PEDRO DE MOCTEZUMA AND HIS DESCENDENTS

(1521–1718)

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In 1521 a band of several hundred Spaniards overthrew the Aztec empire in Mexico and its ruler, Moctezuma II. This defeat in itself created a major cultural shock for the indigenous population, but the later arrival of Spanish officials and colonists constituted a far greater if less dramatic upheaval. For the victorious Spaniards rejected Aztec governmental institutions, considering them to be distinctly inferior, and quickly substituted their own. Moctezuma II and a substantial number of the Aztec ruling class had died during the violence which accompanied the conquest and those who remained were not permitted to exercise leadership. It was, however, the stated policy of the Spanish Crown that the Indian population of New Spain should be treated with kindness, allowed to retain their property, and led gently toward acceptance of the Christian faith.

Among the surviving members of the Aztec nobility were several of the emperor's children, to whom Spanish authorities
accorded special attention because of their unique position. Moctezuma II's son, Tlacahuepan, who on his conversion was baptized Pedro de Moctezuma, was one who received special grants and favors, for it was the Crown's intention that members of the emperor's family should be treated with consideration and be provided with the means to live in a fashion suitable to their aristocratic lineage. But during the years following the conquest, forces within the Spanish government and the Spanish and Indian communities came together to frustrate this purpose.

Don Pedro and his descendents were very much aware of and prepared to exploit the unusual position their heritage gave them. They believed that the Crown had made promises to them of perpetual income and honors which were unfulfilled and they were prepared to continue their attempts to gain these prizes. The Crown rewarded their persistence with repeated orders to colonial authorities to pay the income owed, but frequently these commands were not answered. As Spanish income from New Spain declined and the quality of government in Spain and the colonies deteriorated, the possibilities that the Moctezuma family might prosper as earlier Spanish governments had decreed they should disappeared. And, at last, it became apparent that the essential inertia
which permeated all levels of colonial administration combined with the chasm which existed between the edicts issued from Spain and their effective application in the New World were factors against which no one family could contend successfully.
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During their relatively brief period of ascendancy, encompassing only about 150 years, Aztec rulers extended their hegemony over a major portion of the area now incorporated into the Mexican nation. As the Aztecs increased their authority they introduced a sophisticated form of government into the regions under their control and influenced the development of a social structure much like their own into outlying territories.

In 1521 a band of several hundred Spaniards overthrew the Aztec empire and its ruler, Moctezuma II. This defeat in itself created a major cultural shock for the native population, but the later arrival of a multitude of Spanish officials and colonists who were determined to Hispanicize the region constituted a less dramatic but far greater upheaval. In the final analysis Aztec institutions were rejected out of hand by the victorious Spaniards as distinctly inferior to their own.

Moctezuma and a substantial number of the Aztec nobility died during the violence which accompanied the conquest. Those who survived were no longer permitted to exercise
leadership. The Spanish Crown's stated policy toward the Indian population of Mexico was that the natives should be treated with kindness, that their property rights should be respected, and that they should be led gently toward acceptance of the Christian faith. Through the years following the conquest various forces within the Spanish government as well as within the Spanish and Indian communities prevented the fulfillment of the Crown's laudable purpose.

Among the surviving members of the Aztec nobility were several of the emperor's children, who because of their unique position were accorded special favors. It was the Crown's intention that these representatives of Moctezuma's family should be treated equitably and provided with the means to live in a manner suitable to their aristocratic lineage. In tracing documentary records concerning Pedro de Moctezuma, a son of the emperor, and his descendents, it is possible to ascertain the Crown's design for his and his family's livelihood. In doing so it becomes evident that there were considerable differences between theory and practice in the activities of the Spanish government. The author of this study hopes that she has demonstrated the reasons underlying this discrepancy.

Printed materials have been used when it was necessary to discuss the background of Spanish policy. A major part
of the information concerning don Pedro and his descendents, however, was gleaned from manuscript materials housed in the Archivo General de la Nación in Mexico City and the Archivo General de Indias in Seville. This material was microfilmed and transformed into prints in order that it might be more conveniently used for research. The microfilm and prints are in the possession of the author.

I wish to acknowledge the many people who have assisted in the completion of this work. The personnel of the North Texas State University Library, and the Archivo General de la Nación and Biblioteca Nacional in Mexico City were most helpful as were the many others whose interest, cooperation, and encouragement made the completion of this work possible.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright</td>
<td>iii</td>
</tr>
<tr>
<td>Preface</td>
<td>iv</td>
</tr>
<tr>
<td>List of Tables</td>
<td>viii</td>
</tr>
<tr>
<td>List of Illustrations</td>
<td>ix</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>I. The Emperor and His Children</td>
<td>1</td>
</tr>
<tr>
<td>II. Don Pedro de Moctezuma (1521-1570)</td>
<td>22</td>
</tr>
<tr>
<td>III. Don Diego Luis de Moctezuma (1570-1606)</td>
<td>54</td>
</tr>
<tr>
<td>IV. Don Pedro Tesifón de Moctezuma (1606-1639)</td>
<td>73</td>
</tr>
<tr>
<td>V. Don Diego Luis de Moctezuma (1639-1680)</td>
<td>97</td>
</tr>
<tr>
<td>VI. Doña Gerónima de Moctezuma and Her Daughters (1680-1718)</td>
<td>118</td>
</tr>
<tr>
<td>Bibliography</td>
<td>151</td>
</tr>
</tbody>
</table>
LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Opposite Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. MOCTEZUMA ENCOMIENDAS IN 1658</td>
<td>107</td>
</tr>
<tr>
<td>II. MOCTEZUMA ENCOMIENDAS IN 1673</td>
<td>114</td>
</tr>
</tbody>
</table>
### LIST OF ILLUSTRATIONS

<table>
<thead>
<tr>
<th>Illustration</th>
<th>Opposite Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. MAP OF TULA</td>
<td>22</td>
</tr>
<tr>
<td>II. COAT OF ARMS GRANTED TO PEDRO DE MOCTEZUMA</td>
<td>32</td>
</tr>
<tr>
<td>III. GENEALOGY OF THE IMMEDIATE FAMILY OF PEDRO TLACAHUEPAN DE MOCTEZUMA</td>
<td>45</td>
</tr>
<tr>
<td>IV. DOCUMENT SIGNED BY PEDRO TESIFÓN DE MOCTEZUMA</td>
<td>86</td>
</tr>
<tr>
<td>V. GENEALOGY OF CONDES DE MOCTEZUMA 1627-1715.</td>
<td>94</td>
</tr>
<tr>
<td>VI. GENEALOGY OF MARQUESES DE TENEBRÓN.</td>
<td>146</td>
</tr>
</tbody>
</table>
CHAPTER I

THE EMPEROR AND HIS CHILDREN

Hernán Cortés, accompanied by several hundred Spaniards and Indian servants, landed on the coast of Mexico near Veracruz on April 21, 1519, Good Friday. The expedition carried a banner designed by its leader which was made of "black velvet, embroidered with gold and emblazoned with a red cross amidst flames of blue and white, with this motto in Latin beneath: 'Friends, let us follow the Cross, and under this sign, if we have faith, we shall conquer.'"\(^1\)

The Spaniards had left Spain because with the successful conclusion of the crusade against the Moors in 1492 they felt that the door to social advancement, glory, and wealth was effectively shut against them in their homeland.\(^2\) For


\(^2\)The training a Spanish soldier received in battles against the Moors gave him a "capacity for endurance in extremes of heat and cold that was to make him a redoubtable figure on the battlefields of Europe and the New World, and the Granada war, with its surprise attacks and constant
to a Spaniard the most acceptable pursuit was that of crusader-soldier for Church and Crown, two entities that joined in Spain in an indissoluble partnership. But they carried with them the basic philosophy formed during the Reconquest, the idea of the nobility and legality of war if it were carried on for the purpose of converting the conquered to Christianity, thereby saving their souls and improving their lives. The Requerimiento, a short outline of Christian beliefs formulated in the early 1500s which a priest or soldier was obliged to read to the natives before a battle could begin, is a prime example of this concept and of the Spanish obsession with legality.

skirmishes, did much to train him to the individualistic type of warfare in which he was soon to excell." John H. Elliott, Imperial Spain, 1469-1716 (New York: Mentor Books, The New American Library, 1966), pp. 45-47 (hereafter cited as Imperial Spain).

All references in this work to the Church relate to the Roman Catholic Church, and the term Crown, unless otherwise specified, refers to the Crown of Castile, since the colonies in the New World were initially the sole property of the Crown of Castile.

A gentleman, however, also needed the means to support himself in suitable style. So these men not only intended to conquer and convert but also to get rich, and they were tough, tenacious, and single minded. The Spanish conqueror could serve his Church, his king, and himself simultaneously. Cortés was a personification of the Spanish idea of conquest, and he showed unmatched decisiveness and determination. He had left Cuba in defiance of Governor Diego Velázquez, led his men up the coast of Mexico, and finally destroyed his ships to ensure his men's unflagging commitment to success. By August 13, 1521, they had conquered most of the vast Aztec-Mexica empire and destroyed its capital city, Tenochtitlán.

The Aztec-Mexica had been an insignificant tribe of nomads until they established a permanent settlement around

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1325. This site became the city of Tenochtitlán, a name which possibly came from a type of cactus and symbolized the legend of the eagle and the serpent. The city was built on a swampy island in the middle of a lake, a location their more powerful neighbors in the Central Valley of Mexico had scorned. But within fifty years they had drained the swamp, made the city defensible, established a system of social classes, and organized a sophisticated government. This government, like that of the Spanish, was joined to a powerful central religion. These initial accomplishments only served to increase the ambition of the ruling oligarchy to become the overlords of all the surrounding peoples and cities.5

But to them one element was missing, a king who could legitimately claim as his inheritance ties to the ancient rulers of Mexico. The Aztecs, too, were concerned with problems of legality. To remedy this situation, the Aztec nobles selected as their first king a prince from the royal house of another lakeside city who was, they claimed, a

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descendant of the ancient Toltec dynasty of Tula. From this dynasty had sprung the god-king Quetzalcoatl, the Plumed Serpent, worshipped throughout Mexico. According to religious mythology, Quetzalcoatl had been a wise and virtuous ruler of the Toltecs, a god-man who invented agriculture and the arts and practiced bloodless sacrifice. By trickery and magic his adversaries forced him to leave his homeland in disgrace. After his exile, he built a raft and sailed across the eastern sea, but only after promising his followers that he would return one day.

The nobles further strengthened their claims of legitimacy by instituting a system of strategic marriages within the ruling families, so that within a few generations not only the king but also principal members of the ruling class could claim descent from the deity, Quetzalcoatl. Since the nobles of Tenochtitlán and of a few selected allies elected the Aztec emperor, this system assured Aztec rulers both

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6 Fray Toribio Motolinía, Historia de los indios de Nueva España (México: Editorial Porrúa, 1973), p. 4 (hereafter cited as Historia); Padden, Hummingbird, p. 16; Brundage, Rain of Darts, p. 41.

7 Padden, Hummingbird, pp. 26-28; Brundage, Rain of Darts, p. 6; also see Nigel Davies, The Toltecs Until the Fall of Tula (Norman; University of Oklahoma Press, 1977) for a discussion of the Quetzalcoatl myth.
legitimacy and suitable noble descent. This accomplished, they were then ready to begin their era of conquest and to assume the trappings of an empire. Successes followed, and soon the Aztecs were the effective rulers of Mexico.\(^8\)

Moreover, the established state religion assumed that the king would be not only a temporal ruler but also chief priest, and as such he became a god-king in his own right. The principal deity, the war god Huitzilopochtli, demanded constant and ever-increasing human sacrifice. The demand for thousands of sacrificial victims led to the institution of the flower wars in which contrived battles were fought not primarily for conquest but to provide prisoners for the god's religious ceremonies.\(^9\) Now, instead of paying tribute to their more powerful neighbors, the Aztecs themselves were demanding tribute. With the same efficiency they had shown in establishing their city, they instituted elaborate tribute rolls designating what and how much their tributaries owed. And they required their neighbors to send them daughters to serve as wives and concubines of the rulers.

\(^8\) Padden, *Hummingbird*, pp. 16-17.

and also slaves for sacrifice and servitude. Their neighbors resented these demands, and by the early years of the sixteenth century many areas were in a state of near insurrection. 10

The Aztec emperor at the time of the Spanish landing was Moctezuma II. It was the custom of the Aztecs to elect a ruler first from among brothers of the deceased emperor. Their candidacy failing, they then turned to nephews of the previous ruler. Moctezuma's election had been the result of a compromise among the electors. Many had preferred his brother who had been a noted and successful military leader. Moctezuma had also led military expeditions in his youth as well as in the early years of his reign, but at the time of his election his primary interests were religion and philosophy and enjoyment of the luxury with which he had surrounded himself. 11

His first reaction to the news of the Spanish landing was fear. Legends say that he was warned of a coming time


11 Juan de Torquemada, Monarquía indiana, 3 vols. (México: Editorial Porrúa, 1969), 2:256-58; Padden, Hummingbird, p. 79; Prescott, Conquest of Mexico, 1:308-09; Gómara, Cortés, pp. 147-53.
of troubles for his empire by various signs and prophecies, that he believed that the Spaniards were representatives of Quetzalcoatl, and that one of them might be the god himself returning to establish his earthly kingdom. ¹² A legend, Charles Gibson writes is a "story that someone else believes . . . . The suspicion, or attribution, of error ordinarily represents an external and late judgment in the history of the original narrator or his immediate audience." ¹³ Whether the tales Indian sources told the Spanish historians were legends or had some foundation in truth, Moctezuma did try to propitiate the Spaniards by sending them gifts and asking them to leave Mexico. This may have been the worst course of action he could have taken for the richness of the gifts of gold and silver convinced the Spaniards that this was indeed the wealthy country they were seeking; and it awakened and aroused their cupidity, a quality which hardly needed reinforcement.


Cortés and his men quickly realized the extent to which subject rulers resented Aztec ascendency and demands, and they prepared to exploit this animosity. On the march to Tenochtitlán, they hoped to establish alliances with local rulers and to convert the natives to Christianity along the way. News of the Spanish successes and progress toward Tenochtitlán reached Moctezuma through his spies and traders, and his fears increased. It was later reported to Cortés that when Moctezuma received a gift of bread from the Spanish, he tasted it and then had the remainder buried at Tula in the temple of Quetzalcoatl because he believed that the Spaniards might be the god's sons.14

As the Spaniards neared Tenochtitlán, Moctezuma again sent gifts to them and reiterated his request that they leave Mexico. Finally his advisors persuaded him to arrange for an ambush of Cortés and his army before they crossed the mountains leading to the royal city. Plans for the massacre at Cholula failed, and the Spaniards continued toward Tenochtitlán. Seemingly, Moctezuma never seriously

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considered sending his army against the Spaniards, although many of his nobles advised this action.  

At last, Moctezuma agreed to permit Cortés and his men to visit Tenochtitlán. He greeted them himself with a warm speech of welcome and with a procession displaying the full magnificence of his court. Entering the city the Spaniards saw elaborate palaces, great pyramids topped with temples, and markets overflowing with goods from every area of Mexico. Moctezuma decreed that Cortés and his men be housed in a sumptuous palace which had belonged to his father, Axayacatl, and ordered his servants to tend to their needs. It is also probable that Moctezuma offered his daughters and other noble ladies to the Spanish leaders, for such hospitality was the Aztec custom.

When Cortés and his captains visited Moctezuma in his palace, they saw walls covered with hangings of gold, silver, and feather tapestries, and gardens with fountains, flowers,

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15 Prescott, Conquest of Mexico, 2:14-19; Padden, Hummingbird, pp. 157-61; Brundage, Rain of Darts, pp. 257-62.

exotic animals and birds. The palace was also the home of Moctezuma's large family, for according to Aztec custom, Moctezuma had taken a number of wives and concubines who were the daughters of noble families and of rulers allied to the Aztecs. A goodly number of children resulted from these alliances, most of whom died during the conquest or disappeared into the ranks of the general population afterwards. 17

Cortés paid many visits to Moctezuma's palace trying to persuade the ruler to accept Charles V of Spain as his overlord and protector and to embrace the Catholic religion. Finally, suspecting that the emperor's friendliness might be a deception, Cortés forcibly removed him to his own residence. While he held Moctezuma in captivity, Cortés

made further attempts to convert him. Whether Moctezuma
ever accepted baptism is a point over which historians have
disagreed, but a consensus believes that the conqueror was
not successful in his conversion attempts, although he did
persuade the emperor to accept the protection of Charles V.\textsuperscript{18}

While Cortés was in Tenochtitlán, he received news of
the landing of a Spanish force under the command of Pánfilo
de Narváez which had been sent by the governor of Cuba to
make the conquest in Velásquez's own name. Cortés immediately
left the city with a number of volunteers and marched to
meet his Spanish rivals, leaving the city under the leader-
ship of one of his captains, Pedro de Alvarado. Troubles
soon developed within the city; and before Cortés returned,
bringing several hundred of Narváez' followers who had entered
his service, a full rebellion had occurred. The insurrection
was led by members of the native nobility who did not share
Moctezuma's superstitious fear of the Spaniards, whom they
saw as men and not as gods.\textsuperscript{19}

\textsuperscript{18} Gómez, Cortés, pp. 184-86; Padden, Hummingbird, p.
168; Francisco Javier Clavijero, Historia antigua de México,
4 vols. (México: Editorial Porrúa, 1976), pp. 350-51 (here-
after cited as Historia antigua); Cortés, Cartas, p. 358.

\textsuperscript{19} Brundage, Rain of Darts, pp. 273-75; Díaz del Castillo,
Conquista de la Nueva España, pp. 109-34, 209-80; Cortés,
Cartas, pp. 82-90; Gómez, Cortés, p. 188; Padden, Hummingbird,
p. 193.
During the fighting Moctezuma was killed. The question concerning his death has never been fully resolved; Indian writers fix the blame on the Spaniards and the Spaniards, on the Indians. Writers generally agree that during the revolt which forced the Spanish retreat from Tenochtitlán, Moctezuma appeared on the roof of his father's palace where he had been held prisoner, and attempted to quiet the crowd. As he spoke, a rock fired from an Indian catapult struck him on the head. He did not die immediately from this injury. Indians who found his body after the Spanish had departed declared that he had died of stab wounds. It is possible that the Spaniards, in their fear and frustration and perhaps disappointment at his ineffectiveness, had killed him before leaving the city. But it is also possible that Indian nobles, hating him for what they considered to be his infidelity and perfidy, had killed him so that they could choose a new leader. What is certain is that Moctezuma before his death had lost the support of the ruling class and the army because of his capitulation to the Spaniards. They considered his actions a betrayal, and resentment toward his actions erupted.  

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20 Clavijero, Historia antigua, pp. 362-63; Prescott, Conquest of Mexico, 2:54, 319; Durán, Aztecs, p. 305;
After Moctezuma's death there were important changes in Aztec leadership. The nobles who had opposed Moctezuma's capitulation to Cortés selected the dead ruler's half-brother, Cuitláhuac, as his successor. Cuitláhuac's animosity toward the Spaniards had been conspicuous, and after his election he strove to unite and inspire his forces so that they might annihilate their enemy. His success and the increasing fury of the Indians made it apparent to the Spaniards that they would have to try to escape from Tenochtitlán. At midnight, on June 30-July 1, 1520, they made their attempt, moving as silently as possible in hope that the Aztecs would not realize that they were leaving. Accompanying them were several of Moctezuma's children, servants, and councilors who had remained loyal to the emperor and Indian allies from other localities. The Aztecs quickly discovered the retreat was in progress, and in the fighting a great number of Spaniards and Indians were killed.  


21 Díaz del Castillo, Conquista de la Nueva España, pp. 254-62; Prescott, Conquest of Mexico, 2:359-72; Padden, Hummingbird, pp. 200-01; Brundage, Rain of Darts, pp. 276-77.
After his successful retreat to the mountain kingdom of Tlaxcala, Cortés began immediate plans for his return to the city. During the extended siege of Tenochtitlán there had been another important change in Aztec leadership, for Cuitláhuac had died in a smallpox epidemic after only a few weeks in authority. For their new ruler the nobles chose Cuauhtémoc, Moctezuma's nephew, a man who, under the influence of the recalcitrant nobles and priests, was prepared to support the policy of resistance. The siege of Tenochtitlán began in May, 1521, and on August 13, 1521, Cortés defeated the Aztec forces under Cuauhtémoc and became for a time the effective ruler of Mexico.²²

Moctezuma's death ultimately proved to be an embarrassment for both the Spaniards and Aztecs. While it was true that he had lost all effective ability to rule before his death, he was the last regularly elected Aztec ruler and a symbol not easily replaced. Both Cuitláhuac and Cuauhtémoc had attempted to legitimize their position by marrying Moctezuma's daughter, Tecuichpotzin, but the fact remained that they were selected by only a small cadre of nobles. It is evident

²²Cortés, Cartas, pp. 185-89; Padden, Hummingbird, pp. 208-22; Brundage, Rain of Darts, pp. 283-90; Prescott, Conquest of Mexico, 3:199-208.
that many members of the emperor's family were killed or fled during the conquest. This led to a vacuum in leadership among the Aztecs and contributed to their final dissolution as a society. Most of those who survived were baptized and took Christian names and in some instances Spanish surnames. A few members of the family occupied minor positions in the Spanish government, but their participation ended in 1565, when for reasons not entirely explained the Spanish authorities began to choose other Indian leaders as native governors of Tenochtitlán.

