don Domingo de los Angeles, backed by the bèniquèche, was elected governor, and this result probably unleashed some complaints from the xoana, motivating the appointment of don Juan de Zúñiga. Then, Etla cabildo members headed by don Domingo de los Angeles, who ended up being alcalde, requested the marqués to revoke the appointment of an "yndio forastero" for it was against the 1618 agreement (apparently, a previous agreement), which stipulated that Etla's governor should be from Etla.[119] This argument did not convince the marqués and Zúñiga was confirmed as governor of that villa because he was, precisely, a person "de satisfacción y confiança y no persona que Reside en ella." Zúñiga only held the office in 1622 and then returned to Cuilapan.[120]

4.6 The cabildo as *làhui*. The Zapotec concept.

The use of the term *làhui* to refer to a corporate governing body resulted from a process that happened at the same time as all these political changes were taking place. *Làhui*'s original meaning was "in the middle" or "between" and was applied to shared things or features.[121] Based on this, Dominican friars and Zapotec collaborators began using it to refer to the *comunidad* or "community" in two senses.

One sense of the term "lahui" was economic and referred to the regime of communal property. Thus, the "comunidad del comun" or "common property of the community," was translated in the *Vocabvlario* of 1578 as *nilàhui* or "what belongs to all," or *quelalàhui*, "the common." The "Eredad de comun," or common inherited property, was the *quiñalàhui* or "the common fields."[122] The cabildo, as the governing body in charge of community goods and funds,

[119] AGN Hospital de Jesús 102-2, Exp. 27, f. 2r-v, 4r.

[120] AGN Hospital de Jesús 102-1, Exp. 11 (5), f. 6r.

[121] CV 262r: "Medio entre dos. Làhui." 175r: "Entre algunos y como entre los apostoles Iudas. Làhui." "Entre arboles. Làhui." 205r: "General cosa de comun. Nilàhui." 211v: "Habla en comu[n] que se dize assi en general. Ticha làhui."

[122] CV 83v: "Comunidad del comun. Nilàhui, quelalàhui, ninalàhui." 177v: "Eredad de comun. Quíñaaláhui."

was also called *community* or comunidad, and sometimes also *común* or "common."[123] In 1626, two members of the làhui of Teitipac requested a 4 pesos loan to Juan López, which was expressed as *tapa tomines nozabini lahui*, "four tomines they borrowed on behalf of the lahui."[124]

The other sense of the term was political and is found in an entry referring to the *audiencia* or court of justice as a political and judicial body. "Avdiencia el corro de los que esta[n] en ella" ("Audience, the group of those who participate in it") is translated as the "community (or body) of counselors" or *làhui huexija*, and the "community of those who admonish" or *làhui huiñaticha*.[125] On the other hand, the yòholàhui could be also referred to as an audiencia, depending on the acts carried out. The earliest long alphabetic text written in Tichazàa, a land grant from 1565, uses the expression *pecoco autiencia* or "the audiencia's stand" to mean that it was written in the justice court (or the municipal hall) of Zimatlán.[126] In Etla's jurisdiction, the yòholàhui is sometimes referred to as audiencia, as in *Nii audiencia villa guecha luana*, "in the Villa of Etla's court," but usually, it appears as yòholàhui, as in *nii lani yooho laohuij gueche S[an]to Domingo*, "in the community house of the quèche Santo Domingo."[127]

One of the early uses of the expression yòholàhui appears in a collection of *exempla* attributed to Dominican friar Pedro de la Cueva, who lived and preached during the late sixteenth and early seventeenth centuries. The *exempla* or short moral narratives were written in Zapotec to help friars preach sermons or any other moral discourses. The *exemplum* of "The Plum Tree" warns xoana against bad behavior when they become cabildo members. Thus, it speaks to *quita peni tizi xichiña yza cobi ni tipeeni yoolahui*, that is, "all the persons who receive their [appointments and] duties in the new year, who sit in the community house."

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[123] In 1640, Zapotec and Mixtec witnesses referred to Coyotepec's governing body as the *común*, at least as registered in Spanish. See Chapter 5.

[124] AGN Tierras 256, Exp. 2, f. 89r (Te626).
[125] CV 47r: "Avdiencia el corro de los que esta[n] en ella. Làhuihuexija, làhuihuiñaticha." 64r: "Cabildo los que en el se ayuntan. Penihuexijatichia."
[126] Restall, Sousa and Terraciano, *Mesoamerican Voices*, 104. Oudijk, "El texto más antiguo en zapoteco," 235. (Zi565).

[127] CV 64r: "Cabildo lugar donde se juntan"

Among Bènizàa, as among tay Ñudzahui, service in the cabildo offices was seen as "work," or more precisely, "duty."[128] In the *Vocabvlario*, *chiñalàhui,* and *chiñaquèche*, where *chiña* means "work," refer to the community's office or the polity's office.[129] Thus, these were the new associations that láhui acquired in the colonial period, but the term also retained its original and associated meanings. Some of these associated meanings refer to "be temperate" or *tilàhuitia*, or "temperance" or "moderation," both referred to as *quelanalàhuiti* or even some actions such as "moderate" or "mediate."[130] Today, in San Miguel Albarradas, service in the *yulai* is understood as solving problems or reaching agreements, ensuring each part gets equal attention.[131]

The cabildo, then, was conceptualized by sixteenth-century Valley Zapotecs as a collective and shared duty that required mediation and moderation to achieve agreements. In the sixteenth century, the ones who most participated were the xoana or noblemen as heads of their noble houses. In the following centuries, other members of the quèche would join this ruling corporation, but before analyzing that process, it is necessary to examine the other cabildo members.

4.7 Other cabildo officies.

4.7.1 Alcaldes and regidores.

Besides the governor's office, other cabildo offices that existed in Spain were established in New Spain in the 1540s. In Spain, *alcaldes* were first-instance judges, whereas *regidores* were representatives of economically powerful families within a municipality. In New Spain, alcaldes

[128] Terraciano, *The Mixtecs of Colonial Oaxaca*, 191, indicates that Ñudzahui used the term *tniño*, meaning "work" or "task," to refer to the responsibility of public office. Thus, he prefers to translate it as duty.

[129] CV 287v: "Oficio publico de la republica. xichìna quèeche." 332r: "Publico officio del pueblo. quèla chijnalàhui."

[130] CV 396r: "Templado ser o estar. Tilàhuitia ["I am in the between"]." "Templança." 266v:" Mesura, vide cortesia." 321r: "Poner por abogado como a vn sancto, toçóolàhuia. ["I am placed in the middle"]" *Quela* is.a morpheme used to change verbs into sustantives, in this case the root verb làhuiti. 341v: "Razonable cosa ni mucho ni poco. ninalàhuiti."

[131] Alejandro Cruz, personal communication.

retained judicial functions, whereas regidores could have judicial, administrative (tribute collection), and religious functions, and "they were subordinate rather than superordinate to alcaldes." [132] In Córdova's *Vocabvlario,* the translation of alcalde to Tichazàa is *quixiaga huetócoticha,* whereby *quixiaga* apparently refers to the rod that they carried as a symbol of their judicial functions, and *huetócoticha* means "judge." Another translation is *quixiaga cobeepea* whereby *cobeepea* means "legislator." Regidor is translated as *pèni huexijaquèche* or "quèche's councilor or advisor."[133] These Zapotec terms were not used in the Tichazàa colonial documents. The loanwords alcalde and regidor appeared since the 1560s. But the *Vocabvlario* entries help us understand how friars and Zapotecs understood their functions.

Several ordinances regarding the functions and duties of cabildo members were issued by viceroys since the 1530s. Based on those ordinances, in the 1550s, some cabildos analyzed, modified, and had their own versions approved. Their content illustrates the different arrangements within cabildos throughout New Spain. In Tepeaca, for example, governors were forbidden to perform judicial functions, so that only alcaldes should administer justice. On the other hand, alcaldes, regidores, and a mayordomo (steward) were responsible for collecting tributes.[134] At the same time, in Cuauhtinchan, regidores were designated to measure plots, monitor and regulate the price of goods in the markets (*tianquiztli*, in Nahuatl). They also oversaw market exchanges, collected tribute, ensured that children attended catechism in the church, and banned idolatry dances.[135]

In general, in the Valley, there was a greater number of regidores than alcaldes in each polity, which increased the alcaldes' social prestige. But in reality, during most of the sixteenth century, the heads of the two (or more) main noble houses occupied both positions. Similarly, in

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[132] Haskett, *Indigenous Rulers*, 104-106

[133] CV 20r: "Alcalde ordinario." CV 348r: "Regidor de ciudad."

[134] "Ordenanzas de Tepeaca, 1552." NL, Ayer Manuscript 1121, f. 145r, 146v-147r.

[135] Reyes, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," 264-269.

central Mexico, Lockhart observed that, at least during the sixteenth century, "indigenous people may have seen little difference between the two offices and little need for both of them beyond the necessity for adequate representation of subunits."[136]

The record makes few references to alcaldes and regidores in the Valley in the early period. Sources refer to alcaldes beginning in the 1540s, and to regidores around 1560. For example, in 1549, Baltazar Holguin de Mohedas, former corregidor of Ocotlan, said that during his administration (prior to that year), a corral constructed, and the alcaldes of Ocotlan were able to collect fines for damages to cornfields caused by Spaniards' cattle. Unfortunately, he did not mention their names.[137] In 1548, the alcaldes of Etla were Pedro Acatl, Juan Çipaqueçi (Cipactzin), Pedro Pini and Juan Lachila, and those of Huaxacac Domingo de la Cueva, and Tomas Miscoatl.[138] In 1555, there was an alcalde in Iztepec named Diego Luis and, in Cuilapan, don Bernardino, the son of doña Isabel's governor, Juan García Ehecatl.[139]

It is clear that by the late 1550s and early 1560s, in several republicas the heads of the noble houses in the cabecera, or heads of the subject towns within each polity, served as alcaldes and regidores. In Cuilapan, caciques such as don Jerónimo de Guzmán and don Félix de Mendoza appeared between 1553 and 1560 as either governors, alcaldes, or regidores. In Huitzo, don José de Luna, cacique of San Juan Hueyotlipa, was alcalde in 1557 and regidor in 1560.[140] In Zimatlan, don Lorenzo de Figueroa served as regidor in 1560, and governor in 1580 and 1588.

In other cases, heirs to the titles of cacique or governor held the positions of regidores and alcaldes before they inherited those titles. In Teitipac, don Gaspar de Aguilar, the cacique's heir,

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[136] Lockhart, *The Nahua After the Conquest*, 36-39. Terraciano, *The Mixtecs of Colonial Oaxaca*, 193, noted that yya from subject towns usually served as regidores and alcaldes.

[137] AGN Hospital de Jesús 432, Exp. 5, f. 22r, 67r.

[138] AGN Hospital de Jesús 282, Exp. 7, f. [8r].

[139] AGN Hospital de Jesús 432, Exp. 2, f. 5v, 46r.

[140] AGI Mexico 358, L13 (10), f. 9v. AGI México 160, N2, f. 13r (LoC, Spain Reproductions Manuscript Division).

and don Juan Pérez de Guzmán, the son-in-law of governor don Baltazar de Montemayor, served as regidores and alcaldes before ruling as governors. Actually, both can be seen in documents together, arbitrating land disputes in the 1560s.[141] This practice became more common throughout the sixteenth century and early seventeenth century. In 1615, when don Andrés de Mendoza y León, lord of Etla, requested to be named governor by inheritance, he presented a letter from the cabildo stating that he was orphaned at a very young age, but "despues que a tenido eda[d] suficiente le [e]mos ocupado en algunos ofiçios de n[uestra]ra rrepublica como a ser de rregidor y al[ca]ldes y en los dichos ofiçios a dado muy buena cuenta con muy gran satisfacion."[142]

Because of this tendency to place the heads of the most important barrios of each polity in these three cabildo positions, Table 4.2 compiles data on governors, alcaldes, and regidores of some towns in the Valley in the year 1560.

Table 4.2 Cabildo members in the Valley of Oaxaca, 1560.

República	Cacique	Governor	Alcalde	Regidor
Huitzo		Tomas Maldonado	Juan Gaitán Francisco del Valle	Juan de Zárate Jusepe de Luna
Macuilxochitl		Luis de Castilla	Domingo Pérez Andres Martín	Mateo Hernández Domingo López
Teotitlan	[don Pedro Lopez]	Pedro López	Domingo Hernández Tomas de la Cruz	Tomas López Francisco Luis
Tlacochahuaya		Jerónimo de San Gabriel	Lucas Jiménez Alonso Pérez	Antonio de Mendoza Domingo Pérez
Teitipac	Baltazar [de Montemayor], Domingo	[Baltazar de Montemayor, Domingo]	Juan Pérez Martin Pérez	Gaspar de Aguilar Francisco Javier
Tlacolula		Domingo de Mendoza	Diego Hernández Gaspar López	Tomas Hernández Diego Luis Francisco Jiménez
Zaachila	Luis de Velasco	Luis de Velasco	Felipe Maldonado Martin Gómez	Juan Bautista Francisco Gómez
Coyotepec	[Bartolomé?]	Juan Sánchez	Tomás de Aquino Josepe Cavallero	Esteban García Pedro de la Cruz
Zimatlan	Domingo [de Figueroa].	[Domingo] de Figueroa Alonso de la Cruz [coadjutor].	Alonso Cavallero Melchor Hernández	Lorenzo de Figueroa Gaspar López
Ocotlan	Juan [de Mendoza].	Juan de Mendoza	Domingo García Josepe Gómez	Domingo de Mendoza Diego Hernández
Etla	Miguel [de León].	Miguel [de Leon] Pero Nuñez [coadjutor].	Francisco Hernández Domingo de Sosa	Francisco Vázquez Julian Carrasco

[141] AGI Mexico 358, L10 (7), f. 4r, 6r. AGI Justicia 279, N1, f. 8r, AGN Tierras 256, Exp. 2, f. 83r, 120r.
[142] AGN Hospital de Jesús 85, Cuad. 1, Exp. 1, f. 20r.

Cuilapan	Diego [Luis].	Diego [Luis].	Pedro de Sosa	Jerónimo de Guzmán Felix de Mendoza

Sources: AGI México 160, N2, f. 13r-v (LoC- Spain Reproductions Manuscript Division) and AGI Mexico 268, f. 243r.

In the seventeenth and eighteenth centuries, the alcaldes became, on many occasions, the highest officials of the cabildo due to constant disputes for the position of governor or the separation of subject towns from their cabeceras. Usually, there were two alcaldes and, over time, in several polities, one of them began to represent the *principales* group or party (also called *parcialidad de principales*), and the other the macehuales' party, as happened in Etla. Regidores began to represent one of these two groups, as well.

4.7.2 Constables or *quixiága*.

Alguacil (constable) appointments began in the 1540s. In 1544, Cristobal and Damian from Tlalixtac received their titles. Domingo Gualana, alguacil of Etla, is mentioned in 1548, as well as don Francisco, alguacil and principal of Ocotlán.[143] Alguaciles were called *quixiaga* in Tichazàa, because alcaldes they carried a rod of justice for they were charged with apprehending people by a judge's order.[144] They appear in many Zapotec colonial documents, and nowadays there are related terms within Zapotec municipal councils. In the Valley of Oaxaca, as in other parts of New Spain, they had several other functions.[145]

In 1563, when the marqués was finally given jurisdiction over Cuatro Villas, new elections took place. Thanks to this event it is possible to know some alguaciles' names and functions (Table 4.3). In Cuilapan, there were *alguaciles mayores* (chief constables), *alguacil de la traza y solares* (constable of the town center and surrounding agricultural plots), and *alguacil para ejecutar*

[143] AGN Mercedes 2, 594. AGN Hospital de Jesús 282, Exp. 7, f. 4-14v. AGN Hospital de Jesús 432, Exp. 5, f. 67r.

[144] CV 21v: "Alguazil. Quixiaga." CV 107v: "Cetro o vara real. Quixiagaxipennabiquelacoqui [rod symbol of royalty]." Apparently, they were called in Nahuatl *topilli*, but Haskett says there were differences between them, at least in Cuernavaca. Haskett, *Indigenous Rulers*, 98-99, 107-108.

[145] Haskett, *Indigenous Rulers*, 107-108. They are called *quixiaag* in San Miguel Albarradas Zapotec (Cornelio Cruz, personal communication).

órdenes (to execute injunctions), which shows that their functions responded to each polity's needs. On the other hand, in Teitipac, in 1566, there were two community constables who were entrusted with measuring plots, and in Huaxacac in 1578, there was a constable and a constable for the plots or fields ("de sementeras").[146]

Table 4.3. Cabildo officers approved by Juan Bautista de Marin on behalf of the marqués. Cuatro Villas, March 1563.	
Etla	Governor: Pedro Nuñez [don Miguel de León's coadjutor]. Alcaldes: Domingo de Sosa, Alonso Perez Regidores: - Tequitlatos: Matía Narvaez, Domingo Guiznaguacatl Alguaciles: Andres Diaz, Tomas de Quiroz, Diego de Luna, Domingo Bautista, Juan Techqui Lache, Francisco Vazquez, Pedro Gomez, Mateo Lay, Diego de Chavez, Pedro Niça, Francisco de Santiago.
Huaxacac	Governor: don Baltasar de Velasco Alcaldes: Diego Lopez, Martin Lopez Regidores: Luis Tlayentla, Juan Pablo, Francisco Hernandez, Agustin de Alameda, Domingo Bautista. Principals: Sebastian Cervantes, Francisco Mendez, Jacobo Queçin, Luis Mexcatl tecotle, Marcos Moloçin. Alguaciles: Juan Mexicatl, Lucas Perez, Marcos Atenpanecatl, Juan Lopez, Juan Perez, Francisco Mendez, Martin Cuetlachioacatl, Mateo Francisco, Juan Pedro.
Cuilapan	Governor: don Jerónimo de Guzmán Alcaldes: don Bernardino de Mendoza, don Pedro de Guzmán Regidores: don Diego de Ribera, Martin de Velasco, don Diego de Guzman, don Juan and don Diego de Aguilar. Alguacil mayor: Pedro de Guzman Alguacil de la traza y solares: don Juan de Velasco. Alguaciles para ejecutar ordenes: Pedro Caballero, Esteban, don Alonso, etc.
Teocuitlapacoya	Governor: don Pedro Luis Alcaldes: don Francisco Luis, Francisco Lopez Regidores: - Alguaciles para ejecutar mandamientos: Pedro Hernandez, Tomas de Aquino, Alonso Garcia, Martin Lopez, Diego Luis.

Sources: AGN Hospital de Jesús 432, Exp. 2; 398, Exp. 5.

Later, in 1587, there were in Huitzo an alguacil mayor, de doctrina, de la cabecera and del mesón, while each and every one of the subject towns had an alguacil and an alguacil de doctrina who participated in the cabildo. In addition, in some cases, there was also an alguacil for the sheep ranches (San Francisco) and for the guard of the mountain (San Andrés).[147] In Etla there was an alguacil mayor and alguaciles for each subject town in 1618.[148] A brief review of the election

[146] AGN Hospital de Jesús 432, Exp. 2, f. [423r]. AGN Tierras 256, Exp. 2, f. 83r.

[147] AGN Tierras 2705, Exp. 15, f. 354r-355v.

[148] AGN Hospital de Jesús 347, Exp. 7, f. 2v-3r.

records of the marquesado in 1639 and 1737 shows that by those years the alguacils tended to be of only three types: mayor, minor (or ordinary) and doctrina. [149]

4.7.3 Community stewards.

Table 4.3 shows that some cabildos included *mayordomos de comunidad* or stewards of the communal properties (Etla) The community stewards were in charge of "todas las propiedades del pueblo." According to the *Ordenanzas de Cuauhtinchan*, they were to work closely with several republic officials. They should be present when the *escribanos* registered everything coming in and out of the *caja de comunidad* or community's chest where the money was kept. The chest usually had three keys distributed among the *alcalde primero*, the *regidor mayor*, and the *mayordomo*. The alcalde and regidor had to count what entered the box and sign the register, while expenses had to be approved by the governor.[150] In Teitipac, in 1551 the tree keys were in the hands of the two alclades and the escribano. However, in 1574 in Teitipac there were mayordomos de comunidad and community constables. By the 1570s all cabeceras had at least one mayordomo de comunidad.

4.7.4 Scribes or *huecayye*.

The *escribano* or scribe was a nobleman literate in Nahuatl or in their own language (Zapotec or Mixtec, for example) who had different functions according to their appointment. Cabildo scribes were to record all cabildo agreements. Court scribes were to register arrest warrants, investigations of crimes and sentences. Both had to keep confidential what they recorded, be concise in their texts, and follow Castilian formulas to legalize official writings.[151]

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[149] AGN Hospital de Jesús 102-2, Exp. 40; Hospital de Jesús 5, Exp. 1, f. 1-48.

[150] Reyes, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," 274-277.

[151] Reyes, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," 272-275.

Several sixteenth-century texts from Cuatro Villas, such as payment receipts, complaints, and petitions, were written in Nahuatl. In the crown's jurisdiction, at least since 1565, agreements and resolutions of disputes were already being written in Zapotec.[152] In Zapotec, scribes were called *huecayye* ("the one who applies signs"), which was the old term for "painter" or *tlacuilo*, that is, the artist/scribe who created codices, canvases, and other records using pictograms. Among the oldest Zapotec cabildo scribes are Lázaro Jiménez, from Zimatlán, and Domingo de Figueroa, from Teitipac, who served in the 1560s. Don Miguel de los Angeles, from Teitipac, was active from 1577 to 1590.[153]

4.7.5 Tequitlatos or collaba.

As discussed in Chapter 3, the collaba or tequitlatos were traditional authorities directly responsible for ensuring that the flow of goods and services reached the principales, the caciques and the crown. According to Benjamin Johnson, they had to "manage inequality" by materializing the relations of solidarity and compulsion within the villages. They could be xoana (the chief collaba or collaba mayores) or bèniquèche, as in Tlacolula and in several other towns. In Huitzo, at least eight collaba participated in the xoanas' agreement of 1586; some carried the title of *don* like don Mateo de Luyando, and others like Tomás de la Plaza and Pedro Macías had served or would serve the following year as regidores and alcaldes.[154]

Among the Valley Zapotecs, the term *collaba* seems to have encompassed at least these two types of administrators, but the use of Nahuatl terms in Spanish records allows us to see an internal differentiation. For example, in 1615 Juan Regino, from the Zapotec barrio of Santa Ana Zegache, was denounced for having gone to Mexico City and succeeded in obtaining an

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[152] AGN Hospital de Jesús 444, Exp. 39. Receipts from the republics of Huaxaca and Etla in Nahuatl, 1564. Documents FLM000866, FLM000867, FLM000868 in Satnu, https://www.iifilologicas.unam.mx/satnu/

[153] CV 182v: "Escriuano o escriptor. [...] huecàayye." AGN Tierras 241, Exp. 7, f. 39r. AGN Tierras 256, Exp. 2, f. 83r, 99r-v, 85r-v. Documents FLM000939

[154] AGN Tierras 2705, exp. 15, f. 348v, 354r-v.

appointment as governor. Several witnesses from Zapotec and Mixtec barrios described him as a macehual who had to participate, like his father and grandfather, in the labor drafts for the Chichicapa mines of or in the city of Antequera, sometimes serving as a *tapisque*--that is, he was in charge of a small crew. He is constantly referred to as a "tapixque vil y bajo" in the 1615 document.[155] In the tax collection system that Johnson identified for Texcoco, one of the macehuales in charge of administering tribute and labor was known as *tepixque* or *tapixque* and was in charge of 2-3 houses.[156] Probably, Regino occupied at the most basic organizational level of "tapisque" within the Zapotec barrio of Zegache.

In the sixteenth century, the low-rank collaba were probably appointed by the lord of their barrio, but during the eighteenth century most cabeceras and subject towns elected annually at least one and up to four tequitlatos, probably the high-ranking collaba, to coordinate all the others.[157]

4.7.6 Church offices.

Fiscales.

Several principales and caciques served as *fiscales*, the most important office within the church at the local level. One of the earliest mentions is that of Juan Gaitán, from Huitzo, in 1556.[158] His job was to help promote Christian teachings and watch over his countrymen's good behavior. Idolatry trials, such as those of Tehuantepec in 1560 and Teitipac in 1574, were initiated by fiscals' denunciations. Interestingly, a fiscal from Teitipac was denounced for abusing his position. He accompanied the friars on their visits to subject towns and was in charge of collecting illegal fines, such as those imposed on the owners of idolatrous objects found in 1574. In addition, he took

[155] AGN Hospital de Jesús 102, Exp. 8, f. 2r et seq.

[156] Johnson, *Pueblos Within Pueblos*, 3, 97-100.

[157] AGN Hospital de Jesús 5, f. 4r-v, 11r-v.

[158] AGN Mercedes 4, f. 316v.

advantage of couples who wanted to be married and made them work: "los q[ue] se quyeren casar van a casa de tomas de aquyno fiscal y en achaq[ue] q[ue] no saben la dotrina xp[is]tiana se sirbe dellos treynta y quarenta dias diziendo q[ue] les esta enseñando y los faze trabajar en su seme[n]teras […] y despues q[ue] an trabajado todo este t[iem]po les lleva a cada v(no) dos tomynes por el casam(iento)." [159]

Some sixteenth-century fiscales were high-ranking nobles, and it is possible that their time in that office was formative since contact with the friars not only enabled them to become literate but also to mold their Christian morals. For example, in Macuilxóchitl, in 1598, don Gaspar de Velasco said he was "señor natural deste d[ic]ho pueblo e fiscal del," being barely eighteen years-old.[160] Fiscales had to record the administration of the sacraments. They did not always sign their names on these documents, but there are some Zapotec records of marriage information from 1653 signed by Nicolás de Aguilar, Nicolás Hernández, Tomás de Zárate, and Gaspar Pérez Bazañes, fiscales of Teotitlán del Valle, that show how they fulfilled their duties. [161]

4.7.7 Other civil and eclessiastic offices.

Cantors. Several testaments written in Zapotec mention the *xoana cantores* (singers and cantors), who are asked to accompany the deceased's body from their home to the cemetery and sing at their masses.[162] Cantors were given special treatment because of the job they performed. From the mid-sixteenth century, they were exempt from tribute.[163]

The Church's *pilhuan*. The office of "*pilhuan* (children) de la iglesia," appears as early as 1548,

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[159] HSA, Manuscript HC 417/114, f. 30v.

[160] BFFB, Diocesano, Bethlemitas, Caja 2, Exp. 2, f. 34r. Don Andrés de Mendoza y León, cacique and later governor of Etla, was orphaned at an early age, so he was "criado entre nosotros [los principales] en el convento de esta villa con los rreligiosos." AGN Hospital de Jesús 85, Cuad. 1, Exp. 1, f. 20r.

[161] APTM, Matrimonios 1653-1740, f. [1-7r].

[162] AGN Tierras 256, Exp. 2, 110r, 102r.

[163] Reyes, "Ordenanzas para el gobierno de Cuauhtinchan, año 1559," 288-289.

associated with the principal Tomás, of Ocotlán.[164] The term possibly refers to boys who grew up with the friars, assisting and attending to them. In 1574 there were at least two *pilhuan* from Teitipac, one named Domingo de Figueroa and another named Domingo Regino, who knew how to write.[165]

4.8 Women and authority.

The exercise of power in Mesoamerican societies involved not only the rulers but also their spouses and family; in this, they coincided with the practices of European royal houses. The *Ordenanzas de Xochimilco de 1553* instructed the elected governor to change his residence to the *casas reales* (town hall) "con toda su cassa e muger e hijos e familia."[166] Although Spanish officials prevented women from accessing cabildo offices, several governors' wives were also considered rulers. For example, in 1560, in the Zapotec town of Sola, in the Sierra Sur, don Juan de Mendoza introduced himself as "hijo de don Miguel de Mendoza y de doña Maria su muger yndios gobernadores que fueron del pueblo de Çola."[167]

In various cases, this was not just an honorary title. Ñudzahui noblewomen must have been prepared to govern, as in the case of doña Isabel, the señora of Cuilapan, or to assist their husbands with various governmental functions. In regions like Cuernavaca, wives and other women related to governors "acted as the political allies of male members of the ruling elite," leading parcialidades to win lawsuits. Some governors' widows claimed their deceased husbands' salaries and even requested (unsuccessfully) to complete their terms of office by themselves.[168]

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[164] AGN Hospital de Jesús 432, Exp. 5, f. 67r.

[165] HSA, Manuscript HC 417/114, f. 21r.

[166] NL, Ayer Manuscript 1121, f. 349r

[167] AGI Mexico 358 L8 (5) , f. 2r-v.

[168] Haskett, Robert, "Activist or Adulteress? The Life and Struggle of Doña Josefa María of Tepoztlan," *Indian Woman of Early Mexico*, Susan Schroeder, Stephanie Wood, and Robert Haskett (eds.), Norman: University of Oklahoma Press, 1997 (145-163), 149.

In the public eye, república officials' wives participated in their spouses' successes and failures. In 1574, during the idolatry trial in Teitipac, some witnesses affirmed don Gaspar's abuses were also committed by his wife, doña Elena, and expressed that "por m[anda]do de don gaspar ~~fazen~~ y de su muger fazen fazer muchas ma[n]tas blancas de lana." Some accused her of participating in and contributing to their idolatrous acts: "y q[ue] ansimysmo sabe q[ue] la muger de don gaspar tiene un caxonçillo con unos paneçillos de piçiete q[ue] se llama quylapego q[ue] se husavan en t[iempo de su ynfidilidad."[169] Likewise, the fiscal Tomás de Aquino's wife, whose name was not specified, was accused of weaving clothes for the "idol" Xonaxi Pelapia, the deified ancestress of don Gaspar: "la muger de don mateo prençipal de titiquypaq[ue] dixo a esta t[estig]o q[ue] la muger de tomas de aquyno fiscal de titiquypaq[ue] abia texido unas naguas chiquytas p[ar]a un ydolo de don gaspar la henbra q[ue] se llama xonaxi pelapia."[170]

Marriage alliances between noble houses continued after the Spaniards' arrival. In Tlacolula, don Jerónimo, one of the sons of don Domingo de Mendoza (governor) and his wife, doña María de Mendoza, married doña María Cortés, a noblewoman from Tehuantepec. Another son, don Joseph, married a daughter of don Jerónimo de San Gabriel, Tlacochahuaya's governor.[171] In these unions, the woman's rank could influence the república offices that her husband could hold both in his own polity and hers if it were not the same. For example, in Teitipac, don Gaspar's son-in-law, don Sebastián, was said to be very young. Nevertheless, in 1574, just over a year after he married Xonaxi Penylache, he was already serving as alcalde in Teitipac. For his part, Juan Pérez de Guzmán, upon marrying the cacica of San Sebastián Teitipac, doña Beatriz de Montemayor, daughter or granddaughter of Teitipac's governor, don Baltazar de Montemayor, acquired the title of *don* as well as the right to become governor. Likewise, in Etla, don Jusepe de Mendoza, governor in 1590,

[169] HSA, Manuscript HC 417/114, f. 16r-17r.

[170] HSA, Manuscript HC 417/114, f. 17v.

[171] AGN Civil 822, f. 11r, 270r.

acceded to that office because he was the son-in-law of the cacique-governor don Miguel de León.[172]

Another way in which women exercised local power was through their specialized knowledge as ritual specialists. In Teitipac, don Gaspar's stepmother was *sortílega* or *colani quelola*. The cacique consulted her to determine the feast days in which she also participated. One witness stated that "la bieja madrastra de don gaspar dizen q[ue] es colany e rreparte aq[ue]llos manjares y hecha las fiestas o t[iem]pos del demonyo." Witness María Billalo, for her part, declared that "el d[ich]ho don gaspar pregunta muchas vezes ~~al di~~ la madrastra suya dizendo madre quando llega aq[ue]l coçi y ella le rresponde [...] hijo en tal dia llega [...] y preg[unta]da q[ue] q[ue] es o quyere desir coçi dixo q[ue] t[iempo o mes e q[ue] esto es señal q[ue] es colani del t[iem]po de su ynfidilydad." This *colanij* was from San Juan Chilateca, where it was thought don Gaspar sent the most important images he possessed, those of his ancestors, so that friars would not find them during the investigation of 1574.[173]

Another woman close to don Gaspar was Catalina Çaa, who identified herself as his "medica" or physician. She cured him, his children, his wife, and various other xoana, by using her mouth to suction from their bodies the bad things that caused illness. She confessed to having introduced things like small wool beads or blood to make them believe that she had extracted those things from their bodies.[174] Her relation to the ruling family must have been close, and it is difficult to know if she was protecting don Gaspar and herself with her testimony, or if she truly believed that her medicinal practice was a hoax.

Although early colonial Zapotec cacicas did not officially exercise power, they did have political and economic influence. Doña Beatriz de Montemayor had several extensions of cacicazgo land (*layo guehue* or "palace land") not only in San Sebastián Teitipac but also in Santa

[172] HSA, Manuscript HC 417/114, f. 25r. AGN Tierras 256, Exp. 2, 85r, 87r; Hospital de Jesús 85, Cuad.1., Exp. 1.

[173] HSA, Manuscript HC 417/114, f. 21v, 15v, 17v.

[174] HSA, Manuscript HC 417/114, f. 9r-v.

Cruz Papalutla. In her will of 1607, she bequeathed them independently from the lands of her husband, the deceased don Juan Pérez de Guzmán.[175]

As for women who were not part of the nobility, there are some hints that they participated actively in public life. In 1654, a woman named Ana, who originally came from Teocuitlapacoya but resided in the jurisdiction of Sola, declared having heard about the ritual specialist Diego Luis during a public meeting: "que assi lo a oydo platicar de ord[inari]o a los yndios en las ocasiones que se juntan de comunidad aunque no lo ha visto."[176] Likewise, in Teitipac, in 1574, at least some meetings included women, as stated by María Billalo: "y q[ue] esto se lo oyo dezir esta t[estig]o al d[ic]ho diego luys porq[ue] se fallo en la junta q[ue] ma[n]do faser el d[ic]ho di[eg]o luys." [177]

Of course much remains to be uncovered about women's participation and influence in the local political organization in the Valley of Oaxaca during the colonial period. However, these brief references to women allow us to affirm that their presence in the public sphere was important and constant from the very beginning.

4.9 Conclusions.

The creation of the cabildo in the sixteenth century had, as in the rest of New Spain, the objective of limiting the power of dynastic lords, homogenizing the diversity of political organization, and reinforcing the mutual recognition of local elites who, in turn, were obligated to recognize the crown and channel tribute to it. However, despite the crown's intention to appoint governors (and the cabildo) as officials whose authority superceded that of caciques, during the first century of colonial rule caciques developed various strategies to maintain control of this office and bequeath it to their children.

First, caciques avoided confrontation by naming governors who were loyal to them. Then,

[175] AGN Tierras 388, Exp.1, f. 337r-338v; Lands 256, Exp. 2, f. 87r.

[176] DGB, 24.

[177] HSA, Manuscript HC 417/114, f. 16v.

some dynastic rulers managed to remain in office as caciques-gobernadores while others accepted two lines of authority. Finally, they used cabildo's offices to accommodate other lords. Thus, the offices of alcalde and regidor were held by the high nobility--that is, future caciques and governors, as well as other heads of noble houses. Even the office of alguacil was sometimes occupied by other members of the nobility.

Candidates for governorship and caciques had to negotiate. In some cases, there was litigation in Spanish courts before an agreement was reached; in others, there was more than one governor. It can be said that in each polity "the [new] holders of the governorship, while no longer always tlaloque [dynastic rulers], were most often high nobles who might have been in the running for a rulership."[178]

But, even when *señores naturales* achieved the highest position in the early cabildos, their authority and power were no longer autonomous. Viceroys settled several of these internal conflicts and, at the end of the day, ratified the new governors. While this shift was not that obvious at first, it became more apparent by the end of the sixteenth century and the beginning of the seventeenth century. A series of accusations of malfeasance or even idolatry against caciques and governors, made by low-ranking nobles and macehuales, forced them from office, as seen in Chapter 3.

In the following centuries, the *làhui* would multiply and experience other processes of change, fostering greater plurality within them by forcing the inclusion of representatives or members of the macehual class. Some of these processes were initiated by the collaba or tequitlatos in the name of their barrios or yòho, as well as in the name of the common good or the community, as will be shown in the next chapter.

[178] Lockhart, *The Nahuas After the Conquest*, 30.

Chapter 5. The *làhui* as cabildo and comunidad. Sixteenth to eighteenth centuries.

This chapter analyzes a series of changes and conflicts that polities in the Valley of Oaxaca underwent form the late sixteenth century onwards. These changes led to an increase in the number of cabildos and a diversification of their members, as more low-ranking nobles and *macehuales* (commoners) came to occupy cabildo offices. Conflicts and negotiations were constant. Communities drafted *transacciones* or "agreements" about local governance beginning in the first decades of the seventeenth century, which served as local "constitutions" for the rest of the colonial period. On the other hand, creating new cabildos meant that communal goods and resources would be managed by new local governing bodies and not by *cabeceras* that were established in the sixteenth century, which often led to internal conflicts.

This chapter consists of four parts. First, I discuss the role of the làhui or cabildo as the *comunidad* (community), that is, the body responsible for collecting tribute and administering local finances and communal property. In the Valley, communities were established both in the cabeceras and the sujetos from early colonial times. I propose that community goods and enterprises were treated very often at first as the assets of caciques and cabeceras, but over time they became the basis of local, semi-autonomous claims headed by their own làhui.

Second, I study the electoral and political separation of subject towns from their cabeceras and the creation of new cabildos headed by alcaldes. These processes resulted from *congregaciones* (relocations), parish reorganization, and the difficulties faced by cabecera authorities to administer large territories. Some semi-autonomous quèhui that sought separation from their cabeceras took advantage of these changes. Initially, new cabildos were elected in cabeceras or in separate elections held in subject towns. Over time, local elections in *sujetos* resulted in a process of political separation. By the end of the seventeenth century, many pueblos had already separated from the cabeceras to which they had been assigned; by the end of the eighteenth century, every former subject town had its own cabildo, its own elections, and even its

own separate barrios and internal conflicts.

Third, I examine conflicts between principales and macehuales, both in terms of how those conflicts resulted from competition for political representation in the cabildo and for access to labor. These conflicts resulted from colonial pressures to provide labor for Spaniards enterprises but also for caciques and cabildo members. The Spanish legal system enabled macehuales to contest excessive workloads and labor abuses. Likewise, the collective nature of barrio organization, the ability to take collective action or non-action, enabled macehuales to take the initial step and press for negotiations that resulted in several written agreements. This change occurred first in the cabeceras, and then it spread to practically all parts of the Valley.

Finally, I focus on conflicts over the administration of common goods and obligations towards the community. The confrontation between caciques' particular interests and communal interests is bound to the conflicts between caciques and commoners, the new composition of the *làhui*, the estrangement that could occur at different times between caciques and cabildos (or quèche), and the various meanings and practices of the concept of community.

5.1 The làhui as the *comunidad* (community).

5.1.1 The community and its duties.

The làhui or colonial cabildo served as a political body but also as the administrative body for community goods and funds. Thus, it was called "comunidad."[1] Its economic responsibilities were sanctioned by colonial legislation and included collecting tributes and administering the *bienes y propios de comunidad* (community goods and properties). This involved the safeguarding of communal land (ejidos, mountains, waters, etc.), the leasing of community properties (grasses, parcels, ranches, etc.), and the management of communal enterprises (inns, mills, cattle ranches,

[1] The Spanish term *comunidad* could refer to community funds, the community chest, the polities' economic regime of communal property, and the cabildo as the administrator of common goods. See Lira, "La voz comunidad en la recopilación de 1680." García, *Los pueblos de la sierra*, 102-105.

maguey planting, etc.).[2] All the revenues had to be accounted for by local authorities in book accounts kept in the *caja de comunidad* or community chest, along with the money. The chest would be safeguarded in the *casa de comunidad*, that is, the municipal hall or yòholàhui. Failure to deliver good accounts could be a reason for destitution or to be denied re-election for a new term in the cabildo.

Communal enterprises were established in the first colonial decades, under friars' influence, to finance religious worship and tribute payment. In the Mixteca region, the origins of establishing community goods and income have been attributed to Dominican friar Francisco Marín.[3] Laws that formalized and promoted the establishment of community goods, houses, and chests began to be issued in the 1550s. On January 18, 1552, prince Felipe ordered that Native polities possess community goods, and in February 1554, the council of the Indies ordered the royal audience in New Spain "que provea si se hara casa de comunidad de los indios que tenga la una llave el cacique y las otras dos dos de los indios más principales, y que cada año se tome cuenta de lo que en la dicha casa se metiere."[4] Other early laws prohibited religious ministers from managing municipal funds and ordered that these should be spent to pay tributes and for the common good.[5]

In addition to revenues from communal enterprises, community funds included other direct contributions, like *sobras de tributos* (tribute surplus) or what was left over after the royal tribute was paid and the *real y medio de comunidad*, that is, the monetary contribution of one

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[2] *Bienes de comunidad* or community goods were all the collective resources owned by each community. They could be farmland, ranches, houses, inns, mills, pastures, lagoons, springs, trajineras, salt mines, cattle, wheat mills, nopales, magueyes, etc. Mendoza García, Edgar, "Crecimiento económico de las cajas de comunidad en la jurisdicción de Otumba, siglo XVIII," (Estudios de Historia Novohispana, 58, enero-junio, 2018, 73-113), 76. *Propios* were communal goods that were rented to cover municipal expenses. Bustamante López, Carlos, "Los propios y bienes de comunidad en la provincia de Tlaxcala durante la aplicación de las Reformas Borbónicas, 1787-1804," (*Estudios de Historia Novohispana* 43, julio-diciembre 2010, 145-182), 158.