In a letter written to Charles V in 1527, Cortés mentioned three daughters of the emperor, doña Isabel Moctezuma (Tecuichpotzin), a legitimate daughter whose mother was the Señora of Tacuba, and doña María and doña Leonor Moctezuma, possibly the daughters of concubines. Cortés asked the king for confirmation of grants which he had given to them before they married Spaniards. He told Charles V that Moctezuma, after he was injured, had entrusted his daughters to Cortés himself with the hope that they might be baptized, and he implied that these young women had accompanied the Spaniards on their retreat from Tenochtitlan. These three young women may have indeed attempted to escape with Cortés's fleeing

23Gibson, Aztecs, pp. 167-68.
army, but doña Isabel was herself recaptured by the Aztec forces. She was married to Cuitláhuac and later to Cuauhtémoc and was captured with him as he tried to escape after the final battle for the city. 24

Cortés later arranged a marriage for doña Isabel with Alonso de Grado, a man who had accompanied him to Mexico but had remained in Veracruz until after the fall of Tenochtitlán. The conqueror granted her Tacuba as her dowry, for, as he explained to the king, it was her legitimate patrimony. Grado died soon after the marriage, and Cortés moved the young widow into his own house. She shortly became pregnant by Cortés, and before the birth of a daughter entered into her second Christian marriage with Pedro Gallego de Andrada. She subsequently gave birth to a son, Juan de Andrada Moctezuma, but Gallego died soon after. Doña Isabel had been extraordinarily unfortunate in her first four marriages. She then married Juan Cano and became the mother of five children by him. In her later years she

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24 Padden, Hummingbird, pp. 207-08; Cortés, Cartas, pp. 358-62; Prescott, Conquest of Mexico, 2:460-64; Fernando Alvarado Tozozómoc, Crónica mexicayotl (México: Universidad Nacional Autónoma de México, Instituto de Historia, 1975), pp. 154-57 (hereafter cited as Crónica); Clavijero, Historia antiqua, 2:201.
evidenced a true interest in the Church and was a major donor to several of its institutions.25

Cortés sponsored a marriage for doña Leonor to another conqueror, Juan Paz, and granted her Ecatepec as her dowry, again explaining that this property was her legitimate patrimony. After Paz died, doña Leonor married Cristobál de Valderrama and became the mother of several children. Doña María apparently died without heirs when she was very young.26

Another of Moctezuma's daughters, doña Francisca, married don Diego Huanitzin, whom his son, the historian don Fernando de Alvarado Tezozómoc, declared to be a king of Tenochtitlán. Charles Gibson described don Diego as a governor of Tenochtitlán in the 1530s and said that he was the grandson of Axayacatl, the son of Tezozómoc, and Moctezuma's brother.27


26 Tezozómoc, Crónica, pp. 154-56; Gibson, Aztecs, pp. 50, 418-19.

27 Tezozómoc, Crónica, pp. 157-58; Gibson, Aztecs, p. 169.
Several sons also survived the conquest. Don Martín Cortés Nezahualcoyotzin probably went with the Spanish on the retreat and later went to Spain with Cortés. He received a coat of arms granted in Spain on February 16, 1536, in recognition of his aid to the Spanish in conquering New Spain. He then returned to Mexico, where he died, reportedly by poison.\(^{28}\) Another son who had been Señor of Tenayuca hid in Tepotzotlán for some time after the conquest and was baptized during his last illness in 1524.\(^{29}\) Two others possibly lived for a short time under Spanish rule, but both were incapacitated, one being described as insane and the other as paralytic.\(^{30}\)

Moctezuma's son, Pedro Tlacahuepan Moctezuma, whose mother was the emperor's niece and the Señora of Tula, left Tenochtitlán with his mother and a number of Moctezuma's guards and servants and traveled to her home in Tula. Exactly


\(^{29}\) Motolinía, *Historia*, p. 34; Clavijero, *Historia antigua*, p. 364.

\(^{30}\) AGI, México, leg. 764, fol. 2.
when they left the city is not certain, but since they were able to take servants and household goods, it is probable that they were in Tula when serious trouble developed between the Spaniards and Indians. Cortés granted don Pedro the inheritance of Tula as his patrimonial right, and later the Crown granted him a coat of arms. He married or made alliances with several Indian women of noble ancestry and was the father of a number of children. 31

The estates given to Moctezuma's children, doña Isabel, doña Leonor, and don Pedro were the basis of much litigation in the years to follow. According to Charles Gibson, "It is entirely possible that Cortés grants of Ecatepec to Leonor Moctezuma and of Tacuba to Isabel Moctezuma were intended to be confirmation of inheritance, not acts of encomienda creation," but he further notes that Cortés later testified that they were grants of encomienda. Perhaps the conqueror did intend to grant the daughters and don Pedro a part of their ancestral lands in perpetuity but later decided that this was not possible. 32


32 Gibson, Aztecs, pp. 76, 418.
A goodly number of don Pedro's, doña Isabel's and doña Leonor's heirs married into the lower ranks of the Spanish nobility, and many eventually found homes in Spain. Those who remained in Mexico were thoroughly Hispanicized and figured importantly in the history of New Spain.
Tula

Reproduced from: Nigel Davies, The Toltecs until the Fall of Tula, p. 277.
GENEALOGY OF THE IMMEDIATE FAMILY OF

PEDRO TLACAHUEPAN DE MOCTEZUMA

AXAYACATL

Moctezuma II
(Xocoyotzin)
d. Martín de M.
d. 1576
m.
da. María Miaquasuchil
Señora de Tula
d. Bartolomé d. Lorenzo
da. María d. Magdalena
da. Francisca de
la Cueva
da. Inés Tlacapan
da. Catalina Quíaxquil
(1st wife) (2nd wife?)
d. Pedro Tlacahuepan de M.
da. Francisca
(3rd wife)
d. Diego Luis de M.
d. M.
d. M.
d. M.
d. M.
d. M.
d. M.
d. M.
d. M.
d. M.
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d. M.
d. M.
d. M.
d. M.
g. Juan
de Arellano

da. Inés Pizarro
da. Gerónima de Porras
CHAPTER II

DON PEDRO DE MOCTEZUMA (1521-1570)

The ancient Toltec capital, Tula, a name which means a place of fertility and abundance, lies northwest of Mexico City (Tenochtitlán) on the outer rim of the mountains which surround the Valley of Mexico. The site is hilly, and the meandering Río Tula runs through the area, producing a ribbon of green vegetation even during the dry season. Although Tula fell to invaders in the twelfth century, its ruined pyramids and temple to the god-king, Quetzalcoatl, continued to attract worshippers, and its rulers occupied a position of great prestige in Mexican society. During the latter part of the fifteenth century Moctezuma II's half-brother, Ixtlilcuexhuaca, married Mizquixhualtzin, the daughter of Tula's ruler. By Aztec custom the offspring of this marriage would become the ruler of Tula. A daughter was born and given the name Miahuaxchotzin, which means flower of flowers. Probably in 1503, the year of her uncle's coronation, she married Moctezuma II. This was a particularly advantageous marriage for the Aztec ruler, for Miahuaxchotzin brought the Province of Tula as her dowry. And when her father was
Document signed by Pedro Tesifón de Moctezuma, September, 1627.

AGI, México, leg. 762, fol. 33.
killed in a flower war a few years later, Moctezuma II
gained hegemony over Tula. A son, Tlacahuepan, was born
of this marriage. 1

Then came the Spanish conquest. Many of the Indian
nobility died, some fell into obscurity with the masses,
and still others, the emperor's children don Pedro, doña
Isabel, and doña Leonor, tried to regain their former dignity
and retain their property. The process was difficult, for
the victorious Spaniards were themselves eager for property
and riches and expected the surviving Indian nobility to
conform to Spanish cultural norms. These, of course,
included accepting the tenets of a new religion, but they
also provided an avenue by which the indigenous nobles
might establish their rights through the Spanish legal

1 Sahagún, Cosas de la Nueva España, 2:281; Brundage,
Rain of Darts, pp. 6, 230, 235-36; Tezozómoc, Crónica,
pp. 151-52; Durán, Aztecs, p. 267; Lucas Alamán, Diser-
taciones sobre la historia de la república mexicana,
3 vols. (México: Editorial Jus, 1969), 1:297; AGI, México,
leg. 764, fol. 18; AGN, Vínculos, vol. 69, fol. 13; AGN,
Vínculos, vol. 76, fols. 10-11; AGI, Indiferente, leg. 1615,
fol. 4; Peter Gerhard, A Guide to the Historical Geography
of New Spain, Cambridge Latin American Studies, eds. David
Joslin, Timothy King, Clifford T. Smith and John Street,
332. Miahuaxchotzin became doña María Miaquasuchil and
her son, Tlacahuepan, Pedro de Moctezuma, after their
baptisms.
CONDES DE MOCTEZUMA, 1627-1715

d. Pedro Tesifón de Moctezuma
  1st Conde de Moctezuma
  (d. 1639)
  m.

  d. Diego Luis d. M.
     S.J.

  d. Diego Luis de M.
     2nd Conde de M.
     (d. 1606)
  m.

  d. Pedro Manuel de M.
     m.

  da. Francisca de la Cueva

  da. Gerónima de M.
     3rd Condessa de M.
     (d. 1692)
     m.
  d. Joseph Sarmingto
     y Valladares
  1st Duque de Atrisco (1704)
  (d. 1708)

  da. Fausta Dominga de M.
     4th Condessa de M.
     (d. 1697)
  m.

  da. Gerónima de Porras
  d. Melchora de M.
     5th Condessa de M.
     (d. 1715)
     m.

  d. Ventura de Córdoba
system. There were, however, a number of factors which worked against the establishment of Indian patrimony. In the first place, the period after the conquest was one of confusion, misunderstanding, and dislocation. The Crown and royal officials, aware of the destruction of the native population in the islands of the West Indies, made continued efforts to protect the Indians of New Spain. These attempts were frequently unsuccessful, partly because Spanish officials in Mexico were often unable or unwilling to comply with directives from Spain. Shortly after Cortés established the settlement at Veracruz, he realized that the Indians of New Spain had a more advanced civilization than those of the Caribbean islands. He sent a letter to the king expressing the opinion that the encomienda should not be introduced on the mainland and that the Indians should be treated with justice and kindness, for in this manner they could be more easily assimilated into the Spanish culture. After the conquest, however, Cortés again wrote to the king explaining that his victorious and unruly troops demanded rewards, and he felt obliged to grant them the only reward within his power, encomiendas of Indians. The conqueror,
TABLE OF MOCTEZUMA ENCOMIENDAS—1658

Number of tributaries

<table>
<thead>
<tr>
<th>Location</th>
<th>1618</th>
<th>1620</th>
<th>1630</th>
<th>1640</th>
<th>1644</th>
<th>1646</th>
<th>1648</th>
<th>1650</th>
<th>1651</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cacatepec</td>
<td>428</td>
<td>594</td>
<td>2138</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Chahuapa</td>
<td>168</td>
<td>179</td>
<td>94</td>
<td>102</td>
<td>18</td>
<td>25</td>
<td>92</td>
<td>33</td>
<td></td>
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<tr>
<td>Escapuzalco</td>
<td></td>
<td>594</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
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<tr>
<td>Tenancingo</td>
<td></td>
<td>179</td>
<td>94</td>
<td>102</td>
<td>18</td>
<td>25</td>
<td>92</td>
<td>33</td>
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<tr>
<td>Ostoticpac</td>
<td></td>
<td>179</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
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<tr>
<td>Hueypustla</td>
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<td>102</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>Huachinango</td>
<td></td>
<td>2138</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
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<tr>
<td>Tepetlaostoc</td>
<td></td>
<td>761</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
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<tr>
<td>Xopala</td>
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<td>461</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>Tututepec</td>
<td></td>
<td>506</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
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<tr>
<td>Tlacotepec</td>
<td></td>
<td>94</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
<td></td>
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<tr>
<td>Yoloxinecuila</td>
<td></td>
<td>83</td>
<td>94</td>
<td>102</td>
<td>34</td>
<td>128</td>
<td>128</td>
<td>92</td>
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</tbody>
</table>

No count since the original grant: Zaqualpa, Xonacatlan, Zoquizinco, Zumpahuacán, Macuiliánquizco, Talistaca, Mimiapan, Ocelotepec, and Xilocingo.

(AGI, México, leg. 762, fols. 363-66)
incidentally, retained for himself a sizable allotment of the richest Indian communities.²

In 1522 the king appointed Cortés governor and captain general of New Spain. He instructed the conqueror not to grant encomiendas, but to care for the Indians and see that their conversion was accomplished with charity and understanding. The king further decreed in 1523 that the Indians be allowed to keep their own property.³

Cortés chose to ignore the king's instructions regarding encomiendas and continued to award grants to his followers. He did respond to the royal directives in another letter, describing the orderly assignment of encomiendas and defending his actions as the only means of successfully civilizing the country and converting the Indians. Cortés's allotment of encomiendas, however, not only created considerable dissension in the colony, for those who did not receive them


ORIGINAL ACCOUNTING FOR ENCOMIENDAS

NOT REEVALUED IN 1658:

<table>
<thead>
<tr>
<th>Place</th>
<th>Valuation Date</th>
<th>Valuation Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zaqualpa</td>
<td>1611</td>
<td>101</td>
</tr>
<tr>
<td>Xonacatlan</td>
<td>No year given</td>
<td>304</td>
</tr>
<tr>
<td>Zoquiztinco</td>
<td>No year given</td>
<td>91</td>
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<tr>
<td>Zumpahuacán</td>
<td>No year given</td>
<td>289</td>
</tr>
<tr>
<td>Macuiltianquizco</td>
<td>No year given</td>
<td>39</td>
</tr>
<tr>
<td>Talistaca</td>
<td>No year given</td>
<td>77</td>
</tr>
<tr>
<td>Mimiapan</td>
<td>No year given</td>
<td>136</td>
</tr>
<tr>
<td>Ocelotepec</td>
<td>No year given</td>
<td>255</td>
</tr>
<tr>
<td>Xilocingo</td>
<td>No year given</td>
<td>149</td>
</tr>
</tbody>
</table>

(AGI, México, leg. 762, fols. 363-366)
schemed against those who did, but it also generated a suspicion in the king's all too susceptible mind that the conqueror was beginning to assume prerogatives that were reserved to the Crown alone. To aid in the administration of colonial affairs, the king established the Council of the Indies in 1524, giving it in his name administrative and judicial authority over the colonies. But the fact that Cortés's distribution of encomiendas to his followers received royal acceptance by 1525 was an indication of unusual extenuating circumstances within New Spain.  

Spanish efforts to protect the Indians were complicated by their lack of understanding of the Aztec system of local government. The Aztecs controlled territory under their hegemony through local hereditary rulers, the tlatoque, who governed a principal town, the cabecera, and smaller communities surrounding it, the sujetos. Within each area there were lands, said to be the property of the emperor and religious temples, which the people worked communally as a means of paying tribute to the Aztec ruler and the native priesthood. The tlatoque and principales (members of the upper class) owned land worked by tenants and received

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4 Simpson, Encomienda, pp. 56-64; Haring, Spanish Empire, pp. 94-95; Gibson, Aztecs, pp. 59-60.
ACCOUNTING—1670-1671, SUBMITTED July 8, 1673

Number of Tributaries

<table>
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<tr>
<th>Tribe</th>
<th>Count</th>
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<tbody>
<tr>
<td>Cacaotepec</td>
<td>26</td>
</tr>
<tr>
<td>Chahuapa</td>
<td>53</td>
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<tr>
<td>Escapuzalco</td>
<td>218</td>
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<tr>
<td>Tenancingo</td>
<td>128</td>
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<tr>
<td>Ostoticpac</td>
<td>34</td>
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<tr>
<td>Hueyputsla</td>
<td>91</td>
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<tr>
<td>Huachinango</td>
<td>799</td>
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<tr>
<td>Tepetlaostoc</td>
<td>226</td>
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<tr>
<td>Xopala*</td>
<td>695</td>
</tr>
<tr>
<td>Tututepec*</td>
<td>376</td>
</tr>
<tr>
<td>Tlacotepec</td>
<td>50</td>
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<tr>
<td>Yoloxinecuila</td>
<td>52</td>
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</tbody>
</table>

*these had larger populations than in the 1658 count.

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Count</th>
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<tbody>
<tr>
<td>Zaqualpa</td>
<td>101</td>
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<tr>
<td>Xonacatlan</td>
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</tr>
<tr>
<td>Zoquicingo</td>
<td>91</td>
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<tr>
<td>Zumpahuacán</td>
<td>289</td>
</tr>
<tr>
<td>Macuitlanquizco</td>
<td>39</td>
</tr>
<tr>
<td>Talistaca</td>
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<tr>
<td>Mimiapan</td>
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<tr>
<td>Ocelotepec</td>
<td>196</td>
</tr>
<tr>
<td>Xilocingo</td>
<td>91</td>
</tr>
</tbody>
</table>

No count had been made of these since the original grant, and they did not figure in the 1658 reevaluation.

(AGI, México, leg. 762, fols. 363-66)
tribute from other lands as perquisites of office. There were also other private land holdings sometimes worked by tenants or the owner himself. To complicate things still further, a single owner's land holdings might be scattered over a wide area and not be contained within a single administrative unit. The complexity of Indian ownership in itself frequently led to miscarriages of justice in Spanish courts.\(^5\)

The normal grant of encomienda consisted of a tlatoani and the Indians under his leadership; however, there were inconsistencies in the repartition. Occasionally an encomienda contained more than one tlatoani. Or more importantly, sujetos might be removed from the jurisdiction of the cabecera to which they had traditionally belonged and then be reassigned to another cabecera or formed into an encomienda without a tlatoani. Encomenderos or non-tlatoani encomiendas generally elevated one of their sujetos to cabecera status and selected an Indian ruler. In the allotment of encomiendas

MARQUESES DE TENEBRÓN

da. Theresa Francisca de Moctezuma
d. Diego de Cisneros y Guzmán

m.

da. Gerónima de Cisneros M.
m.
d. Félix Nieto de Silva
1st Marqués de Tenebrón

d. Antonio Nieto de Silva y M.
2nd Marqués de Tenebrón
m.
da. María Bibiana Torquemada
da. Theresa Nieto de Silva y M.
3rd Marquesa de Tenebrón
6th Condesa de Moctezuma
m.
d. Gaspar de Oca y Sarmiento
da. Gerónimo de Oca y Sarmiento y M.
4th Marqués de Tenebrón
7th Conde de Moctezuma
m.
da. María de Mendoza
the Spaniards often neglected to consider the question of private Indian land holdings and the sujetos which owed tribute to the tlatoani himself. This, too, engendered further contention. In reality, judicial authorities often confused the status of privately owned land, which could be considered as patrimony, and the sujeto, which owed tribute and resembled the encomienda. Although it was the intention of the Spanish government to respect the right of private Indian land holders who could prove their ownership before the conquest, Indians did lose much of their land through the rapacity of Spaniards while other Indians took advantage of the confusion to appropriate for themselves properties of the emperor, temples, tlatoque, and other individuals.\(^6\)

Thus, the question concerning what property rights Cortés had given or intended to give Moctezuma II's heirs when he granted them Tula, Tacuba, and Ecatepec, or, in reality, what right of inheritance they possessed, remained for the Spanish courts to decide. When Pedro Tlacahuepan de Moctezuma received patrimonial rights to Tula from Cortés, he evidently believed that these included ownership of estates held by his mother's family and the tributes owed

\(^6\)Gibson, Aztecs, pp. 63-76, 264-65; Zorita, Life and Labor, pp. 113-120.
to her ancestors as tlatoque. He did not contend that he should be the possessor of all the lands within the Province of Tula.

Cortés, under increasing pressure from his enemies and suspicion from the king, returned to Spain in 1528 to plead his case. In the same year the Crown appointed Juan de Zumárraga first bishop of New Spain and gave him the title "Protector of the Indians." Also selected at this time was the first audiencia as the supreme administrative body for the colony, with Nuño de Guzmán as its president. Since Guzmán was an archenemy of Cortés, it seems unlikely that don Nuño had any particular sympathy for the problems of the Moctezuma family who had been under the conqueror's protection.⁷

According to documents filed in later lawsuits, don Pedro and his mother remained in Tula for some years after the fall of Tenochtitlán, and it was probably during these years that don Pedro contracted his first marriage. Following the Spanish custom of appointing the most prominent native

leader of a community to the post of governor, officials in Mexico City had named don Pedro to this office. And it was also during these years that Franciscan missionaries first arrived in Tula, built a church and monastery, and began the process of converting the natives. 8

Possibly during the tenure of the first audiencia (1528-1531), when grants previously awarded to Cortés's followers were being removed from them and given to Guzmán's adherents, a group of Indian leaders from the Tula community, inspired by the many changes that were taking place, petitioned to have don Pedro removed from office. They charged that missionaries had forced don Pedro's appointment against the will of the people. They further asserted that although doña Marí a's father and grandfather had been tlatoque and owned land, she was illegitimate, and, therefore, owned no land in her own right. By 1530, the excesses of the first audiencia had caused the Crown to initiate its removal from office with the appointment of a second audiencia composed of far more responsible men. President of the new body was Sebastián Ramírez de Fuenleal, bishop of Santo Domingo and

president of the audiencia of Santo Domingo. After his arrival in Mexico in the early 1530's, Fuenleal listened to the pleas of the Indians of Tula, cancelled don Pedro's appointment, and exiled him from Tula for "crimes and excesses." This was not an unusual happening, for the practice of naming former nobles to governorships was the ruin of many of them, for their jealous rivals charged them with crimes that led to their removal from office by Spanish officials. This may have been the case with don Pedro. Also, after he left Tula, the encomienda was royalized as Crown property.\(^9\)

After his exile from Tula, don Pedro travelled to Mexico City and established a home there in the barrio of San Sebastián near the church and convent of Santo Domingo. He may have hoped that the first viceroy of New Spain, Antonio de Mendoza, who arrived in 1535, might render a more favorable judgment in his dispute. Evidently don Pedro's efforts to establish his rights in Mexico City were unsuccessful, for he then travelled to Spain to present his arguments before the king.

Armas para Pedro de Moctezuma

Reproduced from Ignacio de Villar Villamil, Cedulario heráldico de conquistadores de Nueva España, no. 141.
On October 15, 1539, the Emperor Charles V granted don Pedro a coat of arms in recognition of him as the son of Moctezuma II, the former lord of New Spain. The coat of arms consisted of a shield divided in halves. On the left half was a black eagle on a field of gold. Crossing the body of the eagle were two bands of rose gold with the letters "K.I." on the top one and "F." on the bottom. The border of this half was blue with gold letters spelling Ave Maria and had decorations of blue and silver. The right half of the shield was blue with a gold tiger at the bottom, a silver eagle in the middle, and a gold crown at the top. The border was green with thirty-two gold crowns symbolizing the kingdoms Moctezuma II had ruled. Significantly, permission to use the crown in his coat of arms, an honor denied the great noble houses of Spain by the Catholic monarchs, indicated the king's recognition of don Pedro as the son of Moctezuma II.\textsuperscript{10}

While don Pedro was in Spain, his mother remained in Tula. The new governor, don Francisco Azcatl, and the principales took the lands don Pedro claimed as his inheritance and petitioned the audiencia for formal title.

\textsuperscript{10} Villar Villamil, \textit{Heraldico}, no. 141; AGI, Indiferente, leg. 1615, fol. 11.
to them. Doña Maía sent her son news of what had transpired, and don Pedro informed royal officials that his inheritance had been taken from him by "force and violence." The king, on being told of don Pedro's plight, sent a cédula de ampara (sequestration) to the audiencia on September 7, 1540.

This royal decree referred to don Pedro as the son of Moctezuma II and declared that the Crown had received an account indicating that don Pedro held the following estancias within the peublo of Tula: Istla, Xitamatl, Tolapa, Tepetla, Tlatilco, Coyaqualco, Tecuicuilco, Saavestepan, Tepeitic, Tecuquipa, Tultengo, Xicoco, Tecontepeque, Yetaquecaquala, Milpa, Acocolco, Ilucan, Tlalcongo, and Tlalpa. And the king commanded the audiencia to restore to don Pedro immediately any lands taken or occupied by Indians or Spaniards. The king also granted don Pedro a merced of 1,000 pesos. In 1550

\[11\] Spaniards used the term estancia for sujetos if they were some distance from their cabecera and barrio if they were connected parts of the cabecera. Gibson, *Aztecs*, p. 33.

\[12\] The differences in pronunciation in the various Indian languages current in Mexico during the colonial era and the variations in spelling used by colonial scribes complicate attempts at uniformity in the spelling of place names. For the most part the spellings used in this work are taken from Peter Gerhard's volume. When listings were not available from Gerhard's work, the author has compared the various spellings and chosen one to be used throughout. Gerhard, *Historical Geography*, p. 35.
don Pedro received an additional merced of 50 pesos a year, which was subsequently increased to 100 pesos in 1554.

Perhaps the king expected the litigation over don Pedro's inheritance would be concluded quickly under the influence of his cedula, but in fact it continued for many years.

The pittance in mercedes granted to Moctezuma's son was hardly sufficient to support his family, and don Pedro quickly became a debtor. Don Pedro returned to Mexico and appeared before the audiencia on July 7, 1542. He presented a petition in which he complained that the Indian governor and principales of Tula were trying to take his lands and pueblos away from him by force and against his will. He explained that doña María Miaquasuchil was his mother and that she had been the wife of his father, Moctezuma II.

He declared, furthermore, that doña María was the daughter of Ixtlilcuexhuaca and his legitimate wife and that his ancestors on his mother's side of the family had owned property within the boundaries of Tula and been the hereditary rulers for many generations in the past. It was not, don Pedro averred, until he went to Spain that others had tried to claim his lands. He asked the audiencia for restitution of his lands and payment of tribute for the time the property was in Indian hands. Incredibly, this petition was not sent
to the teniente (assistant) of the alcalde mayor (Spanish administrator) until March 22, 1556.¹³

Fourteen years would seem to be an unconcionably long time between the filing of a lawsuit and its referral to the appropriate officer in Tula for its initiation. The year 1542, however, was also the one during which the Crown promulgated the New Laws, ordinances which seriously affected the status of all encomiendas in the New World. Among other provisions, these statutes decreed that no royal or ecclesiastical official or institution could hold Indians in encomienda, that no more encomiendas could be granted, and that all encomiendas would revert to the Crown on the death of their present holders. These laws were anathema to the encomenderos and many other inhabitants. They protested vigorously, and for a time it seemed that civil war might occur in New Spain as it did in Peru. In 1544 the Crown sent a visitador, Tello de Sandoval, to Mexico to enforce the New Laws and investigate the government. Viceroy Mendoza and Bishop Zumárraga persuaded him to suspend the sections affecting the encomienda until arguments against them could be presented to the Council of the Indies. Eventually the

¹³Haring, Spanish Empire, p. 128; AGN, Tierras, vol. 1529, fols. 97-98.
New Laws were considerably modified, but certainly the tumult surrounding their issuance occupied a major portion of the audiencia's time for a number of years to the exclusion of other cases. Also, considering the litigious nature of both the Spaniards and the Indians, it is not surprising that a lawsuit could be postponed for an inordinate length of time during that troubled period.\textsuperscript{14}

In 1556 Diego de Almadavar, the teniente who had received the case, instructed the Tula Indians to present their answer to don Pedro's petition. They replied with testimony and a painting depicting the tlatoque of Tula from the era before the conquest until the period immediately preceding don Pedro's tenure. The pictorial manuscript showed that Ixtlilcuexhuaca had indeed been the son of

\textsuperscript{14} Haring, \textit{Spanish Empire}, pp. 49-53; Priestley, \textit{Mexican Nation}, p. 62; Simpson, \textit{Encomienda}, pp. 123-44. On May 2, 1556, don Pedro joined a group of señores and principales who met in Tlacopan and petitioned the king to appoint a protector for them who resided at court and might present their problems to the Crown concerning Spaniards who were interfering with their rights. The name they suggested was that of Fray Bartolomé de las Casas, bishop of Chiapas, who was living in Spain at the time. Las Casas had resigned his position as bishop in 1550, and the fact that the news had not reached them is an indication of the communications problem between Spain and the New World. Epistolario de Nueva España, 1505-1818, 16 vols., ed. by Francisco del Paso y Troncoso (México: Antiqua Librería Robredo, 1939-1942), 16:64-65 (hereafter cited as ENE).
Axayacatl and Moctezuma II's half-brother, and that he had served as tlatoani of Tula. After Ixtlilcuexhuaca's death, his son, Francisco Izquequechin, succeeded him, but when don Francisco died he left only a minor son. The principales then selected don Zacarias as tlatoani. When he died after only three years in office, the Indians declared, as they had during the litigation in the 1530's, that the Franciscan missionaries appointed don Pedro to the post against the will of the people. Furthermore, since don Pedro's mother was illegitimate, neither she nor her son were eligible to inherit lands or tribute from Tula. The Indians also cited Bishop Fuenleal's decision against don Pedro and stated that they had paid tribute to the Crown under the direction of their cacique and not at any time to don Pedro. Don Pedro replied as he had before that the lands and tribute under contention were his inheritance, and he referred to suits which had previously confirmed the patrimonial rights of Moctezuma II's other heirs. On October 25, 1557, the teniente decided in favor of don Pedro and doña Maria, and ordered the Indians to return the lands and the tribute accumulated over the years.

15 AGN, Tierras, vol. 1529, fols. 98v-104v.
After Luis de Velasco succeeded Mendoza as viceroy in 1550, the Crown issued new regulations for the treatment of Indians with the object of making them economically independent vassals who would pay their tribute into the royal treasury. These orders included the elimination of Indian slavery, the payment of wages to Indians for personal service to the viceroy and members of the audiencia, discontinuation of the use of Indians as burden bearers, and prevention of native chieftains's abuse of the Indians under their jurisdiction. Viceroy Velasco attempted to comply with these instructions, but, as with the orders eliminating private encomiendas, the indigenous population profited little from them. In 1558 the viceroy wrote a note to the Franciscan missionaries in Tula remarking that he believed that the Indian population was so scattered that it was difficult for them to receive adequate religious instruction and suggested that they be moved to their ancestral houses within the towns. This note suggests that there might have been a certain amount of restlessness among the Tula Indians, but there is no evidence that the viceroy's recommendation prompted any action on the part of the missionaries at that time. If, however, its contents were known to the
Indian community, it could have further inflamed their resentment.\textsuperscript{16}

In any event the Indian defendants carried the case to the audiencia, but in a decision of October 3, 1559, by a sentencia de vista (first hearing) the members confirmed the judgment. The Indians then asked for a more thorough review of the case, and while this request was under consideration, don Pedro petitioned the king for a grant of 600 pesos de oro de minas a year in perpetuity as an income on which he might support his family. He evidently felt that an assured income from the Crown would provide his family with more security than a contested income from lands in Tula, for by this time his family had grown considerably with the addition of several children and possibly a second wife. The audiencia confirmed their previous decision in a sentencia de revista (review) signed by the viceroy and oidores (judges) on December 14, 1560, and ordered the fiscal (Crown attorney) to carry out its decision. On January 18, 1561, the audiencia issued its official carta ejecutoria (judgment) of the sentencia de revista, and on February 21, 1561, it again instructed the teniente to obey the order. A letter from Philip II to the alguacil mayor

\textsuperscript{16}Ibid., fols. 135v-36.
of the audiencia, Gonzalo Cerezo, which arrived on May 5, 1561, gave further confirmation of the audiencia's sentence and instructed Cerezo to go to Tula, make a survey of the land and return the property of don Pedro and doña María. Cerezo accomplished this by the end of June, 1561, nineteen years after don Pedro filed the suit. In a ceremony announcing his decision and the completion of his work, Cerezo stood in the main plaza of Tula, took don Pedro by the hand, and declared that he had returned his lands to him, and that anyone who disturbed either don Pedro or his mother should be sentenced to four years' exile from Tula.\footnote{ENE, 9:53; AGN, Tierras, vol. 1529, fols. 105-28.}

Don Pedro and doña María's respite from this long lawsuit and their opportunity to enjoy their newly regained property lasted only a short time. On August 4, 1561, two Indian brothers from Tecontepeque estancia filed a proceso (formal statement of a case) against them, claiming that Cerezo had given don Pedro and doña María lands which belonged to the pueblo of Tula. Don Pedro's representative answered their statement, saying that the Indians had unjustly seized the lands in question, and he asked for their restitution. The audiencia agreed to hear the case
and sent officials to Tula to question witnesses on January 10, 1562.\textsuperscript{18}

The estancias of Tula mentioned in the proceso included Tecontepeque, Acocolco, Tecuicuilco, Xicoco, Tepeitic, Zayula, Tlalcongo, Tequipa, Istla, Tlalpa, Tultengo, Ilucan, and Ahuehuepan. These included some of the towns specifically mentioned in Charles V's cedula of 1540. The Indian governor of Tula, Miguel de Luna, presented witnesses to testify on behalf of the pueblo of Tula and the two brothers on January 14, 1562. They took the prescribed oaths and also swore that they had no personal interest in the case and were not related to those who did. Those testifying agreed that the estancias in contention belonged to Tula before the conquest and that afterwards tributes were paid to the Crown. When don Pedro was governor, they said, he watched the Indian leaders dividing the tribute from the towns in question and did not interfere, rather he gave feasts for the Indians involved. They further asserted that don Pedro had asked the audiencia for lands not rightfully his only after he was no longer governor. The witnesses also stated that when Cerezo awarded the contested estancias to don Pedro, he had

\textsuperscript{18}AGN, Tierras, vol. 1528, folgs. 2-22; AGN, Tierras, vol. 1529, fol. 1.
boasted afterwards of receiving more property than he had requested. The witnesses complained about Indians from other parts of Mexico who had come to Tula with don Pedro and doña María. Probably these were the royal guards and servants who had left Mexico City with the mother and her son. The witnesses for the Tula leaders had also heard that don Pedro’s grandfather and father had been calpixque (tax collectors and overseers) of Tula, but that they had owned no land. These relatives of don Pedro’s might have been caciques, however, the witnesses said, for they had heard from their fathers that don Pedro’s grandfather and father had distributed food and clothes to those paying their tribute and had held feasts for them when the tribute was paid.¹⁹

Four of the pre-conquest calpixque and arrendatarios (rent collectors) of the estancias mentioned in the testimony had died in an epidemic in 1545-1549, and others had also died, presumably from complications of old age. The age of the witnesses was between 40 and 65 years, so some of them could have experienced life in Tula before the conquest.

¹⁹ The term cacique as used by Indian witnesses was somewhat ambiguous. It was a term which the Spanish themselves had brought from the Caribbean islands they first conquered, and it had no direct translation or meaning in the language of the Indians of New Spain. Gibson, Aztecs, p. 36.
They agreed that the father of the brothers who brought the suit was a cacique of Tecontepeque before the Spanish came, and that since the office was hereditary, they were entitled to it. The fiscal of the Crown entered the suit on behalf of the brothers and the pueblo Indian leaders. He, perhaps, had an interest in keeping the tributes as part of the royal income, since, as a royal official he was no doubt aware that the Crown needed to receive as much revenue as possible from the colonies to replenish the depleted royal treasury. His personal advancement would, perhaps, depend on how much money he could provide for the king.  

Don Pedro's representative argued that the witnesses who testified for the pueblo of Tula had been bribed. He presented Indian witnesses who took the same oath and made the same declaration as the others, and testified that the governor and principales of Tula had gathered their witnesses at one of the principales's houses and provided them with a feast, drink to the point of drunkenness, and gifts of clothing and money. Then they had carefully instructed their witnesses concerning their answers to the questions the teniente would ask, and spent much time insulting doña María and don Pedro. Those testifying for

*AGN, Tierras, vol. 1528, fols. 26-127.*
the pueblo of Tula, don Pedro's witnesses agreed, were not who they purported to be nor were they residents of the towns they identified as their homes. 21

While the audiencia was considering the testimony, doña María died. The exact date of her death does not appear in any of the documents, but it was probably in the mid-1560's. On September 8, 1570, the audiencia granted don Pedro Tula as his mayorazgo (entailed estate), but he died on September 10, perhaps not knowing of his victory. The Council of the Indies, on August 16, 1572, returned Tula to don Pedro as an inheritance for his children. Certainly the Crown agreed that, as the son of Moctezuma II, don Pedro was entitled to benefits in Mexico. But whether these suits represent cases of Indians acting spitefully against a former overlord or a case of an Indian noble trying to regain what had been his is uncertain. It would seem, however, that the audiencia, royal officials, and the king himself gave both sides a full hearing, and the result, to be sure, was a decision for don Pedro. 22

21 Ibid., fols. 141-160.

22 AGI, México, leg. 764, fols. 36v-37; AGI, Indiferente, leg. 1615, fol. 2.
While this case was before the Spanish authorities, don Pedro continued to petition the Crown for grants so that he might support his family. He continued to live in the house he had acquired in Mexico City, and it was here that he conducted his lawsuits, and where his family lived after his death. Don Pedro's family circumstances were somewhat confused and provide a problem which may never be solved. His first marriage was to doña Inés Tlacapan, daughter of the cacique of Teneyuca. They had a son, don Martín Cortés Moctezuma. This marriage, which may have been performed according to Indian rites, took place while he was living in Tula, but by his testimony it was later blessed by the Church. He also formed an alliance, possibly another Indian marriage, with doña Catalina Quiaxquil, who was described as a native of Tula and a descendent of the rulers of Texcoco and Tenochtitlán. They had a son baptized Diego Luis Ihuitemotzin. In his will, don Pedro recognized four other children, don Bartolomé, don Lorenzo, doña María, and doña Magdalena by an Indian mother. He further declared in his will that he was married at that time to doña Francisca by a church ceremony and that they had no children.23

23AGI, México, leg. 764, fol. 37; AGN, Vínculos, vol. 69, fols. 10-26; AGN, Vínculos, vol. 76, fols. 7-17; Alamán, Disertaciones, 1:297.
The area of Indian marriage customs versus those of the Spanish and the Church caused great concern among the ecclesiastics sent to New Spain after the conquest to accomplish the conversion of the natives. Fray Toribio Motolinía complained of the problem of Indian men, particularly those in high position, having many wives. This was a situation compounded for him by the fact that he believed that Indian marriages made before the conquest or baptism were valid. And he condemned Spanish men for having Indian mistresses, as this set a bad example for the native population. The children of Indian nobles, who had made multiple marriages before the conquest or before their conversion, occupied an amorphous position somewhere between legitimacy and illegitimacy, which often had to be decided in the courts. 24

Although the king had recognized don Pedro as the son of Moctezuma II when he granted him the coat of arms in 1539 and gave him grants of money in 1540, 1550, and 1554, don Pedro continued to wage a legal battle not only for a permanent mayorazgo but also for recognition of his legitimacy. In 1548 Juan Cano, husband of don Pedro's half-sister, doña Isabel, had brought suit in the audiencia to have his wife

24 Motolinía, Historia, p. 97.
declared the only legitimate heir of Moctezuma II. On May 9, 1559, the Council of the Indies ordered testimony to be taken in Tula regarding don Pedro's legitimacy. Indians there testified that they had been servants and guards of Moctezuma II and that they had come to Tula with doña María and don Pedro. They said that they knew that don Pedro was the son of Moctezuma II and his niece, doña María, the "Queen of Tula."  

On March 25, 1567, don Pedro asked the king for a yearly grant for his family of 1,000 pesos de tepuzque. The difference in value between the peso de oro de minas and the peso de tepuzque was considerable, the first being worth 450 maravedís and the second worth 272 maravedís, but there was little actual difference in the amount don Pedro requested in his 1560 letter and his 1567 letter. His other income consisted of payments from the estancias on which his ownership was not contested and which amounted to 721 pesos and 360-1/2 fanegas of maize. Crown income from the contested estancias was 3,444 pesos and 1,722 fanegas of maize.  

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25 AGI, México, leg. 764, fols. 18-24; AGN, Vínculos, vol. 80, exp. 1, fol. 4.  
26 ENE, 16:57-61, 81-82; Haring, Spanish Empire, pp. 288-89.
The viceroy, Gastón de Peralta, Marqués de Falces, wrote to the king on May 5, 1568, confirming don Pedro's noble lineage. He declared that the fiscal had taken don Pedro's land and allowed Indians from outside Tula to occupy it.²⁷

Don Pedro wrote his final letter to the king on March 31, 1569. He began the letter by saying that he was Pedro de Moctezuma, son of Moctezuma II, who was the ruler of Mexico, and that he kissed the hands and feet of the king of Spain as his subject and vassal. He contended that Moctezuma had helped Hernán Cortés by willingly putting Mexico under the Crown of Spain and trying to subdue his people peacefully, and the Aztec emperor died while a hostage of the Spaniards's because of his people's behavior. The descendents of Moctezuma II accepted the salvation of the Church, and they recognized their duty to the Crown. Many riches of gold, silver, and precious stones had come to Spain from Mexico. But as for don Pedro, he was poor; and, although he should have inherited the estates of Tula from his mother, they were taken from him. He owed more than twelve thousand pesos, for he had to support his family. Now with tears,

²⁷AGI, México, leg. 764, fols. 34-36.
and by the inspiration of God, he must put himself in the hands of the king, and he hoped that the royal heart would grant him the gift of 3,000 pesos de oro de minas each year by way of mayorazgo. Given this, he would be able to pay his debts and provide for the needs of his family. Don Pedro renounced his right to rule Mexico, and finally, humbly begged the king for a cedula establishing his mayorazgo.28

Before this letter and the viceroy's were written, Philip II had decided that he should provide for don Pedro and his family, for in a cedula dated March 23, 1567, he declared that Moctezuma II was the ruler of New Spain who granted hegemony over the country to the Spanish Crown, and that his children must be honored. The king granted don Pedro and his children 3,000 pesos de oro de minas in repartimiento (Indian tribute) per year in perpetuity. This cedula did not reach Mexico until March 31, 1569, but it meant that however irresponsible the inheritor of the estate might be, he could not sell his inheritance. The king also noted that doña María, the legitimate wife of Moctezuma II, had as her inheritance the Province of Tula and its señorios, vassalos, montes, aguas, e Indios tributarios. By the time this cédula arrived don Pedro had sent his second son,

28 AGI, Patronato, leg. 245, r. 4, fol. 1-5.
don Diego Luis, to Spain to present the family's case before the royal council.  