[3] Montufar *apud* Lira, Andrés, "Las cajas de comunidad," (Diálogos: Artes, Letras, Ciencias humanas, Vol. 18, No. 6, noviembre-diciembre 1982, 11-14), 11. Terraciano, *Codex Sierra. A Nahuatl-Mixtec Book of Accounts From Colonial Mexico*, (Norman: University of Oklahoma, 2021), 6.

[4] *Recopilación de 1680*, Libro 2, Título 31, Ley 9. CDIAU, Vol. 21, 327.

[5] *Recopilación de 1680*, Libro 6, Título 4, Ley 16, Ley 14

and a half *tomines* or *reales* per *tributario*. In 1582, by law, the real y medio was replaced by the cultivation of maize: each tributario should plant ten square fathoms of maize (approximately 20 x 20 meters of land). However, in most cases, both contributions were maintained, and people planted the maize and paid the "real y medio de comunidad."[6]

5.1.2 Communities in the Valley of Oaxaca.

In the Valley of Oaxaca, the first references to community chests, houses, and goods also dates from the 1550s and 1560s. In 1551, viceroy Velasco ordered that two alcaldes collect the tributes of Teitipac and that they keep them in a chest with three keys; two would be kept by the said alcaldes and one by the notary or huecayye. Each year, up to one hundred pesos of *sobras de tributos* would be taken out of the community chest to support the friars who lived in the cabecera. In 1552 the cabecera of Coyotepec was granted a license to cut wooden beams in the mountains of Macuilxochitl and Teotitlan in order to finish building its community house. In 1565, a sheep and goat breeding license was granted to Chichicapa as part of its *propios de comunidad*.[7]

Some scholars have noted that in other regions only cabeceras had community houses or chests during the sixteenth century; they also found a few examples of subject towns that had them in this early period but thought of them as exceptions.[8] In the Valley of Oaxaca, communal houses and chests were first located in cabeceras, but soon after various subject towns had their own, and in some cases they acquired them as early as the 1560s.

In 1574, during an inquiry into alleged idolatrous practice in Teitipac, some witnesses mentioned the existence of houses, funds (chests?), and community goods (such as cattle and

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[6] Terraciano, *Codex Sierra*, 74. *Recopilación de 1680*, Libro 6, Título 4, Ley 31. Lira, "La voz comunidad en la recopilación de 1680." A Native married couple was considered a *tributario*. Widows and single young adults (age varied) were considered half a tributario.

[7] LoC, Kraus Collection, Viceregal orderbook, f. 159r, 424r. Also in Gerhard, *Síntesis e índice*, 482, 494. AGN Mercedes 8, f. 18r.

[8] Tanck, "El espacio del poder político," 338. García, *Los pueblos de la Sierra*, 102-105.

fields) not only in the cabecera, San Juan, but also in its subject towns.[9] Their testimonies show how the bèniquèche were the ones who financed these acquisitions and worked to increase them; how different authorities, from the cacique-gobernador to the xoana of each subject town, took advantage of these goods as if they were their own; and how this led to a growing uneasiness on the part of the bèniquèche and minor officials, who decided to denounce these abuses. They also reveal that community enterprises, and probably the chests and community houses, originated more than ten years before.[10]

The most detailed testimonies in the inquisitorial record of 1574 come from San Pablo (Güilá). According to the collaba or tequitlato, Martín Luis, the first community cattle acquisition resulted from a *repartimiento* (levy) of one peso per "yndio" that was ordered by the cacique don Gaspar. Martín Luis expected a reimbursement (perhaps they were promised) and complained that more than ten years had passed without him receiving anything. As a collaba, he kept detailed records of all the collective contributions requested from the people under his care.[11]

The person in charge of San Pablo's community cattle was the *mayordomo de comunidad*, who in 1574 was Alonso García. According to Martín Luis, his brother had also served three years as mayordomo without receiving any payment; on the contrary, he paid some expenses with his own resources. In contrast, Diego Hernández denounced that Domingo García, a xoana of San Pablo, had taken 120 sheep "from the caja (sic) de comunidad" for himself. According to Martin Luis, Diego García claimed to have lent some money to the subject town and collecting it by taking 125 sheep "sin li[çençi]a de nadie y sin saver si abia pagado e prestado el dinero."[12]

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[9] In 1552, Teitipac bought a sheep ranch for 900 pesos. Gerhard, *Síntesis e índice*, 493. They did it to dismantle it, because of the damages it caused, but this could have been the beginning of a new community enterprise. Cruz, "Pueblos, estancias y ganado,"31, n. 98.

[10] HSA, HC Manuscript 417/114, f. 37r.

[11] HSA, HC Manuscript 417/114, f. 32v. This was the *repartimiento de dinero*, or *derramas*, illegal levies that local authorities took from macehuales for feasts, litigations, and other activities. There was also the *repartimiento de mercancías*, the forced (and illegal) selling and purchasing of products to the Native population by Spanish authorities (alcaldes mayores and corregidores), and the *repartimiento de mano de obra*, which will be discussed later.

[12] HSA, HC Manuscript 417/114, f. 35r, 2v, 32v.

Diego Vázquez, xoana of San Pablo, declared that each subject town had its own herd of cattle, all purchased by don Gaspar's orders: "sabe q[ue] en cada est[anci]a ay un fato de ganado de la comunydad de aq[ue]lla estançia y este ganado se compro del d[ic]ho don gaspar por su ma[n]dado y p[ar]a comprarlo hecharon rrepartimy[ent]o a los maçeguales y lo q[ue] costaron nunca lo an pagado y se les debe oy en dia." His testimony indicates that don Gaspar considered community goods of subject towns almost as his own. Don Gaspar took several sheep from the community livestock of San Bartolomé (Quialana), and he only paid half a tomín for each sheep and one tomín for each castrated male, well below their actual price, according to the same witness.[13]

Other references to municipal funds (and, surely, community chests) stated that don Gaspar often requested building materials, such as wooden beams, which he did not pay directly to the people but to the community chest: "no dio mas de quatro p[es]os por todo y esto se puso en la comunydad desta est[ançi]a por m[anda]do de don gaspar e no se pago cosa nynguna a los maçeguales q[ue] lo trabajaron." In addition, since each subject town had its own money, they should contribute to the polity's feast: "de nueve años a esta p[art]e sienpre piden los alcaldes dineros a esta est[ançi]a p[ar]a las fiesta del pueblo."[14]

5.1.3 *Yòholàhui*: community houses and collective activities.

Numerous testimonies from 1574 show that yòholàhui or community houses already existed by that time, not only in cabeceras but also in subject towns, and that they inherited some of the quèhui's ancient functions. One of them was to strengthen the bonds of union and reciprocity through collective economic and ritual activities organized by the cabildo and the local heads. During the collective deer hunt, an activity in which everyone participated, some rites took place both in the mountains and in the community house of San Pablo Güilá.

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[13] HSA, HC Manuscript 417/114, f. 11v, 16r. A *tomín* was 1/8 of a peso. It was also called a *real*.

[14] HSA, HC Manuscript 417/114, f. 37r.

Witnesses declared that by orders of Diego Vázquez, a xoana of San Pablo, two ritual specialists or *colani* indicated the proper days to go hunting. Both accompanied the people, carrying copal and "devil's bread" to address the hunt god, Gozanaguijasa, so that they might take many deer. They also performed a series of rites to thank this god:

> cada bes q[ue] matan el benado toman y pelan un poco del pelo q[ue] esta en frente del corazon y lo hechan arbolar al [a]yre q[ue] lo llevo como q[ue] lo ofreçen al dios q[ue] le dio bentura y despues llevan los benados a la comunydad y sacan el sangre q[ue] le fallan en el cuerpo y todos los q[ue] an andado en la caça toman cada uno un caxetillo y los dos colanys q[ue] son jo[a]n gala y fran[cis]co quyagueche y les dan a beber a cada uno un poco y desq[ue] an bebido en un rrinconençienden copal y derraman sangreençima del copal q[ue] esta ardiendo[15]

Diego Vázquez admitted that by his orders the communal hunts were held in San Pablo, and affirmed that the rites performed were customary "en todas las seys estançias de titiquypa."[16]

Some decades later, in 1654, very similar practices were investigated during another idolatry trial in San Miguel Sola, a Zapotec polity in the Sierra Sur. There, collective deer hunts and fisheries "de jurisdicción," also called "de comunidad," were organized by the cabecera authorities--that is, the governor, alcaldes, regidores, main quixiaga, etc.--but were also attended by the collaba or tequitlatos and heads of the subject towns. Other collective hunts and fisheries were called "de los pueblos o barrios," which were organized by the authorities of subject towns. For example, in Santa María, they were organized by the collaba and the main quixiaga; whereas in San Juan, only the collaba organized these collective activities.[17]

All collective hunts involved rituals for the deer's and hunters' gods. These rituals were carried out both in the mountains and the community houses:

> abiendo casado uno dos tres o mas Benados los traen cargados en las espaldas las mesmas perçonas q[ue] los coxeron en el monte cada uno el que coxio y abiendo llegado a la comunidad del d[ic]ho pue[bl]o de san fran[cis]co ponen los d[ic]hos Benados ensima de unas ojas y les ensienden a cada uno su candela de sera y en un tiesto con braça queman trese pedasos de copale y sauman las cabesas y narises de los d[ic]hos Benados y les derraman un poco de pulq[ue] junto a donde tienen la boca y les solasen que beban aquel pulq[ue] que la promesa que hisieron de ensenderles candelas y quemarles copale ya la cunplieron las quales no apagan hasta que se gastan todas y abiendo desquartisado los d[ic]hos Benados les sacan a cada uno los dos lomos de adentro y los reparten a pedasitos

[15] HSA, HC Manuscript 417/114, f. 1v-2r. Diego Hernández' testimony.

[16] HSA, HC Manuscript 417/114, f. 8v.

[17] *Documentos de Gonzalo de Balsalobre*, LAZ-II, 227, 246.

entre todos los que a [e]llo [se] allan para que coman la d[ic]ha carne cruda[18]

Community houses had more functions than those assigned to them by the Spanish administration. Besides being the municipal halls and the places where community chests were safeguarded, they were public spaces, essential in creating and reinforcing a sense of belonging at different levels through collective ritual acts.

These testimonies also suggest that community enterprises were not new, and that collective economic-ritual activities were performed routinely in precolonial times. Deer hunting was an important economic activity throughout the Valley of Oaxaca. Burgoa reported in 1674 that in the *doctrina* of Iztepec "han sido los Indios desde su gentilidad grandes monteros, y caçadores, co[n] redes, laços, y artificios notales, grandes tiradores de arcos, y oy de escopeta, con tanta destreza, que abrá pocos Españoles que les compitan, hazen muchas pieles agamuzadas."[19]

5.1.4 Community enterprises and their importance.

In the 1580s and 1590s, several towns in the Valley applied for livestock ranch grants for their *propios* and *bienes de comunidad*, but in some cases, these had already been in operation for years. The earliest known record of a sheep ranch grant for San Pablo's community dates from 1585, and the earliest one for San Bartolomé Quialana dates from 1593, but the document indicates that there was already a corral on the site.[20]

Other community enterprises in the Valley of Oaxaca included flour mills and *mesones* (inns). Taylor identified twelve mills belonging to eight communities; six of them were granted during the late sixteenth and early seventeenth centuries; some others were purchased. All were located in the Etla Valley: 8 in Etla (2 in the cabecera, 2 in San Juan Guelache, 1 in San Miguel, 1

[18] *Documentos de Gonzalo de Balsalobre*, LAZ-II, 294. Pedro Canseco, de la cabecera, San Miguel Sola.

[19] Burgoa, *Geográfica descripción*, 212v.

[20] Taylor, *Landlord and Peasant*, 80, Table 7. Land Grants to Indian Towns. AGN Mercedes 14, f. 7v (9v).

in San Agustín, 1 in San Gabriel and 1 in San Pablo) and 4 in Huitzo (2 in the cabecera and 2 in San Juan del Rey).[21] Regarding mesones, there were, at least, 3 mesones in Huitzo (1 in the cabecera, 1 in San Juan, 1 in San Francisco), 2 in Teitipac (1 in the cabecera and 1 in San Dionisio), and 1 in Etla.[22] There was probably another mesón in Mitla.

In the Valley of Oaxaca, and other regions, cabeceras managed a community chest for all of the república, but some barrios or subject towns had their own community goods, houses, chests, and enterprises in the sixteenth century,[23] sometimes even before they had their own cabildos. Some caciques considered it important for each subject town to have community goods and properties because they could benefit directly from them. Cabeceras' authorities could also collect additional municipal funds. In 1556, Etla's governor, along with other noblemen, requested a license to build a mill near the church of San Agustin, an estancia or subject town, "para el comund del d[ic]ho pueblo."[24] Cabeceras even donated their propios to their own subject towns, as Macuilxochitl did in 1588, when it transferred a livestock site grant to San Juan (Guelavía) so that they could pay their tribute.[25]

Some semi-autonomous quèhui were among the first to get formal licenses for propios and other community goods. By 1558, the community of Zautla, in Huitzo, had purchased 1500 sheep. In 1565, the same day that Chichicapan was granted its sheep and goat breeding license for propios, Mecatepec and Jalieza received their license, too; they probably asked for the licenses together. Mecatepec was a semi-autonomous quèhui and one of the few subject towns that sought

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[21] Taylor, *Landlord and Peasant*, 91.

[22] Huitzo: AGN Tierras 2705, Exp. 15. San Francisco: AGN Indios 26, Cuad. 1, Exp. 7, f. 8r. San Juan: AGN Indios 11, Exp. 145, f. 122r. Teitipac: Cruz, "Las pinturas del común," 76-77. Etla: AGN Hospital de Jesús 347, Exp. 7, f. 2r, 7r.

[23] In the Chocholtec region, the *Libro de cuentas de Ca/andaxu*, an account book written in Chocholteco, registers from 1592-1621 the expenses and income of Ca/andaxu, a small Teotongo *sindi* or barrio. This account book, whose main purpose was internal accountability, was probably kept in the barrio's caja de comunidad. Swanton, Michael, "A History of Chocholtec Alphabetic Writing," (Ph. Dissertation, University of Leiden, 2016), 134-136.

[24] AGN Mercedes 4, f. 303r.

[25] BFFB, Diocesasno, Bethlemitas, Caja 2, Exp. 2, f. 27r.

independence from its cabecera in the sixteenth century (1578); it had claimed Santo Domingo Jalieza as its own subject town by 1620.[26]

In this context, the formation of new cabildos led by alcaldes, and their electoral or political separation from their cabeceras, placed control over subject towns' community goods at risk, which prompted some cabeceras to actively oppose their formation and separation. In turn, subject towns with their own community goods, chests, and houses were probably more prepared to separate from cabeceras, for they had their own financial or economic assets and the moral authority (backed by ritual continuity) to claim political representation through their own cabildo or làhui.

5.2 Electoral separation and political independence.

In the early decades of the seventeenth century, some subject towns achieved political independence, but they began with electoral separation. That is, they first obtained a license to have a cabildo, then to hold their own elections, and then later formally separated from their cabeceras. Most of these separations were the result of the *congregación* or forced relocation processes of the 1600s, consequent adjustments of ecclesiastical jurisdictions, and laws issued regarding the proper government of *pueblos reducidos* (reorganized towns), regardless of their status as cabeceras or sujetos. Other successful arguments for separation referred to considerable distances between cabeceras and sujetos, mistreatment by cabecera authorities, or simply the bad administration of those authorities. As a result, the number of settlements with their own authorities who held their own elections multiplied in the seventeenth century.

5.2.1 *Congregaciones* in the Valley of Oaxaca.

From the very beginning of the sixteenth century, friars and royal officials made constant efforts

[26] AGN Mercedes 7, f. 222v. AGN Indios 1, Exp. 156, f. 57v. Cook, *Land, Livelihood, and Civility in Southern Mexico*, 191.

to forcefully relocate, concentrate, and reorganize Mesoamerican populations in more accessible places. The objective was to facilitate evangelization and access to Native labor and the products that the extractive, productive, and commercial Spanish enterprises (such as mining and livestock) demanded. These processes were known as *congregaciones* or *reducciones*.

Congregaciones also sought to "order" the territory at different levels, for example, freeing up land that would then be considered *baldía* (vacant) and could be claimed by the crown as *realenga* (royal property) to be sold or granted.[27] On the other hand, the so-called *traza urbana*, or "urban layout," was designed to create a square or rectangular core where public buildings such as the church, the municipal hall or *casa de comunidad*, a plaza with a *picota*, and the jail would be located. From this central square, parallel and perpendicular streets would lead to the *solares* or households' urban lots, which would be arranged in such a way that the most prominent families were located closer to the center. Indeed, in some cases, the local ruler's palace was at the core of the congregación, and part of their house served as the municipal hall, as in Teposcolula.[28]

Early congregaciones were meant to facilitate the implementation of Christian republics led by a new type of government, the cabildo, and were especially focused on those places perceived as the main urban settlements, or cabeceras. Two examples of administrative cores that had been relocated by the 1550s in the Valley of Oaxaca were Baaca (Tlacolula), whose preconquest location was the archaeological site of Yagul, and Cuilapan, which moved from its original site. Probably Coyotepec, Tlalixtac, Huitzo, and Zimatlán were other early relocations.[29] In other cases, such as those of Mitla and Zaachila, important settlements remained in the same place, but their urban layout was altered to place the Christian church and other public buildings

[27] Martin, "Territorialidad y paisaje," 374-375. Carrera, *Sementeras de papel*, 70-71.

[28] Terraciano, *The Mixtecs of Colonial Oaxaca*, 160-162, 191. Doesburg, "La casa de la cacica de Teposcolula, testimonio del mundo mixteco del siglo XVI." (*Boletín FAHO*, No.7, Julio-agosto 2015), https://fahho.mx/la-casa-de-la-cacica-de-teposcolula-testimonio-del-mundo-mixteco-del-siglo-xvi/

[29] For Tlacolula see *Libro de Visitas*, BNE, Ms. 2800: 175v. For Cuilapan see LLILAS Benson Latin American Collection, JGI XXIV-9, *Relación geográfica de Cuilapan*, 1v. For Zimatlan: AGN Hospital de Jesús 444, Exp. 1, f. 1r. Huitzo is mentioned by Burgoa and Miranda, "Evolución cuantitativa y desplazamientos," 14.

at the center. Still, much of the population remained dispersed, and new campaigns were ordered. These efforts included the orders received by the *oidor* Lorenzo Lebrón de Quiñones in 1558 to visit the Oaxaca province and carry out congregaciones. Complaints made in 1565 about some effects of the congregación in Tlacolula probably referred to Lebrón's actions, or even to another campaign. Gerhard concluded that Macuilxochitl, Teotitlán, Chichicapan, and Teitipac had been congregated before 1580, because their RGs stated that they already were "ordered" settlements. On the other hand, early news about congregaciones affecting subject towns (Santa Marta, in Cuilapan's jurisdiction) is dated 1575.[30]

At the end of the sixteenth and beginning of the seventeenth centuries, a new stage of widespread forced relocations began. They are known as the civil, final, or general *congregaciones*. In 1598, viceroy Gaspar de Zúñiga y Azevedo, Count of Monterrey, set about the task of creating a *comisión asesora* (advisory commission) and appointed *jueces demarcadores*, that is, judges in charge of visiting specific provinces to determine the best place to relocate the population (delineation or demarcation visits). Subsequently, in 1601, he issued a list of detailed instructions on how other judges, the *jueces congregadores*, would proceed to the final relocation. Among other tasks, they would designate the central place and layout of the most important public spaces and buildings (plaza, church, casas de cabildo, etc.), would measure and organize the urban lots, houses, and even their quarters, and make sure that the form of government was the officially sanctioned one--that is, the cabildo.[31] Since 1603, his successor, Juan de Mendoza y Luna, the Marquis of Montesclaros, continued this task.

The known appointments of *jueces demarcadores* indicate that most of the Valley's polities were included in this new relocation campaign, for they were to visit Huitzo, Etla, Iztepec, Zimatlán, Chichicapan, Ocotlán, Cuilapan, Macuilxóchitl, Tlacochahuaya, Tlacolula, and Mitla.[32]

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[30] Quiñores' instructions are in ENE VIII: 108-224. AGN Mercedes 8, f. 166r. AGN General de Parte 1, Exp. 226, f. 46v. Gerhard, "Congregaciones de indios en la Nueva España antes de 1570."

[31] Torre Villar, *Las Congregaciones*, 30, 33. Martin, "Territorialidad y paisaje," 378-382.

Some later sources confirm the implementation of *congregaciones civiles* in Huaxacac, Zaachila, Teitipac, Tlacolula and Teotitlán.[33] There are also a few detailed records: the demarcation visits of Juan de Ribera in Mitla and Pedro Barrios de Urrea in San Bernardo Tepezimatlan, both from 1599, and the *congregaciones finales* directed by judges Cristóbal de Salas in Cuilapan in 1603 and Gil de Robles Grijalva in Santa Cruz Iztepec in 1604-1608.[34] Based on these records, the following sections will provide an overview of the region's congregaciones and its consequences for the separation of subject towns, as well as the constitution of new cabildo bodies.

5.2.2 Political and ecclesiastical reorganization.

In the Valley of Oaxaca, jueces congregadores sought the relocation of subject towns in their political cabeceras. This was the plan at least in Mitla, San Bernardo Tepezimatlán, and Iztepec, and there are references to subject towns relocated in the cabeceras of Tlacolula, Teotitlán, Zaachila, and Teitipac. However, besides these cabeceras, alternative settlements were chosen for congregaciones in polities with an extensive jurisdiction. Each one was called "cabecera y junta de congregación."[35] These cabeceras de congregación resulted from a group of subject towns' opposition to relocate to their political cabecera. In successful cases, objections to the congregación were made before the *comisión asesora* as soon as the juez congregador arrived, and even before. The opponents proposed relocating to a different settlement, which was usually well located, closer to the other subject towns, and had enough land to accommodate population growth.

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[32] AGN, Indios, 6-2a.pte., Exp. 1016, f. 276v. Martín, "Territorialidad y paisaje," 386, n. 32.

[33] AGN Hospital de Jesus 380-2, Exp. 9; Tierras 1231, Exp. 2; Indiferente Virreinal 757, Exp. 39; Tierras 73, Exp. 4; Civil 1272, f. 202.

[34] For the demarcation visit in San Bernardo see Cruz, "Las pinturas del común," 98-100.

[35] The juez de congregación for Cuilapan's jurisdiction used this expression. AGN Tierras 71, Exp. 5, f.2r. In other cabeceras it was not used but the phrase is useful for describing congregations of several towns in towns that were not their political cabeceras. Of the nine congregaciones that Taylor identified in the Valley, at least three correspond to these cabeceras de congregación within Cuilapan: San Andrés Huayapan, San Juan Chilateca, and Santa Ana Zegache. Taylor, *Landlord and Peasant*, 26.

Opposition to congregaciones was not always immediate. Sometimes, caciques and principales acquiesced to the congregación, but the excessive work involved in building dozens of new houses while tending to their fields, plus leaving the houses in which they lived, abandoning their plots of land and fruit trees and even their ancestors' remains, caused several families to flee. In those cases, public force was used: authorities searched for those who fled and imprisoned them, if necessary, to make them return to the new settlement. Sometimes local authorities, were imprisoned, especially if tributes could not be collected due to depopulation. On the other hand, flight was a strategy to demand that alternative settlements be approved as cabeceras de congregación. Usually, petitions for new locations were made by quixiaga, collaba, and xoana, or sometimes simply "los naturales," that is, the bèniquèche or macehuales.

In addition, some subject towns were not forced to relocate for demographic or economic reasons, but were still reorganized into more compact settlements following the *traza urbana*. Towns that obtained a license to maintain their original settlements often had a considerable number of *tributarios* (taxpayers) or were located in a favorable place for developing certain economic activities. They were not new cabeceras, but they became *pueblos congregados*.

The prospect of attaining cabecera de congregación status fostered a desire for independence since it brought about at least two important changes. First, it signified a change in status within the parish. This phenomenon was similar to what Rodolfo Aguirre observed in central Mexico: the creation of *vicarías* (vicariates) in some pueblos congregados that differed from the political cabecera, which usually served as the *cabecera de doctrina* or parish center, as well. Thus, the *doctrina-visita* ecclesiastical hierarchy was modified to include an intermediate level, the "asistencia," with vicariate status and their own *visitas*.[36] In the Valley, some cabeceras

[36] He found these "asistencias de doctrina con ministro fijo" were created in *visitas* that became designated sites for congregación. Aguirre, Rodolfo, "Repercusiones de la congregación de indios en las doctrinas de frailes. Centro de Nueva España, 1603-1625," 25-29. *Revista de Historia de América*, No. 161, July-December 2021: 13-41. The Dominicans' ecclesiastical-pastoral structure was headed by the priory (or *cabecera de doctrina*), then the vicariate, and finally, the *visitas*. Priories were only found in large territorial capitals, where religious houses for 4 or 6 permanent friars were built. One to two friars resided in the vicariates and none in the visitas. Espinosa Spínola, Gloria, *Arquitectura de la Conversión y Evangelización en la Nueva España durante el Siglo XVI*, 56-57. (Almería: Universidad de Almería, Servicio de Publicaciones, 1998).

de congregación and pueblos congregados with large populations became vicarías, while others remained as *visitas* but were linked to the nearest convent or vicariate and not to their former cabecera de doctrina. Some cabeceras de congregación lay claim to vicariate privileges, even when they were visitas, seeking their electoral separation and then its political independence.

The second important change began with the Count of Monterrey's instruction number 18, as mentioned. It stated that in pueblos congregados, one alcalde and one regidor should be elected, in addition to a constable. Sometimes, jueces congregadores did not respect this order, but the pueblos congregados enforced it in subsequent years so that their local authorities acquired a higher status than they had initially. This instruction was reinforced in 1618, when King Felipe III issued a law establishing a correlation between the number of houses in pueblos congregados and the number of alcaldes and regidores that they could elect. Thus, altough "big" congregaciones fell apart within a few decades, even in cabeceras with very few subject towns,[37] the traza urbana was reinstituted in the subject towns that returned to their original places, and the political effects of relocations lasted.

5.2.2.1 Cuilapan.

Cuilapan had the highest number of subject towns in the Valley, and many of them were located far from the cabecera, contiguous with other cabeceras and subject towns. Thus, it is not a surprise that some cabeceras de congregación emerged within its jurisdiction. Not all records of demarcation visits and final relocations are extant, but it is clear that at least two cabeceras de congregación were created. In February 1603, San Juan Chilateca was identified as a site where various subject towns would move. However, in May, when the juez congregador arrived, Huayapan, Santo Domingo, and Tutla had acquired a license to make another congregación in San Andrés Huayapan. They also obtained a decree by Dominican provincial fray Andrés de

[37] For instance, in Tlacolula. Cruz, "Las pinturas del común," 37.

Porras for the new congregación to remain a visita that would be administered by the convent and doctrina of Tlalixtac, and not by Cuilapan, becsasue the former was closest.[38]

Thus, in San Martín Chilateca the residents of San Martin (Lachila), Santa Marta (Chichihualtepec), San Pedro Chanduco, and the barrio of San Jacinto and other rancherías were relocated. People from all these subject towns began gathering materials and building adobe and *bahareque* (wattle and daub) houses in Chilateca. At the same time, they sowed and irrigated their fields and provided workers for Spaniards in Antequera or for labor in the mines. At different times, some families from San Martín and others from San Pedro fled, but they were apprehended and forced to return by Blas Jerónimo, the "alguacil mayor de las congregaciones" (chief constable of the relocations). On August 18, Blas Jerónimo was sent to demolish and burn down the houses and churches in San Pedro, Santa Marta, and San Martín. Religious images and objects kept in the churches were saved. He finished this task on August 24. Then, on August 26, the congregación was declared finished. Authorization was given to people who wanted to dig up the bones of their deceased relatives in their old churches.[39]

Santa Ana Zegache also managed to remain in the same location, although from May to August, it was put "in order" because, according to the judge, "no esta acomodado ni en buena traça y puliçia y muncha cantidad de yn[di]os del fu[er]a del pu[ebl]o y rancheados en la savana vno aqui y otro alli derramados y divididos." Zegache had more than 300 tributaries and enjoyed a good location, and its Native authorities achieved vicariate status. An assistant minister of doctrine, assigned by the convent of Cuilapan, would live there and administer neighboring visits, as San Juan Chilateca. At some point, the judge called it a "pueblo y cabecera de los reducidos."[40]

In Santa Catalina Xoxoquiapa, or de las Minas, a subject town where Native and Spanish miners lived, Native authorities argued that they should not move because their work in the mines

[38] AGN Tierras 71, Exp. 5, f. 407r.

[39] AGN Tierras 71, Exp. 5, f. 359r-v, 369r, 372r-373r, 377r-v, 502r-v.

[40] AGN Tierras 71, Exp. 5, f. 381r, 380r, 387v.

and the Spanish miners' houses was important. Their petition was approved. It is not clear whether they became a visita of Santa Ana Zegache or were ministered by the secular priest who officiated for the Spaniards. In any case, the settlement of Santa Catalina stayed put, but the judge observed that at least 60 out of its 100 tributaries had moved about half a league away towards the hills. He ordered them to return and live nearby their church but separate from the Spaniards, about whom they had complained. He laid out their streets and urban plots, and from June to August 23, 1603, when the congregación was declared complete, 60 new houses were built.[41]

Cristóbal de Salas, the juez de congregación, was careful not to appoint alcaldes among the towns congregated in Chilateca or Huayapan, but only constables, "por ser estançias e no caveçeras."[42] However, local authorities in Huayapan and Chilateca expanded their prestige and power by recruiting a larger population under their terms. In the case of Santa Ana Zegache, they also became a vicariate. Soon, they had their own alcaldes and other cabildo officials.

A few decades later, in 1640, Santa Ana Zegache and San Andrés Huayapan were accused, along with the towns of San Miguel de las Peras, Santa María Atzompa, and Santa Cruz Xoxocotlan, of attempting to "subtract" themselves from Cuilapan. Indeed, San Miguel had gained an explicit viceregal decree or license to elect an alcalde, two regidores, an alguacil mayor, and a notary and to take their tribute directly to the governor of the Cuatro Villas, for they complained that they were being forced to make illegitimate contributions in Cuilapan.[43] In 1644, the authorities of Huayapan, Chilateca, Zegache, Santa Catarina Minas, Atzompa, Xoxocotlán, and San Miguel del Monte (de las Peras), each led by at least one alcalde, appeared by themselves before the alcalde mayor of the marquesado and, unlike other towns from that jurisdiction, were

[41] AGN Tierras 71, Exp. 5, f. 389r-405v.

[42] AGN Tierras 71, Exp. 5, f. 374r.

[43] AGN Indios 12, Exp. 75, f. 204v.

no longer called "sujetos."[44] Moreover, when Cuilapan's authorities named their sujetos, they only listed San Pablo, San Juan Chapultepec, Santa Lucia, San Antonio, San Agustín, San Martín, Santa Marta, and San Pedro Guiegoregi (apparently, these last three towns had left the congregation in Chilateca and returned to their previous locations).[45]

5.2.2.2 Santa Cruz Iztepec

In Santa Cruz Iztepec, demarcating judge Pedro Barrios determined that the eight most distant subject towns were to congregate in the cabecera while the other three would stay in their current locations. Later, Carlos López de Viveros and Gonzalo Gómez de Cervantes, members of the congregaciones' advisory commission, decided that ten subject towns were to congregate in the cabecera and only one, San Mateo, was to remain in its present place. In July, 1603, Gil Robles de Grijalva, juez congregador, arrived in Iztepec and informed the subject towns about this decision. Then, problems began. Complaints from the xoana and collaba of San Juan and San Miguel, who did not want to move, were investigated. In November, it was determined that they should stay in their place, but their churches should be abandoned.[46]

Apparently, Gil Robles planned out the solares in Santa Cruz, and people began building new houses. However, in February, 1604, almost all had fled, and the authorities of Santa María, San Vicente, San Sebastián, San Pedro, San Andrés, San Antonino, and San Francisco were locked up in jail "por no aber traido a los naturales de las dichas [...] est[anci]as a que acaben las casas que tienen enpeçadas." Iztepec's governor, alcaldes, and regidores were also imprisoned for they could not deliver the established amount of tribute due to depopulation. Then, authorities from the subject towns asked to be relocated to Santa María Lachixio (or Ixtlahuaca) and San Pedro.

[44] AGN Hospital de Jesús 380-2, Exp. 9, f. 64r-82v. It is possible that San Miguel became cabecera de congregación and that San Pablo Cuatro Venados relocated there. This would explain why San Pablo's primordial title is entitled "San Miguel Peras." About this primordial title see Cruz, "Las pinturas del común," 24, xix, xlix.

[45] AGN Hospital de Jesús 380-2, Exp. 9, f. 97r.

[46] AGN Tierras 1874, Exp. 7, f. 2r-v, 8r-v, 27v.

Their petitions were first denied, prompting them to change their petition. Santa María Lachixío's authorities and people from the other six subject towns (not authorities) requested to be relocated to Santa María, which was approved. There would even be a priest in Santa María.[47] However, soon after, the "mandones tequitlatos" of San Pedro, San Andrés, and San Antonino disputed the proposed congregation, alleging that they had never requested to move to Santa María. Bèniquèche were fleeing again, so they asked that San Pedro be another site of congregación. In 1605 the congregación at San Pedro was approved, but by 1607 San Andrés had already obtained a license to return to its "old town" and rebuild it; at some point, San Antonino also separated or perhaps never moved. By 1608 the few families of San Francisco were living in Santa María, but the villages of San Vicente and San Sebastián were still in their original place.[48]

The congregaciones in Santa María Lachixio and San Pedro were not as successful as projected, but the process fortified these cabeceras de congregación and advanced their efforts to adopt their own governments, regardless of the result. In 1605, Iztepec's governor denounced several "macehuales" of San Pedro and Santa María for trying to divide the república, "procurando en tiempo de las elecciones que haya dos distinciones y pleitos entre los principales y macehuales [para] hacer bando de por sí y levantar cabeza debiendo como deben acudir a su cabecera donde de justicia deben acudir y donde es la asistencia de sus ministros." On that occasion, the cabecera authorities managed to stop the separatists' intentions.[49]

In 1607, San Pedro, Santa María, San Sebastián, San Vicente, San Andrés, and San Antonio obtained a mandate from the viceroy to hold their own election, arguing that there was an assistant minister of the convent of Santa Cruz in Santa María, and they should no longer be forced by Santa Cruz to give more contributions. They clearly tried to secede, using their new

[47] AGN Tierras 1874, Exp. 7, f. 33r, 35r-v, 29r, 40v.

[48] AGN Tierras 1874, Exp. 7, f. 42r-47r.

[49] AGN Tierras 1874, Exp. 7, f. 55r-v.

congregación status, and argued that "en los demás pueblos de congregación y de ministros se les permite generalmente hacer la dicha elección quitandolos de reconocimiento que solian tener a sus cabeceras y que tan solamente le tengan en acudir a ellas a la fiesta de Corpus Christi y paga de tributos." Thus, in December of that year both Santa María and San Pedro held elections. An alcalde, two regidores, and several quixiaga or constables were elected, while in the other towns only one quixiaga was elected.[50] The cabecera authorities challenged these elections, asserting that they were using the failed congregación attempt to elect república officers "por exentarse y sustraerse y vivir en sus libertades y vicios." Fray Andres de Porras declared that there was no assistant minister because there were not enough tributaries to support such a position, for which reason "son visitados muy ordinariamente y tanto que ellos me piden no vaya el ministro tantas veces." While the case was studied (it was declared "confusing" by the alcalde mayor's advisor), new public officials did not receive *varas* or rods of authority or exercise their offices. It is unknown how this case developed or how it was resolved. Santa María Lachixio managed to become the head of a new doctrina by the beginning of the eighteenth century.[51]

5.2.3 Mitla

In Mitla the demarcating judge, Juan de Ribera, planned a congregación that would extend from the cabecera to Santiago Matatlán. However, it is very likely that at the time of the congregación final, there were problems similar to those of Cuilapan and Iztepec, especially in places as far away as San Pedro Quiatoni (10 leagues away) or Santo Domingo Albarradas (7 leagues away), which were also among the most populous subject towns. It is remarkable that, at the beginning of the eighteenth century, the priest tried again to relocate to Mitla the towns of San Miguel de la Sierra, Santa Catalina Saneya, and Santo Domingo (Albarradas), but they successfully refused it, arguing

[50] AGN Tierras 1874, Exp. 7, f. 52r-54r.

[51] AGN Tierras 1874, Exp. 7, f. 50v, 52r, 56v. Gerhard, *Geografía Histórica*, 51-52.

that in their present places they enjoyed good water, fruit trees, and palms to weave *petates* (reed mats), an important economic activity for them.[52] In Mitla, they would suffer from a lack of enough water and fertile lands.

In 1596, when the demarcation visit was made, it was recorded that Matatlán had more tributaries than its cabecera (137 *vs.* 100).[53] Actually, Ribera expressed that some of Mitla's subject towns could relocate to Matatlán, and from there, they would spread to Mitla to create one single congregación. Thus, if during the final relocation there were cabeceras de congregación within Mitla, Matatlan surely was one of them. Aside from geographic location, social, economic, and political ties with subject towns was part of the criteria for choosing new sites of relocation (and creating new vicariates).[54] From the first decades of the colonial period, it was clear that Matatlán was closely related to other subject towns of Mitla, like San Francisco Lauza and Maxcaltepec, as seen in Chapter 3. I suspect that San Francisco, San Baltazar, and Santo Tomás could have been relocated to Matatlán, and when Matatlán became independent, those became their subject towns.

In 1596, Ribera had the names of each subject town's *mandones* (a vague expression for heads or leaders) recorded, except those in Matatlán. In 1640, Matatlán had its own governor and alcaldes, but they still acknowledged Mitla as their cabecera. That year, they complained that they sent more labor crews to the mines than Mitla because the cabecera authorities did not update the tributaries' lists.[55] Some years later, in 1653, Mitla's procurator declared that due to significant demographic decline in the region, Matatlán obtained a new tributary account by itself, separated from its cabecera. From that moment on, according to the procurator, "quedaron mis partez sin obligaçion de cobrar de dichos naturales el tributo y de enterarlos por hauerse separado como

[52] AGN Indiferente Virreinal 757, Exp. 39. AGN Indios 41, Exp. 25, f. 34v-36r.

[53] AGN Indiferente Virreinal 757, Exp. 39, f. 18v.

[54] Reinforcement of parochial visitas was another reason. Aguirre, "Repercusiones de la congregación," 32-34.

[55] AGN Indios 12, Exp. 107, f. 227r-v.

consta de la vna y otra tasasion."[56] This was probably the moment when formal separation took place. By 1710, Matatlán maintained a governor and was the head of the towns of San Baltazar and Santo Tomás (San Francisco, apparently, never returned to its original location).[57]

5.3 Public offices by number of houses.

Instruction number 18 for congregaciones had important consequences for the creation of new cabildos, enabling pueblos congregados to elect alcaldes, regidores and constables. In 1618, King Felipe III's decree reinforced this order, but added that pueblos congregados with 40 houses or less could elect an alcalde and a regidor from the same settlement, and those with 80 houses or more could elect 2 alcaldes and 2 regidores: "en cada pueblo y reducción haya un alcalde indio de la misma reduccion; y si pasare de ochenta casas, dos alcaldes, y dos regidores [...] y si fuere de menos de ochenta indios, y llegare a cuarenta, no más de un alcalde, y un regidor."[58] The latter law was cited and sometimes reinterpreted by several towns in the Valley to request license to be able to elect authorities. The number of houses, married couples, families, or tributaries, was an argument constantly used to request these licenses during the seventeenth and eighteenth centuries.

In 1639, Huitzo, a subject town of San Juan (Hueyotlipa), petitioned to obtain a license to elect an alcalde, two regidores, a constable, and another constable for the church becasue they had 66 tributaries. San Juan was located on the *camino real* (main road) to Guatemala and had a *mesón* (inn) maintained by the bèniquèche, for it was a communal enterprise. Bishops, royal officials, merchants, and other important travelers stayed there before arriving in Antequera. But serving in the mesón was too much work, and some béniquèche refused to obey the regidores and

[56] AGN Indiferente Virreinal 2090, Exp. 5.

[57] AGN Indios 41, Exp. 56, f. 74v.

[58] *Recopilación de leyes de los reinos de las Indias*, Book VI, Title III, Law XV.

mandones anymore. On the other hand, the presence of strangers in the town caused new problems. Huitzo's authorities requested the appointment of two alcaldes in San Juan, who would have the authority to punish any wrongdoers, but only one alcalde was approved.[59]

Aside from the relocation processes, several settlements, even new ones, could request consent to elect their own authorities based on the number of houses. In 1699, in Cuilapan, some families of workers from the hacienda of Tlanichico requested the viceroy to formalize the foundation of a pueblo named San Lucas. They complained that after the owner, Juan Velásquez Baltodano, had died, his wife and children began to make them work much harder; so they asked Cuilapan for land of their own to work and established themselves there. Along with the foundation license, they hoped to have permission to elect their own authorities. In 1699, they claimed to have 20 households, but a year later, in 1700, they argued that there were 20 married couples and 20 single people in their settlement, plus children. Their petition was granted.[60]

Epidemics and subsequent population decline prevented many relocated subject towns from returning immediately to their original settlements. However, by the end of the seventeenth century, when several towns recovered demographically from epidemics, petitions for cabildo offices increased. In 1699, San Francisco Tutla's authorities declared that 60 years earlier, around 1640, a plague almost wiped out its population, so the survivors (who, apparently, had already abandoned the congregación in Hueyapan) moved to San Sebastián Amatlan. By the end of the seventeenth century, San Francisco had 25 married couples who wished to return to their original site and rebuild their church. The license was granted, but San Francisco and San Sebastián were ordered to remain as one republic and one *doctrina*. In 1707, San Francisco had 33 families who requested the viceroy's license to elect an alcalde, a regidor, a constable, and a scribe so that they could constitute "una comunidad muy competente" (a very capable/competent community).[61]

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[59] AGN Indios 11, Exp. 145, f. 122r.