Don Pedro executed his will on September 8, 1570, and added a codicil on September 10. In this will he stated that he was very ill and in bed. He made substantial grants to the Church of Santo Domingo in Mexico City and to its monastery, and also set aside provisions for his burial in a chapel to be built for this purpose in the church and provided money to pay for masses for the repose of his soul. He asked that Francisco Morales Millán, an escribano (scribe) for the Crown, be reimbursed for the money he had spent helping don Pedro and his wife and children over the past twelve years. He proclaimed his parentage and his mother's rights to Tula. And he complained that Tula Indians had stolen from him by not paying their tributes and mentioned the lawsuits pending before the Council of the Indies.

Don Pedro declared that don Martín was his only legitimate son whose mother was doña Inés Tlacapan, a native of Tenayuca, whom he had married in the Church; therefore, don Martín should inherit the mayorazgo. And he asked the king to grant

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29 AGI, Patronato, leg. 245, r. 4, fols. 2-5; r. 6, fol. 1; AGI, México, leg. 764, fols. 35v-36; AGN, Vínculos, vol. 69, fols. 9-10; AGN, Vínculos, vol. 76, fols. 6-7; AGN, Vínculos, vol. 80, exp. 1, fol. 4.
don Martín Tula together with the 3,000 pesos de oro de minas of the mayorazgo. He appointed Morales executor for don Martín, explaining that don Martín was an Indian and did not understand the law.

Describing his other children as hijos naturales, he left fifty pesos de oro de minas to each. He further stated that he possessed six estancias which were his patrimony, and that there were sheep, goats, and crops of wheat and maize on these estancias. He gave these estancias to his children by way of mayorazgo, for don Pedro, possibly with the advice of Morales, was, no doubt, aware of the fact that many Indians had unwisely sold their inheritances at low prices, spent the money, and become paupers. Tepeitic went to don Martín; Ahuehuepan to don Diego Luis with the stipulation that don Martín should receive it if don Diego Luis died without heirs; Acocolco to don Bartolomé and doña María, who was the widow of the Señor of Cayucan; and Ilucan went to don Lorenzo and doña Magdalena. The other two, Tultengo and Tlapa, and property he owned in Mexico City were to be held in common and were not to be sold. Doña Magdalena, who was only thirteen years old, would remain in the custody of Morales and his wife until she was of age.
And he asked Morales to supervise the financial affairs of his other children.

Doña Francisca, don Pedro's wife at the time of his death, was to live in don Pedro's house in Mexico City and receive 100 pesos de oro común and 5 fanegas of maize each year for life. He also said that he had been sending the bishop of Chiapas, who was living at the Spanish court, 100 pesos de oro común each year for his help with don Pedro's lawsuits, and that this was to be increased to 200 pesos de oro común each year. Don Pedro was evidently unaware that Las Casas had died in 1566, four years before his will was executed. He then listed the people to whom he owed various sums and asked that they be paid and that any money owed to him be collected.

In a codicil don Pedro declared that, if don Martín died without heirs, don Diego Luis should inherit the mayorazgo. He said that don Martín had agreed to this arrangement, and with the idea that don Diego Luis should be considered legitimate for this purpose. 30

Don Pedro died shortly after executing his will. There had been a marked improvement in his financial affairs in

30 AGN, Vínculos, vol. 69, fols. 10-26; AGN, Vínculos, vol. 76, fols. 8-30.
the later years of his life, as compared with his situation in the 1530s. But the lawsuits were by no means settled, and his heirs faced many long years of legal battles concerning the Tula inheritance. Moreover, his heirs encountered challenges to their legal rights of inheritance because of their irregular births, and these caused them to spend even more time in Spanish courts. But it is evident that one of the things the Indians of New Spain, particularly the nobility, learned after the conquest was how to use the Spanish legal system in pursuit of their claims.
CHAPTER III

DON DIEGO LUIS DE MOCTEZUMA (1570–1606)

After Pedro de Moctezuma’s death in 1570, Francisco Morales Millán, the escribano of the king to whom don Pedro had entrusted the financial interests of his family, filed don Pedro’s will with the Audiencia of New Spain. The president and oidores heard testimony concerning it between October 5 and 16, 1571. Witnesses summoned by Morales swore that they knew don Pedro, and that he was indeed the son of Moctezuma II and his wife, doña María Miaquasuchil, and that this was truly the will that he had executed before his death. The fiscal spoke again in behalf of the Tula Indians and against don Pedro’s rights, but the audiencia approved the will on August 16, 1572, and awarded don Martín possession of the mayorazgo and the power to collect rents in Tula. Also in 1572 the Council of the Indies, obviously unaware of these events taking place in Mexico, assigned the already deceased don Pedro the tributes of Tula to be used in payment of the mayorazgo. The tributes in question amounted to 3,444 pesos de oro de minas and 1,722 fanegas of maize. By these judgments, the audiencia and Council would
seem to have conceded to this branch of the Moctezuma family rights as perpetual encomenderos rather than as inheritors of patrimonial lands.¹

The fiscal persisted in his objections to the audiencia decision of 1572 granting don Martín the mayorazgo and continued his support for the Indians of Tula; nevertheless, the president and oidores reaffirmed their verdict on November 5, 1573, and again on April 3, 1576. Because of continued problems in the Tula area, the audiencia sent one of the oidores to Tula on June 19, 1576, to investigate the situation there. He found fifteen estancias in don Martín's possession which paid their tribute willingly and six which paid under protest. This unrest was, perhaps, stimulated by the Indian's knowledge of the fiscal's objections to the audiencia's actions. As mentioned before, it is also possible that the fiscal was motivated not only by the Indians's objections but also by a desire to secure the tributes in question for the Crown. He was, no doubt, aware of the king's financial problems and of the constant pressure from the Spanish government for more revenue.²

¹AGN, Vinculos, vol. 69, fol. 27; AGN, Vinculos, vol. 76, fols. 30v-32; AGI, Indiferente, leg. 1615, fol. 78; AGI, México, leg. 764, fol. 51.

²AGI, México, leg. 764, fols. 51-51v. Although treasure from the American colonies had risen all during Philip II's
On June 19, 1579, the Council of the Indies granted don Martin the mayorazgo; however, he had died in 1576. The exact date and cause of his death are not certain, but it must have been in the later part of the year after the oidor's visit in June. Since he died without heirs, in agreement with the codicil of don Pedro's will, don Diego Luis then became the heir to the Tula properties.

Don Diego Luis was in Spain when his father and half-brother died. To repeat, he had been sent to Spain by his father to ask the king and Council of the Indies for a grant to establish a permanent income for his family. The year was probably 1567 or 1568 before the cedula granting don Pedro the mayorazgo arrived in New Spain. In the course of his stay in Spain, don Diego Luis found himself in desperate circumstances. In a letter to the king written in 1576, he pathetically explained that he was the legitimate son of don Pedro and the grandson of Moctezuma II, and he emphasized the Aztec emperor's service to the Spanish Crown.

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reign, the debt he inherited from this father together with his own fiscal problems had caused the king to declare national bankruptcy in 1557 and again in 1575, Earl J. Hamilton, American Treasure and the Price Revolution in Spain, 1501-1650 (Cambridge: Harvard University Press, 1934), p. 34 (hereafter cited as American Treasure); Elliott, Imperial Spain, pp. 197, 207-08, 260, 265.
He had been in Spain for about eight years, he said, but he could not come to Madrid to see the king in person because the cold temperatures there had seriously affected his health, forcing him to return to Sevilla where it was warmer. His father before his death had sent him some money, but the amount was small because of don Pedro's indebtedness. After his father's death, don Diego Luis had received no money from his family in Mexico. His illness, plus the fact that he had no income, had caused him to incur debts which he could not pay, and for this he had been placed in jail. He offered his services to the king, but asked to be allowed to return to Mexico where the weather was better for his health. He begged the king to send a directive to the Council of the Indies appointing him to a position in the government of New Spain and authorizing a grant of money to pay his debts and provide his passage home. Finally, he threw himself on the king's mercy, saying that since the king's clemency and benevolence were well known and established customs, he would hope to be freed of debts and imprisonment to live and die in the king's service.\(^3\)

On June 5, 1576, probably as a result of this letter, the Council of the Indies commanded don Diego Luis to appear

\(^3\) AGI, Patronato, leg. 245, r. 6, fols. 4-5.
before it and present proof that he was the son of don Pedro and the grandson of Moctezuma II. Before his appearance don Diego Luis again petitioned the king. In this letter, which had a more assertive tone than the previous one, he again asked the Crown to grant him 2,000 ducados to liquidate his debts and provide money for his passage to New Spain, and to issue a cedula to the viceroy granting him an income. He also reminded the king of the great profit Mexico had brought the Crown, and it would appear that he believed that an income was due him as the grandson of Moctezuma II.\(^4\)

Witnesses in don Diego Luis's behalf appeared before the Council from August 1 to October 26, 1576. They testified that don Diego Luis was indeed the son of don Pedro and the grandson of the Aztec emperor; they declared that he was a good Christian and that his father had sent him to Spain to plead the family's case before king and Council; and they acknowledged their awareness of his perilous financial situation. One witness testified that he had visited don Pedro in his house in Mexico City in 1554 and that don Pedro had told him that don Diego Luis was his legitimate son by

\(^4\)Ibid., fols. 5-9.
doña Catalina. From the documents it would appear that no witnesses testified against don Diego Luis. 5

When the news arrived of his half-brother's death, the hearing evidently ceased without a decision being made, and don Diego Luis departed for Mexico to claim his inheritance. Just when he left Spain is not recorded, but he evidently stayed in Mexico for some seven or eight years, probably at his father's house in the barrio of San Sebastián. But, if don Diego Luis thought that obtaining the mayorazgo would be a simple process, he was badly mistaken. On November 20, 1579, Pedro de Andrada, doña Isabel Moctezuma's grandson, filed a petition with the audiencia asking that don Diego Luis's claim to his father's estate be disallowed. He declared that don Diego Luis was illegitimate; therefore, he could not inherit the entailed estate which could descend only through a legitimate son or a close legitimate male relative. As the son of doña Isabel's eldest son, don Pedro maintained that he was next in line and should inherit the estate. Naturally, don Diego Luis disputed his cousin's contention. He asserted that there had been an agreement between his father and his half-brother, don Martín, that

5Ibid., fols. 10-17.
he should be considered legitimate if don Martín died without heirs. And he added that the agreement was documented in the codicil of don Pedro's will. From the agreement and the wording of the codicil, it seems possible to surmise that don Martín was in poor health at the time of his father's death, and that don Pedro had reason to believe that don Diego Luis would survive his half-brother and eventually inherit the mayorazgo.⁶

Again Spanish courts were faced with a legal problem resulting from variance between Indian and Spanish cultures. Before his conversion to Christianity, don Pedro had probably been married by Indian rites to doña Inés, don Martín's mother, and to doña Catalina, don Diego Luis's mother. But when he became a member of the Church, he could have but one legitimate wife. As is evident in his will, don Pedro chose doña Inés, most probably as his first Indian wife and the mother of his eldest son. There are grounds for the belief that an Indian noble's first wife occupied a pre-eminent position over his other consorts, and this may have influenced don Pedro's decision. Or the friars may have directed his decision since under Spanish law the first wife would, of course, be the legal

⁶AGN, Vínculos, vol. 69, fols. 30-31v.
one. Whatever the reason for don Pedro's decision, it left
don Diego Luis in a decidedly uncomfortable position.
According to Spanish law he was illegitimate, but by Indian
custom, he was probably legitimate at the time of his birth.
Don Pedro referred to him as an hijo natural in his will,
a term used to denote illegitimate Christian offspring.7

By the time this suit had been considered by the audiencia
and referred to the Council of the Indies in 1583, Pedro
de Andrada had died. His wife, doña Luisa de Peñas, and
her father, Juan de Peñas, continued the litigation. They
asked the Council for a decision in their favor, restating
don Pedro's arguments and declaring that his children by
dona Luisa were legitimate. Doña Luisa stated that she
and her children were poor and in desperate need, and that
she needed the income from the mayorazgo to support them.8

While this case was before the Council in 1584, an
Indian woman who identified herself as doña Inés Tlacapan
claimed that she was don Pedro's legitimate wife and the
mother of don Martín. Doña Inés joined the other claimants
in petitioning the audiencia for the estate. She averred

7Soustelle, Daily Life, p. 178.
8AGN, Vinculos, vol. 76, fol. 37; AGN, Vínculos, vol. 69, fol. 31.
that the cédula granting don Pedro the mayorazgo was not authentic, and that the will Morales filed and the audiencia accepted was fraudulent. The properties in contention, she said, were not a mayorazgo but don Pedro's patrimonial inheritance and as such belonged to his eldest son. Because don Martín died without leaving direct descendents, that estate belonged to his mother. In the papers she filed there was an interesting distinction between hijo natural and bastardo. The difference mentioned here between the two could reflect shadings in Indian and Spanish thinking regarding persons born of a dissolved Indian marriage and those born totally outside wedlock. Doña Inés declared that don Diego Luis was not a hijo natural but a bastardo, for his mother's family were people of bad fame and that his entire suit and papers were fraudulent. This statement could reflect her long time jealousy of doña Catalina, but it was more likely motivated by her desire for don Pedro's estate.  

In his reply don Diego Luis raised doubts about this woman's identity. He referred to a statement in don Pedro's will in which his father acknowledged marriage to doña

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9AGN, Vínculos, vol. 69, fols. 31v-33; AGN, Vínculos, vol. 76, fols. 38-40.
Inés in Church, although claiming that doña Francisca was his present wife. This would seem to imply that don Pedro thought doña Inés to be deceased. But it is probable that doña Inés had simply disappeared, perhaps during the time don Pedro was in Spain, convincing him that she was dead. Or did don Pedro know that doña Inés was alive when he married and drafted his will? If so, he was a bigamist. The doña Inés might also be an impostor using the confusion of an earlier time to claim don Pedro's estate. There is some support for this last assumption, because in the papers filed in the Andrada suit there is mention of doña Inés's claims used as a refutation of don Diego Luis's evidence. It may be that this doña Inés and the Andradas were in collusion, having agreed to divide the estate should either of them be successful in their litigation.

To cloud the issue further with regard to the identity of doña Inés, in a letter written in Mexico in 1587, a Pedro Enrique Moctezuma describes doña Inés as his grandmother, but does not mention the suit she filed. The term grandmother was often used in this era to designate an older female relative; however, he is precise in referring to don Pedro as his grandfather and to don Martín as his uncle. In this letter to his nieces, don Pedro Enrique
wrote that a don Francisco, the don of doña Inés, was attempting to claim the house in Mexico City by asserting that he was don Pedro’s youngest son. Don Pedro Enrique assured his nieces that the claim was fraudulent and that the courts would not recognize it. This uncle was probably the son of one of don Pedro’s sons or daughters, and his nieces were the daughters of don Pedro’s other children. Whether this doña Inés was the one who filed the suit against don Diego Luis is difficult to determine. But it appears from this letter that the doña Inés who married don Pedro may have disappeared, remarried, and become the mother of don Francisco. She had reappeared after the deaths of don Pedro and don Martín in order to assert her claim to the estate.10

While these pleadings were before the Council of the Indies, don Diego Luis returned to Spain, probably in the early 1580s. In later correspondence he asserted that the king had ordered him to come to Spain, and that the viceroy had promised to grant him the mayorazgo, an increase of 1,000 ducados in rent, and the title of grandee de primera clase y llave de cámara as inducements to return to Spain.

10Anderson, Berdan, and Lockhart, eds., Beyond, pp. 198-205.
It is conceivable that the king believed that don Diego Luis as an Indian descendent in the direct male line from the Aztec emperor might prove to be the focal point for an Indian revolt if he remained in Mexico. Philip II had already experienced the encomendero plot of 1566, allegedly led by the conqueror's son, Martín Cortes, and the Alpujarras rebellion of the Moors in Granada in 1568. He was occupied with European affairs, and perhaps he wanted to avoid any risk of a disturbance in Mexico. Furthermore, Spanish revenue from the colonies was rising, so the king might have thought that he could easily increase don Diego Luis's grant and that this would be a wise policy decision.¹¹

The Council of the Indies rejected both the suit brought by Pedro de Andrada and his family and the one brought by doña Inés, and granted don Diego Luis the mayorazgo, thus recognizing him as don Pedro's son and heir, on July 11, 1587. This decision and a cedula directing the audiencia and royal officials in New Spain to deliver the rent from the twenty-one estancias of Tula was dispatched on August 3, 1587. Royal officers in Mexico accepted the ruling and sent

it to the receptor (receiver of money) for execution on February 10, 1589. Mexican officials sent the first payment, which included not only the yearly stipend but also the income derived from the tributes since don Martín's death, some 20,000 pesos, to don Diego Luis on February 5, 1590. He may not have received the money, however, for the Crown, when faced with financial necessity, was in the habit of seizing all the gold and silver bullion coming from the colonies and issuing juros (annuities) in its stead. The Crown's fiscal situation was certainly precarious in the years following the defeat of the Armada in 1588, and Philip II declared national bankruptcy again in 1596.

After his return to Spain, don Diego Luis married doña Francisca de la Cueva y Valenzuela and settled in Guadix near Granada, where the climate was temperate. This marriage was probably arranged by the Crown, for doña Francisca was a dama de la reyna (lady-in-waiting to the queen) and a daughter of the Duque de Alburquerque, a grandee of Spain. This title was one of the grants don Diego Luis thought the viceroy had promised to him when he returned to Spain. The

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12 AGI, Patronato, leg. 245, r. 15, fols. 35-38; AGI, México, leg. 764, fols. 52-53v; Haring, Spanish Empire, pp. 277-78.

13 Elliott, Imperial Spain, pp. 283-84.
distinction of being a grandee, a rank instituted by Charles V in 1520, elevated the holder to the highest position in the Spanish nobility and carried the privilege of wearing a hat in the presence of the king and addressing the monarch as cousin. The marriage of don Diego Luis and doña Francisca would seem to prove that there was no racial impediment in Spain against the descendents of the Aztec nobility, and the doctrine of limpieza de sangre (purity of blood) does not seem to have applied to them as it did to the Jews and Moors and their descendents. Also, it might have implied that the Duque de Alburquerque believed that don Diego Luis had a secure financial future in Spain, for a man whose family had an annual income of 25,000 ducados during the reign of Charles V would hardly allow his daughter to marry a person of meager circumstance. There is, however, no mention of doña Francisca's dowry in the court documents, so it is impossible to know what income or property she may have brought to the marriage.

During the years following his return from Mexico, don Diego Luis and his growing family lived part of the time in

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14 AGI, Patronato, leg. 245, r. 15, fol. 10; AGI, Indiferente, leg. 1615, fol. 79; Elliott, Imperial Spain, pp. 110-11.

15 Elliott, Imperial Spain, p. 110.
Guadix and part of the time at court. When they were in Madrid or Valladolid, he continued to press his claim to the increased income of 1,000 ducados and the honor of becoming a grandee de primera clase y llave de cámara, titles he believed the viceroy had promised him he would receive when he returned to Spain from Mexico in the 1580s. By the beginning of the seventeenth century, his family included four sons, don Pedro Tesifon, don Phelipe Marcelino, don Francisco Antonio, and don Cristóbal, and a daughter doña María. A second daughter, doña Agustina, had died in childhood.¹⁶

Meanwhile, problems over the ownership of the house in Mexico City continued. In 1597 don Diego Luis's representative in Madrid again petitioned for a cedula confirming the grant to don Pedro's successors. Don Diego Luis wrote from Granada to his nieces in Mexico City on November 18, 1598, pledging his support for their proprietorship. He told them that he was very busy with lawsuits, for his family's financial position was precarious. This was not an unusual condition for a gentleman in that era, for custom demanded that he at least appear to be wealthy; and his

¹⁶AGI, Patronato, leg. 245, r. 15, fol. 4; AGI, México, leg. 762, fols. 8-9.
household would, therefore, include not only his family and servants but also other functionaries and dependents. He further told the women that he would again be at court when the weather was warmer and when the festivities connected with the marriage of Philip III were concluded. He sent them fifty pesos and assured them that he would receive grants from the Crown on their behalf. He mentioned that the king had made gifts to doña Isabel's descendents and would surely favor them in the same way. Also he asked them to send testimony in their behalf so that he might use it in his quest for mercedes.  