[60] AGN Indios 34, Exp. 111, f. 114v-115v; Exp. 221, f. 304v-305v. AGN Indios 35, Exp. 33, f. 56v.

[61] AGN Indios 34, Exp. 115, f. 119v-120r. Indios 36, Exp. 399, f. 362r.

In Etla, during the seventeenth century, some barrios were granted permission to build their own small churches and have their own authorities, as well. The barrio of Guadalupe Laotao obtained a license to build an *ermita* (hermitage) in 1672. In 1697, its authorities affirmed that there were more than 50 families (35 married couples, unmarried people, and widows) and were granted a license to elect one alcalde, two regidores, and one chief constable. The barrios of Soledad Lachi and Nazareno Lachibizia seem to have adopted the same strategy; in 1673 and 1691, respectively, they obtained licenses to build their hermitages.[62] In 1699, San Pablo had 81 tributaries and was allowed to elect 2 alcaldes and 2 regidores.[63] Nevertheless, the towns of Santos Reyes, Santo Domingo, Nativitas, Santa Marta, La Asunción, San Miguel, San Gabriel, La Soledad, and Nazareno remained under Etla's authority at least until 1760.[64]

In 1700, Santa Cruz Papalutla, which had been relocated to San Juan Teitipac, separated and returned to its former location. This meant that Teitipac would lose population and an alcalde. Thus, the very cabecera of Teitipac found it necessary to express that it had more than 80 tributarios, and "otros muchos pu[ebl]os sus sujetos," when their authorities requested to continue electing 2 alcaldes and 4 regidores. They were granted a license to elect 2 alcaldes but only 2 regidores.[65]

5.2.4 Separate elections.

Permissions granted to subject towns, now as pueblos congregados, to elect their own competent cabildos did not always mean that newly approved elections were carried out separately from annual or biannual elections in their cabeceras, especially when they actively opposed them, as

[62] AGN Indios 33, Exp. 248, f. 183v-184r. AGN Indios 24, Exp. 497, f. 367r; Indios 31, Exp. 36, f. 23v.

[63] AGN Indios 34, Exp. 37, f. 39r.

[64] AGN Hospital de Jesús 348, Exp. 8, f. 11r-v. Carmagnani, Marcello, *El regreso de los dioses. El proceso de reconstitución de la identidad étnica en Oaxaca. Siglos XVII y XVIII* (México, Fondo de Cultura Económica, Second reprint, 2004), 192.

[65] AGN Indios 34, Exp. 165, f. 215v-216r. Indios 34, Exp. 198, f. 267v-269r

happened in the case of Huitzo. In contrast to what happened in San Juan Hueyotlipa in 1639, Huitzo contradicted other subject towns' petitions to have their own authorities and elections.

In 1637 San Andrés Zautla, Santo Tomás, San Felipe, and San Lorenzo elected their own cabildo officials for the next year, and the viceroy approved their election. Immediately, Huitzo authorities disputed the election and asked the viceroy to enforce a *real ejecutoria* (sentence) recognizing Huitzo as the cabecera of those towns from which they could not separate. Thus, they should not elect cabildo officials, either. The cabecera also accused the corregidor of Huitzo of approving Zautla's elections for his own self-interests. Huitzo's petition was to nullify Zautla's election, and to acknowledge the right of the cabecera's cabildo officials to designate subject towns' authorities: "se debía dar por nula la que hicieron pidiendome lo mandaste asi y que el gobernador y alcalde del dicho pueblo y cabecera de Huaxolotitlan elijan en ella los oficiales de republica de sujetos como se acostumbra y ellos y no otros usen los dichos oficios."[66]

Zautla's authorities were accused of not having any official license or verdict to elect cabildo officials. They responded that they did not have any government or justice of their own, and that was the reason why Huitzo wanted to govern them, as the very ejecutoria presented by Huitzo proved. The election that they held was to remedy this situation. Moreover, they argued that the ejecutoria did not prohibit them from having elections or república officials. The viceroy invalidated Zautla's election, but he granted the four subject towns license to elect an alcalde, two regidores, and two alguaciles. Their new elections should be confirmed along with those of the cabeceras.[67]

Elections in Zautla suggest that it had its own subject towns, for the one held in 1655 was disputed by people from Zautla and San Felipe. However, all of them still belonged to Huitzo's

[66] AGN Indios 11, Exp. 53, f. 39v. In San Andrés Zautla, there was a governor in the 1560s, and it was probably a cabecera de congregación where Santo Tomás, San Felipe, and San Lorenzo were relocated, for they all were located far from the cabecera.

[67] AGN Indios 11, Exp. 53, f. 40v-41r.

jurisdiction, and for decades the cabecera opposed their petitions to have separate elections. In 1667, some *naturales* (native people) of San Felipe went to Mexico City and gained a license to elect an alcalde and up to two regidores. Huitzo's authorities (not Zautla's) objected that the corregidor's lieutenant, Antonio de la Serna, was the agent of this petition since no principales of San Felipe had accompanied him. They also lamented that shortly after they gained the license, San Felipe was divided into parcialidades. The cabecera requested respect for the custom of holding a single election "assi de gouernador y off[iciale]s de Repp[ubli]ca della como de alcalde para d[ic]ho pueblo de San Phelipe y demas sus suxetos." [68]

But in Huitzo there was no single election, anymore. Zautla held separate elections, as did Magdalena Apazco. There, in 1661, Martín Centeno, from the barrio Xaguixo, was elected mayordomo de comunidad, an office that he held the year before, for which he incurred many expenses. Thus, he refused the office and was arrested and forced to accept it, but he managed to flee to Antequera, where filed a complaint.[69]

Later, in 1676, Huitzo's authorities complained that San Francisco (Telixtlahuaca) had obtained a license to elect its own alcalde and no longer honored its obligations to the cabecera: "totalmente se an substraido y cassi pierden la obediencia y rrespeto al gov[ernad]or y alcaldes." It was feared that several people move to San Francisco, abandoning their own towns.[70] In 1680, the cabecera objected once again to separate elections, petitioning the viceroy that only the alcaldes from San Pablo Huitzo should be allowed to rule in San Francisco: "pidiendo se guardare la costumbre inmemorial que de los alcaldes de esta dicha cabecera de Huajolotitlan lo sean también de dicho su pueblo de San Francisco." But San Francisco's cabildo officials were approved, and they kept holding their own elections.[71]

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[68] AGN Indios 20, Exp. 122, f. 83v-85v. AGN Indios 24, Exp. 326, f. 220r-v.

[69] AGN, Indios 19, Exp. 485, f. 272r-v.

[70] AGN Indios 25, Exp. 150, f. 120v-121r.

[71] AGN Indios 26, Exp. 7, f. 8r-v

In the following years and decades, Huitzo's subject towns that held separate elections began experiencing their own internal problems, including conflicts between commoners and nobles and the separation of their own barrios.

5.2.5 Ethnic differences and barrio separations.

Chapter 2 examined how the Mixtec population was integrated into various polities of the Valley in the Postclassic period. It is likely that Zapotec and Mixtec populations lived together in most colonial polities of the region. In some cases, as in Santa Ana Teocuitlapacoya and Santa Ana Zegache, the population was clearly divided into barrios of Zapotecs and Mixtecs, but they appeared to have civil interactions and were often related to each other through marriage.

Zegache is an excellent example of how Zapotecs and Mixtecs could live together and share governmental duties over an extended period. During the congregación in 1603, they successfully managed to stay together, despite the juez congregador's attempt to separate them. In 1615, when the tapixque Juan Regino was appointed governor of Zegache, the authorities of both barrios opposed it, arguing that the office of governor was not convenient for them since each barrio already had an alcalde and two regidores, and were thus well represented.[72] In 1644, there were still two alcaldes, one of the "Mixtec nation" and one of the "Zapotec nation," both named Domingo Luis. Finally, in their election records of 1737 and 1782, it is clear that each barrio continued to elect one alcalde, two regidores, a notary, a fiscal, etc.[73]

However, ethnicity could also be used as an argument in favor of political separation. The only known example of this is what happened in 1712 in Magdalena Apazco, when the barrio of San Sebastián Xochimilco petitioned to separate, arguing that they has ben mistreated becasue of their ethnolinguistic identity. According to the complaint, Xochimilco's population was assigned

[72] AGN Hospital de Jesus 102, Exp. 8, f. 2r.

[73] AGN Hospital de Jesus 5, Exp.1, f. 30r, 445r.

more rounds of *tequio* (communal work for public benefit) than the inhabitants of Apazco, "por tenerlos y mirarlos como a extraños por ser de nación mixteca y los de dicho pueblo [de Apazco] de nación zapoteca." They also complained that the priest spoke only Zapotec, so they were better off having their own church. The barrio already had its own *retablo* (retable) dedicated to San Sebastián inside the church of Apasco. [74]

Ethnic identity undoubtedly played an important role in Native polities in precolonial and colonial times. Each barrio or traditional, collective constituent of any lordship possessed its own origin, history, and even language. In times of conflct, however, ethnic identity could be used as an argument to exacerbate differences and achieve different goals. So far, however, there are few documented examples of this type of conflict in the Valley.

As the number of cabildos and, therefore, república officials increased, the participation and political weight of bèniquèche, and especially of their administrators, the collaba, increased. They played an important role in shaping cabildo configurations in the Valley, as the next sections will discuss.

5.3 Conflicts between xoana (principales) and bèniquèche (macehuales).

During much of the sixteenth century, conflicts over cabildo positions, particularly the office of governor but also those of alcaldes and regidores, were led by quèhui and yòho lords, the xoana. Three good examples include the dispute between don Domingo and don Juan in Teitipac in 1551; don Hernando's accusations against don Domingo in Tlacolula in 1576; and the conflicts between Huitzo's xoana that led to the agreement of 1584-1586. These types of conflicts continued into the early seventeenth century. In Zimatlán, in 1618, elections threatened the parcialidades of don Tomas Luis and Alonso de Mendoza. Apparently, the cabildo election procedure violated a previous agreement between these two leaders, dating back to at least 1607. Its annulment was

[74] AGN Indios 39, Exp. 17, f. 21r.

requested "por haverse hecho contra las escrituras de concordia q[ue] entre anbas Parçialidades tienen hechas confirmadas por los señores virreyes Marq[ue]s de M[on]tesclaros y marq[ue]s de Salinas."[75]

Confrontations and political negotiations between rulership candidates were a constant feature of the precolonial period.[76] In colonial times, however, the designation of macehuales as vassals of the crown gave them a new space in the political arena as potential actors. They could challenge their lords' power in the Spanish courts of justice and win, especially if they took advantage of the Spaniards' predisposition to judge acts that appeared contrary to their Christian beliefs, arbitrary, or had not been first approved by the viceregal authority as barbaric, tyrannical, or lacking in justice.

5.3.1 Macehuales in the Spanish justice forums.

Commoners' access to royal justice was a means to fight Spaniards' abuses, but it also was used to challenge the power of dynastic rulers and cabildos. As Woodrow Borah pointed out, the *apelación* (appeal) against the acts or decisions of judicial or administrative officials triggered a transformation. Native people "encontraron que podían arrastrar a un tribunal a cualquier funcionario y desafiar sus decisiones, que podía disputarse toda cesión de tierras, que se podían oponer a cualesquiera límites o acuerdos políticos y que toda persona privada o entidad de grupo había de comparecer a enderezar los daños que hubiese hecho."[77] This newfound power resulted in numerous lawsuits, several of them promoted by macehuales or in their collective name against

[75] AGN Indios 9, Exp. 76, f. 40r-v.

[76] The case of Zaachila has already been discussed in Chapter 2. For the case of Tenochtitlan, where filial succession expanded the number of candidates for the throne, see Rounds, "Dynastic Succession and the Centralization of Power in Tenochtitlan."

[77] Borah explains that the appeal was intended "to examine the acts of its officials and subjects and to establish a uniform and centralized government" and was a fundamental part of the practices of a state that considered itself civilized. He calls it a "powerful two-edged weapon at the disposal of the conquered," but also acknowledges the reluctance of judges to rule against their compatriots. Borah, *El Juzgado General de Indios en la Nueva España*, (Mexico, Fondo de Cultura Económica, first reprint, 1996), 51-52.

dynastic lords.

Contemporary observers, such as the oidor Alonso de Zorita, considered that commoners did not always really know "lo que les conviene, ni qué piden, ni qué quieren, ni qué pretenden," they only spent their money on paying procurators, lawyers and solicitors that only made matters more complicated. As a result, Zorita lamented, the ancient order had been broken: "andan los señores al gusto del común, y de los revoltosos y de los que los imponen e incitan, y todos roban y se sustentan con el sudor de los pobres macehuales."[78] Of course, there were leaders who benefited from commoners' legitimate complaints, but they could also speak for themselves, and they did. Their voices appear in trials, complaints, and their own actions.

In the Valley of Oaxaca, macehuales expressed themselves during investigations for idolatry and abuses, such as the one against don Gaspar de Aguilar in Teitipac, or in civil trials, such as the investigation against don Domingo de Mendoza in Tlacolula. At first, they allied with some barrio heads to denounce the same persons, as they did in Tlacolula against don Domingo. Something similar happened in Teitipac in 1591, when the alcaldes, xoana, and bèniquèche complained about the governor, don Juan Perez, and acquired a license for not having any governor in 1592.[79]

Collaba or tequitlatos, on the other hand, started representing their barrios independently from local xoana, or even in opposition to them, in the last decades of the sixteenth century. They took action when other authorities were deemed neglectful or could not act because they were imprisoned. For example, in 1588, a land dispute broke out between the barrio Lachiase of Coyotepec and the neighboring cabecera of Zaachila. The one who "defended" Lachiase's lands, reaching an agreement with Zaachila, was the collaba, Tomás de Aquino. Coyotepec authorities did not participate in the legal process.[80]

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[78] Zorita, *apud* Borah, *El Juzgado General de Indios en la Nueva España*, 52-54.

[79] AGN Indios 6, 2a. pte, Exp. 295, f. 66r.

[80] LCSBC, Libro 2, f. 89v.

In another case, the collaba Martín Luis from San Pablo, a subject town of Teitipac, was questioned in 1574 about why he did not denounce don Gaspar's abuses before. He answered that he (and others) did, but no action was taken by the Spanish judge: "q[ue] este t[estig]o con la memoria q[ue] agora trae de los treze p[es]os q[ue] le an llevado fue al alcalde mayor ju[an]o baustista de avendaño con los demas y dio la rrespuesta q[ue] d[ic]ho tiene [q[ue] esperasen q[ue] el fablaria a don gaspar] y nunca mas se a hecho cosa nynguna."[81]

During the congregaciones, the collaba often objected to relocations on behalf of subject towns. Thus, these traditional administrators were prepared to represent complaints of the bèniquèche in different forums of justice.

5.3.2 Electoral and labor conflicts.

Taylor found that conflicts between macehuales and principales over municipal elections and officeholding in the Valley of Oaxaca began in the second half of the sixteenth century; he also observed that viceregal support for their enfranchisement began in the early seventeenth century and not in the eighteenth century, under the Bourbons, as other scholars had proposed. He also noted a difference between the ability of macehuales to elect cabildo officials and the possibility that they would in turn be elected to public office, stating that "the towns in which macehuales held offices were those in which they had at least a limited voice in electing cabildos."[82]

What I found is that during the first decades of the seventeenth century tensions between bèniquèche and xoana led to the creation of local agreements that allowed the first (or at least their *vocales* or electors) to elect half of the república officers to represent them. This struggle for cabildo representation was closely related to labor and other economic demands.

The labor of macehuales sustained the whole colonial system. They paid tribute to the

[81] HSA, Manuscript HC 417/114, f. 32r.

[82] Taylor, *Landlord and Peasant*, 50, n.75; 51-53, 239. Taylor affirmed that as early as 1628 the macehuales of Zimatlan elected various república officials. Unfortunately, the reference he provides is dated much later. He did not elaborate on the sixteenth-century cases.

king, paid tithes, and regularly participated in work crews for *repartimiento* (forced labor allocation) in the city of Antequera, on Spanish estancias and farmlands, in the mines, etc. Macehuales endured numerous abuses. They also provided *servicio personal* (personal service or labor) to some caciques and cabildo members and worked in the communal *milpa* (cornfield) or the community enterprises on a regular basis. Cabildos were in charge of labor recruitment for *repartimiento,* but they also were recipients of labor through personal service.

The *repartimiento forzoso de mano de obra*, the forced allotment of temporary Native workers, or simply the *repartimiento*, replaced the encomienda as the source of Native labor in the early decades of the sixteenth century. In the repartimiento system, the work was remunerated with a minimal salary, and a Spanish official determined the employer, the term and type of service, and the salary.[83] According to Taylor, agricultural repartimiento was abolished by royal decree in 1609, but in the Valley of Oaxaca it continued to be granted for wheat and cochineal producers until the late eighteenth century for the sake of "public utility." Mining repartimientos also declined during the first half of the seventeenth century, but some continued and were used for other enterprises.[84] On the other hand, public works and personal service for cabildo members and communities continued throughout the colonial period.

Bèniquèche could not extricate themselves from serving the Spanish, but they were more successful in withholding their labor from their caciques, particularly the cabildo members. The bèniquèche and their representatives frequently complained in election disputes of the seventeenth century that the xoana abused them and forced them to work. They also often claimed that the inclusion and participation of bèniquèche on the cabildo would alleviate these abuses.[85]

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[83] Zavala, *El servicio personal de los indios en la Nueva España*, T1, 19.

[84] Taylor, *Landlord and Peasant*, 144-146.

[85] For example, in 1714, macehuales from Santiago Suchilquitongo requested a license to elect their own alcalde and regidor because the new officials would protect them from the principales' abuses, tequios, and other assignments. Their request was denied. AGN Indios 39, Exp. 39, f. 62v.

5.3.2.1 Etla's agreement, 1619.

In the cabecera of Etla, claims against forced labor were evident in the final years of the sixteenth century. Local authorities tried to exclude Etla's population from participating in the repartimiento by different means, but it could not be avoided. On the other hand, xoana themselves did not renounce their right to receive personal service. Tensions over excessive workload and mistreatments led to the drafting of one of the earliest agreements between bèniquèche and xoana known in the Valley.

Around 1590, the cacique-gobernador don Jusepe de Mendoza, and other cabildo officers, complained to the viceroy that Etla's macehuales serving on the Spaniards' ranches and farms were mistreated, and at least one of them had died at the hands of a Spaniard called Serna. Mendoza argued that Etla provided crops (especially wheat) to the city of Antequera, and that macehuales' work was indispensable for this task, so he requested that Etla be excluded from the repartimiento. However, the polity continued participating in the repartimiento at least until 1629.[86]

A few years later, in 1593, the new governor of Etla, don Domingo de San Gabriel, was accused of mistreatment. The viceroy ordered the alcalde mayor to suspend him from office; however, don Domingo continued as governor until 1594, when the suspension and an investigation were ordered again.[87] In this context, the commoners of Etla refused to work for nobles and cabildo members anymore. Thus, the principales asked the viceroy to order tequitlatos and macehuales that "sin remision acudan por su rueda todos los que les cupiere a las labores y sementeras de los principales."[88] Apparently, don Domingo's suspension as governor helped calm the situation.

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[86] The complaint, written in Nahuatl, reads: *ce maceualli etlan tlacatl omiqui oquimicti ce español in quipia ychcauan serna*, "a macehual, a person from Etla, died, he was murdered by a Spaniard who owns sheep, Serna" AGN Indios 102, Exp. 2, f. 5r-v. Taylor, *Landlord and Peasant*, 145

[87] AGN Indios 6, 1a pte., Exp. 576, f. 153r, 867, f. 233r, 874, f. 235v.

[88] AGN Hospital de Jesus 102-1, Exp. 5, f. 4v.

A decade later, Etla's authorities were still trying to exempt bèniquèche from repartimiento so that they could focus on their agricultural work, which, they argued, provided wheat to the city of Antequera and the provinces of Tehuantepec and Soconusco. But they failed again. Then, in 1616, the public officials and xoana of the subject towns requested the viceroy's intervention because they were not receiving personal service from the bèniquèche "por aberse alzado, y no aber querido acudir ni obedeçernos en esta rrazon y en otras."[89]

It is not clear whether collaba and bèniquèche asked for equal participation in the cabildo to solve the problem or the xoana offered it, but in 1618 the marqués ordered that the election of Etla's cabildo officers include both the xoana and the bèniquèche. Both *parcialidades* (the same word used in the sixteenth century to refer to barrios) should elect the same number of república officers, except the governor, who should be elected by the xoana.[90] Nevertheless, the conflict soon intensified. The bèniquèche representatives filed a lawsuit against some xoana, including the governor, on charges that are not clear, but apparently the judge found them guilty for he seized and auctioned some of their properties. At this point, xoana resorted to the mediation of "personas honrradas y de buen celo y conciencia" to negotiate an agreement.[91] Through persuasion, pleas, and admonitions, they reached an agreement of 14 *capitulaciones* or compromises on specific demands, most of them raised by the bèniquèche. It was approved by the marqués Pedro Cortés in 1620.

Bèniquèche demands included the right to elect half of the república officials every year and the right to elect the governor every other year. They also demanded a ban against mandones

[89] AGN Hospital de Jesus 102-1, Exp. 5, f. 6v.

[90] AGN Hospital de Jesus 347, Exp. 7, 6r-8r.

[91] Such personalities were Francisco de Molina, the judge who investigated the accusations against the governor; Fray Bernabé, from the Dominican convent of Etla; Antonio Calleja de Aguilar, lawyer of the royal audience, acting on behalf of the macehuales, and Captain Antonio de Aperribay, acting on behalf of the principales. AGN Hospital de Jesús 102-2, Exp. 46, f. 4r-v. Haskett, *Indigenous Rulers*, 32, indicates that until 1622, local priests should be present in elections, but from that year on the legislation changed. Friars' intervention to conciliate principales and macehuales is observed in other parts of New Spain since the 1550s. For example, in the agreement known as the *Ordenanzas de Cholula*, confirmed by Viceroy Velasco in 1553. González-Hermosillo, Francisco, "De *tecpan* a cabecera. Cholula o la metamorfosis de un reino soberano naua en ayuntamiento indio del rey de España durante el siglo XVI," (*Dimensión Antropológica*, 12, No. 33, Enero-Abril 2005: 7-62), 54.

in each subject town because they mistreated bèniquèche and usurped community goods. Distribution of personal service must be made by "tanda verdadera" ("true rotation"), and there should not be *reservados* (exempted ones) except for the xoana and persons who had an explicit license from the viceroy. They insisted that the number of bèniquèche who would serve the governor should be assessed (as requested in the 1590s), and they should be paid for their work. And they wanted the repartimiento obligation to provide oxen labor for the fields of the governor and xoana to be decided by the alcalde mayor, preferring the authority of a Spanish official to their own local authorities. And the bèniquèche did not want to pay periodic *derramas* (levies or additional contributions), since the community enterprises (like the mills) provided plenty of income.

Not all the petitions were resolved in favor of the plaintiifs, but most were, at least partially. The second capitulación, for example, established that the governor would be elected by the marqués (not the principales or macehuales). The third established that the governor and the alcaldes of both parcialidades were to appoint a capable person as mandón, preferably from the same subject town (but if necessary, from another); the mandón should not ask the community mayordomo for any account, nor could he order the bèniquèche to participate in repartimiento labor service without superior orders. The twelfth prohibited the governor and alcaldes from making any derramas.[92] The grievances resulted in agreements over governance, which included political and economic demands, but the resolutions were often called electoral agreements.

Etla's agreement was kept, cited, and probably renegotiated over time to include new chapters or instructions (like the xoana's agreement in Huitzo). In 1642, the former cabildo officials of 1641 objected to the election of Andrés Vázquez as alcalde for it went against the "costumbre asentada y legitimamente introducida" about how elections should be held. In this case, Vázquez held the election in his house and appointed his relatives as cabildo members. Then,

[92] AGN Hospital de Jesús 102-2, Exp. 46, f. 6v-15r.

in 1661, the xoana denounced the alcalde Melchor López for he refused to give them back the agreement about elections that they had presented to him.[93]

Etla's agreement was not the earliest agreement in the Valley. Besides the xoana agreement in Huitzo, there were others. In 1606, an agreement was made in Ocotlan not to elect a governor, and in 1607, another agreement was reached in Zimatlán between two leaders or heads.[94] But Etla's agreement was among the first that included macehuales, along with an agreement from Cuilapan, and it became a precedent for other similar agreements in the Valley in the next decades.

5.3.2.2 Coyotepec's agreement, 1640.

In 1640, the xoana and bèniquèche from Coyotepec also reached an agreement and signed their own "escritura de transacción" (deed of settlement) concerning elections, which was approved by viceroy Lope Díez de Armendariz. The conflicts between high-ranking nobility and collaba began in Coyotepec in 1624 over accusations against the cacique-gobernador and his relatives for failing to protect the community goods (this topic will be discussed later). The tequitlatos claimed to defend communal interests, and as a result they acquired more cabildo posts and the right to participate in elections. However, some cabildo members contested their rights in 1640. After some litigation, the "verdaderos caciques" of Coyotepec decided to sign the *escritura* to secure the common good and peace in the cabecera.

Coyotepec's authorities drafted their own escritura "segun y como las tienen las villas de Etla y Cuilapan del estado del Valle y a ejemplar de otras muchas [del obispado]." According to this agreement, each parcialidad would elect an alcalde and half of the república officers. It also stated that this practice should be respected for it was already a custom.[95] In 1676, a conflict over

[93] AGN Indios 14, Exp. 56, f. 57r-58. AGN Indios 19, Exp. 378, f. 212r.

[94] AGN Indios 27, Exp.158, f. 75r-76r.

[95] AGN Indios 12, Exp. 110, f. 229r, 231r.

this agreement revealed more about its content:

> que no se consienta q[ue] voten los que no son regidores, ni tienen voto lexitimo y que los alcaldes no entren en el ayuntam[ien]to a votar ni los que no son lex[itim]os votos y que el gov[ernad]or actual que es Nicolas Hernandez no vote sino que se siña solo a lo que le toca en dicho ayuntamiento y que la parcialidad de los principales elija su alcalde y q[ue] la parcialidad de los macehuales elijan y boten los suyos y ambas a dos parcialidades elijan y boten juntos gov[ernad]or y demas off[iciale]s y ministros como asi esta capitulado en d[ic]ha ess[critu]ra y transacion y concierto y que para la eleccion de gov[ernad]or y alcaldes con preferencia que prefieran los benemeritos a los ymmeritos y pleve y a los casiques a los mazehuales de suerte que se haga la eleccion en personas venemeritas, justas y aptas temerosas de Dios y utiles al servicio de su mag[esta]d y su Republica y bien de los nat[urale]s.[96]

The Coyotepec case highlights the political expectations of bèniquèche about their role on the cabildo or làhui. Among their appeals to the viceroy in 1640, they argued that the xoana's wrongdoings would remain unpunished if the bèniquèche were excluded from the cabildo, and oppression of the bèniquèche would continue. Apparently, the bèniquèche were not alone in these arguments. The Dominican chronicler, fray Francisco de Burgoa, thought much the same; in 1674 he wrote: "y tienen en muchos Pueblos tanto escarmiento los plebeyos que con grandes expensas, y molestos trasudores se han redimido del gouierno de los Principales alcançando Provisiones Reales, para hazer libres sus elecciones en iguales suyos que con temor, y recato, les escusen los excessivos gastos a que se veian sujetos."[97]

A notable difference between the Etla and Coyotepec agreements is that whereas in Etla the bèniquèche requested that don Domingo de los Angeles, a xoana, represent them and sign the agreement on their behalf, in Coyotepec they were represented by their collaba (Table 5.1). Thus, the Coyotepec case also shows that the term "macehuales" in the seventeenth century often referred to collaba in the Valley of Oaxaca; they were administrators and representatives and many (but not all) were bèniquèche.

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[96] AGN Indios 25, Exp. 160, f. 129r.

[97] AGN Indios 12, Exp. 110, f. 229r. Burgoa, *Geográfica descripción*, 207r.

Table 5.1. Members of the principal (xoana) and macehual (bèniquèche) parcialidades who signed the Etla and Coyotepec agreements.		
Etla.	Xoana	Don Andrés de Mendoza y León, governor; Diego Hernández de Illescas, alcalde; Juan de Santiago, regidor; Baltasar de los Reyes, regidor. Pablo de Guzmán, Gabriel Carrasco, Andrés Vázquez, Agustín Hernández, Tomás de la Torre, Pedro García, Pedro Mejía, Gonzalo de Chávez, Lorenzo Hernández, don Miguel Núñez, Pedro Pérez, Hernando García, Juan de Mendoza, Luis Hernández, Francisco de la Torre, don Francisco de León.
Etla.	Bèniquèche	Don Domingo de Los Ángeles, principal; Gregorio de Chávez [alcalde]; Miguel Méndez [regidor?], Gabriel de Tapia [regidor]. Juan Pérez, Pedro Téllez, Miguel Pérez, Pablo Núñez, Pedro de Santiago, Andrés Hernández, Miguel Martín, Gregorio Díaz, Pedro Marcial, Pedro Pérez, Andrés Díaz, Francisco Pérez, Francisco Hernández, Diego Alonso, Domingo Vázquez, Domingo Pérez, Pablo Pérez.
Coyotepec	Xoana	Don Pedro de Zárate, alcalde, Don Bartolomé de Zárate and Don Nicolás de Zárate, caciques. Antonio García, Marcos Luis, Miguel Cortés, Jacinto Hernández, Bartolomé López and Juan Pérez de Illescas.
Coyotepec	Bèniquèche	Juan Martin, Jeronimo Luis, Baltazar Garcia, Juan Ramos, Lazaro Garcia, Juan Luis, and Manuel Garcia, Tequitlatos. Jerónimo Luis, Lucas de Ojeda, Pedro Antonio and Bartolomé López, macehuales.

Source: AGN Hospital de Jesús 102-2, Exp. 46, f. 2r-v. AGN Indios 12, Exp. 110, f. 229r.

Another notable aspect of the Coyotepec case is that those who opposed this agreement and "la justa pretension del dicho común y naturales" were, according to the caciques, two or three regidores who were bèniquèche but pretended to be xoana. They opposed it out of annoyance that they were asked to return community goods that they had taken "con mano de oficiales de república."[98] Thus, bèniquèche of Coyotepec who attained the office of regidores considered themselves xoana. This transformation happened in many other cabeceras, creating new problems.

Early electoral agreements in the Valley of Oaxaca were complex and diverse in their effects, but one thing is clear--they altered the composition of cabildos. Commoners and low-rank nobility participated in the cabildo during the sixteenth century but only in low-ranking positions, and their voices were not considered. Achieving political representation was the first step towards more direct participation.

[98] AGN Indios 12, Exp. 110, f. 230r-v.

5.3.5 Electoral conflicts between bèniquèche and xoana.

Despite their early political successes, bèniquèche had to defend the right to *voz activa* (also called *voto activo* or active vote, that is, the right to elect) and *voz pasiva* (*voto pasivo* or passive vote, the right to be elected) throughout the long colonial period. Xoana often attempted to deny them any of these rights. This was the case in Tlacochahuaya, where, in 1706, litigation was still ongoing.[99] In Zaachila, in 1700, cabildo officers affirmed that the current officials should name their successors: "[es] costumbre inmemorial que los ofiz[iale]s de repu[bli]ca de un año elixan p[ar]a el otro q[ue] se sigue gov[ernad]or alcaldes rex[ido]res y demas ofiz[iale]s." However, they complained, some bèniquèche disputed the election "suponiendo era Costumbre votassen todos" without offering any proof of such a custom. An inquiry was ordered.[100]

In fact, in the last decades of the seventeenth century, bèniquèche began to fight for the right to vote and be elected in subject towns that held their own elections. In 1696, in Magdalena Apazco, in Huitzo, two elections took place: one held by two regidores and various bèniquèche and the other held by seventeen xoana, who claimed they were the "legitimos electores." The xoana's election was approved.[101] In March 1699, Sebastián de Padilla, alcalde of Santiago Apóstol, Ocotlan's subject town, and the regidores Pedro Vázquez and Gabriel de Contreras, testified that they had been elected by the xoana and received the rods of justice, but the bèniquèche "sin tener facultad" elected two bèniquèche, one as regidor and the other as escribano, and they claimed that the latter was barely literate--"apenas save leer y escrevir." The corregidor accepted the macehuales' election and removed the vara from Contreras, despite the fact that he was named "por los lexitimos votos y lexitima eleccion." The xoana demanded Contreras' reinstatement or

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[99] AGN Indios 36, Exp. 450, f. 405r-406v.

[100] AGN Indios 34, Exp. 189, f. 258v-259r. Haskett, *Indigenous Rulers*, 30, notes that according to colonial legislation only the former republic officers, and not those in office, could elect the following year's officers, but apparently this was common practice in many towns in the Valley. AGN Hospital de Jesús 5, Exp. 1.

[101] AGN Indios 32, Exp.348, f.307r.

that another xoana be elected and asked that neither the corregidor, the escribano, nor the religious minister be allowed to interfere in their elections.[102]

In 1714 the bèniquèche of Santiago Suchilquitongo, in Huitzo, complained that the xoana prevented them from electing an alcalde and regidores by themselves, as they had done a couple of times. However, since they did not present the mandamiento on which their election was based, nor was it found in the royal audiencia, their petition was denied. The interesting thing about this case is that the viceroy's resolution reaffirmed that no law prevented macehuales from having cabildo offices, "ni en leyes ni ordenanzas ai prohivision que excluia a los maceguales de ser electos ni que llame solo a los Principales para el ejercicio de sus oficios de Republica porque lo que solo se requiere para que los obtengan es que sean yndios puros de Padre y madre."[103]

Xoana also actively defended their prerogatives. In Zimatlán, in 1761, elections were annulled because the alcalde mayor apparently misinterpreted the agreement and gave voz activa to the bèniquèche when the agreement, according to the xoana, stipulated that they only had a *voz pasiva*. The Xoana argued that because of their large numbers, giving active vote to the bèniquèche would result in elected officials other than those whom the xoana had already planned to appoint.[104]

Sources from the seventeenth and eighteenth centuries reveal that conflicts between principales and macehuales were common, and that barrios were sites of collective action in the political arena. In Teitipac, the barrios Quechequehui and Loyuxe clashed over controlling the cabildo. The fight became violent in 1701, causing several Loyuxe families to flee. In Tlacochahuaya, in 1706, the xoana obtained a license from the viceroy to elect a governor again. The office had not been held since 1670. But bèniquèche of the barrios Yasee, Quehuito, and

[102] AGN Indios 34, Exp. 42, f. 44r-v.

[103] AGN Indios 39, Exp. 39, f. 63r. In other viceregal resolutions, however, it was stated that only the principals could hold positions such as governor and alcaldes. AGN Indios 27, Exp. 226, 127r (1682); AGN Indios 55, Exp. 363, f. 357v (1745).

[104] AGN Indios 60, Exp. 13, f. 22r-23r.

Quiague organized to oppose the new governor, for he and the xoana abused them. They publicly denounced the elected governor, don Jacinto de la Cruz, for alleged offenses that he had committed and forced his appointment to be terminated.[105]

5.3.4 A new dual hierarchy.

During the second half of the seventeenth century, numerous petitions arrived at the General Court of Indians from individuals, siblings, and entire families soliciting authorization to prove that they were descendants of former "caciques y principales" who had held the highest offices of the república (governors, alcaldes, regidores). Petitioners sought to hold public offices befitting their high status as xoana and not be appointed to "servile" offices. They also did not want to work in the community milpa like macehuales, nor in the city or the mines through repartimiento.[106]

These requests for recognition of "principalidad" were made both by descendants of some yòho or barrio leaders and by descendants of collaba and bèniquèche who had served in the cabildo, but sometimes it is difficult to distinguish one from the other because they usually made similar arguments. Taylor called the existence of two power groups a "dual hierarchy," with "one status group based on hereditary privileges and entailed estates and another based on political officeholding, commercial wealth, and recently acquired lands."[107]

In Coyotepec, from the beginning of the seventeenth century, the Zárate family was recognized as descendants of dynastic lords, but from the middle of that century onwards, numerous petitions from other "caciques" appeared. In 1660, Juan Marcos López and his wife Melchora Hernández, along with Nicolás, Bartolomé, and Jacinto Hernández, probably their sons, claimed to be "descendientes de la casa y tronco del casicazgo del Rey Guaquela." It is

[105] AGN Indios 35, Exp. 38, f. 68r. AGN Indios 36, Exp. 450, f. 405r-406v.

[106] AGN Indios 26, Exp. 207.

[107] Taylor, *Landlord and Peasant*, 52.

possible that they successfully proved their ancestry because, in 1676, the brothers Sebastián and Martín Luis also claimed to descend from "la casa del Rey Guaguela."[108] For his part, in 1676, don Pedro Perez de Illescas claimed descent from the caciques of the barrio Lachiyase, and the same was alleged in 1683 by Miguel Pérez de Illescas.[109] Other applicants simply claimed to be caciques, without specifying their ancestor's name, or they limited themselves to naming their father or grandfather and the cabildo offices that they had held.[110] All the petitioners requested not to give personal service, not to participate in the repartimiento, and not to be elected to republica offices associated with the common people. All of them were allowed to present evidence of their status and be declared principales as long as they kept paying tribute.

A similar process occurred in other parts of the Valley. In Zimatlán, in 1697, the brothers Juan, Nicolás, Jerónimo, Pedro, Esteban, Lorenzo, Miguel, and Francisco Pérez received recognition as caciques and the right not to serve in low-ranking cabildo offices. A previous inquiry had been made into the governor, alcaldes, caciques, and principales of that cabecera.[111] In Tlacochahuaya, in 1660, Nicolas López was among the first to seek recognition as principal and cacique, to maintain his privileges, and not to give personal service. Many people from Tlacochahuaya followed him. In 1712, it was reported that every year, several bèniquèche passed into the parcialidad of the xoana. In 1734, an investigation was ordered to determine if the number of xoana exceeded the number of bèniquèche and if so, why: "si lo es por haver obtenido cargos de Republica o por tener algunos ynstrumentos que los declaren por tales caciques o principales."[112] In other pueblos, the increase in principales was less dramatic but still significant.

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[108] AGN Indios 19, Exp. 263, f.147v; Indios 25, Exp. 117, f. 96r.

[109] AGN Indios 25, Exp. 120, f. 98r; Indios 27, Exp. 340, f. 227v.

[110] AGN Indios 19, Exp. 264, f. 148r (Pérez family); Exp. 307, f. 172v (Mendez family); Exp. 308, f. 173r; Exp. 309, f. 173v (García family); Exp. 310, f. 174r (Sosa family); Exp. 314, f. 176r (García family). Indios 26, Exp. 207, f. 272v (brothers de la Cruz Pérez, Torres and Pérez). Indios 31, Exp. 240, f. 192v (don Dionisio de Velasco Lopez de Salazar, 1697). Indios 37, Exp. 175, f. 178r (Francisco Martín, 1710).

[111] AGN Indios 33, Exp. 214, f. 153v-154r.

[112] AGN Indios 19, Exp. 263, f. 147v. AGN Tierras 2958, Exp. 102, f. 165r. AGEO, Alcaldías Mayores 42, Exp. 14. Both in Cruz, *Pueblos en movimiento*, 132, 130.

In 1774, a census of nobles and commoners in San Juan Guelavia showed that approximately 20% of its adult population were xoana (14 couples out of 66).[113]

The increasing number of xoana who only accepted high-ranking offfices on the cabildo generated new internal conflicts in cabeceras and pueblos sujetos until the end of the colonial period. In 1706, in Matatlán, Pedro de Santiago refused to accept the office of community steward, for he considered it was only for bèniquèche, and he claimed to be a principal. Santiago was a nobleman's son and was married to doña Dominica Pérez Pacho, daughter of the cacique of Macuilxochitl, don Nicolás Pérez Pacho.[114] In San Pedro Apostol, in 1781, Felipe Méndez requested that he and his sons Manuel and Pablo Méndez be elected only to positions "de honor" and not "en el oficio bajo e indecoroso de topil de las casas curatales," but according to the alcalde mayor the town contradicted his "principalidad".[115] In 1792, in San Juan Guelavía, Gergorio García rejected his appointment as *topil de fiscal*, but he could not present solid proof of being a "principal de origen," so he was not appointed to an office "de plaza mayor."[116]

5.3.5 Macehuales and cabildos.

Even when macehuales had the right to hold public office and to be acknowledged as principales by public office, differences in status were relevant at the local level. Principales "de origen" in the Valley refused to share certain power positions with commoners and even with principales by public office. Still, some concessions and privileges were granted to members of the macehual class in reward for the benefits that they brought to their villages. In San Pedro Apóstol, in 1734 Pedro de Santiago and Andrés Méndez, claimed to be principales. But one of their own witnesses,

[113] AMT, Civil, Exp. 105, f. 6r-7v.

[114] AMT, Civil, Exp. 90, f. 1r, 4r.