Don Diego Luis again petitioned the Crown for mercedes on March 3, 1603, declaring for the first time that he was the hijo natural of don Pedro de Moctezuma and of doña Catalina, who was herself a descendent of the Señores of Tula and Mexico. He also emphasized, no doubt, that his mother and her family were people of worth. He cited his grandfather's service to Charles V and his father's rejection of rights he might have had to the crown of Mexico. Don Diego Luis stated that he had married doña Francisca de la Cueva with Philip II's permission and approval, perhaps

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17Anderson, Berdan, and Lockhart, eds., Beyond, pp. 206-09; AGI, Patronato, leg. 245, r. 24, fols. 1-2.
thereby implying royal responsibility for the prosperity of the alliance. He and his wife had six children, five of them living, and they were in serious financial straits. He then requested more extensive mercedes from the Crown than those he had previously asked for: (1) an increase in income from Tula and other Indian tribute from New Spain from 3,000 pesos de oro de minas to 4,000 ducados a year for himself and his dependants; (2) four habits of military orders for his sons; (3) the title of Marqués of Tula to be established for his family, for his grandmother had been Señora of Tula; (4) the gift of some pieces of land within the city of Tula which the Crown owned and which had an income of 300 ducados a year; (5) and all the income from trabajos repartimientos (labor) within the Province of Tula. The habits of military orders would have assured and guaranteed his sons the status of hidalgos (lower nobility) and freed them from inquisitorial investigations concerning limpieza de sangre. The title would have further established his family's dignity and nobility, and the additional money and lands would have helped to insure their prosperity. It also may be that his wife, who in later documents appears to have been a woman with considerable perserverance and ambition where her family's future was concerned, influenced
don Diego Luis in this petition. Too, the new king had a reputation for possessing a more generous and open-handed spirit than his father. On May 4, 1604, the king's Council refused most of his requests, granting only the lands but not the other gifts.  

Not satisfied, don Diego Luis continued his pleas. In Valladolid, on May 4, 1604, after the Council had rendered its verdict, he again mentioned the viceroy's promises and asked for even more extensive mercedes amounting to 50,000 ducados, four habits of military orders for his sons, and the title of Marqués of Tula. This suggests that his monetary problems had increased, that he was heavily in debt, and that his income was indeed being paid in juros and not in actual rents. The Council recommended that he receive only the 3,000 pesos de oro de minas from the mayorazgo and one habit of a military order for his eldest son.

Don Diego Luis executed his will in Valladolid on May 31, 1606, and died shortly thereafter. His presence in Valladolid is an indication of his continued attempts to

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18 AGI, Patronato, leg. 245, r. 16, fols. 19-21; Elliott, Imperial Spain, pp. 31-32, 220-21.

19 AGI, México, leg. 762, fols. 6-9.
receive a hearing before the king and Council, for Philip III had moved the Spanish capital from Madrid to Valladolid in 1601, ostensibly for the purpose of having the court reside near the administrative center. It is evident that don Diego Luis believed that the Spanish Crown had not fulfilled the promises made to him when he returned from Mexico, and that it had an obligation to do so. He charged his wife, doña Francisca de la Cueva, and his eldest son, don Pedro Tesifón, with the task of continuing the controversy, an undertaking they pursued with vigor.²⁰

²⁰Elliott, Imperial Spain, pp. 300-01; AGI, Indiferente, leg. 1615, fols. 2-3.
CHAPTER IV

DON PEDRO TESIFÓN DE MOCTEZUMA (1606-1639)

All of Diego Luis de Moctezuma's children were minors at the time of his death except the eldest, don Pedro Tesifón, who was twenty-one. Therefore, Francisca de la Cueva, don Diego Luis's widow, initially assumed the task of providing for her family's future. This undertaking was made more difficult by the fiscal situation in Spain in the early seventeenth century, which was even more disastrous than it had been during Philip II's reign. Revenue from the New World was still substantial during the early years of the century, and indeed it reached its peak between 1606 and 1610. But, in Spain, heavy taxation and depopulation caused by a plague in 1599-1600 had long since ruined any hopes there might have been for industrial development and had precipitated a serious agricultural dislocation and decline; the nation was forced to import commodities of all sorts, and inflation was growing precipitously. Furthermore, Philip III was not the industrious and conscientious monarch his father had been.
J.H. Elliott described him as a young man "whose only virtue appeared to reside in a total absence of vice."\(^1\) He preferred to separate himself from the anxieties of his subjects and entrust affairs of state to his privado or valido (favorite), Francisco de Sandoval y Rojas, the Duque de Lerma, whose principal concerns lay in retaining power and furthering the pecuniary interests of himself and his family. Under these circumstances, it was only to be expected that the affinity for prestige and ostentatious display of wealth together with a disdain for work and commerce which characterized the Spanish aristocracy in the sixteenth century would increase in the seventeenth. The nobility, who by law had the advantage of escaping almost all taxation, imitated the privado's example of lavish spending, although they did not have his resources and as a result often found themselves heavily in debt. The Moctezuma family, with its pretensions of nobility, no doubt followed this pattern, as did many of its counterparts, and found itself in a greater financial exigency than before. The family's impecuniousness increased with the uncertainty of the arrival of their incomes from New

\(^1\)Elliott, *Imperial Spain*, p. 296.
Spain due to the escalation of piracy in colonial waters and the diminution of the Indian population of New Spain.\(^2\)

Evidently the proving of don Diego Luis's will occupied several years; and the lawsuits connected with this legal exercise plunged the family even further into debt. The first documents relating to doña Francisca's suit for continuation of the mayorazgo and an increased income and honors for her children are dated March 13, 1609. She began her pleadings by recapitulating Moctezuma II's acceptance of his vassalage and his empire's submission to Charles V, by citing the loyalty and service his descendents had rendered to the Crown, and by describing previous legal decisions favoring the family's interests. Her awareness of don Diego Luis's aforementioned dilemma concerning his legitimacy is perhaps evidenced by the emphasis which she placed on the facts that she and her husband had been married in the Church with the consent of the king and that all children resulting from that marriage were legitimate. She also advanced proof of her own noble heritage and purity of

blood. Doña Francisca asked the Crown to increase the mayorazgo to 4,000 pesos de oro de minas and grant her eldest son the title of marqués or conde and the habit of one of the military orders. She further requested habits of the military orders for her younger sons and the future husband of her daughter; an income of 4,000 pesos de oro de minas to be divided among her younger children; and a stipulation in any agreement which might be made that a portion of the additional income be set aside for her use.

In 1572 the Council of the Indies had apportioned revenues from the Province of Tula to finance the mayorazgo. The Moctezumas employed an agent to collect the rents owed to them from this encomienda as did many of the families living in Spain who were entitled to income from the Indies. It was probably through their agent that doña Francisca and her family learned that Tula could no longer supply the promised income, much less the increases they had requested, and that the audiencia had neither the authority or willingness to provide the amount since any additional monies would have to come from repartimientos paid to the Crown or promised to other Spaniards. Another problem which the family may have faced was the confiscation of their income by Spanish officials in Seville, for on the
death of a proprietor living in Spain functionaries often channeled proceeds from holdings in the Indies into a fund called the bienes de difuntos (properties of the dead). In the sixteenth and seventeenth centuries, because of its financial exigencies, the Crown often borrowed from these assets. For these reasons, doña Francisca, declaring that the income from earlier grants had diminished and that the family had lived in poverty since don Diego Luis's death, petitioned the Crown in behalf of her family. In doing so, she hoped that the king might recognize her difficulties and the rightness of her cause and be moved to help her.³

The royal tribunal agreed to hear the case on December 3, 1609, and directed that testimony be presented. Included among the papers tendered as evidence was a lengthy printed document dated June 11, 1611, which outlined the family's litigation with the Spanish government from the early sixteenth century and included copies of a number of pertinent records. And it was at this juncture that Pedro Tesifón entered the pleading on his own behalf. The data presented also contained information on mercedes allotted to members

³AGI, Patronato, leg. 245, r. 15, fols. 1-11; AGN, Vínculos, vol. 80, exp. 1, fols. 105-09; Haring, Spanish Empire, p. 278.
of doña Isabel's family. It would appear, not surprisingly, that a less than amicable rivalry existed among family members over monetary grants.¹

No doubt as a result of these presentations and the tribunal's suggestion, don Diego Luis's widow and children executed a formal legal agreement with the Crown in Madrid on January 26, 1612. The compact constituted a significant segment of the legal maneuverings of this branch of the Moctezuma family with the Spanish government for years to come. The settlement stipulated that in return for renouncing any rights they or their heirs might have to the crown of Mexico as descendents of the Aztec emperor, their requests for income and titles might for the most part be fulfilled. According to the agreement, doña Francisca and her children would receive two habits of military orders, one for don Pedro Tesifón and one for doña María's future husband. Since brides of noble families were expected to bring substantial dowries to their prospective husbands, and because her income and property rights were relatively small, the induce-ment of the much prized habit of a military order would serve to provide doña María with a more acceptable husband. Don

¹AGI, Patronato, leg. 245, r. 15, fols. 11-17, 29-36.
Pedro Tesifón would inherit the mayorazgo of 3,000 pesos de oro de minas (worth 450 maravedís each) granted to his grandfather, don Pedro. Additionally, he would acquire 1,000 ducados (worth 375 maravedís each) in perpetual income to be added to the mayorazgo. Don Francisco Antonio, don Phelipe Marcelino, don Cristóbal, and doña María would each realize an income of 1,500 ducados a year. Finally, each of doña Francisca's children was to provide her with 300 ducados a year income during her lifetime. In total, this constituted an increase of 7,000 ducados in grants to the family over don Pedro de Moctezuma's original grant. All incomes, incidentally, were to be financed from vacant encomiendas in New Spain and were to be exempted from taxes and duties usually imposed on encomenderos. When the Crown and the Moctezuma family reached agreement on this contract, the king also awarded don Pedro Tesifón a special merced of 6,000 ducados, perhaps to show his good faith and to provide the family with living expenses until the promised income should arrive. While the mayorazgo donation was to be perpetual, the other grants were also said to be subject to the laws of succession, which later documents show implied
that they would pass to three generations of heirs after
the deaths of the original owners. 5

The Crown's cedula to the viceroy of New Spain concerning
the agreement with don Pedro's heirs was sent on April 23,
1612, for on July 2 don Pedro Tesifón wrote the king citing
this cedula and reminding the Crown of his family's desperate
financial situation. He asked that the income might be
provided from the caja real (royal depository) if there
were no vacant encomiendas available. On September 16, 1612,
the Council dispatched another cedula to the viceroy,
Francisco de Córdoba, the Marqués de Guadalcázar, reminding
him of the merced of 3,000 pesos de oro de minas a year
made to Pedro de Moctezuma, that the entailed estate was
to be funded from repartimientos of Indians, and that the
mayorazgo had subsequently passed to don Diego Luis. This
cedula also mentioned the January 26, 1612, compact negotiated
by don Diego Luis's heirs, and declared that the king on
the advice of the Council of the Indies had awarded the
estate to don Diego Luis's eldest son, Pedro Tesifón de
Moctezuma. In addition don Pedro Tesifón was to acquire

5AGI, Patronato, leg. 245, r. 17, fols. 1-11; AGI,
México, leg. 762, fols. 447-48, 589, 1122; AGI, México,
leg. 764, fols. 56-56v; AGI, Indiferente, leg. 1615, fol. 3;
AGN, Vínculos, vol. 80, exp. 1, fols. 80, 105-08.
another 1,000 ducados in perpetuity to be joined by the original grant, and each of his siblings would receive 1,500 ducados a year conforming to the laws of succession. The Crown again demanded that the viceroy of New Spain supply these incomes from vacant encomiendas. However, another cedula issued on November 11, 1612, which contained wording substantially following that of the first two, may indicate a growing awareness among some of the royal advisors that there might be a scarcity of vacant encomiendas, for it directed that the mercedes be paid from the caja real, as don Pedro Tesifón had requested, until funds from vacant encomiendas were available. 6

During this period, don Pedro Tesifón and don Phelipe Marcelino served as captains of infantry in the Spanish army, following the path toward advancement and recognition pursued by so many young Spaniards in the past. Available documents do not specify the exact years of their service, but don Pedro Tesifón was on assignment in Africa, Italy, Cádiz, and Toledo, while don Phelipe served in Naples. Service in the Spanish army may have been a costly undertaking for them, for, while they might receive honors and

6 AGI, Patronato, leg. 245, r. 16, fols. 1-2; AGI, México, leg. 762, fol. 589; AGI, Indiferente, leg. 1615, fol. 3.
some monetary recompense, officers were expected to provide their own equipment and most probably servants. As don Pedro Tesifón wrote in a letter to the king at a later date, his military adventures were undertaken at a considerable expense to himself at a time when his family was in an unsettled financial condition.  

Nevertheless, despite the cedulas from the Crown to the viceroy, the repeated petitions from doña Francisca, and the appearance of don Pedro Tesifón's representative before the Audiencia of Mexico, the promised income failed to materialize. In 1615 the Marqués de Guadalcázar notified the family's agent that he had caused an investigation to be made of both the proceeds of Indian tribute from vacant encomiendas and the quantity of unpledged funds in the royal treasury of New Spain. Neither, he asserted, were sufficient to provide the amounts specified in the compact. Perhaps, although he did not say this, the viceroy, who was under continual pressure to furnish additional revenues to strengthen the Crown's ever weakening finances, was loath to diminish royal income by earmarking funds for the Moctezuma family. The amount of royal income from New Spain had fallen

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considerably from its high point in earlier years, for Indian depopulation had precipitated a crisis in all sectors of the Mexican economy. Furthermore, the sale of royal offices, which had begun in the sixteenth century, grew in the seventeenth, and as a result official corruption increased and revenues to the Crown were further decreased.  

By December 10, 1616, don Pedro Tesifón had probably received notification from his agent in New Spain of the results of the viceroy's dismal assessment of potential income from vacant encomiendas, for he again wrote to the king and asked that his family's income be extracted from the caja real until other rents were forthcoming. For once, the Crown reacted swiftly and sent another cedula to the viceroy on December 29, 1616, which repeated the directions given in the cedula of November, 1612. In 1618 the Moctezuma family acquired a grant of the revenues of sixteen pueblos located in various sections of Mexico. They included: Cacaotepec, Zaqualpa, Zoquitzinco, Tenancingo, Yoloxinecuila, Xonacatlan, Ostoticpac, Xilocingo, Talistaca,  

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8 AGI, Patronato, leg. 245, r. 18, fols. 1-5; Lynch, Habsburgo, 2:189-202; Gibson, Aztecs, pp. 136-44; Hamilton, American Treasure, p. 34; Haring, Spanish Empire, pp. 270-73.
Chahuapa, Escapuzalco, Tecomaxtlahuaca, Tlacotepec, Santiago Tecali, and Zumpahuacán.\textsuperscript{9}

Philip III died on March 31, 1621, and his son, Philip IV, who was only sixteen at the time succeeded him. Philip IV was perhaps more intelligent and quick-witted than his father, but he was pleasure-loving and indecisive. He, like his father, depended heavily on his privado, Gaspar de Guzmán, Conde de Olivares, to rule the country. Olivares, while ambitious and ruthless, was a more able man than Lerma had been. He undertook many needed reforms on behalf of Spanish finance, government, and morals; however, the aristocracy, entrenched customs, and outside forces which he could not control doomed most of his attempts, and Spain slid further into the decline which had begun with Philip's II's bankruptcies in the sixteenth century.\textsuperscript{10}

In September 1621 Cristóbal de Moctezuma died without direct heirs, and the Crown divided his income among his brothers, sister, and mother. During the early to mid-1620s the family collected part of their stipulated income from New Spain, but their constant complaints to the Crown

\textsuperscript{9}AGI, México, leg. 762, fols. 592-649.

\textsuperscript{10}Davies, Decline, pp. 4-5; Elliott, Spanish Empire, pp. 319-324; Lynch, Habsburgs, 2:62-68.
indicate that they were not receiving the total amount. And it was also during these years that don Pedro Tesifón married doña Gerónima de Porras y Castillo, a daughter of the house of the Marqués de Castro Neuvo. This was, no doubt, an auspicious marriage which allied the Moctezumas to yet another aristocratic Spanish family.  

By a cedula of February 24, 1627, Philip IV granted don Pedro Tesifón the title of Visconde de Ilucan, and a few months later on June 14, 1627, the Crown conceded him the title of conde which he had sought for so many years. Why the Crown delayed granting a title promised in 1612 until fifteen years later is not explained in available documents. In the royal order confirming this favor, written on July 13, 1627, the king declared that he was bestowing this distinction in memory of the great love and service which don Pedro Tesifón's great-grandfather, Moctezuma II, had rendered to the Emperor Charles V and in recognition of don Pedro Tesifón's own service to the Crown, possibly because of years spent in the military but most probably due to renunciation of his rights to the crown of Mexico. Philip IV decreed that don Pedro Tesifón might choose as

11AGI, Indiferente, leg. 1615, fols. 12-15; AGI, México, leg. 762, fol. 1122; AGN, Vínculos, vol. 80, exp. 3, fols. 3-4.
his title the name of any of his family's possessions in New Spain. During September 1627 don Pedro Tesifón, in a note to the Crown written in his own hand, declared that he would select the title of Conde de Moctezuma de Tula y Tultengo. He thereby reaffirmed the memory of his descent from the Emperor Moctezuma and doña María Miaquasuchil, the Señora of Tula. On August 23, 1629 the king presented don Pedro Tesifón, don Phelipe Marcelino, and the future husband of doña María with habits of the military order of Santiago. It would seem that at last the descendents of Pedro de Moctezuma were accorded the recognition and financial support they believed they deserved.\(^\text{12}\)

In 1628, however, the Moctezuma family and indeed all of Spain suffered a severe financial blow, for a fleet sponsored by the Dutch West India Company under the command of Admiral Piet Heyn intercepted the Spanish fleet sailing from Veracruz to Spain and captured the cargo of gold, silver, indigo, sugar, and logwood. The prevalence of Dutch, English, and French privateers who regularly preyed on Spanish shipping from the Indies had persuaded the Crown in the sixteenth century to establish a system whereby the

\(^{12}\text{AGI, México, leg. 762, fols. 30-34, 120, 449, 1122; AGN, Vínculos, vol. 80, exp. 1, fols. 105-08.}\)
fleets traveling to and from the American colonies sailed at stipulated times and received protection from armed vessels. This was the first time an entire fleet had been captured, and, of course, it meant that income to the Moctezuma family from its mayorazgo and encomiendas in New Spain was lost.\textsuperscript{13}

Don Pedro Tesifón wrote to the king in 1629, explaining his plight and his family's financial necessity. He mentioned his background as a descendent of the Aztec emperor, and for the first time declared that many of the cabeceras of Tula which had been doña María Miaquasuchil's inheritance had been alienated from the family and others substituted for them. He asked that these cabeceras be returned and that the Province of Tula as it had been in his great-grandmother's time be returned to him as his permanent possession. Don Pedro Tesifón averred that the Marqués del Valle had intended to give Tula to Pedro de Moctezuma not as a grant of encomienda but as patrimony.

\textsuperscript{13} Lynch, Habsburgs, 2:74-75; Haring, Spanish Empire, pp. 304-05; Clarence H. Haring, The Buccaneers in the West Indies in the Seventeenth Century (London: Methuen and Co., 1910), pp. 49-50 (hereafter cited as Buccaneers); Chevalier, Land and Society, p. 48; AGI, México, leg. 762, fol. 35; AGI, Patronato, leg. 245, r. 30, fols. 1-6.
and inheritance from his mother. This statement revived an argument which dated from the time of Pedro de Moctezuma himself. The Conde then pleaded for permission to journey to Mexico with his family to assume personal control of his mayorazgo. Don Pedro Tesifón had no doubt experienced the problems of an absentee landlord, as he was separated by vast distance from his property, and he believed his family would profit from the personal supervision of his estate. In answer to this petition the king with the advice of the Council of the Indies gave don Pedro Tesifón in 1630 a merced of 3,000 ducados in revenues from vacant bishoprics in the Indies, but did not grant his request for passage to New Spain.\(^{14}\)

At about this same time, other members of the family also sent appeals to the king. Don Francisco Antonio, who had previously occupied an unspecified royal position, asked for monetary aid because his income had been lost in the 1628 piracy and petitioned for another appointment to royal office. In 1630 the king assigned him another position and the Council of the Indies granted him a merced of 500 ducados in revenues from vacant encomiendas. And in 1631

\(^{14}\) AGI, México, leg. 762, fols. 35-36, 41-42, 121, 1122-1123v.
doña María, who had recently married Juan de Arellano y Guzmán, a member of the military order of Alcántara, requested that the habit of a military order which had been granted to her under the family agreement, be given to a Fernando de Villegas. She and her husband declared that they were under obligation to don Fernando who had helped them in their marriage. The king replied that he would be pleased to honor their request, for don Fernando was a person of quality.¹⁵

Don Pedro Tesifón once more complained to the Crown about his financial condition in a memorial dated July 16, 1631. He stated that he had lost three years' income when the Dutch captured the fleet and that he had not received the 3,000 ducados promised him after the loss. Furthermore, he said that he had learned, possibly from his agent in New Spain, that Spaniards were settling on the land he claimed as his patrimony. Once again he requested that his family be allowed to relocate in New Spain and that he be granted the inheritance doña María Miaquasuchil had received from her father. He cited the case of Melchor Carlos Inca, the descendent of the Peruvian emperor, who had received on

¹⁵AGI, México, leg. 762, fols. 43-46, 1123v; AGI, Indiferente, leg. 1615, fol. 76.
January 18, 1606, a merced of 8,000 ducados for himself and his family, an immediate stipend of 8,000 ducados of financial help, 6,000 ducados from the caja real, and a repartimiento of Indians. If the king and Council could not acquiesce in his desire to travel with his family to New Spain, he pleaded to be allowed to buy the Villa de Monterrosana de Peza near his home in Guadix with the 1,000 ducados of his in order to assure his family a modicum of security. The Conde had evidently decided that total dependence on income from the New World was too much of a risk for his family to withstand any longer. As a result of this memoria, Philip IV in 1632 gave don Pedro Tesifón an additional merced of 1,000 ducados in Indian tributes for two lives, and presented his problems to the Council with the recommendation that it allow him to buy Peza. The Council consented to investigate the Conde's situation, and on January 22, 1634, it advised the king that it agreed that it would be wise to permit don Pedro Tesifón to sell the 1,000 ducado income so that he might buy Peza. It began its investigation of the sale of Peza by sending don Bartolomé de Spinola, the factor general (commissioner) to assess the town's value in taxes and property. Spinola reported that revenue from Peza included the rent from...
20,000 vassals, the alcabala (sales tax), censos, (poll tax), tercias (church tax), and income from the monte realtengo (royal or unappropriated forest). In testimony heard later in the case, it appears that the inhabitants of Peza's principal objection to the transfer concerned the forest. They had, they averred, been allowed to use it for their own supply of wood without payment, and they remonstrated against accepting a new owner who would gain profit from it for himself.\textsuperscript{16}

On April 5, 1634, the king sent further instructions to the Council of the Indies together with another memoria from don Pedro Tesifón. In this memoria the Conde again described his family's plight since the loss of the treasure fleet and asked once more for a license to go to New Spain with his family and for the first time asked to be appointed to the governorship of the province of Nueva Vizcaya. He mentioned that the king had given him a merced of 3,000 ducados in 1630 and a grant of 1,000 ducados for two lives on August 23, 1632. Evidently he had received neither of these amounts, for he requested that the 3,000 ducados might be paid in fines imposed on those found guilty for

\textsuperscript{16}AGI, México, leg. 762, fols. 47-49, 87; AGI, Indiferente, leg. 1615, fol. 5.
the loss of the fleet and that he be given preferential consideration in the payment of the 1,000 ducados. He once more suggested that if he were not given a license to go to New Spain that he might be allowed to buy Peza.