[115] Bautista Monroy, Tania "Sobre cargos honoríficos y cargos indecorosos: macehualización en Oaxaca (segunda de dos partes)." https://www.oaxaca.gob.mx/ageo/sobre-cargos-honorificos-y-cargos-indecorosos-macehualizacion-en-oaxaca-segunda-de-dos-partes/

[116] AMT, Civil, Exp. 105, f. 2r-3r.

the principal Pedro Vázquez stated that they were macehuales but were granted certain dispensations “a causa de que éstos, y sus antepasados, fueron los que asistieron al padre cura de dicho pueblo, y con cuanto se ofreció para la consecución de que hubiese ministro, y esto ha como treinta años.”[117]

In Coyotepec, Sebastián de Dios Zurita, a rich bèniquèche who put his economic resources at the service of his town's parishioners, became governor in 1746, despite the opposition of some xoana, and with the support of the corregidor and even the viceroy. Zurita began to be treated as a xoana in the 1720s when, at his own expense, he sponsored the construction (or at least the reconstruction) of the church in the barrio Santa María. The bishop named him “patrón” of that church. In 1722, Zurita asked viceroy Juan de Acuña to ratify him as patrón of the said church and to confirm his honors and prerogatives. In 1723, he acquired a new retable dedicated to San Pedro, giving continuity to his “obra de piedad,” which earned him the ratification of his title, which he could also bequeath.[118] In those petitions, he was called cacique, even though he was not.

Thanks to his title of patrón of Santa María’s church, Zurita was appointed to the office of alcalde at a time when the xoana of Coyotepec lashed out against the bèniquèche’s presence among the vocales in the cabildo elections and, of course, in the república offices. However, when Zurita was nominated for governor in 1745, he lacked one vote. The group opposed to his election obtained an injunction so that he could not be given the office because he was not a cacique. Zurita, for his part, obtained a license from the viceroy to be elected governor despite not being cacique. But this license unleashed another conflict, this time with the cacique don Juan de Zárate, who had already assumed the governorship but was deprived of the rod of justice by the corregidor, who gave it to Zurita.[119]

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[117] Bautista, Monroy, Tania, “Sobre cargos honorificos y cargos indecorosos: macehualización en Oaxaca (primera de dos partes).” https://www.oaxaca.gob.mx/ageo/sobre-cargos-honorificos-y-cargos-indecorosos-macehualizacion-en-oaxaca-primera-de-dos-partes/

[118] AGN Indios 45, Exp. 187, f. 247r. AGN Indios 48, Exp. 19, f. 32r-35v.

[119] AGN Indios 54, Exp. 81, f. 70r-71v; Indios 55, Exp. 363, f. 357v. AGN Indios 55, Exp. 380, f. 375 r.

In the last decades of the eighteenth century, however, bèniquèche apparently had the right to vote and be elected cabildo members in many towns in the Valley. In Guelavia, the fact that in 1774 a census had to be made to know if an elected person were noble or commoner indicates that all registered men could be elected. Guelavía's electoral custom, as described in 1792, considered all bèniquèche as electors and potential officials:

> a sido la constumbre de que la eleccion de oficios con[siderados] de Plassa Mayor, como Alcaldes Regidores y Escribano de Republica, la hasen los Principales de Orijen, y los otros que pertenesen al servisio comun los elixen los oficiales que hacaban, y el Comun del Pueblo [... y] aquellos de la d[ic]ha segunda clase, aunque pueden tener cargos de principales, como Rexidores, y Alcaldes, han de comensar por el servicio de estos otros inferiores Plebellos; y de este modo, y por d[ic]ha circustancias siempre se han Distingido los que lo son de orijen, y aquellos otros del estado comun.[120]

In Macuilxochitl, on the other hand, social class was important, as well as literacy. In 1804, knowing how to read and write was a criterion for certain offices: "el costumbre es el primero saviendo leer o escrivir sera Escrivano Y no saver comiensa de Mayordomo del Rey o Topil Y despues Juez o comun porque dicho es caveza del [*roto*] Y despues sera Mayor o Rexidor despues fiscal [-] hasta llegar de Governador."[121]

5.4 The defense of community goods.

At the beginning of the seventeenth century, conflicts between caciques and their people focused on many other important topics besides elections. These included the obligation of caciques to "defend" their polity's interests against strangers, which they sometimes failed to do. In these conflicts, the cabildo (or, at least, some of its members) defended communal interests against individual or family interests. By confronting members of the old ruling lineages, the cabildo became a real counterweight to the caciques as the moral authority watching over the common good.

At first, these accusations were directed towards the caciques who held public offices, for

[120] AMT, Civil, Exp. 105, f. 2r-v.

[121] AMT, Civil, Exp. 198, f. 1v.

they had a moral obligation as principales or nobles and a legal obligation as members of the *làhui* or community, as happened in Coyotepec. Later, they focused on those caciques who affected the interests of their towns, whether or not they were part of the cabildo, as happened in San Sebastián Teitipac. Finally, they lodged complaints against anyone who tried to avoid collaborating for the common good, but especially the xoana, as happened in Tlacochahuaya. This last stage is very similar to what Yanna Yannakakis documented in the Sierra Norte during the eighteenth century, when the concept of *comunidad* began to change.

It is important to note that the first known protests against caciques whose loyalty to their polities was doubted were made by low-ranking republic officials and traditional authorities, that is, the collaba or tequitlatos. The strengthening of the role of the tequitlatos in local politics began during the sixteenth century, when they denounced the caciques' abuses or when they were responsible for defending their barrios in other types of conflicts. It continued during the congregaciones when they assumed the representation of some subject towns to interpose contradictions and peaked during the conflicts between principales and macehuales.

5.4.1 Collaba *versus* Caciques in Coyotepec, 1624-1640.

On September 7, 1624, several tequitlatos of Coyotepec, who presented themselves as "los naturales y comund" of said town, accused their encomendera Juana de Rosales, second wife and widow of their late encomendero, Bartolomé Sánchez de Ulloa, of ordering the construction of foundations very close to an *estancia* or livestock ranch belonging to their comunidad, in a place called Zezaa. They argued that the encomendera intended to found another estancia in that same place, but she replied that she had not ordered such a thing and that the site belonged to Andrés Sánchez de Ulloa, canon of Antequera's Cathedral and son of Bartolomé Sánchez and his first wife, Isabel de Ulloa.[122]

[122] LCSBC, Libro 2, f. 100r-101r. The site's name in Nahuatl was Mixtepec and in Mixtec was Cuiteguico (150r).

On September 12, another complaint filed by "los naturales" alleged that more foundations had been built within their estancia and requested an *amparo de tierras* (a judicial act of land protection) to the alcalde mayor.[123] The neighbors summoned for this act were the canon Andrés Sanchez, don Juan de Zarate, cacique and governor of Coyotepec who also had an estancia, don Pedro de la Cruz, son-in-law of don Juan, who possessed another estancia, and Juana de Rosales as the encomendera. However, the canon interrupted the amparo and contradicted it shortly after it had begun. To support his contradiction, Sánchez de Ulloa presented various witnesses who were questioned about the sitio de estancia, its location, and ownership. Several Spaniards testified in favor of the canon, as did don Juan de Zárate, cacique and governor of Coyotepec, and his son, the alcalde don Pedro de Zárate.

Contrary to what "los naturales y comund" of Coyotepec argued, don Juan de Zárate affirmed that the site claimed by Coyotepec belonged to the canon. He also declared that he had not been informed by the townspeople of the actions they would take against the canon: "tiene notizia de este Pleyto y caussa sin embargo que no le an dado Parte del los d[ic]hos indios." He probably was not informed because, as he acknowledged, he was "Pariente de Parientes del d[ic]ho canonigo" and it was feared that he would support him because of his family ties, which is exactly what happened.[124]

Don Juan de Zárate bore the titles of coquì and pichana; he was the undisputed dynastic ruler of Coyotepec, and its governor. He and his relatives were highly regarded by Spaniards. During the dispute, various witnesses declared that "son queridos y estimados assi de las Justizias desta ciudad y toda su Probinçia como de los Religiosos del convento de santo domingo que los doctrinan," because they were "buenos xptianos temerosos de dios y de sus consençia[s]." His

[123] LCSBC, Libro 2, f. 102r-v. The names of these "naturales" appear again in another writing, in which they are identified as tequitlatos. They are Juan Pacheco, Domingo García, Francisco Méndez, Tomas Ruiz, Juan Martín and Jerónimo López.

[124] LCSBC, Libro 2, f. 119v.

testimony was important.[125]

Don Juan recalled that as a boy he heard several Spanish ranchers saying that before Julian Carrasco sold the estancia to Coyotepec "estaban las casas y corrales della en el llano a la Salida del d[ic]ho Pu[ebl]o de cuyotepeque Junto al camino que yba a las minas de chichicapa." However, when he, as governor, took possession of the site along with other Coyotepec authorities, "estaba en el sitio y Puesto que oy esta y no sabe este t[estig]o quien ni Porque Caussa mudo la d[ic]ha cassa del llano a donde estaba a la loma a donde oy esta." His son, don Pedro de Zarate, and his son-in-law, don Pedro de la Cruz, made similar declarations.

In response, on September 27, 1624, "los naturales tequitlahtos Y comun" of Coyotepec reiterated their complaint against canon Andrés Sánchez and expressed that they considered the cacique and gobernador, his son the alcalde, and his son-in-law as "enemies" of the república and the comunidad. The collaba denounced their authorities' lack of commitment to defending the community estancia, for they had abandoned them in favor of their friendship with the canon:

> Otro si dezimos que don Joan de çarate nuestro governador y don pedro de çarate su hijo alcalde y don pedro de la Cruz su hierno teniendo obligaçion de acudir a la defensa de la d[ic]ha nuestra estançia y proprios de nuestra comunidad como personas que mandan y goviernan nuestro pueblo no lo hazen por ser yntimos amigos del d[ic]ho canonigo andres sanches de ulloa Y Por esta causa no lo hazen Y nos an desamp[arado al no] acudir a la d[ic]ha defensa y Reçelamos que los susod[ic]hos sin aten[de]r al bien y utilidad de nuestra Republica diran o haran alguna cosa que sean en su perjuizio acudiendo a la amistad q[ue] Tienen al d[ic]ho canonigo y por otras causas y Razones que siendo neçessario alegaremos y provaremos protestamos que lo que ansi hizieren o digeren en perjuizio de la d[ic]ha Republica y propios de nuestra Comunidad no le pare perjuizio alguno y para este efecto los tachamos por enemigos del bien dellas y yntimos amigos del d[ic]ho canonigo.[126]

In the proceedings, responses to question 9 by the witnesses from Coyotepec indicate that the governor and alcalde did not fulfill their obligations, stating that they had "withdrawn" from the community and the defense of their people:

> 9. Yten si saben que don Joan de çarate gouernador del d[ic]ho pu[ebl]o y don pedro de çarate su hijo alcalde y don p[edr]o de la cruz su hierno prençipal son yntimos amigos del d[ic]ho canonigo y por hazerle favor en esta causa se an Retirado del d[ic]ho comun y no acuden

[125] His grandson, don Pedro de Zárate, referred to him in a 1657 land purchase contract, written in Zapotec, as the Pichana don Juan de Zárate, Coquì of this quèche [Coyotepec] (*Bichana don Ju[an]o de Sarate coquij hualachi queche tini*). LCSBC Libro 1, f. 64r (Co657). LCSBC, Libro 2, f. 165v-166r.
[126] LCSBC, Libro 2, f. 128v-129r.

> teniendo obligacion a la defensa del d[ic]ho pu[ebl]o digan &a.[127]

The tequitlatos presented various witnesses from Zaachila, Santa Catalina Suchitepequez (or Quiane, a subject town of Zaachila), Jalatlaco, and San Pablo (a Cuilapan's subject town). All of them repeated these statements in their own way, insisting that the cacique and his relatives abandoned their responsibilities and neglected macehuales and the community. On the contrary, they testified that collaba and bèniquèche were the defenders of communal properties.

Some witnesses spoke of the cacique and his relatives' duties as noblemen from Coyotepec. Tomás García, from Suchitepequez, and Juan de los Angeles, from the barrio Santiago Tlatelolco of Jalatlaco, stated that the reason for the caciques' negligence was their friendship with the encomendero. García pointed out that this omission had caused great antagonism between the bèniquèche and xoana:

> no enbargante que son los Prinsipales que el dia de oy ay en el d[ic]ho Pu[ebl]o de cuyotepeque y que como tales debieran bolber Por su comunidad y defender sus bienes no lo hazen Por ser muy amigos y de cassa del d[ic]ho canonigo con que se an rretirado desta caussa dejando quel comun la solicite y lo sabe assi este t[estig]o porque es Pu[bli]co y notorio en el d[ic]ho Pu[ebl]o y Porque en esta Razon an tenido enfado y mucha ira los d[ic]hos Prenzipales y maseguales.[128]

For his part, Juan Vázquez, fiscal from Zaachila, reported a conversation between don Juan de Zárate and don Jerónimo de Guzmán, cacique from Zaachila, in which the former admitted to being in favor of the canon because they were compadres and relatives.[129]

Other witnesses, like Simón, a 90-year-old baker's official from the barrio Tetlaculco (Tlatelolco?) of Jalatlaco, emphasized the caciques' obligation to defend the community properties as public officials in charge of its administration and for being the ones who benefited from their revenues. Agustín Hernández, fiscal of Suchitepequez, expressed :"an desamparado a los mazeguales y los dexan Pleytear con el d[ic]ho canonigo siendo ellos los que gozan la estanzia

[127] LCSBC, Libro 2, f. 135v.

[128] LCSBC, Libro 2, f. 152r, 139r.

[129] LCSBC, Libro 2, f. 144v.

de la d[ic]ha comunidad."[130] For his part, Baltasar Alonso, a muleteer and miner from the barrio Tlemacasca of Jalatlaco, expressed what clearly seemed to him an injustice:

> lo contenido en la d[ic]ha Pregunta lo a oydo dezir este t[estig]o a los yndios mazeguales del d[ic]ho Pu[ebl]o de cuyotepeque Y lo a berificado quando los a bisto bisto benir a esta ziu[da]d a solicitar este Pleyto sin ninguno de los Prinzipales del d[ic]ho Pu[ebl]o que son los tenian obligazion a defender La d[ic]ha estanzia Por ser Propios de su comunidad y gastarlos Por su mano sin que los d[ic]hos mazeguales sepan ni entiendan otra cossa mas que serbirles y acudir al beneficio de la d[ic]ha estanzia y esto sabe desta Pregunta.[131]

Various witnesses emphasized that the bèniquèche were forced to act out of necessity since the caciques had excused themselves from handling the lawsuit, and the bèniquèche had been left alone. Simón de Contreras, an alcalde of Zaachila, Mateo Luis, from San Pablo, and Agustín Hernández of Zaachila, thought much the same. The caciques, said Hernández, "an desamparado a los mazeguales y dexados que solos Pleyten la est[ancia] de la d[ic]ha comunidad."[132]

Then, on December 17, the collaba of Coyotepec claimed to have proven the "rebelliousness" of their governor and accused him of trying to impede their actions:

> don Joan de çarate nuestro gouernador y don p[edr]o de çarate su hijo alcalde y don p[edr]o de la cruz su hierno son yntimos amigos del d[ic]ho canonigo y de su casa y como atendiendo al gusto que le an pretendido dar en esta causa se Reuelaron Contra nosotros y no tan solam[en]te no acudieron a hazer la d[ic]ha defensa Teniendo obligaçion sino que nos an ynpedido y estorbado que no la hagamos tomando para ello todos los medios que an podido hasta mandar que ningun yndio de nuestro pueblo ayuden con dineros ni otra cosa para seguir la d[ic]ha defensa mandando pregonar pu[bli]camente para que desta manera no se siguiera y estar apoderados Los susod[ic]hos de Los ganados y Rentas de la d[ic]ha estançia[133]

The tequitlatos' case was strengthened when they presented a series of "grandiosos papeles" they had recently found that allegedly proved their ancient possession of the estancia in Zezaa. With this proof, they again branded don Juan and don Pedro as "capitales enemigos" of Coyotepec. They even presented an "information" made twenty years earlier by the same don Juan de Zárate, the governor, which mentioned the two estancias of Coyotepec, one of which had been lost due to

[130] LCSBC, Libro 2, f. 149v, 146r.

[131] LCSBC, Libro 2, f. 148r.

[132] LCSBC, Libro 2, f. 141r, 151r.

[133] LCSBC, Libro 2, f. 167r-v.

the mismanagement of authorities: “otra que entonçes teniamos poblada que por mal gouierno y poco Cuidado se consumio el ganado della.”[134] Thus, it was not the first time that don Juan de Zárate was accused of malfeasance.

It can be inferred that the collaba successfully defended the community cattle ranch, for these documents were used as proof of the town's rights over the estancia in Zezaa and other lands. The dispute over the community ranch in Coyotepec was a very important case because the collaba opposed not only their cacique and governor but also a figure of respect and authority among the Spaniards, a canon, rancher, and encomendero from the same town, the direct descendant of a conquistador. Their success strengthened the collaba, and in general the bèniquèche, in Coyotepec, and led to the agreement granting them the right to elect an alcalde, a regidor, and other republic officials.

Thus, the inclusion of macehuales’ on the cabildo was not only seen as a way to mitigate caciques’ abuses of labor. Their participation was also seen as a means to better protect the community goods. In the following decades, some cabildo conflicts centered on delivering good accounts of the community goods and property. Officials who were accused of owing tribute or tribute surplus in the past because of incompetence or malfeasance could be prevented from being elected to public office.[135]

5.4.1.1 The “real caciques” defending their people.

Conflicts between làhui and coqui did not mean a total rupture. In 1640, don Juan’s son, don Pedro de Zárate, as one of “the real caciques” of Coyotepec, signed the Coyotepec agreement that allowed bèniquèche to participate on the cabildo. In other polities, like Huitzo, caciques frequently got involved in defending local people from Spanish corregidores’ abuses, whether they were

[134] LCSBC, Libro 2, f. 178v, 177v.

[135] AGN Indios 27, Exp. 210, f. 111r-v (1682); Indios 31, Exp. 91, f. 64v (1691), Exp. 114, f. 76r-78r (1692). The same was requested in other towns, such as Tlacochahuaya. AGN Indios 34, Exp. 125, f. 128r-v (1699).

cabildo members or not. For example, in 1654, various caciques complained against Juan de Aguilera, the corregidor, for his frequent abuses during town visits when he charged every married couple 2 reales and single people a real. Luis Garcés, cacique of Huitzo, joined the complainants and suffered retaliation. The corregidor seized his properties and goods.[136]

In 1657, don Diego and don Martín de Rojas, caciques of Magdalena Apasco, supported the cabildo of Huitzo's lawsuit against a new corregidor, Gonzalo de Castro Pereira, who allegedly perpetrated many abuses and extortions, including *repartimiento de mercancías* (compulsory, and illegal, purchase and sale of goods) in San Juan, San Ildefonso, Santiago, la Magdalena, and San Lorenzo, which amounted to 832 pesos. For example, he demanded money instead of the gifts that corregidores normally received when they visited towns, consisting of *marquezotes* (a type of bread) and chocolate, but then he also claimed the gifts, as well. He established a *taberna* (pub) in San Juan, where his employee Andrés de Quiroz sold bread, chocolate, candles, and soap, and prohibited the community mesón to sell these and other local products. He constantly insulted and even threatened to hang commoners. Don Diego and don Martín de Rojas were imprisoned, physically punished, and unfairly prosecuted by the corregidor.[137]

Finally, in 1765, there was a riot against the corregidor's lieutenant, Diego Antonio Fernández de Aguiar, for having imprisoned the cacique don Antonio Vázquez Garcés. Don Antonio opposed the lieutenant's abuses, such as the repartimiento de mercancías; charging illegal fees for numerous activities, including: inspections of the community *libro de cuenta* or book of accounts; transferring the rods of justice after each election; and permitting feasts and marriages. He also used oxen and mules belonging to the community to transport his products. The lieutenant wanted to prevent a lawsuit against him, so he raided the homes of the cacique don Antonio, the cabildo scribe Juan Araujo, and the alcalde don Manuel Ruiz. He imprisoned don

[136] AGN Indios 17, Exp. 54, 75v-76v; Exp. 118, f. 133v-134v; Exp. 240, f. 238v-239r. Méndez and Méndez, *Historia del corregimiento de Guaxolotitlan (Huitzo)*, 66-69.

[137] AGN Indios 21, Exp. 210, 184r-v; Exp. 243, f. 213v-217r. Méndez and Méndez, *op. cit.*, 71-75.

Antonio and took him to the city of Antequera in the night. The next morning, when commoners realized what had happened, they rioted.[138]

5.4.2 Cabildos *versus* caciques in San Sebastián Teitipac, 1709.

In the Valley of Oaxaca, from the seventeenth century onwards, the cabildo had to confront the caciques, whether or not they were republic officials, to defend communal land. In Teitipac one of these conflicts began in 1709, when the cacique Don Jerónimo de Grijalva requested that his possession of the site Guegocahue ("dark river") be safeguarded. Grijalva faced litigation by San Sebastián Natives, whom he said had tried unsuccessfully to litigate that site to his grandfather and great-grandfather since 1656.[139]

Don Jerónimo argued that Guegocahue was his cacicazgo land, which he had inherited from his father, don Lucas de Grijalva, his grandfather, don Juan de Grijalva, and his great-grandparents don Jacinto de Montemayor and doña María. According to his witnesses, his great-grandfather don Jacinto had been governor of San Juan Teitipac several decades earlier. In fact, it is possible that don Jerónimo was linked to one of the two most important ruling lineages of Teitipac. However, he had no documents to support his land claims, as the titles to his cacicazgo had been pawned by his father.[140]

San Sebastián authorities argued that Guegocahue and associated sites were community lands and that the cacique Grijalva and his ancestors possessed them because of some good deeds that they had done in the town's favor, but that they did not own the lands: "las a gozado precariamente prestandole el comun como dueño el consentimiento en remunerasion de hauer el d[ic]ho D[o]n Lucas aconpañado en sus litixios y servidole de correo para la Ciudad de Mexico a

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[138] AGN Indios 60, Exp. 98, 133r-136v. Méndez and Méndez, *op.cit.*, 82-86. In the Mixteca, caciques who helped and protected their people were called *legítimos* (legitimate). Carmagnani, *El regreso de los dioses*, 199.

[139] AGN Tierras 256, Exp. 2, f. 1v. Munro *et al.*, "Un testamento zapoteco del valle de Oaxaca, 1614," (*Tlalocan*, 22, 2017, 15-43).

[140] AGN Tierras 256, Exp. 2, f. 12r, 6r.

que se a ofresido en fuerza de su agradesimiento."[141]

Several witnesses presented by the cabildo confirmed that the caciques had those lands because they had helped San Sebastián. Don Jacinto de Alvarado, xoana of the cabecera of San Juan Teitipac, affirmed that this arrangement was "por causa de hauer ayudado en los pleitos q[ue] a tenido y ydo a la ciudad de Mexico por Agentes y saber hablar la lengua castellana."[142] In other words, don Jerónimo de Grijalva and his ancestors had been allies of San Sebastián's causes until they claimed full ownership of the lands that the town considered its own.

At first, don Jerónimo de Grijalva obtained recognition of his possession of Guegocahue. Thus, San Sebastián authorities modified their claim so that the dispute would focus on ownership and not possession. San Sebastián presented a group of old documents written in Zapotec (wills, land agreements, donations, dowries, etc.) regarding different parts of Guegocahue to prove how it was composed of community lands that were given to San Sebastián's people on different dates during the sixteenth and seventeenth centuries.[143] The town apparently won on this occasion.

Land conflicts between caciques and towns to preserve communal land were constant throughout the seventeenth and eighteenth centuries.[144] But there were other conflicts to establish or increase common land. Taylor identified various land conflicts from 1663 to 1741 between caciques and terrazgueros, who "began to assert their right to own the land they occupied, and disavowed usufruct rights that carried obligations to the noble." These included the terrazgueros of Tlalixtac and the Villa de Oaxaca, who confronted their respective caciques; those of Nativitas and La Soledad challenged the caciques of Etla; and the terrazgueros of Xoxocotlan litigated

[141] AGN Tierras 256, Exp. 2, f. 17v.

[142] AGN Tierras 256, Exp. 2, f. 21r.

[143] Munro *et al.*, "Un testamento zapoteco del valle de Oaxaca, 1614," (*Tlalocan*, 22, 2017, 15-43),19.

[144] In Zautla, the cabildo disputed community lands with the caciques Narvaez in the 1690s. Some of those lands were located in the site Lachiguelayachi; some others had been cacicazgo lands previously owned by don Pedro de Luna. AMSAZ, Gobierno 67, Exp. 18.

against the cacique of Cuilapan.[145]

Similar conflicts arose in the Mixtec region. In Yanhuitlán, in 1721, the town's authorities confronted the cacique don Martín Josef de Villagomez and denied being part of his cacicazgo along with his lands. To confront him, the cabildo made an agreement that not only established monetary contributions but a total commitment to the cause regardless of social rank:

> todos los que se saliesen afuera de esta escriptura aunque sean nobles y Principales [...] se tengan por hombres bajos e inutiles y no puedan en lo futuro obtener ningun cargo en la republica y lo mismo se entienda en los que no hubiesen entrado ni quisieren entrar en esta escriptura por faltar los susodichos a la defensa de su Patria y a solicitar la libertad.[146]

Thus, in the Yanhuitlán agreement, the community's membership and political rights depended on supporting their "patria." The very concept of community was changing, and the criteria of belonging to a community was being redefined in each polity.

5.4.3 Conflicts over *chiñalàhui* or community labor.

As discussed in Chapter 4, *chijña* or "work" was the Tichazàa word used to refer to manual labor, but also to offices of the república. The *Vocabvlario* registers the expression *chijñalàhui* or "work for the community" as one of the translations of "Publico officio del pueblo," meaning república offices.[147] But chiñalàhui also meant manual labor for the community or *tequio*; this term still can be found in some Zapotec languages in the Valley as *zèi'ny làài'* and *dzunläii*.[148]

During the eighteenth century, labor conflicts between principales and macehuales in the Valley of Oaxaca persisted. With an increasing number of xoana refusing to perform offices and jobs that they considered beneath their social station, the burden of repartimiento, tribute, and

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[145] Taylor, *Landlord and Peasant*, 53-54.

[146] Carmagnani, *El regreso de los dioses*, 86-87.

[147] CV 412: "Tributario. Huènichijna." 270r: "Moço de seruicio. Huénichijna." 268v: "Ministro. Huenichína" 332r: "Publico officio del pueblo. Quèla chijnaquèche, chijnalàhui."

[148] Munro and Lopez, *Di'csyonaary x:tèe'n dìi'zh sah Sann Lu'uc, Vol. II*, 621. Stubblefield and Stubblefield, *Diccionario zapoteco de Mitla*, 184. In San Miguel Albarradas Zapotec, tequio is called *dzin comon* or "communal work." (Cornelio Cruz Pérez, personal communication).

community work fell on fewer people than was needed. Thus, commoners tried to find other ways to alleviate their workload while at the same time redefining community obligations.

In 1706, Tlacochahuaya's bèniquèche complained that xoana no longer respected the custom of going to perform tequio. They requested that xoana be compelled to participate: "que acudan ygualmente a todos los servicios y tequios de su comunidad y ministros." But xoana replied that this custom did not exist. In 1712, the bèniquèche refused to continue providing personal services if the xoana did not do the same. Commoners were unwilling to accept xoana exceptions to work for the community and their lawyer affirmed: "no ay rason q[ue] persuada ser o estar [los principales] exentos de d[ic]ha obligasion o que solo lo esten mis partes obligados [a] hazer siendo cossa de comunidad y q[ue] de hazerlo le resulta a ellos igual bien y en todo juntamente."[149] The nobles countered with several complaints between 1714 and 1734 to request viceregal authorities' protection for them and their privileges. In this case, Xoana succeeded in getting what they wanted, but the bèniquèche would not give up so easily.[150]

In the eighteenth-century Sierra Norte, according to Yannakakis, principales also claimed exemption from collective work based on custom, while commoner municipal officers tried to impose "new customs" to equalize communal obligations regardless of social rank.[151] This process can also be documented for some cabeceras of the Valley of Oaxaca, such as Tlacochahuaya.

However, in some other cases, conflicts over chiñalàhui involved commoners who, having served in the cabildo, wanted to exempt themselves and their descendants from tequios. In San Pedro Apóstol, in 1734, Pedro de Santiago and Andrés Méndez, claimed to be principales and requested that their children, Andrés de Santiago and José Méndez, not be forced to participate in the tequio. However, according to the principal Pedro Vázquez, they were macehuales exempted from tequio by a special agreement. Vázquez added that, in San Pedro, even if macehuales came

[149] AGN Tierras 2958, Exp. 102, f. 164v.

[150] Cruz, *Pueblos en movimiento,* 130-132.

[151] Yannakakis, *Since Time Immemorial*, 174-180.

to hold honorary offices, their children had to perform tequios.[152]

Thus, conflicts over chiñalàhui were all about contributing to community labor, but whereas some petitioners (the bèniquèche) wanted to abolish privileges so that all community members would contribute the same, others (the xoana) expected people of different social stations to contribute in their own proper way. It would take more time for commoners to achieve total equality, but they had already come a long way and had effected great changes.

5.5 Conclusions.

During the first decades of the sixteenth century, communal enterprises were established in several cabeceras under the supervision of friars and priests. By the mid-sixteenth century, the establishment of cabildos went hand-in-hand with the officialization of the community regime, of which the cabildo itself was to be in charge. Soon, in the Valley of Oaxaca, subject towns (especially some semi-autonomous quèhui) also organized themselves as communities. The community organization (the collective enterprises, houses, chests, goods, and properties) gave continuity to some ancient collective practices that fostered the corporate economy and identity at different levels. Control of community goods, even those of some subject towns, was first exercised by the cabeceras and their governors or caciques, but later it was transferred to the new local cabildos.

The creation of new cabildos, much smaller than those of the cabeceras, but equally functional, was a product of the jurisdictional and territorial reorganization promoted by the congregaciones civiles carried out in the 1590s and 1600s. Various cabeceras de congregación and pueblos congregados were allowed to elect their own authorities led by alcaldes, and a few decades later, they were already independent towns. They became pueblos of their own. Other subject towns gradually began to request their own authorities, and although they did not always become independent from their cabeceras, they did fight and win control of their community goods and

[152] Bautista Monroy, Tania, "Sobre cargos honorificos [...] (primera de dos partes)."

defended them against outsiders and even their own caciques.

The increasing number of cabildos was accompanied by another important change: the incorporation of bèniquèche into the cabildos. Commoners obtained political rights in the first decades of the seventeenth century to elect half of the offices of the republic and, then, also to occupy some high-ranking cabildo offices. This occurred thanks to the direct, judicial pressure that they exerted on cabildo leaders, that is, the nobility, resulting in several local agreements negotiated by principales and macehuales. During the seventeenth and eighteenth centuries, commoners constantly had to defend their political rights against nobles. But they did more. As part of the cabildo, commoners challenged the nobles' administration and care of community goods and even sought to establish equal obligations to work for the community, regardless of social status.

Conflicts involving the community, however, went beyond the local jurisdiction. Tribute and common or communal land were two topics that confronted not only community members but also cabildo members (especially governors and alcaldes) and the crown. Crown and local rulers disputed the right to tributes and lands in the early decades of the viceregal period, and later, the communities also lay claim to those resources. Those topics will be examined in the following chapters.

Chapter 6. Disputes over Tributes and Tributaries

6.1 The complaint.

On June 26, 1576, a group of people from Tlacolula presented a complaint and a *memoria* (list) of grievances before the audiencia real in Mexico City, filing a lawsuit against their cacique and governor, don Domingo de Mendoza. According to the complaint, don Domingo had been governor of Tlacolula for around 16 or 18 years when governors were supposed to hold office for only one year. During this time, he committed various crimes and injustices, all listed and detailed in the 14 chapters of the *memoria*.[1]

The first chapter of the *memoria* stated that ten years earlier, don Domingo ordered 140 "indios casados tributarios" (native married tributaries) to hide when the Spanish corregidor Pedro de Navarrete visited Tlacolula to make a new list of the tributaries, so they would not be counted. The chapter details: "haciendo el dicho don Domingo que donde habia dos casados no se contase mas de uno y asi del dicho tiempo a esta parte ha llevado y lleva el tributo de ellos que es [por] cada [uno] diez tomines cada año y asimismo el maíz que es media fanega cada tributario."[2] The other chapters indicated that don Domingo had been profiting from the community's assets, particularly the sheep and goat ranch. He appropriated the animals, cheese, wool, and other community products, which he took to the city of Antequera as gifts for his Spanish friends. He even took money from the estancia's revenues to pay for those trips.

Don Domingo was also accused of taking prey (such as deer, hares, and birds) from local hunters without any payment, and of confiscating land and cattle from both principales and macehuales. He did not pay any salary to the *indios de servicio* (native workers assigned to cabildo

[1] AGN Civil 822, Exp. 1, f. 1r-3v. Xochitl Flores-Marcial, "A History of Guelaguetza," studied this trial, focusing on don Domingo's abuse of the Guelaguetza, a traditional practice of reciprocity among Bènizàa.

[2] AGN Civil 822, Exp. 1, f. 2r. A *tributario* or taxpayer comprised a married couple. Widows and single people were considered *medios tributarios* (half a taxpayer). Children were not considered. One *tomin* or *real* was 1/8 of a *peso* (monetary unit weighing about one ounce of silver). One *fanega* is a "Unit of dry measure; soon about 1.5 bushels." Gibson, *The Aztecs Under Spanish Rule*, 601.

members) who served him on his trips, at his home, and on his own cattle ranch, nor to those who planted for him, as governor, a field of about 600 square feet each year. He did not pay for the damage that his cattle caused to the bèniquèche's cultivated lands, either.

Additionally, he was accused of *echar derramas*, that is, of imposing more contributions from each household; he asked for money and cacao for Tlacolula's religious feasts and money, turkeys, and blankets for his children's weddings. Finally, he was accused of making *pulque* in his house, organizing drunken binges, and ordering the punishment of anyone who refused to serve him and dared to question his actions. A principal called Gaspar de Aguilar was involved in the complaint, for in his capacity as alcalde he might have ordered punishments in the name of don Domingo which resulted in the death of at least two people: one person called Domingo Lachi and another called Tomás.

In 1579, don Domingo was condemned to pay the tribute he supposedly took from the 140 "whole tributaries" during nine years since Navarrete's account: a sum of 1,461 pesos and 3 tomines. He was also barred from public office for life, a sentence which later was reduced to a period of 10 years. Moreover, he was sentenced to provide *servicio personal* (manual labor) for eight years to whoever would pay for it, "y el precio por que se vendiere el d[ic]ho servicio aplicamos para la camara y fisco de su magestad."[3] And he also paid a 100-pesos fine.

The case against don Domingo de Mendoza was only one of several episodes in the dispute over tributes and tributaries in the sixteenth century between the Spanish Crown and other power groups. The dispute began with the limitation of tributes to *encomenderos* and the introduction of tribute assessments that intended to *moderar* (reduce) the tribute paid to them. Similar tribute and salary assessments were issued to native rulers and cabildo members. Then, a tributary and land reform in 1563-1564 drastically reduced tributes for caciques by reassigning land and tributary status to their *indios patrimoniales* (patrimonial Indian servants). But the caciques

[3] AGN Civil 822, Exp. 1, f. 202r.

resisted losing the tributes and services they had traditionally received. They took advantage of their positions in the cabildo to continue controlling local resources and native labor. They even sought other ways to alter or evade tribute delivery to the crown, originating a practice that would continue over centuries: the concealment of tributaries. On the other hand, the crown was prepared to punish these practices exemplarily.

The crown expected caciques to give up their privilege to determine the amount of tribute and services they should receive, and to content themselves with their official salaries, which were regulated by Spanish authorities. When they did not, they were accused of being fraudulent, tyrannical, and greedy. These terms were adopted by macehuales to settle accounts with abusive caciques and governors, and by other caciques and principales to promote complaints against rival factions within pueblos. Alliances were formed between macehuales and principales against specific caciques, which influenced and changed the political organization of pueblos.

This chapter examines disputes over tributes and tributaries in the light of tribute assessments, the establishment of new demands (such as the tithe), the creation of a model for collecting debts, and the negotiations by which it was put into practice. I show that the strategies to oppose the crown's measures (especially the concealment of tributaries) were developed first by the dynastic rulers or caciques to hide their patrimonial workers, opposing the crown and the community, then adopted by caciques who held the post of gobernadores, and later by many other cabildo members. I contend that the original dispute was between the caciques against the crown over who had the right to control and enjoy tribute and labor. However, as the sixteenth century advanced, defying the crown's authority was more complicated. Don Domingo claimed he was looking after his polity, the láhui, and even the crown, but other rival native ruling houses and the macehuales became involved, and they decided not to support him anymore. The concealment of tributaries was considered a felony, but it was a widespread practice that was only denounced when rival parties could not reach internal agreements.

6.2 Tribute and power

In Mesoamerica, as well as in Spain, tribute entailed the bonds of vassalage.[4] When European and Indian conquistadors militarily defeated polities in the Valley of Oaxaca in the name of the Spanish king, tribute (in kind and labor) began to be channeled to conquistadors/encomenderos but also to the crown. As the crown exerted its power, it claimed the monopoly of tribute entitlement, collection, and assessment. To achieve this goal, the privileges of encomenderos and native rulers needed to be reduced or, as it was frequently expressed, "moderated."

6.2.1 Encomendero abuses and crown regulations.

When Cortés assigned the first encomiendas in what he called New Spain, he considered that these should include tributes, unlike the encomiendas of the Caribbean islands. This generated several problems because the collection of tribute was an exclusive privilege of the crown in recognition of its authority and jurisdiction. This decision encouraged the first encomenderos to demand exorbitant payments and labor from the local population; they were limited only by their own will.[5]

In 1523, Carlos V sought to revoke Cortés' decision to grant encomiendas and tributes. However, after a series of inquiries and consultations with friars and officials, it was clear that this practice would enable Spaniards to "secure the land" and increase the crown's own income. By 1528, the king allowed it, but he focused on limiting their tribute and the types and amounts of labor.[6] He decreed that encomenderos could not ask for indigenous women to serve in their houses or for native enslaved people to work in their mines. He also reduced tribute payments and prohibited demands for gold or any other products that were produced locally.

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[4] Menegus, "El gobierno de los indios en la Nueva España," 602.

[5] Miranda, *El tributo indígena*, 71-76.

[6] Miranda, *El tributo indígena*, 78-86.

At the same time, although the crown respected encomiendas granted in the first years of Spanish colonization, it changed their duration. Initially, they were considered inheritable and perpetual, but in 1542, when the *New Laws* were issued, it was established that after an encomendero's death, the encomienda would escheat or revert to the crown. Encomenderos' protests in New Spain (not to mention their revolt in Peru) led the crown to "compensate" them by appointing them as corregidores in charge of collecting royal tributes, which created a new problem, although it allowed the new law to be applied. Tribute assessments for each pueblo under the crown's jurisdiction included the corregidor's compensation to prevent these new royal officials from abusing their power, but it probably was not enough. In the Valley of Oaxaca, most new corregidores were former or active encomenderos. From 1536 to 1546, their salaries ranged from 140 to 300 pesos per year (See Appendix 1). They rapidly implemented other ways to make money through the *repartimiento de mercancías*.

6.2.2 Moderating the tribute of "tyrant" caciques.

In 1530, the king sent instructions to the *Segunda Audiencia* and the *corregidores* to find out what kind of tribute the caciques were receiving. He also urged them to continue to moderate the *tasación* or assessment of tributes and salaries, that is, to reduce them, always making sure the macehuales learned not to provide any tribute or labor without authorization from the crown.[7] However, many of the first corregidores were conquistadors, so once in office they abused the local population, stealing from them or accusing caciques of idolatry to force them to pay large amounts of gold. At the same time, Native people continued to pay tribute to their dynastic rulers, who would not give up their tribute entitlements just because of a royal decree.

In 1531 the Second Audiencia, in a letter sent to the Spanish monarch, expressed that despite the reductions in tribute, the macehuales did not benefit because there was a certain

[7] Miranda, *El tributo indígena*, 91, 106.

"tyranny among them." Likewise, the cabildo of Mexico City stated that the reduction only benefited caciques, who gave a minimum part of the collected tribute to the Spaniards while they kept the rest and enriched themselves. Caciques were also reproached for their "disorder" in collecting tribute, as was expressed on several occasions since 1549. The different obligations of the population and the great diversity of forms that tribute had in the pre-colonial past made the collection work of the crown officials difficult.[8] In subsequent years, Spanish letters, royal decrees and laws reveal a discourse about caciques' greed that justified the crown's intervention to regulate the amount and type of tributes they could receive.

The crown's determination to diminish hereditary lords' power was also expressed in the adoption of different terminology for them. In 1538 a royal decree imposed the word "cacique" to refer to indigenous rulers and reserved the term "señor" for the Spanish king.[9] The issuing of royal decrees on the mismanagement and abuses committed by caciques, encomenderos, and ex-conquerors who became authorities was complemented by laws that seemed to reflect the king's magnanimity in order to win the goodwill of commoners. Hence, in the New Laws of 1542, it is instructed: "tasen los dichos tributos y servicios por manera que sean menos que los que solían pagar en tiempo de los caciques y señores que los tenían antes de venir a nuestra obediencia para que conozcan la voluntad que tenemos de les relevar y hacer merced."[10]

Those well-intended speeches, however, were not enough to alter reality. The king's economic difficulties forced him to look for any source of wealth, including tributes paid by *macehuales*. By 1532 or 1533, he consulted the *Audiencia* about the possibility of asking for

[8] Miranda, *El tributo indígena*, 98-99, 95, 129.

[9] Menegus, *Del señorío a la república de indios,* 78.

[10] New Laws *apud* Miranda, *El tributo indígena*, 121. In another royal decree of 1549, the king expressed that he wished to make it known that, as sovereign, he moderated tribute for the Indians' wellbeing (p. 126).

"voluntary service" from the local population, but the *Audiencia* dissuaded him on that occasion. In any case, this episode shows that the king's will was ultimately subject to the king's needs.[11]

Other measures were taken to homologize tribute payments and increase royal income. The most important was the *visita general* made by judge Jerónimo de Valderrama between 1563 and 1564. Valderrama sought to "correct and increase the crown's income." Unlike previous royal officials, he decided to increase tribute for the first time.[12] The two most important things he did were to include *noblemen* and *terrazgueros* as tributaries. Valderrama claimed that *real* caciques were few and everybody else should pay tribute. He decided that New Spain should undergo a new system of land distribution so that terrazgueros were "liberated," that is, were not linked to their dynastic rulers anymore and, instead, were grateful and indebted to the crown.

During 1563 and 1564, Valderrama gathered Indigenous witnesses' testimonies to prove that an increase in tribute assessment was needed, but it could only be done by granting *terrazgueros* (sharecroppers or agricultural dependents) access to lands held by principales. Therefore, land distribution was crucial for Valderrama's tribute reform to succeed. The testimonies also indicated that services for the church and the community were burdensome, but those issues were not fully addressed. Valderrama ordered to take patrimonial lands away from caciques and to give *parcelas* (arable plots) to terrazgueros. This land distribution, in turn, helped "liberate" terrazgueros from obligations to their caciques.

Having lost lands and workers simultaneously, caciques immediately complained about the new measures, but the *Visitador* was convinced that he had done the right thing. In his reply to caciques' complaints, he denied having taken from them any patrimonial lands except that all the poor had been ordered to be given land that they could farm without paying anything for it. He also resorted to the image of "tyrant caciques" and expressed that "Si esto llaman quitar patrimonios, dicen verdad, pero es quitar tiranía, que no han querido los principals dar tierras a

[11] Miranda, *El tributo indígena*, 107.
[12] Menegus, *Del señorío a la república de indios,* 117.

los pobres, aunque estaban sobradas e incultas, por forzarlos a que labrasen las suyas, y les han robado y roban en esta."[13] This measure established a new type of "individual" relationship between each tributary and the Spanish king, who had given them their lands.

6.3 Tribute and salary assessments for the república.

Another way to ensure that tributes were channeled to the crown was by involving the cabildo as a third party. As mentioned in Chapter 3, salary assessments and governorships' titles were generalized by the mid-sixteenth century. Governor titles and salary assessments were intended to confirm governors as public officials serving the crown. But caciques who became governors clearly considered these salaries to be insufficient, and they kept asking for tribute that was not regulated. However, times had changed, and macehuales or any other members of native polities could file complaints against these abuses. As a result, various caciques were brought before justice.[14] Caciques controlled the cabildo during the sixteenth century, but it was a corporate body that was held accountable to the public eye.

6.4 Caciques' reactions

6.4.1 Legal actions.

Caciques resisted the crown's efforts to undermine their power and reduce their tributes (through tribute moderation) and tributaries (through the land and tributary reform). Indigenous elites devised several ways to oppose the Spanish monarch's designs, including filing complaints in the courts of New Spain and Spain.

In 1559, don Tomás Maldonado, governor, and other native rulers of Huitzo filed a complaint arguing that in 1547 and 1548, Domingo de la Cueva, a native judge from Huaxacac

[13] Menegus, *Del señorío a la república de indios,* 136.

[14] For instance, in Michoacán, don Antonio Huitzimengari, governor of Tzintzuntzan, was to face a *juicio de residencia* against him in 1561, but he died. Aguilar y Afanador, *Don Antonio Huitzimengari*, 42-45.

who was in charge of identifying and counting the tributaries of Huitzo, had included 48 married terrazgueros as tributaries.[15] As a result, don Jusepe de Luna, lord of San Juan Hueyotlipa, had lost twenty-four married men, and don Juan de Zarate lost twenty-four married men who lived in the place called Quiaguia, in the cabecera of Huitzo. Those terrazgueros, however, had begun to pay tribute to their own lords again in 1555, for they lived on patrimonial lands; but they also were forced to pay tribute to the crown and the community. Luna wanted the tributaries to give him what they gave to the king and the community: "que los d[ic]hos yndios con los tributos que acuden a su mag[estad] e a la comunidad se lo den a el."[16]

Don Tomás, don Jusepe, and two other coquì also complained that, in 1555, Juan Bautista de Avendaño, alcalde mayor of Antequera, had counted several married terrazgueros of Huitzo as tributaries. As a consequence, don Tomás Maldonado, the governor of Huitzo, lost twenty married men living in the site Quiaçe, and don Jusepe de Sosa, from Zautla, sixty married men. The four xoana and the witnesses they presented argued that those people were their *yndios patrimoniales* (patrimonial Indians) and had inherited them from their ancestors. They insisted that those terrazgueros had never paid tribute to the king or the community or the *pueblo*:

> que sienpre tributaron al d[ic]ho don Jusepe de sosa como propios yndios de su patrimonio los d[ic]hos sesenta yndios E a el Acudian con sus serviçios E tributos E nunca tributaron a este d[ic]ho pueblo ni a otro señor ninguno syno solo al d[ic]ho don Jusepe hasta que puede aver honze años poco mas o menos que vn domingo de la cueva yndio juez quando conto este pueblo mando a todos los prençipales que no escondiesen ningunos yndios y entonçes conto ansymismo a los d[ic]hos sesenta yndios E los metio con los demas que tributavan en este d[ic]ho pueblo a su mag[estad] E a la comunidad E desde entonces a visto que tributan a este pueblo E que antes como d[ic]ho tiene los d[ic]hos sesenta yndios tributaban solamente con todos sus tributos al d[ic]ho don Jusepe E antes tributaron a quelaniça padre del d[ic]ho don Jusepe[17]

[15] AGI Mexico, 96, R.2, f. 5r.

[16] AGI Mexico, 96, R.2, f. 5r.

[17] AGI Mexico, 96, R.2, f. 9v-10r.

Referring to the services these yòho or quèhui heads received from their patrimonial Indias, they recounted that "le servian en hazerles sus sementeras e servirle de tapias en sus casas e las mugeres molerles pan e hilar en su casa"[18]

When the *fiscal* (prosecutor) of the royal audiencia in Mexico refused to resolve the problem, the xoana of Huitzo relied on Dominican friar Juan de Córdova, who was to go to Spain to present their case before the Council of the Indies. Córdova argued that the judges' actions occurred without the noblemen's thorough knowledge, for they did not completely understand Spaniards' "modos y negoçios." He insisted that they were dynastic lords and needed their own patrimonial Indians: "son señores de cas[ta] y cabeçeras prinçipales del dicho pueblo y q[ue] no [*roto*] tien[e]n q[ue] comer ni q[ui]en les trayga un canta[ro] [o le]s muela una tortilla q[ue] coma[n] sino solas sus mug[eres y] se abomynava entre ellos en su ynfidelidad q[ue] [*roto*] nenguna de casta se pusiese a hazer semejantes of[ici]os."[19]

Fray Juan de Córdova argued that, by depriving Huitzo's dynastic rulers of their terrazgueros, the crown was making a mistake, for he still believed that "su m[agesta]d no pretendia q[ui]tar a nadie lo q[ue] era suyo y tiene mandado q[ue] a todos los q[ue] de aquella manera les ovieren quitado algo se lo restituyan."[20] Valderrama's reforms proved him wrong. As a matter of fact, economic demands on the native population continued to increase.

Thus, Huitzo's lords opposed early attempts to deprive them of their patrimonial Indians and assign those terrazgueros as tributaries of the crown and, hence, the community. Governor Tomás Maldonado was among the complainants, showing that he had his priorities straight. As a result of this complaint, these lords probably received their own tribute assessments. At least, don Jusepe de Sosa, from Zautla, had a *tasación* that his son used some years later to

[18] AGI Mexico, 96, R.2, f. 6r.

[19] AGI Mexico, 96, R.2, f. 1r. [first 1r]

[20] AGI Mexico, 96, R.2, Exp s/n, 1559. f. 1r.

continue receiving a salary as Zautla's governor, tribute, and other personal services, as mentioned in Chapter 3.

A couple of years later, in 1560, the caciques and governors of Cuilapan, Zaachila, Coyotepec, Zimatlan, Ocotlan, Teticpac, Tlacolula, Macuilxochitl, Teotitlan, Tlacochahuayan, Etla, and Huitzo complained about the tithes. The crown had tried to impose them many times. First, in discourse in 1505, 1529, and 1534, and then in reality in 1544, 1549, 1553, and 1554.[21] But native authorities opposed and exposed the crown's contradiction in trying to impose an additional tribute with a different name. Governors reproached Spanish authorities who had promised that they should only pay tribute, build their churches, and support their ministers, and they would not be compelled to give anything else as they were Christians. Now that they were forced to pay tithes, they fell "insulted and offended":

> Cuando vuestros gobernadores y virreies nos mandaron tributar, nos dieron a entender que la razón de estos tributos era para podernos gouernar en toda paz sosiego y quietud y chrisitandad, lo qual aceptamos de voluntad[...]
> Tanbien quando nos christianaron, se nos dixo auiamos de hacer nuestras iglesias y proveellas de lo necesario y aiudar a sustentar los ministros de los divinos sacramentos y doctrina cdhrisitana que se nos diesen, iuntamente con Vuestra Magestad, que de sus reales rentas les manda dar salarios y hacer limosnas, y que no auiamos de ser compelidos a dar otra cosa alguna por razon de ser christianos, lo qual todo acetamos con grande alegria, proveyendo con todo cuydado y diligencia[...]
> Nos compelen agora a que con todo rigor paguemos el diezmo de todas las cosas que criamos y beneficiamos que de España an venido, lo qual cierto noes es causa de mui gran turbacion y congoxa, pues en ello se nos hace notoria injuria y agravio, ansi en hacerse contra lo que al principio se nos predico y en nombre de Vuestra Magestad se nos prometio, como en lleuarnos todos estos diezmos contra nuestra voluntad, sin dexarnos para nuestra Iglesia y ministros de ella un solo tomin.[22]

In the end, however, the governors did not succeed in their demands.

It was in this context that the concealment of tributaries, among other strategies to pay less tribute, began. In 1547, the native judge Domingo de la Cueva was well aware that caciques used to hide tributaries, and he warned Huitzo's lords not to do it: "domingo de la cueva yndio

[21] Miranda, *El tributo indígena*, 67, 90, 108, 127, 139, 145-151.

[22] AGI Mexico, 168, N. 2: 242r-v, 243r. ENE, XVI, 67.

juez quando conto este pueblo mando a todos los prençipales que no escondiesen ningunos yndios."[23]

6.4.2 Frauds, mistreatments, and *juicios de residencia* against *gobernadores*.

Many cases throughout New Spain show that caciques and governors employed a "double counting" mechanism that enabled them to extract more tribute than officially reported. In Michoacan, for example, don Alonso Huapéan, governor of Zinapécuaro, faced a trial, a *juicio de residencia*, between 1566 and 1567. He was accused by cabildo members, noblemen, and macehuales of asking for exorbitant quantities of local products. He was also accused of refusing to administer justice, sexual harassment, physical violence, and public intoxication.[24]

The *juicios de residencia*, inquiries into the actions of public officials at the end of their terms, were obligatory for native governors, but they were only implemented when serious accusations existed.[25] In the case of don Domingo de Mendoza, his trial became a *juicio de residencia* because he was not only a cacique but also a public officer. This could explain the harsh verdict against him, even when, as we will see, he did not act alone.

6.4.3 On the concealment of tributaries and other actions.

Along with "double counting," concealment of tributaries was another way that native governors avoided paying Spanish authorities all the tributes that they were expected to pay and to retain something for themselves. The practice was well known in the 1550s and had different modalities, for some tributaries hid by claiming that they were terrazgueros. For example, in 1559, conquistador Pedro de Ahumada expressed that "as house thieves," caciques "asconden pegujales

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[23] AGI Mexico, 96, R.2, Exp s/n, 1559. f. 9v-10r.

[24] Roskamp, Hans. "De la Costumbre al Abuso. El Gobernador Alonso Huapean, Zinapécuaro, 1566-1567." En *Nuevas Contribuciones al Estudio del Antiguo Michoacán,* Sarah Albiez-Wieck y Hans Roskamp, editores. Zamora: El Colegio de Michoacán, 2016, 203-227.

[25] Castro Gutiérrez, Felipe, Los tarascos y el imperio español, 1600-1740. México: Universidad Nacional Autónoma de México, Universidad Michoacana de San Nicolás de Hidalgo, 2004, 124.

(plots) de indios de los que llaman calpulales del tributo principal en muchas partes y les dice ansí: «Estad vosotros aquí por míos e yo os libertaré del quatequitl», o servicio personal de obras de la república y de las iglesias."[26] His statement reveals additional reasons for tributaries to hide other than paying tribute--to avoid working for cabildo members, community enterprises, and the church.

Ahumadas' opinions reflected what various New Spain settlers, especially those who did not benefit from the labors and tributes of the towns, thought about native authorities. He criticized "el desorden que comunmente se tiene entre estos naturales, asi en el gastar de los bienes de sus republicas y comunidades, como en el cobrar de los tributos de los macehuales, excediendo de la moderacion que se les da," and the great benefit that was made by assessing the tributes.[27] From this perspective, the concealment of tributaries was a result of the mismanagement to which indigenous rulers were prone.

In contrast, in that same year, an Augustinian friar commented on new significant tribute burdens that the pueblos had to pay, and the continual stripping of tribute and services from caciques in favor of encomenderos and other Spaniards, which left the caciques helpless:

> la sementera que le hacen es poco menos en algunas partes que era antiguamente y ansí de los principales; mas cuanto a lo que pedían ellos por su voluntad de mantas o de otro servicio, o de lo que ordinario le solían dar, aunque en algún pueblo pueda ser le haya, en general dan a sus particulares señores mucho menos que les solían dar antes que fuesen cristianos; por donde nos consta los señores particulares estar agraviados y despojados y padecer muy gran necesidad, por lo cual no son tenidos ni mirados como era razón."[28]

The friar also pointed out that most services and tributes that the prehispanic lords counted on were determined by specific circumstances, so that "no había cerca de esto cosa tasada ni cierta; antes, si se ofrecía nueva fiesta, hacían hacer y pedían mantas y lo que para ello fuese menester."[29]

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[26] Carrasco, "Relaciones sobre la organización," 144.

[27] Carrasco, "Relaciones sobre la organización," 140.

[28] Carrasco, "Relaciones sobre la organización," 123.

[29] Carrasco, "Relaciones sobre la organización," 122.

Whereas comments from the sixteenth century made caciques responsible for the concealment, the Tlacolula case shows that there were other groups involved. Of course, by hiding tributaries, caciques were protecting their own interests, but that did not preclude them from also constructing alliances with principales and even macehuales who wanted to subvert or at least "cheat" the Spanish administration.

Examples of "individual" decisions not to pay tribute included avoiding marriage until a much later age. In 1578, king Felipe II issued a law that designated all 18-year-old native people as tributaries. The reasoning was that they remained in their parents' house not to pay tribute, and even "por Gozar de libertad no se Casavan muchos de edad de viente y Cinco años a treinta Casandose en tiempo de su Ynfidelidad antes de llegar a doze."[30] According to oidor Alonso de Zorita some tributaries had hanged themselves, overwhelmed by so many tributes, while others, in the Mixe and Chontal parish (*doctrina*) had fled or decided not to have children: "Respondian que no tenian de que pagar el tributo porque se moria mucha gente y se huia a los montes ni tenian Reales ni de donde aberlos y que no querian tener hijos porque no biniesen a pasar los trabajos que ellos pasaban y que no podian pagar tanto tributo como se les avia puesto."[31]

6.5 The Tlacolula case

6.5.1 Previous studies.

Previous studies have already briefly addressed some aspects of the trial against don Domingo. In *Landlord and Peasant in Colonial Oaxaca*, Taylor indicated that don Domingo's abuses against hunters in Tlacolula could be a remnant of the dietary distinction that only benefited noblemen.[32] The same author, in *Drinking, Homicide, and Rebellion in Colonial Mexican Villages*, refers

[30] AGI Mexico 881, No. 11, f. 19v. Also see Obara-Saeki, Tadashi, and Juan Pablo Viqueira Albán, *El arte de contar tributarios. Provincia de Chiapas, 1560-1821*. México: El Colegio de México, 2017, 170-171.

[31] Ahrndt, Wiebke, *Edición crítica de la* Relación de la Nueva España *y de la* Breve y Sumaria Relación *escritas por Alonso de Zorita*, (México: Instituto Nacional de Antropología e Historia, 2001), 286.

[32] Taylor, *Landlord and Peasant*, 15.

briefly to the evidence against don Domingo related to his excessive consumption of *pulque* to exemplify how chronic drunkenness in the noble class was frowned upon and questioned by the people.[33] An even briefer mention was made by scholar Karl-Ludwig Storck in his book *Die Zentralen Orte im Becken von Oaxaca (Mexiko) während der Kolonialzeit*. In a footnote, Storck cites the folio in which the auction of goods of don Domingo was proclaimed on a day of *tianguis* (market) to support his claim that the market system was not only consolidated in Antequera but also in Tlacolula, Ocotlan, and other places during the sixteenth century.[34]

Zapotec historian Xóchitl Flores-Marcial delved deeper into the case in her doctoral dissertation, entitled "A History of Guelaguetza in Zapotec Communities of the Central Valleys of Oaxaca, Sixteenth Century to the Present." In Chapter 4, she relates the *derramas* (levies) of money and clothing that don Domingo demanded, especially when his children got married, by appealing to the reciprocity and mutual aid system practiced for centuries among Bènizàa, known as *guelaguetza*. Flores-Marcial pointed out that don Domingo abused this practice and "violated the values of social responsibility and reciprocity" that characterized guelaguetza. She argued that these values also operated in two other elements of what she calls the *Guelaguetza System*, namely, the *tequio* or collective work and the *cargo* or office.[35]

Flores-Marcial observed that the denunciations contained in the *memoria* of the *cacique-gobernador* showed that the main reason for Tlacolulans to file the lawsuit against don Domingo was his abuse of the *Guelaguetza System* to the detriment of "the community," meaning the quèche. However, she points out, royal officials who handled the case only focused on the crime that the *cacique* committed against the crown, the one related to tributes.[36] She proposed that hiding tributaries would have been a way to challenge Spanish institutions, but she does not

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[33] Taylor, *Landlord and Peasant*, 32

[34] Storck, *Die Zentralen Orte*, 132

[35] Flores-Marcial, "A History of Guelaguetza," 119

[36] Flores-Marcial, "A History of Guelaguetza," 125, 146-147

analyze this specific practice. However, she affirms that "The documentary trail left behind by don Domingo shows that the Zapotec cacique was intelligent, cunning and greedy. He was especially keen in dealing with Spanish officials, their obsession with administration, and their constant and often contradictory demands."[37]

Thus, until now, nobody has examined the concealment of tributaries that occurred in Tlacolula in 1570. I consider don Domingo's case very important and revealing because his actions were not isolated. In the Valley of Oaxaca, taxpayers' concealment was part of a series of direct actions to dispute the crown's legitimacy and lordly rights. Who had the right to impose and receive tribute: the Spanish Crown or Zapotec authorities? Who was "usurping" whose tributes?

6.5.1 The reasoning of governor Don Domingo de Mendoza

Let us begin with the explicit or public purpose that don Domingo had for hiding tributaries. Various testimonies about his statements indicate that when he saw that the bèniquèche were constantly dying due to the persistent epidemics, he suggested to some cabildo members to request Spanish authorities for a new count of tributaries and a new *tasación* or tribute assessment. This was a common practice, for the change in the number of tributaries should mean a change in the amount the polity had to pay. But new counts often took time to complete, and meanwhile governors had to cover the difference between the amounts they actually collected and the official amounts the polity was obligated to pay. If they did not give Spanish authorities the exact amount, they were imprisoned. So, there were numerous petitions to update the count of tributaries, especially when epidemics decimated the population.

According to various testimonies, once the new count was approved, don Domingo addressed and exhorted the rest of the cabildo members, as well as other elders and principales by saying "hermanos ya sabeis que se quiere contar este pueblo escondamos algunos tributarios

[37] Flores-Marcial, "A History of Guelaguetza," 131, 126

porque si hubiere en algun tiempo mortandad que los que se escondieren paguen el tributo que habían de pagar los que se muriesen."[38] Hence, the main reason to hide tributaries was to cope with the constant deaths of bèniquèche, which drastically reduced the number of tributaries and, therefore, the amount of tribute to be paid.

Another reason to hide tributaries was the importance of having reserves for all the special expenses that were to be paid by the community, most of them related to Spaniards' demands: "porque tuviesen con los tributos de los indios que escondiesen con que dar de comer a su corregidor Vicario y otras personas cuando viniesen a este pueblo."[39]

The hiding of tributaries in Tlacolula was a collective decision, at least at the cabildo level, and offered advantages not only for don Domingo but for different social strata within Tlacolula that would not have to pay any additional contributions. In fact, most witnesses both for and against don Domingo pointed out that the decision to hide tributarios involved other authorities. According to don Diego de Velasco, a witness against don Domingo, the proposal came initially from the governor, but "la culpa de haberse fecho lo que tiene declarado y haber quitado a su majestad el tributo de los dichos ciento cuarenta indios también la tienen los dichos alcaldes y regidores como el dicho don Domingo gobernador."[40]

6.5.2 Participation of cabildo and other authorities

Domingo Vazquez *Billa*, another witness against don Domingo, offered a more detailed account of how the governor, alcaldes, and regidores, made the decision together. According to his testimony, they met in the church to discuss the proposal and collectively approved it:

> donde esta la pila del bautismo ahi trataron y acordaron entre todos que seria bien se escondiesen algunos indios y no se manifestasen todos en la cuenta porque mejor y mas descansadamente pudiesen pagar y recoger el tributo Y asi con este acuerdo llamaron a los

[38] AGN Civil 822, Exp. 1, f. 34r.

[39] AGN Civil 822, Exp. 1, f. 103v.

[40] AGN Civil 822, Exp. 1, f. 10v.

> tequitlatos del dicho pueblo y de la estancia de santo domingo sujeta a el que de esta cabecera son cuatro principales y de la dicha estancia uno y estando juntos en la dicha iglesia les dijeron lo que tenían acordado y les mandaron que en todas las casas donde viviesen dos indios casados o mas no dijesen ni nombrasen mas de uno en la cuenta que el juez habia de hacer y asi llevando entendido esto se fueron.[41]

In fact, numerous testimonies against and in favor of Don Domingo indicated that the money he had collected from hidden tributaries went directly to the *caja de la comunidad*.[42]

One of the most important facts that was reported about this agreement is that don Domingo was not the only cacique in Tlacolula. Another coquì, named Diego Hernández, ruled over the other "half" of the quèche, also known as *his parcialidad*. From previous records and don Domingo's declaration it is known that don Diego Hernández was the elder of the two coquì, that he was don Domingo's uncle, and that the two of them had been imprisoned in Teitipac in 1574 for their participation in acts of "idolatry." When the list of hidden tributaries was drawn up, the first to show up were the bèniquèche of don Diego's parcialidad. It was only after an exhortation by the *juez de comisión* (appointed judge) that the tributaries under the direct command of don Domingo also appeared.[43]

It is clear that don Domingo de Mendoza did not act alone. He and don Diego Hernández agreed to hide tributaries. The arguments they used to involve other authorities made it seem that this action freed tributaries (which were not only *macehuales* but also principales, since they had been included as tributaries after Valderrama's reform) from a heavier tax burden by directing tribute payments to community expenses instead of to the crown. For this reason, initially, the concealment of tributaries could be carried out without any problems.

6.5.3 Participation of the peniqueche

[41] AGN Civil 822, Exp. 1, f. 13r.

[42] AGN Civil 822, Exp. 1, f. 19r.

[43] AGN Civil 822, Exp. 1, f. 34v, 203r, 122r-124r

According to the *memoria* presented by plaintiffs against don Domingo, he had concealed 140 tributaries. He did not use "double counting," as other indigenous governors did in New Spain; rather, he decided to remove people physically. To do so, he instructed the collaba to make sure that tributaries left the community right before the Spanish judge arrived to make a new census count. In 1576, when the *juez de comisión* produced the list of hidden tributaries, he could not find the 140 tributaries. He registered less than 70 (and I suspect these were all, but complaints inflated numbers by counting both husbands and wives separately). Having them in his presence, he asked them who had ordered them to hide and how they did it. They answered that:

> los tequitlatos que los tenian y tienen a cargo los habian mandado esconder diciendo que lo mandaba don domingo de mendoza su gobernador y los alcaldes y principales del pueblo y que se habían escondido unos yendose a otros pueblos y otros a los montes y otros a la ciudad de Antequera y otras partes y aunque el dicho señor alcalde y juez de comision hizo todas las diligencias al caso necesarias presente pedro rruiz en nombre del real fisco no se pudieron hallar ni parecieron otros ningunos indios de los que se escondieron y ocultaron en la cuenta y matricula.[44]

Other testimonies reveal that people went to hide in their fields or in any market:

> y que para esto se fuesen los que no se habían de contar a su sementeras y a los tianguis mientras el dicho juez contaba porque no los viese y así vio ese testigo que andando el dicho juez haciendo la dicha cuenta el dicho don Domingo mandaba a algunos indios que fuesen a avisar a los principales del barrio donde el dicho juez iba a contar para que escondiesen[45]

It is difficult to say whether tributaries were forced to hide or if they did so willingly, or at least without protesting at the time. But ten years later, they were willing to testify against don Domingo.

Testimonies against don Domingo show that he had committed other abuses that could lead people to unite against him. The accusation about tributaries was the best way to make him face Spanish justice, but the other grievances, as suggested by Flores-Marcial, were at the core of discontent among the Tlacolula population. One of these grievances had to do with the many years that don Domingo had remained as Tlacolula's governor, for it prevented other caciques from

[44] AGN Civil 822, Exp. 1, f. 123v-124r.

[45] AGN Civil 822, Exp. 1, f. 26v.

holding that office. The complaints against don Domingo accumulated over years, but it was only when principales and macehuales allied that they succeeded in holding him accountable for his actions.

6.6 Internal rivalries

Accusations against don Domingo de Mendoza were made by members of an opposing political faction led by don Hernando de Mendoza, one of the sons of don Diego Hernández, the other *cacique* of Tlacolula. Don Hernando, along with a principal called Diego Luis, presented the initial complaint against don Domingo before the royal audiencia in 1576. Other members of this group, according to don Domingo de Mendoza, were don Diego de Velasco, Domingo Vásquez, Mateo Luis, Tomás de Aquino, Domingo García, Francisco López, and Domingo Hernández, as well as the collaba Tomás Hernández, Alonso Hernández, Tomás de Aquino, and another Alonso Hernández.[46]

To understand why don Hernando accused don Domingo of a crime in which his own father, don Diego Hernández, was an accomplice, it is important to consider the timing. In 1579, three years after the initial complaint, Spanish authorities sought to hold don Diego Hernández responsible for his participation. But then they discovered that don Diego had died four years earlier, that is, the year before the complaint was filed. Thus, don Hernando was certain that nothing would happen to his father when he denounced don Domingo.

In Bàaca-Tlacolula, as mentioned in Chapter 3, at least since 1549, local power was divided between the cacique and the governor appointed by Spanish authorities. Both had established dynastic rights. In that year, don Diego was the cacique and don Joseph was the governor.[47] This don Diego seems to have been don Hernando's father. So, apparently, don Hernando was the heir

[46] AGN Civil 822, Exp. 1, f. 1r, 128v.

[47] AGN Hospital de Jesús 432, Exp 5, f. 8v.

of Tlacolula's pre-colonial rulers, but it is not clear if he was entitled to inherit the title of cacique. Don Domingo, on the other hand, probably inherited the title of governor from don Joseph.

It is possible that don Diego Hernández, while alive, had prevented don Hernando from taking any action against the governor since they were family. During the trial against don Domingo, family ties between him and his political enemies seemed to trouble the caciques. For example, don Hernando did not testify against don Domingo; he limited himself to filing the complaint and presenting witnesses for the *sumaria* (summary trial). He seems to have died before the end of the trial in 1579, for he simply disappeared from the proceedings. So, if he wanted to be Tlacolula's governor, he never made it. But if he only wanted to make don Domingo accountable for mistreating the macehuales, he succeeded. Probably, he wanted to achieve both ends.

Don Diego de Velasco *Billaxo*, another "son" or nephew of don Diego Hernandez, continued the legal process against don Domingo until the end. Unlike don Hernando, don Diego testified. He was the first witness in 1576, but his tone was moderate in several chapters. He avoided accusing only don Domingo of the concealment of tributaries and *derramas* for the town's feast, nor did he accuse him of taking advantage of community goods. He even said that the gifts that don Domingo requested for the marriages of his children were a "custom" in the Valley of Oaxaca. However, he did denounce the lack of payments to the bèniquèche who provided personal services and the very low amount of reparations for the damages that don Domingo's cattle had caused to the bèniquèche's fields. He also expressed his personal grievances since:

> de algunas personas indios del dicho pueblo tuvo noticia y le dijeron que su padre de este testigo le había dejado trescientas cabezas de ovejas y que se las tenía don Domingo usurpadas que se las pidiese y este testigo se las ha pedido y dice que no le debe nada y otras veces le dice que pagandole la guarda se las dara.[48]

[48] AGN Civil 822, Exp. 1, f. 12v.

Don Diego de Velasco undoubtedly considered his family ties with don Domingo when he gave testimony, but he remained loyal to don Hernando. Don Diego de Velasco had been orphaned at a young age, and don Diego Hernández (his uncle) had adopted him as a son.[49] Therefore, he considered don Diego as his father and saw don Hernando as an uncle, not as a brother.[50]

When don Hernando disappeared from the scene, it was don Diego de Velasco who continued with the lawsuit. Soon, another of his relatives got involved: don Martín de Aguilar. They pursued the litigation to the end, presenting petitions on behalf of the macehuales, and achieving a totally unfavorable ruling against don Domingo, which forced him to pay a great sum of money and declared him banned from public office. Don Diego de Velasco immediately joined the cabildo as alcalde, as revealed by the *Relación Geográfica de Tlacolula*, and soon after became governor.[51]

6.6.2 Temporary alliances

When don Hernando filed the lawsuit against don Domingo, he and Diego Luis claimed that they did it on behalf of Tlacolula's macehuales. Bèniquèche had attempted for some years to make don Domingo face justice before joining don Hernando in 1576. According to don Domingo himself, he had been denounced on various occasions before 1576. In 1573 or 1574 he was denounced by Mateo Luis and his son Tomás de la Plaza for damages that his sheep had done to the complainants' fields. The corregidor Luis Alonso de Lugo, made him pay for the damages. However, according to don Domingo, Lugo discovered soon after that the damages had been done by the complainants themselves, and for that reason he had them whipped. Another complaint against don Domingo was presented in 1573 or 1574, before the same corregidor Luis Alonso de

[49] AGN Tierras 485, Exp. 1, f. 114v.

[50] AGN Civil 822, Exp. 1, f. 12v.

[51] AGN Civil 822, Exp. 1, f. 337r, 338r, 357v.

Lugo, regarding the derrama of *mantas*, *huipiles*, *naguas,* and money for the marriages of his children. According to the witnesses, the corregidor compelled don Domingo to return the goods received, and he assembled the clothes to give the impression that he was about to give them back, but in the end, after the corregidor left town, he did not return the goods.[52]

Thus, attempts to make don Domingo responsible for his abuses did not bear fruit at the local level. It was necessary to involve the royal audiencia in Mexico, accusing him of a crime against the crown that would bring him to trial. It was also necessary to establish an alliance between bèniquèche and xoana to hold don Domingo accountable.

6.7 Spaniard's different reactions

6.7.1 Royal audiencia

The concealment of tributaries was considered *usurpación de tributos* against the crown. That is, the Spanish Crown's fiscals or treasury officials accused those who hid tributaries of stealing revenue that legitimately belonged to the Crown. The royal audiencia was serious in its attempt to make an example of don Domingo; its ruling against him was severe. The fine he had to pay was very high, despite numerous testimonies both against and in favor of don Domingo saying that the money went to the *caja de la comunidad*. In addition, a sentence of servicio personal or manual labor was a very humiliating punishment.

The process against don Domingo avoided the intervention of local Spanish authorities. The fiscal was suspicious of everyone, and he recused the alcalde mayor and some interpreters (although he later withdrew his recusal). He even changed the original *juez de comisión* appointed by the same royal audiencia for a new one, apparently because he had written a draft of his sentence that was considered lenient and incomplete (some chapters were left to the Audiencia to decide).

[52] AGN Civil 822, Exp. 1, f. 118r.

The fiscal was determined to punish don Domingo for usurping royal tributes, but other Spaniards were not as concerned, especially because they benefited from this kind of practice; some of their arguments even stressed that the money was used to benefit the community.

6.7.2 Friars and regional Spanish judges

The number of tributaries hidden who belonged to don Domingo's parcialidad was almost double the number of those who belonged to don Diego's. However, all of them did not even amount to 70 tributaries, half of those denounced by don Hernando. This is disturbing, especially because at least one of the collaba who testified against don Domingo changed his initial statement: instead of nineteen hidden tributaries, he only remembered five. First, he claimed that the others had moved, but later, before the *juez de comisión*, he explained that he had nineteen tributaries under his charge but only four hid.[53] Other witnesses did not correct their declarations, but the tributaries they first mentioned were never presented. For example, in the estancia of Santo Domingo, fourteen hidden tributaries were denounced and the names of eleven were given. But during the judge's visit, only five appeared.[54] Another inconsistency was that all the witnesses affirmed that the concealment had occurred 10 years before the denunciation, in 1566, but on the penultimate folio of the legal dossier, it is clarified that it actually happened in 1570.

The peculiarities of this case seem even greater when consulting sources on the population of Tlacolula, which had gone from 480 tributaries in 1548 to 400 in 1570 and 300 between 1571 and 1574, reflecting a general decrease in population during the sixteenth century due to epidemics.[55] According to the denouncers, one out of every three tributaries was hidden, or one out of every two.[56] That would be equivalent to hiding a third or half of the population. If we add

[53] AGN Civil 822, Exp. 1, f. 76v, 114r.

[54] AGN Civil 822, Exp. 1, f. 49r, 123v.

[55] See Appendix 2.

[56] AGN Civil 822, Exp. 1, f. 18r, 42v.

that proportion to the last two figures cited, those closest to the time when they were hidden, it turns out that the population of Tlacolula in most cases would have increased rather than decreased, or else the concealment of tributaries had been going on for decades.

In any case, it seems that the concealment of one-half or a third of the population would have been noticeable to Pedro de Navarrete, who had been corregidor of Tlacolula by 1565, five years before he was ordered to do the new count. If he did not notice it, it was either because he was not continuously in the town, and therefore, it was possible to deceive him, or because it was done with his veiled consent. What was in it for the corregidor? Perhaps the gifts that don Domingo was said to be taking to the city of Antequera to give to his friends.

Other Spanish local authorities, such as the former corregidor Lugo, as well as the vicar fray Juan Berrez, probably knew about the concealment of tributaries, but they did not report it.[57] More interesting, however, is what Alonso Martínez, the *juez de comisión* appointed by the royal audiencia (who traveled from Mexico City to Antequera to carry out his duty), wrote in the draft of his sentence. For Chapter 1, regarding the concealment of tributaries, he considered that no harm had been done since all the money was sent to the *caja de la comunidad* and was used for community expenses. Moreover, in his opinion, native authorities adopted this practice to ensure that the crown would receive its due:

> lo procedido de estos tributarios entró en la comunidad y no entró en poder del dicho don Domingo, gastabase en las fiestas que hacían, el gobernador y principales y alcaldes todos fueron de acuerdo que se escondiesen los ciento cuarenta indios para lo dicho y principalmente para pagar el tributo que adelante faltase a su majestad.[58]

Ironically, the royal judge's perspective on the case resembles don Domingo's arguments more than those of the royal audiencia and the crown.

Don Domingo de Mendoza claimed that by concealing tributaries, he, as governor, was looking

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[57] AGN Civil 822, Exp. 1, f. 142v.

[58] AGN Civil 822, Exp. 1, f. 70r.

out for the common good of Tlacolula, the benefit of the community, and the king's interests, for he was making sure royal tribute was paid. Those who denounced him claimed they were acting on behalf of Tlacolula's bèniquèche and the royal treasure. In this dispute, the bèniquèche allied with those who repented from having participated in the scheme. What is interesting is that the bèniquèche also had begun to speak by and for themselves. According to Domingo García, three bèniquèche approached him and told him that "tenían pena de que no los hubiesen contado y puesto en la memoria de los demás porque eran vasallos del rey y no sabían a quien habían de tributar porque aunque tributasen en algun tiempo cuando se supiese les dirían que no habían tributado."[59] Loyalties were changing from the dynastic rulers to the king, especially when local, internal abuses were involved.

6.8 Concealment of tributaries in the Valley of Oaxaca

6.8.1 Instructions to avoid deceit.

The concealment of tributaries was such a widespread practice in the Valley of Oaxaca, and in New Spain, that by 1578, when authorities of Etla and Huaxacac requested a new count, royal authorities had included in the judges' instructions a section to guide them on how not to be deceived. It stated that they should pay attention to the number of houses and hearths:

> y si por las d[ic]has casas pareçiere q[ue] según los aposentos y fuegos dellas podia aver mas q[ue] un tribut[ari]o y sus hijos hareis particular averiguacion de los q[ue] mas avia y la causa porq[ue] no se hallan de presente y a donde se pasaron a vivir y si tomaron casas de por si o si se escondieronn por rrazon de no ser hallados en la d[ic]ha q[uen]ta y por cuyo mandado y orden.[60]

The instructions also considered the epidemics as an argument to justify demographic decline and even suggested doing what don Domingo had done--to make up for the lack of taxpayers with those who probably had not been accounted for:

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[59] AGN Civil 822, Exp. 1, f. 205r.

[60] AGN Hospital de Jesús 444, Exp. 37, f.9v.

> y antes y al t[iem]po q[ue] començase en el d[ic]ho pu[ebl]o la enfermedad de q[ue] dizen aver muerto los d[ic]hos yndios si avia mas tributar[i]os de los q[ue] por entonçes estavan casados y quantos heran y como se llamavan y los tribu[t]os q[ue] estos pagavan quyen los rreçebia y cobraba y a q[ue] quenta estaban y si con ellos aunq[ue] ayan muerto otros se suple o puede suplir enteramente la tasaçion del d[ic]ho pu[ebl]o[61]

Finally, when judges could prove concealment, they should press charges against native authorities and tributaries:

> y si hallardes q[ue] algu[n]os se an escondido o esconden sabida la verdad proçedereis contra ellos y contra los q[ue] para ello dieron consejo favor y ayuda y los condenareis en pena corporal de açotes y q[ue] nos sirvan en el muelle del puerto de san juan]o de [u]lua el t[iem]po q[ue] fuere n[uest]ra voluntad y aperçibireis al governador y prinçipales y tequitatos del d[ic]ho pu[ebl]o q[ue] cada y quando q[ue] se entendiere y supiere aver f[ec]ho la d[ic]ha encubiera se proçedera contra ellos la d[ic]ha pena[62]

6.8.2 The cases in Teitipac, Huitzo, Zimatlán and Etla.

Despite all these instructions, warnings, and punishments, cases of concealment of tributaries continued in the Valley of Oaxaca. The known cases show that don Domingo's strategy was not isolated and that accusations resulted more from power struggles than any commitment to end this practice. Later on, adversaries would employ tribute-debt accusations to ban political enemies from public office.

In 1574, during a trial for "idolatry" against the *cacique* of Teitipac, don Gaspar de Aguilar, and other nobles of that town, several witnesses said that when Bartolomé de Zárate counted the tributaries (on an unknown date), don Gaspar had hidden several of them from "his *barrio*," in reality his quèhui, in the subject town of San Lucas. Don Gaspar's quèhui included part of the population of the head town and some subject towns of Teitipac, identified by the witnesses as "las estancias de la sierra."

Another concealment of tributaries occurred in Huitzo in 1583. More than forty tributaries were hidden by the governor, probably don Pablo de Maldonado. In 1584, the action

[61] AGN Hospital de Jesús 444, Exp. 37, f. 9v-10r

[62] AGN Hospital de Jesús 444, Exp. 37, f. 10r

was denounced by don Luis Garcés from Suchilquitongo and don Pedro de la Cueva from Apazco. They also complained about retaliation, and the problem was solved when all of them reached the xoana agreement of 1584-1586.[63] Decades later, in 1631, don Felipe Garcés, son of don Luis Garcés, petitioned the viceroy to be rewarded for having denounced the concealment of tributaries, but it is not clear if this were a new case or if he referred to his father's deeds, for his narrative was deliberately ambiguous.