Although the king and his advisors had made several recommendations to the Council of the Indies that the Conde be allowed to sell the 1,000 ducados of income and buy Peza, its deliberations continued at a leisurely pace which must have been enormously frustrating to the Moctezuma family. It is probable, of course, that this was because of the weight of other paperwork before the Council. After don Bartolomé had presented his report, members concluded that they were required to form a junta with the Council of Hacienda (treasury) in order to make a final decision in the case, since the income from Peza had previously gone into the royal coffers. The junta, formed in January 1635, consisted of two members from each council, and its formation occupied additional time. It was then decided that the councilors must await the return of information from the viceroy of New Spain concerning the state of the Conde's revenues there, and that they would extend the period of their deliberations for two years after the fleet of 1638 arrived. But, they declared that they were in favor of
selling Peza to the Conde pending the completion of the investigation. Possibly in an attempt to settle the case, don Pedro Tesifón suggested that he would be prepared to sell a part of the 3,000 pesos de oro de minas grant if the price of Peza were more than 1,000 ducados.¹⁷

Meanwhile, don Phelipe Marcelino died without direct heirs in 1637, and the Conde petitioned the king to allow this encomienda to pass to his daughter, doña Theresa Francisca. The Crown granted this request on February 18, 1638, and gave her the income for three lives. Don Francisco Antonio also died during this period. He had been married to doña Inés Orellana y Pizarro, and since the couple had no children, he asked in his will that his income be given to her until her death. He further requested that his illegitimate son, Antonio de Moctezuma be legitimized and granted his holdings after her death. She died in 1540, and the Crown legitimized don Antonio but did not allow him to receive his father's merced. The disposition of doña María's estate also came into question during these years. The date of her death is not certain, but her husband, Juan de Arrellano, and his second wife, doña Brianda Niña

¹⁷AGI, México, leg. 762, fols. 60-95.
de Castro, asked the revenues be given to them in a document dated 1638.¹⁸

The Crown finally awarded Peza to don Pedro Tesifón in 1638, but he had little time to enjoy his new estate before his death in 1639. In his will, dated November 10, 1639, he described his honors as Conde de Moctezuma, Visconde de Ilucan, member of the order of Santiago, Señor de Tula, Señor de Villa de Peza, and regidor perpetuo (town councillor) of Guadix. He provided for his burial in the Convento de Nuestra Señora de la Victoria of the Orden de San Francisco de Paulo and for masses to be said for his soul. The Conde stated that he was married to doña Gerónima de Porras y Castillo and that they had two living children, Diego Luis de Moctezuma, Visconde de Ilucan, and doña Theresa Francisca de Moctezuma. Doña Gerónima was to receive the income from her dowry and the 1,000 ducados of the 1632 grant until her death, but he remarked that he had not yet begun to receive this merced. His daughter, doña Theresa Francisca should have the 1,000 ducado grant after her mother's death, together with the 1,500 ducados from don Phelipe Marcelino's estate granted

¹⁸AGI, Indiferente, leg. 1615, fols. 5, 20, 25, 76, 87; AGI, México, leg. 762, fols. 122-26; AGN, Vínculos, vol. 80, exp. 3, fols. 4-5.
to her in 1638 and half the income from the monte realtengo of Peza, wherein the family harvested timber. Don Pedro Tesifón begged that the forest not be permanently divided between his children unless don Diego Luis failed to pay his sister her half of the income. He made a grant of 100 ducados a year to his natural son, Diego Luis de Moctezuma, a member of the Compañía de Jesús, and 150 ducados a year to a woman, probably the mother of this son. He also made arrangements to pay his debts and provide for faithful family servants. The Visconde de Ilucan would, of course, receive the mayorazgo. 19

In a codicil to the will written on November 12, 1639, the Conde changed the plans for his burial place. He asked that his body be brought to the church of Nuestra Señora de la Concepción in the villa of Villamayor, there to remain until his son could build a chapel in Peza. He further requested that the king provide a merced in memory of his and his family’s services to the Crown and to pay for the building of the chapel. The Conde envisioned the

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19 The illegitimate son, Diego Luis de Moctezuma, a member of the Jesuit order, was probably the author of an early book on the history of the Moctezuma family titled *Corona mexicana ó historia de los nueve motezumas* (Madrid: Biblioteca Hispánia, 1914).
chapel as a burial place for members of his family and asked that the bodies of his mother, father, brothers, and sister be brought there. 20

The Crown's willingness to provide an income for this branch of the Moctezuma family seems obvious. However, so does the Crown's lack of comprehension of its own inability and dearth of resources to furnish the promised compensation. The Conde de Moctezuma's mercedes were thousands of pesos in arrears at the time of his death, despite repeated cedulas from the Crown to the viceroy, and his heirs were left with the thankless task of trying to remedy the situation.

20 AGI, México, leg. 762, fols. 726-36.
CHAPTER V

DON DIEGO LUIS DE MOCTEZUMA (1639-1680)

Pedro Tesifón de Moctezuma's death at the relatively early age of forty-eight left his widow in a precarious financial position. Her situation was similar to that which her husband's mother had encountered some thirty-three years before, and by her actions it is evident that doña Gerónima de Porras was as resolute in her pursuit of recognition and security for her family as doña Francisca de la Cueva had been for hers. Shortly after the death of the first Conde, she wrote to the king informing him of her status as a widow. Doña Gerónima described herself as tutora and curadora (guardian) of her children, and she pleaded for his majesty's aid in relieving her family's financial necessity. Specifically, she sought an immediate merced of 500 ducados in ayuda de costa, an amount she deemed adequate for the dual purposes of providing a proper burial for her husband and supplying an income until funds arrived from the colonías. She also asked that the king appoint her son and daughter to positions in the royal household, according don Diego Luis the status of page and
doña Theresa Francisca that of lady-in-waiting. On November 25, 1639, the Council advised the king to grant her petition, and he accepted their recommendation. Philip IV quickly elevated don Diego Luis and doña Theresa Francisca to the prestigious positions their mother had desired for them and placed them in the household of his queen, Isabel de Borbón. But, although the king had agreed to send doña Gerónima the 500 ducados in ayuda de costa as requested and assigned an additional 4,000 ducados in revenues from vacant bishoprics in New Spain to the family, these sums did not materialize.¹

While the Moctezuma family continued to persist in its quest for the financial security which it believed the Crown had promised as a result of the 1612 agreement, conditions in Spain and its colonies steadily deteriorated. The 1640s was a period of unrelieved catastrophe for the Spanish monarchy, for problems which had worsened since the end of the sixteenth century reached a critical juncture in this decade. A series of disastrous wars and internal

¹AGI, Patronato, leg. 245, r. 32, fols. 1-2; AGI, México, leg. 762, fols. 102-05, 1123. The Crown also granted doña Gerónima the revenue from the sale of two naturalizations, but it is uncertain whether she ever received this additional money.
rebellions further weakened Spain's economy, depleted her population, and demonstrated the nobility's inept leadership. Dislocations amid warfare caused revenues to diminish within Spain and prompted the Conde de Olívares, Philip IV's valido, to sequester silver remittances from the New World. This created a condition in which merchants lost confidence in trade with the Indies through Sevilla. Commerce decayed to such an extent that in 1640 no silver fleet arrived. The merchants' doubts, combined with the declining number of Indian tributaries, as well as official corruption and mismanagement in New Spain, ensured that fleets which arrived in Sevilla in following years carried far smaller amounts of silver. Spain, confronted with these seemingly insurmountable difficulties, appeared to be on the verge of collapse.

Nevertheless, the Crown in answer to the Moctezuma family's requests continued to send cedulas to the viceroy of New Spain demanding that that official send the promised income and mercedes. In 1640 Philip IV again ordered royal officers in New Spain to remit immediately the 500 ducados in ayuda de costa and the 4,000 in vacant bishoprics granted

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2Elliott, Imperial Spain, pp. 337-44; Lynch, Habsburgs, 2:94-115; Hamilton, American Treasure, p. 34.
doña Geronima in the previous year. These funds, however, were evidently not sent. In 1641 the Condesa wrote again to the king asking that the family be paid the money owed from her husband's 1632 merced. Don Diego Luis sent a memoria to the crown in 1642 once more stating that the 1632 grant and the two mercedes awarded to his mother had never been paid. He declared that he must have these monies immediately because his family was in desperate straits.

In this memoria, don Diego Luis stated flatly that the family faced starvation. Some relief came from an unexpected source in 1642. In this year don Francisco's widow died, and the 1,500 ducados awarded him in the 1612 agreement reverted to don Diego Luis.³

Early in 1643 Philip IV accepted the Conde de Olivares's resignation. A vindictive nobility who resented the privado's policies and his government's failure to reverse Spain's decline forced him from office. J.H. Elliott remarked of him that he was

the first and last ruler of Habsburg Spain . . .

to devise plans on a grand scale for the future of a world-wide Monarchy: a statesman whose capacity for conceiving great designs was matched

³AGI, México, leg. 762, fols. 136-44, 449, 762, 1123.
only by his consistent incapacity for carrying them through to a successful conclusion.

With the resignation of Olivares, Philip IV attempted to rule for a time without the aid of a privado, but before the end of the year the king was depending on the Conde de Olivares's nephew, Luis de Haro, as his principal counselor and advisor. 5

A few weeks after the Conde de Olivares's departure, don Diego Luis, in a petition dated January 30, 1643, reminded the Crown of his service as a page to the queen and complained that he had received no income from New Spain, because the fleet had not arrived, and that other grants to the family had not been paid. Evidently officials in Mexico had paid at least a portion of the mayorazgo before they were notified of the first Conde's death, for on April 2, 1643, the Condesa on behalf of her son informed the king that the viceroy, García Sarmiento de Sotomayor, Conde de Salvatierra, had told royal treasury officials to discontinue sending funds to the Moctezuma family despite numerous dispatches which had been forwarded to him confirming

4 Elliott, Imperial Spain, p. 345.

5 Alamán, Disertaciones, 3:138; Elliott, Imperial Spain, pp. 344-45.
don Diego Luis's position as the heir. No doubt she had received a communication to this effect from the family's representative in Mexico. She asserted that the mayorazgo was a fixed income and that by the agreement of 1612 it and the other grants made to the family were not subject to any tax, including the media anata. Doña Gerónima declared that the amount owed at that time on the mayorazgo was 13,740 pesos de oro de minas. Her complaint concerning withheld taxes was the first time this difficulty had been mentioned, but it was certainly not the last. She also said that she could not find among her husband's papers the 1632 document granting her husband an additional 1,000 ducados. The Crown did send her confirmation of this grant.

The Crown sent a cedula to the viceroy ordering him to remit the amount owed to the mayorazgo in full, and by two cedulas of May 11 and June 15, 1643, it demanded that

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6 The media anata was a tax instituted by the Crown in 1631. It included half of the first year's salary for a public official and a third of all other profits from persons who received public office, gifts, or favors from the Crown, permanent or temporary, including the inheritors of encomiendas. Haring, Spanish Empire, p. 273.

7 AGI, México, leg. 762, fols. 128-33, 141v, 148-149v, 1124.
the Conde de Salvatierra send the Conde the 7,000 ducados owed to his parents by previous grants. Evidently these funds from New Spain again did not arrive, for the Crown by three cédulas dated February 8, April 17, and April 22, 1644, directed the viceroy to remit the owed mayorazgo income and stipulated that it be taken from the caja real. The king declared that this money should always be paid promptly and that it was in arrears to the amount of more than 25,000 pesos de oro de minas at this time. In the April 17 cédula, Philip IV cited the fact that the 1,000 ducados promised to don Pedro Tesifón as reparation for the losses he had sustained in the fleet seizure had never been sent, and he mentioned that the second Conde had requested, as his father had, that he be allowed to emigrate to New Spain because of repeated difficulties in receiving his income in Spain.  

By a consulta, the Cámara de Indias, on April 23, 1646, again affirmed to the viceroy that don Diego Luis was don Pedro Tesifón's heir and ordered that royal official to send the 1,000 ducados promised in the 1632 grant to the second Conde. This, they wrote, had never been paid, and

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8 AGI, México, leg. 762, fols. 169-170v; AGI, México, leg. 765, fol. 24.
therefore was to begin its two life span with don Diego Luis. Several reasons could be advanced to explain why the viceroy had not sent funds to the family. Perhaps a decline in the quality of men appointed to office had led to a weakening of controls over rapacious underlings, or it is quite possible that Indian tribute from the encomiendas selected to provide these monies did not yield the requisite amount. The Indian population of New Spain had, by this time, declined disastrously, and, since the amount of tribute which could be collected from each tributary was set by law, the reduced number of Indians paid a smaller amount than officials had calculated at the time the grants were made. This latter assumption is borne out by a later accounting of the Indian population of Moctezuma family encomiendas and by the fact that a consulta dated July 22, 1648, ordered that 1,000 ducados be sent to the Moctezuma family from the Secretaría de Perú by way of an ayuda de costa.  

Meanwhile, Philip IV's continuing reverses in affairs of state were accompanied by personal tragedies. His queen, Isabel de Borbón, died on June 6, 1644, and his only son, 

9AGI, Indiferente, leg. 1615, fol. 5; AGI, México, leg. 762, 1124; Gibson, Aztecs, pp. 62-63.
don Baltasar Carlos, on September 10, 1646. In an attempt to provide a male heir to the throne, Philip IV married a second time in 1649. The bride was his niece, Mariana of Austria. This marriage alliance, while it did produce a male heir, was destined to have disastrous consequences for Spain and its ruling family.\(^{10}\)

It is probable that both don Diego Luís and his sister, doña Theresa Francisca married in the decade of the 1640s. Don Diego Luís married doña Luisa María Jofre de Loaysa, a union that was to produce a single daughter and heiress, doña María Gerónima de Moctezuma. He also formed an alliance with his wife's cousin, doña Isabel Ana de Loaysa, from which a son, don Pedro Manuel de Moctezuma, was the issue. The son later became the Señor de Arriate. His numerous heirs formed a separate branch of the family which did not enter into succession to the title and mayorazgo.\(^{11}\)

Doña Theresa Francisca married Diego de Cisneros y Guzmán, a descendent of Benito Jiménez, the nephew and heir of Cardinal Francisco Jiménez de Cisneros. Cisneros served as Inquisitor General of Spain, Archbishop of Toledo, and

\(^{10}\) Elliott, Imperial Spain, p. 353; Davies, Decline, p. 65; Alamán, Disertaciones, 3:141.

\(^{11}\) AGI, México, leg. 764, fol. 46.
regent after the death of Ferdinand in 1516. He was also the founder of the University of Alcalá de Henares. Don Diego was head of his noble house and a patron of the university his ancestor founded. Several children, whose descendents later became prominent members of the Moctezuma family and did enter into the succession to the title and mayoralgo in the eighteenth century, resulted from this marriage.12

The fact that the family's income was still not being paid in full is manifest in a 1652 memoria sent to the Council of the Indies by don Diego Luis. In this document he outlined the family's history and declared, as had his predecessors, that income owed to him was a result of his ancestor's deeds and his own royal lineage. The king answered with a cedula dated December 11, 1655, in which he cited previous cedulas and demanded that money be paid to the Conde and his relatives.13

In 1656 and 1657, as the consequence of a petition from the second Conde, the treasurer ordered an accounting of the number of tributaries living on and the accrued

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12 AGI, Indiferente, leg. 1615, fol. 4; AGI, México, leg. 762, fols. 182-83, 389; AGI, México, leg. 764, fols. 6, 55v.

13 AGI, Indiferente, leg. 1615, fols. 4-5.
revenues from the encomiendas awarded to don Diego Luis's family under the 1612 agreement. The outcome of this census confirmed information the family had received from its agent in Mexico: namely, that the number of natives and, accordingly, the total amount of tribute payments had decreased considerably through the years; and it explained in part the reluctance of Mexican officials to remit the contracted income. For most of the pueblos the original enumeration had taken place between 1618 and 1620, although there were later dates for a few. The pueblos assigned included Cacaotepec, Chachuapa, Zaqualpa, Escapuzalco, Tenancingo, Xonacatlan, Zoquitzinco, Zumpahuacán, Tlacotepec, Yoloxinecuila, Macuiltianquizco, Ostotipac, Tlaistaca, Hueypustla, Huachinango and its sujetos, Mimiapan, Ocelotepec, Xilocingo, Tepetlaostoc, Xopala, and Tututepec. Tribute had been set at one peso and half a fanega of maize per tributary unit. When the treasurer of the hacienda formally presented the accounting in 1658, it appeared that nine encomiendas had last been counted in the 1620s, three in the 1630s and five in the 1640s. The tributary population of the encomiendas reevaluated in the 1620s had decreased from its earlier number of 544 to 283, in the 1630s from 3,496 to 1,442, and in the 1640s from 1,359 to 749. The
total number of tributaries, then, had fallen from 5,399 in 1618 to 2,474 in the later counts. The figures represent a decrease in the tribute paying population of more than half and constitute a severe demographic dislocation within these pueblos. It seems a certainty that the Moctezuma's encomiendas were by no means the only ones to suffer such losses and reduction in income. While these matters were taking place in Mexico, doña Gerónima de Porras petitioned the king for aid and received from him an income of fifty escudos a month to meet her immediate needs.

Also during this period of the 1650s, British piracy assumed an important role, for the British captured Jamaica in 1655 and proceeded to use the island as a base from which their privateers sailed so effectively as to delay the fleets

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14. Woodrow W. Borah, *New Spain's Century of Depression* (Berkeley: University of California Press, 1951), p. 43; Peter J. Bakewell, *Silver Mining and Society in Colonial Mexico: Zacatecas, 1546-1700* (Cambridge: Cambridge University Press, 1971), pp. 223-25; AGI, México, leg. 762, fols. 363-66v, 426-27. The viceroy at the time of this accounting was Francisco Fernández de la Cueva, Duque de Alburquerque, a relative, although perhaps a distant one, of the second Conde's grandmother, doña Francisca de la Cueva. It is possible that he was more interested in the Moctezuma family's welfare than a viceroy who had no such connection.