In another case from 1611, the fiscal sued the governor of Zimatlan, don Pedro de Figueroa, along with Juan Hernández and Martín de Córdova, *alcaldes*, and other regidores and consorts. He accused them of hiding eighty-three "tributarios enteros," that is, 166 people, from which they had been collecting the tribute in both money and crops: "reales, maiz, y tostón (currency) para el nuevo servicio, y el *medio real* [de comunidad]." That same year, a royal provision was issued for the mayor of Antequera to apprehend the three suspects, interrogate them, and make additional inquiries.[64] Unfortunately, the record does not report who filed the complaint. No further information has been found on the resolution of this trial.

Finally, in 1654, Juan de Santiago, who presented himself as cacique and principal of the Villa de Etla, denounced the concealment of tributaries in the said Villa. He declared that Juan Hernández, from the *barrio* of Los Reyes "incluso en esta dicha Villa", and Juan Mendoza, from the subject town of San Miguel, whom he identified as "mandones y cobradores," were still collecting those tributes.[65] Santiago explained that after four years of serving in the office of alguacil mayor, trying to make sure that no native person of Etla and its *sujetos* missed the doctrine or failed to attend religious worship, he made a register to record their confessions. Then, he discovered that in the 1643 official count several tributaries were missing. Santiago made a *memoria* in which he listed about seventy tributary couples and several widows, widowers, and

[63] AGN Indios 10, Cuad.2, Exp. 134, f.1

[64] AGN Tierras 2969, Exp. 45.

[65] AGN Indios 17, Exp. 29, f. 47v.

young unmarried people who were not in the 1643 *padrón* or census.[66]

The cacique said that he made the denunciation because he was a "leal vasallo de su majestad y del señor marqués del Valle." He also said that other people knew what was happening and could testify about it, such as the cacique and governor Don Pedro Ramírez, the alcalde ordinario Gaspar de Illescas and the regidor Jacinto García. The fiscal of the royal audiencia, Pedro Melián, and the oidor Francisco Calderón y Romero pointed out that the tribute payments belonged to the marqués and only the "servicio real" should be paid to the king. They ordered an investigation of the number of tributaries hidden: if they had paid any servicio real, to whom, and how much. I have not found a complementary record indicating the results of this inquiry.

In 1708, when Bishop Maldonado planned another ecclesiastic reorganization, an inquiry was conducted. Among the secular witnesses presented, one declared that the reorganization was necessary not only for the church but also for the king, for the priests would be in charge of making the tributaries' counts and "en las viçitas no se ocultaran tributarios." He was certain that concealment was common practice and that pueblos concealed many things. He declared that by 1700 he had gone to San Pedro Lachixio (el Alto) and heard that they had some hidden fruit orchards. He begged a friend to take him to these orchards, and there he saw native people who were naked. He was convinced they were tributaries that the town of San Pedro had hidden "in reserve" to replace the current tributaries when they died:

> le Rogo a un amigo Suyo le enseñara d[ic]has huertas para lo qual le hiso muchas promesas y q[ue] el d[ic]ho Yndio le mando q[ue] no hauia de desir nada p[o]r q[ue] ninguno Sauia de aquello y otros partidos q[ue] le Saco a q[ue] se auino este declarante y para que fuese le dio a vn hijo suyo q[ue] lo guiase y q[ue] a cosa de vna legua de subida p[o]r vn mogote muy empinado frontero de d[ic]ho Pueblo Salieron a vn llano en donde Vido muchissimos arboles frutales en vn plan hermosissimo y q[ue] alli Vido mucho numero de natur[ale]s de todas hedades hombres y mugeres en cueros y q[ue] hauiendo buelto a d[ic]ho Pueblo Preguntandole el d[ic]ho Yndio llamado Pedro Xaba q[ue] que le hauia pareçido le Respondio q[ue] bien y preguntadole este declarante q[ue] que naturales eran aquellos le dijo con mucho secreto y con señales de el q[ue] aquellos estauan alli para quando faltasen los del Pueblo ir trayendo para q[ue] asi no faltasen y pagar los Tributos y limosnas Cauales y q[ue] tiene por Cierto el q[ue] d[ic]hos naturales no estaran Baptisados y mas quando en

[66] AGN Indios 17, Exp. 29, f. 48r-v.

> los Pueblos d[ic]ho de San Pedro Lachixio y otros muchos de d[ic]ha Sierra se han descubierto Ydolatrias y q[ue] a los natur[ale]s de d[ic]ho Pue[bl]o de S[a]n P[edr]o los llaman alzados[67]

Even if this witness's narrative is somewhat imaginative, it reveals the rationale of the argument that the concealment of tributaries enabled native authorities to comply with the royal tribute payment. But not everyone saw it that way, especially Spaniards. Some historians have estimated that "ocultamiento" or concealment may have represented as much 20% of the total population.[68]

6.9 Conclusions

Concealment of tributaries was a means to challenge colonial authority. This action was labeled usurpation or fraud and attributed to caciques' greed and tyranny. However, in retrospect, such strategies were also bold statements within a greater discourse about authority and legitimacy. This dispute confirms that, in the end, the colonial state was not a fixed structure but a relational process, the result of conflict and negotiation between colonizers and colonized peoples.

These conflicts provided *macehuales* with political weapons to fight their own battles against abuses. They used discourses about tyrannical caciques and Spanish legal system, especially the *juicio de residencia*, to accuse and sometimes remove abusive rulers. Whereas *caciques* were losing power in different spheres of influence, other groups were gaining power, permitting this practice to continue. The làhui or cabildo inherited these struggles to break free from incessant tribute and labor contributions. On the other hand, there was never a shortage of authorities who tried to take advantage of these situations for their economic and political gain.

[67] AGI México 879, Exp. 4, f. 29v.

[68] Miranda, "Evolución cuantitativa," 10.

Chapter 7. The *Baldios* and the Dispute Over Native Land[1]

In 1565 the authorities of San Lorenzo Zimatlan produced what is now the oldest known alphabetic document written in Tichazàa.[2] In this text, they recognize the possession of some uninhabited and uncultivated land by a Bènizàa nobleman named Alonso Caballero, while, at the same time, he is urged to request a land title issued by the viceregal authorities so that Castilians would respect his possession of the land. Apparently, Castilian colonizers considered that land as *baldío* or vacant, uncultivated land and wanted to establish an *estancia* or cattle ranch on the place.

Whereas it is somewhat fortuitous that the earliest extant Zapotec text comes from Zimatlan, its subject matter is not. Taylor pointed out that the arm of the Zimatlan Valley was the subregion with the largest number of Spanish properties during the sixteenth century, the majority dedicated to cattle raising. Taylor noticed that Spaniards' interest in holding land in the Valley of Oaxaca was minimal until 1570, but he also showed that in 1539 the Spanish conquistador Hernando Cortés established several estancias in this subregion.[3]

This chapter focuses on the ways in which people in the Valley of Oaxaca fought against the loss of their lands to Spanish colonizers from the early colonial decades and contested the crown's claims to vacant lands as royal lands. Zapotecs claimed those lands were either patrimonial lands or communal lands. Land dispossession in the Valley of Oaxaca occurred in two main ways: the direct occupation of occupied and unoccupied land by colonizers (and their cattle) who later requested official title from Spanish authorities and the purchase of native patrimonial

[1] A modified version of this chapter was published in Spanish under a Creative Commons licence as: Cruz López, Beatriz. "Pueblos, estancias y ganado: Cambios y conflictos por los nuevos usos y formas de tenencia de la tierra. Valle de Oaxaca, siglo XVI," *Americanía* No.19 (Enero-Junio, 2024).

[2] There is a translation to English of this document, along with a brief comment in Restall, Sousa and Terraciano, *Mesoamerican Voices*, 103-104. Michel Oudijk also published a linguistic analysis and a translation to Spanish. Oudijk, "El texto más antiguo,"

[3] Taylor, *Landlord and Peasant*, 111.

land by powerful Spaniards. I analyze two cases in particular: a conflict between the town of Etla and an *estanciero* (cattle ranch owner) called Alonso Morzillo in 1537, and a conflict in 1548 between the authorities of Zimatlan and Ocotlan and the marqués (and some other estancieros). I explore concerns caused by the arrival of new people, new animals, and above all, new ideas and forms of acquisition, use, and the legitimization of land possession. I aim to document local people's actions to defend themselves and their lands, and how they challenged the concept of *baldíos* introduced by Spaniards to dispossess them from their lands. First, the concept of vacant land was rejected by signaling cultural differences between Zapotecs and Europeans, and then it became part of a discussion involving property rights that reinforced the processes by which communal property and communal representation became a priority for the Bènizàa.

7.1 Previous studies on land property

In *Landlord and Peasant in Colonial Oaxaca*, William Taylor studied land tenure in this region among both Spaniards and native people by analyzing the mechanisms and categories established by Spaniards to regulate land, but he also showed how local populations transformed those impositions to fit local needs.[4] Taylor pointed out that the Spaniards' interest in lands was mainly directed towards establishing cattle ranches or estancias, not farming.[5] He also argued that Hernando Cortés' interest in the Valley limited the presence and influence of other conquistadors in this region until decades later.

Taylor observed that during the sixteenth century, most cattle ranches in Spanish hands were located in the south of the Valley of Oaxaca: he counted 15 in the Zimatlan Valley and 12 in Tlacolula against 7 in Etla.[6] He argued that until 1570 there were not so many requests for ranches by Spaniards; however, most of his data (mainly viceregal grants for cattle ranches) began in 1561.

[4] Taylor, *Landlord and Peasant,* 67. See Chapter 3.

[5] Taylor, *Landlord and Peasant,* 116.

[6] Taylor, *Landlord and Peasant,* 119-120.

Nevertheless, he provided scattered but interesting references to very early cattle ranches established in the 1520s and 1530s.[7]

Taylor was right to point out that, unlike other areas of New Spain, in the Valley of Oaxaca Spanish properties were less numerous in the sixteenth century. However, data from new sources suggests that there were more early licenses for cattle ranches gained by Spaniards than previously thought. Some of those ranches probably did not last long, but some did, and others were transferred. On the other hand, there were many Spaniards who had cattle without possessing ranches. The impact of stockbreeding on the daily life of local people was more important than previously thought.

Thus, the scenario was more complex and dynamic. For example, in 1549, in the Zimatlan Valley, apart from Cortés' five cattle ranches already identified by Taylor, at least another 13 people also had ranches near or within Zimatlan and Ocotlan territories. They were Diego de Guinea, Melchor de San Miguel, Rodrigo de Jerez, Francisco de Villegas (who replaced Cristobal de Baltodano), Román López (who replaced Lorenzo Genoves), Francisco de Valdivieso, Juan de Toledo, Alonso de Contreras, Juan de Aragón, Alonso de Morzillo, Francisco Gutiérrez, Pedro Muñoz and a certain Villalobos. In addition, the cattle of Juan Martínez Domínguez, Pedro Martín, and a certain Benavente grazed his ganado near the said towns. Apparently, these three people did not have ranches, so they used the lands of Cortás and other estancieros, such as Alonso de Contreras, to graze their animals.[8]

Finally, another important aspect to highlight about the Valley of Oaxaca is that, while Cortés controlled the Valley during the first colonial years, he was interested in making profits and was not alone in exploiting people and resources. Cortés had allies and servants working for

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[7] Taylor, *Landlord and Peasant,* 15-16, 74, 111, 113, and 213 (Appendix D). It is important to acknowledge that, apparently, Taylor did not have the opportunity to analyze grants registered in the first three books of *Mercedes* (viceregal grants), now available at AGN in Mexico City.

[8] AGN Hospital de Jesús 432, Exp. 5.

him while making profits for themselves (just as conquistadors did in the name of the Spanish queen or king). Their demands for labor, food, products, and raw materials that were channeled to the marques' estate and their own enterprises were a double burden for the local population.

Cortés' control of the Valley ended in 1529, when Juan Pelaez de Berrio and his allies entered the region with the support of the First Audiencia, presided over by a great enemy of Cortés, Nuño de Guzmán.[9] As the new judge appointed by the Audiencia, Berrio and other new officials managed to deprive Cortés of several towns (leaving him only four lordships, the *Cuatro Villas*) and establish their own businesses throughout the Valley, including some ranches. The struggles and rivalries between Cortés' representatives and the authorities and settlers of Antequera forced each of these parties to ally at different times with native authorities to testify against their enemies. Lordships somehow benefited from this rivalry, although only momentarily, since both groups wanted to exploit them just the same.

7.2 Early colonial land dispossession.

The first way in which Spaniards took land from indigenous populations, according to Hildeberto Martínez, was by establishing themselves and their *villas* in different regions. Indeed, they sought to establish private lands for their houses and their orchards, and to graze their animals, as well as collective lands for public buildings and to provide their local councils with *propios*, properties that can be exploited to obtain funds, and *ejidos* or common pasture land for the *vecinos* or Spanish inhabitants.[10] Sometimes, conquistadors and colonizers chose to settle on apparently unused lands, but this was not the case in the Valley of Oaxaca, where Spanish conquistadors decided to settle in the preexisting settlement called Huaxacac, removing Nahuas from their homes, temples, and palaces.

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[9] Doesburg, *Conquista y Colonización en Oaxaca*.

[10] Hildeberto Martínez, *Codiciaban la tierra. el despojo agrario en los señoríos de Tecamachalco y Quecholac (Puebla, 1520-1650)*. (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1994), 67. See also Peset and Menegus, "Rey propietario o rey soberano," 569.

In 1529, when Spaniards led by Juan Peláez de Berrio arrived in the Valley to re-found the Spanish villa, part of the Nahua population of Huaxacac was in Chiapas with Spaniard Juan Enríquez. Thus, Peláez and his group simply took the houses that they wanted. When the Nahuas finally returned, they found their homes occupied and had to move to the outskirts of their capital.[11] Spaniards renamed the space they occupied Antequera, whereas Nahuas continued calling their own settlement Huaxacac (Zapotecs called it Loola). After this, Spaniards implemented two other ways to dispossess local people from their lands: by purchasing patrimonial lands and occupying what Spaniards called *baldíos* or vacant lands.

7.3 Sales contracts: the lost lands of don Alonso, lord of Zimatlan

Some sales records produced in the Valley of Oaxaca between 1529 and 1531 have survived in copies that reveal the strategies used by Spaniards to dispossess various noblemen and lords of their lands, orchards, and houses. They were used to acquire patrimonial lands, protecting the buyer more than the seller. These people were likely forced to sell, but legal formulae concealed the violence behind the contracts.[12]

Records of sale typically state that the sales were made willingly because of "the many honors and good deeds" that the seller received from the purchaser ("por [las] muchas honrras e buenas obras que de vos [...] he rr[ecibi]do"). In gratitude, the seller promised that if the value of what is purchased were greater than what he paid, he would write off the difference to the buyer ("la d[ic]ha demasia sy alg[un]a ay hago la d[ic]ha gr[aci]a e donaçion della").[13]

However, those who benefited from these transactions were not characterized by their generosity or by their good deeds. In the Valley of Oaxaca, Juan Peláez de Berrio, whose violence

[11] Doesburg, *Conquista y Colonización*, 8. Jiménez, González y Galarza, *La Antigua Oaxaca-Cuilapan*, 9, 20. Doesburg, "La Fundación de Oaxaca". Huaxacac, in turn, was founded in Cuilapan's lands.

[12] Peset and Menegus, "Rey propietario o rey soberano," 580-581. The authors state that purchasing and trading land was the origin of most Spanish properties.

[13] For example: AGN Hospital de Jesús 444, Exp. 1, f. 1v. Copy of bill of sale to Diego de Guinea.

towards native rulers and other Europeans was denounced in 1531, benefited from this type of transaction. In 1529 he bought from *Tonal*, a person from Zaachila, an orchard in exchange for 15 loads of corn. Then, in 1531 he bought some lands of notable size from don Fernando *Ocelotl* ("Jaguar"), lord of Tlalixtac, and another person named *Cuabtle* (Cuauhtli, "Eagle"), which were located favorably near the river, where there was a house, an orchard, a mill, and a ditch, in exchange for nine *xiquipiles* of cacao beans (one *xiquipilli* contained 8000 beans).[14]

Another person who benefited from this type of transaction was Diego de Guinea, Cortés' steward and a powerful man in the first decades of colonial Oaxaca (from 1526 to 1554). As the administrator of Cortés' encomiendas, and later as *mayordomo* (steward) of the Cuatro Villas, he was accused of supporting complaints that native authorities from that jurisdiction filed against the properties of other Spaniards to drive them away from the region, although nothing could be proved against him. What is certain is that he relied greatly on letters of sale to acquire land rights. For example, in 1537, Fernando Aragonés claimed that Guinea forced him to remove his pig farm in 1531 or 1532 by presenting a bill of sale regarding that land.[15]

On July 26th, 1529, Guinea bought lands from two native lords of the Valley: don Alonso *Caltzin*, brother of the lord of Zimatlan, and don Martin *Coyotzin*, lord of Teocuitlapacoya.[16] According to the bills of sales, Guinea gave each of them "vn pedaço de oro con la marca rreal [...] q[ue] hera lo q[ue] Justamente la d[ic]ha t[ie]rra valía." The legal formula of these documents included the same phrases about gratitude mentioned above and made clear that they renounced Spanish laws protecting patrimonial land ("rrenu[nci]o la ley de Alcala de Henares f[ec]ha por el rrey don Alfonso, de gloriosa memoria, de la ynsynuaçion de los quinientos sueldos."). They

[14] AGI Justicia 231, f. 551-553. JR-JPB 485-488.

[15] Zavala, "Contienda legal y de hecho," 133.

[16] AGN Hospital de Jesús 444, Exp. 1 for Zimatlan. BIJC, Fondo Luis Castañeda Guzmán, Civil, Haciendas, Exp. 1, for Teocuitlapacoya. I thank Maira Córdova for sharing with me some photographs of the latter file during the pandemic. The name of the lord was written as *quyabçy* (f.1r). By the 1540s and 1550s Guinea had resorted to viceregal grants and received several in different regions of Oaxaca, as documented by Vázquez Mendoza, "Pueblo a orilla del mar," 107, 208-210 y 214 -Table 10-.

included the Zapotec lords' assurance that nobody, including themselves, would ever claim the lands or dispute Guineas' ownership. Who ever made such a claim would pay double what they received for the lands, plus legal expenses and other damages.[17] In this way, Guinea immediately acquired two large plots of land in a very fertile area. The advantages of bills of sale was that they were done quickly, they did not rely on the Crown's approval (like the royal audiencia or the viceroy), and they avoided the risk of losing properties to other Spaniards or towns since, unlike *mercedes* (grants), sales contracts appeared irrevocable.

The lands sold by don Martín, lord of Teocuitlapacoya, were located in the territory of a town called Yeltepec, bordering on one side with Zimatlan (and with the hill called Yeltepec), on another side with a mountain located between Ocotlán and Teocuitlapacoya called Ocotepec, and on another side with the river between Ocotlán and Zimatlán. Guinea established an estancia there which years later would pass into the hands of the Calvo family and, after other transfers, came to be known as the hacienda of Valdeflores.[18]

The landh sold by don Alonso, lord of Zimatlan, was even more extensive. It was the largest Spanish property in the Valley of Oaxaca in the sixteenth century; the property included as many five cattle ranches. A description of the lands reveals its extension and importance. They were located “adelante de los aposentos de Çimatlan” and included “vna Casylla peq[ue]ña que de antes hera Casa e Adoratorio de yndios.” The lands extended over large hills until they reached, on one side, the lands of Teocuitlapacoya and, on the other, the river between Ocotlan and Zimatlan. There were also “diez o doze casas de maçeguales” located there. Surely, they were don Alonso's patrimonial Indians or terrazgueros.[19]

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[17] AGN Hospital de Jesús 444, Exp. 1, f. 1v-2r.

[18] BIJC, FLCG, Civil, Haciendas, Exp.1, f. 1r-v. AGN Hospital de Jesús 102, Exp. 33. In 1584 Diego Hernández Calvo ask to change the license to possess 6000 sheep into a license to possess 400 mares (AGN Mercedes 13: 71v).

[19] AGN Hospital de Jesús 444, Exp. 1, f. 1r

Taylor presumes that Diego de Guinea bought the lands of Teocuitlapacoya and Zimatlan for Cortés, in his capacity as the steward of the marqués.[20] The sales contracts did not mention this, but there is a cession letter dated in Mexico City on October 11, 1539, which states that, in effect, Guinea bought the Zimatlan lands "para el muy ilustre señor el marqués don Fernando Cortes marqués del valle y de sus propios dineros y hacienda y para donde apacentase sus ganados y tuviese sus granjerias."[21]

However, a different and earlier cession letter suggests the opposite. It was made in Antequera on June 6, 1539. This other donation letter shows that Guinea indeed considered these lands as his own. He clearly states that *he* owns lands in the town of Zimatlan because *he* bought them ("todo lo ove e compre e poseo por titulo de compra"), and there is no mention of Cortés. Those were his lands, and he ceded them to the marqués under the irrevocable condition that:

> yo el dicho Diego de Guinea e mis herederos e subçesores e las otras personas que de mi o dellos ovieren causa podamos e puedan traer en las dichas tierras y estancias pastos e rrios quebradas fuentes e abrevaderos questan devajo de los dichos linderos e mojones nuestros ganados propios de bacas e yeguas e ovejas puercos e mulas e otros ganados sin ynpidimi[ent]o alguno e sin por ello pagar a v[uest]ra señoria ni a otra persona alguna hervaje ni otra cosa alguna.[22]

Finally, Guinea appointed himself as tenant and lessee of those lands and ranches "en tanto q[ue] de f[ec]ho vuestra señoria no entrare E tomare la d[ic]ha posezion."[23]

It is worth noting that Guinea ceded only the Zimatlan lands, not the Teocuitlapacoya lands, which remained in his power. It is also worth noting that, again, the legal formula in both letters state that Guinea ceded the lands to the marqués "de mi [a]grado e libre e buena y espontanea voluntad sin [a]premio ni fuerça ni otro constrinimiento ni ynducimiento alguno." He also expressed that

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[20] Taylor, *Landlord and Peasant*, 74, 113.

[21] AGN Hospital de Jesús 444, Exp. 1, f. 2v

[22] AGN Hospital de Jesús 102, Exp. 24, f. 1v.

[23] AGN Hospital de Jesús 102, Exp. 24, f. 2v.

he did it “por muchas mercedes honrras y buenas obras que de v[uest]ra señoria he rreçibido y espero rreçibir de cada dia que suman e montan e valen mucho mas questas dichas tierras.” Poetic justice for the lords of Zimatlan and Teocuitlapacoya.[24]

The contradictory content of the two letters of donation is intriguing. Their sequence and content, along with the content of the sales contracts from ten years before, suggests that Guinea was forced to donate the lands to Cortés. How and why was he forced to do so? The context in which the sale took place is significant in this matter.

On June 7, 1529, Juan Peláez de Berrio was appointed alcalde mayor of the town of Antequera. Peláez de Berrio went there with the mission of stripping Hernando Cortés (who had not yet received confirmation of his marquesado) of his encomiendas in that region, and it did not take him long to reassign several of these towns both to the Crown and to his own acquaintances.[25] In this mission, he was not alone. On June 20, 1529, a series of instructions were issued to Bartolomé de Zárate. Together with Peláez de Berrio, Zárate would take possession of the towns that corresponded to the king and renegotiate the tributes that each of these towns should give.[26]

We do not know when exactly Peláez de Berrio began reassigning towns to other Spaniards at the expense of Cortés, but on September 13, 1529, the royal audiencia reassigned the towns of Zimatlan and Tepezimatlan to Pedro Regidor. A week later, Regidor granted a power of attorney to Peláez de Berrio to take possession of those towns on his behalf, which occurred on October 9. In the power of attorney, Regidor asked Peláez de Berrio to defend the lords of those towns and to take Cortés' steward to court for having improperly purchased certain lands:

> os doy el dicho poder para que podáis amparar y defender a los señores y principales de los dichos pueblos y de cualquier de ellos de cualquier personas que les demandare y pidieren y quisieren tomar alguna cosa contra su voluntad, especialmente sobre ciertas tierras que

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[24] AGN Hospital de Jesús 102, Exp. 24 y Exp. 33. I have reconstructed the text using these two copies that I have found, since one is damaged and the other shows that the Valladolid scribe who reproduced it did not understand some words, especially the Nahua names of people and places.

[25] An *encomienda* was a grant by which a conquistador obtained the right to receive tribute and labor from certain towns in exchange for the promise to evangelize them.

[26] AGI Justicia 231, f. 471r

> Diego de Guzmán (sic, por Guinea), mayordomo de Don Fernando Cortés, les ha comprado no lo pudiendo hacer.[27]

If Juan Peláez de Berrio ever took any action on this purchase and sale, it was to no avail.

The sales contracts involving the lands of Zimatlan and Teocuitlapacoya are dated July 26, 1529, so they were carried out at a time when Zimatlan had already passed or was about to pass to the crown (and then to Pedro Regidor, or directly to him) at the behest of Berrio and the First Audiencia, and the fate of Teocuitlapacoya was uncertain. At this time all of Cortés' *encomiendas* in the Valley of Oaxaca were at risk of being lost. The contracts represent a desperate move to preserve some property in the Valley for the marqués and his men before their imminent loss. That is, as long as Diego de Guinea agreed to transfer some of those lands to Cortés as a token of his loyalty, or else became his enemy. In the end Guinea agreed.

Since he remained as the steward of *Las Cuatro Villas* and tenant and lessee of the lands that he had bought for himself and owned for ten years, but which later passed into the hands of the marqués, it is understandable that Diego de Guinea's property and that of Cortés might be confused in those years. During the litigation of 1549 promoted by Ocotlan and Zimatlan, one of the ex-corregidores of Ocotlan stated that "when [native people] complained about Diego de Guinea it was understood that it was about the marqués and what they said about the marqués it was of all one." As mentioned before, Diego de Guinea continued to own lands adjacent to those of the marqués, which he bought from the Lord of Teocuitlapacoya in 1529.

7.4 Claims to baldíos

In the Hispanic tradition of land use and ownership, the concept of *baldíos* was fundamental. According to historian David Vassberg, the principle behind this concept is that of public ownership, which stipulated that no individual had the right to monopolize natural resources that he had not produced himself. In other words, a farmer could claim to own the produce of the land

[27] AGI Justicia 231, f. 567v-571v, but especially 570v. Diego de Guzman should be Diego de Guinea.

but not the land itself, which cannot be privatized. If it were not worked, the land was considered *baldía*, vacant, and it was at the disposal of whoever wanted to benefit from it.[28] The crown was the guarantor and regulatory institution of this collective right. Only the king (and whoever had the power to represent him) could grant land titles to lords and vassals.

Thus, the term "tierras baldías" had several uses and meanings. It could refer to lands that, according to their physical appearance, had never been worked or were abandoned. From their appearance, it was concluded that they were lands without an owner and were, therefore, considered public or common lands. For this category of public property, the crown could dispose of them to grant or sell them, which gave the lands the character of royal lands or *realengas*. However, if they appeared to be unworked lands, but they did have an owner (by title or grant granted by the king), the owner could at any time claim his rights, and if the lands had been farmed by intruders, he could claim a part of the harvest.

In medieval Europe, monarchies enjoyed eminent domain over all the lands of their kingdoms, but in Castile, because of the success of the war against Moorish caliphates, which was directly attributed to the efforts of the Crown, royal pretensions were magnified. Thus, according to the body of medieval Castilian laws known as the *Siete Partidas*, all properties won "from the enemy" were at the king's disposal, who could distribute them at his sole discretion. Furthermore, the Castilian monarch could also invoke old Germanic traditions and Roman principles that any property without an owner belonged either to the Crown or to the state.[29]

The concepts of *tierras baldías* and *botín de conquista* (spoils of conquest) were used by European conquerors, colonizers, and jurists to justify the occupation of lands in the Americas. According to Mariano Pesset and Margarita Menegus, in the case of overseas lands (especially New Spain) and, at least among the majority of jurists and lawyers, the distinction between property and sovereignty was clear at the time: "[e]l rey es soberano, no propietario de todas las

[28] Vassberg, *La venta de tierras baldías*, 26.

[29] Vassberg, *Land and Society,* 6-7.

tierras de América."[30] However, in general, the Spanish king was recognized as possessing the right to vacant land as part of the spoils of conquest, even though some "radical" friars denied and questioned this right in their speeches. Besides, conquistadors who were in charge of distributing to others and taking for themselves new lands in the name of the king assumed *de facto* that he did have that right to property and in that way they could achieve their expectations of being amply rewarded.[31]

Spanish Conquistadors and early colonizers in New Spain used the concept of *baldíos* to occupy unused lands directly. Later, they would ask Spanish authorities for a *merced* to legalize their possession. In the early years, Spanish town councils conceded these grants, but from the 1540s onwards, it was the viceroy's prerogative.[32]

In the Valley of Oaxaca, claiming *baldíos* created two opposing scenarios. On the one hand, the legal concept "allowed" Spaniards to occupy and take land from native lords and towns. On the other, local people (both elites and commoners) challenged the different meanings of this term in various ways. First, they disputed its meaning and political and economic implications, and then they began to respond to it in pragmatic and creative ways in order to protect their lands from Spaniards.

The case of the cattle ranch established by Alonso Morzillo in Etla exemplifies the pragmatic indigenous response to a law that threatened their lands. In 1537 Morzillo argued that there nobody occupied the lands at the time of his arrival and that he entered them, "because it was an unoccupied and vacant place all around."[33] But the three lords of Etla argued against his claim. They denied that the lands were vacant, based on their physical description and ownership, and they even questioned the use of the concept in a place so different from Castile.

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[30] Peset y Menegus, "Rey propietario o rey soberano," 566.

[31] Peset y Menegus, "Rey propietario o rey soberano," 572-573.

[32] Ruiz Medrano, *Gobierno y sociedad*, 165.

[33] Zavala, "Contienda legal y de hecho," 130.

Before proceeding with an examination of *baldíos*, however, it is important to consider that the Morzillo-Etla dispute took place within the context of land conflicts between towns and Spaniards. These conflicts were part of a broader agenda, which was focused on the complaints of commoners whose lands were threatened or damaged by cattle ranches' owners or estancieros, their cattle, and their workers (both free and enslaved).

Estancias (cattle ranches) and colonization

There is an extensive historiography on cattle ranches in New Spain: their economic importance and proximity to mining centers; the clash of Mesoamerican agricultural traditions with European livestock raising in a colonial context; the environmental consequences of raising livestock; changes in forms of land ownership (particularly the emergence of the *hacienda*); and the beginning of land conflicts between Spaniards and local communities.[34]

This section briefly addresses some of these topics to show the specific impact of ranches with *ganado mayor* (cows, bulls, horses, mules, and so on) and *ganado menor* (sheep, pigs, goats) in this region. Although European cattle in the Valley of Oaxaca was not as extensive as in other areas of New Spain, it was still a source of significant damage to the inhabitants. Historian Elinor Melville observed that even a few animals could cause considerable damage, [35] especially given their keepers' negligence or outright violence, thus making them a threat. Therefore, it is worth considering these damages and their impact on the daily lives of people in the Valley and how they responded to these problems.

[34] See François Chevalier, *Land and Society*, Jose Matesanz, "Introducción a la Ganadería," Alfred Crosby, *The Columbian Exchange*, 1972, Bernardo García Martínez, "Los primeros pasos," Elinor Melville *A Plague of Sheep*, 2010, Miguel Angel Ruz Barrio, "Las Huellas del Ganado," among others.

[35] Melville, *A Plague of Sheep*, 49/203. Kindle edition.

7.5 Notes on the arrival of new animals

The arrival of new animals to the Valley of Oaxaca can be safely dated to 1521. Undoubtedly, the Nahua and Spanish militias that arrived in September 1521 brought horses and several pigs, as was customary on those expeditions.[36] However, beyond its appearance and presence, cattle raising seems to have become problematic in the 1520s due to the struggles between Cortés and the other conquistadors who wanted to settle in the region. And yet, despite the comings and goings of these first European settlers, Taylor noticed that in 1523 at least two people had managed to establish cattle ranches near Tlacochahuaya.[37]

Hernando Cortés, who had a reputation as a pig farmer in Cuba, rushed to introduce these animals in the towns that he claimed.[38] Shortly after Francisco de Maldonado, Cortés' steward, arrived in Tehuantepec (in the Isthmus region) in 1526, he sent word to Diego de Guinea, another servant of Cortés who was in Huaxacac, to buy sows for breeding in Achiutla (a town located in the Mixteca Alta region) and send them to Tehuantepec.[39] Perhaps at the same time, Guinea began raising pigs in the Valley, too, for in 1529 and 1530 he provided corn, chili, and pigs to various authorities, such as the alcalde mayor Juan Peláez de Berrio (50 heads) and the *visitador* (visitor judge) Cristobal de Barrios.[40] By that time Guinea was no longer the only one raising pigs; Hernando Aragonés reported that he had a pig farm on Etla's lands in 1530, a farm that he had to abandon due to opposition by Guinea.[41]

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[36] García Martínez, "Los primeros pasos," 14. According to Cortés, Francisco de Orozco took 12 men on horseback to fight in the Valley of Oaxaca, those who months later went with Pedro de Alvarado to Tututepec and then returned to the nahua settlement of Huaxacac as soon as they had the opportunity (Cortés *apud* Doesburg, "La Fundación de Oaxaca," 2007: 53-55).

[37] Taylor, *Landlord and Peasant*, 118-119.

[38] García Martínez, "Los primeros pasos," 18, 38, n.15.

[39] AGN Hospital de Jesús Leg. 136, f.3r. Laura Machuca briefly mentions this event (Machuca, *Haremos Tehuantepec*, 55).

[40] *Juicio de residencia* of Juan Pelaez de Berrio. AGI Justicia 231 f.58r, 59r. Transcription by Sebastian Van Doesburg.

[41] Zavala, "Contienda legal y de hecho," 128.

Sheep arrived later, but were present as early as 1531. In that year, during the *juicio de residencia* against Juan Peláez de Berrio, it was said that at some point between 1529 and 1531, Bartolomé de Astorga had given some rams to the said alcalde mayor and that Francisco Casco regularly went to eat with him, bringing his own wine and a ram.[42] In 1537 Alonso Morzillo claimed that he had established a sheep farm in Etla five years earlier, that is, in 1532, but the Etla authorities contradicted his statement, saying that at the beginning he only had "three or four mares and no sheep and now he has many mares and sheep."[43]

Finally, it should be noted that in 1529 a r*eal provisión* given to Juan Peláez de Berrio instructed him to ensure "que la dicha Villa sea aumentada y acrecentada y bien regida como de vos se espera, especialmente de ganados y yeguas y caballos,"[44] which could indicate that he and his companions arrived in that year with many kinds of breeding animals. It is significant that by 1543 there was a request for a *mesta* in Oaxaca, which implies the existence of owners with thousands of head of cattle.[45]

7.6 Problems with ranchers and cattle owners

Complaints from towns about cattle and estancieros began at least as early as 1531[46] and intensified in the early 1540s.[47] However, I will focus on lawsuits filed by the authorities of Ocotlán and Zimatlán in 1549 for they are more detailed. In that year, Luis de León Romano arrived in the Valley of Oaxaca, commissioned by Viceroy Antonio de Mendoza to hear the people's complaints against ranches in the region, but particularly against those of the *marqués del Valle*. For the

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[42] AGI J231 f. 143r, 152v, 400r. He also appears as Juan de Astorga.

[43] Zavala, "Contienda legal y de hecho," 131.

[44] AGI J231 f. 465v.

[45] Ruiz Medrano, *Gobierno y sociedad*, 164. AGN Mercedes 2, 260. The *mesta* was a cattle owners association, whose members should had at least 3000 head of cattle.

[46] Zavala, "Contienda legal y de hecho," 130.

[47] Revision of Ronald Spores and Miguel Saldaña, *Documentos para la Etnohistoria*.

occasion, Ocotlan authorities presented, through their *apoderado* (proxy), Miguel Angel Valenciano, a letter in which they assured that:

> de diez años a esta parte nosotros resçibimos muy grandes daños y perjuizios [...] de muchas estançias de ganados mayores y menores questan puestas ynsertadas asi en nuestras tierras y terminos como fuera dellas [...] por benyr como bienen los dichos sus ganados A nos comer y destruyr nuestras sementeras [... y] que por respeto de los dichos ganados nosotros no senbramos ni osamos senbrar nuestras sementeras e ya que algunas se sienbran es menester tanta guarda y soliçitud para las guardar que los yndios e yndias no entienden en otra cosa de día e de noche la mayor parte de ella no duermen y lo peor de todo es que aconteçido y aconteçe muchas veces que por guardar los d[ic]hos yndios sus sementeras benir los ganados bacunos a ellos y matar y herir muchos de ellos del todo lo q[u]al resçibimos y habemos recibido muy grandes daños e perjuizios.[48]

The witnesses presented by Ocotlan were mainly Zapotec authorities from neighboring towns and several Spaniards who had been *corregidores* (Spanish judges) in that town. Their statements are detailed. According to them, in Ocotlan and Zimatlan fields were cultivated almost year-round because there were both wetlands and irrigated lands. But their *tresmesino* (three-month) crops of corn, chili peppers, cotton, and beans were constantly damaged by the pigs, mares, bulls, and cows from various farms in that region. The animals were so voracious that they even came "to eat the straw that is covering their houses," [49] causing fear among the residents: "le aconteçio [...] una bez yr a pedimi[ent]o de un yndio que se dize Alonso a ber los daños que abían hecho unas bacas e allo las dichas bacas hechadas en las Sementeras y çiertas yndias ençima de las casas alborotadas de los d[ic]hos ganados e questos daños no se pagaron." [50]

Some witnesses and Zimatlan authorities affirmed that bull attacks had killed several people from Ocotlan and Zimatlan. Even the alcalde mayor of Ocotlan, Hernando de Aguilar, testified that "podia aber quinze dias poco mas o m[en]os hallo vna yndia herida en la teta yzquierda e dixo que le abia herido vna baca o toro y este testigo la mando curar." [51]

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[48] AGN Hospital de Jesús 432, Exp. 5, f. 4v-6r.

[49] AGN Hospital de Jesús 432, Exp. 5, f. 12v.

[50] AGN Hospital de Jesús 432, Exp. 5, f. 22r-v. Testimony of Bartolomé de Camas, former *corregidor* of Ocotlan.

[51] AGN Hospital de Jesús 432, Exp. 5, f. 19r

In addition to grievances caused by Spaniards' domestic animals, local people also complained about free and enslaved workers of *estancias*. This violence, which could be real or symbolic, was carried out at the instructions of the estancieros and it seems to be one of the ways that Spaniards tried to subjugate the local population. These attacks were documented since 1537 when the governor and two other lords of Etla complained about the stay of Alonso Morzillo and his Spanish servant Pero Hernández. According to the governor of Etla, don Domingo (named *Tochtli* in Nahuatl), he was supervising the *macehuales* who were weeding near the *estancia* that Etla had contested, when

> llegó Pero Hernández [criado de Morcillo] encima de un caballo morcillo y una lanza en la mano y así como emparejó con nosotros arremetió con el caballo y comenzó a derribar indios y trompillarlos y darles con el encuento de la lanza hasta que se hartó, y no contento con esto los echó fuera de las tierras, y arremetió a mi el gobernador y me trompilló con el caballo y me tuvo debajo de las manos del caballo, diciendo a mi y a todos los otros principales de perros y que hacian alli y que si otra vez los tomaba alli que los habia de matar y que si alguno matase que él tenia dineros para pagarle. [52]

Complaints and lawsuits did not stop the attacks. On the contrary, in the case of Morzillo, it seems that, anticipating an adverse outcome, he decided to let his animals do more damage. According to Spaniard Diego Castellanos, "three days ago, he heard Morzillo saying he was involved in a lawsuit, so he had now allowed [his animals] to eat the cornfield because he was arguing about it and about the said land."[53] Another example is in 1548, when Ocotlan's former alcalde mayor, Bartolomé de Camas, declared that in a trial in which he had ruled regarding damages caused by Pedro Asencio's cattle to crops in Ocotlan, "the said Pedro Asencio confessed to having done the said damage on purpose and herded the cattle into it [the damaged land] because it was cultivated again."[54]

In 1549, enslaved people of African and Mesoamerican origin who worked in the Spanish cattle ranches were accused of additional hostile acts. The authorities of Ocotlan affirmed that

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[52] Zavala, "Contienda legal y de hecho," 123.

[53] Zavala, "Contienda legal y de hecho," 138.

[54] AGN Hospital de Jesús 432, Exp. 5, f. 29r.

"the said Indians have received much bad treatment from the people of the said Valdivieso ranch, kicking them and beating them with sticks and entering their houses to steal what they have." At the same time, Juan Rodríguez, a *vecino* (neighbor) of Antequera, testified that "when the said *estancia* was owned by Francisco de Valdivieso and Pedro Ascencio [the father-in-law of Rodriguez], this witness heard people in Ocotlan saying that the black men of the said Pedro Asencio mistreated them, and this is what he knows." [55]

For their part, Zimatlán authorities denounced that, in addition to the damage caused by the marqués' cattle

> un negro que se llama J[ua]n del d[ic]ho marques nos a hecho e haze muchos malos tratami[ent]os entre los quales dio con una lança de lançadas a una yndia del d[ic]ho pueblo e no contento con esto nos despoblo veynte casas de n[uest]ros yndios por los malos tratami[ent]os que les hazian e derribo las d[ic]has beynte casas el y otros dos yndios que el uno se llama M[art]in y el otro B[a]r[tolom]e. [56]

Furthermore, people from nearby towns could not cross the new cattle ranch lands to carry out basic activities, such as hunting, without being mistreated:

> sabe que en la estançia de Diego de Guinea andando los yndios de Çimatlán a caça andaba el d[ic]ho Diego de Guinea en el campo y bido este testigo que por su mandado tresquilaron tres yndios porque andaban a caça de liebres e que los tresquilaron dos indios esclabos de Diego de Guinea. [57]

As a consequence of all these mistreatments and damages, many inhabitants of these towns fled. The Ocotlan authorities were concerned about the *macehuales*, since "the said Indians are destroyed without paying them the damage and they go to the mountains." For their part, those of Zimatlan expressed that "our town is being destroyed and the Indians are leaving us because we cannot stop giving tribute and we have nothing else to give but what we sow." [58]

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[55] AGN Hospital de Jesús 432, Exp. 5, f. 14v, 32v.