15. AGI, México, leg. 762, fols. 426-27.
in sailing for Spain. This further exacerbated the Moctezuma's financial situation and the general monetary difficulties of the government, which depended heavily on remittances from the colonies to pay its military obligations.\textsuperscript{16}

Disposition of the 1,500 ducados originally granted to doña María de Moctezuma entered into litigation again in 1659. When doña María died in 1638, the king granted the income to her husband, don Juan Arellano, until his death. He married a second wife, doña Brianda Niña de Castro, and died in 1649 leaving the income to her. In the normal course of events under the law of succession the income would have reverted to the Moctezuma family, but it is evident that an exception was made in this case. In 1659 doña Brianda asked the king to exempt this income from the taxes usually imposed on funds from New Spain, and he agreed. She retained at least title to the 1,500 ducados until 1664, when her husband's niece by marriage, doña Theresa Francisca de Moctezuma, petitioned the Crown that it be granted to her after doña Brianda's death, citing

the fact that doña Brianda was old and infirm and could not
be expected to live much longer. Doña Theresa Francisca
wanted the income as a dowry for her daughter, doña Isabel
de Cisneros de Moctezuma. However, doña Theresa Francisca's
niece, doña Gerónima, also wanted the money and asked the
monarch to grant it to her. On February 15, 1664, there
was a decision in doña Theresa Francisca's favor, but this
was modified with a decree on March 24 of the same year
granting the income to doña Theresa Francisca herself, but
only until her death. At that time the money would then
go to doña Gerónima. Shortly thereafter, in another judgment,
the king, reciting the history of the grant and explaining
that the Crown should reward the family since don Diego de
Cisneros had received no merced to the queen, again awarded
it to doña Theresa Francisca's family. This decision
prompted further petitions and lawsuits, and it demonstrates
that there may have been some hostility among family members
because of their disputed inheritance. 17

By a cédula of December 31, 1662, the Crown granted
don Diego Luis another merced of 2,000 ducados to be situated
in Indios vacíos for two lives. This was, perhaps, to

17 AGI, Indiferente, leg. 1615, fols. 5-6; AGI, México,
762, fols. 179-83; AGI, México, leg. 765, fols. 21-23.
compensate him for the diminution of his buying power caused by the continuing inflation in Spain. But this grant would be subject to the media anata. However, to clarify matters, a royal consulta to the Cámara de Indias dated January 21, 1664, confirmed that the original 3,000 pesos de oro de minas would continue non-taxable although the 1662 income would be assessed. Don Diego Luis protested this decision, explaining again his family's great financial need. 18

On September 17, 1665, Philip IV died, leaving as his heir a sickly child of four years who would become Charles II. In his will the king named the queen, Mariana of Austria, as regent, with a junta of five ministers to aid her. During the first years of her regency, however, the queen preferred to rely on the advice of her confessor, an Austrian Jesuit named John Everard Nithard. This was a situation which provoked the enmity of the junta, the Spanish nobility, and Philip IV's powerful illegitimate son, don Juan of Austria, and it created an atmosphere of turmoil within

18 AGI, México, leg. 762, fols. 184-85, 500, 1124; AGI, México, leg. 765, fols. 41-42v.
the government, making petitions of the Moctezuma family less likely to succeed.¹⁹

After the king's death, don Diego Luis renewed his requests to the Crown for removal of all taxes on his family's grants. It is possible that the queen attempted in 1666 to standardize royal taxing policy toward the Moctezumas and other families who had received mayorazgos by reason of special services to the Crown during the conquest period. On April 5 she advised the hacienda of the Yucatán that the family of that province's conqueror, don Francisco Maldonado y Montejo, should not pay the media anata on their mayorazgo of 3,000 ducados, and on April 16 and June 7, she directed the hacienda of Mexico not to tax either the 3,000 pesos de oro de minas or the 2,000 ducados of the 1662 grant to the second Conde.²⁰

The question of the Moctezuma family's livelihood was probably one which the regent believed that she could resolve easily. But a series of disasters during the first four years of her rule made it abundantly clear that the

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¹⁹ Priestley, Mexican Nation, p. 172; Elliott, Imperial Spain, pp. 356-57; Davies, Decline, pp. 109-10; Lynch, Habsburgs, 2:124, 236-40.

²⁰ AGI, México, leg. 762, fols. 320-21v, 1124; AGI, México, leg. 765, fols. 48-49.
queen and her chosen advisor were singularly inept in dealing with Spain's more serious crises. Pressures from various factions within the nobility forced Mariana to dismiss Nithard in 1669, but his departure did not really improve the situation, for the cliques which had opposed him were equally unable to decide on a cohesive policy or form an effective government.  

As revenues from the New World continued their decline, to the further embarrassment of the Spanish government, the regent, by cédulas in 1669 and 1670, directed the viceroy to review and reform all grants made by the Crown in past years, and she declared that these funds would be subject to a further tax of ten per cent. She also decreed in these directives that all monies outstanding should be paid immediately to those entitled to them, as many of the funds had been delinquent for many years or slow to arrive in Spain. The prospects of a quick settlement were frustrated, as mentioned above, by the continued threat of piracy in the Caribbean, which interrupted the regular shipments of revenues and products from the New World. The British and Spanish did sign a treaty of friendship in 1670, but the

21 Elliott, Imperial Spain, pp. 358-59; Lynch, Habsburgs, 2:240-41; Davies, Decline, pp. 118-23.
British governor of Jamaica issued orders to Henry Morgan, making him commander-in-chief of the British vessels in the area. Morgan was also asked to gather the pirates for the defense of Jamaica.22

While authorities in New Spain went about the inventory ordered by the queen, the Conde de Moctezuma persisted in his complaints. These evoked several more cedulas from the regent. On July 15 and August 31, 1671, and May 1 and June 10, 1672, she ordered the hacienda of Mexico to pay the Conde the 2,000 ducados, less the media anata, owed to him from the 1662 merced.23

On June 20 and July 8, 1673, the contador of tribute of the hacienda of Mexico formally submitted the new census of tributaries living on the encomiendas which had been assigned to pay the 7,000 ducados awarded to don Pedro Tesifón and his family in 1612. The similarities of the 1673 count and the very early one, probably 1611, of the encomiendas which were not possessed in the 1658 accounting leave a question as to whether they were actually recounted in 1673. But there is no doubt that for most of the encomiendas

22 Haring, Buccaneers, pp. 159-60.

23 AGI, México, leg. 762, fols. 320-21v; AGI, México, leg. 765, fol. 65.
the number of tributaries was considerably less than it had been when the grants were first made. The 3,000 pesos de oro de minas of the mayorazgo was of course to be paid from the caja real and should not have been affected by the diminished number of Indians. However, the grants made from Indios vacíos, including the mercedes made to the first Conde's brothers and sister and the 2,000 ducados made later would be affected, for if there were no tributaries there would be no tribute. It would appear from the tone of the cédulas sent that the smaller number of Indians available to pay tribute remained a fact which the Crown was either unable or unwilling to comprehend.  

On September 7, 1673, the viceroy asked the Crown for further instructions concerning the deduction of the ten per cent tax stipulated in the 1669 and 1670 cédulas from the Moctezuma income. The queen sent another cédula on August 5, 1674, in which it appears that she was exasperated with the viceroy's reluctance to send the second Conde his income. She directed that the 2,000 ducados be sent immediately without discounting taxes of any type. Still the money was not forthcoming.  

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25 AGI, México, leg. 762, fols. 341-42v; AGI, Mexico, leg. 765, fols. 72-75.
Charles II came of age and ascended to the throne on November 6, 1675. This pathetic young man was the sad result of six generations of inbreeding within the Habsburg family, and he proved to be neither mentally or physically capable of being the strong and competent ruler Spain needed if she were to overcome her numerous problems. Many of the nobility expected him to choose his uncle, don Juan, as his principal advisor. But, under his mother's influence he chose instead her favorite, don Fernando de Valenzuela, a man of inferior talent. Thereafter, the infighting and scheming among the factions persisted until it assumed the proportions of a revolt, and don Juan was at last able to seize power. 26

After Charles II's accession to the throne, don Diego Luis began a new attempt to improve his family's position. He informed the Crown in 1675 that despite the new accounting which had been made, he was not being paid his promised income. As of December 7, 1674, this amounted to 3,947 pesos de oro de minas from the mayorazgo alone. The viceroy disagreed with the second Conde's assessment, however, and informed the monarch that don Diego Luis and his family had

26 Davies, Decline, pp. 123-26; Elliott, Imperial Spain, pp. 359-60; Lynch, Habsburgs, 2:241-45.
been sent the amount owed to them. The king then caused a review to be made of the Moctezuma family's grants since 1612, and in cedulas of July 20, 1676, and May 4, 1677, commanded the viceroy to pay all the money owed to the family. He declared that this income should be assessed no taxes, including those generally owed to the Church, for this income was in a special category relating to the family's ancestry and the transaction enacted in 1612. The Crown reaffirmed this cedula on January 17 and August 16, 1678. Also in 1678, the king, with the advice of the Council of the Indies, assured doña Theresa Francisca that she was the legal recipient of doña Marfa's estate. 27

The second Conde died on January 15, 1680. He left his estate to doña Gerónima de Moctezuma and, unfortunately for his daughter, many unsolved problems relating to it.

27 AGI, Indiferente, leg. 1615, fols. 6-7, 45, 83-86v; AGI, México, leg. 762, fols. 344-48, 377-78, 389-94; AGI, México, leg. 765, fols. 76-81.
CHAPTER VI

DONA GERÓNIMA DE MOCTEZUMA AND HER DAUGHTERS

(1680-1718)

Spain's government at the time of don Diego Luis's death was in a state of almost total administrative and economic collapse. Charles II was incapable both mentally and physically of ruling the country. Control, such as it was, rested in the hands of an aristocracy who, because of the king's weakness, constantly intrigued among themselves for offices and wealth. Without capable guidance, administration in Spain and its colonies faltered, official corruption increased, and the already depleted treasury became something of a welfare service for nobles demanding mercedes. Given these conditions, the Moctezuma family, although their grants were ancient ones, found it necessary to continue their quest for financial security.¹

Doña Gerónima de Moctezuma Loayza de la Cueva y Bocanegra, as the only legitimate heir of don Diego Luis,

¹Davies, Decline, pp. 130-34; Alamán, Disertaciones, 3:151; Elliott, Imperial Spain, pp. 260-65; Lynch, Habsburgs, 2:229-34.
inherited her father's estate and the titles of Condesa de Moctezuma, Viscondesa de Ilucan, and Señora de Tula. She had married Joseph Sarmiento y Valladares, a man of some prominence in his own right. Don Joseph was a descendent of the first Conde de Santa Marta, a member of the order of Santiago, and an oidor of the Audiencia of Granada, and through his wife, assumed the title of Conde de Moctezuma. His service as oidor and his practical experience in Spanish government no doubt aided him in becoming, as he ultimately did, an able protagonist in the continuing legal entanglements that surrounded his wife's inheritance.2

Acting in his wife's behalf, don Joseph informed the Crown on January 23, 1680, of the second Conde's death and of his wife's position of the sole heir. He declared that his father-in-law had been deeply in debt because officials in New Spain had not remitted a significant portion of the income owed to him. To illustrate this point he stated in another letter to the king, dated March 23, 1680, that none of the merced of 2,000 ducados awarded for two lives and conceded on December 31, 1662, had ever arrived. By a

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2 AGN, Vínculos, vol. 80, exp. 3, fols. 6, 94; AGI, México, leg. 762, fols. 414-17, 1125; AGI, México, leg. 765, fols. 96-104; AGI, Indiferente, leg. 1615, fols. 49, 93-96, 152.
consulta to the Council of the Indies, Charles II attempted to rectify the error. He granted doña Gerónima the amount in question and specified that two lives should begin with her ownership rather than end with it. On June 26, 1680, don Joseph asked the Crown to extend to his wife the privilege accorded to don Diego Luis in 1676 of not having to pay taxes on the Moctezuma estate. On February 6, 1681, officials in Granada, acceding to the Conde's request, began a review of funds owed to doña Gerónima.

Soon after assumption of his new responsibilities, moreover, don Joseph received notification of litigation pending before the Audiencia of New Spain over property claimed by the Moctezuma family in the province of Tula. This suit had its origins in the mid-sixteenth century, when don Pedro de Moctezuma had tried to preserve his mother's inheritance against Indian and Spanish encroachments. The estancias in contention were among those named in the 1540 cedula de ampara of Charles V, the 1561 suit of the Indians of Tula against don Pedro, the decision of the audiencia in 1571, and the judgment of the Council of the Indies in 1572 to return his mother's inheritance to don Pedro. This case also confirmed the worst fears of don Pedro's descendents
that the lands they considered to be their patrimony were slowly being alienated.\(^3\)

In 1681 Francisco de Orduña appeared before the audiencia and stated that he owned certain lands and water rights in the sujeto of Acocolco in the province of Tula. Don Francisco maintained that his inheritance had been wrongfully claimed by the Moctezuma family. He declared that the viceroy, Gastón de Peralta, Marqués de Falces, had originally awarded ownership to an Indian, Pedro de Acuña, in 1567. With viceregal approval Sargento Mayor don Juan de Orduña had bought this land from its Indian owner. Succeeding members of don Francisco's family had inherited the property and occupied the land. Ownership, however, was repeatedly challenged by representatives of the Moctezuma family in Mexico.\(^4\)

The audiencia sequestered the property in contention in 1681 and sent a teniente to Tula to survey the boundaries and take testimony from the disputants and their witnesses. This process was similar to what had happened in the sixteenth century. During the teniente's investigation, he found that

\(^3\)AGN, Tierras, vol. 1662, fol. 5; AGN, Tierras, vol. 2284, fols. 74-77.

\(^4\)AGN, Tierras, vol. 2284, fols. 74-78.
other Spaniards and Indians were in possession of lands which had been awarded originally to the Moctezuma family. These included not only the sujeto of Acocolco but also sujetos in Tlatilco, Istla, Ahuehuepan, Tecuicuilco, and Coyaquicalco, all of which were involved in earlier litigation. And, as before, many Indian witnesses testified against Moctezuma ownership and in favor of Indians and Spaniards then occupying the lands.\(^5\)

The fact that ancient land holdings could still be in doubt at this late date in the colonial period was, perhaps, not exceptional. Confusion with regard to the proprietorship of lands which prevailed in the earlier part of the sixteenth century was exacerbated in the latter half of that century as Spaniards began buying land from Indian owners or receiving it as grants from the Crown. The new owners frequently appropriated more lands than they had bought or had been awarded to them, and, as the years passed they viewed these lands as their own. In 1591 Philip II instigated the sale of more land in an attempt to replenish the Spanish treasury, and throughout the first half of the seventeenth century Philip III and Philip IV continued this policy with the same

\(^5\)AGN, Tierras, vol. 2284, fols. 44, 78-100; AGN, Tierras, vol. 1662, fols. 7-70.
purpose in mind. These sales were to include only unowned and unoccupied acreages, but it was inevitable that misinformed, inept, or corrupt officials included in the sales land already owned but currently unworked. The process was also hastened by the disastrous decline in Indian population.6

While the representatives of the Orduña and Moctezuma families argued this case before the Audiencia of New Spain, don Joseph asked for and received from the Council of the Indies the right to use the family income to pay the second Conde’s debts, and a few weeks later, on June 5, 1681, the king sent a cedula to the viceroy granting doña Gerónima the income from her inheritance in New Spain. In this cedula the monarch also averred that, although the income would have to be registered in the hacienda, it would be exempt from all taxes stipulated in the decree of 1676.7

Doña Luisa María Jofre de Loaysa, doña Gerónima’s mother, sent a petition to the Crown on November 13, 1682, in which she stated that she was the widow of the second

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6 Haring, Spanish Empire, pp. 240-42; Chevalier, Land and Society, pp. 263-71.

7 AGI, Indiferente, leg. 1615, fol. 7; AGI, México, leg. 762, fol. 1126.
Conde and that she was in discomfort and penniless. Her husband had spent her dowry of 50,000 ducados, leaving her at his death with debts in excess of 60,000 ducados. Her daughter, she wrote, was financially unable to help her. In asking for a stipend, doña Luisa reminded the king that doña Francisca de la Cueva, wife of the first don Diego Luis, and doña Gerónima de Porras, wife of don Pedro Tesifón, had both received grants.  

The investigation of the Moctezuma-Orduna case continued in 1683, but a decision was not forthcoming for a number of years, possibly because the viceroy had also ordered an investigation of all other Moctezuma encomiendas in order to determine the exact amount of the family's income. This reckoning, however, was not confined to Moctezuma property alone, but was part of a general review of encomiendas in New Spain instigated by a Decree of Reformation and Reduction of Mercedes issued on July 22, 1683. This decree suspended payment of all grants in New Spain. 

The audiencia also had to cope with an invasion in 1683, for, despite existing peace treaties, British and

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8 AGI, México, leg. 762, fols. 432-37.

9 Ibid., fol. 176.
French pirates captured Veracruz and sacked the city. The fleet, recently arrived from Spain but without sufficient strength to do battle with the buccaneers, was obliged to wait outside the harbor for their departure. This intrusion created a serious problem and an unexpected diversion from the audiencia's regular course of business.  

In Spain the Condesa, aided by her husband, continued petitions to the Crown, recalling the history of the Moctezuma family and the extraordinary qualifications of her ancestors. She declared that neither she nor her predecessors had been paid the full amount bestowed in the 1612 agreement. The amount in arrears amounted to 60,000 ducados; however, owing to their poverty they had not been able to come to court to argue their case in person. The major difficulty, she stated, concerned the lack of Indian tributaries, and she asked that the income both present and pledged from the past be paid from the caja real. The king referred this request to the Council. The Council suggested that the Condesa's income should be cut, but, on June 24, 1683, it awarded her 1,500 ducados to relieve her immediate necessity.  

10 Parry, Seaborn Empire, pp. 264-67; Haring, Buccaneers, pp. 231-44.

11 AGI, México, leg. 765, fols. 118-25.
Almost exactly a year later, on June 9, 1684, the king issued a cedula to the viceroy, Tomás de la Cerda y Aragón, Conde de Paredes and Marqués de Laguna. He stated that for many years the Moctezuma family and their representatives in Mexico had sought income to the family at levels originally promised. Numerous cedulas had repeatedly and unsuccessfully ordered compliance with those requests. The king reminded the viceroy that in contravention of previous cedulas tribute had been collected but had not been paid to the family; taxes both church and state had been removed illegally from those revenues actually paid to the Moctezuma family. He demanded that royal officials pay the family the entire amount owed to them without delay, and he forbade diminution of any kind whether from lack of tributaries or taxes. The cedula specified that the Condesa's income consisted of 3,000 pesos de oro de minas granted to don Pedro in 1567; 1,000 ducados granted to don Pedro Tesifón in 1612; 1,000 ducados for two lives in 1642; 1,500 ducados granted to don Francisco Antonio in 1612 and subsequently to don Diego Luis in 1642; 1,500 ducados granted to doña María in 1612, to her husband and his second wife until 1678, to doña Theresa Francisca until her death and then to doña Gerónima; and 1,500 ducados granted to don Cristóbal
in 1612. The viceroy replied that royal treasury officials had retained the church fees which had been collected from the properties since he had received the earlier cedula of 1681, but that even with the release of these monies the income was not sufficient to pay the specified sum. A cedula similar to the one issued in June followed on July 29, and a consulta from the Cámara de los Presidios on August 20 specified that the Condesa did not have to pay the media anata, the military tax, or church fees. A cedula of June 14, 1685, repeated the previous edicts to send the full sum and further instructed the viceroy to find the required funds from any other source at his command whether from taxes, fines, or other tributes. Still another consulta from the cámara on September 1 issued directives to officials to remit to the Condesa all charges deducted for church fees and civil taxes. The Crown followed this with yet another cedula to the same effect on October 6.

12 The figures given in this count are not entirely accurate, but are perhaps typical of the confusion which seemed to surround the mercedes granted to the Moctezuma family. The actual yearly amount was probably 8,250 ducados.

In 1685 Manuel Joaquín Alvarez de Toledo y Portugal, Count of Oropesa, became the new prime minister of Spain. He was one of the most able men to serve the Crown during this era, and he attempted to make a number of reforms in the government, particularly in the area of finances. Again opposition to these reforms from both the nobility and the clergy caused his downfall after only six years in office, and the changes which might have helped to revive the country had little effect.\(^{14}\)

Melchor Portocarrero y Lasso de la Vega, Conde de Monclova, replaced the Conde de Paredes as viceroy in 1686, and, at don Joseph's request, the Crown issued him full instructions regarding the disposition of the Condesa's income. The monarch again declared on February 3, March 23, and May 25 that her funds were not subject to the suspension of 1683 or to diminution from taxes of any kind including the lessening of Indian tributaries. This order was extended to doña Theresa Francisca's income on December 3.\(^{15}\)

On September 2, 1687, the Crown issued a Cédula General to the viceroy requiring him to confiscate half of the income

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\(^{15}\) AGI, México, leg. 762, fols. 505-37, 569, 1134, 1155; AGI, México, leg. 765, fols. 176-77, 194-205.
from all encomiendas for four years and place it in the treasury. This order may have stemmed from Oropesa's attempt to reorganize Spanish finances. The Conde de Moctezuma petitioned the king to exempt his wife's income from this new demand, and on November 10, 1689, the Crown sent another cédula, again to a new viceroy, Gaspar de Sandoval Silva y Mendoza, Conde de Galve, explaining the extraordinary circumstances surrounding the Moctezuma mercedes which exempted them from the Cédula General. But, before the viceroy would have received this notification, he sent a letter to the Crown stating that the Condesa's income had been paid, presumably lessened by the new restriction.16

An audit of income from the Moctezuma family's encomiendas in New Spain ordered in 1683 was completed in 1685. Hacienda officials, however, did not send the results of it to Spain until May 10, 1690. The delay was perhaps

16 Haring, Spanish Empire, pp. 66-67; AGI, México, leg. 762, fols. 124, 578-80; AGI, México, leg. 765, fols. 220, 284. It is obvious from evidence of the numerous and conflicting documents emanating from the Crown, the Council of the Indies, and other conciliar bodies to the officials of New Spain that the Spanish government lacked a stable policy towards its overseas possessions and that it was necessary for the Moctezuma family to make requests for reconfirmations of their rights with the advent of each new viceroy.
occasioned by the changes in viceroy and the number of other encomienda properties surveyed at the same time. The audit presented in 1690 showed that functionaries had indeed removed 47,294 pesos de oro común for church fees before sending the remainder to Spain, and that the population of Indian tributaries had decreased by 57,523, a drastic reduction, since the years in which the encomiendas were assigned. Previous deductions of church fees and civil taxes, the decline of the Indian tributary population, and the non-payment of other grants amounted to a debit of 163,481 pesos de oro común owed to the family.  