[56] AGN Hospital de Jesús 432, Exp. 5, f. 47r.

[57] AGN Hospital de Jesús 432, Exp. 5, f. 56r

[58] AGN Hospital de Jesús 432, Exp. 5, f. 13r, para Ocotlan y 41v para Zimatlan. Para Etla: Zavala, "Contienda legal y de hecho," 128.

From the very beginning, the threat posed by these new animals and their owners was faced by both lords and the *beni queche* (Zapotec term for *macehuales*). All sought to solve these problems through various strategies, some which can be discerned in the documentation.

7.7 People's direct and legal actions

By now it is clear that land conflicts were part of a wide range of strategies that Valley Zapotecs implemented to deal with abuses by estancieros and damages caused by their animals. These strategies involved direct and legal actions when towns from the Valley of Oaxaca filed suits against *estancias,* requesting their removal and the return of their lands. These actions included: fleeing; trying to reason with estancieros; controlling animals (driving them away, rounding them up, and even killing them); filing complaints against *estancias* in the Spanish courts; requesting *mercedes* on their own lands; challenging Spanish notions of property rights; and founding new towns.

According to their own testimonies, in the beginning *beni queche* from Etla waited for estancieros to remove their animals, and when this did not happen, some decided to flee, as stated in the 1537 dispute between Etla and Morzillo: "estuvieron dos años aguardando si Morzillo quitaba los ganados, y como vieron que no los quitaba se fueron a vivir a otras partes." This response was explained by a lack of familiarity with the Hispanic judicial system on the part of the rulers and the *beni queche*. Thus, it was said that the beniquèche "*se han huido por ser gente de poco saber y no tener entendimiento de venirse a querellar ante la justicia*," whereas about the xoana it was said that, because "no sabían ni entendían las cosas de los españoles como ahora lo saben y conocen no se habían querellado ante la justicia de esos daños y no haber lugar estar alli la estancia." [59]

[59] Zavala, "Contienda legal y de hecho," 127.

Flight posed a threat to a town's existence. Thus town authorities hurried to find a solution. However, before going to court, the next step was to speak directly with cattle ranch owners. In the case of Morzillo, when the *beni queche* of Etla confronted him he "begged them not to come to complain and contented them with blankets and other gifts." On the other hand, when the lords of Etla told him to remove his cattle, "he said that he would do so but on other times he would get angry and did not respond to them." [60]

Morzillo's refusal to talk led to other actions. A strategy referred to in the case of Zimatlan and Ocotlan was to make noise to scare the animals "[giving] voices at night [...] like someone who was watching over the fortress." Still, it was an ineffective strategy since the *beni queche* "were troubled and damaged all the same, because they had to guard their fields night and day."[61] Another response consisted of building *corrales* (livestock pens) to confine the animals that caused damage. This allowed towns to charge the owners a fee for the damages in return for releasing their animals. This practice was denounced by several ranchers, who accused towns of locking up their animals for no reason. However, the Spaniard Baltazar de Holguin de Mohedas affirmed that, as alcalde mayor of Ocotlan, he was the one who ordered the construction of the town's *corral* for this purpose, since it was the only way to make estancieros take responsibility for the damage that their livestock caused. [62]

Another riskier strategy was to kill the animals, especially equines. The most heartfelt complaints about these actions have to do with the death of mares and horses, which were very expensive and scarce animals in the first decades of the colonial period.[63] As stated by Alonso Morzillo in 1537, and supported by some of the affected owners, they were convinced that the mares, horses, and foals of at least ten European owners had been injured or even killed by native

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[60] Zavala, "Contienda legal y de hecho," 129.

[61] AGN Hospital de Jesús 432, Exp. 5, f. 28r.

[62] AGN Hospital de Jesús 432, Exp. 5, f. 22r.

[63] In 1525, a horse whit a saddle and bridle cost 150 pesos and its value began to decrease until the 1540s.

people of the Valley of Oaxaca, in places such as Etla, Cuilapan, Teitipac, and Tlacochahuaya. Table 7.1 shows Spaniards' complaints in 1537.

Table 7.1. Spaniards' complaints about equines being killed or injured, 1537.

Witness	Owner	Animals	Cause, responsible, or place
Alonso Morzillo.	Himself	does not specify	Etla people had tried to injure them
	Juan Fernandez Portugués	1 foal, dead	"the Indians"
	Martín de la Mezquita	1 mare, dead	"the Indians"
	Juan Garcia de Veas	2 mares, dead	"the Indians"
	Diego Castellanos	1 mare, dead	"the Indians"
	Bartolome de Astorga Cervantes	2 mares, injured	"the Indians"
		1 mare and 1 horse, injured	"the Indians"
Fernando Aragonés	Alonso Hernández	1 horse, injured	buried flint
		1 mare, injured	an arrow
	Himself	1 mare, dead	"his Indians" told him "the Indians" did it
Juan Hernández de Prada, conquistador	Himself	9 a 10 foals and mares, dead and injured	"does not know if they have been killed by the Indians or by the devil"
		1 foal, dead	"the Indians, because they made 30 in-line holes to kill them"
Cristobal Gil	Martín de la Mezquita	2 mares, dead	1 between Etla and Cuilapan, 1 between Teitipac and Tlacochahuaya
Diego Castellanos	Himself	some mares and foals, injured	"the Indians did it"

Source: Zavala, "Contienda legal y de hecho."

Some cattle owners denounced the use of traps dug in the ground and injuries caused by traditional weapons, which suggests the collective planning and execution of these attacks in which Zapotec hunters or warriors, people expert in the use of arrows and flints, surely participated. This strategy was very risky because the monetary value of these animals made them highly valued goods, so that reprisals against the (alleged) perpetrators must have been very strong.

Castilians read a clear message into these actions. According to Morzillo, they did it in order to "molestar a los vecinos y les hacer mal, porque ninguno críe ni tenga ganados y

despueblen la ciudad."[64] Morzillo suspected that the *marqués'* servants had influenced the people of the *Cuatro Villas*, but another witness, Cristobal Gil, affirmed that "no solamente los indios del marqués sino los del rey" (who paid tribute to the king and not to Cortés or an encomendero) had the same purpose, and he pointed out that one of those attacks occurred between Teitipac and Tlacochahuaya.[65]

These direct actions were followed by use of the Spanish colonial justice system. Once authorities of the towns in the Valley, like those of Etla, learned "Spanish ways" and acquired sufficient knowledge to "file a case and defend our lands and crops," their lawsuits and complaints reached the different forums of justice in New Spain, including the *Audiencia Real*. As a result, in 1549 Viceroy Antonio de Mendoza sent Luis de León Romano to attend to the complaints of the peoples of the Mixteca, the Valley of Oaxaca, and other nearby regions. I have been able to locate the lawsuit filed by the towns of Ocotlan and Zimatlan, but it is reported that simultaneous sentences were given for the complaints of Coyotepec, Ejutla, and Teocuitlapacoya.[66]

It is important to highlight the fact that in 1549 rulers from the Valley of Oaxaca were familiar with the judicial system of New Spain. When Luis de León Romano arrived in the Valley of Oaxaca, fourteen authorities, including caciques and governors of the towns of Mitla, Tlacolula, Teitipac, Macuilxochitl, Teotitlan, Tlacochahuaya, Ocotlan, Zimatlan, Ixtlahuaca, Ayoquezco, and Teocuitlapacoya, met with him to ratify their complaints. The judge suggested that they assign a proxy to handle their cases "atento que los susodichos no saben de pleitos." The authorities accepted. However, during the legal process, there were constant mentions of the previous complaints and lawsuits filed by those authorities at the local level against various estancieros. In Etla's case, legal complaints had begun even before 1537 and as early as 1531, the lawsuit stated.

[64] Zavala, "Contienda legal y de hecho," 130.

[65] Zavala, "Contienda legal y de hecho," 134.

[66] AGN Mercedes 1, Exp. 18. AGN Hospital de Jesús 432, Exp. 5, f. 8v, 73r y ss.

Another legal action was to acquire *mercedes* and *licencias* (permits) to raise cattle from Spanish authorities. Zapotec noblemen were the first to do it. Don Juan from Coyotepec secured permission to possess "heads of mares" in 1555. In 1560 Domingo de Mendoza, governor of Tlacolula, received a *merced* for an *estancia* within the town. Then, in 1565, don Domingo and Diego Vázquez, from Teitipac, and don Francisco de Mendoza, from Mitla, obtained licenses to raise *ganado menor* within their towns, while don Luis de Velasco, from Iztepec, obtained a permit to have ten mares. That same year, don Gaspar and Juan de Aguilar, from Teitipac, acquired *mercedes* for *ganado menor*.[67] These requests can be interpreted as acknowledging the Spanish Crown's authority over the lands. The public discourse recognized that authority but not without disputing it within towns, as discussed below. The requests also meant that Zapotecs began to raise cattle on their own, an economic activity that soon became very important in many communities. Towns' complaints against estancias quickly turned into petitions to recover "their" lands and into discussions about land rights.

7.8 Challenging the concept of baldíos.

In 1537, to defend his cattle ranch denounced by the representatives of Etla, Alonso Morzillo argued that he had established the ranch in a *baldío*. As discussed above, the word *baldío* had various meanings for Spaniards. They used it to refer to the physical state of certain lands, as uncultivated, abandoned, or sterile. They used it to express property rights: when the land has no owner, it was public property, and therefore it was the king's property, who could give it to whomever he pleased. So, when faced with Morzillo's argument about the *baldío*, Etla's rulers confirmed that the lands were theirs and declared that they did not know the term baldío: "las tierras son suyas y no baldías, ni saben qué cosa es baldías."[68]

[67] AGN Mercedes 4, f. 182v; Mercedes 5, f. 176v; Mercedes 8, f. 139 (various); 8: 184; 8: 62.

[68] Zavala, "Contienda legal y de hecho," 124.

This “lack of knowledge” was a verbal strategy reinforced in two ways. On the one hand, they claimed that those lands not only had an owner but that the owner was one of the three lords of Etla. Several Spanish witnesses presented by Etla's authorities declared that there were, indeed, traces of a house. For their part, indigenous witnesses, including the lords of Etla, reported that the house belonged to don Joseph's father. There had been there a “house of ochilobos,” and when they visited it, “they played ball.” [69] All this meant that the lands were important and large, for matches in ball courts had a ritual meaning in pre-Hispanic times, and the *Ochilobos*' house refers to a temple dedicated to the deity called Huitzilopochtli in Nahuatl, the patron deity of the Mexica. So, the land was a central place where temples, ball courts, and probably administrative buildings were located, including the house of don Joseph's father.

The lands, therefore, were patrimonial lands, and this status safeguarded their owner's rights even though the lands were not cultivated or inhabited.[70] The Etla lords argued: “whenever they wanted, they planted them and other times they left them idle as was customary both in Castile and in this land, to let the lands rest.”[71] However, Etla's lords immediately began planting these lands so that they no longer seemed abandoned. When Morzillo complained that they were planting “out of malice” because there were more fertile places, they responded, reaffirming don Joseph's rights over the land, “that the lord of that land wants to plant it because it is his, and even if there are other lands [he wants to plant] that one because it is his and it seems good to him.” [72]

In turn, the ranchers often accused indigenous people of planting crops around their ranches in order to fabricate complaints against them and to eject them from those sites. These accusations were not always substantiated. However, in the Etla case, there is evidence for both situations: according to other Spaniards' testimonies, Morzillo's ranch was almost completely

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[69] Zavala, “Contienda legal y de hecho,” 131.

[70] Menegus, *Del señorío a la república de indios*, 139, n. 1.

[71] Zavala, “Contienda legal y de hecho,” 124.

[72] Zavala, “Contienda legal y de hecho,” 131

surrounded by crops that had been growing for years. But the crops denounced by Morzillo had been recently planted to block the ranch's only exit.

It is not clear if the strategy of Etla's authorities to ignore the concept of *baldíos* also sought to question the Crown's right to dispose of those lands. I think it was. They showed that they understood the different meanings implied in that word, and they sought to prove that some of them did not apply to the disputed land. Still, they claimed ignorance of the concept. It was a subtle way to deny its other meanings that jurists, friars, and others were debating at the time.

While Etla was challenging the implications of the term *baldíos* regarding the crown's rights, Dominican friar Francisco de Vitoria was thinking about similar issues. In 1539 the jurist and theologist gave a lecture titled *Relectio de Indis*, in which he stated that indigenous people had the same property rights as any other human being and that, even if they were heathens, they should not be deprived of those rights by Christians.[73]

7.9 From "vacant land" or "royal land" to "common land"

The issue of baldíos and the rights of both the people and the king remained latent in the region and continued to confront Spaniards. In 1560 there was an altercation between Martín de la Mezquita, a Spanish rancher, and the Dominican friar Andrés de la Anunciación, who at that time lived in the convent of Zimatlan. According to De la Mezquita's complaint before the bishop's audience, fray Andrés dared to question the king's rights over lands in New Spain.

According to the accusation, one Sunday after mass, De la Mezquita began to speak with fray Andrés, to whom he commented with reproach "que como heran tan mal aborreçidos los españoles de los Religiosos que permitian que a los yndios diesen sytios de estançias y a los españoles no permitian se les diese siendo como eran seruidores de su mag[esta]d e sustentaban la doctrina y la fee porque si no obiese españoles los yndios no serían [christ]ianos."[74] Fray Andrés

[73] Vitoria, *Relecciones Teológicas*, 19-30.

[74] AGI México 357 L9, f. 2r. Michel Oudijk shared with me his transcription of this document.

replied that the reason was that "que aquella tierra hera de los yndios y que por eso se les daua," to which De la Mezquita replied that "que no hera la tierra sino de dios y del Rey y que las labranzas y casas que los yndios tenian ocupadas y poseyan hera suyo e que todo lo demas baldíos y montes hera de su mag[estad] y que podía hazer m[erce]d dello a quien el fuese seruido," to wich the friar answered "que una higa para el rey porque la tierra no hera suya sino de los yndios y naturales desta tierra."[75]

Even more outrageous for De la Mezquita was to go talk to the provincial prior, Fray Bernardo de Albuquerque, so he punished Fray Andrés for his statements because the latter replied that "que el dicho fraile no abia ablado tan mal porque la tierra el la tenia tambien por de los naturales."[76] De la Mezquita's accusations reached the Council of the Indies.

These excerpts came from discussions between Spaniards, but one way or another, Zapotecs and other indigenous peoples of New Spain had been talking about and taking positions on the topics of *baldíos* and property rights for decades. Some definitions of *baldíos* were registered in the vocabularies prepared by Spanish friars and indigenous intellectuals in different languages. For instance, around 1540, in a copy of the *Dictionarium ex Hispaniensi in Latinum sermonem*, an unknown author wrote some translations into Nahuatl. There is an entry regarding the word *baldío* that explains how it refers to a shared property: "Baldío cosa común." As the Nahuatl equivalent, the anonymous scribe wrote *teçemaxca* and *neuhiantli*.[77] The *Vocabulario en lengva mexicana y castellana* published by Alonso de Molina in 1571 explains he defintion of tecemaxca as "cosa comun de todos" ("a thing shared by all") and that neuhyantli means "cosa

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[75] AGI México 357 L9, f. 3v. Fray Alonso de la Veracruz in 1553 expressed a similar conviction about natives' property rights. Peset and Menegus, "Rey propietario o rey sobeerano," 567. According to Covarrubias' dictionary of 1611, the *higa* "is a form of contempt that we make by closing our fist and showing the thumb between the forefinger and middle finger, it is an insult in disguise. The ancient fig was only a likeness of the virile member, extending the middle finger and shrinking the forefinger and the ring finger."

[76] AGI México 357 L9, f. 2v.

[77] *Dictionarium ex Hispaniensi in Latinum sermonem* (*Copia manuscrita trilingüe de la parte dos del «Dictionarium ex Hispaniensi in Latinum Sermonem», de Antonio de Nebrija*), f. 27r. It has been proposed that fray Bernardino de Sahagun was the person who wrote the Nahuatl words around 1540.

que se haze de voluntad, o de proprio motiuo" ("a voluntary action, self-motivated)."[78] On the other hand, the *Vocabulario en lengva castellana y mexicana*, also published by Molina, but in 1555, offers a different meaning for baldío as an *acaualli*, "yeruas secas y grandes para encender hornos" and *tlaxiuhcaualli*--that is, as a land full of dried, large weeds.[79] Even friars disagreed about the proper translation of this concept.

For the Zapotec region and language, the *Vocabulario en lengua çapoteca* published by fray Juan de Córdova in 1578 offers some examples. Two meanings appear associated with the word *baldía*. One refers to its physical characteristics as a land that is not cultivated or is about to be cultivated: "Baldia tierra que no se labra o montes" and "Baldio estar por labrar o cultivar," and the other refers to the fact that it belongs to the commons: "Baldia cosa de comun o tierra."[80] The first meaning is conveyed by the Zapotec expressions *yoo quixi*, "grassland," *yoo tache*, "barren land," and *yoo cobaani*, "hayfield."[81] To convey the second meaning, the Vocabulario records *yoo lahui* or *yoo nixiteni lahui*, where *yoo* means "land," and *lahui* and *nixiteni lahui* mean "common thing."

Thus, the meanings associated with the *baldíos* in the Tichazàa translations refer to different aspects: one to their physical features of unused land, and the other defines them as public property. There are no terms such as *realengas* or belonging to the king. This view is consistent with the beliefs and opinions of "radical" Dominican friars, such as De Vitoria, De la Anunciación, Albuquerque, and the most famous Dominican defender of indigenous rights, fray Bartolomé de las Casas, who thought that the king had no rights to indigenous lands. But the important conclusion is that the Bènizàa who were involved in constructing these meanings and

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[78] Molina, Fray Alonso de, *Vocabulario en lengva castellana y mexicana y mexicana y castellana*, México: Biblioteca Porrúa, 2001, 92r and 71r, respectively [second part].

[79] Molina, *Vocabulario en lengva castellana y mexicana,* 18r [first part] and 1v [second part].

[80] CV 50v.

[81] CV 178v:"Eriazo que no se labra, o eruaçal;" CV 228r:"Yermo desierto;" and CV 297v: "Pajonal."

translations, and surely many other people within native polities, were also thinking about this topic.

7.10 The merced of Zimatlan

In the context of establishing the proper translation for vacant lands, the Tichazàa document of 1565 mentioned at the beginning of this chapter can be better understood.[82] It shows Zapotecs' decision to protect their lands from Spaniards, but it also challenges the concept of *baldíos* and the authority of Spaniards and caciques. According to the Tichazàa document, the authorities of Zimatlan decided to grant some lands to a person named Alonso Caballero, so that he, not the Spaniards, could establish a cattle ranch. The document described the lands as unused, but it argued that they were patrimonial lands. Well aware of the legal power that Europeans attributed to the *títulos* and *provisiones*, it also instructed Caballero to request one of those documents so that Castilians would cease their attempts to acquire the lands.

The Zimatlan document is dated November 23, 1565. However, Alonso Caballero had already requested and obtained a merced from viceroy Luis de Velasco on December 9, 1563. Why, then, was he urged to do what he had already done? Did Zimatlan's làhui ignore the fact that Caballero had already received the merced? It seems unlikely, but if that were the case, what happened when they discovered that he already had one? According to the records, Alonso Caballero did not present his merced before the Spanish Corregidor, Marcos Ruiz de Rojas, until January 12, 1568. Then Ruiz de Rojas proceeded to ask Zimatlan's authorities if the merced could be granted to Caballero or if they opposed it, but they agreed.

It took a long time for Caballero to get his estancia, which was uncommon. Usually, people asked Spanish local authorities to confirm their mercedes right after receiving them. But in this case, something apparently went wrong in 1563, was solved by 1565, when the Tichazàa document

[82] AGN Tierras 241, Exp. 7. Oudijk, Michel. "El texto más antiguo en zapoteco." Restall, Sousa and Terraciano, *Mesoamerican Voices*, 103-104.

was written, and again went wrong until 1568. To explain this case, it is necessary to consider changes in political organization and the conflicts between old and new central authorities.

The Zimatlan document does not explicitly say so, but don Alonso Caballero was a nobleman. In 1549, he and the Zimatlan governor met with judge Luis de León Romano to denounce the damages caused by cattle and cattle ranchers discussed above. There is no doubt that Alonso Caballero was a high-ranking nobleman, a xoana or even a coquí who probably wanted to protect his patrimonial lands by obtaining a merced. But for the Spanish corregidor to confirm the merced, even if it were located on Caballero's own lands, the cabildo's approval was necessary. It is possible that Caballero had their support (after all, he had denounced the damages caused by Spanish estancias to his pueblo), but if he did not, they had to negotiate. I think that Caballero's request to the viceroy, probably made before agreeing on this with the local cabildo, was not well received by the làhui of Zimatlan, and the Tichazàa-language document resulted from a negotiation to solve this problem.

The Tichazàa-written merced exhibits some interesting wording that seeks to enhance the cabildo's role as *the* authority protecting and granting land in the first place. For example, the *huecayye* or scribe used the expression *teneche xilla* to refer to the cabildo giving land to Caballero. *Teneche xilla* means "to give a present," and it was used to translate the Spanish action of "hacer merced" (to grant a *merced*). In the document, it is the cabildo who first grants the land and then encourages Caballero to ask for a land title granted by Spanish authorities, but this second action is seen as a strategy to keep Spaniards from entering the lands.

The Spanish merced states that the land Caballero was granted was *baldía*. But in the Tichazàa-written merced, the làhui insisted they were granting him patrimonial land, although it seemed unused. The huecayye described the land in four different ways: *yoo natachi yoo aca quiñaa yoo aca enstaçia yoo aca tana* benj "[an] unoccupied land, land that is not planted, land that is not *estancia*, land that is not tilled by people." He used the Spanish loanword *estancia*, but he was very careful not to use the word *baldía*.

The scribe referred explicitly to the land's patrimonial character. He wrote:

> *quelani xiyoolo quelanj xiquinaalo naca tohuacanj quelanj xiyooca quelanj xiquiña bixocelo naca tohuacanj njacanj tinj tono lohui çica copa bixocelo huayanj tia lanjçica nj tinj tono lohuj a[lons]o caballero queapalo tohuacanj*
>
> "because your land, because your sowing land, is this place; because their land, because the sowing land of your parents, is this place. That is why we tell you that just as your ancestors had it for many generations, we also tell you, Alonso Caballero, that you should have this site again"

Other authors suggested that the lands granted to Caballero were vacant, probably due to the great mortality caused by epidemics, and the Zimatlan council could have been reassigning them to Caballero.[83]

The Tichazàa merced was written to designate the làhui as the main authority in charge of granting or recognizing lands within Zimatlan. It also sought to protect those lands from Spaniards, and to reject the use of the concept of baldíos as royal lands by asserting that in this specific case they were patrimonial property. This strategy sought to safeguard the lands of Zimatlan, preferring the lesser evil of leaving them in the hands of a nobleman than in the hands of an outsider. But towns had begun to consider various types of lands as collective or communal lands; for example, the lands that belonged to the ancient lords and were lost to Spaniards, and they set out to recuperate them.

7.11 The foundation of towns as a collective victory

Another example of how the people and authorities of Zimatlan developed the idea of collective property occurred decades earlier, in 1549, during the conflict between the town and the estancieros. At that time, don Alonso de la Cruz and don Alonso de Toledo refused to recognize the sales contract by which Guinea deprived the first don Alonso Caltzin, lord of Zimatlan of his patrimonial lands. Speaking on behalf of the làhui, they claimed that those lands were not don

[83] Restall, Sousa and Terraciano, *Mesoamerican Voices*, 103.

Alonso's, but rwther were owned collectively since immemorial time ("the said lands have been ours from a long time ago"). Thus, he had no right to sell them.

We have seen that the authorities of Ocotlan and Zimatlan tried to get Diego de Guinea and the marqués to remove estancias from their lands. Don Alonso himself had probably approached the enemies of Cortés and Guinea in Huaxacac since that year of 1529 to denounce his land purchase and seek to annul it. But by 1549, the struggle for those lands was no longer carried out by the cacique but by the whole polity led by its làhui members. During Luis de León Romano's investigations, Diego de Guinea insisted that the lands where the estancias were located were purchased lands, not granted, and therefore nobody could take them away from the marqués. But don Alonso de la Cruz and don Alonso de Toledo, caciques and governors of Zimatlán, presented a document in which they refused to recognize the sale:

> y a lo que dize la parte del d[ic]ho marqués del valle que las tierras a donde está la d[ic]ha su estançia son suyas Conpradas por sus dineros e que de ellas tiene carta de benta no se hallara tal antes las d[ic]has tierras son nuestras de mucho t[iem]po a esta parte que memoria de gentes no se acuerdan e ya que haya carta de venta de ellas que negamos será que las bendieron quyen no las pudo bender. [84]

These actions seemed to be fruitless. The marqués was the great cattle producer in the Valley of Oaxaca and monopolized the *abasto de carne* (supply of meat) to the city of Antequera, a business his estate would not relinquish until after 1576. [85] In his ruling, Luis de León Romano only determined that there should be a maximum amount of cattle that the marqués and the other estancieros could possess on those lands, a ruling that was appealed and modified. [86] New complaints from the 1560s reveal that this measure was not enough to stop the town's complaints.[87]

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[84] AGN Hospital de Jesús 432, Exp. 5, f. 47r.

[85] Taylor, *Landlord and Peasant*, 113.

[86] AGN Hospital de Jesús 432, Exp. 5, f. 74r-78v.

[87] AGN Hospital de Jesús 102, Exp. 33, f. 13v. Petición de Ocotlan para despoblar una estancia del marqués, 1564.

In 1565, the authorities of Zimatlan had not been able to remove the marqués from their lands, but were determined to protect at all costs the lands that they still held. Apart from recognizing lands of nobles so that they could apply for titles to New Spain's authorities, they also chose to support (or at least not hinder) the founding of a subject town located next to (or perhaps within) the marqués' lands. This settlement gradually acquired territorial rights that ended up undermining those of the old and new marquéses. This was the town of San Pablo Huixtepec.

The earliest direct reference I have found to this town dates from 1565 when a Spaniard named Pedro Gonzalez requested workers from the towns closest to his estancias to work on them; one of these towns was "San Pablo sujeto de Zimatlan." Undoubtedly, the settlement had been founded before that date. However, during the legal conflict with the estancieros in 1549 there is no mention of its existence. During the 1570s and 1580s, Huixtepec contradicted the request of the governor of Zimatlan, Lorenzo de Figueroa, to establish a small cattle ranch, seeking to reduce the number of head of cattle it could possess to 500. And, in 1584, Huixtepec itself received a grant to make *corrales* and to have up to 2000 head of *ganado menor* for its own community.[88]

The marqués' ranches in Zimatlan were neglected from the last decades of the sixteenth century, allowing local people to enter and use the lands. It was not until the mid-seventeenth century that there was a dispute over land involving the "new" town, a dispute that San Pablo won in 1655.[89] In 1687, it was clear that the inhabitants of San Pablo "poseen todas las tierras pertenecientes a dicho Monte del Marques."[90] An inquiry was conducted to determine San Pablo's origin. However, some witnesses estimated, erroneously, that the town had been created some 70 years earlier.[91] The witnesses also affirmed that the town had been founded by terrazgueros and shepherds, along with native people who worked there and people from San Bernardo

[88] AGN Mercedes 8, f. 115v; AGN Mercedes 13, f. 122v. In Spores and Saldaña, *Documentos para la Etnohistoria* [...] *Ramo Mercedes*, 46, 145.

[89] AGN Hospital de Jesús 85, Exp. 6, f. 129r.

[90] AGN Hospital de Jesús 85, Exp. 6, f. 64r.

[91] AGN Hospital de Jesús 85, Exp. 6, f. 66v-76v

Tepezimatlan (Mixtepec) who had served in the *estancias*. We also know that there were enslaved people working on the marqués' estancias since at least 1550. Some of these enslaved people were of African origin, but most of them came from other Mesoamerican regions such as the Huasteca, Chiautla, Texcoco, Tepeaca, and Tenexquiapan, among other places.[92] It is certainly possible that all these people could have founded San Pablo. However, the fact that Zimatlan recognized it as its *pueblo sujeto* and did not object to its existence suggests that there were also local people involved and that they had strong ties to Zimatlan.

Who were those people? The answer could be in the sales contract of 1529. When don Alonso *voluntarily* sold those lands to Diego de Guinea, he mentioned that there were ten or twelve *macehual* houses and sought to make sure that those people remained in their homes, by making it a condition of the sale that they would not be ejected:

> con enbargo e dondiçion que diez o doze Casas de maçeguales questaban en la d[ic]ha tierra e tenian ali sus Casas edificadas de mucho t[iem]po los había de dejar estar alli y sembrar sus ajiales y sementeras y no quitarlos ni echarlos de ella en ninguna manera ni por cualquier razón que sea.[93]

It is very likely that Guinea gladly accepted the macehuales to have them as workers on his cattle ranches, and indeed allowed them to stay there. But after some time, the (possible) tie that bound them to Zimatlan may have made their presence a threat, especially when the Zimatlan authorities began to demand that the marqués' estancias be removed "from their lands" in the 1540s. He then may have proceeded to evict them. It is possible, then, that their houses were those mentioned in 1549 when Zimatlan authorities said that twenty houses had been depopulated because of the mistreatment that their dwellers suffered and that those twenty houses had been torn down. After that, Zimatlan authorities should have hurried to rebuild those houses or to found a new settlement near that place.

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[92] AGN Hospital de Jesús 102, Exp. 33, f. 9r-v.

[93] AGN Hospital de Jesús 441, Exp. 1, f. 1r-v.

Another possibility is that those *terrazgueros* of 1529 may have lived on the lands that the marqués supposedly ceded to Zimatlan in exchange for its dwellers to make a ditch dividing his *estancias* from the town's lands; a ditch that by 1549 had not been made, although the land had already been ceded, according to Guinea's complaint.[94] Perhaps that is why no claims or conflicts on the marqués' side had been documented when the town was founded. Because people were already there.

In any case, it is remarkable that San Pablo, a town formed mostly by common people very low on the social scale, such as poor workers, terrazgueros, and perhaps even enslaved people, was the town that finally deprived the marquéses of some of the lands that had belonged to the former Lords of Zimatlan. This strategy of taking lands through the creation of *pueblos sujetos* initiated by San Pablo, perhaps in the 1550s or early 1560s, seems to have been followed by Ocotlan. Various *pueblos sujetos*, towns subject to that head town, were founded on the edges of the marqués' lands after the mid-sixteenth century. This process needs to be studied in more detail.

7.12 The *mostrencos* (unclaimed lands) in 1644.

Several authors have pointed out that King Felipe II sought to increase revenues of the royal treasury by selling *baldíos* both in Spain and in the Americas, sparking objections in both places.[95] His plan in America began on November 1, 1591, when he issued a royal cèdula by which, supported by the crown's sovereignty that already allowed him to issue grants, he ordered the examination of land titles held by Spaniards and the restitution of those lands occupied in an irregular manner. Hence, the king emphasized the legitimacy of its eminent domain over American lands, with the exception of those under Indigenous dominion, arguing that he had the

[94] AGN Hospital de Jesús 432, Exp. 5, f. 45r.

[95] Vassberg, *La venta de tierras baldías*, 165-205.Carrera, *Sementeras de papel*, 141.

right due to "por haber Nos sucedido en el señorío de las Indias y pertenecer a nuestro patrimonio y Corona real los baldíos y tierras que no estuvieren concedidos."[96] This first measure focused on Spanish settlers who owned lands without legitimate title and, although the pueblos were exempt at first, from then on in various regions and for different reasons, the native polities were summoned to demonstrate under what titles they owned their lands.

In the marquesado del Valle, the dispute between the marqués and the crown over the right to grant baldíos, which began around 1610 and was resolved in 1628 in favor of the crown, led to a series of investigations over the following decades into the nature of the lands that the marquis had granted, that is, to find out if he had granted baldíos.[97] Meanwhile, epidemic diseases continued to wreak havoc in the Valley of Oaxaca, exacerbating the demographic decline. Several towns disappeared or were reduced to a few people who moved to more populated places, leaving their lands abandoned. In other cases, the population of subject towns that had been relocated remained in their places of congregación, and Spaniards and other native people entered their lands.[98]

In this context, in 1644, the notary Juan Martínez, on behalf of the *contador* Agustín de Rivera Santa Cruz, carried out an investigation in the Cuatro Villas "para la ejecución y cumplimiento de lo determinado en el Real Consejo de las Indias en razón de las tierras que por muerte de indios han quedado vacantes en el estado del valle y asimismo para componer las demasías de tierras, Uso de las aguas y defectos de títulos en cuya virtud de los gozan los naturales y demás personas que tienen haciendas en el dicho estado"[99]

In each of the Villas and towns of the Cuatro Villas, the order was announced that whoever had information about "las tierras q[ue] Por muerte de indios avintestato an quedado bacantes en

[96] Jurado, Carolina, "Baldíos, derechos posesorios y tierra realenga en el primer proceso de composición en el distrito de Charcas. Virreinato del Perú, 1591-1597," (*América Latina en la Historia Económica*, 29(1), 2021, 1-24.), 2.

[97] Menegus, *Del señorío a la república*, 228-229.

[98] AGN Hospital de Jesús 380-2, Exp. 9.

[99] AGN Hospital de Jesús 380-2, Exp. 9, f. 15r.

el estado del Valle," that is, the unclaimed goods that existed in the jurisdiction, should manifest it "con apercibimiento que no lo cumpliendo se procederá contra los que lo ocultaren como contra defraudadores de los bienes y hacienda de su majestad por todo rigor." The inquiry surveyed the years from 1610 to 1644. The crown had assumed ownership of those lands left by native people who died *ab intestato*.

Likewise, each town was asked to exhibit "los libros que tubieren de sus comunidades para saber los yndios que se an muerto en esta jur[isdicci]on" in addition to paintings showing the number of towns that existed at the time Hernando Cortés was granted his marquesado, and which of those were deserted. They should also include the boundaries of their lands and the properties of Spaniards. The responses of the authorities of the Cuatro Villas show how the community land had increased due to some bequests, and the strategies that towns' authorities implemented to protect the lands which they considered communal, and how they defied the categorization of some lands as *baldías*, again manipulating the word's different meanings.

Called to testify, the governor of Teocuitlapacoya stated that the Villa had received a land donation by another cacique:

> tan solamente vnas tierras q[ue] fueron de Don Martin Gomez indio caciq[ue] natural del d[ic]ho Pu[ebl]o el qual Por no tener herederos Las dexo a la comunidad del d[ic]ho Pu[ebl]o con cargo de que se le digesen algunas misas todos los años Las quales d[ic]has tierras estan en el barrio q[ue] en lengua çapoteca se llama quecheguegui Y seran ocho o diez pedaços Y en todos ellos abra de sembradura dos anegas Y media de maiz poco mas o menos Y la d[ic]ha comunidad La esta Posesyendo actualmente Y las siembran Parte dellas Y otras las arriendan a los naturales del dho Pu[ebl]o Y sabe de çierto que debaxo de la Jurisdicion de d[ic]ho Pu[ebl]o no an quedado otras tierras mas de las rreferidas por muerte de indios.[100]

In the Villa de Guaxaca, one witness stated that although many natives had died, he did not know of any lands that had been left vacant "porque todos los que an muerto en cada villa an dejado hijos;" in fact, several witnesses from different towns testified similarly.[101] Others explained that

[100] AGN Hospital de Jesús 380-2, Exp. 9, f. 36r.

[101] AGN Hospital de Jesús 380-2, Exp. 9, 38v, 50v, 51r.

the lands of those who died, with or without a will, passed to the town, "porque quando suçede morir algunos asi con testam[en]to como sin el las tierras que dexan las dan a otros indios para que las cultiven y estas se las dan entre todos los del Pueblo Y assi que no conoçe en particular quales son vnas o quales son otras porque estan todas mezcladas."[102] Another witness said that the natives who had survived, and especially communities, "goçan de las tierras que an dexado en comun los naturales que an muerto[...] porque es constumbre entre ellos dexar las al comun para q[ue] quando faltan los naturales agregar algunos indios estrangeros para ayudarse a pagar sus tributos."[103]

In Huaxacac, people from the barrio de los Reyes had been relocated due to the congregaciones, and they had suffered the loss of their lands since another town was created there. Although several witnesses affirmed that the new settlers were *advenedizos* (newcomers) and foreigners, some affirmed that the lands they took had been sold to them by the tequitlatos and mandones to pay tribute or "para ir a Mexico al negocio de las congregaciones y para sacar una provision para que bolviesen a los indios a su pueblo."[104]

The subject town of San Sebastián was also depopulated due to congregaciones but its inhabitants had moved to San Pedro, so that, according to the authorities who testified, they retained the rights over those lands: "Y no saue ni tiene notiçia q ayan quedado ni bacado ningunas tierras Por Muerte de indios avintestato y los indios que an quedado naturales del d[ic]ho Pueblo de San Seuastian Goçan de todas las tierras q[ue] tenian en su antiguedad."[105]

Several witnesses asserted that the authorities of Huaxacac had disposed of some lands in the abandoned towns without possesing the right to do so, since those lands were not theirs but belonged to the commons. In contrast, others justified the sales by affirming that the money was

[102] AGN Hospital de Jesús 380-2, Exp. 9, 39r.

[103] AGN Hospital de Jesús 380-2, Exp. 9, 39v-40r.

[104] AGN Hospital de Jesús 380-2, Exp. 9, 43v, 47v.

[105] AGN Hospital de Jesús 380-2, Exp. 9, 55r.

used to pay tributes. In any case, it is clear that the cabeceras sought to manage the lands of subject towns that had lost a significant portion of its population: "y que las tierras que assi le bendieron no eran suyas sino de los indios q[ue] auian muerto en el d[ic]ho Pueblo de San Seuastian y por no auer dexado herederos se adjudicaron y las tomaron Para ssi los mandones de la Villa del Marquesado Para sus comunidades Y en faltandoles el dinero para Pagar los tributos q[ue] se deuian por los indios muertos les bendian por del comun." Several Spanish witnesses declared that many natives died without a testament, but almost immediately, other natives arrived to live in their lands and sow them because they were fertile.

The authorities and witnesses of Huayapan, San Miguel, Atzompa, Chilateca, Zegache, Santa Catarina Minas, and Villa de Cuilapan declared that there were no *mostrencos* in those towns because they all left heirs. For instance, one witness declared that "todos los indios que an muerto en el dicho pueblo [Atzompa] que an sido muchos todos ellos an dexado herederos."[106] Another interesting argument used to retain control of unused lands was to deny that these lands were baldías or uncultivated lands since they were "de gran aprovechamiento," that is, they were very fertile.[107]

Etla's authorities, for their part, declared that in the Villa and its subject towns, authorities made sure that everyone made their wills so that the land remained among them:

> no a muerto ningun indio av intestato y sin dexar herederos Porque se tiene mucho Cuidado Por los Relixiosos y caçiques Y Principales de los d[ic]hos Pueblos de que hagan sus testamentos Y asi los haçen Y si alguno de los que an muerto no dexan herederos forçosos en virtud de los tales testamentos que haçen a su modo q[ue] con la esperiencia se an declarado por buenos dexan sus tierras a sus parientes o a las personas que les pareçe y asi de unos en otros se ban eredando sin que tenga noticia de lo contrario.[108]

Thus, the authorities were on the lookout for cases of sick native residents "y lo primero que hacen

[106] AGN Hospital de Jesús 380-2, Exp. 9, 72r, 64r-82v, 102r.

[107] AGN Hospital de Jesús 380-2, Exp. 9, 38v, 42v, 45v, 76r.

[108] AGN Hospital de Jesús 380-2, Exp. 9, 86v.

es que hagan su testamento."[109] The same argument was made by the people of Xoxocotlan.[110]

The local authorities of the Cuatro Villas were clear that the lands of their ancestors belonged to them and that declaring *mostrencos* as royal property would put communal property at risk. This experience must have had an impact on the whole Valley because the crown's intention to claim *baldíos* due to the death of those who worked the land was a major threat in this period of demographic decline. The crown's policy of claiming and selling *baldíos* would later continue with the policy of *composiciones*, whereby crown officials would demand money to demarcate and provide title for a town's community property.[111]

7.13 Conclusions

The arrival of Europeans in the Valley of Oaxaca, with their cattle and their strategies to appropriate lands, had several negative effects on the local population, not only because of the domestic animals that they introduced but also because of the careless and violent way in which the conquistador-settlers sought to impose their interests at the expense of the local ppopulation's well-being. Zapotecs implemented numerous strategies to fight back and to recover some lands. In this process, and amid all negative repercussions, caciques, the làhui, and bèniqueche learned *Spanish ways* and selected some elements that would fortify their own ways of organizing collectively, especially around the *común* or the *comunidad*.

Royal claims to baldíos, which enabled land grants to Spaniards, and the program of *composiciones de tierras* (regularization of land titles for all those who did not have royal land titles) in the seventeenth and eighteenth centuries, tested how natives perceived their own rights to the land. One of the most outstanding responses to these threats was that of San Lucas Quiavini. In 1711, when they were asked to buy a *título de composición* in order to be pardoned for occupying

[109] AGN Hospital de Jesús 380-2, Exp. 9, 87v.