In a letter to the Crown on December 4, 1690, the Conde de Galve explained that the grant to the Moctezumas was an old one and that papers were missing and tributaries units lacking. He further complained that compiling figures had been a long and tedious task and pointed out that money from taxes and church fees had not been retained in the treasury. Accordingly, funds were not available to pay the required amount. Despite protests from the viceroy, the king sent additional cédulas dated June 4 and August 21, 1691, demanding that the entire amount owed to the Condesa

17 AGI, México, leg. 762, fols. 592-649; AGI, México, leg. 763, fols. 44-214.
de Moctezuma be paid in full, and he cited other cedulas to the same effect. 18

Doña Gerónima died early in February, 1692, leaving her husband with two young daughters, doña Fausta Dominga, two and a half years old, and doña Melchora Juana, aged ten and a half months. Don Joseph filed her testament before the Audiencia of Granada on February 10 and asked to be awarded the guardianship of his daughters. He also sent a petition to the Crown on behalf of his daughter, the new Condesa Fausta Dominga. In it he cited the history of the family and the mercedes granted to it, and he requested that privileges bestowed on doña Gerónima be extended to her daughter. The king acquiesced, and he also decreed in a cedula of June 4, 1692, that the amount owed to the new Condesa was 8,250 ducados a year and that her encomiendas be extended for another two lives. Again the king reminded his royal officers that no taxes of any kind should be assessed on her income. 19

18 AGI, México, leg. 763, fols. 214-21; AGI, México, leg. 765, fols. 402.

19 AGI, Indiferente, leg. 1615, fols. 7, 12, 34; AGI, México, leg. 762, fols. 719, 781, 1090-94, 1134; AGI, México, leg. 765, fols. 250, 290, 323-43; AGN, Vínculos, vol. 80, exp. 1, fol. 6v.
Evidently officials in Mexico continued their dilatory practices and, despite further cedulas from the Crown and dispatches from the Council of the Indies, did not remit the 163,481 pesos de oro común or the full amount of the family's yearly revenues. During the reign of Charles II, the Crown, sorely in need of money, initiated the practice of selling the office of viceroy to the highest bidder. In early 1696 don Joseph began efforts to secure the office for himself. He no doubt wished to observe first hand conditions in New Spain to learn why funds he believed due him had remained unpaid for so long. The exact amount of don Joseph's bid for the post of viceroy is not revealed by available documentation, but it was presumably a substantial sum. In April the Conde sent the king a box containing a necklace and bracelets set with 218 pearls. This jewelry was a family heirloom said to have once been the property of Moctezuma II. The monarch's secretary replied, expressing Charles II's gratitude and pleasure with the gift as well as the king's desire to confer further honors on the Conde. In June the Council of the Indies agreed that the Conde de Moctezuma should receive his desired appointment to the Audiencia of New Spain. It also ordered the audiencia to remit the 163,481 pesos de oro común and
an additional 70,000 escudos de plata to defray expenses incurred by don Joseph in moving his household to the New World.  

In the years between the Condesa Gerónima's death and his assignment in New Spain, don Joseph had remarried. His second wife, doña María Andrea de Guzmán Dávila, bore him a daughter christened doña Bernarda Sarmiento y Guzmán. The new viceroy and his wife and daughters sailed from Cádiz on July 28, 1696, landed in Veracruz on October 3, and arrived in Mexico City on December 18. At a gala ceremony on February 2, 1697, local dignitaries and the populace gathered to offer don Joseph a formal welcome.

Shortly after these ceremonies, on February 9, the new viceroy witnessed the departure of Fray Juan de Salvatierra and his group of Jesuit missionaries, who were leaving on a journey to California. Missions had traditionally served as outposts of Spanish civilization in the New World, and if the missionaries were successful in pacifying and

\[20\] Lynch, Habsburgs, 2:233-34; AGI, México, leg. 762, fols. 969-1006; AGI, México, leg. 765, fols. 326-91; AGN, Vínculos, vol. 80, exp. 1, fol. 46.

converting the natives, settlers would follow and establish Spanish hegemony in the area. 22

Another matter which claimed don Joseph's attention early in his administration was the incursion of the French in the coastal regions of Texas, Louisiana, and Florida. This was a problem he had inherited from his predecessors in office, who had been unable to bring it to a successful conclusion, and it was a problem which had its roots in the inherent weakness of the Spanish government. 23

In Spain Charles II was approaching the end of his feeble life. His two marriages had failed to produce an heir to the throne. A dying dynasty aroused contention among claimants from France, Austria, and Bavaria. This increased tensions and intrigues in the Spanish court as well as among governments of other European nations. On September 30, 1697, the Treaty of Ryswick gave France possession of the island of Santo Domingo, but it did not halt the French explorations along the coast of the Gulf of Mexico which had begun with Robert de la Salle in the


Events in Europe with their inevitable consequences in the New World probably left the new viceroy with less time and opportunity to pursue his personal and family interests than he would have wished. The viceroy was further distracted by the tragic loss of his eldest daughter, the Condesa doña Fausta Dominga, who died on July 16, 1697. The young Condesa was buried near don Pedro de Moctezuma in the Chapel which he had endowed for his own burial in 1570.

A few months later, on October 16, 1697, the Conde received more bad news. The Council of the Indies advised him that payment of the 163,481 pesos de oro común owed from the estate of his late wife had been suspended. He replied that the Moctezuma family was entitled to special honors since the time of Moctezuma II. He pointed out that not only were they entitled to the amount in question but that don Diego Luis, the emperor's grandson, had been offered the title of grandee of Spain, an honor which had never been awarded. He complained, furthermore, that he had not received the funds agreed upon to finance his trip to New

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24 Ibid., 3:60.
25 Robles, Diario, 2:61; Alamán, Disertaciones, 3:318.
Spain and to underwrite his expenses as viceroy. And he requested that the Crown suspend execution of the Council's decision until an appeal of his case could be heard.  

While questions surrounding the Conde's personal finances were under consideration in Spain, he received two letters from the missionaries in California. The first informed him that the Indians they had encountered there were fierce, barbarous, and greedy, and that there was an urgent need for more supplies. The second was more hopeful, declaring that the soldiers who had accompanied the missionaries had defeated the Indians in battle and that the missionaries had succeeded in baptizing some of the natives as Christians.

The French problem again required the viceroy's attention in 1698. The Crown informed him in June that the French were organizing a major expedition which would sail for the New World in October. Accordingly don Joseph was ordered to organize and fortify defenses along the upper coastline of the Gulf of Mexico for the protection of the fleet. The viceroy immediately consulted with Carlos Sigüenza y

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26 AGI, México, leg. 765, fols. 397-400v.
Góngora who had led an expedition to survey the area around Pensacola, Florida, in 1693. Don Carlos was one of the leading intellectuals of New Spain, a true Renaissance scholar whose knowledge and experience encompassed many fields of learning. He advised the viceroy to send an expedition to Pensacola and to establish there a fort for protection of Spanish shipping in the gulf. The Conde accepted this suggestion and chose Andrés de Arriola, a man who had had some experience in the area, as governor of the proposed fort. Arriola and his men had been at their post for only a few months when French ships appeared but did not attack. Arriola, however, decided to return to Mexico for further instructions. Because the viceroy was occupied with other issues when he arrived in Mexico, don Andrés used this waiting period to spread reports that don Carlos's surveys were inaccurate and that Pensacola would not be a favorable site for the defense of the area, and he further wrote to the Conde suggesting that the scholar be forced to return to Pensacola with him to verify his previous survey. Don Carlos, irritated by the criticism and realizing that as his health was poor and the journey could be fatal, composed a lengthy reply to Arriola's accusations. This letter convinced don Joseph and his
advisors that don Carlos was indeed in command of his facts concerning the area in question, and they ordered Arriola to return to the fort. The French had continued their exploration of the coast while this disagreement was being resolved, and by the time don Andrés arrived again in Pensacola, they had begun the return trip to France.  

While these events were transpiring in Mexico, the king sent a decree to the Council of the Indies on January 31, 1699, granting don Joseph a new merced of 4,000 ducados in perpetuity by way of a mayorazgo funded from encomienda tributes in Campeche, Guatemala, and Peru, and he followed this decree with a cédula to the same effect on February 27. Meanwhile, on February 2, the Council ordered the officials in Mexico to pay the 70,000 pesos promised the Conde before he sailed for New Spain. On June 5 the Crown ruled that no deductions for taxes should be taken from the new mayorazgo, nor from other incomes of the Moctezuma family, and on

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29 The amount was 70,000 escudos de plata in the original grant.
June 28 there was a further order that funds from the Moctezuma's previous mercedes should be dispensed from the treasury of Mexico if there were not sufficient tribute from the encomiendas assigned in earlier years. But in a meeting, also on June 28, the oidores of the Audiencia of New Spain found that they did not have enough money in the treasury to pay the Conde either the 70,000 pesos or the funds owed from the Moctezuma mercedes. On October 15 they informed the Council of the Indies that they could not pay the 70,000 pesos, but that they had provided don Joseph with a bill of exchange for that amount. Presumably, he could use this bill of exchange when transacting business with local merchants and thus provide for the needs of his household.\textsuperscript{30}

The tribunal which had been commanded to review the Condesa's income under the suspension order of 1697 finally made its report on May 1, 1700. Don Juan de Ortega y Monta\~n\~es, the archbishop of Michoac\~an, who had served as interim viceroy between the terms of the Conde de Galve and the Conde de Moctezuma, presented the report. Unfortunately the panel did not make a new survey, but used the

\textsuperscript{30} AGI, Indiferente, leg. 1615, fols. 11, 31; AGI, México, leg. 762, fols. 1008-10, 1018-21; AGI, México, leg. 765, fols. 423-44.
one made in 1685 and so, of course, their findings were the
same as those of the earlier date and did not reflect
income lost since that time. 31

During the year 1700, it became apparent that Charles II,
whose health had always been precarious, was dying.
Recognizing his approaching death, the king executed his
will on October 3, and died on November 1. Dignitaries
who gathered to hear the testament read aloud discovered
that Charles had willed the Crown of Spain to Philip, Duke
of Anjou, who would reign as Philip V. Fear that France
would now control Spain and its overseas empire, plus
indignation on the part of the Austrian candidate for the
Spanish throne, created great unrest in Europe and resulted
in the War of the Spanish Succession. This war lasted
until 1713, when the Treaty of Utrecht effectively separated
the French and Spanish thrones. 32

The viceroy and the people of Mexico did not receive
the news of Charles II's death until March 7, 1701, only a

31 AGI, México, leg. 763, fols. 21-214.

month before Philip V's coronation in Madrid on April 4. Don Joseph began immediate preparations for memorial services for the dead monarch. These included the collection of lutos (funeral taxes) to pay for these ceremonies which began in Mexico on March 6. On May 1 the Conde wrote to the new king to inform him that the port of Veracruz was in danger of attack from British warships. He described the defenses at the fort of San Juan de Ulúa as inadequate, reporting that there was lack of sufficient food in the city and that disease was rampant there. Don Joseph also advised the king that he had written to the governors of Cuba and Santo Domingo in an effort to obtain immediate aid. A French sloop, docked in Veracruz on May 9 to replenish its food and water supply, further confirmed the presence of British vessels in Mexican water. 33

The advent of the Bourbon dynasty brought a number of innovations in the government of Spain. Among these was a change in fiscal policy. On June 4, 1701, Philip V decreed that all encomiendas held in absentia were to revert to the Crown. This was, of course, an important development for the Moctezuma family and would result in another spate of

33 Robles, Diario, 3:142; Alamán, Disertaciones, 3:319; AGI, México, leg. 763, fols. 294-95, 305-10.
correspondence with the Crown in an effort to reestablish family privileges and prerogatives. 34

By early July of 1700, the governor of the fort of San Juan de Ulúa had mobilized a militia of 20,000 men to protect the city from British and Dutch warships which the citizens could see moving back and forth outside the harbor. This mobilization cost the treasury 500,000 pesos, further depleting the colony's already scanty funds. 35

The Conde sent a letter to the king on October 25, 1701, describing the elaborate ceremony held in Mexico to celebrate the new monarch's coronation. The archbishop presided at masses in the cathedral, he wrote, and the viceroy, royal officials, city magistrates, and leading citizens in their finest regalia and accompanied by trumpeters and drummers paraded through gaily decorated streets to the cheers of the general populace. 36

Philip V removed the Conde de Moctezuma from office in early November, 1701, and appointed Ortega y Montañes, who had been elevated to the position of Archbishop of

34 Haring, Spanish Empire, pp. 66, 107; Elliott, Imperial Spain, p. 369; AGI, México, 765, fol. 473.
35 AGI, México, leg. 763, fols. 531-34.
36 AGI, México, leg. 763, fols. 300-04; Robles, Diario, 3:146-49.
Mexico, as interim viceroy pending the arrival of Francisco Fernández de la Cueva, Duque de Alburquerque and Marqués de Cuéllar, to fill the position. A contemporary diarist, Antonio de Robles, remarked in his diary that the king believed that the Conde had been a staunch supporter of the Habsburg dynasty and might not serve the new inheritor with sufficient loyalty. This supposition did not prove to be true, however, for when don Joseph returned to Spain the king conferred on him the office of president of the Council of the Indies. 37

In answer to questions from the Crown, the archbishop sent another lengthy review of the Moctezuma litigation to the king on April 18, 1702, together with a certification of his findings in 1700. Ortega y Montañés also wrote that the fiscal had sent the Conde the portion of his salary as viceroy which had been deducted for the media anata. Before this could arrive, the king, in answer to a memoria from the Conde, ordered the Council of the Indies to make an investigation of the Condesa de Moctezuma's encomiendas. As further demonstration of his confidence in don Joseph,

37Robles, Diario, 3:166; Alamán, Disertaciones, 3:320; AGI, México, leg. 763, fol. 541; AGI, México, leg. 765, fols. 434-44; AGN, Vínculos, vol. 80, exp. 3, fol. 4v.
Philip V directed the Council on September 21, 1704, to confirm the 4,000 ducado mayorazgo granted to him in 1699, and on November 17 awarded him the title of Duque de Atrisco, declaring that the title was in reward for his services as viceroy. The Council began a review of the Moctezuma income on December 16 and a few days later affirmed that the Duque de Atrisco would receive the Moctezuma income as guardian of his thirteen-year-old daughter and that she would also realize the funds of the 1699 mayorazgo. This decision set aside the 1701 order on encomiendas in favor of the Moctezuma family.  

On June 13, 1705, the Council sent a formal report of its decision with regard to Duque de Arisco's income, but on July 29 he complained that the authorities were continuing to deduct the avería from his family's income. On August 25 Philip V issued a cedula proclaiming that all the encomiendas were granted in perpetuity and were to be paid in full without any diminution from taxes or lack of tributaries, and it set the annual rent from the Moctezuma properties at 8,250 ducados. Evidently customs officials in Sevilla either did not receive or did not honor this cedula, for

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38 AGI, Indiferente, leg. 1615, fols. 50v-51v; AGI, México, leg. 763, fols. 327-30, 579.
another review of the Moctezuma-Atrisco case began on March 6, 1706. As a result of this study, the king sent still another cedula to the Audiencia of Sevilla on November 5 decreeing again that the Conde de Moctezuma and Duque de Atrisco did not have to pay any taxes including the averfa and the media anata, and he further ordered that funds taken from the present income or owed from past years be paid immediately, including the 163,481 pesos owed in 1685. Two more royal orders on July 12, 1707, and June 1, 1708, reaffirmed the fact that the grants had been made in perpetuity. 39

Don Joseph died in 1708, and left his entire estate to his elder daughter, doña Melchora, stipulating that if she should die without heirs doña Bernarda should inherit it. The Crown granted doña Melchora the assets of both the Moctezuma and Atrisco inheritances on January 14, 1709. Later the same year doña Melchora married don Ventura de Córdoba. Her widowed step-mother, no doubt indignant because her own daughter had not received a legacy, sent a memoria to the Crown in 1711 asking for part of the income. The king sent this paper to the Council of the Indies on May 11,
and the Council replied on June 10 that it required more information before it could make a decision. The king sent another cedula on November 30, again affirming that the Moctezuma encomiendas were the property of doña Melchora through her mother's inheritance. 40

Within a few years of her marriage, doña Melchora was evidently afflicted with serious health problems, for she drafted her will on November 16, 1713, and died on August 15, 1715, leaving no direct descendents. With her husband's agreement, she left the Moctezuma inheritance to doña Theresa Nieto de Silva y Moctezuma, Marquesa de Tenebrón, and the Atrisco estate to doña Bernarda. A royal decree confirmed these grants in 1718. Doña Theresa was the granddaughter of doña Melchora's aunt, doña Theresa Francisca, and thus the inheritance passed into the hands of the other branch of don Pedro Tesifón's family. There were, however, continuing lawsuits over the estate, for doña Bernarda, under the tutelage of her mother, doña María Andrea, claimed the entire estate under the terms of her father's will. 41 Litigation

40 AGN, Vínculos, vol. 80, exp. 1, fol. 39; AGI, Indiferente, leg. 1615, fol. 34; AGI, México, leg. 763, fol. 531-67; AGI, México, leg. 765, fols. 490-501.

41 AGI, Indiferente, leg. 1615, fols. 8-10, 17; AGN, Vínculos, vol. 80, exp. 3, fols. 8-8v.
concerning the Moctezuma inheritance continued until Mexico declared and won its independence from Spain. At that time remittances from Mexico to residents of Spain ceased.

The Crown awarded don Pedro de Moctezuma a mayorazgo because of his position as a son of the Aztec emperor. But the grant was bestowed only after don Pedro had been engaged in years of litigation during which he was obliged to contend not only with Indians of Tula but also with a representative of the colonial government. This merced, however, differed from the usual encomienda grant in that the properties originally selected to supply the income were those which don Pedro regarded as his inheritance from his mother and his rightful patrimony. Moreover, his heirs persisted in the belief that the Tula properties were their inheritance.

Don Pedro's son, don Diego Luis was in Spain at his father's behest when his father died in 1570. He was attempting to secure recognition of his father's claims to an income and to the inheritance. After the news came of don Pedro's death, don Diego Luis returned to New Spain, and, after a lengthy series of lawsuits, he succeeded in establishing rights to his father's mayorazgo. Because of
the difference between Spanish and Indian marriage customs before the conquest and the conversion of Indians to the Church, much of this litigation concerned his own legitimacy. After colonial courts recognized his prerogatives, don Diego Luis again journeyed to Spain, this time at the king's command and with the viceroy's promise that he would receive additional rewards after his arrival there. He married, established a family, and spent the rest of his life trying to persuade the Crown to fulfill the promises he believed it had made to him. In this endeavor he was largely unsuccessful.

After don Diego Luis's death in 1606, the Crown did bestow further honors and mercedes on his son, don Pedro Tesifón, and on don Pedro Tesifón's brothers and sister. These awards were made as the result of a contract signed in 1612 in which the family relinquished any pretentions they or their descendents may have had to the throne of Mexico. The brothers and sister received incomes, and don Pedro Tesifón an enlarged mayorazgo and a title. Furthermore, the Crown had decreed that the promised incomes and mayorazgo were to be free from taxation. It is evident from the many memorias don Pedro Tesifón sent to the Crown that he and his family did not receive the full amount of their agreed-upon income during the next years. Don Pedro
Tesifón, because of this, asked for permission to reside in New Spain, where he could personally oversee his estate, but the Crown denied him authorization. He subsequently petitioned to be allowed to buy the revenues of the village of Peza with a portion of the mayorazgo because the uncertainty of the arrival of funds from the Indies. After several years of discussion royal officials allowed him to make this purchase, which assured his family of having a small income in Spain not dependent on the arrival of the fleet.

When don Pedro Tesifón died, he left the major portion of his estate to his son, the second don Diego Luís, and a smaller portion to his daughter, doña Theresa Francisca. They in turn secured rights to the family estate, but again failed to receive the entire sum granted. Don Diego Luís petitioned the Crown to order an audit made of his income, and when this accounting was presented it appeared that the tributary population had decreased considerably since the original awards were made and that taxes had been removed in contravention of the 1612 contract. He succeeded in obtaining another decree from the Crown that taxes should not be deducted and that his income should be paid in full regardless of the number of tributaries on the lands assigned.
But by this time his frustration with the government must have been as enormous as his father's had been.

The agreement between don Diego Luis and the Crown had little significance for his daughter and her husband, don Joseph, for they found, after their inheritance of don Diego Luis's estate, that the same conditions prevailed. They succeeded in having another audit made and in having this accounting presented before the Council of the Indies, but they were not able to collect the full amount in arrears. Probably because he believed that if he were in Mexico he could discover a method of resolving the problem, don Joseph sought and was able to obtain the position of viceroy of New Spain. He met with little success concerning family matters during his tenure. When he returned to Spain the Crown offered him the presidency of the Council of the Indies, the highest office in colonial administration. He must have viewed this office as the last and best opportunity to solve the difficulties surrounding the Moctezuma family income. Again his efforts ended in failure. The essential inertia that permeated all levels of colonial administration combined with the chasm which existed between edicts issued from Spain and their effective application in the New World were factors against which no one could contend successfully.
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