[110] AGN Hospital de Jesús 380-2, Exp. 9, 94r.

[111] On the subject see Carrera, *Sementeras de papel*.

lands without possessing Spanish titles to all of them, they claimed that the lands were theirs and that "no poseen cosa que sea de Su Majestad." They did not back down despite threats to take away "las tierras en que estuvieren intrusos, de que no tenga[n] legítima merced," and sell them to anyone. They responded that "entendian su contenido los dichos Oficiales, pero que su Pueblo y Mazehuales dicen, que lo que tienen es suyo, que de ello no deben cosa alguna, que asi lo tubieron los que pasaron." In the end, they bought the *composición* at a very high price.[112] Quiavini's case suggests that despite decades or even centuries of official rhetoric, at the local level people continued questioning notions and speeches they still considered those lands as their own as a legacy of their ancestors.

[112] AGA, RTBC 491, Leg. 4, f. 30r-v.

Chapter 8. Conclusions

Bènizàa sociopolitical organization underwent profound changes during the colonial period. This dissertation has focused on a few of those changes related to the replacement of the *coquì* or dynastic rulers by the *làhui*, that is, the community or town council, as the main civil authority within colonial pueblos. I have examined these processes by tracing the trajectory of twenty-one *quèche* or pueblos that I have identified in the Valley of Oaxaca, and their processes of aggregation and division from the sixteenth to the eighteenth centuries.

This dissertation has documented some of the major changes that occurred in the Valley in the early decades of the sixteenth century, despite the limited presence of Spaniards in Oaxaca, especially compared to the Basin of Mexico. Among these changes was the establishment of the *comunidad* as an economic system of collective work and property. In the Valley, the long tradition and precedent of collective organization among the Bènizàa, based on the *yòho* and the *quèhui*, made this rapid adoption possible. This compatibility enavled their fusion and the emergence of a concept of community that articulated other identities in favor of the colonial pueblos.

One of the main contributions of this work is that it reveals the different modalities of internal organization within Zapotec colonial pueblos, beyond the imposed Spanish categories of cabecera and sujeto, while acknowledging the great influence that this new arrangement had on those settlements. I have identified three different ways in which the Valley of Oaxaca polities were organized internally. The Baaca-Tlacolula quèche was a relatively *simple* polity consisting of a cabecera and a sujeto. However, internally, it had at least twenty yòho or "barrios" grouped into two main divisions called, at the time, *parcialidades*, each led by a different quèhui and a different lord. The Zeetoba-Teitipac quèche was a dual quèche in which conquerors and conquered populations coexisted in the cabecera and were also spread out over various subject towns. Traditional elements of collective identity, such as ancestor worship, persisted in Teitipac

until the final decades of the sixteenth century, despite the constant surveillance of friars. The quèche of Huitzo was a third type of organization, a confederation with four or five important quèhui members with their own internal hierarchies. Yet, they acknowledged Huitzo as their cabecera and avoided division through agreements and matrimonial alliances. These three cases illustrate the multiple arrangements that existed in the Valley in the sixteenth cecntury. They also show the persistence of traditional ways of collective organization through time. These internal subdivisions would be critical in the later separation of subject towns from their cabeceras. The more established and independent quèhui within lordships were among the first to separate in the first half of the colonial period.

This dissertation also addresses the important question of how the làhui replaced the coquí as the main authority within each quèche, a topic that had not been studied for the Valley of Oaxaca. Scholars had assumed that in this region most coquí became governors, the highest ranking officer in the Spanish-style municpal councils called *cabildos*, and headed local councils during the first half of the colonial period. That is only partially true (except for lord named Miquiztli who was murdered by Juan Peláez de Berrio). In fact, I have documented many conflicts and negotiations that accompanied the establishment of cabildos, and that additional problems (such as epidemics and lords' early deaths) complicated attempts by elites to control the làhui during the sixteenth century.

The post of governor was first occupied by some dynastic rulers' delegates, whose presence denoted a crisis in the lordships that they represented, except for Etla, where Domingo Tochel acted as governor for several decades. Nevertheless, they it soon became apparent that the office of governor was gaining in importance. Thus, except for a few exceptions (Tlalixtac, Macuilxochitl, and probably Teotitlán), heads of noble houses competed for this public office within each lordship. This competition frequently led to situations in which there were two governing lineages: the governor's and the cacique's. Both heads represented the quèche in important

matters, and both had the right to bequeath their titles. Over time, however, the cabildo's operating rules forced rotation in this highest office.

At the same time, I found numerous cases in which polities had more than one governor, which revealed the existence of a strong, pluralistic local leadership (Zautla in Huitzo, Mecatepec in Chichicapa, Ayoquezco and Teocuitlapacoya when they were together), and some caciques presented themselves as governors even when they did not possess the title (don Domingo in Teitipac). Other offices within the làhui enabled candidates for the governorship to assume other high-ranking positions, thereby defusing competition and potential internal conflict. In general, most dynastic rulers continued ruling their polities, but they were forced to negotiate and share power.

Another significant and little studied change that that I have enmcountered in my research was the negotiation of agreements between *xoana* elites and representatives of the *bèniquèche* commoners regarding labor, the management of community assets, and political representation in the first decades of the seventeenth century. This negotiation has been observed in other regions of New Spain, and was often attributed to the macehual class, in general, especially if they possessed the financial means to exert their collective influence; but in this dissertation, I have shown that bèniquèche first relied on xoana or *principales* as their representatives and then later on their *tequitlatos* or *collaba*. Collaba played a prominent role in these negotiations. Numerous records show that collaba began to speak out on behalf of the bèniquèche in the sixteenth century, and that their agency and familiarity with the Spanish bureaucracy increased over time.

These agreements were branded as electoral arrangements, but they addressed other important issues, such as labor drafts for the *repartimiento*, *servicios personales*, abuses by *mandones* or other external authorities towards subject towns, and the management of community funds. Among the earliest agreements between xoana and bèniquéche were those of Cuilapan (unfortunately, not fully documented here), Etla, and Coyotepec.

Conflicts over the management of community goods and property often involved caciques as opponents. One of the earliest cases studied here is the one from Coyotepec in the 1620s against their cacique, don Juan de Zárate. It symbolizes the rupture between cabildo and caciques due to the dynastic leaders' lack of compromise towards the community. The rupture was not total, but it was meaningful, for it placed the commoners and their representatives as the true and legitimate community defenders.

Another major contribution of this work to the historiography is its study of jow *congregaciones civiles* impacted the reconfiguration of native republicas. Previous studies had identified isolated cases of congregaciones at different times in the colonial period, but they did not examine how and where this process occurred. I have used limited but informative extant documentation to propose that congregaciones affected all settlements in the Valley. Some were relocated, and others remained where they had been but were rearranged to conform to the ideal of the Christian civilized urban layout, the *traza*. In polities with a large territory, selected subject towns acted as alternative sites for congregación: Huayapan and Guelache within Cuilapan; Santa María y San Pedro Lachixio within Iztepec; Matatlan within Mitla; among others. Although some of these congregaciones were abandoned over time, their status had been modified, enabling them more independence and a higher status within the colonial socio-political order. Legislation on the proper government of *pueblos congregados* regulated and encouraged the establishment of cabildos in subject towns that had large enough populations to request municipal councils.

The dissertation also demonstrates how changes in land possession and tribute distribution affecting both lords and the general population. I have attempted to show that these disputes between native lords and the crown, and between the general native population and colonizers, involved questions of legitimacy as well as access to valuable resources.

In sum, this dissertation makes significant contributions to the historiography of the Indigenous peoples of Mesoamerica in colonial Mexico, focusing on the Zapotecs of the Valley of Oaxaca. My research builds upon existing studies of the Valley and Sierra Norte of Oaxaca and

complements comparable histories of the Nahuas of central Mexico, the Mixtecs of Oaxaca, and the Maya of Yucatan in the same period. My study benefits from extensive archival collections of Spanish- and Zapotec-language writings, which have enabled me to identify complex changes that affected all communities in the Valley from the early sixteenth century to the later colonial period, and how people actively responded to those changes and defended their interests.

Of course, there are many limitations to my study. I have not been able to delve into the configuration and defense of community resources or the common land, which is an important concern for contemporary Zapotec towns and a relevant topic in the historiography.[1] Nor have I examined one of the most effective strategies that towns adopted to maintain control of their community enterprises and goods: their transfer to cofradías. Some scholars have observed how "cofradías de república"[2] overlapped with the cabildo in terms of community functions, enabling local authorities to acquire and administer community goods more directly, thereby evading Spanish attempts to extract wealth from *cajas de comunidad* and exert control over community resources. Sources from Coyotepec indicate that cabildo members were the ones who requested permission for the foundation of their main cofradía, San Bartolomé, and that some caciques and governors also held the positions of *diputados mayores* or *mayordomos* of the cofradía. This line of investigation seems promising.

Clearly, further research is both necessary and warranted, considering the rich historical record that exists for the Valley and nearby regions and the legacy of Indigenous cultures, languages, and communities in Oaxaca. Many important historical questions and topics remain to be addressed and examined. I look forward to contributing to future studies.

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[1] Escobar Ohmstede, Antonio, and Marta Martin Gabaldón. "Una relectura sobre cómo se observa a lo(s) común(es) en México. ¿Cambios en la transición del siglo XIX al siglo XX? o ¿una larga continuidad?", Documentos de Trabajo IELAT, Nº 136, Julio 2020.

[2] The term "cofradía de república" was coined by Doroty Tank. Édgar Mendoza García. *Municipalities, brotherhoods and communal lands. The chocholtecos towns of Oaxaca in the XIX century*. Oaxaca: Universidad Autónoma Benito Juárez de Oaxaca, Centro de Investigación y Estudios Superiores en Antropología Social, Universidad Autónoma Metropolitana-Azcapotzalco, 2011. On the role of cofradías, see Nancy Farriss, *Maya Society Under Colonial Rule*.

Appendix 1.
Cabeceras and sujetos' placenames (with historical sources).

Due to the huge variation in Tichazàa's orthography, I standardized the placenames in this list by changing *ç* to *z*, *gu* to *qu*, and *ij* to *ii* or *iy* before a vowel.

Standardization of Nahuatl placenames follows the Gran Diccionario Nahuatl: https://gdn.iib.unam.mx

No standardization of Mixtec placenames was done.

Crown's jurisdiction					
	Colonial Zapotec	Colonial Nahuatl	Colonial Mixteco	Spanish (Patron Saint)	Current name
a	Huiizoo[i]	Cuauhxilotitlan[ii]	Ñuundodzo[iii]	San Pablo	San Pablo Huitzo
1	Xihui[iv]	Tzauctlan[ii]		San Andres	San Andres Zautla
2	Liyeni[v]	Apazco[ii]		La Magdalena	Magdalena Apasco
3	Quiebati[vi]	Xalapan[ii]		San Felipe	San Felipe Tejalapam
4	Azaabe[vii]	Hueyotlipan[ii]		San Juan del Rey	San Juan del Estado
-	Quelaba[viii]			San Ildefonso	[not found]
5	Zeche[v]	Acahuipecpatecpan (*sic pro* Acahuitecpan)[ii]		San Lorenzo	San Lorenzo Cacaotepec
6	Yalachina[ix]	Ma[z]atepec[ii]		Santo Tomás	Santo Tomas Mazaltepec
7	Huita[x] Yay[x]	Itztenanco[ii]		Santo Domingo	Santo Domingo Tlaltinango
8		Xochiquitonco[ii]		Santiago	Santiago Suchilquitongo
9		Tlilixtlahuac[ii]		San Francisco	San Francisco Telixtlahuaca
b	Zaachi̲la[xi]	Teozapotlan[xi]	Tocuisi[iii]	Santa María	Villa de Zaachila
10	Quetateni[xi]	Ixtepetlapan[xi]		San Agustin[xi]	San Agustin Yatareni
11	Looquiti[xi]	Cuauhtenco[xi]		San Luis[xi]	Agencia San Luis Beltran
12	Lachiquego[xi]	Xoxocoyoltenco[xi]		San Felipe[xi]	San Felipe del Agua
13	Xihui[xi] Quiabaxi[xii]	Ixtlahuacan[xi]		San Andrés[xi]	San Andres Ixtlahuaca
14	Quiane[xi]	Xochitepec[xi]		Santa Catarina[xi]	Santa Catarina Quiane
15	Zobayoo[xi]	Teteltitlan[xi]		San Lucas[xi]	[possible location][xiii]
16	Ticalana[xi]	Tlilcaxtonco[xi]		San Martin[xi]	San Martin Tilcajete
17	Quegolato[xi]	Atenco[xi]		Santa Lucia[xi]	Santa Lucia Ocotlán
18	Quelalao[xi]	Tlaxomulco[xi]		Santa Cecilia[xi]	Santa Cecilia Jalieza
c	Ya[t]ji[xiv] Yatiqui[xv] Lachi[y]aati[i]	Tlaliztac	Ñucuisi[iii]	(San Miguel)	Tlalixtac de Cabrera
-	Lachi̲la[xv]			Santiago[xv]	[not found]
19	Luguiaga[xv]			Santa María[xv]	Santa María del Tule

20	Lanipeo[xv]			Santa Catalina[xv]	Santa Catalina de Sena[xvi]
-	Quiaxeni[xv]			San Juan[xv]	[not found]
d	Zoani,[xvii] Zooni[i]	Tlacuechahuayan		San Jerónimo	San Jerónimo Tlacochahuaya
21				San Sebastian	San Sebastian Abasolo
e	Quiahuixitao[xviii] Huiixi[i] Quiabelagayo[xix]	Macuilxochitl		San Mateo	Macuilxochitl de Artigas Carranza
22		Iztactepetitlan[xix]		Santiago[xix]	Santiago Ixtaltepec
23	Quelabia[xx]	Apazco[xix]		San Juan[xix]	San Juan Guelavia
24	Lachilao[xxi]	Iztlayutlan[xix]		San Francisco[xix]	San Francisco Lachigoló
f	Xaaquia[xxii]	Teotitlan		Natividad	Teotitlan del Valle
25	Quiahuiza[xxii]			Santa Ana[xxii]	Santa Ana del Valle
26	Quiabe[xxii]			San Miguel[xxii]	San Miguel del Valle
g	Baaca,[i] Paca[xxiii]	Tlacololan		Santa María de la Asunción	Tlacolula de Matamoros
27	Niaquego,[xxiv] Quiaquego[xxiv]	Atenco[xxiii]		Santo Domingo	Villa Díaz Ordaz
h	Zaabeche[xi]	Coyotepec[xi]	[Ñuu ñaña][iii]	San Bartolomé	San Bartolo Coyotepec
28	Quechequija[xxv]			Santa María	Santa María Coyotepec
i	Zeetoba[xxvi] Quehui quiezaa[xxvii]	Teticpac	Miniyuu[iii]	San Juan	San Juan Teitipac
29	Quiaguia[xxvi]	Teticpac		San Sebastian[xxvi]	San Sebastian Teitipac
30	Zuana[xxvi] [Guelazee]			Santo Domingo[xxvi] [Santa María]	[possible location][xxviii] [Santa María Guelacé]
31	Taba[xxvi]			Santa María Magdalena[xxvi]	Magdalena Teitipac
32	Quiapite[xxvi]			San Marcos[xxvi]	San Marcos Tlapazola
33	Quechelana[xxvi]			San Bartolome[xxvi]	San Bartolome Quialana
34	Quiabine[xxvi]			San Lucas[xxvi]	San Lucas Quiavini
35	Lachiguise[xxvi]	Ocotepec[xxix]		San Dionisio[xxvi]	San Dionicio Ocotepec
36	Bi̲la̲a[xxvi]			San Pablo[xxvi]	San Pablo Güilá
37	Quiachachiila[xxvi]			La Santa Vera Cruz[xxvi]	Santa Cruz Papalutla
38	Quie[xxvi]			San Felipe[xxvi]	San Felipe Güilá
j	Lyobaa[xxx]	Mictlan		San Pablo	San Pablo Villa de Mitla
39	Sabaje[xxx]			Santiago[xxx]	Santiago Matatlan
40	Que̲labi̲la[xxx]			San Baltazar[xxx]	San Baltazar Guelavila
41	Lauza[xxx]	Ixtapan[xxxi]		San Francisco[xxx]	[possible location][xxxi]
42	Lachibize[xxx]			San Lorenzo[xxx]	San Lorenzo Albarradas
43	Toagui[xxx]			Santa Ana[xxx]	Santa Ana del Rio
44	Quelaa[xxx]			San Juan[xxx]	San Juan del Rio
-	Quiaqueche[xxx]			San Andres[xxx]	[not found]
45	Lachiato[xxx]			Santa María[xxx]	Santa María Albarradas

46	Cuilapa[xxx]			Santo Domingo[xxx]	Santo Domingo Albarradas
47	Cunzeche[xxx]			San Miguel[xxx]	San Miguel Albarradas
48	Xaquiee[xxx]			Santa Catalina[xxx]	Santa Catarina Albarradas
49				Santo Tomás[xxxii]	Santo Tomas de Arriba
50	Quiatoni[xxxiii]			San Pedro[xxxii]	San Pedro Quiatoni
k	[Magdalena Tepezimatlan]	Tepezimatlan		Santa María Magdalena	Magdalena Mixtepec
-	Quiaxila[xxxiv]			San Vicente[xxxiv]	[not found]
51				Santa Ines[xxxv]	Santa Ines del Monte
52		Mixtemeltepec[xxxvi]		Santiago[xxxiv]	Santiago Clavellinas?
l	Quehuiyeetoo[xxxiv] Quiachila[xxxvii]	Tepezimatlan		San Bernardo	San Bernardo Mixtepec
53	Xolaa[xxxviii]			San Jerónimo[xxxviii]	[possible location]
54	Quegolai[xxxviii]			Santa María Asunción[xxxviii]	Asuncion Mixtepec
-	Zecachi[xxxviii]			Santo Domingo[xxxviii]	[not found]
m	Huyelachi[xi] Huiye[i]	Zimatlan[xi]		San Lorenzo	Zimatlan
55	Quegolooqueche[i]	Huixtepec		San Pablo	San Pablo Huixtepec
n	Quialoo[xxxix]	Ixtepec		Santa Cruz	Santa Cruz Mixtepec
56	Lachixio[xl]	Ixtlahuacan[xl]		Santa María[xl]	Santa Maria Lachixio
57				San Vicente[xl]	San Vicente Lachixio
58				San Sebastián[xl]	San Sebastian de las Grutas
-				San Martín[xl]	[not found]
59				San Miguel[xl]	San Miguel Mixtepec
60				San Mateo[xl]	San Mateo Mixtepec
-				San Juan[xl]	[not found]
-				San Francisco[xl]	[not found]
61				San Antonio[xl]	San Antonino El Alto
62		Tliltepec[xli]		San Andres[xl]	San Andres El Alto
63				San Pedro[xl]	San Pedro El Alto
o	Quehuichoni[xlii] Quegochooni[i]	Ayocuexco		Natividad de Maria	Ayoquezco de Aldama
p	Lachizoo[i]	Ocotlan	Ñuundedzi[iii]	Santo Domingo	Ocotlan de Morelos
64				San Pedro[xliii]	San Pedro Martir?
65				Santiago[xliv]	Santiago Apostol?
66				San Martin[xlv]	San Martin de los Cansecos?
q	Quiegahua[xxv]	Chichicapan[xlvi]		San Baltazar	San Baltazar Chichicapam
67		Mecatepec[xlvii]		Santo Tomas[xlvi]	Santo Tomás Jalieza
68				San Cristobal[xlvi]	San Cristobal Ixcatlan?

69	Quegoteexlviii			San Miguelxlvi	San Miguel Tilquiapam
70				San Jerónimoxlvi	San Jerónimo Taviche
71				San Pedroxlvi	San Pedro Taviche
-				San Antonioxlvi	[not found]
72				San Juanxlvi	San Juan Lachigalla
73				San Dionisioxlix	San Dionisio Ocotlan?
Cuatro Villas del Marquesado					
	Colonial Zapotec	Colonial Nahuatl	Colonial Mixtec	Spanish (Patron Saint)	Current name
A	Loohuanal	Etlan	Ñuunduchiiii	Villa de Etla San Pedro y San Pablo	Villa de Etla
74				Santos Reyesli	Reyes Etla
75				Santo Domingoli	Santo Domingo Barrio Alto
76				San Juanli	San Juan Guelache
77				San Migueli	San Miguel Etla
78				San Agustinlii	San Agustin Etla
79				Natividad de Maríali	Nativitas
				San Jacintoli	[not found]
80				San Sebastianli	San Sebastian Etla
81				Santa Marthali	Santa Martha Etla
82				Nuestra Señora de la Asunciónli	Asunción Etla
83				San Pablo Etlali	San Pablo Etla
84				Santiagoli	Santiago
85				San Gabrieli	San Gabriel Etla
86	Lagotaoliii			Guadalupe	Guadalupe Etla
87	Lachibizialiv			Jesus Nazareno	Nazareno Etla
88	Lachilv			La Soledad	Soledad Etla
B	Loolaai	Huaxacac	Nuunduvuaiii	Villa de Oaxaca Santa Maria	Ex-Marquesado (barrio)
89				San Jacintolvi	San Jacinto Amilpas
90		Mexicapanlvi		San Martínlvi	San Martin Mexicapan
91		Xochimilcolvi		Santo Tomáslvi	Santo Tomas Xochimilco
C	Xaaquietooi	Coyolapan	Sahayuculvii Yuchaca,lvii Yutacahaiii	Villa de Cuilapan Santiago	Cuilapam de Guerrero
92		Xoxocotlanlvii	Ñuhu yoholvii	Santa Cruz	Santa Cruz Xoxocotlan
93		Chapultepeclvii	Yucha ytalvii	San Juan	San Juan Chapultepec
94		Ozumbalvii	Dzinimininilvii	Santa Maríalvii	Santa María Atzompa
95		Teutlan	Ñuhu huyyolvii	San Franciscolvii	San Francisco Tutla
96	Yohobeei	Hueyapanlvii	Yucha canolvii	San Andreslvii	San Andres Huayapan

97	Pirochi,[lviii] Biryuchee[lix]	Tomaltepec[lvii]	Yucu tinana[lvii]	Santo Domingo[lvii]	Santo Domingo Tomaltepec
98			Yucu qua[lvii]	San Miguel[lvii]	San Miguel Peras
99	Bichiña Tapa[lx]		Ydzu qini[lvii]	San Pablo[lvii]	San Pablo Cuatro Venados
				San Cristobal[lvii]	[not found]
100		Xuchitepec[lvii]	Cosichi?[lvii]	Santa Ana[lvii]	Santa Ana Zegache
101			Ñuundizi[lvii]	San Pablo[lvii]	[possible location][lxi]
102		Chilatectla[lxii]		San Juan[lxii]	San Juan Chilateca
103	Quegorexi[lxii]		Chanduco[lxii]	San Pedro[lxii]	San Pedro Guegorexe
104		Chichihualtepec[lxiii]		Santa Marta[lxiii]	Santa Martha Chichihualtepec
105	Yachila[lxiv]			San Martin[lxiv]	San Martin Lachila?
D	Quiyoo[i]	Teocuitlapacoya		Santa Ana	Santa Ana Tlapacoya

[i] Torralba, *Arte zaapoteco,* 59r-v, 60r.
[ii] RAH 9-25.4/4663-16(xxii), *Relación geográfica de Guaxilotitlan*, 1r. Mazatepec appears as Macatepec.
[iii] Reyes, *Arte en lengua mixteca*, 91. These toponyms refer to Zapotec towns except for Coyotepec, which I took from a list of Mixtec towns (p. 89).
[iv] APSAZ. Libro de la Cofradia de la Virgen del Rosario, 26-julio-1701.
[v] AGN, Tierras 415, Cuad. 3, f. 89r Don Martin Rojas' will (1604). AGEO Alcaldías Mayores 51, Exp. 1, 1r..
[vi] *Quiyeba* or *quiyebari*. AGN Tierras 350, Exp. 4: 391r. (Zapotexts: Qu707).
[vii] AMSJE Exp. s/n (1616).
[viii] Not mentioned in the *Relación geográfica de Guaxilotitlan*. AMSJE Exp. s/n; AGN Tierras 2705, 2a pte, 15: 348v; AGN Indios 21, Exp. 243.
[ix] *Genealogia de Macuilxochitl*. In Oudijk, *Historiography of the Bènizàa*, 126-127.
[x] AGN Tierras 261 Exp. 2, 21r y 26r.
[xi] RAH 9-25.4/4663-16(xxv), *Relación geográfica de Teozapotlan,* 3v-4v.
[xii] AHNO, Joseph Rodríguez, Libro 443, Exp. 1, 30r. FLM001361. "Testamento de Melchor de los Reyes", *Repositorio Filológico Mesoamericano*, https://www.iifilologicas.unam.mx/satnu/items/show/1869
[xiii] Identification based on AGN Mapas, Planos e Ilustraciones 3009F.
[xiv] AGEO Alcaldías Mayores 42, Exp. 9: 4r. It seems *yali*, but I think it is *yati*.
[xv] RAH 9-25.4/4663-16(xxii), *Relación geográfica de Talistaca*, f.4r.
[xvi] The placename *Lanipeo* can be translated as "papagayo," a synonym of macaw. It is possible that this town was originally located on Las Guacamayas [The macaws] hill.
[xvii] AGEO Alcaldías Mayores 42, Exp. 10: 4r. Oudijk y Doesburg, *Los lienzos pictográficos*, 36.
[xviii] Oudijk y Doesburg, *Los lienzos pictográficos*, 12, 24.
[xix] RAH 9-25.4/4663-16(xix), *Relación geográfica de Macuilsuchil*, f.4r.
[xx] BFB, Fondo Diocesano, Subserie Bethlemitas, Caja 2, Exp.2, N.3, f.28r (1588).
[xxi] AHNO, Jueces receptores, Huajuapan, Libro 1147, 104r. FLM001386. "Donación de tierras", *Repositorio Filológico Mesoamericano*, https://www.iifilologicas.unam.mx/satnu/items/show/1894
[xxii] RAH 9-25.4/4663-16(xix), *Relación geográfica de Teutitlan*, f.7r.
[xxiii] RAH 9-25.4/4663-16(xxiv), *Relación geográfica de Tlaculula*, f.4r.
[xxiv] APT. Libro de bautizos de San Miguel del Valle. Libro de difuntos del pueblo de Santo Domingo Quiaguego.
[xxv] AGN Tierras 786, Exp. 1. f. 218r. I thank Michel Oudijk for mentioning this information.
[xxvi] RAH 9-25.4/4663-16(xviii), *Relación geográfica de Tetiquipac,* f.4v-5r.
[xxvii] Burgoa, *Geográfica Descripción*, 233r.
[xxviii] Cruz, *Pueblos en movimiento*, 80, 92-93. It was replaced by Santa María Guelacé
[xxix] BNE, *Libro de Visitas de la Nueva España*, Ms. 2800: 225r.

[xxx] RAH 9-25.4/4663-16(xxiv), *Relación geográfica de Miquitla*, 6r.
[xxxi] AGN Tierras 2777, Exp.15, f. 8r y AGN Mapas, Planos e Ilustraciones 02137F.
[xxxii] AGN Indiferente Virreinal, 757, Exp. 39, 7r (1599).
[xxxiii] Not mentioned in the *Relación geográfica de Miquitla*. AGN Indios 1, Exp. 247, 61v-62r (year 1582).
[xxxiv] *Genealogía de San Bernardo Mixtepec*. In Cruz, *Las pinturas*, 95, n.1 y 98, n.7
[xxxv] AGN Tierras 3539, Exp. 11 (year 1580).
[xxxvi] It could have been represented in the *Genealogía de San Bernardo Mixtepec*, but without name. AGN Indios 42, 161: 198-199 (1719) y AGN Indios 47, 138: 274-275v (1723).
[xxxvii] *Genealogia de Quialoo*. In Oudijk, *Historiography of the Bènizàa*, 180.
[xxxviii] AGN Tierras 65, Exp. 5, 3v-7v.
[xxxix] LLILAS Benson Latin American Collection, JGI XXIV-9, *Relación geográfica de Iztepec*, 1r.
[xl] AGN Tierras 1874, Exp. 7: 52r.
[xli] AGN Tierras 310, Exp. 2, 1r (year 1719).
[xlii] AGEO Real Intendencia 16, Exp.37: 3r. Testamento de Juan Rodriguez de 1739
[xliii] AGN Hospital de Jesús 432 Exp. 5, 22r. (1549).
[xliv] Taylor, *Landlord and Peasant in Colonial Oaxaca*, 51.
[xlv] AGN Mercedes 5 :13r (year 1560).
[xlvi] AGI, Indiferente, 1529, N.21, *Relación geográfica de Chichicapa,* 1r.
[xlvii] BNE, Ms. 2800: 224v. *Libro de Visitas de la Nueva España*.
[xlviii] AMSPG, Seccion Gobierno, Serie Inventario. Presentación 1706, f.1r.
[xlix] AGN Mercedes 21, Exp. 613, 132v (1597).
[l] Burgoa, *Geográfica Descripción*, 199r.
[li] AGN Hospital de Jesús 728, Leg. 380, Exp. 9, 83r.
[lii] AGN Mercedes 4, Exp. s/n, 303 (1556). AGNM 18, Exp. s/n, 215 (1592).
[liii] AGN Indios 19, Exp. 460 (1662). AGNT 211, 2: 19r.
[liv] AGN Indios 19, Exp. 460 (1662).
[lv] AGN Indios 24, Exp. 497 (1673).
[lvi] AGN Hospital de Jesús, Leg. 380-2, Exp. 9. In 1644 it was reported that San Jacinto had been founded 40 years earlier, in the time of the congregaciones, on land in the neighborhood of Los Reyes, whose inhabitants had died or moved. (f. 36v).
[lvii] LLILAS Benson Latin American Collection, JGI XXIV-9, *Relación geográfica de Cuilapan,* 1r-2r.
[lviii] AGN Tierras 71, Exp. 5: 407v (1599).
[lix] AGN Tierras 1335, Exp. 1: 1r (agregado arriba: sidi; 1663).
[lx] *Título primordial de San Pablo Cuatro Venados*. Cruz, *Las pinturas del común*, xlix.
[lxi] LCSBC 2: 143v (1624).
[lxii] AGN Tierras 71, Exp. 5, Cuad. 7: 48v. FLM000891. "Mandamientos de obedecimiento a un mandato real para los principales y naturales de San Andrés Gueyapan y San Pedro [Chanduco]", *Repositorio Filológico Mesoamericano*, https://www.iifilologicas.unam.mx/satnu/items/show/1373
[lxiii] AGN General de Parte 1, Exp. 226: 46r (1575).
[lxiv] AGN Indios 3, Exp. 595 (1591). Villaseñor, *Theatro Americano*, 485.

Appendix 2.

Tributary population of the Valley of Oaxaca, 1548-1646				
Polity	Year	Number of subject towns (*estancias* or *barrios*), households (*casas*), and tributaries.	Estimated population	Source
Huitzo	ca. 1548	+9 estancias: 1066 casas 1793 tributarios		*Libro de Visitas,* 88r
	1564	1858 tributarios		Contaduría 785a: 68r
	1568		3346	*Essays in Population*, 52
	1570	1200 indios		*Relación obispados*, 65
	1571-1574	+9 estancias 965 tributarios		*Geografía universal*, 239
	1580-1581	+9 sujetos		RG
	1646		1564	*Essays in Population*, 52
Zaachila	ca. 1548	cabecera: 1097 casas 815 tributarios y 298 muchachos +11 estancias: 1311 tributarios y 515 muchachos		*Libro de Visitas*, 205r
	1564	1434 tributarios		Contaduría 785b: 389v
	1568		3594	*Essays in Population*, 54
	1570	1300 indios		*Relación obispados*, 65
	1571-1574	+19 estancias: 1088 tributarios		*Geografía universal*, 238
	1580-1581	+9 sujetos		RG
	1646		1562	*Essays in Population*, 54
Tlalixtac	ca. 1548	+1 estancia: 656 casas 1021 indios tributarios		*Libro de Visitas* 225r-v
	1568		1366	*Essays in Population*, 53
	1570	400 indios		*Relación obispados*, 65
	1571-1574	+3 estancias: 600 tributarios		*Geografía universal*, 238
	1580-1581	+4 sujetos		RG
	1646		847	*Essays in Population*, 53
Tlacochahuaya	ca. 1548	+1 sujeto: 855 indios		*Libro de Visitas,* 175r-v
	1568		1552	*Essays in Population*, 54
	1570	500 indios		*Relación obispados*, 65
	1571-1574	Tlacuchabaya: 600 tributarios		*Geografía universal*, 238
	1595		1050	*Essays in Population*, 57
	1646		1034	*Essays in Population*, 54
Macuilxochitl	ca. 1548	401 casas 407 casados y 82 solteros		*Libro de Visitas,* 105r
	1564	338 tributarios		Contaduría 785a: 380v
	1568		792	*Essays in Population*, 53
	1570	300 indios		*Relación obispados*, 65
	1571-1574	+3 estancias: 214 tributarios		*Geografía universal*, 238
	1580-1581	+3 sujetos		RG
	1646		541	*Essays in Population*, 53
Teotitlan	ca. 1548	477 casas		*Libro de Visitas,* 105r

		518 casados y 97 solteros		
	1564	500 tributarios		Contaduría 785a: 381v
	1568		1125	*Essays in Population*, 56
	1570	400 indios		*Relación obispados*, 65
	1571-1574	+2 estancias: 300 tributarios		*Geografía universal*, 238
	1580-1581	+2 sujetos		RG
Tlacolula	ca. 1548	+1 sujeto: 498 indios		*Libro de Visitas*, 175v
	1565	462 tributarios		Contaduría 785b: 8v
	1568	427 tributarios y medio		Contaduría 785b: 9v
	1568		1191	*Essays in Population*, 54
	1570	400 indios		*Relación obispados*, 65
	1571-1574	+1 estancia: 300 tributarios		*Geografía universal*, 238
	1580-1581	+1 sujeto		RG
	1646		529	*Essays in Population*, 54
Coyotepec	ca. 1548	+1 sujeto: 707 indios		*Libro de Visitas,* 76r
	1568		974	*Essays in Population*, 52
	1570	500 indios		*Relación obispados*, 65
	1571-1574	Cuyotepec: 190 tributarios		*Geografía universal*, 238
	1595		491	*Essays in Population*, 57
	1646		966	*Essays in Population*, 52
Teitipac	ca. 1548	+6 sujetos: Çiautepeque, Yztlayutla, Çiltepeque, Sinachtepeque, Gueguetitlan y Ocotepeque. 2080 indios tributarios		*Libro de Visitas,* 225r
	1568		2086 [otro: 4944]	*Essays in Population*, 53, [56]
	1570	1000 indios		*Relación obispados*, 65
	1571-1574	+9 estancias: 952 tributarios		*Geografía universal*, 238
	1580-1581	+10 sujetos		RG
	1646		961	*Essays in Population*, 53
Mitla	ca. 1548	718 tributarios		*Libro de Visitas,* 107r
	1565	970 tributarios		Contaduría 785b: 7v
	1568	574 tributarios		Contaduría 785b: 10r
	1568		2376	*Essays in Population*, 53
	1570	600 indios		*Relación obispados*, 65
	1571-1574	+9 estancias: 600 tributarios		*Geografía universal*, 233
	1580-1581	+11 sujetos		RG
	1599	Cabecera: 100 tributarios Santiago: 137 tributarios San Lorenzo: 20 tributarios San Francisco: 10 tributarios San Baltazar: 25 tributarios Santo Tomás: 50 tributarios Santa Ana: 40 tributarios San Pedro: 80 tributarios San Juan: 25 tributarios Santa María: 30 tributarios		Congregación AGN, Indiferente Virreinal, 757, Exp. 39.

		Santo Domingo: 50 tributarios San Miguel: 40 tributarios Santa Catalina: 25 tributarios [total: 632 tributarios]		
	1646		1265	*Essays in Population*, 53
Magdalena Tepezimatlan	1565	342 tributarios		Contaduría 785a: 138r-v
	1568		966	*Essays in Population*, 53
	1646		173	*Essays in Population*, 53
Tepezimatlan	ca. 1548	cabecera: 147 casas 194 tributarios +12 estancias: 758 tributarios y 249 muchachos		*Libro de Visitas,* 204v-205r
	1565	386 tributarios		Contaduría 785a: 135v
	1568		2630	*Essays in Population*, 53
	1570	700 indios		*Relación obispados*, 65
	1571-1574	San Bernardo, Santo Domingo y Santa María: 1714 tributarios		*Geografía universal*, 238
	1599	Cabecera: 212 tributarios Santo Domingo: 31 tributarios Santa María Asuncion: 28.5 tributarios San Jerónimo: 15 tributarios [total: 286 tributarios y medio]		Congregación AGN, Tierras 64, Exp. 5
	1646		170	*Essays in Population*, 53
Zimatlán	ca. 1548	1244 casas, 910 tributarios y 553 muchachos		*Libro de Visitas,* 74v
	1564	593 tributarios		Contaduría 785a: 135v
	1568		1709	*Essays in Population*, 54
	1570	350 indios		*Relación obispados*, 65
	1571-1574	+1 estancia: 395 tributarios		*Geografía universal*, 238
	1646		750	*Essays in Population*, 54
Iztepec (Quialoo)	ca. 1548	cabecera: 374 casas [374 tributarios] y 94 muchachos +12 estancias: 843 casas [843 tributarios] y 635 muchachos		*Libro de Visitas,* 101r
	1565	1013 tributarios		Contaduría 785b: 390v
	1568		1937	*Essays in Population*, 52
	1570	700 indios		*Relación obispados*, 65
	1571-1574	+9 estancias: 699 tributarios		*Geografía universal*, 238
	1602	cabecera: 115 tributarios Santa María: 49 tributarios San Vicente: 30 tributarios San Sebastián: 30 tributarios San Martín: 20 tributarios San Miguel: 40 tributarios		Congregación AGN, Tierras 1874, Exp. 7

		San Mateo: 140 tributarios San Juan: 61 tributarios San Francisco: 12 tributarios San Antonino: 52 tributarios San Andrés: 39.5 tributarios San Pedro: 75 tributarios [total: 663 tributarios y medio]		
	1646		1394	*Essays in Population*, 52
Ayoquezco	1550	214 casados y 96 solteros		AGN, Hospital de Jesús Leg. 432, Exp. 2
	1568		469	*Essays in Population*, 68
	1570	200 indios		*Relación obispados*, 65
	1571-1574	+1 estancia: 160 tributarios		*Geografía universal*, 238
	1646		180	*Essays in Population*, 68
Ocotlán	ca. 1548	cabecera: 4 barrios con 771 casas 594 casados y 171 muchachos +3 estancias: 1074 casas 972 tributarios y 186 muchachos		*Libro de Visitas,* 124v-125r
	1568		5693	*Essays in Population*, 55
	1570	1200 indios		*Relación obispados*, 65
	1571-1574	+8 estancias: 2020 tributarios		*Geografía universal*, 238
Chichicapan	ca. 1548	+6 sujetos: 1196 casas 1455 tributarios		*Libro de Visitas,* 224v-225r
	1564	1064 tributarios		Contaduría 785a: 203r
	1568		[y Amatlan] 3352	*Essays in Population*, 52
	1570	1200 indios		*Relación obispados*, 65
	1580-1581	+7 sujetos		RG
	1646		[y Amatlan] 1663	*Essays in Population*, 52
Etla	1568		4696	*Essays in Population*, 52
	1570	2200 indios		*Relación obispados*, 65
	1571-1574	+ 18 estancias: 1800 tributarios		*Geografía universal*, 238
	1595		3210	*Essays in Population*, 57
	1646		2153	*Essays in Population*, 52
Huaxacac	1568		1129	*Essays in Population*, 53
	1571-1574	+ 1 estancia: 850 tributarios		*Geografía universal*, 238
	1580-1581			RG
	1595		1740	*Essays in Population,* 57
	1646		675	*Essays in Population*, 53
Cuilapan	1568		20246	*Essays in Population*, 52
	1570	6000 indios		*Relación obispados*, 64
	1571-1574	+14 estancias: 6000 tributarios		*Geografía universal*, 239
	1580-1581	+17 sujetos		RG
	1595		8470	*Essays in Population*, 52

	1603	San Juan Chilateca: 80 tributarios Santa Ana Suchitepec: +300 tributarios Santa Catalina Minas:100 tributarios		Congregación AGN Tierras 71, Exp. 5
	1646		3650	*Essays in Population*, 57
Teocuitlapacoya	1550	120 casados y 33 solteros		AGN Hospital de Jesús 432, Exp. 2
	1568		282	*Essays in Population*, 54
	1570	100 indios		*Relación obispados*, 65
	1571-1574	Tlacola (sic): 60 tributarios		*Geografía universal*, 238
	1646		138	*Essays in Population*, 54

Sources: *Libro de visitas de los pueblos de la Nueva España*; *Relación de los obispados de Tlaxcala, Michoacán, Oaxaca y otros lugares en el siglo XVI*; *Geografía y descripción universal de las indias*; Cook, Sherburne F. and Woodrow Borah. *Essays in Population History: Mexico and California. Vol. III.*

I estimated the number of tributaries reported in AGI Contaduría 785a and 785b based on the bushels of corn, as each tributario contributed half a bushel. These documents were published in TTPCI. The RGs hosted by the University of Texas can be accessed at https://collections.lib.utexas.edu/?search_field=search&q=relaciones+geograficas The *RG de Chichicapan* at http://pares.mcu.es/ParesBusquedas20/catalogo/show/304141

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